

# **AGENDA**

**Meeting of the**

## **CITY COUNCIL OF THE CITY OF TROY**

**MAY 21, 2007**

**CONVENING AT 7:30 P.M.**

**Submitted By  
The City Manager**

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

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TO: The Honorable Mayor and City Council  
Troy, Michigan

FROM: 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.

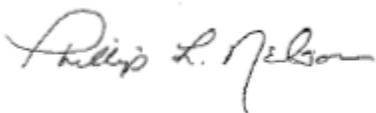
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

### **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**

**May 21, 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: Father Stratton Dorozenski – St. Nicholas Greek Orthodox Church 1**

**ROLL CALL: 1**

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  - c) Service Commendations Presented to Troy SeniorNet Computer Lab Steering Committee – Mike Brady, Pam Brady, Bette Gay, Zora Hargrave, Jim Sauter, Bob Treharne, and Lee Watkins ..... 1
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-

**CALL TO ORDER:**

**INVOCATION & PLEDGE OF ALLEGIANCE:** Father Stratton Dorozenski – St. Nicholas Greek Orthodox Church

**ROLL CALL:**

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

**CERTIFICATES OF RECOGNITION:**

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**A-1 Presentations:**

- a) Presentation by Oakland County Commissioner Tim Burns on Various Topics
- b) Service Commendation – Ann Tyrrell
- c) Service Commendations Presented to Troy SeniorNet Computer Lab Steering Committee – Mike Brady, Pam Brady, Bette Gay, Zora Hargrave, Jim Sauter, Bob Treharne, and Lee Watkins
- d) Falun Dafa Day – May 21, 2007

**CARRYOVER ITEMS:**

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**B-1 No Carryover Items**

**PUBLIC HEARINGS:**

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**C-1 Conditional Rezoning Application (File No. CR-002) – Proposed Grand Troy Villas, West Side of Rochester Road, North of Wattles Road, Section 15 – CR-1 to R-1T**

Suggested Resolution

Resolution #2007-05-

Moved by

Seconded by

WHEREAS, The City is in receipt of a proposed Conditional Rezoning Agreement and related Site Plan documents, as per Section 03.24.00 of the City of Troy Zoning Ordinance;

WHEREAS, The CR-1 to R-1T conditional rezoning request, located on the west side of Rochester, north of Wattles, in Section 15, part of parcel 88-20-15-477-036, being 2.27 acres in size, is described in the following legal description and illustrated on the attached Certificate of Survey drawing:

T2N, R11E, SE 1/4 of Section 15

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Commencing at the southeast corner of said Section 15; thence N 00°16'21" W, 687.40 ft.; thence West, 75.00 ft. to the west right-of-way line of Rochester Rd. (150 ft. wide) being the Point of Beginning; thence West, 250.00 ft.; thence N 00°16'21" W, 365.00 ft.; thence S 89°52'34" E, 282.01 ft.; thence S 00°16'21" E, 244.39 ft.; thence West, 32.00 ft.; thence S 00°16'21" E, 120.00 ft. to the Point of Beginning. Containing 2.27 acres, more or less, and subject to easements and restrictions of record; and

WHEREAS, The conditional rezoning was recommended for approval by the Planning Commission;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the CR-1 to R-1T Conditional Rezoning Agreement and related Site Plan documents; and

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** the Mayor and City Clerk to sign the Conditional Rezoning Agreement on behalf of the City of Troy; and

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

Yes:

No:

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**C-2 Rezoning Application (File Number Z-625 B) – Southwest Corner of Square Lake and Niles, Section 9 – R-2 to O-1**

Suggested Resolution

Resolution #2007-05-

Moved by

Seconded by

**(a) Proposed Resolution – Approval of Z-625 B**

RESOLVED, That the R-2 to O-1 rezoning request, located on the southwest corner of Square Lake and Niles, in Section 9, part of parcels 88-20-09-227-011 and 88-20-09-227-004, being 0.648 acres in size, is described in the following legal description and illustrated on the attached Boundary Survey drawing:

T2N, R11E, NE 1/4 of Section 9

Lots 1, 2, 3, 42 and 43, inclusive, of Pleasant View Subdivision (Liber 31, pg. 39 of Oakland County Plats). Containing ±0.648 ac. more or less, and subject to easements of record;

BE IT FINALLY RESOLVED, That Troy City Council hereby **AMENDS** The City of Troy Zoning District Map.

Or

**(b) Proposed Resolution – Denial of Z-625 B**

RESOLVED, That the R-2 to O-1 rezoning request, located on the southwest corner of Square Lake and Niles, in Section 9, part of parcels 88-20-09-227-011 and 88-20-09-227-004, being 0.648 acres in size, is described in the following legal description and illustrated on the attached Boundary Survey drawing:

T2N, R11E, NE 1/4 of Section 9

Lots 1, 2, 3, 42 and 43, inclusive, of Pleasant View Subdivision (Liber 31, pg. 39 of Oakland County Plats). Containing ±0.648 ac. more or less, and subject to easements of record;

BE IT FINALLY RESOLVED, That Troy City Council hereby **DENIES** the rezoning request from R-2 to O-1.

Or

**(c) Proposed Resolution – Postponement of Z-625 B**

RESOLVED, That the R-2 to O-1 rezoning request, located on the southwest corner of Square Lake and Niles, in Section 9, part of parcels 88-20-09-227-011 and 88-20-09-227-004, being 0.648 acres in size, is described in the following legal description and illustrated on the attached Boundary Survey drawing:

T2N, R11E, NE 1/4 of Section 9

Lots 1, 2, 3, 42 and 43, inclusive, of Pleasant View Subdivision (Liber 31, pg. 39 of Oakland County Plats). Containing ±0.648 ac. more or less, and subject to easements of record;

BE IT FINALLY RESOLVED, That Troy City Council hereby **POSTPONES** the request to provide the petitioner with the opportunity to pursue a conditional rezoning application.

Yes:

No:

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

Suggested Resolution

Resolution #2007-05-

Moved by

Seconded by

**(a) Proposed Resolution – Approval of Proposed Consent Judgment: May 21, 2007 Proposal**

RESOLVED, That Troy City Council hereby **APPROVES** the May 21, 2007 consent judgment between *Hooters of Troy, Inc. and the City of Troy*, 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 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 new Entertainment Permit located at 2950 Rochester, Troy, MI 48083, Oakland County from Sign of the Beefcarver, Inc., and the Mayor and City Clerk are hereby **AUTHORIZED** to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Or

**(b) Proposed Resolution – Approval of Consent Judgment: May 14, 2007 Proposal**

RESOLVED, That Troy City Council hereby **APPROVES** the May 14, 2007 consent judgment between *Hooters of Troy, Inc. and the City of Troy*, 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 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 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".*

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

Resolution #2007-05-

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:

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

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

Resolution #2007-05-

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of May 14, 2007 be **APPROVED** as submitted.

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**E-3 Proposed City of Troy Proclamation(s):**Suggested Resolution

Resolution #2007-05-

RESOLVED, That the following City of Troy Proclamations be **APPROVED**:

- a) Service Commendation – Homes for Our Troops
- b) Service Commendation – Linda Thielholdt
- c) Proclamation in Recognition of Falun Dafa Day – May 21, 2007

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**E-4 Standard Purchasing Resolutions**

- a) **Standard Purchasing Resolution 4: Award – State of Michigan Cooperative Purchasing Agreement MiDEAL – Toro Lawn Maintenance Equipment**

Suggested Resolution

Resolution #2007-05-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase Toro lawn maintenance equipment from Spartan Distributors of Auburn Hills, MI, through the State of Michigan Cooperative Purchasing Agreement, MiDEAL, at an estimated total cost of \$93,281.62.

**b) Standard Purchasing Resolution 4: Award – State of Michigan Cooperative Purchasing Agreement MiDEAL – John Deere**

Suggested Resolution  
Resolution #2007-05-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase one (1) John Deere zero turn commercial riding mower with 72” deck from John Deere Company of Cary, NC, through the State of Michigan Cooperative Purchasing Agreement, MiDEAL, at an estimated total cost of \$12,448.04.

**c) Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Council Member Dave Lambert’s Travel Expenses – National League of Cities (NLC) Community and Economic Development Steering Committee Meeting**

Suggested Resolution  
Resolution #2007-05-

RESOLVED, That Council Member Dave Lambert is **AUTHORIZED** to attend the NLC Community and Economic Development Steering Committee meeting in New Haven, CT from June 14 - 16, 2007 in accordance with accounting procedures of the City of Troy.

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**E-5 Morrell v Troy, et al**

Suggested Resolution  
Resolution #2007-05-

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy and Officer Meghan Broderick in any and all claims for damages in the matter of *Kenneth Morrell v. R.H.A.R., Inc., d/b/a/ Maple & John R. Amoco, Armada Oil Company, Mike Ankowi, City of Troy, and Officer Broderick*; and

BE IT FURTHER RESOLVED, That the City Attorney is **AUTHORIZED** to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.

**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”.***

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**F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Scheduled b) City Council Appointments: Advisory Committee for Persons with Disabilities; Historic District Commission; Municipal Building Authority; and Youth Council**

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 #2007-05-

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

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**(Alternate)** Term Expires 11/01/09

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**Historic District Commission**

Appointed by Council (7) – 3 Year Term

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Term Expires 03/01/10

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**Municipal Building Authority**

Appointed by Council (5) – 3 Year Terms

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Unexpired Term 01/31/09

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**Youth Council**

Appointed by Council (13) – 1 Year Term

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Term Expires (Student) 06/01/08

Yes:

No:

**F-2 Standard Resolutions 1, 2 and 3 for Paving of the East ½ of Eckford – Section 15, SAD #06.202.1**

**(a) Standard Resolution #1**

Suggested Resolution

Resolution #2007-05-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** Standard Resolution #1 to direct the preparation of plans and cost estimates for the Special Assessment to pay all or part of the cost of Asphalt Paving of the easterly ½ of Eckford in Section 15, Project No. 06.202.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy.

Yes:

No:

**(b) Standard Resolution #2**

Suggested Resolution

Resolution #2007-05-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** Standard Resolution #2 to approve plans and cost estimates for a Special Assessment to pay all or part of the cost of Asphalt Paving of the easterly ½ of Eckford, in Section 15, Project No. 06.202.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy

Total Estimated Cost	\$428,100.00
Assessment	75,800.00
City's Share	352,300.00

BE IT FURTHER RESOLVED, That the City Assessor is hereby **ORDERED** and **DIRECTED** to prepare a Special Assessment Roll in accordance with Chapter 5 of the Code of the City of Troy.

Yes:

No:

**(c) Standard Resolution #3**

Suggested Resolution

Resolution #2007-05-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** Standard Resolution #3 to set a Public Hearing date on the Special Assessment roll for Asphalt Paving of the easterly ½ of Eckford, in Section 15, Project No. 06.202.1, all pursuant to Chapter 5 of the Code of the City of Troy, with said Public Hearing to be established for June 18, 2007.

Yes:

No:

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**F-3 Approval of Project Plan for Expansion and Improvements at the Bharatiya Temple, 6850 N. Adams, and Waiver of Jurisdiction of the Troy Economic Development Corporation for the Issuance of Bonds**

**(a) Proposed Resolution – Approval of Project Plan for Expansion and Improvements at the Bharatiya Temple, 6850 N. Adams**

Suggested Resolution

Resolution #2007-05-

Moved by

Seconded by

WHEREAS, There exists in the County of Oakland the need for programs to alleviate and prevent conditions of unemployment, to assist and retain local industrial and commercial enterprises, and to encourage the location and expansion of such enterprises in order to strengthen and revitalize the County's economy and to provide needed services and facilities to the County, the City of Troy, and their residents;

WHEREAS, The Economic Development Corporations Act, Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act"), provides a means for the encouragement and assistance of industrial and commercial enterprises in locating, purchasing, constructing, reconstructing, modernizing, improving, maintaining, repairing, furnishing, equipping and expanding in the City and the County;

WHEREAS, The Economic Development Corporation of the County of Oakland (the "EDC") has commenced proceedings for the assistance, pursuant to the provisions of the Act and through the issuance of its limited obligation economic development revenue bonds, of The Bharatiya Temple Project (the "Project") which is located in this City;

WHEREAS, The EDC has determined that the Project is reasonable and necessary to effectuate the purposes of the Act, that the Project Plan prepared in connection with the Project satisfies all of the requirements of Section 8 of the Act regarding project plans, that the persons who will be active in the management of the Project for at least one (1) year after the projected date of the County Board of Commissioners' approval of the Project Plan will have sufficient ability and experience to manage the Plan properly, that the proposed method of financing the Project is feasible, and the EDC has approved the Project Plan in the form attached hereto as Exhibit A;

WHEREAS, Before this Project can proceed under the Act, this City Council must approve the Project Plan; and

WHEREAS, This City Council has reviewed the subject Project Plan and concurs in the determinations of the EDC with respect thereto;

THEREFORE, BE IT RESOLVED, That in accordance with the Act, this City Council hereby **APPROVES** the Project Plan attached as Exhibit A; and

BE IT FURTHER RESOLVED, That the Troy City Clerk is hereby **INSTRUCTED** to communicate this approval of the Project Plan to the Board of Directors of the EDC by delivering to said Board of Directors a certified copy of this resolution.

Yes:

No:

**(b) Proposed Resolution – Waiver of Jurisdiction of the Troy Economic Development Corporation for the Issuance of Bonds**

Suggested Resolution

Resolution #2007-05-

Moved by

Seconded by

WHEREAS, The Bharatiya Temple, a Michigan nonprofit corporation (the "Company"), desires to expand and improve its facilities in the City of Troy (the "Project");

WHEREAS, The Company is interested in pursuing the issuance of tax-exempt revenue bonds ("Bonds") through The Economic Development Corporation of the County of Oakland ("Oakland County EDC") as a means of financing its proposed Project;

WHEREAS, The Oakland County EDC is currently active in assisting qualifying non-governmental organizations through the entire process of issuing Bonds; and

WHEREAS, Act 338 of the Michigan Public Acts of 1974, as amended ("EDC Act"), requires a waiver of jurisdiction by the governing body of any municipality in which a project to be financed under the EDC Act is located if that municipality has an economic development corporation and the financing is to be undertaken by a different economic development corporation;

THEREFORE, BE IT RESOLVED, That pursuant to the EDC Act, the Troy City Council hereby **APPROVES** the aforementioned waiver of jurisdiction with respect to the Company's Project to allow the Oakland County EDC jurisdiction to issue Bonds therefore.

Yes:

No:

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**F-4 Bid Waiver – Sanitary Sewer Televising Inspection Equipment Upgrade**

Suggested Resolution

Resolution #2007-05-

Moved by

Seconded by

WHEREAS, The Public Works Department of the City of Troy routinely performs maintenance activities on sanitary sewer pipes;

WHEREAS, The current camera equipment is nine years old and has become obsolete with limited repair services available; and

WHEREAS, An informal bid process was performed with Pearpoint, Inc. of Thousand Palms, CA and Jack Doheny of Novi, MI, the only two known authorized suppliers for the Michigan area;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and a contract to purchase the Sanitary Sewer Televising Inspection Equipment upgrade from the manufacturer, Pearpoint, Inc. of Thousand Palms, CA, is hereby **APPROVED** for an estimated total cost of \$45,866.00, at unit prices as detailed in Appendix I; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

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#### **F-5 Scheduling a Joint Meeting with the Chamber of Commerce**

##### Suggested Resolution

Resolution #2007-05-

Moved by

Seconded by

RESOLVED, That a joint meeting between the Troy City Council and the Troy Chamber of Commerce for the purpose of discussing various topics is **SCHEDULED** for:

Monday, July 30, 2007 at 7:30 PM at the Troy Police/Fire Training Center located at 4850 John R, Troy, Michigan:

Or

Tuesday, July 31, 2007 at 7:30 PM at the Troy Police/Fire Training Center located at 4850 John R, Troy, Michigan:

Or

Tuesday, July 31, 2007 at 7:30 PM in Room 304 at the Troy Community Center, 3179 Livernois, Troy, Michigan:

Or

Wednesday, August 1, 2007 at 7:30 PM at the Troy Police/Fire Training Center located at 4850 John R, Troy, Michigan:

Or

Wednesday, August 1, 2007 at 7:30 PM in Room 305 at the Troy Community Center, 3179 Livernois, Troy, Michigan.

Yes:

No:

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**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**G-1 Announcement of Public Hearings:**

- a)** Rezoning Application (File Number Z-722) – Northwest Corner of Maple and Thorncroft, East of Mapelawn, Section 29 – R-C to B-3 – June 4, 2007

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**G-2 Green Memorandums: None Submitted**

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

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**H-1 No Council Referrals Advanced**

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**COUNCIL COMMENTS:**

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**I-1 No Council Comments Advanced**

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**REPORTS:**

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

- a)** Parks and Recreation Advisory Board/Final – January 18, 2007  
**b)** Parks and Recreation Advisory Board/Final – February 15, 2007  
**c)** Advisory Committee for Persons with Disabilities/Draft – April 4, 2007  
**d)** Advisory Committee for Persons with Disabilities/Final – April 4, 2007  
**e)** Advisory Committee for Senior Citizens/Final – April 5, 2007  
**f)** Employees' Retirement System Board of Trustees/Final – April 11, 2007  
**g)** Library Advisory Board/Final – April 12, 2007  
**h)** Board of Zoning Appeals/Final- April 17, 2007  
**i)** Advisory Committee for Senior Citizens/Draft – May 3, 2007  
**j)** Ethnic Issues Advisory Board/Draft – May 8, 2007

**J-2 Department Reports:**

- a) City of Troy Monthly Financial Report – April 30, 2007
- 

**J-3 Letters of Appreciation:**

- a) Letter of Thanks to Jeff Biegler, Ed Carpus and the Troy Parks and Recreation Department from March of Dimes WalkAmerica
- b) Letter of Thanks to the Troy Police Department from Bambi Mansfield Regarding the Evanswood Threat
- c) Letter to Chief Craft from the FBI National Academy Associates Michigan Chapter Commending the Performance of Lynn McDaniel
- d) Letter to Chief Craft from the FBI National Academy Associates Michigan Chapter Commending the Performance of Sergeant Bjork and Officers Fitzpatrick and Kaptur
- 

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

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**J-5 Calendar**

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**J-6 Law Day 2007**

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**J-7 Communication from the State of Michigan Public Service Commission – Notice of Hearing for the Customers of the Detroit Edison Company – Case No. U-15244**

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**STUDY ITEMS:**

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**K-1 No Study Items Submitted**

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**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:**

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**L-1 Closed Session:**

Suggested Resolution  
Resolution #2007-05-

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Moved by  
Seconded by

BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (a), Performance Evaluation of City Attorney, Lori Grigg Bluhm.

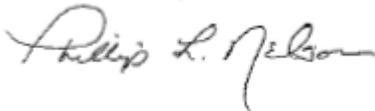
Yes:  
No:

**RECESSED**

**RECONVENED**

**ADJOURNMENT**

Respectfully submitted,



Phillip L. Nelson, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

Monday, June 4, 2007

1. Troy Downtown Development Authority's (TDDA's) Development Plan and the Big Beaver Corridor Study
2. Kostal of America, Inc. - 350 Stephenson - Request for Industrial Development District (IDD)
3. Kostal of America, Inc. - 350 Stephenson - Industrial Facilities Exemption Certificate (IFEC)
4. Rezoning Application (File Number Z-722) – Northwest Corner of Maple and Thorncroft, East of Maplawn, Section 29 – R-C to B-3 – June 4, 2007

**SCHEDULED CITY COUNCIL MEETINGS:**

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

***Service Commendation***  
**ANN TYRRELL**

**WHEREAS, Ann** started her career with the City of Troy when she was hired on May 20, 1991 as a Clerk Typist in the Water Division in the Public Works Department, and on July 7, 2001 Ann was promoted to Office Coordinator in the Water Division.

**WHEREAS, Ann** will retire from the City of Troy on May 31, 2007 after 16 years of dedicated service; and

**WHEREAS, Ann's** retirement is a loss for the Public Works Department. Not only is she friendly and helpful to her co-workers, she is very courteous and enjoys helping the general public that she encounters during her job. Ann has received letters of commendation from her supervisor as well as many notes of appreciation from citizens; and

**WHEREAS, A** mentor to many, **Ann** has earned the respect from all of the Public Works employees. She is to be commended for her excellent work ethics and fair treatment of employees and citizens; and

**WHEREAS, Ann** is highly respected by those she supervises and is a most patient teacher training the clerical staff coming into the Public Works Department. She has an amazing memory, is very thorough and pays attention to small details. She is conscientiousness, even-tempered and hardworking, but still has a great sense of humor and likes to have fun; and

**WHEREAS, In** her retirement, **Ann** looks forward to spending more time with her husband, Don; son Todd and daughter-in-law Kerry; stepson Mark; and daughter Danielle and son-in-law Sean, and grandson Johnathan. She plans to travel to Virginia, where her daughter and family have moved to enjoy more time with her grandson; and

**WHEREAS, Ann** will continue to enjoy her favorite pastimes including reading, and watching her son's band play at different music venues and riding motorcycles with husband Don;

**NOW, THEREFORE, BE IT KNOWN,** That the City Council of the City of Troy takes this opportunity to express its appreciation to **Ann Tyrrell** for her many contributions to the betterment of the City; and

**BE IT FURTHER KNOWN** That the City Council of the City of Troy, on behalf of themselves, City management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Ann** during her retirement years.

Presented the 21<sup>st</sup> day of May 2007.

**Service Commendation**

**WHEREAS**, the Mayor and City Council of the City of Troy wish to express on behalf of the City, their appreciation to

**MIKE BRADY**

In recognition of outstanding service to the community, and

**WHEREAS**, As a member of the SeniorNet Computer Lab Steering Committee, Mike has put in countless hours maintaining the state-of-the-art computer lab, updating lesson plans, training and scheduling instructors and coaches, and also teaching classes.

**WHEREAS**, Mike has at all times furthered those ideals that contribute to a better community.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council, being the duly elected voice of the citizens of Troy, express the City’s appreciation and recognition for this distinguished citizen’s service since the SeniorNet Computer Lab opened in the summer of 2003 as a member of the

**TROY SENIORNET COMPUTER LAB STEERING COMMITTEE**

**BE IT FURTHER RESOLVED**, that a copy of this resolution be presented as a lasting expression of the City’s gratitude and appreciation for his contribution to the betterment of the City of Troy, Michigan.

Presented this 21<sup>st</sup> Day of May 2007.

\_\_\_\_\_  
*Louise E. Schilling, Mayor*

\_\_\_\_\_  
*Cristina Broomfield, Mayor Pro Tem*

\_\_\_\_\_  
*Robin E. Beltramini, Councilwoman*

\_\_\_\_\_  
*Wade Fleming, Councilman*

\_\_\_\_\_  
*Martin F. Howrylak, Councilman*

\_\_\_\_\_  
*David A. Lambert, Councilman*

\_\_\_\_\_  
*Jeanne M. Stine, Councilwoman*

## Service Commendation

**WHEREAS**, the Mayor and City Council of the City of Troy wish to express on behalf of the City, their appreciation to

### **PAM BRADY**

In recognition of outstanding service to the community, and

**WHEREAS**, As a member of the SeniorNet Computer Lab Steering Committee, Pam has put in countless hours maintaining the state-of-the-art computer lab, updating lesson plans, training and scheduling instructors and coaches, and also teaching classes.

**WHEREAS**, Pam has at all times furthered those ideals that contribute to a better community.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council, being the duly elected voice of the citizens of Troy, express the City's appreciation and recognition for this distinguished citizen's service since the SeniorNet Computer Lab opened in the summer of 2003 as a member of the

### **TROY SENIORNET COMPUTER LAB STEERING COMMITTEE**

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Presented this 21<sup>st</sup> Day of May 2007.

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*Louise E. Schilling, Mayor*

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*Cristina Broomfield, Mayor Pro Tem*

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*Robin E. Beltramini, Councilwoman*

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*Wade Fleming, Councilman*

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*Martin F. Howrylak, Councilman*

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*David A. Lambert, Councilman*

---

*Jeanne M. Stine, Councilwoman*

## Service Commendation

**WHEREAS**, the Mayor and City Council of the City of Troy wish to express on behalf of the City, their appreciation to

### **BETTE GAY**

In recognition of outstanding service to the community, and

**WHEREAS**, As a member of the SeniorNet Computer Lab Steering Committee, Bette has put in countless hours maintaining the state-of-the-art computer lab, updating lesson plans, training and scheduling instructors and coaches, and also teaching classes.

**WHEREAS**, Bette has at all times furthered those ideals that contribute to a better community.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council, being the duly elected voice of the citizens of Troy, express the City's appreciation and recognition for this distinguished citizen's service since the SeniorNet Computer Lab opened in the summer of 2003 as a member of the

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Presented this 21<sup>st</sup> Day of May 2007.

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*Cristina Broomfield, Mayor Pro Tem*

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*Robin E. Beltramini, Councilwoman*

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*Wade Fleming, Councilman*

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*Martin F. Howrylak, Councilman*

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*David A. Lambert, Councilman*

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*Jeanne M. Stine, Councilwoman*

## Service Commendation

**WHEREAS**, the Mayor and City Council of the City of Troy wish to express on behalf of the City, their appreciation to

### ZORA HARGRAVE

In recognition of outstanding service to the community, and

**WHEREAS**, As a member of the SeniorNet Computer Lab Steering Committee, Zora has put in countless hours maintaining the state-of-the-art computer lab, updating lesson plans, training and scheduling instructors and coaches, and also teaching classes.

**WHEREAS**, Zora has at all times furthered those ideals that contribute to a better community.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council, being the duly elected voice of the citizens of Troy, express the City's appreciation and recognition for this distinguished citizen's service since the SeniorNet Computer Lab opened in the summer of 2003 as a member of the

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*Robin E. Beltramini, Councilwoman*

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*Wade Fleming, Councilman*

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*Martin F. Howrylak, Councilman*

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*David A. Lambert, Councilman*

---

*Jeanne M. Stine, Councilwoman*

## Service Commendation

**WHEREAS**, the Mayor and City Council of the City of Troy wish to express on behalf of the City, their appreciation to

### **JIM SAUTER**

In recognition of outstanding service to the community, and

**WHEREAS**, As a member of the SeniorNet Computer Lab Steering Committee, Jim has put in countless hours maintaining the state-of-the-art computer lab, updating lesson plans, training and scheduling instructors and coaches, and also teaching classes.

**WHEREAS**, Jim has at all times furthered those ideals that contribute to a better community.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council, being the duly elected voice of the citizens of Troy, express the City's appreciation and recognition for this distinguished citizen's service since the SeniorNet Computer Lab opened in the summer of 2003 as a member of the

### **TROY SENIORNET COMPUTER LAB STEERING COMMITTEE**

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Presented this 21<sup>st</sup> Day of May 2007.

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*Wade Fleming, Councilman*

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*Martin F. Howrylak, Councilman*

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*David A. Lambert, Councilman*

---

*Jeanne M. Stine, Councilwoman*

## Service Commendation

**WHEREAS**, the Mayor and City Council of the City of Troy wish to express on behalf of the City, their appreciation to

### **BOB TREHARNE**

In recognition of outstanding service to the community, and

**WHEREAS**, As a member of the SeniorNet Computer Lab Steering Committee, Bob has put in countless hours maintaining the state-of-the-art computer lab, updating lesson plans, training and scheduling instructors and coaches, and also teaching classes.

**WHEREAS**, Bob has at all times furthered those ideals that contribute to a better community.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council, being the duly elected voice of the citizens of Troy, express the City's appreciation and recognition for this distinguished citizen's service since the SeniorNet Computer Lab opened in the summer of 2003 as a member of the

#### **TROY SENIORNET COMPUTER LAB STEERING COMMITTEE**

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Presented this 21<sup>st</sup> Day of May 2007.

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*Wade Fleming, Councilman*

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*Martin F. Howrylak, Councilman*

---

*David A. Lambert, Councilman*

---

*Jeanne M. Stine, Councilwoman*

## Service Commendation

**WHEREAS**, the Mayor and City Council of the City of Troy wish to express on behalf of the City, their appreciation to

### LEE WATKINS

In recognition of outstanding service to the community, and

**WHEREAS**, As a member of the SeniorNet Computer Lab Steering Committee, Lee has put in countless hours maintaining the state-of-the-art computer lab, updating lesson plans, training and scheduling instructors and coaches, and also teaching classes.

**WHEREAS**, Lee has at all times furthered those ideals that contribute to a better community.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council, being the duly elected voice of the citizens of Troy, express the City's appreciation and recognition for this distinguished citizen's service since the SeniorNet Computer Lab opened in the summer of 2003 as a member of the

#### TROY SENIORNET COMPUTER LAB STEERING COMMITTEE

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Presented this 21<sup>st</sup> Day of May 2007.

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*Wade Fleming, Councilman*

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*Martin F. Howrylak, Councilman*

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*David A. Lambert, Councilman*

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*Jeanne M. Stine, Councilwoman*



**PROCLAMATION IN RECOGNITION OF  
FALUN DAFA DAY  
HONORING TRUTHFULNESS-COMPASSION-FORBEARANCE**

**WHEREAS**, Falun Dafa also known as Falun Gong, is a peaceful and healthy self-improvement practice rooted in ancient Chinese culture that consists of five gentle exercises, including meditation and centers around the universal principal of Truthfulness, Compassion, and Forbearance;

**WHEREAS**, the teachings of Falun Dafa, through meditation and spiritual cultivation, are perceived as effective means of improving overall mental and physical health, as well as reducing stress; and

**WHEREAS**, Master Li Hongzhi, the founder of Falun Dafa, has helped hundreds of millions across the world improve their health and moral standards, as well as deepen their understanding of life, humanity, and the universe, through the practice of Falun Dafa; and

**WHEREAS**, Transcending culture and racial boundaries, Falun Dafa has touched the lives of more than 100 million people in over 60 countries, including many people in New York, of different ages, professions, and racial backgrounds; and

**WHEREAS**, All Falun Dafa activities, including classes and practices, are offered by volunteers and are open to the public and free of charge; and

**WHEREAS**, The persecution of the practitioners of Falun Dafa in China is an attack on basic human rights and should not be tolerated anywhere in the world;

**NOW, THEREFORE BE IT RESOLVED**, That the Troy City Council does hereby declare **May 21, 2007, FALUN DAFA DAY in the City of Troy** and urge all citizens to join in the celebration.



## CITY COUNCIL ACTION REPORT

DATE: May 15, 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 – Conditional Rezoning Application (File No: CR-002) – Proposed Grand Troy Villas, west side of Rochester Road, north of Wattles Road, Section 15 – CR-1 to R-1T (CR-002)

### Background:

- The Planning Commission recommended approval of the request to conditionally rezone the parcel to R-1T at the April 10, 2007 Regular meeting.
- This area is classified on the Future Land Use Plan as Medium Density Residential, which correlates with the R-1T One Family Attached Residential Zoning District. The application is therefore consistent with the intent of the Future Land Use Plan. The parcel has been planned as Medium Density Residential since 1999.
- Conditions were offered by the applicant to reduce the potential impacts of the development on the residential neighborhood to the west and north. These conditions are listed on the site plan.
- The rezoning application is compatible with adjacent uses and zoning districts.

### Financial Considerations:

- There are no financial considerations for this item.

### Legal Considerations:

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

Policy Considerations:

- Approval of the rezoning request would be consistent with City Council Goal I (Enhance the livability and safety of the community) and Goal III (Retain and attract investment while encouraging redevelopment).

Options:

- City Council can approve or deny the Conditional Rezoning Application.

Approved as to form and legality:

\_\_\_\_\_  
Lori Grigg Bluhm, City Attorney

Attachments:

1. Maps.
2. Conditional Rezoning Agreement.
3. Minutes from April 10, 2007 Planning Commission meeting.
4. Public comment.

Prepared by RBS/MFM

cc: Applicant  
File /CR-002

G:\Conditional Rezoning\CR-002 Grand Troy Villas Sec 13\CC Public Hearing 05 21 07.doc



DRAFTED BY: D.K.	HOUSE #: 4161	CITY: Troy	CUSTOMER:
CHECKED BY: JVH	STREET: Rochester Road	COUNTY: Oakland	SDA Architects

# CERTIFICATE OF SURVEY

SURVEY NUMBER

05056

PREL:

FINAL: 4-20-06

SCALE: 1" = N/A

SHEET 2 OF 2

**LEGAL DESCRIPTION PARCEL A**

PART OF S.E. 1/4 OF SECTION 15, T2N., R11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEGINNING AT A POINT DISTANT N.00°16'21"W. 687.40 FEET FROM SOUTHEAST SECTION CORNER; THENCE WEST 325.00 FEET; THENCE N.00°16'21"W. 120.00 FEET; THENCE EAST 325.00 FEET; THENCE S.00°16'21"E. 120.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.90 GROSS ACRES OR 0.69 NET ACRES OF LAND MORE OR LESS AND SUBJECT TO THE EAST 75.00 FEET TAKEN FOR ROAD AND SUBJECT TO ALL EASEMENTS AND MATTERS OF RECORD.

**LEGAL DESCRIPTION PARCEL B**

PART OF S.E. 1/4 OF SECTION 15, T2N., R11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEGINNING AT A POINT DISTANT N.00°16'21"W. 807.40 FEET FROM SOUTHEAST SECTION CORNER; THENCE WEST 325.00 FEET; THENCE N.00°16'21"W. 245.00 FEET; THENCE S.89°52'34"E. 325.01 FEET; THENCE S.00°16'21"E. 244.30 FEET TO THE POINT OF BEGINNING. CONTAINING 1.83 GROSS ACRES OR 1.58 NET ACRES OF LAND MORE OR LESS AND SUBJECT TO THE EAST 43.00 FEET TAKEN FOR ROAD AND SUBJECT TO ALL EASEMENTS AND MATTERS OF RECORD.

**LEGAL DESCRIPTION COMBINED PARCEL**

PART OF S.E. 1/4 OF SECTION 15, T2N., R11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, COMMENCING AT SOUTHEAST CORNER OF SAID SECTION 15; THENCE N.00°16'21"W. 687.40 FEET; THENCE WEST 75.00 FEET TO THE WEST RIGHT OF WAY LINE OF ROCHESTER RD. (150' WD.) BEING THE POINT OF BEGINNING; THENCE WEST 250.00 FEET; THENCE N.00°16'21"W. 365.00 FEET; THENCE S.89°52'34"E. 282.01 FEET; THENCE S.00°16'21"E. 244.39 FEET; THENCE WEST 32.00 FEET; THENCE S.00°16'21"E. 120.00 FEET TO THE POINT OF BEGINNING. CONTAINING 2.27 ACRES OF LAND MORE OR LESS AND SUBJECT TO ALL EASEMENTS AND MATTERS OF RECORD.

REC'D

MAY 15 2006

PLANNING DEPT

**SURVEYOR'S CERTIFICATE:**

THE ERROR OF CLOSURE IS NOT GREATER THAN 1 IN 5,000, WHICH IS WITHIN THE ACCURACY OF SURVEY AS REQUIRED IN ACT NO. 288 OF PUBLIC ACTS OF 1967. THIS SURVEY COMPLIES WITH THE REQUIREMENTS OF SECTION 3, PUBLIC ACT 132 OF 1970.

LAND ENGINEERING  
SERVICES, INC.  
2201 12 MILE ROAD  
WARREN, MI 48092  
PHONE (586)582-9800  
FAX (586)582-9866

Certified by

*James Van Havermaat*

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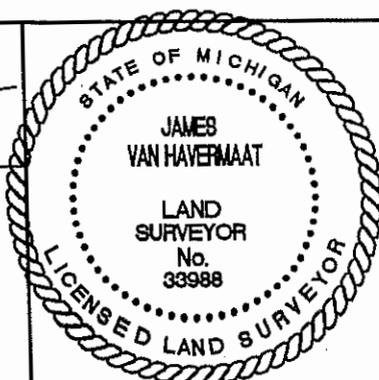
JAMES VAN HAVERMAAT P.S. #33988

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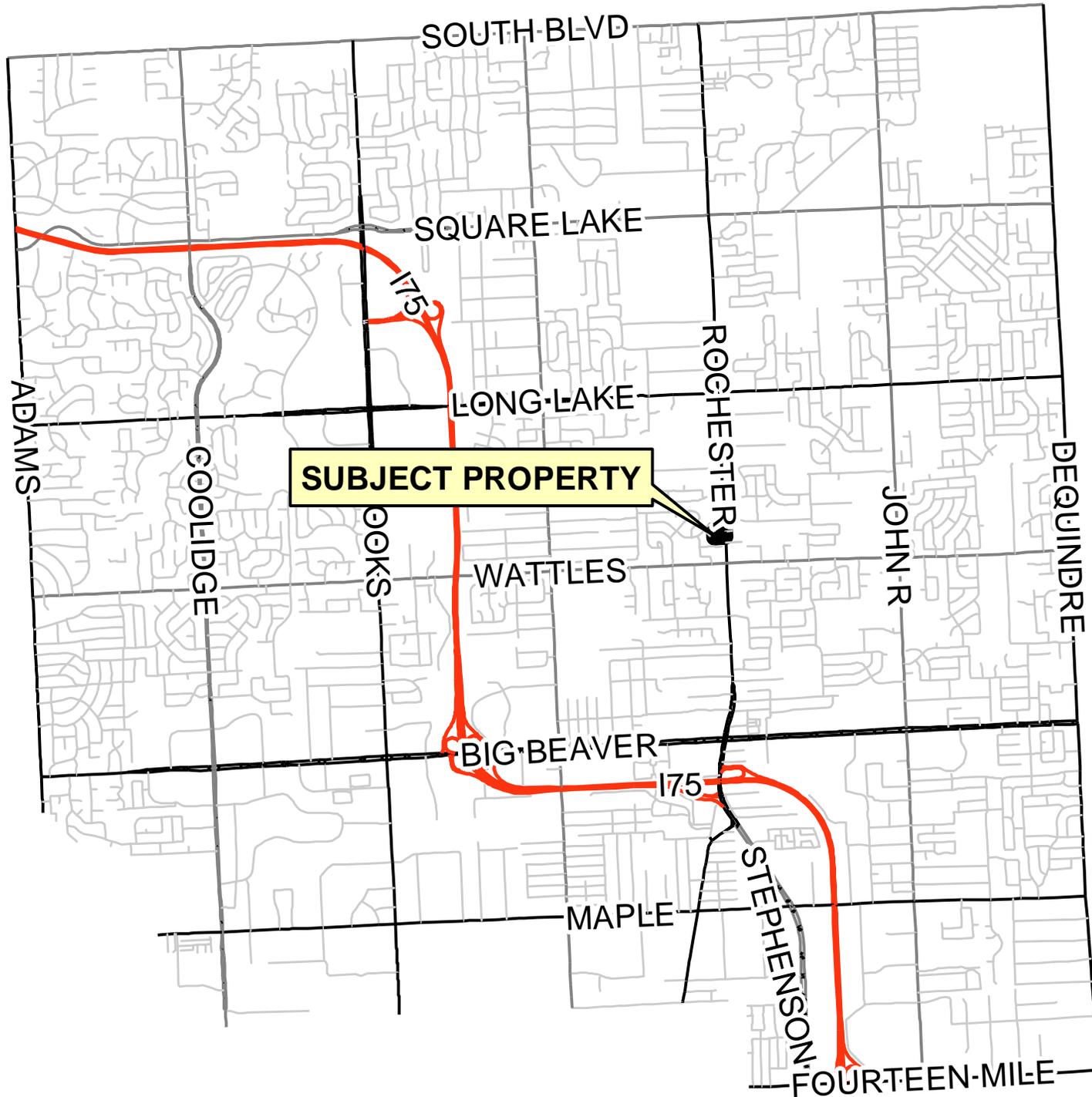
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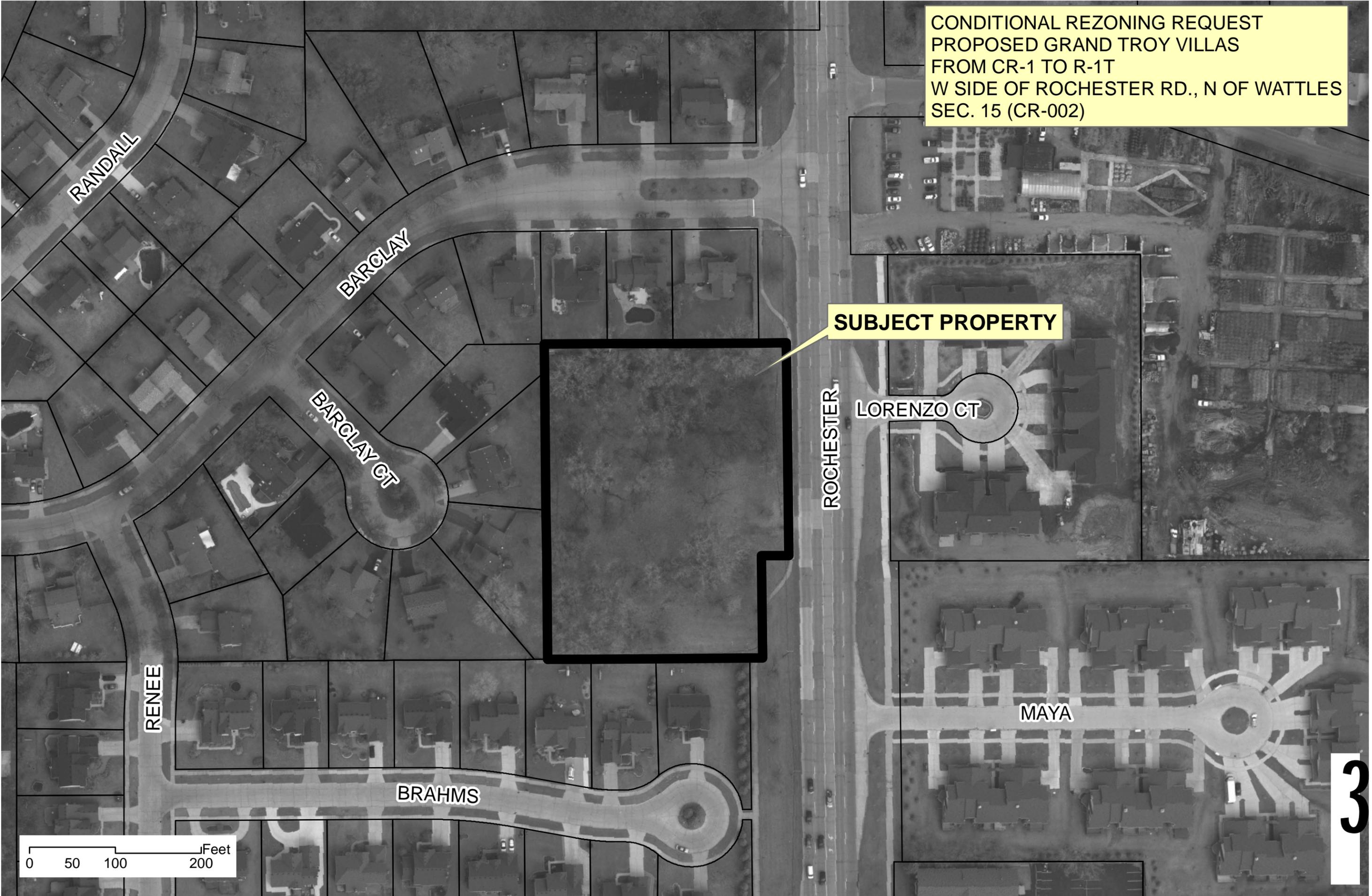
REVISED: 5-2-06 PARCEL B AND  
COMBINED PARCEL



# CITY OF TROY



CONDITIONAL REZONING REQUEST  
PROPOSED GRAND TROY VILLAS  
FROM CR-1 TO R-1T  
W SIDE OF ROCHESTER RD., N OF WATTLES  
SEC. 15 (CR-002)

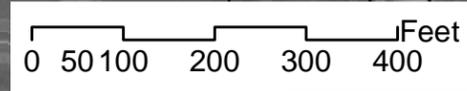


**SUBJECT PROPERTY**

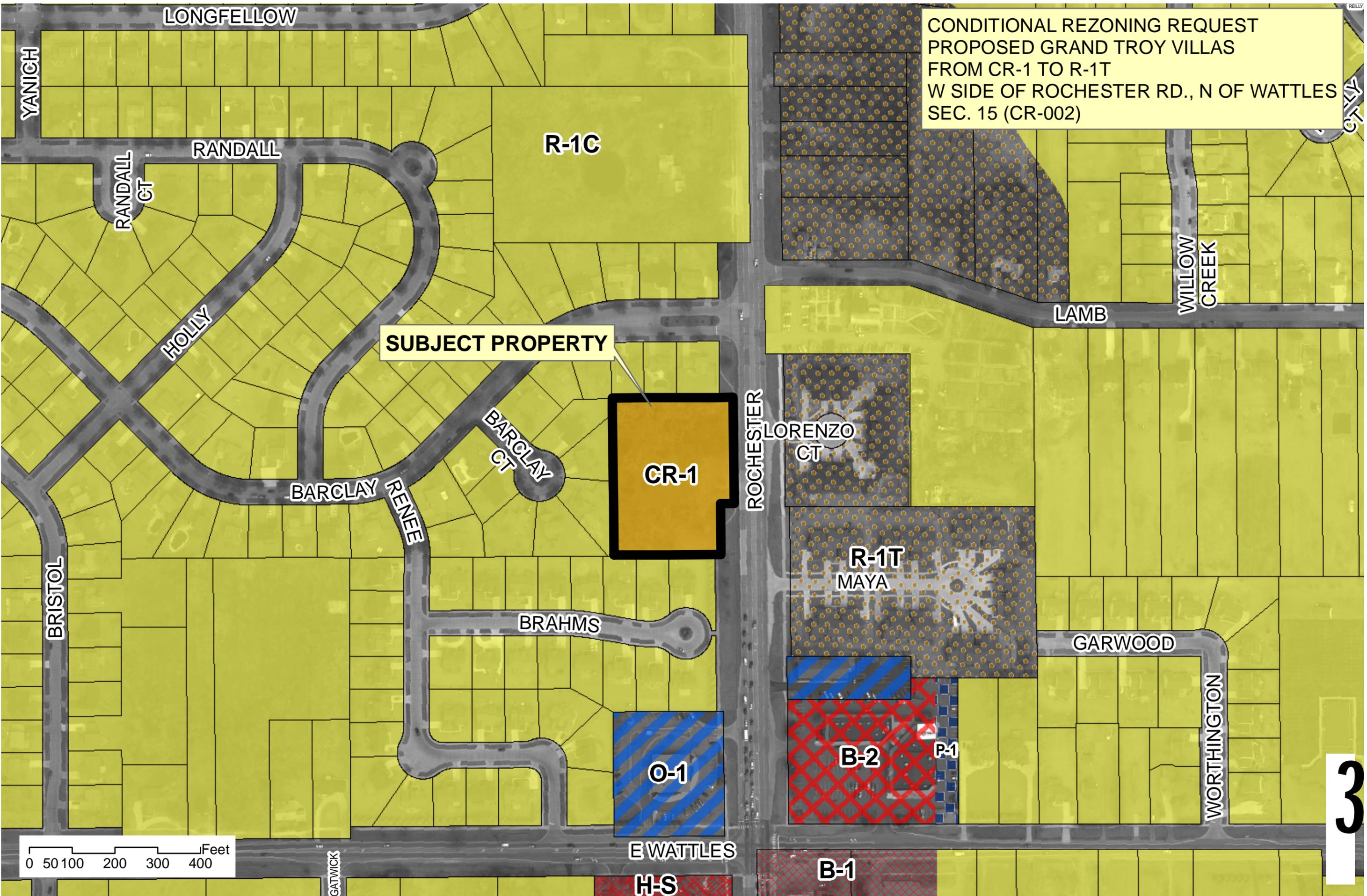
0 50 100 200 Feet

CONDITIONAL REZONING REQUEST  
PROPOSED GRAND TROY VILLAS  
FROM CR-1 TO R-1T  
W SIDE OF ROCHESTER RD., N OF WATTLES  
SEC. 15 (CR-002)

SUBJECT PROPERTY



CONDITIONAL REZONING REQUEST  
PROPOSED GRAND TROY VILLAS  
FROM CR-1 TO R-1T  
W SIDE OF ROCHESTER RD., N OF WATTLES  
SEC. 15 (CR-002)



REC'D

APR 26 2007

PLANNING DE-

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF TROY

CONDITIONAL REZONING AGREEMENT

This Development Agreement ("Agreement"), dated March 19, 2007 is entered into by and between owners of land parcel located on Rochester road and Wattles, having parcel ID 88-20-15-477-036 and the City of Troy, a Michigan municipal corporation, having its principal offices at 500 W. Big Beaver Road, Troy, Michigan 48084 ("City").

RECITALS:

A. Developer is the owner or the authorized agent of the owner of certain real property located in the City of Troy, Oakland County, Michigan, containing approximately 2.27 acres, as more particularly described on Exhibit A attached hereto (the "Property").

Commonly known as  
88-20-15-477-036  
Troy, MI

TAX ID 88-20-15-477-036

B. Developer has applied for Conditional Rezoning pursuant to Troy's Zoning Ordinance, Chapter 39, Section 03.24.00. That Ordinance requires that an applicant for conditional rezoning prepare a Conditional Rezoning Agreement ("Agreement") which requires that specific provisions be included in the Agreement.

C. As part of approval of this Agreement, which will result in a rezoning of the Property from CR-1 One family Residential Cluster District to R-1T One family attached Residential District, Developer has offered and agrees to

make the improvements, proceed with the project and comply with any document submission dates and/or project completion dates, as described in this Agreement and any incorporated documents. Any conditions, representations or promises included in the Agreement have been voluntarily offered by the Developer to induce the City to rezone the land to the proposed classification. The Developer and the City agree that the rezoning and the terms of this Agreement provides for: (i) the promotion of the public health, safety and welfare; (ii) compatibility with the Future Land Use Plan; (iii) compliance with all terms and conditions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the Agreement; (iv) the accommodation of service and facility loads for public services and facilities affected by the proposed development; (v) compatibility with adjacent uses of land; and (vi) other legitimate objectives authorized under the Michigan Municipal Planning Act, MCL 125.3101, et. Seq. and Chapter 39, Section 03.24.00 of the City of Troy Zoning Ordinance. The burden of the conditions on the Developer is roughly proportionate to the burdens being created by the development, and to the benefit which will accrue to Property as a result of the requirements represented in the project and/or development.

- D. For the purpose of confirming the rights, obligations and restrictions in connection with the improvements and development to be undertaken on the Property, the parties have entered into this Agreement. The rezoning of the Property to R-1T One family attached Residential District shall become effective ten (10) days after the date of the City Council resolution granting conditional rezoning, or the date the Conditional Rezoning Agreement is recorded with the Oakland County Register of Deeds, whichever is later (the "Effective Date"). A certified copy of this Agreement, as recorded with the Register of Deeds, shall be filed by the Developer with the City Clerk. Once this Agreement is approved by the Troy City Council, it shall be binding upon the City, the Developer, the owner, the owner of units within the Development, any owners associations, and their agents, successors and assigns. The City's Zoning District Map shall be updated to reflect the amendment to the Zoning Ordinance and the District Map within a reasonable period of time after the effective date of the rezoning.

NOW, THEREFORE, the Developer and the City, for the good and valuable consideration outlined in this Agreement, the receipt and sufficiency of which are hereby acknowledged, agree as follows:

## ARTICLE I

### GENERAL TERMS

1.1 This Agreement, including any attached site plans and all incorporated documents, shall run with the land. The land is the Property described in the attached Exhibit A. A preliminary site plan complying with Section 03.24.02 (A)(6) of the Zoning Ordinance is incorporated herein as Exhibit B. Reference to "Developer" in this Agreement, the any site plans and/or any incorporated documents, shall include the owner of the Property, Developer's agents, successors and assigns. It is the intent of Developer and the City to put all future owners of the Property, all future leaseholders and/or all parties in interest on notice of the rights, obligations and restrictions contained herein by recording this Agreement, including the site plan and any incorporated documents with the Oakland County Register of Deeds. If the project or development plan includes any type of condominium element, any termination of any condominium community or association shall not nullify or void this Agreement. As part of this Agreement and pursuant to State statute, if a Master Deed is not controlling for all or any portion of a condominium project, the terms and conditions of this Agreement shall be considered "Deed Restrictions" for any successors or assigns of the Property.

1.2 The Property shall be developed and improved only in accordance with the following which shall be referred to herein as the "Conditional Rezoning Agreement Documents":

- A. Chapter 39, Section 03.24.00 of the City's Zoning Ordinance, and amendments, if any.
- B. This Conditional Rezoning Agreement.
- C. Chapter 39, Article 24 which set out the requirements for development in a R-1T One family attached Residential District Classification.
- D. The Preliminary Site Plan with all conditions of rezoning included (see attached list of sheets and dates in Exhibit B) drafted by SDA Architects INC. submitted and approved by the City Council and incorporated into the Conditional Rezoning Agreement as Exhibit B.

1.3 The Ordinance amendment granting the conditional rezoning reclassifies the zoning of the Property to R-1T One family attached Residential zoning district and constitutes the land use authorization for the Property, and all use improvement of the Property shall be in substantial conformity with the provisions of the Zoning Ordinance applicable to the zoning district and this Agreement.

## ARTICLE II

### CONDITIONS FOR REZONING

- 2.1 In consideration for the City's rezoning of the Property from its current classification CR-1 One family Residential Cluster District to R-1T

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One family attached Residential District, the Developer agrees to be bound by the following conditions:

- A. Develop and use the Subject Property as a One family attached Residential in conformance with that certain site plan, dated March 19, 2007, which is attached as Exhibit "B" (hereinafter "Preliminary Site Plan"). The Preliminary Site Plan is hereby incorporated by reference into this Agreement
  - B. The development will be limited to 8 units maximum, four duplex buildings with two units each.
  - C. The maximum height of the units (per City of Troy Zoning Ordinance definition) shall be 25 feet.
  - D. A maintenance agreement shall be provided by the Applicant for the landscape island at the center of the cul-de-sac.
- 2.2 Developer represents and confirms that the Property shall not be used or developed in a manner that is inconsistent with conditions placed on rezoning as set out in this Agreement.
- 2.3 Developer shall be subject to the expiration provisions of Section 03.24.03 of the Zoning Ordinance and Section 5.2 of this Agreement.

### ARTICLE III

#### REZONING

3.1 Directly after approval of this Agreement, City Council shall pass a Resolution rezoning the Property from CR-1 (One family Residential Cluster District) to R-1T (One family attached Residential District). That Resolution shall also state that the Zoning Map shall be amended to reflect a new zoning classification. The Planning Director shall take necessary action to amend the Zoning Map to the new classification along with a relevant designation that will provide reasonable notice of the Conditional Rezoning Agreement. The amendment to Zoning Map shall become effective ten (10) days after the date of the Resolution or on the date that the Conditional Rezoning Agreement is recorded with the Oakland County Register of Deeds, whichever is later. A certified copy of this Agreement, as recorded with the Register of Deeds, shall be filed by the Developer with the City Clerk.

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## ARTICLE IV

### DEVELOPER'S RIGHTS, OBLIGATIONS AND PROPERTY RESTRICTIONS

4.1 Developer shall have the right to develop the Property in accordance with the Conditional Rezoning Agreement Documents. The Preliminary Site Plan included in the Conditional Rezoning Agreement Documents (Exhibit B) shall receive final approval in accordance with the City's Zoning Ordinance and this Agreement. If a Developer presents a revised site plan to City Council, the site plan shall be remanded back to the Planning Commission for a recommendation to City Council. Failure to develop the Property in accordance with the Conditional Rezoning Agreement Documents shall constitute a deficiency under this Agreement.

4.2 All development, use, and improvement of the Property shall be subject to and in accordance with this Agreement, the Conditional Rezoning Agreement Documents, all applicable City Ordinances, and shall also be subject to and in accordance with all other approvals and permits required under applicable City Ordinances and State law.

4.3 Developer shall comply with the City Code of Ordinances, make any necessary application for permits and obtain any necessary permits for the development of the property including signage.

## ARTICLE V

### THE CITY'S RIGHTS AND OBLIGATIONS

5.1 The action of the City in entering into this Conditional Rezoning Agreement is based upon the understanding that the intent and spirit of the police power objectives of the City relative to the Property are embodied in the Conditional Rezoning Agreement Documents and those powers are assured based upon the development and/or undertakings on the Property. The City is thus achieving its police power objective and has not, by this Agreement, bargained away or otherwise compromised any of its police power objectives.

5.2 Conditional Rezoning Approval shall expire following a period of two (2) years from the effective date of the rezoning as set out above unless approved bona fide development of the Property in accordance with permits issued by the City, commences within such two (2) year period and proceeds in due course to completion. This provision shall apply unless the terms of this provision are amended elsewhere in this Agreement. If a lesser period for completion has been offered by the Developer as a condition under this Agreement in Article II, only the Planning Commission can grant an extension of that completion period and then, only for good cause shown by the Developer. The City shall have the sole discretion to determine if

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there has been bona fide development of the Property. The City, through its employees and agents, shall at all times be allowed to enter onto the Property to determine if bona fide development is occurring or has occurred.

5.3 In the event bona fide development has not commenced within two (2) years from the effective date of the conditional rezoning, the rezoning and the Conditional Rezoning Agreement shall be void and of no effect.

5.4 If the Conditional Rezoning Approval and Agreement become void, no development shall be undertaken and no permits for development shall be issued until such time as a new zoning district classification of the Property has become effective as a result of one or both of the following actions that may be taken:

- A. The Property owner seeks a new rezoning classification for the Property, and/or
- B. The City initiates a new rezoning request for the Property to a reasonable district classification, in accordance with the conventional rezoning procedure.

5.5 If the City determines that no bona fide development of the Property has occurred, the City shall file a Dissolution of Conditional Rezoning Agreement Due to Non-Performance with the Oakland County Register of Deed stating that the Conditional Rezoning Agreement is null and void and that the Property has reverted back to a CR-1 One family Residential Cluster District classification.

5.6 In the alternative, the City may initiate legal action for the enforcement of any of the provisions, requirements, and obligations set forth in the Conditional Rezoning Agreement. In the event the City obtains any relief as a result of such litigation, Developer shall pay all court costs and attorney fees incurred by the City in connection with such suit;

5.7 If the Developer is developing the Property in non-compliance with the Conditional Rezoning Agreement, the City may issue a stop work order as to any or all aspects of the Development, may deny the issuance of any requested building permit or certificate of occupancy within any part or all of the Development regardless of whether the Developer is the named applicant for such permit or certificate of occupancy, and may suspend further inspections of any or all aspects of the Development.

5.8 To the extent the Conditional Rezoning Agreement Documents deviate from the City of Troy Development Standards, Zoning Ordinance or other City ordinances, or any amendments thereto, the Conditional Rezoning Agreement Documents shall control. All improvements constructed in accordance with the Conditional Rezoning Agreement Documents shall be deemed to be conforming under the Zoning Ordinance and in compliance with all ordinances of the City.

## ARTICLE VI

### MISCELLANEOUS PROVISIONS

6.1 This Agreement may not be modified, replaced, amended or terminated except as provided for in this Agreement.

6.2 This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

6.3 If there is a conflict between the terms of any of the Conditional Rezoning Agreement Documents, such documents shall control in the following order: (a) Chapter 39, Section 03.24.00 of the City's Zoning Ordinance, and amendments, if any (b) this Agreement and any Conditional Rezoning Agreement Documents, (c) the Final Site Plan and (d) Chapter 39, Article XII which set out requirements for the R1-T One-Family Attached Residential District classification. Where there is a question with regard to applicable regulations for a particular aspect of the Development, or with regard to clarification, interpretation, or definition of terms or regulations, and there are no apparent express provisions of the Conditional Rezoning Agreement Documents which apply, the City in the reasonable exercise of its discretion, shall determine the regulations of the City's Zoning Ordinance, as that Ordinance may have been amended, or other Ordinances which shall be applicable provided such determination is not inconsistent with the nature and intent of the Conditional Rezoning Agreement Documents.

6.4 After consulting with their respective attorneys, Developer and City confirm that this Agreement is authorized by and consistent will all applicable state and federal law and the United States and Michigan Constitutions, that the terms of this Agreement are reasonable, that they shall be estopped from taking a contrary position in the future, and that each shall be entitled to injunctive relief to prohibit any actions by the other inconsistent with the terms of this Agreement. Developer and the City fully accept and agree to the final terms, conditions, requirements and obligations of the Agreement and all Conditional Rezoning Agreement Documents, and shall not be permitted in the future to claim that the effect of the Agreement and the Conditional Rezoning Agreement Documents result in an unreasonable limitation upon uses of all or a portion of the Property, or claim that enforcement of any of the Agreement and the Conditional Rezoning Agreement Documents causes an inverse condemnation or taking of all or a portion of the Property. Furthermore, it is agreed that the improvements and undertakings set forth in the Agreement and the Conditional Rezoning Agreement Documents are roughly proportional to the burden being created by the development, and to the benefit which will accrue to the Property as a result of the requirements represented by the development.





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EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

LAND SITUATED IN THE CITY OF TROY, OAKLAND COUNTY, MICHIGAN,  
DESCRIBED AS:

T2N, R11E, SEC15 PART OF SE 1/4 BEG AT PT DIST N 00-16-21 W 687.40 FEET  
AND W 75 FROM SE SEC COR TH W 250 FEET, TH N 00-16-21 W 365 FEET, TH S  
89-52-34 E 282.01 FEET, TH S 00-16-21 E 244.39 FEET, TH W 32 FEET, TH S 00-16-  
21 E 120 FEET TO BEG 2.27A5-9-06 FR 016 AND 017

Commonly known as:

88-20-15-477-036

Troy, Michigan

Tax ID #88-20-15-477-036

EXHIBIT B

PRELIMINARY SITE PLAN SETTING FORTH ALL CONDITIONS AS REQUIRED BY  
SECTION 03.24.02 (A)(6) OF THE ZONING ORDINANCE

Sheet No:	Sheet Name:	Date:
A	PRELIMINARY SITE PLAN	03/19/07
B	PRELIMINARY GRADING PLAN	03/19/07
C	TREE PRESERVATION PLAN	03/19/07
D	PRELIMINARY LANDSCAPE PLAN	03/19/07
E	PRELIMINARY BUILDING PLANS	03/19/07
1 OF 2	TOPOGRAPHIC/TREE SURVEY	11/06/06

NOTE: SHEET 2 OF 2, "TREE LIST", DATED 11/06/06, WAS INCORPORATED INTO SHEET C.

## REZONING REQUESTS

6. PUBLIC HEARING – CONDITIONAL REZONING REQUEST (CR 002) – Proposed Grand Troy Villas (formerly Z 632-B), West side of Rochester Road, North of Wattles Road, Section 15 – From CR-1 (One Family Cluster Residential) to R-1T (One Family Attached Residential)

Mr. Miller presented a summary of the Planning Department report on the proposed conditional rezoning request, and reported it is the recommendation of City Management to approve the Conditional Rezoning Agreement and Preliminary Site Plan as submitted.

Mr. Littman asked how many units could be constructed if the site was developed to the maximum under the CR-1 zoning.

Mr. Miller replied 7 units could be constructed.

Eric Salswedel of SDA Architects, 42490 Garfield, Clinton Township, was present to represent the owner. Mr. Salswedel said the adjacent parcel was acquired at a premium cost which shows good faith on the part of the petitioner. He indicated that City Management recommended approval of the previously submitted conventional rezoning request. Mr. Salswedel said the majority of neighbor concerns have been addressed in the conditional rezoning request. He thanked the Planning Department for their assistance on the project.

Chair Schultz provided a brief explanation of a conditional rezoning. He indicated the proposed request would limit the development to 8 units and two-story buildings.

### PUBLIC HEARING OPENED

Paul Woleben of 880 Barclay Court, Troy, was present. Mr. Woleben, who lives directly behind the proposed development, spoke in opposition of the request. He addressed the height of the units and the formula used to determine building height. Mr. Woleben voiced concern that the building height would be 30 feet. He also addressed a development located across the street [Lorenzo Court] with respect to the number of proposed units, and the number of units that actually were constructed.

Chair Schultz and Mr. Miller provided the formula used to determine building height and said it is both a standard architectural practice and zoning practice. They confirmed the proposed building height would be 25 feet.

Mr. Woleben asked if the Planning Commission received email messages today.

Chair Schultz replied in the affirmative.

Mr. Woleben addressed the existing fences, two portions of which encroach upon the petitioner's property. He asked for an agreement from the petitioner that the existing fences would be maintained, and not torn down. He referenced an informal agreement to that intent was made between the property owner and the neighbors at the January 10<sup>th</sup> meeting.

Janice Arnold of 912 Barclay Drive, Troy, was present. Ms. Arnold spoke in opposition of the request. She addressed the reasons she moved into her home, and the density and neighborhood privacy should the development be approved. Ms. Arnold expressed her disappointment that invitations to the meeting between the developer and neighbors were addressed to men only.

#### PUBLIC HEARING CLOSED

Mr. Vleck asked if the required building height differs between CR-1 and R-1T.

Mr. Miller replied in the negative.

Mr. Vleck asked if the building height requirement is the same for the R-1C zoned property to the west.

Mr. Miller replied in the affirmative; the maximum height is 25 feet. He noted a difference in that R1-T is limited to 2.5 stories, and R1-C is limited to 2.0 stories.

Chair Schultz asked if it would be correct to say that any property owner in the residentially-zoned property to the east could add a second story to a home or build a two-story home, and meet Zoning Ordinance requirements.

Mr. Miller said that would be correct, at a maximum of 25 feet in height.

Mr. Strat asked the petitioner what material is proposed for the retaining wall.

Mr. Salswedel said they are proposing stepped landscaping blocks that would rest on a bed of gravel.

Mr. Strat asked the petitioner to address the natural state of trees and underbrush, and questioned if a snow fence would be provided.

Mr. Salswedel said underbrush was not discussed. He indicated healthy plantings would remain as long as there is no interference with the proposed utilities. He said the tree preservation plan shows specifically which trees would remain or be removed. Mr. Salswedel said traditional tree protection methods would be utilized, such as a snow fence.

Mr. Littman asked the petitioner what his intent is with respect to the fences.

The owner, Sridhar Rajagopalan of 43360 Chester Drive, was present and addressed the existing fences. Mr. Rajagopalan said they have talked with neighbors, and it is their intent to leave the fences as long as they do not encroach on their property or interfere with property lines.

Chair Schultz asked if the petitioner intends to remove the fences that encroach on his property.

Mr. Rajagopalan said they would work with the neighbors to relocate any fence that encroaches his property. He said he would move any fence that encroaches his property back to the neighbor's side of the property.

Mr. Littman said the fence issue appears to be a misunderstanding between the owner and neighbors. He questioned if the Planning Commission could incorporate any control on the fences into the agreement to assure the neighbors are protected.

Chair Schultz asked legal counsel if the Planning Commission would have authority to dictate that fences that encroach on the petitioner's property would remain.

Ms. Lancaster replied the Planning Commission could not require the petitioner to stipulate the fences would remain. She said the petitioner could offer a resolution to the fence issue and include it in the conditional rezoning agreement.

Mr. Rajagopalan said he would not offer any additional conditions to the agreement at this time. He would like time to discuss the matter with co-owners of the property, and reiterated his intent to work with the neighbors to this regard.

Chair Schultz pointed out the determination of the Assistant City Attorney is that the Planning Commission has no purview to dictate that an encroaching fence be maintained.

Mr. Littman referred to the illustration of 2-story buildings, and asked if there was any intent to construct 2.5-story buildings.

Mr. Salswedel confirmed they would be 2-story buildings. He indicated there would be no way to fit another half-story within the 25-foot height.

Mr. Littman asked where snow would be plowed.

Mr. Salswedel indicated snow plowing was not discussed but the matter would certainly be looked into.

A thorough discussion continued on the fences, specifically with respect to the designations on the site plan as relates to existing fences, encroachments, and notations of the petitioner's intent.

Mr. Strat addressed the petitioner with the possibility that the request could be postponed because there is no resolution to the fence issue.

Mr. Rajagopalan said they would work with the neighbors, as they have in the past two years, toward a resolution. He addressed the money and effort put into the proposed development, and said it is not their intent to tear down the fences that encroach their property.

Mr. Hutson said he would oppose a motion to adjourn or postpone the matter.

Mr. Tagle addressed the designations on the site plan with reference to the fences, and the effect they might have on site plan approval.

Ms. Lancaster addressed property encroachment as relates to the law.

Mr. Miller clarified the location of fences is regulated by the fence ordinance that is administered by the Building Department. Mr. Miller said as an experienced planner, he would encourage the developer to agree to move the fences to the mutual property line.

Mr. Rajagopalan said they would work with the two property owners to move the fences for them.

**Resolution # PC-2007-04- - -**

Moved by: Littman

Seconded by:

**RESOLVED**, That this item be tabled until the end of the meeting to give the petitioner, amongst themselves and with the neighbors if he so chooses, to look at the issue and decide if they want to add some words to this agreement.

**MOTION FAILED**, due to a lack of second.

**Discussion continued.**

Mr. Vleck asked if the verbal offer of the petitioner to work with the neighbors to move the fences if they need to be moved could be incorporated into a motion for approval of the conditional rezoning request.

Ms. Lancaster asked if the petitioner would agree to offer to submit a new first page of the site plan that would show the existing fences, show where the two fences encroach, and designate the intention to move those fences to the

property line. She indicated that it would not have to be inclusive as a condition in the agreement, but it would be shown on the site plan that the petitioner intends to move the two encroachments to the neighbor's property line and the rest of the fence would stay as shown on the site plan.

Mr. Rajagopalan agreed.

Ms. Lancaster said that should the offer to redo the site plan is satisfactory to the Planning Commission, the members could make it a condition to site plan approval, carrying those two notations. She indicated the recommendation could go forward to City Council that the petitioner has agreed, on the record, to submit a new front page of the site plan.

Mr. Salswedel apologized to those who might have been offended by the way invitations were addressed for the neighborhood meeting. He said no ill will was intended, and assured the members that an equal amount of men and women were in attendance.

A brief discussion continued on the proposed drainage, retention wall, detention ponds and maintenance of the island

**Resolution # PC-2007-04-078**

Moved by: Vleck

Seconded by: Hutson

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the CR-1 to R-1T conditional rezoning request, as per Section 03.24.00 of the City of Troy Zoning Ordinance, located on the west side of Rochester Road, north of Wattles, within Section 15, being approximately 2.27 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 reduce the impacts of the proposed building on the abutting residential property.

**BE IT ALSO NOTED**, That the petitioner will submit a revised site plan showing the correct location of the fence line.

Yes: All present (9)

No: None

**MOTION CARRIED**

Mr. Miller provided the administrative procedure in forwarding the item to City Council for consideration and legal notification of public hearing.

Paula P Bratto

#6  
4-10-07 F  
CR 002 GRAND  
VILLA

**From:** Barbara Finney [bbf1963@hotmail.com]  
**Sent:** Monday, April 09, 2007 10:46 AM  
**To:** Paula P Bratto; Cynthia A Stewart  
**Subject:** Planning File No: CR-002 Grand Troy Villas Parcel No: 88-20-15-477-036

Dear Planning Commission,

It would be refreshing to read in the next edition of the Troy Times that the Planning Commission had listened to and sided with the neighbors who do not want the property to be rezoned from CR-1 to R-1T. The new property owners purchased the property KNOWING that it was zoned for CR-1, and should be obligated to build within the current building guidelines. My family has lived next to the property in question for 17 years. As residents of Troy, we have always lived and abided by the rules and regulations set forth by the City. It is not unreasonable to expect the same compliance from the new property owners!

Recently, I watched as a resident was denied an exception to build a non-complying screened-in porch. The re-zoning of this property which allows more and higher buildings is much more invasive to the surrounding properties than a screened-in porch. It is not unreasonable to request that you uphold the current zoning and deny this major exception.

When making your decision to allow more condos on Rochester Road, think about how congested Rochester Road already is; take a look at the For Sale signs on the condos directly across the street from the suggested re-zoning area; and lastly, imagine that it was your back yard that was going to be re-zoned to allow a condominium development to be "tucked in" among single resident homes.

The new property owners have expressed a willingness to be good neighbors. Good neighbors build within current guidelines and good neighbors extend greetings to all persons who own a property, not just the male ones.

I recognize the tax dollars that can be had from an increased number of units, but I also understand the importance of keeping Troy a place where people want to live. Disregarding the wishes of neighborhoods and overcrowding the City to the point that it is even more difficult to drive to the grocery store, is not the way to keep residents or to entice new ones. Have the courage to make the new property owners comply to the current zoning.

Thank you.

Barbara Finney  
978 Barclay Drive

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Need a break? Find your escape route with Live Search Maps.  
<http://maps.live.com/?icid=hntag3>

## Brent Savidant

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From: Paula P Bratto  
Sent: Friday, January 05, 2007 10:20 AM  
To: Mark F Miller  
Cc: Brent Savidant  
Subject: FW: Rezoning Parcel # 88-20-15-477 and 88-20-15-477-017

Paula Preston Bratto  
City of Troy  
Planner  
248.524.3365  
www.ci.troy.mi.us

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

From: Barbara Finney [mailto:bbf1963@hotmail.com]  
Sent: Friday, January 05, 2007 10:17 AM  
To: Paula P Bratto  
Cc: Cynthia A Stewart; gdemers@candgnews.com  
Subject: Rezoning Parcel # 88-20-15-477 and 88-20-15-477-017

Dear Planning Commission,

The landowners of the property directly behind my home are trying to work out the details of a conditional rezoning. I have watched the public channel enough to know that one of the many issues that you consider in your decisions for rezoning is the willingness of both parties to sit and discuss concerns each side may have.

The landowners have issued a "cordial" invitation to the male co-owner of my property to meet on January 10. I know of at least two other female co-owners who have not been invited to the "lets be good neighbors" meeting.

I find this lack of invitation offensive, prejudiced, discriminatory and certainly not in the spirit of working things out.

I know that some of the Council members are concerned with Hooter's attitude toward females. Although the Hooter's uniforms may be provocative, at least Hooter management acknowledges the existence of women; our new neighbors ignore our existence and obviously do not think that our opinions matter.

Sincerely,

Barbara Finney  
Co-owner since 1990  
978 Barclay Dr

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The MSN Entertainment Guide to Golden Globes is here. Get all the scoop.  
<http://tv.msn.com/tv/globes2007/?icid=nctagline2>

## Mark F Miller

---

**From:** Revathi Murthy [privya@hotmail.com]  
**Sent:** Monday, May 07, 2007 10:31 PM  
**To:** Louise Schilling; talk2cristina@aol.com; rbeltram@wideopenwest.com; Wade Fleming; mfhowryl@umich.edu; dave@lambert.net; stinejm@wwnet.net  
**Cc:** Mark F Miller; gtvillas@hotmail.com; jay.balan@eds.com; privya@hotmail.com; srikantharuna@gmail.com; srir@lason.com  
**Subject:** Grand Troy Villas - Neighborhood Meeting



GTV Neighbor  
Mtg Minutes.doc

Dear Mayor and Council Members,

As per your suggestion in your last council meeting, we invited Grand Troy Villas Condominium project neighbors for a face-to-face meeting on January 10, 2007. We had a very open and useful meeting. We provided answers to all their questions to the best of our ability. This meeting helped our neighbors understand our best intentions, and how these fine condominiums will add value to the neighborhood.

We are attaching meeting minutes for your information. We look forward to discussing our conditional rezoning request in the upcoming council meeting and getting approval.

Yours sincerely,  
Bala K. Murthy  
Jay Balan  
Sridhar Rajagopalan  
Srikanth Rajagopalan

---

Watch free concerts with Pink, Rod Stewart, Oasis and more. Visit MSN In Concert today. <http://music.msn.com/presents?icid=ncmsnpresentstagline>

Subject: Grand Troy Villas Neighborhood Meeting  
Date: January 10, 2007  
Time: 7:00 PM to 9:00 PM  
Place: Troy Community Center

Attendees:

Neighbors:

Alan Carbajo, Marie Jacobs, Liza Hoti, Mark Hoti, Gary Jacobs, Kenneth Burk, Janet Viselli, Susan Werpetinski, Nancy Zebracki, Prashant Chaudhari, Paul Woleben, Angus Finney, Bob

Owners:

Bala Murthy & Revathi Murthy, Srikanth Rajagopalan, Jayhankar Balan, Sridhar Rajagoplan

Architect: Eric Salswedel

Minutes of the Meeting:

Meeting started at 7:15 PM, on January 10, 2007 in Room 402, Troy Community Center. Bala Murthy welcomed the neighbors and stated the objectives of the meeting are mainly to a) share the proposed site plan of conditional rezoning and b) obtain valuable feed back.

Next Eric Salswedel showed preliminary site plan, tree preservation plan, preliminary front, back and side elevation plans of the proposed condominium. Neighbors spent some time reviewing these plans.

Next the floor was opened for question and answer session. Following were some of the questions and corresponding answers.

1. How tall is condominium building?  
According to site plan provided here we have two level condominiums whose height will not exceed the city ordinance requirement (25 feet from ground level to middle of roof)
2. Northwest area of land gets flooded. How do you plan on taking care of this issue?  
While grading the land during construction due care will be taken to prevent flooding in any part of the land and avoid inconvenience to neighbors.
3. Will storm drain go in the easement around the property?  
At this point we don't know how the storm drain will be routed.
4. Will the fence around property line come down?  
We have no intention of tearing down any fence around the property.

5. Where will the utility boxes be placed? Will these boxes be placed in the easement area?  
At this point we don't know where the utility boxes will be placed.
6. Will the trees be removed?  
Some trees may be removed during construction process. However we would like to preserve as many trees as possible.
7. Is parking allowed on cul-de-sac and road?  
Parking is allowed on cul-de-sac and road if we have visitors and our drive-ways are full.
8. Will dead tress and protruding trees be removed?  
Yes. Dead tress will be removed and protruding trees will be trimmed back if necessary.
9. Since it is a private road, will there be trash pick-ups?  
Yes. We will arrange for regular trash pick ups.
10. What is the guarantee that there will not be a dumpster in the property?  
We have every intention of keeping up the neighborhood value and keeping a dumpster is not in our plan.

After the question and answer session neighbors spent time to get to know the owners of Grand Troy Villas Condominium project. Most of them expressed very favorable opinion about the condominium project.

We believe this face to face meeting with our neighbors helped win their trust and confidence in us.



## CITY COUNCIL ACTION REPORT

DATE: May 15, 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 – Rezoning Application – Southwest corner of Square Lake and Niles,  
Section 9 – R-2 to O-1 (File Number Z-625 B)

### Background:

- The Planning Commission recommended denial of the request to rezone the parcel to O-1 at the April 10, 2007 Regular meeting.
- On the Future Land Use Plan, the subject parcel is located within the transition area between Local Service Area and Medium Density Residential. Local Service Area has a primary correlation with B-1 and a secondary correlation with O-1. The application therefore is consistent with the intent of the Future Land Use Plan. These classifications have been in place since 2002.

### Financial Considerations:

- There are no financial considerations for this item.

### Legal Considerations:

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

### Policy Considerations:

- Approval of the rezoning application would be consistent with City Council Goal III (Retain and attract investment while encouraging redevelopment).

Options:

- City Council can approve, deny or postpone the rezoning application.

Attachments:

1. Maps.
2. Minutes from the April 10, 2007 Planning Commission Regular meeting.
3. Letters of opposition (3).

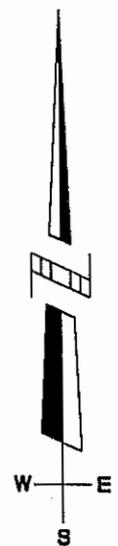
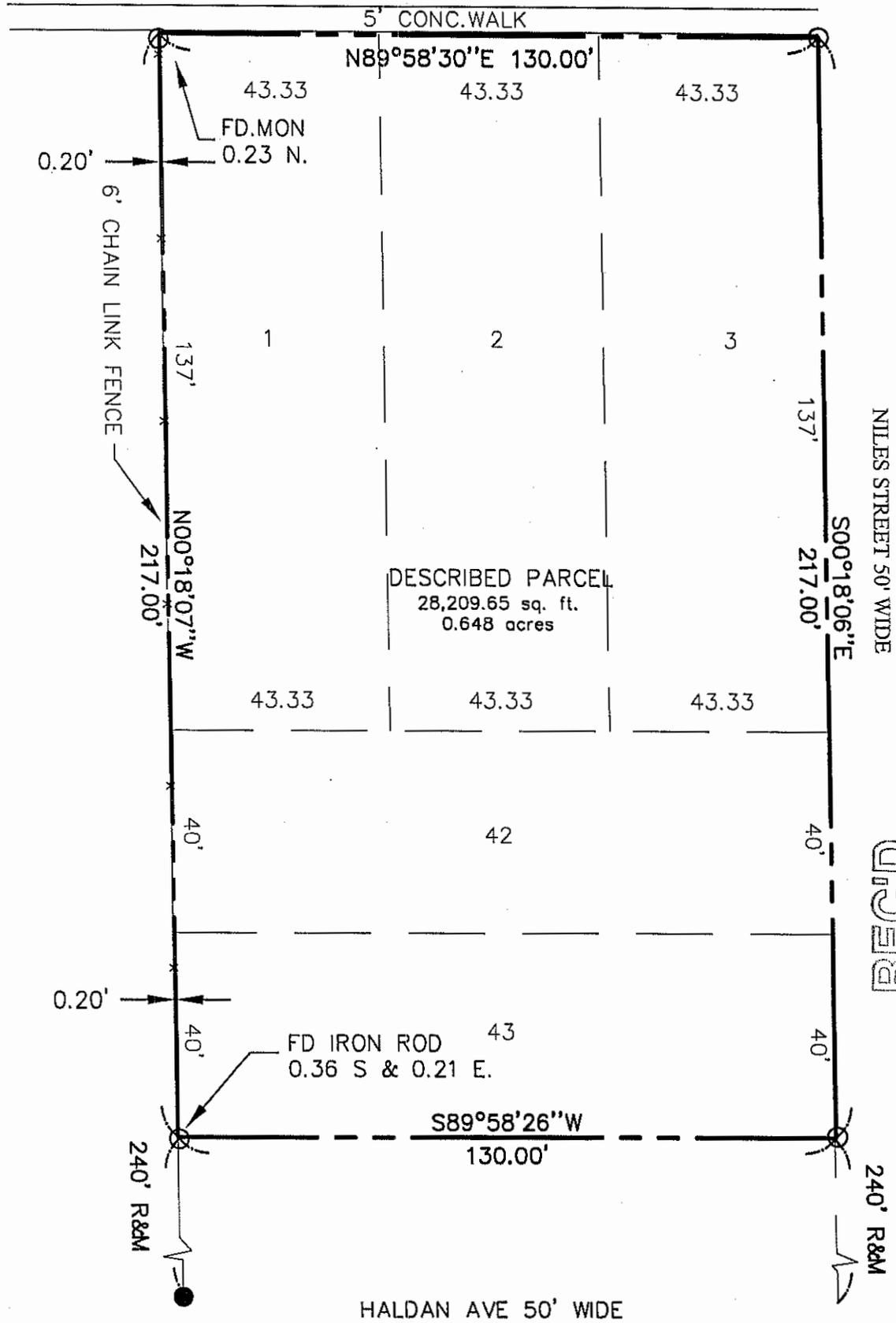
Prepared by RBS/MFM

cc: Applicant  
File /Z 625-B

G:\REZONING REQUESTS\Z-625-B Medical and Dental Office Sec 9\CC Public Hearing 05 21 07.doc

# BOUNDARY SURVEY

SQUARE LAKE ROAD 66' WIDE

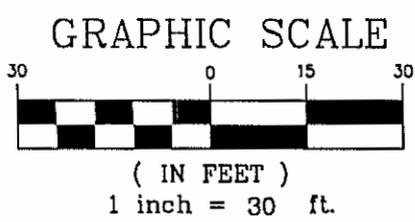


DESCRIBED PARCEL  
28,209.65 sq. ft.  
0.648 acres

REC'D

MAR - 5 2007

PLANNING DEPT.

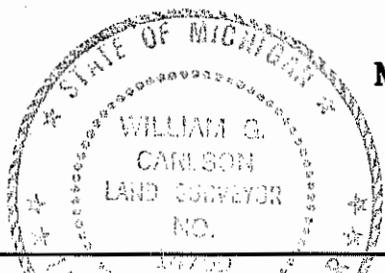


### DESCRIPTION

LOTS 1, 2, 3, 42 & 43 OF "PLEASANT VIEW  
SUBDIVISION PART OF N.E. 1/4 OF SEC. 9,  
T. 2 N., R. 11 E. OAKLAND CO. MICH." AS  
RECORDED IN LIBER 31 OF PLATS, PAGE 39,  
OAKLAND CO. RECORDS

WE HEREBY CERTIFY that we have surveyed the parcel of land described and delineated hereon; that said plan is a true representation of a survey as performed by us and that there are no encroachments other than as shown hereon; that said survey was performed with an error of closure of 1:257,037 and that we have fully complied with the requirements of Section 3 of Act No. 132, Public Acts, 1970, as amended.

- FOUND IRON ROD
- SET IRON ROD



**MASON L. BROWN & ASSOCIATES, INC.**

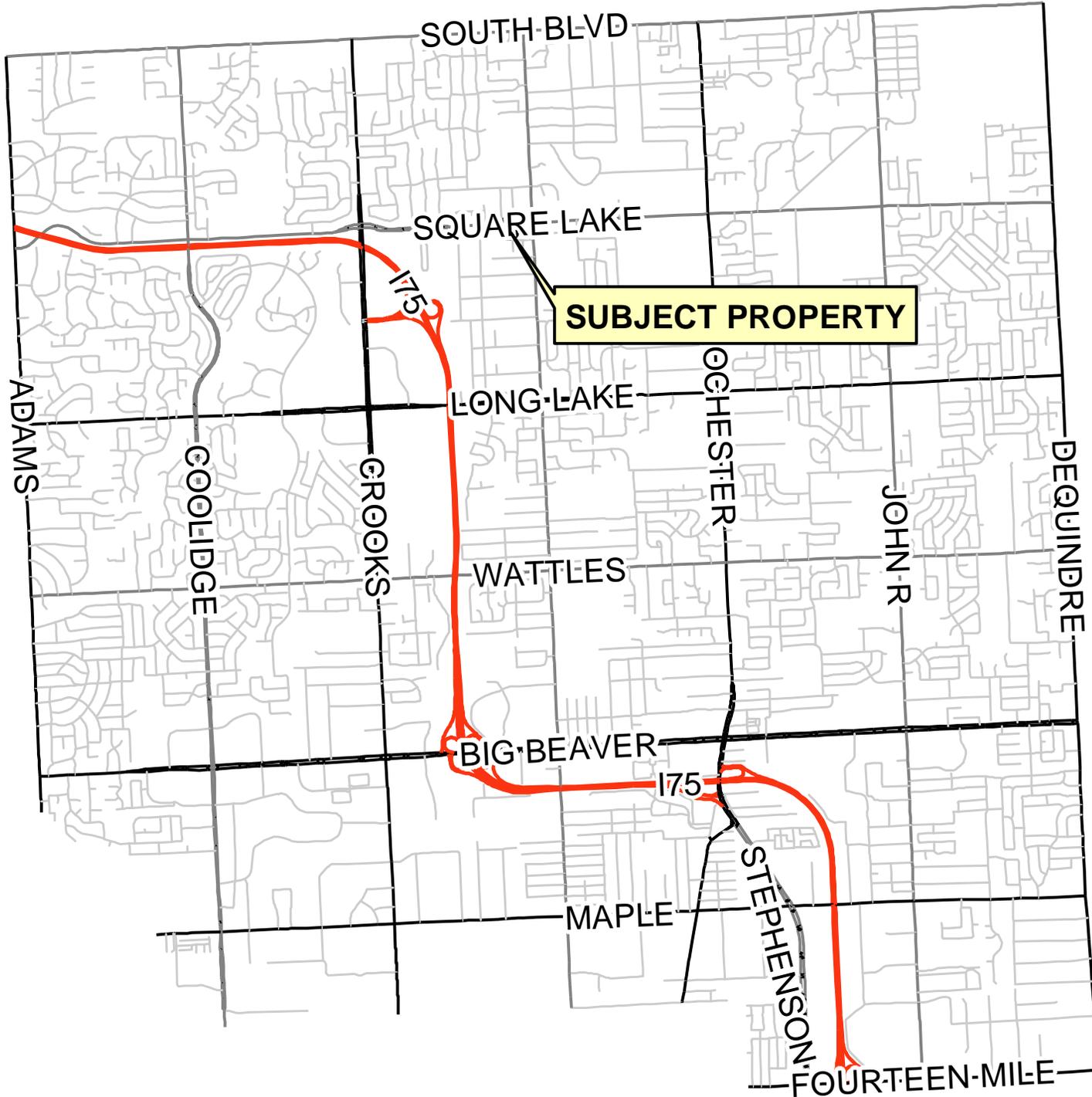
CIVIL ENGINEERS & SURVEYORS  
2638 LAPEER ROAD  
AUBURN HILLS, MICHIGAN  
(248) 475-0561 FAX (248) 475-0567

BY: WLB

PE & LS, Mich. No. 14759

DATE: 12-1-06  
FOR: DR. DONALD KACY  
FILE NAME: 06-053-DWG

# CITY OF TROY



REZONING REQUEST  
PROPOSED MEDICAL / DENTAL OFFICE  
SW CORNER NILES & SQUARE LAKE RD.  
SEC. 9 (Z-625 B)

JAMES PLACE

BLACKWALL

W SQUARE LAKE

E SQUARE LAKE

SUBJECT PROPERTY

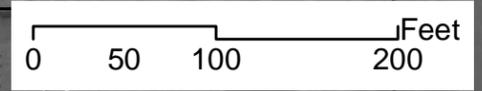
LIVERNOIS

CUTTING

NILES

HALDANE

CANHAM



REZONING REQUEST  
PROPOSED MEDICAL / DENTAL OFFICE  
SW CORNER NILES & SQUARE LAKE RD.  
SEC. 9 (Z-625 B)

JAMES PLACE

BLACKWALL

B-1

W SQUARE LAKE

E SQUARE LAKE

SUBJECT PROPERTY

H-S

O-1

LIVERNOIS

R-1B

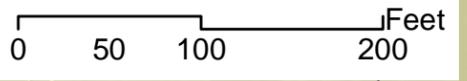
R-2

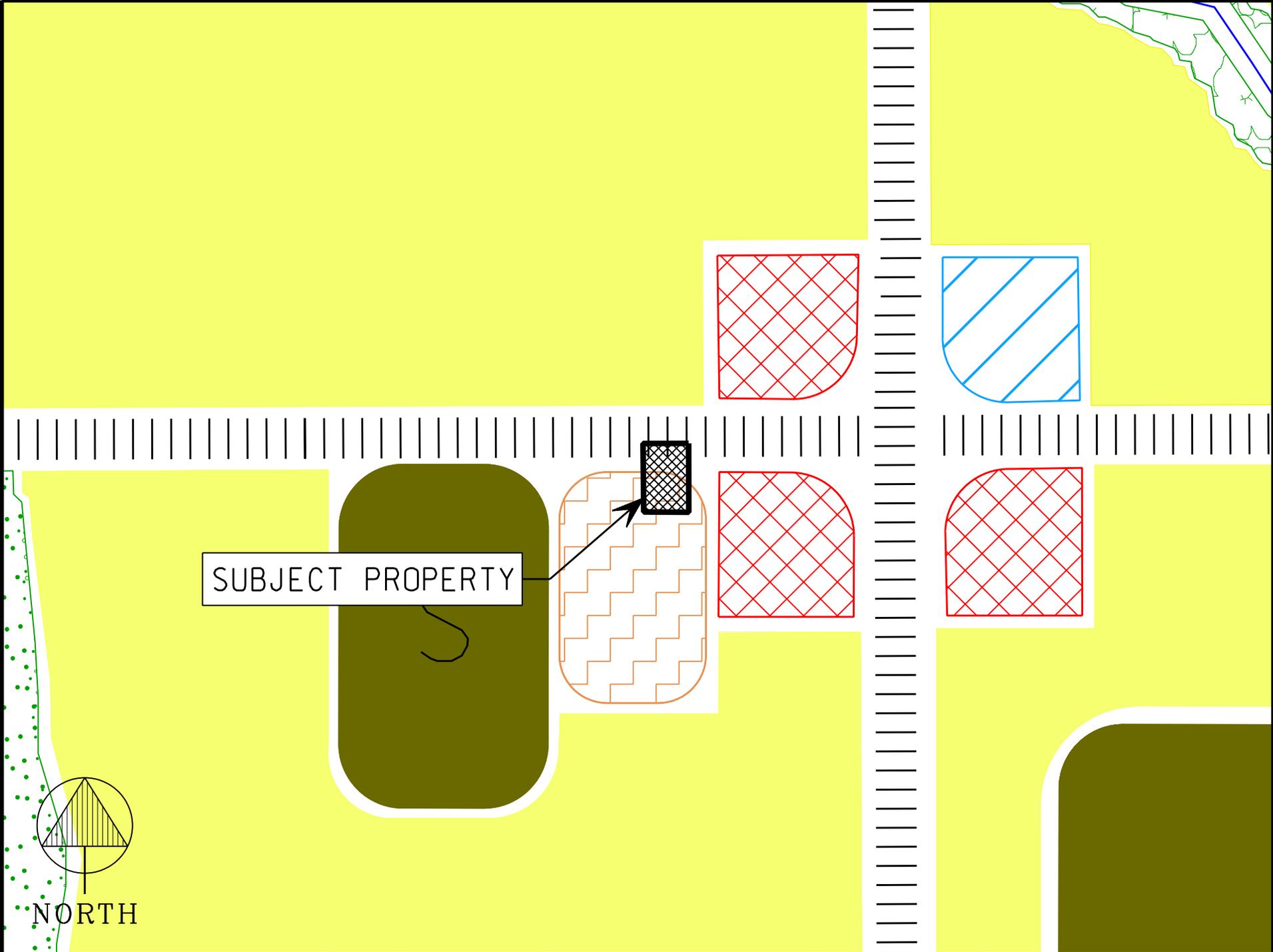
CUTTING

NILES

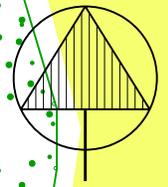
HALDANE

CANHAM





SUBJECT PROPERTY



NORTH

7. PUBLIC HEARING – REZONING REQUEST (Z 625-B) – Proposed Medical/Dental Office Building, Southwest corner of Niles and Square Lake Road, Section 9 – From R-2 (Two Family Residential) to O-1 (Low Rise Office)

Mr. Savidant presented a summary of the Planning Department report on the proposed rezoning request and addressed the transition area. He provided reasons why the subject parcel would be appropriate for O-1 zoning and potential negative impacts associated with the proposed rezoning. Mr. Savidant said the applicant might want to consider pursuing a conditional rezoning so site plan issues could be addressed concurrent with consideration of the rezoning request.

A discrepancy in the size of the subject parcel was brought to the attention of the Planning Department staff. It was confirmed that the parcel size is 0.648 acres.

The petitioner, Donald R. Kacy, DDS, of 77 W. Square Lake Road, Troy, was present. Dr. Kacy owns several parcels along Square Lake Road. He provided a history of the subject property as relates to the zoning and uses. He said the original factor of the property was for it to be zoned O-1 for a small office. Dr. Kacy said the area appears to attract the small medical uses. He said his office does not put out more dust, dirt, or noise than any other use in the area. He said he is trying to build what is needed in the area; a use similar in nature to his dental office.

PUBLIC HEARING OPENED

Jean Heiss of 5857 Niles Drive, Troy, was present. Ms. Heiss addressed comments from the association secretary who could not attend tonight's meeting, and provided a copy of the comments for the record. The comments are in opposition to the proposed request and relate to safety, traffic, parking, noise, property value and existing medical uses in the area. It was confirmed that the Planning Commission received an email message from Yin Chu, association secretary, relaying the same comments.

PUBLIC HEARING CLOSED

Mr. Hutson expressed concerns with building height restrictions and screening, as relates to the proposed O-1 zoning. He indicated a conditional rezoning might offer assurances in that respect.

Mr. Vleck concurred. He expressed concern with the screen wall that would be required under O-1, and indicated a conditional rezoning would set limitations.

Mr. Strat concurred. He said this is a problem site, and he would be in favor of a conditional rezoning.

Ms. Kerwin expressed health, safety and welfare concerns, as well as the potential to create a cut-through in the area. She agreed it is a difficult piece of property.

Chair Schultz stated the cut-through currently exists.

Mr. Strat said the cut-through potential would be another reason to consider a conditional rezoning on this property.

Ms. Troshynski asked the petitioner if there was consideration given to adding landscaping in the greenbelt near the building.

Dr. Kacy replied in the affirmative. He addressed the landscaping, the driveway onto Square Lake Road, the retaining wall and height of the building.

Chair Schultz stated the only item before the Commission tonight is the rezoning request, and no consideration should be given to the proposed site plan or sketch submitted with the application.

**Resolution # PC-2007-04-079**

Moved by: Vleck

Seconded by: Strat

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the R-2 to O-1 rezoning request, located at the southwest corner of Niles and Square Lake, within Section 9, being approximately 0.648 acres in size, be denied, for the following reasons:

1. Concern for the screen wall requirements and building height concerns.

Yes: All present (9)

No: None

**MOTION CARRIED**

Chair Schultz stated it appears the Planning Commission would be willing to entertain a conditional rezoning on this property, and informed the petitioner to contact the Planning Department for information.

**Mark F Miller**

**From:** Paul Iafelice [pci@bww.com]  
**Sent:** Tuesday, April 10, 2007 5:50 PM  
**To:** pai@bww.com; Paula P Bratto; Paula P Bratto; Mark F Miller  
**Subject:** Re: Planning file no. Z-625 B Kacy Medical Office

**From:** "Paul Iafelice"  
**To:** pai@bww.com, planning@ci.troy.mi.us, BRATTOPP@CI.TROY.MI.US  
**Subject:** Planning file no. Z-625 B Kacy Medical Office  
**Date:** Tue, 10 Apr 2007 12:59:03 -0400

REC'D

APR 11 2007

**From:** "Patty"  
**To:**  
**Cc:**  
**Subject:** planning file no. Z-625 B Kacy Medical Office  
**Date:** Tue, 10 Apr 2007 12:39:24 -0400

PLANNING

As a resident at 5892 Niles Drive for the last two years, I am absolutely opposed to the zoning for a public building on a residential street. Although most of us are renting or leasing these properties, we have children who's safety is being completely overlooked and underestimated. Not only will that building be detrimental to their safety, it will do nothing to increase the property value and will hinder the owner's ability to rent their properties out. There are already 3 or 4 units for sale or lease on the block for the last six months! I would not have rented this home if their was an office building at the corner of the street near a very busy intersection. There are several reasons why I oppose the rezoning:

1. Niles has no sidewalks and people are forced to walk on the lawns to avoid vehicles that only use our street as a cut

through to avoid traffic on Livernois and Square Lake Roads. Not one care adheres to the speed limits, and I fear some Child is going to be seriously hurt. There are a large number of elementary children that live on Niles. The children have to play in the street because of the fact there are no sidewalks. They have to walk to and from their Bus stops in the street in the darker hours of the morning.

1. All of the properties here have either have a one car garage or no garage. We are forced to park on the street. With an

Office building, people will be trying to park on the street and we will have no where to put our vehicles.

1. If nobody has noticed, there are already 3 medical office buildings within 1/10<sup>th</sup> of a mile of The Square Lake and Livernois

Intersection with a lot of empty space available for lease!!!! Why does this area need an additional medical building????

1. What benefits will the office building do for the persons who will live across from it or next to it. I would not pay the rent being

Asked if I saw a building like that. On a personal level, the plans of relocati! on outside of Michigan will definitely be cemented if they plan to build another medical center. I cannot see another medical center when so many homes are being foreclosed and people are moving in droves out of Troy and Michigan. What is the purpose?

1. What quality of people will be attracted to this building? Already the Niles high school hangs out on our street making it unsafe

for our kids. Troy is supposed to be in the top 10 safest cities in the U.S.? Why not try keeping it that way? People like Troy because of it's programs for families, why put a building right in the middle of a quiet, peaceful neighborhood? I am sure an issue like this wouldn't even make it to the zoning committee if it were a subdivision like Sylvan Glen.....where is the difference? Sincerely, Patty Iafelice

#7 Z 625-B  
4-10-07 P.C.  
Medical/Dental Office

**Paula P Bratto**

**From:** Dave Chu [davechu@sbcglobal.net]  
**Sent:** Tuesday, April 10, 2007 11:03 AM  
**To:** Paula P Bratto  
**Subject:** Rezoning proposal of Z-625 B Kazy Medical Office

Dear Troy City Planning Commissioners,

My name is Yin Chu, residing at 5889 Niles, Troy, MI 48098.

I oppose to the rezoning proposal of Z-625 B Kacy Medical Office (119 W. Square Lake and Niles) from R-2 to O-1.

The base of my opposition to the proposal is increased traffic, children's and senior citizen's safety concerns, parking space burden, and property value of the existing homes.

First, the proposed medical office will definitely result in increased traffic to the sub. Niles has no side walk on both sides. Pedestrians have to walk onto the lawn to avoid coming vehicles. The increased traffic will only worsen the current situation.

Secondly the sub (southern end of Niles) has a high population density of teenagers, particularly elementary school-aged kids (9 elementary kids at one bus stop, plus other middle-schoolers). During school bus pick-up in the morning and drop-off hours afternoon, kids have to walk on roads along side with moving vehicles. Also after school, they play on the street because of the lack of side-walk for them to play on. Increased traffic in the sub will inadvertently translate into a higher accident risk. It is a big safety concerns to parents.

Thirdly proposed medical office will increase the parking-space burden. Niles, between Square Lake and Haldane, is a no-park zone. Should a medical office be built, visiting clients to the office will have to park their vehicles in the southern end of Niles when the office's parking space is full (assuming a office parking lot to be built). Competition for parking spaces among sub's residents and outside visitors will inadvertently cause altercations and damage the existing harmony that we currently enjoy.

Fourthly there is no shortage of medical offices in the area. There are already 3 medical office centers in the vicinity of Square Lake and Livernois. We don't need an additional medical office to make Square Lake/Niles corner a medical campus in the residential area to serve Troy residents.

Finally, the presence of a medical office will cause the property value in the vicinity to decline. This is a great concern to home owners including myself. Tranquility and low traffic are two important determining factors in home values. Destroying these two favorable factors that the sub enjoys now will be a blow to home values and a very big unfairness to the owners of existing homes in the area.

I do not see any benefit that a medical office will bring to the area. In view of the above reasons, I strongly oppose the rezoning of the parcels to O-1. I hope the City Planning Commission will seriously consider the points that I make when deciding the rezoning of the parcels.

Yours,

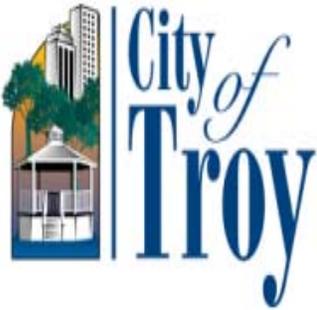
Yin Chu

HANDOUT - PLANNING  
COMMITTEE  
4-10-07 H.E.

Z625-B

**Main reasons to oppose the rezoning:**

- 1) Niles has no side walk, pedestrians walk onto the lawn to avoid coming vehicles; the increased traffic will only worsen the current situation
- 2) Safety concerns - the sub (southern side of Niles) has a high population density of elementary school-aged kids; they play on the street because of the lack of side-walk
- 3) Increase the parking-space burden among residents and outside visitors; compete for parking spaces; damage the harmony we now have.
- 4) There are already 3 medical centers in the vicinity of Square Lake and Livernois. No need for additional medical center.
- 5) Tranquility and low traffic will be gone with medical office - bad for existing residents.
- 6) Will cause property value to decline - bad for existing home owners.
- 7) See no benefit the medical office will bring to the area and existing residents.



**TO:** Mayor and Members of City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Christopher J. Forsyth, Assistant City Attorney  
**DATE:** May 16, 2007  
**SUBJECT:** Hooters v. Troy – Proposed Consent Judgment

---

At the City Council meeting of May 14, 2007, Council was provided with a proposed Consent Judgment that could resolve the pending cases between the parties. In this May consent judgment, Hooters agreed to provide some concessions, in exchange for Council's agreement to transfer the liquor license. One of the concessions was to close the access from Hooters parking lot to Henrietta Avenue. Hooters did not specify how this closure would occur, and the consent judgment proposal required only that the closure be completed to provide some additional protections to the neighboring residential properties on Henrietta Avenue.

As you can see in the attached aerial photograph, the parking for the Ram's Horn Restaurant is sandwiched in between the parking lot for Hooters and Henrietta Avenue. At the May 14, 2007 meeting, the operator of the Ram's Horn Restaurant indicated that the proposed closure may violate the provisions of his lease with the Sign of the Beefcarver, which also owns the Hooters Restaurant property at Big Beaver and Rochester Road. Due to the short turn around time for this item, City Administration has not yet been provided with a copy of these lease provisions, and there are no access or parking restrictions or easements on file at the Oakland County Register of Deeds. However, even though the lease provisions have not yet been verified, we presume that there are shared parking provisions that benefit the Ram's Horn Restaurant. As such, Council may wish to reconsider the closure requirement.

The proposed closure was designed to provide some protections to the neighboring residential properties on Henrietta Avenue. With these concerns in mind, Hooters has agreed to an alternative proposal, which has been incorporated into the attached May 21, 2007 proposed consent judgment.

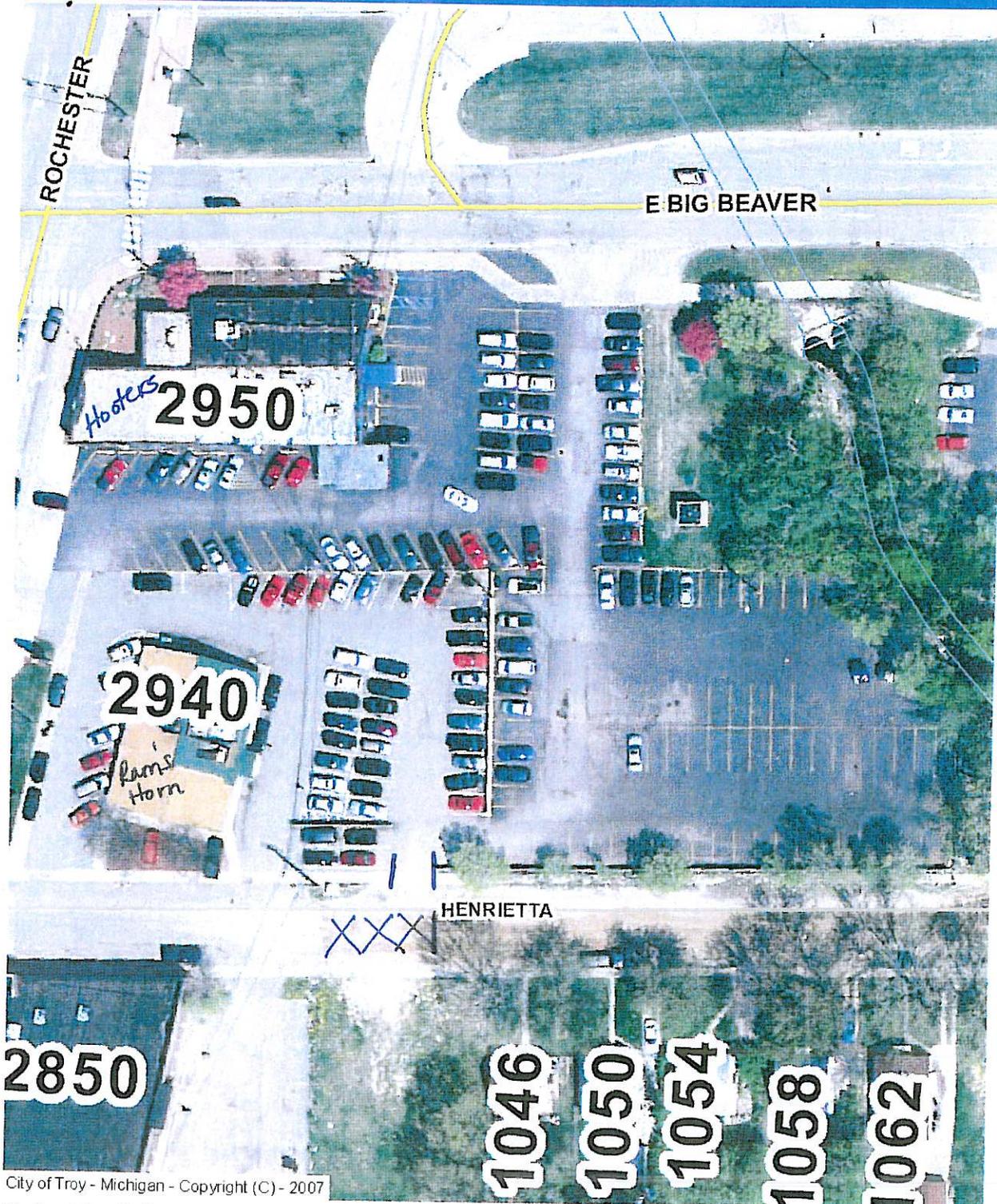
In addition to the other concessions contained in the consent judgment, such as removing the two pole signs and removing the outdoor seating, Hooters has also agreed to pay the City to re-grade and asphalt pave a portion of Henrietta Avenue near the entrance to Ram's Horn's parking lot. Hooters would also agree to pay the City for installation of appropriate signage directing traffic away from the residential housing located on Henrietta. By requiring Hooters to pay for paving this section of Henrietta, this protects the interests of the residents by eliminating the noise and dust that would have been generated by increased traffic on a gravel road. This concession also protects the interests of Ram's Horn in that its customers will continue to access its rear parking.

The attached May 21, 2007 consent judgment is attached for your consideration. It includes the site plan (depicting location of pole signs and outdoor seating) and aerial photography of the portion of Henrietta to be paved. The site plan and aerial photography will be incorporated by reference. The May 14, 2007 proposal is also included for your consideration.

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



# Geographical Information Systems Online



City of Troy - Michigan - Copyright (C) - 2007

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

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

2. With the entry of this Consent Judgment by the Court, the Troy City Council approves Plaintiff's application to transfer the Liquor License from the Beefcarver to Hooters. After such time, the Troy City Clerk shall immediately forward a resolution of approval of the transfer to the Michigan Liquor Control Commission.
3. The City of Troy will reasonably cooperate and file such other additional or revised documents that reflect the above referenced approval, and as required by the Michigan Liquor Control Commission to complete or expedite the Liquor License transfer.
4. In consideration of the approval of the transfer of the Liquor License by the City of Troy, Plaintiff agrees to the following:
  - a. Plaintiff relinquishes any claim of damages against Defendant.
  - b. Plaintiff will dismiss with prejudice its claim of appeal filed with the Michigan Court of Appeals in the state court action, which is entitled *In Re Hooters of Troy Inc.*, Oakland County Circuit Court No. 06-75618 AS, Michigan Court of Appeals No. 272155.
  - c. Plaintiff will continue to cease its operation of a Hooters Restaurant at 1686 John R Road, and place its Class C liquor license for that location into escrow with the Michigan Liquor Control Commission. This Consent Judgment does not address any future transfer or sale of the John R. escrowed license, and any sale or transfer of said liquor license shall comply with the Michigan Liquor Control Code.

- d. Plaintiff shall be permitted to operate only one Hooters restaurant in Troy.
- e. Within thirty (30) days after the entry of this Consent Judgment, Plaintiff shall remove the two pole signs (collectively, "Pylon Signs F & G"), which were erected at this location. More specifically, the first pole sign Plaintiff shall remove is located a short distance from the restaurant, is in close proximity to the intersection of Rochester and Big Beaver Roads, and is the larger of the two pole signs. The second pole sign Plaintiff shall remove is located in close proximity to the northeast parking entrance to the restaurant, which also curb cuts on Big Beaver Road, and is the smaller of the two pole signs. These two pole signs are further described as F, SF Pylon, and G, DF Pylon, in the attached plan (Exh. A., incorporated by reference).
- f. Plaintiff shall be permitted to construct up to two directional signs from Big Beaver Road, which shall not exceed 2 square feet each, and which shall not contain any logos or other commercial message, and shall be limited to identifying the Entrance and Exit for the parking lot. These signs, if constructed, shall be located at the existing north easternmost curb cut of the parking lot.
- g. With the exception of the pole signs, which Plaintiff agrees to remove, and the directional signs, as referenced in Paragraph f, the amount and type of signage Plaintiff can maintain at 2946-2950 Rochester Road, is limited to that depicted in Exhibit A.

- h. Within thirty (30) days after the entry of this Consent Judgment, Plaintiff shall also remove the wood patio deck and all the outdoor seating located at the Hooters at 2946-2950 Rochester Road. The outdoor seating is located at the southeast corner of the restaurant and is described as “covered wood patio deck” in Exhibit A.
- i. Within thirty (30) days after the entry of this Consent Judgment, Plaintiff shall place in escrow the amount of \$5000, which shall be used to pay for the City’s cost of re-grading and asphalt paving a portion of Henrietta Avenue, and also to pay for the installation of appropriate signage directing traffic away from the residential homes on Henrietta Avenue. Specifically, Plaintiff shall pay the cost to re-grade and asphalt pave the portion of Henrietta Avenue that begins at the current eastern end of the existing asphalt paving on Henrietta Avenue, and extends approximately 80 feet to the east, at the easternmost edge of the eastern driveway entrance to the Ram’s Horn Restaurant parking lot (described in Exhibit B, which is incorporated by reference). The amount to be paid by Plaintiff under this paragraph shall not exceed the \$5,000 that is placed in escrow, and shall be based on the actual cost, as submitted by Troy.
- j. Plaintiff is permanently barred from seeking permission or any variances from the City of Troy to construct or erect additional signage at 2946-2950 Rochester Road, including but not limited to

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

- k. Plaintiff is also permanently barred from seeking permission or any variance from the City of Troy to construct or erect any outdoor seating at 2946-2950 Rochester Road. This does not preclude Plaintiff from applying for one (1) outdoor special event permit within a twelve (12) month period as set forth in Chapter 39, Section 41.16.00 of the City of Troy Ordinances.
- l. Plaintiff is further permanently barred from requesting an outdoor service permit from the Michigan Liquor Control Commission that allows for any outdoor seating at 2946-2950 Rochester Road. This does not preclude Plaintiff from applying for a temporary outdoor service permit with the Michigan Liquor Control Commission as set forth in MI ADC R 436.1419 in conjunction with an outdoor special event permit as set forth in above paragraph k.
- m. In the event Plaintiff fails to remove above described pole signs, and remove the above described outdoor seating at 2946-2950 Rochester Road, Defendant shall have the right to remove said pole signs, or remove said outdoor seating, 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.

- n. In the event Plaintiff fails to pay for the re-grading, asphalt paving, and sign installation as described in Paragraph i, the City of Troy shall have the right to present to the escrow agent the cost incurred by the City for re-grading, asphalt paving, and sign installation for payment.
5. The parties agree to waive all costs and attorney fees incurred as result of the case.
6. By entry of this Consent Judgment, the parties, their agents, successors, assignees waive and discharge any and all claims that they may have against the other party, including its officials and employees, relating to the subject of this lawsuit.
7. In order to effectuate the intent of this Consent Judgment and to reconcile any differences of the parties that may arise in connection with the performance of this Consent Judgment, this Court shall retain jurisdiction of this action.

\_\_\_\_\_  
DISTRICT COURT JUDGE

Approved for entry:

HOOTERS OF TROY INC.

By: \_\_\_\_\_  
Coby G. Brooks, President

CITY OF TROY, a Michigan Municipal Corporation

By: \_\_\_\_\_  
Louise Schilling, Mayor

By: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

Approved as to form:

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

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

Prepared by:

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



**EXHIBIT B**



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

HOOTERS OF TROY INC.,

Plaintiff,

v.

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

CITY OF TROY,

Defendant.

\_\_\_\_\_/

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

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

\_\_\_\_\_ /

**JUDGMENT BY CONSENT**

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

PRESENT: Hon. \_\_\_\_\_  
DISTRICT COURT JUDGE

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

## RECITALS

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

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

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

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

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

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

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

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

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

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

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

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

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

2. With the entry of this Consent Judgment by the Court, the Troy City Council approves Plaintiff's application to transfer the Liquor License from the Beefcarver to Hooters. After such time, the Troy City Clerk shall immediately forward a resolution of approval of the transfer to the Michigan Liquor Control Commission.
3. The City of Troy will reasonably cooperate and file such other additional or revised documents that reflect the above referenced approval, and as required by the Michigan Liquor Control Commission to complete or expedite the Liquor License transfer.
4. In consideration of the approval of the transfer of the Liquor License by the City of Troy, Plaintiff agrees to the following:
  - a. Plaintiff relinquishes any claim of damages against Defendant.
  - b. Plaintiff will dismiss with prejudice its claim of appeal filed with the Michigan Court of Appeals in the state court action, which is entitled *In Re Hooters of Troy Inc.*, Oakland County Circuit Court No. 06-75618 AS, Michigan Court of Appeals No. 272155.
  - c. Plaintiff will continue to cease its operation of a Hooters Restaurant at 1686 John R Road, and place its Class C liquor license for that location into escrow with the Michigan Liquor Control Commission. This Consent Judgment does not address any future transfer or sale of the John R. escrowed license, and any sale or transfer of said liquor license shall comply with the Michigan Liquor Control Code.

- d. Plaintiff shall be permitted to operate only one Hooters restaurant in Troy.
- e. Within thirty (30) days after the entry of this Consent Judgment, Plaintiff shall remove the two pole signs (collectively, "Pylon Signs F & G"), which were erected at this location. More specifically, the first pole sign Plaintiff shall remove is located a short distance from the restaurant, is in close proximity to the intersection of Rochester and Big Beaver Roads, and is the larger of the two pole signs. The second pole sign Plaintiff shall remove is located in close proximity to the northeast parking entrance to the restaurant, which also curb cuts on Big Beaver Road, and is the smaller of the two pole signs. These two pole signs are further described as F, SF Pylon, and G, DF Pylon, in the attached plan (Exh. A., incorporated by reference).
- f. Plaintiff shall be permitted to construct up to two directional signs from Big Beaver Road, which shall not exceed 2 square feet each, and which shall not contain any logos or other commercial message, and shall be limited to identifying the Entrance and Exit for the parking lot. These signs, if constructed, shall be located at the existing north easternmost curb cut of the parking lot.
- g. With the exception of the pole signs, which Plaintiff agrees to remove, and the directional signs, as referenced in Paragraph f, the amount and type of signage Plaintiff can maintain at 2946-2950 Rochester Road, is limited to that depicted in Exhibit A.

- h. Within thirty (30) days after the entry of this Consent Judgment, Plaintiff shall also remove the wood patio deck and all the outdoor seating located at the Hooters at 2946-2950 Rochester Road. The outdoor seating is located at the southeast corner of the restaurant and is described as “covered wood patio deck” in Exhibit A.
- i. Within thirty (30) days after the entry of this Consent Judgment, Plaintiff shall close access to its parking lot located at 2946-2950 Rochester Road address from Henrietta Avenue in a manner that is consistent with City of Troy ordinances and regulations.
- j. Plaintiff is permanently barred from seeking permission or any variances from the City of Troy to construct or erect additional signage at 2946-2950 Rochester Road, including but not limited to any special event signs as set forth in Chapter 85 of the City of Troy Ordinances.
- k. Plaintiff is also permanently barred from seeking permission or any variance from the City of Troy to construct or erect any outdoor seating at 2946-2950 Rochester Road. This does not preclude Plaintiff from applying for one (1) outdoor special event permit within a twelve (12) month period as set forth in Chapter 39, Section 41.16.00 of the City of Troy Ordinances.
- l. Plaintiff is further permanently barred from requesting an outdoor service permit from the Michigan Liquor Control Commission that allows for any outdoor seating at 2946-2950 Rochester Road. This

does not preclude Plaintiff from applying for a temporary outdoor service permit with the Michigan Liquor Control Commission as set forth in MI ADC R 436.1419 in conjunction with an outdoor special event permit as set forth in above paragraph k.

m. In the event Plaintiff fails to remove above described pole signs, remove the above described outdoor seating, or close access to its parking lot from Henrietta Avenue in manner consistent with City of Troy ordinances and regulations, at 2946-2950 Rochester Road, Defendant shall have the right to remove said pole signs, or remove said outdoor seating, or close said access, and charge all costs and expenses to Plaintiff. This does not preclude the parties from pursuing any other available relief under state or federal law for any violation of the terms of this Consent Judgment.

5. The parties agree to waive all costs and attorney fees incurred as result of the case.
6. By entry of this Consent Judgment, the parties, their agents, successors, assignees waive and discharge any and all claims that they may have against the other party, including its officials and employees, relating to the subject of this lawsuit.
7. In order to effectuate the intent of this Consent Judgment and to reconcile any differences of the parties that may arise in connection with the performance of this Consent Judgment, this Court shall retain jurisdiction of this action.

\_\_\_\_\_  
DISTRICT COURT JUDGE

Approved for entry:

HOOTERS OF TROY INC.

By: \_\_\_\_\_  
Coby G. Brooks, President

CITY OF TROY, a Michigan Municipal Corporation

By: \_\_\_\_\_  
Louise Schilling, Mayor

By: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

Approved as to form:

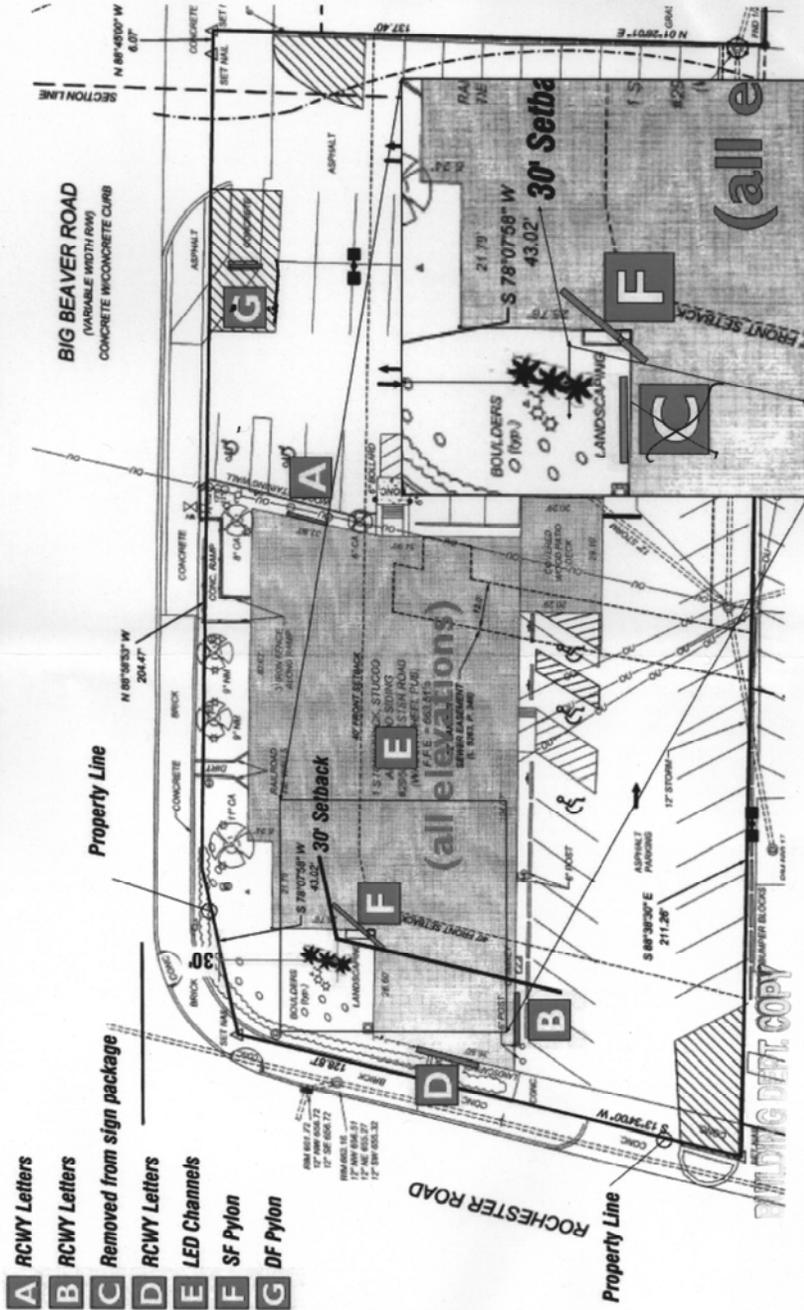
\_\_\_\_\_  
CITY OF TROY  
CITY ATTORNEY'S OFFICE  
By: LORI GRIGG BLUHM (P46908)  
CHRISTOPHER FORSYTH (P63025)  
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\_\_\_\_\_  
EDWARD G. LENNON PLLC  
EDWARD G. LENNON (P42278)  
Attorney for Plaintiff  
HYMAN LIPPITT, P.C.  
Stephen McKenney (P65673)  
Co-Counsel for Plaintiff  
322 N. Old Woodward  
Birmingham, MI 48009

Prepared by:

CITY OF TROY  
CITY ATTORNEY'S OFFICE  
By: s/Christopher J. Forsyth  
Lori Grigg Bluhm (P46908)  
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**EXHIBIT A**



- A** RCWY Letters
- B** RCWY Letters
- C** Removed from sign package
- D** RCWY Letters
- E** LED Channels
- F** SF Pylon
- G** DF Pylon

Scale: 1/32" = 1'

**Priority Sign** INC.

Corporate Headquarters:  
817 Riverfront Dr., Suite 200,  
Rochester, MN 55909  
PHONE: (507) 248-4898 FAX: (507) 248-0989

Regional Offices:  
Cyrus Lake, IL Birmingham, AL  
Blairsville, GA  
Mankato, MN

**Approval:**

L.D. # Artwork # Drawing #  
As Shown C21966pp

Designer: asl

Rev: add 30' dim (7/11/06)  
remove C, adjust pylons (8/3/06) asl

	X
	X

Location: **Troy, MI**

Address: **2950 Rochester Road**

Date: **07-07-06**

## AGREEMENT REGARDING LIQUOR LICENSE REQUEST

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

### RECITALS:

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

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

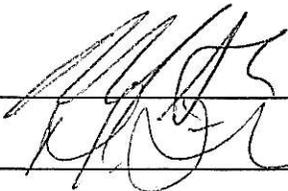
- (a) It has read and is aware of the provisions of the City of Troy Ordinances, Chapter Nos. 67, 68, 92 and Chapter No. 98 (effective 02/01/01), and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this Agreement.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

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

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

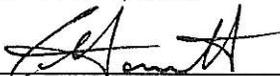
5. APPLICANT agrees that upon a violation, after full investigation and an opportunity for said APPLICANT to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this Agreement has occurred, the City Council shall have just cause for revocation of said recommendation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

Witnesses:

  
\_\_\_\_\_

Applicant:

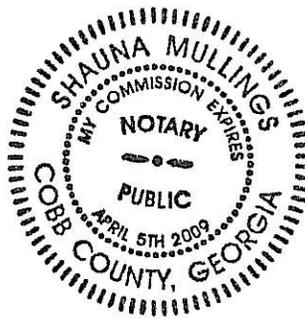
HOOTERS OF TROY, INC.

By:   
\_\_\_\_\_ Coby G. Brooks, President

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

  
\_\_\_\_\_

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



CITY OF TROY

By: \_\_\_\_\_  
Louise E. Schilling, Mayor

By: \_\_\_\_\_  
Tonni L. Bartholomew, Clerk

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

\_\_\_\_\_  
Notary Public, Oakland County, Michigan  
My commission expires:

Blmfield.18796.60706.734623-1

A Regular Meeting of the Troy City Council was held Monday, May 14, 2007, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:32 PM.

Mr. Mark Nowak of First Baptist Church of Troy gave the Invocation and the Pledge of Allegiance to the Flag was given.

**ROLL CALL:**

Mayor Louise E. Schilling  
Robin Beltramini  
Mayor Pro Tem Cristina Broomfield  
Wade Fleming  
Martin F. Howrylak (Arrived 7:35 PM)  
David A. Lambert  
Jeanne M. Stine

**CERTIFICATES OF RECOGNITION:**

---

**A-1 Presentations:**

- a) On behalf of the City of Troy, Mayor Schilling presented Rick Sinclair a *Service Commendation* recognizing his 36 years of dedicated service with the City of Troy's Police and Fire Departments.
- b) On behalf of the City of Troy, Mayor Schilling presented *Service Commendations* to Tanner Lumma, Stephen Castiglione, Erik Rieland, Timmy Grieme, and Parent Volunteers Helen Rieland, Dave Rieland, Darlene Lumma, Dawn Castiglione of Cub Scout Pack 1703 in recognition of their contribution to a better community by participating in the spring clean-up of the vacant lot across from the Troy Public Library.
- c) On behalf of City Staff, Mayor Schilling accepted a plaque from the American Society of Civil Engineers in recognition of the *Sylvan Glen Golf Course Streambank Restoration*.
- d) On behalf of the City of Troy, Mayor Schilling presented a *Welcome Home Proclamation* honoring Sergeant Michael Ullmann.
- e) On behalf of the City of Troy, Mayor Schilling presented a *Welcome Home Proclamation* honoring Lance Corporal Thomas Stenger.
- f) On behalf of the City of Troy, Mayor Schilling presented a *Welcome Home Proclamation* honoring Lance Corporal Cameron Mattox.
- g) On behalf of the City of Troy, Mayor Schilling presented a *Welcome Home Proclamation* honoring Lance Corporal Brock Brani.

**CARRYOVER ITEMS:**

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**B-1 No Carryover Items****PUBLIC HEARINGS:**

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**C-1 Rezoning Application (File Number: Z-726) – 190 East Maple, South Side of Maple, East of Livernois, Section 34 – B-2 to M-1**

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment from the architect representing the petitioner; there was no public comment.

Resolution #2007-05-137

Moved by Howrylak

Seconded by Fleming

RESOLVED, That the B-2 to M-1 rezoning request, located on the south side of Maple, east of Livernois, in Section 34, part of parcel 88-20-34-101-025, being 1.5717 acres in size, is described in the following legal description and illustrated on the **ATTACHED** boundary survey drawing:

T2N, R11E, NW 1/4 of Section 34

Beginning at a Point being N 89°59'30" E, 930.00 ft. and S 00°02'15" W, 288.24 ft. from the northwest corner of said section 34; thence continuing S 00°02'15" W, 187.76 ft.; thence N 89°59'30" E, 363.55 ft.; thence N 00°12'48" E, 188.97 ft.; thence N 89°57'45" W, 134.64 ft.; thence S 00°02'15" W, 1.50 ft.; thence N 89°57'45" W, 229.49 ft.; to the Point of beginning. Containing 1.5717 acres more or less, subject to all easements and restrictions of record;

BE IT FURTHER RESOLVED, The rezoning is **RECOMMENDED** by the Planning Commission; and

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

Yes: All-7

---

**C-2 Zoning Ordinance Text Amendment (File Number: ZOTA 229) – Article XXVIII – Automobile Rental Establishments in the M-1 Light Industrial District**

The Mayor opened the Public Hearing for public comment.

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

Resolution #2007-05-138

Moved by Beltramini

Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AMENDS** Article XXVIII (M-1 LIGHT INDUSTRIAL DISTRICT) of the City of Troy Zoning Ordinance to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 229), City Council Public Hearing Draft, as recommended by the Planning Commission.

Yes: All-7

---

**C-3 Conditional Rezoning Application (File Number: CR-001) – Proposed Troy Medical Office Building, West Side of Livernois, North of Big Beaver, Section 21 – R-1B to O-1 (CR-001)**

The Mayor opened the Public Hearing for public comment.

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

Resolution #2007-05-139

Moved by Lambert

Seconded by Beltramini

WHEREAS, The City is in receipt of a proposed Conditional Rezoning Agreement and related Site Plan documents, as per Section 03.24.00 of the City of Troy Zoning Ordinance;

WHEREAS, The R-1B to O-1 conditional rezoning request, located on the west side of Livernois, north of Big Beaver, in Section 21, part of parcel 88-20-21-426-012, being 1.26 acres in size, is described in the following legal description and illustrated on the attached boundary survey drawing:

T2N, R11E, E 1/2 of Section 21

The east 443 ft. of Lot 3 of Supervisor's Plat No. 26, according to the plat thereof as recorded in Liber 57, Page 59 of Plats, Oakland County Records;  
and

WHEREAS, The conditional rezoning was recommended for approval by the Planning Commission;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the R-1B to O-1 Conditional Rezoning Agreement and related Site Plan documents; and

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** the Mayor and City Clerk to sign the Conditional Rezoning Agreement on behalf of the City of Troy; and

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

Yes: All-7

---

**C-4 Adoption of the 2007/08 City Budget**

The Mayor opened the Public Hearing for public comment.

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

Resolution

Moved by Lambert

Seconded by Howrylak

WHEREAS, Section 8.3 of the City Charter directs the City Council to adopt a budget for the ensuing year, beginning July 1, 2007;

THEREFORE, BE IT RESOLVED, That the following listed re-appropriations, operating transfers-in, and operating revenues of the General Operating Fund are anticipated:

Taxes	\$	36,308,690
Licenses and Permits		1,747,500
Federal Grants		55,900
State Grants		6,784,000
Contributions - Local		180,000
Charges for Services		6,598,700
Fines and Forfeits		1,027,000
Interest and Rents		2,081,600
Other Revenue		510,550
Operating Transfers - In		4,951,200
Re-appropriation		3,210,280
 Total	 \$	 63,455,420;

BE IT FURTHER RESOLVED, That the tax rate for the General Operating Fund shall be six and fifty one-hundredths (6.50) mills on the 2007 taxable valuation;

BE IT FURTHER RESOLVED, In order to meet anticipated expenses, amounts from the following listed budgetary centers shall be appropriated from the General Operating Fund:

Building Inspection	\$	2,243,190
Council/Executive Administration		2,033,040
Engineering		3,136,960
Finance		5,054,990
Fire		4,317,390
Library /Museum		5,066,530
Other General Government		2,700,750
Police		24,060,510
Parks and Recreation		9,225,600
Streets		5,606,460
Operating Transfer Out		10,000
	\$	63,455,420;

BE IT FURTHER RESOLVED, That the following listed re-appropriations and revenues of the Capital Fund are anticipated:

Taxes	\$	8,440,000
State Grants		4,219,000
Contributions Local		245,000
Charges for Services		75,000
Fines & Forfeitures		246,180
Interest and Rents		807,200
Operating Transfer In		3,783,000
Re-appropriation		11,926,560

Total	\$	29,741,940;
-------	----	-------------

BE IT FURTHER RESOLVED, That the tax rate for the Capital Fund shall be one and sixty one-hundredths (1.60) mills on the 2007 taxable valuation;

BE IT FURTHER RESOLVED, In order to meet anticipated expenses, amounts from the following listed budgetary centers shall be appropriated from the Capital Fund:

Executive Administration	\$	20,000
Building Inspection		10,000
Drains		1,260,930
Finance		35,000
Fire		536,200
Library		325,000
Museum		256,000
Other General Government		4,457,600
Police		1,129,210
Parks and Recreation		7,255,000
Streets		12,650,000
Public Works		1,058,000
Operating Transfer Out		749,000
Total	\$	29,741,940;

BE IT FURTHER RESOLVED, That the following listed revenues of the Refuse Fund are anticipated:

Taxes	\$	3,572,670
Charges for Services		1,500
Interest and Rents		175,000
Total	\$	3,749,170;

BE IT FURTHER RESOLVED, That the tax rate for the Refuse Fund shall be sixty-eight one-hundredths (.68) mills on the 2007 taxable valuation;

BE IT FURTHER RESOLVED, That the Refuse Fund shall be appropriated \$3,749,170;

BE IT FURTHER RESOLVED, That the General Debt Service Fund shall be appropriated \$3,042,730;

BE IT FURTHER RESOLVED, That there shall be a tax levy of fifty one-hundredths (.50) mills on the 2007 taxable valuation for the General Debt Service Fund; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** the following budgets as shown in the 2007/08 budget document:

Major Road Fund	\$	3,851,090
Local Road Fund	\$	1,626,310

Community Development Block Grant Fund	\$	166,320
Troy Community Fair Fund	\$	187,660
Budget Stabilization Fund	\$	100,000
2000 MTF Debt Fund	\$	247,890
Proposal A Debt Fund	\$	837,000
Proposal B Debt Fund	\$	1,383,630
Proposal C Debt Fund	\$	756,000
Special Assessment Fund	\$	2,063,000
Water Supply System	\$	15,224,790
Sanitary Sewer Fund	\$	11,276,040
Aquatic Center Fund	\$	628,670
Sylvan Glen Golf Course Fund	\$	1,088,180
Sanctuary Lake Golf Course Fund	\$	2,050,670
Building Operations	\$	1,968,590
Information Technology Fund	\$	1,606,900
Fleet Maintenance Fund	\$	4,396,990
Workers' Compensation Fund	\$	365,000
Compensated Absences Fund	\$	4,635,400
Unemployment Insurance Fund	\$	95,000

### **Vote on Resolution to Amend**

Resolution #2007-05-140

Moved by Beltramini

Seconded by Stine

RESOLVED, That Troy City Council hereby **AMENDS** the Resolution for the *Adoption of the 2007/08 City Budget* to add .05 mills to the Capital Fund rather than deduct \$262,000.00 from Building Improvements to Roads.

Yes: Stine, Schilling, Beltramini

No: Broomfield, Fleming, Howrylak, Lambert

### **MOTION FAILED**

### **Vote on Resolution for the Adoption of the 2007/08 City Budget**

Resolution #2007-05-141

Moved by Lambert

Seconded by Howrylak

WHEREAS, Section 8.3 of the City Charter directs the City Council to adopt a budget for the ensuing year, beginning July 1, 2007;

THEREFORE, BE IT RESOLVED, That the following listed re-appropriations, operating transfers-in, and operating revenues of the General Operating Fund are anticipated:

Taxes	\$	36,308,690
Licenses and Permits		1,747,500

Federal Grants	55,900
State Grants	6,784,000
Contributions - Local	180,000
Charges for Services	6,598,700
Fines and Forfeits	1,027,000
Interest and Rents	2,081,600
Other Revenue	510,550
Operating Transfers - In	4,951,200
Re-appropriation	3,210,280
Total	\$ 63,455,420;

BE IT FURTHER RESOLVED, That the tax rate for the General Operating Fund shall be six and fifty one-hundredths (6.50) mills on the 2007 taxable valuation;

BE IT FURTHER RESOLVED, In order to meet anticipated expenses, amounts from the following listed budgetary centers shall be appropriated from the General Operating Fund:

Building Inspection	\$ 2,243,190
Council/Executive Administration	2,033,040
Engineering	3,136,960
Finance	5,054,990
Fire	4,317,390
Library /Museum	5,066,530
Other General Government	2,700,750
Police	24,060,510
Parks and Recreation	9,225,600
Streets	5,606,460
Operating Transfer Out	10,000
	\$ 63,455,420;

BE IT FURTHER RESOLVED, That the following listed re-appropriations and revenues of the Capital Fund are anticipated:

Taxes	\$ 8,440,000
State Grants	4,219,000
Contributions Local	245,000
Charges for Services	75,000
Fines & Forfeitures	246,180
Interest and Rents	807,200
Operating Transfer In	3,783,000
Re-appropriation	11,926,560
Total	\$ 29,741,940;

BE IT FURTHER RESOLVED, That the tax rate for the Capital Fund shall be one and sixty one-hundredths (1.60) mills on the 2007 taxable valuation;

BE IT FURTHER RESOLVED, In order to meet anticipated expenses, amounts from the following listed budgetary centers shall be appropriated from the Capital Fund:

Executive Administration	\$	20,000
Building Inspection		10,000
Drains		1,260,930
Finance		35,000
Fire		536,200
Library		325,000
Museum		256,000
Other General Government		4,457,600
Police		1,129,210
Parks and Recreation		7,255,000
Streets		12,650,000
Public Works		1,058,000
Operating Transfer Out		749,000
 Total	 \$	 29,741,940;

BE IT FURTHER RESOLVED, That the following listed revenues of the Refuse Fund are anticipated:

Taxes	\$	3,572,670
Charges for Services		1,500
Interest and Rents		175,000
 Total	 \$	 3,749,170;

BE IT FURTHER RESOLVED, That the tax rate for the Refuse Fund shall be sixty-eight one-hundredths (.68) mills on the 2007 taxable valuation;

BE IT FURTHER RESOLVED, That the Refuse Fund shall be appropriated \$3,749,170;

BE IT FURTHER RESOLVED, That the General Debt Service Fund shall be appropriated \$3,042,730;

BE IT FURTHER RESOLVED, That there shall be a tax levy of fifty one-hundredths (.50) mills on the 2007 taxable valuation for the General Debt Service Fund; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** the following budgets as shown in the 2007/08 budget document:

Major Road Fund	\$	3,851,090
Local Road Fund	\$	1,626,310
Community Development Block Grant Fund	\$	166,320
Troy Community Fair Fund	\$	187,660
Budget Stabilization Fund	\$	100,000
2000 MTF Debt Fund	\$	247,890
Proposal A Debt Fund	\$	837,000

Proposal B Debt Fund	\$	1,383,630
Proposal C Debt Fund	\$	756,000
Special Assessment Fund	\$	2,063,000
Water Supply System	\$	15,224,790
Sanitary Sewer Fund	\$	11,276,040
Aquatic Center Fund	\$	628,670
Sylvan Glen Golf Course Fund	\$	1,088,180
Sanctuary Lake Golf Course Fund	\$	2,050,670
Building Operations	\$	1,968,590
Information Technology Fund	\$	1,606,900
Fleet Maintenance Fund	\$	4,396,990
Workers' Compensation Fund	\$	365,000
Compensated Absences Fund	\$	4,635,400
Unemployment Insurance Fund	\$	95,000

Yes: Howrylak, Lambert, Schilling, Broomfield, Fleming

No: Stine, Beltramini

### **MOTION CARRIED**

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

The meeting **RECONVENED** at 9:31 PM.

### **POSTPONED ITEMS:**

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**D-1 No Postponed Items**

### **CONSENT AGENDA:**

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

Resolution #2007-05-142

Moved by Beltramini

Seconded by Stine

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

Yes: All-7

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

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

Resolution #2007-05-142-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of April 16, 2007; the Minutes of the 7:30 PM Special City Council Meeting of April 23, 2007; the Minutes of the 7:30 PM Special Meeting of April 30, 2007; and the Minutes of the 10:02 PM Special Meeting of April 30, 2007 be **APPROVED** as submitted.

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### **E-3 Approval of City of Troy Proclamations:**

Resolution #2007-05-142-E-3

RESOLVED, That the following City of Troy Proclamations be **APPROVED**:

- a) National Transportation Week – May 13-19, 2007
- b) Welcome Home Proclamation – Sergeant Michael Ullmann
- c) Welcome Home Proclamation – Lance Corporal Thomas Stenger
- d) Welcome Home Proclamation – Lance Corporal Cameron Mattox
- e) Welcome Home Proclamation – Lance Corporal Brock Brani
- f) Mental Health Month – May, 2007

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### **E-4 Standard Purchasing Resolutions**

#### **a) Standard Purchasing Resolution 8: Best Value Award – Vehicle Wash Services**

Resolution #2007-05-142-E-4a

RESOLVED, That Troy City Council hereby **AWARDS** contracts to furnish two (2) year requirements of City Vehicle Wash Services with an option to renew for two (2) additional years to the following bidders: Tunnel O'Suds Car Wash, Your Car Wash, Pro Enterprise, Inc. and Jax Kar Wash 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 bid tabulation opened January 23, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with the contracts expiring December 31, 2008; and

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

#### **b) Standard Purchasing Resolution 1: Award to Low Bidder – Rebuild Electro-Mechanical Axle Scale**

Resolution #2007-05-142-E-4b

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all labor, materials, and equipment to rebuild the City of Troy's electro-mechanical axle scale to the low bidder, NuWeigh, Inc. of Davisburg, MI, for an estimated total cost of \$17,575.00; and

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

**c) Standard Purchasing Resolution 1: Award to Low Bidder – Purchase of Self-contained Breathing Apparatus Equipment**

Resolution #2007-05-142-E-4c

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase Item #1A) Survivair Panther SCBA units with two air cylinders each, Item #2) additional equipment and Item #3) Survivair SCBA CBRNE upgrade kits from grant monies plus a 20% local match made available in the budgets for 2006/07 and 2007/08 to the low bidder, Southeast Equipment Company of Troy, MI, at unit prices as contained on the bid tabulation opened April 11, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of November 1, 2007; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **REJECTS** Item #1) Survivair Panther Units with one carbon cylinder.

**d) Standard Purchasing Resolution 3: Exercise Renewal Option – Home Chore Snow Removal Services**

Resolution #2007-05-142-E-4d

WHEREAS, On September 11, 2006, a contract for seasonal requirements of snow removal services for Troy residents using the Home Chore Program with an option to renew for one (1) additional year was awarded to the low bidders, O'Neal Father & Sons of Clinton Township, as primary contractor, and Redburn's Snow Plowing and Lawn Maintenance, Inc. of Rochester Hills, as secondary contractor at unit prices contained in the bid tabulation opened August 23, 2006 (Resolution #2006-09-356-E-4f); and

WHEREAS, O'Neal Father & Sons and Redburn's Snow Plowing and Lawn Maintenance, Inc. have agreed to exercise the one-year option to renew their respective contracts under the same pricing, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the options to renew the contracts with O'Neal Father & Sons and Redburn's Snow Plowing and Lawn Maintenance, Inc. to provide seasonal requirements of snow removal services for Troy residents using the Home Chore Program under the same prices, terms and conditions expiring April 30, 2008.

**e) Standard Purchasing Resolution 1: Award to Low Bidder – Streets Department, Rough Weed Mowing Services**

Resolution #2007-05-142-E-4e

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish three year requirements of all labor, tools, equipment and transportation for the Streets department rough weed mowing services with an option to renew for two additional years to the low bidder, Rasins Landscape and Associates, Inc. of Troy, MI, at unit prices contained in the bid tabulation opened on April 23, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this

meeting, which includes Proposal B – Optional Service of line trimming as needed, with the contract expiring December 31, 2009; and

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

**f) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 07-1 – Section 26 and 30 Bituminous Overlays Project No. 03.503.5**

Resolution #2007-05-142-E-4f

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 07-1, Section 26 and 30 – Bituminous Overlays to Asix Asphalt Paving, LLC, 53162 Pontiac Trail, Suite C, Milford, MI 48381 at an estimated total cost of \$417,251.40; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 10% of the total project cost.

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**E-5 Private Agreement for Marathon Gas Station – Project No. 06.930.3**

Resolution #2007-05-142-E-5

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Andraos G. Kattouah for the installation of water main, approaches, sidewalks and soil erosion, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-6 Resolution to Excuse Mayor Pro Tem Broomfield and Council Members Howrylak and Stine from Special City Council Meeting of Monday, April 23, 2007**

Resolution #2007-05-142-E-6

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Broomfield due to being out of the county, Council Member Howrylak due to being out of the county and Council Member Stine due to illness at the Special City Council meeting of April 23, 2007.

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**E-7 Temporary Waiver of Parking Restrictions in the Area of 1026 Maplelawn**

Resolution #2007-05-142-E-7

RESOLVED, That Troy City Council hereby **WAIVES** the no parking restrictions on the non-hydrant side of Maplelawn, in the area of 1026 Maplelawn, on June 21, 2007, between the hours of 3:30 PM – 9:30 PM.

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**E-8 Resolution to Excuse Council Members Beltramini and Stine from Special City Council Meetings of Monday, April 30, 2007**

Resolution #2007-05-142-E-8

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Beltramini due to being out of the county and Council Member Stine due to illness at the 7:30 PM Special City Council meeting of April 30, 2007 and the 10:02 PM Special City Council Meeting of April 30, 2007.

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**E-9 Temporary Waiver of Parking Restrictions – Northfield Parkway**

Resolution #2007-05-142-E-9

RESOLVED, That Troy City Council hereby **WAIVES** the no parking restrictions on the east side of Northfield Parkway from the parking lot entrance to Congregation Shir Tikvah to the entrance to Boulan Park, on May 19, 2007.

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**E-10 Casualty and Property Insurance Renewal – Request to Negotiate with the Michigan Municipal Risk Management Authority (MMRMA)**

Resolution #2007-05-142-E-10

RESOLVED, That the City Manager is hereby **AUTHORIZED** to negotiate a new agreement with the Michigan Municipal Risk Management Authority (MMRMA) for the Casualty and Property Insurance needs of the City.

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**E-11 Approval of Private Agreement for Troy School District (Martell & Wattles Elementary Schools) – Project No. 06.907.03**

Resolution #2007-05-142-E-11

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Troy School District for the installation of water main, asphalt approach, aggregate base and concrete walkway at Martell and Wattles Elementary Schools and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**E-12 Authorization to Assess Delinquent Accounts**

Resolution #2007-05-142-E-12

WHEREAS, Section 1.167 of Chapter 5 and Section 6 of Chapter 20 of the Ordinance Code of the City of Troy require that delinquent payments and invoices, as of April 1<sup>st</sup> of each year, shall be reported and the City Council shall certify the same to the City Assessor who shall assess the same on the next annual City Tax Roll, to be collected as provided for collection of City Taxes;

WHEREAS, Section 10.8 of the Troy City Charter provides for the collection of delinquent invoices through property tax collection procedures; and

WHEREAS, A list of individual properties is on file in the Office of the Treasurer and comprises a summation of totals as follows:

General Fund Invoices	
Including Penalties	\$ 28,316.65
Special Assessments	
Including Penalties & Interest	4,872.47
Water & Sewer Accounts	
Including Penalties	710,536.85
Total	\$ 743,725.97;

THEREFORE, BE IT RESOLVED, That the City Assessor is hereby **AUTHORIZED** to assess these delinquent accounts on the annual City Tax Roll.

**PUBLIC COMMENT: Limited to Items Not on the Agenda**

**REGULAR BUSINESS:**

**F-2 Hooters v. Troy – Proposed Consent Judgment**

**Vote on Resolution to Postpone**

Resolution #2007-05-143  
 Moved by Lambert  
 Seconded by Beltramini

RESOLVED, That Troy City Council hereby **POSTPONES** *Hooters v. Troy – Proposed Consent Judgment* until the Regular City Council meeting scheduled for Monday, May 21, 2007.

Yes All-7

**F-3 Approval of Consent Judgment Amendment for Property at NW Corner of Crooks and Big Beaver Road**

Resolution #2007-05-144  
 Moved by Howrylak  
 Seconded by Lambert

RESOLVED, That Troy City Council hereby **APPROVES** the Stipulated Amendment to the Consent Judgment in the matter of *In Re: The Petition of the City of Troy v. Lauren Ford, Elizabeth G. Ford, Winnifred Brockway, Alfred M. Davock, and Shell Oil Company* (Oakland County Circuit Court Case No. 77-151482-CC) a copy of which shall be **ATTACHED** to the original minutes of this meeting; and

BE IT FURTHER RESOLVED, That the Assistant City Attorney is **AUTHORIZED** to sign the Stipulated Amendment to the Consent Judgment for entry with the court.

Yes: All-7

**F-4 Woodside Bible Church Request for Authorization to Install a Traffic Signal**

Resolution #2007-05-145  
Moved by Stine  
Seconded by Lambert

RESOLVED, That Troy City Council hereby **GRANTS** Woodside Bible Church, located at 6600 Rochester Road, the authority to install a privately funded traffic signal on Rochester Road, the specific location of which shall be determined by the City of Troy Traffic Engineer.

Yes: All-7

**F-1 Appointments to Boards and Committees: a) Mayoral Appointments: Local Development Finance Authority (LDFA); b) City Council Appointments: Advisory Committee for Persons with Disabilities; Advisory Committee for Senior Citizens; Board of Zoning Appeals; and South Oakland County Resource Recovery Authority (SOCRRA)**

**(a) Mayoral Appointments**

Resolution #2007-05-146  
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:

**Local Development Finance Authority (LDFA)**  
Appointed by Mayor (5) – 4 Year Terms

Michael J. Kidder Term Expires 06/30/11

Brian Murphy Term Expires 06/30/11

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

**MOTION CARRIED**

**(b) City Council Appointments**

Resolution #2007-05-147  
 Moved by Broomfield  
 Seconded by Beltramini

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

**Advisory Committee for Persons with Disabilities**

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

Kristen Mayer (Alternate) Term Expires 11/01/09

Kelly Clark Unexpired Term 11/01/08

**Advisory Committee for Senior Citizens**

Appointed by City Council (9) – 3 Year Terms

Burdette L. Black, Jr. Term Expires 04/30/10

**Board of Zoning Appeals**

Appointed by City Council (7) – 3 Year Terms

Kenneth L. Courtney Term Expires 04/30/10

Yes: All-7

**Vote on Appointment to South Oakland County Resource Recovery Authority (SOCRRA)**

Resolution #2007-05-148  
 Moved by Lambert  
 Seconded by Beltramini

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

**South Oakland County Resource Recovery Authority (SOCRRA)**

Appointed by Council (1-Delegate; 1-Alt. Delegate) – 1 Year Term

Brian Murphy (Delegate) Term Expires 06/30/08

Tim Richnak (Alt. Delegate) Term Expires 06/30/08

Yes: All-7

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**F-10 Traffic Committee Recommendations – April 18, 2007**

Resolution #2007-05-149

Moved by Stine

Seconded by Howrylak

**(a) Installation of Signs – Three-Way Stop Signs at Castleton and Adonis**

RESOLVED, That Traffic Control Order No. [07-04-SS](#) be **ISSUED** for the installation of three-way stop signs at Castleton and Adonis.

Yes: All-7

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**F-5 Approval of the Troy Brownfield Redevelopment Authority’s 2007/08 Budget**

Resolution #2007-05-150

Moved by Lambert

Seconded by Fleming

WHEREAS, The Troy Brownfield Redevelopment Authority has adopted and recommends that City Council approve its 2007/08 budget;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Troy Brownfield Redevelopment Authority’s annual budget for fiscal year July 1, 2007 through June 30, 2008.

Yes: All-7

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**F-6 Approval of the Troy Local Development Finance Authority’s 2007/08 Budget**

Resolution #2007-05-151

Moved by Beltramini

Seconded by Fleming

WHEREAS, The Troy Local Development Finance Authority has adopted and recommends that City Council approve its 2007/08 budget;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Troy Local Development Finance Authority’s annual budget for fiscal year July 1, 2007 through June 30, 2008.

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

No: Howrylak

**MOTION CARRIED**

**F-7 Approval of the Troy Downtown Development Authority's 2007/08 Budget**

Resolution #2007-05-152

Moved by Beltramini

Seconded by Stine

WHEREAS, The Troy Downtown Development Authority has adopted and recommends that City Council approve its 2007/08 budget;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Troy Downtown Development Authority's annual budget for fiscal year July 1, 2007 through June 30, 2008.

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

No: Howrylak

**MOTION CARRIED**

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**F-8 Information Technology/Finance Renovations**

Resolution #2007-05-153

Moved by Lambert

Seconded by Broomfield

RESOLVED, That City staff is hereby **AUTHORIZED** to renovate office space for the Information Technology/Finance departments, as described in Attachment A, Proposed Floor Plan; and to expend an estimated \$237,000.00, in accordance with Attachment B, Detailed Pricing, utilizing in-house personnel, approved contracts, and standard purchasing procedures.

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

No: Howrylak

**MOTION CARRIED**

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**F-9 City Code Chapter 60, Fees and Bonds – Vital Certificates**

Resolution #2007-05-154

Moved by Lambert

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS** the Troy City Code, Chapter 60 – Fees and Bonds Required, to provide for a fee structure for Vital Certificates- Birth and Death Certificates that would mirror the fees charged by the Oakland County Clerk/Register of Deeds, as presented.

Yes: All-7

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**F-11 Final Site Condominium Review – Stone Haven Park Site Condominium, South of Wattles, West of Crooks, Section 20 – R-1B**

Resolution #2007-05-155

Moved by Stine

Seconded by Broomfield

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

Yes: All-7

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**F-12 Bid Waiver – Professional Services – Fire Department Promotional Testing Services**

Resolution #2007-05-156

Moved by Fleming

Seconded by Stine

WHEREAS, EMPCO, Inc. has been providing testing and hiring services for the City's Fire Department for 13 years; and

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and a contract to provide fire division assistant fire chief and fire staff technician promotional testing be **AWARDED** to EMPCO, Inc., at a cost of \$2,100.00 for preparing, administering and scoring the fire staff technician written examination, plus \$21.00 per candidate, \$3,800.00 for conducting the fire staff technician interview for the first nine candidates, and \$3,600.00 for each additional assessment day to interview additional candidates; \$4,500.00 per assessment center for the division assistant fire chief, plus \$1,800.00 per day and \$250.00 per candidate fee; and mileage to be reimbursed at the rate of \$.485 per mile; and

THEREFORE, BE IT FINALLY RESOLVED, The City Manager and Human Resources Director are hereby **AUTHORIZED** to execute the agreement with EMPCO, Inc. when in acceptable form.

Yes: All-7

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**F-13 Amendment to Chapter 20 of the Troy City Code (Water and Sewer Rates)**

Resolution #2007-05-157

Moved by Lambert

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** an amendment to Chapter 20 of the Troy City Code (Water and Sewer Rates), a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

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**F-14 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 – No Action Taken by City Council**

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**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**G-1 Announcement of Public Hearings:**

- a) Troy Downtown Development Authority's (TDDA's) Development Plan and the Big Beaver Corridor Study – June 4, 2007
- b) Standard Resolutions 1, 2 and 3 – Special Assessment for Paving on Eckford in Section 15 – May 21, 2007
- c) Rezoning Application (File Number Z-625 B) – Southwest Corner of Square Lake and Niles, Section 9 – R-2 to O-1 – May 21, 2007
- d) Conditional Rezoning Application (File No. CR-002) – Proposed Grand Troy Villas, West Side of Rochester Road, North of Wattles Road, Section 15 – CR-1 to R-1T (CR-002) – May 21, 2007
- e) Kostal of America, Inc. - 350 Stephenson - Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC) – June 4, 2007

Noted and Filed

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**G-2 Green Memorandums: None Submitted**

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

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**H-1 No Council Referrals Advanced**

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**COUNCIL COMMENTS:**

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**I-1 No Council Comments Advanced**

Council Member Beltramini requested information from staff in regard to what the options and plans are for addressing the deep population problem.

In response to Council Member Lambert's question regarding the work being done in the parking lot area next to the skate park on Town Center, Assistant City Manager John Lamerato advised that some streambank work is being conducted in addition to adding a picnic area that would include tables.

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**REPORTS:**

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

- a) Employees' Retirement System Board of Trustees Amended/Final – November 8, 2006
- b) Library Advisory Board/Final – January 11, 2007
- c) Joint Local Development Finance Authority/Final – January 29, 2007
- d) Advisory Committee for Senior Citizens/Final – March 1, 2007
- e) Advisory Committee for Persons with Disabilities/Draft – March 7, 2007
- f) Advisory Committee for Persons with Disabilities/Final – March 7, 2007
- g) Library Advisory Board/Final – March 8, 2007
- h) Employees' Retirement System Board of Trustees/Final – March 14, 2007
- i) Board of Zoning Appeals/Final – March 20, 2007
- j) Downtown Development Authority/Final – March 21, 2007
- k) Planning Commission Special/Study Final – March 27, 2007
- l) Troy Daze Festival Committee/Draft – March 27, 2007
- m) Youth Council/Final – March 28, 2007
- n) Planning Commission Special/Study/Draft – April 3, 2007
- o) Planning Commission Special/Study/Final – April 3, 2007
- p) Building Code Board of Appeals/Draft – April 4, 2007
- q) Building Code Board of Appeals/Final – April 4, 2007
- r) Advisory Committee for Senior Citizens/Draft – April 5, 2007
- s) Planning Commission/Draft – April 10, 2007
- t) Planning Commission/Final – April 10, 2007
- u) Board of Zoning Appeals/Draft – April 17, 2007
- v) Planning Commission Special/Study/Draft – April 24, 2007
- w) Planning Commission Special/Study/Final – April 24, 2007
- x) Youth Council/Draft – April 25, 2007

Noted and Filed

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**J-2 Department Reports:**

- a) City of Troy Quarterly Financial Report – March 31, 2007
- b) Purchasing Department – Final Reporting – BidNet On-Line Auction – March 2007 and November 2006
- c) Police Department – 2007 Year-To-Date Calls for Police Service Report
- d) Building Department – Permits Issued During the Month of April, 2007

Noted and Filed

**J-3 Letters of Appreciation:**

- a) Letter to Chief Craft from State Senator John Pappageorge Commending the Troy Police Department on Earning First Place at the Michigan Police Shoot
  - b) Letter of Thanks from Resident Katherine Weiss Regarding the Efforts and Professionalism of Officer Linton
  - c) Letter of Appreciation from Brittney Hall Regarding Recycling Program
  - d) Letter of Appreciation to Chief Craft from William McNabb Jr. Regarding Internship Program
  - e) Letter of Thanks to Detective Reynolds from Joseph Marchetti and Bruce Wade, Oakland Police Academy, for Participating in the Basic Detective/Investigator Program
  - f) Letter of Appreciation to Chief Craft from David Andrea Regarding the Professionalism and Valor of Captain Murphy and the Troy Police Department during the Long Lake Crossing Building Incident
  - g) Letter to Chief Craft from Bonnie Woodworth Commending the Troy Police Department on the Handling of the Incident on Monday, April 9, 2007
  - h) Letter to Chief Craft from Oakland County Prosecuting Attorney David Gorcyca Commending the Efforts of Officer Stansbury
  - i) Letter to Chief Craft from Gary Smith in Appreciation of the Efforts of Officer Kaptur
  - j) Letter to Chief Craft from Dave Papandrea Commending Officer Dungjen for his Service and Professionalism
  - k) Letter to Chief Craft from John Ballantine Commending Officer McLaughlin
  - l) Letter of Thanks to the Troy Police Department from Pastor Paul Monson, St. Augustine Ev. Lutheran Church
  - m) Letter of Appreciation to the Troy Police Department from Wanda Anderson
  - n) Letter of Appreciation to City Manager Phillip Nelson from Troy Historical Society Regarding the Support and Assistance of Cindy Stewart and Loraine Campbell
- Noted and Filed
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**J-4 Proposed Proclamations/Resolutions from Other Organizations:**

- a) Waterford Township – Resolution for Cost Recovery
  - b) City of Ferndale – Resolution Regarding State of Michigan Budget Deficit
- Noted and Filed
- 

**J-5 Calendar**

Noted and Filed

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**J-6 Communication from Senator John Pappageorge Regarding the City of Troy Being Named an Entrepreneurial Friendly City by the University of Michigan-Dearborn School of Management**

Noted and Filed

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**J-7 Communication from the State of Michigan Public Service Commission Notice of Hearing for the Electric Customers of the Detroit Edison Company – Case No. U-14702-R, Case No. U-15259**

Noted and Filed

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**J-8 Communication from Police Chief Craft Regarding the “Keep Kids Alive Drive 25” Campaign**

Noted and Filed

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**J-9 Southeastern Oakland County Resource Recovery Authority (SOCRRA) – Quarterly Report for April, 2007**

Noted and Filed

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**J-10 Communication from Senator John Pappageorge Regarding Sylvan Glen Golf Course Streambank Restoration Being Named Project of the Year by the Michigan Chapter of the American Public Works Association**

Noted and Filed

**STUDY ITEMS:**

---

**K-1 Continuation of March 22, 2007 Discussion on Strategic Planning Initiatives**

**PUBLIC COMMENT: Address of “K” Items**

**CLOSED SESSION:**

---

**L-1 Closed Session: No action taken by City Council.**

The meeting **ADJOURNED** at 11:33 PM.

---

Louise E. Schilling, Mayor

---

Tonni L. Bartholomew, MMC  
City Clerk

## Service Commendation

**WHEREAS**, the Mayor and City Council of the City of Troy wish to express on behalf of the City, their appreciation to

### **HOMES FOR OUR TROOPS**

In recognition of outstanding service to the community, and

**WHEREAS**, As a non-profit organization, "Homes for Our Troops" works to build handicap accessible homes to help our injured service men and women, striving to welcome them home with honor and respect; and

**WHEREAS**, Through these efforts "Homes for Our Troops" has furthered those ideals that contribute to a better community; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council, being the duly elected voice of the citizens of Troy, express the City's appreciation and recognition for the service of this distinguished organization.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be presented as a lasting expression of the City's gratitude and appreciation for its contribution to the betterment of the City of Troy, Michigan.

Presented this 18<sup>th</sup> day of May 2007.

## Service Commendation

**WHEREAS**, the Mayor and City Council of the City of Troy wish to express on behalf of the City, their appreciation to

### LINDA THIELFOLDT

In recognition of outstanding service to the community, and

**WHEREAS**, As a member of the non-profit organization, "Homes for Our Troops," Linda works to build handicap accessible homes to help our injured service men and women, striving to welcome them home with honor and respect; and

**WHEREAS**, Through these efforts "Homes for Our Troops" has furthered those ideals that contribute to a better community; and

**WHEREAS**, Linda also presents a handmade quilt to a returning hero to show her gratitude and support;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and City Council, being the duly elected voice of the citizens of Troy, express the City's appreciation and recognition for the work of this distinguished citizen.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be presented as a lasting expression of the City's gratitude and appreciation for her contribution to the betterment of the City of Troy, Michigan.

Presented this 18<sup>th</sup> Day of May 2007.

**PROCLAMATION IN RECOGNITION OF  
FALUN DAFA DAY  
HONORING TRUTHFULNESS-COMPASSION-FORBEARANCE**

**WHEREAS**, Falun Dafa also known as Falun Gong, is a peaceful and healthy self-improvement practice rooted in ancient Chinese culture that consists of five gentle exercises, including meditation and centers around the universal principal of Truthfulness, Compassion, and Forbearance;

**WHEREAS**, the teachings of Falun Dafa, through meditation and spiritual cultivation, are perceived as effective means of improving overall mental and physical health, as well as reducing stress; and

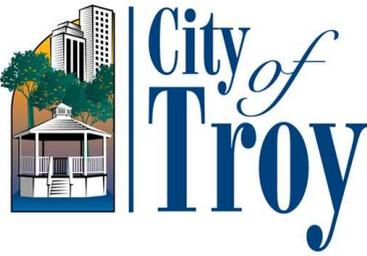
**WHEREAS**, Master Li Hongzhi, the founder of Falun Dafa, has helped hundreds of millions across the world improve their health and moral standards, as well as deepen their understanding of life, humanity, and the universe, through the practice of Falun Dafa; and

**WHEREAS**, Transcending culture and racial boundaries, Falun Dafa has touched the lives of more than 100 million people in over 60 countries, including many people in New York, of different ages, professions, and racial backgrounds; and

**WHEREAS**, All Falun Dafa activities, including classes and practices, are offered by volunteers and are open to the public and free of charge; and

**WHEREAS**, The persecution of the practitioners of Falun Dafa in China is an attack on basic human rights and should not be tolerated anywhere in the world;

**NOW, THEREFORE BE IT RESOLVED**, That the Troy City Council does hereby declare **May 21, 2007, FALUN DAFA DAY in the City of Troy** and urge all citizens to join in the celebration.



# CITY COUNCIL ACTION REPORT

May 11, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 4: Award – State of Michigan Cooperative Purchasing Agreement MiDEAL – Toro Lawn Maintenance Equipment

## Background

- The State of Michigan MiDEAL Program awarded a contract for the complete line of Toro lawn maintenance equipment to Spartan Distributors, Inc. of Auburn Hills, MI (Contract #071B7200194)
- The equipment being purchased is either replacing equipment due to come out of service, supplementary, or will be shared between the two golf facilities.
- Equipment to be replaced will be auctioned on the MITN system, after delivery of the new equipment.
- Spartan Distributors will purchase and install the Jodale Perry ROPS Enclosed Cab, which is not available at the state discounted prices, but provides added protection to the operator from pesticide applications and the elements at a cost of \$5,355.00.
- Discounts on this equipment are available up to 28% from manufacturer's suggested retail prices.

## Financial Considerations

- Funds are available in the Sylvan Glen capital account # 788.7978.010

	<u>BUDGET</u>	<u>UNIT COST</u>	<u>TOTAL</u>
(1) Toro Workman 3200 2WD Sprayer	\$ 25,000.00	\$ 24,915.14	\$ 24,915.14
(1) Jodale Perry Boxer ROPS Cab	\$ 6,000.00	\$ 5,355.00	\$ 5,355.00
(1) Toro SandPro 5040	\$ 17,500.00	\$ 17,338.56	\$ 17,338.56
(1) Toro ProCore 648	\$ 18,000.00	\$ 18,356.11	\$ 18,356.11
(1) Toro Groundsmaster 3500	<u>\$ 30,000.00</u>	\$ 27,316.81	<u>\$ 27,316.81</u>
	<b>\$ 96,500.00</b>		<b>\$ 93,281.62</b>

May 11, 2007

To: Phillip L. Nelson, City Manager  
Re: Cooperative Award – Toro Lawn Maintenance Equipment

### **Legal Considerations**

- There are no legal considerations associated with this item.

### **Policy Considerations**

- This purchase will replace equipment due to come out of service, or supplement existing equipment for faster more efficient operations. (Goal II & V)
- The specialized equipment can be shared between the two golf facilities minimizing the need to duplicate additional cost of operations. (Goal II)

### **Options**

- City management and the golf division recommend awarding a contract to provide Toro lawn maintenance equipment to Spartan Distributors of Auburn Hills, MI through the terms of the State of Michigan Cooperative Purchasing Agreement, MiDEAL – contract #071B7200194 for an estimated total cost of \$ 93,281.62.

dtm G:\Bid Award 06-07 NewFormat/Award Standard Purchasing Resolution 4 – GolfCourseMaintEquip 04.07.doc



# CITY COUNCIL ACTION REPORT

May 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 4: Award – State Of Michigan Cooperative Purchasing Agreement MiDEAL - John Deere

## Background

- The State of Michigan MiDEAL Program awarded a contract for John Deere brand lawn and garden commercial and agricultural equipment to John Deere Company (Contract # 071B6200191).
- The mower being purchased will replace a mower to be sold at auction.
- Discounts on this equipment are available up to 24% from manufacturer's suggested retail prices.

## Financial Considerations

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

	<u>BUDGET</u>	<u>UNIT COST</u>	<u>TOTAL</u>
(1) John Deere 997 – Zero Turn W\72” deck	\$35,000.00	\$ 12,448.04	\$ 12,448.04
	<b>\$35,000.00</b>		<b>\$ 12,448.04</b>

## Legal Considerations

- There are no legal considerations associated with this item.

## Policy Considerations

- The mower is used on a daily basis to assure proper and proactive turf management. (Goal I)

## Options

- City management and the Public Works Fleet Division recommend the purchase of (1) one John Deere zero turn commercial riding mower with 72” deck to John Deere Company of Cary, NC through the terms of the State of Michigan Cooperative Purchasing Agreement, MiDEAL – contract #071B6200191 for an estimated total cost of \$12,448.04.



## CITY COUNCIL ACTION REPORT

May 16, 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 Council Member Dave Lambert's Travel Expenses - National League of Cities (NLC) Community and Economic Development Steering Committee Meeting

### **BACKGROUND**

- Council Member Dave Lambert has requested authorization and approval to attend the NLC Community and Economic Development Steering Committee meeting from June 14 - 16, 2007 in New Haven, CT.
- In an effort to save tax dollars, Council Member Lambert will be combining this trip with a business trip to Virginia.

### **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 Dave Lambert's attendance of the NLC Community and Economic Development Steering Committee meeting.



# NATIONAL LEAGUE OF CITIES

Strengthening & promoting cities as centers of opportunity, leadership, and governance

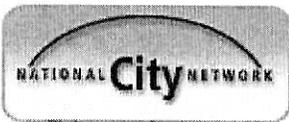
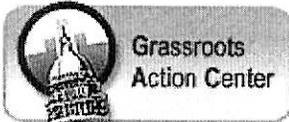
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## In this Section



## Community and Economic Development Committee CED

### Committee Leadership

Vice Chair



**Joe Davis, Sr.**  
Alderman  
Milwaukee, Wisconsin

Chair



**Ed Reyes**  
Council Member  
Los Angeles, California

Vice Chair



**Claudia Walters**  
Vice Mayor  
Mesa, Arizona

### Full Committee Rosters

Policy and Advocacy Committee  
Steering Committee

Appointment process  
Appointment process

### Policy & Advocacy

CED Policy Chapter  
CED Resolutions

For more information visit the NLC issue pages about [Housing & Community Development](#) and [Economy & Jobs](#)

### Committee Purpose and Process

NLC policy is developed by seven committees of municipal officials. Each committee consists of two bodies:

- A larger policy and advocacy committee, which chooses the policy agenda for the year and reviews the proposed policy proposals and resolutions drafted on that agenda by the steering committee; and
- A steering committee, which researches the agenda topics chosen and drafts policy positions for policy and advocacy committee review.

Policy changes accepted by each policy and advocacy are subsequently forwarded to the entire membership for approval and inclusion in NLC's *National Municipal Policy (NMP)*. The *NMP* is a collection of position statements on a variety of issues with immediate and long-term implications for the nation's cities and towns. Developed through the deliberative, member-driven policy development process described above, the *NMP* states the policy positions that frame NLC's advocacy efforts.

Each of the seven committees has a specific set of issues under its jurisdiction, and policy development in each committee is limited to these issues. The Community and Economic Development (CED) Committee deals with housing, community and economic development, land use, recreation and parks, historic preservation, and international competitiveness.

**Upcoming Events**

**June 14-16:** CED Spring Steering Committee Meeting, New Haven, CT

**September 6-8:** CED Fall Steering Committee Meeting, Grand Junction, CO

For more information on the CED Committee, contact Pamela Konde, Senior Policy Analyst, at 202-626-3020, or [konde@nlc.org](mailto:konde@nlc.org).

**National League of Cities**

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**TO:** MAYOR AND MEMBERS OF TROY CITY COUNCIL  
**FROM:** LORI GRIGG BLUHM, CITY ATTORNEY  
ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY  
**DATE:** May 16, 2007  
**SUBJECT:** MORRELL v TROY, ET AL

---

Plaintiff Kenneth Morrell filed the attached lawsuit against the City of Troy and Troy Police Officer Meghan Broderick. In the complaint, Mr. Morrell alleges a count of assault, gross negligence, a violation of Michigan's Persons with Disabilities Civil Rights Act (PWDCRA), Constitutional violations, false imprisonment, and racial discrimination. The lawsuit was filed in Oakland County Circuit Court and assigned to Judge Steven N. Andrews.

According to the complaint, the Plaintiff is a disabled person who is African-American. He contends that the PWDCRA entitles him to have employees of self-service gas stations pump gasoline into his car on demand. He alleges that on April 28, 2006 he drove to the BP gas station at Maple and John R., seeking some gasoline for his car. Plaintiff claims that his request for gasoline was denied, and that the gas station owner/ operator instead contacted the Troy Police, who sent Officer Broderick to the scene. In his complaint, he alleges that Officer Broderick aided and abetted the gas station employees in violating his rights under the PWDCRA. He also complains that Officer Broderick drew a weapon (a handgun) on the Plaintiff without justification. Officer Broderick denies that she drew a handgun, although the circumstances may have justified it. She did take her department issued taser out of the holster, but did not use it. Plaintiff also complains that another unidentified Troy police sergeant told him he was permanently barred from the BP gas station, and that he would be arrested for trespassing if he returned. He claims the incident resulted in emotional agitation, forcing him to seek medical help, including medication for his nerves. He is seeking over \$25,000 in damages, plus attorney fees and costs. Plaintiff has also named the gas station owners and its manager as co-defendants in this lawsuit.

Absent any objection from City Council, our office will proceed with aggressive defense of the City and Officer Broderick in this case. If you have any questions concerning the above, please let us know.



JUDGE STEVEN N. ANDREWS  
COUNTY MORRELL, KENNE V RHAR INC

STATE OF MICHIGAN  
RECEIVED FOR FILING

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

KENNETH MORRELL,

APR 25 P 12:24

Plaintiff,

OAKLAND COUNTY CLERK

Case No:

NO

vs.

BY: \_\_\_\_\_  
OAKLAND COUNTY CLERK

R.H.A.R., INC., d/b/a MAPLE & JOHN R  
AMOCO, ARMADA OIL COMPANY,  
MIKE ANKOWI, CITY OF TROY,  
and OFFICER BRODRICK,

Defendants.

\_\_\_\_\_  
ROBERT J. DINGES & ASSOCIATES  
ROBERT J. DINGES (P12799)  
Attorney for Plaintiff  
615 Griswold Street  
1300 Ford Building  
Detroit, Michigan 48226  
(313) 963-1500  
\_\_\_\_\_

COMPLAINT

There is no other pending or resolved civil action  
between these parties arising out of the same transaction  
or occurrence as alleged in this complaint.

NOW COMES Plaintiff, KENNETH MORRELL, by and through his attorney, Robert J.

Dinges, and states as follows:

COMMON ALLEGATIONS

1. The amount in controversy exceeds the sum of Twenty-Five Thousand & 00/100 (\$25,000.00) Dollars, exclusive of taxable costs and attorney fees.

2. Plaintiff, Kenneth Morrell, is a resident of the City of Troy, County of Oakland, State of Michigan.

3. Plaintiff, Kenneth Morrell, is an African-American and a disabled person, having been paralyzed from the waist down as a result of a shooting that occurred in 1992.

4. Defendant, City of Troy, is a municipal corporation and operates, among other things, a police department.

5. Defendant, Officer Broderick, is a police officer employed by the City of Troy.

6. Defendant, R.H.A.R., Inc., d/b/a Maple & John R Amoco owns or leases a gas station located at 1980 E. Maple, Troy, Michigan 48083.

7. Defendant, Armada Oil Company is, on information and belief, the owner of the BP gas station located at 1980 E. Maple, Troy, Michigan 48083. Alternatively, Aramada is the exclusive distributor for the BP gas station.

8. Defendant, Mike Ankowi, is the manager of the BP gas station.

9. At all times mentioned herein, Plaintiff, Kenneth Morrell was wheelchair bound.

10. Plaintiff was a long time customer at the BP gas station and, between March 23, 2006 and April 19, 2006, the Plaintiff was at the BP gas station on nine occasions.

11. At all times, Plaintiff owned a BP Amoco Credit Card and the aforesaid BP gas station was the closest BP Amoco gas station to his apartment in Troy.

12. As a result of all of his visits, the owner and employees of the BP gas station knew that the Plaintiff was a disabled person.

13. Under the Rules adopted by the Michigan Department of Civil Rights, a disabled person is entitled to assistance at a self-service gas station. In particular, a disabled person may

request that an employee of the gas station operate the pump.

14. At the aforesaid BP gas station, there was an established procedure for accommodating disabled persons:

- (a) The disabled person would drive his/her motor vehicle to a window in order to speak to a representative.
- (b) At the window, the disabled person was then directed to a particular pump.
- (c) After being directed to a particular pump, the disabled person would then wait for a representative from the gas station to operate the pump.

15. On April 19, 2006, at approximately 2:50 p.m. the Plaintiff drove his motor vehicle to a window and, at the window, he was directed to a particular pump.

16. After arriving at the pump, Mike Ankowi (hereinafter "Mike"), arrived. Mike asked the Plaintiff, "how much gas do you want?" The Plaintiff replied "\$5,00." Mike said "no, no. You need to fill it up. I'm not going to pump it." As a result, the BP gas station refused to accommodate service from the Plaintiff and consequently he went to another gas station.

17. When the Plaintiff returned to his apartment, he placed a call to Armada and spoke to a representative and complained about disability and racial discrimination at the BP gas station. He was told that "BP does not tolerate this activity."

19. On Thursday, April 27, 2006 at approximately 2:50 p.m., the Plaintiff again drove his motor vehicle to the BP gas station. The Plaintiff drove the motor vehicle to the window. At the window, Mike appeared and told the Plaintiff, that "I know you called Armada. You called a civil rights complaint. You are a son of a bitch." In addition, Mike threatened to

Plaintiff and said that he had all of the Plaintiff's information including where he lived. Mike told the Plaintiff to "get the fuck out of her."

20. When the Plaintiff returned to his apartment, he again called Armada Oil and complained about the discrimination.

21. On the evening April 27, 2006, the Plaintiff called the Troy Police Department and complained about the threats by Mike.

22. During the evening of Thursday, April 27, 2006, a Troy police officer interviewed the Plaintiff regarding his complaint.

23. On Friday, April 28, 2006, the Plaintiff again called Armada and told a representative by the name of Theresa that he had called the Troy Police.

24. On Friday, April 28, 2006, a approximately 2:14 p.m., the Plaintiff returned to the BP gas station. The Plaintiff again drove to the window and at the window, he was directed by Mike to a pump. At the pump, the Plaintiff sat for approximately 15 minutes waiting for assistance. Suddenly, a scout car from the Troy Police Department appeared. The scout car was being operated by Officer Brodrick.

25. Officer Broderick told the Plaintiff that "I want you to exit the vehicle." The Plaintiff told Officer Brodrick that he could not do that because he was paralyzed.

26. Officer Brodrick then asked for I.D. and this was supplied to the Officer. However, the Police Officer did not like that way the Plaintiff was handling his identification and, without justification, she drew a weapon on the Plaintiff.

27. Officer Broderick pointed the weapon at the Plaintiff and then he heard a noise indicating that she had triggered the weapon and he reasonably believed that he was in imminent

danger of harm.

28. Other Police Officers from the Troy Police Department arrived at the scene.

29. The Plaintiff was advised by a Sergeant from the Troy Police Department that the BP gas station did not "want you here anymore." He said you are "permanently barred." The Sergeant further stated that if caught at the BP gas station "you'll be arrested."

30. The Plaintiff left the BP Amoco Gas Station as soon as possible.

31. Thereafter, the Plaintiff became emotionally agitated and upset and he was forced to seek medical help including medication for his nerves.

#### COUNT I - ASSAULT

32. Plaintiff realleges and incorporates herein by reference Paragraphs 1 through 31 of the Common Allegations as if fully stated herein.

33. On April 28, 2006, the Plaintiff was lawfully on the premises of the BP gas station.

34. At that time and place, Defendant, Officer Broderick, made an intentional and unlawful threat to do bodily injury to Plaintiff, Kenneth Morrell, by pulling a handgun, aiming the handgun at the Plaintiff, and threatening to shoot him.

35. The threat to the Plaintiff, Kenneth Morrell, was made under circumstances that created in him a well-founded fear of imminent peril.

36. Defendant, City of Troy, is liable for all injuries proximately caused by intentional and *ultra vires* conduct of its employees committed during the course of employment.

37. As a direct and proximate result, Plaintiff, Kenneth Morrell sustained physical injury, mental injury and he was required to seek medical assistance in the care and treatment of

his injuries and therefore Plaintiff medical expenses, Plaintiff also sustained mental anguish, loss of social pleasures, loss of enjoyment of life and loss of dignity and he will continue to sustain same in the future.

WHEREFORE, Plaintiff demands judgment against Defendants, City of Troy and Officer Broderick, jointly and severally, in an amount to be determined, but in excess of Twenty-Five Thousand (\$25,000.00) Dollars plus reasonable attorney fees, interest and taxable costs.

### **COUNT II - GROSS NEGLIGENCE**

38. Plaintiff realleges and incorporated herein by reference Paragraphs 1 through 31 of the Common Allegations and Paragraphs 32 through 36 of Count I as if fully stated herein.

39. Plaintiff, Officer Broderick, knew or should have known that the Plaintiff was paralyzed and wheelchair bound and that he did not pose a threat to any person or thing.

40. In light of the knowledge of Defendant, Officer Broderick, actual or constructive, her misconduct amounted to gross negligence, or conduct so reckless as to demonstrate a substantial lack of concern whether an injury resulted.

41. Plaintiff realleges and incorporates hereby by reference Paragraphs 1 through 37 of Count I as fully stated herein.

WHEREFORE, Plaintiff demands judgement against Defendants, City of Troy and Officer Broderick, jointly and severally, in an amount to be determined, but in excess of Twenty-Five Thousand (\$25,000.00) Dollars plus reasonable attorney fees, interest and taxable costs.

### **COUNT III - VIOLATION OF DISABILITY ACT**

42. Plaintiff realleges and incorporates herein by reference Paragraphs 1 through 31 of the Common Allegations and Paragraphs 32 through 37 of Count I as if fully stated herein.

43. Plaintiff, Kenneth Morrell, was a disabled person within the meaning of the Michigan Persons with Disabilities Civil Rights Act (PWDCRA) MCL 37.2101 *et seq.*

44. Under PWDCRA, the Plaintiff was entitled to equal access to public accommodations including self-service gas stations open to the public.

45. At the self-service gas station, the Plaintiff was entitled to an accommodation. In particular, he was entitled to assistance pumping gasoline.

46. The Plaintiff was denied equal rights to access the gas station when the BP gas station failed or refused to pump gasoline and ordered the removal of the Plaintiff from the premises and permanently barred him from further entry.

47. Defendant, Officer Broderick, aided and assisted the BP gas station to violate the Plaintiff's statutory rights under PWDCRA by the following acts and/or omissions to the act:

- (a) Pointing a weapon at the Plaintiff while he was at the BP gas station, even though she knew or should have known he was disabled and knew or should have known that he was not armed.
- (b) Assisting the BP gas station in refusing service because the Plaintiff was disabled.
- (c) Assisting the BP gas station in removing the Plaintiff from the premises because he was disabled.
- (d) Assisting the BP gas station in permanently barring the Plaintiff from the premises because he was disabled.
- (e) Threatening to arrest the Plaintiff if he appeared at the BP gas station again.

(f) Otherwise discriminating against the Plaintiff because of his disability.

48. Plaintiff realleges and incorporates herein by reference Paragraphs 1 through 37 of Count I as if fully stated herein.

WHEREFORE, Plaintiff demands judgement against Defendants, City of Troy and Officer Broderick, jointly and severally, in an amount to be determined, but in excess of Twenty-Five Thousand (\$25,000.00) Dollars, plus reasonable attorney fees, interest and taxable costs.

#### **COUNT IV - CONSTITUTIONAL VIOLATION**

49. Plaintiff realleges and incorporates herein by reference Paragraphs 1 through 31 of the Common Allegations and Paragraphs 32 through 37 of Count I as if fully stated herein.

50. At all times, Defendant, City of Troy, by custom, policy, and/or practice failed to properly train, evaluate, supervise, investigate, review and/or discipline its employees and condoned violations of the Disability Act by private businesses involved in public accommodations.

51. At all times, Defendant, Officer Broderick, was acting under the color of law and she subjected the Plaintiff to a deprivation of his rights, privileges and immunities secured by the constitutions and laws of the United States and the State of Michigan, including the liberty interest in freedom from an assault with a weapon.

52. Defendant, City of Troy, is liable for the acts and omissions which resulted in the deprivation of Plaintiff's rights, privileges and immunities secured by the constitution and laws of the State of Michigan and the constitution and laws of the United States.

WHEREFORE, Plaintiff demands judgement against Defendants, City of Troy and Officer Broderick, jointly and severally, in an amount to be determined, but in excess of Twenty-Five Thousand (\$25,000.00) Dollars, plus reasonable attorney fees, interest and taxable costs.

**COUNT V - FALSE IMPRISONMENT**

53. Plaintiff realleges and incorporates herein by reference Paragraphs 1 through 31 of the Common Allegations and Paragraphs 32 through 37 of Count I as fully stated herein.

54. Defendant, Officer Broderick, physically restrained the Plaintiff and deprived him of his personal liberty and freedom of movement when she pulled a firearm, aimed it at the Plaintiff, and triggered the weapon.

55. The imprisonment and restraint were against the Plaintiff's will.

56. Defendant accomplished the imprisonment and restraint by actual physical force and the deprivation of Plaintiff's liberty and freedom was intentional, unlawful, unprivileged and without probable cause.

WHEREFORE, Plaintiff demands judgement against Defendants, City of Troy and Officer Broderick, jointly and severally, in an amount in excess of Twenty-Five Thousand (\$25,000.00) Dollars and to be determined by the jury, plus reasonable attorney fees, interest and taxable cost.

**COUNT VI**

57. Plaintiff realleges and incorporates herein by reference Paragraphs 1 through 31 of the Common Allegations and Paragraphs 32 through 37 of Count I as fully stated herein.

58. Defendant, Officer Brodrick, assaulted the Plaintiff because he is African-American.

59. Plaintiff was a victim of unlawful and unconstitutional acts and omissions to act because of his race.

WHEREFORE, Plaintiff demands judgment against Defendants, City of Troy and Officer Brodrick, jointly and severally, in an amount to be determined, but in excess of Twenty-Five Thousand (\$25,000.00) Dollars, plus reasonable attorney fees, interest and taxable costs.

**COUNT VII - VIOLATION OF PWDCRA**

60. Plaintiff realleges and incorporates herein by reference Paragraphs 1 through 31 of the Common Allegations and Paragraphs 32 through 37 of Count I as fully stated herein.

61. Defendant, R.H.A.R., Inc., d/b/a Maple & John R Amoco, is a public entity for the purposes of public accommodations and services operated by a private entity under the PWDCRA.

62. Defendant, BP gas station, operated a self-service gas station that was open to the public.

63. Defendants, BP gas station and Mike Ankowi, owed a duty to comply with PWDCRA and that duty included, without limitation, the following:

- (a) It was required to operate a self-service gas station with access for disabled persons.
- (b) It was required to allow a disabled driver access to a drive window in order to communicate to gas station personnel about his/her disability status.
- (c) It was required to direct a disabled driver to an available pump.
- (d) It was required to attend the pump and operate the pump for

disabled drivers.

- (e) It was required to accommodate disabled drivers at the self-service gas station.

64. Defendants, BP gas station and Mike Ankowi, violated the aforesaid duty by the following

acts and omissions to act:

- (a) On April 19, 2006, Mike refused to operate the gas pump because the Plaintiff ordered \$5.00 of gas.
- (b) On April 27, 2006, Mike refused to operate the gas pump because Plaintiff called Armada and complained of civil rights violations.
- (c) On April 28, 2006, BP gas station refused to operate the gas pump and called the Troy Police and told the police that the Plaintiff was permanently barred from the gas station.
- (d) From April 19, 2006 to April 28, 2006 the BP gas station to accommodate the Plaintiff's disability.
- (e) On April 28, 2006 the BP gas station violated its duty of equal treatment by barring the Plaintiff from the premises.
- (f) On April 27, 2006 and April 28, 2006, the BP gas station and Mike retaliated against the Plaintiff because he complained about civil rights violations.

WHEREFORE, Plaintiff demands judgment against Defendants, R.H.A.R., Inc., d/b/a Maple & John R Amoco and Mike Ankowi, jointly and severally, in an amount to be determined

and in excess of Twenty-Five Thousand (\$25,000.00) Dollars, plus reasonable attorney fees, interest and taxable costs.

**COUNT VIII - RACIAL DISCRIMINATION**

65. Plaintiff realleges and incorporates herein by reference Paragraphs 1 through 31 of the Common Allegations as fully stated herein.

66. At all times Defendant, Mike Ankowi, was the manager of the BP gas station.

67. The misconduct of Mike was a result of a conscious belief that African-Americans are not good customers.

68. Defendants, BP gas station and Mike Ankowi, owed a duty under the Michigan Elliott-Jarsen Civil Rights Act (ELCRA) to provide public accommodations without practicing racial discrimination.

69. By virtue of various acts and omissions to act, Defendants engaged in racial discrimination by among other things, barring the Plaintiff from the premises.

WHEREFORE, Plaintiff demands judgment against Defendants, R.H.A.R., Inc., d/b/a Maple & John R Amoco and Mike Ankowi, jointly and severally, in an amount to be determined and in excess of Twenty-Five Thousand (\$25,000.00) Dollars, plus reasonable attorney fees, interest and taxable costs.

**COUNT IX - AIDING AND ABETTING CIVIL RIGHTS VIOLATIONS**

70. Plaintiff realleges and incorporates herein by reference Paragraphs 1 through 31 of the Common Allegations and Paragraphs 60 through 64 of Count VII and Paragraphs 64 through 68 of Count VIII as fully stated herein.

71. At all times, Defendant, Armada Oil Company, by virtue of its ownership of

the gas station or by virtue of its exclusive distributorship of BP Amoco products to the gas station, maintained actual or de facto control over the operation of the gas station.

72. The actual or defacto control included, without limitation, instructions on the accommodation of disabled drivers and the treatment of minorities at a self-service gas station.

73. From April 19, 2006 to April 28, 2006, Defendant spoke to representatives from Armada and they promised to intervene and assist the Plaintiff equal rights under the civil rights laws.

74. Instead of assisting the Plaintiff, Defendant, Armada aided and abetted the BP gas station in its violation of the civil rights laws.

75. In particular, Armada contacted the gas station and apparently informed a representative of the BP gas station that he could bar the Plaintiff from entering the gas station.

76. Under the PWDORA and ELCRA, person or company may not aid and abet another person or company in a violation of civil rights. Defendant violated this duty by the following acts or omissions to act:

- (a) Breaching its promise to Plaintiff that it would assist him to obtain equal rights and treatment at the self-service gas station.
- (b) Providing information to the BP gas station in order to bar the Plaintiff from the premises in violation of his civil rights.
- (c) Failing to properly monitor the civil rights policies of BP gas station.
- (d) Failing to instruct or train the employees of the gas station to obey the civil rights laws of the State of Michigan including the laws against racial discrimination and disability discrimination.

- (e) Failing to enforce the laws against racial discrimination and disability discrimination at a self-service gas station.

WHEREFORE, Plaintiff demands judgment against Defendants, R.H.A.R., Inc., d/b/a Maple & John R Amoco and Mike Ankowi, jointly and severally, in an amount to be determined and in excess of Twenty-Five Thousand (\$25,000.00) Dollars, plus reasonable attorney fees, interest and taxable costs.

Respectfully submitted,



---

ROBERT J. DINGES (P12799)  
Attorney for Plaintiff  
615 Griswold Street  
1300 Ford Building  
Detroit, Michigan 48226  
(313) 963-1500

Dated:

APR 24 2007



## CITY COUNCIL ACTION REPORT

May 15, 2007

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance/Administration  
Nino Licari, City Assessor

SUBJECT: Regular Business for Standard Resolutions 1, 2, & 3 for paving of the east ½ of Eckford, in section 15, SAD #06.202.1

### Background:

- Residents of Eckford Street expressed interest in an informational meeting to determine their interest in paving all or part of the street under Special Assessment guidelines. The Engineering Department poll specified an interest by the residents of the east half of the street to have the meeting proceed. Staff met with the residents on February 1, 2007, and explained the procedure to the residents.

On February 9 and March 9, 2007, petitions were submitted to the City Clerk's Office detailing those residents approving of the establishment of a Special Assessment District to pay the cost of asphalt paving from 785 and 810 Eckford east to Rochester Road (approximately 1,155 lineal feet). A home outside the district boundaries, at 689 Eckford, also signed the petition.

Fifteen (15) of twenty-two (22) of the owners signed in favor of the project, or 68.18%. Also, 60.84% of the frontage on the roadway signed in favor of the project.

Council is asked at this point to approve Standard Resolutions 1 (preparations of plans and cost estimates), Standard Resolution 2 (approval of the plans and cost estimates), and Standard Resolution 3 (setting a Public Hearing for final approval/disapproval of the project).

Of special note in this project are the six houses at the eastern, Rochester Road, end of Eckford (3 on the north side, and 3 on the south side). These homes were built by a developer, to City standards for drainage, culverts, and drive approaches. Therefore, the cost of these items is excluded from their portion of the Special Assessment.

The Engineering Department has also prepared a cost estimate for paving the entire length of Eckford, from Tallman east to Rochester Road. A breakdown of the potential Special Assessment costs for the entire road is included, as Council has the authority to initiate a Special Assessment

district of their own volition, and without a petition from the owners involved. If Council were to take this path, a new Public Hearing for Standard Resolutions, 1, 2, & 3 would be required, along with the final action of a Public Hearing for Standard Resolution #4.

It should be noted that Resolutions 1, 2, and 3 were announced as a Public Hearing, when they are actually Regular Business items. My apologies for the error.

#### Financial Considerations:

- The total project cost is \$428,100, of which the City share is \$352,300. This amount is budgeted in the Local Roads fund.

The Special Assessment share of \$75,800 will be transferred out of the Local Roads fund, into a Special Assessment account. The owners will then have a ten (10) year payment plan, at 6% interest to reimburse the City for the up front portion that the City pays. There is no pre payment penalty, and the Special Assessment can be paid in full at any point. It is, however, a lien on the property from the moment City Council approves Standard Resolution #4. Any owner wishing to sell their property after the lien is placed, must reimburse the entire Special Assessment amount to receive clear title to the property.

#### Legal Considerations:

- There are no legal considerations with this item.

#### Policy Considerations:

This paving project is in keeping with City Council Goal I; 'Enhance the livability and safety of the community' by helping to protect residents vehicles, cutting down on air-born dust and dirt, providing a safer walking surface, and updating the drainage in the area.

This paving project is in keeping with City Council Goal II; '*Minimize the cost and increase the efficiency and effectiveness of City government*' by reducing the costs of repeated maintenance of gravel and dirt roads.

This paving project is in keeping with City Council Goal V; '*Maintain relevance of public infrastructure to meet changing public needs*' in that three (3) other requests for paving this area have failed for lack of owner support. At this time there is a changed public need meeting the requirements for a Special Assessment District in this area.

#### Options:

- Council may move forward with the project by approving Standard resolutions 1, 2, & 3, or stop the project at this point by not acting on the resolutions.

REQUEST FOR PUBLIC IMPROVEMENTS  
(TO BE USED ONLY FOR SPECIAL ASSESSMENT IMPROVEMENTS)

cc: Assessing  
Eng

To the Honorable  
Mayor and City Council  
City of Troy, Michigan

RECEIVED  
CITY OF TROY

2007 FEB -9 AM 11:12

We, the undersigned, owners of property in the City of Troy, to be benefitted by the proposed improvements, description of which property, and our addresses, are set forth opposite our respective names, hereto, do hereby request the following public improvements, to wit:

**Bituminous asphalt paving of Eckford Street, with Community Block Grant Funds**  
available to qualifying households, from address #785 to #960 - (Option "C")

This request is not made for the purpose of initiating such improvement, but only for advising the City Council of our desire for such improvement and willingness to have our property assessed therefore if the Council, in the exercise of its discretion, orders such improvements to be made.

Signature	(print name)	Address	Date	Parcel ID #	Telephone #
<i>David Duda</i>	DAVID DUDA	8731 ✓	Feb 1, 2007	88-20-15 251-018	248-689-8658
<i>Carol J Duda</i>	CAROL DUDA	873 ✓	2/1/07	"	248-689-8658
<i>Bonita J Duda</i>	FKA BONITA S. KONKEL BONITA J JALON	944 ✓	2/1/07	88-20-15 252-024	248/689-1229
<i>Karen Fobar</i>	KAREN FOBAR	845 ✓	2/2/07	88-20-15 251-024	248/740-7544
<i>James Fobar</i>	JAMES FOBAR	845 ✓	2-2-07	"	248.740.7544
<i>Linda S Koehler</i>	Linda S. Koehler	927 ✓	2-2-07	88-20-15 251-020	248.528.1357
<i>Robert D. Koehler</i>	ROBERT D. KIEHLER	927 ✓	2-2-07	"	248-528-1357
<i>Barbara Butenko</i>	BARBARA BUTENKO	901 ✓	2-5-07	88-20-15 251-019	248-689-834
<i>Janet Rifenberg</i>	JANET RIFENBERG	939 Eckford ✓	2/5/07	88-20-15 251-022	248 689 7618
<i>Alan J Rifenberg</i>	ALAN J RIFENBERG	959 ✓	2/5/07	"	689/7618
<i>Georgina Peoples</i>	GEORGINA PEOPLES	914 ✓	2/5/07	88-20-15 252-020	(248) 524 9126
<i>Raymond Peoples</i>	RAYMOND PEOPLES	914 ✓	2/5/07	"	" "
<i>Maria M. Peoples</i>	YOUK HANNAH? MARIA M. PEOPLES NO ↑	785?	2/6/07	88-20-15 251-008	248-528-0247 0247
<i>Charito Feliciano</i>	CHARITO FELICIANO	841 ✓	2/6/07	88-20-15 251-023	248-689-2056
<i>Trineo Feliciano</i>	TRINEO FELICIANO	841 ✓	2/6/07	"	248-689-2056
<i>Linda Battisti</i>	Linda Battisti	955 ✓	2/7/07	88-20-15 251-021	248 524 9066
<i>Dennis Battisti</i>	DENNIS BATTISTI	955 ✓	2-7-07	"	" "

In case of joint ownership, husband and wife and/or all joint owners appearing on the deed must sign. \*\* The attached affidavit must be signed and notarized by any person circulating a petition (this may be done when presenting the petition to the City Clerk's office). \*\*



State of Michigan }  
County of Oakland }

I, Linda S Koehler (print name) being duly sworn, say that I reside at  
927 Eckford (# and Street); that I know of my own personal knowledge that  
each of the persons purporting to sign the foregoing request did sign the same and that all of said  
signers are property owners of the City of Troy.

(Signed)

Linda S. Koehler

Signed, subscribed and sworn to before me, a Notary Public in and for said County this  
9th day of February (Month), 2007 (Year).

Barbara A. Pallotta

(Signature of Notary Public)

**BARBARA A. PALLOTTA**  
Notary Public, Oakland County, MI  
Acting in the County of Oakland  
My Commission Expires 12/16/2010

(Notary Public Stamp, below:) or: =>

(print Notary Public name)

Notary Public, State of Michigan,  
County of \_\_\_\_\_  
My Commission Expires:

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
(month) (day) (year)

Acting in the County of Oakland




In case of joint ownership, husband and wife and/or other joint owner must sign. Affidavit on reverse side of this page must be filled out.

**State of Michigan**  
**County of Oakland**

I, Linda S. Koehler, being duly sworn, say that I reside at address 927 Eckford; that I know of my own personal knowledge that each of the persons purporting to sign the foregoing request did sign the same and that all of said signers are property owners of the City of Troy.

Signed,

Linda S. Koehler

Signed, subscribed and sworn to before me, a Notary Public, in and for said County this 9th day of February, 2004.

Signed,

Barbara A Palotta

My commission expires: Dec 16, 2010

**BARBARA A. PALOTTA**  
 Notary Public, Oakland County, MI  
 Acting in the County of Oakland  
 My Commission Expires 12/16/2010



State of Michigan }  
County of Oakland }

I, Kamal Kakos & Talal Kakos (print name) being duly sworn, say that I reside at 983 Eckford Dr. Troy 48083 (# and Street); that I know of my own personal knowledge that each of the persons purporting to sign the foregoing request did sign the same and that all of said signers are property owners of the City of Troy.

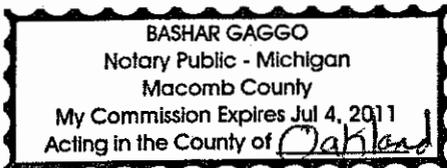
(Signed)

Kamal Kakos Talal Kakos

Signed, subscribed and sworn to before me, a Notary Public in and for said County this 26<sup>th</sup> day of February (Month), 2007 (Year).

(Signature of Notary Public)

(Notary Public Stamp, below:) or: ==>



**BASHAR GAGGO**

(print Notary Public name)

Notary Public, State of Michigan,  
County of Oakland

My Commission Expires:

7-4-2011

(month) (day) (year)

Acting in the County of Oakland



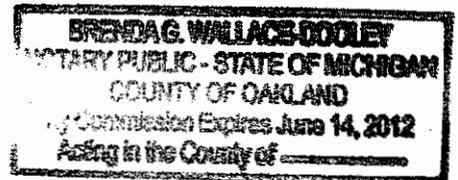
State of Michigan }  
County of Oakland }

I, HELPIE GLOUSSEF (print name) being duly sworn, say that I reside at  
172 ECKFORD DR TROY MI (# and Street); that I know of my own personal knowledge that  
each of the persons purporting to sign the foregoing request did sign the same and that all of said  
signers are property owners of the City of Troy.

(Signed) [Handwritten Signature]

Signed, subscribed and sworn to before me, a Notary Public in and for said County this  
7th day of March (Month), 2007 (Year).

[Handwritten Signature: Brenda G. Wallace-Dooley]  
(Signature of Notary Public)



(Notary Public Stamp, below:) or: ==>

(print Notary Public name)  
Notary Public, State of Michigan,  
County of Oakland  
My Commission Expires:  
June , 14 , 2012  
(month) (day) (year)  
Acting in the County of Oakland



State of Michigan }  
County of Oakland }

I, V.S. VIJAYASEGAR (print name) being duly sworn, say that I reside at  
971, ECKFORD DR. (# and Street); that I know of my own personal knowledge that  
each of the persons purporting to sign the foregoing request did sign the same and that all of said  
signers are property owners of the City of Troy.

(Signed)

V.S. Vijayarajan

Signed, subscribed and sworn to before me, a Notary Public in and for said County this  
2 day of March (Month), 2007 (Year).

Mary E. Heath  
(Signature of Notary Public)

(Notary Public Stamp, below:) or: ==>

Mary E Heath  
(print Notary Public name)  
Notary Public, State of Michigan,  
County of Oakland  
My Commission Expires:  
5.26.2013  
(month) (day) (year)  
Acting in the County of Oakland

MARY E. HEATH  
Notary Public, State of Michigan  
County of Wayne  
My Commission Expires May. 26, 2013  
Acting in the County of Oakland



State of Michigan }  
County of Oakland }

I, ALEXANDER MANSOUR (print name) being duly sworn, say that I reside at 996 ECKFORD DRIVE TROY, MI 48085 (# and Street); that I know of my own personal knowledge that each of the persons purporting to sign the foregoing request did sign the same and that all of said signers are property owners of the City of Troy.

(Signed)

*Alexander Mansour*

Signed, subscribed and sworn to before me, a Notary Public in and for said County this 28 day of February (Month), 2007 (Year).

*Lisa A. Hudson*

(Signature of Notary Public)

(Notary Public Stamp, below:) or: ==>

Lisa A. Hudson

(print Notary Public name)

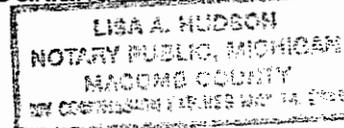
Notary Public, State of Michigan,  
County of Macomb

My Commission Expires:

May . 14 , 2011

(month) (day) (year)

Acting in the County of Oakland





State of Michigan }  
County of Oakland }

I, ASHRAF MEMON & SHAHZADI MEMON (print name) being duly sworn, say that I reside at  
995 ECKFORD DRIVE (# and Street); that I know of my own personal knowledge that  
each of the persons purporting to sign the foregoing request did sign the same and that all of said  
signers are property owners of the City of Troy.

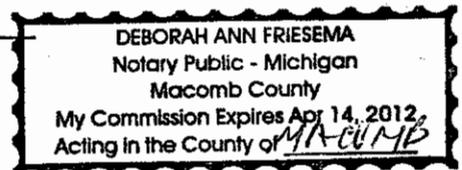
(Signed)

Ashraf Memon Shahzadi A. Memon

Signed, subscribed and sworn to before me, a Notary Public in and for said County this  
28th day of February (Month), 2007 (Year).

Deborah Ann Friesema

(Signature of Notary Public)



(Notary Public Stamp, below:) or: ==>

(print Notary Public name)

Notary Public, State of Michigan,  
County of \_\_\_\_\_  
My Commission Expires:

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
(month) (day) (year)

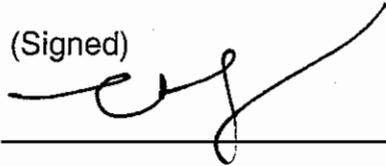
Acting in the County of Oakland



State of Michigan }  
County of Oakland }

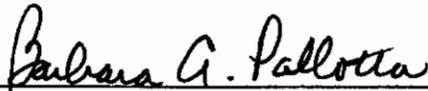
I, Velampudi A. Reddi  
Jyothirmai Velampudi (print name) being duly sworn, say that I reside at  
984 Eckford Dr (# and Street); that I know of my own personal knowledge that  
each of the persons purporting to sign the foregoing request did sign the same and that all of said  
signers are property owners of the City of Troy.

(Signed)



V. Jyothirmai

Signed, subscribed and sworn to before me, a Notary Public in and for said County this  
9<sup>th</sup> day of March (Month), 2007 (Year).



(Signature of Notary Public)

**BARBARA A. PALLOTTA**  
Notary Public, Oakland County, MI  
Acting in the County of Oakland  
My Commission Expires 12/16/2010

(Notary Public Stamp, below:) or: ==>

(print Notary Public name)

Notary Public, State of Michigan,  
County of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_  
(month) (day) (year)

Acting in the County of Oakland

**City of Troy - Assessing Department  
SAD #06.202.1 Eckford Street Paving  
785 - 996 Eckford  
Petition Analysis**

Parcel ID	#	Street	Frontage	% Total	SAD Cost	% of Bal.	Owners	Signed	Y/N	% Signed
88-20-15-251-008	785	Eckford	225.00	9.74	7,900.00	12.50	2	1	N	0
88-20-15-251-018	873	Eckford	90.00	3.90	3,160.00	5.00	2	2	Y	3.90
88-20-15-251-019	901	Eckford	90.00	3.90	3,160.00	5.00	1	1	Y	3.90
88-20-15-251-020	927	Eckford	90.00	3.90	3,160.00	5.00	2	2	Y	3.90
88-20-15-251-021	955	Eckford	90.00	3.90	3,160.00	5.00	2	2	Y	3.90
88-20-15-251-022	959	Eckford	90.00	3.90	3,160.00	5.00	2	2	Y	3.90
88-20-15-251-023	841	Eckford	112.50	4.87	3,950.00	6.25	2	2	Y	4.87
88-20-15-251-024	845	Eckford	112.50	4.87	3,950.00	6.25	2	2	Y	4.87
88-20-15-251-033	971	Eckford	85.00	3.68	2,100.00		1	1	Y	3.68
88-20-15-251-034	983	Eckford	85.00	3.68	2,100.00		2	2	Y	3.68
88-20-15-251-035	995	Eckford	85.00	3.68	2,100.00		2	2	Y	3.68
88-20-15-252-010	870	Eckford	112.50	4.87	3,950.00	6.25	2	0	N	0
88-20-15-252-011	876	Eckford	112.50	4.87	3,950.00	6.25	2	0	N	0
88-20-15-252-019	882	Eckford	112.50	4.87	3,950.00	6.25	2	0	N	0
88-20-15-252-020	914	Eckford	112.50	4.87	3,950.00	6.25	2	2	Y	4.87
88-20-15-252-022	810	Eckford	95.00	4.11	3,335.56	5.28	2	2	Y	4.11
88-20-15-252-023	850	Eckford	130.00	5.63	4,564.44	7.22	1	0	N	0
88-20-15-252-024	944	Eckford	98.00	4.24	3,440.89	5.44	1	1	Y	4.24
88-20-15-252-025	960	Eckford	127.00	5.50	4,459.11	7.06	2	0	N	0
88-20-15-252-043	972	Eckford	85.00	3.68	2,100.00		1	1	Y	3.68
88-20-15-252-044	984	Eckford	85.00	3.68	2,100.00		2	2	Y	3.68
88-20-15-252-045	996	Eckford	85.00	3.68	2,100.00		2	1	N	0.00

SAD Cost -6	1,800.00	100.00	63,200.00	63,200.00	39	26	15	60.84
SAD Cost +6	510.00		12,600.00					
Total SAD Cost	2,310.00		75,800.00					

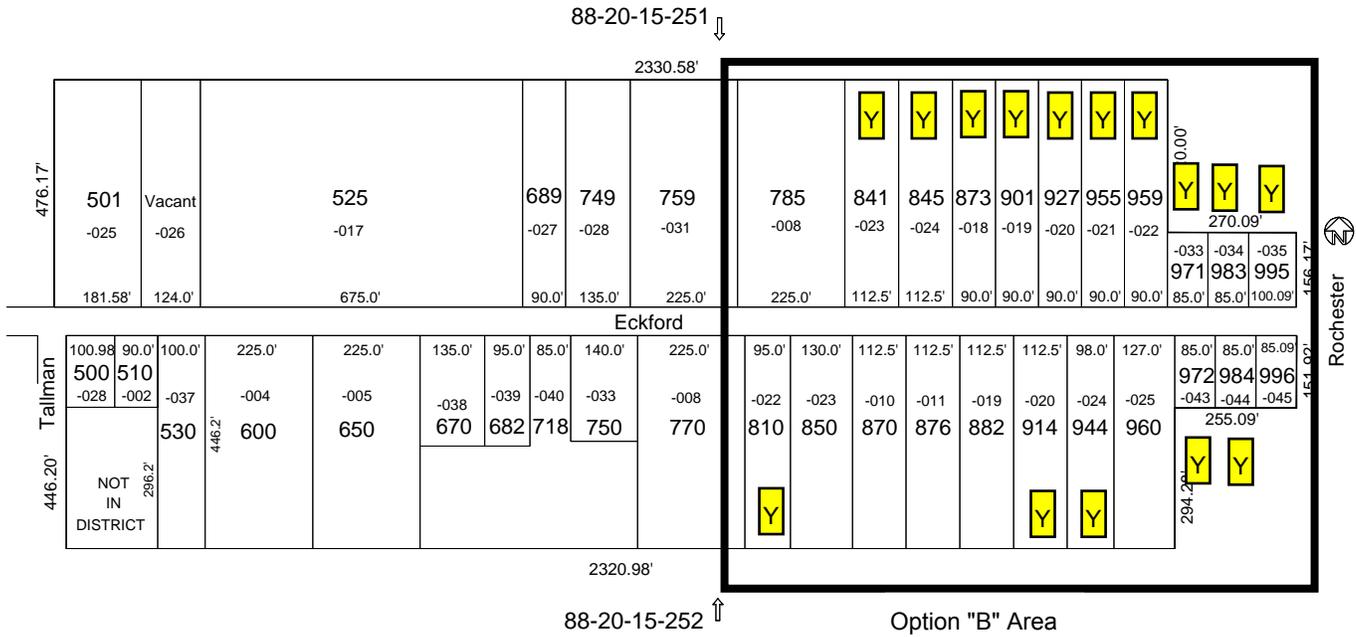
Total Owners	22
Owners Signed	15
% Owners Signed	68.18%

Total Frontage	2,310.00
Frontage Signed	1,405.50
% Frontage Signed	60.84%

Total % of Project	100.00%
% of Project Signed	60.84%

## Eckford Paving SAD Option "B" 785 - 996 Eckford

SAD Cost \$75,800.00. 8 different unit sizes and SAD Costs, 971 - 996 Eckford costs at \$2,100.00 ea.



All @ \$2,100.00	
971 Eckford	\$2,100.00
983 Eckford	\$2,100.00
995 Eckford	\$2,100.00
972 Eckford	\$2,100.00
984 Eckford	\$2,100.00
996 Eckford	\$2,100.00

All @ \$3,160.00	
873 Eckford	\$3,160.00
901 Eckford	\$3,160.00
927 Eckford	\$3,160.00
955 Eckford	\$3,160.00
959 Eckford	\$3,160.00

All @ \$3,950.00	
841 Eckford	\$3,950.00
845 Eckford	\$3,950.00
870 Eckford	\$3,950.00
876 Eckford	\$3,950.00
882 Eckford	\$3,950.00
914 Eckford	\$3,950.00

Each One Different	
810 Eckford	\$3,335.56
944 Eckford	\$3,440.89
960 Eckford	\$4,459.11
850 Eckford	\$4,564.44
785 Eckford	\$7,900.00

Preliminary Cost Estimate  
(OPTION "B")

January 16, 2007

Project Location: Eckford Street (Rochester Rd. to address #785)

Project No.: 06.202.1

Proposed Improvement: 1,170 LF, 24' wide Bituminous Asphalt Pavement with Edgedrain

Item	Quantity		Description	Unit Cost	Total Cost
			SAD Share - Asphalt Section (1,170')		
1.	567	Tons	Bit. Mix No. 500, 20C - 3"	60.00	34,020.00
2.	284	Tons	Bit. Mix No. 1100T, 20AA - 1 1/2"	70.00	19,880.00
3.	146	Tons	Bit. Mix No. 1100T, 36B - 4" Driveway	100.00	14,600.00
4.	32	SY	6" Non-Reinforced Conc. Driveway	70.00	2,240.00
5.	71	Tons	21AA Aggregate for Shoulders	20.00	1,420.00
			<b>Sub-Total</b>		<b>72,160.00</b>
			Engineering, Admin. And Contingencies, 30%		21,648.00
			<b>Sub-Total</b>		<b>93,808.00</b>
			Maintenance Savings		(18,000.00)
			<b>Total Special Assessment Share - Asphalt</b>		<b>75,800.00</b>
			City Share		
6.	674	SY	Rem. Pavement (including Driveways)	10.00	6,740.00
7.	17	Each	Remove 12" CMP Culvert	150.00	2,550.00
8.	2	Each	Remove Tree	500.00	1,000.00
9.	572	CY	Earth Excavation	10.00	5,720.00
10.	520	CY	Subgrade Undercut, w/ crush. Conc.	40.00	20,800.00
11.	3120	SY	Grading	3.00	9,360.00
12.	1030	Tons	Aggregate Base, 21AA (For Road)	20.00	20,600.00
13.	209	Tons	Agg. Base, 21AA (For Driveways)	20.00	4,180.00
14.	1100	LF	12" RCP Storm Sewer	40.00	44,000.00
15.	1800	LF	8" Edge Drain	20.00	36,000.00
16.	19	Each	2' Dia. Catch Basin	1,000.00	19,000.00
17.	5	Each	4' Dia. Manhole	1,500.00	7,500.00
18.	22	Each	Relocate Mailbox Post	100.00	2,200.00
19.	15	Each	Reconstruct/Adjust Structure	500.00	7,500.00
20.	2340	LF	Ditching	5.00	11,700.00
21.	4680	SY	Turf Restoration		Incidental
			<b>Sub-Total</b>		<b>198,850.00</b>
			Engineering, Admin. And Contingencies, 30%		59,655.00
			<b>Sub-Total</b>		<b>258,505.00</b>
			Maintenance Savings		18,000.00
			<b>Total City Share</b>		<b>276,500.00</b>
			<b>TOTAL PROJECT COST</b>		<b>352,300.00</b>

Prepared by: Antonio Cicchetti

[\\G\Projects\Projects - 2006\06.202.1 - Eckford SAD\SS\Preliminary Cost Estimate - 2006.xls](#)

# City of Troy Assessing Department

Project Name Eckford Bituminous Asphalt Paving

Project # 06.202.1 Option B

## Amortization Table 10 Year

int. @.06

<b>Assessment</b>
<b>2,100.00</b>

Year	Principal	Interest	Payment	Balance
1	\$ 210.00		\$ 210.00	\$ 1,890.00
2	\$ 210.00	\$ 113.40	\$ 323.40	\$ 1,680.00
3	\$ 210.00	\$ 100.80	\$ 310.80	\$ 1,470.00
4	\$ 210.00	\$ 88.20	\$ 298.20	\$ 1,260.00
5	\$ 210.00	\$ 75.60	\$ 285.60	\$ 1,050.00
6	\$ 210.00	\$ 63.00	\$ 273.00	\$ 840.00
7	\$ 210.00	\$ 50.40	\$ 260.40	\$ 630.00
8	\$ 210.00	\$ 37.80	\$ 247.80	\$ 420.00
9	\$ 210.00	\$ 25.20	\$ 235.20	\$ 210.00
10	\$ 210.00		\$ 210.00	\$ -
<hr/>				
<b>TOTAL</b>	<b>\$ 2,100.00</b>	<b>\$ 554.40</b>	<b>\$ 2,654.40</b>	

88-20-15-251-033	971 Eckford
88-20-15-251-034	983 Eckford
88-20-15-251-035	995 Eckford
88-20-15-252-043	972 Eckford
88-20-15-252-044	984 Eckford
88-20-15-252-045	996 Eckford

# City of Troy Assessing Department

Project Name Eckford Bituminous Asphalt Paving

Project # 06.202.1 Option B

## Amortization Table 10 Year

int. @.06

<b>Assessment</b>
<b>3,160.00</b>

Year	Principal	Interest	Payment	Balance
1	\$ 316.00		\$ 316.00	\$ 2,844.00
2	\$ 316.00	\$ 170.64	\$ 486.64	\$ 2,528.00
3	\$ 316.00	\$ 151.68	\$ 467.68	\$ 2,212.00
4	\$ 316.00	\$ 132.72	\$ 448.72	\$ 1,896.00
5	\$ 316.00	\$ 113.76	\$ 429.76	\$ 1,580.00
6	\$ 316.00	\$ 94.80	\$ 410.80	\$ 1,264.00
7	\$ 316.00	\$ 75.84	\$ 391.84	\$ 948.00
8	\$ 316.00	\$ 56.88	\$ 372.88	\$ 632.00
9	\$ 316.00	\$ 37.92	\$ 353.92	\$ 316.00
10	\$ 316.00		\$ 316.00	\$ -
<hr/>				
<b>TOTAL</b>	<b>\$ 3,160.00</b>	<b>\$ 834.24</b>	<b>\$ 3,994.24</b>	

88-20-15-251-018	873 Eckford
88-20-15-251-019	901 Eckford
88-20-15-251-020	927 Eckford
88-20-15-251-021	955 Eckford
88-20-15-251-022	959 Eckford

# City of Troy Assessing Department

Project Name Eckford Bituminous Asphalt Paving

Project # 06.202.1 Option B

## Amortization Table 10 Year

int. @.06

<b>Assessment</b>
3,335.56

Year	Principal	Interest	Payment	Balance
1	\$ 333.56		\$ 333.56	\$ 3,002.00
2	\$ 333.56	\$ 180.12	\$ 513.68	\$ 2,668.45
3	\$ 333.56	\$ 160.11	\$ 493.66	\$ 2,334.89
4	\$ 333.56	\$ 140.09	\$ 473.65	\$ 2,001.34
5	\$ 333.56	\$ 120.08	\$ 453.64	\$ 1,667.78
6	\$ 333.56	\$ 100.07	\$ 433.62	\$ 1,334.22
7	\$ 333.56	\$ 80.05	\$ 413.61	\$ 1,000.67
8	\$ 333.56	\$ 60.04	\$ 393.60	\$ 667.11
9	\$ 333.56	\$ 40.03	\$ 373.58	\$ 333.56
10	\$ 333.56		\$ 333.56	\$ (0.00)

<b>TOTAL</b>	\$ 3,335.56	\$ 880.59	\$ 4,216.15
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88-20-15-252-022

810 Eckford

# City of Troy Assessing Department

Project Name Eckford Bituminous Asphalt Paving

Project # 06.202.1 Option B

## Amortization Table 10 Year

int. @.06

Assessment 3,440.89
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Year	Principal	Interest	Payment	Balance
1	\$ 344.09		\$ 344.09	\$ 3,096.80
2	\$ 344.09	\$ 185.81	\$ 529.90	\$ 2,752.71
3	\$ 344.09	\$ 165.16	\$ 509.25	\$ 2,408.62
4	\$ 344.09	\$ 144.52	\$ 488.61	\$ 2,064.53
5	\$ 344.09	\$ 123.87	\$ 467.96	\$ 1,720.45
6	\$ 344.09	\$ 103.23	\$ 447.32	\$ 1,376.36
7	\$ 344.09	\$ 82.58	\$ 426.67	\$ 1,032.27
8	\$ 344.09	\$ 61.94	\$ 406.03	\$ 688.18
9	\$ 344.09	\$ 41.29	\$ 385.38	\$ 344.09
10	\$ 344.09		\$ 344.09	\$ -

<b>TOTAL</b>	\$ 3,440.89	\$ 908.39	\$ 4,349.28	
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88-20-15-252-024

944 Eckford

# City of Troy Assessing Department

Project Name Eckford Bituminous Asphalt Paving

Project # 06.202.1 Option B

## Amortization Table 10 Year

int. @.06

<b>Assessment</b>
<b>3,950.00</b>

Year	Principal	Interest	Payment	Balance
1	\$ 395.00		\$ 395.00	\$ 3,555.00
2	\$ 395.00	\$ 213.30	\$ 608.30	\$ 3,160.00
3	\$ 395.00	\$ 189.60	\$ 584.60	\$ 2,765.00
4	\$ 395.00	\$ 165.90	\$ 560.90	\$ 2,370.00
5	\$ 395.00	\$ 142.20	\$ 537.20	\$ 1,975.00
6	\$ 395.00	\$ 118.50	\$ 513.50	\$ 1,580.00
7	\$ 395.00	\$ 94.80	\$ 489.80	\$ 1,185.00
8	\$ 395.00	\$ 71.10	\$ 466.10	\$ 790.00
9	\$ 395.00	\$ 47.40	\$ 442.40	\$ 395.00
10	\$ 395.00		\$ 395.00	\$ -
<hr/>				
<b>TOTAL</b>	<b>\$ 3,950.00</b>	<b>\$ 1,042.80</b>	<b>\$ 4,992.80</b>	

88-20-15-251-023	841 Eckford
88-20-15-251-024	845 Eckford
88-20-15-252-010	870 Eckford
88-20-15-252-011	876 Eckford
88-20-15-252-019	882 Eckford
88-20-15-252-020	914 Eckford

# City of Troy Assessing Department

Project Name Eckford Bituminous Asphalt Paving

Project # 06.202.1 Option B

## Amortization Table 10 Year

int. @.06

<b>Assessment</b>
4,459.11

Year	Principal	Interest	Payment	Balance
1	\$ 445.91		\$ 445.91	\$ 4,013.20
2	\$ 445.91	\$ 240.79	\$ 686.70	\$ 3,567.29
3	\$ 445.91	\$ 214.04	\$ 659.95	\$ 3,121.38
4	\$ 445.91	\$ 187.28	\$ 633.19	\$ 2,675.47
5	\$ 445.91	\$ 160.53	\$ 606.44	\$ 2,229.56
6	\$ 445.91	\$ 133.77	\$ 579.68	\$ 1,783.64
7	\$ 445.91	\$ 107.02	\$ 552.93	\$ 1,337.73
8	\$ 445.91	\$ 80.26	\$ 526.17	\$ 891.82
9	\$ 445.91	\$ 53.51	\$ 499.42	\$ 445.91
10	\$ 445.91		\$ 445.91	\$ (0.00)

<b>TOTAL</b>	\$ 4,459.11	\$ 1,177.21	\$ 5,636.32	
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88-20-15-252-025

960 Eckford

# City of Troy Assessing Department

Project Name Eckford Bituminous Asphalt Paving

Project # 06.202.1 Option B

## Amortization Table 10 Year

int. @.06

<b>Assessment</b>
4,564.44

Year	Principal	Interest	Payment	Balance
1	\$ 456.44		\$ 456.44	\$ 4,108.00
2	\$ 456.44	\$ 246.48	\$ 702.92	\$ 3,651.55
3	\$ 456.44	\$ 219.09	\$ 675.54	\$ 3,195.11
4	\$ 456.44	\$ 191.71	\$ 648.15	\$ 2,738.66
5	\$ 456.44	\$ 164.32	\$ 620.76	\$ 2,282.22
6	\$ 456.44	\$ 136.93	\$ 593.38	\$ 1,825.78
7	\$ 456.44	\$ 109.55	\$ 565.99	\$ 1,369.33
8	\$ 456.44	\$ 82.16	\$ 538.60	\$ 912.89
9	\$ 456.44	\$ 54.77	\$ 511.22	\$ 456.44
10	\$ 456.44		\$ 456.44	\$ (0.00)

<b>TOTAL</b>	\$ 4,564.44	\$ 1,205.01	\$ 5,769.45
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88-20-15-252-023

850 Eckford

# City of Troy Assessing Department

Project Name Eckford Bituminous Asphalt Paving

Project # 06.202.1 Option B

## Amortization Table 10 Year

int. @.06

<b>Assessment</b> 7,900.00
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Year	Principal	Interest	Payment	Balance
1	\$ 790.00		\$ 790.00	\$ 7,110.00
2	\$ 790.00	\$ 426.60	\$ 1,216.60	\$ 6,320.00
3	\$ 790.00	\$ 379.20	\$ 1,169.20	\$ 5,530.00
4	\$ 790.00	\$ 331.80	\$ 1,121.80	\$ 4,740.00
5	\$ 790.00	\$ 284.40	\$ 1,074.40	\$ 3,950.00
6	\$ 790.00	\$ 237.00	\$ 1,027.00	\$ 3,160.00
7	\$ 790.00	\$ 189.60	\$ 979.60	\$ 2,370.00
8	\$ 790.00	\$ 142.20	\$ 932.20	\$ 1,580.00
9	\$ 790.00	\$ 94.80	\$ 884.80	\$ 790.00
10	\$ 790.00		\$ 790.00	\$ -

<b>TOTAL</b>	\$ 7,900.00	\$ 2,085.60	\$ 9,985.60
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88-20-15-251-008

785 Eckford

RAYES, YOUKHANNA & MARIAM

785 ECKFORD  
TROY MI 48085-4860

HUBER, JOHN & JANICE

810 ECKFORD  
TROY MI 48085-4848

FELICIDARIO, CHARITO & IRENIO

841 ECKFORD  
TROY MI 48085-4847

FOBAR, JAMES & KAREN

845 ECKFORD  
TROY MI 48085-4847

KOWALAK, MARJORIE L

850 ECKFORD  
TROY MI 48085-4848

DOEPKE, MITCHELL & LORI

870 ECKFORD  
TROY MI 48085-4848

DUDA, DAVID A & CAROL J

873 ECKFORD  
TROY MI 48085-4847

ZAWALSKI, MICHAEL & SARAH

876 ECKFORD  
TROY MI 48085-4848

MUDALIGE, UPALI PRYANTHA  
MUDALIGE, MANORI PRIYANKA

882 ECKFORD  
TROY MI 48085-4848

BUTCHKO, BARBARA

901 ECKFORD  
TROY MI 48085-4858

PEEPLS, RAYMOND & GEORGIA

914 ECKFORD  
TROY MI 48085-4859

KOEHLER, ROBERT & LINDA

927 ECKFORD  
TROY MI 48085-4858

JALON, BONITA S

944 ECKFORD  
TROY MI 48085-4859

BATTISTI, DENNIS & LINDA

955 ECKFORD  
TROY MI 48085-4858

RIFFENBURG, ALAN & JANET

959 ECKFORD  
TROY MI 48085-4858

DAVIS, JONATHAN & TAMMY

960 ECKFORD  
TROY MI 48085-4859

VIJAYASEGAR, VIJAYARATNAM

971 ECKFORD  
TROY MI 48085

YOUSEF, HELPIS M

972 ECKFORD  
TROY MI 48085

KAKOS, KAMAL & TALAL

983 ECKFORD  
TROY MI 48085

REDDI, VELAMPUDI A  
VELAMPUDIA, JYOTHIRMAI

984 ECKFORD  
TROY MI 48085

MEMON, ASHRAF H & SHAHZADI A

995 ECKFORD  
TROY MI 48085

MANSOUR, ALEXANDER & TANYA

996 ECKFORD  
TROY MI 48085

CITY OF TROY

PUBLIC HEARING

MEETING TO REVIEW THE NECESSITY FOR THE INSTALLATION OF ASPHALT PAVING ON THE EASTERLY ½ OF ECKFORD STREET IN SECTION 15, AND TO HEAR ANY AND ALL OBJECTIONS TO THE NECESSITY OF THE PUBLIC IMPROVEMENT AND SAID SPECIAL ASSESSMENT ASSESSED AGAINST SPECIAL ASSESSMENT DISTRICT NO. 06.202.1 IN THE CITY OF TROY, MICHIGAN:

PLEASE TAKE NOTICE that the Council will meet at City Hall on the 18th day of June, 2007 at 7:30 o'clock p.m., for the purpose of reviewing the necessity for the installation of Asphalt Paving on the easterly ½ of Eckford Street in Section 15, Project No. 06.202.1, and of hearing any and all objections to the necessity of the public improvement and Special Assessment made in the matter of construction of the following described improvement:

Installation of Asphalt Paving on the easterly ½ of Eckford Street.

The Assessment Roll is on file in the office of the City Clerk for public examination. The Special Assessments therein contained have been assessed according to law against the parcels of land constituting Special Assessment District No. 06.202.1, which District is described as follows:

T2N, R11E, Section 15

88-20-15-251-033 The special assessment for your property is \$ 2,100.00,  
88-20-15-251-034 The special assessment for your property is \$ 2,100.00,  
88-20-15-251-035 The special assessment for your property is \$ 2,100.00,  
88-20-15-252-043 The special assessment for your property is \$ 2,100.00,  
88-20-15-252-044 The special assessment for your property is \$ 2,100.00,  
88-20-15-252-045 The special assessment for your property is \$ 2,100.00,  
88-20-15-251-018 The special assessment for your property is \$ 3,160.00,  
88-20-15-251-019 The special assessment for your property is \$ 3,160.00,  
88-20-15-251-020 The special assessment for your property is \$ 3,160.00,  
88-20-15-251-021 The special assessment for your property is \$ 3,160.00,  
88-20-15-251-022 The special assessment for your property is \$ 3,160.00,  
88-20-15-252-022 The special assessment for your property is \$ 3,335.56,  
88-20-15-252-024 The special assessment for your property is \$ 3,440.89,  
88-20-15-251-023 The special assessment for your property is \$ 3,950.00,  
88-20-15-251-024 The special assessment for your property is \$ 3,950.00,  
88-20-15-252-010 The special assessment for your property is \$ 3,950.00,  
88-20-15-252-011 The special assessment for your property is \$ 3,950.00,  
88-20-15-252-019 The special assessment for your property is \$ 3,950.00,  
88-20-15-252-020 The special assessment for your property is \$ 3,950.00,  
88-20-15-252-025 The special assessment for your property is \$ 4,459.11,  
88-20-15-252-023 The special assessment for your property is \$ 4,564.44,  
88-20-15-251-008 The special assessment for your property is \$ 7,900.00.

The above assessments and all proceedings upon which they are based shall not be contestable, unless suit to contest the validity thereof is instituted within thirty (30) days after the date of confirmation of said Special Assessment Roll No. 05.202.1

The owner or any person having an interest in the real property may file a written appeal of the special assessment with the state tax tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll.

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Tonni L. Bartholomew, MMC  
City Clerk

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**NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3317 or via e-mail at [clerk@ci.troy.mi.us](mailto:clerk@ci.troy.mi.us) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.**

**City of Troy - Assessing Department  
SAD #06.202.1 Eckford Street Paving  
Entire Street**

Parcel ID	#	Street	Frontage	% Total	SAD Cost	Match
88-20-15-251-008	785	Eckford	225.00	4.84	7,337.86	15
88-20-15-251-017	525	Eckford	675.00	14.51	22,013.58	16
88-20-15-251-018	873	Eckford	90.00	1.93	2,935.14	3
88-20-15-251-019	901	Eckford	90.00	1.93	2,935.14	3
88-20-15-251-020	927	Eckford	90.00	1.93	2,935.14	3
88-20-15-251-021	955	Eckford	90.00	1.93	2,935.14	3
88-20-15-251-022	959	Eckford	90.00	1.93	2,935.14	3
88-20-15-251-023	841	Eckford	112.50	2.42	3,668.93	8
88-20-15-251-024	845	Eckford	112.50	2.42	3,668.93	8
88-20-15-251-025	504	Eckford	181.58	3.90	5,921.82	14
88-20-15-251-026	Vac	Eckford	124.00	2.67	4,043.98	9
88-20-15-251-027	689	Eckford	90.00	1.93	2,935.14	3
88-20-15-251-028	749	Eckford	135.00	2.90	4,402.72	12
88-20-15-251-031	759	Eckford	225.00	4.84	7,337.86	15
88-20-15-251-033	971	Eckford	85.00	0.00	2,100.00	1
88-20-15-251-034	983	Eckford	85.00	0.00	2,100.00	1
88-20-15-251-035	995	Eckford	85.00	0.00	2,100.00	1
88-20-15-252-002	90	Eckford	90.00	1.93	2,935.14	3
88-20-15-252-004	600	Eckford	225.00	4.84	7,337.86	15
88-20-15-252-005	650	Eckford	225.00	4.84	7,337.86	15
88-20-15-252-008	770	Eckford	225.00	4.84	7,337.86	15
88-20-15-252-010	870	Eckford	112.50	2.42	3,668.93	8
88-20-15-252-011	876	Eckford	112.50	2.42	3,668.93	8
88-20-15-252-019	882	Eckford	112.50	2.42	3,668.93	8
88-20-15-252-020	914	Eckford	112.50	2.42	3,668.93	8
88-20-15-252-022	810	Eckford	95.00	2.04	3,098.21	4
88-20-15-252-023	850	Eckford	130.00	2.79	4,239.65	11
88-20-15-252-024	944	Eckford	98.00	2.11	3,196.05	5
88-20-15-252-025	960	Eckford	127.00	2.73	4,141.81	10
88-20-15-252-028	500	Eckford	100.98	2.17	3,293.23	7
88-20-15-252-033	750	Eckford	140.00	3.01	4,565.78	13
88-20-15-252-037	530	Eckford	100.00	2.15	3,261.27	6
88-20-15-252-038	670	Eckford	135.00	2.90	4,402.72	12
88-20-15-252-039	682	Eckford	95.00	2.04	3,098.21	4
88-20-15-252-040	718	Eckford	85.00	1.83	2,772.08	2
88-20-15-252-043	972	Eckford	85.00	0.00	2,100.00	1
88-20-15-252-044	984	Eckford	85.00	0.00	2,100.00	1
88-20-15-252-045	996	Eckford	85.00	0.00	2,100.00	1
SAD -6			4,651.56	100.00	151,700.00	
SAD +6			510.00	100.00	12,600.00	
Total SAD Cost			5,161.56	100.00	164,300.00	

**City of Troy - Assessing Department  
SAD #06.202.1 Eckford Street Paving  
Entire Street**

<b>Parcel ID</b>	<b>#</b>	<b>Street</b>	<b>Frontage</b>	<b>% Total</b>	<b>SAD Cost</b>	<b>Match</b>	<b>E 1/2 Cost</b>
88-20-15-251-033	971	Eckford	85.00	0.00	2,100.00	1	
88-20-15-251-034	983	Eckford	85.00	0.00	2,100.00	1	
88-20-15-251-035	995	Eckford	85.00	0.00	2,100.00	1	
88-20-15-252-043	972	Eckford	85.00	0.00	2,100.00	1	
88-20-15-252-044	984	Eckford	85.00	0.00	2,100.00	1	
88-20-15-252-045	996	Eckford	85.00	0.00	2,100.00	1	
88-20-15-252-040	718	Eckford	85.00	1.83	2,772.08	2	
88-20-15-251-018	873	Eckford	90.00	1.93	2,935.14	3	3,160.00
88-20-15-251-019	901	Eckford	90.00	1.93	2,935.14	3	3,160.00
88-20-15-251-020	927	Eckford	90.00	1.93	2,935.14	3	3,160.00
88-20-15-251-021	955	Eckford	90.00	1.93	2,935.14	3	3,160.00
88-20-15-251-022	959	Eckford	90.00	1.93	2,935.14	3	3,160.00
88-20-15-251-027	689	Eckford	90.00	1.93	2,935.14	3	3,160.00
88-20-15-252-002	90	Eckford	90.00	1.93	2,935.14	3	3,160.00
88-20-15-252-022	810	Eckford	95.00	2.04	3,098.21	4	3,335.56
88-20-15-252-039	682	Eckford	95.00	2.04	3,098.21	4	
88-20-15-252-024	944	Eckford	98.00	2.11	3,196.05	5	3,440.89
88-20-15-252-037	530	Eckford	100.00	2.15	3,261.27	6	
88-20-15-252-028	500	Eckford	100.98	2.17	3,293.23	7	
88-20-15-251-023	841	Eckford	112.50	2.42	3,668.93	8	3,950.00
88-20-15-251-024	845	Eckford	112.50	2.42	3,668.93	8	3,950.00
88-20-15-252-010	870	Eckford	112.50	2.42	3,668.93	8	3,950.00
88-20-15-252-011	876	Eckford	112.50	2.42	3,668.93	8	3,950.00
88-20-15-252-019	882	Eckford	112.50	2.42	3,668.93	8	3,950.00
88-20-15-252-020	914	Eckford	112.50	2.42	3,668.93	8	3,950.00
88-20-15-251-026	Vac	Eckford	124.00	2.67	4,043.98	9	
88-20-15-252-025	960	Eckford	127.00	2.73	4,141.81	10	4,459.11
88-20-15-252-023	850	Eckford	130.00	2.79	4,239.65	11	4,564.44
88-20-15-251-028	749	Eckford	135.00	2.90	4,402.72	12	
88-20-15-252-038	670	Eckford	135.00	2.90	4,402.72	12	
88-20-15-252-033	750	Eckford	140.00	3.01	4,565.78	13	
88-20-15-251-025	504	Eckford	181.58	3.90	5,921.82	14	
88-20-15-251-008	785	Eckford	225.00	4.84	7,337.86	15	7,900.00
88-20-15-251-031	759	Eckford	225.00	4.84	7,337.86	15	
88-20-15-252-004	600	Eckford	225.00	4.84	7,337.86	15	
88-20-15-252-005	650	Eckford	225.00	4.84	7,337.86	15	
88-20-15-252-008	770	Eckford	225.00	4.84	7,337.86	15	
88-20-15-251-017	525	Eckford	675.00	14.51	22,013.58	16	

Preliminary Cost Estimate  
(OPTION "D")

March 8, 2007

Project Location: Eckford Street (Rochester Rd. to Tallman Road)

Project No.: 06.202.1

Proposed Improvement: 2,601 LF, 24' wide Bituminous Asphalt Pavement with Edgedrain

Item	Quantity		Description	Unit Cost	Total Cost
			SAD Share - Asphalt Section (1,170')		
1.	1259	Tons	Bit. Mix No. 500, 20C - 3"	60.00	75,540.00
2.	630	Tons	Bit. Mix No. 1100T, 20AA - 1 1/2"	70.00	44,100.00
3.	297	Tons	Bit. Mix No. 1100T, 36B - 4" Driveway	100.00	29,700.00
4.	64	SY	6" Non-Reinforced Conc. Driveway	70.00	4,480.00
5.	128	Tons	21AA Aggregate for Shoulders	20.00	2,560.00
			<b>Sub-Total</b>		<b>156,380.00</b>
			Engineering, Admin. And Contingencies, 30%		46,914.00
			<b>Sub-Total</b>		<b>203,294.00</b>
			Maintenance Savings		(39,000.00)
			<b>Total Special Assessment Share - Asphalt</b>		<b>164,300.00</b>
			City Share		
6.	898	SY	Rem. Pavement (including Driveways)	10.00	8,980.00
7.	34	Each	Remove 12" CMP Culvert	150.00	5,100.00
8.	2	Each	Remove Tree	500.00	1,000.00
9.	1272	CY	Earth Excavation	10.00	12,720.00
10.	1156	CY	Subgrade Undercut, w/ crush. Conc.	40.00	46,240.00
11.	6936	SY	Grading	3.00	20,808.00
12.	2290	Tons	Aggregate Base, 21AA (For Road)	20.00	45,800.00
13.	387	Tons	Agg. Base, 21AA (For Driveways)	20.00	7,740.00
14.	2531	LF	12" RCP Storm Sewer	40.00	101,240.00
15.	4662	LF	8" Edge Drain	20.00	93,240.00
16.	36	Each	2' Dia. Catch Basin	1,000.00	36,000.00
17.	10	Each	4' Dia. Manhole	1,500.00	15,000.00
18.	37	Each	Relocate Mailbox Post	100.00	3,700.00
19.	15	Each	Reconstruct/Adjust Structure	500.00	7,500.00
20.	5202	LF	Ditching	5.00	26,010.00
21.	10404	SY	Turf Restoration		Incidental
			<b>Sub-Total</b>		<b>431,078.00</b>
			Engineering, Admin. And Contingencies, 30%		129,323.40
			<b>Sub-Total</b>		<b>560,401.40</b>
			Maintenance Savings		39,000.00
			<b>Total City Share</b>		<b>599,400.00</b>
			<b>TOTAL PROJECT COST</b>		<b>763,700.00</b>

Prepared by: Antonio Cicchetti

[\\G\Projects\Projects - 2006\06.202.1 - Eckford SAD\SS\Preliminary Cost Estimate - 2006.xls](#)



## CITY COUNCIL ACTION REPORT

May 16, 2007

TO: Phillip L. Nelson, City Manager <sup>PLN</sup>

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services <sup>BPM</sup>

SUBJECT: Approval of Project Plan for Expansion and Improvements at the Bharatiya Temple, 6850 N. Adams, and Waiver of Jurisdiction of the Troy Economic Development Corporation for the Issuance of Bonds

### Background

- The Bharatiya Temple at 6850 N. Adams plans to expand and improve their current facility by adding classrooms, a banquet hall and a larger prayer hall. City Council granted preliminary site plan approval on July 12, 2005.
- The Bharatiya Temple intends to issue \$4.3 million in bonds through the Oakland County Economic Development Corporation (EDC) to fund the project.
- Act 338 of the Michigan Public Acts of 1974 requires the municipality to waive jurisdiction when a project is to be financed by the Oakland County EDC if the municipality has an economic development corporation, as does the City of Troy.

### Financial Considerations

- There are no financial considerations to the City of Troy in this matter.

### Legal Considerations

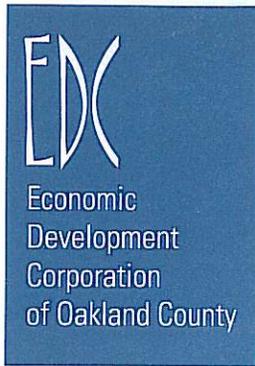
- Mary Langhauser, Supervisor of Financial Services of the EDC of Oakland County has requested that Troy City Council approve the project plan and waive jurisdiction for the issuance of bonds to fund this project.

### Policy Considerations

- The Bharatiya Temple's plans to expand and improve their facility illustrates Council's intentions by establishing **Goal III, "Retain and attract investment while encouraging redevelopment"**.

### Options

- It is recommended that City Council approval the project plan for the Bharatiya Temple and waive the jurisdiction of the Troy economic development corporation in the issuance of bonds through the Oakland County EDC.



Oakland County  
Planning and Economic  
Development Services

1200 N. Telegraph Rd.  
Pontiac, Michigan  
48341-0412

Tel: 248.858.0765  
Fax: 248.975.9555



David F. Courtney  
Chairperson

Martin W. Hollander  
Vice Chairperson

Linda J. Russell  
Secretary

Mary P. Langhauser  
Assistant Secretary

Patrick M. Dohany  
Treasurer

Robert L. Schwartz  
Legal Counsel

Daniel P. Hunter  
Manager

May 10, 2007

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

**RE: The Bharatiya Temple Project Plan**

Mr. Murphy:

Attached please find the Resolution of Waiver of Jurisdiction and the Resolution Recommending the Project Plan as well as 15 copies of the plan. I would like to request that this be placed on the City Council's agenda for May 21, 2007.

I will be available that evening if the council has any questions.

If you have any questions or concerns please feel free to contact me at (248) 858-0879.

Sincerely,

A handwritten signature in cursive script, reading 'Mary P. Langhauser', is written in black ink.

Mary Langhauser  
Supervisor-Financial Services

## **PROJECT PLAN**

### **SUMMARY DESCRIPTION OF THE BHARATIYA TEMPLE EXPANSION PROJECT**

**OWNER OF PROJECT:**

**The Bharatiya Temple**  
6850 N. Adams Rd.,  
Troy, MI 48098

**CONTACT PERSON:** (Name, address, telephone number)

Mr. Jayanti Shah  
Secretary, Long Range Planning Committee  
The Bharatiya Temple  
Troy, MI 48098

**LOCATION OF PROJECT:** (Local municipality)

Troy

**PROJECT AREA/DISTRICT AREA:** See Exhibit A

**NATURE OF PROJECT:**

Extension of the current structure with the addition of class rooms, banquet hall, and a larger prayer hall.

**TOTAL PROJECT COST:**

9.3 M\$

**BONDS TO BE ISSUED:**

4.3 M\$

**LETTER OF CREDIT ISSUER OR BOND PURCHASER:**

The Fifth Third Bank

### **PROJECT PLAN CERTIFICATION**

THIS PROJECT PLAN WAS PREPARED FOR THE  
ECONOMIC DEVELOPMENT CORPORATION OF THE  
COUNTY OF OAKLAND IN ACCORDANCE WITH THE  
REQUIREMENTS OF THE ECONOMIC DEVELOPMENT

**THE ECONOMIC DEVELOPMENT CORPORATION  
OF THE COUNTY OF OAKLAND  
Oakland County, Michigan**

**The Bharatiya Temple Expansion Project**

**PROJECT PLAN**

**CONTENTS**

1. Summary Description of Project (Page 1)
2. Project Plan Certification by Company (Page 2)
3. Statutorily Required Information (Page 3)
4. Exhibits

"A" - Project Area Legal Description

"B" - Letter of Credit or Bond Purchaser's Commitment Letter

"C" - Company Certificate Regarding Transfer of Employment

"D" - Company Certificate Regarding Payment of Prevailing Wages

Other

CORPORATIONS ACT, ACT NO. 338 OF THE MICHIGAN PUBLIC ACTS OF 1974, AS AMENDED.

THE UNDERSIGNED HAS PROVIDED ALL OF THE INFORMATION CONTAINED HEREIN AND HEREBY CERTIFIES AS TO THE ACCURACY AND VALIDITY OF SUCH INFORMATION AS OF THIS DATE.

THE UNDERSIGNED UNDERSTANDS THAT THIS PROJECT PLAN IS STATUTORILY REQUIRED AND, IF IT CONTAINS ANY MATERIAL MISREPRESENTATION OR INACCURACY, COULD RESULT IN THE INVALIDATION OF THE ECONOMIC DEVELOPMENT CORPORATION PROCEEDINGS REGARDING THE PROJECT TO WHICH THE PROJECT PLAN PERTAINS.

Nutan R Oak

By: Nutan Oak  
Chairperson of the Board of Trustees

Dated: 02/15/07

**PROJECT PLAN**  
**STATUTORILY REQUIRED INFORMATION REGARDING**  
**THE BHARATIYA TEMPLE EXPANSION PROJECT**

I. THE LOCATION AND EXTENT OF EXISTING STREETS AND OTHER PUBLIC FACILITIES WITHIN THE PROJECT DISTRICT AREA; THE LOCATION, CHARACTER, AND EXTENT OF THE CATEGORIES OF PUBLIC AND PRIVATE LAND USES NOW EXISTING AND PROPOSED FOR THE PROJECT AREA, INCLUDING RESIDENTIAL, RECREATIONAL, COMMERCIAL, INDUSTRIAL, EDUCATIONAL, AND OTHER USES; AND A LEGAL DESCRIPTION OF THE PROJECT AREA:

Legal description of Project Area attached as Exhibit A.

II. A DESCRIPTION OF EXISTING IMPROVEMENTS IN THE PROJECT AREA TO BE DEMOLISHED, REPAIRED, OR ALTERED; A DESCRIPTION OF REPAIRS AND ALTERATIONS; AND AN ESTIMATE OF THE TIME REQUIRED FOR COMPLETION:  
Renovation of the existing structure is not part of this phase of expansion. Renovations will be executed in the future.

III. THE LOCATION, EXTENT, CHARACTER, AND ESTIMATED COST OF THE IMPROVEMENTS, INCLUDING REHABILITATION CONTEMPLATED FOR THE PROJECT AREA, AND AN ESTIMATE OF THE TIME REQUIRED FOR COMPLETION:

The expansion will be to the North of the current structure.

The estimated cost of the expansion is 9.3 M\$

The additional square footage that will be added is 36,500 sq.ft.

The time required for completion of the project is 2 years from start of construction.

IV. A DESCRIPTION OF THE CONSTRUCTION OR STAGES OF CONSTRUCTION PLANNED, AND THE ESTIMATED TIME OF COMPLETION OF EACH STAGE:

I. Excavation & Foundation	4 months
II. Construction of Structure	8 months
III. Exterior and Interior Finsihing	12 months
Total duration of Project	24 months

V. A DESCRIPTION OF THE PARTS OF THE PROJECT AREA TO BE LEFT AS OPEN SPACE AND THE USE CONTEMPLATED FOR THE SPACE:

- I. Wetlands and Ravines – Non usable
- II. Open Space Next to Parking Lot – Future Parking Lot Expansion

VI. A DESCRIPTION OF PORTIONS OF THE PROJECT AREA WHICH THE ECONOMIC DEVELOPMENT CORPORATION OR THE COMPANY DESIRES TO SELL, DONATE, EXCHANGE OR LEASE TO OR FROM THE MUNICIPALITY AND THE PROPOSED TERMS:

Not Applicable

VII. A DESCRIPTION OF DESIRED ZONING CHANGES AND CHANGES IN STREET, STREET LEVELS, INTERSECTIONS AND UTILITIES:

NONE

VIII. A DESCRIPTION OF THE PROPOSED METHOD OF FINANCING THE PROJECT, INCLUDING ATTACHMENT OF A COPY OF THE LETTER OF CREDIT OR BOND PURCHASER'S COMMITMENT LETTER:

Internal Resources including Fund Raising	5M\$
Bond Financing through Fifth Third Bank	4.3M\$
TOTAL	9.3M\$

Copy of Letter of Credit or bond purchaser's commitment letter attached as Exhibit B.

IX. A STATEMENT REGARDING THE PAYMENT OF PREVAILING WAGE AND FRINGE BENEFIT RATES AS DETERMINED PURSUANT TO ACT NO. 166 OF THE MICHIGAN PUBLIC ACTS OF 1965, AS AMENDED (REGARDING WAGES ON STATE CONTRACTS):

See Exhibit D

X. A LIST OF PERSONS WHO WILL MANAGE OR BE ASSOCIATED WITH THE MANAGEMENT OF THE PROJECT FOR A PERIOD OF NOT LESS THAN 1 (ONE) YEAR FROM THE DATE OF APPROVAL OF THE PROJECT PLAN:

1. Jayanti Shah P.E.  
Secretary, Long Range Planning Committee
  
2. Nutan Oak  
Chairperson – Board of Trustees

XI. DESIGNATION OF THE PERSON OR PERSONS, NATURAL OR CORPORATE, TO WHOM THE PROJECT IS TO BE LEASED, SOLD OR CONVEYED AND FOR WHOSE BENEFIT THE PROJECT IS BEING UNDERTAKEN, TO THE EXTENT THAT INFORMATION IS PRESENTLY AVAILABLE:

Not Applicable

XII. IF THERE IS NOT AN EXPRESS OR IMPLIED AGREEMENT WITH A PERSON OR PERSONS, NATURAL OR CORPORATE, THAT THE PROJECT WILL BE LEASED, SOLD, OR CONVEYED TO THOSE PERSONS, THE PROCEDURES FOR BIDDING FOR THE LEASING, PURCHASING OR CONVEYING OF THE PROJECT UPON ITS COMPLETION:

Not Applicable

XIII. ESTIMATES OF THE NUMBER OF PERSONS RESIDING IN THE PROJECT AREA AND THE NUMBER OF FAMILIES AND INDIVIDUALS TO BE DISPLACED. IF OCCUPIED RESIDENCES ARE DESIGNATED FOR ACQUISITION AND CLEARANCE, INCLUDE A SURVEY OF THE FAMILIES AND INDIVIDUALS TO BE DISPLACED, INCLUDING THEIR INCOME AND RACIAL COMPOSITION, A STATISTICAL DESCRIPTION OF THE HOUSING SUPPLY IN THE COMMUNITY, INCLUDING THE NUMBER OF PRIVATE AND PUBLIC UNITS IN EXISTENCE OR UNDER CONSTRUCTION, THE CONDITION OF THOSE IN EXISTENCE, THE NUMBER OF OWNER-OCCUPIED AND RENTER-OCCUPIED UNITS, THE ANNUAL RATE OF TURNOVER OF THE VARIOUS TYPES OF HOUSING AND THE RANGE OF RENTS

AND SALE PRICES, AN ESTIMATE OF THE TOTAL DEMAND FOR HOUSING IN THE COMMUNITY, AND THE ESTIMATED CAPACITY OF PRIVATE AND PUBLIC HOUSING AVAILABLE TO DISPLACED FAMILIES AND INDIVIDUALS:

Not Applicable

XIV. A PLAN FOR ESTABLISHING PRIORITY FOR THE RELOCATION OF PERSONS DISPLACED BY THE PROJECT IN NEW HOUSING IN THE PROJECT AREA:

Not Applicable

XV. PROVISION FOR THE COSTS OF RELOCATING PERSONS DISPLACED BY THE PROJECT AND FINANCIAL ASSISTANCE AND REIMBURSEMENT OF EXPENSES, INCLUDING LITIGATION EXPENSES AND EXPENSES INCIDENT TO THE TRANSFER OF TITLE, IN ACCORDANCE WITH THE STANDARDS AND PROVISIONS OF THE FEDERAL UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970, 42 U.S.C. 4601 TO 4655:

Not Applicable

XVI. A PLAN FOR COMPLIANCE WITH ACT NO. 227 OF THE MICHIGAN PUBLIC ACTS OF 1972, WHICH PERTAINS TO PROVIDING FINANCIAL ASSISTANCE, ADVISORY SERVICES AND REIMBURSEMENT OF CERTAIN EXPENSES TO DISPLACED PERSONS:

Not Applicable

XVII. OTHER MATERIAL AS THE ECONOMIC DEVELOPMENT CORPORATION, LOCAL PUBLIC AGENCY, OR GOVERNING BODY CONSIDERS PERTINENT:

Not Applicable

02/14/2007 17:42 FAX 313 822 4202

DCHC ADMINISTRATION

009/010

FEB-14-2007(WED) 16:52 RAMA RAO & ALFRED, INC

(FAX)3135357262

P.002/003



6850 N. Adams Road.  
Troy, Michigan 48098

Mailing Address:  
P.O. Box 61  
Troy, Michigan 48099

Attachment A:  
Legal Description of Property  
Involved

**LEGAL DESCRIPTION**

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 CORNER SECTION 6,  
TOWN 2N., R. 11 E.,  
COMMENCING AT THE CENTER POST OF SECTION 8, TOWN 1 NORTH RANGE 11 EAST,  
THENCE PROCEEDING ALONG N89° 33'00" E., 165.00 FEET TO THE POINT OF BEGINNING;  
THENCE N88° 33'00" E., 693.00 FEET; THENCE S11° 58'00" W., 1132.52 FEET;  
THENCE S86° 25'30" W., 620.71 FEET; THENCE N00° 1'00" W., 875.88 FEET;  
THENCE N89° 33'00" E., 165.00 FEET; THENCE N00° 1'00" W., 264.00 FEET  
TO THE POINT OF BEGINNING CONTAINING 18.00 ACRES, SUBJECT TO THE  
EASEMENTS OF RECORD, IF ANY.

SID WELL NUMBER 88 -20-06-101-016

SITE ENGINEERING

**STELLAR CONSULTING SERVICES, INC.**

20300 W 12 MILE ROAD, SUITE 101  
SOUTHFIELD, MI 48076

TEL: 248- 351-9800

FAX 248- 351-9818

02/14/2007 17:42 FAX 313 822 4202  
FEB-14-2007(WED) 16:52

DCHC ADMINISTRATION  
RAMA RAO & ALFRED, INC

(FAX)8135357262

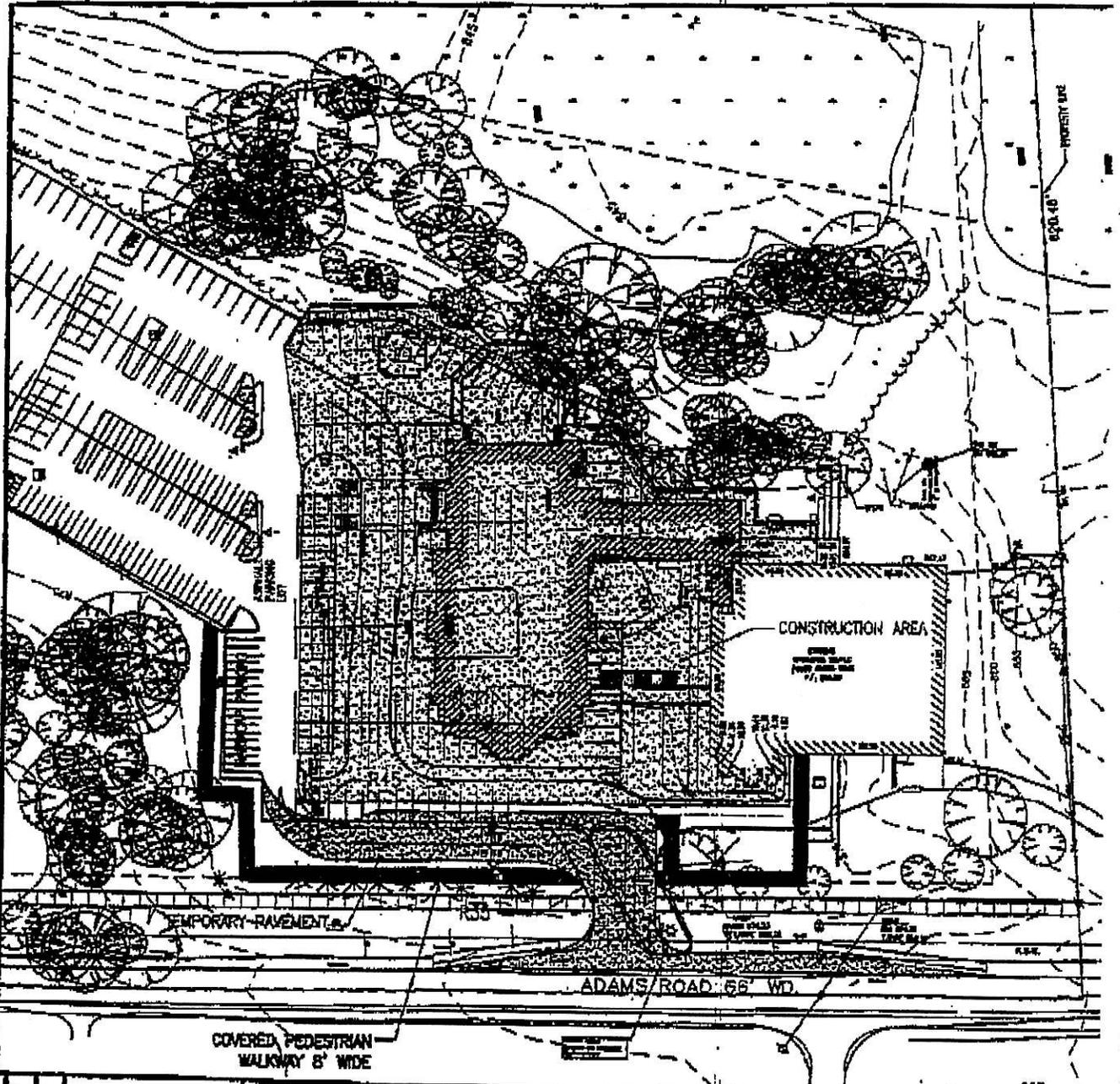
010/010  
P.003/003



Attachment B:  
Site Plan and Area Map

6850 N Adams Road.  
Troy, Michigan 48098

Mailing Address:  
P.O. Box 61  
Troy, Michigan 48099



SITE PLAN		BHARATIYA TEMPLE BUILDING ADDITION		METCO	
DATE	BY	DATE	BY	DATE	BY

02/14/2007 18:03 FAX 313 822 4202

DCHC ADMINISTRATION

003/003

FEB-14-2007(WED) 17:45

RAMA RAO & ALFRED, INC

(FAX)3135357262

P.002/002

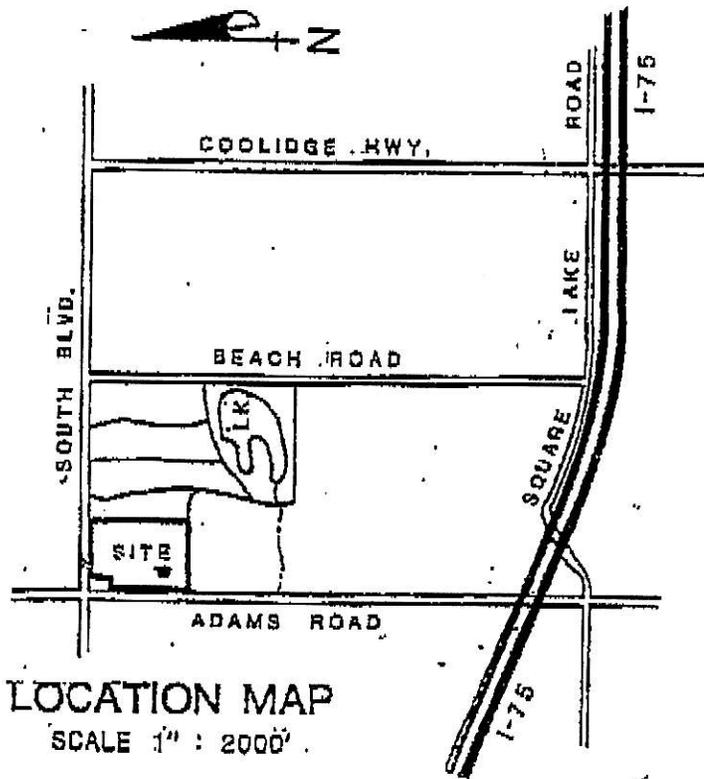
6850 N. Adams Road  
Troy, Michigan 48098

Mailing Address:  
P.O. Box 61  
Troy, Michigan 48099



PROPERTY DESCRIPTION

Part of the NW 1/4 of Section 6,  
T.2N., R.11E., City of Troy,  
Oakland County, Michigan, more  
particularly described as  
beginning at a point on the north  
line of said Section 6, said  
point N89°33'00"E 165.00 feet  
from the NW corner of Section 6,  
and proceeding thence along the  
north line of said Section 6,  
N89°33'00"E 593.00 feet; thence  
S11°58'00"W 1132.52 feet; thence  
S86°25'30"W 620.71 feet to a  
point on the west line of Section  
6, thence along said line  
N00°11'00"W 875.88 feet; thence  
N89°33'00"E 165.00 feet; thence  
N00°11'00"W 254.00 feet to the  
point of beginning. Containing  
18.00 acres.



LOCATION MAP

SCALE 1" : 2000'

AREA MAP

CITY OF TROY. N-W CORNER.

PART OF EXHIBIT. B



1000 TOWN CENTER, SUITE 1400  
MAIL DROP JTWN5G  
SOUTHFIELD, MI 48075  
TEL. (248) 603-0465  
FAX (248) 603-0633

---

May 8, 2007

Via E-Mail

Ms. Mary Langhauser  
Supervisor, Financial Services  
Oakland County Economic Development Corporation  
1200 N. Telegraph Road  
Pontiac, MI 48341-0412

**Re: Letter of Intent to Underwrite up to \$4,300,000**  
**The Economic Development Corporation of the County of Oakland**  
**(The Bharatiya Temple Project), Series 2007**

Dear Ms. Langhauser:

I am writing this letter on behalf of Fifth Third Bank, an Ohio banking corporation (the "Bank"), for you to attach as Exhibit B to the Project Plan for The Bharatiya Temple Project (the "Project").

Fifth Third Bank has verbally committed to issue a Letter of Credit to secure the bonds proposed to be issued by the Economic Development Corporation of the County of Oakland ("EDC") for the Project, subject to the customary terms and conditions of the Bank under such circumstances and the terms of the Bank's credit approval.

Please consider this letter as evidence of our intention to issue the subject Letter of Credit for the bonds to be issued by the Project, on the basis set forth above.

Very truly yours,

/LS/ Louis Orcutt

Vice President

---

Exhibit C

**COMPANY CERTIFICATE REGARDING  
TRANSFER OF EMPLOYMENT**

**(The Bharatiya Temple Expansion Project)**

The undersigned, The Bharatiya Temple, a Michigan Non Profit Organization (the "Company"), hereby certifies to The Economic Development Corporation of the County of Oakland (the "EDC") as follows:

1. This Certificate is made and based upon the best of the Company's knowledge and belief, only after thorough investigation and discussion with all owners of the Company and others who might have knowledge regarding the subject matter.

2. The Company acknowledges that this Certificate will be employed by the EDC as the sole basis for the EDC's certification to the Board of Commissioners of the County of Oakland as to transfer of employment as required by Section 8(3) of the Economic Development Corporations Act, Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act").

3. The Company understands that the EDC's Certification to the Board of Commissioners of the County of Oakland is a statutory requirement which, if improperly made or based upon any material misrepresentation or inaccuracy, might invalidate the proceedings regarding the Bharatiya Temple Expansion Project (the "Project") pursuant to which the EDC expects ultimately to issue its limited obligation economic development revenue bonds to finance all or part of the Project.

4. As of the date hereof, the Project shall not have the effect of transferring employment of more than 20 full-time persons from a municipality (as that term is defined in the Act) of this State to NOT APPLICABLE, Michigan, the municipality in which the Project will be located.

5. The Company understands that a covenant to effectuate the purposes of this Certificate will be included in those covenants to be made by the Company when bonds are issued by the EDC for the benefit of the Project.

The Bharatiya Temple. a  
Michigan Non Profit Organization

*Nutan R Oak*  
By: Nutan Oak

Its: Chairperson of the Board of Trustees

Dated: <sup>15</sup>03/10/07  
3/15/07

Exhibit D

**COMPANY CERTIFICATE REGARDING  
PAYMENT OF PREVAILING WAGES**

**(The Bharatiya Temple Expansion Project)**

The undersigned, The Bharatiya Temple, a Michigan Non Profit Organization (the "Company"), hereby certifies to The Economic Development Corporation of the County of Oakland (the "EDC") as follows:

1. The Company understands that this Certificate is a statutory requirement under the Economic Development Corporations Act, Act No. 338 of the Michigan Public Acts of 1974, as amended (the "Act") which, if improperly made or based upon any material misrepresentation or inaccuracy, might invalidate the proceedings regarding the Bharatiya Temple Expansion Project (the "Project") pursuant to which the EDC expects ultimately to issue its limited obligation economic development revenue bonds to finance all or part of the Project.

2. Within the meaning and intent of Section 8(4)(h) of the Act, all persons performing work on the construction of the Project will be paid the prevailing wage and fringe benefit rates for the same or similar work in the locality in which the work is to be performed, as determined pursuant to Act No. 166 of the Michigan Public Acts of 1965, as amended.

Nutan R Oak

By: Nutan Oak

Its: Chairperson of the Board of Trustees

Dated: 03/15 /07

BH 561467v1



## CITY COUNCIL ACTION REPORT

May 11, 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: Bid Waiver - Sanitary Sewer Televising Inspection Equipment Upgrade

### Background

- On January 19, 1998, Troy City Council approved the purchase of a Pearpoint P400 Color Camera Televising Inspection System for \$78,104.00 (Resolution #98-50).
- Equipment was competitively bid and opened on November 24, 1997, with seven bids received, three no bids, and one bid not meeting specifications.
- Sanitary sewer pipes are routinely inspected for damage caused by roots and debris build-up to prevent backups, private property damage and reduce the City's liability costs.
- The current camera has been in use in the City of Troy for nine years and has become obsolete with limited repair services available.
- The current 299 hydraulic drum model has become warn and obsolete, and is being replaced with the P599 electric drum which operates at a reduced noise level and is oil free allowing for cleaner operation.
- The current explosion proof cable has several splices and a thinned outer jacket that is warn to the point that it no longer gives reliable protection to the inner conductors.
- The P494 replacement camera has new features that include an automatic iris with manual override and a pan and rotate function that allows for viewing the interior of the connecting house lead. In addition, the upgrade is anticipated to extend the systems usage for another 8-10 years.
- Informal quotes were received from Pearpoint Inc. of Thousand Palms, CA, and Jack Doheny Supplies, of Northville, MI; the only two known authorized suppliers for the Michigan area.
- In review, to implement a completely new and comparable system today will range from \$80,000.00 to \$97,000.00, which is double the upgrade cost.

### Financial Considerations

- Funds are budgeted and available in the Sanitary Sewer Capital Fund account# 535.7978

May 11, 2007

To: Phillip L. Nelson, City Manager  
Re: Bid Waiver – Televising Inspection Equipment Upgrade

### **Legal Considerations**

- Formal bidding procedures are waived, as no benefit would be derived from soliciting formal bids.

### **Policy Considerations**

- Enhance the livability and safety of the community by providing advancement of inspection into the house lead connections to the sanitary sewer system. (Goal I)
- Minimize the cost and increase the efficiency and effectiveness of City Government by maintaining reliable operation of sanitary sewer inspection equipment. (Goal II)

### **Options**

- City management and the Public Works department are requesting a waiver of the formal bid process and authorization to purchase a system upgrade for the Pearpoint Sanitary Sewer Televising Inspection Equipment from Pearpoint Inc. of Thousand Palms CA, for an estimated total cost, including shipping, of \$45,866.00, as detailed on the attached Appendix 1.

Appendix 1

	<u>Pearpoint, Inc.</u>	<u>Jack Doheny Supplies</u>
	<b>P494 Camera</b>	
	<b>22,809.00</b>	<b>22,800.00</b>
HC4949301-1	Flexiview Color Pan and Tilt	
HC4949701-1	NTSC Standard CCD Camera assembly	
	<b>Adapter</b>	
	<b>625.00</b>	<b>415.00</b>
HC4943301-1	EX to Non EX proof	
	<b>P599 Automatic Cable Reel</b>	
	<b>21,932.00</b>	<b>24,412.00</b>
HK5990001-1B	Motorized Cable Reel w/1000 ft of cable	
HC0508801	and FM approved Connectors and Footage	
HK5995301-1	Counter for use in non-hazardous locations	
HK412JJ002		
X457216K51		
HK412JJ001		
	<b>Downhole Equipment</b>	
	<b>0</b>	<b>1,690.00</b>
HK413ENZUSA	Top Man hole assembly	
HK412JJ001	Downhole Roller w/ 50' rope	
0653818T21	Bumper mount	
009720150BT	Fiber glass poles	
	<b>Approximate shipping charges</b>	
	<b>500.00</b>	
	<b>Grand Total</b>	
	<b>45,866.00</b>	<b>49,317.00</b>

**REGULAR BUSINESS - CONTINUED**

**ITEMS REMOVED FROM CONSENT AGENDA - CONTINUED**

D-4

**BID AWARDS: (a) COLOR TV INSPECTION SYSTEM FOR PUBLIC WORKS;  
(d) PRESENTATION EQUIPMENT**

C-10

**(a) COLOR TV INSPECTION SYSTEM FOR PUBLIC WORKS**

Resolution #98-50  
Moved by Pallotta  
Seconded by Allemon



RESOLVED, that a contract to provide a color television inspection system for use by the Department of Public Works is hereby awarded to the low bidder meeting specifications, Jack Doheny Supplies, Inc., at a cost of \$78,104, in accordance with bid tabulation opened November 24, 1997, a copy of which shall be attached to the original minutes of this meeting; and

BE IT FURTHER RESOLVED, that all bids opened November 24, 1997 for installation and maintenance of a color television inspection system for use by the Department of Public Works are hereby rejected.

Yeas: All-7

**(d) PRESENTATION EQUIPMENT**

Resolution #98-51  
Moved by Thompson  
Seconded by Stevens

RESOLVED, that a contract for the purchase, installation and maintenance of presentation equipment for Council Chambers and administrative uses, excluding the smart board rear projection with cabinet, is hereby awarded to the low bidder, City Animation, at a cost of \$20,263, in accordance with bid tabulation opened December 19, 1997, a copy of which shall be attached to the original minutes of this meeting; and

BE IT FURTHER RESOLVED, that all bids received December 19, 1997 for Alternate 1, speakers and installation in Council Chambers, are hereby rejected.

Yeas: All-7

Date: December 29, 1997

To: The Honorable Mayor and City Council

From: James C. Bacon Jr., City Manager  
John Szerlag, Assistant City Manager  
Jeanette Bennett, Purchasing Director  
Michael W. Culpepper, Coordinator, Public Works Operations   
Nancy Hines, Administrative Aide 

Re: Bid award - Color TV Inspection System

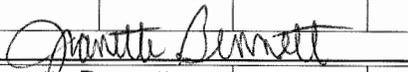
After reviewing bid proposals opened November 24, 1997 for the purchase of one television inspection system, I recommend awarding the contract to Jack Doheny Supplies, Inc., the lowest bidder meeting specifications, for a total contract price of \$78,104.00. This price does not include the three items, television, VCR and generator, listed as mandatory by Jack Doheny Supplies, Inc. The City will purchase these items competitively from other sources.

One company, Cues, came in with a lower bid but upon review of the equipment specifications, it was determined that their proposal does not meet our specifications for the following reasons:

1. The original bid specifications require that the proposed system be able to provide "color video inspection (in) of pipelines from 6" to 120" in diameter". The system Cues has proposed "will provide for the remote inspection of lines ranging from 6" to 30" including offsets and protrusions."
2. The tractor proposed by Cues utilizes a cleated track drive as opposed to the wheeled crawler that was described in the City's specifications. Past experience has shown that foreign material can become caught between the cleats thereby inhibiting the movement of the tractor.
3. The transporter proposed by Cues "comes standard with a Free-Wheel Clutch which enables the transmission to be disengaged from the track assemblies to allow easy retrieval by pulling back with the cable reel." This is a detriment in that if the transporter should happen to turn over in the pipe the cable reel will continue pulling it back possibly causing damage to the vehicle. The transporter as described in the specifications, has a reverse mode where the tractor crawls back under its own power thereby reducing potential damage. An additional feature of the specified tractor is that it requires only one operator whereas the Cues tractor requires two operators.
4. Operational and technical support is a prime consideration in the award process. Cues' service facility is located in Orlando, Florida and they utilize overnight mail to ship repair and/or spare parts, and loaner equipment. Jack Doheny Supplies, Inc. is located in Northville, MI and has indicated that they have "same-day availability of loaner equipment in the event a system component cannot readily be repaired" as specified in our bid document.

The bid proposal contains two options, one for the installation of equipment and the second for a maintenance contract. The City rejects both options. Jack Doheny Supplies and Pearpoint have offered to provide installation consultation at no charge and the City will contact them should they wish to accept the offer. As noted in the bid document, "all equipment pricing includes two (2) days operations training", and the City will contact Jack Doheny Supplies and/or Pearpoint to schedule this training.

12 Bids Sent  
7 Bids Received  
3 No Bids  
1 Bid did not meet specifications

			CITY OF TROY			SBP97-49		
Opening Date -- 11/24/97			BID TABULATION					
Date Prepared -- 1/08/98			ONE TELEVISION INSPECTION SYSTEM					
VENDOR NAME:			JACK DOHENY SUPPLIES INC			ADAMS EQUIPMENT CO, INC		PEARPOINT INC
<b>PROPOSAL -- FURNISH A PEARPOINT FLEXISCAN COLOR CAMERA SYSTEM or Approved Alternate</b>								
COMPLETE FOR THE SUM OF:			\$ 78,104	*(\$83,829)	\$ 85,972	\$ 92,676		
OPTION 1: INSTALLATION OF EQUIPMENT				RECOMMEND REJECTION				
COMPLETE FOR THE SUM OF:			(\$8,450)		NO BID	(\$15,000)		
EQUIPMENT LIST ATTACHED: Y/N								
ATTACHMENT 1 --			YES		YES	YES		
ATTACHMENT 2 --			YES		YES	YES		
OPTION 2: MAINTENANCE CONTRACT				RECOMMEND REJECTION				
YEAR 1			(\$1,200)		\$ -	N/A		
YEAR 2			(\$1,200)		\$ -	N/A		
YEAR 3			(\$6,500)		\$ -	N/A		
INSURANCE: (Installation Option Only)								
Can Meet			XX		XX	XX		
Cannot Meet								
TERMS			NET 30		NET 10	NET 30 DAYS		
DELIVERY DATE			30 DAYS ARO		BLANK	60 DAYS ARO		
EXCEPTIONS			NO EXCEPTIONS		BLANK	BLANK		
NO BIDS:			Denotes Low Bidder Meeting Specifications					
AIN Plastics								
Badger Meter Inc								
US Filter/Dist Group			PROPOSAL -- The Furnishing and optional Installation of a Color Television Inspection System					
DMS: Cues, A Division of Elxsi								
Reason -- 1)tractor, 2)transporter, 3)ongoing support and 4)inspection size of pipeline too narrow.								
ATTEST:			*NOTE: Original bid price corrected; does not include the following items--					
Michael Karloff			Television \$1,000	VCR \$350	Generator \$4375			
Mary Ann Hays								
Jeanette Bennett								
								
			Jeanette Bennett					
			Purchasing Director					
H: TVInspectionSystem.xls								



## CITY COUNCIL ACTION REPORT

May 17, 2007

TO: Mayor and City Council

FROM: Phillip L. Nelson, City Manager

SUBJECT: Scheduling a Joint Meeting with the Chamber of Commerce

### Background:

- Troy Chamber of Commerce President Michele Hodges has requested a joint meeting between City Council, City Administration, the Chamber's Board of Directors and exclusive level members.
- The first set of dates suggested by Ms. Hodges did not work with Council Members' schedules.
- On May 17, 2007 Ms. Hodges offered the additional dates of July 30, July 31 or August 1, 2007.

### Options:

- If Council's schedule permits, a joint meeting between the City of Troy and the Troy Chamber of Commerce will be scheduled.



## CITY COUNCIL REPORT

DATE: May 9, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing – Rezoning Application – Northwest corner of Maple and Thorncroft, East of Maplawn, Section 29 – R-C to B-3 (File Number Z-722)

### Background:

- A public hearing is scheduled for this item on June 4, 2007.
- The Planning Commission recommended approval of the request to rezone the parcel to B-3 at the May 1, 2007 Regular meeting.
- On the Future Land Use Plan, the subject parcel is located within the transition area between Light Industrial and Non-Center Commercial. Non-Center Commercial has a primary correlation with B-3 and a secondary correlation with H-S. The application therefore is consistent with the intent of the Future Land Use Plan. These classifications have been in place since 1999.

### Financial Considerations:

- There are no financial considerations for this item.

### Legal Considerations:

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

### Policy Considerations:

- Approval of the rezoning application would be consistent with City Council Goal III (Retain and attract investment while encouraging redevelopment).

Options:

- City Council can approve or deny the rezoning application.
- No action is required on this item until the June 4, 2007 Public Hearing.

Attachments:

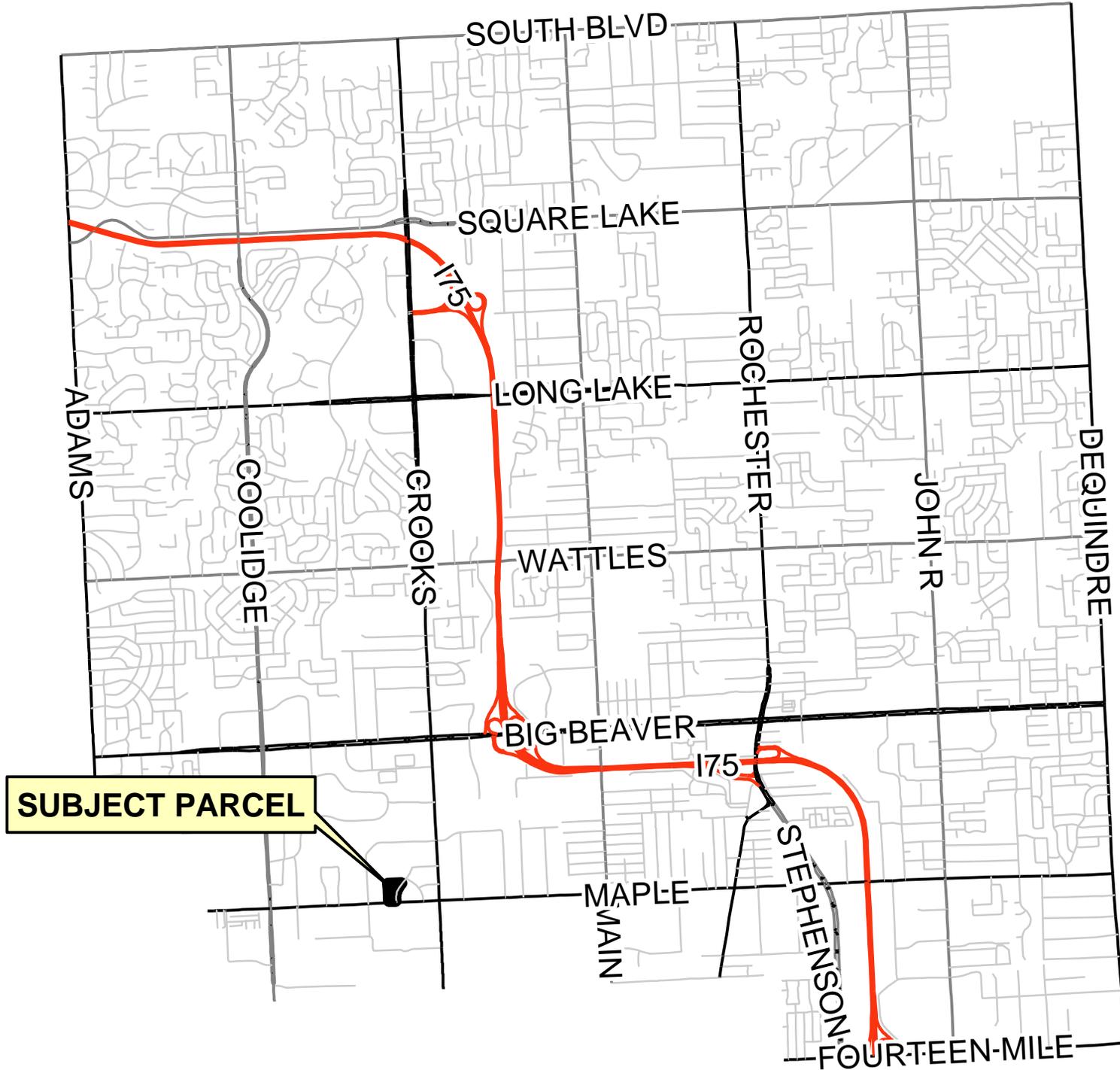
1. Maps.
2. Minutes from the May 1, 2007 Planning Commission Regular meeting.

Prepared by RBS/MFM

cc: Applicant  
File /Z 722

G:\REZONING REQUESTS\Z-722 Proposed Retail Development Sec 29\Announce CC Public Hearing 05 21 07.doc

# CITY OF TROY



REZONING REQUEST  
PROPOSED RETAIL DEVELOPMENT  
FROM R-C TO B-3  
NW CORNER MAPLE & THORNCROFT  
SEC 29 (Z-722)



SUBJECT PROPERTY

W MAPLE

THORNCROFT

BLANEY

PREMIER

MAPLELAWN

0 50 100 200 Feet

3

REZONING REQUEST  
PROPOSED RETAIL DEVELOPMENT  
FROM R-C TO B-3  
NW CORNER MAPLE & THORNCROFT  
SEC 29 (Z-722)

(M-1)

THORNCROFT

BLANEY

PREMIER

MAPLELAWN

(R-C)

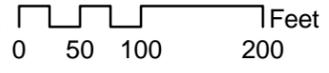
(B-3)

(P-1)

SUBJECT PROPERTY

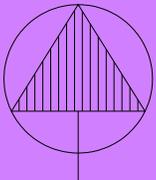
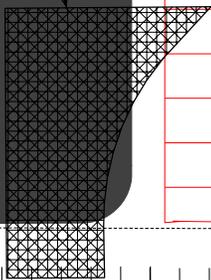
W MAPLE

(O-1)



# PLANNED AUTO CENTER

REZONING REEQUEST  
FROM R-C TO B-3



NORTH

5. PUBLIC HEARING – REZONING REQUEST (Z 722) – Proposed Retail Development, Northwest corner of Maple Road and Thorncroft, Section 29 – From R-C (Research Center) to B-3 (General Business) District

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 the property to the south, zoned M-1 and a Consent Judgment, is built out as retail.

Mr. Miller replied in the affirmative

Dave Berry of 40682 Lenox Park Drive, Novi, was present to represent the petitioner.

William Fuller, principal of Orland Park Properties, gave a brief history of the site. He indicated the site would be more suitable for retail activity.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

**Resolution # PC-2007-05-087**

Moved by: Troshynski

Seconded by: Strat

**RESOLVED**, That the Planning Commission hereby recommends to the City Council that the R-C to B-3 rezoning request, located at the northwest corner of Maple and Thorncroft, within Section 29, being approximately 3.2 acres in size, be granted.

Yes: All present (8)

No: None

Absent: Littman

**MOTION CARRIED**

## PARKS AND RECREATION ADVISORY BOARD

A regular meeting of the Troy Parks and Recreation Advisory Board was held Thursday, January 18, 2007 at the Troy Community Center, room 503. Chairman, Tom Krent called the meeting to order at 7:01 p.m.

Present:	Merrill Dixon, member	Gary Hauff, member
	Orestes Kaltsounis, member	Tom Krent, member
	Jeff Stewart, member	Kirk Serkh, student representative
	Janice Zikakis, member	Stuart Redpath, member
	Stuart Alderman, staff	Jeff Biegler, staff
	Carol K. Anderson, staff	

Absent: Kathleen Fejes, Tod Gazetti, Meaghan Kovacs

Visitors:

**Resolution # PR - 2007 - 01 - 001**

Moved by Stewart

Seconded by Zikakis

RESOLVED, that the minutes from November 16, 2006 are approved as submitted.

Yeas: All

Nays: None

MOTION CARRIED

**Resolution # PR – 2007 – 01 – 002**

Moved by Dixon

Seconded by Hauff

RESOLVED, that absent members who have provided notification are excused.

Yes: All

No None

MOTION CARRIED

**NEW BUSINESS**

- A. 2007 Golf Season – No increase in fees for Sylvan Glen golf course is recommended for the 2007 season. For Sanctuary Lake, new rates for specific times/dates will be introduced and fees reduced for other categories.

**OLD BUSINESS**

- A. Master Plan Update – Comments from residents were included in the packet. Many residents are very happy with walking and biking trails. These pathways offer recreational opportunities and mobility through the City. Dog parks are also becoming very popular and there were many positive comments on developing a dog park.

**Staff Reports**

- A. Directors Report – Crooks Road cemetery has more than 200 plots for sale. The cost is \$525.00 per plot and will be advertised soon.

There is property on Rochester Road between 17 and 18 mile roads that was offered to the City for purchase. It is a 6.3 acre lot that the Real Estate and Development department is evaluating.

- B. Recreation Report – We are processing and hiring applicants for summer help in the department. If you know of anyone that may be interested in a summer job send them along as soon as possible.

Stacey Yankee is the new Nature Center manager. She came to us from Oakland County with much experience. Look to meeting her at a future Park Board meeting.

The Aquatic Center Report will be available at the next meeting.

The Golden Choraliers were honored at the most recent MRPA meeting.

- C. Parks Report – Mark Colombo, a Parks and Recreation employee for 32 years, is retiring as of January 19, 2007. He will be missed very much. Mark is the recipient of the Park Resource Leadership Award given by the MRPA. He will be presented with this award at the MRPA convention in February.

The recent ice storm has had City tree crews working overtime to clear roads of fallen branches and trees.

The ball diamond lights at Flynn Park will be replaced with lights that are high efficiency and can light up more of the field.

**ELECTIONS**

**Resolution # PR – 2007 – 01 – 003**

Moved by Redpath

Seconded by Hauff

RESOLVED, that Tom Krent is Chairman of the Parks and Recreation Advisory Board and Janice Zikakis is Vice-Chairperson.

Yes: All

No: None

MOTION CARRIED

**Resolution # PR – 2007 – 01 – 004**

Moved by Zikakis

Seconded by Hauff

RESOLVED, to cancel the February 2007 meeting and hold a meeting March 15, 2007 for the purpose of budget review/recommendation. If the budget is not in final form, the meeting will be held April 19, 2007.

Yes: All

No: None

MOTION CARRIED

Park Board members and the public will be notified of the meeting date.

The meeting adjourned at 8:57 p.m.

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Tom Krent, Chairman

---

Mary Williams, Recording Secretary

## PARKS AND RECREATION ADVISORY BOARD

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

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

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

Visitors:

**New Business**

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

Resolution

Moved by Fejes

Seconded by Zikakis

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

**Vote on Resolution to Amend**

Resolution # PR - 2007 - 02 - 005

Moved by Kaltsounis

Seconded by Zikakis

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

Yes:                   All

No:                   None

MOTION CARRIED

**Vote on Resolution as Amended**

Resolution # PR – 2007 – 02 – 006

Moved by Redpath

Seconded by Kaltsounis

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

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

Yes: All  
No: None  
MOTION CARRIED

The meeting adjourned at 7:00 p.m.

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Janice Zikakis, Vice-Chairperson

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Carol K. Anderson, Parks and Recreation Director

**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT –  
APRIL 4, 2007**

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, April 4, 2007, in the second floor Conference Room C at City Hall. Grusnick called the meeting to order at 7:03 p.m.

Present: C. Buchanan, member      K. Clark, alternate  
A. Done, member                      C. Geier, member  
P. Hammond, member                P. Manetta, member  
S. Murphy, alternate                 D. Pietron, member  
S. Werpetinski, member

Present: M. Grusnick, staff

Absent: M. Freliga, member EA  
G. Hyun, student EA  
C. Weidman, student EA

Grusnick reported that Chairperson Stewart has resigned from this Committee. The Committee agreed to accept the resignation of Jeff Stewart as Committee Chairperson.

Werpetinski moved to appoint Buchanan as interim Chairperson and Done as interim Vice Chairperson for this Committee until a permanent appointment is made. Done seconded. All were in favor.

Werpetinski thanks Jeff Stewart for his service as Chairperson of this Committee.

**ITEM III – APPROVAL OF MINUTES OF MEETING OF MARCH 7, 2007**

Werpetinski made a motion that the minutes of March 7, 2007 be approved. Supported by Pietron; all voted in favor.

**ITEM IV – SCHEDULED PRESENTATIONS**

None were scheduled.

**ITEM V – UNFINISHED BUSINESS**

Murphy will contact Stewart to see what progress has been made on the ACPD new member packet. He will notify this Committee on his findings.

**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT –  
APRIL 4, 2007**

Buchanan reported that the personal emergency preparedness plan has been approved by the Police and Fire Depts. It will be included in the next issue of Troy Today. Buchanan would like to thank Werpetinski, Hyun and Clark for their help.

Done reported that the Troy Library has purchased a 5000 TV monitor, two pens, and the machines from Michael Ellis Enterprises for use by the hearing and visually impaired.

Werpetinski moved to forward letter regarding changing the terminology for this Committee's member requirements to Mayor ProTem Broomfield. Done seconded this motion and all were in favor.

**ITEM VI – NEW BUSINESS**

Buchanan requested that before the next meeting, each member share their ideas with her on the following:

1. What would you conceive to be the ideal chairperson for this Committee.
2. What would be the ideal Committee.
3. What would be the ideal Committee member.

She will then compile the findings and present them at the May meeting.

**ITEM VII – REPORTS**

Werpetinski reported that in his Strategic Planning Initiatives report, Phil Nelson suggested that staff “design criteria for creation of a certified development corporation and foster public-private partnerships for housing upgrades and remodeling”.

Werpetinski reported that she attended a presentation of the Troy Futures Vision 2020 study and it is possible to voice your concerns by responding on their website which is TalkofTroy.org.

Hammond reported that there is very little handicap parking available when she attends an exercise class at the Community Center.

Done reported that she used Medi-Go-Plus and was very happy with the service. Done will contact Kohl's at John R to report the poor condition of the handicap ramp to their store.

Clark mentioned that the handicap cutouts at the Troy Commons Plaza are not well-placed.

Werpetinski reported that Jeff and Cindy Stewart were guests on the Disabilities Today radio program with Roger McCarville.

**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT –  
APRIL 4, 2007**

**ITEM VIII – PUBLIC COMMENT**

None reported.

**ITEM IX – MEMBER COMMENT**

Pietron reported that the Senior Expo was busy, and good contacts were made with several vendors with whom she will follow up with and invite to be meeting guests. Pietron recommends that this Committee participate again at the next Senior Expo.

Geier continues to do research on home grocery delivery.

Done reported that Meaghan Battle will be leaving the Library. Meaghan has suggested voicing our concerns for the Library renovations to John Lamerato, Assistant City Manager. As of now there is no funding available for this project.

Werpetinski reported that City Manager Phil Nelson suggested using a consultant to determine what is needed in Library improvements and the findings will be forwarded to City Council. She suggested that this Committee offer input.

Werpetinski requested that commendation letters be sent to Al Neuman, fitness center director at Physical Therapy Specialists, PC, and Julie O'Donovan, the implementer of the Disability Awareness Workshop for fourth grade students throughout the Troy School District. All voted in favor.

**ITEM X – ADJOURNMENT**

Murphy made a motion to adjourn at 8:35 p.m. Supported by Buchanan. All voted in favor.

---

Cynthia Buchanan  
Interim Chairperson

---

Kathy Jearls, Recording Secretary

**ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL –  
APRIL 4, 2007**

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, April 4, 2007, in the second floor Conference Room C at City Hall. Grusnick called the meeting to order at 7:03 p.m.

Present: C. Buchanan, member      K. Clark, alternate  
A. Done, member                      C. Geier, member  
P. Hammond, member                P. Manetta, member  
S. Murphy, alternate                 D. Pietron, member  
S. Werpetinski, member

Present: M. Grusnick, staff

Absent: M. Freliga, member EA  
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---

Cynthia Buchanan  
Interim Chairperson

---

Kathy Jearls, Recording Secretary

## Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, April 5, 2007 at the Troy Community Center. Chair Bud Black called the meeting to order at 1:00 PM.

**Present:** Bud Black, Member  
 Pauline Noce, Member  
 JoAnn Thompson, Member  
 Merrill Dixon, Member  
 Carla Vaughan, Staff

Jo Rhoads, Member  
 James Berar, Member  
 David Ogg, Member  
 Betty Coven, Member

**Absent:** Frank Shier, Member

**Visitors:** Paula Fleming, Mike Josephson, Dave Lovio, Victor Levinov, David Taylor, Dan Pace, Todd Miletti

**Approval of Minutes**

Resolution # SC-2007-4-001  
 Moved by Jo Rhoads  
 Seconded by Pauline Noce

RESOLVED, That the Minutes of March 1, 2007 be approved as submitted.

Yes: 8  
 No: 0

MOTION CARRIED

**Visitor Comments**

Paula Fleming discussed School District news and introduced Board of Education candidate Todd Miletti

**Old Business**

**Shuffleboard and Bocce Ball:** Carla reported that 16 people are signed up for the “learn to play” sessions and 9 are signed up for the leagues. League information will appear in the summer issue of Troy Today which is mailed in mid-May. The equipment will be stored at the front desk. The lines will be painted on the shuffleboard courts as soon as the temperature is 50 degrees around the clock. A ribbon cutting ceremony will be planned soon after the lines are painted.

**Catering Service at the Community Center:** Carla reported that senior groups have been notified about the change in the catering policy. They will be allowed to bring in their own food and will not be charged the service fee. In addition, they will only be charged the \$30 cleaning fee if they do not clean up the food or beverages they serve at their events. The kitchen is not available for use by any groups.

**Lunch Visits:** JoAnn Thompson reported that there were no additional visits this month. She would like to get contact information for nearby senior centers from Carla.

**AEDs:** Committee members received a copy of a memo that Bud Black submitted to Carol Anderson, and they will give Carol a chance to respond.

**New Business**

**SHARP:** Dan Pace and Dave Taylor from the SHARP steering committee gave a presentation about this senior home repair program. There have been 59 requests for service since the January 25 kick-off.

**Visiting Angels:** Representatives from the Visiting Angels Senior Home Care Company gave a presentation about their company.

**Suggestion Box:** Carla reported that there was one comment about retaining exercise instructor Ilene Hill, as she is excellent. There was a question about her teaching here being a breach of contract on her part, but she has indicated that she will continue to teach here.

There was also a suggestion that a beginner Internet class be offered as the other beginner classes do not devote much time to this. Carla reported that there is a separate class especially for the Internet, but she will pass this suggestion on to the SeniorNet committee.

One person objected to mailing out fashion show flyers – a waste of money. Carla reported that they were only mailed to last year’s participants, not everyone, as the writer implied.

There was one complaint about “whoever the woman is in the dining room” not being very nice. Pauline commented that the new hospitality committee is working on that.

**Appointment to Park Board:**

Resolution # SC-2007-4-002  
Moved by Jo Rhoads  
Seconded by David Ogg

RESOLVED, That Pauline Noce be recommended for appointment to the Park Board.

Yes: 7  
No: 0

MOTION CARRIED

**Election of Officers:**

Resolution # SC-2007-4-003  
Moved by Pauline Noce

Seconded by James Berar

RESOLVED That Bud Black was re-elected Chair.

Yes: 8

No: 0

MOTION CARRIED

Resolution # SC-2007-4-004

Moved by Bud Black

Seconded by Merrill Dixon

RESOLVED That Pauline Noce was re-elected as Vice Chair

Yes: 8

No: 0

MOTION CARRIED

## Reports

**Park Board:** No report.

**Senior Program:** Carla shared the results of a survey that was sent out about the newsletter.

**Medi-Go:** Jo Rhoads reported that volunteer drivers are being considered.

**OLHSA:** Pauline Noce reported that she is glad that the visiting Angels could speak to the committee as home care is an important issue.

**Oakland County Senior Advisory Board:** Jo Rhoads reported that the Board presented the projects they would be working on to the county commissioners.

## Comments

James Berar reported that copies of the City Council agenda are available at City Hall on Fridays.

JoAnn Thompson would like Carla to put something in the newsletter about starting an Eat Out Club.

David Ogg noted that visitor comments are limited to five minutes and asked where speakers should be listed on the agenda.

Jo Rhoads suggested that the speaker talk after the business meeting.

Merrill Dixon asked about the shuffleboard ribbon cutting ceremony and Carla said the committee would be notified as soon as a date is set.

Betty Coven reported that she had 11 people attend the first Train Your Brain session. She also reported that the hospitality committee discussed theme lunches and decorations.

The meeting was adjourned at 3:08 p.m.

Respectfully submitted,

Bud Black, Chair

Carla Vaughan, Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, April 11, 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  
Michael Geise  
Thomas Houghton, Chair  
John M. Lamerato  
William R. Need (Ex-Officio)  
Phillip L. Nelson

TRUSTEES ABSENT: Mark Calice  
Martin Howrylak

#### EXCUSE ABSENT MEMBERS

##### ***Resolution # ER – 2007 – 04- 12***

Moved by Lamerato  
Seconded by Nelson

*RESOLVED*, That Mark Calice and Martin Howrylak be excused.

Yeas: All 5  
Absent: Calice, Howrylak

#### MINUTES

##### ***Resolution # ER – 2007 – 04- 13***

Moved by Nelson  
Seconded by Geise

*RESOLVED*, That the minutes of the March 14, 2007 meeting be approved.

Yeas: All 5  
Absent: Calice, Howrylak

**MINUTES – AMENDED MINUTES OF NOVEMBER 8, 2006**

***Resolution # ER – 2007 – 04- 14***

Moved by Houghton  
Seconded by Geise

*RESOLVED*, That the ***Amended*** minutes of the November 8, 2006 meeting be approved.

Yeas: All 5  
Absent: Calice, Howrylak

**RETIREMENT REQUESTS**

***Resolution # ER – 2007 – 04 - 15***

Moved by Bowren  
Seconded by Lamerato

*RESOLVED*, That the Board approve the following retirement requests:

Richard H. Sinclair, DC, 4/11/07, 37 years, 7 months;  
Ann M. Tyrrell, DC, 6/01/07, 16 years;  
Carl Neall Schroeder, DC, 6/12/07, 20 years

Yeas: All 5  
Absent: Calice, Howrylak

**OTHER BUSINESS – PROPOSED ACTUARIAL VALUATION OF RETIREE HEALTH CARE BENEFITS**

***Resolution # ER – 2007 – 04 - 16***

Moved by Lamerato  
Seconded by Nelson

*RESOLVED*, That the Board retain Gabriel Roeder Smith & Company to perform an actuarial valuation of Retiree Health Care Benefits to comply with GASB 43 and 45, for \$14,945 plus two additional valuations totaling \$2,500.00.

Yeas: All 5  
Absent: Calice, Howrylak

**INVESTMENTS**

**Resolution # ER – 2007 – 04 - 17**

Moved by Geise

Seconded by Bowren

RESOLVED, That the Board purchase and sell the following investments:

**Purchase:** \$1,000,000 Countrywide Financial Corp., 5.20% due 4/15/08;  
\$1,000,000 Prudential Financial Internotes, 5.25% due 4/15/12.

**Sell:** Checkfree, Talx Corporation, UCBH, Progressive Corp., Realogy Corp.,  
United Dominion Realty, USANA Health Care Systems, Cincinnati Bell,  
Viacom B, Avis, Constellation Brands, Comerica and Amsurg Corp.

Yeas: All 5

Absent: Calice, Howrylak

**PUBLIC COMMENT**

There was no public comment.

The next meeting is May 9, 2007 at 12:00 p.m. at City Hall, Conference Room C,  
500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:26 p.m.

  
\_\_\_\_\_  
Thomas Houghton, Chairman

  
\_\_\_\_\_  
John M. Lamerato, Secretary

**LIBRARY ADVISORY BOARD—FINAL****APRIL 12, 2007**

A Regular Meeting of the Troy Library Board was held on Thursday, April 12, 2007 in the Office of the Library Director. Lynne Gregory, Chairman, called the meeting to order at 7:30 P.M.

**ROLL CALL**

**PRESENT:** Heather Eisenbacher  
Kul B. Gauri  
Lynne Gregory  
Nancy Wheeler  
Audre Zembrzuski

Arthi Krishna, Student Representative  
Shruthi Subramanian, Student Representative

Meaghan Battle, Assistant Library Director

The Pledge of Allegiance to the Flag was given.

**Resolution #LB-2007-04-01**

Moved by Zembrzuski  
Seconded by Wheeler

**RESOLVED, That Minutes of March 8, 2007, be approved, with changed proposed by Gauri to indicate that the Library Expansion Resolution has not yet been passed.**

**Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski**

**No: 0**

**MOTION CARRIED**

Reviewed Agenda entries

Gauri asked that an item be added to the agenda, thanking Brian Stoutenburg and Meaghan Battle for their leadership.

**Resolution #LB-2007-04-02**

Moved by Wheeler  
Seconded by Zembrzuski

**RESOLVED, That the Agenda be approved, with the addition proposed by Gauri.**

**Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski**

**No: 0**

**MOTION CARRIED**

**POSTPONED ITEMS**

There were no Postponed items.

**NEW BUSINESS**

- A. Library Facility Discussion: There was discussion about a new Library facility, as it relates to the information provided to City Council by City Manager Phil Nelson in the City Council Action report of 3/12/2007, subject: Library Issues. The Library Advisory Board discussed the types of funding addressed in the report, and indicated that there may even be more options than thoroughly highlighted in the report of the City Manager. The group also discussed how to handle this City Council Action Report. It was determined that the Library Advisory Board would vote to accept and receive the report.

**Resolution #LB-2007-04-03**

Moved by Zembrzuski  
Seconded by Gregory

**RESOLVED, THAT the Library Advisory Board accepts and receives the City Council Action Report of 3/12/2007, Subject: Library Issues.**

**Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski**

**No: 0**

**MOTION CARRIED**

- B. Library Expansion Resolution: The Library Advisory Board revisited the language of a resolution drafted at the March meeting regarding a potential expansion of the Troy Public Library. It was determined that information contained in the Friends of the Library report farther down on the agenda would bear on this discussion.

**Resolution #LB-2007-04-04**

Moved by Zembrzuski  
Seconded by Gregory

**RESOLVED, THAT the Friends of the Library report be moved up to this point in the agenda, so as to contribute information that will bear on the resolution being discussed.**

**Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski**

**No: 0**

**MOTION CARRIED**

**Friends of the Library Report**

Mary Kerwin of the Friends of the Troy Public Library shared information about a survey conducted by the Friends at the Kaleidoscope Program in January. 150 random people were asked if it is time for City Council to look into and expansion of the Library or a into the building of a new Library. All 150 responded in the affirmative.

Ms. Kerwin went on to inform the Library Advisory Board that the Friends will be hiring Epic MRA to conduct a telephone survey to determine if the community identifies a new or expanded Library as a “compelling need.” If the response is “yes”, these results will be valid for the potential approval of up to 1 mil. Ms. Kerwin described the survey as being demographically accurate and statistically significant, and that results of surveys such as this conducted by EPIC MRA are known to be accurate within 1% on Election Day.

Ms. Kerwin also asked the Library Advisory Board to communicate to her via phone or email any questions/areas of interest that they would like to see included in this survey. The survey will likely be conducted in the 2<sup>nd</sup> or 3<sup>rd</sup> week of May, 2007.

Ms. Kerwin announced the Friends of the Library Annual Membership Meeting on May 15, 2007 at 6:30pm, and invited all Library Advisory Board members to attend.

- C. Library Expansion Resolution (continued): The Library Advisory Board further discussed language for a resolution supporting a Library Expansion. The Board directed Meaghan Battle to email the draft resolution for their consideration so that it could be voted on at the next Library Advisory Board meeting.

## **REPORTS & COMMUNICATIONS**

### **Director’s Report.**

The replacement process for a new Library Director is in process. An offer has been made and accepted, with an anticipated start date of June 4, 2007. This is pending the results of the background check and physical examination.

The 2007 Patron Satisfaction Survey has been conducted. The results indicate continued patron satisfaction with programs, staff, and services at the Troy Public Library. The results also indicate increased dissatisfaction with some or all aspects of the Library facility.

### **Board Member Comments.**

Zembruski noted learning that the Novi Public Library only allows Novi Library Card holders to use their Wireless network.

Wheeler asked if any other Board members were planning to attend the upcoming Legislative Reception in Lansing.

### **Student Representative Comments**

None.

### **Suburban Library Cooperative.**

Gregory reported that Tammy Turgeon, Director of the Suburban Library Cooperative, has resigned to take the position as Director of the Sterling Heights Public Library. The SLC Board has one action item at their last meeting, which was to discuss the extension of the ½ time Interim Director services to TLN. There has been no Board meeting since

Ms. Turgeon's announcement, so the next meeting will include discussions about that.

Gregory also reported that Turgeon attended the SIRSI conference in Colorado.

**Friends of the Troy Public Library.**

Julie Sigler, Treasurer of the Friends, informed the Library Advisory Board of an upcoming Members Only Event, April 20-22 during regular store hours, at which all members of the Friends would receive 20% savings on their purchases.

**Gifts.**

None.

**Informational Items.**

April TPL Calendar.

**Contacts and Correspondence.**

23 written comments from the public were reviewed.

**Public Participation.**

There was no public participation.

The Library Board meeting adjourned at 8:55 P.M.

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Lynne Gregory  
Chairman

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Phillip Kwik  
Recording Secretary

The Chairman, Mark Maxwell, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, April 17, 2007, in Council Chambers of the Troy City Hall.

PRESENT: Glenn Clark  
Kenneth Courtney  
Marcia Gies  
Matthew Kovacs  
Mark Maxwell  
Wayne Wright

ABSENT: Christopher Fejes

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Susan Lancaster, Assistant City Attorney  
Pamela Pasternak, Recording Secretary

Motion by Wright  
Supported by Clark

MOVED, to excuse Mr. Fejes from tonight’s meeting for personal reasons.

Yeas: 6 – Gies, Kovacs, Maxwell, Wright, Clark, Courtney

MOTION TO EXCUSE MR. FEJES CARRIED

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF MARCH 20, 2007**

Motion by Clark  
Supported by Wright

MOVED, to approve the minutes of the meeting of March 20, 2007 as written.

Yeas: 6 – Gies, Kovacs, Maxwell, Wright, Clark, Courtney

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

**ITEM #2 – RENEWAL REQUESTED. FATHER MAXIMUS HABIB, ST. MARK COPTIC ORTHODOX CHURCH, 3603-3615 LIVERNOIS**, for relief of the Ordinance to construct a landscaped berm and use existing natural vegetation in lieu of the 4’-6” high masonry wall required along the south property line and relief of the 4’-6” high masonry wall on the north property line.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board for relief to construct a landscaped berm and use existing natural vegetation in

**ITEM #2 – con't.**

lieu of the 4'-6" high masonry wall required along the south property line and relief of the 4'-6" high masonry wall on the north property line.

This renewal last appeared before this Board at the meeting of April 2004 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

Motion by Courtney  
Supported by Clark

MOVED, to grant Father Maximus Habib, St. Mark Coptic Church, 3603-3615 Livernois, a three (3) year renewal of a variance for relief to construct a landscaped berm and use existing natural vegetation in lieu of the 4'-6" high masonry wall required along the south property line and relief of the 4'-6" high masonry wall on the north property line.

- Conditions remain the same.
- There are no complaints or objections on file.

Yeas: 6 – Kovacs, Maxwell, Wright, Clark, Courtney, Gies

MOTION TO GRANT RENEWAL FOR THREE YEARS CARRIED

**ITEM #3 – APPROVAL REQUESTED - MS. BULAK-RAMADEN, 1263 WRENWOOD,** for approval under Section 43.74.00 to park a commercial vehicle outside on residential property.

Mr. Stimac explained that the petitioner is requesting approval under Section 43.74.00 to park a commercial vehicle outside on residential property. The cube van described in the application does not meet the exceptions found in Section 40.55.00 of Chapter 39 of the Troy Zoning Ordinance. A request for approval to park this vehicle outdoors on the site was previously approved for two years by City Council, under the old standards in 2004.

Mr. Wright asked if it was possible for the petitioner to construct an additional garage on this site.

Mr. Stimac stated that he did not believe there was enough land area available to construct another building, and did not think this vehicle would fit in the existing garage because of the door height.

Mr. Clark asked if the existing vehicle would fit into the garage if they raised the existing door.

**ITEM #3 – con't.**

Mr. Stimac said that he was not sure because he was not aware of the dimensions of the garage regarding width and height.

Mr. Maxwell asked if they had attempted to find another location to park this vehicle.

Ms. Bulak-Ramaden was present and stated that they need this truck for work and no one in the area objects to parking it in this area. Ms. Bulak-Ramaden said that there is no room in the garage and her husband uses the vehicle for work. They have not looked at storing the vehicle in another area. They cannot afford to park the vehicle anywhere else and the expense of purchasing another vehicle for her husband to use to get to where the truck would be parked would create a hardship.

Mr. Maxwell explained that they need permission to park the vehicle on this property. The Board wants people to make an effort to see if there is somewhere else to park the vehicle. Even though the Board looks at what the neighbors say that is not the main reason approval is granted.

Ms. Bulak-Ramaden said that she brought in two (2) additional approvals from neighbors regarding parking this vehicle on the property.

Mr. Clark asked what length of time was standard when approving these requests.

Mr. Maxwell explained that it could be up to two (2) years.

Mr. Clark stated that being the newest member of the Board he is seeing people that are coming back for renewals and asked what the rule of thumb was for these types of requests.

Mr. Maxwell stated that it could turn out that way, but at this time there were no renewals coming before the Board as the petitioners went before City Council for approval. New criteria and language has been adopted and the authority to grant approvals has been transferred to this Board.

Mr. Stimac explained that previously Commercial Vehicle Appeals were heard before City Council under a different set of criteria. City Council changed the criteria and gave this Board the authority to act on these requests. Criteria have changed according to Section 43.74.01 of the Ordinance. The petitioner now has the obligation to meet two (2) out of three (3) of the criteria. Item C has to be found in all cases that are approved, "A garage or accessory building on the subject site cannot accommodate, or cannot reasonably be constructed or modified to accommodate the subject commercial vehicle".

Mr. Maxwell said that he thought the existing garage would require the roof to be raised and the door height to be increased.

**ITEM #3 – con't.**

Mr. Bulak-Ramaden said that she thought any modification to the garage would make the garage roof higher than their home. Right now the garage is 16' high and has a 12' door.

Mr. Maxwell said that this is a very large vehicle.

Mr. Maxwell opened the Public Hearing.

Charles Leffert, 1302 Wrenwood was present and stated that these are very good neighbors and he supports this request. Mr. Leffert brought in a petition signed by approximately twenty (20) people that also support this request. A lot of people in the neighborhood were unaware that there was a commercial vehicle on the property because of the location it is parked in.

Dennis Zinchook, 1251 Wrenwood was present and stated that the truck is not as visible in person as it looks in the pictures. When he moved in the truck was there and it does not bother him at all. He does not feel it affect the value of his home as the City has raised the assessed value of his home. Mr. Zinchook said he supports this request.

Virginia Brooks, 1327 Wrenwood was present and supports this request as she believes if they are forced to move this truck it will create a real hardship. Ms. Brooks asked that the Board grant this request.

Ann Penumbi, 1262 Wrenwood was present and stated that she lives across the street and did not even know that the truck was there. The truck does not bother anyone and she is in support of this request. These are the nicest neighbors and she would like to see the request granted.

No one else wished to be heard and the Public Hearing was closed.

There are sixteen (16) written approvals on file. There is one (1) written objection on file.

Mr. Kovacs stated that he is having a problem with the new criteria. He believes that when the petitioner was granted approval before City Council the verbiage was less strict. Regarding this request he believes Item #C and Item #B apply. Alterations to the garage would be extensive and unreasonable. The location on the residential site is adequate and will not negatively impact residents or citizens in the area. The garage or accessory building cannot accommodate or be altered to accommodate the vehicle.

Mr. Maxwell said that in his opinion Item C does apply.

Motion by Kovacs  
Supported by Gies

**ITEM #3 – con't.**

MOVED, to approve the request of Ms. Bulak-Ramaden, 1263 Wrenwood under Section 43.74.00 to park a commercial vehicle outside on residential property for a period of one (1)-year.

- One-year time frame will allow petitioner to seek an alternate solution.
- Variance is not contrary to public interest.
- Petitioner met Item B and C of required criteria.

Yeas: 5 – Kovacs, Maxwell, Clark, Courtney, Gies

Nays: 1 – Wright

**MOTION TO GRANT APPROVAL FOR ONE-YEAR CARRIED**

Mr. Maxwell urged the petitioner to look at alternatives. This is only a temporary approval and in his opinion is a very large commercial vehicle in a residential area. Parking of this vehicle is disturbing the residential Ordinance. He would like to see them come back next year and show the Board that they have researched other alternatives.

Mr. Courtney suggested that they look into the feasibility of making the garage larger.

Ms. Bulak-Ramaden asked if the approval of the neighbors bears weight to the Board's decision.

Mr. Maxwell stated that the rules have changed and there is a proliferation of commercial vehicles in the City. There is a group of citizens that would like to see all commercial vehicles eliminated. Approval of neighbors does have some bearing on approvals, but it is not 100%.

**ITEM #4 – VARIANCE REQUESTED. MR. & MRS. JOHN RENNER, 1888**

**MILVERTON**, for relief of the Ordinance to maintain a shed constructed without first obtaining a Building Permit that exceeds the maximum area of accessory buildings on the property.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to maintain a shed constructed without first obtaining a Building Permit. The site plan submitted indicates a 1,072 square foot detached garage currently located on the property.

The proposed 80 square foot shed would increase the total area of all accessory buildings to 1,152 square feet. Section 40.56.02 limits the total square footage of all accessory buildings on this property to 858 square feet. This is based upon a calculation of 2% of the lot plus 450 square feet. A previous variance granted in 1987 to a previous owner allowed it to be increased to 1,064 square feet.

**ITEM #4 – con't.**

Mr. Renner was present and stated that there was an existing shed on the property. All of their garden tools are stored in this shed. The original shed was in a state of disrepair and they decided to replace it with a nicer shed.

Mr. Courtney asked if the previous shed had been approved.

Mr. Stimac stated that the previous owner asked for a variance in 1987 to increase the size of the detached garage and at that time there was no indication of a shed on the property. Mr. Stimac believes that the original shed was also constructed without a permit.

Mr. Clark asked if beside the fact that a Permit was not obtained, the issue was actually the size of the shed.

Mr. Stimac explained that in 1987 the shed was not there. Action by the Board at that time allowed a detached garage to be constructed that is larger than what the Ordinance allows for. The critical issue is the amount of square footage for a detached structure.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are five (5) written approvals on file. There are no written objections on file.

Mr. Maxwell said that in his opinion this was a very small structure and he did not see a problem with it.

Mr. Clark stated that he lives about fifteen houses north of this site. The yard and property are well cared for and this is a very nice building. Shed does provide value to the neighborhood because everything is kept very orderly.

Motion by Clark  
Supported by Gies

MOVED, to grant Mr. & Mrs. John Renner, 1888 Milverton, relief of the Ordinance to maintain a shed that exceeds the maximum area of accessory buildings on the property.

- Shed will aid the petitioner in keeping the property orderly and well organized.
- Not contrary to public interest.
- Variance will have no adverse effect to surrounding property.

Yeas: 5 – Maxwell, Clark, Courtney, Gies, Kovacs  
Nays: 1 – Wright

**ITEM #4 – con't.**

## MOTION TO GRANT VARIANCE CARRIED

**ITEM #5 – VARIANCE REQUESTED. MASOUD SESI, 1553 E. MAPLE (PROPOSED ADDRESS)**, for relief of the Ordinance to construct a new hotel on a 2.5 acre site where 3 acres are required by Paragraph B of Section 22.30.03; the proposed building is four stores and appears to be 45' tall where Section 30.20.06 limits buildings to no more than three stores and 40' in height; to have a front setback of 34'-6" to the Porte Cochere where Section 30.20.06 requires a 40' front setback; and, to have parking spaces that are 9' wide where Section 40.25.03 requires a minimum parking space width of 9'-6".

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new hotel. The property in question is located in the B-3 (General Business) Zoning District. Paragraph B of Section 22.30.03 requires a minimum 3 acre parcel size for hotels in the B-3 Zoning District. This parcel is only 2.5 acres in size.

In addition, Section 30.20.06 limits buildings to no more than three stories and 40' in height. The proposed building is four stories and appears to be 45' tall as measured by the Zoning Ordinance.

Furthermore Section 30.20.06 requires a 40' front setback in the B-3 District. The site plan submitted indicates 34'-6" to the Porte Cochere. Also, Section 40.25.03 requires that parking spaces be a minimum of 9'-6" in width. The site plan shows the spaces to be only 9' wide.

Mr. Stimac went on to say that the Building Department had received revised drawings late today and the petitioner has addressed the 40' front setback and the size of the parking spaces. Variances would be required for the 45' height, the number of floors and the 2.5-acre size of the parcel.

Mr. Courtney asked how this request was different from the original request.

Mr. Stimac said that one of the main differences is that this is a four (4)-story structure. Originally there was a portion of the building that exceeded the 40' height but the petitioner had withdrawn that request. The only variance granted previously was the 2.5-acre site.

Haiem Hannawa, representing Mr. Sesi was present and stated that the reason they are asking for a four-story structure is because they wish to put in one hundred (100) rooms. They want to attract people by keeping the space vertical and have added extra landscaping. They would like to have people that would like to stay for an extended period of time.

**ITEM #5 – con't.**

Mr. Clark asked about the three-acre requirement and said that overall there is ½ acre that won't be there and wondered if there was an issue regarding the parking lot and driveways.

Mr. Stimac explained that the revised layout of the site does comply with all the other requirements. In terms of minimum setbacks and landscape area, the revised plans are in compliance. The driveway and parking layout are also in compliance with the Ordinance.

Mr. Courtney asked about the parking requirements.

Mr. Stimac said that the revised plans meet the parking requirements of the Ordinance.

Mr. Courtney asked if a variance was required if they dropped the fourth story.

Mr. Stimac explained that if they eliminated the fourth floor and lowered the building height by 5' they would meet the requirements.

Mr. Kovacs questioned the height of the building as shown on the drawings.

Mr. Stimac explained that the overall height of the building is 51'-5", but when measured at the average of the eave and the peak the height is 45'.

Mr. Kovacs asked to see an area map.

Mr. Stimac put up the aerial map and stated that north of this site is the Troy Mobile Home Park, but the majority of the surrounding property is commercial.

Mr. Clark stated that a hotel would suit this area, as residential property is not adjacent to this site. There would not be an encroachment to other areas and he would be in support of this request. Troy is trying to create a hotel, entertainment, and restaurant area and as this is very close to the Big Beaver Corridor it would fit right in.

The Chairman opened the Public Hearing.

No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Wright stated that he did not have a problem with the 45' height as the building would sit right next to I-75 and traffic would be looking down on it.

**ITEM #5 – con't.**

Motion by Wright  
Supported by Courtney

MOVED, to grant Masoud Sesi, 1553 E. Maple relief of the Ordinance to construct a new four-story hotel on a 2.5-acre site, resulting in a height of 45' where Section 30.20.06 limits building to no more than three stories and 40' in height and Paragraph B of Section 22.30.03 requires 3 acres for a hotel.

- Hotel is very close to I-75 Highway which is elevated above this site.
- Literal enforcement of the Ordinance is unnecessarily burdensome.
- Variance is not contrary to public interest.
- Variance will not have a negative effect to surrounding property.
- Variance applies only to the property described in this petition.

Yeas: 6 – Wright, Clark, Courtney, Gies, Kovacs, Maxwell

**MOTION TO GRANT VARIANCES CARRIED**

**ITEM #6 – VARIANCE REQUESTED. MICHAEL AGNETTI, 1113-1115 BIRCHWOOD (PROPOSED ADDRESS)**, for relief of the Ordinance to construct a duplex on a parcel of land that is 9,600 square feet in area, where 10,000 square feet is required by Section 30.10.09.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance construct a duplex. The site plan submitted indicates the demolition of a single-family residence at 1117 Birchwood, and construction of two-family dwelling (duplex) on the 9,600 square foot parcel of land. Section 30.10.09 requires a 10,000 square foot minimum lot area for two-family dwellings in R-2 Zoning Districts.

Mr. Agnetti was present and stated that he had tried to purchase additional property but has been unable to do so. There are other duplexes that have been built on a 80' x 120' lot. Mr. Agnetti believes this duplex will improve the area.

Mr. Maxwell said that he thought there were two other lots on this street that appeared to be the same size.

Mr. Stimac explained that originally this subdivision was platted with 40' x 120' lots and some residents have combined two lots to make them a single lot. There are a number of single-family homes that have been constructed on the 40' lots. There are other duplexes on the south side of the street. Mr. Stimac did not have an exact breakdown of these lot sizes.

**ITEM #6 – con't.**

Mr. Agnetti said that there is also another duplex on the north side of the street and passed pictures to the Board members. Mr. Agnetti also passed around a picture of the building he would like to put on this parcel.

The Chairman opened the Public Hearing.

Jack Bertoia, was present and said that he is a property owner in Troy and is in support of this request. There are other duplexes in this area and he believes that it will improve the area and help strengthen an area of Troy that is in need of help.

Mr. Courtney asked if Mr. Bertoia lives on this street. Mr. Bertoia said that he lives in Troy and owns one of the duplexes on this street.

No one else wished to be heard and the Public Hearing was closed.

There are nine (9) written approvals on file. There is one (1) written objection on file.

Motion by Kovacs  
Supported by Gies

MOVED, to grant Michael Agnetti, 1113-1115 Birchwood, relief of the Ordinance to construct a duplex on a parcel of land that is 9,600 square feet in area, where 10,000 square feet is required by Section 30.10.09.

- Variance is not contrary to public interest.
- Variance does not permit the establishment of a prohibited use in a Zoning District.
- Variance will not have an adverse effect to surrounding property.
- Literal conformance to the Ordinance is unnecessarily burdensome.

Mr. Clark asked if a single-family home could be constructed on this property.

Mr. Stimac explained that a single-family home requires a parcel that is 7,500 square feet in area and could be constructed on this parcel without a variance. A duplex requires 10,000 square feet and because this parcel is only 9,600 square feet in area a variance is required.

Mr. Kovacs said that his motion is for a duplex to be constructed on this site.

Mr. Clark asked if other duplexes in the area had variances.

Mr. Stimac stated that he did a search and the other parcels in the area that have duplexes on them are equivalent in size. Mr. Stimac did not have the opportunity to review the files to find out if they had also required a variance.

**ITEM #6 – con't.**

Yeas: 5 – Clark, Gies, Kovacs, Maxwell, Wright

Nays: 1 - Courtney

**MOTION TO GRANT VARIANCE CARRIED**

**ITEM #7 – APPROVAL REQUESTED. STEVE ROWE, 6771 WESTAWAY,** for approval under Section 43.74.00 to park a commercial vehicle outside on residential property.

Mr. Stimac explained that the petitioner is requesting approval under Section 43.74.00 to park a commercial vehicle outside on residential property. The cube van described in the application does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy City Ordinance. A request for approval to park this vehicle outdoors on the site was previously approved for two years by City Council, under the old standards in 2005.

Mr. Maxwell asked the petitioner if he had looked anywhere else to park this vehicle.

Mr. Rowe stated that he has lived in the area forty-one (41) years and has never had any problems. Mr. Rowe also said that if he had to move his vehicle, it would need to be parked somewhere under lock and key so his equipment was not stolen. Mr. Rowe also said that he had not looked into storing his truck anywhere else. Modification to the garage is not feasible.

Mr. Maxwell asked how large the lot was and Mr. Stimac stated it was approximately 176' wide and 310' deep.

Mr. Maxwell asked how large the garage was.

Mr. Rowe stated that is a three-car (3) garage and he would not be able to raise the roof enough to get the vehicle inside.

Mr. Clark said that the previous petitioner had planted extra trees in the area and another person had a fence to conceal his vehicle. According to the picture presented it appears as though this driveway is gravel.

Mr. Rowe said that the truck is only visible to traffic heading north on Westaway. The truck is back behind the house. One of his neighbors has large evergreen trees along his drive and therefore the truck is not visible to him. The other neighbor is very close, has a fence, which conceals the truck on the north side.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no written objections on file.

**ITEM #7 – con't.**

Mr. Kovacs said that the language has changed and he does not believe the petitioner understands that this is only a temporary approval. This is a very big lot and Mr. Kovacs thinks that the vehicle is very well concealed.

Mr. Maxwell asked if Mr. Kovacs thought additional screening would be necessary and Mr. Kovacs said that in his opinion no additional screening would be required.

Mr. Maxwell advised the petitioner that he needs to look into alternative parking for this vehicle.

Mr. Rowe said that his tools are inside this truck and this is his livelihood. He would need to find a place that the truck could be stored under lock and key and he would need to have someone on the site.

Mr. Maxwell suggested he contact the Building Department for a list of available areas.

Motion by Kovacs  
Supported by Gies

MOVED, to grant Steve Rowe, 6771 Westaway approval under Section 43.74.00 to park a commercial vehicle outside on residential property for a period of one-year.

- Variance is not contrary to public interest.
- Garage cannot be reasonably modified to accommodate this truck.
- Variance will not have an adverse effect to surrounding property.
- One-year time limit will allow petitioner time to seek an alternate parking area.

Yeas: 5 – Clark, Courtney, Gies, Kovacs, Maxwell

Nays: 1 – Wright

MOTION TO GRANT APPROVAL FOR ONE-YEAR CARRIED

**ITEM #8 – VARIANCE REQUEST. RANDALL A. WHINNERY, 2078 TUSCANY**, for relief of the Ordinance to construct an addition on the rear of an existing residence that will result in a 29' rear yard setback where Section 30.10.05 requires a 40' minimum rear yard setback in R-1D Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an addition on the rear of his existing home. The site plan submitted indicates the addition will result in a 29' rear yard setback. Section 30.10.05 requires a 40' minimum rear yard setback in R-1D Zoning Districts.

Sharon Sarotte and Randall Whinnery were present. Ms. Sarotte said that their patio faces south and there is absolutely no shade until late afternoon. They can't step out

**ITEM #8 – con't.**

onto their deck because of the heat and often hose it down before walking on it. The deck has been damaged by the sun and needs to be replaced. The furniture on the deck also has to be hosed down as it gets too warm. Her husband has had skin cancer and has to limit his exposure to the sun and her son has Multiple Sclerosis and also has to limit his time outside.

There is a detention pond behind their home and therefore this room would not affect any other neighbors. There are no neighbors behind their property. The neighbor to the east is totally blocked off by trees and a large pine tree blocks the neighbors to the west. Once they retire, they would like to add glass windows to this room and do not believe this would impact any of the neighbors. We can enjoy the up north feeling in the summer, fall and winter.

Mr. Maxwell said that although the Board sympathizes with the medical conditions of their family members, a variance is granted because of a hardship with the land.

Ms. Sarotte said that she fails to see the difference between having a deck there and at the very least a pavilion type room with pillars. Ms. Sarotte said she does not understand why a roof would affect the structure.

Mr. Maxwell explained that once a roof is added the deck is considered a covered structure.

Mr. Stimac explained that provisions in the Ordinance apply to decks that are uncovered and unenclosed. Those types of decks can encroach into the rear yard setback up to 15'.

Ms. Sarotte asked if they could have a Pergola.

Mr. Stimac said that is considered a covering and would not be allowed to encroach into the setback. Mr. Stimac also explained that they could have a free-standing Gazebo as long as it was detached and met setbacks.

Ms. Sarotte asked how far the Gazebo would have to be from the house.

Mr. Stimac said that it would need to be at least 10' from the house. An accessory structure could be constructed as a free-standing structure.

Motion by Courtney  
Supported by Clark

**ITEM #8 – con't.**

MOVED, to postpone the request of Randall Whinnery, 2078 Tuscany, for relief of the Ordinance to construct an addition on the rear of an existing residence that will result in a 29' rear yard setback where Section 30.10.05 requires a 40' minimum rear yard setback in R-1D Zoning Districts until the meeting of May 15, 2007.

- To allow the petitioners the opportunity to look into other options.

Ms. Sarotte said that this three-season room is what they want to do.

Mr. Courtney stated that if this request was postponed they could contact the Building Department and discuss what other options were available.

Mr. Maxwell said that in his opinion the request for an 11' variance was quite large and he recommended speaking with the Building Department to find out what their options are.

Mr. Clark said that he supported Mr. Courtney's motion as he had seen temporary free-standing sun blockers. This way they could explore all options. Mr. Clark said that he would not be in favor of the original request. Other furniture could be purchased that would not get as hot as metal furniture. Mr. Clark said that he believes the motion to postpone is the correct way to go as there is a plethora of options available. Mr. Clark did not see any hardships that would require a variance.

Yeas: 6 – Gies, Kovacs, Maxwell, Wright, Clark, Courtney

MOTION TO POSTPONE THIS REQUEST UNTIL MAY 15, 2007 CARRIED

**ITEM #9 – APPROVAL REQUESTED. MICHAEL BRENNAN, 6704 LIVERNOIS**, for approval under Section 43.74.00 to park two commercial vehicles outside on residential property.

Mr. Stimac explained that the petitioner is requesting approval under Section 43.74.00 to park two (2) commercial vehicles outside on residential property. The cube vans described in the application do not meet the exceptions found in Section 40.66.00 of the Chapter 39 of the Troy City Ordinance. A request for approval to park this vehicle outdoors on the site was previously approved by City Council, under the old standards in 2001.

Mr. Maxwell asked if the petitioner had looked into other locations to park his vehicle.

Mr. Brennan stated that he had one of the vehicles parked in the Maple and Livernois area and it was broken into. He lost thousands of dollars worth of parts and tools. His garage contains parts that he needs for his business and is too small for these vehicles. Mr. Brennan stated that both he and his wife are Electricians and that is the reason they

**ITEM #9 – con't.**

require two (2) vehicles. Mr. Brennan went on to say that when he first received approval from City Council he was not aware that there was a time limit. He spent \$10,000 to put up large evergreen trees that would screen these vehicles from the neighbors.

Mr. Brennan said that he does not believe these vehicles have a negative effect to surrounding property. In two (2) years he is hoping to be able to run his business from a store front and have parking available at that location. Right now, he is not using both trucks because of the down turn in the economy. He would like a little more time to research the possibility of opening a storefront business and storing the vehicles inside on that property.

Mr. Brennan also said that he has done what he could to screen these vehicles from traffic and has not received any negative comments from surrounding neighbors.

Mr. Wright stated that Mr. Brennan was running a business from his home and asked if he was aware of the restrictions of a home business. You are not supposed to have any outward appearance of running a business. There are two (2) outward appearances because of the trucks.

Mr. Brennan said that he thought that was why City Council had him put in large trees. Mr. Brennan said that in his opinion these trucks are hidden very well.

Mr. Wright asked if he needed two (2) trucks because both he and his wife were Electricians.

Mr. Brennan said that at one point he had both vehicles on the road but with the economy right now, only one (1) truck has been on the road and the other is parked on the property. Hopefully both trucks will be gone within two (2) years.

Mr. Courtney asked if the other man he has working for him comes to the house to pick up a truck.

Mr. Brennan stated that his business has been slow for about the last eighteen (18) months. Prior to that he had an employee come to the house. Mr. Brennan also said that it impossible for him to keep these vehicles anywhere else.

Mr. Courtney said that he could not have employees working from his house.

Mr. Maxwell suggested that Mr. Brennan contact the Building Department for a list of properties that will have parking for commercial vehicles.

Mr. Stimac explained that the information he has does not include whether the property has guards or inside parking, but the petitioner could contact them.

**ITEM #9 – con't.**

Mr. Courtney said this is really a business operation compared to the other requests.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) approval and one (1) objection on file.

Mr. Courtney said that he did not have a problem granting approval for one-year to allow Mr. Brennan to find another location for these vehicles.

Mr. Maxwell said that he is operating a business out of his home and felt that a six-month time limit would be sufficient.

Mr. Brennan said he felt six-months (6) months would be a hardship unless there was a way to get the economy going.

Mr. Maxwell stated that the Board does not have any control over the economy.

Mr. Kovacs said that he was having a difficult time with this request as Mr. Brennan is running a business from his home and is violating the home office restrictions because he is not to have any employees come to his house. This is a direct violation of the Ordinance.

Mr. Brennan said that he does not have any employees right now.

Mr. Kovacs said that he understands the necessity of the two vehicles, because both Mr. and Mrs. Brennan are Electricians, however, this is too close to becoming a full fledged business rather than being used as an office.

Mr. Wright stated that he was inclined to deny this request as running a business out of the house violates the Ordinance.

Mr. Maxwell pointed out that the trucks are very visible from Livernois.

Motion by Courtney  
Supported by Clark

MOVED, to grant approval for six (6)-months to Michael Brennan, 6704 Livernois under Section 43.74.00 to park two commercial vehicles outside on residential property.

- Six (6) – month time frame will allow petitioner to look into alternative areas to park his vehicles.

Yeas: 5 – Gies, Kovacs, Maxwell, Clark, Courtney

**ITEM #9 – con't.**

Nays: 1 – Wright

**MOTION TO GRANT APPROVAL FOR SIX (6)-MONTHS CARRIED**

Mr. Kovacs announced the birth of his daughter, Julie Michele on March 28, 2007. Mr. and Mrs. Kovacs have two sons and a daughter. Congratulations from the Board.

Ms. Lancaster stated that she finds the comments from the Board very helpful regarding commercial vehicles. The Planning Commission has been struggling with trying to adopt an Ordinance on this issue for quite some time. There are other Cities that do not allow commercial vehicles at all. They usually define commercial vehicles by weight or size.

Mr. Maxwell said that he thinks the criteria are very vague and any large commercial vehicle would have an effect to surrounding property. This is a time of transition as people have been using these trucks for their livelihood for a long period of time. The Board has to take some of the history of each case into account. The Board can make a case for or against these vehicles.

Mr. Courtney stated that he believes that more attention has to be paid to the word “temporary”.

Mr. Kovacs said he believes temporary means just that. A time frame is involved.

Mr. Clark said that the petitioners tonight have stated that there was a economic hardship to have another vehicle to get them to these trucks when parked in another location. An Economic hardship is not one of the things this Board considers when making a decision. Mr. Clark also said that there are a number of commercial panel vans in his neighborhood and asked if they were allowed.

Ms. Lancaster explained that the current Ordinance on the books allows for some panel vans to be parked outside on residential property. Some of the people parking these vehicles for a long period of time have been doing that illegally.

Mr. Stimac stated that prior to 1991 parking anything over one-ton was against the Ordinance and there was no variance procedure in place. In 1991 City Council wanted to create some type of appeal process and allowed for appeals of commercial vehicles beyond what is depicted as pickup trucks or cargo vans. If you had something more than that it required approval. Approval was required for the number and type of vehicles. In 2006 City Council adopted and modified the requirements that are before you and also gave this Board the authority to act on these requests. The reason these approvals are temporary is because conditions change e.g. vehicle type or number of vehicles. Because of changing conditions these need to be looked at periodically. This was part 2 of a 3-part revision. The 3 part was the definitions of commercial vehicles

and what is allowed and what is not. There have not been any other recommendations from City Council.

Mr. Kovacs stated that he is having a very hard time understanding the language. He asked what was reasonable in Part B of the criteria.

Mr. Stimac stated that an extreme example of Part B would a two-story home with bedrooms above the garage having no place else to add on. Or, the land could be available but there are deed restrictions that preclude an accessory building. Another example would be a parcel that is maxed out on lot coverage.

The Board of Zoning Appeals meeting adjourned at 9:21 P.M.

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Mark Maxwell, Chairman

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Pamela Pasternak, Recording Secretary

## Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, May 3, 2007 at the Troy Community Center. Chair Bud Black called the meeting to order at 1:00 PM.

**Present:** Bud Black, Member  
Pauline Noce, Member  
JoAnn Thompson, Member  
Merrill Dixon, Member  
Frank Shier, Member

Jo Rhoads, Member  
James Berar, Member  
David Ogg, Member  
Betty Coven, Member  
Carla Vaughan, Staff

**Absent:** None

**Visitors:** None

**Approval of Minutes**

Resolution # SC-2007-5-001  
Moved by Jo Rhoads  
Seconded by Pauline Noce

RESOLVED, That the Minutes of April 5, 2007 be approved as submitted.

Yes: 9  
No: 0

MOTION CARRIED

**Visitor Comments**

None

**Old Business**

**Shuffleboard and Bocce Ball:** Carla reported that 31 people are signed up for the “learn to play” sessions and 11 are registered for the leagues. League information will appear in the summer issue of Troy Today which is mailed in mid-May. It is anticipated that the lines will be painted on the shuffleboard courts early next week. A ribbon cutting ceremony is scheduled for Tuesday, May 15 at 12:30 p.m.

**Lunch Visits:** No report.

**AEDs:** Bud Black asked if Carla had anything to report and how long they should wait to hear from Carol Anderson. Carla reported that Carol was working on it and would respond soon.

**New Business**

**Suggestion Box:** Carla reported that there was just one suggestion about retaining exercise instructor Ilene Hill. She will not be teaching here after all as she has a contract with an exercise company that prohibits it.

**Handicap Parking:** James Berar reported that all handicap parking spaces were taken and he needs to park close to the building. There was discussion about changing the meeting time, but the time was already changed once for this reason. The Committee voted to put a recommendation in writing to Carol Anderson to add four handicap parking spaces at the east entrance just north of the entranceway and also to get a third scooter for the building that would be kept by this entranceway. Bud Black will write the memo.

**Hospitality Committee:** Betty Cover reported that five people attended the last meeting and a Cinco de Mayo celebration is planned for May 8 with music, food and decorations. The Committee is seeking donations from businesses to fund this event.

**Reports**

**Park Board:** Merrill Dixon reported that the budget was discussed.

**Senior Program:** Carla reported that the annual senior volunteer banquet was held on April 19 and 150 attended. Twenty-one AARP trained volunteers prepared 418 tax returns for low-income Troy residents this year. There is no charge for the service. SHARP has had 81 requests for service. This is an average of almost six requests per week. The bi-annual visit from the paper shredder drew 140 participants.

**Medi-Go:** Jo Rhoads reported that things are going well.

**OLHSA:** No report

**Oakland County Senior Advisory Board:** Jo Rhoads reported that they are preparing for their June breakfast meeting with the legislatures.

**Comments**

Frank Shier commented that he felt that the handicap parking discussion was too long. He also announced the upcoming Heart of the Hills Players show May 17-19.

Pauline Noce reported that the Supper Club had a very nice dinner.

Bud Black commented that he hoped JoAnn Thompson and Merrill Dixon could hold the ribbon for the bocce/shuffleboard ribbon cutting ceremony.

JoAnn Thompson reported that the supper club is going well with 14 members and there has been interest shown in forming an Eat Out Club.

James Berar commented that everyone should get involved with the city budget process.

Betty Cover reported that the Cross Train Your Brain program is going well.

The meeting was adjourned at 2:35 p.m.

Respectfully submitted,

Bud Black, Chair

Carla Vaughan, Secretary

**TROY ETHNIC ISSUES ADVISORY BOARD  
TUESDAY, MAY 8, 2007  
TROY CITY HALL - CONFERENCE ROOM C**

I. Call to Order 7:05 p.m.

II. Roll Call:

Present:

Michelle Haight  
Kelly Jones  
Hailu Robele  
Gladson Remos  
Grigore Buia  
Mayada Fakhouri  
Cindy Stewart, City Liaison

Absent:

Tony Haddad  
Helen Yang  
Lulu Guo  
Anju Brodbine  
Reuben Ellis

Intro:

Karen Yelder, resident of Troy, with two students at Athens High. She is on the Boys & Girls' Club Board and Troy Schools Sex Education Advisory Board.

III. Approval of Minutes – April 3, 2007

Motion by Gladson Remos to approve the April 3, 2007 minutes, seconded by Hailu Robele. Approved unanimously.

IV. Correspondence / Articles

“Mosque expects worship, peace” – Detroit Free Press May 2007

“Words that divided also could help unite” – Detroit Free press May 2007

Panel Discussion

Tuesday, May 15, 2007

“Improving Communication in Hamtramck – Overcoming the Language Barrier and the Political Barrier”

V. New Business

a. Report on healing Racism Workshop - Tabled to June meeting.

VI. Old Business

a. Recommendations re: Board vacancies and absences –

Approved 2-year term for Board Chair at April meeting. Kelly said it is a good idea for prospective members to attend 1-2 meetings before Board recommends them to the Board. Members agree that it should be a minimum of two meetings, so people are sure this is the Board they would like to serve on.

Add to process for Recommendation of new E.I.A. Board Members to City Council. Minimum of attendance at 2 E.I.A. Board meetings.

### **Process**

Upon confirmation of an opening on the E.I.A. Board:

- The Advisory Board chairman will announce the opening at the next Advisory Board meeting.
- The Advisory Board chairman will contact the City and request the application forms of individuals who have indicated an interest in becoming members of the E.I.A. Board.
- The Board as a whole will review the available application forms from the City and other application forms that may be given to them and create a "short list" of possible candidates to be interviewed for recommendation.
- Minimum of attendance at two E.I.A. Board meetings
- Applicants must have a background or interest in promoting diversity in our community.
- Applicants must be a citizen of the United States and a registered voter.
- Applicants must live in the City of Troy.
- Maximum of two representatives of a specific ethnic group may be on the Advisory Board at any one time.
- Upon Advisory Board selection, the Advisory Board chairman will send a letter to the Troy City Council proposing the selected candidate.

But how do we know whom to recommend to City Council?

Input to recommend people who will volunteer to our major events.

### **Criteria for all E.I.A. Board Members**

- Attendance at scheduled E.I.A. Board meetings. After 3 meeting absences, discussion with the Board member will be held regarding scheduling conflicts and possible Board removal.
- Attendance is required at most major events sponsored by the Board.
- The Board will consist of 9 (nine) members representing different ethnic groups, a maximum of 2 (two) student representatives, and a liaison from the City of Troy.

#### **b. Troy School District Update**

Meeting on Monday, May 14 from 2 pm - 3 pm at 4400 Livernois with Dr. Fowler, Tim McAvoy, Steve Matthews and representatives from E.I.A. (Michelle, Hailu, Anju, Mayada, and Cindy) and Troy Interfaith Group (Padma Kuppa, Pastor Rich Peacock).

### **Draft Agenda**

1. Welcome & Introductions
2. EIA & TIG Mission & Goals

3. Troy School District initiatives addressing issues of diversity and inclusion
  - staff diversity training
  - student LINC project
  - Resources available to students related to diversity, inclusion, discrimination
  - Hiring a diverse population of staff, teachers, counselors
4. Collaboration opportunities for Ethnic Issues Advisory Board, Troy Interfaith Group and the Troy School District.
  - Offering workshops related to understanding different cultures and customs for staff and students.
  - Teaching tolerance materials (free curriculum materials – tolerance, inclusion, acceptance)
  - Bridging the Racial Divide: more staff involvement.
  - Being liaison to the schools for MI Roundtable and Institute for Healing Racism
  - Diversity newsletter and possibility of sending it home with all elementary students
  - More notification from schools re: their diversity events, programs
5. Upcoming Ethnic Issues Advisory Board and Troy Interfaith Group Events – Bridging the Racial Divide, Tuesday May 29, 2007 at Walsh College  
Ethnicity September 15 & 16 at Troy Daze.

Michelle's conversation with Tim and Steve – they are very interested and open-minded re: diversity training. Ethnic Issues Advisory Board and Troy Interfaith Group have similar goals and visions related to diversity issues, religious harmony, etc. so the schools wanted to meet with both groups together.

Members will report back at June meeting.

- c. Troy Daze – Ethnicity  
Working on updating Resource Guide before mailing out EthniCity booth applications. After applications go out, Board will follow up with calls to groups. Kelley offered to call groups not previously involved.

Michelle will contact the foreign language clubs re: involvement.

Michelle purchased musical instruments and games for an event at Barnard. They can be used for EthniCity for kids to play with. Instruments from Vietnam, Cameroon, India, Kenya, Indonesia. We can have adult volunteers work with kids in EthniCity tent.

Michelle has a template for a booklet for kids to cut and color listing ways to say hello in many languages.

- d. Bridging the Racial Divide –  
Tuesday May 29 at Walsh College, 6-9 pm

Michelle Height and Barb Ford are the coordinators

Board members please promote this event.  
Michelle, Kelley, Cindy will attend.

e. Translation of City Brochures

Companies would not do this for free, but they will quote prices.

VII. Public comment – Karen Yelder feels this Board is doing wonderful work. Karen met Michelle and Padma at the MLK event. She is excited to work with this Board.

VIII. Adjournment

Motion to adjourn by Gladson Remos, seconded by Hailu Robele. Meeting adjourned at 9:05 pm.

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Michelle Haight, EIA Chair

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Cindy Stewart, EIA Recording Secretary

*PLW*

**CITY OF TROY**

**MONTHLY FINANCIAL REPORT**

**30-Apr-07**

CITY OF TROY  
 Monthly Financial Report  
 General Fund  
 For the Period Ending April 30, 2007

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
<b>GENERAL FUND REVENUES</b>					
TAXES	35,229,231	35,473,690	83,768	36,442,584	102.73
BUSINESS LICENSES & PERMITS	42,846	40,000	2,698	35,088	87.72
NON-BUS. LICENSES & PERMITS	1,619,746	2,019,000	70,185	1,213,049	60.08
FEDERAL GRANTS	36,999	34,500	0	0	.00
STATE AGENCIES	7,001,768	6,765,000	335	3,597,840	53.18
CONTRIBUTIONS-LOCAL	188,667	140,000	0	49,195	35.14
CHARGES FOR SERVICES - FEES	1,413,488	1,271,500	29,427	702,253	55.23
CHARGES FOR SERVICES - REND.	1,620,747	1,642,100	69,027	1,273,355	77.54
CHARGES FOR SERVICES - SALES	172,760	151,500	5,858	121,880	80.45
CHARGES FOR SERVICES - REC	3,562,207	3,410,200	292,719	3,106,042	91.08
FINES & FORFEITS	994,372	1,012,000	68,114	1,078,837	106.60
INTEREST AND RENTS	1,583,459	1,443,300	211,075	1,558,894	108.01
OTHER REVENUE	493,433	491,900	706	412,496	83.86
OTHER FINANCING SOURCES	7,001,703	11,092,120	0	3,506,153	31.61
<b>TOTAL GENERAL FUND REVENUE</b>	<b>60,961,426</b>	<b>64,986,810</b>	<b>833,912</b>	<b>53,097,666</b>	<b>81.71</b>
<b>EXPENDITURES</b>					
LEGISLATIVE	1,837,323	2,041,140	137,532	1,461,197	71.59
FINANCE	4,552,248	4,869,370	342,082	3,842,600	78.91
OTHER GEN GOVERNMENT	2,612,507	2,807,150	169,188	1,812,959	64.58
POLICE	21,945,432	23,174,400	1,704,853	18,460,966	79.66
FIRE	4,036,110	4,212,260	199,469	3,340,901	79.31
BUILDING INSPECTION	1,991,733	2,169,250	149,001	1,631,267	75.20
STREETS	4,754,570	5,359,530	304,511	3,840,206	71.65
ENGINEERING	2,835,770	3,096,890	192,263	2,047,293	66.11
RECREATION	8,453,068	8,744,820	572,042	6,533,167	74.71
LIBRARY	4,780,601	5,002,000	408,857	3,868,554	77.34
TRANSFERS OUT	110,000	3,510,000	0	3,510,000	100.00
<b>TOTAL GEN FUND EXPENDITURES</b>	<b>57,909,362</b>	<b>64,986,810</b>	<b>4,179,798</b>	<b>50,349,110</b>	<b>77.48</b>

83500  
FINANCE  
FIN226

CITY OF TROY  
Monthly Financial Report  
Refuse Fund  
For the Period Ending April 30, 2007

1  
05/11/07  
15:57:46

REFUSE FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	4,120,154	4,248,000	0	4,257,951	100.23
CHARGES FOR SERVICES - REND.	43,378	0	0	0	.00
CHARGES FOR SERVICES - SALES	1,387	1,500	374	1,691	112.73
INTEREST AND RENTS	130,482	100,000	15,210	136,269	136.27
OTHER FINANCING SOURCES	0	182,330	0	0	.00
TOTAL REVENUE	4,295,401	4,531,830	15,584	4,395,911	97.00
EXPENDITURES					
CONTRACTORS SERVICE	4,218,477	4,363,000	273,789	3,200,709	73.36
OTHER REFUSE EXPENSE	47,329	55,450	1,052	36,669	66.13
RECYCLING	101,287	113,380	6,301	83,167	73.35
TOTAL EXPENDITURES	4,367,093	4,531,830	281,142	3,320,545	73.27

CITY OF TROY  
 Monthly Financial Report  
 Capital Fund  
 For the Period Ending April 30, 2007

CAPITAL FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
<b>REVENUES</b>					
TAXES	8,041,747	8,291,000	0	8,208,098	99.00
FEDERAL GRANTS	452,430	305,000	405	650	.21
STATE AGENCIES	716,655	1,409,000	0	298,996	21.22
CHARGES FOR SERVICES - REND.	256,611	150,000	20,180	66,961	44.64
INTEREST AND RENTS	1,028,366	607,200	152,589	849,210	139.86
OTHER REVENUE	1,093,607	335,260	15	916,707	273.43
OTHER FINANCING SOURCES	2,917,330	14,907,000	0	5,275,000	35.39
<b>TOTAL REVENUE</b>	<b>14,506,746</b>	<b>26,004,460</b>	<b>173,189</b>	<b>15,615,622</b>	<b>60.05</b>
<b>EXPENDITURES</b>					
ELECTIONS	40,500	65,000	0	0	.00
FINANCE	90,789	55,000	0	0	.00
OTHER GEN GOVERNMENT	4,593,061	2,228,000	3,482	67,603	3.03
POLICE	290,806	554,700	12,381	373,523	67.34
FIRE	890,504	925,830	0	847,671	91.56
BUILDING INSPECTION	1,992	10,000	245	435	4.35
STREETS	9,522,243	14,402,000	547,385	3,661,349	25.42
ENGINEERING	0	0	0	369,372	.00
RECREATION	6,305,029	4,277,500	147,226	1,083,635	25.33
LIBRARY	128,715	251,650	8,710	104,575	41.56
MUSEUM	290,313	459,000	143,131	42,335	9.22
STORM DRAINS & RET PONDS	1,519,540	1,625,780	4,351	463,988	28.54
INFORMATION TECHNOLOGY	0	1,150,000	0	0	.00
<b>TOTAL EXPENDITURES</b>	<b>23,673,492</b>	<b>26,004,460</b>	<b>580,649</b>	<b>7,014,486</b>	<b>26.97</b>

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CITY OF TROY  
Monthly Financial Report  
Sanctuary Lake Golf Course  
For the Period Ending April 30, 2007

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SANCTUARY LK GOLF COURSE FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	31,413	45,000	2,556	21,002	46.67
CHARGES FOR SERVICES - REC	1,130,375	1,803,070	84,791	675,843	37.48
INTEREST AND RENTS	11,231	16,000	0	6,988	43.68
OTHER REVENUE	835	0	2-	4,184	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	1,173,854	1,864,070	87,345	708,017	37.98
EXPENDITURES					
SANCTUARY LAKE GREENS	803,524	950,650	56,465	584,891	61.53
SANCTUARY LAKE PRO SHOP	922,103	1,109,230	17,097	516,501	46.56
SANCTUARY LAKE CAPITAL	4,606	25,000	0	0	.00
TOTAL EXPENDITURES	1,730,233	2,084,880	73,562	1,101,392	52.83

CITY OF TROY  
 Monthly Financial Report  
 Sylvan Glen Golf Course  
 For the Period Ending April 30, 2007

SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	26,486	38,500	1,695	17,937	46.59
CHARGES FOR SERVICES - REC	886,959	1,097,130	97,725	582,717	53.11
INTEREST AND RENTS	223,099	188,000	14,326	195,406	103.94
OTHER REVENUE	323-	0	27-	98	.00
OTHER FINANCING SOURCES	0	120,000	0	0	.00
<b>TOTAL REVENUE</b>	<b>1,136,221</b>	<b>1,443,630</b>	<b>113,719</b>	<b>796,158</b>	<b>55.15</b>
EXPENDITURES					
SYLVAN GLEN GREENS	761,017	819,060	49,270	491,054	59.95
SYLVAN GLEN PRO SHOP	349,406	342,090	42,227	268,854	78.59
SYLVAN GLEN CAPITAL	0	256,000	15,499	44,067	17.21
<b>TOTAL EXPENDITURES</b>	<b>1,110,423</b>	<b>1,417,150</b>	<b>106,996</b>	<b>803,975</b>	<b>56.73</b>

CITY OF TROY  
 Monthly Financial Report  
 Aquatic Center  
 For the Period Ending April 30, 2007

AQUATIC CENTER FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REC	445,498	444,000	8,079	182,374	41.08
INTEREST AND RENTS	37,191	30,900	0	17,972	58.16
OTHER REVENUE	2	0	0	0	.00
TOTAL REVENUE	482,691	474,900	8,079	200,346	42.19
EXPENDITURES					
AQUATIC CENTER	638,064	616,730	22,253	451,879	73.27
CAPITAL	0	75,000	23,343	30,066	40.09
TOTAL EXPENDITURES	638,064	691,730	45,596	481,945	69.67

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CITY OF TROY  
Monthly Financial Report  
Sewer Fund  
For the Period Ending April 30, 2007

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SEWER FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
FEDERAL GRANTS	91,556	0	0	17,081	.00
CHARGES FOR SERVICES - FEES	154,746	700,000	2,178	342,238	48.89
CHARGES FOR SERVICES - REND	9,964,801	11,698,200	609,101	6,875,966	58.78
INTEREST AND RENTS	886,043	610,000	142,642	835,554	136.98
OTHER REVENUE	300,068	0	0	0	.00
TOTAL REVENUE	11,397,214	13,008,200	753,921	8,070,839	62.04
EXPENDITURES					
ADMINISTRATION	9,095,363	9,747,310	700,062	7,053,704	72.37
MAINTENANCE	1,344,160	1,350,480	33,014	874,328	64.74
CAPITAL	0	5,313,000	1,963	1,705,945	32.11
TOTAL EXPENDITURES	10,439,523	16,410,790	735,039	9,633,977	58.71

CITY OF TROY  
Monthly Financial Report  
Water Fund  
For the Period Ending April 30, 2007

WATER FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
<b>REVENUES</b>					
CHARGES FOR SERVICES - FEES	953,176	1,000,000	115,793	722,182	72.22
CHARGES FOR SERVICES - SALES	14,530,393	15,117,400	746,094	8,682,467	57.43
INTEREST AND RENTS	696,888	549,000	72,979	750,515	136.71
OTHER REVENUE	349,945	0	0	0	.00
<b>TOTAL REVENUE</b>	<b>16,530,402</b>	<b>16,666,400</b>	<b>934,866</b>	<b>10,155,164</b>	<b>60.93</b>
<b>EXPENDITURES</b>					
ADMINISTRATION	11,763,791	12,022,350	707,329	8,604,503	71.57
TRANS AND DISTRIBUTION	268,198	202,640	3,993	179,011	88.34
CUSTOMER INSTALLATION	72,949	101,870	7,416	82,805	81.28
CONTRACTORS SERVICE	157,225	191,590	8,659	117,585	61.37
MAIN TESTING	47,307	127,580	3,772	35,195	27.59
MAINTENANCE OF MAINS	311,450	380,800	28,588	268,894	70.61
MAINTENANCE OF SERVICES	197,156	224,710	23,033	159,188	70.84
MAINTENANCE OF METERS	337,341	352,160	7,979	352,689	100.15
MAINTENANCE OF HYDRANTS	221,812	261,400	23,658	274,970	105.19
METERS AND TAP-INS	267,684	351,940	23,293	218,866	62.19
WATER METER READING	113,466	83,510	15,905	123,827	148.28
ACCOUNTING AND COLLECTING	73,368	100,000	6,668	92,390	92.39
CAPITAL	0	6,660,000	375,179	1,869,550	28.07
<b>TOTAL EXPENDITURES</b>	<b>13,831,747</b>	<b>21,060,550</b>	<b>1,235,472</b>	<b>12,379,473</b>	<b>58.78</b>

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CITY OF TROY  
Monthly Financial Report  
Motor Pool  
For the Period Ending April 30, 2007

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MOTOR POOL FUND

Description	Last Year Actual	2006-07 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REND	941	5,000	0	0	.00
INTEREST AND RENTS	3,875,782	3,909,500	369,801	3,093,737	79.13
OTHER REVENUE	538,048	430,000	47,879	424,260	98.67
OTHER FINANCING SOURCES	0	1,233,210	0	0	.00
TOTAL REVENUE	4,414,771	5,577,710	417,680	3,517,997	63.07
EXPENDITURES					
ADMINISTRATION	525,097	557,590	33,978	431,204	77.33
OPERATION AND MAINTENANCE	3,168,002	3,310,820	255,552	2,593,240	78.33
DPW FACILITY MAINTENANCE	341,986	405,700	23,002	294,459	72.58
CAPITAL	0	1,303,600	245,692	624,312	47.89
TOTAL EXPENDITURES	4,035,085	5,577,710	558,224	3,943,215	70.70

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2007	5	3	9	ML	2006	12	27	5.000	TBILL	2,758,000		2,711,134.69
	2007	5	3	7	FLAGSTAR	2006	12	28	5.310	CD	2,192,876		2,192,875.81
	2007	5	3	7	CHART ONE	2007	1	18	5.310	CD	1,020,756		1,020,755.54
	2007	5	10	7	HUNT BANK	2006	12	28	5.350	CD	1,129,832		1,129,831.76
	2007	5	10	7	FLAGSTAR	2006	12	28	5.310	CD	2,032,330		2,032,330.00
	2007	5	10	9	ML	2007	2	2	5.120	TBILL	2,213,000		2,183,293.31
	2007	5	17	7	FITB	2007	1	18	5.270	CD	2,273,381		2,273,380.61
	2007	5	17	7	HUNT BANK	2007	1	25	5.350	CD	2,135,259		2,135,259.20
	2007	5	24	7	FITB	2007	1	25	5.250	CD	2,134,492		2,134,492.08
	2007	5	24	7	HUNT BANK	2007	2	1	5.350	CD	1,023,114		1,023,114.40
	2007	5	24	7	FITB	2007	2	1	5.260	CD	2,041,595		2,041,595.00
	2007	5	30	8	FITB	2003	5	19	5.000	FHLMC95237	467,824		467,824.09
	2007	5	30	8	FITB	2003	7	30	3.600	FHR03 2640	392,000		391,771.10
	2007	5	30	8	FITB	2004	1	1	4.000	MM	231,391		231,391.28
	2007	5	30	8	FITB	2004	1	30	4.250	FHR 2537LA	63,000		62,880.01
	2007	5	30	8	FITB	2004	1	30	4.000	FHR 2535LK	816,000		815,972.59
	2007	5	30	8	FITB	2004	3	25	4.500	FHR 2669DT	341,972		341,972.05
	2007	5	30	8	FITB	2004	10	7	2.250	FHR 2625QX	243,000		242,267.90
	2007	5	30	8	FITB	2004	10	8	3.250	FHR 2564CN	807,000		806,278.83
	2007	5	30	8	FITB	2005	5	25	5.000	FHLM 2808	97,712		97,712.07
	2007	5	30	8	FITB	2006	1	30	4.500	FHLM 2557	790,200		790,151.49
	2007	5	30	8	ML	2006	8	31	4.000	MM	900		900.60
	2007	5	31	7	CHART ONE	2007	2	8	5.310	CD	2,041,611		2,041,611.11
	2007	5	31	7	FITB	2007	2	15	5.260	CD	1,043,365		1,043,365.00
	2007	5	31	9	ML	2007	2	15	5.120	TBILL	2,325,000		2,291,229.38
	2007	5	31	7	HUNT BANK	2007	3	1	5.340	CD	1,026,144		1,026,144.20
	2007	6	7	7	FLAGSTAR	2007	2	22	5.360	CD	2,047,312		2,047,312.22
	2007	6	7	7	CITIZENS	2007	3	8	5.260	CD	1,075,999		1,075,999.05
	2007	6	14	7	TCF BANK	2007	3	8	5.180	CD	2,050,400		2,050,400.00
	2007	6	14	7	TCF BANK	2007	3	15	5.180	CD	2,164,883		2,164,883.06
	2007	6	14	7	TCF BANK	2007	3	22	5.180	CD	2,156,596		2,156,595.78
	2007	6	15	8	FITB	2005	11	30	5.000	2802	705,121		705,120.59
	2007	6	21	7	FLAGSTAR	2007	3	8	5.340	CD	2,212,909		2,212,908.98
	2007	6	21	7	CITIZENS	2007	3	22	5.250	CD	2,166,099		2,166,099.03
	2007	6	21	9	ML	2007	3	22	5.020	TBILL	2,371,000		2,341,692.47
	2007	6	28	8	FITB	2004	10	12	4.000	FHR 2617BG	2,280,000		2,276,142.46
	2007	6	28	8	FITB	2004	11	16	3.500	FHLM 2586	34,500		34,104.40
	2007	6	28	8	FITB	2005	8	30	4.500	2545	268,000		267,999.41
	2007	6	28	7	HUNT BANK	2007	3	29	5.340	CD	2,159,339		2,159,339.38
	2007	6	28	7	CITIZENS	2007	4	5	5.290	CD	2,154,391		2,154,391.05
	2007	6	29	8	FITB	2006	9	25	4.500	2866	465,500		465,366.26
	2007	6	29	8	FITB	2006	10	31	4.500	2608	374,000		374,021.69
	2007	6	29	8	FITB	2006	11	24	3.250	FHLM 2568	553,000		552,786.82
	2007	6	30	8	FITB	2003	2	27	5.000	MAX SAVER	6,981,006		6,981,006.49
	2007	6	30	8	HUNT BANK	2004	8	27	4.300	MM	568,187		568,186.75
	2007	6	30	8	MBIA	2005	11	18	5.090	MBIA	1,581,742		1,581,742.37
	2007	6	30	7	CITIZENS	2006	5	4	4.800	MMIA	1,097,121		1,097,120.66

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Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2007	6	30	8	FITB	2006	9	8	5.000	MAXSAVER+	1,033,488		1,033,488.07
	2007	7	5	7	CITIZENS	2007	4	5	5.300	CD	2,157,708	37,826.24	2,157,708.31
	2007	7	5	7	REPUBLIC	2007	4	12	5.250	CD	2,240,137	25,808.51	2,240,136.57
	2007	7	5	7	PRIV BANK	2007	4	12	5.250	CD	1,587,155	18,285.34	1,587,155.48
	2007	7	5	7	FITB	2007	4	12	5.240	CD	1,061,974	12,211.82	1,061,974.44
	2007	7	5	7	CITIZENS	2007	4	12	5.300	CD	2,062,862	23,992.30	2,062,862.38
	2007	7	12	9	ML	2007	3	29	4.970	TBILL	2,426,000	30,301.74	2,391,788.35
	2007	7	12	7	TCF BANK	2007	4	26	5.320	CD	2,066,870	19,853.60	2,066,870.02
	2007	7	19	9	ML	2007	4	5	4.970	TBILL	4,101,000	47,416.68	4,043,107.54
	2007	7	19	7	HUNT BANK	2007	4	19	5.340	CD	2,065,720	14,460.18	2,065,719.72
	2007	7	25	8	NATL CITY	2007	4	27	5.060	FNMA	1,113,000	9,893.12	1,099,242.08
	2007	7	26	7	FITB	2007	4	19	5.260	CD	2,175,410	22,885.00	2,175,410.06
	2007	7	26	7	HUNT BANK	2007	4	26	5.340	CD	2,269,773	21,884.20	2,269,773.38
	2007	7	26	7	CHART ONE	2007	4	26	5.310	CD	2,067,283	19,819.80	2,067,282.81
	2007	7	31	8	FITB	2005	7	27	4.500	FHLM 2687	4,133,336		4,133,336.25
	2007	7	31	8	FITB	2005	9	29	4.500	FHLM 2618	696,000		695,631.01
	2007	7	31	8	FITB	2006	8	25	5.500	FNMA 73	747,000		746,890.63
	2007	7	31	8	FITB	2006	12	20	3.500	FNMA 54	316,500		316,224.00
	2007	8	2	7	CITIZENS	2007	4	19	5.300	CD	2,064,979	21,888.72	2,064,979.39
	2007	8	2	9	ML	2007	4	26	4.930	TBILL	2,280,000	19,760.01	2,250,207.99
	2007	8	30	8	FITB	2007	2	9	6.000	3243	494,000		493,024.39
	2007	9	6	9	ML	2007	4	19	5.000	TBILL	2,822,000	27,271.80	2,768,971.49
	2008	4	25	8	FITB	2004	7	26	3.500	FNRO3 24	20,500		20,410.68
	2008	4	25	8	FITB	2005	1	11	4.000	FNMA 42	893,000		892,655.84
	2008	4	25	8	FITB	2005	8	26	4.500	31	1,015,000		1,014,003.20
	2008	4	25	8	FITB	2006	3	13	5.500	FNMA 71	24,000		23,439.44
	2008	4	25	8	FITB	2006	4	17	4.000	2003-10	290,000		289,425.22
	2008	4	25	8	FITB	2006	6	30	5.000	86	376,000		375,585.88
	2008	4	25	8	FITB	2007	1	9	5.500	FNMA 80	278,000		277,850.29
	2008	4	25	8	FITB	2007	3	21	5.000	FNMA 17	868,000		867,825.00
	2008	4	25	8	FITB	2007	4	25	4.500	2569	517,800		517,834.84
	2008	10	30	8	FITB	2007	3	21	4.250	FHLM 27E9	500,000		500,361.94
										TOTAL		373,559.06	113,533,949.71
591	2007	5	15	8	FITB	2005	8	26	4.500	FHLM 2687	1,000,000		995,000.00
	2007	6	8	8	NAT CITY	2007	2	7	5.140	FNMA	1,551,000		1,524,934.58
	2007	6	29	7	REPUBLIC	2007	2	1	5.250	CD	155,995		155,994.74
	2007	6	29	7	HUNT BANK	2007	2	1	5.360	CD	166,223		166,223.28
	2007	6	29	7	LA SALLE	2007	3	29	5.100	CD	2,966,588		2,966,587.56
	2007	6	30	7	COMERICA	1997	7	1	4.900	GOV'T POOL	2,026,762		2,026,762.63
	2007	6	30	8	FITB	2004	2	2	3.750	FNRO3 24MN	45,500		45,407.12
	2007	6	30	8	FITB	2005	8	31	1.000	MM	131,471		131,470.63
	2007	6	30	8	FITB	2005	9	29	4.500	FHLM 2618	292,000		291,716.23
	2007	6	30	8	FITB	2006	3	3	5.000	FHLM 2561	66,500		66,436.24
	2007	7	31	8	FITB	2007	2	9	6.000	3243	371,000		370,338.78
	2008	3	25	8	FITB	2006	8	9	5.500	FNMA 73	125,000		124,801.22

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Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
591	2008	6	30	8	FITB	2007	3	21	4.550	3136F6VR7	500,000		498,127.47
	2008	6	30	8	FITB	2007	3	21	4.250	3128X27E9	500,500		500,381.94
	2008	7	31	8	FITB	2007	3	26	4.000	2780	288,000		286,705.75
TOTAL													10,150,888.17
688	2007	6	30	7	CHASE	1997	7	1	4.910	GOV'T POOL	1,433,170		1,433,170.07
TOTAL													1,433,170.07
TOTAL												373,559.06	125,118,007.95

\*\*\* END OF REPORT \*\*\*

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Michigan Chapter  
Metropolitan Detroit Division  
27600 Northwestern Hwy., Suite 150  
Southfield, Michigan 48034  
Telephone (248) 359-1550  
Fax (248) 213-4923  
E-mail MI630@marchofdimes.com  
www.marchofdimes.com/michigan

May 4, 2007

Jeffrey Biegler  
Ed Carpus  
Troy Parks and Recreation Department  
3179 Livernois  
Troy, MI 48083

Dear Jeff and Ed,

Many thanks to you both and your staff for supporting the March of Dimes campaign to save babies through WalkAmerica by ensuring the rubbish was picked up in a timely manner. As you know, the March of Dimes is an independent, non-profit organization and does not receive any funding from other organizations or the federal government. WalkAmerica brings in nearly 50% of our mission funds and is vital to our campaign.

In the metro Detroit area, over \$1.7 million was raised, and over 10,000 people walked to support the March of Dimes mission to improve the health of babies by preventing birth defects and infant mortality through community services, advocacy, research, and educational programs.

The Troy Parks and Recreation Department is an imperative part of the Troy Walk. We were all very impressed by how frequently and efficiently your staff worked to rid our walksite and checkpoints of rubbish. I look forward to working with you both and your staff at the Troy 2008 Walk. I would also like to see this partnership continue to build and grow.

Thank you for your support in celebrating the 37<sup>th</sup> year of WalkAmerica.

Please contact me, Annette Witczak your WalkAmerica Representative, at (248) 359-1565 with any questions or suggestions.

Sincerely,

Sarah Arminiak  
WalkAmerica Director

Annette Witczak  
WalkAmerica Representative

Tax Exempt ID # 13-1846366

Charles T Craft

**From:** Gary G Mayer  
**Sent:** Thursday, May 03, 2007 1:49 PM  
**To:** Charles T Craft; Dane M Slater; Edward J Murphy  
**Subject:** FW: Thank You...

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

**From:** Andrew D Breidenich On Behalf Of Troypdcrimealert  
**Sent:** Thursday, May 03, 2007 11:15 AM  
**To:** Gary G Mayer; Gerard S Scherlinck  
**Subject:** FW: Thank You...

In response to the Evanswood threat arrest.

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

**From:** Bambi Mansfield Sanderson  
[mailto:██]  
**Sent:** Thursday, May 03, 2007 9:47 AM  
**To:** Troypdcrimealert  
**Subject:** Thank You...

I just wanted to take a moment to thank the dedicated police officers who responded with swiftness and spared so many lives. My own family members were on the "Hit List" of Roy Yaryan, and I shudder to think of what may have happened. I just want to thank all of you from the bottom of my heart.

Bambi Mansfield  
Director, Crawford County Library

cc: City Mgr.  
Lt. Frye  
BB

**RECEIVED**  
Chief of Police  
5/3/07 CTC



# FBI NATIONAL ACADEMY ASSOCIATES MICHIGAN CHAPTER

May 1, 2007

Chief Charles T. Craft  
Troy Police Department  
500 West Big Beaver Road  
Troy, Michigan 48084



Re: Lynn McDaniel  
Administrative Aide – Training Section

Dear Chief Craft:

We are writing to bring to your attention the exemplary performance of Lynn McDaniel who was an integral part of the recent "Creating a Communications Intensive Work Environment" held at the ArvinMeritor facility in Troy on April 26, 2007.

The Michigan Chapter of the Federal Bureau of Investigations/National Academy Associates is a non-profit organization of senior law enforcement professionals dedicated to providing our communities and profession with the highest degree of law enforcement expertise, training, education, and information. The partnership with the Troy Police Department, Target Corporation, and ArvinMeritor definitely allowed us to meet our stated purpose!

Lynn McDaniel responded to the call for assistance with this event. She handled the registrations for the training and dozens of telephone and Email queries. She assisted with the development of the flyer and single-handedly notified countless Michigan Law Enforcement Agencies and several local governmental units of this training opportunity.

Lynn handled the coordination of the registration funds with the FBINAA-Michigan Chapter treasurer in a most professional manner. She also organized the site registration process on the day of the event.

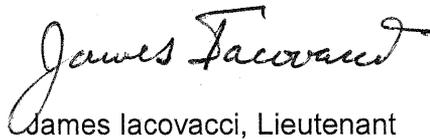
Lynn's pleasant personality and her ability to work under pressure and accomplish all tasks are most appreciated.

cc: C. Mgr.  
Lynn McDaniel / File

Chief Charles T. Craft  
Page Two  
May 1, 2007

Thank you for having a high quality person like Lynn McDaniel in your Department.

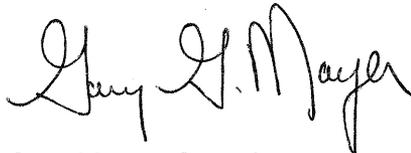
Sincerely,

A handwritten signature in cursive script that reads "James Iacovacci".

James Iacovacci, Lieutenant  
Flint Township Police Department  
FBINAA Executive Board Trustee

A handwritten signature in cursive script that reads "Edward Harris".

Edward Harris, Lieutenant  
White Lake Township Police Department  
FBINAA Curriculum Committee Chair

A handwritten signature in cursive script that reads "Gary L. Mayer".

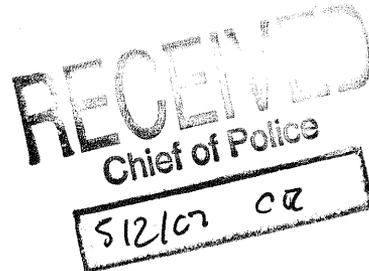
Gary Mayer, Captain  
Troy Police Department  
FBINAA Curriculum Committee Secretary



# FBI NATIONAL ACADEMY ASSOCIATES MICHIGAN CHAPTER

May 1, 2007

Chief Charles T. Craft  
Troy Police Department  
500 West Big Beaver Road  
Troy, Michigan 48084



Re: Sergeant Michael Bjork  
Police Officer Craig Fitzpatrick  
Police Officer Nicolette Kaptur

Dear Chief Craft:

We are writing to bring to your attention the exemplary performance of Sergeant Bjork and Officers Fitzpatrick and Kaptur who were an integral part of the recent "Creating a Communications Intensive Work Environment" held at the ArvinMeritor facility in Troy on April 26, 2007.

The Michigan Chapter of the Federal Bureau of Investigations/National Academy Associates is a non-profit organization of senior law enforcement professionals dedicated to providing our communities and profession with the highest degree of law enforcement expertise, training, education, and information. The partnership with the Troy Police Department, Target Corporation, and ArvinMeritor definitely allowed us to meet our stated purpose!

Sergeant Bjork and Officers Fitzpatrick and Kaptur represented the Troy Police Department well at this training. They assisted with the coordination of the detailed planning that led to the event running smoothly. They managed the registration on the day of the event in a proficient manner.

Sergeant Bjork, Officer Fitzpatrick, and Officer Kaptur presented a professional and courteous image of the Troy Police Department.

CC: City Mgr.  
Listed Personnel/Files

Chief Charles T. Craft  
Page Two  
May 1, 2007

Thank you for allowing Sergeant Bjork, Officer Fitzpatrick, and Officer Kaptur to work on this event.

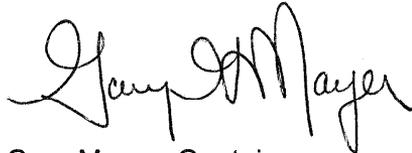
Sincerely,



James Iacovacci, Lieutenant  
Flint Township Police Department  
FBINAA Executive Board Trustee



Edward Harris, Lieutenant  
White Lake Township Police Department  
FBINAA Curriculum Committee Chair



Gary Mayer, Captain  
Troy Police Department  
FBINAA Curriculum Committee Secretary

# May 2007

May 2007							June 2007						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
		1	2	3	4	5						1	2
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	May 1	2	3	4	5
	7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Planning Commission Regular Meeting (Council Chambers) 7:30pm CANCELLED Historic District Study Comm	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)		
					6
7	8	9	10	11	12
		12:00pm Employee's Retirement System Board (Conference Room C)	7:30pm Library Advisory Board (Library Director's Office)		
					13
14	15	16	17	18	19
7:00pm CANCELLED 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 CANCELLED Traffic Committee (Conference Room Lower Level)	7:00pm CANCELLED Parks & Recreation Advisory Board (Community Center - 3179 Livernois)		
					20
21	22	23	24	25	26
7:30pm City Council Meeting (Council Chambers)	7:00pm Troy Daze Advisory Committee (Community Center - 3179 Livernois) 7:30pm Planning Commission Special/Study Meeting (Council Boardroom)	7:00pm Youth Council (Lower Level Conference Room)			
					27
28	29	30	31		
City Hall Closed					

# June 2007

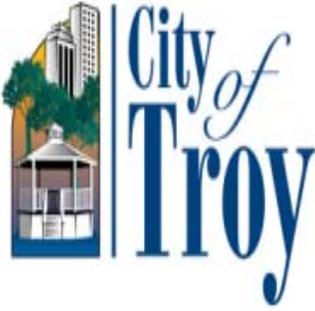
June 2007							July 2007						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2	1	2	3	4	5	6	7
3	4	5	6	7	8	9	8	9	10	11	12	13	14
10	11	12	13	14	15	16	15	16	17	18	19	20	21
17	18	19	20	21	22	23	22	23	24	25	26	27	28
24	25	26	27	28	29	30	29	30	31				

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				June 1	2
					3
4	5	6	7	8	9
7:30pm City Council Meeting (Council Chambers)	7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Planning Commission Special/Study Meeting (Council Bo 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
11	12	13	14	15	16
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 Room) 7:30pm Planning Commission Special/Study Meetin				

# July 2007

July 2007							August 2007						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7	5	6	7	8	9	10	11
8	9	10	11	12	13	14	12	13	14	15	16	17	18
15	16	17	18	19	20	21	19	20	21	22	23	24	25
22	23	24	25	26	27	28	26	27	28	29	30	31	
29	30	31											

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					July 1
2	3	4	5	6	7
	7:00pm Ethnic Issues Advisory Board (Conference Room C) 7:30pm Historic District Study Committee (Museum Resource Room)	City Hall Closed 7:00pm Persons with Disabilities Meeting (Conference Room C)			8
9	10	11	12	13	14
7:00pm Liquor Advisory Committee Meeting (Conference Room Lower Level) 7:30pm City Council Meeting (Council Chambers)	7:30pm Planning Commission Regular Meeting (Council Chambers)	9:00am Building Code Board of Appeals (Conference Room L) 12:00pm Employee's Retirement System Board (Conference Room C)			15
16	17	18	19	20	21
	3:00pm BRA Meeting (Council Boardroom) 7:30pm BZA (Chambers)	7:30am DDA Meeting (Conference Room Lower Level) 7:30pm Traffic Committee (Conference Room Lower Level)	7:00pm Parks & Recreation Advisory Board (Community Center - ) 7:00pm Cable Advisory Committee (Conference Room C)		22
23	24	25	26	27	28
7:30pm City Council Meeting (Council Chambers)	7:00pm Troy Daze Advisory Committee (Community Center - ) 7:30pm Planning Commission Special/Study Meeting (Council Boardroom)				29
30	31				
3:00pm LDFA Committee (Council Boardroom)					



**TO:** Members of the Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Allan T. Motzny, Assistant City Attorney  
**DATE:** May 3, 2007  
**SUBJECT:** Law Day 2007

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Consistent with this year's Law Day theme, "Liberty Under the Law: Empowering Youth, Assuring Democracy," the City Attorney's Office conducted a youth survey for the purpose of obtaining information from high school students in Troy. The questions in the survey were designed to educate students about the current laws that affect young people, and also to solicit their opinions on the current laws, as well as their opinions on how the law can better serve their needs. A report on the results of the survey is attached.

The report will be submitted to local judges, legislators, and local newspapers. It is our hope the results of the survey will be taken into consideration by all those involved in the implementation and enforcement of laws that affect young people, as well as the implementation of the future vision for our community. The survey and the report will also be featured in the Law Day display, which will appear in the Troy Library during the month of May, and it will be available for public review, along with other information about Law Day, on the City Attorney's web page, [www.ci.troy.mi.us/law](http://www.ci.troy.mi.us/law).

The City Attorney's Office also held its annual Law Day reception on May 2, 2007. Brochures and pamphlets with information on various legal topics were available for all attendees. Additionally, as in years past, those attending the reception provided donations of materials, supplies and money for CARE House – the home of the Child Abuse and Neglect Council for Oakland County.

If you have any questions, please let us know.

# City of Troy Attorney's Office Law Day 2007 Youth Survey Report

Law Day is a national day set aside to celebrate the rule of law. Law Day underscores how law and the legal process have contributed to the freedoms that all Americans share. In 1961, May 1 was designated by a joint resolution of the United States Congress as the official day for celebrating Law Day. However, Law Day programs, which are designed to help people understand how law keeps us free and how our legal system strives to achieve justice, often take place throughout the month of May each year.

In recognition of this year's theme for Law Day, "Liberty Under Law: Empowering Youth, Assuring Democracy" the Troy City Attorney's Office conducted a Youth Survey. The Survey was designed to both educate students as to the current provisions of various laws that affect young people, and to gather input on how the law can better serve their needs. All the public school districts serving the City of Troy were given an opportunity to have their high school students participate in the survey. Over 250 surveys were completed and returned to the Troy City Attorney's Office. The survey questions are set forth below along with the various responses<sup>1</sup> including the percentage of each response received. The survey also offered students an opportunity to provide written comments, which are also included in this report. This report and other information about Law Day are available to the public on the City of Troy, City Attorney's Office Web Page [www.ci.troy.mi.us/law](http://www.ci.troy.mi.us/law).

We wish to thank all the students and teachers who participated in our Law Day Youth Survey. Your participation helped us accomplish one of the main goals of this year's Law Day theme, which is to assure that the voices of our youth are heard and considered within our democracy.

## Survey Results

1. In *Roper v Simmons*, 543 US 551(2005), the United States Supreme Court ruled that the death penalty may not be applied to minors, citing the Eighth and Fourteenth Amendments. Do you agree with this decision of the Supreme Court?

- A. I agree with the decision because a person under 18 years of age should not be held to the same standard of accountability as an

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<sup>1</sup> Many of the student participants were inadvertently provided with an earlier draft of the survey. The questions in the earlier draft are the same as those set forth in the final version, except the final version had one additional question (Question 15) and the wording of the choices of responses for some of the questions was slightly different. Those questions where the wording of the choices of available responses varied between the earlier draft and the final version are addressed in subsequent footnotes.

adult. **52%**

- B. I disagree with the decision because a young person (for example, a person between the ages of 13 and 17), who commits a serious crime, should be subject to the same punishment as an adult. **19%**
- C. I neither agree nor disagree because I am opposed to the death penalty. **29%**

2. School Boards are made up of elected officials who make decisions for the students in their districts. Under Section 492 of Michigan's Election Law, MCL 168.492, students cannot vote for the School Board members that represent them until they reach 18 years of age. Do you agree with this law?

- A. This is the way it should be. **29%**
- B. All students should be able to vote for School Board members. **6%**
- C. Students' age 16 or older should be able to vote for School Board **29%**
- D. All high school students should be able to vote for School Board members. **36%**

3. In 1971, when the Twenty-Sixth Amendment to the United States Constitution was ratified, the voting age was lowered to 18 from 21. The majority of students in high school cannot vote in elections. What is the appropriate voting age?<sup>2</sup>

- A. The minimum voting age should be lowered to 16. **15%**
- B. The minimum voting age should be lowered to 17. **6%**
- C. The minimum voting age should remain at 18. **76%**
- D. The minimum voting age should be changed to 21. **3%**

4. Due to advances in technology, images, videos, and music can be obtained rapidly through Internet downloading. Often this downloading constitutes a violation of the Copyright Act, 17 USC § 101, *et seq.*, which allows an artist to protect their monetary interest in their own work. Do you think free downloading is a crime?

- A. It is stealing and should be treated as a crime. **10%**
- B. It does not harm anyone and should be allowed as long as the person who downloads the material agrees to not sell the material for a profit. **55%**
- C. Since the artist is making plenty of money, the person who downloads the material should not be subject to any adverse consequences or restrictions. **10%**
- D. The person violating the copyright should not be charged with a crime but should be required to pay the artist for what they have downloaded. **25%**

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<sup>2</sup> The earlier draft had the choice of responses in a different order. This report accurately reflects the opinion of all participants as to what the minimum voting age should be.

5. Under Michigan law, MCL 722.754, a township, city or village may impose a curfew of minors by ordinance. A typical curfew ordinance may make it illegal for a person under the age of 18 to be out of their homes from 11pm to 6am. Choose the one response that best fits your belief with regard to curfews.<sup>3</sup>

- A. There should be no curfew of minors because young people should have the same right to be outside of their homes as adults. **19%**
- B. There should be a curfew for minors, but it should only apply to young children and not high school students. **38%**
- C. A curfew of minors under the age of 18 is a good idea because it keeps young people out of trouble, and it protects children from harm. **43%**

6. The Federal minimum wage may soon be raised from \$5.15 to \$7.25. Some people believe that the minimum wage for people under 18 should remain at \$5.15. Choose the response that best reflects your belief regarding a lower minimum wage for those under 18.

- A. I believe the minimum wage for people under 18 should be lower than the minimum wage for adults because most young people who are working are working part time simply for extra discretionary spending money. **8%**
- B. I believe the minimum wage for people under 18 should be the same as the minimum wage for adults because the value of services provided by workers are the same regardless of age and therefore the law should not discriminate against young people. **74%**
- C. I believe the minimum wage for people under 18 should be lower than the minimum wage for adults if the young person is working only for extra discretionary spending money. However, if the young person is working to help support his/her family or saving the money for college then they should earn the same minimum wage as adults. **15%**
- D. I believe there should be no Federal minimum wage because free market forces should determine salaries and wages. **3%**

7. The Michigan Legislature has passed several laws designed to promote school safety. Among the laws passed is a law allowing school officials to search a student's locker without a warrant (MCL 380.1306), a law requiring a student to be expelled for certain acts such as bringing a dangerous weapon to school (MCL 380.1311), laws requiring the board of a school district to obtain the criminal history of individuals

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<sup>3</sup> The earlier draft had the following choices of responses: A. (same); B. (same); C. A curfew of minors under the age of 18 is a good idea because it keeps kids out of trouble; D. A curfew of minors under the age of 18 is a good idea because it protects children; E. Both C and D above. In this report, all those who submitted the earlier draft and chose C, D or E are included in the percentage for those who chose response C in the final version.

employed by the school district and to terminate employees who have been convicted of certain offenses (MCL 380.1230g, MCL 380.1230c, and MCL 380.1535a), and laws establishing school safety zones within an area that lies 1,000 feet from the school and prohibiting registered sex offenders from residing within such zones (MCL 28.733 and MCL 28.735). What best describes your belief with regard to Michigan's School Safety Laws?

- A. I feel totally safe in school and I am confident Michigan's School Safety Laws will protect me. **74%**
- B. I do not feel safe in school and believe that more school safety laws should be in place. **10%**
- C. I feel Michigan's School Safety laws are overly restrictive and interfere with the rights of students and individuals employed by school districts. **16%**

8. What issues affecting youth do you believe should be addressed by our representatives in Lansing and Washington? Please write your answer in the space below.

*In question 8, the survey requested a narrative response. The majority of the participants did not provide a response. A summary of each narrative response to question 8 is set forth below:*

- **The ability to do things like jobs at an earlier age**
- **They do a good job addressing issues of youth**
- **More rights, allowed to share views, restrictions on use of computers lessened**
- **Schools should have no say on dress codes**
- **Raise age of consent to 21, death penalty for illegal drugs, guns should be prohibited except for policemen**
- **No curfew, education should be required, 16 year olds should be able to vote**
- **Movies should not be rated, kids should be able to see R-rated movies**
- **It should be made clear whether it is legal or illegal to download internet music so kids know what they can do**
- **Raising taxes and cutting funds hurts students - how do you expect us to learn when there is no money put into education**
- **School lunches should be healthier and provide more nutrients with less calories**
- **Driving age should be lowered to 15**
- **Curfews are a good thing but instead of 6am, it should be 4:30 or 5am because some high school students run in the morning or drive places on the weekend**
- **Bad teachers**
- **Education, alcohol abuse**
- **Getting credits for playing sports**

- **Honors grading scale should be lowered because classes are harder, more graduation requirements to push students more, sports as a gym credit**
- **We (high school students) should be treated the same as adults unless we do something to change minds**
- **The government should put more emphasis on avoiding drunk driving and driving under the influence of a controlled substance so that innocent people, especially youth, are not killed due to lack of regulations for drinking and/or use of a controlled substance and driving.**
- **Prayer should be put back in schools because our country was founded as “one nation under God”**
- **I think discrimination in schools is a major issue, there should be harsher rules against discrimination based on race or peoples looks, etc.**
- **The government should find ways and promote programs to get young people out to vote**
- **Providing places where young people without a lot of money and/or a car can gather to keep them out of a problem**
- **Girls sport seasons, more healthy and affordable cafeteria food, more education and help with college, advanced programs and classes**
- **Discrimination in schools**
- **Students right to free speech, full sex education with coverage on protection, giving student information to military under No Child Left Behind Act**
- **Homework, students should get homework but not large amounts**
- **I think some teachers are mean to students and kids get scared**
- **Sanitation in school bathrooms**
- **Underage drinking and drug use**
- **More education should be provided**
- **Curfews should be lowered down to 10:00**
- **Violent video games and violent children**
- **Peer pressure, smoking, and pressure to do well in school, economy and jobs**
- **Adults are biased against teenagers - police officers will assume we are up to something if they see us outside at 11:05**
- **Dress codes - schools without dress codes have teens with short skirts, revealing tops, etc., other issues are curfew and downloading**
- **Curfews, minimum wage, credits**
- **Lack of job opportunities such as programming, graphics, etc.**
- **Flag burning should be banned**
- **The people in Lansing should work on school safety to avoid more shootings**
- **No more final exams –if we learned the subjects once, no point in learning them again**

- The time school begins – if school starts later students will be more aware during school hours
- Tolerance of peoples differences – diversity programs starting at a young age will help people get along and prevent resentment
- Alcohol control
- Gay rights in school
- All the bad stuff
- Teens and drugs should be addressed
- Dress code regarding skirt lengths should be more lenient
- Gun control, alcohol restriction
- Making more skate parks of excellent quality
- Laws about the minimum age to earn money
- Prayer in school
- Gay and minority discrimination
- School should start later
- Drinking age
- Driver's training is too long
- School starts too early
- Less school
- Prayer in school
- Sex offenders should be further away from schools
- Stricter laws for people who violate or harm children
- Drinking age should be lowered because people can go to war and die without being able to drink
- Curfew change to 12am, drinking age changed because 18 year old men can fight and get shot for our country, legalize marijuana
- Legalize marijuana
- Too much homework, it should be limited to a number of hours per night because of extracurricular activities, back packs that are too heavy could cause back damage
- More stores (A & W, 7-11) should be built in Troy - I'm tired of seeing a bank built on every street corner
- Teachers should not have right to search back packs - I understand lockers, but not back packs
- Drugs and alcohol
- Drinking and driving
- Test requirements, curfews, driving fast
- Change age to 16 for R-rated movies
- Legalize marijuana, drinking age should be 18
- Drinking age should be 18 because you can fight and die in wars at that age
- Drugs in the community are affecting youth
- Drugs and alcohol
- School policies, age of consent, R-rated movies

- **Minimum wage and school hours**
- **Mainstreaming in schools**
- **Drinking age should be 18 since at that age you are responsible enough to vote and at age 18 you should have full responsibility and control of your life.**
- **School should start later so students will be more awake which leads to better learning, more time for homework and time to eat breakfast**
- **Curfews and minimum wage issues should be changed - kids under age 18 work just as hard as anyone, curfews are not needed because if the parents know where their kid is, it should not be a problem**
- **The use of drugs, guns and weapons, sex**
- **More break time for students off from school**
- **The smoking age should be raised because many young people are ruining their lungs**
- **Students at the age of 14 should be allowed to work at any job**
- **Teenagers below the age of 18 should be able to vote because we're affected by laws too**
- **Use of cell phones by students should be addressed - use of them before and after school is okay, but many kids text during the day when they should be learning, and this is not right**
- **An issue that could be addressed is starting school so early in the morning**
- **I think the representatives are doing just fine**
- **Minimum wage**
- **There are a lot of people who do drugs and they should address having more rules and more enforcement of laws on drugs**
- **Youth should have more say in the government**
- **Students choosing school board members**
- **We should have longer days and longer breaks**
- **Lunches, bullying, teacher/student conflicts**
- **MEAP testing is too stressful and somewhat unneeded**
- **Adults who buy alcohol and cigarettes for kids is affecting youth a lot and it should be stopped**
- **Lower drinking age**
- **Students should be as equal as teachers**
- **MIP's and MIA's**
- **Michigan merit award should be available to those who choose an out of state college, it's unfair that the money can only be used in state**
- **School funding**
- **Affirmative action**
- **Drinking age**
- **Student safety**
- **Obsession with pop culture, rap, T.V., radio, My Space, MTV and that whole culture – it's ridiculous, kids need hobbies and something positive to balance school and outside life**

- **Underage drinking**
- **Hard core drugs, not marijuana**
- **The drinking and partying concerning high school and college students, harassment (making fun of kids for any reason)**
- **MIP's – it's all about money**
- **Searching of cars on school property**
- **Civil rights of students, minimum wage**
- **Protection of transfer students to a school in a different area bring questionable results that give the transfer students a blatant disregard for the people around them due to the protection they receive**
- **Lowering the voting age**
- **All issues threatening our health should be addressed**
- **Lower voting age**
- **Marijuana should be legalized for personal use**
- **Racism, underage sex**
- **Increasing student motivation in school**
- **Legalize marijuana, schools should not put someone on contract if they miss too many days of school, police should do other things on Friday nights other than just looking to bust kids**
- **Those who are expelled from school or had to drop out of school should be given an inexpensive second chance**
- **Racism**
- **Harsher punishment for underage drinking**
- **Laws regarding minors drinking alcohol and using drugs – laws should be harsher and enforcement should be better**
- **Drinking**
- **The biggest issue affecting youth is drugs – there is crime because people need money for drugs, and there is violence due to drugs**
- **Reckless driving, drinking and driving**
- **Safety in school**
- **Music in schools, music programs are rapidly being eliminated while schools build new facilities and fund other departments**
- **Protection at school and keeping a closer eye on the drug distributor**

9. Do you believe our representatives in Lansing and Washington adequately represent the interests of youth?

- A. Yes, absolutely. **4%**
- B. Yes, somewhat. **49%**
- C. No, not really. **40%**
- D. No, not at all. **7%**

10. In 1979, the legal drinking age in Michigan was raised from 18 to 21. The latest scientific research suggests that the brain is not fully developed until a person reaches his

or her mid twenties. Given the latest studies, do you believe 21 is the appropriate age?<sup>4</sup>

- A. Yes. **58%**
- B. No, the drinking age should be raised. **17%**
- C. No, the drinking age should be lowered back to 18. **23%**
- D. There should be no minimum drinking age. **2%**

11. One important principal of law in our country is that a person put on trial should have a jury of his or her peers. However, under Michigan law, when juveniles are prosecuted and put on trial, the jury is composed of adults. Do you believe this is fair?<sup>5</sup>

- A. Yes. **46%**
- B. No. **54%**

12. Under Michigan Law, a minor cannot enter into a contract with an adult. For example, a car dealer will not sell a car to a minor unless an adult, typically a parent or guardian, signs the purchase agreement. Do you believe minors should be allowed to enter into contracts with adults without gaining the approval of a parent or guardian?<sup>6</sup>

- A. Yes, at any age. **8%**
- B. Yes, if the minor is at least 16. **39%**
- C. Yes, if the minor is at least 17. **4%**
- D. No, allowing minors to enter into contracts would lead to abuses like fraud or duress. **49%**

13. In Michigan, the Holmes Youthful Trainee Act (HYTA) provides that individuals between the ages of 17 and 21 who plead guilty to a criminal offense (misdemeanors and felonies), other than a traffic offense, major drug crime, a crime penalized by imprisonment for life and certain other specified crimes, may be assigned the status of youthful trainee and earn a dismissal of the criminal offense if the terms and conditions of the court ordered probation are complied with. Which of the following best describes your opinion concerning this law?

- A. This is a good law because it provides young people who make a mistake with an opportunity to avoid a criminal record. **55%**

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<sup>4</sup> This question was worded differently in the earlier draft. However, both the final version and the earlier draft inquire whether the legal drinking age should remain at 21, be raised, be lowered to 18, or if there should be no minimum legal drinking age. The responses from those who took the earlier draft are incorporated accordingly. The earlier draft also allowed participants to select a response indicating the consumption of alcohol should be prohibited at any age. Approximately 4% of those who took the earlier draft of the survey chose that response.

<sup>5</sup> The choice of responses set forth in this report are those that were set forth in the earlier draft. The final version had a choice of three detailed responses as to why the current system is fair. However, since the basic issue is whether it is fair that only adults may serve as jurors in juvenile cases, the earlier draft choice of responses is used in this report. The responses to this question from those who took the final version of the survey are incorporated accordingly.

<sup>6</sup> The choice of responses was worded differently in the earlier draft, but the above results accurately reflect the opinions of all respondents regarding the age a person must be before entering into a contract.

- B. This is a bad law because if an individual commits a crime, there should be a public record of conviction for that individual regardless of the age of the person when the crime was committed. **18%**
- C. I agree that young people who commit minor offenses should have an opportunity to earn a dismissal of the charges, but the current law is too lenient because it should not apply to felonies. **27%**

14. The Michigan law that makes it a crime to operate a motor vehicle while under the influence of alcohol, a controlled substance, or a combination of alcohol and a controlled substance has a zero tolerance provision for persons who are less than 21 years of age. Under the law, a person under the age of 21 who has “any” bodily alcohol content (or who has the presence of “any” controlled substance in the person’s system) and drives can be convicted. Which of the following describes your belief as to the effect of this law?

- A. People in my age group are well aware of this law and it is very effective at preventing teenage drinking and driving. **31%**
- B. Although people in my age group are aware of the law, it is not effective at preventing teenage drinking and driving. **59%**
- C. Most people in my age group are not aware of this law. **10%**

15. According to the Supreme Court in *Tinker v Des Moines School District*, 393 US 503 (1969), if there is no interference with school activities, students may wear armbands to protest a war. A school’s attempt to prohibit the armbands was an impermissible prohibition against the expression of speech under the First and Fourteenth Amendments. Many schools have dress codes that ban students from wearing hats. Courts have upheld school dress codes on the basis that a student’s attire can have a positive or negative effect on the learning process and such codes are needed to limit distractions that may result from a student’s appearance. With this in mind, which of the following best describes your belief:

- A. A school ban on the wearing of hats should be abolished based on the First and Fourteenth Amendments. **55%**
- B. A ban on the wearing of hats does not violate the Constitution because a no hat policy results in students staying focused on instruction rather than on what hat someone is wearing. **31%**
- C. Hats should be allowed in school, but only if the student is wearing the hat to express his or her opinion on something. **14%**

Thank you for participating in the City of Troy Attorney’s Office Law Day 2007 Youth Survey. If there are other legal issues that you want us to hear about, or if you wish to provide further comment related to any of the questions in this survey, or if you have any ideas on how the law can better serve the needs and interest of young people, please respond in the space provided below.

*The majority of the students participating in the survey did not provide additional comment. A summary of each additional comment received is set forth below:*

- **If you lower the drinking age to 18 it won't be such a thrill to party**
- **I think if you can fight in a war you should be able to drink beer and there should be no curfew from the age of 13**
- **I respect and agree with the DUI law, but teen drinking is something really common, and I don't think there should be such a harsh penalty for "minor in possession" - I think that making that law, it helps people to have other drugs of choice, like overdosing on medication and such**
- **MEAP test = waste of time**
- **The new law in Troy stating you can't leave your dog on a leash outside for more than 4 hours needs to be changed - it's not fair to those who can't afford a cyclone fence or an invisible fence and it would not be fair to put the dog in a 10 by 10 cage**
- **I think we should be told, or have a complaint box for local problems**
- **Legalize motorized go-peds, dirt bikes for people under 16, police should lay off a bit in Troy and let there be parties**
- **Survey was interesting, send more**
- **Stop building banks and build smarter stuff that will make more money**
- **School should be year round without vacations**
- **Legalize dirt bikes and snowmobiles and airsoft guns for kids, Hooters should get its liquor license, Troy cops should stop ticketing people for stupid stuff, legalize marijuana**
- **I think having more police out in the evening would reduce drunk driving and crimes**
- **Higher minimum wage**
- **You guys are good**
- **More rights for minors**
- **People should be able to have a criminal record erased after probation or community service, everyone makes mistakes, it's part of growing up, but being prosecuted for the rest of one's life isn't fair because of a stupid child mistake**
- **Homeless people should be given a second chance and taken in and taught so their lives can be better and we can get more American people in our work force**
- **Get rid of the MIA law – you can get in trouble for helping a friend if they are intoxicated – don't punish people for doing the right thing**

**STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING  
FOR THE CUSTOMERS OF  
THE DETROIT EDISON COMPANY**

**CASE NO. U-15244**

- The Detroit Edison Company may increase its rates, amend its rate schedules and rules governing the distribution and supply of electric energy, and for miscellaneous accounting authority, if the Michigan Public Service Commission approves its request.
- **A RESIDENTIAL CUSTOMER USING 500 KILOWATT-HOURS (kWh) OF ELECTRICITY PER MONTH WOULD SEE AN ELECTRIC BILL INCREASE OF \$3.33 PER MONTH IN 2008 AND THEREAFTER, IF THE REQUEST IS APPROVED.**
- The information below describes how a person may participate in this case.
- You may call or write The Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226-1279, (800) 477-4747 for a free copy of its application. Any person may review the application at the offices of The Detroit Edison Company.
- A public hearing in this matter will be held:

**DATE:** June 7, 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 Barbara A. Stump

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

The Michigan Public Service Commission (Commission) will hold a public hearing to consider the April 13, 2007 application of Detroit Edison to increase its annual base electric revenues by a total of approximately \$123 million above base rate levels in 2008 and thereafter (2.86% overall) and eliminate the credit surcharge approved by the Commission in Case No. U-14842. Detroit Edison also requests, among other things, to establish a permanent Choice Incentive Mechanism (CIM), establish uniform distribution rates for commercial and industrial Detroit Edison full service and Electric Choice customers, establish an emission allowance purchase strategy, establish a methodology for recovery of the costs associated with preparation of a Combined Operating License Application (COLA) for a new nuclear

generation facility, terminate its Pension Equalization Mechanism (PEM), expand its current demand response programs, obtain miscellaneous accounting authority, and continue to recover regulatory assets. Accounting authority obtained by the Company may be continued or implemented in 2008 and continue thereafter.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets Website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to [mpscefilecases@michigan.gov](mailto: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](mailto: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 May 31, 2007. (Residential customers may file petitions to intervene using the traditional paper format.) The proof of service shall indicate service upon Detroit Edison Legal Department - Regulatory, 2000 Second Avenue, 688 WCB, Detroit, Michigan 48226.

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 Detroit Edison's request may be reviewed on the Commission's Web site at [michigan.gov/mpscedockets](http://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 The Detroit Edison Company, 2000 Second Avenue, Detroit, MI. 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.; 1982 PA 304, as amended, MCL 460.6h et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

**THE BASE RATE INCREASES, RATE MECHANISMS, ACCOUNTING AUTHORITY, REGULATORY ASSET RECOVERIES AND OTHER PROPOSALS DESCRIBED IN THIS NOTICE HAVE BEEN REQUESTED BY THE DETROIT EDISON COMPANY. THE MICHIGAN PUBLIC SERVICE COMMISSION MAY GRANT OR DENY THE REQUESTED INCREASES AND OTHER PROPOSALS, IN WHOLE OR IN PART, AND MAY GRANT LESSER OR GREATER INCREASES THAN THOSE REQUESTED, AND MAY AUTHORIZE A LESSER OR GREATER RATE FOR ANY CLASS OF SERVICE THAN THAT REQUESTED.**

May 9, 2007