

AGENDA

Meeting of the

CITY COUNCIL OF THE CITY OF TROY

DECEMBER 18, 2006

CONVENING AT 7:30 P.M.

**Submitted By
The City Manager**

NOTICE: Persons with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3316 or via e-mail at clerk@ci.troy.mi.us at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: Phillip L. Nelson, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

This booklet provides a summary of the many reports, communications and recommendations that accompany your Agenda. Also included are suggested or requested resolutions and/or ordinances for your consideration and possible amendment and adoption.

Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

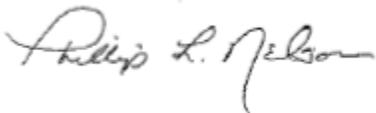
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

Goals

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

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

Respectfully submitted,



Phillip L. Nelson, City Manager



CITY COUNCIL

AGENDA

December 18, 2006 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

INVOCATION & PLEDGE OF ALLEGIANCE: Reverend Richard Peacock – First United Methodist Church 1

ROLL CALL: 1

CERTIFICATES OF RECOGNITION: 1

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C-3 Commercial Vehicle Appeal – 5933 Diamond 3

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Development Finance Authority (LDFA) b) City Council Appointments: Advisory
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CALL TO ORDER:**INVOCATION & PLEDGE OF ALLEGIANCE: Reverend Richard Peacock –
First United Methodist Church****ROLL CALL:**

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations: No Presentations

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Proposed Rezoning (File Number: Z 723) – Proposed Taco Bell Restaurant, West Side of Dequindre, North of Long Lake, Section 12 – O-1 to B-2

Suggested Resolution

Resolution #2006-12-

Moved by

Seconded by

RESOLVED, That the O-1 to B-2 rezoning request, located on the west side of Dequindre, north of Long Lake, in Section 12, part of parcels 88-20-12-476-050 and 88-20-12-476-011, being 1.06 acres in size, is described in the following legal description and illustrated as Parcel "A" on the **ATTACHED** Certificate of Survey drawing:

T2N, R11E, SE ¼ of Section 12

Part of Lots 10, 11, 12 and the North 20 ft. of the East 200 ft. of Lot 16 of Jennings Subdivision (Liber 59, page 8, of Oakland County Plats) being more particularly described as follows:

Commencing at the Southeast corner of said Section 12; thence N 00°08'52" W, 60.00 ft. along the East line of said Section 12; thence N 89°32'26" W, 60.00 ft. to the Southeast corner of said Lot 16 of Jennings Subdivision; thence N 00°08'52" W (N 00°07' W record), 293.20 ft. along the East line of said Lot 16 and the West Right-of-Way line of

Dequindre Rd. (60 ft. wide ½ Right-of-Way) to the Place of Beginning; thence N 88°11'10" W, 200.12 ft.; thence N 00°08'52" W, 20.01 ft.; thence N 88°11'10" W, 37.88 ft. along the South line of said Lot 12; thence N 00°08'52" W, 159.98 ft.; thence N 75°18'21" E, 70.21 ft.; thence S 88°10'33" E, 170.00 ft.; thence S 00°08'52" E (S 00°07' E record), 199.91 ft. along said East line of said Lots 10, 11, 12, and 16 and said West Right-of-Way of Dequindre Rd. (60 ft. wide ½ Right-of-Way) to the Place of Beginning. Containing ±1.06 ac. more or less, and subject to restrictions and easements of record; and

BE IT FURTHER RESOLVED, That the rezoning is recommended by City Management and the Planning Commission; and

BE IT FINALLY RESOLVED, That the City of Troy Zoning District Map is hereby **APPROVED**.

Yes:

No:

C-2 Rezoning Application (File Number Z 180-B) – Proposed Binson’s Home Health Care Center, Northwest Corner of Rochester and Marengo, Section 3 – R-1B to O-1 or R-1B to B-1

Suggested Resolution

Resolution #2006-12-

Moved by

Seconded by

Proposed Resolution A (Denial)

RESOLVED, That the R-1B to (O-1 or B-1) rezoning request, located on the northwest corner of Rochester and Marengo, Section 3, being 39,000 square feet in size, is described in the following legal descriptions and illustrated on the **ATTACHED** drawing:

T2N, R11E, NE ¼ of Section 3

Lots 5,6,7,8, and 9 of Troy Little Farms Subdivision (Liber 42, pg. 8 of Oakland County Plats). Containing ±0.895 ac. more or less, and subject to easements of record; and

BE IT FINALLY RESOLVED, That the proposed rezoning is hereby **DENIED** for the following reasons, as recommended by City Management and the Planning Commission:

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

Or Proposed Resolution B (Approval)

RESOLVED, That the R-1B to (O-1 or B-1) rezoning request, located on the northwest corner of Rochester and Marengo, Section 3, being 39,000 square feet in size, is described in the following legal descriptions and illustrated on the **ATTACHED** drawing:

T2N, R11E, NE ¼ of Section 3

Lots 5,6,7,8, and 9 of Troy Little Farms Subdivision (Liber 42, pg. 8 of Oakland County Plats). Containing ±0.895 ac. more or less, and subject to easements of record; and

BE IT FINALLY RESOLVED, The City of Troy Zoning District Map is hereby **AMENDED**.

Yes:

No:

C-3 Commercial Vehicle Appeal – 5933 DiamondSuggested Resolution

Resolution #2006-12-

Moved by

Seconded by

Proposed Resolution A (Approval)

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

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

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance: _____

THEREFORE, BE IT RESOLVED, That the request from Mr. Karim Abdal, 5933 Diamond, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a 2006 Chevrolet cutaway van and a 2001 Ford cargo van in a residential district is hereby **APPROVED** for _____ (not to exceed two years).

Or Proposed Resolution B (Denial)

WHEREAS, The City Council of the City of Troy has not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance pursuant to Section 44.02.02 of Chapter 39 of the Code of the City of Troy;

THEREFORE, BE IT RESOLVED, That the request from Mr. Karim Abdal, 5933 Diamond, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a 2006 Chevrolet cutaway van and a 2001 Ford cargo van in a residential district is hereby **DENIED**.

Yes:

No:

POSTPONED ITEMS:

D-1 No Postponed Items

CONSENT AGENDA:

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

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

Suggested Resolution

Resolution #2006-12-

Moved by

Seconded by

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

Yes:

No:

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

E-2 Approval of City Council MinutesSuggested Resolution

Resolution #2006-12-

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of December 4, 2006 be **APPROVED** as submitted.

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

E-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 1: Award to Low Bidder – Rough Mow Various Municipal Sites**Suggested Resolution

Resolution #2006-12-

RESOLVED, That a contract to provide three-year requirements of landscape maintenance services including mowing for municipal grounds and abandon properties with an option to renew for two additional years is hereby **AWARDED** to the low total bidder, Great Lakes Landscaping of Warren, MI, at unit prices as contained in the bid tabulation opened November 21, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

E-5 City of Troy Investment Policy and Establishment of Investment Accounts

Suggested Resolution

Resolution #2006-12-

RESOLVED, That the Investment Policy and establishment of Investment Accounts outlined in the memorandum from John M. Lamerato, Assistant City Manager/Finance and Administration, dated December 4, 2006 with annual review and approval is hereby **APPROVED**, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

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

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

F-1 **Appointments to Boards and Committees:** a) **Mayoral Appointments:** Local Development Finance Authority (LDFA) b) **City Council Appointments:** Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Board of Review; Board of Zoning Appeals; Election Commission; and Municipal Building Authority

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

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

(a) Mayoral Appointments

Suggested Resolution

Resolution #2006-12-

Moved by

Seconded by

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

Local Development Finance Authority (LDFA)

Appointed by Mayor (5) – 4 Year Terms

Unexpired Term 06/30/07

Yes:

No:

(b) City Council Appointments

Suggested Resolution

Resolution #2006-12-

Moved by

Seconded by

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

Advisory Committee for Persons with Disabilities

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

(Alternate) Term Expires 11/01/09

Advisory Committee for Senior Citizens

Appointed by Council (9) – 3 Year Terms

Unexpired Term 04/30/09

Board of Review

Appointed by Council (3) – 3 Year Terms

Term Expires 01/31/10

Board of Zoning Appeals

Appointed by Council (7) – 3 Year Terms

Unexpired Term Expires 04/30/09

(Planning Commission Rep) Term Expires 01/31/08

(Planning Commission Alternate Rep) Term Expires 01/31/08

Election Commission

Appointed by Council (2-Regular; 1-Charter) – 1 Year Term

(Republican) Term Expires 01/31/08

(Democrat) Term Expires 01/31/08

(NOTE: Letters of recommendation from the Democrat & Republican Parties of Oakland County are pending)

Municipal Building Authority

Appointed by Council (5) – 3 Year Terms

Term Expires 01/31/09

Yes:

No:

F-2 Potential Acquisition of 4265 Rochester Road

Suggested Resolution

Resolution #2006-12-

Moved by

Seconded by

RESOLVED, That City Council directs staff to **PURSUE** acquisition of 4265 Rochester Road and that funds be used from the Park Development account 440770.7974.130.

Yes:

No:

F-3 Downtown Development Authority and Sanctuary Lake Golf Course Deficit Elimination Plans

Suggested Resolution

Resolution #2006-12-

Moved by

Seconded by

RESOLVED, That the Troy City Council hereby **APPROVES** and **ADOPTS** the Downtown Development Authority Deficit Elimination Plan and the Sanctuary Lake Golf Course Deficit Elimination Plan presented to this meeting.

Yes:

No:

F-4 Amendment #2 – Environmental Work Sanctuary Lake Golf Course – NTH Consultants

Suggested Resolution

Resolution #2006-12-

Moved by

Seconded by

WHEREAS, NTH Consultants, Ltd. has been providing environmental engineering services for the City of Troy (Resolution 2000-377); and

WHEREAS, NTH Consultants, Ltd. Environmental assessment report recommended ongoing ground water sampling and testing, and has provided methane detection monitoring (Resolution 2003-06-316); and

WHEREAS, NTH has provided a proposal to continue this work;

THEREFORE, BE IT RESOLVED, That a contract for methane gas and groundwater monitoring, replacement of damaged detectors, a methane detector maintenance plan and gas monitoring contingency plan be **APPROVED** with NTH Consultants, Ltd for an estimated cost of \$30,000.00, under the terms and conditions outlined in Proposal No. P-20061550-F dated November 9, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

F-5 Approval of Kitchen Lease – Emerald Food Services, LLC

Suggested Resolution

Resolution #2006-12-

Moved by

Seconded by

WHEREAS, Emerald Food Services, LLC is the provider of senior citizen nutritional services in contract with the Area Agency on Aging 1-B; and

WHEREAS, The City of Troy has agreed to allow use of the kitchen at the Community Center for the purpose of preparing these meals;

THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** the kitchen lease 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:

F-6 Future Land Use Plan Amendment – Rochester Road Overlay District – Both Sides of Rochester Road North of Long Lake Road and South of South Boulevard, Sections 2, 3, 11 and 12

Suggested Resolution

Resolution #2006-12-

Moved by

Seconded by

WHEREAS, The responsibility of cities and villages to adopt and update a master plan is outlined in the Municipal Planning Act, PA 285 of 1931, as amended;

WHEREAS, The Municipal Planning Act requires that a copy of a plan amendment shall be sent to City Council following approval by the Planning Commission and Planning Commission approval is the final step in the amendment approval process unless City Council by resolution asserts the right to approve or reject the amendment;

WHEREAS, Section 02.10.02 of the City of Troy Zoning Ordinance grants the Planning Commission the authority to adopt amendments to the Future Land Use Plan; and

WHEREAS, On November 14, 2006, the Planning Commission adopted the Rochester Road Overlay District amendment;

THEREFORE, BE IT RESOLVED, City Council **HEREBY RECOGNIZES** that Planning Commission approval is the final step in the plan amendment process.

Yes:

No:

F-7 Troy Daze Festival

Suggested Resolution

Resolution #2006-12-

Moved by

Seconded by

Proposed Resolution A

WHEREAS, Sponsorship of the Troy Daze Festival can now obtain adequate insurance coverage; and

WHEREAS, Returning sponsorship of the Troy Daze Festival will give more volunteer ownership to the Festival;

THEREFORE, BE IT RESOLVED, That the Troy City Council **RETURNS** sponsorship of the Troy Daze Festival to the Troy Community Foundation with the following stipulations:

If the Festival is to be held on City-owned property, adequate liability insurance coverage as determined by the City of Troy has to be obtained by the sponsoring agency, naming the City of Troy as an additional insured party for the Festival;

The Troy City Council will set the hours of operation and other measures as indicated in Chapter 26.17 et. seq. of the Municipal Code to better ensure safety and security for the surrounding houses and businesses to the Festival site;

The Troy Daze Committee will submit a listing of activities and special activities prior to the Festival for review and approval by the Troy City Council;

The newly formed private sponsorship of the Troy Daze Festival will pay the actual costs of rental of park lands or other sites owned by the City of Troy; all actual security related costs charged by the Troy Police and Fire Departments; all actual costs for maintenance and clean up of the park facilities at the end of the Festival; and actual costs for any required equipment necessary for communications, transportation, sanitation and utilities necessary for Festival operations; and

Unless otherwise determined by the Troy City Council, the City of Troy shall supply no funding for any portion of the Troy Daze Festival operations.

Or Proposed Resolution B

WHEREAS, Sponsorship of the Troy Daze Festival can now obtain adequate insurance coverage; and

WHEREAS, Returning sponsorship of the Troy Daze Festival will give more community ownership to the Festival;

THEREFORE, BE IT RESOLVED, That the Troy City Council **RETURNS** sponsorship of the Troy Daze Festival to the Troy Community Foundation with the following stipulations:

If the Festival will be held on City-owned property, adequate liability insurance coverage as determined by the City of Troy be acquired by the sponsoring agency, naming the City of Troy as an additional insured party for the Festival;

The Troy City Council will set the hours of operation and other measures as indicated in Chapter 26.17 et. seq. of the Municipal Code to better ensure safety and security for the surrounding houses and businesses to the Festival site;

The Troy Daze Committee will submit a listing of activities and special activities prior to the festival for review and approval by the Troy City Council;

Unless otherwise determined by the Troy City Council, the City of Troy shall supply no funding for any portion of the Troy Daze Festival operations; and

The Troy Community Foundation will pay the City of Troy a percentage of the actual revenues generated by the Festival, equal to the actual costs of all park ground and equipment rental fees; all security time spent by the Troy Police and Fire Departments; and all maintenance costs incurred by the various City departments as agreed to by the City of Troy and the Troy Daze Committee, and said percentage of revenues shall be determined by an audit conducted by an independent auditing firm as selected by the Assistant City Manager for Finance and Administration and the Troy Daze Committee.

Or Proposed Resolution C

WHEREAS, Troy City Council has determined that operation of the Troy Daze Festival has run smoothly since the City of Troy was asked to assume sponsorship; and

WHEREAS, Troy City Council has determined that operation of the Festival should stay with the City of Troy for various safety, security and financial reasons;

THEREFORE, BE IT RESOLVED, That the City of Troy shall **MAINTAIN** sponsorship of the Troy Daze Festival until such time as determined by the Troy City Council.

Yes:

No:

F-8 TCF Bank Reimbursement Agreement – Brownfield Plan #4Suggested Resolution

Resolution #2006-12-

Moved by

Seconded by

WHEREAS, On December 15, 2005, the Brownfield Redevelopment Authority recommended approval of Brownfield Plan #4 (Brownfield Plan to Conduct Eligible Response Activities, dated December 8, 2006), TCF Bank;

WHEREAS, On February 27, 2006, City Council approved Brownfield Plan #4 (Brownfield Plan to Conduct Eligible Response Activities, dated December 8, 2006), TCF Bank; and

WHEREAS, On December 12, 2006, the Brownfield Redevelopment Authority recommended approval of a Brownfield Tax Increment Financing Reimbursement Agreement, as executed by BRA Chair and TCF Bank;

THEREFORE, BE IT RESOLVED, That the Troy City Council **APPROVES** the Brownfield Tax Increment Financing Reimbursement Agreement for TCF Bank 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:

F-9 Proposed Contract for T-Mobile Cell Tower at Fire Station #6Suggested Resolution

Resolution #2006-12-

Moved by

Seconded by

RESOLVED, That the Lease Agreement between T-Mobile and the City of Troy is **HEREBY APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Green Memorandums:

- a) Zoning Ordinance Text Amendment (File Number: ZOTA 225) – Article 35.00.00
Planned United Developments (PUD's)

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

H-1 A Proposed Resolution Proclaiming and Celebrating that the Tree Adorning Troy City Hall Lawn be Known as “The Troy Christmas Tree” – Referred by Mayor Pro Tem Cristina Broomfield and Council Member Wade Fleming
Suggested Resolution

Resolution #2006-12-

Moved by

Seconded by

WHEREAS, Christmas trees can be found in the homes of Troy families citywide;

WHEREAS, In early December of every year the Mayor, City Council, and people of Troy assemble in a festive gathering to light the Christmas Tree outside in front of City Hall;

WHEREAS, Also the national Christmas tree is found each year on the White House grounds in Washington D.C. to proclaim the Christmas season;

WHEREAS, Also the state legislature and governor have pronounced that the adorned tree placed in front of the state capital building be named “The State of Michigan Christmas Tree”;

WHEREAS, The holiday of Christmas, which is celebrated late in the year, has special importance to the lives of many citizens of Troy and Michigan; and

WHEREAS, In observance of this holiday, a prominent display is erected on the City Hall grounds;

THEREFORE, BE IT RESOLVED, That the tree prominently displayed outside the Troy City Hall late each year be officially **DESIGNATED** as “The Troy Christmas Tree” to properly symbolize the cherished event being observed; and

BE IT FURTHER RESOLVED, That a sign with the words, “The Troy Christmas Tree” **BE POSTED** near the base of the designated tree;

BE IT FINALLY RESOLVED, That from this day forward, the tree and its graceful branches, which adorn the City Hall lawn each year, will **BE KNOWN** as “The Troy Christmas Tree”.

Yes:

No:

COUNCIL COMMENTS:

I-1 No Council Comments

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Historic District Study Committee/Final – September 6, 2006
 - b) Traffic Committee/Final – September 20, 2006
 - c) Troy Youth Council/Final – September 27, 2006
 - d) Historic District Commission/Final – October 17, 2006
 - e) Traffic Committee/Final – October 18, 2006
 - f) Advisory Committee for Persons with Disabilities/Draft – November 1, 2006
 - g) Advisory Committee for Persons with Disabilities/Final – November 1, 2006
 - h) Building Code Board of Appeals/Final – November 1, 2006
 - i) Advisory Committee for Senior Citizens/Final – November 2, 2006
 - j) Historic District Study Committee/Final – November 7, 2006
 - k) Planning Commission Special/Study/Final – November 7, 2006
 - l) Employees' Retirement System Board of Trustees/Draft – November 8, 2006
 - m) Planning Commission/Draft – November 14, 2006
 - n) Planning Commission/Final – November 14, 2006
 - o) Library Advisory Board/Draft – November 16, 2006
 - p) Board of Zoning Appeals/Draft – November 21, 2006
 - q) Planning Commission Special /Study/Draft – November 28, 2006
 - r) Planning Commission Special/Study/Final – November 28, 2006
 - s) Troy Youth Council/Draft – November 29, 2006
 - t) Building Code Board of Appeals/Draft – December 6, 2006
 - u) Advisory Committee for Senior Citizens/Draft – December 7, 2006
-

J-2 Department Reports:

- a) Building Department – Permits Issued During the Month of November, 2006
 - b) City of Troy Monthly Financial Report – November 30, 2006
-

J-3 Letters of Appreciation: None Submitted

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

J-5 Calendar

J-6 Letter from the Michigan Association of Public Employee Retirement Systems (MAPERS) to John M. Lamerato, Assistant City Manager/Finance & Administration, Advising of his Successful Completion of the Advanced Fiduciary Examination

J-7 Communication from the City Attorney's Office Regarding City of Troy v. George Roberts

STUDY ITEMS:

K-1 Correlation of Council Goals with Futures Report**PUBLIC COMMENT:** Address of “K” Items

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

CLOSED SESSION:

L-1 Closed Session:

Suggested Resolution
Resolution #2006-12-
Moved by
Seconded by

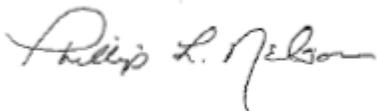
BE IT RESOLVED, That the City of Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Pending Litigation – Hooters v. Troy.

Yes:

No:

RECESSED**RECONVENED****ADJOURNMENT**

Respectfully submitted,



Phillip L. Nelson, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, January 8, 2007 Regular City Council
Monday, January 22, 2007 Regular City Council
Monday, February 5, 2007 Regular City Council
Wednesday, February 7, 2007 (Liquor Violation Hearing) Regular City Council
Monday, February 19, 2007..... Regular City Council
Wednesday, February 28, 2007 (Liquor Violation Hearing) Regular City Council
Monday, March 5, 2007 Regular City Council
Monday, March 19, 2007 Regular City Council



CITY COUNCIL ACTION REPORT

December 6, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Public Hearing – Proposed Rezoning (File Number: Z 723) – Proposed Taco Bell Restaurant, West side of Dequindre, North of Long Lake, Section 12 – O-1 to B-2

Background:

- The applicant proposes rezoning a 1.06-acre parcel from O-1 Low Rise Office to B-2 Community Business.
- The applicant proposes a Taco Bell restaurant with a drive-thru. Note that an office development is proposed for the west portion of the parent parcel, which will remain O-1.
- The parcel is classified on the Future Land Use Plan as Community Service Area. The Community Service Area classification has a primary correlation with the B-2 zoning district and a secondary correlation with the B-1, B-3 and O-1 zoning districts. The application therefore is consistent with the intent of the Future Land Use Plan. The parcel has been planned as such since 1982.
- The subject property was rezoned from R-1C One Family Residential to O-1 Low Rise Office in 2005. A 40-foot wide strip of property to the north was also rezoned to E-P Environmental Protection as part of the rezoning. This strip of E-P defines the northern limits of the Community Service Area. Furthermore, it assists in establishing an appropriate transition between the O-1 and B-2 zoning districts and the single-family residential neighborhood to the north.
- The Planning Commission held a public hearing on this item on November 14, 2006, and recommended approval of the proposed rezoning.
- A public hearing is scheduled for the December 18, 2006 City Council meeting.

Financial Considerations:

- There are no financial considerations associated with this application.

Legal Considerations:

- City Council has the authority to amend the Zoning District Map.

Policy Considerations:

- Approval of the rezoning application would be consistent with City Council Goal II, Retain and attract investment while encouraging development, and Goal VI, Protect life and property.

Options:

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

Attachments:

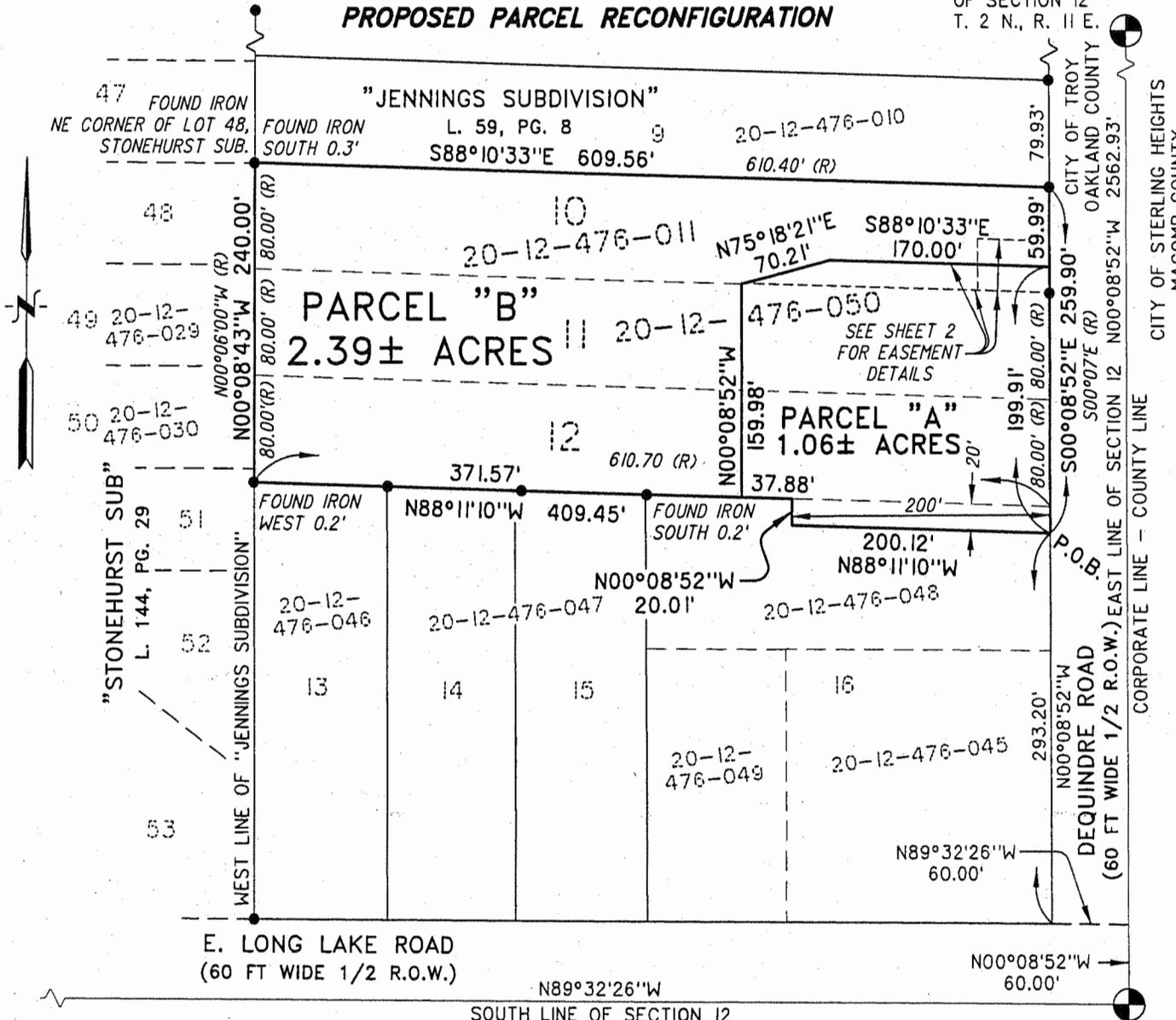
1. Maps.
2. Letter from applicant.
3. Letters of objection (2).

Prepared by RBS/MFM

G:\REZONING REQUESTS\Z-723 Proposed Taco Bell Sec 12\CC Public Hearing Z 723 12 18 06.doc

**CERTIFIED SURVEY
PROPOSED PARCEL RECONFIGURATION**

EAST 1/4 CORNER
OF SECTION 12
T. 2 N., R. 11 E.



- = SET 3/4" x 18" IRON PIPE WITH CAP STAMPED "MLL 38119"
- = FOUND IRON

LEGEND

- = FOUND MONUMENT
- x-x- = FENCE LINE

- L = LIBER
- PG = PAGE
- R = MEASUREMENT OF RECORD

SCALE: 1 INCH = 120 FEET ALL DISTANCES SHOWN ARE IN FEET OR DECIMALS THEREOF.

CIVIL ENGINEERS
LAND SURVEYORS



(810) 227-9533
FAX (810) 227-9460
EMAIL: desine@desineinc.com
2183 PLESS DRIVE
BRIGHTON, MICHIGAN 48114

PREPARED FOR

SUNDANCE INC

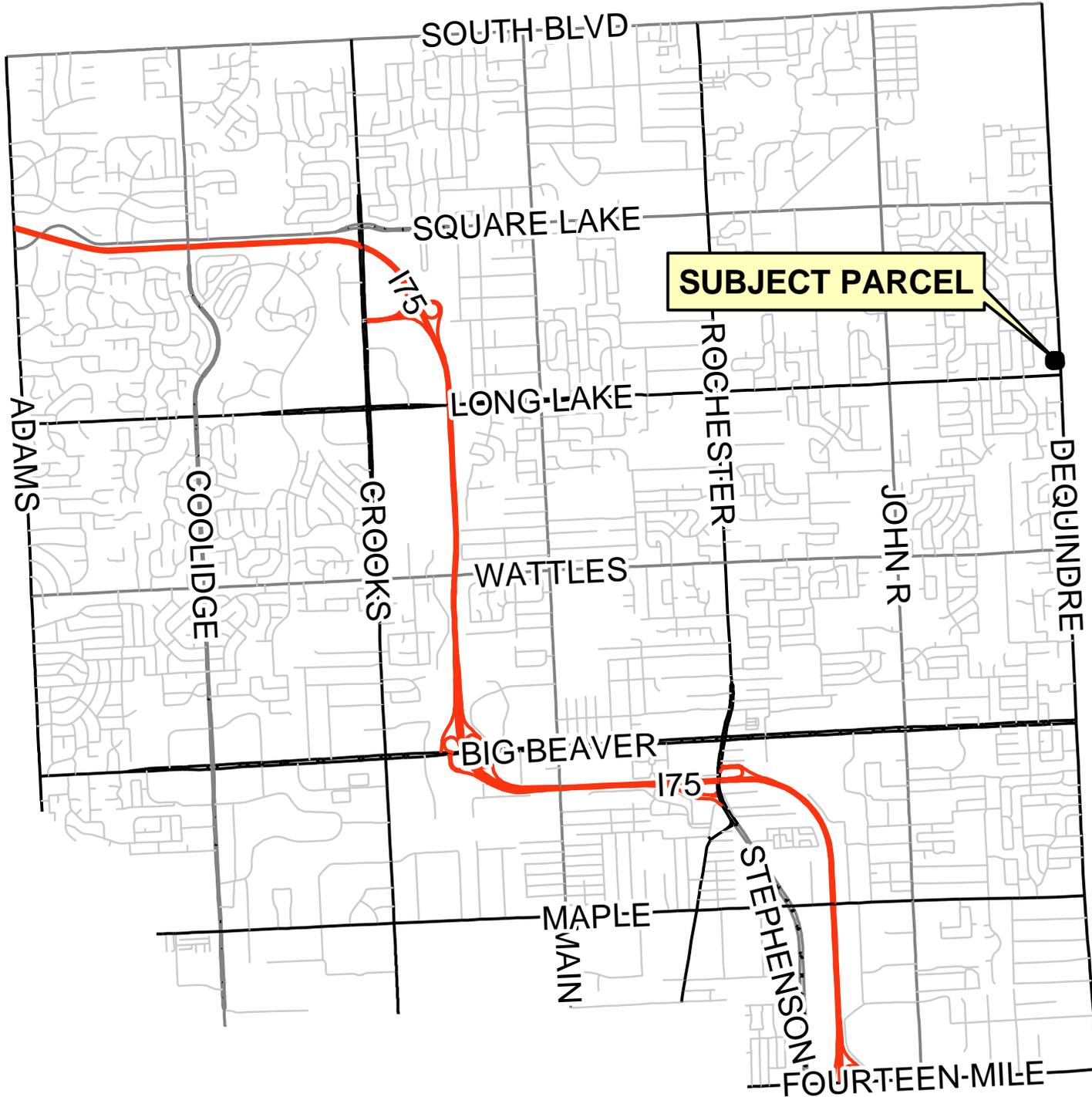
SECTION 12, TOWN 2 NORTH, RANGE 11 EAST
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

JOB #3-20-12-61055	DATE 08/25/06	FB D03
DWG #61055-CERT SUR B	DRAWN LMC	SHEET 1 OF 5

Mariusz L. Lukowicz

MARIUSZ L. LUKOWICZ
PROFESSIONAL SURVEYOR NO. 38119

CITY OF TROY



REZONING REQUEST
PROPOSED TACO BELL RESTAURANT
FROM O-1 TO B-2
W SIDE DEQUINDRE, N OF LONG LAKE
SEC. 12 (Z-723)

DAYTON

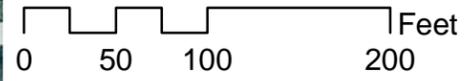
RENSHAW

FEDORA

DEQUINDRE

SUBJECT
PROPERTY

E LONG LAKE



REZONING REQUEST
PROPOSED TACO BELL RESTAURANT
FROM O-1 TO B-2
W SIDE DEQUINDRE, N OF LONG LAKE
SEC. 12 (Z-723)

(R-1C)

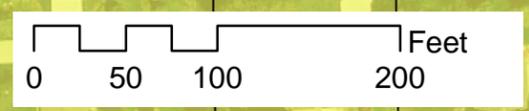
(E-P)

(O-1)

SUBJECT
PROPERTY

(B-2)

E LONG LAKE



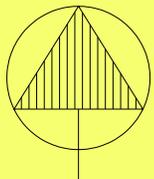
(B-1)

(H-S)

E

REZONING REQUEST
FROM O-1 TO B-2

LONG LAKE



NORTH

ATTACHMENT IN SUPPORT OF A REZONING REQUEST

To: City of Troy Planning Commission / City Council

From: Desine Inc. – Eric D. Rauch on behalf of Sundance Inc.

RE: Why the change requested is necessary for the preservation and enjoyment of substantial property rights, and that such change will not be detrimental to the property of other person located in the vicinity thereof.

Date: September 8, 2006

INTRODUCTION:

The petitioner, Sundance Inc. (franchisee for the Taco Bell corporation), owns and operates the Taco Bell restaurant located at 2955 E. Long Lake Road. This restaurant was constructed many years ago and is required to be updated to the current building prototypes and site specifications of the Taco Bell corporate office. At the July 24, 2003 City of Troy Board of Zoning Appeals meeting, the board denied the request for several variances that would have allowed Taco Bell to reconstruct at their current location at 2955 E. Long Lake Road. The variances requested included deviations from the minimum frontage allowed, site area, required greenbelt, and required parking spaces.

To construct a restaurant that can meet both Corporate and the City of Troy standards, the petitioner has agreed to a purchase offer on a portion of the property at 41113 Dequindre Road. This site provides the area, frontage, access, and public utilities required for a Taco Bell full service restaurant.

REZONING REQUEST:

To create useable space to the desires of the petitioner (Taco Bell) and the property owner (PDI Enterprises, LLC), the boundaries between adjoining properties of parcel #20-12-476-050 and parcel #20-12-476-011, would need to be reconfigured. The petitioner (Taco Bell) has agreed to terms with the property owner (PDI Enterprises, LLC) to purchase over an acre of land on parcels #20-12-476-050 and #20-12-476-011. To access the remaining portion of the subject property in the rear, the remaining portion of parcel #20-12-476-011 would be combined with the remainder of parcel #20-12-476-050 with cross access easements granted between the property owners. A conceptual Site Plan is attached to the rezoning application to depict the proposed improvements on both the proposed Taco Bell property and the remaining property behind it. The two (2) parcels would be reconfigured following approval of the Rezoning, Special Land Use, and Site Plan review requests.

REC'D

SEP 12 2006

PLANNING DEPT.

The subject property at 41113 Dequindre Road is currently zoned O-1, Office Building District. The rezoning request is for 1.06 acres (described on the attached certified survey) to B-2, Community Business District. The proposed rezoning request would permit the construction of a Taco Bell full service restaurant subject to the review and approval by the City of Troy Planning Commission. The remainder of the properties would continue to be zoned O-1, Office Building District. Additionally, combining the remainder of parcel #20-12-476-011 to the remainder of parcel #20-12-476-050 would create a 20-foot wide strip of O-1 zoned property to Dequindre Road and maintain a 40-foot wide E-P zoned property for environmental protection and buffering for the parcels to the North.

The proposed B-2 zoning is consistent with the City of Troy's Master Plan and general land use patterns in the immediate vicinity. The granting of this rezoning request will not unreasonably increase the congestion in public streets, the danger of fire, endanger public safety, or unreasonably diminish or impair the established property values within the surrounding area.

The recent growth of the intersection supports the proposed rezoning request and subsequent development of the subject parcel. The adjacent properties to the South are zoned B-2 and are utilized with businesses consistent with the zoning district. The southerly 20-feet of the proposed property to the North (a portion of parcel #20-12-476-011) will maintain its O-1 zoning designation and 40-feet of its E-P zoning designation on the Northern portion of the created 60-foot wide parcel. The created Northern parcel is to be combined with the remaining portion of the subject parcel to the west. The property will remain O-1 zoning. The property across Dequindre Road to the East is in the City of Sterling Heights and is utilized as a large commercial center.

CONCLUSION:

The proposed rezoning request is consistent with the land use patterns established in the immediate vicinity and the future land use patterns as outlined in the City of Troy Master Plan. The request would allow an established business to be upgraded in compliance with the City Ordinance and Corporate standards. The preservation of this establishment and the responsible development proposed for the area will provide an improvement to the business district and allow this intersection to continue to provide goods and services to the community, without being detrimental to the property of other persons.

Paula P Bratto

From: Rita Knorr [RKnorr2383@wideopenwest.com]

Sent: Friday, December 01, 2006 9:51 AM

To: Paula P Bratto

Subject: Rezone O-1 to B-2 at property located west side Dequindre and north of Long Lake

I think no rezoning or any more office buildings are needed in Troy. We should first fill the office buildings we have - you see for lease signs all over the place. Can't we place a moratorium on building in Troy.

Paula P Bratto

From: Mark F Miller
Sent: Monday, December 04, 2006 9:52 AM
To: Paula P Bratto
Subject: FW: Continued building in Troy

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

From: Cynthia A Stewart
Sent: Monday, December 04, 2006 9:40 AM
To: Phillip L. Nelson; Brian P Murphy
Cc: Mark F Miller
Subject: FW: Continued building in Troy

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

From: Rita E Knorr [mailto:RKnorr2383@wideopenwest.com]
Sent: Saturday, December 02, 2006 10:15 AM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart
Subject: Continued building in Troy

Currently there is another request for rezoning in the Planning Commission. This rezoning is on John R north of Long Lake (I believe from one story office to 2 story office). I feel that Troy should put a moratorium on any more office buildings or small strip malls or housing. We have so many for lease signs about town as well as strip malls that are still empty. Houses are selling slowly. I feel we should have companies fill existing buildings before we build more. This goes for small strip malls and housing as well. None of the condos or housing currently being built are senior friendly. Eventually all of us will need housing that is appropriate for our ages.



CITY COUNCIL ACTION REPORT

December 7, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Public Hearing – Rezoning Application (File Number Z 180-B) – Proposed Binson’s Home Health Care Center, Northwest corner of Rochester and Marengo, Section 3 – R-1B to O-1 or R-1B to B-1

Background:

- The Planning Commission recommended denial of the request to rezone the parcel to B-1 at the June 14, 2005 Regular meeting. On August 1, 2005, City Council postponed the item to the first Regular City Council meeting in March 2006. On March 6, 2006, City Council postponed the item to the first Regular City Council meeting in August 2006. On August 14, 2006, City Council postponed the item to the first Regular City Council meeting in October 2006.
- At the October 16, 2006 Regular meeting, City Council approved a Zoning Ordinance text amendment (File Number ZOTA 226) which permits medical equipment sales and service by right in the O-1 Low Rise Office District. Additionally, City Council remanded the item to the Planning Commission for consideration of O-1 zoning.
- At the November 14, 2006 Regular meeting, the Planning Commission recommended denial of the O-1 rezoning application.
- The Future Land Use Plan classifies the Rochester Road frontage in this area as Medium Density Residential. The Medium Density Residential classification correlates with the R-1T Zoning District in the Plan.
- On November 14, 2006, the Planning Commission adopted an amendment to the Future Land Use Plan that created a Rochester Road Overlay District that calls for a range of uses along this portion of Rochester Road.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

- City Council has the authority to act on this application.

Policy Considerations:

- The application is not consistent with the Future Land Use Plan.
- The Rochester Road Overlay District calls for a range of uses along this portion of Rochester Road. These uses, when developed with sufficient depth, would serve as a transition between Rochester Road and the abutting single-family residential neighborhood. The Zoning Ordinance will need to be amended to implement this concept.
- Denial of the rezoning request would be consistent with City Council Goal VI (Protect life and property).

Options:

- City Council can approve a rezoning to B-1.
- City Council can approve a rezoning to O-1.
- City Council can deny the rezoning application.
- City Management recommends denial of the rezoning application.

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

Attachments:

1. Maps.
2. Letter from David E. Plunkett, dated November 1, 2006.
3. Letter of support.

cc: Applicant
File / Z 180-B

Prepared by RBS/MFM

G:\REZONING REQUESTS\Z-180 B BINSONS\CC PH Z-180 B 12 18 06.doc

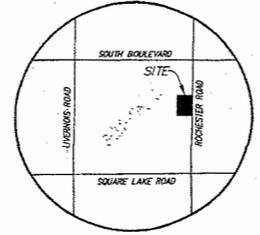
LEGAL DESCRIPTION
 LOTS 5, 6, 7, 8, AND 9 OF TROY LITTLE FARMS SUBDIVISION, ACCORDING TO THE
 PLAT THERE OF RECORDED IN LIBER 42 OF PLATS, PAGE 8 OF OAKLAND COUNTY,
 MICHIGAN.

NOTE
 THIS SURVEY HAS BEEN COMPLETED WITH AVAILABLE RECORDS AND TITLE POLICY
 ENDING DATE AUGUST 8, 2003 AS PROVIDED BY CLIENT.

TO 300 PARK LLC.:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE
 MADE (I) IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND
 TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1999,
 INCLUDES ITEMS 1, 2, AND 11A OF TABLE A THEREOF, AND (II) PURSUANT TO THE ACCURACY
 STANDARDS AS ADOPTED BY ALTA, NSPS AND ACSM AND IN EFFECT ON THE DATE OF THIS
 CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT PROPER FIELD PROCEDURES,
 INSTRUMENTATION AND ADEQUATE SURVEY PERSONNEL WERE EMPLOYED IN ORDER TO ACHIEVE
 RESULTS COMPARABLE TO THOSE OUTLINED IN THE "MINIMUM ANGLE, DISTANCE, AND CLOSURE
 REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM
 LAND TITLE SURVEYS.

DATED 10-20-2014



LOCATION MAP

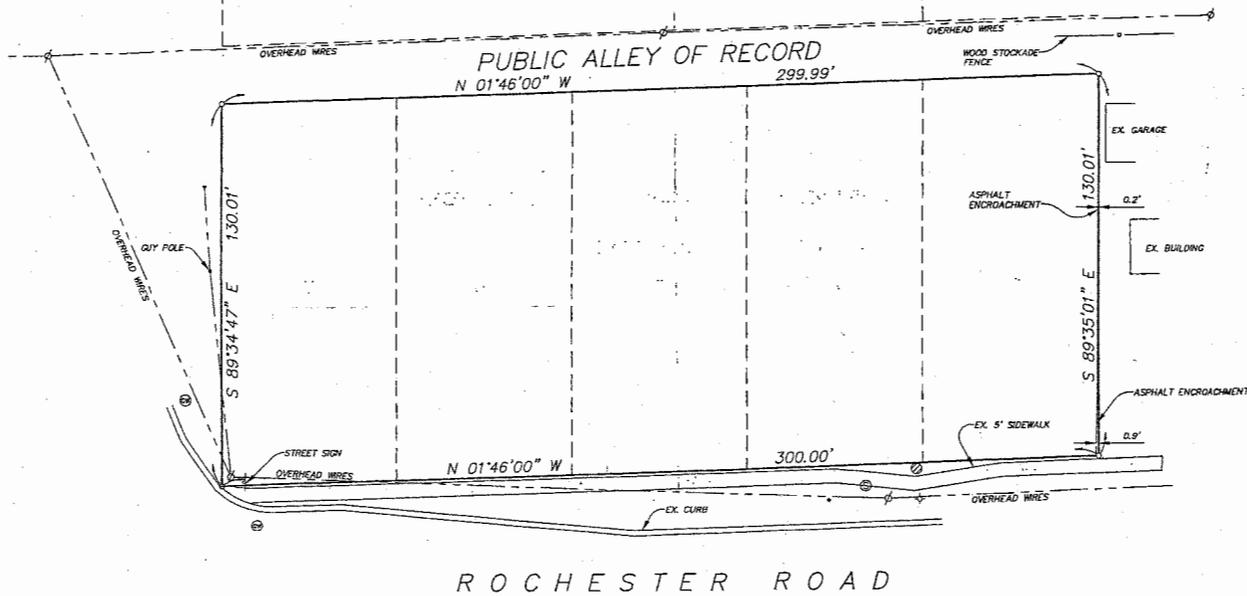
LEGEND

- SANITARY ———— S
- STORM ———— ST
- WATER MAIN ———— W
- CITY ANCHOR ————
- UTILITY POLE ————
- MAILBOX ————
- LIGHT POLE ————
- GAS MAIN ———— G
- OVERHEAD WIRES ————
- SET IRON ROD ————
- FOUND IRON ROD ————
- SIGN ————
- ELECTRIC RISER ————
- GAS MARKER (MISS DIG FLAGS) ————



GRAPHIC SCALE

(IN FEET)
 1 inch = 20' ft.



WILSON Land Surveying, Inc.
 3 South State Street, Suite 9
 WILSON, MI 48423

No.	Description	Date	By

REVISIONS

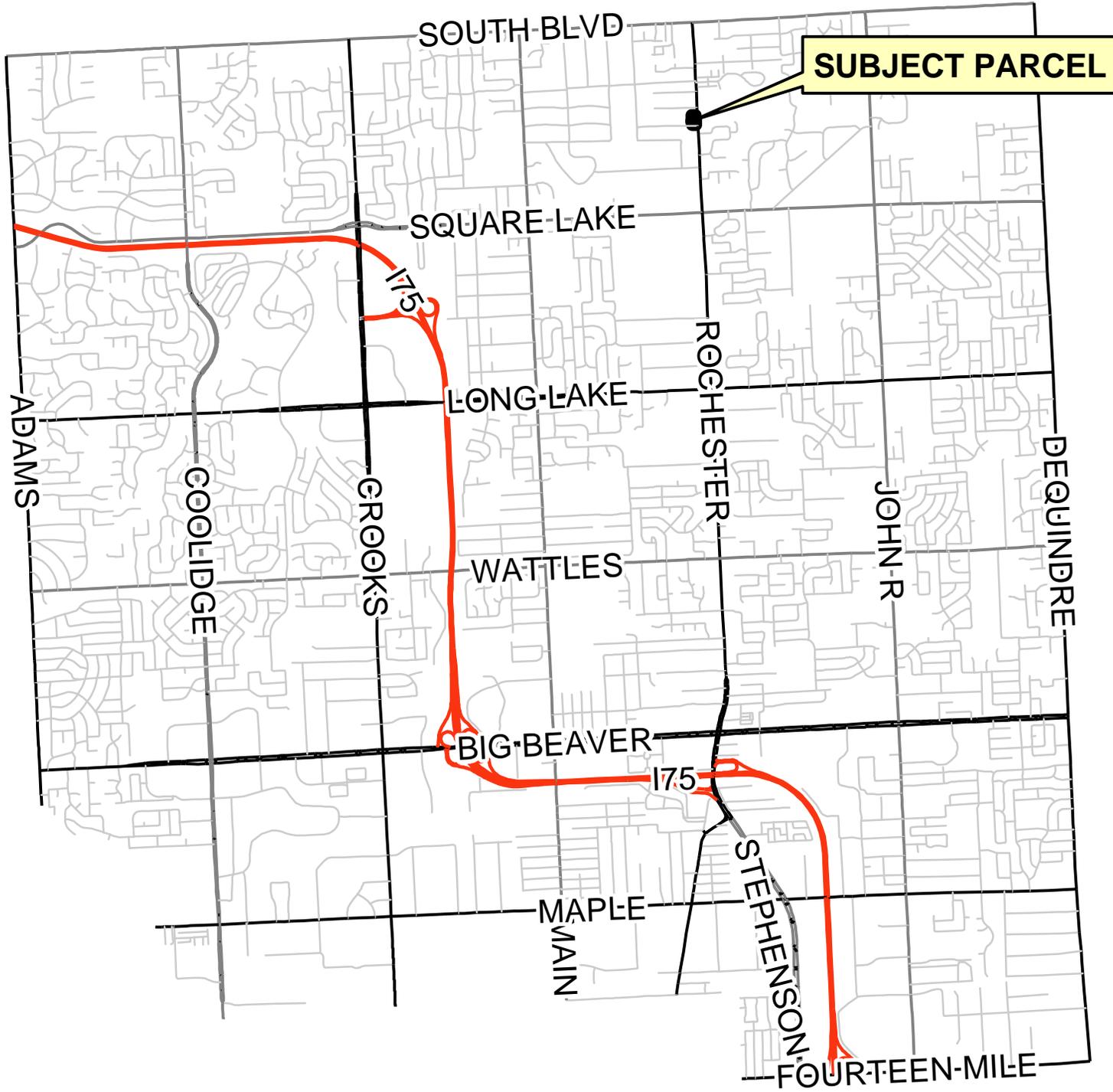
Date	By	Check	Drawn	Checked	PLT

SURVEYOR:
 Drawn By: S.W.M.
 Examined by: S.W.M.
 Date: 10/29/14

ALTA/ACSM SURVEY
STEVE COLLIN
 3211 DAVIS ROAD

04-34
 SHEET NO.
 1

CITY OF TROY



REZONING REQUEST
PROPOSED BINSON'S HOME HEALTH CARE CENTER
FROM R-1B TO O-1
NW CORNER OF ROCHESTER RD. & MARENGO
SEC. 3 (Z-180 B)

SUBJECT PROPERTY

DEETTA

MARENGO

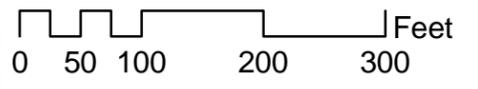
ROCHESTER

WOODSIDE

QUILL CREEK

VILLA PARK

PEACOCK



REZONING REQUEST
PROPOSED BINSON'S HOME HEALTH CARE CENTER
FROM R-1B TO O-1
NW CORNER OF ROCHESTER RD. & MARENGO
SEC. 3 (Z-180 B)

CJ-32

P.U.D.
1

(PUD)

SUBJECT PROPERTY

ROCHESTER

DEETTA

MARENGO

(B-1)

WOODSIDE

(CR-1)

(R-1B)

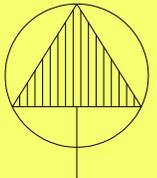
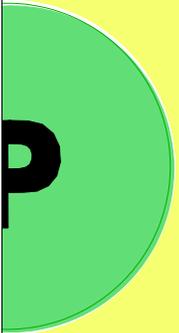
QUILL CREEK

VILLA PARK

PEACOCK

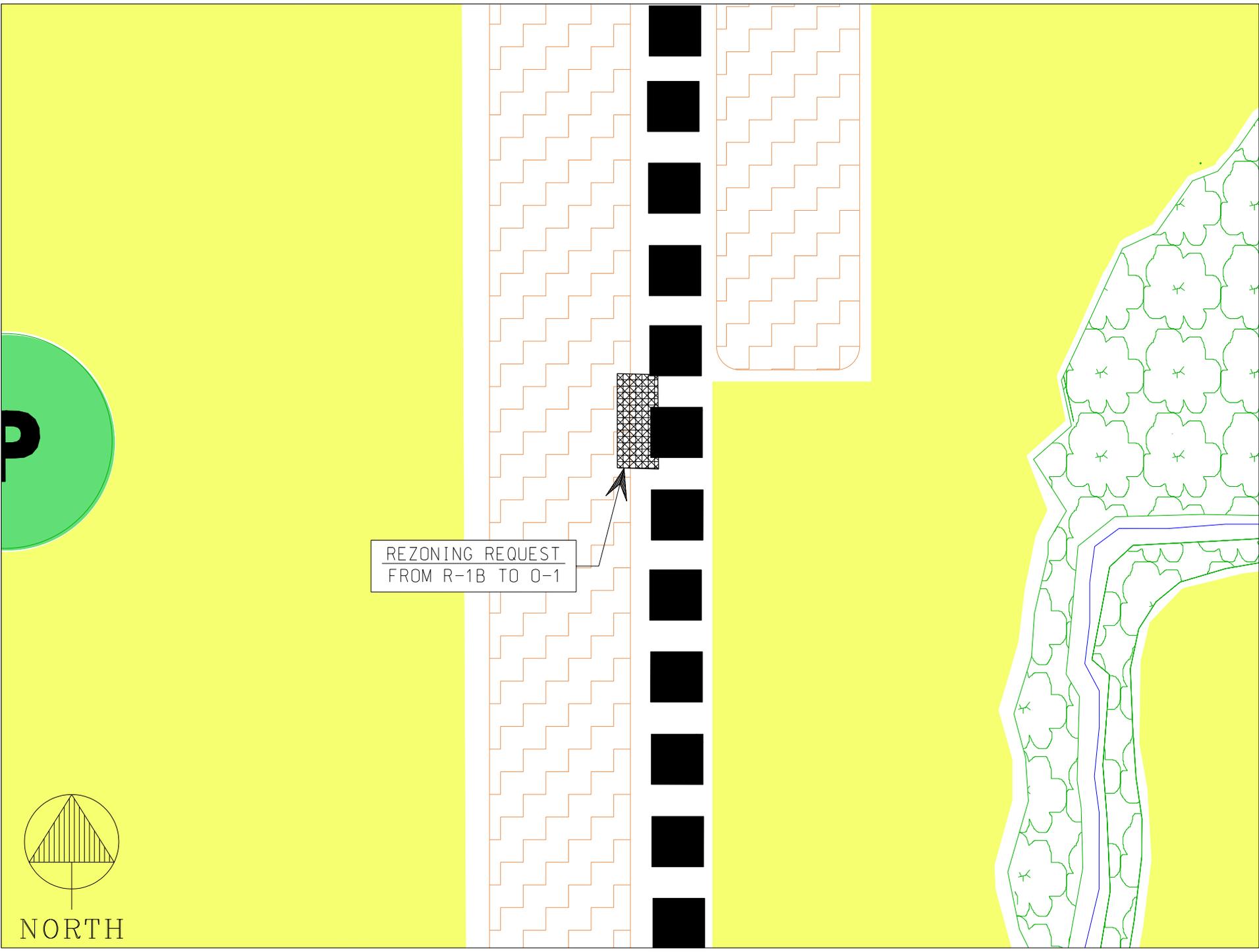
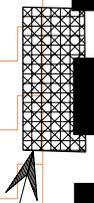


3
(E-1)



NORTH

REZONING REQUEST
FROM R-1B TO O-1



November 1, 2006

Allan T. Motzny
City Attorney's Office
City of Troy
500 West Big Beaver
Troy, MI 48084

Re: Gerback v. City of Troy
Case No. 05-068744-CZ

Dear Allan:

This letter relates to the Notice of Public Hearing in connection with the Planning Commission's consideration of rezoning the subject Property to O-1 at its November 14, 2006 meeting. The Notice states that the public hearing relates to "the request of James Gerback of 300 Park Ventures LLC to rezone the following described property from R-1B (One Family Residential) to the O-1 (Low Rise Office) district." As you know, Mr. Gerback has made no such request. His Rezoning Request seeks B-1 zoning, not O-1. It is the City Council that has, improperly we contend, referred Mr. Gerback's Request to the Planning Commission to consider O-1 zoning.

This Notice is incorrect and misleading, and must be corrected through a revised Notice published in the same manner as the original. Please call to discuss.

Sincerely,

WILLIAMS, WILLIAMS, RATTNER & PLUNKETT, P.C.



David E. Plunkett

cc: James L. Gerback

Paula P Bratto

From: Mark F Miller
Sent: Monday, December 04, 2006 9:52 AM
To: Paula P Bratto
Subject: FW: Binsons

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

From: Cynthia A Stewart
Sent: Monday, December 04, 2006 9:36 AM
To: Phillip L. Nelson
Cc: Lori G Bluhm; Mark F Miller
Subject: FW: Binsons

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

From: Rita E Knorr [mailto:RKnorr2383@wideopenwest.com]
Sent: Saturday, December 02, 2006 10:25 AM
To: Louise Schilling; dave@lambert.net; rbeltram@wideopenwest.com; talk2cristina@aol.com; Wade Fleming; Mfhowryl@umich.edu; stinejm@wwnet.net
Cc: Cynthia A Stewart
Subject: Binsons

It seems Binson's is on the agenda again. I looked at the map where Binsons would like to build. If you look on the West side of Rochester Rd there are a number of new small strip malls. These are in the same area where Binson's would like to locate to. Why can't you approve for Binson's to build on that side. These strip malls haven't even been leased out yet, and some have only 1 or 2 occupants with the rest being empty. You okayed these strip malls, why can't you approve Binsons request.

I surely don't want to lose Binsons - and quite sure most of us don't. I like having a medical supplier this close. They are knowledgeable and very helpful. My mother was bed-ridden in 2003 and it was helpful for me to be able to run to Binsons to purchase supplies needed for her.

Surely, some of you must have gone through something similar where you needed to be able to purchase medical supplies - canes, walkers, bath room equipment, burn stuff, inconsistency products, etc. If not, I hope you never have to! But, it would be nice to keep this company here just in case you need them in the future.

I hope that you will really consider giving Binsons the OKAY.

Regards,

Rita



CITY COUNCIL ACTION REPORT

December 12, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Public Hearing
Commercial Vehicle Appeal – 5933 Diamond

Background:

- Commercial Vehicles, other than a single pick-up truck or van are prohibited from being parked outside on residential property per Section 40.66.00 of the Troy Zoning Ordinance.
- Mr. Karim Abdal, the owner of the property at 5933 Diamond, parks a 2006 Chevrolet cutaway van and a 2001 Ford cargo van, used for the commercial purpose of a heating and cooling business in the driveway of the home.
- Mr. Abdal was notified of the violation on September 13, 2006, and was given the option of removing the vehicle or seeking an appeal of the parking restrictions.
- On November 17, 2006, Mr. Abdal submitted an application seeking appeal.
- A public hearing, as required by Section 44.02.01 of the Zoning Ordinance, is scheduled for December 18, 2006.
- Public Hearing notices were mailed to all property owners and occupants of structures within 300 feet of this site.
- The property in question is a 70' wide platted lot within the Stoneridge Subdivision located in the R-1C Zoning District.
- The property contains an existing two-story home totaling 1,755 square feet with 1,030 square feet of that on the first floor. There is also a 399 square foot attached garage on the site.
- Section 40.56.01 of the Zoning Ordinance would allow up to 772 square feet of attached garage, and Section 40.56.02 would allow up to 623 square feet of detached garage at this location.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

- City Council has the authority to grant appeals of the restrictions for outdoor parking of commercial vehicles on residential property after a public hearing per Section 44.02.00 of the Zoning Ordinance.

Policy Considerations:

- Holding public hearings on matters considered for appeals allows the public to offer their comments and concerns to promote effective decision making. (Goal 3)

Options:

- City Council may approve the request as submitted for up to two years per Section 44.02.03.
- City Council may approve a modified request for a lesser variance for up to two years per Section 44.02.03.
- City Council may deny the request.

RECEIVED

NOV 17 2006

BUILDING DEPT.

COMMERCIAL VEHICLE
APPEAL APPLICATION

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: Karim Abdal

ADDRESS: 5933 Diamond Dr

CITY: Troy MI. ZIP: 48085 PHONE: 248-224-1513

ADDRESS OF SITE: 5933 Diamond Dr

NUMBER OF VEHICLES: 2

VEHICLE IDENTIFICATION NUMBER(S)

① IFTNE24L31HB6771

LICENSE PLATE NUMBER(S) ① 5585 LIB ② 5463 MY

DESCRIPTION OF VEHICLE(S) ① Van Ford E 250

② chevy express KUV

REASON FOR APPEAL (see A - D below)

parking

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

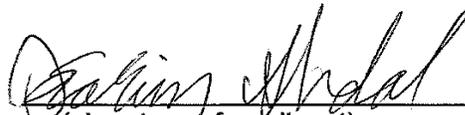
44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

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

COMMERCIAL VEHICLE APPEAL APPLICATION

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

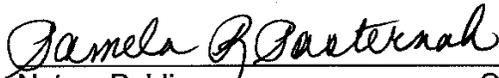
Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle(s) and a photo of the vehicle on-site..



(signature of applicant)

STATE OF MICHIGAN
COUNTY OF OAKLAND

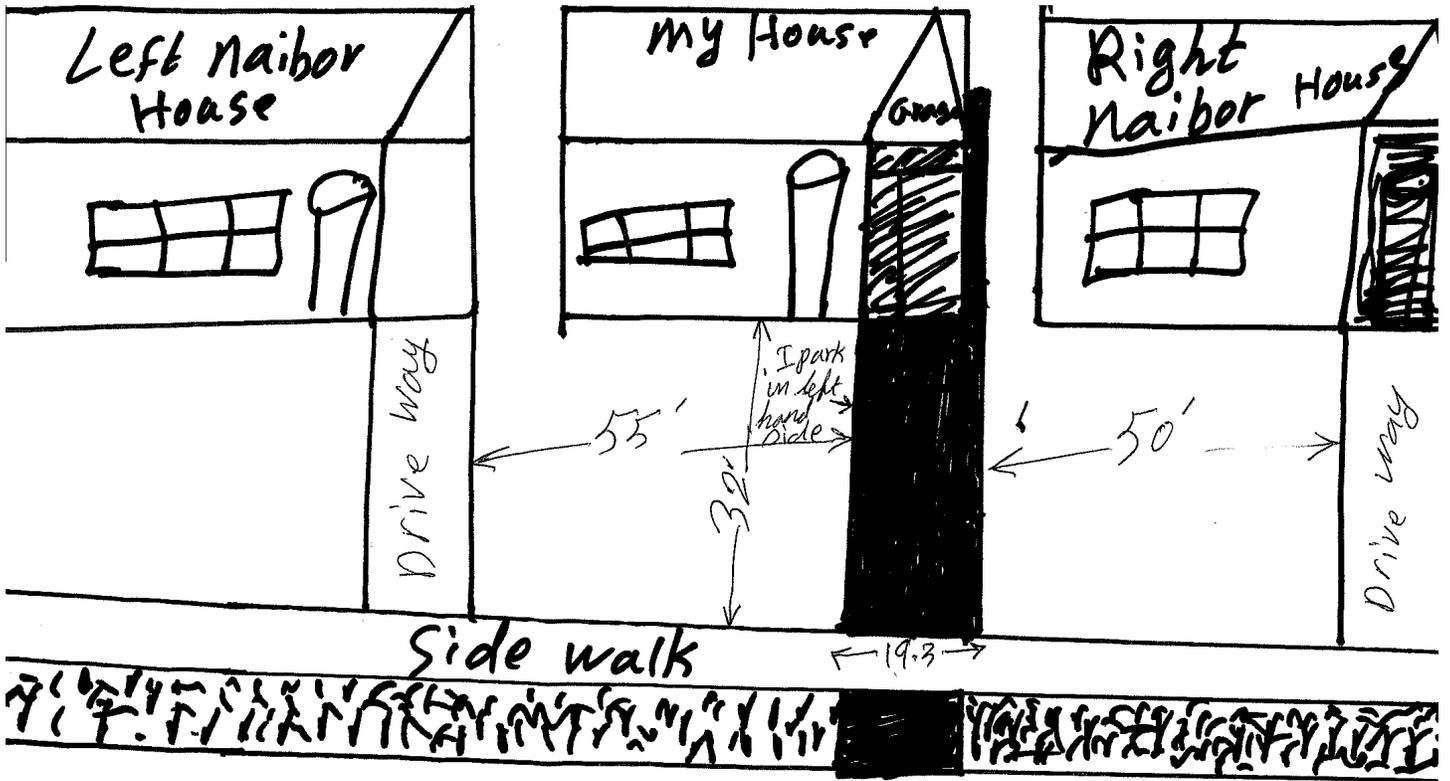
On this 17th day of November, 2006 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.



Notary Public, _____ County, Michigan

PAMELA R. PASTERNAK
Notary Public, State of Michigan, County of Macomb
My Commission Expires September 2, 2017
Acting in the County of Oakland

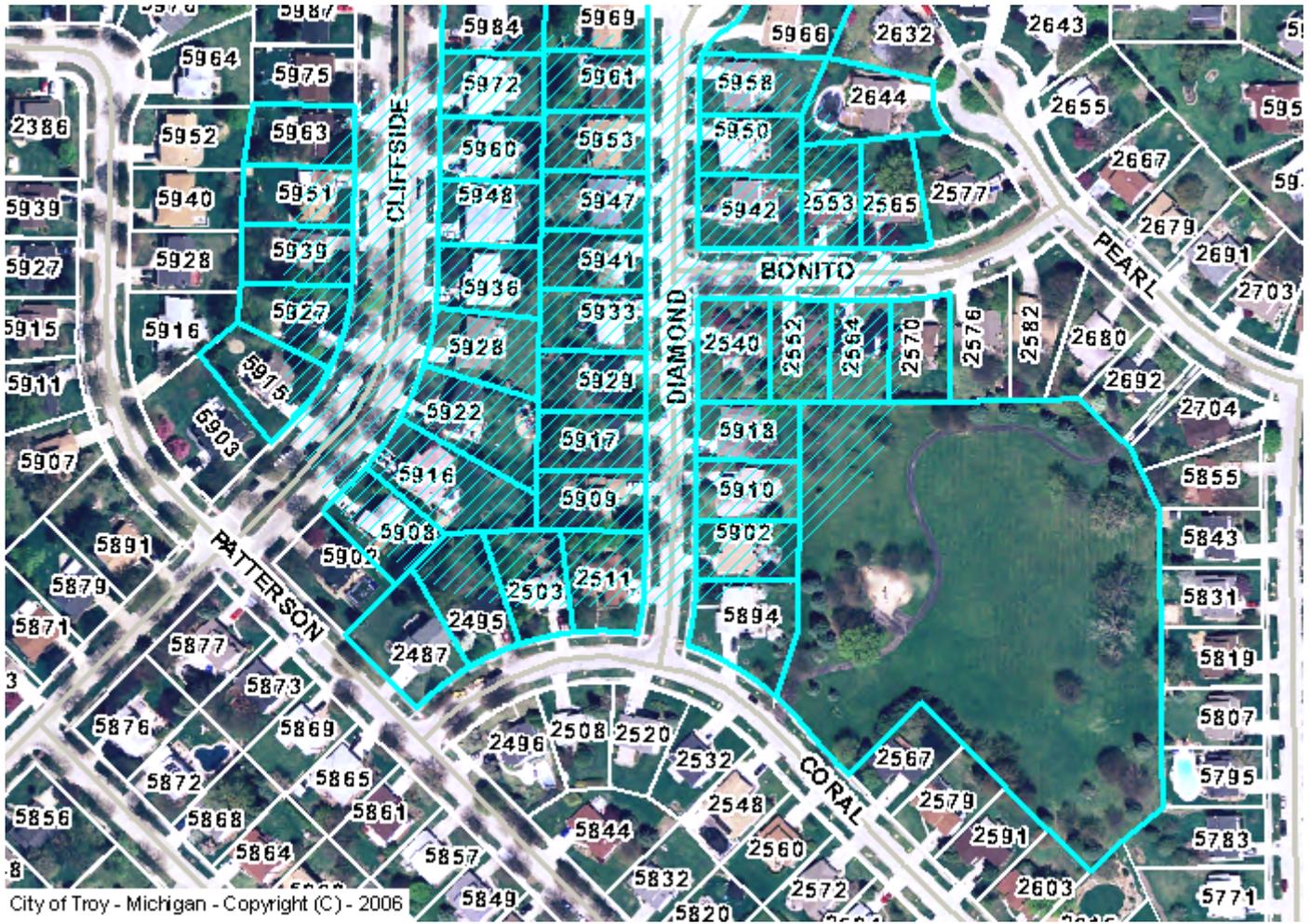
My Commission Expires: _____



Diamond Dr

RECEIVED
 OCT 16 2006
 BUILDING DEPT.





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

RECEIVED

NOV 27 2006

BUILDING DEPT.

TO: CITY COUNCIL

Please register my approval objection to the request described on the reverse side.

My reason for this approval objection is:

I believe these commercial vehicles would negatively impact the aesthetic value of our subdivision.

NAME: JACK P. Siroonian

ADDRESS OR PROPERTY DESCRIPTION 5951 Cliffside Dr.

RECEIVED

NOV 27 2011

TO: CITY COUNCIL

BUILDING DEPT.

Please register my approval objection to the request described on the reverse side.

My reason for this approval objection is:

We've been neighbors to the Abdals for years. Mr. Abdal not only has a new cutaway work van in his driveway, but also keeps his old work van in the street. We have no problem with someone applying for relief of parking ordinance if that ordinance understands, respect, and shows sensitivity to the neighbors' expectations of this area. We don't think Mr. Abdal has shown any respect for his neighbors & his neglect to his property has devalued the homes in the neighborhood. Each year Mr. Abdal states he is going to clean up his yard and have landscaping done. He has yet to do so. We've endured years of trash, stagnant water, weeds, partially completed "Fix ups", etc. This continued lack of respect in the neighborhood leaves us no alternative but to OBJECT to this request.

NAME: JOHN ZERILLI

ADDRESS OR PROPERTY DESCRIPTION 5929 DIAMOND

RECEIVED

NOV 27 2006

BUILDING DEPT

November 19, 2006

Mr. Mark Stimac
Director of Building and Zoning
City of Troy
500 West Big Beaver
Troy, MI 48084

Subject: T.2.N. R11E, Section 12
Lot 179 Stoneridge Subdivision
Parcel ID # 88-20-12-201-007
5933 Diamond

Dear Mr. Stimac:

My wife and I reside at 5941 Diamond Drive, our home is immediately adjacent to the property described in the subject line of this letter.

We are adamantly opposed to granting any relief from the zoning requirements. Mr. Abdal has continuously operated a commercial heating and cooling business from his residence since taking ownership approximately eight years ago. Several realtors have advised us that the continued operation of this commercial enterprise in a residential neighborhood is very negatively affecting our property value.

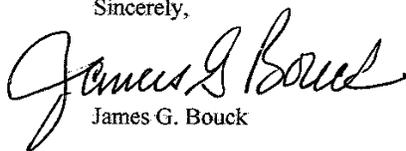
In addition to the commercial vehicle violation, we believe there may be multiple zoning and health code violations at this property and we respectfully request that all be investigated and addressed. I have discussed all of these with Mr. Abdal on several occasions, as have our neighbors, our local property owners association, and various officials of the City of Troy. To date there has been no improvement.

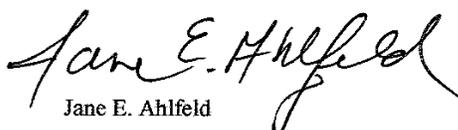
Other potential violations that we request be investigated and addressed are:

1. Mr. Abdal has continuously operated a commercial heating and cooling business from his residence as listed above.
2. The garage is used as a commercial warehouse and workshop.
3. There is an additional commercial van perpetually parked on the street that is used as additional warehousing and as an advertising billboard (Reference Photograph 1; this and all other photographs referenced were taken on November 18 and 19, 2006).
4. There is insufficient space within the garage to contain his commercial merchandise, which frequently spills over outside in an area that abuts our property. (Ref Photographs 2 and 3).
5. The sanitary storage of personal items and waste bins remains a constant concern. The household and commercial waste is stored outside the garage, adjacent to our property, in uncovered containers and in plastic bags (ref. Photo 4, 5, and 6).
6. The household and commercial waste stored in such a manner occasionally attracts animals that open the containers and remove the refuse, meat, and vegetable scraps. These scraps frequently remain at the street side until other neighbors or we dispose of them (Ref. Photo 7, 8, and 9).

To shield our view, we have spent well more than \$1000 for landscaping and have still been advised that our property value is declining due to the continuously objectionable conditions at Mr. Abdel's residence. Any assistance that the City of Troy and the Building and Zoning Commission can provide to rectify these conditions will be very greatly appreciated.

Sincerely,


James G. Bouck


Jane E. Ahlfeld



Photograph 1
Commercial Vehicles
at
5933 Diamond Drive
This is the typical condition.



Photograph
2



photograph
3

Commercial products and
equipment stored outside
at 5933 Diamond Drive

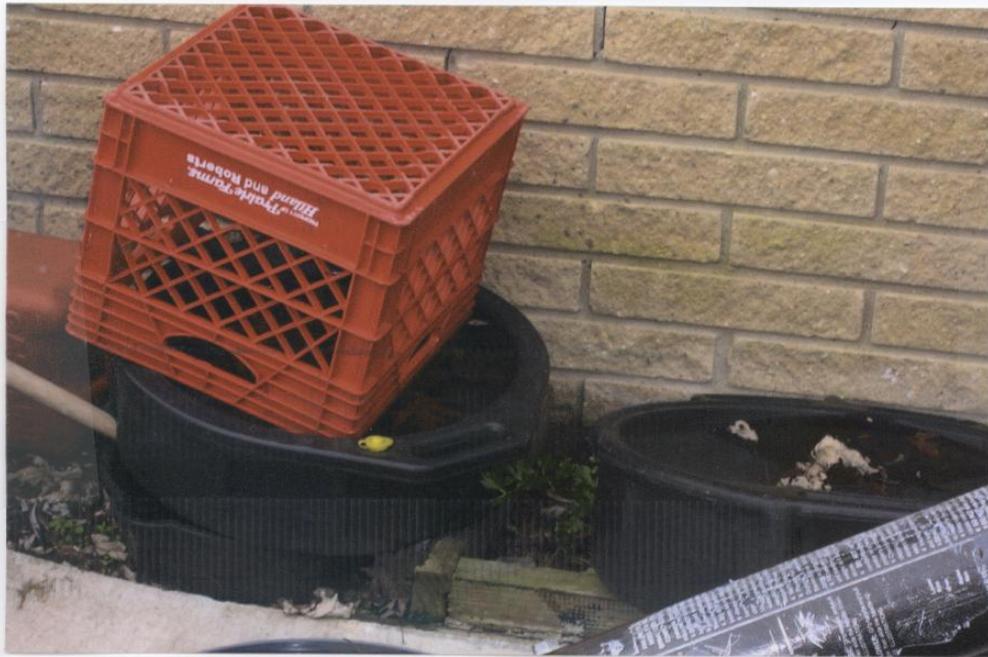


PHOTOGRAPH
4
5933
DIAMOND



PHOTOGRAPH
5
5933
DIAMOND

OUTDOOR STORAGE OF
PERSONAL AND COMMERCIAL WASTE
& OPEN WASTE CONTAINERS



PHOTOGRAPH
6
5933
DIAMOND

OUTDOOR STORAGE OF
COMMERCIAL EQUIPMENT
AND FOOD WASTE



PHOTOGRAPH
7

5933
DIAMOND

REFUSE LEFT AT CURBSIDE
PHOTO TAKEN SATURDAY
TRASH PICKUP IS TUESDAY
(SEE PHOTO'S 8 AND 9 FOR
MORE DETAIL)



PHOTOGRAPH
8

5933
DIAMOND

MEAT
SCRAPS
AT
CURB



PHOTOGRAPH
9
VEGETABLE
SCRAPS
AT
CURB

5933
DIAMOND

THESE WERE AT THE CURB ON SATURDAY
TRASH PICKUP IS TUESDAY, EARLY AM

RECEIVED

NOV 27 2006

BUILDING DEPT.

TO: CITY COUNCIL

Please register my approval objection to the request described on the reverse side.

My reason for this approval objection is:

THE VEHICLES PARKED IN THE DRIVEWAY
MAKE THE NEIGHBORHOOD LOOK LIKE
A COMMERCIAL ZONED AREA.

R. Wesley

NAME: R. WESLEY

ADDRESS OR PROPERTY DESCRIPTION 5936 CLIFFSIDE
Troy 48085

RECEIVED

NOV 27 2006

BUILDING DEPT.

TO: CITY COUNCIL

Please register my approval [] objection [] to the request described on the reverse side.

My reason for this approval [] objection [] is:

I object to any commercial vehicles being parked on residential property! Applicant can make other arrangements as many other people have had to do.

NAME: CHARLES E. BAYS

ADDRESS OR PROPERTY DESCRIPTION 5939 CLIFFSIDE

88-20-12-127-037

RECEIVED

NOV 30 2006

BUILDING DEPT.

TO: CITY COUNCIL

Please register my approval objection to the request described on the reverse side.

My reason for this approval objection is:

It is an eyesore -

One vehicle is always on the street obstructing views, ^{causing problems for sweeps,} snow removal, etc.

The garage is full of "warehouse" material.

The side of the garage (outside) is full of junk.

The driveway is full of the large family vehicle plus another work/ver vehicle.

It is a blight for the neighborhood.

We follow rules/law - He should too.

NAME: Shirley Seger

ADDRESS OR PROPERTY DESCRIPTION 5966 Diamond Dr.

TO: CITY COUNCIL

Please register my approval [] objection [X] to the request described on the reverse side.

My reason for this approval [] objection [X] is:

PARKING OF COMMERCIAL VEHICLES SHOULD NOT BE
ALLOWED AS SPECIFIED. MY PREVIOUS REASONS
STILL APPLY. IT DEGRADES THE APPEARANCE OF
THE NEIGHBORHOOD AND LOWERS PROPERTY VALUES.
OUR PROPERTY VALUES HAVE TAKEN A BIG ENOUGH
HIT AND WE DON'T NEED TO ADD TO IT BY
MAKING IT A COMMERCIAL PARKING LOT.

RECEIVED
DEC 04 2006
BUILDING DEPT.

NAME: ROBERT T. LENTZ

ADDRESS OR PROPERTY DESCRIPTION 5928 CLIFFSIDE

RECEIVED

DEC 05 2006

TO: CITY COUNCIL

Please register my approval objection to the request described on the reverse side.

BUILDING DEPT.

My reason for this approval objection is:

1. Commercial vehicles should be parked in commercial areas, not residential. If you make an exception to the rule for Mr. Abdul, then everyone who requests an exception will be granted one.
2. In addition to the two commercial vehicles he also owns a Ford Expedition. The garage is used for storage and not to park any of his vehicles.
3. Parking three commercial vehicles on the street restricts the City in cleaning and snow plowing of the street.
4. Mr. Abdul does a very poor job of maintaining his property.

NAME: J. MICHAEL ERMIGER

J.M. Ermiger

ADDRESS OR PROPERTY DESCRIPTION 5894 DIAMOND DR.

RECEIVED

DEC 07 2006

BUILDING DEPT.

TO: CITY COUNCIL

Please register my approval [] objection to the request described on the reverse side.

My reason for this approval [] objection is:

As stated before - two commercial vehicles pose a hazard & are not appealing to see parked out front

NAME:

Seymour & William Chomba

ADDRESS OR PROPERTY DESCRIPTION

5953 Belmont

RECEIVED

DEC 07 2006

BUILDING DEPT.

TO: CITY COUNCIL

Please register my approval objection to the request described on the reverse side.

My reason for this approval objection is:

I see no reason not to allow this. The vehicles (U) are not an eye sou.

NAME:

Victoria Maloney

ADDRESS OR PROPERTY DESCRIPTION

5933 Diamond

A Regular Meeting of the Troy City Council was held Monday, December 4, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 P.M.

Pastor Steve Husava gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Mayor Schilling presented a Service Commendation to Charles Palmer on behalf of the City of Troy recognizing his many contributions to the betterment of the City
- b) The *2006 Audited Financial Report* was presented by Tom Darling, CPA of Rehmann Robson and John M. Lamerato presented the *City of Troy's Comprehensive Annual Financial Report for the Year Ending June 30, 2006*
- c) John M. Lamerato, Assistant City Manager/Finance & Administration presented the GFOA Awards for Financial Reports

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 **Mayoral Appointments to the Planning Commission**

Resolution #2006-12-365
 Moved by Schilling
 Seconded by Lambert

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

Planning Commission

Appointed by Mayor (9 Members) – 3 Year Terms

Michael W. Hutson Term Expires 12/31/09

Kathleen Troshynski Term Expires 12/31/09

John J. Tagle Term Expires 12/31/09

Yes: All-7

CONSENT AGENDA:

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

Resolution #2006-12-366

Moved by Stine

Seconded by Lambert

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-02 and E-07, which **SHALL BE CONSIDERED** after Consent Agenda (E) items, as printed.

Yes: All-7

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

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 3: Exercise Renewal Option – Home Chore Lawn and Yard Services

Resolution #2006-12-366-E-4a

WHEREAS, On February 6, 2006, a contract for seasonal requirements of lawn and yard services for Troy residents using the Home Chore Program with an option to renew for one (1) additional year was awarded to the lowest bidder meeting specifications, Redburn's Snow Plowing and Lawn Maintenance, Inc. of Rochester Hills, MI, at unit prices contained in the bid tabulation opened January 11, 2006 (Resolution #2006-02-038); and

WHEREAS, Redburn's Snow Plowing and Lawn Maintenance, Inc. has agreed to exercise the one-year option to renew the contract under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby **EXERCISED** with Redburn's Snow Plowing and Lawn Maintenance, Inc. to provide seasonal requirements of lawn and yard services for Troy residents using the Home Chore Program at an estimated cost of \$47,780.00, under the same prices, terms and conditions expiring December 31, 2007.

b) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for City Council Member Robin Beltramini's Travel Expenses – National League of Cities (NLC) Leadership Meeting**

Resolution #2006-12-366-E-4b

RESOLVED, That Council Member Robin Beltramini is **AUTHORIZED** to attend the National League of Cities (NLC) Leadership Meeting in San Diego, CA from January 11 - 13, 2007 in accordance with accounting procedures of the City of Troy.

c) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for City Council Members' Travel Expenses – National League of Cities (NLC) 2007 Annual Congressional City Conference**

Resolution #2006-12-366-E-4c

RESOLVED, That council members are **AUTHORIZED** to attend the National League of Cities (NLC) 2007 Annual Congressional City Conference in Washington, DC on March 10 -14, 2007 in accordance with accounting procedures of the City of Troy.

E-5 Pre-Tax Benefit Plan

Resolution #2006-12-366-E-5

RESOLVED, That the Troy City Council hereby **ADOPTS** the form of Pre-Tax Benefit Plan effective January 1, 2007, presented to this meeting and that the duly authorized agents of the Employer are hereby **AUTHORIZED AND DIRECTED TO EXECUTE AND DELIVER** to the Administrator of the Plan one or more counterparts of the Plan; and

BE IT FURTHER RESOLVED, That the Troy City Council hereby **DIRECTS** City Management to take such actions that are deemed necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures to provide benefits under the Plan; and

BE IT FURTHER RESOLVED, That the duly authorized agents of the Employer **SHALL ACT** as soon as possible to notify the employees of the Employer of the adoption of the Pre-Tax Benefit Plan by delivering to each employee a copy of the summary description of the Plan in the form of the Summary Plan Description presented to this meeting, which form is hereby **APPROVED**.

E-6 Private Agreement for Suma Medical Center – Project No. 06.905.3

Resolution #2006-12-366-E-6

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Dr. Kheir Al-Zouhayli, is hereby **APPROVED** for the installation of water main, concrete approach, aggregate base, concrete curb and gutter and concrete walkway on the site and in the adjacent right of way, and the Mayor and City Clerk are

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

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

E-2 Approval of City Council Minutes

Resolution #2006-12-367
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of November 27, 2006 be **APPROVED** as submitted.

Yes: All-7

E-7 Application for Transfer of Class C License for Kona Grill

(a) New License

Resolution #2006-12-368a
Moved by Stine
Seconded by Beltramini

RESOLVED, That the request from Kona Macadmamia, Inc., to transfer ownership of 2006 Class C licensed business, located in escrow at 819 E. Auburn Rochester Hills, MI 48307, Oakland County, from Whirly-Ball-Rochester L.L.C.; transfer location to 30 E. Big Beaver, Troy, MI 48084, Oakland County; requests a new SDM license to be held in conjunction; and requests a new official permit (food) and a new outdoor service area, be **CONSIDERED** for **APPROVAL**; and

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

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

MOTION CARRIED

(b) Agreement

Resolution #2006-12-368b
Moved by Stine
Seconded by Beltramini

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

THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Kona Macadmamia, Inc., to transfer ownership of 2006 Class C licensed business, located in escrow at 819 E. Auburn Rochester Hills, MI 48307, Oakland County, from Whirly-Ball-Rochester L.L.C.; transfer location to 30 E. Big Beaver, Troy, MI 48084, Oakland County; requests a new SDM license to be held in conjunction; and requests a new official permit (food) and a new outdoor service area; and the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

No: Howrylak

MOTION CARRIED

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments b) City Council Appointments: Liquor Committee

(a) Mayoral Appointments – No Appointments

(b) City Council Appointments

Resolution #2006-12-369

Moved by Broomfield

Seconded by Beltramini

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

Liquor Committee

Appointed by Council (7) – 3 Year Terms

Clark Yuan (Student)

Term Expires 07/01/07

Yes: All-7

F-2 Re-Write of City Code, Chapter 65 – Taxicabs, Limousines and Drivers

Resolution #2006-12-370

Moved by Stine

Seconded by Lambert

RESOLVED, That the Troy City Code, Chapter 65 – Taxicab, Limousines and Drivers, be **AMENDED** by replacement in its entirety, as presented.

Yes: All-7

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Commercial Vehicle Appeal – 5933 Diamond – December 18, 2006
- b) Proposed Rezoning (File Number: Z 723) – Proposed Taco Bell Restaurant, West side of Dequindre, North of Long Lake, Section 12 – O-1 to B-2 – December 18, 2006
- c) Rezoning Application (File Number Z 180-B) – Proposed Binson's Home Health Care Center, Northwest corner of Rochester and Marengo, Section 3 – R-1B to O-1 or R-1B to B-1 – December 18, 2006

Noted and Filed

G-2 Green Memorandums: None Submitted

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

H-1 No Council Referrals

COUNCIL COMMENTS:

I-1 No Council Comments

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Parks and Recreation Advisory Board/Final – September 21, 2006
- b) Library Advisory Board/Final – October 12, 2006
- c) Board of Zoning Appeals/Final – October 17, 2006

Noted and Filed

J-2 Department Reports:

- a) City of Troy Monthly Financial Report – October 31, 2006
- b) Council Member Lambert's Report from the NLC Annual Leadership Summit

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Thanks to Officer Harrison from L. Wayne Creasman, Senior Connection, in Appreciation of the Informative and Professional Presentation
- b) Letter of Thanks to Officer Kaptur from Lee Gillett, ITT Technical Institute, Regarding the Outstanding Substance Abuse Presentation
- c) Letter of Appreciation to Mayor Schilling from Jon Howington, Macomb Community College, Regarding the Volunteer Efforts of Chief Craft and Officers of the Police Department

- d) Letter of Thanks to Chief Craft from Mary Huyck, Oakland County Jail Clinic, in Appreciation of the Professional, Informative and Entertaining Presentation by Officer Kaptur
Noted and Filed

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

-
- J-5 Calendar**
Noted and Filed

-
- J-6 Communication from Information Technology Director Gert Paraskevin Regarding GIS Case Study**
Noted and Filed

-
- J-7 Communication from Public Works Director Timothy Richnak Regarding Action Plan for New Routing Schedule for Refuse, Recyclables and Yard Waste**
Noted and Filed

-
- J-8 Standard & Poor’s Report on AAA-Rated Credits in U.S. State & Local Government Finance – Available for Viewing at the City Clerk’s Office and the Troy Public Library**
Noted and Filed

-
- J-9 Annual Audit Report – Available for Viewing at the City Clerk’s Office and the Troy Public Library**
Noted and Filed

STUDY ITEMS:

-
- K-1 Council Responses to City Manager’s Questionnaire**

PUBLIC COMMENT: Address of “K” Items

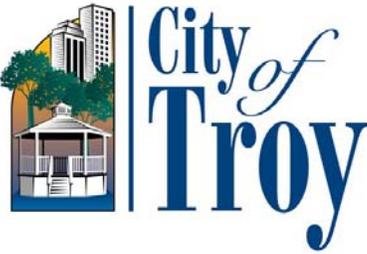
CLOSED SESSION:

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

The meeting **ADJOURNED** at 9:11 P.M.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk



CITY COUNCIL ACTION REPORT

December 6, 2006

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidder – Rough Mow – Various Municipal Sites

Background

- On November 21, 2006, sixteen (16) bids were received and opened for ITB-COT 06-41, to provide all labor, tools, equipment, and landscape maintenance services including mowing for municipal grounds and abandon properties for three years with an option to renew for two additional years.
- 193 Vendors were notified via the MITN system with 4 vendor walk-ins.
- Sixteen bidders responded, five statements of no bid received, and one vendor did not meet specifications for failure to provide the \$500.00 bid surety check.

Financial Considerations

- Funds are available in the various contractual service accounts:

780.7802.070	Street Island Maintenance - Major
782.7802.070	Street Island Maintenance - Northfield Hills
344.7802.050	Fire Halls
276.7802.050	Cemetery Maintenance
807.7802.070	Museum Grounds

Legal Considerations

- ITB-COT 06-41 was competitively bid and vendors were given the opportunity to respond with their level of interest in supplying landscape maintenance services including mowing for the City of Troy municipal grounds.
- The award is contingent upon the recommended bidder's submission of proper contract and bid documents, including insurance certificates and all other specified requirements.

Policy Considerations

- Bidding services of this type help minimize cost and increase efficiency of City government. (Goal #1)
- Property maintenance helps retain and attract investment while encouraging redevelopment (Goal #2)
- Maintenance of these properties reduces visual barriers blockages and reduces the incident of mosquitoes in the neighborhoods. (Goal #6)

Options

- City management and the Park and Recreation department recommend awarding the three-year contract for landscape maintenance services including mowing with an option to renew for two (2) additional years to low total bidder, Great Lakes Landscaping of Warren, for an estimated total cost of \$57,010.00 for 2007, 2008, and 2009, at unit prices contained in the bid tabulation opened 11/21/06.

VENDOR NAME:

**	Great Lakes Landscaping	Rasins Landscape & Assoc Inc
	477165190	314172145

\$500.00 Check # -

PROPOSAL: Mowing Services - Landscape Maintenance

Furnish all necessary material, labor, and equipment to provide mowing & lawn maintenance for municipal grounds

		COST PER ACRE	TOTAL COST	COST PER ACRE	TOTAL COST
GROUP #1 - WEEKLY MOWING SCHEDULE - 42.07 Acres - 28 times per year					
YEAR	ACRES				
2007	42.07	\$ 22.00	\$ 25,915.1	\$ 33.00	\$ 38,872.7
2008	42.07	\$ 22.00	\$ 25,915.1	\$ 33.00	\$ 38,872.7
2009	42.07	\$ 22.00	\$ 25,915.1	\$ 33.00	\$ 38,872.7
			\$ 77,745.36		\$ 116,618.04
GROUP #2 - SPLIT MOWING SCHEDULE - 41.45 ACRES - 24 times per year					
YEAR	ACRES				
2007	41.45	\$ 20.00	\$ 19,896.00	\$ 28.00	\$ 27,854.40
2008	41.45	\$ 20.00	\$ 19,896.00	\$ 28.00	\$ 27,854.40
2009	41.45	\$ 20.00	\$ 19,896.00	\$ 28.00	\$ 27,854.40
			\$ 59,688.00		\$ 83,563.20
GROUP #3 - BI-WEEKLY MOWING SCHEDULE - 39.12 ACRES - 14 times per year					
YEAR	ACRES				
2007	39.12	\$ 20.00	\$ 10,953.60	\$ 22.95	\$ 12,569.26
2008	39.12	\$ 20.00	\$ 10,953.60	\$ 22.95	\$ 12,569.26
2009	39.12	\$ 20.00	\$ 10,953.60	\$ 22.95	\$ 12,569.26
			\$ 32,860.80		\$ 37,707.77
GROUP #4 - ABANDON PROPERTIES - Various Locations					
YEAR		PER 1000 SQ FT	TOTAL COST	PER 1000 SQ FT	TOTAL COST
2007	49,000 SF	\$ 5.00	\$ 245.00	\$ 0.70	\$ 34.30
2008	49,000 SF	\$ 5.00	\$ 245.00	\$ 0.70	\$ 34.30
2009	49,000 SF	\$ 5.00	\$ 245.00	\$ 0.70	\$ 34.30
			\$ 735.00		\$ 102.90
ESTIMATED GRAND TOTAL: 2007		\$ 57,009.72		\$ 79,330.64	
2008		\$ 57,009.72		\$ 79,330.64	
2009		\$ 57,009.72		\$ 79,330.64	
ESTIMATED CONTRACT TOTAL:			\$ 171,029.16		\$ 237,991.91
SITE INSPECTION: Y/N		Yes			Yes
DATE		11/15 &11/17			11/19 &11/20
BIDDER'S GENERAL QUESTIONNAIRE Y/N		Yes		Yes	
CONTACT INFORMATION					
Hrs of Operation		6am-5pm			8am-6pm
Contact Phone #		810-523-8066			248.830.9288
Pager					
LICENSE #:		174747			179375
INSURANCE:					
Can Meet		XX		XX	
Cannot Meet					
Signed		Yes		Yes	
TERMS:		30 Days		Net 30	

VENDOR NAME:	**	Great Lakes Landscaping	Rasins Landscape & Assoc Inc
EXCEPTIONS:	Blank	Blank	
ACKNOWLEDGEMENT Y or N	Yes	Yes	

DMS:
Trybuski's Landscaping & Lawn Service - Reason: No \$500.00 bid deposit check as specified

- NO BIDS:
J.Q. Inc
Kingspointe Services
Lazoen Hay & Feed
Troy Clogg Landscape
Williams Weed Mowing

**** DENOTES LOW BIDDER**

- ATTEST:
Cheryl Stewart
Ron Hynd
Linda Bockstanz

 Jeanette Bennett
 Purchasing Director

VENDOR NAME:

Steel's Services LLC	Parks Landscaping &
	Snow Service
\$500.00 Check # - 002592	681957299-8

PROPOSAL: Mowing Services - Landscape Maintenance

Furnish all necessary material, labor, and equipment to provide mowing & lawn maintenance for municipal grounds

		COST PER ACRE	TOTAL COST	COST PER ACRE	TOTAL COST
GROUP #1 - WEEKLY MOWING SCHEDULE - 42.07 Acres					
YEAR	ACRES				
2007	42.07	\$ 33.50	\$ 39,461.7	\$ 34.92	\$ 41,134.4
2008	42.07	\$ 33.50	\$ 39,461.7	\$ 34.92	\$ 41,134.4
2009	42.07	\$ 33.50	\$ 39,461.7	\$ 34.92	\$ 41,134.4
			\$ 118,384.98		\$ 123,403.09
GROUP #2 - SPLIT MOWING SCHEDULE - 41.45 ACRES					
YEAR	ACRES				
2007	41.45	\$ 29.50	\$ 29,346.60	\$ 30.07	\$ 29,913.64
2008	41.45	\$ 29.50	\$ 29,346.60	\$ 30.07	\$ 29,913.64
2009	41.45	\$ 29.50	\$ 29,346.60	\$ 30.07	\$ 29,913.64
			\$ 88,039.80		\$ 89,740.91
GROUP #3 - BI-WEEKLY MOWING SCHEDULE - 39.12 ACRES					
YEAR	ACRES				
2007	39.12	\$ 25.50	\$ 13,965.84	\$ 24.25	\$ 13,281.24
2008	39.12	\$ 25.50	\$ 13,965.84	\$ 24.25	\$ 13,281.24
2009	39.12	\$ 25.50	\$ 13,965.84	\$ 24.25	\$ 13,281.24
			\$ 41,897.52		\$ 39,843.72
GROUP #4 - ABANDON PROPERTIES - Various Locations					
YEAR		PER 1000 SQ FT	TOTAL COST	PER 1000 SQ FT	TOTAL COST
2007	49,000 SF	\$ 0.90	\$ 44.10	\$ 5.00	\$ 245.00
2008	49,000 SF	\$ 0.90	\$ 44.10	\$ 5.00	\$ 245.00
2009	49,000 SF	\$ 0.90	\$ 44.10	\$ 5.00	\$ 245.00
			\$ 132.30		\$ 735.00
ESTIMATED GRAND TOTAL: 2007			\$ 82,818.20		\$ 84,574.24
2008			\$ 82,818.20		\$ 84,574.24
2009			\$ 82,818.20		\$ 84,574.24
ESTIMATED CONTRACT TOTAL:			\$ 248,454.60		\$ 253,722.72
SITE INSPECTION: Y/N		Yes			Yes
DATE		11/3 & 11/20			11/11/2006
BIDDER'S GENERAL QUESTIONNAIRE Y/N		Yes		Yes	
CONTACT INFORMATION					
Hrs of Operation		8am-5pm			24/7
Contact Phone #		810.265.5610			248.765.7844
Pager					
LICENSE #:		179713		Available Upon Request	
INSURANCE:					
Can Meet		XX		XX	
Cannot Meet					
Signed		Yes		Yes	
TERMS:		Blank		Net 30 Days	

VENDOR NAME:		Steele's Services LLC		Parks Landscaping & Snow Service	
EXCEPTIONS:		Blank		None	
ACKNOWLEDGEMENT		Yes		Yes	
Y or N					

VENDOR NAME:

B&B Lawn Service Inc	Precision Landscaping
	Services Inc
\$500.00 Check # - 4974468592	324103

PROPOSAL: Mowing Services - Landscape Maintenance

Furnish all necessary material, labor, and equipment to provide mowing & lawn maintenance for municipal grounds

		COST PER ACRE	TOTAL COST	COST PER ACRE	TOTAL COST
GROUP #1 - WEEKLY MOWING SCHEDULE - 42.07 Acres					
YEAR	ACRES				
2007	42.07	\$ 34.99	\$ 41,216.8	\$ 33.15	\$ 39,049.4
2008	42.07	\$ 34.99	\$ 41,216.8	\$ 33.15	\$ 39,049.4
2009	42.07	\$ 34.99	\$ 41,216.8	\$ 33.15	\$ 39,049.4
			\$ 123,650.46		\$ 117,148.12
GROUP #2 - SPLIT MOWING SCHEDULE - 41.45 ACRES					
YEAR	ACRES				
2007	41.45	\$ 30.49	\$ 30,331.45	\$ 33.15	\$ 32,977.62
2008	41.45	\$ 30.49	\$ 30,331.45	\$ 33.15	\$ 32,977.62
2009	41.45	\$ 30.49	\$ 30,331.45	\$ 33.15	\$ 32,977.62
			\$ 90,994.36		\$ 98,932.86
GROUP #3 - BI-WEEKLY MOWING SCHEDULE - 39.12 ACRES					
YEAR	ACRES				
2007	39.12	\$ 25.00	\$ 13,692.00	\$ 26.00	\$ 14,239.68
2008	39.12	\$ 25.00	\$ 13,692.00	\$ 26.00	\$ 14,239.68
2009	39.12	\$ 25.00	\$ 13,692.00	\$ 26.00	\$ 14,239.68
			\$ 41,076.00		\$ 42,719.04
GROUP #4 - ABANDON PROPERTIES - Various Locations					
YEAR		PER 1000 SQ FT	TOTAL COST	PER 1000 SQ FT	TOTAL COST
2007	49,000 SF	\$ 11.43	\$ 560.07	\$ 0.77	\$ 37.73
2008	49,000 SF	\$ 11.43	\$ 560.07	\$ 0.77	\$ 37.73
2009	49,000 SF	\$ 11.43	\$ 560.07	\$ 0.77	\$ 37.73
			\$ 1,680.21		\$ 113.19
ESTIMATED GRAND TOTAL: 2007		\$ 85,800.34		\$ 86,304.40	
2008		\$ 85,800.34		\$ 86,304.40	
2009		\$ 85,800.34		\$ 86,304.40	
ESTIMATED CONTRACT TOTAL:			\$ 257,401.03		\$ 258,913.21
SITE INSPECTION: Y/N		Yes			Yes
DATE		11/8/2006			11/14,15,16,20
BIDDER'S GENERAL QUESTIONNAIRE Y/N		Yes		Yes	
CONTACT INFORMATION					
Hrs of Operation		8am-4pm			24/7
Contact Phone #		810.343.3884			586.531.1927
Pager					
LICENSE #:		Blank			C007950381
INSURANCE:					
Can Meet		XX		XX	
Cannot Meet					
Signed		Yes		Yes	
TERMS:		Net 30		30 Days	

VENDOR NAME:		B&B Lawn Service Inc		Precision Landscaping	
				Services Inc	
EXCEPTIONS:		N/A		Does not include mulching	
				Does not include tree & shrub	
				pruning.	
ACKNOWLEDGEMENT	Y or N	Yes		Yes	

VENDOR NAME:

Cal Fleming Landscaping & Tree Service Inc	Quality Landscape
\$500.00 Check # - 424450457	477742834

PROPOSAL: Mowing Services - Landscape Maintenance

Furnish all necessary material, labor, and equipment to provide mowing & lawn maintenance for municipal grounds

		COST PER ACRE	TOTAL COST	COST PER ACRE	TOTAL COST
GROUP #1 - WEEKLY MOWING SCHEDULE - 42.07 Acres					
YEAR	ACRES				
2007	42.07	\$ 38.00	\$ 44,762.5	\$ 35.95	\$ 42,347.7
2008	42.07	\$ 37.24	\$ 43,867.2	\$ 35.95	\$ 42,347.7
2009	42.07	\$ 36.50	\$ 42,995.5	\$ 35.95	\$ 42,347.7
			\$ 131,625.25		\$ 127,042.99
GROUP #2 - SPLIT MOWING SCHEDULE - 41.45 ACRES					
YEAR	ACRES				
2007	41.45	\$ 32.00	\$ 31,833.60	\$ 33.95	\$ 33,773.46
2008	41.45	\$ 31.36	\$ 31,196.93	\$ 33.95	\$ 33,773.46
2009	41.45	\$ 30.74	\$ 30,580.15	\$ 33.95	\$ 33,773.46
			\$ 93,610.68		\$ 101,320.38
GROUP #3 - BI-WEEKLY MOWING SCHEDULE - 39.12 ACRES					
YEAR	ACRES				
2007	39.12	\$ 27.00	\$ 14,787.36	\$ 29.50	\$ 16,156.56
2008	39.12	\$ 26.46	\$ 14,491.61	\$ 29.50	\$ 16,156.56
2009	39.12	\$ 24.94	\$ 13,659.14	\$ 29.50	\$ 16,156.56
			\$ 42,938.11		\$ 48,469.68
GROUP #4 - ABANDON PROPERTIES - Various Locations					
YEAR		PER 1000 SQ FT	TOTAL COST	PER 1000 SQ FT	TOTAL COST
2007	49,000 SF	\$ 9.00	\$ 441.00	\$ 1.25	\$ 61.25
2008	49,000 SF	\$ 9.00	\$ 441.00	\$ 1.25	\$ 61.25
2009	49,000 SF	\$ 9.00	\$ 441.00	\$ 1.25	\$ 61.25
			\$ 1,323.00		\$ 183.75
ESTIMATED GRAND TOTAL: 2007		\$ 91,824.44		\$ 92,338.93	
2008		\$ 89,996.77		\$ 92,338.93	
2009		\$ 87,675.83		\$ 92,338.93	
ESTIMATED CONTRACT TOTAL:			\$ 269,497.04		\$ 277,016.80
SITE INSPECTION: Y/N		Yes			Yes
DATE		1/16/2006			11/15 & 11/16
BIDDER'S GENERAL QUESTIONNAIRE Y/N		Yes		Yes	
CONTACT INFORMATION					
Hrs of Operation		8am-5pm			6am-8pm
Contact Phone #		586.823.5971			248.379.9630
Pager					
LICENSE #:		179384			C002890001
INSURANCE:					
Can Meet		XX		XX	
Cannot Meet					
Signed		Yes		Yes	
TERMS:		Net 30 Days		Net 30 Days	

VENDOR NAME:		Cal Fleming Landscaping &		Quality Landscape	
		Tree Service Inc			
EXCEPTIONS:		Blank		N/A	
ACKNOWLEDGEMENT		Y or N	Yes	Yes	

VENDOR NAME:

	Tiede Landscaping	Naturalistic Landscapes
\$500.00 Check # -	624112731	808846500-3

PROPOSAL: Mowing Services - Landscape Maintenance

Furnish all necessary material, labor, and equipment to provide mowing & lawn maintenance for municipal grounds

		COST PER ACRE	TOTAL COST	COST PER ACRE	TOTAL COST
GROUP #1 - WEEKLY MOWING SCHEDULE - 42.07 Acres					
YEAR	ACRES				
2007	42.07	\$ 38.50	\$ 45,351.5	\$ 39.00	\$ 45,940.4
2008	42.07	\$ 38.50	\$ 45,351.5	\$ 40.00	\$ 47,118.4
2009	42.07	\$ 38.50	\$ 45,351.5	\$ 41.00	\$ 48,296.4
			\$ 136,054.38		\$ 141,355.20
GROUP #2 - SPLIT MOWING SCHEDULE - 41.45 ACRES					
YEAR	ACRES				
2007	41.45	\$ 33.50	\$ 33,325.80	\$ 40.00	\$ 39,792.00
2008	41.45	\$ 33.50	\$ 33,325.80	\$ 41.00	\$ 40,786.80
2009	41.45	\$ 33.50	\$ 33,325.80	\$ 42.00	\$ 41,781.60
			\$ 99,977.40		\$ 122,360.40
GROUP #3 - BI-WEEKLY MOWING SCHEDULE - 39.12 ACRES					
YEAR	ACRES				
2007	39.12	\$ 27.50	\$ 15,061.20	\$ 42.00	\$ 23,002.56
2008	39.12	\$ 27.50	\$ 15,061.20	\$ 43.00	\$ 23,550.24
2009	39.12	\$ 27.50	\$ 15,061.20	\$ 44.00	\$ 24,097.92
			\$ 45,183.60		\$ 70,650.72
GROUP #4 - ABANDON PROPERTIES - Various Locations					
YEAR		PER 1000 SQ FT	TOTAL COST	PER 1000 SQ FT	TOTAL COST
2007	49,000 SF	\$ 9.00	\$ 441.00	\$ 0.98	\$ 48.02
2008	49,000 SF	\$ 9.00	\$ 441.00	\$ 1.00	\$ 49.00
2009	49,000 SF	\$ 9.00	\$ 441.00	\$ 1.02	\$ 49.98
			\$ 1,323.00		\$ 147.00
ESTIMATED GRAND TOTAL: 2007		\$ 94,179.46		\$ 108,783.02	
2008		\$ 94,179.46		\$ 111,504.44	
2009		\$ 94,179.46		\$ 114,225.86	
ESTIMATED CONTRACT TOTAL:			\$ 282,538.38		\$ 334,513.32
SITE INSPECTION: Y/N		Yes			Yes
DATE		11/15/2006			11/18/2006
BIDDER'S GENERAL QUESTIONNAIRE Y/N		Yes		Yes	
CONTACT INFORMATION					
Hrs of Operation		6am-7pm			7am-6pm
Contact Phone #		313.549.5500			586.876.1665
Pager					248.610.5078
LICENSE #:		NDS013511			Blank
INSURANCE:					
Can Meet		XX		XX	
Cannot Meet					
Signed		Yes		Yes	
TERMS:		Net 15 2% discount		Net 30	

VENDOR NAME:		Tiede Landscaping		Naturalistic Landscapes LLC	
EXCEPTIONS:		Blank		None	
ACKNOWLEDGEMENT		Yes		Yes	
	Y or N				

VENDOR NAME:

Commercial Mowing Services Inc	United Lawnscape Inc
2116187	083461853-7

\$500.00 Check # -

PROPOSAL: Mowing Services - Landscape Maintenance

Furnish all necessary material, labor, and equipment to provide mowing & lawn maintenance for municipal grounds

		COST PER ACRE	TOTAL COST	COST PER ACRE	TOTAL COST
GROUP #1 - WEEKLY MOWING SCHEDULE - 42.07 Acres					
YEAR	ACRES				
2007	42.07	\$ 54.60	\$ 64,316.6	\$ 94.40	\$ 111,199.4
2008	42.07	\$ 54.60	\$ 64,316.6	\$ 94.40	\$ 111,199.4
2009	42.07	\$ 56.65	\$ 66,731.4	\$ 94.40	\$ 111,199.4
			\$ 195,364.67		\$ 333,598.27
GROUP #2 - SPLIT MOWING SCHEDULE - 41.45 ACRES					
YEAR	ACRES				
2007	41.45	\$ 48.84	\$ 48,586.03	\$ 79.40	\$ 78,987.12
2008	41.45	\$ 48.84	\$ 48,586.03	\$ 79.40	\$ 78,987.12
2009	41.45	\$ 50.67	\$ 50,406.52	\$ 79.40	\$ 78,987.12
			\$ 147,578.58		\$ 236,961.36
GROUP #3 - BI-WEEKLY MOWING SCHEDULE - 39.12 ACRES					
YEAR	ACRES				
2007	39.12	\$ 41.41	\$ 22,679.43	\$ 34.40	\$ 18,840.19
2008	39.12	\$ 41.41	\$ 22,679.43	\$ 34.40	\$ 18,840.19
2009	39.12	\$ 42.96	\$ 23,528.33	\$ 34.40	\$ 18,840.19
			\$ 68,887.19		\$ 56,520.58
GROUP #4 - ABANDON PROPERTIES - Various Locations					
YEAR		PER 1000 SQ FT	TOTAL COST	PER 1000 SQ FT	TOTAL COST
2007	49,000 SF	\$ 12.57	\$ 615.93	\$ 2.00	\$ 98.00
2008	49,000 SF	\$ 12.57	\$ 615.93	\$ 2.00	\$ 98.00
2009	49,000 SF	\$ 13.04	\$ 638.96	\$ 2.00	\$ 98.00
			\$ 1,870.82		\$ 294.00
ESTIMATED GRAND TOTAL: 2007		\$ 136,198.01		\$ 209,124.74	
2008		\$ 136,198.01		\$ 209,124.74	
2009		\$ 141,305.24		\$ 209,124.74	
ESTIMATED CONTRACT TOTAL:			\$ 413,701.26		\$ 627,374.21
SITE INSPECTION: Y/N		Yes			Yes
DATE		11/20/2006			11/15/2006
BIDDER'S GENERAL QUESTIONNAIRE Y/N		Yes		Yes	
CONTACT INFORMATION					
Hrs of Operation		7am-7pm			9am-5pm
Contact Phone #		248.240.0447			586.615.7566
Pager					586.615.3376
LICENSE #:		179226			179716
INSURANCE:					
Can Meet		XX		XX	
Cannot Meet					
Signed		Yes		Yes	
TERMS:		30 Net		Net 30 Days	

VENDOR NAME:		Commercial Mowing Services Inc		United Lawnscape Inc	
EXCEPTIONS:		None		N/A	
ACKNOWLEDGEMENT		Y or N	Yes	Yes	

VENDOR NAME:

Lawncrafters LLC	Michigan Turf Inc
\$500.00 Check # -	
163299	473350145

PROPOSAL: Mowing Services - Landscape Maintenance

Furnish all necessary material, labor, and equipment to provide mowing & lawn maintenance for municipal grounds

		COST PER ACRE	TOTAL COST	COST PER ACRE	TOTAL COST
GROUP #1 - WEEKLY MOWING SCHEDULE - 42.07 Acres					
YEAR	ACRES				
2007	42.07	\$ 86.34	\$ 101,705.1	\$ 95.00	\$ 111,906.2
2008	42.07	\$ 88.07	\$ 103,742.9	\$ 95.00	\$ 111,906.2
2009	42.07	\$ 89.83	\$ 105,816.1	\$ 95.00	\$ 111,906.2
			\$ 311,264.15		\$ 335,718.60
GROUP #2 - SPLIT MOWING SCHEDULE - 41.45 ACRES					
YEAR	ACRES				
2007	41.45	\$ 93.66	\$ 93,172.97	\$ 90.00	\$ 89,532.00
2008	41.45	\$ 95.53	\$ 95,033.24	\$ 90.00	\$ 89,532.00
2009	41.45	\$ 97.44	\$ 96,933.31	\$ 90.00	\$ 89,532.00
			\$ 285,139.52		\$ 268,596.00
GROUP #3 - BI-WEEKLY MOWING SCHEDULE - 39.12 ACRES					
YEAR	ACRES				
2007	39.12	\$ 76.65	\$ 41,979.67	\$ 95.00	\$ 52,029.60
2008	39.12	\$ 78.18	\$ 42,817.62	\$ 95.00	\$ 52,029.60
2009	39.12	\$ 79.74	\$ 43,672.00	\$ 100.00	\$ 54,768.00
			\$ 128,469.30		\$ 158,827.20
GROUP #4 - ABANDON PROPERTIES - Various Locations					
YEAR		PER 1000 SQ FT	TOTAL COST	PER 1000 SQ FT	TOTAL COST
2007	49,000 SF	\$ 6.00	\$ 294.00	\$ 2.00	\$ 98.00
2008	49,000 SF	\$ 6.12	\$ 299.88	\$ 2.00	\$ 98.00
2009	49,000 SF	\$ 6.24	\$ 305.76	\$ 2.00	\$ 98.00
			\$ 899.64		\$ 294.00
ESTIMATED GRAND TOTAL: 2007			\$ 237,151.71		\$ 253,565.80
2008			\$ 241,893.68		\$ 253,565.80
2009			\$ 246,727.22		\$ 256,304.20
ESTIMATED CONTRACT TOTAL:			\$ 725,772.61		\$ 763,435.80
SITE INSPECTION: Y/N		Yes			Yes
DATE		week of 11/12/06		11/19/2006	
BIDDER'S GENERAL QUESTIONNAIRE Y/N		Yes		Yes	
CONTACT INFORMATION					
Hrs of Operation		8am-6pm		8am-6pm	
Contact Phone #		248.866.8444		313.363.7293	
Pager				313.291.5502	
LICENSE #:		179803		C007000171 3A 3B	
INSURANCE:					
Can Meet		XX		XX	
Cannot Meet					
Signed		Yes		Yes	
TERMS:		Net 30 Days		30 Days	

VENDOR NAME:	Lawncrafters LLC		United Lawnscape Inc	
EXCEPTIONS:	Bid prices are contingent upon being awarded all 4 groups		Blank	
ACKNOWLEDGEMENT Y or N	Yes		Yes	

VENDOR NAME:

Do-It-All Lawns Scaping	Torre & Bruglio Inc
Services LLC	
\$500.00 Check # - 375098631	20723486

PROPOSAL: Mowing Services - Landscape Maintenance

Furnish all necessary material, labor, and equipment to provide mowing & lawn maintenance for municipal grounds

		COST PER ACRE	TOTAL COST	COST PER ACRE	TOTAL COST
GROUP #1 - WEEKLY MOWING SCHEDULE - 42.07 Acres					
YEAR	ACRES				
2007	42.07	\$ 118.00	\$ 138,999.3	\$ 3,750.00	\$ 4,417,350.0
2008	42.07	\$ 118.00	\$ 138,999.3	\$ 3,750.00	\$ 4,417,350.0
2009	42.07	\$ 118.00	\$ 138,999.3	\$ 3,750.00	\$ 4,417,350.0
			\$ 416,997.84		\$ 13,252,050.00
GROUP #2 - SPLIT MOWING SCHEDULE - 41.45 ACRES					
YEAR	ACRES				
2007	41.45	\$ 118.00	\$ 117,386.40	\$ 2,022.00	\$ 2,011,485.60
2008	41.45	\$ 118.00	\$ 117,386.40	\$ 2,022.00	\$ 2,011,485.60
2009	41.45	\$ 118.00	\$ 117,386.40	\$ 2,022.00	\$ 2,011,485.60
			\$ 352,159.20		\$ 6,034,456.80
GROUP #3 - BI-WEEKLY MOWING SCHEDULE - 39.12 ACRES					
YEAR	ACRES				
2007	39.12	\$ 118.00	\$ 64,626.24	\$ 1,099.18	\$ 601,998.90
2008	39.12	\$ 118.00	\$ 64,626.24	\$ 1,099.18	\$ 601,998.90
2009	39.12	\$ 118.00	\$ 64,626.24	\$ 1,099.18	\$ 601,998.90
			\$ 193,878.72		\$ 1,805,996.71
GROUP #4 - ABANDON PROPERTIES - Various Locations					
YEAR		PER 1000 SQ FT	TOTAL COST	PER 1000 SQ FT	TOTAL COST
2007	49,000 SF	\$ 21.42	\$ 1,049.58	\$ 0.16	\$ 7.84
2008	49,000 SF	\$ 21.42	\$ 1,049.58	\$ 0.16	\$ 7.84
2009	49,000 SF	\$ 21.42	\$ 1,049.58	\$ 0.16	\$ 7.84
			\$ 3,148.74		\$ 23.52
ESTIMATED GRAND TOTAL: 2007			\$ 322,061.50		\$ 7,030,842.34
2008			\$ 322,061.50		\$ 7,030,842.34
2009			\$ 322,061.50		\$ 7,030,842.34
ESTIMATED CONTRACT TOTAL:			\$ 966,184.50		\$ 21,092,527.03
SITE INSPECTION: Y/N		Yes			Yes
DATE		11/13/2006			11/13/2006
BIDDER'S GENERAL QUESTIONNAIRE Y/N		Yes		Yes	
CONTACT INFORMATION					
Hrs of Operation		7am-7pm			7am-7pm
Contact Phone #		586.436.0206			248.672.8634
Pager		N/A			
LICENSE #:		None			180024
INSURANCE:					
Can Meet		XX		XX	
Cannot Meet					
Signed		Yes		Yes	
TERMS:		Blank		Net 30	

VENDOR NAME:		Do-It-All Landscaping		Torre & Bruglio Inc	
		Services LLC			
EXCEPTIONS:		Blank		N/A	
ACKNOWLEDGEMENT	Y or N	Yes		Yes	



CITY COUNCIL ACTION REPORT

December 4, 2006

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration

SUBJECT: City of Troy Investment Policy & Establishment of Investment Accounts

Background:

- The current investment policy was initially approved in November 1999 and each year thereafter with the stipulation that it be reviewed and approved annually by City Council. The current policy has served us well during the past year and is in compliance with Act 20 PA 1943, as amended, therefore I'm not requesting any changes at this time.

I would also like to update our resolution authorizing the establishment of investment accounts at the following institutions: Charter One, Citizens Bank, Comerica Bank, Fifth Third Bank, Flagstar Bank, Huntington National Bank, Independent Bank, JP Morgan Chase Bank, LaSalle Bank, Merrill Lynch, Michigan Class-MBIA, Michigan Heritage Bank, National City Bank, Republic Bank, Salomon Smith Barney, TCF Bank, and The Private Bank.

Financial Considerations:

- This policy is established in order to provide for the safety and diversification of investment accounts.

Legal Considerations:

- The investment policy is in compliance with Act 20 PA 1943, as amended.

Policy Considerations:

- The annual review of the investment policy is intended to give City Council an update on the financial institutions in which the City invests its money, and also supports City Council's goals to minimize the cost and increase efficiency of City government and for effective, professional communication.

Options:

- It is recommended that City Council approve the attached investment policy and listing of approved investment account locations.

CITY OF TROY INVESTMENT POLICY
To Comply with Act 20 PA 1943, as amended

Purpose: It is the policy of the City of Troy to invest its funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow needs of the City and comply with all State statutes governing the investment of public funds.

Scope: This investment policy applies to all financial assets of the City. These assets are accounted for in the various funds of the City and include the general fund, special revenue funds, debt service funds, and capital project funds (unless bond ordinances and resolutions are more restrictive), enterprise funds, internal service funds, trust and agency funds, and any new fund established by the City.

Objectives: The primary objectives, in priority order, of the City's investment activities shall be:

Safety – Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio.

Diversification – The investments will be diversified by security type and institution in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

Liquidity – The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

Return on Investment – The investment portfolio shall be designed with the objective of obtaining a rate of return throughout the budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

Delegation of Authority to Make Investments: Authority to manage the investment program is derived from the following: City of Troy City Council's most current resolution establishing investment accounts (2005-11- 522- E-5). Management responsibility for the investment program is hereby delegated to the City of Troy Assistant City Manager/Finance and Administration who shall establish written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to safekeeping, cash purchase or delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking service contracts. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Assistant City Manager/Finance and Administration. The Assistant City Manager/Finance and Administration shall be responsible for all transactions

undertaken and shall establish a system of controls. The Investment Policy shall be reviewed and approved by the City Council annually.

List of Authorized Investments: The Assistant City Manager/Finance and Administration is limited to investments authorized by Act 20 of 1943, as amended, and may invest in the following:

- (a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.
- (b) Certificates of deposit, savings accounts, deposit accounts, or depository of a financial institution. Authorized depositories shall be designated by the City of Troy City Council.
- (c) Commercial paper rated at the time of purchase within the two highest classifications established by not less than two standard rating services and that matures not more than 270 days after the date of purchase.
- (d) Repurchase agreements consisting of instruments listed in (a).
- (e) Bankers' acceptances of United States banks.
- (f) Obligations of this state or any of its political subdivisions that at the time of purchase are rated investment grade by not less than one standard rating service.
- (g) Investment pools through an interlocal agreement under the urban cooperation act of 1967, 1987 (Ex Sess) PA 7, MCL 124.501 to 124.512
- (h) Investment pools organized under the surplus funds investment pool act, 1982 PA 367, 129.111 to 129.118.
- (i) The investment pools organized under the local government investment pool act, 1986 PA 121, MCL 129.141 to 129.150.

Safekeeping and Custody: All security transactions, including collateral for repurchase agreements and financial institution deposits, entered into by the Assistant City Manager/Finance and Administration may be on a cash basis or a delivery vs. payment basis as determined by the Assistant City Manager/Finance and Administration. Securities may be held by a third party custodian designated by the Assistant City Manager/Finance and Administration and evidenced by safekeeping receipts as determined by the Assistant City Manager/Finance and Administration.

Prudence: Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.



CITY COUNCIL ACTION REPORT

December 7, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Potential Acquisition of 4265 Rochester Road

Background:

- In August, 2006 the owner of 4265 Rochester Road approached staff regarding the acquisition of said property by the City for the purpose of developing it as parkland.

Financial Considerations:

- The cost of this property has not yet been appraised but it is estimated at approximately \$1.6 million
- There is no current budget allocation for park acquisition however, the park development fund could be used for this purpose.
- The owner has indicated the possibility of a land contract for the property.

Legal Considerations:

- Appraisal must be completed prior to a purchase agreement.
- Sale of the property to the City is contingent on City Council.

Policy Considerations:

- This property and its use is consistent with the Parks and Recreation Master Plan. (Goals 2,4)

Options:

- City Council can direct staff to pursue acquisition.
- City Council can direct staff to terminate pursuit of this property.

November 30, 2006

Honorable Mayor and Council Members,

The intent of this letter is to inform you that the Kwitt Family property on Rochester Road, north of Wattles is now available for purchase. These 6.3 acres already possess an unexpected park-like environment conveniently nestled in the heart of our fast-growing, high energy city. Its inherent beauty and country flavor provide an ideal and peaceful setting for a community park with easy access from Rochester Road.

This is why in August I met with Carol Anderson and Brian Murphy to ask if the City would be interested in purchasing this property for development and use as a park. Both were already familiar with the property and expressed strong interest in its potential as a park. Soon after, Carol Anderson joined me there for a site visit. She was impressed by what she saw and expressed that it could be easily adapted for use as a passive type park.

Then in October I invited the residents immediately neighboring the property to meet with me to discuss how they felt about the possibility of a passive park existing alongside their backyards. By the end of the discussion all present were in support of the park concept. They asked me to prepare a letter consolidating the viewpoints discussed and to circulate it amongst them for signatures to indicate their joint support. You will find that letter attached. Also attached are several photographs that may help convey the beauty of the property to you. I would, however, encourage you to personally tour the grounds at your convenience so that you can experience first-hand this unique property. I have also included a footpath map for you to follow during your site visit.

I sincerely hope that you, too, catch the vision many now share of how this special place should be purchased and preserved to benefit the greater Troy community. It could serve many as a convenient oasis, offering peaceful walking trails, a skating pond, and valued green space for communing with nature. If you decide to visit it, ENJOY THE WALK!!!

Sincerely,



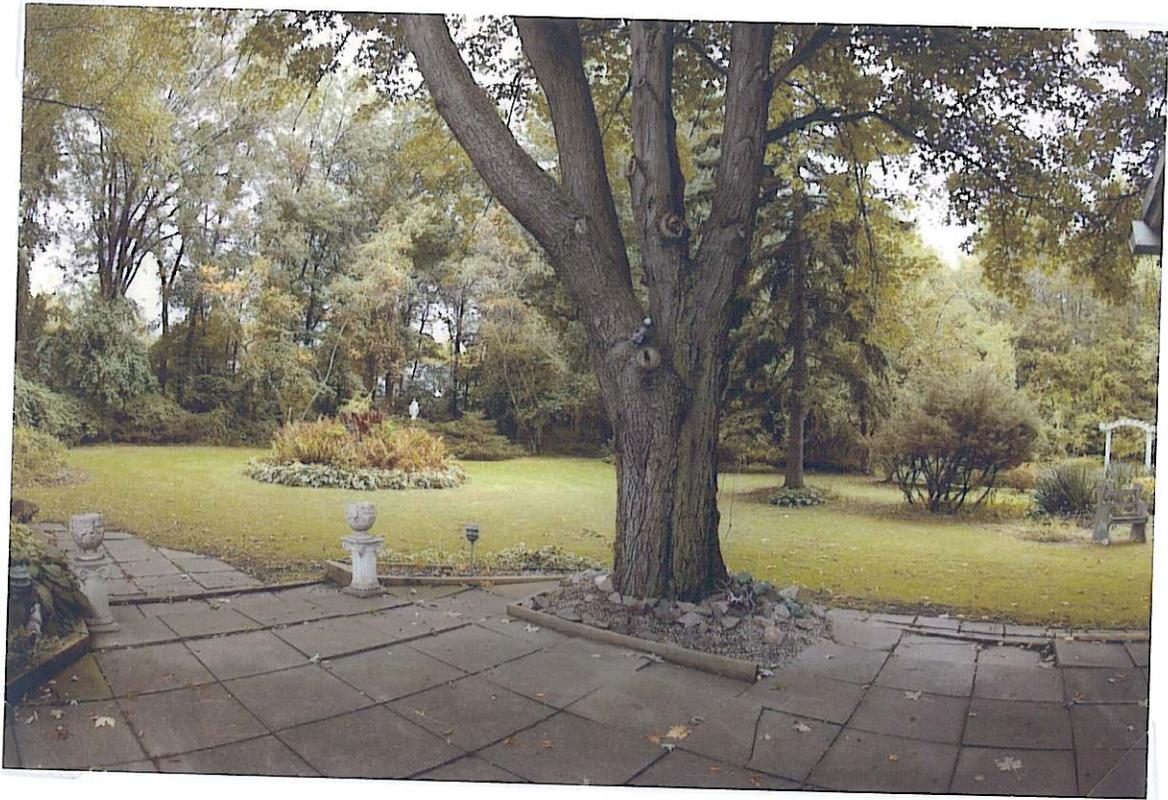
Judith M. Kwitt
(248) 462-2105

RECEIVED

DEC 01 2006

CITY OF TROY
CITY MANAGER'S OFFICE





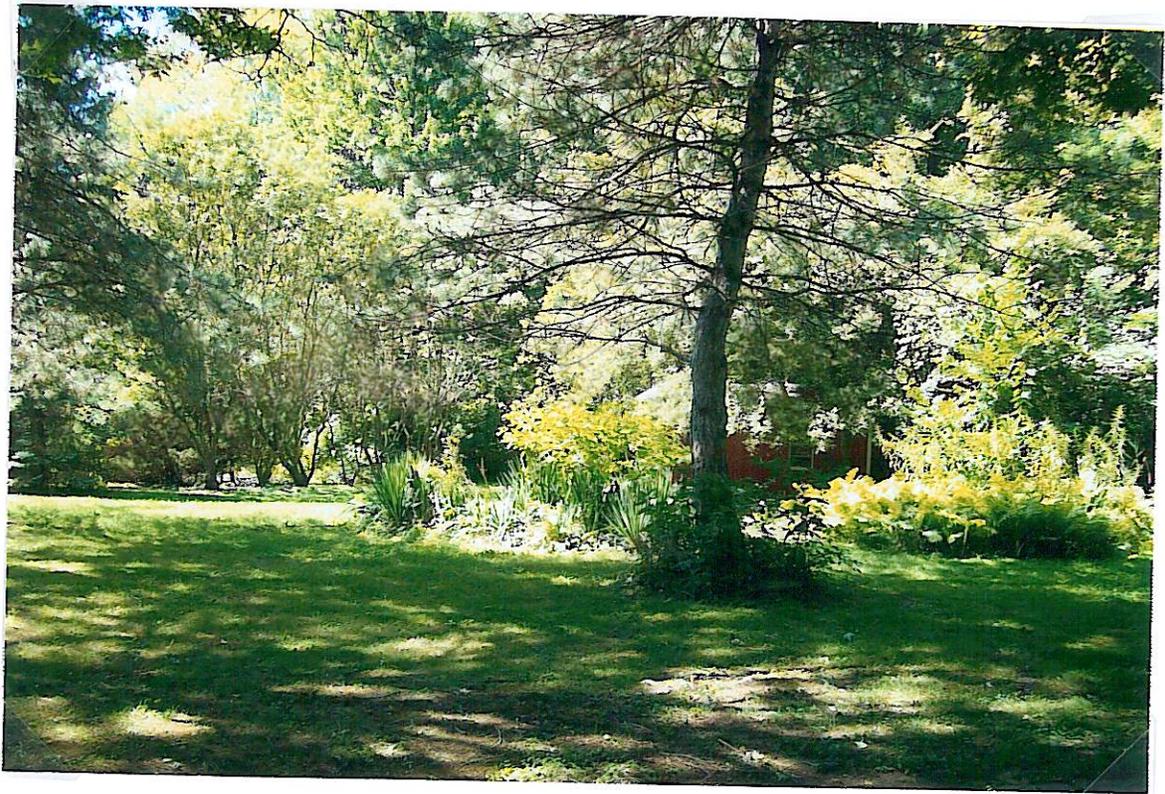












To whom it may concern,

It has been brought to my attention that the City of Troy is considering for purchase the 6.3 combined acres at 4265 and 4305 Rochester Road as a PASSIVE category park.

My residence immediately neighbors the property in question. The preliminary concept for a PASSIVE park has been reviewed with me. I feel the overall benefits of a park at this site far outweigh the drawbacks of other types of development at this site. It is an already beautifully treed and landscaped property that could readily accommodate meandering walking trails through a most restful environment with an already existing pond.

I am in support of a PASSIVE park at this site. I strongly encourage the City to pursue every option for purchasing this property for our community to enjoy as a beautiful park site for many years to come. We must not miss out on this remarkable opportunity that could benefit so many residents and preserve valuable greenspace within our city.

Thank you.

- 956 Longfellow: Jerry Cooper Jerry Cooper
Jerry Cooper Karen Cooper
- 938 Longfellow: Karen Anderson _____
Karen Anderson _____
- 920 Longfellow: Tracy Mitchum Tracy Mitchum
Tracy Mitchum Larry Mitchum
- 902 Longfellow: Ronald R. Peckard Janette R. Peckard
Ronald R. Peckard Jeanette R. Peckard
- 829 Randall: Robert W. Marshall Pamela K. Marshall
Robert W. Marshall Pamela K. Marshall
- 841 Randall: EARL ROBINSON _____
Earl Robinson _____
- 847 Randall: JOE MORENO Norma Moreno
Joe Moreno Norma Moreno
- 951 Barclay: WOJCIECH SMUK Iwona Smuk
Wojciech Smuk 22.01.06 Iwona Smuk
- 963 Barclay: _____

- 991 Barclay: Bharati R Samanta _____
BHARATI R SAMANTA _____
- 835 RANDALL → Debra Colohan _____
Debra Colohan _____
- 939 ~~RANDALL~~ ^{BARCLAY} → Naomi L.W. Welborn Scott J. Welborn
Naomi L.W. Welborn Scott T. Welborn

October 2006

To whom it may concern,

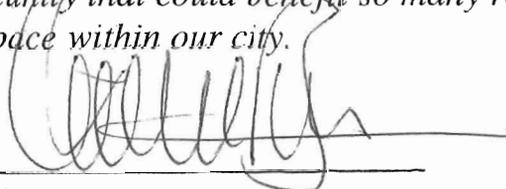
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Thank you.

SIGNATURE :



PRINTED NAME :

KRISTINA BURK

ADDRESS :

963 BARCLAY DRIVE

October 2006

To whom it may concern,

It has been brought to my attention that the City of Troy is considering for purchase the 6.3 combined acres at 4265 and 4305 Rochester Road as a PASSIVE category park.

My residence immediately neighbors the property in question. The preliminary concept for a PASSIVE park has been reviewed with me. I feel the overall benefits of a park at this site far outweigh the drawbacks of other types of development at this site. It is an already beautifully treed and landscaped property that could readily accommodate meandering walking trails through a most restful environment with an already existing pond.

I am in support of a PASSIVE park at this site. I strongly encourage the City to pursue every option for purchasing this property for our community to enjoy as a beautiful park site for many years to come. We must not miss out on this remarkable opportunity that could benefit so many residents and preserve valuable greenspace within our city.

Thank you.
SIGNATURE : Waleed Hadad

PRINTED NAME: WALEED HADAD

ADDRESS : 974 Longfellow Dr. Troy MI 48065



CITY COUNCIL ACTION REPORT

December 8, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Agenda Item – Downtown Development Authority and Sanctuary
Lake Golf Course Deficit Elimination Plans

Background:

- It is a requirement of the State of Michigan that any fund or component unit of a municipality reporting negative net assets shall file a Deficit Elimination Plan (DEP) with the Department of Treasury after approval by the local legislative body.
- For the fiscal year ending June 30, 2006 the Downtown Development Authority (Component Unit) and Sanctuary Lake Golf Course fund meet this criteria.

Financial Considerations:

- The attached DEP(s) recognize the causes of these negative net assets and identify future remedies.

Legal Considerations:

- The governing body of the employer must certify by resolution that any DEP is approved and adopted.

Policy Considerations:

- Adoption will satisfy State of Michigan reporting requirements (Goal III).

Options:

- Staff recommends that City Council approve the DEP(s).

CITY OF TROY DEFICIT ELIMINATION PLANS

Downtown Development Authority

This fund was recognized as a component unit for the first time this year. As a result its outstanding long-term debt created a reported deficit net asset position of \$19,289,971. This deficit will be lowered each year when tax increments are collected and debt payments are made.

Sanctuary Lake Golf Course

A number of factors contributed to this deficit, the most significant being the delay in opening Sanctuary Lake Golf Course (SLGC). The debt service payment schedule was based upon the course being in full operation prior to July 1, 2004. That not being the case, first year revenue was well below projections while fixed costs remained in place. As a new entity with no net asset reserve available, the revenue shortfall immediately created the deficit situation.

In its second year of operations SLGC experienced a negative charge in net assets of \$557,510 compared to \$787,998 last fiscal year. Tee times have been shortened, additional leagues and outings are reserving for 2007 and increased marketing efforts are underway. With the current industry wide softness in golf sales it is anticipated that the deficit elimination will be a multi-year effort, as indicated in the following plan:

SLGC Net Assets, June 30, 2006	\$	(1,357,159)
Budgeted expenditures, FY 06-07		(2,059,880)
Budgeted revenue, FY 06-07		<u>1,864,070</u>
Estimated Net Assets, June 30, 2007	\$	(1,552,969)
Estimated expenditures, FY 07-08		(1,716,000)
Estimated revenue, FY 07-08		<u>2,180,000</u>
Estimated Net Assets, June 30, 2008	\$	(1,088,969)
Estimated expenditures, FY 08-09		(1,767,480)
Estimated revenue, FY 08-09		<u>2,400,000</u>
Estimated Net Assets, June 30, 2009	\$	(456,449)
Estimated expenditures, FY 09-10		(1,900,000)
Estimated revenue, FY 09-10		<u>2,400,000</u>
Estimated Net Assets, June 30, 2010	\$	43,551

Under this plan the deficit will be eliminated by June 30, 2010. Please advise if further information is requested.



CITY COUNCIL ACTION REPORT

December 11, 2006

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Amendment #2 - Environmental Work Sanctuary Lake Golf Course – NTH Consultants

Background

- Prior to construction of Sanctuary Lake Golf Course, the City entered into a contract with NTH to assess environmental conditions. {Resolution #2000-377}
- NTH Consultant's final report included a recommendation that groundwater sampling and testing be done to assess possible changes in groundwater quality or flow patterns after the golf course construction.
- Through an amendment to the contract, NTH has been monitoring the groundwater and methane gas on the property. {Resolution #2003-06-316}
- Two methane monitors have been damaged necessitating repair.

Financial Considerations

- Funds for this work are available in 885.7802.050 Sanctuary Lake Greens.

Legal Considerations

- There are no legal considerations.

Policy Consideration

- Monitoring of methane and groundwater is imperative to ensure no environmental problems on this site. (Goal #6)
- This amendment includes staff training, which will enable City personnel to monitor methane gas. (Goal #1)

December 11, 2006

To: Phillip L. Nelson, City Manager
Re: Amendment #2 – NTH Consultants

Options

- City management recommends approval of this amendment at an estimated cost of \$30,000. The scope of services included in this proposed amendment includes repairing the damaged methane detectors in the golf cart shed, implementing a maintenance program for the methane detectors, developing a gas monitoring contingency plan, and continuing to conduct landfill gas and groundwater monitoring at the Sanctuary Lake Golf Course Development. At the completion of this scope of work, staff will be trained to monitor the gas detection devices and landfill gas monitoring.

CA/ S:/John's Review/Agenda 12.18.06 Amendment #2 – NTH - Letter



NTH Consultants, Ltd.

Infrastructure Engineering
and Environmental Services

38955 Hills Tech Drive
Farmington Hills, MI 48331
248.553.6300
248.324.5178 Fax

Mr. C. Neall Schroeder, P.E.
Engineering Department
City of Troy
500 West Big Beaver
Troy, Michigan 48084

November 9, 2006
Prop. No. P-20061550-F

RE: Proposal for Landfill Gas and Groundwater Monitoring
Sanctuary Lake Golf Course Development
Troy, Michigan

RECEIVED

NOV 13 2006

ENGINEERING

Dear Mr. Schroeder:

With this letter, NTH Consultants, Ltd. (NTH) is requesting an amendment to our existing contract for environmental services for the above-reference project. The scope of services included in this proposed amendment includes repairing the damaged methane detectors in the golf cart shed, implementing a maintenance program for the methane detectors, developing a gas monitoring contingency plan, and continuing to conduct landfill gas and groundwater monitoring at the Sanctuary Lake Golf Course Development.

The following sections present a description of our proposed scope of work, the anticipated schedule, and estimated fees for completing the work.

SCOPE OF WORK

NTH proposes to complete the following tasks related to the landfill gas and groundwater monitoring programs at the site:

Task 1 – Replacement/Repair of Damaged Methane Detectors

In April 2006, we met with representatives of the City of Troy Engineering, Parks & Recreation, and Fire Departments to discuss a methane detector alarm that had occurred in the golf cart storage building at the golf course. We also went to the golf course to observe the condition of the methane detectors and to assess possible causes of the alarm. Subsequently, we arranged for ASC Mastertek (ASC) to inspect the two RKI PS2 methane detectors located in the golf cart storage building, which were in constant alarm. Based on ASC's findings, both units had been damaged by either a lightning strike or power surge.

To place the methane detectors back into service, NTH will coordinate with ASC to repair, calibrate, and reinstall the methane detectors located in the golf cart storage building.



Task 2 – Methane Detector Maintenance Plan

The damage and subsequent constant alarm of the detectors suggests that a maintenance plan needs to be developed for the methane detectors at the Sanctuary Lake Golf Course Development. NTH will develop a maintenance plan for the detectors at the golf course. We will consult with the methane detector manufacturer to determine an appropriate schedule for inspection and calibration of the detectors to ensure proper function of their units. Based on the proposed schedule, we will prepare a cost estimate for long-term maintenance, which NTH or a qualified subcontractor will implement in the future.

Task 3 – Development of a Gas Monitoring Contingency Plan

The purpose of this task is to develop a gas monitoring contingency plan that outlines the actions that should occur if a methane detector alarm occurs. Based on the alarm that sounded earlier this year within the golf cart storage building, a contingency plan should be developed to outline the appropriate actions that need to be taken by on-site personnel and by response personnel. We will work with the Troy Fire Department to determine the acceptable response plan measures. We will also reference the performance-based protection standard from the Fire Code in the development of the plan (IFC 2003 ed. Chapter 27, Section 2701.3).

Task 4 – Landfill Gas Monitoring

We propose to continue to obtain methane gas readings from the gas monitoring probes located around the perimeter of the landfill, on a semi-annual basis, in December 2006 and June 2007. We understand that City of Troy Parks & Recreation Department personnel are prepared to take over the gas monitoring in the future. Therefore, we will provide training to designated City personnel, by having them join us at the site during the monitoring activities and giving them hands-on training on the field instrument and procedures.

We will also review the methane gas monitoring data developed by NTH and/or City personnel, and we will prepare an annual report of the results. This report will also provide an evaluation of the effectiveness of the existing landfill gas venting system and recommendations, as appropriate, for improvements or additional monitoring requirements.

Task 5 – Annual Groundwater Monitoring

As part of the last groundwater monitoring report, submitted on April 4, 2006, we prepared a summary evaluation of the previous 3 years' monitoring results. As presented in that report, the groundwater monitoring results indicated that no appreciable change in groundwater quality occurred after the golf course was constructed.

We propose to continue collecting and analyzing groundwater samples, on an annual basis, in accordance with the proposed monitoring program, as recommended in our report of November 9, 2001. Specifically, we will obtain samples from selected existing monitoring wells located along the south property boundary (i.e., MW-1 through MW-4, MW-10, MW-13, and MW-14) and a surface water sample from the wetland south of the site. During the annual sampling event, we will also measure static water levels in each of the wells that are sampled,



along with several additional monitoring wells at the site to confirm the groundwater flow direction.

We will submit the groundwater samples to an analytical laboratory for chemical testing. The proposed analytical parameters are presented on Table 1, Groundwater Sampling Parameters. The table also defines the analytical methods to be used and the method detection limits to be attained.

We will present our findings from each groundwater sampling event in a written report to the City of Troy. Each report will include an updated groundwater contour map, a tabulation of the analytical results, and a comparison to the appropriate generic Part 201 groundwater criteria.

Task 6 – Project Administration & Meeting

In addition to the above-listed tasks, we have provided a proposed budget for project administration and one (1) additional meeting at the City of Troy or at the golf course, if requested.

ANTICIPATED SCHEDULE

Upon approval of this proposal, we will begin the scope included in each task. We estimate that Tasks 1 and 2 will be completed within approximately one month of approval. For Task 3, we will prepare a draft gas monitoring contingency plan within approximately six weeks, which we will provide for review and comment by the City. Upon receiving the City's comments, we estimate that the finalized plan will be completed within approximately two weeks.

The last groundwater and methane monitoring event at the site was performed in November 2005. Therefore, to maintain an annual schedule, we propose to conduct the next monitoring event before the end of December 2006. We will prepare the associated report in January 2007. An additional gas monitoring event will then be performed in June 2007.

PROPOSED PROJECT BUDGET

Fees to complete the proposed scope of services will be made in accordance with the rates shown on our current Fee and Rate Schedule (FS-ENG-2), dated 1-2006, and under the terms of our current contract between NTH Consultants, Ltd., and the City of Troy. A copy of our Fee & Rate Schedule is attached for your reference and is part of this contract for professional services. On the basis of the estimated hours and expenses, our anticipated fees to complete the individual tasks included in this proposal are summarized below.



Mr. Neal Schroeder
November 9, 2006

<u>Task Description</u>	<u>Proposed Budget</u>
1. Site Meeting (April 2006) & Replacement/Repair of Methane Detectors	\$ 2,200
2. Methane Detector Maintenance Plan	\$ 1,800
3. Gas Monitoring Contingency Plan	\$ 7,700
4. Gas Monitoring (2 events and training of City Personnel) and Annual Report Preparation	\$ 4,500
5. Annual Groundwater Monitoring and Report Preparation (included annual summary evaluation included in 2005 report)	\$ 11,600
6. Project Administration & Meetings (1), if requested	<u>\$ 2,200</u>
TOTAL	\$30,000

We trust this proposal meets your needs at this time. We appreciate the opportunity to be of continued service to the City of Troy. Should you have any questions or need additional information, please feel free to contact us.

Sincerely,

NTH Consultants, Ltd.

Mary L. Siegan, P.E.
Project Engineer

Alan C. Erickson, P.E.
Senior Project Engineer

MLS/ACE

cc: Rick Burns (NTH)

Attachment



**2006 FEE AND RATE SCHEDULE
PROFESSIONAL SERVICES**

PERSONNEL

Fees for our services will be based upon the time worked on the project by professional, technical and clerical personnel according to the following schedule:

	PER HOUR
Technician I*.....	\$ 45
Word Processor*.....	\$ 45
Technician II*.....	\$ 55
Lab Technician*.....	\$ 65
Technician III*.....	\$ 60
Staff Professional.....	\$ 85
Senior Technician/Certified Welding Inspector*.....	\$ 80
CADD Operator.....	\$ 80
Senior Staff Professional.....	\$ 95
Project Professional.....	\$110
Senior Project Professional.....	\$125
Principal Engineer.....	\$145
Senior Principal Engineer.....	\$165
Senior Officer.....	\$195

*For these personnel, overtime work will be charged at a rate equal to 1.33 times the Standard Rate.

A premium of 25 percent will be added to hourly rates for expert testimony and depositions, including preparation time.

NTH Consultants and Professionals include Engineers, Geologists, Environmental Specialists, Architects, Roofing Specialists, Industrial Hygienists, Environmental Health Specialists, Scientists, Asbestos Specialists, and Environmental Chemists. NTH Technicians include Engineering, Environmental, Construction Materials, and Environmental Health technical specialists.

NTH operates on a strong project management system, and a Project Manager is appointed for each project. Project Managers are selected from our staff of Senior Project Professionals, Principal Engineers and Senior Principal Engineers.

EXPENSES

The following expenses, when incurred in direct connection with the project, will be charged at the rate shown:

Transportation, Lodging and Subsistence for Travel.....	Cost + 10%
Printing, Reproduction, Photographs, Long Distance Telephone and Telecopier Charges, Shipping Charges and Material Purchases.....	Cost + 10%
Project Mileage for Company-Owned Vehicles.....	\$0.48/Mile
Cellular Phone (Field Projects).....	\$12/Day
CADD Supply Charge.....	.\$6/hr.

Rental of Specialized Field, Laboratory or Monitoring Equipment will be billed as indicated on NTH Schedule of Equipment Usage Rates

SUBCONTRACTORS/SUBCONSULTANTS

On projects requiring subcontractors or subconsultants, we will obtain the services of reputable contractors or consultants to perform such work. The fees of these contractors or consultants plus a 15% service charge will be added to our invoices.

INVOICES

Progress invoices will be submitted to the client monthly and a final bill will be submitted upon completion of our services. Invoices will show charges for different personnel and expense classifications. Each invoice is due on presentation and is past due thirty (30) days from invoice date. Client agrees to pay a finance charge of one percent (1%) per month on past due accounts.

We reserve the right to suspend or terminate work under our agreement upon failure of the client to pay invoices when due.

INCREASES

Fee schedule increases made by our firm on an overall client basis will be applied to work on all projects as the increases become effective.



CITY COUNCIL ACTION REPORT

December 11, 2006

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Approval of Kitchen Lease – Emerald Food Service LLC

Background:

- In contract with the Area Agency on Aging 1-B, Emerald Food Services, Inc. is the food service provider for senior citizens. To provide these services the City has agreed to allow Emerald Food Service, Inc. use of the Community Center kitchen for the purpose of preparing food for this purpose. As part of this use, Emerald Food Service, Inc. will be allocated office space to conduct business associated with this service.

Financial Considerations:

- The City will generate \$9,000 annually for this use through payment by Emerald Food Service, Inc.

Legal Considerations:

- All legal considerations have been addressed in the agreement.

Policy Considerations:

- There are no policy considerations.

Options:

- City management recommends approval of the agreement. (Goal #1)

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

KITCHEN LEASE

THIS KITCHEN LEASE (the "Lease") is made as of the _____ day of _____, 2006, by and between the City of Troy, a Michigan Municipal Corporation, whose address is 500 West Big Beaver Road, Troy, Michigan 48084, as Lessor ("City"), and Emerald Food Services LLC, a Michigan Corporation, whose address is 1980 Greenfield, Berkley, Michigan 48072, as Lessee ("Corporation").

SECTION I – Duration of the Lease

The Lease shall be in full force during the period commencing on January 1, 2007, and ending the 31st day of December 2010, and during such additional periods as the City and the Corporation shall agree upon.

SECTION II – Purpose of the Lease

The purpose of the Lease is the use of the Community Center kitchen for on site scratch cooking by the Corporation for the Senior Citizen Nutrition program in Troy and other Oakland County communities.

SECTION III – The City's Responsibilities

- A. The City shall lease to the Corporation the Community Center kitchen and office space designated on the attached Exhibit 1 for the sum of \$750.00/month
- B. The City shall provide the use of the kitchen for the sole purpose of conducting a scratch cooking site from Monday through Friday, from 5:00 am to 2:00 pm, (on normal Corporation work days), except holidays observed by the City. The City reserves the right to occupy and use the premises at any time except as provided herein.
- B. City shall maintain the trash receptacles in the kitchen and office area.
- C. The City shall provide for the use of the following equipment currently on site: refrigeration units, ovens, stoves, steam table, sinks, garbage disposals and ice machine.
- D. The City shall pay all utility costs of the program.
- E. The City shall provide for the general maintenance of the facility except as otherwise provided in this Lease
- F. The City shall permit access to the kitchen to the Oakland County

Health Department personnel, and Office of Services to the Aging and Area Agency on Aging personnel.

SECTION IV – The Corporation's Responsibilities

- A. The Corporation shall pay the rent on or before the 1st day of each month. Checks should be made payable to: City of Troy and delivered or mailed to Carol Anderson, Parks and Recreation Director, 3179 Livernois, Troy, Michigan 48083.
- B. The Corporation shall use the kitchen for the sole purpose of conducting a scratch cooking site from Monday through Friday, from 5:00 am to 2:00 pm, (on normal Corporation work days), except holidays observed by the City.
- C. The Corporation shall provide all the food and other necessary materials for cooking and preparing the meals to be served.
- D. The Corporation shall provide all the kitchen utensils and equipment necessary for food preparation and cooking which are not currently on the site.
- E. The Corporation shall provide all the paper products, plastic silverware, condiments and other containers and utensils.
- F. The Corporation shall provide for the cleaning of the tables on a daily basis.
- G. The Corporation shall provide for all daily cleaning of the premises.
- H. The Corporation shall provide for the maintenance and cleaning of all kitchen equipment it uses as listed and provided in Section III, Paragraph C, whether owned by the City or the Corporation.
- I. The Corporation shall reimburse the City for a 25% portion of the trash disposal service, any cleaning of the stove and oven hoods, grease trap, ceiling tiles and wall washes in the kitchen within 30 days after presentation of the notice of the cost of those services.
- J. The Corporation shall reimburse the City for 50% of the cost of dumpster pick-up within 30 days after presentation of the notice of the cost of that service.
- K. The Corporation shall not make any building modifications and/or additions, including but not limited to fixtures, door, carpeting, electrical outlets and voice/data connections unless they are approved by the City in

advance of installation. Those building modifications and/or additions shall become the property of the City at the expiration or termination of this Lease. The costs associated with building modifications and/or additions that are necessary to make the space a viable office shall be the responsibility of the Corporation. Equipment brought into the space by the Corporation must also be approved in advance by the City.

- L. The Corporation shall supply the City with copies of all claims, damage or accident reports received by the Corporation, its employees and/or its agents, whether submitted to an insurance company or not, relating to any damage or accident that occurred or is alleged to have occurred on City owned property within 24 hours of the claim.
- M. The Corporation shall allow the City the right to enter and/or inspect the kitchen area at any reasonable time and make repairs and/or improvements as it deems necessary. The expense of periodic maintenance caused by normal wear and tear of the kitchen equipment will be paid by the Corporation. Other repairs will be done at the City's expense unless it is determined that the repair was necessary due to the misuse or negligence of the Corporation, its employees and/or agents in which event the Corporation shall be responsible for the costs of said repair. The City will make every effort to notify the Corporation in advance if non-City employees will be entering onto the premises at the City's request. Any additions, repairs and/or improvements made on the premises shall become property of the City.
- N. The Corporation shall be liable for any personal property taxes assessed against its equipment or inventory.
- O. The Corporation shall secure all necessary insurance and hold the City harmless as set out in Section V, Paragraphs A. and B.
- P. The Corporation shall meet all rules and regulations of the Oakland County Public Health Department for the establishment and maintenance of a scratch cooking site and shall secure the approval of the Oakland County Public Health Department for the operation of the kitchen as a scratch cooking site.
- Q. The President of the Corporation or his/her designee shall meet with the Director of Parks and Recreation or his/her designee for the City on an annual basis starting in January, 2008 for the purpose of reviewing the adequacy of the service being provided, and as required at any other time.

SECTION V – Insurance and Indemnification

- A. The Corporation shall maintain liability insurance in the amount of two million (\$2,000,000.00) dollars for any actions, claims, liability or damages caused to persons and/or property arising out of the operation and/or maintenance of the food service and use of the kitchen and office area in the Troy Community Center, in addition to product liability insurance and worker's compensation. All insurance coverage shall be approved by the City. Certificates of Insurance shall comply with the sample for attached as Exhibit 2. The City shall be named as an additional insured under all policies except worker's compensation. All insurance companies must be licensed and admitted to do business in the State of Michigan. All insurance set out herein shall be maintained for the duration of the Agreement. Failure to maintain coverage or to continue to maintain coverage shall be considered a breach of contract with immediate termination of the Agreement at the will of the City. The Corporation is responsible for any deductibles under its policies of insurance.
- B. To the fullest extent permitted by law, the Corporation agrees to defend, pay on behalf of, indemnify, and hold harmless the City of Troy, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Troy 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, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Troy, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this contract for and for the preparation and service of meals.
- C. The City shall indemnify, defend, and hold harmless the Corporation from any and all claims against the Corporation resulting from the gross negligence of the City.

SECTION VI – Compliance

The City and the Corporation shall comply with all applicable laws, ordinances and regulations of the Federal, State and local governments.

SECTION VII – Discrimination Prohibited

Neither the City nor the Corporation shall discriminate against any employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges

of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status pursuant to 1976 P.A. 453, Section 209. The parties shall also comply with the provisions of the Michigan Handicappers Civil Rights Act, 1976 P.A. 220, and the Federal Rehabilitation Act of 1973, P.L. 93-112, which states that no employee or client or otherwise qualified handicapped individual shall, solely by reason of handicap, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The parties shall comply with all other Federal, State or local laws, regulations, and standards, and any amendments thereto, as they may apply to the performance of this Lease.

No person shall, on the grounds of race, creed, color, sex, age, national origin, height, weight, handicap, or marital status be excluded from participation in, be denied the proceeds of, or be subject to discrimination in the performance of this Lease. The Corporation shall comply with all applicable regulations promulgated pursuant to the Civil Rights Act of 1964.

SECTION VIII – General Provisions

A. Merger or Integration

This lease constitutes the entire contract between the parties with respect to the subject matter and there are no other further written or oral agreements with respect to this Lease.

B. Termination

Either party may at any time during the life of this Lease, or any extension thereof, terminate this Lease by giving sixty (60) days notice in writing to the other party of its intention to do so.

C. Modification

No variation or modification of the Lease, and no waiver of its provisions shall be valid unless in writing and signed by the duly authorized officers of both parties.

D. Assignment or Delegation

No assignment or delegation of this Lease shall be made in whole or in part, without the written consent of the City being first obtained.

E. Independent Contractor Provision

The relationship of the Corporation to the City shall be that of an independent contractor. No partnership, association or joint enterprise shall arise between the Corporation and the City as a result of any provision of this Lease, nor shall any provision be construed as making an employee of the Corporation an employee of the City or an employee of the City an employee of the Corporation.

F. Designation of Representatives

The Corporation designates its president, Kim Haveranek or designee, as its representative to convey complaints and grievances pertaining to the execution of this Lease. The City designates Carol Anderson, Director of Parks and Recreation or designee, as its representative for same. The Corporation representative may be reached by phone at 248-546-2700. The City's representative may be reached by phone at 248-524-3484.

G. Material Breach

Any breach of promise or covenant contained herein shall be construed as a material breach and shall be the basis for immediate termination of this Lease by the non-breaching party.

SECTION IX – Disputes

The City shall notify the Corporation in writing of its intent to pursue a claim against the Corporation for breach of any terms of this Lease. No suit may be commenced by the City for breach of this Lease prior to the expiration of ninety (90) days from the date of mailing of the notification. Within the ninety (90) day period, the City, at the request of the Corporation, shall meet with an appointed representative of the Corporation for the purpose of attempting to resolve the dispute.

SECTION X – Notice

All written notices to be given under this Lease shall be mailed by certified mail, return receipt requested, to the other party at its address set forth herein or at such address as the party may provide in writing from time to time. Any such notice shall be deemed to have been received five days subsequent to mailing.

IN WITNESS WHEREOF, The City and the Corporation have executed this Lease as of the date set forth above.

LESSEE:

EMERALD FOOD SERVICES, INC.

BY: _____
Kim Haveranek

Position: _____
President

Date: _____

Attest: _____

Date: _____

LESSOR:

CITY OF TROY, MICHIGAN

BY: _____
Louise Schilling

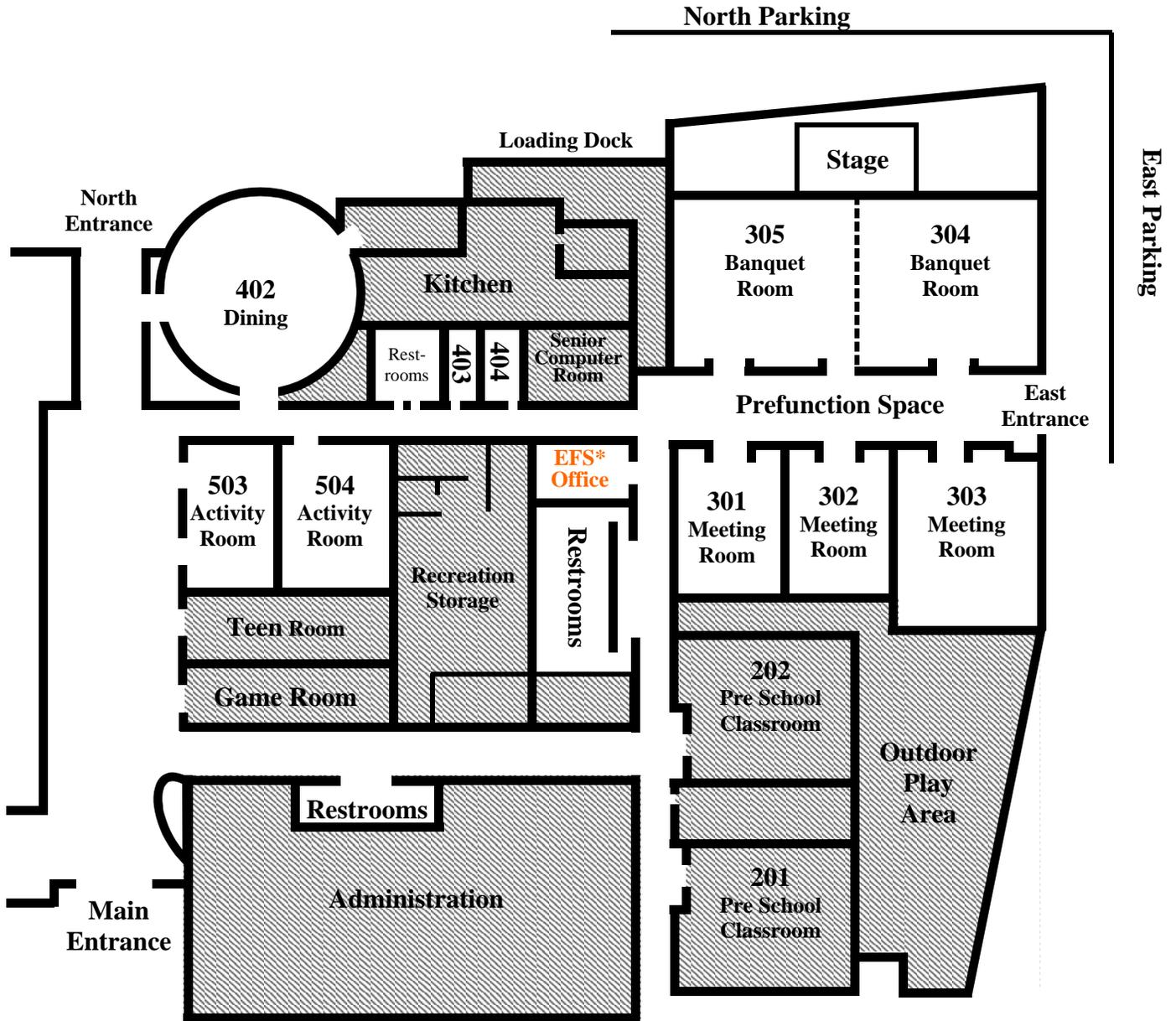
Position: _____
Mayor

Date: _____

By: _____
Tonni Bartholomew, City Clerk

Date: _____

Troy Community Center Rentable Space



*Emerald Food Service

South Parking

Exhibit 1

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)

PRODUCER Complete <u>Sample Certificate</u>	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. <p style="text-align: center;">INSURERS AFFORDING COVERAGE</p> INSURER A: <u>XYZ Company</u> INSURER B: <u>ABC Company</u> INSURER C: INSURER D: INSURER E:
INSURED Complete	

COVERAGES

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

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY	0001	XX-XX-XX	XX-XX-XX	EACH OCCURRENCE	\$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire)	\$
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person)	\$
	<input checked="" type="checkbox"/> Additional Insured - City of Troy - use wording below				PERSONAL & ADV INJURY	\$ 1,000,000
GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC					GENERAL AGGREGATE	\$ 1,000,000
					PRODUCTS - COMP/OP AGG.	\$ 1,000,000
A	AUTOMOBILE LIABILITY	0002	XX-XX-XX	XX-XX-XX	COMBINED SINGLE LIMIT (Ea accident)	\$ 500,000
	<input checked="" type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	\$
					AUTO ONLY - EA ACCIDENT	\$
					OTHER THAN EA ACC	\$
					AUTO ONLY: AGG	\$
A	EXCESS LIABILITY	0003	XX-XX-XX	XX-XX-XX	EACH OCCURRENCE	\$ 1,000,000
	<input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE	\$ 1,000,000
	<input type="checkbox"/> DEDUCTIBLE					\$
	RETENTION \$					\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	0004	XX-XX-XX	XX-XX-XX	<input checked="" type="checkbox"/> WC STATUTORY LIMITS	\$
					OTHER	\$
					E.L. EACH ACCIDENT	\$ 100,000
					E.L. DISEASE - EA EMPLOYEE	\$ 100,000
					E.L. DISEASE - POLICY LIMIT	\$ 500,000
OTHER						

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
 Additional Insured under General Liability and Excess Liability: City of Troy including Architects and Engineers, all elected and appointed officials, all employees and volunteers, boards, and commissions and/or authorities and their board members, employees and volunteers on ISO Form B or broader.

CERTIFICATE HOLDER	Y	ADDITIONAL INSURED; INSURER LETTER: <u>A</u>	CANCELLATION
City of Troy 500 W. Big Beaver Rd. Troy, MI 48084		SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED OR MATERIALLY CHANGED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT.	
		AUTHORIZED REPRESENTATIVE	



**CONTRACTUAL AGREEMENT
FOR SERVICES TO THE AGING**

BETWEEN

**AREA AGENCY ON AGING 1-B
29100 Northwestern Highway, Suite 400
Southfield, MI 48034
herein after referred to as the "AAA 1-B"**

and

**Emerald Food Services
3179 Livernois
Suite 100
Troy, MI 48083
herein after referred to as the "Contractor"**

for

Provision of Services to the Aging as authorized by:

**THE OLDER AMERICANS ACT, as amended
and
THE MICHIGAN OFFICE OF SERVICES TO THE AGING**

I. STATEMENT OF CONTRACTUAL AGREEMENT

- A. Agreement Period:** This agreement will commence on October 1, 2006, or once fully executed thereafter and will continue through September 30, 2009. This agreement will be in full force and effect during the entire period specified.

- B. Program Budget and Agreement Amount:** The AAA 1-B will pay the amount specified on the "Negotiated Multi-Year Contractual Terms for Federal and State Funding" section of this agreement, subject to the provisions as outlined in this agreement, the "Application for Services" and the "Service Provision Manual for Social and Nutrition Services, Fiscal Years 2007, 2008 and 2009."
 - 1. Expenditure Rate:** All Social Services contracts are reimbursed under the expenditure rate methodology. Contracts are assessed and evaluated fiscally by line item spending. To receive full-reimbursement of the contract, the AAA 1-B must be fully satisfied that all costs reported and assumed under the contract, were in fact, made for authorized program

purposes. Contractors are responsible for tracking, reporting and substantiating units/clients served.

Contractors receiving reimbursement under this method must submit an annual budget for approval once initial fiscal year funding levels are known. Contract addendums will be sent accordingly.

2. **Unit Rate:** All Nutrition contracts are reimbursed under the unit rate methodology. Contractors must serve all contracted units in order to receive full reimbursement under the contract.

The unit rate is negotiated at the beginning of the three-year contract cycle and will remain the same throughout the contract period, unless the contract is otherwise amended. As funding levels increase and decrease, the Contractor will adjust units accordingly, keeping the unit rate static.

3. **Equipment Purchase:** Any equipment purchases made in whole or in part with funding provided under this contract must follow the Equipment Inventory Standards as outlined in the "Service Provision Manual for Social and Nutrition Services, Fiscal Years 2007, 2008 and 2009." At the end of the contract period, the AAA 1-B reserves the right to retain or transfer the title to all items having a unit acquisition cost of \$5,000 or more, to the extent that the AAA 1-B has interest in the equipment. 45 CFR §74.34 (g)

4. **Budget Line Item Changes:** For expenditure reimbursement contracts, a deviation allowance modifying an established budget line item by \$200 or twenty percent (20%), whichever is greater, is permissible without approval of the AAA 1-B. Any line item change in excess of this provision must be made using the AAA 1-B "Budget Change Request" form prior to July 10 of any fiscal year during this contract. Line item change approval will not authorize new categories, subcontracts, equipment items, or positions not previously approved under this contract.

Note: This provision does not apply to unit rate contractors.

- C. **Purpose:** The AAA 1-B has received grants through the Administration on Aging (AoA) and the Michigan Office of Services to the Aging (OSA) for the planning and implementation of services for older persons within the counties of **LIVINGSTON, MACOMB, MONROE, OAKLAND, ST. CLAIR, AND WASHTENAW**, pursuant to Title III of the Older Americans Act of 1965, as amended to date, and the Older Michiganians Act. The AAA 1-B is undertaking activities necessary to plan and carry out services as designated by federal and state mandates and the AAA 1-B's approved Area and Annual Implementation Plans. With execution of this contract, the AAA 1-B has accepted the Contractor's Application for Provision of Services and desires to engage the Contractor to provide services as specified in that application.

1. **Beneficiaries:** The Contractor will deliver services to older adults in an accessible, efficient, and effective manner as specified in the "Application for Provision of Services" and function in accordance with all sections and attachments contained in this contract.
 2. **Contracted Service Levels:** The Contractor will make every effort to reach the contracted serving levels, including clients to be served and units to be provided, as outlined in the "Negotiated Multi-Year Contractual Terms for Federal and State Funding" section of this agreement and in the "Application for Provision of Services." Contractors reimbursed per unit will receive full reimbursement under the contract only when all contracted units have been served each year.
 3. **Participant Eligibility:** Services will be provided only to persons 60 years of age and older, unless otherwise allowed under eligibility criteria for a specific program. Services will be provided only to persons living in the service area described herein, and those who meet the service criteria will be eligible for services regardless of race, color, religion, sex, or national origin. Preference is to be given in identifying and serving those older adults in greatest economic and social need, with special emphasis on serving low-income minority individuals. Low-income older adults and those of minority ethnic populations should be served at least in proportion to their numbers in the geographic service area. Elderly members of Native American tribes and organizations in greatest economic or social need in the service area shall receive Older Americans Act funded services equivalent to the services to be received by non-Native American elderly residents in the service area. Clients of the AAA 1-B Community Care Management (CCM) program must be given priority when they are referred by CCM to the Contractor for service.
 4. **Participant Rights:** No officer, employee, or agent of the Contractor may make distinction among participants under this contract on the basis of race, color, religion, sex, or national origin. For the purpose of this contract, distinctions on the grounds of race, color, religion, sex, or national origin include, but are not limited to, the following: denial of a service or benefit or availability of a facility; providing any service or benefit to a participant which is different or is provided in a different manner or at a different time from that provided to other participants under this contract; subjecting a participant to segregation or separate treatment in any matter relative to receipt of any service; restricting a participant in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service or benefit; or treating a participant differently from others in determining admission and eligibility.
- D. **Statement of Work:** The Contractor will perform services set forth in the objectives, targeting plans, action steps, and descriptions contained in the approved "Application for Provision of Services," and any and all other

stipulations as specified by the AAA 1-B's Board of Directors within this agreement and the "Service Provision Manual for Social and Nutrition Services."

The Contractor will provide the services specified in this contract in accordance with the Service Definitions, Minimum Standards, and policies and procedures found in the AAA 1-B's approved "Application for Service Provision" and the "Service Provision Manual for Social and Nutrition Services." These are minimum requirements and are binding upon the Contractor.

The Contractor will serve persons eligible for services under this contract regardless of other criteria for services usually applied by the Contractor.

E. Special Conditions:

1. This contract is valid upon approval of the AAA 1-B's Board of Directors and Executive Director.
2. This contract is conditionally approved subject to and contingent upon the availability of federal and state funding.
3. The AAA 1-B will not assume any responsibility or liability for costs incurred by the Contractor prior to the execution, by both parties, of this agreement.
4. The Contractor will adhere to any and all conditions set forth in the body of this document and all attachments thereto.

F. Contract Terms: This agreement contains all terms and conditions agreed upon by the parties. No other understanding, oral or otherwise, regarding the subject matter of the contract shall be deemed to exist or bind any of the parties hereto.

G. Certification: The individual or officer signing this contract certifies by his or her signature that he or she is authorized to sign this agreement on behalf of the responsible governing board, official, or Contractor.

II. GENERAL PROVISIONS

A. Contractor Responsibilities:

1. **Service Provision and Staffing:** The Contractor agrees to make every effort to maintain sufficient staff, facilities, equipment, etc., in order to deliver contracted services and further agrees to immediately notify the AAA 1-B in writing whenever it is unable to do so or is unable to provide the required quality and/or quantity of services specified within this contract.

If for any reason personnel who have a material effect on the project are lost to the project during the course of this contract, the Contractor shall promptly notify the AAA 1-B in writing of changes in personnel status, including proposed dates to fill staff vacancies and names of new staff as they are hired.

The Contractor will provide service as stated in this contract beginning on the effective date, with all required services delivered by the expiration date of the contract. Service delivery will be planned to ensure that services are available throughout the entire contract period. The Contractor will attain maximum service delivery capacity within thirty (30) days after commencement of this contract, or within the timeframes proposed in the Contractor's application, unless written authorization to the contrary is obtained from the AAA 1-B.

2. Publication Rights and Publicity for Services:

- a. Where activities under the contract result in a book or other copyrighted materials, the author is free to obtain a copyright; but the AAA 1-B, OSA, AoA, and the Department of Health and Human Services (HHS) have the option to a royalty-free, non-exclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, all such material. The AAA 1-B, OSA, AoA, and HHS may each receive, at no cost, up to three copies of any material published under this contract.
- b. The AAA 1-B reserves a royalty-free, non-exclusive and irrevocable license to reproduce and use materials copyrighted under this contract.
- c. Published materials may not include service recipient information including any personal identification data and/or photographs without the prior written consent of the client and the AAA 1-B.
- d. The Contractor must publicize available services, using methods that are effective in reaching older persons in greatest economic and/or social need.
- e. Promotional materials including films, slides, books, reports, pamphlets, papers, or articles based on activities receiving support under this contract shall acknowledge the support of the AAA 1-B, OSA, and funding through the Older Americans Act. Such materials will also contain a statement that they comply with Title VI of the Civil Rights Act of 1964.

3. Contractor Policies and Procedures: The Contractor will make available all program policies, procedures, and bylaws as requested by the AAA 1-B.

4. Additional Resources: The Contractor will seek additional sources of funding for the service provided under this contract in order to increase resources available to serve older adults in the service area as well as to

ensure maintenance of the service in the event that federal or state funds are decreased or eliminated.

5. **Record Retention:**

- a. **Service Records:** The Contractor will maintain client and program records in the format required by AAA 1-B specifications. The format for recording such information shall be reviewed by the AAA 1-B during the assessment process.
- b. **Examination and Maintenance of Records:** The Contractor agrees to maintain all program and fiscal records required by the AAA 1-B. The Contractor is required to retain all books, records, or other documents relevant to the contract for three (3) years after final payment, at Contractor's cost, and federal auditors and any persons duly authorized by the AAA 1-B shall have full access to and the right to examine and audit any of the material during this period. If an audit is initiated prior to the expiration of the three (3) year period, and extends past that period, all documents shall be maintained until the audit is complete and all findings are resolved.

6. **Authorized Access:** The Contractor will permit the AAA 1-B, OSA, AoA, HHS, the Comptroller General of the United States, or any of their authorized agents access to any books, documents, papers, or other records of the Contractor which are pertinent to the contract, in order to make audit examination, excerpts, or transcripts so long as such access is in conformity with the Privacy Act of 1974. Access will also be granted at any reasonable time to the Contractor's facilities to observe the operation of the program.

7. **Audits:** The federal OMB Circular A-133 requires a Single Audit of agencies that expend \$500,000 or more in federal funds during the Contractor's fiscal year. Contractors that have a Single Audit performed must submit copies of the independently audited financial statements to the AAA 1-B within nine (9) months of the Contractor's fiscal year end.

Contractors expending less than \$500,000 in federal funds, and therefore not required to participate in a Single Audit, are encouraged to have a Financial Statement Audit performed at least bi-annually and submit those financial statements to the AAA 1-B.

The AAA 1-B will issue a management decision on any findings or questioned costs contained in a Contractor's financial statements within ninety (90) days after receipt of the audit report.

8. **Subcontracting:** The Contractor may not assign responsibilities or enter into subcontracts with additional parties without obtaining prior written approval of the AAA 1-B. Assignees or subcontractors shall be subject to

all conditions and provisions of the contract. The Contractor shall be responsible for the performance of all assignees or subcontractors. However, the AAA 1-B reserves the right to monitor and assess performance under the subcontract.

9. **Financial Responsibility and Allowable Costs:** The Contractor will maintain all books, records, documents, and other evidence of accounting procedures and practices, which accurately reflect all direct and in-kind costs of any nature, expended in the performance of this contract. The system must be auditable and in accordance with recognized accounting practices.

All funds received from the AAA 1-B under this contract and all match and program income related to the contract must be accounted for in a manner that is distinct and separate from all other funds received by the Contractor and separate from other grants and agreements with the AAA 1-B. Contingency funds are not allowed under this contract. Obligations, commitments, or encumbrances must be kept within the period of the contract.

10. **Program Income/Voluntary Cost Share and Contribution for Services:** Program income is defined as “earnings or contributions provided by or on behalf of an elderly client for a direct service received.” Income earned independent of the availability of funds from OSA are “Additional Resources.” No older person shall be denied service because he/she fails to contribute all or part of the cost of service.

The Contractor will use program income/voluntary cost share for allowable costs under the program through which it was generated to support and/or expand services. The Contractor will apply the additive alternative to the use of program income as outlined in the “Service Provision Manual for Social and Nutrition Services.” Program income may not be used as a source for required match.

11. **Insurance Coverage:** The Contractor must maintain liability insurance in amounts necessary to cover claims specific to the services being provided which may arise out of the Contractor’s operations under the terms of the contract as outlined in the “Service Provision Manual for Social and Nutrition Services.”

B. AAA 1-B RESPONSIBILITIES

1. **Reimbursement:** The AAA 1-B will provide reimbursement to Contractor on the condition that the Contractor meets all terms of service provision, reporting, and record retention contained herein.
2. **Staffing:** The AAA 1-B will provide staff for planning, consultation, resource pooling, and coordination. The AAA 1-B will also assist the

Contractor in identifying other resources to enhance federal and state funded services, developing programs to benefit the aged, and facilitating efficient and appropriate service delivery.

3. **Policies and Procedures:** The AAA 1-B will recognize the Contractor's autonomy in determining its own policies for administering its services and programs, provided that they remain in compliance with Service Definitions, Minimum Standards, and policies established by the AAA 1-B, OSA, and AoA. The "Service Provision Manual for Social and Nutrition Services" is the primary, though not exclusive, reference for AAA 1-B policies and procedures.
4. **Notification:** The AAA 1-B will provide the Contractor with notification of any alleged violation of this contract or of any alleged violation of AAA 1-B, OSA, or AoA policies and regulations and shall specify a period of time for compliance with said policies, regulations, or contractual agreements. The deadline for compliance with stated policies, regulations, or contractual agreements shall be determined by the AAA 1-B, consistent with the Probation, Suspension, and Termination section of this contract.
5. **Assessment and Monitoring:** The AAA 1-B will annually conduct formal on-site programmatic and fiscal assessments of the Contractor to ensure that service programs for older persons are being operated in accordance with service contracts and that older persons are realizing the intended benefits. The AAA 1-B will further monitor Contractor performance by requesting information through formal reports from the Contractor, in accordance with AAA 1-B requirements.

III. **ASSURANCES**

- A. **Compliance with Applicable Laws:** The Contractor agrees to comply with the provisions of the Older Americans Act and the regulations and policies pertaining thereto; with all other applicable federal laws and regulations, including licensure requirements; with policies and procedures of the AAA 1-B, OSA, and HHS; and with all applicable state and local laws. This specifically includes OSA service definitions, minimum standards, and units of service, and AAA 1-B specifications and limitations as outlined in the "Service Provision Manual for Social and Nutrition Services" for the period of the contract.

- B. Non-Discrimination:** The Contractor must operate in compliance with Executive Order 11246, "Equal Employment Opportunity," as amended by Executive Order 11375 and codified in (5 CFR §900, Subpart F); the Federal Civil Rights Act; the Elliott-Larsen Civil Rights Act (P.A. 453 of 1976); the Michigan Persons with Disabilities Civil Rights Act (P.A. 220 of 1976); the Rehabilitation Act of 1973 (P.L. 93-112); and any other federal or state law, local ordinance, rule, regulation, or standard that may apply to an individual's civil rights.
- C. Debarment and Suspension:** Assurance will be given by the Contractor to the AAA 1-B that the Contractor, to the best of its knowledge, complies with 45 CFR §74.13, by certifying that Contractor, its principles and/or employees are not debarred or suspended from receiving federal funds. The Contractor will further assure that should exception be given that allows the Contractor to use subcontractors in the course of providing service under this contract, that the subcontracted entity and its principles are not debarred or suspended from receiving federal funds.

The Contractor will submit to the AAA 1-B all information requested about names of persons with an ownership or controlling interest in the Contractor and past business transactions. Further, the Contractor is required to disclose whether any person with an ownership or controlling interest in the Contractor have been convicted of a criminal offense related to their involvement in any programs under Titles III, XVIII, XIX, or XX of the Social Security Act since the inception of these programs. The AAA 1-B may immediately terminate the contract if the Contractor does not comply.

- D. Procurement and Property:** The Contractor assures that all purchases and transactions made under this contract conform to applicable provisions of 45 CFR §74.31-74.37 in the acquisition, transfer, replacement, or disposition of real property, equipment, or supplies. The Contractor agrees to adhere to the AAA 1-B's Equipment Policy as outlined in the budget and reporting instructions in the "Service Provision Manual for Social and Nutrition Services."
- E. Health Insurance Portability and Accountability Act (HIPAA):** To the extent that this act is relevant to the service provided by the Contractor, the Contractor assures that it complies with HIPAA and attests to this compliance in the "Business Associate Agreement" at the time of application.
- F. Confidentiality:** The Contractor assures that the use or disclosure of information concerning services, applicants, or recipients obtained in connection with the performance of this contract shall be restricted to purposes directly connected with the program implemented by this contract as required by the Privacy Act of 1974. The AAA 1-B shall have access to client, service, or participant files in order to administer programs as long as access conforms to the Privacy Act of 1974.

Information about older persons collected by the Contractor as part of its responsibility under the contract shall not be disclosed without the individual's

informed written consent. Referrals to other agencies providing services must also have the individual's informed written consent.

IV. FINANCIAL REQUIREMENTS AND COMPENSATION

- A. **Availability of Funds:** This contract is entered into subject to the availability of federal and/or state funds. If for any reason federal or state funds are decreased or eliminated, the AAA 1-B reserves the right to decrease funding levels or terminate this contract upon written notice.

Termination or reduction in the amount of funding shall take effect immediately upon receipt of written notice to the Contractor, unless a different effective date is specified in the notice. A copy of the policy, law, rule, or regulation change shall be provided to the Contractor upon request. In such event, the Contractor shall have no recourse upon termination other than payment for allowable services rendered until the termination date.

It is expressly understood that the total compensation provided by the AAA 1-B, for all services detailed within the terms of the contract, shall not exceed that federal and/or state funding amount specified on the cover page of this contract, or on any approved addendum which supercedes the original contract terms.

- B. **Match Requirement:** Local match is required for all federal and/or state funded programs and will be made up of cash and/or in-kind resources, as specified in the "Service Provision Manual for Social and Nutrition Services."
- C. **Allowable Costs:** The Contractor may not make expenditures or incur obligations in excess of the authorized program budget. Any costs incurred by the Contractor that are not within the approved budget under this contract are not allowable costs and will be the sole responsibility of the Contractor. The Contractor will refer to OMB Circular A-122 or contact the AAA 1-B if there are questions as to what constitutes an allowable cost to this contract.
- D. **Payment and Operating Advance:** Subject to the availability of funds, the Contractor shall be reimbursed monthly, for one-twelfth of the federal/state share on the total contract amount, with the exception of the first month in which two payments will be made and last month in which no payment will be made. Before making payment to a Contractor, the AAA 1-B will evaluate the Contractor's cash requirements and cash balance on hand and may adjust the payment as deemed appropriate by the AAA 1-B.

V. REPORTING AND CONTRACT CLOSEOUT

- A. **Monthly and Quarterly Reporting:** The Contractor agrees to submit program narrative, and statistical, NAPIS, and fiscal reports at times prescribed by, and on forms approved by, the AAA 1-B. The "Service Provision Manual for Social and Nutrition Services" contains reporting requirements for regular periodic

reports. The Contractor, upon request, shall submit additional reports deemed necessary by the AAA 1-B.

Failure to submit accurate or timely reports may result in the AAA 1-B's withholding contract funds or the initiation of appropriate disciplinary action.

- B. Closeout:** When the contract is concluded or terminated, the Contractor will submit all financial, performance, and other reports to the AAA 1-B within forty-five (45) days. A final fiscal report for all expenditures under the contract will be among the reports submitted. The AAA 1-B will make payments to the Contractor for allowable reimbursable costs not covered by previous payments. The Contractor will immediately refund to the AAA 1-B any payments or funds advanced to the Contractor in excess of allowable reimbursable expenditures.

VI. AMENDMENTS AND SEVERABILITY

- A. Revision:** The AAA 1-B or the Contractor may request changes in the scope of the services to be performed under this contract. Any changes to this contract will be valid only if made in writing and accepted by both parties to this contract. When any material change in the operation of the Contractor or the AAA 1-B occurs which affects the contract, a contract addendum is necessary. Changes, which are mutually agreed upon, become effective when incorporated into a signed contract addendum. No other understanding, including oral agreements, shall bind the parties. The AAA 1-B and/or the Contractor will make any revisions in this contract in accordance with the AAA 1-B's policies and procedures relating to revisions in the budget and/or contract.
- B. Reprogramming:** The AAA 1-B periodically reviews Contractor expenditures. If under spending of three percent (3%) or more for nutrition services, or ten percent (10%) or more for social services is projected, the AAA 1-B may act to reprogram funds to another service and/or agency. Such actions will be in accordance with the Reprogramming Procedures of the AAA 1-B.
- C. Severability:** If any provision of this agreement or any provision of any document attached to or incorporated by reference is waived or held to be invalid, such waiver or invalidity will not affect other provisions of this agreement.

VII. CONFLICT OF INTEREST

- A. Conflict of Interest:** The Contractor shall maintain written standards of conduct governing the performance of its employees engaged in the contracted program. No employee, officer, or agent shall participate in the selection, award, or administration of the contract if a real or apparent conflict of interest is or may be involved. Such a conflict would arise when the employee, officer, or agent, or any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in the Contractor. The officers, employees, and agents of the Contractor shall neither solicit nor accept gratuities, favors, or anything of

monetary value from contractors, or parties to sub agreements. However, the Contractor may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct shall provide for disciplinary actions to be applied for violations of such standards by officers, employers, or agents of the Contractor.

- B. Relationship:** The Contractor and its staff are independent of the AAA 1-B. The Contractor is not permitted or authorized to make any agreement on behalf of the AAA 1-B. The Contractor staff are not employees of the AAA 1-B nor entitled to its employee benefits.

VIII. LIABILITY

- A. Hold Harmless:** The Contractor agrees to indemnify, save, and hold harmless the AAA 1-B and OSA against any and all expense and liability of any kind which the AAA 1-B and/or OSA may sustain, incur, or be required to pay arising out of the implementation of this contract. However, these provisions shall not apply to liabilities or expenses caused by or resulting from the willful or negligent acts or omissions of the AAA 1-B or OSA or any of its officers or employees. In the event the Contractor becomes involved in or is threatened with litigation, the Contractor shall immediately notify the AAA 1-B. The AAA 1-B shall inform OSA and may enter into litigation to protect the interests of the AAA 1-B.
- B. Disputes:** The Contractor will notify the AAA 1-B in writing of its intent to pursue a claim against the AAA 1-B for breach of any terms of the contract. No suit may be commenced by the Contractor for breach of the contract prior to the expiration of sixty (60) days from the date of such notification. Within the sixty (60) day period, the Contractor, at the request of the AAA 1-B, must meet with the Executive Director of the AAA 1-B to attempt to resolve the dispute.
- C. Notice:** Any notice or notices required or permitted to be given pursuant to this contract may be personally served on the other party by the party giving such notice, or may be served by certified mail, return receipt requested, to the addresses listed on page one of this agreement.
- D. Jurisdiction:** This is a State of Michigan contract and is governed by the laws of Michigan. Any dispute arising as a result of this agreement will be resolved in the State of Michigan.
- E. Probation, Suspension, and Termination:** The Contractor and the AAA 1-B agree to adhere to the AAA 1-B "Probation/Suspension/Termination Procedures" as outlined in the "Service Provision Manual for Social and Nutrition Services, Fiscal Years 2007, 2008 and 2009" when action must be taken to place the contractor on probation, or suspension or termination of the contract is necessary.
- F. Contractor Right to Appeal AAA 1-B Decisions:** The Contractor and the AAA 1-B agree to adhere to the AAA 1-B "Applicant/Contractor Administrative Appeal

Procedure” as outlined in the “Service Provision Manual for Social and Nutrition Services, Fiscal Years 2007, 2008 and 2009” when a Contractor wishes to appeal an AAA 1-B decision.

However, regardless of conditions specified within this contract, the AAA 1-B may terminate or reduce funding under the contract if there are alterations or changes in the rules, regulations, laws, or policies to which the AAA 1-B must comply, or if there is any termination or reduction in the allocation or allotment of funds provided to the AAA 1-B. These alterations, decisions, and/or amendments may not be appealed.

- 1) Develop agreements with Nutrition Service Incentive Program's (NSIP) in service area to purchase meals under contract on a routine basis as determined by contractors congregate and/or home delivered meal participation.
- 2) Communicate changes in 2006-2009 menu standards to nutrition program participants that focus on chronic disease prevention (i.e. increase fruits and vegetables, focus on whole grains, reduce sodium, limit: fats, foods high in simple sugars) through nutrition education and point of service messages.
- 3) Submit Nutrition Site Change Request for proposed congregate site with advance notice to seek AAA1-B board of director approval per RFP guidelines.
- 4) This project will be targeted to older adults that reside in South Central Oakland County: Berkley, Beverly Hills, Birmingham, Clawson, Franklin, Oak Park, Royal Oak Township, Southfield, and Troy.

Emerald Food Services agrees to furnish and deliver all supplies and perform all services set forth in the attached contractual agreement; the Area Agency on Agency 1-B's (AAA 1-B) "Request for Proposals and Service Provision Manual for Social and Nutrition Services, Fiscal Years 2007, 2008 and 2009"; and the Application for Service Provision for the consideration stated herein within the above stated geographic service area(s) of Region 1-B, to be provided at the site locations identified in the Application for Service Provision for the three-year period of this contract. The rights and obligations of the parties to this contract will be subject to and governed by the provisions as attached.

This is a performance based contract, the contractor will receive the above stated federal/state funds each fiscal year of the multi-year contract cycle providing that the number of units stated above are fully served each fiscal year of the multi-year funding cycle. The final number of units served are determined from the NAPIS reporting system, less any Holiday Meals on Wheels units served. If serving levels are not fully satisfied, the funding level would be reduced each fiscal year by the number of contract units that were not served. The contractor will not receive additional federal/state funding for serving above the contract level. Throughout the multi-year cycle, the contractor agrees to keep the unit rate. If the funding level should change during the multi-year cycle, contractor will receive an addendum reflecting the change in the funding level as well as the commensurate change in the number of units that are to be served. All awards are made pending the availability of funds and may be adjusted at any time during the multi-year cycle.

Nutrition Services Incentive Program (NSIP) funding is provided each year of the contract in addition to the federal/state unit rate. Contractor will receive a monthly payment of \$.56 per unit based on the number of units served as reported on the #1020M monthly fiscal report. The final NSIP unit-rate is determined at the end of each fiscal year after all eligible units have been reported and reconciled in the NAPIS system. Once the final unit rate is determined, contractor will receive a payment adjustment if there is an increase in the unit rate or will be billed for the difference if the unit rate decreases to less than \$.56.

IN WITNESS WHEREOF, the parties hereto have executed this contract on the day and year last specified below:

SIGNATORIES	
Emerald Food Services By: <u><i>Kim Haverameck</i></u> Typed Name: <u>KIM HAVERAMECK</u> Title: <u>President</u> By: _____ Typed Name: _____ Title: _____ Date: <u>9/18/06</u>	Agency on Aging 1-B _____ Typed Name: <u>Robert McMahon</u> _____ Title: <u>Board of Directors Chair</u> By: _____ Typed Name: <u>Sandra K. Reminga</u> _____ Title: <u>AAA 1-B Executive Director</u> Date: _____

(Contract signatures must be of Chairperson/President of Board and Agency Director, or comparable authorized officials.)

<u><i>Kag</i></u>	<u>9-06-06</u>	<u><i>P.H.</i></u>	<u>9/16/06</u>
CPS	Review Date	FA	Review Date
_____	_____	_____	_____
CPS	_____	_____	Date Received



CITY COUNCIL ACTION REPORT

December 6, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Future Land Use Plan Amendment – Rochester Road Overlay District – Both sides of Rochester Road, north of Long Lake Road and south of South Boulevard, Sections 2, 3, 11 and 12

Background:

- The approval process for a Future Land Use Plan amendment is mandated by the Michigan Planning Act, PA 285 of 1931, as amended.
- On July 24, 2006 City Council approved distribution of the draft amendment as per the Michigan Planning Act. No modifications were made to the plan amendment since this date.
- The Planning Commission held a public hearing on this item on November 14, 2006 and adopted the Rochester Road Overlay District amendment.
- The Rochester Road Overlay District plan amendment calls for a range of uses along a portion of Rochester Road. These uses, when developed with sufficient depth, would serve as a transition between Rochester Road and the abutting single-family residential neighborhood.
- The Municipal Planning Act requires that a copy of a plan amendment shall be sent to City Council following approval by the Planning Commission. Planning Commission approval is the final step in the amendment approval process unless City Council by resolution asserts the right to approve or reject the amendment. Section 02.10.02 of the City of Troy Zoning Ordinance grants the Planning Commission the authority to adopt amendments to the Future Land Use Plan. Therefore, the Zoning Ordinance must be amended to alter the current Future Land Use Plan approval process.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- The Zoning Ordinance will need to be amended to implement the Rochester Road Overlay District.

Policy Considerations:

- Approval of the Future Land Use Plan amendment would be consistent with City Council Goal II (Retain and attract investment while encouraging redevelopment) and Goal VI (Protect life and property).

Options:

- City Council may continue to have the Planning Commission serve as the final authority in the plan amendment process. If so, the Future Land Use Plan amendment is final.
- City Council may adopt a resolution initiating a Zoning Ordinance Text Amendment where City Council reserves the final authority to approve or reject a plan or plan amendment to City Council.

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

Attachments:

1. Draft Rochester Road Overlay District Future Land Use Plan Amendment.

Prepared by RBS/MFM

G:\Future Land Use Plan\ROCHESTER RD AMENDMENT\CC Memo FLUP Approval 12 18 06.doc

CITY OF TROY
ROCHESTER ROAD STUDY AREA
FUTURE LAND USE PLAN AMENDMENT
ADOPTED BY PLANNING COMMISSION 11 14 06

1. Study Area

The study area is defined as both sides of Rochester Road, north of Square Lake and south of South Boulevard, approximately 2 miles in length. The Rochester/South intersection is located approximately ¼ mile south of the M-59 interchange in Rochester Hills.

2. Findings/Trends

- The study area is characterized by a mix of land uses and zoning districts on separate parcels (see attached existing land use maps and zoning maps).
- The shallow depth of many properties fronting on Rochester Road limits their development potential and potentially impacts abutting residential property.
- According to data prepared by Oakland County in 2003, the average daily traffic volumes on Rochester Road was 48,044 vehicles per day. This figure has likely increased since 2003 as more development has occurred within the study area.
- There are a significant number of curb cuts but few signalized intersections between South Boulevard and Long Lake Road.
- The Rochester Road frontage is facing commercial and office development pressure.

3. Goals

- Reduce the number of curb cuts along Rochester Road.
- Reduce land use conflicts between non-residential uses fronting Rochester Road and abutting residential property.
- Establish Non-Center Commercial nodes in areas with an existing concentration of Non-Center Commercial development.
- Encourage a mix of uses on individual parcels.
- Discourage strip commercial or office development on narrow lots.

4. Establishment of Rochester Road Overlay District

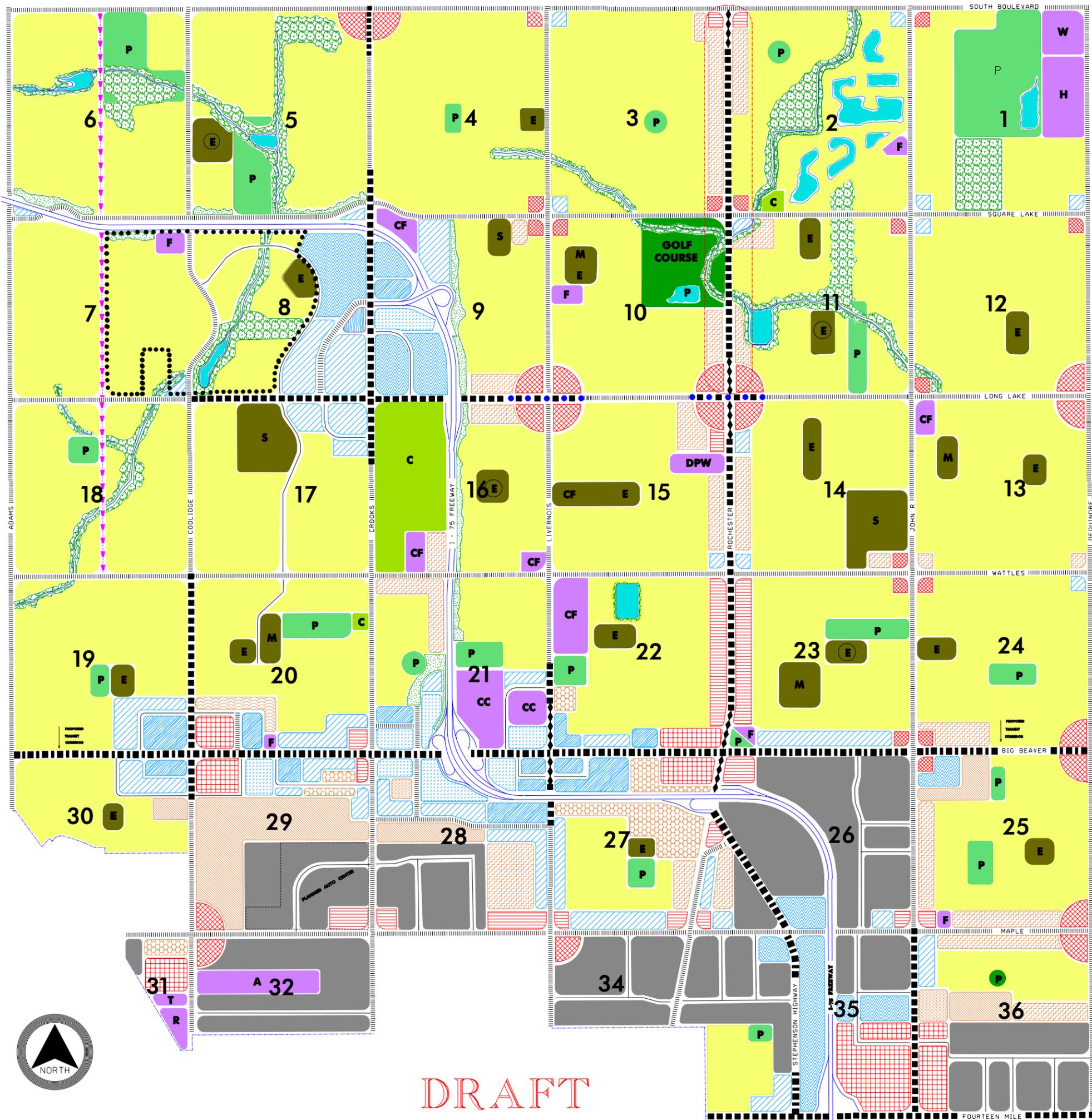
The Rochester Road Overlay Zoning District should be created to further these goals. An overlay designation is a zoning tool that uses as a base the specific zoning district attached to a parcel of land while adding optional regulations to those of the underlying zone. The Rochester Road Overlay District should consist of the area shown on the Rochester Road Overlay District Map and

should be added to the Future Land Use Plan. Overlay designations are useful for providing flexibility and encouraging mixed use development. Within the Rochester Road Overlay District special regulations should be established relative to the permitted uses and development standards.

5. Recommendations

Development within the Rochester Road Overlay District incorporate the following standards and requirements:

- (a) Uses include those permitted within the underlying zoning districts.
- (b) The overlay provisions provide flexibility in terms of permitted uses as a tradeoff for high quality, innovative design.
- (c) Safe pedestrian circulation are provided onsite to facilitate access throughout the site and to adjacent uses.
- (d) To ensure a smooth transition between abutting residential property and more intense development fronting on Rochester Road, uses should be buffered with appropriate landscaping, berms or a combination thereof.
- (e) Landscaping features define and reinforce site entry areas and provide a sense of identity for development to provide a distinct and positive image for the City.
- (f) All new or expanded uses have access designed so as not to impede traffic on Rochester Road. Access via shared entrances and cross-access drives are required to reduce curb cuts and improve interconnectivity.



DRAFT

CITY OF TROY FUTURE LAND USE PLAN

RESIDENTIAL	COMMERCIAL	OFFICE	PUBLIC & QUASI-PUBLIC	EDUCATION	OPEN SPACE	THOROUGHFARES
<ul style="list-style-type: none"> LOW DENSITY LOW DENSITY TRANSITION MEDIUM DENSITY HIGH DENSITY LOW RISE HIGH DENSITY MID RISE HIGH DENSITY HIGH RISE BOUNDARY PLANNED NEIGHBORHOOD DEVELOPMENT 	<ul style="list-style-type: none"> LOCAL SERVICE AREA COMMUNITY SERVICE AREA NON-CENTER COMMERCIAL REGIONAL CENTER ROCHESTER ROAD OVERLAY DISTRICT 	<ul style="list-style-type: none"> LOW RISE OFFICE MID RISE OFFICE HIGH RISE OFFICE OFFICE SERVICE 	<ul style="list-style-type: none"> F FIRE STATION H HOSPITAL DPW DEPARTMENT OF PUBLIC WORKS A AIRPORT C CEMETERY W WATER STATION R RESOURCE RECOVERY STATION CF COMMUNITY FACILITIES CC CIVIC CENTER T TRANSIT CENTER 	<ul style="list-style-type: none"> E ELEMENTARY SCHOOL M MIDDLE SCHOOL S SENIOR HIGH SCHOOL PROPOSED SCHOOL SITE 	<ul style="list-style-type: none"> P CITY PARK GREENBELT BUFFER OPEN SPACE NATURAL WATER COURSE PROPOSED SITE SEE NATURAL FEATURES MAP 	<ul style="list-style-type: none"> FREEWAY FREEWAY ACCESS MAJOR THOROUGHFARE <ul style="list-style-type: none"> 204 FT. R.O.W. 180 FT. R.O.W. 150 FT. R.O.W. 120-160 FT. R.O.W. 120 FT. R.O.W. SECONDARY THOROUGHFARE <ul style="list-style-type: none"> 60-100 FT. R.O.W. SCENIC PARKWAY <ul style="list-style-type: none"> 60-86 FT. R.O.W. AREA UNDER STUDY SEE TRANSPORTATION PLAN

THIS PLAN IS INTENDED TO SHOW GENERALIZED LAND USE AREAS, AND DOES NOT INDICATE PRECISE SIZE, SHAPE, OR DIMENSION. THESE PROPOSALS REFLECT FUTURE LAND USE RECOMMENDATIONS, AND DO NOT NECESSARILY IMPLY SHORT RANGE REZONING PROPOSALS.

VARIATIONS IN PLANNED THOROUGHFARES AND RIGHTS OF WAY OCCUR IN LIMITED AREAS THROUGH ADOPTION OF A SPECIFIC PLAN IN ACCORDANCE WITH THE MAPPED IMPROVEMENTS ACT (ACT 222 OF 1943)

REVISIONS :
 PROPOSED ROCHESTER ROAD OVERLAY DISTRICT REVISION 5-18-06

THIS FUTURE LAND USE PLAN ADOPTED BY THE CITY OF TROY PLANNING COMMISSION ON JANUARY 8, 2002 WHICH WAS ADOPTED IN ACCORDANCE WITH THE PROVISIONS OF ACT 285, PUBLIC ACTS OF 1931, AS AMENDED.

Gary Chamberlain
 GARY CHAMBERLAIN, PLANNING COMMISSION CHAIRMAN



CITY COUNCIL ACTION REPORT

December 13, 2006

TO: The Honorable Mayor and City Council
FROM: Phillip L. Nelson, City Manager
SUBJECT: Troy Daze Festival

Background:

- At the December 3rd meeting, several members of the Troy Daze Advisory Board submitted their resignations.
- Mayor Louise Schilling suggested that a solution to challenges addressed by the former members of the Troy Daze Advisory Board could be worked out through discussions between the parties.
- Former members of the Troy Daze Board contacted Council Members Wade Fleming and Dave Lambert to meet and discuss the future of the Festival. At that meeting it was suggested that the members meet with Mayor Schilling for continued discussions.
- Former members of the Troy Daze Board stated that they can now obtain affordable insurance coverage, and suggested that the operation of the Festival be returned to a newly formed private organization.
- As history, in 1988 the Troy Daze Committee (a private organization) asked the Troy City Council to take over operations of the Troy Daze Festival, as the committee could not get affordable insurance coverage to continue the Festival.
- Since 1988, the Festival has been conducted under the auspices of the City of Troy, meaning that Troy assumed all fiduciary and liability obligations associated with the Festival.

Financial Considerations:

- Return of the operation to a private committee would save the City of Troy an estimated \$197,000 in budgeted expenditures.

CITY COUNCIL ACTION REPORT

- Conversely, the 2006-2007 budget indicates the Troy Daze Festival would generate approximately \$180,000 in operating revenues. Consequently, the City of Troy could eliminate the possibility of operating losses from the budget.
- By not having to be in on the planning, marketing, public relations and other ancillary functions that are performed by staff, the City of Troy could save hundreds of personnel hours and resultant monetary costs.

Legal Considerations:

- If the Festival is to be held on City-owned property, adequate liability insurance coverage as determined by the City of Troy has to be obtained by the sponsoring agency, naming the City of Troy as an additional insured party for the Festival.
- The Troy City Council will set the hours of operation and other measures as indicated in Chapter 26.17 et. seq. of the Municipal Code to better ensure safety and security for the surrounding houses and businesses to the Festival site.

Policy Considerations:

- Returning the Troy Daze Festival to private sponsorship could give more of a volunteer ownership feel to the Festival.
- Private ownership does away with City of Troy mandates such as bidding for contracts; financial oversight by bonded agents; and, general authority over security operations.
- Due to the fact that the size and scope of the Festival is significantly larger than any other use of any park facilities, special processes will have to be implemented to provide for use of park facilities and equipment.

Options:

- The Council can return ownership of the Festival to a private sector group.
- The Council can maintain sponsorship of the Festival under the auspices of the City of Troy.



CITY COUNCIL ACTION REPORT

December 13, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: TCF Bank, Reimbursement Agreement, Brownfield Plan #4

Background:

- On December 15, 2005, the Brownfield Redevelopment Authority (BRA) recommended approval of the Brownfield Plan to Conduct Eligible Response Activities (Brownfield Plan #4) for TCF Bank.
- On February 27, 2006, City Council conducted a public hearing and approved Brownfield Plan #4.
- On December 12, 2006, the BRA recommended approval of a Brownfield Tax Increment Financing Reimbursement Agreement for TCF Bank. TCF and the BRA executed this Agreement.
- The contamination on the site was remediated and a TCF Bank was constructed.

Financial Considerations:

- The Agreement will allow for the capture of incremental tax increases due to changes of taxable value above the base year. The captured taxes are generated from the capture of City, County and Community College millage rates. These captured tax revenues can be used only for the reimbursement of eligible expenses identified by the approved Brownfield Plan #4.

Legal Considerations:

- City Council has the authority to approve the Brownfield Tax Increment Financing Reimbursement Agreement and authorize the Mayor and City Clerk to execute the agreement.

Policy Considerations:

- The Agreement is consistent with the approved Brownfield Plan #4.
- The item is consistent with City Council Goal II (Retain and attract investment while encouraging redevelopment) and Goal VI (Protect life and property).

Options:

- City Management recommends approval of the Brownfield Tax Increment Financing Reimbursement Agreement, as recommended by the Brownfield Redevelopment Authority.

Approved as to form and legality:

Lori Grigg Bluhm, City Attorney

Attachments:

1. Brownfield Tax Increment Financing Reimbursement Agreement

Prepared by MFM

BROWNFIELD TAX INCREMENT FINANCING REIMBURSEMENT AGREEMENT

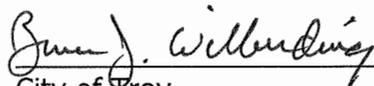
This Brownfield Tax Increment Financing Reimbursement Agreement ("Agreement") is entered into between the City of Troy Brownfield Redevelopment Authority ("BRA") and TCF National Bank ("TCF") on this _____ day of December, 2006.

1. On December 15, 2005, the BRA reviewed the Brownfield Plan To Conduct Eligible Response Activities ("Brownfield Plan #4/Brownfield Plan to Conduct Eligible Response Activities, dated December 8, 2005") for the Proposed TCF Bank Branch, located on approximately 2 acres on the east side of Coolidge Highway, south of Maple Road, in the City of Troy, Michigan ("Property, more particularly described in Exhibit A").
2. The Property was purchased by TCF National Bank on March 7, 2006.
3. The Property is an "eligible property," as defined by the Brownfield Redevelopment Act, PA 381.
4. On December 15, 2005, the BRA recommended approval of the Brownfield Plan to the Troy City Council.
5. On February 27, 2006, the Troy City Council, after a public hearing, approved the above referenced Brownfield Plan.
6. According to the Brownfield Plan #4/Brownfield Plan to Conduct Eligible Response Activities, dated December 8, 2005, the estimated costs of eligible activities for the eligible property is \$489,296.00.
7. Under Section 7.0 of the approved Brownfield Plan, "The costs of the 'eligible activities' performed on or for the Subject Property will be initially funded by third party advances (commercial loan, equity) and reimbursed with Tax Increment Revenues under the Plan as such Tax Increment Revenues are generated."
8. The BRA agrees to use Brownfield tax increment revenues (not including school taxes) to reimburse TCF for the costs of eligible activities, in accordance with the terms of the approved Brownfield Plan.
9. TCF continued the eligible activities under the assumption that upon the submission of an accounting of the clean up costs actually incurred for the site, that the BRA would reimburse TCF for the eligible costs of

the eligible activities through the use of the Brownfield tax increment revenues for the Property.

10. By execution of this Agreement, the BRA agrees to reimburse TCF for the eligible costs of eligible activities, subject to the City of Troy Finance Department's determination that those costs conform with the conditions attached to this Agreement and the approved Brownfield Plan.
11. To date, TCF has expended approximately \$ 489,296 in eligible costs for eligible activities. It is possible that there will be additional eligible activity costs.
12. The cumulative eligible costs shall not exceed \$ 489,296 in total.
13. It has been agreed that the value of the property for the base year (2006) shall be \$ 197,940.00, which is the assessed and taxable value, determined on 12/31/2005, for the 2006 tax year. This amount differs slightly from the assessed value identified in the Brownfield Plan (\$198,900), since the Brownfield Plan included a portion of the property that was not taxable (detention area).
14. The amount of estimated tax increment revenue is attached as Exhibit B, which is based on estimated increases in the taxable value of the Property (not including school taxes).
15. The total amount of obligated reimbursement will not exceed the total amount of non-school tax increment revenue that is generated for the Property. In other words, the Troy BRA and/or the City of Troy is not obligated to pay TCF and/or its successors more than the captured taxes generated by the amount that the Property's taxable value exceeds the Property's base taxable value of \$197,940.00 (not including the school tax portion).
16. Commencing on July 1, 2007, the tax increment revenues generated from the Property will begin to be captured under the Brownfield Plan. Under the current state statute, the maximum period of capture is 30 years.
17. In accordance with Section 16 of the Brownfield Redevelopment Financing Act (1996 PA 381, MCL 125.2666), the City of Troy Treasurer shall submit the tax increment revenues to the Troy BRA within 30 days of being collected.

18. Within 90 days of receiving said tax increment revenues, the BRA shall reimburse TCF for the full amount of the captured revenues (excluding school taxes) for the Property for that tax period, and will continue to do so semi-annually (summer and winter taxes) in subsequent tax periods until such time as TCF has been reimbursed fully for the eligible costs of eligible activities described in the Brownfield Plan, or until the tax increment revenues captured from the Project have been completely expended.
19. Reimbursement of funds shall be remitted in a check, made payable to TCF, and mailed to: TCF National Bank; c/o James Woltersom, VP Corporate Facilities – Michigan, TCF Bank, Mail code 604-01-X. Address: 17440 College Parkway, Livonia, MI 48152.
20. The parties understand that TCF may request credit against the Michigan Single Business Tax liability for eligible investments, under 200 PA 143. TCF agrees not to request reimbursement for any eligible costs of eligible activities that are subject to mandatory offset.
21. This Agreement does not preclude TCF from seeking assistance through the BRA Local Site Remediation Revolving Loan Fund (LSRRLF). Any assistance from the LSRRLF will be subject to a separate agreement.
22. The parties have the authority to enter into this agreement.



City of Troy
Brownfield Redevelopment Authority

By: Bruce J. Wilberding
BRA Chair



TCF National Bank

By: Robert Bergstrom

Its: EVP - Retail Banking

Approved by the City of Troy at a regular City Council meeting on December 18, 2006.

Louise Schilling, Mayor

Tonni Barthlomew, City Clerk

EXHIBIT A

REC'D

OCT 13 2005

PLANNING DEPT.

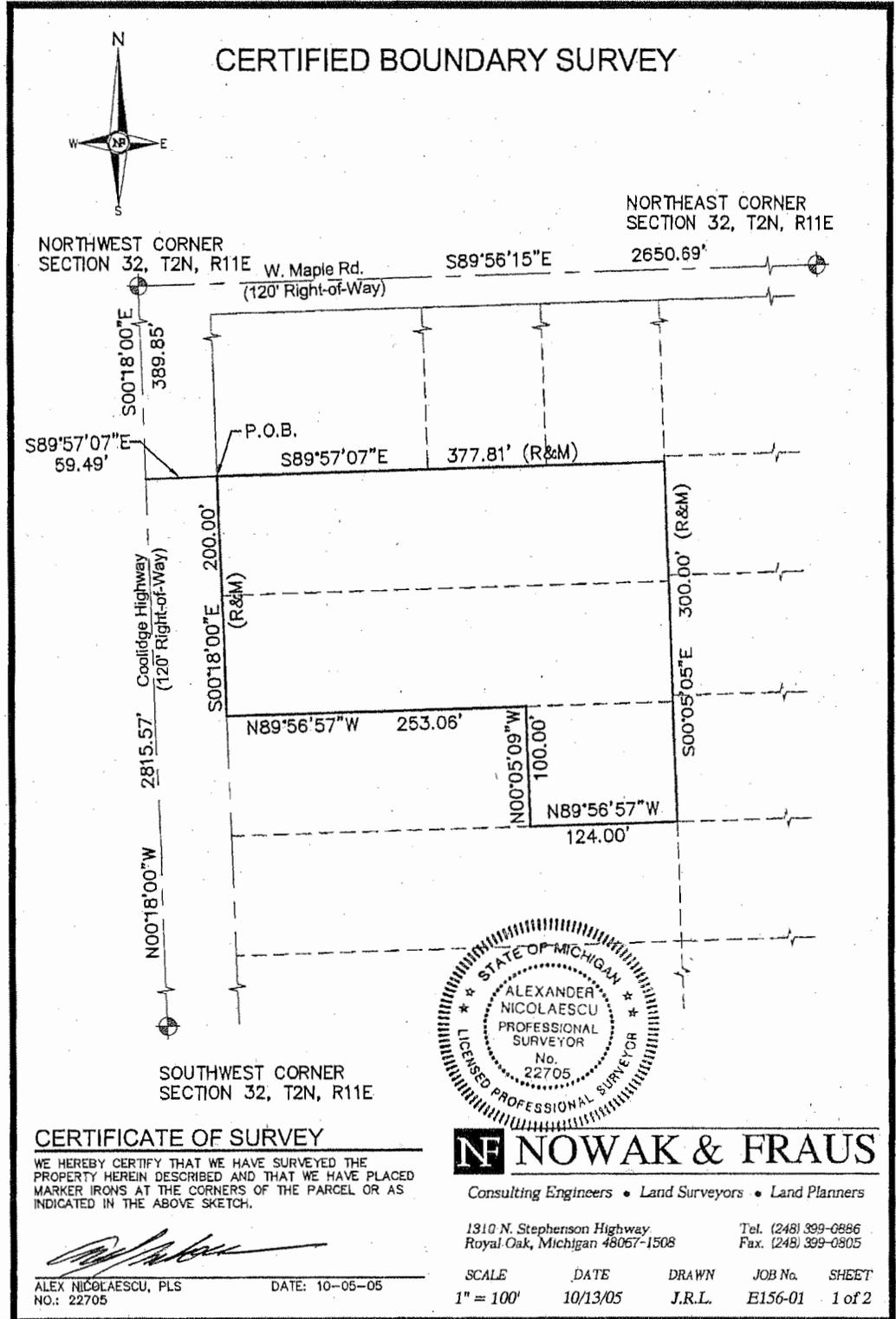


EXHIBIT A

REC'D

OCT 13 2005

PLANNING DEPT.

CERTIFIED BOUNDARY SURVEY

LEGAL DESCRIPTION

Part of Lot 18 and all of Lots 19 and 20, of Maple Coolidge Estates Subdivision. A division of part of the Northwest 1/4 of Section 32, Township 2 North, Range 11 East, City of Troy, Oakland County Michigan as recorded in Liber 47, Page 51, of Plats. More particularly described as beginning at a point distant South 00 degrees 18 minutes 00 seconds East 389.85 feet and South 89 degrees 57 minutes 07 seconds West 59.49 feet from the Northwest corner of section 32, Township 2 North, Range 11 east; thence South 89 degrees 57 minutes 07 seconds East 377.81 feet; thence South 00 degrees 05 minutes 05 seconds East 300.00 feet; thence North 89 degrees 56 minutes 57 seconds West 124.00 feet; thence North 00 degrees 05 minutes 09 seconds West 100.00 feet; thence South 89 degrees 56 minutes 57 seconds West 253.06 feet; thence North 00 degrees 18 minutes 00 seconds West 200.00 feet along the East Right-of-Way line of Coolidge Highway to the Point of Beginning encompassing an area of 87,884 square feet or 2.019 acres.

NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners

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

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

SCALE	DATE	DRAWN	JOB No.	SHEET
N.T.S.	10/13/05	J.R.L.	E156-01	2 of 2

EXHIBIT B

Table 1 Annual Estimated Tax Increment Revenue

Proposed TCF National Branch 1470 Coolidge Troy, Michigan	Projectected State Equalized Value: \$1,298,900 Current State Equalized Value: \$198,900 Increased State Equalized Value: \$1,100,000 Tax Rate 2005 (total) 0.0156805
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Parcel 88-20-32-101-009 & 88-20-32-101-023	2005 Combined SEV taxable \$198,900	2006 Combined SEV Projected \$1,298,900
--	---	---

Tax Year	Year	Inceased Taxable Value*	Increased Captured Taxes	Cumlative Tax Capture	Investment Pay Back
2005	0	\$0	\$0	\$0	\$489,296
2006	1	\$1,100,000	\$17,249	\$17,249	\$472,047
2007	2	\$1,116,500	\$17,507	\$34,756	\$454,540
2008	3	\$1,133,248	\$17,770	\$52,526	\$436,770
2009	4	\$1,150,246	\$18,036	\$70,562	\$418,734
2010	5	\$1,167,500	\$18,307	\$88,869	\$400,427
2011	6	\$1,185,012	\$18,582	\$107,451	\$381,845
2012	7	\$1,202,788	\$18,860	\$126,311	\$362,985
2013	8	\$1,220,829	\$19,143	\$145,454	\$343,842
2014	9	\$1,239,142	\$19,430	\$164,885	\$324,411
2015	10	\$1,257,729	\$19,722	\$184,606	\$304,690
2016	11	\$1,276,595	\$20,018	\$204,624	\$284,672
2017	12	\$1,295,744	\$20,318	\$224,942	\$264,354
2018	13	\$1,315,180	\$20,623	\$245,565	\$243,731
2019	14	\$1,334,908	\$20,932	\$266,497	\$222,799
2020	15	\$1,354,931	\$21,246	\$287,743	\$201,553
2021	16	\$1,375,255	\$21,565	\$309,307	\$179,989
2022	17	\$1,395,884	\$21,888	\$331,196	\$158,100
2023	18	\$1,416,822	\$22,216	\$353,412	\$135,884
2024	19	\$1,438,075	\$22,550	\$375,962	\$113,334
2025	20	\$1,459,646	\$22,888	\$398,850	\$90,446
2026	21	\$1,481,541	\$23,231	\$422,081	\$67,215
2027	22	\$1,503,764	\$23,580	\$445,661	\$43,635
2028	23	\$1,526,320	\$23,933	\$469,594	\$19,702
2029	24	\$1,549,215	\$24,292	\$493,887	\$0
2030	25	\$1,572,453	\$24,657	\$518,544	
2031	26	\$1,596,040	\$25,027	\$543,570	
2032	27	\$1,619,980	\$25,402	\$568,972	
2033	28	\$1,644,280	\$25,783	\$594,756	
2034	29	\$1,668,944	\$26,170	\$620,925	
2035	30	\$1,693,979	\$26,562	\$647,488	

* increased 1.5% per year



CITY COUNCIL ACTION REPORT

December 13, 2006

TO: Troy City Council

FROM: Lori Grigg Bluhm, City Attorney

SUBJECT: Proposed Contract for T-Mobile Cell Tower at Fire Station #6

Background:

- T-Mobile has approached the City, and has asked to locate a self- supporting cellular tower on a portion of the Property at Fire Station #6 (5901 Coolidge Road, Troy).
- The Planning Commission granted preliminary site plan approval for the proposed tower on November 14, 2006. This approval was contingent upon the City Council's approval of an agreement for the lease of City owned property. The documentation given to the Planning Commission is attached.
- If Council were to approve the proposed lease, this would be the first such instance of allowing cell towers at City fire stations.

Financial Considerations:

- The City would receive rent, in accordance with the attached schedule, from T-Mobile.

Legal Considerations:

- Troy's current ordinances do not prohibit cell towers on City owned property. Chapter 39, Section 10.30.08 prohibits cell towers only for parks and schools.
- A proposed lease of City owned property has been prepared for your consideration.

Policy Considerations:

- The additional revenue stream from the lease furthers Goal #1- Minimizing cost and increasing the efficiency of City government.

Options:

- Approve the proposed lease agreement.
- Deny the proposed lease agreement.

LEASE

This Lease Agreement (the "Lease") is made this _____ day of _____, 2006, between T-Mobile Central LLC (hereinafter "T-Mobile"), a Delaware limited liability company, whose business address is 12170 Merriman Road, Livonia, MI 48150, and the City of Troy (hereinafter "City"), a Michigan municipal corporation, whose address is 500 W. Big Beaver Road, Troy, MI 48084.

- A. City is the owner of the property located at 5901 Coolidge Highway, in the City of Troy, Michigan, which is legally described on the attached Exhibit A ("Property"). The City of Troy Fire Station #6 is currently located on the Property.

- B. T-Mobile has applied to the City to lease a portion of the Property (approximately 600 feet) to use in connection with its federally licensed communications business. The intended lease portion of the Property is legally described on Exhibit B, and includes the ground space, as well as the air space above such ground space, together with unrestricted access for T-Mobile's uses from the nearest public right of way along the Property to the Premises (the "Premises"). The Premises will be used for the installation and operation of a 75- foot high free- standing tower and equipment shelter. The Tower shall be constructed in accordance with the plans and specifications that are attached as Exhibit C, and shall be installed by T-Mobile for use by T-Mobile in connection with its telecommunications business, and also for use by City and others authorized by City and T-Mobile for communication purposes and other non-interfering uses.

- C. City and T-Mobile desire to enter into this Agreement for the lease of the Property, upon the terms and conditions as set forth in this Lease.

THEREFORE, in consideration of the mutual covenants contained in this Lease, T-Mobile and City agree as follows:

- 1. Premises.** The City leases land, consisting of approximately 600 feet, upon which T-Mobile will construct and place a seventy five foot self supporting wireless communications monopole tower ("Tower") within the leased area. The Tower includes an antennae system, communications equipment, cable wiring, and other related appurtenances, and also includes the construction or installation of an equipment shelter or cabinets, (not exceeding 21' x 42 1/2 '), which will be built in accordance with the site plan attached as Exhibit C (the "Equipment Shelter") for use by the City and T-Mobile. The Equipment Shelter shall be constructed with a separate entrance, electrical outlets and utility services. The Premises also

includes the non-exclusive use of an area extending from the nearest public right-of-way to the Site for reasonable access 24 hours a day, seven days a week, and for the installation and maintenance of utility wires, poles, cables, conduits, and pipes over, under, or along such area as permitted. Such access and utility area ("Access Area") is as described on Exhibit C. The Premises will be used by T-Mobile for no other purpose than installing, removing, replacing, modifying, maintaining and operating, at its expense, a communications facility. The foregoing items are collectively referred to as the "Premises".

- 2. No Franchise.** This Lease is not a franchise, pursuant to Article 7, Section 29 of the Michigan Constitution, nor is it a permit to use the rights-of-way under Article 2A of the Michigan Telecommunications Act, Act No. 216 of the Public Acts of 1995 (including any amendments). Any such franchise or Act 216 permit must be obtained separately from City.
- 3. Permit Requirements.** Prior to commencing construction of the Tower and installation of the equipment, T-Mobile shall submit plans and specifications to the City for City's written approval (which approval will not be unreasonably withheld, conditioned or delayed). Such approval constitutes City's approval under this Agreement, but does not constitute approval otherwise required by the Code of the City of Troy. T-Mobile shall separately apply for any necessary governmental approvals and permits. Construction of the Tower shall not commence until the City has approved plans for the work and all necessary permits have been properly issued. Following the initial installation of the Tower, T-Mobile may, at any time, modify, supplement, replace, remove or relocate any of the equipment or other appurtenances during the term of this Agreement. However, any such change must conform to the plans approved by the City and undergo an administrative review by the City prior to construction, which consent will not be unreasonably withheld, conditioned or delayed. City's consent shall not be required where the modification is non-structural in nature or involves the replacement of substantially similar equipment.
- 4. Term and Renewals.** This Lease shall be effective as of the date that it is executed by the last of the parties to sign. The initial term of this Lease is five years from the effective date. Provided T-Mobile is not then in default under this Lease, this Lease shall be automatically renewed for up to three (3) successive renewal terms of five (5) years each at the expiration of each preceding term, unless Tenant notifies Landlord in writing at least one hundred twenty (120) days prior to expiration of the then current term of the

Lease. Each renewal shall be on the same terms and conditions as are contained in this Lease, except that the rental rate shall be adjusted as provided on Exhibit C of this Lease, and there shall be no renewal after the final renewal term.

- 5. Rent and Other Consideration.** T-Mobile shall pay City an annual rent in advance of the year that the Lease is in effect, in accordance with the rental specified on Exhibit C. T-Mobile shall pay City the first annual rent obligation on or before the commencement date, which is the first date of the month following the date T-Mobile is granted a building permit by City. Thereafter, each annual rent, as specified in the schedule, shall be paid on the anniversary of the commencement date. All Rent shall be paid without offset.

 - a.** T-Mobile shall pay City a late payment charge equal to five (5%) percent of the late payment for any payment not paid when due. Any amounts not paid when due shall also bear interest until paid at the lesser of the rate of two (2%) percent per month or the highest rate permitted by law.
 - b.** To the extent that City desires to purchase services from T-Mobile, T-Mobile shall offer services to City at the most favorable rate and terms that T-Mobile offers to any other municipality.
 - c.** T-Mobile agrees to use its best efforts to collocate future facilities and minimize the number of new towers in City.
- 6. Use of Premises, Public Safety Concerns.** T-Mobile's use of the Premises shall be limited to the installation, construction, operation, maintenance, and repair of a telecommunications tower, equipment shelter, related facilities, antennae or buildings and for no other purposes. T-Mobile understands that City uses the Property for public safety purposes, and T-Mobile's use of the Premises shall not interfere with City's use of the Property. Public safety considerations shall be afforded paramount importance.
- 7. Inspections.** Commencing on the Effective Date, City shall permit T-Mobile and its employees, agents, and sub-contractors to conduct subsurface boring tests, environmental inspections, radio frequency tests, and such other tests, investigations, and similar activities as T-Mobile may deem necessary, at the sole cost of T-Mobile. T-Mobile shall notify City of any such test in advance, however, and shall obtain the City's consent, which shall not be unreasonably withheld. T-Mobile shall restore any property or soil

disturbed by such activities. T-Mobile shall indemnify and hold City harmless against any loss or damage for personal injury or physical damage to the Premises or the Property, or the property of third parties resulting from any inspections. Upon written request, T-Mobile shall furnish to City copies of the environmental findings concerning the Property. Prior to the commencement of the inspections, T-Mobile shall furnish City with the insurance required by this Lease.

- 8. Reservation by City.** T-Mobile shall construct the tower, in accordance with the attached specifications. T-Mobile shall be able to utilize the Tower for its intended purpose. However, if City requires a change in T-Mobile's antenna locations on the Tower to accommodate the City's own needs, then City shall provide written notice of the required change to T-Mobile. Upon receipt of said notice, T-Mobile shall move such antennae, subject to City's supervision, in accordance with the following provisions:

 - a.** If City requires T-Mobile to move its antenna(e) locations, the City shall give T-Mobile at least sixty (60) days notice, which notice shall contain the location on the Tower that T-Mobile can occupy.
 - b.** If City requires T-Mobile to move its antenna(e) locations, then the new location on the Tower that will not interfere with the City's use must be in compliance with applicable rules and regulations of the Federal Communications Commission ("FCC") and will provide similar coverage.
 - c.** Any movement of Tenant's antenna(e) shall not serve to increase or decrease the Rent to be paid by Tenant.
 - d.** At the request of City, T-Mobile shall at City's reasonable cost and only with City's prior approval, obtain the written opinion of a licensed structural engineer and/or electronics engineer in good standing with the State of Michigan. This opinion shall determine that the new location of the antenna(e) is structurally appropriate and will not interfere with the communication requirements of other Tower users, including City.
- 9. Required Compliance with laws.** T-Mobile shall, at its expense, comply with all present and future federal, state, and local laws, ordinances, rules and regulations (including but not limited to laws and ordinances relating to health, safety, radio frequency emissions, and radiation) in connection with the use, operation,

maintenance, construction and/or installation of the Premises. In connection with any required approvals or extensions, City agrees to cooperate with T-Mobile in obtaining, at T-Mobile's expense, all licenses, permits and authorizations required for T-Mobile's use of the Premises from all applicable governmental and regulatory entities (the "Governmental Approvals").

10. City's Use of Premises. The Tower, installed by T-Mobile, shall be conveyed to the City, who shall have the right to use the Premises and the proportion of the Tower allocated to the City for any lawful purpose. In addition, City shall have the right to lease the Tower to other users for commercial purposes (except for that part occupied or served by Tenant), subject to review by City and T-Mobile to determine that the proposed use will not unreasonably interfere with either's operation. The person seeking to install the additional antennae upon the Tower shall provide at its expense sufficient information as may be required by City and T-Mobile to determine that the new proposed use will not interfere with the use of the Tower by the City or T-Mobile or cause any adverse effect on the structural integrity of the Tower. All rental income derived from the Tower and Premises shall be payable to City, and the terms and conditions of any such agreement must be approved by City and Tenant shall not unreasonably withhold its approval of any such use.

11. T-Mobile's Improvements; T-Mobile's Use of Tower. After the Commencement Date, and after obtaining site plan approval for the Tower and having it delivered to the Premises, T-Mobile shall construct the Tower and the Equipment Shelter as shown on the attached Exhibits within ninety (90) days thereafter. The Tower and related facilities shall be so constructed to be able to accommodate the antennae of T-Mobile and an additional antenna for the City. The Equipment Shelter shall be for use by T-Mobile and City. The Equipment Shelter shall be constructed of brick materials to match the existing building on the Property or of other suitable materials approved by the Troy City Manager or his/her designee. T-Mobile shall also construct all ancillary support facilities as set forth in the Specifications as set forth in Exhibit E, within the time period specified above. Prior to commencing construction, T-Mobile shall submit plans and specifications for all improvements to City for City's written approval, such approval not to be unreasonably withheld. Prior to commencing construction, T-Mobile shall also provide City with the name of the contractor that will be constructing the improvements. The contractor is subject to the prior written approval of City, which approval shall not be unreasonably withheld. All improvements shall be constructed in a workmanlike

manner without the attachment of any liens to the Premises and shall be completed in compliance with all applicable laws, rules, ordinances and regulations. The Tower shall remain the property of the City.

12. Net Lease. City shall not be required to make any expenditures of any kind in connection with this Lease or to make any maintenance, repairs or improvements to the Premises. In addition to the Rent reserved above, T-Mobile shall pay all taxes (personal and real property taxes, if any), assessments, insurance premiums, maintenance charges, and any other charges, costs and expenses against the Premises that may be contemplated under any provisions of this Lease. All such payments shall be made, and evidence of all such payments shall be provided to City at least ten (10) days prior to the delinquency date of the payment. If the number of commercial users shall change during the term of this Lease, the proportionate share of the expense shall be adjusted accordingly between any commercial users (except City).

13. Signs. T-Mobile shall not place any signs on the Premises without City's written approval. City, in its sole discretion, shall have the right to withhold approval of any sign that is not compatible with City's use and development of the Property.

14. Maintenance. T-Mobile shall, at its own expense, maintain the Premises and all improvements, equipment and other personal property installed upon the Premises by T-Mobile in good working order, condition and repair. If the number of commercial users (except City) shall change during the term of this Lease, the proportionate share of the expense shall be adjusted accordingly between any commercial users. T-Mobile shall provide itemized statements for the maintenance work if requested by City or any user of the Tower. T-Mobile shall submit to Landlord and other users of the Tower an annual inspection report prepared by a competent tower inspection company regarding the integrity and maintenance of the Tower. Costs of the annual inspection report shall be prorated among the commercial users (except City) of the Tower.

15. Access. City and its agents shall have the right to enter the Premises at reasonable times to examine and inspect the Premises. T-Mobile shall have access to the Premises 24 hours a day, 7 days per week, provided it does not interfere with City's operations on the Premises.

16. Utilities. T-Mobile shall at its sole expense provide any utility service to the Premises that it desires. If there are additional users of the Tower, each user's utility usage shall be separately metered. T-Mobile shall timely pay all charges for its usage of utilities to the Premises during the term of the Lease.

17. License Fees. T-Mobile shall pay, as they become due and payable, all fees, charges, taxes and expenses required for licenses and/or permits required for or occasioned by T-Mobile's use of the Premises.

18. Broadcast Interference.

- a. **Definition.** As used in this Lease, "interference" with a broadcasting activity means:
 - i. Interference within the meaning of the provisions of recommended practices of the Electronics Industries Associations (EIA) and the rules and regulations of the Federal Communications Commission (FCC) then in effect, or
 - ii. A material impairment of the quality of either sound or picture signals on a broadcasting activity as may be defined by the FCC at any hour during the period of operation of activity, as compared with that which would be obtained if no other broadcaster were broadcasting with the Property or had any equipment on the Property.
- b. T-Mobile shall take reasonable actions to prevent and properly remove any interference with broadcast activities of City or other tenants of City caused by T-Mobile's use of the Premises. City shall take reasonable actions to prevent and promptly remove or cause to be removed any interference with T-Mobile's broadcast activities caused by City or City's lessees, licensees, invitees, or agents.

19. Default and City's Remedies.

- a. It shall be a default if:
 - i. T-Mobile defaults in the payment of any sums to City when due, and does not cure such default within ten (10) days.

- ii. T-Mobile defaults in the performance of any other covenant or condition of this Lease and does not cure such other default within thirty (30) days after written notice from City specifying the default complained of.
 - iii. T-Mobile abandons or vacates the Premises.
 - iv. T-Mobile is adjudicated a bankrupt or makes any assignment for the benefit of creditors.
 - v. T-Mobile becomes insolvent or City reasonably believes itself to be insecure.
- b.** In the event of a default under this Lease by T-Mobile, City shall be entitled to any remedies provided under this Lease and as shall then be provided by law; except that City shall not be entitled to any personal property (including fixtures) on the property except those to which City is entitled at the end of the term of the Lease; provided that prior to and as a condition precedent to the exercise of any remedy, City shall give to T-Mobile written notice of default and the nature of the default and T-Mobile shall have thirty (30) days (or if the default cannot be cured within thirty (30) days a longer period as shall be necessary to cure the default acting with due diligence) after receipt of the notice within which to cure the default during which period no remedy shall be pursued.
- c.** For a breach of any provision of this Lease requiring that the use be in compliance with all applicable laws, rules, regulations, or standards, including but not limited to FCC rules and regulations, interference standards, environmental laws, or health protection laws, rules or regulations, City may, in addition to any other remedy it may have under this Lease or at law, obtain a temporary restraining order and preliminary injunction compelling it to cease and desist all operations on the Leased Premises until further order of the Court, since City does not have an adequate remedy at law. Prior to invoking such remedy, T-Mobile shall be given a thirty (30) day notice of the alleged default so that it may cure such default.
- d.** Re-entry and taking of possession of the Premises by City shall not be construed as an election on City's part to terminate this Lease, regardless of the extent of renovations and alterations by City, unless a written notice of such intention is given to T-Mobile by City. Notwithstanding any re-letting without termination, City may at any time thereafter elect to terminate this Lease for such previous breach.

- e. If suit shall be brought by City to recover possession of the Premises, or to recover of any rent or any other amount due under the provisions of this Lease, or because of the breach of any other covenant, T-Mobile shall pay to the Landlord all expenses incurred therefore, including reasonable attorney fees.

20. Cure by City. In the event of any default of this Lease by T-Mobile, the City may at any time, after notice, cure the default for the account of and at the expense of the T-Mobile. If City is compelled to pay or elects to pay any sum of money or to do any act which will require the payment of any sum of money or is compelled to incur any expense, including reasonable attorney fee, in instituting, prosecuting, or defending any action to enforce the City's rights under this Lease, the sums so paid by City, with all interest, costs, and damages shall be deemed to be Additional Rental and shall be due from T-Mobile to City on the first day of the month following the incurring of the respective expenses.

21. Damage or Destruction. If the Tower or any portion of the Tower is destroyed or damaged so as to materially hinder effective use of the Tower due to an "act of God" or other cause which is not the fault of the City, City may elect to terminate this Lease if T-Mobile does not repair or restore the Premises within one hundred twenty (120) days of written notice to T-Mobile of the damage or destruction. City agrees to reasonably extend this period of time if T-Mobile has diligently pursued such repair or restoration, but has been unable to complete such work for reasons beyond its control. In such event, all rights and obligations of the parties shall cease as of the date of the damage or destruction.

22. Indemnity and Insurance.

- a. **Disclaimer of Liability.** City shall not at any time be liable for injury or damage occurring to any person or property from any cause whatsoever arising out of T-Mobile's construction, maintenance, repair, use, operation, condition, or dismantling of the Premises.
- b. **Indemnification.** T-Mobile shall, at its sole cost and expense, indemnify and hold City (and its officers, boards, commissions, employees, agents, and contractors) harmless from and against:
 - i. Any and all liability, obligation, damages, penalties, claims, liens, costs, charges, losses and expenses

(including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and consultants), which may be imposed upon, incurred by or be asserted against the Indemnitees by reason of any act or omission of T-Mobile, its personnel, employees, agents, contractors or subcontractors, resulting in personal injury, bodily injury, sickness, disease or death to any person or damage to, loss of or destruction of tangible or intangible property, libel, slander, invasion of privacy, and unauthorized use of any trademark, trade name, copyright, patent, service mark or any other right of any person, firm or corporation, which may arise out of or be in any way connected with the construction, installation, operation, maintenance, use or condition of the Premises or the T-Mobile's failure to comply with any federal, state or local statute, ordinance or regulation.

ii. Any and all liabilities, obligations, damages, penalties, claims, liens, costs, charges, losses and expenses, (including, without limitation, reasonable fees and expenses of attorneys, expert witnesses and other consultants), which are imposed upon, incurred by or asserted against the Indemnitees reason of any claim or lien arising out of work, labor, materials or supplies provided or supplied to T-Mobile, its contractors or sub-contractors, for the installation, construction, operation, maintenance or use of the Premises. Upon written request of the City, T-Mobile shall cause such claim or lien on City's property to be discharged or bonded within thirty (30) days following such request.

c. **Notice, Cooperation and Expenses.** City shall give T-Mobile prompt notice of the making of any claim or the commencement of any action, suit or other proceeding covered by the provisions of this paragraph. Nothing shall be deemed to prevent City from cooperating with T-Mobile and participating in the defense of any litigation by City's own counsel. T-Mobile shall pay all expenses incurred by City in response to any such actions, suits or proceedings. These expenses shall include all out-of-pocket expenses such as attorney fees and shall also include the reasonable value of any services rendered by the City's attorney, and the actual expenses of City's agents, employees, or expert witnesses, and disbursements and liabilities assumed by City in connection with such suits, actions, or proceedings,

but shall not include attorneys fees for services that are unnecessarily duplicative of services provided by T-Mobile.

- d. Insurance.** During the term of the Lease, T-Mobile shall maintain, or cause to be maintained, in full force and effect and at its sole cost and expense, the following types and limits of insurance:
- i. Worker's compensation insurance meeting Michigan statutory requirements.
 - ii. Comprehensive commercial general liability insurance with minimum limits of Three Million (\$3,000,000) Dollars as the combined single limit for each occurrence of bodily injury, personal injury and property damage. The policy shall provide blanket contractual liability insurance for all written contracts, and shall include coverage for completed operations liability, independent contractor's liability; coverage for property damage from perils of explosion, collapse or damage to underground utilities, commonly known as XCU coverage.
 - iii. Automobile liability insurance covering all owned, hired, and non-owned vehicles in use by T-Mobile, its employees and agents, with personal protection insurance and property protection insurance to comply with the provisions of the Michigan No-Fault Insurance Law, including residual liability, insurance with minimum limits of One Million (\$1,000,000) Dollars as the combined single limit for each occurrence for bodily injury and property damage.
 - iv. Property insurance in the full insurable replacement value of the Tower, Equipment Shelter and related facilities.
 - v. At the start of and during the period of any construction, builders all-risk insurance, together with an installation floater or equivalent property coverage covering cables, materials, machinery and supplies of any nature whatsoever which are to be used in or incidental to the installation of the Tower. Upon completion of the installation of the Tower, T-Mobile shall substitute for the foregoing insurance policies of fire, extended coverage and vandalism and malicious

mischief insurance on the Premises. The amount of insurance at all times shall be representative of the insurable values installed or constructed.

- vi. Business interruption insurance coverage in an amount sufficient to cover such loss of revenues, for the period of time which it would take, under normal circumstances, to repair and replace that part(s) of the Premises which is damaged and causes the loss of revenue.
 - vii. All policies other than those for Worker's Compensation shall be written on an occurrence and not on a claims made basis.
 - viii. The coverage amounts set forth above may be met by a combination of underlying and umbrella policies, so long as in combination the limits equal or exceed those stated.
- e. Named Insured.** All policies, except for business interruption and worker's compensation policies, shall name City and its agents, employees, officers and subcontractors (herein referred to as the "Additional Insured"). Each policy which is to be endorsed to add Additional Insured hereunder shall contain cross-liability wording, as follows:
- In the event of a claim being made hereunder by one insured for which another insured is or may be liable, then this policy shall cover such insured against whom a claim is or may be made in the same manner as if separate policies had been issued to each insured hereunder.
- f. Evidence of Insurance.** Certificates of insurance for the insurance coverage required by this Lease, along with written evidence of payment of required premiums, shall be submitted to the City annually for the term of the Lease. Alternatively, T-Mobile shall provide City with evidence of participation in a satisfactory self-insurance program. T-Mobile shall immediately advise City of any claim or litigation that may result in liability to City.
- g. Cancellation of Policies of Insurance.** All insurance policies maintained pursuant to this Lease shall contain the following endorsement:

At least thirty (30) days prior written notice shall be given to City by the insurer of any intention not to renew such policy or to cancel, replace or materially alter same, such notice to be given by registered mail to the parties named in this paragraph of the Lease.

- h. Insurance Companies.** All insurance shall be provided by insurers licensed to do business by the State of Michigan, which are satisfactory to City.
- i. Deductibles.** All insurance policies may be written with deductibles, not to exceed \$50,000 unless approved in advance by City. T-Mobile agrees to indemnify and hold City harmless from and against the payment of any deductible and from the payment of any premium on any insurance policy required by this Lease.
- j. Contractors.** T-Mobile shall require that each and every one of its contractors and their subcontractors carry appropriate limits of insurance, and maintain said insurance in full force and effect. This includes workers' compensation, comprehensive public liability and automotive liability insurance coverage of the type that T-Mobile is required to obtain under the terms of this Lease.
- k. Review of Limits.** Once during each calendar year during the term of this Lease, City may review the insurance coverage to be carried by T-Mobile. If City determines that higher limits of coverage are necessary to protect the interests of City, T-Mobile shall be so notified and shall obtain the additional limits of insurance, at its sole cost and expense.

23. Hazardous Substance Indemnification. City and T-Mobile represent and warrant that their respective use of the Premises will not generate any hazardous substance, and they will not store or dispose on the Premises nor transport to or over the Premises any hazardous substance. Each party further agrees to hold the other harmless from and indemnify such party against any release of any such hazardous substance and any damage, loss, or expense or liability resulting from such release, including all attorney fees, costs and penalties incurred as a result thereof except any release caused by the negligence of the releasing party, its employees or agents. "Hazardous substance" shall be interpreted broadly to mean any substance or material defined or designated as hazardous or toxic waste, hazardous or toxic material, hazardous

or toxic or radioactive substance, or other similar term by any federal, state or local environmental law, regulation or rule presently in effect or promulgated in the future, as such laws, regulations or rules may be amended from time to time; and it shall be interpreted to include, but not be limited to, any substance which after release into the environment will or may reasonably be anticipated to cause sickness, death or disease.

24. Holding Over. Any holding over after the expiration of the term hereof, with the consent of the City, shall be construed to be a tenancy from month to month, and T-Mobile shall pay a pro-rated monthly rate that is equal to two times the annual rental amount required in the previous year of the Lease. All other Lease terms and conditions are applicable.

25. Removal of Equipment; Restoration. Except as otherwise provided herein, upon the expiration of this Lease, or the earlier termination and cancellation of this Lease by T-Mobile for any reason, T-Mobile may remove all of its antennae, equipment and other personal property located within the Equipment Shelter, and fixtures, including but not limited to its transmitting and receiving equipment, transmitting and receiving antennae and transmission lines. The Tower and the Equipment Shelter will remain at the Leased Premises and, if requested by City, T-Mobile shall convey the Equipment Shelter to the Landlord for One (\$1.00) dollar at City's option upon the termination of the Agreement. If requested by the City, T-Mobile shall remove the Equipment Shelter and Tower within ninety (90) days of the termination of this Lease, at its sole cost. Conveyance of the Equipment Shelter shall be by an instrument approved by the City Attorney. T-Mobile shall not remove any improvements which are required to be or which have been conveyed to the City, pursuant to this Lease. All removals that T-Mobile is required to make shall be completed within ninety (90) days after the effective date of expiration or other termination. T-Mobile shall restore the Property to substantially the same condition as existed as of the commencement of the term of this Lease, reasonable wear and tear excepted, provided, however, that T-Mobile will remove any driveways, sidewalks and foundation if requested by City, in accordance with City's codes ordinances and regulations. Underground piping or wiring or any other fixtures or improvements shall be reduced to a depth of not less than one foot below ground level, unless City imposes other requirements under its applicable codes. T-Mobile shall not remove any security fence unless otherwise requested by City, and any such fence shall become the property of the City. In the event that the T-Mobile fails to remove any improvements it installed on the Property that it is

required or entitled to remove within ninety (90) days of the termination of the Lease, City may do so, and charge the reasonable costs of the removal to T-Mobile.

26. Removal Bond. Upon termination of the Lease, T-Mobile shall provide a letter of credit, cash deposit or other security satisfactory to the City Attorney, in an amount determined by a licensed structural engineer, to cover the cost of removing the Tower, Equipment Shelter and related facilities, as required under Section 25.

27. Acceptance of Premises. By taking possession of the Premises, T-Mobile accepts the Premises in the condition existing as of the Commencement Date. City makes no representation or warranty with respect to the condition of the Premises and City shall not be liable for any latent or patent defect in the Premises.

28. Notices. All notices, requests, demands, and other communications hereunder shall be in writing and shall be deemed given if personally delivered or mailed, certified mail, return receipt requested, to the following addresses:

If to Landlord, to:

City Manager, City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

With a copy to:

City Attorney, City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

If to T- Mobile, to:

With a copy to:

29. Assignment and Subletting. T-Mobile shall not assign this Lease in whole or in part, or sublet all or any part of the Premises without City's prior written consent, except that it is permissible to assign such Lease to a parent or subsidiary of T-Mobile or to any entity with purchases substantially all of the assets of the T-Mobile. Consent by City to any assignment or subletting shall not constitute a waiver of the necessity of such consent to any subsequent assignment or subletting. This prohibition against any assignment or subletting shall not be construed to include a prohibition against any subletting or assignment by operation of law. If this Lease is assigned, or if the Premises or any part thereof is sublet or occupied by anyone other than T-Mobile, City may collect rent from the assignee, subtenant or occupant and apply the net amount collected to the rent and other obligations of T-Mobile, but no assignment, subletting, occupancy or collection shall be deemed a waiver or release of T-Mobile from further performance of the covenants on the part of T-Mobile. Notwithstanding any assignment or sublease, T-Mobile shall remain fully liable on this Lease and shall not be released from performing any of the terms, covenants, and conditions of this Lease. Any person or entity to which this Lease is assigned pursuant to the Bankruptcy Code, 11 USC Section 101 et. seq., shall be deemed without further act to have assumed all of the obligations of T-Mobile arising under this Lease on and after the date of such assignment. Any such assignee shall upon demand execute and deliver to City an instrument confirming such assumption. Any monies or other considerations payable or otherwise to be delivered in connection with such assignment shall be paid to City, shall be the exclusive property of City, and shall not constitute property of T-Mobile or of the estate of T-Mobile within the meaning of the Bankruptcy Code. Any monies or other considerations constituting City's property under the preceding sentence not paid or delivered to City shall be held in trust for the benefit of City and be promptly paid to City.

30. Successors and Assigns. This Lease shall be binding upon and inure to the benefit of the parties, their respective heirs, personal representatives, successors and assigns.

31. Co-Location. T-Mobile agrees to allow the Landlord to use space upon the Tower, provided the use does not unreasonably interfere with T-Mobile's use. It is also possible that other commercial carriers could co-locate on the Tower, provided such use does not unreasonably interfere with T-Mobile's use. Any rent received from these additional carriers would be payable to the City. Such collocation and terms by additional users shall be subject to review and approval by City, as required by this Lease.

32. Contact Person; Notice of Change. In order to have City be able to contact T-Mobile at any time with respect to the construction or operation of the Tower or its ancillary facilities, it is imperative that the City have a current contact person and current phone number of such contact person at all times. T-Mobile has designated the following person with the following phone number as the contact person in charge of the oversight of construction and operation of the Tower:

T-Mobile shall advise Tenant with 24 hours of any change in either the contact person or the phone number of the contact person.

33. Lease Memorandum. The parties may also execute a Memorandum of Lease for recording.

34. Termination.

- a. By T-Mobile. T-Mobile may terminate this Lease by notice to City, without further liability, if T-Mobile does not obtain within sixty (60) days all permit or other approvals (collectively, "approved") required from any governmental authority or any easements required from any third party to operate the PCS system (provided T-Mobile has diligently pursued obtaining such approval or easements in good faith, or if City does not have proper ownership of the Premises, or authority to enter into this Lease).
- b. By City. City may terminate this Lease for any default by T-Mobile in its obligations under this Lease.

35. Miscellaneous.

- a. City and T-Mobile represent that each, respectively, has full right, power and authority to execute this Lease.
- b. This Lease constitutes the entire agreement and understanding of the parties and supersedes all offers, negotiations, and other agreements of any kind. There are no representations or understandings of any kind not set forth. Any modification of or amendment to this Lease must be in writing and executed by both parties.
- c. This Lease shall be construed in accordance with the laws of the State of Michigan.

- d. If any term of this Lease is found to be void or invalid, such invalidity shall not effect the remaining terms of this Lease, which shall continue in full force and effect.
- e. T-Mobile agrees to look solely to the interest of City in the Premises for the satisfaction of any judgment against City, as a result of any breach by City of its obligations under this Lease. No other City property shall be subject to levy or execution as a result of any claim by T-Mobile against City, arising out of the relationship created by this Lease.

IN WITNESS HEREOF, the parties have executed this Lease on the date set forth below.

WITNESS:

By:
Its:

The foregoing instrument was acknowledged before me on this _____ day of _____, 2006 by _____.

Notary Public
_____ County, _____
My Commission Expires _____

WITNESS:

CITY OF TROY

By: _____
Louise Schilling, Mayor

By: _____
Tonni L. Bartholomew
City Clerk

The foregoing instrument was acknowledged before me on this _____ day of _____, 2006 by the Mayor of the City of Troy, and Tonni L. Bartholomew, Troy City Clerk.

Notary Public
_____ County, Michigan
My Commission Expires _____

EXHIBIT A

RENT

Years 1-3

Annual Rent

1. July 1, 2006- June 30, 2007	\$16,800
2. July 1, 2007- June 30, 2008	\$16,800
3. July 1, 2008- June 30, 2009	\$16,800

Years 5-9

4. July 1, 2009- June 30, 2010	\$19,200
5. July 1, 2010- June 30, 2011	\$19,200
6. July 1, 2011- June 30, 2012	\$19,200
7. July 1, 2012- June 30, 2013	\$19,200
8. July 1, 2013- June 30, 2014	\$19,200

Years 9-13

9. July 1, 2014- June 30, 2015	\$21,600
10. July 1, 2015- June 30, 2016	\$21,600
11. July 1, 2016- June 30, 2017	\$21,600
12. July 1, 2017- June 30, 2018	\$21,600
13. July 1, 2018- June 30, 2019	\$21,600

Years 14-16

14. July 1, 2019- June 30, 2020	\$24,000
15. July 1, 2020- June 30, 2021	\$24,000
16. July 1, 2021- June 30, 2022	\$24,000

DATE: November 8, 2006

TO: The Planning Commission

FROM: Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Ronald Figlan, Planner
Paula Preston Bratto, Planner

SUBJECT: PUBLIC HEARING – PROPOSED SPECIAL USE REQUEST (SU 340) –
Proposed T-Mobile Cellular Tower at Troy Fire Station No. 6, 5901
Coolidge Road, Located west of Coolidge, south of I-75, Section 7 – R-1B

GENERAL INFORMATION

Name of owner / applicant:

The owner is the City of Troy. The applicant is T-Mobile.

Location of subject property:

The property is located at 5901 Coolidge Road, west of Coolidge, south of I-75, in section 7.

Size of subject parcel:

The parcel is approximately 5.9 acres in area.

Current and proposed use of subject parcel:

Troy Fire Station No. 6 presently sits on the property. The applicant is proposing a 75-foot high tower with antennae. Note that City Council will need to approve the contract with T-Mobile to permit the establishment of the cellular tower on City property, following Preliminary Site Plan Approval.

Current Use of Adjacent Parcels:

North: Interstate I-75.
South: Single family residential.
East: Single family residential.
West: Single family residential.

Current zoning classification:

R-1B One Family Residential.

Zoning Classification of Adjacent Parcels:

North: R-1A (north of Interstate I-75).
South: R-1B One Family Residential.
East: R-1C One Family Residential.
West: R-1B One Family Residential.

Future Land Use Plan designation:

The parcel is classified on the Future Land Use Plan as Public & Quasi-Public – Fire Station.

ANALYSIS

Compliance with area and bulk requirements of the R-1B District:

Lot Area: 15,000 square feet required. 5.9 acres provided.

Lot Width: 100 feet required. 421.77 feet provided.

Height: The proposed structure height is 75 feet.

Setbacks: Freestanding tower structures must be set back at least 5 times the height of the structure from residentially zoned or used property feet, or 375 feet. The distances to residential property lines are as follows:
North: 451.77 feet.
South: 390 feet.
East: 375 feet.
West: 375 feet.

The application meets the area and bulk requirements of the R-1B District.

Off-street parking and loading requirements:

There is no parking space standard for freestanding tower structures. The applicant has provided two spaces for maintenance vehicles.

Vehicular and non-motorized access:

Access to the tower structure is provided by a 24-foot wide access easement between Coolidge and the tower entry drive.

Storm water detention:

The tower and related structures and hard surfaces will not generate a significant amount of storm water runoff.

Environmental provisions:

The tower will be surrounded by a 6-foot high wooden fence.

Natural features and floodplains:

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

Special Use Approval Standards (Section 03.31.05):

The application meets the following Special Use Approval Standards:

- (A) The land use or activity being proposed shall be of such location, size and character as to be compatible with the orderly development or use of adjacent land and/or Districts.
- (B) The land use or activity under consideration is within the capacity limitations of the existing or proposed public services and facilities, which serve its location.

Special Use Approval Standards for freestanding tower structures (Section 10.30.08):
The application meets the Special Use Standards for 10.30.08.

Compatibility with adjacent land uses:

The tower structure is a minimum of 375 feet from residential property and approximately 475 feet from the nearest home. Existing trees on the property will assist in shielding the tower from the southwest.

COMMENTS FROM INTERNAL REVIEW

Engineering Department:

“No objections”.

Transportation Engineer:

“Please ask petitioner if it would be OK to place a camera on their pole for freeway surveillance”.

Department of Public Works:

“OK”.

Building Department:

“Is the equipment enclosure large enough for co-location? Special use approval required”.

Environmental Specialist:

- “1. Must apply for a soil erosion permit from the City of Troy Engineering Department (Part 91, PA 451).
- 1. No wetland issues.
- 2. No floodplain issues”.

Fire Department:

“OK”.

Parks and Recreation:

“Tree preservation plan approved.
No landscaping required”.

Police Department

No comments provided.

CITY MANAGEMENT RECOMMENDATION

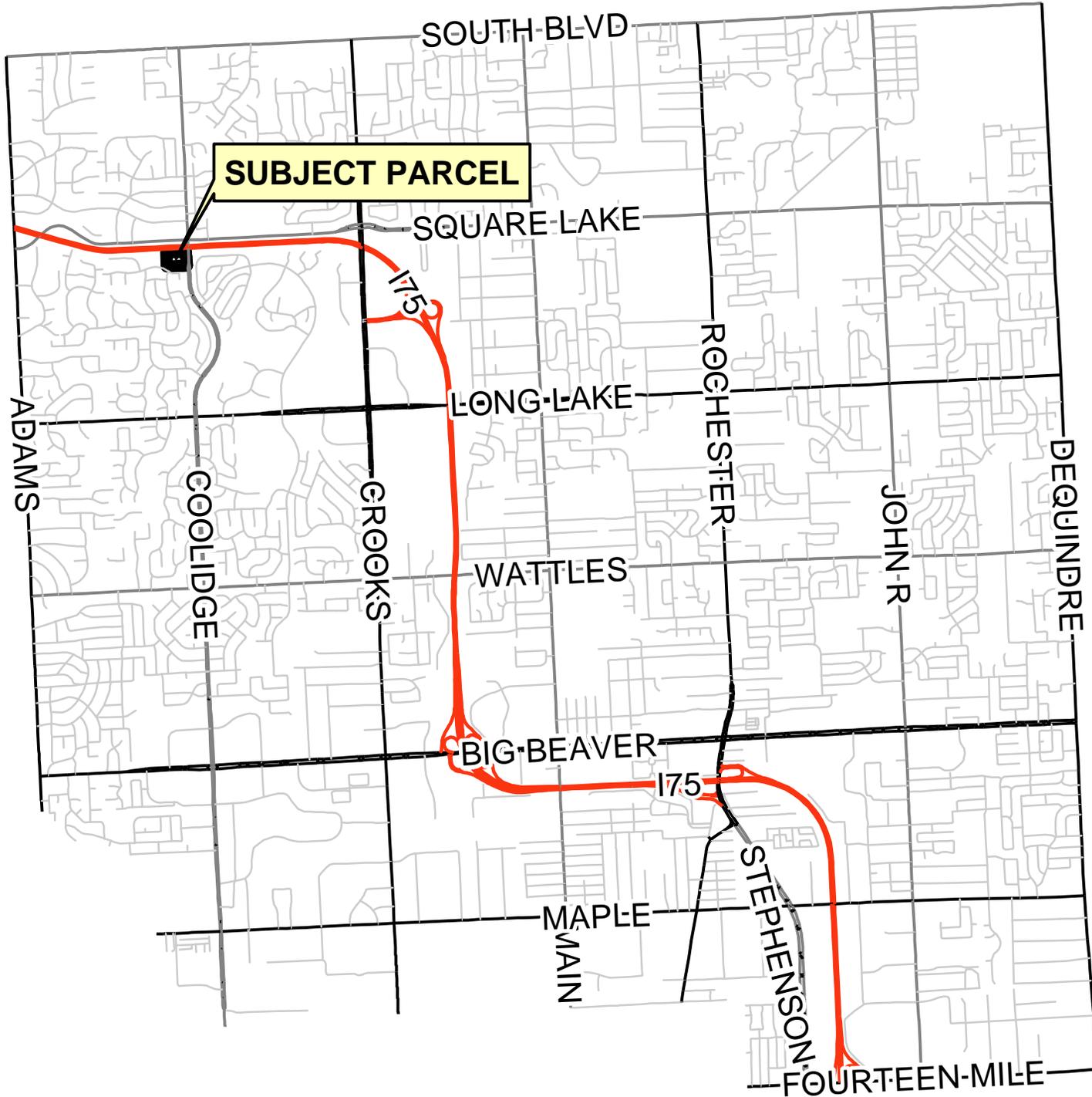
City Management recommends approval of the Special Use Request and Site Plan with the following conditions:

1. The applicant shall provide financial assurances, in a form acceptable to the City Manager, that the communication tower shall be removed from the site within one (1) year of the date that its use ceases, as per Section 10.30.08.I.2 of the City of Troy Zoning Ordinance.
2. To minimize the impact of communication towers on the City of Troy, the applicant shall provide for future collocation of wireless communication equipment on the tower per 10.30.08.J of the City of Troy Zoning Ordinance.

cc: Applicant
File\SU 340

G:\SPECIAL USE\SU-340 T-Mobile Cellular Tower Sec 7\SU-340 T-Mobile PC Report 11 14 06.doc

CITY OF TROY



SPECIAL USE REQUEST
T MOBILE CELL TOWER
SW CORNER OF COOLDIGE & I-75
5901 COOLDIGE (FIRE STATION #6)
SEC. 7 (SU-340)

W SQUARE LAKE

N I75

S I75

SUBJECT PROPERTY

COOLDIGE HWY

FLEETWOOD

BELMONT

HAVERFORD

FARMBROOK

CLEARVIEW

HIDDEN FOREST

SPRINGBROOK

FAIRCATTLE

FORDHAM



SPECIAL USE REQUEST
T MOBILE CELL TOWER
SW CORNER OF COOLDIGE & I-75
5901 COOLDIGE (FIRE STATION #6)
SEC. 7 (SU-340)

(R-1A)

W SQUARE LAKE

N I75

S I75

SUBJECT PROPERTY

(R-1B)

(R-1C)

FLEETWOOD

COOLDIGE HWY

BELMONT

HAVERFORD

FARMBROOK

CLEARVIEW

HIDDEN FOREST

SPRINGBROOK

FAIRCATTLE

GREEN

FORDHAM

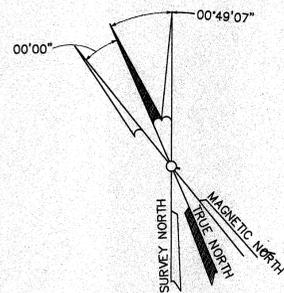


LEGEND / ABBREVIATIONS

- (P) PROPOSED
- (E) EXISTING
- IRON PIPE FOUND
- 1' CONTOUR INTERVAL
- 5' CONTOUR INTERVAL
- PROPERTY LINE
- - - - - PROPOSED LEASE LINE
- X X X X X PROPOSED FENCE
- PROPOSED SPOT ELEVATION
- EXISTING TRANSFORMER
- EXISTING TREE
- BENCHMARK
- IRON PIN SET
- IRON PIN FOUND
- EXISTING WATER VALVE
- EXISTING FIRE HYDRANT
- EXISTING WATER MANHOLE
- EXISTING WATER METER
- EXISTING PARKING METER
- EXISTING STREET SIGN
- EXISTING BILLBOARD & LARGE SIGNS
- EXISTING GUARDRAIL
- EXISTING LIGHT POLE
- EXISTING UTILITY POLE
- EXISTING UTILITY POLE W/ STREET LIGHT
- EXISTING GROUND GUY WIRE
- EXISTING GAS VALVE
- EXISTING TRAFFIC SIGNAL POLE
- EXISTING SANITARY MANHOLE
- EXISTING STORM MANHOLE
- EXISTING ELEC OR TELE MH
- EXISTING INLET
- EXISTING TRENCH DRAIN
- EXISTING STORM DRAIN
- EXISTING SANITARY
- EXISTING WATER MAIN
- EXISTING ELECTRIC WIRE
- EXISTING FENCE
- EXISTING CONCRETE
- EXISTING BUILDING

NOTES

1. ALL UNDERGROUND UTILITY INFORMATION PRESENTED HEREON WAS DETERMINED FROM SURFACE EVIDENCE AND PLANS OF RECORD. NO SUBSURFACE INVESTIGATION WAS PERFORMED BY NANDINA, INC.
2. ALL SURVEY INFORMATION FROM SITE SURVEY PERFORMED BY AR SURVEYING, DATED 06/30/06, AND TITLED "TROY FIRE STATION - DE02621B".



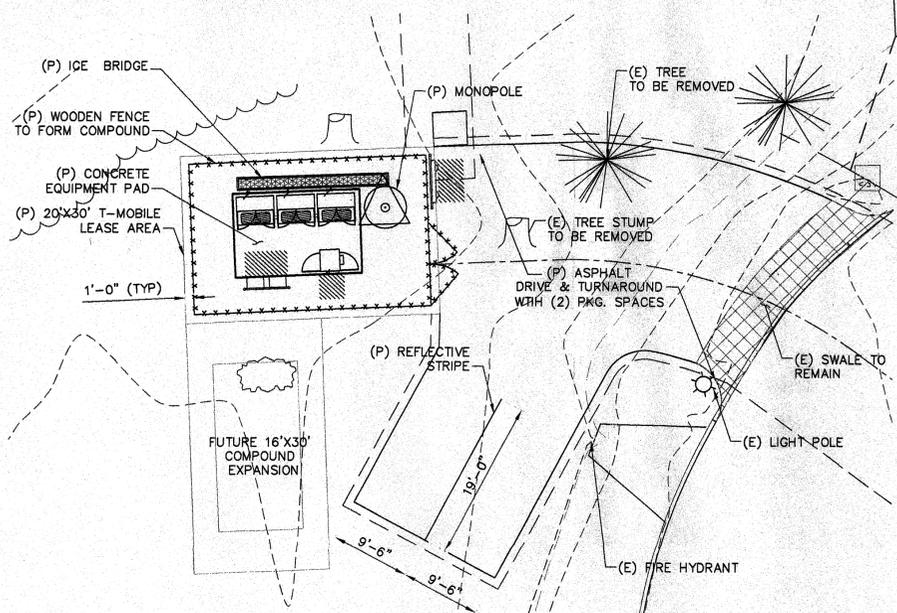
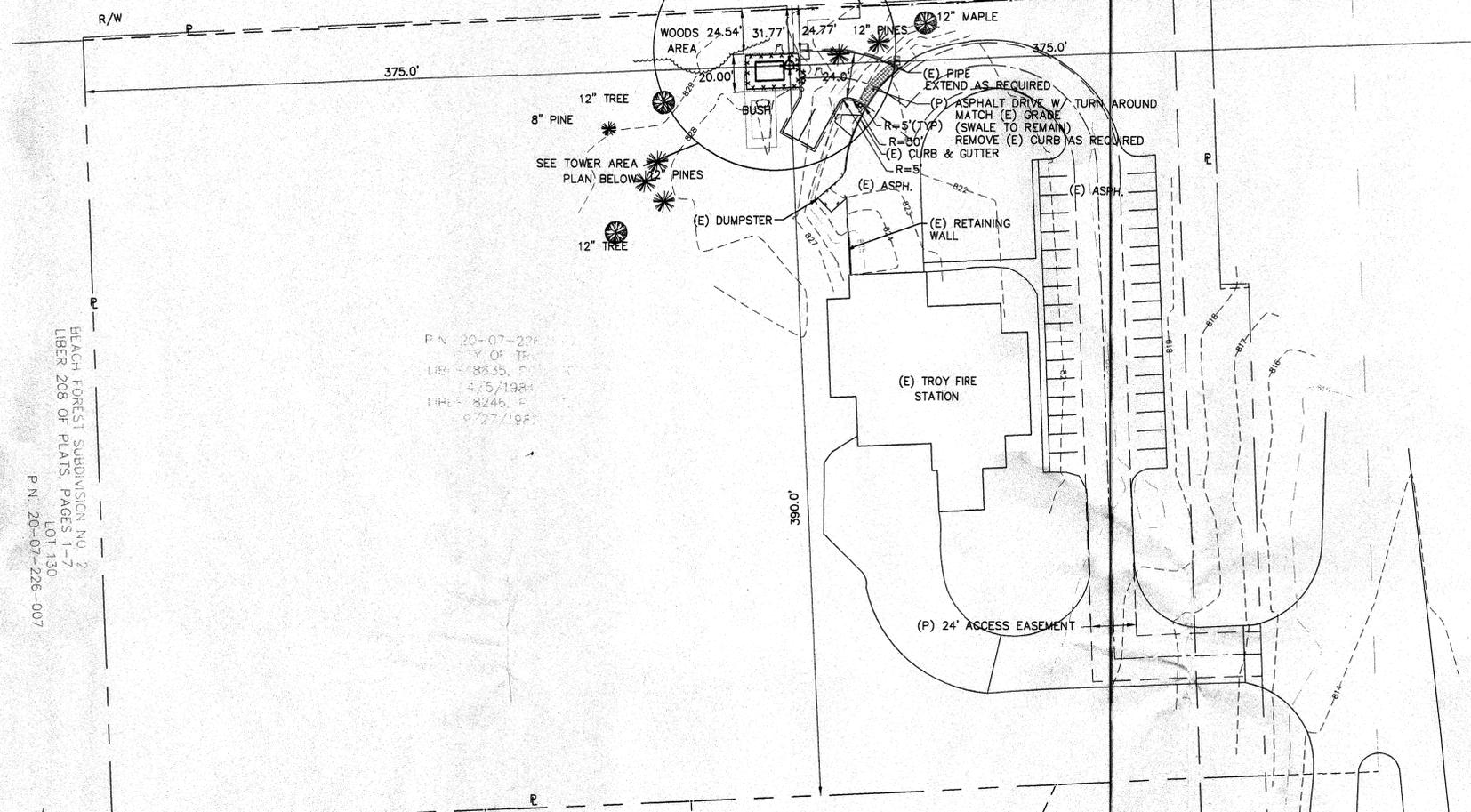
BEACH FOREST SUBDIVISION NO. 2
LIBER 208 OF PLATS, PAGES 1-7
LOT 130
P.N. 20-07-226-007

LOT 129
P.N. 20-07-226-008

BEACH FOREST SUBDIVISION NO. 2
LIBER 208 OF PLATS, PAGES 1-7

LOT 127
P.N. 20-07-226-010

(FREEWAY SURVEILLANCE)
INTERSTATE 75 - 300' R/W
FENCE LINE
BENCHMARK:
BENT IRON PIN FOUND
AT NORTHEAST CORNER
OF PROPERTY LINE
ELEVATION = 821.92'
R/W BENT 5/8" IRON PIN FOUND



TOWER AREA PLAN

SCALE: 1" = 10'
0 5 10 20 30

OVERALL SITE PLAN

SCALE: 1" = 40'
0 20 40 80 120

T-Mobile USA, INC.

12170 MERRIMAN ROAD
LIVONIA, MI 48150

Office: 734-367-7200
Fax: 735-367-7242

THIS DOCUMENT AND INFORMATION HEREIN IS THE PROPERTY OF T-MOBILE USA, INC. THE DOCUMENT AND INFORMATION SHALL NOT BE REPRODUCED, USED OR DISCLOSED WITHOUT THE PRIOR WRITTEN AUTHORIZATION OF T-MOBILE USA, INC.

NANDINA

9435 WATERSTONE BLVD., SUITE 140
CINCINNATI, OHIO 45249

PHONE 513 444 2102
FACSIMILE 513 444 2099
WWW.NANDINAGROUP.COM



W.O. # 1004.002.DE02621

DATE: 07/07/06

DRAWN BY: A.B.

CHECKED BY: L.F.

#	DATE	REVISIONS
A	07/07/06	FOR REVIEW
0	07/14/06	FOR ZNG & CONSTRUCTION
1	10/09/06	REV. PER TROY PLANNING
2	10/20/06	REV. PER TROY PLANNING
3	10/23/06	REV. PER TROY PLANNING

TROY FIRE STATION RL
DE02621B

5901 COOLIDGE HWY
TROY, MI 48098

SHEET TITLE

SITE PLAN

SHEET NUMBER

C-1

ANTENNA NOTES

- DESIGN AND CONSTRUCTION OF ANTENNA SUPPORTS SHALL CONFORM TO TIA/EIA-222-F "STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES".
- ALL STEEL MATERIALS SHALL BE GALVANIZED AFTER FABRICATION IN ACCORDANCE WITH ASTM A123 "ZINC (HOT-DIP GALVANIZED) COATINGS ON IRON AND STEEL PRODUCTS", UNLESS OTHERWISE NOTED.
- ALL BOLTS, ANCHORS AND MISCELLANEOUS HARDWARE SHALL BE GALVANIZED IN ACCORDANCE WITH ASTM A153 "ZINC-COATING (HOT-DIP) ON IRON AND STEEL HARDWARE", UNLESS OTHERWISE NOTED.
- DAMAGED GALVANIZED SURFACES SHALL BE REPAIRED BY COLD GALVANIZING IN ACCORDANCE WITH ASTM A780.
- ALL ANTENNA MOUNTS SHALL BE INSTALLED WITH DOUBLE NUTS AND SHALL BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
- DESIGN OF THE ANTENNA MOUNTING BRACKETS, SUPPORTS, AND ALL COMPONENTS THEREOF AND ATTACHMENT THERETO SHALL BE THE RESPONSIBILITY OF THE MANUFACTURER. MANUFACTURER SHALL PROVIDE THE OWNER DRAWINGS DETAILING ALL COMPONENTS OF THE ASSEMBLY, INCLUDING CONNECTIONS, DESIGN LOADS, AND ALL OTHER PERTINENT DATA. MANUFACTURER SHALL ALSO PROVIDE THE OWNER WITH A STATEMENT OF COMPLIANCE, INDICATING THAT THE ANTENNA SUPPORTS HAVE BEEN DESIGNED IN ACCORDANCE WITH TIA/EIA-222-F STANDARDS. ALL SUBMISSIONS SHALL BEAR THE SIGNATURE AND SEAL OF A PROFESSIONAL ENGINEER LICENSED IN THE STATE IN WHICH THE SITE IS LOCATED.
- ALLOWABLE TOLERANCES:
ANTENNA DOWNTILT TOLERANCE = ± 0.2°
ANTENNA SIDETILT TOLERANCE = ± 0.2°
- ALL DOWNTILTS AND AZIMUTHS MUST BE VERIFIED BY THE RF SITE DATA SHEET. SEE PROJECT MANAGER FOR INFORMATION.
- ALL AZIMUTHS TO BE SET FROM TRUE NORTH.

COAX CABLE IDENTIFICATION

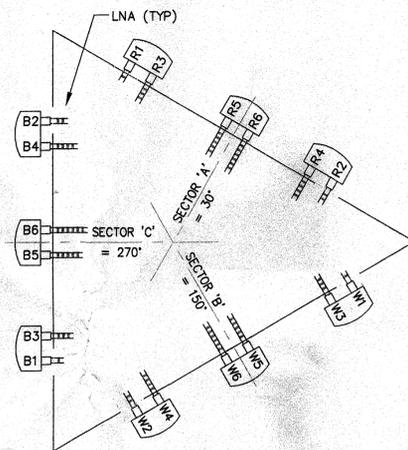
CONTRACTOR MUST PROVIDE EASY IDENTIFICATION AND UNIFORM MARKING OF ANTENNA CABLING, PER THE FOLLOWING INSTRUCTIONS:

- LOCATION: MARKINGS SHALL BE MADE USING COLOR TAPE WITH 3" OF COVERAGE AFFIXED AT THREE PLACES ON THE COAX CABLE RUN AS FOLLOWS:
FIRST - ON THE COAX AT THE CONNECTOR NEAREST TO THE ANTENNA (WHERE THE COAX AND JUMPER ARE CONNECTED).
SECOND - AT THE BASE OF THE TOWER STRUCTURE.
THIRD - AT A POINT OUTSIDE THE BTS (JUST PRIOR TO THE MGB).
- SECTOR IDENTIFICATION: NORMALLY A SITE WILL HAVE UP TO THREE SECTORS. SECTORS SHALL BE CONSIDERED IN A CLOCKWISE MANNER; THE ALPHA SECTOR IS CLOSEST TO ZERO DEGREE (NORTH) AND THE BETA AND GAMMA FOLLOW CLOCKWISE IN SEQUENCE.
ALPHA SECTOR - RED
BETA SECTOR - WHITE
GAMMA SECTOR - BLUE
SEE 1 C-3
- COLOR CODE IS REQUIRED AT HALF THE LENGTH OF THE COAX IF RAD CENTER IS GREATER THAN 201'.

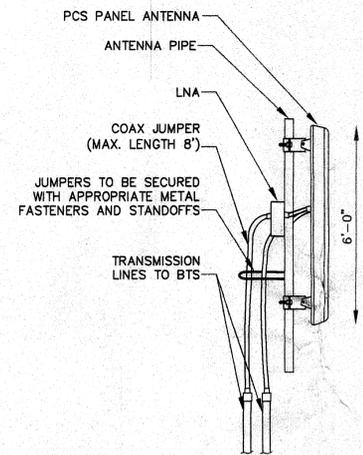
TOWER NOTES

- NANDINA, INC. DID NOT EVALUATE THIS TOWER, TOWER FOUNDATIONS, OR ANY PORTION THEREOF FOR STRUCTURAL CAPACITY TO PERMIT THIS INSTALLATION. NO TOWER DRAWINGS WERE AVAILABLE, NO CLIMBING INSPECTION WAS PERFORMED AND NO ANALYSIS WAS COMPLETED.
- THE VERIFICATION OF STRUCTURAL ADEQUACY AND DESIGN OF THE ATTACHMENTS MUST BE PERFORMED, PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, BY A PROFESSIONAL ENGINEER LICENSED IN THE STATE IN WHICH THE SITE IS LOCATED.
- ALL WORK SHOULD CONFORM TO THE CURRENT STANDARD (ANSI/TIA/EIA-222-F "STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES") AND APPLICABLE STATE AND LOCAL CODES.

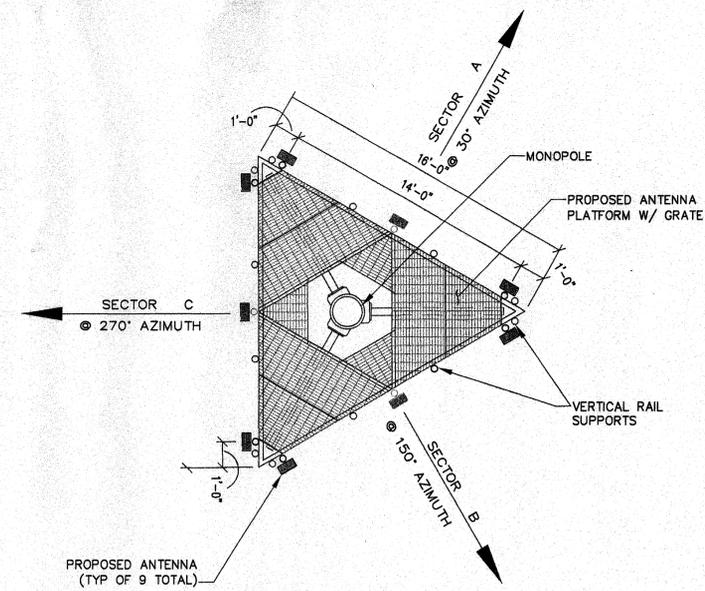
ANTENNA & COAX SCHEDULE			
SECTOR	"A"	"B"	"C"
ANTENNA TYPE	RR65-19-00DP	RR65-19-02DP	RR65-19-02DP
NUMBER OF ANTENNAS	3	3	3
DEGREES OFF TRUE NORTH	30°	150°	270°
RESERVED CENTERLINE ELEVATION	75'-0"	75'-0"	75'-0"
CABLE SIZE	7/8"Ø	7/8"Ø	7/8"Ø
# OF COAX LINES PER ANTENNA	2	2	2
COAX LENGTH	90'	90'	90'
MECH. DOWNTILT	0	0	0
LNA	0	2	2
JUMPER SIZE	1/2"Ø	1/2"Ø	1/2"Ø
ANTENNA JUMP. LENGTH	4'-0"	4'-0"	4'-0"
BTS JUMPER LENGTH	8'-0"	8'-0"	8'-0"



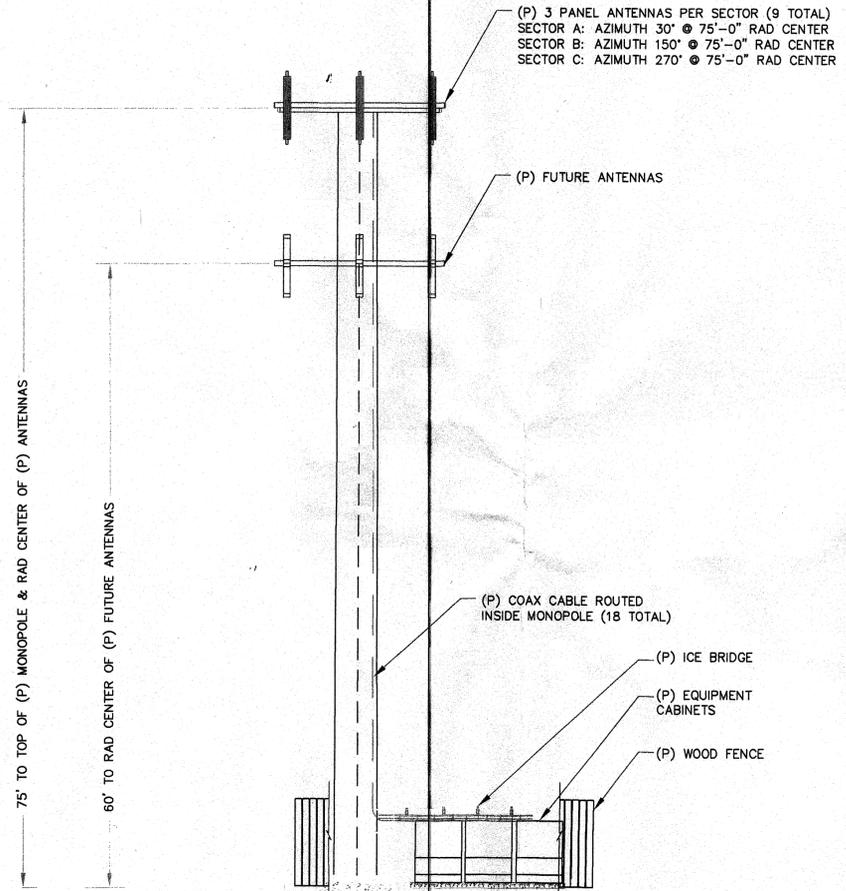
TYPICAL ANTENNA PLAN 1 C-3
SCALE: N.T.S.



BIPOLAR PANEL ANTENNA 2 C-3
SCALE: N.T.S.



ANTENNA ORIENTATION 3 C-3
SCALE: N.T.S.



SITE ELEVATION 4 C-3
SCALE = 1:8
NOTE: NOT ALL (P) AND (C) EQUIPMENT SHOWN FOR CLARITY.

T-Mobile USA, INC.

12170 MERRIMAN ROAD
LIVONIA, MI 48150

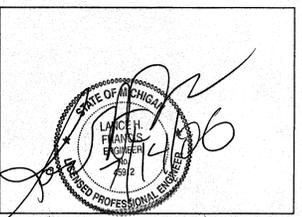
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NANDINA

9435 WATERSTONE BLVD., SUITE 140
CINCINNATI, OHIO 45249

PHONE 513 444 2102
FACSIMILE 513 444 2099
WWW.NANDINAGROUP.COM



W.O. # 1004.002.DE02621
DATE: 07/07/06
DRAWN BY: A.B.
CHECKED BY: L.F.

#	DATE	REVISIONS
A	07/07/06	FOR REVIEW
0	07/14/06	FOR ZNG & CONSTRUCTION

TROY FIRE STATION RL
DE02621B

5901 COOLIDGE HWY
TROY, MI 48098

SHEET TITLE
ELEVATION & ANTENNA DETAILS

SHEET NUMBER
C-3

FACT SHEET

SUMMARY OF SECTION 704 OF THE TELECOMMUNICATIONS ACT OF 1996

The following is a summary of key provisions. The text of Section 704 is reproduced in its entirety as an attachment to this summary.

1. Local Zoning Authority Preserved

Section 704(a) of the 1996 Act amends Section 332(c) of the Communications Act ("Mobile Services") by adding a new paragraph (7). It preserves the authority of state and local governments over decisions regarding the placement, construction, and modification of personal wireless service facilities, except as provided in the new paragraph (7).

2. Exceptions

a. States and Localities May Not Take Discriminatory or Prohibiting Actions

Section 704(a) of the 1996 Act states that the regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof shall not unreasonably discriminate among providers of functionally equivalent services and shall not prohibit or have the effect of prohibiting the provision of personal wireless services. 47 U.S.C. §332(c)(7)(B)(i).

Review: Any person that is adversely affected by a state or local government's action or failure to act that is inconsistent with Section 332(c)(7) may seek expedited review in the courts. 47 U.S.C. §332(c)(7)(B)(v).

b. Procedures for Ruling on Requests to Place, Construct or Modify Personal Wireless Service Facilities

Section 704(a) also requires a State or local government to act upon a request for authorization to place, construct, or modify personal wireless service facilities within a reasonable time. Any decision to deny a request must be made in writing and be supported by substantial evidence contained in a written record. 47 U.S.C. §332(c)(7)(B)(ii), (iii).

c. Regulations Based On Environmental Effects of RF Emissions Preempted

Section 704(a) of the 1996 Act expressly preempts state and local government regulation of the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the FCC's regulations concerning such emissions. 47 U.S.C. §332(c)(7)(B)(iv).

Review: Parties may seek relief from the FCC if they are adversely affected by a state or local government's final action or failure to act that is inconsistent with this provision. 47 U.S.C. § 332(c)(7)(B)(v).

3. Federal Guidelines Concerning RF Emissions

Section 704(b) requires the FCC to prescribe and make effective new rules regarding the environmental effects of radio frequency emissions, which are under consideration in ET Docket 93-62, within 180 days of enactment of the 1996 Act.

*NOTE: The pendency of this proceeding before the FCC does not affect the rules which currently are in effect governing the environmental effects of radio frequency emissions. Section 704(b) gives preemptive effect to these existing rules. **

4. Use of Federal or State Government Property

a. Federal Property

Section 704(c) of the 1996 Act requires the President (or his designee) to prescribe procedures by which the federal government may make available on a fair, reasonable and nondiscriminatory basis, property, rights-of-way and easements under their control, for the placement of new spectrum-based telecommunications services.

b. State Property

With respect to facilities siting on state property, Section 704(c) of the 1996 Act requires the FCC to provide technical support to States to encourage them to make property, rights-of-way and easements under their jurisdiction available for the placement of new spectrum-based telecommunications services.

5. Definitions

"Personal wireless services" include commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services. 47 U.S.C. §332(c)(7)(C)(i).

"Commercial mobile services" are defined in Section 332 of the Communications Act and the FCC's rules, and include cellular telephone services regulated under Part 22 of the FCC's rules, SMR services regulated under Part 90 of the FCC's rules, and PCS regulated under Part 24 of the FCC's rules. 47 C.F.R. §20.9.

"Unlicensed wireless services" are defined as the offering of telecommunications services using duly authorized devices which do not require individual licenses; direct-to-home satellite services are excluded from this definition. 47 U.S.C. §332(c)(7)(C)(iii).

* Information concerning RF hazards can be obtained on the World Wide Web at <http://www.fcc.gov/oet/faqs>. RF safety questions are answered and further RF documents and information are contained under the Cellular Telephony Section.

Paula P Bratto

From: sguzelay@aol.com
Sent: Friday, October 13, 2006 8:07 AM
To: Paula P Bratto
Subject: Telephone tower for T Mobil

I do not support adding the T Mobil tower in the suggested area off Coolidge Rd.

Suzanne Guzelaydin
3816 Ledge Dr
Troy, MI 48084
(248) 649-0848

Check out the new AOL. Most comprehensive set of free safety and security tools, free access to millions of high-quality videos from across the web, free AOL Mail and more.

Paula P Bratto

From: dcwe514@aol.com
Sent: Thursday, October 12, 2006 9:05 AM
To: Paula P Bratto
Subject: Cell Phone Tower - Fire Station 6

Sorry, I just realized you needed some info about who the sender of this e-mail is:
Dennis Eberlein - 2454 Oak Ridge Drive - Troy - 15 year resident of Beach Forest sub division - 248-641-5452. Thank You.

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

From: dcwe514@aol.com
To: planning@ci.troy.mi.us
Sent: Thu, 12 Oct 2006 9:02 AM
Subject: Cell Phone Tower - Fire Station 6

Add my objection to the numerous other objections you have received for the construction of this cell phone tower - what are you thinking???????

Check out the new AOL. Most comprehensive set of free safety and security tools, free access to millions of high-quality videos from across the web, free AOL Mail and more.

Paula P Bratto

From: Nitin Vaishampayan [nitinvee@hotmail.com]
Sent: Thursday, October 12, 2006 10:14 AM
To: Paula P Bratto
Subject: Cell phone tower

Dear Planning Commission,

I am a resident of the Beach Forest subdivision and am writing to express my opposition to the construction of proposed cell phone tower at 5901 Coolidge Hwy.

Being a Radiation Oncologist by profession, I am acutely aware of the possible health hazards of having a tower in such close proximity to residential areas and to the fire station where people are working daily.

We encourage your immediate rejection of this proposal by T-Mobile due to the health and property hazard it poses. Our community will vigorously oppose its construction if the proposal moves forward.

Thank you in advance for taking the above into consideration.

Sincerely,

Nitin Vaishampayan, M.D..
2311 Haverford Drive Troy MI 48098.
Tel# 248-952-1964.

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10/12/2006

Paula P Bratto

From: Vaishampayan, Ulka [vaishamu@karmanos.org]
Sent: Wednesday, October 11, 2006 1:23 PM
To: Paula P Bratto
Subject: Cell phone tower

Dear Planning Commission,

I am a resident of the Beach Forest subdivision and am writing to express my opposition to the construction of proposed cell phone tower at 5901 Coolidge Hwy.

Being an oncologist by profession, I am acutely aware of the possible health hazards of having a tower in such close proximity to residential areas and to the fire station where people are working daily.

We encourage your immediate rejection of this proposal by T-Mobile due to the health and property hazard it poses. Our community will vigorously oppose its construction if the proposal moves forward.

Thank you in advance for taking the above into consideration.

**Sincerely,
Ulka Vaishampayan.
2311 Haverford Drive Troy MI 48098.
Tel# 248-952-1964.**

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. If you are not the intended recipient(s), you are hereby notified that any dissemination, unauthorized review, use, disclosure, copying, or distribution of the contents of this email and/or any materials contained in any attachments is prohibited. If you have received this message in error, or are not the intended recipient(s), please immediately notify the sender by email and destroy all copies of the original message, including attachments.

SU 340

Paula P Bratto

From: Sandra Greene [daleandsandra2003@yahoo.com]
Sent: Wednesday, October 11, 2006 10:39 AM
To: Paula P Bratto
Subject: Cell Tower at 5901 Coolidge

Dear Planning Commission,

I am a resident of Beach Forest subdivision. I was recently informed of the proposal to locate a cell phone tower on the fire station property at 5901 Coolidge.

I wish to state my strong opposition to the proposed tower which would be located on the border of our subdivision.

I believe this tower would lower our already depressed property values, negatively affect the sale of homes in our subdivision and I would also be concerned about the health effects of the long term exposure to the transmissions from this tower.

I would encourage your rejection of this proposal by T-Mobile. I **strongly oppose this proposal.**

Sincerely,

Sandra M. Greene
5546 Woodfield Drive
Troy, MI 48098

Get your own [web address](#) for just \$1.99/1st yr. We'll help. [Yahoo! Small Business](#).

SU 340

Joseph A AMINE
Patricia S AMINE
1819 Connolly
Troy, MI 48098
(248) 641.5073

10 October 2006

City of Troy
Planning Commission

Dear Members:

We are residents of the Beach Forest subdivision.

It has come to our attention that there is a special use proposal to be considered at the planning commission meeting of 10 October to locate a cell phone tower on the fire station property at 5901 Coolidge.

We are writing to state our strong opposition to this proposal. Property values have suffered significantly in our area and we are concerned that locating the tower adjacent to our subdivision will further depress values.

In addition, and more importantly, the health effects of long term exposure to potentially hazardous microwave transmissions is still unknown and a risk that we do not wish to take.

Accordingly, we would ask that an alternative location, perhaps in the same general area but away from any residential locations, be considered.

Very truly yours,

/s/ Joseph A AMINE

Joseph A AMINE

/s/ Patricia S AMINE

Patricia S AMINE

Paula P Bratto

From: CQuatt1012@aol.com
Sent: Tuesday, October 10, 2006 8:53 PM
To: Paula P Bratto
Subject: Cell Tower / Beach Forest Sub

To Whom it may concern,

Our home is in the Beach Forest on the Haverford Drive Cul de Sac. We are adjacent to the proposed Cell Tower site and did not receive notice of the proposed tower. It seems that the mailing was to a select few homeowners, which we find appalling!

The placement of the tower would not only be visible from my home, emit radioactivity to my home and lower already depressed real estate values.

We are 100 % against this tower in a residential neighborhood and vote NO for a tower to be placed in our backyards!. We recommend finding a more suitable site for this proposed eyesore and danger to our health, happiness and homes!

Very Concerned Homeowner and Taxpayers
Catherine and John Quattrone
2022 Haverford Ct

SU 340

RECEIVED

OCT 26 2006

Planning Commission
City of Troy
500 W Big Beaver
Troy, MI 48084

Dear Planning Commission:

I am resident of Troy, Michigan and am writing to you concerning the placement of a cell phone tower on 5901 Coolidge at the Troy fire station property.

I am **strongly opposed** to allowing a cell phone tower at that location due to the possible health hazards it can emit and the unsightliness of the tower to all surrounding Troy neighborhoods. The proposed site for this cell phone is in a residential area and does not belong here.

I urge the Planning Commission to reject this proposal by T-Mobile at this location.

Sincerely,

Name Awni & Sara Fakhoury

Address 2114 Haverford

Telephone (248) 952-5879

Date 10/27/06

Planning Commission
City of Troy
500 W Big Beaver
Troy, MI 48084

REC'D

OCT 23 2006

PLANNING COMMISSION

Dear Planning Commission:

I am resident of Troy, Michigan and am writing to you concerning the placement of a cell phone tower on 5901 Coolidge at the Troy fire station property.

I am **strongly opposed** to allowing a cell phone tower at that location due to the possible health hazards it can remit and the unsightliness of the tower to all surrounding Troy neighborhoods. The proposed site for this cell phone is in a residential area and does not belong here.

I urge the Planning Commission to reject this proposal by T-Mobile at this location.

Sincerely,

Name Jeanne O'Dowd
Address 2340 Oak Ridge
Telephone (248) 267-8534
Date 10-21-06

SU 340

Planning Commission
City of Troy
500 W Big Beaver
Troy, MI 48084

REC'D

OCT 26 2006

Dear Planning Commission:

I am resident of Troy, Michigan and am writing to you concerning the placement of a cell phone tower on 5901 Coolidge at the Troy fire station property.

I am **strongly opposed** to allowing a cell phone tower at that location due to the possible health hazards it can remit and the unsightliness of the tower to all surrounding Troy neighborhoods. The proposed site for this cell phone is in a residential area and does not belong here.

I urge the Planning Commission to reject this proposal by T-Mobile at this location.

Sincerely,

Name John P. Cuttle
Address 2054 Haverford
Telephone 248 952 5601
Date 10/23/06

Paula P Bratto

From: Reno Liegghio [nliegghio@yahoo.com]
Sent: Sunday, November 05, 2006 6:34 PM
To: Paula P Bratto
Subject: Proposal to build Cellular tower at Southwest corner of Coolidge Hwy. and I-75 Property Address: 5901 Coolidge Highway

Dear Planning Commission,

I never have been to critical with issues related to city planning as there has been much positive growth and future planning to make Troy one of the best areas in the country to live in. Big Beaver's growth has been outstanding and becoming more impressive year to year.

I purchased my home in 1991 in the Beach Forest subdivision and paid a premium price as well as consistently higher taxes because of continued interest and increasing evaluation of the properties in the subdivision.

This year my taxes have increased approximately \$300 per month. Although I don't like paying extra taxes, I am currently not opposing paying this extra as the ROI continues to increase.

However, a Cellular tower built on the property proposed above would certainly make a significant dent into the currently lowering property values. The economy is cycling and hopefully will recover with the home values as well. A Cellular tower there would not be in anyone's best interest and would certainly depreciate the home values permanently irrespective of the cyclic economy.

Most of the concern is based on health issues. Although controversy exists, there is enough compelling scientific evidence to push the courts towards the conservative decision of these towers causing ill effects. This has been followed by judicial precedents in favor of homeowners, compensating them by utility companies themselves and/or decreasing assessed property values on an average of 10%.

Should the tower be approved, we also will have no choice except to strongly pursue due compensation for potential health risks and the reassessment of all properties in the area effected by this construction. This is not a small area and would include many of the high ended properties as well as many of the more influential and high income residents. The potential gains for the city to have this tower erected will be exponentially over weighed by the losses should we pursue a property reassessment to decrease property values and therefore taxes. There are other areas where a tower would have less effect on their surrounding neighborhoods.

I and many of the area neighbors and residents are strongly against this proposition and would like the Planning Commission to oppose this as well.

Sincerely,

Nazzareno Liegghio

Paula P Bratto

From: gcspiteri@aol.com

Sent: Tuesday, November 07, 2006 4:55 PM

To: Paula P Bratto

Subject: TMobile Cell tower

We live near the intersection of Coolidge and Square Lake and DO NOT want any kind of cell tower put in that area by the firestation! Please listen to the residents of Troy and do not consider this tower by any means!

Gayle and Joe Spiteri

6250 Carriage Trail

Troy, MI 48098

Check out the new AOL. Most comprehensive set of free safety and security tools, free access to millions of high-quality videos from across the web, free AOL Mail and more.

Paula P Bratto

From: Patrick King [patrickking@peoplepc.com]
Sent: Thursday, November 09, 2006 9:27 AM
To: Paula P Bratto
Subject: RE: T-Mobile Cell Tower

City of Troy Planning Committee -

I attended the October meeting on behalf of our family, at which this agenda item was postponed but you let the citizens speak. We wanted to let you know that as residents of Troy who live at the NE corner of Coolidge and Square Lake, WE don't want a cell tower that we would be able to see from our house. This is a residential area and if they want a cell tower, it should be placed elsewhere in the city that is not in the middle of a large residential area. Just because technology seems to be the thing to expand, it is not the best to potentially hurt residential areas. We moved to this area because we had underground wires, open park, and a sense of residential spirit not businesses. We are greatly opposed to this proposal of a cell tower on the property near the firestation and in our "backyard".

Please do not pass this proposal for this location in Troy or any location in Troy that is primarily residential. We appreciate your willingness to hear from the residents about this issue.

Thank you

Patrick and Linda King
6187 Country Ridge Drive
Troy MI 48098

December 13, 2006

Dear Mayor Schilling and Council Members:

I am enclosing 443 signatures of Troy residents that oppose the proposed cell phone tower at the fire station property at Square Lake and Coolidge. These 443 residents live in neighborhoods surrounding the fire station and do not want to see it installed at that location.

Please respect the voice of these citizens and not allow this contract with T Mobile at this site.

Respectfully submitted,

A handwritten signature in cursive script that reads "Lynn Remenar". The signature is written in dark ink and is positioned above the typed name and address.

Lynn Remenar
2466 Haverford Dr
Troy, MI 48098

By signing this Petition, I, as petitioner, agree with the following resolution:

RESOLVED, That a special use request be **DENIED** to establish a Cellular Tower within the R-1B (One Family Residential) District in accordance with the provisions of Section 10.30.08 (I) of the Zoning Ordinance.

BE IT FURTHER RESOLVED, That any Cellular Tower be **PROHIBITED** from being established or constructed within Parcel No.: 88-20-07-226-002.

Respectfully, submitted

Date	Name (Print)	Address	City	Zip Code	Signature
11/19/06	Yang Hua	2020 Golfview Dr	Troy	48084	Hua Yang
	Sun Lianli	2020 Golfview Dr	Troy	48084	Lianli Sun
	XIUMEI LI	1059 Kirk's Blvd.	Troy	48084	Xiumei Li
11/19/06	XueFang Dong	1768 Fleetwood	Troy	48098	Xuefang Dong
	SANDY FANG	2927 SARATOGA DR	Troy	48083	Sandy Fang
	ORANG WED	2306 ALEXANDER	Troy	48063	Orang Wed
	CHU WING LO	4021 SOMERTON DR	Troy	48085	Chu Wing Lo
	YUN LI	3300 Ellenboro DR	Troy	48083	Yun Li
	Sui Kuen Wong	4881 Somerton DR	Troy	48084	Sui Kuen Wong
			Troy		

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Respectfully, submitted

Date	Name (Print)	Address	City	Zip Code	Signature
11/20/06	Li Lin Deng	2027 Sundew Dr	Troy	48098	Li Lin Deng
11/20/06	Yaoming XIE	2027 Sundew Dr	Troy	48098	Yaoming Xie
11/24/06	Lilian Cao	5560 Firwood Dr	Troy	48098	Lilian Cao
11/24/06	Yan Zhao	1846 Brentwood Dr	Troy	48098	Yan Zhao
11/25/06	Robert Guo	2733 Knight Dr.	Troy	48085	Robert Guo
11/25/06	JIM CAO	5560 Firwood Dr	Troy	48098	Jim Cao
11/25/06	Minnie Cao	2377 Claymont	Troy	48098	Minnie Cao
11/25/06	Liz Feng	2027 Sundew Dr	Troy	48098	Liz Feng
11/26/06	William J Bai	1006 Brentwood	Troy	48098	William Bai
12/6/06	DAVID ONG	1903 Fleetwood	Troy	48098	David Ong
			Troy		

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Respectfully, submitted

Date	Name (Print)	Address	City	Zip Code	Signature
11/15	Xiao Zhu	5592 Fawn Ct	Troy	48098	<i>Xiao Zhu</i>
11/17	Weizhen Tu	2429 Waltham Dr	Troy	48085	<i>Weizhen Tu</i>
11/17	FATHY CAI	2141 CASTLETON	Troy	48083	<i>Fathy Cai</i>
11/18/06	Guang Zhu	5592 Fawn Ct	Troy	48098	<i>Guang Zhu</i>
11/21/06	Zhi Dun	1634 Elmwood	Troy	48098	<i>Zhi Dun</i>
11-21-06	Michelle Chu	1816 Flemington Dr	Troy	48098	<i>Michelle Chu</i>
11-22-06	Yun Wang	2875 Troy Center Dr	Troy	48084	<i>Yun Wang</i>
11-3-06	Song Bai	1662 Brentwood Dr	Troy	48098	<i>Song Bai</i>
12-3-06	ALAN B. SPENCER	1959 ELSTWOOD	Troy	48098	<i>Alan B. Spencer</i>
			Troy		

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Respectfully, submitted

Date	Name (Print)	Address	City	Zip Code	Signature
11/21/2006	PEIYONG SUN	5797 Faircastle Dr	Troy	48098	
	MEN WANG		Troy		
	LEI YANG		Troy		
	Julie YANG	1778 New Castle Dr.	Troy	48098	
	CHE-Asi Yu		Troy		
	LILI GUO		Troy		
	Allen Gu	1187 Falcon Dr.	Troy	48098	
	Yuan Zhang		Troy		
	Charles Yuan	4327 Whisper Way Dr	Troy	48098	
	Zhongping zen		Troy		
	George XU		Troy		
	Lih-yun Hsieh	4812 Flowerhill Dr.	Troy	48098	
	June Gas	135 timberview	Troy	48098	
	Jean Wang	401 thistle Ln.	Troy	48098	
	Aihua GUO	6244 Actins Rd.	Troy	48098	
	GUOYU YANG		Troy		
	Li Li		Troy		
	Ping Han	4327 Whisperway Dr	Troy	48098	
			Troy		
			Troy		
			Troy		

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Respectfully, submitted

Date	Name (Print)	Address	City	Zip Code	Signature
11-17-06	Mary L.	1665 Fleetwood	Troy	48098	Mary L.
11-17-06	CONNIE J.	6635 Hilltop Dr	Troy	48098	Connie J.
11-17-06	Wei Long	1857 Wyrngate Dr.	Troy	48098	Wei Long
11-17-06	Jiang Shu	1857 Wyrngate Dr.	Troy	48098	Jiang Shu
11-17-06	DEB MAJUMDAR	6130 SMTAFIELD DR	Troy	48085	Deb Majumdar
11-17-06	SUJIT DATTA	3351 MUECKNOLL DR	Troy	48084	Sujit Datta
11-17-06	NINGSHENG QIHO	1369 Provincial Dr.	Troy	48084	Ningsheng Qiho
11-17-06	Lili Guo	6635 Hilltop Dr	Troy	48098	Lili Guo
11-17-06	CHHIPING KUAN	2135 W. Maple Rd.	Troy	48084	Chhiping Kuan
11-17-06	YUPING XU	1299 Provincial Dr	Troy	48084	Yuping Xu
11-17-06	Andrew Shun	1457 Brookdale	Troy	48098	Andrew Shun
11-17-06	Zhiqian Zha	1369 Hartwig Dr	Troy	48084	Zhiqian Zha
11-17-06	Vimala Patel	4208 Troy	Troy	48085	Vimala Patel
11-18-06	Melissa Bailey	1681 Fleetwood	Troy	48098	Melissa Bailey
11-18-06	off Tsui	1641 Fleetwood	Troy	48098	off Tsui
11-18-06	Rita Wilson	1697 Fleetwood	Troy	48098	Rita Wilson
11/21/06	Bob Liu	1665 Fleetwood	Troy	48098	Bob Liu
11-23-06	Harrison Leppin	1576 Foxham	Troy	48098	Harrison Leppin
11-23-06	Kon Smart	1468 Fordham	Troy	48098	Kon Smart
11-23-06	Barbara J. Allen	1823 Fleetwood	Troy	48098	Barbara J. Allen

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Respectfully, submitted

Date	Name (Print)	Address	City	Zip Code	Signature
10-26-06	GERALDINE B RAPSON	5606 Cheltenham	Troy	48098	Geraldine B Rapson
10/26/06	Earl J. Rapson	5606 Cheltenham	Troy	48098	Earl J. Rapson
11/26/06	SHARON SAKOWICZ	5515 CHELTENHAM	Troy	48098	Sharon Sakowicz
11/26/06	MING-RAN LEE	5488 Cheltenham	Troy	48098	Ming-ran Lee
11/26/06	Haitang Hu	5452 Cheltenham	Troy	48098	Haitang Hu
11/26/06	Song Tingjun	5452 Cheltenham	Troy	48098	Song Tingjun
11/26/06	Peter Kucyjs	5453 Cheltenham	Troy	48098	Peter Kucyjs
11/26/06	Barbara Kucyjs	5453 Cheltenham	Troy	48098	Barbara Kucyjs
11/26/06	Vera Kucyjs	5453 Cheltenham	Troy	48098	Vera Kucyjs
11/26/06	Geraldine Haruhin	5434 Cheltenham	Troy	48098	Geraldine Haruhin
11/26/06	Mary S. Lee	5541 Cheltenham	Troy	48098	Mary S. Lee
11/26/06	KARL A. KORINEK	5389 CHELTENHAM	Troy	48098	Karl A. Korinek
11/26/06	John Salomon	1919 Connolly	Troy	48098	John Salomon
11/26/06	Michelle Salomon	1919 Connolly	Troy	48098	Michelle Salomon
12/2/06	KEN EBEL	1745 FLEETWOOD	Troy	48098	Ken Ebel
12/2/06	Theresa Gebara	5305 Collington	Troy	48098	Theresa Gebara
12/2/06	Kevin Lambria	5558 Firwood	Troy	48098	Kevin Lambria
12-2-06	Gerald DeHondt II	5768 Firwood Drive	Troy	48098	Gerald R. DeHondt II
12-2-06	Mary Doolen	5741 Firwood	Troy	48098	Mary E. Doolen
12-2-06	Marie M. Doolen	6064 Silverstone	Troy	48085	Marie M. Doolen
12-2-06	David T. Doolen	5741 Firwood	Troy	48098	David T. Doolen

By signing this Petition, I, as petitioner, agree with the following resolution:

RESOLVED, That a special use request be **DENIED** to establish a Cellular Tower within the R-1B (One Family Residential) District in accordance with the provisions of Section 10.30.08 (I) of the Zoning Ordinance.

BE IT FURTHER RESOLVED, That any Cellular Tower be **PROHIBITED** from being established or constructed within Parcel No.: 88-20-07-226-002.

Respectfully, submitted

Date	Name (Print)	Address	City	Zip Code	Signature
11/18/06	Wendy Wn	1942 Fleetwood	Troy	48098	Wendy Wn
11/18/06	Lingbin Cha	6584 Pinnacal	Troy	48098	Lingbin Cha
11/18/06	Vijayalakshmi Chandrasekhar	1735 Van Court Hill	Troy	48098	Vijayalakshmi Chandrasekhar
11/18/06	CHANDRASEKHAR NAMUDURI	5853 RUBY DRIVE	Troy	48098	Chandrasekhar Namuduri
11/18/06	RUSSELL T. HOLMES	1837 FORDHAM	Troy	48098	Russell T. Holmes
11/23/06	Priya Singh	1794 Farmbrook	Troy	48098	Priya Singh
11/23/06	SWAPAN SINGH	1794 FARMBROOK DR	Troy	48098	Swapan Singh
11/23/06	Karen Pittinga	1784 Farmbrook Dr	Troy	48098	Karen Pittinga
11/23/06	Carol Stator	1770 Farmbrook Dr	Troy	48098	Carol Stator
11/23/06	RICHARD STATOR	1770 FARMBROOK DR	Troy	48098	Richard Stator
11/23/06	VIKIE STATOR	1770 FARMBROOK	Troy	48098	Vikie Stator
11/23/06	Shawn Titus	1700 Fleetwood	Troy	48098	Shawn Titus
11/23/06	KANAKAM RAO	1852 Fordham Dr	Troy	48098	Kanakam Rao
11-23-06	Jessica Sade	1855 Fleetwood Dr.	Troy	48098	Jessica Sade
12-2-06	Tanya DeHondt	5172 Firwood	Troy	48098	Tanya DeHondt
12-3-06	JERRY DEHONDT	6064 Silverstone	Troy	48085	Jerry DeHondt
12-3-06	Kathleen Tanke	5345 Clearview	Troy	48098	Kathleen Tanke
12-3-06	JEFF TANKE	5345 CLEARVIEW	Troy	48098	Jeff Tanke
12-3-06	Karen Greenwood	1810 Farmbrook Dr.	Troy	48098	Karen Greenwood
12-3-06	Gwen Simonis	1843 Farmbrook	Troy	48098	Gwen Simonis
12-3-06	Jenny Wang	1647 Grovenum	Troy	48098	Jenny Wang

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Respectfully submitted

Date	Name (Print)	Address	City	Zip Code	Signature
11/17/06	Kathy Jin	2079 Kingsway Dr.	Troy	48098	Kathy Jin
11/17/06	Steve Xiao	2079 Kingsway Dr.	Troy	48098	Steve Xiao
11/17/06	Xuemei Chen	276 Biltmore Dr.	Troy	48098	Xuemei Chen
11/17/06	Chen Hong	385 Bracken Dr.	Troy	48098	Chen Hong
11/17/06	Zhiwei Zhou	385 Bracken Dr.	Troy	48098	Zhiwei Zhou
11/17/06	Guofei Chen	276 Biltmore Dr.	Troy	48098	Guofei Chen
11/18/06	Hong Xiao	5592 Fawn Ct.	Troy	48098	Hong Xiao
11/18/06	Junqian Chen	6714 Fulton Ct.	Troy	48098	Junqian Chen
11/19/06	Danpen Jiang	1788 Farmington Rd	Troy	48098	Danpen Jiang
11/19/06	Lan Ma	1788 Farmington Rd	Troy	48098	Lan Ma
11/23/06	ROBERT P. SMITH	5947 FAIRCASTLE	Troy	48098	Robert Smith
11/23/06	JAMES P. BADHORN	5905 FAIRCASTLE	Troy	48098	James Badhorn
11/23/06	Wangy Banhatt	5753 FAIRCASTLE	Troy	48098	Wangy Banhatt
11/23/06	BINH NGUYEN	5756 FAIRCASTLE	Troy	48098	Binh Nguyen
11/23/06	THERESA LODESMA	5699 FAIRCASTLE	Troy	48098	Theresa Lodesma
11/23/06	Katherine Hill	1932 Farmbrook	Troy	48098	Katherine Hill
11/23/06	Richard Gagnon	1926 Farmbrook	Troy	48098	Richard Gagnon
11/23/06	Sampath Kumar	1923 Farmbrook	Troy	48098	Sampath Kumar
11/23/06	Janya Lakshmi Sampath	1923 Farmbrook	Troy	48098	Janya Sampath
11/23/06	PATRICIA HARRIS	1915 Farmbrook	Troy	48098	Patricia Harris
11/23/06	Joan Johansson	1914 Farmbrook	Troy	48098	Joan Johansson

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Respectfully, submitted

Date	Name (Print)	Address	City	Zip Code	Signature
11/16/06	Harry He	1942 Fleetwood	Troy	48098	Harry He
11/16/06	ANUP DANDU	393 ASHLAWN	Troy	4083	Anup Dandu
11/16/06	David Xie	5598 Cheltenham	Troy	48098	David Xie
11/16/06	Yuna Zhang	1807 Fremont Dr.	Troy	48098	Yuna Zhang
11/16/06	Jessica Qin	975 Emerson Dr.	Troy	48084	Jessica Qin
11/16/06	FANG WANG	1750 Greenwich Dr.	Troy	48098	Fang Wang
11/16/06	Hui Yue	1523 Merriweather	Troy	48085	Hui Yue
11/16/06	RICHARD GOULD	5337 CROWFOOT DR	Troy	48085	Richard Gould
11/16/06	Frank Lee	155 Partridge Dr.	Troy	48098	Frank Lee
11/16/06	Jun Huang	784 Dressler Lane	Troy	48087	Jun Huang
11/16/06	TENGYUN CAO	4399 Clarke	Troy	48085	Tengyun Cao
11/16/06	XUGANG LI	1175 Barton Way Dr	Troy	48098	Xugang Li
11/17/06	Lei Yang	4309 Birch Run Dr.	Troy	48098	Lei Yang
11/19/06	YANING ZHOU	1075 Falcon Dr	Troy	48098	Yaning Zhou
11/18/06	SEAN TIA	2341 HORSESHOE	Troy	48322	Sean Tia
11/18/06	XIAOYUN CHEN	5224 Provincial	Troy	48302	Xiaoyun Chen
11/18/06	Wendy Song	1601 Cranbrook	Troy	48084	Wendy Song
11/18/06	Meenai Nongkithasathorn	1495 Fiveside	Troy	48098	Meenai Nongkithasathorn
11/19/06	Pangyuan Xie	1942 Fleetwood Troy	Troy	48098	Pangyuan Xie
11-23-06	TOM McCURR	1859 Farmbrook	Troy	48098	Tom McCurr
11-23-06	Qiping Qu	1827 Farmbrook Dr	Troy	48098	Qiping Qu

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Respectfully, submitted

Date	Name (Print)	Address	City	Zip Code	Signature
11/18/06	MARY STEINHILPER	1807 FLEETWOOD	Troy	48098	Mary Steinhilper
11/18/06	HUBTIA JIN	1708 Fleetwood	Troy	48098	H. Jin
11/18/06	MOHAN PANANGAVIL	1729 FLEETWOOD	Troy	48098	Prasanna H
11/18/06	Sean Watson	1881 Fleetwood	Troy	48098	Sean Watson
11/18/06	TIMOTHY PAWLAK	1649 FLEETWOOD	Troy	48098	Timothy Pawlak
11/18/06	ROBERT MAXWELL	1633 FLEETWOOD	Troy	48098	Robert Maxwell
11/18/06	Cynthia Watson	1618 Fleetwood	Troy	48098	Cynthia Watson
11/15/06	Charles Xin	1811 Farmbrook	Troy	48098	Charles Xin
11/15/06	Zongqun Yue	1827 Farmbrook Dr	Troy	48098	Zongqun Yue
11/15/06	ROBERT SIMONIC	1843 FARMBROOK	Troy	48098	Robert Simonic
11/18/06	AUDRA DEXTER	1851 Farmbrook	Troy	48098	Audra Dexter
11/18/06	Ting Yu	1842 Farmbrook Dr.	Troy	48098	Ting Yu
11/18/06	Christiana Lee	5896 Faircastle	Troy	48098	Christiana Lee
11/18/06	Hanson Lee	5996 Faircastle	Troy	48098	Hanson Lee
11/18/06	Camille Blanchard	5919 Faircastle	Troy	48098	Camille Blanchard
11/18/06	Philip R Blanchard	5919 FAIRCASTLE	Troy	48098	Philip R Blanchard
11/18/06	Kevin M Blanchard	5919 Faircastle	Troy	48098	Kevin M Blanchard
11/20/06	Qing Zhu	1634 Fleetwood	Troy	48098	Qing Zhu
11/23/06	Ravi Venkatar	8344 FAIRCASTLE DR	Troy	48098	Ravi Venkatar
11/23/06	Rahamath Shaik	1883 Farmbrook Dr	Troy	48098	Rahamath Shaik
11-23-06	Orville B. Bousie	1817 Farmbrook Dr	Troy	48098	Orville B. Bousie

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Date	Name (Print)	Address	City	Zip Code	Signature
11/18/06	John Hagan	5784 Faircastle	Troy	48098	[Signature]
11/18/06	MARY B. BURTON	5770 FAIRCASTLE	Troy	48098	[Signature]
11-18-06	Nancy Pearson	5713 Faircastle	Troy	48098	[Signature]
11-18-06	Marisol Gonzalez	5727 Faircastle	Troy	48098	[Signature]
11-18-06	Steve Smith	5755 Faircastle	Troy	48098	[Signature]
11/18-06	GRACE WANG	5797 Faircastle Dr	Troy	48098	[Signature]
11/18/06	Ron Waldrop	5807 FAIRCASTLE	Troy	48098	[Signature]
11/18/06	Ann LYONS	5821 faircastle	Troy	48098	[Signature]
11-18-06	Therese Hornsby	1943 Fleetwood	Troy	48098	[Signature]
11-18-06	Bart Hornsby	1943 Fleetwood	Troy	48098	[Signature]
11/18/06	JAMES FERBER	5933 FAIRCASTLE	Troy	48098	[Signature]
11-18-06	Chris Strickland	197 S Fleetwood	Troy	48098	[Signature]
11-18-06	Stacey Perry	5876 Niles Dr	Troy	48098	[Signature]
11-18-06	Wilbert C. Chene	1926 FLEETWOOD DR	Troy	48098	[Signature]
11-18-06	JAMES LEON WASHINGTON	1927 Fleetwood Dr	Troy	48098	[Signature]
11-18-06	RICHARD CROSS	1910 FLEETWOOD DR	Troy	48098	[Signature]
11-18-06	Maha Hussein	1877 Fleetwood Fleetwood	Troy	48098	[Signature]
11-18-06	Nawwa Fakhouri	1880 Fleetwood	Troy	48098	[Signature]
11-18-06	ALISON BARCLAY	1864 FLEETWOOD DR	Troy	48098	[Signature]
11-18-06	Thea Lockard	1839 Fleetwood	Troy	48098	[Signature]
11-18-06	ALBERT MANLOUK	1791 FLEETWOOD	Troy	48098	[Signature]

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Date	Name (Print)	Address	City	Zip Code	Signature
11/18/06	Xu Wu	1215 Kinlock	Troy	48098	Xu Wu
11/18/06	Shan Wang	99 Crestfield Ave	Troy	48085	Shan Wang
11/18/06	Qin Liu	1978 Sutton place.	Troy	48098	Qin Liu
11/18/06	Xiaoxia Li	1173 Provincial	Troy	48084	Xiaoxia Li
11/19/06	ADAY GUPTA	6514 MILLOT	Troy	48098	Aday Gupta
11/19/06	Krishna PATEL	3615 CHERISHED View	Troy	48084	Krishna Patel
11/19/06	Junmin Lin	6079 Country Ridge	Troy	48098	Junmin Lin
11/19/06	Jun Han	5104 Buckingham	Troy	48098	Jun Han
11/19/06	Prasop Behrook	1137 Kent Bld	Troy	48084	Prasop Behrook
11/19/06	Yuming Zhou	2025 Dorchester	Troy	48084	Yuming Zhou
11/19/06	Xia Chen	2265 Dorchester N.	Troy	48084	Xia Chen
11/19/06	Rui Liu	5225 Cardinal	Troy	48098	Rui Liu
11/19/06	CHI YIP	58 CRESTFIELD AVE	Troy	48085	Chi Yip
11/19/06	ANWANA CHANDRASEK	2614 LOCUSTCREST	Troy	48083	Anwana Chandrasek
11/19/06	Jinhoo Kim	1956 French Hill	Troy	48098	Jinhoo Kim
11/19/06	Hong Z Shime	1457 Brookdale	Troy	48098	Hong Z Shime
11/19/06	Huangun Guan	2424 Alpine Rd	Troy	48084	Huangun Guan
11/19/06	Hung Soo Lee	2331 Somerset BLVD	Troy	48084	Hung Soo Lee
11/19/06	Huiyan Pang	5330 Clearview	Troy	48098	Huiyan Pang
11/19/06	Chantal Prasad	930 Bridgeport	Troy	48098	Chantal Prasad
11/19/06	SATYA Prasad	2842 Charleston	Troy	48083	Satya Prasad
11/19/06	Jai Chan	5330 Capital Dr	Troy	48098	Jai Chan
11/19/06	Yan Shan	4126 Three Oaks	Troy	48098	Yan Shan
11/19/06	Raji Vasudevan	203 Millstone	Troy	48084	Raji Vasudevan
11/30/06	Kathu Hsu	2436 Valleyview Dr.	Troy	48098	Kathu Hsu

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Date	Name (Print)	Address	City	Zip Code	Signature
11/18/2006	Jianmin Huang	5854 Faircastle Dr	Troy	48098	Jianmin Huang
11/18/2006	HONG LI	299 Falling Brook Dr	Troy	48098	Hong Li
11/18/2006	YAPING CUI	1979 MADISON DR.	Troy	48054	Yaping Cui
11/18/2006	Leilin	6071 Heartside Dr	Troy	48098	Leilin
11/18/2006	Yanqiu Chen	4382 Devonshire Dr	Troy	48098	Yanqiu Chen
11/18/2006	Zhenfeng Xue	4382 Devonshire Dr.	Troy	48098	Zhenfeng Xue
11/18/2006	JACK LEE	5917 DIAMOND DR	Troy	48085	Jack Lee
11/18/2006	Hong Lu	364	Troy	48085	Hong Lu
11/18/2006	Tijun Wang	1246 Newcastle Dr	Troy	48098	Tijun Wang
11/18/2006	Kejia Li	Beverly Hills Dr	Troy	61725	Kejia Li
11/18/2006	LIU DAO ZHANG	716 KEATON DR	Troy	48098	Liu Dao Zhang
11/18/2006	Binggang Wu	1642 CARPENTER	Troy	48098	Binggang Wu
11/18/2006	Zhiyi Zu	5385 FALMOUTH DR.	Troy	48085	Zhiyi Zu
11/18/2006	Min Wang	1796 NewCastle Dr	Troy	48098	Min Wang
11/18/2006	Leshley Guo	2372 Claymont Dr	Troy	48098	Leshley Guo
11/18/2006	Lei Peng	3460 Balfour DR.	Troy	48084	Lei Peng
11/18/2006	Ya Li	2140 Lancer Dr.	Troy	48084	Ya Li
11/18/2006	Mingfei Wang	4505 whisper way	Troy	48098	Mingfei Wang
11/18/2006	Zihao Guo	6714 Tullon Ct.	Troy	48098	Zihao Guo
11/18/2006	Lily Li	716 Millcreek	Troy	48085	Lily Li
11/18/2006	YONGMING LI	4472 Cabell Dr	Troy	48098	Yongming Li

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Respectfully, submitted

Date	Name (Print)	Address	City	Zip Code	Signature
11/18/2006	Helen Bao	6814 Shell Drake Dr.	Troy	48080	[Signature]
11/18/2006	Tin Zhou	4537 Lehigh	Troy	48098	[Signature]
11/18/2006	Lina Shi maafi	1695 W. Ashdale	Troy	48082	[Signature]
11/18/2006	Sherry Zhou	744 Ivy	Troy	48098	[Signature]
11/18/06	Ruidong Chen	6095 Smith Ct	Troy	48098	[Signature]
11/18/06	Heidi Tsang	3589 Wakefield	Troy	48083	[Signature]
11/18/06	Donghua Sun	5159 Somerset	Troy	48085	[Signature]
11/18/06	Shuping Wen	6360 Denton Dr	Troy	48098	[Signature]
11/18/06	[Redacted]	4447 Clarke Dr	Troy	48085	[Signature]
11/18/06	Jiang - Yun	25	Troy		[Signature]
11/18/06	[Redacted]	24870 4554	Troy	48084	[Signature]
11/18/06	Wen Yang	248 434 4688	Troy	48084	[Signature]
11/18/06	Channing Wu	248-641-5175	Troy	48098	[Signature]
11/18/06	TUNRIANG LI	248) 828-9980	Troy	48098	[Signature]
11/19/06	Ping Xie	248-269-7188	Troy	48084	[Signature]
11/19	MARY ANN RUIHIG	5500 CROOKS	Troy	4884	[Signature]
11-19-06	Ping Xie	3660 Oriole Dr	Troy	48084	[Signature]
11-19-06	QIAN ZHANG	2743 Springtime Dr	Troy	48083	[Signature]
11-19-06	[Redacted]	5500 CROOKS	Troy	48084	[Signature]
			Troy		
			Troy		

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Date	Name (Print)	Address	City	Zip Code	Signature
11/18/06	Wendy Ko	1925 Connolly	Troy	48098	Wendy Ko
11/18/06	TSU-Ren Ko	1925 Connolly	Troy	48098	TSU-Ren Ko
11/18/06	Hongyan Hongyan Wang	2043 Cameo Dr	Troy	48098	Hongyan Wang
11/18/06	Jimmy Zhang	2043 Cameo Dr.	Troy	48098	Jimmy Zhang
11/19/06	Jack Hsun	1512 Waverly Dr	Troy	48098	Jack Hsun
11/19/06	Emily Jin	1512 Waverly Dr	Troy	48098	Emily Jin
11/19/06	Julie Sun	2071 Red Maple	Troy	48098	Julie Sun
11/19/06	Lee Sun	2071 Red Maple	Troy	48098	Lee Sun
11/19/06	Chia-Yun Chang	6071 James Pl. Dr.	Troy	48098	Chia-Yun Chang
11/19/06	Belinda Zhi	1942 Connolly Troy	Troy	48098	Belinda Zhi
11/19/06	Effie Ni (EELJEU NI)	1942 Connolly Troy	Troy	48098	Effie Ni
11/19/06	PENG HO	1998 Connolly Troy	Troy	48098	PENG HO
11/19/06	Ye-shih HO	1998 Connolly	Troy	48098	Ye-shih HO
11/19/06	Shun-Hu Zhao	3229 Coelidge	Troy	48098	Shun-Hu Zhao
11/20/06	Jacob Chang	5322 Corbin	Troy	48098	Jacob Chang
11/20/06	May Chang	5322 Corbin	Troy	48098	May Chang
11/20/06	Juan Ni	330 Tara	Troy	48098	Juan Ni
11/20/06	Teresa Chao	4578 Wintergreen	Troy	48098	Teresa Chao
11/20/06	Ruijiang Liu	4101 Brandywine	Troy	48098	Ruijiang Liu
12-2-06	Sean Crane	5452 CORBIN	Troy	48098	Sean Crane
12/2/2006	HOWARD COLU	5284 COLLINGSWOOD	Troy	48098	Howard Colu

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Respectfully submitted,

Signatures *Verba Edwards*
ROBERTA L. EDWARDS *Verba Edwards*

Name (Print) VERBA L. EDWARDS

Address 2357 BELMONT CT, TROY, MI 48098

Signature *Verba L. Edwards*

Date 11-10-06

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Respectfully submitted,

Signatures

Name (Print) John F. Butwin

Address 5648 Clearview Dr. Troy, MI 48098

Signature *J.F. Butwin*

Date 11/10/06

(37)

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Respectfully submitted,

Signatures

Name (Print) SHIRLEY CAPPUSSO
Address 2292 BELMONT Ct
Signature Shirley Cappuso
Date 11-11-06

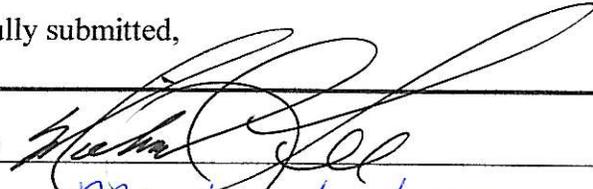
174

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Respectfully submitted,

Signature 

Name:(print) Michael Lee

Signature: 

Name: (print) LeAnn K. Lee

Address 2326 Tall Oaks Dr.

Date: 12-6-06

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Respectfully submitted,

Signature *Nancy Albrecht*

Name:(print) Nancy Albrecht

Signature: *Stephen Albrecht*

Name: (print) Stephen Albrecht

Address 5462 Spunpaw C Dr

Date: 12/10/06

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Respectfully submitted,

Signatures May Ann Athos
Name (Print) Kenneth Athos
Address @ 2291 Belmont Ct Troy MI 48098
Signature [Signature]
Date 11-13-06

185

By signing this Petition, I, as petitioner, agree with the following resolution:

RESOLVED, That a special use request be **DENIED** to establish a Cellular Tower within the R-1B (One Family Residential) District in accordance with the provisions of Section 10.30.08 (I) of the Zoning Ordinance.

BE IT FURTHER RESOLVED, That any Cellular Tower be **PROHIBITED** from being established or constructed within Parcel No.: 88-20-07-226-002.

Respectfully submitted,

Signature Frank B Kerr

Name:(print) FRANK B. KERR

Signature: Patricia Kerr

Name: (print) PATRICIA KERR

Address 2344 TALL OAKS DRIVE, TROY, MI. 48098

Date: DECEMBER 9, 2006

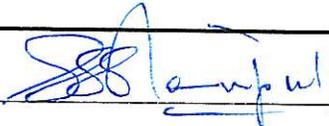
73

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Respectfully submitted,

Signature 

Name:(print) SURESH STAMPWALA

Signature: D.S. Stampwala

Name: (print) DHARMISTA STAMPWALA

Address 2333 TALL OAKS DR.

Date: TRDY MICH 48098

42

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Respectfully submitted,

Signature Joseph A Amine

Name:(print) Joseph A AMINE

Signature: _____

Name: (print) Patricia S AMINE Patricia S Amine

Address 1819 Connolly Troy, MI

Date: 11 December 2006

117

By signing this Petition, I, as petitioner, agree with the following resolution:

RESOLVED, That a special use request be **DENIED** to establish a Cellular Tower within the R-1B (One Family Residential) District in accordance with the provisions of Section 10.30.08 (I) of the Zoning Ordinance.

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Respectfully submitted,

Signature Philip T. Saunders

Name:(print) PHILIP T. SAUNDERS

Signature: Cherry L. Saunders

Name: (print) Cherry L. Saunders

Address 1851 Connolly Dr. Troy, Mi 48098

Date: December 11, 2006

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Respectfully submitted,

Signature Joseph Mastrogiuseppe

Name:(print) JOSEPH MASTROGIUSEPPE

Signature: Kathleen D Mastrogiuseppe

Name: (print) Kathleen D. MASTROGIUSEPPE

Address 2362 TMC OAKS Dr

Date: 12/8/06

12

By signing this Petition, I, as petitioner, agree with the following resolution:

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Respectfully submitted,

Signature Susan R. Stanczak

Name:(print) Susan R. Stanczak

Signature: Don M. Stanczak

Name: (print) DON M. STANCZAK

Address 5507 Woodfield Troy, MI 48098

Date: 12-9-06

85

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Respectfully submitted,

Signature Bert Lord

Name:(print) BERT LORD

Signature: Juliana Lord

Name: (print) JULIANA LORD

Address 5808 CONCORD CT

Date: ^{12/8/06} TROY MI

201

By signing this Petition, I, as petitioner, agree with the following resolution:

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Respectfully submitted,

Signature Joseph Johnston

Name:(print) JOSEPH JOHNSTON

Signature: Catherine Johnston

Name: (print) CATHERINE JOHNSTON

Address 5829 CLEARVIEW TROY, MI 48068

Date: 12/8/06

219

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Respectfully submitted,

Signature Dennis A. Londeck

Name:(print) DENNIS LONDECK

Signature: Kathryn A. Londeck

Name: (print) KATHRYN A. LONDECK

Address 5529 Woodfield 48098

Date: 12/8/06

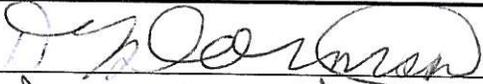
84

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Respectfully submitted,

Signature 

Name:(print) Daniel J. Doorman

Signature: 

Name: (print) Patricia Doorman

Address 5713 Greenhill Drive Troy, Mich

Date: 12-9-04

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Respectfully submitted,

Signature Denis C Monahan

Name:(print) DENIS C. MONAHAN

Signature: Sylvia Monahan

Name: (print) Sylvia Monahan

Address 5714 Clearview

Date: 12-9-06

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Respectfully submitted,

Signature Ray C. Sadler

Name:(print) Ray C. Sadler

Signature: Kathleen G. Sadler

Name: (print) Kathleen G. Sadler

Address 1880 Connolly Dr. Troy 48098

Date: 12-8-06

105

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Respectfully submitted,

Signature Cynthia M Myers

Name:(print) CYNTHIA M MYERS

Signature: Donald R. Myers

Name: (print) DONALD R. MYERS

Address 5550 SPRINGBROOK DR TROY

Date: 12/8/06

95

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Respectfully submitted,

Signature _____

Name:(print) _____ (Y SU) Yau-Liang Su

Signature: _____

Name: (print) _____ HUET - YAN SU

Address _____ 2055 HAVERFORD TROY

Date: _____ 12-08-2006

122

By signing this Petition, I, as petitioner, agree with the following resolution:

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Respectfully submitted,

Signature Saul Schwartz

Name:(print) SAUL SCHWARTZ

Signature: Avanthea Schwartz

Name: (print) AVANTHEA SCHWARTZ

Address 2365 TALL OAKS DR, TROY 48098

Date: 12-9-06

HL

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Respectfully submitted,

Signature W. Anderson Geater, Jr.

Name:(print) W. Anderson Geater, Jr.

Signature: Donna Geater

Name: (print) Donna Geater

Address 5696 Greenhill Dr, Troy, MI 48098

Date: 12/08/06

140

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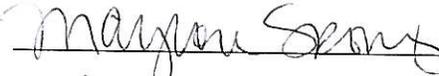
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Respectfully submitted,

Signature 

Name:(print) JOSEPH A. SKONEC M.D.

Signature: 

Name: (print) MARYLOU SKONEC

Address 2319 OAKRIDGE, NOY, MI 48098

Date: 12/9/06

H

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Respectfully submitted,

Signature

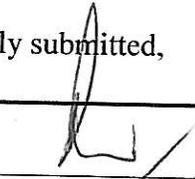
Name:(print)

Signature:

Name: (print)

Address

Date:



PETER D. LORD



Jill E. Lord

5539 CLEARVIEW DRIVE

12/10/06

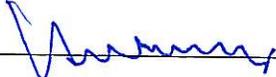
3

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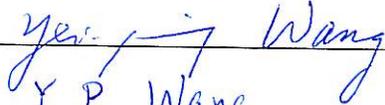
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Respectfully submitted,

Signature 

Name:(print) C S Wang

Signature: 

Name: (print) Y P Wang

Address 2369 Oak Ridge Dr. , Troy, MI 48068

Date: 12/9/2006

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Respectfully submitted,

Signature Barbara A. Mendola

Name:(print) Barbara A. Mendola

Signature: Mark J. Mendola

Name: (print) Mark J. Mendola

Address 5764 Concord Ct. Troy, MI 48098

Date: 12/8/06

199

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Respectfully submitted,

Signature _____

Name:(print) JANET DUBECK

Signature: _____

Name: (print) JOHN ADAM

Address 5195 CLEARVIEW DR

Date: 12/9/06

①

2466
Hawthorn



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Respectfully submitted,

Signature Harjinder

Name:(print) HARMINDERPAU GROVER

Signature: Devinder Kaur Grover

Name: (print) DEVINDER GROVER

Address 5931 CLEARVIEW DR. TROY MI 48098.

Date: 12/08/2006.

212

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Respectfully, submitted

Date	Name (Print)	Address	City	Zip Code	Signature
80 11/12/06	Hauke Shields	2179 Fall Creek	Troy	48098	Hauke Shields
79 11/12/06	Mrs BARAWI	5570 Woodfield	Troy	48098	M. Barawi
78 11/11/06	Landra Greene	5546 Woodfield	Troy	48098	Landra Greene
77 11/11/06	Bob Corsh	5518 Woodfield	Troy	48098	Bob Corsh
92 11/11/06	Jan Michalski	5502 Springbrook	Troy	48098	Jan Michalski
90 11/11/07	Chris Stankeowal	5486 Springbrook	Troy	48098	Chris Stankeowal
89 11/11/07	Eleanor Wagner	5478 Springbrook	Troy	48098	Eleanor Wagner
88 11-11-2006	Juliann Dykowski	5470 Springbrook	Troy	48098	Juliann Dykowski
27 11-11-2006	Ed STINES	2348 Oak Ridge Dr.	Troy	48098	Ed Stines
27 11-14-2006	CHERYL STINES	2348 Oak Ridge Dr.	Troy	48098	Cheryl Stines
			Troy		

78
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78

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Respectfully, submitted

Date	Name (Print)	Address	City	Zip Code	Signature
11/10/06	Laura Shields	2179 Fall Oak	Troy	48098	Laura Shields
11/12/06	MW BARAWI	5570 Woodfield	Troy	48098	M. Barawi
11/11/06	Sandra Greene	5546 Woodfield	Troy	48098	Sandra Greene
11/11/06	Bob Gersh	5518 Woodfield	Troy	48098	Bob Gersh
11/11/06	Jan McQuisler	5502 Springbrook	Troy	48098	Jan McQuisler
11/11/07	Chris Stankowicz	5486 Springbrook	Troy	48098	Chris Stankowicz
11/11/07	Eleanor Wagner	5478 Springbrook	Troy	48098	Eleanor Wagner
11-11-2006	Juliann Dykowski	5470 Springbrook	Troy	48098	Juliann Dykowski
11-11-2006	Ed STINES	2348 Oak Ridge Dr	Troy	48098	Ed Stines
11-14-2006	CHERYL STINES	2348 Oak Ridge Dr	Troy	48098	Cheryl Stines
11-14-2006	SUNEEL SEKIRI	1904 Connolly	Troy	48098	Suneel Sekiri
			Troy		

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Respectfully, submitted

	Date	Name (Print)	Address	City	Zip Code	Signature
17	11/6/06	VERNA GREEN	2433 OAK RIDGE	Troy	48098	Verna S. Green
48	11/6/06	MARY CARTER	2441 OAK RIDGE	Troy	48098	Mary Carter
56	11/6/06	WILLIAM M. MIDDLEBURY	2449 OAK RIDGE	Troy	48098	William M. Middlebury
59	11/6/06	JILL OLSKI	2473 OAK RIDGE	Troy	48098	Jill Olski
58	11/6/06	Kris Dubay	2465 OAK RIDGE	Troy	48098	Kris Dubay
57	11/6/06	Jane Pan-Luo	2457 OAK RIDGE	Troy	48098	Jane Pan-Luo
60	11/6/06	John Valenti	2481 Oak Ridge DR	Troy	48098	John Valenti
60	11/6/06	MARINA VALENTI	2481 OAK RIDGE	Troy	48098	Marina Valenti
61	11/6/06	CAROL QUIGLEY	2489 TALL OAKS	Troy	48098	Carol Quigley
65	11-6-06	SALVATORE Militello	2460 TALL OAKS DR	Troy	48098	Salvatore Militello
65	11-6-06	ANGELINE Militello	2460 TALL OAKS DR	Troy	48098	Angeline Militello
63	11-6-06	Leonard Framalin	2455 TALL OAKS	Troy	48098	Leonard Framalin
68	11/6/06	J. Curly	2418 TALL OAKS	Troy	48098	J. Curly
70	11/6/06	Michael Tierney	2392 TALL OAKS	Troy	48098	Michael Tierney
70	11/6/06	Elizabeth H. Tierney	2390 TALL OAKS	Troy	48098	Elizabeth H. Tierney
48	11/6/06	LINDA L. CLARKE	2401 TALL OAKS DR	Troy	48098	Linda L. Clarke
↓	11-6-06	MARCE CLARKE	2401 TALL OAKS DR	Troy	48098	Marce Clarke
47	11-6-06	SUSAN NAVARRO	2387 TALL OAKS	Troy	48098	Susan Navarro
47	11-06-06	PAUL NAVARRO	2387 TALL OAKS	Troy	48098	Paul Navarro
52	11/6/06	CHARLES LITTLE	2478 OAK RIDGE	Troy	48098	Charles Little
54	11-6-06	DENISE LITTLE	2478 OAK RIDGE	Troy	48098	Denise Little

641-9128


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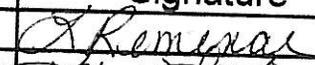
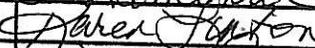
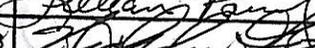
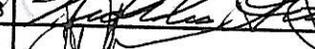
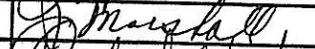
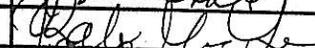
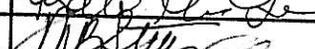
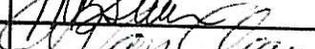
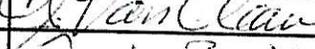
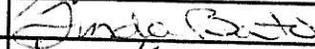
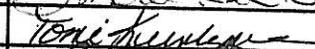
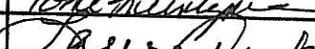
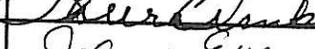
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Respectfully, submitted



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Date	Name (Print)	Address	City	Zip Code	Signature
11-1-06	Lynn Remenar	2446 Haverford	Troy	48098	
11-4-06	KAREN LINTON	5786 Concord Ct	Troy	48098	
11-4-06	LILLIAN PARLY	2444 Haverford Dr	Troy	48098	
11-4-06	NICHOLAS G. GIER	2422 HAVERFORD	Troy	48098	
11/8/06	Dolores Baran	2334 Haverford	Troy	48098	
11/8/06	JAN MARSHALL	2312 HAVERFORD	Troy	48098	
11/8/06	Robin MacLish	2290 Haverford	Troy	48098	
11/8/06	Mary Beth Steele	2467 Belmont Ct	Troy	48098	
11/13/06	GALE VANCLAVE	5786 CONCORD CT	Troy	48098	
11/13/06	Linda Barto	5805 Concord Ct	Troy	48098	
11/14/06	Tomi Kuntzma	5806 Algonquin Ct	Troy	48098	
11/14/06	LAURA AMBROSE	5807 ALGONQUIN CT	Troy	48098	
11/14/06	JoAnn Everson	5784 Algonquin Dr.	Troy	48098	
11/14/06	GLOUSE A. Guindi	5762 Algonquin Dr	Troy	48098	
11/14/06	JOAN RUTLE	2054 HAVERFORD	Troy	48098	
			Troy		

225/7

By signing this Petition, I, as petitioner, agree with the following resolution:

RESOLVED, That a special use request be **DENIED** to establish a Cellular Tower within the R-1B (One Family Residential) District in accordance with the provisions of Section 10.30.08 (I) of the Zoning Ordinance.

BE IT FURTHER RESOLVED, That any Cellular Tower be **PROHIBITED** from being established or constructed within Parcel No.: 88-20-07-226-002.

Respectfully, submitted

Date	Name (Print)	Address	City	Zip Code	Signature
128 11-06-2006	Cheryl B. Korth	2086 HAVERFORD DR	Troy	48098	Cheryl B. Korth
128 11-06-06	John A Korth	2086 HAVERFORD DR	Troy	48098	John A Korth
121 11-06-2006	Diane R. Didocha	2083 HAVERFORD DR	Troy	48098	Diane R. Didocha
130 11-06-2006	Margaret Bliss	2070 Haverford Dr.	Troy	48098	Margaret Bliss
133 11-06-06	Barbara Rayos	2142 Haverford Dr	Troy	48098	Barbara Rayos
134 11-06-06	MARK JANFOWSKI	2202 HAVERFORD DR	Troy	48098	Mark Janowski
175 11-06-06	Medimo Kokunig	2224 Haverford Dr	Troy	48098	Medimo Kokunig
120 11-06-2006	Sue Zin	2248 Haverford	Troy	48098	Sue Zin
123 11-06-2006	Ellen C. Capes	5790 Springbrook	Troy	48098	Ellen C. Capes
124 11-06-06	Queen C DESMOND	2023 HAVERFORD	Troy	48098	Queen C Desmond
125 11-06-06	Cathy & John Quattrone	2027 Haverford	Troy	48098	Cathy Quattrone
131 11-09-06	Rudolph KENG	2038 Haverford	Troy	48098	Rudolph Keng
131 11-10-06	CATHY QUATTRONE	2022 Haverford	Troy	48098	Cathy Quattrone
129 11-11-06	RUBINA MOMIN	2158 Haverford	Troy	48098	Rubina Momin
129 11-11-06	FEROZE MOMIN	2158 HAVERFORD	Troy	48098	Feroze Momin
138 11-11-06	AWNI FAKHOURY	2114 Haverford	Troy	48098	Awni Fakhoury
119 11-12-06	SARA FAKHOURY	2114 Haverford	Troy	48098	Sara Fakhoury
118 11-12-06	MARALYN BAZTUSH	5013 Springbrook	Troy	48098	Maralyn Baztush
64 11-14-06	FARID JALDO	5772 Springbrook	Troy	48098	Farid Jaldo
	MIKE EMENARD	5754 SPRINGBROOK	Troy	48098	Mike Emenard
	Edgar B Hendry	2446 Tall Oaks Dr.	Troy	48098	Edgar B Hendry

21

By signing this Petition, I, as petitioner, agree with the following resolution:

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BE IT FURTHER RESOLVED, That any Cellular Tower be **PROHIBITED** from being established or constructed within Parcel No.: 88-20-07-226-002.

Respectfully, submitted

28
19
19
6
37
127

Date	Name (Print)	Address	City	Zip Code	Signature
11-21-06	LAURENCE O'DOWD	2340 OAK RIDGE	Troy	48098	<i>Laurence O'Dowd</i>
11-21-06	Dennis C MALECKI	2438 OAK RIDGE	Troy	48098	<i>Dennis C Malecki</i>
11-21-06	MARGARET MALECKI	2438 OAK RIDGE	Troy	48098	<i>Margaret Malecki</i>
11-21-06	G. Reynolds Sims	2335 OAK RIDGE	Troy	48099	<i>G. Reynolds Sims</i>
11-21-06	John Paturn	5648 CLEARVIEW	Troy	48098	<i>John Paturn</i>
11-21-06	DANIEL H. BLISS	2070 HAVENFORD	Troy	48098	<i>Daniel H. Bliss</i>
12-2-06	Robert J Remenar	2466 HAVENFORD	Troy	48098	<i>Robert Remenar</i>
			Troy		

6

By signing this Petition, I, as petitioner, agree with the following resolution:

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BE IT FURTHER RESOLVED, That any Cellular Tower be **PROHIBITED** from being established or constructed within Parcel No.: 88-20-07-226-002.

Respectfully submitted,

Signature _____

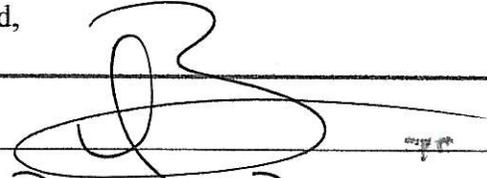
Name:(print) _____

Signature: _____

Name: (print) _____

Address _____

Date: _____



Daniel Bouzide.

1916 Connolly Dr.

12-5-06.

103

By signing this Petition, I, as petitioner, agree with the following resolution:

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BE IT FURTHER RESOLVED, That any Cellular Tower be **PROHIBITED** from being established or constructed within Parcel No.: 88-20-07-226-002.

Respectfully submitted,

Signature *Diane Marretich*

Name:(print) *Diane Marretich*

Signature: _____

Name: (print) _____

Address *2113 Tall Oaks Troy MI 48098*

Date: *12-8-06*

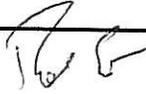
74

By signing this Petition, I, as petitioner, agree with the following resolution:

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BE IT FURTHER RESOLVED, That any Cellular Tower be **PROHIBITED** from being established or constructed within Parcel No.: 88-20-07-226-002.

Respectfully submitted,

Signature 

Name:(print) Robert Go

Signature: _____

Name: (print) _____

Address 2176 HIDDEN FOREST DR, TROY, MI 48078

Date: 12-8-06

By signing this Petition, I, as petitioner, agree with the following resolution:

RESOLVED, That a special use request be **DENIED** to establish a Cellular Tower within the R-1B (One Family Residential) District in accordance with the provisions of Section 10.30.08 (I) of the Zoning Ordinance.

BE IT FURTHER RESOLVED, That any Cellular Tower be **PROHIBITED** from being established or constructed within Parcel No.: 88-20-07-226-002.

Respectfully submitted,

Signature William R Cole

Name:(print) WILLIAM R COLE

Signature: _____

Name: (print) _____

Address 5837 CLEARVIEW CT - TROY

Date: 12/8/06

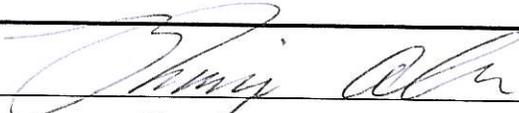
218

By signing this Petition, I, as petitioner, agree with the following resolution:

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BE IT FURTHER RESOLVED, That any Cellular Tower be **PROHIBITED** from being established or constructed within Parcel No.: 88-20-07-226-002.

Respectfully submitted,

Signature 

Name:(print) Chanin Agrw

Signature: _____

Name: (print) _____

Address 5541 SPRINGBROOK TROY 48098

Date: 12.11.06

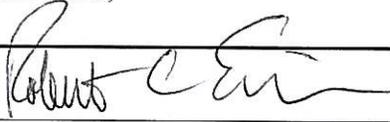
15

By signing this Petition, I, as petitioner, agree with the following resolution:

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BE IT FURTHER RESOLVED, That any Cellular Tower be **PROHIBITED** from being established or constructed within Parcel No.: 88-20-07-226-002.

Respectfully submitted,

Signature 

Name:(print) ROBERT C ERICKSON

Signature: _____

Name: (print) _____

Address 5687 Greenhill Dr.

Date: 12/5/06

154

By signing this Petition, I, as petitioner, agree with the following resolution:

RESOLVED, That a special use request be **DENIED** to establish a Cellular Tower within the R-1B (One Family Residential) District in accordance with the provisions of Section 10.30.08 (I) of the Zoning Ordinance.

BE IT FURTHER RESOLVED, That any Cellular Tower be **PROHIBITED** from being established or constructed within Parcel No.: 88-20-07-226-002.

Respectfully submitted,

Signature _____

Name:(print) BRYAN Permak

Signature: Marlaine Permak

Name: (print) Marlaine Permak

Address 5741 Algonquin Dr.

Date: Troy, MI 48098

205
5/15/06

By signing this Petition, I, as petitioner, agree with the following resolution:

RESOLVED, That a special use request be **DENIED** to establish a Cellular Tower within the R-1B (One Family Residential) District in accordance with the provisions of Section 10.30.08 (I) of the Zoning Ordinance.

BE IT FURTHER RESOLVED, That any Cellular Tower be **PROHIBITED** from being established or constructed within Parcel No.: 88-20-07-226-002.

Respectfully submitted,

Signature Patricia S. Akkashian

Name:(print) Patricia S. Akkashian

Signature: Richard D Akkashian

Name: (print) RICHARD D. AKKASHIAN

Address 2236 Hidden Forest Dr., Troy 48098

Date: 12-6-06

172

By signing this Petition, I, as petitioner, agree with the following resolution:

RESOLVED, That a special use request be **DENIED** to establish a Cellular Tower within the R-1B (One Family Residential) District in accordance with the provisions of Section 10.30.08 (I) of the Zoning Ordinance.

BE IT FURTHER RESOLVED, That any Cellular Tower be **PROHIBITED** from being established or constructed within Parcel No.: 88-20-07-226-002.

Respectfully submitted,

Signature 

Name:(print) THOMAS A KENNY

Signature: 

Name: (print) KAY L. KENNY

Address 5692 CLEARVIEW DR.

Date: 12/7/06

30

By signing this Petition, I, as petitioner, agree with the following resolution:

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BE IT FURTHER RESOLVED, That any Cellular Tower be **PROHIBITED** from being established or constructed within Parcel No.: 88-20-07-226-002.

Respectfully submitted,

Signature Susan Navarro

Name:(print) SUSAN NAVARRO

Signature: Paul Navarro

Name: (print) PAUL NAVARRO

Address 2387 TALL OAKS

Date: 12-07-06

A7

By signing this Petition, I, as petitioner, agree with the following resolution:

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BE IT FURTHER RESOLVED, That any Cellular Tower be **PROHIBITED** from being established or constructed within Parcel No.: 88-20-07-226-002.

Respectfully submitted,

Signature Michael S. Webster

Name:(print) Michael Webster

Signature: Teresa Webster

Name: (print) Teresa Webster

Address 5667 Greenhill Dr., Troy 48098

Date: 12-6-06

157

By signing this Petition, I, as petitioner, agree with the following resolution:

RESOLVED, That a special use request be **DENIED** to establish a Cellular Tower within the R-1B (One Family Residential) District in accordance with the provisions of Section 10.30.08 (I) of the Zoning Ordinance.

BE IT FURTHER RESOLVED, That any Cellular Tower be **PROHIBITED** from being established or constructed within Parcel No.: 88-20-07-226-002.

Respectfully submitted,

Signature Mary K Choate

Name:(print) Mary K Choate

Signature: James R Choate

Name: (print) James R Choate

Address 5626 Clearview Troy

Date: 12-6-06

34



CITY COUNCIL REPORT

December 11, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Zoning Ordinance Text Amendment (File Number: ZOTA 225) – Article 35.00.00 Planned Unit Developments (PUD's)

Background:

- City Management and the City Attorney's Office, based upon Planning Commission input, is developing language that modifies the review and approval process for Planned Unit Developments (PUD's).
- Under the new PUD provisions, the applicant receives Final Approval of a project (or each phase of a project) following a three-step process. In Step One, the applicant receives rezoning to PUD and also gets approval of the development agreement, including land use concept, design concept and phasing. The Planning Commission holds a public hearing and makes a recommendation to City Council, which also holds a public hearing prior to approval. Step Two is essentially site plan approval for each phase, following a Planning Commission public hearing. The site plan must comply with all conditions approved in Step One. Step Three would be Final PUD Approval, including all design drawings, which would be administrative.
- The attached flow chart reflects the suggested modifications to the draft language.
- The Planning Commission held a public hearing on this item on November 14, 2006. The public hearing was continued to December 12, 2006.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- The City Attorney's Office is in the process of reviewing the draft text amendment.

Policy Considerations:

- Approval of the proposed text amendment would be consistent with City Council Goal II (Retain and attract investment while encouraging redevelopment) and Goal IV (Creatively maintain and improve public infrastructure).

Options:

- This is an informational item; no City Council action is required at this time.

Attachments:

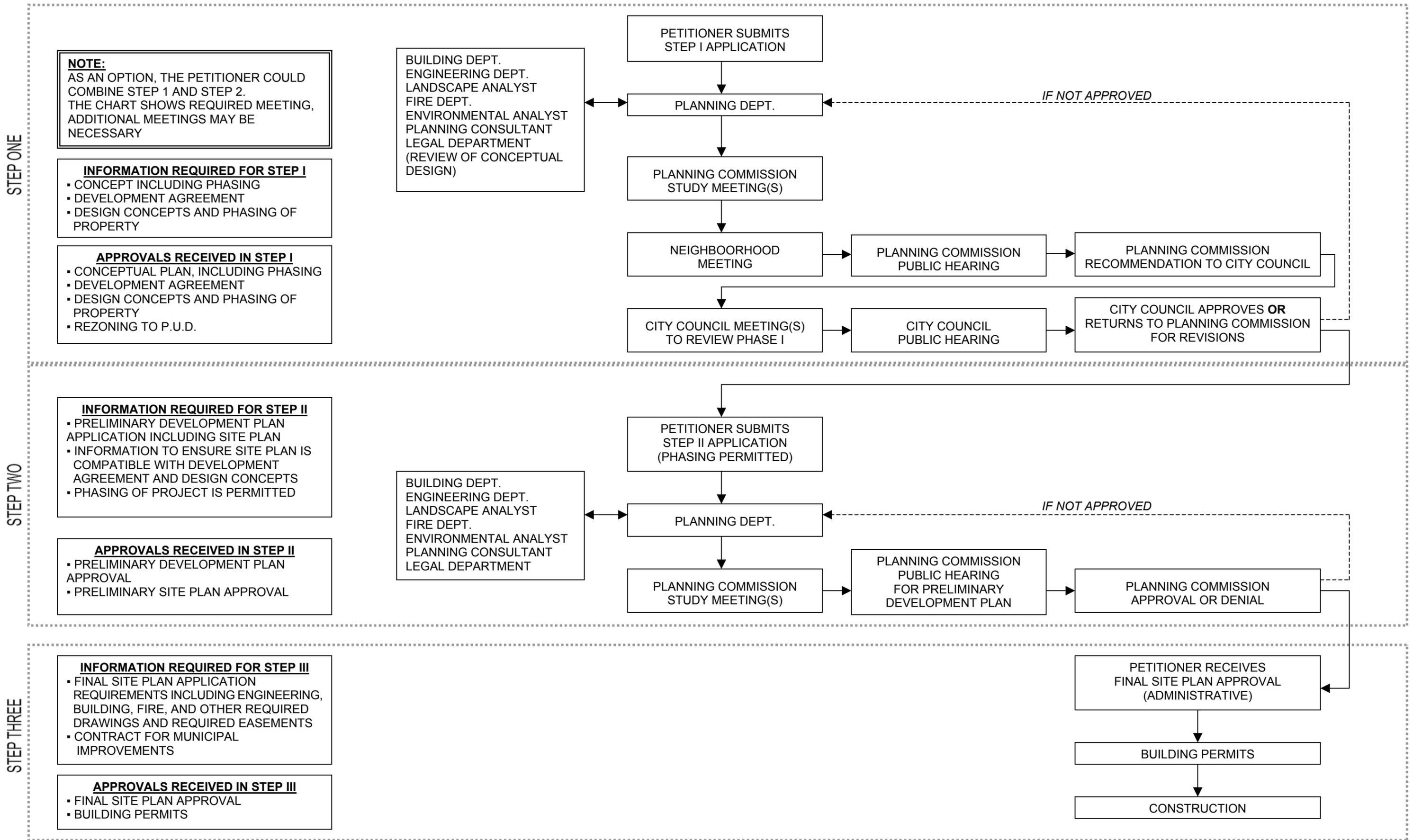
1. Proposed PUD Process Chart.

cc: File

Prepared by RBS/MFM

G:\ZOTAs\ZOTA 225 Amendment to PUD Provisions\CC Memo 12 18 06.doc

CITY OF TROY PROPOSED P.U.D. APPROVAL PROCESS



CITY OF TROY RESOLUTION

A resolution proclaiming and celebrating that the tree that adorns the Troy City Hall lawn be known as "Troy's Christmas Tree".

Whereas, Christmas trees can be found in the homes of Troy families citywide,

Whereas, in early December of every year the Mayor, City Council, and people of Troy assemble in a festive gathering to light the Christmas Tree outside in front of city hall,

Whereas, also the national Christmas tree is found each year on the White House grounds in Washington D.C. to proclaim the Christmas season,

Whereas, also the state legislature and governor has pronounced that the adorned tree placed in front of the state capital building be named "The State of Michigan Christmas Tree",

Whereas, the holiday of Christmas, which is celebrated late in the year, has special importance to the lives of many citizens of Troy and Michigan and,

Whereas, in observance of this holiday, a prominent display is erected on the City Hall grounds; therefore;

Be it resolved, that the tree prominently displayed outside the Troy City Hall late each year be officially designated as the "Troy Christmas Tree" to properly symbolize the cherished event being observed;

And be it further resolved, that a sign with the words, "The Troy Christmas Tree" be posted near the base of the designated tree;

And be it further resolved, that from this day forward, the tree and its graceful branches which adorn the City Hall lawn each year will be known as the "Troy Christmas Tree".

Adopted December 18th, 2006

From: Robert H. Bickmeyer
2138 Jeffrey
Troy, Michigan 48085
(248) 879-0207

Please take this resolution up and pass it at your next City Council meeting December 18th, 2006.

Thank you for your interest in this matter.

Sincerely,
Robert H. Bickmeyer

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

This rescheduled meeting of the Troy Historic District Study Committee was held Wednesday, September 6, 2006 at the Troy Museum & Historic Village. The meeting was called to order at 7:33 P.M.

ROLL CALL

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

STAFF: Loraine Campbell

GUEST: Carl Freeman

Resolution #HDSC-2006-09-001**Moved by Hupman****Seconded by Miller****RESOLVED, That the minutes of August 8, 2006 be approved as amended**

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

No: 0

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

The Commission reviewed the draft preliminary report presented by Kevin Lindsey and offered suggestions to improve content and clarity. These suggestions were incorporated into the document. The committee also reviewed the procedures and timeline for submitting the preliminary report to state and local boards for their review.

Resolution #HDSC-2006-09-002**Moved by Miller****Seconded by Hupman****RESOLVED, That the Historic District Study Committee accept and file with the appropriate agencies the preliminary report to de-list the historic resource at 2955 Quail Run Dr.**

Yes: 5—Lindsey, Hupman, Lin, Rivetto, and Miller

No: 0

Abstain: 2—Harris-Freeman

MOTION CARRIED

Kinda Hupman volunteered to assist in assembling the packets for mailing. A completed packet will be provided to Charlene Harris-Freeman before any packets are mailed.

B. New Above Ground Survey Assignments

No additional Above Ground Surveys were submitted.

The Troy Historic Study Committee Meeting was adjourned at 8:23 PM. The next meeting will be held Tuesday, October 3, 2006 at 7:30 PM at the Troy Museum & Historic Village.

Kevin Lindsey
Chairman

Loraine Campbell
Recording Secretary

TRAFFIC COMMITTEE MINUTES SEPTEMBER 20, 2006 FINAL

A regular meeting of the Troy Traffic Committee was held Wednesday, September 20, 2006 in the Lower Level Conference Room at Troy City Hall. Ted Halsey called the meeting to order at 7:30 p.m.

1. Roll Call

PRESENT: Sara Binkowski
 Ted Halsey
 Jan Hubbell
 Richard Kilmer
 Gordon Schepke
 Ted Hwang, Student Rep.
 Prithvi Murthy, Student Rep.

ABSENT: John Diefenbaker
 Pete Ziegenfelder

Also present: Iftquar Fazal, 2780 Stonebury Dr., Rochester Hills, MI 48307
 and: John Abraham, Traffic Engineer
 Sgt. Dan Daniel, Traffic Safety Division, Troy Police Dept.
 Lt. Robert Matlick, Troy Fire Dept.

Resolution to Excuse Absent Members**RESOLUTION #2006-09-61**

Moved by Kilmer
Seconded by Hubbell

To excuse the absent members.

YES: All-5
NO: None
ABSENT: 2 (Diefenbaker, Ziegenfelder)
MOTION CARRIED

2. Minutes – June 21, 2006**RESOLUTION #2006-09-62**

Moved by Hubbell
Seconded by Binkowski

To approve the July 19, 2006 minutes as printed.

YES: All-5
NO: None
ABSENT: 2 (Diefenbaker, Ziegenfelder)
MOTION CARRIED

PUBLIC HEARINGS**3. Request for Sidewalk Waiver – 3131 Kilmer**

Iftequar Fazal requests a waiver for the sidewalk at 3131 Kilmer. The sidewalk ordinance requires that sidewalk be installed in conjunction with the construction of a new house. The Public Works Department recommends denial of this waiver request. Petitioner has signed an “Agreement for Irrevocable Petition for Sidewalks.”

Petitioner states that the neighborhood is already developed with no sidewalks existing, and a sidewalk would lead nowhere and connect to nothing.

Mr. Schepke commented that he sees no need for a sidewalk in front of this property.

RESOLUTION #2006-09-63

Moved by Schepke

Seconded by Kilmer

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

WHEREAS, Iftequar Fazal has requested a temporary waiver of the requirement to construct sidewalk on the property because there are no other sidewalks in the area; and

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and
- c. The construction of a new sidewalk on the property line at the back of the property would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 3131 Kilmer, which is owned by Iftequar Fazal.

YES: All-5

NO: None

ABSENT: 2 (Diefenbaker, Ziegenfelder)

MOTION CARRIED

REGULAR BUSINESS

There was no regular business.

4. Visitors' Time

No one else wished to address the committee.

5. Other Business

There was general discussion about parking in cul-de-sacs. Dr. Abraham said that the City is in the process of signing all the cul-de-sacs, and the north part of the City is done. The goal is to have no parking on one side of the entering leg and on only 2/3 of the actual circle as per City Council resolution.

The Committee welcomed our new student representative, Ted Hwang.

Ms. Binkowski commented that the traffic handling at Long Lake and Livernois during repaving has been terrible. Dr. Abraham said the Road Commission for Oakland County is responsible for that project and the traffic control, and requested input on any specific concerns so that they can be followed up with RCOC.

Mr. Halsey said the westbound Maple to southbound Coolidge left-turn arrow is too short. He waited through three cycles during the mid-morning hours. Traffic was backed up approximately 1000 feet from the intersection. Dr. Abraham will ask the Road Commission to check it.

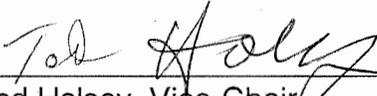
Mr. Halsey also spoke about the abysmal condition of Livernois from 14 Mile to Wattles. Again, this is a county road.

Mr. Kilmer said there is a sight obstruction at the intersection of Chicago Road and the ring road at Oakland Mall. A tree is blocking the stop sign. Dr. Abraham will investigate.

Mr. Halsey will be absent from the October meeting.

6. Adjourn

The meeting adjourned at 7:45 p.m. The next meeting is scheduled for October 18, 2006.



Ted Halsey, Vice-Chair



Laurel Nottage, Recording Secretary

A meeting of the **Troy Youth Council (TYC)** was held on September 27, 2006 at 7:00 PM at the Troy Community Center, 3179 Livernois. Katie Thoenes and Rishi Joshi called the meeting to order at 7:03 p.m.

MEMBERS PRESENT: Alexandra (Sasha) Bozimowski
Andrew Corey
Maxine D’Amico
Ales Gabriel
Rishi Joshi (Co-chair)
Jessica Kraft
Joseph Niemiec
Anupama Prasad
Kristin Randall
Neil Shaw
Katie Thoenes (Co-chair)
Karen Wullaert (Secretary)

MEMBERS ABSENT: Nicole Vitale

VISITORS: Carol Anderson, Parks and Recreation Director

STAFF PRESENT: Barb Rupas, Recreation Supervisor

1. Roll Call

2. Approval of Minutes

Resolution # TY-2006-09-12
Moved by Prasad
Seconded by Kraft

RESOLVED, That the minutes of August 23, 2006 be approved.

Yes: All – 12
No: 0
Absent: 1 - Vitale

3. Attendance Report:

Updated through September 2006. Reviewed by council members, no comments.

4. Futures Process:

No update at this time. Final report has not been completed.

5. Visitor: Carol Anderson, Parks and Recreation Director.

Presentation covered the topic of undeveloped parkland. Anderson reviewed the parcels, what the community requested in each parcel, funding and timeline for development.

6. Troy Daze Festival:

- Youth Council reviewed 2006 event and expressed the following concerns:
 - Viewed inappropriate images on prizes and on rides.
 - Image of Troy Daze as a family friendly event with pornographic images on rides.
 - Violence will happen any time and suggested having tightened security.
 - Disappointed in hours, friends get off of work at 9:30pm and are unable to attend due to 10:00pm closing time.
 - Parking system needs to be evaluated. Lots are too small to accommodate traffic and better communication is needed regarding parking procedures.
 - Surveys from age 30+ attendees preferred the 10:00pm closing time and every teen survey preferred the 11:00pm closing time.
 - D’Amico to draft a letter to present to Troy Daze Committee regarding concerns with rides, parking and hours.

7. Motion to Excuse Absent Members Who Have Provided Advance Notification

Resolution # TY-2006-09-13
 Moved by Wullaert
 Seconded by Niemic

RESOLVED that Anupama Prasad, Katie Thoenes (late) are excused.
 Yes: 12
 No: 0
 Absent: 1 – Vitale

8. Youth Council Comments –

-None.

9. Public Comments –

-None.

10. Public Comments - None

The meeting adjourned at 7:46 P.M.

Katie Thoenes, Co-chair

Scott Mercer, Recreation Supervisor

Reminder Next Meeting: November 29 at 7:00 P.M. @ *Troy Community Center*

TROY HISTORIC DISTRICT COMMISSION MINUTES – FINAL OCTOBER 17, 2006

A regular meeting of the Troy Historic District Commission was held Tuesday, October 17, 2006 at City Hall. Barbara Chambers called the meeting to order at 7:50 P.M.

ROLL CALL

PRESENT	Barbara Chambers Muriel Rounds Sabah Jihad Paul Lin Loraine Campbell, Museum Manager
ABSENT	Robert Hudson Marjorie Biglin Ann Partlan
GUESTS	Wil Bedford (correct spelling) Gene Moore, Caldwell Banker, Realtor Charlene Harris-Freeman Carl Freeman

Resolution #HDC-2006-10-001**Moved by Partlan****Seconded by Rounds****RESOLVED, That the absences of Biglin, Partlan and Hudson be excused.**

Yes: 5— Chambers, Rounds, Jihad, and Lin

No: 0

MOTION CARRIED**Resolution #HDC-2006-10-002****Moved by Lin****Seconded by Rounds****RESOLVED, That the minutes of the September 19, 2006 meeting be approved.**

Yes: 5— Chambers, Rounds, Jihad, and Lin

No: 0

MOTION CARRIED**NEW BUSINESS****A. Request by Wil Bedford, 4820 Livernois**

Mr. Bedford told the commission that he has had his historic home for sale for two years and has been unable to sell it. He feels potential buyers are not inclined to purchase the property because of the designation. The commission discussed options with him including:

1. Petitioning the Historic District Study Committee to amend the boundaries of the district to eliminate the vacant land he owns from the district so that property can be sold.
2. Renting his historic home until the regional economy improves.
3. Consulting with the Planning Department regarding zoning options for his property.

B. Historic District Study Committee Preliminary Report: 2955 Quail Run

The committee accepted for review the preliminary report provided by the Historic District Study Committee. Because of extensive attachments, Barbara Chambers asked that the commission take time to read the report thoroughly during the next four weeks. The commission will discuss the report at their November meeting. This information was conveyed to the owners of the resource, Carl and Charlene Harris-Freeman.

OLD BUSINESS

A. Updates on 36551 Dequindre

No report.

B. Update CLG

Allan Motzny sent the commission his review of the City of Birmingham's Historic Preservation Ordinance. The commission will review his memo and compare Troy and Birmingham's ordinances at their next meeting.

The Troy Historic District Commission Meeting was adjourned at 8:53 PM. The next meeting will be held Tuesday, November 21, 2006 at 7:30 p.m. at City Hall in Conference Room C.

Barbara Chambers
Chairperson

Loraine Campbell
Recording Secretary

TRAFFIC COMMITTEE MINUTES OCTOBER 18, 2006 FINAL

A regular meeting of the Troy Traffic Committee was held Wednesday, October 18, 2006 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

1. Roll Call

PRESENT: John Diefenbaker
 Jan Hubbell
 Richard Kilmer
 Gordon Schepke
 Pete Ziegenfelder
 Ted Hwang, Student Rep.
 Prithvi Murthy, Student Rep.

ABSENT: Sara Binkowski
 Ted Halsey

Also present: Gary Chegash, 318 Mt. Vernon Ave., Grosse Pointe Farms, MI
 David Dietze, 1900 Witherbee, Troy
 Birgit Felzer, 1850 Witherbee, Troy
 Pat Bismack, 2742 Powderhorn, Rochester
 Murray Deagle, 328 Evaline, Troy
 and: John Abraham, Traffic Engineer
 Lt. Scott McWilliams, Traffic Safety Division, Troy Police Dept.
 Lt. Robert Matlick, Troy Fire Dept.

Resolution to Excuse Absent Members**RESOLUTION #2006-10-64**

Moved by Kilmer

Seconded by Diefenbaker

To excuse Binkowski and Halsey.

YES: All-5

NO: None

ABSENT: 2 (Binkowski, Halsey)

MOTION CARRIED

2. Minutes – September 20, 2006**RESOLUTION #2006-10-65**

Moved by Hubbell

Seconded by Kilmer

To approve the September 20, 2006 minutes as printed.

YES: All-5

ABSENT: 2 (Binkowski, Halsey)

MOTION CARRIED

PUBLIC HEARINGS

3. Request for Sidewalk Waiver – 271 Habrand

R.W.T. Building requests a waiver for the sidewalk at 271 Habrand. The sidewalk ordinance requires that sidewalk be installed in conjunction with the construction of a new house. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioner states that the neighborhood is already developed with no sidewalks existing, and a sidewalk would lead nowhere and connect to nothing. He mentioned that the road has a 50' right of way with ditches. Mr. Schepke mentioned that there are no other sidewalks in the area and that Blanche gets more traffic than Habrand; therefore, he does not see the need for a sidewalk at this spot.

Mr. Ziegenfelder reminded petitioner that in a survey of homeowners, the presence of sidewalks was the third major factor considered by potential home buyers.

RESOLUTION #2006-10-66

Moved by Diefenbaker

Seconded by Hubbell

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

WHEREAS, R.W.T Building has requested a temporary waiver of the requirement to construct sidewalk on the property because there are no other sidewalks in the area; and

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and
- c. The construction of a new sidewalk would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 271 Habrand, which is owned by R.W.T. Building.

YES: All-5
 NO: None
 ABSENT: 2 (Binkowski, Halsey)
 MOTION CARRIED

4. Request for Sidewalk Waiver – 2105 Kirkton

R.W.T. Building requests a waiver for the sidewalk at 2105 Kirkton. The sidewalk ordinance requires that sidewalk be installed in conjunction with the construction of a new house. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioner states that the neighborhood is already developed with no sidewalks existing, and a sidewalk would lead nowhere and connect to nothing. There are also ditches on both sides of the street. He mentioned that the street has open ditches, and being R1E zoning, the setbacks are at a minimum and he feels it is not reasonable to install a sidewalk.

RESOLUTION #2006-10-67

Moved by Kilmer

Seconded by Diefenbaker

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

WHEREAS, R.W.T. Building has requested a temporary waiver of the requirement to construct sidewalk on the property because there are no other sidewalks in the area; and

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and
- c. The construction of a new sidewalk would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 2105 Kirkton, which is owned by R.W.T. Building.

YES: All-5
NO: None
ABSENT: 2 (Binkowski, Halsey)
MOTION CARRIED

5. **Request for Sidewalk Waiver – 3281 Troy Street**

B & C Building requests a waiver for the sidewalk at 3281 Troy Street. The sidewalk ordinance requires that sidewalk be installed in conjunction with the construction of a new house. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Gary Chegash, of B & C building, stated that the neighborhood is already developed with no sidewalks existing, and a sidewalk would lead nowhere and connect to nothing.

Mr. Schepke asked what the setback is, and Mr. Chegash said it is 35' from the property line on the frontage.

RESOLUTION #2006-10-68

Moved by Hubbell

Seconded by Diefenbaker

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

WHEREAS, B & C Building has requested a temporary waiver of the requirement to construct sidewalk on the property because there are no other sidewalks in the area; and

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and
- c. The construction of a new sidewalk would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 3281 Troy Street, which is owned by B & C Building.

YES: All-5
 NO: None
 ABSENT: 2 (Binkowski, Halsey)
 MOTION CARRIED

6. **Request for Sidewalk Waiver – 4077 Virgilia**

Pat Bismack requests a waiver for the sidewalk at 4077 Virgilia. The sidewalk ordinance requires that sidewalk be installed in conjunction with the construction of a new house. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioner states that the neighborhood is already developed with no sidewalks existing, and a sidewalk would lead nowhere and connect to nothing.

Mr. Schepke has lived a block away on Paragon for the past 36 years. He stated that Virgilia gets a lot of traffic and he is concerned about safety for pedestrians and children playing. He believes the new homes have good setbacks from the road and there is enough room for sidewalks. He is particularly concerned about the corner, which is a very high traffic area, and there is really no place for kids to walk/play. He walks that area on a daily basis and feels strongly that a sidewalk should be installed.

RESOLUTION #2006-10-69

Moved by Schepke
 Seconded by Kilmer

WHEREAS, the Traffic Committee has determined, after a public hearing, that Petitioner failed to establish the standards justifying the granting of a waiver,

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee denies a waiver of the sidewalk requirement for the property at 4077 Virgilia, which is owned by Pat Bismack.

YES: All-5
 NO: None
 ABSENT: 2 (Binkowski, Halsey)
 MOTION CARRIED

7. **Request for Sidewalk Waiver – 4059 Virgilia**

Pat Bismack requests a waiver for the sidewalk at 4059 Virgilia. The sidewalk ordinance requires that sidewalk be installed in conjunction with the construction of

a new house. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioner states that the neighborhood is already developed with no sidewalks existing, and a sidewalk would lead nowhere and connect to nothing.

The property in question is on a corner. Mr. Diefenbaker wanted clarification on whether the sidewalk requirement applies to both streets. Dr. Abraham said the rule applies to the whole parcel.

Mr. Schepke lives a block away on Paragon. He stated that Virgilia gets a lot of cut-through traffic and he is concerned about safety for pedestrians and children playing. He believes the new homes have good setbacks from the road and there is enough room for sidewalks. He feels that this would continue the sidewalk from 4077 Virgilia and potentially can be extended to Wattles if other properties are redeveloped.

Mr. Deagle, in support of Mr. Bismack, interjected that the engineering requirements for a sidewalk on this site would be much more difficult because of existing ditches that may require culverts for sidewalk connections to the roadway.

RESOLUTION #2006-10-70

Moved by Schepke

Seconded by Kilmer

WHEREAS, the Traffic Committee has determined, after a public hearing, that Petitioner failed to establish the standards justifying the granting of a waiver,

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee denies a waiver of the sidewalk requirement for the property at 4059 Virgilia, which is owned by Pat Bismack.

YES: All-5

NO: None

ABSENT: 2 (Binkowski, Halsey)

MOTION CARRIED

REGULAR BUSINESS

8. Request for NO PARKING Signs on the South Side of Witherbee between Eton and Graefield.

Birgit Felzer requests NO PARKING signs on Witherbee between Eton and Graefield, on both sides of the road. Parking is restricted on the north side (water main side) of Witherbee and is marked with NO PARKING signs. During construction work in the Pembroke School parking lot, employees were forced to park along Witherbee across from the school. Now that the parking lot is completed, they continue to park there. Mrs. Felzer has difficulty backing out of

her driveway when vehicles are parked on either side of her driveway on Witherbee.

The parking lot has more than adequate parking spaces and during different times of the day only around half of the parking spots are occupied.

Lt. Matlick said the road is narrow and very tight for maneuvering fire trucks if cars are parked on the road.

Lt. McWilliams approves parking restrictions because the road is narrow and can also cause difficulty for the school buses; however, he doesn't think full-time parking restrictions are necessary. He suggests restricting parking during the school beginning and ending hours. He has run license plate checks on the vehicles parked in the area and found they are mostly owned by non-residents.

Mr. Dietz, of 1900 Witherbee, opposes full-time parking prohibition, and says that his neighbor, Bob Flynn opposes it too. Mr. Dietz says his household has three cars, most of the neighbors have two, and on-street parking is needed. He also states that because of the bridge work on Adams there is a lot of cut-through traffic, and he estimates that 30% of the vehicles roll through the stop signs.

Lt. McWilliams suggested that a compromise would be to restrict parking ½ hour before and ½ hour after school arrival and dismissal times, 8:15 to 9:15 a.m. and 3:15 to 4:15 p.m. on school days only. This may prevent school personnel from parking on the street; the renovation of the school now provides more than adequate parking.

RESOLUTION #2006-10-71

Moved by Diefenbaker

Seconded by Hubbell

Recommend installation of NO PARKING SCHOOL DAYS ONLY 8:15 – 9:15 AM AND 3:15 – 4:15 PM signs on the south side of Witherbee between Eton and Graefield.

YES: All-5

NO: None

ABSENT: 2 (Binkowski, Halsey)

MOTION CARRIED

9. Visitors' Time

No one else wished to address the committee.

10. Other Business

Lt. Matlick said that there is a private road between Research and Stephenson, north of Maple, where tenants are parking and could restrict fire truck access. There are currently NO PARKING signs posted, but since it is a private road, the

police cannot issue violations. He requests that the road be posted as fire lanes so police could enforce the parking restrictions.

RESOLUTION #2006-10-72

Moved by Kilmer

Seconded by Hubbell

To recommend posting FIRE LANE signs on the Stephenson Highway access drive to Research Drive, north of Maple.

YES: All-5

NO: None

ABSENT: 2 (Binkowski, Halsey)

MOTION CARRIED

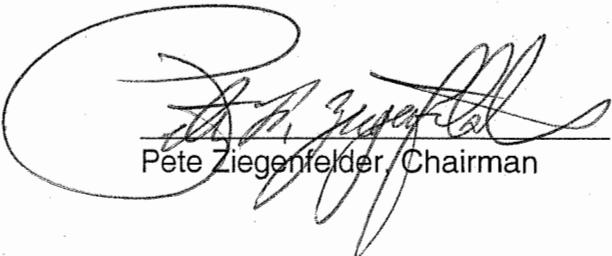
Mr. Ziegenfelder hit a deer on Wattles, and wants DEER CROSSING signs installed. Dr. Abraham will study crash reports to see if signs are warranted. They can be installed without Traffic Committee action.

Mr. Kilmer asked about Osborne Square on Crooks. Dr. Abraham said there were five broadside crashes in 2005, and he will talk to the property owners about the City staff proposal of reducing the width of the existing driveway and adding another drive on the north side of the Osborn Square development.

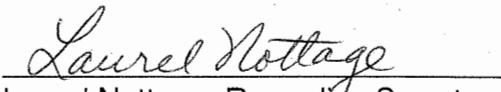
Mr. Diefenbaker commended the City about the recent intersection pavement improvements at Wattles and Rochester, and at Square Lake and Rochester. He added that he is pleased to see that Long Lake and Livernois are also fixed, making driving a pleasure. The rest of the Committee expressed similar sentiments.

11. **Adjourn**

The meeting adjourned at 8:25 p.m. The next meeting is scheduled for November 15, 2006.



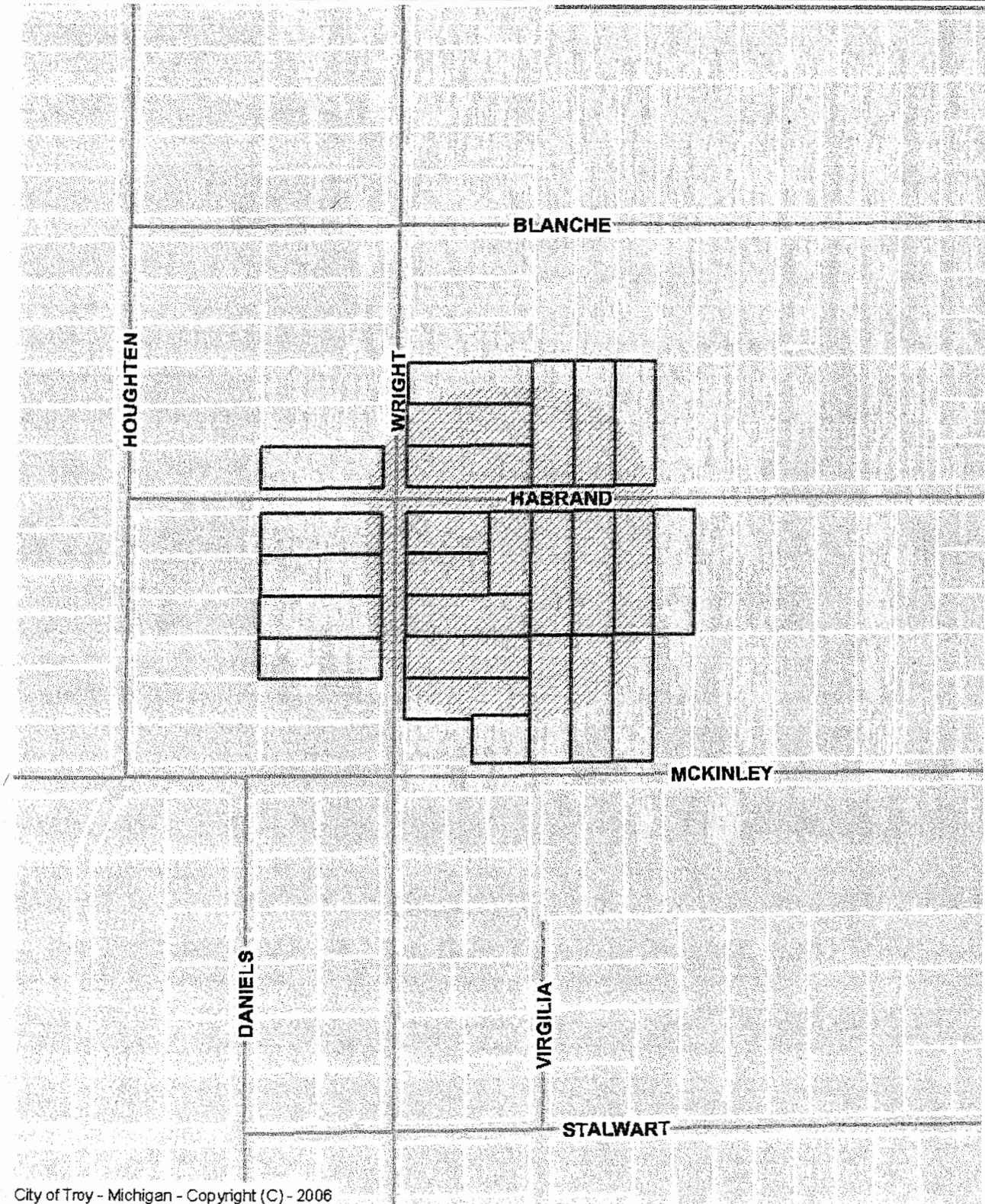
Pete Ziegenfelder, Chairman



Laurel Nottage, Recording Secretary



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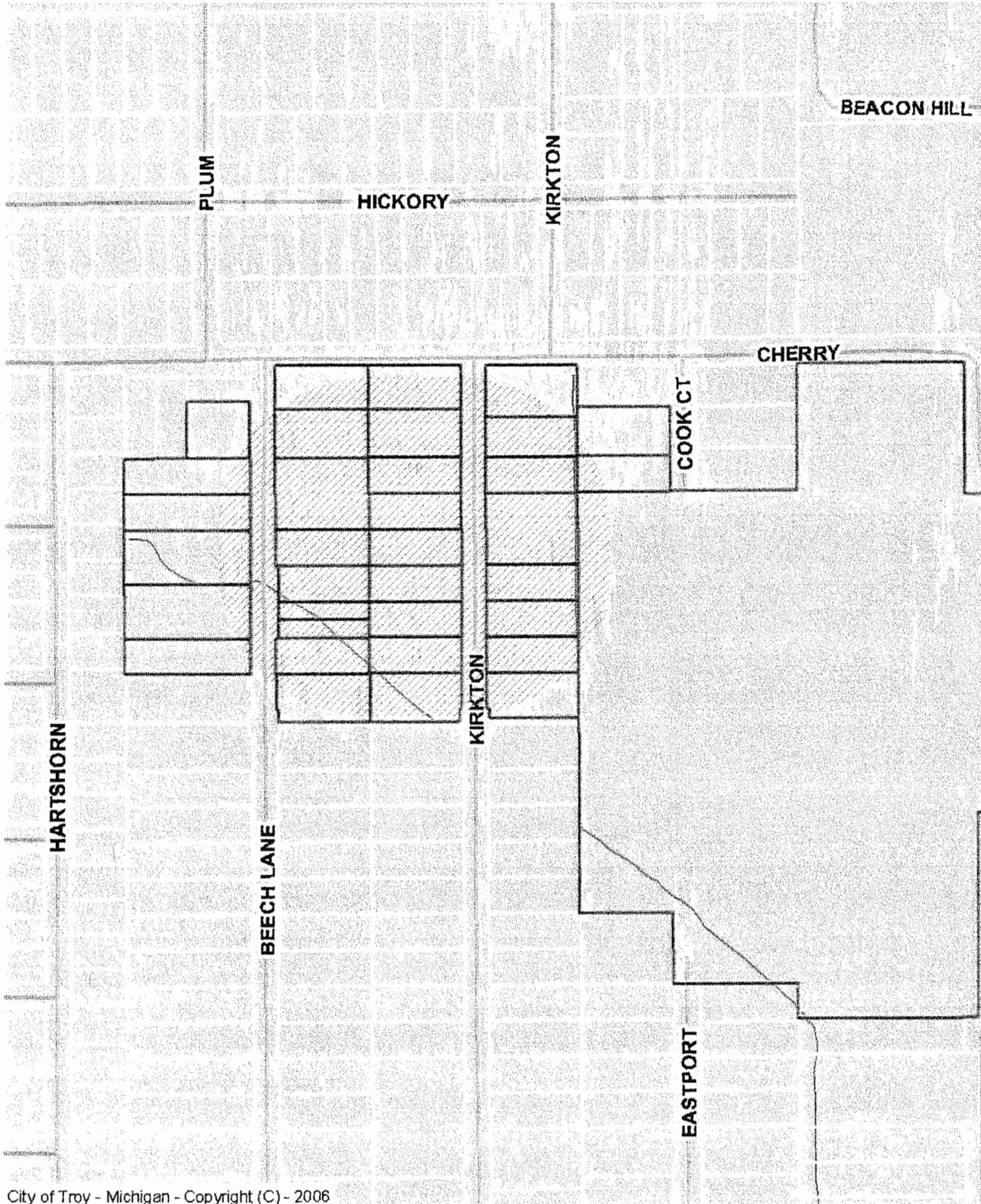


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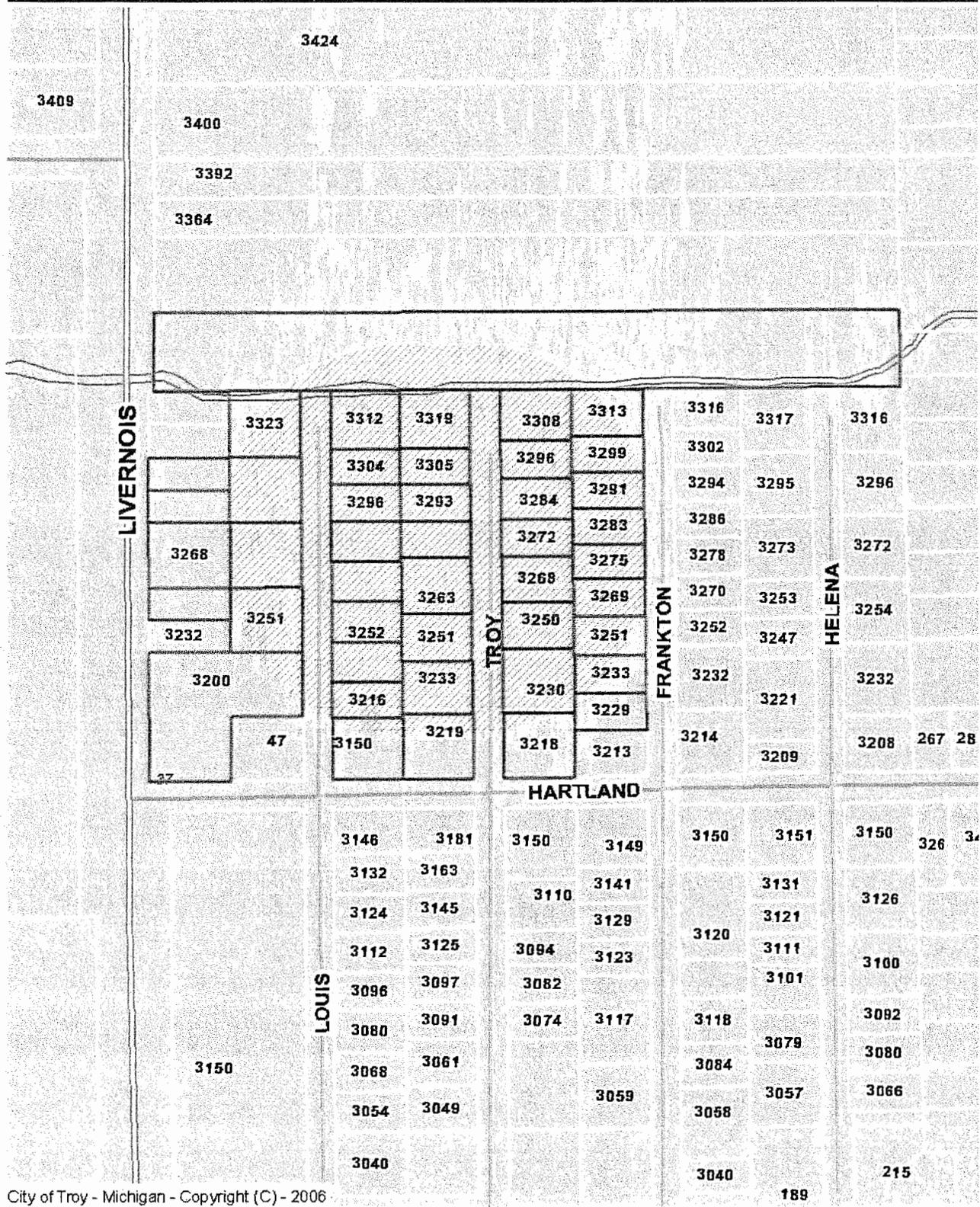


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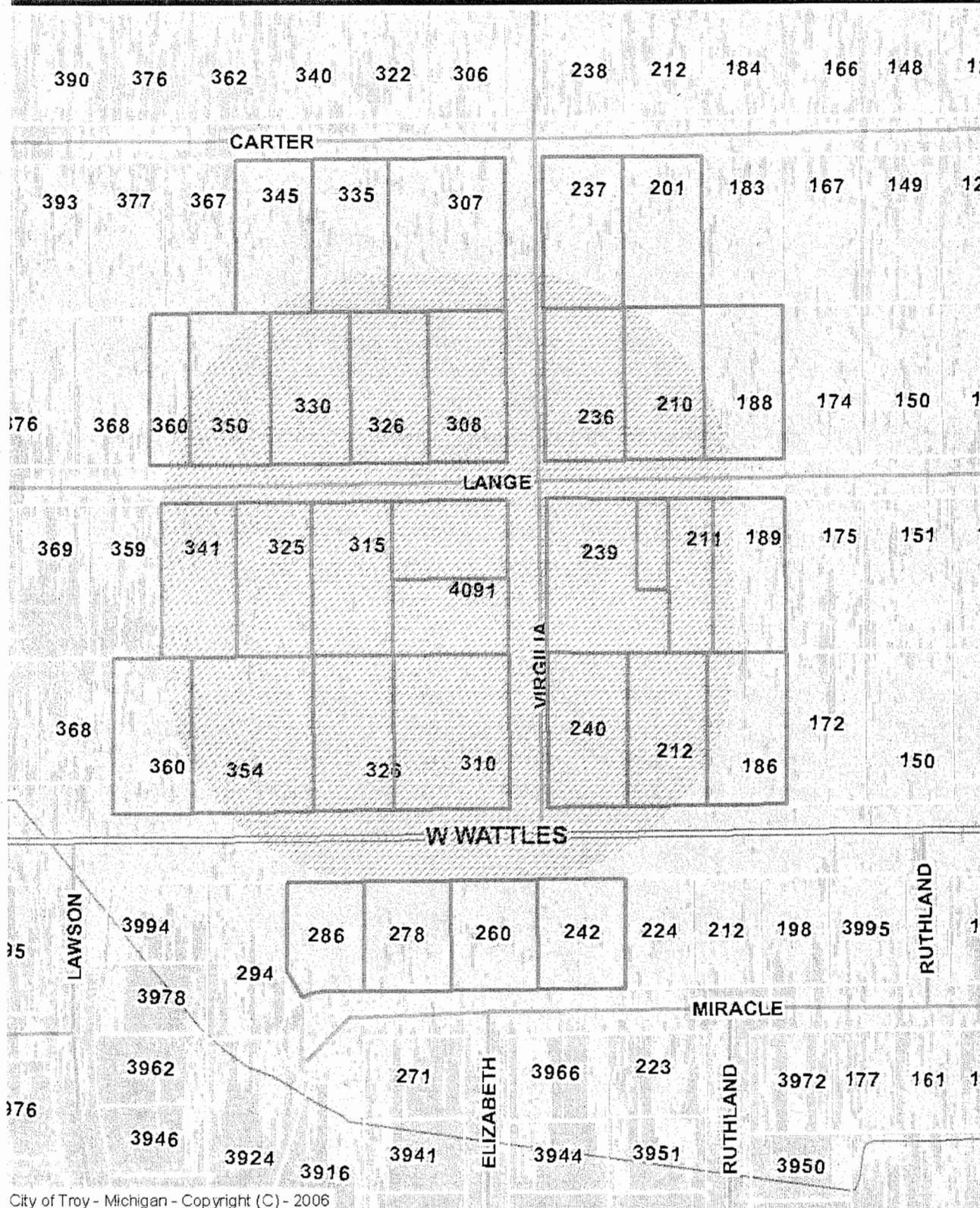


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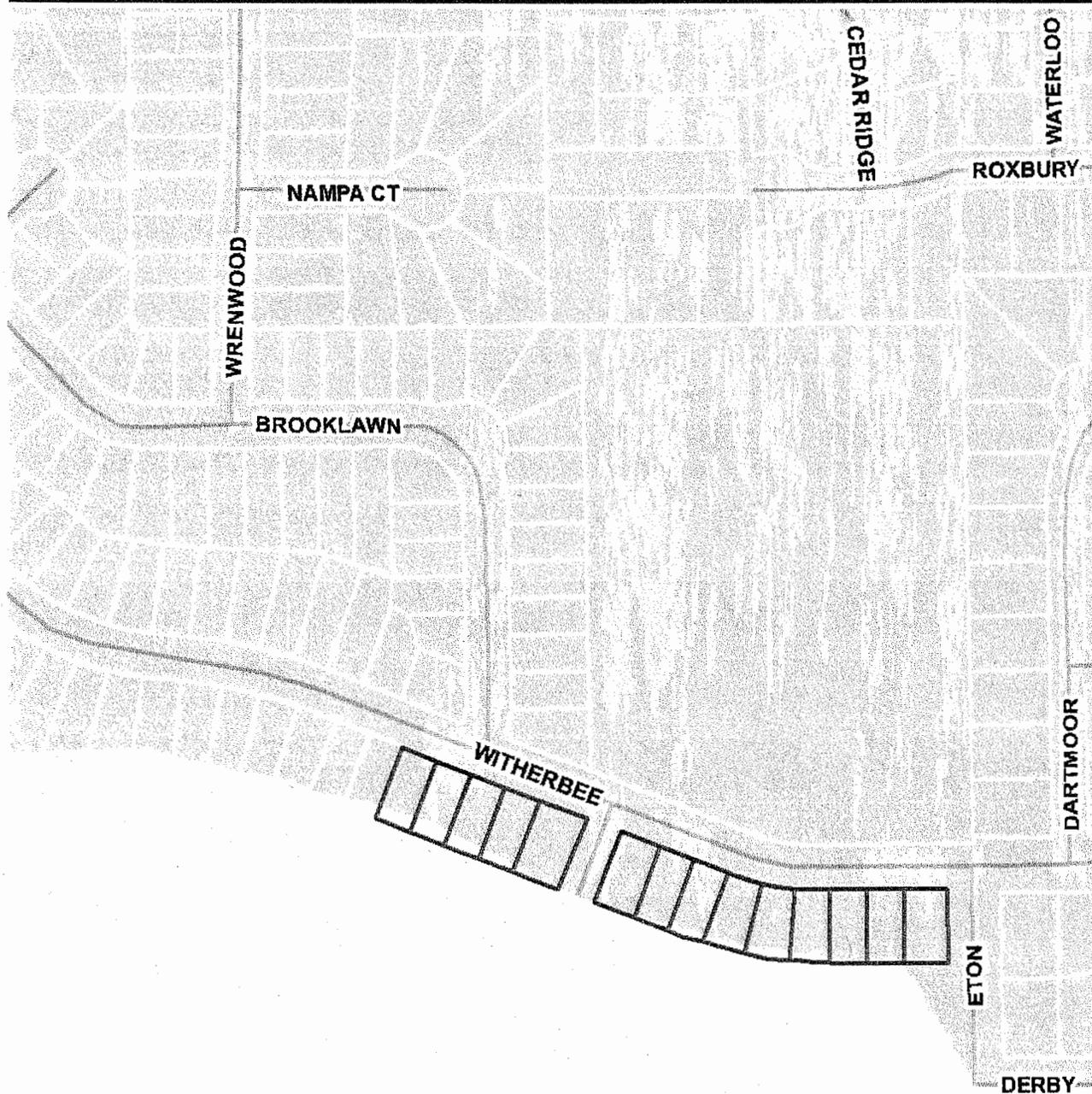


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<http://gis/servlet/com.esri.esrimap.Esrimap?ServiceName=TROY&ClientVersion=4.0&F...> 10/10/2006

Traffic Committee Members
Cc: Lt. Scott McWilliams, Police Department
John K. Abraham, Traffic Engineer

**RE: Traffic Committee Meeting Item #8
Installing NO PARKING signs on Witherbee between Eton & Graefield**

I am writing this letter in response to the request by Birgit Selzer to have No Parking signs installed on Witherbee Drive between Eton and Graefield. I and my wife reside at 1900 Witherbee, directly across from Pembroke Elementary.

During this summer's construction project at Pembroke, there was a tremendous amount of parking congestion throughout the nearby streets. Apparently, some employees of the school continue to park on Witherbee now that the construction is over. Additionally, at student drop-off and pick-up times, the street is crowded with parents parked while dropping off or retrieving their children. I have noticed that it is sometimes difficult to enter or exit my driveway due to how close people park to the driveway entrance when it is crowded.

However, I am concerned that were Ms. Selzer's request to be approved, residents would lose the ability to park in front of their own home. Firstly, the driveways in this area are very small and if one has three cars in the home, it is nearly impossible to put them all in the driveway. Secondly, when having guests or holiday get-togethers, it seems unnecessarily inconvenient to make your guests park a block down the road, which additionally would only make it more crowded in front of other people's homes.

It appears to me that the problem is related to inadequate parking and standing areas in the Pembroke parking lot and driveways. I am strongly opposed to adding No Parking signs. Minimally, I strongly believe the committee should consider creating a permit parking or residents only parking designation rather than eliminating parking altogether, which I believe would unduly burden those who reside on the street.

Sincerely,

David A. Dietze

October 18, 2006

Liberty Property Trust
1650 Research Drive
Troy, Mi 48083

RE: Property at Stephenson & Maple (Drive off Stephenson, North of Maple to East)

Dear Brian,

The Troy Fire Department has surveyed the above captioned property for the establishment of fire lanes. This action is pursuant to Chapter 1076 of the Troy City Code, and was recommended by the Fire Department and the Traffic Committee.

This letter is to notify you that the installation and maintenance of the fire lane signs is the obligation of the property owner. The fire lane signs are to be installed and maintained in compliance with the criteria as set forth in the Michigan Manual of Uniform Traffic Control Devices.

Some of the criteria as set forth in the Michigan Manual of Uniform Traffic Control Devices are:

1. Signs shall be red on white background and shall read:
"No stopping, standing, parking- Fire Lane- Tow Away Zone"
2. Spaced no further than 100 feet apart.
3. Installed at right angle or 90 degrees.
4. Seven (7) feet from the bottom of the sign to grade.
5. Double faced where possibility exists for left wheel to curb parking.

It is the requirement of the Troy Fire Department that the compliance be attained immediately. A diagram of your property and fire lane sign placement is attached for your reference. For our reference, please return the enclosed form with the name and contact information of the parties responsible for maintenance of this property.

The Traffic Committee meets the third Wednesday of each month, at 7:30 pm, in the Lower Level Conference Room at Troy City Hall. Should you have any questions about posting these signs, please attend. Call 248-524-3379 to confirm the date of the meeting. Otherwise, you are not required to attend.

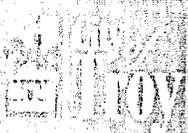
If you have any questions regarding this notice, please contact the Troy Fire Department at 248-524-3419. Thank you for your immediate cooperation in this matter.

Protectively,

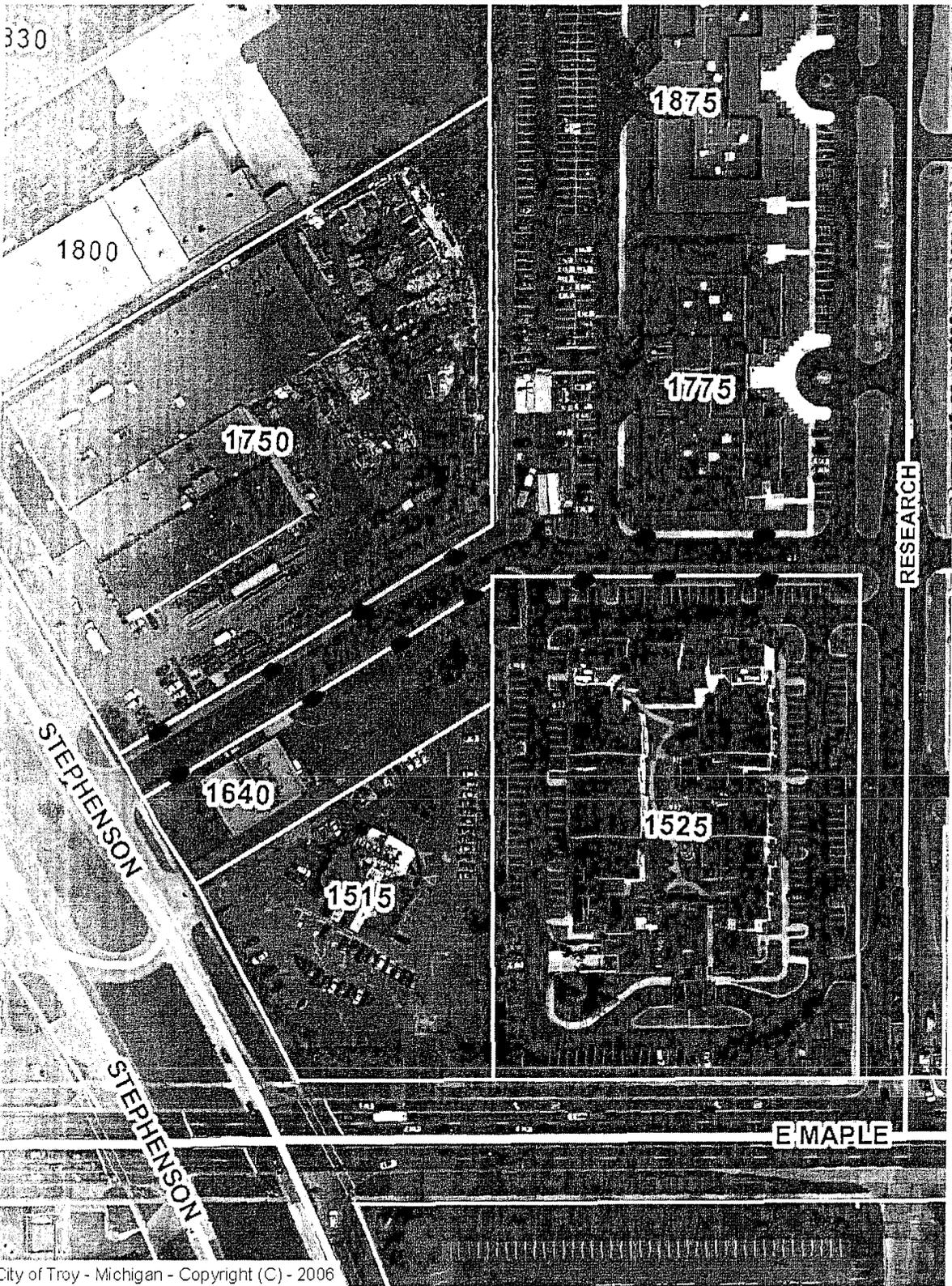
Troy Fire Department

Robert Matlick, Lieutenant

Attachments
Cc: L. Nottage



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**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT –
NOVEMBER 1, 2006**

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, November 1, 2006, at the lower level Conference Room at City Hall. Chairman Stewart called the meeting to order at 7:02 p.m.

Present: M. Apte, alternate C. Geier, alternate
P. Hammond, member T. House, member
G. Hyun, student P. Manetta, member
D. Pietron, member J. Stewart, member
C. Weidman, student S. Werpetinski, member

Present: M. Grusnick, staff

Absent: C. Buchanan, member EA
S. Burt, member UA
A. Done, member EA

ITEM III – APPROVAL OF MINUTES OF MEETING OF OCTOBER 1, 2006

Werpetinski made a motion that the minutes of October 4, 2006 be approved. All voted in favor.

ITEM IV – SCHEDULED PRESENTATIONS

Brian Murphy, Assistant City Manager, was in attendance to share information regarding the proposed Transit Center which consists of three acres of property located near Coolidge and Maple. As part of the consent judgment for Midtown Square, the City has until 2010 to develop a transit center on this property. MDOT has committed \$350,000 for the development of the full service Amtrak station facility. Hertz Rental as well as Smart Bus have shown considerable interest. Brian will keep this Committee informed as progress continues.

ITEM V – UNFINISHED BUSINESS

- A. The finalized copy of the ACPD brochure is currently at the printer and should be completed by December.
- B. House wished to change her vote on the motion passed last month to discontinue collections for goodwill gestures to show she is not in favor. The vote cannot be changed but House's stand on this will be recorded in these minutes.
- C. Werpetinski presented a list of City services that are available for community members with disabilities. Werpetinski moved that this list be turned over to the Community Affairs Department to edit and include in a specified section of Troy Today that would be designated as a resource section for persons with disabilities. All were in favor.

**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT –
NOVEMBER 1, 2006**

- D. Brian Murphy and Cindy Stewart are compiling a resource guide for seniors and low income residents with special needs. He suggested contacting Cindy Stewart to include services for persons with disabilities. Manetta has compiled a collection of outside resources that service people with disabilities. Those materials will be turned over to Cindy Stewart for inclusion in the pending resource guide.
- E. Grusnick verified that the handicap parking at 1301 W. Long Lake is within code.

ITEM VI – NEW BUSINESS

Werpetinski requested that a commendation letter be drafted to be sent to people that do extraordinary efforts for recognition by this Committee.

Stewart asked Hyun and Weideman to poll local grocery and drug stores inquiring as to whether they offer delivery for prescription drugs and/or groceries.

ITEM VII – REPORTS

- A. Weideman reported on a woman that organized a baseball team for special needs children. She was featured on Extreme Home Makeover.
- B. Hyun reported that festivals in Montrose, Alpena, Chesaning, etc. are all handicap accessible. She also informed us that there is an organization at her high school called Troy Colts Connect which is an inclusive club for all Troy students. It meets once a week and they plan social activities as well as eat lunch together biweekly.
- C. Hammond reported that Done gave the house bound trailer park resident a reference for a contractor that will do several repairs at a minimal cost.
- D. Werpetinski reported that Geier was appointed a member of this Committee at the Council Meeting and that Manetta's appointment was extended.

ITEM VIII – PUBLIC COMMENT

Sean Murphy attended our meeting as a guest. Sean works for Disability Made Easy, a company that constructs barrier free, handicap accessible products in homes. Sean will be returning to a meeting to give a presentation at a later date.

ITEM IX – MEMBER COMMENT

- A. Apte is relocating outside Troy and will be leaving this Committee. She has submitted a resignation letter.
- B. Geier mentioned an acquaintance that refrained from using Medi-Go Plus because she claimed that the service did not drop her off at the door of her destination.
- C. House announced her resignation as a member to this Committee.
- D. Stewart commends Fuhrman for stepping down from this Committee due to obligations and allowing this opportunity to be given to another.
- E. Stewart reported that the special needs adults could use assistance at their crafting event on 11/30/06 at 12:30 at the Community Center. This is a prelude to their Holiday Frolic held 12/8/06 from 7:00 to 9:30.

**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT –
NOVEMBER 1, 2006**

ITEM X – ADJOURNMENT

Geier made a motion to adjourn at 9:10 p.m. which was seconded by Manetta.

Jeff Stewart, Chairperson

Kathy Jearls, Recording Secretary

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Jeff Stewart, Chairperson

Kathy Jearls, Recording Secretary

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order on Wednesday, November 1, 2006 at 8:30 A.M. in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tom Rosewarne
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Marlene Struckman, Housing & Inspector Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – SPECIAL MEETING OF OCTOBER 18, 2006

Motion by Kessler
Supported by Zuazo

MOVED, to approve the minutes of the Special Meeting of October 18, 2006 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. STUDIO DESIGN, 1814 MAPLELAWN, for relief of the Sign Ordinance to erect a ground sign that is 30' in height.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85, the Sign Ordinance to erect a ground sign that is 30' in height. Table 85.02.05 permits a 25' maximum height for a ground sign.

Stanley Tkarz of Studio Design was present and stated that this is actually a request from the Hyundai Marketing Department. This dealership is brand new and is a new prototype building. Hyundai Corporation believes that a larger sign will create more of a marketable element. Mr. Tkarz stated that he could not provide a specific hardship running with the land in putting in a 25' foot sign.

Mr. Dziurman asked if there were other 30' signs in the area. Mr. Stimac stated that he thought the GM brand signs were more than 30' feet high.

Mr. Tkarz said that he has provided architectural services to the Suburban Collection and that the GM sign is 35' high, the Nissan sign sits back about 200' and is 30' high, and he believes the Toyota pylon sign across the street is between 27' and 28' high.

ITEM #2 – con't.

Mr. Dziurman stated that he is concerned because if this variance is granted without a justifiable hardship a precedent would be set for other signs to be 30' high, or higher.

Mr. Kessler stated that one of the requirements of this Board was to find a hardship running with the land that would justify granting a variance. There is nothing unique to give the Board the authority to grant this request.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Motion by Kessler
Supported by Zuazo

MOVED, to deny the request of Studio Design, 1814 Maplelawn, relief Chapter 85 to erect a ground sign that is 30' in height, where Table 85.02.05 permits a 25' maximum height for a ground sign.

- Petitioner did not demonstrate a hardship justifying a variance.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

ITEM #3 – VARIANCE REQUEST. THOMAS A DUKE, 1700 W. BIG BEAVER, for relief of the Sign Ordinance to erect a ground sign that is 320 square feet in area.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85, the Sign Ordinance to erect a ground sign 320 square feet in area. The proposed signage consists of letters that are proposed to be added to an existing "L" shaped brick wall that screens existing ground mounted mechanical equipment at the southeast corner of the building. Using this existing brick wall as a sign results in a calculated sign area of 320 square feet. Section 85.02.05 permits a ground sign a maximum of 200 square feet in area.

Mr. Dziurman asked how large the south elevation of the wall was and Mr. Stimac said that it is 24' long and 8' high, which is a total of 192 square feet.

Mr. Thomas Duke was present and stated that he had purchased this building about eight (8) years ago and at that time there was some type of signage on this wall. There have been considerable vacancies and he has found a tenant that wants to use the screening wall for their sign. This sign would blend in with the building and give a nice appearance to the area.

ITEM #3 – con't.

Mr. Kessler asked why Mr. Duke couldn't stay within the 200 square feet. Mr. Duke said that the existing south face of the wall is 192 square feet and in his opinion he does fall within the requirements of the Ordinance. The wall is "L"-shaped and it is because of this design that a variance is required. Mr. Duke stated that he would be able to build a separate ground sign 200 square feet in area and a variance would not be required. He would rather put the signage on this wall than add an additional sign.

Mr. Nelson asked if a variance would be required if there was any type of gap in this wall. Mr. Stimac explained that this wall is being looked at as though it were in the middle of the property. Because the wall is "L"-shaped in plan, both sides have to be calculated in the sign area even though there is no lettering proposed for the east face of the wall. Mr. Stimac also explained that in the Board members packets were copies of the original sign, which indicate that it was used as an address sign; and therefore is not regulated by the Sign Ordinance.

The Chairman opened the Public Hearing.

Ms. Cathie Walton, Office Manager, 1740 W. Big Beaver, Suite 100, was present and stated that they are delighted with this proposal. Ms. Walton said that they approve of this request.

No one else wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Duke stated that he had to tried to give a drawing depicting the proposed sign, and stated that if he took the return part of the wall down a variance would not be required. This wall is used to screen mechanical equipment. Mr. Duke further stated that he would be willing to give the City a letter stated that he would not use the north – south portion of the wall for signage.

Motion by Nelson
Supported by Kessler

MOVED, to grant Thomas A. Duke, 1700 W. Big Beaver, relief of the Sign Ordinance to erect a ground sign that is 320 square feet in area.

- The east face of screening wall not to be used for signage.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

The Building Code Board of Appeals meeting adjourned at 8:47 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, Nov. 2 2006 at the Troy Community Center. Chair Bud Black called the meeting to order at 1:05 PM.

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

Carla Vaughan reported that Mary Sarossy has resigned due to health problems.

Absent: Frank Shier, Member

Visitors: Paula Fleming

Approval of Minutes

Resolution # SC-2006-11-001
 Moved by James Berar
 Seconded by Jo Rhoads

RESOLVED, That the Minutes of Oct. 5, 2006 be approved as submitted.

Yes: 6
 No: 0

MOTION CARRIED

Visitor Comments

None

Old Business

Shuffleboard and Bocce Ball: Carla reported that construction is under way and the courts will be completed this fall. Committee members will be notified if and when there is a ribbon cutting ceremony. JoAnn Thompson asked that it be clarified in the newsletter that there would be drop-in play in addition to leagues and tournaments.

Catering Service at the Community Center: Carla reported that a memo has been prepared for the next council meeting (Nov 13) that asks for permission to negotiate a contract.

Street Signs: The discussion about street sign color, size, placement and visibility continued. Carla will ask someone from the DPW Department to attend the next meeting to discuss the issue.

Home Repair Program: JoAnn Thompson reported that she has used the service. It went very well, and they refused to take any money. Carla reported that the Community Foundation wants to support the program and that more volunteers are needed. Jo Rhoads asked Carla to sign her up to volunteer.

New Business

Terrace Café at Athens High School: Jo Rhoads reported that the service and food are great. She circulated a copy of the menu that was provided by Paula Fleming.

Lunch Visits: The Committee discussed visiting other centers to have lunch. Carla suggested that they eat here in Troy first in order to be able to make a comparison. Committee members planned to have lunch in Troy twice in November.

Reports

Park Board: Merrill Dixon reported that there was no meeting in October.

Medi-Go: Jo Rhoads reported that the clientele is expanding. It is disturbing when people neglect to cancel their appointments when they no longer need a ride.

Senior Program: Carla reported that this fall’s Mental Aerobics class was full with 28 students. Retired teacher Karen Matthews provides techniques for improving memory and games and activities that “exercise” the brain. Fifty-five seniors are signed up for leaf raking. The flu shot clinic is today until 3 p.m. The Fine Art Show is tomorrow and will be held in the lobby of the Community Center this year for greater exposure. Over 30 artists have registered to exhibit their works.

OLHSA: Pauline Noce reported that an ophthalmologist spoke and it was very interesting.

Oakland County Senior Advisory Board: Jo Rhoads reported that Brooks Patterson attended the meeting and committee members discussed their areas of concern. Jo is concerned that the county commissioners may not be aware of all the issues in their districts.

Suggestion Box: No report

Comments:

David Ogg reported that the temporary speed limit signs should be taken down on Livernois near Long Lake. Carla will pass this on to the DPW department.

The meeting was adjourned at 2:45 p.m.

Respectfully submitted,

Bud Black, Chair

Carla Vaughan, Secretary

TROY HISTORIC DISTRICT STUDY COMMITTEE MINUTES—FINAL NOVEMBER 7, 2006

A Regular Meeting of the Troy Historic District Study Committee was not held Tuesday, November 7, 2006 at the Troy Museum due to lack of quorum.

The next regular meeting will be held Tuesday, December 5, 2006 at 7:30 p.m. at the Troy Museum.

Kevin Lindsey
Chairman

Loraine Campbell
Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on November 7, 2006 in Classroom "B" of the Police and Fire Training Center, 4850 John R, Troy, Michigan.

1. ROLL CALL

Present:

Fazal Khan
 Mary Kerwin
 Robert Schultz
 Thomas Strat
 David T. Waller

Absent:

Lynn Drake-Batts
 Lawrence Littman
 Mark J. Vleck
 Wayne Wright

Also Present:

Mark F. Miller, Planning Director
 R. Brent Savidant, Principal Planner
 Susan Lancaster, Assistant City Attorney
 Phillip L. Nelson, City Manager
 Jonathan Shin, Student Representative

Resolution # PC-2006-11-185

Moved by: Khan
 Seconded by: Waller

RESOLVED, That Members Drake-Batts, Littman, Vleck and Wright are excused from attendance at this meeting for personal reasons.

Yes: All (5)
 No: None
 Absent: Drake-Batts, Littman, Vleck, Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2006-11-186

Moved by: Khan
 Seconded by: Schultz

RESOLVED, To approve the Agenda as presented.

Yes: All (5)
 No: None
 Absent: Drake-Batts, Littman, Vleck, Wright

MOTION CARRIED

3. MINUTES – October 24, 2006 Special/Study Meeting

Resolution # PC-2006-11-187

Moved by: Kerwin
Seconded by: Schultz

RESOLVED, To approve the October 24, 2006 Special/Study meeting minutes as presented.

Yes: All (5)
No: None
Absent: Drake-Batts, Littman, Vleck, Wright

MOTION CARRIED

4. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

5. PRESENTATION BY VALDIS LAZDINS OF LSL PLANNING, INC. – Design Matters: Using Natural and Durable Materials to Promote Good Design – Presented by LSL on behalf of the Brick Industry Association

Valdis Lazdins of LSL Planning, Inc., made a presentation on community design standards.

A question and answer period with general discussion followed.

Chair Strat requested a recess at 8:10 p.m.

The meeting reconvened at 8:15 p.m.

6. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 225) – Amendments to Article XXXV, Planned Unit Development Provisions

Mr. Miller presented a summary of the draft amendment. He reminded the Planning Commission of the public hearing scheduled for the item on November 14, 2006. He stated that the amendment would not be ready for a positive recommendation by November 14, but that it was the intent of the Planning Department to have a Public Hearing draft prepared for consideration by December 12, 2006. Mr. Miller suggested the Planning Commission could postpone the item to December 12, 2006 and have the public hearing remain open until this meeting.

Mr. Schultz expressed concern about phasing of Planned Unit Developments; specifically with developers who might construct the more profitable first phase of the PUD and then walk away from the project, leaving an incomplete project behind.

Mr. Khan suggested that public benefit should be linked to each phase.

Hunter Richardson of Richardson Development Group, Reston, Virginia, commented on the draft amendment. He stated that he had some issues with the draft and would share those issues with staff. He suggested that the first phase should be able to stand alone but additional phases should be additive.

General discussion followed.

7. SUB-COMMITTEE PROGRESS REPORTS AND DISCUSSION

A. Tracking of Planning and Zoning Projects - Schultz

Mr. Savidant stated the updated tracking document could be distributed electronically after it was updated.

B. By-Laws - Kerwin / Waller

Ms. Kerwin anticipated that draft By-Laws would be ready for Planning Commission consideration in January 2007.

C. Complete Update of Ordinance - Time Line and Milestones - Mark Miller

Mr. Miller stated the Zoning Ordinance update would begin following completion of the Master Plan.

D. Sustainable Development Standards - Khan / Waller

Mr. Khan asked that his name be removed from all sub-committee assignments.

E. Design Standards and Examples - Khan / Waller

F. Promotion of Ingenuity - Mark Miller

Mr. Miller indicated that ingenuity was sought on a case-by-case basis through development applications, particularly PUD's. Mr. Waller suggested there was a disconnect from the Planning Commission's perspective regarding what staff suggested and what was provided by the applicant on the site plan.

G. Educational - Speakers and Presentations to Planning Commission - Strat

The Planning Commission agreed that because there were no Planning Commission meetings scheduled for the fourth week of November or December, there would not be an internal study meeting in December.

- H. Site Plan Approval Requirements
Mr. Strat suggested that a lighting plan should be required for all site plan applications.
 - I. Conditional Rezoning Requirements
Mr. Miller reminded members that this item was adopted by City Council.
 - J. PUD Restructure
Mr. Miller reminded members that this item was already discussed during tonight's meeting.
 - K. Comprehensive Plan Procedure Update
 - L. Maple Road Study Update
 - M. Big Beaver Corridor Study Update
 - N. Reasons for Denial of Site Plan
 - O. Improve Relationships with Other Commissions, City Departments and City Council
Mr. Nelson stated that with many significant projects upcoming, it was imperative that all staff, City Council and other boards need to be on the same page and joint meetings assist with this.
 - P. Joint Meeting with City Council
 - Q. Other New Items
8. PUBLIC COMMENTS – Items on Current Agenda
- Chris Komasara of 5287 Windmill, Troy, was present. Mr. Komasara commented on the presentation, including his experiences on design standards within condominium by-laws. He also suggested that the Planning Commission prioritize their work items, with the Master Plan being number one.
9. PLANNING COMMISSION COMMENTS
- There was general discussion.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:00 p.m.

Respectfully submitted,

Thomas Strat, Chair

R. Brent Savidant, Principal Planner

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A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, November 8, 2006, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:18 p.m.

TRUSTEES PRESENT: Mark Calice
Michael Geise
Thomas Houghton, Chair
Martin F. Howrylak
John M. Lamerato
William R. Need (Ex-Officio)
Phillip L. Nelson
Steven A. Pallotta

MINUTES

Resolution # ER – 2006 – 11 - 041

Moved by Pallotta
Seconded by Calice

RESOLVED, That the minutes of the October 11, 2006 meeting be approved.

Yeas: All 7

OTHER BUSINESS – RECOVERY OF EDRO COST

Resolution # ER – 2006 – 11 - 042

Moved by Lamerato
Seconded by Nelson

Recovery of Costs of Processing Domestic Relations Orders

WHEREAS, The City of Troy Employee Retirement System is subject to the provisions of the Eligible Domestic Relations Order Act, 1991 PA 46, which provides that the Retirement System shall determine if domestic relations orders received by it are eligible domestic relations orders and, if so, must administer same; and

WHEREAS, The Retirement System has adopted policies and procedures to implement the requirements of the Eligible Domestic Relations Order Act which include the involvement of professional advisors due to the legal and actuarial issues inherently involved; and

WHEREAS, Such professional advisors charge fees for such services and, therefore, the Retirement System incurs costs it would not have incurred but for the enactment of the Eligible Domestic Relations Order Act and the divorce or separation of participants submitting domestic relations orders to the Retirement System; and

WHEREAS, The Eligible Domestic Relations Order Act contemplates payment of the costs associated therewith by the parties to such orders and provides that such orders may not require the Retirement System to provide an increased benefit determined on the basis of actuarial value, which includes the cost of administration; and

WHEREAS, The Retirement System has previously determined that the increased costs incurred by the Retirement System due to the administration of the Eligible Domestic Relations Order Act should be borne by the parties to the domestic relations orders submitted to the Retirement System, and the Retirement System desires to clarify and formalize its policy in this regard;

THEREFORE, BE IT RESOLVED, That the parties to any domestic relations order submitted to the City of Troy Employee Retirement System shall be required to reimburse the Retirement System for all additional actuarial fees and costs associated therewith on an equal basis; and

THEREFORE, BE IT FINALLY RESOLVED, That if such costs have not been reimbursed to the Retirement System by the parties prior to the commencement of benefits, such costs shall be deducted from the first and any necessary subsequent benefit payment to each party until that party's share of the costs has been fully recovered.

Yeas: All 7

OTHER BUSINESS – JUNE 30, 2006 QUARTERLY INVESTMENT PERFORMANCE

The Board received and filed the June 30, 2006 Quarterly Investment Report.

INVESTMENTS

Resolution # ER – 2006 – 11 - 043

Moved by Pallotta

Seconded by Houghton

RESOLVED, That the Board buy and sell the following securities:

Buy: 5,000 shares Kohl's
\$725,000 John Hancock International Core Fund

Sell: Startek; Lucent Technologies; Compuware; Aim Constellation Mutual Fund and use Proceeds to buy Aim Global Value Fund and Aim European Growth Fund.

Yeas: All 7

PUBLIC COMMENT

There was no public comment.

The next meeting is December 13, 2006 at 1:30 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:28 p.m.

JML/bt\Retirement Board\2006\11-08-06 Minutes_Draft.doc

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on November 14, 2006, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Lynn Drake-Batts
Mary Kerwin
Fazal Khan
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller

Absent:

Lawrence Littman
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Jonathan Shin, Student Representative
Kathy Czarnecki, Recording Secretary

Resolution # PC-2006-11-188

Moved by: Schultz
Seconded by: Khan

RESOLVED, That Members Littman and Wright are excused from attendance at this meeting for personal reasons.

Yes: All present (7)
No: None
Absent: Littman, Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

To accommodate public hearing participation, it was agreed to move Agenda item #10 forward under Agenda item #4, and identify it as Agenda item #4(a).

Resolution # PC-2006-11-189

Moved by: Schultz
Seconded by: Khan

RESOLVED, To approve the agenda as amended.

Yes: All present (7)
 No: None
 Absent: Littman, Wright

MOTION CARRIED

3. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

POSTPONED ITEM

4. PUBLIC HEARING – REZONING REQUEST (Z 719) – Proposed Troy Medical Office, West side of Livernois, North of Big Beaver, Section 21 – From R-1B (One Family Residential) to O-1 (Low Rise Office)

Mr. Savidant reported it is the recommendation of City Management to postpone the item at the request of the petitioner who is pursuing a conditional rezoning on the subject property.

Resolution # PC-2006-11-190

Moved by: Schultz
 Seconded by: Khan

RESOLVED, That the Planning Commission hereby postpones this item until such time that the applicant submits a complete conditional rezoning application and a public hearing has been scheduled.

Yes: All present (7)
 No: None
 Absent: Littman, Wright

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENT

4(a). PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-B) – Article 04.20.00 and Article 40.66.00, Commercial Vehicle Definitions and Outdoor Parking of Commercial Vehicles in Residential Districts

There was a brief discussion relating to the administrative approval process for proposed zoning ordinance text amendments.

Mr. Miller reviewed the proposed zoning ordinance text amendment relating to commercial vehicles in residential districts and the results of the commercial vehicles visual survey in which the City Council participated.

Ms. Kerwin addressed a new trend in which smaller vehicles are completely wrapped in signage. She noted wrapped vehicles would be permitted under the proposed ordinance text. Ms. Kerwin also addressed the survey results in relation to the proposed text. She indicated she would not support the proposed zoning ordinance text amendment as presented tonight.

There was discussion on Section 40.66.00 of the proposed text as relates to the list of criteria and its intent.

PUBLIC HEARING OPENED

Edgar Hendry of 2446 Tall Oaks Drive, Troy, was present. Mr. Hendry spoke in opposition to the proposed zoning ordinance text amendment. He said the amendment as proposed would permit him to park a commercial crane in his driveway provided the boom was down and weight and height restrictions were met.

Nancy McKay of 5069 Prentis Drive, Troy, was present. Ms McKay posed the following questions: (1) Who would measure and weigh the vehicles? (2) Can the vehicles be parked in the street? (3) How many vehicles per residence would be allowed?

Mr. Miller replied that one vehicle per residence would be permitted. At the request of Chair Strat, he addressed the definition and regulation of trailers.

Chair Strat said the responsibility of weighing and measuring the vehicles would be taken under advisement.

David Reese, associate broker for Real Estate One, 70 W. Long Lake Road, Troy, was present. He introduced a second petition signed by realtors in opposition of the proposed zoning ordinance text amendment and addressed the impact of the proposed amendment to the overall value of the community.

PUBLIC HEARING CLOSED

Mr. Vleck addressed what he feels is discrimination against working-class residents who must use commercial vehicles to make a living. Mr. Vleck said the proposed text is not fair, appropriate, or ready to forward to the City Council for approval. He briefly addressed the definition and regulations of commercial vehicles.

Chair Strat reviewed the options available on this item.

Resolution # PC-2006-11-191

Moved by: Khan
Seconded by: Waller

RESOLVED, To postpone this item to a future study session to look at it more in depth.

Discussion on the motion on the floor.

Ms. Kerwin said she would like to review commercial vehicle zoning ordinance language from nearby communities.

Mr. Miller replied the departmental file contains volumes of ordinances from nearby communities relating to commercial vehicles, and said Ms. Kerwin is welcome to review the file.

Vote on the motion on the floor.

Yes: All present (7)
No: None
Absent: Littman, Wright

MOTION CARRIED**POSTPONED ITEMS (continued)**

5. **PUBLIC HEARING – SPECIAL USE REQUEST (SU 340)** – Proposed T-Mobile Cellular Tower, West side of Coolidge, South of I-75 (on site of Troy Fire Station No. 6), Section 7, Zoned R-1B (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report on the proposed special use, and reported it is the recommendation of City Management to approve the special use request and site plan with the conditions that specifications are provided on the removal of the tower and the provision for future collocations on the tower.

Mr. Savidant noted topographical drawings of the subject parcel and abutting property were provided to the Planning Commission, at their request. Mr. Savidant reported the Planning Department received a significant number of written correspondences in opposition to the cellular tower and referenced the regulations set forth by the Federal Communications Commission (FCC) Act of 1996.

Chair Strat brought to the attention of the members that his sister and brother-in-law live in the subject subdivision, but indicated he has no financial interest in T-Mobile.

The members agreed there is no conflict of interest on the part of Chair Strat.

Ms. Lancaster reviewed the key provisions stipulated by the FCC Act of 1996 and the role of the Planning Commission with respect to the special use request and site plan approval.

Mr. Miller announced that the City Assessor reports there is no correlation to decreased property values for homes that are located near wireless cellular towers.

Ms. Drake-Batts shared her previous work experience with cellular towers and stated that property values would not be affected by the placement of a tower. Ms. Drake-Batts offered considerations in the approval process; i.e., require the tower to look like a light pole and limit the number of collocations.

Ellen Tencer of 3033 Moon Lake Drive, West Bloomfield, was present on behalf of T-Mobile. Ms. Tencer said the number of collocations would be limited to two, possibly three, based on the height of the tower. She indicated the cellular tower would be the image of existing Michigan Department of Transportation (MDOT) towers located on I-75. Ms. Tencer's presentation addressed cellular phone service, the countywide wireless service and aesthetics. She circulated propagation maps that displayed cellular coverage for T-Mobile service and photographs of a superimposed 75-foot tower from the southwest and northwest directions.

Ms. Tencer fielded questions relating to cellular tower locations in Troy and details of the proposed tower in terms of aesthetics, collocations and design. Ms. Tencer addressed comments of the City's Transportation Engineer and Landscape Analyst and indicated willingness to place a camera on the pole for freeway surveillance and provide landscaping.

Ms. Lancaster stated that conditions such as a camera and landscaping could be stipulations of the special use approval.

PUBLIC HEARING OPENED

Cheryl Korth of 2086 Haverford Drive, Troy, was present. Ms. Korth spoke in opposition of the special use request as relates to aesthetics and home values. She addressed the response of residents in opposition to the request and said she is angry because it appears the Planning Commission has already made up its mind to approve the request.

Chuck Little of 2478 Oak Ridge Drive, Troy, was present. Mr. Little represented the Beach Forest homeowners association and said its members are in opposition of the special use request. Mr. Little addressed the residential zoning, aesthetics, potential alternative locations, perception of health concerns and the viability of T-Mobile.

Lynn Remenar of 2466 Haverford Drive, Troy, was present. Ms. Remenar spoke in opposition of the special use request. She possessed a petition signed by 60 residents in opposition of the cellular tower and indicated the petition would be

provided to the Planning Department for the record. Ms. Remenar read a letter from a resident who lives north of Square Lake and east of Coolidge who is also opposed to the tower.

Ning Chen of 5854 Faircastle Drive, Troy, was present. Mr. Chen spoke in opposition of the special use request. He addressed aesthetics and potential health concerns.

William Middlekauff 2449 Oak Ridge Drive, Troy, was present. Mr. Middlekauff spoke in opposition to the cellular tower as relates to the residential location, screening and home values. Mr. Middlekauff submitted documentation from the U.S. Census Bureau and maps in relation to the proposed location of the tower and potential alternate locations.

Chris Dubay of 2465 Oak Ridge Drive, Troy, was present. Mr. Dubay spoke in opposition of the special use request. He addressed the potential negative impact on home resale values, technology used by T-Mobile and sincerity of the residents in opposition of the tower.

Dan Bliss of 2070 Haverford Drive, Troy, was present. Mr. Bliss spoke in opposition of the special use request. He addressed the logistics of his home in relation to the proposed tower, neighborhood aesthetics and residential zoning.

Wendy Wu of 1942 Fleetwood, Troy, was present. Ms. Wu spoke in opposition of the special use request. She addressed the residential zoning and potential health concerns.

Yu Zhang of 1851 New Castle Drive, Troy, was present. Mr. Zhang spoke in opposition of the special use request. As vice president of Wyngate homeowners association, he supports Beach Forest residents in their opposition. Mr. Zhang stated the proposed tower benefits T-Mobile and its users only.

Edgar Hendry of 2446 Tall Oaks Drive, Troy, was present. Mr. Hendry spoke in opposition of the special use request. He addressed the perception of health concerns and resale values of the homes.

Mr. Vleck addressed the FCC regulations and emphasized the Planning Commission cannot consider potential health concerns in its decision-making process. He said communications from the residents have been received and read by the members, and he personally finds some of the comments to be insulting. Mr. Vleck addressed the role of the Planning Commission as relates to site plan approval and the role of the City Council as relates to the approval of the contract with T-Mobile.

Chair Strat addressed the role of the Planning Commission. He emphasized that special consideration is not given to the value of homes, and that equal respect and consideration are given to all applications.

Mr. Miller announced that the Zoning Ordinance prohibits the placement of cellular tower facilities in City parks and on school sites.

PUBLIC HEARING CLOSED

There was a brief discussion on the Zoning Ordinance relating to prohibiting cell towers in City parks and school sites.

Chair Strat indicated he would not support the proposed request because of the perception of health concerns and to protect the home values. He indicated that Firefighters Park would be a better location.

Ms. Lancaster addressed the roles of the Planning Commission and City Council, respectively.

Members Drake-Batts, Khan, Vleck, Kerwin and Schultz addressed their reasons for supporting the proposed special use request.

Resolution # PC-2006-11-192

Moved by: Drake-Batts

Seconded by: Khan

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 10.30.08 of the Zoning Ordinance, as requested for the proposed T-Mobile Cellular Tower, located on the west side of Coolidge, south of I-75, located in Section 7, within the R-1B zoning district, is hereby granted, subject to the following conditions:

1. The applicant shall provide financial assurances, in a form acceptable to the City Manager, that the communication tower shall be removed from the site within one (1) year of the date that its use ceases, as per Section 10.30.08.I.2 of the City of Troy Zoning Ordinance.
2. To minimize the impact of communication towers in the City of Troy, the applicant shall provide for only one future collocation of wireless communication equipment on the tower per Section 10.30.08.J of the City of Troy Zoning Ordinance.
3. That the tower is made to look like a light pole rather than the one that was submitted to us.
4. To provide a landscaping plan that provides a minimum of six (6) evergreen trees to be approved by the Planning Director.

Discussion on the motion on the floor.

Mr. Schultz addressed the zoning of fire stations.

Mr. Miller confirmed that Fire Station No. 6 is located in the R-1B residential zoning district and not in the C-F Community Facility zoning district.

Vote on the motion on the floor.

Yes: Drake-Batts, Kerwin, Khan, Schultz, Vleck, Waller

No: Strat

Absent: Littman, Wright

MOTION CARRIED

Chair Strat said his no vote is based on the perception of the damage to the values of the homes in the surrounding area.

Chair Strat requested a recess at 9:22 p.m.

The meeting reconvened at 9:34 p.m.

[Student Representative Shin exited the meeting.]

6. SPECIAL USE REQUEST (SU 117-C) – Proposed Private School, Proposed St. Mark Christian Academy at St. Mark Coptic Orthodox Church, West side of Livernois, South of Kirk Lane (3603 Livernois) Section 21 – R-1B

Mr. Savidant presented a summary of the Planning Department report on the proposed special use request, and reported it is the recommendation of City Management to approve the special use request and site plan as submitted.

Ms. Kerwin addressed concerns with traffic safety and indicated she would not support the request.

There was discussion on a deceleration lane at this site.

Mr. Schultz addressed the dumpster location and related notation on the site plan.

Mr. Savidant said access of a trash removal truck to the screened dumpster is feasible.

Evans Caruso of Constantine George Pappas Architects, 560 Kirts, Troy, was present. Mr. Caruso apologized and indicated the dumpster notation on the site plan should have been erased. He said all requirements of the Zoning Ordinance have been met.

Fr. Maximus Habib, 3603 Livernois, Troy, was present to represent St. Mark Coptic Orthodox Church. Fr. Habib estimated a maximum of 50-60 children are in attendance at the nursery school at one given time. He informed the Planning Commission that a deceleration lane was waived by the City Engineer on the basis that there is no room to put a deceleration lane.

Resolution # PC-2006-11-193

Moved by: Waller

Seconded by: Schultz

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 10.30.02 of the Zoning Ordinance, as requested for the proposed Private School, located at St. Mark Coptic Orthodox Church, on the west side of Livernois Road, south of Wattles Road, located in Section 21, within the R-1B zoning district, is hereby granted.

Yes: Drake-Batts, Khan, Schultz, Strat, Vleck, Waller

No: Kerwin

Absent: Littman, Wright

MOTION CARRIED

Ms. Kerwin indicated her dissenting vote is based on safety concerns relating to traffic. She would hope the City is proactive in addressing those safety concerns. Ms. Kerwin addressed the lack of documentation provided by the Planning Department on the City's waiver to provide a deceleration lane at this site.

REZONING REQUESTS

7. **PUBLIC HEARING – REZONING REQUEST (Z 723)** – Proposed Taco Bell Restaurant, West side of Dequindre, North of Long Lake, Section 12 – From O-1 (Low Rise Office) to B-2 (Community Business) District

Mr. Khan announced the subject rezoning request is next to his home and excused himself from discussion and vote on the subject request.

Mr. Miller explained the administrative approval process for rezoning requests.

The petitioner indicated consent to go forward with the request.

Mr. Savidant presented a summary of the Planning Department report on the proposed rezoning request, and reported it is the recommendation of City Management to approve the rezoning application. Mr. Savidant noted the relationship between the subject parcel and the abutting O-1 parcel to the west is undesirable, but the application is consistent with the Future Land Use Plan.

Mr. Schultz asked if access to the O-1 parcel would be via the narrow alley along the northerly edge.

Mr. Savidant responded in the affirmative.

James Barnwell of Desine Inc., 2183 Pless Drive, Brighton, was present to represent the petitioner and owner. Mr. Barnwell provided a description of the subject parcel and indicated the proposed request would provide a better transition for the residential to the west. He noted an Arby's restaurant is located to the south of the subject parcel, and that the applicant operates the current Taco Bell restaurant directly south of the subject parcel. Mr. Barnwell said the proposed new location for the Taco Bell restaurant would satisfy the requirements to upgrade the facility per corporate standards. Mr. Barnwell displayed drawings of the parcel layout and shared driveway with the office parcel. Mr. Barnwell said the request would be before the Planning Commission again for special use and site plan approval, should the rezoning be approved.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-11-194

Moved by: Schultz

Seconded by: Vleck

RESOLVED, That the Planning Commission hereby recommends to the City Council that the O-1 to B-2 rezoning request, located on the west side of Dequindre, north of Long Lake, within Section 12, being approximately 1.06 acres in size, be granted, for the following reasons:

1. The application is consistent with the intent of the Future Land Use Plan
2. The application is compatible with the existing zoning districts and land uses.

Yes: Drake-Batts, Kerwin, Schultz, Strat, Vleck, Waller

No: None

Abstain: Khan

Absent: Littman, Wright

MOTION CARRIED

8. PUBLIC HEARING – PROPOSED REZONING (Z 180-B) – Proposed Binson’s Home Health Care, Northwest corner of Rochester and Marengo, Section 3 – From R-1B (One Family Residential) to O-1 (Low Rise Office)

Mr. Savidant presented a summary of the Planning Department report on the proposed rezoning request that was initiated by the City Council. He noted correspondence has been received from the attorney who represents the petitioner. The correspondence states that the public hearing notification improperly refers that the rezoning request to O-1 is that of the petitioner and not City Council. Mr. Savidant reported it is the recommendation of City Management to deny the rezoning application. City Management believes it would be more appropriate to consider the rezoning application or development proposal following approval of the Future Land Use Plan and Zoning Ordinance amendments.

David Plunkett of 380 N. Old Woodward Avenue, Birmingham, was present to represent the petitioner. Mr. Plunkett stated the request to rezone the parcel to O-1 is not the request of the petitioner. He said the petitioner’s request to rezone the parcel to B-1 was originally submitted in March 2005, and has been considered and postponed by City Council many times. Mr. Plunkett considers the public hearing notification to be defective, and stated it is not proper to have this item for consideration by the Planning Commission this evening.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Ms. Lancaster stated the notification of public hearing is not substantially defective, and that the Planning Commission should consider that the applicant is City Council. She indicated City Council is asking the members to review the O-1 rezoning request so that City Council can make a decision on the rezoning application.

Mr. Plunkett replied the notification of public hearing states that it is the application of James Gerback to rezone the property to O-1, and that is not true. He said his letter dated November 1, 2006, asked the City to publish a corrected notification of public hearing. He said the City’s reply that the point would be made at tonight’s meeting is not sufficient. Mr. Plunkett asked that it be noted on record that the petitioner’s actual request to B-1 has been to City Council many times and continually postponed, and that it is not understood how the request to O-1 is back before the Planning Commission tonight.

Ms. Lancaster stated that the State statute does not require the notification of public hearing to specify the applicant. She said the only requirement of notice provision is that anybody who gets a postcard is informed about what is happening regarding the subject parcel, and that the notice to consider the O-1 rezoning is sufficient for consideration by the Planning Commission at tonight’s meeting.

A discussion followed with respect to taking no action on this item.

Ms. Lancaster suggested that no action would place the item in abeyance at the Planning Commission level, and would not assist the petitioner in going forward with the application.

Mr. Plunkett requested that action be taken by the Planning Commission and asked that a recommendation of denial be forwarded to City Council.

Mr. Miller recommended also, as a professional community planner, that the members take action tonight.

Resolution # PC-2006-11-195

Moved by: Schultz

Seconded by: Vleck

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1B to O-1 rezoning request, located on the northwest corner of Rochester and Marengo, within Section 3, being approximately 39,000 square feet in size, be denied, for the following reasons:

1. The application does not comply with the Future Land Use Plan.
2. This rezoning application would result in the enlargement of a non-residential zone along the Rochester Road corridor.

Yes: Kerwin, Khan, Schultz, Strat, Vleck, Waller

No: Drake-Batts

Absent: Littman, Wright

MOTION CARRIED

Ms. Drake-Batts said she sees no issue with rezoning the parcel to O-1 and going forward with a special use request. She indicated that she originally voted to approve the B-1 rezoning request.

SPECIAL USE REQUEST

9. **PUBLIC HEARING – SPECIAL USE REQUEST (SU 345)** – Proposed Pet Biz Commercial Kennel, West side of Austin, North of Maple (1705 Austin), Section 26, Zoned M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed special use request, and reported it is the recommendation of City Management to approve the special use request and site plan. Mr. Miller requested the members to use its discretion in determining whether there is enough shade and greenscape elements for the dog run area, as noted by the City's Environmental Specialist. Mr.

Miller confirmed that the site provides sufficient parking for both the Pet Biz Commercial Kennel and the industrial operation located on the same property.

Mr. Schultz voiced a concern with the size of the loading/unloading area near the overhead door on the east side. He also indicated that the dog runs should not be all concrete and gravel, and that some shade should be provided for the dog runs.

The petitioners, Dan Limer of 3909 Edgeland, Royal Oak, and Jodie Ellison of 1309 Mohawk, Royal Oak, were present.

Mr. Limer said the second small building on the site is a vacant warehouse/office building of which they have the first right of refusal. He indicated there is no use for the building at this point in time.

Mr. Vleck addressed the height and screening of the existing chain link fence. He voiced concern with the traffic and parking from the adjacent office building backing up to the dog runs. Mr. Vleck said he would like to see additional landscape and shade, and would prefer a permanent screened fence that would provide no visibility and no line of sight for the dogs.

Mr. Limer said the existing fence is 6 feet high and is not screened.

Ms. Ellison addressed the time that dogs would be outside for exercise and inside for play and the screening process of clients.

Mr. Limer said they would not be opposed to putting up more screening and replacing the cement/gravel runs with rubber, artificial turf or real grass.

Ms. Kerwin asked if the petitioners would be willing to put in real grass and trees.

Mr. Limer replied they would, and indicated there are a number of ways to create shade.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Khan noted that the Planning Department received one letter of opposition of which a copy was provided to the members at the beginning of tonight's meeting.

Resolution # PC-2006-11-196

Moved by: Waller

Seconded by: Khan

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 28.30.08 of the Zoning Ordinance, as requested for the Pet Biz Commercial Kennel, located on the west side of Austin, north of Maple, located in Section 26, within the M-1 zoning district, is hereby granted, subject to the following conditions:

1. Provide appropriate and/or adequate shade and greenscape elements in the dog run area, specifically artificial or real grass
2. Create on the south property line a fence with woven slats or a separate fence to block visibility between the properties.

Yes: Drake-Batts, Kerwin, Khan, Schultz, Strat, Waller

No: Vleck

Absent: Littman, Wright

MOTION CARRIED

Mr. Vleck said he would like to see a permanent wood and privacy fence. He indicated that slats in a chain link fence do not hold up well and are displeasing to the eye.

ZONING ORDINANCE TEXT AMENDMENT

11. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 225) – Article 35.00.00 Planned Unit Developments**

Mr. Miller reviewed the proposed zoning ordinance text amendment relating to modifying the Planned Unit Development review and approval process. Mr. Miller said City Management recommends that the item be postponed for further review.

PUBLIC HEARING OPENED

Hunter Richardson of Great Falls, Virginia, was present. Mr. Richardson represents the owners of the K-Mart facility and indicated they have been following the efforts of the Planning Commission and its sub-committee to re-work the PUD ordinance. He said they are in support of amending the current Zoning Ordinance based on the need for more flexibility within the PUD ordinance to accommodate multi-phased, mixed use projects and to make the PUD ordinance more attractive and more creative.

PUBLIC HEARING CLOSED

The members briefly discussed the time frame to further review the item.

Resolution # PC-2006-11-197

Moved by: Schultz

Seconded by: Khan

RESOLVED, That the Planning Commission hereby postpones this item to its Regular meeting on December 12, 2006.

Yes: All present (7)

No: None

Absent: Littman, Wright

MOTION CARRIED

FUTURE LAND USE PLAN

12. **PUBLIC HEARING – FUTURE LAND USE PLAN AMENDMENT** – Rochester Road Overlay District Amendment

Mr. Miller reviewed the Future Land Use Plan amendment and reported it is the recommendation of City Management to approve the Rochester Road Overlay District.

Mr. Khan asked if depth from the right of way of Rochester Road has been defined.

Mr. Miller reviewed the discussion at previous study sessions. He recalled the consensus of the members was to not identify a depth, noting that it might be prohibitive to do so. Mr. Miller informed the members that the issue on depth from the right of way of Rochester Road could be revisited at the time the Zoning Ordinance is developed. He said any action this evening would only provide justification to prepare the zoning ordinance language to implement these types of findings.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-11-198

Moved by: Kerwin

Seconded by: Schultz

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

WHEREAS, the proposed plan amendment has been distributed for review as per the requirements of the Municipal Planning Act, PA 285 of 1931, as amended.

RESOLVED, the Planning Commission hereby approves the draft amendment of the City of Troy Future Land Use Plan, the Rochester Road Overlay District.

BE IT FINALLY RESOLVED, the Planning Commission hereby submits a copy of the draft amendment to City Council as per the requirements of the Municipal Planning Act, PA 285 of 1931, as amended.

Yes: All present (7)

No: None

Absent: Littman, Wright

MOTION CARRIED**SITE PLAN REVIEWS**

13. SITE PLAN REVIEW (SP 936) – Proposed Medical Office Building, West side of Livernois, North of Town Center, Section 21, Zoned O-1 (Low Rise Office) District

Mr. Miller presented a summary of the Planning Department report on the proposed site plan, and reported it is the recommendation of City Management to approve the site plan as submitted.

There was a brief discussion on the location of the deceleration lane, the potential to consolidate parcels at this location, the required 8-foot width of the public walkway parallel to Livernois, and the parking as relates to the 2-foot overhang.

Michael Guerra of Livernois Properties Group LLC, 70 W. Long Lake Road, Troy, was present. Mr. Guerra addressed the landscape plan and tree diagram in detail. He indicated that a majority of the trees are in poor condition or dead, and it is his intent to clear-cut and replant quality trees. Mr. Guerra confirmed that all storm water would be stored underground.

Ms. Kerwin noted the tree diagram identifies some trees as salvageable. She asked the petitioner what favorable items the proposed development would bring to the residents who value the existing wooded area.

Mr. Guerra said it would be a single story development with a residential flavor and soft elements. He indicated the landscape plan meets all the requirements of the Zoning Ordinance, and noted no residents are present at tonight's meeting to address the landscape plan.

Mr. Khan addressed the survival rate of poor quality trees during development.

Resolution # PC-2006-11-199

Moved by: Waller

Seconded by: Schultz

RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed Medical Office Facility, located on the west side of Livernois, north of Town Center, Section 21, within the O-1 Zoning District, be granted.

Yes: All present (7)

No: None

Absent: Littman, Wright

MOTION CARRIED

14. **SITE PLAN REVIEW (SP 305-E)** – William Beaumont Hospital Proposed MRI #3 Addition, West side of Dequindre, South of South Blvd., Section 1, Zoned C-F (Community Facilities) District

Mr. Miller presented a summary of the Planning Department report on the proposed MRI addition to Beaumont Hospital, and reported it is the recommendation of City Management to approve the site plan as submitted.

Jim Lemire of Harley Ellis Devereaux, 26913 Northwestern Hwy, Southfield, was present. Mr. Lemire said an 8-foot public sidewalk along Dequindre Road would be installed in late spring. He indicated they are waiting for approvals from the Road Commission of Oakland County.

Resolution # PC-2006-11-200

Moved by: Schultz

Seconded by: Vleck

RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed MRI #3 Addition, located on the west side of Dequindre, south of South Boulevard, Section 1, within the C-F Zoning District, be granted.

Yes: All present (7)

No: None

Absent: Littman, Wright

MOTION CARRIED

OTHER ITEMS15. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

16. **PLANNING COMMISSION COMMENTS**

Mr. Khan announced that he would not be seeking another term with the Planning Commission, and that he would not be attending the December Regular meeting. He said he was thankful for the opportunity to serve on the board, and enjoyed working with all the members and making friendships.

Mr. Khan was wished well by all the members and administrative staff.

Mr. Waller questioned the status of the Starbucks application.

Mr. Miller said it is his understanding that the petitioner is not moving forward with the request.

Ms. Kerwin addressed the accomplishments of the Troy Library – recognized as the 13th best in the nation and 2nd best in the state. She announced an exclusive sale by the Friends of the Library on November 28.

Mr. Miller addressed future application submission from Beaumont Hospital.

The Regular Meeting of the Planning Commission was adjourned at 11:14 p.m.

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary

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The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on November 14, 2006, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Lynn Drake-Batts
Mary Kerwin
Fazal Khan
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller

Absent:

Lawrence Littman
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Jonathan Shin, Student Representative
Kathy Czarnecki, Recording Secretary

Resolution # PC-2006-11-188

Moved by: Schultz
Seconded by: Khan

RESOLVED, That Members Littman and Wright are excused from attendance at this meeting for personal reasons.

Yes: All present (7)
No: None
Absent: Littman, Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

To accommodate public hearing participation, it was agreed to move Agenda item #10 forward under Agenda item #4, and identify it as Agenda item #4(a).

Resolution # PC-2006-11-189

Moved by: Schultz
Seconded by: Khan

RESOLVED, To approve the agenda as amended.

Yes: All present (7)
 No: None
 Absent: Littman, Wright

MOTION CARRIED

3. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

POSTPONED ITEM

4. PUBLIC HEARING – REZONING REQUEST (Z 719) – Proposed Troy Medical Office, West side of Livernois, North of Big Beaver, Section 21 – From R-1B (One Family Residential) to O-1 (Low Rise Office)

Mr. Savidant reported it is the recommendation of City Management to postpone the item at the request of the petitioner who is pursuing a conditional rezoning on the subject property.

Resolution # PC-2006-11-190

Moved by: Schultz
 Seconded by: Khan

RESOLVED, That the Planning Commission hereby postpones this item until such time that the applicant submits a complete conditional rezoning application and a public hearing has been scheduled.

Yes: All present (7)
 No: None
 Absent: Littman, Wright

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENT

4(a). PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-B) – Article 04.20.00 and Article 40.66.00, Commercial Vehicle Definitions and Outdoor Parking of Commercial Vehicles in Residential Districts

There was a brief discussion relating to the administrative approval process for proposed zoning ordinance text amendments.

Mr. Miller reviewed the proposed zoning ordinance text amendment relating to commercial vehicles in residential districts and the results of the commercial vehicles visual survey in which the City Council participated.

Ms. Kerwin addressed a new trend in which smaller vehicles are completely wrapped in signage. She noted wrapped vehicles would be permitted under the proposed ordinance text. Ms. Kerwin also addressed the survey results in relation to the proposed text. She indicated she would not support the proposed zoning ordinance text amendment as presented tonight.

There was discussion on Section 40.66.00 of the proposed text as relates to the list of criteria and its intent.

PUBLIC HEARING OPENED

Edgar Hendry of 2446 Tall Oaks Drive, Troy, was present. Mr. Hendry spoke in opposition to the proposed zoning ordinance text amendment. He said the amendment as proposed would permit him to park a commercial crane in his driveway provided the boom was down and weight and height restrictions were met.

Nancy McKay of 5069 Prentis Drive, Troy, was present. Ms McKay posed the following questions: (1) Who would measure and weigh the vehicles? (2) Can the vehicles be parked in the street? (3) How many vehicles per residence would be allowed?

Mr. Miller replied that one vehicle per residence would be permitted. At the request of Chair Strat, he addressed the definition and regulation of trailers.

Chair Strat said the responsibility of weighing and measuring the vehicles would be taken under advisement.

David Reese, associate broker for Real Estate One, 70 W. Long Lake Road, Troy, was present. He introduced a second petition signed by realtors in opposition of the proposed zoning ordinance text amendment and addressed the impact of the proposed amendment to the overall value of the community.

PUBLIC HEARING CLOSED

Mr. Vleck addressed what he feels is discrimination against working-class residents who must use commercial vehicles to make a living. Mr. Vleck said the proposed text is not fair, appropriate, or ready to forward to the City Council for approval. He briefly addressed the definition and regulations of commercial vehicles.

Chair Strat reviewed the options available on this item.

Resolution # PC-2006-11-191

Moved by: Khan
Seconded by: Waller

RESOLVED, To postpone this item to a future study session to look at it more in depth.

Discussion on the motion on the floor.

Ms. Kerwin said she would like to review commercial vehicle zoning ordinance language from nearby communities.

Mr. Miller replied the departmental file contains volumes of ordinances from nearby communities relating to commercial vehicles, and said Ms. Kerwin is welcome to review the file.

Vote on the motion on the floor.

Yes: All present (7)
No: None
Absent: Littman, Wright

MOTION CARRIED**POSTPONED ITEMS (continued)**

5. **PUBLIC HEARING – SPECIAL USE REQUEST (SU 340)** – Proposed T-Mobile Cellular Tower, West side of Coolidge, South of I-75 (on site of Troy Fire Station No. 6), Section 7, Zoned R-1B (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report on the proposed special use, and reported it is the recommendation of City Management to approve the special use request and site plan with the conditions that specifications are provided on the removal of the tower and the provision for future collocations on the tower.

Mr. Savidant noted topographical drawings of the subject parcel and abutting property were provided to the Planning Commission, at their request. Mr. Savidant reported the Planning Department received a significant number of written correspondences in opposition to the cellular tower and referenced the regulations set forth by the Federal Communications Commission (FCC) Act of 1996.

Chair Strat brought to the attention of the members that his sister and brother-in-law live in the subject subdivision, but indicated he has no financial interest in T-Mobile.

The members agreed there is no conflict of interest on the part of Chair Strat.

Ms. Lancaster reviewed the key provisions stipulated by the FCC Act of 1996 and the role of the Planning Commission with respect to the special use request and site plan approval.

Mr. Miller announced that the City Assessor reports there is no correlation to decreased property values for homes that are located near wireless cellular towers.

Ms. Drake-Batts shared her previous work experience with cellular towers and stated that property values would not be affected by the placement of a tower. Ms. Drake-Batts offered considerations in the approval process; i.e., require the tower to look like a light pole and limit the number of collocations.

Ellen Tencer of 3033 Moon Lake Drive, West Bloomfield, was present on behalf of T-Mobile. Ms. Tencer said the number of collocations would be limited to two, possibly three, based on the height of the tower. She indicated the cellular tower would be the image of existing Michigan Department of Transportation (MDOT) towers located on I-75. Ms. Tencer's presentation addressed cellular phone service, the countywide wireless service and aesthetics. She circulated propagation maps that displayed cellular coverage for T-Mobile service and photographs of a superimposed 75-foot tower from the southwest and northwest directions.

Ms. Tencer fielded questions relating to cellular tower locations in Troy and details of the proposed tower in terms of aesthetics, collocations and design. Ms. Tencer addressed comments of the City's Transportation Engineer and Landscape Analyst and indicated willingness to place a camera on the pole for freeway surveillance and provide landscaping.

Ms. Lancaster stated that conditions such as a camera and landscaping could be stipulations of the special use approval.

PUBLIC HEARING OPENED

Cheryl Korth of 2086 Haverford Drive, Troy, was present. Ms. Korth spoke in opposition of the special use request as relates to aesthetics and home values. She addressed the response of residents in opposition to the request and said she is angry because it appears the Planning Commission has already made up its mind to approve the request.

Chuck Little of 2478 Oak Ridge Drive, Troy, was present. Mr. Little represented the Beach Forest homeowners association and said its members are in opposition of the special use request. Mr. Little addressed the residential zoning, aesthetics, potential alternative locations, perception of health concerns and the viability of T-Mobile.

Lynn Remenar of 2466 Haverford Drive, Troy, was present. Ms. Remenar spoke in opposition of the special use request. She possessed a petition signed by 60 residents in opposition of the cellular tower and indicated the petition would be

provided to the Planning Department for the record. Ms. Remenar read a letter from a resident who lives north of Square Lake and east of Coolidge who is also opposed to the tower.

Ning Chen of 5854 Faircastle Drive, Troy, was present. Mr. Chen spoke in opposition of the special use request. He addressed aesthetics and potential health concerns.

William Middlekauff 2449 Oak Ridge Drive, Troy, was present. Mr. Middlekauff spoke in opposition to the cellular tower as relates to the residential location, screening and home values. Mr. Middlekauff submitted documentation from the U.S. Census Bureau and maps in relation to the proposed location of the tower and potential alternate locations.

Chris Dubay of 2465 Oak Ridge Drive, Troy, was present. Mr. Dubay spoke in opposition of the special use request. He addressed the potential negative impact on home resale values, technology used by T-Mobile and sincerity of the residents in opposition of the tower.

Dan Bliss of 2070 Haverford Drive, Troy, was present. Mr. Bliss spoke in opposition of the special use request. He addressed the logistics of his home in relation to the proposed tower, neighborhood aesthetics and residential zoning.

Wendy Wu of 1942 Fleetwood, Troy, was present. Ms. Wu spoke in opposition of the special use request. She addressed the residential zoning and potential health concerns.

Yu Zhang of 1851 New Castle Drive, Troy, was present. Mr. Zhang spoke in opposition of the special use request. As vice president of Wyngate homeowners association, he supports Beach Forest residents in their opposition. Mr. Zhang stated the proposed tower benefits T-Mobile and its users only.

Edgar Hendry of 2446 Tall Oaks Drive, Troy, was present. Mr. Hendry spoke in opposition of the special use request. He addressed the perception of health concerns and resale values of the homes.

Mr. Vleck addressed the FCC regulations and emphasized the Planning Commission cannot consider potential health concerns in its decision-making process. He said communications from the residents have been received and read by the members, and he personally finds some of the comments to be insulting. Mr. Vleck addressed the role of the Planning Commission as relates to site plan approval and the role of the City Council as relates to the approval of the contract with T-Mobile.

Chair Strat addressed the role of the Planning Commission. He emphasized that special consideration is not given to the value of homes, and that equal respect and consideration are given to all applications.

Mr. Miller announced that the Zoning Ordinance prohibits the placement of cellular tower facilities in City parks and on school sites.

PUBLIC HEARING CLOSED

There was a brief discussion on the Zoning Ordinance relating to prohibiting cell towers in City parks and school sites.

Chair Strat indicated he would not support the proposed request because of the perception of health concerns and to protect the home values. He indicated that Firefighters Park would be a better location.

Ms. Lancaster addressed the roles of the Planning Commission and City Council, respectively.

Members Drake-Batts, Khan, Vleck, Kerwin and Schultz addressed their reasons for supporting the proposed special use request.

Resolution # PC-2006-11-192

Moved by: Drake-Batts

Seconded by: Khan

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 10.30.08 of the Zoning Ordinance, as requested for the proposed T-Mobile Cellular Tower, located on the west side of Coolidge, south of I-75, located in Section 7, within the R-1B zoning district, is hereby granted, subject to the following conditions:

1. The applicant shall provide financial assurances, in a form acceptable to the City Manager, that the communication tower shall be removed from the site within one (1) year of the date that its use ceases, as per Section 10.30.08.I.2 of the City of Troy Zoning Ordinance.
2. To minimize the impact of communication towers in the City of Troy, the applicant shall provide for only one future collocation of wireless communication equipment on the tower per Section 10.30.08.J of the City of Troy Zoning Ordinance.
3. That the tower is made to look like a light pole rather than the one that was submitted to us.
4. To provide a landscaping plan that provides a minimum of six (6) evergreen trees to be approved by the Planning Director.

Discussion on the motion on the floor.

Mr. Schultz addressed the zoning of fire stations.

Mr. Miller confirmed that Fire Station No. 6 is located in the R-1B residential zoning district and not in the C-F Community Facility zoning district.

Vote on the motion on the floor.

Yes: Drake-Batts, Kerwin, Khan, Schultz, Vleck, Waller

No: Strat

Absent: Littman, Wright

MOTION CARRIED

Chair Strat said his no vote is based on the perception of the damage to the values of the homes in the surrounding area.

Chair Strat requested a recess at 9:22 p.m.

The meeting reconvened at 9:34 p.m.

[Student Representative Shin exited the meeting.]

6. SPECIAL USE REQUEST (SU 117-C) – Proposed Private School, Proposed St. Mark Christian Academy at St. Mark Coptic Orthodox Church, West side of Livernois, South of Kirk Lane (3603 Livernois) Section 21 – R-1B

Mr. Savidant presented a summary of the Planning Department report on the proposed special use request, and reported it is the recommendation of City Management to approve the special use request and site plan as submitted.

Ms. Kerwin addressed concerns with traffic safety and indicated she would not support the request.

There was discussion on a deceleration lane at this site.

Mr. Schultz addressed the dumpster location and related notation on the site plan.

Mr. Savidant said access of a trash removal truck to the screened dumpster is feasible.

Evans Caruso of Constantine George Pappas Architects, 560 Kirts, Troy, was present. Mr. Caruso apologized and indicated the dumpster notation on the site plan should have been erased. He said all requirements of the Zoning Ordinance have been met.

Fr. Maximus Habib, 3603 Livernois, Troy, was present to represent St. Mark Coptic Orthodox Church. Fr. Habib estimated a maximum of 50-60 children are in attendance at the nursery school at one given time. He informed the Planning Commission that a deceleration lane was waived by the City Engineer on the basis that there is no room to put a deceleration lane.

Resolution # PC-2006-11-193

Moved by: Waller

Seconded by: Schultz

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 10.30.02 of the Zoning Ordinance, as requested for the proposed Private School, located at St. Mark Coptic Orthodox Church, on the west side of Livernois Road, south of Wattles Road, located in Section 21, within the R-1B zoning district, is hereby granted.

Yes: Drake-Batts, Khan, Schultz, Strat, Vleck, Waller

No: Kerwin

Absent: Littman, Wright

MOTION CARRIED

Ms. Kerwin indicated her dissenting vote is based on safety concerns relating to traffic. She would hope the City is proactive in addressing those safety concerns. Ms. Kerwin addressed the lack of documentation provided by the Planning Department on the City's waiver to provide a deceleration lane at this site.

REZONING REQUESTS

7. **PUBLIC HEARING – REZONING REQUEST (Z 723)** – Proposed Taco Bell Restaurant, West side of Dequindre, North of Long Lake, Section 12 – From O-1 (Low Rise Office) to B-2 (Community Business) District

Mr. Khan announced the subject rezoning request is next to his home and excused himself from discussion and vote on the subject request.

Mr. Miller explained the administrative approval process for rezoning requests.

The petitioner indicated consent to go forward with the request.

Mr. Savidant presented a summary of the Planning Department report on the proposed rezoning request, and reported it is the recommendation of City Management to approve the rezoning application. Mr. Savidant noted the relationship between the subject parcel and the abutting O-1 parcel to the west is undesirable, but the application is consistent with the Future Land Use Plan.

Mr. Schultz asked if access to the O-1 parcel would be via the narrow alley along the northerly edge.

Mr. Savidant responded in the affirmative.

James Barnwell of Desine Inc., 2183 Pless Drive, Brighton, was present to represent the petitioner and owner. Mr. Barnwell provided a description of the subject parcel and indicated the proposed request would provide a better transition for the residential to the west. He noted an Arby's restaurant is located to the south of the subject parcel, and that the applicant operates the current Taco Bell restaurant directly south of the subject parcel. Mr. Barnwell said the proposed new location for the Taco Bell restaurant would satisfy the requirements to upgrade the facility per corporate standards. Mr. Barnwell displayed drawings of the parcel layout and shared driveway with the office parcel. Mr. Barnwell said the request would be before the Planning Commission again for special use and site plan approval, should the rezoning be approved.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-11-194

Moved by: Schultz

Seconded by: Vleck

RESOLVED, That the Planning Commission hereby recommends to the City Council that the O-1 to B-2 rezoning request, located on the west side of Dequindre, north of Long Lake, within Section 12, being approximately 1.06 acres in size, be granted, for the following reasons:

1. The application is consistent with the intent of the Future Land Use Plan
2. The application is compatible with the existing zoning districts and land uses.

Yes: Drake-Batts, Kerwin, Schultz, Strat, Vleck, Waller

No: None

Abstain: Khan

Absent: Littman, Wright

MOTION CARRIED

8. PUBLIC HEARING – PROPOSED REZONING (Z 180-B) – Proposed Binson’s Home Health Care, Northwest corner of Rochester and Marengo, Section 3 – From R-1B (One Family Residential) to O-1 (Low Rise Office)

Mr. Savidant presented a summary of the Planning Department report on the proposed rezoning request that was initiated by the City Council. He noted correspondence has been received from the attorney who represents the petitioner. The correspondence states that the public hearing notification improperly refers that the rezoning request to O-1 is that of the petitioner and not City Council. Mr. Savidant reported it is the recommendation of City Management to deny the rezoning application. City Management believes it would be more appropriate to consider the rezoning application or development proposal following approval of the Future Land Use Plan and Zoning Ordinance amendments.

David Plunkett of 380 N. Old Woodward Avenue, Birmingham, was present to represent the petitioner. Mr. Plunkett stated the request to rezone the parcel to O-1 is not the request of the petitioner. He said the petitioner’s request to rezone the parcel to B-1 was originally submitted in March 2005, and has been considered and postponed by City Council many times. Mr. Plunkett considers the public hearing notification to be defective, and stated it is not proper to have this item for consideration by the Planning Commission this evening.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Ms. Lancaster stated the notification of public hearing is not substantially defective, and that the Planning Commission should consider that the applicant is City Council. She indicated City Council is asking the members to review the O-1 rezoning request so that City Council can make a decision on the rezoning application.

Mr. Plunkett replied the notification of public hearing states that it is the application of James Gerback to rezone the property to O-1, and that is not true. He said his letter dated November 1, 2006, asked the City to publish a corrected notification of public hearing. He said the City’s reply that the point would be made at tonight’s meeting is not sufficient. Mr. Plunkett asked that it be noted on record that the petitioner’s actual request to B-1 has been to City Council many times and continually postponed, and that it is not understood how the request to O-1 is back before the Planning Commission tonight.

Ms. Lancaster stated that the State statute does not require the notification of public hearing to specify the applicant. She said the only requirement of notice provision is that anybody who gets a postcard is informed about what is happening regarding the subject parcel, and that the notice to consider the O-1 rezoning is sufficient for consideration by the Planning Commission at tonight’s meeting.

A discussion followed with respect to taking no action on this item.

Ms. Lancaster suggested that no action would place the item in abeyance at the Planning Commission level, and would not assist the petitioner in going forward with the application.

Mr. Plunkett requested that action be taken by the Planning Commission and asked that a recommendation of denial be forwarded to City Council.

Mr. Miller recommended also, as a professional community planner, that the members take action tonight.

Resolution # PC-2006-11-195

Moved by: Schultz
Seconded by: Vleck

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1B to O-1 rezoning request, located on the northwest corner of Rochester and Marengo, within Section 3, being approximately 39,000 square feet in size, be denied, for the following reasons:

1. The application does not comply with the Future Land Use Plan.
2. This rezoning application would result in the enlargement of a non-residential zone along the Rochester Road corridor.

Yes: Kerwin, Khan, Schultz, Strat, Vleck, Waller
No: Drake-Batts
Absent: Littman, Wright

MOTION CARRIED

Ms. Drake-Batts said she sees no issue with rezoning the parcel to O-1 and going forward with a special use request. She indicated that she originally voted to approve the B-1 rezoning request.

SPECIAL USE REQUEST

9. **PUBLIC HEARING – SPECIAL USE REQUEST (SU 345)** – Proposed Pet Biz Commercial Kennel, West side of Austin, North of Maple (1705 Austin), Section 26, Zoned M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed special use request, and reported it is the recommendation of City Management to approve the special use request and site plan. Mr. Miller requested the members to use its discretion in determining whether there is enough shade and greenscape elements for the dog run area, as noted by the City's Environmental Specialist. Mr.

Miller confirmed that the site provides sufficient parking for both the Pet Biz Commercial Kennel and the industrial operation located on the same property.

Mr. Schultz voiced a concern with the size of the loading/unloading area near the overhead door on the east side. He also indicated that the dog runs should not be all concrete and gravel, and that some shade should be provided for the dog runs.

The petitioners, Dan Limer of 3909 Edgeland, Royal Oak, and Jodie Ellison of 1309 Mohawk, Royal Oak, were present.

Mr. Limer said the second small building on the site is a vacant warehouse/office building of which they have the first right of refusal. He indicated there is no use for the building at this point in time.

Mr. Vleck addressed the height and screening of the existing chain link fence. He voiced concern with the traffic and parking from the adjacent office building backing up to the dog runs. Mr. Vleck said he would like to see additional landscape and shade, and would prefer a permanent screened fence that would provide no visibility and no line of sight for the dogs.

Mr. Limer said the existing fence is 6 feet high and is not screened.

Ms. Ellison addressed the time that dogs would be outside for exercise and inside for play and the screening process of clients.

Mr. Limer said they would not be opposed to putting up more screening and replacing the cement/gravel runs with rubber, artificial turf or real grass.

Ms. Kerwin asked if the petitioners would be willing to put in real grass and trees.

Mr. Limer replied they would, and indicated there are a number of ways to create shade.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Khan noted that the Planning Department received one letter of opposition of which a copy was provided to the members at the beginning of tonight's meeting.

Resolution # PC-2006-11-196

Moved by: Waller

Seconded by: Khan

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 28.30.08 of the Zoning Ordinance, as requested for the Pet Biz Commercial Kennel, located on the west side of Austin, north of Maple, located in Section 26, within the M-1 zoning district, is hereby granted, subject to the following conditions:

1. Provide appropriate and/or adequate shade and greenscape elements in the dog run area, specifically artificial or real grass
2. Create on the south property line a fence with woven slats or a separate fence to block visibility between the properties.

Yes: Drake-Batts, Kerwin, Khan, Schultz, Strat, Waller

No: Vleck

Absent: Littman, Wright

MOTION CARRIED

Mr. Vleck said he would like to see a permanent wood and privacy fence. He indicated that slats in a chain link fence do not hold up well and are displeasing to the eye.

ZONING ORDINANCE TEXT AMENDMENT

11. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 225) – Article 35.00.00 Planned Unit Developments**

Mr. Miller reviewed the proposed zoning ordinance text amendment relating to modifying the Planned Unit Development review and approval process. Mr. Miller said City Management recommends that the item be postponed for further review.

PUBLIC HEARING OPENED

Hunter Richardson of Great Falls, Virginia, was present. Mr. Richardson represents the owners of the K-Mart facility and indicated they have been following the efforts of the Planning Commission and its sub-committee to re-work the PUD ordinance. He said they are in support of amending the current Zoning Ordinance based on the need for more flexibility within the PUD ordinance to accommodate multi-phased, mixed use projects and to make the PUD ordinance more attractive and more creative.

PUBLIC HEARING CLOSED

The members briefly discussed the time frame to further review the item.

Resolution # PC-2006-11-197

Moved by: Schultz

Seconded by: Khan

RESOLVED, That the Planning Commission hereby postpones this item to its Regular meeting on December 12, 2006.

Yes: All present (7)

No: None

Absent: Littman, Wright

MOTION CARRIED

FUTURE LAND USE PLAN

12. **PUBLIC HEARING – FUTURE LAND USE PLAN AMENDMENT** – Rochester Road Overlay District Amendment

Mr. Miller reviewed the Future Land Use Plan amendment and reported it is the recommendation of City Management to approve the Rochester Road Overlay District.

Mr. Khan asked if depth from the right of way of Rochester Road has been defined.

Mr. Miller reviewed the discussion at previous study sessions. He recalled the consensus of the members was to not identify a depth, noting that it might be prohibitive to do so. Mr. Miller informed the members that the issue on depth from the right of way of Rochester Road could be revisited at the time the Zoning Ordinance is developed. He said any action this evening would only provide justification to prepare the zoning ordinance language to implement these types of findings.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-11-198

Moved by: Kerwin

Seconded by: Schultz

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

WHEREAS, the proposed plan amendment has been distributed for review as per the requirements of the Municipal Planning Act, PA 285 of 1931, as amended.

RESOLVED, the Planning Commission hereby approves the draft amendment of the City of Troy Future Land Use Plan, the Rochester Road Overlay District.

BE IT FINALLY RESOLVED, the Planning Commission hereby submits a copy of the draft amendment to City Council as per the requirements of the Municipal Planning Act, PA 285 of 1931, as amended.

Yes: All present (7)

No: None

Absent: Littman, Wright

MOTION CARRIED**SITE PLAN REVIEWS**

13. SITE PLAN REVIEW (SP 936) – Proposed Medical Office Building, West side of Livernois, North of Town Center, Section 21, Zoned O-1 (Low Rise Office) District

Mr. Miller presented a summary of the Planning Department report on the proposed site plan, and reported it is the recommendation of City Management to approve the site plan as submitted.

There was a brief discussion on the location of the deceleration lane, the potential to consolidate parcels at this location, the required 8-foot width of the public walkway parallel to Livernois, and the parking as relates to the 2-foot overhang.

Michael Guerra of Livernois Properties Group LLC, 70 W. Long Lake Road, Troy, was present. Mr. Guerra addressed the landscape plan and tree diagram in detail. He indicated that a majority of the trees are in poor condition or dead, and it is his intent to clear-cut and replant quality trees. Mr. Guerra confirmed that all storm water would be stored underground.

Ms. Kerwin noted the tree diagram identifies some trees as salvageable. She asked the petitioner what favorable items the proposed development would bring to the residents who value the existing wooded area.

Mr. Guerra said it would be a single story development with a residential flavor and soft elements. He indicated the landscape plan meets all the requirements of the Zoning Ordinance, and noted no residents are present at tonight's meeting to address the landscape plan.

Mr. Khan addressed the survival rate of poor quality trees during development.

Resolution # PC-2006-11-199

Moved by: Waller

Seconded by: Schultz

RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed Medical Office Facility, located on the west side of Livernois, north of Town Center, Section 21, within the O-1 Zoning District, be granted.

Yes: All present (7)

No: None

Absent: Littman, Wright

MOTION CARRIED

14. **SITE PLAN REVIEW (SP 305-E)** – William Beaumont Hospital Proposed MRI #3 Addition, West side of Dequindre, South of South Blvd., Section 1, Zoned C-F (Community Facilities) District

Mr. Miller presented a summary of the Planning Department report on the proposed MRI addition to Beaumont Hospital, and reported it is the recommendation of City Management to approve the site plan as submitted.

Jim Lemire of Harley Ellis Devereaux, 26913 Northwestern Hwy, Southfield, was present. Mr. Lemire said an 8-foot public sidewalk along Dequindre Road would be installed in late spring. He indicated they are waiting for approvals from the Road Commission of Oakland County.

Resolution # PC-2006-11-200

Moved by: Schultz

Seconded by: Vleck

RESOLVED, That Preliminary Site Plan Approval, as requested for the proposed MRI #3 Addition, located on the west side of Dequindre, south of South Boulevard, Section 1, within the C-F Zoning District, be granted.

Yes: All present (7)

No: None

Absent: Littman, Wright

MOTION CARRIED

OTHER ITEMS15. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

16. **PLANNING COMMISSION COMMENTS**

Mr. Khan announced that he would not be seeking another term with the Planning Commission, and that he would not be attending the December Regular meeting. He said he was thankful for the opportunity to serve on the board, and enjoyed working with all the members and making friendships.

Mr. Khan was wished well by all the members and administrative staff.

Mr. Waller questioned the status of the Starbucks application.

Mr. Miller said it is his understanding that the petitioner is not moving forward with the request.

Ms. Kerwin addressed the accomplishments of the Troy Library – recognized as the 13th best in the nation and 2nd best in the state. She announced an exclusive sale by the Friends of the Library on November 28.

Mr. Miller addressed future application submission from Beaumont Hospital.

The Regular Meeting of the Planning Commission was adjourned at 11:14 p.m.

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary

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LIBRARY ADVISORY BOARD – DRAFT**NOVEMBER 16, 2006**

A Regular Meeting of the Troy Library Board was held on Thursday November 16, 2006 at the Office of the Library Director. Lynne Gregory, Chairman, called the meeting to order at 7:30 P.M.

ROLL CALL

PRESENT: Heather Eisenbacher
Kul B. Gauri
Lynne Gregory
Nancy Weeler

Arthi Krishna, Student Representative
Shruthi Subramanian, Student Representative

Brian Stoutenburg, Library Director

The Pledge of Allegiance to the Flag was given

Resolution #LB-2006-11-01

Moved by Wheeler

Seconded by Eisenbacher

RESOLVED, That Audre Zembrzuski be excused.

Yes: 4—Eisenbacher, Gauri, Gregory, Wheeler

No: 0

MOTION CARRIED**Resolution #LB-2006-11-02**

Moved by Eisenbacher

Seconded by Wheeler

RESOLVED, That Minutes of October 13, 2006 be approved.

Yes: 4—Eisenbacher, Gauri, Gregory, Wheeler

No: 0

MOTION CARRIED

Reviewed Agenda entries

Resolution #LB-2006-011-03

Moved by Eisenbacher

Seconded by Wheeler

RESOLVED, That the Agenda be approved.

Yes: 4—Eisenbacher, Gauri, Gregory, Wheeler
No: 0

MOTION CARRIED

INTRODUCTIONS

Shruthi Subramanian was introduced as our new Student Representative.

POSTPONED ITEMS

There were no Postponed Items.

NEW BUSINESS.

There was no New Business.

REPORTS & COMMUNICATIONS

Director’s Report.

The cost quote for receipt printers that will work with the Sirsi system has been received. It is the intent of the library to have these in place in the next few months. The stability of the Internet connection in the Adult Services Technology Center appears to have been resolved. The Library ranked 2nd in Michigan among all public libraries, 13th in the nation for libraries serving populations our size and was in the top 1% of all 9,078 public libraries in the country. Three HVAC units were replaced over the Adult Services department. The pre-cast on the outside of the building has been power-washed and painted.

Board Member’s Comments

Wheeler read an article from the League of Women Voter’s newsletter about the United Nation’s display at our library.

Gregory informed the Board that he attended a meeting concerning the possible merger of the Suburban Library Cooperative and the Library Network. The general philosophies of the two organizations were discussed.

Gauri presented an article about the Waterford Library installing self-checkout/RFID technology and the associated costs.

Student Representative’s Comments

There were no comments.

Suburban Library Cooperative.

Gregory reported that since the SLC Board is meeting tonight, he will report on that meeting in December.

Friends of the Troy Public Library.

Tammy Duszynski, President of the Friends of the Troy Public Library reported that the Friends Board had been working on a method to allow interested artists to be able to post the prices of their exhibited items if they wanted to. Basically, the proposal would require the artist to be a “Business Member” of the Friends and donate 15% of any sales from the exhibit to the Friends. This would provide a tangible benefit to the Library since the funds raised by the Friends are used to support the Library. There was no formal proposal provided to the Library Advisory Board. Also discussed was the need for better communication between the two Boards. Eisenbacher stressed the importance of a Friend’s Board Member attending the Library Advisory Board meetings on a regular basis. Duszynski invited all Library Board members to attend the Friend’s Board meetings. Duszynski also mentioned that the Friend’s Building Committee will be presenting their concept of the library of the future to staff at the December 8th All Staff meeting. This is the same information presented to the Board by Maria Hunciag in the Spring and also to those Board members who attended the Book Store meeting this Fall.

Gifts.

No gifts were received.

Informational Items.

November TPL Calendar

Contacts and Correspondence.

25 written comments from the public were reviewed.

Public Participation.

Tom Duszynski asked if there was a way that within the Sirsi program a patron could change their email address used for notifications. He also asked if the library participated in the Michicard program and MelCat.

The Library Board meeting adjourned at 8:45 P.M.

Lynne Gregory
Chairman

Brian Stoutenburg
Recording Secretary

The Chairman, Michael Hutson, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, November 21, 2006 in Council Chambers of the Troy City Hall.

PRESENT: Kenneth Courtney
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Christopher Forsyth, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ABSENT: Christopher Fejes

Motion by Hutson
Supported by Gies

MOVED, to excuse Mr. Fejes from this meeting due to illness.

Yeas: 6 – Gies, Hutson, Kovacs, Maxwell, Wright, Courtney

MOTION TO EXCUSE MR. FEJES FROM THIS MEETING CARRIED

ITEM #1 – APPROVAL OF MINUTES – MEETING OF OCTOBER 17, 2006

Motion by Courtney
Supported by Maxwell

MOVED, to approve the minutes of the meeting of October 17, 2006 as written.

Yeas: 5 – Hutson, Kovacs, Maxwell, Wright, Courtney

Abstain: 1 - Gies

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

Motion by Courtney
Supported by Maxwell

MOVED, to hear Item #6 on the Agenda out of order.

- Same request has appeared before this Board for a number of years.

Yeas: 6 – Hutson, Kovacs, Maxwell, Wright, Courtney, Gies

MOTION TO TAKE ITEM #6 OUT OF ORDER CARRIED

ITEM #6 – VARIANCE REQUEST (Taken out of Order.) JOHN BRODERICK, OF HONEYBAKED HAM, 1081 E. LONG LAKE, for relief of the Ordinance to place two temporary storage containers for the time period December 10th through December 31, 2006.

Mr. Stimac explained that the petitioner is requesting approval under the Zoning Ordinance to place two temporary storage containers outside at 1081 E. Long Lake from December 10, 2006, through December 31, 2006. Section 43.80.00 of the Zoning Ordinance gives the Board of Zoning Appeals the authority to permit temporary buildings for permitted uses for a time frame not to exceed two years. This Board has granted similar requests for this site in the past. The Building Department has no record of complaints as a result of previous approvals.

Mr. Broderick was present and asked if this Board could grant this request for this year and next year. Other than this time request, this request is identical to the other requests made by this petitioner.

Mr. Stimac explained that although this Board had the authority to grant this request for a period of two years, in his application, the petitioner had only requested the time frame that was published.

Mr. Hutson suggested that the petitioner ask for the additional time needed the next time they came before the Board.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are six (6) written approvals on file. There are no written objections on file.

Motion by Maxwell
Supported by Wright

MOVED, to grant John Broderick, of Honey Baked Ham, 1081 E. Long Lake, relief of the Ordinance to place two (2) temporary storage containers outside for the time period December 10th through December 31, 2006.

- Variance is not contrary to public interest.
- There are no objections on file.
- Variance will not have an adverse effect to surrounding property.

Yeas: 6 – Kovacs, Maxwell, Wright, Courtney, Gies, Hutson

MOTION TO GRANT VARIANCE CARRIED

ITEM #2 – VARIANCE REQUEST. JAE DUK CHO, OF ADA ARCHITECTS, 1304 E. MAPLE, for relief of the Ordinance to alter an existing industrial building, that will result with a parking lot on the north side of the building to within 10' of the north property line and 21'-8" to the east property line where Section 30.20.09 requires a 50' front setback and Paragraph L of Section 31.30.00 requires that the front yard remain free of parking and maneuvering lanes.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to alter an existing industrial building.

The site plan submitted indicates the removal of the existing office portion of an industrial building and the expansion of the parking lot on the north side of the building to within 10' of the north property line along Maple Road and within 21'-8" of the east property line along Allen Drive. Section 30.20.09 of the Zoning Ordinance requires a 50' front setback in the M-1 (Light Industrial) Zoning District and Paragraph L of Section 31.30.00 requires that this front yard remain free of parking or maneuvering lanes. The parking lot along the east property line farther south on this lot is currently located 21'-8" from the front property line along Allen Drive based upon a variance granted in 1992.

This item last appeared before this Board at the meeting of October 17, 2006 and was postponed to allow the petitioner the opportunity to look at other options that are available; and to allow the petitioner to demonstrate to the Board the reason this much parking will be required. Since that meeting revised plans have been submitted with an alternate parking layout that would increase the greenbelt along the Maple Road property line to 43'.

Mr. Dan Saleet was present and stated that they had listened to what the Board had to say at the last meeting and believe they have come up with a solution that will appeal to the Board. They have reduced the number of parking spaces to ninety-three (93), which will be enough for their needs. They have also increased the amount of greenspace along Maple Road that will now result in a 43' setback.

Mr. Maxwell stated that he appreciated the compromise that the petitioner had made and thought this variance request was more reasonable.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Kovacs stated that this plan is much better and likes the fact that the petitioner is providing more greenspace.

Motion by Kovacs
Supported by Courtney

ITEM #2 – con't.

MOVED, to grant Jae Duk Cho, of ADA Architects, 1304 E. Maple, relief of the Ordinance to alter an existing industrial building, that will result with a parking lot on the north side of the building to within 43' of the property line along Maple Road, where Section 30.20.09 requires a 50' front setback and Paragraph L of Section 31.30.00 requires that the front yard remain free of parking and maneuvering lanes.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property described in this application.
- Literal enforcement of the Ordinance would be unnecessarily burdensome.
- Variance does not permit the establishment of a prohibited use within a Zoning District.
- The revised site plan will result in less paving in the front yard than currently exists.

Yeas: 6 – Maxwell, Wright, Courtney, Gies, Hutson, Kovacs

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUEST. YEN CHEN, 4679 JOHN R., for relief of the Ordinance to construct an addition at the rear of his home that would result in a 26' rear yard setback, where Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an addition at the rear of his existing home. The site plan submitted indicates the proposed three-season enclosure will result in a 26' rear yard setback. Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District.

This item last appeared before this Board at the meeting of October 17, 2006 and was postponed at the request of the petitioner.

Mr. Joe Foxa, representing Mr. and Mrs. Chen was present. He distributed drawings of other possibilities for this sunroom. Mr. Foxa indicated that they could convert the existing garage to a sunroom and then construct a detached garage at the rear of the property. Mr. Foxa stated that although he understands the neighbors are very much against this sunroom, in his opinion it would be better to look at a sunroom rather than a detached garage. The homeowners are amenable to changing the existing garage to a three-season room.

Mr. Hutson asked if a garage could be constructed without a variance. Mr. Stimac stated that although he was not sure if there were any easements at the rear of this property, the alternate plan submitted would comply with the Ordinance regarding the square footage of accessory buildings, lot coverage and setbacks.

ITEM #3 – con't.

Mr. Foxa stated that he did not think the people behind this home would like to look at the back of a garage. He said that he had attempted to contact the owners that abut this property but was unable to talk to them.

Mr. Hutson said that he was against this variance request and the alternate plan does not require any type of variance.

Mr. Courtney said that in his opinion the neighbors were probably more interested in what would be happening with the large recreational vehicle parked on the property.

Mr. Foxa said that he offered that vehicle to the neighbors as a bargaining tool to them and said if they would be willing to rescind their objection, he could probably convince the Chens to move the vehicle to a storage lot, but the neighbors did not accept that. The Chens also like to have the recreational vehicle parked in their yard. Mr. Foxa also asked if the neighbors would rather look at a garage, with a ladder hanging on the back, possibly painted orange or a sunroom 30' or 40' away.

Mr. Kovacs said that there are two plans available, one that would require a variance and one that does not. He sympathizes with the needs of the Chens, but this property does not warrant a variance. This is a spec home built to within the 40' line, and the petitioner is allowed to add a detached garage.

Motion by Kovacs
Supported by Courtney

MOVED, to deny the request of Yen Chen, 4679 John R., for relief of the Ordinance to construct an addition at the rear of his home that would result in a 26' rear yard setback, where Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning District.

- Petitioner failed to demonstrate a hardship running with the land.

Yeas: 6 – Wright, Courtney, Gies, Hutson, Kovacs, Maxwell

MOTION TO DENY VARIANCE CARRIED

Mr. Hutson explained that the Ordinance requires a hardship with the land in order to grant a variance, and there is not a hardship running with this property.

ITEM #4 – VARIANCE REQUEST. JEFFREY AND DONNA ARCE, 3511 BEACH, for relief of the Ordinance to construct a covered front porch and laundry room addition to their existing, legal non-conforming home. These alterations would result in a 31' front setback to the new covered porch and a 37' front setback to the proposed laundry room addition. Section 30.10.02 requires a 40' front yard setback and Section 40.50.04

ITEM #4 – con't.

prohibits expansions of non-conforming structures in a way that increases the non-conformity.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a covered front porch and laundry room addition to their existing home. This home is a non-conforming structure. The original plans for the home from 1961 show that it would meet the minimum front setback. However, recent surveys show that it has an existing 36' front yard setback to Beach Road where 40' is required per Section 30.10.02. Plans submitted indicate a new covered porch with a proposed 31' front setback and a proposed laundry room addition with a 37' front setback to the front property line along Beach Road. Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases the non-conformity.

Jeffrey and Donna Arce were present. Mr. Arce stated that they have been residents of Troy for sixteen (16) years and they are in the process of re-doing the roof. They thought this would be a good time to make the necessary changes they wanted to do to their home. There are a lot of renovations going on around the neighborhood and they believe this is the time to do it.

Mr. Arce explained that they cannot enter the house from the attached garage, and when they add the laundry room, they will change the entrance to the home and have a true attached garage. Even though the addition is going out 7' it will not go up to the edge of the house. The addition is approximately 17' x 11', and it will close off the breezeway and give them a true attached garage.

There is an existing 4' x 12' open porch and they plan to rebuild it, add the roof and some columns. They have been working on this project for about a year and Mr. Arce believes this will fit in very nicely with the other homes in the area. Mr. Arce said that he had spoken to a number of his neighbors and they have all been very supportive of these proposed changes. These changes will not expand the structure more than it already is.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no written objections on file.

Motion by Maxwell
Supported by Wright

ITEM #4 – con't.

MOVED, to grant Jeffrey and Donna Arce, 3511 Beach, relief of the Ordinance to construct a covered front porch and laundry room addition to their existing, legal non-conforming home. These alterations would result in a 31' front setback to the new covered porch and a 37' front setback to the proposed laundry room addition. Section 30.10.02 requires a 40' front yard setback and Section 40.50.04 prohibits expansions of non-conforming structures in a way that increases the non-conformity.

- Variance will not decrease the existing setback of the home.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 6 – Courtney, Gies, Hutson, Kovacs, Maxwell, Wright

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUEST. TOBY BUECHNER, 1600 W. MAPLE, for relief of the Ordinance to eliminate the sidewalk along the northeast portion of the building and also to eliminate the sidewalk between the Maple road public sidewalk and the building perimeter sidewalk, both of which are required by Section 39.70.03.

Petitioner is also asking for relief of the dumpster enclosure screening required by Section 39.70.09.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to eliminate the sidewalk along the northeast portion of the building between the building and the vehicular use area and also to eliminate the sidewalk between the Maple Road public sidewalk and the building perimeter sidewalk, both of which are required by Section 39.70.03.

Petitioner is also asking for relief of the dumpster enclosure screening required by Section 39.70.09.

In August, 2006, the petitioner received a variance from this Board to reduce the amount of countable landscaping to 4,923 square feet where Section 39.70.04 of the Ordinance requires a minimum of 7,062 square feet of landscaping; and, in January 2006 Mr. Buechner received a variance to eliminate the sidewalk along the northwest and a portion of the west side of the building.

Mr. Buechner was present and stated that he is new to this business and he and his brother are trying to create a valuable business in the City of Troy. This is a uniquely shaped building. Mr. Buechner stated that the sidewalk in the back of the property does not come or go from anywhere and this is the reason he does not feel it is valuable. Regarding the sidewalk from the front of the building to Maple, Mr. Buechner said that

ITEM #5 – con't.

he did not believe anyone has ever walked to the building. He is trying to be practical and does not feel that this sidewalk is needed.

Mr. Buechner said that the dumpster is small, brand new and is actually screened by a tree and the building next door. There are a number of large dumpsters in this area that are not screened and he does not feel the dumpster on his property should require any additional screening. This building was vacant for three (3) years and he feels that they are moving in the right direction. Kids are having fun and there are seventeen (17) people employed.

Mr. Kovacs asked how people would safely walk to the entrance of the building if the sidewalk was removed behind the building. Mr. Buechner said that he does not believe in the nine (9) months that this building has been operational, anyone has ever parked at the back of the building.

Mr. Stimac explained that the reason there is no sidewalk along the west side of the building, is because this Board had previously granted a variance to eliminate that sidewalk. The plan originally seen by the Planning Commission and this Board had the parking and the driveway flipped. The driveway was at the northern edge of the property, but there is an existing pole with a guy wire, which makes it almost impossible to put a driveway in this area.

Mr. Courtney asked for clarification regarding the variance granted by this Board for the sidewalk on this property. Mr. Stimac explained that previously there was a request to eliminate the sidewalk along the northwest portion of the building and this variance was granted. Mr. Buechner said that this was due to the irregular shape of the building and constraints to provide adequate parking.

Mr. Courtney stated that he did not have a problem granting a variance for either sidewalk, but did have a problem eliminating the screening around the dumpster. Mr. Buechner passed a picture around to the Board members so that they could see what the dumpster looked like.

Mr. Hutson asked what type of screening would be put around this dumpster and Mr. Buechner said that he would probably put screening on three (3) sides of the dumpster, but does not feel this is very practical, and hopes that if he does have to add screening, no one will crash into it.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

ITEM #5 – con't.

Mr. Hutson said that this was a very difficult site. Mr. Buechner said that the beauty is on the inside of the building, and many employees of the City have brought their children over to use and enjoy this facility.

Motion by Courtney
Supported by Wright

MOVED, to grant Toby Buechner, 1600 W. Maple, relief of the Ordinance to eliminate the sidewalk along the northeast portion of the building also to eliminate the sidewalk between the Maple road public sidewalk and the building perimeter sidewalk, both of which are required by Section 39.70.03.

- There is no practical purpose for the sidewalks.
- Variance is not contrary to public interest.

Yeas: 6 - Courtney, Gies, Hutson, Kovacs, Maxwell, Wright

MOTION TO GRANT VARIANCES FOR THE ELIMINATION OF TWO SIDEWALKS CARRIED

Motion by Kovacs
Supported by Gies

MOVED, to grant Toby Buechner, 1600 W. Maple, relief of the Ordinance to eliminate the dumpster enclosure screening required by Section 39.70.09.

- Dumpster screening would be unnecessarily burdensome to the petitioner.
- Screening would make turning in the parking lot very difficult.

Yeas: 3 – Gies, Hutson, Kovacs
Nays: 3 - Maxwell, Wright, Courtney

MOTION TO GRANT VARIANCE FAILS

The Zoning Board of Appeals meeting adjourned at 8:26 P.M.

Michael Hutson, Chairman

Pamela Pasternak, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on November 28, 2006 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Lynn Drake-Batts
Mary Kerwin
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Jonathan Shin, Student Representative
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2006-11-201

Moved by: Khan
Seconded by: Littman

RESOLVED, To approve the Agenda as presented.

Yes: All present (9)
No: None

MOTION CARRIED

3. MINUTES

Resolution # PC-2006-11-202

Moved by: Kerwin
Seconded by: Khan

RESOLVED, To approve the November 7, 2006 Special/Study meeting minutes as published.

Yes: All present (9)
No: None

MOTION CARRIED

4. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

5. BOARD OF ZONING (BZA) APPEALS REPORT

Mr. Wright reported on the November 21, 2006 Board of Zoning Appeals meeting.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller reported on the November 15, 2006 Downtown Development Authority meeting. He noted that Assistant City Manager Brian Murphy was appointed as Executive Director of the DDA.

7. PLANNING AND ZONING REPORT

Mr. Miller reported on Council actions taken at its November 27, 2006 Regular meeting.

8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-B) – Article 04.20.00 and Article 40.66.00, Commercial Vehicle Definitions and Outdoor Parking of Commercial Vehicles in Residential Districts

Mr. Miller reviewed proposed ZOTA 215-B.

Mr. Savidant addressed handouts distributed to the members prior to the beginning of tonight's meeting: (1) Examples of vehicles and their correlated gross vehicle weight ratings; (2) A chart prepared by the Planning Department that details regulations of commercial vehicles in neighboring communities.

After a thorough and lengthy discussion, it was the consensus of the members to prepare draft language similar to Lyon Township's ordinance as groundwork for discussion.

Ms. Lancaster will check on right of way authority.

Chair Strat requested a recess at 8:55 p.m.

The meeting reconvened at 9:06 p.m.

[Student Representative Shin exited the meeting.]

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 207) – Proposed Article 22.30.08 Adult Use Businesses

Mr. Miller introduced the proposed zoning ordinance text amendment relating to adult use businesses. He gave examples why language should be created to restrict adult use businesses and addressed the various ways to regulate the uses. Mr. Miller said a determination must be made as a basis to create and adopt an ordinance, and communities can regulate these uses based on the secondary effects associated with a concentration of these uses. He indicated a number of communities in the United States have completed studies that document negative secondary effects of adult use businesses on their communities, and noted the reports are available in the Planning Department.

Ms. Lancaster summarized pertinent cases that have established the law regarding adult use businesses and basic general principles to create a valid ordinance that would not suppress the First Amendment rights of an adult use business. Ms. Lancaster briefly reviewed the proposed draft text amendment.

Mr. Savidant stated that summaries of the studies that document the secondary effects of adult use businesses were distributed to each Planning Commissioner in their packets. He encouraged members to read the completed reports of which hard copies would be available in the Planning Department and digital copies have already been emailed to each member. Mr. Savidant said the most prevalent negative secondary effects are a decrease in property value and an increase in crime rate. Mr. Savidant reviewed the GIS map created by the Planning Department as relates to locations into which adult use businesses could be established within 1000 feet of another adult use business and within a 500-foot distance from a church, school or childcare facility, public park and residential zoning districts.

There was consensus to:

- Verify the proposed 500-foot distance from schools and parks.
- Verify the component of a required distance in relation to abutting communities.
- Entrust the Legal Department to draft the proposed language.

OTHER ITEMS

10. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENTS

Mr. Waller requested a discussion on cellular towers at the December Regular meeting to address:

1. Zoning district of Fire Station No. 6.
2. Zoning Ordinance text relating to fall zones.
3. Zoning Ordinance text relating to tower locations at public school sites and public parks.

Ms. Kerwin addressed Troy Futures.

Ms. Drake-Batts announced she would not be able to attend the December meetings, so tonight's meeting would be her last because she is not seeking re-appointment. Ms. Drake-Batts thanked everyone for their support and help, and wished everyone a happy holiday season and great success for the New Year.

Well wishes were expressed to Ms. Drake-Batts from around the table.

Mr. Miller shared information on the Parks and Recreation Master Plan in which the Planning Department devoted a lot of time and effort.

Chair Strat addressed cellular tower locations in public parks and Troy Futures.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:50 p.m.

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:30 p.m. on November 28, 2006 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Lynn Drake-Batts
Mary Kerwin
Fazal Khan
Lawrence Littman
Robert Schultz
Thomas Strat
Mark J. Vleck
David T. Waller
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Jonathan Shin, Student Representative
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2006-11-201

Moved by: Khan
Seconded by: Littman

RESOLVED, To approve the Agenda as presented.

Yes: All present (9)
No: None

MOTION CARRIED

3. MINUTES

Resolution # PC-2006-11-202

Moved by: Kerwin
Seconded by: Khan

RESOLVED, To approve the November 7, 2006 Special/Study meeting minutes as published.

Yes: All present (9)
No: None

MOTION CARRIED

4. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

5. BOARD OF ZONING (BZA) APPEALS REPORT

Mr. Wright reported on the November 21, 2006 Board of Zoning Appeals meeting.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller reported on the November 15, 2006 Downtown Development Authority meeting. He noted that Assistant City Manager Brian Murphy was appointed as Executive Director of the DDA.

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After a thorough and lengthy discussion, it was the consensus of the members to prepare draft language similar to Lyon Township's ordinance as groundwork for discussion.

Ms. Lancaster will check on right of way authority.

Chair Strat requested a recess at 8:55 p.m.

The meeting reconvened at 9:06 p.m.

[Student Representative Shin exited the meeting.]

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Mr. Miller introduced the proposed zoning ordinance text amendment relating to adult use businesses. He gave examples why language should be created to restrict adult use businesses and addressed the various ways to regulate the uses. Mr. Miller said a determination must be made as a basis to create and adopt an ordinance, and communities can regulate these uses based on the secondary effects associated with a concentration of these uses. He indicated a number of communities in the United States have completed studies that document negative secondary effects of adult use businesses on their communities, and noted the reports are available in the Planning Department.

Ms. Lancaster summarized pertinent cases that have established the law regarding adult use businesses and basic general principles to create a valid ordinance that would not suppress the First Amendment rights of an adult use business. Ms. Lancaster briefly reviewed the proposed draft text amendment.

Mr. Savidant stated that summaries of the studies that document the secondary effects of adult use businesses were distributed to each Planning Commissioner in their packets. He encouraged members to read the completed reports of which hard copies would be available in the Planning Department and digital copies have already been emailed to each member. Mr. Savidant said the most prevalent negative secondary effects are a decrease in property value and an increase in crime rate. Mr. Savidant reviewed the GIS map created by the Planning Department as relates to locations into which adult use businesses could be established within 1000 feet of another adult use business and within a 500-foot distance from a church, school or childcare facility, public park and residential zoning districts.

There was consensus to:

- Verify the proposed 500-foot distance from schools and parks.
- Verify the component of a required distance in relation to abutting communities.
- Entrust the Legal Department to draft the proposed language.

OTHER ITEMS

10. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENTS

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Ms. Drake-Batts announced she would not be able to attend the December meetings, so tonight's meeting would be her last because she is not seeking re-appointment. Ms. Drake-Batts thanked everyone for their support and help, and wished everyone a happy holiday season and great success for the New Year.

Well wishes were expressed to Ms. Drake-Batts from around the table.

Mr. Miller shared information on the Parks and Recreation Master Plan in which the Planning Department devoted a lot of time and effort.

Chair Strat addressed cellular tower locations in public parks and Troy Futures.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:50 p.m.

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary

A meeting of the **Troy Youth Council (TYC)** was held on November 29, 2006 at 7:00 PM at the Troy Community Center, 3179 Livernois. Alex Gabriel and Kristin Randall called the meeting to order at 7:05 p.m.

MEMBERS PRESENT: Alexandra (Sasha) Bozimowski
 Andrew Corey
 Maxine D'Amico
 Ales Gabriel (Co-chair)
 Rishi Joshi
 Jessica Kraft
 Joseph Niemiec
 Anupama Prasad
 Kristin Randall (Co-chair)
 Neil Shaw (Secretary)
 Katie Thoenes
 Nicole Vitale
 Karen Wullaert

MEMBERS ABSENT: None
VISITORS: Barbara Holmes, Deputy City Clerk
STAFF PRESENT: John Hug, Fitness Coordinator

1. Roll Call

2. Approval of Minutes

Resolution # TY-2006-11-14
 Moved by Bozimowski
 Seconded by Niemiec

RESOLVED, That the minutes of September 27, 2006 be approved.

Yes: All – 13
 No: 0
 Absent: 0

3. Attendance Report:

Updated through October 2006. Reviewed by council members, no comments.

4. Futures Process:

A final meeting was held on Monday, November 27. Only TYC member notified of the meeting was Bozimowski. Remainder of members were not notified.

5. Visitor: Barbara Holmes, Deputy City Clerk.

Presented information on:

1. Functions of the Clerks Office which include processing applications for boards and committees, maintaining City ordinances and charter. The job is diverse and very involved with legislation/City Council.
2. City Clerks office is the record keeper of the City.

- 3. City Clerks position is appointed, not elected.
- 4. Everybody within the department is cross-trained.
- 5. Students will be needed in May to process voters and complete clerical work. Students will get paid \$7.50 per hour. Students must be 16 years of age. Students who are 18 and a registered voter may also work as a chair person.

6. Troy Daze Festival:

Maxine D’Amico prepared a letter for the Troy Daze Committee and sent it to Andrew Corey for revision. Corey showed Youth Council the edited letter. He suggested that the TYC send the letter in person. TYC members plan on making final edits to the letter and signing at the December 20 meeting.

7. Motion to Excuse Absent Members Who Have Provided Advance Notification

No motion - full attendance

Resolution # TY-2006-11-

Moved by

Seconded by

RESOLVED that

Yes: 0

No: 0

Absent: 0

8. Youth Council Comments –

-None.

9. Public Comments –

-None.

The meeting adjourned at 7:35 P.M.

Alex Gabriel, Co-chair

Scott Mercer, Recreation Supervisor

Reminder Next Meeting: December 20 at 7:00 P.M. @ *Troy Community Center*

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:32 A.M., on Wednesday, December 6, 2006 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Marlene Struckman, Housing & Zoning Inspector Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF NOVEMBER 1, 2006

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of November 1, 2006 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. MICHAEL BOGGIO ASSOCIATES, 3111, 3115, 3119 CROOKS ROAD, for relief of Chapter 85 to enlarge an existing 50 square foot ground sign to a size of 140 square feet in area.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to enlarge the existing 50 square foot ground sign to 140 square feet in area. The sign as proposed to be modified would be 3' from the public right-of-way. Section 85.02.05 limits signs within 10' of the property line to not more than 50 square feet in area.

Michael Boggio was present and stated that this site and the one to the north are similar in nature. The building to the north has a sign for which this Board granted a variance, approximately one year ago. The proposed sign, on the south site, would be almost identical to the sign for the building to the north. Mr. Boggio said that they are not proposing to change anything on the sign; they would just like to put the brick frame around it. This sign would not be as large as the sign to the north, but would be a nicer looking structure than what is currently in place.

Mr. Dziurman asked for clarification regarding the size of signs and the setbacks to the right of way.

ITEM #2 – con't.

Mr. Stimac explained that the distance of the sign dictates the size of the sign from the right of way. The existing sign complies with the requirements of the Ordinance. The sign for the north building is located at a 16' setback from Crooks Road.

Mr. Boggio explained that they plan to use the existing masonry base and will not bring the sign any closer to the right of way. They would be going up rather than out.

Mr. Richnak stated that he had gone to the site and was very concerned about the site line along the sidewalk. Mr. Richnak feels that adding this brick frame will cause a problem for pedestrians to see on-coming traffic and believes the sign should be moved back. The proposed sign would create a very short site distance and this would affect the safety of both drivers and pedestrians.

Mr. Kessler stated that he agrees with Mr. Richnak and feels the proposed sign would create an obstruction. Mr. Kessler also stated that in order for the Board to grant a variance, a hardship is required with the land, and this parcel does not have a hardship.

Mr. Richnak asked if conditions could be placed on a motion regarding this proposed sign.

Mr. Stimac said that basically there were two options: One would be to postpone this request until the next meeting to allow the petitioner to explore other options; and the second to approve the request as long as certain conditions were imposed on it. If the request is approved with conditions and they choose not to implement them, the variance would expire.

Mr. Kessler asked how far back a sign of this size would have to go in order to comply with the ordinance and Mr. Stimac said at least 20' from the right of way.

Mr. Boggio said that they could not move it that far back, as the bottom two frames of the present sign would be blocked by the cars in the parking lot. Mr. Boggio felt that the sign could be moved back some, but if it was moved that far back they would have to put up a new sign.

Mr. Kessler said that as long as they were pouring cement they could move it back 6' as well as 2'.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

ITEM #2 – con't.

Mr. Dziurman asked the petitioner if they wished to postpone this request. Mr. Boggio said that they would rather have the Board approve the request with conditions attached.

Motion by Kessler
Supported by Richnak

MOVED, to grant Michael Boggio Associates, 3111, 3115, 3119 Crooks Road, relief of Chapter 85 to enlarge an existing 50 square foot ground sign to a size of 140 square feet in area.

- Leading edge of the new sign cannot be any closer than 5' to the property line.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE WITH CONDITIONS CARRIED

The Building Code Board of Appeals meeting adjourned at 8:48 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, Dec. 7 2006 at the Troy Community Center. Chair Bud Black called the meeting to order at 1:00 PM.

Present: Bud Black, Member
Pauline Noce, Member
JoAnn Thompson, Member
Carla Vaughan, Staff

Jo Rhoads, Member
James Berar, Member
Merrill Dixon, Member

Absent: David Ogg, excused, Frank Shier, excused

Visitors: Mila Bednarz, Dr. Thomas Biggs

Approval of Minutes

Resolution # SC-2006-12-001
Moved by Pauline Noce
Seconded by Merrill Dixon

RESOLVED, That the Minutes of Nov. 2, 2006 be approved as submitted.

Yes: 6

No: 0

MOTION CARRIED

Visitor Comments

Dr. Biggs gave a presentation on the aging eye.

Old Business

Shuffleboard and Bocce Ball: Carla reported that the bocce courts are done and the shuffleboard courts just need to be stained and have the numbers painted on them. Benches will also be installed. A ribbon cutting ceremony will be held in the spring.

Street Signs: Carla reported that Superintendent of Streets Tom Rosewarne and Traffic Engineer John Abraham will attend the January meeting to discuss street signs. Mr. Abraham was not available to attend today's meeting.

Catering Service at the Community Center: Carla reported that the contract with Emerald Food Service will not be renewed. They have been granted permission to end their contract effective February 12. It is expected that a list of caterers that may be used will be developed and that non-profit groups will be allowed to bring their own food.

Lunch Visits: JoAnn Thompson reported that some committee members ate the Troy lunch on November 16 and the food was good. After the first of the year, the committee will make up a list of other centers to visit for lunch.

Medicare Part D: JoAnn Thompson reported that seniors should be sure to check their plans during the open enrollment period as there are many changes.

New Business

Kaleidoscope: JoAnn Thompson asked if it would be beneficial for the committee to have a table at the Kaleidoscope in January. Carla reported that the Parks and Recreation Department does have a booth at the event with literature about the senior program. She will get more details about the event and the committee will discuss it further at their January meeting.

Reports

Park Board: Merrill Dixon reported that they reviewed the master plan at their November meeting. He distributed copies of the 2005 Parks and Recreation survey.

Medi-Go: Jo Rhoads reported that Medi-Go has a new van and they are very busy. They are still talking about expanding to offer weekend service.

Senior Program: Carla reported that 1360 flu shots were given at the clinic on Nov. 2 with a wait of no more than 20 minutes. Fifteen senior volunteers helped with this program. Ninety seniors attended the Veterans Benefits program on Nov. 9. Twenty-eight seniors attended the two-day AARP Defensive Driving course at the Community Center that concluded yesterday. The home repair program, SHaRP, is going great. A steering committee has been formed and the Troy Community Foundation is involved. Seven people are signed up for the supper club, and a meeting will be scheduled for January.

OLHSA: No report.

Oakland County Senior Advisory Board: Jo Rhoads reported they had a speaker from SMART. Transportation, health and information are some areas they will concentrate on in 2007.

Suggestion Box: Carla reported that there were no suggestions this month.

The meeting was adjourned at 2:50 p.m.

Respectfully submitted,

Bud Black, Chair

Carla Vaughan, Secretary

DATE: December 1, 2006
 TO: Phillip L. Nelson, City Manager
 FROM: Mark Stimac, Director of Building & Zoning
 SUBJECT: Permits issued during the Month of November 2006

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
Completion (New)	1	\$910,000.00	\$6,515.00
Add/Alter	3	\$716,600.00	\$5,454.00
Sub Total	4	\$1,626,600.00	\$11,969.00
<u>COMMERCIAL</u>			
New Less Tenant	1	\$465,000.00	\$3,400.00
Add/Alter	25	\$2,400,993.00	\$20,089.00
Sub Total	26	\$2,865,993.00	\$23,489.00
<u>RESIDENTIAL</u>			
New	6	\$1,545,700.00	\$11,699.00
Add/Alter	21	\$548,953.00	\$6,072.00
Garage/Acc. Structure	6	\$15,688.00	\$370.00
Repair	2	\$6,150.00	\$170.00
Fire Repair	1	\$61,068.00	\$579.00
Wreck	2	\$0.00	\$100.00
Sub Total	38	\$2,177,559.00	\$18,990.00
<u>TOWN HOUSE/CONDO</u>			
Add/Alter	8	\$20,798.00	\$600.00
Sub Total	8	\$20,798.00	\$600.00
<u>INSTITUTIONAL/HOSPITAL</u>			
Add/Alter	1	\$0.00	\$285.00
Sub Total	1	\$0.00	\$285.00
<u>MISCELLANEOUS</u>			
Signs	26	\$0.00	\$2,755.00
Fences	8	\$0.00	\$130.00
Sub Total	34	\$0.00	\$2,885.00
TOTAL	111	\$6,690,950.00	\$58,218.00

PERMITS ISSUED DURING THE MONTH OF NOVEMBER 2006

	NO.	PERMIT FEE
Mul. Dwel. Insp.	105	\$1,050.00
Cert. of Occupancy	37	\$2,363.35
Plan Review	112	\$7,272.22
Microfilm	32	\$268.00
Building Permits	111	\$58,218.00
Electrical Permits	160	\$10,824.00
Heating Permits	128	\$6,333.00
Air Cond. Permits	49	\$2,313.00
Plumbing Permits	103	\$7,758.00
Storm Sewer Permits	13	\$450.00
Sanitary Sewer Permits	23	\$819.00
Sewer Taps	17	\$3,454.00
TOTAL	890	\$101,122.57

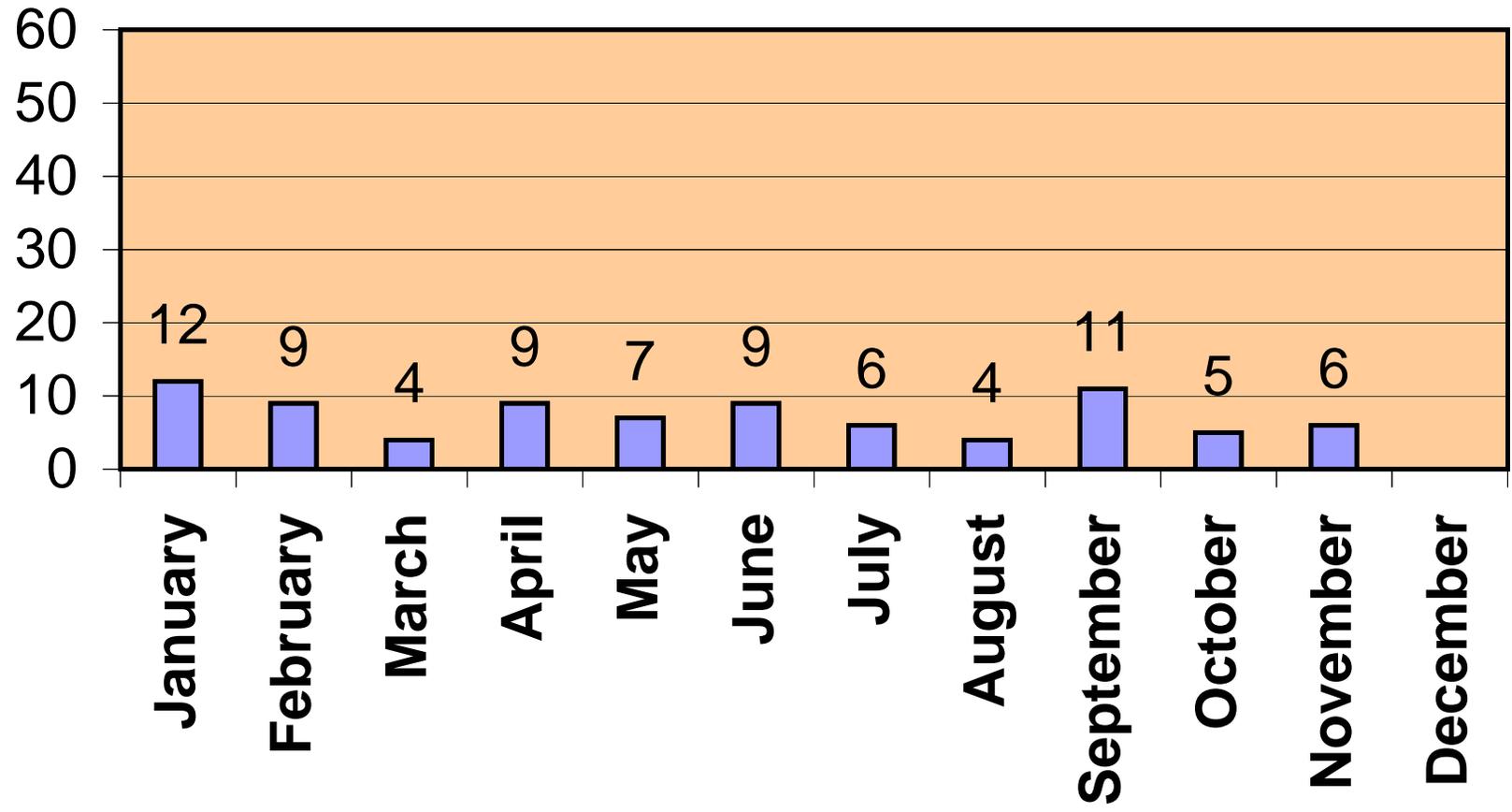
LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF NOVEMBER 2006

	NO.	LICENSE FEE
Mech. Contr.-Reg.	50	\$250.00
Elec. Contr.-Reg.	21	\$315.00
Master Plmb.-Reg.	18	\$18.00
Sign Inst. - Reg.	5	\$50.00
Bldg. Contr.-Reg.	12	\$120.00
TOTAL	25	\$753.00

BUILDING PERMITS ISSUED

	<u>BUILDING PERMITS 2005</u>	<u>PERMIT VALUATION 2005</u>	<u>BUILDING PERMITS 2006</u>	<u>PERMIT VALUATION 2006</u>
JANUARY	93	\$6,617,765.00	116	\$7,273,163.00
FEBRUARY	133	\$8,586,755.00	94	\$6,659,691.00
MARCH	143	\$19,405,253.00	127	\$5,629,425.00
APRIL	234	\$16,039,899.00	174	\$5,766,996.00
MAY	229	\$8,974,377.00	216	\$11,290,598.00
JUNE	207	\$14,432,280.00	218	\$10,681,352.00
JULY	176	\$7,490,327.00	198	\$11,269,902.00
AUGUST	202	\$13,132,327.00	150	\$14,170,725.00
SEPTEMBER	207	\$11,424,698.00	161	\$12,827,192.00
OCTOBER	169	\$12,606,760.00	134	\$10,733,680.00
NOVEMBER	137	\$9,014,642.00	111	\$6,690,950.00
DECEMBER	91	\$13,489,338.00	0	\$0.00
TOTAL	2021	\$141,214,421.00	1699	\$102,993,674.00

SINGLE FAMILY DWELLING PERMITS 2006



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

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	RUTHER CONSTRUCTION INC	800 TOWER 5TH FL	415,000
Commercial, Add/Alter	COMMERCIAL MILLWORK & INTERIORS	2705 W BIG BEAVER 1ST FL	117,000
Commercial, Add/Alter	SCHOOLCRAFT GENERAL CONTRACTOR	5950 ROCHESTER	187,625
Commercial, Add/Alter	SACHSE CONSTRUCTION	2800 W BIG BEAVER N-114	156,489
Commercial, Add/Alter	SYNERGY GROUP INC	755 W BIG BEAVER 700	150,000
Total Commercial, Add/Alter			1,026,114
Commercial, Kiosk	LOCKWOOD, LEWIS CONST CO	446 W FOURTEEN MILE K	220,000
Total Commercial, Kiosk			220,000
Commercial, Shell New	AUCH, GEORGE W. CO	3838 LIVERNOIS	6,000,000
Total Commercial, Shell New			6,000,000
Industrial, Add/Alter	HARTMAN & TYNER	601 STEPHENSON	130,000
Total Industrial, Add/Alter			130,000
Industrial, Foundation New	ARISTEO CONSTRUCTION	1767 MAPLELAWN	190,000
Total Industrial, Foundation New			190,000
Inst./Hosp., Add/Alter	WILLIAM BEAUMONT HOSPITAL TROY	44201 DEQUINDRE GRD FL	260,000
Total Inst./Hosp., Add/Alter			260,000
Records 11		Total Valuation:	7,826,114

CITY OF TROY ^{*PLW*}

MONTHLY FINANCIAL REPORT

30-Nov-06

CITY OF TROY
 Monthly Financial Report
 General Fund
 For the Period Ending November 30, 2006

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
GENERAL FUND REVENUES					
TAXES	35,229,231	35,473,690	135	36,304,105	102.34
BUSINESS LICENSES & PERMITS	42,846	40,000	985	8,801	22.00
NON-BUS. LICENSES & PERMITS	1,619,746	2,019,000	93,586	685,402	33.95
FEDERAL GRANTS	36,999	34,500	0	0	.00
STATE AGENCIES	7,001,768	6,765,000	1,231,142	1,308,087	19.34
CONTRIBUTIONS-LOCAL	188,667	140,000	3,000	42,856	30.61
CHARGES FOR SERVICES - FEES	1,413,488	1,271,500	118,322	339,800	26.72
CHARGES FOR SERVICES - REND.	1,620,747	1,642,100	50,388	440,431	26.82
CHARGES FOR SERVICES - SALES	172,760	151,500	2,153	37,362	24.66
CHARGES FOR SERVICES - REC	3,562,207	3,410,200	245,836	1,386,067	40.64
FINES & FORFEITS	994,372	1,012,000	53,520	656,237	64.85
INTEREST AND RENTS	1,583,459	1,443,300	130,725	751,436	52.06
OTHER REVENUE	493,433	491,900	1,645	157,890	32.10
OTHER FINANCING SOURCES	7,001,703	11,092,120	0	1,168,718	10.54
TOTAL GENERAL FUND REVENUE	60,961,426	64,986,810	1,931,437	43,287,192	66.61
EXPENDITURES					
LEGISLATIVE	1,837,323	2,041,140	153,910	680,561	33.34
FINANCE	4,552,248	4,869,370	442,022	1,852,294	38.04
OTHER GEN GOVERNMENT	2,612,507	2,807,150	182,142	803,182	28.61
POLICE	21,945,432	23,174,400	2,125,362	8,594,798	37.09
FIRE	4,036,110	4,212,260	257,459	1,857,568	44.10
BUILDING INSPECTION	1,991,733	2,169,250	179,817	788,827	36.36
STREETS	4,754,570	5,359,530	266,345	1,590,686	29.68
ENGINEERING	2,835,770	3,096,890	220,108	978,901	31.61
RECREATION	8,453,068	8,744,820	630,929	3,473,231	39.72
LIBRARY	4,780,601	5,002,000	365,816	1,799,332	35.97
TRANSFERS OUT	110,000	3,510,000	10,000	3,510,000	100.00
TOTAL GEN FUND EXPENDITURES	57,909,362	64,986,810	4,833,910	25,929,380	39.90

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CITY OF TROY
Monthly Financial Report
Refuse Fund
For the Period Ending November 30, 2006

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REFUSE FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	4,120,154	4,248,000	0	4,274,791	100.63
CHARGES FOR SERVICES - REND.	43,378	0	0	0	.00
CHARGES FOR SERVICES - SALES	1,387	1,500	70	604	40.27
INTEREST AND RENTS	130,482	100,000	16,122	66,376	66.38
OTHER FINANCING SOURCES	0	182,330	0	0	.00
TOTAL REVENUE	4,295,401	4,531,830	16,192	4,341,771	95.81
EXPENDITURES					
CONTRACTORS SERVICE	4,218,477	4,363,000	414,206	1,615,760	37.03
OTHER REFUSE EXPENSE	47,329	55,450	1,406	14,592	26.32
RECYCLING	101,287	113,380	6,457	34,702	30.61
TOTAL EXPENDITURES	4,367,093	4,531,830	422,069	1,665,054	36.74

CITY OF TROY
 Monthly Financial Report
 Capital Fund
 For the Period Ending November 30, 2006

CAPITAL FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	8,041,747	8,291,000	0	8,240,890	99.40
FEDERAL GRANTS	452,430	305,000	0	0	.00
STATE AGENCIES	716,655	1,409,000	0	282,690	20.06
CHARGES FOR SERVICES - REND.	256,611	150,000	10,924	23,407	15.60
INTEREST AND RENTS	1,028,366	607,200	79,126	309,723	51.01
OTHER REVENUE	1,093,607	335,260	200,109	589,940	175.96
OTHER FINANCING SOURCES	2,917,330	14,907,000	0	425,000	2.85
TOTAL REVENUE	14,506,746	26,004,460	290,159	9,871,650	37.96
EXPENDITURES					
ELECTIONS	40,500	65,000	0	0	.00
FINANCE	90,789	55,000	0	20	.04
OTHER GEN GOVERNMENT	4,593,061	2,228,000	1,285	49,862	2.24
POLICE	290,806	554,700	29,090	54,315	9.79
FIRE	890,504	925,830	7,080	17,183	1.86
BUILDING INSPECTION	1,992	10,000	0	190	1.90
STREETS	9,522,243	14,402,000	474,432	2,558,035	17.76
ENGINEERING	0	0	0	369,372	.00
RECREATION	6,305,029	4,277,500	58,304	587,815	13.74
LIBRARY	128,715	251,650	28,638	84,828	33.71
MUSEUM	290,313	459,000	901	13,767	3.00
STORM DRAINS & RET PONDS	1,519,540	1,625,780	391	258,651	15.91
INFORMATION TECHNOLOGY	0	1,150,000	0	0	.00
TOTAL EXPENDITURES	23,673,492	26,004,460	600,121	3,994,038	15.36

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CITY OF TROY
Monthly Financial Report
Sanctuary Lake Golf Course
For the Period Ending November 30, 2006

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SANCTUARY LK GOLF COURSE FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	31,413	45,000	938	17,565	39.03
CHARGES FOR SERVICES - REC	1,130,375	1,803,070	21,633	565,068	31.34
INTEREST AND RENTS	11,231	16,000	0	3,763	23.52
OTHER REVENUE	835	0	4,096	4,168	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	1,173,854	1,864,070	26,667	590,564	31.68
EXPENDITURES					
SANCTUARY LAKE GREENS	803,524	950,650	57,715	311,364	32.75
SANCTUARY LAKE PRO SHOP	922,103	1,109,230	21,059	431,034	38.86
SANCTUARY LAKE CAPITAL	4,606	25,000	0	0	.00
TOTAL EXPENDITURES	1,730,233	2,084,880	78,774	742,398	35.61

CITY OF TROY
 Monthly Financial Report
 Sylvan Glen Golf Course
 For the Period Ending November 30, 2006

SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	26,486	38,500	618	16,127	41.89
CHARGES FOR SERVICES - REC	886,959	1,097,130	12,031	484,584	44.17
INTEREST AND RENTS	223,099	188,000	12,137	127,171	67.64
OTHER REVENUE	323-	0	3	126	.00
OTHER FINANCING SOURCES	0	120,000	0	0	.00
TOTAL REVENUE	1,136,221	1,443,630	24,789	628,008	43.50
EXPENDITURES					
SYLVAN GLEN GREENS	761,017	819,060	48,294	290,174	35.43
SYLVAN GLEN PRO SHOP	349,406	342,090	17,109	142,971	41.79
SYLVAN GLEN CAPITAL	0	256,000	0	28,568	11.16
TOTAL EXPENDITURES	1,110,423	1,417,150	65,403	461,713	32.58

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CITY OF TROY
Monthly Financial Report
Aquatic Center
For the Period Ending November 30, 2006

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AQUATIC CENTER FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REC	445,498	444,000	873	166,048	37.40
INTEREST AND RENTS	37,191	30,900	0	17,972	58.16
OTHER REVENUE	2	0	0	0	.00
TOTAL REVENUE	482,691	474,900	873	184,020	38.75
EXPENDITURES					
AQUATIC CENTER	638,064	616,730	44,640	345,609	56.04
CAPITAL	0	75,000	0	2,366	3.15
TOTAL EXPENDITURES	638,064	691,730	44,640	347,975	50.31

CITY OF TROY
 Monthly Financial Report
 Sewer Fund
 For the Period Ending November 30, 2006

SEWER FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
FEDERAL GRANTS	91,556	0	0	0	.00
CHARGES FOR SERVICES - FEES	154,746	700,000	133,094	307,516	43.93
CHARGES FOR SERVICES - REND	9,964,801	11,698,200	1,149,488	3,293,087	28.15
INTEREST AND RENTS	886,043	610,000	80,003	319,481	52.37
OTHER REVENUE	300,068	0	0	0	.00
TOTAL REVENUE	11,397,214	13,008,200	1,362,585	3,920,084	30.14
EXPENDITURES					
ADMINISTRATION	9,095,363	9,747,310	586,134	3,942,704	40.45
MAINTENANCE	1,344,160	1,350,480	29,445	347,991	25.77
CAPITAL	0	5,313,000	290,891	1,684,144	31.70
TOTAL EXPENDITURES	10,439,523	16,410,790	906,470	5,974,839	36.41

CITY OF TROY
 Monthly Financial Report
 Water Fund
 For the Period Ending November 30, 2006

WATER FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	953,176	1,000,000	53,379	357,960	35.80
CHARGES FOR SERVICES - SALES	14,530,393	15,117,400	1,502,047	4,142,729	27.40
INTEREST AND RENTS	696,888	549,000	28,924	241,308	43.95
OTHER REVENUE	349,945	0	0	0	.00
TOTAL REVENUE	16,530,402	16,666,400	1,584,350	4,741,997	28.45
EXPENDITURES					
ADMINISTRATION	11,763,791	12,022,350	831,825	5,069,299	42.17
TRANS AND DISTRIBUTION	268,198	202,640	5,247	29,583	14.60
CUSTOMER INSTALLATION	72,949	101,870	7,261	33,055	32.45
CONTRACTORS SERVICE	157,225	191,590	7,342	70,657	36.88
MAIN TESTING	47,307	127,580	3,375	21,714	17.02
MAINTENANCE OF MAINS	311,450	380,800	2,462	140,309	36.85
MAINTENANCE OF SERVICES	197,156	224,710	9,132	69,015	30.71
MAINTENANCE OF METERS	337,341	352,160	18,068	188,041	53.40
MAINTENANCE OF HYDRANTS	221,812	261,400	25,728	163,413	62.51
METERS AND TAP-INS	267,684	351,940	35,898	114,981	32.67
WATER METER READING	113,466	83,510	10,654	78,081	93.50
ACCOUNTING AND COLLECTING	73,368	100,000	40,163	82,681	82.68
CAPITAL	0	6,660,000	301,990	867,333	13.02
TOTAL EXPENDITURES	13,831,747	21,060,550	1,299,145	6,928,162	32.90

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CITY OF TROY
Monthly Financial Report
Motor Pool
For the Period Ending November 30, 2006

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MOTOR POOL FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REND	941	5,000	0	0	.00
INTEREST AND RENTS	3,875,782	3,909,500	264,623	1,205,100	30.82
OTHER REVENUE	538,048	430,000	84,370	239,752	55.76
OTHER FINANCING SOURCES	0	1,233,210	0	0	.00
TOTAL REVENUE	4,414,771	5,577,710	348,993	1,444,852	25.90
EXPENDITURES					
ADMINISTRATION	525,097	557,590	51,030	204,641	36.70
OPERATION AND MAINTENANCE	3,168,002	3,310,820	297,052	1,302,179	39.33
DPW FACILITY MAINTENANCE	341,986	405,700	19,518	114,134	28.13
CAPITAL	0	1,303,600	166,947	185,816	14.25
TOTAL EXPENDITURES	4,035,085	5,577,710	534,547	1,806,770	32.39

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2006	12	7	9	ML	2006	9	8	4.930	TBILL	3,979,000		3,931,202.26
	2006	12	7	7	FITB	2006	9	13	5.260	CD	2,000,000		2,000,000.00
	2006	12	7	7	FITB	2006	10	12	5.220	CD	1,009,440		1,009,440.00
	2006	12	7	7	CITIZENS	2006	10	26	5.250	CD	1,055,442		1,055,442.09
	2006	12	14	9	ML	2006	9	8	4.920	TBILL	2,721,000		2,685,881.71
	2006	12	14	7	CITIZENS	2006	9	13	5.350	CD	2,000,000		2,000,000.00
	2006	12	15	8	FITB	2005	5	25	5.000	FHLM 2808	162,487		162,487.45
	2006	12	21	8	FITB	2006	6	1	4.000	FHLB 5LG1	500,000		496,909.72
	2006	12	21	7	CITIZENS	2006	9	13	5.350	CD	2,000,000		2,000,000.00
	2006	12	21	9	ML	2006	9	14	4.900	TBILL	3,212,000		3,170,248.46
	2006	12	21	7	FLAGSTAR	2006	10	19	5.300	CD	2,105,056		2,105,056.12
	2006	12	21	7	TCF BANK	2006	10	19	5.300	CD	1,010,749		1,010,748.61
	2006	12	28	7	FLAGSTAR	2006	9	13	5.490	CD	2,000,000		2,000,000.00
	2006	12	28	9	ML	2006	9	21	4.940	TBILL	2,712,000		2,676,747.77
	2006	12	28	7	HUNT BANK	2006	10	5	5.340	CD	1,115,927		1,115,927.31
	2006	12	28	7	FLAGSTAR	2006	10	5	5.350	CD	1,073,802		1,073,801.66
	2006	12	28	7	PRIV BANK	2006	10	5	5.300	CD	511,110		511,110.26
	2006	12	28	7	PRIV BANK	2006	10	12	5.200	CD	1,034,062		1,034,062.15
	2006	12	28	7	FLAGSTAR	2006	10	19	5.300	CD	2,170,508		2,170,507.52
	2006	12	30	8	FITB	2004	3	25	4.500	FHR 2669DT	475,000		473,275.35
	2006	12	31	8	FITB	2004	1	1	4.000	MM	90,194		90,194.25
	2006	12	31	8	ML	2006	8	31	4.000	MM	4,145		4,145.44
	2007	1	4	7	FLAGSTAR	2006	9	13	5.490	CD	2,000,000		2,000,000.00
	2007	1	4	7	FITB	2006	10	19	5.250	CD	2,118,748		2,118,748.15
	2007	1	11	7	HUNT BANK	2006	9	13	5.410	CD	2,000,000		2,000,000.00
	2007	1	11	7	HUNT BANK	2006	10	12	5.360	CD	2,205,024		2,205,024.01
	2007	1	15	8	FITB	2005	11	30	5.000	2802	791,000		7,900,027.42
	2007	1	18	7	TCF BANK	2006	9	13	5.350	CD	2,000,000		2,000,000.00
	2007	1	18	7	CHART ONE	2006	11	2	5.310	CD	1,009,293		1,009,292.50
	2007	1	18	7	FITB	2006	11	9	5.260	CD	2,250,364		2,250,364.38
	2007	1	23	8	NATL CITY	2006	10	23	5.135	FHLM	1,086,000		1,072,234.35
	2007	1	25	7	CHART ONE	2006	9	13	5.360	CD	2,000,000		2,000,000.00
	2007	1	25	7	HUNT BANK	2006	11	2	5.350	CD	2,108,933		2,108,932.70
	2007	1	25	7	FITB	2006	11	9	5.260	CD	2,110,745		2,110,745.03
	2007	1	30	8	NAT CITY	2006	10	31	5.125	FHLM	1,042,000		1,028,830.28
	2007	2	1	7	FITB	2006	9	13	5.310	CD	2,000,000		2,000,000.00
	2007	2	1	9	ML	2006	11	2	5.050	TBILL	2,183,000		2,155,850.75
	2007	2	1	7	HUNT BANK	2006	11	9	5.350	CD	1,010,500		1,010,500.00
	2007	2	8	7	CHART ONE	2006	9	21	5.350	CD	2,000,000		2,000,000.00
	2007	2	15	7	FITB	2006	9	21	5.310	CD	2,000,000		2,000,000.00
	2007	2	15	9	ML	2006	11	9	5.070	TBILL	2,291,000		2,260,222.32
	2007	2	22	7	FLAGSTAR	2006	9	21	5.530	CD	2,000,000		2,000,000.00
	2007	3	1	7	HUNT BANK	2006	9	21	5.410	CD	2,000,000		2,000,000.00
	2007	3	1	7	HUNT BANK	2006	11	30	5.360	CD	1,012,427		1,012,426.94
	2007	3	8	7	TCF BANK	2006	9	21	5.400	CD	2,000,000		2,000,000.00
	2007	3	8	7	FLAGSTAR	2006	11	30	5.320	CD	2,181,319		2,181,318.64
	2007	3	15	7	TCF BANK	2006	9	21	5.400	CD	2,109,508		2,109,508.46

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Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2007	3	16	8	FITB	2005	2	9	3.560	FHLB 3133	971,500		971,500.00
	2007	3	22	7	CITIZENS	2006	9	21	5.350	CD	2,109,055		2,109,054.96
	2007	3	22	7	TCF BANK	2006	9	28	5.350	CD	2,101,931		2,101,930.98
	2007	3	22	9	ML	2006	11	16	5.090	TBILL	2,342,000		2,301,547.81
	2007	3	29	7	LA SALLE	2006	9	28	5.175	CD	2,970,564		2,970,563.53
	2007	3	29	7	HUNT BANK	2006	9	28	5.360	CD	2,102,370		2,102,369.83
	2007	3	29	9	ML	2006	11	30	5.020	TBILL	2,392,000		2,353,477.63
	2007	4	5	7	CITIZENS	2006	11	16	2.290	CD	2,110,964		2,110,963.85
	2007	4	5	7	CITIZENS	2006	11	22	5.300	CD	2,115,965		2,115,965.03
	2007	4	12	7	REPUBLIC	2006	11	16	5.300	CD	2,193,122		2,193,121.53
	2007	6	30	8	FITB	2003	2	27	5.000	MAX SAVER	6,886,477		6,886,476.55
	2007	6	30	8	FITB	2003	5	19	5.000	FHLMC95237	512,836		512,835.72
	2007	6	30	8	FITB	2003	7	30	3.600	FHR03 2640	420,500		420,451.02
	2007	6	30	8	FITB	2004	1	30	4.250	FHR 2537LA	111,000		110,972.53
	2007	6	30	8	FITB	2004	1	30	4.000	FHR 2535LK	1,116,000		1,115,912.88
	2007	6	30	8	HUNT BANK	2004	8	27	4.300	MM	558,370		558,370.39
	2007	6	30	8	FITB	2004	10	7	2.250	FHR 2625QX	326,000		325,433.34
	2007	6	30	8	FITB	2004	10	8	3.250	FHR 2564CN	1,050,000		1,046,902.47
	2007	6	30	8	FITB	2004	10	12	4.000	FHR 2617BG	2,458,000		2,457,012.16
	2007	6	30	8	FITB	2004	11	16	3.500	FHLM 2586	106,000		105,064.53
	2007	6	30	8	FITB	2005	8	30	4.500	2545	334,000		333,561.11
	2007	6	30	8	FITB	2005	9	29	4.500	FHLM 2618	775,000		775,000.00
	2007	6	30	8	MBIA	2005	11	18	5.090	MBIA	1,548,489		1,548,488.78
	2007	6	30	8	FITB	2006	1	30	4.500	FHLM 2557	982,000		981,057.70
	2007	6	30	7	CITIZENS	2006	5	4	4.800	MMIA	1,076,568		1,076,567.96
	2007	6	30	8	FITB	2006	9	8	5.000	MAXSAVER+	1,011,697		1,011,696.56
	2007	7	15	8	FITB	2006	9	25	4.500	2866	549,000		548,727.78
	2007	7	15	8	FITB	2006	10	31	4.500	2608	480,000		479,442.60
	2007	7	31	8	FITB	2004	7	26	3.500	FNR03 24	60,000		58,653.55
	2007	7	31	8	FITB	2005	1	11	4.000	FNMA 42	1,126,000		1,125,975.14
	2007	7	31	8	FITB	2005	8	26	4.500	31	1,155,000		1,155,003.66
	2007	7	31	8	FITB	2006	3	13	5.500	FNMA 71	91,000		90,590.96
	2007	7	31	8	FITB	2006	4	17	4.000	2003-10	422,000		421,503.29
	2007	7	31	8	FITB	2006	6	30	5.000	86	434,000		434,056.25
	2007	7	31	8	FITB	2006	8	25	5.500	FNMA 73	747,000		746,890.63
	2007	11	15	8	FITB	2005	7	27	4.500	FHLM 2687	2,830,000		2,823,343.75
	2007	12	30	8	FITB	2006	11	24	3.250	FHLM 2568	6,900,000		686,735.23
										TOTAL			134,478,435.75
591	2006	11	15	8	FITB	2005	8	26	4.500	FHLM 2687	1,000,000		995,000.00
	2006	12	31	8	FITB	2006	2	25	3.500	FHLM 2786	62,000		61,503.56
	2007	2	1	7	REPUBLIC	2006	11	2	5.300	CD	150,004		150,004.06
	2007	2	1	7	HUNT BANK	2006	11	2	5.300	CD	164,001		164,001.25
	2007	2	7	8	NAT CITY	2006	10	10	5.080	FNMA	1,525,000		1,499,583.33
	2007	3	29	7	LA SALLE	2006	9	28	5.175	CD	2,890,953		2,890,953.00
	2007	6	30	7	COMERICA	1997	7	1	4.920	GOV'T POOL	1,986,228		1,986,228.90

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T-Bills, Commercial Paper, C.D. etc.

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Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book	
591	2007	6	30	8	FITB	2004	2	2	3.750	FNR03 24MN	181,500		181,044.89	
	2007	6	30	8	FITB	2005	8	31	1.000	MM	441,324		441,323.61	
	2007	6	30	8	FITB	2005	9	29	4.500	FHLM 2618	325,000		325,000.00	
	2007	6	30	8	FITB	2006	3	3	5.000	FHLM 2561	90,000		88,418.86	
	2007	6	30	8	FITB	2006	4	11	3.950	FNMA 3135	1,000,000		980,833.33	
	2007	6	30	8	FITB	2006	5	25	4.000	GNMA 20	25,500		25,171.53	
	2008	3	25	8	FITB	2006	8	9	5.500	FNMA 73	125,000		124,801.22	
											TOTAL		9,913,867.54	
688	2007	6	30	7	CHASE	1997	7	1	4.920	GOV'T POOL	1,404,293		1,404,293.28	
													TOTAL	1,404,293.28
													TOTAL	145,796,596.57

*** END OF REPORT ***

7 = CD 8 = Paper 9 = T-Bills

December 2006

December 2006							January 2007																						
S	M	T	W	T	F	S	S	M	T	W	T	F	S																
	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				December 1	2
					3
4	5	6	7	8	9
7:30pm City Council Meeting (Council Chambers)	7:30pm Planning Commission Special/Study (Council Boardroom)	8:30am Building Code Board of Appeals (Conference Room L) 7:00pm Advisory Committee for Persons with Disabilities (Confere			10
11	12	13	14	15	16
7:00pm Liquor Advisory Committee Meeting (Conference Room Lower Level)	7:30pm Planning Commission Regular Meeting (Council Chambers)				17
18	19	20	21	22	23
7:30pm City Council Meeting (Council Chambers)	7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level)		City Hall Closed	24
25	26	27	28	29	30
City Hall Closed				City Hall Closed	31

January 2007

January 2007							February 2007						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
	1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28			

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
January 1, 07	2	3	4	5	6
City Hall Closed	7:00pm Ethnic Issues Advisory Board (Conference Room C)	8:30am Building Code Board of Appeals (Conference Room L) 7:00pm Advisory Committee for Persons with Disabilities (Confere	1:00pm Advisory Committee for Senior Citizens (Community Center Room 301)		
8	9	10	11	12	13
7:00pm Liquor Advisory Committee Meeting (Conference Room Lower Level) 7:30pm City Council Meeting (Council Chambers)	7:30pm Planning Commission Regular Meeting (Council Chambers)	12:00pm Employee's Retirement System Board (Conference Room C)			14
15	16	17	18	19	20
	3:00pm BRA Meeting (Council Boardroom) 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level) 7:00pm Cable Advisory Committee (Conference Room C)	7:00pm Parks & Recreation Advisory Board (Community Center - 3179 Livernois)		21
22	23	24	25	26	27
7:30pm City Council Meeting (Council Chambers)	7:00pm Troy Daze Advisory Committee (Community Center - 7:30pm Planning Commission Special/Study Meeting (Council Boa				28
29	30	31			

February 2007

February 2007							March 2007						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
4	5	6	7	8	9	10	4	5	6	7	8	9	10
11	12	13	14	15	16	17	11	12	13	14	15	16	17
18	19	20	21	22	23	24	18	19	20	21	22	23	24
25	26	27	28				25	26	27	28	29	30	31

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			February 1	2	3
			1:00pm Advisory Committee for Senior Citizens (Community Center Room 301)		4
5	6	7	8	9	10
7:30pm City Council Meeting (Council Chambers)	7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Planning Commission Special/Study Meeting (Council Bo	8:30am Building Code Board of Appeals (Confere 7:00pm Advisory Committee for Persons with Dis 7:30pm City Council Liquor Hearing (Council C			11
12	13	14	15	16	17
7:00pm Liquor Advisory Committee Meeting (Conference Room Lower Level)	7:30pm Planning Commission Regular Meeting (Council Chambers)	12:00pm Employee's Retirement System Board (Conference Room C)	7:00pm Parks & Recreation Advisory Board (Community Center - 3179 Livernois)		18
19	20	21	22	23	24
	7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level)			25
26	27	28			
7:30pm City Council Meeting (Council Chambers)	7:00pm Troy Daze Advisory Committee (Community Center - 7:30pm Planning Commission Special/Study Meeting (Council Boa	7:30pm City Council Liquor Hearing (Council Chambers)			



MAPERS

12/18
Haddad

November 30, 2006

MAPERS ACHIEVEMENT PROGRAM

Dear John Lamerato

The Michigan Association of Public Employee Retirement Systems is pleased to advise that you have successfully completed the Advanced Fiduciary Examination which was held at the MAPERS 2006 Fall Conference. The Advanced Fiduciary Examination acknowledges that the member has a comprehensive understanding on a vast range of topics. In addition to your plan experience, your score of 92% demonstrates a higher knowledge regarding fiduciary responsibility, institutional investing, and benefits administration. Your achievement will be recognized at the MAPERS 2007 Spring Conference Business Meeting

We encourage you to continue in your pursuit of trustee education and as always we ask you to share with us any comments or questions you may have with regard to the MAPERS Achievement Program. Thank you.

Very truly yours,

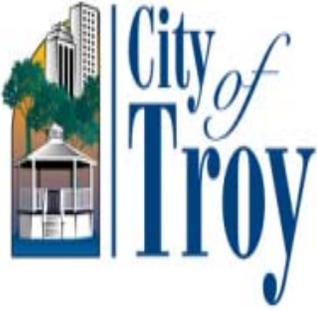
A handwritten signature in black ink that reads "James E. Haddad". The signature is written in a cursive style.

James E. Haddad
MAPERS President

JEH/mld

Michigan Association of Public Employee Retirement Systems

525 E. Michigan Ave. #409 • Saline, MI 48176
Phone: (734) 944-1144 or 1-800-475-4200 • Fax: (734) 944-1145
E-mail: info@mapers.org • Web site: www.mapers.org



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: December 12, 2006
SUBJECT: City of Troy v. George Roberts

After a brief hearing on November 29, 2006, Oakland County Circuit Court Judge Mark Goldsmith entered an order in the *City of Troy v. George Roberts* case. Under the terms of the order, Mr. Roberts cannot occupy the residence at 6791 Livernois Rd., Troy, MI, until the first floor of the property is in compliance with the City's property maintenance ordinances.

Prior to this hearing, the home was inspected on November 27th, 2006 by the Housing and Zoning Inspectors. Although some progress had been made, there was still substantial work to be done. A second inspection is scheduled for December 19, 2006, in compliance with the Court order.

The court order allows for the clean up to occur in phases, but requires the entire home to be compliant with all local and state laws by January 10th, 2007. The Court has also scheduled a hearing for January 17, 2007, which would only be necessary if additional action is required for compliance.

If you have any questions, please let us know.



CITY COUNCIL REPORT

December 11, 2006

TO: The Honorable Mayor and City Council

FROM: Phillip L. Nelson, City Manager

SUBJECT: Correlation of Council Goals with Futures Report

As the next step in the Troy Futures process, staff has tried to correlate the various committee thoughts with the Council's goals and objectives. Staff tried to be very broad in interpretation, but it appears that the Futures Committees placed a fairly heavy emphasis on what could be called quality of life issues, and, to a lesser extent, placed emphasis on economic development. There was also a significant amount of emphasis placed on regionalism, especially from a planning and economic development standpoint. A listing of "Preferred Futures" is included on the last two pages of this memo.

In 2005, the Council adopted the following goals and objectives:

- Minimize cost and increase efficiency of City government
- Retain and attract investment while encouraging redevelopment
- Effectively and professionally communicate internally and externally
- Creatively maintain and improve public infrastructure
- Annually improve the strategic plan
- Protect life and property

Council objectives include:

- Enhance the flow of information
- Address citizen input and concerns
- Maintain high level of service
- Promote culture of professionalism
- Determine appropriate staffing levels
- Expand electronic functions
- Prioritize capital projects
- Promote economic development and redevelopment
- Uphold fiscal integrity
- Recognize diversity and encourage participation

If the Council chooses to adopt the Futures Report as a part of the City's planning process, based on input from the various committees, staff would suggest that the goals and objectives be revised as follows:

- Minimize cost and increase ~~efficiency~~ *effectiveness* of City Government
- Retain and attract investment while encouraging redevelopment
- Effectively & professionally communicate internally & externally
- ~~Creatively maintain & improve public infrastructure~~
- *Expand the scope of public infrastructure to meet changing public needs*
- ~~Annually improve~~ *Emphasize regionalism and incorporate creativity into* the *annual* strategic planning process
- ~~Protect life and property~~ *Enhance the livability and safety of the community*

Council objectives revisions include:

- Enhance the *a two-way* flow of *public* information
- Address citizen input and concerns
- Maintain high level of service
- Promote culture of professionalism
- Determine appropriate staffing levels
- Expand electronic functions
- Prioritize capital projects
- Promote economic development and redevelopment
- Uphold fiscal integrity
- Recognize diversity and encourage participation
- *Enhance community livability through more integration of business, educational, recreational and other (re)development philosophies*
- *Revamp regulatory documents to be more flexible to take changing styles of the times into account*

The primary reasons for amending the goals as suggested are that if the Council chooses to adopt some or all of the suggestions offered in the report, budgets and other planning documents will have to be geared toward ensuring that the infrastructure, including technology, is ready to accommodate change. Additionally, planning documents will have to be revised to make the necessary changes in philosophies in order to bring the "preferred futures" to fruition.

To date, planning documents have been amended to allow for specific changes in development, but those documents have not always kept pace with changing styles of the times. As a whole, planning documents are designed to give a basic inventory of what the community has, but do not provide guidance in development directions to ensure that the City has the ability to supply all of the required infrastructure and resources to meet changing times. Large-scale redevelopment of various areas throughout Troy as suggested in the Futures Report could require the City to complete comprehensive studies to determine if City systems, including financial systems, have the capacity to accommodate proposed changes.

Based on Council action on the Troy Futures Report, staff will then develop a Strategic Policy Plan that uses the Council's goals and objectives, and the Troy Futures Report as its basis.

Points indicated by the Troy Futures Committee Members - "Preferred Futures":

- Recognize diversity through better communication
- Utilize aging population using their experience
- Create better forum for community discussion
- Partner with "civic" organizations as a means of shifting public participation
- Address declining revenues by alternative means to do more with less
- Modernize the Future Land Use Plan
- Create a "villaging" development concept to create a connected sense of community
- Become a model of environmentally friendly community
- Develop into more of a vibrant, dynamic & prosperous city showcasing a variety of business and residential uses
- Have elected leaders who govern in the best interest of the total community and is supported by a responsive and cooperative staff
- Troy has implemented "villaging" development concepts
- Develop multiple downtown areas that revolve around a specific culture or ethnic themes
- Focus on (physical) fitness
- Develop "My Village" concept
- Maintain small town feel through big city, small community themes
- Gotta Have Art
- Develop a "just hanging out" feel by forming gathering places
- Develop an outdoor sports complex
- Troy has a Citywide Lifetime Learning Committee
- Develop broad variety of life enriching educational methods to better face and deal with global lifestyles
- Troy community facilitates learning opportunities that encompass a variety of experiences, lifestyles and cultures using community knowledge and experience
- World class lifetime learning services and facilities are available to the entire Troy community

- Troy provides opportunity, encouragement and recognition for the highest levels of academic achievement including educational curriculum preparing students to handle the latest advances in technology in a healthy, accepting learning environment
- Troy is a safer place for travelers
- Troy is a walkable/bikeable community with an extensive network of non-automotive pathways
- Troy will be a city with multiple transit options for all age groups and workforce members
- Virtual pathways will exist to substitute communication for transportation
- Troy is a “green-clean” city
- Southeastern Michigan has developed into a world-class region
- Troy and the surrounding communities have coordinated their redevelopment efforts focusing on the strengths of each community to promote smart growth and retention of the creative class
- Southeastern Michigan has developed a multi-modal transportation system that is supportive of economic development and that provides alternative modes of transportation for citizens of all ages
- Troy is collaborating with southeastern Michigan to establish regional, high quality services in a cost efficient manner
- Troy has a regional spirit to create cultural, recreational, education, family and senior activities that improve the quality of life for all segments of the region’s population
- Create and promote an entrepreneurial area
- Create Troy promotional activity
- Upgrade public transportation
- Encourage Troy’s Asian population to become THE Southeast Michigan business link to Asia