

TROY CITY COUNCIL

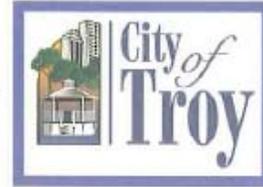
REGULAR MEETING

AGENDA

MARCH 17, 2014
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@troymi.gov 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: Brian Kischnick, 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 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.

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Kischnick".

Brian Kischnick, City Manager



TROY CITY COUNCIL

VISION STATEMENT AND GOALS

Adopted: Monday, February 7, 2011

VISION:

To honor the legacy of the past and build a strong, vibrant future and be an attractive place to live, work, and grow a business.

GOALS:

Provide a safe, clean, and livable city

- Practice good stewardship of infrastructure
- Maintain high quality professional community oriented police and fire protection
- Conserve resources in an environmentally responsible manner
- Encourage development toward a walkable, livable community

Provide effective and efficient local government

- Demonstrate excellence in community services
- Maintain fiscally sustainable government
- Attract and support a committed and innovative workforce
- Develop and maintain efficiencies with internal and external partners
- Conduct city business and engage in public policy formation in a clear and transparent manner

Build a sense of community

- Communicate internally and externally in a timely and accurate manner
- Develop platforms for transparent, deliberative and meaningful community conversations
- Involve all stakeholders in communication and engagement activities
- Encourage volunteerism and new methods for community involvement
- Implement the connectedness of community outlines in the Master Plan 2008

Attract and retain business investment

- Clearly articulate an economic development plan
 - Create an inclusive, entrepreneurial culture internally and externally
 - Clarify, reduce and streamline investment hurdles
 - Consistently enhance the synergy between existing businesses and growing economic sectors
 - Market the advantages of living and working in Troy through partnerships
-

2013-2014

TOP 12 STRATEGIES

"STRATEGY IS ABOUT MAKING CHOICES, TRADE-OFFS; IT'S ABOUT DELIBERATELY CHOOSING TO BE DIFFERENT"
- MICHAEL PORTER



1

Attract and retain quality employees
Investigate programs to improve morale

Find a solution to the Downtown
Development Authority Bond issue

2

3

Improve public perception of the city
Analyze social media opportunities to connect

Support the Transit Center
Hold promotional events

4

5

Strengthen Police/Fire
Consider putting police officers back in schools

Redevelop Site/Office Space

6

7

Promote Troy
Find a way to convince youth to stay in Troy

Evaluate efficiencies of outsourcing services
consider outsourcing other areas

8

9

Re-evaluate Vision 2020

Improve roads
Examine budget allocation

10

11

Develop 3-Year budget projections

Increase lines of communication with Troy Schools

12



CITY COUNCIL AGENDA

March 17, 2014 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

INVOCATION: Pastor AC Phipps from Evanswood Church of God **1**

PLEDGE OF ALLEGIANCE: **1**

A. CALL TO ORDER: **1**

B. ROLL CALL: **1**

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS: **1**

C-1 On Behalf of the City of Troy Employees' Casual for a Cause Program for the Months of September and October, 2013, Community Affairs Director Cindy Stewart will Present a Check in the Amount of \$845 to Maureen Keenan Meldrum, Chair of the Susan G. Komen Detroit Race (*Introduced by: Cindy Stewart, Community Affairs Director*) **1**

C-2 Proclamation to Keith Stark to Celebrate the 40th Anniversary of Stark Reagan, P.C., as a Business in the City of Troy (*Introduced by: Cindy Stewart, Community Affairs Director*) **1**

C-3 Presentation of the State Champion DPW Water Tapping Team (*Introduced by: Tim Richnak, Department of Public Works Director*) **1**

D. CARRYOVER ITEMS: **2**

D-1 No Carryover Items **2**

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April 21, 2014 Special Budget Meeting	22
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INVOCATION: Pastor AC Phipps from Evanswood Church of God

PLEDGE OF ALLEGIANCE:

A. CALL TO ORDER:

B. ROLL CALL:

- a) Mayor Dane Slater
Jim Campbell
Wade Fleming
Dave Henderson
Ellen Hodorek
Ed Pennington
Doug Tietz

- b) Excuse Absent Council Members:

Suggested Resolution

Resolution #2014-03-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of March 17, 2014, due to _____.

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 On Behalf of the City of Troy Employees' Casual for a Cause Program for the Months of September and October, 2013, Community Affairs Director Cindy Stewart will Present a Check in the Amount of \$845 to Maureen Keenan Meldrum, Chair of the Susan G. Komen Detroit Race (*Introduced by: Cindy Stewart, Community Affairs Director*)

C-2 Proclamation to Keith Stark to Celebrate the 40th Anniversary of Stark Reagan, P.C., as a Business in the City of Troy (*Introduced by: Cindy Stewart, Community Affairs Director*)

C-3 Presentation of the State Champion DPW Water Tapping Team (*Introduced by: Tim Richnak, Department of Public Works Director*)

D. CARRYOVER ITEMS:

D-1 No Carryover Items**E. PUBLIC HEARINGS:**

E-1 Liquor Violation Hearings – Yara, Inc., d/b/a Lebanese GrillSuggested Resolution

Resolution #2014-03-

Moved by

Seconded by

WHEREAS, The City of Troy scheduled a hearing, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City, to review the following alleged violation:

Name: Yara, Inc., d/b/a Lebanese Grill

Address: 1600 Rochester Road, Troy, Michigan 48083

License No: 77842-2012-SS

Violation: SALE TO MINOR (Compliance Test) on March 20, 2013

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Monday, March 17, 2014;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council **HAS BEEN PERSUADED** that the alleged violation did occur, as set forth above; and

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **RECOMMENDS** renewal of the on-premises liquor license for the 2014 license year, with the **STIPULATION** that all serving employees successfully complete a server training program, as defined under State Law (MCL 436.1906) within 90 days of today's date, and that immediately upon completion, licensee shall submit proof of the successful completion of the server training program to the Troy Police Department; and

BE IT FURTHER RESOLVED, That if the licensee fails to comply with this condition within 120 days, then licensee **SHALL APPEAR** before the Troy City Council after due notice, and that the licensee's failure to comply with the server training condition could serve as a basis for the Troy City Council to take adverse action against the licensee's liquor license;

BE IT FINALLY RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

Yes:

No:

E-2 Liquor Violation Hearings – Pizza Papalis/Rio Wraps, d/b/a Pizzapapalis of Troy, LLC

Suggested Resolution

Resolution #2014-03-

Moved by

Seconded by

WHEREAS, The City of Troy scheduled a hearing, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City, to review the following alleged violation:

Name: Pizza Papalis/Rio Wraps, d/b/a Pizzapapalis of Troy, LLC
Address: 300 John R, Troy, Michigan 48083
License No: 175213-2009-SS / 175214-2009-SS
Violation: SALE TO MINOR (Compliance Test) on March 20, 2013

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Monday, March 17, 2014;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council **HAS BEEN PERSUADED** that the alleged violation did occur, as set forth above; and

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **RECOMMENDS** renewal of the on-premises liquor license for the 2014 license year, with the **STIPULATION** that all serving employees successfully complete a server training program, as defined under State Law (MCL 436.1906) within 90 days of today’s date, and that immediately upon completion, licensee shall submit proof of the successful completion of the server training program to the Troy Police Department; and

BE IT FURTHER RESOLVED, That if the licensee fails to comply with this condition within 120 days, then licensee **SHALL APPEAR** before the Troy City Council after due notice, and that the licensee’s failure to comply with the server training condition could serve as a basis for the Troy City Council to take adverse action against the licensee’s liquor license;

BE IT FINALLY RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

Yes:

No:

E-3 Public Hearing to Receive Public Input on the City of Royal Oak Hospital Finance Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital – Troy (Introduced by: Lisa Haga, Miller Canfield and Nick Vitale, CFO, Beaumont Hospital)

Suggested Resolution

Resolution #2014-03-

Moved by

Seconded by

At a regular meeting of the City Council of the City of Troy held at 7:30 p.m., Eastern Time, on March 17, 2014.

PRESENT: Members: _____

ABSENT: Members: _____

The following preamble and resolution were offered by Council Member _____ and supported by Council Member _____;

WHEREAS, The City of Royal Oak Hospital Finance Authority (the "Authority") proposes to make loans to William Beaumont Hospital (the "Hospital"), to be used, in part, by the Hospital to refinance indebtedness used to finance the construction, renovation and equipping of certain hospital facilities in the City of Troy, Michigan; and

WHEREAS, The Authority intends to issue City of Royal Oak Hospital Finance Authority Hospital Revenue Refunding Bonds (William Beaumont Hospital Obligated Group) in one or more series (the "Bonds") on behalf of the Hospital in the aggregate principal amount of not to exceed \$550,000,000 to provide funds with which to make loans to the Hospital; and

WHEREAS, The Bonds will be limited obligations of the Authority and will not constitute general obligations or debt of the City of Royal Oak, the City of Troy, the County of Oakland, the State of Michigan or any political subdivision thereof; and

WHEREAS, The City Council has held a public hearing after notice was published as provided in, and in satisfaction of the applicable public hearing requirements of, the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, A record of public hearing will be maintained with the City Clerk; and

WHEREAS, The Authority has requested that this City Council approve the issuance of the Bonds by the Authority; and

WHEREAS, The City Council of the City of Troy desires to express its approval of the issuance of the Bonds by the Authority;

IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF TROY, AS FOLLOWS:

1. Solely for the purpose of fulfilling the public approval requirements of the Code, the City Council of the City of Troy hereby **APPROVES** the issuance, sale and delivery of not to exceed \$550,000,000 in aggregate principal amount of the Bonds by the Authority.

- 2. The City Clerk is hereby **DIRECTED** to provide three (3) certified copies of this resolution to the Secretary of the Authority

YEAS: _____

NAYS: _____

ABSTENTIONS: _____

Yes:

No:

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

In accordance with the Rules of Procedure for the City Council, Article 17 – Members of the Public and Visitors:

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. *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.*

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any Troy resident or Troy business representative, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes total to address Postponed, Regular Business, Consent Agenda or Study items or any other item on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items On the Agenda from Troy Residents and Businesses* portion of the Agenda.
- Any Troy resident or Troy business representative, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any topic not on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items Not on the Agenda from Troy Residents and Businesses* portion of the Agenda.
- Any member of the public who is not a Troy resident or Troy business representative shall be allowed to speak for up to three (3) minutes to address any topic on or not on the Agenda as permitted under the Open Meetings Act during the *Comments for Items On or Not On the Agenda from Members of the Public Outside of Troy (Not Residents of Troy and Not From Troy Businesses)* portion of the Agenda.
- All members of the public who wish to address the Council at a meeting shall be allowed to speak only if they have signed up to speak within thirty minutes before or within fifteen minutes after the meeting’s start time. Signing up to speak requires each speaker provide his or her name and residency status (Troy resident, non-resident, or Troy business owner). If the speaker is addressing an Item (or Items) that appear on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.
- City Council may waive the requirements of this section by a majority vote of the City Council members.

- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.

The following has been approved by Troy City Council as a statement of the rules of decorum for City Council meetings. The Mayor will also provide a verbal notification of these rules prior to Public Comment:

The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are three Public Comment portions of the Agenda. For Items On the Agenda, Troy Residents and Business Owners can sign up to address Postponed, Regular Business, Consent Agenda, or Study items or any other item on the Agenda. Troy Residents and Business Owners can sign up to address all other topics under Items Not on the Agenda. All Speakers who do not live in Troy or own a Troy business may sign up to speak during the Comments on Items On and Not On the Agenda from Members of the Public Outside of Troy. Also, there is a timer on the City Council table in front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up.

In order to make the meeting more orderly and out of respect, please do not clap during the meeting, and please do not use expletives or make derogatory or disparaging comments about any one person or group. If you do so, then there may be immediate consequences, including having the microphone turned off, being asked to leave the meeting, and/or the deletion of speaker comments for any re-broadcast of the meeting. Speakers should also be careful to avoid saying anything that would subject them to civil liability, such as slander and defamation.

Please avoid these consequences and voluntarily assist us in maintaining the decorum befitting this great City.

G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – None

a) Mayoral Appointments: None

b) City Council Appointments: None

I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – Historic District Commission

a) Mayoral Nominations: None

b) City Council Nominations: Historic District Commission

Suggested Resolution

Resolution #2014-03-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Historic District Commission

Appointed by Council

7 Regular Members

3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Chambers	Barbara	12/20/2015	3/1/2017	
Knight	Barbara		3/1/2015	
McGee	Timothy	8/13/2014	5/15/2015	
Partlan	Ann	2/24/2013	3/1/2014	Historical Society Recommendation
Petrulis	Al		3/1/2017	
Schuchter	Doris	11/22/2013	5/15/2015	Historical Society Recommendation
Voigt	W. Kent	1/23/2015	3/1/2016	

Nominations to the Historic District Commission:

Term Expires: 3/1/2017

Term currently held by: Ann Partlan

Interested Applicants:

Last Name	First Name	App Res Expire	Notes 1
Viola	Vincent	6/13/2014	

Yes:

No:

I-3 No Request for Closed Session

I-4 Pure Troy – Mowing Ordinance Amendment (Introduced by: Paul Evans, Zoning Compliance Specialist)

Suggested Resolution

Resolution #2014-03-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** Chapter 82 – Property Maintenance Code, as prepared by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

I-5 Disposal/Sale of Remnant Property (Introduced by: Mark Miller, Director of Economic and Community Development and Brenda Carter, City Manager’s Office Intern)

a) Remnant Property - Parcel A

Suggested Resolution

Resolution #2014-03-

Moved by

Seconded by

WHEREAS, The City Council may from time to time determine that the sale of certain parcels will best serve the public interest; and

WHEREAS, The City Council may determine the public interest will best be served obtaining sealed bids for the sale of a parcel property; and

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **AUTHORIZES** City Administration to initiate the sale of property utilizing the sealed bid process for City owned parcel 88-20-03-126-006, also known as Parcel A in the City Administration presentation;

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** City Administration to obtain an appraisal for the property.

BE IT FINALLY RESOLVED, That City Council hereby **DIRECTS** City Administration to submit a Recommendation Bid Tabulation and a Purchase Agreement to City Council to approve the sale of the subject property.

Yes:

No:

b) Remnant Property - Parcel B

Suggested Resolution

Resolution #2014-03-

Moved by

Seconded by

WHEREAS, The City Council may from time to time determine that the sale of certain remnant parcels will best serve the public interest; and

WHEREAS, The City Council may determine the public interest will best be served without obtaining sealed bids for the sale of a remnant parcel; and

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **FINDS** that the public interest will best be served *without* obtaining a sealed bid in accordance with Resolution #2007-01-028 Policy Governing Disposal (Sales) of Excess City Owned Remnant Property and **AUTHORIZES** City Administration to initiate the sale process with the abutting land owners of City owned parcel 88-20-10-101-018, also known as Parcel B in the City Administration presentation.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** City Administration to obtain an appraisal for the property.

BE IT FINALLY RESOLVED, That City Council hereby **DIRECTS** City Administration to submit a Purchase Agreement to City Council to approve the sale of the subject remnant property.

Yes:

No:

c) Remnant Property - Parcel C

Suggested Resolution

Resolution #2014-03-

Moved by

Seconded by

WHEREAS, The City Council may from time to time determine that the sale of certain parcels will best serve the public interest; and

WHEREAS, The City Council may determine the public interest will best be served obtaining sealed bids for the sale of a parcel property; and

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **AUTHORIZES** City Administration to initiate the sale of property utilizing the sealed bid process for City owned parcel 88-20-20-226-038, also known as Parcel C in the City Administration presentation.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** City Administration to obtain an appraisal for the property.

BE IT FINALLY RESOLVED, That City Council hereby **DIRECTS** City Administration to submit a Recommendation Bid Tabulation and a Purchase Agreement to City Council to approve the sale of the subject property.

Yes:

No:

d) Remnant Property - Parcel D-1

Suggested Resolution

Resolution #2014-03-

Moved by

Seconded by

WHEREAS, The City Council may from time to time determine that the sale of certain parcels will best serve the public interest; and

WHEREAS, The City Council may determine the public interest will best be served obtaining sealed bids for the sale of a parcel property; and

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **AUTHORIZES** City Administration to initiate the sale of property utilizing the sealed bid process for City owned parcel 88-20-16-476-028, also known as Parcel D-1 in the City Administration presentation.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** City Administration to obtain an appraisal for the property.

BE IT FINALLY RESOLVED, That City Council hereby **DIRECTS** City Administration to submit a Recommendation Bid Tabulation and a Purchase Agreement to City Council to approve the sale of the subject property.

Yes:

No:

e) Remnant Property - Parcel D-2

Suggested Resolution

Resolution #2014-03-

Moved by

Seconded by

WHEREAS, The City Council may from time to time determine that the sale of certain parcels will best serve the public interest; and

WHEREAS, The City Council may determine the public interest will best be served obtaining sealed bids for the sale of a parcel property; and

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **AUTHORIZES** City Administration to initiate the sale process utilizing the bid process for City owned parcel 88-20-16-476-028, also known as Parcel D-2 in the City Administration presentation.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** City Administration to obtain an appraisal for the property.

BE IT FINALLY RESOLVED, That City Council hereby **DIRECTS** City Administration to submit a Recommendation Bid Tabulation and a Purchase Agreement to City Council to approve the sale of the subject property.

Yes:

No:

f) Remnant Property - Parcel E

Suggested Resolution

Resolution #2014-03-

Moved by

Seconded by

WHEREAS, The City Council may from time to time determine that the sale of certain remnant parcels will best serve the public interest; and

WHEREAS, The City Council may determine the public interest will best be served without obtaining sealed bids for the sale of a remnant parcel; and

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **FINDS** that the public interest will best be served *without* obtaining a sealed bid in accordance with Resolution #2007-01-028 Policy Governing Disposal (Sales) of Excess City Owned Remnant Property and **AUTHORIZES** City Administration to initiate the sale process with the abutting land owners of City owned parcel 88-20-28-227-006, also known as Parcel E in the City Administration presentation.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** City Administration to obtain an appraisal for the property.

BE IT FINALLY RESOLVED, That City Council hereby **DIRECTS** City Administration to submit a Purchase Agreement to City Council to approve the sale of the subject remnant property.

Yes:

No:

g) Remnant Property - Parcel F

Suggested Resolution

Resolution #2014-03-

Moved by

Seconded by

WHEREAS, The City Council may from time to time determine that the sale of certain remnant parcels will best serve the public interest; and

WHEREAS, The City Council may determine the public interest will best be served without obtaining sealed bids for the sale of a remnant parcel; and

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **FINDS** that the public interest will best be served *without* obtaining a sealed bid in accordance with Resolution #2007-01-028 Policy Governing Disposal (Sales) of Excess City Owned Remnant Property and **AUTHORIZES** City Administration to initiate the sale process with the abutting land owners of City owned parcel 88-20-22-358-028, also known as Parcel F in the City Administration presentation.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** City Administration to obtain an appraisal for the property.

BE IT FINALLY RESOLVED, That City Council hereby **DIRECTS** City Administration to submit a Purchase Agreement to City Council to approve the sale of the subject remnant property.

Yes:

No:

h) Remnant Property - Parcel G

Suggested Resolution

Resolution #2014-03-

Moved by

Seconded by

WHEREAS, The City Council may from time to time determine that the sale of certain remnant parcels will best serve the public interest; and

WHEREAS, The City Council may determine the public interest will best be served without obtaining sealed bids for the sale of a remnant parcel; and

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **FINDS** that the public interest will best be served *without* obtaining a sealed bid in accordance with Resolution #2007-01-028 Policy Governing Disposal (Sales) of Excess City Owned Remnant Property and **AUTHORIZES** City Administration to initiate the sale process with the abutting land owners of City owned parcel 88-20-27-155-013, also known as Parcel G in the City Administration presentation.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** City Administration to obtain an appraisal for the property.

BE IT FINALLY RESOLVED, That City Council hereby **DIRECTS** City Administration to submit a Purchase Agreement to City Council to approve the sale of the subject remnant property.

Yes:
No:

i) Remnant Property - Parcel H

Suggested Resolution

Resolution #2014-03-

Moved by

Seconded by

WHEREAS, The City Council may from time to time determine that the sale of certain remnant parcels will best serve the public interest; and

WHEREAS, The City Council may determine the public interest will best be served without obtaining sealed bids for the sale of a remnant parcel; and

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **FINDS** that the public interest will best be served *without* obtaining a sealed bid in accordance with Resolution #2007-01-028 Policy Governing Disposal (Sales) of Excess City Owned Remnant Property and **AUTHORIZES** City Administration to initiate the sale process with the abutting land owners of City owned parcel 88-20-34-201-003, also known as Parcel H in the City Administration presentation.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** City Administration to obtain an appraisal for the property.

BE IT FINALLY RESOLVED, That City Council hereby **DIRECTS** City Administration to submit a Purchase Agreement to City Council to approve the sale of the subject remnant property.

Yes:
No:

j) Remnant Property - Parcel I

Suggested Resolution

Resolution #2014-03-

Moved by

Seconded by

WHEREAS, The City Council may from time to time determine that the sale of certain remnant parcels will best serve the public interest; and

WHEREAS, The City Council may determine the public interest will best be served without obtaining sealed bids for the sale of a remnant parcel; and

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **FINDS** that the public interest will best be served *without* obtaining a sealed bid in accordance with Resolution #2007-01-028 Policy Governing Disposal (Sales) of Excess City Owned Remnant Property and **AUTHORIZES** City Administration to initiate the sale process with the abutting land owners of

City owned parcel 88-20-26-483-053, also known as Parcel I in the City Administration presentation.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** City Administration to obtain an appraisal for the property.

BE IT FINALLY RESOLVED, That City Council hereby **DIRECTS** City Administration to submit a Purchase Agreement to City Council to approve the sale of the subject remnant property.

Yes:

No:

k) Remnant Property - Parcel J

Suggested Resolution

Resolution #2014-03-

Moved by

Seconded by

WHEREAS, The City Council may from time to time determine that the sale of certain parcels will best serve the public interest; and

WHEREAS, The City Council may determine the public interest will best be served obtaining sealed bids for the sale of a parcel property; and

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **AUTHORIZES** City Administration to initiate the sale utilizing the sealed bid process for City owned parcel 88-20-24-451-029, also known as Parcel J in the City Administration presentation.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** City Administration to obtain an appraisal for the property.

BE IT FINALLY RESOLVED, That City Council hereby **DIRECTS** City Administration to submit a Recommendation Bid Tabulation and a Purchase Agreement to City Council to approve the sale of the subject property.

Yes:

No:

I-6 2014 Tri-Party Program – Concrete Slab Replacement – Big Beaver Road, Coolidge to Civic Center Drive (Introduced by: Steve Vandette, City Engineer)

Suggested Resolution

Resolution #2014-03-

Moved by

Seconded by

RESOLVED, That the Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County for the 2014 Tri-Party Program is hereby **APPROVED** at an estimated cost to the City of Troy of \$100,054, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

I-7 Contract Ratification - Troy Communication Supervisors Association (TCSA)
(Introduced by: Jeanette Menig, Human Resources Director)

Suggested Resolution
Resolution #2014-03-
Moved by
Seconded by

RESOLVED, That a collective bargaining agreement between the City of Troy and TCSA for the period July 1, 2013 through June 30, 2016 is hereby **RATIFIED** by the City Council of the City of Troy, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the final agreement.

Yes:
No:

J. CONSENT AGENDA:

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

Suggested Resolution
Resolution #2014-03-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented with the exception of Item(s) _____, which shall be **CONSIDERED** after Consent Agenda (J) items, as printed.

Yes:
No:

J-1b Address of “J” Items Removed for Discussion by City Council

J-2 Approval of City Council Minutes

Suggested Resolution
Resolution #2014-03-

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) City Council Meeting Minutes-Draft – March 3, 2014
- b) City Council Special Meeting Minutes-Draft – March 3, 2014

J-3 Proposed City of Troy Proclamations:

- a) Proclamation to Keith Stark to Celebrate the 40th Anniversary of Stark Reagan, P.C., as a Business in the City of Troy

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 3: Exercise Renewal Option – Pump Repair and Emergency Services – Indoor and Outdoor Pools**

Suggested Resolution
Resolution #2014-03-

WHEREAS, On April 4, 2011, Troy City Council awarded a contract to furnish two-year requirements of pump repair and emergency repair services for both the indoor and outdoor pools at the Troy Family Aquatic Center and Community Center with two one-year renewal options to the low bidder, *Professional Pump Inc. of Belleville, MI*, at an estimated total cost of \$20,000.00 per year on an as-needed basis and at unit prices contained in the bid tabulation dated March 23, 2011, contract expiring April 30, 2013 (Resolution 2011-04-071-J-4a); and

WHEREAS, On February 18, 2013, Troy City Council determined it to be in the City's best interest to exercise and approve the first one-year option to renew the contract with *Professional Pump Inc.* for pump repair and emergency maintenance services under the same pricing, terms and conditions as the 2011 contract; contract to expire April 30, 2014 (Resolution 2013-02-032-J-04b); and

WHEREAS, The City of Troy determines that *Professional Pump Inc.* continues to meet all contract terms and conditions of the original contract; and

WHEREAS, *Professional Pump, Inc.* has offered to renew their contract for one (1) additional year under the same pricing structure, terms and conditions as the 2011 contract;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** and **APPROVES** the second one-year option to renew the contract with *Professional Pump Inc.* for pump repair and emergency services at prices contained in the bid tabulation opened March 23, 2011, not to exceed budgetary limitations, under the same terms and conditions as the 2011 contract; contract to expire April 30, 2015.

- b) **Standard Purchasing Resolution 3: Exercise Renewal Option – Asphalt Paving Materials – Hot Patch**

Suggested Resolution
Resolution #2014-03-

WHEREAS, On February 18, 2013, Troy City Council approved a one-year contract to provide Asphalt Paving Materials-Hot Patch with an option to renew for one (1) additional year to the low bidders, *Barrett Paving Materials Inc. of Troy, MI, Cadillac Asphalt L.L.C., of Canton, MI* and *Surface Coatings Co. of Auburn Hills, MI* (Resolution #2013-02-32-J-04a); and

WHEREAS, The City of Troy has determined that *Barrett Paving Materials Inc., Cadillac Asphalt L.L.C.,* and *Surface Coatings Co.* have all successfully provided Asphalt Paving Materials – Hot Patch to the City as per all terms and conditions of the existing contract; and

WHEREAS, The awarded bidders have offered to renew their contracts for one (1) year as per the original bid specifications and under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **DETERMINES** it to be in the City's best interest to **EXERCISE** the option to renew contracts with *Barrett Paving Materials Inc of Troy, MI, Cadillac Asphalt LLC of Canton, MI* and *Surface Coatings Co of Auburn Hills, MI*, to provide one-year requirements of Asphalt Paving Materials-Hot Patch for an estimated cost of \$93,000.00 to be ordered on an as-needed basis, not to exceed budgetary limitations; under the same contract prices, terms and conditions; contract expiring December 31, 2014.

c) Standard Purchasing Resolution 3: Option to Renew – Printing Services for the Troy Today Quarterly Newsletter

Suggested Resolution
Resolution #2014-03-

WHEREAS, On April 13, 2013, Troy City Council approved a one (1) year contract to provide printing and delivery services of the Troy Today Quarterly Newsletter with an option to renew for two (2) additional years to the low bidder meeting specifications, *Grand Blanc Printing Co., Inc. of Grand Blanc, MI* at an estimated total cost of \$39,418.80, plus the actual cost of bulk rate postage and \$50.00 per issue to post the Flip Page newsletter on the City's website, and additional charges if needed not-to-exceed \$3,900 (Resolution #2013-04-083-J4c); and

WHEREAS, The City of Troy has determined that *Grand Blanc Printing Co., Inc.* has successfully and efficiently provided printing and delivery services to the City as per all terms and conditions of the existing contract; and

WHEREAS, *Grand Blanc Printing Co., Inc.* has offered to renew their contract for one (1) year as per the original bid specifications and under the same pricing, terms and conditions,

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DETERMINES** it to be in the City's best interest to **EXERCISE** the option to renew the contract with *Grand Blanc Printing Co., Inc.* to provide printing and delivery services of the Troy Today Quarterly Newsletter under the same bid prices, terms and conditions for one (1) year for an estimated total cost of \$39,418.80, plus the actual cost of bulk rate postage and \$50.00 per issue to post the Flip Page newsletter on the City's website, and additional charges if needed not-to-exceed \$3,900.00 at prices contained in the original bid tabulation not to exceed budget limitations; contract expiring April 15, 2015.

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

d) Standard Purchasing Resolution 2: Lowest Acceptable Bidder – Replacement Batteries for Emergency Back-Up System for the Community Center

Suggested Resolution
Resolution #2014-03-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase twenty (20) CSB-HRL-12200 batteries, twenty-four (24) CSB-TPL 12-1000 batteries, and fifty (50) CSB-HRL 12-280 batteries to the lowest acceptable bidder: *Complete Battery Source of Detroit, MI* for an estimated total cost of \$13,950.00 less trade-in value of \$708.00, for a final cost of \$13,242.00, all at prices contained in the bid tabulation dated March 6, 2014, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

J-5 Act 51 Mileage Certification for 2013

Suggested Resolution
Resolution #2014-03-

WHEREAS, It is necessary to furnish certain road information to the state of Michigan for the purpose of obtaining funds under Act 51, P.A. 1951, as amended;

THEREFORE, BE IT RESOLVED, That the City of Troy hereby **ACCEPTS** the following platted and non-platted streets: Aster, Mayflower, Oak Forest Drive, Black Oak, Rockdale Court, Siena Drive, Cabernet Drive, Sutherland Drive, Hazel Nut Lane, Southerland Court, Timbercrest Drive and Lynwood Drive.

BE IT FURTHER RESOLVED, That said streets are located within the City of Troy; right of way is under the control of the City of Troy; said streets are public streets and are for public street purposes and were open to the public prior to December 31, 2013; and said streets are **ACCEPTED** into the City of Troy local street system.

J-6 Mondrian Properties Belleclair LLC v City of Troy Lawsuit

Suggested Resolution
Resolution #2014-03-

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of *Mondrian Properties Belleclair, LLC v. City of Troy, et. al.* (Oakland County Circuit Court Case No. 2014-139164-CH) and to retain any necessary expert witnesses to adequately represent the City.

J-7 Private Agreement – Contract for Installation of Municipal Improvements – Galleria of Troy – Phase II Project 13.923.3Suggested Resolution

Resolution #2014-03-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Galleria of Troy, LLC, is hereby **APPROVED** for the installation of water main, sanitary sewer, storm sewer, paving, sidewalks, soil erosion and landscaping, 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.

J-8 Bid Waiver – Professional Services – Police Department Promotional Testing ServicesSuggested Resolution

Resolution #2014-03-

WHEREAS, *EMPCO, Inc.* has been providing testing and hiring services to the City's Police Department for 24 years, and has provided this service to several other surrounding municipalities (Resolution #2011-11-261); and

WHEREAS, *EMPCO, Inc.* meets departmental needs and complies with Act 78 Commission requirements, including the requirements to be fair and impartial;

THEREFORE, BE IT RESOLVED, That formal bidding procedure for this professional service is hereby **WAIVED**, since the public interest is best served by contracting with *EMPCO, Inc.*; *and*

BE IT FURTHER RESOLVED, That the attached contract authorizing *EMPCO, Inc.* to provide police sergeant promotional testing is **APPROVED**, and a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FINALLY RESOLVED, That upon the final action of the City of Troy Civil Service Commission requesting the certification of eligible police sergeant candidates, the City Manager and Human Resources Director are hereby **AUTHORIZED TO EXECUTE** this contract on behalf of the City.

J-9 Switch to Community Blue PPO and PA 152Suggested Resolution

Resolution #2014-03-

WHEREAS, Public Act 152 of 2011 allows for a Local Unit Opt Out alternative which will not adversely affect the City of Troy's payments from the Economic Vitality Incentive Program; and

WHEREAS, City Management successfully migrated all Classified, Exempt, AFSCME and MAP employees into the Blue Cross Blue Shield Community Blue PPO health insurance plan; and

WHEREAS, The City will benefit by cost-savings estimated to be in excess of \$400,000 per year based on illustrative rates; and

WHEREAS, Troy City Council ratified collective bargaining agreements with AFSCME and MAP unions, acknowledging Local Government Opt Out for fiscal year 2014/15;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **SELECTS** the Local Unit Opt Out for 2014/15.

J-10 Scheduling of City Council Special Meetings

Suggested Resolution
Resolution #2014-03-

RESOLVED, That Troy City Council hereby **SCHEDULES** Special Meetings as follows:

- a) City Council Special Study Meeting on Tuesday, April 1, 2014, at 6:00 PM in the Council Boardroom for the Purpose of Discussing the Results of City of Troy Focus Groups
- b) City Council Joint Special Study Meeting with Downtown Development Authority on Wednesday, April 2, 2014, at 6:00 PM in the Council Boardroom for the Purpose of Discussing the Future Role of the DDA and Maintenance of Boulevards

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time):

- a) Troy City Code Chapter 26 – Parks – General Regulations

L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

M. COUNCIL REFERRALS:

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

M-1 No Council Referrals Advanced

N. COUNCIL COMMENTS:

N-1 No Council Comments Advanced

O. REPORTS:

O-1 Minutes – Boards and Committees:

- a) Building Code Board of Appeals-Final – February 5, 2014
 - b) Planning Commission-Draft – February 11, 2014
-

O-2 Department Reports:

- a) Building Department Activity Report – February, 2014
 - b) Travel Expense Request – Council Member Ellen Hodorek - MML Core Training - February 7, 2014 and February 8, 2014 - Frankenmuth, Michigan
-

O-3 Letters of Appreciation: None Submitted

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

P. COMMENTS ON ITEMS ON OR NOT ON THE AGENDA FROM MEMBERS OF THE PUBLIC OUTSIDE OF TROY (NOT RESIDENTS OF TROY AND NOT FROM TROY BUSINESSES):

Q. STUDY ITEMS:

Q-1 No Study Items

R. CLOSED SESSION:

R-1 No Closed Session

S. ADJOURNMENT:

Respectfully submitted,



Brian Kischnick, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

SCHEDULED REGULAR CITY COUNCIL MEETINGS:

April 7, 2014	Regular Meeting
April 14, 2014	Regular Meeting
May 12, 2014.....	Regular Meeting
May 19, 2014.....	Regular Meeting
June 2, 2014	Regular Meeting
June 16, 2014	Regular Meeting
July 7, 2014	Regular Meeting
July 21, 2014	Regular Meeting
August 11, 2014	Regular Meeting
August 25, 2014	Regular Meeting
September 8, 2014.....	Regular Meeting
September 22, 2014.....	Regular Meeting
October 6, 2014.....	Regular Meeting
October 20, 2014.....	Regular Meeting
November 10, 2014.....	Regular Meeting
November 24, 2014.....	Regular Meeting
December 1, 2014.....	Regular Meeting
December 15, 2014.....	Regular Meeting

SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

April 21, 2014	Special Budget Meeting
April 23, 2014	Special Budget Meeting

**PROCLAMATION
CELEBRATING 40 YEARS IN THE CITY OF TROY
STARK REAGAN, PC**

WHEREAS, Stark Reagan, PC, has been a proud member of the Troy community since 1973, making it Troy's oldest continuously running law firm. The founders are **Bill Reagan** (retired and living in Tennessee) and **Harry Stark** (who passed away four years ago). Harry practiced well into his late 80s, and his son, Keith, is the managing partner; and

WHEREAS, Stark Reagan, PC, specializes in helping companies by providing expert business and tax advice, as well as helping families with their estate planning needs; and

WHEREAS, From their original offices on Big Beaver Road to their current home at 1111 W. Long Lake Road, **Stark Reagan, PC** has witnessed Troy's growth from a largely rural community into one that is the hub for some of Michigan's, and even America's, largest companies; and

WHEREAS, All along, **Stark Reagan, PC** has woven itself into the fabric of the Troy community, not only through many of its employees living here, but by actively supporting the Troy Rotary, Chamber of Commerce, Kiwanis, and Troy School District;

NOW, THEREFORE, BE IT RESOLVED, That the Mayor and City Council of the City of Troy hereby congratulate **Stark Reagan, PC on its 40th Anniversary** and recognizes their impact upon our community as they serve as a steadfast and dedicated business in the City of Troy; and

BE IT FURTHER RESOLVED, That the Mayor, City Council and City Management join the citizens of this community in appreciation and celebration of the **40th Anniversary of Stark Reagan, PC** in the City of Troy, the community that they want to call home for another 40 years.

Presented this 17th day of March 2014.



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LGB*
Susan M. Lancaster, Assistant City Attorney *SML*
DATE: March 12, 2014
SUBJECT: Yara, Inc., d/b/a Lebanese Grill

A public hearing has been scheduled for City Council to review the following liquor license violation:

Licensee Name: Yara, Inc., d/b/a Lebanese Grill
Address: 1600 Rochester Road, Troy, Michigan 48083
License No: 77842-2012 SS
Violation: SALE TO MINOR (Compliance Test) on March 20, 2013

Under Michigan law, one single violation of state or local liquor laws COULD serve as a basis for City Council to object to the otherwise automatic renewal of an on- premises liquor license. An on-premises license allows alcohol to be served on site, such as in a restaurant, and this is distinguished from an off-premises liquor license, where alcohol is purchased at retail and taken to another location for consumption.

By scheduling liquor hearings for those licensees that have violations during the preceding year, City Council has the ability to inquire about proactive measures that the licensee has taken or is willing to take to avoid future liquor license violations. If City Council finds that there was a violation during the past year, and Council is also concerned that the liquor licensee is likely to have continued liquor violations, then state law provides a process to revoke the on-premises liquor license. Prior to taking any adverse action, however, City Council must hold a public hearing and allow the licensee to come forward with any proactive measures that it has taken to guard against future liquor license violations. The public hearing also allows any neighbors of the licensee to voice their concerns to the City Council. If Council determines that an on-premises liquor license should be terminated for health, safety and welfare concerns, then City Council must pass a resolution and forward it to the Michigan Liquor Control on or before March 30. If there are no objections to a licensee's continued operation, then the on-premises liquor license will automatically renew for the upcoming year, starting May 1.

A copy of the reports documenting the alleged liquor law violations is attached to this memo, as well as the liquor licensee's history. Upon information and belief, the licensee is not contesting the liquor law violation, and an adversarial public hearing will not be required. However, City Council will need to officially open the public hearing and make a record of the violation. City Council will also need to offer the licensee an opportunity to comment, and also to entertain the comments of members of the public. At the conclusion of the comments, City Council may wish to require some proactive measures to guard against future violations. Based on the liquor licensee's past history, City Administration has prepared a resolution for City Council consideration that acknowledges the violation and requires the licensee's serving employees to obtain server training within 90 days.



Michigan Department of Licensing and Regulatory Affairs
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive - P.O. Box 30005
Lansing, Michigan 48909-7505
Phone (517) 322-1390 ~ FAX (517) 322-6347

VIOLATION REPORT
(Authorized by P.A.58 of 1998)

This report is not to be faxed or electronically submitted - an original signature is required.

* OFFICERS please obtain License No., Bus. ID and File # directly from the liquor license *

Form with fields: License Number (77842-2012 SS), Business ID (133348), File Number (9-07-149/132), Name of Licensee (YARA, INC.), Doing Business As (LEBANESE GRILL), Mailing Address (1600 Rochester Road, Troy, Michigan 48063), Township, County (Oakland), Type of License(s) & Permit(s) (Class C), Date of violation (03/20/13), Day (Wednesday), Time (6:20 p.m.)

Violation Type: [X] Minor Intoxicated Person Gambling Controlled Substances
Prohibited Conduct Failure to Cooperate Fighting (must be inside licensed premises)
After Hours Sales / Consumption Other (explain):

If MINOR: Birth date 01/10/94 Was this a DECOY? [X] Yes No If No, you MUST answer below!
If above minor violation was NOT a decoy, describe enforcement action taken:

NOTE! COPY OF APPEARANCE TICKET MUST BE ATTACHED.

Submit Report Below or Indicate Attached Report Number 13-0566

* REMINDER, PLEASE MAIL THIS REPORT TO THE ADDRESS ABOVE.*

Officer Signature [Signature]
Officer Signature [Signature]
Officer Signature [Signature]
Department Name Troy Police Department

Name and Title [Signature]
Name and Title [Signature]
Name and Title Officer Gregory Stopczynski
Telephone Number 248-524-3477

WITNESSES

- 1. Name Stephen Triller Address 500 West Big Beaver Road Troy, MI 48064
Will testify to: [Signature]
2. Name Remond Davis Address 2000 James Davis Way Troy, MI 48064
Will testify to: Said to be minor
3. Name Abe Galat Address 26156 Dominion, Ste 101 Troy, MI 48064
Will testify to: Owner of business
4. Name [Signature] Address [Signature]
Will testify to: [Signature]
5. Name [Signature] Address [Signature]
Will testify to: [Signature]

EVIDENCE

Location Held (Explain) Receipt
LC-600 Rev. 03/05 4880-2362

TROY PD
500 W. BIG BEAVER
TROY MI 48084
248-524-3477



Case Report

Administrative Details:

CR No 130008566-001	Subject violation of Liquor Control Act
Report Date/Time 03/19/2013 08:47	Occurrence Date/Time 03/19/2013 08:47
Location 1600 ROCHESTER RD	Call Source TELEPHONE
Dispatched Offense C3309 LIQUOR INSPECT	Verified Offense 4198 Liquor - Furnishing Alcohol to a Minor
County 63 - Oakland	City/Twp/Village 84 - Troy
Division Patrol DPU	
Report Type Arrest Report	
Created By GREGORY STOPCZYNSKI	Created Date/Time 03/20/2013 08:18 PM

Offenses:

4171 - Violation of Liquor Control Laws [TRSTOPCZYNSKIG (150335)]

IBR Code / IBR Group 90G - Liquor Law Violations / B		Offense File Class 41001 - LIQUOR LICENSE -ESTABLISHMENT	
Crime Against SO		Location Type 21 - Restaurant	Offense Completed Completed
Domestic Violence No		Hate/Bias 00 - None (No Bias)	
Using A-Alcohol: No C-Computer Equipment: No D-Drugs/Narcotics: No			

People:

ELYAS, REMONDA ABOUD (A-ARRESTEE) [TRSTOPCZYNSKIG (150335)]

Last Name Elyas		First Name Remonda		Middle Name Aboud		Suffix	Mr/Mrs/Ms
Aliases			Driver License#		DL State	DL Country	Personal ID#
DOB (Age) 07/08/1994 (18)	Sex F	Race WHITE	Ethnicity	Birth City & State	Birth Country		Country of Citizenship
Held For	Finger Prints No	Photos No	Miranda Read No	Miranda Waived No	Number of Warrants		FBI#
Street Address			Apt #	County	Country	Home Phone	Work Phone
City			State MI	Zip	Cell Phone	Email	
Employer Lebanese Grill		Employer Address 1600 Rochester		Employer Phone	Occupation Server	Employer CSZ Troy, MI 48083	

Arrest Information

Offenses	Details
4171 - Violation of Liquor Control Laws	Arrest Date/Time: 03/20/2013 18:20 Location: 1600 Rochester Arrest#: 741830 Arrest Type: Taken into Custody OWI Arrest/BAC: Offense Type: Misd. Count: Arresting Officer 1: TRSTOPCZYNSKIG (STOPCZYNSKI, GREGORY 150335) Arresting Officer 2: TRJULIANE (Julian, Edwin 150334)
MultiClearance N - Not Applicable	MultiClearance Offense 01 - Unarmed

(W-WITNESS) [TRSTOPCZYNSKIG (150335)]

PE:	W.Type:	Last Name EY		First Name		Middle Name		Suffix	Mr/Mrs/Ms
DOB (Age) 01/01/1994 (19)	Sex M	Race WHITE	Ethnicity	Birth City & State	Birth Country		Country of Citizenship		
Street Address 500 W Big Beaver			Apt #	County	Country	Home Phone	Work Phone		
City Troy			State MI	Zip 48083	Cell Phone	Email			
Employer City of Troy		Employer Address 500 W Big Beaver		Employer Phone	Occupation Decoy	Employer CSZ Troy, MI 48084			

(O-OTHER) (B-BUSINESS, ETC.) [TRSTOPCZYNSKIG (150335)]

PE:	W.Type:	Name Lebanese Grill		Suffix		Mr/Mrs/Ms	
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country		Country of Citizenship

Street Address		Apt #	County	Country	Home Phone	Work Phone
1600 Rochester						
City	State	Zip	Cell Phone	Email		
Troy	MI	48083				

RACZKA, KATE (O-OTHER) (L-POLICE OFFICER) [TRSTOPCZYNSKIG (150335)]

PE:	W.Type:	Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms
		Raczka	Kate			
Street Address		Apt #	County	Country	Home Phone	Work Phone
500 W. Big Beaver			OAKLAND	USA		
City	State	Zip	Cell Phone	Email		
Troy	MI	48084				
Phone/Email						
Type			Description			
BU-Business Phone #1			248-524-3477			

JULIAN, EDWIN (O-OTHER) (L-POLICE OFFICER) [TRSTOPCZYNSKIG (150335)]

PE:	W.Type:	Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms
		Julian	Edwin			
Street Address		Apt #	County	Country	Home Phone	Work Phone
500 W. Big Beaver			OAKLAND	USA		
City	State	Zip	Cell Phone	Email		
Troy	MI	48084				
Phone/Email						
Type			Description			
BU-Business Phone #1			248-524-3477			

STOPCZYNSKI, GREGORY (O-OTHER) (L-POLICE OFFICER) [TRSTOPCZYNSKIG (150335)]

PE:	W.Type:	Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms
		Stopczynski	Gregory			
Street Address		Apt #	County	Country	Home Phone	Work Phone
500 W. Big Beaver			OAKLAND	USA		
City	State	Zip	Cell Phone	Email		
Troy	MI	48084				
Phone/Email						
Type			Description			
BU-Business Phone #1			248-524-3477			

CARAF, ABE MIKE (O-OTHER) (I-PERSON INTERVIEW) [TRSTOPCZYNSKIG (150335)]

PE:	W.Type:	Last Name	First Name	Middle Name	Suffix	Mr/Mrs/Ms
		Caraf	Abe	Mike		
DOB (Age)	Sex	Race	Ethnicity	Birth City & State	Birth Country	Country of Citizenship
	M	WHITE				
Street Address		Apt #	County	Country	Home Phone	Work Phone
1600 Rochester						
City	State	Zip	Cell Phone	Email		
Troy	MI	48083				
Employer	Employer Address		Employer Phone	Occupation	Employer CSZ	
Lebanese Grill	1600 Rochester			Manager	Troy, MI 48083	

Property:

5510 - Documents/Personal or Business (credit card documents, savings account books, titles, etc) 5448

Property Class 48	IBR Type 48 - Documents/Personal or Business	UCR Type K - Miscellaneous
Status E - Evidence (Including Other Seized Property And Tools)	Count 1	Value 1
Description Receipt \$4.24 beer	Disposition Troy Property	Evidence Tag 130008566.001
Recovered Date/Time	Location	Owner [O18222436]

Narrative:

13-8566

On 3/20/2013, the Directed Patrol Unit (DPU) conducted LCC checks with minor decoy :

identification was confiscated and held for safe keeping by the Troy Police department.

At Approximately 1820 hrs, Decoy entered the LEBANESE GRILL Restaurant located at 1600 Rochester Rd. in Troy. Upon entering the restaurant, took a seat at a table. The waitress, who was later identified as REMONDA ELYAS, approached to take his order. ordered a "Short's Brew Bellaire Brown beer". ELYAS did not ask for any identification and returned shortly with the beer.

FISHER notified PO JULIAN of the violation and waited for officers to arrive.

PO STOPCZYNSKI and I, PO JULIAN entered the restaurant and made contact with REMONDA ELYAS and the owner ABE CHARAF. Both subjects were advised of the sale to our minor decoy and of the Michigan Liquor Control Commission violation. ELYAS was advised of and issued the civil infraction of "furnishing/sale to a person under 21/fail to inquire of age" on ticket# 741830.

While speaking with ELYAS, PO STOPCZYNSKI inquired if she had undergone TIPS (Training for Intervention ProcedureS), to which she replied that she had not. Officers advised owner CHARAF that all employees that serve alcohol should receive TIPS training.

MLCC violation form was completed and submitted.

Officers retained a sales receipt of \$4.24 for the beer and placed it on evidence.

Violation report to be submitted to MLCC.

NARRATIVE REPORT WITNESS STATEMENT

01	DATE 03/20/13	DAY WED	SHIFT 02	PLAT 99	BADGE 1 014	BADGE 2	INCIDENT STATUS <input type="checkbox"/> CLR ARREST <input type="checkbox"/> CLR EXCEPT	<input type="checkbox"/> UNF <input type="checkbox"/> INACT	PRIM CLASS 111	YEAR 13	INCIDENT # 8566
----	------------------	------------	-------------	------------	----------------	---------	---	--	-------------------	------------	--------------------

02 Name: _____ (PLEASE PRINT) DOB: 01/10/1994 Home Phone: _____

03 Address: _____ Business Phone: _____

04 City: _____ State: MI Zip: _____

05 E-mail Address: _____ Cell Phone: _____

06 _____

07 Entered establishment and told to sit anywhere I

08 choose. After looking at the menu, I ordered a Spitzer's Bellalizer.

09 Waitress did not ask for I.D. and brought the beer along with a

10 glass. I then contacted Officer Julian to notify him of the

11 sale.

12 _____

13 _____

14 _____

15 _____

16 _____

17 _____

18 _____

19 _____

20 _____

21 _____

22 _____

23 _____

24 _____

25 _____

26 _____

27 _____

28 Taken By: _____ X: _____ (SIGNATURE)

29 Place: 1600 ROCHESTER Date: 3/20/13 Time: 1820

INVESTIGATING OFFICER(S) JULIAN REVIEWED BY _____ ASSIGNED TO / BADGE _____ ATTENTION TO _____

**State of Michigan
Uniform Law Citation**

Ticket No. **741830** Victim Involved

US DOT # _____ Incident No. **13-8566** Dept. No. **784**
 The People of: the State of Michigan Township City Village County
 Local Use/Arrest No. _____ Detection Device _____

OF: **TROY** BAC _____ 1 of 1
 THE UNDERSIGNED SAYS THAT ON: Month **3** Day **20** Year **13** At approximately **1:00** P.M. Date of Birth Month **7** Day **9** Year **74**
 State Oper./Chauff. License Number _____ License (last 4 digits) _____
 MI CDL

Race **W** Sex **F** Height _____ Weight _____ Hair _____ Eyes _____ Occupation/Employer **LEBANESE GRILL**
 Name (First, Middle, Last) **REMONDA ABOW ELYAS**
 Street _____
 City _____

Year _____ State _____ Vehicle Description (Year, Make, Color) _____ Veh. Type _____

THE PERSON NAMED ABOVE, in violation of Local Ordinance State Law Administrative Rule
 UPON **1600 ROCHESTER**
 AT OR NEAR **LEBANESE GRILL**
 WITHIN CITY VILLAGE TOWNSHIP OF **TROY**
 COUNTY OF **OAKLAND**

Type	MCL Cite/PACC Code/Ordinance	Description (include any bond amount collected on each charge)	Charge No.
<input checked="" type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Authorization pend. <input type="checkbox"/> Misd <input type="checkbox"/> Fug <input type="checkbox"/> Fel <input type="checkbox"/> Waiv	98-10.14	FURNISH SALE TO PERSONS UNDER 21 FAIL TO INQUIRE AGE	1
<input type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Authorization pend. <input type="checkbox"/> Misd <input type="checkbox"/> Fug <input type="checkbox"/> Fel <input type="checkbox"/> Waiv			2
<input type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Authorization pend. <input type="checkbox"/> Misd <input type="checkbox"/> Fug <input type="checkbox"/> Fel <input type="checkbox"/> Waiv			3

TO THE COURT: Do not arraign on a felony charge until an authorized complaint is filed.
 Offense Code(s) **98-10.14**

Key for Type: C/I = Civil Infraction Misd = Misdemeanor Fel = Felony Warn = Warning Fug = Fugitive
 Waiv = Violation for Which Fines/Costs May be Waived Authorization pend. = Authorization pending

Remarks: **1- SHIRT'S BROWN BELLAIRE BROWN TR 248-526-1444 BEER**

CHECK IF APPROPRIATE Damage to Property Local Court Bond \$ _____
 Vehicle Impounded Injury License Posted in Lieu of Bond _____
 Traffic Crash Death Appearance Certificate _____
 Person in Active Military Service Yes No None

SEE DATE BELOW. SEE BACK OF CITATION FOR EXPLANATION AND INSTRUCTIONS
 Appearance Date on or before **4/3/2013 @ 6:30 PM**
 Hearing Date (if applicable) on _____ Contact Court Formal Hearing Required. (Court will Notify)

In the **52-4 DISTRICT** Court of **OAKLAND COUNTY**
 Court Address & Phone Number

**520 W. BIG BEAVER RD.
 TROY, MI 48084
 PHONE (248) 528-0400**

I served a copy of the civil infraction complaint upon the defendant (or owner/occupant by posting if applicable).
 I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Complainant's Signature and Receipt if applicable _____
 Officer's Name (printed) **E. JULIAN** Month **3** Day **20** Year **13**
 Officer's ID No. **014**

Agency ORI **MI-6378400** Agency Name **TROY POLICE DEPARTMENT**
 UC-01a
 (rev 6/05)

COURT COPY 1

Ticket **741830**
 Name _____
 Case No. _____

LEBANESE GRILL
1600 ROCHESTER, TROY, MI 48063
TEL: (248) 526-1444

TABLE# 21 Inv# 90676
OnHold ID: 21

DATE/TIME: 3/20/2013 6:36:20 PM
SERVER: CASHIER
STATION: 01
PARTY SIZE: 1

Customer Info

Item Count: 0

1 SHORTS BELLAIRE*

Subtotal \$4.00

Tax \$0.24

GRAND TOTAL \$4.24

Opened: 3/20/2013 6:36:20 PM

THANK YOU FOR YOUR PATRONAGE

TIP NOT INCLUDED UNLESS NOTED
PLEASE PAY YOUR SERVER

www.LebaneseGrill.com

LCC Liquor Licensee History

Business name: **Lebanese Grill**
 Address: 1600 Rochester Rd.
 Licensee: YARA, Inc.
 License type: **Class C**
 Permits: Sunday Sales, Food
 Comments:

Date	Troy Incident #	Type	Disposition	Date
10/19/00	00-38785	Compliance Test	PASSED	
11/16/00	00-42520	Compliance Test	PASSED	
03/17/01	01-09248	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
06/18/01	01-21481	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
0-8/15/01	01-29304	Compliance Test	PASSED	
09/10/01	01-32553	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
09/27/01	01-34727	Compliance Test	PASSED	
10/8/02	02-33182	Compliance Test	PASSED	
04/23/03	03-12100	Compliance Test	PASSED	
06/20/03	03-18697	Compliance Test	PASSED	
10/28/03	03-33333	Compliance Test	PASSED	
03/23/04	04-08533	Compliance Test	PASSED	
04/14/04	04-10738	Liquor Inspection (Road Patrol-Breidenich)	NO VIOLATIONS	
06/30/04	04-19510	Compliance Test	PASSED	
07/07/04	04-20405	Liquor Inspection (Road Patrol-Breidenich)	NO VIOLATIONS	
09/08/04	04-28198	Liquor Inspection (Road Patrol-Breidenich)	NO VIOLATIONS	
02/02/05	05-03770	Liquor Inspection (Road Patrol-Giorgi)	NO VIOLATIONS	
03/23/05	05-09474	Liquor Inspection (Road Patrol-Giorgi)	NO VIOLATIONS	
06/20/05	05-20929	Liquor Inspection (Road Patrol-Cooney)	NO VIOLATIONS	
09/12/05	05-32337	Liquor Inspection (Road Patrol-Cooney)	NO VIOLATIONS	
12/31/05	05-46195	Liquor Inspection (Road Patrol-Villerot)	NO VIOLATIONS	

03/17/06	06-10248	Liquor Inspection (Road Patrol-Villerot)	NO VIOLATIONS
06/09/06	06-21756	Liquor Inspection (Road Patrol-Rockafellow)	NO VIOLATIONS
07/26/06		Compliance Test	PASSED
07/28/06	06-28958	Liquor Inspection (Road Patrol-Rockafellow)	NO VIOLATIONS
09/22/06	06-36735	Liquor Inspection (Road Patrol-Rockafellow)	NO VIOLATIONS
11/01/06	06-41787	Liquor Inspection (Road Patrol-Rockafellow)	NO VIOLATIONS
05/10/07	07-17208	Compliance Test	PASSED
05/18/07	07-18365	Liquor Inspection (Road Patrol-Mouch)	NO VIOLATIONS
06/29/07	07-24280	Liquor Inspection (Road Patrol-Mouch)	NO VIOLATIONS
08/23/07	07-32193	Compliance Test	PASSED
09/06/07	07-34242	Liquor Inspection (Road Patrol-Mouch)	NO VIOLATIONS
11/11/07	07-42777	Liquor Inspection (Road Patrol-Isham)	NO VIOLATIONS
12/13/07	07-45872	Compliance Test	PASSED
01/12/08	08-1553	Liquor Inspection (Road Patrol-Isham)	NO VIOLATIONS
02/21/08	08-6623	Compliance Test	PASSED
03/07/08	08-8391	Liquor Inspection (Road Patrol-Isham)	NO VIOLATIONS
04/11/08	08-12744	Liquor Inspection (Road Patrol-Strong)	NO VIOLATIONS
05/21/08	08-17675	Compliance Test	PASSED
06/30/08	08-23071	Liquor Inspection (Road Patrol- Strong)	NO VIOLATIONS
08/30/08	08-30446	Liquor Inspection (Road Patrol- Strong)	NO VIOLATIONS
10/02/08	08-34318	Compliance Test	PASSED
10/29/08	08-37438	Liquor Inspection (Road Patrol- Bednard)	NO VIOLATIONS
12/16/08	08-42776	Liquor Inspection (Road Patrol- Bednard)	NO VIOLATIONS
12/30/08	08-44553	Compliance Test	PASSED
3/13/09	09-8179	Liquor Inspection (Road Patrol- Bednard)	NO VIOLATIONS
03/22/09	09-9134	LCC Violations – Furnish Alcohol for Illegal Purposes & Permit Loud Conduct	VIOLATION Fined \$300
4/21/09	09-12306	Liquor Inspection (Road Patrol- Dungjen)	NO VIOLATIONS
05/07/09	09-14253	Liquor Inspection (Road Patrol- Schaufler)	NO VIOLATIONS
06/27/09	09-20328	Liquor Inspection (Road Patrol- Dungjen)	NO VIOLATIONS
09/13/09	09-29031	Liquor Inspection (Road Patrol- Dungjen)	NO VIOLATIONS

10/21/09	09-32964	Liquor Inspection (Road Patrol- Lenczewski)	NO VIOLATIONS
10/28/09	09-33750	Compliance Test	PASSED
12/10/09	09-38386	Liquor Inspection (Road Patrol- Lenczewski)	NO VIOLATIONS
12/17/09	09-39269	Compliance Test	PASSED
01/26/10	10-2540	Liquor Inspection (Road Patrol- Lenczewski)	NO VIOLATIONS
04/08/10	10-9911	Liquor Inspection (Road Patrol- Lenczewski)	NO VIOLATIONS
05/18/10	10-14284	Liquor Inspection (Road Patrol- Lenczewski)	NO VIOLATIONS
07/19/10	10-21182	Sale to Minor-Compliance Test	VIOLATION Fined \$300
08/10/10	10-24081	Liquor Inspection (Road Patrol- Lenczewski)	NO VIOLATIONS
09/01/10	10-26700	Compliance Test	PASSED
10/27/10	10-32872	Compliance Test	PASSED
10/30/10	10-33397	Liquor Inspection (Road Patrol- Morse)	NO VIOLATIONS
12/15/10	10-38430	Compliance Test	PASSED
12/18/10	10-38894	Liquor Inspection (Road Patrol- Morse)	NO VIOLATIONS
02/18/11	11-4966	Liquor Inspection (Road Patrol- Morse)	NO VIOLATIONS
05/05/11	11-13002	Compliance Test	PASSED
06/29/11	11-18783	Liquor Inspection (Road Patrol- Morse)	NO VIOLATIONS
07/28/11	11-22101	Liquor Inspection (Road Patrol- Morse)	NO VIOLATIONS
08/31/11	11-25816	Liquor Inspection (Road Patrol- Morse)	NO VIOLATIONS
11/14/11	11-34141	Liquor Inspection (Road Patrol- Denny)	NO VIOLATIONS
12/08/11	11-36806	Compliance Test	PASSED
01/11/12	12-1132	Liquor Inspection (Road Patrol- Denny)	NO VIOLATIONS
02/28/12	12-6392	Liquor Inspection (Road Patrol- Denny)	NO VIOLATIONS
05/10/12	12-14764	Compliance Test	PASSED
05/22/12	12-16357	Liquor Inspection (Road Patrol- Daniels)	NO VIOLATIONS
07/17/12	12-23719	Liquor Inspection (Road Patrol- Daniels)	NO VIOLATIONS
09/04/12	12-29759	Liquor Inspection (Road Patrol- Daniels)	NO VIOLATIONS
11/12/12	12-37594	Compliance Test	PASSED
11/23/12	12-38837	Liquor Inspection (Road Patrol- Meinzinger)	NO VIOLATIONS
01/22/13	13-2512	Liquor Inspection (Road Patrol- Meinzinger)	NO VIOLATIONS

03/06/13	13-7106	Liquor Inspection (Road Patrol- Meinzinger)	NO VIOLATIONS
03/20/13	13-8566	Compliance Test (DPU) Sale to Minor	VIOLATION Fined \$650
05/14/13	13-14741	Liquor Inspection (Road Patrol- Triner)	NO VIOLATIONS
07/14/13	13-22099	Liquor Inspection (Road Patrol- Facemyer)	NO VIOLATIONS
09/10/13	13-28902	Liquor Inspection (Road Patrol- Shuler)	NO VIOLATIONS
11/05/13	13-34991	Compliance Test	PASSED
11/14/13	13-36151	Liquor Inspection (Road Patrol- Warzecha)	NO VIOLATIONS
01/14/14	14-1717	Liquor Inspection (Road Patrol- Warzecha)	NO VIOLATIONS



STATE OF MICHIGAN

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

IN RE: YARA, INC.
D/B/A LEBANESE GRILL
1600 ROCHESTER
TROY, MI 48083

HEARING: OCTOBER 15, 2013
PLACE: STERLING HEIGHTS
COMPLAINT NO. 3-157726
BUSINESS ID NO. 133338
CLASSC SS (PM) SPECIFIC
PURPOSE PERMIT (FOOD)

CHARGE - MARCH 20, 2013

- (1) Sold or furnished alcoholic liquor to minor, _____, date of birth January 10, 1994, who was less than twenty-one (21) years old, contrary to Const 1963, art 4, § 40 and contrary to Section 801(2) and/or Section 701(1) of the Michigan Liquor Control Code, MCL 436.1801(2) and/or MCL 436.1701(1).

NEGOTIATED SETTLEMENT

Abbas Charaf, President of the above Licensed Corporation, appeared before this Commissioner represented by Attorney Jonathan Martone. Mr. Martone, with Susan Moody, Assistant Attorney General representing all law enforcement in this matter, proposed the following Negotiated Settlement for the Commissioner to consider for this case pursuant to Section 903 of the Michigan Liquor Control Code and Rule 436.1909 of the Michigan Liquor Control Commission (Commission):

PROPOSED NEGOTIATED SETTLEMENT

- (1) The Licensee will fully acknowledge the one charge, cited above;
- (2) The Commissioner will enter the Violation Report of this case and attachments thereto into the record as substantive evidence without objection. The Commissioner further will take notice of the prior record of this Licensee, since securing Commission licensure at the above-named location under the current ownership;

(3) The Licensee will agree to the sanction of a fine of \$650 for the single charge, cited above, as penalty in this matter; and

(4) Both parties hereto will agree that there shall be no appeals on this matter to the Appeal Board of the Commission or any court of law.

ORDER

In determining whether to approve the Negotiated Settlement as proposed above, the Commissioner considered support of the aforementioned settlement by Officer Kate Raczka on behalf of the Troy Police Department.

In determining whether to approve the Negotiated Settlement as proposed above, the Commissioner considered the Licensee's total record, which shows two (2) previous violations, one similar to the instant case, since securing Commission licensure on November 1, 2000, at the above-named location under the current ownership.

In consideration of the aforementioned circumstances and statements, the Commissioner hereby accepts the terms and conditions of the proposed Negotiated Settlement and Orders as follow:

The Commissioner accepts the Licensee's plea of acknowledgment to the single charge, cited above.

The Commissioner hereby accepts the Violation Report of this case and attachments thereto as substantive evidence without objection; further, the Commissioner hereby accepts a true copy of this Licensee's record since securing Commission licensure at the above-named location under the current ownership.

Based upon the aforementioned plea by the Licensee and a review of the Violation Report and attachments thereto, the Commissioner finds that the Licensee in this case violated

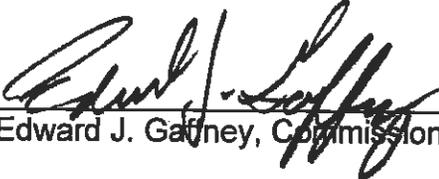
Section 801(2) of the Michigan Liquor Control Code, MCL 436.1801(2), as cited in the one charge of the Complaint in this matter.

As penalty, the Commissioner Orders a fine of \$650. In addition, the Commissioner Orders that a suspension of thirty-three (33) continuous days be imposed if the total fine of \$650 is not paid within forty-five (45) days of the date this Order is mailed. This suspension, if served, shall be served consecutively and not concurrently with any other suspensions Ordered by the Commission for this Licensee.

In addition, the Commissioner Orders the Licensee to pay \$17.30 for witness fees for this hearing.

The Licensee agrees this Negotiated Settlement was a full and final disposition of this matter before the Commission. The Licensee recognizes that, as to this Complaint, there is no further right of administrative or judicial appeal, to either the Commission or a court of law. The Licensee also agrees that the plea in this case was entered voluntarily and with the full understanding of all consequences. Furthermore, all parties agree that there are no promises, stipulations, understandings or agreements other than those stated above as part of the official record. This document represents the final agreed settlement.

MICHIGAN LIQUOR CONTROL COMMISSION



Edward J. Gaffney, Commissioner

Date Signed: October 15, 2013

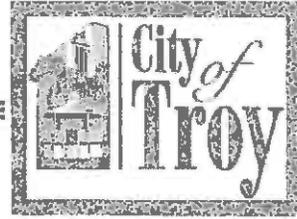
Date Mailed: NOV 08 2013

Susan Moody
Assistant Attorney General
25680 W. 8 Mile Rd.
Southfield, MI 48033

Jonathan M. Martone
Attorney at Law
Clark Hill PLC
151 S. Old Woodward Ave., Suite 200
Birmingham, MI 48009

500 W. Big Beaver
Troy, MI 48064
(248) 524-3300

The City of Tomorrow...



...Today

February 14, 2014

Yara, Inc.
dba: Lebanese Grill
1600 Rochester Rd.
Troy, MI 48083

Re: NOTICE OF PUBLIC HEARING - Liquor License Violation

To whom it may concern:

A Public Hearing will be held by and before the Council of the City of Troy at City Hall, 500 W Big Beaver, Troy, Michigan at **7:30 PM**, or as soon thereafter as the agenda will permit on the date as indicated below to determine whether the City Council should recommend to the Michigan Liquor Control Commission, the renewal or non-renewal of licenses allowed for the sale and/or consumption of alcoholic beverage, for the following reasons:

Public Hearing: Monday, March 17, 2014
License Type: Class C (77842-2013)
Violation : SALE TO MINOR (Compliance Test)
Violation Date(s): 3/20/2013

You will be given an opportunity to be heard and present evidence at the public hearing and legal counsel may represent you. Please inform your attorney, if you have one, of this notice. If you have questions regarding the procedure or the facts and circumstances surrounding your violation(s), you may contact the City Attorney's office at 248-524-3320.

Sincerely,

M. Aileen Bittner, CMC
City Clerk

c: Jonathan M. Martone
Clark Hill PLC
151 S. Old Woodward, Suite 200
Birmingham, MI 48009



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LG*
 Susan M. Lancaster, Assistant City Attorney *SL*
DATE: March 12, 2014
SUBJECT: Pizza Papalis / Rio Wraps, d/b/a Pizzapapalis of Troy, LLC.

A public hearing has been scheduled for City Council to review the following liquor license violation:

Licensee Name: Pizza Papalis / Rio Wraps, d/b/a Pizzapapalis of Troy, LLC
 Address: 300 John R Road, Troy, Michigan 48083
 License No: 77842-2012 SS
 Violation: SALE TO MINOR (Compliance Test) on March 20, 2013

Under Michigan law, one single violation of state or local liquor laws COULD serve as a basis for City Council to object to the otherwise automatic renewal of an on- premises liquor license. An on-premises license allows alcohol to be served on site, such as in a restaurant, and this is distinguished from an off-premises liquor license, where alcohol is purchased at retail and taken to another location for consumption.

By scheduling liquor hearings for those licensees that have violations during the preceding year, City Council has the ability to inquire about proactive measures that the licensee has taken or is willing to take to avoid future liquor license violations. If City Council finds that there was a violation during the past year, and Council is also concerned that the liquor licensee is likely to have continued liquor violations, then state law provides a process to revoke the on-premises liquor license. Prior to taking any adverse action, however, City Council must hold a public hearing and allow the licensee to come forward with any proactive measures that it has taken to guard against future liquor license violations. The public hearing also allows any neighbors of the licensee to voice their concerns to the City Council. If Council determines that an on-premises liquor license should be terminated for health, safety and welfare concerns, then City Council must pass a resolution and forward it to the Michigan Liquor Control on or before March 30. If there are no objections to a licensee's continued operation, then the on-premises liquor license will automatically renew for the upcoming year, starting May 1.

A copy of the reports documenting the alleged liquor law violations is attached to this memo, as well as the liquor licensee's history. Upon information and belief, the licensee is not contesting the liquor law violation, and an adversarial public hearing will not be required. However, City Council will need to officially open the public hearing and make a record of the violation. City Council will also need to offer the licensee an opportunity to comment, and also to entertain the comments of members of the public. At the conclusion of the comments, City Council may wish to require some proactive measures to guard against future violations. Based on the liquor licensee's past history, City Administration has prepared a resolution for City Council consideration that acknowledges the violation and requires the licensee's serving employees to obtain server training within 90 days.



Michigan Department of Licensing and Regulatory Affairs
 MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
 7150 Harris Drive - P.O. Box 30005
 Lansing, Michigan 48909-7505
 Phone (517) 322-1390 ~ FAX (517) 322-6347

VIOLATION REPORT
 (Authorized by P.A.58 of 1998)

This report is not to be faxed or electronically submitted - an original signature is required.

*** OFFICERS please obtain License No., Bus. ID and File # directly from the liquor license ***

License Number	175213-2009-SS / 175214-2009-SS	Business ID	211997	File Number	0-72199732	
Name of Licensee	PIZZA PAPALIS / RIO WRAPS		Doing Business As PIZZAPAPALIS OF TROY, LLC			
Mailing Address (street, city, zip code)	300 John R. Troy, Michigan 48063					
Township			County Oakland			
Type of License(s) & Permit(s)	Class C / SDM					
Date of violation:	Day	Wednesday	Date	03/20/13	Time	2:30 p.m.

Violation Type: Minor Intoxicated Person Gambling Controlled Substances
 Prohibited Conduct Failure to Cooperate Fighting (must be inside licensed premises)
 After Hours Sales / Consumption Other (explain):

If MINOR: Birth date 1/19/93 Was this a DECOY? Yes | No If No, you MUST answer below!
 If above minor violation was NOT a decoy, describe enforcement action taken:

NOTE! COPY OF APPEARANCE TICKET MUST BE ATTACHED.

Submit Report Below or Indicate Attached Report Number 03-8508

*** REMINDER, PLEASE MAIL THIS REPORT TO THE ADDRESS ABOVE.***

Officer Signature [Signature]
 Officer Signature [Signature]
 Officer Signature [Signature]
 Department Name Troy Police Department

Name and Title [Redacted]
 Name and Title [Redacted]
 Name and Title Officer Gregory Stone
 Telephone Number 248-524-3777

WITNESSES

- Name Emily [Redacted] Address 300 West [Redacted]
 Will testify to: [Redacted]
- Name Amanda [Redacted] Address 1629 [Redacted]
 Will testify to: [Redacted]
- Name Shirley [Redacted] Address 1816 [Redacted]
 Will testify to: [Redacted]
- Name [Redacted] Address [Redacted]
 Will testify to: [Redacted]
- Name [Redacted] Address [Redacted]
 Will testify to: [Redacted]

EVIDENCE

Location Held (Explain) Receipt
 LC-600 Rev. 03/05 4880-2362

CR No: 130008508-001

Report Type:
Arrest ReportOfficer:
TRSTOPCZYNSKIG (150335)

001

TROY PD
500 W. BIG BEAVER
TROY MI 48084
248-524-3477



Case Report

Administrative Details:

CR No 130008508-001	Subject arrest
Report Date/Time 03/19/2013 08:31	Occurrence Date/Time 03/19/2013 08:31
Location 300 JOHN R RD	Call Source FIELD INITIATED
Dispatched Offense C3309 LIQUOR INSPECT	Verified Offense 4171 Violation of Liquor Control Laws
County 63 - Oakland	City/Twp/Village 84 - Troy
Division Patrol DPU	
Report Type Arrest Report	
Created By GREGORY STOPCZYNSKI	Created Date/Time 03/20/2013 02:46 PM

CR No: 130008508-001

Report Type:
Arrest ReportOfficer:
TRSTOPCZYNSKIG (150335)

001

Offenses:

4171-- Violation of Liquor Control Laws [TRSTOPCZYNSKIG (150335)]

IBR Code / IBR Group

Offense File Class

90G - Liquor Law Violations / B

41001 - LIQUOR LICENSE - ESTABLISHMENT

Crime Against

Location Type

Offense Completed

SO

21 - Restaurant

Completed

Domestic Violence

Hate/Bias

No

00 - None (No Bias)

Using

A-Alcohol: No C-Computer Equipment: No D-Drugs/Narcotics: No

People:

JANNEY, AMANDA MARIE (A-ARRESTEE) [TRSTOPCZYNSKIG (150335)]

Last Name

First Name

Middle Name

Suffix

Mr/Mrs/Ms

Janney

Amanda

Marie

Aliases

Driver License#

DL State

DL Country

Personal ID#

MI

DOB (Age)

Sex

Race

Ethnicity

Birth City & State

Birth Country

Country of Citizenship

02/10/1986 (27)

F

WHITE

Held For

Finger Prints

Photos

Miranda Read

Miranda Waived

Number of Warrants

FBI#

No

No

No

No

Street Address

Apt #

County

Country

Home Phone

Work Phone

City

State

Zip

Cell Phone

Email

Employer

Employer Address

Employer Phone

Occupation

Employer CSZ

PizzaPapalis

300 John R

Waitress

Troy, MI 48083

Arrest Information

Offenses

Details

4171 - Violation of Liquor Control
Laws

Arrest Date/Time:

03/20/2013 14:30

Location:

300 John R

Arrest#:

728835

Arrest Type:

Summoned/Cited

OWI Arrest/BAC:

Offense Type:

Misd.

Count:

Arresting Officer 1:

TRSTOPCZYNSKIG (STOPCZYNSKIG, GREGORY 150335)

Arresting Officer 2:

TRRACZKAK (Raczka, Kate 128371)

MultiClearance

MultiClearance Offense

Armed With

N - Not Applicable

01 - Unarmed

(W-WITNESS) [TRSTOPCZYNSKIG (150335)]

PE:

W.Type:

Last Name

First Name

Middle Name

Suffix

Mr/Mrs/Ms

EY

DOB (Age)

Sex

Race

Ethnicity

Birth City & State

Birth Country

Country of Citizenship

04/08/1993 (19)

F

WHITE

Street Address

Apt #

County

Country

Home Phone

Work Phone

500 W Big Beaver

City

State

Zip

Cell Phone

Email

Troy

MI

48083

Employer

Employer Address

Employer Phone

Occupation

Employer CSZ

City of Troy

500 W Big Beaver

Decoy

Troy, MI 48084

JULIAN, EDWIN (O-OTHER) (L-POLICE OFFICER) [TRSTOPCZYNSKIG (150335)]

PE:

W.Type:

Last Name

First Name

Middle Name

Suffix

Mr/Mrs/Ms

Julian

Edwin

DOB (Age)

Sex

Race

Ethnicity

Birth City & State

Birth Country

Country of Citizenship

UNKNOWN					
Street Address 500 W. Big Beaver	Apt #	County OAKLAND	Country USA	Home Phone	Work Phone
City Troy	State Mi	Zip 48084	Cell Phone	Email	
Phone/Email					
Type			Description		
BU-Business Phone #1			248-524-3477		

STOPCZYNSKI, GREGORY (O-OTHER) (L-POLICE OFFICER) [TRSTOPCZYNSKIG (150335)]						
PE:	W.Type:	Last Name Stopczynski	First Name Gregory	Middle Name	Suffix	Mr/Mrs/Ms
Street Address 500 W. Big Beaver		Apt #	County OAKLAND	Country USA	Home Phone	Work Phone
City Troy		State Mi	Zip 48084	Cell Phone	Email	
Phone/Email						
Type			Description			
BU-Business Phone #1			248-524-3477			

RACZKA, KATE (O-OTHER) (L-POLICE OFFICER) [TRSTOPCZYNSKIG (150335)]						
PE:	W.Type:	Last Name Raczka	First Name Kate	Middle Name	Suffix	Mr/Mrs/Ms
Street Address 500 W. Big Beaver		Apt #	County OAKLAND	Country USA	Home Phone	Work Phone
City Troy		State Mi	Zip 48084	Cell Phone	Email	
Phone/Email						
Type			Description			
BU-Business Phone #1			248-524-3477			

BRUCE, SHIRLEY ANN (O-OTHER) (I-PERSON INTERVIEW) [TRSTOPCZYNSKIG (150335)]						
PE:	W.Type:	Last Name Bruce	First Name Shirley	Middle Name Ann	Suffix	Mr/Mrs/Ms
DOB (Age)	Sex F	Race WHITE	Ethnicity	Birth City & State	Birth Country	Country of Citizenship
Street Address 300 John R		Apt #	County	Country	Home Phone	Work Phone
City Troy		State Mi	Zip	Cell Phone	Email	
Employer PizzaPapalis	Employer Address 300 John R		Employer Phone	Occupation Manager	Employer CSZ Troy, MI 48083	

(O-OTHER) (B-BUSINESS, ETC.) [TRSTOPCZYNSKIG (150335)]						
PE:	W.Type:	Name PizzaPapalis			Suffix	Mr/Mrs/Ms
DOB (Age)	Sex	Race UNKNOWN	Ethnicity	Birth City & State	Birth Country	Country of Citizenship
Street Address 300 John R		Apt #	County	Country	Home Phone	Work Phone
City Troy		State Mi	Zip 48083	Cell Phone	Email	

CR No: 130008508-001

Report Type:
Arrest ReportOfficer:
TRSTOPCZYNSKIG (160336)

001

Phone/Email

Type

Description

BU-Business Phone #1

2485899888

Property:

5510 - Documents/Personal or Business (credit card documents, savings account books, titles, etc) 5448

Property Class

IBR Type

UCR Type

48

48 - Documents/Personal or
Business

K - Miscellaneous

Status

Count

Value

E - Evidence (Including Other Seized Property And Tools)

1

1

Description

Disposition

Evidence Tag

Receipt for \$7.00

Troy Property

130008508.001

Recovered Date/Time

Location

Owner

[O18222178],

Narrative:

Complaint#13-8508

On 3/20/2013 at 1400hrs, DPU Officers were conducting LCC checks with minor decoy identification was confiscated and held for safe keeping by the Troy Police Department.

At approximately 1430hrs, decoy entered into Pizzapapalis located at 300 John R. in Troy. After entering the restaurant sat down at a booth and was approached by a WF server. The WF server was later identified as Amanda Marie Janney. Server Amanda asked Decoy if she wanted something to drink. next ordered a Margarita. At no time did Server Amanda ask Decoy for her identification nor her birth date. Server Amanda next brought the margarita and sat it down in front of her. At this point Decoy contacted Officer Raczka to advise her of the sale.

DPU Officer's made the location and spoke with Manager Shirley Bruce and server Amanda. Manger Shirley was advised by officers of the above listed violation of the Michigan Liquor Control Commission. Server Amanda was informed of the civil infraction she committed and was issued citation#725635 for furnishing/sale to a person under 21/fail to inquire of age. Officers retained the sales receipt of \$7.00 for the margarita and later turned it over to Troy property as evidence. Violation report to be submitted to LCC.

No further action taken.

NARRATIVE REPORT
WITNESS STATEMENT

01	DATE 03/21/13	DAY Wed	SHIFT 02	PLAT 99	BADGE 1 117	BADGE 2 66	INCIDENT STATUS <input type="checkbox"/> CLR ARREST <input type="checkbox"/> UNF <input type="checkbox"/> CLR EXCEPT <input type="checkbox"/> INACT	PRIM CLASS	YEAR 13	INCIDENT # 8508
----	------------------	------------	-------------	------------	----------------	---------------	---	------------	------------	--------------------

02 Name: _____ DOB: 4/18/1993 Home Phone: _____

03 Address: ^(PLEASE PRINT) 500 W BIG BEAVER Business Phone: _____

04 City: Troy State: MI Zip: 48067

05 E-mail Address: _____ Cell Phone: _____

06 On March 20, 2013 at about 2:30pm

07 I went into Pizza Papakis and sat down at a booth.

08 The server was a young female and when she asked what

09 I wanted to drink, I asked for a margarita. At no time

10 did the server ever ask my age or birthdate. After she

11 served me the alcohol I contacted officer Razola and

12 officer Stopczynski, who then entered the restaurant and took

13 over.

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28 Taken By: [Signature] X: _____
(SIGNATURE) (SIGNATURE)

29 Place: 500 W. BB, TROY MI 48067 Date: 3/21/13 Time: 1430hrs

INVESTIGATING OFFICER(S) REVIEWED BY ASSIGNED TO / BADGE ATTENTION TO

State of Michigan
Uniform Law Citation

Ticket No. **725635** Victim Involved

US DOT # _____ Incident No. **13-8508** Dept. No. **784**

The People of: the State of Michigan
 Township City Village County

OF: **TROY** BAC _____ of _____

THE UNDERSIGNED SAYS THAT ON: Month **3** Day **20** Year **2013** At approximately **1930** A.M. P.M. Date of Birth **21086**

State **MI** Oper./Chauff. CDL Driver's License Number _____ st 4 digits)

Race **W** Sex **F** Height _____ Weight _____ Hair _____ Eyes _____ Occupation/Employer _____

Name (First, Middle, Last) **AMANDA MARIE JANNEY**

Street _____ State **MI**

Vehicle Plate No. _____ Year _____ State _____ Vehicle Description (Year, Make, Color) _____ Veh. Type _____

THE PERSON NAMED ABOVE, in violation of Local Ordinance State Law Administrative Rule

UPON **PIZZERIA PAPAILIS**

AT OR NEAR **300 JOHN R**

WITHIN CITY VILLAGE TOWNSHIP OF **TROY**

COUNTY OF **OAKLAND** DID THE FOLLOWING

Type	Ordinance	Description (include any bond amount collected on each charge)	Charge No.
<input checked="" type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Misd <input type="checkbox"/> Fug <input type="checkbox"/> Fel <input type="checkbox"/> Waiv	<input type="checkbox"/> Authorization pend. 98.10.14	FURNISH STATE TO A PERSON UNDER 21yr	
<input type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Misd <input type="checkbox"/> Fug <input type="checkbox"/> Fel <input type="checkbox"/> Waiv	<input type="checkbox"/> Authorization pend.		2
<input type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Misd <input type="checkbox"/> Fug <input type="checkbox"/> Fel <input type="checkbox"/> Waiv	<input type="checkbox"/> Authorization pend.		3

TO THE COURT: Do not arraign on a felony charge until an authorized complaint is filed.

Offense Code(s) _____
Key for Type: C/I = Civil Infraction Misd = Misdemeanor Fel = Felony Warn = Warning Fug = Fugitive
Waiv = Violation for Which Fines/Costs May be Waived Authorization pend. = Authorization pending

Remarks: **MARCO ARITA 6720**
586-292-1875

CHECK IF APPROPRIATE Damage to Property Local Court Bond \$
 Vehicle Impounded Injury License Posted in Lieu of Bond
 Traffic Crash Death Appearance Certificate
Person in Active Military Service Yes No None

SEE DATE BELOW. SEE BACK OF CITATION FOR EXPLANATION AND INSTRUCTIONS
Appearance Date on or before _____
Hearing Date (if applicable) on **4/13/2013 @ 8:30AM** Contact Court
 Juvenile Traffic Misd. (Court will Notify) Formal Hearing Required. (Court will Notify)

In the **52-4 DISTRICT** Court of **OAKLAND COUNTY**

Court Address & Phone Number **520 W. BIG BEAVER RD.
TROY, MI 48064
PHONE (248) 528-0400**

I served a copy of the civil infraction complaint upon the defendant (or owner/occupant by posting if applicable).
(I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.)

Complainant's Signature and receipt if applicable _____ Month **3** Day **20** Year **13**

Officer's Name (printed) **G. Storzynski / K. RAZWAN 1766** Officer's ID/No. _____

Agency ORI **MI-6378400** Agency Name **TROY POLICE DEPARTMENT**

UC-D1a (rev. 6/05) **COURT COPY 1**

Ticket No. **725635**
Name _____
Case No. _____

PizzaPapalis Troy
300 John R Rd.
248.589.9888
www.pizzapapalis.com

PK
3/20/13

Check #: 00121

Date: 03/20/2013 02:32 PM

Tab: Table 2 Check 1

Station: Server Right

Server: AmandaJ

Guests: 1

1 Golden Margarita	6.00
Cuervo	1.00

Dine In TOTAL 7.00

LCC Liquor Licensee History

Business name: Pizzapapalis
Address: 300 John R Ste A
Licensee: Pizzapapalis of Troy, LLC
License type: Class C, SDM
Permits: Sunday Sales, Outdoor Service
Comments:

Date	Troy Incident #	Type	Disposition	Date
09/22/08		Approved by Council		
10/24/08		Building Dept Approval received		
11/01/08		Business opens		
12/30/08	08-44430	Compliance Test	PASSED	
04/15/09	09-11635	Liquor Inspection (Road Patrol- Stacey)	NO VIOLATIONS	
05/07/09	09-14189	Compliance Test	PASSED	
06/26/09	09-20195	Liquor Inspection (Road Patrol- Stacey)	NO VIOLATIONS	
08/20/09	09-26374	Liquor Inspection (Road Patrol- Stacey)	NO VIOLATIONS	
10/26/09	09-33495	Liquor Inspection (Road Patrol- Lenczewski)	NO VIOLATIONS	
10/28/09	09-33691	Compliance Test	PASSED	
12/04/09	09-37749	Liquor Inspection (Road Patrol- Lenczewski)	NO VIOLATIONS	
12/17/09	09-39254	Compliance Test	PASSED	
02/11/10	10-4185	Liquor Inspection (Road Patrol- Lenczewski)	NO VIOLATIONS	
04/20/10	10-11173	Liquor Inspection (Road Patrol- Lenczewski)	NO VIOLATIONS	
05/25/10	10-15091	Liquor Inspection (Road Patrol- Lenczewski)	NO VIOLATIONS	
07/19/10	10-21087	Compliance Test	PASSED	
08/02/10	10-23149	Liquor Inspection (Road Patrol- Lenczewski)	NO VIOLATIONS	
09/01/10	10-26609	Compliance Test	PASSED	
10/18/10	10-31832	Liquor Inspection (Road Patrol- Strong)	Advised to post current license	

10/27/10	10-32850	Compliance Test	PASSED
12/12/10	10-37876	Liquor Inspection (Road Patrol- Strong)	NO VIOLATIONS
12/15/10	10-38342	Compliance Test	PASSED
02/06/11	11-3728	Liquor Inspection (Road Patrol- Strong)	NO VIOLATIONS
05/05/11	11-12905	Compliance Test	PASSED
06/10/11	11-16765	Liquor Inspection (Road Patrol- Strong)	NO VIOLATIONS
07/24/11	11-21617	Liquor Inspection (Road Patrol- Strong)	NO VIOLATIONS
08/14/11	11-23970	Liquor Inspection (Road Patrol- Strong)	NO VIOLATIONS
11/22/11	11-35015	Liquor Inspection (Road Patrol- Isham)	NO VIOLATIONS
12/08/11	11-36713	Compliance Test	PASSED
01/11/12	12-1135	Liquor Inspection (Road Patrol- Isham)	NO VIOLATIONS
05/09/12	12-14672	Compliance Test	PASSED
06/02/12	12-17823	Liquor Inspection (Road Patrol- Mouch)	NO VIOLATIONS
07/14/12	12-23299	Liquor Inspection (Road Patrol- Mouch)	NO VIOLATIONS
08/24/12	12-28301	Liquor Inspection (Road Patrol- Mouch)	NO VIOLATIONS
11/12/12	12-37556	Compliance Test	PASSED
11/18/12	12-38335	Liquor Inspection (Road Patrol- Rushton)	NO VIOLATIONS
01/06/13	13-646	Liquor Inspection (Road Patrol- Rushton)	NO VIOLATIONS
03/16/13	13-8188	Liquor Inspection (Road Patrol- Rushton)	NO VIOLATIONS
03/20/13	13-8508	Compliance Test (DPU) Sale to Minor	VIOLATION Fined \$400
05/03/13	13-13403	Liquor Inspection (Road Patrol- Bordo)	NO VIOLATIONS
07/10/13	13-21600	Liquor Inspection (Road Patrol- Bordo)	NO VIOLATIONS
09/04/13	13-28133	Liquor Inspection (Road Patrol- Bordo)	NO VIOLATIONS
10/29/13	13-34216	Liquor Inspection (Road Patrol- Bordo)	NO VIOLATIONS
11/04/13	13-34931	Compliance Test	PASSED
01/12/14	14-1453	Liquor Inspection (Road Patrol- Bordo)	NO VIOLATIONS



February 14, 2014

Pizzapapalis of Troy, LLC
dba: Pizzapapalis
300 John R. Rd.
Troy, MI 48083

Re: NOTICE OF PUBLIC HEARING - Liquor License Violation

To whom it may concern:

A Public Hearing will be held by and before the Council of the City of Troy at City Hall, 500 W Big Beaver, Troy, Michigan at **7:30 PM**, or as soon thereafter as the agenda will permit on the date as indicated below to determine whether the City Council should recommend to the Michigan Liquor Control Commission, the renewal or non-renewal of licenses allowed for the sale and/or consumption of alcoholic beverage, for the following reasons:

Public Hearing: Monday, March 17, 2014
License Type: Class C (175213-2013) SDM (175214-2013)
Violation : SALE TO MINOR (Compliance Test)
Violation Date(s): 3/20/2013

You will be given an opportunity to be heard and present evidence at the public hearing and legal counsel may represent you. Please inform your attorney, if you have one, of this notice. If you have questions regarding the procedure or the facts and circumstances surrounding your violation(s), you may contact the City Attorney's office at 248-524-3320.

Sincerely,

M. Aileen Bittner
M. Aileen Bittner, CMC
City Clerk



STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LIQUOR CONTROL COMMISSION

IN RE: PIZZAPAPALIS OF TROY, LLC
D/B/A PIZZAPAPALIS/RIO WRAPS
300 JOHN R
SUITE A
TROY, MI 48083

COMPLAINT NO. 3-157727
BUSINESS ID NO. 211997

CLASSC SDM SS (PM) OD-SERV

CHARGE – MARCH 20, 2013

- (1) Sold or furnished alcoholic liquor to minor, _____ date of birth April 8, 1993, who was less than twenty-one (21) years old, contrary to Const 1963, art 4§ 40 and contrary to Section 801(2) and/or Section 701 (1) of the Michigan Liquor Control Code, MCL 436.1801(2) and/or MCL 436.1701(1).

FINDINGS OF FACT

The Commissioner finds as fact, based upon the signature on the Michigan Liquor Control Commission's (MLCC) Waiver and Acknowledgment form of George Krcek, a member of the above-named Licensed Limited Liability Company, that under administrative rule R 436.1907 of the Michigan Administrative Code, the Licensee in this case has voluntarily waived the right to a hearing to contest the cited allegation in this matter and has entered a plea of acknowledgment to the one charge stated in Case No. 3-157727.

The Commissioner accepts the Violation Report of this case, along with any attachments therein, and a True Copy of the prior record of this Licensee at the above-named location as evidence in lieu of testimony in this matter.

The Commissioner believes and finds as fact, based on the Violation Report and

attachments therein, that minor decoy , while under the direction of the Troy Police Department, entered the above-named licensed establishment on March 20, 2013, and purchased alcoholic liquor from an employee of the above-named Licensee without showing proper proof of age.

The Commissioner further finds that the employee of the above-named Licensee in this case did not ask for identification, was not shown proper proof of age, and did not make a diligent inquiry to determine the proper true age of the purchaser.

The Commissioner further believes and finds as fact, based on the Violation Report and attachments therein, that at the time of this incident, minor decoy born April 8, 1993 was 19 years of age.

CONCLUSIONS OF LAW

Based upon the aforementioned Findings of Fact, the Commissioner concludes that the Licensee in Case No. 3-157727 did violate MCL 436.1801(2) of the Michigan Liquor Control Code, as cited.

ORDER

In determining this violation's penalty, the Commissioner considered the Licensee's total record at the above-named location, which shows no prior violations and seven (7) passed controlled buy operations, since securing MLCC licensure on October 29, 2008.

Therefore, the Commissioner Orders a penalty fine of \$500 for this charge with \$100 waived in recognition of the Licensee's record of compliance with the MLCC. The Commissioner further Orders the Licensee to serve a suspension of twenty (20) continuous days, to run consecutively and not concurrently with any other suspension

PIZZAPAPALIS OF TROY, C
D/B/A PIZZAPAPALIS/RIO WRAPS

PAGE 1
COMPLAINT NO. 3-157727

Ordered by the MLCC, if the total fine of \$400 is not paid within forty-five (45) days from the mailing date of this Order.

MICHIGAN LIQUOR CONTROL COMMISSION

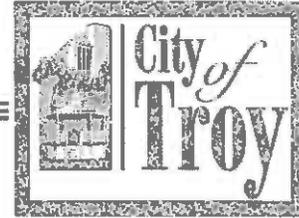


Edward J. Gaffney, Commissioner

Date Signed: April 25, 2013

Date Mailed: APR 26 2013

EJG: 3-157727/AML



February 14, 2014

Pizzapapalis of Troy, LLC
dba: Pizzapapalis
300 John R. Rd.
Troy, MI 48083

Re: NOTICE OF PUBLIC HEARING - Liquor License Violation

To whom it may concern:

A Public Hearing will be held by and before the Council of the City of Troy at City Hall, 500 W Big Beaver, Troy, Michigan at **7:30 PM**, or as soon thereafter as the agenda will permit on the date as indicated below to determine whether the City Council should recommend to the Michigan Liquor Control Commission, the renewal or non-renewal of licenses allowed for the sale and/or consumption of alcoholic beverage, for the following reasons:

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Sincerely,

M. Aileen Bittner
M. Aileen Bittner, CMC
City Clerk



CITY COUNCIL AGENDA ITEM

March 4, 2014

TO: Brian M. Kischnick, City Manager

FROM: Tom Darling, Director of Financial Services

SUBJECT: Public Hearing to Receive Public Input on the City of Royal Oak Hospital Finance Authority Utilizing Tax-Exempt Bonds for William Beaumont Hospital – Troy
(Introduced by: Lisa Hagan, Miller Canfield & Nick Vitale, CFO, Beaumont Hospital)

As required by the Internal Revenue Code of 1986, as amended (the “Code”) the City of Troy is holding a public hearing to receive public input in advance of authorizing the City of Royal Oak Hospital Finance Authority to issue bonds that will be used to refund bond the proceeds of which were used to construct, acquire, renovate, equip, rehabilitate and/or improve the hospital facility of William Beaumont Hospital in the City of Troy.

It should be noted that approval of the issuance of bonds by the City of Royal Oak Hospital Finance Authority for the benefit of the City of Troy will not have any effect on the ability of the City of Troy to issue bonds, nor will it involve any liability to the City of Troy for the bonds.

MILLER CANFIELD

Miller, Canfield, Paddock and Stone, P.L.C.
101 North Main, Seventh Floor
Ann Arbor, Michigan 48104
TEL (734) 663-2445
FAX (734) 747-7147
www.millercanfield.com

MICHIGAN: Ann Arbor
Detroit • Grand Rapids
Kalamazoo • Lansing • Troy

FLORIDA: Tampa

ILLINOIS: Chicago

NEW YORK: New York

OHIO: Cincinnati

CANADA: Toronto • Windsor

CHINA: Shanghai

MEXICO: Monterrey

POLAND: Gdynia

Warsaw • Wrocław

February 27, 2014

Brian Kischnick, City Manager
City of Troy
500 West Big Beaver
Troy, Michigan 48084

via e-mail to: b.kischnick@troy.mi.gov

RE: City of Royal Oak Hospital Finance Authority – William Beaumont Hospital

Dear Mr. Kischnick:

William Beaumont Hospital is anticipating a financing through the City of Royal Oak Hospital Finance Authority utilizing tax-exempt bonds. Miller Canfield is acting as bond counsel with respect to the bonds. Although all of the bonds will be issued by the City of Royal Oak Hospital Finance Authority, as permitted by State law, a portion of the proceeds of the bonds will be used to refund bonds the proceeds of which were used to construct, acquire, renovate, equip, rehabilitate and/or improve the hospital facility of William Beaumont Hospital in the City of Troy.

As required by the Internal Revenue Code of 1986, as amended (the “Code”), the City of Royal Oak must hold a public hearing and permit the issuance of the bonds. In addition, the Code requires, when proceeds of the bonds will be used outside of the jurisdiction issuing the bonds, that such other jurisdiction also hold a public hearing and authorize the issuance of the bonds.

To meet the requirements of the Code, we would like to request being placed on your City Council agenda for your March 17, 2014 meeting for the purpose of conducting a public hearing and approving the issuance of the bonds by the City of Royal Oak Hospital Finance Authority. I am attaching a draft of the notice that will be released for publication later this week. I am also attaching a draft of the proposed resolution that the City Council will consider. The format of the resolution is identical to resolutions that the City Council passed in 2011 and in other past years for financings of William Beaumont Hospital through the City of Royal Oak Hospital Finance Authority.

The approval of the bonds by the City Council of the City of Troy is solely for the purpose of meeting the public approval requirements of the Code. Such approval will not have any effect on the ability of the City of Troy (or affiliates) to issue bonds and will not involve any liability to the City of Troy (or affiliates).

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

Mr. Brian Kischnick

-2-

February 27, 2014

Please let me know if you have any questions and confirm that we can be placed on your agenda for your March 17, 2014, City Council meeting. A representative of William Beaumont Hospital and a representative of Miller Canfield will attend your meeting to address any questions you or the members of the public may have about the bond issuance.

Very truly yours,

Miller, Canfield, Paddock and Stone, P.L.C.

By: /s/ Kristin E Nied
Kristin E. Nied

Enclosure

21,970,684.1\006839-00010
02/26/14 6:23 PM

NOTICE OF PUBLIC HEARINGS ON THE ISSUANCE
BY THE CITY OF ROYAL OAK HOSPITAL FINANCE AUTHORITY
OF HOSPITAL REVENUE REFUNDING BONDS
FOR THE BENEFIT OF WILLIAM BEAUMONT HOSPITAL

NOTICE IS GIVEN that the City Commission of the City of Royal Oak will hold a public hearing at 7:30 p.m., in the Commission Chambers of City Hall, 211 S. Williams Street, Royal Oak, Michigan on March 17, 2014, that the City Council of the City of Sterling Heights will hold a public hearing at 7:30 p.m. in the City Hall Council Chambers, 40555 Utica Road, Sterling Heights, Michigan on March 18, 2014, that the City Council of the City of Troy will hold a public hearing at 7:30 p.m. in the City Council Chambers, City Hall, 500 W. Big Beaver, Troy, Michigan on March 17, 2014, and that the City Council of the City of Grosse Pointe will hold a public hearing at 7:00 p.m. in the City Council Chambers, 17147 Maumee Avenue, Grosse Pointe, Michigan on March 17, 2014, each on the proposed issuance of one or more series of hospital revenue refunding bonds (the "Bonds") by the City of Royal Oak Hospital Finance Authority (the "Authority") for the benefit of the William Beaumont Hospital (the "Hospital").

The Bonds will be issued under Internal Revenue Code Section 145 as qualified 501(c)(3) bonds for the purpose of refinancing hospital facilities and other capital improvements and expenditures by refunding two series of tax-exempt bonds previously issued for the benefit of the Hospital by the Authority, the proceeds of which were used to finance or refinance the purchase of hospital facilities of the Hospital located at 468 Cadieux Road, Grosse Pointe, MI (the "Grosse Pointe Campus"); to fund various capital improvements and expenditures used for hospital purposes to the hospital facilities at the Grosse Pointe Campus and at the following locations (collectively (other than the West Bloomfield Campus), the "Projects"): 3601 West Thirteen Mile Road, Royal Oak, MI (the "Main Hospital Campus"), 44201 Dequindre Road, Troy, MI (the "Troy Campus"), 6900 Orchard Lake Road, West Bloomfield, MI (the "West Bloomfield Campus"), 1350 Stephenson Highway, Troy, MI (the "BIS Center"), and 44300 Dequindre Road, Sterling Heights, MI (the "Sterling Heights Campus"); to fund a portion of the interest to accrue on bonds; to pay costs related to interest rate swaps; and to pay costs of issuing bonds. Proceeds of the Bonds may also be used to fund a debt service reserve fund for the Bonds and to pay the costs of issuing the Bonds.

The Projects consist of the following: (a) the construction and equipping of heart center, a parking structure, a critical care tower and a four level addition to the hospital facility at the Main Hospital Campus and the renovation of the north and central towers of the hospital facility at the Main Hospital Campus (b) the construction of a six level addition to and renovation of the hospital facility at the Troy Campus (c) the construction and equipping of a facility for data processing at the BIS Center, and (d) the construction of an ambulatory care center at the Sterling Heights Campus.

The Grosse Pointe Campus, the Main Hospital Campus, the Troy Campus, the BIS Center and the Sterling Heights Campus are owned and operated by the Hospital, a nonprofit corporation. The West Bloomfield Campus was sold to a private developer in 2006 and the bonds related to such facility were paid in full.

The Authority proposes to issue the Bonds in one or more series in an aggregate principal amount of not to exceed Five Hundred Fifty Million Dollars (\$550,000,000). The Bonds shall be limited obligations of the Authority payable only from loan repayments to be made by the Hospital to the Authority and other security provided by the Hospital. The Bonds will not constitute an indebtedness of the State of Michigan or the aforementioned municipalities within the meaning of any constitutional or statutory provision and will not constitute or give rise to a charge against the general credit of the Authority or the credit or taxing power of the State of Michigan or the aforementioned municipalities. The Authority has no taxing power. The public hearing will provide an opportunity for interested persons to be heard. Written comments will be accepted by each City Clerk but must be received on or before the date of hearing. The hearing will provide the fullest opportunity for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the proposed Bond issue.

Dated: March 3, 2014

/s/ Don Johnson

Don Johnson
Chairperson, City of Royal Oak
Hospital Finance Authority
211 Williams Street
Royal Oak, Michigan 48068
(248) 246-3030

21973976.2\104173-00006



CITY COUNCIL AGENDA ITEM

Date: March 4, 2014

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic & Community Development
 Tim Richnak, Public Works Director
 Kurt Bovensiep, Superintendent of Parks, Streets & Drains
 R. Brent Savidant, Planning Director
 Paul Evans, Zoning & Compliance Specialist

Subject: PURE TROY – Mowing Maintenance

On July 22, 2013 City Council requested a Study Session to discuss right of way maintenance including mowing maintenance. City Council discussed this issue at their September 9, 2013 Study Session. City Staff made a presentation summarizing the mowing maintenance issue at their March 3, 2014 Regular meeting.

After careful consideration, Staff recommends City Council amend portions of City Code Chapter 82 Property Maintenance. The proposed amendments would:

- Reduce the maximum allowed turf grass/weed height from the current 10 inches to 8 inches.
- Continue to allow preservation/restoration areas and wetlands to exceed 8 inches height.
- Transfer responsibility for public notice publishing and recovery of violation abatement costs from the Public Works Director or their designee to the Planning Director or their designee.
- Add language that more clearly allows agents of the City, (i.e. cutting contractor) to enter property to abate violations.
- Modify common area cutting responsibility language to more clearly include entities such as subdivision associations.

Attached is proposed Code amendment language for City Council consideration at their March 17, 2014 Regular meeting.

City Attorney's Review as to Form and Legality

Date

CITY OF TROY
AN ORDINANCE TO AMEND
PROPERTY MAINTENANCE CODE
CHAPTER 82 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to the Turf Grass, Weeds, and Plant Growth provisions of the Property Maintenance Code, Chapter 82 of the Code of the City of Troy.

Section 2. Amendment

Chapter 82, Sections 302.4.1, 302.4.3, 302.4.4, 302.4.5, and 302.4.6 of the Code of the City of Troy, are amended as follows:

302.4.1 Weeds and Grass. The presence of turf grass and/or weeds exceeding ~~ten~~ eight (8) inches in height on any premises in the City is hereby declared to be a nuisance. The owner, occupant, or any person having control or management of any premises is required to cut turf grass and weeds on the premises to a height that is ~~ten~~ eight (8) inches or less.

Exceptions:

- 1) Preservation or Restoration Areas are allowed to exceed ~~ten (10)~~ eight (8) inches in height if those areas do not contain any turf grass and/or weeds.
- 2) Areas declared to be wetland or preservation areas by the Michigan Department of Natural Resources or the Michigan Department of Environmental Quality are allowed to exceed ~~ten (10)~~ eight (8) inches in height.
- 3) Cultivated flowers and gardens or fields devoted to growing any small grain crop such as wheat, corn, oats, barley or rye.

302.4.3 Failure to abate. Upon failure of the owner, occupant or any person having control or management of any premises to cut turf grass and/or weeds and to take action to prevent such weeds from perpetuating themselves; the owner, occupant or any person having control or management of the premises shall be subject to prosecution as set forth in *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances*. Additionally the City or its agent may enter onto said premises as many times as necessary between May 1st to November 1st to cut turf grass and/or weeds, treat weeds or otherwise abate the nuisance.

302.4.4 Published Notice. It shall be the duty of the ~~Public Works Planning~~ Director or his/her designee to give general notice to every owner, occupant, or person having control or management of any premises of the cutting and weed prevention requirements of this section. Such duty shall be satisfied if publication is made of the cutting and weed prevention requirements in the newspaper of record in the City during the month of March notifying the owners, occupants or persons having control or management of any premises that failure to cut turf grass or weeds or failure to prevent the perpetuation of weeds as required under this section during the period of May 1 to November 1 of each year, may result in the issuance of a Municipal Civil Infraction Notice or Citation under *Chapter 100, Municipal Civil Infractions, of the City of Troy Code of Ordinances* and/or the entry on the premises by the City or its agent to cut said turf grass and/or weeds or to prevent the perpetuation of weeds. The general notice shall also inform owners, occupants and persons having control or management of any premises that if the City is required to enter onto the premises to cut turf grass and/or weeds or to take an action to prevent the perpetuation of weeds, the property owner designated on the City assessment or tax rolls shall be assessed the cost, payable to the City, for each required abatement. The City or its agent may enter onto said premises as many times as necessary between May 1st to November 1st to cut turf grass and/or weeds or treat weeds and charge the cost to the property owner for each such cutting or treatment. The City has the discretion to send via first class mail a ten (10) day notice to the last property owner of record and/or to attach a notice to the premises stating that the City intends to cut said turf grass and/or weeds or treat weeds, and if the turf grass and/or weeds are not cut or the weeds are not treated within ten (10) days from the date of the notice, the City may proceed to cut the turf grasses and/or weeds or treat the weeds. Failure to send such a warning notice does not in any way prevent the City or its agent from entering on the premises to cut turf grass and/or weeds or to treat weeds, as long as a general notice has been published, as set out herein.

302.4.5 Recovery of Cost by City. The ~~Department of Public Works Planning~~ Director or his/her designee is hereby authorized and directed to keep accurate accounts of all reasonable expenses incurred by the City to abate a nuisance. The ~~Public Works Planning~~ Director ~~and/or his/her~~ designee, is hereby authorized to include in its cost of recovery the following: wages, overtime wages, fringe benefits, cost of equipment, supplies, materials, and a ten (10) percent administration charge to cover the expense of administering the abatement work that is performed. The ~~Public Works Planning~~ Director or his/her designee shall prepare an invoice of total charges for each premise and forward those invoices to the City Treasurer. Within ten (10) days after receipt of an invoice, the City Treasurer shall forward to the owner on the last local assessment or tax roll an invoice of the total charges assessed against each premises. Thirty (30) days from the date each statement was mailed, payment shall be made. If the invoice is not paid within thirty (30) days, the total amount charged shall become an assessment against the land and a lien against the property.

302.4.6 Common Property. If property is held as common property, such as, but not limited to: common areas of a condominium development (including a site condominium), subdivision, cul-de-sac, traffic medians, boulevards, islands, parks, playgrounds, detention and retention areas, open space or any other common area or other form of development for which the City is unable to determine the occupant, ~~or~~ person, or entity having control or management over a common area with assessment or tax records, the City or its agent may enter onto the common property to abate any nuisance of a type set out in this Chapter. The costs incurred by the City for the nuisance abatement shall be pro-rated among each individual property owner in the condominium development, subdivision or other individual owner in a development with common property. The City Treasurer shall send a statement to each owner for their specific pro-rated portion. If the invoice is not timely paid, the total amount charged shall become an assessment against that particular property for that pro-rated share.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on _____, 2014.

Dave Henderson, Mayor Pro Tem

Aileen Bittner, City Clerk

G:\Chapter 82\Amendments to Chapter 82 03 17 2014.doc



CITY COUNCIL AGENDA ITEM

Date: March 14, 2014

To: Honorable Mayor and City Council

From: Brian Kischnick, City Manager
Lori Grigg Bluhm, City Attorney
Mark F. Miller, Director of Economic and Community Development
Kurt Bovensiepe, Superintendent of Parks, Streets, and Drains
Elaine Bo, Recreation Director
MaryBeth Murz, Purchasing Manager
Brenda Carter, Intern

Subject: Disposal/Sale of Remnant Property (Introduced by: Mark Miller, Director of Economic and Community Development and Brenda Carter, Intern)

History

Over the past several years, the City of Troy has acquired eleven (11) remnant properties. Remnant properties are parcels of property acquired for road projects or are parcels deemed not needed since acquisition. These remnant properties do not have complicated administrative or legislative hurdles and therefore offer an opportunity for timely sale. Please refer to the attached chart summarizing each of the remnant properties.

The listed remnant properties were reviewed by the Parks and Recreation Board. The Board recommended disposal or sale of all of the remnant parcels; with the exception of the Old Fire Station #2. Old Fire Station #2 is located at the southeast corner of Livernois and Cutting. The Parks and Recreation Board further recommended that the Old Fire Station #2 property be retained and used for the purposes of a memorial for Station #2 firefighters.

Please note that these 11 remnant parcels are part of phase one of remnant properties to be disposed/sold. Phase two will include properties that have more challenging issues to be resolved prior to disposal/sale. These phase two properties are larger sites and include undeveloped park land purchased with bond funding.

Purchasing

On January 22, 2007, the City Council approved the resolution to amend Disposal/Sale of Excess Property: Resolution #2007-01-028. This resolution states that the City of Troy may determine that the public interest may be best served *without* obtaining sealed bids for the sale of remnant parcels. These remnant parcels were created when the City acquired right-of-way and excess properties remained. This resolution is to encourage the sale of remnant parcels that are too small for practical development and



CITY COUNCIL AGENDA ITEM

Purchasing (continued)

consolidating the remnant parcels with abutting and adjoining properties. Ultimately the resolution encourages quality development. The resolution includes the following requirements:

1. Purchaser submits evidence of ownership or control of an assembly of adjoining land of sufficient size so as to achieve quality development as determined by City Council after review and recommendation from the City Manager.
2. Purchaser submits a conceptual site plan, which has been drawn to sufficient detail to indicate any and all features such as setbacks, parking and access, storm water detention and building height, which are governed by codes and standards of the City of Troy.
3. Purchaser submits a petition for rezoning if required for the proposed development. The rezoning request shall be in compliance with the Master Plan of the City of Troy.
4. Purchase agreement commits the prospective buyer to a minimum purchase price established by an appraiser named by the Engineering Department of the City of Troy.
5. Site plan approval application shall include architectural renderings of all buildings, including a description of building materials.
6. Purchase agreement shall include proposed deed restrictions prepared by the City of Troy which will be imposed upon the purchaser of the City-owned property.
7. The resolution does not relieve the Purchaser of their obligation to adhere to any and all City ordinances and development standards.

Properties noted as buildable on the attached chart can be sold through the normal sealed bid process as required by Troy City Charter: Chapter 12. This chapter requires that all sales or purchases in excess of \$10,000 use a sealed bid process and the sale be approved by City Council.



CITY COUNCIL AGENDA ITEM

Financial

Each property would require an appraisal for an estimated total of \$15,000.

Recommendation

City administration recommends the disposal/sale *without* obtaining bids for the six (6) properties identified as needing assemblage, included on the attached chart. The properties noted on the attached chart as buildable should be put on the market by obtaining bids utilizing the sealed bid process. All sales will require City Council approval. All proceeds will be dedicated to road improvements.

Attachments (2)

**CITY OF TROY OWNED
REMNANT PROPERTIES**

	PIN	ADDRESS/LOCATION	ZONING	ACRES	DEVELOPMENT POTENTIAL	CONDITIONS OF ACQUISITION	COMMENTS
A	88-20-03-126-006	6972 Donaldson	R-1B	0.95	Buildable	Tax Reversion	Easements. Sale proceeds prorated due to tax reversion . Appraisal needed.
B	88-20-10-101-018	Old Fire Station 2	O	0.34	Assemblage	No Condition	Residential potential. Appraisal needed.
C	88-20-20-226-038	Engineering Field Office/Boulan Park	CF	0.56	Buildable	Transportation	Historic district property – appraisal needed.
D-1	88-20-16-476-027	Livernois & Paragon	R-1B	0.42	Buildable	Transportation	FHWA – appraisal needed.
D-2	88-20-16-476-028	Livernois & Paragon	R-1B	0.42	Buildable	Transportation	FHWA – appraisal needed.
E	88-20-28-227-006	2995 Livernois	BB	0.18	Assemblage	Transportation	FHWA – appraisal needed.
F	88-20-22-358-028	Big Beaver & Frankton	BB	0.21	Assemblage	Transportation	FHWA – appraisal needed.
G	88-20-27-155-013	Hickory & Plum	R-1E	0.17	Assemblage	Tax Reversion	Sale proceeds prorated due to tax reversion. Appraisal needed
H	88-20-34-201-003	598 E. Maple	IB	0.14	Assemblage	Transportation	FHWA – appraisal needed.
I	88-20-26-483-053	John R & Maple	CB	0.39	Assemblage	Transportation	FHWA – appraisal needed.
J	88-20-24-451-029	Big Beaver, West of Waterfall	R-1E	0.31	Buildable	Transportation	FHWA – appraisal needed.

Assemblage: Best development potential requires property assembly.

FHWA: Requires appraisal to determine market value

Transportation: Property acquired with federal dollars. Funds need to be dedicated to transportation activities

RESOLVED, That pursuant to MCL 211.7u, the City Council of the City of Troy hereby **APPROVES** the proposed "Poverty Exemption Guidelines" for 2007, as presented by the City Assessor in a memorandum dated January 5, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

F-3 Preliminary Site Condominium Review – Stone Haven Park Site Condominium, South of Wattles, West of Crooks, Section 20 – R-1B

Resolution #2007-01-026

Moved by Beltramini

Seconded by Fleming

RESOLVED, That the Troy City Council hereby **APPROVES** the preliminary site condominium plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Stone Haven Park Site Condominium, located south of Wattles, west of Crooks, in Section 20, including 9 home sites, within the R-1B zoning district, being 4.285 acres in size.

Yes: All-7

F-4 Disposal/Sale of Excess Property

Resolution

Moved by Stine

Seconded by Lambert

WHEREAS, The City Council of the City of Troy endeavors to attain the highest and best land use, effective growth control measures and to enhance the health, safety and welfare of the community; and

WHEREAS, Chapter 12 of the Troy City Charter requires that..."in all sales or purchases in excess of \$10,000, (a) the sales or purchases shall be approved by the City Council, (b) sealed bids shall be obtained, except where the City Council shall determine that an emergency exists or that the public interest will be best served without obtaining sealed bids...";

THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy **MAY DETERMINE** that the public interest will best be served without obtaining sealed bids for the sale of remnant parcels which remain after required right-of-way or excess property is taken when a purchase agreement is offered to the City of Troy by a prospective buyer which:

1. Has submitted evidence of ownership or control of an assembly of adjoining land of sufficient size so as to achieve what is believed to be the best possible development as determined by the City Council after review and recommendation from the City Manager.
2. Has submitted a conceptual site plan, which has been drawn to sufficient detail to indicate any and all features such as setbacks, parking and access, storm water detention and building height, which are governed by codes of the City of Troy.

3. Is accompanied by a petition for rezoning, if necessary, in compliance with the Master Land Use Plan of the City of Troy as being the most appropriate land use.
4. Commits the prospective buyer to a purchase price of at least a value established by an appraiser named by the Real Estate and Development Department of the City of Troy.
5. During the site plan review, site plan is accompanied by architectural renderings of all buildings along with a description of building materials to permit evaluation by building quality.
6. Is accompanied by a draft of proposed deed restrictions prepared by the City of Troy which will be imposed upon the purchaser of the City-owned property.
7. Nothing in this resolution relieves the Purchaser/Developer of their obligation to adhere to any and all City Ordinances and development standards.

BE IT FURTHER RESOLVED, That staff will **PROVIDE** an analysis of the zoning and **PRESENT** the remnant parcel(s) to the Parks and Recreation Advisory Committee to review for possible use as parks prior to Council action on the offer to purchase; and

BE IT FINALLY RESOLVED, That the City Council **RETAINS** discretionary authority to determine the applicability of this policy.

Vote on Resolution to Amend Disposal/Sale of Excess Property

Resolution #2007-01-027
Moved by Beltrami
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to *Amend Disposal/Sale of Excess Property* by **INSERTING**, "BE IT FURTHER RESOLVED, That if it is most probable that a rezoning will be requested, that an appraisal based on that subsequent rezoning also be submitted; and" **BEFORE** "BE IT FINALLY RESOLVED".

Yes: All-7

Vote on Resolution to Amend Disposal/Sale of Excess Property as Amended

Resolution #2007-01-028
Moved by Stine
Seconded by Lambert

WHEREAS, The City Council of the City of Troy endeavors to attain the highest and best land use, effective growth control measures and to enhance the health, safety and welfare of the community; and

WHEREAS, Chapter 12 of the Troy City Charter requires that..."in all sales or purchases in excess of \$10,000, (a) the sales or purchases shall be approved by the City Council, (b) sealed

bids shall be obtained, except where the City Council shall determine that an emergency exists or that the public interest will be best served without obtaining sealed bids...”;

THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy **MAY DETERMINE** that the public interest will best be served without obtaining sealed bids for the sale of remnant parcels which remain after required right-of-way or excess property is taken when a purchase agreement is offered to the City of Troy by a prospective buyer which:

1. Has submitted evidence of ownership or control of an assembly of adjoining land of sufficient size so as to achieve what is believed to be the best possible development as determined by the City Council after review and recommendation from the City Manager.
2. Has submitted a conceptual site plan, which has been drawn to sufficient detail to indicate any and all features such as setbacks, parking and access, storm water detention and building height, which are governed by codes of the City of Troy.
3. Is accompanied by a petition for rezoning, if necessary, in compliance with the Master Land Use Plan of the City of Troy as being the most appropriate land use.
4. Commits the prospective buyer to a purchase price of at least a value established by an appraiser named by the Real Estate and Development Department of the City of Troy.
5. During the site plan review, site plan is accompanied by architectural renderings of all buildings along with a description of building materials to permit evaluation by building quality.
6. Is accompanied by a draft of proposed deed restrictions prepared by the City of Troy which will be imposed upon the purchaser of the City-owned property.
7. Nothing in this resolution relieves the Purchaser/Developer of their obligation to adhere to any and all City Ordinances and development standards.

BE IT FURTHER RESOLVED, That staff will **PROVIDE** an analysis of the zoning and **PRESENT** the remnant parcel(s) to the Parks and Recreation Advisory Committee to review for possible use as parks prior to Council action on the offer to purchase; and

BE IT FURTHER RESOLVED, That if it is most probable that a rezoning will be requested, that an appraisal based on that subsequent rezoning also be submitted; and

BE IT FINALLY RESOLVED, That the City Council **RETAINS** discretionary authority to determine the applicability of this policy.

Yes: All-7



CITY COUNCIL ACTION REPORT

Date: March 5, 2014

To: Brian Kischnick, City Manager

From: Mark Miller, Director of Economic and Community Development
Steve Vandette, City Engineer

Subject: 2014 Tri-Party Program – Concrete Slab Replacement
Big Beaver, Coolidge to Civic Center

History:

The Tri-Party Program provides funding for projects on County Roads. The City has directed these funds to concrete slab replacements on County roads for the past several years. These funds are used to replace the worst of the worst slabs, but \$300,000 a year is not sufficient funding to repair all areas needed on County roads.

Tri-Party Program funds for 2014 have been programmed for spot concrete slab replacements on Big Beaver, between City Hall and Coolidge as shown on the attached sheets. Federal funds have also been secured to allow for some additional concrete slab replacements as part of this project. Due to the federal funds, the project must be bid through MDOT. Work is anticipated to begin in July or August.

Financial:

The agreement includes \$300,163 for the 2014 Tri-Party program; \$291,000 in federal funds under the National Highway Performance Program (NHPP); \$145,000 for design and construction engineering services by the RCOC; \$72,750 in local match from the RCOC on the NHPP funding; for a total agreement amount of \$808,913.

The City of Troy's share of the Tri-Party program is one-third (1/3) or \$100,054 of the total Tri-Party allocation. The remaining two-thirds (2/3) or \$200,109 is shared equally by the Board and the Oakland County Board of Commissioners (County). There is no city match required for the NHPP funds.

Funds for the City of Troy's share are included in the 2014-2015 Major Road fund.

Recommendation:

Staff recommends that City Council approve the attached Cost Participation Agreement between the City of Troy and the Board of Road Commissioners for Oakland County (Board) for the 2014 Tri-Party Program to be used for concrete slab replacements on County Roads at an estimated cost to the City of Troy of \$100,054. Furthermore, staff recommends that the Mayor and City Clerk be authorized to execute the agreements.

COST PARTICIPATION AGREEMENT

CONSTRUCTION

2014 NHPP/Tri-Party Concrete Replacement

Big Beaver Road

Coolidge Highway to Civic Center Drive

City of Troy

Board Project No. 52201

This Agreement, made and entered into this _____ day of _____, 2014, by and between the Board of Road Commissioners for the County of Oakland, Michigan, hereinafter referred to as the BOARD, and the City of Troy, hereinafter referred to as the COMMUNITY, provides as follows:

WHEREAS, the BOARD and the COMMUNITY, in cooperation with the Michigan Department of Transportation, hereinafter referred to as MDOT, have programmed various concrete slab replacement on Big Beaver Road from Coolidge Highway to Civic Center Drive, as described in Exhibit "A", attached hereto, and made a part hereof; which improvements involve roads under the jurisdiction of the BOARD and within the COMMUNITY, which improvements are hereinafter referred to as the PROJECT; and

WHEREAS, the estimated total cost of the PROJECT is \$808,913; and

WHEREAS, the BOARD will enter into a contract with MDOT for partial funding of the PROJECT with federal program dollars under the National Highway Performance Program in the amount of \$291,000; and

WHEREAS, the BOARD, as the requesting party therein, will be the party financially responsible to MDOT to bear all costs of the PROJECT in excess of federal funds, hereinafter referred to as the LOCAL MATCH; and

WHEREAS, the COMMUNITY'S share of said LOCAL MATCH involves certain designated and approved Tri-Party Program funding in the amount of \$300,163, which shall be paid through equal contributions by the BOARD, the COMMUNITY, and the Oakland County Board of Commissioners, hereinafter referred to as the COUNTY; and

WHEREAS, all the parties hereto have reached a mutual understanding regarding the cost sharing for the LOCAL MATCH and wish to commit that understanding to writing in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and in conformity with applicable law, it is hereby agreed between the COMMUNITY and the BOARD that:

1. The COMMUNITY approves of the PROJECT, declares its public necessity, and authorizes the BOARD and MDOT to perform or cause to be performed, and complete the PROJECT along with all administration in reference thereto.
2. The PROJECT shall include preliminary engineering, construction engineering, and total payments to the contractor.
3. The estimated total LOCAL MATCH is \$517,913 and shall be funded in the following order:
 - a. Tri Party Program funding in the amount of \$300,163.
 - b. The BOARD shall contribute \$217,750 toward the LOCAL MATCH (\$145,000 for preliminary/construction engineering and \$72,750 for the Local Match on NHPP).
 - c. Any PROJECT costs above the Tri-Party Program funding of \$300,163 and the BOARD contribution of \$217,750 will be funded 100% by the BOARD.
4. Upon execution of this agreement, the BOARD shall submit an invoice to the COMMUNITY in the amount of \$100,054 (being 100% of the COMMUNITY'S Tri-Party contribution).
5. After execution of this agreement and approval by the COUNTY, the BOARD shall submit an invoice to the COUNTY in the amount of \$100,054 (being 100% of the COUNTY'S Tri-Party contribution).

- a. The invoice shall be sent to:

Mr. Tim Soave, Manager of Fiscal Services
Executive Office Building
2100 Pontiac Lake Road, Building 41 West
Waterford, MI 48328

6. The total actual LOCAL MATCH will be determined from the records of the BOARD upon completion of State financial audits of the PROJECT and a final determination of the total federal funds used on the PROJECT. Final adjustments in the financial obligations of the parties hereto will be made upon completion of the required audits.
7. Upon receipt of said invoice(s), the COMMUNITY and the COUNTY shall pay to the BOARD the full amount thereof, within thirty (30) days of such receipt.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and date first written above.

BOARD OF ROAD COMMISSIONERS FOR THE
COUNTY OF OAKLAND
A Public Body Corporate

By _____

Its _____

CITY OF TROY

By _____

Its _____

EXHIBIT A
TRI-PARTY PROGRAM
2014 NHPP/Tri-Party Concrete Replacement
Big Beaver Road
Coolidge Highway to Civic Center Drive
City of Troy
Board Project No. 52201

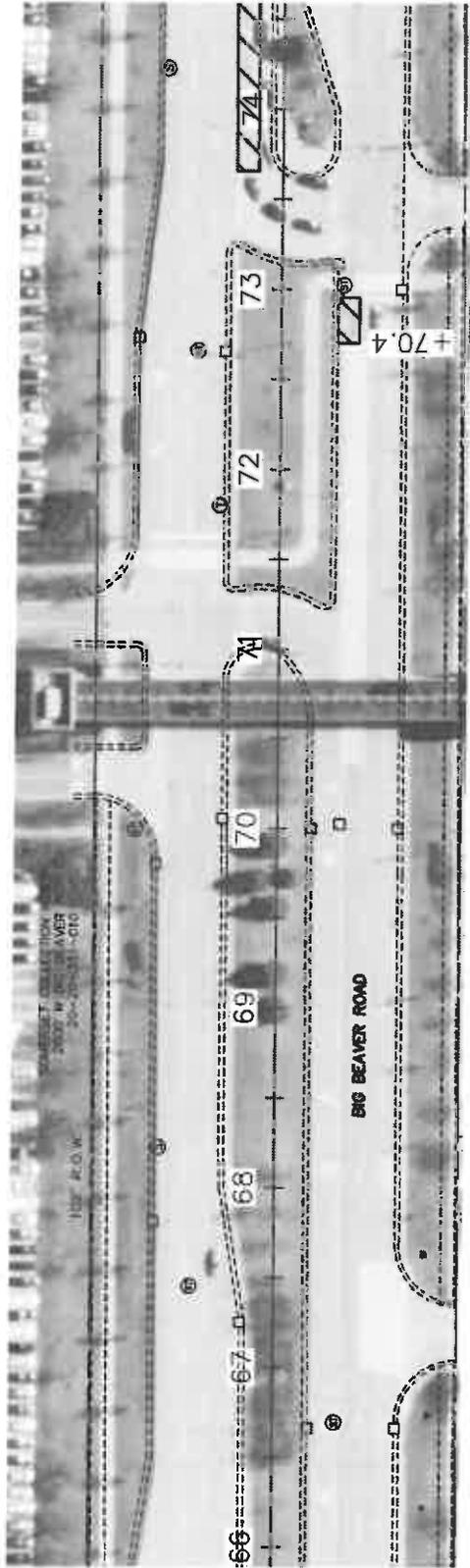
Concrete slab replacement on Big Beaver Road from Coolidge Highway to Civic Center Drive. Construction schedule is July/August 2014.

ESTIMATED PROJECT COST

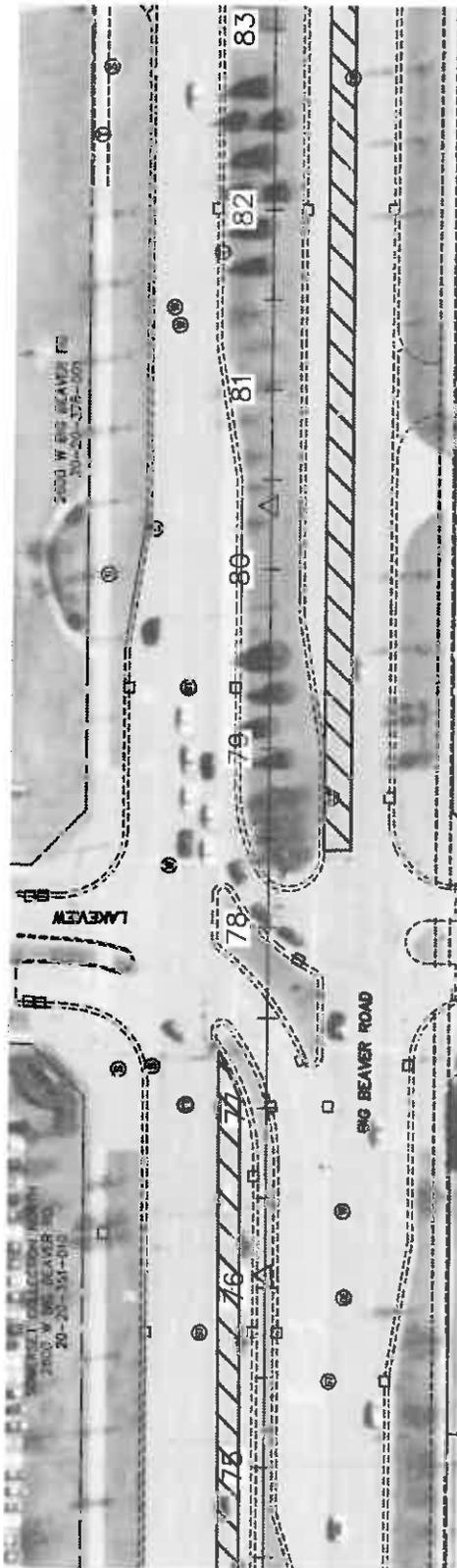
Contractor Payments	\$663,913
Preliminary Engineering	\$50,000
Construction Engineering	\$95,000
Less Federal Funds	<u>\$291,000</u>
Total Estimated Local Share	<u>\$517,913</u>

COST PARTICIPATION BREAKDOWN

	COMMUNITY	COUNTY	BOARD	TOTAL
FY14 Tri-Party Program	\$100,054	\$100,054	\$100,055	\$300,163
Contribution	\$0	\$0	\$217,750	\$217,750
TOTAL SHARES	\$100,054	\$100,054	\$317,805	\$517,913



1" = 100'

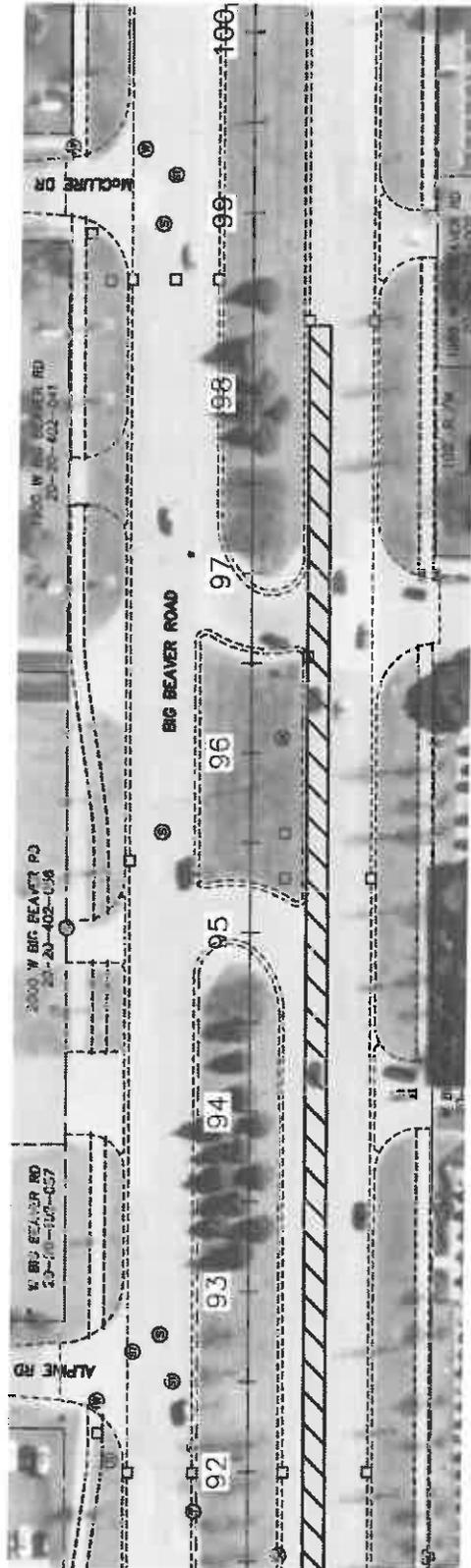
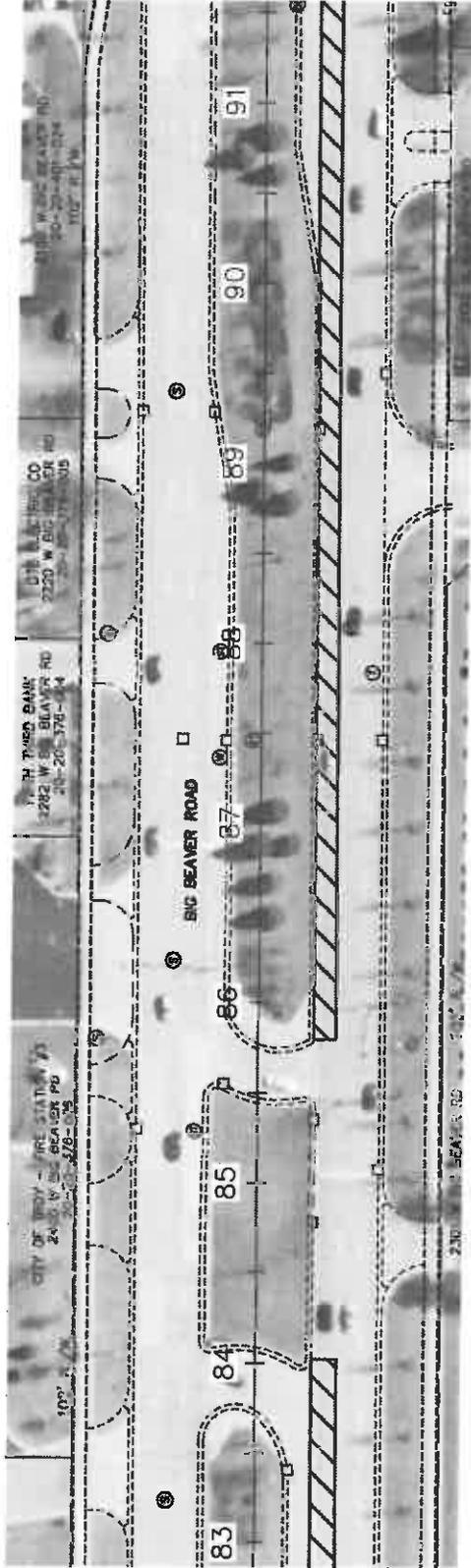


1" = 100'



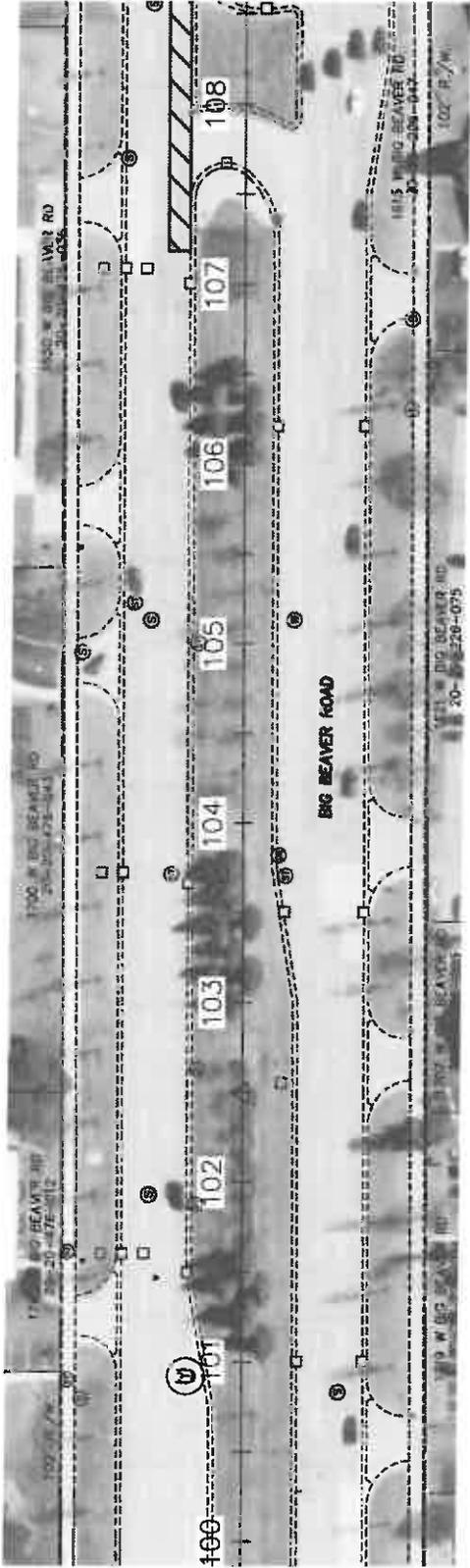
INDICATES AREAS OF PAVEMENT TO BE REMOVED AND REPLACED

 ROAD COMMISSION BEVERLY HILLS, MICHIGAN PHONE: 877-858-4804 WEB: WWW.RCOC.MEB.ORG		DATE	PROJECT NO.	BIG BEAVER (COOLIDGE - CIVIC CENTER) PL01	SCALE: ####
		2/25/2014	52201		SHEET NO: ---- OF ##

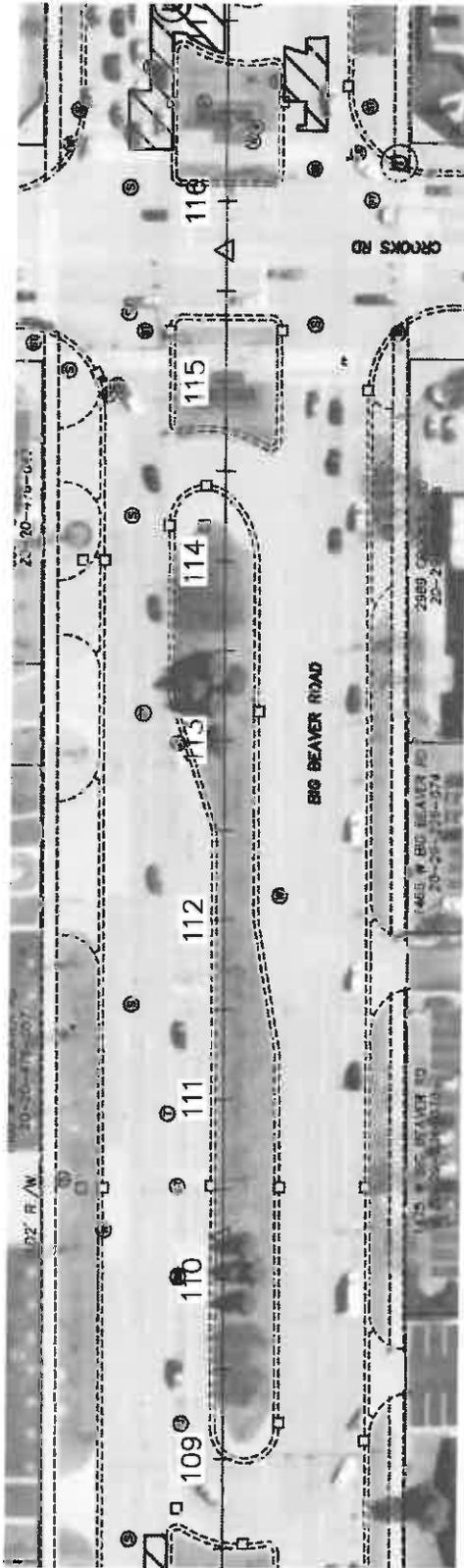


INDICATES AREAS OF PAVEMENT
 TO BE REMOVED AND REPLACED

ROAD COMMISSION BEVERLY HILLS, MICHIGAN PHONE: 877-858-4804 WEB: WWW.RCOCWEB.ORG	DATE	PROJECT NO.	BIG BEAVER (COOLIDGE - CIVIC CENTER) PL02	SCALE: #####
	2/25/2014	52201		SHEET NO: --- OF ##



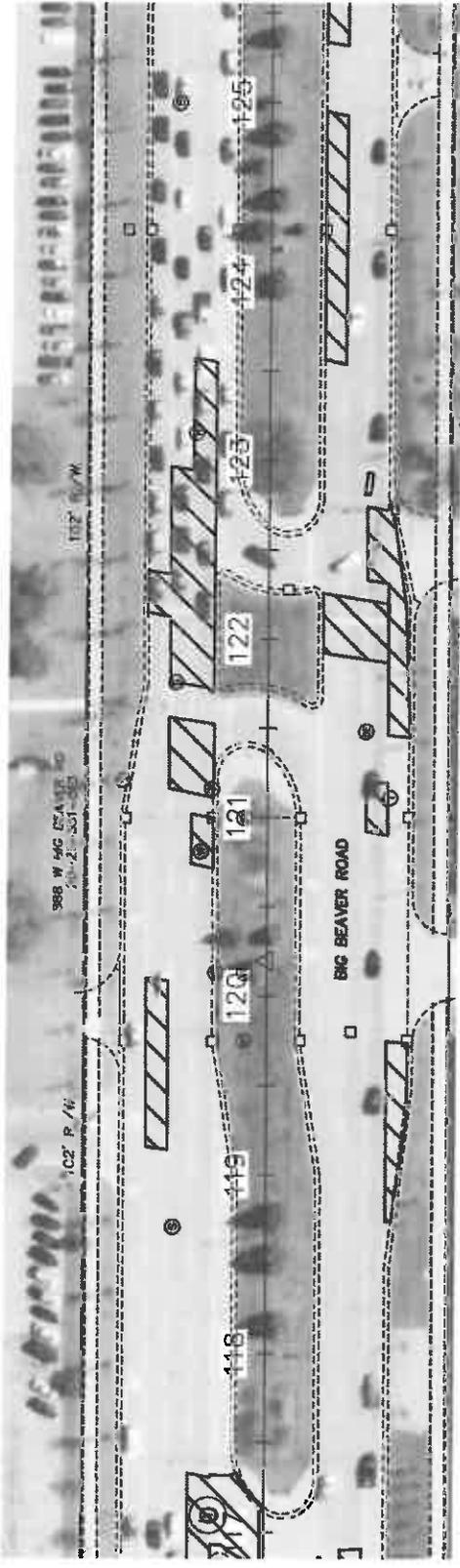
1" = 100'



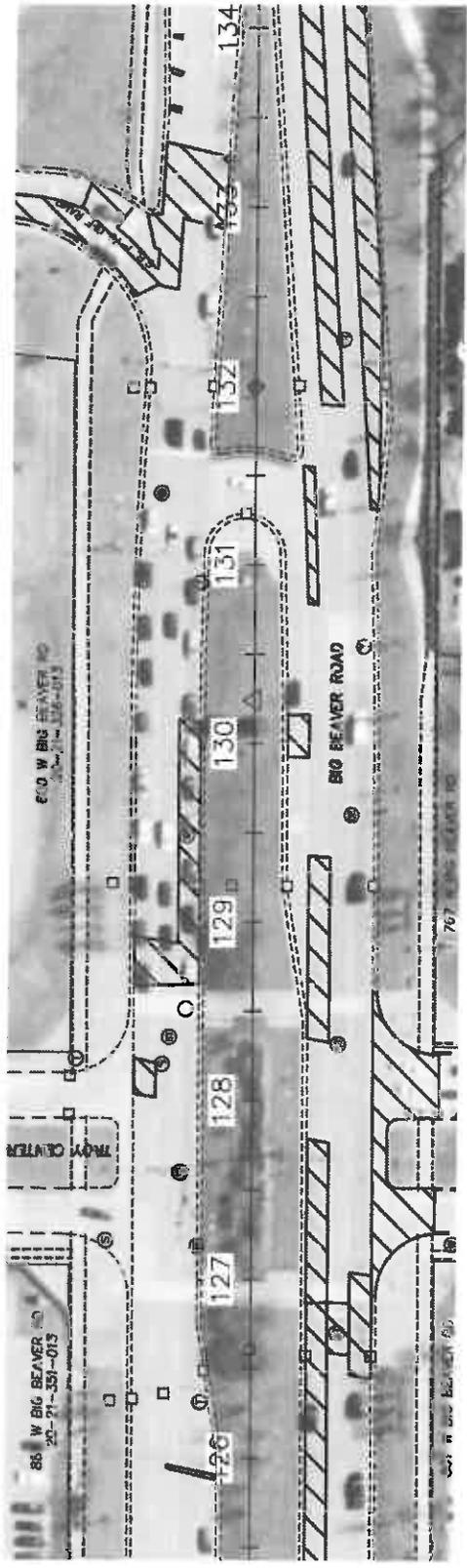
1" = 100'

INDICATES AREAS OF PAVEMENT TO BE REMOVED AND REPLACED

 BEVERLY HILLS, MICHIGAN PHONE: 877-858-4804 WEB: WWW.RCOCWEB.ORG	DATE	PROJECT NO.	BIG BEAVER (COOLIDGE - CIVIC CENTER) PL03	SCALE: #####
	2/25/2014	52201		SHEET NO: --- OF ##



1" = 100'

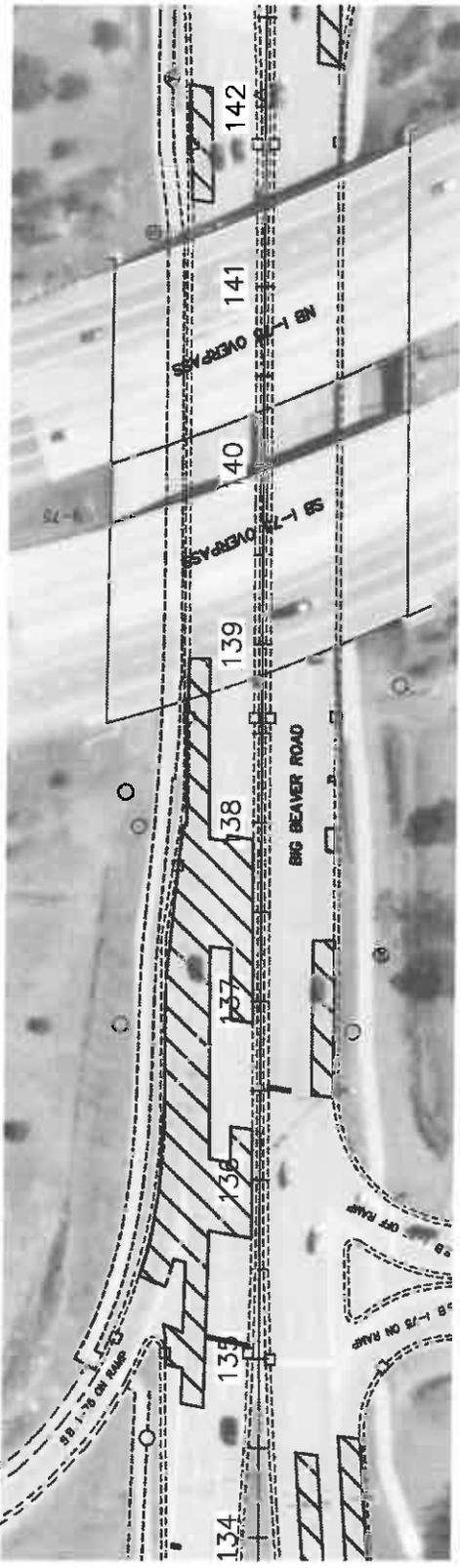


1" = 100'

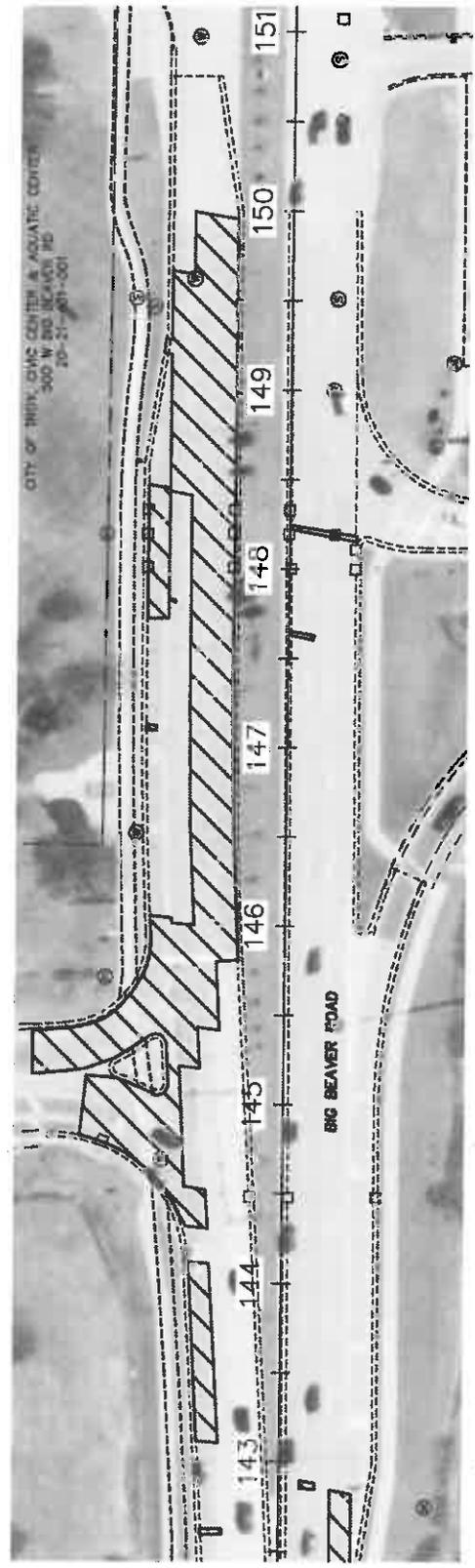
INDICATES AREAS OF PAVEMENT
 TO BE REMOVED AND REPLACED



BEVERLY HILLS, MICHIGAN PHONE: 877-856-4804 WEB: WWW.ROOCWEB.ORG		DATE	PROJECT NO.	BIG BEAVER (COOLIDGE - CIVIC CENTER) PL04	SCALE: #####
		2/25/2014	52201		SHEET NO: --- OF ##



1" = 100'



1" = 100'



INDICATES AREAS OF PAVEMENT
 TO BE REMOVED AND REPLACED

ROAD COMMISSION for OAKLAND COUNTY BEVERLY HILLS, MICHIGAN PHONE: 877-858-4804 WEB: WWW.RCOCWEB.ORG	DATE	PROJECT NO.	BIG BEAVER (COOLIDGE - CIVIC CENTER) PL05	SCALE: #####
	2/25/2014	52201		SHEET NO: --- OF ##



CITY COUNCIL AGENDA ITEM

Date: March 12, 2014

To: Brian Kischnick, City Manager

From: Jeanette Menig, Human Resources Director

Subject: **AGENDA ITEM** – Contract Ratification – Troy Communications Supervisors Association (TCSA) 2013-2016

BACKGROUND

The City of Troy and Troy Communication Supervisors Association (TCSA) recently reached a tentative agreement for a three-year successor collective bargaining agreement that will replace the contract that expired June 30, 2013.

As seen in the attached Tentative Agreement Summary, this agreement provides for a wage increase, some of which is in the form of a signing bonus (lump sum). The agreement also changes health insurance whereby all TCSA employees will transition to the Blue Cross Community Blue PPO plan with the same prescription drug rider, deductibles and co-pays in place for Community Blue plan participants in other employee groups. With the entire bargaining unit accepting Community Blue PPO, there would be an opt out of PA 152 in 2014/15 with a reopener on the issue of health insurance for July 1, 2015.

Additionally, the City's contribution to the Defined Contribution (DC) retirement plan will be reduced from 10% to 8% for new employees. And two changes to retiree health insurance (for those hired prior to the implementation of the Retiree Health Savings Plan) will reduce the City's future liability: the accrual of employer-paid retiree health insurance will decrease from 4% to 3% for each future year of service, and the maximum is reduced from 100% to 90%.

As a result of health insurance and retirement changes, annual savings of \$19,425 are projected.

The approval of this agreement advances our goal of creating a more uniform benefits package across all employee groups. This, in turn, creates a system that is much more efficient and easier to administer.

RECOMMENDATION

City management supports and recommends approval of the tentative agreement between the City of Troy and the Troy Communication Supervisors Association (TCSA) for a three-year successor collective bargaining agreement that will replace the contract that expired June 30, 2013.

A summary of the tentative agreement and the resulting contract language changes are attached.

TENTATIVE AGREEMENT SUMMARY
City of Troy and TCSA
2013-2016 Collective Bargaining Agreement
(With Side-by-side Comparison where applicable)

ISSUE	CURRENT	TENTATIVE AGREEMENT
Contact Duration		Three years
Wages		Upon ratification 1% plus \$950 signing bonus July 1, 2014 1% plus \$250 lump sum July 1, 2015 1%
Health Insurance	<ol style="list-style-type: none"> 1. Blue Cross CB PPO, BCN & HAP <ol style="list-style-type: none"> a) \$10/40 generic/brand Rx (PDR) b) 2x MOPD (\$20 co-pay for 3 mo Rx supply) c) \$30 office visit co-pay; \$50 ER co-pay (waived if admitted) d) \$250/\$500 basic deductible e) 5% employee premium cost-share 	<ol style="list-style-type: none"> 1. Eliminated HMO's 2. City selects PA 152 Local Government Opt Out for 2013-14 and 2014-15 3. Either party may request a reopener on the sole issue of health insurance for 7/1/2015
Retirement	<ol style="list-style-type: none"> 1. City contribution to DC Plan for new employees is currently 10% 2. Accrual of employer-paid retiree health insurance is 4% per year of service, up to 100% maximum 	<ol style="list-style-type: none"> 1. City contribution to DC Plan for new employees (hired after 7/1/13) becomes 8% 2. Accrual of employer-paid retiree health insurance is 3% for each future year of service, up to 90% maximum.
Miscellaneous		Modified Emergency Manager language to include language required by current legislation.

TENTATIVE AGREEMENT
City of Troy and TCSA
2013-2016 Collective Bargaining Agreement

Article 30. Hospitalization and Medical Insurance

A. 1. Eliminate HMOs. Modify current language as follows:

1. Blue Cross Community Blue PPO Plan 1 Modified, including the following:
 - a. \$10/\$40 prescription drug rider with mandatory generic, prior authorization, step therapy, and 2X MOPD.
 - b. \$30 office visit co-pay
 - c. \$50 emergency room co-pay
 - d. \$30 chiropractic office visit co-pay
 - e. \$250/\$500 basic deductible

~~Any available HMOs will include a, b and c above.~~

Add the following after E.

F. The City shall opt out of PA 152 for two years (2013-14 and 2014-15), and there shall be a reopener at either party's request on the sole issue of health insurance (medical and prescription drug) for July 1, 2015.

Article 33. Retirement

B. 1. Modify current language as follows:

Contribution rates:

- | | |
|------------|--|
| Employee – | 4% |
| Employer – | 12% (employees hired before 1/1/04) |
| | 11% (employees hired on or after 1/1/04) |
| | 10% (employees hired on or after 7/1/05) |
| | 8% (employees who enter bargaining unit on or after 7/1/13) |

C. 1. For employees hired before January 2, 2006:

Upon regular retirement, early retirement or disability retirement, employees will be eligible for health insurance, equivalent to that received by members of the bargaining unit at the time of the employee's retirement if they meet the age and service requirements whether they participate in the Defined Benefit or Defined Contribution Pension Plan. Such insurance will be provided for two-person coverage for retiree and spouse (or dependent child) at the time of retirement, at the rate of 4% per complete year of retirement service with the City of Troy (~~maximum 100%~~), provided that the retiree or spouse is drawing pension benefits pursuant to the City of Troy Retirement Ordinance.

Effective 7/1/2013, the City pays 3% for the monthly cost of health care for each future year of credited service to a maximum of 90%. Current employees who as of 7/1/2013 would be eligible for 90% or more of City paid health insurance shall not have that amount reduced as a result of this paragraph.

Article 34. Wages

- A. Effective date of ratification: 1% across the board increase + \$950 signing bonus
Effective 7/1/2014: 1% across the board increase + \$250 lump sum bonus
Effective 7/1/2015: 1% across the board increase

Current wage scales remain in place.

The wage increase will apply to all employees in the bargaining unit, including those previously redlined in the 2011-2013 agreement.

- D. **For the 2013-2016 contract**, employees whose salaries exceed the annual salaries set forth in Section A above shall ~~be redlined at their current salary for the duration of the Agreement.~~ **receive the across the board wage increases of 1% and the same lump sum bonuses on the same schedule as in Section A.**

Article 39. Duration of Agreement

Modify current language as follows:

This Agreement shall remain in full force and effect from July 1, ~~2014~~ **2013** until June 30, ~~2013~~ **2016**, and thereafter until amended or modified. Either party may, between January 1, ~~2013~~ **2016** and March 1, ~~2013~~ **2016**, serve written notice upon the other party of its desire to modify or amend this Agreement. In such event, the parties shall commence negotiations immediately on such proposed amendments for a succeeding contract. Any such amendment or modification would become effective after June 30, ~~2013~~ **2016**.

Article 40. Emergency Manager

Replace current language with the following:

An emergency manager appointed under the Local Financial Stability and Choice Act ("Act") may reject, modify or terminate the collective bargaining agreement as provided within the Act. Provisions required by this subsection are prohibited subjects of bargaining under this act.

By inclusion of section 40, as mandated by statute, the Union does not waive the right to challenge, under Article I, section 10 of the Michigan Constitution, actions of an Emergency Manager which invalidate any provisions of an existing collective bargaining agreement.

A. CALL TO ORDER:

A Special Meeting of the Troy City Council was held on Monday, March 3, 2014, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 6:01 PM.

B. ROLL CALL:

Mayor Dane Slater
Jim Campbell
Wade Fleming
Dave Henderson
Ellen Hodorek
Ed Pennington
Doug Tietz - Absent

Vote on Resolution to Adjourn into Closed Session

Resolution #2014-03-018
Moved by Campbell
Seconded by Hodorek

BE IT RESOLVED, That Troy City Council **SHALL ADJOURN** into Closed Session, as permitted by MCL 15.268 (c) – Labor Negotiations – Troy Communications Supervisors Association (TCSA).

Yes: Slater, Campbell, Fleming, Henderson, Hodorek, Pennington
No: None
Absent: Tietz

C. DISCUSSION ITEMS:

C-1 Closed Session

D. PUBLIC COMMENT: No Public Comment Received

E. ADJOURNMENT:

The Meeting **ADJOURNED** at 6:13 PM.

Mayor Dane Slater

M. Aileen Bittner, CMC
City Clerk

Pastor Dan Lewis from Troy Christian Chapel performed the Invocation. Girl Scout Troop 70969 from Morse Elementary School led the Pledge of Allegiance to the Flag.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, March 3, 2014, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:31 PM.

B. ROLL CALL:

- Mayor Dane Slater
- Jim Campbell
- Wade Fleming
- Dave Henderson
- Ellen Hodorek
- Ed Pennington
- Doug Tietz – Arrived at 8:33 PM

Resolution #2014-03-019
Moved by Slater
Seconded by Pennington

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Tietz at the Special City Council Meeting of March 3, 2014.

Yes: Slater, Campbell, Fleming, Henderson, Hodorek, Pennington
No: None
Absent: Tietz

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

-
- C-1 Kurt Bovensiep Presented a City Works Infomercial Highlighting City of Troy**

 - C-2 Troy Youth Assistance Chair Robin Beltramini Gave a Presentation Promoting Dollars for Education and Other Programs**

 - C-3 Mayor Slater Presented an Elite Fleet Award for City of Troy Fleet Division – 100 Best Fleets in North America and ASE Blue Seal of Excellence Designation for City of Troy Fleet Division to Sam Lamerato, Superintendent of Fleet Maintenance, and Fleet Division Employees**

 - C-4 Paul Evans, Zoning Compliance Specialist Presented a Pure Troy – Mowing Maintenance Presentation**

D. CARRYOVER ITEMS:**D-1 No Carryover Items****E. PUBLIC HEARINGS:****E-1 Liquor Violation Hearings – Cameron Mitchell Restaurants, LLC, d/b/a Ocean Prime**

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from Mr. John Carlin, the attorney, and Mr. Greg Sage, general manager, both representing the licensee.

Resolution #2014-03-020

Moved by Henderson

Seconded by Campbell

WHEREAS, The City of Troy scheduled a hearing, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City, to review the following alleged violation:

Name: Cameron Mitchell Restaurants, LLC, d/b/a Ocean Prime

Address: 2915 Coolidge Highway, Troy, Michigan 48084

License No: 169706-2013 & 169707-2013

Violation: SALE TO MINOR (Compliance Test) on November 7, 2013

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Monday, March 3, 2014;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council **HAS BEEN PERSUADED** that the alleged violation did occur, as set forth above; and

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **RECOMMENDS** renewal of the on-premises liquor license for the 2014 license year, with the **STIPULATION** that all serving employees successfully complete a server training program, as defined under State Law (MCL 436.1906) within 90 days of today's date, and that immediately upon completion, licensee shall submit proof of the successful completion of the server training program to the Troy Police Department; and

BE IT FURTHER RESOLVED, That if the licensee fails to comply with this condition within 120 days, then licensee **SHALL APPEAR** before the Troy City Council after due notice, and that the licensee's failure to comply with the server training condition could serve as a basis for the Troy City Council to take adverse action against the licensee's liquor license;

BE IT FINALLY RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

Yes: Campbell, Fleming, Henderson, Hodorek, Pennington, Slater
No: None
Absent: Tietz

MOTION CARRIED

E-2 Liquor Violation Hearings – Full Service Dining, Inc., d/b/a Papa Vino’s Italian Kitchen

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving comment from Chad House, general manager, representing the licensee.

Resolution #2014-03-021
Moved by Pennington
Seconded by Fleming

WHEREAS, The City of Troy scheduled a hearing, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City, to review the following alleged violation:

Name: Full Service Dining, Inc., d/b/a Papa Vino’s Italian Kitchen
Address: 1317 Coolidge Highway, Troy, Michigan 48084
License No: SFE-396 303 9116
Violation: SALE TO MINOR (Compliance Test) on November 7, 2013

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Monday, March 3, 2014;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council **HAS BEEN PERSUADED** that the alleged violation did occur, as set forth above; and

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **RECOMMENDS** renewal of the on-premises liquor license for the 2014 license year, with the **STIPULATION** that all serving employees successfully complete a server training program, as defined under State Law (MCL 436.1906) within 90 days of today’s date, and that immediately upon completion, licensee shall submit proof of the successful completion of the server training program to the Troy Police Department; and

BE IT FURTHER RESOLVED, That if the licensee fails to comply with this condition within 120 days, then licensee **SHALL APPEAR** before the Troy City Council after due notice, and that the licensee’s failure to comply with the server training condition could serve as a basis for the Troy City Council to take adverse action against the licensee’s liquor license;

BE IT FINALLY RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

Yes: Fleming, Henderson, Hodorek, Pennington, Slater, Campbell
No: None
Absent: Tietz

MOTION CARRIED

E-3 Liquor Violation Hearings – Rite Aid Discount Pharmacy, d/b/a Rite Aid of Michigan

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving comment from Mr. John Carlin, the attorney, and Lilyan Kattoola, general manager, both representing the licensee.

Resolution #2014-03-022
Moved by Henderson
Seconded by Fleming

WHEREAS, The City of Troy scheduled a hearing, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City, to review the following alleged violation:

Name: Rite Aid Discount Pharmacy, d/b/a Rite Aid of Michigan
Address: 2971 West Maple Road, Troy, Michigan 48084
License No: 10077-2012-S / 497802012-S
Violation: SALE TO MINOR (Compliance Test) on March 20, 2013

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Monday, March 3, 2014;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council **HAS BEEN PERSUADED** that the alleged violation did occur, as set forth above; and

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **RECOMMENDS** renewal of the off-premises liquor license for the 2014 license year, with the **STIPULATION** that all serving employees successfully complete a server training program, as defined under State Law (MCL 436.1906) within 90 days of today's date, and that immediately upon completion, licensee shall submit proof of the successful completion of the server training program to the Troy Police Department; and

BE IT FURTHER RESOLVED, That if the licensee fails to comply with this condition within 120 days, then licensee **SHALL APPEAR** before the Troy City Council after due notice, and that the licensee's failure to comply with the server training condition could serve as a basis for the Troy City Council to take adverse action against the licensee's liquor license;

BE IT FINALLY RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

Yes: Henderson, Hodorek, Pennington, Slater, Fleming
No: Campbell
Absent: Tietz

MOTION CARRIED

Council Member Tietz arrived at 8:33 PM.

E-4 Liquor Violation Hearings – Woodward Detroit CVS, d/b/a CVS Pharmacy #8162

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving comment from Mr. Russell Carniak, the attorney, and John Paul Garinsky, district manager, both representing the licensee.

Resolution #2014-03-023
Moved by Henderson
Seconded by Pennington

WHEREAS, The City of Troy scheduled a hearing, as allowed under State Law and the City of Troy Ordinances, Chapter 101, and also the Liquor License Agreement between the licensee and the City, to review the following alleged violation:

Name: Woodward Detroit CVS, d/b/a CVS Pharmacy #8162
Address: 2045 West South Blvd., Troy, Michigan 48098
License No: 178516-2013
Violation: SALE TO MINOR (Compliance Test) on November 7, 2013

WHEREAS, After due notice the licensee was given the opportunity to review this cited infraction, and an opportunity to confront witnesses and/or statements of accusers while in the presence of this City Council, sitting as a hearing body on Monday, March 3, 2014;

NOW, THEREFORE, BE IT RESOLVED, That as a result of this hearing, the Troy City Council **HAS BEEN PERSUADED** that the alleged violation did occur, as set forth above; and

BE IT FURTHER RESOLVED, That due to the violation at the licensed establishment, the Troy City Council, after due notice, appropriate hearing and deliberations, **RECOMMENDS** renewal of the off-premises liquor license for the 2014 license year, with the **STIPULATION** that all serving employees successfully complete a server training program, as defined under State Law (MCL 436.1906) within 90 days of today's date, and that immediately upon completion, licensee shall submit proof of the successful completion of the server training program to the Troy Police Department; and

BE IT FURTHER RESOLVED, That if the licensee fails to comply with this condition within 120 days, then licensee **SHALL APPEAR** before the Troy City Council after due notice, and that the licensee's failure to comply with the server training condition could serve as a basis for the Troy City Council to take adverse action against the licensee's liquor license;

BE IT FINALLY RESOLVED, That a certified copy of this resolution **SHALL BE SENT** to the Michigan Liquor Control Commission.

Yes: All-7
 No: None

MOTION CARRIED

E-5 Liquor License Hearing – Mon Jin Lau, Inc., d/b/a Mon Jin Lau

The Mayor opened the Public Hearing for public comment.
 The Mayor closed the Public Hearing after receiving comment from Mr. John Hanke, the attorney, and Brian Chin, proprietor, both representing the licensee.

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Historic District Commission

a) **Mayoral Appointments: None**

b) **City Council Appointments: Historic District Commission**

Resolution #2014-03-024
 Moved by Henderson
 Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPOINTS** the following nominated person(s) to serve on the Boards and Committees as indicated:

Historic District Commission

Appointed by Council
 7 Regular Members
 3 Year Term

Term Expires: 3/1/2015

Barbara Knight

Term currently held by: Vacancy-Hugh Stephen Doyle resigned

Term Expires: 3/1/2017

Barbara Chambers

Term currently held by: Barbara Chambers

Term Expires: 3/1/2017

Al Petrusis

Term currently held by: Padma Kuppa

Yes: All-7
No: None

MOTION CARRIED

I-2 Board and Committee Nominations: a) Mayoral Nominations – None; b) City Council Nominations – Historic District Commission

a) Mayoral Nominations: None

b) City Council Nominations: Historic District Commission

City Council took no action on this item.

I-3 No Request for Closed Session

I-4 Agreement to Provide Fleet Maintenance Services – Road Commission for Oakland County (*Introduced by: Sam Lamerato, Superintendent of Fleet Maintenance*)

Resolution #2014-03-025
Moved by Hodorek
Seconded by Pennington

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Service Agreement for the City of Troy to provide fleet maintenance services to the Road Commission for Oakland County; the City Clerk and Mayor are **AUTHORIZED** to execute the agreements.

Yes: All-7
No: None

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2014-03-026
Moved by Fleming
Seconded by Henderson

RESOLVED, That Troy City Council hereby **APPROVES** all items on the Consent Agenda as presented.

Yes: All-7
No: None

MOTION CARRIED

J-1b Address of "J" Items Removed for Discussion by City Council

J-2 Approval of City Council Minutes

Resolution #2014-03-026-J-2

RESOLVED, That Troy City Council hereby **APPROVES** the following Minutes as submitted:

- a) City Council Meeting Minutes-Draft – February 10, 2014
- b) City Council Joint Special Meeting Minutes-Draft – February 11, 2014

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 4: State of Michigan MiDeal Program – TORO Workman MD Utility Vehicle**

Resolution #2014-03-026-J-4a

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase four (4) TORO Workman MDs from *Spartan Distributors of Sparta, MI*, for an estimated total cost of \$29,771.68, which includes the trade-in values of one (1) John Deere Gator 4x2 and three (3) EZGOs at prices detailed and contained in the quote titled Proposal 1 as per the Michigan MiDeal Contract #071B0200329, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

- b) **Standard Purchasing Resolution 4: Award – Macomb County Cooperative Purchasing Agreement – Fleet Vehicles (Ford)**

Resolution #2014-03-026-J-4b

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase two (2) 2014 Ford Expeditions, two (2) 2014 Ford Interceptors, one (1) 2014 Ford Taurus and one (1) 2014 Ford XLT 4X4 pickup truck from *Signature Ford Lincoln of Owosso, MI*, for an estimated total cost of \$156,504.00, as per the Macomb County Cooperative Purchasing Agreement and Contract ID Number 51-13.

c) **Standard Purchasing Resolution 2: Low Bidder Meeting Specifications - Aquatic Center Pump Rebuild**

Resolution #2014-03-026-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all labor, tools, equipment including cranes, etc., and transportation services to rebuild four pumps at the Troy Family Aquatic Center to the low bidder meeting specifications, Professional Pump of Belleville, MI, for an estimated total cost of \$19,200.00, as contained in the bid tabulation opened February 6, 2014, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

d) **Standard Purchasing Resolution 4: Award – Macomb County Cooperative Purchasing Agreement – Fleet Vehicles (Dodge)**

Resolution #2014-03-026-J-4d

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase six (6) 2014 Dodge Chargers and one (1) 2014 Jeep Grand Cherokee 4X4 from *Sterling Heights Dodge of Sterling Heights*, MI, for an estimated total cost of \$175,062.00, as per the Macomb County Cooperative Purchasing Agreement and Contract ID Number 01-13.

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

e) **Standard Purchasing Resolution 3: Exercise Renewal Option - Auditing Services**

Resolution #2014-03-026-J-4e

WHEREAS, On April 18, 2005, the Troy City Council awarded a three year contract with an option to renew for three additional years to provide audit services for fiscal years ended June 30, 2005 through 2007 to the Rehmann Group as a result of the competitive bid process for an estimated cost of \$63,820 per year {Resolution #2005-04-182}.

WHEREAS, On December 17, 2007, the Troy City Council exercised the option to renew the contract with the Rehmann Group for an estimated total cost of \$67,568 per year under the same pricing structure for fiscal years ended June 30, 2008 through 2010 {Resolution #2007-12-366-F4d}.

WHEREAS, On February 7, 2011, the Troy City Council resolved to extend to the Rehmann Group a new contract to provide auditing services to the City for fiscal years ended June 30, 2011 through 2013 at a cost not to exceed \$63,820 per year which was a 7% reduction to the 2010 contract {Resolution #2011-02-021}.

WHEREAS, The Rehmann Group has offered to extend the current contract at the same not to exceed cost of \$63,820 per year for fiscal years ending June 30, 2014 through 2016.

WHEREAS, The Rehmann Group has consistently met all expectations during the years under audit and continues to offer services at the 2011 reduced rate level; and

WHEREAS, The Rehmann Group is located in the City of Troy and nationally recognized as a leader in providing local governmental assurance services;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DEEMS** it to be in the City's best interest to hereby **APPROVE** and **EXTEND** the new contract to provide auditing services to the City of Troy for fiscal years ending June 30, 2014 through 2016 by the Rehmann Group.

J-5 Request for Recognition as a Nonprofit Organization Status from David Parks – New Paradigm Family Services, Inc.

Resolution #2014-03-026-J-5

RESOLVED, That Troy City Council hereby **APPROVES** the request from New Paradigm Family Services, Inc., asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license as recommended by City Management.

J-6 Oakland County Interlocal Agreement – Election Services

Resolution #2014-03-026-J-6

RESOLVED, That Troy City Council hereby **APPROVES** the Oakland County Interlocal Agreement for Election Services.

J-7 Traffic Committee Recommendations and Minutes – February 19, 2014

Resolution #2014-03-026-J-7

Item # 3 Request for Traffic Control – Chancery at Little Creek

RESOLVED, That NO changes **BE MADE** at the intersection of Chancery at Little Creek.

Item # 4 Request for Traffic Control – McClure at Banmoor

RESOLVED, That the intersection of McClure and Banmoor **BE MODIFIED** from a YIELD sign on Banmoor to a STOP sign on the Banmoor approach to McClure.

Item # 5 Request for Traffic Control – McClure at Muer

RESOLVED, That the intersection of McClure and Muer **BE MODIFIED** from NO traffic control to a STOP sign on the McClure approach to Muer.

J-8 City Council / City Staff Teambuilding Retreat

Resolution #2014-03-026-J-8

RESOLVED, That Troy City Council hereby **SCHEDULES** the City Council / City Staff Teambuilding Retreat to take place according to the following schedule:

Friday, March 28, 2014 from 5:00 PM – 8:00 PM at Troy Historic Village, 60 W. Wattles, Troy, MI 48098

and

Saturday, March 29, 2014, from 7:30 AM – 2:30 PM at Delphi, 5725 Delphi Drive, Troy, MI 48098, with a bus tour of Troy from 8:00 AM – 10:30 AM.

J-9 Contract for Installation of Municipal Improvements – Belleclaire Estates Site Condominiums – Project No. 13.924.3 (Introduced by: Steve Vandette, Engineering Director)

Resolution #2014-03-026-J-9

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

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time):

- a) Pure Troy – Mowing Maintenance (Introduced by: Paul Evans, Zoning Compliance Specialist)

L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:

Aaron Dylewski	Spoke requesting that City Council consider more greenways during the upcoming review of the City’s Master Plan.
Jim Werpetinski	Spoke requesting that City Council be more proactive and requested updating the vision statement and goals.

M. COUNCIL REFERRALS:

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

M-1 No Council Referrals Advanced**N. COUNCIL COMMENTS:****N-1 Council Comments**

Mayor Slater requested City Manager Kischnick respond with some ways City Council and City Administration is being proactive. City Manager Kischnick spoke about goals over the past year, such as reviewing the Zucker report and Vision 20/20 study that assisted with determining "What kind of city do we want Troy to be?" Those goals, in conjunction with upcoming strategic events, such as planning a City Council/City Staff Teambuilding Retreat, revisiting goals and objectives, upcoming budget study sessions, and reviewing the City's Master Plan will further assist City Council's proactive approach by determining the vision and strategies for "Where is Troy going?"

Council Member Hodorek applauded leadership for the proactive step to have City Council and the Planning Commission come together to initiate dialogue and discuss some of the challenges going into the review of the City Master Plan.

O. REPORTS:**O-1 Minutes – Boards and Committees:**

- a) Building Code Board of Appeals-Final – November 6, 2013
 - b) Traffic Committee-Final – November 20, 2013
 - c) Employees' Retirement System Board of Trustees-Final – January 15, 2014
 - d) Retiree Health Care Benefits Plan and Trust-Final – January 15, 2014
 - e) Zoning Board of Appeals-Final – January 21, 2014
 - f) Planning Commission Special Study-Draft – January 28, 2014
 - g) Planning Commission Special Study-Final – January 28, 2014
 - h) Building Code Board of Appeals-Draft – February 5, 2014
 - i) Planning Commission-Draft – February 11, 2014
 - j) Zoning Board of Appeals-Draft – February 18, 2014
- Noted and Filed

O-2 Department Reports:

- a) 2013 Year-End Calls for Police Service Report
- Noted and Filed

O-3 Letters of Appreciation:

- a) To Brian Kischnick from Esther Dusenberry Regarding an Event at the Troy Public Library
 - b) To Lt. Harden from Sgt. David Scott, Clawson Police Department, Thanking Officer Melinda Weingart for her Assistance with a Crash Investigation
- Noted and Filed

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

O-5 SOCRRA Quarterly Report – January 2014
Noted and Filed

P. COMMENTS ON ITEMS ON OR NOT ON THE AGENDA FROM MEMBERS OF THE PUBLIC OUTSIDE OF TROY (NOT RESIDENTS OF TROY AND NOT FROM TROY BUSINESSES):

Lee Todd	Representative from Centerbrook Mortgage Company promoting a Reverse Mortgage Seminar on March 11, 2014 from 6-8 PM at the Troy Community Center.
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Q. STUDY ITEMS:

Q-1 No Study Items

R. CLOSED SESSION:

R-1 No Closed Session

S. ADJOURNMENT:

The Meeting **ADJOURNED** at 9:18 PM.

Mayor Dane Slater

M. Aileen Bittner, CMC
City Clerk



CITY COUNCIL AGENDA ITEM

Date: March 3, 2014

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic & Community Development
 MaryBeth Murz, Purchasing Director
 Elaine S. Bo, Recreation Director
 Brian Goul, Assistant Recreation Director

Subject: Standard Purchasing Resolution 3: Exercise Renewal Option – Pump Repair and Emergency Services – Indoor and Outdoor Pools

History

On April 4, 2011, Troy City Council approved a two (2) year contract for Pump Repair and Emergency Services at the Troy Family Aquatic Center and Troy Community Center, with two (2) one-year options to renew under the same pricing structure, terms and conditions, based on mutual consent of both parties to the low total bidder, Professional Pump Inc of Belleville, MI; contract expiring April 30, 2013. {Resolution #2011-04-071-J-4a}.

On February 18, 2013, Troy City Council approved the first one (1) year option to renew the contract with Professional Pump Inc., of Belleville, MI under the same pricing, terms and conditions as the 2011 contract; {Resolution #2013-02-032-J-04b}. The contract is due to expire April 30, 2014.

Note it has not been necessary to utilize the awarded services since award of the original contract, as the pumps have been performing and working properly. Reduced funding has restricted the amount of routine pump maintenance over the past few years. Professional Pump Inc. has offered to renew their contract for the next one-year period at the same prices, terms and conditions as those originally bid in 2011. And Professional Pump, Inc. continues to have the capability to meet all the contract terms and conditions.

- The Aquatic Center has two pumps that function 24 hours a day in the summer to filter the water of the pool. These pumps were rebuilt in 2005 and 2006.
- There are also six additional pumps at the Aquatic Center that function only when open to run the water features (slides, waterfall, kiddie features). Two of these pumps have been rebuilt in the past seven years while the other four pumps are being rebuilt or replaced before this season begins.
- The Community Center Pool has four pumps that are 11 years old. Two of these pumps (therapy and leisure filter pumps) function 24 hours a day and have a life of 10–15 years depending on the condition of the impeller and motor. The two other pumps run the slide and toy features and only run while the features are on during open swim
- New pumps or those that have been rebuilt have a useful life of 15-20 years depending on operational hours. Those pumps that run 24 hours/day year round can be expected to fail sooner than those operating the water features.



CITY COUNCIL AGENDA ITEM

History (continued)

- Failure of any of these pumps could mean that the facility would not be fully operational. In the past, the repairs have taken three weeks.

Purchasing

The Purchasing Department has conducted a favorable market survey of pump repair and emergency services and found no reason to solicit new bids. There are a limited number of companies performing the services specified. Rates from two area companies surveyed have remained the same or are expected to be higher than the rates in March 2011.

Financial

Funds for these services are available in the Community Center and Troy Family Aquatic Center Contractual Services Account – Equipment Maintenance Fund.

Recommendation

City management recommends exercising the second one-year option to renew the contract with *Professional Pump Inc of Belleville, MI* for Pump Repair and Emergency Services at the Troy Family Aquatic Center and Troy Community Center on an as needed basis; not to exceed budget limitations under the same prices, terms and conditions contained in the original bid tabulation opened March 23, 2011; contract to expire April 30, 2015.



CITY COUNCIL AGENDA ITEM

Date: March 10, 2014

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager
 Timothy L. Richnak, Public Works Director
 Kurt Bovensiep, Superintendent Parks, Streets, and Drains

Subject: Standard Purchasing Resolution 3: Exercise Renewal Option – Asphalt Paving Materials – Hot Patch

History

- One-year requirements of Asphalt Paving Materials – Hot Patch with an option to renew for one additional year was competitively bid and opened on January 24, 2013, in accordance with City Charter and Code.
- Hot asphalt material is used in the patching and maintenance of the City's local and major roads, and drains.
- On February 18, 2013, Troy City Council approved a one-year contract to provide Asphalt Paving Materials - Hot Patch with an option to renew for one additional year to the following low bidders, Barrett Paving Material Inc of Troy, MI, Cadillac Asphalt LLC of Canton, MI, and Surface Coatings Co of Auburn Hills, MI **{Resolution # 2013-02-032-J-04a}**.
- Year one of a potential two-year contract expired December 31, 2013.

Purchasing

- The City of Troy has determined that three (3) companies listed above have successfully met the requirements of the Asphalt Hot Patch contract as specified and as needed.
- Additionally Barrett Paving material Inc., Cadillac Asphalt LLC., and Surface Coatings Co. have expressed interest in renewing their respective contract under the same price, terms and conditions.
- Based on the completed market survey it has been determined that the City would not benefit from soliciting new bids for this commodity.

Financial

Funds are available through the Public Works operating budgets

Recommendation

City management recommends exercising the option to renew for one additional year with Barrett Paving Materials Inc. of Troy, MI, Cadillac Asphalt L.L.C. of Canton, MI and Surface Coatings Co. of Auburn Hills, MI for the Asphalt Paving Materials - Hot Patch under the same contract prices, terms, and conditions at an estimated cost of \$93,000.00 to be ordered on an as needed basis, not to exceed budgetary limitations; contract expiring December 31, 2014.

Award Standard Purchasing Resolution 3 AsphaltHotPatchITB-COT12-19.doc



CITY COUNCIL AGENDA ITEM

Date: March 3, 2014

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager
Cindy Stewart, Community Affairs Director

Subject: Standard Purchasing Resolution 3 - Option to Renew – Printing Services for the Troy Today Quarterly Newsletter

History

- The *Troy Today* Quarterly Newsletter, an all-encompassing newsletter to inform residents and businesses about pertinent City news, Library, Historic Village, Nature Center and Recreation programs and special events, is mailed to all residential and business addresses.
- On April 15, 2013, Troy City Council approved a one (1) year contract to provide printing and delivery services of the *Troy Today* Quarterly Newsletter with an option to renew for two (2) additional years to the low bidder meeting specifications; Grand Blanc Printing Co., Inc. of Grand Blanc, MI. {Resolution #2013-04-083-J4c}.
- Year one of a potential three-year contract expires April 15, 2014.

Purchasing

- The City of Troy has determined Grand Blanc Printing Co., Inc. has successfully provided printing services to the City for the past five (5) years.
- Grand Blanc Printing Co., Inc. meets all bid specifications and is doing an excellent job of providing the printing and delivery of the *Troy Today Quarterly* Newsletter.
- Note, that when this service was bid in 2013; 109 companies were notified via the MITN website. *Specific* web press equipment is required to provide this printing service as specified. Web press equipment is specified in order to print the newsletter as cost effectively as possible. Six (6) Troy printing companies were notified of the bid opportunity. Three (3) Troy companies viewed the bid; but did not respond because of the web press equipment requirement.
- The three (3) printing companies that responded to the bid opportunity were able to provide the specified printing capability and Grand Blanc Printing Co., Inc. was awarded the contract as low bidder meeting specifications.
- Grand Blanc Printing Co., Inc. provides this specific web press printing service to the entities listed below:

Cities/Townships	
Westland	Ann Arbor
Sterling Heights	Oxford
Farmington Hills	Ypsilanti Township
Northville	Shelby Township
School Districts	
L'anse Cruese	
Lake Orion	



CITY COUNCIL AGENDA ITEM

Purchasing (continued):

- Additionally, Grand Blanc Printing Co., Inc. expressed interest in renewing the current contract for one (1) additional year as per bid specifications and under the same pricing, terms, and conditions.

Financial

Funds are available through the printing accounts of the City Manager, the Library and the Recreation Departments operating budgets.

Recommendation

City management and the Community Affairs Department recommend exercising the option to renew for one (1) additional year to provide printing services for the *Troy Today* Quarterly Newsletter to the current contractor, *Grand Blanc Printing Co., Inc. of Grand Blanc, MI*, at unit prices contained in the bid tabulation opened April 8, 2013, at an estimated total cost of \$39,418.80 plus the actual cost of bulk rate postage, and \$50.00 per issue to post the Flip page newsletter on the City's website, and additional charges if needed not to exceed \$3,900.



CITY COUNCIL AGENDA ITEM

Date: March 13, 2014

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
MaryBeth Murz, Purchasing Manager
Elaine Bo, Recreation Director
Brian Goul, Assistant Recreation Director

Subject: Standard Purchasing Resolution 2: Lowest Acceptable Bidder – Replacement Batteries for Emergency Back-Up System for the Community Center

History

The emergency back-up system for the Community Center's indoor pool is operated by 94 batteries. The life expectancy of the batteries is 10 years. The batteries currently in service are the original batteries installed when the building opened 11 years ago. The batteries in service have exceeded the manufacturer's stated life expectancy and must be replaced. The purchase of replacement batteries will ensure the safety and reliability of the emergency back-up system for the next 10 years. Installation of the batteries will be done by The Building Operations Department.

Purchasing

On March 6, 2014, a bid opening was conducted as required by City Charter and Code for ninety-four (94) replacement batteries. The bid was posted on the Michigan Inter-governmental Trade Network (MITN) website; www.mitn.info. Four (4) bid responses were received. The low bid alternate response was reviewed and approved by the Recreation Department and the Building Operations Department for use in the Community Center's emergency back-up system. Below is a detailed summary of potential vendors:

Companies notified via MITN	214
Troy Companies notified via MITN	2
Troy Companies notified Active email Notification	2
Troy Companies notified Active Free	0
Companies that viewed the bid	51
Troy Companies that viewed the bid	2

MITN provides a resourceful online platform to streamline the procurement process, reduce costs, and make it easier and more transparent for vendors to do business with the City of Troy.

Active MITN members with a current membership and paying annual dues receive automatic electronic notification which allows instant access to Bids, RFPS and Quote opportunities with the City.

Active MITN non-paying members are responsible to monitor and check the MITN website for opportunities to do business with the City.

Inactive MITN member status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.

After reviewing the bid proposals, Complete Battery Source of Detroit, MI was the lowest acceptable bidder and is being recommended for the purchase of ninety-four (94) replacement batteries.

Financial

The funds for these purchases are available in the 2013-14 Capital Improvement Program fund.

Recommendation

City management recommends awarding a contract to purchase twenty (20) CSB-HRL-12200 batteries, twenty-four (24) CSB-TPL 12-1000 batteries, and fifty (50) CSB-HRL 12-280 batteries to the lowest acceptable bidder, Complete Battery Source of Detroit, MI for an estimated total cost of \$13,950.00 less trade-in value of \$708.00, for a final cost of \$13,242.00, all at prices contained in the bid tabulation dated March 6, 2014.

VENDOR NAME:

Complete Battery Source	Action Battery Wholesalers, Inc.
Detroit, MI	Somerset, WI

PROPOSAL: Furnish new replacement batteries for the emergency backup system at the Community Center in accordance with the bid specifications.

QTY	DESCRIPTION	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
20	Fiamm 12FLX200 battery, 12VDC 204 wpc to 1.67 volts per cell (design life up to 10 years)	\$116.00 CSB HRL-12200	\$2,320.00	\$110.00	\$2,200.00
24	GNB Marathon Battery, 12VDC, 104AH at 8 hour rate, front access terminals, includes battery to battery bus bars (design life up to 10 years)	\$195.00 CSB-TPL 12-1000	\$4,680.00	\$288.00	\$6,912.00
50	GNB Sprinter battery, 12vdc 306wpc to 1.67 volts per cell (design life up to 10 years)	\$139.00 CSB-HRL 12-280	\$6,950.00	\$145.00	\$7,250.00
TOTAL COST ALL ITEMS:			\$13,950.00		\$16,362.00
QTY	TRADE-IN VALUE	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
20	Fiamm 12FLX200 battery, 12VDC 204 wpc to 1.67 volts per cell (design life up to 10 years)	\$6.00	\$120.00	\$ 7.00	\$ 140.000
24	GNB Marathon Battery, 12VDC, 104AH at 8 hour rate, front access terminals, includes battery to battery bus bars (design life up to 10 years)	\$12.00	\$288.00	\$15.00	\$360.00
50	GNB Sprinter battery, 12vdc 306wpc to 1.67 volts per cell (design life up to 10 years)	\$6.00	\$300.00	\$12.00	\$600.00
TOTAL TRADE-IN VALUE:			\$708.00		\$1,100.00
GRAND TOTAL COST:			\$13,242.00		\$15,262.00

MANUFACTURER:		CSB	Georgia
DELIVERY GUARANTEE:		21 calendar days	14 calendar days
WARRANTY:		Yes, as specified	No
AUTHORIZED DEALER:		Yes	Yes
CONTACT INFORMATION:		Thomas Delatorre	Doug Crain
		8:00am - 7:00pm	8:00am - 4:30pm
		734 323 2377	800 261 6660
REFERENCES:	Yes/No	Yes	Yes
PAYMENT TERMS:		Net 30	Net 30
EXCEPTIONS:		<i>Yes, bid an alternate brand</i>	<i>Yes, warranty exceptions</i>
MSDS SHEETS Y OR N	Yes/No	No	Yes
ACKNOWLEDGEMENT	Yes/No	Yes	Yes
FORMS (5)	Yes/No	Yes	Yes

Sue Riesterer
 Brian Goul
 Enna Bachelor

MaryBeth Murz,
 Purchasing Manager

VENDOR NAME:

Alpine Power Systems	Gruber Technical, Inc.
Redford, MI	Phoenix, AZ

PROPOSAL: Furnish new replacement batteries for the emergency backup system at the Community Center in accordance with the bid specifications.

QTY	DESCRIPTION	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
20	Fiamm 12FLX200 battery, 12VDC 204 wpc to 1.67 volts per cell (design life up to 10 years)	\$119.40	\$2,388.00	\$127.48	\$2,549.60
24	GNB Marathon Battery, 12VDC, 104AH at 8 hour rate, front access terminals, includes battery to battery bus bars (design life up to 10 years)	\$292.25	\$7,014.00	\$332.48	\$7,979.52
50	GNB Sprinter battery, 12vdc 306wpc to 1.67 volts per cell (design life up to 10 years)	\$163.65	\$8,182.50	\$179.50	\$8,975.00
TOTAL COST ALL ITEMS:			\$17,584.50		\$19,504.12
QTY	TRADE-IN VALUE	UNIT PRICE	TOTAL COST	UNIT PRICE	TOTAL COST
20	Fiamm 12FLX200 battery, 12VDC 204 wpc to 1.67 volts per cell (design life up to 10 years)	No response		No response	
24	GNB Marathon Battery, 12VDC, 104AH at 8 hour rate, front access terminals, includes battery to battery bus bars (design life up to 10 years)	No response		No response	
50	GNB Sprinter battery, 12vdc 306wpc to 1.67 volts per cell (design life up to 10 years)	No response		No response	
TOTAL TRADE-IN VALUE:			\$0.00		\$0.00
GRAND TOTAL COST:			\$17,584.50		\$19,504.12

MANUFACTURER:		Fiamm - GNB	Fiamm - GNB
DELIVERY GUARANTEE:		35 calendar days	4/6 week lead time
WARRANTY:		Yes, not as specified	Yes, not as specified
AUTHORIZED DEALER:		No	Yes
CONTACT INFORMATION:		Natalie Isgut	Rita M. Lomoglio
		8:00am - 5:00pm	8:00am - 5:00pm
		877 993 8855	888 404 6997
REFERENCES:	Yes/No	Yes	Yes
PAYMENT TERMS:		Net 30	Net 30
EXCEPTIONS:		No, bid brand as specified.	No
MSDS SHEETS Y OR N	Yes/No	No	Yes
ACKNOWLEDGEMENT	Yes/No	Yes	Yes
FORMS (5)	Yes/No	Yes	Yes



CITY COUNCIL AGENDA ITEM

Date: March 5, 2014

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven Vandette, City Engineer

Subject: Act 51 Mileage Certification for 2013

History

- In accordance with the guidelines for adding streets to the annual road mileage certification for cities and villages, the following platted and non-platted streets require a resolution from Council to accept jurisdiction of these streets.

Additions:

Aster	Bridgewater Estates Site Condominiums
Mayflower	Bridgewater Estates Site Condominiums
Oak Forest Drive	Oak Forest Site Condominiums
Black Oak	Oak Forest Site Condominiums
Rockdale Court	Athens Parc Site Condominiums
Siena Drive	Tuscany Estates Site Condominiums
Cabernet Drive	Tuscany Estates Site Condominiums
Sutherland Drive	Hidden Parc Site Condominiums
Hazel Nut Lane	Hidden Parc Site Condominiums
Southerland Court	Hidden Parc Site Condominiums
Timbercrest Drive	Timbercrest Preserves Site Condominiums
Lynwood Drive	Timbercrest Preserves Site Condominiums

Financial

- The City of Troy's allocation of Michigan Transportation Funds is based on the number of miles of road under City jurisdiction. The roads listed under additions are under control of the City, open for public purposes, and are being maintained by the City. It is necessary that the foregoing roads be added to the Act 51 mileage report so that transportation funds can be properly allocated to the City of Troy.

Recommendation

- It is recommended that the roads listed above, under additions, be accepted and certified for the Act 51 mileage report.



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LG*
Susan M. Lancaster, Assistant City Attorney *SML*
DATE: March 11, 2014
SUBJECT: Mondrian Properties Belleclaire, LLC. v. City of Troy lawsuit

The City has recently been served with a copy of the enclosed re-plat lawsuit filed by Plaintiff Mondrian Properties Belleclaire. This case has been filed in the Oakland County Circuit Court, and assigned to Judge Kumar. The City of Troy and all other persons with property ownership within 300 feet of the proposed re-plated area are named Defendants, including but not limited to the State, County and the utility companies.

The proposed re-plat seeks to vacate a 30 foot private easement for roadway purposes on Supervisor's Plat No. 22 (east side of Rochester Road, north of Wattles). The requested plat amendment would vacate the easement between lots 4 and 5, as depicted on Exhibit A in the attached lawsuit.

The only way to achieve this plat amendment is to file a lawsuit against the named Defendants. Although we expect that Plaintiffs will obtain ultimate approval for the proposed plat revision, the City will closely monitor the case, and will demand the right to review the final plat, as prepared by the developer's engineer, to make sure it is in compliance with the Troy Code of Ordinances and the State Statutes. After this review and approval, then the developer is required to obtain approval from the State of Michigan.

Our office is happy to defend the City's interest in this lawsuit, and a resolution authorizing this is presented for your consideration.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR OAKLAND COUNTY

MONDRIAN PROPERTIES BELLECLAIRE, LLC,

Plaintiff,

v.

CITY OF TROY, STEVE ARWOOD as Acting Director of STATE OF MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS, JIM NASH as OAKLAND COUNTY WATER RESOURCES COMMISSIONER, GREGORY C. JAMIAN as Chairman of ROAD COMMISSION FOR OAKLAND COUNTY, DTE ELECTRIC COMPANY, a Public Utility, CONSUMERS ENERGY COMPANY, a Public Utility, MICHIGAN BELL TELEPHONE COMPANY, a Public Utility, LOIS E. LONG TRUST, DAVID R. SKINNER, KEVIN KELLERMAN and JANET KELLERMAN as husband and wife, AUREL BUIA AND FELICIA BUIA as husband and wife, PAUL S. MOLINK, RICK M. PEARSALL and MARCEDA PEARSALL as husband and wife, DANIEL J. TROTTA and ROSEANN TROTTA as husband and wife, RAMINDER S. BHATIA and KIRANDE BHATIA as husband and wife, DAVID C. & JANE BISHOP TRUST, FAN LI and LIXIA HE, MARK PETERSON and KATHLEEN PETERSON as husband and wife, RONALD BOSTICK JR., BARAA KHARSA and MOHAMAD C. KHARSA as husband and wife, CARLA KEARNEY, PRISCILLA AMJAD, VENKATA K. VADLAMUDI and FATHIMA R. KONA, MARY ANN YELDA, REENA CHANDRAKANT PATEL, MAHMOUD RYES, DONG JO JANG and SHINYOUNG JANG as husband and wife, TRUST KAMALA SUKUMARAN, HAZEM ELTAHAWY, DHAVAL TRIVEDI and TRIVEDI MANISHA LOOMBA, ANWAR AHMAD and AMTUR R. AHMAD as husband and wife, MARY SHARON SMITH, RAMBABU DEVERNENI, STEPHEN C. JOHNSON and LAURA J. JOHNSON as husband and wife, SAROJ MISRA, BARBARA MARESKI, SHEELA R. MANYAM, EDWARD FARAH and PIERRE ZAYAT, MATTHEW T. EWALD, DOUGLAS C. BUCZAK, BRYAN E. LANCE and JOYCE M. LANCE as husband and wife, EZHIL VISWANATHAN and RENUKHA SUBASH, BRUCE M. SAWDON and JOYCE V. SAWDON as husband and wife, MARK W. HABEL and

**COMPLAINT TO VACATE
A PRIVATE ROADWAY
EASEMENT ON LOT 15 OF
SUPERVISOR'S PLAT NO. 22**

DEBORAH M. LEWAKOWSKI, EDWARD FARAH JR.,
KOMANDURI GOPALACHARYULU and JAYA
DHARMAPURI, E&F INVESTMENT CO LLC, DALE A.
CARR and ROXANNE M. CARR as husband and wife,
CHON U. KIM and WOL HUI KIM as husband and wife,
SUSMITA CHOWDHURI, MAKRAM OBEID and LAUDY
OBEID as husband and wife, JUN LAN and TONG ZHOU,
ETIENNE E. FARAH, RAMAKRISHNA MUTYALA,
BELMIN PINJIC and AJLINA PINJIC as husband and wife,
CHENNA K. SANKEPALLE, SHALABH AND SHAKIB
DERIA,

Defendants.

Sherman Abdo (P77605)
Attorney for Plaintiff
43928 Hall Road, Suite 100
Sterling Heights, MI 48314
(248) 379-9801
abdo.sherman@gmail.com

**COMPLAINT TO VACATE
A PRIVATE ROADWAY EASEMENT ON LOT 15 OF SUPERVISOR'S PLAT NO. 22**

NOW COMES Plaintiff, Mondrian Properties Belleclair, LLC, a Michigan Limited Liability Company, by their attorney Sherman Abdo, and for their Complaint to vacate a certain private roadway easement located on Lot 15 of Supervisor's Plat No. 22 state as follows:

1. Plaintiff is the legal and equitable owner of Lot 15 of Supervisor's Plat No. 22 as recorded in Liber 13, Page 45 of Plats, Oakland County Records.
2. The only portions of Supervisor's Plat No. 22, attached as Exhibit A hereto, that Plaintiff seeks to amend lie wholly within Plaintiff's Lot 15.

3. This Court has jurisdiction over this matter pursuant to the Michigan Land Division Act, MCL 560.101, et seq., and venue is proper due to the fact that the real property at issue in this matter is located in the City of Troy, Oakland County, Michigan.
4. At issue before this Court is the amendment of Supervisor's Plat No. 22 whereby Plaintiff seeks to vacate a thirty-foot wide the private roadway easement (as depicted on Supervisor's Plat No. 22) that spans the southern boundary of Lot 15.
5. The proposed amendment to Supervisor's Plat No. 22 is depicted on the attached Survey as Exhibit B hereto.
6. Defendant Steve Arwood is the acting Director of the State of Michigan Department of Licensing and Regulatory Affairs.
7. Defendant Jim Nash is the Oakland County Water Resources Commissioner, having jurisdiction over the property in the Plat at issue herein.
8. Defendant Gregory Jamian is the Chairman of the Road Commission for Oakland County, having jurisdiction over the property in the Plat at issue herein.
9. Defendant City of Troy is a Michigan municipal corporation having jurisdiction over the property in the Plat at issue herein.
10. Defendants Consumers Energy Company, DTE Electric Company, and Michigan Bell Telephone are public utility companies that are known by the Plaintiff to have installations and/or equipment within the boundaries of, over or under the Property in the Plat at issue herein.
11. All of the other Defendants referenced in the caption above are owners of record title to property situated within three hundred (300') feet of the Property owned by Plaintiff, as shown in Exhibit C, which includes the portion(s) of the Plat requested to be amended and which is the subject matter of this Complaint.

12. The relief/amendment to the plat requested herein will have no material adverse affect upon the rights, title and/or interest of the owners of the Property described in Paragraph 11 above and to whom notice is required by the Land Division Act, MCL 560.224a and who are, therefore, named as Defendants herein.

13. The Plaintiff has filed this action in order to vacate the private roadway easement to allow the development, construction and sale of homes on Lot 15.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court:

- A. Enter and Order requiring Defendants to appear before this Court to show cause, if any they may have, why a Judgment should not be entered amending Supervisor's Plat No. 22 to be in substantial compliance with Exhibit B attached;
- B. Enter a judgment amending portion of Supervisor's Plat No. 22 as requested in Paragraph 5 of Plaintiff's Complaint, said amended plat to be in substantial compliance with Exhibit B attached; and
- C. That Plaintiffs be awarded such other and further relief as this Court deems just and appropriate.

Respectfully submitted,

By: /s/ Sherman M. Abdo
Sherman M. Abdo (P77605)
Attorney for Plaintiff
43928 Hall Road, Suite 100
Sterling Heights, MI 48314
(248) 379-9801

Dated: February 26, 2014

EXHIBIT A

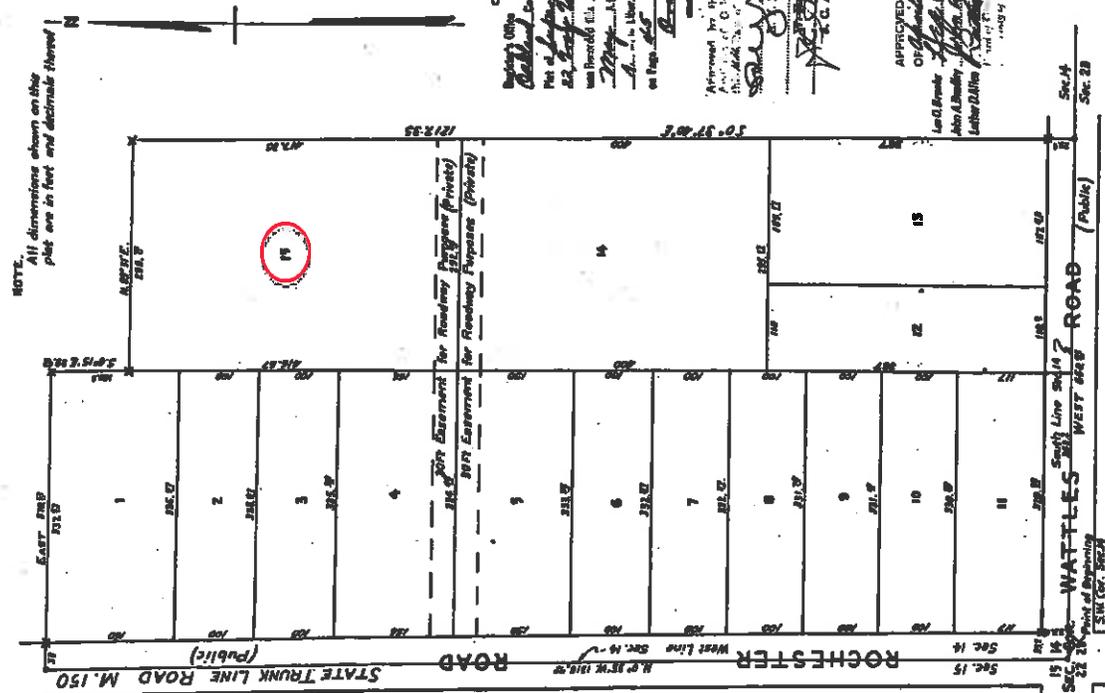
"SUPERVISOR'S PLAT NO 22"

A SUBDIVISION OF PART OF THE S.W. 1/4 OF SEC. 14 T. 2 N. R. 11 E.
TROY TOWNSHIP, OAKLAND CO., MICH.

Examined and Approved
2/20/24
Jesse L. Taylor
Jesse L. Taylor, Deputy Auditor General

FILED IN AUDITOR GENERAL'S OFFICE
Jesse L. Taylor, Deputy Auditor General

Scale 1 inch = 100 feet



DEDICATION

KNOW ALL MEN BY THESE PRESENTS: That I, Sam C. Halsey, Supervisor of the Township of Troy, of Oakland County, State of Michigan, by virtue of authority in me vested by Section 51, Act 172, of 1929, having been duly authorized by the Township Board, of the Township of Troy, have caused the land described in the annexed plat to be surveyed, laid out and platted, to be known as "Supervisor's Plat No 22" and that the streets as shown on said plat as public are now being used for public highway purposes

Henry B. Green
Paul Walker
Mikozona
Mikozona

Sam C. Halsey
Supervisor of the Township of Troy

ACKNOWLEDGEMENT STATE OF MICHIGAN COUNTY OF OAKLAND

On this 12th day of April, A.D. 1940, before me, a Notary Public in and for said county, personally came the above named Sam C. Halsey, Supervisor of Troy Township, known to me to be the person who executed the above dedication, and acknowledged the same to be his free act and deed as such supervisor.

Sam C. Halsey
Notary Public in and for Oakland County
My Commission expires SEPTEMBER 12, 1941

CERTIFICATE OF MUNICIPAL APPROVAL

This plat was approved by the Township Board of the Township of Troy, at a meeting held April 12, 1940

Sam W. Reed
Township Clerk

SURVEYOR'S CERTIFICATE

I hereby certify that the plat herein exhibited is a correct one and that permanent metal monuments consisting of bars not less than one-half (1/2) inch in diameter and forty-eight (48) inches in length, were placed at the corners of the plat as shown above at all angles in the boundaries of the land platted, at all the intersections of streets and at the intersections of streets with the boundaries of the plat as shown on said plat.

W. S. McElpind
Registered Surveyor

DESCRIPTION

The land embraced in the annexed plat of "Supervisor's Plat No 22" a subdivision of part of the S.W. 1/4 of Sec. 14, T. 2 N., R. 11 E., Troy Township, Oakland County, Michigan, is described as beginning at the S.W. cor. of said Sec. 14, thence N. 45° 15' W. along west line of said section 13162 ft., thence EAST 78° 08' thence S 0° 15' E 288.78 ft. thence S 0° 15' E 127.67 ft. to a point in the south line of said Sec. 14, thence WEST along said south section line 666.67 ft. to the point of beginning.

CERTIFICATE AS TO STATE TRUNK LINE OR FEDERAL AID ROADS

We hereby certify that said plat appears to include land located on a state-trunk-line or federal-aid road.

Width and location of state trunk line and federal aid roads O.K.
State Highway Commissioner

27371

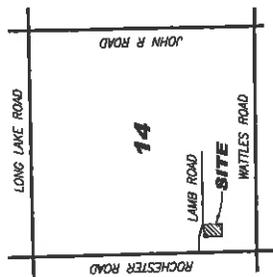
EXHIBIT B

AMENDED PLAT OF LOT 15

"SUPERVISOR'S PLAT NO. 22"

PART OF THE S.W. 1/4 OF SECTION 14, T.2N., R.11E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

WEST 1/4 CORNER OF SECTION 14,
TOWN 2 NORTH, RANGE 11 EAST,
CITY OF TROY, OAKLAND COUNTY,
MICHIGAN. FOUND OAKLAND COUNTY
REMONUMENTATION CAP #25854 IN
MONUMENT BOX AS RECORDED IN
LIBER 17277, PAGE 657 OF
OAKLAND COUNTY RECORDS.



LOCATION MAP
(AND SCALE)

LEGEND

ALL DIMENSIONS ARE IN FEET.

ALL BEARINGS FOR THIS PLAT ARE IN
RELATION TO NORTH, 00°36'30" WEST, BEING
THE WEST LINE OF SECTION 14, AS
PREVIOUSLY PLATTED IN "SUPERVISOR'S PLAT
OF SQUARE ACRES SUB." AS RECORDED IN
LIBER 14 OF PLATS, PAGE 48 OF OAKLAND
COUNTY RECORDS.

FOUND MONUMENTS ARE INDICATED BY "O",
AND ARE 4" DIAMETER CONCRETE .36" LONG
WITH 1/2" DIA. STEEL BAR. NONE FOUND.

4" DIAMETER CONCRETE MONUMENTS .36"
LONG WITH 1/2" DIAMETER STEEL BARS ARE
INDICATED BY "O".

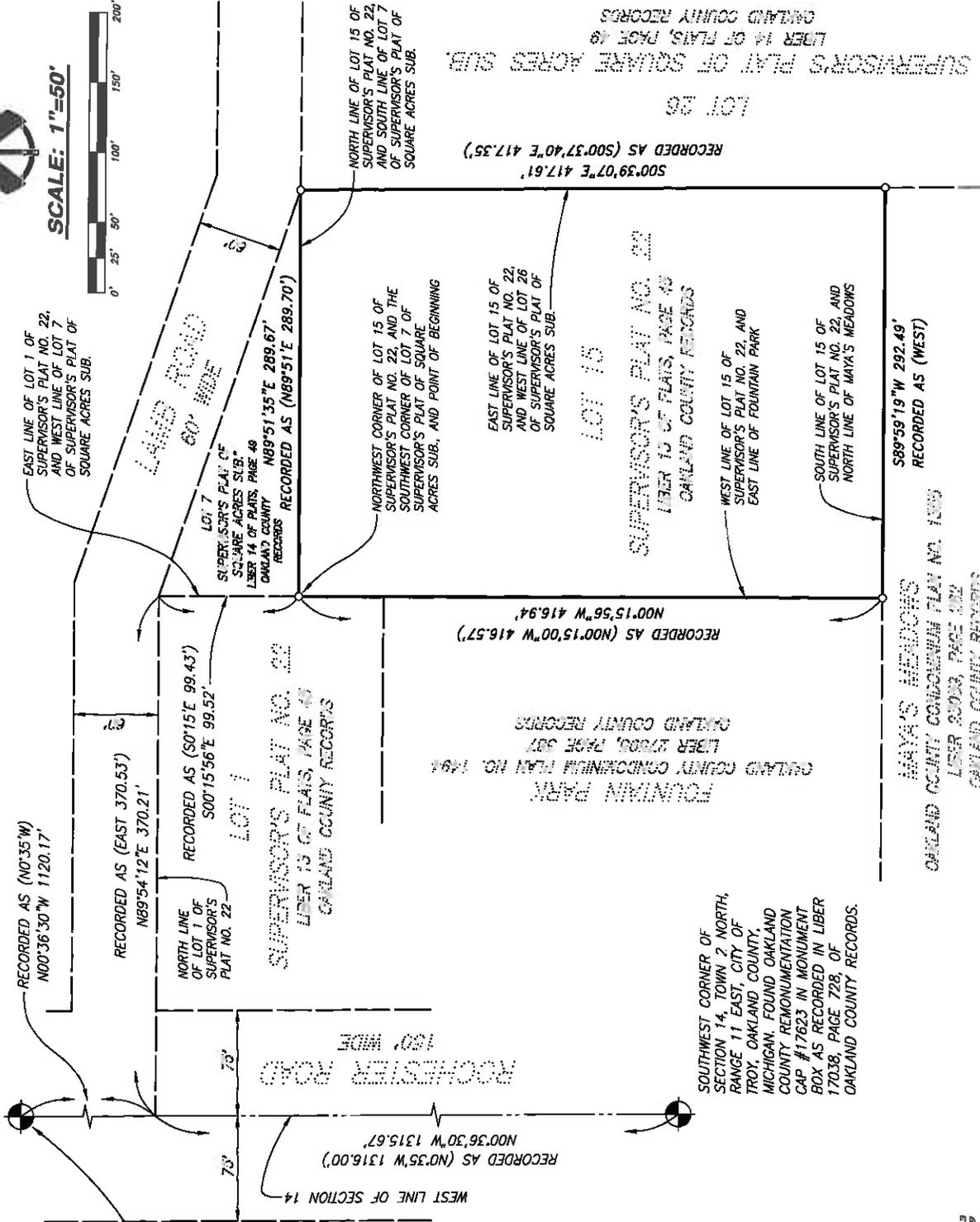
AZTEC
LAND SURVEYORS INC.

3912 HERRINGTON DRIVE PHONE: 586-306-1253
HOLLY, MI 48445 FAX: 480-587-8759

NORTH



SCALE: 1"=50'



SUPERVISOR'S PLAT OF SQUARE ACRES SUB.
LIBER 14 OF PLATS, PAGE 48
OAKLAND COUNTY RECORDS

LOT 26

500°39'07"E 417.61'
RECORDED AS (S00°37'40"E 417.35')

LOT 15
SUPERVISOR'S PLAT NO. 22
LIBER 13 OF PLATS, PAGE 48
OAKLAND COUNTY RECORDS

EAST LINE OF LOT 15 OF
SUPERVISOR'S PLAT NO. 22,
AND WEST LINE OF LOT 26
OF SUPERVISOR'S PLAT OF
SQUARE ACRES SUB.

WEST LINE OF LOT 15 OF
SUPERVISOR'S PLAT NO. 22, AND
EAST LINE OF FOUNTAIN PARK

SOUTH LINE OF LOT 15 OF
SUPERVISOR'S PLAT NO. 22, AND
NORTH LINE OF MAYA'S MEADOWS

S89°59'19"W 292.49'
RECORDED AS (WEST)

MAYA'S MEADOWS
OAKLAND COUNTY CONDOMINIUM PLAT NO. 1589
LIBER 33003, PAGE 102
OAKLAND COUNTY RECORDS

FOUNTAIN PARK
OAKLAND COUNTY CONDOMINIUM PLAT NO. 1744
LIBER 27003, PAGE 307
OAKLAND COUNTY RECORDS

RECORDED AS (N00°15'00"W 416.57')
N00°15'56"W 416.94'

LOT 7
SUPERVISOR'S PLAT NO. 22
LIBER 14 OF PLATS, PAGE 48
OAKLAND COUNTY RECORDS

RECORDED AS (S0°15'E 99.43')
S00°15'56"E 99.52'

RECORDED AS (EAST 370.53')
N89°54'12"E 370.21'

RECORDED AS (N0°35'W)
N00°36'30"W 1120.17'

WEST LINE OF SECTION 14
RECORDED AS (N0°35'W 1316.00')
N00°36'30"W 1315.67'

ROCHESTER ROAD
150' WIDE

LAMB ROAD
60' WIDE

NORTH LINE OF LOT 15 OF
SUPERVISOR'S PLAT NO. 22,
AND SOUTH LINE OF LOT 7
OF SUPERVISOR'S PLAT OF
SQUARE ACRES SUB.

NORTHWEST CORNER OF LOT 15 OF
SUPERVISOR'S PLAT NO. 22, AND THE
SOUTHWEST CORNER OF LOT 7 OF
SUPERVISOR'S PLAT OF SQUARE
ACRES SUB., AND POINT OF BEGINNING

RECORDED AS (N89°51'35"E 289.67')
N89°51'35"E 289.70'

AMENDED PLAT OF LOT 15

"SUPERVISOR'S PLAT NO. 22"

PART OF THE S.W. 1/4 OF SECTION 14, T.2N., R.11E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

LIBER _____ PAGE _____
SHEET 2 OF 2

SURVEYOR'S CERTIFICATE

I, SHANE P. AZBELL, SURVEYOR, CERTIFY:

THAT I HAVE SURVEYED AND MAPPED THE LAND SHOWN ON THIS AMENDED PLAT, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN; THENCE NORTH 00 DEGREES 36 MINUTES 30 SECONDS WEST 1315.87 FEET (RECORDED AS NORTH 00 DEGREES 35 MINUTES WEST 1316.00 FEET) ALONG THE WEST LINE OF SECTION 14; THENCE NORTH 89 DEGREES 54 MINUTES 12 SECONDS EAST 370.12 FEET (RECORDED AS EAST 370.53 FEET) ALONG THE NORTH LINE OF LOT 1, AND THE WESTERLY EXTENSION THEREOF, OF SUPERVISOR'S PLAT NO. 22 AS RECORDED IN LIBER 13 OF PLATS, PAGE 45, OAKLAND COUNTY RECORDS TO THE NORTHEAST CORNER OF LOT 1, ALSO BEING THE NORTHWEST CORNER OF LOT 7 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB. AS RECORDED IN LIBER 14 OF PLATS, PAGE 49, OAKLAND COUNTY RECORDS; THENCE SOUTH 00 DEGREES 15 MINUTES 56 SECONDS EAST 99.52 FEET (RECORDED AS SOUTH 00 DEGREES 15 MINUTES 99.43 FEET) ALONG THE EAST LINE OF LOT 1 OF SUPERVISOR'S PLAT NO. 22, ALSO BEING THE WEST LINE OF LOT 7 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB., TO THE NORTHWEST CORNER OF LOT 15 OF SUPERVISOR'S PLAT NO. 22, AND THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 51 MINUTES 35 SECONDS EAST 289.67 FEET (RECORDED AS NORTH 89 DEGREES 51 MINUTES 289.70 FEET) ALONG THE NORTH LINE OF LOT 15 OF SUPERVISOR'S PLAT NO. 22, ALSO BEING THE SOUTH LINE OF LOT 7 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB., TO THE NORTHEAST CORNER OF LOT 15 OF SUPERVISOR'S PLAT NO. 22, ALSO BEING THE NORTHWEST CORNER OF LOT 26 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB.; THENCE SOUTH 00 DEGREES 39 MINUTES 07 SECONDS EAST 417.61 FEET (RECORDED AS SOUTH 00 DEGREES 37 MINUTES 40 SECONDS EAST 417.35 FEET) ALONG THE EAST LINE OF LOT 15 OF SUPERVISOR'S PLAT NO. 22, ALSO BEING THE WEST LINE OF LOT 26 OF SUPERVISOR'S PLAT OF SQUARE ACRES SUB., TO THE SOUTHEAST CORNER OF LOT 15 OF SUPERVISOR'S PLAT NO. 22, ALSO BEING THE NORTHEAST CORNER OF MAYA'S MEADOWS, OAKLAND COUNTY CONDOMINIUM PLAN NO. 1355, AS RECORDED IN LIBER 23059, PAGE 282, OAKLAND COUNTY RECORDS; THENCE SOUTH 89 DEGREES 59 MINUTES 19 SECONDS WEST 292.49 FEET (RECORDED AS WEST 292.49 FEET) ALONG THE SOUTH LINE OF LOT 15 OF SUPERVISOR'S PLAT NO. 22, ALSO BEING THE NORTH LINE OF MAYA'S MEADOWS, TO THE SOUTHWEST CORNER OF LOT 15 OF SUPERVISOR'S PLAT NO. 22, ALSO BEING THE SOUTHEAST CORNER OF FOUNTAIN PARK, OAKLAND COUNTY CONDOMINIUM PLAN NO. 1494, AS RECORDED IN LIBER 27595, PAGE 387, OAKLAND COUNTY RECORDS; THENCE NORTH 00 DEGREES 15 MINUTES 56 SECONDS WEST 416.94 FEET (RECORDED AS NORTH 00 DEGREES 15 MINUTES 00 SECONDS WEST 416.57 FEET) ALONG THE WEST LINE OF LOT 15 OF SUPERVISOR'S PLAT NO. 22, ALSO BEING THE EAST LINE OF FOUNTAIN PARK, TO THE POINT OF BEGINNING, CONTAINING 1 LOT, NUMBER 15, AND 2.79 ACRES, MORE OR LESS.

THAT I HAVE MADE SUCH SURVEY AND AMENDED PLAT BY THE DIRECTION OF THE PLAINTIFF.

THAT SUCH AMENDED PLAT IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY OF THE LAND SURVEYED.

THAT THE REQUIRED MONUMENTS AND LOT MARKERS HAVE BEEN LOCATED IN THE GROUND, AS REQUIRED BY THE ACT.

THAT THE ACCURACY OF THE SURVEY IS WITHIN THE LIMITS REQUIRED BY THE ACT.

THAT THE BEARINGS SHOWN ON THE AMENDED PLAT ARE EXPRESSED AS REQUIRED BY THE ACT AND EXPLAINED IN THE LEGEND.

THAT SUCH AMENDED PLAT IS A TRUE AND EXACT COPY OF THE PORTION OF THE PLAT OF SUPERVISOR'S PLAT NO. 22, BEING PART OF THE SOUTHWEST QUARTER OF SECTION 14, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS AMENDED BY THE JUDGMENT TO VACATE, CORRECT OR REVISE THE PLAT OR A PORTION OF THE PLAT IN THE MATTER OF MORNAN PROPERTIES BELLECLAIRE LLC, PLAINTIFF, WHICH WAS ENTERED BY CIRCUIT COURT JUDGE, _____ IN THE COUNTY OF OAKLAND, STATE OF MICHIGAN, ON THE _____ DAY OF _____, _____, CIRCUIT COURT FILE NUMBER: _____.

DATE: _____
AZTEC LAND SURVEYORS, INC.
3312 HERRINGTON DRIVE
HOLLY, MICHIGAN 48442
(586) 306-1253

SHANE P. AZBELL, PRESIDENT
PROFESSIONAL SURVEYOR NO. 46724

AZTEC
LAND SURVEYORS INC.
3312 HERRINGTON DRIVE PHONE: 586-306-1253
HOLLY, MI 48442 FAX: 480-287-8759

RECORDING CERTIFICATE

(STATE OF MICHIGAN)

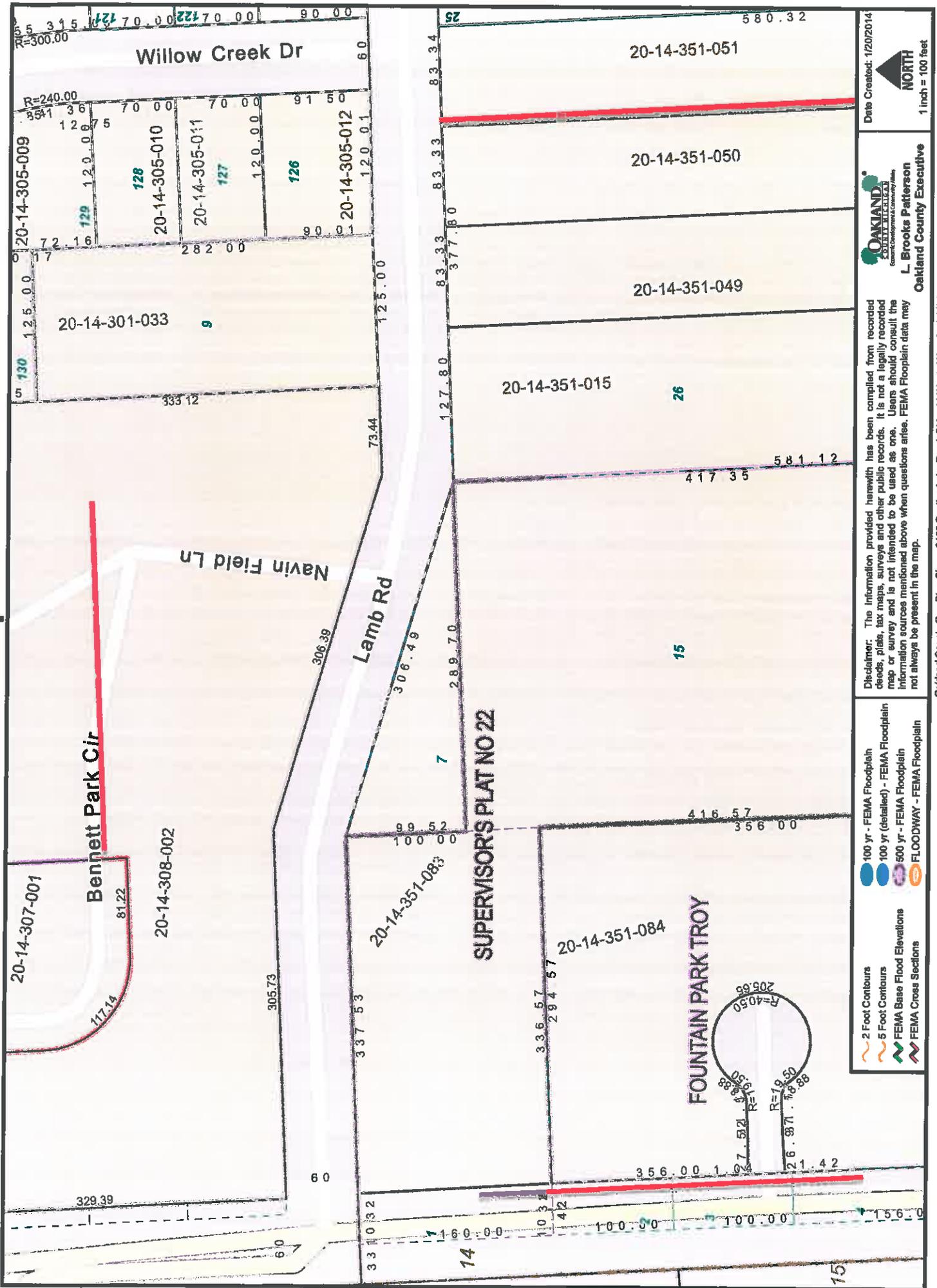
OAKLAND COUNTY)

THIS PLAT WAS RECEIVED FOR RECORD ON THE _____ DAY OF _____, 20____
AT _____ AND RECORDED IN LIBER _____ OF PLATS ON PAGES _____

LISA BROWN, COUNTY CLERK
REGISTER OF DEEDS

EXHIBIT C

Parcel Map North



Date Created: 1/20/2014
 NORTH
 1 inch = 100 feet

OAKLAND COUNTY
 L. Brooks Patterson
 Oakland County Executive

Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present in the map.

- 100 yr - FEMA Floodplain
- 100 yr (detailed) - FEMA Floodplain
- 500 yr - FEMA Floodplain
- FLOODWAY - FEMA Floodplain
- 2 Foot Contours
- 5 Foot Contours
- FEMA Base Flood Elevations
- FEMA Cross Sections



CITY COUNCIL AGENDA ITEM

Date: March 10, 2014

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer

Subject: Private Agreement – Contract for Installation of Municipal Improvements
Galleria of Troy - Phase II - Project No. 13.923.3

History

The Galleria of Troy - Phase II proposed by Galleria of Troy, LLC is located at the north west corner of Big Beaver and I-75 in section 21.

Troy Planning Commission recommended preliminary site plan approval on November 12, 2013, resolution #PC-2013-03-018.

Site grading and utility plans for this development were reviewed and recently approved by the Engineering Department. The plans include municipal improvements; water main, sanitary sewer, storm sewer, paving, sidewalks, soil erosion and landscaping, which will be constructed by Galleria of Troy, LLC on behalf of the City of Troy. The required fees and refundable escrow deposits in the form of Performance Bond and 10% Cash, that will assure completion of the municipal improvements, have been provided by Galleria of Troy, LLC (see attached Private Agreement).

Financial

See attached summary of required deposits and fees for this Private Agreement.

Recommendation

Approval of the Contract for Installation of Municipal Improvements (Private Agreement) is recommended.

City Of Troy

Contract for Installation of Municipal Improvements (Private Agreement)

Project No.: **13.923.3**

Project Location: **SW 1/4 Section 21**

Resolution No: _____

Date of Council Approval: _____

This Contract, made and entered into this 10th day of February, 2014 by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and Galleria of Troy, LLC whose address is 30500 Northwestern Hwy., Suite 525, Farmington Hills, MI 48334 and whose telephone number is 248-855-2100 hereinafter referred to as "Owners", provides as follows:

FIRST: That the City agrees to permit the installation of Water Main, Sanitary sewer, Storm sewer, Paving, Sidewalks, Soil erosion and Landscaping in accordance with plans prepared by Professional Engineering Associates whose address is 2430 Rochester Ct., Sute 100, Troy, MI 48083 and whose telephone number is 248-689-9090 and approved prior to construction by the City in accordance with City of Troy specifications.

SECOND: That the Owners agree to provide the following securities to the City prior to the start of construction, in accordance with the Detailed Summary of Required Deposits & Fees (attached hereto and incorporated herein):

Refundable escrow deposit equal to the estimated construction cost of \$ 507,364.00. This amount will be deposited with the City in the form of (check one):

Cash	<input type="checkbox"/>
Certificate of Deposit & 10% Cash	<input type="checkbox"/>
Irrevocable Bank Letter of Credit & 10% Cash	<input type="checkbox"/>
Check	<input type="checkbox"/>
Performance Bond <i>10% CASH 50,736.-</i>	<input checked="" type="checkbox"/>

Refundable cash deposit in the amount of \$ 58,236.00. This amount will be deposited with the City in the form of (check one):

Cash	<input type="checkbox"/>	Check	<input checked="" type="checkbox"/>
------	--------------------------	-------	-------------------------------------

Non-refundable cash fees in the amount of \$ 36,575.00. This amount will be paid to the City in the form of (check one):

Cash	<input type="checkbox"/>	Check	<input checked="" type="checkbox"/>
------	--------------------------	-------	-------------------------------------

Said refundable escrow deposits shall be disbursed to the Owners after approval by the City. The City reserves the right to retain a minimum of ten (10) percent for each escrowed item until the entire site/development has received final inspection and final approval by all City departments. Refundable cash deposits shall be held until final approval has been issued. Disbursements shall be made by the City within a reasonable time, after request for refund of deposits is made by the Owners.

City Of Troy

Contract for Installation of Municipal Improvements (Private Agreement)

THIRD: The owners shall contract for construction of said improvement with a qualified contractor. Owners, or their agents, and contractor(s) agree to arrange for a pre-construction meeting with the City Engineer prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, in accordance with the approved plans. Revisions to approved plans required by unexpected or unknown conflicts in the field shall be made as directed by the City.

FOURTH: Owners agree that if, for any reason, the total cost of completion of such improvements shall exceed the sums detailed in Paragraph SECOND hereof, that Owners will immediately, upon notification by the City, remit such additional amounts in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sums as detailed in Paragraph SECOND hereof, City will refund to the Owners the excess funds remaining after disbursement of funds.

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

City Of Troy
Contract for Installation of Municipal Improvements
(Private Agreement)

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 4TH day of MARCH, 20 14.

OWNERS

CITY OF TROY

By:



By:

Galleria of Troy, LLC, Majid Koza

Please Print or Type

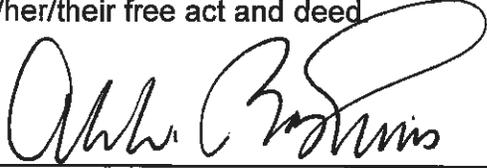
Dane M. Slater, Mayor

Please Print or Type

M. Aileen Bittner, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 4TH day of MARCH, A.D. 20 14, before me personally appeared MAJID KOZA known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.



ALAN W. BASKINS
Notary Public, State of Michigan
County of Oakland
My Commission Expires July 6, 2020
Acting in the County of OAKLAND

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: 7/6/2020

**Detailed Summary of Required Deposits & Fees
Galleria of Troy - Phase II
13.923.3**

ESCROW DEPOSITS (PUBLIC):

Sanitary Sewers	\$21,233
Water Mains	\$134,446
Paving	\$8,710
Sidewalks	\$600
Deceleration and/or Passing Lane - MAJOR ROAD	\$0
Major Road Improvements (other than decel or passing lanes)	\$0
Underground Detention System/Restricted Outlet/Sewer Tap/Oil & Gas Trap	\$342,375
TOTAL ESCROW DEPOSITS (Refundable):	<u>\$507,364</u>
<i>Cash, Letter of Credit or Performance Bond & 10% Cash</i>	<i>50,736.00</i>

CASH FEES (Non-Refundable):

Engineering Review Fee (Private Improvements)(PA1)	\$13,175
Water Main Testing and Chlorination (PA 2)	\$762
Plan Review and Construction Inspection Fee (Public Improvements) (PA1)	\$35,465
Soil Erosion/Sedimentation Control Commercial Permit Fee (SUB 10)	\$0
Soil Erosion/Sedimentation Control Commercial Inspection Fee (SUB 10)	\$0
Less Initial Engineering Review Fee (Public & Private)(1.1%)	-\$12,827
TOTAL CASH FEES (Non-Refundable):	<u>\$36,575</u>

CASH DEPOSITS (Refundable):

Street Cleaning/Road Maintenance	\$5,000
Soil Erosion/Sedimentation Control Repair, Replace, or Maintenance	\$2,500
Punchlist & Restoration	\$50,736
TOTAL CASH DEPOSITS (Refundable):	<u>\$58,236</u>

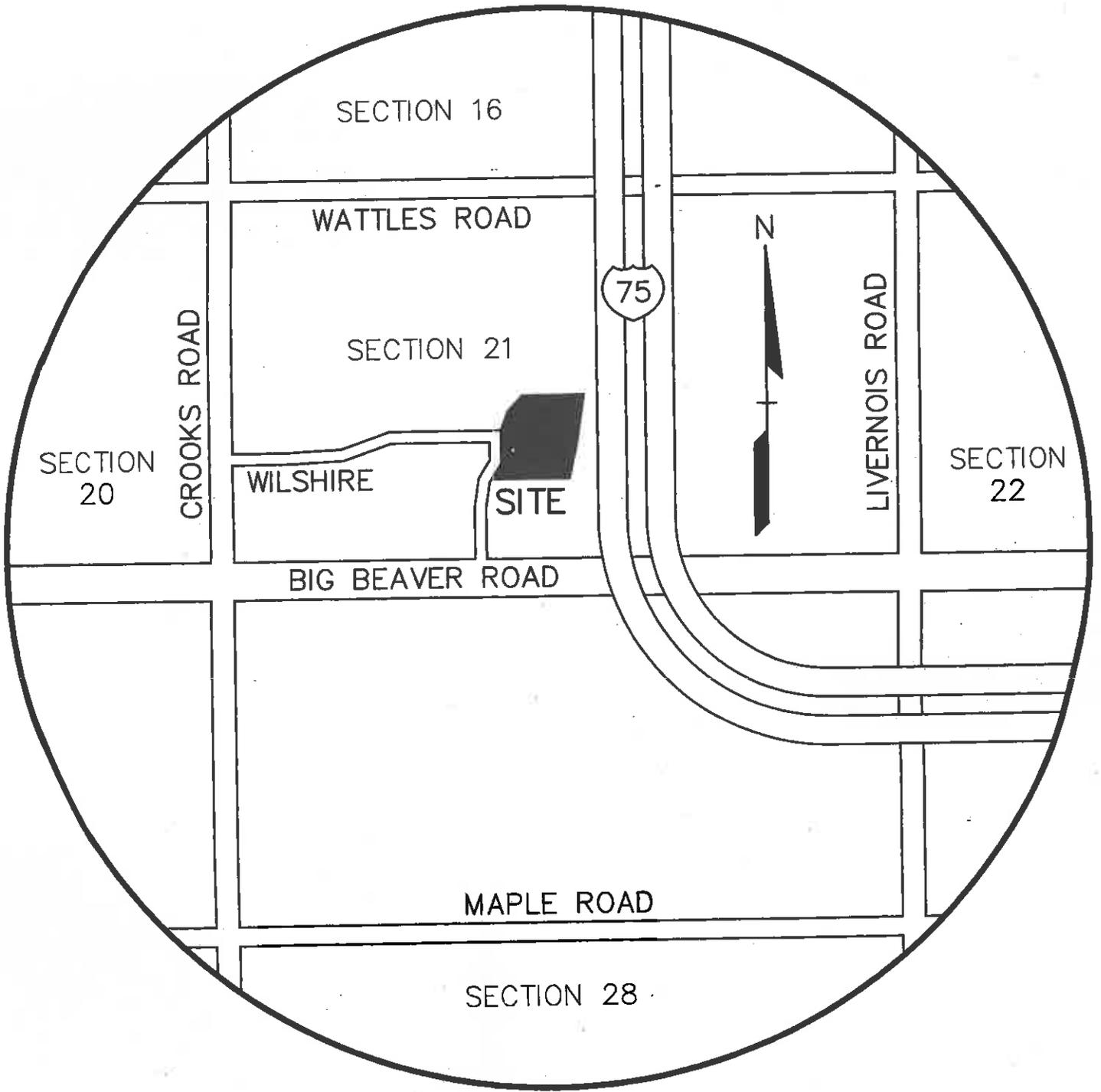
Total Escrow & Cash Deposits (Refundable): Separate Check Required	<u>\$565,600</u>
Total Cash Fees (Non-Refundable): Separate Check Required	<u>\$36,575</u>

Total Amount: **\$602,175**

PAID

MAR 06 2014

CITY OF TROY
TREASURER'S OFFICE



LOCATION MAP
NO SCALE



CITY COUNCIL AGENDA ITEM

Date: March 10, 2014

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager
Jeanette E. Menig, Human Resources Director
Gary G. Mayer, Chief of Police
Thomas Gordon, Professional Standards Lieutenant

Subject: Bid Waiver – Professional Services – Police Department Promotional Testing Services

History

Police department command officer retirements, as well as anticipated retirements during the next two budget years, necessitate the establishment of a promotional list for the rank of Sergeant. The police department's current command staff strength is below the 23 authorized number of staff. In order to maintain the quality and efficiency of the police department in service to the citizens of Troy, the need for additional command staff is apparent.

Act 78 Civil Service requires that a competitive examination be given and that an eligibility list, based on a cumulative test score, is established. Upon Act 78 certification, the list is valid for two years. Sergeant candidates participate in a written examination as well as an assessment center.

Purchasing

Since 1990 EMPCO Inc. has provided promotional testing services for the City of Troy police department. The department has been part of EMPCO's Metro Police Testing Consortium since 1996. EMPCO has provided excellent service and the department is very satisfied with the manner in which they conduct promotional testing. EMPCO customizes the testing to meet the needs of the organization and comply fully with Act 78 Commission requirements. They have proven to be fair and impartial. EMPCO purchased the Michigan Municipal League's (MML) police testing service. The MML refers and endorses testing with EMPCO. EMPCO provides promotional and entry level testing for numerous police departments and agencies around the state, and is a local company based here in Troy.

Financial

Funds would come from Police – Contractual Services - General.

The total cost for the promotional testing depends upon the number of candidates taking the examinations. The fee structure below is an estimation based on the number of candidates that have expressed interest in promotion. The Assessment Center number is an estimate of candidates passing written exam and still seeking consideration. See below for EMPCO pricing as detailed in the attached proposal for this testing.



CITY COUNCIL AGENDA ITEM

Mileage and travel expenses would also be billed as they occur, at \$0.55 per mile.

Sergeants' Written Examination (based on 25 candidates)	Cost
Development Fee	\$2,200.00
Per Candidate Fee @ \$22.00 (x 20)	440.00
Proctoring Exam Fee	300.00
Total	<u>\$2,940.00</u>

Sergeants' Assessment Center Examination (based on 20 candidates)	Cost
Development & Scoring Fee	\$4,700.00
Administration Fee (based 5 per day)	7,200.00
Per Candidate Fee (based on 20)	5,500.00
Total	<u>\$17,400.00</u>

Recommendation

It is recommended City Council APPROVE the Bid Waiver and contract for Professional Services (Police Promotional Testing) from EMPCO.

City Attorney's Review as to Form and Legality

AGREEMENT FOR EMPLOYMENT TESTING SERVICES

This Agreement for Employment Assessment and Testing Services is entered into this _____ day of 2014, between the City of Troy, Michigan, a Michigan municipality having its principal place of business at 500 W. Big Beaver Road, Troy, MI 48084 (hereinafter "TROY") and Empco, Inc., a Michigan corporation, having its principal office at 1740 W. Big Beaver Road, Suite 200, Troy, MI 48084 (hereinafter "EMPCO").

WHEREAS, EMPCO provides employment testing services, including the administration of a written examination, as well as an assessment center, to screen potential municipal police department candidates; and

WHEREAS, EMPCO has submitted a proposal to develop and conduct an assessment center for the positions of police sergeant for TROY; and

WHEREAS, TROY is desirous of having EMPCO provide the above referenced services, in connection with the attached and incorporated proposal submitted by EMPCO, dated February 27, 2014;

NOW THEREFORE, in consideration of the following, the TROY and EMPCO agree to the following:

1. The parties shall comply with all applicable federal, state, and local laws, including non-discrimination laws, and shall comply with all EEOC, Title VII requirements and regulations, and shall not discriminate against any candidate based on race, color, sex, national origin, religion, age, or handicap.

Written Examination for Police Sergeant

2. EMPCO shall provide a fair and transparent written examination process for all internal candidates for police sergeant with the TROY (herein "written examination"). This written examination shall be administered as soon as possible, but no later than 120 days after the signing of this agreement. The final results of this written examination will be used in the creation of the eligibility list for police sergeant positions.
3. Immediately after this agreement is executed, EMPCO shall review the departmental policies, procedure, and organization of the TROY, as well as conduct interviews with appropriate representatives of TROY to

better understand the organization, its culture, the objectives of the TROY and the position to be filled.

4. EMPCO shall prepare a proposed bibliography for the written examination, and shall forward the bibliography, with publisher contact information, to TROY. TROY shall have seven days to object to any of the sources on the bibliography or to propose additional sources for the bibliography. Absent any objections or additions from TROY, all written examination questions shall be taken directly from the texts that are included in the bibliography.
5. EMPCO shall determine the specific job elements that are critical to the position of police sergeant with TROY, and shall prepare a job analysis.
6. EMPCO shall develop the written examination after determining appropriate categories for testing and assigning approximate percentages for each category that will be tested.
7. EMPCO shall schedule the date and the time for the administration of written examination with TROY officials. TROY shall notify candidates of the time and place of the written examination. The written examination shall be administered in an appropriate TROY facility, and at TROY's expense.
8. EMPCO shall prepare the written examination, which shall consist of 100 multiple choice questions that are content valid and job related. The Troy Police Chief shall have the option to review the written examination before it is administered to the candidates.
9. As soon as possible, but at least five business days prior to the scheduled written examination, TROY shall tell EMPCO how many candidates will be taking the written examination.
10. EMPCO shall administer the written examination, proctor the examination, and provide all required materials and answer sheets.
11. EMPCO shall score the written examination and shall inform TROY of the written scores within one (1) week of the examination.
12. No later than two weeks after the individual notification of the tests results, EMPCO shall set one review session, which shall be one hour in length, where all candidates shall have the opportunity to review their individual answer sheets, as well as a copy of the test questions and the answer key. TROY shall notify all candidates of the date, time, and

place of the review session prior to the test and also when the individual test scores are distributed.

13. During this review session, candidates will also have the opportunity to file a challenge to any of the test questions or answers. This opportunity to challenge is limited to the scheduled review session only. No notes are allowed. Any such challenge shall be in writing prepared at the review session, and shall set forth the rationale supporting the candidate's challenge. EMPCO will review any such challenge that is timely filed at the review session, and if EMPCO is persuaded that there is some validity to the challenge, then the scores of all written tests shall be adjusted accordingly by giving all candidates credit for a correct answer on the challenged question.
14. Within two (2) business days of the review session, EMPCO shall forward the final scores of the written examination to TROY. The final scores shall include any adjustments that are made as a result of the challenge process.
15. TROY shall pay EMPCO the sum of \$2,200.00 for the preparation and scoring of the sergeant's written examinations, plus a \$300 proctoring fee, plus a \$22.00 per candidate fee.
16. EMPCO will retain the written examination and answer sheets for a period of 15 days after the review session. The written examination and answer sheets remain the property of EMPCO.

Assessment Center for Police Sergeant

17. EMPCO shall also conduct an assessment center for the position of Troy Police Sergeant.
18. Immediately after this agreement is executed, EMPCO shall review the departmental policies, procedure, and organization of TROY, as well as conduct interviews with appropriate representatives of TROY to better understand the organization, its culture, the objectives of TROY and the positions to be filled.
19. EMPCO shall determine the specific job elements that are critical to the position of police sergeant and police lieutenant with TROY, and shall prepare a job analysis.
20. EMPCO shall develop at least four job related exercises to assess each candidate for each of the individual positions. These assessment

exercises shall be consistent with the "Guidelines and Ethical Considerations for Assessment Center Operations (2009), International Taskforce on Assessment Center Guidelines.

21. EMPCO shall work with the designated TROY representative to schedule the date and the time and the facilities for conducting the assessment center. The assessment center shall be administered in an appropriate TROY facility, and at the TROY's expense. The TROY shall provide two rooms, a tabletop podium, and a working lunch for the assessment team and the facilitator.
22. EMPCO shall prepare a notice of the date, time, and location of the assessment center, which shall be forwarded to the TROY for posting in at least two conspicuous locations at the TROY. This notice shall be prepared and forwarded to the TROY at least fourteen days before the scheduled assessment center.
23. The TROY shall notify EMPCO of the number of candidates for each position as soon as possible. At the conclusion of the pre-assessment orientation meeting, EMPCO shall be provided with the final list of all candidates.
24. EMPCO shall hold a pre-assessment orientation meeting with the candidates approximately one week prior to the scheduled assessment center. This orientation shall provide the candidates with information about the assessment center process. If candidates are unable to make the pre-assessment orientation meeting, then EMPCO shall immediately provide the information about the assessment center process to the candidates by mailing the information to the candidates or with a phone conversation with the candidates.
25. EMPCO shall provide a facilitator for the assessment center. In addition, EMPCO shall provide the assessment team, which shall consist of three police executives that possess the necessary experience, background and knowledge to assess the candidates for the position in question. No member of the assessment team shall have any prior prejudicial knowledge or acquaintance with any of the candidates that are being assessed by the assessment team.
26. Each member of the assessment team shall individually observe and rate each candidate for the sergeant position. Each sergeant candidate shall be offered at least four (4) exercises.

27. EMPCO shall train each member of the assessment team as to the EMPCO assessment process, the exercises that are to be used, and the scoring criteria.
28. EMPCO shall tally the assessment center score for each candidate for each position, and shall provide a written copy of the final scores to the TROY within four (4) business days after the assessment center.
29. If approved by the TROY and requested by the candidate within 60 days of the assessment center, EMPCO will either meet or have a phone conversation with each candidate to discuss the candidate's individual performance at the assessment center. The purpose of this review is to provide the candidate with feedback that can be used in future assessment processes, rather than to impact the final scores of the assessment center.
30. TROY shall pay EMPCO the sum of \$4,700.00 as the base fee for the development and scoring of the assessment center portion of the testing. TROY shall also pay an administration fee of \$1,800.00 for every five (5) candidates or fraction thereof, plus a fee of \$275.00 per candidate.
31. The TROY will also reimburse reasonable mileage and travel expense for the EMPCO facilitator and also the three members of the EMPCO assessment team, at a rate of \$0.56 per mile.

General Agreement Provisions

32. The parties each represent that they have the authority to enter into this agreement.
33. EMPCO shall send all test result to: Jeanette Menig, Human Resources Director as representative of the TROY.
34. EMPCO shall invoice the TROY for services after the final test scores are provided to the TROY. The TROY shall pay those invoices within 30 days of receipt.
35. EMPCO shall carry general liability insurance, professional liability, automobile insurance, workers compensation and employers' liability insurance for any actions, claims, liability or damages caused to others arising out of the performance of this agreement in amounts approved

by TROY. The City of Troy shall be named as an additional insured and the City of Troy shall be notified of any cancellation or material change of that insurance within 30 days. Cancellation of the insurance shall be considered a breach of this agreement and the agreement shall become null and void unless EMPCO immediately provides proof of renewal of continuous coverage to TROY. All insurance carriers shall be licensed and admitted to do business in the State of Michigan. Proof of insurance meeting these requirements shall be provided to TROY within 24 hours after execution of this agreement.

36. To the fullest extent permitted by law, EMPCO agrees to defend, pay on behalf of, indemnify, and hold harmless the City of Troy, the Troy Police Department, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Troy or the Troy Police Department, against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Troy, Troy Police Department, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Troy or the Troy Police Department, for any claims arising from preparation of the test, procedures conducted for or during the testing, selection of questions, method of scoring, or any other action relating to the execution of activities by EMPCO outlined in this Agreement.
37. TROY may terminate this Agreement for breach of any of the terms and conditions, including but not limited to, unsatisfactory performance or failure to timely comply with the procedures set out herein. Written notification of termination shall be sent by first class mail to EMPCO at its last known address. Upon receipt of a notice of termination EMPCO shall cease performance of any of the terms and conditions under this Agreement.
38. EMPCO shall have no authority or power to assign, subcontract, or transfer any rights, privileges, or interest without obtaining prior written permission from TROY.
39. This Agreement incorporates by reference the Proposal for Troy, MI Police Sergeant Assessment Center & Police Sergeant Written Examination from EMPCO, Inc. dated February 27, 2014 as though fully set out herein. If there is a conflict between the Proposal and this Agreement, this Agreement shall control. These documents constitute the entire Agreement and any changes thereto shall be in writing signed by both the parties unless otherwise set out in the Agreement.

40. This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan. The parties agree that venue for any causes of action shall be Oakland County, Michigan.

Signed this _____ day of March, 2014.

CITY OF TROY,

EMPCO, INC.,

By: _____

By: _____

Its: _____

Its: _____



Date: March 5, 2014

To: Brian Kischnick, City Manager

From: Thomas Darling, Director of Financial Services
Jeanette Menig, Human Resources Director

Re: Switch to Community Blue PPO and PA 152

On May 20, 2013, the City Council selected the PA 152 Local Unit Opt Out option and directed City Management that, if after November 20, 2013, at least 80% of the available employees had not migrated to the Community Blue Plan, the Hard Cap option would be implemented and Opt Out would not be exercised for 2014 or 2015.

Therefore, City Management has endeavored, through negotiations and policy, to shift employees to Community Blue PPO (our most cost-efficient health insurance plan) and City Council supported our efforts by ratifying collective bargaining agreements which included provisions to continue the Opt Out alternative for 2014/15.

We are pleased to report to you that our goal was accomplished. The estimated savings for the Classified, Exempt, AFSCME and MAP groups is over \$400,000/year.

Employees Migrated to CB-PPO Plan

Employee Group	July 2013			Current		
	CB-PPO	Other	% CB-PPO	CB-PPO	Other	% CB-PPO
Classified & Exempt	24	44	55%	67	0	100%
AFSCME	0	50	0%	50	0	100%
MAP	13	20	65%	33	0	100%
TCSA ¹	3	5	38%	3	4	43%
Totals	40	119	25%	153	4	97%

¹TCSA tentative agreement reached, contract pending City Council ratification

As the remaining collective bargaining agreements expire, we will work to migrate the remaining groups to this plan as well.



CITY COUNCIL AGENDA ITEM

Date: March 13, 2014

To: Brian Kischnik, City Manager

From: William Nelson, Fire Chief
David Roberts, Assistant Fire Chief/Fire Marshal
Timothy Richnak, Public Works Director
Mark F. Miller, Director of Economic & Community Development
Kurt Bovensiepe, Superintendent of Parks, Streets and Drains
Elaine Bo, Recreation Director

Subject: Troy City Code Chapter 26 – Parks – General Regulations

Troy City Code Chapter 26, titled Parks – General Regulations, Section 26.08, titled Fireworks, currently prohibits anyone from bringing into the park and discharging any type of fireworks, rocket, or explosives without a special permit granted by the City Manager or the Fire Chief.

The Michigan Fireworks Safety Act of 2011, as amended, prohibits the use of consumer fireworks without the property owner's or organization's permission to use those fireworks on the premises. The Act, however, does not address low impact fireworks in these locations, and does not regulate novelty fireworks in general. The Act does allow a local unit of government to regulate consumer fireworks on any day except the day preceding, the day of, or the day after a national holiday.

Each year the Parks Division, Recreation Department, and the Fire Department are requested to grant permission for low impact fireworks usage in a City park as part of the annual Dewali religious celebration. The proposed changes to Chapter 26 Section 26.08 would allow for this type of activity, yet allow the Fire Department to require a permit for consumer and display fireworks as permitted by the Act.

Currently, Chapter 26 Section 26.11 allows the consumption of beer only with a special permit from the Police Chief in a City park. To meet the demands of patrons, city administration is proposing to amend this section to allow the consumption of all alcoholic beverages in a park. The proposed change also transfers responsibility of approving an alcohol permit to the Recreation Director when combined with a shelter permit and provides better language for enforcement. The consumption is limited to the confines of the park shelter. Through the permitting process, city administration is proposing to limit the types of alcohol to beer and wine only with specific identification criteria.

Enclosed for reference are the proposed ordinance changes to both sections of Chapter 26 and a proposed Shelter and Alcohol Permit Application, which details the administrative rules for the consumption of alcohol in a park. City administration proposes to provide a resolution for these amendments on the April 7, 2014 Regular City Council Meeting.

City Attorney's Review as to Form and Legality

Lori Grigg Bluhm, City Attorney

CITY OF TROY
Proposed Ordinance Amendment to:
CHAPTER 26 - CITY OF TROY ORDINANCE

Section 26.08 proposed amendment:

~~26.08 Fireworks. No person shall bring into a park, or have in his/her possession, or set off any firecrackers, torpedoes, rockets, or other fireworks or explosives, or otherwise cause the same to explode in a park. No person shall discharge any firecrackers, torpedoes, rockets, or other fireworks or explosives, or throw them into any park area from land or highway. The exception to this prohibition is when a special permit is granted by the City Manager and Fire Chief, which should include restrictions as to time and location.~~

26.08. Fireworks. No person shall discharge, ignite, use, possess, activate or throw consumer fireworks or display fireworks in a public park, unless the Troy Fire Chief or his/her designee issues a permit to the person in advance and in accordance with the fire department's permit policy and the person is in compliance with the permit conditions. Fireworks are defined in the Michigan Fireworks Safety Act, 2011 Public Act No. 256 (MCL 28.451), as amended.

Section 26.11 proposed amendment:

~~26.11 Alcoholic Beverages. No person shall bring alcoholic beverages into the Park nor shall any person drink alcoholic beverages at any time in the Park unless he/she shall have first obtained a written permit for beer for that specific date from the Police Chief. No permit shall be issued for consumption of alcoholic beverages that have a higher alcoholic content than beer.~~

No person shall possess or consume alcoholic beverages in a public park at any time unless the Recreation Director or his/her designee has issued a written park shelter reservation permit that specifically allows for the consumption of alcohol in the park on the designated date, location and time, and the person is in compliance with the terms of the issued permit. If such a permit is issued, the possession or consumption of alcohol is limited to the park shelter and its immediate vicinity, and does not extend to the ball diamonds, soccer fields, children's play areas, restrooms, parking lots, or other areas of the park.



3179 Livernois, Troy, MI 48083
248.524.3484

DRAFT

Office Use Only	
Reservation # _____	HH# _____
<input type="checkbox"/>	<input type="checkbox"/>
Beer/Boxed Wine: _____	yes no
Special Permit or Request: _____	

Est. # in Park _____	Mail _____ Pick-up _____

PARK SHELTER / BEER PERMIT APPLICATION

Transfer allowed, ten (10) days or more, prior to reservation date. Only one (1) transfer per reservation.

Name of Individual/Company/Group: _____

Address: _____
Street City Zip

Email Address _____

Date of Function: _____ Shelter: _____ Number of Users (estimated): _____

		<u>Resident</u>	<u>Non-Resident</u>
Event Time/Fee:	Early Block (8 am – 2 pm)	\$50.00 _____	\$ 75.00 _____
	Late Block (4 pm – 10 pm)	\$50.00 _____	\$ 75.00 _____
	All Day (8 am – 10 pm)	\$80.00 _____	\$125.00 _____
	Civic Center Shelter *	\$50.00 _____	\$ 75.00 _____

* Restrooms for Civic Center shelter are located in Community Center and available during business hours only.

Permits are subject to all policies, rules and regulations on the back of this form. Please read carefully before completing. The undersigned hereby verifies that they:

- 1) Have the authority to sign this application for the above named organization, group or company.
- 2) Have read the rules and regulations on the back of this form and agrees to abide by all rules stated therein.
- 3) Will perform the necessary clean up of the park following its use.

The undersigned further understands that failure to comply with all agreements herein stated or falsification of any information called for in this application will be grounds for denial of this or any future permits.

Signature of applicant: _____

Please print/type name of contact person: _____

Address: _____ City/Zip: _____ Phone: _____

Beer/Wine permit: This box must be completed and approved to have beer or boxed wine at your event. Boxed wine only. No glass containers of any kind.

Groups with beer/wine permits must have a visible means of identifying eligible members of their group. This identification must be visible on each member at all times (driver's licenses or other pocketed identification is NOT acceptable).
Types of **ACCEPTABLE** identification include nametags, hand stamps.

This group will use: name tags hand stamp other (specify): _____

We will abide by all rules and regulations regarding beer/wine permits. Signature: _____

Approved: Recreation Department: _____ Date _____
Troy Police Department copied _____

PARK SHELTER AND BEER PERMIT RESERVATION POLICY

SHELTER LOCATION PEOPLE***	SHELTER SIZE	SHELTER TABLES	SEATING	MAX # OF
Boulan Park #1 (north)	29' x 40'	15-18 tables	120-180	250
Boulan Park #2 (south)	38' x 48'	15-18 tables	120-180	250
Brinston Park	20' x 34'	10-15 tables	80-150	100
Civic Center *	24' x 39'	10-15 tables	80-150	150
Firefighters Park (hexagon)	35' x 35'	15-18 tables	120-180	250
Jaycee Park	29' x 40'	15-18 tables	120-180	250
Milverton Park **	20' x 34'	8-10 tables	64-100	80
Raintree Park	29' x 40'	15-18 tables	120-180	250

Park shelters are open air with one large barbecue grill (charcoal is responsibility of permitted group), a drinking fountain, one 20-amp circuit, and separate restroom facilities. Picnic tables seat eight to ten adults. Boulan Park shelters are identified by number.

* **Restrooms for Civic Center shelter are located in the Troy Community Center and are available only during regular business hours.**

** **Parking is limited to 20 spots at Milverton Park.**

*** **There is not seating for the maximum amount of people allowed in the shelter. If additional seating is required you will need to rent or bring additional tables and chairs.**

Procedures for reserving park shelters and obtaining beer permits:

1. Obtain park shelter permits at the Recreation office in the Troy Community Center, 3179 Livernois Road, Monday-Friday from 8:00 am – 8:00 pm and Saturday 8:30 am to 12:30 pm.
2. A reservation fee as indicated on front of this permit application must accompany each application.
3. In order to have beer/boxed wine at your event, the beer/boxed wine permit portion of the permit must be completed AND approved. See below for **Rules Governing Beer/Boxed Wine Permits**.

Rules Governing Park Shelter Usage:

1. Reservation must be made in person at the Recreation office during regular office hours.
2. Person taking out shelter permit must be Troy resident to qualify for resident rates.
3. Park hours are 8:00 am to 10:00 pm.
4. Reservations will be accepted from May 1st through September 30th.
5. All vehicles must be confined to parking lots. No parking permitted on grass.
6. Permits must be retained at all times by user group and presented to City staff upon request.
7. This shelter permit is good only for date shown (There are no rain dates.)
8. **No refunds are granted for shelter permit fees.**
9. Transfers will be allowed 10 days prior to shelter date, pending availability of another shelter. Only one transfer per group will be allowed.
10. The group is responsible for leaving the shelter area clean and orderly.
11. Inflatable games, moonwalks, bounce houses, tents, sound systems, speakers or DJ's are allowed with written approval by permit from the Recreation Department **ONLY**.
12. No rides, petting zoos, inflatable games, moon walks, dunk tanks, generators, concessions, hot or cold air balloons, amplified live music or bands are permitted.

Rules Governing Beer/Boxed Wine Permits (Issued in conjunction with park shelters only):

1. **Boxed wine only. Beer in kegs or cans only.** Served in plastic cups.
2. **No bottles or glass containers.**
3. Identification and control must be proved to ensure:
 - a) exclusive use by members only;
 - b) that minors are not served.
4. All debris must be cleaned up and placed in trash receptacles.
5. Beer/wine permits are issued in conjunction with park shelter permits **ONLY**.
6. Beer/wine must be consumed at the reserved shelter **ONLY**. No beer/wine is permitted at ball diamonds, soccer fields, children's play areas, parking lots, or other areas of the park.

Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on February 5, 2014 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Members Present:

Theodore Dziurman, Chair
Teresa Brooks
Michael Carolan
Brian Kischnick

Absent:

Gary Abitheira

Support Staff Present:

Mitch Grusnick, Building Official/Code Inspector
Kathy L. Czarnecki, Recording Secretary

Also Present:

Attached and made a part hereof is the signature sheet of those present and signed in at this meeting.

2. APPROVAL OF MINUTES

Chair Dziurman asked the minutes to revise the arrival time of Member Kischnick.

Moved by: Kischnick
Support by: Carolan

RESOLVED, To approve the minutes of the November 6, 2013 Regular meeting as corrected.

Yeas: All present (4)
Absent: Abitheira

MOTION CARRIED

3. HEARING OF CASES

- A. **VARIANCE REQUEST, DANIEL HEILEMAN OF HEILEMAN SIGNS, 2100 W MAPLE ROAD** – A variance for relief of the Sign Code to install a 24 foot tall ground sign measuring 192 square feet with a zero foot setback from the Maple Road right of way. Table 85.02.05 requires a 30 foot minimum setback for the proposed 24 foot tall, 192 square foot sign.

Mr. Grusnick reviewed the variance request.

Daniel Heileman of Heileman Signs was present. Also present was Mike Delaney to represent the property owner.

It was determined there would be no conflict of interest on the part of Member Carolan who has a relative employed by one of the dealerships on Maplelawn.

Mr. Heileman addressed the sign calculations with respect to the required setback. He indicated the sign would be set back eight (8) feet from the right of way line, nine (9) feet from the edge of the sidewalk. Mr. Heileman compared the dimensions of the existing Chrysler pole sign to the proposed Toyota sign. He said the existing sign owned by Chrysler would be removed and the Toyota sign would be transferred to its new location. Mr. Heileman said the bottom two panels of the sign would cover the sign poles and would remain blank with no verbiage.

Mr. Grusnick addressed sign variances granted to other vehicle dealerships on Maplelawn and indicated the variance requested by Toyota would be consistent with those variances granted. Mr. Grusnick said the proposed Toyota sign would be the lowest sign of the four along Maplelawn. Mr. Grusnick confirmed the proposed sign would have no visual poles, would be in line with other signs and would have no conflict with existing utility easements. Mr. Grusnick said if the Board granted the request as submitted, Toyota could add additional signage to the bottom panels of the sign in the future.

There was no one present in the audience.

Moved by: Carolan
Support by:

RESOLVED, To grant the variance as requested with the condition that the two bottom panels would remain blank.

There was no support for the motion on the floor.

Moved by: Brooks
Support by: Carolan

RESOLVED, That the variance for relief of the sign code to install a 24 foot tall ground sign measuring 192 square feet with an 8 foot setback from the right of way line, and a condition that the bottom two panels of the sign remain blank with no verbiage, be granted for the following reason.

1. The variance would not be contrary to the public interest and intent of Chapter 85.

Yeas: All present (4)
Absent: Abitheira

MOTION CARRIED

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

There was general discussion on:

- Board procedure.
- Sign variance granted for 5440 Corporate.
- Sign variance granted for 4835 John R.
- Sign Ordinance.
- Joint City Council/Planning Commission meeting.

6. MISCELLANEOUS BUSINESS

None.

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:15 p.m.

Respectfully submitted,



Theodore Dziurman, Chair



Kathy L. Czarnecki, Recording Secretary

Chair Edmunds called the Regular meeting of the Troy City Planning Commission to order at 7:30 p.m. on February 11, 2014 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Donald Edmunds
Steve Gottlieb
Tom Krent
Gordon Schepke
Robert Schultz
Thomas Strat
John J. Tagle

Absent:

Michael W. Hutson
Philip Sanzica

Also Present:

R. Brent Savidant, Planning Director
Ben Carlisle, Carlisle/Wortman Associates, Inc.
Allan Motzny, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2014-02-010

Moved by: Schultz

Seconded by: Krent

RESOLVED, To approve the Agenda as prepared.

Yes: All present (7)

Absent: Hutson, Sanzica

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2014-02-011

Moved by: Krent

Seconded by: Tagle

RESOLVED, To approve the minutes of the January 28, 2014 Special/Study meeting as published.

Yes: All present (7)

Absent: Hutson, Sanzica

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

PRELIMINARY SITE PLAN REVIEW

5. PRELIMINARY SITE PLAN REVIEW (File Number SP 080-D) – Proposed Walsh College Renovations and Addition, East side of Livernois, South of Wattles (3838 Livernois), Section 22, Currently Zoned CF (Community Facilities) District

Mr. Carlisle reviewed the Preliminary Site Plan application for Walsh College. He addressed:

- The required variances relating to the proposed building setback and building height.
- A request for a parking deviation from the required number of parking spaces.

Mr. Carlisle noted the Planning Commission cannot take action on the application until the applicant receives the necessary variances from the Zoning Board of Appeals.

Mr. Carlisle reported the proposed site plan is consistent with the goals of the Zoning Ordinance. He said if the applicant is granted the necessary variances, he recommends that the Planning Commission give consideration to the parking deviation and asked the applicant to resubmit the Site Plan addressing the items indicated in his report dated January 29, 2014 for review and approval at the next Planning Commission meeting.

Stephanie Bergeron, President and Chief Executive Officer of Walsh College, and Christine McGrath of Valerio Dewalt Train Associates, project architect, were present.

Ms. McGrath gave a general description of the proposed design concepts.

The proposed preliminary site plan was well received by all of the Board members.

OTHER BUSINESS

6. PUBLIC COMMENTS – For Items on Current Agenda

There was no one present who wished to speak.

7. PLANNING COMMISSION COMMENTS

There were general Planning Commission comments relating to:

- Joint City Council/Planning Commission meeting.
- Walsh College expansion and renovation.

The Regular meeting of the Planning Commission adjourned at 7:52 p.m.

Respectfully submitted,

Donald Edmunds, Chair

Kathy L. Czarnecki, Recording Secretary

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CITY COUNCIL AGENDA ITEM

Date: March 3, 2014

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Paul Featherston, Building Official, SAFEbuilt
Mitch Grusnick, City Building Official

Subject: Building Department Activity Report – February, 2014

The following attachment contains a summary of permit activity and project valuation for the Building Inspection Department comparing February 2013 to February 2014. Permit activity and inspections have slowed due to extreme cold weather.

We have issued 1327 building, plumbing, electrical and mechanical related permits for the year so far compared to 1374 in February of 2013.

Year to date project valuations thru February 2014 are at \$26,158,989. Compared to February 2013 building related permits had a valuation of \$22,696,889. A small increase in valuation even with the extreme weather, and still doing very well in overall activity.

Our inspectors performed 1136 trade inspections by the month of February, 2013 compared to 1114 by the month of February, 2014.

Attachments:

1. Building Department Activity Report

Preparer of memo\File name\File location

BUILDING PERMITS ISSUED

	BUILDING PERMITS 2013	PERMIT VALUATION 2013	BUILDING PERMIT REVENUE 2013	BUILDING PERMITS 2014	PERMIT VALUATION 2014	BUILDING PERMIT REVENUE 2014
JANUARY	134	\$ 17,779,504.00	\$ 325,899.80	85	\$ 13,726,432.00	\$ 215,511.91
FEBRUARY	85	\$ 4,917,385.00	\$ 147,780.63	99	\$ 12,432,557.00	\$ 253,007.65
MARCH	119	\$ 8,792,342.00	\$ 214,333.92	0	-	-
APRIL	139	\$ 7,893,210.00	\$ 183,511.89	0	-	-
MAY	231	\$ 11,331,067.00	\$ 282,130.55	0	-	-
JUNE	205	\$ 13,523,975.00	\$ 302,089.28	0	-	-
JULY	228	\$ 13,915,855.00	\$ 398,711.85	0	-	-
AUGUST	232	\$ 13,670,900.00	\$ 347,740.85	0	-	-
SEPTEMBER	202	\$ 7,587,238.00	\$ 202,272.40	0	-	-
OCTOBER	247	\$ 26,698,481.00	\$ 427,291.44	0	-	-
NOVEMBER	144	\$ 4,968,544.00	\$ 175,694.23	0	-	-
DECEMBER	99	\$ 5,338,979.00	\$ 141,642.65	0	-	-
TOTAL	2065	\$136,417,480.00	\$3,149,099.49	184	\$26,158,989.00	\$468,519.56

CITY OF TROY
TRAVEL EXPENSE REPORT

Name: Ellen Hodorek Position: Councilmember

Other Employees Included in Request: —

Trip Destination: Frankenmuth Date From: 2-7-14 To: 2-8-14

Purpose of Trip: Training/Continuing Education --mml Core Training

Items	Dates:	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	TOTAL
Miles (Personal Car)							70	70	140
Enter Current Mileage Rate: \$ 0.560 /mile							39.20	39.20	78.40
City Car Expense (Details on Bottom)									
Air/Bus/Train									
Registration								150.00	150.00
Room (Attach all Receipts)								116.55	116.55
Meals (Include tips and taxes. Note meals included with registration)									
Breakfast:									
Lunch:									
Dinner:									
Other Detail, Explain Below									
Additional Other Detail, Explain Below									
TOTAL EXPENSE									344.95

Details of City Car Expense	
Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ()	
Total	

Cash Advanced and Prepaid Expenses	<u>0</u>
P-Card Purchases	<u>0</u>
Balance Due Employee	<u>344.95</u>
(or) Balance Due City	<u>0</u>

Bella Davis Requested By Date 3/3/14

[Signature] Department Head Date

Approved - Human Resources Director Date

[Signature] Approved - Financial Services Director Date 3/4/14

Notes and Explanations:

Charge to: Council Education & training

Account # 101.102.7960.110