

AGENDA

Meeting of the

CITY COUNCIL OF THE CITY OF TROY

MARCH 5, 2007

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.

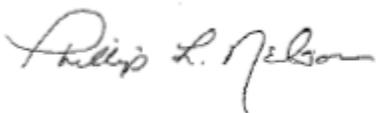
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

Goals

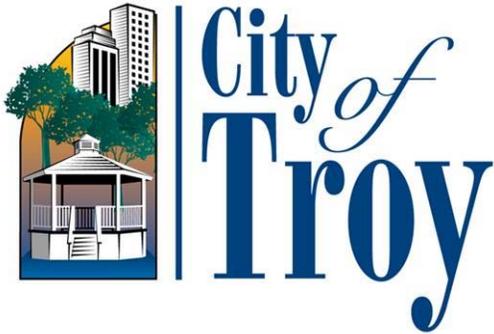
- I. Enhance the livability and safety of the community
- II. Minimize the cost and increase the efficiency and effectiveness of City government
- III. Retain and attract investment while encouraging redevelopment
- IV. Effectively and professionally communicate internally and externally
- V. Maintain relevance of public infrastructure to meet changing public needs
- VI. Emphasize regionalism and incorporate creativity into the annual strategic planning process

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

**March 5, 2007 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317**

CALL TO ORDER: 1

INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Scott LeLaCheur – Zion Christian Church 1

ROLL CALL: 1

CERTIFICATES OF RECOGNITION: 1

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C-1 No Public Hearings 1

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CALL TO ORDER:**INVOCATION & PLEDGE OF ALLEGIANCE:** Pastor Scott LeLaCheur – Zion Christian Church**ROLL CALL:**

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a)** A 15-minute Presentation from Ken Rogers of Automation Alley: An Update on Activities and Future Needs

CARRYOVER ITEMS:

- B-1** No Carryover Items

PUBLIC HEARINGS:

- C-1** No Public Hearings

POSTPONED ITEMS:

- D-1** Hooters v. Troy – Proposed Consent Judgment

(a) Transfer of License

Pending Resolution
Resolution #2007-03-
Moved by Stine
Seconded by Beltramini

RESOLVED, That the consent judgment between Hooters of Troy, Inc. and the City of Troy is hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That upon the execution of the consent judgment by the Court, the request from Hooters of Troy, Inc., (a Georgia Corporation) to transfer ownership of a 2005 Class C licensed business with outdoor service (1 area), and new Entertainment Permit located

at 2950 Rochester Road Troy, MI 48083 Oakland County from Sign of the Beefcarver, Inc., be **APPROVED**.

(b) Agreement

Pending Resolution

Resolution #2007-03

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 Hooters of Troy, Inc., (a Georgia Corporation) to transfer ownership of a 2005 Class C licensed business with outdoor service (1 area), and new Entertainment Permit located at 2950 Rochester, Troy, MI 48083, Oakland County from Sign of the Beefcarver, Inc., 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.

Proposed Substitute Amendment

Resolution #2007-03-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** the preceding resolutions (a) Transfer of License and (b) Agreement, for *Hooters v. Troy – Proposed Consent Judgment* by **SUBSTITUTING** it with one of the following:

(a) Approval of Consent Judgment

RESOLVED, That the consent judgment between Hooters of Troy, Inc. and the City of Troy is hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That upon the execution of the consent judgment by the Court, the request from Hooters of Troy, Inc., (a Georgia Corporation) to transfer ownership of a 2005 Class C licensed business with outdoor service (1 area), and new Entertainment Permit located at 2950 Rochester Road Troy, MI 48083 Oakland County from Sign of the Beefcarver, Inc., is **APPROVED**; and

BE IT FURTHER RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Hooters of Troy, Inc., (a Georgia Corporation) to transfer ownership of a 2005 Class C licensed business with outdoor service (1 area), and new Entertainment Permit located at 2950 Rochester, Troy, MI 48083, Oakland County from Sign of the Beefcarver, Inc., 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.

Or

(b) Take No Action on Consent Judgment

RESOLVED, That the City of Troy City Council resolves to **TAKE NO ACTION** on the proposed consent judgment between Hooters of Troy, Inc. and the City of Troy.

Yes:

No:

D-2 Approval of the Sale of City-Owned Surplus Remnant Parcel to MNAD Properties II, LLC Located in Section 23, at the Northeast Corner of Boyd Street and Rochester Road – Sidwell #88-20-23-351-001 and -002

Suggested Resolution

Resolution #2007-03-

Moved by

Seconded by

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

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

THEREFORE, BE IT RESOLVED, That the Troy City Council **FINDS** that the public interest will best be served without obtaining a sealed bid in accordance with Resolution 2007-01-028 Policy Governing Disposal (Sales) of Excess property and **APPROVES** the sale of the remnant parcel having Sidwell #88-20-23-351-001 and 002 on the northeast corner of Boyd Street and Rochester Road to MNAD Properties II, LLC in the amount of \$20,000.00, the appraised value, as outlined in the attached Offer to Purchase, plus closing costs; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement to Purchase and the Warranty Deed, on behalf of the City; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents, including all attachments, at the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to and made part of the original Minutes of this meeting.

Yes:

No:

D-3 Approval of the Sale of City-Owned Surplus Remnant Parcel to RPS Troy, LLC Located in Section 22, between Troy and Louis Streets Fronting on Big Beaver – Sidwell #88-20-22-356-031

Suggested Resolution

Resolution #2007-03-

Moved by

Seconded by

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

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

THEREFORE, BE IT RESOLVED, That the Troy City Council **FINDS** that the public interest will best be served without obtaining a sealed bid in accordance with Resolution 2007-01-028 Policy Governing Disposal (Sales) of Excess property and **APPROVES** the sale of the remnant parcel having Sidwell #88-20-22-356-031 on the north side of Big Beaver between Troy and Louis Streets to RPS Troy, LLC in the amount of \$15,000.00, the appraised value, as outlined in the attached Offer to Purchase, plus closing costs;

BE IT FURTHER RESOLVED, That the sale of the subject remnant parcel having Sidwell #88-20-22-356-031, is **CONDITIONED** upon RPS Troy, LLC purchasing a privately owned parcel owned by Four Oaks Management for fair market value, Sidwell #88-20-22-356-014, for the purposes of encouraging a consolidated development; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement to Purchase and the Warranty Deed, on behalf of the City; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents, including all attachments, at the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to and made part of the original Minutes of this meeting.

Yes:

No:

CONSENT AGENDA:

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

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

Resolution #2007-03-

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 #2007-03-

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of February 7, 2007 and the Regular City Council Meeting of February 26, 2007 be **APPROVED** as submitted.

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

E-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 3: Exercise Renewal Option – Aggregates**Suggested Resolution

Resolution #2007-03-

WHEREAS, On May 8, 2006, one-year contracts for Aggregates with an option to renew for one additional year was awarded to the low bidders, B&W Landscape of Clinton Twp, MI, Tri-City Aggregates of Holly, MI, and Edw. C. Levy Co of Detroit, MI (Resolution #2006-05-202-E-4e); and

WHEREAS, All three awarded bidders have agreed to exercise the one-year option to renew under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That the options to renew these contracts are hereby **EXERCISED** with B&W Landscape of Clinton Twp, MI, Tri-City Aggregates of Holly, MI, and Edw. C. Levy Co of Detroit, MI, to provide one-year requirements of Aggregates under the same contract prices, terms, and conditions expiring April 30, 2008.

b) Standard Purchasing Resolution 3: Exercise Renewal Option – Hauling and Disposal of Dirt and Debris

Suggested Resolution
Resolution #2007-03-

WHEREAS, On March 27, 2006, one-year contracts for the Hauling and Disposal of Dirt and Debris with an option to renew for one additional year was awarded to the low bidders, Osburn Industries of Taylor, MI (Resolution #2006-03-153-E-4a) and subsequently to Luke's Trucking and Excavating LLC of Holly, MI, as a result of a rescind/re-award on August 14, 2006 (Resolution #2006-08-335); and

WHEREAS, Both awarded bidders have agreed to exercise the one-year option to renew under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That the options to renew the contracts are hereby **EXERCISED** with Osburn Industries of Taylor, MI and Luke's Trucking and Excavating LLC of Holly, MI, to provide one-year requirements of Hauling and Disposal of Dirt and Debris under the same contract prices, terms, and conditions expiring March 27, 2008.

c) Standard Purchasing Resolution 1: Bid Award – Low Bidders – Asphalt Paving Material

Suggested Resolution
Resolution #2007-03-

RESOLVED, That contracts to provide for one (1) year requirements of Asphalt Paving Materials are hereby **AWARDED** to the low bidders, Barrett Paving Materials, Inc. of Troy, MI and Surface Coatings Company of Auburn Hills, MI at unit prices contained in the bid tabulation opened February 13, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting expiring March 31, 2008; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements; and the City be **AUTHORIZED** to use reciprocity between Barrett Paving and Ajax Materials in the event of a plant closing, inability to meet delivery times or supply material as specified.

d) Standard Purchasing Resolution 1: Award to Low Bidder – Parking Lot Maintenance

Suggested Resolution
Resolution #2007-03-

RESOLVED, That a contract to complete the City of Troy Parking Lot Maintenance Program for 2006/07 is hereby **AWARDED** to the low total bidder, Lacaria Construction, Inc. of Detroit, MI for Fire Station #5 and the Community Center at unit prices contained in the bid tabulation opened January 31, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract not to exceed budgetary limitations; and

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

e) Standard Purchasing Resolution 1: Award to Low Bidder – Museum Roof Replacements

Suggested Resolution
Resolution #2007-03-

RESOLVED, That a contract to replace four roofs at the Troy Museum located at 60 W Wattles is hereby **AWARDED** to the low total bidder, Ingram Roofing, Inc. of Rochester Hills, MI, for an estimated total cost of \$37,904.00, at prices contained on the bid tabulation opened February 6, 2007, 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 documents, including bonds, insurance certificates and all other specified requirements.

E-5 Private Agreement for Restaurant Depot – Project No. 06.934.3

Suggested Resolution
Resolution #2007-03-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and JETRO / RD, is hereby **APPROVED** for the installation of asphalt approach, 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.

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: No Appointments Scheduled b) City Council Appointments: Advisory Committee for Persons with Disabilities; Historic District 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 – No Appointments Scheduled

(b) City Council Appointments

Suggested Resolution

Resolution #2007-03-

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

Historic District Commission

Appointed by Council (7) – 3 Year Term

Term Expires 03/01/10

Municipal Building Authority

Appointed by Council (5) – 3 Year Terms

Unexpired Term 01/31/09

Yes:

No:

F-2 Allocation of 2007 Tri-Party Program Funds and Cost Participation Agreement – Livernois, Maple to Big Beaver – Project No. 07.101.5Suggested Resolution

Resolution #2007-03-

Moved by

Seconded by

RESOLVED, That the Cost Participation Agreement and 2007 and 2008 Tri-Party Program funding allocation between the City of Troy and the Board of Road Commissioners for Oakland County for the Livernois, Maple to Big Beaver reconstruction project, Project No. 07.101.5, is hereby **APPROVED** at an estimated cost to the City of Troy not to exceed \$244,566.00, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the to the original Minutes of this meeting.

Yes:

No:

F-3 Traffic Committee Recommendations – February 21, 2007Suggested Resolution

Resolution #2007-03-

Moved by

Seconded by

(a) No Changes on Rochester Road at the Woodside Bible Church Driveway

RESOLVED, That **NO CHANGES** be made on Rochester Road at the Woodside Bible Church driveway.

(b) Installation of Signs – All-Way Stop Signs at the Intersection of Lancer and Jack including the Schroeder School Driveway

RESOLVED, That Traffic Control Order No. _____ be **ISSUED** for installation of all-way STOP signs at the intersection of Lancer and Jack, including the Schroeder School driveway.

(c) Establishment of Fire Lanes/Tow Away Zones – 3900 Northfield Parkway

RESOLVED, That Traffic Control Order No. _____ be **ISSUED** for the establishment of fire lanes/tow away zones shown in the attached sketch at 3900 Northfield Parkway.

(d) Establishment of Fire Lanes/Tow Away Zones – 30 East Big Beaver

RESOLVED, That Traffic Control Order No. _____ be **ISSUED** for the establishment of fire lanes/tow away zones shown in the attached sketch at 30 East Big Beaver.

(e) Establishment of Fire Lanes/Tow Away Zones – 3615 Livernois

RESOLVED, That Traffic Control Order No. _____ be **ISSUED** for the establishment of fire lanes/tow away zones shown in the attached sketch at 3615 Livernois.

(f) Establishment of Fire Lanes/Tow Away Zones – 1639 East Big Beaver

RESOLVED, That Traffic Control Order No. _____ be **ISSUED** for the establishment of fire lanes/tow away zones shown in the attached sketch at 1639 East Big Beaver.

(g) Establishment of Fire Lanes/Tow Away Zones – 30 East Long Lake

RESOLVED, That Traffic Control Order No. _____ be **ISSUED** for the establishment of fire lanes/tow away zones shown in the attached sketch at 30 East Long Lake.

Yes:

No:

F-4 Preliminary Site Condominium Review – Timbercrest Farms Site Condominium, South of Wattles, West of Fernleigh, Section 24 – R-1C
Suggested Resolution

Resolution #2007-03-

Moved by

Seconded by

RESOLVED, That the Troy City Council hereby **APPROVES** the preliminary site condominium plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Timbercrest Farms Site Condominium, located south of Wattles, west of Fernleigh, in Section 24, including 32 home sites, within the R-1C zoning district, being 12.1 acres in size.

Yes:

No:

F-5 Revised Chapter 90 – Animals
Suggested Resolution

Resolution #2007-03-

Moved by

Seconded by

RESOLVED, That the Troy City Code, Chapter 90-Animals, is hereby **AMENDED** by replacement in its entirety, as presented by the City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

F-6 Scheduling a Workshop to Discuss Strategic Planning Initiatives

Suggested Resolution

Resolution #2007-03-

Moved by

Seconded by

RESOLVED, That a workshop to discuss strategic planning initiatives is **SCHEDULED** for the following date and time:

Thursday, March 22, 2007 at 6:30 PM, or
Monday, March 26, 2007 at 6:30 PM

in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan.

Yes:

No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a)** Rezoning Application (File Number: Z-725) – Proposed Office Building, East of Livernois, South Side of Wattles, Section 22 – R-1C to O-1 – March 19, 2007
- b)** Street Vacation Application (File Number: SV 189) – A Section of Alley, West of Rochester Road between Marengo and DeEtta, abutting Lots 5-13 and 54 of Troy Little Farms Subdivision, Section 3 – March 19, 2007
- c)** Zoning Ordinance Text Amendment (File Number: ZOTA 225) – Articles IV and XXXV – Planned Unit Development Provisions – March 19, 2007

G-2 Green Memorandums: None Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Downtown Development Authority/Final – December 20, 2006
 - b) Planning Commission Special/Study/Draft – February 6, 2007
 - c) Board of Zoning Appeals/Draft – February 20, 2007
-

J-2 Department Reports:

- a) Purchasing Department – Final Reporting – BidNet On-Line Auction and Mid-Thumb Auctioneering, LLC – January, 2007
-

J-3 Letters of Appreciation:

- a) Letter of Appreciation to Chief Craft from Monsignor Zouhair Toma (Kejbou), St. Joseph Catholic Chaldean Church, Thanking Lieutenant McWilliams, Sgt. Daniel, Sgt. Szuminski, Officer Haddad, Officer Stansbury, Officer Schultz, Officer Lenczewski, Officer Weingart, Officer Taylor, PSA Stark and PSA Snedden for Their Assistance with Traffic During Christmas Services
 - b) Letter of Appreciation to Chief Craft from Ann Comiskey, Troy Community Coalition Regarding the Efforts of Officer Kaptur and Officer Breidenich
-

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

J-5 Calendar

J-6 Communication from the National Arbor Day Foundation Regarding Troy Being Named as a 2006 Tree City USA

J-7 Communication from Bruce Bublitz of University of Michigan – Dearborn Regarding the City of Troy Being Named as a Top-Performing Community in the 2007 Entrepreneurial Cities Index

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

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

are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

CLOSED SESSION:

L-1 Closed Session:

Suggested Resolution

Resolution #2007-03-

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:

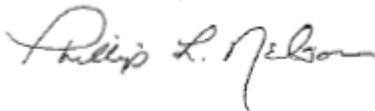
No:

RECESSED

RECONVENED

ADJOURNMENT

Respectfully submitted,



Phillip L. Nelson, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, March 19, 2007.....	Regular City Council
Monday, April 2, 2007	Regular City Council
Monday, April 16, 2007	Regular City Council
Monday, May 14, 2007.....	Regular City Council
Monday, May 21, 2007.....	Regular City Council
Monday, June 4, 2007.....	Regular City Council
Monday, June 18, 2007.....	Regular City Council



TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: March 1, 2007
SUBJECT: Hooters of Troy Inc. v City of Troy

On February 28, 2007, Judge Julian Cook heard oral arguments on the City's motion to dismiss the federal court lawsuit, where Hooters is requesting one million dollars in damages. The City's motion was based on the fact that the federal lawsuit is an attempt to re-do what was or should have been done in the state court action. In the state court action, Hooters' case against the City was dismissed. Hooters has appealed that dismissal, and the state court action is now pending in the Michigan Court of Appeals. Briefs were filed in that case as of October 2006, and now the parties are just waiting for the Court of Appeals to schedule a date for oral argument. The parties will not have any legal work on this case until the Court of Appeals sets the hearing date and/or schedules facilitation. The Court of Appeals has complete control over setting the oral argument schedule, and it could be months before this case is heard, due to the volume of cases.

After arguments were presented, the Court issued his opinion from the bench. Although the Judge initially appeared to find that the lawsuit should be dismissed, since the issues could have or should have been raised in the state court lawsuit, in the end, the Judge did not make a final decision, and instead abstained until the state court lawsuit is finalized. The Judge stayed all proceedings on the federal case until final resolution of the state court lawsuit. This precludes any legal work on the federal case as well, including depositions or other discovery and trial preparation.

In the interim, City Council resolution #2007-02-044 requires the proposed consent judgment to be brought back as a City Council agenda item. The resolution states:

RESOLVED, That Troy City Council hereby POSTPONES Hooters v. Troy- Proposed Consent Judgment until the Regular City Council Meeting scheduled immediately after the receipt of the Ruling from the Federal District Court Judge regarding the City's Motion to Dismiss.

The information that was previously submitted is attached for your consideration. Since the deadline for the agenda has already passed, and since the hearing concluded late on Wednesday, this item is being submitted without knowing whether Hooters of Troy is still willing to offer the terms as set forth in the proposed consent judgment. As soon as we receive this information, we will notify City Council.

If you have any questions concerning the above, please let us know.



TO: Mayor and Members of City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: December 28, 2006
SUBJECT: Hooters v. Troy – Proposed Consent Judgment

Enclosed please find a consent judgment that would resolve both of the cases filed by Hooters of Troy against the City of Troy. The proposed consent judgment is provided for your consideration and deliberation.

The federal civil rights lawsuit is currently pending before Judge Julian Cook. As the first responsive pleading, we filed an immediate motion requesting dismissal of the federal lawsuit. The parties have already filed the briefs for this motion, and the Court has set oral argument on the motion to dismiss for February 7, 2007. If the parties are desirous of settling this case prior to the oral argument on Troy's Motion to Dismiss, then time is of the essence.

All briefs have already been filed in the state court appellate matter as well. The Michigan Court of Appeals has not yet set a date for oral argument on Hooters' appeal of the dismissal of Hooters' state court lawsuit.

The terms of the consent judgment are as follows:

- Troy must approve the requested transfer of the Sign of the Beefcarver Class C Liquor license (Wagon Wheel) to Hooters of Troy.
- Upon approval of the requested transfer, Hooters will dismiss its appeal of the state court case, as well as dismiss its federal case against the City. Hooters would also forego any claims for damages, costs, or attorney fees from the City.
- Within 30 days of MLCC's approval of the requested transfer of the liquor license, Hooters would place the liquor license for the John R. Road location into escrow. Hooters also agrees to operate only one Hooters restaurant in the City of Troy.
- Hooters would permanently remove the pole sign that currently extends over the roof of the building, as well as the pole sign that is located in the parking lot to the east of the building, which is visible from Big Beaver Road.

The attached consent judgment is attached for your consideration. It includes the site plan, since it depicts the location of signage and will be incorporated by reference.

If you have any questions concerning the proposed consent judgment please let us know.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HOOTERS OF TROY INC.,

Plaintiff,

v.

CASE NUMBER 06-CV- 14945
HON. JULIAN A. COOK
MAGIST. R. STEVEN WHALEN

CITY OF TROY,

Defendant.

_____/

EDWARD G. LENNON PLLC
Edward G. Lennon (P42278)
Attorney for Plaintiff
HYMAN LIPPITT, P.C.
Stephen McKenney (P65673)
Co-Counsel for Plaintiff
322 N. Old Woodward
Birmingham, MI 48009
248.723.1276

City of Troy – City Attorney’s Office
Lori Grigg Bluhm (P46908)
Christopher J. Forsyth (P63025)
Attorney for Defendant
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3320

_____ /

JUDGMENT BY CONSENT

At a session of said Court, held in the City of Detroit,
Eastern District of Michigan on _____.

PRESENT: Hon. _____
DISTRICT COURT JUDGE

HOOTERS OF TROY INC. and the CITY OF TROY consent to the entry
of this Consent Judgment.

RECITALS

1. Plaintiff, Hooters of Troy Inc. ("Hooters"), is a Georgia corporation and a wholly owned subsidiary of Hooters of America Inc., a Georgia corporation.

2. Plaintiff currently operates a Hooters restaurant located at 1686 John R Road in the City of Troy, Oakland County, Michigan. Plaintiff also currently holds a Class C liquor license for this restaurant.

3. On January 6, 2006, Plaintiff entered into an agreement with Sign of the Beefcarver, Inc. ("Beefcarver") to purchase Beefcarver's Class C and SDM Liquor Licenses and the requested Sunday Sales, Entertainment, and Outdoor Service permits, (collectively the "Liquor License") which Beefcarver was using at a restaurant named the Wagon Wheel Saloon and which it operated at 2946-2950 Rochester Road in Troy. The Wagon Wheel Saloon closed on or about May 31, 2006.

4. In addition to the agreement to purchase the Liquor License, Plaintiff also agreed to lease the property at 2946-2950 Rochester Road in which the Wagon Wheel Restaurant was located.

5. As required by the Michigan Liquor Control Code, MCL 436.1101 et. seq., Plaintiff submitted an application to the Michigan Liquor Control Commission, seeking a transfer of said Liquor License from Beefcarver to Hooters.

6. Pursuant to MCL 436.1501(2), such an application requires approval from the Troy City Council, the legislative body of the City of Troy. At

the June 19, 2006 regular City Council meeting, the Troy City Council denied Hooter's request to transfer the Liquor License from Beefcarver.

7. On June 27, 2006, Plaintiff filed a lawsuit in Oakland County Circuit Court. Plaintiff sought an order of superintending control approving the transfer of the Liquor License to Hooters. This case was dismissed by Oakland County Circuit Court Judge John McDonald. Plaintiff has appealed Judge McDonald's dismissal, and the case is pending oral argument in the Michigan Court of Appeals (Docket no. 272155).

8. On November 2, 2006, Plaintiff initiated this 42 U.S.C. § 1983 lawsuit against Defendant.

9. After extensive negotiation, the parties have reached a settlement of this §1983 lawsuit and the state court action. The parties agree that Troy City Council shall approve Plaintiff's application to transfer the Liquor License provided that Plaintiff complies with certain conditions that are further defined in this Consent Judgment. The parties also agree that this Consent Judgment shall be binding upon the parties, their successors and assigns.

10. The Court has reviewed the proposed Consent Judgment, and has verified that it currently possesses jurisdiction over this action, and has approved the form and substance of this Consent Judgment.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. This Consent Judgment shall constitute the final judgment of the Federal District Court, Eastern District of Michigan, and resolves all claims between the parties.

2. With the entry of this Consent Judgment by the Court, the Troy City Council approves Plaintiff's application to transfer the Liquor License from the Beefcarver to Hooters. After such time, the Troy City Clerk shall immediately forward a resolution of approval of the transfer to the Michigan Liquor Control Commission.
3. The City of Troy will reasonably cooperate and file such other additional or revised documents that reflect the above referenced approval, and as required by the Michigan Liquor Control Commission to complete or expedite the Liquor License transfer.
4. In consideration of the approval of the transfer of the Liquor License by the City of Troy, Plaintiff agrees to the following:
 - a. Plaintiff relinquishes any claim of damages against Defendant.
 - b. Plaintiff will dismiss with prejudice its claim of appeal filed with the Michigan Court of Appeals in the state court action, which is entitled *In Re Hooters of Troy Inc.*, Oakland County Circuit Court No. 06-75618 AS, Michigan Court of Appeals No. 272155.
 - c. Plaintiff will cease its operation of a Hooters Restaurant at 1868 John R Road, and place its Class C liquor license for that location into escrow with the Michigan Liquor Control Commission. This Consent Judgment does not address any future transfer or sale of the John R. escrowed license, and any sale or transfer of said liquor license shall comply with the Michigan Liquor Control Code. Plaintiff shall close this restaurant within 30 days after approval by

the Michigan Liquor Control Commission of the transfer of the Liquor License.

- d. After the John R restaurant is closed, Plaintiff shall be permitted to operate only one Hooters restaurant in Troy.
- e. Prior to operating the restaurant at the 2946-2950 Rochester Road address, Plaintiff shall remove the two pole signs (collectively, "Pylon Signs F & G"), which were erected at this location. More specifically, the first pole sign Plaintiff shall remove is located a short distance from the restaurant, is in close proximity to the intersection of Rochester and Big Beaver Roads, and is the larger of the two pole signs. The second pole sign Plaintiff shall remove is located in close proximity to the northeast parking entrance to the restaurant, which also curb cuts on Big Beaver Road, and is the smaller of the two pole signs. These two pole signs are further described as F, SF Pylon, and G, DF Pylon, in the attached plan (Exh. A., incorporated by reference).
- f. Plaintiff shall be permitted to construct up to two directional signs from Big Beaver Road, which shall not exceed 2 square feet each, and which shall not contain any logos or other commercial message, and shall be limited to identifying the Entrance and Exit for the parking lot. These signs, if constructed, shall be located at the existing north easternmost curb cut of the parking lot.

- g. With the exception of the pole signs, which Plaintiff agrees to remove, and the directional signs, as referenced in Paragraph f, the amount and type of signage Plaintiff can maintain at 2946-2950 Rochester Road, is limited to that depicted in Exhibit A.
 - h. Plaintiff is further permanently barred from seeking permission or any variances from the City of Troy to construct or erect additional signage at 2946-2950 Rochester Road, including but not limited to any special event signs as set forth in Chapter 85 of the City of Troy Ordinances.
 - i. In the event Plaintiff fails to remove above described pole signs prior to operating its restaurant at 2946- 2950 Rochester Road, Defendant shall have the right to remove said pole signs, and charge all costs and expenses to Plaintiff. This does not preclude the parties from pursuing any other available relief under state or federal law for any violation of the terms of this Consent Judgment.
5. The parties agree to waive all costs and attorney fees incurred as result of the case.
 6. By entry of this Consent Judgment, the parties, their agents, successors, assignees waive and discharge any and all claims that they may have against the other party, including its officials and employees, relating to the subject of this lawsuit.
 7. In order to effectuate the intent of this Consent Judgment and to reconcile any differences of the parties that may arise in connection

with the performance of this Consent Judgment, this Court shall retain jurisdiction of this action.

DISTRICT COURT JUDGE

Approved for entry:

HOOTERS OF TROY INC.

By: _____
Coby G. Brooks, President

CITY OF TROY, a Michigan Municipal Corporation

By: _____
Louise Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

Approved as to form:

CITY OF TROY
CITY ATTORNEY'S OFFICE
By: LORI GRIGG BLUHM (P46908)
CHRISTOPHER FORSYTH (P63025)
Christopher J. Forsyth (P63025)
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3320

EDWARD G. LENNON PLLC
EDWARD G. LENNON (P42278)
Attorney for Plaintiff
HYMAN LIPPITT, P.C.
Stephen McKenney (P65673)
Co-Counsel for Plaintiff
322 N. Old Woodward
Birmingham, MI 48009

Prepared by:

CITY OF TROY
CITY ATTORNEY'S OFFICE
By: s/Christopher J. Forsyth
Lori Grigg Bluhm (P46908)
Christopher J. Forsyth (P63025)
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3320
c.forsyth@ci.troy.mi.us

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this _____ day of _____, 2006, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan 48084, hereinafter known as "THE CITY", and HOOTERS OF TROY, INC., a Georgia corporation, with offices located at 1815 The Exchange, Atlanta, Georgia 30339, hereinafter known as "APPLICANT".

RECITALS:

1. The City Council of THE CITY, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission, approval of the transfer of ownership of the Class C license and permits now held by Sign of The Beefcarver, Inc. to the APPLICANT, located at 2946-2950 Rochester Road, Troy, Michigan 48084, Oakland County (hereinafter "APPLICATION")

2. In consideration of THE CITY'S recommendation for approval of the APPLICATION, APPLICANT hereby agrees that:

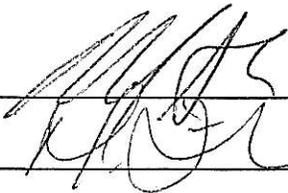
- (a) It has read and is aware of the provisions of the City of Troy Ordinances, Chapter Nos. 67, 68, 92 and Chapter No. 98 (effective 02/01/01), and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this Agreement.
- (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this Agreement.
- (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor license business in the City of Troy.
- (d) It agrees to immediately require all employees who serve/sell alcohol, to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e., TIPS, TAM, SERV SAFE Alcohol), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.

3. APPLICANT agrees that the recommendation of Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this Agreement shall occur.

4. APPLICANT agrees that the recommendation of approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including, but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.

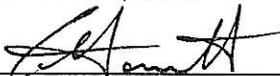
5. APPLICANT agrees that upon a violation, after full investigation and an opportunity for said APPLICANT to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this Agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

Witnesses:



Applicant:

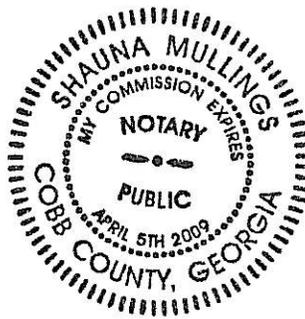
HOOTERS OF TROY, INC.

By: 
_____ Coby G. Brooks, President

Subscribed and sworn to before me
this 31 day of March, 2006.



Notary Public
Cobb County, Georgia
My commission expires: 4-5-2009



CITY OF TROY

By: _____
Louise E. Schilling, Mayor

By: _____
Tonni L. Bartholomew, Clerk

Subscribed and sworn to before me
this _____ day of _____, 2006.

Notary Public, Oakland County, Michigan
My commission expires:

Blmfield.18796.60706.734623-1



CITY COUNCIL ACTION REPORT

DATE: March 1, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Approval of the Sale of City-Owned Surplus Remnant Parcel to MNAD Properties II, LLC Located in Section 23, at the Northeast corner of Boyd Street and Rochester Road – Sidwell #88-20-23-351-001 & 002

Background:

- City Council postponed the item to the March 5, 2007 meeting. A schematic site plan is attached.
- MNAD Properties II, LLC has purchased from the City, through a public bid, 3236 Rochester Road, (the old engineering field office), which abuts the city subject on the north side. MNAD Properties II would like to combine these parcels into one B-2 parcel. No rezoning would be required as they are all presently zoned B-2.

Financial Considerations:

- Appraised value is \$20,000.00 and the offer is \$20,000.00.

Legal Considerations:

- City Council can approve sales of a Surplus City Owned Remnant parcel per Res#2007-01-028

Policy Considerations:

- This item is consistent with City Council Goal III (Retain and attract investment while encouraging redevelopment).

Options:

- City Council can accept the Purchase Agreement.
- City Council can deny the Purchase Agreement.
- City Management recommends acceptance of the Purchase Agreement.

Attachments:

1. Schematic Site Plan
2. February 26, 2007, City Council Action Report



SITE AREA
57079 / 1.3 AC.

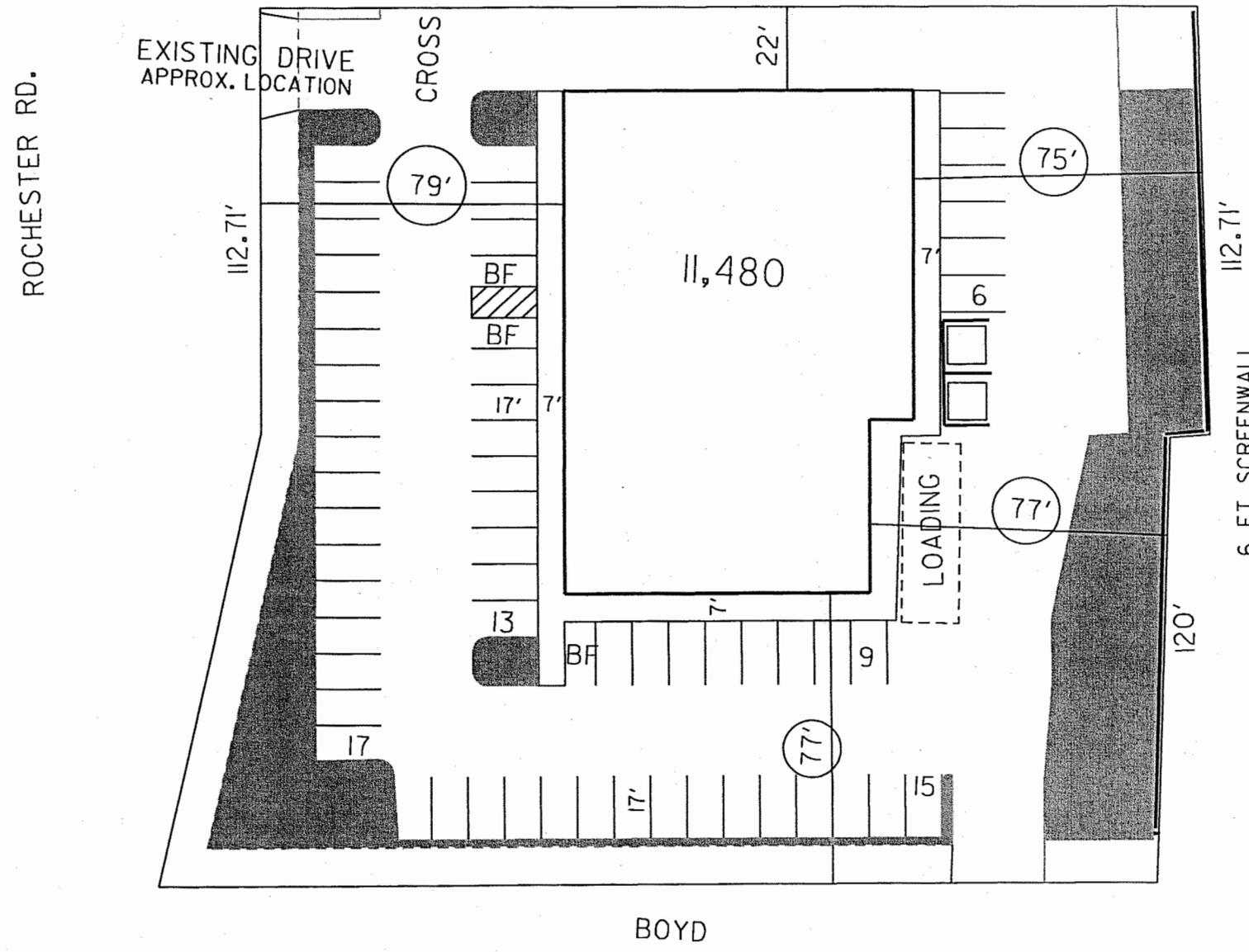
SETBACKS
FRONT 75 FT.
REAR 75 FT.
SIDE 20 FT' / 0 FT.

HEIGHT
(2) STORIES / 30 FT.

PARKING
PROVIDED 60
REQUIRED 57

LANDSCAPING
PROVIDE 8030
REQUIRED 5707

REQUIRES REZONING OF (3) RESIDENTIAL LOTS





CITY COUNCIL ACTION REPORT

DATE: February 20, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian Murphy, Assistant City Manager/Economic Development Services *BM*
Steven J. Vandette, City Engineer *SV*
Dennis C Stephens, Right of Way Representative

SUBJECT: Approval of the Sale of City-Owned Surplus Remnant Parcel to MNAD Properties II, LLC Located in Section 23, at the Northeast corner of Boyd Street and Rochester Road – Sidwell #88-20-23-351-001 & 002

Background:

- MNAD Properties II, LLC has purchased from the City, through a public bid, 3236 Rochester Road, (the old engineering field office), which abuts the city subject on the north side. MNAD Properties II would like to combine these parcels into one B-2 parcel. No rezoning would be required as they are all presently zoned B-2.

Financial Considerations:

- Appraised value is \$20,000.00 and the offer is \$20,000.00.

Legal Considerations:

- City Council can approve sales of a Surplus City Owned Remnant parcel per Res#2007-01-028

Policy Considerations:

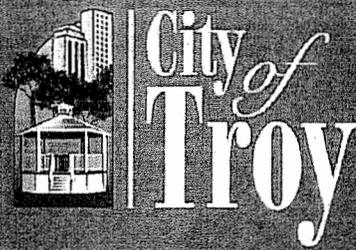
- This item is consistent with City Council Goal III (Retain and attract investment while encouraging redevelopment).

Options:

- City Council can accept the Purchase Agreement.
- City Council can deny the Purchase Agreement.
- City Management recommends acceptance of the Purchase Agreement.

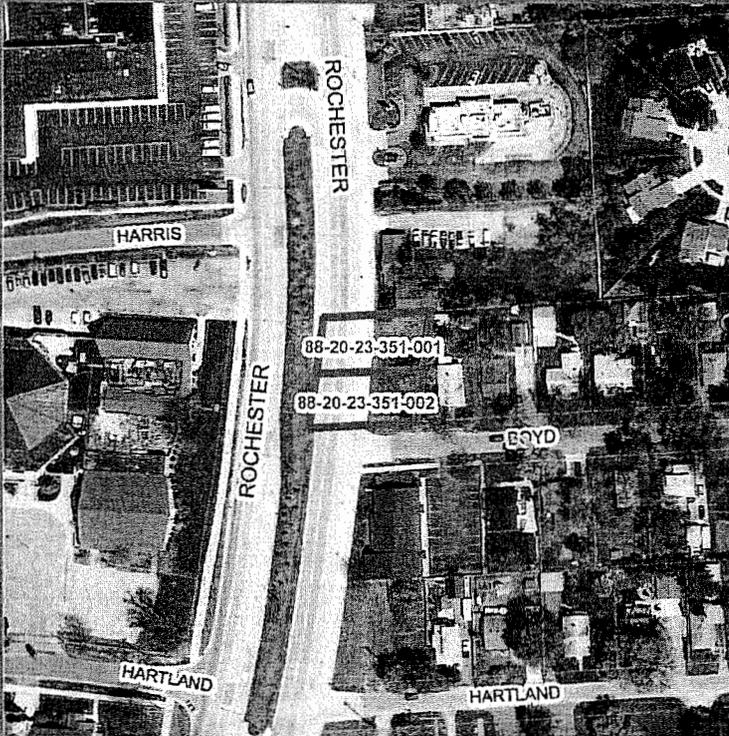
Attachments:

1. Agreement to Purchase
2. Maps
3. Parks and Recreation Advisory Board Minutes



Property Profile

88-20-23-351-001 & 88-20-23-351-002



Location:	Northeast corner of Boyd & Rochester
Size:	3,990 & 3,569 Sq. Ft
Zoning:	B-2
Last Appraisal Date:	09/17/2004
Appraisal Value:	\$20,000

Remarks:	Fox Portrait/Oakes - Remnant unbuildable because of size and shape
Status:	Authorization to sell #2005-11--512 - Send to Purchasing with next group
Parks & Rec Advisory Board Review	No potential park use recommend disposal

OFFER TO PURCHASE

CITY OF TROY

PROPERTY

REAL ESTATE

1. THE UNDERSIGNED, MNADIII, LLC a Michigan Limited Liability Company whose address is 3236 Rochester Road, Troy, MI 48083, hereby offers and agrees to purchase from the City of Troy the following land situated in the City of Troy, Oakland County, Michigan, described as follows:

See Exhibit "A" Attached Hereto And By Reference Made A Part Hereof

Sidwell # 88-20-23-351-001 & #88-20-23-351-002

and to pay therefore the sum of (\$20,000.00) Twenty Thousand Dollars subject to the existing building and use restrictions, easements, zoning ordinances, and other deed restrictions and conditions as specified herein.

THE SALE TO BE CONSUMMATED BY:

The delivery of a Warranty Deed conveying a marketable title. Payment of purchase money is to be made in cash or certified check made payable to the City of Troy

2. As evidence of title, Seller agrees to furnish Purchaser as soon as possible a Commitment for Title Insurance for information purposes. Purchase of Title Insurance shall be the option of the Purchaser at Purchaser's expense.
3. When this offer is accepted by the Seller and if title can be conveyed in the condition required hereunder, the Purchaser agrees to complete the sale within 30 days after delivery of the commitment of title insurance.
4. If objection to the title is made in the Commitment for Title Insurance or based upon a written opinion of Purchaser's attorney after examination of the Abstract that the title is not in the condition required for performance hereunder, the Seller shall have 30 days from the date he is notified in writing of the particular defects claimed either (1) to fulfill the requirements in said commitment or to remedy the title defects set forth in said attorney's opinion or (2) to refund the deposit in full termination of this agreement or if unable to furnish satisfactory title. If the Seller is able to comply with such requirements or remedy such defects within the time specified as evidenced by written notification, revised commitment or endorsement to commitment, the Purchaser agrees to complete the sale within 10 days of receipt thereof. If the Seller is unable to furnish satisfactory title within the time specified, the deposit shall be refunded forthwith in full termination of this agreement.
5. Purchaser understands and agrees that although the property being conveyed may at the time of conveyance be tax exempt, and that upon acceptance of this offer to purchase the property will be placed on the tax assessor's roll.
6. The covenants herein shall bind and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties.
7. By the execution of this instrument the Purchaser acknowledges THAT HE HAS EXAMINED THE ABOVE DESCRIBED PREMISES and is satisfied with the physical condition of structures and/or land thereon.
8. The closing of this sale shall take place at the offices of the City of Troy unless otherwise agreed.
9. Purchaser agrees to comply with Troy City Council Resolution #85-254, a copy of which is attached, and understands that this sale is contingent upon City Council approval.
10. Deed Restrictions and Subsequent Conditions: The sale of this property is conditioned upon the following deed restrictions which shall be recorded at the time of sale and shall be binding upon the Purchaser, their heirs, executors, administrators, successors and assigns: See Attachment "A"
11. Additional Conditions:

IN THE PRESENCE OF:

Thomas A. Holland
Patricia A. Holland

Purchaser

M. M. King L.S.
_____ L.S.

Date 1/13/06 Phone 248-689-8866 Address 3424 Rochester, Troy, MI 48083

IN THE PRESENCE OF:

Patricia A. Holland
Patricia A. Pettit

Seller

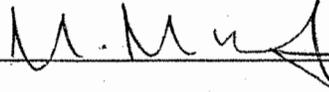
Thomas A. Holland L.S.
_____ L.S.

Date 1/13/06 Phone: 248-524-3374 Address: 500 W. Big Beaver, Troy, 48084

PURCHASER'S RECEIPT OF ACCEPTED OFFER

The Purchaser hereby acknowledges the receipt of the Seller's signed acceptance of the foregoing offer to purchase.

Purchaser



L.S.

L.S.

Date 11/13/06

ATTACHMENT "A"

CITY OF TROY PROPERTY SALE

DEED RESTRICTION

- A. Construction shall conform to all codes of the City of Troy. Purchaser shall complete the fee purchase of other parcels, which comprise the full site, if any.
- B. The purchaser shall construct or pay for the construction of any and all improvements to public facilities or private improvements as required by ordinances or design standards of the City of Troy
- C. All buildings shall be constructed as indicated on the architectural rendering as submitted to and approved by the Troy Planning Department and Building Department; no other alteration, addition or deletion shall occur.
- D. The Purchaser shall combine this parcel description with adjacent properties owned or controlled by Purchaser on City tax records.
- E. These deed restrictions shall be recorded with and as part of the deed at the Oakland County Register of Deeds.

Resolution #2007-01-028

Moved by Stine

Seconded by Lambert

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

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

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

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

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

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

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

Yes: All-7

EXHIBIT "A"

Section 23, Part of the SW ¼
Parcel: Part of 88-20-23-351-001
Owner: City of Troy

Description of Parcel: (Taken from City Acquisition Records)

Part of Lot 1 of "Beaver Run Subdivision", as recorded in Liber 46, Page 27, of Oakland County, Michigan records being part of the Southwest ¼ of Section 23, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as commencing at the Southeast corner of section 22; thence South 87 degrees 55 minutes 56 seconds West, along the south line of section 22, 224.08 feet to the east Right of Way Line of Rochester Road (M-150) and North 10 degrees 58 minutes 26 seconds East, along said east line, 252.56 feet and, continuing along said east line, along a curve to the right having a radius of 1925.12 feet, a central angle of 06 degrees 03 minutes 19 seconds, and a chord bearing and distance of North 14 degrees 00 minutes 06 seconds East 203.36 feet and North 17 degrees 01 minutes 45 seconds East, along said east line, 339.52 feet and, continuing along said line, along a curve to the left having a radius of 1575.00 feet, a central angle of 08 degrees 39 minutes 53 seconds, and a chord bearing and distance of North 12 degrees 41 minutes 49 seconds East 237.96 feet and North 08 degrees 21 minutes 52 seconds East, along said line, 172.61 feet and, continuing along said line, on a curve to the left having a radius of 1325.00 feet, a central angle of 02 degrees 22 minutes 42 seconds, and a chord bearing and distance of North 07 degrees 10 minutes 31 seconds East 55.00 feet to the south line of said lot 1 and the Point of Beginning; thence, continuing along the east line of Rochester Road, on a curve to the left having a radius of 1325.00 feet, a central angle of 02 degrees 42 minutes 32 seconds, and a chord bearing and distance of North 04 degrees 37 minutes 55 seconds East 62.64 feet to the north line of said lot 1; thence North 87 degrees 42 minutes 12 seconds East, recorded as North 89 degrees 30 minutes East, along said north line, 64.92 feet to the east line of said lot 1; thence South 06 degrees 50 minutes 48 seconds West, along said east line, 64.44 feet, recorded as 64.50 feet, to the south line of said lot 1; thence South 89 degrees 01 minutes 36 seconds West, along said south line, 62.26 feet to the Point of Beginning. Containing 3990 Square Feet or 0.092 Acres and retaining the following Permanent Public Utility Easement and any other easement of record or otherwise:

Beginning at the southwest corner of the above described parcel; thence, continuing along the east line of Rochester Road, on a curve to the left having a radius of 1325.00 feet, a central angle of 02 degrees 42 minutes 32 seconds, and a chord bearing and distance of North 04 degrees 37 minutes 55 seconds East 62.64 feet to the north line of said lot 1; thence North 87 degrees 42 minutes 12 seconds East, along the north line of said lot 1, 10.05 feet; thence on a curve to the right having a radius of 1335.00 feet, a central angle of 02 degrees 41 minutes 55 seconds, and a chord bearing and distance of South 04 degrees 35 minutes 05 seconds West 62.87 feet to the south line of lot 1; thence South 89 degrees 01 minutes 36 seconds West, along said south line, 10.07 feet to the Point of Beginning.

EXHIBIT "A"

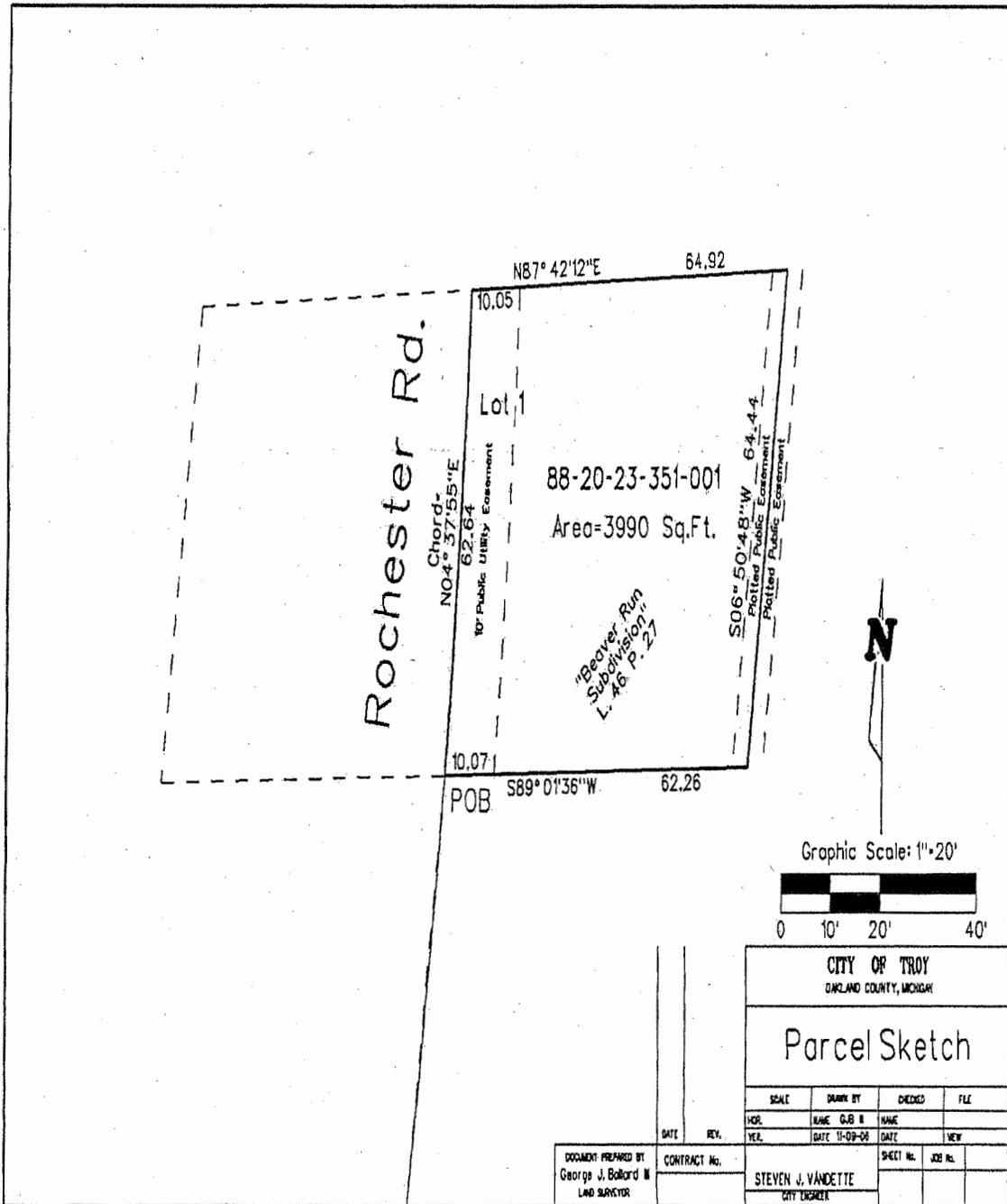


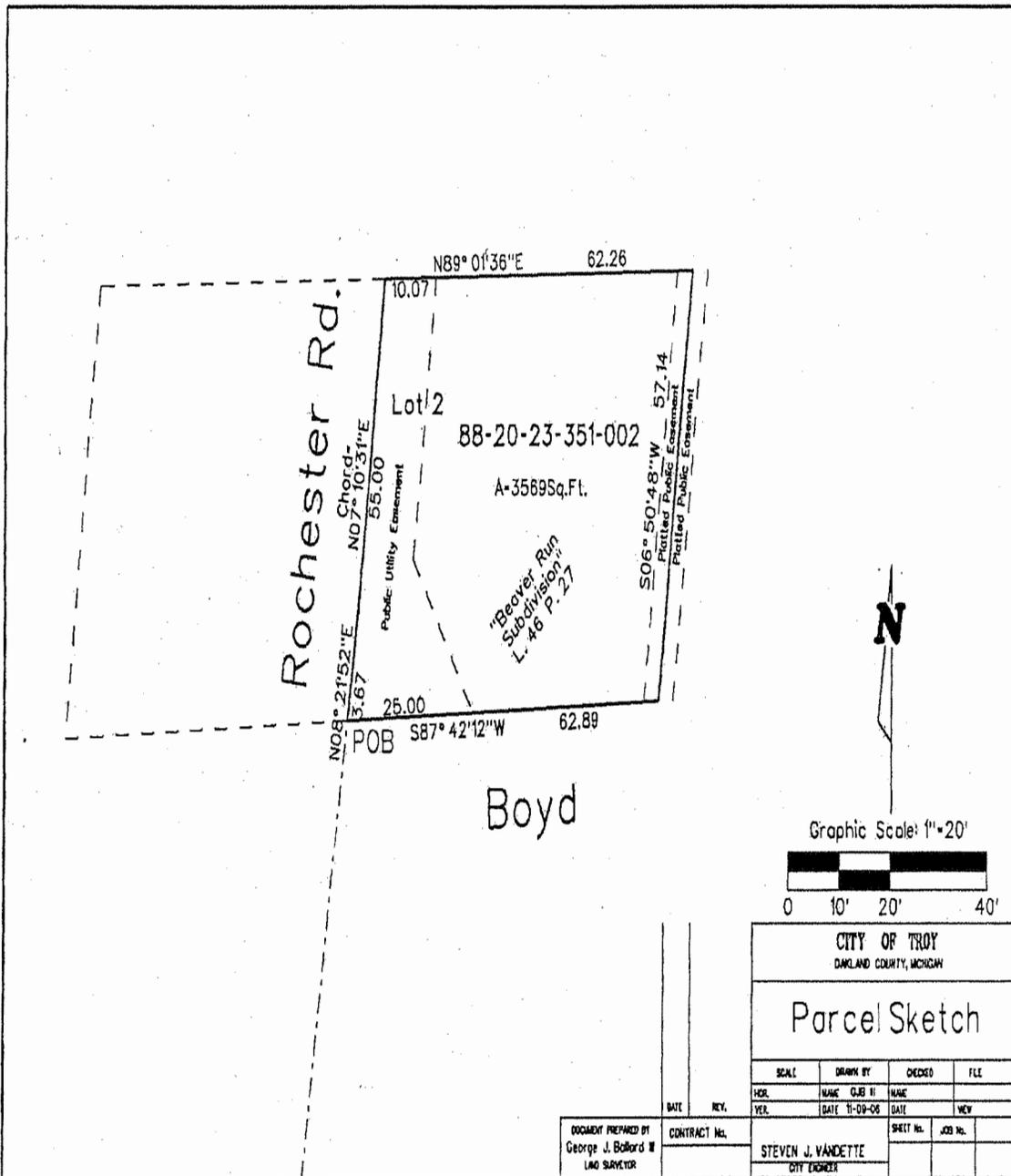
EXHIBIT "A"

Section 23, Part of the SW 1/4
Parcel: Part of 88-20-23-351-002

Description of Parcel: (Taken from City Acquisition Records)

Part of Lot 2 of "Beaver Run Subdivision", as recorded in Liber 46, Page 27, of Oakland County, Michigan records being part of the Southwest ¼ of Section 23, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as commencing at the Southeast corner of section 22; thence South 87 degrees 55 minutes 56 seconds West, along the south line of section 22, 224.08 feet to the east Right of Way Line of Rochester Road (M-150) and North 10 degrees 58 minutes 26 seconds East, along said east line, 252.56 feet and, continuing along said east line, along a curve to the right having a radius of 1925.12 feet, a central angle of 06 degrees 03 minutes 19 seconds, and a chord bearing and distance of North 14 degrees 00 minutes 06 seconds East 203.36 feet and North 17 degrees 01 minutes 45 seconds East, along said east line, 339.52 feet and, continuing along said line, along a curve to the left having a radius of 1575.00 feet, a central angle of 08 degrees 39 minutes 53 seconds, and a chord bearing and distance of North 12 degrees 41 minutes 49 seconds East 237.96 feet and North 08 degrees 21 minutes 52 seconds East, along said line, 168.94 feet to the south line of said Lot 2 and the Point of Beginning; thence North 08 degrees 21 minutes 52 seconds East, along the said east line of Rochester Road, 3.67 feet; thence, continuing along said east line, on a curve to the left having a radius of 1325.00 feet, a central angle of 02 degrees 22 minutes 42 seconds, and a chord bearing and distance of North 07 degrees 10 minutes 31 seconds East 55.00 feet to the north line of said lot 2; thence North 89 degrees 01 minutes 36 seconds East, along the said north line, 62.26 feet to the east line of said lot 2; thence South 06 degrees 50 minutes 48 seconds West, along said east line, 57.14 feet, recorded as 57.20 feet, to the north line of Boyd Street.; thence South 87 degrees 42 minutes 12 seconds West, recorded as South 89 degrees 30 minutes West, along said north line, 62.89 feet to the Point of Beginning. Containing 3569 Square Feet or 0.082 Acres and retaining the following Permanent Public Utility Easement and any other easement of record or otherwise: Beginning at the southwest corner of the above described parcel; thence North 08 degrees 21 minutes 52 seconds East, along the said east line of Rochester Road, 3.67 feet; thence, continuing along said east line, on a curve to the left having a radius of 1325.00 feet, a central angle of 02 degrees 22 minutes 42 seconds, and a chord bearing and distance of North 07 degrees 10 minutes 31 seconds East 55.00 feet to the north line of said lot 2; thence North 89 degrees 01 minutes 36 seconds East, along the said north line, 10.07 feet; thence along a curve to the right having a radius of 1335.00 feet, a central angle of 01 degrees 36 minutes 08 seconds, and a chord bearing and distance of South 06 degrees 44 minutes 05 seconds West 37.33 feet; thence South 30 degrees 21 minutes 17 seconds East 23.52 feet to the north line of said Boyd Street; thence South 87 degrees 42 minutes 12 seconds West, along said north line, 25.00 feet to the Point of Beginning.

EXHIBIT "A"



CITY OF TROY			
DAYLAND COUNTY, MICHIGAN			
Parcel Sketch			
SCALE	DRAWN BY	CHECKED	FILE
REV.	NAME	DATE	NAME
REV.	DATE	DATE	REV
DATE	REV.	SHEET No.	JOB No.
DOCUMENT PREPARED BY George J. Ballard III LAND SURVEYOR	CONTRACT No.	STEVEN J. VANDETTE CITY ENGINEER	

PARKS AND RECREATION ADVISORY BOARD

A special meeting of the Troy Parks and Recreation Advisory Board was held Thursday, February 15, 2007 at the Troy Community Center, staff conference room. The meeting was called to order at 6:38 p.m.

Present: Merrill Dixon, member Kathleen Fejes, member
 Orestes Kaltsounis, member Stuart Redpath, member
 Meaghan Kovacs, member Janice Zikakis, member
 Carol K. Anderson, staff

Absent: Tod Gazetti (excused), Gary Hauff (excused), Jeff Stewart (excused), Tom Krent (excused).

Visitors:

New Business

A. Remnant Parcels 88-20-22-356-031 and 88-20-23-351-001 & 002: Discussion followed whether the City should sell these two remnant parcels or retain them as park land.

Resolution

Moved by Fejes

Seconded by Zikakis

RESOLVED, that The Parks and Recreation Advisory Board has reviewed the two parcels (88-20-22-356-031 and 88-20-23-351-001 & 002) and determined there is no practical use as park land and recommends to the City Council that these remnant parcels be sold.

Vote on Resolution to Amend

Resolution # PR - 2007 - 02 - 005

Moved by Kaltsounis

Seconded by Zikakis

RESOLVED, that the Parks and Recreation Advisory Board hereby **AMENDS** the resolution by **INSERTING**, "BE IT FURTHER RESOLVED, that the Parks and Recreation Advisory Board recommends to City Council that the proceeds from the sale of the two parcels be returned to the Parks and Recreation Park Development budget."

Yes: All

No: None

MOTION CARRIED

Vote on Resolution as Amended

Resolution # PR – 2007 – 02 – 007

Moved by Redpath

Seconded by Kaltsounis

RESOLVED, That the Parks and Recreation Advisory Board has reviewed the two parcels (88-20-22-356-031 and 88-20-23-351-001 & 002) and determined there is no practical use as park land and recommends to the City Council that these remnant parcels be sold.

BE IT FURTHER RESOLVED, That the Parks and Recreation Advisory Board recommends to City Council that the proceeds from the sale of the two parcels be returned to the Parks and Recreation Park Development budget.

Yes: All

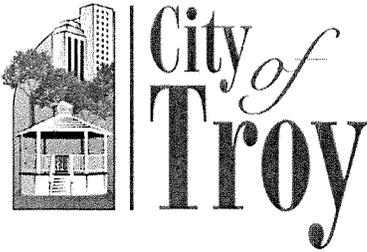
No: None

MOTION CARRIED

The meeting adjourned at 7:00 p.m.

Janice Zikakis, Vice-Chairperson

Carol K. Anderson, Parks and Recreation Director



CITY COUNCIL ACTION REPORT

DATE: March 1, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Approval of the Sale of City-Owned Surplus Remnant Parcel to RPS Troy, LLC
Located in Section 22, Between Troy and Louis Streets Fronting on Big Beaver –
Sidwell #88-20-22-356-031

Background:

- City Council postponed the item to March 5, 2007.
- Attached is a schematic site plan including the parcel owned by Four Oaks Management.
- Attached is an independent appraisal reconsideration, the only recommended change is that there was a rezoning of an abutting parcel to O-1 on February 26, 2006.
- City management facilitated a meeting between RPS Troy, LLC. and Four Oaks Management, and it appears that the parties can reasonably expect to agree to a fair market sale of the abutting property.
- RPS Troy, LLC has purchased two parcels on the north side that abut the city owned parcel, City Council rezoned these to O-1. In addition, City Council vacated the 18-foot wide alley, which allow all parcels to be combined into one O-1 parcel for the propose of constructing a medical office building.

Financial Considerations:

- Appraised value is \$15,000.00 and the offer is \$15,000.00.

Legal Considerations:

- City Council can approve sales of a Surplus City Owned Remnant parcels per Res#2007-01-028

Policy Considerations:

- This item is consistent with City Council Goal III (Retain and attract investment while encouraging redevelopment).

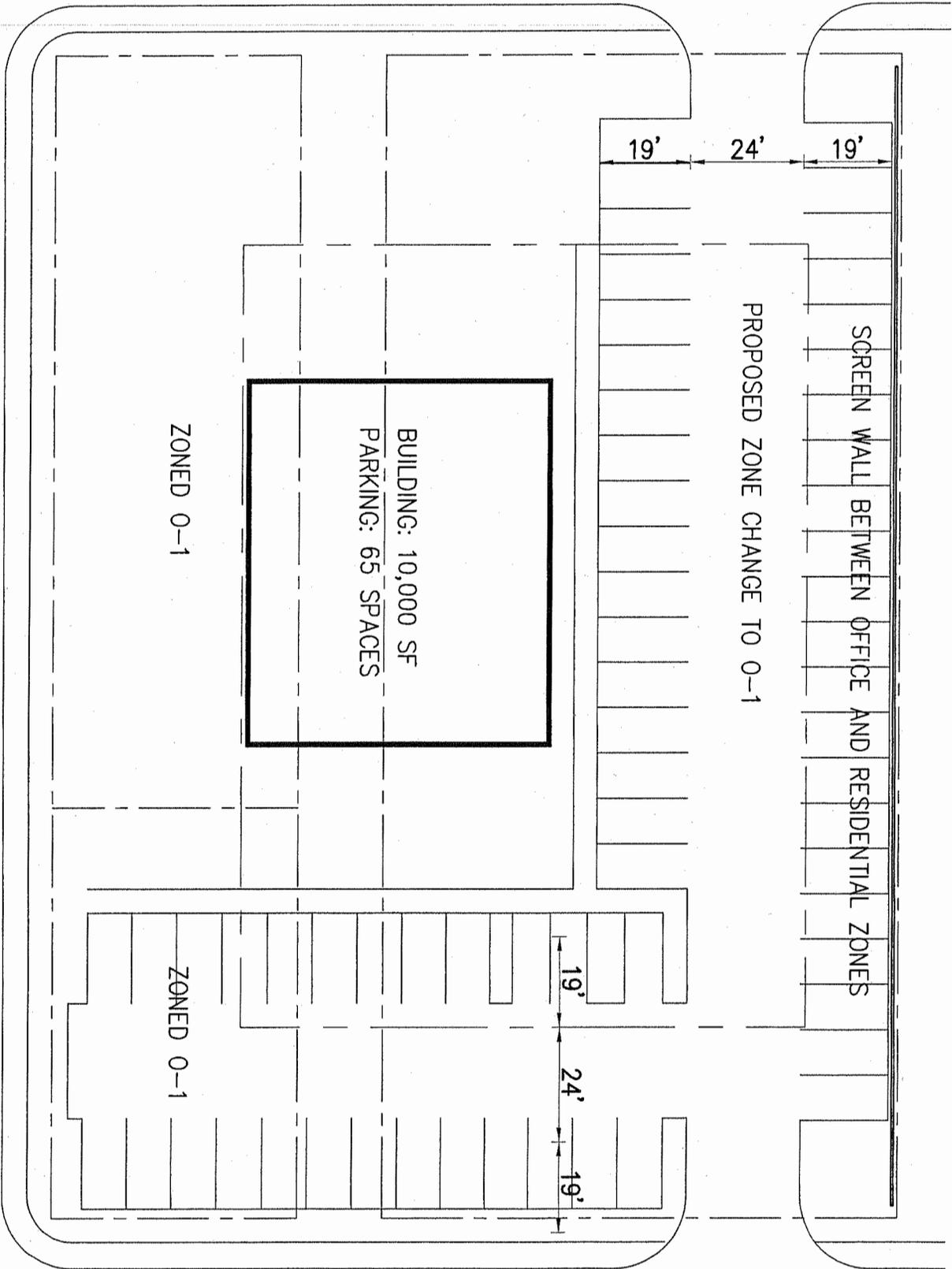
Options:

- City Council can accept the Purchase Agreement.
- City Council can deny the Purchase Agreement.
- City Management recommends acceptance of the Purchase Agreement.

Attachments:

1. Schematic Site Plan
2. Appraisal Reconsideration
3. February 26, 2007, City Council Action Report

LOUIS STREET



SCREEN WALL BETWEEN OFFICE AND RESIDENTIAL ZONES
PROPOSED ZONE CHANGE TO 0-1

BUILDING: 10,000 SF
PARKING: 65 SPACES

ZONED 0-1

ZONED 0-1

TROY STREET

E. BIG BEAVER

REQUEST FOR APPRAISAL RECONSIDERATION

Summary Appraisal Report prepared by Fred B. Phlippeau and Associates and dated January 10, 2005
with an effective date of December 21, 2004

Tax Parcel Number 20-22-356-031

Estimate of Market Value - \$15,000

The City of Troy requested that I review the appraisal listed above for the purpose of determining whether or not revisions are necessary due to any changes in market conditions since December 21, 2004.

The above request for reconsideration of the appraisal has been acted upon as follows:

Recommended Sale Price: \$15,000

REASON FOR THIS DECISION:

Subject property is a vacant parcel of land that is located on the Northeast corner of Big Beaver Road and Louis Street. The site has 161 feet of frontage on Big Beaver Road and 56 feet of frontage on Louis Street. Due to its depth, it is not considered a buildable parcel by itself. 50 feet of the 56 feet of depth is required for setback. Therefore, before the parcel can be developed, it must be combined with adjacent land to the north.

I reviewed the comparable sales used by Mr. Phlippeau to support his estimate of value and found them to be appropriate. I also checked for more recent vacant land sales, but did not find any that were deemed to be more comparable.

I also reviewed the explanation of utility adjustment and agree that this is a recognized method used by appraisers to value parcels lacking in individual value and utility and I agree with the amount of the adjustment used in this appraisal.

The only change I could find was that the appraisal states that the land to the rear was zoned R-1E – One Family Residential and classified as Low Rise Office Use on the City Future Land Use Plan. On February 27, 2007 rezoning to O-1 – Low Rise Office was approved.

CERTIFICATE OF APPRAISER

I certify that, to the best of my knowledge and belief, except as otherwise noted in this appraisal report:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limited conditions, and are my personal, unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved.
- My compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of my client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- I have made a personal inspection of the property that is the subject of this report, and I have also made a personal field inspection of the comparable sales relied upon in making said appraisal. The subject and the comparable sales relied upon in making said appraisal were as represented by the photographs contained in said appraisal.
- No one provided significant professional assistance to the person signing this report.
- I offered the owner or his/her designated representative an opportunity to accompany me during inspection of the property herein appraised.
- I understand such appraisal is to be used in connection with the sale of a remnant parcel by the City of Troy.
- Subject appraisal has been made in conformity with the appropriate State laws, regulations, policies, and procedures applicable to appraising right of way for such purposes; and, that to the best of my knowledge, no portion of the value assigned to such property consists of items which are non compensable under the established law of said State.
- To the greatest extent practicable under State law, the appraiser has disregarded any decrease or increase in the fair market value of the real property prior to the date of valuation caused by the public improvement, for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than due to physical deterioration within the reasonable control of the owner.
- I have not revealed the findings and results of such appraisal to anyone other than the proper officials of the City of Troy or the proper officials of other County, State and Federal agencies; or, until I am required to do so by due process of law, or until I am released from the obligation by having publicly testified as to such findings.

Appraisers are required to be licensed and are regulated by the Michigan Department of Commerce & Industry Services, Licensing Division, P.O. Box 30018, Lansing, Michigan 48909. I am licensed under this act as a State Licensed Appraiser and my license # is: 1201002507

Based upon my independent appraisal and the exercise of my professional judgment, my opinion of the fair market value of the subject property is as follows:

EFFECTIVE DATE OF APPRAISED VALUE: November 7, 2006
 ESTIMATED MARKET VALUE (Fee Simple): \$15,000

Signature: Patricia A. Pettit Title: Real Estate Consultant Date: February 28, 2007

Approved By Kimberly A. Harper Date _____
 Kimberly A. Harper, Deputy City Assessor
 State Licensed Appraiser # 1201004593



CITY COUNCIL ACTION REPORT

DATE: February 20, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian Murphy, Assistant City Manager/Economic Development Services *BM*
Steven J. Vandette, City Engineer *SV*
Dennis C Stephens, Right of Way Representative

SUBJECT: Approval of the Sale of City-Owned Surplus Remnant Parcel to RPS Troy, LLC
Located in Section 22, Between Troy and Louis Streets Fronting on Big Beaver –
Sidwell #88-20-22-356-031

Background:

- RPS Troy, LLC has purchased two parcels on the north side that abut the city owned parcel. They have applied for rezoning of these two parcels to O-1, and applied to have an 18 foot wide alley vacated, which allow all parcels to be combined into one O-1 parcel for the propose of constructing a medical office building.

Financial Considerations:

- Appraised value is \$15,000.00 and the offer is \$15,000.00.

Legal Considerations:

- City Council can approve sales of a Surplus City Owned Remnant parcels per Res#2007-01-028

Policy Considerations:

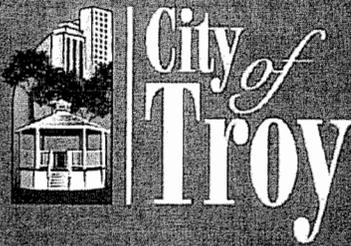
- This item is consistent with City Council Goal III (Retain and attract investment while encouraging redevelopment).

Options:

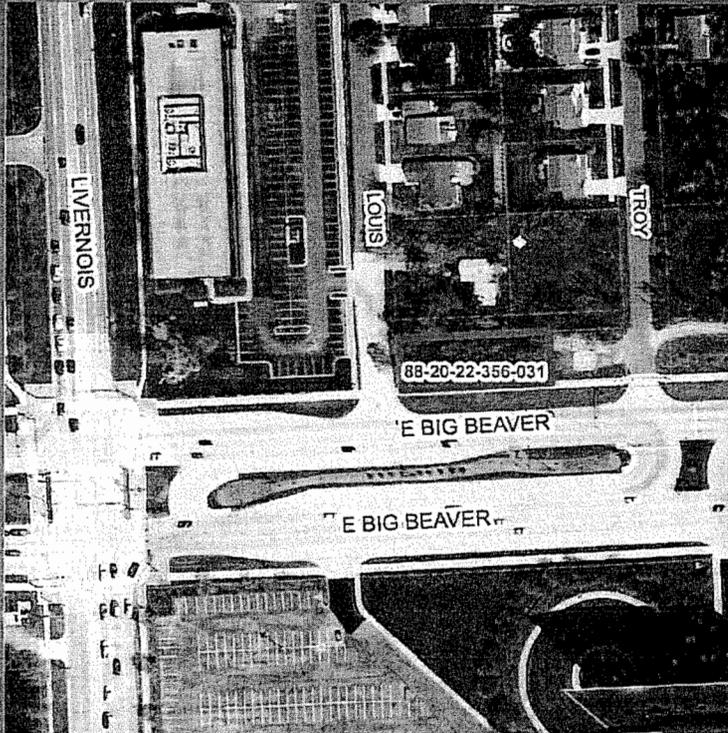
- City Council can accept the Purchase Agreement.
- City Council can deny the Purchase Agreement.
- City Management recommends acceptance of the Purchase Agreement.

Attachments:

1. Purchase Agreement
2. Maps
3. Parks and Recreation Advisory Board Minutes



Property Profile
88-20-22-356-031 & Road



Location:	North side of Big Beaver between Louis & Troy
Size:	9,016 Sq. Ft.
Zoning:	O -1
Last Appraisal Date:	12/21/2004
Appraisal Value:	\$15,000

Remarks:	Unbuildable because of size and shape
Status:	Council hold
Parks & Rec Advisory Board Review	No potential park use, recommend disposal

OFFER TO PURCHASE
CITY OF TROY
REAL ESTATE

1 THE UNDERSIGNED, RPS Troy, LLC whose address is 24405 Gratiot, East Pointe, MI 48021, hereby offers and agrees to purchase from the City of Troy the following land situated in the City of Troy, Oakland County, Michigan, described as follows:

See Exhibit "A" Attached Hereto And By Reference Made A Part Hereof

Sidwell # 88-20-22-356-031

and to pay therefore the sum of (\$16,000.00) Fifteen Thousand Dollars subject to the existing building and use restrictions, easements, zoning ordinances, and other deed restrictions and conditions as specified herein.

THE SALE TO BE CONSUMMATED BY:

The delivery of a Warranty Deed conveying a marketable title. Payment of purchase money is to be made in cash or certified check made payable to the City of Troy

2 As evidence of title, Seller agrees to furnish Purchaser as soon as possible a Commitment for Title Insurance for information purposes. Purchase of Title Insurance shall be the option of the Purchaser at Purchaser's expense.

3 When this offer is accepted by the Seller and if title can be conveyed in the condition required hereunder, the Purchaser agrees to complete the sale within 30 days after delivery of the commitment of title insurance.

4 If objection to the title is made in the Commitment for Title Insurance or based upon a written opinion of Purchaser's attorney after examination of the Abstract that the title is not in the condition required for performance hereunder, the Seller shall have 30 days from the date he is notified in writing of the particular defects claimed either (1) to fulfill the requirements in said commitment or to remedy the title defects set forth in said attorney's opinion or (2) to refund the deposit in full termination of this agreement or if unable to furnish satisfactory title. If the Seller is able to comply with such requirements or remedy such defects within the time specified as evidenced by written notification, revised commitment or endorsement to commitment, the Purchaser agrees to complete the sale within 10 days of receipt thereof. If the Seller is unable to furnish satisfactory title within the time specified, the deposit shall be refunded forthwith in full termination of this agreement.

5 Purchaser understands and agrees that although the property being conveyed may at the time of conveyance be tax exempt, and that upon acceptance of this offer to purchase the property will be placed on the tax assessor's roll.

6 The covenants herein shall bind and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties.

7 By the execution of this instrument the Purchaser acknowledges THAT HE HAS EXAMINED THE ABOVE DESCRIBED PREMISES and is satisfied with the physical condition of structures and/or land thereon.

8 The closing of this sale shall take place at the offices of the City of Troy unless otherwise agreed.

9 Purchaser agrees to comply with Troy City Council Resolution #85-264, a copy of which is attached, and understands that this sale is contingent upon City Council approval.

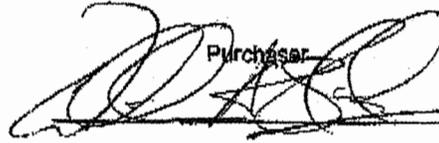
10 Deed Restrictions and Subsequent Conditions: The sale of this property is conditioned upon the following deed restrictions which shall be recorded at the time of sale and shall be binding upon the Purchaser, their heirs, executors, administrators, successors and assigns: See Attachment "A"

11 Additional Conditions:

IN THE PRESENCE OF:

Patricia LaFrance

Patricia LaFrance

 Purchaser
L.S.

_____ L.S.

Date 11/7/06 Phone 586-774-3030 Address _____

IN THE PRESENCE OF:

Seller

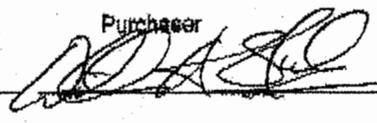
_____ L.S.

_____ L.S.

Date _____ Phone: _____ Address: 500 W. Big Beaver, Troy, 48084

PURCHASER'S RECEIPT OF ACCEPTED OFFER

The Purchaser hereby acknowledges the receipt of the Seller's signed acceptance of the foregoing offer to purchase.

Purchaser

_____ L.S.

_____ L.S.

Date 11/7/16

10/31/2006 15:13 2485265131

CITY OF TROY RED

PAGE 06/07

ATTACHMENT "A"**CITY OF TROY PROPERTY SALE****DEED RESTRICTION**

- A: Construction shall take place only as indicated on the site plan, as submitted to and approved by the Building Department and Planning Department of the City of Troy and all construction shall conform to all codes of the City of Troy. Purchaser shall complete the fee purchase of other parcels, which comprise the full site, if any.
- B: The purchaser shall construct or pay for the construction of any and all improvements to public facilities or private improvements as required by ordinances or design standards of the City of Troy
- C: All buildings shall be constructed as indicated on the architectural rendering as submitted to and approved by the Troy Planning Department and Building Department; no other alteration, addition or deletion shall occur.
- D: The Purchaser shall combine this parcel description with adjacent properties owned or controlled by Purchaser on City tax records.
- E: These deed restrictions shall be recorded with and as part of the deed at the Oakland County Register of Deeds.

EXHIBIT "A"

**SW ¼ Section 22,
Sidwell # 88-20-22-356-031**

Description of Surplus Parcel #11:

Lots 14 to 21, inclusive, except the South 69 feet taken for road purposes of "Eysters Beaver Gardens", as recorded in Liber 26, Page 14 of Oakland County, Michigan records. Said plat being part of the Southwest ¼ of Section 22, T2N-R11E, City of Troy, Oakland County, Michigan.

Resolution #2007-01-028

Moved by Stine

Seconded by Lambert

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

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

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

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

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

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

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

Yes: All-7

PARKS AND RECREATION ADVISORY BOARD

A special meeting of the Troy Parks and Recreation Advisory Board was held Thursday, February 15, 2007 at the Troy Community Center, staff conference room. The meeting was called to order at 6:38 p.m.

Present: Merrill Dixon, member Kathleen Fejes, member
 Orestes Kaltsounis, member Stuart Redpath, member
 Meaghan Kovacs, member Janice Zikakis, member
 Carol K. Anderson, staff

Absent: Tod Gazetti (excused), Gary Hauff (excused), Jeff Stewart (excused), Tom Krent (excused).

Visitors:

New Business

A. Remnant Parcels 88-20-22-356-031 and 88-20-23-351-001 & 002: Discussion followed whether the City should sell these two remnant parcels or retain them as park land.

Resolution

Moved by Fejes

Seconded by Zikakis

RESOLVED, that The Parks and Recreation Advisory Board has reviewed the two parcels (88-20-22-356-031 and 88-20-23-351-001 & 002) and determined there is no practical use as park land and recommends to the City Council that these remnant parcels be sold.

Vote on Resolution to Amend

Resolution # PR - 2007 - 02 - 005

Moved by Kaltsounis

Seconded by Zikakis

RESOLVED, that the Parks and Recreation Advisory Board hereby **AMENDS** the resolution by **INSERTING**, "BE IT FURTHER RESOLVED, that the Parks and Recreation Advisory Board recommends to City Council that the proceeds from the sale of the two parcels be returned to the Parks and Recreation Park Development budget."

Yes: All

No: None

MOTION CARRIED

Vote on Resolution as Amended

Resolution # PR – 2007 – 02 – 007
Moved by Redpath
Seconded by Kaltsounis

RESOLVED, That the Parks and Recreation Advisory Board has reviewed the two parcels (88-20-22-356-031 and 88-20-23-351-001 & 002) and determined there is no practical use as park land and recommends to the City Council that these remnant parcels be sold.

BE IT FURTHER RESOLVED, That the Parks and Recreation Advisory Board recommends to City Council that the proceeds from the sale of the two parcels be returned to the Parks and Recreation Park Development budget.

Yes: All
No: None
MOTION CARRIED

The meeting adjourned at 7:00 p.m.

Janice Zikakis, Vice-Chairperson

Carol K. Anderson, Parks and Recreation Director

A Regular Meeting of the Troy City Council was held Monday, February 26, 2007, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:33 P.M.

Pastor Bill Curtis of Community of Christ Church gave the Invocation and Boy Scout Troop #518 assisted Mayor Schilling in leading the Pledge of Allegiance to the Flag.

ROLL CALL:

Mayor Louise E. Schilling
Robin Beltramini
Mayor Pro Tem Cristina Broomfield (Arrived at 7:49 pm)
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 Michigan NextEnergy Exemptions

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving no comment from the public.

Resolution #2007-02-052
Moved by Stine
Seconded by Fleming

RESOLVED, That the City Council of the City of Troy **AFFIRMS** the Michigan NextEnergy Exemption of Alternative Energy Personal Property located at 1100 W. Maple, 1414 Combermere, and 1857 Technology Drive, Troy MI., as certified by the City Assessor, in an amount not to exceed \$1,205,747.00, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the City Clerk of the City of Troy shall **FORWARD** a copy of this resolution and attachments to the Michigan NextEnergy Authority at 300 N. Washington Square, Lansing, MI 48913.

Yes: Schilling, Beltramini, Fleming, Howrylak, Lambert, Stine
No: None
Absent: Broomfield

C-2 Street Vacation Application (File Number: SV 188) – A Section of Alley Located North of Big Beaver between Louis and Troy, Section 22

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving no comment from the public.

Resolution #2007-02-053

Moved by Beltramini

Seconded by Stine

WHEREAS, A request has been received for the vacation of the 18-foot-wide platted alley, located north of Big Beaver Road, between Louis and Troy, and abutting lots 115 and 116 and 14 through 25 of Eysters Beaver Gardens Subdivision;

WHEREAS, The property which shall benefit from this requested vacation is Lot 115 and 116 of Eysters Beaver Gardens Subdivision (City of Troy Tax Parcels 20-22-356-008 and 20-22-356-011) and Lots 14 through 25 (City of Troy Tax Parcels 20-22-356-031 and 20-22-356-014), Section 22; and

WHEREAS, City Management and the Planning Commission have recommended that this alley vacation be granted with the retention of public and private utility easements;

THEREFORE, BE IT RESOLVED, That the City Council **CONCURS** in the recommendations of City Management and the Planning Commission, to **VACATE** the alley; and

BE IT FURTHER RESOLVED, That the City Council **RETAINS** easements for public and private easements and public turnaround within the vacated alley.

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

No: None

Absent: Broomfield

C-3 Rezoning Application (File Number: Z-724) – Proposed Spa Renaissance, North Side of Big Beaver between Troy and Louis, Section 22 – R-1E to O-1

The Mayor opened the Public Hearing for public comment.

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

Resolution #2007-02-054

Moved by Stine

Seconded by Beltramini

RESOLVED, That the R-1E to O-1 rezoning request, located on the north side of Big Beaver, between Troy and Louis, in Section 22, part of parcels 88-20-22-356-008 and 88-20-22-356-011, being 0.6 acres in size, is described in the following legal description and illustrated on the **ATTACHED** Certified Boundary Survey drawing:

T2N, R11E, SW 1/4 of Section 22

Lots 115 and 116 of Eysters Beaver Gardens recorded in Liber 26, Page 14 of Oakland County Records; and

BE IT RESOLVED, That the rezoning is **RECOMMENDED** by City Management and the Planning Commission; and

BE IT FURTHER RESOLVED, That City Council hereby **CONCURS** with the recommendation of the City Management and the Planning Commission; and

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

Yes: Broomfield, Fleming, Stine, Schilling, Beltramini

No: Howrylak, Lambert

MOTION CARRIED

POSTPONED ITEMS:

D-1 Standard Purchasing Resolution 8: Best Value – Food Service Provider – Sanctuary Lake Golf Course

Resolution #2007-02-055

Moved by Howrylak

Seconded by Lambert

RESOLVED, That a contract to provide Food Service at Sanctuary Lake Golf Course for two years with an option to renew for two additional years is hereby **AWARDED** to Kosch Catering & Corporate Dining, and the City Council of the City of Troy has deemed that Kosch Catering & Corporate Dining is the best available bidder based on the bid awards as a result of a Best Value process which the Troy City Council determines to be in the public interest at a guaranteed rate of 5% of gross revenue over \$125,000.00 and 7.5% of gross revenue over \$150,000.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of proper executed proposal and contract documents, including insurance certificates and all specified requirements; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreements when in acceptable form.

Yes: All-7

D-2 Approval of City of Troy Five Year Parks and Recreation Plan

Resolution

Moved by Beltramini

Seconded by Stine

WHEREAS, The Planning Department and Parks and Recreation Department jointly developed the City of Troy Five Year Parks and Recreation Plan;

WHEREAS, The Plan identifies recreational need in the City and includes an Action Plan for recreation improvements over the next five years;

WHEREAS, Public input was achieved using a wide range of methods, including a Parks and Recreation Survey, Park Master Plan meetings, Parks and Recreation Advisory Board public meetings and public notification of opportunities for public input published in local newspapers;

WHEREAS, The Parks and Recreation Advisory Committee recommended approval of the Plan at their November 16, 2006 Public Hearing; and

WHEREAS, City Management recommends approval of the Five Year Parks and Recreation Plan;

THEREFORE, BE IT RESOLVED, That the City Council concurs in the recommendations of City Management and the Parks and Recreation Advisory Board, and **APPROVES** the City of Troy Five Year Parks and Recreation Plan; and

BE IT FURTHER RESOLVED, That the City Council **TRANSMITS** the Five Year Parks and Recreation Plan to the Michigan Department of Natural Resources for approval.

Yes: All-7

Vote on Resolution to Amend

Resolution #2007-02-056
Moved by Beltramini
Seconded by Stine

RESOLVED, That the Resolution for the *Approval of City of Troy Five Year Parks and Recreation Plan* is hereby **AMENDED** by **INSERTING**, "as revised in the City Council packet dated February 26, 2007" **AFTER** "and **APPROVES** the City of Troy Five Year Parks and Recreation Plan" in the second to last paragraph.

Yes: All-7

Vote on Resolution as Amended

Resolution #2007-02-057
Moved by Beltramini
Seconded by Stine

WHEREAS, The Planning Department and Parks and Recreation Department jointly developed the City of Troy Five Year Parks and Recreation Plan;

WHEREAS, The Plan identifies recreational need in the City and includes an Action Plan for recreation improvements over the next five years;

WHEREAS, Public input was achieved using a wide range of methods, including a Parks and Recreation Survey, Park Master Plan meetings, Parks and Recreation Advisory Board public meetings and public notification of opportunities for public input published in local newspapers;

WHEREAS, The Parks and Recreation Advisory Committee recommended approval of the Plan at their November 16, 2006 Public Hearing; and

WHEREAS, City Management recommends approval of the Five Year Parks and Recreation Plan;

THEREFORE, BE IT RESOLVED, That the City Council concurs in the recommendations of City Management and the Parks and Recreation Advisory Board, and **APPROVES** the City of Troy Five Year Parks and Recreation Plan as revised in the City Council packet dated February 26, 2007; and

BE IT FURTHER RESOLVED, That the City Council **TRANSMITS** the Five Year Parks and Recreation Plan to the Michigan Department of Natural Resources for approval.

Yes: All-7

The meeting **RECESSED** at 8:50 PM.

The meeting **RECONVENED** at 9:02 PM.

CONSENT AGENDA:

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

Resolution #2007-02-058

Moved by Lambert

Seconded by Howrylak

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-11, E-10, E-2 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 – Vehicle Graphics

Resolution #2007-02-058-E-4a

WHEREAS, On March 7, 2005, a two-year contract to provide Police and Fire Departments with vehicle graphic material and/or installation was awarded to the low total bidder, Majik Graphics, Inc. of Clinton Township, MI at unit prices contained in the bid tabulation opened November 5, 2004, a copy of which shall be **ATTACHED** to the original Minutes of this meeting (Resolution #2005-03-110-E-9); and

WHEREAS, Majik Graphics, Inc. has agreed to exercise the option to renew for the two additional years under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That the option to renew the contract for two additional years is hereby **EXERCISED** with Majik Graphics, Inc. to provide vehicle graphic material and/or installation under the same prices, terms, and conditions as the original contract, to expire February 28, 2009.

b) **Standard Purchasing Resolution 2: Bid Award – Lowest Bidders Meeting Specifications – Turfgrass Chemical Products for Sylvan Glen and Sanctuary Lake Golf Courses**

Resolution #2007-02-058-E-4b

RESOLVED, That contracts to purchase seasonal requirements of chemicals for the Sylvan Glen and Sanctuary Lake Golf courses is hereby **AWARDED** to the lowest bidders meeting specifications as follows:

<u>BIDDERS</u>	<u>ITEMS</u>
Tri-Turf of Farmington Hills, MI	1,6,7,9,22,29,37
IKEX LLC of Tecumseh, MI	2,20
Turfgrass, Inc. of South Lyon, MI	3,4,10,11,12,16,17,19,21,23,24,28,32
Lesco, Inc. of Cleveland, OH	5,25
Great Lakes Turf LLC of Grand Rapids, MI	8,13,14,15,18,31,34,35
UAP Professional Products of Linden, MI	26,27,30,33,36

for an estimated total cost of \$178,277.95, at unit prices contained in the bid tabulation opened January 9, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of December 31, 2007.

c) **Standard Purchasing Resolution 1: Award to Low Bidder – Aquatic Center Umbrellas**

Resolution #2007-02-058-E-4c

RESOLVED, That a contract to furnish nine (9) Funbrella Palm twenty-foot straight arm, non-retractable umbrellas is hereby **AWARDED** to the low bidder, Recreonics, Inc. of Louisville, KY, for an estimated total cost of \$23,345.00.

d) **Standard Purchasing Resolution 8: Best Value Award – Community Center Catering**

Resolution #2007-02-058-E-4d

RESOLVED, That a contract to provide catering services at the Troy Community Center for two (2) years with an option to renew for two additional years is hereby **AWARDED** to Sankofa Housing of Detroit, MI, the bidder with the highest score and overall return, as a result of a Best Value process which the Troy City Council determines to be in the public interest at an 18% return on gross revenue expiring March 31, 2009; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed proposal and contract documents, including insurance certificates and all other specified requirements; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement when in acceptable form.

E-5 Molnar v. Janice Pokley, City of Troy, et al.

Resolution #2007-02-058-E-5

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of Gerald Molnar v Care House, Amy Allen, Renee Molnar, Janice Pokley, and City of Troy and to **RETAIN** any necessary expert witnesses to adequately represent the City.

E-6 Bid Waiver – Professional Services – Police Department Promotional Testing Services

Resolution #2007-02-058-E-6

WHEREAS, EMPCO, Inc. has been providing testing and hiring services for the City's Police Department for 16 years; and

WHEREAS, EMPCO meets departmental needs, complies with Act 78 Commission requirements, purchased all the Michigan Municipal League's testing services and has proven to be fair and impartial;

THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and a contract to provide police lieutenant, police sergeant, and police captain promotional testing be awarded to EMPCO, Inc., at a cost not to exceed \$2,100.00 for preparing, administering and scoring the sergeants written examination; \$4,800.00 per assessment center, plus \$400.00 per candidate based on five (5) applicants; add \$3,000.00 for each multiple of five (5) or fraction thereof; and mileage reimbursement for three (3) assessors and one (1) facilitator at a rate of \$.445 per mile; and

BE IT FINALLY RESOLVED, The City Manager and Human Resources Director are hereby **AUTHORIZED TO EXECUTE** this contract with EMPCO, Inc. when in acceptable form.

E-7 Amendment #1 – Tennis Court Reconstruction

Resolution #2007-02-058-E-7

WHEREAS, On March 6, 2006, a contract to reconstruct the east and west tennis courts at Boulan Park was awarded to the lowest bidder meeting specifications, ABC Paving Company of Trenton, MI, for an estimated total cost of \$116,452.00, at prices contained in the bid tabulation opened on February 8, 2006 (Resolution #2006-03-126-E4c); and

WHEREAS, It is recommended that the contract be amended to allow for additional work, which was uncovered during the reconstruction of the east tennis courts;

THEREFORE, BE IT RESOLVED, That the contract is hereby **AMENDED** to allow for the additional work to repair the west tennis courts at Boulan Park to ABC Paving Company for an amount not to exceed \$83,440.00, in accordance with their proposal dated January 18, 2007.

E-8 Private Agreement for Caswell Town Center PUD Project No. 05.947.3

Resolution #2007-02-058-E-8

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

E-9 Recognition as a Nonprofit Organization Status from Phyllis Sullivan, Director – Education Center for Life

Resolution #2007-02-058-E-9

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

E-12 Mary Ann Hennig v. City of Troy

Resolution #2007-02-058-E-12

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of Mary Ann Hennig v. City of Troy, and to **RETAIN** any necessary expert witnesses or **PAY** any necessary costs to adequately represent the City.

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

E-2 Approval of City Council Minutes

Resolution #2007-02-059

Moved by Lambert

Seconded by Beltramini

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of February 5, 2007 be **APPROVED** as submitted.

Yes: All-7

E-10 Postponement of the Sale of City-Owned Surplus Remnant Parcel to MNAD Properties II, LLC Located in Section 23, at the Northeast Corner of Boyd Street and Rochester Road – Sidwell #88-20-23-351-001 and -002

Vote on Resolution to Postpone

Resolution #2007-02-060
Moved by Stine
Seconded by Lambert

RESOLVED, That Troy City Council hereby **POSTPONES** the Resolution for the *Approval of the Sale of City-Owned Surplus Remnant Parcel to MNAD Properties II, LLC Located in Section 23, at the Northeast Corner of Boyd Street and Rochester Road – Sidwell #88-20-23-351-001 and –002* until the Regular City Council Meeting scheduled for Monday, March 5, 2007.

Yes: All-7

E-11 Postponement of the Sale of City-Owned Surplus Remnant Parcel to RPS Troy, LLC Located in Section 22, between Troy and Louis Streets Fronting on Big Beaver – Sidwell #88-20-22-356-031

Vote on Resolution to Postpone

Resolution #2007-02-061
Moved by Stine
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **POSTPONES** the Resolution for the *Approval of the Sale of City-Owned Surplus Remnant Parcel to RPS Troy, LLC Located in Section 22, between Troy and Louis Streets Fronting on Big Beaver – Sidwell #88-20-22-356-031* until the Regular City Council Meeting scheduled for Monday, March 5, 2007.

Yes: Broomfield, Fleming, Lambert, Stine, Schilling, Beltramini
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 Scheduled b) City Council Appointments: Advisory Committee for Senior Citizens; Cable Advisory Committee; and Municipal Building Authority

(a) Mayoral Appointments – No Appointments Scheduled

(b) City Council Appointments

Resolution #2007-02-062

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:

Advisory Committee for Senior Citizens

Appointed by Council (9) – 3 Year Terms

Betty Coven

Unexpired Term 04/30/09

Cable Advisory Committee

Appointed by Council (5) – 3 Year Term

Penny Marinos

Term Expires 02/28/10

Thomas Belian

Term Expires 02/28/10

Municipal Building Authority

Appointed by Council (5) – 3 Year Terms

Thomas Sawyer Jr.

Term Expires 01/31/09

Yes: All-7

F-2 Acceptance Grant Award for U.S. Fire Administration

Resolution #2007-02-063

Moved by Howrylak

Seconded by Stine

RESOLVED, That the Troy City Council does hereby **AUTHORIZE** the Troy Fire Department to receive a United States Fire Administration FIRE ACT Grant for the purchase of self-contained breathing apparatus; and

BE IT FURTHER RESOLVED, That the Fire Department equipment budget is hereby **AMENDED** due to the grant award in the amount of \$247,200.00.

Yes: All-7

F-3 Scheduling a Workshop to Discuss Strategic Planning Initiatives

Resolution #2007-02-064
Moved by Lambert
Seconded by Fleming

RESOLVED, That a workshop to discuss strategic planning initiatives is **SCHEDULED** for the following date and time:

Monday, March 26, 2007 at 7:00 PM

in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan.

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

MOTION CARRIED

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Green Memorandums:

a) Revised Chapter 90 – Animals

Noted and Filed

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

H-1 Mayor Schilling Requests that City Council Engage in Discussion about Construction of a New 100,000 Square Foot Library

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business, Article 16-J

Resolution #2007-02-065
Moved by Howrylak
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business, Article 16-J. Reports and **AUTHORIZE** City Council to move forward agenda item, *J-15*.

Yes: All-7

J-15 Communication from Public Works Director Timothy Richnak Regarding Sidewalk Maintenance Program and ADA Requirements

Noted and Filed

H-2 Report on Liquor Licenses – Requested by Council Member Martin Howrylak at the February 5, 2007 City Council Meeting

Noted and Filed

H-3 Resolution to Reduce the Property Tax Millage Reflecting the Decrease in Cost of Trash Collection as a Southeastern Oakland County Resource Recovery Authority (SOCRRA) Member City – Referred by Council Member David Lambert

Resolution

Moved by Lambert

Seconded by Howrylak

WHEREAS, Troy City Council Members, Royal Oak City Commissioners, and Hazel Park Council Members, and other officials accepted the responsibility to reduce the cost of trash collection that was spinning out of control;

WHEREAS, A new leadership team at the Southeastern Oakland County Resource Recovery Authority (SOCRRA) was formed by voting members of cities in SOCRRA and the new team met the challenge to reduce costs for the trash consortium;

WHEREAS, This new SOCCRA leadership has successfully lowered prices and decreased the cost of trash collection for the taxpayers in all the SOCCRA member cities amounting to a savings of approximately \$2,730,000.00 per year; and

WHEREAS, All the member cities projected savings are between 10% to 24%, and the City of Troy's savings will be 18.6% or \$776,423.00 per year of taxpayers cost;

THEREFORE, BE IT RESOLVED, That the Troy City Council **SHALL REDUCE** the property tax millage to equal the \$776,423.00 savings, minus \$182,330.00, the amount of subsidy to the Refuse and Recycling Fund from the General Fund, and that the Troy City Council **REQUESTS** that the City Manager and staff **REDUCE** this cost starting in the 2007 Troy City budget; and

BE IT FURTHER RESOLVED, That the Troy City Council respectfully **REQUESTS** that the Troy City Manager **FORWARD** copies of this resolution to the local media to inform citizens and taxpayers of this savings and reduction.

Proposed Resolution to Amend

Resolution

Moved by Lambert

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AMENDS** the *Resolution to Reduce the Property Tax Millage Reflecting the Decrease in Cost of Trash Collection as a Southeastern Oakland County Resource Recovery Authority (SOCRRA) Member City – Referred by Council Member*

David Lambert by **STRIKING** “to equal the \$776,423.00 savings, minus \$182,330.00, the amount of subsidy to the Refuse and Recycling Fund from the General Fund,”

Proposed Resolution to Postpone

Resolution
Moved by Schilling
Seconded by Stine

RESOLVED, That Troy City Council hereby **POSTPONES** the *Resolution to Reduce the Property Tax Millage Reflecting the Decrease in Cost of Trash Collection as a Southeastern Oakland County Resource Recovery Authority (SOCRRA) Member City – Referred by Council Member David Lambert* the until the Regular City Council Meeting scheduled for Monday, March 5, 2007 to provide staff with time to provide accurate data to City Council.

Vote on Resolution to Amend Proposed Resolution to Postpone

Resolution #2007-02-066
Moved by Broomfield
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS** the proposed resolution to postpone by **STRIKING** “March 5, 2007” and **INSERTING** “March 19, 2007”.

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

MOTION CARRIED

Vote on Proposed Resolution to Postpone

Resolution #2007-02-067
Moved by Schilling
Seconded by Stine

RESOLVED, That Troy City Council hereby **POSTPONES** the *Resolution to Reduce the Property Tax Millage Reflecting the Decrease in Cost of Trash Collection as a Southeastern Oakland County Resource Recovery Authority (SOCRRA) Member City – Referred by Council Member David Lambert* the until the Regular City Council Meeting scheduled for Monday, March 19, 2007 to provide staff with time to provide accurate data to City Council.

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

MOTION CARRIED

COUNCIL COMMENTS:

I-1 No Council Comments Advanced**REPORTS:**

J-1 Minutes – Boards and Committees:

- a) Animal Control Appeal Board/Final – October 14, 2004
 - b) Animal Control Appeal Board/Final – March 2, 2005
 - c) Animal Control Appeal Board/Final – September 7, 2005
 - d) Animal Control Appeal Board/Final – March 8, 2006
 - e) Animal Control Appeal Board/Final – September 6, 2006
 - f) Election Commission/Final – October 23, 2006
 - g) Liquor Advisory Committee/Final – November 13, 2006
 - h) Advisory Committee for Persons with Disabilities/Draft – January 3, 2007
 - i) Advisory Committee for Persons with Disabilities/Final – January 3, 2007
 - j) Building Code Board of Appeals/Final – January 3, 2007
 - k) Advisory Committee for Senior Citizens/Final – January 4, 2007
 - l) Liquor Advisory Committee/Final – January 8, 2007
 - m) Employees' Retirement System Board of Trustees/Final – January 10, 2007
 - n) Planning Commission Special/Study/Draft – January 23, 2007
 - o) Planning Commission Special/Study/Final – January 23, 2007
 - p) Advisory Committee for Senior Citizens/Draft – February 1, 2007
 - q) Building Code Board of Appeals/Draft – February 7, 2007
 - r) Election Commission/Draft – February 12, 2007
 - s) Liquor Advisory Committee/Draft – February 12, 2007
 - t) Animal Control Appeal Board/Draft – February 14, 2007
 - u) Parks and Recreation Advisory Board/Draft – February 15, 2007
- Noted and Filed

J-2 Department Reports:

- a) Building Department – Permits Issued During the Month of January, 2007
 - b) City of Troy Monthly Financial Report – January 31, 2007
- Noted and Filed

J-3 Letters of Appreciation:

- a) Letter to Chief Craft from Stephanie Bergeron, President of Walsh College, Thanking Captain Mayer, Officer Breidenich, PSA Snedden and the Troy Police Department for Their Assistance with Traffic During Commencement Ceremonies
- b) Letter of Thanks to Officer Dungen from Tiea Young in Appreciation of the Assistance Received

Noted and Filed

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

J-5 Calendar

Noted and Filed

J-6 Southeastern Oakland County Resource Recovery Authority (SOCRRA) – Quarterly Report for January, 2007

Noted and Filed

J-7 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Gas Customers of Consumers Energy Company – Case No. U-15041

Noted and Filed

J-8 Communication from the Michigan Municipal League Regarding the Appointment of City Attorney Lori Grigg Bluhm to the MML Land Use Committee

Noted and Filed

J-9 Communication from the Michigan Municipal League Regarding the Appointment of City Clerk Tonni Bartholomew to the MML Elections Committee

Noted and Filed

J-10 Communication from Emerald Food Services Regarding Events at the City Council Meeting of February 5, 2007

Noted and Filed

J-11 Communication from Chief of Police Charles Craft Regarding Liquor License Compliance Check

Noted and Filed

J-12 Communication from Parks and Recreation Director Carol Anderson Regarding the Status of “The Troy Christmas Tree”

Noted and Filed

J-13 Communication from City Engineer Steve Vandette Regarding Federal Aid Funding for Major Roads – FY 2010 and 2011

Noted and Filed

J-14 Communication from Planning Director Mark Miller Regarding Planning Commission Election of Officers

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 Closed Session:

Resolution #2007-02-068
Moved by Beltramini
Seconded by Howrylak

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

Yes: All-7

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #26 – Continued Agenda Items Not Considered Before 12:00 AM

Resolution #2007-02-069
Moved by Schilling
Seconded by Stine

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #26 - Continued Agenda Items Not Considered Before 12:30 AM and hereby **AUTHORIZES** City Council to **EXTEND** the adjournment time to 12:30 AM.

Yes: All-7

The meeting **RECESSED** at 11:54 PM.

The meeting **RECONVENED** at 12:02 AM.

The meeting **ADJOURNED** at 12:14 AM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

A Regular Meeting of the Troy City Council was held Wednesday, February 7, 2007, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:32 P.M.

ROLL CALL:

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

Council Member Beltramini gave the Invocation and the Pledge of Allegiance to the Flag was given.

Vote on Resolution to Excuse Council Members Broomfield and Howrylak

Resolution #2007-02-045
Moved by Stine
Seconded by Fleming

RESOLVED, That Council Members Broomfield and Howrylak's absence at the Regular City Council meeting of February 7, 2007 is **EXCUSED** due to Council Member Broomfield's employment commitments and Council Member Howrylak's absence from the county.

Yes: All-5
No: None
Absent: Broomfield, Howrylak

OUTLINE OF PUBLIC HEARING PROCEDURE

Under the Laws of the State of Michigan, Council is vested with the authority to take adverse action against a liquor licensee that has committed a violation of the Liquor Code or the local or state laws. However, prior to any adverse action, the licensee is entitled to a due process hearing to challenge the charged violation. For those licensees that choose to challenge the charged violation, the following procedure is recommended for the hearing.

1. The Mayor calls the licensee whose case is to be heard.
2. The licensee and/or his attorney should be asked to the front of the Chamber to acknowledge their presence for the record and can be seated.
3. The Assistant City Attorney makes a very short opening statement regarding the violation(s), and presents proofs.
4. When witnesses are called, they should be sworn by the City Clerk to tell the truth.
5. Once the witness is sworn, the Assistant City Attorney will question the witness.
6. The police report and other documents may be offered into evidence as part of the case and should be kept by the City Clerk as part of the records.

7. At the conclusion of the City’s case, the licensee or his attorney should be asked to offer an explanation for the violations if they choose, make a statement, offer evidence, or otherwise make their presentation.
8. If the licensee offers evidence from witnesses who have not been previously sworn, the City Clerk should swear those witnesses.
9. Once the licensee has concluded his presentation, the Assistant City Attorney should be given an opportunity for rebuttal, if any is desired.
10. City Council members may ask questions at any time, but it is suggested that this questioning by Council members be conducted after the parties conclude their presentations.
11. When the presentation of evidence is concluded, the matter returns to the City Council for discussion, deliberation, and resolution.

PUBLIC COMMENT:

A. Items on the Current Agenda

PUBLIC HEARINGS

The following named licensees have been given notice to appear for this series of Public Hearings regarding alleged violations:

1.0 Liquor Violations (SDD):

- a) Name: Rite Aid of Michigan (dba: Rite Aid of Michigan Inc. #4268)
Address: 3986 John R, 48083
License No.: SDD (111763-2006 SS)
- b) Name: MK2, LLC (dba: Lucky’s Market & Delicatessen)
Address: 4835 John R, 48085
License No.: SDD (134567-2006 SS)
- c) Name: Nino Salvaggio International Marketplace (dba: Nino Salvaggio’s)
Address: 6835 Rochester, 48085
License No.: SDD (106341-2006 SS)

2.0 Liquor Violations (Resort B-Hotel):

- a) Name: Courtyard Management Corporation (dba: The Courtyard by Marriott)
Address: 1525 E. Maple, 48083
License No.: Resort B-Hotel (39238-2005)

1.0 Liquor Violations (SDD): (a) Rite Aid of Michigan, Inc. (dba: Rite Aid of Michigan Inc. #4268); (b) MK2, LLC (dba: Lucky’s Market & Delicatessen); and (c) Nino Salvaggio International Marketplace (dba: Nino Salvaggio’s)

(a) Rite Aid of Michigan (dba: Rite Aid of Michigan Inc #4268)

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from the licensee's attorney and the licensee. There was no public comment.

Resolution #2007-02-046

Moved by Beltramini

Seconded by Fleming

WHEREAS, The following liquor licensee operates within the City of Troy:

Name: Rite Aid of Michigan (dba: Rite Aid of Michigan Inc. #4268)

Address: 3986 John R, 48083

License No.: SDD (111763-2006 SS);

WHEREAS, The licensee has entered into a contract with the City of Troy, where the licensee authorizes the Troy City Council to review the licensee's violations of the laws and regulations governing the sale of alcoholic liquor, and determine the appropriate course of action for any such violation that is allowed under Michigan law;

WHEREAS, The City Council has given public notice that the licensee has been charged with the following violation of the laws and regulations governing the sale of alcoholic liquor:

SALE TO MINOR (Compliance Test) (Pending) on June 22, 2006;

WHEREAS, The City provided notice that the charges against the licensee would be reviewed and Council would determine if any action should be taken against the licensee at a Public Hearing, scheduled for Wednesday, February 7, 2007;

WHEREAS, The licensee has had prior violations dated: December 9, 1996 – SALE TO MINOR (Compliance Insp.); October 28, 1998 – SALE TO MINOR (Compliance Insp.); October 27, 1999 – SALE TO MINOR (Compliance Test); April 24, 2001 – SALE TO MINOR (Compliance Test) DISMISSED-Student Aid FTA; February 28, 2002 - SALE TO MINOR (Compliance Test); July 11, 2003 - SALE TO MINOR (MLCC Compliance Test); and June 30, 2004 - SALE TO MINOR (Compliance Test); and

WHEREAS, Licensee was given the opportunity to review these cited infractions, and the opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 7, 2007;

NOW THEREFORE, BE IT RESOLVED, That the Troy City Council, after the public hearing, **HAS DETERMINED** that the licensee did commit the above referenced violation of the laws and regulations governing the sale of alcoholic liquor;

BE IT FURTHER RESOLVED, That the Troy City Council **REQUIRES** the licensee (SDD License Number 111763-2006 SS in the name of Rite Aid of Michigan in the City of Troy), to have all its management and employees that are permitted to sell alcoholic liquor TIPS

AND/OR TAM trained, and to **PROVIDE PROOF** of this training to the Troy Police Department within 60 days; and

BE IT FURTHER RESOLVED, That the Troy City Council hereby **REQUIRES** that the Manager-on-Duty must assist with all alcohol sales; and

BE IT FURTHER REVOLVED, That notice of the above referenced violation **SHALL BE PUBLISHED** in a local newspaper of general circulation.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission for inclusion in the licensee's file.

Yes: All-5

No: None

Absent: Broomfield, Howrylak

(b) MK2, LLC (dba: Lucky's Market & Delicatessen)

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from the licensee's attorney and the licensee. There was no public comment.

Resolution #2007-02-047

Moved by Beltramini

Seconded by Lambert

WHEREAS, The following liquor licensee operates within the City of Troy:

Name: MK2, LLC (dba: Lucky's Market & Delicatessen)

Address: 4835 John R, 48085

License No.: SDD (134567-2006 SS);

WHEREAS, The licensee has entered into a contract with the City of Troy, where the licensee authorizes the Troy City Council to review the licensee's violations of the laws and regulations governing the sale of alcoholic liquor, and determine the appropriate course of action for any such violation that is allowed under Michigan law;

WHEREAS, The City Council has given public notice that the licensee has been charged with the following violation of the laws and regulations governing the sale of alcoholic liquor:

SALE TO MINOR (Compliance Test) on June 22, 2006;

WHEREAS, The City provided notice that the charges against the licensee would be reviewed and Council would determine if any action should be taken against the licensee at a Public Hearing, scheduled for Wednesday, February 7, 2007;

WHEREAS, The licensee has had no prior violations; and

WHEREAS, Licensee was given the opportunity to review these cited infractions, and the opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 7, 2007;

NOW THEREFORE, BE IT RESOLVED, That the Troy City Council, after the public hearing, has **DETERMINED** that the licensee did commit the above referenced violation of the laws and regulations governing the sale of alcoholic liquor;

BE IT FURTHER RESOLVED, That the Troy City Council **REQUIRES** the licensee (SDD License Number 134567-2006 SS in the name of MK2, LLC in the City of Troy), to have all its management and employees that are permitted to sell alcoholic liquor TIPS AND/OR TAM trained, and to **PROVIDE PROOF** of this training to the Troy Police Department within 90 days; and

BE IT FURTHER REVOLVED, That notice of the above referenced violation **SHALL BE PUBLISHED** in a local newspaper of general circulation.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission for inclusion in the licensee's file.

Yes: All-5
No: None
Absent: Broomfield, Howrylak

(c) Nino Salvaggio International Marketplace (dba: Nino Salvaggio's)

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving comment from the licensee's attorney and the licensee. There was no public comment.

Resolution #2007-02-048
Moved by Stine
Seconded by Beltramini

WHEREAS, The following liquor licensee operates within the City of Troy:

Name: Nino Salvaggio International Marketplace (dba: Nino Salvaggio's)
Address: 6835 Rochester, 48085
License No.: SDD (106341-2006 SS);

WHEREAS, The licensee has entered into a contract with the City of Troy, where the licensee authorizes the Troy City Council to review the licensee's violations of the laws and regulations governing the sale of alcoholic liquor, and determine the appropriate course of action for any such violation that is allowed under Michigan law;

WHEREAS, The City Council has given public notice that the licensee has been charged with the following violation of the laws and regulations governing the sale of alcoholic liquor:

MLCC SALE TO MINOR (Compliance Test) (Pending) on December 21, 2006;

WHEREAS, The City provided notice that the charges against the licensee would be reviewed and Council would determine if any action should be taken against the licensee at a Public Hearing, scheduled for Wednesday, February 7, 2007;

WHEREAS, This licensee has had prior violations dated: December 11, 1997 – SALE TO MINOR (Compliance Test); May 10, 2001 – MLCC SALE TO MINOR (Compliance Test); and

WHEREAS, Licensee was given the opportunity to review these cited infractions, and the opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 7, 2007;

NOW THEREFORE, BE IT RESOLVED, That the Troy City Council, after the public hearing, has **DETERMINED** that the licensee did commit the above referenced violation of the laws and regulations governing the sale of alcoholic liquor;

BE IT FURTHER RESOLVED, That the Troy City Council **REQUIRES** the licensee (SDD License Number S106341-2006 SS in the name of Nino Salvaggio International Marketplace in the City of Troy), to have all its management and employees that are permitted to sell alcoholic liquor receive Nino Salvaggio International Marketplaces' in-house training [Responsible Alcohol Sales (RAS)], and **PROVIDE** an outline of the RAS program and **PROOF** of this training to the Troy Police Department within 90 days; and

BE IT FURTHER REVOLVED, That notice of the above referenced violation **SHALL BE PUBLISHED** in a local newspaper of general circulation.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission for inclusion in the licensee's file.

Yes: All-5
No: None
Absent: Broomfield, Howrylak

2.0 Liquor Violations (Resort B-Hotel): (a) Courtyard Management Corporation (dba: The Courtyard by Marriott)

(a) Courtyard Management Corporation (dba: The Courtyard by Marriott)

The Mayor opened the Public Hearing for public comment.
The Mayor closed the Public Hearing after receiving comment from the licensee's attorney and the licensee. There was no public comment.

Resolution #2007-02-049
Moved by Stine
Seconded by Lambert

WHEREAS, The following liquor licensee operates within the City of Troy:

Name: Courtyard Management Corporation (dba: The Courtyard by Marriott)
Address: 1525 E. Maple, 48083
License No.: Resort B-Hotel (39238-2005);

WHEREAS, The licensee has entered into a contract with the City of Troy, where the licensee authorizes the Troy City Council to review the licensee’s violations of the laws and regulations governing the sale of alcoholic liquor, and determine the appropriate course of action for any such violation that is allowed under Michigan law, which could include an objection to the annual renewal of the liquor license;

WHEREAS, The City Council has given public notice that the licensee has been charged with the following violation of the laws and regulations governing the sale of alcoholic liquor:

FAILURE TO DISPLAY LICENSE-BRAGG on February 3, 2006;

WHEREAS, The City provided notice that the charges against the licensee would be reviewed and Council would determine if any action should be taken against the licensee at a Public Hearing, scheduled for Wednesday, February 7, 2007;

WHEREAS, This licensee has had prior violations dated November 2, 1990 – Sale to Minor (Compliance Test); June 17, 1992 – Sale to Minor (Compliance Test); August 25, 1994 – Sale to Minor (Compliance Test) (2 Counts); and

WHEREAS, Licensee was given the opportunity to review these cited infractions, and the opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 7, 2007;

NOW THEREFORE, BE IT RESOLVED, That the Troy City Council, after the public hearing, has **DETERMINED** that the licensee did commit the above referenced violation of the laws and regulations governing the sale of alcoholic liquor;

BE IT FURTHER RESOLVED, That the Troy City Council **DOES NOT OBJECT TO THE ANNUAL RENEWAL OF THE LIQUOR LICENSE**, (B-Hotel License Number 39238-2005 in the name of Courtyard Management Corporation in the City of Troy, Michigan), as long as the licensee insures **that all its management and employees that may sell alcoholic liquor be TIPS and TAM trained and that the licensee provide proof of training to the Troy Police Department within 90 days**; and

BE IT FURTHER REVOLVED, That notice of the above referenced violation **SHALL BE PUBLISHED** in a local newspaper of general circulation.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission for inclusion in the licensee’s file.

Yes: All-5
No: None
Absent: Broomfield, Howrylak

PUBLIC COMMENT**Cancellation of Regular City Council Meeting/Liquor Violation Hearing Scheduled for Wednesday, February 28, 2007**

Resolution #2007-02-050

Moved by Lambert
Seconded by Stine

RESOLVED, That Troy City Council hereby **APPROVES** the **CANCELLATION** of the Regular City Council Meeting/Liquor Violation Hearing scheduled for Wednesday, February 28, 2007 as there are no cases to be placed before the City Council and that notice be **POSTED AND PUBLISHED**.

Yes: All-5
No: None
Absent: Broomfield, Howrylak

REGULAR BUSINESS**F-1 Approval of Mon Jin Lau Fireworks Request**

Resolution #2007-02-051

Moved by Stine
Seconded by Beltramini

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** City ordinances Chapter 98, 98.05.16 Fireworks and Chapter 93, 3301.1.3 Fireworks for the purpose of celebrating Chinese New Year at the Mon Jin Lau restaurant, located at 1515 East Maple Road, on Wednesday, February 21, 2006; and

BE IT FURTHER RESOLVED, That the Fire Prevention Division personnel will inspect the fireworks to be used and the site to assure compliance with applicable standards for fireworks display.

Yes: All-5
No: None
Absent: Broomfield, Howrylak

The meeting **ADJOURNED** at 8:38 PM.

Louise E. Schilling, Mayor

Barbara A. Pallotta, CMC
Deputy City Clerk



CITY COUNCIL ACTION REPORT

February 20, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 3: Exercise Renewal Option –
Aggregates

Background

- On May 8, 2006, Troy City Council approved one-year contracts for Aggregates with an option to renew for one additional year to the following low bidders: 1) B&W Landscape Supply, 2) Richmond Transport, 3) Troy Aggregate Carriers, 4) Tri-City Aggregates, and 5) Edw. C. Levy Co. (Resolution #2006-05-202-E-4e)
- Aggregates are purchased on an as needed basis throughout the year based upon estimated quantities.
- Richmond Transport and Troy Aggregate Carriers Inc. did not wish to renew their contracts; therefore the City will informally quote those items as needed.
- Purchasing has conducted a market survey and determined the City would not benefit from soliciting new bids for the items current vendors have agreed to renew.

Financial Considerations

- Funds are available through the Public Works operating budgets for Streets and Water Divisions, as monies clear through the balance sheet Inventory Accounts for Aggregates.

Legal Considerations

- ITB-COT 06-18, one-year requirements for Aggregates with an option to renew for one additional year was competitively bid and opened on April 19, 2006, in accordance with Chapter 7 of the City Code.

Policy Considerations

- By renewing existing contracts, the City minimizes cost increases and benefits from efficient strategic planning. (Goal II)

Options

- City management recommends exercising the option to renew for one additional year with B&W Landscape Supply of Clinton Township, MI, Tri-City Aggregates of Holly, MI and Edw. C. Levy Co of Detroit, MI, for Aggregates under the same prices, terms and conditions expiring April 30, 2008.

January 30, 2007

TO: Jeanette Bennett
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – AGGREGATES

TROY AGGREGATES – John Brewer (586) 446-9200

John has indicated that some aggregates might increase in price about .05 cents to .15 cents a ton, because there has not been an increase for those materials in awhile. Since fuel costs have leveled off, the hauling cost would remain the same.

OSBURN INDUSTRIES INC – Jeff Thomas (313) 292-4140

According to Jeff, some aggregate prices will be going up 10% because these aggregates have not seen an increase in awhile and the availability of the aggregates would be another issue. They are keeping freight costs the same because fuel costs have decreased.

RICHMOND TRANSPORT – Dan Manchik (586) 727-1627

Dan believes there will be an increase of 5% on some aggregates. The aggregates will increase because of material handling, fuel, and operating costs. Even though gas prices have gone down, their company needs to increase costs because of the loss of revenue from last year.

Based upon the above comments, I respectfully recommend that the City accept the offers to renew the various contracts for Aggregates to the current vendors based on the fact costs for some aggregates will increase 3% to 10% in price because of availability and cost in time and money to process clean aggregates.

CC: Susan Leirstein
File



Date: January 8, 2007

ATT: Robert W. Nobbs
Edw. C. Levy Co.
8800 Dix Ave
Detroit, MI 48209

Dear Mr. Robert W. Nobbs:

On May 8, 2006, the City of Troy entered into contract #2050(909OB with Edw. C. Levy Co. to provide one-year requirements of Aggregates. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if Edw. C. Levy Co. wishes to renew this contract until April 30, 2008. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3501.

CHECK ONE:

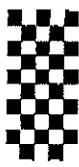
Edw. C. Levy Co. is interested in renewing the contract under the same prices, terms, and conditions:

Edw. C. Levy Co. is not interested in renewing the contract:


Signed: Authorized Company Representative

Date: January 8, 2007

Thank you,
Emily Frontera
Department of Public Works, City of Troy



Date: January 8, 2007

ATT: Scott McKay
Tri-City Aggregates, Inc.
PO Box 182
Holly, MI 48442

Dear Mr. Scott McKay:

On May 8, 2006, the City of Troy entered into contract #205009100B with Tri-City Aggregates, Inc., to provide one-year requirements of Aggregates. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if Tri-City Aggregates, Inc. wishes to renew this contract until April 30, 2008. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3501.

CHECK ONE:

Tri-City Aggregates, Inc. is interested in renewing the contract under the same prices, terms, and conditions:

Tri-City Aggregates, Inc. is not interested in renewing the contract:

x Scott McKay
Signed: Authorized Company Representative

Date: 1/7/07

Thank you,
Emily Frontera
Department of Public Works, City of Troy



Date: January 8, 2007

ATT: Joe Baker
B&W Landscape Supply
43291 North Ave
Clinton Twp, MI 48036

Dear Mr. Joe Baker:

On May 8, 2006, the City of Troy entered into contract #20500913OB with B&W Landscape Supply, to provide one-year requirements of Aggregates. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if B&W Landscape Supply wishes to renew this contract until April 30, 2008. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3501.

CHECK ONE:

B&W Landscape Supply is interested in renewing the contract under the same prices, terms, and conditions:

B&W Landscape Supply is not interested in renewing the contract:

Signed: Authorized Company Representative

Date: _____

Thank you,
Emily Frontera
Department of Public Works, City of Troy



Date: January 8, 2007

ATT: Cindy Manchik
Richmond Transport Inc.
4020 County Line
Lenox, MI 48050

Dear Ms. Cindy Manchik:

On May 8, 2006, the City of Troy entered into contract #205009110B with Richmond Transport Inc., to provide one-year requirements of Aggregates. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if Richmond Transport Inc. wishes to renew this contract until April 30, 2008. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3501.

CHECK ONE:

Richmond Transport Inc. is interested in renewing the contract under the same prices, terms, and conditions:

Richmond Transport Inc. is not interested in renewing the contract:

X *Cindy Smith V.P.*
Signed: Authorized Company Representative

Date: 1-8-07

Thank you,
Emily Frontera
Department of Public Works, City of Troy



Date: January 8, 2007

ATT: Charles E. Rose III
Troy Aggregate Carriers Inc.
6075 Elmridge
Sterling Heights, MI 48313

Dear Mr. Charles E. Rose III:

On May 8, 2006, the City of Troy entered into contract #20500912OB with Troy Aggregate Carriers Inc., to provide one-year requirements of Aggregates. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if Troy Aggregate Carriers Inc. wishes to renew this contract until April 30, 2008. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3501.

CHECK ONE:

Troy Aggregate Carriers Inc. **is interested** in renewing the contract under the same prices, terms, and conditions: ()

Troy Aggregate Carriers Inc. **is not interested** in renewing the contract: (X)

X Charles E. Rose III
Signed: Authorized Company Representative

Date: 1-8-07

Thank you,
Emily Frontera
Department of Public Works, City of Troy

e) **Standard Purchasing Resolution 1: Award to Low Bidders -
Aggregates**

Resolution #2006-05-202-E-4e

RESOLVED, That one (1) year contracts for aggregates with an option to renew for one additional year are hereby **AWARDED** to the low bidders, B&W Landscape Supply of Clinton Twp., MI, Richmond Transport of Lenox, MI, Troy Aggregate Carriers of Sterling Heights, MI, Tri City Aggregates of Holly, MI, and Edw. C. Levy Company of Detroit, MI, at unit prices contained in the bid tabulation opened April 19, 2006, with contracts expiring April 30, 2007.

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

April 24, 2006

To: John M. Lamerato, Acting City Manager

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

Subject: **Agenda Item** – Standard Purchasing Resolution 1: Award to Low Bidders –
Aggregates

RECOMMENDATION

On April 19, 2006, sealed bid proposals were opened to furnish one (1) year requirements of Aggregates with an option to renew for one (1) additional year. After reviewing these proposals, City management recommends awarding contracts to following low bidders for an estimated total cost of \$63,650.00.

Item	Est. Qty	Description	Price Per Ton	Estimated Total
<u>B&W Landscape Supply Clinton Township MI</u>				
6.	200	Crushed Concrete 1"-3"	\$ 9.24	\$ 1,848.00
		Estimated Cost		\$ 1,848.00
<u>Richmond Transport Lenox MI</u>				
3.	300	Pea Stone	\$ 11.60	\$ 3,480.00
4.	200	60/40 Gravel	\$ 12.35	\$ 2,470.00
		Estimated Cost		\$ 5,950.00
<u>Troy Aggregate Carriers Sterling Heights MI</u>				
8.	250	Chloride Sand	\$ 18.00	\$ 4,500.00
9.	250	2ns Sand	\$ 8.95	\$ 2,237.50
10.	250	Mason Sand	\$ 8.90	\$ 2,225.00
		Estimated Cost		\$ 8,962.50
<u>Tri City Aggregates Holly MI</u>				
2.	3000	22A Road Gravel	\$ 7.90	\$23,700.00
5.	2000	Fill Sand	\$ 5.55	\$11,100.00
		Estimated Cost		\$34,800.00
<u>Edw. C. Levy Co Detroit MI</u>				
1.	1000	6A Slag	\$ 12.09	\$12,090.00
		Estimated Cost		\$12,090.00
		Estimated Total Cost		\$63,650.00

SUMMARY

All items recommended represent the lowest bidder for each item. Estimated quantities of materials shall be purchased, at quoted unit prices, and ordered on an as needed basis. Informal quotes will be taken for Item #7, 3x6 Crushed Concrete, as no formal bids were received.

BUDGET

Funds for these materials are available through the Public Works operating budgets for Streets and Water, as monies clear through the balance sheet Inventory Accounts for Aggregates.

41 Vendors Notified via MITN System
6 Bid Responses Rec'd

Prepared by: Emily Frontera, Administrative Aide

Opening Date -- 4/19/06
 Date Prepared -- 4/24/06

CITY OF TROY
 BID TABULATION
 AGGREGATES

ITB-COT 06-18

VENDOR NAME:

EDW C LEVY	TRI-CITY	RICHMOND	TROY	B&W	OSBURN
COMPANY	AGGREGATES	TRANSPORT	AGGREGATE	LANDSCAPE	INDUSTRIES
	INC		CARRIERS	SUPPLY	
			INC		

ITEM	EST QTY/TONS	DESCRIPTION	PRICE/ TON					
1.	1000	6A SLAG	\$ 12.09		\$ 12.35	\$ 12.50	\$ 12.22	\$ 12.70
2.	3000	22A GRAVEL	\$ 9.80	\$ 7.90	\$ 9.40	\$ 8.90	\$ 10.73	\$ 10.55
3.	300	PEA STONE	\$ 12.29	\$ 12.40	\$ 11.60	\$ 12.25	\$ 12.26	\$ 12.39
4.	200	60/40 GRAVEL	\$ 13.04		\$ 12.35	\$ 13.00	\$ 14.14	\$ 13.79
5.	2000	FILL SAND	\$ 7.00	\$ 5.55	\$ 5.65	\$ 6.35	\$ 7.44	\$ 7.39
6.	200	CRUSHED CONCRETE, 1" - 3"	NO BID		\$ 9.65	\$ 9.75	\$ 9.24	\$ 11.27
7.	100	CRUSHED CONCRETE, 3" - 6"	NO BID			N/A		NO BID
8.	250	CHLORIDE SAND	NO BID			\$ 18.00		NO BID
9.	250	2NS SAND	\$ 8.99		\$ 9.10	\$ 8.95	\$ 9.64	\$ 10.00
10.	250	MASON SAND	\$ 11.02		\$ 10.55	\$ 8.90	\$ 10.79	\$ 11.45
DISCOUNT IF AWARDED ALL ITEMS			0%			1%	1%	

ESTIMATED TOTAL AWARDED ITEMS:	\$ 12,090.00	\$ 34,800.00	\$ 5,950.00	\$ 8,962.50	\$ 1,848.00	N/A
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ESTIMATED GRAND TOTAL ALL ITEMS W/DISCOUNTS:				\$ 68,396.63	\$ 72,023.99	
---	--	--	--	--------------	--------------	--

				w/discount	w/discount	
--	--	--	--	------------	------------	--

INSURANCE	CAN MEET	XX	XX	XX	XX	XX	XX
	CANNOT MEET						

TERMS:	Net 30 Days	Net 30 Days	Net 30	30 Days	Net 30	Net 30 Days
--------	-------------	-------------	--------	---------	--------	-------------

EXCEPTIONS:	Mortar Sand for Mason Sand	Blank	Blank	Listed in Bid	Blank	Blank
-------------	----------------------------	-------	-------	---------------	-------	-------

PROPOSAL - One Year Requirements of Aggregates with an Option to Renew for One (1)
 Additional Year

ATTEST:
 Charlene McComb
 Emily Frontera
 Tom Rosewarne
 Linda Bockstanz

BOLDFACE TYPE DENOTES LOW BIDDERS

 Jeanette Bennett
 Purchasing Director



CITY COUNCIL ACTION REPORT

February 20, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 3: Exercise Renewal Option –
Hauling and Disposal of Dirt and Debris

Background

- On March 27, 2006, Troy City Council approved one-year contracts for the Hauling and Disposal of Dirt and Debris with an option to renew for one additional year to the low bidders, Troy Aggregate Carriers and Osburn Industries (Resolution #2006-03-153-E-4a); and subsequently to Luke's Trucking and Excavating LLC, as a result of a rescind/re-award, approved by Troy City Council on August 14, 2006 (Resolution #2006-08-335).
- Luke's and Osburn Industries are interested in renewing their contracts under the same prices, terms, and conditions.
- Troy Aggregate Carriers Inc. does not wish to renew their contract; therefore the City will re-bid the hauling and disposal of broken concrete.
- Purchasing has conducted a market survey and determined the City would not benefit from soliciting new bids for fill dirt, broken asphalt and catch basin material.

Financial Considerations

- Funds are available in the operating budgets of the Streets Division for major and local drain and road resurface maintenance, and the Water Division for mains and tap-in maintenance.

Legal Considerations

- ITB-COT 06-05, one-year requirements for the Hauling and Disposal of Dirt and Debris with an option to renew for one additional year was competitively bid and opened on February 28, 2006, in accordance with Chapter 7 of the City Code.

Policy Considerations

- By renewing existing contracts, the City minimizes cost increases and benefits from efficient strategic planning. (Goal II)

Options

- City management recommends exercising the option to renew for one additional year with Osburn Industries of Taylor, MI for the hauling and disposal of catch basin sludge and street sweepings and Luke's Trucking and Excavating LLC of Holly, MI for the hauling and disposal of broken asphalt and fill dirt under the same contract prices, terms, and conditions expiring March 27, 2008.

February 2, 2007

TO: Jeanette Bennett
Purchasing Director

FROM: Linda N. Bockstanz
Associate Buyer

RE: MARKET SURVEY – Hauling/Disposal of Dirt & Debris

J & H TRANSPORTATION INC., - Jennifer Wiegand (586) 939-0840

According to Jennifer, their company prices will be increasing about .50-cent a yard because of landfill costs and hauling costs. Landfill prices have been going up the last couple of months and it cost them fuel to drive the long distance to a landfill that will take dirt and debris. Plus there is a .51-cent per gallon tax on their fuel costs.

PROFESSIONAL COMMERCIAL SERVICES, INC. – John Johnson (734) 326-5700

John commented that the prices are going to remain the same. No increases in hauling or freight costs. Mix material may have a small increase, because if hauling concrete, dirt, asphalt with wood or stumps, etc – the wood and stumps will have to be removed before they can dump it.

WE REMOVE ALL TRASH CORPORATION – Barnard Gill (313) 387-1010

Barnard has indicated that their prices will be remaining the same. No increase in hauling because of the fuel costs that are down or what type of materials we are having hauled. He is holding his prices the same as last year.

A & B TRUCKING, INC. - James Wolfe (586) 784-8210

According to Mr. Wolfe dirt cost will remain the same, but asphalt & concrete will be going up in cost for hauling. Reason: the place where they take the mix is now charging a \$1.00 per ton to dump these items, which has not done before.

GIPSON BROTHERS – Sherman Gipson (313) 933-0728

No response to calls

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contracts for Hauling/Disposal of Dirt and Debris with the current vendors based on the above comments that the cost to haul the materials and landfill costs are increasing, in addition to a new disposal fee.

CC: Susan Leirstein
File



Date: January 5, 2007

ATT: Mr. Joseph Bruz
Luke's Trucking & Excavating LLC
15271 Hawley Rd
Holly, MI 48442

Dear Mr. Joseph Bruz:

On August 14, 2006, the City of Troy entered into contract #206001500B with Luke's Trucking & Excavating LLC, to provide one-year requirements of Hauling & Disposal of Dirt and Debris. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if Luke's Trucking & Excavating LLC wishes to renew this contract until March 27, 2008. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3501.

CHECK ONE:

Luke's Trucking & Excavating LLC is interested in renewing the contract under the same prices, terms, and conditions:

Luke's Trucking & Excavating LLC is not interested in renewing the contract:

X Joseph R. Bruz
Signed: Authorized Company Representative

Date: 1-9-07

Thank you,
Emily Frontera
Department of Public Works, City of Troy



Date: January 5, 2007

ATT: Mr. Tim Osburn
Osburn Industries
5850 Pardee
Taylor, MI 48180

Dear Mr. Tim Osburn:

On March 27, 2006 the City of Troy entered into contract #20500745QB with Osburn Industries, to provide one-year requirements of Hauling & Disposal of Dirt and Debris. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if Osburn Industries wishes to renew this contract until March 27, 2008. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3501.

CHECK ONE:

Osburn Industries is interested in renewing the contract under the same prices, terms, and conditions:

Osburn Industries is not interested in renewing the contract:

X *Jeff Thomas*
Signed: Authorized Company Representative

Date: 1-8-07

Thank you,
Emily Frontera
Department of Public Works, City of Troy



Date: January 5, 2007

ATT: Mr. John Brewer
Troy Aggregate Carriers Inc.
6075 Elmridge
Sterling Heights, MI 48313

Dear Mr. John Brewer:

On March 27, 2006 the City of Troy entered into contract #20500743OB with Troy Aggregate Carriers Inc., to provide one-year requirements of Hauling & Disposal of Dirt and Debris. This contract contained an option to renew for one additional year at the same prices, terms, and conditions as the original contract.

Please fax this letter back indicating if Troy Aggregate Carriers Inc. wishes to renew this contract until March 27, 2008. Our fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3501.

CHECK ONE:

Troy Aggregate Carriers Inc. is interested in renewing the contract under the same prices, terms, and conditions: ()

Troy Aggregate Carriers Inc. is not interested in renewing the contract:

x Charles E. Row
Signed: Authorized Company Representative

Date: 1-9-07

Thank you,
Emily Frontera
Department of Public Works, City of Troy

Governing Disposal (Sales) of Excess City owned property and **APPROVE** the sale of the remnant parcel having Sidwell #88-20-22-426-057, described in Attachment "A" attached hereto, to Troy-Rochester Properties L.L.C. for \$200,000.00, the appraised value as outlined in the Offer to Purchase, with conditions, plus closing costs; and

BE IT FURTHER RESOLVED, That closing **WILL TAKE PLACE** when all conditions have been met and that the deed restriction will be a part of that

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the Agreement to Purchase and the Warranty Deed, on behalf of the City; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents, including all attachments, at the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to and made a part of the original Minutes of this meeting.

Yes: Beltramini, Fleming, Lambert, Stine

No: Howrylak

Absent: Schilling, Broomfield

MOTION CARRIED

F-10 Rescind Bid Award/Re-award Contract – Hauling and Disposal of Dirt and Debris

Resolution #2006-08-335

Moved by Lambert

Seconded by Stine

WHEREAS, on March 27, 2006, a one-year contract with an option to renew for one additional year to provide hauling and disposal of dirt and debris (Items B and C) was awarded to the low bidder, Enviro-Vac Services, Inc. of Troy, MI (Resolution # 2006-03-153-E-4a); and

WHEREAS, Enviro-Vac Services, Inc. has defaulted on the contract due to their unwillingness to obtain the required insurance;

THEREFORE, BE IT RESOLVED, That the contract to haul and dispose of dirt and debris for (Items B and C) be **RESCINDED** with prejudice from Enviro-Vac Services, Inc., and **RE-AWARDED** to the next lowest acceptable bidder, Luke's Trucking and Excavating LLC of Holly, MI (Items B and C) at unit prices contained in the bid tabulation opened February 28, 2006, with the contract expiring March 27, 2007; and

THEREFORE, BE IT FINALLY RESOLVED, That if the price of on-road diesel fuel exceeds \$3.00/gallon during the contract term, the City is **AUTHORIZED** to pay a \$.25/ton fuel surcharge, and up to a \$.50/ton surcharge if prices exceed \$3.50/gallon, to Luke's Trucking and Excavating LLC for hauling broken asphalt and fill dirt.

Yes: All-5

No: None

Absent: Schilling, Broomfield

July 31, 2006

TO: Phillip L. Nelson, City Manager

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

SUBJECT: **Agenda Item:** Rescind Bid Award/Re-award Contract – Hauling and Disposal of Dirt and Debris

RECOMMENDATION

City management recommends that City Council rescind the award with prejudice to Enviro-Vac Services, Inc. of Troy, MI, for hauling and disposal of dirt and debris, Items B & C, broken asphalt and fill dirt respectively (Resolution #2006-03-153-E-4a) that was contingent upon submission of "...properly executed bid documents, including insurance certificates and all other specified requirements". Staff also recommends re-awarding the contract to the next lowest acceptable bidder, Luke's Trucking and Excavating LLC, at an estimated total cost of \$40,250.00. Luke's bid includes a fuel surcharge but their price would continue to be low and in the City's best interest until diesel fuel prices increased to over \$3.50 / gallon at which time Luke's bid would tie another bidder's price for Item C, fill dirt. Luke's Trucking and Excavating LLC - has submitted the specified insurance.

BACKGROUND

On March 27, 2006, Enviro-Vac Services, Inc. was awarded a one-year contract with the option to renew for one additional year to provide hauling and disposal of dirt and debris for broken asphalt (Item B) and fill dirt (Item C). On May 17, 2006, Enviro-Vac Services, Inc. was given written notice to provide the specified insurance within 48 hours or be held in default of contract. They failed to respond to the request. The next low bidder, Osburn Industries was contacted to haul broken asphalt but declined.

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

BUDGET

Funds are available from the Water and Street Departments' operating budgets.

SL/sl



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

May 17, 2006

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

Janine Haymond
Enviro-Vac Services, Inc.
1755 Austin Ave.
Troy, MI 48083

Dear Ms. Haymond:

This letter is to inform you the City of Troy has not yet received the required insurance documents from Enviro-Vac Services, Inc. per the bid specifications. We have held numerous phone conversations with you regarding the need to provide insurance based on the bid specifications after you were awarded a portion of the contract for ITB-COT 06-05 Hauling/Disposal of Dirt and Debris.

Please know this is your final notice to comply with the insurance specifications within 48 hours or Enviro-Vac Services, Inc. will be in default, and we will turn this over to our Purchasing Department.

Should you have any questions, please do not hesitate to call me at 248-526-5127.

Sincerely,


Stephen Cooperrider
Risk Manager

SC/

cc: Jeanette Bennett, Purchasing Director

Yes: All-6
 No: None
 Absent: Lambert

POSTPONED ITEMS:

D-1 No Postponed Items

CONSENT AGENDA:

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

Resolution #2006-03-153
 Moved by Howrylak
 Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-3 and E-5, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-6
 No: None
 Absent: Lambert

E-2 Approval of City Council Minutes

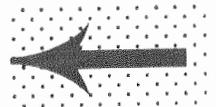
Resolution #2006-03-153-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of March 20, 2006 be **APPROVED** as submitted.

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 1: Award to Low Bidders – Hauling and Disposal of Dirt and Debris

Resolution #2006-03-153-E-4a



RESOLVED, That contracts to provide one-year requirements of hauling and disposal services of dirt and debris with an option to renew for one additional year are hereby **AWARDED** to the low bidders, Troy Aggregate Carriers, Inc. of Sterling Heights, MI, Enviro-Vac Services, Inc. of Troy, MI, and Osburn Industries of Taylor, MI, at unit prices contained in the bid tabulation opened February 28, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

Opening Date -- 2-28-06
 Date Prepared -- 3/10/06

CITY OF TROY
 BID TABULATION
 HAULING/DISPOSAL OF DIRT AND DEBRIS

VENDOR NAME:

TROY	ENVIRO-VAC	OSBURN
AGGREGATE	SERVICES INC	INDUSTRIES
CARRIERS INC		

ITEM	EST QTY(TONS)	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON
A.	3,000	Broken concrete with and without wire, possibly mixed	\$ 2.25	\$ 3.25	\$ 4.00
B.	1,000	Broken asphalt possibly mixed with fill dirt	\$ 5.00	\$ 3.95	\$ 4.00
C.	8,000	Fill Dirt, material excavated from water and sewer repairs, as well as ditching operation. Material may include culverts, Large Stumps, logs & wood materials	\$ 12.90	\$ 3.90	\$ 11.50
		If Clean Dirt -	\$ 4.50		
D.	2,000	Catch basin sludge and street sweepings.	\$ 12.90	\$ 29.95	\$ 12.00
ESTIMATED TOTAL AWARDED ITEMS:			\$ 6,750.00	\$ 35,150.00	\$ 24,000.00

DISPOSAL SITE:

APPROVED SITE or NOT AN APPROVED SITE

Y or N

EPA PERMIT #:

INSURANCE:

Can Meet
 Cannot Meet

SITE VISIT:

Yes/No
 Date

CONTACT INFORMATION:

Hrs of Operations
 24 Hr Phone #

EQUIPMENT LIST:

Attached/Not Attached

TERMS:

WARRANTY:

PICK-UP SCHEDULE:

EXCEPTIONS:

ACKNOWLEDGEMENT: Completed

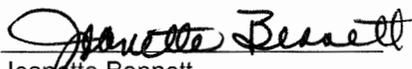
Y or N

Waste Management Pinetree	Disposal & Recycling Tech	Sauk Trail Landfill
Yes	Yes	Yes
	MIK153892922	38-2489474
XX	XX	XX
Yes	No	Yes
2/10/2006		2/14/2006
7am-7pm (810)614-6473	8am-5pm M-F (248)689-6590	6-4pm M-F (313)363-0077
No	No	No
One Year	Net 30	Net 30
Blank	Blank	Blank
AS SPECIFIED		
As Noted in	Blank	None
Unit Pricing		
Yes	Yes	Yes

ATTEST:

Emily Frontera
Tom Rosewarne
Debra Painter
Linda Bockstanz

BOLDFACE TYPE DENOTES LOW BIDDERS


 Jeanette Bennett
 Purchasing Director

Opening Date -- 2-28-06
 Date Prepared -- 3/10/06

CITY OF TROY
 BID TABULATION
 HAULING/DISPOSAL OF DIRT AND DEBRIS

VENDOR NAME:

A&B	LUKE'S	J&H
TRUCKING INC	TRUCKING & EXCAVATING LLC	TRANSPORTATION INC

ITEM	EST QTY(TONS)	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON
A.	3,000	Broken concrete with and without wire, possibly mixed	\$ 5.00	\$ 3.75	\$ 4.50
B.	1,000	Broken asphalt possibly mixed with fill dirt	\$ 5.00	\$ 4.25	\$ 5.00
C.	8,000	Fill Dirt, material excavated from water and sewer repairs, as well as ditching operation. Material may include culverts, Large Stumps, logs & wood materials	\$ 5.00	\$ 4.50	\$ 19.50
D.	2,000	Catch basin sludge and street sweepings.	NO BID	\$ 19.00	\$ 19.50
ESTIMATED TOTAL AWARDED ITEMS:			N/A	N/A	N/A

DISPOSAL SITE:

APPROVED SITE or NOT AN APPROVED SITE
 EPA PERMIT #:

Y or N

INSURANCE:

Can Meet
 Cannot Meet

SITE VISIT:

Yes/No
 Date

CONTACT INFORMATION:

Hrs of Operations
 24 Hr Phone #

EQUIPMENT LIST:

Attached/Not Attached

TERMS:

WARRANTY:

PICK-UP SCHEDULE:

EXCEPTIONS:

ACKNOWLEDGEMENT: Completed

Y or N

BLANK	Onyx Waste Salem Twp	Oakland Heights Development
BLANK	Yes	Yes
XX	XX	XX
No	Yes	No
Current contractor	2/16/2006	
7am-5pm M-F (810)602-4561	7am-7pm M-S (248)240-0938	7am-5pm (586)939-0840
Yes	Yes	No
Net 30	Net 30	Net 30
Blank	None	Blank
AS SPECIFIED		
None	See Addendum B	Blank
Yes	Attached to Bid Yes	Yes

NO BIDS:

HM Environmental Svcs

Opening Date -- 2-28-06
 Date Prepared -- 3/10/06

CITY OF TROY
 BID TABULATION
 HAULING/DISPOSAL OF DIRT AND DEBRIS

VENDOR NAME:

PROFESSIONAL	GIPSON	We Remove
COMMERCIAL	BROS	All Trash Corp
SERVICES INC	TRUCKING INC	

ITEM	EST QTY(TONS)	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON
A.	3,000	Broken concrete with and without wire, possibly mixed	\$ 16.05	\$ 12.00	\$ 23.00
B.	1,000	Broken asphalt possibly mixed with fill dirt	\$ 11.00	\$ 12.00	\$ 25.00
C.	8,000	Fill Dirt, material excavated from water and sewer repairs, as well as ditching operation. Material may include culverts, Large Stumps, logs & wood materials	\$ 13.75	\$ 18.00	\$ 24.00
D.	2,000	Catch basin sludge and street sweepings.	\$ 13.00	\$ 20.00	\$ 25.00
ESTIMATED TOTAL AWARDED ITEMS:			N/A	N/A	N/A

DISPOSAL SITE:

APPROVED SITE or NOT AN APPROVED SITE

Y or N

EPA PERMIT #:

INSURANCE:

Can Meet
 Cannot Meet

SITE VISIT:

Yes/No
 Date

CONTACT INFORMATION:

Hrs of Operations
 24 Hr Phone #

EQUIPMENT LIST:

Attached/Not Attached

TERMS:

WARRANTY:

PICK-UP SCHEDULE:

EXCEPTIONS:

ACKNOWLEDGEMENT: Completed

Y or N

Onyx Arbor Hills Landfill	Sauk Trail Hills	Rockwood Landfill
Yes	Yes	Yes
9082	38-2489474	MIK123832529
XX	XX	XX
Yes	No	Yes
2/23/2006		2/27/2006
8am-5pm M-F (734)231-7976	7am-3pm (313)330-3073	24 - 7 (313)387-1010
No	Yes	No
2% 10 Net 30	Net 30 Days	Net 30 Days
Blank	Contract Expiration	Blank
AS SPECIFIED		
Blank	Listed in Bid	Blank
Yes	Yes	Yes

PROPOSAL:

One (1) Year Requirements of Hauling and Disposal of Dirt and Debris with an Option to Renew for One (1) Additional Year



CITY COUNCIL ACTION REPORT

February 26, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 1: Bid Award – Low Bidders – Asphalt Paving Material

Background

- On February 13, 2007, bid proposals were received for one-year requirements of Asphalt Paving Material with an option to renew for one additional year.
- A secondary supplier is awarded in the event that the primary supplier is unable to meet delivery times or supply material as specified.
- 31 Vendors were notified of the bid opportunity via the MITN system. Three bidders responded with one statement of no bid received.

Financial Consideration

- Funds are available in the Operating Budgets of the Streets Division for major and local drain and road surface maintenance, and the Water Division for mains, service and tap-in maintenance.

Legal Considerations

- ITB-COT 07-03, Asphalt Patching Hot Material was competitively bid and opened with three bidders responding.

Policy Considerations

- Hot asphalt is used in the patching and general maintenance of major and local roads and drains, and public infrastructure parking lots and trails. (Goal I & V)

Options

- City management recommends awarding contracts to the low bidders, Barrett Paving Materials Inc of Troy, MI as primary supplier for Items 1-5; and Surface Coatings Co of Auburn Hills for Item 6) 5 gallon pail of Tack Coat. In addition, the City requests authorization to use reciprocity between Barrett Paving Materials and Ajax Materials Corporation in the event of a plant closing, inability to meet delivery times or supply material as specified.

Opening Date -- 2/13/07
 Date Prepared -- 2/14/07

CITY OF TROY
 BID TABULATION
 ASPHALT PATCHING HOT MATERIAL

ITB-COT 07-03

VENDOR NAME:

**	Surface Coatings Co.	Barrett Paving Materials	Ajax Materials Corporation
			Secondary

PROPOSAL - One (1) Year Requirements of Asphalt Paving Material - Hot Patch with an Option to Renew for One Additional Year

ITEM #	EST QTY	DESCRIPTION	Price/Ton	Price/Ton	Price/Ton
1	200 Ton	1100T 36A Wearing	No Bid	\$ 38.00	\$ 40.00
2	300 Ton	1100T 29AA Wearing	No Bid	\$ 36.00	\$ 39.00
3	200 Ton	1100T 20AA Leveling	No Bid	\$ 36.00	\$ 38.50
4	1000 Ton	Commercial Top	No Bid	\$ 36.00	\$ 38.50
5	250 Ton	Commercial Base	No Bid	\$ 35.00	\$ 37.00
6	500 Gal	Bulk Tack Coat	No Bid	\$ 2.50	\$ 4.00
		or 5 Gal Pail	\$ 22.95	\$ 25.00	\$ 50.00
		Commerical Fine Wearing		\$38.00 per Ton	
ESTIMATED GRAND TOTAL:			\$ 2,295.00	\$ 74,100.00	\$ 82,150.00
Items picked up at suppliers' plants by City of Troy staff					
HOURS OF OPERATION:			7:30 to 3:30	7:00 to 4:00	7:00 to 5:00
Notice of Pick Up - M thru F:			.5 Hrs	Pick Up	24 Hrs
For Saturdays:			7:30 to Noon	Call	Call for Availability
PROXIMITY Location--			Auburn Hills, MI	Troy Plant	Rochester Hills, MI
Miles--			8 Miles	4 1/2 Miles	5.42 Miles
TERMS:			Net 30 Days	Net 30 Days	Net 30 Days
WARRANTY:			Blank	Blank	Blank
EXCEPTIONS:			Blank	Blank	Blank
ACKNOWLEDGEMENT: Y or N			Yes	Yes	Yes
			Option to Renew for one add'l year will be a mutual agreement with both parties.	Note: Bulk tack can be picked up at Ajax Plant #2 Bald Mountain, Auburn Hills	

NO BIDS:
National Asphalt Products, Inc.

** DENOTES LOW BIDDER(S)

ATTEST:
Debra Printer
Emily Frontera
Thomas Rosewarne
Linda Bockstanz

 Susan Leirstein
 Purchasing Director



CITY COUNCIL ACTION REPORT

February 26, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidder – Parking Lot Maintenance

Background

- On January 31, 2007, bids were received to complete the City of Troy Parking Lot Maintenance Program for Fire Station #5 and the Community Center.
- One Hundred Eighty-Seven (187) vendors were notified of the bid opportunity via the MITN system. Twelve bid responses were received.
- Lacaria Construction Inc. of Detroit, MI was the low total bidder. The project is being awarded on a low total basis due to bonding and insurance requirements.

Financial Considerations

- Funds are available in the 2006/07 Public Works Administration Municipal Parking Lots Capital Account # 401464.7974.165.

Legal Considerations

- ITB-COT 06-44 for Parking Lot Maintenance was competitively bid and opened with twelve (12) bidders responding.
- The award is contingent upon the recommended bidder's submission of proper contracts and bid documents, including bonds, insurance certificates and all other specified requirements.

Policy Considerations

- All bidders were given the opportunity to respond with their level of interest in the Parking Lot Maintenance Program for the City of Troy. (Goal II).
- Moving this work forward will improve public safety and reduce liability for the City. (Goal I)

Options

- City management and the Public Works Department recommends awarding parking lot maintenance services for Fire Station #5 and the Community Center to the low total bidder, Lacaria Construction Inc. of Detroit, MI for an estimated total cost of \$153,005.00 and \$21,199.00 respectively, at unit prices contained in the bid tabulation, not to exceed budgetary limitations.

Opening Date -- 1-31-07
 Date Prepared -- 1-31-07

VENDOR NAME:	**Lacaria Construction Inc	Pro-Line Asphalt Paving	Nagle Paving Company
Ck #	424496752	665351101	424487702
Ck Amt	\$2,500.00	\$2,500.00	\$2,500.00

PROPOSAL: TO COMPLETE THE CITY OF TROY PARKING LOT MAINTENANCE PROGRAM IN ACCORDANCE WITH SPECIFICATIONS

TASK (1) FIRE STATION #5 - 6399 John R								
ITEM	DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	Remove 10" Asphalt Pavement	2000 SY	\$5.80	\$11,600.00	\$7.00	\$14,000.00	\$4.35	\$8,700.00
2	4" - 21 AA Aggregate (Limestone)	222 C.Y.	\$31.40	\$6,970.80	\$31.50	\$6,993.00	\$36.00	\$7,992.00
3	Sub-Grade Undercutting	100 C.Y.	\$38.50	\$3,850.00	\$35.00	\$3,500.00	\$48.00	\$4,800.00
4	Butt Joint & Cold Milling	100 L.F.	\$11.00	\$1,100.00	\$9.66	\$966.00	\$12.00	\$1,200.00
5	4" Bituminous Mix No.1100L, 20AA	440 Ton	\$47.98	\$21,111.20	\$54.58	\$24,015.20	\$52.00	\$22,880.00
6	2" Bituminous Mix No. 1100T,20AA	220 Ton	\$61.09	\$13,439.80	\$58.34	\$12,834.80	\$57.50	\$12,650.00
7	6" Edge Drain if Needed	25 LF	\$16.50	\$412.50	\$20.00	\$500.00	\$20.00	\$500.00
8	Concrete Curb and Cutter if needed	25 LF	\$30.00	\$750.00	\$30.00	\$750.00	\$48.00	\$1,200.00
9	Structure Adjustment if needed	3 each	\$300.00	\$900.00	\$200.00	\$600.00	\$150.00	\$450.00
10	Striping (Yellow/White)	750 LF	\$0.15	\$112.50	\$0.50	\$375.00	\$0.28	\$210.00
11	Handicapped Parking Space & Logo	2 each	\$25.00	\$50.00	\$25.00	\$50.00	\$20.00	\$40.00
12	Remove Asphalt Pavement & Replace	1700 SY	\$40.05	\$68,085.00	\$39.83	\$67,711.00	\$42.75	\$72,675.00
13	Remove/Replace Concrete Sidewalk8"	40 sq yd	\$42.75	\$1,710.00	\$44.62	\$1,784.80	\$49.50	\$1,980.00
14	Remove/Replace Concrete Sidewalk4"	14 sq yd	\$3.00	\$42.00	\$42.63	\$596.82	\$35.00	\$490.00
15	Traffic Maintenance Control	Included					\$1,500.00	\$1,500.00
16	Remove Existing Approaches/Replace	418 sq yd	\$46.00	\$19,228.00	\$43.26	\$18,082.68	\$49.50	\$20,691.00
17	Remove/Replace w/8" sidewalk	80 sq yd	\$41.00	\$3,280.00	\$44.62	\$3,569.60	\$49.50	\$3,960.00
18	Remove/Replace w/4" sidewalk	11 sq yd	\$33.00	\$363.00	\$42.63	\$468.93	\$35.00	\$385.00
19	Traffic Maintenance Control	Included						
	Estimated Total Cost - Task (1)			\$153,004.80		\$156,797.83		\$162,303.00

TASK (2) Community Center Parking Lot								
ITEM	DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	Double Seal Coat	31209 SY	\$0.60	\$18,725.40	\$0.54	\$16,852.86	\$0.44	\$13,731.96
2	Striping (Yellow)	10186 LF	\$0.15	\$1,527.90	\$0.27	\$2,750.22	\$0.11	\$1,120.46
3	Handicapped Parking Space (blue)-Car	19 ea	\$25.00	\$475.00	\$25.00	\$475.00	\$16.50	\$313.50
4	Handicapped Parking Space (blue)-Van	9 ea	\$25.00	\$225.00	\$25.00	\$225.00	\$16.50	\$148.50
5	Stop Bars 12" wide (White)	144 LF	\$1.00	\$144.00	\$1.50	\$216.00	\$0.46	\$66.24
6	2 Handicap Cross Walks-C.Hatch 4"	337 LF	\$0.30	\$101.10	\$0.27	\$90.99	\$0.11	\$37.07
	Estimated Total Cost - Task (2)			\$21,198.40		\$20,610.07		\$15,417.73

ESTIMATED GRAND TOTAL:	**	\$174,203.20	\$177,407.90	\$177,720.73
INSURANCE: Can Meet		Yes	Yes	Yes
Cannot Meet				
PROPOSED PAYMENT SCHEDULE:	Y or N	30 Days	30 Day Schedule	Net 30 Days
COMPLETION DATE:	Can Meet:	Yes	Yes	Yes
JUNE 30, 2007				
SITE INSPECTION: Visited Site		Yes	Yes	Yes
Date Visited		1/16/2007	1/22/2007	1/22/2007
Did Not Visited				
TERMS:		Blank	Net 30	Net 30 Days
WARRANTY:		Blank	1 Year	1 Year
EXCEPTIONS:		Blank	Blank	Blank

VENDOR NAME:		**Lacaria Construction Inc	Pro-Line Asphalt Paving	Nagle Paving Company
ACKNOWLEDGEMENT:	Y or N	Yes	Yes	Yes
BIDDER QUESTIONNAIRE	Y or N	Yes	Yes	Yes
TWO FORMS COMPLETED:				
Legal Status	Y or N	Yes	Yes	Yes
Non-Collusion	Y or N	Yes	Yes	Yes
Addendum #1	Y or N	Yes	Yes	Yes
Addendum #2	Y or N	Yes	Yes	Yes
Addendum #3	Y or N	Yes	No	Yes

ATTEST: **** DENOTES LOW TOTAL BIDDER**

Thomas Rosewarne
Debra Painter
Marina Basta-Farouk
Julie Hamilton

Susan Leirstein
 Purchasing Director

Opening Date -- 1-31-07
 Date Prepared -- 1-31-07

VENDOR NAME:	Hartwell Cement Company	T & M Asphalt	Hutch Paving
Ck #	424488534	193480685-1	473363166
Ck Amt	\$2,500.00	\$2,500.00	\$2,500.00

PROPOSAL: TO COMPLETE THE CITY OF TROY PARKING LOT MAINTENANCE PROGRAM IN ACCORDANCE WITH SPECIFICATIONS

TASK (1) FIRE STATION #5 - 6399 John R								
ITEM	DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	Remove 10" Asphalt Pavement	2000 SY	\$5.90	\$11,800.00	\$3.75	\$7,500.00	\$6.00	\$12,000.00
2	4" - 21 AA Aggregate (Limestone)	222 C.Y.	\$25.00	\$5,550.00	\$40.50	\$8,991.00	\$32.00	\$7,104.00
3	Sub-Grade Undercutting	100 C.Y.	\$43.00	\$4,300.00	\$18.50	\$1,850.00	\$35.00	\$3,500.00
4	Butt Joint & Cold Milling	100 L.F.	\$13.45	\$1,345.00	\$7.50	\$750.00	\$5.00	\$500.00
5	4" Bituminous Mix No.1100L, 20AA	440 Ton	\$61.28	\$26,963.20	\$61.24	\$26,945.60	\$61.50	\$27,060.00
6	2" Bituminous Mix No. 1100T,20AA	220 Ton	\$72.00	\$15,840.00	\$62.24	\$13,692.80	\$63.00	\$13,860.00
7	6" Edge Drain if Needed	25 LF	\$7.00	\$175.00	\$25.00	\$625.00	\$20.00	\$500.00
8	Concrete Curb and Cutter if needed	25 LF	\$19.00	\$475.00	\$50.00	\$1,250.00	\$25.00	\$625.00
9	Structure Adjustment if needed	3 each	\$75.00	\$225.00	\$150.00	\$450.00	\$250.00	\$750.00
10	Striping (Yellow/White)	750 LF	\$0.25	\$187.50	\$0.30	\$225.00	\$0.20	\$150.00
11	Handicapped Parking Space & Logo	2 each	\$25.00	\$50.00	\$15.00	\$30.00	\$20.00	\$40.00
12	Remove Asphalt Pavement & Replace	1700 SY	\$39.75	\$67,575.00	\$43.50	\$73,950.00	\$58.50	\$99,450.00
13	Remove/Replace Concrete Sidewalk8"	40 sq yd	\$39.75	\$1,590.00	\$43.50	\$1,740.00	\$72.00	\$2,880.00
14	Remove/Replace Concrete Sidewalk4"	14 sq yd	\$31.50	\$441.00	\$15.00	\$210.00	\$54.00	\$756.00
15	Traffic Maintenance Control	Included						
16	Remove Existing Approaches/Replace	418 sq yd	\$42.25	\$17,660.50	\$49.50	\$20,691.00	Not Bid	Not Bid
17	Remove/Replace w/8" sidewalk	80 sq yd	\$39.75	\$3,180.00	\$43.50	\$3,480.00	Not Bid	Not Bid
18	Remove/Replace w/4" sidewalk	11 sq yd	\$31.50	\$346.50	\$15.00	\$165.00	Not Bid	Not Bid
19	Traffic Maintenance Control	Included						
Estimated Total Cost – Task (1)				\$157,703.70		\$162,545.40		\$169,175.00

TASK (2) Community Center Parking Lot								
ITEM	DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	Incomplete Bid	
							UNIT PRICE	EXTENSION
1	Double Seal Coat	31209 SY	\$0.62	\$19,349.58	\$0.50	\$15,604.50	\$0.50	\$15,604.50
2	Striping (Yellow)	10186 LF	\$0.16	\$1,629.76	\$0.15	\$1,527.90	\$0.18	\$1,833.48
3	Handicapped Parking Space (blue)-Car	19 ea	\$15.00	\$285.00	\$12.00	\$228.00	\$15.00	\$285.00
4	Handicapped Parking Space (blue)-Van	9 ea	\$15.00	\$135.00	\$12.00	\$108.00	\$20.00	\$180.00
5	Stop Bars 12" wide (White)	144 LF	\$0.33	\$47.52	\$0.35	\$50.40	\$1.00	\$144.00
6	2 Handicap Cross Walks-C.Hatch 4"	337 LF	\$0.16	\$53.92	\$0.14	\$47.18	\$0.25	\$84.25
Estimated Total Cost – Task (2)				\$21,500.78		\$17,565.98		\$18,131.23

ESTIMATED GRAND TOTAL:		\$179,204.48		\$180,111.38		\$187,306.23
INSURANCE: Can Meet		Yes		Yes		Yes
INSURANCE: Cannot Meet						
PROPOSED PAYMENT SCHEDULE:	Y or N	Blank		Net 30 days from inv date of compl		Blank
COMPLETION DATE:	Can Meet:	Y or N	Yes	Not Includ in bid		Yes
JUNE 30, 2007						
SITE INSPECTION: Visited Site		Yes		Not Includ in bid		
SITE INSPECTION: Date Visited		1/19; 1/22; 1/23/07				
SITE INSPECTION: Did Not Visited						X
TERMS:		Net 30		30 Days		Net 30
WARRANTY:		1 Year		1 Year		1 Year
EXCEPTIONS:		Chngs made as directed by		Blank		Blank
EXCEPTIONS:		Addendums #1, #2 and #3				

VENDOR NAME:		Hartwell Cement Company	T & M Asphalt	Hutch Paving
ACKNOWLEDGEMENT:	Y or N	Yes	Yes	Yes
BIDDER QUESTIONNAIRE	Y or N	Yes	Yes	Yes
TWO FORMS COMPLETED:				
Legal Status	Y or N	Yes	Yes	Yes
Non-Collusion	Y or N	Yes	Yes	Yes
Addendum #1	Y or N	Yes	Yes	Yes
Addendum #2	Y or N	Yes	No	Yes
Addendum #3	Y or N	Yes	Yes	Yes

VENDOR NAME:	Asphalt Specialist Inc	ABC Paving Company	Hard Rock Concrete
Ck #	473337359	314145998	825683330
Ck Amt	\$2,500.00	\$2,500.00	\$2,500.00

PROPOSAL: TO COMPLETE THE CITY OF TROY PARKING LOT MAINTENANCE PROGRAM IN ACCORDANCE WITH SPECIFICATIONS

TASK (1) FIRE STATION #5 - 6399 John R								
ITEM	DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	Remove 10" Asphalt Pavement	2000 SY	\$6.80	\$13,600.00	\$5.10	\$10,200.00	\$4.50	\$9,000.00
2	4" - 21 AA Aggregate (Limestone)	222 C.Y.	\$43.00	\$9,546.00	\$37.50	\$8,325.00	\$24.00	\$5,328.00
3	Sub-Grade Undercutting	100 C.Y.	\$40.00	\$4,000.00	\$40.00	\$4,000.00	\$33.00	\$3,300.00
4	Butt Joint & Cold Milling	100 L.F.	\$3.00	\$300.00	\$5.00	\$500.00	\$6.00	\$600.00
5	4" Bituminous Mix No. 1100L, 20AA	440 Ton	\$55.00	\$24,200.00	\$58.25	\$25,630.00	\$72.00	\$31,680.00
6	2" Bituminous Mix No. 1100T, 20AA	220 Ton	\$56.00	\$12,320.00	\$62.75	\$13,805.00	\$82.00	\$18,040.00
7	6" Edge Drain if Needed	25 LF	\$12.00	\$300.00	\$18.50	\$462.50	\$25.00	\$625.00
8	Concrete Curb and Cutter if needed	25 LF	\$30.00	\$750.00	\$29.25	\$731.25	\$30.00	\$750.00
9	Structure Adjustment if needed	3 each	\$200.00	\$600.00	\$170.00	\$510.00	\$300.00	\$900.00
10	Striping (Yellow/White)	750 LF	\$0.25	\$187.50	\$0.20	\$150.00	\$0.30	\$225.00
11	Handicapped Parking Space & Logo	2 each	\$20.00	\$40.00	\$25.00	\$50.00	\$250.00	\$500.00
12	Remove Asphalt Pavement & Replace	1700 SY	\$46.00	\$78,200.00	\$44.00	\$74,800.00	\$40.00	\$68,000.00
13	Remove/Replace Concrete Sidewalk 8"	40 sq yd	\$48.00	\$1,920.00	\$49.75	\$1,990.00	\$45.00	\$1,800.00
14	Remove/Replace Concrete Sidewalk 4"	14 sq yd	\$45.00	\$630.00	\$46.25	\$647.50	\$36.00	\$504.00
15	Traffic Maintenance Control	Included						
16	Remove Existing Approaches/Replace	418 sq yd	\$61.00	\$25,498.00	\$62.25	\$26,020.50	\$50.00	\$20,900.00
17	Remove/Replace w/8" sidewalk	80 sq yd	\$49.00	\$3,920.00	\$49.75	\$3,980.00	\$45.00	\$3,600.00
18	Remove/Replace w/4" sidewalk	11 sq yd	\$45.00	\$495.00	\$46.25	\$508.75	\$40.00	\$440.00
19	Traffic Maintenance Control	Included						
Estimated Total Cost – Task (1)				\$176,506.50		\$172,310.50		\$166,192.00

TASK (2) Community Center Parking Lot								
ITEM	DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	Double Seal Coat	31209 SY	\$0.39	\$12,171.51	\$0.55	\$17,164.95	\$0.70	\$21,846.30
2	Striping (Yellow)	10186 LF	\$0.08	\$814.88	\$0.20	\$2,037.20	\$0.30	\$3,055.80
3	Handicapped Parking Space (blue)-Car	19 ea	\$12.08	\$229.52	\$25.00	\$475.00	\$130.00	\$2,470.00
4	Handicapped Parking Space (blue)-Van	9 ea	\$13.23	\$119.07	\$25.00	\$225.00	\$130.00	\$1,170.00
5	Stop Bars 12" wide (White)	144 LF	\$0.40	\$57.60	\$0.20	\$28.80	\$4.30	\$619.20
6	2 Handicap Cross Walks-C.Hatch 4"	337 LF	\$0.15	\$50.55	\$0.20	\$67.40	\$1.30	\$438.10
Estimated Total Cost – Task (2)				\$13,443.13		\$19,998.35		\$29,599.40

ESTIMATED GRAND TOTAL:		\$189,949.63		\$192,308.85		\$195,791.40
INSURANCE:	Can Meet	Yes		Yes		Yes
	Cannot Meet					
PROPOSED PAYMENT SCHEDULE:	Y or N	30 Days		30 days		Blank
COMPLETION DATE:	Can Meet:	Y or N	Yes	Yes		Yes
SITE INSPECTION:	Visited Site	Yes		Yes		
	Date Visited	1/16/2007		1/18/2007		
	Did Not Visited					X
TERMS:		Blank		Net 30		Blank
WARRANTY:		Blank		1 Year		Blank
EXCEPTIONS:		N/A		Blank		Blank

VENDOR NAME:		Asphalt Specialist Inc	ABC Paving Company	Hard Rock Concrete
ACKNOWLEDGEMENT:	Y or N	Yes	Yes	Yes
BIDDER QUESTIONNAIRE	Y or N	Yes	Yes	Yes
TWO FORMS COMPLETED:				
Legal Status	Y or N	Yes	Yes	Yes
Non-Collusion	Y or N	Yes	Yes	Yes
Addendum #1	Y or N	Yes	Yes	Yes
Addendum #2	Y or N	No	Yes	Yes
Addendum #3	Y or N	Yes	Yes	Yes

VENDOR NAME:	Summit Transport, Inc	Cadillac Asphalt LLC	Wayne Paving & Const Co
Ck #	927758889	424475160	314172299
Ck Amt	\$2,500.00	\$2,500.00	\$2,500.00

PROPOSAL: TO COMPLETE THE CITY OF TROY PARKING LOT MAINTENANCE PROGRAM IN ACCORDANCE WITH SPECIFICATIONS

TASK (1) FIRE STATION #5 - 6399 John R								
ITEM	DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	Remove 10" Asphalt Pavement	2000 SY	\$6.25	\$12,500.00	\$4.50	\$9,000.00	\$18.05	\$36,100.00
2	4" - 21 AA Aggregate (Limestone)	222 C.Y.	\$30.00	\$6,660.00	\$28.00	\$6,216.00	\$50.00	\$11,100.00
3	Sub-Grade Undercutting	100 C.Y.	\$32.10	\$3,210.00	\$45.00	\$4,500.00	\$50.00	\$5,000.00
4	Butt Joint & Cold Milling	100 L.F.	\$17.00	\$1,700.00	\$20.00	\$2,000.00	\$5.00	\$500.00
5	4" Bituminous Mix No.1100L, 20AA	440 Ton	\$75.00	\$33,000.00	\$93.00	\$40,920.00	\$70.73	\$31,121.20
6	2" Bituminous Mix No. 1100T,20AA	220 Ton	\$77.00	\$16,940.00	\$125.20	\$27,544.00	\$72.00	\$15,840.00
7	6" Edge Drain if Needed	25 LF	\$20.00	\$500.00	\$10.00	\$250.00	\$20.00	\$500.00
8	Concrete Curb and Cutter if needed	25 LF	\$45.00	\$1,125.00	\$30.00	\$750.00	\$48.00	\$1,200.00
9	Structure Adjustment if needed	3 each	\$400.00	\$1,200.00	\$350.00	\$1,050.00	\$125.00	\$375.00
10	Striping (Yellow/White)	750 LF	\$0.50	\$375.00	\$0.30	\$225.00	\$1.00	\$750.00
11	Handicapped Parking Space & Logo	2 each	\$150.00	\$300.00	\$15.00	\$30.00	\$10.00	\$20.00
12	Remove Asphalt Pavement & Replace	1700 SY	\$38.00	\$64,600.00	\$45.50	\$77,350.00	\$45.00	\$76,500.00
13	Remove/Replace Concrete Sidewalk8"	40 sq yd	\$40.00	\$1,600.00	\$41.50	\$1,660.00	\$40.00	\$1,600.00
14	Remove/Replace Concrete Sidewalk4"	14 sq yd	\$35.00	\$490.00	\$31.50	\$441.00	\$40.00	\$560.00
15	Traffic Maintenance Control	Included					\$2,500.00	\$2,500.00
16	Remove Existing Approaches/Replace	418 sq yd	\$41.00	\$17,138.00	\$46.00	\$19,228.00	\$34.80	\$14,546.40
17	Remove/Replace w/8" sidewalk	80 sq yd	\$42.00	\$3,360.00	\$42.00	\$3,360.00	\$36.00	\$2,880.00
18	Remove/Replace w/4" sidewalk	11 sq yd	\$38.00	\$418.00	\$32.00	\$352.00	\$36.00	\$396.00
19	Traffic Maintenance Control	Included		\$6,000.00				
Estimated Total Cost - Task (1)				\$171,116.00		\$194,876.00		\$201,488.60

TASK (2) Community Center Parking Lot								
ITEM	DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	Double Seal Coat	31209 SY	\$0.65	\$20,285.85	\$0.50	\$15,604.50	\$2.16	\$67,411.44
2	Striping (Yellow)	10186 LF	\$0.35	\$3,565.10	\$0.10	\$1,018.60	\$0.12	\$1,222.32
3	Handicapped Parking Space (blue)-Car	19 ea	\$30.00	\$570.00	\$15.00	\$285.00	\$25.00	\$475.00
4	Handicapped Parking Space (blue)-Van	9 ea	\$100.00	\$900.00	\$15.00	\$135.00	\$25.00	\$225.00
5	Stop Bars 12" wide (White)	144 LF	\$2.25	\$324.00	\$0.42	\$60.48	\$2.00	\$288.00
6	2 Handicap Cross Walks-C.Hatch 4"	337 LF	\$0.65	\$219.05	\$0.10	\$33.70	\$1.50	\$505.50
Estimated Total Cost - Task (2)				\$25,864.00		\$17,137.28		\$70,127.26

ESTIMATED GRAND TOTAL:		\$196,980.00		\$212,013.28		\$271,615.86
INSURANCE:	Can Meet	Yes		Yes		Yes
	Cannot Meet					
PROPOSED PAYMENT SCHEDULE:	Y or N	Upon Award Net 30 Days		Every 2 Weeks		Mobiliz on site 25% 25%; install 25% balance on completion
COMPLETION DATE:	Can Meet:	Yes		Yes		Yes-weather perm
JUNE 30, 2007						
SITE INSPECTION:	Visited Site	Yes		Yes		Yes
	Date Visited	1/23/2007		1/19/2007		1/18/2007
	Did Not Visited					
TERMS:		Net 30		Blank		Blank
WARRANTY:		1 year from completion		1 Year		Blank
EXCEPTIONS:		Restoration Ldscp&Crack Rprs not incld		Blank		None

Opening Date -- 1-31-07
 Date Prepared -- 1-31-07

VENDOR NAME:		Summit Transport, Inc	Cadillac Asphalt LLC	Wayne Paving & Const Co
ACKNOWLEDGEMENT:	Y or N	Yes	Yes	Yes
BIDDER QUESTIONNAIRE	Y or N	Yes	Yes	Yes
TWO FORMS COMPLETED:				
Legal Status	Y or N	Yes	Yes	Yes
Non-Collusion	Y or N	Yes	Yes	Yes
Addendum #1	Y or N	Yes	Yes	Yes
Addendum #2	Y or N	Yes	Yes	Yes
Addendum #3	Y or N	No	Yes	No

G:ITB-COT 06-44 Parking Lot Maintenance



CITY COUNCIL ACTION REPORT

February 21, 2007

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
Susan A. Leirstein, Purchasing Director
Brian Stoutenburg, Library Director

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidder – Museum Roof Replacements

Background

- In June 2002, the City of Troy contracted with Gerald J. Yurk Associates to complete a comprehensive Physical Maintenance and Conservation Plan for the structures and grounds of the Troy Museum. Maintenance and improvements are based on national standards set by the National Park Service Historic Preservation Briefs. This Plan outlines the projects that should be undertaken to ensure safe public access to and the preservation of our historic resources.
- There is a current need for roof replacements on four buildings due to cupping and deteriorated cedar shakes and/or roof leaks. These buildings are the Log Cabin, the Utility Shed, the General Store and the Print Shop.
- 116 vendors were notified of the bid opportunity via the MITN system. Nine bidders responded with three statements of no bid received.

Financial Considerations

- Funds are available in the Museum Capital Account #401804.7975.120 – Roof Replacement.

Legal Considerations

- ITB-COT 06-11 was competitively bid and vendors were given the opportunity to participate in a non-mandatory pre-bid meeting at the site.
- The award is contingent upon the recommended bidder's submission of proper contract and bid documents, including bonds, insurance certificates and all other specified requirements.

Policy Considerations

- Bidding contractor services of this type help minimize cost and increase efficiency of City Government. (Goal #2)
- Maintenance of the historic structures at the Museum is in compliance with City and Michigan preservation standards. (Goal #5)

February 21, 2007

To: Phillip L. Nelson, City Manager
Re: Bid Award – Museum Roof Replacements

Options

- City management and the Library/Museum Department recommend awarding the contract to replace four roofs at the Troy Museum to the low total bidder, Ingram Roofing, Inc. of Rochester Hills, MI, for an estimated total cost of \$37,904.00, at prices contained in the bid tabulation opened February 6, 2007.

VENDOR NAME:	** Ingram Roofing Inc	Envision Builders Inc.	Hicks Construction Company	Dunrite Roofing & Siding Co., Inc.
CHECK #:	462746148	10990986	511354441	641156607
CHECK AMOUNT:	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00

PROPOSAL: ROOF REPLACEMENTS AT THE MUSEUM in accordance with the specifications, pictures, and addendum.

Furnish all labor, materials, and equipment to remove and replace roofing materials for the following buildings:

LOG CABIN COMPLETE FOR THE SUM OF:	\$ 7,295.00	\$ 7,380.00	\$ 6,300.00	\$ 7,900.00
UTILITY SHED COMPLETE FOR THE SUM OF:	\$ 1,892.00	\$ 2,214.00	\$ 2,100.00	\$ 2,400.00
GENERAL STORE COMPLETE FOR THE SUM OF:	\$ 21,564.00	\$ 21,925.00	\$ 27,500.00	\$ 27,350.00
PRINT SHOP COMPLETE FOR THE SUM OF:	\$ 6,825.00	\$ 7,380.00	\$ 6,400.00	\$ 6,800.00
SUB-TOTAL	\$ 37,576.00	\$ 38,899.00	\$ 42,300.00	\$ 44,450.00
Additional Material Costs:	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
5/4" x 6" Roof Sheathing Normalized Linear Footage	4.00 per L.F.	5.75 per L.F.	3.75 per L.F.	3.00 Per L.F.
	82	82	82	82
ESTIMATED GRAND TOTALW/MATERIALS	\$ 37,904.00	\$ 39,370.50	\$ 42,607.50	\$ 44,696.00
INSURANCE: Can Meet Cannot Meet	XX	XX	XX	XX
SITE INSPECTION: Y/N Date	Yes 1/25/2007	Yes 1/25/2007	Yes 1/25/2007	Yes 1/25/2007
COMPLETION DATE: Can Meet Cannot Meet	---SPRING 2007 (MARCH-MAY) Weather Permitting ---			
	XX	XX	XX	XX
PROGRESS PAYMENTS:	Paymt-Material on Delivery Bal.Paid Upon Completion	Net 30 Days	Net 15 per Building less 10% retainer	30 Days Upon Completion
BIDDER QUESTIONNAIRE: Completed Not Completed	XX	XX	XX	XX
TERMS:	Material & Final	Net 30	See Payment Schedule	30 Days
WARRANTY:	5 years	Manufacturers	2 yrs Labor/Materials	5 years
EXCEPTIONS:	Blank	Blank	All or None Award	Blank
ACKNOWLEDGEMENT: Y or N	Yes	Yes	Yes	Yes
ADDENDUM 1: Y or N	No	Yes	Yes	Yes

NO BIDS:
Canton Construction Corp
Fisher Roofing
Bloom Roofing Systems

ATTEST:
Loraine Campbell
Debra Painter
Brian Stoutenburg
Linda Bockstanz

**** DENOTES LOW TOTAL BIDDER**

 Susan Leirstein
 Purchasing Director

VENDOR NAME:	Reasonable Roofing & Remodeling Inc.	EMP International	Butcher & Baecker Construction	Mando Construction Inc.
CHECK #:	083471163-3	728073874	873806957	2610
CHECK AMOUNT:	\$3,000.00	\$3,000.00	\$3,000.00	\$3,000.00

PROPOSAL: ROOF REPLACEMENTS AT THE MUSEUM in accordance with the specifications, pictures, and addendum

Furnish all labor, materials, and equipment to remove and replace roofing materials for the following buildings:

LOG CABIN COMPLETE FOR THE SUM OF:	\$ 8,640.00	\$ 10,545.50	\$ 10,150.00	\$ 8,650.00
UTILITY SHED COMPLETE FOR THE SUM OF:	\$ 3,560.00	\$ 2,109.10	\$ 3,000.00	\$ 2,600.00
GENERAL STORE COMPLETE FOR THE SUM OF:	\$ 28,990.00	\$ 26,363.75	\$ 32,500.00	\$ 35,500.00
PRINT SHOP COMPLETE FOR THE SUM OF:	\$ 9,420.00	\$ 13,709.15	\$ 10,150.00	\$ 10,500.00
SUB-TOTAL	\$ 50,610.00	\$ 52,727.50	\$ 55,800.00	\$ 57,250.00
Additional Material Costs:	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
5/4" x 6" Roof Sheathing	3.95 per L.F.	1.50 per L.F.	5.50 per L.F.	5.00 Per L.F.
Normalized Linear Footage	82	82	82	82
ESTIMATED GRAND TOTAL W/MATERIALS	\$ 50,933.90	\$ 52,850.50	\$ 56,251.00	\$ 57,660.00
INSURANCE: Can Meet Cannot Meet	XX	XX	XX	XX
SITE INSPECTION: Y/N Date	Yes 1/25/2007	Yes 1/25/2007	Yes 1/25/2007	Yes 1/25/2007
COMPLETION DATE:	---SPRING 2007 (MARCH-MAY) Weather Permitting ---			
Can Meet Cannot Meet	XX	XX	XX	XX
PROGRESS PAYMENTS:	Net 30	Blank	Material to be billed at delivery, balance upon Completion	Payment for completion & inspection of each Building
BIDDER QUESTIONNAIRE: Completed Not Completed	XX	XX	XX	XX
TERMS:	Net 30	Blank	Net 30	Net 30
WARRANTY:	2 Years	Blank	5 Years	Mfr & Labor
EXCEPTIONS:	Listed in Bid	Blank	Blank	Blank
ACKNOWLEDGEMENT: Y or N	Yes	Yes	Yes	Yes
ADDENDUM 1: Y or N	Yes	No	Yes	Yes

VENDOR NAME:

Renaissance			
Restorations,			
Inc			
CHECK #:	830005978		
CHECK AMOUNT:	\$3,000.00		

PROPOSAL: ROOF REPLACEMENTS AT THE MUSEUM in accordance with the specifications, pictures, and addendum.

Furnish all labor, materials, and equipment to remove and replace roofing materials for the following buildings:

LOG CABIN
COMPLETE FOR THE SUM OF:

\$ 15,300.00			
--------------	--	--	--

UTILITY SHED
COMPLETE FOR THE SUM OF:

\$ 5,200.00			
-------------	--	--	--

GENERAL STORE
COMPLETE FOR THE SUM OF:

\$ 42,500.00			
--------------	--	--	--

PRINT SHOP
COMPLETE FOR THE SUM OF:

\$ 14,025.00			
--------------	--	--	--

SUB-TOTAL

\$ 77,025.00			
--------------	--	--	--

Additional Material Costs:

5/4" x 6" Roof Sheathing
 Normalized Linear Footage

UNIT PRICE			
5.00 per L.F.			
82			

ESTIMATED GRAND TOTAL W/MATERIALS

\$ 77,435.00			
--------------	--	--	--

INSURANCE: Can Meet
 Cannot Meet

XX			
----	--	--	--

SITE INSPECTION: Y/N
 Date

Yes			
1/25/2007			

COMPLETION DATE:
 Can Meet
 Cannot Meet

---SPRING 2007 (MARCH-MAY) Weather Permitting ---			
XX			

PROGRESS PAYMENTS:

50% at half completion/ Net Completion			
---	--	--	--

BIDDER QUESTIONNAIRE:
 Completed
 Not Completed

XX			
----	--	--	--

TERMS:

50% at half completion Net Completion			
--	--	--	--

WARRANTY:

2 Years			
---------	--	--	--

EXCEPTIONS:

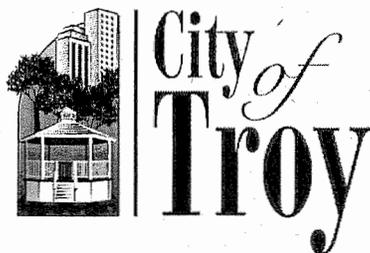
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ACKNOWLEDGEMENT: Y or N

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

ADDENDUM 1: Y or N

No			
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CITY COUNCIL ACTION REPORT

February 26, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Asst. City Manger/Economic Development Services
Steven J. Vandette, City Engineer *SV*

SUBJECT: Agenda Item - Private Agreement for Restaurant Depot
Project No. 06.934.3

Background:

- The Planning Commission granted preliminary site plan approval for the above referenced project on 12/12/2006. The Engineering Department has reviewed the plans for this project and recommends approval. The plans include Asphalt Approach, Concrete Curb & Gutter and Concrete Walkway.

Financial Considerations:

- The owner has provided the necessary escrow deposit and paid the cash fees in accordance with the attached Private Agreement.

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- Consistent with Goal #2 of the City of Troy 2006-2008 Goals & Objectives policy (Retain and Attract Investment While Encouraging Redevelopment).

Options:

- Council can approve or deny the recommendation.

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

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

PROJECT NO. 06.934.03

PROJECT LOCATION:

NW 1/4 Section 35

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and JETRO / RD whose address is 15-24 132nd Street, College Point, NY 11356 and whose telephone number is 718-559-4229 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of Asphalt Approach, Concrete Curb & Gutter and Concrete Walkway in accordance with plans prepared by Atwell-Hicks whose address is 50182 Schoenherr Road, Shelby Twp., MI 48315 and whose telephone number is 586-786-9800, and approved BY THE City of Troy Engineering Department.

SECOND: That the Owners agree to contribute the approximate contract price of \$27,654.00. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

Cash	<input type="checkbox"/>
Certificate of Deposit	<input type="checkbox"/>
Irrevocable Bank Letter of Credit	<input type="checkbox"/>
Check	<input checked="" type="checkbox"/>
Performance Bond & 10% Cash	<input type="checkbox"/>

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City after final inspection and approval by the City of Troy Engineering Department. In addition, the owners agree to contribute the following cash fees:

* Plan Review and Construction Inspection Fee (Public Improvements)	\$	2,240.00
Engineering Review Fee (Private Improvements)	\$	2,156.00
Water Main Testing Fee	\$	0.00
Street Cleaning/Road Maintenance (Refundable)	\$	2,500.00
TOTAL:	\$	\$6,896.00

* 8.10% (.081) of approximate contract price

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

PROJECT NO. 06.934.03

PROJECT LOCATION:

NW 1/4 Section 35

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

THIRD: Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$ 32,050.00 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, including, but not limited to, field changes or specification changes as required by the City, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and the City will disburse such additional amounts in accordance with Paragraph SECOND hereof.

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

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 06.934.03

PROJECT LOCATION:

NW 1/4 Section 35

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

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

OWNERS

CITY OF TROY

By:

By:



RICHARD KIRSCHNER, Vice President
Please Print or Type

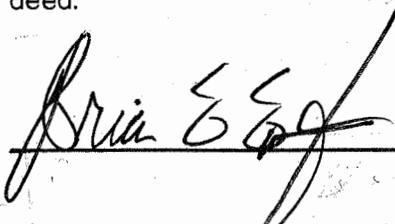
Louise E. Schilling, Mayor

Please Print or Type

Tonni Bartholomew, City Clerk

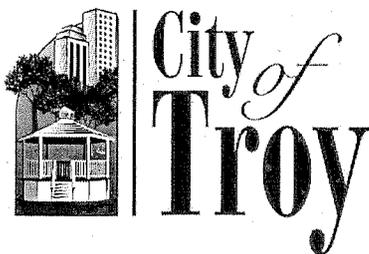
~~STATE OF MICHIGAN, COUNTY OF OAKLAND~~
NEW YORK County OF NASSAU

On this 20th day of FEBRUARY, A.D. 2007, before me personally appeared RICHARD KIRSCHNER known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.



NOTARY PUBLIC, ~~Oakland County, Michigan~~ NASSAU New York

My commission expires: 12-6-08



CITY COUNCIL ACTION REPORT

February 19, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian Murphy, Assistant City Manager/Economic Development Services
Steve Vandette, City Engineer *SV*

SUBJECT: Allocation of 2007 Tri-Party Program Funds and Cost Participation Agreement
Livernois, Maple to Big Beaver – Project No. 07.101.5

Background:

- Tri-Party Program funds can only be used to improve County roads within the City of Troy.
- Livernois, Maple to Big Beaver is in extremely poor condition and generates numerous complaints to the city, even though it is a County road.
- The city proposes to reconstruct this section of Livernois using a method called “Crack & Seal” with a three (3) inch asphalt overlay during the summer of 2007.
- A future Clawson project on Livernois (Main St.) from Lincoln (in Clawson) to Maple Road (in Troy) has been approved for federal funding and Clawson is moving ahead to advance construct the project in the spring of 2008.

Financial Considerations:

- The City of Troy allotment for the 2007 Tri-Party Program is \$544,993 with one-third (1/3) or \$181,665 of the allotment being the City’s share.
- The Board of Road Commissioners for the County of Oakland (Board) and the Oakland County Board of Commissioners (County) accounts for the remaining two-thirds (2/3) or \$363,328.
- Additional Tri-Party Program funds for FY 2008 are also to be used in the amount of \$188,707 to be divided one-third (1/3) by the City or \$62,901 with the remaining two-thirds (2/3) or \$125,806 to be split by the Board and County.
- The Board has offered to donate the construction engineering services to the project at no cost to the city at an estimated cost of \$100,500.
- Funds for the City of Troy’s share of the project are included in the 2006-07 and proposed 2007-08 Major Road fund, account number 401479.7989.071015.

Legal Considerations:

- The format and content of the agreement is consistent with previously approved Cost Participation Agreements between the city and Board as approved by the Legal Department and City Council.

Policy Considerations:

- Rehabilitation of Livernois Road will provide a safer, more aesthetically pleasing section of road (Goal I).
- The use of Tri-Party Program Funds reduces the cost to each agency for the project (Goal II).
- Good roads are a vital part of maintaining and attracting businesses and residents to the city (Goal III & V).

Options:

- The Council can approve the suggested resolution.
- The Council can amend the suggested resolution.
- The Council can postpone action pending additional information.
- The Council can reject the suggested resolution and direct staff to solicit proposals for these services.



QUALITY LIFE THROUGH GOOD ROADS:
ROAD COMMISSION FOR OAKLAND COUNTY
"WE CARE"

Board of Road Commissioners

Rudy D. Lozano
Chairman

Larry P. Crake
Vice-Chairman

Richard G. Skarritt
Commissioner

Brent O. Bair
Managing Director

Dennis G. Kolar
Deputy Managing Director
County Highway Engineer

Engineering Department

31001 Lahser Road
Beverly Hills, MI
48025

248-645-2000

FAX
248-645-0618

TDD
248-645-9923

www.rcocweb.org

February 21, 2007

Mr. William J. Huotari, P.E.
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084-5285

RE: Livernois Road Resurfacing
Local Cost Participation Agreement
RCOC Project No. 49021

Dear Mr. Huotari:

Enclosed for your review and approval are two original sets of the local cost participation agreement for the above referenced project with the language revisions per your request.

Please arrange for signatures but do not date all original sets and forward signed agreements to me. Our Board will return a fully executed original to you after action.

Please call me at 248 645-2000, extension 2213, if you should have any questions.

Respectfully,

Sina Escoe

Sina Escoe, Engineering Aide
Programming Division
sescoc@rcoc.org

Enclosures (2)

RECEIVED
FEB 22 2007
ENGINEERING

COST PARTICIPATION AGREEMENT

LIVERNOIS ROAD
Maple Road to Big Beaver Road

City of Troy

BOARD Project Number 49021

This Agreement, made and entered into this _____ day of _____, 2007, by and between the Board of Road Commissioners for the County of Oakland, Michigan, hereinafter referred to as the BOARD, and the City of Troy, hereinafter referred to as the COMMUNITY, provides as follows:

WHEREAS, the BOARD and the COMMUNITY have programmed the resurfacing of Livernois Road from Maple Road to Big Beaver Road, described in Exhibit "A", attached hereto and made a part hereof, which improvements involve roads under the jurisdiction of the BOARD and within the COMMUNITY, which improvements are hereinafter referred to as the PROJECT; and

WHEREAS, the estimated total cost of the PROJECT is \$833,750; and

WHEREAS, portions of said PROJECT costs involve certain designated and approved funding in accordance with the Tri-Party Program in the amount of \$733,700, which amount shall be paid through equal contributions by the BOARD, the COMMUNITY, and the Oakland County Board of Commissioners, hereinafter referred to as the COUNTY; and

WHEREAS, the BOARD and the COMMUNITY have reached a mutual understanding regarding the cost sharing of the PROJECT and wish to commit that understanding to writing in this Agreement.

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

1. The COMMUNITY shall forthwith undertake and complete the PROJECT, as above described, under Road Commission for Oakland County permit; and shall perform or cause to be performed all preliminary engineering services and administration in reference thereto. The BOARD shall perform the inspection for the PROJECT.

2. The actual total cost of the PROJECT may include total payments to the contractor, preliminary engineering costs, construction and permanent traffic controls, permit fee(s), and right of way acquisition costs, if applicable. In accordance with the guidelines of the Tri-Party Program, the maximum reimbursable amount to be charged for the cost of preliminary engineering services shall not exceed 10% of the total payments to the contractor.
3. The COMMUNITY shall comply with the provisions as setforth in Exhibit B attached hereto.
4. The estimated total PROJECT cost of \$833,750 shall be funded as detailed below:
 - a. The estimated total amount from the Tri-Party Program is \$733,700. Of this amount, \$188,707 is proposed from the 2008 Tri-Party Program.
 - b. The BOARD shall donate the construction engineering services to the PROJECT at no expense to the COMMUNITY, estimated to cost \$100,050.
 - c. The BOARD shall administer the payments toward the PROJECT cost for the COUNTY'S Tri-Party contribution, along with the BOARD'S Tri-Party contribution in an amount equal thereto.
 - d. The COMMUNITY shall invoice the BOARD for any cost overages associated with the PROJECT in excess of the amount programmed herein based on the actual Tri-Party Program allocation to the COMMUNITY in the 2007 and the 2008 Tri-Party Program. These overages, if any, shall be eligible for reimbursement using 2008 Tri-Party Program funds when available up to the amount of the COMMUNITY'S actual 2008 Tri-Party Program allocation. The COMMUNITY agrees that any cost overages exceeding the actual 2008 Tri-Party Program allocation will be funded 100% by the COMMUNITY.
5. Upon execution of this Agreement, the COMMUNITY shall submit an invoice to the BOARD for \$244,567 as initial payment to the PROJECT, described as follows:

50% of the BOARD'S total Tri-Party contribution to the PROJECT	\$122,283.50
50% of the COUNTY'S total Tri-Party contribution to the PROJECT	122,283.50
Total Initial Payment	\$244,567.00

6. The COMMUNITY shall determine the final total PROJECT cost and submit to the BOARD for reimbursement following the implementation of the 2008 Tri-Party Program along with following required documents:
 - a. A cover letter originated by the COMMUNITY certifying that the PROJECT is now complete.
 - b. A copy of the FINAL payment estimate paid to the contractor.
 - c. A summary of the total preliminary engineering costs charged to the PROJECT.
 - d. An invoice reflecting the total remaining balance due for the BOARD'S share and the COUNTY'S share of the final PROJECT costs.
 - e. One copy of the complete set of the as-built construction plans containing the adjusted quantities of the PROJECT.

7. The BOARD shall submit payment in the full amount thereof of said invoice(s) within thirty 30 days of such receipt.

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

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

By _____

Its _____

CITY OF TROY

By _____

Its _____

By _____

Its _____

EXHIBIT A

TRI-PARTY PROGRAM

2007

County Supported Road Improvements

In The

City of Troy

<u>Project No.</u>	<u>Location</u>	<u>Type of Work</u>
49021	Livernois Road Maple Rd. to Big Beaver Rd	Crack & seating of the existing 5-lane concrete pavement and resurfacing With 3"HMA overlay

TOTAL ESTIMATED PROJECT COST

Preliminary Engineering (10% of contractor payments)	\$ 66,700
Contractor Payments	667,000
Construction Engineering (15% of contractor payments)	100,050
Total Estimated Project Cost	\$833,750

COST PARTICIPATION BREAKDOWN

	COMMUNITY	BOARD	COUNTY	TOTAL
2007 Tri-Party Program	\$181,665	181,664	181,664	\$544,993
Partial 2008 Tri-Party Program	62,901	62,903	62,903	188,707
Construction Engineering (Donated by the BOARD)	0	100,050	0	100,050
TOTAL SHARE(S)	\$244,566	\$344,617	\$244,567	\$833,750

**Exhibit B
PROVISIONS**

Bidding: The COMMUNITY shall select the contractor for its share of the work, on a competitive basis by advertising for sealed bids in accordance with its established practices.

Bonds – Insurance: The COMMUNITY shall require the contractor provide payment and performance bonds for the PROJECT; said bonds to be in compliance with the provisions of 1963 PA 213 as amended, compiled at MCL 129.201, et seq.

Further the COMMUNITY shall require the contractor to provide insurance naming the BOARD and the Road Commission for Oakland County as additional named insureds. Coverages shall be substantial

Records: The parties shall keep records of their expenses regarding the PROJECT in accordance with generally accepted accounting procedures, and shall make said records available to the other during business hours upon request giving reasonable notice. Such records shall be kept for three (3) years from final payment.

Final costs shall be allocated after audit of the records and adjustments in payments shall be invoiced and paid within thirty (30) days thereafter.

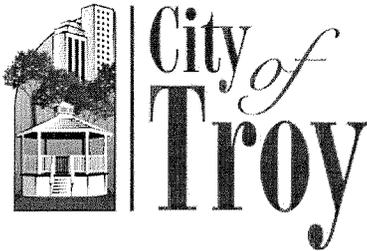
EEO: The COMMUNITY shall require its contractor to specifically agree that it will comply with any and all applicable State, Federal, and Local statutes ordinances, and regulations, and with RCOC regulations during performance of the SERVICES and will require compliance of all subcontractors and subconsultants.

In accordance with Michigan 1976 PA 453, the COMMUNITY hereto agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions or privileges of employment, because of race, color, religion, national origin, age, sex, height, weight or marital status. Further, in accordance with Michigan 1976 PA No. 220, as amended, the parties hereby agree not to discriminate against an 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 a disability that is unrelated to the individual's ability to perform the duties of a particular job or position.

The COMMUNITY further agrees that it will require all subconsultants and subcontractors for this PROJECT comply with this provision.

Governmental Function, Scope: It is declared that the work performed under this AGREEMENT is a governmental function. It is the intention of the parties hereto that this AGREEMENT shall not be construed to waive the defense of governmental immunity held by the RCOC, and the COMMUNITY.

Third Parties: **This AGREEMENT is not for the benefit of any third party.**



CITY COUNCIL ACTION REPORT

February 26, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Asst. City Manager/Economic Development Services
Steven J. Vandette, City Engineer
John K. Abraham, Deputy City Engineer/Traffic Engineer

SUBJECT: Traffic Committee Recommendations
February 21, 2007

Background:

The Traffic Committee considered these items at the February 21, 2007 meeting and made the following recommendations (minutes attached):

- Recommend no changes (not installing a traffic signal) on Rochester Road at the Woodside Bible Church driveway.
- Recommend installing all-way STOP signs on Lancer and Jack, including the Schroeder school driveway.
- Recommend establishing fire lanes/tow away zones as recommended by the Fire Department and shown in the attached minutes at 3900 Northfield Parkway, 30 East Big Beaver, 3615 Livernois, 1639 East Big Beaver, and 30 East Long Lake.

Financial Considerations:

- The request is to install a signal to operate on Sundays only mainly to benefit the church. Cost of installation would have to be borne by the major beneficiary; i.e., the church.
- Installation cost of signs is around \$300 total.

Legal Considerations:

- A traffic signal is not warranted as per the Michigan Manual of Uniform Traffic Control Devices. The City has approved other signals in the past for the sole benefit of a major traffic generator.
- The STOP signs conform to the Michigan Manual for Uniform Traffic Control Devices.
- Fire lanes enhance building/occupant safety and better emergency response.

Policy Considerations:

- Goal I – Enhance livability and safety of the community,
- Goal V and maintain relevance of public infrastructure to meet changing public needs.

Options:

- Council can approve or deny the recommendations.

A regular meeting of the Troy Traffic Committee was held Wednesday, February 21, 2007 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: Sara Binkowski
Ted Halsey
Jan Hubbell
Gordon Schepke
Pete Ziegenfelder
Ted Hwang, Student Rep.
Prithvi Murthy, Student Rep.

ABSENT: John Diefenbaker
Richard Kilmer

Also present: Renee Freeman, 3848 Estates
Tom Lancaster, 2638 Winter
Greg Jankowski, 6776 Montclair
Michelle Jankowski, 6776 Montclair
Hector Bultynck, 1535 Muer
Eileen Carty, 990 DeEtta
Dennis Roys, 990 DeEtta
Robert Outland, 38 Timberview
and John Abraham, Traffic Engineer
Lt. Scott McWilliams, Troy Police Dept.
Lt. Robert Matlick, Troy Fire Dept

Resolution to Excuse Absent Members

RESOLUTION #2007-02-18

Moved by Halsey
Seconded by Hubbell

To excuse Diefenbaker and Kilmer.

YES: All-5
NO: None
ABSENT: 2 (Diefenbaker, Kilmer)
MOTION CARRIED

2. Minutes – January 17, 2007**RESOLUTION #2007-02-19**

Moved by Binkowski

Seconded by Schepke

To approve the January 17, 2007 minutes as printed.

YES: All-5

NO: None

ABSENT: 2 (Diefenbaker, Kilmer)

MOTION CARRIED

PUBLIC HEARINGS

Mr. Ziegenfelder recommended that the following requests for sidewalk waivers be denied because:

1. A recent survey by the National Association of Realtors, and the National Association of Home Builders found that the third most important item that people are looking for in a community is sidewalks on both sides of the street.
2. The Troy Futures Committee found that one of the items to improve mobility in Troy was sidewalks on both sides of the street.
3. At some point in time, sidewalks that lead nowhere and connect to nothing will start connecting to other sidewalks and leading somewhere.
4. The Traffic Committee can grant a temporary waiver that is good for two years and at the end of those two years, a sidewalk may still be required to be installed.
5. The City of Troy Public Works Department recommends the denial of the waiver.
6. The petitioner signed an Agreement for Irrevocable Petition for Sidewalks.

3. Request for Sidewalk Waiver – 1535 Muer

Hector and Lisa Bultynck request a waiver for the sidewalk at 1535 Muer. The sidewalk ordinance requires that sidewalk be installed in conjunction with the construction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioners state that the neighborhood is already developed with no sidewalks existing, and a sidewalk would lead nowhere and connect to nothing.

Mr. Bultynck addressed the committee and said he thought it would look ridiculous to have only one house with sidewalk when no other properties on Muer have sidewalks.

RESOLUTION #2007-02-20

Moved by Halsey

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, Hector and Lisa Bultynck 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 1535 Muer, which is owned by Hector and Lisa Bultynck.

YES: All-5

NO: None

ABSENT: 2 (Diefenbaker, Kilmer)

MOTION CARRIED

4. Request for Sidewalk Waiver – 6776 Montclair

Michelle Jankowski requests a waiver for the sidewalk at 6776 Montclair. The sidewalk ordinance requires that sidewalk be installed in conjunction with the development of this parcel due to a recent lot split, combined and replatted. 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.

Martin and Rhonda Lindell, 6710 Montclair, wrote to the Traffic Engineer supporting the waiver (letter attached). They feel that placing the short segment of sidewalk on a long street with no other sidewalks is ridiculous.

Marcella Shelby, 6855 Montclair, also wrote to say that she also supports the waiver, as she doesn't want a sidewalk in front of 6776 Montclair (copy attached).

The Traffic Engineer also received an email (attached) from Jan Roberts, 6781 Montclair, across the street from the property in question. She and her husband do not want a sidewalk on Montclair.

Greg Jankowski told the committee that there are no other sidewalks on Montclair.

RESOLUTION #2007-02-21

Moved by Hubbell

Seconded by Schepke

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, Michelle Jankowski 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 6776 Montclair, which is owned by Michelle Jankowski.

YES: All-5

NO: None

ABSENT: 2 (Diefenbaker, Kilmer)

MOTION CARRIED

REGULAR BUSINESS

5. Install Traffic Signal at Woodside Bible Church and Rochester Road

Tom Lancaster, representing Woodside Bible Church, requests installation of a traffic signal on Rochester Road at the church driveway. There are several services each Sunday, and members of the large congregation have difficulty entering and exiting the driveway because of the heavy traffic on Rochester Road and the high number of parishioners at each service.

This becomes of greater concern during times when they have back-to-back services on Sunday, when one group of parishioners is trying to leave the parking lot and another group is trying to get in. Mr. Lancaster requested consideration to installing a traffic signal at the main drive that would be operational on Sundays to take care of the Sunday traffic situation. The church is aware that the traffic signal installation may cost approximately \$120,000, and they indicated that their congregation may be able to bear this expense, considering its benefits.

The proposed location (main drive) is approximately mid-mile on Rochester Road between Square Lake and South Boulevard, aligned directly opposite DeEtta, a City road.

A consultant for the church performed a traffic study when it was being planned, and determined that with the projected traffic, a traffic signal will not be warranted as per the Michigan Manual of Uniform Traffic Control Devices.

Traffic volume studies from June 2006 show the following:

	South Drive Vehicles per Day			North Drive Total (In and Out)	Total Church Traffic
	West	East	Total		
Saturday	209	198	407	271	678
Sunday	1737	1289	3026	1940	4966

Peak Hours

Sunday 11 a.m. to 12 p.m. = 517 vehicles exited
(one hour) 219 vehicles entered

12 noon to 1 p.m. = 546 vehicles exited

Observations also indicate that between 10:30 a.m. and 1 p.m., there were long lines stacked in the left turn lane of Rochester Road and in the parking lot on several occasions. Many motorists made risky maneuvers trying to get in and get out of the church during this peak period. Attached is a copy of a memo from the Traffic Engineer to City Council addressing some traffic concerns on Rochester Road between Square Lake and South Boulevard.

Tom Lancaster, Administrative Pastor, represented the church at the meeting. He thinks the biggest problem is with cars exiting the south driveway and trying to turn left to go south on Rochester. Signage at the north driveway indicates that only right turns are allowed, but drivers don't always comply. He pointed out that the signal would only be cycling for around three hours a week, on Sunday mornings. He indicated the peak time for church traffic is between 10:00-11:30 a.m. He is concerned that there could be a serious crash, and therefore is prepared to ask the congregation to pay for the light.

Eileen Carty, 990 DeEtta, is opposed to the signal. DeEtta is directly opposite the south church driveway. She has no problem turning onto Rochester Road, and feels that a signal would be an inconvenience to her. She is also concerned that the church may eventually want the signal cycling at other times during the week, when there are other services and activities at the church.

Bob Outland, 38 Timberview, sees the worst traffic around 9:30 a.m., with parishioners leaving after the early service and entering for the 10:00 service at the same time. He thinks prohibiting SB traffic from turning left into the south drive would improve the flow. The constant turning in and out also slows Rochester Road traffic. He also noted that there are many vehicles that turn right and find a suitable driveway to make a U-turn to head south, increasing traffic. He also indicated that the traffic light would only help DeEtta residents in making left turns.

Lt. McWilliams was in the area the previous Sunday and agrees with Mr. Lancaster that driving there was like playing Russian roulette. He also saw drivers turning south out of the north entrance, which is prohibited. He suggests spreading out the times of the services to allow people to leave after one service before others start arriving for the next one. He also suggests that church members wearing safety vests try to direct traffic to the proper exits when leaving the parking lots.

Mr. Schepke wants the church to try everything else less invasive to resolve the issue before considering a traffic signal. He would also like to see the service times staggered more.

Mr. Halsey thought making one driveway in only and one driveway out only might help, as well as spreading out the service times.

Ms. Binkowski suggested that the north drive could handle all southbound traffic entering the property, and all northbound traffic leaving. This would leave the south driveway for traffic entering from the south, and exiting to the south. She agreed that the church should try out other options before going to the traffic signal option.

RESOLUTION #2007-02-22

Moved by Binkowski

Seconded by Halsey

Recommend no changes.

YES: All-5
NO: None
ABSENT: 2 (Diefenbaker, Kilmer)
MOTION CARRIED

6. Install STOP sign on Lancer at Jack – Schroeder Elementary

Renee Freeman, 3848 Estates, requests a STOP sign on Lancer at Jack, by Schroeder Elementary School. Lancer runs east and west and ends at a "T" intersection with Jack, in front of the school. There is a YIELD sign at present. Ms. Freeman feels that the intersection is dangerous for children walking to school because traffic is not required to stop. Currently, there is a 3-way STOP at the other end of Jack where it intersects with Kristen, and Ms. Freeman would like another STOP sign on Lancer at Jack so that kids walking to school can cross safely and get to the south side of the intersection and cross Jack at the designated crosswalk (as shown in the attached diagram). Ms. Freeman also indicated that this is the designated route to school and requested that a sidewalk connection be provided within school property for kids to walk up to the building. This would be something for the school district to consider since all walking children now have to walk over an area on school property that is not paved or cleared of snow during winter (shown in attachment).

Ms. Freeman brought a letter to the meeting from her neighbors, Barbara and John Kirwan, supporting her request for a STOP sign to enhance student safety. Lt. McWilliams recommends that the STOP sign on Lancer at Jack be approved.

The committee also noted that kids have only a tiny walkway shoveled into the snowdrifts when walking from the street to the school property. Then, they have to walk across a parking lot to get to the building. The low concrete parking blocks in the parking area have been moved out of place and need to be realigned to provide some semblance of a walkway for the kids.

The committee feels the STOP sign request is justified, and furthermore, they want STOP signs on northbound and southbound Jack at Lancer

Ms. Freeman also pointed out that parents drive out of the school driveway, straight across to Lancer, without stopping. The committee felt this should be remedied by a STOP sign at the exit of the school driveway, therefore, ALL-WAY STOP signs are recommended at the intersection of Jack, Lancer and the school driveway.

RESOLUTION #2007-02-23

Moved by Halsey
Seconded by Schepke

Recommend installation of all-way STOP signs on Lancer at Jack, including the school driveway.

YES: All-5
NO: None
ABSENT: 2 (Diefenbaker, Kilmer)
MOTION CARRIED

7. Establish Fire lanes at 3900 Northfield Parkway

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION #2007-02-24

Moved by Halsey
Seconded by Hubbell

Recommend that the fire lanes/tow away zones shown in the attached sketch be established at 3900 Northfield Parkway.

YES: All-5
NO: None
ABSENT: 2 (Diefenbaker, Kilmer)
MOTION CARRIED

8. Establish Fire lanes at 30 East Big Beaver Road

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION #2007-02-25

Moved by Hubbell
Seconded by Halsey

Recommend that the fire lanes/tow away zones shown in the attached sketch be established at 30 East Big Beaver Road.

YES: All-5
NO: None
ABSENT: 2 (Diefenbaker, Kilmer)
MOTION CARRIED

9. Establish Fire Lanes at 3615 Livernois Road

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the

attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION #2007-02-26

Moved by Hubbell

Seconded by Schepke

Recommend that the fire lanes/tow away zones shown in the attached sketch be established at 3615 Livernois Road.

YES: All-5

NO: None

ABSENT: 2 (Diefenbaker, Kilmer)

MOTION CARRIED

10. Establish Fire Lanes at 1639 East Big Beaver Road

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION #2007-02-27

Moved by Halsey

Seconded by Hubbell

Recommend that the fire lanes/tow away zones shown in the attached sketch be established at 1639 East Big Beaver Road.

YES: All-5

NO: None

ABSENT: 2 (Diefenbaker, Kilmer)

MOTION CARRIED

11. Establish Fire Lanes at 30 East Long Lake Road

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION #2007-02-28

Moved by Hubbell

Seconded by Binkowski

Recommend that the fire lanes/tow away zones shown in the attached sketch be established at 30 East Long Lake Road.

YES: All-5
NO: None
ABSENT: 2 (Diefenbaker, Kilmer)
MOTION CARRIED

12. Visitors' Time

No one else wished to address the committee.

13. Other Business

Mr. Halsey inquired about lengthening the right turn lane on eastbound Wattles at Rochester Road to help alleviate rush-hour backups. The Traffic Engineer explained that we looked into this a few years ago and found that there is not enough pavement width to legally mark it as two lanes.

19. Adjourn

The meeting adjourned at 8:52 p.m.

Pete Ziegenfelder, Chairman

Laurel Nottage, Recording Secretary



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John K Abraham

From: Steven J Vandette
Sent: Monday, February 12, 2007 9:19 AM
To: John K Abraham
Subject: FW: Please forward to John Abrham

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

From: Janroberts2001@aol.com [mailto:Janroberts2001@aol.com]
Sent: Friday, February 09, 2007 12:40 PM
To: Steven J Vandette
Subject: Please forward to John Abrham

Hi John,

I just received you letter pertaining to installing sidewalks at 6776 Montclair in Troy. Our home is across the street (6781 Montclair). We cannot attend the meeting on February 21st because we're spending the winter in Florida. Both are not interested in the sidewalk across the street (Count our vote as NO)

Sincerely,
Jan Roberts

Martin and Rhonda Lindell
6710 Montclair
Troy, Michigan 48085-1625
(248) 879-7844

February 8, 2007

Mr. John Abraham
Traffic Engineer, City of Troy
500 West Big Beaver
Troy, Michigan 48084
Re: waiver of sidewalk at 6776 Montclair

Dear Sir,

We support the waiver of a sidewalk requirement at 6776 Montclair.

There are no sidewalks at this time on Montclair. Placing approximately one hundred twenty feet of sidewalk on one side of a street about two-thirds of a mile long that has no other sidewalks is ridiculous. No one would use that small segment of sidewalk.

Both of us are in support of waiving the sidewalk requirement.

Sincerely,



Martin and Rhonda Lindell

cc: 6776 Montclair

RECEIVED

FEB 9 2007

ENGINEERING



To whom this may concern!

My name is Marcella Shelby
I live at 6855 Montclair for
40 years. I am against sidewalks
in front of 6776 Montclair
I am unable to attend meeting
due to health reasons!

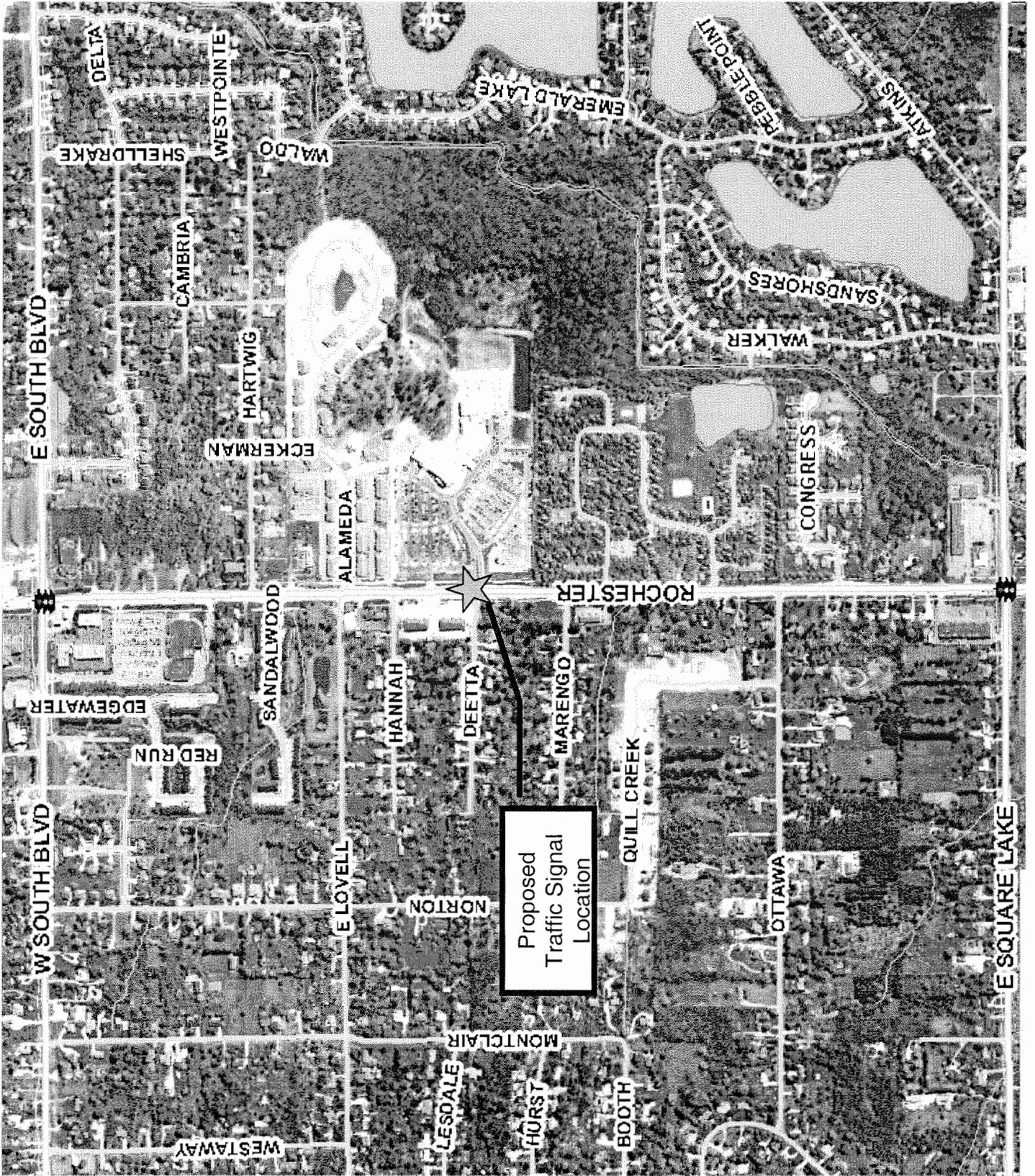
Thank you
Marcella Shelby

RECEIVED

FEB 13 2007

ENGINEERING

S Marcella L. Shelby
6855 Montclair Dr.
Troy, MI 48085



June 12, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Steve Vandette, City Engineering
John K. Abraham, Traffic Engineer

SUBJECT: Agenda Item: Report on Traffic Signal Study for Rochester Road between Square Lake and South Boulevard

Introduction:

As requested at a May City Council meeting, a traffic study was performed to evaluate the need and proper location of a traffic signal along Rochester Road between Square Lake and South Boulevard. The following studies were performed as a part of this effort.

- a. Traffic volume study – Traffic volumes on all streets intersecting Rochester, and on Rochester Road.
- b. Traffic crash study – Traffic crashes for the past three years were analyzed.
- c. Field observations at peak hours.

The above studies indicate that although there are some areas of Rochester Road that experience some left-turn-related concerns (mostly due to improper use of the center left turn lane), a traffic signal is not warranted at any location, and that a traffic signal may not correct existing concerns due to the locations of driveways and local streets. Observations indicate backups to half a mile for northbound traffic between 4:40 and 5:30 pm; however, a traffic signal will not resolve this; but rather may exacerbate it. National studies also show that traffic signals installed at locations that do not meet warrants increase the number of traffic crashes, and in general traffic signals increase traffic congestion.

The following sections describe the details of the studies performed:

A traffic signal location study was performed to find locations on Rochester Road between Square Lake and South Boulevard that may be conducive to installation of a traffic signal. The intersection of Rochester Road with the Woodside Church main drive on the east and DeEtta, a City street, on the west, provides a location that is mid-mile in this section, and also provides a “square” intersection that has no offset driveways/roadways. The second location is the intersection of Alameda (private street from Northwyck Condominiums) and Lovell Street with Rochester Road. The other locations such as Sandalwood Drive, Marengo and others along Rochester Road present a left turn conflict situation that makes traffic signal installation a challenge and not effective.

Traffic volume studies:

Traffic counts were performed for a majority of streets in this section of Rochester Road. While traffic counts were performed on weekdays for all other streets and driveways, the Woodside Bible Church driveways' traffic counts were performed over the weekend. The following table shows the 24-hour traffic volumes:

<u>Road/Driveway</u>	<u>24-hour Traffic Volume (vehicles per day)</u>
Rochester Road (Square Lake to South Blvd.)	43,400
Sandalwood	302
Lovell	788
Alameda (private)	1266
Hannah	239
DeEtta	227
Ottawa	392
Marengo	392
Woodside Church main drive	3224 (Sunday)
Woodside Church north drive	1940 (Sunday)

The highest count observed was at the Woodside Bible Church main drive on a Sunday. The peak traffic times for the church are between 10:00-10:30 a.m., 11:00 to 11:30 a.m., and 12:45 to 1:15 p.m. on Sundays. Such heavy activity at the church happens on Sundays when traffic on Rochester Road is light. Field observations show that during these peak hours it is difficult to make left turns from northbound Rochester onto local streets such as DeEtta, Hannah and Lovell, due to vehicles standing in the center left-turn lane trying to enter the church driveway or other illegal uses of the left turn lane.

All other traffic counts range between 302 and 1266 vehicles per day. As such, these are in the lower end of the range of traffic volumes on Troy residential streets where volumes range between 300-5000 vehicles per day. These traffic volumes are lower than the thresholds prescribed by the Michigan Manual of Uniform Traffic Control Devices (MMUTCD) traffic signal warrants.

Traffic Crash Analysis:

Traffic crashes for 2003, 2004, and 2005 were analyzed and the following table summarizes the data:

Location	2003	2004	2005	3-year Total
Rochester & Sandalwood/Hartwig	5 (1)	5 (2)	1 (0)	11
Rochester & Alameda/Lovell	6 (1)	4 (1)	1 (0)	11
Rochester & Hannah	1 (0)	1 (0)	0 (0)	2
Rochester & DeEtta/Woodside	6 (1)	1 (0)	0 (0)	7
Rochester & Marengo	4 (0)	0 (0)	4 (1)	8
Rochester & Ottawa	4 (0)	3 (1)	5 (1)	12
Yearly Total	26	14	11	

(x) = Number of crashes that could be prevented by a traffic signal at the location.

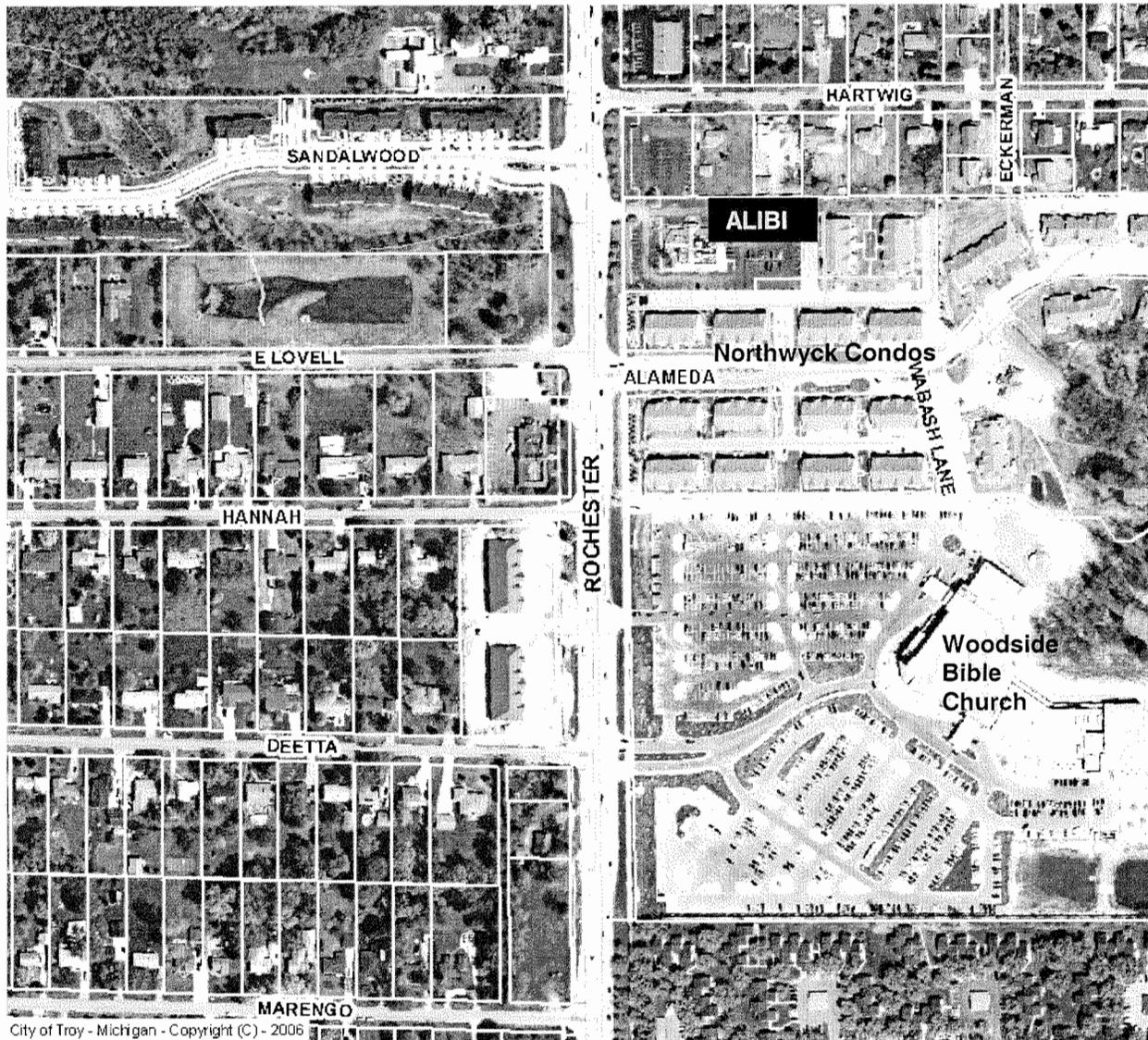
Traffic crashes in this mile section show a decreasing trend in the past three years. It can be seen that there is no particular intersection that exhibits a traffic crash concern that can be corrected by a traffic signal. Crashes that can be corrected by a traffic signal include head-on and broadside crashes. Most of the crashes were of the rear-end type, and this type of crash tends to increase when traffic signals are installed. The MMUTCD requires at least five correctable crashes in each of the previous three years to warrant a traffic signal to correct a traffic crash concern.

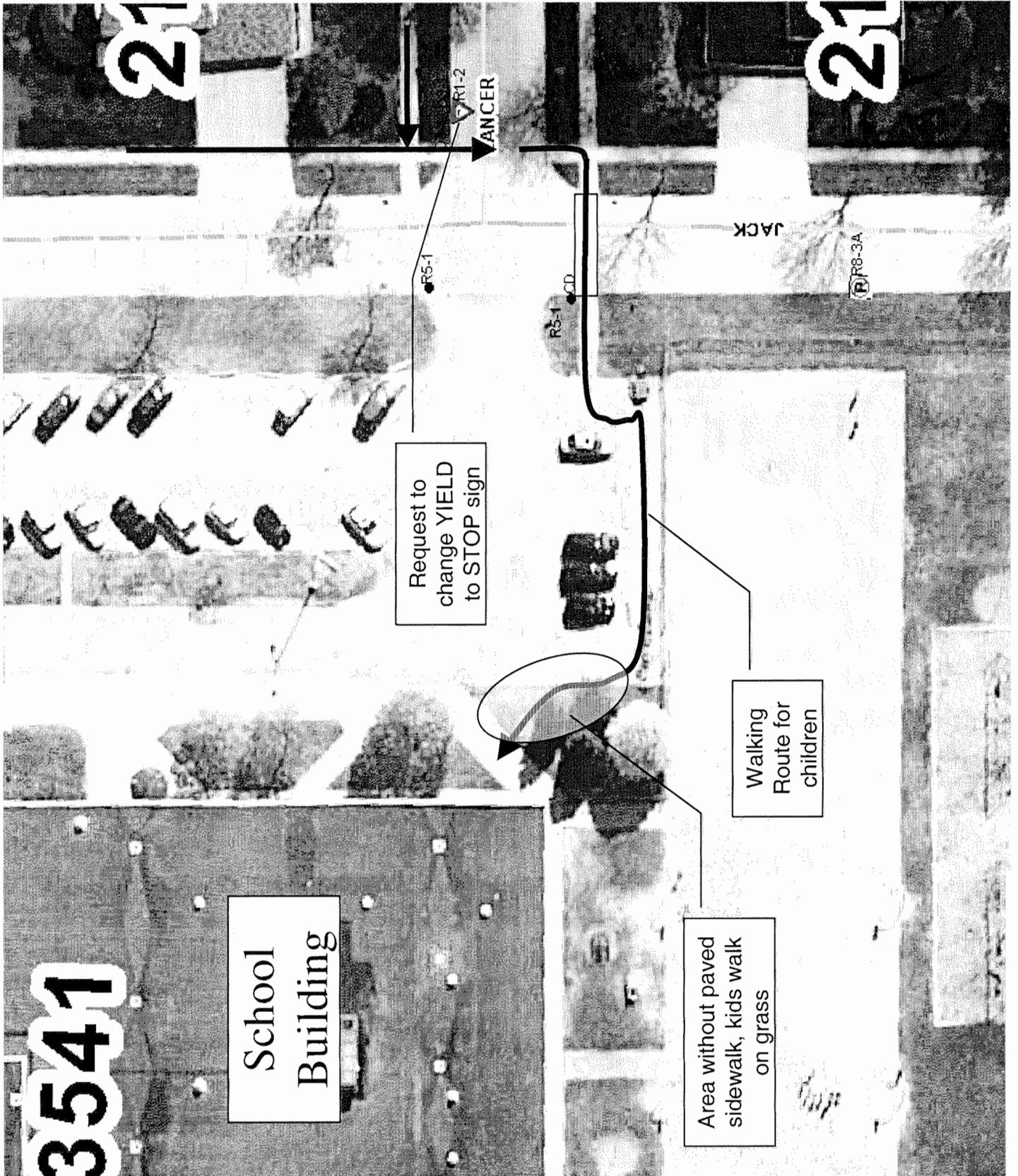
Field observations

Site visits during various occasions show that during the AM peak, the very heavy southbound traffic experiences minor backups at Square Lake, making it difficult to enter the shopping center at the northwest corner. During the PM peak, there is often a ½ mile backup of the heavy northbound traffic from South Boulevard. These backups result from traffic signals at the M-59 ramps and at Auburn Road (both in Rochester Hills). During this period, getting in and out of driveways and local streets in the north ½ mile was observed to be a challenge. Often motorists stop to let other drivers in and out of these driveways and streets.

Another area of concern was left turn conflicts due to vehicles entering and exiting the Alibi restaurant, Alameda Blvd., E. Lovell Street and Sandalwood Drive. All of these curb cuts are in close proximity and are all offset to one another. Installation of a traffic signal will not help this situation. Traffic crashes in this area were looked at to find any patterns or trends; none were found. During off-peak hours, none of the intersections in this mile showed major traffic concerns. Observations show that many traffic concerns are attributable to the improper use of the left-turn lane. More often than not, drivers attempting to make a left turn from a minor street/driveway onto Rochester Road (both NB and SB), often use the left-turn lane as an acceleration lane, waiting for a gap in traffic in the direction he/she wishes to travel.

We will try to work with the Woodside Bible Church regarding educating parishioners via their newsletters and sermons on the proper use of the left turn lane. Attempts will be made to contact the condominium associations of Sandalwood and Northwyck Condominiums for the same purpose. This may be followed by some enforcement by our Police Department to further educate the motorists in the area. We will monitor traffic crashes in the area on a yearly basis to find if there are any major changes that would require other improvements in the area.





3541
School Building

Request to change YIELD to STOP sign

Walking Route for children

Area without paved sidewalk, kids walk on grass

21

21

JACK

VANCER

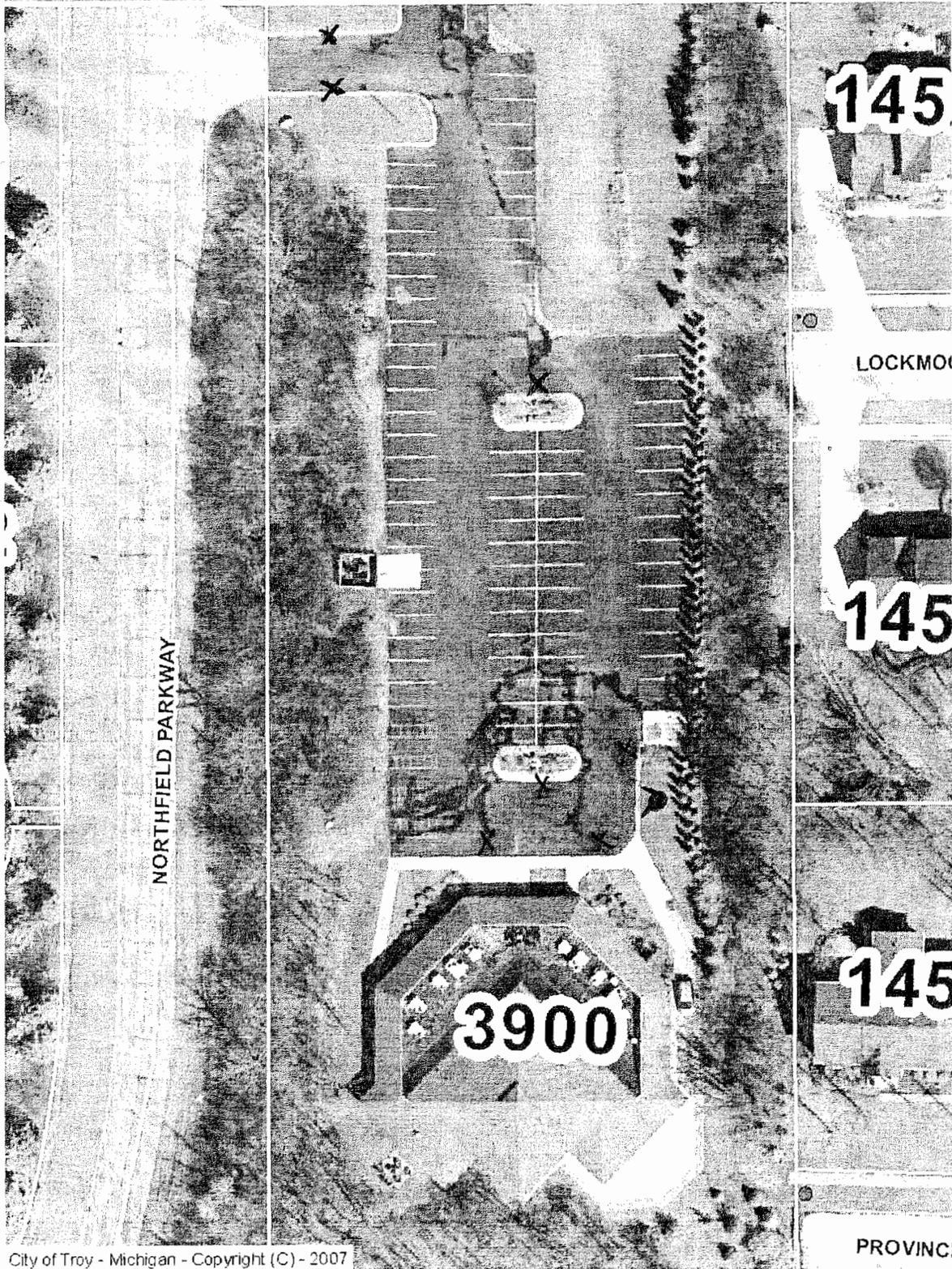
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R5-1

R8-3A



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PROVINCI

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XXXXX = FIRE LANES

City of Troy Geographical Information Systems Online

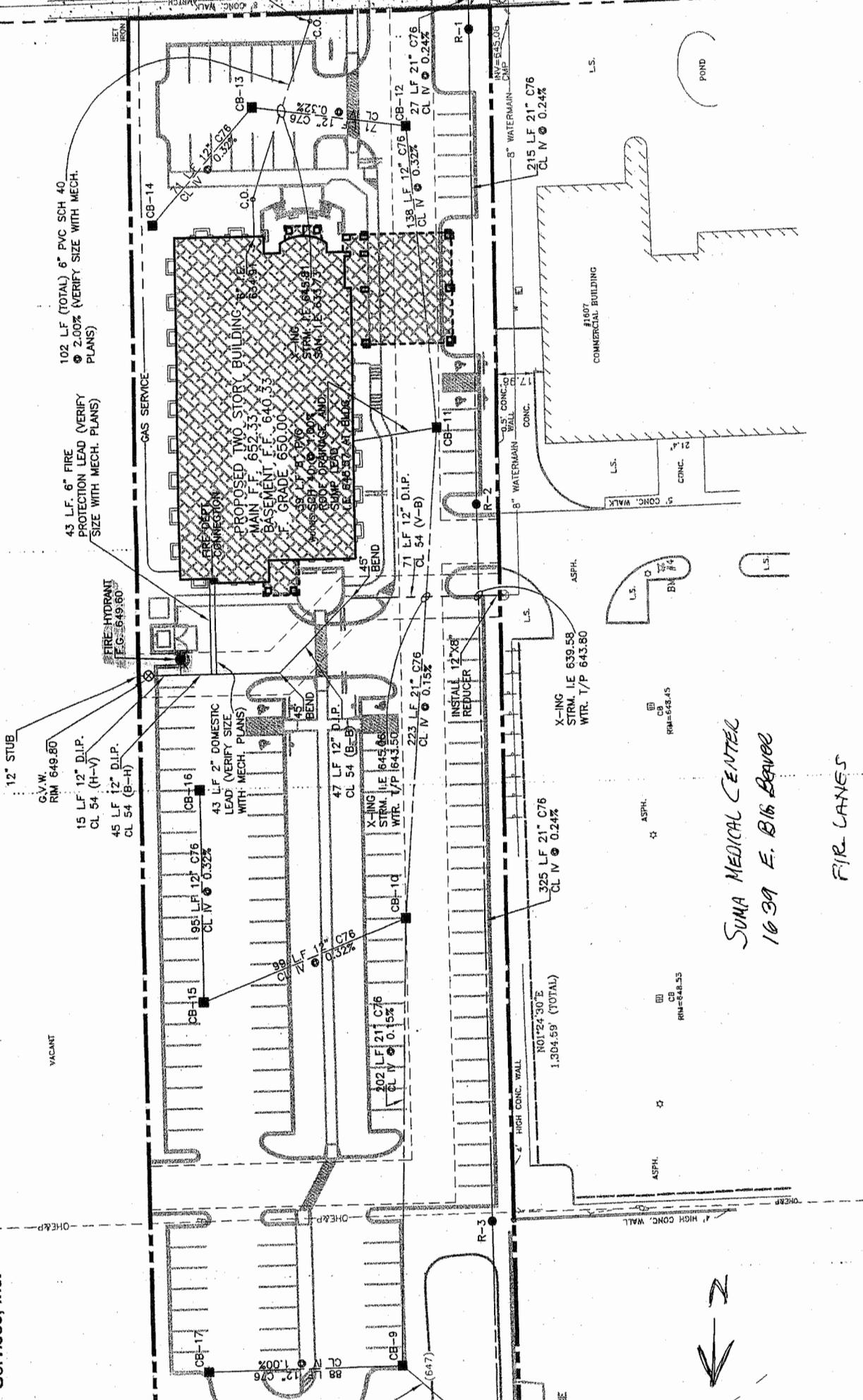


3615
LIVERNOIS
ST. MARKS

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Reb Construction Services, Inc.



102 LF (TOTAL) 6" PVC SCH 40
@ 2.00% (VERIFY SIZE WITH MECH. PLANS)

43 LF. 6" FIRE PROTECTION LEAD (VERIFY SIZE WITH MECH. PLANS)

FIRE HYDRANT
E.G. 649.60

12" STUB
C.V.W. RIM 649.80
15 LF 12" D.I.P. CL 54 (H-V)
45 LF 12" D.I.P. CL 54 (B-H)

43 LF 2" DOMESTIC LEAD (VERIFY SIZE WITH MECH. PLANS)

47 LF 12" D.I.P. CL 54 (B-B)

223 LF 21" C76 CL IV @ 0.15%

325 LF 21" C76 CL IV @ 0.24%

1,304.59' (TOTAL)

PROPOSED TWO STORY BUILDING
BASEMENT F.F. 652.33
MAIN F.F. 640.33
F. GRADE 650.00
ASPH. ROOF
STR. I.E. 649.81
SAN. I.E. 643.73
SUMP LEAD
I.E. 643.73 AT BLOCK

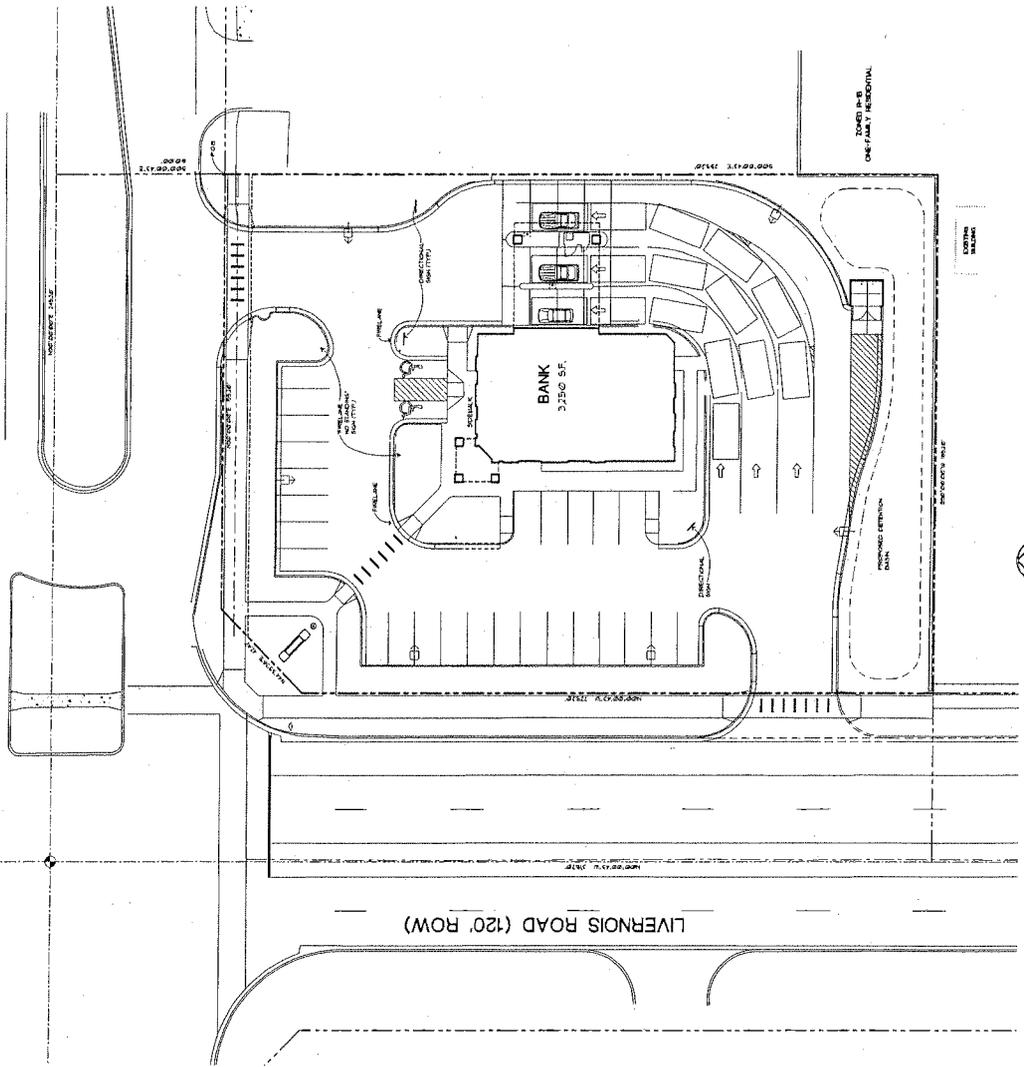
SUMA MEDICAL CENTER
1639 E. BIG BEAVER

FIRE LANES



Peoples State Bank

30 E. LONG LAKE ROAD (120' ROW)



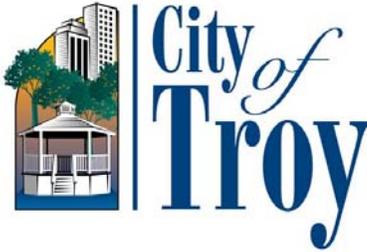
SITE PLAN
SCALE: 1"=20'-0"

DATE	11/11/08
DESIGNED BY	MM
DRAWN BY	MM
CHECKED BY	MM
SCALE	AS SHOWN
PROJECT NO.	08-001
CLIENT	PEOPLES STATE BANK
ADDRESS	30 E. LONG LAKE RD.
CITY	TROY, MI 48063
STATE	MICHIGAN
COUNTY	WASHTENAW
ZONING	COMMERCIAL
OWNER	PEOPLES STATE BANK
ARCHITECT	ROGVOY ARCHITECTS
ADDRESS	3000 TELEGRAPH ROAD
CITY	TROY, MI 48063
STATE	MICHIGAN
COUNTY	WASHTENAW
ZONING	COMMERCIAL
OWNER	PEOPLES STATE BANK
ARCHITECT	ROGVOY ARCHITECTS
ADDRESS	3000 TELEGRAPH ROAD
CITY	TROY, MI 48063
STATE	MICHIGAN
COUNTY	WASHTENAW
ZONING	COMMERCIAL
OWNER	PEOPLES STATE BANK
ARCHITECT	ROGVOY ARCHITECTS

project:
PEOPLES STATE BANK
 PROPOSED
 TROY, MICHIGAN

ROGVOY
 ARCHITECTS
 3000 TELEGRAPH ROAD
 SUITE 200
 TROY, MI 48063
 PH: 313.486.1100
 FAX: 313.486.1101
 WWW.ROGVOYARCHITECTS.COM

drawn:
CONCEPTUAL
SITE PLAN
 DO NOT SCALE DRAWING



CITY COUNCIL ACTION REPORT

February 27, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Preliminary Site Condominium Review – Timbercrest Farms Site Condominium, south of Wattles, west of Fernleigh, Section 24 – R-1C

Background:

- The Planning Commission recommended preliminary approval of Timbercrest Farms Site Condominium on February 13, 2007. The Planning Commission recommended that the applicant provide 6 feet between the east property line and the Timbercrest Court sidewalk. The site plan was revised to reflect this recommendation.
- The applicant proposes a 32-unit site condominium on a 12.1-acre parcel.
- The parcel is zoned R-1C One Family Residential. The applicant is utilizing the lot averaging option, which allows a 10 percent reduction in lot area, to 9,540 square feet, and a 10 percent reduction in lot width, to 76.5 feet.
- The applicant proposes filling approximately 0.25 acres of State-regulated wetlands. King & MacGregor Environmental Inc. submitted a Wetland Permit application to the Michigan Department of Natural Resources on August 4, 2006 on behalf of the applicant. The applicant requires MDEQ approval of the Wetland Permit prior to Final Site Condominium Approval.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- City Council has the authority to grant preliminary site condominium approval.

Policy Considerations:

- The item is consistent with City Council Goal III (Retain and attract investment while encouraging redevelopment) and Goal V (Maintain relevance of public infrastructure to meet changing public needs).

Options:

- City Council may approve or deny the preliminary site condominium.

Attachments:

1. Maps.
2. Draft minutes from February 13, 2007 Planning Commission Regular meeting.
3. Letter of opposition.

Prepared by RBS/MFM

G:\SUBDIVISIONS & SITE CONDOS\Timbercrest Farms Site Condo Sec 24\Prelim CC Approval 03 05 07.doc

SITE CONDOMINIUM SITE PLAN REVIEW
PROPOSED TIMBERCREST FARMS SITE CONDOMINIUM
W SIDE OF FERNLEIGH, S OF WATTLES
SEC. 24 (R-1C, 33 LOTS/UNITS PROPOSED)

E WATTLES

PROPOSED PRESERVES OF
TIMBERCREST SITE CONDOMINIUM

GENICK

GATE

SUBJECT PROPERTY

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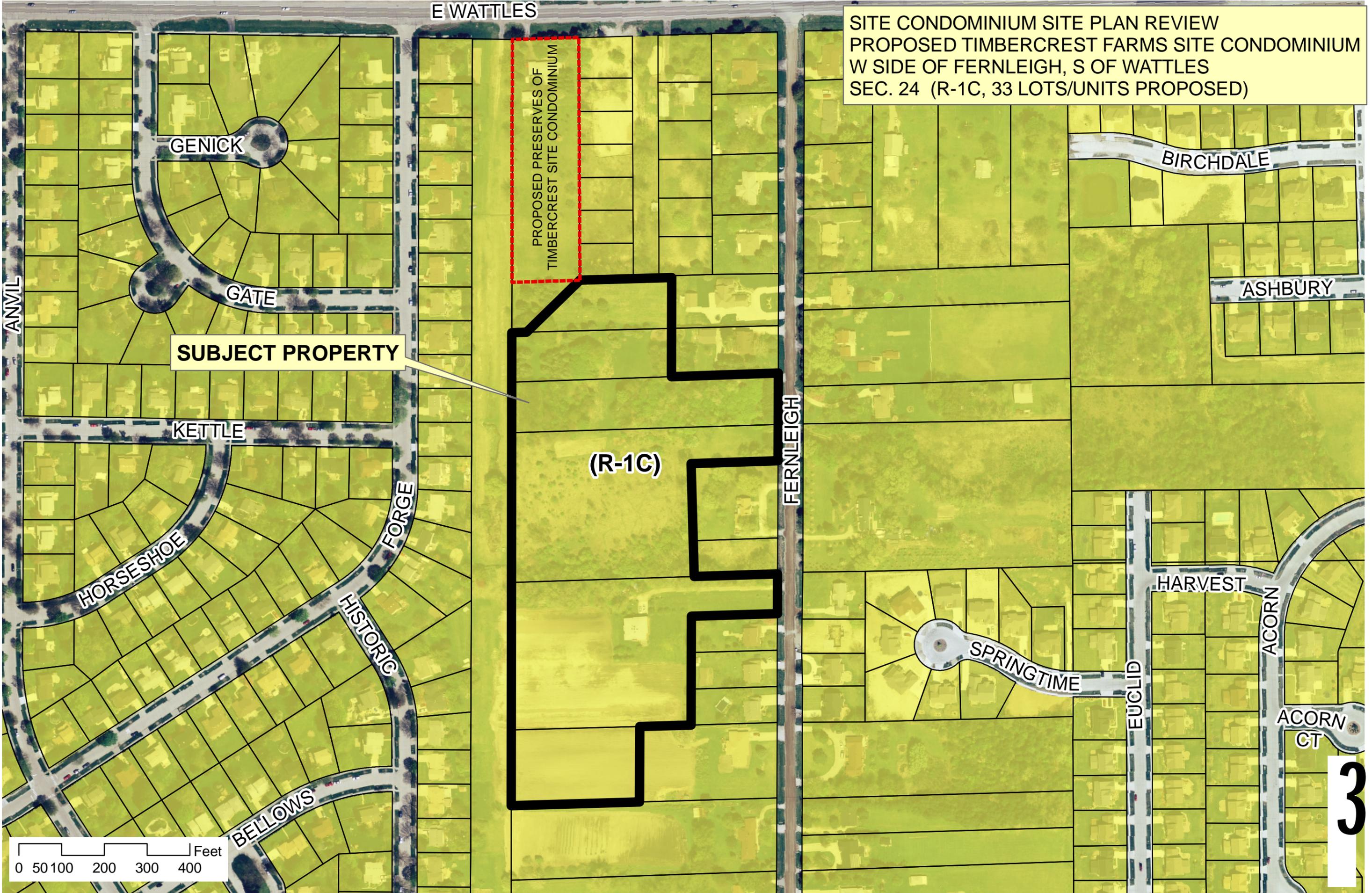
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SITE CONDOMINIUM SITE PLAN REVIEW
PROPOSED TIMBERCREST FARMS SITE CONDOMINIUM
W SIDE OF FERNLEIGH, S OF WATTLES
SEC. 24 (R-1C, 33 LOTS/UNITS PROPOSED)



SITE CONDOMINIUM SITE PLANS

9. **SITE PLAN REVIEW** – Timbercrest Farms Site Condominium, 32 units/lots proposed, South of Wattles Road, West of Fernleigh, Section 24, Zoned R-1C (One Family Residential) District

Principal Planner Savidant provided a summary of the Planning Department report for the Planning Commission.

Chairperson Schultz clarified the number of units is on the site plan is 32.

Principal Planner Savidant verified that there were 32 units on the site plan.

There was no one member of the public present to speak.

Elaine Simpson, 50215 Schoenherr, was present representing the applicant. She stated there are 32 units and an outlot.

Commissioner Vleck stated that on the court where lots 51, 52, 53, and 54 are located, the sidewalk goes all the way to the property line. He asked if it would be possible to shorten that street to obtain additional landscaping between the sidewalk and the property line.

Nader Wehbe, 25775 W. 10 Mile Rd., Southfield, Engineer for the development, was present. He responded that they have just reduced it by five feet so the sidewalk is now 6 feet from the property line.

Chairperson Schultz asked if the Planning Department has an alternative site plan that is different from the one which the Planning Commission has.

Principal Planner Savidant replied no.

Mr. Wehbe clarified that the change can be made and in fact, has been made at the site construction stage in their offices; he continued that this is a minor change.

Commissioner Vleck asked for clarification of where the outlot was located.

Mr. Wehbe stated that the out lot is east of the cul-de-sac, east of lot 53.

Principal Planner Savidant stated that the outlot is not marked on the site plan.

Planning Director Miller informed the Planning Commission that an out lot can not be created as part of a site condominium and requested clarification by the petitioner.

Ms. Simpson responded that they originally submitted 33 lots. After it was reviewed by the Planning Department, we were informed that the 33rd lot could not be included in the application.

Planning Director Miller stated that it will just not be part of the site condominium and technically it is going to be split from the development and will not be part of the development.

Resolution # PC-2007-02-

Moved by: Vleck
 Seconded by: Kerwin

RESOLVED, That the Planning Commission recommends to City Council, that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Timbercrest Farms Site Condominium, including 32 units, located south of Wattles and west of Fernleigh, Section 24, within the R-1C zoning district, be granted, subject to the following conditions:

1. The stub street between lots 51 be shortened to allow for a minimum of six feet between the edge of the sidewalk and the property line to the east.

Yes: All present (5)
 No: None
 Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

Paula P Bratto

From: Dennis Smith [dsmith@abilita.com]
Sent: Sunday, January 28, 2007 9:30 AM
To: Paula P Bratto
Subject: Timbercrest Farms Site Condominium

To whom it may concern,

I received this card in the mail regarding a development of condominiums in my backyard on Forge Drive. I only have one question. Why do you even send out notices like this. It is quite apparent that no matter our feelings are that this is going to go forward. I do not understand why it is necessary to build buildings (residential and commercial) on every single piece of available footage in the city. I have been in Troy for 25 years and I am currently looking to get out of here due to the decisions of our planning commission and our elected officials in general. This used to be a nice community but for some reason you want to build it into some type of community where you can't even spit without hitting a neighbor. Have you driven up and down Big Beaver recently between John R and Coolidge. There sure are a lot of for lease signs along that stretch of road.

Personally I don't subscribe to your build it and it will get better theory which you obviously live by. As to the notice, I am sure it is not a notice for discussion but one telling us what you are going to do no matter what we like. I suspect the only reason you sent out a notice is because there probably is some legal statute that has to be met before building starts.

You keep build and I will work at leaving what used to be a nice community to live in.

Dennis Smith

[3812 Forge Drive](#)
[Troy, Michigan 48083](#)

tel: [248-528-3354](tel:248-528-3354) 

fax: 248-928-0984

mobile: [248-722-9811](tel:248-722-9811) 

Timbercrest Farms Site Condominium
Preliminary Site Plan/Grading Plans
are included with Council's agenda packets
and available for viewing at the
City Clerk's Office and the Troy Public Library



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: March 1, 2007
SUBJECT: Revised Chapter 90 – Animals

At the January 8, 2007 City Council meeting, a Troy resident, Irene MacColeman, requested an amendment to the Animal Ordinance (Chapter 90). This requested amendment would prohibit the prolonged tethering of dogs. At that time, Council informally referred this requested amendment to the Animal Control Appeals Board for input and/or recommendation.

After researching the law, and reviewing ordinances from other jurisdictions, our office prepared proposed language that would prohibit the tethering or chaining of dogs unless certain conditions are satisfied. For example, tethering would only be allowed when the tether is at least ten feet in length, and when the dog is provided with shelter.

At a meeting on February 14, 2007, the Animal Control Appeals Board reviewed the proposed ordinance revision, and recommended approval with one modification relating to the allowable time for tethering.

In addition to the anti-tethering amendment, the Animal Control Appeals Board has also previously considered several other revisions to Chapter 90. These revisions have been incorporated into one comprehensive package for Council's consideration. Some of the other proposed changes to Chapter 90 include: reorganizing the overall structure of the chapter, reorganizing and clarifying definitions, clarifying the responsibilities and duties of the Animal Control Appeal Board, expanding the definition, grounds, and protocol for impounding animals, creating an exception for hunting and trapping Canada Geese as part of DNR nuisance animal programs, and consolidating and clarifying the permit requirements for domestic, dangerous, and wild animals. The Animal Control Appeals Board recommends adoption of all of these changes.

The proposed revisions to Chapter 90 are attached for your review. Due to the extensive changing and reformatting, it was difficult to use redline formatting to highlight all of the changes. However, the anti-tethering provisions are highlighted for your convenience, as well as the current version of Chapter 90.

This item is for informational purposes, and is planned to be an action item on the next City Council agenda. If you have any questions concerning the above, please let us know.

PROPOSED REVISIONS

CHAPTER 90 - ANIMALS

- 90.10.10 **Definitions.** The following terms when used in this Chapter shall have the meanings set forth in this Section:
- 90.10.11 “Animal” - Any living creature, except humans and plants. “Animal” includes any mammal, bird, reptile, snake, turtle, crustacean or any other vertebrate or invertebrate.
- 90.10.15 “At Large” - An animal is at large when it is off the property of its owner and not under the reasonable control of a competent person.
- 90.10.20 “Cruelty” - includes:
- (a) an intentional act or omission that unjustifiably causes physical pain, suffering or death of an animal, or
 - (b) an intentional act or omission of failing to provide an animal with proper food, drink, air, space, veterinary care, shelter or sanitary and safe living environment, or
 - (c) tormenting an animal or causing, sponsoring or permitting an animal to engage in a fight or combat with another animal or human.
- 90.10.25 “Dangerous Animal” - A wild or feral animal, other than a dog, which because of its size, aggressive nature or other characteristics constitutes a danger to persons or property.
- 90.10.30 “Domestic Animal” - An animal, other than a dog, that is not feral in nature, including, but not limited to horses, cows, chickens, geese, pigeons, ducks, steers, ponies, mules, donkeys, sheep, swine, pigs and goats.
- 90.10.35 “House Pet” - A non-domestic and non-dangerous small animal normally kept confined as a pet, including but not limited to hamsters, fish and parakeets.
- 90.10.40 “Hunt” - includes, but is not limited to shooting, or attempting to shoot, seeking, provoking, pursuing or taking any animal.
- 90.10.45 Impound” - An animal is impounded when an Officer places the animal in an Animal Shelter or other secure place for confinement.
- 90.10.50 “Neglect” - includes:
- (a) an unintentional or negligent act or omission, that unjustifiably causes physical pain, suffering or death of an animal, or

- (b) an unintentional or negligent failure to provide proper food, drink, air, space, veterinary care, shelter, including adequate shelter to prevent escape, or a sanitary and safe living environment.

- 90.10.55 "Officer" - An Animal Control Officer, or Police Officer.
- 90.10.60 "Owner" - A person or a group of persons who owns, controls, harbors, keeps, or has a property interest in any animal.
- 90.10.65 "Person" - An individual, employee, corporation, partnership or association.
- 90.10.70 "Quarantine" - An animal is quarantined when an Officer orders the animal confined to prevent it from having contact with any other animal.
- 90.10.71 "Shelter" – A roofed structure of at least three sides which provides adequate protection to a dog from the elements and weather conditions so as to maintain the dog in a state of good health. "Shelter" includes a residence, garage, barn, shed, or dog house. "Adequate protection" from the elements includes, but is not limited to, dry bedding when the outdoor temperature is or is predicted to drop below freezing.
- 90.10.72 "Tethering" – The restraint and confinement of a dog by use of a chain, rope, or similar device.
- 90.10.75 "Trap" - includes hunting, confining, taking or entrapping any animal by means of any trap, snare, bait, hook or other device.
- 90.10.80 "Veterinary Certificate" - is a certificate from a licensed veterinarian that states that an animal has been immunized for rabies and states the date the immunization expires.
- 90.10.85 "Vicious Animal" - An animal is vicious if the animal:
 - (a) has committed an unprovoked attack on a person or animal, or
 - (b) approaches a person in an apparent attitude of attack when unprovoked, or
 - (c) has bitten a person or animal, or
 - (d) has contracted or is suspected of having contracted rabies.
- 90.10.90 "Wild Animal" – An animal that is not defined in this Chapter as a dangerous animal, domestic animal or house pet.

PROHIBITED CONDUCT INVOLVING ANIMALS

- 90.20.10 Cruelty to Animals. No person shall be cruel to an animal. A person who violates this section is guilty of a misdemeanor punishable by

imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.20.20 Neglect to Animals. No person, who owns or controls an animal, shall neglect that animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

~~90.20.30~~ ~~90.20.30~~ Injure Police Dog. No person shall torture, torment, beat, kick, strike, injure, disable or kill any dog used by the City of Troy Police Department or interfere with or meddle with any police dog in the performance of its duties. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 93 days or by a fine of not more than \$500 or both.

~~90.20.31~~ Tethering a Dog. No person shall tether a dog unless all of the following conditions are satisfied:

- (a) The dog has access to shelter;
- (b) The tether is at least ten feet in length;
- (c) The tether, harness, collar or other type of collaring device when taken together weighs not more than one-eighth of the dog's body weight;
- (d) The harness, collar, or other type of collaring device being used is designed for the purpose of tethering, and is made from material that prevents injury to the dog;
- (e) The manner of tethering prevents injury, strangulation, or entanglement on fences, trees, or other objects;
- (f) Tethering shall occur only during daylight hours, provided the period of tethering does not exceed eight continuous hours.

A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

Exception: This section shall not apply to a person who is walking a dog on a leash.

90.20.40 Hunting. No person shall hunt any animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

Exceptions:

- (a) Officers are authorized to use shell crackers or other noise making devices to control geese and migratory waterfowl.
- (b) Officials of the Michigan Department of Natural Resources (DNR), or persons permitted by the DNR pursuant to MCL 324.40114, are authorized to hunt Canada Geese or other nuisance migratory waterfowl in connection with the DNR Goose Round Up Program, Goose Egg Program, or other similar programs operated by the DNR.

90.20.50 Trapping. No person shall trap any animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

Exceptions:

- (a) A person may trap small rodents such as mice, rats and moles.
- (b) A person licensed or authorized by the State to trap may trap subject to the following:
 - (1) Only live traps that cannot kill or injure animals or persons may be used.
 - (2) All traps must be permanently marked with the owner's name and a telephone number where the owner or owner's agent can be contacted 24 hours a day.
 - (3) All traps must be checked at least every 24 hours.
- (c) Officers are authorized to use traps to capture dangerous, wild or domestic birds or animals that are running at large or have become a public nuisance.
- (d) Officials of the Michigan Department of Natural Resources (DNR), or persons permitted by the DNR pursuant to MCL 324.40114, are authorized to trap Canada Geese or other nuisance migratory waterfowl in connection with the DNR Goose Round Up Program, Goose Egg Program, or other similar programs operated by the DNR.

90.20.60 Poisoning Animals. No person shall poison or attempt to poison any animal except rodents and insects. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.20.70 Birds. No person, except Officers acting in their official capacity, shall molest, injure, kill or capture any wild bird. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the

county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.20.80 Birds' Nests. No person, except Officers acting in their official capacity, shall disturb any wild bird nest. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

Exception: Owners of private property may disturb a bird nest located on their property if disturbing the nest does not violate any federal, state laws.

90.20.90 Feeding Waterfowl. No person shall feed waterfowl, including Giant Race of Canada Goose, Mallard Duck and sea gulls. Feeding means providing food other than that which is growing naturally on the site. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

DUTIES OF ANIMAL OWNERS

90.30.10 Number of Dogs Allowed. No person shall own, keep or control more than three (3) dogs, and no household or premises in the City shall have more than three (3) dogs total. This three (3) dog limit shall not apply to puppies, under the age of six (6) months, of a litter of a dog owned by the person. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.30.15 Diseased Animals. Any animal with a contagious or infectious disease shall be isolated from all other animals to prevent the illness or disease from being transmitted to another animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.30.20 Domestic Animals on Public or Private Land. No person who owns or controls an animal shall allow that animal, to be on a municipal golf course, cemetery, public sidewalk, school district property, airport property, or a public or private parking lot. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

Exception: Animals may be allowed on public property if expressly authorized.

Exception: Officers are authorized to have horses in parades and for official City business.

Exception: Animals may be allowed on private property with the express consent of the owner.

- 90.30.25 Noises. No person, who owns or controls an animal, shall allow that animal to disturb the peace by habitually making noises, including barking, yelping or howling. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.
- 90.30.30 Odors. No person, who owns or controls an animal, shall allow that animal to create an odor that is offensive. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.
- 90.30.35 Running at Large Prohibited. No person, who owns or controls an animal, except a domestic cat, shall permit that animal to run at large within the City of Troy. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.
- 90.30.40 Animals in Parks. No person shall permit any dog owned by him or under his control or custody to enter any park where a sign or signs are posted bearing the legend "No Dogs Allowed", or other words to that same effect. In park areas where dogs are permitted, such dogs shall at all times be kept under reasonable control by means of a leash. No person shall permit any other animal either wild or domestic, owned by him or under his control or custody, to enter any park except when special permission is granted by the City Manager. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.
- 90.30.45 Vicious Animal. No person shall own, keep or possess a vicious animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both and the Court may order the destruction of the animal.
- 90.30.50 Possession of Excrement Removal Device. No person, who is accompanying an animal, shall allow that animal to be on property owned by another unless the person has in his or her immediate possession, an appropriate device for the scooping and temporary storage of excrement. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.
- 90.30.55 Removal of Animal Excrement. No person, who owns or controls an animal that deposits excrement on property owned by another, shall fail to immediately remove such excrement and immediately dispose of it in a receptacle located on the property of the person who owns or controls the

animal and if the person is not aware that the animal deposited excrement on another property, shall upon being made aware of such fact, immediately dispose of it in a receptacle located on the property of the person who owns or controls the animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

QUARANTINE

90.40.10 Period of Quarantine. An animal shall be quarantined for a period of ten (10) days if an Officer has reasonable suspicion that:

- (a) the animal has bitten a person or another animal, or
- (b) the animal has rabies.

90.40.20 Place of Quarantine. At the Officer's discretion, an animal may be quarantined:

- (a) in an animal shelter, or
- (b) at the premises of the owner, if the owner has proof that the animal has had a rabies vaccination, or
- (c) in a licensed veterinary hospital.

90.40.30 Expenses of Quarantine. The owner of a quarantined animal shall pay the expenses of the quarantine. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.40.40 Refuse to Follow Quarantine Orders. No person, who owns or controls an animal, shall refuse to follow the quarantine orders of an Officer. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

IMPOUND

90.50.10 Grounds for Impoundment. An animal may be impounded if the Officer has reasonable suspicion that:

- (a) the animal is vicious, or
- (b) the animal has been neglected, or
- (c) the animal was running at large, or
- (d) the animal was treated with cruelty.

90.50.20 Release from Impoundment. An impounded animal shall be released to the owner upon satisfaction of the following conditions:

- (a) the animal owner has paid any fees required by Chapter 60 of the Troy City Code, and
- (b) if a dog, proof that the dog has been immunized against rabies, and
- (c) if a dog, proof that the dog has a current license, and
- (d) the owner has paid for the cost of boarding the animal, and
- (e) the Officer has been adequately assured of the safety of the animal, it's owners, and the public and has consented to the release of the animal or a court of competent jurisdiction has ordered the animal released.

90.50.30 Unclaimed Animal. If the ownership of an impounded animal cannot reasonably be ascertained or the owner of the impounded animal does not claim the animal within 5 days after the date the animal could otherwise be released, then the animal may be made available for adoption or destroyed in a humane manner.

DOG LICENSES

90.60.10 Dog License Tag. No person shall own or control a dog six (6) months of age or older in the City of Troy, unless the person who owns or controls the dog is issued a dog license tag by the City of Troy. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

Exception: a person who runs a properly licensed dog kennel need not apply for individual dog licenses under this chapter.

90.60.20 Issuance of License Tag. Dog license tags shall be issued by the City Clerk, upon application, presentation of a veterinary certificate stating that the dog has been properly immunized against rabies, and payment of the license fees and applicable late fees, in accordance with Chapter 60 of the Troy City Code.

90.60.30 Transfer of License Tag. A person who becomes the owner of a dog, which was previously licensed in the City of Troy, shall file an application for a City of Troy dog license tag within thirty (30) days of ownership.

90.60.40 License Tag Expiration. Dog license tags expire on the immunization expiration date stated in the veterinary certification. A dog license is not valid in the City if the current rabies vaccination for the dog expires more than one month before the dog license expires. In order to insure a valid rabies vaccination for each licensed dog during the license period, the

license expiration date for each dog will be converted to the last day of the month in which the rabies vaccination expires. The City Clerk may issue monthly licenses to accommodate the conversion to rabies expiration date. The City Clerk may also issue up to a three year license for each dog, depending upon the expiration date for the rabies vaccination.

90.60.50 Dog License Tag. No person shall own, or control a dog six (6) months of age or older that does not at all times wear a collar or harness with a valid City of Troy dog license tag attached. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

90.60.60 Removal of Dog License Tag. No person shall remove a dog license tag from a dog without the consent of the owner. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

PERMITS

90.70.10 Permit Required for Domestic, Dangerous and Wild Animals. No person shall own or control a domestic animal or a dangerous animal or a wild animal, other than a dog or a house pet, within the City of Troy, without having obtained an animal permit from the Clerk for the City of Troy. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

Exception:

- (a) a permit is not required for a dog, house pet or domestic cat.
- (b) permits are not required for wild animals if the Animal Control Officer determines that the wild animal, because of its size, the number of animals, temperament or other characteristics does not create a hazard or nuisance.

90.70.20 Permit Application Process. An applicant for a domestic, dangerous or wild animal permit shall:

- (a) furnish the Animal Control Officer a list of the species of animals to be kept and the maximum number of each species to be kept at any one time, and
- (b) demonstrate that the animals will be treated humanely and will not be neglected or treated with cruelty, and

- (c) demonstrate that the animals will be maintained in quarters constructed to prevent their escape, and
- (d) demonstrate that reasonable precautions shall be taken to protect the public from the animals and the animals from the public, and
- (e) demonstrate that he or she can comply with the ordinance and any regulations promulgated by the Animal Control Appeal Board, and
- (f) in the case of domestic animals, demonstrate to the Animal Control Officer that the lot or parcel that animals will be kept on is three-quarters ($\frac{3}{4}$) of one (1) acre or larger. This requirement may be waived by the Animal Control Appeal Board if the applicant can demonstrate circumstances that allow for waiver pursuant to regulations promulgated by the Animal Control Appeal Board. Waivers will not be granted for animals that are loud or likely to be detrimental to the neighborhood.

90.70.30 Issuance of Permit for Domestic, Dangerous or Wild Animal. The City Clerk shall issue a domestic, dangerous or wild animal permit upon showing by the applicant that he or she has obtained the approval of the Animal Control Officer and has paid the applicable fee. The permit shall list with specificity the animals subject to the permit, the location of the animals in the City of Troy and may contain limitations and conditions required by the Animal Control Officer or the Animal Control Appeal Board.

90.70.40 Duties of Permit Holder. The holder of a domestic, dangerous or wild animal permit shall:

- (a) comply with all present and future ordinances in this Chapter and comply with the regulations promulgated by the Animal Control Appeal Board, and
- (b) apply for a new permit prior to changing their address or changing the location of the animals, and
- (c) indemnify and hold the City of Troy harmless from any personal injury or property damage caused by the animal for which the permit is issued as a result of the negligence of the permittee or any other person placed in control of the animal by the permittee.
- (d) consent to inspection of the applicant's facilities by an Animal Control Officer before and after the granting of the permit.

90.70.50 Expiration of Permit. A permit shall expire:

- (a) 5 years from the date of issuance, or
- (b) when ownership or control of the animal or animals is transferred to another person, or
- (c) when the animal or animals are moved to another location, or
- (c) upon death of the animal for which the permit is issued, unless the permit specifically provides for replacement of the animal, or
- (d) when the terms of the permit require that the permit expires.

90.70.60 Revocation of Permit. An Animal Control Officer may revoke a permit:

- (a) if the permit holder fails to comply with the requirements of this Chapter, or
- (b) if the permit holder fails to comply with regulations promulgated by the Animal Control Appeal Board, or,
- (c) if a permit holder fails to comply with federal, state or local laws governing cruelty to animals or the keeping of animals, or
- (d) if a species of animal not listed in the permit application is acquired, or
- (e) the maximum number of animals allowed pursuant to the permit is exceeded.

90.70.70 Removal of Animals. A person whose permit is revoked or has expired, shall immediately remove all animals subject to the permit, from the City of Troy, unless the permit holder has filed a timely appeal with the Animal Control Appeal Board in which case the revocation shall be postponed pending the outcome of the appeal.

ANIMAL CONTROL APPEAL BOARD

90.80.10 Animal Control Appeal Board. There is hereby created an Animal Control Appeal Board.

90.80.20 This Board shall:

- (a) consist of five (5) members appointed by the City Council for three (3) year overlapping terms, and
- (b) annually elect from among its members a Chair, a Vice Chair and a Secretary.

90.80.30 All Board Members, including the Chair, Vice Chair and Secretary shall have voting privileges.

- 90.80.40 The Chair shall preside over meetings of the Board.
- 90.80.50 The Vice Chair shall preside over meetings of the Board in the absence of the Chair.
- 90.80.60 The Secretary shall record and file with the City Clerk accurate and complete resolutions, rules and interpretations rendered by the Board.
- 90.80.70 Duties Of Animal Control Appeal Board. The Animal Control Appeal Board shall:
- (a) promulgate regulations regarding dangerous animal permits and domestic animal permits, and
 - (b) interpret and determine the application of provisions contained in this Chapter as they relate to specific fact situations presented to the Animal Control Appeal Board, and
 - (c) adjudicate appeals from an Animal Control Officer's decision regarding the issuance or denial of a permit for dangerous animals, domestic animals and wild animals, and
 - (d) adjudicate appeals from an Animal Control Officer's decision regarding the revocation of a permit for dangerous animals, domestic animals or wild animals.
- 90.80.80 Procedure for Appeals.
- Appeals from the decisions of the Animal Control Officer to the Animal Control Appeal Board must be:
- (a) filed at the office of the Troy City Clerk on forms provided by the Clerk, and
 - (b) filed within seven (7) days of the date of the Animal Control Officer's decision regarding the issuance or denial of a permit for dangerous animals or domestic animals, and
 - (c) filed within seven (7) days of the date of the Animal Control Officer's decision regarding the revocation of a permit for dangerous animals or domestic animals.
 - (d) upon acceptance of an appeal, the City Clerk shall provide notice of the time, date and place of the appeal to all property owners within 300 feet of the appellant's property.
- 90.80.90. Rulings and interpretations of the Animal Control Appeal Board shall be final.

CHAPTER 90 - ANIMALS

GENERAL REGULATIONS

1. Definitions. The following terms when used in this Chapter shall have the meanings set forth in this Section:

- (1) Owner - Any person, group of persons, or a corporation who owns, harbors, keeps, or has a right of property in any animal.
- (2) Person - Any individual, employee, corporation, co-partnership or association.
- (3) At Large - Any animal shall be deemed at large when it is off the property of its owner and not under the reasonable control of a competent person.
- (4) Reasonable Control - An animal is under restraint or reasonable control within the meaning of this Ordinance if it is controlled by a lead, if it is on or within a vehicle being driven or parked on the streets, or if is within the property limits of its owner or keeper, provided only that all of the above controls shall be exercised in a manner sufficient to restrain and prevent any danger to any person or property.
- (5) Exposed to Rabies - An animal has been exposed to rabies within the meaning of this Ordinance if it has been bitten by, or exposed to, any animal known to be infected with rabies.
- (6) Animal Control Officer (herein ACO) - The person or persons employed by the City of Troy as its enforcement officer(s).
- (7) Animal Control Appeal Board (herein ACAB) - The ACAB shall consist of five (5) members appointed by the City Council for three (3) year overlapping terms.
- (8) Animal - Any living creature, domestic or wild, excluding for the purpose of licensing, small caged household pets such as, but not limited to, parakeets and parrots, fish, household cats, insects, common store sold rodents and reptiles, or similar animals of a passive, undangerous nature.

(Rev. 11-19-73)

- (9) Dangerous Animal - Any wild or exotic mammal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to persons or property.
- (10) Domestic Animal - Any animal not ferae nature, including, but not limited to horses, cows, steers, ponies, mules, donkeys, sheep, swine and goats. This category shall not include dogs which will be otherwise provided for in this Chapter.

(Rev. 11-19-73)

Chapter 90 - Animals

2. Cruelty to Animals. A person commits the offense of cruelty to animals if without justification he knowingly or negligently subjects an animal to mistreatment or neglect by overworking, beating, tormenting, injuring, or killing any animal; carrying an animal in a cruel manner or failing to provide an animal in his custody with proper drink, food or shelter or abandoning a helpless animal or abandoning an animal on any public street, railroad or in any other place where it may suffer injury, hunger or exposure or become a public charge or promoting, baiting, sponsoring or conducting training for participation in any fight between any animals.

(Rev. 05-23-88)

3. Poisoning Animals. No person shall throw or deposit any poisonous substance on any exposed public or private place where it endangers, or is likely to endanger, any animal except rodents and insects.

(Rev. 06-07-76)

4. Birds and Birds' Nests. No person, except a police officer or an Animal Control Officer acting in their official capacity, shall molest, injure, kill or capture any wild bird, or molest or disturb any wild bird's nest or the contents thereof.

(Rev. 07-10-95)

5. Noises. It shall be unlawful to keep or harbor any animal which disturbs the peace by loud or obnoxious noises at any time of the day or night.

6. Housing. Animals must be maintained in quarters so constructed as to prevent their escape. The owner or keeper assumes full responsibility for the recovery of any animal that escapes from his premises; he shall take all reasonable precautions to protect the public from the animals and the animals from the public.

7. Diseased Animals. Any animal with a contagious or infectious disease shall be isolated from all healthy animals at all times, and shall be so segregated that the illness or disease shall not be transmitted to another animal.

8. Quarantine. Any animal which bites a person shall be quarantined for a period of ten (10) days. During such period the animal shall be securely confined and kept from contact with any other animal.

(Rev. 08-13-84)

- 8A. Feeding Waterfowl Prohibited. No person shall feed waterfowl. As used in this section, waterfowl shall mean Giant Race of Canada Goose, Mallard Duck and sea gulls; and feed shall mean to provide food other than that which is growing naturally on the site.

(Rev. 11-21-94)

9. Permit Fees. The fee for any permit shall be in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances.

(Rev. 03-17-03)

Chapter 90 - Animals

10. Permit Period. A permit, if not revoked, shall be valid for the life of the owner, provided only that a new permit shall be required at such time as the ownership of the animal is transferred by sale, gift or other type of conveyance within the City. Subtractions may be logged on the present permit at no charge. The permittee must notify the City within one week of any change of address for himself or the animals.

(Rev. 08-13-84)

11. Revocation of Permit. The Animal Control Officer may revoke any permit if the person holding the permit refuses or fails to comply with this Ordinance, the regulations promulgated by the Animal Control Board, or any State or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten (10) days thereafter remove from his premises or other premises in Troy, all animals being owned, kept, or harbored by such person and no part of the permit fee shall be refunded. The effective date of the revocation shall be postponed pending the outcome of any appeal to the Animal Control Appeal Board, which appeal must be filed within seven (7) days of the date of revocation.

12. Impounding. Unrestrained animals as described in this Chapter may be taken by the Animal Control Officer, Police Officer, or an Agency delegated by the Animal Control Officer and impounded at the Oakland County Animal Care Center, in a humane manner. Animals impounded shall be kept for not less than five (5) days unless reclaimed by their owners. Animals not claimed within five (5) days shall be humanely disposed of or made available for adoption by the Animal Control Officer or by an Agency delegated by him to exercise that Authority.

(Rev. 07-10-95)

13. Redemption from Pound. An owner reclaiming an impounded animal shall pay a fee in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances. The owner may also be proceeded against for violation of this chapter and his permit may be revoked.

(Rev. 03-17-03)

14. Enforcement. The provisions of this Ordinance shall be enforced by the Animal Control Officer of the City of Troy who shall have the right of inspection of an applicant's facilities both prior to and after the granting of a permit. All decisions of the Animal Control Officer with regard to the issuance or denial of a permit may be appealed to the Animal Control Appeal Board of the City of Troy.

15. Animal Control Appeal Board. There is hereby created an Animal Control Appeal Board. Said Board shall consist of five (5) members appointed by the City Council for three (3) year overlapping terms. The Animal Control Appeal Board shall annually elect from among its members a Chairman, a Vice Chairman and a Secretary. The Chairman shall preside over meetings of the Board and shall have voting privileges. The Vice Chairman shall have voting privileges and preside over meetings of the Board in the absence of the Chairman. The Secretary shall record and file with the City Clerk accurate and complete resolutions, rules and interpretations rendered by the Board. The jurisdiction of said Board shall be limited to interpretation and application of regulations contained in this Ordinance.

(Rev. 09-08-03)

Appeals from the decisions of the Animal Control Officer to the Animal Control Appeal Board shall be filed at the office of the City Clerk on blank forms provided by the Clerk. Rulings and interpretations of the Animal Control Appeal Board shall be final. The Animal Control Officer shall enforce all rulings of said Board.

DOGS

16. Dog Licenses Required. It shall be unlawful for any person to own, keep, or harbor any dog six (6) months of age or over in the City of Troy, unless said dog is licensed as hereinafter provided; or to own, harbor, or keep any dog six (6) months of age or over that does not at all times wear a collar or harness with a metal tag attached as hereinafter provided.
17. License Required. It shall be the duty of any person owning or harboring a dog in the City of Troy to license said dog with the City of Troy in accordance with the chapter. Individual dog licenses shall be issued by the City Clerk upon application and payment of the license fees provided in Chapter 60. The application for a dog license shall be accompanied by a certificate of vaccination for rabies, with a vaccine licensed by the United States Department of Agriculture, signed by an accredited veterinarian stating that said dog has been properly immunized against rabies.
- a) It shall be unlawful for any person to own, possess, keep, or harbor any dog six (6) months of age or over without first having obtained a dog license.
 - b) Any person becoming the owner of any dog six (6) months or older, shall apply for and secure a license for such dog within thirty (30) days of ownership.
 - c) The owner of a dog, which has been duly licensed in another jurisdiction, shall make application for a City of Troy dog license within thirty (30) days after such dog has been brought into the City of Troy.
 - d) Any person becoming the owner of a dog, which has previously been duly licensed in the City of Troy, shall make application for a transfer of the dog license within thirty (30) days of ownership.
 - e) No person shall keep more than three (3) dogs. This three (3) dog limit shall not apply to puppies, under the age of six (6) months.
 - f) Any person who runs a dog kennel that is properly licensed need not apply for individual dog licenses under this Chapter.

17.A Application; Certificate of Vaccination Prerequisite To Issuance of Dog License

A dog license is not valid in the City if the current rabies vaccination for the dog expires more than one month before the dog license expires. In order to insure a valid rabies vaccination for each licensed dog during the license period, the license expiration date for each dog will be converted to the last day of the month in which the rabies vaccination expires. This change shall be in effect commencing with the 2004 license year or for any new dogs licensed in the City of Troy. The City Clerk can issue monthly licenses to accommodate the conversion to rabies expiration date. The City Clerk may also issue up to a three-year license for each dog, depending upon the expiration date for the rabies vaccination.

(Rev. 09-08-03)

Chapter 90 - Animals

18. License Fees.

The license fees shall be in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances.

19. License Tags and Collars: Upon payment of the license fee the City Clerk shall issue to the owner a license tag of metal or other suitable material, not less than one (1) inch in length or diameter, containing the number of the license, the year of issuance, and words "Licensed, Troy, Michigan" and also bearing the word "Immunized". Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. Absence of the collar and license tag from any dog shall be prima facie evidence that said dog is not licensed, and any person finding such dog on his premises or running at large may seize and deliver such dog to the dog pound.

No person shall remove any license tag from any dog without the consent of the person owning or harboring said dog, and no tag shall be used on the collar or harness of any dog other than the dog for which the tag was issued. In case a dog tag is lost or destroyed, a duplicate will be issued by the City Clerk upon presentation of a receipt showing the payment of the license fee for the current license, and the payment of a duplicate tag fee. No refund shall be made on any dog license fee.

(Rev. 09-08-03)

20. Running at Large Prohibited. No owner or keeper of any dog shall permit such dog to run at large within the City of Troy at any time.

(Rev. 08-06-73)

21. Impounding. It shall be the duty of every Police Officer or Animal Control Officer of the City of Troy to apprehend any dog found running at large contrary to the provisions of this Chapter, and also to apprehend and impound any dog which has bitten or attacked any person thereby causing injury.

22. Pound Fees. Any dog seized or impounded shall be released to the owner upon satisfaction of the following conditions:

- (1) Payment of a fee shall be in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances. for the release of a dog which has been immunized against rabies and has a current dog license, plus payment for the cost of boarding such dog, as established by the County.

(Rev. 03-17-03)

23. Harboring a Barking Dog. No person shall keep or harbor a dog which by loud or frequent or habitual barking, yelping, or howling shall cause a serious annoyance to the neighborhood or to people passing upon the streets of the City.

24. Vicious Dogs.

- (1) No person shall own, keep or possess a vicious dog. A vicious dog is defined as one of the following:

(a) One that has committed an unprovoked attack on a person or animal, or

(b) One that approaches a person in an apparent attitude of attack when unprovoked,

or

- (c) One that has bitten a person or animal, or
- (d) One that has contracted or is suspected of having contracted rabies.

(2) Any violation of this section shall be subject to the following conditions:

- (a) The owner or keeper shall immediately surrender the dog to a police officer or animal control officer for impoundment.
- (b) If the dog is suspected of having rabies, the impoundment period shall not exceed ten (10) days for purposes of quarantine and observation for rabies.
- (c) At the discretion of the animal control officer, and if the owner has proof of rabies vaccination, the dog may be quarantined on the premises of the owner. If the animal control officer requires other confinement, the owner shall surrender the animal for the quarantine period of ten (10) days to an animal shelter or shall, at his own expense, place it in a licensed veterinary hospital. Whenever a dog has been apprehended for having bitten a person, the animal control officer or police officers, or other duly authorized person, may, if deemed necessary and advisable, and after holding such dog a sufficient length of time to meet the requirements for investigation, cause such dog to be destroyed as a vicious dog.
- (d) If the impoundment was caused because the dog was vicious, the impoundment period shall not extend beyond the date of arraignment or until civil action has been heard in a court of competent jurisdiction, at which time the dog may be released or further impounded at the discretion of the court.

(Rev. 05-23-88)

25. Destruction of Unclaimed Dogs. It shall be the duty of the dog warden or other person in charge of the dog pound to destroy in a humane manner all impounded dogs which are not claimed and released within one hundred twenty (120) hours after being impounded; provided, however, if in his judgment said dog is valuable or otherwise desirable, the dog warden may dispose of said dog to any reasonable person who will undertake to remove said dog from the City or keep and harbor said dog within the City in accordance with the provisions of this Chapter. The bodies of all dogs destroyed at the pound or elsewhere in the City shall be disposed of by the dog warden in a manner approved by the Oakland County Health Department.

(Rev. 05-23-88)

DOMESTIC ANIMALS

26. Running at Large Prohibited. No owner or keeper of any domestic animal shall permit such animal to run at large within the City of Troy, any such animal running at large in any public place in the City shall be impounded in the manner provided in Section 12 of this Chapter.
27. Use of Domestic Animals on Public or Private Land Without Consent. No person shall drive, ride, lead or back any domestic animal or team on or along any public park wherein such is not permitted, the municipal golf course, cemetery, public sidewalks, all real property located in the City of Troy owned by any school district, land used as an airport, or on a public or private parking lot not specifically designed for the use of such animals or on private property without the expressed

Chapter 90 - Animals

consent of the owner or his duly authorized agent.

(Rev. 01-16-78)

28. Permit Required. Except as hereinafter provided, and effective with the adoption of this Ordinance, no person shall own, keep, maintain or have in his possession or under his control, within the City of Troy, any domestic animal without first applying to and receiving a permit from the City Clerk of the City of Troy to do so. Both the owner and the boarder/keeper must obtain permits if they do not share the same premises.

(Rev. 08-06-73)

- 28.5. It is hereby declared to be a public nuisance and no permit shall be issued to any person, farm or corporation to keep or maintain any domestic animals within the corporate limits of the City of Troy, on any lot or acreage parcel smaller than three-quarters (3/4) of one (1) acre. No person, farm, or corporation shall keep or maintain any of the aforesaid animals on any lot or acreage parcel in such numbers as shall be detrimental to the public health, safety or welfare or the humane treatment of such animals.

(Rev. 11-19-73)

29. Issuance of Permit. Upon a showing by any applicant for a permit that he is prepared to comply with the regulations promulgated by the ACAB of the City of Troy, a permit shall be issued following payment of the applicable fee.

The following rules and regulations will be applied by the ACO when considering applications for permits for domestic animals:

- (1) The applicant, when applying for a permit, shall furnish the Animal Control Officer with a list of the kinds of animals to be kept, handled, or exhibited, with the estimated maximum number at any one time. The Animal Control Officer must be notified within one week if other animals are acquired or the maximum number increased.

(Rev. 11-19-73)

- (2) No owner shall fail to provide his animals with sufficient food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse any animal, or cause or permit any dog fight, cock fight, bull fight or other combat between animals or between animals and humans. No owner of an animal shall abandon such animal.
- (3) Animals must be maintained in quarters so constructed as to prevent their escape. Permittee assumes full responsibility for the recovery of any animal that escapes from the premises. Permittee shall take all reasonable precautions to protect the public from the animals and the animals from the public.
- (4) Permittee shall conform to all present or future laws, and ordinances of the City and rules and regulations of the Animal Control Officer.
- (5) Permittee shall be liable for any personal injury or property damage caused by the animal for which the permit is issued as a result of the negligence of the permittee or any other person placed in control of the animal by the permittee.

DANGEROUS ANIMALS

30. Running at Large Prohibited. No owner or keeper of any dangerous animal shall permit such animal to run at large within the City of Troy.

31. Permit Required. No person shall own, keep, maintain, or have in his possession or under his control, within the City of Troy, any dangerous animal unless he has first applied to and received a permit from the City Clerk of the City of Troy to do so. Both the owner and the boarder/keeper must obtain permits if they do not share the same premises.

(Rev. 11-19-73)

32. Issuance of Permit. Upon a showing by any applicant for a dangerous animal permit that he is prepared to comply with the regulations promulgated by the ACAB of the City of Troy, a permit shall be issued following payment of the applicable fee. The following rules and regulations will be applied by the ACO when considering applications for permits for dangerous animals:

(Rev. 08-06-73)

(1) The applicant shall furnish the Animal Control Officer with a list of the kinds of animals to be kept, handled or exhibited, with the estimated maximum at any one time. The Animal Control Officer must be notified within one week if other animals are acquired or if the maximum number is increased.

(Rev. 11-19-73)

(2) Permittee assumes full responsibility for safekeeping and fee recapturing any animal that escapes from his premises.

(3) Permittee shall make adequate provisions and safeguards for the protection of the animals from abuse, teasing, etc., by the public.

(4) Permittee shall make adequate provisions for the protection of the public.

(5) Permittee shall conform to all present or future laws of the State of Michigan and all present or future Ordinances of the City of Troy regulating the keeping of or cruelty to animals, and all rules and regulations of the ACO.

(6) Permittee shall be liable for any personal injury or property damage caused by the animal for which the permit is issued as a result of the negligence of the permittee or any other person placed in control of the animal by the permittee.

33. Possession of Excrement Removal Device

No person owning or possessing a dog or cat shall cause or permit such dog or cat to be on public or private property, not owned or possessed by such person unless such person has in his immediate possession an appropriate device for the scooping of excrement and an appropriate depository for the transmission of excrement to a receptacle located on property owned or possessed by such person.

(Rev. 07-13-92)

Chapter 90 - Animals

34. Removal of Animal Excrement

- (1) Any person who, while walking or escorting a dog or cat allows said animal to deposit excrement on public or private property, other than the property of the animal's owner or the property of the person walking or escorting the animal shall immediately remove such excrement.
- (2) Any person owning a dog or cat which deposits excrement on public or private property, other than the property of the animal's owner, shall, upon being made aware of such fact, immediately remove such excrement.

(Rev. 07-13-92)



CITY COUNCIL ACTION REPORT

March 1, 2007

TO: Mayor and City Council

FROM: Phillip L. Nelson, City Manager

SUBJECT: Scheduling a Workshop to Discuss Strategic Planning Initiatives

The following dates and times are offered for your consideration:

Thursday, March 22, 2007 at 6:30 PM in the Council Board Room
Monday, March 26, 2007 at 6:30 PM in the Council Board Room



CITY COUNCIL REPORT

February 26, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing – Proposed Office Building, East of Livernois, South side of Wattles, Section 22 – R-1C to O-1 (File Number: Z-725)

Background:

- A public hearing is scheduled for the March 19, 2007 City Council meeting.
- The Planning Commission recommended denial of the request to rezone the parcel to O-1 at the February 13, 2007 Regular meeting.
- The Future Land Use Plan classifies the Rochester Road frontage in this area as Public and Quasi-Public (Community Facility). The parcel has been planned as Public and Quasi-Public (Community Facility) since 1999.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

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

Policy Considerations:

- Denial of the rezoning request would be consistent with City Council Goal I, Enhance the livability and safety of the community.

Options:

- City Council can approve the rezoning application.
- City Council can deny the rezoning application.
- The Planning Commission recommended denial of the rezoning application on February 13, 2007.

Attachments:

1. Maps.
2. Statement from applicant.
3. Draft minutes from February 13, 2007 Planning Commission Regular meeting.

Prepared by RBS/MFM

cc: Applicant
File /Z 725

G:\REZONING REQUESTS\Z-725 Office Building Sec 22\Announce CC Public Hearing 03 05 07.doc

REZONING REQUEST
PROPOSED WATTLES RD. OFFICE BLDG.
FROM R-1C TO O-1
S SIDE OF WATTLES, W OF LIVERNOIS
SEC. 22 (Z-725)



LANGE

CRESTFIELD

HANOVER

W WATTLES

E WATTLES

LIVERNOIS

MIRACLE

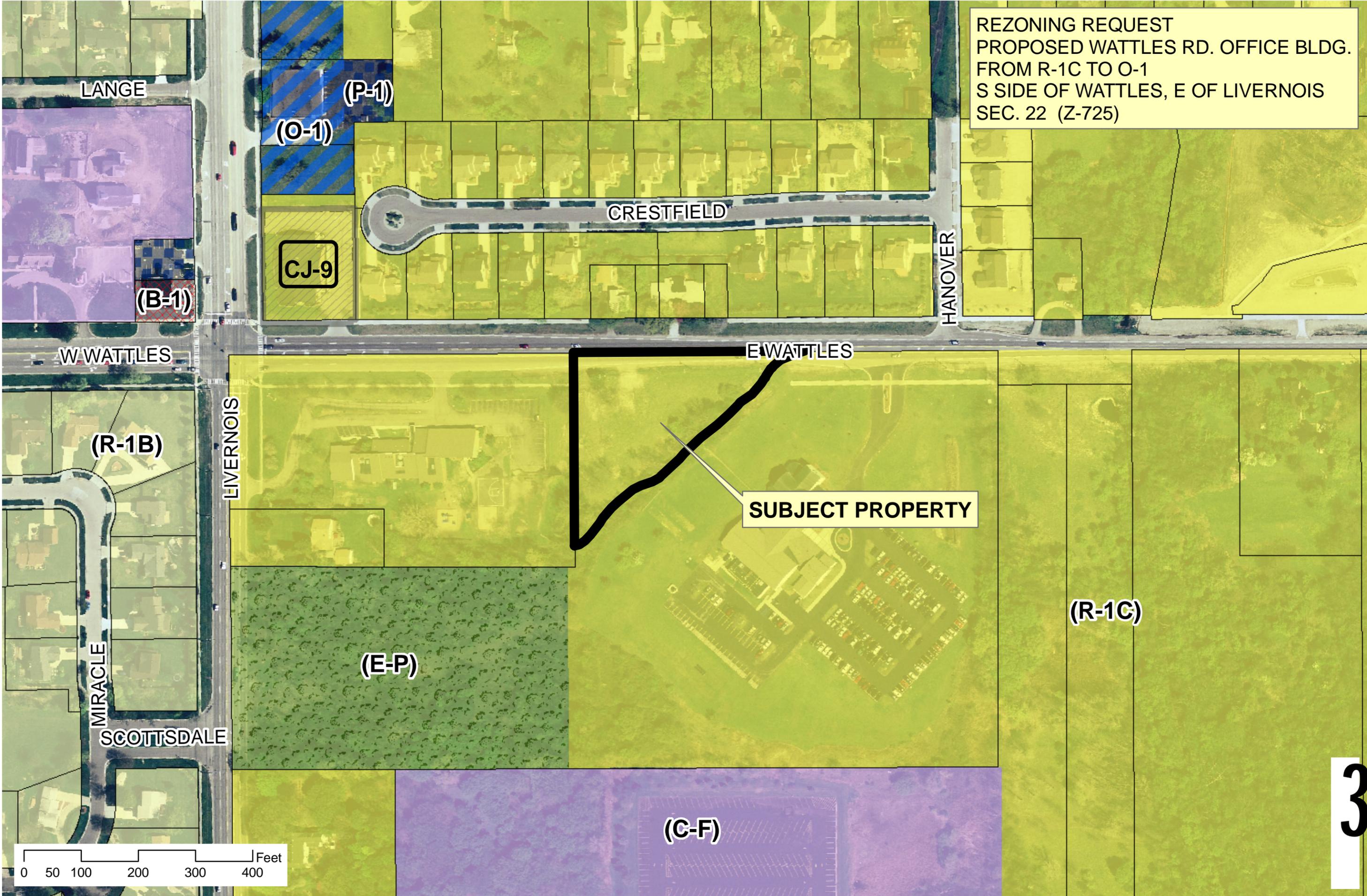
SCOTTSDALE

SUBJECT PROPERTY

0 50 100 200 300 400 Feet

3

REZONING REQUEST
PROPOSED WATTLES RD. OFFICE BLDG.
FROM R-1C TO O-1
S SIDE OF WATTLES, E OF LIVERNOIS
SEC. 22 (Z-725)



I - 75 FREEWAY

16^E

CF

E

15

CF

CF

SUBJECT PROPERTY

E

22

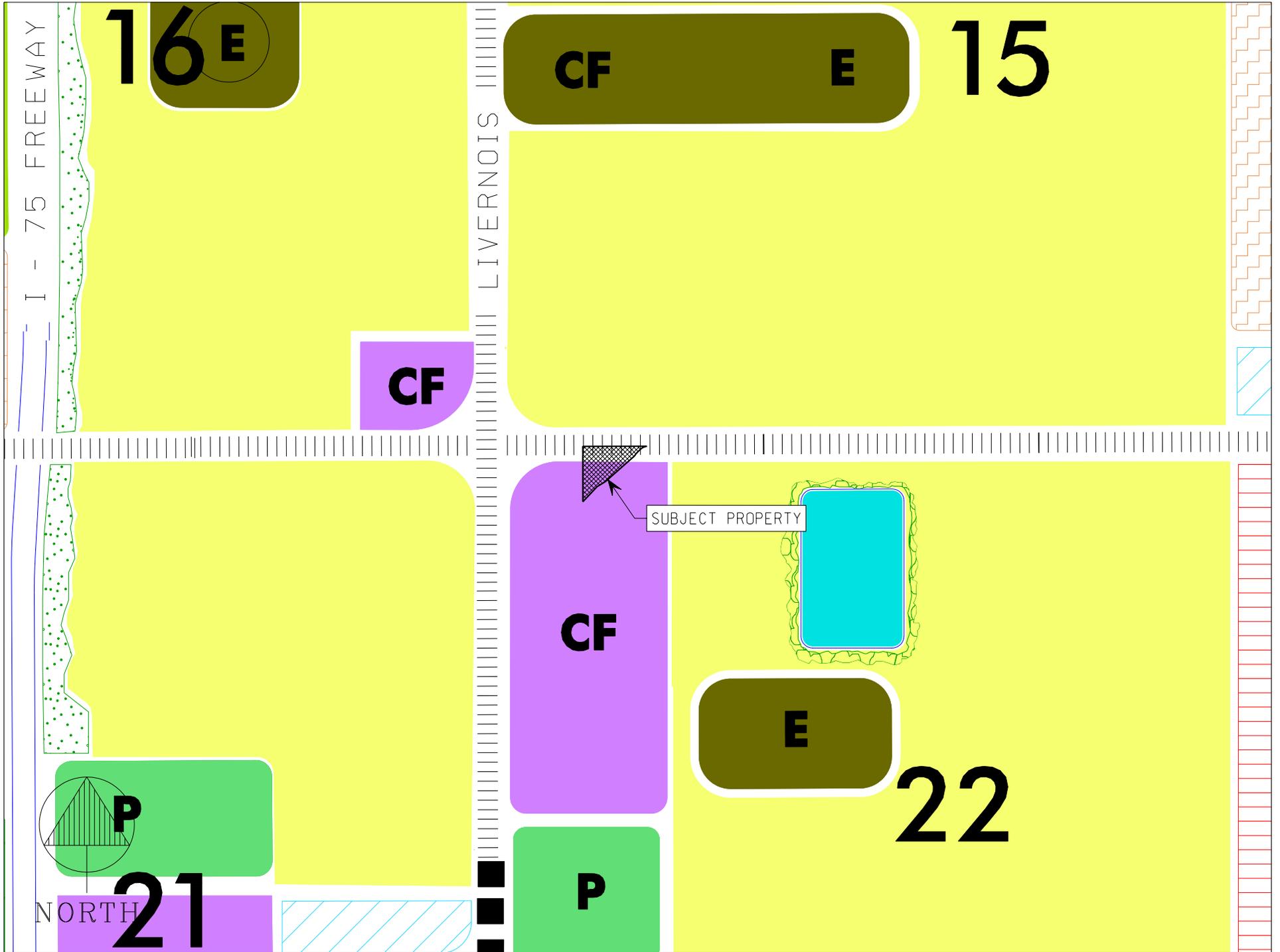
21

P

P

NORTH

LIVERNOIS



APEX

ENGINEERING GROUP INC.
CIVIL ENGINEERING & LAND PLANNING CONSULTANTS

47745 VAN DYKE AVENUE
SHELBY TOWNSHIP, MI 48317

TELEPHONE: 586-739-5200
FACSIMILE: 586-254-5314

January 5, 2007

Mark F. Miller, AICP/PCP
Planning Director
City of Troy, Planning Department
500 W. Big Beaver Road
Troy, MI 48084

RE: Rezoning Request, From R-1-C to O-1
Wattles Road, Section 22, City of Troy
Parcel ID No. 88-20-22-101-003

Dear Mr. Miller:

The enclosed plans and application package are being submitted in conjunction with a request to rezone a parcel of land in Section 22 from R-1-C, Single Family Residential to O-1, Low Rise Office District. The parcel is currently zoned R-1-C, Single Family Residential District, contains 1.01 acres of land and has approximately 319 feet of Wattles Road frontage. The site is triangular in shape and is located on the south side of Wattles Road between Livernois and Rochester Roads. The St. Lucy Croatian Catholic Church is to the east and south of the subject property. Brookfield Academy is located to the west of the site. Walsh College and Zion Christian Church occupy large parcels to the south of the subject site.

An office use is a more compatible use when compared to other land uses within the specific geographic area of the subject site. Benefits of an office use will include a larger quantity of required landscaping, greater setbacks, reduced traffic conflicts and controlled hours of operation. Greater screening requirements allow for additional areas of landscaping to buffer the existing parking lot to the west. One point of ingress/egress will be proposed rather than multiple curb cuts with vehicles backing out onto Wattles Road.

The underlying zoning for each of the adjacent parcels is R-1-C. R-1-C is also the classification of the parcels across Wattles Road to the north. The area is Master Planned for community facilities and low density residential use along this portion of Wattles Road. The parcel could be considered for an infill project for an office use between the school and church. Historically, it is much more difficult to market new construction of single family homes that front upon major roads such as Wattles Road. There is also a large inventory of homes for sale within the area and the overall residential market is relatively soft.

The site could be considered an extension of the non-residential use that is present at the intersection of Wattles and Livernois Roads. An introduction of a residential use on the subject parcel would not be consistent with the existing uses along this segment of Wattles Road.

Your consideration of the request to rezone a parcel of land within Section 22 of the City of Troy is greatly appreciated. Please contact our office if you have any questions or concerns.

Sincerely,



William E. Mosher, IV, P.E.

JAN 12 2007

REZONING REQUEST

7. PUBLIC HEARING - REZONING REQUEST (Z-725) – Proposed Office Bldg., East of Livernois, South side of Wattles, Section 22 – From R-1C (One Family Residential) to O-1 (Low Rise Office)

Planning Director Miller presented a summary on the Planning Department report for rezoning request Z-725. He noted that there was an error on the written correspondence regarding this location, and it should read that it is located on the south side of Wattles.

Bill Moser, 47745 Van Dyke, Sheby Township, was present on behalf of the petitioner. He stated that this is a unique parcel. It has been for sale for three years with residential zoning, but the housing market is weak. There have, however, been a lot of inquiries for office use. This is a more compatible use in light of the surrounding parcel arrangements and their uses.

Tony Haddad, 6507 John R, the petitioner, stated he would like to proceed with the rezoning request.

PUBLIC HEARING OPENED

Chairperson Schultz opened the Public Hearing.

Lee Nardi, 6507 John R, stated he lives directly across the street from the proposed office. There is way too much noise from the church and mainly the school. There are flood lights on at the school that light up the neighborhood. The proposed office location will be directly in front of his front window and he does not wish to look at it. In addition, we have a lot of truck traffic creating a large amount of noise, and any office use would make the area less desirable.

PUBLIC HEARING CLOSED

Chairperson Schultz closed the Public Hearing.

Commissioner Vleck stated he agreed that if it were to be rezoned, it would be spot zoning, however, we have a piece of property where on the north it is residential, but on both the east and west side there are heavy use zoning. It would be difficult to justify a residential use going into this area and poses a difficult zoning question.

Commissioner Tagle asked if there are there any wetlands.

Planning Director Miller replied that the natural features map does not indicate any wetlands.

Chairperson Schultz added that the east and south property of the border are active drains.

Mr. Haddad informed the Planning Commission that approximately a year ago the Brookfield academy wanted to buy the property. They were unable to put a daycare in the location due to ordinance restrictions. Despite the ordinance being changed, they pulled out of the purchase agreement. The point is, the ordinance already exists to permit daycare at a private academy and that is consistent with office zoning.

Chairperson Schultz asked if daycares, in schools, require O-1 zoning.

Planning Director Miller responded that the City amended the Zoning Ordinance to allow a daycare be in a single family zoning district in a private school. They are also permitted in other residential zoning when they are adjacent to an O-1 zoning or other commercial zoning.

Chairperson Schultz clarified that this property does not require O-1 zoning if Brookfield Academy wanted to put a daycare at that site.

Proposed Resolution # PC-2007-02-033

Moved by: Vleck
Seconded by:

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to O-1 rezoning request, located east of Livernois, on the south side of Wattles, within Section 22, being approximately 1 acre in size, be granted.

MOTION DIED for lack of second.

Moved by: Hutson
Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to O-1 rezoning request, located east of Livernois, on the south side of Wattles, within Section 22, being approximately 1 acre in size be denied, for the following reasons:

1. The application is inconsistent with the Future Land Use Plan.
2. If approved the O-1 parcel would constitute an undesirable spot zone.

Yes: Hutson, Schultz, Tagle
No: Vleck, Kerwin

Absent: Littman, Strat, Troshynski, Wright

NO ACTION ON MOTION due to failure to obtain minimum of five (5) votes needed to pass or fail.

Moved by: Schultz
Seconded by: Tagle

RESOLVED, That the Planning Commission hereby reconsider the vote on the R-1C to O-1 rezoning request, located east of Livernois, on the south side of Wattles, within Section 22, being approximately 1 acre in size.

Yes: All present (5)
No: None
Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

Moved by: Hutson
Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to O-1 rezoning request, located east of Livernois, on the south side of Wattles, within Section 22, being approximately 1 acre in size be denied, for the following reasons:

1. The application is inconsistent with the Future Land Use Plan.
2. If approved the O-1 parcel would constitute an undesirable spot zone.

Yes: Hutson, Kerwin, Schultz, Tagle, Vleck
No: None
Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED



CITY COUNCIL REPORT

February 26, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing – Street Vacation Application (File Number SV 189) – A section of alley, west of Rochester Road between Marengo and DeEtta, abutting Lots 5-13 and 54 of Troy Little Farms Subdivision, Section 3

Background:

- A public hearing is scheduled for the March 19, 2007 City Council meeting.
- The subject alley is 20 feet wide and 489.5 feet in length.
- The Planning Commission held a public hearing on this item on February 13, 2007, and recommended approval of the proposed street vacation.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- City Council has the authority to approve the street vacation request.

Policy Considerations:

- The street vacation would not eliminate access for any parcels abutting the alley.

- The item is consistent with City Council Goal III (Retain and attract investment while encouraging redevelopment) and Goal V (Maintain relevance of public infrastructure to meet changing public needs).

Options:

- City Council may approve or deny the street vacation request.
- No action is required until the public hearing.
- The Planning Commission recommended approval of the proposed alley vacation, with the following conditions:
 1. Retention of all public and private utility easements.

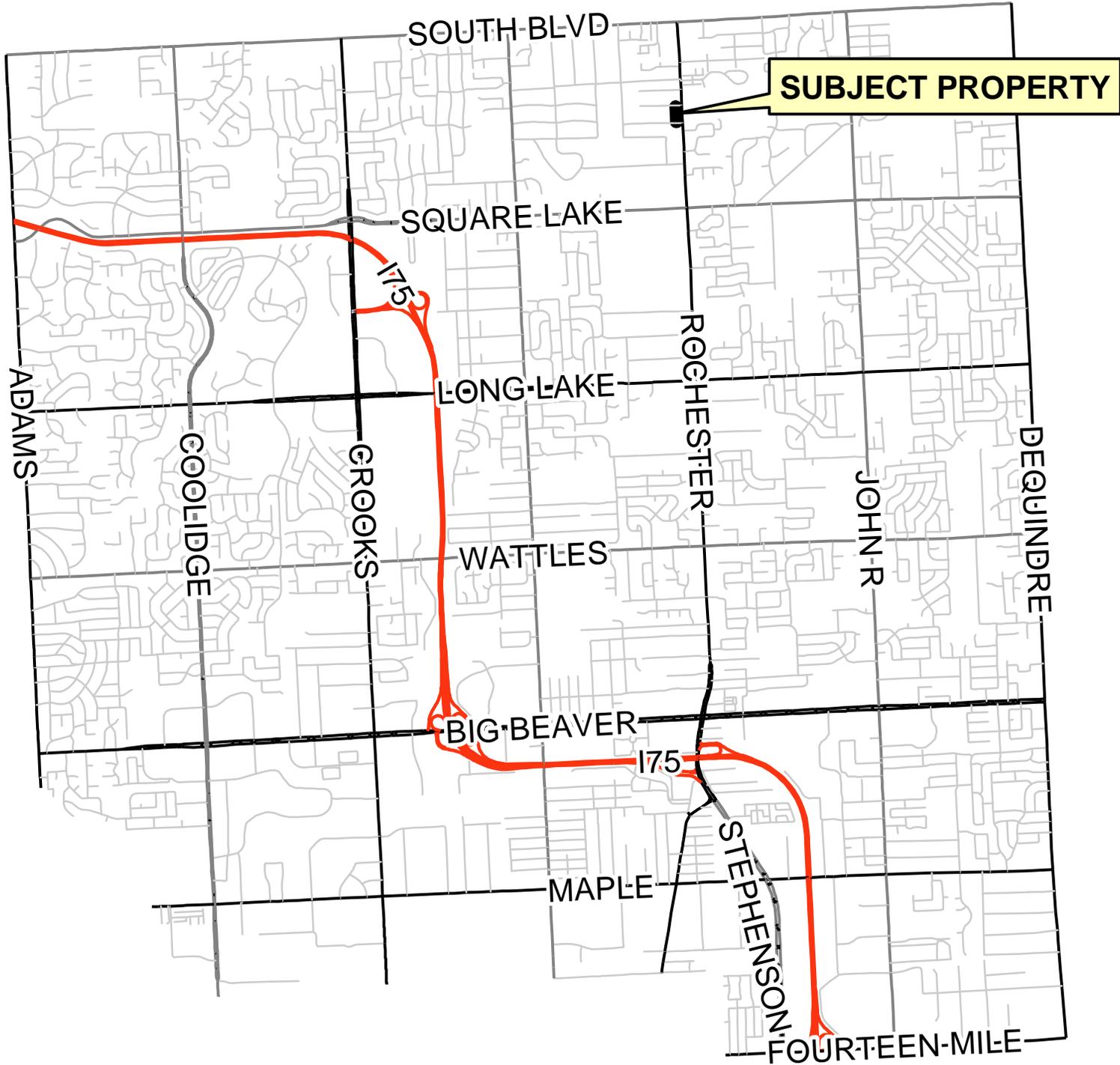
Attachments:

1. Maps.
2. Draft minutes from February 13, 2007 Planning Commission Regular meeting.
3. Letter of opposition.

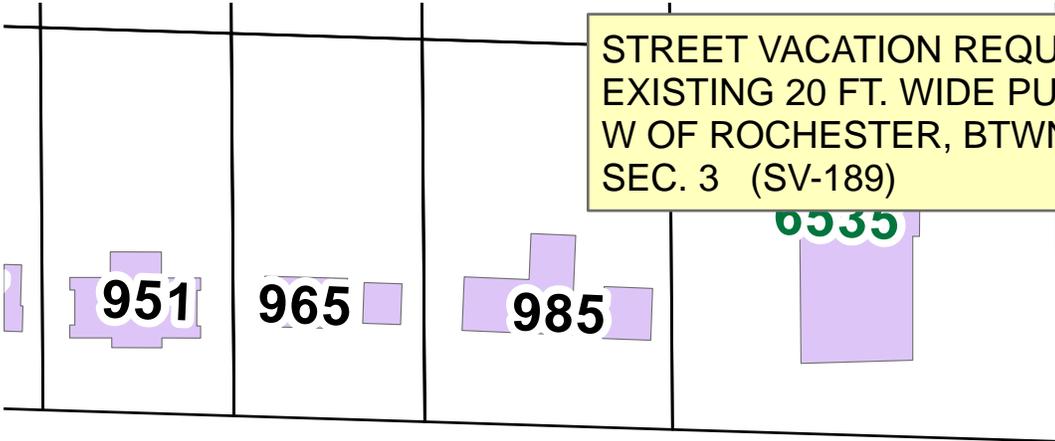
Prepared by RBS/MFM

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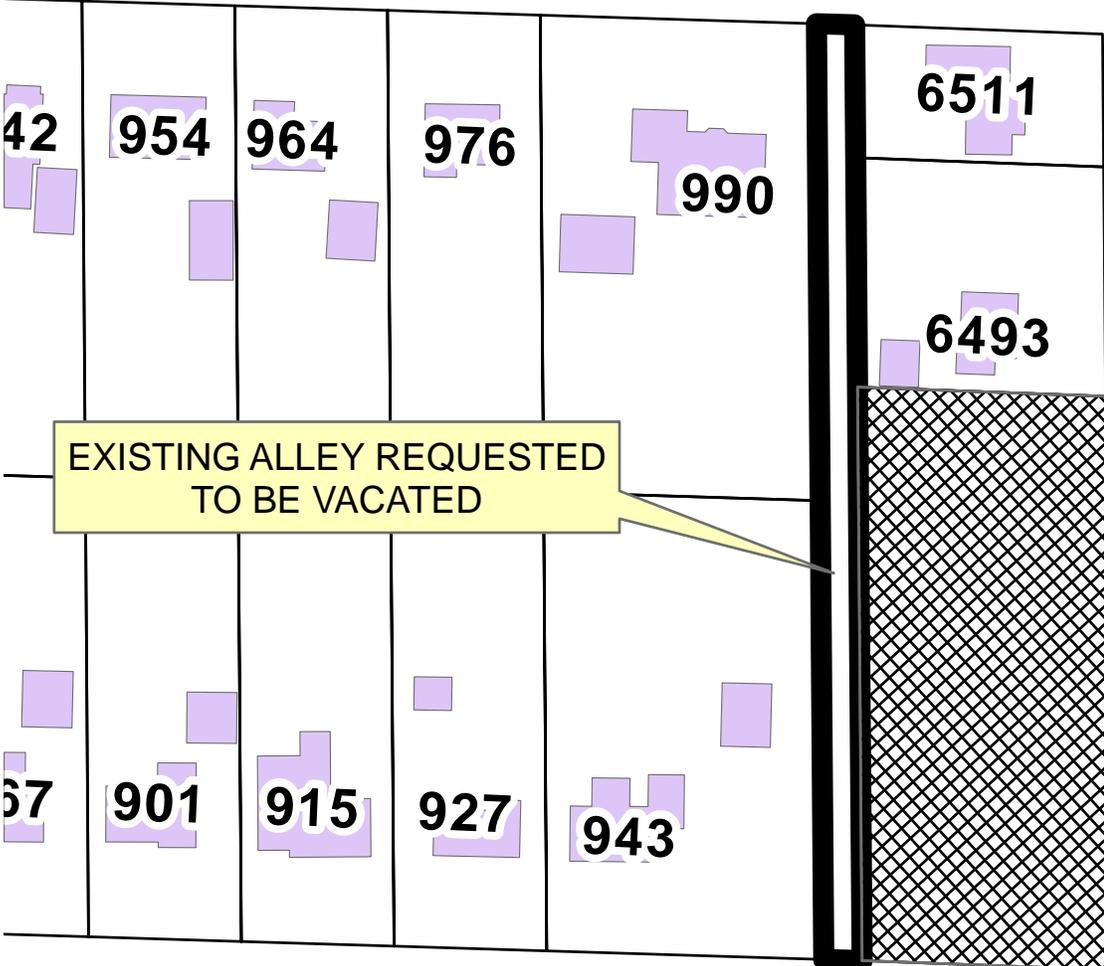
CITY OF TROY



STREET VACATION REQUEST
EXISTING 20 FT. WIDE PUBLIC ALLEY
W OF ROCHESTER, BTWN MARENGO & DEETTA
SEC. 3 (SV-189)



DEETTA

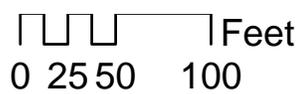


EXISTING ALLEY REQUESTED
TO BE VACATED

MARENGO

ROCHESTER

▨ PARCEL CONTROLLED BY APPLICANT



STREET VACATION REQUEST
EXISTING 20 FT. WIDE PUBLIC ALLEY
WEST SIDE OF ROCHESTER RD. BTWN MARENGO AND DEETTA
SEC. 3 (SV-189)

DEETTA

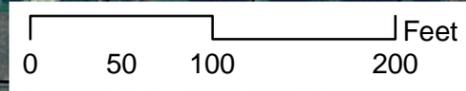
EX. ALLEY REQUESTED
TO BE VACATED

ROCHESTER

MARENGO

WOODSIDE

3



STREET VACATION REQUEST
EXISTING 20 FT. WIDE PUBLIC ALLEY
WEST SIDE OF ROCHESTER RD. BTWN MARENGO AND DEETTA
SEC. 3 (SV-189)

CJ-32

DEETTA

EX. ALLEY REQUESTED
TO BE VACATED

(B-1)

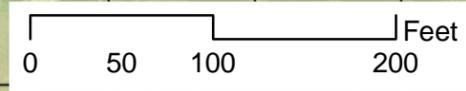
ROCHESTER

(PUD)

MARENGO

(CR-1)

WOODSIDE



STREET VACATION

- 11. PUBLIC HEARING - STREET VACATION REQUEST (SV-189) – Alley, west of Rochester Road between Marengo and DeEtta, approximately 489.50 feet abutting Lots 5 through 13 of Troy Little Farms Subdivision, Section 3 – Zoned B-1 (Local Business) and R-1B (One Family Residential) Districts (the abutting parcels)

Principal Planner Savidant reviewed the Planning Department report pertaining to the Street Vacation Request, SV-189.

David Plunkett, 300 N. Old Woodward, was present on behalf of the petitioner.

PUBLIC HEARING OPENED

Chairperson Schultz opened the Public Hearing.

No one was present to speak.

PUBLIC HEARING CLOSED

Chairperson Schultz closed the Public Hearing.

Commissioner Vleck asked if the alley is 100% located on the applicant’s property?

Principal Planner Savidant responded that because it is an alley, it currently is City property. It abuts the entire plat of the applicant’s property.

Chairperson Schultz clarified that the entire 20 feet will go to the petitioner.

Principal Planner Savidant responded yes.

Assistant City Attorney Lancaster noted that the City will look at the plat, and if it is on the plat, it will revert back to the property of the plat. This issue will still need to be researched and verified.

Proposed Resolution # PC-2007-02-

Moved by: Tagle
Seconded by: Vleck

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for an alley located west of Rochester Road between Marengo and DeEtta,

approximately 489.50 feet abutting Lots 5 through 13 of Troy Little Farms Subdivision, Section 3, be approved.

Yes: All present (5)

No: None

Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

Paula P Bratto

From: IRLlene@aol.com
Sent: Friday, February 09, 2007 9:20 PM
To: Paula P Bratto
Subject: Binson's request to vacate a 20 ft. wide alley

Dear Planning Commission members:

I am writing regarding the hearing scheduled for Tuesday, February 13th on the request of Binson's to vacate a 20 ft wide alley abutting lots 5-12 of Troy Little Farms Subdivision. I own the home at 990 De Etta which is located just at the northwest corner of the Binson's property. I want to request that the 20 ft alley be equally divided between the property owners, why would the City grant all of the alley to Binson's? What about the rest of the individuals bordering the alley? Which would be all the property owners on Rochester Road between De Etta and Marengo and myself and the property owner of 943 Marengo. I have always thought that the City would take in consideration their citizens, but time and again I see that is not the case. I have the "lovely" view directly in front of my dining room of a building (Rochester Parc) which is 90% vacant and a dumpster in the parking lot!!! The City signed a Consent Judgment regarding that particular property and the owner built an office building, as if Tory needed more offices!!!! They can't even rent the ones they have.....

Now I have to deal with Binson's wanting to take over the 20ft alley way I'm assuming because they won't have enough room on the property without the alleyway. If that is the case then why are they allowed to even build on the property, is that not an indication that the area is just too small to accommodate the parking etc.? Also, I'm sure they will place their dumpster right in the Northwest corner of their property, which is directly in my backyard. I will not only have a lovely view out my front window but I will be able to look out the french doors of my great room and see another dumpster in my yard. I'm sure you don't care about my situation as that has been evident in the many appearances I have made before you and the City Council. Even though I have made many appearances and objections to this plan and the office on Rochester Road its still proceeding. That's why I stated that the average citizen doesn't have a chance...its very unfortunate!!! People purchase homes in residential communities only to find that these companies request variances and if they don't get their way they threaten lawsuits and the City grants their wishes and leaves their citizens with a mess.

I will be in attendance at the meeting and am requesting that the 20 ft alley way not be granted to Binson's I object strongly and as a citizen of Troy I am requesting my 10 ft. share of the alleyway. Binson's can have their fair share which would be 10ft. I don't want a dumpster in my yard. If this was being done to any of you, I'm sure you would be enraged. If all this somehow does get passed, I will be petitioning the City for a drastic reduction in my taxes, as I will not continue to pay the high taxes on my property which value has been reduced due to the various "Consent Judgments" and variances allowed by the planning commission and the City.

Please consider my request and split the alleyway between all the owners. Also, why is Binson's moving from their present location, I know, I heard it at the former meetings, they need more room. How can they possibly get more room at this location, apparently they can't as they are requesting to take over all the alley!! Well, when there is an alley such as this is has to be split equally between the properties and I am requesting my share.

Thank you,
Eileen



CITY COUNCIL REPORT

DATE: February 27, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing - Zoning Ordinance Text Amendment (File Number: ZOTA 225) – Articles IV and XXXV – Planned Unit Development Provisions

Background:

- A public hearing is scheduled for the March 19, 2007 City Council meeting.
- The Planning Commission held a public hearing on this item on February 13, 2007, and recommended approval of the proposed text amendment.
- The PUD process presently provided by the City of Troy Zoning Ordinance does not provide design flexibility needed for sophisticated, multi-phased mixed-use projects. A significant amount of detailed site plan and engineering information is required during the land planning stage. This increases project risk, as significant cost is incurred prior to receiving preliminary PUD approval.
- The proposed process requires the same information to be reviewed and approved, however, the approval order is modified. The design of future phases is dictated by a pattern book, which will be approved during the Conceptual Development Plan Approval stage. The proposed PUD review and approval process is illustrated in the attached flow chart.
- Currently, the Planning Commission makes a recommendation to City Council following a public hearing during the preliminary approval phase. Therefore, the Planning Commission does not have an opportunity to review the project prior to final approval. The proposed language would allow the Planning Commission to make a recommendation to City Council prior to Conceptual Development Plan Approval. The Planning Commission also grants Preliminary Development Plan Approval under the proposed process.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- City Council has the authority to amend the Zoning Ordinance.

Policy Considerations:

- The proposed amendment is consistent with City Council Goal I (Enhance the livability and safety of the community), Goal II (Minimize the cost and increase the efficiency and effectiveness of City government), Goal III (Retain and attract investment while encouraging redevelopment) and Goal V (Maintain relevance of public infrastructure to meet changing public needs).

Options:

- The Planning Commission recommended approval of ZOTA 225 on February 13, 2007.
- No action until public hearing on March 19, 2007.

Approved as to form and legality:

Lori Grigg Bluhm, City Attorney

Attachments:

1. Draft ZOTA 225 City Council Public Hearing Draft.
2. Proposed PUD Process Flow Chart.
3. Draft minutes from February 13, 2007 Planning Commission Regular meeting.

Prepared by RBS/MFM

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
CITY COUNCIL PUBLIC HEARING DRAFT
ZOTA 225

The City of Troy ordains:

Section 1. Short Title

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

Section 2. Amendment to Article IV of Chapter 39

Article IV of Chapter 39 of the Code of the City of Troy is amended by adding a definition for Planned Unit Development, to read as follows:

04.20.125A PLANNED UNIT DEVELOPMENT: A development consisting of a combination of land uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan meeting the requirements of Article XXXV.

Section 3. Amendment to Article XXXV of Chapter 39

Article XXXV of Chapter 39 of the Code of the City of Troy is amended by replacing the existing Planned Unit Development provisions with new provisions, to read as follows:

ARTICLE XXXV Planned Unit Development (PUD)

35.10.00 Intent:

~~—————The intent of the PUD Option is to permit flexibility in the design and use of residential and non-residential land that, through the implementation of an overall development plan, will:~~

- ~~A. ———Encourage innovation and variety in design, layout, and types of land uses and structures;~~
- ~~B. ———Ensure the preservation of significant natural features and open space areas;~~
- ~~C. ———Achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and facilities;~~

- ~~D. — Encourage a higher quality of development than can be achieved utilizing the requirements of the underlying zoning classifications;~~
- ~~E. — Encourage the assembly of properties and redevelopment of outdated structures and areas;~~
- ~~F. — Provide for enhanced housing, employment, recreation, and shopping opportunities for the citizens of Troy;~~
- ~~G. — Ensure compatibility of developments with the design and function of neighboring sites;~~
- ~~H. — Ensure development that is consistent with the direction of the Master Land Use Plan.~~

~~The provisions of this Article are not intended to be used as a device for avoiding the applicable zoning requirements. The use of the provisions of this Article to permit variations from other requirements of this Ordinance shall only be approved when such approval results in improvements to the public health, safety, and welfare in the area affected, in accordance with this Intent Statement.~~

~~_____ The PUD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.~~

~~_____ The development permitted under this Article shall be considered as an optional means of development, and thus shall only be permitted when mutually agreeable to the developer and to the City Council.~~

~~(05-01-00)~~

~~35.20.00 — Definition:~~

~~_____ A "Planned Unit Development" is a development consisting of a combination of land uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan meeting the requirements of this Article. The predominant uses permitted within a Planned Unit Development shall be those consistent with the direction of the Master Land Use Plan. Other uses may, however, be permitted as a part of a PUD. Physical standards relating to matters such as building height and bulk, density, and setbacks are determined based upon the specific PUD plan presented, its internal design quality, and its compatibility with adjacent uses, rather than being based upon the specific standards contained in the underlying Zoning Districts or in those~~

~~Districts within which the proposed uses otherwise occur. A Planned Unit Development plan, approved in accordance with the provisions of this Article, replaces the underlying Zoning Districts as the basis upon which the subject property is developed and its uses are controlled.~~

~~35.30.00 Eligibility:~~

~~In order to qualify for the Planned Unit Development Option, it must be demonstrated that the following conditions will be met:~~

~~A. The proposed development site shall be under a single ownership or control, and be capable of being planned and developed as one integral unit.~~

~~(Rev. 08-19-02)~~

~~B. The proposed development site shall be limited in its location to one of the following areas:~~

~~1. The City Center Area, which is generally described as including the area lying between Crooks and Livernois Roads, extending north from the property on the south side of Kirts Boulevard to a point one-half mile north of Big Beaver Road, excluding developed single-family residential subdivisions.~~

~~2. Parcels on which the City Council determines, after a recommendation from the Planning Commission, that the flexibility of the PUD regulations would achieve a substantially higher quality of development than could be achieved under a conventional zoning approach. Factors related to development quality shall include, but shall not be limited to: overall site and building design, building materials, preservation of significant natural features, the provision of a greater amount of open space and/or landscaped area, the provision of extensive pedestrian facilities and amenities, and the provision of facilities which enhance or replace those which would otherwise be provided by public entities (e.g. recreation, transportation, safety and security).~~

~~3. Parcels on which the City Council determines, after a recommendation from the Planning Commission, that extreme economic obsolescence exists, and that it would be extremely difficult to achieve economically sound development under a conventional zoning approach.~~

~~(05-01-00)~~

- ~~C. The applicant must show that a sufficient number of the following objectives, which would not be able to be accomplished without the use of the PUD, are met:~~
- ~~1. Provide development quality objectives such as those referred to in Section 35.30.00-B-2 above;~~
 - ~~2. Provide a mixture of land uses that would otherwise not be permitted, provided that other objectives of this Article are met and the resulting development would promote the public health, safety, and welfare;~~
 - ~~3. Provide a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety and welfare, or protect existing or future uses from the impacts of the proposed uses.~~
 - ~~4. Alleviate traffic congestion;~~
 - ~~5. Provide for the appropriate redevelopment or re-use of sites that are occupied by obsolete uses;~~
 - ~~6. Provide a complementary variety of housing types that is in harmony with the adjacent uses;~~
 - ~~7. Promote the intent of the Master Land Use Plan.~~

~~35.40.00 General Development Standards:~~

~~Any land use authorized in this Zoning Ordinance may be included in a Planned Unit Development as a principal or accessory use, provided that:~~

- ~~A. The predominant uses within a Planned Unit Development shall be consistent with the intent of the Master Land Use Plan. Other uses may be permitted by the City Council, after a recommendation from Planning Commission, when such are determined to be consistent with the intent of this Article.~~
- ~~B. The applicant for approval of a Planned Unit Development shall demonstrate, to the Planning Commission and the City Council, that physical features of the proposed development, such as building height and bulk, setbacks, and development density are consistent or compatible with those of the adjacent properties.~~
- ~~C. Open space and landscaped areas are intended to be a primary feature of Planned Unit Developments. To this end, such developments shall provide substantially more open~~

~~space area than that required for typical developments within the underlying Zoning Districts (e.g. fifteen (15) percent of non-residential site, vs. ten (10) percent requirement per Section 39.70.04). Specific interpretation of this standard shall be the responsibility of the City Council, after a recommendation from the Planning Commission.~~

~~(05-01-00)~~

~~D. Stormwater detention or retention shall be provided in open unfenced detention or retention basins, or in underground facilities. These basins shall be incorporated into the landscaping or open space plan for the site. Stormwater detention within parking lots shall not be permitted.~~

~~E. Parking shall be provided in order to properly serve the total series of uses within a Planned Unit Development, based on the provisions of Section 40.21.01. The City Council, after receiving a recommendation from the Planning Commission, may permit the sharing of parking among the various uses within a Planned Unit Development, and thus a reduction in the total parking provided, subject to the following conditions:~~

~~1. A finding by the City Council, based on technical information provided by qualified land use, parking, or traffic consultants, that the consequent reduction in off-street parking will not impair the functioning of the developments served, or have a negative effect on traffic flow on and/or adjacent to the sites served.~~

~~2. The execution of an Agreement between the developer benefiting from the shared parking and the City, setting forth the means by which additional parking, up to the minimum required by Section 40.21.01, will be provided, if and when such is determined to be necessary by the City.~~

~~F. It is intended that Planned Unit Developments will be implemented as a single coordinated and cohesive development project. If it is determined that the scale and nature of the project warrant phased or multi-stage development, the predominant uses established on the site shall be consistent with the intent of the Master Land Use Plan.~~

~~35.50.00 Submittal Requirements:~~

~~Submittal requirements for Planned Unit Developments shall, as a minimum, follow the requirements found in Section 03.30.00 for Special Use Approvals which occur in conjunction with Site Plan Approvals.~~

~~35.50.01 Environmental Impact Statement, according to the provisions of Article VII of this Chapter, shall be submitted as a part of a Planned Unit Development application. The Preliminary Environmental Impact Statement shall be submitted with the application for Preliminary Plan Approval, and the Final Environmental Statement shall be submitted with the application for Final Plan Approval.~~

~~35.50.02 In the event that an applicant would wish to propose a Planned Unit Development wherein the predominant use or uses would not be consistent with the Master Land Use Plan, the applicant shall request that the Planning Commission consider an amendment to that Plan. This request and the supporting documentation may be submitted in advance of or simultaneous with the request for Preliminary Plan Approval. Action on an amendment to the Master Land Use Plan shall occur at or before the time of Preliminary Plan Approval.~~

~~35.60.00 Approval Process:~~

~~The review and approval of Planned Unit Developments shall occur in two stages; Preliminary Plan Approval, and Final Plan Approval.~~

~~(05-01-00)~~

~~35.60.01 Preliminary Plan Approval:~~

~~Preliminary Plans for Planned Unit Developments shall be submitted to the Planning Commission, for review and recommendation to the City Council. Before making a recommendation to the City Council, the Planning Commission shall hold a Public Hearing on the proposal. Following their Public Hearing, the Planning Commission shall make a recommendation to the City Council on the Preliminary Plan for the proposed Planned Unit Development. A Public Hearing shall then be set for the City Council, at which time they will consider the proposal, along with the recommendations of the Planning Commission, the City staff, and other interested parties. The City Council shall then take action to approve, approve with conditions, or disapprove the Preliminary Planned Unit Development Plan. In the event of denial, the City Council shall set forth in their resolution the reasons for such action. The City Council's approval shall be effective for a period of one (1) year, during which time the petitioner is authorized to prepare and submit construction plans for site improvements, phasing plans, Planned Unit Development Agreements, and other documents necessary for Final Plan Approval.~~

~~35.60.02 Final Plan Approval:~~

~~Final plans for Planned Unit Developments shall be submitted to the Planning Department for presentation to and review by the City Council, who shall have final authority for approval of such Final Plans. In conjunction with the application for Final Plan Approval, the applicant shall~~

~~submit evidence of completion of the Final Site Plan Approval process in accordance with Section 03.40.00 of this Chapter. Following their review of the Final Plan, City Council shall take action to approve, approve with conditions, or disapprove the Final Planned Unit Development Plan. In the event of denial, the City Council shall set forth in their resolution the reasons for such action.~~

~~35.70.00 — Standards for Approval of Planned Unit Developments~~

~~————— In considering applications for Planned Unit Developments, the Planning Commission and City Council shall make their determinations based upon the following standards:~~

~~————— 35.70.01 — The overall design and all proposed uses shall be consistent with and promote the Intent of the Planned Unit Development approach, as stated in Section 35.10.00, and the Eligibility Conditions as stated in Section 35.30.00.~~

~~35.70.02 — The proposed Planned Unit Development shall be consistent with the intent of the Master Land Use Plan.~~

~~35.70.03 The proposed Planned Unit Development includes information which clearly sets forth specifications or information with respect to structure height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to the surrounding properties and uses thereon, as well the relationships between the various elements of the proposed Planned Unit Development. In determining whether this requirement has been met, consideration shall be given to the following:~~

~~A. — The bulk, placement, and materials of construction of the proposed structures and other site improvements.~~

~~B. — The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development.~~

~~(05-01-00)~~

~~C. — The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment.~~

~~D. — The hours of operation of the proposed uses.~~

~~E. — The location, amount, type and intensity of landscaping, and other site amenities.~~

~~35.70.04 The proposed development shall not exceed the capacities of existing public facilities and available public services, including but not limited to; utilities, roads, police and fire protection services, recreation facilities and services, and educational services, unless the project proposal contains an acceptable plan for the provision of such necessary additional facilities and services.~~

~~35.70.05 The Planned Unit Development shall be designed to minimize the impact of traffic generated by the proposed development on the surrounding uses and area.~~

~~35.70.06 The Planned Unit Development shall include a sidewalk system to accommodate safe pedestrian circulation throughout the development, and along the perimeter of the site, without undue interference from vehicular traffic.~~

35.70.07 The proposed Planned Unit Development shall be in compliance with all applicable Federal, State, and local laws and ordinances.

35.80.00 Planned Unit Development Agreement:

~~In conjunction with submittal to the Council of a request for Final Plan Approval for a Planned Unit Development, the applicant shall execute and submit one or more documents which shall serve as the Planned Unit Development Agreement. As a part of their Final Plan Approval action, the City Council shall authorize execution of this Agreement by the City. The PUD Agreement shall include, but shall not be limited to items such as the following:~~

- ~~1. A summary description of the nature and character of the proposed development, as to permitted uses and site improvements.~~
- ~~2. A statement of the conditions upon which Final Plan Approval by the City Council is based, with particular attention given to those conditions which are unique to the particular PUD Plan. These conditions can include matters such as, but not limited to, specific architectural standards, building elevations and materials, site lighting, pedestrian facilities, and landscaping.~~
- ~~3. A summary of the public improvements (streets, utilities, etc.) which are to be carried out in conjunction with the proposed development, along with financial guarantees, in a form acceptable to the City Manager, in order to ensure completion of these improvements.~~
- ~~4. A document ensuring the maintenance of any open space or common areas which will result from implementation of the~~

~~PUD Plan (e.g. property owners association, conveyance to the City with maintenance deposit).~~

~~The Planned Unit Development Agreement shall be recorded in the office of the Oakland County Register of Deeds, referenced to the subject property.~~

~~(05-01-00)~~

~~35.90.00 — Effect of Approval~~

~~Approval of a Planned Unit Development Plan shall constitute an amendment to the Zoning Ordinance. The area encompassed by a Planned Unit Development shall be depicted on the Zoning District Map, as a further notice of the unique nature of the development controls related to the property involved. Following Final Plan Approval for a Planned Unit Development, no use or development of the subject property may occur except that which is consistent with the approved Planned Unit Development Plan and Agreement.~~

~~35.95.00 — Amendment or Abandonment of PUD Plan~~

~~35.95.01 — Any proposed amendment of the Planned Unit Development Plan which alters the intent and conditions of Final Approval, shall be presented to and considered by the Planning Commission and the City Council at Public Hearings, following a procedure similar to that of Preliminary Plan Approval.~~

~~35.95.02 — Planned Unit Development sites on which construction does not occur within a two (2) year period from the date of Final Plan Approval shall be considered abandoned, for the purposes of this Article. The applicant may request a twelve (12) month extension of Final Plan Approval, which will be considered and acted upon by the City Council following a Public Hearing. A written request for extension must be received by the City before the end of the two (2) year Final Plan Approval period.~~

~~Following any action to abandon the proposed Planned Unit Development, whether it be through failure to proceed or through formal notice of abandonment by the property owners or successors, the City Council shall take action to rescind their previous Final Plan Approval actions, and to invalidate any related Agreements. Evidence of such actions shall be recorded in the office of the Oakland County Register of Deeds, referenced to the subject property.~~

~~35.96.00 — Appeals:~~

~~The Board of Zoning Appeals shall have no authority in matters covered by this Article. Modifications to plans or proposals~~

~~submitted under this Article shall be processed in accordance with the amendment procedures covered under Section 35.95.00.~~

~~35.97.00~~ Violations:

~~Any violation of the approved PUD Final Plan or the PUD Agreement shall be considered a violation of the Zoning Ordinance, which shall be subject to the enforcement actions and penalties described in Section 02.50.00 of the Zoning Ordinance.~~

~~(05-01-00)~~

35.10.00. Intent:

The intent of the Planned Unit Development option is to permit flexibility in the design and use of residential and non-residential land which, through the implementation of an overall development plan, when applicable to the site, will:

- A. Encourage developments that will result in a long term contribution to social, environmental and economic sustainability in the City of Troy;
- B. Permit development patterns that respond to changing public and private needs;
- C. Encourage flexibility in design and use that will result in a higher quality of development and a better overall project than would be accomplished under conventional zoning, and which can be accommodated without sacrificing established community values;
- D. Provide for the long-term protection and/or preservation of natural resources, natural features, and/or historic and cultural resources;
- E. Promote the efficient use and conservation of energy;
- F. Encourage the use, redevelopment and improvement of existing sites where current ordinances do not provide adequate protection and safeguards for the site or its surrounding areas, or where current ordinances do not provide the flexibility to consider redevelopment, replacement, or adaptive re-use of existing structures and sites;
- G. Provide for enhanced housing, employment, recreation, and shopping opportunities for the citizens of Troy;
- H. Ensure the compatibility of design and use between various components within the PUD and with neighboring properties and uses; and
- I. Ensure development that is consistent with the intent of the land use plan meeting the requirements of the Municipal Planning Act or the intent of any applicable corridor or sub-area plans.

A Planned Unit Development project is viewed as an integrated development concept. To that end, the provisions of this Article are not intended to be used as a device for avoiding the zoning requirements that would otherwise apply, but rather to allow flexibility and mixture of uses, and to improve the design, character and quality of new development. The use of a Planned Unit Development to permit variations from other requirements of this Ordinance shall

only be approved when such approval results in improvements to the public health, safety and welfare in the area affected, and in accordance with the intent of this Article.

35.20.00. Uses Permitted:

The uses permitted within a Planned Unit Development shall be consistent with the intent of the plan meeting the requirements of the municipal Planning Act or the intent of any applicable corridor or sub-area plans. If conditions have changed since the plan, or any applicable corridor or sub-area plans, was adopted, the uses shall be consistent with recent development trends in the area. Other land uses may be authorized when such uses are determined to be consistent with the intent of this Article. Physical standards relating to matters such as building height, bulk, density, parking and setbacks will be determined based upon the specific PUD plan presented, and its design quality and compatibility with adjacent uses, rather than being based upon the specific standards contained in the underlying zoning districts or in those districts within which the proposed uses otherwise occur. A Planned Unit Development plan, approved in accordance with the provisions of this Article, replaces the underlying zoning districts as the basis upon which the subject property is developed and its uses are controlled.

35.30.00. Standards for Approval:

A Planned Unit Development project may be applied for in any zoning district. In order to be considered for the Planned Unit Development option, it should be demonstrated that the following standards will be met, as reasonably applicable to the site:

- A. The proposed development shall be applied for by a person or entity who has the legal right to execute a binding agreement covering all parcels in the PUD.
- B. The applicant shall demonstrate that through the use of the PUD option, the development will accomplish a sufficient number of the following objectives, as are reasonably applicable to the site, providing:
 1. A mixture of land uses that would otherwise not be permitted without the use of the PUD, provided that other objectives of this Article are also met;
 2. A public improvement or public facility (e.g. recreational, transportation, safety and security) which will enhance, add to or replace those provided by public entities, thereby furthering the public health, safety and welfare;
 3. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be infeasible or unlikely to be achieved absent these regulations;
 4. Long term protection and preservation of natural resources, natural features, and historic and cultural resources, of a significant quantity

and/or quality in need of protection or preservation, and which would otherwise be unfeasible or unlikely to be achieved absent these regulations;

5. A compatible mixture of open space, landscaped areas, and/or pedestrian amenities;
6. Appropriate land use transitions between the PUD and surrounding properties;
7. Design features and techniques, such as green building and low impact design, which will promote and encourage energy conservation and sustainable development;
8. Innovative and creative site and building designs, solutions and materials;
9. The desirable qualities of a dynamic urban environment that is compact, designed to human scale, and exhibits contextual integration of buildings and city spaces;
10. The PUD will reasonably mitigate impacts to the transportation system and enhance non-motorized facilities and amenities;
11. For the appropriate assembly, use, redevelopment, replacement and/or improvement of existing sites that are occupied by obsolete uses and/or structures;
12. A complementary variety of housing types that are in harmony with adjacent uses;
13. A reduction of the impact of a non-conformity or removal of an obsolete building or structure;
14. A development consistent with and meeting the intent of this Article; and will promote the intent of the plan meeting the requirements of the Municipal Planning Act or the intent of any applicable corridor or sub-area plans. If conditions have changed since the plan, or any applicable corridor or sub-area plans, was adopted, the uses shall be consistent with recent development trends in the area.
15. Includes all necessary information and specifications with respect to structures, heights, setbacks, density, parking, circulation, landscaping, amenities and other design and layout features, exhibiting a due regard for the relationship of the development to the surrounding properties and uses thereon, as well as to the relationship between the various elements within the proposed Planned Unit Development. In determining whether these relationships have been appropriately addressed, consideration shall be given to the following:
 - A. The bulk, placement, and materials of construction of the proposed structures and other site improvements.
 - B. The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the

other elements of the development.

C. The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment.

D. The hours of operation of the proposed uses.

E. The location, amount, type and intensity of landscaping, and other site amenities.

16. Parking shall be provided in order to properly serve the total range of uses within the Planned Unit Development. The sharing of parking among the various uses within a Planned Unit Development may be permitted. The applicant shall provide justification to the satisfaction of the City that the shared parking proposed is sufficient for the development and will not impair the functioning of the development, and will not have a negative effect on traffic flow within the development and/or on properties adjacent to the development.

17. Innovative methods of stormwater management that enhance water quality shall be considered in the design of the stormwater system.

18. The proposed Planned Unit Development shall be in compliance with all applicable Federal, State and local laws and ordinances, and shall coordinate with existing public facilities.

35.40.00. Consistency with Plan.

In the event that an applicant proposes a Planned Unit Development wherein the predominant use or uses would not be consistent with the intent of the plan meeting the requirements of the Municipal Planning Act, applicable corridor or sub-area plans, recent development trends in the area, or this Article, the City may consider initiating an amendment to the plan or applicable corridor or sub-area plans. If an applicant proposes any such uses, the applicant shall provide supporting documentation in advance of or simultaneous with the request for Concept Development Plan Approval.

35.50.00. Summary of the Approval Process:

A. *Step One: Conceptual Development Plan Approval.* The procedure for review and approval of a PUD shall be a three-step process. The first step shall be application for and approval of a Concept Development Plan, which requires a legislative enactment amending the zoning district map so as to reclassify the property as a Planned Unit Development. A proposed Development Agreement shall be included and incorporated with the Concept Development Plan, to be agreed upon and approved coincident with said Plan. The Concept Development Plan and Development Agreement shall be approved by the City Council following the recommendation of the Planning Commission. Such action, if and when approved, shall confer upon the applicant approval of the Concept Development Plan and shall rezone the property to PUD in accordance

with the terms and conditions of the Concept Development Plan approval.

B. *Step Two: Preliminary Development Plan Approval.* The second step of the review and approval process shall be the application for and approval of a Preliminary Development Plan (preliminary site plan) for the entire project, or for any one or more phases of the project. The Planning Commission shall have the final authority to approve and grant Preliminary Development Plan approvals.

C. *Step Three: Final Development Plan Approval.* The third step of the review and approval process shall be the review and approval of a Final Development Plan (final site plan) for the entire project, or for any one or more phases of the project, and the issuance of building permits. Final Development Plans for Planned Unit Developments shall be submitted to the Planning Department for administrative review, and the Planning Department, with the recommendation of other appropriate City Departments, shall have final authority for approval of such Final Development Plans.

35.50.01. Step One: Concept Development Plan Approval:

A. *Preapplication Meeting.* Prior to the submission of an application for approval of a Planned Unit Development, the applicant shall meet informally with the Planning Department of the City, together with such staff and outside consultants as deemed appropriate by the City. The applicant shall present at such conference, or conferences, a sketch plan of the proposed Planned Unit Development, as well as the following information:

1. A legal description of the property and the total number of acres in the project;
2. A topographical map of the site;
3. A statement as to all proposed uses;
4. The known deviations sought from the ordinance regulations otherwise applicable;
5. The number of acres to be preserved as open or recreational space and the intended uses of such space;
6. All known natural resources, natural features, historic resources and historic features; which of these are to be preserved; and
7. A listing and specification of all site development constraints.

B. *Concept Development Plan.* Thereafter, a Concept Development Plan conforming to the application provisions set forth herein shall be submitted. A proposed Development Agreement shall be incorporated with the Concept Development Plan submittal and shall be reviewed and approved coincident with the Plan. Such submissions shall be made to the Planning Director, who shall present the same to the Planning Commission for consideration at a regular or special meeting. The Concept Development Plan shall constitute an application to

amend the zoning district map. Before making a recommendation to the City Council, the Planning Commission shall hold a Public Hearing on the proposal. Prior to the Planning Commission scheduling a Public Hearing, the applicant shall arrange for one or more informal meetings with representatives of the adjoining neighborhoods, soliciting their comments and providing same to the Planning Commission. The City shall be advised in advance as to the scheduling and location of all such meetings.

Thereafter, the Planning Commission shall make a recommendation to the City Council with regard to the Concept Development Plan. A Public Hearing shall be scheduled before the City Council, at which time they will consider the proposal along with the recommendations of the Planning Commission, the City staff, and comments of all interested parties. The City Council shall then take action to approve, approve with conditions, or disapprove the Concept Development Plan. The City Council shall set forth in their resolution the reasons for such action, including any reasons for denial.

C. *Application.* The application for approval of a Concept Development Plan shall include the following information and materials, which shall be in a plan format together with a narrative explanation:

1. *Development concept:* A summary explanation of the development concept of the proposed Planned Unit Development. The Concept Development Plan shall describe the project and explain how the project will meet the intent of the PUD option as set forth in Section 35.10.00 and the criteria for consideration as a PUD as set forth in Section 35.30.00 hereof, as those sections reasonably apply to the site.
2. *Density:* The maximum density of the overall project and the maximum density for each proposed use and phase.
3. *Road system:* A general description of the road system and circulation pattern; the location of roads, entrances, exits and pedestrian walkways; a statement whether roads are intended to be public or private.
4. *Utilities:* A general description and location of both on-site and off-site utilities including proposed water, sanitary sewer, storm sewer systems and utility lines; a general indication of the size and location of stormwater detention and retention ponds, and a map and text showing off-site utilities, existing and proposed, which will provide services to the project.
5. *Open space/common areas:* A general description of proposed open space and common areas; the total area of open space; the total area of open space in each proposed phase; the proposed uses of open space and common areas.
6. *Uses:* A list of all proposed uses; the location, type and land area to be devoted to each use, both overall and in each phase; a

demonstration that all of the proposed uses are permitted under this Article.

7. Development guidelines: A plan of the site organization, including typical setback and lot dimensions; the minimum lot sizes for each use; typical minimum and maximum building height and size; massing models; conceptual building design; and the general character and arrangement of parking; fencing; lighting; berming; and building materials.
8. Parking and Traffic: A study of the parking requirements and needs; a traffic impact study and analysis.
9. Landscaping: A general landscaping plan; a landscape plan for entrances; a landscape plan for overall property perimeters; any theme/streetscape design; any proposed irrigation.
10. Natural resources and features: Floodway/floodplain locations and elevations; wetlands and water courses; woodlands; location and description of other natural resources and natural features.
11. Phasing information: The approximate location, area and boundaries of each phase; the proposed sequence of development, including phasing areas and improvements; and the projected timing for commencement and completion of each phase.
12. Public services and facilities: A description of the anticipated demand to be generated by the development for public sewer, water, off-site roads, schools, solid waste disposal, off-site drainage, police and fire; a description of the sufficiency of each service and facility to accommodate such demands; the anticipated means by which any insufficient services and facilities will be addressed and provided.
13. Historical resources and structures: Their location, description and proposed preservation plan.
14. Site topography.
15. Signage: General character and location of entrance and internal road system signage; project identification signage; and temporary or permanent signage proposed for any other locations.
16. Amenities.
17. Zoning classification: Existing zoning classifications on and surrounding the site.
18. Specification of deviations: A specification of all deviations proposed from the regulations which would otherwise be applicable to the underlying zoning and to the proposed uses, which are proposed and sought for any phase or component of the Planned Unit Development; the safeguards, features and/or planning mechanisms proposed to achieve the objectives

intended to be accomplished by any regulation from which a deviation is being sought.

19. Community impact statement: A community impact statement, which shall provide an assessment of the developmental, ecological, social, economic and physical impacts of the project on the natural environmental and physical improvements on and surrounding the development site. Information required for compliance with other ordinance provisions need not be duplicated in the community impact statement.
20. Environmental impact statement: An environmental impact statement in accordance with the provisions of Article VII of this Chapter shall be submitted.

D. Standards for Approval. In making a determination as to whether to approve a proposed Planned Unit Development proposal, the Planning Commission and the City Council shall be guided by the intent and criteria as set forth in Sections 35.10.00 through 35.40, as reasonably applicable to the site.

E. Planned Unit Development Agreement. In conjunction with a request for Concept Development Plan approval, the applicant shall submit one or more proposed documents which, when agreed upon by all parties, shall serve as the PUD Agreement. As a part of the Concept Development Plan approval process, the applicant and the City Council shall each authorize execution of a PUD Development Agreement. The PUD Development Agreement shall include, but shall not be limited to, items such as the following:

1. A summary description of the nature and character of the proposed development, including uses, densities and site improvements as approved in the Concept Development Plan.
2. A statement of the conditions upon which Conceptual Development Plan Approval by the City Council is based, with particular attention given to those conditions which are unique to this particular PUD Plan. These conditions may include matters such as, but not limited to, architectural standards, building elevations and materials, site lighting, pedestrian facilities, and landscaping.
3. A summary of the public improvements (streets, utilities, etc.) and any other material benefits offered by the applicant, which are to be carried out in conjunction with the proposed PUD development, along with a summary of the financial guarantees which will be required and provided in order to ensure completion of those improvements, as well as the form of such guarantees which will be acceptable to the City.

4. A document specifying and ensuring the maintenance of any open space or common areas contained within the PUD development (e.g. through a property owners association, or through conveyance to the City with maintenance deposit, etc.).

Upon the granting of Concept Development Plan approval, the Planned Unit Development Agreement shall be recorded in the office of the Oakland County Register of Deeds by the City of Troy, referencing the legal description of the subject property.

5. A statement that if there is a conflict between the Zoning Ordinance, the Conceptual Development Plan and the Planned Unit Development Agreement, the Planned Unit Development Agreement shall control.

F. *Effect of Concept Development Plan Approval.* If the City Council approves the Concept Development Plan and the Development Agreement, the zoning map shall be amended to designate the property as a Planned Unit Development. Such action, if and when approved, shall confer Concept Development Plan approval for five (5) years (herein to be referred to as CDP Period). The five year CDP Period commences upon the effective date of adoption of the ordinance that rezones the parcel to PUD by City Council

During the CDP Period, the applicant shall be permitted to submit at least one (or more, at the option of the applicant, if the project is proposed in phases) Preliminary Development Plan application(s), seeking Preliminary Development Plan approval in the manner hereinafter provided. Upon the submittal of the first Preliminary Development Plan for one or more phases of the PUD project, the five (5) year expiration period shall no longer apply to the CDP and the CDP shall remain in full force and effect for the development of the entire PUD project, including without limitation, the development of all future phases of the entire PUD Property. Any submittals of Preliminary Development Plans shall comply with all the requirements of Section 3.43.00 of the Troy Zoning Ordinance for Preliminary Site Plan submittals and any additional requirements of the Planning Department reasonably needed to demonstrate consistency with the CDP and compliance with Section 35.50.02. Any Preliminary Development Plans that do not comply with these requirements shall not be considered submittals for purposes of this Paragraph. After submittal of the first Preliminary Development Plan, the timing for the issuance of permits and construction of the PUD project and/or all future phases, shall, be determined as set forth in Section 35.50.02.G.

Upon the request of the applicant, prior to the expiration of the Concept Development Plan, the City Council may extend the expiration date of the Concept Development Plan. In determining whether to extend the expiration date of the Concept Development Plan, approval of an extension may be granted if the ordinances and laws applicable to the

project have not changed in a manner which would substantially affect the project as previously approved.

In the event of the expiration of the Concept Development Plan, the applicant may either make application for a new Concept Development Plan or make application for some other zoning classification. Following Final Development Plan Approval for one or more phases or for the entire PUD, no use or development of the subject property may occur which is inconsistent with the approved Final Development Plan and Development Agreement. There shall be no use or development of the subject property until a new concept development plan or rezoning is approved.

35.50.02. Step Two: Preliminary Development Plan Approval:

A. Development of property classified as a PUD shall require Preliminary Development Plan approval, which shall be granted by the Planning Commission. Application(s) shall be submitted to the Planning Commission for review and approval consistent with the approved Concept Development Plan.

B. Preliminary Development Plan approval may be applied for and granted with respect to the entire PUD development or as to one or more phases. However, if the project is developed in phases, the design shall be such that upon completion, each phase or cumulative result of approved phases shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the Planned Unit Development and properties in the surrounding area.

The Planning Commission shall specify the public improvements required to be constructed in addition to and outside of the proposed phase or phases for which approval is sought, which are determined to be necessary in order to support and service such phase or phases.

Further, the Planning Commission may require the recordation of permanent or temporary easements, open space agreements, and other instruments in order to ensure the use and development of the public improvements on the property as proposed and/or to promote and/or protect the public health, safety and welfare in a manner consistent with the intent and spirit of this Article.

C. Following receipt of an application for Preliminary Development Plan approval for either the entire PUD development, or for any one or more phases thereof, the Planning Commission shall conduct a public hearing to determine that:

1. The Preliminary Development Plan continues to meet and conform to the criteria for, the intent of and the objectives contained in the approved Concept Development Plan. In the event that the Planning Commission determines that the

Preliminary Development Plan does not continue to meet or conform to the criteria for, the intent of and/or the objectives contained in the approved Concept Development Plan, the applicant shall either revise the Preliminary Development Plan to so conform, or, shall seek an amendment to the Concept Development Plan in accordance with Section 35.70.00 hereof; and

2. The Preliminary Development Plan meets the requirements, standards and procedures set forth Section 03.40.00 *et seq.* (Site Plan Review/Approval) of the Zoning Ordinance and any other applicable requirements as set forth in this Article.

D. Except as herein otherwise modified, Preliminary Development Plan approval shall be based upon the requirements, standards and procedures set forth Section 03.40.00 *et seq.* of the Zoning Ordinance (Site Plan Review/Approval). In addition to the information required in such Section, the applicant shall also submit the following:

1. A demonstration, including map and text, that the requirements of Section 35.50.02.B hereof have been met.

2. To the extent not provided by the information submitted in accordance with Section 03.40.00 *et seq.* of the Zoning Ordinance, the following additional information and documentation shall be submitted:

a. Sufficient information to demonstrate compliance with any applicable project design standards as approved during Concept Development Plan review.

b. A site plan showing the type, location and density of all structures and uses.

c. A plan showing all open spaces, including preserves, recreational areas, and historic resources, including but not limited to all similar such uses and spaces, and the purpose proposed for each area.

d. Expert opinion of an independent consultant with regard to a market need for the use or uses proposed and the economic feasibility of the project.

e. A specification of all deviations proposed from the regulations which would otherwise be applicable to the underlying zoning and to the proposed uses. This specification shall state the reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations which would otherwise apply to a traditional development.

f. Additional landscaping details as required by the Planning Commission and/or the City Council in order to achieve a specific purpose consistent with the spirit of this Article.

- g. The general improvements which will constitute a part of each phase or phases proposed, including, without limitation, lighting, signage, visual and noise screening mechanisms, utilities, and further including the aesthetic qualities of the general improvements.
- E. The Planning Commission shall proceed with the review of a Preliminary Development Plan in the manner herein specified and in accordance with the provisions of Section 03.40.00 et seq. of the Zoning Ordinance.
- F. At the conclusion of the Planning Commission's review, the Planning Commission shall either grant approval of the Preliminary Development Plan, with or without conditions, or deny. If denied, the minutes of the meeting shall include the grounds for denial. If approval is granted with conditions, the minutes shall include a statement of the conditions.
- G. The Planning Commission's approval of the Preliminary Development Plan shall be effective for a period of three (3) years, during which period of time the applicant is authorized to submit a Final Development Plan (final site plan, engineering and construction plans) for site improvements, together with all other documents necessary for Final Development Plan approval and the issuance of Building Permits. The applicant may apply to the Planning Commission for extension of the three (3) year period for approval of the Preliminary Development Plan.

35.50.03. Step Three: Final Development Plan Approval:

Upon receipt of Preliminary Development Plan approval, the applicant shall be entitled to submit a Final Development Plan for the entire development (or one or more phases) to the Planning Department for its review and approval, and the Planning Department shall have final authority for the review and approval of Final Development Plans. In conjunction with the application for approval of a Final Development Plan, the applicant shall submit evidence of completion of the Preliminary Development Plan Approval process in accordance with this Article. Following their review of the Final Development Plan, the Planning Department shall approve, approve with conditions, or disapprove the Final Development Plan. In the event of denial, the Planning Department shall set forth in writing the reasons for such action. Construction shall commence in accordance with the Final Development Plan within two (2) years from the date of approval. The applicant may apply to the Planning Commission for an extension of the one (1) year period within which to commence construction upon good cause shown.

35.60.00. Amendment or Abandonment:

35.60.01. Any proposed amendment of the Planned Unit Development which seeks to alter the intent, the conditions or terms of the Concept Development

Plan as approved and/or the terms or conditions of Final Development Plan approval, shall be presented to and considered by the Planning Commission and the City Council at Public Hearings, following the procedures set forth for Concept Development Plan approval.

35.60.02 Abandonment of Concept Development Plan: Following any action evidencing abandonment of the Concept Development Plan, whether through failure to proceed during the Concept Development Plan period as required under this Article, or through notice of abandonment given by the property owners, applicants or their successors, the City Council shall be entitled to take any necessary and appropriate action to rescind the Concept Development Plan approvals, to invalidate any related Development Agreements, and to rezone the subject property from PUD to an appropriate classification. Abandonment shall be deemed to rescind any and all rights and approvals granted under and as part of the Concept Development Plan PUD, and the same shall be deemed null and void. Evidence of such actions shall be recorded in the office of the Oakland County Register of Deeds, and referenced to the subject property.

35.60.03. Abandonment of Preliminary Development Plan: Approved Preliminary Development Plans for which a Final Development Plan has not been submitted as required under Section 35.50.02.G., shall be considered abandoned for the purposes of this Article. The applicant may request a twelve month extension of Preliminary Development Plan approval, which will be considered and acted upon by the Planning Commission following a Public Hearing. A written request for extension must be received by the City before the expiration of the three year Preliminary Plan Approval period.

35.60.04. Abandonment of Final Development Plan: Approved Final Development Plans, upon which construction does not commence within a two year period from the date of a Final Development Plan approval, shall be considered abandoned for the purposes of this Article. The applicant may request a twelve month extension of Final Development Plan approval, which will be considered and acted upon by the City Council following a Public Hearing. A written request for extension must be received by the City before the expiration of the two year Final Plan Approval period.

35.70.00. Appeals:

The Board of Zoning Appeals shall have no authority in matters covered by this Article. Modifications to plans or proposals submitted under this Article shall be processed in accordance with the amendment procedures covered under Section 35.60.00 hereof.

35.80.00. Violations:

Any violation of the approved PUD Final Plan or the PUD Agreement shall be considered a violation of the Zoning Ordinance, which shall be subject to the enforcement actions and penalties described in Section 02.50.00 of the Zoning

Ordinance.

Section 4. Savings

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

Section 5. Severability Clause

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

Section 6. Effective Date

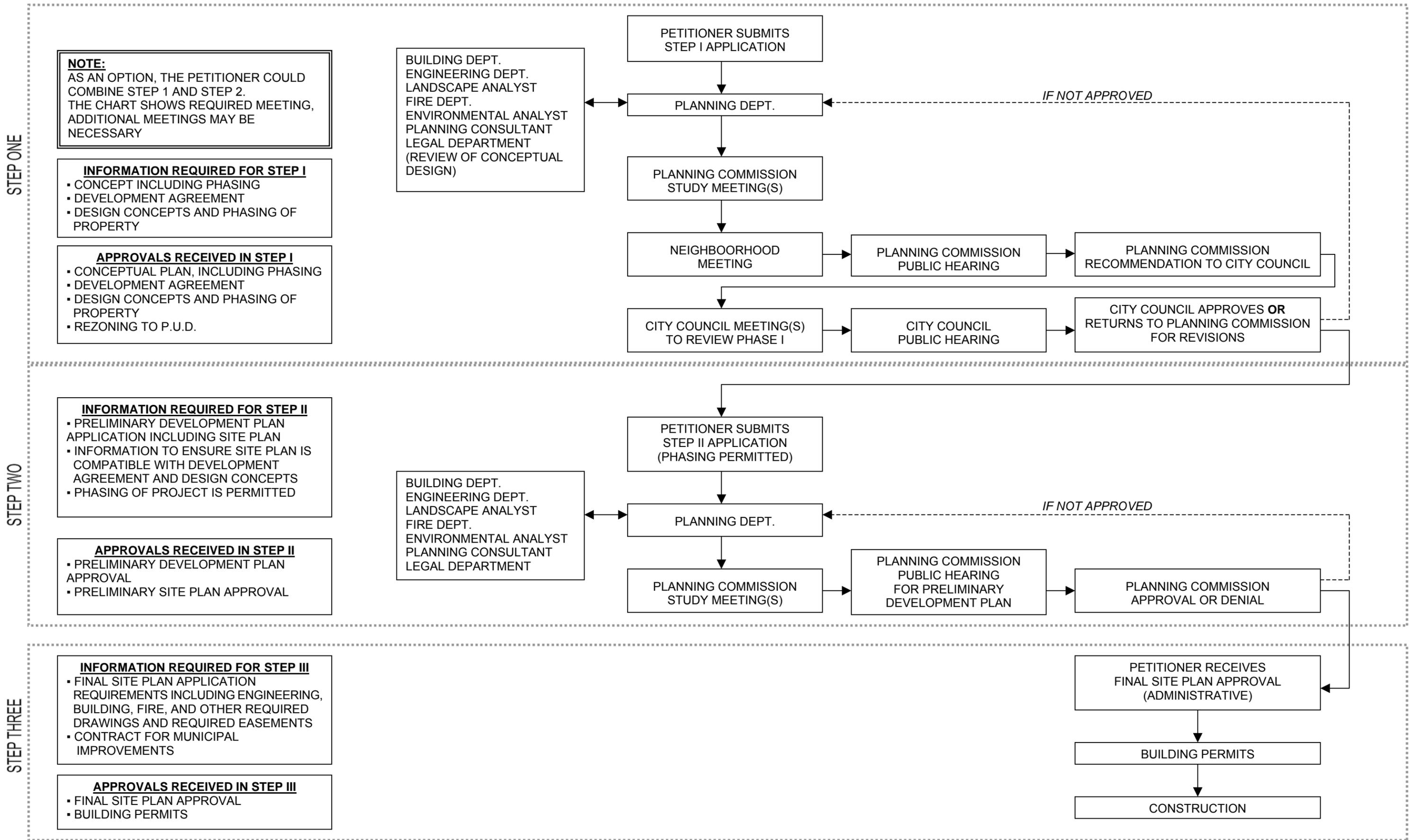
This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2007.

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

CITY OF TROY PROPOSED P.U.D. APPROVAL PROCESS



NOTE:
AS AN OPTION, THE PETITIONER COULD COMBINE STEP 1 AND STEP 2. THE CHART SHOWS REQUIRED MEETING, ADDITIONAL MEETINGS MAY BE NECESSARY

- INFORMATION REQUIRED FOR STEP I**
- CONCEPT INCLUDING PHASING
 - DEVELOPMENT AGREEMENT
 - DESIGN CONCEPTS AND PHASING OF PROPERTY

- APPROVALS RECEIVED IN STEP I**
- CONCEPTUAL PLAN, INCLUDING PHASING
 - DEVELOPMENT AGREEMENT
 - DESIGN CONCEPTS AND PHASING OF PROPERTY
 - REZONING TO P.U.D.

- INFORMATION REQUIRED FOR STEP II**
- PRELIMINARY DEVELOPMENT PLAN APPLICATION INCLUDING SITE PLAN
 - INFORMATION TO ENSURE SITE PLAN IS COMPATIBLE WITH DEVELOPMENT AGREEMENT AND DESIGN CONCEPTS
 - PHASING OF PROJECT IS PERMITTED

- APPROVALS RECEIVED IN STEP II**
- PRELIMINARY DEVELOPMENT PLAN APPROVAL
 - PRELIMINARY SITE PLAN APPROVAL

- INFORMATION REQUIRED FOR STEP III**
- FINAL SITE PLAN APPLICATION REQUIREMENTS INCLUDING ENGINEERING, BUILDING, FIRE, AND OTHER REQUIRED DRAWINGS AND REQUIRED EASEMENTS
 - CONTRACT FOR MUNICIPAL IMPROVEMENTS

- APPROVALS RECEIVED IN STEP III**
- FINAL SITE PLAN APPROVAL
 - BUILDING PERMITS

POSTPONED ITEMS

4. **PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (ZOTA 225) – Article 35.00.00 Planned Unit Developments**

Planning Director Miller presented a summary on the Planning Department report on the Zoning Ordinance Text Amendment (ZOTA 225) – Article 35.00.00 Planned Unit Developments.

PUBLIC HEARING RE-OPENED

Chairperson Schultz re-opened the Public Hearing.

No one was present to speak.

PUBLIC HEARING CLOSED

Chairperson Schultz closed the public hearing.

Proposed Resolution # PC-2007-02-030

Moved by: Kerwin

Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles IV DEFINITIONS and XXXV GENERAL PROVISIONS, pertaining to Planned Unit Developments (PUD), be amended as printed on the proposed Zoning Ordinance Text Amendment, Planning Commission Draft dated February 7, 2007.

Yes: All present (5)

No: None

Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

DOWNTOWN DEVELOPMENT AUTHORITY MINUTES FINAL December 20, 2006

A meeting of the Downtown Development Authority was held on Wednesday, December 20, 2006 in the Lower Level Conference Room of Troy City Hall, 500 W. Big Beaver Troy, Michigan. Alan Kiriluk called the meeting to order at 7:30 a.m.

PRESENT: Michael Culpepper
Stuart Frankel
David Hay
Michele Hodges
William Kennis
Alan Kiriluk
Daniel MacLeish
Carol Price (arrived @ 7:35 a.m.)
Ernest Reschke
Louise Schilling
Douglas Schroeder

ABSENT: Harvey Weiss
G. Thomas York

ALSO PRESENT: Phil Nelson
John M. Lamerato
Brian Murphy
Lori Bluhm
Mark Miller

APPROVAL OF MINUTES

Resolution: DD-06-40
Moved by: Hodges
Seconded by: Hay

RESOLVED, That the minutes of the November 15, 2006 regular meeting be approved as amended.

Yeas: All (10)
Absent: Price, Weiss, York

OLD BUSINESS

None

NEW BUSINESS

A. Audit Report

Resolution: DD-06-41
Moved by: Kennis
Seconded by: Reschke

RESOLVED, That the audited financial report for the year ended June 30, 2006 be received and filed.

Yeas: All (11)
Absent: Weiss, York

B. Big Beaver Corridor Study Plan Development

Phil Nelson reviewed the priority listing of the corridor plan.

Resolution: DD-06-42
Moved by: Culpepper
Seconded by: Hodges

RESOLVED, That the Board approve the Big Beaver Corridor Study Plan Development and listing of priorities as a starting point to begin implementation of the corridor study.

Yeas: All (10)
Nays: Frankel
Absent: Weiss, York

C. Interchange Committee

Brian Murphy presented the concept of forming an Interchange Committee. William Kennis and David Hay have agreed to serve on the Interchange Committee as DDA representatives.

D. Park Art Committee

Brian Murphy presented the concept of forming a Park Art Committee. Michele Hodges and Louise Schilling have agreed to serve on the Park Art Committee as DDA representatives.

E. DDA Plan Amendment Report

City Attorney Lori Bluhm gave an update on necessary steps to follow to amend the Plan.

F. DDA MEGA Participation for LenderLive

Resolution: DD-06-43
Moved by: Kennis
Seconded by: Reschke

RESOLVED, That the Board approve a MEGA Match of \$35,000 for LenderLive.

Yeas: All (10)
Abstain: Frankel
Absent: Weiss, York

PUBLIC COMMENT

None

EXCUSE ABSENT MEMBERS

Resolution: DD-06-44
Moved by: Kennis
Seconded by: Culpepper

RESOLVED, That Weiss and York be excused.

Yeas: All (11)
Absent: Weiss, York

MEMBER COMMENT

Dan MacLeish shared with the Board landscaping photos.

The meeting was adjourned at 8:25 a.m.

Next Meeting: January 17, 2007 @ 7:30 a.m. @ Lower Level Conference Room, City Hall.

Alan Kiriluk, Chair

John M. Lamerato, Secretary/Treasurer

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on February 6, 2007 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
 Mary Kerwin
 Lawrence Littman
 Robert Schultz
 Thomas Strat
 John J. Tagle
 Kathleen Troshynski
 Wayne Wright

Absent:

Mark J. Vleck

Also Present:

Mark F. Miller, Planning Director
 R. Brent Savidant, Principal Planner
 Susan Lancaster, Assistant City Attorney
 Jonathan Shin, Student Representative (exited at 8:50 p.m.)

Resolution # PC-2007-02-026

Moved by: Wright
 Seconded by: Littman

RESOLVED, That Member Vleck is excused from attendance at this meeting for personal reasons.

Yes: All (8)
 No: None
 Absent: Vleck

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2007-02-027

Moved by: Littman
 Seconded by: Strat

RESOLVED, To approve the Agenda as published.

Yes: All (8)
 No: None
 Absent: Vleck

MOTION CARRIED

3. MINUTES – January 23, 2007 Special/Study Meeting

Resolution # PC-2007-02-028

Moved by: Littman
Seconded by: Strat

RESOLVED, To approve the January 23, 2007 Special/Study meeting minutes as presented.

Yes: All (8)
No: None
Absent: Vleck

MOTION CARRIED

4. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

POSTPONED ITEM

5. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 225) – Article 35.00.00
Planned Unit Developments

Mr. Miller updated the Planning Commission on changes made to the draft ZOTA since the January 23, 2007 Special/Study meeting, as described in the memo.

Planning Commission discussion followed.

Mr. Strat suggested that the terms “conceptual building design” and “building massing model” replace “preliminary building elevations” in Section 35.50.01.C.7.

Mr. Strat suggested a number of minor changes to the draft ZOTA.

Chair Schultz expressed his concern with the term “submittal” in Section 35.50.01.F, and prefers the term “approval”.

OTHER ITEMS

6. POTENTIAL FUTURE P.U.D. – Proposed Big Beaver / Kilmer P.U.D., Northeast corner of Big Beaver and Kilmer, Section 22, Currently Zoned O-1 (Low Rise Office) and R-1E (One Family Residential) District

Mr. Miller introduced the project and project team.

The project team consists of:

- Ross Fisher, Fisher Commercial Properties, 2604 Derby, Birmingham, MI
- Kimberly Lapinski, Tiseo Architects, Inc., 19815 Farmington Road, Livonia, MI
- Cary Gitre, Landus, 150 N. Cranbrook, Bloomfield, MI
- Ryan Marsh, T.H. Marsh Construction Co., 4382 Queens Way, Bloomfield Hills, MI

The project team described the potential mixed use PUD that includes two retail buildings fronting on Big Beaver Road and a four-story residential loft building to the north. The petitioners propose sustainable LEED design features such as green roofs and pervious paving.

General discussion followed.

Chair Schultz summarized the Planning Commission's feedback:

- General support for the mixed-use project.
- Support the LEED concepts.
- Concern in providing sufficient parking for the residential component.
- Concern about the height of the residential building with respect to single-family residences to the north.
- Maximum open space and landscaping on the site.
- Meet with the neighbors to listen to their concerns.

The Chair announced a break at 8:45 p.m. and reconvened the meeting at 8:50 p.m.

7. PLANNED UNIT DEVELOPMENT (P.U.D. #8) – Proposed Big Beaver Place, North side of Big Beaver, East of John R, Section 24, Currently Zoned R-1E (One Family Residential) District

Mr. Miller introduced the project and project team.

The project team consists of:

- Lise Newman, Landry + Newman Architecture, 211 N. Old Woodward, Birmingham, MI
- Carol Thurber, Fazal Khan and Associates, 43279 Schoenherr, Sterling Heights, MI

The petitioners described the mixed-use project that consists of a one-story retail building and a one-story bank with drive-thru on Big Beaver Road, with townhouses to the north and behind the retail building. The proposal also includes a stormwater retention pond water feature and other sustainable design features such as bioswales and possibly green roofs.

Mr. Littman stated the project was out of place at that location.

The following is a summary of Planning Commission comments.

- General support for the project.
- Move bank closer to Big Beaver.
- Residential units are modern in appearance; some did not like the design, others said it was creative and exciting.
- General support for sustainable design.

8. PLANNED UNIT DEVELOPMENT (P.U.D. #6) – Proposed Oasis at Centennial Park, South side of Long Lake, West side of John R, Section 14, Currently Zoned R-1C (One Family Residential) District

Mr. Miller introduced the project and project team.

The project team consists of the following:

- Lise Newman, Landry + Newman Architecture, 211 N. Old Woodward, Birmingham, MI
- Carol Thurber, Fazal Khan and Associates, 43279 Schoenherr, Sterling Heights, MI

The petitioners described the mixed-use project that consists of retail, office, restaurant, daycare and Greenhouse elderly housing. Other elements include a water feature and other sustainable design features such as bioswales.

The following is a summary of Planning Commission comments:

- General support of the project.
- Excessive distance between parking and the residential and the gym.
- Connect the two Greenhouse buildings.
- Location of dumpsters needs to be studied.
- Reduce impact of parking on Long Lake.
- Potential cross access to the west.

9. 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 updated the Planning Commission on the status of the item.

General discussion followed.

There was general consensus that the Planning Department would use the commercial vehicle provisions from the Lyon Township Zoning Ordinance as a model to create draft provisions.

Mr. Miller stated the Planning Department would distribute the commercial vehicle visual preference survey so the new commissioners could complete it.

10. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 228) – Article 21.00.00 Outdoor Seasonal Displays in the B-2 (Community Business) District

Mr. Miller summarized the item.

General discussion followed.

The following is a summary of Planning Commission comments:

- Permit in all B districts.
- Ensure it is permitted on a seasonal basis, not permanent.
- Have enforcement officials review the draft.
- Planning Department to advertise for Public Hearing in March.

11. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 229) – Article 28.00.00 Rental Car Agencies in the M-1 (Light Industrial) District

Mr. Miller summarized the item.

The Planning Commission reached consensus that it should be permitted by right and not by Special Use Approval.

12. PLANNING COMMISSION PRIORITIES

There was consensus to begin discussion of this item at a future meeting, due to the late hour.

13. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

14. PLANNING COMMISSION COMMENTS

There was general discussion by the Planning Commission.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:17 p.m.

Respectfully submitted,

Robert Schultz, Chair

R. Brent Savidant, Principal Planner

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Mark Maxwell, Vice-Chairman, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, February 20, 2007, in Council Chambers of the Troy City Hall.

PRESENT: Glenn Clark
 Kenneth Courtney
 Christopher Fejes
 Marcia Gies
 Matthew Kovacs
 Mark Maxwell
 Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
 Christopher Forsyth, Assistant City Attorney
 Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JANUARY 16, 2007

Mr. Clark stated that there was an error in the minutes of the last meeting. Because he was not sworn in as a member to the Board of Zoning Appeals until January 24, 2007, he should not have been listed as absent on the minutes of the meeting of January 16, 2007.

Motion by Courtney
Supported by Gies

MOVED, to approve the minutes of the meeting of January 16, 2007 with corrections.

Yeas: All – 7

MOTION TO APPROVE MINUTES AS AMENDED CARRIED

ITEM #2 – APPROVAL OF ITEM #3 AND ITEM #4

RESOLVED, that Item #3 and Item #4 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by Wright
Supported by Gies

Yeas: All – 7

MOTION TO APPROVE ITEM #3 AND ITEM #4 CARRIED

ITEM #3 – RENEWAL REQUEST. BOYS & GIRLS CLUB OF TROY, 3670 JOHN R., for relief of the required 4'-6" high masonry screen wall required along the east and north property lines between the parking lot and the adjacent residentially zoned property. This item first appeared before this Board at the meeting of February 2006 and was granted relief for a period of one year. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant the Boys & Girls Club of Troy, 3670 John R., a three-year (3) renewal of relief of the required 4'-6" high masonry screen wall required along the east and north property lines between the parking lot and the adjacent residentially zoned property.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

ITEM #4 – RENEWAL REQUEST. VFW POST, 2375 E. MAPLE, for relief to maintain an existing legal non-conforming use building and relief of the 4'-6" high masonry wall required adjacent to off-street parking.

MOVED, to grant VFW Post, 2375 E. Maple, a three (3) year renewal of relief to maintain a non-conforming building and use, and relief of the 4'-6" high masonry wall required at their off-street parking area.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

ITEM #5 – VARIANCE REQUEST. MR. & MRS. MICHAEL TAORMINO, 1874 WYNGATE, for relief of the Ordinance to construct a deck enclosure that will result in a 35' rear yard setback where Section 30.10.02 requires a 45' rear yard setback for buildings in the R-1B Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a room over a deck that will result in a proposed 35' rear yard setback. Section 30.10.02 requires a 45' rear yard setback for buildings in the R-1B Zoning District.

This item first appeared before this Board at the meeting of December 2006 and was postponed for sixty (60)-days to allow the petitioner to explore other possibilities to determine if there was a way to reduce the size of this variance request.

Mr. Stimac indicated that the petitioner had brought in a revised plan that decreased the size of the deck enclosure by two feet, but this reduction would still require a variance. as this room would now result in a 37' rear yard setback. Mr. Stimac also stated that after a search of the records he could not find a record of a wetland and/or conservation easement that encroaches on this property. The wetlands area is solely contained in the area north of this property.

ITEM #5 – con't.

Mr. Taormino was present and stated that they had tried to restructure this room and no matter what they did the enclosed room would still require a variance. If they moved the room the other way, accessibility would be an issue as it would require two (2) doors and this would affect the placement of furniture. A walkway would have to be created around the structure and additional decking would be required. It would also block three (3) windows and there are mechanical issues that would have to be addressed. If they have to change the roofline it would start underneath the windows and would not be aesthetically pleasing.

The builder was present and stated that he had discussed this for hours with an architect, and if they slide the room over it would not be aesthetically pleasing and would cover the kitchen window. This would devalue the present property by covering up nice windows. There is a need for this screened in porch.

Mr. Taormino stated that they cannot enjoy their yard because of the number of insects and geese. Their dog cannot go outside because he chases the geese and therefore that creates a problem. Mr. Taormino said that they cannot make this room any smaller as it would not give them the room they are looking for.

Mr. Courtney asked why they purchased the home if this location is such a problem.

Mr. Taormino said that they purchased the home in December, did some interior renovations and finally moved into it in May of 2006. Mr. Taormino said that he did not realize a screened in room would be a problem.

Mr. Courtney stated that they were asking for a variance within six (6) months of moving into this home. Mr. Taormino said that they are just trying to put up a deck and it just makes more sense for them to add a screened in attachment so they can enjoy their property.

Mr. Kovacs asked if they had thought of putting up a gazebo, which would give them what they are looking for and would not be attached to the house.

Mr. Stimac said that a gazebo that is freestanding in a yard falls under the standards for Accessory Structures and could be placed within thirty-five (35) feet of the property line. If the gazebo was part of the deck and includes a covered room, it would have the same requirements as an enclosed room and may require a variance.

Mr. Kovacs stated that he understands everything Mr. Taormino has stated, however, he does not see a problem that is unique with this property. The water behind the house is not unique to this property. Mr. Kovacs said in his opinion the whole city has a problem with mosquitoes in the summer.

ITEM #5 – con't.

Mr. Taormino said there are thousands of geese in his yard all the time and his dog cannot go outside. He has had screened in porches in his last three (3) homes and he did not think this would be an issue for this property. If he had known this before he bought the house, he would not have purchased this home. They have spent a lot of money on this home and without this screened in room they cannot enjoy their yard.

Mr. Kovacs said that once a variance is granted that variance runs with the land. It would be feasible that the next owner would want to create a permanent room from this screened in porch and there is not a hardship that runs with the land.

Mr. Taormino said that he cannot deviate from the plan as he has a lot of time and money invested in this addition.

Mr. Kovacs said that he understands but does not see a hardship with the land.

Mr. Maxwell opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Mr. Maxwell said that basically the practical difficulty is the location of the home. Mr. Taormino said that is the hardship plus the fact that his parents have skin cancer and cannot be out in the sun.

Mr. Maxwell said that he could see a case for some practical difficulty but many homes in Troy are built near a wetland.

Mr. Courtney said his property backs up to a lake and cannot see a hardship that runs with the land that entitles it to a variance.

Motion by Courtney
Supported by Gies

MOVED, to deny the request of Mr. and Mrs. Michael Taormino, 1874 Wyngate, for relief of the Ordinance to construct a deck enclosure that will result in a 35' rear yard setback where Section 30.10.02 requires a 45' rear yard setback for buildings in the R-1B Zoning District.

- Petitioner failed to demonstrate a hardship that runs with the land.

Yeas: 5 – Kovacs, Wright, Clark, Courtney, Gies
Nays: 2 – Maxwell, Fejes

MOTION TO DENY REQUEST CARRIED

ITEM #6 – VARIANCE REQUEST. WILLIAM DINE, 2455 HAMPTON, for relief of the Ordinance to construct an addition that will result in a proposed 24.63' front setback to Caswell and a 40.94' rear yard setback. Section 30.10.02 requires a 40' minimum front yard setback and a 45' minimum rear yard setback in R-1B Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an addition to his home. This property is a double front corner lot. It has front yard requirements along Hampton and Caswell. The site plan submitted indicates removing an existing two-car attached garage and constructing a new master bedroom suite and an attached three-car garage.

The site plan submitted also indicates that this construction will have a proposed 24.63' front setback to Caswell and a 40.94' rear yard setback. Section 30.10.02 requires a 40' minimum front yard setback and a 45' minimum rear yard setback in R-1B Zoning Districts.

Mr. Courtney asked what the setback would be if this was not a corner lot. Mr. Stimac explained that if this was an interior lot, the side yard setbacks are a minimum of 10' and a total of 25'.

Mr. Dine and his son were present. Mr. Dine's son stated that his mother had passed away in May and Mr. Dine still wants to stay in the house. His sister and her family are planning to move in with him. They would like to convert the existing garage to living space, which would be a master suite. Mr. Dine's son also stated that based on the plans that have been drawn up the appearance of the house will be the same from the front. In the rear of the property they would like to add the three (3)-car garage.

Mr. Maxwell 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.

Mr. Fejes asked why this home was considered to be non-conforming and Mr. Stimac explained that it is non-conforming because it was constructed with a 24' setback from Caswell. It currently conforms to the rear yard setback but not the front yard setback. Mr. Stimac was not sure how this came about but thought it was the result of two (2) subdivisions platted side by side.

Motion by Fejes
Supported by Courtney

MOVED, to grant William Dine, 2455 Hampton, relief of the Ordinance to construct an addition that will result in a proposed 24.63' front setback to Caswell and a 40.94' rear yard setback. Section 30.10.02 requires a 40' minimum front yard setback and a 45' minimum rear yard setback in R-1B Zoning Districts.

ITEM #6 – con't.

- 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.
- Corner lot makes this property unique and creates a hardship as it has double frontage.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUEST. SANKARAN BALAKRISHNAN, 1654 LIVERNOIS, for relief of the Ordinance to construct a new gasoline station service building that would result in a 31.48' front setback where Section 30.20.07 requires a 40' front yard setback; a setback of only 9' from the R-1E (Residential One-Family) property to the northeast, where Section 30.20.07 requires a 75' setback; and 750 square feet of landscaping where Section 39.70.04 requires at least 1,547 square feet of countable landscape for a site this size.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new gasoline station service building. Section 30.20.07 requires a 40' front yard setback and a 75' setback from residential zoned property for developments in the H-S (Highway Service) Zoning District. The site plan submitted indicates a front yard setback of 31.48' and a setback of only 9' from the R-1E (Residential One-Family) Zoned property to the northeast.

In addition, Section 39.70.04 requires at least 1,547 square feet of countable landscape for a site this size. The site plan submitted indicates that only 750 square feet of countable landscaping will be provided.

There was an alley that was east of the property and it has now been vacated by City Council. There is a shared driveway between the properties. The alley in terms of zoning was split down the middle. The H-S Zoned property expanded 9' to the east and the R-1E Zoned Property and the B-1 Zoned property both expanded 9' to the west.

Mr. Courtney asked approximately how much landscaping was currently on the site and Mr. Stimac said that he thought it either met or exceeded the requirements of the Ordinance, although the landscaping is located behind the building. The proposed new plan puts the landscaping at the front of this property at the northwest corner and the southwest corner of the property.

A variance was granted on this property back in 2005 and Mr. Fejes asked if permits had ever been applied for relating to that variance approval. Mr. Stimac said that nothing has been applied for per the 2005 plan. Mr. Stimac said that after they had received approval it was discovered that there was not enough room for a two-way drive

ITEM #7 – con't.

and they had to change their original plan. They located parking to the west of the building and on the east side of this site.

Mr. Kovacs asked how close the existing building was to the residential property. Mr. Stimac said that he thought the existing building was within 10 or 12' feet of the residential property.

Mr. Kovacs asked if this building would be moved closer to the property lines or farther away. Mr. Courtney said that in his opinion they were moving the building closer to the property line.

Mr. Longhurst said that the existing building is approximately 6 to 9' from the property line. The canopies and pumps are going to remain and they want to move the building back farther on the property in order to provide enough room for cars to maneuver.

Mr. Courtney asked what the difference in the size of this building is compared to the building that was proposed in 2005.

Mr. Longhurst stated that the size of the building is the same; the only difference is the location on the lot.

Mr. Clark stated that he had read the letter from the neighbor opposing this request as the setbacks were being drastically changed. In Mr. Clark's opinion this was a "big foot" building and thought the petitioner was proposing to maximize every inch of this property.

Mr. Longhurst said that they plan to add a 30" high screen wall along the front of the property and plan to add landscaping along either side of it. There will be more landscaping visible from the right of way. They are also proposing a 6' masonry wall along the residential property to aid in screening this building from the residents.

Mr. Maxwell opened the Public Hearing.

Mr. Sidney Frank, representing Mrs. Zawaideh, the owner of the property at 35, 37 E. Maple and 26 Chopin was present and stated that they had filed an objection in 2005 and were definitely objecting to this request now. Mr. Frank said that at the time this property was purchased it was an existing gas station and the property owners did not have to have it re-zoned. The greenbelt was in the back of the property, which protected the property that his client owns.

The setback to the residential property is going from 75' to 9'. Before a variance is granted, the Board has to weigh all the options regarding the effect to the surrounding property owners and protect them from any negative impact. Mr. Frank said that in his opinion, these variances if granted would definitely have a negative effect to the

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surrounding property. Mr. Frank introduced Mr. Stefanson, the owner of the property to the north of this site and said that these variances would also have a negative effect to his property as well. The building to the north will be blocked by this proposed building, which will reduce visibility for potential customers.

Mr. Frank further stated that he does not believe anyone will want to rent, own or improve a residence that would be 6' from a gas station. Now there is some landscaping acting as a buffer, the proposed plan does not include this landscaping. This same statement would apply to the commercial property behind this property. Mr. Frank said that there is nothing about this property that would justify a variance and he believes that this Board should deny this request and let the gas station operate as it is.

Mr. Maxwell stated that all of the buildings in this area are in close proximity to this location and wondered how far the existing structure was from the surrounding property. Mr. Frank said that there is an 18' alleyway that has been vacated and believes it is approximately 7 – 8' from the property line. Once the landscaping is removed from the back, the gas station will appear closer to the surrounding property.

Mr. Courtney said that in his opinion if he was in the residential property he would rather have the gas station closer to him than what is there now. Mr. Courtney went on to say that often there are cars parked there and a lot of litter is on the ground. Mr. Frank said that would be an enforcement issue.

Mr. Wright stated that at the time the first variance came to the Board Mr. Frank's client wished to buy the surrounding property. Mr. Frank said there is no longer any interest for his client to purchase this property.

Mr. Kovacs asked how far the building to the north was from the property line. Mr. Kovacs said that he understands that Mr. Frank's client is saying that she does not want this building closer to her property, but after looking at the property, Mr. Kovacs believes the building to the north is almost on the property line. The property to the east also appears to be sitting on the property line.

Mr. Stimac said that he believes the distance of the building to the north to the property line of this site is about 2'. The building to the east is approximately 9' from the common property line.

Mr. Kovacs said that basically Mr. Frank's client's property is sitting right on the property line and the other properties are also sitting on or near the property lines. This petitioner wants to be able to move his building closer to the property line.

Mr. Frank said that he did not address the property to the east, as he knew it was very close to the property line. This petitioner wants to move his building farther north and

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east and will affect the residential property. In terms of landscaping, if they had to meet the entire landscaping requirement it would protect the value of the commercial property to the east.

Mr. Kovacs said that he did not believe there was any landscaping on the site that is next to the commercial property right now. Mr. Frank said that was correct but right now the owner of the property is asking to eliminate a present landscaping requirement and if that requirement was enforced it would result in landscaping in this area. If the full amount is required the landscaping would buffer the adjoining pieces of property.

Mr. Kovacs said that without a variance this property owner would only be able to put in a very small structure on the corner of the property. Mr. Frank said that the property has to have some deficiency with it to allow a variance. Mr. Kovacs said that based on the current Ordinance he could not build anything on it. Mr. Frank said that when he purchased the property he knew what he was getting and should just work with what he has. Mr. Frank also said that he wasn't sure what uses were allowed in the H-S Zoning District, but perhaps the petitioner could find another use for this property.

Mr. Courtney said this gas station existed long before there was H-S Zoning. The Ordinance was changed to make H-S Zoning required for gas stations. Mr. Courtney also said that originally Mr. Frank's client wanted both properties combined and made a joint venture.

Mr. Frank said that he was not involved in the original variance request, but he believes those comments were a result of owning the property for a very long time and his client believed that this solution would greatly benefit the City. Due to a very negative response regarding this proposal, there is no longer any interest in combining this property. Mrs. Zawaideh has a piece of property she is trying to use and is only concerned about the negative effect this proposal will have on the surrounding property. There is no question that this proposed building will make the area look better, but if it will not meet the Zoning requirements and will negatively effect the surrounding property the Board needs to consider these facts. Mr. Frank said that there is nothing on this property that would justify a variance.

Mr. Jeff Fedorinchik of H-F Architecture was also present on behalf of Ms. Zawaideh and said that relative to the setbacks they are very concerned. The front setback is required to be 40'; this petitioner is proposing a front setback of 31.48', which means they are asking this Board to waive 21% of this setback requirement. In addition, the second setback that is between this property and the residential property is required to be 75' which means that they are asking this Board to waive 88% of the setback requirement. The minimum landscaping requirement is 1,547 square feet and the petitioner is proposing landscaping in the amount of 750 square feet, which is a waiver of 50% of this requirement. Landscaping is proposed to be put on the northwest and

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southwest corners that will be beautiful to the traffic going by but will not give any type of buffer to the surrounding property. Mr. Fedorinchik said that he believes this will result in a very negative impact to the adjacent property.

Mr. Courtney asked what the difference in the variance was for landscaping between what exists and what is proposed. Mr. Fedorinchik said that he was unable to give Mr. Courtney that information. The unfortunate thing for the petitioner is that they have to meet the requirements of the Ordinance. Mr. Courtney said he was having trouble understanding how the lack of landscaping would affect these properties when there would be two (2) brick walls in place.

Mr. Fedorinchik said that he believes it would be a detriment to the entire community to grant a variance asking for more than a 50% waiver.

Mr. Clark said that he had lived in this area for many years and was very familiar with it. The residential area is not blocked off and thinks that this would be an encroachment to the neighborhood. Mr. Clark came from a community that developed every inch of property and it became a concrete jungle. The neighbors in this area are concerned about a devaluation of their property. Regardless of whether the landscaping is in the front or back, moving the building towards the home would be an encroachment on the residential home. Regardless of what the commercial neighbors feel, Mr. Clark thinks this will have a greater impact on the residential area. Mr. Clark also said that he believes this is a proposal to provide more service with the convenience store and thinks that this will increase traffic, which will have an impact on the neighborhood.

Mr. Frank said that while there is no current intention to tear the commercial building down, everyone knows it is a very old building and his client is a property owner that owns a lot of property in the City of Troy. If this building is ever torn down and re-developed there won't be a solid wall on the property line, but would probably be a building that will have windows that would end up looking at this gas station.

Mr. Courtney asked if Mr. Frank's client was looking into changing the residential property into another use. Mr. Frank said that she is looking at a number of options for this property. Mr. Courtney then said it would not be an infringement on the residential property as it could be changed. Mr. Frank said that you can't assume that this property would change from residential. They are exploring a number of possibilities and the way to go may be by keeping it residential.

Mr. Clark said that he is concerned about the encroachment to all of the neighbors up and down the street.

Mr. Stefanson the owner of the property to the north of this site was present. Mr. Stefanson said that presently this building is occupied by a Chinese Deli and has very good visibility to traffic traveling both north and south. Traveling from the west to the

ITEM #7 – con't.

east it stands out quite visibility. Traveling from the east to the west, it is quite visible when stopped at the light. A lot of effort and money has been put into presenting this building the way it is now. A new gas station would look nice and a new dumpster area would also look nice. The proximity of what the petitioner is proposing with having this building abutting the property to the north would conceal more than half of this building to traffic traveling north. To find another tenant would be extremely difficult if the building was hidden. The present dumpster is not maintained and there is a lot of debris and litter around it. Mr. Stefanson has gone out and cleaned the area himself. The grass between the fence and his building is the responsibility of the present owner, however, they have been taking care of it to make sure it looks good.

Mr. Stefanson asked if it was absolutely necessary to move the building and asked if the petitioner could re-build the existing gas station and leave it where it is. Mr. Stefanson said that he totally objects to this request.

Mr. Courtney said that back in 2005 the proposed plan would have resulted in his building being completely screened and Mr. Stefanson said that he did not think he had received notification of that request. Mr. Stefanson said that this proposal will have a definite impact on his property.

Mr. Balakrishnan was present and said that he is the owner of this property. Mr. Balakrishnan said that he is the one operating the building right now. He is spending more money on repairing the building than on improving the business. The building is very old and has to be updated.

Mr. Courtney asked what the problem would be replacing the existing building. Mr. Balakrishnan said that the present building is only 400 square feet and right now he is not satisfying his customers. Mr. Courtney said Mr. Stefanson did not say he had to keep the building the same size only in the same location.

Mr. Longhurst said that the problem right now is with the existing canopies. There is not enough room for two-way traffic to move in this area. They have to move the building farther away from the canopies to allow for maneuverability.

No one else wished to be heard and the Public Hearing was closed.

There are two (2) written objections on file. There is one (1) written approval on file.

Mr. Maxwell asked how much closer this building would be to the property to the north. Mr. Longhurst said they were moving the building approximately 5 or 10'.

Mr. Kovacs asked what the setbacks would be if the property was zoned B-1? Mr. Stimac explained that presuming the building would be fronting on Livernois, the west

ITEM #7 – con't.

setback would be 25', the south would be 25', the east would be 20' and the north could be 0'.

Mr. Stimac also explained that when B-1 property abuts another B zoned property and as long as there are no doors or windows where these properties meet, the setback could be 0'.

Mr. Stimac went on to say that based on aerial photographs, he believes that the existing gas station sits 35' from the north property line, 53' from the west property line, 22' from the new east property line and 18' from the south property line.

Mr. Maxwell asked if 1708 Livernois was at the property line. Mr. Stimac said that he thought it was 2' or 3' from the property line.

Mr. Maxwell asked if the petitioner had any flexibility for the placement of the proposed building. Mr. Longhurst said that there is not a lot of play because they need 24' to allow for cars to be able to maneuver.

Mr. Maxwell asked if they could put in a landscape buffer between this building and the residential property. Anything the petitioner can do to create a buffer to separate this property from the surrounding property would be beneficial.

Motion by Courtney
Supported by Gies

MOVED, to postpone the request of Sankaran Balakrishnan, 1654 Livernois, for relief of the Ordinance to construct a new gasoline station service building that would result in a 31.48' front setback where Section 30.20.07 requires a 40' front yard setback; a setback of only 9' from the R-1E (Residential One-Family) property to the northeast, where Section 30.20.07 requires a 75' setback; and 750 square feet of landscaping where Section 39.70.04 requires at least 1,547 square feet of countable landscape for a site this size until the meeting of March 20, 2007.

- To allow the petitioner to give the Board a copy of the site plan showing where the 24' drive needs to go.
- To allow the petitioner to present a landscaping plan to the Board.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF MARCH 20, 2007

Mr. Fejes asked about the variance granted for this property back in 2005. Mr. Stimac explained that the variance was valid until March of 2006 as long as permits were

ITEM #7 – con't.

applied for. The petitioner did not apply for a Building Permit within the one-year time frame and the original variance is no longer valid.

The Board of Zoning Appeals meeting adjourned at 9:05 P.M.

Mark Maxwell, Vice-Chairman

Pamela Pasternak, Recording Secretary



CITY COUNCIL REPORT

February 21, 2007

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Susan Leirstein, Purchasing Director

SUBJECT: Final Reporting – BidNet On-Line Auction and Mid-Thumb Auctioneering, LLC – January 2007

Background:

- Included in the specifications for the auction contract is the ability of our auctioneer to take the City's auction items to other auction locations. Mid-Thumb Auctioneering, LLC suggested using Troy School District, 4420 Livernois, Troy, Michigan. All transportation, reporting, and advertising are included in the auction fee.
- Resolution #2004-02-075 established the auction fee of 5% and provided approval to use BidCorp with the provision that other on-line auction service options would be considered. BidNet moved forward and implemented the on-line surplus auction service for MITN (Michigan Inter-governmental Trade Network), which can be accessed through the City of Troy home web page. MITN is Purchasing's official e-procurement website used for posting bids, tabulations, quotations, and award information. It was a Purchasing goal that one e-procurement site would be operational for all functions.

Financial Considerations:

- In compliance with Resolution #2004-02-075, final reporting is being presented for two (2) cameras, (1) Compaq tape backup system, and one (1) metal sorter which were auctioned on-line through BidNet, the City's e-procurement website, on December 19, 2006 and closed on January 2, 2007.
- One (1) vehicle was also auctioned through Mid-Thumb Auctions on Saturday, January 13, 2007.

February 21, 2007

To: Phillip Nelson, City Manager

Re: Final Reporting – BidNet On-Line Auction and Mid-Thumb Auctioneering, LLC –
January 2007

Financial Considerations: - continued

Final sale amounts and fees are listed below:

DESCRIPTION	PROCEEDS	SUB-TOTAL	NET INCOME
2 Cameras, tape backup system, etc.	184.51		
1 Vehicle	5,000.00		
SUB-TOTAL:		\$ 5,184.51	
	FEES:		
6% on Vehicle	(300.00)		
5% (Cameras, tape backup system, etc) & Fee	(9.23)		
SUB-TOTAL:		(\$309.23)	
Sales Tax - +6% (Cameras, tape backup system, etc):	11.07		
Sales Tax (None on Vehicle):	0.00		
SUB-TOTAL:		\$11.07	
			\$ 4,886.35

Legal Considerations:

- Farmington Hills, Michigan was the lead agency for the bid process for an on-line auction website. Resolution #2004-02-075.

Policy Considerations:

- All bidders were given the opportunity to respond with their level of interest in the on-line auction and regular auction for the City of Troy. (Goal 2).

Options:

- To report final results of January 2007 Auctions to the City management.
- No action required

VEHICLE AUCTION REPORT

<i>NUMBER</i>	<i>MAKE</i>	<i>MODEL</i>	<i>YEAR</i>	<i>AUCTION FEE</i>	<i>AUCTION PRICE</i>
959	FORD	CROWN VICTORIA	03	\$300.00	\$5,000.00
TOTALS				\$300.00	\$5,000.00

Vehicle #959 was sold at Mid-Thumb Auctioneering Service on 1/13/2007.

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

TOTAL SALE: \$ 5,000.00
AUCTION FEE (6%) \$ - 300.00
\$ 4,700.00

Prepared by: Samuel P. Lamerato, Superintendent of Fleet

Tuesday, February 06, 2007

Page 1 of 1



MITN Auctions	National Auctions	Auctions Main Menu	HELP/FAQ	Contact Support	MITN Admin Menu
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Report For The City Of Troy, MI
Detailed Report For Seller: ALL
Reported On 2/19/2007

From: 1/1/2007 To: 2/28/2007

Item ID	Date	Sale Amount	Tax Collected	Charge	Type of Fee	Auction Description	Seller
1865	1/1/2007	25.00	1.50	1.25	Sale	Canon - Canonet GIII 17 QL - Camera	Bockstanz
1864	1/1/2007	122.50	7.35	6.13	Sale	Minolta X-700 Camera	Bockstanz
1867	1/2/2007	25.00	1.50	1.25	Sale	Compaq Tape Backup System	Bockstanz
1866	1/2/2007	12.01	0.72	0.60	Sale	Metal Sorter	Bockstanz
0	1/29/2007	0	0.00	5.79	Payment		Bockstanz
0	1/29/2007	0	0.00	13.54	Payment		Bockstanz
0	1/29/2007	0	0.00	64.95	Payment		Bockstanz

Total Sales Amount	Total Tax Collected	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
\$184.51	\$11.07	\$9.23	\$84.28	(\$75.05)	\$1,524.22

[Return to Reports Menu](#)



St. Joseph Catholic Chaldean Church J-03a

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February 20, 2007

Chief Charles Craft
Captain Edward Murphy
Lieutenant Scott McWilliams
Troy Police Department
500 W. Big Beaver Rd.
Troy, MI 48084

Dear Sirs,

On behalf of the clergy, the Parish Council, and the Parishioners of St. Joseph Chaldean Catholic Church in Troy, Michigan, I write to express our deep appreciation for the wonderful assistance rendered to our members on the occasion of the Church Services last Christmas celebrations. The involvement of several members of the Troy Police Force in organizing and directing the heavy traffic around the church, provided our members yet again, a very smooth and safe access to the premises and the celebration. Please convey our warmest regards and gratitude to every member of the Force who was involved in that outstanding undertaking.

Our special thanks go to Lieutenant Scott McWilliams, for meeting with the Parish Council, planning the Reserve parking, and meeting the adjacent residents to explain the value of those arrangements.

Furthermore, we would like to value and acknowledge the assistance of each and every individual listed below for their extraordinary efforts on behalf of the Chaldean Community:

- Sgt. Dan Daniel
- Sgt. Mike Szuminski
- Officer Joseph Haddad
- Officer Milt Stansbury
- Officer Larry Schultz
- Officer Mitch Lenczewski
- Officer Mindy Weingart
- Officer Bill Taylor
- PSA Mary Stark
- PSA Jackie Snedden

CC: City Mgr
Capt. Murphy
listed officers
dept. files
BB

Please accept my warmest regards and all best wishes,

Sincerely yours,

Monsignor Zouhair Toma (Kejbou)
Pastor

RECEIVED
Chief of Police

2/27/07 CTC



For the Prevention of Drug and Alcohol Abuse

Executive Board

Gary Mayer
President

Renee Michalek
Vice President

Eric Pihlgren
Treasurer

Wendy Underwood
Secretary

Dennis Drury
Member-At-Large

Chuck Palmer
Member-At-Large

Jim Halushka
Past President

Ann Comiskey
Executive Director

February 22, 2007

Chief Charles Craft
Troy Police Department
500 W. Big Beaver Road
Troy, MI 48084

Dear Chief Craft:

Several days ago one of the Coalition members brought to our attention that the gas station on Long Lake and Dequindre was selling "Cocaine – the legal alternative" energy drink. We believe this product is detrimental to our youth and sends them a mixed message about illegal drug use. Our member was not successful at persuading the store to remove this item so we asked Captain Mayer if the Community Services section of the Troy Police Department could assist us. Officers Kaptur and Breidenich paid the store a visit and we are happy to report that as of Wednesday, February 21st this drink has been removed from the store. We want to extend our sincere thanks to Officer Kaptur, Officer Breidenich and the store manager, Sam Askar, for taking this positive action on behalf of our youth and community.

The Troy Community Coalition is a non-profit organization dedicated to improving the quality of life for all who live or work in Troy by promoting a lifestyle free from the abuse of alcohol and other drugs. We believe that removing this item from the store furthers this mission.

We have enclosed a copy of the letter sent to Mr. Askar thanking him for this positive decision. We wanted to let you know Chief Craft, how much the Troy Community Coalition appreciates the efforts of your department on our behalf. Please accept our thanks and recognition of Officers Kaptur and Breidenich. Once again it reinforces the power of all of the community working together and exemplifies why Troy is the 5th safest city in the nation.

Sincerely,


Ann Comiskey
Executive Director
Troy Community Coalition



cc: CITY MANAGER
CAPT. MAYER
OFF'S Kaptur/Breidenich - Files
BB

4420 Livernois
Troy, MI 48098

248.823.5088
Fax: 248.823.5051
www.troycoalition.com

March 2007

March 2007						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

April 2007						
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15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			March 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)	7:30am Civil Service Commission Act 78 1:00pm Board of Review 7:00pm Ethnic Issues Advisory Board 7:30pm Planning Commission 7:30pm Historic District Study	8:30am Building Code Board of Appeals (Conference Room LL) 6:30pm ADVISORY COMMITTEE & COFFEE SET UP	7:30pm Library Advisory Board (Library Director's Office)		11
12	13	14	15	16	17
9:00am Board of Review 7:00pm Liquor Advisory Committee Meeting (Conference Room Lower Level)	1:00pm Board of Review 7:30pm Planning Commission Regular Meeting (Council Chambers)	12:00pm Employee's Retirement System Board (Conference Room C) 1:00pm Retiree Health Care Benefits Board (Conference Room C)	7:00pm Parks & Recreation Advisory Board (Community Center - 3179 Livernois)		18
19	20	21	22	23	24
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) 7:30pm Traffic Committee (Conference Room Lower Level)			25
26	27	28	29	30	31
7:00pm CC-Special Meeting Workshop (Council Boardroom)	7:00pm Troy Daze Advisory Committee (Community Center - 7:30pm Planning Commission Special/Study Meetin 7:30pm Historical Commission (Museum Resource R	7:00pm Youth Council (Lower Level Conference Room)			

April 2007

April 2007							May 2007						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	6	7	1	2	3	4	5
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15	16	17	18	19	20	21	20	21	15	16	17	18	19
22	23	24	25	26	27	28	27	28	22	23	24	25	26
29	30								29	30	31		

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					April 1
2	3	4	5	6	7
8:00am Election Commission (Council Boardroom) 7:30pm City Council Meeting (Council Chambers)	7:00pm Ethnic Issues Advisory Board 7:30pm Planning Commission Special/Study Meetin 7:30pm Historic District Study Committee (Museum	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)	City Hall Closed	8
9	10	11	12	13	14
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)	7:30pm Library Advisory Board (Library Director's Office)		15
16	17	18	19	20	21
7:30pm City Council Meeting (Council Chambers)	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) 7:30pm Traffic Committee (Conference Room Lower Level)	7:00pm Parks & Recreation Advisory Board (Community Center - 7:00pm Cable Advisory Committee (Conference Room C)		22
23	24	25	26	27	28
	7:00pm Troy Daze Advisory Committee (Community Center - 7:30pm Planning Commission Special/Study Meeting (Council Boa	7:00pm Youth Council (Lower Level Conference Room)			29
30					
3:00pm LDFA Committee (Council Boardroom)					

May 2007

May 2007							June 2007						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	May 1	2	3	4	5
	7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Planning Commission Regular Meeting (Cou 7:30pm Historic District Study Committee (Museum	8:30am Building Code Board of Appeals (Conference Room LL) 7:00pm Advisory Committee for Persons with Disabilities (Confere	1:00pm Advisory Committee for Senior Citizens (Community Center Room 301)		6
7	8	9	10	11	12
		12:00pm Employee's Retirement System Board (Conference Room C)	7:30pm Library Advisory Board (Library Director's Office)		13
14	15	16	17	18	19
7:00pm Liquor Advisory Committee Meeting (Conference Room Lower Level) 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) 7:30pm Traffic Committee (Conference Room Lower Level)	7:00pm Parks & Recreation Advisory Board (Community Center - 3179 Livernois)		20
21	22	23	24	25	26
7:30pm City Council Meeting (Council Chambers)	7:00pm Troy Daze Advisory Committee (Community Center - 3179 Livernois) 7:30pm Planning Commission Special/Study Meeting (Council Boa	7:00pm Youth Council (Lower Level Conference Room)			27
28	29	30	31		
City Hall Closed					



The National Arbor Day Foundation®

211 N. 12th St. • Lincoln, NE 68508 • 402-474-5655 arborday.org

We inspire people to plant, nurture, and celebrate trees.

February 22, 2007

The Honorable Louise Schilling
Mayor of the City of Troy
500 West Big Beaver
Troy, MI 48083

RECEIVED

FEB 26 2007

CITY OF TROY
CITY MANAGER'S OFFICE

Dear Mayor Schilling,

Congratulations to Troy on being named as a 2006 Tree City USA!

Trees in our cities and towns help clean the air, conserve soil and water, moderate temperature, and bring nature into our daily lives. Trees are a vital component of the infrastructure in our cities and towns, and provide environmental and economical benefits. A community, and its citizens, that recognize these benefits and provide needed care for its trees deserves recognition and thanks.

Tree City USA recognizes communities that have proven their commitment to an effective, ongoing community forestry program. Such a program is one marked by renewal and improvement.

Tree City USA is sponsored in cooperation with the National Association of State Foresters and the USDA Forest Service. State foresters are responsible for the presentation of the Tree City USA flag and other materials. We will forward your awards to Kevin Sayers in your state forester's office. They will be coordinating the presentation with you. It would be especially appropriate to make the Tree City USA award a part of your Arbor Day ceremony.

Again, congratulations on receiving this national recognition for your tree-care program.

Best regards,

John Rosenow
President

cc: Ron Hynd

For more information, contact
Dan Lambe, Vice President at
dlambe@arborday.org or Woodrow
Nelson, Director of Marketing at
wnelson@arborday.org or call
888-448-7337



News from The National Arbor Day Foundation®

211 N. 12th St. • Lincoln, NE 68508 • 402-474-5655 arborday.org

We inspire people to plant, nurture, and celebrate trees.

FOR IMMEDIATE RELEASE:

Troy Named Tree City USA

Troy has been named a Tree City USA community by The National Arbor Day Foundation to honor its commitment to community forestry. It is the seventeenth year Troy has received this national recognition.

The Tree City USA program is sponsored by The National Arbor Day Foundation in cooperation with the National Association of State Foresters and the USDA Forest Service.

Troy has met the four standards to become a Tree City USA community: a tree board or department, a tree care ordinance, a comprehensive community forestry program, and an Arbor Day observance.

“Trees in our cities and towns help clean the air, conserve soil and water, moderate temperature and bring nature into our daily lives,” said John Rosenow, president of The National Arbor Day Foundation. “Tree City USA designation recognizes the work of elected officials, staff and citizens who plant and care for the community forest.”

“Trees are a vital component of the infrastructure in our cities and towns, and provide environmental and economical benefits,” Arbor Day Foundation President Rosenow added. “A community, and its citizens, that recognize these benefits and provide needed care for its trees deserves recognition and thanks.”

#

M UNIVERSITY OF MICHIGAN-DEARBORN

FAIRLANE CENTER SOUTH
19000 HUBBARD DRIVE
DEARBORN, MICHIGAN 48126-2638
313-593-5248 FAX: 313-271-9835
bruce.bublitz@anywhere.org
<http://www.som.umd.umich.edu>

RECEIVED

February 21, 2007

FEB 23 2007

CITY OF TROY
CITY MANAGER'S OFFICE

Mayor Louise E. Schilling
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

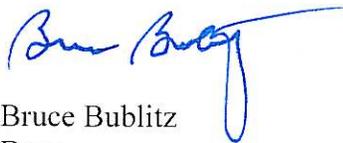
Dear Mayor Schilling:

I want to congratulate you and the City of Troy on being a top-performing community in the 2007 Entrepreneurial Cities Index. As you know, the study identifies the local factors that encourage entrepreneurial and economic growth. The project compliments other research by iLabs that assists public and private organizations in advancing the economic competitiveness of the metropolitan Detroit region and the State of Michigan.

The City of Troy's efforts to attract and retain business development are important to the future of Michigan's economy. As the region's traditional economic base faces uncertain conditions, the entrepreneurial spirit will provide opportunities for business success and job growth.

I look forward to seeing you and members of your staff at the luncheon in March. Once again, congratulations and thank you for your efforts.

Sincerely,



Bruce Bublitz
Dean

Cc: Brian Murphy