AGENDA

Meeting of the

CITY COUNCIL
OF THE CITY OF TROY

APRIL 2, 2007

CONVENING AT 7:30 P.M.

Submitted By
The City Manager

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

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: Phillip L. Nelson, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

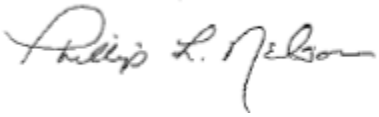
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

Goals

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

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

Respectfully submitted,



Phillip L. Nelson, City Manager

CITY COUNCIL

AGENDA

April 2, 2007 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER: 1

INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Dennis Wegner – Troy Church of the Nazarene 1

ROLL CALL: 1

CERTIFICATES OF RECOGNITION: 1

A-1 Presentations: 1

a) Updates from Representative Marty Knollenberg 1
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PUBLIC HEARINGS: 1

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POSTPONED ITEMS: 1

D-1 Rezoning Application (File Number: Z-725) – Proposed Office Building, East of Livernois, South Side of Wattles, Section 22 – R-1C to O-1 1

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CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: **Pastor Dennis Wegner – Troy Church of the Nazarene**

ROLL CALL:

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:
a) Updates from Representative Marty Knollenberg
b) Citizen Academy IX Graduation

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 Rezoning Application (File Number: Z-725) – Proposed Office Building, East of Livernois, South Side of Wattles, Section 22 – R-1C to O-1

Suggested Resolution
Resolution #2007-04-
Moved by
Seconded by

WHEREAS, The City is in receipt of a rezoning request, from R-1C to O-1, File Number Z-725, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy;

WHEREAS, The application is inconsistent with the Future Land Use Plan, and the application constitutes an undesirable spot zone; and

WHEREAS, The rezoning is recommended for denial by the Planning Commission;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DENIES** the proposed rezoning from R-1C to O-1.

Yes:
No:

D-2 Zoning Ordinance Text Amendment (File Number: ZOTA 225) – Articles IV and XXXV – Planned Unit Development Provisions

Suggested Resolution
Resolution #2007-04-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** Articles IV (DEFINITIONS) and XXXV (PLANNED UNIT DEVELOPMENTS) of the City of Troy Zoning Ordinance to read as written in ZOTA 225, City Council version.

Yes:
No:

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

Pending Resolution
Resolution
Moved by Lambert
Seconded by Howrylak

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

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

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

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

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

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

Pending Proposed Resolution to Amend
Resolution
Moved by Lambert
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AMENDS** the *Resolution to Reduce the Property Tax Millage Reflecting the Decrease in Cost of Trash Collection as a Southeastern Oakland County Resource Recovery Authority (SOCRRA) Member City – Referred by Council Member David Lambert* by **STRIKING "**to equal the $776,423.00 savings, minus $182,330.00, the amount of subsidy to the Refuse and Recycling Fund from the General Fund,".

Proposed Resolution to Amend by Substitution

Suggested Resolution
Resolution #2007-04-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** pending resolutions for *Proposed Resolution to Reduce the Property Tax Millage Reflecting the Decrease in Cost of Trash Collection as a Southeastern Oakland County Resource Recovery Authority (SOCRRA) Member City – Referred by Council Member David Lambert* by **STRIKING** them in their entirety and **SUBSTITUTING** with the following:

> WHEREAS, Troy City Council Members, Royal Oak City Commissioners, and Hazel Park Council Members, and other officials accepted the responsibility to reduce the cost of trash collection that was spinning out of control;
>
> WHEREAS, A new leadership team at the Southeastern Oakland County Resource Recovery Authority (SOCRRA) was formed by voting members of cities in SOCRRA, and the new team met the challenge to reduce costs for the trash consortium;
>
> WHEREAS, This new SOCRRA leadership has successfully lowered prices and decreased the cost of trash collection for the taxpayers in all the SOCRRA member cities amounting to a total savings of approximately $2,730,000 per year; and
>
> WHEREAS, All the member cities projected savings are between 10% and 24%, and the City of Troy's savings will be 18.6% or $786,000 per year of taxpayers cost;
>
> THEREFORE, BE IT RESOLVED, That the Troy City Council hereby **INSTRUCTS** the City Manager and staff to **REDUCE** the Refuse and Recycling Fund millage rate in an amount equal to the $786,000 in savings; and

BE IT FURTHER RESOLVED, That the Troy City Council hereby **INSTRUCTS** the City Manager and staff to **INCREASE** the Capital Improvements Fund millage rate in an amount equal to the $786,000 for specific use in improving the City's infrastructure systems.

Yes:
No:

D-4 Hooters v. Troy – Proposed Consent Judgment

(a) Rejection of Proposed Consent Judgment

RESOLVED, That Troy City Council has **REVIEWED AND CONSIDERED** the March 12, 2007 Consent Judgment proposal for the *Hooters of Troy Inc. v. City of Troy* case, which was drafted by the attorney for Hooters of Troy; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **REJECTS** the proposed March 12, 2007 Proposed Consent Judgment in the *Hooters of Troy Inc. and the City of Troy* case.

Or

(b) Approval of Proposed Consent Judgment

RESOLVED, That Troy City Council hereby **APPROVES** the March 12, 2007 Proposed Consent Judgment in the *Hooters of Troy Inc. and the City of Troy* case, and the Mayor and City Clerk are hereby **AUTHORIZED** to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Hooters of Troy, Inc., (a Georgia Corporation) to transfer ownership of a 2005 Class C licensed business with outdoor service (1 area), and new Entertainment Permit located at 2950 Rochester, Troy, MI 48083, Oakland County from Sign of the Beefcarver, Inc., and the Mayor and City Clerk are hereby **AUTHORIZED** to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Or

(c) Approval of Alternate Consent Judgment as Requested by Council Member Jeanne Stine

RESOLVED, That Troy City Council hereby **APPROVES** the proposed Consent Judgment, presented to the Troy City Council at the January 8, 2007 City Council meeting, in the *Hooters*

of Troy Inc. and the City of Troy case, and the Mayor and City Clerk are **AUTHORIZED** to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Hooters of Troy, Inc., (a Georgia Corporation) to transfer ownership of a 2005 Class C licensed business with outdoor service (1 area), and new Entertainment Permit located at 2950 Rochester, Troy, MI 48083, Oakland County from Sign of the Beefcarver, Inc., and the Mayor and City Clerk are hereby **AUTHORIZED** to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

CONSENT AGENDA:

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

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

Suggested Resolution
Resolution #2007-04-
Moved by
Seconded by

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

Yes:
No:

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

E-2 Approval of City Council Minutes

Suggested Resolution
Resolution #2007-04-

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of March 19, 2007 and the 7:00 PM Special City Council Meeting of March 22, 2007 be **APPROVED** as submitted.

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

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Asphalt Patching Material

Suggested Resolution
Resolution #2007-04-

RESOLVED, That Troy City Council hereby **AWARDS** a one-year contract for Asphalt Patching Material to the lowest bidder meeting specifications, Saginaw Asphalt Paving Company of Saginaw, MI, at unit prices contained in the bid tabulation opened March 6, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring April 30, 2008; and

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

BE IT FINALLY RESOLVED, That Troy City Council hereby **REJECTS** bids for Item 2, QPR/UPM Picked-up.

b) Standard Purchasing Resolution 1: Award to Low Bidder – Hauling and Disposal of Broken Concrete

Suggested Resolution
Resolution #2007-04-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide one-year requirements of hauling and disposal services of broken concrete to low bidder, Bedrock Express LTD of Ortonville, MI at unit prices contained in the bid tabulation opened March 9, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

c) Standard Purchasing Resolution 4: Award – Oakland County Cooperative Purchasing Agreement – Fleet Vehicles

Suggested Resolution
Resolution #2007-04-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase one (1) 2007 Dodge Charger from Golling Chrysler Jeep, Inc. of Bloomfield Hills, MI through an Oakland County Cooperative Purchasing Agreement at an estimated total cost of $22,252.00.

d) Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for City Council Members' Travel Expenses – National League of Cities (NLC) CityFutures Forum on the Future of Governance

Suggested Resolution
Resolution #2007-04-

RESOLVED, That Council Member Robin Beltramini is **AUTHORIZED** to attend the NLC CityFutures Forum on the Future of Governance in Portland, Oregon from June 21 - 22, 2007 in accordance with accounting procedures of the City of Troy.

E-5 Michigan Department of Natural Resources Canada Goose Roundup and Nest Destruction Programs

Suggested Resolution
Resolution #2007-04-

WHEREAS, The City of Troy has adopted the Michigan Department of Natural Resources guidelines through a 5-year permit that will expire in May, 2007 allowing for the removal and destruction of goose eggs and for goose round-ups to control goose population.

RESOLVED, That Troy City Council **REQUESTS** the Michigan Department of Natural Resources issue a permit to allow for Canada Goose Roundup and the Canada Goose Nest Destruction.

E-6 Application for Transfer of SDM License for Maple Market

(a) New License

Suggested Resolution
Resolution #2007-04-

RESOLVED, That the request from ESM, Inc. to transfer location of 2006 SDM licensed business from 219 N. Eton, Birmingham MI 48009, to 164 E. Maple, Troy, MI 48083, Oakland County, be **CONSIDERED** for **APPROVAL**; and

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

(b) Agreement

Suggested Resolution
Resolution #2007-04-

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with ESM, Inc. to **TRANSFER** location of 2006 SDM licensed business from 219 N. Eton, Birmingham MI 48009, to 164 E. Maple, Troy, MI 48083, Oakland County, and the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Application for Transfer of Class C License for Logan's Roadhouse

(a) New License

Suggested Resolution
Resolution #2007-04-

RESOLVED, That the request from Logan's Roadhouse, Inc. (A Tennessee Corporation) to transfer all stock in 2006 Class C licensed business, located at 86 W. Fourteen Mile, Troy, MI 48083, Oakland County thru transfer of 1,000 shares from existing stockholder, CBRL Group, Inc. to new stockholder, LRI Holdings, Inc. (A Delaware Corporation), be **CONSIDERED** for **APPROVAL**; and

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

(b) Agreement

Suggested Resolution
Resolution #2007-04-

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Logan's Roadhouse, Inc. (A Tennessee Corporation) to transfer all stock in 2006 Class C licensed business, located at 86 W. Fourteen Mile, Troy, MI 48083, Oakland County thru transfer of 1,000 shares from existing stockholder, CBRL Group, Inc. to new stockholder, LRI Holdings, Inc. (A Delaware Corporation).

E-8 Private Agreement for Village of Tuscany Site Condominiums Project No. 06.908.3

Suggested Resolution

Resolution #2007-04-

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Mr. Gary Abitheira for the installation of water main, sanitary sewer, storm sewer, paving, sidewalks, detention, and soil erosion on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED** to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-9 Resolution to Excuse Council Members Howrylak and Stine from Special City Council Meeting of Thursday, March 22, 2007

Suggested Resolution
Resolution #2007-04-

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Howrylak due to being out of the county and Council Member Stine due to illness at the Special City Council meeting of March 22, 2007.

E-10 TDDA, Interchange Committee, Big Beaver Road Intersections with I-75, Confirmation of Landscape Architectural Services

Suggested Resolution
Resolution #2007-04-

WHEREAS, The TDDA accepted a landscape architectural proposal from Grissim Metz Andriese Associates on March 21, 2007; and

WHEREAS, The TDDA authorized expenditures to not exceed $40,000.00;

THEREFORE, BE IT RESOLVED, That Troy City Council **CONFIRMS** the TDDA's decision to accept the Grissim Metz Andriese Associates landscape architectural proposal, dated March 14, 2007, and **AUTHORIZES** expenditures to not exceed $40,000.00.

E-11 City of Troy v. George Roberts

Suggested Resolution
Resolution #2007-04-

RESOLVED, That Troy City Council hereby **APPROVES** the Consent Judgment between the City of Troy and George Roberts and the City Attorney is **AUTHORIZED** to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-12 Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Square Lake Road to South Boulevard, - Project No. 02.204.5 Parcel #56 – Sidwell #88-20-02-228-023 – Gladys J. Brewer Revocable Living Trust

Suggested Resolution
Resolution #2007-04-

RESOLVED, That Troy City Council hereby **ACCEPTS** the Regrading and Temporary Construction Permit in the amount of $500.00 from Robert C. Brewer, as attorney in fact for the Gladys J. Brewer Revocable Living Trust dated April 29, 1993, owner of property having Sidwell #88-20-02-228-023; and

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

E-13 Approval of Purchase Agreement and Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Square Lake Road to South Boulevard, - Project No. 02.204.5 Parcel #54 – Sidwell #88-20-02-228-025 – Harjinder Bhatia

Suggested Resolution
Resolution #2007-04-

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Harjinder Bhatia, owner of property having Sidwell #88-20-02-228-025, and the City of Troy, for the acquisition of right-of-way for John R Road improvements, Square Lake Road to South Boulevard in the amount of $10,900.00, plus closing costs; and

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

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Regrading and Temporary Construction Permit in the amount of $100.00 from Harjinder Bhatia, owner of property having Sidwell #88-20-02-228-025; and

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

E-14 Ratification of Street Vacation Application (File Number SV 189) – A Section of Alley, West of Rochester Road between Marengo and DeEtta, abutting Lots 5-12 of Troy Little Farms Subdivision and Lots 26 and 27 of Clark Estates Subdivision, Section 3 to Correct Error in Sidwell Number

Suggested Resolution
Resolution #2007-04-

RESOLVED, That Troy City Council hereby **RATIFIES:**

> WHEREAS, A request has been received for the vacation of a section of the 20-foot-wide platted alley, located west of Rochester Road, between Marengo and DeEtta, and abutting lots 5-12 of Troy Little Farms

Subdivision and Lots 26 and 27 of Clark Estates Subdivision, in Section 3; and

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

NOW, THEREFORE, BE IT RESOLVED, The property which shall benefit from this requested vacation is Lot 12 (City of Troy Tax Parcels 20-03-278-027) and Lots 10 and 11 (City of Troy Tax Parcels 20-03-278-028) and lots 5 through 9 (City of Troy Tax Parcels 20-03-278-032), of Troy Little Farms Subdivision Section 3; and

BE IT FURTHER RESOLVED, That the City Council hereby **VACATES** the portion of the alley, 20-feet in width, located west of Rochester Road, between Marengo and DeEtta abutting Lots 5 6, 7, 8, 9, 10, 11 and 12 of Troy Little Farms Subdivision.

E-15 Addendum No. 1 – Contract 05-6 Square Lake and Rochester Road Water Main Replacement

Suggested Resolution
Resolution #2007-04-

RESOLVED, That Troy City Council hereby **APPROVES** Addendum No. 1 to Contract No. 05-6 for the Square Lake and Rochester Road Water Main Replacement to Troelsen Excavating, 1395 Rochester Road, Troy, MI 48083 in the amount of $2,602.75.

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

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

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

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled b) City Council Appointments: Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Historic District Commission; Municipal Building Authority; and Parks & Recreation Board

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

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

(a) Mayoral Appointments – No Appointments Scheduled

(b) City Council Appointments

Suggested Resolution
Resolution #2007-04-
Moved by
Seconded by

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

Advisory Committee for Persons with Disabilities
Appointed by Council (9-Regular; 3-Alternate) – 3 Year Terms

(Alternate) Term Expires 11/01/09

Advisory Committee for Senior Citizens
Appointed by City Council (9) – 3 Year Terms

Term Expires 04/30/10

Term Expires 04/30/10

Historic District Commission
Appointed by Council (7) – 3 Year Term

Term Expires 03/01/10

Municipal Building Authority
Appointed by Council (5) – 3 Year Terms

Unexpired Term 01/31/09

Parks & Recreation Board
Appointed by Council (10) – 3 Year Terms

(Adv. Committee for Senior Citizens Rep) Term Expires 04/30/08

***** Jeff Stewart **(Troy Daze Committee Rep)** Unexpired Term Expires 11/30/07

*** NOTE: Recommendation rec'd from Troy Daze Committee**

Yes:
No:

F-2 Bid Waiver – Drainage Services – Sylvan Glen Golf Course

Suggested Resolution
Resolution #2007-04-
Moved by
Seconded by

WHEREAS, Water Management Specialist, Inc. has a proven reputation within the golf course industry; and

WHEREAS, Water Management Specialist, Inc. meets departmental needs, having the expertise and equipment specifically suited for golf course work and can be completed within desired time lines;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and a contract to provide golf course drainage to Sylvan Glen and restore critical playing areas is hereby **APPROVED** to Water Management Specialist, Inc. for an estimated total cost of $59,336.00.

Yes:
No:

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

Suggested Resolution
Resolution #2007-04-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **RECONSIDERS** Resolution #2007-03-074, Moved by Beltramini and Seconded by Fleming, as it appears below:

> *WHEREAS, The City Council may from time to time determine that the sale of certain parcels will best serve the public interest;*
>
> *WHEREAS, The City Council may determine the public interest will best be served without obtaining sealed bids for the sale of remnant parcels; and*
>
> *THEREFORE, BE IT RESOLVED, That the Troy City Council **FINDS** that the public interest will best be served without obtaining a sealed bid in accordance with Resolution 2007-01-028 Policy Governing Disposal (Sales) of Excess property and **APPROVES** the sale of the remnant parcel having Sidwell #88-20-22-356-031 on the north side of Big Beaver between Troy and Louis Streets to RPS Troy, LLC in the amount of $15,000.00, the appraised value, as outlined in the attached Offer to Purchase, plus closing costs;*
>
> *BE IT FURTHER RESOLVED, That the sale of the subject remnant parcel having Sidwell #88-20-22-356-031, is **CONDITIONED** upon RPS Troy, LLC purchasing a privately owned parcel owned by Four Oaks Management for fair market value, Sidwell #88-20-22-356-014, for the purposes of encouraging a consolidated development; and*
>
> *BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement to Purchase and the Warranty Deed, on behalf of the City; and*
>
> *BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said documents, including all attachments, at the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to and made part of the original Minutes of this meeting.*
>
> *Yes: Beltramini, Fleming, Lambert, Schilling*
> *No: Howrylak*
> *Absent: Broomfield, Stine*
>
> ***MOTION CARRIED***

Yes:
No:

Proposed Resolution to Amend Reconsidered Resolution #2007-03-074

Suggested Resolution
Resolution #2007-04-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2007-03-074, Moved by Beltramini and Seconded by Fleming, by **STRIKING** "*BE IT FURTHER RESOLVED, That the sale of the subject remnant parcel having Sidwell #88-20-22-356-031, is CONDITIONED upon RPS Troy, LLC purchasing a privately owned parcel owned by Four Oaks Management for fair market value, Sidwell #88-20-22-356-014, for the purposes of encouraging a consolidated development; and".*

Yes:
No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Green Memorandums:
a) Revisions to Chapter 75 (Pet Shops) and 98 (Criminal Code)

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

H-1 Proclamation Proclaiming May 1, 2007 as "Keep Kids Alive Drive 25 Day®" in Troy – Referred by Council Member David Lambert

Suggested Resolution
Resolution #2007-04-
Moved by
Seconded by

WHEREAS, KEEP KIDS ALIVE DRIVE 25® is a 501c3 non-profit organization working with police departments, public works departments, schools, businesses and concerned citizens in communities across the country to decrease speeding in residential neighborhoods; and

WHEREAS, Their mission is to educate people on the serious consequences of driving above the posted residential speed, and encourage and remind everyone to drive at or below the legal limit; and

WHEREAS, KEEP KIDS ALIVE DRIVE 25® heightens public awareness and reminds motorists not to speed, largely through neighborhood networking and the use of temporary yard signs posted by residents in their yards; and

WHEREAS, KEEP KIDS ALIVE DRIVE 25® is encouraging communities to increase their efforts to inform the public about the speeding problem and the significant danger to children as spring and summer approaches; and

WHEREAS, The organization is asking Troy to join communities across the country in a significant national public awareness campaign kicking off on May 1, 2007; and

WHEREAS, They will assist our community in this effort by making available educational literature, press releases, print and radio ads, flyers, and concepts for hosting special events in neighborhoods, schools and businesses; and

WHEREAS, The goal of this awareness campaign is to save the lives of children and all pedestrians and cyclists in our community;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **PROCLAIMS** May 1, 2007 as KEEP KIDS ALIVE DRIVE 25® DAY in Troy.

Yes:
No:

H-2 Council Member Robin Beltramini Requests Reconsideration of the UM/ULI Funding Request that Appeared on the March 19, 2007 City Council Agenda

Resolution to Reconsider Resolution #2007-03-103

Suggested Resolution
Resolution #2007-04-
Moved by
Seconded by

RESOLVED, That Resolution #2007-03-103, Moved by Broomfield and Seconded by Fleming, as it appears below be **RECONSIDERED** by City Council:

> *RESOLVED, That Troy City Council hereby **DIRECTS** City Management to **REMOVE** the UM/ULI Funding Request as an action agenda item on any future agenda.*
>
> *Yes: All-4*
> *No: None*
> *Absent: Beltramini, Howrylak, Stine*

Yes:
No:

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

a) Retiree Health Care Benefits Plan & Trust/Final – December 13, 2006
b) Historic District Study Committee/Final – January 10, 2007
c) Historic District Study Committee/Final – February 6, 2007
d) Liquor Advisory Committee/Final – February 12, 2007
e) Employees' Retirement System Board of Trustees/Final – February 14, 2007
f) Board of Zoning Appeals/Final – February 20, 2007
g) Historic District Commission/Final – February 20, 2007
h) Downtown Development Authority/Final – February 21, 2007
i) Planning Commission Special/Study/Final – February 27, 2007
j) Ethnic Issues Advisory Board/Draft – March 6, 2007
k) Planning Commission Special/Study/Draft – March 6, 2007
l) Building Code Board of Appeals/Draft – March 7, 2007
m) Liquor Advisory Committee/Draft – March 12, 2007
n) Planning Commission/Draft – March 13, 2007
o) Employees' Retirement System Board of Trustees/Draft – March 14, 2007
p) Retiree Health Care Benefits Plan & Trust/Draft – March 14, 2007

J-2 Department Reports:

a) Council Member Beltramini's Travel Expense Report – NLC Congressional Cities Conference
b) Council Member Beltramini's Travel Expense Report – MML Legislative Conference and Board of Trustees Meeting

J-3 Letters of Appreciation:

a) Letter to Mayor Schilling from Brad Byarski, Michigan Home Builders, Commending the Planning Department Staff and Planning Commission for the Efforts with Caswell Town Center Development
b) Letter of Thanks to Tonni Bartholomew from Rick Squires, Scoutmaster Troop 326, Regarding the Excellent Service Provided by Barb Pallotta and Aileen Bittner
c) Letter of Appreciation from Tonni Bartholomew Recognizing Rob Bittner and Mary Redden for Their Assistance During the Oakland County Passport Drive

J-4 Proposed Proclamations/Resolutions from Other Organizations:

a) County Executive Declaration - The Month of April, 2007 as Fair Housing Month

J-5 Calendar

J-6 Communication from the State of Michigan Public Service Commission Notice of Hearing Regarding the Application of International Transmission Company, Intent to Construct a Transmission Line – Case No. U-14933

STUDY ITEMS:

K-1 Continuation of March 22, 2007 Discussion on Strategic Planning Initiatives: Goal III, "Retain and Attract Investment While Encouraging Redevelopment"

PUBLIC COMMENT: Address of "K" Items

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

CLOSED SESSION:

L-1 Closed Session:

Suggested Resolution
Resolution #2007-04-
Moved by
Seconded by

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

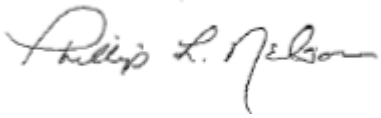
Yes:
No:

RECESSED

RECONVENED

ADJOURNMENT

Respectfully submitted,



Phillip L. Nelson, City Manager

SCHEDULED CITY COUNCIL MEETINGS:

Monday, April 16, 2007 ..... Regular City Council
Monday, April 30, 2007 .....Special City Council-Budget
Monday, May 14, 2007..... Regular City Council
Monday, May 21, 2007..... Regular City Council
Monday, June 4, 2007..... Regular City Council
Monday, June 18, 2007..... Regular City Council
Monday, July 9, 2007 ..... Regular City Council
Monday, July 23, 2007 ..... Regular City Council
Monday, August 6, 2007 ..... Regular City Council
Monday, August 20, 2007 ..... Regular City Council

Troy City Council
4/2/07 meeting
Rep. Knollenberg's comments

- $941 million deficit for this current fiscal year. Must be solved before October.
- Gov's expansion of the sales tax to more than 80 services.
- Gov's 2 penny plan = $1.5 billion (that's a lot of pennies).
- Gov's budget creates or expands 17 programs.
- Senate took action a few weeks ago on solving our budget crisis.
- Senate plan is all cuts, no tax increase. Includes a $34 per pupil cut to schools.
- Passage of the Senate plan is one of the first steps. Negotiations amongst House Leadership is underway.
- I will not support tax increases to balance our budget. Government must live within its means.
- There is still fat to trim.
    - $8 million a year in extra school aid fund to Detroit Schools because their enrollment numbers are declining.
    - $5 million a year to a developer in Lansing to build a new State Police HQ while the current lease is $1 a year until 2030.
    - $10 million a year to Wayne County that's use goes unreported.
    - Hundred of millions of dollars in savings that could be realized by health care pooling.
    - More than 56,000 state employees.
    - More than 7,000 state vehicle.
    - Detroit Schools – well over a million dollars spent last year in artwork and travel expenses.
    - $6 million slated to be spent on a fountain in front of the Capitol.
    - These are just a few areas which need to be reformed.

CITY COUNCIL ACTION REPORT

March 26, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Public Hearing – Proposed Office Building, East of Livernois, South side of Wattles, Section 22 – R-1C to O-1 (File Number: Z-725)

Background:

- The Planning Commission recommended denial of the request to rezone the parcel to O-1 at the February 13, 2007 Regular meeting.
- The Future Land Use Plan classifies the Wattles Road frontage in this area as Public and Quasi-Public (Community Facility). The parcel has been planned as Public and Quasi-Public (Community Facility) since 1999.
- City Council considered this item at the March 19, 2007 Regular meeting and postponed the item to the April 2, 2007 Regular meeting.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

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

Policy Considerations:

- Denial of the rezoning request would be consistent with City Council Goal I, Enhance the livability and safety of the community.

Options:

- City Council can approve the rezoning application.
- City Council can deny the rezoning application.
- The Planning Commission recommended denial of the rezoning application on February 13, 2007.

Attachments:

1. Maps.
2. Statement from applicant.
3. Minutes from February 13, 2007 Planning Commission Regular meeting.
4. Letter of opposition dated March 18, 2007.

Prepared by RBS/MFM

cc: Applicant
File /Z 725

G:\REZONING REQUESTS\Z-725 Office Building Sec 22\CC Public Hearing 04 02 07.doc

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
File Number Z-725

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2. Amendment to Zoning District Map

This Ordinance shall amend the Zoning District Map, from R-1C One Family Residential to O-1 Low Rise Office Building, for parcel 88-20-22-101-003, located east of Livernois on the south side of Wattles in Section 22, and described in the following legal description and illustrated on the attached Survey Drawing:

> T2N, R11E, NW 1/4 of Section 22
>
> Commencing at the N.W. corner of Section 22; thence S 88°28'45" E, 603.40 ft. measured (603.25 ft. record), along the North line of Section 22 and the centerline of Wattles Rd. and the Point of Beginning; thence continuing S 88°28'45" E, 350.00 ft.; thence S 01°31'15" W, 33.00 ft.; thence S 50°35'13" W, 463.87 ft. measured (463.00 ft. record); thence N 01°35'42" E, 336.92 ft. measured (336.00 ft. record) to the Point of beginning and containing 1.014 ac. Except the North 60 ft. taken for Wattles Rd.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2007.

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

G:\REZONING REQUESTS\Z-725 Office Building Sec 22\ZOTA 725 Ordinance 03 19 07.doc

H:\SURV\2003\030708\act132\SURVEY.dwg

SURVEY DRAWING

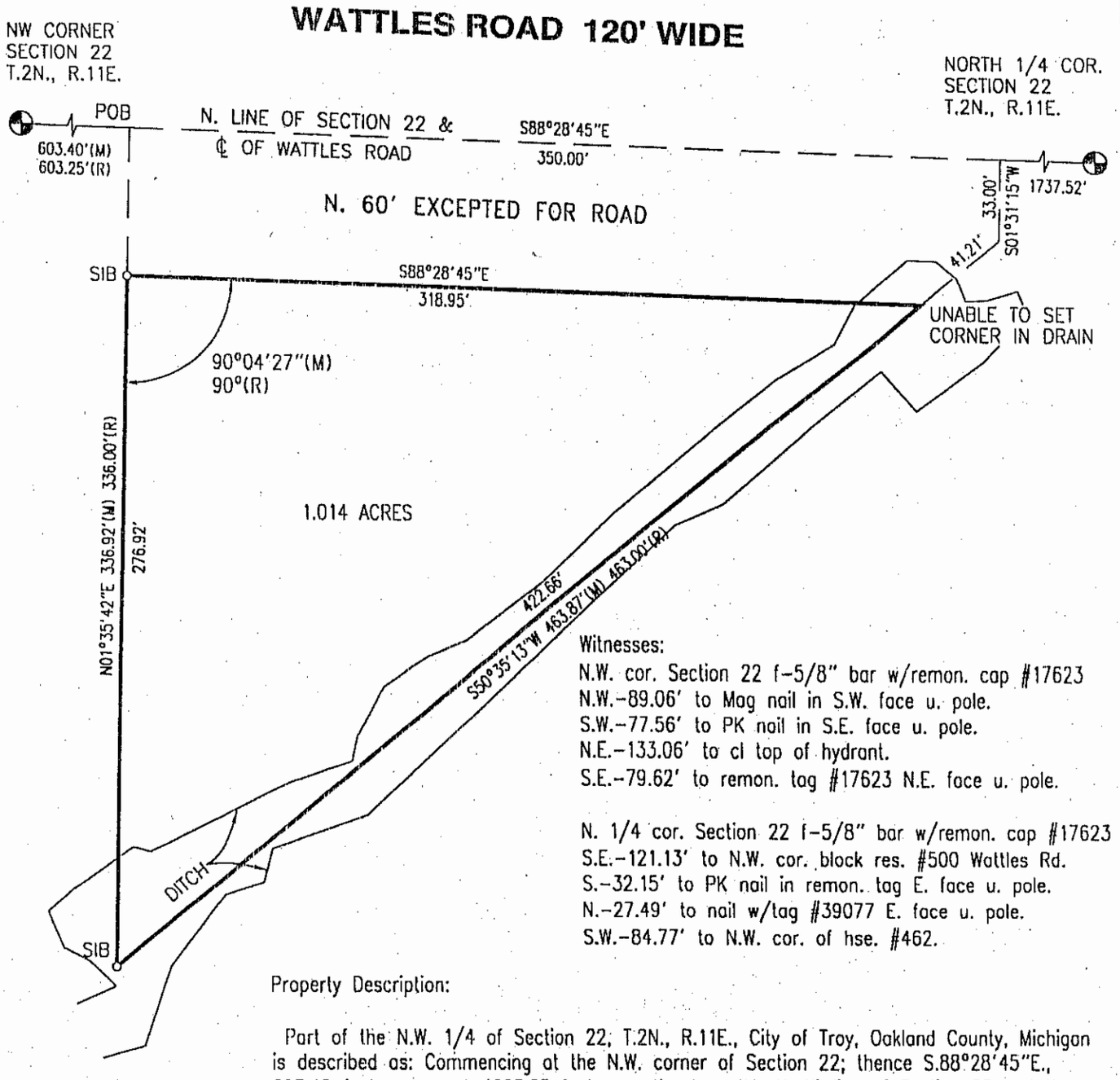
N.

Scale : 1" = 60'

0' 30' 60' 120'

NOTES:

- BEARINGS IN RELATION TO ADJOINING SURVEY WORK.
- NO TITLE WORK HAS BEEN SUPPLIED BY THE CLIENT FOR PURPOSES OF THIS SURVEY. THEREFORE NO GUARANTEE IS MADE THAT ANY OR ALL EASEMENTS, BOTH RECORDED AND UNRECORDED ARE SHOWN ON THIS SURVEY.



Witnesses:
N.W. cor. Section 22 f-5/8" bar w/remon. cap #17623
N.W.-89.06' to Mag nail in S.W. face u. pole.
S.W.-77.56' to PK nail in S.E. face u. pole.
N.E.-133.06' to cl top of hydrant.
S.E.-79.62' to remon. tag #17623 N.E. face u. pole.

N. 1/4 cor. Section 22 f-5/8" bar w/remon. cap #17623
S.E.-121.13' to N.W. cor. block res. #500 Wattles Rd.
S.-32.15' to PK nail in remon. tag E. face u. pole.
N.-27.49' to nail w/tag #39077 E. face u. pole.
S.W.-84.77' to N.W. cor. of hse. #462.

Property Description:

Part of the N.W. 1/4 of Section 22, T.2N., R.11E., City of Troy, Oakland County, Michigan is described as: Commencing at the N.W. corner of Section 22; thence S.88°28'45"E., 603.40 feet measured, (603.25 feet record), along the North line of Section 22 and the centerline of Wattles Road and the Point of Beginning; thence continuing S.88°28'45"E., 350.00 feet; thence S.01°31'15"W., 33.00 feet; thence S.50°35'13"W., 463.87 feet measured, (463.00 feet record); thence N.01°35'42"E., 336.92 feet measured, (336.00 feet record) to the Point of Beginning and containing 1.014 acres. Except the North 60 foot taken for Wattles Road.

REC'D
JAN 12 2007
PLANNING DEPT.

Surveyor's Certificate

I hereby certify that I have surveyed and mapped the land above platted and/or described on July 17, 2003 and that the ratio of closure on the unadjusted field observations of such survey was no greater than 1/156,758 and that all of the requirements of P.A. 132 1970 as amended have been complied with.

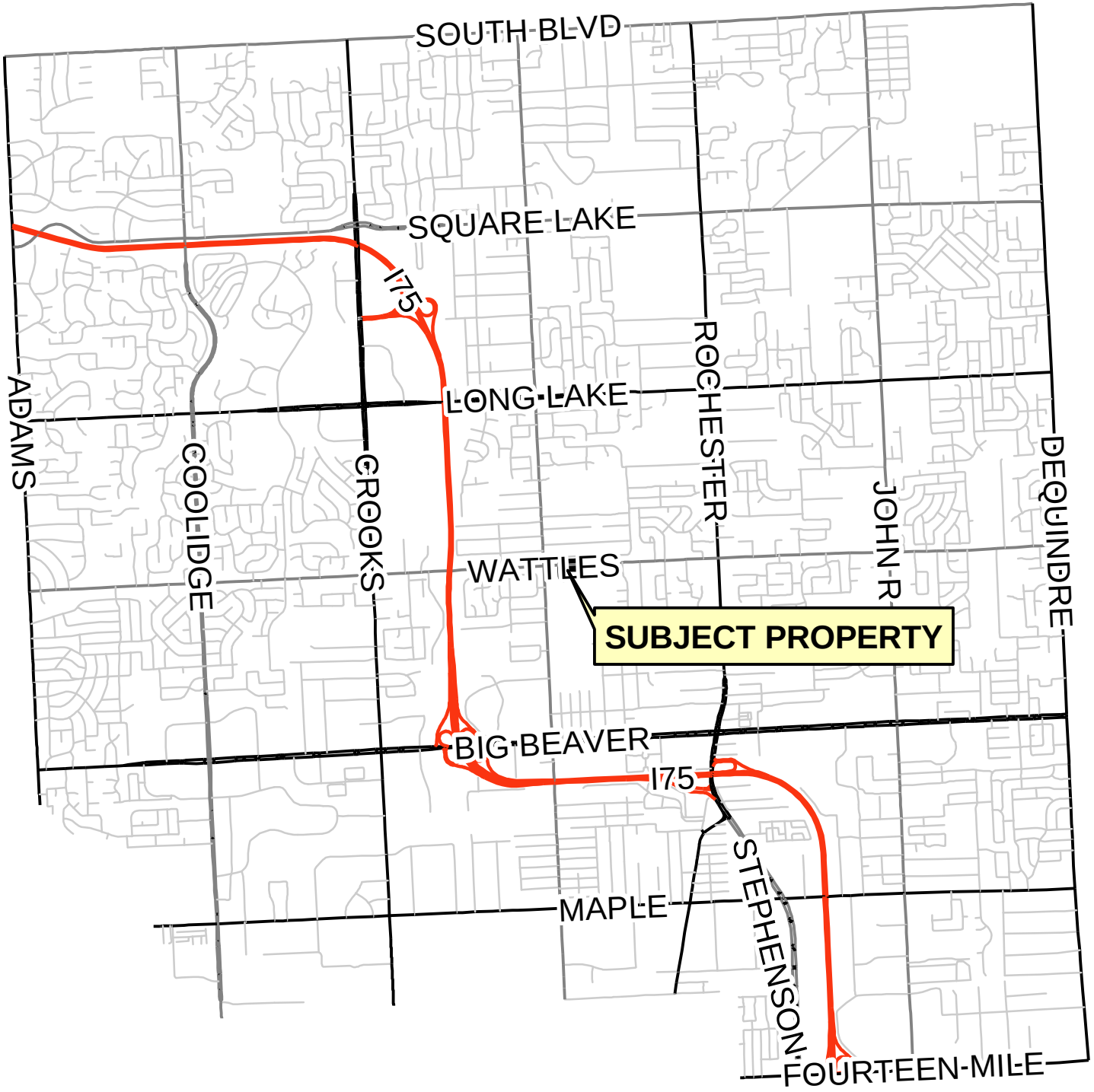
PHONE 586 731-8030
FAX 586 731-2605
URBAN LAND CONSULTANTS ©
CIVIL ENGINEERS PLANNERS LAND SURVEYORS
GPS CONSULTANTS
8800 23 MILE ROAD SHELBY TWP., MI 48316-4518

LEGEND
FIB = Found Iron Bar ●
FIP = Found Iron Pipe ●
SIB = Set Iron Bar/Cap ○
R = Record Distance
M = Measured Distance
C = Calculated

WARREN C. AVEY
PROFESSIONAL SURVEYOR
WARREN C. AVEY
LICENSED LAND SURVEYOR
No. 30076

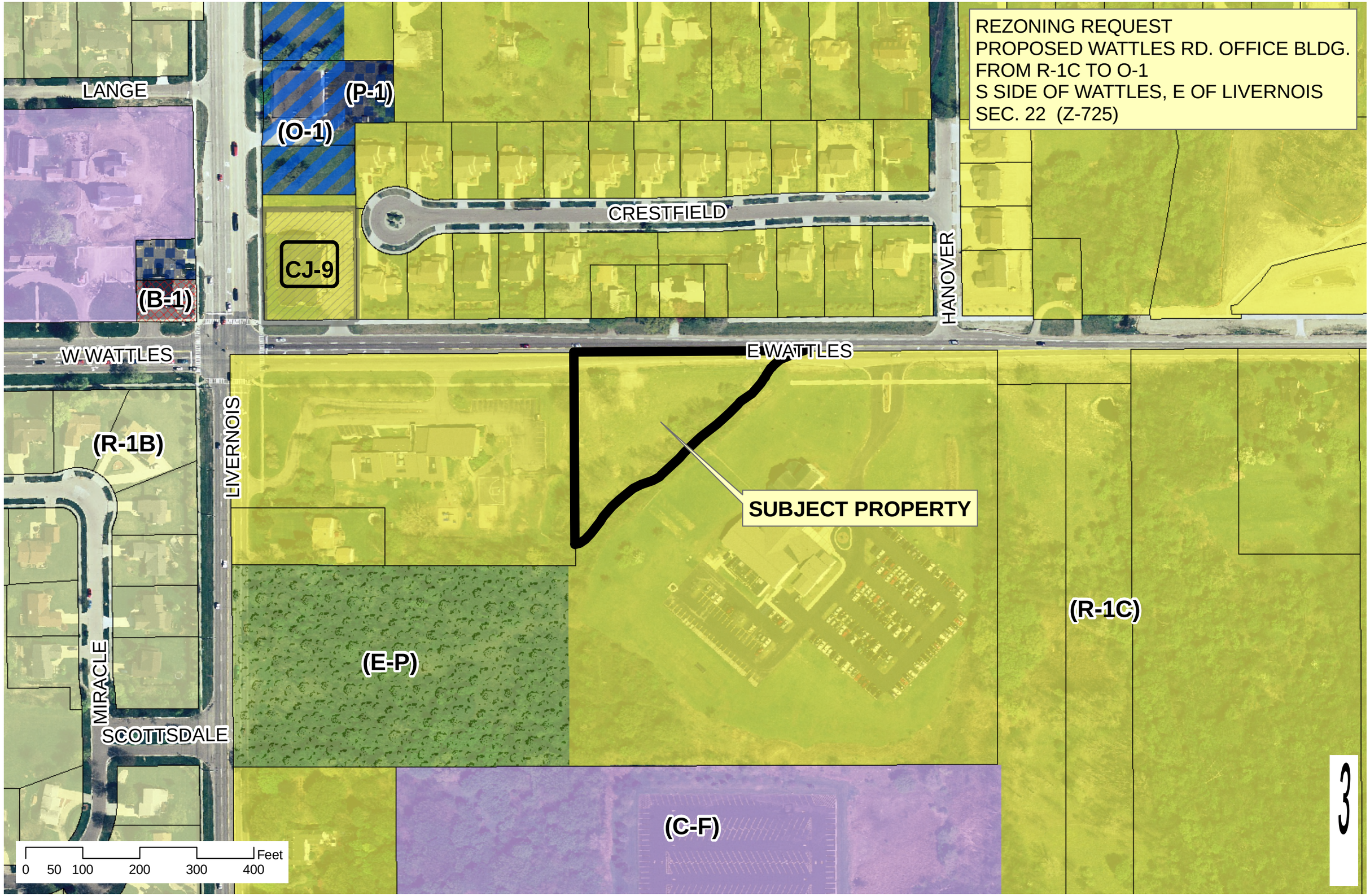
Date 07-27-03
Drawn J.L.M.
Check W.C.A.
Sheet 1 OF 1
Fld. Bk.
Job No. 030708-6777

CITY OF TROY



PREPARED BY CITY OF TROY PLANNING DEPT.

REZONING REQUEST
PROPOSED WATTLES RD OFFICE BLDG.
FROM R-1C TO O-1
S SIDE OF WATTLES RD., E OF LIVERNOIS
SEC. 22 (Z-725)
LANGE
CRESTFIELD
HANOVER
W WATTLES
E WATTLES
LIVERNOIS
SUBJECT PROPERTY
MIRACLE
SCOTTSDALE
0 50 100 200 300 400 Feet
3


REZONING REQUEST
PROPOSED WATTLES RD. OFFICE BLDG.
FROM R-1C TO O-1
S SIDE OF WATTLES, E OF LIVERNOIS
SEC. 22 (Z-725)
LANGE
(P-1)
(O-1)
CRESTFIELD
CJ-9
(B-1)
HANOVER
W WATTLES
E WATTLES
LIVERNOIS
(R-1B)
SUBJECT PROPERTY
(R-1C)
(E-P)
MIRACLE
SCOTTSDALE
(C-F)
Feet
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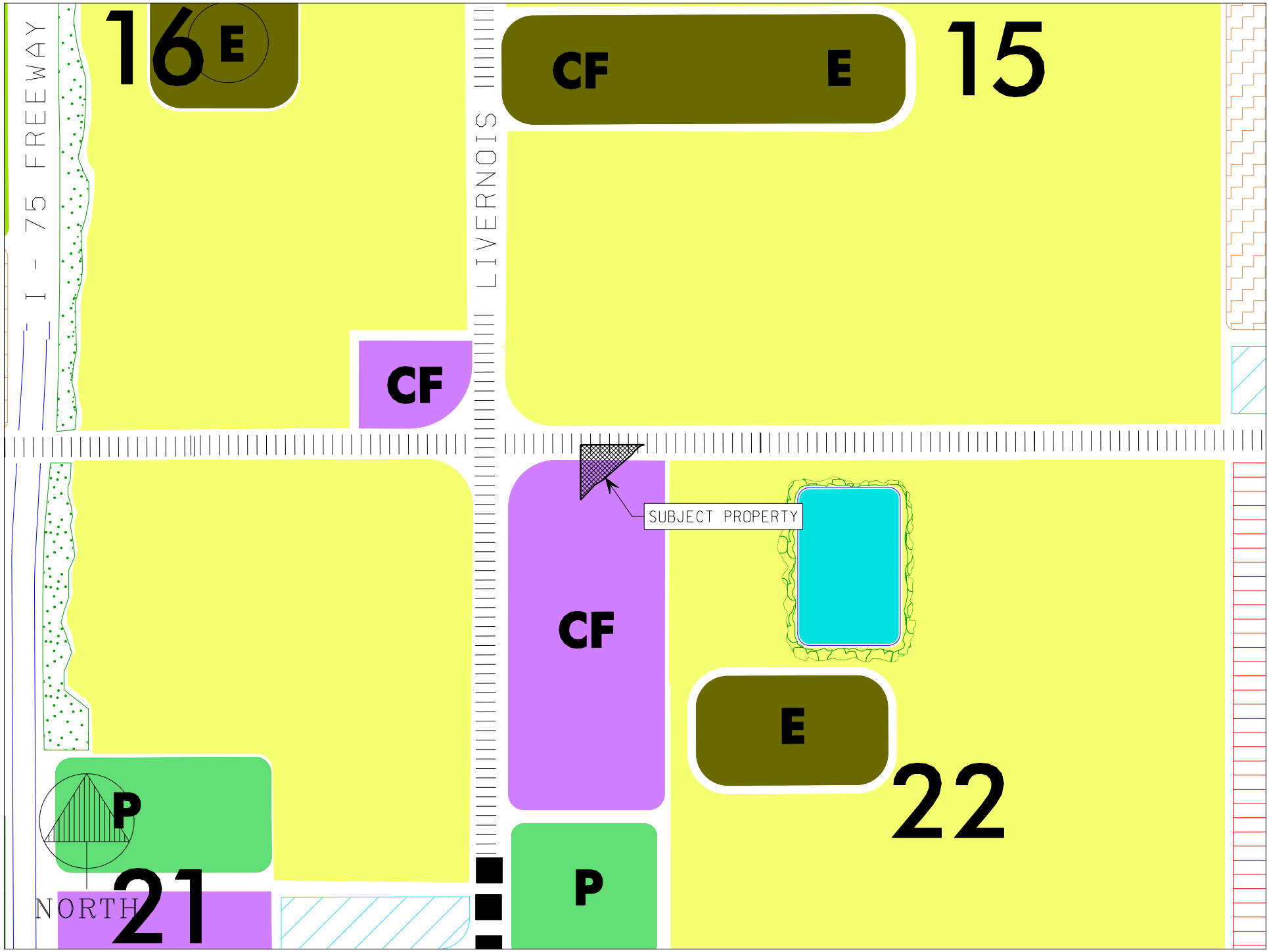
I - 75 FREEWAY
LIVERNOIS
16
E
CF
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CF
SUBJECT PROPERTY
CF
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22
P
P
21
NORTH

APEX
ENGINEERING GROUP INC.
CIVIL ENGINEERING & LAND PLANNING CONSULTANTS

47745 VAN DYKE AVENUE
SHELBY TOWNSHIP, MI 48317

TELEPHONE: 586-739-5200
FACSIMILE: 586-254-5314

January 5, 2007

Mark F. Miller, AICP/PCP
Planning Director
City of Troy, Planning Department
500 W. Big Beaver Road
Troy, MI 48084

RE: Rezoning Request, From R-1-C to O-1
Wattles Road, Section 22, City of Troy
Parcel ID No. 88-20-22-101-003

Dear Mr. Miller:

The enclosed plans and application package are being submitted in conjunction with a request to rezone a parcel of land in Section 22 from R-1-C, Single Family Residential to O-1, Low Rise Office District. The parcel is currently zoned R-1-C, Single Family Residential District, contains 1.01 acres of land and has approximately 319 feet of Wattles Road frontage. The site is triangular is shape and is located on the south side of Wattles Road between Livernois and Rochester Roads. The St. Lucy Croatian Catholic Church is to the east and south of the subject property. Brookfield Academy is located to the west of the site. Walsh College and Zion Christian Church occupy large parcels to the south of the subject site.

An office use is a more compatible use when compared to other land uses within the specific geographic area of the subject site. Benefits of an office use will include a larger quantity of required landscaping, greater setbacks, reduced traffic conflicts and controlled hours of operation. Greater screening requirements allow for additional areas of landscaping to buffer the existing parking lot to the west. One point of ingress/egress will be proposed rather than multiple curb cuts with vehicles backing out onto Wattles Road.

The underlying zoning for each of the adjacent parcels is R-1-C. R-1-C is also the classification of the parcels across Wattles Road to the north. The area is Master Planned for community facilities and low density residential use along this portion of Wattles Road. The parcel could be considered for an infill project for an office use between the school and church. Historically, it is much more difficult to market new construction of single family homes that front upon major roads such as Wattles Road. There is also a large inventory of homes for sale within the area and the overall residential market is relatively soft.

The site could be considered an extension of the non-residential use that is present at the intersection of Wattles and Livernois Roads. An introduction of a residential use on the subject parcel would not be consistent with the existing uses along this segment of Wattles Road.

Your consideration of the request to rezone a parcel of land within Section 22 of the City of Troy is greatly appreciated. Please contact our office if you have any questions or concerns.

Sincerely,

WE Mosher

William E. Mosher, IV, P.E.

JAN 12 2007

REZONING REQUEST

7. PUBLIC HEARING - REZONING REQUEST (Z-725) – Proposed Office Bldg., East of Livernois, South side of Wattles, Section 22 – From R-1C (One Family Residential) to O-1 (Low Rise Office)

Planning Director Miller presented a summary on the Planning Department report for rezoning request Z-725. He noted that there was an error on the written correspondence regarding this location, and it should read that it is located on the south side of Wattles.

Bill Mosher, 47745 Van Dyke, Shelby Township, was present on behalf of the petitioner. He stated that this is a unique parcel. It has been for sale for three years with residential zoning, but the housing market is weak. There have, however, been a lot of inquiries for office use. This is a more compatible use in light of the surrounding parcel arrangements and their uses.

Tony Haddad, 6507 John R, the petitioner, stated he would like to proceed with the rezoning request.

PUBLIC HEARING OPENED

Lee Nardi, 6507 John R, stated he lives directly across the street from the proposed office. There is way too much noise from the church and mainly the school. There are floodlights on at the school that light up the neighborhood. The proposed office location will be directly in front of his front window and he does not wish to look at it. In addition, we have a lot of truck traffic creating a large amount of noise, and any office use would make the area less desirable.

PUBLIC HEARING CLOSED

Commissioner Vleck stated he agreed that if it were to be rezoned, it would be spot zoning; however, we have a piece of property where on the north it is residential, but on both the east and west side there are heavy use zoning. It would be difficult to justify a residential use going into this area and poses a difficult zoning question.

Commissioner Tagle asked if there are any wetlands.

Planning Director Miller replied that the natural features map does not indicate any wetlands.

Chairperson Schultz added that the east and south property of the border are active drains.

Mr. Haddad informed the Planning Commission that approximately a year ago the Brookfield academy wanted to buy the property. They were unable to put a daycare in the location due to ordinance restrictions. Despite the ordinance being changed, they pulled out of the purchase agreement. The point is, the ordinance already exists to permit daycare at a private academy and that is consistent with office zoning.

Chairperson Schultz asked if daycares, in schools, require O-1 zoning.

Planning Director Miller responded that the City amended the Zoning Ordinance to allow a daycare be in a single family zoning district in a private school. They are also permitted in other residential zoning when they are adjacent to an O-1 zoning or other commercial zoning.

Chairperson Schultz clarified that this property does not require O-1 zoning if Brookfield Academy wanted to put a daycare at that site.

Resolution # PC-2007-02- -
Moved by: Vleck
Seconded by:

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to O-1 rezoning request, located east of Livernois, on the south side of Wattles, within Section 22, being approximately 1 acre in size, be granted.

MOTION DIED for lack of second.

Resolution # PC-2007-02-034
Moved by: Hutson
Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to O-1 rezoning request, located east of Livernois, on the south side of Wattles, within Section 22, being approximately 1 acre in size be denied, for the following reasons:

1. The application is inconsistent with the Future Land Use Plan.
2. If approved the O-1 parcel would constitute an undesirable spot zone.

Yes: Hutson, Schultz, Tagle
No: Vleck, Kerwin
Absent: Littman, Strat, Troshynski, Wright

NO ACTION ON MOTION due to failure to obtain minimum of five (5) votes needed to pass or fail.

Resolution # PC-2007-02-035
Moved by: Schultz
Seconded by: Tagle

RESOLVED, That the Planning Commission hereby reconsiders the vote on the R-1C to O-1 rezoning request, located east of Livernois, on the south side of Wattles, within Section 22, being approximately 1 acre in size.

Yes: All present (5)
No: None
Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

Resolution # PC-2007-02-036
Moved by: Hutson
Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to O-1 rezoning request, located east of Livernois, on the south side of Wattles, within Section 22, being approximately 1 acre in size be denied, for the following reasons:

1. The application is inconsistent with the Future Land Use Plan.
2. If approved the O-1 parcel would constitute an undesirable spot zone.

Yes: Hutson, Kerwin, Schultz, Tagle, Vleck
No: None
Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

Paula P Bratto

From: Alan Luo [alanluogm@gmail.com]
Sent: Sunday, March 18, 2007 9:57 AM
To: Paula P Bratto
Subject: Z-725 Wattles Rd. Office

We are against this zoning change due to the increased traffic and negative impact to our house value.

Thanks.

Shan Wang & Aihua Luo
99 Crestfield Ave
Troy, MI 48085

CITY COUNCIL ACTION REPORT

DATE: March 27, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Public Hearing - Zoning Ordinance Text Amendment (File Number: ZOTA 225) – Articles IV and XXXV – Planned Unit Development Provisions

Background:

- The Planning Commission held a public hearing on this item on February 13, 2007, and recommended approval of the proposed text amendment.

- The PUD process presently provided by the City of Troy Zoning Ordinance does not provide design flexibility needed for sophisticated, multi-phased mixed-use projects. A significant amount of detailed site plan and engineering information is required during the land planning stage. This increases project risk, as significant cost is incurred prior to receiving preliminary PUD approval.

- The proposed process requires the same information to be reviewed and approved, however, the approval order is modified. The design of future phases is dictated by a pattern book, which will be approved during the Conceptual Development Plan Approval stage. The proposed PUD review and approval process is illustrated in the attached flow chart.

- Currently, the Planning Commission makes a recommendation to City Council following a public hearing during the preliminary approval phase. Therefore, the Planning Commission does not have an opportunity to review the project prior to final approval. The proposed language would allow the Planning Commission to make a recommendation to City Council prior to Conceptual Development Plan Approval. The Planning Commission also provides a recommendation to City Council for Preliminary Development Plan Approval.

- City Council considered this item at the March 19, 2007 Regular meeting and requested that City Management prepare a draft text amendment that gives City Council the authority to grant Preliminary Development Plan Approval, following a recommendation by the Planning Commission.

- City Council postponed the item to the April 2, 2007 Regular meeting.

- Additional text proposed by City Council is shown in ALL CAPS. The Planning Commission shall be notified of this proposed change at the March 27, 2007 Special/Study meeting.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- City Council has the authority to amend the Zoning Ordinance.

Policy Considerations:

- The proposed amendment is consistent with City Council Goal I (Enhance the livability and safety of the community), Goal II (Minimize the cost and increase the efficiency and effectiveness of City government), Goal III (Retain and attract investment while encouraging redevelopment) and Goal V (Maintain relevance of public infrastructure to meet changing public needs).

Options:

- The Planning Commission recommended approval of ZOTA 225 on February 13, 2007.

- City Council can approve, deny or modify the proposed text amendment.

Approved as to form and legality: _____

Lori Grigg Bluhm, City Attorney

Attachments:

1. Draft ZOTA 225 City Council Public Hearing Draft.
2. Proposed PUD Process Flow Chart.
3. Minutes from February 13, 2007 Planning Commission Regular meeting.

Prepared by RBS/MFM

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CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
CITY COUNCIL VERSION
ZOTA 225

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39 of the Code of the City of Troy.

Section 2. Amendment to Article IV of Chapter 39

Article IV of Chapter 39 of the Code of the City of Troy is amended by adding a definition for Planned Unit Development, to read as follows:

04.20.125A PLANNED UNIT DEVELOPMENT: A development consisting of a combination of land uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan meeting the requirements of Article XXXV.

Section 3. Amendment to Article XXXV of Chapter 39

Article XXXV of Chapter 39 of the Code of the City of Troy is amended by replacing the existing Planned Unit Development provisions with new provisions, to read as follows:

ARTICLE XXXV Planned Unit Development (PUD)

~~35.10.00 Intent:~~

~~The intent of the PUD Option is to permit flexibility in the design and use of residential and non-residential land that, through the implementation of an overall development plan, will:~~

~~A. Encourage innovation and variety in design, layout, and types of land uses and structures;~~

~~B. Ensure the preservation of significant natural features and open space areas;~~

~~C. Achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and facilities;~~

~~D. Encourage a higher quality of development than can be achieved utilizing the requirements of the underlying zoning classifications;~~

~~E. Encourage the assembly of properties and redevelopment of outdated structures and areas;~~

~~F. Provide for enhanced housing, employment, recreation, and shopping opportunities for the citizens of Troy;~~

~~G. Ensure compatibility of developments with the design and function of neighboring sites;~~

~~H. Ensure development that is consistent with the direction of the Master Land Use Plan.~~

~~The provisions of this Article are not intended to be used as a device for avoiding the applicable zoning requirements. The use of the provisions of this Article to permit variations from other requirements of this Ordinance shall only be approved when such approval results in improvements to the public health, safety, and welfare in the area affected, in accordance with this Intent Statement.~~

~~The PUD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.~~

~~The development permitted under this Article shall be considered as an optional means of development, and thus shall only be permitted when mutually agreeable to the developer and to the City Council.~~

~~(05-01-00)~~

~~35.20.00 Definition:~~

~~A "Planned Unit Development" is a development consisting of a combination of land uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan meeting the requirements of this Article. The predominant uses permitted within a Planned Unit Development shall be those consistent with the direction of the Master Land Use Plan. Other uses may, however, be permitted as a part of a PUD. Physical standards relating to matters such as building height and bulk, density, and setbacks are determined based upon the specific PUD plan presented, its internal design quality, and its compatibility with adjacent uses, rather than being based upon the specific~~

~~standards contained in the underlying Zoning Districts or in those Districts within which the proposed uses otherwise occur. A Planned Unit Development plan, approved in accordance with the provisions of this Article, replaces the underlying Zoning Districts as the basis upon which the subject property is developed and its uses are controlled.~~

~~35.30.00 Eligibility:~~

~~In order to qualify for the Planned Unit Development Option, it must be demonstrated that the following conditions will be met:~~

~~A. The proposed development site shall be under a single ownership or control, and be capable of being planned and developed as one integral unit.~~

~~(Rev. 08-19-02)~~

~~B. The proposed development site shall be limited in its location to one of the following areas:~~

~~1. The City Center Area, which is generally described as including the area lying between Crooks and Livernois Roads, extending north from the property on the south side of Kirts Boulevard to a point one-half mile north of Big Beaver Road, excluding developed single-family residential subdivisions.~~

~~2. Parcels on which the City Council determines, after a recommendation from the Planning Commission, that the flexibility of the PUD regulations would achieve a substantially higher quality of development than could be achieved under a conventional zoning approach. Factors related to development quality shall include, but shall not be limited to: overall site and building design, building materials, preservation of significant natural features, the provision of a greater amount of open space and/or landscaped area, the provision of extensive pedestrian facilities and amenities, and the provision of facilities which enhance or replace those which would otherwise be provided by public entities (e.g. recreation, transportation, safety and security).~~

~~3. Parcels on which the City Council determines, after a recommendation from the Planning Commission, that extreme economic obsolescence exists, and that it would be extremely difficult to achieve economically sound development under a conventional zoning approach.~~

~~(05-01-00)~~

~~C. The applicant must show that a sufficient number of the following objectives, which would not be able to be accomplished without the use of the PUD, are met:~~

~~1. Provide development quality objectives such as those referred to in Section 35.30.00-B-2 above;~~

~~2. Provide a mixture of land uses that would otherwise not be permitted, provided that other objectives of this Article are met and the resulting development would promote the public health, safety, and welfare;~~

~~3. Provide a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety and welfare, or protect existing or future uses from the impacts of the proposed uses.~~

~~4. Alleviate traffic congestion;~~

~~5. Provide for the appropriate redevelopment or re-use of sites that are occupied by obsolete uses;~~

~~6. Provide a complementary variety of housing types that is in harmony with the adjacent uses;~~

~~7. Promote the intent of the Master Land Use Plan.~~

~~35.40.00 General Development Standards:~~

~~Any land use authorized in this Zoning Ordinance may be included in a Planned Unit Development as a principal or accessory use, provided that:~~

~~A. The predominant uses within a Planned Unit Development shall be consistent with the intent of the Master Land Use Plan. Other uses may be permitted by the City Council, after a recommendation from Planning Commission, when such are determined to be consistent with the intent of this Article.~~

~~B. The applicant for approval of a Planned Unit Development shall demonstrate, to the Planning Commission and the City Council, that physical features of the proposed development, such as building height and bulk, setbacks, and development density are consistent or compatible with those of the adjacent properties.~~

~~C. Open space and landscaped areas are intended to be a primary feature of Planned Unit Developments. To this end, such developments shall provide substantially more open~~

~~space area than that required for typical developments within the underlying Zoning Districts (e.g. fifteen (15) percent of non-residential site, vs. ten (10) percent requirement per Section 39.70.04). Specific interpretation of this standard shall be the responsibility of the City Council, after a recommendation from the Planning Commission.~~

~~(05-01-00)~~

~~D. Stormwater detention or retention shall be provided in open unfenced detention or retention basins, or in underground facilities. These basins shall be incorporated into the landscaping or open space plan for the site. Stormwater detention within parking lots shall not be permitted.~~

~~E. Parking shall be provided in order to properly serve the total series of uses within a Planned Unit Development, based on the provisions of Section 40.21.01. The City Council, after receiving a recommendation from the Planning Commission, may permit the sharing of parking among the various uses within a Planned Unit Development, and thus a reduction in the total parking provided, subject to the following conditions:~~

~~1. A finding by the City Council, based on technical information provided by qualified land use, parking, or traffic consultants, that the consequent reduction in off-street parking will not impair the functioning of the developments served, or have a negative effect on traffic flow on and/or adjacent to the sites served.~~

~~2. The execution of an Agreement between the developer benefiting from the shared parking and the City, setting forth the means by which additional parking, up to the minimum required by Section 40.21.01, will be provided, if and when such is determined to be necessary by the City.~~

~~F. It is intended that Planned Unit Developments will be implemented as a single coordinated and cohesive development project. If it is determined that the scale and nature of the project warrant phased or multi-stage development, the predominant uses established on the site shall be consistent with the intent of the Master Land Use Plan.~~

~~35.50.00 Submittal Requirements:~~

~~Submittal requirements for Planned Unit Developments shall, as a minimum, follow the requirements found in Section 03.30.00 for Special Use Approvals which occur in conjunction with Site Plan Approvals.~~

35.50.01 Environmental Impact Statement, according to the provisions of Article VII of this Chapter, shall be submitted as a part of a Planned Unit Development application. The Preliminary Environmental Impact Statement shall be submitted with the application for Preliminary Plan Approval, and the Final Environmental Statement shall be submitted with the application for Final Plan Approval.

35.50.02 In the event that an applicant would wish to propose a Planned Unit Development wherein the predominant use or uses would not be consistent with the Master Land Use Plan, the applicant shall request that the Planning Commission consider an amendment to that Plan. This request and the supporting documentation may be submitted in advance of or simultaneous with the request for Preliminary Plan Approval. Action on an amendment to the Master Land Use Plan shall occur at or before the time of Preliminary Plan Approval.

35.60.00 Approval Process:

The review and approval of Planned Unit Developments shall occur in two stages; Preliminary Plan Approval, and Final Plan Approval.

(05-01-00)

35.60.01 Preliminary Plan Approval:

Preliminary Plans for Planned Unit Developments shall be submitted to the Planning Commission, for review and recommendation to the City Council. Before making a recommendation to the City Council, the Planning Commission shall hold a Public Hearing on the proposal. Following their Public Hearing, the Planning Commission shall make a recommendation to the City Council on the Preliminary Plan for the proposed Planned Unit Development. A Public Hearing shall then be set for the City Council, at which time they will consider the proposal, along with the recommendations of the Planning Commission, the City staff, and other interested parties. The City Council shall then take action to approve, approve with conditions, or disapprove the Preliminary Planned Unit Development Plan. In the event of denial, the City Council shall set forth in their resolution the reasons for such action. The City Council's approval shall be effective for a period of one (1) year, during which time the petitioner is authorized to prepare and submit construction plans for site improvements, phasing plans, Planned Unit Development Agreements, and other documents necessary for Final Plan Approval.

35.60.02 Final Plan Approval:

Final plans for Planned Unit Developments shall be submitted to the Planning Department for presentation to and review by the City Council, who shall have final authority for approval of such Final Plans. In conjunction with the application for Final Plan Approval, the applicant shall

~~submit evidence of completion of the Final Site Plan Approval process in accordance with Section 03.40.00 of this Chapter. Following their review of the Final Plan, City Council shall take action to approve, approve with conditions, or disapprove the Final Planned Unit Development Plan. In the event of denial, the City Council shall set forth in their resolution the reasons for such action.~~

~~35.70.00 Standards for Approval of Planned Unit Developments~~

~~In considering applications for Planned Unit Developments, the Planning Commission and City Council shall make their determinations based upon the following standards:~~

~~35.70.01 The overall design and all proposed uses shall be consistent with and promote the Intent of the Planned Unit Development approach, as stated in Section 35.10.00, and the Eligibility Conditions as stated in Section 35.30.00.~~

~~35.70.02 The proposed Planned Unit Development shall be consistent with the intent of the Master Land Use Plan.~~

~~35.70.03 The proposed Planned Unit Development includes information which clearly sets forth specifications or information with respect to structure height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to the surrounding properties and uses thereon, as well the relationships between the various elements of the proposed Planned Unit Development. In determining whether this requirement has been met, consideration shall be given to the following:~~

~~A. The bulk, placement, and materials of construction of the proposed structures and other site improvements.~~

~~B. The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development.~~

~~(05-01-00)~~

~~C. The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment.~~

~~D. The hours of operation of the proposed uses.~~

~~E. The location, amount, type and intensity of landscaping, and other site amenities.~~

~~35.70.04 The proposed development shall not exceed the capacities of existing public facilities and available public services, including but not limited to; utilities, roads, police and fire protection services, recreation facilities and services, and educational services, unless the project proposal contains an acceptable plan for the provision of such necessary additional facilities and services.~~

~~35.70.05 The Planned Unit Development shall be designed to minimize the impact of traffic generated by the proposed development on the surrounding uses and area.~~

~~35.70.06 The Planned Unit Development shall include a sidewalk system to accommodate safe pedestrian circulation throughout the development, and along the perimeter of the site, without undue interference from vehicular traffic.~~

~~35.70.07 The proposed Planned Unit Development shall be in compliance with all applicable Federal, State, and local laws and ordinances.~~

~~35.80.00 Planned Unit Development Agreement:~~

~~In conjunction with submittal to the Council of a request for Final Plan Approval for a Planned Unit Development, the applicant shall execute and submit one or more documents which shall serve as the Planned Unit Development Agreement. As a part of their Final Plan Approval action, the City Council shall authorize execution of this Agreement by the City. The PUD Agreement shall include, but shall not be limited to items such as the following:~~

~~1. A summary description of the nature and character of the proposed development, as to permitted uses and site improvements.~~

~~2. A statement of the conditions upon which Final Plan Approval by the City Council is based, with particular attention given to those conditions which are unique to the particular PUD Plan. These conditions can include matters such as, but not limited to, specific architectural standards, building elevations and materials, site lighting, pedestrian facilities, and landscaping.~~

~~3. A summary of the public improvements (streets, utilities, etc.) which are to be carried out in conjunction with the proposed development, along with financial guarantees, in a form acceptable to the City Manager, in order to ensure completion of those improvements.~~

~~4. A document ensuring the maintenance of any open space or common areas which will result from implementation of the~~

~~PUD Plan (e.g. property owners association, conveyance to the City with maintenance deposit).~~

~~The Planned Unit Development Agreement shall be recorded in the office of the Oakland County Register of Deeds, referenced to the subject property.~~

~~(05-01-00)~~

~~35.90.00 Effect of Approval~~

~~Approval of a Planned Unit Development Plan shall constitute an amendment to the Zoning Ordinance. The area encompassed by a Planned Unit Development shall be depicted on the Zoning District Map, as a further notice of the unique nature of the development controls related to the property involved. Following Final Plan Approval for a Planned Unit Development, no use or development of the subject property may occur except that which is consistent with the approved Planned Unit Development Plan and Agreement.~~

~~35.95.00 Amendment or Abandonment of PUD Plan~~

~~35.95.01 Any proposed amendment of the Planned Unit Development Plan which alters the intent and conditions of Final Approval, shall be presented to and considered by the Planning Commission and the City Council at Public Hearings, following a procedure similar to that of Preliminary Plan Approval.~~

~~35.95.02 Planned Unit Development sites on which construction does not occur within a two (2) year period from the date of Final Plan Approval shall be considered abandoned, for the purposes of this Article. The applicant may request a twelve (12) month extension of Final Plan Approval, which will be considered and acted upon by the City Council following a Public Hearing. A written request for extension must be received by the City before the end of the two (2) year Final Plan Approval period.~~

~~Following any action to abandon the proposed Planned Unit Development, whether it be through failure to proceed or through formal notice of abandonment by the property owners or successors, the City Council shall take action to rescind their previous Final Plan Approval actions, and to invalidate any related Agreements. Evidence of such actions shall be recorded in the office of the Oakland County Register of Deeds, referenced to the subject property.~~

~~35.96.00 Appeals:~~

~~The Board of Zoning Appeals shall have no authority in matters covered by this Article. Modifications to plans or proposals~~

~~submitted under this Article shall be processed in accordance with the amendment procedures covered under Section 35.95.00.~~

~~35.97.00 Violations:~~

~~Any violation of the approved PUD Final Plan or the PUD Agreement shall be considered a violation of the Zoning Ordinance, which shall be subject to the enforcement actions and penalties described in Section 02.50.00 of the Zoning Ordinance.~~

~~(05-01-00)~~

35.10.00. Intent:

The intent of the Planned Unit Development option is to permit flexibility in the design and use of residential and non-residential land which, through the implementation of an overall development plan, when applicable to the site, will:

A. Encourage developments that will result in a long term contribution to social, environmental and economic sustainability in the City of Troy;

B. Permit development patterns that respond to changing public and private needs;

C. Encourage flexibility in design and use that will result in a higher quality of development and a better overall project than would be accomplished under conventional zoning, and which can be accommodated without sacrificing established community values;

D. Provide for the long-term protection and/or preservation of natural resources, natural features, and/or historic and cultural resources;

E. Promote the efficient use and conservation of energy;

F. Encourage the use, redevelopment and improvement of existing sites where current ordinances do not provide adequate protection and safeguards for the site or its surrounding areas, or where current ordinances do not provide the flexibility to consider redevelopment, replacement, or adaptive re-use of existing structures and sites;

G. Provide for enhanced housing, employment, recreation, and shopping opportunities for the citizens of Troy;

H. Ensure the compatibility of design and use between various components within the PUD and with neighboring properties and uses; and

I. Ensure development that is consistent with the intent of the land use plan meeting the requirements of the Municipal Planning Act or the intent of any applicable corridor or sub-area plans.

A Planned Unit Development project is viewed as an integrated development concept. To that end, the provisions of this Article are not intended to be used as a device for avoiding the zoning requirements that would otherwise apply, but rather to allow flexibility and mixture of uses, and to improve the design, character and quality of new development. The use of a Planned Unit Development to permit variations from other requirements of this Ordinance shall

only be approved when such approval results in improvements to the public health, safety and welfare in the area affected, and in accordance with the intent of this Article.

35.20.00. Uses Permitted:

The uses permitted within a Planned Unit Development shall be consistent with the intent of the plan meeting the requirements of the municipal Planning Act or the intent of any applicable corridor or sub-area plans. If conditions have changed since the plan, or any applicable corridor or sub-area plans, was adopted, the uses shall be consistent with recent development trends in the area. Other land uses may be authorized when such uses are determined to be consistent with the intent of this Article. Physical standards relating to matters such as building height, bulk, density, parking and setbacks will be determined based upon the specific PUD plan presented, and its design quality and compatibility with adjacent uses, rather than being based upon the specific standards contained in the underlying zoning districts or in those districts within which the proposed uses otherwise occur. A Planned Unit Development plan, approved in accordance with the provisions of this Article, replaces the underlying zoning districts as the basis upon which the subject property is developed and its uses are controlled.

35.30.00. Standards for Approval:

A Planned Unit Development project may be applied for in any zoning district. In order to be considered for the Planned Unit Development option, it should be demonstrated that the following standards will be met, as reasonably applicable to the site:

A. The proposed development shall be applied for by a person or entity who has the legal right to execute a binding agreement covering all parcels in the PUD.

B. The applicant shall demonstrate that through the use of the PUD option, the development will accomplish a sufficient number of the following objectives, as are reasonably applicable to the site, providing:

1. A mixture of land uses that would otherwise not be permitted without the use of the PUD, provided that other objectives of this Article are also met;

2. A public improvement or public facility (e.g. recreational, transportation, safety and security) which will enhance, add to or replace those provided by public entities, thereby furthering the public health, safety and welfare;

3. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be infeasible or unlikely to be achieved absent these regulations;

4. Long term protection and preservation of natural resources, natural features, and historic and cultural resources, of a significant quantity

and/or quality in need of protection or preservation, and which would otherwise be unfeasible or unlikely to be achieved absent these regulations;

5. A compatible mixture of open space, landscaped areas, and/or pedestrian amenities;

6. Appropriate land use transitions between the PUD and surrounding properties;

7. Design features and techniques, such as green building and low impact design, which will promote and encourage energy conservation and sustainable development;

8. Innovative and creative site and building designs, solutions and materials;

9. The desirable qualities of a dynamic urban environment that is compact, designed to human scale, and exhibits contextual integration of buildings and city spaces;

10. The PUD will reasonably mitigate impacts to the transportation system and enhance non-motorized facilities and amenities;

11. For the appropriate assembly, use, redevelopment, replacement and/or improvement of existing sites that are occupied by obsolete uses and/or structures;

12. A complementary variety of housing types that are in harmony with adjacent uses;

13. A reduction of the impact of a non-conformity or removal of an obsolete building or structure;

14. A development consistent with and meeting the intent of this Article; and will promote the intent of the plan meeting the requirements of the Municipal Planning Act or the intent of any applicable corridor or sub-area plans. If conditions have changed since the plan, or any applicable corridor or sub-area plans, was adopted, the uses shall be consistent with recent development trends in the area.

15. Includes all necessary information and specifications with respect to structures, heights, setbacks, density, parking, circulation, landscaping, amenities and other design and layout features, exhibiting a due regard for the relationship of the development to the surrounding properties and uses thereon, as well as to the relationship between the various elements within the proposed Planned Unit Development. In determining whether these relationships have been appropriately addressed, consideration shall be given to the following:

    A. The bulk, placement, and materials of construction of the proposed structures and other site improvements.

    B. The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the

other elements of the development.

C. The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment.

D. The hours of operation of the proposed uses.

E. The location, amount, type and intensity of landscaping, and other site amenities.

16. Parking shall be provided in order to properly serve the total range of uses within the Planned Unit Development. The sharing of parking among the various uses within a Planned Unit Development may be permitted. The applicant shall provide justification to the satisfaction of the City that the shared parking proposed is sufficient for the development and will not impair the functioning of the development, and will not have a negative effect on traffic flow within the development and/or on properties adjacent to the development.

17. Innovative methods of stormwater management that enhance water quality shall be considered in the design of the stormwater system.

18. The proposed Planned Unit Development shall be in compliance with all applicable Federal, State and local laws and ordinances, and shall coordinate with existing public facilities.

35.40.00. Consistency with Plan.

In the event that an applicant proposes a Planned Unit Development wherein the predominant use or uses would not be consistent with the intent of the plan meeting the requirements of the Municipal Planning Act, applicable corridor or sub-area plans, recent development trends in the area, or this Article, the City may consider initiating an amendment to the plan or applicable corridor or sub-area plans. If an applicant proposes any such uses, the applicant shall provide supporting documentation in advance of or simultaneous with the request for Concept Development Plan Approval.

35.50.00. Summary of the Approval Process:

A. *Step One: Conceptual Development Plan Approval.* The procedure for review and approval of a PUD shall be a three-step process. The first step shall be application for and approval of a Concept Development Plan, which requires a legislative enactment amending the zoning district map so as to reclassify the property as a Planned Unit Development. A proposed Development Agreement shall be included and incorporated with the Concept Development Plan, to be agreed upon and approved coincident with said Plan. The Concept Development Plan and Development Agreement shall be approved by the City Council following the recommendation of the Planning Commission. Such action, if and when approved, shall confer upon the applicant approval of the Concept Development Plan and shall rezone the property to PUD in accordance

with the terms and conditions of the Concept Development Plan approval.

B. *Step Two: Preliminary Development Plan Approval.* The second step of the review and approval process shall be the application for and approval of a Preliminary Development Plan (preliminary site plan) for the entire project, or for any one or more phases of the project. CITY COUNCIL ~~The Planning Commission~~ shall have the final authority to approve and grant Preliminary Development Plan approvals, FOLLOWING A RECOMMENDATION BY THE PLANNING COMMISSION.

C. *Step Three: Final Development Plan Approval.* The third step of the review and approval process shall be the review and approval of a Final Development Plan (final site plan) for the entire project, or for any one or more phases of the project, and the issuance of building permits. Final Development Plans for Planned Unit Developments shall be submitted to the Planning Department for administrative review, and the Planning Department, with the recommendation of other appropriate City Departments, shall have final authority for approval of such Final Development Plans.

35.50.01. Step One: Concept Development Plan Approval:

A. *Preapplication Meeting.* Prior to the submission of an application for approval of a Planned Unit Development, the applicant shall meet informally with the Planning Department of the City, together with such staff and outside consultants as deemed appropriate by the City. The applicant shall present at such conference, or conferences, a sketch plan of the proposed Planned Unit Development, as well as the following information:

1. A legal description of the property and the total number of acres in the project;
2. A topographical map of the site;
3. A statement as to all proposed uses;
4. The known deviations sought from the ordinance regulations otherwise applicable;
5. The number of acres to be preserved as open or recreational space and the intended uses of such space;
6. All known natural resources, natural features, historic resources and historic features; which of these are to be preserved; and
7. A listing and specification of all site development constraints.

B. *Concept Development Plan.* Thereafter, a Concept Development Plan conforming to the application provisions set forth herein shall be submitted. A proposed Development Agreement shall be incorporated with the Concept Development Plan submittal and shall be reviewed and approved coincident with the Plan. Such submissions shall be made to the Planning Director, who shall present the same to the Planning Commission for consideration at a regular or special meeting.

The Concept Development Plan shall constitute an application to amend the zoning district map. Before making a recommendation to the City Council, the Planning Commission shall hold a Public Hearing on the proposal. Prior to the Planning Commission scheduling a Public Hearing, the applicant shall arrange for one or more informal meetings with representatives of the adjoining neighborhoods, soliciting their comments and providing same to the Planning Commission. The City shall be advised in advance as to the scheduling and location of all such meetings.

Thereafter, the Planning Commission shall make a recommendation to the City Council with regard to the Concept Development Plan. A Public Hearing shall be scheduled before the City Council, at which time they will consider the proposal along with the recommendations of the Planning Commission, the City staff, and comments of all interested parties. The City Council shall then take action to approve, approve with conditions, or disapprove the Concept Development Plan. The City Council shall set forth in their resolution the reasons for such action, including any reasons for denial.

C. *Application.* The application for approval of a Concept Development Plan shall include the following information and materials, which shall be in a plan format together with a narrative explanation:

1. *Development concept:* A summary explanation of the development concept of the proposed Planned Unit Development. The Concept Development Plan shall describe the project and explain how the project will meet the intent of the PUD option as set forth in Section 35.10.00 and the criteria for consideration as a PUD as set forth in Section 35.30.00 hereof, as those sections reasonably apply to the site.

2. *Density:* The maximum density of the overall project and the maximum density for each proposed use and phase.

3. *Road system:* A general description of the road system and circulation pattern; the location of roads, entrances, exits and pedestrian walkways; a statement whether roads are intended to be public or private.

4. *Utilities:* A general description and location of both on-site and off-site utilities including proposed water, sanitary sewer, storm sewer systems and utility lines; a general indication of the size and location of stormwater detention and retention ponds, and a map and text showing off-site utilities, existing and proposed, which will provide services to the project.

5. *Open space/common areas:* A general description of proposed open space and common areas; the total area of open space; the total area of open space in each proposed phase; the proposed uses of open space and common areas.

6. *Uses:* A list of all proposed uses; the location, type and land area to be devoted to each use, both overall and in each phase; a

demonstration that all of the proposed uses are permitted under this Article.

7. *Development guidelines:* A plan of the site organization, including typical setback and lot dimensions; the minimum lot sizes for each use; typical minimum and maximum building height and size; massing models; conceptual building design; and the general character and arrangement of parking; fencing; lighting; berming; and building materials.

8. *Parking and Traffic:* A study of the parking requirements and needs; a traffic impact study and analysis.

9. *Landscaping:* A general landscaping plan; a landscape plan for entrances; a landscape plan for overall property perimeters; any theme/streetscape design; any proposed irrigation.

10. *Natural resources and features:* Floodway/floodplain locations and elevations; wetlands and water courses; woodlands; location and description of other natural resources and natural features.

11. *Phasing information:* The approximate location, area and boundaries of each phase; the proposed sequence of development, including phasing areas and improvements; and the projected timing for commencement and completion of each phase.

12. *Public services and facilities:* A description of the anticipated demand to be generated by the development for public sewer, water, off-site roads, schools, solid waste disposal, off-site drainage, police and fire; a description of the sufficiency of each service and facility to accommodate such demands; the anticipated means by which any insufficient services and facilities will be addressed and provided.

13. *Historical resources and structures:* Their location, description and proposed preservation plan.

14. *Site topography.*

15. *Signage:* General character and location of entrance and internal road system signage; project identification signage; and temporary or permanent signage proposed for any other locations.

16. *Amenities.*

17. *Zoning classification:* Existing zoning classifications on and surrounding the site.

18. *Specification of deviations:* A specification of all deviations proposed from the regulations which would otherwise be applicable to the underlying zoning and to the proposed uses, which are proposed and sought for any phase or component of the Planned Unit Development; the safeguards, features and/or planning mechanisms proposed to achieve the objectives

intended to be accomplished by any regulation from which a deviation is being sought.

19. *Community impact statement:* A community impact statement, which shall provide an assessment of the developmental, ecological, social, economic and physical impacts of the project on the natural environmental and physical improvements on and surrounding the development site. Information required for compliance with other ordinance provisions need not be duplicated in the community impact statement.

20. *Environmental impact statement:* An environmental impact statement in accordance with the provisions of Article VII of this Chapter shall be submitted.

D. *Standards for Approval.* In making a determination as to whether to approve a proposed Planned Unit Development proposal, the Planning Commission and the City Council shall be guided by the intent and criteria as set forth in Sections 35.10.00 through 35.40, as reasonably applicable to the site.

E. *Planned Unit Development Agreement.* In conjunction with a request for Concept Development Plan approval, the applicant shall submit one or more proposed documents which, when agreed upon by all parties, shall serve as the PUD Agreement. As a part of the Concept Development Plan approval process, the applicant and the City Council shall each authorize execution of a PUD Development Agreement. The PUD Development Agreement shall include, but shall not be limited to, items such as the following:

1. A summary description of the nature and character of the proposed development, including uses, densities and site improvements as approved in the Concept Development Plan.

2. A statement of the conditions upon which Conceptual Development Plan Approval by the City Council is based, with particular attention given to those conditions which are unique to this particular PUD Plan. These conditions may include matters such as, but not limited to, architectural standards, building elevations and materials, site lighting, pedestrian facilities, and landscaping.

3. A summary of the public improvements (streets, utilities, etc.) and any other material benefits offered by the applicant, which are to be carried out in conjunction with the proposed PUD development, along with a summary of the financial guarantees which will be required and provided in order to ensure completion of those improvements, as well as the form of such guarantees which will be acceptable to the City.

4. A document specifying and ensuring the maintenance of any open space or common areas contained within the PUD development (e.g. through a property owners association, or through conveyance to the City with maintenance deposit, etc.).

   Upon the granting of Concept Development Plan approval, the Planned Unit Development Agreement shall be recorded in the office of the Oakland County Register of Deeds by the City of Troy, referencing the legal description of the subject property.

5. A statement that if there is a conflict between the Zoning Ordinance, the Conceptual Development Plan and the Planned Unit Development Agreement, the Planned Unit Development Agreement shall control.

F. *Effect of Concept Development Plan Approval.* If the City Council approves the Concept Development Plan and the Development Agreement, the zoning map shall be amended to designate the property as a Planned Unit Development. Such action, if and when approved, shall confer Concept Development Plan approval for five (5) years (herein to be referred to as CDP Period). The five year CDP Period commences upon the effective date of adoption of the ordinance that rezones the parcel to PUD by City Council

During the CDP Period, the applicant shall be permitted to submit at least one (or more, at the option of the applicant, if the project is proposed in phases) Preliminary Development Plan application(s), seeking Preliminary Development Plan approval in the manner hereinafter provided. Upon the submittal of the first Preliminary Development Plan for one or more phases of the PUD project, the five (5) year expiration period shall no longer apply to the CDP and the CDP shall remain in full force and effect for the development of the entire PUD project, including without limitation, the development of all future phases of the entire PUD Property. Any submittals of Preliminary Development Plans shall comply with all the requirements of Section 3.43.00 of the Troy Zoning Ordinance for Preliminary Site Plan submittals and any additional requirements of the Planning Department reasonably needed to demonstrate consistency with the CDP and compliance with Section 35.50.02. Any Preliminary Development Plans that do not comply with these requirements shall not be considered submittals for purposes of this Paragraph. After submittal of the first Preliminary Development Plan, the timing for the issuance of permits and construction of the PUD project and/or all future phases, shall, be determined as set forth in Section 35.50.02.G.

Upon the request of the applicant, prior to the expiration of the Concept Development Plan, the City Council may extend the expiration date of the Concept Development Plan. In determining whether to extend the expiration date of the Concept Development Plan, approval of an extension may be granted if the ordinances and laws applicable to the

project have not changed in a manner which would substantially affect the project as previously approved.

In the event of the expiration of the Concept Development Plan, the applicant may either make application for a new Concept Development Plan or make application for some other zoning classification. Following Final Development Plan Approval for one or more phases or for the entire PUD, no use or development of the subject property may occur which is inconsistent with the approved Final Development Plan and Development Agreement. There shall be no use or development of the subject property until a new concept development plan or rezoning is approved.

35.50.02. Step Two: Preliminary Development Plan Approval:

A. Development of property classified as a PUD shall require Preliminary Development Plan approval, which shall be granted by CITY COUNCIL FOLLOWING A RECOMMENDATION BY the Planning Commission. Application(s) shall be submitted to the Planning Commission AND CITY COUNCIL for review and approval consistent with the approved Concept Development Plan.

B. Preliminary Development Plan approval may be applied for and granted with respect to the entire PUD development or as to one or more phases. However, if the project is developed in phases, the design shall be such that upon completion, each phase or cumulative result of approved phases shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the Planned Unit Development and properties in the surrounding area.

The PRELIMINARY DEVELOPMENT PLAN ~~Planning Commission~~ shall specify the public improvements required to be constructed in addition to and outside of the proposed phase or phases for which approval is sought, which are determined to be necessary in order to support and service such phase or phases.

Further, THE PRELIMINARY DEVELOPMENT PLAN ~~the Planning Commission~~ may require the recordation of permanent or temporary easements, open space agreements, and other instruments in order to ensure the use and development of the public improvements on the property as proposed and/or to promote and/or protect the public health, safety and welfare in a manner consistent with the intent and spirit of this Article.

C. Following receipt of an application for Preliminary Development Plan approval for either the entire PUD development, or for any one or more phases thereof, the Planning Commission shall conduct a public hearing to determine that:

1. The Preliminary Development Plan continues to meet and conform to the criteria for, the intent of and the objectives contained in the approved Concept Development Plan. In the event that the Planning Commission determines that the Preliminary Development Plan does not continue to meet or conform to the criteria for, the intent of and/or the objectives contained in the approved Concept Development Plan, THE PLANNING COMMISSION SHALL MAKE THIS DETERMINATION A PART OF THEIR RECOMMENDATION. IF CITY COUNCIL DETERMINES THE PRELIMINARY DEVELOPMENT PLAN DOES NOT CONFORM TO THE CONCEPT DEVELOPMENT PLAN, the applicant shall either revise the Preliminary Development Plan to so conform, or, shall seek an amendment to the Concept Development Plan in accordance with Section 35.70.00 hereof; and

2. The Preliminary Development Plan meets the requirements, standards and procedures set forth Section 03.40.00 *et seq.* (Site Plan Review/Approval) of the Zoning Ordinance and any other applicable requirements as set forth in this Article.

D. Except as herein otherwise modified, Preliminary Development Plan approval shall be based upon the requirements, standards and procedures set forth Section 03.40.00 *et seq.* of the Zoning Ordinance (Site Plan Review/Approval). In addition to the information required in such Section, the applicant shall also submit the following:

1. A demonstration, including map and text, that the requirements of Section 35.50.02.B hereof have been met.

2. To the extent not provided by the information submitted in accordance with Section 03.40.00 *et seq.* of the Zoning Ordinance, the following additional information and documentation shall be submitted:

a. Sufficient information to demonstrate compliance with any applicable project design standards as approved during Concept Development Plan review.

b. A site plan showing the type, location and density of all structures and uses.

c. A plan showing all open spaces, including preserves, recreational areas, and historic resources, including but not limited to all similar such uses and spaces, and the purpose proposed for each area.

d. Expert opinion of an independent consultant with regard to a market need for the use or uses proposed and the economic feasibility of the project.

e. A specification of all deviations proposed from the regulations which would otherwise be applicable to the underlying zoning and to the proposed uses. This specification shall state the

reasons and mechanisms to be utilized for the protection of the public health, safety and welfare in lieu of the regulations which would otherwise apply to a traditional development.

f. Additional landscaping details as required by the Planning Commission and/or the City Council in order to achieve a specific purpose consistent with the spirit of this Article.

g. The general improvements which will constitute a part of each phase or phases proposed, including, without limitation, lighting, signage, visual and noise screening mechanisms, utilities, and further including the aesthetic qualities of the general improvements.

E. The Planning Commission shall proceed with the review of a Preliminary Development Plan in the manner herein specified and in accordance with the provisions of Section 03.40.00 *et seq.* of the Zoning Ordinance. THE PLANNING COMMISSION SHALL PROVIDE A RECOMMENDATION TO CITY COUNCIL WHO SHALL HAVE THE AUTHORITY TO APPROVE OR DENY THE PRELIMINARY DEVELOPMENT PLAN.

F. At the conclusion of the Planning Commission's review, the Planning Commission shall either RECOMMEND ~~grant~~ approval of the Preliminary Development Plan, with or without conditions, or RECOMMEND DENIAL ~~deny~~. If ~~denied,~~ the PLANNING COMMISSION RECOMMENDS DENIAL, THE minutes of the meeting shall include the REASONS FOR RECOMMENDING ~~grounds for~~ denial. If approval is RECOMMENDED ~~granted~~ with conditions, the minutes shall include a statement of the conditions.

G. FOLLOWING RECEIPT OF THE PLANNING COMMISSION'S RECOMMENDATION OF A PRELIMINARY DEVELOPMENT PLAN, THE CITY COUNCIL SHALL CONDUCT A PUBLIC HEARING TO DETERMINE THAT:

1. THE PRELIMINARY DEVELOPMENT PLAN CONTINUES TO MEET AND CONFORM TO THE CRITERIA FOR, THE INTENT OF AND THE OBJECTIVES CONTAINED IN THE APPROVED CONCEPT DEVELOPMENT PLAN. IN THE EVENT THAT THE CITY COUNCIL DETERMINES THAT THE PRELIMINARY DEVELOPMENT PLAN DOES NOT CONTINUE TO MEET OR CONFORM TO THE CRITERIA FOR, THE INTENT OF AND/OR THE OBJECTIVES CONTAINED IN THE APPROVED CONCEPT DEVELOPMENT PLAN, THE CITY COUNCIL SHALL DENY THE APPLICATION. IF CITY COUNCIL DETERMINES THE PRELIMINARY DEVELOPMENT PLAN DOES NOT CONFORM TO THE CONCEPT DEVELOPMENT PLAN, THE APPLICANT SHALL EITHER REVISE THE PRELIMINARY DEVELOPMENT PLAN TO SO CONFORM, OR, SHALL SEEK AN AMENDMENT TO THE CONCEPT DEVELOPMENT PLAN IN ACCORDANCE WITH SECTION 35.70.00 HEREOF; AND

2. THE PRELIMINARY DEVELOPMENT PLAN MEETS THE REQUIREMENTS, STANDARDS AND PROCEDURES SET FORTH SECTION 03.40.00 *ET SEQ.* (SITE PLAN REVIEW/APPROVAL) OF THE ZONING ORDINANCE AND ANY OTHER APPLICABLE REQUIREMENTS AS SET FORTH IN THIS ARTICLE.

~~G~~H. CITY COUNCIL'S ~~The Planning Commission's~~ approval of the Preliminary Development Plan shall be effective for a period of three (3) years, during which period of time the applicant is authorized to submit a Final Development Plan (final site plan, engineering and construction plans) for site improvements, together with all other documents necessary for Final Development Plan approval and the issuance of Building Permits. The applicant may apply to the CITY ~~Planning Commission~~ for extension of the three (3) year period for approval of the Preliminary Development Plan.

35.50.03. Step Three: Final Development Plan Approval:

Upon receipt of Preliminary Development Plan approval, the applicant shall be entitled to submit a Final Development Plan for the entire development (or one or more phases) to the Planning Department for its review and approval, and the Planning Department shall have final authority for the review and approval of Final Development Plans. In conjunction with the application for approval of a Final Development Plan, the applicant shall submit evidence of completion of the Preliminary Development Plan Approval process in accordance with this Article. Following their review of the Final Development Plan, the Planning Department shall approve, approve with conditions, or disapprove the Final Development Plan. In the event of denial, the Planning Department shall set forth in writing the reasons for such action. Construction shall commence in accordance with the Final Development Plan within two (2) years from the date of approval. The applicant may apply to the Planning Commission for an extension of the one (1) year period within which to commence construction upon good cause shown.

35.60.00. Amendment or Abandonment:

35.60.01. Any proposed amendment of the Planned Unit Development which seeks to alter the intent, the conditions or terms of the Concept Development Plan as approved and/or the terms or conditions of Final Development Plan approval, shall be presented to and considered by the Planning Commission and the City Council at Public Hearings, following the procedures set forth for Concept Development Plan approval.

35.60.02 Abandonment of Concept Development Plan: Following any action evidencing abandonment of the Concept Development Plan, whether through failure to proceed during the Concept Development Plan period as required under this Article, or through notice of abandonment given by the property owners, applicants or their successors, the City Council shall be entitled to

take any necessary and appropriate action to rescind the Concept Development Plan approvals, to invalidate any related Development Agreements, and to rezone the subject property from PUD to an appropriate classification. Abandonment shall be deemed to rescind any and all rights and approvals granted under and as part of the Concept Development Plan ~~PUD~~, and the same shall be deemed null and void. Evidence of such actions shall be recorded in the office of the Oakland County Register of Deeds, and referenced to the subject property.

35.60.03. Abandonment of Preliminary Development Plan: Approved Preliminary Development Plans for which a Final Development Plan has not been submitted as required under Section 35.50.02.G., shall be considered abandoned for the purposes of this Article. The applicant may request a twelve month extension of Preliminary Development Plan approval, which will be considered and acted upon by the CITY COUNCIL ~~Planning Commission~~ following a Public Hearing. A written request for extension must be received by the City before the expiration of the three year Preliminary Plan Approval period.

35.60.04. Abandonment of Final Development Plan: Approved Final Development Plans, upon which construction does not commence within a two year period from the date of a Final Development Plan approval, shall be considered abandoned for the purposes of this Article. The applicant may request a twelve month extension of Final Development Plan approval, which will be considered and acted upon by the City Council following a Public Hearing. A written request for extension must be received by the City before the expiration of the two year Final Plan Approval period.

35.70.00. Appeals:

The Board of Zoning Appeals shall have no authority in matters covered by this Article. Modifications to plans or proposals submitted under this Article shall be processed in accordance with the amendment procedures covered under Section 35.60.00 hereof.

35.80.00. Violations:

Any violation of the approved PUD Final Plan or the PUD Agreement shall be considered a violation of the Zoning Ordinance, which shall be subject to the enforcement actions and penalties described in Section 02.50.00 of the Zoning Ordinance.

Section 4. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted

under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 5. Severability Clause

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

Section 6. Effective Date

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

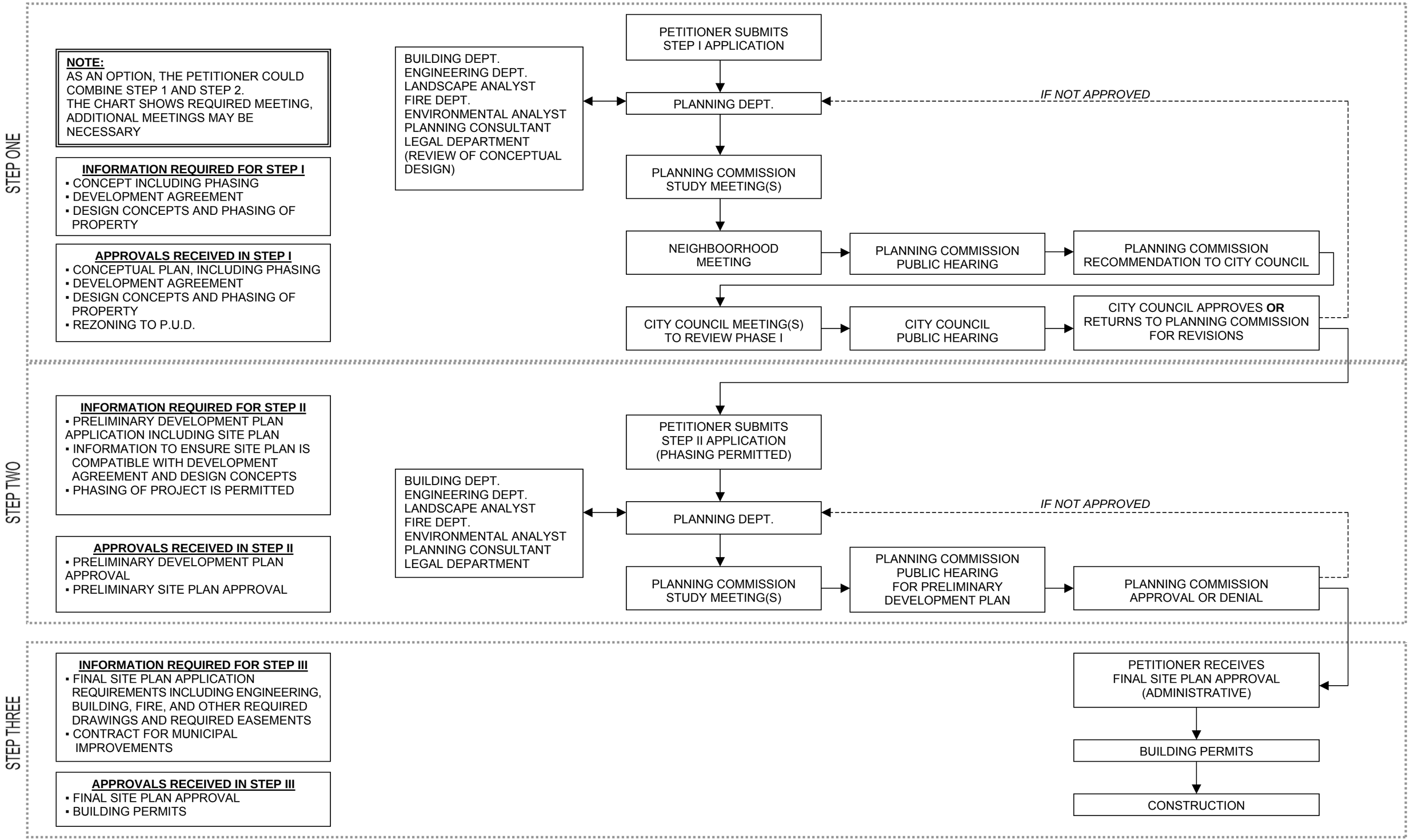
This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2007.

_____
Louise Schilling, Mayor

_____
Tonni Bartholomew, City Clerk

G:\ZOTAs\ZOTA 225 Amendment to PUD Provisions\ZOTA 225 CC Version 03 19 07.DOC

CITY OF TROY
PROPOSED P.U.D. APPROVAL PROCESS



4. PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (ZOTA 225) – Article 35.00.00 Planned Unit Developments

Planning Director Miller presented a summary on the Planning Department report on the Zoning Ordinance Text Amendment (ZOTA 225) – Article 35.00.00 Planned Unit Developments.

PUBLIC HEARING RE-OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2007-02-031
Moved by: Kerwin
Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles IV DEFINITIONS and XXXV GENERAL PROVISIONS, pertaining to Planned Unit Developments (PUD), be amended as printed on the proposed Zoning Ordinance Text Amendment, Planning Commission Draft dated February 7, 2007.

Yes: All present (5)
No: None
Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

TO: Mayor and City Council

FROM: Phil Nelson, City Manager

SUBJECT: Impacts of Proposal to Reduce Mill Rate Resulting from Effective Management

DATE: March 15, 2007

Background

At the February 26, 2007, Council meeting, Councilmember David Lambert introduced a resolution to reduce the property tax mill rate by an amount that the City of Troy could realize as a result of savings by the Southeastern Oakland County Resource Recovery Authority (SOCRRA). Staff was asked to develop facts and figures indicating the potential budgetary impacts of reducing the budget mill rate in the amount equal to projected savings.

According to the numbers supplied by SOCRRA, the City of Troy could realize a first-year savings of approximately $786,000. At one point, staff asked that the subsidy supplied from the Refuse and Recycling Fund be subtracted from the savings estimate, but it appears that the fund will not have to be subsidized in the 2007/08 budget.

- Based on current valuation totals, the projected $786,000 in savings would reduce the City's mill rate by approximately .15 of a mill.
- This translates into a revised mill levy from the current 9.43 mills to approximately 9.28 mills.
- Compared with the current mill rate, the reduction in mill rate would result in a monthly savings to the owner of a home valued at $300,000 (the current approximate median housing value in the City of Troy) of $1.54 cents per month, or about $18.50 per year.
- The attached chart indicates the potential tax savings for residential properties of various values throughout the community.
- Comparing both ends of the value spectrum, the owner of a home valued at $150,000 would see a reduction in taxes of 77 cents per month, and the owner of a home valued at $650,000 would see a reduction of $3.34 per month. In terms of impact on median household income, again using the spectrum of value of property valued from $150,000 to $650,000, percentages are reduced from the current 1.35% to a proposed 1.32%.

Based on numbers supplied by SOCRRA, the proposed 2007/08 budget reflects a reduction in total budget expenditures of $786,000. When reviewing the entire document, the proposed 2007/08 budget will be an estimated $782,660 less than the 2006/07 budget. Although we won't have final valuation numbers until May, based on a 2.75 percent increase in total valuation, the tax rate needed to fund the refuse and recycling budget would be .68 mills, a reduction of .15 mills. The .15 mills will generate approximately $791,000 in property tax revenue.

Options/Alternatives

After hearing significant discussion on the matter at the Council meeting, it appears that a majority of Council will vote to reduce the mill rate. Staff would urge the Council to think in a longer-term, more comprehensive approach as to the purpose of the budget, that purpose being a primary policy planning and implementation document. Even though the budget is based on annual appropriations, the true focus of the document is to build a policy blueprint for the future. While priorities change, providing for consistent annual appropriations can serve many purposes.

First among those purposes is adding value to the properties in the community through a reinvestment in the City's infrastructure. Reinvestment in the approximate ½ billion dollars of community owned infrastructure assets shows the business and residential property owners of Troy that their $12 billion dollars of personal investment is extremely important to the City. Second, beyond the fiduciary responsibility to reinvest in community owned assets, investment shows those who might choose Troy to invest more private money that the City is committed to the future.

The attached graph indicates current street conditions. The graph indicates condition of local roads based budget investment. The telling part shows that with the current $2.5 million dollar annual investment, the condition of local roads begins to deteriorate and will go from good condition to moderate condition within the next two years. Doubling the current investment to $5.0 million dollars maintains local roads on the borderline between good and moderate through the year 2012.

The longer-term picture of the Refuse and Recycling budget includes key unknown variables that could include:

- Increases in the cost of fuel
- Increases in collection fees
- Possible increases in the amount of trash collected

Key factors from a City budgeting standpoint include:

- A 20-year forecast of $459 million of unfunded capital projects. Not counting increases in inflation, this creates a need to have a consistent annual capital improvements appropriation of approximately $23 million per year over the next 20 years just to fund these capital projects.
- Inflationary impacts on the cost of doing business.
- Labor related cost adjustments.
- Budget impacts to other levels of government that will adversely impact the City of Troy.

- Losses of revenue from further changes to the franchising laws—beyond cable television franchising. We already know that we will lose a minimum of $200,000 in annual cable television franchise revenues. Additionally, according to CRC, Revenue Sharing is still vulnerable. Statewide, revenue sharing has decreased over 29%.
- Continued adverse impacts during the economic recovery of the state.
- Increases in finite resource costs.
- The potential for damages and legal fees if the City does not prevail in the lawsuit brought against the City by Hooters.
- Unknown costs of City related expenses for the redevelopment of Big Beaver, Maple, Rochester Road and other areas in the City.
- Unknown expenditures for normal maintenance of City owned buildings.

Another set of statistics that the Council should be aware of is a listing of road improvement costs compiled by the Road Commission of Oakland County. Examples of actual costs for improvements to area roadways include examples such as:

▪ Build a right turn lane	$100,000
▪ Add center left turn lane	$1,000,000 per mile
▪ Rehabilitate/resurface five-lane concrete road	$750,000/mile
▪ Widen an intersection for turn lanes	$900,000 each
▪ Widen from two lanes to five lanes	$6.5 million/mile
▪ Widen fro two lanes to four-lane boulevard	$10 million/mile
▪ Widen from two lanes to six-lane boulevard	$12 million/mile

At the recent Michigan Local Government Management Association meeting, the Michigan Municipal League (MML) made a presentation of options the State is reviewing to handle their rather less than optimistic budget situation. In an effort to try to bring neglected statewide infrastructure up to date as well as refocus spending of meeting the challenges of the future, the MML will be working with the State legislature and asking the legislature to consider some of the following programs:

- Creation of a “Local First” Program. Under the program, a local road agency would apply for grants from the state and would have a local match. Methods to fund the program call for issuing $1 billion dollars in bonds with an amortization schedule to span a 40-year period.
- Investment in public mass transit. This program entails creating mass transit zones to assist in economic development around new transit systems. Methods to fund the program call for issuing another $1 billion in bonds, to be amortized, presumably, over a 40-year period.
- Creation of “Job Ready Site” Programs. The program is designed to assist Commerce Center communities to compete for business expansion/relocation projects by preparing sites to meet the infrastructure needs of businesses. Methods to fund the program call for issuing $200 million in bonds with a 7-year amortization schedule.
- Create a “Community Capital Improvement” program. This grant program, with a local match, will assist communities in developing and maintaining community capital infrastructure. Methods to fund the program call for issuing $300 million in bonds with an undetermined amortization time.

- Other methods of raising funds include the creation of a Regional Infrastructure Authority. Authorities would consist of at least two communities and would provide incentives to be more regional through increased tax rate for additional participation. The regional authority could create a regional entertainment tax to be dedicated to local transportation infrastructure.
- Gas and diesel tax Increases. The plan calls for an increase of 3 cents per gallon for 3 straight years. This would make up for the estimated $2 billion dollar annual shortfall for local road systems. In other words, due to not paying for the inevitable roadway deterioration on an annual basis, gas taxes will be increased on top of increased resource prices.

The main theme here is that the State would have to consider the issuance of $2.5 billion dollars in bonds to make up for under funding the budget for many, many years. The true fallacy in the program is that infrastructure will be falling apart—again—before the bonds are amortized. Issuing long-term interest bearing bonds turn the $2.5 billion into approximately $7 billion, including interest, over the amortization period.

To show what can happen when investment is reduced for the sake of lower taxes, the story of the State of Kansas and road construction should be related. The Kansas Legislature reduced appropriations to the Kansas Department of Transportation year after year. Kansas is the 13th largest state in physical size and has one of the lowest densities of population to land ratios of all of the states. However, Kansas has the third highest total of roadway mileage in the country behind Texas and California. When the legislature was finally convinced that the roadway system was falling apart, the legislature issued $10 billion dollars in bonds in two separate bond issues to repair crumbling highways. This $10 billion dollar investment turned out to be a $21 billion dollar total cost when interest over a 25-year period was calculated. The biggest problem is that the roadways will be completely deteriorated prior to the bonds being paid out, and due to the interest payments, the State will not have the resources to commit to keeping the infrastructure at acceptable levels. An additional element is that inflation on construction costs will make the road repairs even higher in cost when construction can finally be initiated.

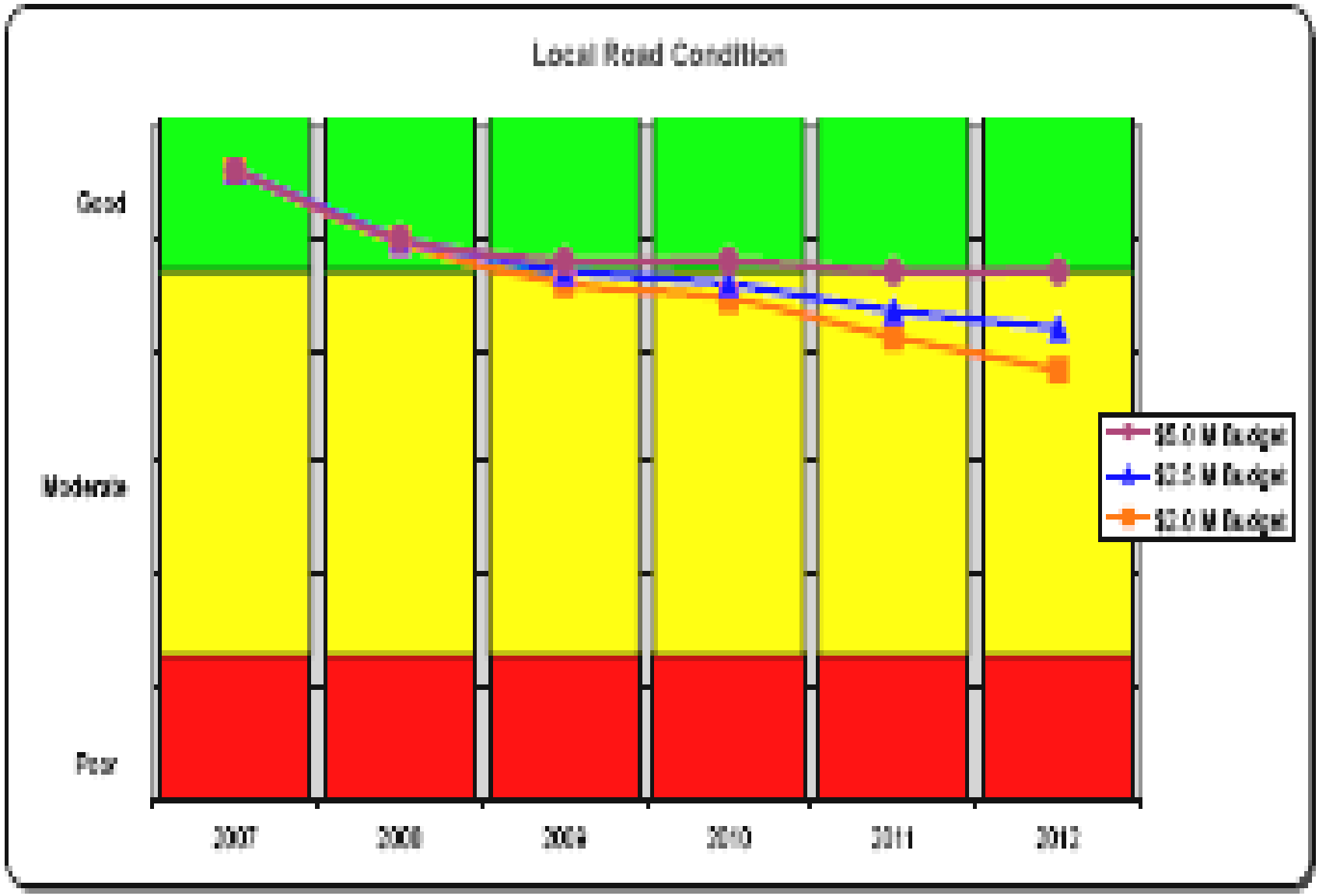
A report by the Michigan Futures Group indicates that states with the lowest tax rates do not necessarily lend to economic development and higher personal income. The report indicates that the 10 lowest business tax states also have some of the lowest personal incomes per capita in the country as well. The report goes on to say that those states that do not invest in their communities, their people, their educational systems and in the general quality of life will have longer-term problems than taxation rates.

From the City's standpoint, over the past few years, 15 staff positions have been eliminated, and early predictions for 2007/08 indicate reducing staff size by another 4 positions. Management has pushed staff to do more with less and staff has responded. Now, the City is rapidly reaching a "Tipping Point" with regards to continued economic vitality. This "Tipping Point" is based on Michigan's economic situation and limited reinvestment in the City's infrastructure.

Perhaps the most significant adverse impact from reducing mill rates is the fact of how does management continue to push staff to be creative and continue to develop cost saving measures when the end reward is less funding to operate with the following year, especially when the cost of doing business continues to increase year after year.

It is difficult for some to believe, but Troy does not have the same allure to many in the development and investment community that it once had. People are going where the land is cheaper, the infrastructure is newer, and where the business climate is more welcoming. In a recent edition of the Oakland Business Review an article entitled "Puzzling Process", cities in Oakland County were rated in terms of good or bad places to do business. Those in the Good category included Royal Oak, Ferndale, Birmingham, and Hazel Park. The Bad included Pontiac. There was another category called "Back and Forth" that included Novi, and Troy. Quoting the text concerning Troy's ratings the caption states: "Hooters. Need we say more? On the other hand, other developers say city officials are easy to work with. The issue may be that there is little land available and most new projects are redevelopments—always full of complications."

The following text is from a personal standpoint. I am asking the Council to look at this situation from an entirely different point of view. Instead of looking at a one-time return of revenues, I am asking each of you to look at this situation from a standpoint of "What happens if the Council doesn't provide sufficient revenues for reinvestment in the community?" I'm also asking you to think of this situation in a larger scope than just refuse and recycling costs. I'm asking you to think of the level of investment and commitment that it takes to keep approximately ½ billion dollars in infrastructure assets to levels that take care of the present, but more importantly, can also act as one of the required catalysts for continued economic vitality.


Local Road Condition
Good
Moderate
Poor
2007
2008
2009
2010
2011
2012

Property Value	$ 150,000	$ 175,000	$ 200,000	$ 250,000	$ 275,000	$ 300,000	$ 350,000	$ 400,000	$ 450,000	$ 500,000	$ 650,000
Assessment Ratio	41.12%	41.12%	41.12%	41.12%	41.12%	41.12%	41.12%	41.12%	41.12%	41.12%	41.12%
Taxable Value	$ 61,680	$ 71,960	$ 82,240	$ 102,800	$ 113,080	$ 123,360	$ 143,920	$ 164,480	$ 185,040	$ 205,600	$ 267,280
City Property Tax Rate	0.00943	0.00943	0.00943	0.00943	0.00943	0.00943	0.00943	0.00943	0.00943	0.00943	0.00943
Annual Property Taxes-City Only	$ 581.64	$ 678.58	$ 775.52	$ 969.40	$ 1,066.34	$ 1,163.28	$ 1,357.17	$ 1,551.05	$ 1,744.93	$ 1,938.81	$ 2,520.45
Monthly Property Tax Equivalent	$ 48.47	$ 56.55	$ 64.63	$ 80.78	$ 88.86	$ 96.94	$ 113.10	$ 129.25	$ 145.41	$ 161.57	$ 210.04
Daily Property Tax Equivalent	$ 1.59	$ 1.86	$ 2.12	$ 2.66	$ 2.92	$ 3.19	$ 3.72	$ 4.25	$ 4.78	$ 5.31	$ 6.91
Daily Cost/Person Tax Equiv.	$ 0.59	$ 0.69	$ 0.79	$ 0.99	$ 1.09	$ 1.18	$ 1.38	$ 1.58	$ 1.78	$ 1.97	$ 2.57
Reduced Tax Rate from Refuse	0.00928	0.00928	0.00928	0.00928	0.00928	0.00928	0.00928	0.00928	0.00928	0.00928	0.00928
Annual Revised Prop. Tax-City	572.39	667.79	763.19	953.98	1,049.38	1,144.78	1,335.58	1,526.37	1,717.17	1,907.97	2,480.36
Monthly Revised Prop Tax Equiv	47.70	55.65	63.60	79.50	87.45	95.40	111.30	127.20	143.10	159.00	206.70
Daily Revised Prop. Tax Equiv.	1.57	1.83	2.09	2.61	2.88	3.14	3.66	4.18	4.70	5.23	6.80
Daily Cost/ Person Revised	0.58	0.68	0.78	0.97	1.07	1.17	1.36	1.55	1.75	1.94	2.53
Annual Diff, in Property Tax	$ 9.25	$ 10.79	$ 12.34	$ 15.42	$ 16.96	$ 18.50	$ 21.59	$ 24.67	$ 27.76	$ 30.84	$ 40.09
Diff, In Monthly Savings-Revised	$ 0.77	$ 0.90	$ 1.03	$ 1.29	$ 1.41	$ 1.54	$ 1.80	$ 2.06	$ 2.31	$ 2.57	$ 3.34
Diff. In Daily Savings-Revised	$ 0.025	$ 0.030	$ 0.034	$ 0.042	$ 0.046	$ 0.051	$ 0.059	$ 0.068	$ 0.076	$ 0.084	$ 0.110
Diff. In Daily Cost/Person-Revised	0.009	0.011	0.013	0.016	0.017	0.019	0.022	0.025	0.028	0.031	0.041
Annual Household Income-Est.	$ 43,200	$ 50,000	$ 57,600	$ 72,000	$ 80,000	$ 86,400	$ 100,000	$ 115,200	$ 129,600	$ 144,000	$ 187,200
Percent Property Taxes of Annual Income	1.35%	1.36%	1.35%	1.35%	1.33%	1.35%	1.36%	1.35%	1.35%	1.35%	1.35%
Percent Property Taxes of Annual Income--Revised	1.32%	1.34%	1.32%	1.32%	1.31%	1.32%	1.34%	1.32%	1.32%	1.32%	1.32%
Est. Monthly House Payment	$ 900	$ 1,050	$ 1,200	$ 1,500	$ 1,650	$ 1,800	$ 2,100	$ 2,400	$ 2,700	$ 3,000	$ 3,900
Est. Yearly House Payment	$ 10,800	$ 12,600	$ 14,400	$ 18,000	$ 19,800	$ 21,600	$ 25,200	$ 28,800	$ 32,400	$ 36,000	$ 46,800
% of Income for House Payment	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%

Examples of Service Costs--Daily Basis

Daily Cost of Police Protection	0.25	0.30	0.34	0.42	0.47	0.51	0.59	0.68	0.76	0.85	1.10
Daily Cost of Fire Protection	0.04	0.04	0.05	0.06	0.07	0.08	0.09	0.10	0.11	0.13	0.17
Daily Cost of Library/Museum	0.06	0.07	0.07	0.09	0.10	0.11	0.13	0.15	0.17	0.19	0.24
Daily Cost of Parks & Rec	0.10	0.11	0.13	0.16	0.18	0.19	0.22	0.25	0.29	0.32	0.41
Daily Cost of Administration	0.02	0.03	0.03	0.04	0.04	0.04	0.05	0.06	0.07	0.07	0.10
Daily Cost of Refuse & Recycling	0.05	0.06	0.07	0.08	0.09	0.10	0.12	0.13	0.15	0.17	0.22
Total Cost of All General Fund	$ 0.72	$ 0.84	$ 0.96	$ 1.20	$ 1.31	$ 1.43	$ 1.67	$ 1.91	$ 2.15	$ 2.39	$ 3.11

TO: Mayor and Members of City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: March 12, 2007
SUBJECT: Hooters v. Troy – Proposed Consent Judgment

On Monday, March 12, 2007, our office received a settlement offer from Ed Lennon, who represents Hooters of Troy. According to the e-mail, the Troy City Council has a one time only opportunity to settle the case before the arguments at the Michigan Court of Appeals. Settlement of the case will occur ONLY if Council approves the attached consent judgment that Mr. Lennon drafted on behalf of his client at the March 19, 2007 City Council meeting.

The terms of this proposed consent judgment are as follows:

- Troy must approve the requested transfer of the Sign of the Beefcarver Class C Liquor license (Wagon Wheel) to Hooters of Troy.
- Upon approval of the requested transfer, Hooters will dismiss its appeal of the state court case, as well as dismiss its federal case against the City. Hooters would also forego any claims for damages, costs, or attorney fees from the City.
- Within 30 days of MLCC's approval of the requested transfer of the liquor license, Hooters would place the liquor license for the John R. Road location into escrow. Hooters further agrees to operate only one Hooters restaurant in the City of Troy.
- Hooters would remove the pole sign that currently extends over the roof of the building, as well as the pole sign that is located in the parking lot to the east of the building, which is visible from Big Beaver Road.
- Hooters would be allowed to replace the pole signs with the following:
    - A 36 inch "Hooters" wall sign to be constructed at the northwest corner of the building.
    - Two sets of orange lettered "Exist/Entrance" signs that will be placed near the curb cuts for Rochester and Big Beaver Roads.

If Council elects to settle this case, then Hooters would be allowed to replace the larger of the two pole signs (the sign over the roof) with a sign that has "Hooters" in 36 inch high letters. This lettering is consistent with the size of the lettering for "Hooters" that is currently on the larger pole sign. This new wall sign would be located at the northwest corner of the building. This proposed replacement sign would exceed the allowable wall signage that is permitted under the City of Troy ordinances- 113 square feet of wall signage. The proposed consent judgment also does not provide any specifics as to the size and character of the directional signs. In the previous consent judgment proposal, commercial messages were prohibited on the directional signs. That language has been omitted from this settlement proposal. In addition, the previous draft of the consent judgment also prohibited Hooters from seeking additional signage in the future. That language has also been removed from the current proposal. Additionally, the authority of the City to remove any non-conforming pole signs has also been removed from the current proposal.

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

March 12, 2007 Proposed Consent Judgment

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HOOTERS OF TROY INC.,

Plaintiff,

v.

CITY OF TROY,

Defendant.

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

_____/

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

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

_____/

JUDGMENT BY CONSENT

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

PRESENT: Hon. _____
DISTRICT COURT JUDGE

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

RECITALS

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

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

3. Plaintiff also operates a Hooters restaurant located at 2946-2950 Rochester Road (formerly the Wagon Wheel Saloon) in Troy. This new Hooters location currently operates its restaurant business without the sale of liquor.

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

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

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

7. Pursuant to MCL 436.1501(2), such an application requires approval from the Troy City Council, the legislative body of the City of Troy. At the June 19, 2006 regular City Council meeting, the Troy City Council denied Hooter's request to transfer the Liquor License from Beefcarver.

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

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

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

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

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

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

2. With the entry of this Consent Judgment by the Court, the Troy City Council approves Plaintiff's application to transfer the Liquor License from the Beefcarver to Hooters. After such time, the Troy City Clerk shall immediately forward a resolution of approval of the transfer to the Michigan Liquor Control Commission.

3. The City of Troy will reasonably cooperate and file such other additional or revised documents that reflect the above referenced approval, and as required by the Michigan Liquor Control Commission to complete or expedite the Liquor License transfer.

4. In consideration of the approval of the transfer of the Liquor License by the City of Troy, Plaintiff agrees to the following:

   a. Plaintiff relinquishes any claim of damages against Defendant and shall dismiss with prejudice its claims against the City of Troy filed with this Court.

   b. Plaintiff will dismiss with prejudice its claim of appeal filed with the Michigan Court of Appeals in the state court action, which is entitled *In Re Hooters of Troy Inc*., Oakland County Circuit Court No. 06-75618 AS, Michigan Court of Appeals No. 272155.

   c. Plaintiff will cease its operation of a Hooters Restaurant at 1868 John R Road, and place its Class C liquor license for that location

into escrow with the Michigan Liquor Control Commission within 30 days after approval by the Michigan Liquor Control Commission of the transfer of the Liquor License. This Consent Judgment does not address any future transfer or sale of the John R. escrowed license, and any sale or transfer of said liquor license shall comply with the Michigan Liquor Control Code.

d. After the John R restaurant is closed, Plaintiff shall be permitted to operate only one Hooters restaurant in Troy, which currently is located at 2946-2950 Rochester Road.

e. Upon approval of the transfer of the Liquor License by the City of Troy, Plaintiff shall remove the two pole signs (collectively Pylon Signs F & G"), which were erected at this location. More specifically, the first pole sign Plaintiff shall remove is located a short distance from the restaurant, is in close proximity to the intersection of Rochester and Big Beaver Roads, and is the larger of the two pole signs. The second pole sign Plaintiff shall remove is located in close proximity to the northeast parking entrance to the restaurant, which also curb cuts on Big Beaver Road, and is the smaller of the two pole signs. These two pole signs are further described as F, SF Pylon, and G, DF Pylon, in the attached plan (Ex. A, incorporated by reference).

f. Instead of Pylon Signs F & G, Plaintiff shall add 36 inch channel letters which spell the word "Hooters" on the northwest corner of

the building facing north which currently has no signage. In addition, Hooters will add “Entrance/Exit” signs to the parking lot in orange letters at the curb cuts on both Big Beaver and Rochester Roads.

5. The parties agree to waive all costs and attorney fees incurred as a result of the case.

6. By entry of this Consent Judgment, the parties, their agents, successors, assignees waive and discharge any and all claims that they may have against the other party, including its officials and employees, relating to the subject of this lawsuit.

7. In order to effectuate the intent of this Consent Judgment and to reconcile any differences of the parties that may arise in connection with the performance of this Consent Judgment, this Court shall retain jurisdiction of this action.

_____
DISTRICT COURT JUDGE

Approved for entry:

HOOTERS OF TROY INC.

By: _____
Coby G. Brooks, President

CITY OF TROY, a Michigan Municipal Corporation

By: _____

Louise Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

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

RECITALS:

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

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

(a) It has read and is aware of the provisions of the City of Troy Ordinances, Chapter Nos. 67, 68, 92 and Chapter No. 98 (effective 02/01/01), and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this Agreement.

(b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this Agreement.

(c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor license business in the City of Troy.

(d) It agrees to immediately require all employees who serve/sell alcohol, to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e., TIPS, TAM, SERV SAFE Alcohol), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.

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

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

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

Witnesses:

_____

_____

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

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

Applicant:

HOOTERS OF TROY, INC.

By: _____
Coby G. Brooks, President

SHAUNA MULLINGS
MY COMMISSION EXPIRES
NOTARY
PUBLIC
APRIL 5TH 2009
COBB COUNTY, GEORGIA

CITY OF TROY

_____

By: _____
Louise E. Schilling, Mayor

_____ By:_____
Tonni L. Bartholomew, Clerk

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

_____

Notary Public, Oakland County, Michigan
My commission expires:

Blmfield.18796.60706.734623-1

TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: March 19, 2007
SUBJECT: Hooters v. City of Troy

On Friday afternoon, March 16, 2007, Councilwoman Jeanne Stine telephoned the City Manager's Office, requesting an alternative resolution approving the proposed consent judgment in the *Hooters of Troy, Inc. v. City of Troy* case that was presented for City Council consideration at the January 8, 2007 City Council meeting.

Hooters has not indicated whether they are willing to accept the terms of the January 8, 2007 proposed consent judgment, so approval of the January 8, 2007 proposed consent judgment may or may not settle the case.

Please let us know if you have any questions concerning the above.

Proposed Resolution:

(c) <u>Approval of Alternate Consent Judgment</u>

PROPOSED RESOLUTION:

RESOLVED, that the proposed Consent Judgment, presented to the Troy City Council at the January 8, 2007 City Council meeting, a copy of which is attached, in the *Hooters of Troy Inc. and the City of Troy* case is hereby approved, and the Mayor and City Clerk are authorized to execute the document, and a copy is to be attached to the original minutes of this meeting; and

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

BE IT FURTHER RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Hooters of Troy, Inc., (a Georgia Corporation) to transfer ownership of a 2005 Class C licensed business with outdoor service (1 area), and new Entertainment Permit located at 2950 Rochester, Troy, MI 48083, Oakland County from Sign of the Beefcarver, Inc., and the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

January 8, 2007 Proposed Consent Judgment

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HOOTERS OF TROY INC.,

Plaintiff,

v.

CITY OF TROY,

Defendant.

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

_____/

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

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

_____/

JUDGMENT BY CONSENT

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

PRESENT: Hon. _____
DISTRICT COURT JUDGE

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

January 8, 2007 Proposed Consent Judgment

RECITALS

1. Plaintiff, Hooters of Troy Inc., is a subsidiary of Hooters of America Inc.

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

3. On January 6, 2006, Plaintiff entered into an agreement with Sign of the Beefcarver, Inc. ("Beefcarver") to purchase Beefcarver's Class C Liquor License entitled 2005 Class C Licensed Business with Outdoor Service (1 Area). Beefcarver was using this liquor license at a restaurant named the Wagon Wheel Saloon, which it operated at 2950 Rochester Road in Troy. The Wagon Wheel Saloon closed on or about December 31, 2005.

4. In addition to the agreement to purchase Beefcarver's Class C Liquor License, Plaintiff also agreed to the lease the property at which the Wagon Wheel Restaurant was located.

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

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

the June 19, 2006 regular City Council meeting, the Troy City Council denied Hooter's request to transfer the liquor license from Sign of the Beef Carver.

7. On June 27, 2006, Plaintiff filed a lawsuit against the City of Troy in Oakland County Circuit Court. Plaintiff sought an order of superintending control approving the transfer of Class C Liquor License to Hooters. This case was dismissed by Oakland County Circuit Court Judge John McDonald. Plaintiff has appealed Judge McDonald's dismissal, and the case is pending oral argument in the Michigan Court of Appeals.

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

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

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

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

January 8, 2007 Proposed Consent Judgment

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

2. Troy City Council approves Plaintiff's application to transfer a Class C Liquor License which is entitled 2005 Class C Licensed Business with Outdoor Service (1 Area) from the Sign of the Beefcarver Inc. to Hooters of Troy Inc. The Troy City Clerk shall forward a resolution of approval of the transfer to the Michigan Liquor Control Commission.

3. In consideration of City Council's approval, Plaintiff agrees to the following:

   a. Plaintiff relinquishes any claim of damages against Defendant.

   b. Plaintiff will dismiss with prejudice its claim of appeal filed with the Michigan Court of Appeals in the state court action, which is entitled *In Re Hooters of Troy Inc*., Oakland County Circuit Court No. 06-75618 AS, Michigan Court of Appeals No. 272155.

   c. Plaintiff will cease its operation of a Hooters Restaurant at 1868 John R Road, and place its Class C Liquor License for that location in escrow. This consent judgment does not address any future transfer or sale of the John R escrowed license, and any sale or transfer of said liquor license shall comply with the Michigan Liquor Control Code. Plaintiff shall close this restaurant within 30 days after this judgment is entered with the Court, or within 30 days of

being granted a liquor license for the premises at 2950 Rochester Road, which ever is later.

d. After the John R restaurant is closed, Plaintiff shall operate only one Hooters restaurant in Troy, which shall be located at 2950 Rochester Road.

e. Prior to operating the restaurant at the 2950 Rochester Road address, Plaintiff shall remove the two pole signs, which were erected at this location. More specifically, the first pole sign Plaintiff shall remove is located a short distance from the restaurant, is in close proximity to the intersection of Rochester and Big Beaver Roads, and is the larger of the two pole signs. The second pole sign Plaintiff shall remove is located in close proximity to the northeast parking entrance to the restaurant, which also curb cuts on Big Beaver Road, and is the smaller of the two pole signs. These two pole signs are further described as F, SF Pylon, and G, DF Pylon, in the attached plan (Exh. A., incorporated by reference).

f. With the exception of the pole signs, which Plaintiff agrees to remove, the amount and type of signage Plaintiff can maintain at 2950 Rochester Road, is limited to those described in Exh. A.

g. Plaintiff is further permanently barred from seeking permission, or any variance, from the City of Troy to construct or erect additional signage at 2950 Rochester Road, including, but not limited to, any

special event signs as set forth in Chapter 85 of City of Troy Code of Ordinances.

h. In the event Plaintiff fails to remove above described pole signs prior to operating its restaurant at 2950 Rochester Road, Defendant shall have the right to remove said pole signs, and charge all costs and expenses to Plaintiff. This does not preclude the parties from pursuing any other available relief under state or federal law for any violation of the terms of this consent judgment.

4. The parties agree to waive all costs and attorney fees incurred as result of the case.

5. By entry of this Consent Judgment, the parties, their agents, successors, assignees waive and discharge any and all claims that they may have against the other party, including its officials and employees, relating to the subject of this lawsuit.

6. In order to effectuate the intent of this Consent Judgment and to reconcile any differences of the parties that may arise in connection with the performance of this Consent Judgment, this Court shall retain jurisdiction of this action. Any violation of any terms of this Consent Judgment shall constitute contempt of court.

_____

DISTRICT COURT JUDGE

January 8, 2007 Proposed Consent Judgment

Approved for entry:

HOOTERS OF TROY INC., a subsidiary of HOOTERS OF AMERICA INC.

By: _____

Its: _____

CITY OF TROY, a Michigan Municipal Corporation

By: _____
Louise Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

Prepared by:

CITY OF TROY
CITY ATTORNEY'S OFFICE

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

A Regular Meeting of the Troy City Council was held Monday, March 19, 2007, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Pastor Tony Boos – Faith Lutheran Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

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

Vote on Resolution to Excuse Council Members Beltramini, Howrylak, and Stine

Resolution
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Beltramini, Council Member Howrylak and Council Member Stine at the Regular City Council meeting of March 19, 2007.

Vote on Resolution to Amend

Resolution #2007-03-083
Moved by Lambert
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to *Excuse Council Members Beltramini, Howrylak and Stine* by **INSERTING** "due to being out of the county" **AFTER** Council Member Howrylak and by **INSERTING** "due to illness" **AFTER** Council Member Stine.

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

Vote on Resolution as Amended

Resolution #2007-03-084
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Beltramini and Council Member Howrylak due to being out of the county and Council Member Stine due to illness at the Regular City Council meeting of March 19, 2007.

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

a) Mayor Schilling presented the *Fire Inspector of the Year Award* to recipients Lt. Robert Matlick and Lt. Rodney Bovensiep on behalf of the Oakland County Fire Prevention Association.

b) Mayor Schilling presented a proclamation on behalf of the City of Troy to Ann Comiskey of the Troy Community Coalition recognizing March 2007 as *Parenting Awareness Month*.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Postponement of Rezoning Application (File Number: Z-725) – Proposed Office Building, East of Livernois, South Side of Wattles, Section 22 – R-1C to O-1

The Mayor opened the Public Hearing for public comment.
Richard Peters raised several concerns about the rezoning.
Unnamed speaker supports keeping property as residential.
The petitioner, Tony Haddad and son support the rezoning of the property.
The Mayor closed the Public Hearing after receiving comment from the public and petitioner.

Resolution #2007-03-085
Moved by Lambert
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **POSTPONES** the *Rezoning Application (File Number: Z-725) – Proposed Office Building, East of Livernois, South Side of Wattles, Section 22 – R-1C to O-1*until the Regular City Council Meeting scheduled for Monday, April 2, 2007.

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

C-2 Street Vacation Application (File Number: SV 189) – A Section of Alley, West of Rochester Road between Marengo and DeEtta, abutting Lots 5-12 of Troy Little Farms Subdivision and Lots 26 and 27 of Clark Estates Subdivision, Section 3

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

Resolution #2007-03-086
Moved by Lambert
Seconded by Broomfield

WHEREAS, A request has been received for the vacation of a section of the 20-foot-wide platted alley, located west of Rochester Road, between Marengo and DeEtta, and abutting lots 5-12 of Troy Little Farms Subdivision and Lots 26 and 27 of Clark Estates Subdivision, in Section 3; and

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

NOW, THEREFORE, BE IT RESOLVED, The property which shall benefit from this requested vacation is Lot 12 (City of Troy Tax Parcels 20-03-278-027) and Lots 10 and 11 (City of Troy Tax Parcels 20-03-278-029) and lots 5 through 9 (City of Troy Tax Parcels 20-03-278-032), of Troy Little Farms Subdivision Section 3; and

BE IT FURTHER RESOLVED, That the City Council hereby **VACATES** the portion of the alley, 20-feet in width, located west of Rochester Road, between Marengo and DeEtta abutting Lots 5 6, 7, 8, 9, 10, 11 and 12 of Troy Little Farms Subdivision.

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

C-3 Postponement of Zoning Ordinance Text Amendment (File Number: ZOTA 225) – Articles IV and XXXV – Planned Unit Development Provisions

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

Vote on Resolution to Postpone

Resolution #2007-03-087
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Troy City Council hereby **POSTPONES** Zoning Ordinance Text Amendment (File Number: ZOTA 225) – Articles IV and XXXV – Planned Unit Development Provisions until the next Regular City Council Meeting scheduled for Monday, April 2, 2007.

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

POSTPONED ITEMS:

D-1 Postponement of Resolution to Reduce the Property Tax Millage Reflecting the Decrease in Cost of Trash Collection as a Southeastern Oakland County Resource Recovery Authority (SOCRRA) Member City – Referred by Council Member David Lambert

Pending Resolution
Resolution
Moved by Lambert
Seconded by Howrylak

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

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

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

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

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

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

Pending Proposed Resolution to Amend
Resolution
Moved by Lambert
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AMENDS** the *Resolution to Reduce the Property Tax Millage Reflecting the Decrease in Cost of Trash Collection as a Southeastern Oakland County Resource Recovery Authority (SOCRRA) Member City – Referred by Council Member David Lambert* by **STRIKING "**to equal the $776,423.00 savings, minus $182,330.00, the amount of subsidy to the Refuse and Recycling Fund from the General Fund,".

Vote on Resolution to Postpone

Resolution #2007-03-088
Moved by Lambert
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **POSTPONES** *Resolution to Reduce the Property Tax Millage Reflecting the Decrease in Cost of Trash Collection as a Southeastern Oakland County Resource Recovery Authority (SOCRRA) Member City – Referred by Council Member David Lambert* until the Regular City Council Meeting Scheduled for Monday, April 2, 2007.

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

MOTION CARRIED

The meeting **RECESSED** at 9:05 PM.

The meeting **RECONVENED** at 9:18 PM.

CONSENT AGENDA:

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

Resolution #2007-03-089
Moved by Lambert
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

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

E-2 Approval of City Council Minutes

Resolution #2007-03-089-E-2

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

E-3 City of Troy Proclamations

Resolution #2006-03-089-E-3

RESOLVED, That the following City of Troy Proclamations be **APPROVED**:
a) Parenting Awareness Month – March, 2007
b) Community Development Block Grant Week – April 9-15, 2007

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Renewals Over $10,000 – Michigan Municipal League

Resolution #2007-03-089-E-4a

RESOLVED, That payment is **AUTHORIZED** for annual membership dues to the Michigan Municipal League, for the time period of May 1, 2007 through April 30, 2008, in the amount of $11,814.00.

b) Standard Purchasing Resolution 1: Award to Low Bidders – Auction Services

Resolution #2007-03-089-E-4b

RESOLVED, That contracts to provide two-year requirements of auctioneering services for the City of Troy and various members of the Michigan Intergovernmental Trade Network (MITN) Purchasing Cooperative with an option to renew for two additional years are hereby **AWARDED** to the lowest bidders by line item, Mid-Thumb Auctioneering, LLC of Goodells, MI for line item #3 and Chuck Cryderman & Associates, LLC of Armada, MI for line items #1, #2, #4, #5, and the additional equipment and real estate sales at the commission rates contained in the bid tabulation opened January 30, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, which will expire March 31, 2009; and

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

c) Standard Purchasing Resolution 8: Best Value Award – Upgraded Landscape Maintenance

Resolution #2007-03-089-E-4c

RESOLVED, That a contract to provide three (3) year requirements of landscape maintenance services for the Civic Center and DDA street islands with two, one (1) year options to renew is hereby **AWARDED** to WH Canon, Inc. of Romulus, MI, the bidder with the highest score as a result of a best value process, which the Troy City Council determines to be in the public interest, at unit prices contained in the RFP tabulation opened January 3, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with a contract expiration of December 31, 2009; and

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

d) Standard Purchasing Resolution 4: State of Michigan – MiDEAL Program – Contract #071B4200234 – Voting Systems

Resolution #2007-03-089-E-4d

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase six (6) Optical Scan Tabulators (M-100) with ballot box and one hundred and eighty two (182) Model VI Voting Booths with Lamp from Election Systems and Software, Inc. (ES&S) of Omaha, Nebraska through the State of Michigan MiDEAL Program Contract #071B4200234 at an estimated total cost of $56,072.00, from FY 2006-07 budgeted funds with delivery of equipment to occur on or before June 30, 2007.

E-5 Application for New SDM License for Target Corporation

(a) New License

Resolution #2007-03-089-E-5a

RESOLVED, That the request from Target Corporation for a new SDM license to be located at 1301 Coolidge, Troy, MI 48084, Oakland County, be **CONSIDERED** for **APPROVAL**; and

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

(b) Agreement

Resolution #2007-03-089-E-5b

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

THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Target Corporation for a new SDM license to be located at 1301 Coolidge, Troy, MI 48084, Oakland County; and the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-6 Troy Racquet Club Rates

Resolution #2007-03-089-E-6

RESOLVED, That the 2007-2008 rates for court time for Troy Racquet Club are hereby **APPROVED** as stated in the report from the Parks and Recreation Department dated March 9,

2007, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-3 Amendment to Chapter 13 – Historic Preservation

Resolution #2007-03-090
Moved by Lambert
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amendment to Chapter 13 Section 3, which removes the historic district designation of the property located at 2955 Quail Run Drive, in the City of Troy, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

F-5 Postponement of Hooters v. Troy – Proposed Consent Judgment

Vote on Resolution to Postpone

Resolution #2007-03-091
Moved by Schilling
Seconded by Lambert

RESOLVED, That Troy City Council hereby **POSTPONES** *Hooters v. Troy – Proposed Consent Judgment* until the next Regular City Council Meeting scheduled for April 2, 2007.

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: Brownfield Redevelopment Authority and Economic Development Corporation b) City Council Appointments: Advisory Committee for Senior Citizens; Board of Zoning Appeals; Charter Revision Committee; Library Advisory Board

(a) Mayoral Appointments

Resolution #2007-03-092
Moved by Schilling
Seconded by Broomfield

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

Brownfield Redevelopment Authority
Appointed by Mayor (7) – 3 Year Terms

Victor Lenivov Term Expires 04/30/10

Bruce J. Wilberding Term Expires 04/30/10

Economic Development Corporation
Appointed by Mayor (9) – 6 Year Terms

Michael Parker Term Expires 04/30/13

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

(b) City Council Appointments

Resolution #2007-03-093
Moved by Broomfield
Seconded by Lambert

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

Advisory Committee for Senior Citizens
Appointed by City Council (9) – 3 Year Terms

James Berar Term Expires 04/30/10

Board of Zoning Appeals
Appointed by City Council (7) – 3 Year Terms

Marcia Gies Term Expires 04/30/10

Charter Revision Committee
Appointed by City Council (7) – 3 Year Terms

Jerry E. Bloom Term Expires 04/30/10

Shirley Kanoza Term Expires 04/30/10

Library Advisory Board
Appointed by City Council (5) – 3 Year Terms

Lynne R. Gregory Term Expires 04/30/10

Nancy D. Wheeler Term Expires 04/30/10

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

F-2 Scheduling Special Meetings

Resolution
Moved by Lambert
Seconded by Fleming

RESOLVED, That Troy City Council hereby **SCHEDULES** Special Meetings on Monday, April 23, 2007 and Monday, April 30, 2007 at 7:30 PM in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan.

Vote on Resolution to Amend

Resolution #2007-03-094
Moved by Lambert
Seconded by Fleming

RESOLVED, That Troy City Council hereby **AMENDS** the resolution for *Scheduling Special Meetings* by **STRIKING "**Special Meetings on Monday, April 23, 2007 and" and **INSERTING** "a Special Meeting on" **AFTER** "SCHEDULES" and by **INSERTING** "for the purpose of discussing the *2007-2008 City of Troy Budget* and to hold a Public Hearing to hear public comment, and to discuss and take action on the preliminary approval of the Village at Big Beaver Planned Unit Development (PUD 7) located at the southwest corner of Big Beaver and John R in Section 26, in the M-1 (Light Industrial) District" **AFTER "**Michigan".

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

Vote on Resolution as Amended

Resolution #2007-03-095
Moved by Lambert
Seconded by Fleming

RESOLVED, That Troy City Council hereby **SCHEDULES** a Special Meeting on Monday, April 30, 2007 at 7:30 PM in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan for the purpose of discussing the *2007-2008 City of Troy Budget* and to hold a Public Hearing to hear public comment, and to discuss and take action on the preliminary approval of the Village at Big Beaver Planned Unit Development (PUD 7) located at the southwest corner of Big Beaver and John R in Section 26, in the M-1 (Light Industrial) District.

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

F-4 Third Addendum to Tennis Lease

Resolution #2007-03-096
Moved by Lambert
Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** the third addendum to the lease agreement between the City of Troy and Don Pierce/Troy Racquet Club, and the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

F-6 Sanctuary Lake Golf Course Food Service Agreement with Kosch Special Events, LLC

Reconsideration of Resolution #2007-02-055 - Standard Purchasing Resolution 8: Best Value – Food Service Provider – Sanctuary Lake Golf Course

Resolution #2007-03-097
Moved by Fleming
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **RECONSIDERS** Resolution #2007-02-055, Moved by Howrylak and Seconded by Lambert, as it appears below:

> *RESOLVED, That a contract to provide Food Service at Sanctuary Lake Golf Course for two years with an option to renew for two additional years is hereby **AWARDED** to Kosch Catering & Corporate Dining, and the City Council of the City of Troy has deemed that Kosch Catering & Corporate Dining is the best available bidder based on the bid awards as a result of a Best Value process which the Troy City Council determines to be in the public interest at a guaranteed rate of 5% of gross revenue over $125,000.00 and 7.5% of gross revenue over $150,000.00; and*
>
> *BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of proper executed proposal and contract documents, including insurance certificates and all specified requirements; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreements when in acceptable form.*
>
> *Yes: All-7*

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

Resolution to Amend Reconsidered Resolution #2007-02-055 by Substitution

Resolution #2007-03-098
Moved by Fleming
Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2007-02-055, *Standard Purchasing Resolution 8: Best Value – Food Service Provider – Sanctuary Lake Golf Course* by **STRIKING** it in its entirety and **SUBSTITUTING** it with the following:

> RESOLVED, That a contract to provide Food Service at Sanctuary Lake Golf Course for 32 months with an option to renew for two years is hereby **AWARDED** to Kosch Special Events, LLC, a Michigan Limited Liability Company, formerly known as Kosch Catering & Corporate Dining, and the City Council of the City of Troy has deemed Kosch Special Events, L.L.C., a Michigan Limited Liability Company, formerly known as Kosch Catering & Corporate Dining, is the best available bidder based on the bid awards as a result of a Best Value process which the Troy City Council determines to be in the public interest at a guaranteed rate of 5 % of gross revenue over $125,000.00 and 7.5% of gross revenue over $150,000.00; and
>
> BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of proper executed proposal and contract documents, including insurance certificates and all specified requirements; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreements when in acceptable form; and
>
> BE IT FURTHER RESOLVED, That Troy City Council hereby **RECOMMENDS APPROVAL** of the issuance of a municipal golf course Class C liquor license under MCLA 436.1515 and an SDM license with Sunday Sales Permit, Outdoor Service Permit, two Additional Bar Permits and an Official Permit for the sale of food and registering of golfers for Kosch Special Events, LLC, a Michigan Limited Liability Company, for the Troy Sanctuary Lake Golf Course, located at 1450 East South Boulevard, Troy, Oakland County, Michigan, above all others, and that this resolution shall be **FORWARDED** to the Michigan Liquor Control Commission, and in granting this approval, City Council **ACKNOWLEDGES** that the Troy Liquor Advisory Committee was not provided with the opportunity to review and make a recommendation concerning this liquor license request, but that a copy of this Resolution shall be **FORWARDED** to the Troy Liquor Advisory Committee as information.

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

Vote on Resolution as Amended by Substitution

Resolution #2007-03-099
Moved by Howrylak
Seconded by Lambert

RESOLVED, That a contract to provide Food Service at Sanctuary Lake Golf Course for 32 months with an option to renew for two years is hereby **AWARDED** to Kosch Special Events, LLC, a Michigan Limited Liability Company, formerly known as Kosch Catering & Corporate Dining, and the City Council of the City of Troy has deemed Kosch Special Events, L.L.C., a Michigan Limited Liability Company, formerly known as Kosch Catering & Corporate Dining, is the best available bidder based on the bid awards as a result of a Best Value process which the Troy City Council determines to be in the public interest at a guaranteed rate of 5 % of gross revenue over $125,000.00 and 7.5% of gross revenue over $150,000.00; and

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

BE IT FURTHER RESOLVED, That Troy City Council hereby **RECOMMENDS APPROVAL** of the issuance of a municipal golf course Class C liquor license under MCLA 436.1515 and an SDM license with Sunday Sales Permit, Outdoor Service Permit, two Additional Bar Permits and an Official Permit for the sale of food and registering of golfers for Kosch Special Events, LLC, a Michigan Limited Liability Company, for the Troy Sanctuary Lake Golf Course, located at 1450 East South Boulevard, Troy, Oakland County, Michigan, above all others, and that this resolution shall be **FORWARDED** to the Michigan Liquor Control Commission, and in granting this approval, City Council **ACKNOWLEDGES** that the Troy Liquor Advisory Committee was not provided with the opportunity to review and make a recommendation concerning this liquor license request, but that a copy of this Resolution shall be **FORWARDED** to the Troy Liquor Advisory Committee as information.

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

F-7 Scheduling of Annual Personnel Review – City Attorney

Resolution #2007-03-100
Moved by Fleming
Seconded by Lambert

RESOLVED, That the City Council of the City of Troy **SHALL MEET** in Closed Session, as permitted by State Statute, MCL 15.268 (a), periodic personnel evaluation of City Attorney, in the City Council Board Room on Monday, April 16, 2007 under Closed Session L-1.

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

F-8 Library Issues

Resolution #2007-03-101
Moved by Lambert
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **REFERS** the following resolution:

> WHEREAS, The most critical step in deciding whether or not to construct a new library building is to determine what is actually needed;
>
> WHEREAS, Many factors are used to determine essential needs; and
>
> WHEREAS, A consultant could determine the actual floor space required for a new library and also make recommendations as to potential uses for the existing library building, or help the Council reach a determination if the existing library should be razed;
>
> THEREFORE, BE IT RESOLVED, That staff is **DIRECTED** to obtain requests for qualifications from appropriate consultants to perform a scope of study for a space-needs analysis on the Troy Public Library.

and the appropriate background information to the Library Advisory Board to get their input.

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

Vote on Resolution to Suspend Rules of Procedure for the City Council, Rule #6 – Order of Business, Article 13 G.

Resolution #2007-03-102
Moved by Schilling
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **SUSPENDS** Rules of Procedure for the City Council, Rule #6 Order of Business, Article 13-G. *Memorandums and Future Council Agenda Items* and **AUTHORIZE** City Council to discuss and take action on agenda item, *G-2 Green Memorandums a) UM/ULI Funding Request* and add agenda item *G-1 Green Memorandums a) Kostal of America, Inc. - 350 Stephenson - Request for Industrial Development District (IDD) and the issuance of an Industrial Facilities Exemption Certificate (IFEC) Scheduled for Monday, April 16, 2007.*

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-2 Green Memorandums:
a) UM/ULI Funding Request

Resolution #2007-03-103
Moved by Broomfield
Seconded by Fleming

RESOLVED, That Troy City Council hereby **DIRECTS** City Management to **REMOVE** the *UM/ULI Funding Request* as an action agenda item on any future agenda.

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

G-1 Announcement of Public Hearings:
a) Kostal of America, Inc. - 350 Stephenson - Request for Industrial Development District (IDD) and the issuance of an Industrial Facilities Exemption Certificate (IFEC) – Scheduled for Monday, April 16, 2007

Resolution #2007-03-104
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Troy City Council hereby **SETS** a public hearing to consider the request of Kostal of America, Inc. - 350 Stephenson for the establishment of an Industrial Development District (IDD) and the issuance of an Industrial Facilities Exemption Certificate (IFEC) at the Regular City Council Meeting scheduled for Monday, April 16, 2007.

Yes: All-4
No: None
Absent: Beltramini, Howrylak, Stine

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

Mayor Schilling announced that *Leadership Troy* is hosting a forum on Wednesday, March 28, 2007 that will introduce the *Futures 20/20 Task Force Report* to the community. The forum will be held at the Community Center, Room 304; doors will open at 6:30 PM and the presentation will begin at 7:00 pm. The format will be much like what was presented to City Council last November, but there will be an opportunity for the public to ask questions. There will also be refreshments served compliments of Leadership Troy.

Council Member Lambert asked the City Attorney about the status of the ethics policy. The City Attorney responded that it is a priority of her office and they are working on it.

Mayor Schilling asked about the current status of the truck ordinance. Assistant City Manager Brian Murphy advised that he would have to get back with Council on that matter.

REPORTS:

J-1 Minutes – Boards and Committees:

a) Civil Service Commission (Act 78)/Final – March 8, 2006
b) Historic District Study Committee/Final – October 3, 2006
c) Historic Commission/Final – October 24, 2006
d) Historic District Study Committee/Final – November 7, 2006
e) Historic District Commission/Final – November 21, 2006
f) Historic District Study Committee/Final – December 5, 2006
g) Board of Zoning Appeals/Final – January 16, 2007
h) Historic District Commission/Final – January 16, 2007
i) Youth Council/Final – January 24, 2007
j) Advisory Committee for Senior Citizens/Final – February 1, 2007
k) Planning Commission Special/Study/Final – February 6, 2007
l) Building Code Board of Appeals/Final – February 7, 2007
m) Planning Commission/Draft – February 13, 2007
n) Planning Commission/Final – February 13, 2007
o) Planning Commission Special/Study/Draft – February 27, 2007
p) Youth Council/Draft – February 28, 2007
q) Advisory Committee for Senior Citizens/Draft – March 1, 2007
r) Civil Service Commission (Act 78)/Draft – March 6, 2007

Noted and Filed

J-2 Department Reports:

a) Police Department – 2006 Calls for Police Service Report
b) Building Department – Permits Issued During the Month of February, 2007
c) Troy Daze Advisory Committee – Recommended Appointment to Parks and Recreation Advisory Board
d) City of Troy Monthly Financial Report – February 28, 2007

Noted and Filed

J-3 Letters of Appreciation:

a) Letter to Chief Craft from Edward Crippen Commending Officer Mouch for Assisting a Citizen
b) Letter of Thanks to Chief Craft from Robert Corso, Drug Enforcement Administration, Regarding the Active Shooter Training Received from Sgt. Bjork, Officer Barton and Officer Fitzpatrick
c) Letter of Thanks to Troy City Council from Bradley Miller, Reproductive Medicine Associates of Michigan, in Appreciation of the Assistance Received from the Building and Fire Departments

Noted and Filed

J-4 Proclamations/Resolutions from Other Organizations:

a) State of Michigan Senate Resolution No. 13 – A Resolution Commemorating March, 2007 as Ethnic and Cultural Heritage Month in the State of Michigan

Noted and Filed

J-5 Calendar

Noted and Filed

J-6 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Customers of Consumers Energy Company – Case No. U-15190

Noted and Filed

J-7 Report from SEMCOG – American Community Survey Profile for 2005

Noted and Filed

J-8 Communication from Community Affairs Director Cindy Stewart Regarding Welcome Home Recognition for Local Servicemen and Women

Noted and Filed

STUDY ITEMS:

K-1 Strategic Planning Initiatives – Part 1 Council did not address study item due to the late hour

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

The meeting **ADJOURNED** at 10:22 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

A Special Meeting of the Troy City Council was held Thursday, March 22, 2007, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:09 PM.

ROLL CALL:

Mayor Louise E. Schilling
Robin Beltramini
Mayor Pro Tem Cristina Broomfield
Wade Fleming
Martin F. Howrylak (Absent)
David A. Lambert (Arrived 7:24 PM.)
Jeanne M. Stine (Absent)

CERTIFICATES OF RECOGNITION: No Presentations

CARRYOVER ITEMS: No Carryover Items

PUBLIC HEARINGS: No Public Hearings

POSTPONED ITEMS: No Postponed Items

CONSENT AGENDA: No Consent Items Submitted

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS: No Regular Business

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

COUNCIL REFERRALS: No Council Referrals Advanced

COUNCIL COMMENTS: No Council Comments Advanced

REPORTS:

J-2 Department Reports: None Submitted

J-5 Calendar: Not Submitted

STUDY ITEMS:

K-1 Strategic Planning Initiatives

Phil Nelson, City Manger, Started the review of the proposed Strategic Planning Initiatives and sought input and direction from City Council on Critical Policy Points. The remainder of the presentation will take place at a future City council meeting.

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION: No Closed Session Requested

The meeting **ADJOURNED** at 9:50 PM.

Louise E. Schilling, Mayor

John M. Lamerato
Assistant City Manager/Finance & Administration

CITY COUNCIL ACTION REPORT

March 14, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Asphalt Patching Material

Background

- On March 6, 2007, bid proposals were received and opened to furnish one-year requirements of Asphalt Patching Material.
- 31 Vendors were notified of the bid opportunity via the MITN system with two (2) bidders responding.
- Barrett Paving Materials, Inc. bid an alternate item, CP6, that does not meet the current Michigan Department of State Highways Standard Specifications as listed in the bid proposal.
- Proposals submitted for Item 2, QPR/UPM – Picked up, were rejected because the cost savings gained by awarding the apparent low bidder, Saginaw Asphalt Paving Co., would be offset by transportation and fuel costs traveling to their plant in Saginaw.
- In times of emergencies, material will be picked up on an as needed basis utilizing the informal three-quote process.

Financial Consideration

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

Legal Considerations

- ITB-COT 07-02, to furnish one-year requirements of Asphalt Patching Material was competitively bid and opened with two vendors responding.
- The award is contingent upon contractor's submission of proper insurance certificates, and all specified requirements.

Policy Considerations

- All bidders were given the opportunity to respond with their level of interest in supply asphalt patching material to the City of Troy. (Goal II).
- QPR/UPM material is used in the general patching and maintenance of major and local roads and drains. (Goal I & V)

Options

- City management recommends awarding a contract for Item 1, QPR/UPM – Delivered to the lowest bidder meeting specifications, Saginaw Asphalt Paving Co. of Saginaw, MI for an estimated total cost of $17,365.00. In addition, staff recommends rejecting Item 2, QPR/UPM - Picked up.

ef S:/Murphy's Review/Agenda04.02.07 SR2 Asphalt Patching Material

Opening Date -- 3/6/07
Date Prepared -- 3/14/07

CITY OF TROY
BID TABULATION
ASPHALT PATCHING MATERIAL

VENDOR NAME:			** **Saginaw Asphalt Paving Company**	Barrett Paving Materials, Inc.	
ITEM #	EST QTY (TONS)	DESCRIPTION	Price/Ton	Price/Ton	
1	250	QPR/UPM or Approved Alternate	**$ 69.46**	$ 83.00	
		Standard Train Load	50 /tons	50 /tons	
2.	50	QPR/UPM or Approved Alternate	** RECOMMEND REJECTION ITEM #2 **		
		Picked up as needed	$ 62.50	$ 83.00	
ESTIMATED TOTAL FOR ITEM(S) BEING AWARDED:			**$ 17,365.00**	N/A	
HOURS OF OPERATION:			8:00 to 5:00	7:00 to 3:30	
Notice of Delivery:			24 Hrs	24 Hrs	
For Saturdays:			N/A	Call	
PROXIMITY:		Location--	Saginaw I 75 & M13	Mt. Clemens	
		Miles--	87 Miles		
INSURANCE:		Can Meet	XX	XX	
		Cannot Meet			
TERMS:			Net 30	Net 30 Days	
WARRANTY:			Blank	Blank	
DELIVERY: (Item 1)			1 -2 Days	Blank	
EXCEPTIONS:			Blank	Blank	
ACKNOWLEDGEMENT:		Y or N	Yes	Yes	

DMS:
Barrett Paving - Alternate Bid - ($16,625) Reason: CP6 does not meet current MDOT specifications

ATTEST:
Cheryl Stewart
Emily Frontera
Thomas Rosewarne
Linda Bockstanz

PROPOSAL - One (1) Year Requirements of Asphalt Patching Material

**** DENOTES LOWEST ACCEPTABLE BIDDER**

Susan Leirstein CPPB
Purchasing Director

G:\ Asphalt Paving Materials ITB-COT 07-02

CITY COUNCIL ACTION REPORT

March 20, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 1: – Award To Low Bidder –Hauling & Disposal of Broken Concrete

Background

- On March 9, 2007, bid proposals were received to furnish one-year requirements of Hauling & Disposal of Broken Concrete.
- 67 vendors were notified via the MITN system and (1) vendor walked-in. Eight (8) bidders responded with one late bid received.

Financial Considerations

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

Legal Considerations

- ITB-COT 07-04, one-year requirements for the Hauling & Disposal of Broken Concrete was competitively bid in accordance with Chapter 7 of the City Code.
- The award is contingent upon contractor's submission of proper insurance certificates, and all specified requirements.

Policy Considerations

- All bidders were given the opportunity to respond with their level of interest in supplying services to the City of Troy. (Goal #2)

Options

- City management recommends awarding a one-year contract to the low bidder, Bedrock Express LTD of Ortonville, MI for an estimated total cost of $8,850.00, at unit prices contained in the bid tabulation.

ef S:/Murphy's Review/Agenda 04.02.07 SR1: Hauling & Disposal -Broken Concrete Letter

Opening Date -- 3-9-07
Date Prepared -- 3/14/07

CITY OF TROY
BID TABULATION
HAULING/DISPOSAL OF BROKEN CONCRETE

VENDOR NAME:			** **Bedrock Express LTD**	J & H Transportation Inc	Luke's Trucking & Excavating, LLC
ITEM	EST QTY(TONS)	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON
A.	3,000	Broken concrete with and without wire, possibly mixed with fill dirt	**$ 2.95**	$ 3.90	$ 4.25
		ESTIMATED TOTAL -	**$ 8,850**	$ 11,700	$ 12,750
SITE VISIT:		Yes/No	Yes	NO	Yes
		Date	3/8/2007		3/1/2007
INSURANCE:		Can Meet	XX	XX	XX
		Cannot Meet			
		Signed Y or N	Yes	Yes	Yes
CONTACT INFORMATION:		Hrs of Operations	7:00 to 6:00	6:00 to 6:00	7:00 to 7:00
		24 Hr Phone #	810-217-6324	586-939-0840	248-240-0938
EQUIPMENT LIST:		Attached/Not Attached	Yes	Yes	Yes
TERMS:			2%-10 (Net 30)	Net 30 Days	Net 30
WARRANTY:			None	Blank	None
PICK-UP SCHEDULE:			AS SPECIFIED		
EXCEPTIONS:			If awarded, could keep prices the same though 3/31/09 if offered.	Blank	See "Addendum B" Fuel Surcharge .25 per ton more if fuel exceeds $3.00 Add'l .25 if fuel exceeds $3.50
ACKNOWLEDGEMENT: Completed		Y or N	Yes	Yes	Yes

PROPOSAL: One (1) Year Requirements to Haul and Dispose of Broken Concrete

ATTEST:
Thomas Rosewarne
Debra Painter
Linda Bockstanz

**** DENOTES LOW BIDDER**

Susan Leirstein CPPB
Purchasing Director

G:\Haul & Dispose of Broken Concrete ITB-COT 07-04

Opening Date -- 3-9-07
Date Prepared -- 3/14/07

CITY OF TROY
BID TABULATION
HAULING/DISPOSAL OF BROKEN CONCRETE

VENDOR NAME:			Osburn Industries	Gipson Brothers Trucking, Inc.	Alexander Transport Inc.
ITEM	EST QTY(TONS)	DESCRIPTION	PRICE/ TON	PRICE/ TON	PRICE/ TON
A.	3,000	Broken concrete with and without wire, possibly mixed with fill dirt	$ 4.50	$ 6.00	$ 7.75
		ESTIMATED TOTAL -	$ 13,500	$ 18,000	$ 23,250
SITE VISIT:		Yes/No	Yes	Yes	Yes
		Date	3/8/2007	3/5/2007	3/9/2007
INSURANCE:		Can Meet	XX	XX	XX
		Cannot Meet			
		Signed Y or N	Yes	Yes	Yes
CONTACT INFORMATION:		Hrs of Operations	6:00 to 4:00	7:00 to 5:00	6:00 to 9:00
		24 Hr Phone #	313-363-0077	313-330-3073	313-610-3308
EQUIPMENT LIST:		Attached/Not Attached	NO	Yes	Yes
TERMS:			Net 30	30 Days	2% -10 Net 30
WARRANTY:			Blank	100%	N/A
PICK-UP SCHEDULE:			AS SPECIFIED		
EXCEPTIONS:			Blank	None	Blank
ACKNOWLEDGEMENT: Completed		Y or N	Yes	Yes	Yes

Opening Date -- 3-9-07
Date Prepared -- 3/14/07

CITY OF TROY
BID TABULATION
HAULING/DISPOSAL OF BROKEN CONCRETE

VENDOR NAME:			Major Cement	Republic Services	
			Contractor's		
ITEM	EST QTY(TONS)	DESCRIPTION	PRICE/ TON	PRICE/ TON	
A.	3,000	Broken concrete with and without wire, possibly mixed with fill dirt	$ 8.00	$ 15.25	
		ESTIMATED TOTAL -	$ 24,000	$ 45,750	
SITE VISIT:		Yes/No	Yes	NO	
		Date	3/8/2007		
INSURANCE:		Can Meet	XX	XX	
		Cannot Meet			
		Signed Y or N	Yes	No	
CONTACT INFORMATION:		Hrs of Operations	6:30 to 7:00	6:30 to 5:00	
		24 Hr Phone #	248-388-6591	734-654-3615	
EQUIPMENT LIST:		Attached/Not Attached	Yes	Yes	
TERMS:			Blank	N/30	
WARRANTY:			Blank	Blank	
PICK-UP SCHEDULE:			AS SPECIFIED		
EXCEPTIONS:			Blank	Blank	
ACKNOWLEDGEMENT: Completed		Y or N	Yes	Yes	

CITY COUNCIL ACTION REPORT

March 22, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 4: Award – Oakland County Cooperative Purchasing Agreement – Fleet Vehicles

Background

- Golling Chrysler Jeep Inc. is the low total bidder in the Oakland County Cooperative Bid.
- The vehicle being purchased will replace a vehicle sold at auction.

Financial Considerations

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

	UNIT COST	TOTAL
(1) Dodge Charger – Police Traffic Safety	$ 22,252.00	$ 22,252.00
		$ 22,252.00

Legal Considerations

- There are no legal considerations associated with this item.

Policy Considerations

- The vehicle is used on a daily basis to assure proper and proactive Police protection. (Goal I)
- The purchase of the Police Traffic Safety vehicle would assure the safety and welfare of citizens and businesses and also reduce the liability for the City. (Goal I and 2).

Options

- City management and the Public Works Fleet Division recommend the purchase of (1) one 2007 Dodge Charger for Police department use to Golling Chrysler Jeep Inc. of Bloomfield Hills, MI through an approved Oakland County Cooperative Purchasing Agreement at an estimated total cost of $22,252.00.

E-04d

CITY COUNCIL ACTION REPORT

March 28, 2007

TO: Phillip L. Nelson, City Manager

FROM: Mary Redden, Administrative Assistant to the City Manager

SUBJECT: Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for City Council Members' Travel Expenses - National League of Cities (NLC) CityFutures Forum on the Future of Governance

BACKGROUND

Council Member Robin Beltramini is requesting approval to attend the NLC CityFutures Program in Portland, Oregon from June 21- 22, 2007.

FINANCIAL CONSIDERATIONS

Funds are available in Council's education and training account.

LEGAL CONSIDERATIONS

There are no legal considerations associated with this item.

POLICY CONSIDERATIONS

There are no policy considerations associated with this item.

OPTIONS

It is recommended that City Council authorize the expenditure of funds for travel expenses for Council Member Robin Beltramini's attendance of the NLC CityFutures Forum on the Future of Governance.

NLC CityFutures Forum on the Future of Governance

National League of Cities

WHO: The NLC CityFutures Program – The four CityFutures Panels and the Advisory Council.

WHEN: Thursday, June 21, 2007 — Friday, June 22, 2007

WHAT: The Forum will bring together city officials from across the CityFutures Program in an effort to link two ongoing agendas:

- NLC's work on Democratic Governance, led by the Democratic Governance Panel, which the Community and Regional Development, Equity and Opportunity, and Public Finance Panels have identified as a topic and process that should be further explored in their interest areas.
- The Advisory Council's work on Futuring -- identifying the future trends and challenges facing cities and helping city officials prepare to meet those challenges.

WHERE: Marriott Portland City Center
520 Southwest Broadway
Portland, Oregon 97205
800-228-9290
Group Name: National League of Cities
Rate: $151 (single or double)
http://www.marriottportland.com/

We will be providing you with more information and details on the Forum soon!

Phil –
Please add to agenda. I'd like approval to attend.
Thanx,
Robin!

CITY COUNCIL ACTION REPORT

March 19, 2007

TO: Phillip L. Nelson, City Manager

FROM: Charles T. Craft, Chief of Police
Lieutenant Chuck Pappas

SUBJECT: Michigan Department of Natural Resources Canada Goose Roundup and Nest Destruction Programs

Background:

- High numbers of geese in shallow water areas can elevate bacteria levels via fecal coli form making the water unsafe for swimming.
- Geese can demonstrate aggressive behavior towards people while defending their nesting territory.
- Several small bodies of water exist in Troy, both public and private, on which Canadian Geese congregate.
- Each year the Police Department receives complaints relating to the presence of Canadian Geese and inquiries as to what can be done to abate the problem.
- The Department of Natural Resources (DNR) recommends that the geese either be gathered for relocation, or that their nests be destroyed as methods of controlling the geese.
- A DNR permit is required to allow for the roundup of geese and/or the destruction of nests.
- The current DNR permit allowing for Canada Goose Roundup and Nest Destruction in Troy will expire on May 8, 2007.
- A Resolution by the City of Troy Council or a petition from affected residents is necessary to apply for a 5-year permit.
- The Resolution by City Council expedites the procedure for obtaining a permit. Without Council action, residents are required to circulate a petition and gather signatures from residents who are affected by the problems relating to the excessive Canada goose population.

Financial Considerations:

- There is no cost related to this issue for the City of Troy.

Legal Considerations:

- The Federal Migratory Bird Treaty Act protects Canada Geese.
- The rounding up of Canadian Geese and/or the destruction of nests with goose eggs present requires a DNR permit.

- The permit allows private property owners to hire a state certified private contractor to provide the service, and authorizes trained city employees or DNR employees to conduct roundups/nest destruction on public property.

Policy Considerations:

- City Goal #1: Enhance the livability and safety of the community.

Options:

- Approve the RESOLUTION as requested.

CITY COUNCIL ACTION REPORT

March 20, 2007

TO: Phillip L. Nelson, City Manager

FROM: Chief Charles Craft CC
Captain Gary Mayer GM
Sergeant Chris Stout CS

SUBJECT: Application for Transfer of SDM License for Maple Market

Background:

- ESM Inc., requests to transfer location of 2006 SDM license from 219 N. Eton, Birmingham MI, 48009 to 164 E. Maple Troy MI 48084, Oakland County.
- On March 12, 2007, Owner Kimberly Madajczyk of Maple Market, answered questions for the Liquor Advisory Committee.
- Ms. Madajczyk explained to the committee that she has owned the Eton Market in Birmingham for 10 years and is moving to Troy because of large rent increases in Birmingham.
- The Maple Market will be a small market with a deli and grocery items along with beer and wine.
- The Committee unanimously approved this request.

Financial Considerations:

- There are no financial considerations for the city.

Legal Considerations:

- This complies with City Ordinance and Michigan Liquor Control Commission rules.
- The Police Department did not find any disqualifying factors for this request
- The MLCC does not require local government approval for the transfer of SDM licenses; however, it has been the policy of Troy City Council to review such requests.

Policy Considerations:

- City Goal III: " Retain and attract investment while encouraging redevelopment".

Options:

- The City Council can approve or deny the request.

Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

February 2, 2007

Troy Police Department
Chief of Police
500 W Big Beaver Road
Troy, MI 48084-5285

Request ID #387930

Applicant: ESM INC. requesting to Transfer Location 2006 (SDM) Specially Designated Merchant license, from 219 N Eton, Birmingham, to, 164 E Maple, Troy; Transfer Governmental Unit from Birmingham City, to, Troy City, Michigan, 48083, Oakland County

STOCKHOLDER: Kimberly G Madajczyk, 24631 Patricia, Warren MI, 48091
(B.P. 248-649-6010 H.P. 586-755-5942)

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report, along with fingerprint cards (if requested) and $30.00 for each card to the Michigan Liquor Control Commission.

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.

jr

Michigan Department of Labor & Economic Growth

MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)

7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 387930

Business ID # 99501

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

ESM INC. requesting to Transfer Location 2006 (SDM) Specially Designated Merchant license, from 219 N Eton, Birmingham, to, 164 E Maple, Troy; Transfer Governmental Unit from Birmingham City, to, Troy City, Michigan, 48083, Oakland County

Section 1. APPLICANT INFORMATION

APPLICANT #1: KIMBERLY G MADAJCZYK 24631 PATRICIA WARREN, MI 48091 (B.P. 248-649-6010 H.P. 586-755-5942)	APPLICANT #2:
DATE FINGERPRINTED: FINGER PRINTS NOT REQUIRED	DATE FINGERPRINTED:
DATE OF BIRTH: Is the applicant a U.S. Citizen: ☐ Yes ☐ No* *Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No* *Does the applicant have a Visa? Enter status:	DATE OF BIRTH: Is the applicant a U.S. Citizen: ☐ Yes ☐ No* *Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No* *Does the applicant have a Visa? Enter status:

Attach the fingerprint card and $30.00 for each card and mail to the Michigan Liquor Control Commission

ARREST RECORD: ☐ **Felony** ☐ **Misdemeanor** Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	**ARREST RECORD:** ☐ **Felony** ☐ **Misdemeanor** Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?
☐ No ☐ Yes, complete LC-1636

Are gas pumps on the premises or directly adjacent? ☐ No ☐ Yes, explain relationship:

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☐ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. RECOMMENDATION

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☐ Yes ☐ No
2. Is the proposed location satisfactory for this business? ☐ Yes ☐ No
3. Should the Commission grant this request? ☐ Yes ☐ No
4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police) Date

TROY POLICE DEPARTMENT

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this ____ day of _____, 200___, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and ESM, INC. whose address is 164 E. Maple, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request for a new Specially Designated Distributor licensed business located at 164 E. Maple, Troy, by ESM, INC.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
   (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
   (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
   (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
   (d) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS,TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

Kimberly Madajczyk

Kimberly Madajczyk

ESM, INC.

Witnesses:

_____

_____

Subscribed and sworn to before me
this 14 day of February, 2007

Elaine E. Cummings

Notary Public, Elaine E. Cummings
County, Oakland
My commission expires: 9-27-2008

ELAINE E. CUMMINGS
Notary Public, Oakland County, MI
Commission Expires Sept 27, 2008
Acting in Oakland County

CITY OF TROY

By:_____
Louise Schilling, Mayor

By:_____
Tonni Bartholomew, City Clerk

Witnesses:

_____

_____

Subscribed and sworn to before me
this _____ day of _____, 200___

_____

Notary Public, Oakland
County, Michigan
My commission expires:

City of Troy

CITY COUNCIL ACTION REPORT

March 20, 2007

TO: Phillip L. Nelson, City Manager

FROM: Chief Charles Craft CC
Captain Gary Mayer GM
Sergeant Chris Stout CS

SUBJECT: Application for Transfer of Class C License for Logan's Roadhouse

Background:

- Logan's Roadhouse, Inc. (A Tennessee Corporation) requests to transfer all stock in 2006 Class C licensed business, located at 86 W. Fourteen Mile, Troy, MI 48083, Oakland County, through transfer of 1,000 shares from existing stockholder, CBRL Group, Inc. to new stockholder, LRI Holdings, Inc. (A Delaware Corporation).
- On March 12, 2007, Attorney Patrick Howe answered questions for the Liquor Advisory Committee.
- Mr. Howe explained that this a stock transfer and will have no affect on day-to-day operations.
- This is a change from a publicly owned company to private ownership by various private equity firms.
- The management and staff of the Troy restaurant will stay the same.
- The Committee unanimously approved this request.

Financial Considerations:

- There are no financial considerations for the city.

Legal Considerations:

- This complies with City Ordinance and Michigan Liquor Control Commission rules.
- The Police Department did not find any disqualifying factors for this request.
- The MLCC requires local government approval for the transfer of Class C licenses.

Policy Considerations:

- City Goal III: " Retain and attract investment while encouraging redevelopment".

Options:

- The City Council can approve or deny the request.

RCF
1/10/07

Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST

[Authorized by MCL 436.1201(4)]

January 4, 2007

TROY POLICE DEPARTMENT
CHIEF OF POLICE
500 WEST BIG BEAVER ROAD
TROY, MI 48084-5285

Request ID #: 386245

Applicant:

LOGAN'S ROADHOUSE, INC. (A TENNESSEE CORPORATION) REQUESTS TO TRANSFER ALL STOCK IN 2006 CLASS C LICENSED BUSINESS WITH OFFICIAL PERMIT (FOOD), LOCATED AT 86 W. FOURTEEN MILE, OAKLAND MALL, TROY, MI 48083, OAKLAND COUNTY, THRU TRANSFER OF 1,000 SHARES FROM EXISTING STOCKHOLDER, CBRL GROUP, INC. TO NEW STOCKHOLDER, LRI HOLDINGS, INC. (A DELAWARE CORPORATION).

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report, along with fingerprint cards (if requested) and $30.00 for each card to the Michigan Liquor Control Commission.

If you have any questions, contact the appropriate unit (On Premises, Off Premises or Manufacturers & Wholesalers) at (517) 322-1400.

sfs

LC-1972(Rev. 09/05) Authority: MCL 436.1201(4) Completion: Mandatory Penalty: No License	The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)
7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

FOR MLCC USE ONLY

Request ID # 386245

Business ID # 130635

Please conduct your investigation as soon as possible, complete all four sections of this report and return the completed report and fingerprint cards to the MLCC

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

LOGAN'S ROADHOUSE, INC. (A TENNESSEE CORPORATION) REQUESTS TO TRANSFER ALL STOCK IN 2006 CLASS C LICENSED BUSINESS WITH OFFICIAL PERMIT (FOOD), LOCATED AT 86 W. FOURTEEN MILE, OAKLAND MALL, TROY, MI 48083, OAKLAND COUNTY, THRU TRANSFER OF 1,000 SHARES FROM EXISTING STOCKHOLDER, CBRL GROUP, INC. TO NEW STOCKHOLDER, LRI HOLDINGS, INC. (A DELAWARE CORPORATION).

Section 1. APPLICANT INFORMATION

APPLICANT #1:	APPLICANT #2:
LRI HOLDINGS, INC. (A DELAWARE CORPORATION) – STOCKHOLDER 126 EAST 56TH STREET, SUITE 1000 NEW YORK, NY 10022 (212)521-3700	
DATE FINGERPRINTED: ***NO FINGERPRINTS REQUIRED***	DATE FINGERPRINTED:
DATE OF BIRTH: Is the applicant a U.S. Citizen: ☐ Yes ☐ No* *Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No* *Does the applicant have a Visa? Enter status:	DATE OF BIRTH: Is the applicant a U.S. Citizen: ☐ Yes ☐ No* *Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No* *Does the applicant have a Visa? Enter status:

Attach the fingerprint card and $30.00 for each card and mail to the Michigan Liquor Control Commission

ARREST RECORD: ☐ **Felony** ☐ **Misdemeanor** Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	**ARREST RECORD:** ☐ **Felony** ☐ **Misdemeanor** Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

Does applicant intend to have dancing, entertainment, topless activity, or extended hours permit?
☐ No ☐ Yes, complete LC-1636

Are gas pumps on the premises or directly adjacent? ☐ No ☐ Yes, explain relationship:

Section 3. LOCAL AND STATE CODES AND ORDINANCES, AND GENERAL RECOMMENDATIONS

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☐ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (attach a signed and dated report if more space is needed)

Section 4. RECOMMENDATION

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☐ Yes ☐ No
2. Is the proposed location satisfactory for this business? ☐ Yes ☐ No
3. Should the Commission grant this request? ☐ Yes ☐ No
4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police) Date

TROY POLICE DEPARTMENT

The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

Request ID # 386245

RESOLUTION

At a _____ meeting of the _____
(Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request from LOGAN'S ROADHOUSE, INC. (A TENNESSEE CORPORATION) TO TRANSFER ALL STOCK IN 2006 CLASS C LICENSED BUSINESS, LOCATED AT 86 W. FOURTEEN MILE, OAKLAND MALL, TROY, MI 48083, OAKLAND COUNTY, THRU TRANSFER OF 1,000 SHARES FROM EXISTING STOCKHOLDER, CBRL GROUP, INC. TO NEW STOCKHOLDER, LRI HOLDINGS, INC. (A DELAWARE CORPORATION).

be considered for _____
(Approval or Disapproval)

APPROVAL	**DISAPPROVAL**
Yeas: _____	Yeas: _____
Nays: _____	Nays: _____
Absent: _____	Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
(Recommended or Not Recommended)

State of Michigan _____)

County of _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
(Township Board, City or Village Council) (Regular or Special)

meeting held on _____
(Date)

(Signed)_____
(Township, City or Village Clerk)

SEAL

_____
(Mailing address of Township, City or Village)

LC-1305 (Rev. 08/2006) Authority: MCL 436.1501 Completion: Mandatory Penalty: No License	The Department of Labor & Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

CITY COUNCIL ACTION REPORT

March 14, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Agenda Item - Private Agreement for Village of Tuscany Site Condominiums
Project No. 06.908.3

Background:

- The Planning Commission granted preliminary site plan approval for the above referenced project on 06/13/2006. The Engineering Department has reviewed the plans for this project and recommends approval. The plans include water main, sanitary sewer, storm sewer, paving, sidewalks, detention and soil erosion.

Financial Considerations:

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

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

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

Options:

- Council can approve or deny the recommendation.

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

Prepared by: Antonio Cicchetti, PE
G:\Projects\Projects - 2006\06.908.3 - Village of Tuscany Site Condos\Agenda Item Memo.doc

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. **06.908.3**	PROJECT LOCATION: **NE 1/4 SEC. 14**
RESOLUTION NO.	DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and **Mr. Gary Abitheira** whose address is **979 Badder, Troy, MI 48083** and whose telephone number is **248-840-2828** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **Water Main, Sanitary Sewer, Storm Sewer, Paving, Sidewalks, Detention and Soil Erosion** in accordance with plans prepared by **Gateway Engineering & Surveying.** whose address is **8155 Annsbury, Suite 109, Shelby Twp., MI 48316** and whose telephone number is **586-786-5533** and approved prior to construction by the City specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of **$ 314,967.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

Cash	☐
Certificate of Deposit	☐
Irrevocable Bank Letter of Credit	☒
Check	☐
Performance Bond & 10% Cash	☐

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to deposit and contribute **$53,948.00** cash fee per the attached **Detailed Summary of Required Escrow Deposits Cash Deposits and Cash Fees.**

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO. 06.908.3	PROJECT LOCATION: NE 1/4 SEC. 14
RESOLUTION NO.	DATE OF COUNCIL APPROVAL:

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the even the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

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

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of **$352,836.00** for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

SIXTH: 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 for such public utilities as required by the City Engineer.

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 06.908.3 | PROJECT LOCATION: NE 1/4 SEC. 14

RESOLUTION NO. | DATE OF COUNCIL APPROVAL:

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

OWNERS

By: [signature]

Gary Abitheira

Please Print or Type

_____

Please Print or Type

CITY OF TROY

By:

_____

Louise E. Schilling, Mayor

_____

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 14th day of March, A.D.2007, before me personally appeared Gary Abitheira 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.

Laurel Nottage

NOTARY PUBLIC, Oakland County, Michigan

Acting in Oakland County

My commission expires: 10-12-11

City of Troy

CITY COUNCIL ACTION REPORT

March 27, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: TDDA, Interchange Committee, Big Beaver Road & Rochester Road Intersections with I-75, Confirmation of Landscape Architectural Services

Background:

- On March 21, 2007 TDDA accepted a proposal from Grissim Metz Andriese Associates, for landscape architectural services.

Financial Considerations:

- The TDDA authorized expenditures to not exceed $40,000.
- City Council is requested to confirm the $40,000 expenditure.

Legal Considerations:

- The TDDA has the authority to enter into contracts.
- City Council has the ultimate budget authority.

Policy Considerations:

- The item is consistent with City Council Goals I, III and IV.

Options:

- City Council can confirm the TDDA's authorization of expenditures.

Approved as to form and legality:

_____
Lori Grigg Bluhm, City Attorney

Attachments:

1. TDDA Draft Minutes, March 21, 0007
2. TDDA correspondence dated March 15, 2007

Prepared by MFM

G:\Downtown Development Authority DDA\Interchange design\DDA GMA contract CC April 2 2007.doc

DOWNTOWN DEVELOPMENT AUTHORITY MINUTES DRAFT March 21, 2007

A meeting of the Downtown Development Authority was held on Wednesday, March 21, 2007 in the Lower Level Conference Room of Troy City Hall, 500 W. Big Beaver Troy, Michigan. Alan Kiriluk called the meeting to order at 7:30 a.m.

PRESENT:
Michael Culpepper
Stuart Frankel
David Hay
Michele Hodges
William Kennis
Alan Kiriluk
Daniel MacLeish (arrived @ 7:32 a.m.)
Louise Schilling
Douglas Schroeder
G. Thomas York

ABSENT:
Carol Price
Ernest Reschke
Harvey Weiss

ALSO PRESENT:
Phil Nelson
John M. Lamerato
Brian Murphy
Lori Bluhm
Mark Miller

APPROVAL OF MINUTES

Resolution: DD-07-03
Moved by: Kennis
Seconded by: Culpepper

RESOLVED, That the minutes of the February 21, 2007 regular meeting be approved.

Yeas: All (9)
Absent: MacLeish, Price, Reschke, Weiss

OLD BUSINESS

None

NEW BUSINESS

A. Update on Chesapeake Group

Howard Kohn of the Chesapeake Group gave a presentation on the Impact Analysis of the Big Beaver Corridor Improvement study findings.

B. Review of 1st Draft of Development Plan #6

Brian Murphy asked for comments on the Draft. The Development Plan #6 will be on the April agenda.

C. Grissim Metz Andriese Proposal for I-75 Interchange Conceptual Designs

Bill Kennis and Michael Culpepper gave the Board an update on the Interchange Committee progress.

Resolution: DD-07-04
Moved by: Kennis
Seconded by: Culpepper

RESOLVED, That the Board engage Grissim Metz Andriese to provide landscape architectural services for the I-75 Interchange at a cost not to exceed $40,000.

Yeas: Culpepper, Hay, Kennis, Kiriluk, Schroeder, York
Nays: Frankel, Hodges, MacLeish, Schilling
Absent: Price, Reschke, Weiss

D. Transportation, Community and System Preservation (TCSP) Program Grant

Brian Murphy and Mark Miller provided the Board an overview of the TCSP grant application for the Big Beaver Rochester Road Park and Intersection Project.

PUBLIC COMMENT

Wade Fleming commented on the Impact Analysis Report.

EXCUSE ABSENT MEMBERS

Resolution: DD-07-05
Moved by: Schilling
Seconded by: MacLeish

RESOLVED, That Price, Reschke and Weiss be excused.

Yeas: All (10)
Absent: Price, Reschke, Weiss

MEMBER COMMENT

Listing of short/long-term priorities of Corridor Study for April Board meeting.

The meeting was adjourned at 8:49 a.m.

Next Meeting: April 18, 2007 @ 7:30 a.m. @ Lower Level Conference Room, City Hall.

_____
Alan Kiriluk, Chair

_____
John M. Lamerato, Secretary/Treasurer

JL/ph

Date: March 15, 2007

To: City of Troy Downtown Development Authority

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

Subject: Interchange Committee, Big Beaver Road & Rochester Road Intersections with I-75, Approval of Landscape Architectural Services

The Interchange Committee reviewed background information for the I-75 interchanges at Big Beaver and Rochester Roads. In addition input from Randy Metz from Gissim Metz Andriese Associates (GMA) was solicited. Attached is a proposal from GMA, not to exceed $40,000, for landscape architectural services. As part of the proposal, GMA will work closely with the Interchange Committee, Troy Engineering Department, Troy Parks and Recreation Department, Troy Planning Department and MDOT. GMA will work closely with these parties to reduce costs where possible by utilizing qualified City Staff. The Interchange Committee will be critical to the design development process. The work product will include the following:

1. Analysis of the existing conditions of the interchanges.
2. Investigate the design constraints.
3. Develop goals and objectives.
4. Compare existing world-class freeway interchanges.
5. Prepare a concept diagram and plan.
6. Prepare proposed iconic and functional amenities.
7. Prepare budget projections based upon selected concept.

City Management and Interchange Committee requests that the DDA accept the proposal for landscape architectural services from GMA and authorize expenditures to not exceed $40,000.

Attachment
1. GMA Proposal for Landscape Architectural Services

G:\Downtown Development Authority DDA\Interchange design\DDA 03 21 2007 approval of GMA proposal_revised.doc

Landscape Architecture · Civil Engineering
300 East Cady St. · Northville, MI 48167
www.gma-a.com
248.347.7010 · FAX 248.347.7005

GRISSIM
METZ ASSOCIATES
ANDRIESE

March 14, 2007

Mr. Mark Miller
Planning Director
City of Troy
500 West Big Beaver
Troy, MI 48084

Re: Big Beaver Road - I-75 and Rochester Road Intersections
Troy, Michigan
Landscape Architectural Services

Dear Mark:

We are pleased to submit the following proposal for landscape architectural services for the above referenced project. It is our understanding that the scope of work includes conceptual design services that appropriately convey the design intent and include a budget projection based upon the approved concept. We would work closely with the Interchange Committee throughout this study and coordinate all work with the City of Troy, Planning Department, Engineering Department, Parks and Recreation Department and MDOT.

Specifically our scope of work would include the following:

A. Conceptual Design Tasks

1. Data collection i.e. aerial photo maps, existing surveys, planting plans, MDOT and City of Troy regulations (provided by City of Troy Engineering Department) .

2. Site visit to review existing conditions, photograph areas, and inventory relevant information.

3. Develop base drawings.

4. Research and document codes and ordinances, setback requirements, gore zones, clearances, etc. (provided by City of Troy Engineering Department).

5. Prepare a site analysis to assess data and illustrate implications.

6. Develop written set of goals and objectives.

7. Research and illustrate precedence images of other world-class freeway interchange examples.

8. Prepare proposed concept diagram and plan.

9. Prepare proposed iconic and functional amenities as part of the proposed concept as appropriate (i.e. signage, gateway icons, lighting, graphics, architectural features, etc.). GMA may utilize (as part of our fee) Dave Peterhans as design consultant for iconic features.

10. Prepare 3D "Sketch-Up" illustrations of the proposed design concept; Three (3) views per intersection (maximum six total).

11. Discuss maintenance issues as related to the proposed improvements.

12. Prepare a budget projection base upon the selected concept.

13. Attend meetings and presentations (assume 6 total).

B. Deliverables

1. Existing conditions photos (30" x 42" Board)

2. Site analysis plan illustrating opportunities and constraints (30" x 42" Board)

3. Concept precedence images, goals and objectives (30" x 42" Board)

4. I-75 concept plan (30" x 42" - 100 scale)

5. Rochester Road concept plan (30" x 42" - 100 scale)

6. Three (3) "Sketch-Up" views of I-75 concept

7. Three (3) "Sketch-Up" views of Rochester Road concept

8. Maintenance issues and projected budget (8½" x 11)

9. Reduced copy booklet of all the above (number of copies to be determined) (11" x 17")

C. Compensation

1. Our proposed fee for the services as outlined above would be hourly not to exceed $40,000.00

2. Our proposed services shall be invoiced monthly as the work progresses.

GRISSIM
METZ ASSOCIATES
ANDRIESE

3. Additional work beyond that defined herein would be charged on an hourly basis per the attached rate schedule.

4. Reimbursable expenses are in addition to the fee(s) quoted and per the attached schedule.

We thank you for this invitation to be involved with this project and hope that this proposal meets with your approval. We believe our firm can provide you with the highest quality of professional services and we look forward to working with you on this project.

If we can provide you with any additional information or answer any questions regarding our proposed services, please do not hesitate to contact us.

Sincerely,

Randall K. Metz, ASLA
Vice President

RKM/jmt

Approved and Accepted:

By: _____

Title: _____

Date: _____

HOURLY RATES AND REIMBURSABLE EXPENSES

HOURLY RATES

For lump sum fee contracts, additional services beyond the scope of our agreement will be performed at GMA's hourly rates that prevail at the time services are rendered. When the fee arrangement is on an hourly basis, the rates will be those prevailing at the time services are rendered. Current hourly rates are as follows:

Principal I	$150.00 / hour
Principal II	145.00 / hour
Principal III	130.00 / hour
Partner	120.00 / hour
Landscape Architect	95.00 / hour
Landscape Designer	95.00 / hour
Architectural Technician	85.00 / hour
Landscape Architectural Technician	85.00 / hour
CAD Technician	75.00 / hour
Graphic Delineator	75.00 / hour

These rates are applicable through December 31, 2007

REIMBURSABLE EXPENSES

Reimbursable expenses shall apply to all fees and project phases, as incurred. Expenses incurred for outside reproduction shall be billed at 1.2 x cost. Billable expenses are as follows:

1. Travel expenses will be invoiced at cost for all projects and includes: mileage ($.485 per mile) and out of town travel: airfare, car rental, parking, tolls, food and lodging.
2. Special materials and/or equipment unique to the project (i.e. special graphic materials, mounting supplies, etc.).
3. Courier, express mail and postage.
4. Reproduction of drawings, specifications, graphics and photos (a schedule of internal reproduction costs can be provided upon request).
5. Outside consultants (electrical, irrigation, survey, etc.).

ELECTRONIC FILE TRANSFER

All drawing files (CAD files) received need to contain the following characteristics:

1. All files received need to be .DWG (AutoCAD Release 2006 or lower).
2. Drawing files to include a color dependant plot style table (CTB) (i.e. not STB).

TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: March 15, 2007
SUBJECT: City of Troy v. George Roberts

Enclosed please find a proposed consent judgment that would finalize the case filed by the City of Troy against George Roberts to abate a nuisance at 6791 Livernois Rd. in the City of Troy. The City commenced this lawsuit in November, after the City housing and zoning inspectors investigated several complaints filed by the neighbors. The inspectors verified that there were unsafe and unsanitary conditions existing on his property.

At the earliest opportunity, we appeared before Circuit Court Judge Mark Goldsmith, asking for an order to abate the nuisances existing on the property. At that time, Judge Goldsmith entered an order requiring abatement of the nuisances on the property. However, Mr. Roberts was allowed to complete the abatement in phases, as long as compliance with all local and state laws was achieved on or before January 10, 2007.

At the court date on January 17, 2007, Judge Goldsmith was informed that there had been significant progress. However, there were still some violations in the exterior of the home, as well as some on the interior, that required correction. Since the hearing was set in January, during a time of inclement weather, Judge Goldsmith then ordered complete abatement by March 7, 2007, when the City would inspect the property. He also set another court hearing for March 14, 2007 to report on the progress.

On March 7, 2007, City housing and zoning inspectors found that the home was in compliance with all local and state laws. Based on this report, we drafted a proposed consent judgment, which would be the final resolution of this case. This proposed consent judgment is attached for your consideration. Mr. Roberts signed the proposed consent judgment on March 14, 2007, at the Circuit Court hearing.

Under the terms of the proposed consent judgment, Mr. Roberts agrees to continue to maintain his property, (both exterior and interior), in compliance with all local and state laws. In order to insure compliance, the Property would be inspected on a quarterly basis for the first year after the Court approves the Consent Judgment. City inspections could also occur if there is reasonable cause to believe that nuisance conditions have returned to the property. The consent judgment requires full cooperation with any subsequent inspection of the property. Further, if there are future violations of state or local laws, these violations must be abated within 14 days. Failure to abate within 14 days could subject the property owner to sanctions for contempt of court.

We recommend approval of the attached Consent Judgment. Please let us know if you have any questions.

STATE OF MICHIGAN

IN THE OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY,

Plaintiff,

vs.

GEORGE ROBERTS,

Defendant.

LORI GRIGG BLUHM (P46908)
CHRISTOPHER J. FORSYTH (P63025)
Attorneys for Plaintiff City of Troy
500 W. Big Beaver Road,
Troy, Michigan 48084
(248) 524-3320
(248) 524-3259 – Fax

CONSENT JUDGMENT

At a session of said Court held in
the Courthouse, City of Pontiac,
Oakland County, MI
on:_____

PRESENT: HONORABLE MARK A. GOLDSMITH, CIRCUIT COURT JUDGE

George Roberts, *in pro per*, and the City of Troy agree to the entry of this judgment:

RECITALS

A. Defendant is the sole owner and occupant of a single-family dwelling located at 6791 Livernois, Troy MI ("the Property").

B. Beginning in July of 2006, representatives of the Troy Building Inspection and Zoning Department received several complaints from neighbors regarding the exterior of the Property.

C. Based on these complaints, Building Inspectors repeatedly met with Defendant and inspected the exterior of the Property. The Inspectors observed several piles of debris, litter, and tall weeds, which are violations of Troy's Code of Ordinances.

D. Although Defendant repeatedly told the Building Inspectors that he would correct these violations, Defendant failed to remove the debris, litter, and tall weeds outside his home.

E. For the next several months, the Building and Zoning Department continued to receive complaints about the condition of Defendant's Property.

F. Based these continuing complaints, and also further investigation, Troy Building Inspectors obtained an administrative search warrant for Defendant's house on the Property on November 16, 2006.

G. When the Inspectors entered his house, they immediately noted a strong foul odor and evidence of vermin. They also observed debris and litter piled high to the ceiling, which made it extremely difficult for the Inspectors to move throughout the house. Defendant's kitchen and bathroom were covered in filth, which caused them to believe Defendant lacked working plumbing. These unsafe and unsanitary conditions posed an immediate

danger to Defendant and anyone else entering Defendant's home. These conditions also constituted violations of state and local laws.

H. Based on the unsafe and unsanitary conditions existing at Defendant's residence, Plaintiff immediately filed a lawsuit, alleging that the Property constituted a nuisance that needed to be abated.

I. In addition, Plaintiff filed a motion for preliminary injunction/show cause order requesting that Defendant vacate the Property until the Property was made safe and sanitary.

J. On November 29, 2006, this Court held a hearing at which Defendant and Counsel for Plaintiff appeared, as well as City of Troy Building Inspectors. After taking testimony and reviewing photographs, which were marked and admitted as exhibits, this Court entered an order abating the nuisance.

K. Under the terms of this order, Defendant was to abate the nuisance that existed at the Property in three phases, with the last phase ending on January 10, 2007. Defendant was also required, pursuant to this order, to allow Building Inspectors to inspect the Property after each abatement phase.

L. According to City Inspectors, Defendant has successfully abated the nuisance that existed on the Property, and all ordinance violations have been corrected.

M. City Officials are concerned, based on past history with the Defendant, as well as the representations of the neighbors, that there will be future

violations of the Troy City Code and/or unsafe conditions in the home or outside the home.

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

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. This judgment constitutes the final judgment of the Oakland County Circuit Court and resolves all claims between the parties.
2. The Defendant shall continue to maintain the Property in compliance with all state and/or local laws and regulations. For example, Defendant must maintain sufficient aisle ways and proper means of ingress into and throughout the residence on the Property, and must keep the exterior of the Property free of all litter, trash, and debris.
3. The City of Troy shall have the right to inspect the Property. Inspections shall occur in the following manner:
    a. City Officials shall inspect the Property (both exterior and interior) once a quarter (every 120 days) for a period of one year (12 months), commencing on the date that this judgment is entered with the Court.
    b. City Officials shall also inspect the Property, both exterior and interior, whenever they have reasonable cause to believe that nuisance conditions have returned and exist at the Property.

c. City Officials shall provide Defendant at least 24 hours notice of the scheduled inspections, as described in paragraphs a. and b., and said inspections shall occur during normal business hours.

d. Defendant shall fully cooperate with City Officials regarding the inspections described in paragraphs a. and b.

4. The parties agree to waive all costs and attorney fees incurred as result of the case.

5. By entry of this Consent Judgment, the parties, their agents, successors, assignees waive and discharge any and all claims that they many have against the other party, including its officials and employees, relating to the subject of this lawsuit.

6. In order to effectuate the intent of this consent judgment, and to reconcile any difference between the Parties, the Circuit Court shall retain jurisdiction over this matter to resolve any disputes that may arise.

7. Any failure to comply with the terms and conditions of this Judgment shall be considered Contempt of Court. If either party fails to comply with the terms and conditions of this Judgment, the other party can request a show cause hearing before the Court.

8. If nuisance conditions return and exist at the Property, City Officials may abate the nuisance in any manner as provided by state statute or City of Troy Code of Ordinances.

9. Plaintiff shall allow Defendant 14 days to voluntarily abate the nuisance condition existing at the Property before requesting a show cause hearing as described below.

10. City Officials may also abate the nuisance by requesting a show cause hearing, and asking the Court to:

    a. Allow the City of Troy to immediately hire someone to return the home to a safe and sanitary condition, in compliance with state and local laws and regulations. The reasonable cost of any such work shall be borne exclusively by Defendant, and may be secured by a lien on the Property, or by special assessment on the Property, or through a Judgment that can be collected in any manner allowed by law;

    b. Order any other relief that is fair and equitable.

11. The parties stipulate that signatories below are fully authorized to bind the Parties to the terms of this Consent Judgment and stipulate to its entry.

12. The execution and entry of this Consent Judgment are contingent upon Troy City Council approval.

_____

Hon. Mark A. Goldsmith
Oakland County Circuit Court Judge

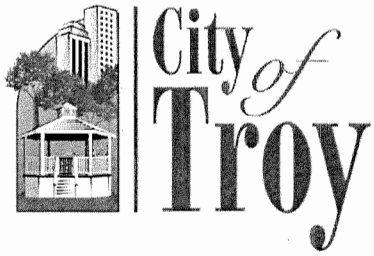
Stipulate as to Form and Substance:

_____ Dated: _____

Christopher J. Forsyth (P63025)
Attorney for Plaintiff, City of Troy

_____ Dated: MARCH 14, 2007

George Roberts
Appearing *in Pro Per*



CITY COUNCIL ACTION REPORT

March 27, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Steven J. Vandette, City Engineer
Patricia A. Petitto, Real Estate Consultant, Greenstar & Associates, LLC

SUBJECT: Request for Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 – Parcel #56 – Sidwell #88-20-02-228-023 – Gladys J. Brewer Revocable Living Trust

Background:

- In connection with the proposed improvements to John R Road, from Square Lake Road to South Boulevard, the Real Estate & Development Department received a Regrading and Temporary Construction Permit from Robert C. Brewer, as attorney in fact for the Gladys J. Brewer Revocable Living Trust dated April 29, 1993. This parcel is located on the west side of John R Road, between Chancery and South Boulevard in the northeast ¼ of Section 2.

Financial Considerations:

- A market study was prepared by Andrew Reed, State Certified Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser, and Larysa Figol, Limited Real Estate Appraiser. Staff believes that $500, for the acquisition of this permit is a justifiable amount.
- Eighty percent of the costs for this project will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2006-07 Major Road fund, account number 401479.7989.022045.

Legal Considerations:

- The format and content of the permit are consistent with documents previously accepted by City Council.

Policy Considerations:

- The purpose of this project is to relieve congestion, improve safety and improve the flow of traffic. (Goals I and V)

Options:

- City Management recommends that City Council accept the attached Regrading and Temporary Construction Permit from Robert C. Brewer, as attorney in fact for the Gladys J. Brewer Revocable Living Trust so that the City can proceed with the acquisition of this right-of-way.

REGRADING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-02-228-023
Parcel # 56

Robert C. Brewer, a single man, as Attorney in Fact (POA unrecorded) for Gladys J. Brewer, Trustee of the Gladys J. Brewer Revocable Living Trust dated 4/29/93, and Gladys J. Brewer, a single woman, Grantor(s), whose address is 6955 John R., Troy, MI 48085, for and in consideration of Five Hundred and no/100 Dollars ($500.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of John R Road Improvements, from Square Lake Road to South Boulevard (City of Troy Project No. 02.204.5)*, the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

SEE ATTACHED EXHIBIT "A" FOR PARENT PARCEL LEGAL DESCRIPTION AND DESCRIPTION OF PERMIT AREA

IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

*It is anticipated that construction funding will be available in the 2010 calendar year. However, if construction is delayed this document will be effective during the actual construction year(s) and for a period of six (6) Months after completion of this project.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signatures(s) this 21st day of MARCH, 2007.

ROBERT C. BREWER, A SINGLE MAN, AS ATTORNEY IN FACT (POA unrecorded) FOR GLADYS J. BREWER REVOCABLE LIVING TRUST DATED 4/29/93 AND FOR GLADYS J. BREWER A SINGLE WOMAN

Robert C. Brewer (L.S.)
*Robert C. Brewer

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 21st day of MARCH 2007, by Robert C. Brewer, a single man, as Attorney in Fact (POA unrecorded) for Gladys J. Brewer, Trustee of the Gladys J. Brewer Revocable Living Trust dated 4/29/93 and Gladys J. Brewer, a single woman, to me known to be the same person(s) described in and who executed the within instrument, and who then acknowledged the same to be their free act and deed.

Patricia A. Petitto

Notary Public, OAKLAND, County, Michigan

Acting in OAKLAND County, Michigan

My Commission Expires 12-31-11

Prepared by: Patricia A. Petitto
500 West Big Beaver
Troy, MI 48084

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

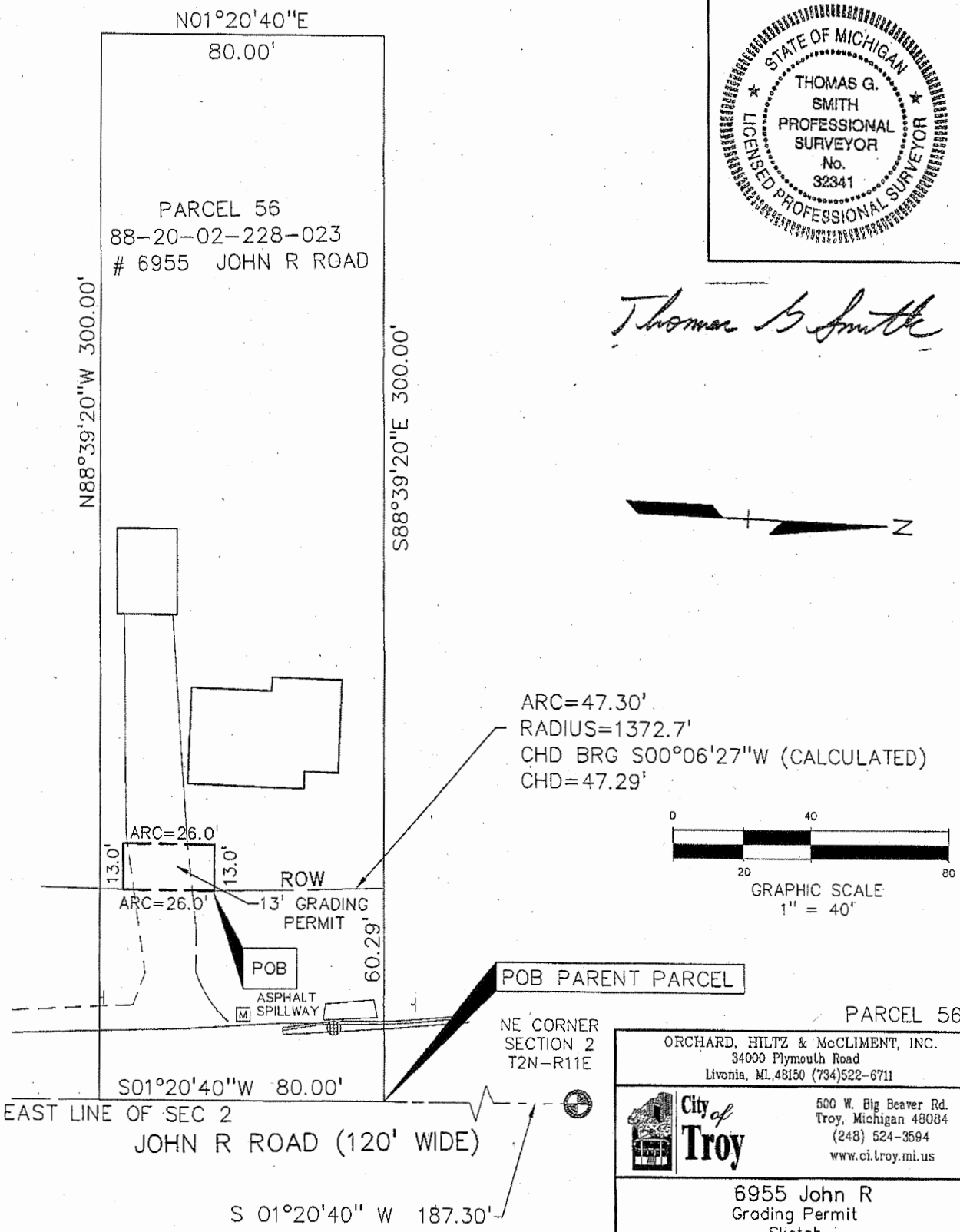
Exhibit "A"

Section 2, John R Widening Project
Parcel: 88-20-02-228-023
Parcel #56

PARENT PARCEL #56 DESCRIPTION:
T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF EAST 1/2 OF NORTHEAST 1/4: BEGINNING AT POINT ON EAST SECTION LINE DISTANT S 01°20'40" W 187.30 FT FROM NORTHEAST SECTION CORNER, THENCE S 01°20'40" W 80 FT, THENCE N 88°39'20" W 300 FT, THENCE N 01°20'40" E 80 FT, THENCE S 88°39'20" E 300 FT TO BEGINNING. CONTAINING 0.55 ACRES

PARCEL #88-20-02-228-023

13' WIDE GRADING PERMIT:
A 13 FT WIDE GRADING PERMIT OVER PARCEL 88-20-02-228-023, COMMENCING AT THE NORTHEAST CORNER OF SECTION 2, T.2 N., R.11 E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, THENCE S 01°20'40" W 187.30 FT, THENCE N 88°39'20" W 60.29' TO THE WEST RIGHT-OF-WAY LINE OF JOHN R ROAD, AS DESCRIBED IN L. 20, P.212 O.C.R., THENCE 47.30 FT ALONG A CURVE TO THE RIGHT AND THE WEST RIGHT-OF-WAY OF JOHN R ROAD (RADIUS 1372.7', CHORD CALCULATED AS S 00°06'27" W 47.29 FT) TO THE POINT OF BEGINNING, THENCE CONTINUING 26.00 FT SOUTH ALONG THE ARC OF SAID CURVE AND THE WEST RIGHT-OF-WAY OF JOHN R ROAD, THENCE N 88°39'20" W 13.00 FT, THENCE 26.00 FT NORTH ALONG A CURVE TO THE LEFT, PARALLEL TO AND 13 FT WEST OF THE WEST RIGHT-OF-WAY LINE OF JOHN R ROAD, THENCE S 88°39'20" E 13.00 FT TO THE POINT OF BEGINNING.



STATE OF MICHIGAN
THOMAS G. SMITH
PROFESSIONAL SURVEYOR
No. 32341
LICENSED PROFESSIONAL SURVEYOR

Thomas G Smith

ORCHARD, HILTZ & McCLIMENT, INC.
34000 Plymouth Road
Livonia, MI. 48150 (734)522-6711

City of Troy
500 W. Big Beaver Rd.
Troy, Michigan 48084
(248) 524-3594
www.ci.troy.mi.us

6955 John R
Grading Permit
Sketch

SCALE:	DRAWN BY:	CHECK BY:	FILE
1"= 40'	JRV	GWC	228-023 GRD
-	2-10-06	3-17-06	

DATE	REV.

Document Prepared by Professional Engineering Associates, Inc.

CONTRACT No.

STEVEN J. VANDETTE
CITY ENGINEER

SHEET No. 1 of 2
JOB No. 2002-234

City of Troy

CITY COUNCIL ACTION REPORT

March 26, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Steven J. Vandette, City Engineer SJV
Patricia A. Petitto, Real Estate Consultant, Greenstar & Associates, LLC PAP

SUBJECT: Request for Approval of Purchase Agreement and Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 – Parcel #54 – Sidwell #88-20-02-228-025 – Harjinder Bhatia

Background:

- In connection with the proposed improvements to John R Road, from Square Lake Road to South Boulevard, the Real Estate & Development Department received a Purchase Agreement and Regrading and Temporary Construction Permit from Harjinder Bhatia. This parcel is located on the west side of John R Road, between Chancery and South Boulevard in the northeast ¼ of Section 2.

Financial Considerations:

- An appraisal was prepared by Andrew Reed, State Certified Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser, and Larysa Figol, Limited Real Estate Appraiser. Staff believes that $10,900, plus closing costs for the acquisition of the property described in the purchase agreement and $100 for the Regrading and Temporary Construction Permit are justifiable amounts for this acquisition.
- Eighty percent of these costs will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2006-07 Major Road fund, account number 401479.7989.022045.

Legal Considerations:

- The format and content of the purchase agreement and permit are consistent with documents previously accepted by City Council.

Policy Considerations:

- The purpose of this project is to relieve congestion, improve safety and improve the flow of traffic. (Goals I and V)

Options:

- City Management recommends that City Council approve the attached Purchase Agreement and accept the attached Regrading and Temporary Construction Permit from Harjinder Bhatia so that the City can proceed with the acquisition of this right-of-way.

PAP\G\MEMOS TO MAYOR & CC\Bhatia Purchase Agreement & RTCE

Sidwell # 88-20-02-228-025

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Harjinder Bhatia (the "Seller"), the following described premises (the "Property"):

SEE ATTACHED EXHIBIT "A"

for a public project within the City of Troy and to pay the sum of Ten Thousand, Nine Hundred and no/100 Dollars ($10,900.00) under the following terms and conditions:

1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.

2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.

3. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.

4. Buyer shall, at its own expense, provide title insurance information, and the Seller shall disclose any encumbrances against the property.

5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.

6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.

7. The City of Troy's sum paid for the property being acquired represents the property being free of all environmental contamination. Although the City of Troy will not withhold or place in escrow any portion of this sum, the City reserves its rights to bring Federal and/or State and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the property.

8. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council.

9. Seller grants to Buyer temporary possession and use of the property commencing on this date and continuing to the date of closing in order that the Buyer may proceed with the public project.

10. Additional conditions, if any: City will provide the sanitary sewer lead in front of said property to the 60' proposed R.O.W. line.

HB

SELLER HEREBY ACKNOWLEDGES THAT NO PROMISES WERE MADE EXCEPT AS CONTAINED IN THIS AGREEMENT.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 8TH day of MARCH, 2007.

In presence of:

CITY OF TROY (BUYER)

Patricia A. Petitto

SELLER:

Harjinder Bhalla

EXHIBIT "A"

Section 2, John R Widening Project
Parcel: 88-20-02-228-025
Parcel #54

PARENT PARCEL #54 DESCRIPTION:
T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF EAST 1/2 OF NORTHEAST 1/4: BEGINNING AT POINT ON EAST SECTION LINE DISTANT S 01°20'40" W 367.30 FT FROM NORTHEAST SECTION CORNER, THENCE S 01°20'40" W 81 FT, THENCE S 88°39'20" W 300 FT, THENCE N 01°20'40" E 81 FT, THENCE N 88°39'20" E 300 FT TO BEGINNING, THE EAST 33 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES. CONTAINING 0.56 ACRES.

REMAINDER PARCEL DESCRIPTION:
T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF EAST 1/2 OF NORTHEAST 1/4: BEGINNING AT POINT ON EAST SECTION LINE DISTANT S 01°20'40" W 367.30 FT & S 88°39'20" W 60 FT FROM THE NORTHEAST SECTION CORNER, THENCE S 01°20'40" W 81 FT, THENCE S 88°39'20" W 240 FT, THENCE N 01°20'40" E 81 FT, THENCE N 88°39'20" E 240 FT TO BEGINNING. CONTAINING 0.45 ACRES.

PROPOSED FEE RIGHT OF WAY ACQUISITION:
T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF EAST 1/2 OF NORTHEAST 1/4: BEGINNING AT POINT ON EAST SECTION LINE DISTANT S 01°20'40" W 367.30 FT FROM NORTHEAST SECTION CORNER, THENCE S 01°20'40" W 81 FT, THENCE S 88°39'20" W 60.00 FT, THENCE N 01°20'40" E 81.00 FT, THENCE N88°39'20"E 60.00 FT TO THE POINT OF BEGINNING, ALSO KNOWN AS R.O.W. PARCEL #54, THE EAST 33 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES. CONTAINING 4,860 SQUARE FEET; 0.11 ACRES (GROSS) OR 2,187 SQUARE FEET; 0.05 ACRES (NET).

REGRADING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-02-228-025
Parcel # 54

Harjinder Bhatia, Grantor(s), whose address is 1840 Hallmark, Troy, MI 48085, for and in consideration of One Hundred and no/100 Dollars ($100.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of John R Road Improvements, from Square Lake Road to South Boulevard (City of Troy Project No. 02.204.5)*, the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

SEE ATTACHED EXHIBIT "A" FOR PARENT PARCEL LEGAL DESCRIPTION AND DESCRIPTION OF PERMIT AREA

IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

*It is anticipated that construction funding will be available in the 2010 calendar year. However, if construction is delayed this document will be effective during the actual construction year(s) and for a period of six (6) Months after completion of this project.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed her signatures(s) this 8th day of March, 2007.

Harjinder Bhatia (L.S.)
*Harjinder Bhatia

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 8th day of March 2007, by Harjinder Bhatia to me known to be the same person(s) described in and who executed the within instrument, and who then acknowledged the same to be her free act and deed.

Anne Melise

Notary Public, Wayne, County, Michigan

Acting in Macomb County, Michigan

My Commission Expires 12-02-2011

Prepared by: Patricia A. Petitto
500 West Big Beaver
Troy, MI 48084

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

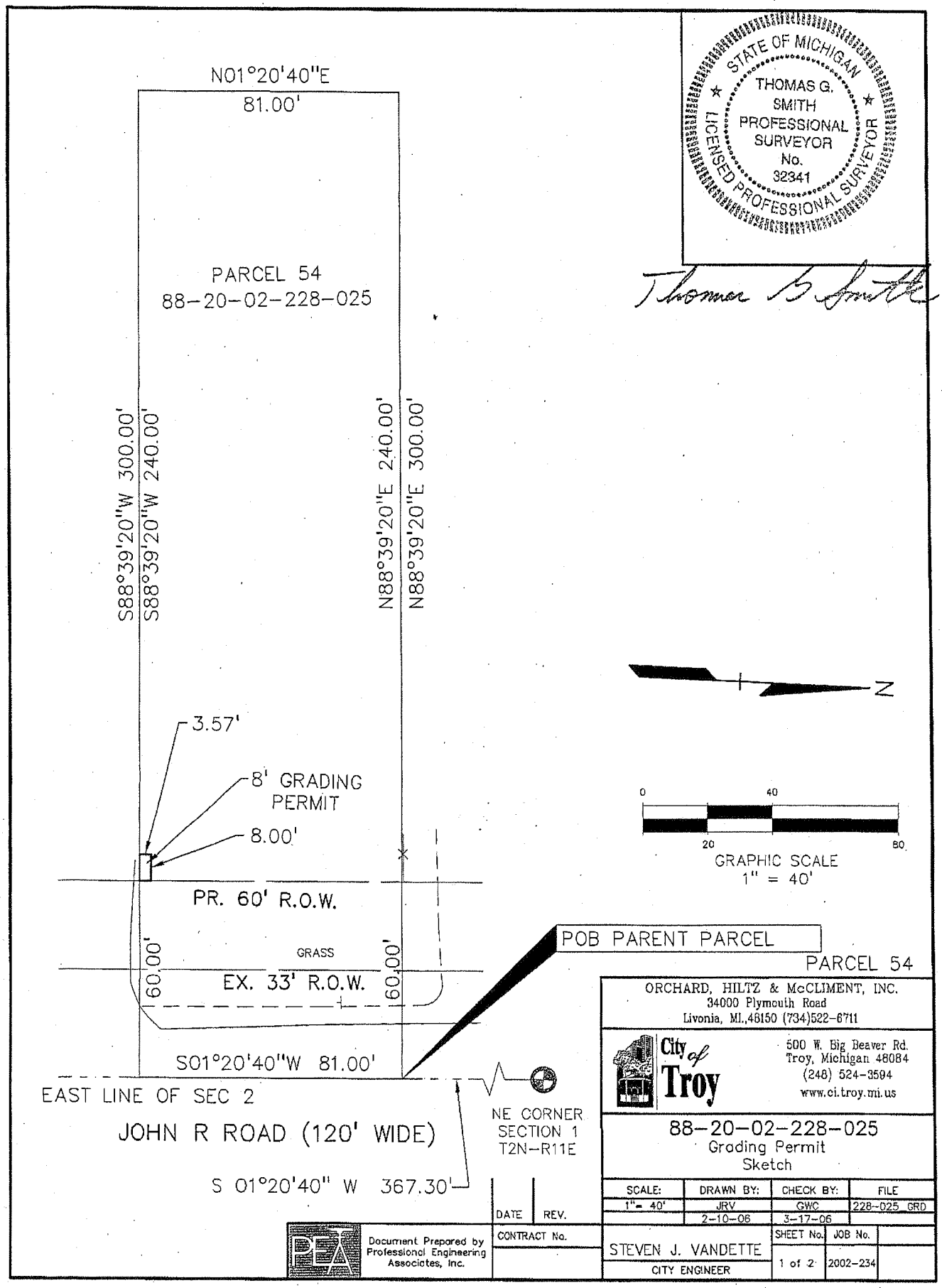
ANNE M MELISE
Notary Public - Michigan
Wayne County
My Commission Expires Dec 2, 2011
Acting in the County of Macomb

EXHIBIT "A"

Section 2, John R Widening Project
Parcel: 88-20-02-228-025
Parcel #54

PARENT PARCEL #54 DESCRIPTION:
T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF EAST 1/2 OF NORTHEAST 1/4: BEGINNING AT POINT ON EAST SECTION LINE DISTANT S 01°20'40" W 367.30 FT FROM NORTHEAST SECTION CORNER, THENCE S 01°20'40" W 81 FT, THENCE S 88°39'20" W 300 FT, THENCE N 01°20'40" E 81 FT, THENCE N 88°39'20" E 300 FT TO BEGINNING, THE EAST 33 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES. CONTAINING 0.56 ACRES.

8' GRADING PERMIT:
AN 8 FOOT GRADING PERMIT IN T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS BEING THE SOUTH 3.57 FEET OF THE WEST 8.00 FEET OF THE EAST 68.00 FEET OF THE FOLLOWING DESCRIBED PARCEL: T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS PART OF EAST 1/2 OF NORTHEAST 1/4: BEGINNING AT POINT ON EAST SECTION LINE DISTANT S 01°20'40" W 367.30 FT FROM NORTHEAST SECTION CORNER, THENCE S 01°20'40" W 81 FT, THENCE S 88°39'20" W 300 FT, THENCE N 01°20'40" E 81 FT, THENCE N 88°39'20" E 300 FT TO BEGINNING, THE EAST 33 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES.


N01°20'40"E
81.00'
PARCEL 54
88-20-02-228-025
S88°39'20"W 300.00'
S88°39'20"W 240.00'
N88°39'20"E 240.00'
N88°39'20"E 300.00'
3.57'
8' GRADING PERMIT
8.00'
PR. 60' R.O.W.
GRASS
EX. 33' R.O.W.
60.00'
60.00'
S01°20'40"W 81.00'
EAST LINE OF SEC 2
JOHN R ROAD (120' WIDE)
S 01°20'40" W 367.30'
NE CORNER SECTION 1 T2N-R11E
POB PARENT PARCEL
PARCEL 54
N
0
40
20
80
GRAPHIC SCALE
1" = 40'
STATE OF MICHIGAN
THOMAS G. SMITH
PROFESSIONAL SURVEYOR
No. 32341
LICENSED PROFESSIONAL SURVEYOR
Thomas G. Smith
ORCHARD, HILTZ & McCLIMENT, INC.
34000 Plymouth Road
Livonia, MI.,48150 (734)522-6711
City of Troy
500 W. Big Beaver Rd.
Troy, Michigan 48084
(248) 524-3594
www.ci.troy.mi.us
88-20-02-228-025
Grading Permit
Sketch
SCALE: 1"= 40'
DRAWN BY: JRV 2-10-06
CHECK BY: GWC 3-17-06
FILE 228-025_GRD
DATE
REV.
CONTRACT No.
Document Prepared by Professional Engineering Associates, Inc.
STEVEN J. VANDETTE
CITY ENGINEER
SHEET No. 1 of 2
JOB No. 2002-234

CITY COUNCIL ACTION REPORT

March 27, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Ratification of Street Vacation Application (File Number SV 189) – A section of alley, west of Rochester Road between Marengo and DeEtta, abutting Lots 5-12 of Troy Little Farms Subdivision and Lots 26 and 27 of Clark Estates Subdivision, Section 3

Background:

- There was a typographical error in Resolution #2007-03-086 which approved the subject street vacation at the March 19, 2007 City Council Regular meeting. The resolution incorrectly referenced Tax Parcel 20-03-278-029 as benefiting from the requested vacation. The resolution should have referenced Tax Parcel is 20-03-278-028.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- There are no policy considerations associated with this item.

Options:

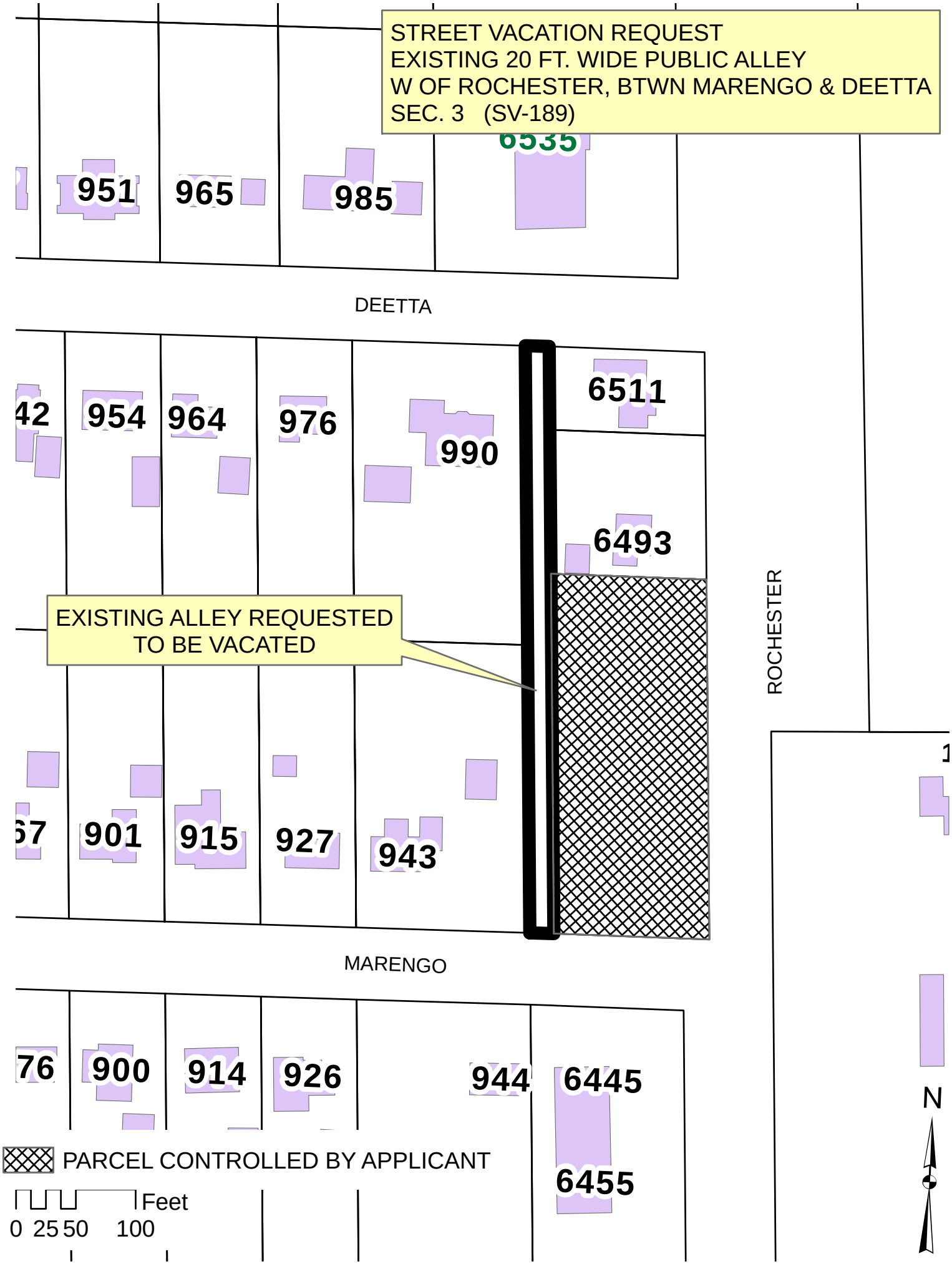
- City Council may reconsider Resolution #2007-03-086.
- City Council may amend Resolution #2007-03-086.

Attachments:

1. Map.

Prepared by RBS/MFM

G:\STREET VACATION\SV 189 Alley btwn Marengo and DeEtta Sec 3\Memo to City Mgr 04 02 07.doc


STREET VACATION REQUEST
EXISTING 20 FT. WIDE PUBLIC ALLEY
W OF ROCHESTER, BTWN MARENGO & DEETTA
SEC. 3 (SV-189)
951
965
985
6535
DEETTA
42
954
964
976
990
6511
6493
EXISTING ALLEY REQUESTED
TO BE VACATED
ROCHESTER
67
901
915
927
943
MARENGO
76
900
914
926
944
6445
6455
PARCEL CONTROLLED BY APPLICANT
Feet
0 25 50 100
N

City of Troy

CITY COUNCIL ACTION REPORT

March 22, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian Murphy, Assistant City Manager/Services
Steven J. Vandette, City Engineer SV

SUBJECT: Addendum No. 1 - Contract 05-6
Square Lake & Rochester Road Water Main Replacement

Background:

- During the construction of the new 12" water main along the north side of Square Lake Road, the contractor encountered an existing 12" corrugated steel storm sewer pipe below grade. This pipe was not known to exist and was therefore not shown on the plans. The contractor was directed to remove the pipe to allow for the construction of the water main and then to replace the pipe to maintain drainage along Square Lake Road.
- Since it is not practical or cost effective to stop construction for days or weeks until a change order can be approved for minor increases in contract quantities, the work continued on until final completion of the project.
- When the 10% contingency authorized with the contract award is sufficient to cover added costs, as is usually the case, final payment to the contractor is made and the project is closed out.
- If project costs exceed the authorized amount, as is the case with this project, council approval is required prior to processing final payment for the additional work.
- The amount exceeding the 10% contingency on this project is $4,072.39 or 2.55%.
- Following approval of this addendum a contract modification that balances out remaining contract items will be processed, such that the overall change to the contract amount is $2,602.75 or 1.61%.

Financial Considerations:

- Funds are available to complete this project in the 2006/07 Water Fund, account number 555.7972.065035.

Legal Considerations:

- There are no legal considerations associated with this item,

Policy Considerations:

- There are no policy considerations associated with this item.

Recommendation:

- It is recommended that City Council approve Addendum No. 1 in the amount of $2,602.75 for the Square Lake and Rochester Road Water Main Replacement project with Troelsen Excavating Co.

CITY COUNCIL ACTION REPORT

March 26, 2007

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Susan A. Leirstein, Purchasing Director
Steven J. Vandette, City Engineer
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Bid Waiver – Drainage Services – Sylvan Glen Golf Course

Background

- As the stream bank stabilization project is nearly complete, additional drainage work has been identified on the golf course outside of the scope of the stream bank project. It is apparent that existing drain lines are inadequate to carry standing water away from several playing areas on the course.
- The front nine holes of the course were under construction for the majority of the 2006 season. In order to have the course in good playing condition, additional drainage work is necessary this spring.
- Water Management Specialist, Inc. is a sole source contractor, specifically geared for golf course work. The equipment Water Management uses minimizes the potential for damage to the course. As this work is being proposed for spring, this equipment is imperative to a return to optimal playing conditions.
- The proposed drainage installation procedure is unique in that no spoils from the trenches touch the ground. The spoils go directly from the trench into a truck. This eliminates timely and costly cleanup and restoration.
- Weather permitting; Water Management could have the project completed in eight to ten days with little disruption to normal play.
- The proposed work to be done concentrates on the largest areas of concern and areas that directly impact play.
- Substantial turf loss can be expected if the standing water remains. Lack of oxygen in soil, cart traffic through wet areas, and development of compacted soils all contribute to the loss of turf.
- Oversaturated turf/soil is also a breeding ground for disease. Turf loss can be expected without the use of costly fungicides to control the diseases.
- The proposed work will reduce turf loss and disease incidents.

March 26, 2007

To: Phillip L. Nelson, City Manager
Re: Bid Waiver – Drainage Services – Sylvan Glen Golf Course

- Water Management has an excellent reputation locally and nationally. Warwick Hills, Country Club of Detroit and Oakland Hills are a few of the local courses that have contracted their services.

Financial Considerations

- Funds for this project are available in the Sylvan Glen Capital Account #788.7974.130.

Legal Considerations

- Formal bidding procedures are waived, as no benefit would be derived from soliciting formal bids.
-

Policy Considerations

- Minimize the cost and increase the efficiency and effectiveness of City government. (Goal II)
- Maintain relevance of public infrastructure to meet changing public needs. (Goal V)

Options

- City management is requesting a waiver of the formal bid process and authorizes Water Management Specialist, Inc., to provide golf course drainage improvements at an estimated total cost of $59,336.00.

Water Management Specialist, Inc.
1596 S. College Rd.
Mason, Mich. 48854
Ph. 517-628-8001
Fax 517-628-2173

Owner: City of Troy – Sylvan Glen G.C.
Address: 5725 Rochester Rd.
Troy, Mich. 48085

Project: Drainage project for 4 fairways

Work: This proposal is for the installation of a drainage system on parts of fairways # 2, 4, 5, and 6. We will install 3" tile lines on 15 ft. centers and backfill with a USGA sand. We will be installing a 4" tile sand backfill to be used as our main lines for the 3" laterals. All spoils to remain on site, and owner to locate and identify all existing irrigation, electrical, and utility lines. We will prep tile line trenches for sodding or seeding which is to be completed by owner. Materials: 1000 ft. of 4", with 6700 ft. of 3" tile.
If owner wishes to do the final restoration of trenches we will deduct $ 5,467.00

Alternate #1: Install 3" tile on 20 ft. centers, we will deduct $7,196.00
#2: If owner does final restoration of trenches we will deduct additional $4,450.00

Terms 25% down with balance upon completion. 3rd or 4th week of April is available.

Water Management Specialist, Inc.

TOTAL PROPOSAL PRICE: $59,336.00

By: Dennis Rector
Its: President
Date: 3/21/07

- All work and material is guaranteed for a period of one year. All material is guaranteed as specified. All labor to be completed in a professional manner according to standard industry practices. Any deviation or change in the work or the contract sum as described above will only be performed pursuant to written change orders.
- All workers are fully covered by Worker's Compensation insurance. Note: This proposal may be withdrawn if not accepted within 10 days

Payment Terms are 25% down with balance "Net 30 days". All past due sums may be assessed a 1.5% service charge per month (18% per annum). Should Water Management Specialist, Inc. take any action to force collection of any sums due pursuant to this Proposal, the principal and undersigned each agree to pay all costs incurred by Water Management Specialist, Inc. as a result (including actual, reasonable attorney fees) irrespective of whether suit is filed.

Acceptance of Proposal - The above terms are satisfactory and are hereby accepted. You are authorized to do work. Payment will be made as outlined below. The undersigned, whether signing on behalf of a Corporation, Limited Liability Company or as an agent for any other entity, hereby assumes personal liability for and **PERSONALLY GUARANTEES** payment of any and all obligations due and owing, or to become due and owing WATER MANAGEMENT SPECIALIST, INC. pursuant to or as a result of this proposal (including any change orders) from principal or any related or successor entity at any time.

Accepting Signature _____ Date _____

City of Troy

CITY COUNCIL ACTION REPORT

March 27, 2007

TO: Phillip L. Nelson, City Manager

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

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

Background:

- City Council approved the sale with the condition of RPS, Troy, LLC, purchasing Four Oaks Management Parcel on March 5, 2007.
- A schematic site plan excluding the parcel owned by Four Oaks Management is attached.
- City Management facilitated meetings between RPS, Troy, LLC, and Four Oaks Management, and it appears that the parties cannot agree upon a sale price of the abutting property.
- RPS, Troy, LLC, has purchased two parcels on the north side that abut the City-owned parcel. City Council rezoned the two parcels to O-1. In addition, City Council vacated the 180-foot wide alley, which allows all parcels to be combined into one O-1 parcel for the purpose of constructing a medical office building.
- RPS, Troy, LLC, is requesting that the condition be removed from the approval of the sale of the City-owned surplus remnant parcel, Sidwell #88-20-22-356-031.

Financial Considerations:

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

Legal Considerations:

- City Council can reconsider the sale of the property.

Policy Considerations:

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

Options:

- City Council can reconsider the Purchase Agreement.

Attachments:

1. Renaissance Plastic Surgery P.C. Memo dated March 15, 2007.
2. Schematic Plan

Prepared by MFM/plh

G:\MEMOS TO MAYOR AND CITY COUNCIL\ RPS Troy LLC Remnant Parcel Sale 03-27-07

March 15, 2007

Brian P. Murphy,
Assistant City Manager/Economic Development Services
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

RENAISSANCE
PLASTIC SURGERY P.C.

William A. Stefani, M.D.
Jeffrey L. Williams, M.D.

Dear Mr. Murphy:

First, we would like to thank you and the committee for your time and attention. We are still interested in bringing new business to the City of Troy. We are requesting to move forward with our proposed plans. We submitted site plans allowing either a 10,000 SF building utilizing the complete set of properties (No.'s 88-20-22-356-008/011/014/031) or a 9,900 SF building utilizing all properties with the exception of 20-22-356-014.

Negotiations started in early October, 2006 with the Casadei family. There have been many competitive and overly fair offers on the table. None of them have been acceptable as the Casadei family and Four Oaks Management expects an inflated amount of money for their remnant parcel # 88-20-22-356-014. The inflated price is not acceptable for the value of the property.

It is not in our best interest to further negotiate as the delays caused by the Casadei family have cost us valuable time and money. Not to mention the higher land tax we will be accessed now that the property zoning has changed from residential to commercial.

Our offices in Macomb County continue to thrive. We have a generous offer to remain where we are. After 13 plus years we are looking for a change but have become discouraged with politics deciding our future path. It is our intention to move forward immediately with either a remodel in Macomb County or a new build in Oakland County. We are requesting a resolution to the purchase of Sidwell # 88-20-22-356-031 at the meeting on Monday, March 26, 2007.

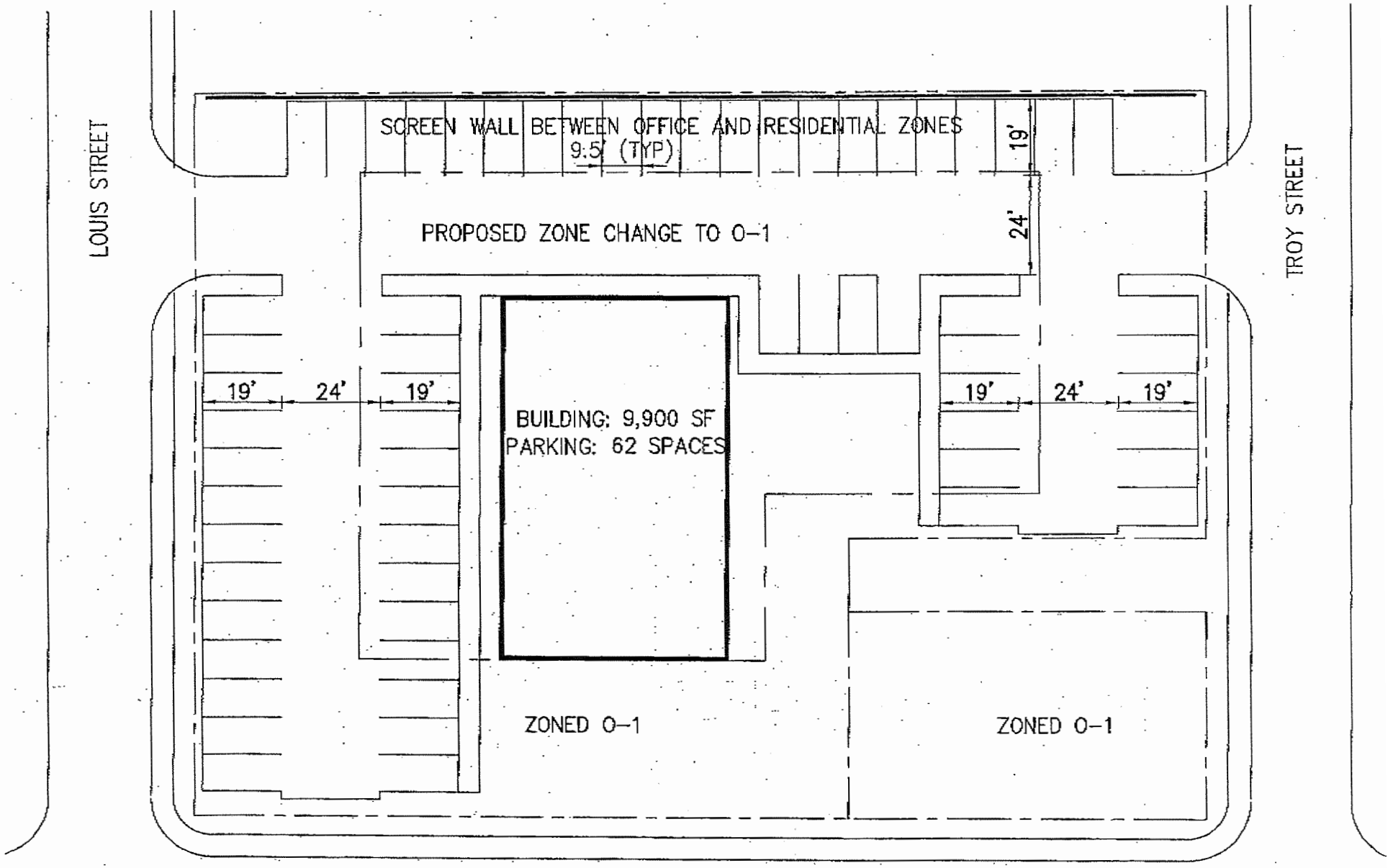
Thank you again for your time and consideration.

Sincerely,

RPS, Troy, LLC
Spa Renaissance

Encls.

21000 Twelve Mile Road, Suite 105, St. Clair Shores, MI 48081 586 779 3030 Fax: 586 779 6733
43200 Dequindre, Suite 107, Sterling Heights, MI 48314 586 739 3722 Fax: 586 739 6480


LOUIS STREET
TROY STREET
SCREEN WALL BETWEEN OFFICE AND RESIDENTIAL ZONES
9.5' (TYP)
19'
24'
PROPOSED ZONE CHANGE TO O-1
19'
24'
19'
BUILDING: 9,900 SF
PARKING: 62 SPACES
19'
24'
19'
ZONED O-1
ZONED O-1

OFFER TO PURCHASE
CITY OF TROY
REAL ESTATE

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

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

Sidwell # 88-20-22-356-031

and to pay therefore the sum of ($15,000.00) Fifteen Thousand Dollars subject to the existing building and use restrictions, easements, zoning ordinances, and other deed restrictions and conditions as specified herein.

THE SALE TO BE CONSUMMATED BY:

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

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

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

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

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

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

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

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

9. Purchaser agrees to comply with Troy City Council Resolution #85-254, a copy of which is attached, and understands that this sale is contingent upon City Council approval.

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

11 Additional Conditions:

IN THE PRESENCE OF: Purchaser

Patricia La Franco L.S.

Patricia La Franco L.S.

Date 11/7/06 Phone 586-775-3030 Address

IN THE PRESENCE OF: Seller

L.S.

L.S.

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

PURCHASER'S RECEIPT OF ACCEPTED OFFER

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

Purchaser

_____ L.S.

_____ _____ L.S.

Date 11/7/16

ATTACHMENT "A"

CITY OF TROY PROPERTY SALE

DEED RESTRICTION

A. Construction shall take place only as indicated on the site plan, as submitted to and approved by the Building Department and Planning Department of the City of Troy and all construction shall conform to all codes of the City of Troy. Purchaser shall complete the fee purchase of other parcels, which comprise the full site, if any.

B. The purchaser shall construct or pay for the construction of any and all improvements to public facilities or private improvements as required by ordinances or design standards of the City of Troy

C. All buildings shall be constructed as indicated on the architectural rendering as submitted to and approved by the Troy Planning Department and Building Department; no other alteration, addition or deletion shall occur.

D. The Purchaser shall combine this parcel description with adjacent properties owned or controlled by Purchaser on City tax records.

E. These deed restrictions shall be recorded with and as part of the deed at the Oakland County Register of Deeds.

EXHIBIT "A"

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

Description of Surplus Parcel #11:

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

TABLED ITEMS

RESOLUTION TO ESTABLISH POLICY GOVERNING DISPOSAL (SALE) OF EXCESS RIGHT-OF-WAY

Resolution #85-254
Moved by Liebrecht
Supported by Stine

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

WHEREAS, Chapter 12 of the Troy City Charter requires that . . . "In all sales or purchases in excess of $3,000 (1) the sales or purchases shall be approved by the City Council, (b) sealed bids shall be obtained, except where the City Council shall determine that an emergency exists or that the public interest will be best served without obtaining sealed bids. . .";

NOW, THEREFORE, BE IT RESOLVED, That the City Council may from time to time determine that the sale of certain parcels of land will best serve the public interest; and

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

1. Has submitted evidence of ownership or control of an assembly of adjoining land of sufficient size so as to achieve what is believed to be the best possible development as determined by the City Council after review and recommendation from the City Manager

2. Has submitted a site plan which has been drawn to sufficient detail to indicate any and all features which are governed by codes of the City of Troy, said site plan shall not include variances from any code of the City of Troy.

3. Is accompanied by a petition for rezoning, if necessary, in compliance with the Master Land Use Plan of the City of Troy or as may be determined by the City Council of the City of Troy as being the most appropriate land use; and

4. Commits the prospective buyer to a purchase price at a value established by an appraiser named by the Right-of-Way Division of the City of Troy

5. Commits the buyer to construct or pay for the construction of any and all improvements to public facilities or private improvements as required by ordinances or design standards of the City of Troy; and

6. Is accompanied by architectural renderings of all building indicated on the site plan along with a description of building materials and methods to permit evaluation of building quality;

7. Is accompanied by a draft of proposed deed restrictions which will be imposed upon the owner of the purchaser of the City-owned property, the adjoining land included in the site plan and their assigns and successors which embodies all of the aforementioned requirements and conditions; and

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

Yeas: All-7

TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: March 27, 2007
SUBJECT: Revisions to Chapter 75 (Pet Shops) and 98 (Criminal Code)

At the March 5, 2007, City Council meeting, Council approved several revisions to Troy's Animal Ordinance, Chapter 90. The approval of these recommended revisions left some inconsistencies between the revised Chapter 90 (Animals) and the current version of Chapter 75 (Pet Shops) and Chapter 98 (Criminal Code) of the Troy ordinances. Proposed revisions of Chapters 75 and 98 were therefore also presented to the Animal Control Appeals Board for review and recommendation. The Animal Control Appeals Board has recommended approval of the attached proposed revisions to Chapter 75 (Pet Shops) and Chapter 98 (Criminal Code).

We are requesting that Chapter 75 – Pet Shops be amended, as set forth in the attached red lined version. Specifically, the definition of animals has been expanded, so that it is the same definition that is found in the revised Chapter 90. Similarly, the definition of pet shops has been expanded. In addition, the requirements for ventilation, sanitation, and enclosure requirements have also been amended to reflect revisions in the federal requirements and also changes recommended by Pet Shop operators.

Since the amended version of Chapter 90 covers hunting and trapping of animals, these provisions are recommended for removal from Chapter 98. The removal of these provisions from the Criminal Code minimizes the chances of conflicting regulations when two separate chapters govern the activity. City Administration recommends deletion of Sections 98.01.02.01, 98.07.01 and 98.07.02 of Chapter 98.

The proposed changes to Chapters 75 and 98 are highlighted for your convenience. Absent contrary direction from City Council, these proposed amendments will appear as action items on the next City Council agenda.

If you have any questions please let us know.

CHAPTER 75 PET SHOPS

1. Definitions:

(a) Pet Shop Defined:

A place where animals are sold or offered for sale, exchange or transfer. This Ordinance is not applicable to the following:

(i) Residence premises where animals sold or offered for sale, exchange or transfer are exclusively those animals born and raised on the premises or those animals owned by the transferring party and are not sold or offered for sale, exchange or transfer in the ordinary course of business;

(ii) D~~d~~uly organized humane societies; ~~and~~

(iii) ~~(iii)~~ D~~d~~uly authorized animal control departments~~.~~;

(iv) Retail bait shops which sell any live or dead organisms used to attract fish, including but not limited to, worms, minnows, leeches, crayfish and aquatic insects;

(v) A person who is a livestock dealer as defined in Act No. 284 of the Public Act of 1937, as amended, being Sections 287.121 to 287.131 of the Michigan Compiled Laws of 1948.

(b) Animal: Any living creature except humans and plants. "Animal" includes any mammal, bird, reptile, snake, turtle, crustacean or any other vertebrate or invertebrate. ~~mammal except livestock as defined in Act No. 284 of the Public Act of 1937, as amended, being Sections 287.121 to 287.131 of the Michigan Compiled Laws of 1948.~~

(c) Animal Control Officer: The person or persons employed by the City of Troy as its enforcement officer(s).

(d) Animal Control Appeal Board: Consists of five members appointed by the City Council for three overlapping terms.

2. License Required:

No person shall operate a pet shop within the City of Troy without first obtaining a license. License application forms with a copy of this ordinance, will be available at the City Clerk's Office. License fees shall be in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances and must accompany each license application. All existing establishments within the definition of Section 2(1)(a) must complete a license application within 30 days of the effective date of this Ordinance; existing establishments shall comply with the requirements of this Ordinance as any new license applicant.

(a) Display of License: A valid license must be framed under glass and shall be prominently displayed in full view of the licensed premises. Licensee's name must

be plainly visible on the license. The phone number of the Animal Control Officer must also be plainly visible.

3. Inspection; Certification by Animal Control Officer:

The applicant shall demonstrate that the pet shop in question complies with all requirements of this Chapter. The Animal Control Officer shall conduct an inspection of applicant's premises. An application shall obtain certification by the Animal Control Officer before his application is to be considered.

4. Licensee's Duty to Comply with all Requirements of this Chapter; Violation as Misdemeanor:

A licensee must at all times comply with the requirements of this Ordinance. The penalty for failure to comply is a misdemeanor, and may subject licensee to a fine of up to $500.00 and costs and/or 90 days in jail. Any sentence that may be imposed does not preclude the City of Troy from taking any action to suspend and/or revoke the license in question.

5. Licensee's Duty to Cease Operations during Period of Suspension; Revocation:

During any period of suspension or revocation, a licensee, anyone with a financial interest in licensee's business, any agent, employee, servant or officer of licensee shall not sell or offer for sale, exchange or transfer, any animal within the scope of licensee's business. A licensee's premises shall remain closed to members of the public. Licensee must take whatever steps are necessary during any suspension or revocation period to meet the requirements of this Chapter.

6. Animal Control Officer's Right to Impound Animals:

The Animal Control Officer shall have the right to impound any animal within the scope of licensee's business which has been mistreated, abused, neglected or abandoned as a result of licensee's failure to comply with the requirements of this Chapter.

Impounded animals shall be properly housed in a shelter for animals and confined in a humane manner. Animals must be reclaimed within a period of ten (10) business days; animals may be returned to licensee only after a proper showing of compliance with the requirements of this Chapter. Animals not returned to licensee within a period of ten (10) business days shall be humanely disposed of by the Animal Control Officer or by an agency delegated by him to exercise that authority. Licensee shall remain responsible to the City of Troy for all costs or care, feeding and sheltering during any impound period, and costs of disposal, if any.

7. Records:

For each ~~dog and cat~~ animal sold or offered for sale, exchange or transfer, licensee shall maintain records of the following:

(a) Health Certificate: A certificate in which a competent and duly licensed veterinarian

attests to: the age, sex, breed and description of the animal, including its color and approximate weight, and to the fact that at the time of preparation of the certificate, the veterinarian examined the animal and found the animal to be free from detectable evidence of communicable disease.

(b) Proof of Requisite Inoculation: Inoculation Requirements - Dogs: A dog shall not be offered for sale, exchange or transfer by a licensee, agent, employee or officer of a licensee unless the dog has been inoculated against distemper, hepatitis, leptospirosis, para influenza, and if indicated, has been treated for external and internal parasites, not less than 7 days before entry into the State of Michigan. Proof of inoculation and any other treatment shall be kept by the licensee in the regular course of business and said records made available for inspection by a potential purchaser or purchaser, the Animal Control Officer, the Animal Control Appeal Board and any other duly authorized representative of the City of Troy. Any dog sold, exchanged or transferred by a licensee, agent, employee or officer of a licensee shall be accompanied by a Health Certificate, as described above, including records of the dog's medication and immunization.

(c) Proof of Requisite Inoculation; Inoculation Requirements - Cats: A cat shall not be offered for sale, exchange or transfer by a licensee, agent, employee, officer of licensee, unless the cat has been inoculated against feline panleukopenia (cat distemper), rinotraecheitis, caliciviruses and if indicated, has been treated for external and internal parasites, not less than 7 days before entry into the State of Michigan. Proof of inoculation and any other treatment shall be kept by the licensee in the regular course of business and said records made available for inspection by a potential purchaser or purchaser, the Animal Control Officer, the Animal Control Appeal Board and any other duly authorized representative of the City of Troy. Any cat sold, exchanged or transferred by a licensee shall be accompanied by a Health Certificate, as described above, including records of the cat's medication and immunization.
(Rev. 11-14-83)

(d) Name and address of the person from whom the animal was acquired.

(e) Date of acquisition.

(f) Name and address of the person to whom it was sold or otherwise disposed of.

(g) Date, ~~Nature~~Nature and Method of Disposition: By sale, death, euthanasia, donation or other.

Said records shall be maintained by the licensee for a period of seven years from the date the animal was first acquired. Said records shall be made available to the City Clerk's Office, the Animal Control Officer, the Animal Control Appeal Board, or any other authorized representative of the City of Troy during regular business hours.

8. Indoor Facilities:

(a) Generally: Housing facilities for animals shall be structurally sound and maintained in good repair to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.

(b) Temperature: The temperature of an indoor housing facility for animals shall provide for the health and comfort of the animals. Temperatures in the areas in which animals are kept shall be maintained between ~~65?F~~ 65°F and ~~84?F~~ 84°F. Said temperatures shall not be allowed to fluctuate up or down at a rate of greater than ~~5?~~ 5° per hour.

(c) Humidity: Humidity in areas in which animals are kept shall be maintained at a relative humidity of 30% to 70% throughout the year.

(d) Ventilation: An indoor housing facility for animals shall be adequately ventilated to provide for the health and comfort of the animals at all times~~. The air in areas housing animals shall be ventilated at a rate of exchange between 10 and 15 changes of air per hour. The air shall not be re-circulated unless said re-circulated air has been treated to remove gaseous contaminants.~~, and to minimize odors, drafts, ammonia levels and moisture condensation. Ventilation must be provided by windows, vents, fans or air conditioning. The ventilation shall be provided in accordance with generally accepted professional and husbandry practices.

(e) Light: An indoor housing facility for animals shall have ample light and be of good quality, either by natural or artificial means or both. The lighting shall provide uniformly distributed illumination of sufficient intensity to permit routine inspection and cleaning throughout the working period. Primary enclosures shall be so placed as to protect the animals from excessive illumination.

9. Outdoor Facilities:

(a) Shade: When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow animals to protect themselves from the direct rays of the sun.

(b) ~~Shelter:~~Shelter: An access to shelter shall be provided to allow animals protection in inclement weather.

(c) Drainage: Outside shelters shall be located in areas having suitable drainage.

10. Sanitation:

(a) Cages and equipment: Animal cages and equipment shall be washed and sanitized as often as necessary to keep them clean and free from contamination. Any cage under regular use for the housing of animals shall be washed weekly and more often if necessary. Cages or enclosures housing animals held in quarantine or under observation shall be washed and sanitized prior to a new animal being placed therein. All animals shall be removed from cages or enclosures which are being

washed, sanitized or rinsed. Washing and rinsing shall be performed using water at least ~~180?~~ 180° F for a period long enough to insure destruction of pathogenic organisms. Chemicals may also be used to combat said organisms, providing cages and equipment are rinsed free of traces or chemicals prior to replacing animals.

(b) Litter and bedding: All animal enclosures shall be given regular sanitary maintenance. Litter and bedding shall be changed at least daily and more often if necessary to allow animals to remain dry and clean and to minimize odors.

(c) Equipment other than cages and enclosures: All other equipment and implements, including food and water, shall be kept in a sanitary condition. Waste containers shall also be kept in a sanitary condition and shall be washed when emptied with water at least ~~180?F~~ 180°F and/or with chemical disinfectant.

(d) Facilities other than cages or enclosures: All other areas of said pet shop, including hallways and storage areas shall be kept clean, neat and unlittered. Detergents and disinfectants shall be used to keep them free from dirt, debris, and other harmful contaminants.

(e) Surfaces to consist of readily sanitizable materials: The indoor building surfaces of all indoor housing facilities shall be constructed of materials which may be readily sanitized.

(f) Proper drainage necessary: A suitable method shall be provided to eliminate excess water from indoor housing facilities. Drains shall be properly constructed and kept in good repair to avoid foul odors. Closed drainage systems shall be equipped with traps and installed to prevent back-ups.

11. Primary Enclosures:

(a) Generally: All primary enclosures used for holding animals shall be structurally sound and maintained in good repair to protect animals from injury, to contain them, to keep predators out and to enable animals to remain dry and clean.

(b) Sound construction: All enclosures shall be of sound construction and made from material capable of facilitating effective sanitation. Suggested nonporous materials include aluminum, steel and fiberglass.

(c) Access to clean food and water: A primary enclosure shall be constructed and maintained so that animals kept have convenient access to clean food and water.

(d) Type of enclosure: All primary enclosures shall be kept in good repair. Enclosures with shaper edges, broken wires, broken snaps, unconnected sides, rust and any other defects shall not be used. The purpose of this is to protect the animals from injury. Portable cages are prohibited, including airport transit cages and wire cages with top access secured by clasps.

(e) Size of enclosures: A primary enclosure shall provide adequate room for the animal or animals housed, allowing each animal sufficient space to turn about freely and to easily stand, sit and lie in a comfortable normal position. ~~Minimum specifications in the chart below shall be followed by the licensee:~~

~~ANIMAL SIZE~~	~~CAGE SPACE~~	~~HEIGHT~~
~~Cat up to 2 pounds~~	~~3 sq. ft.~~	~~24"~~
~~Cat over 2 pounds~~	~~4 sq. ft.~~	~~24"~~
~~Dog up to 7 pounds~~	~~8 sq. ft.~~	~~32"~~
~~Dog 7 to 15 pounds~~	~~12 sq. ft.~~	~~36"~~
~~Dog over 15 pounds~~	~~The height of a cage shall be the height of the dog over the shoulders (at the withers) plus 6".~~	

~~Animals housed together shall be housed in accordance with the above schedule, the cage space required being determined by the cumulative weight of the group of animals.~~ The size of the enclosure must be in compliance with requirements as set forth in CFR Title 9, Section 3.6, and generally accepted professional and husbandry practices.

(f) Compatible groups: Animals housed together shall be placed in compatible groups of the same sex, unless animals are from the same litter or of the same age and species and under six months of age. Animals housed together shall be of approximate size. The number of animals in a primary enclosure shall not exceed a number which would prevent proper ventilation and sanitation.

12. Animal Health and Husbandry:

(a) Feeding: Animals shall have daily access to food according to their age and health. The food shall be free of contaminants, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for condition and size of the animal. Food receptacles shall be accessible to all animals and located to minimize contamination by excretion. Feeding pans shall be durable and kept clean. Disposable food receptacles may be used but shall be discarded after each feeding. Self feeders may be used for the feeding of dry food and shall be sanitized regularly to prevent molding, deterioration or caking of food. The following chart represents recommendations for daily feeding of healthy animals:

ANIMAL	AGE	* DAILY FEEDING
Adult dog	Over 6 mo.	Once daily
Puppy	4 - 6 mo.	Twice daily

Puppy	Under 4 mo.	Three times daily
Adult cat	Over 6 mo.	One daily
Kitten	4 - 6 mo.	Twice daily
Kitten	Under 4 mo.	Three times daily

(*In quantities according to animals' nutritional needs.)

(b) Water: All animals shall have daily access to potable, contaminant free water. Water shall be positioned to insure its availability without it being subject to tipping or contamination. Water bowls or devices shall be affixed to cages and animals monitored to insure they receive necessary amounts of water.

(c) Veterinary Services: Licensee, agents, employees, or any other person responsible for maintaining the health of animals on licensee's premises shall seek the services of the veterinarian whenever a health hazard arises. The veterinarian's name shall appear on the application for license or registration. The City Clerk's Office shall be promptly notified of any change of veterinary services.

(d) Quarantine Area Required: Licensee shall designate and maintain an area separate and apart from the area(s) where healthy animals are housed for the purpose of housing any animal(s) suspected of carrying contagious disease(s).

13. Animals Suspected of Carrying Contagious Disease:

(a) Observation: No animal shall be sold, offered for sale, exchange or transfer if that animal is suspected to be infected with a contagious disease. Any such animal, if it is to remain on pet shop premises, shall be housed in an observation or quarantined area in a room separate from the room or rooms housing animals offered to the public. Such separation shall be for the period of time necessary to determine whether the animal is contagious.

(b) Quarantined Areas: Isolation Areas: Persons responsible for care of animals shall use caution to protect healthy animals by instituting procedures to curtail the transfer of pathogenic organisms from suspected sick to healthy animals.

(i) Care Procedures to be established: Licensee shall establish a regime of caring for healthy animals to insure that they remain as disease free as possible. Employees shall take particular caution not to transfer food, dishes, or other equipment from an observation or quarantine area to a healthy area.

14. Animals Infected with Contagious Disease: No pet shop shall keep upon the premises wherein healthy animals are housed, any animal known to be infected with a contagious disease.

15. Other Prohibitions:

(a) Importation; Sale; Offer for Sale of Dog, Cat Less than Eight Weeks Old: A licensee agent, officer, employee of said licensee shall not import or cause to be imported into the State of Michigan or offer for sale or resale a dog or cat less than eight weeks old.

(b) Importation; Sale; Offer for Sale of Dog, Cat Without Visible Deciduous Teeth: No licensee, agent, employee, or officer of the licensee shall import or cause to be imported into the State of Michigan or offer for sale or resale a dog or cat unless the dog or cat has deciduous (baby) teeth visibly present.

16. Return of Animal Refund:

If within 7 business days from the date of purchase, a duly licensed veterinarian has certified in writing that the animal has a communicable debilitating disease including but not limited to distemper, leptospirosis, hepatitis, or other infectious disease substantially affecting the animal's health or causing death of the animal, a purchaser of the animal shall be entitled to return the animal to the pet shop. Licensee shall either replace the animal or fully refund the amount of the purchase price.

17. ~~Licensee's~~Licensee's Presence Required Regularly:

A licensee shall be present on the premises of a pet shop on a regular basis and shall be responsible for violations of this chapter.

CHAPTER 98 – CRIMINAL CODE

HEADINGS, DEFINITIONS, PENALTIES AND AID AND ABET

98.01.01 Section Headings and Ordinance Titles. Section headings and ordinance titles provided in bold are not part of this Chapter and are not to be used in the interpretation of this ordinance.

98.01.02.1 Definitions. The following definitions are to be used in this Chapter:

"Alcoholic liquor" includes any spirituous, vinous, malt, or fermented liquor, liquids and compounds, whether or not medicated, proprietary, patented, and by whatever name called, containing ½ of 1% or more of alcohol by volume, which are fit for use for beverage purposes.

"Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. This term does not include a casual relationship or an ordinary fraternization between two individuals in a business or social context.

(Rev. 04-08-02)

"Domestic assault and battery" includes an individual who assaults or assaults and batters his or her spouse or former spouse, an individual which whom he or she has or has had a dating relationship, an individual with whom he or she has had a child in common, or a resident or former resident of his or her household.

(Rev. 04-08-02)

"Firearm" includes any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

~~"Hunt" includes seeking, provoking, pursuing or taking any animal.~~

"Normal average retail price" is that price at which similar merchandise was sold during the ninety (90) days immediately preceding a declared emergency, or at a mark-up which is a larger percentage over wholesale cost than was added to wholesale cost prior to a declared emergency.

"Person" includes any individual, co-partnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.

"Picket" or picketing" includes, standing, sitting, lying, walking, running, or otherwise moving, on a public right-of-way, to convey an opinion or message. These terms also include posting a person at a particular place

to communicate to the public vocally or by any other means an opinion or message.

"Public place" includes any street, alley, park, public building, any place of business or assembly open to or frequented by the public, and any other place which is open to the public view, or to which the public has access.

"Principal" is a person who commits an offense punishable by this code.

"School property" includes any public, private, or parochial school building or any building owned, occupied, or otherwise utilized by any public, private, or parochial school, and expressly includes the grounds, outbuildings, fences, trees, shrubbery, equipment, personal property, or other appurtenances, fixtures, or improvements, attached or in any way belonging thereto.

"Telecommunications device" means any instrument, equipment, machine, or device that facilitates telecommunications, including but not limited to a computer, computer chip or circuit, telephone, cellular telephone, pager, personal communications device, transponder, receiver, radio, modem, or device that enables use of a modem.

~~"Trap" includes hunting, confining, taking or entrapping any animal by means of any trap, snare, bait, hook or other device.~~

98.01.03 Penalties. In addition to the penalties provided in each section of Chapter 98, the court may impose any sanction or remedial measure provided in state law for misdemeanor offenses.

98.01.04 Aid and Abet. A person who aids, abets, counsels, commands, or procures the commission of a violation of this code shall be punished as if that person were the principal.

~~HUNTING~~

~~98.07.01 Hunting. No person shall hunt any animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than $500, or both.~~

~~Exception. Police Officers and Animal Control Officers are authorized to use shell crackers or other noise making devices to control geese and migratory waterfowl.~~

~~98.07.02 Trapping. No persons shall trap any animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the~~

~~county jail for not more than 90 days or by a fine of not more than $500, or both.~~

~~Exceptions: This section shall not apply to the following:~~

~~a) Persons may trap small rodents such as mice, rats and moles with any type of trap.~~

~~b) Persons licensed by the State to trap may trap subject to the following:~~

~~1) Only live traps that cannot kill or injure animals or persons may be used.~~

~~2)All traps must be permanently marked with the owner's name and a telephone number where the owner or owner's agent can be contacted 24 hours a day.~~

~~3)All traps must be checked at least every 24 hours.~~

~~c) Persons authorized by State law or regulation may trap animals.~~

~~d) Police Officers and Animal Control Officers are authorized to use traps to capture wild or domestic birds or animals that are running at large or have become a public nuisance.~~

A PROCLAMATION PROCLAIMING MAY 1, 2007 AS "KEEP KIDS ALIVE DRIVE 25 DAY®" IN TROY.

WHEREAS, KEEP KIDS ALIVE DRIVE 25® is a 501c3 non-profit organization working with police departments, public works departments, schools, businesses and concerned citizens in communities across the country to decrease speeding in residential neighborhoods; and

WHEREAS, their mission is to educate people on the serious consequences of driving above the posted residential speed, and encourage and remind everyone to drive at or below the legal limit; and

WHEREAS, KEEP KIDS ALIVE DRIVE 25® heightens public awareness and reminds motorists not to speed, largely through neighborhood networking and the use of temporary yard signs posted by residents in their yards; and

WHEREAS, KEEP KIDS ALIVE DRIVE 25® is encouraging communities to increase their efforts to inform the public about the speeding problem and the significant danger to children as spring and summer approaches; and

WHEREAS, the organization is asking Troy to join communities across the country in a significant national public awareness campaign kicking off on May 1, 2007; and

WHEREAS, they will assist our community in this effort by making available educational literature, press releases, print and radio ads, flyers, and concepts for hosting special events in neighborhoods, schools and businesses; and

WHEREAS, the goal of this awareness campaign is to save the lives of children and all pedestrians and cyclists in our community;

NOW THEREFORE, the City Council of the City of Troy hereby proclaims May 1, 2007 as KEEP KIDS ALIVE DRIVE 25® DAY in Troy.

CITY COUNCIL REPORT

March 14, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian Murphy, Assistant City Manager/Economic Development Services

SUBJECT: UM/ULI Funding Request

Background:

- Attached is a proposal from Michele Hodges asking the City of Troy to participate financially in the proposed UM/ULI Real Estate Forum.
- The mission of the Urban Land Institute is to provide leadership in the responsible use of land and in creating and sustaining thriving communities worldwide.
- The forum is designed to facilitate the open exchange of ideas, information and experience among local, national and international industry leaders and policy makers dedicated to creating better places.
- The Troy Chamber will have representatives at the March 26th, City Council meeting to answer Council's questions and to ask for Council's consideration of the proposal.

Financial Considerations:

- The Chamber is requesting financial support from the City of Troy for the project. The request is for a gift of up to $60,000.

Legal Considerations:

- Under Section 12.2 of the Troy City Charter, "(t)he authority to contract on behalf of the City is vested in the Council and shall be exercised in accordance with the provisions of statute and of this Charter…"

Policy Considerations:

- Retain and attract investment while encouraging redevelopment. (Goal III)
- Enhance the livability and safety of the community. (Goal I)

Options:

- Council has the right to accept, amend or reject the proposal.

TROY Chamber of Commerce

GET connected. STAY connected.

Memorandum

To: Honorable Mayor Schilling, and Members of the Troy City Council

From: Michele Hodges, President, Troy Chamber of Commerce

Date: 13 March 2007

RE: Funding Support

Project Name
Creation of a **Walkable Urbanity Strategic Plan** for the Troy Transit Center Area, as part of the University of Michigan/Urban Land Institute (UM/ULI) Real Estate Forum.

Project Thumbnail Description
The yearlong study process will empower Troy to embrace relevant economic development strategies. It will accelerate the pursuit of economic viability, enhance implementation of the Big Beaver Corridor Enhancement Study, and further develop implementation strategies for the west end of the Maple Road Study, as recommmended by Lawrence Technological University.

The process includes a high profile, two-day, national real estate forum, earning Troy access to highly credible national developers and investors, as well as market and base studies, a five to twenty year strategic plan, a four day charrette, and published content.

Professional and student comprised teams, in tandem with local officials, will lead the process.

Funding Request
Financial Support of the Project, from the City of Troy, in an amount not to exceed $60,000.

Funding Explanation
The total project cost has a market value of $800,000, with $250,000 owed by the area of study (Troy and its stakeholders), thus making this initiative an important opportunity to leverage dollars. A number of in-kind resources are required in addition to this amount, and presently being identified by the Chamber. The Troy Chamber is also in the process of raising the $250,000 from foundations, other levels of government, and the private sector.

In order for early stages of the study process to commence, and to gain momentum in the fundraising effort, seed money is necessary. It is the hope of this body that the City of Troy can provide such dollars. $60,000 is needed immediately and, depending on the success of the fundraising effort, as much as $35,000 could be reimbursed to the City. With this scenario, the City of Troy's investment would not exceed $60,000, and could be as little as $25,000, depending on the success of the overall fund raising effort. Either way, the investment is a good value, with potential for high returns strong.

Expected Benefits

Quality input for community planning in the form of a market study, strategic plan, four-day charrette, and published content

National exposure to a high quality developer and investor audience

Substantial, high quality tax base growth

Greater capacity to implement the Big Beaver Corridor Enhancement Study

Transit readiness and infrastructure supportive of the creative class

Walkable urbanity designs

Sustainable development potentials identified

Background

The Troy Chamber, an eight-hundred member business organization, seeks to collaborate with the University of Michigan, Urban Land Institute, Brookings Institute, City of Troy, private sector, and others, in creating a **Walkable Urbanity Strategic Plan**. The epicenter for the area of study is the Transit Center, now proposed for the southwest corner of Maple and Coolidge Roads, and neighboring environs.

Neighboring environs will likely include the Big Beaver/Coolidge intersection, with the Somerset Collection, former Kmart site, and The Kresge Foundation headquarters impacted by it; as well as assets heading east on the Maple Road Corridor. By developing this area appropriately, an important opportunity to create walkable urbanity exists. The Troy Chamber hopes to leverage it for the benefit of the City, and for the Region.

In review, the land proposed for the multi-modal Transit Center is owned by Grand Sakwa, which has agreed to donate it if developed within a ten-year period, of which three remain. The site abuts the City of Birmingham, and SMART, Amtrak, and feeder transport providers are already engaged in preliminary planning processes with the City of Troy. The Troy Airport is also nearby, and presents yet another mode of transportation. An added benefit is the City of Troy's consideration of a significant series of pathways, with bicycles made readily available at key points throughout the community, including the Center area.

Additionally, the potential for artist colonies exists within the study area, which furthers the need to build the creative class, contributes to walkable urbanity, and is consistent with regional strategies under consideration. This is a recognized economic development strategy for the future economy, and will ensure Troy remains relevant going forward.

Best practice case studies from around the country make a compelling case for "transit ready" communities, with Washington DC, Reston, VA and Denver, CO important examples. Transit readiness drives development in a new and significant way, with the potential to make a substantive tax base contribution likely (early estimates suggest Troy could experience a $3-4M increase in annual tax revenue).

Transit readiness will create walkable urbanity in a quintessentially suburban locale, resulting in a level of prosperity that would contribute to regional health. The capacity for regional transit would be enhanced, favorably impacting the Troy economy, and the Region.

The U-M/ULI partnership is capable of high quality study, at a less than market rate; and it can engage a pedigreed audience of national real estate professionals and investors. Although difficult to measure, the market value of this strategic planning process is estimated at $800,000. To secure such service for $250,000 is a unique opportunity to leverage dollars, while making significant local and regional impact.

Creation of a strategic plan is a year long process, with the November 2007 U-M/ULI Real Estate Forum an important milestone. Troy could become a national prototype, and potential for robust economic development is highly likely. The study will look closely at the public right of way, and make recommendations for key areas, both public and private. The private sector can choose whether or not to develop accordingly.

In addition to the Forum, the process includes market and base studies, a five to twenty year strategic plan, four-day charrette, and published content. These process components are to be led by professional and student comprised teams, with local stakeholders active participants. The Troy Chamber, in concert with the appropriate agencies, will facilitate the process, thus reducing the impact on City of Troy staff resources.

The Forum also presents an important collaborative opportunity, with government, academia, and the private sector working in tandem. It addresses a market need, and the need to further sustainable development.

Before the strategy development process can begin, however, the Troy Chamber must identify willing partners and investors. We hope you choose to invest for, when complete, the outcome stands to include a vibrant, economically and socially viable, Troy. Walkable urbanity will exist, an infrastructure supportive of collaboration engaged, sustainable development given greater value, relevant economic development strategies engaged, implementation of the Big Beaver Corridor Enhancement and Maple Road Studies more likely, and yet another step towards quality planning taken.

Thank you for your time, and I'd be happy to aid your decision making process in any way possible, by providing additional information, as you see fit.

CARLISLE/WORTMAN ASSOCIATES, INC.
Community Planners /Landscape Architects

605 S. Main, Suite 1
Ann Arbor, MI 48104
734-662-2200
fax 734-662-1935

6401 Citation Drive, Suite E
Clarkston, MI 48346
248-625-8480
fax 248-625-8455

March 13, 2007

Honorable Mayor Schilling and City Council Members
City of Troy
500 West Big Beaver
Troy, MI 48084

Re: 2007 UM/ULI Real Estate Forum Walkable Urbanity Strategic Plan

Dear Mayor and Council:

Troy has been fortunate to be selected as the area of study for the UM/ULI Real Estate Forum. From past experience, I know this endeavor presents a significant opportunity to be a catalyst for new planning and economic development opportunities.

The recent completion of the Big Beaver Corridor Study and Futures Initiative, along with the initial concepts that have been discussed in the Master Plan update, reveal that the City is in an excellent position to pursue long term economic vitality and sustainability.

The Walkable Urbanity and Strategic Plan will contribute significantly to the City's efforts. By bringing national resources to the table with local officials and experts, the opportunities to accelerate economic developments along Big Beaver, Maple Road, and other areas of the City will be increased. Furthermore, the specific strategies that will be developed for walkable, transit oriented development will cement the City's reputation as offering a high quality of life to its residents.

The Troy Chamber is to be applauded for spearheading this effort. I urge your support and stand read to provide whatever cooperation and assistance may be helpful.

Sincerely,

CARLISLE/WORTMAN ASSOCIATES, INC.

Richard K Carlisle

Richard K. Carlisle, PCP, AICP

RKC: lh

A meeting of the Retiree Health Care Benefits Plan & Trust Board of Trustees was held on Wednesday, December 13, 2006, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 2:40 p.m.

TRUSTEES PRESENT: Mark Calice
Michael Geise
Thomas Houghton, Chair
John M. Lamerato
William R. Need (Ex-Officio)
Phillip L. Nelson
Steven A. Pallotta

TRUSTEES ABSENT: Martin F. Howrylak

EXCUSE ABSENT MEMBERS

Resolution # RH – 2006 – 12 - 007
Moved by Lamerato
Seconded by Houghton

RESOLVED, That Martin F. Howrylak be excused.

Yeas: All 6
Absent: Howrylak

MINUTES

Resolution # RH – 2006 – 12 - 008
Moved by Calie
Seconded by Geise

RESOLVED, That the minutes of the September 13, 2006 meeting be approved.

Yeas: All 6
Absent: Howrylak

INVESTMENTS

Resolution # RH – 2006 – 12 - 009
Moved by Pallotta
Seconded by Houghton

RESOLVED, That the board invest $3,000,000 with Waddell & Reed to be invested equally in the following mutual funds:

WR Advisors Core Investment A Fund;
WR Advisors Science & Technology A Fund;
WR Advisors Accumulative A Fund;
WR Advisors Asset Strategy A Fund and
Ivy Mortgage Securities A fund.

Yeas: All 6
Absent: Howyrlak

The next meeting is March 14, 2007 at 1:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 2:46 p.m.

Thomas Houghton, Chairman

John M. Lamerato, Secretary

JML/bt\Retirement Board\Retiree Health Care Benefits Plan & Trust\2006\12-13-06 Minutes_Final.doc

TROY HISTORIC DISTRICT STUDY COMMITTEE – FINAL JANUARY 10, 2007

This rescheduled meeting of the Troy Historic District Study Committee was held Wednesday, January 10, 2007 at the Troy Museum & Historic Village. The meeting was called to order at 7:30 P.M.

ROLL CALL PRESENT: Kevin Lindsey
Charlene Harris-Freeman
Kinda Hupman
Linda Rivetto
Bob Miller

ABSENT Paul Lin

STAFF: Loraine Campbell

GUESTS: Carl Freeman, 2955 Quail Run
Dale R. Zygnowicz

Resolution #HDSC-2007-01-001
Moved by Hupman
Seconded by Harris-Freeman

RESOLVED, That the absence of Lin be excused
Yes: 5— Lindsey, Harris-Freeman, Hupman, Rivetto, and Miller
No: 0

MOTION CARRIED

Resolution #HDSC-2007-01-002
Moved by Miller
Seconded by Rivetto

RESOLVED, That the minutes of October 3, 2006 be approved
Yes: 5— Lindsey, Harris-Freeman, Hupman, Rivetto, and Miller
No: 0

MOTION CARRIED

OLD BUSINESS

A. Request to de-list 4820 Livernois

Loraine Campbell reported that Wil Bedford has a potential buyer for his property. The buyer is investigating the benefits of purchasing a home with local historic designation. Until both Mr. Bedford and his buyer have reached an

agreement, the committee has been asked to not proceed with preparing a preliminary report to de-list the resource. However, the committee may wish to continue gathering information to rectify inaccuracies in records regarding the resource.

B. New Above Ground Survey Assignments
No additional Above Ground Surveys were submitted.

PUBLIC HEARING REGARDING 2955 QUAIL RUN

The Public Hearing to finalize the Preliminary Report to de-list the historic resource at 2955 Quail Run was called to 7:40 PM. The owner of the resource, Charlene Harris-Freeman and her husband, Carl Freeman were both present.

The committee noted that the only comment received regarding the Preliminary Report was Resolution #HDC-2006-11-003 from the Historic District Commission that stated:

RESOLVED, That the historic resource at 2955 Quail Run is conservatively 107 years old and is therefore a relatively rare resource in the City of Troy. The Historic District Study Committee should include in the final report the ratio of number of structures of that age to the number on non-historic residences in Troy to demonstrate the historic value of the resource by virtue of its rarity.

The Committee discussed this suggestion. Based on the incomplete records available today, a centennial house in Troy represents less than one percent of the homes in the city. Mr. and Mrs. Freeman argued that age alone should not be considered a factor for listing.

Resolution #HDSC-2007-01-003
Moved by Miller
Seconded No Second

RESOLVED, That the final sentence in the Statement of Significance be amended to read, "While the resource is conservatively one hundred years old and represents a rare resource in Troy, the homeowners have proven to the satisfaction of the committee that the resource is not significant in the way previously defined.

MOTION FAILED

Resolution #HDSC-2007-01-004
Moved by Hupman
Seconded by Miller

RESOLVED, That the Preliminary Report to de-list the historic resource at 2955 Quail Run be approved as the Final Report and recommended to the Historic District Commission and Planning Commission for their recommendations to City Council.

Yes:	3— Lindsey, Hupman, and Miller
No:	1— Rivetto
Abstain	1— Harris-Freeman

MOTION CARRIED

The Public Hearing was adjourned at 8:10 PM.

The Troy Historic Study Committee Meeting was adjourned at 8:25 PM. The next meeting will be held Tuesday, February 6, 2007 at 7:30 PM at the Troy Museum & Historic Village.

Kevin Lindsey
Chairman

Loraine Campbell
Recording Secretary

TROY HISTORIC DISTRICT STUDY COMMITTEE MINUTES – FINAL FEBRUARY 6, 2007

A Regular Meeting of the Troy Historic District Study Committee was not held Tuesday, February 6, 2007 at the Troy Museum.

The next regular meeting will be held, Tuesday, March 6, 2007 at 7:30 p.m. at the Troy Museum.

Kevin Lindsey
Chairman

Loraine Campbell
Recording Secretary

LIQUOR ADVISORY COMMITTEE MINUTES – FINAL FEBRUARY 12, 2007

A regular meeting of the Liquor Advisory Committee was held on Monday, February 12, 2007 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Henry W. Allemon
W. Stan Godlewski
Patrick C. Hall
David S. Ogg
Bohdan L. Ukrainec
Kelsey Brunette, Student Representative
Allan Motzny, Assistant City Attorney
Sergeant Christopher Stout
Sergeant Robert Cantlon
Pat Gladysz

ABSENT: Timothy P. Payne
Clark Yuan, Student Representative

Resolution to Excuse Committee Member Payne

Resolution #LC2007-02-004
Moved by Allemon
Seconded by Hall

RESOLVED, that the absence of Committee member Payne at the Liquor Advisory Committee meeting of February 12, 2007 BE EXCUSED.

Yes: 6
No: 0
Absent: Payne

Resolution to Approve Minutes of January 8, 2007 Meeting

Resolution #LC2007-02-005
Moved by Allemon
Seconded by Ukrainec

RESOLVED, that the Minutes of the January 8, 2007 meeting of the Liquor Advisory Committee be approved.

Yes: 6
No: 0
Absent: Payne

Agenda Items

1. **Target Corporation** requests a new SDM license to be located at 1301 Coolidge, Troy, MI 48084, Oakland County. [MLCC REQ# 276146]

Present to answer questions from the Committee was Jason Hatkowski, assistant store manager of the Target store. Mr. Hatkowski explained to the Committee that Target is interested in offering wine sales to guests in an effort to simplify the shopping experience by stocking most everything a shopper would need in one store. Currently 600 stores sell wine. The wine will be shelved in an area of approximately 55 square feet in the food area near the soft drinks. There are no plans for television advertisement.

In response to a question from the Committee, Mr. Hatkowski explained the checkout procedure for cashiers under the age of 18. Target's computer system links an employee's log-in with his birth date. If wine is presented for purchase at a register operated by an underage employee, a supervisor is required to log in and complete the sale. In-store training will be scheduled for all employees.

Sergeant Stout stated that the Police Department has no objection to this SDM license. There have been no problems in the past at the Target store. Mr. Hatkowski indicated that Target has had no liquor violations in the state of Michigan.

Resolution #LC2007-02-006
Moved by Allemon
Seconded by Hall

RESOLVED, that Target Corporation be granted a new SDM license to be located at 1301 Coolidge, Troy, MI 48084, Oakland County.

Yes: 6
No: 0
Absent: Payne

There was a brief discussion regarding the violation history of the Rite-Aid stores.

In response to a question at a previous meeting, Sergeant Stout informed the Committee that the Farmer Jack store on John R does not have liquor offered for sale. That store possesses only a SDM license and would not have the ability to order liquor.

Sergeant Stout advised the Committee that Sergeant Cantlon would be replacing him in March as the Services Section Sergeant.

Mr. Ukrainec asked how many violations a business is allowed to have before their license is reviewed or temporarily penalized. Allan Motzny responded that a Liquor Violation Hearing is held annually and every violation is on the agenda. After that Hearing, a City Council Resolution is sent to the MLCC recommending revocation or renewal of the license. The City's authority is stronger with the on-premise licenses. Under the law, revocation of a SDD or SDM license cannot be recommended until they have received three violations in one calendar year.

With regard to a leniency comparison between the City and the MLCC, Mr. Hall commented that the MLCC defers the decision to the City. As such, if a municipality recommends revocation or renewal, generally the MLCC supports the decision.

Mr. Ukrainec stated that he feels strongly about the Michigan Legislature becoming stricter on liquor violation enforcement. He suggested the possible formation of a root committee to persuade the legislature become much more stringent in issuing violations or temporary restraints against the establishments that continuously and habitually violate the liquor laws. For example, "three strikes and you're out" for a period of six months or a year. He feels that would wake up a lot of people.

With regard to the "three strikes and you're out" suggestion, Mr. Ogg stated that it was his understanding that the City does not have the authority to pull a license, that would have to come from the MLCC. Mr. Motzny agreed. Mr. Ogg further stated that with the regard to the suggestion of changing the law, there would be substantial political considerations.

Sergeant Stout noted that there were only three sales to minor violations at the recent Liquor Violation Hearing. Thus, It appears that the establishments in Troy are acting much more diligent in their training of employees.

There was discussion about the penalty imposed upon Chammps after several violations.

There was further discussion about the Hooters issue. Mr. Motzny stated that the Federal Court Hearing on the Motion to Dismiss is scheduled for February 28

before Judge Julian Cook. One of the main issues is collateral estoppel or claim preclusion. There are Federal and Michigan legal doctrines that obligate a person filing a lawsuit to raise all possible issues. If someone files a new lawsuit, they are precluded from raising those claims that could have been raised in a prior suit. Thus, one of the main arguments is that Hooters could have raised all the issues in the State court proceeding that they are now raising in Federal Court. If the Judge denies the Motion, then the case goes to trial. If the Judge grants the Motion, then the City wins the case, but Hooters may appeal to the U. S. Circuit Court of Appeals in Cincinnati. Mr. Motzny further stated that the Judge might not issue a decision on February 28. He may take the case under advisement and a written opinion could take several months. There is still no date set for a hearing in the Michigan Court of Appeals case.

Mr. Godlewski asked whether Buscemi's would need to request a license transfer since they are moving. Sergeant Stout stated since there is no change in ownership, they do not have to appear before the Committee and City Council.

Mr. Motzny and Sergeant Stout clarified the issue of an available quota license. The MLCC stated that the Jumbo Buffet has pending litigation which puts the license back into escrow. Thus, at this time, there is not an available quota license. For clarification, when there is a cancellation of a quota license, the applicant has to appear before the City first as opposed to going to the State. The City must pass a resolution agreeing to refill the quota and recommending one applicant "above all others." At that point, the application goes to the State.

Sergeant Stout clarified that The Palm's license was a resort license and cannot be transferred to a different location. It is in escrow and has to stay at that location.

The meeting adjourned at 7:33 p.m.

_____
Max K. Ehlert, Chairman

_____
Patricia A. Gladysz, Secretary II

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, February 14, 2007, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:04 p.m.

TRUSTEES PRESENT: Nancy Bowren
Mark Calice
Thomas Houghton, Chair
Martin F. Howrylak (Arrived at 12:10)
John M. Lamerato
William R. Need (Ex-Officio)
Phillip L. Nelson

TRUSTEES ABSENT: Michael Geise

MINUTES

Resolution # ER – 2007 – 02- 05
Moved by Nelson
Seconded by Calice

RESOLVED, That the minutes of the January 10, 2007 meeting be approved.

Yeas: All 5
Absent: Geise, Howrylak

OTHER BUSINESS – RETIREMENT REQUESTS

Resolution # ER – 2007 – 02 - 06
Moved by Bowren
Seconded by Lamerato

RESOLVED, That the Board approve the following retirement requests:

Brian Stoutenburg, DB, 4/21/07, 9 years, 10 months;
Jadwiga Brodak, DB, 3/24/07, 24 years, 6 months;
Judith A. Barton, DB 3/13/07, 20 years, 2 months;
Dennis Stephens, DC, 3/10/07, 19 years, 4 months;
Donald K. Cochran, DB, 3/23/07, 26 years, 3 months; and
Deferred Retirement of John Anderson, DB, 2/6/07, 12 years, 9 months.

Yeas: All 5
Absent: Geise, Howrylak

OTHER BUSINESS – ANNUAL REVIEW OF INVESTMENT POLICY

The Board will continue the review of the investment policy at their March, 2007 meeting.

OTHER BUSINESS – EXCUSE ABSENT MEMBERS

Resolution # ER – 2007 – 02 - 07
Moved by Houghton
Seconded by Howrylak

RESOLVED, That the Board excuse Michael Geise.

Yeas: All 6
Absent: Geise

PUBLIC COMMENT

There was no public comment.

The next meeting is March 14, 2007 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 12:31 p.m.

Thomas Houghton
Thomas Houghton, Chairman

John M. Lamerato, Secretary

JML/bt\Retirement Board\2007\2-14-07 Minutes_Final.doc

Mark Maxwell, Vice-Chairman, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, February 20, 2007, in Council Chambers of the Troy City Hall.

PRESENT: Glenn Clark
Kenneth Courtney
Christopher Fejes
Marcia Gies
Matthew Kovacs
Mark Maxwell
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Christopher Forsyth, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JANUARY 16, 2007

Mr. Clark stated that there was an error in the minutes of the last meeting. Because he was not sworn in as a member to the Board of Zoning Appeals until January 24, 2007, he should not have been listed as absent on the minutes of the meeting of January 16, 2007.

Motion by Courtney
Supported by Gies

MOVED, to approve the minutes of the meeting of January 16, 2007 with corrections.

Yeas: All – 7

MOTION TO APPROVE MINUTES AS AMENDED CARRIED

ITEM #2 – APPROVAL OF ITEM #3 AND ITEM #4

RESOLVED, that Item #3 and Item #4 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by Wright
Supported by Gies

Yeas: All – 7

MOTION TO APPROVE ITEM #3 AND ITEM #4 CARRIED

ITEM #3 – RENEWAL REQUEST. BOYS & GIRLS CLUB OF TROY, 3670 JOHN R., for relief of the required 4'-6" high masonry screen wall required along the east and north property lines between the parking lot and the adjacent residentially zoned property. This item first appeared before this Board at the meeting of February 2006 and was granted relief for a period of one year. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant the Boys & Girls Club of Troy, 3670 John R., a three-year (3) renewal of relief of the required 4'-6" high masonry screen wall required along the east and north property lines between the parking lot and the adjacent residentially zoned property.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

ITEM #4 – RENEWAL REQUEST. VFW POST, 2375 E. MAPLE, for relief to maintain an existing legal non-conforming use building and relief of the 4'-6" high masonry wall required adjacent to off-street parking.

MOVED, to grant VFW Post, 2375 E. Maple, a three (3) year renewal of relief to maintain a non-conforming building and use, and relief of the 4'-6" high masonry wall required at their off-street parking area.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

ITEM #5 – VARIANCE REQUEST. MR. & MRS. MICHAEL TAORMINO, 1874 WYNGATE, for relief of the Ordinance to construct a deck enclosure that will result in a 35' rear yard setback where Section 30.10.02 requires a 45' rear yard setback for buildings in the R-1B Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a room over a deck that will result in a proposed 35' rear yard setback. Section 30.10.02 requires a 45' rear yard setback for buildings in the R-1B Zoning District.

This item first appeared before this Board at the meeting of December 2006 and was postponed for sixty (60)-days to allow the petitioner to explore other possibilities to determine if there was a way to reduce the size of this variance request.

Mr. Stimac indicated that the petitioner had brought in a revised plan that decreased the size of the deck enclosure by two feet, but this reduction would still require a variance. as this room would now result in a 37' rear yard setback. Mr. Stimac also stated that after a search of the records he could not find a record of a wetland and/or conservation easement that encroaches on this property. The wetlands area is solely contained in the area north of this property.

ITEM #5 – con't.

Mr. Taormino was present and stated that they had tried to restructure this room and no matter what they did the enclosed room would still require a variance. If they moved the room the other way, accessibility would be an issue as it would require two (2) doors and this would affect the placement of furniture. A walkway would have to be created around the structure and additional decking would be required. It would also block three (3) windows and there are mechanical issues that would have to be addressed. If they have to change the roofline it would start underneath the windows and would not be aesthetically pleasing.

The builder was present and stated that he had discussed this for hours with an architect, and if they slide the room over it would not be aesthetically pleasing and would cover the kitchen window. This would devalue the present property by covering up nice windows. There is a need for this screened in porch.

Mr. Taormino stated that they cannot enjoy their yard because of the number of insects and geese. Their dog cannot go outside because he chases the geese and therefore that creates a problem. Mr. Taormino said that they cannot make this room any smaller as it would not give them the room they are looking for.

Mr. Courtney asked why they purchased the home if this location is such a problem.

Mr. Taormino said that they purchased the home in December, did some interior renovations and finally moved into it in May of 2006. Mr. Taormino said that he did not realize a screened in room would be a problem.

Mr. Courtney stated that they were asking for a variance within six (6) months of moving into this home. Mr. Taormino said that they are just trying to put up a deck and it just makes more sense for them to add a screened in attachment so they can enjoy their property.

Mr. Kovacs asked if they had thought of putting up a gazebo, which would give them what they are looking for and would not be attached to the house.

Mr. Stimac said that a gazebo that is freestanding in a yard falls under the standards for Accessory Structures and could be placed within thirty-five (35) feet of the property line. If the gazebo was part of the deck and includes a covered room, it would have the same requirements as an enclosed room and may require a variance.

Mr. Kovacs stated that he understands everything Mr. Taormino has stated, however, he does not see a problem that is unique with this property. The water behind the house is not unique to this property. Mr. Kovacs said in his opinion the whole city has a problem with mosquitoes in the summer.

ITEM #5 – con't.

Mr. Taormino said there are thousands of geese in his yard all the time and his dog cannot go outside. He has had screened in porches in his last three (3) homes and he did not think this would be an issue for this property. If he had known this before he bought the house, he would not have purchased this home. They have spent a lot of money on this home and without this screened in room they cannot enjoy their yard.

Mr. Kovacs said that once a variance is granted that variance runs with the land. It would be feasible that the next owner would want to create a permanent room from this screened in porch and there is not a hardship that runs with the land.

Mr. Taormino said that he cannot deviate from the plan as he has a lot of time and money invested in this addition.

Mr. Kovacs said that he understands but does not see a hardship with the land.

Mr. Maxwell opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Mr. Maxwell said that basically the practical difficulty is the location of the home. Mr. Taormino said that is the hardship plus the fact that his parents have skin cancer and cannot be out in the sun.

Mr. Maxwell said that he could see a case for some practical difficulty but many homes in Troy are built near a wetland.

Mr. Courtney said his property backs up to a lake and cannot see a hardship that runs with the land that entitles it to a variance.

Motion by Courtney
Supported by Gies

MOVED, to deny the request of Mr. and Mrs. Michael Taormino, 1874 Wyngate, for relief of the Ordinance to construct a deck enclosure that will result in a 35' rear yard setback where Section 30.10.02 requires a 45' rear yard setback for buildings in the R-1B Zoning District.

- Petitioner failed to demonstrate a hardship that runs with the land.

Yeas: 5 – Kovacs, Wright, Clark, Courtney, Gies
Nays: 2 – Maxwell, Fejes

MOTION TO DENY REQUEST CARRIED

ITEM #6 – VARIANCE REQUEST. WILLIAM DINE, 2455 HAMPTON, for relief of the Ordinance to construct an addition that will result in a proposed 24.63' front setback to Caswell and a 40.94' rear yard setback. Section 30.10.02 requires a 40' minimum front yard setback and a 45' minimum rear yard setback in R-1B Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an addition to his home. This property is a double front corner lot. It has front yard requirements along Hampton and Caswell. The site plan submitted indicates removing an existing two-car attached garage and constructing a new master bedroom suite and an attached three-car garage.

The site plan submitted also indicates that this construction will have a proposed 24.63' front setback to Caswell and a 40.94' rear yard setback. Section 30.10.02 requires a 40' minimum front yard setback and a 45' minimum rear yard setback in R-1B Zoning Districts.

Mr. Courtney asked what the setback would be if this was not a corner lot. Mr. Stimac explained that if this was an interior lot, the side yard setbacks are a minimum of 10' and a total of 25'.

Mr. Dine and his son were present. Mr. Dine's son stated that his mother had passed away in May and Mr. Dine still wants to stay in the house. His sister and her family are planning to move in with him. They would like to convert the existing garage to living space, which would be a master suite. Mr. Dine's son also stated that based on the plans that have been drawn up the appearance of the house will be the same from the front. In the rear of the property they would like to add the three (3)-car garage.

Mr. Maxwell opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Mr. Fejes asked why this home was considered to be non-conforming and Mr. Stimac explained that it is non-conforming because it was constructed with a 24' setback from Caswell. It currently conforms to the rear yard setback but not the front yard setback. Mr. Stimac was not sure how this came about but thought it was the result of two (2) subdivisions platted side by side.

Motion by Fejes
Supported by Courtney

MOVED, to grant William Dine, 2455 Hampton, relief of the Ordinance to construct an addition that will result in a proposed 24.63' front setback to Caswell and a 40.94' rear yard setback. Section 30.10.02 requires a 40' minimum front yard setback and a 45' minimum rear yard setback in R-1B Zoning Districts.

ITEM #6 – con't.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property described in this application.
- Corner lot makes this property unique and creates a hardship as it has double frontage.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUEST. SANKARAN BALAKRISHNAN, 1654 LIVERNOIS, for relief of the Ordinance to construct a new gasoline station service building that would result in a 31.48' front setback where Section 30.20.07 requires a 40' front yard setback; a setback of only 9' from the R-1E (Residential One-Family) property to the northeast, where Section 30.20.07 requires a 75' setback; and 750 square feet of landscaping where Section 39.70.04 requires at least 1,547 square feet of countable landscape for a site this size.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new gasoline station service building. Section 30.20.07 requires a 40' front yard setback and a 75' setback from residential zoned property for developments in the H-S (Highway Service) Zoning District. The site plan submitted indicates a front yard setback of 31.48' and a setback of only 9' from the R-1E (Residential One-Family) Zoned property to the northeast.

In addition, Section 39.70.04 requires at least 1,547 square feet of countable landscape for a site this size. The site plan submitted indicates that only 750 square feet of countable landscaping will be provided.

There was an alley that was east of the property and it has now been vacated by City Council. There is a shared driveway between the properties. The alley in terms of zoning was split down the middle. The H-S Zoned property expanded 9' to the east and the R-1E Zoned Property and the B-1 Zoned property both expanded 9' to the west.

Mr. Courtney asked approximately how much landscaping was currently on the site and Mr. Stimac said that he thought it either met or exceeded the requirements of the Ordinance, although the landscaping is located behind the building. The proposed new plan puts the landscaping at the front of this property at the northwest corner and the southwest corner of the property.

A variance was granted on this property back in 2005 and Mr. Fejes asked if permits had ever been applied for relating to that variance approval. Mr. Stimac said that nothing has been applied for per the 2005 plan. Mr. Stimac said that after they had received approval it was discovered that there was not enough room for a two-way drive

ITEM #7 – con't.

and they had to change their original plan. They located parking to the west of the building and on the east side of this site.

Mr. Kovacs asked how close the existing building was to the residential property. Mr. Stimac said that he thought the existing building was within 10 or 12' feet of the residential property.

Mr. Kovacs asked if this building would be moved closer to the property lines or farther away. Mr. Courtney said that in his opinion they were moving the building closer to the property line.

Mr. Longhurst said that the existing building is approximately 6 to 9' from the property line. The canopies and pumps are going to remain and they want to move the building back farther on the property in order to provide enough room for cars to maneuver.

Mr. Courtney asked what the difference in the size of this building is compared to the building that was proposed in 2005.

Mr. Longhurst stated that the size of the building is the same; the only difference is the location on the lot.

Mr. Clark stated that he had read the letter from the neighbor opposing this request as the setbacks were being drastically changed. In Mr. Clark's opinion this was a "big foot" building and thought the petitioner was proposing to maximize every inch of this property.

Mr. Longhurst said that they plan to add a 30" high screen wall along the front of the property and plan to add landscaping along either side of it. There will be more landscaping visible from the right of way. They are also proposing a 6' masonry wall along the residential property to aid in screening this building from the residents.

Mr. Maxwell opened the Public Hearing.

Mr. Sidney Frank, representing Mrs. Zawaideh, the owner of the property at 35, 37 E. Maple and 26 Chopin was present and stated that they had filed an objection in 2005 and were definitely objecting to this request now. Mr. Frank said that at the time this property was purchased it was an existing gas station and the property owners did not have to have it re-zoned. The greenbelt was in the back of the property, which protected the property that his client owns.

The setback to the residential property is going from 75' to 9'. Before a variance is granted, the Board has to weigh all the options regarding the effect to the surrounding property owners and protect them from any negative impact. Mr. Frank said that in his opinion, these variances if granted would definitely have a negative effect to the

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surrounding property. Mr. Frank introduced Mr. Stefanson, the owner of the property to the north of this site and said that these variances would also have a negative effect to his property as well. The building to the north will be blocked by this proposed building, which will reduce visibility for potential customers.

Mr. Frank further stated that he does not believe anyone will want to rent, own or improve a residence that would be 6' from a gas station. Now there is some landscaping acting as a buffer, the proposed plan does not include this landscaping. This same statement would apply to the commercial property behind this property. Mr. Frank said that there is nothing about this property that would justify a variance and he believes that this Board should deny this request and let the gas station operate as it is.

Mr. Maxwell stated that all of the buildings in this area are in close proximity to this location and wondered how far the existing structure was from the surrounding property. Mr. Frank said that there is an 18' alleyway that has been vacated and believes it is approximately 7 – 8' from the property line. Once the landscaping is removed from the back, the gas station will appear closer to the surrounding property.

Mr. Courtney said that in his opinion if he was in the residential property he would rather have the gas station closer to him than what is there now. Mr. Courtney went on to say that often there are cars parked there and a lot of litter is on the ground. Mr. Frank said that would be an enforcement issue.

Mr. Wright stated that at the time the first variance came to the Board Mr. Frank's client wished to buy the surrounding property. Mr. Frank said there is no longer any interest for his client to purchase this property.

Mr. Kovacs asked how far the building to the north was from the property line. Mr. Kovacs said that he understands that Mr. Frank's client is saying that she does not want this building closer to her property, but after looking at the property, Mr. Kovacs believes the building to the north is almost on the property line. The property to the east also appears to be sitting on the property line.

Mr. Stimac said that he believes the distance of the building to the north to the property line of this site is about 2'. The building to the east is approximately 9' from the common property line.

Mr. Kovacs said that basically Mr. Frank's client's property is sitting right on the property line and the other properties are also sitting on or near the property lines. This petitioner wants to be able to move his building closer to the property line.

Mr. Frank said that he did not address the property to the east, as he knew it was very close to the property line. This petitioner wants to move his building farther north and

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east and will affect the residential property. In terms of landscaping, if they had to meet the entire landscaping requirement it would protect the value of the commercial property to the east.

Mr. Kovacs said that he did not believe there was any landscaping on the site that is next to the commercial property right now. Mr. Frank said that was correct but right now the owner of the property is asking to eliminate a present landscaping requirement and if that requirement was enforced it would result in landscaping in this area. If the full amount is required the landscaping would buffer the adjoining pieces of property.

Mr. Kovacs said that without a variance this property owner would only be able to put in a very small structure on the corner of the property. Mr. Frank said that the property has to have some deficiency with it to allow a variance. Mr. Kovacs said that based on the current Ordinance he could not build anything on it. Mr. Frank said that when he purchased the property he knew what he was getting and should just work with what he has. Mr. Frank also said that he wasn't sure what uses were allowed in the H-S Zoning District, but perhaps the petitioner could find another use for this property.

Mr. Courtney said this gas station existed long before there was H-S Zoning. The Ordinance was changed to make H-S Zoning required for gas stations. Mr. Courtney also said that originally Mr. Frank's client wanted both properties combined and made a joint venture.

Mr. Frank said that he was not involved in the original variance request, but he believes those comments were a result of owning the property for a very long time and his client believed that this solution would greatly benefit the City. Due to a very negative response regarding this proposal, there is no longer any interest in combining this property. Mrs. Zawaideh has a piece of property she is trying to use and is only concerned about the negative effect this proposal will have on the surrounding property. There is no question that this proposed building will make the area look better, but if it will not meet the Zoning requirements and will negatively effect the surrounding property the Board needs to consider these facts. Mr. Frank said that there is nothing on this property that would justify a variance.

Mr. Jeff Fedorinchik of H-F Architecture was also present on behalf of Ms. Zawaideh and said that relative to the setbacks they are very concerned. The front setback is required to be 40'; this petitioner is proposing a front setback of 31.48', which means they are asking this Board to waive 21% of this setback requirement. In addition, the second setback that is between this property and the residential property is required to be 75' which means that they are asking this Board to waive 88% of the setback requirement. The minimum landscaping requirement is 1,547 square feet and the petitioner is proposing landscaping in the amount of 750 square feet, which is a waiver of 50% of this requirement. Landscaping is proposed to be put on the northwest and

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southwest corners that will be beautiful to the traffic going by but will not give any type of buffer to the surrounding property. Mr. Fedorinchik said that he believes this will result in a very negative impact to the adjacent property.

Mr. Courtney asked what the difference in the variance was for landscaping between what exists and what is proposed. Mr. Fedorinchik said that he was unable to give Mr. Courtney that information. The unfortunate thing for the petitioner is that they have to meet the requirements of the Ordinance. Mr. Courtney said he was having trouble understanding how the lack of landscaping would affect these properties when there would be two (2) brick walls in place.

Mr. Fedorinchik said that he believes it would be a detriment to the entire community to grant a variance asking for more than a 50% waiver.

Mr. Clark said that he had lived in this area for many years and was very familiar with it. The residential area is not blocked off and thinks that this would be an encroachment to the neighborhood. Mr. Clark came from a community that developed every inch of property and it became a concrete jungle. The neighbors in this area are concerned about a devaluation of their property. Regardless of whether the landscaping is in the front or back, moving the building towards the home would be an encroachment on the residential home. Regardless of what the commercial neighbors feel, Mr. Clark thinks this will have a greater impact on the residential area. Mr. Clark also said that he believes this is a proposal to provide more service with the convenience store and thinks that this will increase traffic, which will have an impact on the neighborhood.

Mr. Frank said that while there is no current intention to tear the commercial building down, everyone knows it is a very old building and his client is a property owner that owns a lot of property in the City of Troy. If this building is ever torn down and re-developed there won't be a solid wall on the property line, but would probably be a building that will have windows that would end up looking at this gas station.

Mr. Courtney asked if Mr. Frank's client was looking into changing the residential property into another use. Mr. Frank said that she is looking at a number of options for this property. Mr. Courtney then said it would not be an infringement on the residential property as it could be changed. Mr. Frank said that you can't assume that this property would change from residential. They are exploring a number of possibilities and the way to go may be by keeping it residential.

Mr. Clark said that he is concerned about the encroachment to all of the neighbors up and down the street.

Mr. Stefanson the owner of the property to the north of this site was present. Mr. Stefanson said that presently this building is occupied by a Chinese Deli and has very good visibility to traffic traveling both north and south. Traveling from the west to the

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east it stands out quite visibility. Traveling from the east to the west, it is quite visible when stopped at the light. A lot of effort and money has been put into presenting this building the way it is now. A new gas station would look nice and a new dumpster area would also look nice. The proximity of what the petitioner is proposing with having this building abutting the property to the north would conceal more than half of this building to traffic traveling north. To find another tenant would be extremely difficult if the building was hidden. The present dumpster is not maintained and there is a lot of debris and litter around it. Mr. Stefanson has gone out and cleaned the area himself. The grass between the fence and his building is the responsibility of the present owner, however, they have been taking care of it to make sure it looks good.

Mr. Stefanson asked if it was absolutely necessary to move the building and asked if the petitioner could re-build the existing gas station and leave it where it is. Mr. Stefanson said that he totally objects to this request.

Mr. Courtney said that back in 2005 the proposed plan would have resulted in his building being completely screened and Mr. Stefanson said that he did not think he had received notification of that request. Mr. Stefanson said that this proposal will have a definite impact on his property.

Mr. Balakrishnan was present and said that he is the owner of this property. Mr. Balakrishnan said that he is the one operating the building right now. He is spending more money on repairing the building than on improving the business. The building is very old and has to be updated.

Mr. Courtney asked what the problem would be replacing the existing building. Mr. Balakrishnan said that the present building is only 400 square feet and right now he is not satisfying his customers. Mr. Courtney said Mr. Stefanson did not say he had to keep the building the same size only in the same location.

Mr. Longhurst said that the problem right now is with the existing canopies. There is not enough room for two-way traffic to move in this area. They have to move the building farther away from the canopies to allow for maneuverability.

No one else wished to be heard and the Public Hearing was closed.

There are two (2) written objections on file. There is one (1) written approval on file.

Mr. Maxwell asked how much closer this building would be to the property to the north. Mr. Longhurst said they were moving the building approximately 5 or 10'.

Mr. Kovacs asked what the setbacks would be if the property was zoned B-1? Mr. Stimac explained that presuming the building would be fronting on Livernois, the west

ITEM #7 – con't.

setback would be 25', the south would be 25', the east would be 20' and the north could be 0'.

Mr. Stimac also explained that when B-1 property abuts another B zoned property and as long as there are no doors or windows where these properties meet, the setback could be 0'.

Mr. Stimac went on to say that based on aerial photographs, he believes that the existing gas station sits 35' from the north property line, 53' from the west property line, 22' from the new east property line and 18' from the south property line.

Mr. Maxwell asked if 1708 Livernois was at the property line. Mr. Stimac said that he thought it was 2' or 3' from the property line.

Mr. Maxwell asked if the petitioner had any flexibility for the placement of the proposed building. Mr. Longhurst said that there is not a lot of play because they need 24' to allow for cars to be able to maneuver.

Mr. Maxwell asked if they could put in a landscape buffer between this building and the residential property. Anything the petitioner can do to create a buffer to separate this property from the surrounding property would be beneficial.

Motion by Courtney
Supported by Gies

MOVED, to postpone the request of Sankaran Balakrishnan, 1654 Livernois, for relief of the Ordinance to construct a new gasoline station service building that would result in a 31.48' front setback where Section 30.20.07 requires a 40' front yard setback; a setback of only 9' from the R-1E (Residential One-Family) property to the northeast, where Section 30.20.07 requires a 75' setback; and 750 square feet of landscaping where Section 39.70.04 requires at least 1,547 square feet of countable landscape for a site this size until the meeting of March 20, 2007.

- To allow the petitioner to give the Board a copy of the site plan showing where the 24' drive needs to go.
- To allow the petitioner to present a landscaping plan to the Board.

Yeas: All – 7

MOTION TO POSTPONE THIS REQUEST UNTIL THE MEETING OF MARCH 20, 2007

Mr. Fejes asked about the variance granted for this property back in 2005. Mr. Stimac explained that the variance was valid until March of 2006 as long as permits were

ITEM #7 – con't.

applied for. The petitioner did not apply for a Building Permit within the one-year time frame and the original variance is no longer valid.

The Board of Zoning Appeals meeting adjourned at 9:05 P.M.

_____
Mark Maxwell, Vice-Chairman

_____
Pamela Pasternak, Recording Secretary

TROY HISTORIC DISTRICT COMMISSION MINUTES – FINAL FEBRUARY 20, 2007

A regular meeting of the Troy Historic District Commission was held Tuesday, February 20, 2007 at City Hall. Barbara Chambers called the meeting to order at 7:37 P.M.

ROLL CALL PRESENT Barbara Chambers
Sabah Jihad
Paul Lin
Ann Partlan
Gary Castile
Loraine Campbell, Museum Manager

ABSENT Muriel Rounds

GUEST Charlene Harris Freeman, 2955 Quail Run, Troy
Carl Freeman, 2955 Quail Run, Troy
Audre Zembrzuski, 2842 Shadywood, Troy

Resolution #HDC-200-02-001
Moved by Lin
Seconded by Partlan

RESOLVED, That the absence of Rounds and Hudson be excused.
Yes: 5— Chambers, Jihad, Lin, Partlan, and Castile.
No: 0

MOTION CARRIED

Resolution #HDC-2007-02-002
Moved by Partlan
Seconded by Castile

RESOLVED, That the minutes of the November 21, 2006 meeting be approved.
Yes: 5— Chambers, Jihad, Lin, Partlan, and Castile..
No: 0

MOTION CARRIED

OLD BUSINESS

A. **Final Report from the Historic District Study Committee re: 2955 Quail Run**
The Commission was provided the Final Report recommending that the historic resource at 2955 Quail Run be eliminated as a historic district and the draft minutes from the Historic District Study Committee of January 10, 2007. Mr. and Mrs. Freeman emphasized their concerns and desire to have the property de-listed. Paul Lin read a short memo to the Commission stating his long-term

concerns if the Historic District was eliminated. See attached memo. Sabah Jihad stated that he hoped that the Commission would act to assist the homeowners.

Resolution #HDC-2006-11-003
Moved by Jihad
Seconded by Castile

RESOLVED, That the Historic District Commission approve the final report of the Historic District Study Committee to de-list the historic resource at 2955 Quail Run as submitted and recommend Troy City Council to amend Chapter 13, The Historic Preservation Ordinance to delete the Historic District identified as (Tax ID: 88-20-18-101-035) T2N, R11E, SEC 18 STRAWBERRY HILL LOT 37 EXC BEG AT NE LOT COR, TH S 00-16-39 W 191.86 FT, TH N 89-43-00 W 44.61 FT, TH N 13-22-02 E 196.97 FT TO BEG.

Yes: 4— Chambers, Jihad, Partlan, and Castile.
No: 0
Abstain: 1— Lin

MOTION CARRIED

B. Update re. 4820 Livernois
Loraine Campbell reported that Mr. Wil Bedford (correct spelling) has sold his property. The new owner wishes to maintain the historic designation.

NEW BUSINESS

A. Review of Troy and Birmingham's Historic Preservation Ordinance
Discussion was deferred until the next meeting. Loraine Campbell will ask Allan Motzny to participate in this discussion.

The Troy Historic District Commission Meeting was adjourned at 9:20 PM. The next meeting will be held Tuesday, March 20, 2007 at 7:30 p.m. at City Hall in Conference Room C.

Barbara Chambers
Chairperson

Loraine Campbell
Recording Secretary

DOWNTOWN DEVELOPMENT AUTHORITY MINUTES FINAL February 21, 2007

A meeting of the Downtown Development Authority was held on Wednesday, February 21, 2007 in the Lower Level Conference Room of Troy City Hall, 500 W. Big Beaver Troy, Michigan. Tom York called the meeting to order at 7:32 a.m.

PRESENT: Michael Culpepper
Stuart Frankel
Michele Hodges
William Kennis
Carol Price
Harvey Weiss
G. Thomas York

ABSENT: David Hay
Alan Kiriluk
Daniel MacLeish
Ernest Reschke
Louise Schilling
Douglas Schroeder

ALSO PRESENT: Phil Nelson
John M. Lamerato
Brian Murphy
Lori Bluhm
Mark Miller

APPROVAL OF MINUTES

Resolution: DD-07-01
Moved by: Kennis
Seconded by: Price

RESOLVED, That the minutes of the December 20, 2006 regular meeting be approved as amended.

Yeas: All (7)
Absent: Hay, Kiriluk, MacLeish, Reschke, Schilling, Schroeder

OLD BUSINESS

None

NEW BUSINESS

A. Park Master Plan Presentation

Mark Miller provided the Board an overview of the five-year Parks and Recreation Plan.

B. Futures Report Presentation

Brian Murphy and Cynthia Stewart provided an overview of the Futures Report.

C. Update on Chesapeake Group

Brian Murphy gave a brief update on the Chesapeake Group Study, which should be presented at the March 21, 2007 meeting

D. Interchange Committee

Bill Kennis and Michael Culpepper gave the Board an update on the Interchange Committee progress.

PUBLIC COMMENT

None

EXCUSE ABSENT MEMBERS

Resolution: DD-07-02
Moved by: Culpepper
Seconded by: Price

RESOLVED, That Hay, Kiriluk, MacLeish, Reschke, Schilling and Schroeder be excused.

Yeas: All (7)
Absent: Hay, Kiriluk, MacLeish, Reschke, Schilling, Schroeder

MEMBER COMMENT

DDA committees were briefly discussed and members who haven't signed up for a committee were urged to do so.

The meeting was adjourned at 7:53 a.m.

Next Meeting: March 21, 2007 @ 7:30 a.m. @ Lower Level Conference Room, City Hall.

_____
Tom York, Vice Chair

_____
John M. Lamerato, Secretary/Treasurer

JL/ph

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on February 27, 2007 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Michael W. Hutson
Mary Kerwin (arrived at 7:37 p.m.)
Lawrence Littman
Robert Schultz
Thomas Strat
John J. Tagle
Kathleen Troshynski
Mark J. Vleck
Wayne Wright

Also Present:
Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Jonathan Shin, Student Representative

2. APPROVAL OF AGENDA

Resolution # PC-2007-02-044
Moved by: Littman
Seconded by: Wright

RESOLVED, To approve the Agenda as published.

Yes: All (8)
No: None
Absent: Kerwin (arrived at 7:37 p.m.)

MOTION CARRIED

3. MINUTES – February 6, 2007 Special/Study Meeting

Resolution # PC-2007-02-045
Moved by: Wright
Seconded by: Troshynski

RESOLVED, To approve the February 6, 2007 Special/Study meeting minutes as presented.

Yes: All (8)
No: None
Absent: Kerwin (arrived at 7:37 p.m.)

MOTION CARRIED

4. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Wright provided a brief BZA report.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller provided a brief DDA report.

7. PLANNING AND ZONING REPORT

Mr. Miller provided a brief planning and zoning report.

8. SITE PLAN REVIEW (SP 929) – Land Banking of Parking Spaces at Suma Medical Office Building, North side of Big Beaver, West of John R, Section 23 – Zoned O-1 (Low Rise Office), P-1 (Vehicular Parking), E-P (Environmental Protection) and R-1E (One Family Residential) District

Mr. Savidant summarized the Planning Department report. The applicant proposed to revise their site plan, which received Final Site Plan Approval on February 20, 2007. They proposed to landbank 46 of 183 required spaces, or 25% of the required number of spaces.

Lisa High of CDPA Architects, Inc., 26600 Telegraph, Southfield, MI, the applicant, explained there is no need for the parking spaces at this time. She stated the owner intends to plant turf in the landbanked area.

Resolution # PC-2007-02-046
Moved by: Wright
Seconded by: Kerwin

WHEREAS, Section 40.20.13 provides the Planning Commission with the authority to approve up to 25% of the total required parking spaces for a proposed use; and

WHEREAS, The applicant proposes landbanking 46 spaces, or 25% of the 183 parking spaces required for the proposed Medical Office Building.

RESOLVED, That Preliminary Site Plan Approval, as requested for the revised site plan for the proposed Medical Office Building, located on the north side of Big Beaver, west of John R, located in Section 23, on approximately 4.61 acres, within the O-1, P-1, E-P and R-1E zoning districts, is hereby granted.

FURTHER RESOLVED, In the event there is a demonstrated need for additional parking on the site, the owner shall install such landbanked parking, up to the minimum required by Section 40.21.01, at the request of the City of Troy.

Yes: All (9)
No: None

MOTION CARRIED

9. FINAL REPORT FROM HISTORIC HOMES STUDY COMMITTEE – Request to Remove 2955 Quail Run Drive from the List of Historic Resources

Mr. Savidant summarized the report. City Management recommended that the Planning Commission support the resolution of the Historic District Study Committee and recommend that 2955 Quail Run Drive be de-listed.

Carl Freeman, 2955 Quail Run Drive, owner of the subject property, asked the Planning Commission to support the application.

Resolution # PC-2007-02-047
Moved by: Littman
Seconded by: Wright

RESOLVED, To recommend that 2955 Quail Run Drive be de-listed.

Yes: All (9)
No: None

MOTION CARRIED

POSTPONED ITEMS

10. PUBLIC HEARING – CONDITIONAL REZONING REQUEST (CR-001) – Proposed Troy Medical Office (formerly Z-719), West side of Livernois, North of Big Beaver, Section 21 – From R-1B (One Family Residential) to O-1 (Low Rise Office)

Mr. Hutson stated he has a financial interest in the subject property and recused himself from the meeting.

Mr. Savidant summarized the report.

Brandon Kaufman, 4657 Wendrick Drive, West Bloomfield, MI 48323, the applicant, described the project.

Mr. Strat expressed his opposition to the rectangular, unimaginative detention pond.

Mr. Kaufman indicated the detention pond would be fenced. Additionally, he stated they were considering putting detention underground and adding 8 additional parking spaces that would bring the parking lot closer to Livernois.

Mr. Savidant indicated the written conditional rezoning agreement includes provisions for underground detention.

Ms. Kerwin stated the Planning Commission should receive a copy of the written agreement.

Chair Schultz stated that the fence is not delineated on the site plan. He also expressed his opposition to parking spaces located so close to Livernois.

Mr. Tagle expressed his opposition to the fenced detention pond.

Ms. Lancaster summarized the Planning Commission options in terms of taking action that evening. They could make a recommendation to City Council that includes their various concerns related to proposed improvements that are not shown on the submitted plan, or they could postpone until such time that their concerns have been addressed by the applicant and shown on a revised plan.

Resolution # PC-2007-02-048
Moved by: Littman
Seconded by: Wright

RESOLVED, That the Planning Commission hereby postpones the item to the March 2007 Regular meeting.

Yes: All (8)
No: None
Abstain: Hutson

MOTION CARRIED

Chair Schultz called for a break at 8:35 p.m.

Chair Schultz reconvened the meeting at 8:45 p.m.

11. SITE PLAN REVIEW (SP 909-C) – Proposed Starbucks Coffee Restaurant, Northwest corner of Big Beaver and Crooks, Section 20, H-S (Highway Service) and B-3 (General Business) District

Mr. Hutson stated he has a financial interest in the subject property and recused himself from the meeting.

Mr. Miller summarized the item.

Mr. Wright stated that in his opinion the exit drive on Crooks Road was not a significant safety issue, as there were many similar situations already in Troy.

Mr. Strat stated that the exit drive was a safety issue.

Ms. Kerwin stated that an overlay zone would assist in the future development of the Big Beaver Corridor. She asked about the status of this item.

Mr. Miller replied that City Management is moving forward with the Planning Consultant in the development of overlay district language. Furthermore, the key concepts should be incorporated into the ongoing Master Plan, which is the primary tool to implement these concepts.

There was discussion related to the lack of a drive-through window and the location of the building on the property.

Michele Sargent, JSN Design, 30100 Telegraph, Suite 350, Bingham Farms, 48323, representing the project architects, summarized the project.

Ms. Sargent stated the location of the building in its proposed location is safer than if it were to be located closer to the intersection. She stated the right-turn only turning lane on Crooks is safer than the initial proposed drive, which allowed left turns.

Joe Rogowski, 33493 W. 14 Mile Road, Suite 100, Farmington Hills, attorney for the applicant, further summarized the project. He stated there was no evidence that the right-turn only exit drive on Crooks would cause accidents, nor were there any standards that called for the elimination of the exit drive.

Mr. Strat asked if the architects had ever considered a site layout featuring the building at the intersection.

Ms. Sargent replied there was but it was never presented to the Planning Department because it did not meet Starbucks' needs and also for reasons stated earlier in her presentation, including maintaining the fabric of the area.

Mr. Tagle asked if it was Starbucks' intent that drivers exiting the site onto Crooks and intending to go southbound would be required to cross at least one lane of traffic, or would turn right onto westbound Big Beaver, turn around on eastbound Big Beaver and then turn right onto Crooks.

Mr. Rogowski replied it was Starbucks' intent to maintain the traffic pattern that already exists.

Chair Schultz stated that people going northbound on Crooks would attempt to turn left into the exit drive. He saw it happen when the gas station was in operation.

Mr. Wright stated the elimination of the exit drive would create a greater safety issue by forcing people to exit on Big Beaver, cut across three lanes of traffic to the eastbound turn lane, then cut across three lanes of traffic to the southbound turn lane.

Mr. Littman stated that he has concerns with the Crooks exit drive but he would support the plan because the site needs to be developed and Starbucks needs the exit drive.

Mr. Strat stressed the importance of moving forward with overlay zoning for the Big Beaver Corridor. He stated the building should have been located closer to the intersection, there should be more landscaping and trees, and the site was over parked.

Chair Schultz stated he would have preferred a screening hedge along the edge of the parking area.

There was further discussion on the item.

Resolution # PC-2007-02-049
Moved by: Wright
Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends that the proposed Amendment to Consent Judgment, as requested for the proposed Starbucks Restaurant, located on the northwest corner of Big Beaver and Crooks, located in Section 20, on approximately 0.53 acres, within the B-3 and H-S zoning districts, be granted.

Yes: Kerwin, Littman, Schultz, Troshynski, Wright
No: Strat, Tagle, Vleck
Abstain: Hutson

MOTION CARRIED

Mr. Vleck stated that he voted “No” because the southbound exit drive on Crooks is dangerous and should be eliminated. Furthermore, there was no coordination with the recently adopted Key Concepts of the Big Beaver Corridor Study. Finally, he was frustrated that the applicant did not address the exit drive as a significant safety issue, then stressed that the location of the building closer to the intersection would be a safety issue.

Mr. Strat concurred with Mr. Vleck’s reasons. Additionally, he stated pedestrian circulation on the site would be safer if the building were placed closer to the intersection.

Mr. Tagle concurred with both Messrs. Vleck and Strat.

OTHER ITEMS

12. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 228) – Article 21.00.00 Outdoor Seasonal Displays in the B-2 (Community Business) District

Mr. Miller summarized the report.

Assistant City Attorney Lancaster explained her concerns regarding enforcement of the proposed Zoning Ordinance text amendment. Permitting outdoor displays through zoning creates problems such as grandfathering of non-conforming uses and difficulties in enforcement. She recommended that outdoor displays be permitted by license, similar to a sidewalk sale license. A license would be easier to enforce and easier to revoke than if it were to be permitted under the Zoning Ordinance.

There was general discussion on this item. It was agreed to move forward with this item as a license to be granted by the City Clerk or City Council.

Ms. Lancaster stated she would craft a draft license application and ordinance for presentation to the Planning Commission.

13. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 229) – Article 28.00.00 Rental Car Agencies in the M-1 (Light Industrial) District

Mr. Miller presented this item.

General discussion followed.

The Planning Commission voted 6 to 3 in support of permitting car rental agencies by conditional use in the M-1 Light Industrial District, as per the proposed text amendment.

Mr. Miller announced that there would be a public hearing on this item at the March 13, 2007 Regular meeting.

14. PLANNING COMMISSION PRIORITIES

There was general consensus that the Planning Commission will discuss their priorities at a future meeting.

15. PUBLIC COMMENTS – Items on Current Agenda

Dale R. Zygnowicz, 6370 Elmoor, thanked the Planning Commission for their time.

16. PLANNING COMMISSION COMMENTS

There was general discussion.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:20 p.m.

Respectfully submitted,

_____
Robert Schultz, Chair

_____
R. Brent Savidant, Principal Planner

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TROY ETHNIC ISSUES ADVISORY BOARD
TUESDAY, MARCH 6, 2007
TROY CITY HALL - CONFERENCE ROOM C

I. Call to Order 7:05 p.m.

II. Roll Call:

Present:
Michelle Haight
Anju Brodbine
Hailu Robele
Kelly Jones
Tony Haddad
Gladson Remos
Grigore Buia
Cindy Stewart

Absent:
Reuben Ellis
Mayada Fakhouri
Lulu Guo
Helen Yang

III. Approval of Minutes – January 2, 2007
Motion by Kelly Jones to approve the January 2, 2007 minutes, seconded by Michelle Haight. Approved unanimously.

IV. Correspondence / Articles
Article in the Detroit News re: Preparing for a global market - Schools debate Patterson's idea of teaching Mandarin
Comment - Language obstacles can often be overcome but not cultural barriers. Schools should do a better job on education re: cultures.

Michelle will email EIA Board her cultural connection newsletter each month.

V. New Business

a. Feedback – Trading Places
Facilitators did a good job, very open and responsive. Made an impact. Learning about each other's backgrounds helps us deal with others. Good ground rules. Very impressed with facilitators. It was eye opening getting to know our board members.
Questions re: cost for Trading Places workshops. It was free for the E.I.A. Board because of our commitment to helping facilitate Bridging the Racial Divide.
Based on our goals, we should encourage schools and other community groups to take part in workshops facilitated by MI Roundtable. There is a need for

diversity, sensitivity training for school administrative staff as well as local business employees. Find out what programs related to diversity training are available and get the information to the school district. With the information our Board can send a rep to meet with Dr. Fowler. Another idea is to invite all leaders from our places of worship and get their feedback. But concern is unless you have a good facilitator, this might not work. Another idea is to work together with the Troy Interfaith Group. They have already brought together the different places of worship. Next meeting is Thursday, March 8, 2007 @7 pm at the Bharatyia Temple.

VI. Old Business

a. EthniCity – Troy Daze

We need more ways to get kids involved in the EthniCity Tent – hands on games, musical instruments. Move EthniCity tent closer to Outdoor Stage so entertainment ties into booths. Can signage be larger? We need Greeters in front of tent - Volunteers from high school dressed in costumes to entice people to come into the tent. EIA Board as greeters at booth in costume.

Ideas: write name on hand in another language, Mehendi, fortune tellers, bring passports back again. Hailu knows someone from Nigeria. He will ask if he'd be willing to have a booth at EthniCity. Find out date of Athens International Fair 2007.

b. Recommendations re: Board Vacancies

Board needs to develop procedures/guidelines

Some suggestions - Requirement to attend 3 meetings, requirement to volunteer for one event/activity sponsored by E.I.A. Board.

c. Absences

Send policy to Board (approved 11/7/05) and place on agenda at April meeting.

d. LINC

Leadership in the New Century was offered by MI Roundtable and presented by E.I.A. Board for the Troy High Schools. National City gave $10,000 to coordinate the LINC program. The money was paid to the Community Foundation who paid MI Roundtable. The Schools are concerned that they got burdened with additional costs – transportation, staffing and food – ball was dropped. Michelle will contact Tom Kaszubski from the Community Foundation re: where the additional $5000 went. Wasn't it to be used for follow up training for the students? Michelle will report back at April meeting.

e. Goals – all members received copies.

VII. Staff Report

Translation of brochures – idea to get this accomplished. Gladson has contact he will pass along for a translation company.

VIII. Public Comment – none

IX. Adjournment

Motion to adjourn by Anju Brodbine, seconded by Hailu Robele. Meeting adjourned at 9:05 pm. Next meeting is Tuesday, April 3.

_____

Michelle Haight, EIA Chair

_____

Cindy Stewart, EIA Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:31 p.m. on March 6, 2007 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:
Mary Kerwin (arrived at 7:35 p.m.)
Lawrence Littman
Robert Schultz
Thomas Strat
John J. Tagle
Kathleen Troshynski
Mark J. Vleck
Wayne Wright

Absent:
Michael W. Hutson

Also Present:
R. Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Jonathan Shin, Student Representative
Richard Carlisle, Carlisle/Wortman Associates, Inc.

Chair Schultz indicated that Ms. Kerwin would be arriving a few minutes late to the meeting.

Resolution # PC-2007-03-050
Moved by: Wright
Seconded by: Strat

RESOLVED, That Member Hutson is excused from attendance at this meeting for personal reasons.

Yes: All (7)
No: None
Absent: Hutson, Kerwin (arrived at 7:35 p.m.)

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2007-03-051
Moved by: Littman
Seconded by: Tagle

RESOLVED, To approve the Agenda as published.

Yes: All (7)
No: None
Absent: Hutson, Kerwin (arrived at 7:35 p.m.)

MOTION CARRIED

3. MINUTES – February 13, 2007 Special/Study Meeting

Resolution # PC-2007-03-052
Moved by: Littman
Seconded by: Tagle

RESOLVED, To approve the February 13, 2007 Special/Study meeting minutes as presented.

Yes: All (8)
No: None
Absent: Hutson

MOTION CARRIED

4. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

POSTPONED ITEM

5. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (P.U.D. #7) – Proposed Village at Big Beaver, Southwest corner of Big Beaver and John R, Section 26, Zoned M-1 (Light Industrial) District

Mr. Savidant briefly summarized the project and introduced the applicant.

Jim Butler, PEA Associates, Project Engineer, summarized the PUD negotiation process to date and summarized the project. Mr. Butler provided building material samples for the proposed CVS and commercial buildings C and D.

Laura Hester, Sunrise Senior Living, summarized the southern senior living facility portion of the project. She explained the levels of care proposed for the project. She indicated there are no similar facilities presently constructed in Michigan although there is one that will soon be under construction in Grosse Pointe.

Mr. Littman commented on the location with respect to residents' ability to walk to the drug store, restaurants, shops, etc.

General discussion followed.

Mr. Strat stated the proposed elevations for Sunrise senior living facility remind him of Disney World and are not appropriate. He said elevations for other projects, including Grosse Pointe, are better.

Ms. Troshynski expressed concern with whether there is enough parking.

Ms. Hester stated the retail component of the PUD offered shared parking opportunities. She said the parking ratio for this project is higher than other projects they have developed.

Ms. Hester provided brick and siding samples for Sunrise. The proposed construction is 50% brick and 50% siding. Ms. Hester said elevations are still being developed.

Mr. Littman asked Mr. Butler if pervious pavement was considered.

Mr. Butler replied in the negative.

Mr. Strat expressed concern with the visibility of the retail parking area from Big Beaver. Additionally, he expressed concern with the different architectural styles between Sunrise and the retail component. Mr. Strat said it looks like two separate developments. He stressed it was a significantly better development than when he first saw plans for it.

Richard Carlisle, Carlisle/Wortman Associates, Inc., presented a review of the project. He stated the project has advanced and improved from when it was first presented. He suggested details could be worked out prior to Final Approval. Further, signage should simply comply with the respective zoning districts normally applied to each use (B and RM zoning districts).

Mr. Carlisle recommended Preliminary Approval with conditions.

Bob Jacobs, attorney for the applicant, stated if the applicant received a recommendation for Preliminary Approval this evening, they would voluntarily agree to bring the project back for a Planning Commission recommendation prior to Final Approval.

Chair Schultz opened the public hearing.

Gary Smith, owner 2691 John R, abutting the property to the south, asked if the City would require a zoning change to his property as part of PUD approval.

Chair Schultz responded in the negative.

Philip Fitzgerald, 2601 John R, Troy, MI, representing the abutting church, spoke in support of the PUD project.

Chair Schultz closed the public hearing.

Mr. Vleck stated there was not much difference between the retail portion of the PUD and the retail development on the north side of Big Beaver. He wanted to see something more like the Novi Town Center, more like a “downtown”. He does not

see public benefit; what the City would be getting in excess of what it would get under "normal" development.

Ms. Kerwin was pleased to see a fully phased facility for seniors at this location. She is concerned with the 6-story height. She asked if the site plan specifically delineated staff parking.

Ms. Hester responded that staff would be directed to park in the most remote spaces; visitors would enter and exit through the porte-cochere.

Mr. Tagle asked the City's Planning Consultant if his concerns have been addressed.

Mr. Carlisle responded in the affirmative.

Ms. Lancaster stated the additional third step is not provided in the existing PUD approval process. She is not sure what the creation of this step would accomplish.

Mr. Jacobs stated that the additional meeting was suggested as a way of meeting deadlines. They simply wanted to provide a third step to show the Planning Commission that the project incorporated their conditions.

Mr. Strat expressed his preference that the restaurant be moved closer to Big Beaver. He suggested the development was missing innovative storm water management techniques. Mr. Strat said he is not sure what the public benefit is, and suggested a location could be provided on the site for public art.

Mr. Vleck stated he wanted to see more of the Big Beaver Corridor Study concepts built into the project.

A straw vote was taken to determine the Planning Commission's opinion of the proposed 6-story height for the Sunrise building.

The Planning Commission generally did not have a problem with the 6-story height; however, some members supported the 6-story height only if the architectural style was appropriate with respect to the height.

Resolution # PC-2007-03-053
Moved by: Littman
Seconded by: Strat

RESOLVED, To postpone the item to such time that revised plans are submitted to the Planning Department.

Yes: All (8)
No: None
Absent: Hutson

MOTION CARRIED

Chair Schultz stated the public hearing would be re-opened at the next meeting.

Mr. Strat stressed the developer should submit new materials only, and indicated there is no need to provide new binders and reproduce materials.

Chair Schultz requested a recess at 9:45 p.m.

The meeting reconvened at 9:55 p.m.

OTHER ITEMS

6. CITY OF TROY MASTER PLAN

Richard Carlisle of Carlisle/Wortman Associates, Inc., presented the concept for the Housing chapter.

There was general support for the proposed chapter format.

Mr. Carlisle introduced the concept of the Smart Growth Readiness Assessment Tool (SGRAT). This online assessment tool is a self-evaluation process that gives a baseline score of how a community compares with accepted Smart Growth tenets.

General discussion followed.

7. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

8. PLANNING COMMISSION COMMENTS

Mr. Wright addressed the number of geese that live at storm water retention basins. He indicated the City might want to discourage open water features due to the problem with geese.

Mr. Strat commented on CIOD, an industrial use under construction on the east side of Coolidge, south of Maple. Prior to receiving Preliminary Site Plan Approval from the Planning Commission, they were granted variances from the BZA because the existing building was going to remain. Only two walls are presently standing; the building has essentially been demolished.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 11:15 p.m.

Respectfully submitted,

_____
Robert Schultz, Chair

_____
R. Brent Savidant, Principal Planner

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The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals meeting to order at 8:30 A.M. on Wednesday, March 7, 2007 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Pam Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF FEBRUARY 7, 2007.

Motion by Nelson
Supported by Richnak

MOVED, to approve the minutes of the meeting of February 7, 2007 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. BASEMENT EXPERTS, 6688 GRANGER, for relief of the 2003 Michigan Residential Code to finish a basement.

Mr. Stimac explained that the petitioner is requesting relief of Section R 305 of the 2003 Michigan Residential Code to finish a basement. The plans submitted indicate the existing basement has a 7' height to the bottom of the joist and a dropped I-beam and ductwork with 6'-4" clear height. The proposed finish materials would lower the main ceiling height to 6'-10" and the drops under the I-beam and ducts to 6'-3".

Mr. Steve Attar, representing Basement Experts was present. Mr. Attar explained that they would attempt to bring the ceiling as close as they possibly could to the bottom of the joists. Mr. Attar also stated that they would not have any 90-degree angles, but would change the corners to be 45 degrees so there would not be any sharp corners.

Mr. Kessler asked what the proposed use of this basement area was. Mr. Attar said they have two children and plan to make this a play area for the children. There will not be any bedrooms in this basement.

Motion by Kessler
Supported by Richnak

ITEM #2 – con't.

MOVED, to grant Basement Experts, 6688 Granger, relief of the 2003 Michigan Residential Code to finish a basement that will result in the main ceiling height to be 6'-10" where 7' is required; and the drops under the I-beam and ducts to 6'-3".

- All 90-degree angles are to be changed to 45-degree angles.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUEST. TROY GYMNASTICS, 1600 W. MAPLE, for relief of Section 803.2 of the International Fire Code.

Mr. Stimac explained that the petitioner operates a gymnastics facility in an existing building in the City of Troy. The petitioner has constructed a pit within the floor of the building that is to be used for a landing area from some of the gymnastics equipment. The pit is approximately 28' long, 16' wide and 6' deep. The top approximately 4' of this pit is filled with foam plastic cubes used to cushion the fall of the users of the apparatus. The bottom 2' of the pit has a trampoline-like suspension device to further cushion the impact. There are approximately 7000 of these 6" square foam cubes in the pit or approximately 1800 cubic feet of the foam.

Section 803.2 of the International Fire Code requires that exposed foam plastic material used in assembly use buildings have a maximum rate of heat release of 100 kilowatts (kW) when tested in accordance with Underwriters Laboratory test standard #1975-96. Our inquiries with the manufacturer of the foam failed to show that the material complies with or has been tested in accordance with this standard.

The manufacturer has submitted information that they did their own test on the foam and that it passes the California Technical Bulletin 117 test for materials used in upholstered furniture. Part of that test criterion is that the average afterflame (the amount of time that the specimen continues to burn after the burner flame is removed) of 5 test specimens shall not be more than 5 seconds. It further requires that the maximum afterflame time of any test specimen not exceed 10 seconds. Members of the Troy Fire Department did a field test on a sample of the material from the site and the results showed that the material did support flame, dripped flaming material and did not self extinguish for at least 30 seconds after the heat source was removed.

The petitioner is asking that this foam material be permitted to be used in the building.

Toby Buechner and his wife, owners of this property, the manager of this facility and a patron were present. Mr. Buechner said that he had a video from the University of Michigan showing how this pit was used and offered to show it to members of the Board on his laptop. Mr. Buechner stated that the United States Gymnastics Association

ITEM #3 – con't.

promotes the use of this product. He also brought in a letter from a former Olympian endorsing this foam and stated that these foam squares are used worldwide. These foam squares are used so that when children fall on them they are not injured. Mr. Buechner went on to say that the building is sprinklered per the City Code and there is constant supervision. The foam is contained in a cement pit and he does not see how a fire would even start. His children will be using it also, and if he felt there was a safety concern he would not let them use it. Colleges all over the country use it in their foam pits and he does not see why this would be problem. Mr. Buechner asked if the Fire Code was different in other parts of the county.

Chief Nelson stated that he thought that colleges are exempt from most local control.

Mr. Stimac said that the City of Troy in Chapter 93 and references the 2003 International Fire Code. The standard was the same in 2000 but he did not go back any further. The requirements in the 2000 Code are the same. The results of the studies by the manufacturer do not apply to displays, decorative spaces and foam that is directly exposed to the environment.

Mr. Dziurman clarified that this is an issue of Fire Prevention rather than impact safety.

Mr. Stimac said that the City is concerned about all the safety of all residents in buildings. The main concern in this issue is the question of flammability. Provided in each members packet was a material safety data sheet from the manufacturer, page 1 of 2, section 4 that addresses NFPA fire and explosion hazards and states that this has a sprinkler classification of extra hazard. Upholstery with foam establishes different classifications and is considered an ordinary hazard. Sprinkling systems are different for ordinary hazard and extra hazard classifications.

Mr. Dziurman asked if there was anything that would tell the Board what the requirements would be to design the system for the extra hazard.

Mr. Stimac said that he did not know but that the design criteria used for the existing system was ordinary hazard.

Mr. Dziurman asked if extra sprinklers would be required over this area only. Mr. Stimac said that was correct.

Mr. Stimac said the Fire Department conducted their own tests and their results did not produce the same results as the results the manufacturer indicates. Material tests should be conducted by an independent third party agency that has no vested interested in this material.

Mr. Buechner said that he did not see how a fire could possibly start at this area is usually used by 5 to 8 year olds. There is no smoking in the building and the children

ITEM #3 – con't.

are always supervised. The lights above this pit have a plastic shroud around them to protect anyone in the area if one should burst. Mr. Buechner said that if anyone took an open flame around this building, a fire could be started in any area.

Mr. Dziurman said that was not the point. The point was that this foam did not meet the requirements of the Fire Code.

Mr. Buechner said that he had spoken to a number of experts in this field and they state that these foam cubes are the best.

Mr. Dziurman asked if there were other cubes that they could use that would meet the Fire Code.

Mr. Richnak said that the Board was not here to debate whether or how something could catch fire and it is not this Board's job to tell them that something is or isn't going to happen. The Board has to determine what can be done to make that building safe. They cannot in good conscience say that a fire will never start here. There is nothing personal against the gymnastics profession but there are certain guidelines that they have to follow. One of the changes that could be made would to be to change the sprinkler to a high hazard. Mr. Richnak said that he does believe there are other foams that could be used that would meet the requirements of the Fire Code.

Mr. Dziurman asked if Mr. Buechner owned the building and he stated that he did.

Mr. Stimac clarified that even if the sprinkler system was upgraded, the Code states that the foam has to meet the test standards. If this Board approves the exception to the Building Code to allow this foam, Mr. Buechner would still be required to add the extra sprinkler system to protect the foam.

Mr. Buechner asked if he would have to beef up the sprinkler system. Mr. Dziurman said that would be one part of it, but a variance would still be required to allow him to use the foam.

Mr. Buechner said that the pit is essential in the gymnastics field.

Mrs. Buechner asked if the Fire Code was different in Troy. Mr. Dziurman stated that this Board is not aware of what is required by other states.

Mr. Buechner said that he does not believe other states would take a chance of something happening to the people that use these facilities and also said that perhaps the Code is too strict in the City of Troy. Mr. Buechner also said that the company he works for is thinking about leaving Troy because of issues with foam and the regulations the City is putting on them.

ITEM #3- con't.

Mr. Stimac addressed Mr. Buechner's remark and stated that the issue is the fact that the company Mr. Buechner works for is in fact storing foam in 12' to 16' high racks in an office building. On its' own, this foam is probably safe, but when stored in this quantity could certainly be deemed a hazard.

Mr. Nelson said that this is a use group issue. This company has taken an office building and is using it as a storage facility.

Chief Nelson went on to say that the International Fire Code is in effect in the entire United States. What has probably happened is that other people do not use due diligence. The City of Troy has a lot of research facilities and the Fire Department is in tune with the processes that are used. Chief Nelson apologized that Mr. Buechner got caught in Troy but this Fire Department does due diligence. There is other material available that they can use that would meet the standards.

Mr. Buechner said this is the most expensive and is the best foam in the business.

Chief Nelson also said that an independent lab, a third party that has no vested interest should test the foam. The manufacturer of the foam has a vested interest.

Mr. Buechner said that his insurance agent tests the foam and it seems like the specifications here are more difficult.

Chief Nelson said that he had spoken to the manufacturer and this issue has come up before at least three times in the last year.

Mr. Buechner said that he does not believe the Olympics would take the chance and use this foam if it was not safe.

Mrs. Buechner said that the foam is used for the protection of the children when they land in this pit.

Mr. Buechner said that if he took a flame to a chair or window blind it would burn the same way.

Chief Nelson said it would not burn in the same manner this foam would burn. This foam would meet the standards if it was covered. The foam in a chair is covered and almost everything they deal with is tested. There is other foam available that would meet the Fire standards.

Ms. Moore, whose daughter uses this facility, was present. Ms. Moore asked if anyone could let them know where they could get this other foam. The manufacturer they are dealing with wants people to buy their product and would be reluctant to endorse another product.

ITEM #3 – con't.

Erin Pettid, Manager of this facility was present and stated that they cannot use a foam square that is harder due to the density involved in the makeup of the square. Furthermore, it would not make sense to cover the squares as a cover would create a hard surface that the children would land on and could create the possibility of broken bones. This foam was specifically chosen because of the safety factor for children to fall into. This foam is used in pits all over the country and the only time she has heard of a problem with fire is when it is used for BMX motorbikes. As far as she knows there is only one other foam that they could use and it is much heavier, and would create a chance for the children to be hurt when landing in it due to the heavier density. This Board is faced with a unique situation and she would like to know how to get it safe for usability.

Ms. Moore said that this pit is contained by concrete walls and does not believe this facility would have a problem with fire because it is a supervised environment. She has never seen anyone smoking in the building. There is always a risk with gymnastics but she does not believe fire is one of those risks.

Mr. Buechner said that he has not heard of any instance of a fire happening in any gym in the country.

Mr. Kessler said that Codes go in to find ways to abate hazards. He was hoping that this Board was going to look at the product and look at the hazards associated with it and would find a way to safeguard the blocks from a fire. Mr. Kessler asked about the sump pump at the bottom of the pit and what safeguards were in place. The Board needs to know that the floor is non-combustible and if the sprinkler system would be able to handle a fire in this pit. Mr. Kessler also asked if Mr. Buechner had an Electrician look over the area to determine if there were any hazards.

Mr. Buechner said that the sump pump has a hard plastic cover and the Electrician stated that it would not be a problem.

Mr. Kessler asked what the ratio was regarding supervision. Mr. Buechner said that it is usually eight children to one coach.

Mr. Kessler asked if the kids sink when they land in the pit. Ms. Pettid said that they do not sink, but often a couple of the cubes will come up and go over them.

A discussion began between Mr. Buechner and Ms. Pettid regarding the time it would take for a child to get out of the pit and Ms. Pettid said that she thought it would be about five seconds.

Mr. Kessler said that they are concerned about the smoke and amount of flame involved. Mr. Kessler asked if smaller children sink deeper in this pit.

ITEM #3 – con't.

Ms. Pettid said that they move the cubes around weekly in the pit because it does compact. Every Friday they change the foam squares. They also provide instructions on how to get out of the pit. The only thing she is concerned about is how to get someone out of the pit if they are injured as they would have to be extremely careful.

Mr. Kessler confirmed that the pit is 16' wide and asked if the majority of the children landed in the center of the pit. Ms. Pettid said that was correct. Mr. Kessler said then they would have about 8' to get out of this pit. Mr. Kessler asked what the height of the ceiling was and Mr. Buechner said that in that area it's 30' high. The overhead lights have a hard protective cover on them.

Mr. Richnak asked what type of testing Mr. Buechner's Insurance Agent had done on this type of material. Mr. Buechner said that he would have to double check with him to see what type of testing he has done. Mr. Buechner's Insurance Agent said that California has the strictest testing in the country.

Mr. Stimac asked if Mr. Buechner had any results from a third part testing facility and Mr. Buechner said that he did not.

Lieutenant Rod Bovensiep of the Fire Department was present and stated that he had spoken to a foam expert who informed him that there is a similar foam that has a better flammability rating. Lieutenant Bovensiep said that he gave this information to Mr. Buechner but he was not interested in pursuing this. The California 117 test states that this foam is to be used with a thermal barrier.

Mr. Buechner said that the other foam was too dense and could cause injury.

Mr. Dziurman commented that this foam is good for people but does not meet the fire safety standards.

Mr. Kessler stated that even if there is extra training and extra sprinklers around the pit, people can vandalize and destroy property. All the codes out there do not prevent fires. Hazard is higher when people are not aware of the hazards. Mr. Kessler asked what Mr. Buechner thought about the idea of adding extra sprinklers.

Mr. Buechner said that he would have to look into it and would need to know what the City wants him to do. He can guarantee that these activities are 100% supervised.

Mr. Kessler then asked if extra sprinklers would be required. Mr. Nelson said that the sprinklers would end up in a 15' perimeter around the pit; however, he doesn't know what would be required, as they do not know how much heat would be released.

Mr. Richnak why they there aren't any test results regarding this issue.

ITEM #3 – con't.

Mr. Stimac said that the Fire Department had spoken to the manufacturer and they have not run these types of tests.

Chief Nelson said that because there are no test results they do not know how many extra sprinklers they would need or if they would work.

Mr. Kessler said that they don't have other buildings with the same ceiling height and Chief Nelson said that the higher the ceiling, more heat is required to trigger the sprinklers.

Mrs. Buechner said that there is a huge door right next to the pit so the Fire Department would have easy access if there was ever a fire.

Mr. Buechner said that he had purchased the building two (2) years ago and has added the fire system. The kids would be able to get out very quickly and the building is very safe.

Mrs. Buechner went on to say that even if there was a fire in the pit it would not jump out of the pit and would be easily extinguished. Mr. Buechner said that even if there was a bonfire in the pit it would not go anywhere.

Mr. Kessler asked if there was a special fire extinguisher that was used strictly for foam products.

Lieutenant Bovensiep said that all fire extinguishers are designed to put out fires of foam plastics.

Mr. Buechner asked if a solution would be to put in more extinguishers and provide training in the use of these extinguishers.

Mr. Kessler said that they do not want the children using the fire extinguishers.

Lieutenant Bovensiep said that a fire doubles in size every twenty (20) seconds and Chief Nelson said that their concern would be to get the people out of the building.

Mr. Kessler said that the manufacturer mixes the fire retardant properties in the foam. The burn characteristics are all different and not consistent throughout the product.

Lieutenant Bovensiep said that he had spoken to the manufacturer about the inconsistency in the test results and was told that they didn't know why that happened but thought it might be due to contamination of the product.

Mr. Kessler explained that two (2) out of eight (8) foam cubes stopped burning immediately. Six (6) cubes kept burning.

ITEM #3 – con't.

Mr. Stimac explained that the Fire Department test results did not match the results of the California 117 test reported by the manufacturer although this was a totally different test conducted here.

Mr. Dziurman said that obviously this pit is similar to pits used around the country and there are no other foams that meet this City's requirements.

Mr. Buechner showed pictures of different pits used around the country and by Olympians.

Chief Nelson asked what the life of the foam was.

Ms. Pettid said that it is approximately two (2) years. This is one of the reasons they would rotate the foam cubes on a weekly basis.

Mr. Buechner said that the pit is set up for all types of kids and if he is not allowed to use it he will lose customers.

Mr. Kessler said that they don't want to have an incident where this Board approves the use of this foam and someone gets hurt.

Mr. Buechner said that he would be willing to sign a waiver not holding the City responsible if someone were to get hurt. The City knows more about the codes but he has been to gyms all around the country and believes if this foam was a problem he would have heard about it by now.

A discussion continued for some time regarding how to provide safety around this pit. Chief Nelson said that they are trying to work with Mr. Buechner and come up with some type of compromise.

Mr. Buechner said that the building was made of concrete and steel and he did not see how it would burn.

Motion by Nelson
Seconded by Richnak

MOVED, to approve the request of Troy Gymnastics for relief of Section 803.2.1 of the International Fire Code with the following conditions:

- The relief is granted for a period not to exceed two years.
- A 24" deep draft curtain, constructed of non-combustible material, will be installed at the ceiling line to enclose the area of the foam pit.
- The sprinkler system will be modified to meet the requirements of the extra hazard sprinkler category of the foam material.

ITEM #3 – con't.

- Smoke detectors be installed in accordance with NFPA 72 and connected to the fire alarm system in the area of the foam pit.
- A training program is developed and a log of training activities be maintained for employees of the facility that will instruct the employees about the hazards of the foam and the special precautions that should be taken in the event of a fire.
- That a training program for employees on the use of fire extinguishers is implemented and a log of training activities be maintained.

Further discussion followed regarding these stipulations. Chief Nelson explained that at 1200 degrees, steel would bend and the integrity of the building would be in jeopardy. Smoke detectors within the draft curtain would enable the sprinklers to catch any type of fire in the early stages.

Chief Nelson also said that they are writing an article regarding the flammability properties of this foam so that there will be national exposure.

Mr. Buechner said that each manufacturer will promote their own product and as they go from gym to gym no one has ever heard of anyone having a problem with fire and these foam squares.

Mr. Stimac asked if they rent this building out and Mr. Buechner said that they have had overnight parties in the building but have always had them supervised by his staff.

Chief Nelson also stated that he would have to contact a sprinkler contractor and ask them to come and determine what type of sprinklers would be necessary and if there was enough water pressure to be able to sustain extra sprinklers under the classification of extra hazard. Chief Nelson also said that in his opinion the present sprinkler system would not be able to put out a fire in this foam pit.

Lieutenant Bovensiep said that they would have to provide a 15' perimeter around an area that is considered an extra hazard. He went on to say that the thing they have to consider is the amount of time between when the fire starts and the water gets on it.

Chief Nelson thought it may be a better idea to postpone the decision on this request until Mr. Buechner could find out if he would be able to meet the conditions presented.

Mr. Kessler said that it would be ideal to be able to reach a decision today so that this part of the facility could be opened. He felt that perhaps the extra sprinklers would provide the extra protection needed.

Lieutenant Bovensiep stated that when you have a sprinkler system that is designed with more sprinkler heads; the heads will go off but the water pressure will go down and the only thing happening is that you are over loading the sprinkler system.

ITEM #3 – con't.

Subsequently another motion was made:

Motion by Nelson
Seconded by Richnak

MOVED, to postpone action on the motion to approve the request of Troy Gymnastics for relief of Section 803.2.1 of the International Fire Code for thirty (30)-days or sooner if the petitioner can show that the proposed conditions can be met.

Yeas: All – 5

MOTION TO POSTPONE ACTION ON THIS REQUEST CARRIED

The Building Code Board of Appeals meeting adjourned at 10:22 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary

LIQUOR ADVISORY COMMITTEE MINUTES – DRAFT MARCH 12, 2007

A regular meeting of the Liquor Advisory Committee was held on Monday, March 12, 2007 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Henry W. Allemon
W. Stan Godlewski
David S. Ogg
Timothy P. Payne
Kelsey Brunette, Student Representative
Clark Yuan, Student Representative
Chris Forsyth, Assistant City Attorney
Sergeant Christopher Stout
Sergeant Robert Cantlon
Pat Gladysz

ABSENT: Patrick C. Hall
Bohdan L. Ukrainec

Resolution to Excuse Committee Members Hall & Ukrainec

Resolution #LC2007-03-007
Moved by Allemon
Seconded by Payne

RESOLVED, that the absence of Committee members Hall and Ukrainec at the Liquor Advisory Committee meeting of March 12, 2007 BE EXCUSED.

Yes: 5
No: 0
Absent: Hall, Ukrainec

Resolution to Approve Minutes of February 12, 2007 Meeting

Resolution #LC2007-03-008
Moved by Allemon
Seconded by Payne

RESOLVED, that the Minutes of the February 12, 2007 meeting of the Liquor Advisory Committee be approved.

Yes: 5
No: 0
Absent: Hall, Ukrainec

Agenda Items

1. **ESM Inc.,** requests to transfer location of 2006 SDM from 219 N. Eton Birmingham, MI 48009, Oakland County to 164 E. Maple Troy, MI 48083 Oakland County. [MLCC REQ# 387930] *Maple Market*

Present to answer questions from the Committee was Kimberly Madajczyk, owner of the business for ten years. Over the past few years, her business has declined in the Birmingham location due to the changing economy. She anticipates an increase in her business with this improved location. Her market will sell beer, wine, lottery, grocery items, and fresh deli items. Her staff will remain the same.

Resolution #LC2007-03-009
Moved by Allemon
Seconded by Ogg

RESOLVED, that ESM Inc., be allowed to transfer location of 2006 SDM from 219 N. Eton Birmingham, MI 48009, Oakland County to 164 E. Maple Troy, MI 48083 Oakland County.

Yes: 5
No: 0
Absent: Hall, Ukrainec

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2. **Logan's Roadhouse, Inc.** (A Tennessee Corporation) requests to transfer all stock in 2006 Class C licensed business, located at 86 W. Fourteen Mile, Oakland Mall, Troy, MI 48083, Oakland County, through transfer of 1000 shares from existing stockholder, CBRL Group, Inc., to new stockholder, LRI Holdings, Inc. (A Delaware Corporation). [MLCC REQ# 386245] *Logan's Roadhouse*

Present to answer questions from the Committee was attorney Patrick Howe. This is a stock transfer with no change in operations. Basically, the public ownership of the restaurant changes to private ownership by various private equity firms.

Resolution #LC2007-03-010
Moved by Allemon
Seconded by Ogg

RESOLVED, that Logan's Roadhouse, Inc. be allowed transfer all stock in 2006 Class C licensed business, located at 86 W. Fourteen Mile, Oakland Mall, Troy, MI 48083, Oakland County, through transfer of 1000 shares from existing stockholder, CBRL Group, Inc., to new stockholder, LRI Holdings, Inc. (A Delaware Corporation).

Yes: 5
No: 0
Absent: Hall, Ukrainec

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3. **Wellington Corp.,** requests to transfer ownership of 2006 Class C licensed business from Ichibang Corporation, Inc., located at 1129 E. Long Lake, Troy, MI 48098, Oakland County. [MLCC REQ# 389442}

Present to answer questions from the Committee were Leonara Ivezaj and Alexander Camaj. Ms. Ivezaj has 11 years experience working for her parents at Wellington Pub in Sterling Heights as a manager/waitress/bartender. This new establishment will be a first business venture for Ms. Ivezaj. Her cousin, Mr. Camaj, will act as manager of the restaurant. Ms. Ivezaj indicated that she is making only minor interior renovations and the restaurant will be open for both lunch and dinner. All employees will be TIPS trained prior to opening.

The inspection results have not been received from the Building Department.

Resolution #LC2007-03-011
Moved by Payne
Seconded by Ogg

RESOLVED, that Wellington Corp. be allowed to transfer ownership of 2006 Class C licensed business from Ichibang Corporation, Inc., located at 1129 E. Long Lake, Troy, MI 48098, Oakland County.

Yes: 5
No: 0
Absent: Hall, Ukrainec

Mr. Forsyth stated that there were no updates from the Legal Department.

Sergeant Stout stated that this would be his last meeting. Sergeant Cantlon will represent the Police Department at all future Liquor Advisory Committee meetings.

The meeting adjourned at 7:35 p.m.

_____
Max K. Ehlert, Chairman

_____
Patricia A. Gladysz, Secretary II

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on March 13, 2007, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Mary Kerwin
Lawrence Littman
Robert Schultz
Thomas Strat
John J. Tagle
Kathleen Troshynski
Mark J. Vleck
Wayne Wright

Absent:
Michael W. Hutson

Also Present:
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

Resolution # PC-2007-03-054
Moved by: Littman
Seconded by: Tagle

RESOLVED, That Member Hutson is excused from attendance at this meeting for personal reasons.

Yes: All present (8)
No: None
Absent: Hutson

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2007-03-055
Moved by: Kerwin
Seconded by: Vleck

RESOLVED, To approve the agenda as presented.

Yes: All present (8)
No: None
Absent: Hutson

MOTION CARRIED

3. MINUTES

Mr. Wright noted a typographical error on page 7, item 14; the word "Discussion" should read "Commission".

Resolution # PC-2007-03-056
Moved by: Wright
Seconded by: Kerwin

RESOLVED, To approve the February 27, 2007 Special/Study meeting minutes as corrected.

Yes: All present (8)
No: None
Absent: Hutson

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

POSTPONED ITEM

5. PUBLIC HEARING – CONDITIONAL REZONING REQUEST (CR-001) – Proposed Troy Medical Office (formerly Z 719), West side of Livernois, North of Big Beaver, Section 21 – From R-1B (One Family Residential) to O-1 (Low Rise Office)

Mr. Miller summarized the revisions and additions to the proposed conditional rezoning request, and reported it is the recommendation of City Management to approve the Conditional Rezoning Agreement and preliminary site plan.

Mr. Wright requested clarification on the width of the cross access easement driveway.

The petitioner, Brandon Kaufman of Vision Quest Consulting, 4657 Wendrick Drive, West Bloomfield, was present.

There was discussion on the proposed landscaping, specifically the caliber of the spruce trees, and the possibility of locating the sidewalk along the southern property line down the center between the one-way and two-way parking.

Mr. Kaufman indicated his intent to continue to work with and communicate with the residents.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2007-03-057
Moved by: Wright
Seconded by: Troshynski

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1B to O-1 conditional rezoning request, as per Section 03.24.00 of the City of Troy Zoning Ordinance, located on the west side of Livernois, north of Big Beaver, within Section 21, being approximately 1.26 acres in size, be granted, for the following reasons:

1. The application is consistent with the intent of the Future Land Use Plan.
2. The application is compatible with the existing zoning districts and land uses.
3. The applicant has worked with the neighbors to the north to reduce the impacts of the proposed office on the abutting residential property.

Yes: All present (8)
No: None
Absent: Hutson

MOTION CARRIED

REZONING REQUESTS

6. PUBLIC HEARING – REZONING REQUEST (Z 726) – Warehouse portion of Existing Michigan Chandelier Building, South side of Maple Road, East of Livernois (190 E. Maple), Section 34 – From B-2 (Community Business) to M-1 (Light Industrial)

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning, and reported it is the recommendation of City Management to approve the rezoning application.

Mr. Tagle questioned the ownership of the building, noting the aerial photograph portrays the building extending beyond the west property line.

A brief discussion followed. It was determined the aerial photography is distorted and that the building sits on the west property line.

Mr. Littman asked if both uses could operate under the M-1 zoning.

Mr. Miller replied in the negative because the two uses are not associated.

The petitioner, Terence Bilovus of Mandell Bilovus Lenderman + Associates, 4082 John R, Troy, was present.

Mr. Strat brought to the members' attention that he has known the petitioner for several years but that he has no financial interest in the project.

The members agreed no impropriety exists, and welcomed Mr. Strat's participation in the matter.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2007-03-058
Moved by: Wright
Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that the B-2 to M-1 rezoning request, for the warehouse portion of the existing Michigan Chandelier building, located on the south side of Maple, east of Livernois, within Section 34, being approximately 1.57 acres in size, be granted, for the following reasons:

1. The application is consistent with the intent of the Future Land Use Plan.
2. The application is compatible with the existing zoning districts and land uses.

Yes: All present (8)
No: None
Absent: Hutson

MOTION CARRIED

7. PUBLIC HEARING – REZONING REQUEST (Z 727) – Proposed Office Use, West side of Rochester Road, South of DeEtta (6493 Rochester Road), Section 3 – From R-1B (One Family Residential) to O-1 (Low Rise Office)

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning request, and reported it is the recommendation of City Management to approve the rezoning application.

Chair Schultz asked if there was any investigation into what size building could be placed on this site.

Mr. Miller replied no.

The petitioner, Lawrence Hromek of 23711 Sandpiper, Clinton Township, was present to represent the owner, Robin Siegel. Mr. Hromek said the building size could not be much larger than the existing building. He indicated the proposed vacation of the 20-foot easement for the alley would create an additional 20 feet for parking.

Ms. Troshynski questioned if any consideration was given to accessing the property from the north.

Mr. Hromek said they have no desire to access the property from the north and the existing drive on Rochester Road would be used.

Chair Schultz asked if the petitioner has an interest in consolidating with the property to the north.

Mr. Hromek stated the property to the north, which is currently vacant, is a rental property that has been rented by different tenants.

PUBLIC HEARING OPENED

Eileen Carty of 990 DeEtta, Troy, was present. Ms. Carty spoke in opposition to the proposed rezoning request. She said Troy is taking on a Lincoln Park persona with strip malls and small storefronts. Ms. Carty addressed recent commercial developments on Rochester Road, specifically Rochester Office Parc Building and Binson's Home Health Care Center, and how they have negatively impacted her residential home. She also addressed the proposed alley vacation, which she discovered is no benefit to her because her home does not fall within the appropriate subdivision boundaries. Ms. Carty asked to go on record stating that her property and quality of life have deteriorated vastly since she moved into her home.

PUBLIC HEARING CLOSED

Mr. Vleck expressed concern with the small corner lot to the north that would remain as residential should the rezoning request go forward. He would like consideration to be given to consolidation of the properties.

Mr. Strat noted that he voted against the previous rezoning request at this location based on the concerns of Ms. Carty. He asked for clarification on the alley vacation.

Ms. Lancaster clarified the "drawn" alley proposed to be vacated is platted as an alley on a subdivision plat, and only the subdivision owners within that plat have an interest in the alley. She indicated the developer must start a re-plat action, which is a complicated matter.

Mr. Miller stated a Public Hearing on the proposed vacation is scheduled on the next City Council agenda. He indicated the request is to vacate the entire alley between DeEtta and Marengo.

The members encouraged Ms. Carty to advise the City in writing of her concerns and any associated costs for damage incurred from the recently constructed developments; i.e., mailbox replacement, lawn ruts, unshielded vehicular lights, dead landscaping, unkempt dumpster, etc.

Resolution # PC-2007-03-059
Moved by: Vleck
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends denial to the City Council that the R-1B to O-1 rezoning request, located on the west side of Rochester, south of DeEtta, within Section 3, being approximately 15,600 square feet in size, be denied, for the following reason:

1. By rezoning this property, a financially un-redevelopable residential property to the north would remain.

Yes: Strat, Troshynski, Vleck, Wright
No: Kerwin, Littman, Schultz, Tagle
Absent: Hutson

MOTION FAILED

Ms. Kerwin expressed her reasoning to grant the rezoning request. She said it appears that Rochester Road is not going to be a place for residences, as is the case for this remnant parcel. Ms. Kerwin said she does not see it as an issue for redevelopment in the future, and the overlay accommodates for parcels such as this.

Resolution # PC-2007-03-060
Moved by: Kerwin
Seconded by: Littman

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1B to O-1 rezoning request, located on the west side of Rochester, south of DeEtta, within Section 3, being approximately 15,600 square feet in size, be granted, for the following reason:

1. The application is compatible to adjacent zoning districts and land uses.

Discussion on the motion on the floor.

Mr. Littman asked how site plan compliance would be insured, assuming a site plan would not come before the Planning Commission.

Mr. Miller said site plan approval would be required for the site. He noted the parcel would become a legal non-conformity should the parcel be rezoned and setback requirements do not meet the ordinance.

Vote on the motion on the floor.

Yes: Kerwin, Littman, Schultz, Tagle
No: Strat, Troshynski, Vleck, Wright
Absent: Hutson

MOTION FAILED

Mr. Wright said he would be more inclined to approve the rezoning request if there was an attempt to consolidate the two parcels, and noted the problem is the remaining residential parcel that would never be redeveloped as R-1.

Resolution # PC-2007-03-061
Moved by: Wright
Seconded by: Troshynski

RESOLVED, To postpone this item until there is some attempt to consolidate with the property to the north.

Discussion on the motion on the floor.

Ms. Troshynski said the rezoning request goes against the intent of the Planning Commission to decrease the driveways along Rochester Road, from Square Lake to South Boulevard.

Mr. Miller said the Planning Commission has postponed items and requested petitioners to look into consolidation of properties in the past.

Vote on the motion on the floor.

Yes: All present (8)
No: None
Absent: Hutson

MOTION CARRIED

ZONING ORDINANCE TEXT AMENDMENTS

8. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 228) – Articles 20.00.00, 21.00.00 and 22.00.00 Seasonal Outdoor Displays in the B Districts

Mr. Miller presented a summary of the proposed zoning ordinance text amendment relating to seasonal outdoor displays in business zoning districts.

Ms. Troshynski addressed a previous discussion relating to the combination of limiting the Zoning Ordinance and licensing with respect to types of businesses.

Ms. Lancaster encouraged the members to forward the item to City Council so the licensing procedure could be initiated. She indicated members could keep an open mind in terms of seeing if there is something that could be developed as relates to the Zoning Ordinance.

Mr. Vleck suggested zoning ordinance text that would give authority to City Council to grant licensing for a time period of one to three years.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2007-03-062
Moved by: Kerwin
Seconded by: Vleck

WHEREAS, The Planning Commission considered a text amendment to the Zoning Ordinance that would permit seasonal outdoor display in the B-1, B-2 and B-3 Districts; and

WHEREAS, Regulating seasonal outdoor display through the Zoning Ordinance creates enforcement issues; and

WHEREAS, The Planning Commission has determined that seasonal outdoor display is more appropriately permitted via a licensing procedure through the City Clerk's Office.

RESOLVED, The Planning Commission hereby tables ZOTA 228.

BE IT FURTHER RESOLVED, The Planning Commission recommends that City Council consider creating a licensing procedure that would permit seasonal outdoor display in the B-1, B-2 and B-3 Districts for periods of one to three years in duration.

Yes: All present (8)
No: None
Absent: Hutson

MOTION CARRIED

9. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 229) – Article 28.00.00 Automobile Rental Establishments in the M-1 (Light Industrial) District

Mr. Miller presented a summary of the proposed zoning ordinance text amendment relating to automobile rental establishments, and reported City Management recommends approval of the ZOTA.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2007-03-063
Moved by: Wright
Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles XXVIII M-1 LIGHT INDUSTRIAL DISTRICT, pertaining to permitting Automobile Rental Establishments subject to Special Conditions in the M-1 District, be amended as printed on the proposed Zoning Ordinance Text Amendment, Planning Commission Draft dated February 9, 2007.

Yes: All present (8)
No: None
Absent: Hutson

MOTION CARRIED

SPECIAL USE REQUESTS

10. PUBLIC HEARING – SPECIAL USE REQUEST (SU 349) – Existing Global Towing & Auto Repair, West side of Heide, North of Maple Road (2133 Heide), Section 28 – Zoned M-1 (Light Industrial) District

Mr. Savidant presented a summary of the Planning Department report on the proposed special use and preliminary site plan, and reported City Management recommends approval of the special use request and site plan with the following conditions:

1. The Planning Commission shall determine whether it is appropriate to waive the required dumpster screening. To do so, they shall determine that the trash receptacles are located so as to be obscured from view from any abutting public streets, and no other significant negative effects will result from the waiver of such screening (Section 39.70.09).
2. Parking of vehicles shall be limited to the off-street parking spaces delineated on the site plan.
3. All vehicles parked on the site shall be licensed.
4. Provide one (1) additional tree within the required greenbelt.

Mr. Savidant noted the Planning Department received correspondence from Hoekstra Transportation of 2133 Heide Street in support of the rezoning request, a copy of which was distributed to the members prior to the beginning of tonight's meeting.

There was discussion on the following:
- Parking calculations and requirements.
- Maneuverability of trailer as relates to delineated parking spaces and dumpster.
- Dumpster location, access and screening.
- Condition #3, relating to licensing of parked vehicles.
- Enforcement of no parking regulation in fire lanes.

The petitioner was not present.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2007-03-064
Moved by: Littman
Seconded by: Troshynski

RESOLVED, To postpone the item until the Regular meeting of April to allow the petitioner to be present to discuss the matter with the Planning Commission and to continue the Public Hearing.

Discussion on the motion on the floor.

There was general discussion with respect to the petitioner's absence and the site plan issues brought to the floor tonight.

Mr. Strat indicated he would not support a motion to postpone based on the petitioner's absence.

Yes: Kerwin, Littman, Schultz, Tagle, Troshynski, Vleck, Wright
No: Strat
Absent: Hutson

MOTION CARRIED

11. PUBLIC HEARING – SPECIAL USE REQUEST (SU 350) – Proposed Dequindre Road Taco Bell Restaurant, West side of Dequindre, North of Long Lake Road, Section 12 – Zoned B-2 (Community Business) District

Mr. Savidant presented a summary of the Planning Department report on the proposed special use request and preliminary site plan, and reported City Management recommends approval of the special use request and site plan with the following conditions.

1. To enhance the natural character of the E-P property, plant additional shrubs on the berm. The shrubs shall be planted in massings (or groups) to create a more natural appearance on the berm and to strengthen the visual screening of the development from the north.
2. All plant species to be approved by the Landscape Analyst.

Mr. Savidant noted the Planning Department received correspondence from Pamela Prewitt in opposition to the proposed site plan, a copy of which was distributed to the members prior to the beginning of tonight's meeting. Mr. Savidant also noted that the original site plan proposed a shared drive to the north and to the south. He reported the petitioner has been very cooperative in that respect and eliminated one of those drives.

James Barnwell of Desine, Inc., 2183 Pless Drive, Brighton, was present to represent the petitioner. Mr. Barnwell indicated cooperation in providing additional plantings on the berm as suggested by the City, and working with the City to bring the project to fruition. He said a Taco Bell restaurant located to the south of the proposed location is currently in operation, and they have been looking for a new site within the neighborhood for the past four years. Mr. Barnwell confirmed the dumpster has provisions for a grease container.

Mr. Vleck questioned the rationale for additional plantings on the berm since a screen wall is required.

Mr. Savidant said the additional plantings on the berm would enhance the buffer to residential and the E-P zone.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Miller addressed the landscape plan as relates to the storm water detention. He said the petitioner is gaining developable land by placing the detention in the E-P zone, and that places a limitation on the landscaping.

The following items were discussed with the petitioner.

- Consult landscape architect.
- Protection of existing deciduous tree during construction of screen wall.
- Variations to screen wall design; dimensional, character.
- Creativity in berm design.
- Landscape both sides of the driveway
- Alternate underground storm water detention as relates to limitation of landscaping.
- Quality and quantity of plantings.
- Contact resident to the north.
- Zoning Ordinance interpretation of screen wall.

Mr. Barnwell indicated he could have a revised site plan before the Planning Commission within the next two weeks.

Resolution # PC-2007-03-065
Moved by: Vleck
Seconded by: Kerwin

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 21.30.02 of the Zoning Ordinance, as requested for the proposed restaurant with drive-through, located on the west side of Dequindre,

north of Long Lake Road, in Section 12, within the B-2 zoning district, is hereby postponed until such a time that the petitioner has had a chance to work with City staff, talk to the property owner to the north and submit a revised site plan.

Yes: All present (8)
No: None
Absent: Hutson

MOTION CARRIED

OTHER

12. CITY OF MADISON HEIGHTS FUTURE LAND USE PLAN AMENDMENTS

Mr. Savidant reported the proposed amendments to the City of Madison Heights Future Land Use Plan would have no impact on the City of Troy.

Resolution # PC-2007-03-066
Moved by: Wright
Seconded by: Strat

WHEREAS, The City of Madison Heights is preparing two amendments to their Future Land Use Plan and has submitted the proposed amendments to the Troy Planning Commission for review; and

WHEREAS, The proposed amendments involve changing the land use classification of two small parcels, and will have no impact on the City of Troy.

RESOLVED, The Planning Commission supports the proposed amendments to the City of Madison Heights Future Land Use Plan.

Yes: All present (8)
No: None
Absent: Hutson

MOTION CARRIED

13. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

14. PLANNING COMMISSION COMMENTS

Ms. Troshynski said the Planning Commission meeting is a public presentation and people ought to know the Commissioners care when they come.

Mr. Strat agreed. He indicated some communities have a no tolerance policy for petitioners who are a no-show.

The Regular Meeting of the Planning Commission was adjourned at 9:31 p.m.

Respectfully submitted,

_____
Robert Schultz, Chair

_____
Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2007 PC Minutes\Draft\03-13-07 Regular Meeting_Draft.doc

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, March 14, 2007, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:10 p.m.

TRUSTEES PRESENT:
Nancy Bowren
Mark Calice
Michael Geise
Thomas Houghton, Chair
Martin F. Howrylak
John M. Lamerato
William R. Need (Ex-Officio)
Phillip L. Nelson

MINUTES

Resolution # ER – 2007 – 03- 08
Moved by Nelson
Seconded by Calice

RESOLVED, That the minutes of the February 14, 2007 meeting be approved.

Yeas: All 7

RETIREMENT REQUESTS

Resolution # ER – 2007 – 03 - 09
Moved by Bowren
Seconded by Howrylak

RESOLVED, That the Board approve the following retirement requests:

Marcia Rutledge, DB, 5/12/07, 28 years, 10 months;
Henry Herpel, DC, 4/07/07, 32 years, 9 months

Yeas: All 7

OTHER BUSINESS – PRIOR GOVERNMENT SERVICE

The request of Elaine Bo be received and filed.

OTHER BUSINESS – ANNUAL REVIEW OF INVESTMENT POLICY

Resolution # ER – 2007 – 03 - 10
Moved by Houghton
Seconded by Lamerato

RESOLVED, That the Investment Policy Guidelines – Asset Allocation Section be amended to the following:

City of Troy – Employees Retirement System
Recommended Asset Allocation

ASSET CLASS	MIN. WEIGHT	TARGET WEIGHT	MAX. WEIGHT
Domestic Equities	40%	50%	55%
International Equities	0%	10%	15%
Domestic Bonds	30%	35%	50%
Cash Equivalents	0%	5%	10%
Misc. Incl. Real Estate	0%	0%	5%

Yeas: All 7

INVESTMENTS

Resolution # ER – 2007 – 03 - 11
Moved by Houghton
Seconded by Howrylak

RESOLVED, That the Board sell the following investments:

Sandisk and Caremark.

Yeas: All 7

PUBLIC COMMENT

There was no public comment.

The next meeting is April 11, 2007 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 12:48 p.m.

A meeting of the Retiree Health Care Benefits Plan & Trust Board of Trustees was held on Wednesday, March 14, 2007, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI.
The meeting was called to order at 12:50 p.m.

TRUSTEES PRESENT:
Nancy Bowren
Mark Calice
Michael Geise
Thomas Houghton, Chair
Martin F. Howrylak
John M. Lamerato
William R. Need (Ex-Officio)
Phillip L. Nelson

MINUTES

Resolution # RH – 2007 – 3 - 001
Moved by Lamerato
Seconded by Geise

RESOLVED, That the minutes of the December 13, 2006 meeting be approved.

Yeas: All 7

OTHER BUSINESS - ELECTION OF CHAIR AND VICE - CHAIR

Resolution # RH – 2007 – 03 - 002
Moved by Lamerato
Seconded by Geise

RESOLVED, That Tom Houghton serve as Chair and Mark Calice serve as Vice – Chair.

Yeas: All 7

The next meeting is June 13, 2007 at 1:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 12:55 p.m.

J-02a

Form 87-007
1-P-1

CITY OF TROY
TRAVEL EXPENSE REPORT

Name: **Robin Beltramini** Position: **Council Member**

Other Employees Included in Request:

Trip Destination: Washington DC Date From: March 9, 2007 To: March 14, 2007

Purpose of Trip: NLC Congressional Cities Conference

Items Dates:	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	TOTAL
Miles (Personal Car)				43		43		$
Enter Current Mileage Rate: $ **0.48** /mile				$ 20.64		$ 20.64		41.28
City Car Expense (Details on Bottom)								
Air/Bus/Train				118.80				118.80
Registration				555.00				555.00
Room (Attach all Receipts)		211.83	211.83	211.83	211.83	211.83		1059.15
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:								
Lunch:						3.38	1.29	4.67
Dinner:								
Other * Detail, Explain Below		5.40	6.35			1.85		13.60
Additional Other ** Detail, Explain Below			6.00	36.00				42.00
TOTAL EXPENSE		217.23	224.18	942.27	211.83	237.70	1.29	$1834.50

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ( )	
Total	

Cash Advanced	1732.95
Balance Due Employee	$ 101.55
(or) Balance Due City	

Robin E. Beltramini — Requested By — Date 03/23/07

Department Head — Date 3/29/07

Approved - Human Resources Director — Date

James A. Nash — Approved - Financial Services Director — Date 3-28-07

Notes and Explanations:

* Metro fares: airport, Sen. Levin, dinner, Capitol, Sen. Stabenow, Gov. Granholm

** taxi – $6.00
parking – 36.00

Charge to: Council Education + Training

Dept. Account # 102.7960

J-02b

Form 87-007
1-P-1

CITY OF TROY
TRAVEL EXPENSE REPORT

Name: **Robin Beltramini** Position: **Council Member**

Other Employees Included in Request:

Trip Destination: Lansing MI Date From: March 20, 2007 To: March 21, 2007

Purpose of Trip: MML Legislative Conference + Bd of Trustees meeting

Items Dates:	Sun	Mon	Tues	Wed	Thurs	Fri	Sat	TOTAL
Miles (Personal Car)			101	103				
Enter Current Mileage Rate: $ 0.48 /mile			$48.48	$49.44				$97.92
City Car Expense (Details on Bottom)								
Air/Bus/Train								
Registration			$170.00					170.00
Room (Attach all Receipts)			$65.74					65.74
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:								
Lunch:								
Dinner:								
Other Detail, Explain Below								
Additional Other Detail, Explain Below								
TOTAL EXPENSE			284.22	49.44				333.66

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ( )	
Total	

Cash Advanced	170.00
Balance Due Employee	$163.66
(or) Balance Due City	

Robin E. Beltramini — Requested By — Date 03/23/07

Department Head — Date 3/24/07

Approved - Human Resources Director — Date

James A. Nash — Approved - Financial Services Director — Date 3-28-07

Charge to: 102.7960

Notes and Explanations:

Dept. Account #

J-03a

MHB
Michigan Home Builders
13400 Canal Road, Sterling Heights, Michigan 48313
586.726.6700 Fax: 586.726.6708 www.mihomebuilders.com

C Bryan m
Mark m

March 6, 2007

RECEIVED
MAR 21 2007
CITY OF TROY
CITY MANAGER'S OFFICE

Honorable Louise E, Schilling
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

RE: Caswell Town Center

Dear Mayor Schilling

As the days get longer and we make the preparations for the construction of the Caswell Town Center project I think that it is important to let you know what has taken place over the past 4 years to get this tremendous project to the point it is at today. All of which would not have been possible without the help of the staff and officials of the City of Troy.

In May of 2003 we presented informally the first of fifteen plans to Planning staff and Carlyle Wortman. Over the next 12 months we went back and forth with revisions. During this time we grew impatient, but pleased with the progress and input from the City of Troy staff. After this we spent many late evenings with the Planning Commission and staff in study sessions perfecting the plan. Ultimately the plan was approved.

Although we were frustrated at times, the Planning Commission, staff and Mr. Carlyle pushed in directions that we did not think were possible. They forced us to think in different ways that have resulted in this excellent project. Without their continued enthusiasm and goal towards a first class project we might have not been blessed with such an excellent outcome.

I think you should be proud of Mr. Savidant and Mr. Miller for their efforts in this regard. The City of Troy has been well served by them and the entire Planning Department, as well as Carlyle and Wortman and Associates. The Planning Commission, led by Mr. Strat has also had a great impact on this project.

Often times as a developer you try to put the most square footage, and density on the property to produce the most income. In this instance I feel that we have created a unique project that meets the intent of the PUD and will meet the economic expectations for us. This to me is a winning situation for both the Michigan Home Builders Company and the City of Troy. This project is a true example of what a developer can accomplish when

MHB
Michigan Home Builders
13400 Canal Road, Sterling Heights, Michigan 48313
586.726.6700 Fax: 586.726.6708 www.mihomebuilders.com

gifted with a talented planning department, an open mind, and a mission of meeting each others goals.

You are gifted with a talented Planning Department, and the progress of Troy will be well served by their future efforts. Michigan Home Builders has enjoyed success with all of the projects it has developed in the City and looks forward to making this project another Troy success story. We have began work on the site, and with some cooperation from the weather, expect to make great progress, with goal of having the businesses open by late summer, early fall. If at anytime you or any of the City Council wishes to stop by or get the reports on the current progress do not hesitate to call.

Very truly yours,

Brad Byarski

J-03b

RECEIVED
CITY OF TROY

2007 MAR 23 AM 7:20

Boy Scouts of America

Troop 326

White Lake, Michigan

Tonni Bartholomew
500 West Big Beaver Road
Troy, MI 48084

March 16, 2007

Ms Bartholomew,

I am writing to inform you of the excellent service provided by **Barb Pallotta** and **M. Aileen Bittner** in our recent Passport Fair held on March 11, 2007 at St Patrick Church in White Lake.

My Boy Scout troop conducted this fair as a community service to our area due to the recent changes in the law requiring passports.

Barb & Aileen answered our call for help, and through their tireless and dedicated service, helped make our event extremely successful. I have received numerous comments and praises from the folks who attended on the professional and extreme friendly service of these women.

In a little over three hours, we were able to process 105 NEW passport applications, two renewal applications, and take 106 photos. I believe this was a truly remarkable task.

I have enclosed Certificates of Appreciation, that I wish you could present to Barb & Aileen on behalf of the scouts and adult leaders of Troop 326, with my heartfelt thanks for their time.

Yours in Scouting,

Rick Squires, Scoutmaster
Troop 326
White Lake, MI

Appreciation
Award

This award is presented to

M. Aileen Bittner

for generously donating her time and expertise for the Passport Fair held by Boy Scout Troop 326, White Lake, MI on March 11, 2007

Rick Squires, Scoutmaster

Appreciation
Award

This award is presented to

Barb Pallotta

for generously donating her time and expertise for the Passport Fair held by Boy Scout Troop 326, White Lake, MI on March 11, 2007

Rick Squires

Rick Squires, Scoutmaster

J-03c

City Clerk's Office

500 W. Big Beaver Rd.
Troy, MI 48084
(248) 524-3317

DATE: March 23, 2007

TO: Philip L. Nelson, City Manager
John L. Lamerato, Assistant City Manager – Finance and Administration
Gert Paraskevin, Information Technology Director

FROM: Tonni L. Bartholomew, City Clerk

SUBJECT: Recognition of Rob Bittner and Mary Redden for Their Assistance during the Oakland County Passport Drive

I would like to take this opportunity to recognize Rob Bittner and Mary Redden for their assistance during the City of Troy's Passport Drive on Saturday, March 10, 2007. The City Clerk's office processed a record high of 145 passports and 88 photos between the hours of 9:00 AM and 12:00 PM. Due to this event being advertised statewide, a large turnout was anticipated.

Because of the expected high volume of residents and the current staffing situation in the Clerk's office, Rob Bittner and Mary Redden agreed to assist the Clerk's office for this special event. Without hesitation, Rob and Mary enthusiastically volunteered and assisted our office and as photographers for the event. Without question, the Clerks office could not have processed this many passports efficiently without their assistance. Rob and Mary's willingness to sacrifice a Saturday greatly contributed to the success of the City of Troy's participation in this statewide event. I believe they are true example of the teamwork within the City of Troy, which should not go unnoticed.

Rn J-04a

COUNTY EXECUTIVE DECLARATION

L. Brooks Patterson
Hereby issues this special proclamation in observance of

The Month of April, 2007

as

Fair Housing Month
"Fair Housing, It's not an Option - It's the Law"

Whereas *April has been declared as Fair Housing Month in recognition of the 39th anniversary of the signing of the Federal Fair Housing Act; and*

Whereas *tthis landmark law along with other federal and state legislation strictly prohibits housing discrimination on the basis of sex, color, race, age, religion, national origin, disability, family or marital status; and*

Whereas *Fair Housing Month is designed to heighten people's awareness of their rights under the law when pursuing the purchase or rental of housing; and*

Whereas *all citizens are entitled to freedom of choice in the selection of housing and are guaranteed certain protections under the law if they are victims of discrimination.*

Now Therefore *I, L. Brooks Patterson, by virtue of the authority vested in me as Oakland County Executive, do hereby authorize the issuance of this special proclamation which declares April 2007 as Fair Housing Month.*

In Witness Whereof, *I have hereunto set me hand and caused the seal of Oakland County, Michigan to be affixed this 20th day of March, 2007.*

COUNTY OF OAKLAND · SEAL · MICHIGAN

L. Brooks Patterson
Oakland County Executive

J-05

April 2007

April 2007

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May 2007

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					April 1
2 8:00am Election Commission (Council Boardroom) 7:30pm City Council Meeting (Council Chambers)	3 7:00pm Ethnic Issues Advisory Board 7:30pm Planning Commission Special/Study Meetin 7:30pm Historic District Study Committee (Museum	4 8:30am Building Code Board of Appeals (Conference Room L 7:00pm Persons with Disabilities Meeting (Conference Room C)	5 1:00pm Advisory Committee for Senior Citizens (Community Center Room 301)	6 City Hall Closed	7 8
9 7:00pm Liquor Advisory Committee Meeting (Conference Room Lower Level)	10 7:30pm Planning Commission Regular Meeting (Council Chambers)	11 12:00pm Employee's Retirement System Board (Conference Room C)	12 7:30pm Library Advisory Board (Library Director's Office)	13	14 15
16 7:30pm City Council Meeting (Council Chambers)	17 3:00pm BRA Meeting (Council Boardroom) 7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	18 7:30am DDA Meeting (Conference Room Lower Level) 7:30pm Traffic Committee (Conference Room Lower Level)	19 7:00pm Parks & Recreation Advisory Board (Community Center - 7:00pm Cable Advisory Committee (Conference Room C)	20	21 22
23	24 7:00pm Troy Daze Advisory Committee (Community Center - 7:30pm Planning Commission Special/Study Meeting (Council Boa	25 7:00pm Youth Council (Lower Level Conference Room)	26	27	28 29
30 3:00pm LDFA Committee (Council Boardroom) 7:30pm City Council-Budget (Council Boardroom)					

4/16 - PH - Kostal of America, Inc. - IDD and IFEC
4/30 - PH - Village at Big Beaver Planned Unit Dev.(PUD 7)

May 2007

May 2007

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June 2007

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	7:30pm Planning Commission Regular Meeting (Council Chambers)	12:00pm Employee's Retirement System Board (Conference Room C)	7:30pm Library Advisory Board (Library Director's Office)		13
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7:00pm Liquor Advisory Committee Meeting (Conference Room Lower Level) 7:30pm City Council Meeting (Council Chambers)	7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level) 7:30pm Traffic Committee (Conference Room Lower Level)	7:00pm Parks & Recreation Advisory Board (Community Center - 3179 Livernois)		20
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7:30pm City Council Meeting (Council Chambers)	7:00pm Troy Daze Advisory Committee (Community Center - 3179 Livernois) 7:30pm Planning Commission Special/Study Meeting (Council Boa	7:00pm Youth Council (Lower Level Conference Room)			27
28	29	30	31		
City Hall Closed					

4/16 - PH - Kostal of America, Inc. - IDD and IFEC
4/30 - PH - Village at Big Beaver Planned Unit Dev.(PUD 7)

June 2007

June 2007

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July 2007

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
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7:30pm City Council Meeting (Council Chambers)	7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Planning Commission Special/Study Meetin 7:30pm Historic District Study Committee (Museum	8:30am Building Code Board of Appeals (Conference Room LL) 7:00pm Persons with Disabilities Meeting (Conference Room C)	1:00pm Advisory Committee for Senior Citizens (Community Center Room 301)		10
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7:00pm Liquor Advisory Committee Meeting (Conference Room Lower Level)	7:30pm Planning Commission Regular Meeting (Council Chambers)	12:00pm Employee's Retirement System Board (Conference Room C) 1:00pm Retiree Health Care Benefits Board (Conference Room C)	7:30pm Library Advisory Board (Library Director's Office)		17
18	19	20	21	22	23
7:30pm City Council Meeting (Council Chambers)	7:30pm BZA (Chambers) 7:30pm Historic District Commission (Conference Room C)	7:30am DDA Meeting (Conference Room Lower Level) 7:30pm Traffic Committee (Conference Room Lower Level)	7:00pm Parks & Recreation Advisory Board (Community Center - 3179 Livernois)		24
25	26	27	28	29	30
	7:00pm Troy Daze Advisory Committee (Community Center - 7:00pm Historical Commission (Museum Resource R 7:30pm Planning Commission Special/Study Meetin				

4/16 - PH - Kostal of America, Inc. - IDD and IFEC
4/30 - PH - Village at Big Beaver Planned Unit Dev.(PUD 7)

STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

NOTICE OF HEARING
REGARDING THE APPLICATION OF
INTERNATIONAL TRANSMISSION COMPANY, D/B/A ITCTRANSMISSION
NOTICE OF INTENT TO CONSTRUCT A TRANSMISSION LINE

CASE NO. U-14933

- International Transmission Company, d/b/a ITCTransmission will construct a major transmission line running from and through Sterling Heights, Troy, Clawson, and Royal Oak, Michigan, if the Michigan Public Service Commission grants it a certificate of public convenience and necessity.

- You may call or write International Transmission Company, 39500 Orchard Hill Place, Suite 200, Novi, Michigan 48375, (248) 374-7100, for a free copy of the application. Any person may review the application at the offices of ITC.

- The information below describes how a person may participate in this case.

- A public hearing in this matter will be held:

DATE:	April 10, 2007, at 9:00 a.m. This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.
LOCATION:	Michigan Public Service Commission 6545 Mercantile Way, Suite 7 Lansing, Michigan
BEFORE:	Administrative Law Judge Mark E. Cummins
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 a week in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider the February 27, 2007 application, of International Transmission Company, d/b/a ITC*Transmission*, (ITC) for a certificate of public convenience and necessity to construct a major transmission line to meet the increased need for transmission infrastructure in Southeastern Michigan. ITC proposes to construct the major transmission line through Sterling Heights, Troy, Clawson, and Royal Oak, Michigan.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets Website at: www.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 mpscefilecases@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at (517) 241-6170 or by e-mail at mpscefilecases@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 April 3, 2007. (Residential customers may file petitions to intervene using the traditional paper format.) The proof of service shall indicate service upon the ITC's attorney, Albert Ernst, at Dykema Gossett PLLC, Capitol View, 201 Townsend Street, Suite 900, Lansing, Michigan 48933.

Any person wishing 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 will become public information: available on the Michigan Public Service Commission's Web site, and subject to disclosure.

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 ITC's request may be reviewed on the Commission's Web site at www.michigan.gov/mpscedockets, or at the office of the Commission's Executive Secretary, 6545 Mercantile Way, Suite 7, Lansing, MI, and at the office of Dykema Gossett PLLC, Capitol View, 201 Townsend Street, Suite 900, Lansing, Michigan. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 241-6170.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; 1995 PA 30, MCL 460.561, et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

March 13, 2007

CITY COUNCIL ACTION REPORT

March 28, 2007

TO: Mayor and City Council

FROM: Phillip L. Nelson, City Manager

SUBJECT: Continuation of March 22, 2007 Discussion on Strategic Planning Initiatives: Goal III, "Retain and Attract Investment While Encouraging Redevelopment"

City Council held a special meeting on Thursday, March 22, 2007 for the purpose of discussing strategic planning initiatives. The meeting ended around 10:00 PM, during the discussion of City Council's goal of retaining and attracting investment and redevelopment.

I have extracted the pages from the PowerPoint presentation that pertain to Goal III, and am requesting that we finish discussion on the topic of development and redevelopment as a study item at Monday night's meeting.

If you have any questions, please feel free to contact me.

Strategic Planning Initiatives

Keys for Implementation of City Council Goals and the Troy Futures Report

Keys to Goal Achievement

Retain and attract investment while encouraging redevelopment

<u>Sustainability:</u> To keep up or keep going, as an action or process.

Keys to Goal Achievement

1. Commitment to infrastructure enhancements and investment through viable capital improvements planning and timely project implementation

2. Commitment to existing business community by implementing sound policies that do not inhibit business, and through recruitment of businesses that can enhance existing business community

Keys to Goal Achievement

3. Commitment to diversifying the local economy that will maintain Troy as the driving economic engine of southeast Michigan

4. Commitment to partnerships that provide education and training opportunities to the Troy business community

5. Commitment to Troy maintaining its place as a regional destination point

Critical Policy Points

- What role can the City of Troy play in retraining or reeducating workers to be ready for the next work emphasis?
- What role does City Council want to play in establishing housing policies for the short- and long-term?
- How can the City be prepared for the changing housing and economic climate?

Critical Policy Points

- The Big Beaver corridor study indicates the possibility of creating 28,000 new jobs and increasing Troy's population by as many as 10,000 people. Does City Council want to move the process ahead as quickly as possible?

Critical Policy Points

- Does City Council want to make a financial commitment to the future by channeling City funds, grant funds and partnership funds (along with other governmental entities) into technology, educational programs and advanced infrastructure development?

Critical Policy Points

- Should Troy find partners interested in revitalizing Brownfield Redevelopment Districts as similar uses of today, or should investments be made in infrastructure that will promote changes in land use to other types of uses, such as service, medical or mixed uses?
- What role can Troy play in maintaining a viable job base?

Critical Policy Points

- What role can Troy play in preventing "brain drain" and maintaining a viable work force with entry jobs that lead to higher paying positions in the future?
- Does City Council want to acknowledge the new generation of senior citizens by creating a "saging center" concept to take advantage of the wisdom and talents of this generation?

Critical Policy Points

- How will the changing style or spirit of the times (Zeitgeist) change the way the City does business?
- How does Troy use the changing styles of the times to be better prepared for the future?

Key Board & Commission Roles

Planning Commission

Design of planning principles to allow more diversity in land use, transportation planning and business opportunities

Primary Staff Focus

- Develop training and retraining programs
- Form business retention and recruitment programs
- Create marketing and branding programs
- Cultivate partnerships with other governmental and private agencies that will help to maintain Troy's economic and community wellbeing

Key Partnerships

- Troy School District
- Oakland County
- State of Michigan
- Road Commission for Oakland County
- Troy Chamber of Commerce
- Troy Represented Colleges and Universities

Key Partnerships

- Troy School District
- Troy Chamber of Commerce
- State of Michigan
- Marketing/Advertising Agencies

Primary Staff Focus

- Establish criteria determining “who pays for what” in terms of new development or redevelopment of mixed land uses
- Formulate new standards for development in certain development districts including but not limited to Big Beaver, Maple and Rochester Roads
- Develop plans that will reduce natural resource demands even with the possibilities of higher land use densities

Primary Staff Focus

- Develop plans that increase the green environment
- Create short-range capital improvements plans to better coordinate available resources with highest priority capital needs
- Develop short- to medium- range financial forecasts based on potential development models and on economic trends in Troy and the upper Midwest

Primary Staff Focus

- Produce a fact sheet that truly and accurately shows the resident and commercial investors of Troy what they get for their tax dollars
- Develop plans to reshape some of the uninhabited Brownfield areas in Troy; such plans might include development of plans to change land uses or utilize some of the vacant buildings as an incubator for new or developing businesses

Key Partnerships

- Financial Community
- Oakland County
- Road Commission for Oakland County
- State of Michigan
- Troy Chamber of Commerce
- Real Estate Community
- Commercial/Industrial Property Owners