



# TROY CITY COUNCIL

## REGULAR MEETING

### AGENDA

**JULY 7, 2014**  
**CONVENING AT 7:30 P.M.**

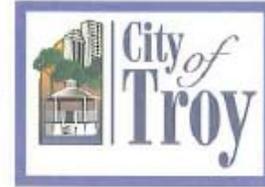
**Submitted By**  
**The City Manager**

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

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TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: Brian Kischnick, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Respectfully submitted,

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

Brian Kischnick, City Manager



# TROY CITY COUNCIL

## VISION STATEMENT AND GOALS

Adopted: Monday, February 7, 2011

### **VISION:**

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

### **GOALS:**

#### **Provide a safe, clean, and livable city**

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

#### **Provide effective and efficient local government**

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

#### **Build a sense of community**

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

#### **Attract and retain business investment**

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

2014/2015

# TOP 11 STRATEGIES

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

**'Why'** | We believe a strong community embraces diversity, promotes innovation, and encourages collaboration. We strive to lead by example within the region. We do this because we want everyone to choose Troy as their community for life. We believe in doing government the best.

1

Improve road/infrastructure conditions, including County roads

Maintain a branding and marketing plan to effectively communicate

3

Build and maintain strong, productive service levels

Maintain strong Public Safety service

5

Increase outreach to residents, businesses, and neighboring communities

Facilitate redevelopment of underutilized office and industrial sites

7

Advance technology to gain efficiencies

Update and identify funding for the Pathways and Trails Plan

9

Implement a way-finding strategy for City resources

Enhance gateways and entrance to create a sense of place

11

Embrace the Transit Center

2

4

6

8

10



**CITY COUNCIL  
AGENDA**  
July 7, 2014 – 7:30 PM  
Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3317

**INVOCATION: Pastor Dan Lewis from Troy Christian Chapel** **1**

**PLEDGE OF ALLEGIANCE:** **1**

**A. CALL TO ORDER:** **1**

**B. ROLL CALL:** **1**

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

C-1 Recognition to Sam Lamerato on Receiving the First Legendary Lifetime Achievement Award Government Fleet (*Introduced by: Tim Richnak, Department of Public Works Director*) **1**

C-2 Recognition to Billy Casper Golf for Sanctuary Lake Golf Course Being Recognized for Environmental Excellence by Audubon International (*Introduced by: Elaine Bo, Recreation Director and Don Tillar, General Manager*) **1**

C-3 Proclamation Celebrating Parks and Recreation Month – July, 2014 (*Introduced by: Elaine Bo, Recreation Director and Kurt Bovensiepe, Superintendent of Parks, Streets and Drains*) **2**

**D. CARRYOVER ITEMS:** **2**

D-1 No Carryover Items **2**

**E. PUBLIC HEARINGS:** **2**

E-1 No Public Hearings **2**

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<b><u>F.</u></b>	<b><u>PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:</u></b>	<b><u>2</u></b>
<b><u>G.</u></b>	<b><u>CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:</u></b>	<b><u>3</u></b>
<b><u>H.</u></b>	<b><u>POSTPONED ITEMS:</u></b>	<b><u>3</u></b>
H-1	No Postponed Items	3
<b><u>I.</u></b>	<b><u>REGULAR BUSINESS:</u></b>	<b><u>3</u></b>
I-1	Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – None	3
I-2	Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority, Planning Commission; b) City Council Nominations – Liquor Advisory Committee, Parks & Recreation Board	4
I-3	No Closed Session Requested	7
I-4	inTeracTion Troy Update (Introduced by: Maggie Hughes, Management Assistant)	7
I-5	Troy Roads Rock Update (Introduced by: Steve Vandette, City Engineer)	7
<b><u>J.</u></b>	<b><u>CONSENT AGENDA:</u></b>	<b><u>7</u></b>
J-1a	Approval of “J” Items NOT Removed for Discussion	7
J-1b	Address of “J” Items Removed for Discussion by City Council	8
J-2	Approval of City Council Minutes	8
	a) City Council Minutes-Draft – June 16, 2014 .....	8
J-3	Proposed City of Troy Proclamations:	8
	a) Proclamation Celebrating Parks and Recreation Month – July, 2014 .....	8
J-4	Standard Purchasing Resolutions:	8
	a) Standard Purchasing Resolution 3: Exercise Renewal Option - Topsoil .....	8

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b)	Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Gym Floor Project .....	9
c)	Standard Purchasing Resolution 2: Sole Bidder Meeting Specifications – Pool Repairs at the Troy Community Center .....	9
d)	Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Fitness Equipment.....	9
J-5	Approval for Reimbursement for Installation of Sanitary Sewer and Water Main as Part of the Huron Drive Extension – Project No. 14.902.3	10
J-6	Private Agreement – Contract for Installation of Municipal Improvements – Troy Marriott Hotels – Project No. 13.920.3	10
J-7	Request for Acceptance of Two Permanent Easements from Venkata Krishna-Rao Hari and Swapna Kalyanam – Sidwell #88-20-23-353-026	10
J-8	Classified and Exempt Classification and Pay Plans	11
J-9	City Attorney Annual Evaluation	11
<b><u>K.</u></b>	<b><u>MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:</u></b>	<b><u>11</u></b>
K-1	Announcement of Public Hearings: None Submitted	11
K-2	Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted	11
<b><u>L.</u></b>	<b><u>PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:</u></b>	<b><u>12</u></b>
<b><u>M.</u></b>	<b><u>COUNCIL REFERRALS:</u></b>	<b><u>12</u></b>
M-1	No Council Referrals Advanced	12
<b><u>N.</u></b>	<b><u>COUNCIL COMMENTS:</u></b>	<b><u>12</u></b>
N-1	No Council Comments Advanced	12

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**O. REPORTS:** **12**

O-1	Minutes – Boards and Committees:	12
	a) Traffic Committee-Final-April 16, 2014.....	12
	b) Zoning Board of Appeals-Final-May 20, 2014 .....	12
	c) Planning Commission-Special/Study-Final-May 27, 2014.....	12
	d) Planning Commission-Draft-June 10, 2014 .....	12
	e) Planning Commission-Final-June 10, 2014.....	12
	f) Traffic Committee-Draft-June 18, 2014 .....	12
O-2	Department Reports:	12
	a) Executive Summary Engagement Plan – 2014 Troy Master Plan Update .....	12
O-3	Letters of Appreciation:	12
	a) Letter of Appreciation from Richard Dylewski, Jr., Chief, Clawson Fire Department, Thanking Troy Fire Department for Station Coverage .....	12
O-4	Proposed Proclamations/Resolutions from Other Organizations: None Submitted	12
O-5	Notice of Hearing for the Customers of DTE Electric Company Case No. U-17602	12
O-6	Road Commission for Oakland County Notice of Public Hearing on Dequindre Road Widening Plan, Long Lake to Auburn – July 9, 2014	12
O-7	July 2014 Update on Detroit Water and Sewerage Department	12
O-8	Second Quarter Litigation Report – City Attorney’s Office	12
O-9	Cross Connection Program	12

**P. COMMENTS ON ITEMS ON OR NOT ON THE AGENDA FROM MEMBERS OF  
THE PUBLIC OUTSIDE OF TROY (NOT RESIDENTS OF TROY AND NOT FROM  
TROY BUSINESSES):** **13**

**Q. STUDY ITEMS:** **13**

Q-1	No Study Items	13
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**R. CLOSED SESSION: 13**

R-1 No Closed Session 13

**S. ADJOURNMENT: 13**

**FUTURE CITY COUNCIL PUBLIC HEARINGS: 14**

**SCHEDULED SPECIAL CITY COUNCIL MEETINGS: 14**

July 21, 2014 Special Study Meeting..... 14  
August 11, 2014 Special Study Meeting..... 14

**SCHEDULED REGULAR CITY COUNCIL MEETINGS: 14**

July 21, 2014 Regular Meeting..... 14  
August 11, 2014 Regular Meeting ..... 14  
August 25, 2014 Regular Meeting ..... 14  
September 8, 2014 Regular Meeting..... 14  
September 22, 2014 Regular Meeting..... 14  
October 6, 2014 Regular Meeting ..... 14  
October 20, 2014 Regular Meeting ..... 14  
November 10, 2014 Regular Meeting..... 14  
November 24, 2014 Regular Meeting..... 14  
December 1, 2014 Regular Meeting..... 14  
December 15, 2014 Regular Meeting..... 14

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**INVOCATION: Pastor Dan Lewis from Troy Christian Chapel**

**PLEDGE OF ALLEGIANCE:**

**A. CALL TO ORDER:**

**B. ROLL CALL:**

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

- b) Excuse Absent Council Members:

Suggested Resolution  
Resolution #2014-07-  
Moved by  
Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of \_\_\_\_\_ at the Special City Council Meeting and/or Regular City Council Meeting of July 7, 2014, due to \_\_\_\_\_.

Yes:  
No:

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

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**C-1** Recognition to Sam Lamerato on Receiving the First Legendary Lifetime Achievement Award Government Fleet (*Introduced by: Tim Richnak, Department of Public Works Director*)

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**C-2** Recognition to Billy Casper Golf for Sanctuary Lake Golf Course Being Recognized for Environmental Excellence by Audubon International (*Introduced by: Elaine Bo, Recreation Director and Don Tillar, General Manager*)

- 
- C-3** Proclamation Celebrating Parks and Recreation Month – July, 2014 (*Introduced by: Elaine Bo, Recreation Director and Kurt Bovensiep, Superintendent of Parks, Streets and Drains*)

**D. CARRYOVER ITEMS:**

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- D-1** No Carryover Items

**E. PUBLIC HEARINGS:**

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- E-1** No Public Hearings

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

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

Any person not a member of the City Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry or comment. *City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.*

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

- City Council may waive the requirements of this section by a majority vote of the City Council members.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.

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

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

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

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

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

**H. POSTPONED ITEMS:**

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**H-1 No Postponed Items**

**I. REGULAR BUSINESS:**

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

**a) Mayoral Appointments: None**

**b) City Council Appointments: None**

**I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority, Planning Commission; b) City Council Nominations – Liquor Advisory Committee, Parks & Recreation Board**

**a) Mayoral Nominations:**

Suggested Resolution

Resolution #2014-07-

Moved by

Seconded by

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

**Brownfield Redevelopment Authority**

Appointed by Mayor

7 Regular Members

3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 3
Brake	Dan	4/18/2016	4/30/2014	Requests Reappointment
Dziurman	Theodore	3/8/2014	4/30/2015	BCBA exp 1/1/2015
Kornacki	Rosemary	12/12/2015	4/30/2017	
Swartz	Robert D.	7/25/2013	4/30/2017	
Vacancy			04/30/2016	Bruce Wilberding's unexpired term.
Vassallo	Joseph J.	12/6/2013	4/30/2015	

**Nominations to the Brownfield Redevelopment Authority:**

**Term Expires: 4/30/2016**

Term currently held by: Vacancy – Bruce Wilberding's unexpired term (resigned 4/11/2014)

**Term Expires: 4/30/2017**

Term currently held by: Dan Brake

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 1
Noble	Carolyn	10/10/2015	

**Planning Commission**

Appointed by Mayor  
 9 Regular Members  
 3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2
Boudon	Frank	5/15/2015	7/31/2014	Student
Edmunds	Donald L.	11/15/2012	12/31/2016	EDC exp 4/30/3014;
Gottlieb	Steve	11/8/2015	12/31/2016	
Hutson	Michael W.	9/4/2014	12/31/2015	Sust Design Rev Comm-Ad Hoc
Krent	Thomas G.	9/20/2015	12/31/2016	PC Rep to ZBA exp 12/31/2013
Sanzica	Philip	9/24/2014	12/31/2015	Alt. PC Rep on ZBA
Schepke	Gordon	11/16/2013	12/31/2014	
Strat	Thomas	11/16/2013	12/31/2014	Sust Design Rev Comm-Ad Hoc
Tagle	John J.	9/12/2014	12/31/2015	
Crusse	Karen		12/31/2014	Unexpired term appointment

**Nominations to the Planning Commission:**

**Term Expires: 7/31/2015**

Term currently held by: Frank Boudon (Student)

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 2
Apahidean	Ollie	11/22/2015	
Huber	Robert M.	3/1/2015	Student
Kaltsounis	Andrew	12/13/2014	Liquor Advisory Comm. exp. 1/31/2016
Kaltsounis	Orestis Rusty	12/12/2015	P&R Bd exp 9/30/2015; ZBA (Alt.) exp 1/31/2015
Lambert	Dave	3/10/2016	ZBA exp. 4/30/2014

Yes:  
 No:

**b) City Council Nominations:**

**Liquor Advisory Committee**

Appointed by Council  
 7 Regular Members

## 3 Year Term

**Current Members:**

Last Name	First Name	App Res Expire	Appointment Expire	Notes	
Easterbrook	David	12/2/2015	1/31/2015		
Ehlert	Max	11/15/2013	1/31/2015		
Godlewski	W. Stan	12/14/2012	1/31/2017		
Gorcyca	David	12/6/2015	1/31/2017		
Hall	Patrick	12/12/2014	1/31/2016		
Huber	Robert	3/1/2015	7/31/2014	STUDENT	
Kaltsounis	Andrew	12/13/2014	1/31/2016		
Oberski	Jeff			Police Dept.	
Payne	Timothy	2/8/2014	1/31/2015		

**Nominations to the Liquor Advisory Committee:****Term Expires: 07/31/2015**

Term currently held by: Robert Huber (Student)

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes
Bluhm	David	10/21/2015	STUDENT currently serving on Parks & Recreation Board
Boudon	Frank	5/15/2015	STUDENT currently serving on Planning Commission
Comiskey	Ann	3/18/2016	
Gottlieb	Steve	11/8/2015	

**Parks and Recreation Board**

Appointed by Council

7 Regular Members and 1 Troy School Board Member:

Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

**Current Members:**

Last Name	First Name	App Resume Expire	Appointment Expire	Notes
Bluhm	David	6/2/2016	7/31/2014	Student
Bo	Elaine			Recreation Director

Hauff	Gary	2/6/2014	7/31/2014	Troy School Dist Rep
Huber	Laurie	2/8/2014	9/30/2015	
Kaltsounis	Orestis (Rusty)	1/20/2014	9/30/2015	ZBA (Alt) exp 1/31/2015
Kovacs	Meaghan	3/25/2010	9/30/2014	
Noble	Carolyn	10/10/2015	9/30/2016	
Stewart	Jeffrey L.	6/27/2015	9/30/2016	
Toth	Steve	10/3/2013	9/30/2016	
Zikakis	Janice	11/11/2013	9/30/2014	

**Nominations to the Parks and Recreation Board:**

**Term Expires: 7/31/2015**

Term currently held by: Gary Hauff

**Term Expires: 7/31/2015**

Term currently held by: David Bluhm (Student)

**Interested Applicants:**

Last Name	First Name	App Resume Expire	Notes 2
Baker	Julia (Judy)	5/7/2015	
Boudon	Frank	5/15/2015	STUDENT - Planning Comm. exp 7/31/2014
Brandstetter	Tim	5/1/2015	Traffic Comm. exp 1/31/2015
Gauri	Kul B.	11/22/2013	
Rosenberg	Michael	4/19/2015	
Viola	Vincent	11/16/2013	
Wilsher	Cynthia	2/27/2016	

Yes:

No:

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**I-3 No Closed Session Requested**

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**I-4 inTeracTion Troy Update (Introduced by: Maggie Hughes, Management Assistant)**

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**I-5 Troy Roads Rock Update (Introduced by: Steve Vandette, City Engineer)**

**J. CONSENT AGENDA:**

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**J-1a Approval of "J" Items NOT Removed for Discussion**

Suggested Resolution

Resolution #2014-07-

Moved by

Seconded by

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

Yes:

No:

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

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**J-2 Approval of City Council Minutes**Suggested Resolution

Resolution #2014-07-

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

- a) City Council Minutes-Draft – June 16, 2014

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**J-3 Proposed City of Troy Proclamations:**

- a) Proclamation Celebrating Parks and Recreation Month – July, 2014

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**J-4 Standard Purchasing Resolutions:**

- a) Standard Purchasing Resolution 3: Exercise Renewal Option - Topsoil

Suggested Resolution

Resolution #2014-07-

WHEREAS, On July 9, 2012, Troy City Council awarded a two-year contract with an option to renew for one additional year to provide topsoil to Anderson Excavating Inc, of Waterford, MI (Resolution #2012-07-145-J4b); and

WHEREAS, The City of Troy has determined that Anderson Excavating, Inc. meets all the terms and conditions of the original bid; and

WHEREAS, Anderson Excavating, Inc. has agreed to exercise the one-year option to renew under the same prices, terms, and conditions of the original bid;

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **EXERCISES** the option to renew a contract to provide one-year requirements of topsoil on an as-needed basis under the same contract prices, terms, and conditions; contract expiring June 30, 2015.

**b) Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Gym Floor Project**

Suggested Resolution  
Resolution #2014-07-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all equipment, material, and labor to repair broken boards and re-sanding of the existing wood floor in the main gym, including sealer, paint, and finish at the City of Troy Community Center to the low bidder meeting specifications: All Court, Inc. of Northville, MI, for an estimated total cost of \$20,300.00, as contained in the bid tabulation opened June 19, 2014, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

**c) Standard Purchasing Resolution 2: Sole Bidder Meeting Specifications – Pool Repairs at the Troy Community Center**

Suggested Resolution  
Resolution #2014-07-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all labor, materials, and equipment to re-marcite and re-grout tiles in the pools at the Troy Community Center to the sole bidder; *SonSeeker Pool Masonry LLC of Grand Rapids, MI* for an estimated total cost of \$37,434.50, at prices contained in the bid tabulation opened June 19, 2014, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

**d) Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Fitness Equipment**

Suggested Resolution  
Resolution #2014-07-

RESOLVED, That Troy City Council hereby **AWARDS** two (2) contracts to the low bidders meeting specifications or approved equivalent to provide fitness equipment for the Troy Community Center to *All Pro Exercise of Plymouth Township, MI* and to *Direct Fitness Solutions, LLC of Mundelein, IL* as detailed below; at an estimated total cost of \$63,980.00 at the prices contained in the bid tabulation dated June 26, 2014, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

	<b>All Pro Exercise</b>	<b>Direct Fitness Solutions, LLC</b>
<b>TOTAL COST FOR NEW EQUIPMENT</b>	\$37,145.00	\$34,635.00

	Deduct Trade-Ins		\$5,700.00	\$3,000.00
<b>Estimated Net Total Cost low bid as specified or approved equivalent Items less All Trade-ins:</b>			\$31,445.00	\$31,635.00
	Add'l Eqpt. to Purchase			
	Concept 2 Rower Model E (1)	\$900.00	\$900.00	
<b>Estimated Grand Total Cost bid as specified or approved equivalent less Trade-in Items and additional Item #7:</b>			<b><u>\$32,345.00</u></b>	<b><u>\$31,635.00</u></b>

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

**J-5 Approval for Reimbursement for Installation of Sanitary Sewer and Water Main as Part of the Huron Drive Extension – Project No. 14.902.3**

Suggested Resolution  
Resolution #2014-07-

RESOLVED, That reimbursement to Mondrian Properties Villas West LLC for the installation of approximately 149 feet of 8” sanitary sewer, 307 feet of 8” water main and related work as part of the Huron Drive Extension development in the amount of \$23,294.00 to service properties on Barilane is hereby **APPROVED**, with payment due upon completion of the construction and final approval by the Engineering Department.

BE IT FURTHER RESOLVED, If additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost.

**J-6 Private Agreement – Contract for Installation of Municipal Improvements – Troy Marriott Hotels – Project No. 13.920.3**

Suggested Resolution  
Resolution #2014-07-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and A & M Hospitalities, is hereby **APPROVED** for the installation of Water Main, Sanitary Sewer, Concrete Sidewalk and Approaches, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**J-7 Request for Acceptance of Two Permanent Easements from Venkata Krishna-Rao Hari and Swapna Kalyanam – Sidwell #88-20-23-353-026**

Suggested Resolution  
Resolution #2014-07-

RESOLVED, That City Council hereby **ACCEPTS** two permanent easements for storm sewer and surface drainage, and sidewalk from Venkata Krishna-Rao Hari and Swapna Kalyanam, owners of the property having Sidwell #88-20-23-353-026;

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the easements with the Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-8 Classified and Exempt Classification and Pay Plans**

Suggested Resolution

Resolution #2014-07-

WHEREAS, The Classification Plan for Classified Employees, Classification Plan for Exempt Employees and the Pay Plan for Classified and Exempt Employees was last revised July 2008; and

WHEREAS, The City has consolidated positions, eliminated positions, re-titled positions and added new positions to the organization since the last revision; and

WHEREAS, The Personnel Board has reviewed and approved the revised Classification Plan for Classified employees;

BE IT RESOLVED, That Troy City Council hereby **APPROVES** the July 1, 2014 revisions to the Classification Plan for Classified Employees, Classification Plan for Exempt Employees and the Pay Plan for Classified and Exempt Employees.

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**J-9 City Attorney Annual Evaluation**

Suggested Resolution

Resolution #2014-07-

BE IT RESOLVED, That the annual salary of City Attorney Lori Grigg Bluhm **SHALL** be increased by 1 %, effective July 5, 2014.

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**K-1 Announcement of Public Hearings: None Submitted**

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**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**

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

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

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**M-1** No Council Referrals Advanced

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**N. COUNCIL COMMENTS:**

**N-1** No Council Comments Advanced

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

- a) Traffic Committee-Final-April 16, 2014
  - b) Zoning Board of Appeals-Final-May 20, 2014
  - c) Planning Commission-Special/Study-Final-May 27, 2014
  - d) Planning Commission-Draft-June 10, 2014
  - e) Planning Commission-Final-June 10, 2014
  - f) Traffic Committee-Draft-June 18, 2014
- 

**O-2 Department Reports:**

- a) Executive Summary Engagement Plan – 2014 Troy Master Plan Update
- 

**O-3 Letters of Appreciation:**

- a) Letter of Appreciation from Richard Dylewski, Jr., Chief, Clawson Fire Department, Thanking Troy Fire Department for Station Coverage
- 

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

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**O-5 Notice of Hearing for the Customers of DTE Electric Company Case No. U-17602**

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**O-6 Road Commission for Oakland County Notice of Public Hearing on Dequindre Road Widening Plan, Long Lake to Auburn – July 9, 2014**

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**O-7 July 2014 Update on Detroit Water and Sewerage Department**

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**O-8 Second Quarter Litigation Report – City Attorney’s Office**

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**O-9 Cross Connection Program**

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

**Q. STUDY ITEMS:**

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**Q-1** No Study Items

**R. CLOSED SESSION:**

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**R-1** No Closed Session

**S. ADJOURNMENT:**

Respectfully submitted,



Brian Kischnick, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

**SCHEDULED SPECIAL CITY COUNCIL MEETINGS:**

July 21, 2014 ..... Special Study Meeting  
August 11, 2014 ..... Special Study Meeting

**SCHEDULED REGULAR CITY COUNCIL MEETINGS:**

July 21, 2014 ..... Regular Meeting  
August 11, 2014 ..... Regular Meeting  
August 25, 2014 ..... Regular Meeting  
September 8, 2014..... Regular Meeting  
September 22, 2014..... Regular Meeting  
October 6, 2014..... Regular Meeting  
October 20, 2014..... Regular Meeting  
November 10, 2014..... Regular Meeting  
November 24, 2014..... Regular Meeting  
December 1, 2014..... Regular Meeting  
December 15, 2014..... Regular Meeting

**PROCLAMATION  
CELEBRATING PARKS AND RECREATION MONTH  
JULY 2014**

**WHEREAS, The Troy Parks and Recreation Departments** are vitally important to establishing and maintaining the quality of life in our community, ensuring the health of all citizens, and contributing to the economic and environmental well-being of the community and region; and

**WHEREAS,** Since 1985, America has celebrated July as the nation's official **Parks and Recreation Month**. Residents and visitors are encouraged to enjoy the natural resources by visiting one of Troy's many parks or participating in some of our wonderful recreation activities this summer; and

**WHEREAS, Parks and Recreation** programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

**WHEREAS, Parks and Recreation** programs enhance a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction and are fundamental to the environmental well-being of our community; and

**WHEREAS, Parks and Natural Recreation** areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

**WHEREAS, Troy's Parks and Natural Recreation** areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

**NOW, THEREFORE, BE IT RESOLVED,** that the Mayor and City Council of the City of Troy hereby proclaim **July 2014 as Parks and Recreation Month;**

**BE IT FURTHER RESOLVED,** That we invite **all Troy residents** to recognize and celebrate the benefits derived from our excellent **Parks and Recreation Resources** and encourage everyone to take part in the wide variety of programs, classes and activities offered at our Troy Community Center and community parks.

Presented this 7<sup>th</sup> day of July 2014.



## CITY COUNCIL AGENDA ITEM

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Date: 7/01/2014

To: Brian Kischnick, City Manager

From: Maggie Hughes, Management Assistant

Subject: inTeracTion Troy Presentation

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inTeracTion Troy is the customer service initiative being implemented in the City of Troy. inTeracTion Troy was born out of the themes of “Team, Train, Test”. Noting that we have assembled a strong team, we need to train to the highest standard, and test our effectiveness. Our motto “Every. One. Counts.” reflects how every individual and every interaction matters, and we must behave with this in mind.

The NEXT Assistants took first advantage of inTeracTion Troy as a learning opportunity in experiencing all aspects of city government. Three assistants traveled with both Fire and Building inspectors on ride-along visits. The inTeracTion Troy team, in collaboration with Fire, Planning, and Economic Development, has distributed an Environment for Investment Flow Chart. This chart simply lays out the development process for a business coming to Troy. It shows the involved city parties as well as the residents and private industry individuals who interact. This chart helps staff understand that their interaction with a customer is just one of many and that both good, and bad, experiences can impact how a project moves forward.

Department Heads were asked to meet with their departments to come up with 5 Target Habits for Interaction. Each list of Target Habits are a set of standards specific to that department that all team members should achieve during any customer or coworker interaction. Target Habits encompass the ideals of all members in the department. Input from all divisions, levels, or a cross-section of departmental employees was essential. The inTeracTion Troy team is analyzing the lists and developing three universal Target Habits for Interaction with the City of Troy. This exercise is a complimentary next step to the city’s Why? Statement and Top 11 Strategies for Success.

A representative from the MML will be visiting Troy to facilitate a training session in customer service. The city manager is doing ongoing visits with our valuable businesses as a means of fostering continued positive relationships with this community. These visits are paired with a new Grand Opening Survey to test our success in the Environment for Investment flowchart. A final highlight for inTeracTion Troy will be our internal phone chain of command for transferring callers that we will test with cold calls.

Pastor Paul Monson from St. Augustine Lutheran Church performed the Invocation. The Pledge of Allegiance to the Flag was given.

## **A. CALL TO ORDER:**

A Regular Meeting of the Troy City Council was held on Monday, June 16, 2014, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:32 PM.

## **B. ROLL CALL:**

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

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

- 
- C-1** Recognition to Sam Lamerato on Receiving the First Legendary Lifetime Achievement Award from the American Public Works Association (*Introduced by: Tim Richnak, Department of Public Works Director*) – *Item May be Postponed to a Future City Council Meeting*

*City Council took no action on this Item. Item C-1 will be forwarded to the July 7, 2014 City Council Meeting.*

- 
- C-2** Recognition to Kurt Bovensiep and Alex Bellak for the Cityworks Exemplary User Award (*Introduced by: Tim Richnak, Department of Public Works Director and Gert Paraskevin, Information Technology Director*)

- 
- C-3** Recognition to Billy Casper Golf for Sanctuary Lake Golf Course Being Recognized for Environmental Excellence by Audubon International (*Introduced by: Elaine Bo, Recreation Director*)

*City Council took no action on this Item. Item C-3 will be forwarded to the July 7, 2014 City Council Meeting.*

- 
- C-4** Introduction of the Troy Garden Party (*Introduced by: Brenda Carter, Interim Assistant to the City Manager*)

- 
- C-5** Residential Cross Connection Program (*Introduced by: Tim Richnak, Department of Public Works Director*)

**D. CARRYOVER ITEMS:****D-1** No Carryover Items**E. PUBLIC HEARINGS:****E-1** No Public Hearings**F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:**

Bertelsen, David	Spoke on Item C-05 Residential Cross Connection Program.
Szachta, Don	Spoke on Item C-05 Residential Cross Connection Program.

**G. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:****H. POSTPONED ITEMS:****H-1** No Postponed Items**I. REGULAR BUSINESS:****I-1** Board and Committee Appointments: a) Mayoral Appointments – Local Development Finance Authority; b) City Council Appointments – None**a) Mayoral Appointments:**

Resolution #2014-06-092  
 Moved by Slater  
 Seconded by Hodorek

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

**Local Development Finance Authority (LDFA)**

Appointed by Mayor  
 5 Regular Members  
 Staggered 4 Year Term

**Term Expires: 06/30/2018****Robin Beltramini**


---

 Term currently held by: Robin Beltramini

Yes: All-7  
 No: None

**MOTION CARRIED**

b) **City Council Appointments:** None

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**I-2 Board and Committee Nominations:** a) **Mayoral Nominations – Brownfield Redevelopment Authority;** b) **City Council Nominations – None**

a) **Mayoral Nominations:** **Brownfield Redevelopment Authority**

City Council took no action on this Item.

b) **City Council Nominations:** None

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**I-3 Request for Closed Session**

(The City Attorney’s evaluation is scheduled and permitted by Council Resolution #2014-05-074 and Postponed by Council Resolution #2014-06-088.)

**J. CONSENT AGENDA:**

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

Resolution #2014-06-093  
Moved by Henderson  
Seconded by Fleming

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

Yes: All-7  
No: None

**MOTION CARRIED**

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

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**J-2 Approval of City Council Minutes**

Resolution #2014-06-093-J-2a

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

a) City Council Minutes-Draft – June 2, 2014

---

**J-3 Proposed City of Troy Proclamations: None Submitted**

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**J-4 Standard Purchasing Resolutions: None Submitted**

**J-5 Request for Acceptance of Warranty Deed for a Detention Area from Golden Homes, LLC – Sidwell #88-20-12-200-036**

Resolution #2014-06-093-J-5

RESOLVED, That City Council hereby **ACCEPTS** a warranty deed from Golden Homes, LLC, owner of the property having Sidwell #88-20-12-200-036, and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the warranty deed with the Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

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**J-6 Request for Acceptance of Permanent Easement from Ashish Manek and Minal H. Gada – Sidwell #88-20-15-102-016**

Resolution #2014-06-093-J-6

RESOLVED, That City Council hereby **ACCEPTS** a permanent easement for storm sewer & surface drainage from Ashish Manek and Minal H. Gada, aka Minal Ashish Manek, owners of the property having Sidwell #88-20-15-102-016; and

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

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**J-7 Private Agreement – Contract for Installation of Municipal Improvements – Huron Drive Extension – Project No. 14.902.3**

Resolution #2014-06-093-J-7

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

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**J-8 Request to Set Dates for Study Sessions – Troy Family Daze, July 21, 2014 at 6:00 PM and Volunteer Fire Incentive Program, August 11, 2014 at 6:00 PM**

Resolution #2014-06-093-J-8

BE IT RESOLVED, That Troy City Council **SHALL HOLD** Study Meetings according to the following schedule at 6:00 PM in the Council Boardroom:

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Discussion Topic

Monday, July 21, 2014 Troy Family Daze

Monday, August 11, 2014 Volunteer Fire Incentive Program (VFIP)

**K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

**K-1 Announcement of Public Hearings: None Submitted**

**K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**

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

Savage, James	Spoke about bike paths and park land in Troy.
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**M. COUNCIL REFERRALS:**

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

**M-1 No Council Referrals Advanced**

**N. COUNCIL COMMENTS:**

**N-1 No Council Comments Advanced**

**O. REPORTS:**

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

- a) Animal Control Appeal Board-Final – January 22, 2014
- b) Building Code Board of Appeals-Final – May 7, 2014
- c) Planning Commission-Final – May 13, 2014
- d) Zoning Board of Appeals-Draft – May 20, 2014
- e) Planning Commission Special/Study-Draft – May 27, 2014
- f) Animal Control Appeal Board-Draft – May 28, 2014

Noted and Filed

**O-2 Department Reports:**

- a) Building Department Activity Report – May, 2014
- b) Timeline for Disposal/Sale of Remnant Parcels
- c) Timeline for Use of Public Land

Noted and Filed

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**O-3 Letters of Appreciation:**

- a) To Chief Mayer from Janet Martin Regarding the Police Open House
- b) To Cathleen Russ, Library Director from Stephen McDermott, AARP District Coordinator Regarding Assistance of Library Staff for their Annual Volunteer Training Program  
Noted and Filed

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

- 
- O-5 Letter from Suburban Mobility Authority for Regional Transportation (SMART) Regarding the Cessation of Operations in Oakland County**  
Noted and Filed

- 
- O-6 Notice of Public Hearing from the DWSD Regarding State Revolving Fund Project Plans for the Proposed Biosolids Dryer Facility and Complex II Sewage Sludge Incinerator Air Quality Control Improvements**  
Noted and Filed

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

**Q. STUDY ITEMS:**

- 
- Q-1 No Study Items**

The Meeting **RECESSED** at 8:38 PM.

The Meeting **RECONVENED** at 8:43 PM.

**R. CLOSED SESSION:**

- 
- R-1 Closed Session – City Attorney Evaluation as Permitted by Council Resolution #2014-05-074 and Postponed by Council Resolution #2014-06-088**

**S. ADJOURNMENT:**

The Meeting **ADJOURNED** at 9:40 PM.

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Mayor Dane Slater

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M. Aileen Bittner, CMC  
City Clerk



## CITY COUNCIL AGENDA ITEM

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Date: June 26, 2014

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager  
Timothy L. Richnak, Public Works Director  
Kurt Bovensiep, Public Works Manager

Subject: Standard Purchasing Resolution 3: - Exercise Renewal Option – Topsoil

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### **History**

- On July 9, 2012 Troy City Council approved a two-year contract to provide topsoil with an option to renew for one (1) additional year to Anderson Excavating Inc. of Waterford, MI, (Resolution #2012-07-145-J4b)
- Topsoil is purchased on as needed basis throughout the year based upon estimated quantities.
- The current contract expired June 30, 2014.
- Anderson Excavating Inc has agreed to exercise their option to renew under the same pricing, terms and conditions as the original contract.

### **Purchasing**

- Anderson Excavating, Inc. has met all contract terms and conditions in accordance with bid specifications ITB-COT 12-13.
- Anderson Excavating, Inc. has agreed to renew the one (1) year contract under the same prices, specifications, terms and conditions of the original bid.
- Based on the current market and survey it is in the City's best interest to renew this contract.

### **Financial**

Funds for these materials are available in the Public Works Operating Budget.

### **Recommendation**

City management recommends exercising the option to renew for one (1) additional year for topsoil to the current contractor, Anderson Excavating Inc of Waterford, MI, at unit prices contained in the bid tabulation opened June 13, 2012, with the contract expiring June 30, 2015.



# CITY COUNCIL AGENDA ITEM

Date: June 24, 2014

To: Brian Kischnick, City Manager

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

Subject: Standard Purchasing Resolution 2: - Low Bidder Meeting Specification – Gym Floor Project

**History**

- The Community Center gym floor has been coated every year since it opened.
- It is recommended that after 6 years the gym floor is sanded down to the base floor and boards repaired.
- This will be a two week project that will require the gym to be closed at the end of August.

**Purchasing**

- On June 19, 2014, a bid opening was conducted as required by City Charter and Code to furnish all equipment, material and labor to repair broken boards and re-sanding of existing wood floor in the main gym, including sealer, paint, and finish. The bid was posted on the Michigan Inter-governmental Trade Network (MITN) website; [www.mitn.info](http://www.mitn.info) and the bid was also sent to the Troy Chamber of Commerce. Two (2) bid responses were received. Below is a detailed summary of potential vendors:

<b>Companies notified via MITN</b>	137
Troy Companies notified via MITN	6
Troy Companies notified Active email Notification	6
Troy Companies notified Active Free	0
<b>Companies that viewed the bid</b>	7
Troy Companies that viewed the bid	0

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

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

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

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

After reviewing the bid proposal, All Court, Inc. of Northville, MI was the low bidder meeting specifications and is being recommended for this project at the Troy Community Center.

**Financial**

- The funds for this project are available in the Community Center Buildings and Improvements Annex Renovation Capital Account.

**Recommendation**

- City management recommends awarding a contract to furnish all equipment, material, and labor to repair broken boards and re-sanding of the existing wood floor in the main gym, including sealer, paint, and finish at the City of Troy Community Center to the low bidder, All Court, Inc of Northville, MI for an estimated total cost of \$20,300.00, at prices contained in the bid tabulation dated June 19, 2014.

VENDOR NAME:	<b>All Court, Inc.</b>	Kuhn Specialty Flooring
	<b>Northville, MI</b>	Beverly Hills, MI
Check #	200350066	944106
Amount	<b>\$1,375.00</b>	\$1,375.00
<b>PROPOSAL:</b>	<i>Furnish all equipment, material and labor to repair broken boards and re-sanding of existing wood floor in main gym including sealer, paint and finish bid as specified.</i>	
<b>PROPOSAL#1:</b>	Furnish all labor, materials, and equipment to repair broken boards bid as specified.	
<b>COMPLETE FOR THE SUM OF:</b>	<b>\$500.00</b>	\$975.00
<b>PROPOSAL #2:</b>	Furnish all labor, materials, and equipment to have the existing wood floor in the main gym re-sanded including sealer, paint, and finish; bid as specified.	
<b>COMPLETE FOR THE SUM OF:</b>	<b>\$19,800.00</b>	\$22,900.00
<b>ESTIMATED GRAND TOTAL COST:</b>	<b>\$20,300.00</b>	\$23,875.00
CONTACT INFORMATION:	Hours	7am-6pm
	24 Hr Phone #	313.550.0291
		7am-5pm
		248.444.6521
SITE INSPECTION:	Yes or No	Yes
		Yes
REFERENCES:	Yes or No	Yes
		Yes
PROGRESS PAYMENTS:		Net 30
		100% after completion
COMPLETION DATE:		<b>August 25, 2014</b>
	Yes or No	Yes
	But Offers:	Yes
INSURANCE:	Yes or No	Yes
		Yes
SIGNATURE PAGE:	Yes or No	Yes
		Yes
PAYMENT TERMS:		Net 30
		Net 10 days
WARRANTY:		1 year
		1 year
EXCEPTIONS:		Blank
		Blank
SCHEDULE OF VALUES:	Attached	Yes
		Yes
BIDDER QUESTIONNAIRE:	Attached	Yes
		Yes
FORMS:	Yes or No	Yes
		Yes

**DENOTES LOW TOTAL BIDDER MEETING SPECIFICATIONS**

**ATTEST:**

Enna A. Bachelor  
 Brian Goul  
 Susan Reisterer

MaryBeth Murz,  
 Purchasing Manager



## CITY COUNCIL AGENDA ITEM

Date: June 24, 2014

To: Brian Kischnick, City Manager

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

Subject: Standard Purchasing Resolution 2 - Sole Bidder Meeting Specifications –Pool Repairs at the Troy Community Center

### History

- The Community Center Indoor Pools require re-marciting and re-grouting every five to six years.
- This service was last performed in 2008.
- This will be the second time the pools have been re-marcited and re-grouted since they have been in existence.

### Purchasing

- On June 19, 2014, a bid opening was conducted as required by City Charter and Code to furnish all equipment, material and labor to marcite and grout tile in the pools at the City of Troy Community Center. The bid was posted on the Michigan Inter-governmental Trade Network (MITN) website; [www.mitn.info](http://www.mitn.info) and the bid was also sent to the Troy Chamber of Commerce. One (1) bid response was received. Below is a detailed summary of potential vendors:

<b>Companies notified via MITN</b>	76
Troy Companies notified via MITN	2
Troy Companies notified Active email Notification	2
Troy Companies notified Active Free	0
<b>Companies that viewed the bid</b>	7
Troy Companies that viewed the bid	0

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

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

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

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

After reviewing the bid proposal and checking references, SonSeeker Pool Masonry, LLC of Grand Rapids, MI was the sole bidder meeting specifications and is being recommended to re-marcite and re-grout tiles at the Troy Community Center.

### Financial

- The funds for these purchases are available in the Community Center Buildings and Improvements Annex Renovation Capital Account.

### Recommendation

- City management recommends awarding a contract to furnish all equipment, material, and labor to re-marcite and re-grout tiles in the pools at the Troy Community Center to the sole bidder, SonSeeker Pool Masonry LLC of Grand Rapids, MI for an estimated total cost of \$37,434.50, at prices contained in the bid tabulation dated June 19, 2014.

Opening Date -- 06/19/2014  
 Date Reviewed -- 06/19/2014

CITY OF TROY  
 BID TABULATION  
 POOL REPAIRS

VENDOR NAME:	<b>Son Seeker Pool Masonry LLC</b>		
	<b>Grand Rapids, MI</b>		
Check #	<b>#930098</b>		
Amount	<b>\$5,000.00</b>		

**PROPOSAL: Furnish all equipment, material and labor to re-marcite and re-grout tiles in the pools at the City of Troy Community Center indoor Leisure and therapy pools in accordance with the specifications.**

<b>POOL #1</b> Furnish all labor, materials and equipment to have the LEISURE POOL re-marcited entirely from bottom of pool and tile re-grouted in accordance with the bid specifications.		
<b>COMPLETE FOR THE SUM OF:</b>	<b>\$29,651.50</b>	

<b>POOL #2</b> Furnish all labor, materials and equipment to have the THERAPY POOL re-marcited entirely from bottom of pool and tile re-grouted in accordance with the bid specifications.		
<b>COMPLETE FOR THE SUM OF:</b>	<b>\$7,783.00</b>	

**GRAND TOTAL COST: \$37,434.50**

CONTACT INFORMATION:	Hours	8am-5pm	
	24Hr Phone Number	616.531.9999	
	Contact Person	Gloria	

SITE INSPECTION:	Yes or No	Yes	
	Date	June 17, 2014	

REFERENCES:	Yes or No	None provided	
		25% upon contract/25% prep complete/Full payment upon completion	

PROGRESS PAYMENTS:			
COMPLETION DATE:	Yes or No	Yes	
	But offers:		

INSURANCE:	Can Meet	X	
	Cannot Meet		

SIGNATURE PAGE:	Yes or No	Yes	
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PAYMENT TERMS:		Blank	
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WARRANTY:		3yrs Labor/5yr Comm Material	
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EXCEPTIONS:	Yes or No	Blank	
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SCHEDULE OF VALUES:	Attached	Yes	
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BIDDER QUESTIONNAIRE:	Attached	Yes	
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FORMS:		Yes	
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**DENOTES SOLE BIDDER MEETING SPECIFICATIONS**

ATTEST:  
 Enna A. Bachelor  
 Brian Goul  
 Susan Reisterer

\_\_\_\_\_  
 MaryBeth Murz,  
 Purchasing Manager



# CITY COUNCIL AGENDA ITEM

Date: June 30, 2014

To: Brian Kischnick, City Manager

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

Subject: Standard Purchasing Resolution 2: Low Bidder Meeting Specifications - Fitness Equipment

**History**

- The Community Center Fitness Room offers and maintains sixty two (62) pieces of cardio equipment.
- The fitness equipment is continually monitored and a three to four year life cycle replacement plan is in place based on warranty coverage(s).
- The replacement plan ensures up-to-date equipment for patrons of the fitness room at the Community Center and limited repair expenses.
- Based on the replacement plan it is necessary to purchase and replace eighteen (18) pieces of equipment (less trade-ins) that no longer have warranty coverage and are all past their useful life cycle.

**Purchasing**

On June 26, 2014, a bid opening was conducted as required by City Charter and Code for eighteen (18) pieces of physical fitness equipment with one (1) for one (1) exchange on equipment. For every new piece of equipment purchased by the City from a vendor, that vendor was required to purchase one (1) trade-in. The bid was posted on the Michigan Inter-governmental Trade Network (MITN) website; [www.mitn.info](http://www.mitn.info) and the bid was also sent to the Troy Chamber of Commerce. Three (3) bid responses were received which included alternate bid responses. The award is recommended bid as specified in order to maintain standardized equipment at the Community Center. Below is a detailed summary of potential vendors:

<b>Companies notified via MITN</b>	63
Troy Companies notified via MITN	0
Troy Companies notified Active email Notification	0
Troy Companies notified Active Free	0
<b>Companies that viewed the bid</b>	18
Troy Companies that viewed the bid	0

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

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

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

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

After reviewing the bid proposal, two companies were the lowest bidders meeting specifications or approved equivalent; on individual items and are being recommended for the purchase of eighteen (18) pieces of physical fitness equipment (less trade-ins).

**Financial**

The funds for these purchases are available in the Community Center General Operating Supplies Account.



# CITY COUNCIL AGENDA ITEM

## Recommendation

City management recommends awarding two (2) contracts to the low bidders meeting specifications or approved equivalents to provide fitness equipment to *All Pro Exercise of Plymouth Township, MI* and *Direct Fitness Solutions, LLC of Mundelein, IL*, as detailed below at an estimated total cost of \$63,980.00 all at prices contained in the bid tabulation dated June 26, 2014.

		Equipment to Purchase	All Pro Exercise		Direct Fitness Solutions LLC	
ITEM	QTY	Description (No Substitutions)	Unit Cost (Each)	Estimated Total Cost	Unit Cost (Each)	Estimated Total Cost
1	3	PreCor AMT835 with open stride			\$6,495.00	\$19,485.00
2	5	Matrix #R5x Recumbent Cycle	\$2,495.00	\$12,475.00		
3	1	Octane XR 6000	\$3,695.00	\$3,695.00		
4	5	Octane 4700 Elliptical	\$4,195.00	\$20,975.00		
5	3	Cybex 770AT Total Body Arc Trainer				
Alt.	3	PreCor EFX835			\$5,050.00	\$15,150.00
<b>TOTAL COST FOR NEW EQUIPMENT</b>				\$37,145.00		\$34,635.00
Trade-Ins						
	QTY	Description	Estimated Trade-In Amount (Each)	Estimated Trade-In Amount Total	Estimated Trade-In Amount (Each)	Estimated Trade-In Amount Total
	3	PreCor AMT			\$700.00	\$2,100.00
	5	Matrix #R3X Recumbent Cycles	\$400.00	\$2,000.00		
	1	Octane X-Ride	\$650.00	\$650.00		
	2	Octane 3700 Elliptical	\$550.00	\$1,100.00		
	3	Octane 4700 Elliptical	\$650.00	\$1,950.00		
	3	Cybex Arc Trainer (2006)			\$300.00	\$900.00
		DEDUCT:		\$5,700.00		\$3,000.00
<i>Estimated Net Total Cost (low bid as specified or approved equivalent) Items 1-5 less #6 All Trade-ins)</i>				\$31,445.00		\$31,635.00
	QTY	ADDITIONAL EQUIPMENT TO PURCHASE	Unit Cost (Each)	Estimated Total Cost	Unit Cost (Each)	Estimated Total Cost
	1	Concept 2 Rower Model E	\$900.00	\$900.00		
<b>Estimated Grand Total Cost bid as specified or approved equivalent less Trade-in Items and additional Item #7:</b>				<b>\$32,345.00</b>		<b>\$31,635.00</b>

VENDOR NAME:	All Pro Exercise - Bid B Plymouth Twp, MI	All Pro Exercise - Bid A Plymouth Twp, MI	Direct Fitness Solutions LLC Mundelein, IL
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**PROPOSAL: FURNISH AND INSTALL EIGHTEEN (18) NEW PIECES OF COMMERCIAL GRADE PHYSICAL FITNESS EQUIPMENT IN THE TROY COMMUNITY CENTER FITNESS ROOM IN ACCORDANCE WITH THE ATTACHED SPECIFICATIONS AS FOLLOWS:**

EQUIPMENT TO PURCHASE (1 for 1 trade-in exchange)								
ITEM	QTY	Description (No Substitutions)	Unit Cost (Each)	Estimated Total Cost	Unit Cost (Each)	Estimated Total Cost	Unit Cost (Each)	Estimated Total Cost
1	3	PreCor AMT835 with open stride					\$6,495.00	\$19,485.00
Alt.	3	Precor AMT 100i (Reconditioned)	\$3,295.00	\$9,885.00	\$3,295.00	\$9,885.00		
2	5	Matrix #R5x Recumbent Cycle			\$2,495.00	\$12,475.00	\$2,650.00	\$13,250.00
Alt.	5	Matix R3X	\$2,095.00	\$10,475.00				
3	1	Octane XR 6000	\$3,695.00	\$3,695.00	\$3,695.00	\$3,695.00	\$4,275.00	\$4,275.00
4	5	Octane 4700 Elliptical	\$4,195.00	\$20,975.00	\$4,195.00	\$20,975.00	\$5,050.00	\$25,250.00
5	3	Cybox 770AT Total Body Arc Trainer			\$5,095.00	\$15,285.00		
Alt.	3	Matrix A3X	\$4,895.00	\$14,685.00				
Alt.	3	Matrix A5X			\$5,095.00	\$15,285.00		
Alt.	3	PreCor EFX835					\$5,050.00	\$15,150.00
<b>TOTAL COST FOR NEW EQUIPMENT</b>				\$59,715.00		\$62,315.00		\$77,410.00

6 TRADE-INS								
	QTY	Description	Estimated Trade-In Amount (Each)	Estimated Trade-In Amount Total	Estimated Trade-In Amount (Each)	Estimated Trade-In Amount Total	Estimated Trade-In Amount (Each)	Estimated Trade-In Amount Total
	3	PreCor AMT	\$650.00	\$1,950.00	\$650.00	\$1,950.00	\$700.00	\$2,100.00
	5	Matrix #R3X Recumbent Cycles	\$400.00	\$2,000.00	\$400.00	\$2,000.00	\$100.00	\$500.00
	1	Octane X-Ride	\$650.00	\$650.00	\$650.00	\$650.00	\$300.00	\$300.00
	2	Octane 3700 Elliptical	\$550.00	\$1,100.00	\$550.00	\$1,100.00	\$300.00	\$600.00
	3	Octane 4700 Elliptical	\$650.00	\$1,950.00	\$650.00	\$1,950.00	\$300.00	\$900.00
	3	Cybox Arc Trainer (2006)	\$500.00	\$1,500.00	\$500.00	\$1,500.00	\$300.00	\$900.00
		DEDUCT:		\$9,150.00		\$9,150.00		\$5,300.00
<i>Estimated Net Total Cost (All Items 1-5 less #6 All Trade-ins)</i>				\$50,565.00		\$53,165.00		\$72,110.00

7	QTY	ADDITIONAL EQUIPMENT TO PURCHASE	Unit Cost (Each)	Estimated Total Cost	Unit Cost (Each)	Estimated Total Cost	Unit Cost (Each)	Estimated Total Cost
	1	Concept 2 Rower Model E	\$900.00	\$900.00	\$900.00	\$900.00	No Bid	

<b>Estimated Grand Total Cost (All Items 1-5 less Item #6 All Trade-ins + Item #7)</b>	\$51,465.00		\$54,065.00		\$72,110.00
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<b>Estimated low bid as specified or approved equivalent less Trade-in Items:</b>	\$0.00		<b>\$32,345.00</b>		<b>\$31,635.00</b>
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<b>DESCRIPTIVE LITERATURE: Yes or No</b>	Yes	Yes	Yes
<b>DELIVERY by August 29, 2014: Yes or No</b>	Yes	Yes	If order is placed by July 15
<b>AUTHORIZED DEALER: Yes or No</b>	Yes	Yes	Yes
<b>SERVICE FACILITY LOCATION:</b>			
Location:	Plymouth Twp	Plymouth Twp	Shelby Twp
Miles from Troy	35	35	10
Response Time for Service Calls	48 hours	48 hours	24-48 hours
<b>CONTACT INFORMATION: Name</b>			
Name	Dan Coyer	Dan Coyer	Jerry Seputo/Jack Summers
Hours of Operation	M-F 9AM-5PM	M-F 9AM-5PM	7AM-5PM
24 Hr. Phone	800-525-2739	800-525-2739	586-382-6562
<b>WARRANTY: (3) Years Minimum</b>			
All Wear Items	Yes	Yes	Yes
All Parts & Labor Coverage	Yes	Yes	Yes
Free 2nd Day Parts Shipping	Yes	Yes	Yes
Free Service call	Yes	Yes	Yes
<b>SUBCONTRACTORS: Yes or No</b>	Yes	Yes	Yes
<b>REFERENCES: Yes or No</b>	Yes	Yes	Yes
<b>INSURANCE:</b>			
Can meet	X	X	X
Cannot meet			
<b>PAYMENT TERMS:</b>	Net 30 After Delivery	Net 30 After Delivery	Net 30
<b>EXCEPTIONS:</b>	Yes	Yes	Yes
<b>ACKNOWLEDGEMENT: Signed Yes or No</b>	Yes	Yes	Yes
<b>FORMS (5) Yes or No</b>	No - 3 signed	No - 3 signed	No - 3 Signed

**LOW BIDDER MEETING SPECIFICATIONS OR APPROVED EQUIVALENT**

VENDOR NAME:	Fitness Things Bid A	Fitness Things Bid A	
	Plymouth, MI	Plymouth, MI	

**PROPOSAL: FURNISH AND INSTALL EIGHTEEN (18) NEW PIECES OF COMMERCIAL GRADE PHYSICAL FITNESS EQUIPMENT IN THE TROY COMMUNITY CENTER FITNESS ROOM IN ACCORDANCE WITH THE ATTACHED SPECIFICATIONS AS FOLLOWS:**

**EQUIPMENT TO PURCHASE (1 for 1 trade-in exchange)**

ITEM	QTY	Description (No Substitutions)	Unit Cost (Each)	Estimated Total Cost	Unit Cost (Each)	Estimated Total Cost	Unit Cost (Each)	Estimated Total Cost
1	3	PreCor AMT835 with open stride	No Bid			\$0.00		
2	5	Matrix #R5x Recumbent Cycle						
Alt.	5	625R Cybex	\$2,350.00	\$11,750.00	\$2,350.00	\$11,750.00		
3	1	Octane XR 6000	No Bid			\$0.00		
4	5	Octane 4700 Elliptical	No Bid			\$0.00		
5	3	Cybex 770AT Total Body Arc Trainer	\$5,200.00	\$15,600.00				
5	5	Cybex 770AT Total Body Arc Trainer			\$5,200.00	\$26,000.00		
<b>TOTAL COST FOR NEW EQUIPMENT</b>				\$27,350.00		\$37,750.00		

6		TRADE-INS		Estimated Trade-In Amount (Each)	Estimated Trade-In Amount Total	Estimated Trade-In Amount (Each)	Estimated Trade-In Amount Total	Estimated Trade-In Amount (Each)	Estimated Trade-In Amount Total
	QTY	Description							
	3	PreCor AMT			\$0.00		\$0.00		
	5	Matrix #R3X Recumbent Cycles	\$250.00	\$1,250.00	\$250.00	\$1,250.00			
	1	Octane X-Ride		\$0.00		\$0.00			
	2	Octane 3700 Elliptical		\$0.00		\$0.00			
	3	Octane 4700 Elliptical		\$0.00		\$0.00			
	3	Cybex Arc Trainer (2006)	\$400.00	\$1,200.00	\$400.00	\$1,200.00			
		DEDUCT:		\$2,450.00		\$2,450.00			
<b>Estimated Net Total Cost (All Items 1-5 less #6 All Trade-ins)</b>				\$24,900.00		\$35,300.00			

7	QTY	ADDITIONAL EQUIPMENT TO PURCHASE	Unit Cost (Each)	Estimated Total Cost	Unit Cost (Each)	Estimated Total Cost	Unit Cost (Each)	Estimated Total Cost
	1	Concept 2 Rower Model E	\$900.00	\$900.00	\$900.00	\$900.00		
		<b>DELIVERY/INSTALLATION</b>		\$395.00		\$470.00		
<b>Estimated Grand Total Cost (All Items 1-5 less Item #6 All Trade-ins + Item #7)</b>				\$26,195.00		\$36,670.00		

<b>DESCRIPTIVE LITERATURE:</b> Yes or No	Yes		
<b>DELIVERY by August 29, 2014:</b> Yes or No	Yes		
<b>AUTHORIZED DEALER:</b> Yes or No	Yes		
<b>SERVICE FACILITY LOCATION:</b>			
Location:	Plymouth		
Miles from Troy	32		
Response Time for Service Calls	48 hours		
<b>CONTACT INFORMATION: Name</b>			
Name	Erin Slater		
Hours of Operation	M-F 8:30AM-5:00PM		
24 Hr. Phone	734-SER-VICE		
<b>WARRANTY: (3) Years Minimum</b>			
All Wear Items	Yes		
All Parts & Labor Coverage	Yes		
Free 2nd Day Parts Shipping	Yes		
Free Service call	Yes		
<b>SUBCONTRACTORS:</b> Yes or No	Yes		
<b>REFERENCES:</b> Yes or No	Yes		
<b>INSURANCE:</b>			
Can meet	X		
Cannot meet			
<b>PAYMENT TERMS:</b>	Net 30		
<b>EXCEPTIONS:</b>	Yes		
<b>ACKNOWLEDGEMENT: Signed Yes or No</b>	Blank		
<b>FORMS (5) Yes or No</b>	No - 4 signed		

ATTEST:  
 Brian Goul  
 Enna Bachelor  
 Susan Reisterer

Mary Beth Murz,  
 Purchasing Manager



## CITY COUNCIL AGENDA ITEM

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Date: June 24, 2014

To: Brian Kischnick, City Manager

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

Subject: Approval for Reimbursement for Installation of Sanitary Sewer and Water Main  
As part of Huron Drive Extension - Project No. 14.902.3

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### History

The Huron Drive extension by Mondrian Properties West, LLC is located north of the Huron/Superior street intersection, southeast of Wattles and Crooks roads. This road extension with a cul-de-sac at the end provides the required public road access to six (6) lots that were created by lot splits. A Private Agreement to assure the completion of the road improvements, sanitary sewer, water main and other improvements was approved by City Council on June 16, 2014, Resolution No. 2014-06-093-J-7.

The Engineering Department has worked extensively with Mondrian Properties and adjoining property owners to the north on Barilane, a private road, to extend sanitary sewer and water main to this unserved area of the City. Previous efforts to extend water and sewer lines from Crooks Road have been unsuccessful due to a failed Special Assessment request for sanitary sewer and the lack of clear title to the land occupied by Barilane. Today, there is only a four inch diameter, private water line in Barilane, which has had a history of maintenance problems.

An extension of the water main from the north end of Huron Drive to the east end of Barilane allows for a future city project to extend the water main to the west and connect with the main on Crooks. This will complete a loop for the main on Huron Drive and allow property owners on Barilane to have access to city water. The water main extension to Crooks would be constructed in an existing 30 foot wide utility easement that runs along the south side of Barilane. This work will be proposed in next year's city water capital budget.

An extension of the sanitary sewer from Huron Drive will bring sewer service to the western most property on Barilane. This will allow for a future sewer extension to the west so that properties along Barilane may obtain sewer service. This sewer extension is in accordance with City Council's 2005 directive, Resolution No. 2005-07-367-J-5, that cost estimates be prepared for the purpose of installing sanitary sewers throughout the City where properties are currently not serviced by sanitary sewers. Since 2005 the Sewer capital budget has included funds for sewer extension projects; several of which have been designed and constructed through the Engineering Department.



## CITY COUNCIL AGENDA ITEM

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It is proposed that the sewer and water extensions to Barilane be constructed by the contractor for Mondrian Properties West, LLC at the same time that these utilities are being constructed for the new houses on Huron Drive. The City would reimburse Mondrian Properties West, LLC for the cost of the extensions in accordance with the unit prices they submitted. Engineering has reviewed the pricing and found it to be reasonable and fair market value for this type of work.

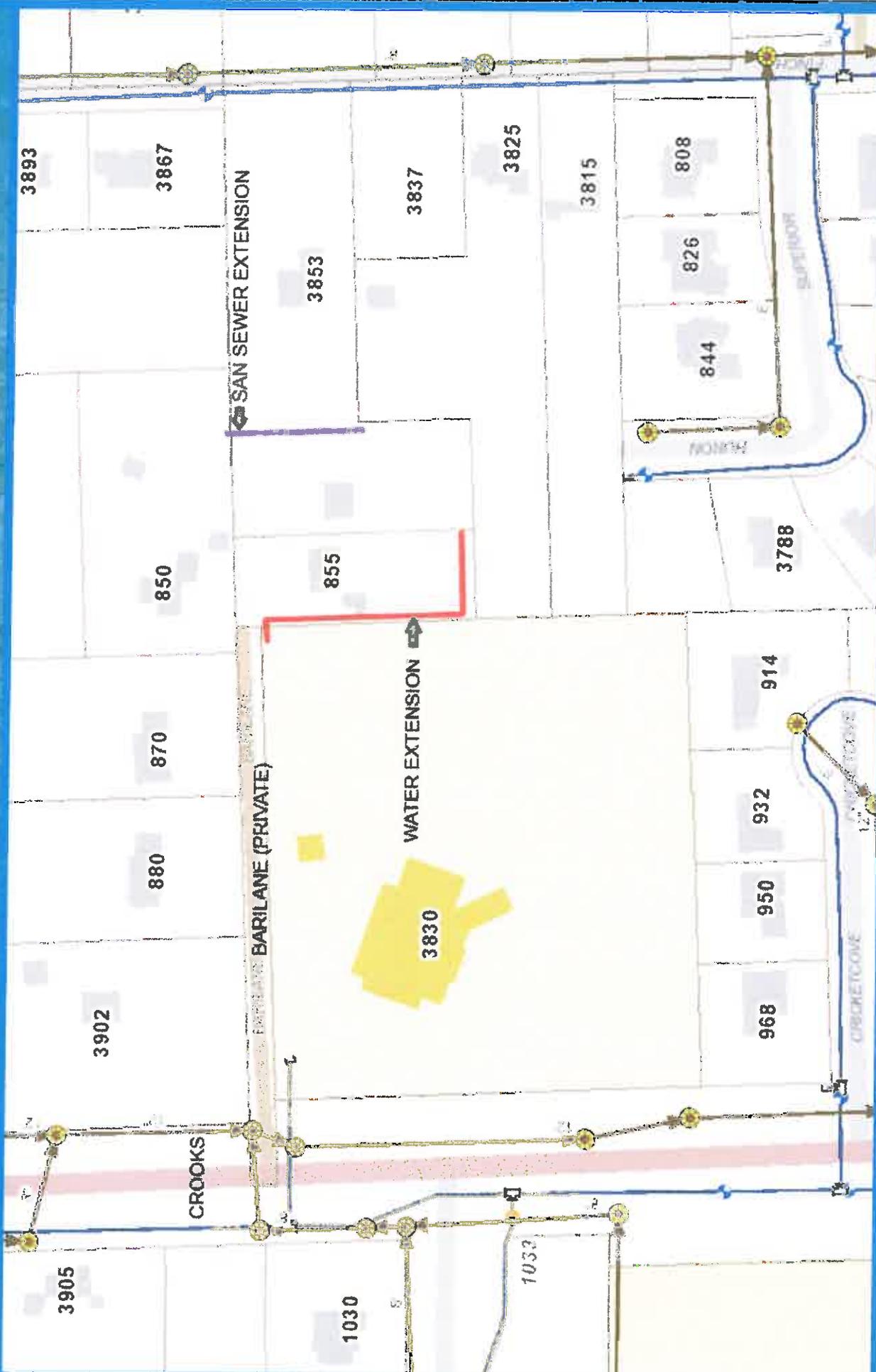
### **Financial**

Funds for this work are included in the Water and Sewer Funds.

### **Recommendation**

It is recommended that the City of Troy reimburse Mondrain Properties Villas West LLC \$23,294.00 (upon completion and approval) for the installation of approximately 149 feet of 8" sanitary sewer, 307 feet of 8" water main and related work within the Huron Drive Extension development.





Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



360 Feet



0

180

360



## CITY COUNCIL AGENDA ITEM

---

Date: June 30, 2014

To: Brian Kischnick, City Manager

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

Subject: Private Agreement – Contract for Installation of Municipal Improvements  
Troy Marriott Hotels - Project No. 13.920.3

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### **History**

A & M Hospitalities proposes to develop Troy Marriott Hotels located 14 Mile Road and Stephenson Hwy, Section 35.

Troy Planning Commission recommended preliminary site plan approval on October 8, 2013.

Site grading and utility plans for this development were reviewed and recently approved by the Engineering Department. The plans include municipal improvements which will be constructed by A & M Hospitalities on behalf of the City of Troy: Water Main, Sanitary Sewer, Concrete Sidewalk and Approaches. The required fees and refundable escrow deposits in the form of Check, that will assure completion of the municipal improvements, have been provided by A & M Hospitalities (see attached Private Agreement).

### **Financial**

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

### **Recommendation**

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

# City Of Troy

## Contract for Installation of Municipal Improvements (Private Agreement)

Project No.: **13.920.3**

Project Location: **SW 1/4 Section 35**

Resolution No: \_\_\_\_\_

Date of Council Approval: \_\_\_\_\_

This Contract, made and entered into this **27th** day of **June, 2014** by and between the City of Troy, a Michigan Municipal Corporation of the County of Oakland, Michigan, hereinafter referred to as "City" and **A & M Hospitalities** whose address is **31100 Stephenson Hwy, Madison Heights, MI 48071** and whose telephone number is **248-544-2900** hereinafter referred to as "Owners", provides as follows:

**FIRST:** That the City agrees to permit the installation of **Water Main, Sanitary Sewer, Concrete Sidewalk and Approaches** in accordance with plans prepared by **Giffels Webster** whose address is **6303 26 Mile Road, Washington Twp., MI 48094** and whose telephone number is **586-781-8950** and approved prior to construction by the City in accordance with City of Troy specifications.

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

Refundable escrow deposit equal to the estimated construction cost of \$ **111,650.00**. This amount will be deposited with the City in the form of (check one):

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

Refundable cash deposit in the amount of \$ **18,665.00**. This amount will be deposited with the City in the form of (check one):

Cash	<input type="checkbox"/>	Check	<input checked="" type="checkbox"/>
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Non-refundable cash fees in the amount of \$ **14,740.00**. This amount will be paid to the City in the form of (check one):

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

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

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

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

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

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

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 20th day of June, 2014.

OWNERS

CITY OF TROY

By:



By:

MALIK-ABDULNOOR

\_\_\_\_\_

Please Print or Type

Dane M. Slater, Mayor

\_\_\_\_\_

\_\_\_\_\_

Please Print or Type

M. Aileen Bittner, City Clerk

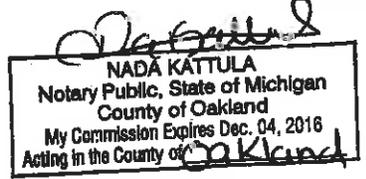
STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 20th day of June, A.D. 2014, before me personally appeared Malik Abdulnoor 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.

Nada Kattula

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: 12/4/2016



**Detailed Summary of Required Deposits & Fees  
Troy Marriott Hotels  
13.920.3**

**ESCROW DEPOSITS (PUBLIC):**

Sanitary Sewers	\$18,095
Water Mains	\$63,734
Paving	\$9,638
Sidewalks	\$14,584
R.O.W. Drainage Improvements	\$5,599

**TOTAL ESCROW DEPOSITS (Refundable):** **\$111,650**

**CASH FEES (Non-Refundable):**

Engineering Review Fee (Private Improvements)(PA1)	\$14,419
Water Main Testing and Chlorination (PA 2)	\$650
Plan Review and Construction Inspection Fee (Public Improvements) (PA1)	\$8,954
Less Initial Engineering Review Fee (Public & Private)(1.1%)	-\$9,283

**TOTAL CASH FEES (Non-Refundable):** **\$14,740**

**CASH DEPOSITS (Refundable):**

Street Cleaning/Road Maintenance	\$5,000
Soil Erosion/Sedimentation Control Repair, Replace, or Maintenance	\$2,500
Punchlist & Restoration	\$11,165

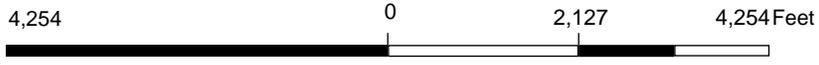
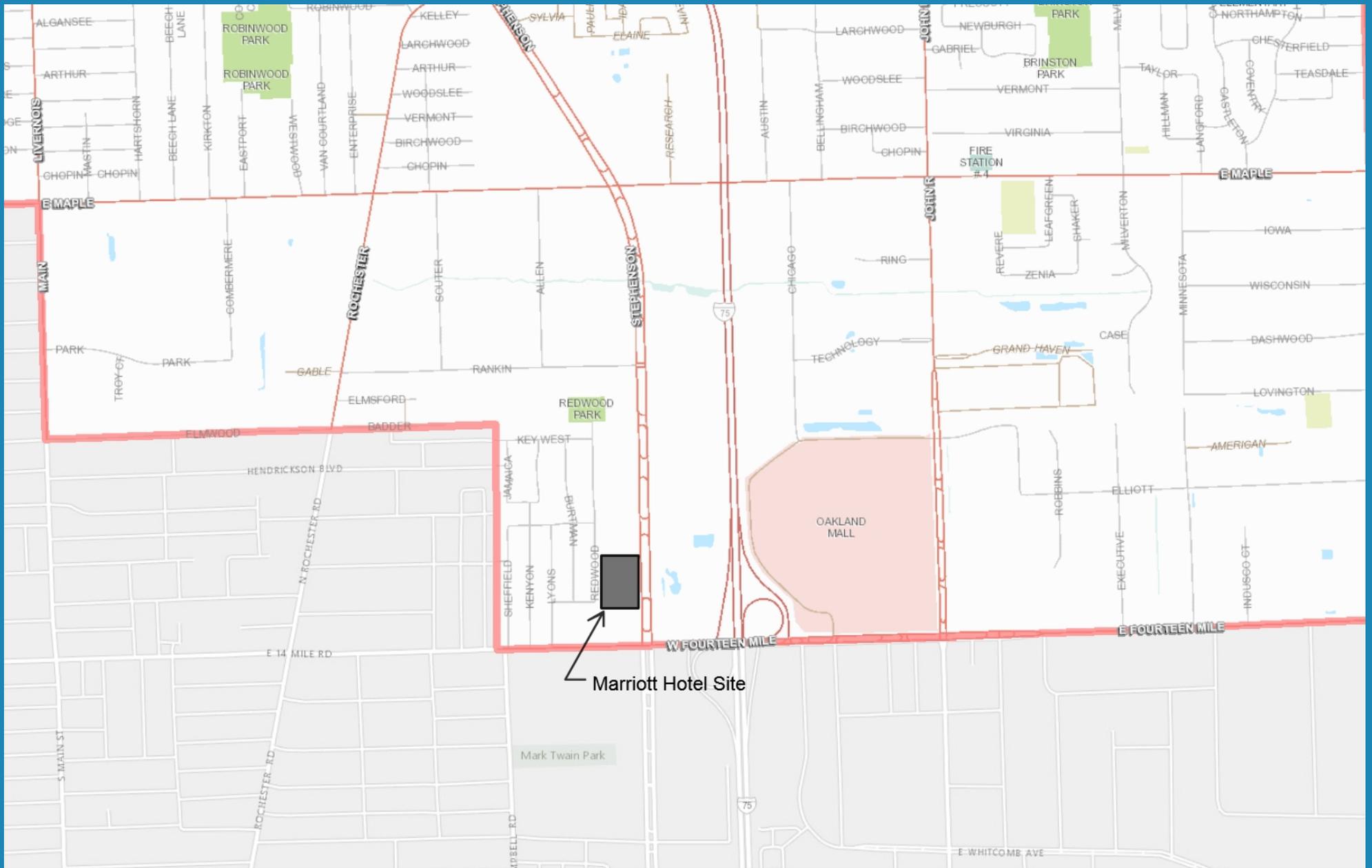
**TOTAL CASH DEPOSITS (Refundable):** **\$18,665**

**Total Escrow & Cash Deposits (Refundable):** **\$130,315**

**Total Cash Fees (Non-Refundable):** **\$14,740**

**Total Amount:** **\$145,055**

**PAID**  
JUN 30 2014  
CITY OF TROY  
TREASURER'S OFFICE



Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information represented should be consulted for verification.



## CITY COUNCIL AGENDA ITEM

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Date: July 2, 2014

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development  
Steven J. Vandette, City Engineer  
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of Two Permanent Easements from Venkata Krishna-Rao Hari and Swapna Kalyanam - Sidwell #88-20-23-353-026

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### **History**

As part of the development of a vacant parcel located in the southwest ¼ of Section 23, the Engineering department received two easements for storm sewer and surface drainage, and sidewalk from Venkata Krishna-Rao Hari and Swapna Kalyanam, owners of the property having Sidwell #88-20-23-353-026.

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

### **Financial**

The consideration amount on each document is \$1.00

### **Recommendation**

City Management recommends that City Council accept the attached easements, consistent with our policy of accepting easements for development and improvement purposes.



**PERMANENT EASEMENT**

Sidwell #88-20-23-353-026  
Resolution #

**Venkata Krishna-Rao Hari and Swapna Kalyanam, his wife**, whose address is 3102 Parkton, Troy, MI 48083 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to traverse or use for sidewalk, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

THE WEST 5 FEET OF THE SOUTH 60 FEET OF LOTS 204, SUPERVISOR'S PLAT OF BEAVER RUN SUBDIVISION NO. 1, CITY OF TROY, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 30, PAGE 44 OF PLATS, OAKLAND COUNTY RECORDS.

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 2 signature(s) this 2nd day of July, 2014.

By Venkata (L.S.)  
\*Venkata Krishna-Rao Hari

By Swapna.k (L.S.)  
\*Swapna Kalyanam

STATE OF MICHIGAN  
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 2nd day of July, 2014, by Venkata Krishna-Rao Hari and Swapna Kalyanam, his wife.

Larysa Figol  
\*  
Notary Public, \_\_\_\_\_ County, Michigan  
My Commission Expires \_\_\_\_\_

**LARYSA FIGOL**  
Notary Public, Oakland County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires 03/02/2018

Prepared by:  
Larysa Figol  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

Return to:  
City Clerk  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

**PERMANENT EASEMENT**

Sidwell #88-20-23-353-026  
Resolution #

**Venkata Krishna-Rao Hari and Swapna Kalyanam, his wife**, whose address is 3102 Parkton, Troy, MI 48083 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to traverse or use for storm sewer and surface drainage, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

THE NORTH 5 FEET OF THE SOUTH 60 FEET OF LOTS 204 TO 207 INCLUSIVE, SUPERVISOR'S PLAT OF BEAVER RUN SUBDIVISION NO. 1, CITY OF TROY, OAKLAND COUNTY, MICHIGAN AS RECORDED IN LIBER 30, PAGE 44 OF PLATS, OAKLAND COUNTY RECORDS.

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 2 signature(s) this 2nd day of July, 2014.

By Venkat (L.S.)  
\*Venkata Krishna-Rao Hari  
By Swapna K (L.S.)  
\*Swapna Kalyanam

STATE OF MICHIGAN )  
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 2nd day of July, 2014, by Venkata Krishna-Rao Hari and Swapna Kalyanam, his wife.

**LARYSA FIGOL**  
Notary Public, Oakland County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires 03/02/2018  
\*  
Notary Public, \_\_\_\_\_ County, Michigan  
My Commission Expires \_\_\_\_\_  
Acting in \_\_\_\_\_ County, Michigan

Prepared by:  
Larysa Figol  
City of Troy  
500 West Big Beaver  
Troy, MI 48084  
Return to:  
City Clerk  
City of Troy  
500 West Big Beaver  
Troy, MI 48084

**PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES**



**Date:** July 2, 2014

**To:** Brian Kischnick, City Manager

**From:** Jeanette Menig, Human Resources Director

**Re:** Classified and Exempt Classification and Pay Plans

---

The Classification Plans and Pay Plans for Classified and Exempt employees have not been updated since 2008. The updates and recommendations for these plans are attached for your consideration.

The changes to the classification plans for each group reflect significant staffing and organizational changes that have occurred over the last six years (i.e. removing positions related to the Troy Historical Museum and Troy Nature Center), as well as future planned changes.

Historically, concurrent with annual Classification Plan updates, the Classified and Exempt Pay Plan would have been updated in conjunction with merit increases for these groups. Unfortunately, as a result of concessions and pay freezes, the Pay Plan has held constant since 2008. The recommended Pay Plan reflects a 2% increase to the pay ranges for all Classified and Exempt job classifications. Note that this is not a 2% increase in actual salaries, but an adjustment to the pay ranges.

CLASSIFICATION PLAN  
EXEMPT EMPLOYEES  
JULY 1, 2008 July 1, 2014

Pay Grade 3

---

Assistant to the City Manager

Pay Grade 4

---

~~Aquatics Coordinator~~

~~Associate Buyer~~

**Asst to the City Manager for Cont Improvement**

Circulation Supervisor

~~Fitness and Gym Coordinator~~

~~Naturalist~~

**Management Analyst**

Pay Grade 5

---

Application Support Specialist

Buyer

~~Community Center Facility Manager~~

Data Processing Analyst/Programmer

~~Director of Golf Operations~~

~~Greens Superintendent~~

Land Surveyor

Lead PC Specialist

Librarian II

~~Nature Center Manager~~

~~Planner~~

**Marketing Coordinator**

**Police Analyst/Planner**

Police Analyst/Programmer

Police Records Supervisor

Recreation Supervisor

~~Solid Waste Coordinator~~

**Technology Specialist**

Pay Grade 6

---

Civil Engineer

~~Communications Manager~~

~~Deputy City Clerk~~

GIS Administrator

~~Human Resources Specialist~~

~~Museum Manager~~

Network Administrator

Project Construction Manager

~~Purchasing Systems Administrator~~

Research and Technology Administrator

**Zoning & Compliance Specialist**

Pay Grade 7

---

**Accounting Manager**

Attorney I

Attorney II

City Treasurer

Deputy City Assessor

Deputy City Engineer

Pay Grade 7 (continued)

---

Economic Development Specialist

~~Parks Superintendent~~

~~Plans Examiner/Coordinator~~

~~Principal Planner~~

~~Risk Manager~~

**Public Works Manager**

**Purchasing Manager**

Senior Right-of-Way Representative

~~Superintendent of Building Operations~~

~~Superintendent of Motor Pool~~

~~Superintendent of Recreation~~

~~Superintendent of Streets and Drains~~

~~Superintendent of Water and Sewer~~

Pay Grade 8

---

~~Assistant City Attorney~~

City Clerk

Community Affairs Director

~~Deputy Police Chief~~

~~Director of Building Operations~~ **Director**

~~Director of Purchasing~~

**Recreation Director**

Pay Grade 9

---

City Assessor

City Engineer

~~Director of Building and Zoning~~

~~Financial Services Director~~

Fire Chief

Human Resources Director

Information Technology Director

Library Director

~~Parks and Recreation Director~~

Planning Director

Pay Grade 10

---

Police Chief

Public Works Director

Pay Grade 11

---

City Attorney

Pay Grade 12

---

~~Assistant City Manager/Finance~~

~~Assistant City Manager/Econ Dev Services~~

**Director of Financial Services**

**Economic & Community Development Director**

Pay Grade 15

---

City Manager

**CLASSIFICATION PLAN**  
**CLASSIFIED EMPLOYEES**  
~~JULY 1, 2008~~ **July 1, 2014**

Pay Grade 1

Pay Grade 2

~~Inventory Control Assistant~~  
~~Museum Archivist~~

Pay Grade 3

Administrative Aide  
~~Assistant Naturalist~~  
~~Education Coordinator~~  
~~Engineering Technician~~  
**Inventory Control Assistant** (from grade 2)  
Legal Secretary  
~~Library Aide~~  
~~Manager's Office Secretary~~  
Secretary II

Pay Grade 4

Building Maintenance Specialist I  
**Building Maintenance Specialist II**  
~~Engineering Assistant~~  
~~Inspector~~  
~~Insurance & Safety Coordinator~~  
~~Landscape Analyst~~  
Legal Assistant I  
Librarian I  
Office ~~Coordinator~~ **Leader**  
PC Specialist/Help Desk Technician  
~~Planning Technician~~  
~~Survey Supervisor~~

Pay Grade 5

Accountant  
~~Administrative Assistant to the City Manager~~  
Appraiser  
**Building Housing and Zoning** Inspector  
~~Civilian Communications Supervisor~~  
~~Community Affairs Officer~~  
Cross Connection Inspector  
~~Environmental Specialist~~  
Field Supervisor  
GIS Analyst  
Legal Assistant II  
~~Project Manager (Engrg.)~~  
~~Right-of-Way Representative~~  
**Refuse/Recycling/Office Coordinator**

Pay Grade 6

**Building Official/Code Inspector**  
**Division Supervisor**  
Inspector Supervisor

Pay Grade 7

~~Plan Analyst~~

**PAY PLAN RECOMMENDATION - 2% INCREASE**

**CLASSIFIED AND EXEMPT EMPLOYEES**

**JULY 1, 2014**

<b>Grade</b>	<b>Minimum</b>	<b>Mid-Point</b>	<b>Maximum</b>
1	\$25,660	\$32,075	\$38,490
2	\$30,056	\$37,571	\$45,085
3	\$35,119	\$43,899	\$52,679
4	\$41,247	\$51,558	\$61,868
5	\$48,439	\$60,549	\$72,660
6	\$57,633	\$72,041	\$86,448
7	\$68,290	\$85,363	\$102,435
8	\$84,431	\$105,539	\$126,648
9	\$86,691	\$108,364	\$130,036
10	\$89,356	\$111,694	\$134,032
11	\$92,538	\$115,674	\$138,809
12	\$96,304	\$120,380	\$144,455
15	\$112,596	\$140,746	\$168,896



## MEMORANDUM

TO: Members of the Troy City Council  
FROM: Lori Grigg Bluhm, City Attorney  
DATE: July 2, 2014  
SUBJECT: Annual Evaluation

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City Council completed my annual performance evaluation in closed session on June 23, 2014. As a result of the positive evaluation, I am requesting the same salary increase that is being afforded to Troy's Classified and Exempt employees with good performance. The 2014-2015 fiscal year budget includes a 1% salary increase effective July 5, 2014. Since I am a direct report to the Troy City Council, any increase in my salary must be done through a City Council resolution. A proposed resolution is included in the agenda packet for your consideration.

### BIOGRAPHICAL INFORMATION

Lori Grigg Bluhm has been the City Attorney for the City of Troy since September 11, 2001, and she served as an Assistant City Attorney for six years before the appointment. She received her B.A. from Albion College, and her J.D. from Wayne State University School of Law. She is one of approximately 100 persons who have received the prestigious designation as a Local Government Fellow from the International Municipal Lawyer's Association (2004, 2009). In 2004, she was recognized as a Crain's Detroit Business 40 Under 40, which identifies persons who achieved success in business before turning 40 years of age (2004). In 2009, she was designated as an Oakland County Bar Foundation Fellow. For the past 10 years, Martindale-Hubbell has awarded her with a peer review AV rating, which signifies that she is a lawyer with "very high to preeminent legal ability", and also that she "demonstrate(s) the highest professional and ethical standards." In 2011, she was also selected for inclusion in the Martindale- Hubbell Bar Register of Preeminent Women Lawyers, and has remained on that list to date. In 2012, she was inducted as one of five into the Academy of Municipal Attorneys.

She is the current President of the Michigan Association of Municipal Attorneys and the Michigan Municipal League Legal Defense Fund. She is also a past chair and current board member of the Public Corporation Section of the State Bar of Michigan, a past chair of the Oakland County Bar Association's Municipal Law Committee and the Public Service Committee. She is active in the International Municipal Lawyers Association, appointed to the Fellows Committee. She is also involved in several other professional organizations, such as the Troy Community Coalition (Secretary and Board Member), Troy Kiwanis Club (Past President), and the Women Lawyers' Association of Michigan. She has been a frequent presenter and writer on municipal law issues. She practices municipal law exclusively, representing her sole client, the City of Troy.

**Traffic Committee Minutes – April 16, 2014**

A regular meeting of the Troy Traffic Committee was held Wednesday, April 16, 2014 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: Sarah Binkowski  
Tim Brandstetter  
Ted Halsey  
Richard Kilmer  
Al Petruilis  
Pete Ziegenfelder

ABSENT: Stevan Popovic

Also present: Martin & Shirley Mortensen, 3698 Finch  
Robert Dona, 3680 Finch  
Mark Abdal, 908 Huntsford  
Mike Wullaert, 860 Huntsford  
Daved Dietze, 1900 Witherbee  
Eric Esshaki, 1914 Witherbee  
Dianne Poulton, 1432 Madison  
Bradley Reynolds, 373 Coachman, Apt. 3c  
Sgt. Mike Szuminski, Police Department  
Bill Huotari, Deputy City Engineer/Traffic Engineer

**2. Minutes – March 19, 2014**

**RESOLUTION # 2014-04-14**

Moved by Binkowski  
Seconded by Halsey

To approve the March 19, 2014 minutes as printed.

YES: 6 (Binkowski, Brandstetter, Halsey, Kilmer, Petruilis, Ziegenfelder)  
NO: None  
ABSENT: 1 (Popovic)

MOTION CARRIED

**REGULAR BUSINESS**

**3. Request for Traffic Control – Ogden at Keats**

Dianne Poulton of 1432 Madison Drive requests that traffic control be placed at the

intersection of Ogden and Keats. Ms. Poulton states that the lack of traffic control at the intersection creates a hazardous situation.

Ms. Poulton was in attendance at the meeting and discussed her concerns as a representative of the homeowners association. She stated that the homeowners association supports the installation of a Yield sign. During the winter months the intersection was difficult to navigate and the intersection had many close calls. Ms. Poulton believes that drivers are not yielding or stopping to allow vehicles to pass through the intersection safely.

Mr. Petrulis would recommend a Stop sign as he believes they are more effective at assigning right-of-way.

Sgt. Szuminski agreed and stated that Stop signs are more enforceable.

**RESOLUTION # 2014-04-15**

Moved by Binkowski  
Seconded by Kilmer

**RESOLVED**, that the intersection of Ogden and Keats be modified from NO Traffic Control to a STOP sign on the Keats southbound approach to Ogden.

YES: 6 (Binkowski, Brandstetter, Halsey, Kilmer, Petrulis, Ziegenfelder)  
NO: None  
ABSENT: 1 (Popovic)

MOTION CARRIED

**4. Request for Removal of No Parking Zone – 1914 Witherbee**

Eric Eshaki of 1914 Witherbee requests that the No Parking restrictions adjacent to 1914 Witherbee be removed. The south side of Witherbee, between Eton and Graefield, is posted No Parking on school days only between 8:15 – 9:15 AM and 3:15 – 4:15 PM. The north side of Witherbee is posted No Parking as the fire hydrant side of the street. Mr. Eshaki states that the current No Parking restriction places an undue burden on residents.

Mr. Eshaki was present at the meeting and provided input on his request. He has four (4) vehicles at his home. There is currently no parking on the north side of the street due to fire hydrants. The south side is posted no parking during the AM and PM arrival and dismissal times, school days only. There is also no parking on the west side of Eton. His property is the corner parcel at Witherbee and Eton. He has to go out twice a day, when home, to move cars based on the posted signs. He feels this is a major inconvenience to him and his neighbors. Ms. Eshaki stated that the police department needs to enforce the current no parking zones as parents “stand” or wait along Eton and Witherbee to drop

off or pick up their children. He further stated that the original Traffic Committee minutes, from 2006, stated that the No Parking signs on the south side of Witherbee were placed based on lack of parking when Pembroke Elementary was constructing improvements. These improvements have long been done and the parking available at the school has sufficient capacity to hold all vehicles.

Mr. Dave Dietz of 1900 Witherbee spoke about lack of communication between the school and residents. Changes to the site were made and no input was requested or provided by residents. He stated that buses do not have issues with pulling out of the school site when cars are parked on the south side of Witherbee. Mr. Dietz stated that when the signs were placed the residents were told that they would still be able to park along the south side of the street. He further stated that the signs were placed to prohibit Pembroke Elementary employees from parking along the south side of the road during the construction back in 2006. A compromise was made at the 2006 Traffic Committee meeting to post the signs but limit it to the AM arrival and PM dismissal time. He reiterated that it is a major inconvenience to residents as they have to go out and move their vehicles to avoid enforcement action from the police. Mr. Dietz also stated that there are paid crossing guards at this school.

Mr. Kilmer asked about the No Parking zone on the north side [posted No Parking due to the fire hydrants]. He supports leaving it the way it is as the majority of school sites in the city have no parking zones established limiting parking during the AM arrival and PM dismissal periods. He recognized that at other school locations, No Parking signs are not very effective without enforcement due to the large volume of traffic to and from the school sites.

Ms. Binkowski understands the resident's frustrations since parents park or stand along both sides of the road. This situation is very common at all school sites.

Mr. Petrusis asked about the current time limits on the signs [current signs restrict parking from 8:15 – 9:15 AM and 3:15 – 4:15 PM].

Sgt. Szuminski responded to the resident concerns about lack of enforcement. He explained that there are 22 schools and virtually every school has parking issues. There are not sufficient staff to patrol each school during the AM and PM hours as higher priority calls for service take precedence. Troy Police officers are not looking to issue tickets to residents but have been to this location and talked to residents. Sgt. Szuminski said that there are just too many parents dropping off/picking up students. The time is short but there is a very intense amount of traffic during these times.

Mr. Brandstetter asked about vehicles parking or standing on both sides of the road as well as the ability of buses to enter/exit the site. Mr. Esshaki stated that parents do stand or park along both sides of the road. Mr. Esshaki further stated that buses do not have an issue pulling out of the site when cars are parked on the south side of the road.

Traffic Engineering did receive two (2) emails regarding this request. Principal Susan

Crocker of Pembroke Elementary states that Witherbee is a narrow road already and vehicles parking on the south side of the road will increase congestion and decrease safety during the AM arrival and PM dismissal. She understands the residents' concerns but supports no changes to the current parking restrictions.

The second email received was from Casey Marhefka of 3467 Witherbee (east of Eton) and supported making no changes to the current parking restrictions.

**RESOLUTION # 2014-04-16**

Moved by Binkowski  
Seconded by Petrulis

**RESOLVED**, that the No Parking restrictions, along the south side of Witherbee, between Graefield and Eton, be REMOVED.

YES: 4 (Binkowski, Brandstetter, Petrulis, Ziegenfelder)  
NO: 2 (Halsey, Kilmer)  
ABSENT: 1 (Popovic)

MOTION CARRIED

**5. Request for Traffic Control – Huntsford at Finch**

Raimonda Abdal of 908 Huntsford Drive requests that the existing Yield signs at the intersection of Huntsford and Finch be replaced with Stop signs on the northbound and southbound Finch approaches to Huntsford . Mr. Abdal states that motorists do not yield at the intersection creating a hazardous situation.

Mr. Abdal was in attendance at the meeting and stated that drivers are not paying attention to the existing Yield sign. Drivers do not yield the right-of-way and there have been some close calls at the intersection. He recommends that the Yield signs be changed to Stop signs. Mr. Abdal stated that traffic has increased in the past few years and more drivers are cutting through from Wattles to Crooks.

Martin Mortensen of 3698 Finch does not believe there is a significant problem at the intersection and supports no changes to the current signage. He has not seen drivers ignoring or disobeying the existing signs.

Bob Dona of 3680 Finch also does not believe there is an issue at the intersection. He acknowledged that traffic has increased but he stated that the current traffic does not warrant a Stop sign. He stated that he does see drivers stopping or yielding at the intersection to other vehicles and pedestrians.

Shirley Mortensen of 3698 Finch reiterated that there is not a problem at the intersection. She said that there is a playground near the intersection but that children are watched very

closely. She believes that the current signage is appropriate and that no changes should be made.

Mr. Ziegenfelder is in favor of changing all Yield signs to Stop signs.

Mr. Brandstetter discussed the use of Stop signs where warranted. Use of Stop signs in locations where they are not warranted breed a false sense of security for drivers and pedestrians. Unwarranted Stop signs can create a safety issue if people assume that a vehicle is going to stop.

Mr. Halsey stated that Yield signs do not require a full or complete stop if there is no opposing traffic or pedestrians.

Ms. Binkowski reiterated Mr. Brandstetter's concerns about the use of Stop signs at locations where they are not warranted.

Traffic Engineering received one (1) email from Bob Beauchamp of 880 Huntsford recommending that the Yield sign be replaced with a Stop sign. He states that he has had several close calls at the intersection and a Stop sign would be more effective in protecting neighbors who have small children.

**RESOLUTION # 2014-04-17**

Moved by Binkowski  
Seconded by Brandstetter

**RESOLVED**, that NO changes be made at the intersection of Huntsford and Finch.

YES: 4 (Binkowski, Brandstetter, Halsey, Ziegenfelder)  
NO: 2 (Kilmer, Petrusis)  
ABSENT: 1 (Popovic)

MOTION CARRIED

**6. Public Comment**

Ms. Dianne Poulton of 1432 Madison Drive discussed a parking issue on Crimson near John R. A home owner parks two (2) cars very close to the intersection which creates a hazard for drivers at the intersection. Troy Police will investigate and enforce as necessary.

**7. Other Business**

Information on the "TroyRoadsRock" program was distributed to the members. A discussion of the plan, anticipated schedule, etc. followed.

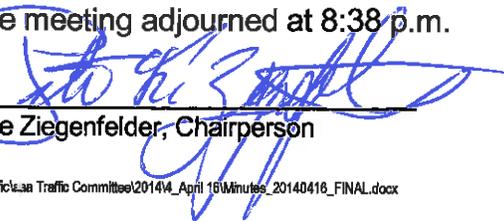
The Amber apartment complex was discussed as it is adjacent to the City Hall complex.

The DMC site was also discussed as it is also adjacent to the City Hall complex.

The skilled nursing and rehabilitation facility, proposed on the south end of the Zion church site, was discussed.

**8. Adjourn**

The meeting adjourned at 8:38 p.m.

  
\_\_\_\_\_  
Pete Ziegenfelder, Chairperson

  
\_\_\_\_\_  
Bill Huotari, Deputy City Engineer/Traffic Engineer

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On May 20, 2014, at 7:30 p.m., in the Council Chambers of Troy City Hall, Vice Chair Clark called the Zoning Board of Appeals meeting to order.

1. ROLL CALL

Present:

Bruce Bloomingdale  
Glenn Clark  
Kenneth Courtney  
David Eisenbacher  
Thomas Krent  
David Lambert  
Paul McCown

Absent:

Allen Kneale

Also Present:

Paul Evans, Zoning and Compliance Specialist  
Julie Quinlan Dufrane, Assistant City Attorney

2. APPROVAL OF MINUTES – April 15, 2014

Moved by Krent  
Seconded by Eisenbacher

RESOLVED, to approve the April 15, 2014 meeting minutes.

Yes: All

MOTION PASSED

3. APPROVAL OF AGENDA – No changes

4. HEARING OF CASES

A. VARIANCE REQUEST, GAIL A. MORO FOR GPRZ REAL ESTATE LLC, 6530, 6550, 6566 COOLIDGE HIGHWAY– In order to split a parcel into four parcels, variances to the required 100 foot minimum lot frontage and width. Three of the proposed parcels are proposed to have 90 feet of frontage and width. The fourth is proposed to be 98.31 feet wide. Zoning Ordinance Section 4.06 R-1B Zoning District.

Moved by Courtney

Seconded by Kneale (Motion carried over from April 15, 2014 meeting)

RESOLVED, to deny the request.

Yes: Courtney, Krent, Bloomingdale, Clark

No: Eisenbacher, McCown, Lambert

MOTION PASSED

- B. VARIANCE REQUEST, EDWARD SHORNAK, 3665 SANDBURG – In order to construct an addition to the home, 1) a 3.5 foot variance from the minimum required 10 foot side yard setback; 2) a 5.1 foot variance from the minimum required 20 foot combined setback for both side yards; and 3) a 6.2 foot variance from the minimum required 40 foot rear yard setback. Zoning Ordinance .4.06 (C), R1-C Zoning District.

Moved by Eisenbacher  
Second by Bloomingdale

RESOLVED, to grant the request.

Yes: All

MOTION PASSED

- C. VARIANCE REQUEST, DAN LAPISH, 600 COLEBROOK – In order to continue construction on a tree house, a 4 foot variance from the requirement that detached accessory supplemental buildings not exceed 14 feet in height. Zoning Ordinance Section 7.03 (B) (3) (d).

Moved by Eisenbacher  
Second by McCown

RESOLVED, to grant the request provided there are no openings or decks on the east elevation.

Yes: All

MOTION PASSED

- D. VARIANCE REQUEST, JOHN D. XERRI, JR., 931 BROOKLAWN – In order to construct an addition to the home, a 13.5 foot variance from the minimum required 35 foot rear yard setback. Zoning Ordinance Section 4.06 (C), R1-E Zoning District.

Moved by McCown  
Second by Lambert

RESOLVED, to postpone the request to the June 17, 2014 regularly scheduled meeting because applicant is not present.

Yes: All

MOTION PASSED

5. COMMUNICATIONS – None

6. MISCELLANEOUS BUSINESS- Election of Officers

Moved by Courtney  
Seconded by Lambert

RESOLVED, to elect Glenn Clark Chair and Bruce Bloomingdale Vice Chair.

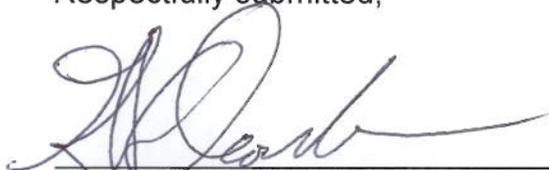
Yes: ALL

MOTION PASSED

7. PUBLIC COMMENT – None

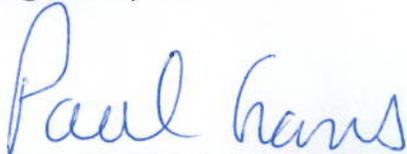
8. ADJOURNMENT – The Zoning Board of Appeals meeting ADJOURNED at 8:56 pm.

Respectfully submitted,



---

Glenn Clark, Chair



---

Paul Evans, Zoning and Compliance Specialist

Chair Edmunds called the Special/Study meeting of the Troy City Planning Commission to order at 7:03 p.m. on May 27, 2014 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Karen Crusse  
Donald Edmunds  
Steve Gottlieb  
Tom Krent  
Thomas Strat  
John J. Tagle

Absent:

Michael W. Hutson  
Philip Sanzica  
Gordon Schepke

Also Present:

R. Brent Savidant, Planning Director  
Ben Carlisle, Carlisle/Wortman Associates, Inc.  
Susan Lancaster, Assistant City Attorney  
Frank Boudon, Student Representative  
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2014-05-030**

Moved by: Tagle  
Seconded by: Gottlieb

**RESOLVED**, To approve the Agenda as printed.

Yes: All present (6)  
Absent: Hutson, Sanzica, Schepke

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2014-05-031**

Moved by: Strat  
Seconded by: Gottlieb

**RESOLVED**, To approve the minutes of the May 13, 2014 Regular meeting as published.

Yes: All present (6)  
Absent: Hutson, Sanzica, Schepke

**MOTION CARRIED**

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

5. ZONING BOARD OF APPEALS (ZBA) REPORT

Mr. Krent gave a report on the May 20, 2014 Zoning Board of Appeals meeting.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Savidant reported there was no Downtown Development Authority meeting in May.

7. PLANNING AND ZONING REPORT

Mr. Savidant introduced Karen Crusse.

Mr. Savidant briefly addressed the following Preliminary Site Plan Review applications:

- Children’s Hospital of Michigan
- Field and Stream

**PRELIMINARY SITE PLAN APPLICATION**

8. PRELIMINARY SITE PLAN APPLICATION (File Number SP 994) – Proposed Children’s Hospital of Michigan, Northeast corner of big Beaver Road and Civic Center Drive (350 W. Big Beaver), Section 21, Currently Zoned BB (Big Beaver) District

Mr. Savidant gave a cursory summary of the application.

Mr. Carlisle summarized his review based solely on the conceptual plan and elevations included in tonight’s meeting agenda packet. Mr. Carlisle stated a complete review of the application will be prepared for the Board’s review and action at their June 10, 2014 meeting.

Jim Butler of Professional Engineering Associates, project civil engineer, briefly addressed:

- Unique color scheme.
- Building characteristics.
- Building material.
- Donation of portion of frontage to City for ROW expansion.
- Traffic and parking studies.

In general, Board members expressed support of the proposed development. A number of members asked the applicant to address the window glass application as relates to color distortion, fading and aging and to provide the Board with building material samples at the June meeting.

Chair Edmunds opened the floor for public comment. Seeing no one present, the floor was closed.

Chair Edmunds requested a five minutes break. The meeting resumed at 7:35 p.m.

### OTHER BUSINESS

9. APA NATIONAL CONFERENCE – Report by Tom Krent

Mr. Krent gave an exceptional PowerPoint presentation on the American Planning Association annual conference he attended in Atlanta, Georgia.

10. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENT

Everyone welcomed Ms. Crusse to the Board.

There were general Planning Commission comments.

The Special/Study meeting of the Planning Commission adjourned at 8:05 p.m.

Respectfully submitted,



Donald Edmunds, Chair

  
Kathy L. Czarnecki, Recording Secretary

Chair Edmunds called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on June 10, 2014 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Karen Crusse  
Donald Edmunds  
Steve Gottlieb  
Michael W. Hutson  
Tom Krent  
Gordon Schepke  
Thomas Strat  
John J. Tagle

Absent:

Philip Sanzica

Also Present:

R. Brent Savidant, Planning Director  
Ben Carlisle, Carlisle/Wortman Associates, Inc.  
Allan Motzny, Assistant City Attorney  
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2014-06-032**

Moved by: Strat  
Seconded by: Tagle

**RESOLVED**, To approve the Agenda as printed.

Yes: All present (8)  
Absent: Sanzica

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2014-06-033**

Moved by: Gottlieb  
Seconded by: Hutson

**RESOLVED**, To approve the minutes of the May 27, 2014 Special/Study meeting as prepared.

Yes: All present (8)  
Absent: Sanzica

**MOTION CARRIED**

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

**POSTPONED ITEM**

5. SPECIAL USE AND PRELIMINARY SITE PLAN REVIEW (File Number SU 117-D) – Proposed St. Mark Coptic Orthodox Church, West side of Livernois, South of Wattles (3603-3615 Livernois), Section 21, Currently Zoned R-1B (One Family Residential) District

Mr. Carlisle reviewed the revised Preliminary Site Plan application and specifically addressed two significant revisions as relates to 1) meeting building code requirements for an internal bathroom and 2) façade and exterior corridor improvements.

Mr. Carlisle recommended approval of the application if the Planning Commission determines the proposed revisions by the applicant ensure compliance with the Special Use standards of approval.

Present were Harold Remlinger, project architect from DesignTeam Plus, and Joe Jarvis, representative of St. Mark Coptic Orthodox Church.

Mr. Remlinger addressed:

- Revisions to the site plan.
- Improvements to the property.
- Building materials.
- Screening to the south.

General discussion followed. The applicant was commended for addressing concerns of the Planning Commission and coming back with a much improved site plan.

Chair Edmunds opened the floor for public comment.

Magdi Samwel, 4030 W. 13 Mile, Royal Oak, addressed fire safety of the children, parking needs of the church and building compatibility with the church.

Mr. Carlisle pointed out the various ingress and egress points of the corridor and assured that all fire and building code requirements would be met through the building permit process. Mr. Carlisle confirmed the applicant meets the parking requirements of the Zoning Ordinance with the proposed overflow parking area.

The floor was closed for public comment.

**Resolution # PC-2014-06-034**

Moved by: Tagle

Seconded by: Krent

**RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval for the proposed improvements to St. Mark Coptic Orthodox Church, located on the West side of Livernois, South of Wattles, Section 21, Currently Zoned R-1B (One Family Residential) District, be granted.

Yes: All present (8)

Absent: Sanzica

**MOTION CARRIED**

**OTHER BUSINESS**

6. **PUBLIC COMMENTS** – For Items on Current Agenda

There was no one present who wished to speak.

7. **PLANNING COMMISSION COMMENTS**

There were general Planning Commission comments.

Mr. Savidant briefly addressed the upcoming June 24<sup>th</sup> agenda items.

The Regular meeting of the Planning Commission adjourned at 7:23 p.m.

Respectfully submitted,

\_\_\_\_\_  
Donald Edmunds, Chair

\_\_\_\_\_  
Kathy L. Czarnecki, Recording Secretary

Chair Edmunds called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on June 10, 2014 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Karen Crusse  
 Donald Edmunds  
 Steve Gottlieb  
 Michael W. Hutson  
 Tom Krent  
 Gordon Schepke  
 Thomas Strat  
 John J. Tagle

Absent:

Philip Sanzica

Also Present:

R. Brent Savidant, Planning Director  
 Ben Carlisle, Carlisle/Wortman Associates, Inc.  
 Allan Motzny, Assistant City Attorney  
 Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

**Resolution # PC-2014-06-032**

Moved by: Strat  
 Seconded by: Tagle

**RESOLVED**, To approve the Agenda as printed.

Yes: All present (8)  
 Absent: Sanzica

**MOTION CARRIED**

3. APPROVAL OF MINUTES

**Resolution # PC-2014-06-033**

Moved by: Gottlieb  
 Seconded by: Hutson

**RESOLVED**, To approve the minutes of the May 27, 2014 Special/Study meeting as prepared.

Yes: All present (8)  
 Absent: Sanzica

**MOTION CARRIED**

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

**POSTPONED ITEM**

5. SPECIAL USE AND PRELIMINARY SITE PLAN REVIEW (File Number SU 117-D) – Proposed St. Mark Coptic Orthodox Church, West side of Livernois, South of Wattles (3603-3615 Livernois), Section 21, Currently Zoned R-1B (One Family Residential) District

Mr. Carlisle reviewed the revised Preliminary Site Plan application and specifically addressed two significant revisions as relates to 1) meeting building code requirements for an internal bathroom and 2) façade and exterior corridor improvements.

Mr. Carlisle recommended approval of the application if the Planning Commission determines the proposed revisions by the applicant ensure compliance with the Special Use standards of approval.

Present were Harold Remlinger, project architect from DesignTeam Plus, and Joe Jarvis, representative of St. Mark Coptic Orthodox Church.

Mr. Remlinger addressed:

- Revisions to the site plan.
- Improvements to the property.
- Building materials.
- Screening to the south.

General discussion followed. The applicant was commended for addressing concerns of the Planning Commission and coming back with a much improved site plan.

Chair Edmunds opened the floor for public comment.

Magdi Samwel, 4030 W. 13 Mile, Royal Oak, addressed fire safety of the children, parking needs of the church and building compatibility with the church.

Mr. Carlisle pointed out the various ingress and egress points of the corridor and assured that all fire and building code requirements would be met through the building permit process. Mr. Carlisle confirmed the applicant meets the parking requirements of the Zoning Ordinance with the proposed overflow parking area.

The floor was closed for public comment.

**Resolution # PC-2014-06-034**

Moved by: Tagle  
Seconded by: Krent

**RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval for the proposed improvements to St. Mark Coptic Orthodox Church, located on the West side of Livernois, South of Wattles, Section 21, Currently Zoned R-1B (One Family Residential) District, be granted.

Yes: All present (8)  
Absent: Sanzica

**MOTION CARRIED**

**OTHER BUSINESS**

6. **PUBLIC COMMENTS** – For Items on Current Agenda

There was no one present who wished to speak.

7. **PLANNING COMMISSION COMMENTS**

There were general Planning Commission comments.

Mr. Savidant briefly addressed the upcoming June 24<sup>th</sup> agenda items.

The Regular meeting of the Planning Commission adjourned at 7:23 p.m.

Respectfully submitted,



\_\_\_\_\_  
Donald Edmunds, Chair



\_\_\_\_\_  
Kathy L. Czarnecki, Recording Secretary

A regular meeting of the Troy Traffic Committee was held Wednesday, June 18, 2014 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: Sarah Binkowski  
Tim Brandstetter  
Ted Halsey  
Al Petrusis  
Pete Ziegenfelder

ABSENT: Richard Kilmer  
Stevan Popovic

Also present: Tina Collins, 1231 Sherwood Forest  
Chris Carr, 2504 Avonhurst  
Jim Tafelski, 2505 Oxford  
Lt. Eric Caloia, Fire Department  
Sgt. Mike Szuminski, Police Department  
Bill Huotari, Deputy City Engineer/Traffic Engineer

**2. Minutes – April 16, 2014****RESOLUTION # 2014-06-18**

Moved by Binkowski  
Seconded by Halsey

To approve the April 16, 2014 minutes as printed.

YES: 5 (Binkowski, Brandstetter, Halsey, Petrusis, Ziegenfelder)  
NO: None  
ABSENT: 2 (Kilmer, Popovic)

MOTION CARRIED

**REGULAR BUSINESS****3. Speeding Issues – Beach Road, South of Wattles Road**

Heather Carr of 2504 Avonhurst and Jelena Tafelski of 2505 Oxford request that traffic control be placed on Beach Road, south of Wattles Road to slow traffic down. Ms. Carr and Ms. Tafelski state that the lack of traffic control on Beach encourages speeding on this section of road.

Traffic Engineering received one call from Mrs. Faust of 2505 Avonhurst who stated that a Stop sign was not necessary. She states that very few people speed on Beach when she observes traffic except for the occasional teenage driver. She is also concerned that her neighbor may have difficulty backing out of their driveway if a Stop sign were installed.

Traffic Engineering received an email from Mr. Jeff Carley who lives on Eastbourne Drive, which runs parallel to Beach in the area of concern. He would support additional pavement markings, speed limit signs or a Stop sign. He objects to a permanent radar speed sign, speed bump [hump] or any type of light.

A speed study was conducted and it does show that for northbound Beach, south of Oxford that there is a speed issue. The 85<sup>th</sup> percentile speed is 34 mph and is primarily an issue during AM and PM peak hours. The other locations studied did not show speeds that would be considered outside of the normal.

The speed study was shared with Troy Police and they responded by placing the radar trailer on Beach the week of May 19<sup>th</sup> and May 26<sup>th</sup>. Additional enforcement is planned when officers are not on higher priority calls.

This section of Beach is somewhat unique in that it is more akin to a collector street than a residential street. The existing right-of-way is 86' wide and the existing pavement width varies between 28'-30' wide. The right-of-way is primarily open with minimal roadside obstacles. The other local streets in this area are within 60' right-of-way and are generally 20'-22' wide pavement sections.

Parking is prohibited on the east side of Beach due to fire hydrants. Stop signs are located at each intersection between Wattles and Palmerston (near Schroeder Park) but Beach only stops at Palmerston and at Cheswick. At all of the other intersections, Beach is the through street and Stop signs are on the intersecting streets. For northbound traffic on Beach, there are no Stop signs after the All-Way Stop at Cheswick until the driver reaches Wattles Road. This is the section where speeds are the highest.

Beach is the primary access from Wattles Road but volumes are under 1,000 vehicles per day (vpd). There does not appear to be a cut-through problem as volumes are fairly consistent from day-to-day, Beach ends at Hampton and does not provide a convenient route to another major road.

In the past, a request like this would have been addressed by direct enforcement with the Traffic Safety Unit assigning officers to patrol the area as most of the drivers are consistent from day-to-day and educating drivers through enforcement is a powerful tool. With the downturn in the economy, just a few years ago, the Traffic Safety Unit was eliminated. Concentrated direct enforcement is no longer available even though Troy Police was able to provide a radar speed trailer and provide some level of enforcement recently. Enforcement now is provided by officers when they are not on higher priority calls so the level of enforcement available is significantly less than what was customary in the past.

Traffic Calming measures can take many forms. Typically, education is the first stage, then enforcement and finally physical measures.

To date, only one location in the City has a physical measure in place. A speed hump was placed on Walnut Hill, just north of Wattles and east of Adams. The speed hump was paid for by the residents. Feedback on this location in the past has been mixed as it was a singular installation and issues associated with the existing speed hump have included: additional noise; it does not slow traffic down; and inconvenient for residents.

Some options reviewed for Beach Road were:

1. **Additional speed limit signs** – placement of additional speed limit signs to reinforce the speed can be placed to enhance driver recognition of the residential area. Effectiveness is generally assumed to be minimal as most drivers proceed at a speed that they believe is “reasonable and prudent” for the conditions they encounter regardless of a posted speed limit.
2. **Longitudinal pavement markings** – mark the centerline of the road with a solid, double yellow marking and solid, white edge lines. Pavement markings have shown some effectiveness in reducing speeds due to a perceived narrowing of the traveled way. Other studies show an increase in speed due to the pavement markings making the driver’s task of tracking the roadway easier. Residential streets typically do not have pavement markings so some drivers may assume that Beach is not a residential street if they encounter full pavement markings (double-yellow center line and white edge lines)
3. **In street speed limit markings** – large overlay cold plastic or painted “25 MPH” markings are placed on the pavement to remind motorists of the residential speed limit. Long term studies on the use of in street markings alone have shown little impact.
4. **Permanent radar speed sign** – these signs show drivers their speed as they approach the sign and one model considered allows for supplemental messages and traffic data to be recorded (eliminating the need to place traffic counters on the pavement). Speed boards are effective initially, but results over longer periods of time are inconclusive without intermittent enforcement. Rochester Hills has had positive results in reducing speeds at locations where they have speed boards installed.

Stop signs are not recognized as a traffic calming device. Stop signs are intended to assign right-of-way at intersections and are to be placed based on guidance from the Michigan Manual of Uniform Traffic Control Devices (MMUTCD). Studies have shown that Stop signs are not effective in reducing speeds and in many instances increase speeds due to drivers attempting to make up time due to a stop that they believe was not necessary. In addition, unwarranted Stop signs have the potential to reduce safety by creating a false sense of security for other drivers, children or pedestrians assuming a motorist will stop at a Stop sign.

Mr. Chris Carr of 2504 Avonhurst was in attendance at the meeting and has lived in his

house since July 2013. He believes that the 25 mph speed limit is not observed. They have a small child so they spend a lot of time outside and see many drivers exceeding the posted speed limit. There are several new families that have moved into the neighborhood and many of them have small children that they worry about. There is a blind curve on southbound Beach that makes sight distance less than ideal. He believes that the double-yellow striping on Beach, as you turn from Wattles, may lead drivers to believe that this section of Beach is not a residential road. Mr. Carr would like to see a Stop sign installed on Beach at Oxford or Avonhurst.

Mr. Jim Tafelski of 2505 Oxford agreed with the statements made by Mr. Carr. He also added that many older residents are moving out and new residents are moving in with children. He watches traffic frequently when he is outside and the majority of people drive at reasonable speeds but a few are moving at what he feels are excessive speeds. He also reports that there are a lot of bikers that use Beach Road frequently. Mr. Tafelski also would like to see Stop signs installed on Beach at Oxford or Avonhurst.

Ms. Binkowski discussed the use of Stop signs for speed control. Stop signs do not control speed but are used for assigning right-of-way at an intersection when warranted. Stop signs can create a false sense of security for pedestrians, when unwarranted, creating a potentially unsafe situation.

Mr. Ziegenfelder stated that when unwarranted Stop signs are installed speeds may actually increase as drivers may slow at a Stop sign but increase speeds after the Stop sign as they feel they were stopped for no apparent reason.

Mr. Petrulis stated that one of the issues on this section of Beach is that the intersecting streets are T-intersections so they are not full intersections. He also discussed the installation of unwarranted Stop signs. Mr. Petrulis stated that the same drivers travel this section of Beach everyday and his concern is that an unwarranted Stop sign may be ignored and create an unsafe situation.

Sgt. Szuminski discussed the Police Department's ability to enforce speed limits. The concerns on Beach are the same as numerous other areas in Troy and occur at the same time as at other locations, primarily in the AM and PM peak hours. Troy Police has done enforcement at this location and has issued citations.

Mr. Brandstetter has concerns about installing a Stop sign and having children assuming a car will Stop.

Mr. Halsey stated that no matter what may be done that parents must still be responsible for their children when they are outside.

Discussion of physical measures such as speed humps ensued. This section of Beach has no curb so there is the potential that vehicles could drive around a speed hump creating an unsafe situation due to the ditches along Beach. Speed humps are most effective when used in a series. This section of Beach would require at least three speed

humps. Concerns relative to speeds between speed humps, noise, snow plowing and emergency vehicle access times were discussed. If speed humps were to be pursued they would need to be approved by residents in the area as they are paid for by the residents through a Special Assessment District. This area is scheduled for a mill and overlay project next spring, so any physical changes could be done at that time to benefit from the larger project. Traffic Committee members and residents in attendance agreed that other lower cost measures should be pursued at this time.

The members discussed the use of radar speed boards and a recommendation was made to install one on northbound Beach with the possibility of moving it to southbound Beach to provide additional feedback to drivers. Traffic Engineering will discuss this option with the supplier as some models of the speed boards are portable. The radar speed boards are informational signs so no Traffic Control Order is required.

The radar speed board is to be installed this summer and then a follow up speed study will be conducted in the fall after school is in session to compare speeds before and after the installation. The results of the speed study will be brought back to the Traffic Committee for discussion and if needed for further discussion of traffic calming measures on this section of Beach.

#### **4. Traffic Calming Measures – Speed Humps**

Traffic Engineering performed an informal survey of neighboring and similar communities relative to their use of Traffic Calming measures and specifically speed humps. One of the primary criteria for determining the use of speed humps is 85<sup>th</sup> percentile speeds (the speed at which 85% of traffic is travelling at or below). Listed are the 85<sup>th</sup> percentile speeds that are one factor used as part of the minimum criteria for consideration of speed hump installation for those agencies that have a program in place.

- Rochester Hills – 85<sup>th</sup> percentile speeds exceed the posted speed by 6 mph or greater
- Farmington Hills – 85<sup>th</sup> percentile speeds of 35 mph or greater
- Road Commission for Oakland County – 85<sup>th</sup> percentile speed greater than or equal to 35 mph

Rochester Hills is by far the most aggressive in promoting and implementing speed humps and have placed them at several locations throughout their city. The feedback they have received has been mostly positive and they have found that the speed humps have been effective in reducing vehicle speeds.

The Road Commission for Oakland County has placed speed humps at two (2) locations in the County and also found that speeds were reduced.

Farmington Hills has installed speed humps in seven (7) locations and found that speeds in general have decreased but there have been some resident concerns relative to noise and aesthetics.

Agencies that do not have Traffic Calming programs in place:

- Novi
- Clawson
- Madison Heights
- Birmingham
- Sterling Heights

One large area of concern with speed humps is their impact on emergency vehicle response time. The City of Los Angeles has over 3,700 speed humps installed and in February 2013 recommended that their program be stopped and that a ban be placed on the installation of new and replacement of existing speed humps. This recommendation was not acted on at that time and it is still under review.

There are numerous other types of traffic calming measures and a summary of various options was provided to the Traffic Committee members as information.

**5. Public Comment**

No members of the public provided comment.

**6. Other Business**

No other business was brought forward by the Committee.

**7. Adjourn**

The meeting adjourned at 8:48 p.m.

\_\_\_\_\_  
Pete Ziegenfelder, Chairperson

\_\_\_\_\_  
Bill Huotari, Deputy City Engineer/Traffic Engineer

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## CITY COUNCIL AGENDA ITEM

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Date: July 1, 2014

To: Brian Kischnick, City Manager

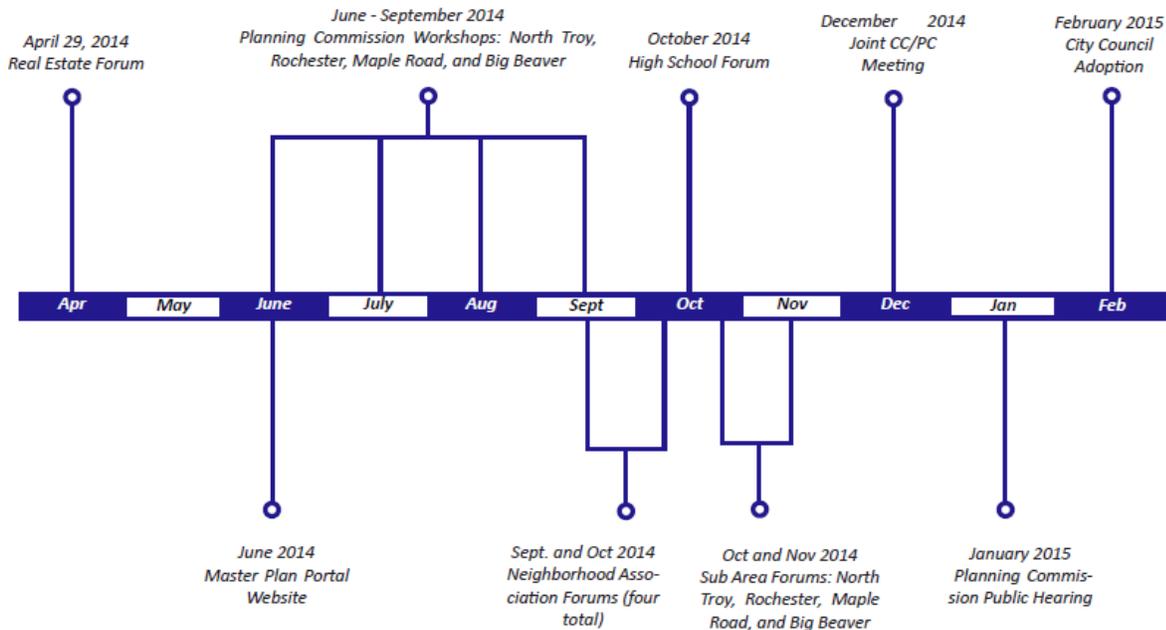
From: Mark F. Miller, Director of Economic & Community Development  
R. Brent Savidant, Planning Director

Subject: EXECUTIVE SUMMARY ENGAGEMENT PLAN – 2014 Troy Master Plan Update

City Administration and Carlisle/Wortman Associates (CWA) continue to advance the 2014 Master Plan Update. As part of the planning process, we have developed an inclusive community engagement process. Our community engagement strategies include:

1. Engage residents through two to four Neighborhood Association Workshops with association presidents and representatives. The workshops are intended to be interactive including the use of real time voting to address issues of transition/buffer areas, changing demographics, housing options, and transportation.
2. Creation of a Master Plan Portal Website that provides pertinent information regarding the Master Planning process including meeting announcement, project calendar, and draft documents.
3. Engage the future of Troy through a High School Forum. The High School Forum will include student leaders from both Troy High School and Athens High School. We will work with school administrators to identify a representative population of each school.
4. Engage business owners, commercial property owners, employees, and other stakeholders through four (4) sub area forums. The Forums include North Troy, Maple Road, Rochester Road, and Big Beaver Road.
5. Ensure the City Council and Planning Commission remain engaged in the planning process through monthly Planning Commission discussions, monthly Master Plan update memos to City Council, a joint City Council and Planning Commission meeting, a public hearing with the Planning Commission, and adoption by the City Council.

## TROY Master Plan Community Engagement Timeline



### Details – 2014 Troy Master Plan Update

#### 1. Real Estate Forum – Completed

The City of Troy hosted a Real Estate Forum on Tuesday, April 29, 2014 at the Troy Community Center. Over 60 community leaders, business owners, real estate developers, and interested citizens participated in a productive dialogue regarding the future direction of key economic areas of the city, specifically Maple Road, Big Beaver, North Troy, and Rochester Road. The panel included:

- Alan Kiriluk, Chairman, Kirco and Troy DDA
- Mark Nickita, President, Archive Design Studio
- Tracy Wick, Broker, Coldwell Banker
- Steve Robinson, Principal, Versa Development
- J.C. Cataldo, Partner, RePlace Development Solutions



## CITY COUNCIL AGENDA ITEM

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### 2. Portal for Master Plan

The City will create a project website which will include pertinent information such as meeting announcements, project calendar, and draft documents. In addition, the project website will include various community engagement tools to engage the community at their convenience.

### 3. Planning Commission Workshops

As part of their monthly working meeting, City Administration and CWA will engage the Planning Commission in all elements of the Master Planning process including the four (4) sub area plans. On June 24, 2014, the Planning Commission reviewed a draft of the North Troy Sub Area Plan.

### 4. Neighborhood Association Forums

The City will host two to four neighborhood association forums with association presidents and representatives. The forums will be geographically spread throughout the city to address localized issues. These forums will be hosted outside City Hall at community centers such as churches or schools. The discussion will be targeted to address issues that are related to the Master Plan, specifically transition/buffer areas, changing demographics, housing options, and transportation. The forums will include real time voting to ensure an interactive dialogue. City Administration and CWA will organize and schedule the forums. We propose that the City Manager facilitate and lead the neighborhood forums. City Administration and CWA will assist and prepare the City Manager as necessary.

### 5. High School Forum

City Administration and CWA will organize a High School Forum. The High School Forum will include student leaders from both Troy High School and Athens High School. We will work with school administrators to identify a representative population of each school. Often overlooked in the planning process, youth can provide new perspectives and offer creative solutions. We propose that the City Manager facilitate and lead the High School Forum. City Administration and CWA will assist and prepare the City Manager as necessary.

### 6. Forum with Sub Areas

The City will host four (4) total sub area forums for the areas identified in the real estate forum of North Troy, Rochester Road, Big Beaver, and Maple Road. The forums will seek input into target area plans that are being prepared by the Planning Department and CWA. The target area plans address issues of land uses, transportation, economic development, and public improvements. City Administration and CWA will organize and schedule the forums. We propose that the City Manager facilitate and lead the sub area forums. City Administration and CWA will assist and prepare the City Manager as necessary.



## CITY COUNCIL AGENDA ITEM

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### 7. City Council/Planning Commission Joint Meeting

City Administration and CWA will facilitate one (1) joint Planning Commission/City Council meeting after the neighborhood forums, high school forum, and sub area forums are completed. The joint meeting will provide City Administration and CWA with ongoing direction.

### 8. Planning Commission Public Hearing

As required by State Statute, the Planning Commission will hold a public hearing for the Master Plan. Once the public hearing is complete, City Administration and CWA will prepare final documents.

The Planning Commission will be well informed of the Master Plan update, as City Administration and CWA will conduct monthly Master Plan workshops with them.

### 9. City Council Updates and Meeting

City Administration and CWA will draft monthly updates to City Council. City Administration and consulting team will meet with City Council as directed.

*Clawson Fire Department*  
*Clawson, MI 48017*

June 8, 2014

Chief William Nelson  
Troy Fire Department  
500 Big Beaver  
Troy, Michigan 48084

Subject: Clawson Station Coverage June 6, 2013

Bill,

Many thanks to you and the members of the Troy Fire Department for station coverage on June 6, 2014, while members of my department attended our annual Detroit Tigers baseball outing. Please express my thanks to all of those who participated.

As always, we appreciate your assistance.

Sincerely,

*Richard J. Dylewski Jr.*  
Chief  
Clawson Fire Department

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

NOTICE OF HEARING  
FOR THE CUSTOMERS OF  
DTE ELECTRIC COMPANY  
CASE NO. U-17602

- DTE Electric Company f/k/a The Detroit Edison Company requests Michigan Public Service Commission approval to reconcile its 2013 Energy Optimization (EO) plan expenses filed pursuant to Public Act 295 of 2008.
- The information below describes how a person may participate in this case.
- You may call or write DTE Electric Company, One Energy Plaza, Detroit, Michigan 48226, (800) 477-4747, for a free copy of its application. Any person may review the application at the offices of The DTE Electric Company.
- The first public hearing in this matter will be held:

**DATE/TIME:** July 8, 2014, at 9:00 a.m.  
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

**BEFORE:** Administrative Law Judge Theresa A.G. Staley

**LOCATION:** Constitution Hall  
525 West Allegan  
Lansing, Michigan

**PARTICIPATION:** Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 241-6160 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider DTE Electric Company's (DTE Electric) May 15, 2014 application, which seeks approval of DTE Electric's reconciliation of its 2013 EO plan year, the performance incentives, and the associated proposed tariffs. DTE Electric represents that based on the operation of the surcharge during 2013, the Company has calculated a net overrecovery of \$24.3 million. DTE Electric is proposing to carry forward into 2014 the calculated cumulative overrecovery on a customer class basis and use it as beginning balances for the 2014 reconciliation.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 241-6180 or by email at: [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov).

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by July 1, 2014. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon DTE Electric's attorney, Michael J. Solo, Jr., One Energy Plaza, Detroit, Michigan 48226.

Any person wishing to appear at the hearing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter becomes public information: available on the Michigan Public Service Commission's website, and subject to disclosure. Please do not include information you wish to remain private.

Requests for adjournment must be made pursuant to the Commission's Rules of Practice and Procedure R 460.17315 and R 460.17335. Requests for further information on adjournment should be directed to (517) 241-6060.

A copy of DTE Electric's request may be reviewed on the Commission's website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets), and at the office of DTE Electric Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 241-6180.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended, MCL 460.6j et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; 2008 PA 295, MCL 460.1001 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

June 12, 2014

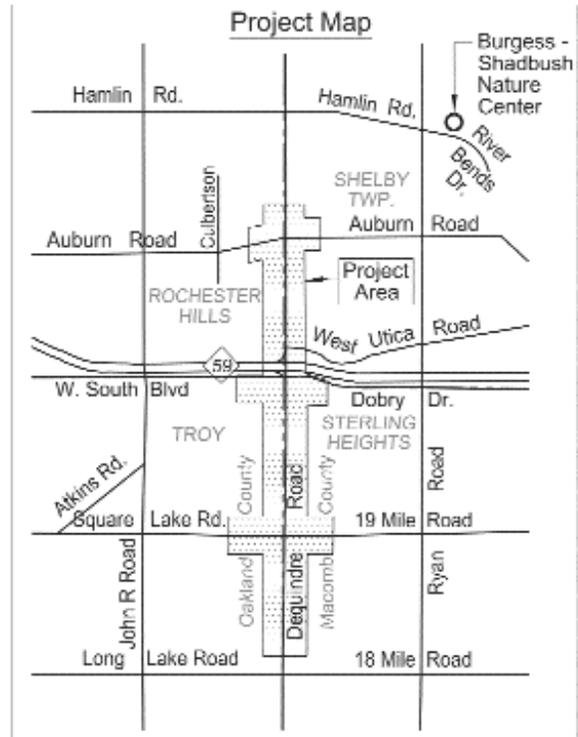
# PUBLIC HEARING ON DEQUINDRE ROAD WIDENING PLAN, LONG LAKE TO AUBURN, WILL BE JULY 9

The Road Commission for Oakland County (RCOC), in cooperation with the Macomb County Department of Roads, Shelby Township and the cities of Sterling Heights, Troy and Rochester Hills, will hold a public hearing July 9 to receive input on the preferred alternative for widening Dequindre Road from north of Long Lake Road to north of Auburn Road on the Troy/Sterling Heights and Rochester Hills/Shelby Township borders.

The preferred alternative was identified through an extensive federal Environmental Assessment (EA) process that involved reviewing the benefits and impacts of several alternative designs.

The hearing will be open-house format, with no formal presentation. The EA will be available for review, and staff will be on hand to answer questions. A court reporter will be on hand to record comments.

The EA calls for this section of Dequindre to be reconstructed and widened from two lanes to five beginning in approximately 2016.



## **HEARING DETAILS**

**WHEN:** Wednesday, July 9, 4-7 p.m.

**LOCATION:** Burgess-Shadbrush Nature Center  
4101 River Bends Dr.  
Shelby Twp., MI 48317 (see map)

The Federal Highway Administration (FHWA) has completed a first review of the EA for the project and authorized its release for public review and comment. The FHWA will conduct a second review after receiving public input. In addition to the hearing, the EA is also available at:

▶ The RCOC Website: [www.rcocweb.org](http://www.rcocweb.org) (click on the "About Us" tab at the top of the homepage then select "Publications" from the pull-down menu; on the Publications page, scroll to the "Dequindre Road, Long Lake to Auburn" heading and select the EA link.

▶ The Macomb County Dept. of Roads Engineering Dept., 117 S. Groesbeck Highway, Mt. Clemens, MI 48043

▶ The City of Rochester Hills Dept. of Public Services, 1000 Rochester Hills Dr., Rochester Hills, MI 48307

▶ The Shelby Township Planning & Zoning Dept., 52700

Van Dyke Ave., Shelby Twp., MI 48316

▶ The City of Sterling Heights Engineering Dept., 40555 Utica Road, Sterling Heights, MI 48311

▶ The City of Troy Engineering Dept., 500 W. Big Beaver Rd., Troy, MI 48084

▶ RCOC Planning & Environmental Concerns Dept., 31001 Lahser Rd., Beverly Hills, MI 48025

▶ RCOC Dept. of Customer Services, 2420 Pontiac Lake Rd., Waterford Twp., MI 48328

Anyone wishing to comment on the project but who cannot attend the hearing is welcome to provide written comments. They can be mailed to: *Road Commission for Oakland County, Planning & Environmental Concerns Dept., 31001 Lahser Rd., Beverly Hills, MI 48025*

## **NEED FOR & PURPOSE OF IMPROVEMENTS**

RCOC believes widening this section of Dequindre Road is needed for the following reasons:

- To enhance traffic flow
- To improve safety by addressing correctable crash patterns
- To improve pavement condition
- To address the mobility needs of the community

**For more information:**

**Call RCOC's Department of Customer Services at (877) 858-4804 or send us an e-mail via the RCOC Web site, [www.rcocweb.org](http://www.rcocweb.org).**



## CITY COUNCIL AGENDA ITEM

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Date: July 1, 2014  
To: Brian Kischnick, City Manager  
From: Timothy Richnak, Public Works Director  
Subject: July 2014 Update on DWSD

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### **Background**

During the 2015 budget presentations to city council, an update on the Detroit Water and Sewerage Department was presented. The distribution and long term costs of providing water and sewerage service to the residents and businesses of the City of Troy are directly affected by the Detroit bankruptcy and DWSD future operations and control.

Robert Daddow, Deputy Oakland County Executive, was invited and scheduled to attend a June 2, 2014 City of Troy city council study session on DWSD. Mr. Daddow, as the representative of Oakland County in mediation was advised by the federal bankruptcy court and by his in-house attorneys that the June 2, 2014 study meeting with the City Council would put him in conflict with a gag order on any public communications involving the DWSD matter.

I reached out to Mr. Daddow and asked if he could provide new information so I could update city council. He is unable to provide any information as indicated in his response to my request.

“Mr. Richnak – regrettably no. As noted in the media several weeks ago and as we chatted about, the Counties are in mediation and continually are reminded that any communications outside the mediation will meet with contempt penalties. Essentially, at this point in time, there isn’t anything I can tell you to assist in your report of July 7<sup>th</sup> – as much as I would like to do so. RJD”

I will keep in contact with Mr. Daddow and continue to be involved as much as we are allowed in order to keep city council informed.



**TO:** Members of the Troy City Council

**FROM:** Lori Grigg Bluhm, City Attorney  
Allan T. Motzny, Assistant City Attorney  
Susan M. Lancaster, Assistant City Attorney  
Julie Quinlan Dufrane, Assistant City Attorney

**DATE:** July 2, 2014

**SUBJECT:** 2014 Second Quarter Litigation Report

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The following is the quarterly report of pending litigation and other matters of interest. **Developments during the SECOND quarter of 2014 are in bold.**

A. ANATOMY OF THE CASE

Once a lawsuit has been filed against the City or City employees, the City Attorney's office prepares a memo regarding the allegations in the complaint. At that time, our office requests authority from Council to represent the City and/or the employees. Our office then engages in the discovery process, which generally lasts for several months, and involves interrogatories, requests for documents, and depositions. After discovery, almost all cases are required to go through case evaluation (also called mediation). In this process, three attorneys evaluate the potential damages, and render an award. This award can be accepted by both parties, and will conclude the case. However, if either party rejects a case evaluation award, there are potential sanctions if the trial result is not as favorable as the mediation award. In many cases, a motion for summary disposition will be filed at the conclusion of discovery. In all motions for summary disposition, the Plaintiff's version of the facts are accepted as true, and if the Plaintiff still has failed to set forth a viable claim against the City, then dismissal will be granted. It generally takes at least a year before a case will be presented to a jury. It also takes approximately two years before a case will be finalized in the Michigan Court of Appeals and/or the Michigan Supreme Court.

B. ZONING CASES

These are cases where the property owner has sued for a use other than that for which the land is currently zoned and/or the City is suing a property owner to require compliance with the existing zoning provisions.

**There are no pending zoning cases for this quarter.**

C. EMINENT DOMAIN CASES

These are cases in which the City wishes to acquire property for a public improvement and the property owner wishes to contest either the necessity or the compensation offered. In cases where only the compensation is challenged, the City

obtains possession of the property almost immediately, which allows for major projects to be completed.

1. Troy v. Grand Sakwa et. al.- This condemnation case was initiated on December 16, 2013, to re-acquire the 2.7 acre transit center parcel from Grand Sakwa after the Michigan Supreme Court denied Troy's application for leave to appeal. Although the City was deeded the property in 2000, and initially prevailed against developer Grand Sakwa's motion seeking a reversion of the property, this decision was reversed by the Michigan Court of Appeals on the basis that the transit center was allegedly not funded by the June 2, 2010 reversion date in the consent judgment. Since the Court of Appeals decision became final upon the Michigan Supreme Court's refusal to hear the case, the condemnation complaint requests possession dating back to June 2, 2010. The independently appraised value for the property is \$550,000, which is well below the federal appropriation set aside for the project under the Federal Transit Administration. The City filed a Motion seeking an order confirming title and possession, based on the fact that the Defendants waived the ability to challenge necessity. Defendants filed a response to this motion, seeking a dismissal of the case based on the fact that the property appraisal date was for 2010 (the date of reversion as declared by the Court of Appeals opinion). The Court entered a dismissal order on February 21, 2014, based on his conclusion that there needed to be an appraisal of the improved property as of 2014 (the date of filing the condemnation case). The City immediately requested an amended appraisal. **A new purchase offer was extended, based on the amended appraisal.**

#### D. CIVIL RIGHTS CASES

These are cases that are generally filed in the federal courts, under 42 U.S.C. Section 1983. In these cases, the Plaintiffs argue that the City and/or police officers of the City of Troy somehow violated their civil rights.

1. Burley v. Gagacki. This is an excessive force case filed against a Troy police officer who was participating on a federal task force executing search warrants. The task force divided up and simultaneously executed search warrants on two houses located some distance from each other. Plaintiffs argue that they were injured by unidentified task force members at one of the houses. The incident report fails to specify which task force members were at Plaintiff's house and which task force members were simultaneously executing the search warrant at the other house. The Troy police officer and other task force members were initially represented by an Assistant U.S. Attorney, who obtained a dismissal of the case. Plaintiffs then successfully appealed to the Sixth Circuit Court of Appeals, which reinstated the case. The second trial is scheduled for February 2014. Due to a retirement of the Assistant U.S. Attorney and the possibility of conflicts between the task force team members, our office has assumed a more active role in the litigation, and will defend the Troy police officer task force member. The Court granted the request of one of the co-defendants to adjourn

the trial, which is now scheduled to start on June 16, 2014. The parties have been addressing procedural items and preparing for trial. **After picking a jury on June 10, 2014 and intense preparation for trial to begin on June 16, 2014, one of the Plaintiffs was hospitalized four days before the scheduled trial date. Trial has been rescheduled for October 6, 2014.**

#### E. PERSONAL INJURY AND DAMAGE CASES

These are cases in which the Plaintiff claims that the City or City employees were negligent in some manner that caused injuries and/or property damage. The City enjoys governmental immunity from ordinary negligence, unless the case falls within one of four exceptions to governmental immunity: a) defective highway exception, which includes sidewalks and road way claims; b) public building exception, which imposes liability only when injuries are caused by a defect in a public building; c) motor vehicle exception, which imposes liability when an employee is negligent when operating their vehicle; d) proprietary exception, where liability is imposed when an activity is conducted primarily to create a profit, and the activity somehow causes injury or damage to another; e) trespass nuisance exception, which imposes liability for the flooding cases.

1. **Allstate Insurance Company v. City of Troy and Troy Fire Department. This is a subrogation case, filed by Allstate Insurance Company against the City of Troy Fire Department, seeking reimbursement of Allstate's payment to its insured Rajkiran Panesar. Mr. Panesar's vehicle was damaged when he unexpectedly drove onto a fire hose that had fallen from a Troy Fire truck after dark on October 21, 2013 . The Answer and Affirmative Defenses to the Complaint are due on July 17, 2014.**

#### F. MISCELLANEOUS CASES

1. Michigan Association of Home Builders; Associated Builders and Contractors of Michigan; and Michigan Plumbing and Mechanical Contractors Association v. City of Troy – The Plaintiffs filed a complaint for Declaratory and Injunctive Relief in the Oakland County Circuit. On the date of filing the Plaintiffs also filed a Motion for Preliminary Injunction and Order to Show Cause. The Plaintiffs allege that the City of Troy has violated Section 22 of Michigan's Stille-DeRossett Hale Single State Construction Code Act by collecting fees for building department services that are not reasonably related to the cost of providing building department services. They are alleging that the City of Troy has illegally entered into a contract with Safe Built of Michigan, Inc. for building services that provides that 20% of each building permit fee be returned to the City to cover services that are not "reasonably related to the cost of building department services," as required by state statute. The Plaintiffs also assert a violation of the Headlee Amendment, arguing that the 20% returned to the City is a disguised tax that was not approved by voters. The Plaintiffs are asking for a declaratory judgment, as

well as a return of any “surplus” building department service funds collected to date. Plaintiffs also request an order requiring the City to reduce its building department fees. The City of Troy was served with the Complaint and the Motion for Preliminary Injunction and Order for Show Cause on Wednesday, December 15, 2010. The parties were required to appear at Court on Wednesday, December 22, 2010, but the Court did not take any action at that time. Instead, the Court adjourned the matter to January 19, 2011. In the interim, the parties may engage in preliminary discovery in an attempt to resolve this matter. The parties are conducting discovery. The parties have completed discovery. Trial in this matter is scheduled for January 30, 2012. After being presented with motions for summary disposition, the Court ordered the parties to engage in mediation with a neutral municipal audit professional. Financial documents concerning this case are now being reviewed by an independent CPA. It is expected that the April 19, 2012 trial date will be postponed until after this review is complete. Mediation was unsuccessful in resolving this case, and therefore the Court is expected to issue an order on the pending Summary Disposition Motions. The trial date has been adjourned. On November 13, 2012, Oakland County Circuit Court Judge Shalina Kumar issued her order in favor of the City, and dismissed this case. Plaintiffs filed an appeal, which is now pending in the Michigan Court of Appeals. Appellant’s brief is expected to be filed soon. The parties timely filed their appellate briefs, and are now waiting for the Court of Appeals to schedule a date for oral argument. The Court of Appeals has not yet scheduled oral argument for this case. The parties are still waiting for a date for oral argument. Oral argument was held on March 4, 2014. On March 13, 2014, the Court of Appeals issued its opinion ruling in the City’s favor and affirming the Circuit Court’s decision dismissing the case. **On April 23, 2014, Plaintiff Home Builders filed an Application for Leave to Appeal with the Michigan Supreme Court. Troy’s response was filed on May 19, 2014.**

2. *T.R. Pieprzak v. City of Troy.* This case has been filed by the successful bidder for the Section 9 water main replacement contract, seeking approximately \$900,000 over the contract bid for alleged additional work, unanticipated conditions and delays that Plaintiff attributes to the City of Troy. Plaintiff filed a Motion for Partial Summary Disposition, which the City responded to. Argument on this Motion is scheduled for July 6, 2011. The Court denied Plaintiff’s Motion for Partial Summary Disposition. The case is now in discovery. Case evaluation for the case took place on November 17, 2011. The City and the Plaintiff each filed Motions for Summary Disposition at the close of discovery. The Court agreed with the amount the City claimed was due on the contract and entered an Order on March 9, 2012 that dismissed Plaintiff’s claims seeking damages in excess of that amount. The Order is a final order and closes the case. T.R. Pieprzak filed a Motion for Reconsideration on March 29, 2012. The Court has not yet issued an opinion on Pieprzak’s Motion for Reconsideration. On January 17, 2013, Judge Nichols entered his Opinion and Order denying the Plaintiff’s Motion for Reconsideration. The Plaintiff has now filed a Claim of Appeal with the Michigan Court of Appeals. Plaintiff filed its appellate brief, and the City’s

brief is due July 18<sup>th</sup>. The City has filed its responsive brief and Plaintiff filed a reply brief. The case will now be scheduled for oral argument. The parties are still waiting for a date for oral argument, which could be scheduled as early as June 2014. **Oral argument was held on June 10, 2014. On June 24, 2014, the Court of Appeals issued its Opinion ruling in favor of the City and affirming the decision of the Circuit Court.**

3. *Troy Police Officers Association v. City of Troy and Act 78 Civil Service Commission.* Plaintiff TPOA Union has filed this lawsuit against the City and also the Act 78 Civil Service Commission, seeking a hearing on behalf of one of its members, Todd Michael. Mr. Michael seeks a hearing before the Civil Service Commission, where he can have the chance to establish that he was constructively discharged from the City; or in the alternative that he was improperly disciplined by the City. In addition to seeking a court order mandating a hearing for Todd Michael, Plaintiff is also seeking an order requiring the City to amend its rules to allow for hearings in similar circumstances. The Amended Complaint was filed on May 21, 2012. On September 18, 2012, Plaintiff filed a Motion for Summary Disposition, which is scheduled for hearing on November 21, 2012. On December 5, 2012, the Court granted in part, denied in part the cross motions for summary disposition. This case is now pending in the Michigan Court of Appeals. Appellant's brief has been filed with the Court of Appeals. Appellee timely filed its brief, and the City filed a reply brief in response. The parties are now waiting for the Court of Appeals to schedule a date for oral argument. The Court of Appeals has not yet scheduled oral argument on this case. The parties are still waiting for a date for oral argument, which could be scheduled as early as June 2014. **Oral argument was held on June 4, 2014. On June 12, 2014, the Michigan Court of Appeals issued an unpublished opinion, reversing the Oakland County Circuit Court and remanding the case for entry of an order granting summary disposition in favor of the City.**
4. *Todd Michael v. City of Troy et. al.* Todd Michael has filed this lawsuit against the City, the Troy Police Department and the Troy Police Chief. Through this lawsuit, Plaintiff alleges that he was discriminated against in his employment with the City, in violation of the Americans With Disabilities Act. He also alleges that he suffered retaliation for his alleged disability. He is asking to be reinstated as a Troy Police Officer. He is also asking for additional compensation, punitive damages, costs and attorney fees. The answer to the complaint and affirmative defenses were filed on September 27, 2012. The Court has issued a scheduling order in this case, and discovery is on-going. The parties are continuing in the discovery phase. The Court has extended the discovery cut off in this matter, and the parties continue to take depositions in this case. The City will be filing a Motion for Summary Judgment. A Motion for Summary Judgment was filed on October 14, 2013. Plaintiff filed its Response on November 21, 2013, and the City's reply brief was filed on December 12, 2013. The parties are still waiting for the Court to either issue an opinion or schedule a date for oral argument on the

Motion. **The Court transferred the case to newly appointed U.S. District Court Judge Judith Levy, who has scheduled oral argument on the motion for summary judgment for July 10, 2014.**

5. *Citizens United Against Corrupt Government v. Troy City Council*- This is a lawsuit filed by the Citizens Against Corrupt Government, which is a Michigan Non-Profit Corporation formed by Robert Davis. In this lawsuit, Plaintiff alleges that the City violated the Open Meetings Act in holding a closed session on August 15, 2012, as part of the City Manager Search process. Through this lawsuit, Plaintiff is seeking a declaration that the City Council violated the Open Meetings Act. Plaintiff also asked for injunctive relief, and asked for an immediate hearing. The Court, after hearing arguments from the parties, denied the request for Injunctive relief with an order dated September 13, 2012. Immediately thereafter, Plaintiff attempted to schedule depositions of individual City Council members and other members of City Administration and the search consultant. The City filed a Motion for a Protective Order on September 28, 2012. On that day, the City also filed a Motion for Summary Disposition, arguing that Plaintiff does not have a viable case against the Troy City Council. On November 21, 2012, Judge O'Brien issued her order granting the City's Motion for Summary Disposition and dismissing this case. Plaintiff appealed this decision, which is now pending in the Michigan Court of Appeals. It is anticipated that Appellant will file its legal brief in the immediate future. Plaintiff missed the deadline for filing its appellate brief, but the Court of Appeals may allow a late brief. The Court allowed Plaintiff to file a late brief, but ordered that due to the late filing Plaintiff would not be allowed to present oral argument. The City timely filed its responsive brief. The Court will schedule the case for oral argument. The parties are still waiting for a date for oral argument. Oral argument was held on February 7, 2014. **The Court of Appeals has not yet issued an opinion in this case.**
6. *Daniel E. Katayama v City of Troy*. Plaintiff filed this lawsuit under the Freedom of Information Act (FOIA) claiming that the City did not fully comply with a FOIA request he submitted on March 26, 2013. Plaintiff's FOIA request sought particular documents related to his arrest on suspicion of driving while intoxicated. The City filed an Answer to the Complaint, and the parties are conducting discovery. Discovery continues. The Court scheduled a mandatory settlement conference for March 10, 2014. The City filed a Motion for Summary Disposition on February 14, 2014. The Court scheduled oral argument on this Motion for June 5, 2014. **The Court granted in part and denied in part the City's Motion for Summary Disposition.**
7. *Helen Keats v Troy Police Department*. Plaintiff filed this claim and delivery action in the 52-4 District Court seeking the return of several firearms that were confiscated from her home when her husband was arrested for attempted murder. Her husband David Keats was convicted of Assault with Intent to Murder and sentenced to a minimum of 51 months in prison and a maximum of 20 years. Mr. Keats has appealed his conviction. Because of this conviction, the weapon used in the

commission of the crime cannot be returned. Mrs. Keats is asking for a return of the gun her husband used in the crime, as well as all other confiscated firearms. The City filed an answer to the complaint and a response to Plaintiff's interim motion for possession. On December 2, 2013, Judge Hartig agreed with the City's position, and denied Plaintiff's motion. At that time, the Court indicated that she would reconsider the motion if Mr. Keats were successful in his appeal and if Mrs. Keats could provide proof that she owns the firearms in question. The Court scheduled a pre-trial for February 3, 2014, and on that date, Plaintiff was granted a stay of the district court case so that she could pursue an appeal. **Plaintiff has not yet filed an appeal.**

8. *Mondrain Properties (Belleclair) v. City of Troy et. al.*- This is a case filed on February 26, 2014. Plaintiff is seeking a revision to the plat recorded with the Oakland County Register of Deeds. This plat revision is necessary for Plaintiffs to complete the proposed Belleclair Development at Wattles/ Rochester Road. Plat revisions are required to be filed against all public entities and utilities having an easement or other property interest, as well as any other property owner within 500 feet of the property that is proposed for redeveloped. We timely filed our answer to the complaint. **Plaintiff has been working to obtain consent to the plat revision from all property owners.**
9. *Alfred Beskangy, Sr. and Susan Beskangy v City of Troy.* **Plaintiffs filed this claim and delivery action in the 52-4 District Court seeking the return of several firearms that were confiscated when police responded to a report of an assault with a weapon and possible suicide involving the Plaintiffs' son. Plaintiff's son was convicted of felonious assault and domestic assault as a result of the incident. Because of these convictions, Plaintiff's son is prohibited from possessing the weapons. According to the police report, the Plaintiff's son is the owner of most of the firearms that were confiscated. The City filed an answer to the complaint and a response to Plaintiff's interim motion for possession. A hearing on the motion for possession was scheduled for June 19, 2014 before Judge Bolle. In order to allow time to explore a possible resolution of this case, the hearing on the motion for possession was adjourned to July 31, 2014.**
10. *Stanley John Belczak v Troy Police Department.* **Plaintiff filed this claim and delivery action in the 52-4 District Court seeking the return of a handgun that was confiscated when police were dispatched to an office building, based on Plaintiff's threat to use the gun to harm his commercial landlord. The City filed an answer to the complaint and a response to Plaintiff's interim motion for possession. A hearing is scheduled on the motion for possession on July 7, 2014, before Judge Hartig.**

#### G. CRIMINAL APPEALS/ DISTRICT COURT APPEALS

These are cases involving an appeal from a decision of the 52-4 District Court in an ordinance prosecution case.

1. **People of the City of Troy v Crawford.** In this case, Troy police initiated a traffic stop when they observed the Defendant almost cause a rear end collision while talking on a cell phone. The Defendant was ultimately arrested for operating while intoxicated. The Defendant filed a motion to dismiss and/or suppress all the testimony of the arresting officer because none of the discussion that took place between the officer and the Defendant was recorded on the in car video due to a problem with the officer's microphone. Judge Hartig of the 52/4 District Court ruled that the failure to record the conversation between the Defendant and the officer denied the Defendant his right to procedural due process. Although the Court did not dismiss the case or suppress the officer's testimony, the Court did rule the Defendant was entitled a limiting jury instruction. A limiting jury instruction would advise the jury that they may infer that had the conversation been recorded, it would have provided evidence favorable to the Defendant. The effect of such an instruction is to allow the jury to infer that the officer's testimony is not credible, which will likely impact the criminal jury trial. The City filed an application for leave to appeal this decision. The appeal was assigned to Oakland County Circuit Court Judge Leo Bowman, who remanded the case on June 3, 2014, ordering the District Court to supplement the record with findings and conclusions that support the Judge's decision. Once this is done, the case will go back to Judge Bowman for a decision on the appeal.
  
2. **People of the City of Troy v Keller.** The Defendant in this case was charged with operating while intoxicated and with the civil infraction of refusing a preliminary breath test (PBT). Defendant filed a Motion to Dismiss, claiming there was no evidence that he "operated" a motor vehicle since the officer did not see him drive but instead found the intoxicated Defendant slumped over the steering wheel of a running vehicle with his seatbelt on, and with his foot was on the brake pedal. Judge Hartig of the 52-4 District Court agreed with the Defendant and dismissed the case. The City filed a Motion for Reconsideration, but it was denied by Judge Hartig. The City has now filed a Claim of Appeal with the Oakland County Circuit Court. The appeal was assigned to Oakland County Circuit Judge Leo Bowman.
  
3. **People of the City of Troy v Hussain:** Defendant was arrested for Operating Under the Influence of Drugs. At the time of his arrest, he refused to consent to a breath test, so the arresting officer sought a warrant to have Defendant's blood drawn by an EMT from Troy's independent ambulance provider, Alliance Mobile Health. The blood test results confirmed that Defendant had THC (marijuana) in his blood. Defendant filed a motion to dismiss and/or suppress the blood test. He challenged two specific aspects of the evidentiary blood draw protocol used by the City of Troy police department. The first challenge is whether the back of an ambulance meets the definition of "medical environment" as that term is used in the Michigan statute that controls drunk driving cases. (MCL 257.625a). The second challenge is whether the paramedic who performed the blood draw was acting "under the delegation of a licensed physician" in accordance with the same statute. Judge Bolle of the 52-4 District

**Court denied Defendant's motion to dismiss and/or suppress; Defendant filed an application for leave to appeal to the Oakland County Circuit Court, and the matter was assigned to Judge Nanci Grant. The City of Troy filed its Response to Defendant's Application for Leave to Appeal, and the parties are awaiting the Court's decision whether to accept Defendant's application.**

#### ADMINISTRATIVE PROCEEDINGS

1. *In the matter of the Petitions on National Pollution Discharge Elimination Systems (NPDES Phase II General Permits)*. The City has joined several other municipalities in challenging several of the mandates in the NPDES Phase II General Permit, which was recently issued by the MDEQ. The new NPDES permit requires some storm water management techniques that exceed the federal mandates, and/or are not justified, based on the high cost of the mandate, in relation to the nominal environmental benefits. A status conference for the parties is set for October 1, 2008. The municipalities are currently exploring the coordination of efforts with other parties. Community representatives are meeting with representatives from the MDEQ to discuss possible resolutions of this matter without the necessity of a full blown administrative hearing. The parties are continuing to negotiate with the MDEQ. The City of Riverview filed a class action complaint in the Ingham County Circuit Court, challenging the permit requirements as unfunded mandates. The petitioners to the NPDES permit administrative proceeding are named as participants in the proposed class action lawsuit. As a result, the class action determination may have an impact on the administrative proceeding. The motion for class certification is scheduled for October 15, 2009. Class certification was granted. Hearings regarding the procedure for the new class action are set for January 2010. The Court granted class action status, and the administrative proceedings are now being delayed. Status reports have been filed and reviewed, and we continue to monitor any new developments. On October 14, 2010, the Michigan Court of Appeals reversed the order granting a stay of the contested cases. On November 19, 2010, the Ingham County Circuit Court (the class action lawsuit) entered an order granting in part the dismissal of some of the claims. The remaining claims, including a Headlee claim, will be decided by the Court. Subsequently, the Assistant Attorney General, on behalf of the Michigan Department of Natural Resources and Environment (MDNRE) attempted to withdraw all of the remaining NPDES permits, which would mean that the whole process would need to be started from scratch. Since this action would likely result in a significant delay and a duplication of all efforts to date, several municipalities filed objections to this unilateral action. The MDNRE was given until December 22, 2010 to file a formal motion seeking a dismissal of the remaining NPDES permits. On August 9, 2011, the Administrative Law Judge held the case in abeyance, due to pending case at the Michigan Court of Appeals. The parties will continue to provide status reports in the interim. The Court is continuing to receiving status reports, with the next one due on December 19, 2012. Status reports were timely filed on January 6, 2013 and

March 22, 2013. Additional status reports were submitted on June 24 and 25, 2013. The Court issued an order on September 10, 2013, continuing to hold the matter in abeyance pending resolution of the constitutional issues. Status reports were timely filed on December 18, 2013. Administrative Law Judge Plummer issued an order on January 29, 2014, continuing the case in abeyance, and ordering quarterly status reports to be filed. **Status reports were filed as of the deadline of May 1, 2014. The case continues to be held in abeyance.**

If you have any questions concerning these cases, please let us know.



**TO:** Members of Troy City Council  
**FROM:** Brian Kischnick, City Manager  
Lori Grigg Bluhm, City Attorney  
**DATE:** July 2, 2014  
**SUBJECT:** Cross Connection Program

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At the last City Council meeting, there was some discussion generated by letters that the City sent to each home in the western 1/3 of the City, requiring either a verification that there were no underground sprinklers or other cross connections at the residence, or the completion of a cross connection inspection by August 31, 2014. The middle 1/3 will be asked to do the same next year, and the eastern 1/3 will be asked to comply in 2016. At that meeting, the City's Cross Connection Inspector Matt Kapcia also detailed the health, safety and welfare reasons behind the regulation.

Although the City of Troy has required commercial cross connection inspections for several years, in 2013 the Michigan Department of Environmental Quality (MDEQ) notified the City that they also required the adoption and implementation of a residential cross control inspection program. The August 31 deadline was chosen since many of the possible cross connections arise in underground sprinkler systems, and the testing needs to be completed prior to any winterization.

Under the Michigan Safe Water Drinking Act, 1976 PA 399 (MCL 325.1001), the MDEQ charged with the promulgation of rules to protect drinking water, and more specifically to prevent cross connections that may contaminate the public water supply systems. The statute requires the MDEQ to create administrative rules to carry out its mandate. Under Administrative Rule 325.11401, all communities are required to implement a program for the removal of **ALL** existing cross connections and the prevention of all future cross connections. Since Troy has a large commercial base, and there is a perceived greater risk of exposure to contaminants from these properties, the City was allowed to first focus on the commercial sector. The City will continue to require testing of the commercial properties, but is also now required to address the residential sector, where there is also potential risk of contamination, especially due to the vast number of underground sprinkler systems. Since there are a limited number of available licensed plumbers to complete the inspections during the sprinkling season, the City proposed a three year rotational inspection schedule, requiring the west 1/3 of the City to obtain inspections in 2014.

Although the City is mandated to implement the residential cross connection inspection program, and the testing provides homeowners with assurances that the drinking water at their home is safe to drink, it is still possible to provide some relief to those property owners who find it difficult to obtain the required inspection. Since this regulation is designed to protect the health, safety and welfare of the residents, the City is more concerned about compliance and education than punishment. In response to several requests, City Administration will extend the deadline for compliance to October 31, 2014, since some sprinkler systems are not winterized until this date. Additionally,

the deadline for home owners to complete any necessary repairs or replacements can be administratively extended beyond the allocated 15 days of the inspection, as long as there is no immediate danger to the public water supply. Although the plumbing industry is regulated by the State, if the City determines that there is a private contractor who has charged clearly excessive rates for the testing service, that contractor will be removed from the City's list of potential contractors, and this information will also be posted on the City's website. City Administration will also provide our residents with the contact information for the Michigan Attorney General's consumer protection division and the State of Michigan Licensing Division for plumbers, in the event that residents are aggrieved by a private contractor.

During the course of the three year residential testing program, the City will continue to reach out to the public and address their questions and concerns. Additionally, we will continue to closely monitor legislative or administrative developments concerning cross connection programs. After the completion of the three year residential inspection program, City Administration will review the testing results and public input, and will determine if changes to the cross connection program are appropriate at that time and would be authorized under the law.



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7-2-2014

To: Brian Kischnick, City Manager

From: Tim Richnak, Director of Public Works  
Richard Shepler, Water and Sewer Superintendent  
Matthew Kapcia, Cross Connection Inspector

Re: Information on City of Troy 2014 Residential Cross Connection Control Program

Cross Connection Control is a program that is designed to prevent contaminants from entering the drinking water supply system. Due to a recent mandate from the State of Michigan Department of Environmental Quality, the City of Troy is required to enforce mandatory backflow assembly testing for all assemblies (commercial and residential) located in Troy. Following a visit and review from Abuzoha Islam of the DEQ, it was communicated that Troy's Cross Connection Program was not in compliance with the Michigan Safe Drinking Water Act, 1976 PA 399 which requires a residential inspection and enforcement component. To be in complete compliance with PA 399, the City was required to implement a program for the removal of all existing cross connections and the prevention of all future cross connections. Upon further communication with Kris Donaldson, District Supervisor of the DEQ, the legal requirements were further explained. This requirement is promulgated from PA 399, Rule 1404 which states, "*A water utility shall develop a comprehensive control program from the elimination and prevention of all cross connections. The plan for the program shall be submitted to the department for review and approval. Public water supplies may use the Cross Connection Rule Manual prepared by the Michigan department of environmental quality, water bureau, under R 325.10113 as guidance when developing a cross connection control program. When the plan is approved, the water utility shall implement the program for removal of all existing cross connections and prevention of all future cross connections.*"

The current Cross Connection Program, which includes a residential component, is in compliance with PA 399. Of the 6,824 notifications that were sent to residents in water billing district one, 20% (1,351) of notifications have been returned. Of the 1,351 received notifications, 931 indicated there was not a testable assembly on the property and 420 included test results. Of the 420 received test results, 22% (93) of assemblies failed testing. The information below includes frequently asked questions, outlines the procedures being followed in the City of Troy's 2014 residential backflow testing program, information regarding Residential Cross Connection Control programs in other communities, and includes a response from DEQ regarding additional information.

## Frequently asked Questions

- Why is the City of Troy requiring backflow assembly testing now?
  - A recent review of Troy's Water Supply Cross Connection Report. The Michigan Department of Environmental Equality found that Troy's current program was not in compliance as it did not include residential cross connection inspections and enforcement. To ensure compliance, Troy was required to submit a plan to the DEQ stating how residential cross connection testing and inspections would be included in the current plan.
- Will my water be turned off?
  - Water service will not be interrupted for assemblies that have not been tested. Shut off will only occur when there is evidence of contamination or if contamination is highly suspected.
- Why was I given such a short time to comply with the request?
  - The mailing was sent out June 4<sup>th</sup> with an original request to have the forms returned by August 31<sup>st</sup>. This 12 week time frame was chosen because residents begin to winterize their systems in September and the system needs to be operational and energized in order to be tested. The time frame is being extended to October 31<sup>st</sup> for those that require additional time to comply with the request.
- How often must the backflow assembly be tested?
  - Originally, the 2008 Cross Connection Rules Manual stated that assemblies must be tested every 5 years. After a change in rules, effective January 1, 2011, the minimum frequency that backflow assemblies must be tested was reduced from five (5) years to three (3) years. Local cross connection control programs may establish more frequent testing based on site specific conditions and the degree of hazard associated with any account. During the course of the three-year Residential Cross Connection Control Program, the City will monitor legislative and administrative developments regarding cross connection programs. After the three-year program has been completed, City Administration will review the testing results and determine if any changes should be made to the program.
- I left a voicemail on the Troy voicemail system and I have not received a returned call back yet. Why?
  - In the first few days after the letters were sent to residents, hundreds of calls were received from residents seeking clarifications, answers to their questions and additional information. It took several days to retrieve this information and to return the calls. Adjustments have been made to retrieve and respond to these calls within one business day.

- What are the requirements and specificities of Residential Cross Connection Control programs for other communities within Michigan?
  - Please refer to the attached document: *Overview of Residential Cross Connection Control Program Procedures for Communities within Michigan*.
- Are commercial and industrial water accounts being tested?
  - Yes, commercial and industrial water accounts have been involved in testing programs in the City of Troy for 40 years.
- I did not get a notification but someone else I know in Troy did receive a notification. Why?
  - The City of Troy has separated the Cross Connection Control program into three phases. Each phase is broken down by one of the three water billing districts within Troy. District one (bounded by South Blvd, 14 Mile, Adams Road and Crooks Road) is in the 2014 program year and was the first to receive notifications. District two and district three will be included in the 2015 and 2016 program years, respectively.
- Do I need to test my backflow assembly if I have not used my sprinkler system in several years?
  - If the system is inactive, the backflow prevention assembly must be disconnected from the sprinkler system and the water source must be capped. When the system is reconnected and activated, it must be tested.
- Why doesn't Troy provide additional protection by placing a backflow assembly at the water meter?
  - Requirements dictate that the backflow assemblies need to be at the end of the system in efforts to protect your home and the entire water system. Backflow assemblies must be located where a potable water system connects to a non-potable water system.
- I misplaced my residential backflow assembly test report form. Where can I obtain another copy?
  - Additional copies will be sent upon request and a PDF copy will be available to download from the City of Troy website under 'City News' at the following location: <http://troymi.govwww.troymi.gov/Home/CityofTroyHome.aspx>. A list of licensed plumbing contractors and frequently asked questions will also be available on the website.



## Outline of program procedures

- Using the three water billing districts, residential property addresses and accounts were identified.
- The residential account list was generated which produced mailings that were sent out on June 4, 2014.
- The city began receiving completed reports and corresponding test results from residents and licensed plumbing contractors within a week of the mailing. The results will be recorded in the cross connection database.
- At the end of the 2014 program a comparison will be made between reports, previous field surveys and the account list for district one.
- Residential accounts that did not submit any documentation within the requested time period will receive a follow-up letter reminding them of the residential backflow testing program.

The frequently asked questions and outline of program procedures provide a short overview of the program for the 2014 year. Additional information regarding the Cross Connection Control program is provided below.

## Additional Information

- The legal requirement of residential cross connection and testing comes from the Rule 1404 of the Michigan Safe Drinking Water Act, 1976 PA 399 that states, "A water utility shall develop a comprehensive control program for the elimination and prevention of all cross connections".
- The parameters of the program require residential as well as industrial and commercial testing. The cross connection rules manual provides guidance on developing a comprehensive cross connection program that includes a residential component.
- Sprinkler systems are a significant cross connection hazard for residential properties. Sprinkler heads are submerged inlets (a cross connection) to the public water system and require a backflow preventer to protect the public water system from backflow.



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Information received via e-mail from Brian Kischnik to Abuzoha Islam/Kris Donaldson - DEQ

*Mr. Islam:*

*The City of Troy Water Department staff presented Troy's residential cross connection program to the Troy City Council this past Monday night. They provided excellent information about the dangers of cross connections and the resulting potential contamination, as well as the merits of a residential testing program. The City Council asked several questions and we are asking for your assistance to clarify a few issues before our next meeting July 7, 2014.*

1. In your August 19, 2013 letter, you state, "Currently, the city's program does not include residential inspections and enforcement. A cross connection program, in accordance with Part 14, should (emphasis added) include a residential component to fully comply with the rule. Please respond in writing to this office on how the city intends to meet the residential program requirements for inspections and testing by September 19, 2013." I question the use of the word "should." It seems if it is required, the word "shall" would have been used. Yet, in the next sentence you imply that you really meant "shall" by requiring the city to responding in writing on how we intend to comply. What is the correct intention, word and direction?

See Rule 1404. "A water utility *shall* develop a *comprehensive* cross connection program and *shall* implement the program" Cross connection hazards do exist in a residential setting and a residential component is part of a comprehensive program.

2. **Where does the legal requirement come from and is a residential cross connection testing and inspection program required? If yes, what are the parameters for this program, if any?**

The legal requirement comes from Part 14 of the Administrative Rules promulgated under the Michigan Safe Drinking Water Act, 1976 PA399 (Act 399). In particular Rule 1404 states: A water utility shall develop a comprehensive control program for the elimination and prevention of all cross connections. The plan for the program shall be submitted to the department for review and approval. Public water supplies may use the Cross Connection Rules Manual prepared by the Michigan department of environmental quality, water bureau, under R 325.10113 as guidance when developing a cross connection control program. When the plan is approved, the water utility shall implement the program for removal of all existing cross connections and prevention of all future cross connections.

The cross connection rules manual provides guidance on developing a comprehensive cross connection program that includes a residential component. Cross connection



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hazards exist in a residential setting just as they do in the commercial/industrial setting. Conducting residential inspections and requiring testing of backflow prevention devices is part of preventing cross connections. Most communities implement a residential program in a phased approach. A significant cross connection hazard in a residential setting is a sprinkler system. Sprinkler heads are submerged inlets (a cross connection) to the public water system and require a backflow preventer to protect the public water system from backflow. Most communities begin their program by identifying residences with sprinkler systems and then requiring testing of the backflow devices to ensure they are operational. This required test for a residential device is no different for commercial/industrial facilities in the community.

**3. What is the penalty for the city if no testing and inspection program is instituted and we provide education on the benefits and merits of backflow prevention? Does this education component meet the requirement of the DEQ?**

The DEQ has not determined how specifically we would implement penalties allowed under Act 399. Currently, we are asking communities to begin incorporating a residential component to their cross connection program and respond to us what steps they plan to take. This is being asked of all water systems (without a residential component) as part of our normal evaluation cycle. The education component is an important part of the residential program and we encourage the use of educational material as a precursor to device testing requests and inspections. Educational material helps residents identify and correct (those that can be easily corrected) cross connections in the home. But, it does not replace the need to test backflow prevention devices that exist on known cross connections to ensure they are operational.

*I appreciate your time and attention to answering these questions so we can respond appropriately to the City Council. Please feel free to contact me on my cell or by email. Also, we are willing to meet next week at your office to follow up on this issue.*

*Brian M. Kischnick  
Troy City Manager*

## Overview of Residential Cross Connection Control Program Procedures for Communities within Michigan

Currently, many communities within Michigan are participating in Residential Cross Connection Control Programs. These communities require all commercial and residential backflow assemblies to be tested as required by the Michigan Department of Environmental Quality. Each Residential Cross Connection Control program is outlined below:

### Oakland County - Water Resources Commissioner

- Bloomfield Hills, Bingham Farms, Commerce Township, Farmington Hills, Highland Township, Keego Harbor, Lyon Township, Oakland Township, Orchard Lake, Oxford Township, Royal Oak Township, Springfield Township, Wolverine Lake are included in the WRC Program.
- All mailings, notification and information sent to residents directly from the WRC, not an outside company.
- The WRC sends a letter which includes literature that refers residents to the website for additional information and a list of licensed plumbing contractors.
- Residents of these communities must pay for the testing of their backflow assemblies.
- Notices are sent to residents before the due date. If a test form has not been submitted by the deadline, additional notices are sent which allow residents an extra 90 days to complete testing. After the 90 days, if testing still has not been completed, a site visit is made and a notice is posted requesting compliance within seven days. After seven days, if testing is not completed, water services can be terminated.
- Residential customers are inspected by WRC every five years, and devices are tested at a minimum of every five years.

### Royal Oak

- Residential Cross Connection Control Program was started five years ago.
- Hydro Designs is contracted to send out the mailings and handle phone calls/questions for commercial and residential backflow assembly testing.
- Residents of Royal Oak must pay for the testing of their backflow assemblies.
- Water service may be shut off for non-compliance with testing.
- Testing is required every three years.



#### Saginaw

- Residential Cross Connection Control Program was started in 2004.
- Residential backflow assemblies are required to be tested every three years.
- Water service can be terminated for non-compliance or suspected contamination. This has happened once in the history of the program due to potential contamination.
- Residents must pay for the testing of their backflow assemblies.

#### Midland

- Residential Cross Connection Program has been in place since 2004.
- Testing is everything three years is required by the Midland Code of Ordinances.
- Mailings are sent out from the Water Department, not an outside company.
- Residents must pay for the testing of their backflow assemblies.
- Midland has yet to terminate water service for non-compliance.

#### East Lansing

- Residential Cross Connection Control Program has been in place since 2006.
- Residential backflow assemblies are required to be tested every three years
- H2O Compliance sends out all mailings notifications to residents.
- Residents must pay for the testing of their backflow assemblies.
- East Lansing has the authority to terminate water service for non-compliance but has yet to do so.

#### Northern Michigan Communities

- Frankfort, Harbor Springs, Bay View, Boyne Highlands, Hidden Hamlet Association, Little Traverse Township, West Traverse Township, Petoskey, McBain, Ewart, Reed City, Manton are currently participating in Residential Cross Connection Control Programs.
- Mead & Hunt is responsible for sending out all mailings, forms, and testing lists to residents. Testing forms are due by July 1.
- If testing forms are not received from residents, a second notification is sent allowing a 30-day extension. If testing was not completed, any extenuating circumstances may be investigated.
- If testing is still not completed, water service can be terminated.
- Testing is required on an annual basis.



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#### Grand Traverse County

- Garfield Township, East Bay Township, Peninsular Township, Acme Township, Elmwood Township are included in Grand Traverse County's Residential Cross Connection Control Program.
- Program has been in place for at least nine years.
- Grand Traverse County sends out testing notifications and reminders on water bills to save on postage and time instead of sending out individual notifications. This new procedure began this year.
- A list of licensed plumbing contractors is provided on the website.
- Residents must pay for the testing of their backflow assemblies.
- Currently, there is no action taken for residential noncompliance of testing requirements. Water service is not terminated.
- Grand Traverse County prefers residential backflow assembly testing is completed every year, rather than every three years. Most of the testing is on irrigation lines which typically go unused for a greater portion of the year.

#### H2O Compliance Services

- Village of Fowlerville and City of St. John's
- H2O Compliance Services mail the residential cross connection notification and contractor list to all residents.
- The notification and list are mailed on May 1 and due by June 15. A second letter is sent to residents if test results are not received which gives them an additional 30 days to complete testing.
- Testing is required on an annual basis.
- Currently, there is no action taken for residential noncompliance of testing requirements. Water service is not terminated.

#### Hydro Designs

- Hydro Designs administers residential notifications and mailings to Holly, Lapeer, Southgate, and Wixom.
- Holly, Southgate, and Wixom require inspections every three years.
- Lapeer requires inspections annually.