

AGENDA

Meeting of the

CITY COUNCIL OF THE CITY OF TROY

OCTOBER 1, 2007

CONVENING AT 7:30 P.M.

**Submitted By
The City Manager**

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

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: Phillip L. Nelson, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

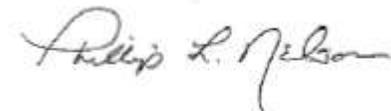
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

Goals

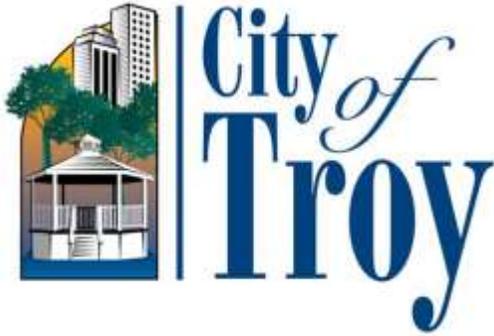
- I. Enhance the livability and safety of the community
- II. Minimize the cost and increase the efficiency and effectiveness of City government
- III. Retain and attract investment while encouraging redevelopment
- IV. Effectively and professionally communicate internally and externally
- V. Maintain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

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

Respectfully submitted,



Phillip L. Nelson, City Manager



CITY COUNCIL

AGENDA

**October 1, 2007 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317**

**INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Dan Lewis – Troy Christian
Chapel** **1**

CALL TO ORDER: **1**

ROLL CALL **1**

CERTIFICATES OF RECOGNITION: **1**

- A-1 Presentations: **1**
 - a) Proclamation Celebrating 30 Years – Troy Racquet Club – Presented to Don Pierce 1
 - b) Proclamation America Recycles 2007 – Presented to Pam Brady..... 1
 - c) Presentation Troy Daze Festival 2007 by Co-Chairs Bob Berk and Mike Gonda..... 1

CARRYOVER ITEMS: **1**

B-1 No Carryover Items **1**

PUBLIC HEARINGS: **1**

C-1 No Public Hearings **1**

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POSTPONED ITEMS: 1

- D-1 Request to Postpone Zoning Ordinance Text Amendment (File Number: ZOTA 230) – Articles X and XVIII – Wireless Communication Towers on School Property in the R-1A through R-1E (One Family Residential) and C-F (Community Facilities) Districts 1

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INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Dan Lewis – Troy Christian Chapel**CALL TO ORDER:****ROLL CALL**

- (a) Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
Wade Fleming
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine
- (b) Excuse Absent Council Members

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Proclamation Celebrating 30 Years – Troy Racquet Club – Presented to Don Pierce
- b) Proclamation America Recycles 2007 – Presented to Pam Brady
- c) Presentation Troy Daze Festival 2007 by Co-Chairs Bob Berk and Mike Gonda

CARRYOVER ITEMS:

- B-1 No Carryover Items**

PUBLIC HEARINGS:

- C-1 No Public Hearings**

POSTPONED ITEMS:

- D-1 Request to Postpone Zoning Ordinance Text Amendment (File Number: ZOTA 230) – Articles X and XVIII – Wireless Communication Towers on School Property in the R-1A through R-1E (One Family Residential) and C-F (Community Facilities) Districts**

Pending Resolution
Moved by Beltramini
Seconded by Schilling

RESOLVED, That Troy City Council hereby **AMENDS** Article X (R-1A – R-1E ONE FAMILY RESIDENTIAL DISTRICT) and XVIII (C-F COMMUNITY FACILITIES DISTRICT) of the City of Troy Zoning Ordinance, pertaining to the permitting of Wireless Communication Towers in the R-1A – R-1E and C-F Districts, to read as written in the proposed Zoning Ordinance Text

Amendment (ZOTA 230), City Council Public Hearing Draft, as recommended by the Planning Commission.

Suggested Resolution

Resolution #2007-10-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **POSTPONES** the *Zoning Ordinance Text Amendment (File Number: ZOTA 230) – Articles X and XVIII – Wireless Communication Towers on School Property in the R-1A through R-1E (One Family Residential) and C-F (Community Facilities) Districts* until the Regular City Council meeting scheduled for Monday, November 12, 2007.

Yes:

No:

CONSENT AGENDA:

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

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

Suggested Resolution

Resolution #2007-10-

Moved by

Seconded by

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

Yes:

No:

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

E-2 Approval of City Council Minutes

Suggested Resolution

Resolution #2007-10-

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of September 17, 2007 and the Minutes of the 7:30 PM Special City Council Meeting of September 24, 2007 be **APPROVED** as submitted.

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

Suggested Resolution
Resolution #2007-10-

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamations:

- a) Celebrating 30 Years – Troy Racquet Club
- b) America Recycles 2007

E-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 1: Award to Low Bidder – Purchase of Thermal Image Cameras

Suggested Resolution
Resolution #2007-10-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase nine (9) thermal image cameras with equipment and two-year warranty to the low total bidder, ISG Thermal Systems USA, Inc., of Lawrenceville, GA, at an estimated total cost of \$73,800.00, at unit prices as contained on the bid tabulation opened September 5, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the City requests authorization to purchase additional camera equipment after July 1, 2008, under the same prices, terms, and conditions provided there is available funding.

b) Standard Purchasing Resolution 1: Award to Low Bidder – Volunteer Firefighter Uniforms

Suggested Resolution
Resolution #2007-10-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish two-year requirements of uniforms for Troy Fire department volunteers with an option to renew for two-one (1) year periods to the sole bidder, Metropolitan Uniform of Detroit, MI, at unit prices as contained on the bid tabulation opened September 6, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of September 30, 2009.

c) Standard Purchasing Resolution 1: Award to Low Bidders – Firearm Accessories for the Tactical Support Team

Suggested Resolution
Resolution #2007-10-

RESOLVED, That Troy City Council hereby **AWARDS** contracts to purchase firearm accessories for use by the Police Department's Tactical Support Team to the low bidders, Michigan Police Equipment Company of Charlotte, MI, for Item #1) Surefire sound suppressor; and Interstate Arms Corporation of Billerica, MA, for Item #2) Surefire suppressor adapter, at unit prices as contained on the bid tabulation opened September 12, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

d) Standard Purchasing Resolution 8: Best Value Award – Consultant to Perform Library Needs Assessment/Feasibility Study

Suggested Resolution
Resolution #2007-10-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide a review and analysis of the current and future spatial needs of the Troy Public Library to the highest rated bidder, Fanning/Howey & Associates, Inc. of Novi, MI, as a result of a best value process at an estimated cost of \$22,750.00, as listed on the tabulation opened August 28, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

E-5 Request to Temporarily Waive Parking Restrictions – Smith Middle School

Suggested Resolution
Resolution #2007-10-

RESOLVED, That Troy City Council hereby **WAIVES** the no parking restrictions on Donaldson from Square Lake to Cotswald on November 14 and 15, 2007, between the hours of 11:30 AM and 9:00 PM, March 6, 2008, between the hours of 11:30 AM and 9:00 PM, April 18, 2008, between the hours of 5:30 PM and 9:30 PM, and June 16, 2008, between the hours of 9:00 AM and 12:00 noon.

E-6 Agreement to Provide Fleet Maintenance Services – City of Royal Oak

Suggested Resolution
Resolution #2007-10-

RESOLVED, That Troy City Council hereby **APPROVES** the Interlocal Service Agreement for the City of Troy to provide fleet maintenance services to the City of Royal Oak and **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this Meeting.

E-7 Request for Acceptance of Regrading and Temporary Construction Permits, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 – Parcel #38 – Sidwell #88-20-02-279-021 – Geoffrey and Dana Calhoun

Suggested Resolution

Resolution #2007-10-

RESOLVED, That Troy City Council hereby **ACCEPTS** the Regrading and Temporary Construction Permit in the amount of \$3,757.52 from Geoffrey and Dana Calhoun, owners of property having Sidwell #88-20-02-279-021; and

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

E-8 Library HVAC Rooftop Replacement Unit

Suggested Resolution

Resolution #2007-10-

RESOLVED, That Troy City Council hereby **AUTHORIZES** City staff to replace the HVAC rooftop unit at the Troy Public Library at an estimated cost of \$12,000.00, as detailed on Appendix I, utilizing in-house personnel, approved contracts, and standard purchasing procedures.

E-9 Oakland County Inter-Local Agreement – Ballot Layout and Coding Services

Suggested Resolution

Resolution #2007-10-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to utilize Oakland County for the canvass of local elections at a fee of \$300.00 per election and **AUTHORIZES** the Mayor and City Clerk to sign the agreement for Ballot Layout and Programming Services between Oakland County and the City of Troy.

E-10 Oakland County Agreement – Board of Canvassers

Suggested Resolution

Resolution #2007-10-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to utilize Oakland County for the canvass of local elections at a fee of \$25.00 per precinct and **AUTHORIZES** the Mayor and City Clerk to sign the agreement between the City of Troy and Oakland County to utilize the services of the Oakland County Board of Canvassers.

E-11 Application for Transfer of Class C License to 1555 E. Maple LLC**(a) New License**Suggested Resolution

Resolution #2007-10-

RESOLVED, That Troy City Council **CONSIDERS** for **APPROVAL** the request from 1555 E. Maple LLC to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple, Troy, MI 48084, Oakland County, from Jumbo Investment, Inc. with license to be held in escrow. {MLCC req #367206}; and

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

(b) AgreementSuggested Resolution

Resolution #2007-10-

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** 1555 E. Maple LLC request to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple, Troy, MI 48084, Oakland County, from Jumbo Investment, Inc.; with license to be held in escrow, and **AUTHORIZES** the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-12 Ratification of Resolution #2007-10-266 C-2 from September 10, 2007 City Council Meeting to Correct a Typographical ErrorSuggested Resolution

Resolution #2007-10-

RESOLVED, That Troy City Council hereby **RATIFIES** Resolution #2007-10-266, Moved by Lambert, Seconded by Stine and approved unanimously, as follows:

WHEREAS, The petitioner Big Beaver Place, LLC has requested Concept Development Plan approval, pursuant to article 35.50.01, for Big Beaver Place Planned Unit Development (PUD-008), located on the North side of Big Beaver, East of John R, in Section 24, within the R-1E zoning district, being approximately 4.77 acres in size;

WHEREAS, The Planning Commission recommended approval of the Concept Development Plan on June 12, 2007;

WHEREAS, The proposed PUD meets the Standards for Approval set forth in Article 35.30.00; and

WHEREAS, The proposed Planned Unit Development, parts of parcels 88-20-24-352-024, -025, -026, -027, -028 and -041, is described in the following legal description and illustrated on the attached Certificate of Survey drawing:

T2N, R11E, SW 1/4 of Section 24

Lots 15, 16, 17, 18, 19 and 20 of Big Beaver Poultry Farms Subdivision (Liber 23, pg. 14 of Oakland County Plats), except the south 69 feet taken for Big Beaver Road. Containing ±4.77 acres more or less, and subject to easements of record;

BE IT RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map of the City of Troy Zoning Ordinance to delineate the subject parcel as PUD-008; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED** to execute the Development Agreement for Big Beaver Place Planned Unit Development; a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Big Beaver Place Planned Unit Development Agreement be **RECORDED** with the Oakland County Register of Deeds; and

BE IT FINALLY RESOLVED, That the petitioner is hereby **PERMITTED** to submit a Preliminary Development Plan pursuant to article 35.50.02.

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

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

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

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: Downtown Development Authority b) City Council Appointments: Advisory Committee for Persons with Disabilities; Ethnic Issues Advisory Board; Historic District Commission; Historical Commission; Municipal Building Authority; Parks & Recreation Board; Southeastern Michigan Council Of Governments; and Troy Daze Committee

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 exceeds the number of positions to be filled, a separate motion and roll call vote will be required (current process of appointing). Any board or commission with remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda.

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

(a) Mayoral Appointments

Suggested Resolution

Resolution #2007-10-

Moved by

Seconded by

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

Downtown Development Authority

Appointed by Mayor (13-Regular) – 4-Year Terms

Term Expires 09/30/2011

Yes:

No:

(b) City Council Appointments

Suggested Resolution

Resolution #2007-10-

Moved by

Seconded by

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

Advisory Committee for Persons with Disabilities

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

(Alternate) Term Expires 11/01/09

Ethnic Issues Advisory Board

Appointed by Council (9-Regular) – 2 & 3 Year Terms

Term Expires 09/30/09 - 2 Year Term

Term Expires 09/30/09 - 2 Year Term

Term Expires 09/30/09 - 2 Year Term

Historic District Commission

Appointed by Council (7) – 3 Year Term

Term Expires 03/01/10

Historical Commission

Appointed by Council (7- Regular) 3 Year Terms

Term Expires 07/31/10

Municipal Building Authority

Appointed by Council (5-Regular) – 3 Year Terms

Unexpired Term 01/31/09

Parks & Recreation Board

Appointed by Council (7-Regular) – 3 Year Terms; (1-Troy School Board) – 1 Year Term; (1-Troy Daze Committee) – 1 Year Term; (1-Advisory Committee for Sr. Citizens) – 1 Year Term

Term Expires 09/30/10

(Troy Daze Committee Rep.) Term Expires 11/30/08

Southeastern Michigan Council of Governments (SEMCOG)

Appointed by Council (1-Delegate & 1-Alternate) – Reappointed Every Odd Year Election

(Delegate) Term Expires 11/09/09

(Alternate) Term Expires 11/09/09

Troy Daze Committee

Appointed by Council (9-Regular) - 3 Year Terms

_____	Term Expires 11/30/10
_____	Term Expires 11/30/10
_____	Term Expires 11/30/10

Yes:
No:

F-2 Final Site Condominium Approval – Timbercrest Farms Site Condominium, South of Wattles West of Fernleigh, Section 24, R-1C

Suggested Resolution
Resolution #2007-10-
Moved by
Seconded by

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 Timbercrest Farms Site Condominium, located south of Wattles and west of Fernleigh, in Section 24, including 32 home sites, within the R-1C zoning district, being 12.1 acres in size.

Yes:
No:

F-3 Proposed 2008 City Council Meetings

Suggested Resolution
Resolution #2007-10-
Moved by
Seconded by

RESOLVED, That Troy City Council **SHALL HOLD** Regular Meetings according to the following schedule at 7:30 PM:

- Monday, January 7 & 28
- Monday, February 4 & 18
- Monday, March 3 & 17
- Monday, April 7 & 21
- Monday, May 12 & 19
- Monday, June 2 & 16
- Monday, July 7 & 21
- Monday, August 11 & 25

Monday, September 8 & 22
Monday, October 6 & 20
Monday, November 10 & 24
Monday, December 1 & 15

Liquor Violation Hearing Dates:

Wednesday, February 13 7:30 PM
Wednesday, February 20 7:30 PM

BE IT FURTHER RESOLVED, That Troy City Council **MAY SCHEDULE** Special Meetings as needed.

Yes:
No:

F-4 Proposed Revision to Chapter 47 – House Trailers Regarding Approval of Temporary Occupancy

Suggested Resolution
Resolution #2007-10-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the revision to Chapter 47, House Trailers, of the Code of the City of Troy, in accordance with the proposal prepared by City Management, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

Yes:
No:

F-5 Site Plan Review (SP-943) – Proposed LTU Solar Decathlon House at Troy Community Center – South of Troy Center Drive, West of Livernois (3179 Livernois), Section 21 – Zoned C-F (Community Facilities) District

Suggested Resolution
Resolution #2007-10-
Moved by
Seconded by

WHEREAS, All site plans for the development of public property within the C-F District are subject to the review and recommendation of the Planning Commission and to final review and approval or denial by City Council, as per Section 18.80.00(B) of the City of Troy Zoning Ordinance; and

WHEREAS, The Planning Commission recommended approval of the Solar Decathlon House site plan at the Special/Study meeting on September 25, 2007;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **GRANTS** Preliminary Site Plan Approval for the proposed Solar House at the Troy Community Center, as submitted, located south of Troy Center Drive, west of Livernois, in Section 21, on approximately 33 acres in area, within the C-F zoning district.

Yes:

No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Concept Development Plan Approval – The Pavilions of Troy Planned Unit Development (PUD 9) – Northwest Corner of Big Beaver and Coolidge, Section 19 – O-S-C, O-M and P-1 Districts – October 15, 2007

G-2 Green Memorandums: None Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Parks and Recreation Advisory Board/Final – April 19, 2007
- b) Advisory Committee for Senior Citizens/Final – June 7, 2007
- c) Retiree Health Care Benefits Plan & Trust/Final – June 13, 2007
- d) Civil Service Commission (Act 78)/Final – July 10, 2007
- e) Traffic Committee/Final – July 18, 2007
- f) Employees' Retirement System Board of Trustees/Final – August 8, 2007
- g) Liquor Advisory Committee/Final – August 13, 2007
- h) Downtown Development Authority/Final – August 15, 2007
- i) Board of Zoning Appeals/Final – August 21, 2007
- j) Planning Commission Special/Study/Final – August 22, 2007
- k) Planning Commission Special/Study/Final – August 28, 2007
- l) Building Code Board of Appeals/Draft – September 5, 2007
- m) Advisory Committee for Senior Citizens/Draft – September 6, 2007
- n) Planning Commission/Draft – September 11, 2007
- o) Liquor Advisory Committee/Draft – September 17, 2007
- p) Civil Service Commission (Act 78)/Draft – September 24, 2007

J-2 Department Reports:

- a) City of Troy Monthly Financial Report – August 31, 2007
- b) Assessing Department – New Michigan Business Tax Effect on LDFA Collections

J-3 Letters of Appreciation:

- a) Letter of Appreciation to Chief Nelson from Lt. Neil Gensler, Huntington Woods Public Safety Regarding the Troy Fire Departments Explorers
- b) Letter of Thanks to PSA Patterson from the Mindlin-Koh Center for Ophthalmic Medicine and Surgery
- c) Certificate of Appreciation from Gleaners Community Food Bank of Southeastern Michigan Awarded to the City of Troy for Participation in the 2007 Food Fight on Big Beaver
- d) Letter of Thanks to Troy Police Department from Fr. Maximus Habib and Fr. Mina Essak, St. Mark Coptic Orthodox Church

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

J-5 Calendar

J-6 Communication from Planning Director Mark Miller Regarding the City of Troy Master Plan Update

J-7 Parks and Recreation Advisory Board Request/Proposed ZOTA Change Cell Tower

J-8 Communication from City Attorney Lori Grigg Bluhm Regarding Collins and Aikman Corporation

J-9 Communication from City Attorney Lori Grigg Bluhm Regarding Mario's of Troy v. City of Troy

J-10 Correspondence from William C. White, Publisher of *Law & Politics* and *Super Lawyers*, Congratulating City Attorney Lori Grigg Bluhm on being Selected for Inclusion on the *Michigan Super Lawyers* List for 2007

STUDY ITEMS:

K-1 Possible Trends

PUBLIC COMMENT: Address of "K" Items

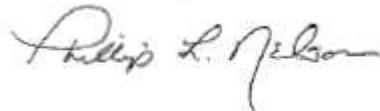
Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item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

CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

ADJOURNMENT

Respectfully submitted,



Phillip L. Nelson, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

Monday, October 15, 2007

1. Concept Development Plan Approval – The Pavilions of Troy Planned Unit Development (PUD 9) – Northwest Corner of Big Beaver and Coolidge, Section 19 – O-S-C, O-M and P-1 Districts

SCHEDULED CITY COUNCIL MEETINGS:

Monday, October 15, 2007	Regular City Council
Monday, November 12, 2007	Regular City Council
Monday, November 19, 2007	Regular City Council
Monday, December 3, 2007	Regular City Council
Monday, December 17, 2007	Regular City Council

**PROCLAMATION
CELEBRATING 30 YEARS
TROY RACQUET CLUB**

WHEREAS, In 1976 the City of Troy issued a request for proposals for a private developer to build an indoor tennis club on City property stipulating that no taxpayer dollars would be involved in the project.

WHEREAS, The City of Troy awarded a bid to the **Troy Racquet Club** in which Don Pierce, general partner and several tennis-minded investors formed the limited partnership for the racquet club; and

WHEREAS, The **Troy Racquet Club** opened in the fall of 1977 and continues to offer lessons for beginners through advanced level players, private or group, ages 4 through senior members; open court time; leagues and competitions; as well as social events. Tennis courts at the **Troy Racquet Club** are available to the public during the summer. When the “bubble” is put up for the cooler seasons, the Club becomes a facility for members who may reserve permanent court times during its 34-week indoor season. Many members are our own Troy residents; and

WHEREAS, Don Pierce, an avid tennis player himself, has been the only partner active in the **Troy Racquet Club** throughout the 30 years of the Club’s existence. There have been two full-time managers, Katie Pew from 1977-1997 and Kathy DeIDotto from 1997 to the present; and

WHEREAS, Currently the **Troy Racquet Club** has three head pros and five assistant pros with membership ranging from 600 - 1200 members each year; and

WHEREAS, In 2000, the **Troy Racquet Club** underwent a major expansion which included additional space for a nursery, storage facilities, and ladies locker room. Air structures and the heating system were also replaced and new lighting fixtures were installed;

NOW, THEREFORE, BE IT RESOLVED That the Troy City Council does hereby congratulate **Don Pierce** on the **30th Anniversary of the Troy Racquet Club** and its positive contributions to the community;

BE IT FURTHER RESOLVED, That the City Council joins the citizens of this community in appreciation and celebration of the **Troy Racquet Club on its 30th Anniversary as.**

Presented this 1st day of October 2007.

**PROCLAMATION
AMERICA RECYCLES 2007**

WHEREAS, The world has changed a lot in the past century. From individually packaged food servings to disposable diapers, more garbage is generated now than ever before. The average American discards 7.5 pounds of garbage every day. Our garbage, our solid waste stream, goes mostly to the local incinerator plant, and the rest to landfills, where it's compacted and buried; and

WHEREAS, To focus the nation's attention on the importance of recycling, businesses, industries, government agencies, nonprofit organizations, and individuals have joined together to celebrate **America Recycles 2007** and are encouraging their employers, staff, customers, membership, and all citizens to pledge to buy more recycled-content products starting today; and

WHEREAS, Participating in **America Recycles 2007** is one way our citizens can help raise awareness about the need to reduce waste by reusing, recycling and buying recycled products; and

WHEREAS, The more we recycle, the less garbage winds up in our landfills and incineration plants. By reusing aluminum, paper, glass, plastics and other materials, we can save production and energy costs, and reduce by up to 75% the negative impacts that the extraction and processing of virgin materials has on the environment. Plastics, made from precious and nonrenewable petroleum, and aluminum, which is mined from bauxite, are especially important to recycle; and

WHEREAS, Recycling helps protect our resources, our environment, and our quality of life. The entire loop: Reduce, Reuse, Recycle is completed when we buy products made from recycled material; and

WHEREAS, From July 2006 to June 2007, the City of Troy recycled 243 tons of glass, 3615 tons of paperboard, cardboard, and newspaper, 141 tons of metal, 170 tons of tin, 211 tons of plastic and 8984 tons of compost and Troy increased its recycling total by 254 tons in the last year; and

WHEREAS, State and community leaders need to spread the word about the excellent programs they have established, the growth of markets for recyclable materials, and the importance of buying recycled products.

NOW, THEREFORE BE IT RESOLVED, that the City of Troy City Council hereby proclaims **America Recycles 2007** in Troy, Michigan, and urges all Troy residents to Reduce, Reuse and Recycle.

BE IT FURTHER RESOLVED, That **America Recycles 2007** is celebrated year-round to encourage people to recycle and buy products made from recycled materials. The theme for America Recycles 2007 is "***It All Comes Back To You.***"

Presented this 1st day of October 2007.

From: Cynthia A Stewart
Sent: Wednesday, September 26, 2007 7:36 AM
To: Mary F Redden; agenda
Subject: Oct. 1st agenda

HI

Per Phil Nelson, there will be a presentation on the October 1st council meeting
Troy Daze Festival 2007 by Co-Chairs Bob Berk & Mike Gonda

Cindy Stewart
Community Affairs Director
City of Troy, MI
248.524.1147
stewartca@ci.troy.mi.us
www.ci.troy.mi.us



**CITY COUNCIL
AGENDA
October 1, 2007
Back-Up Documentation
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317**

CARRYOVER ITEMS:

B-1 No Carryover Items

**There is no back-up documentation on this
Agenda item at the time of publication.**



**CITY COUNCIL
AGENDA
October 1, 2007
Back-Up Documentation
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317**

PUBLIC HEARINGS:

C-1 No Public Hearings

**There is no back-up documentation on this
Agenda item at the time of publication.**



CITY COUNCIL ACTION REPORT

DATE: September 27, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Zoning Ordinance Text Amendment (File Number: ZOTA 230) – Articles X and XVIII – Wireless Communication Towers on School Property in the R-1A through R-1E One Family Residential and C-F Community Facilities Districts

Background:

- The Planning Commission held a public hearing for this item at the July 10, 2007 Regular meeting and recommended approval of ZOTA 230.
- City Council held a public hearing on this item on September 10, 2007 and postponed the item to the October 1, 2007 Regular meeting.
- City Management requests postponement of this item to the November 12, 2007 Regular meeting to provide the Parks and Recreation Board an opportunity to review and comment on the proposed Zoning Ordinance Text Amendment.

Financial Considerations:

- The amendment could open potential revenue streams for school districts and the City of Troy.

Legal Considerations:

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

Policy Considerations:

- The proposed amendment is consistent with City Council Goal I (Enhance the livability and safety of the community) and Goal III (Retain and attract investment while encouraging redevelopment).

Options:

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

Attachments:

1. Minutes from September 10, 2007 City Council Regular meeting.

Prepared by RBS/MFM

G:\ZOTAs\ZOTA 230 Cell Towers on School Property\CC Memo 10 01 07.doc

BE IT FINALLY RESOLVED, That the petitioner is hereby **PERMITTED** to submit a Preliminary Development Plan pursuant to article 35.50.02.

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

MOTION CARRIED

C-4 Zoning Ordinance Text Amendment (File Number: ZOTA 230) – Articles X and XVIII – Wireless Communication Towers on School Property in the R-1A through R-1E (One Family Residential) and C-F (Community Facilities) Districts

The Mayor opened the Public Hearing for public comment.
Neil Goodman – Support
Mike Adamczyk – Support
Tom Krent – Support
Audrey Zembruski – Support
The Mayor closed the Public Hearing after receiving comment from the public.

Resolution
Moved by Beltramini
Seconded by Schilling

RESOLVED, That Troy City Council hereby **AMENDS** Article X (R-1A – R-1E ONE FAMILY RESIDENTIAL DISTRICT) and XVIII (C-F COMMUNITY FACILITIES DISTRICT) of the City of Troy Zoning Ordinance, pertaining to the permitting of Wireless Communication Towers in the R-1A – R-1E and C-F Districts, to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 230), City Council Public Hearing Draft, as recommended by the Planning Commission.

Vote on Resolution to Postpone

Resolution #2007-06-268
Moved by Lambert
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **POSTPONES** the resolution *C-4 Zoning Ordinance Text Amendment (File Number: ZOTA 230) – Articles X and XVIII – Wireless Communications Towers on School Property in the R-1A through R-1E (One Family Residential) and C-F (Community Facilities) Districts* until the Regular City Council meeting scheduled for Monday, October 1, 2007.

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

MOTION CARRIED

A Regular Meeting of the Troy City Council was held Monday, September 10, 2007, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:31 PM.

Pastor Tom Barbret of Lutheran Church of the Master 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 (Absent)
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

Vote on Resolution to Excuse Council Member Fleming

Resolution #2007-09-273
Moved by Broomfield
Seconded by Stine

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Fleming at the Regular City Council meeting of Monday, September 17, 2007 due to being out of the county.

Yes: All-6
No: None
Absent: Fleming

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Corinne Khederian, Director of District Affairs for State Senator John Pappageorge, introduced herself and offered assistance to the district on behalf of the Senator and his staff.
- b) On behalf of the City of Troy, Mayor Schilling presented a proclamation to Pastor Richard Peacock of First United Methodist Church and Ruth Hoppe of St. Elizabeth Ann Seton Catholic Church recognizing September 21, 2007 as *International Day of Peace*.
- c) On behalf of the City of Troy, Mayor Schilling presented a proclamation to Ann Comiskey of the Troy Community Coalition recognizing September 24, 2007 as *Family Day-A Day to Eat Dinner with Your Children*.
- d) Ann Comiskey and Barbara Garrett provided a presentation regarding the *Non-profit Network*.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Street Vacation (File Number SV-32-B) – Lincoln Drive, West of John R, South of Big Beaver, Zoned PUD #7, Section 26

The Mayor opened the Public Hearing for public comment.

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

Resolution #2007-09-274

Moved by Stine

Seconded by Howrylak

WHEREAS, A request has been received for the vacation of the 25-foot-wide and 260-foot long, unplatted street, located west of John R, south of Big Beaver Road;

WHEREAS, The properties which shall benefit from this requested vacation are parcels 88-20-26-200-023, 88-20-26-200-026, 88-20-26-200-073, all included within the parent property zoned PUD 7, in Section 26; and

WHEREAS, The Planning Commission recommended that this street vacation be granted with the retention of a temporary water main and natural gas line easement until such time that easements are executed for the relocated water main and natural gas line;

THEREFORE, BE IT RESOLVED, That Troy City Council **CONCURS** in the recommendations of the Planning Commission, and **VACATES** the street; and

BE IT FURTHER RESOLVED, That Troy City Council **TEMPORARILY RETAINS** easements for the water main and gas line within the vacated street, until such time that easements are executed for the relocated water main and natural gas line.

Yes: All-6

No: None

Absent: Fleming

POSTPONED ITEMS:

D-1 No Postponed Items**CONSENT AGENDA:**

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

Resolution #2007-09-275
Moved by Beltramini
Seconded by Broomfield

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

Yes: All-6
No: None
Absent: Fleming

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

E-2 Approval of City Council Minutes

Resolution #2007-09-275-E-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meetings of August 20, 2007 as submitted and September 10, 2007 as placed on the table.

E-3 City of Troy Proclamations:

Resolution #2007-09-275-E-3

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamations:

- a) Proclamation – *International Day of Peace* – September 21, 2007
 - b) Proclamation In Recognition of *Constitution Week* – September 17-23, 2007
 - c) Proclamation – *Family Day – A Day to Eat Dinner with Your Children* – September 24, 2007
-

E-4 Standard Purchasing Resolutions – None Submitted

E-5 Private Agreement for Timbercrest Farms Site Condominiums – Project No. 07.901.3

Resolution #2007-09-275-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 Mayapple, LLC, for the installation of sanitary sewer, storm sewer, water main, paving, sidewalks, soil erosion and landscaping on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-6 Private Agreement for Bharatiya Temple Addition – Project No. 05.920.3

Resolution #2007-09-275-E-6

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Bharatiya Temple, for the installation of water main, asphalt approach, aggregate base, concrete curb and gutter, concrete walkway and boardwalk on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

PUBLIC COMMENT: Limited to Items Not on the Agenda**REGULAR BUSINESS:****F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No appointments b) City Council Appointments: Animal Control Appeal Board****(a) Mayoral Appointments - No Appointments****(b) City Council Appointments**

Resolution #2007-09-276

Moved by Broomfield

Seconded by Lambert

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

Animal Control Appeal Board

Appointed by Council (5-Regular) – 3 Year Terms

Kathleen Melchert

Term Expires 09/30/2010

Yes: All-6
 No: None
 Absent: Fleming

F-2 Bid Waiver – Casualty and Property Insurance – Two (2) Year Renewal with the Michigan Municipal Risk Management Authority (MMRMA) for November 2007/2008 and November 2008/2009

Resolution #2007-09-277

Moved by Stine

Seconded by Beltramini

WHEREAS, On May 14, 2007, City Council authorized City Management to negotiate a new agreement for Casualty and Property Insurance with the Michigan Municipal Risk Management Authority (MMRMA) (Resolution #2007-05-142-E-10);

WHEREAS, The MMRMA has provided an exceptional offer of a two-year agreement under the same terms and conditions as the previous agreement;

WHEREAS, The agreement would include a \$308.00 premium increase in the first year (2007/2008), and a not to exceed 3% premium increase in the second year (2008/2009); and
WHEREAS, The MMRMA will issue a return on net assets check in the amount of \$44,683.00 to the City, if the City renews it's membership in the MMRMA;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and the new agreement is hereby **EXERCISED** with the MMRMA to provide Casualty and Property Insurance for a premium of \$310,567.00 in 2007/2008, and a not to exceed premium of \$319,884.00 in 2008/2009; and

BE IT FINALLY RESOLVED, This contract also **INCLUDES** the maintenance of a positive loss fund balance of up to \$150,000.00 expiring November 7, 2009.

Yes: All-6
No: None
Absent: Fleming

F-3 Bid Waiver – Replacement of Two Police Canines

Resolution #2007-09-278
Moved by Howrylak
Seconded by Lambert

WHEREAS, Two police canines are coming out of service due to age and health issues by December 2007;

WHEREAS, The Troy Police Department has had a long and successful relationship with the Oakland Police Academy K9 Training Center, in which all dogs are given an extensive physical exam and guaranteed for placement;

WHEREAS, The Academy ensures the canines will have the proper temperament, drives necessary for police work, appropriate sociability, and ability to be properly trained; and

WHEREAS, One replacement dog will be pre-trained, the other “green” or non-trained, to be trained by an experienced handler in the Troy Police Department;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and a contract to purchase two police canines from Oakland Police Academy of Auburn Hills, MI, is hereby **APPROVED** at an estimated cost of \$15,500.00.

Yes: All-6
 No: None
 Absent: Fleming

F-4 Bid Waiver – Lightning Strike Repairs

Resolution #2007-09-279
 Moved by Lambert
 Seconded by Beltramini

WHEREAS, Communication and access control is a required part of Police department operations;

WHEREAS, On June 27, 2007, lightning struck the radio communication tower, which caused a considerable amount of damage to the security gates equipment; and

WHEREAS, SimplexGrinnell provided the initial hardware and programmed the security system during construction and renovation of the Police and Fire building;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and hereby **APPROVES** a contract to utilize the services of SimplexGrinnell of Farmington Hills, MI, in an effort to avoid corruption of the system programming to repair the gate intercoms and electrical wiring at an estimated total cost of \$15,260.00.

Yes: All-6
 No: None
 Absent: Fleming

F-5 Bid Waiver – Police Department Entry Level Testing Consortium

Resolution #2007-09-280
 Moved by Stine
 Seconded by Howrylak

WHEREAS, EMPCO, Inc. has been providing testing and hiring services for the City's entry level Police Officers for 11 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 hiring services for entry level police officers is hereby **APPROVED** with EMPCO's Metro Police Testing Consortium at the following unit prices:

Candidates 1-5	\$2,250.00
Candidates 6-10	\$1,600.00
Candidates 11-20	\$1,000.00
Candidates 21 and above	\$ 200.00

BE IT FINALLY RESOLVED, That the City Manager and Human Resources Director are hereby **AUTHORIZED** to execute this contract with EMPCO, Inc. when in acceptable form, which shall remain in effect for a period of two years from the date of certification of the eligibility list by the Act 78 Commission.

Yes: All-6
 No: None
 Absent: Fleming

F-6 Scheduling a Special Meeting with the Richardson Development Group to Discuss the Pavilions of Troy Project

Resolution #2007-09-281
 Moved by Stine
 Seconded by Howrylak

RESOLVED, That a special meeting is **SCHEDULED** for the purpose of discussing the Pavilions of Troy project on Monday, September 24, 2007 at 7:30 PM, in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan 48084.

Yes: All-6
 No: None
 Absent: Fleming

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Green Memorandums: None Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

Mayor Schilling noted that City Council approved the proclamation recognizing September 17-23 as *Constitution Week*. She continued by stating that although the City of Troy did not have a formal celebration, she believes *Constitution Week* is significant this year in that it is the Constitutions 220th anniversary. Mayor Schilling believes *Constitution Week* provides a historic opportunity for Americans to learn about the rights, privileges and responsibilities associated with United States citizenship. In addition, the Mayor believes this event is significant in that it coincides with the swearing-in ceremonies held at Troy Daze for newly naturalized citizens. Mayor Schilling also recognized and thanked Mayor Pro Tem Broomfield for participating in the Troy Daze event on her behalf.

Mayor Schilling reported that although the numbers are not in officially, that Troy Daze appears to have been a huge success.

Council Member Beltramini recognized City Attorney Lori Bluhm's involvement as one of seven attorney's selected state wide to comment on the eminent domain constitutional amendment and what legislation must be developed to make it workable. She added that City Attorney Bluhm was the only attorney on the panel that was employed only by a city.

As a further point of information, Council Member Beltramini advised that the SEMCOG Oakland Outreach meeting will be held on Tuesday, September 25th at the Executive Office Building.

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Animal Control Appeal Board/Final – February 14, 2007
 - b) Election Commission/Final – April 2, 2007
 - c) Historic District Commission/Final – June 19, 2007
 - d) Historic District Commission/Final – June 26, 2007
 - e) Historic District Commission/Final – July 17, 2007
 - f) Advisory Committee for Persons with Disabilities/Draft – August 1, 2007
 - g) Advisory Committee for Persons with Disabilities/Final – August 1, 2007
 - h) Historic District Study Committee/Final – August 7, 2007
 - i) Library Advisory Board/Final – August 9, 2007
 - j) Planning Commission Special/Study/Draft – August 22, 2007
 - k) Planning Commission Special/Study/Draft – August 28, 2007
 - l) Animal Control Appeal Board/Draft – September 5, 2007
 - m) Election Commission/Draft – September 12, 2007
Noted and Filed
-

J-2 Department Reports:

- a) Building Department – Permits Issued During the Month of August, 2007
 - b) Purchasing Department – Final Reporting – BidNet On-Line Auction and Mid-Thumb Auctioneering Services – August, 2007
Noted and Filed
-

J-3 Letters of Appreciation:

- a) Letter of Thanks to Cindy Stewart from Garden Award Winner Doug Bauer
Noted and Filed
-

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

Noted and Filed

J-5 Calendar

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

The meeting **ADJOURNED** at 8:11 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

A Special Meeting of the Troy City Council was held Monday, September 24, 2007, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the meeting to order at 7:33 PM.

ROLL CALL:

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

Vote on Resolution to Excuse Council Members Broomfield and Lambert

Resolution #2007-09-282
Moved by Beltramini
Seconded by Stine

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Members Broomfield and Lambert at the Special City Council meeting of Monday, September 24, 2007 due to being out of the county.

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

-
- 1. Concept Development Plan Approval – The Pavilions of Troy Planned Unit Development (PUD 9) – Northwest Corner of Big Beaver and Coolidge, Section 19 – O-S-C, O-M and P-1 Districts**
Back-up materials for public viewing are available at the City Clerk's Office and the Troy Public Library.

Mark Miller, Planning Director, provided an overview of the overall process.
Hunter Richardson spoke on behalf of the developer.

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

**PROCLAMATION
CELEBRATING 30 YEARS
TROY RACQUET CLUB**

WHEREAS, In 1976 the City of Troy issued a request for proposals for a private developer to build an indoor tennis club on City property stipulating that no taxpayer dollars would be involved in the project.

WHEREAS, The City of Troy awarded a bid to the **Troy Racquet Club** in which Don Pierce, general partner and several tennis-minded investors formed the limited partnership for the racquet club; and

WHEREAS, The **Troy Racquet Club** opened in the fall of 1977 and continues to offer lessons for beginners through advanced level players, private or group, ages 4 through senior members; open court time; leagues and competitions; as well as social events. Tennis courts at the **Troy Racquet Club** are available to the public during the summer. When the “bubble” is put up for the cooler seasons, the Club becomes a facility for members who may reserve permanent court times during its 34-week indoor season. Many members are our own Troy residents; and

WHEREAS, Don Pierce, an avid tennis player himself, has been the only partner active in the **Troy Racquet Club** throughout the 30 years of the Club’s existence. There have been two full-time managers, Katie Pew from 1977-1997 and Kathy DeIDotto from 1997 to the present; and

WHEREAS, Currently the **Troy Racquet Club** has three head pros and five assistant pros with membership ranging from 600 - 1200 members each year; and

WHEREAS, In 2000, the **Troy Racquet Club** underwent a major expansion which included additional space for a nursery, storage facilities, and ladies locker room. Air structures and the heating system were also replaced and new lighting fixtures were installed;

NOW, THEREFORE, BE IT RESOLVED That the Troy City Council does hereby congratulate **Don Pierce** on the **30th Anniversary of the Troy Racquet Club** and its positive contributions to the community;

BE IT FURTHER RESOLVED, That the City Council joins the citizens of this community in appreciation and celebration of the **Troy Racquet Club on its 30th Anniversary as.**

Presented this 1st day of October 2007.

**PROCLAMATION
AMERICA RECYCLES 2007**

WHEREAS, The world has changed a lot in the past century. From individually packaged food servings to disposable diapers, more garbage is generated now than ever before. The average American discards 7.5 pounds of garbage every day. Our garbage, our solid waste stream, goes mostly to the local incinerator plant, and the rest to landfills, where it's compacted and buried; and

WHEREAS, To focus the nation's attention on the importance of recycling, businesses, industries, government agencies, nonprofit organizations, and individuals have joined together to celebrate **America Recycles 2007** and are encouraging their employers, staff, customers, membership, and all citizens to pledge to buy more recycled-content products starting today; and

WHEREAS, Participating in **America Recycles 2007** is one way our citizens can help raise awareness about the need to reduce waste by reusing, recycling and buying recycled products; and

WHEREAS, The more we recycle, the less garbage winds up in our landfills and incineration plants. By reusing aluminum, paper, glass, plastics and other materials, we can save production and energy costs, and reduce by up to 75% the negative impacts that the extraction and processing of virgin materials has on the environment. Plastics, made from precious and nonrenewable petroleum, and aluminum, which is mined from bauxite, are especially important to recycle; and

WHEREAS, Recycling helps protect our resources, our environment, and our quality of life. The entire loop: Reduce, Reuse, Recycle is completed when we buy products made from recycled material; and

WHEREAS, From July 2006 to June 2007, the City of Troy recycled 243 tons of glass, 3615 tons of paperboard, cardboard, and newspaper, 141 tons of metal, 170 tons of tin, 211 tons of plastic and 8984 tons of compost and Troy increased its recycling total by 254 tons in the last year; and

WHEREAS, State and community leaders need to spread the word about the excellent programs they have established, the growth of markets for recyclable materials, and the importance of buying recycled products.

NOW, THEREFORE BE IT RESOLVED, that the City of Troy City Council hereby proclaims **America Recycles 2007** in Troy, Michigan, and urges all Troy residents to Reduce, Reuse and Recycle.

BE IT FURTHER RESOLVED, That **America Recycles 2007** is celebrated year-round to encourage people to recycle and buy products made from recycled materials. The theme for America Recycles 2007 is "***It All Comes Back To You.***"

Presented this 1st day of October 2007.



CITY COUNCIL ACTION REPORT

September 13, 2007

TO: Phillip L. Nelson, City Manager

FROM: Susan A. Leirstein, Purchasing Director
William S. Nelson, Fire Chief

SUBJECT: Standard Purchasing Resolution 1: Award to Low Bidder –
Purchase of Thermal Image Cameras

Background

- On September 5, 2007, bids were received to purchase new thermal imaging cameras to replace existing, outdated cameras purchased nearly ten years ago.
- 86 Vendors were notified via the MITN system with eight (8) bids received; as well as one statement of no bid.
- Existing cameras are frequently out of service, costly to repair, and are becoming more and more unreliable.
- Thermal image cameras are valuable tools used to locate victims and hazards in fire situations where visibility is an issue. The camera uses thermal image technology to see through smoke and locate a victim by differentiating between the victim's body heat and the heat in the surrounding area.
- Hazards to firefighters in structures can be identified in the same manner, as well as reducing the amount of damage to a structure by locating fires quickly and reducing the chance of a rekindle by locating hidden fires or hot spots.
- The Fire Department tested, selected, and then bid the proposed new camera after evaluating a field of six cameras of equal quality and features from six different manufacturers. The evaluation process lasted approximately six months during which the six different cameras were subjected to various tests and scenarios, including live burns and search and rescue drills.
- Fourteen Safety Committee members and other personnel from each of the six fire stations conducted the evaluations.
- The camera selected as overall best is the K1000 Elite manufactured by ISG Thermal Systems of Lawrenceville, Georgia.

Financial Considerations

- Funds for the cameras are budgeted in the 2007/08 Fire Capital Account for Fire Protective Equipment #401337.7978.010,

September 13, 2007

To: Philip L. Nelson, City Manager
Re: Bid Award - Thermal Image Cameras

Financial Considerations – continued

- Due to favorable pricing, the Fire department recommends increasing the number of cameras purchased to a total of nine (9); seven (7) regular cameras and two (2) transmitting cameras.

Legal Considerations

- ITB-COT 07-31 to furnish thermal image camera equipment for the Troy Fire Department was competitively bid, as required by Chapter 7 of the City Code, with eight bids received.

Policy Considerations

- This equipment will significantly enhance the level of safety and protection to the community, its citizens and visitors, and to the firefighters providing these services. (Goal I)

Options

- City management and the Fire department recommend awarding the contract for the purchase of (9) thermal image cameras with equipment and warranty for two years from the low total bidder, ISG Thermal Systems USA, Inc of Lawrenceville, GA, at an estimated total cost of \$73,800.00.
- In addition, the City requests authorization to purchase additional camera equipment after July 1, 2008, under the same prices, terms, and conditions provided there is available funding.

Opening Date -- 9/05/07
 Date Prepared -- 9/07/07

CITY OF TROY
 BID TABULATION
 THERMAL IMAGE CAMERAS

VENDOR NAME:

** ISG Thermal Systems USA, Inc	ARGUS - HAZCO
---------------------------------	---------------

PROPOSAL-- FURNISH THERMAL IMAGE CAMERA EQUIPMENT FOR THE CITY OF TROY FIRE DEPARTMENT

PROPOSAL	UNIT PRICE	UNIT PRICE after 7/1/08	UNIT PRICE	UNIT PRICE after 7/1/08
ITEM QTY DESCRIPTION				
1. 6 units ISG Digital K1000 Elite or approved alternate COMPLETE FOR THE SUM OF:	\$ 8,200.00	\$ 8,200.00	\$ 7,835.75	\$ -
	\$ 49,200.00	\$ 49,200.00	\$ 47,014.50	\$ -
Quoting on Style:	K1000 Elite/DFC		Eagle 160	
Manufactured by:	ISG Thermal Systems USA		Scott Health & Safety	
2. 1 units ISG Analog K1000 Elite or approved alternate COMPLETE FOR THE SUM OF:	\$ 8,200.00	\$ 8,200.00	\$ 9,106.75	\$ -
	\$ 8,200.00	\$ 8,200.00	\$ 9,106.75	\$ -
Quoting on Style:	K1000 Elite w/transmitter		Eagle 160	
Manufactured by:	ISG Thermal Systems USA		Scott Health & Safety	
3. 7 Units Additional one year warranty	N/C	N/C	\$ 890.00	\$ -
	\$ -	\$ -	\$ 6,230.00	\$ -
GRAND TOTAL:	\$ 57,400.00	\$ 57,400.00	\$ 62,351.25	\$ -
AUTHORIZED DEALER: Y or N	Yes		Yes, for Scott Health & Safety	
CONTACT INFORMATION: Hrs of Operation	8 am to 5 pm M - F		7:30 am to 5:30 pm M - F	
Phone	877-733-3473		800-873-0456	
LITERATURE INCLUDED Y or N	Yes		Yes	
PARTS FACILITY: Location	Lawrenceville, GA		Chesterfield, MI	
LOANER: Y or N	Yes		Yes	
TERMS:	Net 30		Net 30	
WARRANTY:	STANDARD ONE YEAR			
DELIVERY:	45 - 60 Days		4 weeks ARO	
EXCEPTIONS:	Blank		AA battery loader not available as option - 3 year warranty offered	
ACKNOWLEDGEMENT:	Yes		Yes	

NO BIDS:
 Altor Safety Systems, LLC

**** DENOTES LOW TOTAL BIDDER**

ATTEST:
 Diane Fisher
 Eric Caloia
 Rod Bovensiep
 Linda Bockstanz

 Susan Leirstein CPPB
 Purchasing Director

Opening Date -- 9/05/07
 Date Prepared -- 9/07/07

CITY OF TROY
 BID TABULATION
 THERMAL IMAGE CAMERAS

VENDOR NAME:

West Shore Fire, Inc.		West Shore Fire, Inc.	
Alternate #1			

PROPOSAL-- FURNISH THERMAL IMAGE CAMERA EQUIPMENT FOR THE CITY OF TROY FIRE DEPARTMENT

PROPOSAL			UNIT PRICE	UNIT PRICE after 7/1/08	UNIT PRICE	UNIT PRICE after 7/1/08
ITEM	QTY	DESCRIPTION				
1.	6 units	ISG Digital K1000 Elite or approved alternate COMPLETE FOR THE SUM OF:	\$ 8,568.00	\$ 9,082.00	\$ 10,719.00	\$ 11,362.00
		Quoting on Style:	\$ 51,408.00	\$ 54,492.00	\$ 64,314.00	\$ 68,172.00
		Manufactured by:	T3 - XT		T4	
			Bullard		Bullard	
2.	1 units	ISG Analog K1000 Elite or approved alternate COMPLETE FOR THE SUM OF:	\$ 10,133.00	\$ 10,740.00	\$ 12,283.00	\$ 13,020.00
		Quoting on Style:	\$ 10,133.00	\$ 10,740.00	\$ 12,283.00	\$ 13,020.00
		Manufactured by:	T3 - XT		T4	
			Bullard		Bullard	
3.	7 Units	Additional one year warranty	\$ 300.00	\$ 300.00	\$ 300.00	\$ 300.00
			\$ 2,100.00	\$ 2,100.00	\$ 2,100.00	\$ 2,100.00
GRAND TOTAL:			\$ 63,641.00	\$ 67,332.00	\$ 78,697.00	\$ 83,292.00
AUTHORIZED DEALER: Y or N			Yes		Yes	
CONTACT INFORMATION: Hrs of Operation			8 am to 5 pm		8 am to 5 pm	
Phone			800-632-6184		800-632-6184	
LITERATURE INCLUDED Y or N			Yes - Marked B		Yes - Marked A	
PARTS FACILITY: Location			Cynthiana, Kentucky		Cynthiana, Kentucky	
LOANER: Y or N			Yes, If available		Yes, If available	
TERMS:			Net 30		Net 30	
WARRANTY:			STANDARD ONE YEAR			
DELIVERY:			30 - 45 days		30 - 45 days	
EXCEPTIONS:			Bullard Brand Model T3 XT		Bullard Brand Model T4	
ACKNOWLEDGEMENT:			Yes		Yes	

Opening Date -- 9/05/07
 Date Prepared -- 9/07/07

CITY OF TROY
 BID TABULATION
 THERMAL IMAGE CAMERAS

VENDOR NAME:

Time Emergency Equipment	Time Emergency Equipment
Alternate #1	

PROPOSAL-- FURNISH THERMAL IMAGE CAMERA EQUIPMENT FOR THE CITY OF TROY FIRE DEPARTMENT

PROPOSAL			UNIT PRICE	UNIT PRICE after 7/1/08	UNIT PRICE	UNIT PRICE after 7/1/08
ITEM	QTY	DESCRIPTION				
1.	6 units	ISG Digital K1000 Elite or approved alternate COMPLETE FOR THE SUM OF:	\$ 9,585.00	\$ 9,870.00	\$ 10,520.00	\$ 10,835.00
		Quoting on Style:	\$ 57,510.00	\$ 59,220.00	\$ 63,120.00	\$ 65,010.00
		Manufactured by:	T3 - Max		T-4	
			Bullard		Bullard	
2.	1 units	ISG Analog K1000 Elite or approved alternate COMPLETE FOR THE SUM OF:	\$ 13,985.00	\$ 14,399.00	\$ 14,925.00	\$ 15,370.00
		Quoting on Style:	\$ 13,985.00	\$ 14,399.00	\$ 14,925.00	\$ 15,370.00
		Manufactured by:	T3 - Max		T-4	
			Bullard		Bullard	
3.	7 Units	Additional one year warranty	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
			\$ 8,400.00	\$ 8,400.00	\$ 8,400.00	\$ 8,400.00
		GRAND TOTAL:	\$ 79,895.00	\$ 82,019.00	\$ 86,445.00	\$ 88,780.00
		AUTHORIZED DEALER: Y or N	Yes		Yes	
		CONTACT INFORMATION: Hrs of Operation	9am - 5pm		9am - 5pm	
		Phone	248-674-4253		248-674-4253	
		LITERATURE INCLUDED Y or N	Yes		Yes	
		PARTS FACILITY: Location	Cynthiana, Kentucky		Cynthiana, Kentucky	
		LOANER: Y or N	Yes, demo unit		Yes, demo unit	
		TERMS:	Net 30 days		Net 30 days	
		WARRANTY:	STANDARD ONE YEAR			
		DELIVERY:	4 - 6 Weeks ARO		4 - 6 Weeks ARO	
		EXCEPTIONS:	Quoting Bullard - Detailed literature included w/bid		Quoting Bullard - Detailed literature included w/bid	
		ACKNOWLEDGEMENT:	Yes		Yes	

Opening Date -- 9/05/07
 Date Prepared -- 9/07/07

CITY OF TROY
 BID TABULATION
 THERMAL IMAGE CAMERAS

VENDOR NAME:

R-Tech Solutions, Inc.	Alert Emergency Equipment Group

PROPOSAL-- FURNISH THERMAL IMAGE CAMERA EQUIPMENT FOR THE CITY OF TROY FIRE DEPARTMENT

PROPOSAL			UNIT PRICE	UNIT PRICE after 7/1/08	UNIT PRICE	UNIT PRICE after 7/1/08
ITEM	QTY	DESCRIPTION				
1.	6 units	ISG Digital K1000 Elite or approved alternate COMPLETE FOR THE SUM OF:	\$ 12,885.00	\$ 12,885.00	\$ 12,835.00	\$ -
		Quoting on Style:	\$ 77,310.00	\$ 77,310.00	\$ 77,010.00	\$ -
		Manufactured by:	K 1000 Elite		K 1000	
			ISG		ISG Thermal Imaging Systems	
2.	1 units	ISG Analog K1000 Elite or approved alternate COMPLETE FOR THE SUM OF:	\$ 14,585.00	\$ 14,585.00	\$ 14,745.00	\$ -
		Quoting on Style:	\$ 14,585.00	\$ 14,585.00	\$ 14,745.00	\$ -
		Manufactured by:	K 1000 Elite		K 1000	
			ISG		ISG Thermal Imaging Systems	
3.	7 Units	Additional one year warranty	\$ 1,100.00	\$ 1,100.00	\$ 1,190.00	\$ -
			\$ 7,700.00	\$ 7,700.00	\$ 8,330.00	\$ -
GRAND TOTAL:			\$ 99,595.00	\$ 99,595.00	\$ 100,085.00	\$ -
AUTHORIZED DEALER: Y or N			Yes		Yes	
CONTACT INFORMATION: Hrs of Operation			8 to Noon & 1 to 5 M - F		8 am to 5 pm	
Phone			574-278-7191		800-531-2677	
LITERATURE INCLUDED Y or N			No		No	
PARTS FACILITY: Location			Lawrenceville, GA		ISG - Lawrenceville, GA	
LOANER: Y or N			Yes		Blank	
TERMS:			Blank		Net 30	
WARRANTY:			STANDARD ONE YEAR			
DELIVERY:			60 - 90 Days		4 months	
EXCEPTIONS:			Blank		Blank	
ACKNOWLEDGEMENT:			Yes		Yes	



CITY COUNCIL ACTION REPORT

September 14, 2007

TO: Phillip L. Nelson, City Manager

FROM: Susan A. Leirstein, Purchasing Director
William S. Nelson, Fire Chief

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidder –
Volunteer Firefighter Uniforms

Background

- On September 6, 2007, bids were received for the purchase of volunteer firefighter uniforms for a two-year period with an option to renew for two – one (1) year periods.
- 102 vendors were notified via the MITN system. Metropolitan Uniform was the sole bidder and one statement of no bid was received.
- In order to facilitate distribution, the bid specification requires that each order be individually packaged and identified by the name of the firefighter and FOB delivered, freight paid to the City of Troy.
- Potential bidders indicated that the FOB/delivery provision prevents them from offering a competitive bid.
- Metropolitan Uniform has provided excellent service to the Fire department on similar contracts they have held in the past.

Financial Considerations

- Funds are budgeted in the Fire Companies - Uniforms budget account # 340.7768 for these items.
- Overall, pricing on this contract is slightly less than the exact same contract bid in June 2003. (1%)

Legal Considerations

- ITB-COT 07-33 to furnish uniforms for the Troy Fire department volunteers was competitively bid, as required by Chapter 7 of the City Code.

Policy Considerations

- Minimize the cost and increase the efficiency and effectiveness of City government. (Goal II)

Options

- City management and the Fire department recommend awarding the contract to furnish two-year requirements of fire uniforms with an option to renew for two-one (1) year periods to the sole bidder, Metropolitan Uniform of Detroit, MI, at unit prices as contained on the bid tabulation to expire September 30, 2009.

VENDOR NAME:

* Metropolitan Uniform			

ITEM	EST QTY (EA)	DESCRIPTION	PRICE/EA		
1.		HATS - CLASS A			
		Pershing Cap - Fire Department			
A.	20	1) Firefighter - Navy	\$ 34.50		
B.	0	2) Chief - White	\$ 42.99		
2.		SHIRTS (White, Navy blue)			
		<i>White - Class A</i>			
A.	20	1) Long Sleeve MEN	\$ 44.99		
		WOMEN	\$ 44.99		
		<i>Navy Blue - Class B</i>			
B.	40	1) Long Sleeve MEN	\$ 36.50		
		WOMEN	\$ 36.50		
C.	40	2) Short Sleeve MEN	\$ 33.50		
		WOMEN	\$ 33.50		
		Quoting On:	1525DN / 1825DN		
		Manufactured By:	Perfection		
3.		TIE, NORMAL KNOT			
A.	20	Normal Length	\$ 3.50		
B.	0	Long Length	\$ 3.50		
C.	0	Short Length	\$ 3.50		
4.		JACKET - FIRE STAFF ASSISTANT			
	3	Blauer 6120 w/removable liner	\$ 109.99		
		Buttons - metallic silver with "FD"			
5.		DRESS BLOUSE - CLASS A UNIFORM			
	10	Dress Blouse, Double breasted			
		Buttons included as specified			
		MEN	\$ 199.99		
		WOMEN	\$ 199.99		
		Quoting On:	34892		
		Manufactured By:	Fechhiemer		
6.		RANK INSIGNIA - STRIPES			
A.	0	Lieutenant Silver or Gold	\$ 9.99		
B.	0	Captain Silver or Gold	\$ 9.99	per row	
C.	0	Assistant Chief Silver or Gold	\$ 9.99		
7.		EMBROIDERED SERVICE STARS			
	0	Silver or Gold on Navy background	\$1.99 - Silver		
			\$3.00 - Gold		
8.		TROUSERS - CLASS A UNIFORM			
A.	20	1) Fecheimer 32260 MEN	\$ 86.50		
		2) Fecheimer 35260 WOMEN	\$ 86.50		
		Quoting On:	32260 / 35260		
		Manufactured By:	Fechhiemer		
B.	20	3) Fecheimer 34291 MEN	\$ 56.50		
		4) Fecheimer 35291 WOMEN	\$ 56.50		
		TROUSERS - CLASS B			
C.	50	Manufactured: Perfection or Approved Alternate			
		Color: Navy			
		Style #1725DN MEN	\$ 36.00		
		Style #L1725DN WOMEN	\$ 36.00		

Opening Date -- 9/6/07
 Date Prepared -- 9/14/07

CITY OF TROY
 BID TABULATION
 FIRE UNIFORMS - VOLUNTEERS

VENDOR NAME:

* Metropolitan Uniform

ITEM	EST QTY(EA)	DESCRIPTION	PRICE/EA			
9.	40	LEATHER GOODS				
		BELTS	MEN	\$ 26.50		
		Garrison Belt	WOMEN	\$ 26.50		
		Quoting On:		1000 FDBW		
		Manufactured By:		Courtland		
10.	20	SHOES				
		Manufacturer by:		\$ 48.50		
		Bates or Approved Alternate				
		Style: Blucher Oxford		834 - 6041		
		Quoting On:				
		Manufactured By:		Thorogood		
11.	10	EXTRA TAILORING CHARGES				
		A. Shirt Tailoring (Side & Sleeve Seams)		\$ 5.00	/garment	
		B. Billy Pocket (Sew-In)		\$ 8.00	/garment	
ESTIMATED TOTAL COST FOR AWARDED ITEMS:				\$ 13,569.67		

FACILITY:
 Inventory valued at:
 Location(s):
 Miles from Troy City:

\$ 150,000.00
 Keego Harbor (Westland / Detroit)
 13.74 Miles

CONTACT INFORMATION:
 Hours of Operation
 24 Hr Phone #

Sat - 9 am to 1 pm
 9 am to 6 pm M - F
 (248-320-9902) - Jeff Dubin - Owner

TERMS:

Net 30 Days

WARRANTY:

Manufacturers

DELIVERY:

As Specified

TOLL FREE ORDER #

Blank

EXCEPTIONS:

None

ACKNOWLEDGEMENT Y or N

Yes

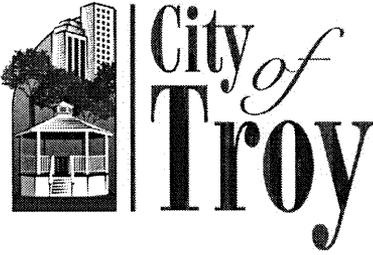
NO BID:
 The Glove Store

* Denotes Sole Bidder

ATTEST:
 Shirley Smith
 Diane Fisher
 Linda Bockstanz

PROPOSAL - Furnish Two-Year Requirements of Fire Uniforms with an Option to Renew for Two- One(1) Year Periods

Susan Leirstein CPPB
 Purchasing Director



CITY COUNCIL ACTION REPORT

September 19, 2007

TO: Phillip L. Nelson, City Manager

FROM: Susan A. Leirstein, Purchasing Director
Charles T. Craft, Chief of Police *CC*

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidders–
Firearm Accessories for the Tactical Support Team

Background

- On September 12, 2007, bid proposals were received to purchase new rifle accessories for the Troy Police Department Tactical Support Team.
- 44 Vendors were notified via the MITN system with three bidders responding.
- The Tactical Support Team (TST) is tasked with providing specialized support to the Police Department for use during critical incidents such as barricaded gunmen, high-risk search warrant service, and dignitary protection.
- The Tactical Support Team also assists other local, state, and federal law enforcement agencies during operations that require the use of specialized weapons and equipment.
- The Team has 14 members, and the Police Department desires to equip each officer with a primary weapons system that is similarly configured to ensure consistent training, familiarity, and use.
- The purchase of the requested items would allow the Tactical Support Team to conduct firearms training at indoor and outdoor ranges, utilizing fully automatic fire at greatly reduced noise levels. With the limited availability of outdoor ranges, and their tendency to be located in areas with growing populations, the noise generated by firearms training has become a hotly contested issue.
- Additionally, the sound generated by unsuppressed rifle fire can cause permanent damage if hearing protection should fail.

Financial Considerations

- The Police Department has funds for this equipment in the uniform patrol account #315.7740.010. There will be no recurring service or maintenance costs associated with this purchase.
- The suppressors carry a lifetime warranty.

Legal Considerations

- ITB-COT07-32 was competitively bid and opened with three bidders responding.
- All bidders were given the opportunity to respond with their level of interest in supplying new rifle accessories to the City of Troy.

September 19, 2007

To: Phillip L. Nelson, City Manager
Re: Bid Award – Firearm Accessories

Policy Considerations

- The acquisition of these firearm accessories will enhance the Police Department's ability to protect its citizens against attacks from criminal/terrorist elements. (Goal #1)
- A well-trained and prepared Police Department will enhance the safety and livability of the community. (Goal #1)

Options

- City management and the Police Department recommend awarding contracts to purchase firearm accessories for use by the Tactical Support Team from the low bidders, Interstate Arms Corporation of Billerica, MA, and Michigan Police Equipment Company of Charlotte, MI, at estimated costs of \$ 420.00 and \$11,648.00 respectively. The requested attachments are the Surefire fast-attach Sound Suppressor, Model #FA556K-BK (Michigan Police Equipment), and the Surefire fast-attach Suppressor Adapter, Model #FH556K (Interstate Arms).

Prepared by: Sgt Thomas Gordon

G:/Bid Award 06-07 New Format/Award Standard Purchasing Resolution 1 – Firearm Access v./2 09-07.doc

CITY OF TROY
 BID TABULATION
 RIFLE ACCESSORIES

Opening Date -- 9/12/07
 Date Prepared-- 9/13/07

VENDOR NAME:			Interstate Arms Corporation		Michigan Police Equipment Company		Vance Outdoors Inc. d/b/a Vance's Law Enforcem	
ITEM	EST QTY	DESCRIPTION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	14	Surefire fast-attach Sound Suppressor, Model #FA556K-BK	\$ 838.04	\$ 11,732.56	\$ 832.00	\$ 11,648.00	\$ 843.05	\$11,802.70
2	14	Surefire fast attach Suppressor Adapter, Model #FH556K	\$ 30.00	\$ 420.00	\$ 57.00	\$ 798.00	\$ 56.69	\$ 793.66
ESTIMATED GRAND TOTALS:				\$ 12,152.56		\$ 12,446.00		\$12,596.36
CONTACT INFORMATION:			9 AM to 5 PM M-F		8:30 AM to 5 PM M-F		10 am to 8 PM Tues-Fri 10 am to 6 PM Saturday	
Hrs of Operation:			800-243-3006		313-600-7484		877-471-0712	
24 Hr. Phone #:			Until such time that the Mfg's price changes		Pricing valid through 12/31/07		11/30/2007	
TIME PERIOD - Additional Orders			Blank		4-38-045-01-7B-22789		4-31-049-01-8J-00677	
LICENSE NO.			Net 30 days		Net 30 days		Net 30	
TERMS:			(Contingent upon ATF approval) 60 days ARO		Blank		30 - 60 Days	
DELIVERY DATE:			Warranteed for 30K Rounds Lifetime on Mfg Defects		Lifetime from defects in Workmanship & Materials		Lifetime	
WARRANTY:			Blank		CA556ACC - discontinued & replaced with FH556K		Part Number changed	
EXCEPTIONS:			Yes		Yes		Yes	
ACKNOWLEDGEMENT: Y or N			Yes		No		Yes	
ADDENDUM #1 Y or N			Yes		No		Yes	

PROPOSAL - Furnish New Rifle Accessories (not reconditioned) for the Troy Police Department

**** BOLDFACE TYPE DENOTES LOW BIDDERS**

ATTEST:
 Thomas Gordon
 Yvonne N. Ranzinger
 Linda Bockstanz

Susan Leirstein CPPB
 Purchasing Director



CITY COUNCIL ACTION REPORT

September 24, 2007

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Susan A. Leirstein, Purchasing Director
Cathleen A. Russ, Library Director

SUBJECT: Standard Purchasing Resolution 8: Best Value Award—
Consultant to Perform Library Needs Assessment/Feasibility Study

Background

- On March 19, 2007, City Council approved Resolution #2007-03-101(F8), directing staff to obtain requests for qualifications from appropriate consultants to perform a scope of study for a space-needs analysis on the Troy Public Library.
- On May 10, 2007, the Library Advisory Board unanimously approved Resolution LB-2007-05-05 to hire a consultant to further study the various options regarding the library expansion.
- City officials and the Library Advisory Board determined that a study should be done to assess the existing facility, as well as determine current and future space needs.
- Funds were allocated in the FY 2007-2008 budget to pay for this study.
- On August 28, 2007, Request for Qualifications/Proposals were received and opened to provide a review and analysis of the current and future spatial needs of the Troy Public Library.
- 207 vendors were notified via the MITN system, with eight (8) bidders responding, one (1) of which did not meet minimum pass/fail requirements. In addition, one statement of no bid was received.
- Six committee members, consisting of John Lamerato, Assistant City Manager/Finance; Cathleen Russ, Library Director; Mark Stimac, Building & Zoning Director; Kul Gauri, President of the Library Advisory Board; Maria Hunciag, Friends of the Troy Public Library; and Monica Irelan, City Intern, reviewed and evaluated the remaining seven (7) RFQ/RFPs.
- The top three (3) firms were interviewed by the full committee on Thursday, September 20, 2007.
- Based on the scoring criteria of 40% Proposal Score; 40% Price Score; and 20% Interview Score, the committee recommends awarding the contract to highest rated bidder, Fanning/Howey Associates, Inc.

Financial Considerations

- Funds for the project are available in the Library's Capital Account, #401790.7975.900.

September 24, 2007

To: Phillip L. Nelson, City Manager
Re: Best Value Award – Library Needs Analysis

Legal Considerations

- RFP-COT 07-30, Library Needs Assessment/Feasibility Study was competitively bid and opened with eight (8) bidders responding.
- All bidders were given the opportunity to respond with their level of interest in providing consultant services regarding the Troy Public Library's Needs Assessment/Feasibility Study.
- The contract award is contingent on the recommended bidder's submission of proper contract and supplemental documents, including insurance certificates, and all other specified requirements.

Policy Considerations

- Enhance the livability and safety of the community (Goal I)
- Maintain relevance of public infrastructure to meet changing public needs (Goal V)

Options

- City management recommends awarding a contract to perform the Needs Assessment/Feasibility Study for the Troy Public Library to the highest rated bidder, Fanning/Howey Associates, Inc., of Novi, Michigan, as a result of a best value process, for an estimated total cost of \$22,750.00.



EXECUTIVE SUMMARY

Library Needs Assessment and Feasibility Study

STATISTICS:

- ◆ **Two-hundred and seven (207) firms were notified via the MITN e-procurement website**
- ◆ **Eight (8) proposals were received**
- ◆ **Seven (7) firms met the pass/fail criteria**
- ◆ **Three (3) firms were interviewed**
- ◆ **Fanning/Howey Associates, Inc. received the highest score as a result of a best value process**

The following bidders submitted a proposal and received the indicated final scores:

Firm	SCORE
Fanning/Howey Associates, Inc.	93
Penchansky Whisler Architects	87
Luckenbach/Ziegelman Architects	83

Top 3 rated firms were invited to participate in an interview – Maximum interview score – 20 pts

Plante & Moran CRESA LLC	63
Fishbeck, Thompson, Carr & Huber, Inc	34
TMP Associates, Inc.	31
Niagara Murano	28

REQUEST FOR PROPOSALS – FIRMS ELIMINATED FROM FURTHER CONSIDERATION
(BASED ON PASS/FAIL MINIMUM REQUIREMENTS AND INSURANCE REQUIREMENTS)

- David Milling Architect

Attachments:

- ✓ Weighted Final Scoring Including Proposal, Interview and Price Scoring
- ✓ Evaluation Process
- ✓ Original Tabulation



WEIGHTED FINAL SCORING

Library Needs Assessment and Feasibility Study

Final Score Calculation:

$$\begin{array}{r}
 20\% \times \text{Interview Score} \\
 40\% \times \text{Proposal Score} \\
 40\% \times \text{Price Score} \\
 \hline
 100\% \qquad \qquad \qquad = \text{Final Weighted Score}
 \end{array}$$

In order to equate the price to the weighted evaluation process scoring, the prices had to be converted into a score with the base of 100. **NOTE:** Vendors are listed in the order proposals were opened and in the order they were interviewed.

Interview Score: 20%

RATERS	1	2	3	4	5	6	AVERAGE
Vendors:							
Penchansky Whisler Architects	81	82	93	84	68	100	85
Fanning/Howey Associates, Inc.	88	67	95	78	94	76	83
Luckenbach/Ziegelman Architects	41	55	91	69	63	41	60

Weighted Average Score for Proposals: 40%

Raters:	1	2	3	4	5	6	AVERAGE
Vendors:							
Luckenbach/Ziegelman Architects	92	66	99	80	85	45	78
Penchansky Whisler Architects	96	91	96	72	88	95	90
Niagara Murano	84	52	95	71	50	75	71
TMP Associates, Inc.	90	59	74	82	65	90	77
Fishbeck, Thompson, Carr & Huber, Inc	91	78	84	95	99	60	85
Fanning/Howey Associates, Inc.	93	85	94	90	99	85	91
Plante & Moran CRESA LLC	75	48	82	70	70	90	73

Weighted Average Score for Price: 40% -

RATERS	Weighted Criteria - Difference in Costs {1-(Proposal price - lowest price)/low price} x available points
Vendors:	
Luckenbach/Ziegelman Architects	{1-(23,000.00-22,750.00)/22,750.00} x 100 = 99
Penchansky Whisler Architects	{1-(26,075.00-22,750.00)/22,750.00} x 100 = 85
Niagara Murano	{1-(67,300.00-22,750.00)/22,750.00} x 100 = 0
TMP Associates, Inc.	{1-(67,500.00-22,750.00)/22,750.00} x 100 = 0
Fishbeck, Thompson, Carr & Huber, Inc	{1-(65,050.00-22,750.00)/22,750.00} x 100 = 0
Fanning/Howey Associates, Inc.	{1-(22,750.00-22,750.00)/22,750.00} x 100 = 100
Plante & Moran CRESA LLC	{1-(26,000.00-22,750.00)/22,750.00} x 100 = 86



FINAL WEIGHTED SCORE:

VENDORS:	Fanning/ Howey Associates Inc **	Penchansky Whisler Architects	Luckenbach/ Ziegelman	Plante & Moran CRESA LLC	Fishbeck, Thompson ,Carr & Huber, Inc	TMP Associates Inc.	Niagara Murano
Score							
Interview Score: (x .20) =	83 x .20 = 17	85 x .20 = 17	60 x .20 = 12	x .20 =	x .20 =	x .20 =	x .20 =
Proposal Score: (x .40) =	91 x .40 = 36	90 x .40 = 36	78 x .40 = 31	73 x .40 = 29.2	85 x .40 = 34	77 x .40 = 31	71 x .40 = 28
Price Score: (x .40) =	100 x .40 = 40	85 x .40 = 34	99 x .40 = 40	86 x .40 = 34.4	0 x .40 = 0	0 x .40 = 0	0 x .40 = 0
Final Score:	93	87	83	64	34	31	28

** HIGHEST RATED VENDOR – RECOMMENDED AWARD



SELECTION PROCESS

CRITERIA FOR SELECTION

The identified City Committee will review the proposals. The City of Troy reserves the right to award this proposal to the consultant considered the most qualified based upon a combination of factors including but not limited to the following:

- A. Compliance with qualifications criteria
- B. Completeness of the proposal
- C. Financial strength and capacity of the consultant
- D. Correlation of the proposals submitted to the needs of the City of Troy
- E. Any other factors which may be deemed to be in the City's best interest
- F. Evaluation Process

Phase 1: Minimum Qualifications Evaluation

Firms will be required to meet minimum established criteria in order to go to the second phase of the process.

Phase 2: Evaluation of Proposals

Each City Committee member will independently use a weighted score sheet to evaluate the proposals; each Committee Member will calculate a weighted score. The scores of the Committee Members will be averaged into one score for each firm for this phase of the process.

Phase 3: Interview Score

The City, at its option, will invite at least the top three (3) rated firms to participate in an interview. If less than three (3) candidates remain in the process, all will be interviewed. Each City Committee Member will independently use a weighted score sheet to evaluate the Interview; each Committee Member will calculate a weighted score. The scores of the Committee Members will be averaged into one score for each firm for this phase of the process. Those being interviewed may be supplied with further instructions and requests prior to the interview. Persons representing the firm at the interview must be the personnel who will be assigned to this project.

Phase 4: Price

Points for price will be calculated as follows:

$$\text{FORMULA} \quad - \{1 - (\text{Proposal Price} - \text{Low Price}) / \text{low price}\} \times \text{available points}$$

Phase 5: Final Scoring and Selection

The firm with the highest final weighted score will be recommended to the Troy City Council for Award.

20% Interview Score (100 point base)
40% Proposal Score (100 point base)
40% Price Score (100 point base)
100%

Note: The City of Troy reserves the right to change the order or eliminate an evaluation phase if deemed in the City's best interest to do so.

FIRM NAME:	** Fanning/Howey Associates, Inc.	Luckenbach/ Ziegelman Architects	Plante & Moran CRESA LLC
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PROPOSAL: TO PROVIDE PROFESSIONAL CONSULTANT SERVICES TO CONDUCT A COMPREHENSIVE NEEDS ASSESSMENT AND FEASIBILITY STUDY FOR THE TROY PUBLIC LIBRARY

VENDOR QUESTIONNAIF (Yes or No)	Yes	Yes	Yes
SEVEN (7) COPIES (Yes or No)	Yes	Yes	Yes
INSURANCE: Can Meet	XX	XX	XX
Cannot Meet			
Signed Y or N	Yes	Yes	Yes
PROPOSAL: Schedule of Values	NOT TO EXCEED	NOT TO EXCEED	NOT TO EXCEED
Cost for Scope of Work as Stated:	\$ 22,750.00	\$ 20,000.00	\$ 25,000.00
Reimbursable Estimated Expenses:	\$ -	\$ 3,000.00	\$ 1,000.00
COMPLETE FOR THE SUM OF:	\$ 22,750.00	\$ 23,000.00	\$ 26,000.00
Project should be Completed in:	85 workg days or 2/1/08	50 working days	114 Days
SCHEDULE OF VALUES: (Hourly Rates)	UNIT PRICE	UNIT PRICE	UNIT PRICE
SERVICES:	Prin. - \$195.00/hr	LZA - \$150.00/hr	Blended Staff - \$150/hr
	Proj Mgr - \$170.00/hr	ALC - \$125.00/hr	
	Architect - \$145.00/hr	Proj Mgr - \$95.00/hr	
	Techical - \$145.00/hr	Tech. - \$70.00	
	Clerical - \$45.00/hr	Support - \$45.00	
ADDITIONAL SERVICES:	Site Select - \$1,000 per site	3 Dim. C Mod - T.B.D.	Research - \$14,000.00
	Preliminary - \$3,500.00	3 Dim. B & S Mod - T.B.D	Blended Staff - \$145/hr
	Travel - at cost +15%		Site Select - \$150 etc.
REMIBURSEABLES:		24 x 36 Plot - \$10.00	Due Diligence - \$150/Hr
		Faxes & copies - \$1.10 /sht	Travel/Printing - TBD
		Long Dist.travel & Phone-cost	capped at \$1,000
COMPLETION BY 2/1/08 Can meet	XX	XX	XX
Cannot meet			
TERMS:	N/A	30 Days	Blank
EXCEPTIONS:	Blank	Blank	Blank
ACKNOWLEDGEMENT: Y or N	Yes	Yes	Yes
ADDENDUM #1 Y or N	Yes	Yes	Yes

DMS:
David Milling Architect - Did not include Insurance Certificate or letter from insurer with proposal, as specified (\$22,825.00)

NO BIDS: **** DENOTES HIGHEST RATED BIDDER AS A RESULT OF A BEST VALUE PROCESS**

Straub Pettitt Yaste

ATTEST:
Diane Fisher
Lynne Lambert
Linda Bockstanz

Susan Leirstein CPPB
Purchasing Director

FIRM NAME:		Penchansky Whisler Architects	Fishbeck, Thompson, Carr & Huber, Inc (FTC&H)	Niagara Murano
PROPOSAL: TO PROVIDE PROFESSIONAL CONSULTANT SERVICES TO CONDUCT A COMPREHENSIVE NEEDS ASSESSMENT AND FEASIBILITY STUDY FOR THE TROY PUBLIC LIBRARY				
VENDOR QUESTIONNAIRE (Yes or No)		Yes	Yes	Yes
SEVEN (7) COPIES (Yes or No)		Yes	Yes	Yes
INSURANCE:		Can Meet	XX	XX
Cannot Meet		XX + \$400.00		
Signed Y or N		Yes	Yes	Yes
PROPOSAL: Schedule of Values		NOT TO EXCEED	NOT TO EXCEED	NOT TO EXCEED
Cost for Scope of Work as Stated:		\$ 24,600.00	\$ 55,500.00	\$ 58,500.00
Reimbursable Estimated Expenses:		\$ 1,475.00	\$ 9,550.00	\$ 8,800.00
COMPLETE FOR THE SUM OF:		\$ 26,075.00	\$ 65,050.00	\$ 67,300.00
Project should be Completed in:		No later than 120 days	123 days	90 business days
SCHEDULE OF VALUES: (Hourly Rates)		UNIT PRICE	UNIT PRICE	UNIT PRICE
SERVICES:		P. Architect \$100.00/hr	Need Assmt - \$16,880	Prin. - \$150.00/hr
		Proj Mgr \$80.00/hr	Feasib. Stdy - \$35,020	Lib. Con - \$187.50/hr
		Architect \$70.00/hr	Final Rept - \$3,600	Proj Mgr/Archit - \$95.00/hr
		Arch/Design \$60.00/hr		Senior Architect - \$90.00/hr
		Clerical \$45.00/hr		Clerical- \$45.00/hr etc.
ADDITIONAL SERVICES:		Phase #1 - #5 = \$24,200.00	Site Analysis - \$1,500	Any reimbursable expenses
		Options A - H = \$24,920.00	Cpreh Assesmt - \$8,000	shall be reimb at cost with
				no mark up
REMIBURSEABLES:		Travel costs etc-\$1,475	Travel - \$7,450.00	Travel, Rental/Hotel - \$6,800
			Printg/Material - \$2,100	Printing Costs - \$2,000
COMPLETION BY 2/1/08		Can meet	XX	XX
Cannot meet				
TERMS:		Payment due 30 days after Invoice date	Net 30	Net 30
EXCEPTIONS:		None	None	Blank
ACKNOWLEDGEMENT: Y or N		Yes	Yes	Yes
ADDENDUM #1 Y or N		Yes	Yes	Yes

FIRM NAME:	TMP Associates, Inc.		

PROPOSAL: TO PROVIDE PROFESSIONAL CONSULTANT SERVICES TO CONDUCT A COMPREHENSIVE NEEDS ASSESSMENT AND FEASIBILITY STUDY FOR THE TROY PUBLIC LIBRARY

VENDOR QUESTIONNAIRE: (Yes or No)	Yes		
SEVEN (7) COPIES (Yes or No)	Yes		

INSURANCE:	Can Meet	XX	
	Cannot Meet		
	Signed Y or N	Yes	

PROPOSAL: Schedule of Values NOT TO EXCEED

Cost for Scope of Work as Stated:	\$ 66,000.00		
Reimbursable Estimated Expenses:	\$ 1,500.00		
COMPLETE FOR THE SUM OF:	\$ 67,500.00		
Project should be Completed in:	120 calendar days		

SCHEDULE OF VALUES: (Hourly Rates)			
SERVICES:	UNIT PRICE		
	P/Proj M. \$150.00/hr		
	Proj Des. \$100.00/hr		
	Architect \$75.00/hr		
	Lib. Const. \$110.00/hr		

ADDITIONAL SERVICES:			

REIMBURSEABLES:	1.1 (one point one) times		
	actual expense incurred		

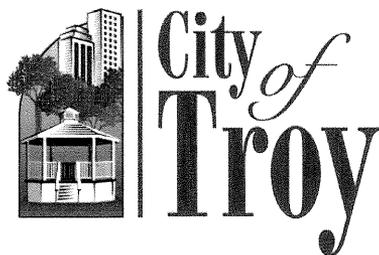
COMPLETION BY 2/1/08	Can meet	XX	
	Cannot meet		

TERMS:	Net 30 days		
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EXCEPTIONS:	Blank		
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ACKNOWLEDGEMENT:	Y or N	Yes	
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ADDENDUM #1	Y or N	Yes	
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CITY COUNCIL ACTION REPORT

September 20, 2007

TO: Phillip L. Nelson, City Manager

FROM: Charles T. Craft, Chief of Police *CC*
William Nelson, Fire Chief

SUBJECT: Request to Temporarily Waive Parking Restrictions

Background:

- Smith Middle School is requesting that the parking restrictions on Donaldson street from Square Lake Road to Cotswald street be waived so that they may host school activities on the following dates:
 - November 14 and 15, 2007, between the hours of 11:30 am and 9:00 pm (Parent Teacher Conferences)
 - March 6, 2008, between the hours of 11:30 am and 9:00 pm (Parent Teacher Conferences)
 - April 18, 2008, between the hours of 5:30 pm and 9:30 pm (Family Fun Friday)
 - June 16, 2008, between the hours of 9:00 am and 12:00 noon (8th Grade Promotion)
- Both sides of Donaldson are posted no parking areas and parking at Smith Middle School is limited.
- The waiving of the restrictions would allow attendees to park on Donaldson but would not significantly impact emergency vehicle traffic.
- Smith Middle School makes such requests and is granted a variance regularly; no problems have ever been reported.

Financial Considerations:

- N/A

Legal Considerations:

- City Ordinance prohibits parking on Donaldson; therefore, City Council action is required to grant a variance.

Policy Considerations:

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

Options:

- Approve or deny the request.

Troy School District

Smith Middle School

5835 Donaldson
Troy, Michigan 48085
(248)823-4700 / FAX# (248)823-4713

Joseph Hosang

Principal

Amy Buchanan

Assistant Principal

Elizabeth Wolosiewicz

Counselor

Christine Summerell

Counselor

September 13, 2007

Mayor Louise Schilling and
Troy City Council Members
500 W. Big Beaver Road
Troy, MI 48083

Dear Mayor Schilling & Council Members:

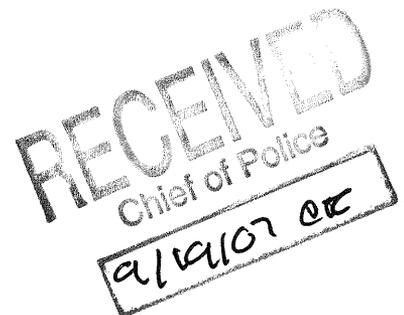
We would like to request that the street parking restrictions on Donaldson be waived on September 20, 2007, 6:30 pm to 9:30 pm for our Open House; November 14, 2007, November 15, 2007, and March 6, 2008 from 11:30 am until 9:00 pm for Parent Teacher Conferences; April 18, 2008 from 5:30 to 9:30 pm for Family Fun Friday; and June 16, 2008 from 9:00 am until noon for 8th Grade Promotion. These activities at Smith Middle School require extra street parking.

Thank you for your consideration in this matter.

Sincerely,



Joseph Hosang
Principal





CITY COUNCIL ACTION REPORT

September 17, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Agreement to Provide Fleet Maintenance Services – City of Royal Oak

Background

- Attached is a copy of the proposed Interlocal Service Agreement between the City of Troy and the City of Royal Oak, where the City of Troy will provide fleet maintenance services to the City of Royal Oak vehicles and equipment on an as needed basis.
- The Interlocal Service Agreement follows a discussion with the City's insurance pool to further define and outline the parameters of work that is to be performed.
- The agreement was presented to the Royal Oak City Council on September 10, 2007, and approved unanimously.

Financial Considerations

- No additional staffing is required. There is capacity in the facility to take on the additional work.
- The agreement generates outside revenue and maximizes the use of our facility and staffing.
- The cost charged to Royal Oak is the fully burdened shop rate charged by the Enterprise Fund.
- The Enterprise Fund reviews the fully burdened shop rates on an annual basis, and will adjust the agreement as needed.

Legal Considerations

- Legal counsel has reviewed the contract for form and legality.

Policy Considerations

- Minimize the cost and increase the efficiency and effectiveness of city government. (Goal II)
- Emphasize regionalism and incorporate creativity. (Goal VI)

Options

- City management recommends entering in to the Interlocal Service Agreement with the City of Royal Oak for fleet maintenance services.

SPL\Service Agreement Royal Oak\10.01.07- Agreement to Provide Fleet Maintenance Services – City of Royal Oak

INTERLOCAL SERVICE AGREEMENT FOR FLEET SERVICES

This Interlocal Service Agreement dated, this ____ day of _____2007, is made by and between:

City of Royal Oak
211 Williams Street
Royal Oak, Michigan 48068

-And-

City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084

RECITALS

WHEREAS , the City of Troy, a Michigan Municipal Corporation, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter "TROY"), and the City of Royal Oak, a Michigan Municipal Corporation, 211 Williams Street, Royal Oak, Michigan 48068 (hereinafter "ROYAL OAK", or TROY and ROYAL OAK hereinafter together referred to as the "Parties" or the "Party" are authorized separately by law to provide for the repair and maintenance of public works vehicles for their respective public entities;

WHEREAS, the Michigan Constitution of 1963, Article 7, § 28, and the Urban Cooperation Act of 1967, Act No. 7 of the Public Acts of 1967, Ex. Sess., being MCL 124.501, et. seq. (the "Act"), permit a political subdivision to exercise jointly with any other political subdivision any power, privilege or authority which such political subdivisions share in common with which each might exercise separately;

WHEREAS, due to the fact that public work vehicles have specific performance requirements which require specialized service and maintenance work, it is difficult for public entities to locate service facilities that are able to perform those specialized services, properly and timely;

WHEREAS, TROY has a facility at its Department of Public Works building located at 4693 Rochester Road, Troy, Michigan 48085 that contains the Troy Fleet Division. The Troy Fleet Division maintains a vehicle repair facility and personnel capable of repairing and maintaining public works vehicles for TROY and, by this and other interlocal agreements, other public entities;

WHEREAS, the Parties have mutually agreed that this Agreement be entered into to allow ROYAL OAK and TROY to repair or maintain ROYAL OAK's public works vehicles on an as requested basis and under the terms set forth below.

WHEREAS, pursuant to resolution of its governing bodies, the Parties each have the authority to execute this Interlocal Service Agreement ("Agreement") to

allow TROY to repair or maintain ROYAL OAK's public work vehicles at costs on an as requested basis and under the terms set forth below.

Based upon the foregoing statements, the Parties agree to the following terms, conditions, representations, consideration and acknowledgements and mutually agree as follows:

1. TROY represents and ROYAL OAK acknowledges that TROY has the necessary facility, tools and equipment and its employees have the qualifications, experience and abilities to provide services in connection with the business of maintaining and repairing public works vehicles owned by ROYAL OAK. Public works vehicles shall mean loaders, dozers, cars, and trucks, whether marked or unmarked, used for public purposes of ROYAL OAK.
2. TROY is agreeable to providing such services through TROY'S Fleet Division to ROYAL OAK, on the terms and conditions as set forth in this Agreement and upon the request of ROYAL OAK.
3. ROYAL OAK, at its own discretion and based on ROYAL OAK's decisions, hereby agrees to engage Troy's Fleet Division to provide repair and maintenance services during regular business hours consisting of the following work: service and/or maintenance on ROYAL OAK's loaders, dozers, cars and trucks as requested by ROYAL OAK. TROY will also provide a technician on call if needed 24 hours a day, 7 days per week. The technician on call-can be reached at cell # 248 885-1847. After hours, weekends and holidays will be billed at premium rate with a minimum billing of three hours of service. ROYAL OAK understands and acknowledges that TROY'S personnel will first service TROY vehicles. However, TROY will make every reasonable effort to timely complete work for ROYAL OAK under the terms and conditions of this Agreement.
4. ROYAL OAK understands, acknowledges and relies on the representation that TROY will use the highest standards which control the repair and maintenance of loaders, dozers, cars and trucks. TROY will not deviate from these standards even at the request of ROYAL OAK.
5. Subject to an annual adjustment of rates as provided in Paragraph 7, ROYAL OAK shall pay compensation for the maintenance and repair services of TROY'S Fleet Division employees provided by TROY'S Fleet Division at the following rates:

Technician's time: **\$77.00** per hour or fraction thereof.

Technician's premium time: Minimum amount of **3 hours** plus **\$92.00** per hour or fraction thereof .
6. ROYAL OAK shall also pay the costs for all necessary parts and necessary supplies used in the repair and/or maintenance of the vehicles.

7. Before June 1st of each year, TROY shall review its personnel costs, including technician's time and technician's premium time, and any costs directly related to the ability of TROY to provide services under this Agreement. If those costs have increased, TROY shall notify ROYAL OAK in writing of the amount of and the reason for the increased costs for services under the Agreement. Those increased costs will be effective on July 1st of each year. This increase in costs shall be effective even if the Agreement was executed within less than a year period of the cost increase.
8. ROYAL OAK will be invoiced on a monthly basis. Payment for all costs must be paid within thirty (30) days of the invoice date. Payments shall be mailed to: City of Troy – DPW, Attn. Sam Lamerato, 4693 Rochester Road, Troy, MI 48085.
9. TROY shall have absolute discretion to refuse to repair and/or maintain any loader, dozer, car or truck under this Agreement. ROYAL OAK is not obligated under this Agreement to use the services of Troy exclusively and ROYAL OAK is expressly allowed to seek other similar services on an as needed basis without violating this Agreement.
10. THIS AGREEMENT DOES NOT, AND IS NOT INTENDED TO INCLUDE ANY WARRANTIES, PROMISES OR GUARANTIES BY TROY OF ANY NATURE WHATSOEVER, CONCERNING THE TECHNICIANAL SERVICING AND/OR REPAIR OF ANY LOADER, DOZER, CAR OR TRUCK.
11. The Agreement shall remain in effect until terminated by either Party. Either Party may terminate this Agreement, for any reason (including the convenience of any Party), and without penalty but shall comply with Paragraph 12. Either Party may deliver a written notice of termination of the Agreement to the names and address set out in the notice provision of Paragraph 18. Termination shall become effective thirty (30) days from the date of the notice unless TROY or ROYAL OAK has indicated a different termination date beyond the thirty (30) days on the notice supplied to the other party.

If TROY has vehicles belonging to ROYAL OAK on its site, ROYAL OAK shall state in its termination notice that it authorizes TROY to complete work on those vehicles or that TROY is to discontinue work on those vehicles. If TROY is to discontinue work on the vehicles, ROYAL OAK shall pick up the vehicles within five (5) days of the notice of termination. If TROY completes work on the vehicles based on instructions from ROYAL OAK after termination of the Agreement, all terms and conditions of this Agreement shall apply as to those vehicles.

12. Upon receipt of notice of termination of the Agreement by ROYAL OAK, TROY shall have thirty (30) days to fully invoice ROYAL OAK for any outstanding balances that have not previously been invoiced. ROYAL OAK shall continue to be responsible for payment for the cost of services, parts and supplies either invoiced prior to termination or performed or purchased by TROY before the notice of termination. TROY will attempt to return any used parts

and supplies to suppliers that it is unable to use on non- ROYAL OAK vehicles being serviced by TROY. If TROY is unable to obtain full refunds or only obtains partial refunds, ROYAL OAK will be invoiced for those non-refundable and/or partially refundable parts and supplies. The invoice shall be paid within 30 days from the date of the invoice. TROY will hold those parts and supplies for 30 days from the date of the invoice for pick up by ROYAL OAK. ROYAL OAK shall be responsible for payment for the non-refundable and/or partially refundable parts and supplies whether or not picked up by ROYAL OAK.

13. The Parties agree that at all times and for all purposes under the terms of this Agreement each Party's relationship to the other Party is that of an independent contractor. No liability, right or benefit arising out of any employer/employee relationship, either express or implied, shall arise or accrue to any party as a result of this Agreement.
14. All of the privileges and immunities from liability, and exemptions from laws, ordinances and rules, and all pensions, relief, disability, worker's compensation and other benefits which apply to the activity of officers, agency, or employees of any public agency or employees of any public agency when performing their respective functions within the territorial limits of their respective agencies shall apply to the same degree and extent to the performance of such functions and duties of such officers, agents or employees extraterritorially under the provisions of any such interlocal agreement.
15. ROYAL OAK agrees to defend, pay on behalf of, indemnify, and hold harmless TROY, its elected and appointed officials, employees and volunteers and others working on behalf of TROY against any and all claims, demands, suits, or loss, including, and for any damages which may be asserted, claimed or recovered against or from TROY, its elected and appointed officials, employees, volunteers or others working on behalf of TROY by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with services, maintenance and/or repair performed for ROYAL OAK in accordance with this Agreement. This duty to indemnify, defend and hold harmless shall include all costs of litigation or defense of claims including attorney fees, costs and expert fees.
16. TROY shall indemnify, defend and hold harmless ROYAL OAK from any and all claims of damage against ROYAL OAK, or for damages to ROYAL OAK'S loaders, dozers, cars and trucks proximately caused by the gross negligence of Troy in the provision of services, maintenance and/or repairs performed for ROYAL OAK in accordance with this Agreement. To the extent this provision is triggered, this duty to indemnify, defend and hold harmless shall include all costs of litigation or defense of claims including attorney fees, costs and expert fees.
17. TROY acknowledges that it is currently issued with proper coverage and limits. TROY agrees to keep its current insurance, or insurance of a similar nature, in effect during all dates of service of maintain to ROYAL OAK vehicles. Upon

requested by ROYAL OAK, TROY shall provide a Certificate of Insurance as evidence of it coverage.

18. TROY represents and agrees that all work for ROYAL OAK under the terms of this Agreement shall be performed in accordance with all appropriate and applicable industry standards.

19. Within ten (10) days from the execution of this Agreement, ROYAL OAK shall provide a Certificate of Insurance acceptable to the City demonstrating that general liability coverage is available for any and all claims for personal injury or property damage which are or might be caused by maintenance and repairs done by Troy and the use of the vehicles by ROYAL OAK. ROYAL OAK agrees to keep said insurance coverage in effect for the term of this Agreement or any renewals thereof (Sample Certificate attached as Exhibit A). ROYAL OAK shall submit to the City of Troy Risk Management Department prior to the expiration of any insurance coverage the new Certificate(s) of Insurance acceptable to the City. Any Certificate(s) of Insurance shall name the City of Troy as an additional insured and contain the following cancellation notice:

“Should any of the above described policies be cancelled before the expiration date thereof, the issuing insurer will mail 30 days written notice to the certificate holder named to the left.”

ROYAL OAK acknowledges that, once accepted by the Troy Risk Manager, the specified insurance for the Agreement shall remain in full force and effect during the life of the Agreement.

Additionally, TROY may request a copy of said insurance certificate at any time during this Agreement. Failure to produce a certificate of insurance within twenty (20) days of a request by the City, shall allow the City to terminate the Agreement with forty-five (45) days written notice.

It shall be the responsibility of ROYAL OAK to ensure that the City is provided with a new Certificate of Insurance acceptable to the City before a Certificate of Insurance on file with the City's Risk Management Department expires. A lapse in the insurance coverage required under the Agreement shall be considered a material breach of this Agreement and the Agreement shall become null and void automatically at any time such a lapse in coverage exists.

20. The Parties agree that they shall promptly deliver to the other Party written notice and copies of any claims, complaints, charges, or any other accusations or allegations of negligence or other wrongdoing, whether civil or criminal in nature, that the other Party becomes aware of which involves, in any way the facility, equipment, personnel and/or services under this Agreement. Unless otherwise provided by law and/or the Michigan Court Rules, the parties agree to cooperate with one another in any investigation

conducted by the other party of any acts or performances of any services under this Agreement.

21. The Parties agree that all indemnification and hold harmless promises, waivers of liability, representations, insurance coverage obligations, liabilities, payment obligations and/or any other related obligations provided for in this Agreement with regard to any acts, occurrences, events, transactions, or claims, either occurring or having their basis in any events or transaction that occurred before termination of this Agreement, shall survive the termination.
22. Any written notice required or permitted under the Agreement shall be considered delivered to a party as of the date that such notice is deposited, with sufficient postage, with the U.S. Postal Service. Unless specifically otherwise set out in the Agreement, all writing sent to TROY shall be sent to: Sam Lamerato, City of Troy – Fleet Division, 4693 Rochester Road, Troy, Michigan 48085. All writing sent to ROYAL OAK shall be sent to: Al Orr, Superintendent of Motor Pool & Communications, City of Royal Oak Department of Public Services, 1600 N. Campbell Road, Royal Oak, Michigan 48067.
23. This Agreement sets forth the entire Agreement between the Parties. The language of this Agreement shall be construed as a whole according to its fair meaning and not constructed strictly for or against any party. The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement.
24. If a Court of competent jurisdiction finds any provision of this Agreement invalid or unenforceable, then that provision shall be deemed severed from the Agreement. The remainder of this Agreement shall remain in full force.
25. This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret or decide any claim arising under this Agreement shall be brought in the 6th Judicial Circuit Court of the State of Michigan or the United States District Court for the Eastern District of Michigan, Southern Division as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.
26. The Recitals shall be considered an integral part of this Agreement.
27. The Agreement may be amended or an alternative form of the Agreement adopted only upon written agreement of the Parties.
28. Except as expressly provided herein, this Agreement does not create, by implication or otherwise, any direct or indirect obligation, duty, promise, benefit, right of indemnification (i.e., contractual, legal, equitable, or by implication) right of subrogation as to any Party's rights in this Agreement, or any other right of any kind in favor of any individual or legal entity.

29. Each Party shall be responsible for obtaining and maintaining, throughout the term of this Agreement, all licenses, permits, certificates, and governmental authorizations for its employees and/or agents necessary to perform all of its obligations under this Agreement. Upon request, a Party shall furnish copies of any permit, license, certificate or governmental authorization to the requested party.

30. Absent a written waiver, no fact, failure or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one or more instances shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by either Party shall subsequently affect its right to require strict performance of this Agreement.

IN WITNESS WHEREOF, this Agreement if executed by the Parties on the date hereafter set forth.

WITNESSES:

CITY OF ROYAL OAK,

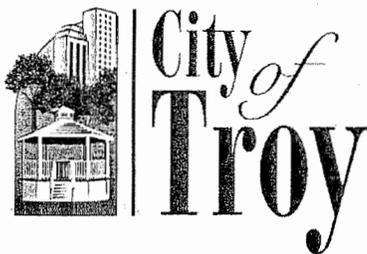
By: _____
James B. Ellison, Mayor

By: _____
Mary Ellen Graver, City Clerk

CITY OF TROY,

By: _____
Louise E. Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk



CITY COUNCIL ACTION REPORT

September 20, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
 Steven J. Vandette, City Engineer
 Patricia A. Petitto, Real Estate Consultant, Greenstar & Associates, LLC *PA*

SUBJECT: Request for Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 – Parcel #38 – Sidwell #88-20-02-279-021 – Geoffrey and Dana Calhoun

Background:

- In connection with the proposed improvements to John R Road, from Square Lake Road to South Boulevard, the Real Estate & Development Department received a Regrading and Temporary Construction Permit from Geoffrey and Dana Calhoun. This parcel is located on the west side of John R Road, between Lyster Lane and Chancery in the northeast ¼ of Section 2.

Financial Considerations:

- A market study was prepared by Andrew Reed, State Certified Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser, and Larysa Figol, Limited Real Estate Appraiser. Staff believes that \$3,757.52, for the acquisition of this permit is a justifiable amount.
- Eighty percent of the costs for this project will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2007-08 Major Road fund, account number 401479.7989.022045.

Legal Considerations:

- The format and content of the permit are consistent with documents previously accepted by City Council.

Policy Considerations:

- The purpose of this project is to relieve congestion, improve safety and improve the flow of traffic. (Goals I and V)

Options:

- City Management recommends that City Council accept the attached Regrading and Temporary Construction Permit from Geoffrey and Dana Calhoun so that the City can proceed with the acquisition of this permit.

REGRADING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-02-279-021
Parcel # 38

Geoffrey Calhoun and Dana Calhoun, husband and wife, Grantor(s), whose address is 8781 Saratoga, Oak Park, MI 48237, for and in consideration of Three Thousand, Seven Hundred, Fifty-Seven and 52/100 Dollars (\$3,757.52*) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of John R Road Improvements, from Square Lake Road to South Boulevard (City of Troy Project No. 02.204.5)**, the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

SEE ATTACHED EXHIBIT "A" FOR PARENT PARCEL LEGAL DESCRIPTION AND DESCRIPTION OF PERMIT AREA

IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

*This amount includes \$500 for the Regrading and Temporary Construction Permit and \$3,257.52 for the loss of a 42" DBH Elm Tree located on the east lot line, north of the permit area.

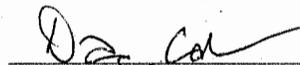
*It is anticipated that construction funding will be available in the 2010 calendar year. However, if construction is delayed this document will be effective during the actual construction year(s) and for a period of six (6) Months after completion of this project.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures(s) this 20TH day of SEPT, 2007.



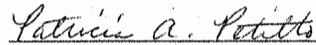
*Geoffrey Calhoun (L.S.)



*Dana Calhoun (L.S.)

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 20TH day of SEPT, 2007, by Geoffrey Calhoun and Dana Calhoun, husband and wife to me known to be the same person(s) described in and who executed the within instrument, and who then acknowledged the same to be their free act and deed.



Notary Public, OAKLAND County, Michigan
Acting in OAKLAND County, Michigan
My Commission Expires 12-31-11

Prepared by: Patricia A. Pelitto
500 West Big Beaver
Troy, MI 48084

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

Exhibit "A"

Section 2, John R Widening Project
Parcel: 88-20-02-279-021
Parcel #38

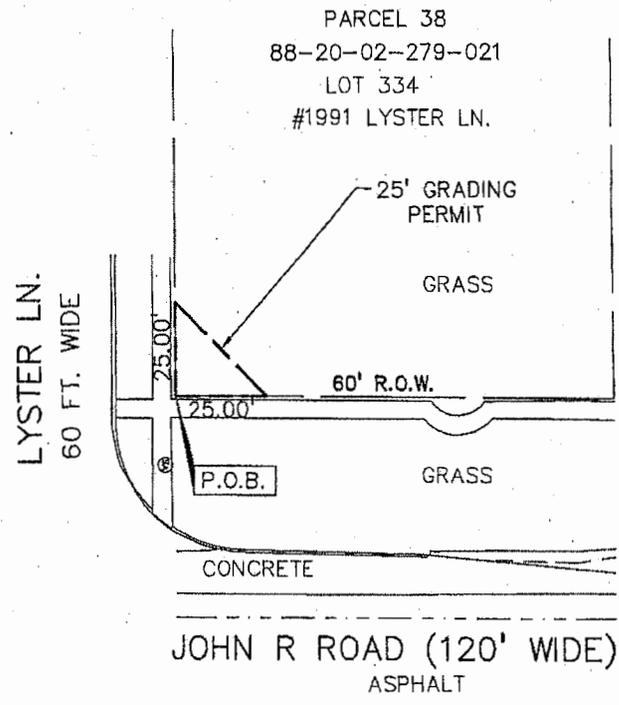
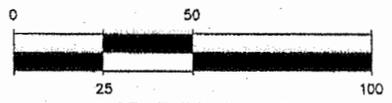
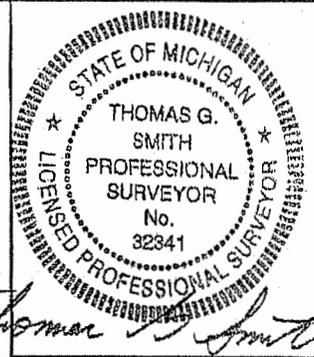
PARENT PARCEL DESCRIPTION:

T2N, R11E, SEC 2, EMERALD LAKES VILLAGE NUMBER 7 RECORDED IN L. 134, P.14-16,
OCR.
LOT 334

88-20-02-279-021

25' TRINANGULAR GRADING PERMIT:

A 25' GRADING PERMIT IN T2N, R11E, SEC 2, CITY OF TROY, OAKLAND COUNTY,
MICHIGAN, BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT, THENCE WEST 25 FT,
ALONG THE SOUTH LINE OF SAID LOT, THENCE NORTHEASTERLY TO A POINT ON THE EAST
LINE OF SAID LOT, SAID POINT BEING 25 FT NORTH OF THE SOUTHEAST CORNER OF SAID
LOT, THENCE SOUTH 25 FT, ALONG THE EAST LINE OF SAID LOT, TO THE POINT OF
BEGINNING.



PARCEL 38

ORCHARD, HILTZ & McCLIMENT, INC. 34000 Plymouth Road Livonia, MI, 48150 (734)522-8711			
		500 W. Big Beaver Rd. Troy, Michigan 48064 (248) 524-3594 www.ci.troy.mi.us	
6631 Lyster Ln. Grading Permit Sketch			
SCALE:	DRAWN BY:	CHECK BY:	FILE
1" = 50'	JRV	GWC	279-021 GRD
	2-10-06	3-17-06	
DATE		REV.	
CONTRACT No.		SHEET No.	JOB No.
STEVEN J. VANDETTE		1 of 2	2002-234
CITY ENGINEER			

Document Prepared by
Professional Engineering
Associates, Inc.



CITY COUNCIL ACTION REPORT

September 25, 2007

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Susan A. Leirstein, Purchasing Director
Cathleen A. Russ, Library Director
Steven A. Pallotta, Building Operations Director

SUBJECT: Library HVAC Rooftop Replacement Unit

Background

- On June 6, 2007, the Building Operations Department ordered a new rooftop unit to replace the original Carrier heating and air conditioning rooftop unit from 1986 at the Troy Public Library. This original unit was diagnosed with a bad heat exchanger, which if used, would provide deadly carbon monoxide to the patrons and workers of the Library.
- The Building Operation Department was able to buy a replacement unit directly from Lennox, the manufacturer, for \$8,369.00 in keeping with City standards of equipment.
- The Building Operation Department is requesting an additional \$3,631.00 for this project to provide Crane service to lift and remove the original 1986 Carrier rooftop unit from the Library roof, along with lifting the new unit and setting it on the roof curb. The \$3,631.00 also includes any additional unforeseen miscellaneous expenses.

Financial Considerations

- Funds are available in the Library capital account for general repairs #401790.7975.900.
- The new unit will be installed using in-house personnel at an estimated cost savings to the City of \$15,000.00.

Legal Considerations

- None.

Policy Considerations

- Using in-house personnel will help minimize cost and increase efficiency of City government. (Goal II)
- Provides the public with up to date energy savings equipment and a healthier environment, in accordance with the City's high standards. (Goals V).
- Moving this work forward will improve the overall air quality, remove the hazard of carbon monoxide, and reduce liability for the City. (Goal I & V)

Options

- City management and the Building Operations Department recommend moving the project forward to replace the HVAC rooftop unit at the Troy Library for an estimated total cost of \$12,000.00, as detailed on Appendix I, utilizing in-house personnel.

APPENDIX I

Library HVAC Rooftop Replacement

Detailed Pricing:

New Lennox 10 Ton Rooftop Heating and Air Conditioning Unit	\$8,369.00
Crane Rental Estimated	2,900.00
Electrical Disconnect	<u>731.00</u>
Total Project Cost	\$12,000.00



CITY COUNCIL ACTION REPORT

Date September 26, 2007

TO: Phillip L. Nelson, City Manager

FROM: Tonni L. Bartholomew, City Clerk

SUBJECT: **Oakland County Inter-Local Agreement – Ballot Layout and Coding Services**

Background:

- City of Troy has utilized outside ballot layout and coding services in the past when the ballot contained questions that cross municipal boundaries, i.e. School Elections. These services were secured on a one-time use basis under the administration of Oakland County. In the past these charges were passed on to the school districts and will continue to be passed on to the districts involved in an election when the ballot only contains school questions.
- Oakland County has requested our participation in the ballot layout and coding process to allow for County-wide accumulations of election results at the close of the polls on Election Day.
- County-wide programming additionally allows for electronic transfer of “unofficial” election results election night. These results will be released by the county electronically immediately upon their receipt. These results will be available to Troy residents and candidates via a link on the City of Troy’s web page. The retrieval will be similar to information released in past elections.
- The Clerk’s office programmed the last City election, however all City elections prior to that election were contracted to an outside vendor at a rate \$350.00, which is similar to the proposed Inter-Local Agreement.

Financial Considerations:

- Funds for this service are available in Elections 192 Account .

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- There are no legal considerations associated with this item.

Options:

- City Management recommends the City of Troy enter into an Inter-Local Agreement with Oakland County at a dollar amount of \$300.00 per election.

**AGREEMENT FOR BALLOT LAYOUT AND PROGRAMMING SERVICES
BETWEEN
OAKLAND COUNTY
AND
CITY OF TROY**

This Ballot Layout and Programming Services Agreement (the "Agreement") is made between Oakland County, a Constitutional and Municipal Corporation, 1200 North Telegraph, Pontiac, Michigan 48341 ("County"), and the City of Troy, 500 W Big Beaver Rd, Troy MI, 48084-5285 ("Municipality"). In this Agreement the County shall be represented by the Oakland County Clerk, in her official capacity as a Michigan Constitutional Officer. The County and the Municipality may also be referred to jointly as "Parties".

PURPOSE OF AGREEMENT. Pursuant to the Urban Cooperation Act of 1967, 1967 PA 7, MCL 124.501, *et seq.*, the County and the Municipality enter into this Agreement for the purpose of providing the ballot layout and programming required to enable electronic voting machines to read election ballots.

In consideration of the mutual promises, obligations, representations, and assurances in this Agreement, the Parties agree to the following:

1. **DEFINITIONS.** The following words and expressions used throughout this Agreement, whether used in the singular or plural, within or without quotation marks, or possessive or nonpossessive, shall be defined, read, and interpreted as follows.
 - 1.1. **Agreement** means the terms and conditions of this Agreement and any other mutually agreed to written and executed modification, amendment, or addendum.
 - 1.2. **County** means Oakland County, a Municipal and Constitutional Corporation including, but not limited to, all of its departments, divisions, the County Board of Commissioners, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, volunteers, and/or any such persons' successors.
 - 1.3. **Day** means any calendar day beginning at 12:00 a.m. and ending at 11:59 p.m.
 - 1.4. **Local Clerk** means the local elected or appointed Clerk for Municipality or their designee.
 - 1.5. **Local Election Definition File** means a computer program that reads the results from the tabulators in each voting machine and produces a report showing the totals for each precinct and the overall totals for each office, proposal or item voted on.
 - 1.6. **Municipality or Municipal** means the City of Troy, a Municipal Corporation including, but not limited to, its Council, Board, any and all of its departments, its divisions, elected and appointed officials, directors, board members, council members, commissioners,

authorities, committees, employees, agents, subcontractors, attorneys, volunteers, and/or any such persons' successors.

- 1.7. **PCMCIA Cards** (Personal Computer Memory Card International Association) means a device that when inserted into a voting machine will enable the voting machine to properly read the markings made by voters on a ballot and then store these vote results.

2. **COUNTY RESPONSIBILITIES**

- 2.1. The County shall provide an electronic version of the ballot for each precinct, as approved by the Local Clerk, to the ballot printing vendor selected by County for elections pertaining to statewide and/or County elections. For elections that solely pertain to Municipal offices or issues, the County will provide an electronic version to the ballot printing vendor it has selected unless the Municipality indicates in writing to County that it has selected a different vendor which appears on the list of ballot printing vendors approved by the Secretary of State for the State of Michigan.
- 2.2. The County shall provide the Municipality with a Local Election Definition File.
- 2.3. The County, if requested by the Municipality, shall program the PCMCIA cards for each voting machine.
- 2.4. The County shall mail a Phonetic Verification Form to every local candidate prior to each election requesting a phonetic spelling of each candidate's name as it will be used on the ballot used with the voter assisted (a.k.a. Automark) voting machines.

3. **MUNICIPALITY RESPONSIBILITIES**

- 3.1. No later than sixty (60) days prior to each election in which there are County, Statewide or Municipal issues to be voted upon, the Local Clerk shall complete and return to the County:
 - 3.1.1. The Pre-Election Questionnaire prepared by County.
 - 3.1.2. A listing per precinct of each office to be elected on the form provided by County.
 - 3.1.3. Notification of any boundary changes made by Municipality since the previous election.
- 3.2. Within five (5) business days of receipt from the County of an electronic version of the ballots for each Municipal precinct, advise the County of any corrections that are needed for any of the precinct ballots. This process will continue until a final version of the ballot is approved by the Local Clerk.
- 3.3. Once a final version of the ballots are approved by the Local Clerk, the Local Clerk shall complete and return to County the Ballot Layout Sign Off Form provided by County. This shall be done within three (3) business days of its receipt.

4. **DURATION OF INTERLOCAL AGREEMENT.**

- 4.1. The Agreement and any amendments hereto shall be effective when executed by both Parties with concurrent resolutions passed by the governing bodies of each Party. The approval and terms of this Agreement and any amendments hereto shall be entered in the official minutes of the governing bodies of each Party. An executed copy of this Agreement and any amendments shall be filed by the County Clerk with the Secretary of State.
- 4.2. Unless extended by mutual, written agreement by both Parties, this Agreement shall remain in effect for three (3) years from the date the Agreement is completely executed by all Parties or until cancelled or terminated by any of the Parties pursuant to the termination or cancellation of Agreement Section herein.

5. **PAYMENTS.** The Municipality hereby agrees to pay to the County the following amounts:

- 5.1. For all such County services associated with an election the Municipality shall pay to the County an amount equal to THREE HUNDRED (\$300.00) DOLLARS for each election.
- 5.2. The County, through its Department of Management and Budget and upon such frequency as deemed appropriate by the County, shall prepare and forward to the Municipality an itemized invoice for such Ballot Layout and Programming Services provided to the Municipality pursuant to this Agreement. The Municipality agrees to pay the full amount shown on any such invoice within thirty (30) calendar days after the date shown on any such invoice.
- 5.3. The Parties agree that the Municipality's obligation to pay the County any and all amounts due and owing under this Agreement shall be absolute and unconditional and shall not be affected, in any way, by the occurrence of either Party's default or any term or condition of this Agreement nor shall any other occurrence or event relieve, limit, or impair the obligation of the Municipality to pay the County as provided for herein.
- 5.4. The Municipality agrees that the County may, at its sole option, recover any such amounts due and owing the County as shown on any County Invoice by offsetting such amounts from any monies or other amounts in the possession of the County and/or otherwise held by the County for any reason or for any purpose that are otherwise payable, due, or owing to the Municipality by or from the County. For purposes of illustration, but without limitation, the Municipality agrees that if there is any amount due and owing to the County under this Agreement still unpaid to the County at the time the County is scheduled to distribute funds, if any, to the Municipality from the Delinquent Tax Revolving Fund ("DTRF"), the County shall be entitled, at its sole option, to reduce, set-off, and permanently retain from any amount otherwise then payable to the Municipality from Delinquent Tax Revolving Fund ("DTRF"), any amount then still due and owing the County from the Municipality pursuant to this Agreement.

6. **ASSURANCES.**

- 6.1. Each Party shall be responsible for its own acts and the acts of its employees, and agents, the costs associated with those acts, and the defense of those acts.
- 6.2. This Agreement does not create any direct or indirect obligation or right to be indemnified (i.e., contractually, legally, equitably or by implication) nor any right to be subrogated to any rights in this Agreement.
- 6.3. The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement. The persons signing this Agreement on behalf of each Party have legal authority to sign this Agreement and bind the Parties to the terms and conditions contained herein.
- 6.4. Each Party shall comply with all federal, state, and local ordinances, regulations, administrative rules, and requirements applicable to its activities performed under this Agreement.

7. **LIMITATION OF LIABILITY.** In no event shall either Party be liable to the other Party or any other person, for any consequential, incidental, direct, indirect, special, and punitive or other damages arising out of this Agreement.

8. **TERMINATION OR CANCELLATION OF AGREEMENT.**

- 8.1. Either Party may terminate or cancel this Agreement upon ninety (90) days written notice, if: (i) the other Party defaults in any obligation contained in this Agreement and within the ninety (90) day notice period the Party failed to cure such default or failed to take a course of action to cure such default or (ii) for any reason, including convenience. Any notification concerning default must be in writing and clearly state the specific default(s). The effective date of termination and/or cancellation shall be clearly stated in the written notice. Either the County Clerk or the Board of Commissioners is authorized to terminate this Agreement for the County.

9. **RESERVATION OF RIGHTS.** This Agreement does not, and is not intended to waive, impair, divest, delegate, or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties.

10. **DELEGATION OR ASSIGNMENT.** Neither Party shall delegate or assign any obligations or rights under the Agreement without the prior written consent of the other Party.

11. **FORCE MAJEURE.** Notwithstanding any other term or provision of this Contract, neither Party shall be liable to the other for any failure of performance hereunder if such failure is due to any cause beyond the reasonable control of that Party and that Party cannot reasonably accommodate or mitigate the effects of any such cause. Such cause shall include, without limitation, acts of God, fire, explosion, vandalism, any law, order, regulation, direction, action, or request of the United States government or of any other government, national emergencies,

insurrections, riots, wars, strikes, lockouts, work stoppages, or other labor difficulties. Reasonable notice shall be given to the affected Party of any such event.

12. **NOTICES**. Notices given under this Agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or first class U.S. mail postage prepaid, and addressed to the person listed below. Notice will be deemed given on the date when one of the following first occur: (1) the date of actual receipt; (2) the next business day when notice is sent express delivery service or personal delivery; or (3) three days after mailing first class or certified U.S. mail.
 - 12.1. If Notice is sent to the County, it shall be addressed and sent to: Oakland County Clerk, 1200 North Telegraph Road, Pontiac, Michigan, 48341 and Chairperson of the Oakland County Board of Commissioners, 1200 North Telegraph, Pontiac, Michigan 48341.
 - 12.2. If Notice is sent to the Municipality, it shall be addressed to: Tonni L Bartholomew, Clerk, City of Troy, 500 W Big Beaver Rd, Troy MI, 48084-5285.
 - 12.3. Either Party may change the address and/or individual to which Notice is sent by notifying the other Party in writing of the change.
13. **GOVERNING LAW/CONSENT TO JURISDICTION AND VENUE**. This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret, or decide any Claim arising under or related to this Agreement shall be brought in the 6th Judicial Circuit Court of the State of Michigan, the 50th District Court of the State of Michigan, or the United States District Court for the Eastern District of Michigan, Southern Division, as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.
14. **ENTIRE AGREEMENT**. This Agreement represents the entire agreement and understanding between the Parties. This Agreement supersedes all other oral or written agreements between the Parties. The language of this Agreement shall be construed as a whole according to its fair meaning, and not construed strictly for or against any Party.

IN WITNESS WHEREOF, _____ hereby acknowledges that he/she has been authorized by a resolution of the City of Troy, a certified copy of which is attached, to execute this Agreement on behalf of the Municipality and hereby accepts and binds the Municipality to the terms and conditions of this Agreement.

EXECUTED: _____ DATE: _____

WITNESSED: _____ DATE: _____

IN WITNESS WHEREOF, Bill Bullard, Jr., Chairperson, Oakland County Board of Commissioners, hereby acknowledges that he has been authorized by a resolution of the Oakland County Board of Commissioners, a certified copy of which is attached, to execute this Agreement on behalf of Oakland County, and hereby accepts and binds Oakland County to the terms and conditions of this Agreement.

EXECUTED: _____ DATE: _____
Bill Bullard, Jr., Chairperson
Oakland County Board of Commissioners

WITNESSED: _____ DATE: _____

IN WITNESS WHEREOF, Ruth Johnson, in her official capacity as the Oakland County Clerk, a Michigan Constitutional Office, hereby concurs and accepts the terms and conditions of this Agreement.

EXECUTED: _____ DATE: _____
Ruth Johnson, Clerk/Register of Deeds
County of Oakland

WITNESSED: _____ DATE: _____



CITY COUNCIL ACTION REPORT

Date September 26, 2007

TO: Phillip L. Nelson, City Manager

FROM: Tonni L. Bartholomew, City Clerk

SUBJECT: **Oakland County Agreement – Board of Canvassers**

Background:

- City of Troy has canvassed their local elections in the past. These elections contained ballot questions that pertained only to the City with no questions that crossover the municipal boundary.
- The Board of Canvassers is established pursuant to Michigan Election Law. The law requires the canvass, however it does not require the canvass to be performed by a Local Board of Canvassers. Additionally, the Troy City Charter references a Board of Canvassers, again however it does not, differentiate between a local and county board.
- Effective with this November 6, 2007 Election, the ballot will contain questions from multiple school districts. Oakland County has the responsibility, by law to administer these elections which will include the canvass of the school related questions.
- The dual canvass will require a duplication of all election materials election night prior to the delivery of results to the County. This duplication process will be very labor and time intensive and will delay reporting to the County.
- The Troy Board of Canvassers, in the past, has been called to order, early in the morning following the election to canvass election results for accuracy. This process is completed in approximately 6 hours. This process will be a duplication of the canvass being conducted by the Oakland County Board of Canvassers.
- The fee for Oakland County to perform the canvass will be \$25.00 per precinct. The City of Troy utilizes 17 consolidated precincts for local elections.

Financial Considerations:

- Funds for this service are available in Elections 192 Account.

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- There are no policy considerations associated with this item.

Options:

- City Management recommends the City of Troy enter into an Agreement with Oakland County to provide election canvassing at a dollar amount of \$25.00 per precinct per election.

**AGREEMENT BETWEEN THE CITY OF TROY
AND OAKLAND COUNTY
TO UTILIZE THE SERVICES OF THE
OAKLAND COUNTY BOARD OF CANVASSERS**

This AGREEMENT TO UTILIZE THE SERVICES OF THE OAKLAND COUNTY BOARD OF CANVASSERS (hereafter this "Agreement") is made and entered into between the City of Troy, a Michigan Constitutional and Municipal Corporation whose address is 500 West Big Beaver Road, Troy, Michigan 48084-5285 (hereafter the "Municipality"), and the County of Oakland, a Michigan Constitutional and Municipal Corporation, whose address is 1200 North Telegraph Road, Pontiac, Michigan 48341 (hereafter the "County"). In this Agreement, the County or the Municipality may also be referred to as a "Party" and jointly as the "Parties".

PURPOSE OF AGREEMENT. Pursuant to the Urban Cooperation Act of 1967, 1967 PA 7, MCL 124.501, *et. seq.*, the County and the Municipality enter into this Agreement to delineate the relationship and responsibilities between the Parties to provide election canvassing services.

Current Michigan Election Law provides that: "A 4-member board of canvassers is established in every city and township having more than 5 precincts, notwithstanding any statutory or charter provision, or any other rule or law to the contrary." [MCL 168.30a(1)] This statute further provides that: "The city council or the township board of any city or township having more than 5 precincts may contract with the board of supervisors of the county in which all or the greater portion of the city or township's population resides to provide that the board of county canvassers of that county shall perform all the functions of the board of city or township canvassers." [MCL 168.30a(2)]

Finally, this statute provides that: "Financial arrangements of such a contract may provide that the city or township shall bear all or part of cost of such work." [MCL 168.30a(2)] The Municipality has requested the County's assistance in meeting the Municipality's obligation to provide all the functions of the board of city or township canvassers (hereafter, "Municipality Canvassers") through the Oakland County Board of Canvassers, and the County is agreeable to provide such services in accord with the terms and conditions of this Agreement.

In consideration of the mutual promises, obligations, representations, and assurances in this Agreement, the Parties agree to the following:

1. **DEFINITIONS.** The following words and expressions used throughout this Agreement, whether used in the singular or plural, within or without quotation marks, or possessive or nonpossessive, shall be defined, read, and interpreted as follows.

- 1.1. **Agreement** means the terms and conditions of this Agreement and any other mutually agreed to written and executed modification, amendment, or addendum.
- 1.2. **County** means Oakland County, a Municipal and Constitutional Corporation including, but not limited to, all of its departments, divisions, the County Board of Commissioners, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, volunteers, and/or any such persons' successors.
- 1.3. **Day** means any calendar day beginning at 12:00 a.m. and ending at 11:59 p.m.
- 1.4. **Expenses** shall include, but not be limited to, any and all actual amounts paid to, for, or on behalf of any and all members of the Oakland County Board of Canvassers in connection with or for any and all services, activities, or the performance of any and all statutory functions for the Municipality under the term of this Agreement as provided under the applicable state statutes and/or as otherwise allowed or authorized by the Oakland County Board of Commissioners.
- 1.5. **Legislative Body** when referring to Oakland County means the Oakland County Board of Commissioners. When referring to the City of Troy, it means the Troy City Council.
- 1.6. **Municipality** means the City of Troy, a Municipal and Constitutional Corporation including, but not limited to, its Council, Board, any and all of its departments, its divisions, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, subcontractors, attorneys, volunteers, and/or any such persons' successors.
2. **COUNTY RESPONSIBILITIES.** The Oakland County Board of Canvassers shall perform all the statutory functions which would otherwise be required to be performed by the Municipality Canvassers pursuant to MCL 168.30a(2). When performing services under this Agreement, the County Board of Canvassers shall have all the powers, duties and functions that would otherwise have been afforded to the Municipality Canvassers.
3. **MUNICIPALITY RESPONSIBILITIES.** The Municipality agrees that it shall provide the necessary information and assistance required to enable the Oakland County Board of Canvassers to carry out their legal responsibilities.
4. **EFFECTIVE DATE , DURATION AND AMENDMENTS.**
 - 4.1. This Agreement and any amendments shall become effective upon the passage of a resolution by each Party's Legislative Body. An executed copy of

this Agreement shall be filed with the Clerk for the County and the Clerk for the Municipality. This Agreement and certified copies of the resolutions, as well as any amendments, shall be filed with the Secretary of State by the Oakland County Clerk. Any subsequent amendments shall only become effective and binding upon the Parties after each Party's Legislative Body has passed a resolution approving the amendment.

4.2. Unless extended by mutual written agreement by both Parties, this Agreement shall remain in effect for five (5) years from the date the Agreement is executed by both Parties or until cancelled or terminated by either of the Parties as provided herein.

5. **PAYMENT.** The Municipality hereby agrees to pay to the County the following amounts:

5.1. For any and all such County services associated with any general, primary, or county-wide special election, when the ballot includes a local issue or election, the Municipality shall pay to the County an amount equal to TWENTY-FIVE (\$25.00) DOLLARS for each and every election precinct within the Municipality.

5.2. For any and all such County services associated with any Municipality or local ballot issue or election, which is not part of any general or primary election and/or which involves no county-wide, state or federal election or ballot question, the Municipality agrees and shall pay to the County an amount equal to full amount of any and all actual County "Expenses" incurred and/or paid by the County in providing any and all such Oakland County Board of Canvassers services under this Agreement.

5.3. The County, through its Department of Management and Budget and upon such frequency as deemed appropriate by the County, shall prepare and forward to the Municipality an itemized invoice for such Oakland County Board of Canvassers services provided to the Municipality pursuant to this Agreement. The Municipality agrees to pay the full amount shown on any such invoice within thirty (30) calendar days after the date shown on any such invoice.

5.4. The Parties agree that the Municipality's obligation to pay the County any and all amounts due and owing under this Agreement shall be absolute and unconditional and shall not be affected, in any way, by the occurrence of either Party's default or any term or condition of this Agreement nor shall any other occurrence or event relieve, limit, or impair the obligation of the Municipality to pay the County as provided for herein.

5.5. The Municipality agrees that the County may, at its sole option, recover any such amounts due and owing the County as shown on any County Invoice by offsetting such amounts from any monies or other amounts in the possession of

the County and/or otherwise held by the County for any reason or for any purpose that are otherwise payable, due, or owing to the Municipality by or from the County. For purposes of illustration, but without limitation, the Municipality agrees that if there is any amount due and owing to the County under this Agreement still unpaid to the County at the time the County is scheduled to distribute funds, if any, to the Municipality from the Delinquent Tax Revolving Fund ("DTRF"), the County shall be entitled, at its sole option, to reduce, set-off, and permanently retain from any amount otherwise then payable to the Municipality from Delinquent Tax Revolving Fund ("DTRF"), any amount then still due and owing the County from the Municipality pursuant to this Agreement.

6. **ASSURANCES.**

- 6.1. Each Party shall be responsible for its own acts and the acts of its employees, and agents, the costs associated with those acts, and the defense of those acts.
- 6.2. This Agreement does not create any direct or indirect obligation or right to be indemnified (i.e., contractually, legally, equitably or by implication) nor any right to be subrogated to any rights in this Agreement.
- 6.3. The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement. The persons signing this Agreement on behalf of each Party have legal authority to sign this Agreement and bind the Parties to the terms and conditions contained herein.
- 6.4. Each Party shall comply with all federal, state, and local ordinances, regulations, administrative rules, and requirements applicable to its activities performed under this Agreement.

7. **LIMITATION OF LIABILITY.** In no event shall the County be liable to the Municipality or any other person, for any consequential, incidental, direct, indirect, special, and punitive or other damages arising out of this Agreement.

8. **TERMINATION OR CANCELLATION OF AGREEMENT.** Either Party may terminate or cancel this Agreement upon ninety (90) days written notice, without incurring a penalty or additional liability, for any reason, including convenience. The effective date of termination and/or cancellation shall be clearly stated in the written notice. The Party desiring to cancel this Agreement shall provide the Clerk of the other Party's Legislative Body with a resolution passed by the canceling Party's Legislative Body, which indicates the clear desire of that Party to cancel this Agreement.

9. **RESERVATION OF RIGHTS.** This Agreement does not, and is not intended to waive, impair, divest, delegate, or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties.

10. **LIMITATION OF LIABILITY/RESERVATION OF RIGHTS.** Except as expressly provided otherwise herein, this Agreement does not, and is not intended to, create, diminish, delegate, transfer, assign, divest, impair, or contravene any constitutional, statutory, and/or other legal right, privilege, power, civil or legal responsibility, obligation, duty of care, liability, capacity, immunity, or authority of either the Municipality or the County to any other person or Party. The Parties further agree, notwithstanding any other term or condition in this Agreement, that no provision in this Agreement is intended, nor shall it be construed, as a waiver of any governmental immunity by either Party for that Party and/or any of that Party's agents as provided by statute or applicable court decisions.
11. **NOTICES.** Notices given under this Agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or first class U.S. mail postage prepaid, and addressed to the person listed below. Notice will be deemed given on the date when one of the following first occur: (1) the date of actual receipt; (2) the next business day when notice is sent express delivery service or personal delivery; or (3) three days after mailing first class or certified U.S. mail.
- 11.1. If Notice is sent to the County, it shall be addressed and sent to: Oakland County Clerk, 1200 North Telegraph Road, Pontiac, Michigan, 48341 and Chairperson of the Oakland County Board of Commissioners, 1200 North Telegraph, Pontiac, Michigan 48341.
- 11.2. If Notice is sent to the Municipality, it shall be addressed to: City Clerk, City of Troy, 500 West Big Beaver Road, Troy, Michigan 48084-5285.
- 11.3. Either Party may change the address and/or individual to which Notice is sent by notifying the other Party in writing of the change.
12. **GOVERNING LAW/CONSENT TO JURISDICTION AND VENUE.** This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret, or decide any Claim arising under or related to this Agreement shall be brought in the 6th Judicial Circuit Court of the State of Michigan, the 50th District Court of the State of Michigan, or the United States District Court for the Eastern District of Michigan, Southern Division, as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.
13. **ENTIRE AGREEMENT.** This Agreement constitutes the complete and entire agreement between the Municipality and the County regarding this subject matter and supersedes any and all prior agreements, representations or understandings related to the subject matter of this Agreement.

For and in consideration of the mutual promises, acknowledgments, and representations set forth in this Agreement, and for other good and valuable consideration, the adequacy of which is hereby acknowledged, the County and the Municipality hereby agree to be bound by the above terms and provisions.

IN WITNESS WHEREOF, _____ hereby acknowledges that he/she has been authorized by a resolution of the City of Troy, a certified copy of which is attached, to execute this Agreement on behalf of the Municipality and hereby accepts and binds the Municipality to the terms and conditions of this Agreement.

EXECUTED: _____ DATE: _____

WITNESSED: _____ DATE: _____

IN WITNESS WHEREOF, Bill Bullard, Jr., Chairperson, Oakland County Board of Commissioners, hereby acknowledges that he has been authorized by a resolution of the Oakland County Board of Commissioners, a certified copy of which is attached, to execute this Agreement on behalf of Oakland County, and hereby accepts and binds Oakland County to the terms and conditions of this Agreement.

EXECUTED: _____ DATE: _____
Bill Bullard, Jr., Chairperson
Oakland County Board of Commissioners

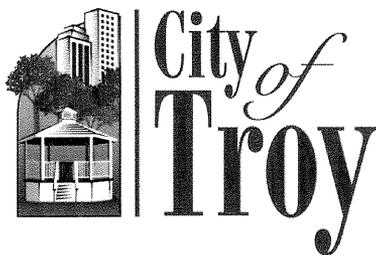
WITNESSED: _____ DATE: _____

IN WITNESS WHEREOF, Ruth Johnson, in her official capacity as the Oakland County Clerk, a Michigan Constitutional Office, hereby concurs and accepts the terms and conditions of this Agreement.

EXECUTED: _____ DATE: _____
Ruth Johnson, Clerk/Register of Deeds
County of Oakland

WITNESSED: _____ DATE: _____

(2007-0662)



CITY COUNCIL ACTION REPORT

September 21, 2007

TO: Phillip L. Nelson, City Manager

FROM: Chief Charles Craft *CC*
 Captain Gary Mayer *GM*
 Sergeant Robert Cantlon *RC*

SUBJECT: Application for Transfer of Class C license to 1555 E. Maple LLC.

Background:

- 1555 E. Maple LLC requests to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple, Troy, Mi 48084, Oakland County, from Jumbo Investment, Inc.; with license to be held in escrow. {MLCC req #367206}
- Judge Potts of the Oakland County Circuit Court awarded this license to 1555 E. Maple after the previous licensee defaulted on the business loan.
- On September 17, 2007, Wendy Thagard of 1555 E. Maple LLC, answered question for the Liquor Advisory Committee.
- Ms. Thagard indicated the business would maintain the license in escrow with the intent of offering it for sale once it is obtained.
- The Liquor Advisory Committee approved this request by a unanimous vote.

Financial Considerations:

- There are no financial considerations for the city.

Legal Considerations:

- The request complies with all applicable Troy City Ordinances and Michigan Liquor Control Commission rules.
- The Police Department did not find any disqualifying factors for this request.
- City Council approval is required for the Michigan Liquor Control Commission to approve the transfer.

Policy Considerations:

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

Options:

- The City Council can approve or deny the transfer.

A regular meeting of the Liquor Advisory Committee was held on Monday, September 17, 2007 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 6:58 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Henry W. Allemon
W. Stan Godlewski
Patrick C. Hall
David S. Ogg
Timothy P. Payne
Bohdan L. Ukraineec
Allan Motzny, Assistant City Attorney
Lieutenant Michael Lyczkowski
Pat Gladysz

ABSENT: None

Resolution to Approve Minutes of August 13, 2007 Meeting

Resolution #LC2007-09-020
Moved by Allemon
Seconded by Ukraineec

RESOLVED, that the Minutes of the August 13, 2007 meeting of the Liquor Advisory Committee be approved.

Yes: 7
No: 0
Absent: None

Agenda Items

1. 1555 E. Maple LLC requests to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple,

Troy, MI 48084, Oakland County, from Jumbo Investment, Inc.; with license to be held in escrow. {MLCC req #367206}

Present to answer questions from the Committee was the previous property owner, Wendy Thagard. She explained that the property had been sold and may be developed into a hotel. She is currently negotiating with a restaurant owner in Farmington Hills to purchase her liquor license.

Resolution #LC2007-09-021

Moved by Ogg

Seconded by Hall

RESOLVED, that 1555 E. Maple LLC be allowed to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple, Troy, MI 48084, Oakland County, from Jumbo Investment, Inc.; with license to be held in escrow.

Yes: 7
No: 0
Absent: None

The meeting adjourned at 7:10 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 14th day of July, 2007, 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 NANCY KEMP – MEMBER, 1555 E. MAPLE LLC. Whose address is 1665 Post Road, West Bloomfield, Mi 48324, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple, Troy, Mi 48084, Oakland County, from Jumbo Investment, Inc. ; with license to be held in escrow.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
 - (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
 - (d) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.



Nancy Kemp

1555 E. Maple, Inc.

Witnesses:

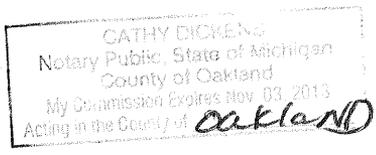



Subscribed and sworn to before me
this 18 day of July, 2007

Cathy Dickens

Notary Public, MI
County, Oakland

My commission expires: 11-03-2013



CITY OF TROY

By: _____
Louise Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

Witnesses:

Subscribed and sworn to before me
this _____ day of _____, 200____

Notary Public, Oakland
County, Michigan
My commission expires:

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

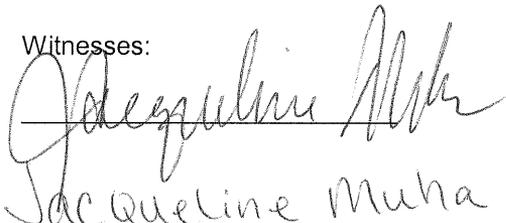
This Agreement, made this 21 day of July, 2007, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and WENDY THAGARD – MEMBER, 1555 E. MAPLE LLC. Whose address is 5082 Willow Grove Lake, Brighton, Mi 48116, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple, Troy, Mi 48084, Oakland County, from Jumbo Investment, Inc. ; with license to be held in escrow.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
 - (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
 - (d) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.


Wendy Thagard

1555 E. Maple, INC.

Witnesses:


Jacqueline Muha

K.A.M.

Karrie A. Mitter

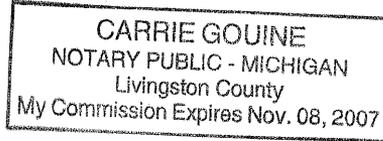
Subscribed and sworn to before me

this 22 day of July, 2007

Carrie Foure

Notary Public, Livingston
County, _____

My commission expires: 11-8-07



CITY OF TROY

By: _____
Louise Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

Witnesses:

Subscribed and sworn to before me

this _____ day of _____, 200__

Notary Public, Oakland
County, Michigan

My commission expires:

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this ____ day of _____, 200____, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and RICHARD BOCHENEK – MEMBER, 1555 E. MAPLE LLC. Whose address is 4751 Chipman, Waterford, Mi 48327, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple, Troy, Mi 48084, Oakland County, from Jumbo Investment, Inc. ; with license to be held in escrow.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
 - (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
 - (d) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.



Richard Bochenek

1555 E. Maple, Inc.

Witnesses:



Brad Carlson

[Handwritten signature]

Subscribed and sworn to before me
this 17 day of July, 2007

[Handwritten signature: Jodi E. Barquist]

Notary Public, Jodi Barquist
County, Oakland
My commission expires: 12/31/07

JODI E. BARQUIST
Notary Public, Oakland County, MI
My Commission Expires Dec. 31, 2007

CITY OF TROY

By: _____
Louise Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

Witnesses:

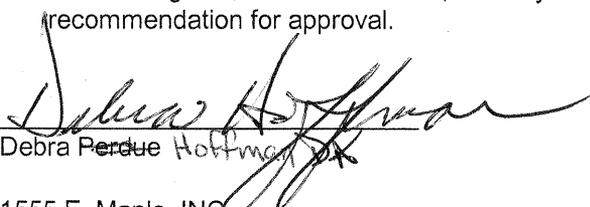
Subscribed and sworn to before me
this _____ day of _____, 200____

Notary Public, Oakland
County, Michigan
My commission expires:

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

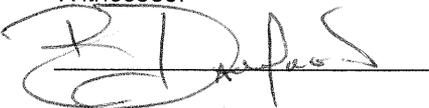
This Agreement, made this 7 day of 23, 2007, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and DEBRA PERDUE – MEMBER, 1555 E. MAPLE LLC. Whose address is 1809 Brookcliff Greensboro, NC 27408, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple, Troy, Mi 48084, Oakland County, from Jumbo Investment, Inc. ; with license to be held in escrow.
2. In consideration of the City of Troy's recommendation for approval of the request, the applicant hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
 - (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
 - (d) It agrees to immediately require all employees who serve/sell alcohol to attend a recognized alcohol awareness program, and forward the names of each certified employee to the Troy Police Department. The alcohol awareness program must either be recognized by the Troy Police Department (i.e. TIPS, TAMS), or the program must be reviewed by the Troy Police Department to insure that the program is comparable to the recognized programs.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.


Debra Perdue Hoffman

1555 E. Maple, INC

Witnesses:

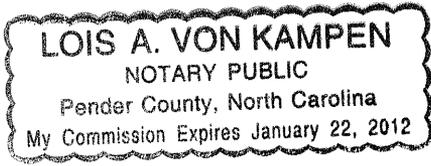


Subscribed and sworn to before me
this 24 day of July, 2009

Lois A. von Kampen

Notary Public, North Carolina
County, New Hanover

My commission expires: 1/22/12



CITY OF TROY

By: _____
Louise Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

Witnesses:

Subscribed and sworn to before me
this _____ day of _____, 200____

Notary Public, Oakland
County, Michigan
My commission expires:



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)

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

FOR MLCC USE ONLY

Request ID # 367206

Business ID # 176652

POLICE INVESTIGATION REPORT

[Authorized by MCL 436.1217 and R 436.1105; MAC]

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

LICENSEE/APPLICANT NAME, BUSINESS ADDRESS AND LICENSING REQUEST:

1555 E. MAPLE, LLC REQUESTS TO TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED IN ESCROW AT 1555 E. MAPLE, TROY, MI 48084, OAKLAND COUNTY, FROM JUMBO INVESTMENT, INC.; WITH LICENSE TO BE HELD IN ESCROW.

Section 1. APPLICANT INFORMATION

APPLICANT #1:
RICHARD BOCHENEK - MEMBER
4751 CHIPMAN
WATERFORD, MI 48327
H(248)682-5078/B(248)626-1800

APPLICANT #2:
NANCY KEMP - MEMBER
1665 POST ROAD
WEST BLOOMFIELD, MI 48324
H(248)682-8078

DATE FINGERPRINTED:

DATE FINGERPRINTED:

DATE OF BIRTH:
Is the applicant a U.S. Citizen: [] Yes [] No*

DATE OF BIRTH:
Is the applicant a U.S. Citizen: [] Yes [] No*

*Does the applicant have permanent Resident Alien status?
[] Yes [] No*

*Does the applicant have permanent Resident Alien status?
[] Yes [] No*

*Does the applicant have a Visa? Enter status:

*Does the applicant have a Visa? Enter status:

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

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

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

Section 2. INVESTIGATION OF BUSINESS AND ADDRESS TO BE LICENSED

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

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

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

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

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

Section 4. RECOMMENDATION

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

Signature (Sheriff or Chief of Police) Date

TROY POLICE DEPARTMENT



Michigan Department of Labor & Economic Growth
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)

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

FOR MLCC USE ONLY

Request ID # 367206

Business ID # 176652

LAW ENFORCEMENT RECOMMENDATION

[Authorized by MCL 436.1916, R 436.1105(2)(d) and R 436.1403]

April 17, 2007

TO:

Re: 1555 E. MAPLE, LLC

We have received a request from the above licensee for the type of permit indicated below. Please make an investigation and submit your report and/or recommendation to the offices of the MLCC at the above address. Questions about this request should be directed to the MLCC Licensing Division at (517) 322-1400.

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____
Weekdays _____ A.M. to _____ A.M.
Sundays _____ A.M. to _____ A.M./P.M.

Recommended Recommended, subject to final inspection Not Recommended

NOTE: If the applicant is requesting two separate extended hours permits and the permits are for **different hours** you must complete the box below. If additional space is needed please use reverse side of this form.

OFFICIAL PERMIT FOR EXTENDED HOURS OF OPERATION FOR: _____
Weekdays _____ A.M. to _____ A.M.
Sundays _____ A.M. to _____ A.M./P.M.

Recommended Recommended, subject to final inspection Not Recommended

DANCE PERMIT

Recommended Recommended, subject to final inspection Not Recommended

ENTERTAINMENT PERMIT

Recommended Recommended, subject to final inspection Not Recommended

TOPLESS ACTIVITY PERMIT

Recommended Recommended, subject to final inspection Not Recommended

OUTDOOR SERVICE

Recommended Recommended, subject to final inspection Not Recommended

PARTICIPATION PERMIT

Recommended Recommended, subject to final inspection Not Recommended

ADDITIONAL BAR PERMIT

Recommended Recommended, subject to final inspection Not Recommended

OTHER

Recommended Recommended, subject to final inspection Not Recommended

Signed:

Signature and Title

Print Name and Title

TROY POLICE DEPARTMENT

Date: _____

sfs

RESOLUTION

At a _____ meeting of the _____
(Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request to TRANSFER OWNERSHIP OF 2005 CLASS C LICENSED BUSINESS WITH DANCE PERMIT, LOCATED IN ESCROW AT 1555 E. MAPLE, TROY, MI 48084, OAKLAND COUNTY, FROM JUMBO INVESTMENT, INC. TO 1555 E. MAPLE, LLC; WITH LICENSE TO BE HELD IN ESCROW.

be considered for _____
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
(Recommended or Not Recommended)

State of Michigan _____)

County of _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
(Township Board, City or Village Council) (Regular or Special)

meeting held on _____
(Date)

(Signed) _____
(Township, City or Village Clerk)

SEAL

(Mailing address of Township, City or Village)



CITY COUNCIL ACTION REPORT

Date September 27, 2007

TO: Phillip L. Nelson, City Manager

FROM: Mark Miller, Planning Director

SUBJECT: Ratification of Resolution #2007-10-266 C-2 from September 10, 2007 City Council Meeting to Correct a Typographical Error.

Background:

- Item C-2 from September 10, 2007 indicated a rezoning of a parcel of land in Section 24. The memorandum and requested motion incorrectly identified the current zoning as being R-1D. The parcels, prior to the rezoning were zoned R-1E.
- The submittal and motion were correct with the exception of the “current” zoning typographical error.
- The rezoning will be re-published with the correction of the error after the ratification of the rezoning motion.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

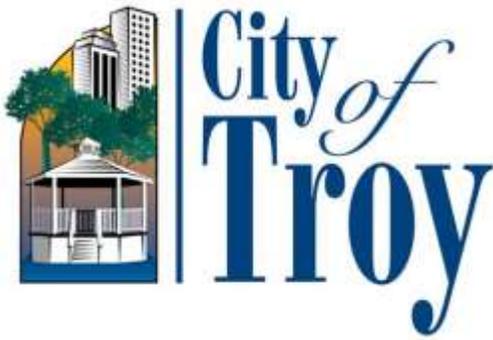
- There are no legal considerations associated with this item.

Policy Considerations:

- There are no policy considerations associated with this item.

Options:

- It is recommended that Troy City Council ratify the rezoning of the Concept Development Plan Approval – Big Beaver Place Planned Unit Development (PUD 008) to correct a typographical error from the currently zoned R-1D (One Family Residential) District to the correct zoning of R-1E (One Family Residential) District.



**CITY COUNCIL
AGENDA
October 1, 2007
Back-Up Documentation
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317**

-
- F-1** Appointments to Boards and Committees: a) Mayoral Appointments: Downtown Development Authority b) City Council Appointments: Advisory Committee for Persons with Disabilities; Ethnic Issues Advisory Board; Historic District Commission; Historical Commission; Municipal Building Authority; Parks & Recreation Board; Southeastern Michigan Council Of Governments; and Troy Daze Committee

**There is no back-up documentation on this
Agenda item at the time of publication.**



CITY COUNCIL ACTION REPORT

DATE: September 19, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Final Site Condominium Approval – Timbercrest Farms Site Condominium, South of Wattles, West of Fernleigh, Section 24 – R-1C

Background:

- The applicant is proposing a 32-unit site condominium on the 12.1-acre parcel. The applicant is utilizing the lot averaging option, which allows a 10 percent reduction in lot area and lot width.
- City Council granted Preliminary Approval of Timbercrest Farms Site Condominium at the March 5, 2007 Regular meeting.
- The Engineering Department granted approval of the engineering plans based upon the City's Development Standards; therefore, the development will not cause or exacerbate drainage problems on contiguous properties, due to surface run-off from the proposed development.
- The petitioner executed a contract for installation of municipal improvements and provided the required escrow deposits and cash fees. City Council approved the contract on September 17, 2007.
- The proposed site condominium meets all applicable Zoning Ordinance requirements.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

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

Policy Considerations:

- The item is consistent with City Council Goal III (Retain and attract investment while encouraging redevelopment) and V (Maintain relevance of public infrastructure to meet changing public needs).

Options:

- City Council can grant Final Approval of Timbercrest Farms Site Condominium.
- City Council can deny Final Approval of Timbercrest Farms Site Condominium.

Attachments:

1. Maps.
2. City Council Minutes from the March 5, 2007 Regular meeting.
3. City Council Minutes (draft) from the September 17, 2007 Regular meeting.

Prepared by RBS/MFM

cc: Applicant
File / Timbercrest Farms Site Condominium

G:\SUBDIVISIONS & SITE CONDOS\Timbercrest Farms Site Condo Sec 24\Timbercrest Farms Final CC Approval 10 01 07.doc

SITE CONDOMINIUM SITE PLAN REVIEW
PROPOSED TIMBERCREST FARMS SITE CONDOMINIUM
W SIDE OF FERNLEIGH, S OF WATTLES
SEC. 24 (R-1C, 33 LOTS/UNITS PROPOSED)

E WATTLES

PROPOSED PRESERVES OF
TIMBERCREST SITE CONDOMINIUM

GENICK

GATE

SUBJECT PROPERTY

KETTLE

FORGE

HORSESHOE

HISTORIC

FERNLEIGH

BIRCHDALE

ASHBURY

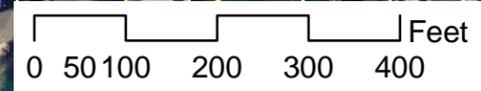
HARVEST

SPRINGTIME

EUCLID

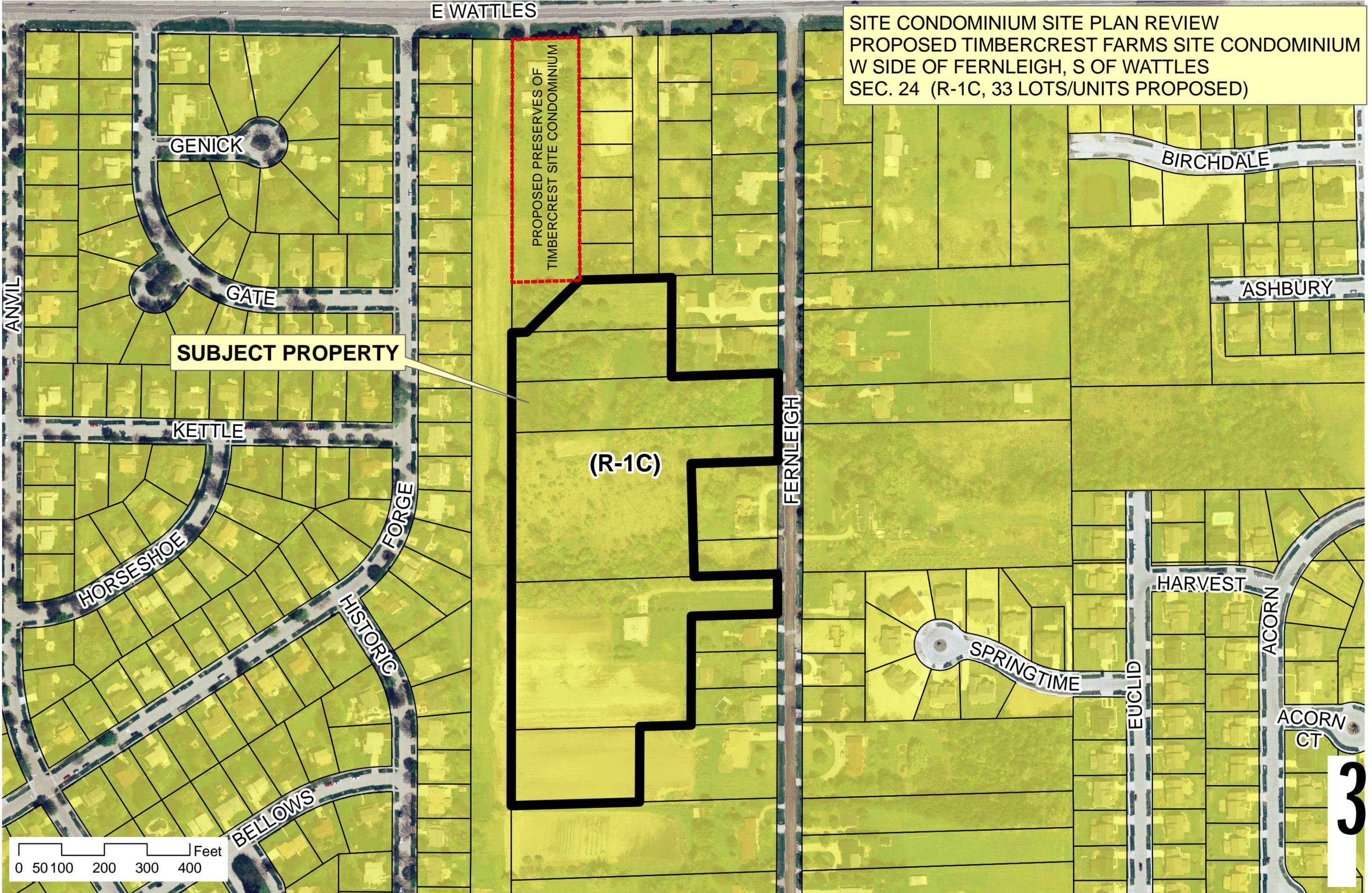
ACORN

ACORN
CT



BELLOWS

SITE CONDOMINIUM SITE PLAN REVIEW
PROPOSED TIMBERCREST FARMS SITE CONDOMINIUM
W SIDE OF FERNLEIGH, S OF WATTLES
SEC. 24 (R-1C, 33 LOTS/UNITS PROPOSED)



0 50 100 200 300 400 Feet

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

Resolution #2007-03-077

Moved by Lambert

Seconded by Beltramini

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

Yes: All-5

No: None

Absent: Broomfield, Stine

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

Resolution #2007-09-275
Moved by Beltramini
Seconded by Broomfield

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

Yes: All-6
No: None
Absent: Fleming

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

E-2 Approval of City Council Minutes

Resolution #2007-09-275-E-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meetings of August 20, 2007 as submitted and September 10, 2007 as placed on the table.

E-3 City of Troy Proclamations:

Resolution #2007-09-275-E-3

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamations:

- a) Proclamation – *International Day of Peace* – September 21, 2007
- b) Proclamation In Recognition of *Constitution Week* – September 17-23, 2007
- c) Proclamation – *Family Day – A Day to Eat Dinner with Your Children* – September 24, 2007

E-4 Standard Purchasing Resolutions – None Submitted

E-5 Private Agreement for Timbercrest Farms Site Condominiums – Project No. 07.901.3

Resolution #2007-09-275-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 Mayapple, LLC, for the installation of sanitary sewer, storm sewer, water main, paving, sidewalks, soil erosion and landscaping on the site and in the adjacent right of way, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Timbercrest Farms Site Plan
is included with agenda packets
and available for public viewing at the
City Clerk's Office and the Troy Public Library



CITY COUNCIL ACTION REPORT

September 25, 2007

TO: Phillip L. Nelson, City Manager
FROM: Cindy Stewart, Community Affairs Director
SUBJECT: Agenda Item: Proposed 2008 City Council Meetings

The Community Affairs Department is working on a number of projects for 2008. We need your assistance regarding dates for the 2008 City Council meetings for inclusion in the City website, calendar and future Troy Today issues. The following dates take into account all holidays and election days, and are submitted for your approval:

Monday, January 7 & 28
Monday, February 4 & 18
Monday, March 3 & 17
Monday, April 7 & 21
Monday, May 12 & 19
Monday, June 2 & 16
Monday, July 7 & 21
Monday, August 11 & 25
Monday, September 8 & 22
Monday, October 6 & 20
Monday, November 10 & 24
Monday, December 1 & 15

Dates submitted for Liquor Violation Hearings:

Wednesday, February 13 7:30 pm
Wednesday, February 20 7:30 pm



CITY COUNCIL ACTION REPORT

September 26, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian Murphy, Assistant City Manager/ Economic Development Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Proposed revision to Chapter 47 – House Trailers
Regarding approval of Temporary Occupancy

Background:

- We have received a request from the First Baptist Church of Troy for a temporary suspension of the provisions of Chapter 47 of the City Code. This is a request that we receive on an annual basis, so that a visiting pastor can park and occupy a motor home on the church site at 2601 John R during the time that he is in town for a series of meetings and presentations. While this type of request has been heard and approved by City Council a number of times, the process of “temporary suspensions” of ordinance provisions is one that procedurally should be avoided. In order to better accommodate this type of request, we are proposing revisions to Chapter 47 that will allow for administrative processing. The proposed revisions set forth clear minimum standards needed for approval, while still affording an opportunity to obtain relief from City Council if the petitioner’s administrative request is denied. This new procedure would speed up the process, thus providing better service to the public and reduce the need for City Council action on routine requests.

Financial Considerations:

- There are no financial concerns regarding this item.

Legal Considerations:

- Providing a defined process within the ordinance language is preferred over a temporary suspension.

Policy Considerations:

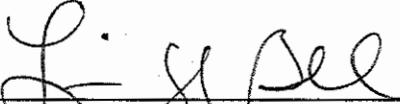
- Enhance the livability and safety of the community (Goal I)
- Minimize the cost and increase the efficiency and effectiveness of government (Goal II)

Options:

- City Council can approve the revisions to chapter 47 as proposed.
- City Council can deny the revisions to Chapter 47.
- City Council and approve a modified version of the revisions to Chapter 47.

Where legal review is necessary:

Approved as to Form and Legality:



Lori Grigg Blahm, City Attorney

Chapter 47

6.41 House Trailers

For the purpose of this Chapter, the term "house trailer" shall mean any vehicle used or intended for use as a dwelling, regardless of whether such vehicle is self-propelling or is moved by other agencies. The following restrictions shall be applicable to house trailers.

...

- (2) No person shall park or permit the parking of a house trailer for occupancy on any private property within the City except in any authorized trailer camp licensed under the provisions of [MCL 125.1001 et. seq.](#), Act 243, Public Acts of 1959, State of Michigan, as amended.
- [a.](#) Exception: The City Council may permit, by resolution, a house trailer to be occupied as an office or similar occupancy for a period of twelve (12) months, with an option to renew such approval for a period not to exceed (6) months, after receiving a report and recommendation from the Planning Director and Director of Buildings and Inspection. The renewal of said occupancy after the initial twelve (12) month period shall be based upon the petitioner starting construction of a permanent facility on the site on which the house trailer is located; or a business establishment presently located in Troy erecting a building at a new location in Troy may be permitted to occupy a house trailer as designated above on the site of their present facility while the new facility is being erected.
 - [b.](#) Exception: The City Manager may permit a house trailer to be occupied as a residence for a temporary period, not exceeding 10 days, as part of a special event if all the following conditions exist:

 - [i.](#) The site is zoned other than one-family residential.
 - [ii.](#) The site is located with frontage on a Major Thoroughfare.
 - [iii.](#) The site is a minimum of five acres in size.
 - [iv.](#) The proposed location of the trailer is not in a required setback.
 - [v.](#) The proposed location is such that it will not obstruct fire lanes or required access lanes to parking areas.

[An appeal may be made to the City Council by any person or entity affected by a decision of the City Manager, in relation to requirements](#)

for temporary occupancy of a house trailer, as provided for under exception b of this Section.

|



CITY COUNCIL ACTION REPORT

DATE: September 26, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Site Plan Review – LTU Solar Decathlon House at Troy Community Center – South of Troy Center Drive, West of Livernois (3179 Livernois), Section 21 – Zoned C-F (Community Facilities) District (File Number SP 943)

Background:

- The applicant, Troy Chamber of Commerce, proposes to relocate a solar house on the Troy Community Center property. The solar house was designed and constructed by students from Lawrence Technological University (LTU) and is the school's entry in the National Solar Decathlon Competition, that has 20 schools competing to build the best solar powered house. In October the house will be on display at the National Mall in Washington, D.C. Following the competition, the roughly 800-square foot structure will be transported to and permanently sited on the Community Center property as an educational exhibit.
- Section 18.80.00(B) gives the City Council the authority for final site plan approval for all site plans for development of public property within the C-F district, following a recommendation from the Planning Commission.
- The Planning Commission recommended approval of the site plan at the September 25, 2007 Special/Study meeting.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

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

Policy Considerations:

- Approval of the site plan application would be consistent with City Council Goal I (Enhance the livability and safety of the community), III (Retain and attract investment while encouraging redevelopment) and V (Maintain relevance of public infrastructure to meet changing public needs).

Options:

- City Council can approve or deny the site plan.

Attachments:

1. Maps.
2. Minutes from the September 25, 2007 Planning Commission Special/Study meeting.
3. Site plan for LTU Solar Decathlon House.

Prepared by RBS/MFM

cc: Applicant
File /SP 943

G:\SITE PLANS\SP 943 Solar Decathlon House Sec 21\SP 943 CC Meeting 10 01 07.doc

SITE PLAN REVIEW
LTU SOLAR DECATHLON HOUSE
W SIDE LIVERNOIS, S OF TOWN CENTER
SEC. 21 (SP-943)

TOWN CENTER

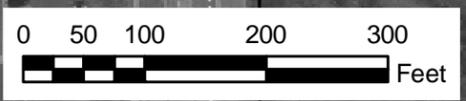
GMIC CENTER

SUBJECT PARCEL

LIVERNOIS

LOUIS

HARTLAND



SITE PLAN REVIEW
LTU SOLAR DECATHLON HOUSE
W SIDE LIVERNOIS, S OF TOWN CENTER
SEC. 21 (SP-943)

O-1

TOWN CENTER

R-1E

CIVIC CENTER

SUBJECT PARCEL

C-F

LIVERNOIS

LOUIS

HARTLAND

3



OSC

SITE PLAN

8. SITE PLAN REVIEW (SP 943) – Proposed LTU Solar Decathlon House at Troy Community Center, West side of Livernois, South side of Troy Center (3179 Livernois), Section 21, Zoned C-F (Community Facilities) District

Mr. Miller presented a summary of the Planning Department report on the proposed site plan, and reported it is the recommendation of City Management to approve the site plan as submitted. Mr. Miller acknowledged representatives from the City, the Chamber of Commerce and Lawrence Technological University (LTU) in the audience.

Brian Murphy, Assistant City Manager/Economic Development Services, introduced the proposed solar house as a great opportunity for the City. He addressed its ultimate use, and its attraction and promotion of green development to residential and business communities. Mr. Murphy thanked all involved to bring the project to the City of Troy.

The petitioner, Michelle Hodges of the Chamber of Commerce, asked support from the Commission to approve the site plan. She said the project is a success story for all involved and addressed the importance of green development. Ms. Hodges talked about the passion she personally witnessed from the LTU students who worked on the project. She thanked everyone involved with the project.

Philip Plowright, Assistant Professor, College of Architecture and Design, Lawrence Technological University, 21000 W. Ten Mile Road, Southfield, spoke highly of the LTU students who developed the solar house as an exhibit to alternative energy for the average homeowner. He identified features of the house, specifically the AC/DC electrical system. Mr. Plowright addressed a two-year study, funded by DTE, which would record data from the house and post statistics on a webpage.

Joseph Veryser, Associate Dean, College of Architecture and Design, Lawrence Technological University, 21000 W. Ten Mile Road, Southfield, addressed the opportunity for green development to go beyond the solar house, and the educational curve the solar house would bring to the community.

John Eckstein of John Tagle Associates, Inc., 5455 Corporate Drive, Troy, addressed the solar house foundation.

Discussed were:

- Uses; educational laboratory, meeting space, children summer camps.
- Exterior signage.
- Informational brochures.
- LEED membership (City).

- Zoning Ordinance compliance.
- Parks and Recreation Department in charge of operation.
- Sustainable material used in the house.
- Future use; easily disassembled.
- Solar Decathlon 2007 competition.
- Public-private partnership.
- Assistance by LTU students with exhibits.
- Fundraising campaigns.

Resolution # PC-2007-09-150

Moved by: Tagle

Seconded by: Strat

RESOLVED, All site plans for the development of public property within the C-F District are subject to the review and recommendation of the Planning Commission and to final review and approval or denial by City Council, as per Section 18.80.00(B) of the City of Troy Zoning Ordinance.

NOW THEREFORE BE IT RESOLVED, That the Planning Commission recommends that Preliminary Site Plan Approval for the proposed Solar House at the Troy Community Center, located south of Troy Center Drive, west of Livernois, located in Section 21, on approximately 33 acres in area, within the C-F zoning district, be granted.

Yes: All present (8)

Absent: Troshynski

MOTION CARRIED

LTU Solar House Site Plans
are included with agenda packets
and available for public viewing at the
City Clerk's Office and the Troy Public Library



CITY COUNCIL REPORT

DATE: September 26, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Announcement of Public Hearing – Concept Development Plan Approval – The Pavilions of Troy Planned Unit Development (PUD 9) – Northwest corner of Big Beaver and Coolidge, Section 19 – O-S-C, O-M and P-1 Districts

Background:

- A public hearing is scheduled for this item for the October 15, 2007 City Council Regular meeting.
- The Planning Commission recommended Concept Development Plan Approval of PUD 9 at the September 11, 2007 Special/Study meeting.
- The applicant proposes a phased mixed-use development on the 40-acre parcel. Phase 1 is proposed to include 100-250 residential units and 200,000-600,000 square feet of office and retail. The development at build out is proposed to have 750 residential units, 300,000 square feet of office, 500,000 square feet of retail and a 250 room hotel.
- Richard Carlisle of Carlisle/Wortman Associates, Inc., the City's Planning Consultant, prepared a report summarizing the project and recommending Concept Development Plan Approval.
- The proposed PUD meets the Standards for Approval of Section 35.30.00 of the City of Troy Zoning Ordinance.
- The proposed PUD is consistent with the Key Concepts of the Big Beaver Corridor Study.
- The PUD Agreement has been reviewed and approved by the City Attorney's Office.
- The attached reports were presented to the Planning Commission at the September 11, 2007 Regular meeting. The City's consultants will provide updated reports to City Council prior to the Public Hearing. Updated traffic information will be provided to City Council prior to the Public Hearing.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

- City Council has the authority to act on this application.
- Concept Development Plan Approval will have the effect of rezoning the subject parcel to PUD 9.

Policy Considerations:

- The item is consistent with City Council Goal I (Enhance the livability and safety of the community), Goal III (Retain and attract investment while encouraging redevelopment), and Goal V (Maintain relevance of public infrastructure to meet changing public needs).

Options:

- City Council can approve the application for Concept Development Plan Approval.
- City Council can approve the application for Concept Development Plan Approval with conditions.
- City Council can deny the application for Concept Development Plan Approval.
- No action required until the October 15, 2007 Regular meeting.

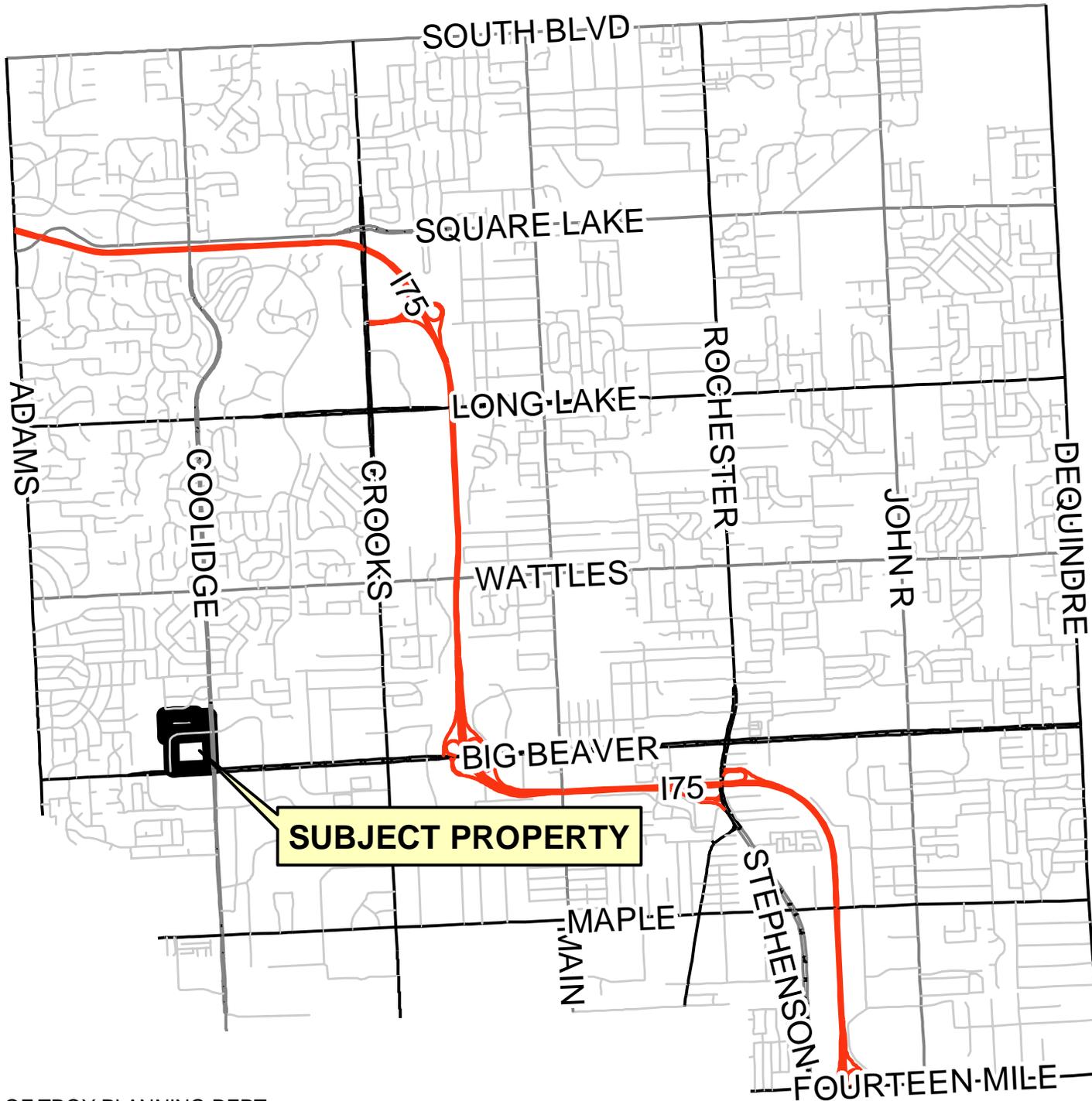
Attachments:

1. Maps.
2. Report prepared by Carlisle/Wortman Associates, Inc., dated September 5, 2007.
3. Planning Commission Minutes from the September 11, 2007 Regular meeting.

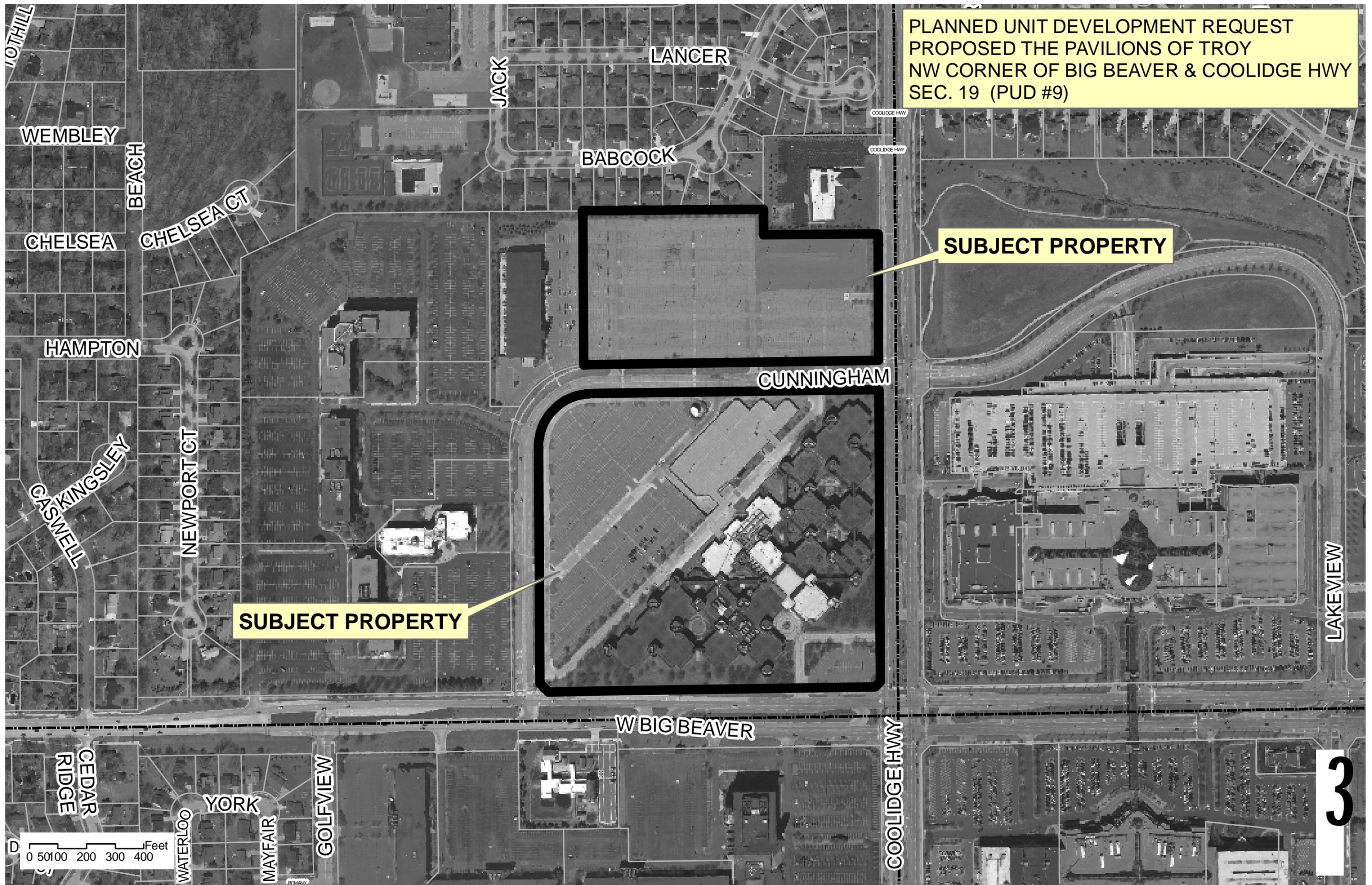
Prepared by RBS/MFM

cc: Applicant
File /PUD 9

CITY OF TROY

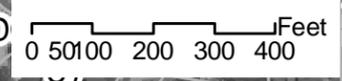


PLANNED UNIT DEVELOPMENT REQUEST
PROPOSED THE PAVILIONS OF TROY
NW CORNER OF BIG BEAVER & COOLIDGE HWY
SEC. 19 (PUD #9)

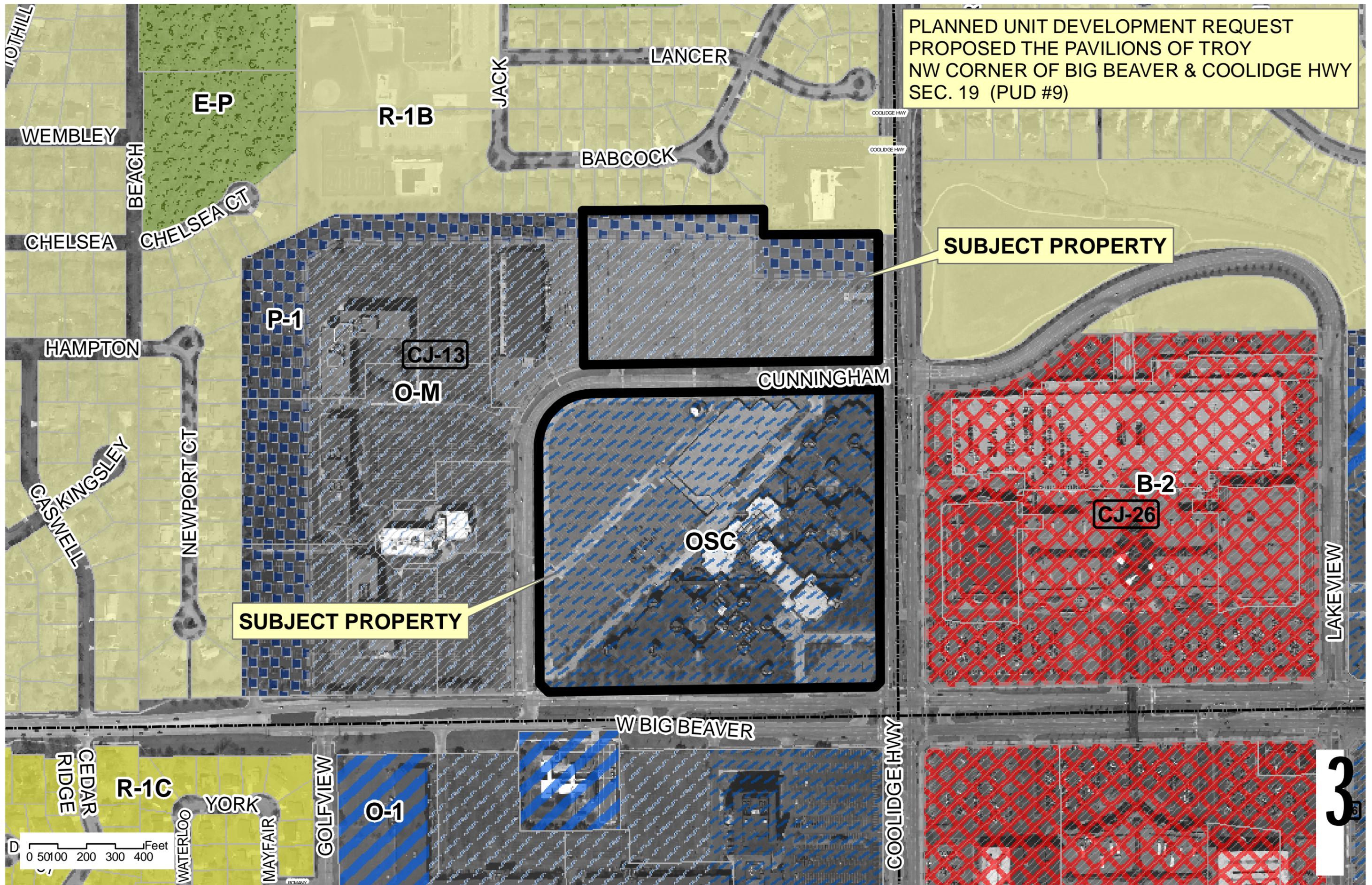


SUBJECT PROPERTY

SUBJECT PROPERTY

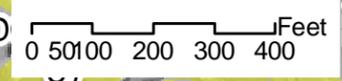


PLANNED UNIT DEVELOPMENT REQUEST
PROPOSED THE PAVILIONS OF TROY
NW CORNER OF BIG BEAVER & COOLIDGE HWY
SEC. 19 (PUD #9)



SUBJECT PROPERTY

SUBJECT PROPERTY





CARLISLE/WORTMAN ASSOCIATES, INC.
Community Planners /Landscape Architects

605 S. Main, Suite 1
Ann Arbor, MI 48104
734-662-2200
fax 734-662-1935

6401 Citation Drive, Suite E
Clarkston, MI 48346
248-625-8480
fax 248-625-8455

Date: September 5, 2007

Planned Unit Development/Site Plan Review For City of Troy, Michigan

GENERAL INFORMATION

Applicant	Richardson Development Group
Project Name:	Pavilions of Troy PUD
Plan Date:	September 5, 2007
Latest Revision:	August 28, 2007
Location:	Northeast corner of Big Beaver and Coolidge
Zoning:	O-S-C Office Service Commercial, O-M Office Medical, and P-1 Vehicle Parking
Action Requested:	<p>Planning Commission review and recommendation to the City Council for approval of the Concept Development Plan. The procedure for review and approval of a PUD is a three-step process.</p> <ul style="list-style-type: none">• The first step is an application for and approval of a Concept Development Plan, along with a Development Agreement. The Concept Development Plan and Development Agreement are approved by the City Council following recommendation of the Planning Commission. Such action, if and when approved, shall confer upon the applicant approval of the Concept Development Plan and shall rezone the property to PUD in accordance with the terms and conditions of the Concept Development Plan approval.• The second step of the review and approval process is application for and approval of a Preliminary Development Plan (preliminary site plan) for the entire project, or for any one or more phases of the project. City Council shall have

the final authority to approve and grant Preliminary Development Plan approvals, following a recommendation by the Planning Commission.

- The third step of the review and approval process is the review and approval of a Final Development Plan (final site plan) for the entire project, or for any one or more phases of the project, and the issuance of building permits. Final Development Plans for Planned Unit Developments are submitted to the Planning Department for administrative review, and the Planning Department, with the recommendation of other appropriate City Departments, has final authority for approval of such Final Development Plans.

Required Information:

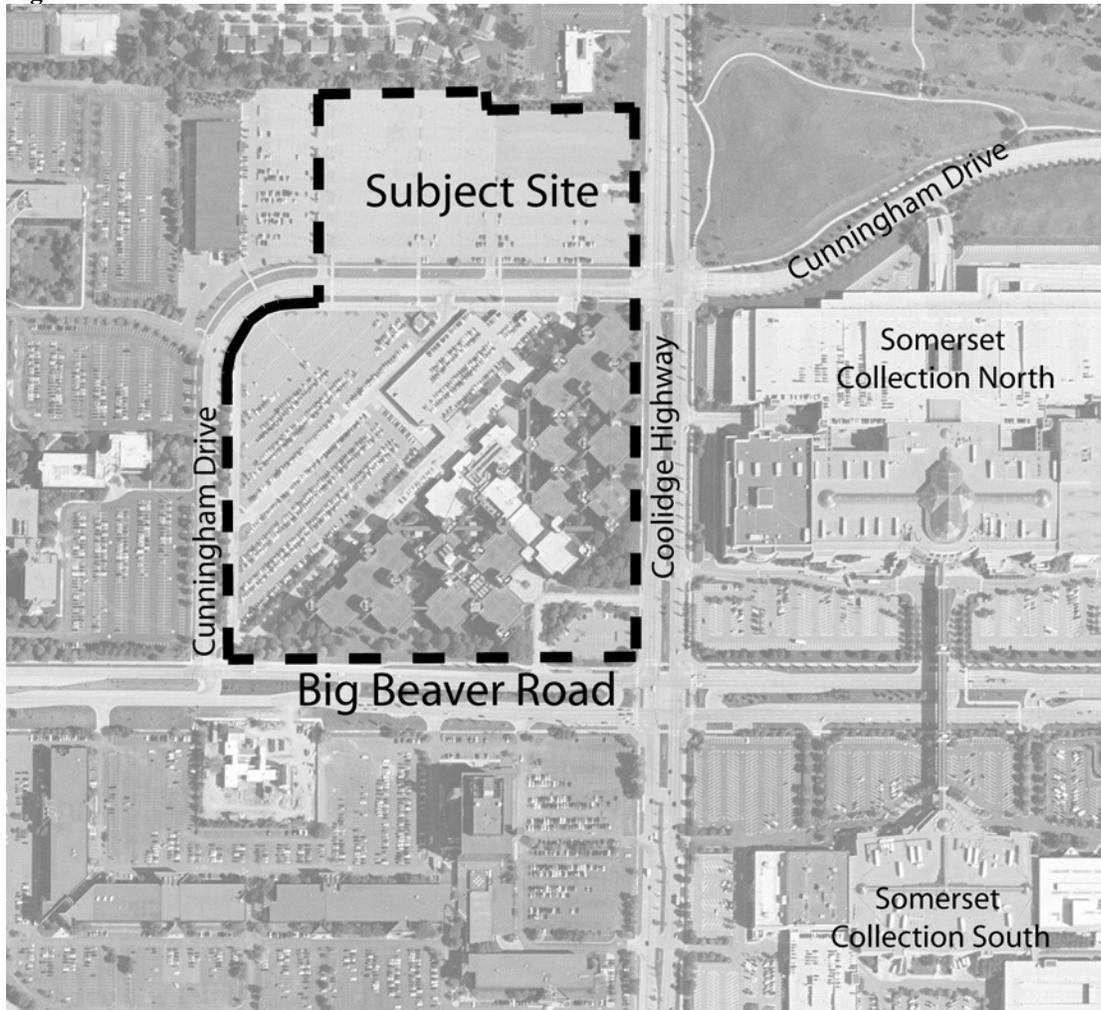
Provided. The applicant has submitted an extensive application which includes the following:

- PUD Application
- Executive Summary
- Conceptual Plan
- Community Impact Statement
- Development Guidelines
- Traffic Impact Assessment
- Shared Parking Analysis
- Environmental Impact Statement
- PUD Agreement
- Team Credential

PROJECT, SITE DESCRIPTION, AND CONCPET PLAN

The applicant proposes a visionary and aggressive reuse/redevelopment of the former K-Mart Headquarters site. With the exception of the Sears data processing operations located in the northwest corner of the site, the existing headquarters buildings are vacated.

Figure 1: Site Location



Located on forty (40), acres at the northwest section of Big Beaver and Coolidge, the project is envisioned as a mixed use project with a distinctive urban flavor. Planned in two phases, the project at full buildout will consist of residential, office, hotel, institutional and retail uses as follows:

- Residential uses (750 units), including townhomes, multiple family buildings, lofts, and senior housing
- Office uses (300,000 square feet) including general, professional, and medical offices, research, and financial institutions
- Hotel use (250 rooms)
- Retail uses (500,000 sq. ft.) including general and specialty retail, full service restaurants, and bars and take-out restaurants and entertainment and fitness center

- Miscellaneous Institutional and accessory uses which may include public facilities, churches, and transit centers and will include parking structures and other accessory uses

Phase I will consist primarily of the central core of the project along with portions that extend out to Coolidge. The elements of Phase I include:

- Residential uses (100-250 units), including lofts, condominiums, and apartments.
- General office and retail uses (200,000-600,000 sq.ft.) including general and special retail, entertainment, restaurants, fitness centers, and offices.

Commissioners should be aware that, while ranges of units and/or building areas are depicted for Phase I, the ultimate areas are depicted for Phase I, the ultimate threshold of what will be built is dictated by the total buildout indicated above.

THE CONCEPT PLAN

The Concept Plan organizes the site into four major thematic areas. The extreme northern boundary adjacent to the existing single family residential area to the north is designated as Residential Area where densities are the lowest and use is exclusively devoted to residential. Adjacent to the south is Transition Area which will also be predominantly residential but where a compatible mixture of retail and office uses will be introduced.

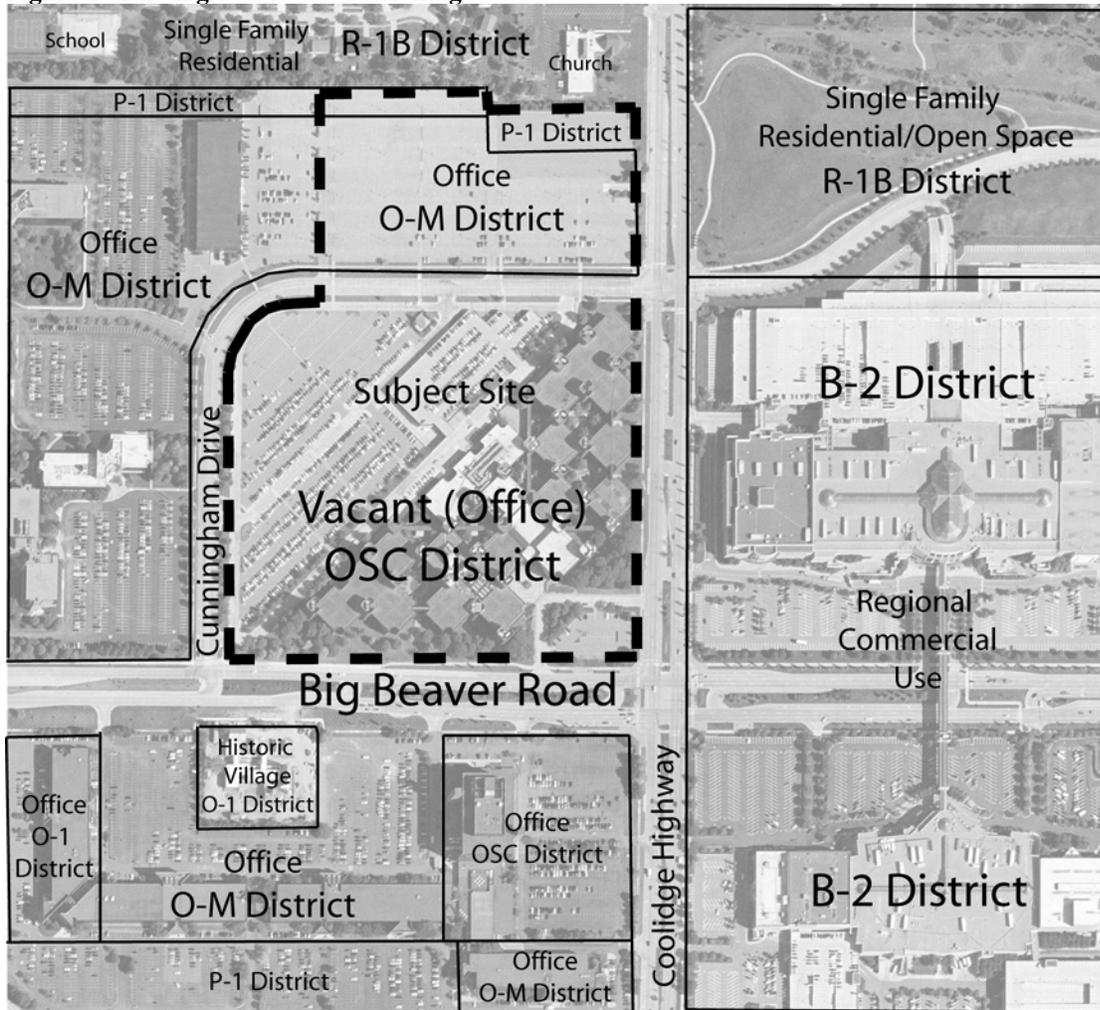
The core of the project will be the Pavilion Area envisioned as the central organizing feature of the project. While a significant number of residential units are included, (100-250 units), the Pavilion Area will include a concentration of retail, restaurant, and entertainment uses.

The Pavilion Area will be bordered on the east, (fronting Coolidge), and on the west, (fronting Cunningham), by the Border Area. This area will include residential, office, hotel, and retail uses.

NEIGHBORING ZONING AND LAND USE

With the exception of the northerly boundary, the site is primarily surrounded by non-residential use. The area to the north is zoned, R-1B One Family Residential and is currently a residential subdivision and church. Across Big Beaver, the area is zoned O.S.C. Office Service Commercial, O.M., Office Mid-rise and O-1, Office Building all devoted to existing office. To the east, the area is zoned B-2, Community business devoted to Somerset and R-1B which is open space. Adjacent to the site to the west is O-M, Office Mid-rise.

Figure 2: Existing Land Use and Zoning



Items to be Addressed: none

MASTER PLAN

Master Plan designations, replicate current zoning patterns. The subject site is designated Mid-rise Office, (inside Cunningham), and Low-rise Office, (North and West of Cunningham). The area to the north is planned for low density single family residential. The Northeast corner of Big Beaver and Coolidge is planned Regional Center and low density transition. The Southeast corner is planned Regional Center. The southwest corner is a combination of Mid-rise and Low-rise office.

Figure 3: Future Land Use



However, the Big Beaver Corridor Plan has a more ambitious vision for the site. Located within the area designated as “Troy City Center” an urban mixed use district is envisioned. This area is intended to become the heart of the City. The Building Use Plan calls for mixed use of office, residential and retail within the core of the site, multiple family as a transition to the north and some commercial along Coolidge. Therefore, the Pavilions of Troy PUD is consistent with the vision of the Corridor Plan.

Items to be Addressed: None.

PUD STANDARDS

The PUD provisions of the Zoning Ordinance are found in article XXXV. Criteria are set forth in Section 35.30.00 for consideration of a PUD project as a PUD. The following are our comments:

Section 35.30.00, A. The proposed development shall be applied for by a person or entity that has the legal right to execute a binding agreement concerning all process on the development.

The applicant, Richard Development, is authorized to apply for Concept Development Plan approval on behalf of Diamond Troy JV LLC.

Section 35.30.00, B.: The applicant shall demonstrate that through the use of the PUD option, the development will accomplish a sufficient number of the following objectives, as are reasonably applicable to the site, providing:

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

The project will include both a horizontal and vertical mix of uses, the first of its kind in the City of Troy. Such a project is consistent with the Big Beaver Corridor Plan and would be impossible to implement using conventional zoning techniques.

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

The Pavilions of Troy will include a variety of civic spaces designed for public gathering and events. The site will be interconnected with internal walkways that extend to and connect with walkways that border the site on Big Beaver and Coolidge. Both active (e.g. outdoor skating and play areas) and passive recreational and leisure activities will be incorporated in the site. Roadway improvements will be made to both Coolidge and Big Beaver to improve access into the site and to ensure more safe pedestrian access between the site and nearby uses.

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

The proposed project represents state of the art thinking in terms of viable sustainable mixed use development. As stated, implementing the project through conventional zoning techniques would not be possible. Further, the Corridor Plan calls for the type of uses proposed by the applicant.

4. Long term protection and preservation of natural resources, natural features, and historic and cultural resources, of a significant quantity and/or quality in need of protection or preservation, and which would otherwise be unfeasible or unlikely to be achieved absent

these regulations.

As the site is currently developed, there are few, if any, natural features which exist. The applicant has been challenged to develop the site using sustainable green building and site design techniques. As a result, a significant number of measures are identified in the Development Guidelines, Section 12. This includes seeking LEED certification, to the extent possible, for building design and employing low impact design methods for stormwater management to control quantity and enhance quality.

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

Section 3 of the Development Guidelines discusses proposed project amenities which will include:

- *Ice skating rink*
- *Open air civic gathering space(s)*
- *Outdoor seating areas*
- *Public art*
- *Park and play areas for residents*

As indicated, the project will consist of a combination of greenspace, hardscape (plazas and walkways) and buffers. Of the 40 acres, 7.5 acres or 18.5% will be devoted to some form of open space. Given the urban nature of the project, some of the open space will be paved, or hardscape, areas devoted to walkways, plazas and sitting areas. There will also be green space in the form of transitional buffers and park/play area.

Also as requested, attention has been paid to the visual image from the adjoining thoroughfares. In keeping with the Big Beaver Corridor Plan, landscape greenbelt concepts are illustrated (Development Guidelines, Sec. 10) from both roadways that will be attractive and will soften the appearance of buildings and parking.

A parking concern has been expressed regarding the Big Beaver/Coolidge corner image. The Corridor Plan calls for a “green” gateway feature. A concept is illustrated in the Development Guidelines, Section 5, which will be installed during Phase I.

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

As requested, a more substantial buffer has been provided between the project and the residential area to the north. A 100’ setback will be provided from the nearest building

to the northerly property boundary.

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

Section 12 of the Development Guidelines enumerates the variety of low impact and sustainable design measures that will be pursued. In addition to seeking LEED certifiable methods, a number of Low Impact Design methods will also be used.

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

In addition to the sustainable design methods cited above, the mixed use nature of the project is intended to foster economic sustainability. The focus of the project on the Pavilions Area is the central focus of activity, the emphasis on street activity and the fostering of a walkable environment make this project unique.

The challenge for the bit the City and the applicant will be how this activity can be “exported” to the other three corners of Big Beaver and Coolidge to avoid the project becoming an enclave. This will require the active involvement of the City, DDA and other property owners.

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

Viable urban environments have a mix of uses with a strong emphasis on street activity. Ground floor retail, restaurant and entertainment uses along with both formal and informal outdoor activity will create this dynamic environment. A strong pedestrian network, as mitigated throughout the project, is essential to creating the environment.

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

A number of measures will be employed to offset traffic impact. These measures are discussed more fully in the section of this report entitled “Traffic Impact.” We have already discussed the enhanced walkability of the project.

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

The Pavilions of Troy PUD will be redeveloping what would be an otherwise difficult building and property to simply reuse. Due to the single use nature of the existing building for office space, it is unlikely it can be occupied by either a single office user or divided for multiple users.

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

As with the balance of the project, a mix of housing is provided to appeal to a broader market. Particularly noteworthy is the addition of senior housing to this site, thereby providing for a generational mix of residents.

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

Please refer to comment #11 above.

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

As mentioned earlier, while the proposed project does not meet the Master Land Use Plan designation for office use for the project, it does advance the Big Beaver Corridor Plan.

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

In the Development Guidelines, Section 4, proposed architectural and building characteristic are provided in conceptual form. The concept set forth in Section 4 is consistent with the Big Beaver Corridor Plan which emphasizes the "street presence" of building and a sense of enclosure. This concept is modified in an

appropriate manner within the various districts of the site.

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

Typical screening measures are provided in the Development Guidelines, Section 6. Views along perimeter streets are also provided in Section 9.

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

Typical screening measures are discussed in the Development Guidelines, Section 9.

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

Hours of operation for retail and business uses will be commensurate with normal operating hours. However, as is both typical and desired by a mixed use project of this nature, a 24/7 atmosphere is sought.

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

Development Guidelines, Section 10, provides this information. Various concepts described throughout this Section suggest a strong commitment to the greenspace components of this project.

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

Please refer to the section of this report entitled Parking and Loading.

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

As indicated earlier, the applicant has committed to stormwater management methods that will both control quantity and improve quality.

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

On the basis of the information provided all applicable laws and ordinances will be observed.

Items to be Addressed: None

AREA, WIDTH, HEIGHT, SETBACKS

The project site is 40 acres in size with over 900 feet of frontage on Big Beaver and nearly 1500 feet of frontage on Big Beaver. The most critical issue of setbacks is at the perimeters addressed as follows in the Development Guidelines, Section 4:

- 100 foot building setback from the neighborhood to the north as defined in the Neighborhood District section.
- 15 foot building setback along Big Beaver Road.
- 25 foot building setback along Coolidge Highway.
- 10 foot building setback along Cunningham Road and the Sears Data Center.
- Zero lot lines internal to the project, consistent with the design of a dense multi-use environment.

The 100 foot setback to the north was increased in response to previous comments. The setback along Big Beaver has been increased from 10 to 15 feet to address comments regarding the area available to incorporate aesthetic improvements.

Internally, the applicant is requesting 0 lot line setbacks. Such an approach is typical with a project of this nature and is subject to applicable building code requirements. In reviewing the Concept Plan, there will be separation between certain buildings, primarily where such buildings are in proximity to parking structures.

Building height/massing is depicted in the Conceptual Plan, Section 2. Heights generally transition from the main road internally (i.e. greater heights along Big Beaver and Coolidge). In the central core of the project, Pavilion Area, heights range from 75-100 feet.

Along the northerly boundaries, where compatible heights are critical, heights are reduced from 75' to 40'. In other words, heights that are in closest proximity to the neighboring subdivision will not exceed 40'.

Items to be Addressed: None.

PARKING, LOADING

The applicant has submitted a detailed analysis evaluating characteristics of parking in a mixed use project. As with traditional traffic analysis, parking is treated by the Zoning Ordinance on

the basis of individual uses. We have found that most mixed use projects will have different peak demand for the various uses. We think the Executive Summary (p.1) of the Shared Parking Analysis explains the concept very well:

The general principle of shared parking is that two or more uses can utilize a single parking space without encroachment. This concept has been newly revised with the development of compact, mixed-use town centers. This type of development lends itself to applying shared parking principles maximize the use of infrastructure while minimizing impacts to the environment created by the construction of unnecessary parking.

The specific methodology used by the applicant involves a combination of applying parking standards from the Urban Land Institute (ULI) coupled with adjustments for shared parking based on peak demand of various uses. This analysis further compares adjusted ULI industry standards with both actual and adjusted City of Troy standards. The result of the applicant's analysis will result in a 38% reduction in parking from what the City would require if each use would consider individually.

We have had extensive discussion regarding the methodology used by the applicant and agree that a conventional application of Ordinance standards would not be reasonable for a project of this nature. Furthermore, the applicant is willing to revisit the issue following completion of Phase I should the City request an evaluation.

We also note that the applicant has performed a parking analysis on a block-by-block basis, which is useful in determining whether the distribution of parking is appropriate. Assuming the applicant is correct in their calculation of the quantity of parking, the overall distribution seems reasonable.

***Items to be Addressed:** Language in the Development Agreement allowing City to request parking analysis after completion of Phase I.*

SITE ACCESS AND CIRCULATION

In addition to traffic analyses performed by Dr. Abraham, the City's Traffic Engineer, Rod Arroyo of Birchler Arroyo has been retained to prepare a detailed analysis of the traffic impact study submitted by the applicant. A number of meetings have been held with the relevant parties of both the City and applicant. The full text of Mr. Arroyo's report is included as Attachment I.

Site Access

The site is proposed to be accessed via existing and new driveways.

- A major boulevard entrance is proposed on Big Beaver.
- In addition to Cunningham, there will be three (3) access points to Coolidge.
- On Cunningham, there will be multiple access points.

The specific characteristics and limitations of each drive is described more fully in the Traffic Report prepared by Rod Arroyo.

Traffic Impact

As indicated in our report dated July 19, 2007 report, the basis for all traffic analysis rests within the accuracy of trip generation figures. Mixed use projects add complexity to the analysis because standard trip generation rates must be adjusted to compensate for varying peak demand.

It is the conclusion of the Arroyo report that the applicant's traffic impact assessment accurately forecasts traffic volumes using accepted methodology. When comparing traffic forecasts for the subject project versus the previous for the subject project versus the previous K-Mart use, Pavilions of Troy will generate over four (4) times as much traffic. As a result, improvements will be needed.

Proposed Improvements

There are a number of road improvements anticipated during Phase I. A significant "non-improvement" will be keeping Cunningham in its current location. Cunningham is part of the northern collector system and its function will be preserved.

In summary, other Phase I improvements include:

- Addition of a new traffic signal and associated lane capacity improvements on Coolidge at the existing access into Somerset between Nordstrom and the parking garage. This will not only improve access into the site, but will facilitate pedestrian access across Coolidge.
- Closing of the first two median openings on Coolidge and constructing a new media opening (cross over) north of Big Beaver. This will allow northbound u-turns.
- The unsignalized eastbound-to-westbound crossover located east of Cunningham on Big Beaver will be closed and the traffic will be diverted to the crossover just west of Coolidge Highway. The signalized westbound-to-eastbound crossover on Big Beaver west of Coolidge Highway will be relocated 400 feet west of its current location.
- Lane and signal improvements at Big Beaver/Adams, Coolidge/Maple, and Big Beaver/Crooks.

Upon completion of the Phase I, the balance of the project calls for the northly access drive to be completed through the site and connected with Cunningham on the westerly boundary. The new intersection with Coolidge will require a traffic signal.

Pedestrian Circulation

A walkable environment is a goal of the Big Beaver Place and a key feature of the Pavilion project. The following summarizes the important pedestrian elements of the project:

- The Applicant is proposing three main pedestrian crossing locations on Coolidge Highway: Big Beaver Road (both sides), south of Cunningham, and the north side of the drive south of Cunningham. Currently, signalized pedestrian crossings are only provided at Big Beaver Road and Cunningham (over 1,200 feet apart). Adding a signal and pedestrian crossing at the drive south of Cunningham will significantly shorten the distance many Somerset North shoppers have to walk to cross Coolidge.
- The concept of iconic pedestrian bridges was raised in the Big Beaver Corridor Study. Although a bridge was not specifically envisioned across Coolidge at this location, the City, Somerset Collection, and the Pavilions developer should explore the feasibility of a grade-separated pedestrian connection. This would make crossing the wide Coolidge boulevard easier, provide protection from the elements, and potentially lead to fewer vehicular cross-over trips between the two sites. This issue need not be resolved at the Concept Plan stage.
- All major roadways in the Pavilions will have pedestrian paths on both sides. As noted in the Application, this is proposed to be a walkable development, with pedestrian linkages through. Connections are also to be provided to the existing path system along Big Beaver Road and Coolidge Highway. On-street parking will be provided on many internal roads, creating a buffer between moving traffic and pedestrian pathways.
- The only pedestrian crossing shown on Big Beaver, adjacent to the site, is the existing crossing at the Big Beaver / Coolidge intersection. An additional crossing may be feasible at the Big Beaver / Cunningham intersection, but it will require changes in signalization and adding pedestrian paths and striping in the Big Beaver right-of way. There may not be sufficient demand to warrant this improvement, but pedestrian activity in this area should be monitored through the build out of the project.

Items to be Addressed: None.

ESSENTIAL SERVICES

The City Engineer has completed a preliminary evaluation concerning the ability of the city water and sanitary sewer systems to handle the estimated sewer flows and water demands from the proposed Pavilions of Troy. A complete copy of the report is included as Attachment II.

Sanitary Sewer:

The existing sanitary sewer system has the capacity to accept flows from at least Phase I of the development and may be sufficient to accommodate the entire project. The capacities of the

existing sewers themselves were evaluated using standard engineering calculations. The result was that the existing sewers have capacity to handle the peak flows estimated for Phase I of the Pavilions. Analyses also indicate that the existing sewers may also have the capacity to serve the entire development. The calculations show that the existing sewers have slightly more flow capacity than the flow estimates calculated based on land uses, but additional analyses are needed.

When the office uses of both the K-Mart site and Pavilions site are equated to residential equivalent units or REU's which are used in the estimation of sanitary sewer flows, the K-Mart site equates to 896 REU's as compared to 450 REU's for Phase I of the Pavilions or almost half that of the K-Mart land use. While this is a good indication that the existing sewer system has the capacity to accommodate Phase I, other analyses were performed to confirm this preliminary conclusion.

The City is currently in the midst of an extensive sewer-metering program intended to identify capacity deficiencies. This must be completed before a determination can be made as to the adequacy of the existing sewer system to accommodate Phase II of the Pavilions of Troy.

Water Main:

An evaluation of the estimated water demands from the Pavilions indicates that the existing utilities in the area have the capacity to adequately serve the additional demands anticipated by both phases of the Pavilions development. However, the proposed Pavilions development may impact the system, further lowering the operating pressure range. Phase I does not have a negative impact on the water system since the water demands for this phase are below that of the existing K-Mart development.

The City Engineer has directed their consultants to identify what improvement to the water system in that area are needed so that the water pressure can be maintained at acceptable levels.

RECOMMENDATIONS

The proposed Pavilions of Troy is a well-conceived, mixed use project which incorporates state of the art thinking in terms of sustainability, excellence in design, mixed use and walkability. The proposed project is not only consistent with the concepts set forth in the Big Beaver Corridor Plan, it will be a catalyst to advance the plan elsewhere in the Corridor.

Throughout the project, the applicant has been receptive to recommendations and responsive to requests for more information. Although a Concept Plan at this stage, it is our opinion that the information submitted provides a template to move forward with the project. Therefore, we would recommend that the Commission recommend approval to the City Council.

Pavilions of Troy 9-5-07

CARLISLE/WORTMAN ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "R K Carlisle". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

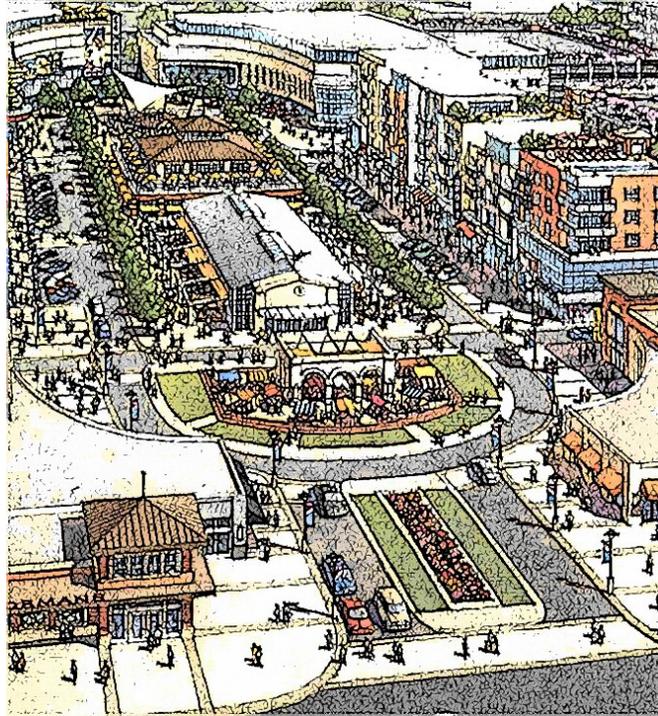
Richard K. Carlisle, PCP

225-02-2703

RKC: lh



Traffic Review



The Pavilions of Troy

Traffic Review Prepared By:

**Birchler Arroyo
Associates, Inc.**

September 6, 2007



Project Description

What is the Developer Proposing?

The Applicant, Richardson Development Group, Inc., is proposing a Planned Unit Development (PUD) project at the northwest corner of Big Beaver Road and Coolidge Highway in Troy, Michigan. The plan includes the demolition of the former Kmart World Headquarters building and redevelopment of the 40-acre site into a mixed-use project.

The project is proposed to be built in two phases. Phase 1 is expected to consist of 100-250 residential units and 200,000 to 600,000 square feet of non-residential uses. The total project at buildout is expected to include 750 residential units, 250 hotel rooms, and 800,000 square feet of other non-residential development. The other non-residential development includes retail, office, cinema, grocery store, fitness club, restaurants, entertainment, and recreation.

Birchler Arroyo Associates, Inc. has been retained by Carlisle Wortman Associates, Inc. to review the traffic impact study prepared by the Applicant's traffic consultant, TetraTech MPS / Wells & Associates.

Trip Generation

How Much Traffic Will The Proposed Development Generate?

The following tables forecast the number of trips that are expected to be generated by the Pavilions development. A *trip* is a single or one-direction vehicle movement with an origin or destination inside the project boundaries. Table 1 shows the weekday forecasts and Table 2 shows the Saturday forecasts.

Table 1—Weekday Trip Generation - The Pavilions

Land Use	AM Peak Hour			PM Peak Hour			Week-day
	In	Out	Total	In	Out	Total	
TOTAL TRIPS – PAVILIONS OF TROY	1,058	780	1,838	1,866	1,951	3,817	37,033
Total Internal Capture Trips	---	---	---	374	374	749	---
Somerset Synergy	---	---	---	298	315	614	---
Total Pass By Trips	---	---	---	301	259	561	---
TOTAL NEW TRIPS – PAVILIONS OF TROY	1,058	780	1,838	892	1,002	1,894	37,033

Source: TetraTech MPS



Table 2– Saturday Trip Generation—The Pavilions

Land Use	Saturday Peak Hour			Saturday
	In	Out	Total	
TOTAL TRIPS – PAVILIONS OF TROY	2,372	1,918	4,290	44,344
<i>Total Internal Capture Trips</i>	<i>472</i>	<i>472</i>	<i>945</i>	<i>---</i>
<i>Somerset Synergy</i>	<i>589</i>	<i>419</i>	<i>1,008</i>	<i>---</i>
<i>Total Pass By Trips</i>	<i>126</i>	<i>116</i>	<i>242</i>	<i>—</i>
TOTAL NEW TRIPS – PAVILIONS OF TROY	1,185	910	2,095	44,344

Source: TetraTech MPS

The “total trips” reflected in Tables 1 and 2 show a forecast of the total number of vehicles turning in and out of site driveways. Internal trips, “Somerset synergy” trips, and pass-by trips are deducted from this forecast to show “new trips” to the road network.

The “total internal capture trips” reflects the number of trips that are forecast to be from one Pavilions use to another and would not require leaving the site. For example, an office worker at Pavilions walking to an on-site restaurant and back has generated two pedestrian trips, but not two vehicle trips. The mixed-use nature of the project allows internal walking trips to replace some of the vehicular trips that would typically occur with a non-pedestrian project. These internal trips are subtracted from “total trips” as part of the calculation of new trips.

The “Somerset synergy” trips reflect the fact that large commercial centers tend to encourage comparison shopping and therefore create traffic “synergy”. Studies have shown that many shoppers at one large retail center were coming from or destined to another large retail center in the same or nearby community. The length of these trips are typically shorter and involve a different route of travel than “new trips”. This reflects that some shoppers at Somerset will also travel to Pavilions and vice versa. These trips will be short in length and have a different impact than a motorists traveling from home to one of the centers.

“Pass-by” trips reflect motorists already on the road network that stop at The Pavilions on the way to or from another destination. For example, a motorist traveling from work to home that stops for groceries at the Pavilions grocery store is not generating new traffic on the road network, only turning traffic in and out of the site.

The Applicant’s traffic consultant has followed guidelines from the Institute of Transportation Engineers as well as experience from other similar centers to adjust traffic forecasts for the factors described above.



How Does The Pavilions Compare To The Former Kmart Site?

The Applicant’s Traffic Consultant compared forecasted Pavilions traffic with traffic generated by the same 40-acre site when it was actively used as the world headquarters for Kmart. The p.m. peak hour comparison reflects *new* trips (discounting pass-by, internal capture, and synergy with Somerset trips). The a.m. peak hour and daily trip comparisons reflect total trips, with no discounted trips, because there are not sufficient studies to support reductions for these times, even though we know the factors causing reductions are present. The Pavilions is forecast to generate 261 more a.m. peak hour trips and 621 more p.m. peak hour trips. On a daily basis, Pavilions will generate over 4 times as much traffic.

Table 3—Trip Generation Comparison

Land Use	Size	A.M. Peak Hour Trips			P.M. Peak Hour NEW Trips			Daily Trips
		In	Out	Total	In	Out	Total	Total
Office Headquarters	1.16 Million Square feet	1,467	110	1,577	140	1,133	1,273	8,730
Pavilions Mixed-Use	See Application	1,058	780	1,838	892	1,002	1,894	37,033

Source: TetraTech MPS

Traffic Improvements

What Improvements Are Necessary For Proper Traffic Flow?

The Applicant’s traffic study included a number of key steps to determine what improvements must be made for traffic to flow acceptably in and around the subject site.

1. Existing traffic volumes were counted (weekday a.m. peak hour, weekday p.m. peak hour, and Saturday peak hour).
2. Existing traffic volumes were increased to reflect growth from other developments (background growth) based on forecasts prepared by the Southeast Michigan Council of Governments (SEMCOG).
3. Traffic from The Pavilions was added to the road network (existing plus background traffic).

The traffic study included a study area that extended out approximately one mile from the site boundaries. This study boundary was established in conjunction with the Road Commission for Oakland County (RCOC) and the City of Troy Traffic Engineer, Dr. John Abraham.



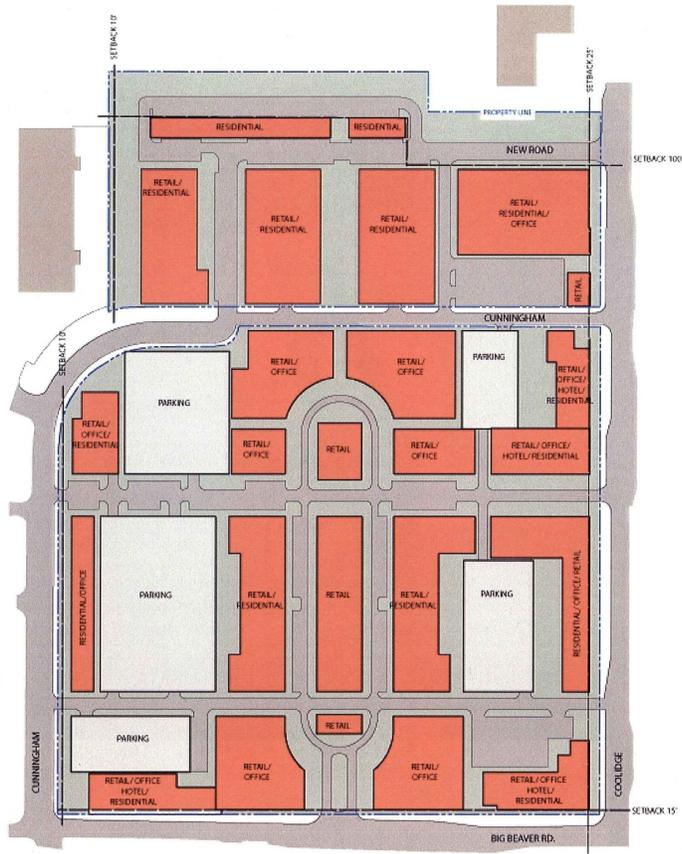
For Phase 1, the following road improvements have been identified by the Applicant's consultant:

1. Cunningham Road, which currently loops through the 40-acre site, connecting Big Beaver to Coolidge, will remain. It will serve as the western boundary of the project. "New Road" is proposed north of Cunningham, which will partially serve as the northern boundary of development for the project (see Figure 1). A portion of this new road will be built in Phase 1 for access to the grocery store (Figure 2). The remainder will be built in Phase 2 (Figure 3). The Big Beaver Corridor Study calls for parallel collector roads in the Big Beaver Road corridor located both north and south of Big Beaver Road. Cunningham is part of the northern collector road system and its function is preserved by The Pavilions of Troy concept plan.
2. A new traffic signal is proposed on Coolidge Highway, north of Big Beaver Road, at the existing driveway to Somerset located between Nordstrom and the parking garage (Drive #6—Figure 2). This will facilitate pedestrian movements across Coolidge and provide for vehicular movements between Somerset and The Pavilions. Because this drive is the first key ingress point north of Big Beaver Road, it will facilitate a significant northbound left-turn movement into the site. The applicant is proposing two left-turn lanes to handle this flow so that traffic does not queue (back up) into the northbound Coolidge through lanes. Because the turn lanes will require reducing the median width, east-west pedestrian crossings are proposed on the north side of the intersection only.
3. The first two median openings on Coolidge Highway, north of Big Beaver, will be closed. A new median opening (crossover) will be constructed just north of Big Beaver (approximately 150 feet north) to facilitate U-turns (Michigan lefts from Drive #7) to go northbound on Coolidge. This will prohibit direct left turns from Coolidge into Drive #7 and instead direct these left turners to Drive #6, where the new signal will be located.
4. The unsignalized eastbound-to-westbound crossover located east of Cunningham on Big Beaver will be closed and the traffic will be diverted to the crossover just west of Coolidge Highway. The signalized westbound-to-eastbound crossover on Big Beaver west of Coolidge Highway will be relocated 400 feet west of its current location.



The Pavilions of Troy Conceptual Plan

1. Land Use



Concept Plan

Images are representative of the design intent, but do not represent the actual design.

Conceptual Plan

Rev. 08-28-07

Source: Application

Figure I



Pavilions of Troy Road System & Circulation Plan - Phase 1

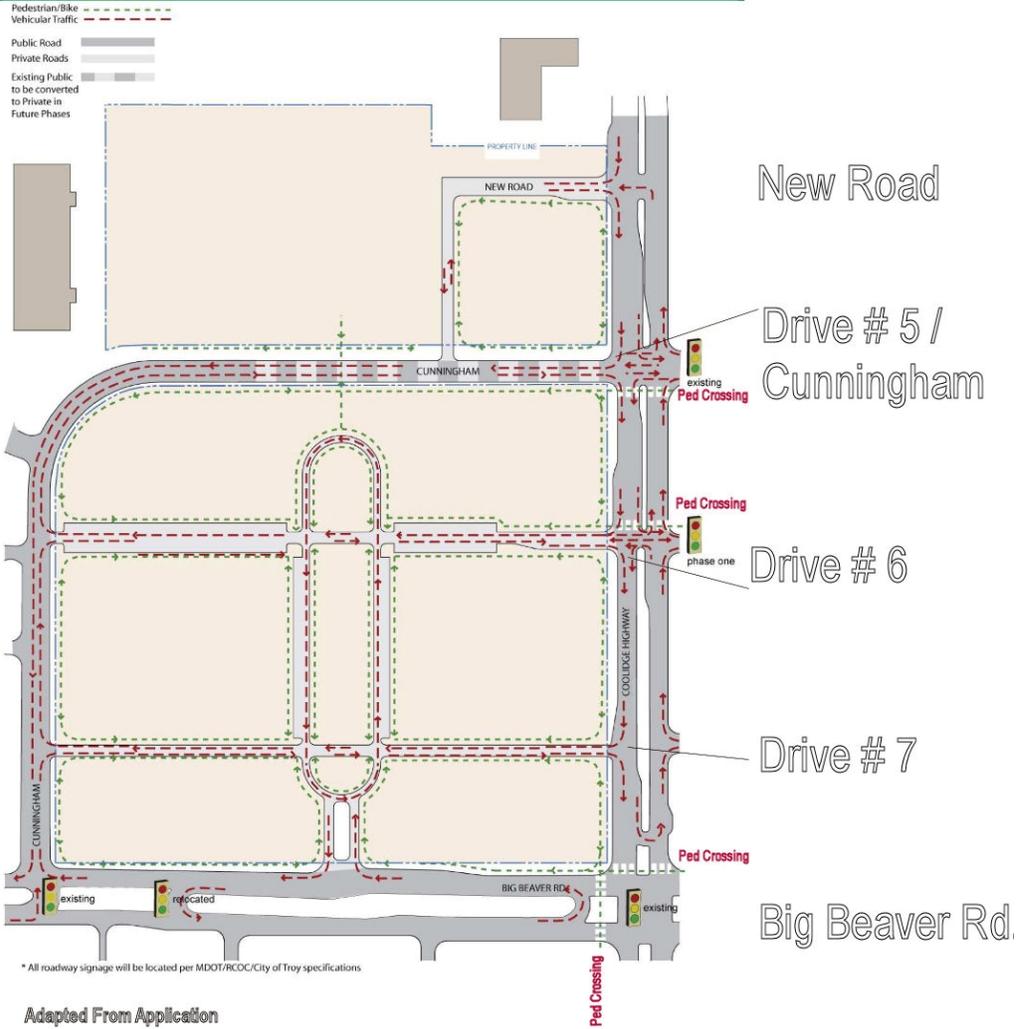
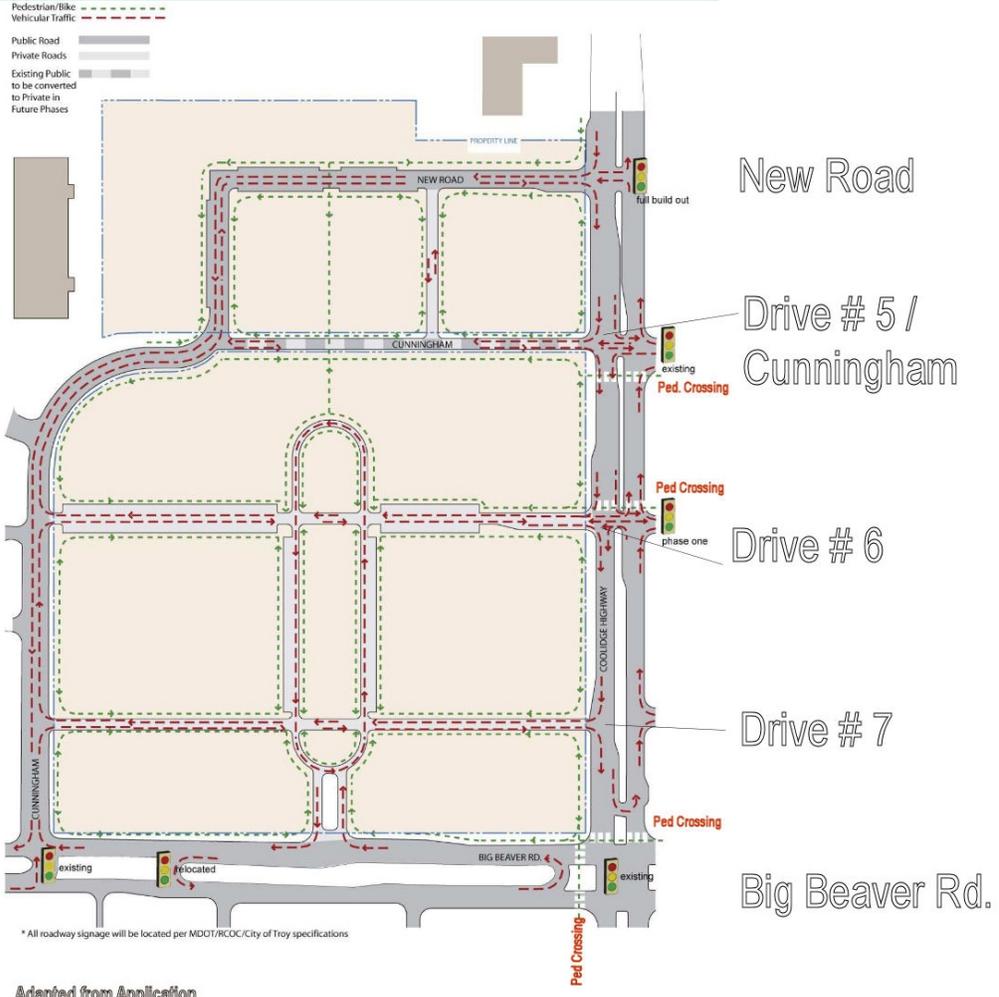


Figure 2



Pavilions of Troy Road System & Circulation Plan - Buildout



Adapted from Application

Figure 3



5. Lane and signal improvements at Big Beaver / Adams, Coolidge / Maple, and Big Beaver / Crooks are necessary. Big Beaver / Adams is currently operating at Level of Service (LOS) “E” during a.m. and p.m. peak hours. LOS “E” and “F” are considered unacceptable by most municipalities. For Adams and Big Beaver, exclusive right-turn lanes on the northbound and westbound approaches are necessary to achieve acceptable levels of service. The northbound right-turn lane addition would likely also require extending the existing second northbound through lane, north of Big Beaver, beyond its current length so that it will function as a true through lane. Traffic signal modifications to allow both protected (green arrow only) and permitted (flashing, yield to oncoming traffic) left turns are recommended by the traffic study.

For Coolidge and Maple, the eastbound and westbound left turns are currently an operational challenge. The study evaluated two possible improvement scenarios: 1) adding a third eastbound through lane and westbound right-turn lane on Maple or 2) constructing dual left-turn lanes on both eastbound and westbound approaches and adding a westbound right-turn lane. Signal timing and phasing modifications would be necessary also. With the addition of the dual left-turn lanes, the signal would need to allow both protected and permitted left turns for northbound Coolidge Highway. The dual left-turn lane option provides overall LOS “D” or better during all peak hours evaluated.

The Big Beaver and Crooks intersection currently operates at LOE “E” during the p.m. peak hour. This poor level of service can be mitigated by re-striping and changing signal timing so that the outer through lanes on both the northbound and southbound approaches function as through/right lanes. This better enables the intersection to handle the existing heavy volume of right turns.

For buildout, an additional traffic improvement will be necessary:

A new road is proposed to be built through the northern third of the project that will intersect with Coolidge Highway, north of Cunningham. This new intersection will require a traffic signal. In addition, the eastbound-to-northbound left turn at Cunningham is proposed to be relocated to this new intersection. Eastbound left turns will not be permitted at Cunningham and Coolidge under the buildout proposal by the Applicant.



Traffic Improvements—Site Access

How Will Site Access Work?

The following describes the proposed site access plan:

Big Beaver Road

1. One new boulevard driveway is proposed on Big Beaver Road. This will lead directly into the Pavilions area (the project's main street area). This drive will be right turns in and right turns out only.
2. Access to the site via Big Beaver will also be available indirectly from the existing Cunningham Drive / Big Beaver and Coolidge Highway / Big Beaver intersections (see next page).

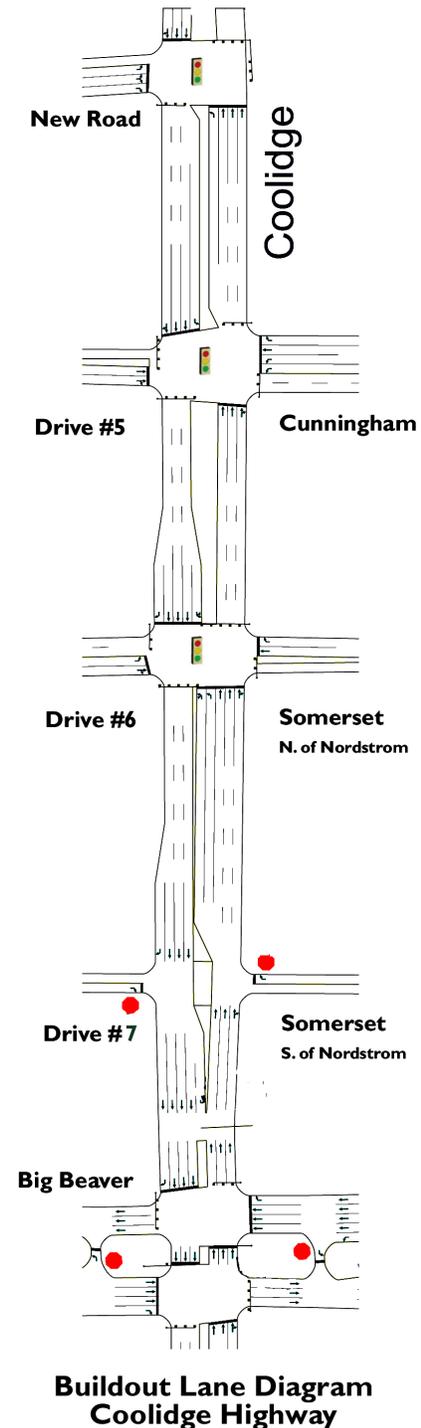
Cunningham Drive

1. There will be two driveways accessing the north-south portion of Cunningham Drive. These will be full access drives, with left turns and right turns permitted in and out of the site.
2. As part of Phase 2 (buildout), the function of Cunningham at Coolidge will be modified to eliminate all eastbound left turns. These will be shifted north to the New Road intersection with Coolidge (see Figure 3).
3. Along the east-west portion of Cunningham, there is proposed to be a single drive on the south side that will access a proposed parking garage (Figure 1). Three driveways are also proposed on the north side of Cunningham serving individual buildings and the grocery store parking lot.
4. The configuration of Cunningham at “the curve” is proposed to be modified so that traveling from Cunningham to the New Road is the through movement and continuing on Cunningham is a turning movement. We have raised concerns about the proposed geometrics of this change as well as the impact on the Big Beaver Road Corridor Study concept, which calls for Cunningham to be a parallel collector road to Big Beaver Road. This should be resolved through further analysis as part of the site plan, once it is prepared. This issue need not be fully addressed at the Concept Plan stage.



Coolidge Highway

1. There will be four points of access to Coolidge Highway, three of which will be signalized.
2. The northern access point, New Road, will initially be constructed as an unsignalized driveway serving the grocery store. It will initially allow right turns in and out and left turns in only. At buildout (see Figure 4), it will be signalized and it will allow all right turn and left turn movements.
3. Cunningham Drive will continue to allow east-west through traffic in all phases, preserving its function as an alternate to Big Beaver Road. As noted above, eastbound left turns will be shifted north as part of Phase 2.
4. Drive #6, which aligns with the existing drive between Nordstrom and the Somerset North Parking Garage, will be signalized. This drive will provide for a direct connection between the Somerset Collection and the Pavilions. It will also provide two northbound through lanes into the Pavilions, which will serve as a major ingress point from Coolidge Highway.
5. Drive #7 will be controlled by stop signs on both sides of Coolidge. Only right turns in and right turns out will be permitted at this location. Indirect left turns in will be accommodated via the new median cross-over north of Big Beaver Road (for Nordstrom entering).
6. One outstanding issue regarding Coolidge Highway access is coordination with the Road Commission regarding the proposed new traffic signal plan. The close signal spacing will require careful coordination of signals to provide smooth progression of traffic. A meeting has been scheduled by the Applicant with the Road Commission prior to the September 11, 2007 Planning Commission meeting.



Adapted from Applicant

FIGURE 4



Pedestrian Circulation

How Will Pedestrians Circulate To, From, and Through the Site?

1. The Applicant is proposing three main pedestrian crossing locations on Coolidge Highway: Big Beaver Road (both sides), Drive #6 (north side), and Drive #7 / Cunningham (south side). Currently, signalized pedestrian crossings are only provided at Big Beaver Road and Cunningham (over 1,200 feet apart). Adding a signal and pedestrian crossing at Drive # 6 will significantly shorten the distance many Somerset North shoppers have to walk to cross Coolidge.
2. The concept of iconic pedestrian bridges was raised in the Big Beaver Corridor Study. Although a bridge was not specifically envisioned across Coolidge at this location, the City, Somerset Collection, and the Pavilions developer should explore the feasibility of a grade-separated pedestrian connection. This would make crossing the wide Coolidge boulevard easier, provide protection from the elements, and potentially lead to fewer vehicular cross-over trips between the two sites. This issue need not be resolved at the Concept Plan stage.
3. The proposed pedestrian crossing at Drive #6 is located on the north side of the intersection. This is necessary because much of the median on the south side will be removed to provide for dual left turns into the site. On the north side, the median width will be over 15 feet and provide a refuge for pedestrians, who will be required to cross Coolidge in two steps due to the width of the road.
4. All major roadways in the Pavilions will have pedestrian paths on both sides, as shown on Figure 3 (green dashed lines). As noted in the Application, this is proposed to be a walkable development, with pedestrian linkages through. Connections are also to be provided to the existing path system along Big Beaver Road and Coolidge Highway. On-street parking will be provided on many internal roads, creating a buffer between moving traffic and pedestrian pathways.
5. The only pedestrian crossing shown on Big Beaver, adjacent to the site, is the existing crossing at the Big Beaver / Coolidge intersection. An additional crossing may be feasible at the Big Beaver / Cunningham intersection, but it will require changes in signalization and adding pedestrian paths and striping in the Big Beaver right-of-way. There may not be sufficient demand to warrant this improvement, but pedestrian activity in this area should be monitored through the build out of the project.



Conclusion

The traffic study prepared by TetraTech and Wells & Associates meets generally accepted practices for traffic impact studies. The findings indicate that acceptable levels of service can be maintained in the site vicinity (overall intersection level of service) with the construction of certain road improvements identified in the traffic study. A meeting is scheduled with the Road Commission for Oakland County for the week of September 3 to discuss traffic signal changes in the area. Results of that meeting will be provided verbally at the September 11, 2007 Planning Commission meeting.

MEMORANDUM

TO: Mark Miller, Planning Director

FROM: Steven Vandette, City Engineer

RE: Pavilions of Troy – Water and Sanitary Sewer Capacity Analysis

DATE: September 5, 2007

We have completed a preliminary evaluation and have made the following determinations concerning the ability of the city water and sanitary sewer systems to handle the estimated sewer flows and water demands from the proposed Pavilions of Troy:

Sanitary Sewer:

The existing sanitary sewer system has the capacity to accept flows from at least Phase I of the development. This determination is based in part on flow projections from the 1974 Sanitary Sewer Master Plan that became the basis for design of sewers all along Big Beaver as well as downstream to the outlet to Detroit. These sewers were constructed in 1980 and at various times throughout the decades leading to the present time. The flow projections included the K-mart site, which as an office development had a lower projected flow than from residential uses, but the sewers that were actually constructed were over designed so that additional flows could be accommodated if land uses changed or flow generation within the various zoning classifications changed for some reason. It was common practice at the time to over design, and still is, but history has actually shown the opposite in some cases such as with residential land uses where sewer flows have actually decreased due to smaller household sizes and lower overall population growth.

The K-mart building had slightly over 1 million square feet of floor space. This compares to Phase I of the Pavilions, which will have 400,000 to 500,000 square feet or roughly half the floor space of the K-mart office building. Phase I will also have a residential component of 150 to 250 units, which the K-mart site did not have. When the office uses of both the K-mart site and Pavilions site are equated to residential equivalent units or REU's which are used in the estimation of sanitary sewer flows, the K-mart site equates to 896 REU's as compared to 450 REU's for Phase I of the Pavilions or almost half that of the K-mart land use. While this is a good indication that the existing sewer system has the capacity to accommodate Phase I, other analyses were performed to confirm this preliminary conclusion.

The capacities of the existing sewers themselves were evaluated using standard engineering calculations. The result was that the existing sewers have capacity to handle the peak flows estimated for Phase I of the Pavilions. Our analysis also indicates that the existing sewers may also have the capacity to serve the entire development. The calculations show that the existing sewers have slightly more flow capacity than the flow estimates calculated based on land uses, but additional analyses are needed.

The consulting engineers for the developer took flow measurements in two sanitary sewers within the Big Beaver right-of-way in June 2007. These sewers would handle the flows from the Pavilions. The data from the two weeks of monitoring indicate that the flows were well below the capacity of the pipe and the peaking factor at approximately 2.0 was low relative to the peaking factor of 3 to 4 that was used for the design of the sewers. This data seems to indicate there is ample excess capacity, however; the metering was done during dry weather conditions and does not provide any information on the rain induced infiltration and inflow, which may or may not be present in these sewers.

We are currently in the midst of an extensive sewer-metering program, which began approximately two weeks ago with the collection of flow data from 19 meters placed throughout the city. These meters are intended to identify areas where we may have capacity deficiencies caused by changes in development patterns or flow generation over the several decades of city development, or deficiencies caused by excessive ground water infiltration or inflow. This infiltration and inflow must be evaluated before a determination can be made as to the adequacy of the existing sewer system to accommodate Phase II of the Pavilions of Troy. It is possible that some sources of infiltration and inflow may need to be removed before the flows from the Pavilions Phase II can be accommodated. Another method to provide more capacity within the system would be to construct parallel sewer lines called relief sewers, however; we do not anticipate that this will be necessary.

To summarize our preliminary analysis, we have concluded that the existing sewer system has the capacity to serve Phase I of the Pavilions of Troy. A determination on the capacity of the overall sewer system is expected in March or April of 2008.

Water Main:

Early this year we directed HRC to add the estimated water demands from the Pavilions and rerun the city water model (which was previously rerun as part of the 2004 Master Water Plan Study). Modeling results indicate that the existing water utilities in the area have the capacity to adequately serve the additional demands anticipated by both phases of the Pavilions development, however, water main pressures in the southeast corner of Section 19 are estimated in the range of 28 psi to 42 psi for existing conditions and 23 psi to 38 psi for future conditions during Peak Hour Demand periods. The proposed Pavilions development will somewhat tax the system, further lowering the operating pressure range to a low of 23 psi, with the system approaching the minimum service pressure of 20 psi. This occurs when Phases I and II are built out. Phase I does not have a negative impact on the water system since the water demands for this phase are below that of the existing K-mart development.

We have directed HRC to identify what improvement to the water system in that area are needed so that the water pressure in the future, with the Pavilions in place, is at least in the pressure range we would have without the Pavilions, which is 28 psi to 42 psi. Funding for this water main improvement may be funded by the development. Any improvement to further increase the pressure in that area may be funded by the City of Troy.

PLANNED UNIT DEVELOPMENT

5. **PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (P.U.D. 9)** – Proposed The Pavilions of Troy Planned Unit Development, Northwest Corner of Big Beaver and Coolidge, Section 19, Currently Zoned O-S-C (Office-Service-Commercial), O-M (Office Mid-rise) and P-1 (Vehicular Parking) Districts

Mr. Miller outlined the procedure that would be followed on the presentation of the proposed planned unit development.

The petitioner, Hunter Richardson, representing Diamond Troy JV LLC, was present. Mr. Richardson gave a PowerPoint presentation of the proposed development. He extended his appreciation to City departments and the City's Planning Consultant for their responsiveness in the development process. The presentation covered:

- National and local development teams.
- Location; custom-designed project for Troy.
- Evolution of the proposed site.
- Status of Conceptual Development Plan (CDP) application.
- Neighborhood meetings.
- Planned Unit Development (PUD) process; first stage of 3-step process.
- Vision: authentic place, destination, sustainable (green) environment, livable community, connectivity, people's space, amenities, human scale and needs.
- Land uses: pavilions area, border area, transition area, residential (to the north).
- Project phases; Phase 1 must stand alone.
- Traffic impact, road system, circulation and parking.
- Development guidelines.
- Amenities: ice skating rink, civic gathering spaces, seating areas, gateway feature, public art, park for residents, play areas for children, bus shelters, pedestrian crossings.
- Residential buffer to the north, and views along perimeter streets.
- Open space.
- Sustainable design.
- Public benefit.
- Development timeline/schedule.

Richard Carlisle of Carlisle/Wortman Associates, Inc., was present. Mr. Carlisle detailed the three steps of the Planned Unit Development (PUD) process. He indicated all of the PUD criteria have been met in innovative ways and addressed the following concepts as relates to the PUD criteria.

- Horizontal and vertical mix of uses.
- Variety of civic spaces.
- Comfortable walkability of the site.
- Active and passive recreational space.
- Cross-generational characteristic of residential living.
- State of the art thinking in terms of viable sustainable mixed uses.
- Economic sustainability.
- Open space; greenscape and hardscape to create urban setting.
- Trend-setting sustainable design techniques.

- Appropriate use of vacant site; no attraction to single user.
- Roadway improvements to ensure safe pedestrian access.
- Perimeter and residential setbacks.
- Shared parking and caveat to re-evaluate parking after Phase 1 completion.
- Traffic studies as relates to site access, signalization and timing.
- Sanitary sewer and water service capacity.

Rod Arroyo of Birchler Arroyo Associates, Inc., provided a brief presentation on the traffic impact assessment. He addressed updates/revisions to the traffic documentation provided in the packets since last reviewed by the Planning Commission. The presentation covered:

- Compact, walkable communities.
- Grid traffic system; its positives and challenges.
- Additional traffic lights on Coolidge to alleviate backup on Big Beaver.
- Support from the Road Commission of Oakland County (RCOC).
- Re-evaluation of traffic after completion of Phase 1.

In closing, Mr. Carlisle recommended that the Planning Commission recommend approval of the PUD Concept Development Plan to City Council.

Chair Schultz opened the floor for Planning Commission comments. There were none. Chair Schultz stipulated a few ground rules on public comment prior to opening up the Public Hearing.

PUBLIC HEARING OPENED

Aaron Oesyreich of 870 Barilane, Troy, was present. Mr. Oesyreich spoke favorably of the proposed PUD.

Ilene Hill of 2139 Lancer Drive, Troy, was present. Ms. Hill spoke favorably of the proposed PUD and developer. She addressed the multitude of disruptions their neighborhood has experienced from previous major projects in the area. Ms. Hill voiced concerns with construction hours of operation, noise level, asbestos removal, dirt and dust, capacity of water and storm water runoff, traffic, parking, dumpsters, and locations of the proposed staging areas.

James Forrer of 3592 Eastbourne, Troy, was present. Mr. Forrer spoke favorably of the proposed PUD and complimented the petitioner on his presentation.

Michael Flesher of 2091 Lancer, Troy, was present. Mr. Flesher voiced a concern with the proposed food market as relates to noise and health. He also addressed the affect that the proposed development might have on home values in the neighborhood.

Mary Ellen Budabin of 2105 Babcock, Troy, was present. Ms. Budabin said the petitioner has not addressed her concerns. She stated the house depicted in the pictures displayed during the petitioner's presentation to simulate the residential buffer to the north is her home, which is located at the lowest part of the berm and within full view of the former K-Mart Headquarters parking lot. Ms. Budabin said her view with the proposed development would be a skyline of buildings, not blue sky; and that her life

would change. Ms. Budabin suggested a different layout orientation of the proposed townhouses so a view of a common area would be provided instead of an alleyway, garage door, utility meters, and upstairs' windows.

Tim Dalgleish of 3603 Salem, Troy, was present. Mr. Dalgleish said he would like the berms to be similar to those provided for the residents abutting Somerset North, and noted the two berms on each side of Coolidge should be equal distance. He voiced concerns with the proposed multi-screen movie theater as relates to the type of crowd it would attract.

John Bailey of 755 W. Big Beaver Road, Troy, was present. Mr. Bailey, incoming Chairperson for the Chamber of Commerce, spoke in favor of the proposed PUD.

Eric McPherson of 23435 Davey, Hazel Park, was present. Mr. McPherson was present to represent the Sheet Metal Workers. He indicated there are approximately 300 members of the building trade who live in Troy. Mr. McPherson encouraged the members to approve the proposed PUD in support of bringing area jobs to area workers.

Gino J. Delpup of 350 W. Big Beaver Road, Troy, was present. Mr. Delpup of Ford & Earl Associates and former resident of Troy spoke favorably of the proposed PUD. He said it would be a positive destination point for people.

Linda Shears of 1538 Wrenwood Drive, Troy, was present. Ms. Shears, a resident and Troy business owner, spoke on behalf of the Image and Arts Council of Troy. She said local artists and sculptors would heartily welcome the proposed PUD.

Thomas Gross of 350 W. Big Beaver Road, Troy, was present. Mr. Gross, CEO of Ford & Earl Associates, spoke in support of the proposed PUD.

Michelle Hodges, President of Troy Chamber of Commerce, was present. Ms. Hodges voiced strong support for the proposed PUD.

David Schreiber, representative of the Oakland County Economic Development Group, was present. Mr. Schreiber spoke favorably of the project.

Ted Wilson of 5038 Kellen Lane, Bloomfield Hills, was present. Mr. Wilson, a member of the Troy Chamber of Commerce Board of Directors, spoke in support of the proposed PUD. He addressed the high bar set by the petitioner for future developments, the vertical and horizontal mix of uses, and the positive economic expectations.

David Tonker of 2118 Shelley, Troy, was present. Mr. Tonker spoke favorably of the proposed PUD.

PUBLIC HEARING CLOSED

Mr. Vleck said he is impressed and amazed at the amount of support expressed tonight. He complimented the petitioner and the development teams.

Mr. Strat complimented the petitioner. He questioned what construction was inclusive of Phase 1, as envisioned on the project model. Mr. Strat asked if anything has been accomplished to incorporate a pedestrian walkway across Big Beaver.

Mr. Richardson said a pedestrian bridge has not been designed because they do not control enough of the environment to accomplish such, but he indicated they have not done anything from a planning perspective to preclude construction of one. Mr. Richardson addressed the three pedestrian crossings that would be designed with the intent to create refuge zones.

Mr. Miller addressed lane reconfiguration that would increase pedestrian safety zones.

Mr. Strat asked if a secondary lane with pedestrian refuge and boulevard area as portrayed in the Big Beaver Corridor Study would be incorporated in the project.

Mr. Richardson replied that concept was researched and it was determined that it did not add or contribute to what they were doing relative to the environment.

Ms. Troshynski complimented the petitioner for the effort he put forth to satisfy the people of Troy. She asked the petitioner to address cost factors that would result from proposed improvements.

Mr. Richardson said the matter of costs resulting from road improvements and sanitary, sewer and water improvements is under discussion with City Management, and indicated City Management has made a commitment toward resolution of those costs.

Ms. Troshynski stressed the importance of a pedestrian bridge from Somerset to The Pavilions.

Mr. Richardson said he strongly encourages a pedestrian bridge also and addressed the public-private partnership that would be necessary to attain a pedestrian bridge.

Mr. Littman asked if the Assessing Department researched the effect of the proposed development on neighboring home values.

Mr. Richardson said it is his experience that projects such as this provide a positive upturn to home values within the neighborhood.

Mr. Miller said he would ask the City Assessor to provide a report on the outcome of home values in correlation to this type of development.

Ms. Kerwin expressed her excitement to see the proposed development come to fruition.

Chair Schultz addressed the critical need for redevelopment in the City, and said the development would set the tone for future developments within the City. He said the development would truly keep Troy the *City of Tomorrow Today*.

Resolution # PC-2007-09-139

Moved by: Kerwin
Seconded by: Troshynski

WHEREAS, The Planning Commission reviewed a Concept Development Plan for a Planned Unit Development, pursuant to Article 35.50.01, as requested by Diamond Troy JV LLC for The Pavilions of Troy Planned Unit Development (PUD 9), located on the northwest corner of Big Beaver and Coolidge, located in Section 19, within the O-S-C, O-M and P-1 zoning districts, being approximately 40 acres in size; and

WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated September 7, 2007 that recommends Concept Development Plan Approval of The Pavilions of Troy Planned Unit Development; and

WHEREAS, The proposed PUD meets the Eligibility Requirements set forth in Article 35.30.00; and

THEREFORE BE IT RESOLVED, That the Planning Commission recommends that Concept Development Plan Approval for The Pavilions of Troy Preliminary Planned Unit Development be granted.

Yes: All present (9)

MOTION CARRIED

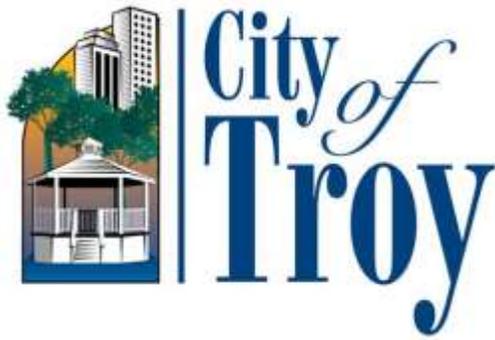


**CITY COUNCIL
AGENDA
October 1, 2007
Back-Up Documentation
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317**

Memorandums and Future Council Agenda Items:

G-2 No Memorandums

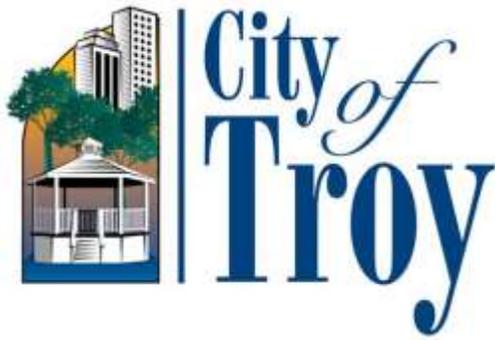
**There is no back-up documentation on this
Agenda item at the time of publication.**



**CITY COUNCIL
AGENDA
October 1, 2007
Back-Up Documentation
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317**

H-1 No Council Referrals Advanced

**There is no back-up documentation on this
Agenda item at the time of publication.**



**CITY COUNCIL
AGENDA
October 1, 2007
Back-Up Documentation
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317**

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

**There is no back-up documentation on this
Agenda item at the time of publication.**

PARKS AND RECREATION ADVISORY BOARD

A regular meeting of the Troy Parks and Recreation Advisory Board was held Thursday, April 19, 2007 at the Troy Community Center. Chairman, Tom Krent called the meeting to order at 7:00 pm.

Present:	Merrill Dixon, member	Tom Krent, member
	Stuart Redpath, member	Jeff Stewart, member
	Jan Zikakis, member	Tod Gazetti, member
	Stuart Alderman, staff	Jeff Biegler, staff
	Carol K. Anderson, staff	

Absent: Gary Hauff (excused), Kathleen Fejes (excused), Meaghan Kovacs (excused), Kirk Serkh, Rusty Kaltsounis

Visitor: Marvin Reinhardt

Resolution # PR - 2007 - 04 - 07

Moved by Dixon
Seconded by Redpath

RESOLVED, That absent members who have provided prior notification are excused.

Yes: All
No: None
MOTION CARRIED

Resolution # PR – 2007 – 04 – 08

Moved by Dixon
Seconded by Zikakis

RESOLVED, That the minutes from January 18, 2007 and February 15, 2007 are approved as submitted.

At this time there was a consensus to vote on the minutes for each month separately.

Moved by Dixon
Seconded by Zikakis

RESOLVED, That the minutes from January 18, 2007 are approved as submitted.

Yes: All
No: None
MOTION CARRIED

Resolution #PR – 2007 – 04 – 09

Moved by Dixon
Seconded by Zikakis

RESOLVED, That the minutes from February 15, 2007 are approved as submitted.

Yes: 3 Dixon, Redpath and Zikakis

Abstained: 3 Gazetti, Krent, Stewart

No: None

MOTION CARRIED

NEW BUSINESS

Merrill Dixon's term as the Senior Advisory Committee representative on this board will expire April 30. He has served for four years and has brought senior issues to the Parks and Recreation Advisory Board. His replacement will be Pauline Noce.

- A. Parks and Recreation Budget – This budget was reviewed. One major change that will be made is the recreation revenue will now be in one account instead of winter and summer recreation being separated. The senior expense budget will now be in a separate account.
- B. Golf Division – At Sanctuary Lake the operating costs are being covered but not the debt service. The overall goal for the golf courses is to increase revenue and keep expenses down without affecting the golf experience.
- C. Aquatic Division – This year there are proposed increases for daily and seasonal passes and staff is working to increase the birthday party revenue at the Aquatic Center. This year is the 15-year anniversary and we will be offering special events in celebration.
- D. Capital Budget – A review of proposed projects at the Golf Courses, Nature Center, Community Center and Aquatic Center was reviewed.

Resolution #PR – 2007 – 04 – 10

Moved by Redpath

Seconded by Stewart

RESOLVED, that the Parks and Recreation Advisory Board recommends to City Council approval of the Parks and Recreation, Golf Courses, Aquatic Center and Capital budgets.

Yes: All

No: None

MOTION CARRIED

- E. Trails Task Force – This new group is made up of walkers, bikers and runners, that would like to see a city-wide path system in Troy. Though this task is daunting, there is interest and enthusiasm for the project.

Staff Reports

- A. Director's Report – The ribbon cutting for the Bocce Courts will take place on May 15 at 12:30 p.m.

Resolution #PR – 2007 – 04 – 11

Moved by Gazetti

Seconded by Zikakis

RESOLVED, that the May meeting is canceled and Park Board members are instead encouraged to attend the ribbon cutting for the new Bocce courts on May 15 at 12:30 pm.

Yes: All

No: None

MOTION CARRIED

- B. Recreation Report – There were four brochures updated by Community Affairs; the Fitness brochure, the two Golf Courses, and the Aquatic Center.

A new part – time coordinator for the banquet room has been hired. She will be working on special events and increasing birthday parties at the Community Center. Her name is Mary Jane Happy.

The lobby of the Nature Center will have a new look soon. One corner will have a children's play area. Volunteers from the Streets department are donating their time to build this area.

- C. Parks Report – Arbor Day celebration is May 4th this year. A tree will be planted at Firefighters Park and kites will be given away.

Surface reconstruction will take place on four tennis courts at Boulan Park this spring. This is the second half of this project and should be done by next month.

The Parks Garage has a new Field Supervisor, Kurt Bovensiep. He was promoted to this position and it now leaves an opening for a tree trimmer.

The meeting adjourned at 8:20 p.m.

Tom Krent, Chairman

Mary Williams, Recording Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, June 7, 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-2007-6-001
Moved by Jo Rhoads
Seconded by Pauline Noce

RESOLVED, That the Minutes of May 3, 2007 be approved as amended.

Yes: 8
No: 0

MOTION CARRIED

Visitor Comments

None

Old Business

Shuffleboard and Bocce Ball: Carla reported that the courts are now open to the public and the equipment can be checked out at the front desk. The singles leagues were cancelled due to low enrollment. The doubles leagues start this week. There are 10 signed up for shuffleboard and 10 for bocce.

Lunch Visits: No report.

AEDs: Carla distributed a letter from Carol Anderson thanking committee members for their suggestion about the AED. The AED is now mounted on the wall by the front desk where the public will have easy access to it.

Handicap Parking: A copy of the memo that Bud Black prepared for Carol Anderson was distributed. Carla reported that staff has been reminded to park at the outer edge of the building and that a third scooter has been purchased for the building.

Eat Out Group: JoAnn Thompson reported that 23 attended the first outing. They are going to plan something for the first Wednesday of every other month and she will get something for the newsletter to Carla.

New Business

Cancellation of July and August Meetings

Resolution # SC-2007-6-002
Moved by David Ogg
Seconded by Jo Rhoads

RESOLVED, That the July and August meetings will be cancelled

Yes: 9
No: 0

MOTION CARRIED

Suggestion Box: Carla reported that there were three suggestions: How about a women’s senior club, provide transportation to the airport – contract for a special price, and build some horseshoe pits for the seniors. She will put something in the newsletter to see if anyone is interested in providing transportation to the airport. It was suggested that Carla check with the police department about using their horseshoe courts.

Heart of the Hills Theater Group: Frank Shier will talk to Carla after the meeting about bringing a show to Troy.

Reports

Park Board: Merrill Dixon reported that they did not meet in May. Pauline Noce will now be attending the meetings.

Senior Program: Carla reported that there are 19 enrolled in the new Thursday evening outdoor volleyball program at Boulan Park. Troy has been selected by the Area Agency on Aging to host a workshop on chronic disease developed by Stanford University and it will begin in July. There are 64 seniors signed up for the Senior Flea Market this Saturday at the parking garage. This is up from 40 last year when we were limited by space at the Community Center. The SeniorNet steering committee was recognized by City Council at the May 21 meeting.

Medi-Go: Jo Rhoads reported that Medi-Go is booked solid. Some riders do not call in to cancel their trip, and they may deny service to habitual offenders.

OLHSA: Pauline Noce reported that Mark Swanson from the Howell Senior Center spoke about the ACE program.

Oakland County Senior Advisory Board: Jo Rhoads reported that they are preparing for their meeting with the legislatures on June 27.

Comments

Betty Coven reported that Cross Train Your Brain has 18 participants. She is the new leader of the Humanities Discussion Group at the Library.

Merrill Dixon announced that he will be attending the master plan workshop and asked if other members would be attending.

Jo Rhoads reported that OLHSA will be meeting here in July and invited the committee members to attend and be her guest for lunch. She also reported that the AAA is supporting the development of senior housing for the deaf and hard of hearing.

Frank Shier announced the Senior Showcase at the Macomb Center July 16 and 17.

James Berar said that Tim Burns would like to speak at the meeting again in the fall.

JoAnn Thompson reported that the Troy Women's Association provided scholarships for women returning to college and funds for Troy People Concerned. There were 62 at the Cinco de Mayo celebration.

The meeting was adjourned at 2:30 p.m.

Respectfully submitted,

Bud Black, Chair

Carla Vaughan, Secretary

A meeting of the Retiree Health Care Benefits Plan & Trust Board of Trustees was held on Wednesday, June 13, 2007, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 1:00 p.m.

TRUSTEES PRESENT: Nancy Bowren
Mark Calice
Michael Geise
Thomas Houghton, Chair
Martin F. Howrylak
John M. Lamerato
Phillip L. Nelson

ABSENT: William R. Need (Ex-Officio)

OTHER BUSINESS - EXCUSE ABSENT MEMBERS

Resolution # RH – 2007 – 06 - 003

Moved by Bowren
Seconded by Geise

RESOLVED, That William R. Need be excused.

Yeas: All 7

MINUTES

Resolution # RH – 2007 – 06 - 004

Moved by Calice
Seconded by Howrylak

RESOLVED, That the minutes of the March 14, 2007 meeting be approved.

Yeas: All 7

INVESTMENTS

Resolution # RH – 2007 – 06 - 005

Moved by Nelson
Seconded by Calice

RESOLVED, That the board invest \$1,000,000 in the Ivy Managed International Opportunities Fund.

Yeas: All 7

The next meeting is September 12, 2007 at 1:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:10 p.m.



Thomas Houghton, Chairman



John M. Lamerato, Secretary

A Meeting of the Civil Service Commission (Act 78) was held Tuesday, July 10, 2007, at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chairman McGinnis called the meeting to order at 7:40 AM.

ROLL CALL

PRESENT: Chairman Donald E. McGinnis, Jr.
Commissioner David Cannon
Commissioner Patrick Daugherty (Absent)

ALSO PRESENT: Peggy E. Sears, Human Resources Director
Lori Grigg Bluhm, City Attorney
John M. Lamerato, Assistant City Manager/Finance & Administration
Charles Craft, Police Chief
Barbara A. Pallotta, Deputy City Clerk
Gary Mayer, Police Captain
Ed Murphy, Police Captain
Sergeant Robert Redmond, TCOA President
Monica Irelan, Intern, City Manager's Office

APPROVAL OF MINUTES:

a. Approval of Minutes of Wednesday, June 7, 2007

Resolution #CSC-2007-07-013
Moved by Cannon
Seconded by McGinnis

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the Minutes of the meeting of Thursday, June 7, 2007 as presented.

Yes: McGinnis, Cannon
No: None
Absent: Daugherty

PETITIONS AND COMMUNICATIONS:

a. Approval of Qualifications, Posting and Test Battery for Deputy Police Chief

Peggy Sears, Human Resources Director explained that due to a restructuring of the Police Department, a new position, Deputy Police Chief, is being created and will report directly to the Police Chief.

Commissioner Cannon asked for further explanation regarding the salary range as described in the job announcement, specifically the phrase "with growth opportunities up to ..."

Ms. Sears responded that the pay scale is a broad range and the person hired generally would move to the midpoint range after 5 years of service. She explained that they did not want to mislead applicants into believing that they could be hired at the maximum of the range.

Captain Murphy raised an issue in regard to the educational portion of the job posting. He explained that only one of the three candidates currently holds a Masters Degree and he is concerned about that candidate having an unfair advantage. He indicated that the last posting for Police Chief did not include such a requirement.

Ms. Sears replied that the Human Resources Department proposed the minimum requirements for the job posting and added that applicant qualifications are not considered when the requirements are set. She added that the city has not recruited for the Police Chief position in 10 years and that as job responsibilities change over time so do the minimum requirements; it is likely that these degree requirements would be added to the requirements for the next Police Chief testing.

Ms. Sears noted that a Masters Degree is not a minimum requirement; it is preferred but not required.

Commissioner Cannon asked whether they have the authority to quantify the weight a Masters Degree would hold. He is concerned that it may be too late in the career of the candidates to achieve this requirement and added that although other credentials will be considered that the weight of possessing a Masters Degree may be the deciding factor at this point.

Ms. Sears replied that applicants are considered based on all factors such as recent job performance as well as whether they have the 'preferred' qualifications. She explained that a Masters Degree may not be given any consideration depending upon the candidate's other considerations (poor recent performance for example).

Commissioner Cannon would like to know how much weight a Masters Degree would carry before approving the qualifications, posting and test battery for the Deputy Police Chief position.

Chief Craft suggested that it could be made clear that the Masters Degree will not be a part of the Assessment Center evaluation conducted by EMPCO, Inc.

Chairman McGinnis suggested that they add, "but not necessary for consideration for the position" to the posting language.

Resolution #CSC-2007-07-014

Moved by Cannon

Seconded by McGinnis

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the job qualifications, the posting, and the test battery for the recruitment of Deputy Police Chief as **PRESENTED** with the caveat that following modifications: The fourth requirement, as listed under the Requirements (Promotional Applicants) shall be substituted with the following:

1. "Bachelors Degree in law enforcement or a related field and a Masters Degree in Public Administration or a related field are preferred BUT NOT NECESSARY FOR CONSIDERATION OF THE POSITION."
2. For this assessment cycle, a Masters Degree shall not be independently and exclusively considered as an assessment factor in the EMPCO, Inc. assessment rating.

Yes: McGinnis, Cannon

No: None

Absent: Daugherty

NEW BUSINESS: None

OLD BUSINESS: None

ADJOURNMENT: The meeting was adjourned at 8:19 AM.

Donald E. McGinnis, Jr., Chairman

Barbara A. Pallotta, Deputy City Clerk

TRAFFIC COMMITTEE MINUTES**JULY 18, 2007****FINAL**

A regular meeting of the Troy Traffic Committee was held Wednesday, July 18, 2007 in the Lower Level Conference Room at Troy City Hall. Ted Halsey called the meeting to order at 7:30 p.m.

1. Roll Call

PRESENT: Sara Binkowski
Ted Halsey
Jan Hubbell
Richard Kilmer
Gordon Schepke
Ted Hwang, Student Rep.

ABSENT: Pete Ziegenfelder
John Diefenbaker
Prithvi Murthy, Student Rep.

Also present: Murray Deagle, 328 Evaline
George Tanner, 52568 Bellecrest
Jim Walker, 3648 Gregory
Kim and Keith Newberry, 2072 Stirling
Tom and Mary Gorny, 2824 Denise
Ray and Nancy lafrate, 2821 Denise
Lori Cooke, 1103 Vermont
Cheryl Moilanen, 2056 Chancery
Joe and Susan Stawicki, 2869 Denise
Lindsay Matola, 1193 Minnesota
Barbara Burnsteel, 1111 Vermont
Dean Matoski, 1755 E. Wattles
Dick Shepich, 2138 Woodingham
David Winton, 4035 Washington Crescent
William & Doris Carol Hartwell, 2754 Denise
Janice Broutin, 2901 Denise
and John Abraham, Traffic Engineer
Lt. Scott McWilliams, Troy Police Dept.
Lt. Robert Matlick, Troy Fire Dept.

2. Minutes – April 18, 2007**RESOLUTION #2007-07-36**

Moved by Binkowski
Seconded by Schepke

To approve the April 18, 2007 minutes as printed.

YES: All-5
NO: None
ABSENT: 2
MOTION CARRIED

RESOLUTION #2007-07-37

Moved by Kilmer
 Seconded by Hubbell

To excuse Ziegenfelder and Diefenbaker.

YES: All-5
 NO: None
 ABSENT: 2
 MOTION CARRIED

PUBLIC HEARINGS**3. Request for Sidewalk Waiver – 2072 Stirling**

Pamela Anderson requested a waiver for the sidewalk at 2072 Stirling Drive. The sidewalk ordinance requires that sidewalk be installed in conjunction with the construction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

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

Kim and Keith Newberry, new owners of the property, reiterated that no other properties in the neighborhood have sidewalks.

Cheryl Moilanen, 2056 Chancery, spoke in favor of the waiver.

RESOLUTION #2007-07-38

Moved by Hubbell
 Seconded by Kilmer

1. WHEREAS, City of Troy Ordinances, Chapter 34, Section 8(D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Kim and Keith Newberry have requested a temporary waiver of the requirement to construct sidewalk on the property because there are no other sidewalks in the area; and

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and
- c. The construction of a new sidewalk would lead nowhere and connect to no

other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 2072 Stirling, which is owned by Kim and Keith Newberry.

YES: All-5
 NO: None
 ABSENT: 2
 MOTION CARRIED

4. Request for Sidewalk Waiver – 1193 Minnesota

Robert and Kathleen Niedzwiecki requested a waiver for the sidewalk at 1193 Minnesota. The sidewalk ordinance requires that sidewalk be installed in conjunction with the construction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

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

Eighteen residents living in this area signed a petition (attached) requesting that the waiver be granted. They like the uniqueness of their area and feel that a sidewalk would spoil the look of the whole neighborhood.

Lindsay Matola is the new owner of this property. She said that there are no other sidewalks in the neighborhood.

RESOLUTION #2007-07-39

Moved by Hubbell

Seconded by Schepke

1. WHEREAS, City of Troy Ordinances, Chapter 34, Section 8(D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Lindsay Matola has requested a temporary waiver of the requirement to construct sidewalk on the property because there are no other sidewalks in the area; and

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result

in practical difficulties to, or undue hardship upon, the owners, and
 c. The construction of a new sidewalk would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 1193 Minnesota, which is owned by Lindsay Matola.

YES: All-5
 NO: None
 ABSENT: 2
 MOTION CARRIED

5. Request for Sidewalk Waiver – 2148 Beech Lane

RWT Building LLC requests a waiver for the sidewalk at 2148 Beech Lane. The sidewalk ordinance requires that sidewalk be installed in conjunction with the construction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

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

Murray Deagle, 328 Evaline, represented RWT Building. He reported that there are no other sidewalks in the neighborhood.

Mr. Schepke said he thinks it would be detrimental to the area to have sidewalks installed.

RESOLUTION #2007-07-40

Moved by Schepke
 Seconded by Kilmer

1. WHEREAS, City of Troy Ordinances, Chapter 34, Section 8(D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, RWT Building LLC has requested a temporary waiver of the requirement to construct sidewalk on the property because there are no other sidewalks in the area; and

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and

c. The construction of a new sidewalk would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 2148 Beech Lane, which is owned by RWT Building LLC.

YES: All-5
 NO: None
 ABSENT: 2
 MOTION CARRIED

6. Request for Sidewalk Waiver – 2134 Beech Lane

RWT Building LLC requests a waiver for the sidewalk at 2134 Beech Lane. The sidewalk ordinance requires that sidewalk be installed in conjunction with the construction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

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

Murray Deagle, 328 Evaline, represented RWT Building. He reported that there are no other sidewalks in the neighborhood.

Mr. Schepke said he thinks it would be detrimental to the area to have sidewalks installed.

RESOLUTION #2007-07-41

Moved by Hubbell

Seconded by Binkowski

1. WHEREAS, City of Troy Ordinances, Chapter 34, Section 8(D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, RWT Building LLC has requested a temporary waiver of the requirement to construct sidewalk on the property because there are no other sidewalks in the area; and

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and

c. The construction of a new sidewalk would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 2134 Beech Lane, which is owned by RWT Building LLC.

YES: All-5
 NO: None
 ABSENT: 2
 MOTION CARRIED

7. **Request for Sidewalk Waiver – 2120 Beech Lane**

RWT Building LLC requests a waiver for the sidewalk at 2120 Beech Lane. The sidewalk ordinance requires that sidewalk be installed in conjunction with the construction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

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

Murray Deagle, 328 Evaline, represented RWT Building. He reported that there are no other sidewalks in the neighborhood.

Mr. Schepke said he thinks it would be detrimental to the area to have sidewalks installed.

RESOLUTION #2007-07-42

Moved by Binkowski
 Seconded by Kilmer

1. WHEREAS, City of Troy Ordinances, Chapter 34, Section 8(D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, RWT Building LLC has requested a temporary waiver of the requirement to construct sidewalk on the property because there are no other sidewalks in the area; and

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and

c. The construction of a new sidewalk would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 2120 Beech Lane, which is owned by RWT Building LLC.

YES: All-5
 NO: None
 ABSENT: 2
 MOTION CARRIED

REGULAR BUSINESS

8. Install STOP/YIELD Signs on Tucker at Standish

Dorothy Konarski, 2237 Drake, requests installation of a STOP sign on Tucker at Standish. Ms. Konarski reported that motorists do not know who has the right of way at the intersection and she was surprised that there are no traffic control signs at this intersection. She is also concerned about speed of traffic on Tucker and Standish.

Tucker runs west from Saffron and is barricaded on the west end. Similarly Standish is a street that begins and ends in stubs north and south of Tucker. Being an intersection without signs, the vehicle that arrives at the intersection first has the right of way, and if two vehicles approach the intersection at the same time, the vehicle to the right has the right of way.

Traffic volume studies at the intersection show around 430 vehicles on Tucker east of Standish, and 460 on Standish in a day. There are no major sight obstructions at the intersection. With both streets having very similar traffic volumes, it may be a challenge to assign right-of-way at the intersection. There are many similar intersections in the City that have no traffic control signs. Speed studies show 24-hour average speed at 21 miles per hour, with 5 vehicles clocked between 30 and 35 miles per hour in the day.

Sight distance studies and traffic crash studies show no major concerns that can be addressed by installing a YIELD or STOP sign.

Leo and Genny Murskyj of 5115 Saffron sent a note (attached) to the Traffic Engineer supporting installation of a STOP sign at this intersection.

Neither the petitioners nor any neighbors appeared at the meeting to present the item.

RESOLUTION #2007-07-43

Moved by Hubbell
 Seconded by Schepke

Recommend no changes on Tucker at Standish.

YES: All-5
 NO: None

ABSENT: 2
MOTION CARRIED

9. Install STOP or YIELD sign on Lydia at Vermont

Lori Cooke, 1103 Vermont, requests a STOP or YIELD sign on Lydia at Vermont. She points out that there are STOP signs at every other street that intersects with Lydia. Mr. and Mrs. Cooke report that vehicles cruise on Vermont at high speeds and that they are concerned about the safety of their children, ages 2, 11 and 13.

Lydia runs north-south and connects to Maple. Vermont runs east-west and connects to Rochester Road. There are STOP signs controlling traffic on Lydia at Chopin, Birchwood and Woodslee, while there are no signs at Arthur and Vermont. Traffic volumes on both streets are around 150 vehicles per day, which is relatively very low compared to other residential streets in the City of Troy that range between 300 and 5000 vehicles in a day.

A majority of the intersections in the City with low volumes have no traffic control signs. STOP signs on Lydia were installed around 25 years ago and one of the reasons there are many STOP signs on Lydia may be to reduce cut-through traffic. Since the neighborhood is laid out in a "grid" fashion, with connections to two major roads, there is potential for motorists to use these streets to avoid the intersection of Rochester and Maple. One of the methods used in the 80s to reduce such traffic was to install STOP signs on alternate intersections.

A crash analysis shows no crashes at this intersection in the past 5 years that could have been prevented by a STOP sign, and a sight distance study reveals no major obstruction in the vicinity of the intersection. Since Ms. Cooke had a speeding concern, a speed study was conducted on Vermont, which showed an average speed of 19.1 miles per hour—much below the City average of around 27 miles per hour on residential roads. Also, the Michigan Manual of Uniform Traffic Control Devices specifies that STOP signs shall not be used for speed reduction, since many studies indicate that STOP signs have no effect on speeding.

The southeast corner of this intersection is also a school bus stop. Since there are no sidewalks, the children have to stand in or near the street while waiting for the bus. Ms. Cooke said there are small children waiting, the intersection has no traffic control, and she has seen some near misses.

Barbara Bumsteel, 1111 Vermont, also supports installation of a STOP sign. She mentioned that the signs would help her son, who is severely challenged.

Ms. Binkowski felt that it might be better for the STOP signs to be on Vermont rather than Lydia, since a few intersections on Lydia already have STOP signs and adding another on Lydia may result in more violations.

RESOLUTION #2007-07-44

Moved by Binkowski
Seconded by Schepke

Recommend installing STOP signs on Vermont at Lydia.

YES: All-5
NO: None
ABSENT: 2
MOTION CARRIED

10. Install STOP or YIELD sign on Colleen at Denise

Mary Gorny, 2824 Denise, requests a STOP or YIELD sign on Colleen at Denise Drive. The new Colleen Meadows subdivision was under construction and all traffic accessed this subdivision by a construction access from Square Lake with no access to Denise. Recently, since the subdivision is almost complete, the construction access has been closed and Colleen has been opened up to Denise as the permanent configuration of roads. Ms. Gorny indicates that since the new street opened up, she has witnessed confusion on who has the right-of-way at the intersection. She also mentioned seeing some near crashes at the intersection since motorists are not familiar with the intersection. Since Colleen ends in Denise in a T-intersection, traffic on Colleen must yield to traffic on Denise, the through street. Denise carries around 450 vehicles in a day and Colleen around 300 vehicles in a day.

Janice Broutin, 2901 Denise, left a message for the Traffic Engineer expressing her support for a STOP or YIELD SIGN on Colleen at Denise.

Mary Gorny said many motorists try to cut through between Dequindre and Square Lake Roads. When they realize there is no outlet via Colleen, they turn around and race out again.

Joe Sawicki and Tom Gorny said these traffic problems are new, since the new subdivision is nearly completed and Colleen was opened up to traffic. Previously, it was barricaded at Denise and there was only a construction entrance off Square Lake Road. He would like to see a STOP sign and speed bumps. Eight more houses are scheduled to be built on Colleen, which will exacerbate the traffic problems.

The residents say that the speeders are mostly people living on Colleen. They see the same cars frequently. Lt. McWilliams has had officers watching the area and they haven't seen any violations indicating that STOP signs are needed. However, he requests that residents try to provide specific information as to the cars and/or license plates of the offenders. He will provide patrols at the peak traffic times of 8-9:00 a.m. and 4-6:00 p.m. and he will work with them regarding their concerns.

William Hartwell, 2754 Denise, volunteered his driveway for the officers to park their cars and observe.

Ms. Hubbell advised the residents not to depend on STOP signs to protect themselves and their children. STOP signs can give a false sense of security when people assume cars will stop as they are supposed to.

RESOLUTION #2007-07-45

Moved by Schepke

Seconded by Binkowski

Recommend installing a STOP sign on Colleen at Denise.

YES: All-5
 NO: None
 ABSENT: 2
 MOTION CARRIED

11. Install NO PARKING HERE TO CORNER signs 50 feet from each side of the Woodingham/Washington Crescent Curve

Lt. Robert Matlick of the Fire Department requests installation of NO PARKING HERE TO CORNER signs 50 feet from each side of the Woodingham/Washington Crescent curve, on the inside of the curve. Vehicles park in that area causing a sight obstruction and leave too little room for emergency vehicles to pass. Parked vehicles along the curve can increase their emergency response time and can be a safety issue.

David Winton, 4035 Washington Crescent, confirmed that he is the owner of the red truck that is usually parked at the corner. He said his daughter is the driver, and he will speak to her about it.

Dick Shepich, 2138 Woodingham, lives on the outside corner of the curve. There is no parking allowed on his side of the road, and it would be a hardship to restrict parking on the other side for 50 feet either way. He pointed out that there are seven other 90 degree turns in the subdivision which could present the same problem.

Ms. Hubbell suggested that rather than have the City post signs, the homeowners' association could work on informing the residents about parking too close to the corners. She would like to wait 60 days to give residents a chance to work out the situation.

RESOLUTION #2007-07-46

Moved by Hubbell

Seconded by Binkowski

Recommend no changes at Woodingham/Washington Crescent.

YES: All-5
 NO: None
 ABSENT: 2
 MOTION CARRIED

12. Establish Fire lanes at 1755 E. Wattles

Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

RESOLUTION #2007-07-47

Moved by Hubbell
Seconded by Schepke

Recommend that the fire lanes/tow away zones shown in the attached sketch be established at 1755 E. Wattles.

YES: All-5
NO: None
ABSENT: 2
MOTION CARRIED

13. Visitors' Time

No one else wished to address the committee.

14. Other Business

Lt. McWilliams commented that the trees causing a sight obstruction at Cadmus and Sheldrake have not yet been trimmed. The Traffic Engineer will contact the Public Works Department.

Mr. Kilmer commented that the bridge on Wattles (part of Crestfield subdivision) is still not done.

RESOLUTION #2007-07-48

Moved by Hubbell
Seconded by Kilmer

That the Traffic Committee not meet in August. The next meeting is scheduled for September 19, 2007.

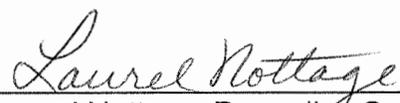
YES: All-5
NO: None
ABSENT: 2
MOTION CARRIED

15. Adjourn

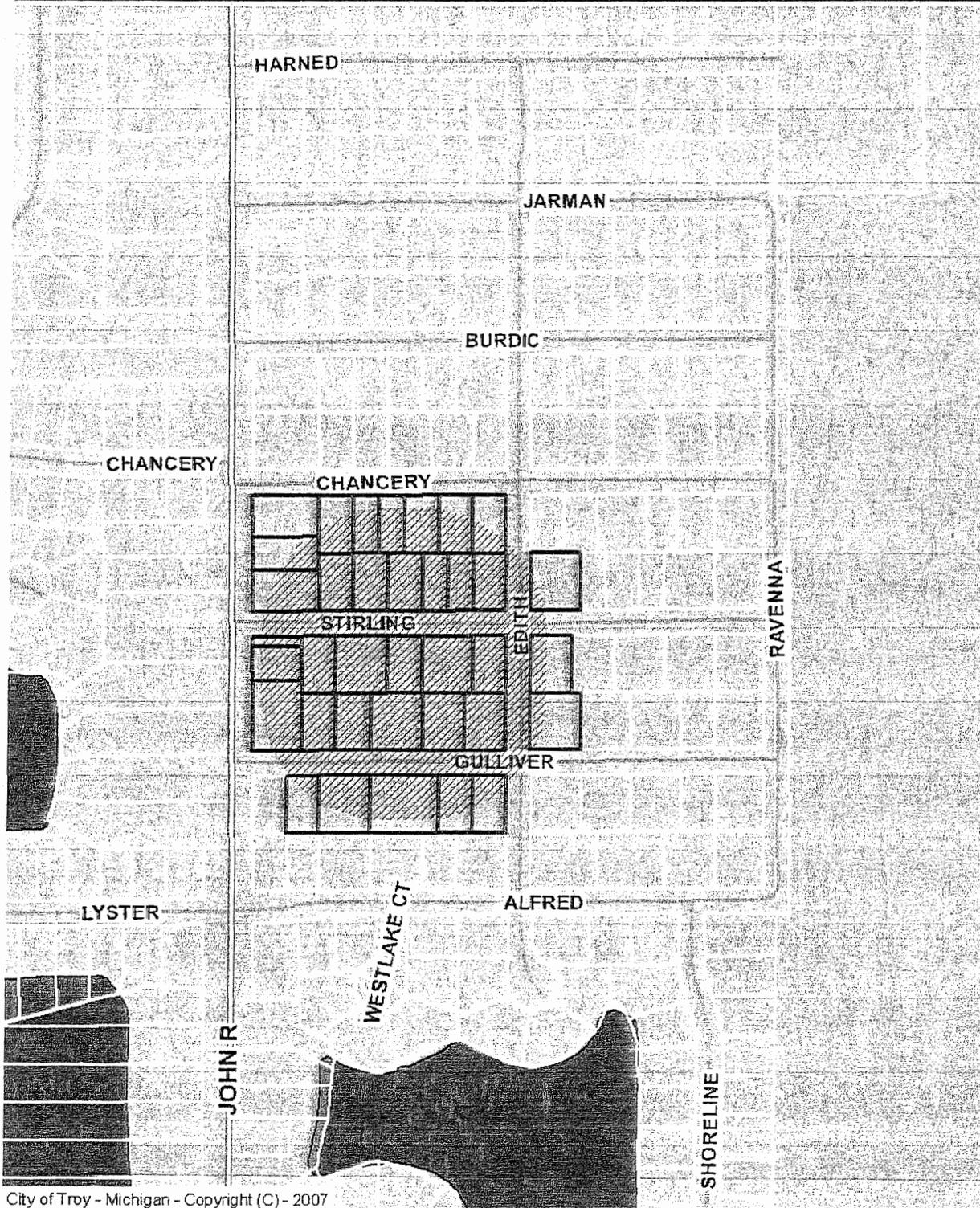
The meeting adjourned at 8:40 p.m.



Ted Halsey, Acting Chair



Laurel Nottage, Recording Secretary

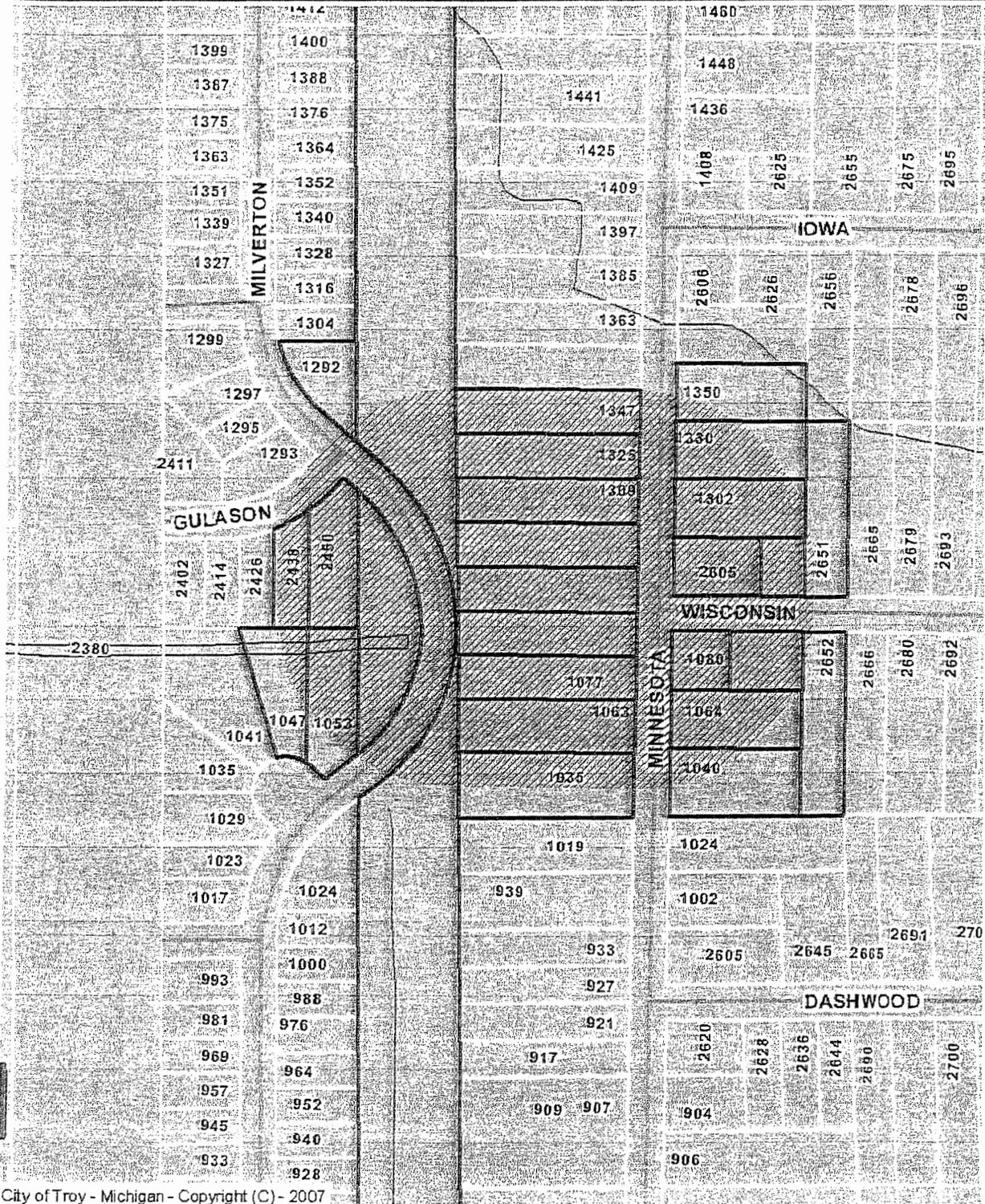


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Geographical Information Systems Online



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June 11, 2007

Mrs. Abraham,

Please grant the waiver of Sidewalks in front of 1193 Minnesota. We have lived in this neighborhood for many years. We love the uniqueness and quaintness of our area - this house is a great addition however the sidewalk would spoil the look of our whole neighborhood. Thank you for granting this waiver.

Jacobs J. Meyer 1302 MINNESOTA

Alice J. Meyer 1302 Minnesota

Christine A. Kuebler 939 Minnesota

Eek K 939 Minnesota Dr

Kayla 1019 Minnesota Dr

Tom Wright 1064 Minnesota

Kenneth L. Boy 2620 Peshwood

DAVE PETERS 1063 MINNESOTA DR

James R. Bala 2651 Wisconsin

Judsey Matola 1193 Minnesota

Laura Hays 1347 Minnesota

Chris Huston 1040 MINNESOTA

James Burchan 1035 MINNESOTA

687-885-910

EBP

80
540



Edward Galanek 1325 Minnesota

Gene Vail 2783 DEERWOOD

Paul McHenry 2692 Wisconsin

~~John~~ 1251 Minnesota

~~KATM~~ 1135 MINNESOTA

AGENDA
TRAFFIC COMMITTEE MEETING
JUNE 20, 2007 – 7:30 P.M.
LOWER LEVEL CONFERENCE ROOM
TROY CITY HALL
500 W. BIG BEAVER ROAD

RECEIVED
JUN 18 2007
ENGINEERING

5. Install STOP/YIELD Signs on Tucker at Standish

Dorothy Konarski, 2237 Drake, requests installation of a STOP sign on Tucker at Standish. Ms. Konarski reported that motorists do not know who has the right of way at the intersection and she was surprised that there are no traffic control signs at this intersection. She is also concerned about speed of traffic on Tucker and Standish.

Tucker runs west from Saffron and is barricaded on the west end. Similarly Standish is a street that begins and ends in stubs north and south of Tucker. Being an intersection without signs, the vehicle that arrives at the intersection first has the right of way, and if two vehicles approach the intersection at the same time, the vehicle to the right has the right of way.

Traffic volume studies at the intersection show around 430 vehicles on Tucker east of Standish, and 460 on Standish in a day. There are no major sight obstructions at the intersection. With both streets having very similar traffic volumes, it may be a challenge to assign right-of-way at the intersection. There are many similar intersections in the City that have no traffic control signs. Speed studies show 24-hour average speed at 21 miles per hour, with 5 vehicles clocked between 30 and 35 miles per hour in the day.

Sight distance studies and traffic crash studies show no major concerns that can be addressed by installing a YIELD or STOP sign.

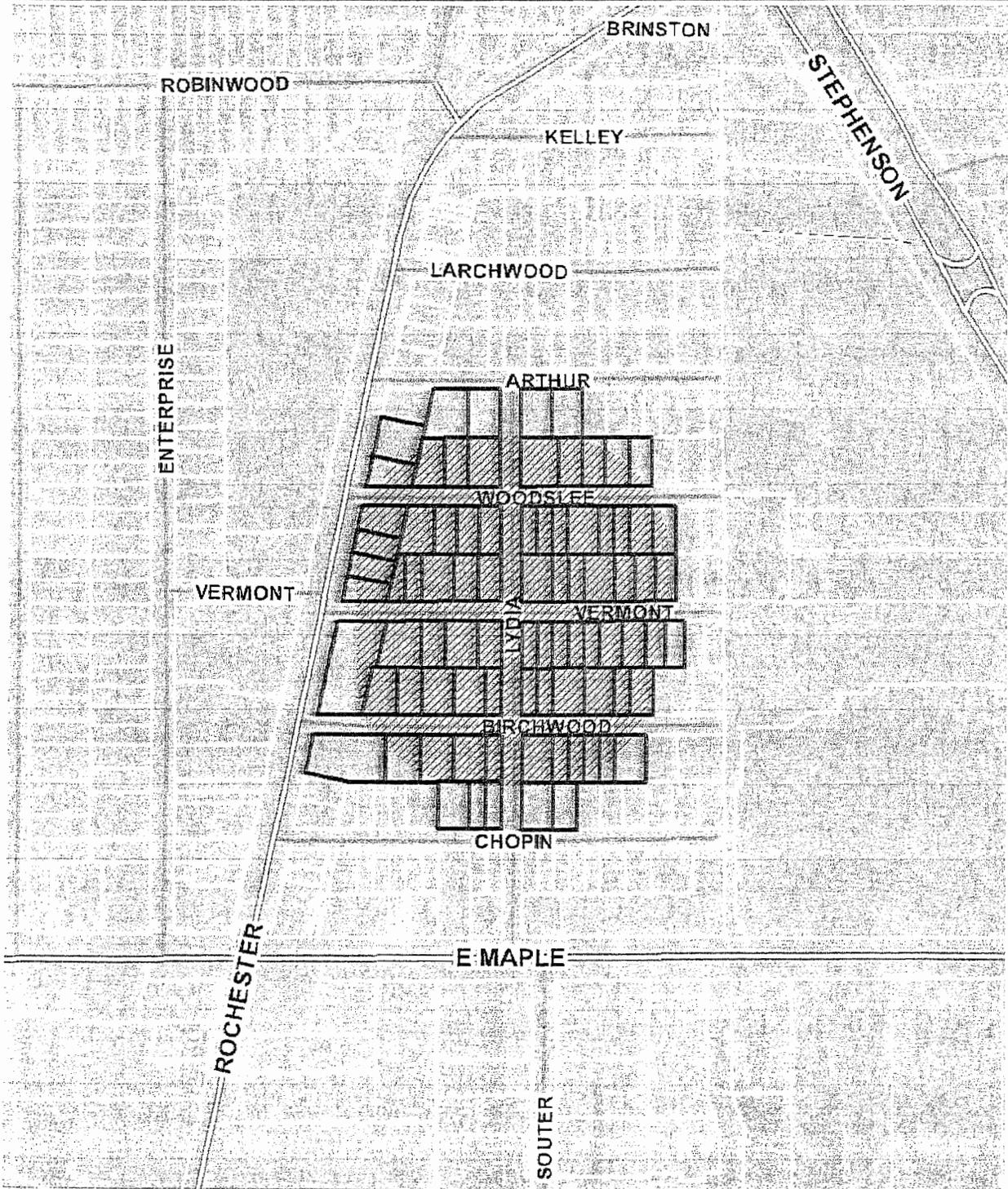
SUGGESTED RESOLUTION:

- a. Recommend installing a STOP sign on Tucker at Standish.
- ~~b. Recommend no changes on Tucker at Standish.~~

Fri. June 15, 2007

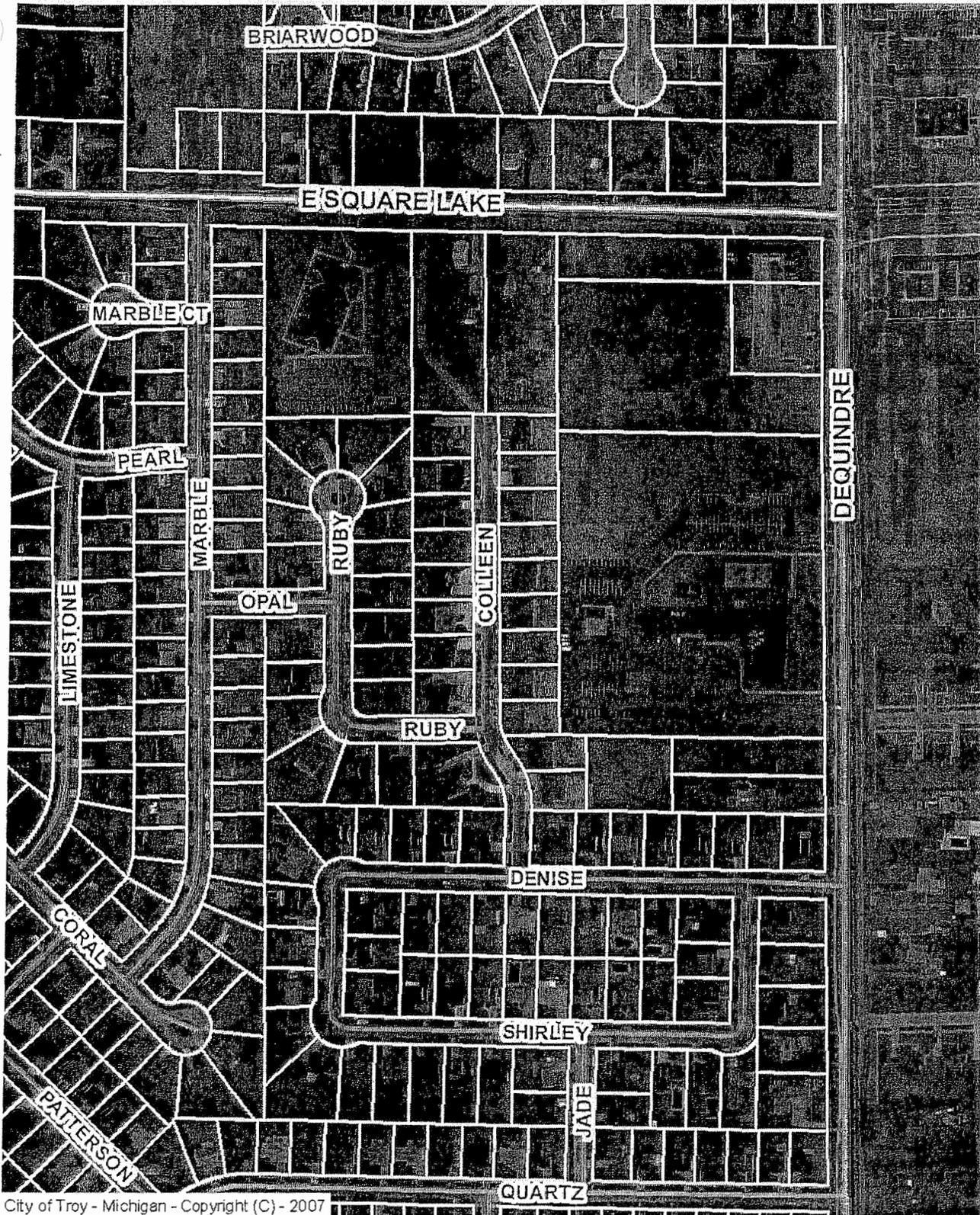
We are unable to attend the meeting on Wednesday but agree that a STOP sign is necessary on Tucker and Standish. Thank you for the notice.

Leo + Henry Murskyj
Dr. & Mrs. Murskyj
5115 Saffron Dr.
Troy, MI 48065



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Geographical Information Systems Online



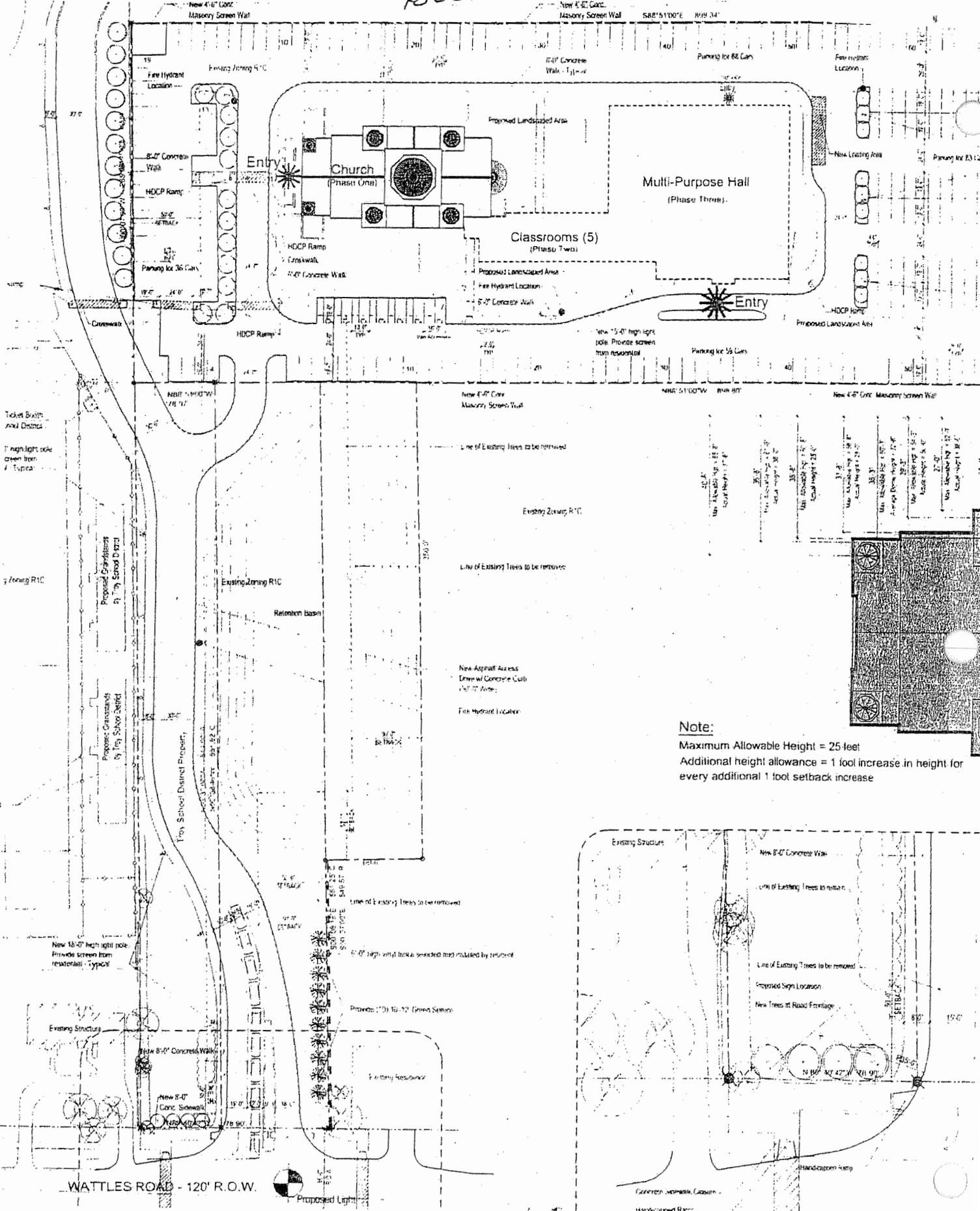
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Req. by FD.

48085



Note:
 Maximum Allowable Height = 25 feet
 Additional height allowance = 1 foot increase in height for every additional 1 foot setback increase

WATTLES ROAD - 120' R.O.W.

Proposed Light

Green sidewalk Closure

Handicapped Ramp

Ticket Booth and District

7' high light pole screen from Topra

Existing R1C

Proposed Driveway by Troy School District

Proposed Concrete by Troy School District

Troy School District Property

Existing Zoning R1C

Retention basin

Line of Existing Trees to be removed

Line of Existing Trees to be removed

New Asphalt Access Drive w/ Concrete Curb 4" x 12" wide

Fire Hydrant Location

Line of Existing Trees to be removed

6'-0" high wind break screened and insulated by applicant

Proposed 10' x 12' Green Service

Existing Resource

Existing Structure

New 8'-0" Concrete Walk

Line of Existing Trees to remain

Line of Existing Trees to be removed

Proposed Sign Location

New Trees at Road Frontage

5'-0" SETBACK

19'-0"

N 100' X 47' X 91'

Handicapped Ramp

Green sidewalk Closure

Handicapped Ramp

New 4'-0" Conc. Masonry Screen Wall

New 4'-0" Conc. Masonry Screen Wall

582' x 1100' E R1C 34'

Existing Zoning R1C

Fire Hydrant Location

8'-0" Concrete Walk

HDCP Ramp

5'-0" CONC. SIDEWALK

Parking for 36 Cars

Crosswalk

HDCP Ramp

N 100' X 47' X 91'

New 4'-0" Conc. Masonry Screen Wall

N 100' X 47' X 91'

New 4'-0" Conc. Masonry Screen Wall

Proposed Landscaped Area

Classrooms (5) (Phase Two)

Proposed Landscaped Area

Fire Hydrant Location

8'-0" Concrete Walk

New 15'-0" high light pole. Provide screen from residential

Parking for 36 Cars

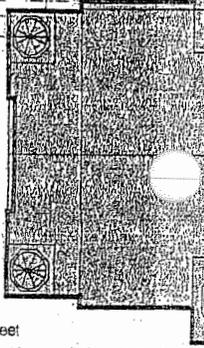
Proposed Landscaped Area

HDCP Ramp

New 4'-0" Conc. Masonry Screen Wall

Existing Zoning R1C

10'-0" Max. New Signage 12'-0" Max. Height 7'-0"



A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, August 08, 2007, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:15 p.m.

TRUSTEES PRESENT: Nancy Bowren
Mark Calice (Arrived @ 12:34)
Thomas Houghton, Chair
John M. Lamerato
William R. Need (Ex-Officio)
Phillip L. Nelson

TRUSTEES ABSENT: Michael Geise
Martin Howrylak

ALSO PRESENT: Randall J. Dziubek, Gabriel, Roeder, Smith & Company

MINUTES

Resolution # ER – 2007 – 08 - 27

Moved by Nelson
Seconded by Bowren

RESOLVED, That the minutes of the July 11, 2007 meeting be approved.

Yeas: All 4
Absent: Calice, Geise, Howrylak

OTHER BUSINESS – DECEMBER 31, 2006 ACTUARIAL VALUATION

Randall J. Dziubek of Gabriel, Roeder, Smith & Co. reviewed the December 31, 2006 Actuarial Valuation with the board.

Resolution # ER – 2007 – 08 - 28

Moved by Lamerato
Seconded by Calice

RESOLVED, That the board receive and file the December 31, 2006 Actuarial Valuation.

Yeas: All 5
Absent: Geise, Howrylak

OTHER BUSINESS – PRIOR GOVERNMENT SERVICE CREDIT

Let the following prior government service credit request be noted and filed:

Stephen Brandimore – 3 years, 11 months

OTHER BUSINESS – CHAPTER 10 – EMPLOYEES RETIREMENT SYSTEM AMENDMENT

Resolution # ER – 2007 – 08 - 29

Moved by Houghton

Seconded by Nelson

RESOLVED, That the board recommends City Council approve amendments to Chapter 10 as noted.

Yeas: All 5

Absent: Geise, Howrylak

OTHER BUSINESS – SUMMARY ANNUAL REPORT TO MEMBERS

The board reviewed the Summary Annual Report, which will be distributed to all full-time employees and retirees.

INVESTMENTS

Resolution # ER – 2007 – 08 - 30

Moved by Bowren

Seconded by Lamerato

RESOLVED, That the Board buy and sell the following investments:

Buy: \$500,000 Citigroup, 5.40% due 2/13/12

Sell: 16,250 SLM;
DR Horton;
17,500 Flagstar Bank.

Yeas: All 5

Absent: Geise, Howrylak

EXCUSE ABSENT MEMBERS

Resolution # ER – 2007 – 08 - 31

Moved by Houghton

Seconded by Calice

RESOLVED, That Michael Geise and Martin Howrylak be excused.

Yeas: All 5

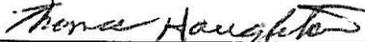
Absent: Geise, Howrylak

PUBLIC COMMENT

There was no public comment.

The next meeting is September 12, 2007 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 1:30 p.m.



Thomas Houghton, Chairman



John M. Lamerato, Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, August 13, 2007 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 6:56 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Henry W. Allemon
W. Stan Godlewski
Patrick C. Hall
David S. Ogg
Timothy P. Payne
Bohdan L. Ukraineec
Clark Yuan, Student Representative
Allan Motzny, Assistant City Attorney
Sergeant Robert Cantlon
Pat Gladysz

Resolution to Approve Minutes of June 11, 2007 & July 24, 2007 Meetings

Resolution #LC2007-08-018
Moved by Allemon
Seconded by Payne

RESOLVED, that the Minutes of the June 11, 2007 and July 24, 2007 meetings of the Liquor Advisory Committee be approved.

Yes: 7
No: 0
Absent: 0

Agenda Items

1. Atlas Blue Sky, Inc. requests to transfer ownership of 2007 SDD and SDM licensed business located at 36949 Dequindre, Troy, MI 48084, Oakland County, from MJMN, Inc. {MLCC req #417140}

Present to answer questions from the Committee were Kawkab Matti (seller) and Ghassan Hirmiz and Raymond Elia (buyers).

Mr. Matti explained to the Committee that he is selling the Atlas Market & Bakery located at 36949 Dequindre to Mr. Hirmiz and Mr. Elia. There will be no change in operations of the store, which is a specialty market, bakery, deli, carryout, and pharmacy. In response to a question from a Committee member, Mr. Matti stated that the revenue from liquor, beer, and/or wine purchases accounts for approximately 15-20% of the total sales. The staff will remain the same and Mr. Matti will continue in an advisory role for approximately four months.

Resolution #LC2007-08-019

Moved by Allemon

Seconded by Ukrainec

RESOLVED, that Atlas Blue Sky, Inc. be allowed to transfer ownership of 2007 SDD and SDM licensed business located at 36949 Dequindre, Troy, MI 48084, Oakland County, from MJMN, Inc.

Yes: 7
No: 0
Absent: 0

The next regular meeting will be held on Monday, September 17, 2007 at 7:00 p.m. in the Lower Level Conference Room.

The meeting adjourned at 7:11 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

DOWNTOWN DEVELOPMENT AUTHORITY MINUTES FINAL August 15, 2007

A meeting of the Downtown Development Authority was held on Wednesday, August 15, 2007 in the Lower Level Conference Room of Troy City Hall, 500 W. Big Beaver Troy, Michigan. Alan Kiriluk called the meeting to order at 7:30 a.m.

PRESENT: Michael Culpepper
David Hay
Michele Hodges
William Kennis
Alan Kiriluk
Daniel MacLeish
Carol Price
Ernest Reschke
Louise Schilling
G. Thomas York

ABSENT: Stuart Frankel
Douglas Schroeder
Harvey Weiss

ALSO PRESENT: John M. Lamerato
Brian Murphy
Lori Bluhm
Mark Miller
Randy Metz, Grissim Metz Andriese Associates
Paul Zucker, Zucker Systems

APPROVAL OF MINUTES

Resolution: DD-07-15
Moved by: York
Seconded by: MacLeish

RESOLVED, That the minutes of the May 16, 2007 regular meeting be approved.

Yeas: All (10)
Absent: Frankel, Schroeder, Weiss

OLD BUSINESS

None

NEW BUSINESS

A. Interchange Committee Design Options and Recommendations

Randy Metz of Grissim Metz Andriese Associates reviewed with the Board a draft of the Big Beaver Corridor – Gateway Study.

B. Planning Commission Update

Mark Miller gave an update on the Master Plan project.

C. Big Beaver and Rochester Park Grant Application

Brian Murphy gave an update on the grant application.

Resolution: DD-07-16
Moved by: Kennis
Seconded by: Culpepper

RESOLVED, That the TDDA Board authorizes the expenditure in the amount of up to \$200,000 to engage the services of a consultant to perform the engineer and design work of the Big Beaver/Rochester Road right of way improvements.

Yeas: All (9)
Nays: Hodges
Absent: Frankel, Schroeder, Weiss

D. Zucker Systems – Development Approval/Permit Process Consultant

Paul Zucker gave a brief update on their assignment to review the development approval and permit process.

PUBLIC COMMENT

None

MEMBER COMMENT

Louise Schilling mentioned the next Jazz on the Corridor event.
Michele Hodges mentioned there should be TDDA representation at the September 11, 2007 Planning Commission Public Hearing on the Pavilions of Troy.

EXCUSE ABSENT MEMBERS

Resolution: DD-07-17
Moved by: MacLeish
Seconded by: Price

RESOLVED, That Frankel, Schroeder and Weiss be excused.

Yeas: All (10)
Absent: Frankel, Schroeder, Weiss

The meeting was adjourned at 8:42 a.m.

Next Meeting: September 19, 2007 @ 7:30 a.m. @ Lower Level Conference Room, City Hall.

Alan Kiriluk, Chair

John M. Lamerato, Secretary/Treasurer

JL/ph

The Chairman, Mark Maxwell, called the meeting of the Board of Zoning Appeals to order on Tuesday, August 21, 2007 at 7:30 P.M. in Council Chambers of the Troy City Hall.

PRESENT: Glenn Clark
Kenneth Courtney
Marcia Gies
Matthew Kovacs
Mark Maxwell
Wayne Wright

ABSENT: Michael Bartnik

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Chris Forsyth, Assistant City Attorney
Pamela Pasternak, Recording Secretary

Motion by Gies
Supported by Wright

MOVED, to excuse Mr. Bartnik from tonight’s meeting as he is out of town.

Yeas: 6 – Clark, Courtney, Gies, Kovacs, Maxwell, Wright

MOTION TO EXCUSE MR. BARTNIK CARRIED

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 17, 2007

Motion by Wright
Supported by Gies

MOVED, to approve the minutes of the meeting of July 17, 2007 as written.

Yeas: 5 – Courtney, Gies, Maxwell, Wright

Abstain: 1 - Kovacs

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. PATRICK DYKE, REPRESENTING AZHAR ALI, 2062 CHARNWOOD (PROPOSED ADDRESS), for relief of the Ordinance to construct a new single-family residence with a 29’-9” building height where Section 30.10.01 (u) limits the building height of single-family residences in the R-1A Zoning District to 27’.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new single-family residence. The plans submitted indicate a 29’-9” building height for the proposed residence when measured in accordance with Section 04.20.23. Section

ITEM #2 – con't.

30.10.01 (u) limits the building height of single-family residences in the R-1A Zoning District with properly installed attic draft stopping to not more than 27'.

This item first appeared at the meeting of July 17, 2007 and was postponed to allow the petitioner the opportunity of a full Board.

Mr. Maxwell stated that in going through the plans he did not see exactly how high the house was.

Mr. Dyke stated that it was approximately 37 ½' high at the highest point.

Mr. Dyke was present and stated that the roof height is determined by the height of the entire roof at each point. This is a hip roof and only a small portion of the roof will result in the 29'-9" height. The majority of the home will be at a height of 36 ½' to the peak.

Mr. Maxwell explained that he had asked Mr. Stimac for a list of homes in the Troy area that were over 5,000 square feet. Based about that list this home would be the second largest home and he believes would be a catalyst for change on other lots in this area that are the same size.

Mr. Dyke stated that the practical difficulty is that they are not utilizing the maximum allowable coverage of the square footage of the lot. This is a very large lot and the Ordinance allows 30% lot coverage. This home will be at half of that percentage. The owners of the home plan to live here for at least twenty (20) years. Roof pitches get taller and taller as the years go by. Mr. Dyke went on to say that if a variance is not granted, they will "fire-suppress" the home and the roof height could go to 32', which is allowed by the Ordinance. The height is measured from the mid-point between the eaves and the peak. In order for this home to comply, they would have to lower the ceiling height on the first floor to 9' and would also lower the ceiling height on the second floor.

Mr. Dyke feels that the Ordinance is not in keeping with the needs of people now. People want larger homes as the lots get bigger and Mr. Dyke thinks that the Zoning Ordinance should be changed to meet the needs of these people. Twenty years ago, people did not fathom building a home this large. This house is 30' deep and is not a very deep house. Mr. Dyke said that this Board has the authority to grant or deny this request and perhaps this request will bring about an investigation into the Ordinance and it will be changed. In other communities where more variances are requested the Ordinance is re-visited and perhaps changed.

Mr. Courtney asked for clarification on one of the pictures that Mr. Dyke had submitted to the Board.

ITEM #2 – con't.

Mr. Dyke said that as a house gets bigger in width and taller in height, if there is not a large roof, it is not as aesthetically pleasing when viewing it from the street. The Board does not consider aesthetics when making a decision, but as an Architect, this is one of the areas that Mr. Dyke places close attention to. If the roofline is forced down, the look of the house would not be as aesthetically pleasing.

Mr. Courtney said that he could build the house 27' high because he is adding extra draft stopping.

Mr. Stimac said that the Building Department is not in possession of the final drawings on the construction of the home, but is assuming that extra draft stopping would be added.

Mr. Dyke stated that instead of going to 2,000 square feet for draft stopping they actually compartmentalized it further and has gone between 1,300 and 800 square feet for draft stopping.

Mr. Maxwell asked if changing the width of the house would also change the roof height.

Mr. Dyke stated that if they lower the roofline with the same roof pitch, they would have to drop off approximately 7' and pull the house in.

Mr. Wright stated that he thought this home would cost between one and one-half million and two million dollars and does not see a hardship with adding a fire suppression system.

Mr. Dyke stated that they do not have a hardship. They have a practical difficulty. If you look at the equation of 27' to 32' there is actually a 10' differential.

Mr. Wright stated that he would like to see the house built, but with a fire suppression system.

Mr. Dyke said that in other communities they take in the entire height of the roof in determining the maximum allowable roof height.

Mr. Maxwell said that he has to decide if this house will have a negative impact to surrounding property. The setbacks are quite large.

Mr. Dyke said that they have centered the house directly in the middle of the property so that it would not impose on surrounding property. Mr. Dyke also believes that by allowing people to add fire suppression, they are opening the door for other people to build very large homes. They are also going to build the house as low to the ground as possible.

ITEM #2 – con't.

Mr. Maxwell said that just because people can build things allowed by the Ordinance, it does not mean that they are in the best interests to other people in the community.

Mr. Clark stated that the house could be built 10' taller than what is proposed, with a fire suppression system.

The Chairman opened the Public Hearing. No one wished to speak and the Public Hearing was closed.

There is one (1) written objection on file. There are no written approvals on file.

Mr. Clark said that he always tries to put himself in the house next to the property described in the petition and is trying to determine whether it would be better for the Board of Zoning Appeals to grant a variance and live next door to a larger home without fire suppression; or to have this home with a fire suppression system and have a taller home constructed next door. Mr. Clark said in his opinion it was difficult to determine the practical difficulty.

Mr. Dyke said that the reason for this is fire safety. When this plan was presented, Mr. Dyke did contact the fire department. If the Board believes the 2'-9" is going to make this house less safe the variance should not be granted. On the other hand, if the 2'-9" height is not an issue than the variance should be granted.

Mr. Clark asked why this home would need to have a fire suppression system.

Mr. Stimac stated that City Council and the Planning Commission are the governing bodies that adopt the regulation. The 25' height limit has been in the Ordinance for a great number of years and has served the City through its development phase. In the late 90's there were a number of requests for higher homes. These houses could potentially be as close as 20' apart and access for fire fighting purposes would have to be done on that narrow strip of land. The setbacks for this particular house are approximately 60'. The Board would have to make the decision that this setback would be enough to offset the height of the house. There are allowances in the Zoning Ordinance for additional roof height when setbacks are increased that apply to Churches and other non-residential buildings.

Mr. Kovacs said that the house is 7,000 square feet and a 10' ceiling on the main floor is not out of the ordinary. Mr. Kovacs said that he would be very happy to either be able to construct a home like this one, or have one built next to him like this. In his opinion the 2'-9" variance request is minimal.

Motion by Kovacs
Supported by Courtney

ITEM #2 – con't.

MOVED, to grant Patrick Dyke, representing Dr. Azhar Ali, 2062 Charnwood relief of the Ordinance to construct a new single-family residence with a 29'-9" building height where Section 30.10.01 (u) limits the building height of single-family residences in the R-1A Zoning District to 27'.

- Variance is not contrary to public interest.
- Variance request is minimal.
- Variance does not permit the establishment of a prohibited use in a Zoning District.
- Variance applies only to the property described in this application.
- Literal enforcement of the Ordinance would be unnecessarily burdensome.
- Minimum side setback of 54' will be provided.
- Roof draft stopping would be at a 1,200 square foot maximum.

Mr. Maxwell said that he was quite sure that the surrounding neighbors would see an increase in their property values.

Ms. Gies agreed with Mr. Maxwell and said that the value of the land would increase.

Yeas: 5 – Kovacs, Maxwell, Clark, Courtney, Gies
Nays: 1 – Wright

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUEST. MR. & MRS. DERRICK ROBINSON, 4472

LANCASHIRE, for relief of the Ordinance to construct a patio enclosure on the rear of their home that has a proposed 21' rear yard setback where Section 30.10.04 of the Ordinance requires a 40' minimum rear yard setback in R-1C Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a patio enclosure on the rear of their home. The site plan submitted indicates an addition on the rear of the existing home with a proposed 21' rear yard setback. Section 30.10.04 of the Ordinance requires a 40' minimum rear yard setback in R-1C Zoning Districts.

Mr. Rob McMahon, representing the Robinsons was present. Mr. McMahon stated that the hardship with this property is the pie-shaped lot and the location of the home. If the home had been constructed slightly closer to the east property line it would have allowed enough room for this addition. They want to use this room year round.

Mr. Clark asked if this room could be moved farther east, which would locate it along the back of the house.

ITEM #3 – con't.

Mr. McMahon stated that right now it is coming out of the family room and kitchen. He stated that they could move this room farther east but it would still require a variance, although he did think it would be smaller

Mr. Maxwell asked what part of the house was near this proposed construction.

Mr. Stimac stated that there was a door wall off of the family room and approximately 6' from the corner of the house. Mr. Stimac also stated that they could probably shift the addition a little more than 6' to the east. Based, on the drawings before him, Mr. Stimac stated it would be difficult to calculate what the rear setback would be.

Mr. McMahon stated that if they did shift the room over 8' and made the entrance through the kitchen, they would have a much larger space.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are two (2) written objections on file.

Mr. McMahon said he did not think that the size of the room could be made smaller and still be efficient.

Mr. Stimac stated that there was an existing patio off of the door at the rear of the house and asked if there was a desire to keep that patio there and put the addition to the east of the deck.

Mr. McMahon said that the deck was in very rough shape and if the Board wanted him to move the room farther to the east, he believes that the deck would become a stamped concrete patio.

Mr. Courtney asked which rooms were located at the east side of the house.

Mr. McMahon stated that it was the kitchen, and they plan to make the window a doorway into this room. Mr. McMahon stated that he did not believe it would be a problem to move the room farther east, but he would have to confer with his clients.

Mr. Kovacs stated that he would like to see what type of setback would be required if the room was moved farther east and perhaps the petitioner could come back with another plan. Mr. Kovacs said that in his opinion this was a massive variance and he would like to see them come back with an alternative plan.

Mr. Courtney asked if the room could be moved behind the garage.

ITEM #3 – con't.

Mr. McMahon stated that the intention is to enclose both of the existing rooms to allow access into the addition. If you shift it all the way behind the garage you may be limiting access to this room.

Mr. Courtney said that he thought the addition could be moved to the eastern edge of the garage and a lesser variance could be requested.

Mr. Maxwell asked if the Board would like to see an alternate plan.

Mr. Clark stated that he did not see a practical difficulty that would justify this variance and some of the neighbors have objections.

Mr. McMahon stated that most of the neighbors approved of this request.

Mr. Maxwell said that they would like to look at a lesser variance.

Mr. Kovacs stated that he would like to see the petitioner come back with a lesser variance request.

Mr. McMahon stated that he thought the homeowner would be willing to look at moving the room farther east.

Motion by Clark
Supported by Gies

MOVED, to postpone the request of Mr. & Mrs. Derrick Robinson, 4472 Lancashire, for relief of the Ordinance to construct a patio enclosure on the rear of the home that has a proposed 21' rear yard setback where Section 30.10.04 of the Ordinance requires a 40' minimum rear yard setback in R-1C Zoning Districts until the meeting of September 18, 2007.

- To allow the petitioner to explore another alternative location that would require a lesser variance.

Yeas: 6 – Kovacs, Maxwell, Wright, Clark, Courtney, Gies

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF SEPTEMBER 18, 2007 CARRIED

ITEM #4 – VARIANCE REQUEST. MR. & MRS. RICK HOWARD, 2051 E. BIG BEAVER, for relief of the Ordinance to construct an addition to an existing day care center that will result in 23,250 square feet of outdoor play space, where Section 10.30.03 of the Ordinance requires 28,250 square feet.

ITEM #4 – con't.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an addition to an existing day care center. Section 10.30.03 of the Troy Zoning Ordinance requires that a minimum of 150 square feet of outdoor play area be provided for each child cared for at the center. Petitioner is proposing a 190-child capacity. A minimum of 28,500 square feet of outdoor play space is required. The site plan submitted indicates that only 23,250 square feet of outdoor play space is proposed.

Mr. Courtney asked how many children would be using the outdoor play area.

Mr. Howard was present and said that right now they have eight (8) classrooms and the maximum number of children at any one time is only three (3) classrooms. This usually means that there are fifty-(50) children outside at any one time. This present variance is less than what they had asked for in 2003. Mr. Howard really does not think this is a problem. This is not a residential home and Mr. Howard stated that in his opinion the Ordinance is loosely written. The City requires 500 square feet per child and the State only requires 150 per child. Many of the children are in cribs and do not use this outdoor area at all. There is also a gym located inside the building and therefore the outdoor space is not utilized.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Mr. Kovacs stated that in his opinion the petitioner is working in good faith and he believes this to be a very reasonable request.

Motion by Kovacs
Supported by Gies

MOVED, to grant Mr. & Mrs. Rick Howard, 2051 E. Big Beaver, relief of the Ordinance to construct an addition to an existing day care center that will result in 23,250 square feet of outdoor play space, where Section 10.30.03 of the Ordinance requires 28, 250 square feet.

- Not more than 155 children will be over of 2 ½ years of age.
- Variance is not contrary to public interest.
- Variance applies only to the property described in this application.
- Literal enforcement of the Ordinance would be unnecessarily burdensome.

Yeas: 6 – Maxwell, Wright, Clark, Courtney, Gies, Kovacs

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUEST. GARY ABITHEIRA, 193 FORTHTON (EXISTING ADDRESS), 195 & 207 (PROPOSED ADDRESSES), for relief of the Ordinance to demolish an existing single-family home and divide the property into two (2) parcels that would result in lot widths of 56.05' and 56.06' where Section 30.10.06 requires a 60' minimum lot width for single-family homes.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to demolish an existing single-family home at 193 Forthton and divide the property into two (2) parcels for two future home sites. The site plan submitted indicates that the proposed parcels would be only 56.05' and 56.06' in width. Section 30.10.06 of the Troy Zoning Ordinance requires a 60' minimum lot width for single-family homes constructed in the R-2 (Two-Family Residential) Zoning District.

Mr. Kovacs asked how large the lots in this subdivision were.

Mr. Stimac stated that this area was a combination of number of older subdivisions that were pieced together and 99% of the other lots do comply with the requirements regarding lot width. The lots to the west of this property are a result of a replat and they are all 60' wide lots. Parcels to the east were originally 125' wide and then split into two separate lots.

Mr. Abitheira was present and stated that he had purchased this property with the intention of removing the existing home and putting up a duplex. After looking at the neighborhood he felt that two single-family homes would be a better fit in this area. There will be two families with two homes rather than renters. Two homes would be more neighborhood friendly and would create a better value to the neighborhood. Mr. Abitheira also feels that private ownership creates more pride in a parcel. These homes will meet all other setbacks, and will create 10' more in open space.

Mr. Courtney asked what the side setbacks would be.

Mr. Abitheira stated that they would 9' and 6' for a total of 15' as required by the Ordinance.

Mr. Courtney asked how large the side setbacks would be with a duplex.

Mr. Abitheira stated that he would put in 10' on each side for a total of 20'.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There is one (1) written objection on file.

Mr. Kovacs asked if the numbers given were correct for the side yard setbacks.

ITEM #5 – con't.

Mr. Stimac explained that a minimum 5' side yard setback and a total of 15' are required for a single family home in the R-2 (Two-Family Zoning District).

Mr. Stimac also stated that a duplex would have to be 92' wide in order to be at the minimum 20' side yard setbacks.

Mr. Abitheira stated that is what he planned on building, as the duplex would have a three car attached garage.

Mr. Maxwell said that since all other setbacks would be met, he did not have a problem with this request.

Mr. Courtney said that he would rather see a duplex than split the lot and make it smaller than the other lots in the area.

Mr. Abitheira stated that he thinks the neighbors would rather see single-family homes rather than a rental property.

Motion by Courtney
Supported by Clark

MOVED, to deny the request of Gary Abitheira, 193 Forthton (existing address), 195 & 207 (proposed addresses), for relief of the Ordinance to demolish an existing single-family home and divide the property into two (2) single-family residential parcels that would result in lot widths of 56.06' and 56.06' where Section 30.10.06 requires a 60' minimum lot width for single-family homes.

- Petitioner did not demonstrate a practical difficulty.
- Property could be built on and comply with the requirements of the Ordinance.

Mr. Maxwell stated that he believes new homes would be much better for the City rather than a duplex and the new construction will maintain all setbacks.

Mr. Abitheira stated that the neighbors on either side of this parcel told him that they would rather see two homes than a duplex.

Mr. Clark asked what kind of homes Mr. Abitheira planned to construct.

Mr. Abitheira stated that they would be 4 bedroom, 2 ½ bath Colonials, approximately 2,000 or 2,200 square feet. This is what people want to buy.

Mr. Courtney asked if Mr. Abitheira bought this property with the intention of constructing a duplex on it.

ITEM #5 – con't.

Mr. Abitheira stated that he purchased this property at a foreclosure and did originally plan to put up a duplex. The more he looked at it and put himself in the neighbors' shoes, he decided that the neighbors would like two homes.

Mr. Courtney asked if he had any other property in the area.

Mr. Abitheira stated that he had built a duplex 20 years ago, approximately 4 streets away.

Vote on Mr. Courtney's motion to deny.

Yeas: 1 – Courtney

Nays: 5 – Wright, Clark, Gies, Kovacs, Maxwell

MOTION TO DENY FAILS

Motion by Kovacs

Supported by Wright

MOVED, to grant Gary Abitheira, 193 Forthton (existing address), 195 & 207 (proposed addresses), relief of the Ordinance to demolish an existing single-family home and divide the property into two (2) single-family residential parcels that would result in lot widths of 56.06' and 56.06' where Section 30.10.06 requires a 60' minimum lot width for single-family homes.

- No other variances would be allowed on this parcel.
- Variance is not contrary to public interest.
- Variance does not permit the establishment of a prohibited use in a Zoning District.
- Homes will comply with all other setback requirements.

Yeas: 5 – Clark, Gies, Kovacs, Maxwell, Wright

Nays: 1 – Courtney

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUEST. HAVEL HOME IMPROVEMENT, REPRESENTING MR. & MRS. STEVE CARRYER, 2777 ORCHARD TRAIL, for relief of the Ordinance to construct an addition to an attached garage that will result in a 27'-2" front yard setback to the northeast corner of the expanded garage, where Section 30.10.01 of the Ordinance requires a 40' minimum front setback in the R-1A Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct an addition to an attached garage. The site plan submitted indicates that the proposed **ITEM #6 – con't.**

addition would have a 27'-2" front yard setback to the northeast corner of the expanded garage. Section 30.10.01 requires a 40' minimum front setback in the R-1A Zoning District.

Mr. John Havel of Havel Construction was present and stated that the practical difficulty is that this home is located on a cul-de-sac and without a variance 40% of the property is not usable. The owner is handicapped and needs a wheel chair. Due to the size of the van that has an automatic lift, there is not enough space in the garage. The extra 10' feet would enable the lift to come out the side and lower the wheel chair.

Mr. Maxwell asked if the driveway would also be changed.

Mr. Havel indicated that they would be moving the driveway over to accommodate this addition.

Mr. Clark asked if the present garage was a two-car garage.

Mr. Havel stated that it was, however they would not be able to use the other side of the garage when this van was in the garage.

Mr. Clark suggested not parking the second car in the garage, as he believes this is quite a large request.

Mr. Wright stated that he could certainly understand the problems the property owner is facing especially with a side entrance van. Mr. Wright suggested that they look into the possibility of a van with a rear entrance.

Mr. Kovacs stated that in his opinion this was a very small variance request and asked if they could add to the back of the garage rather than the side and change the garage from a side entrance garage to a front entrance garage.

Mr. Stimac stated that if they added on the front of the garage they would still require a variance, but if they added to the back of the garage a variance would not be required.

Mr. Havel stated that they could not add to the back of the garage as the door wall is next to the garage.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Motion by Courtney
Supported by Wright
ITEM #6 – con't.

MOVED, to grant Havel Home Improvement, representing Mr. & Mrs. Steve Carryer, 2777 Orchard Trail, relief of the Ordinance to construct an addition to an attached garage that will result in a 27'-2" front yard setback to the northeast corner of the expanded garage, where Section 30.10.01 of the Ordinance requires a 40' minimum front setback in the R-1A Zoning District.

- Variance is not contrary to public interest.
- Variance request is minimal over the previous variance granted in 1970.
- Variance will not have an adverse effect to surrounding property.
- The unusual shape of the lot makes literal enforcement of the Ordinance unnecessarily burdensome.

Yeas: 6 – Clark, Courtney, Gies, Kovacs, Maxwell, Wright

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUEST. PAUL T. BARNES, 5587 WHITEHAVEN, for relief of the Ordinance to construct a three-season room enclosure that will result in a proposed 42'-5" rear yard setback where Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a three-season room enclosure that will result in a 42'-5" rear yard setback. Section 30.10.02 of the Ordinance requires a 45' minimum rear setback in R-1B Zoning Districts.

Mr. Barnes was present and stated that he needs to replace the existing deck and he would like to add a three-season room. Mr. Barnes said that he would like to minimize the cost of construction by using the existing foundations of the upper deck and by keeping the roof lines the same. This is the only location a room could be added. If they try to make the room smaller it would become long and narrow and would be impractical. Mr. Barnes said that he had spoken to his neighbors and they do not have an objection to this addition.

Mr. Courtney asked if he was planning to use a foundation.

Mr. Barnes said that there would be a crawl space underneath the room. An additional foundation would not be added.

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.

ITEM #7 – con't.

Motion by Clark
Supported by Gies

MOVED, to grant Paul Barnes, 5587 Whitehaven, relief of the Ordinance to construct a three-season room enclosure on the rear of an existing home that will result in a 42'-5" rear yard setback where Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoning Districts.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance request is minimal.

Yeas: 6 – Gies, Kovacs, Maxwell, Wright, Clark, Courtney

MOTION TO GRANT VARIANCE CARRIED

The Board of Zoning Appeals meeting adjourned at 9:13 P.M.

Mark Maxwell, Chairman

Pamela Pasternak, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:35 p.m. on August 22, 2007 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
Mary Kerwin
Lawrence Littman
Robert Schultz
John J. Tagle
Wayne Wright

Absent:

Thomas Strat
Kathleen Troshynski
Mark J. Vleck

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Richard Carlisle, Carlisle/Wortman Associates, Inc.

Resolution # PC-2007-08-133

Moved by: Littman
Seconded by: Wright

RESOLVED, That Members Strat, Troshynski and Vleck are excused from attendance at this meeting for personal reasons.

Yes: All present (6)
Absent: Strat, Troshynski, Vleck

MOTION CARRIED

2. PUBLIC COMMENT – Items Not on the Agenda

There was no one present who wished to speak.

3. PLANNED UNIT DEVELOPMENT (P.U.D. # 9) – Proposed The Pavilions of Troy Planned Unit Development, Northwest corner of Big Beaver and Coolidge, Section 19, Currently Zoned O-S-C (Office-Service-Commercial), O-M (Office Mid-rise) and P-1 (Vehicular Parking) Districts

Richard Carlisle of Carlisle/Wortman Associates, Inc., summarized the project to date, including changes made since the July 24, 2007 Planning Commission Special/Study meeting.

Mr. Tagle addressed the road system and circulation plan. He specifically asked if the directional arrows for eastbound traffic crossing Coolidge on Cunningham, and a left hand turn lane onto Cunningham for southbound traffic on Coolidge, were omitted intentionally.

Mr. Carlisle responded that the arrows were omitted intentionally. He indicated it is an item that the City and the applicant are studying.

The petitioner, Hunter Richardson of Richardson Development Group, Reston, Virginia, described the project and particularly addressed the process and changes made since the July 24, 2007 Planning Commission Special/Study meeting.

The floor was opened for Planning Commission questions. There was discussion on the following items:

- Cunningham Road turning/crossing movements.
- Hours of construction.
- Berm maintenance/weed control.
- Buffer between berm and townhomes.
- Need for a grocer in the PUD.
- Future of Data Center.
- Method of providing electricity to development.
- Future phasing/ownership of parcel.
- Land use matrix, specifically senior housing.

The audience was invited to speak on the proposed development. There was no one present who indicated they wished to speak.

Mr. Richardson agreed to provide binder replacement pages for the revised sections to the Planning Commission by Wednesday, August 29.

4. PUBLIC COMMENTS – Items on Current Agenda

Ted Wilson, 5038 Kellen, Bloomfield Township, was present as a representative of the Troy Chamber of Commerce. Mr. Wilson informed the Planning Commission of the Solar Decathlon House Student Competition Open House at Lawrence Technological University on September 6, 2007.

5. PLANNING COMMISSION COMMENTS

Mr. Miller reminded the Planning Commission that neither he nor Mr. Carlisle would be attending the August 28, 2007 Planning Commission Special/Study meeting.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:18 p.m.

Respectfully submitted,

Robert Schultz, Chair

R. Brent Savidant, Principal Planner

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on August 28, 2007 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
Mary Kerwin
Robert Schultz
Thomas Strat
John J. Tagle
Kathleen Troshynski
Wayne Wright

Absent:

Lawrence Littman
Mark J. Vleck

Also Present:

R. Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Zak Branigan, Carlisle/Wortman Associates, Inc.
Dave Scurto, Carlisle/Wortman Associates, Inc.

Resolution # PC-2007-08-133

Moved by: Wright
Seconded by: Strat

RESOLVED, That Members Littman and Vleck are excused from attendance at this meeting for personal reasons.

Yes: All present (7)
Absent: Littman, Vleck

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2007-08-134

Moved by: Wright
Seconded by: Troshynski

RESOLVED, To approve the Agenda as submitted.

Yes: All present (7)
Absent: Littman, Vleck

MOTION CARRIED

3. MINUTES

Resolution # PC-2007-08-135

Moved by: Kerwin
Seconded by: Tagle

RESOLVED, To approve the minutes of the August 14, 2007 Regular meeting as published.

Yes: All present (7)
Absent: Littman, Vleck

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Wright presented a brief BZA Report.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Savidant presented a brief DDA Report.

7. PLANNING AND ZONING REPORT

Mr. Savidant presented a brief Planning and Zoning Report.

STUDY ITEMS

8. ESTABLISHMENT OF MEETING SCHEDULE - 2008

It was determined that the Planning Commission would approve the Planning Commission Public Notice that was distributed to the Planning Commission with the exception that the August 5 and December 2, 2008 Special/Study meetings would be added to the Public Notice.

Resolution # PC-2007-08-136

Moved by: Kerwin
Seconded by: Hutson

RESOLVED, To approve the Planning Commission Public Notice that was distributed to the Planning Commission, except add the Special/Study meetings on August 5, 2008 and December 2, 2008.

Yes: All present (7)
Absent: Littman, Vleck

MOTION CARRIED

9. **RECONSIDERATION OF RESOLUTION # PC-2007-08-132** – Preliminary Site Condominium Review – Villas of Troy Site Condominium, South of Wattles, West Side of Finch, Section 21 – R-1B

Susan Lancaster, Assistant City Attorney, presented this item. She suggested the report that was presented at the August 14, 2007 Regular meeting was misleading as it implied the Planning Commission was responsible for determining the feasibility of the parallel plan when, in actuality, the Engineering Department made its determination that the parallel plan was feasible. Ms. Lancaster recommended that the item go forward as a new petition with the standard for determining the feasibility of the parallel plan more clearly defined. She indicated this would provide due process and would be fairer to the petitioner.

The Planning Commission concurred that it should go forward as a new petition at a future meeting. For this reason, there was no action to reconsider the Planning Commission motion.

Ms. Kerwin suggested the public, inclusive of those who spoke on that particular item at the August 14th meeting, should be notified of the future meeting. She also suggested that the section explaining the feasibility of the parallel plan should include more detail.

10. **POTENTIAL REZONING APPLICATION** – East side of Rochester Road, between Shallowdale Drive and Bradley Avenue, Section 14 – R-1T to O-1

Mr. Savidant gave a brief introduction of this item. He said the petitioner is present to informally discuss the potential for rezoning the subject parcel from R-1T to O-1. Mr. Savidant reported the area is classified on the Future Land Use Plan as Medium Density Residential, and is outside of the Rochester Overlay District. He indicated the adjacent property across Bradley to the north was zoned O-1.

Chair Schultz suggested he would be more willing to consider a conditional rezoning application than he would a traditional rezoning, since there are potential negative impacts on abutting residential properties.

Mr. Strat concurred.

Mr. Hutson stated he could be open to a conditional rezoning; however, he noted the R-1T zoning serves as an appropriate transition from O-1 to R-1C. He stated the site plan would need to be of high quality for him to recommend approval.

Mr. Wright agreed.

The Planning Commission generally agreed they would consider a conditional rezoning to O-1, provided the site design was appropriate.

Mr. Savidant briefly explained the intent of conditional rezoning, and encouraged the petitioner to contact the Planning Department to discuss the application.

The petitioner, Al Iafrate of 43456 Mound, Sterling Heights, explained their intent to develop a one-story office building on the parcel. He distributed copies of a project developed by his firm at the southwest corner of Dequindre and Wattles, and also distributed copies of a conceptual design for the subject property. Mr. Iafrate asked if the Planning Commission had any specific design concerns.

The Planning Commission suggested the following design concerns:

- Off-street parking treatment.
- Creative storm water detention.
- Traffic management.
- Communication with neighbors at the beginning of the process.

11. CITY OF TROY MASTER PLAN

Zak Branigan of Carlisle/Wortman Associates, Inc. presented draft chapters 4 and 5 of the Master Plan.

General discussion followed.

12. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 232) – Big Beaver Development Code

Dave Scurto of Carlisle/Wortman Associates, Inc. presented the draft Big Beaver Development Code.

General discussion followed.

OTHER ITEMS13. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

14. **PLANNING COMMISSION COMMENTS**

Ms. Kerwin announced the “Greenbuild” Conference in Chicago, Illinois, on November 7-9, 2007.

Mr. Tagle announced the “Greening the Heartland” Conference in Madison, Wisconsin, on September 12-14, 2007.

The Planning Commission agreed to discuss the Big Beaver Development Code and Master Plan at separate Special/Study meetings.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:40 p.m.

Respectfully submitted,

Robert Schultz, Chair

R. Brent Savidant, Principal Planner

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The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, September 5, 2007 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Dave Roberts
Tom Rosewarne
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Paul Evans, Housing & Zoning Inspector Supervisor
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF AUGUST 1, 2007

Motion by Kessler
Supported by Zuazo

MOVED, to approve the minutes of the meeting of August 1, 2007 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

Mr. Stimac stated that Item #2 and Item #3 were brought in by the same petitioner and were for adjoining sites. He said that he would like to discuss both items at the same time but asked that the Board take a separate vote on each item.

ITEM #2 – VARIANCE REQUESTED. WILD BILL & ASSOCIATES, 1250-1270 RANKIN, for relief of Chapter 85 to erect a ground sign setback 2’ from the existing street right of way.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to erect a ground sign setback 2’ from the existing street right of way. Table 85.02.05 requires a minimum setback of 10’ from the existing street right of way. This is a multi-tenant Industrial building.

ITEM #3 – VARIANCE REQUESTED. WILD BILL & ASSOCIATES, 1220-1242 RANKIN, for relief of Chapter 85 to install a ground sign setback 2’ from the existing right of way.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to erect a ground sign setback 2’ from the existing street right of way. Table 85.02.05 requires a minimum setback of 10’ from the existing street right of way.

ITEM #2 & ITEM #3

Mr. William Betz from Wild Bill & Associates was present and stated that there is a large berm with a lot of trees in the center of the berm. These trees would have to be removed in order for the sign to be visible. If the signs are setback 10" they would be on the down slope of the berm and would not be visible. The berm is approximately 4' high and heavily treed.

The Chairman opened the Public Hearing.

Mr. Julio Pozzuoli the Property Manager for these buildings was present. Mr. Pozzuoli stated that they support these requests. If the sign is placed without granting a variance it would be obscured by the very mature trees on the berm. A number of trees would have to be removed for the sign to be seen if installed in compliance with the Ordinance. The signs would be 18' from the curb.

No one else wished to be heard and the Public Hearing was closed.

There are nine (9) written approvals on file for Item #2. There are no written objections on file.

There are six (6) written approvals on file for Item #3. There are no written objections on file.

Mr. Dziurman asked about the history of the 10' setback from the right of way line.

Mr. Stimac stated that he did not know how the minimum setback came to be. Typically in the M-1 Zoning District, the 50' front yard setback is landscaped. 1270 Rankin is unusual in that there is parking in the front yard. 1220-1250 Ranking does have a 50' front yard setback and is heavily landscaped.

Mr. Dziurman stated that a sign 10' from the right of way line would be difficult to see.

Mr. Betz stated that the addresses would be visible.

Mr. Roberts asked if the signs would be placed near the existing fire hydrant.

Mr. Betz said that the sign would be at least 30' away.

ITEM #2

Motion by Kessler
Supported by Zuazo

ITEM #2 – con't.

MOVED, to grant Wild Bill & Associates, 1250-1270 Rankin, relief of Chapter 85 to erect a ground sign setback 2' from the existing street right of way, where Table 85.02.05 requires a minimum setback of 10' from the existing street right of way.

- Variance would not have an adverse effect to surrounding property.
- Heavy landscaping has created a hardship.
- Mature trees would have to be removed for the sign to be seen if installed in compliance with the Ordinance.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #3

Motion by Kessler
Supported by Zuazo

MOVED, to grant Wild Bill & Associates, 1220-1242 Rankin, relief of Chapter 85 to erect a ground sign setback 2' from the existing street right of way, where Table 85.02.05 requires a minimum setback of 10' from the existing street right of way.

- Variance would not have an adverse effect to surrounding property.
- Heavy landscaping has created a hardship.
- Mature trees would have to be removed for the sign to be seen if installed in compliance with the Ordinance.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. BENNY SPIELMAN, 1080 COOLIDGE, formerly 2963 Industrial Row, for relief of Chapter 85 to erect nine (9) wall signs totaling 93 square feet in area.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to erect nine (9) wall signs totaling 93 square feet in area. Chapter 85.02.05 (C) (5) (c) allows a maximum of one wall sign, a maximum 100 square feet in area, for each building. This property is located on the corner of Industrial Row and Coolidge. There will be two large wall signs and the remainder of the signs will be on the awnings that are on the building.

ITEM #4 – con't.

Mr. Spielman was present and stated that he has been approved to install one sign on the Coolidge side of the building, but in order to identify the building more easily, he would like another sign on the Industrial Row side of the building. Mr. Spielman went on to say that most of the buildings located on corners have signs on both sides of the building. The proposed wall sign is to be very thin and made from stainless steel and will fit in with the architecture of the building. Mr. Spielman also said that he will not put up a ground sign. The total square footage of all of the proposed signs will be under the allowable 100 square feet of signage. The Building has awnings above the windows and the letters on the awnings will provide a description of what products are available. Each sign on the awning will be 3 square feet or less.

Mr. Dziurman asked if the major sign on the west side of the building was allowed.

Mr. Stimac stated that the petitioner had chosen to take out one (1) permit for the allowed sign. This variance is for an additional wall sign and seven (7) signs put on the awnings.

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. Kessler stated that in order for the Board to grant a variance, a hardship is required. He understands that this is a corner lot, but did not see a practical difficulty. Mr. Kessler went on to say that the examples that Mr. Spielman brought in did not necessarily apply to this request as the buildings are under a different Zoning Classification. Mr. Kessler questioned Mr. Spielman about the possibility of a ground sign.

Mr. Spielman stated that it would be very challenging to put in a ground sign, and all of the information required would be available on the awnings.

Mr. Dziurman asked if Mr. Spielman would be willing to indicate that he would not install a ground sign if this variance was granted.

Mr. Spielman said that he would.

Mr. Stimac stated that the Board could place reasonable conditions on the approval of a variance.

Mr. Kessler asked Mr. Spielman if he planned to put any signs up in the windows.

Mr. Spielman stated that he would not. Any display would be 5'-4" from the window.

ITEM #4 – con't.

Motion by Kessler
Supported by Roberts

MOVED, to grant Benny Spielman, 1080 Coolidge, formerly 2963 Industrial Row, relief of Chapter 85 to erect nine (9) wall signs totaling 93 square feet in area, where Chapter 85.02.05 (C) (5) (c) allows a maximum of one wall sign, a maximum 100 square feet in area, for each building.

- A ground sign will not be permitted on this site.
- Petitioner will forgo his right to have window signs.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUESTED. STEVE VANDERSLOOT, 755 W. BIG BEAVER, for relief of Chapter 85 to install three (3) 100 square foot Special Event Signs for breast cancer awareness month at the National City Bank Building for a 31 day period.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to install three (3) 100 square foot Special Event Signs for breast cancer awareness month at the National City Bank Building for the entire month of October. Section 85.03.01 of the Troy Sign Ordinance limits the time for the display of Special Event Signs to not more than seven (7) days.

Mr. Vandersloot was present and stated that they wish to hang banners during the month of October, which has been designated as “National Breast Cancer Awareness” month. This is a nationwide project. The background of the banners will be the same color as the building so that only the ribbon will be visible and will be softly lit by LED lighting. The only contrast will be the pink ribbon on the sign. Mr. Vandersloot stated that the owners of the building live two blocks to the west of the Top of Troy and think this is a very good idea.

Mr. Stimac pointed out that although the petitioner had requested this variance be approved for the same time, annually, until the year 2010, the Board did not have the power to grant a variance for this period of time and the request would have to be re-visited yearly. Mr. Stimac asked for a clarification in the lighting process.

Mr. Vandersloot stated that they would be externally illuminated. The lighting will be about 8’ – 10’ in front of the panel and will be kept below the existing parapet. The lighting will be very soft. In other states the entire buildings are lit up, but they felt this would be more acceptable for this area.

ITEM #5 – con't.

Mr. Stimac explained that other signage on the building is internally illuminated. Over all, the size of the banner is 9' x 22'. The size of the actual ribbon was used in determining the size of the sign.

The Chairman opened the Public Hearing.

Mr. Randy Cunningham was present to represent the owners of the building and stated that they have no objections to this request. This is an event that they have done nationally.

No one else wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Motion by Kessler
Supported by Roberts

MOVED, to grant Steve Vandersloot, 755 W. Big Beaver, relief of Chapter 85 to install three (3) 100 square foot Special Event Signs for breast cancer awareness month at the National City Bank Building for the entire month of October.

- Variance is not contrary to Public Interest.
- Variance is for 2007 only.
- Variance would not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

The Building Code Board of Appeals meeting adjourned at 9:10 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, Sept. 6, 2007 at the Troy Community Center. Chair Bud Black called the meeting to order at 1:00 PM.

Present: Bud Black, Member
James Berar, Member
David Ogg, Member
Betty Coven, Member
Jo Rhoads, Member
JoAnn Thompson, Member
Merrill Dixon, Member
Carla Vaughan, Staff

Absent: Frank Shier, Pauline Noce (excused)

Visitors: Christine Nielsen, Beaumont Hospital, Paula Fleming, Troy School Board, Wade Fleming, Troy City Council

Approval of Minutes

Resolution # SC-2007-9-001
Moved by Jo Rhoads
Seconded by Betty Coven

RESOLVED, That the Minutes of June 7, 2007 be approved as submitted.

Yes: 7
No: 0

MOTION CARRIED

Visitor Comments

Christine Nielsen discussed the services that Beaumont Hospital offers. Paula Fleming reported on school district news. Wade Fleming announced the Comedy for a Cause benefit.

Old Business

Shuffleboard and Bocce Ball: Carla reported that there were 10 participants in the doubles shuffleboard league and 10 participants in the doubles bocce league. As for drop-in play: during June, July and August, the bocce equipment was checked out 22 times and the shuffleboard equipment 16 times. More publicity about the facility and competition with other cities was discussed.

Lunch Visits: Betty Coven reported that she will be visiting Royal Oak next week. JoAnn Thompson reported that there are many centers that don't serve lunch.

Handicap Parking: Carla distributed a letter from Carol Anderson along with the results of a 14-day study of handicap parking usage that indicates that additional spaces are not needed.

Street Signs: James Berar led a discussion about the visibility and placement of street signs.

New Business

Suggestion Box: Carla reported that there were no suggestions this month.

Reports

Park Board: No report.

Senior Program: Carla reported that new programs for fall include document shredding, caregivers support group, men’s club and Drums Alive exercise class. The SeniorNet computer lab is hosting an open house next week. The Heart of the Hills Players will present a variety show here in November. Tickets go on sale October 1.

Medi-Go: Jo Rhoads reported that the Med-Go service is described on page 10 of the September **Senior News**.

OLHSA: Jo Rhoads reported that OLHSA held their meeting here in July and that they liked the Troy facility.

Oakland County Senior Advisory Board: Jo Rhoads reported that they are setting up their agenda for the upcoming year. Seniors can request to have the County newsletter sent to their homes.

Comments

JoAnn Thompson: The Restaurant Group is going well and the Supper Club is established. Each group meets every other month.

James Berar: The bocce league has concluded and everyone wants to play again next year.

Bud Black: Members should call to be excused if they are going to be absent. Former member Steve Banch recently passed away.

Jo Rhoads: Sixty people attended the Hospitality Committee’s summer event.

Merrill Dixon: Is the Committee going to participate in the Troy Daze Parade? Jo says they are welcome to ride in the Medi-Go van.

Betty Coven: Register now for Cross Train Your Brain. The Library Spice of Life discussion group is well attended.

The meeting was adjourned at 2:40 p.m.

Respectfully submitted,

Pauline Noce, Vice Chair

Carla Vaughan, Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:32 p.m. on September 11, 2007, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
Mary Kerwin
Lawrence Littman
Robert Schultz
Thomas Strat
John J. Tagle
Kathleen Troshynski
Mark J. Vleck
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Richard K. Carlisle, Carlisle/Wortman Associates, Inc.
Kathy Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Mr. Miller announced the petitioner for Agenda item #7 requested to move the item forward.

Chair Schultz asked for a show of hands from the audience to determine how many were present for Agenda item #5, of which a good majority indicated their presence.

Resolution # PC-2007-09-137

Moved by: Kerwin
Seconded by: Troshynski

RESOLVED, To approve the Agenda as presented.

Yes: All present (9)

MOTION CARRIED

3. MINUTES

Resolution # PC-2007-09-138

Moved by: Kerwin

Seconded by: Troshynski

RESOLVED, To approve the August 22, 2007 and August 28, 2007 Special /Study meetings minutes as presented.

Yes: All present (9)

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

PLANNED UNIT DEVELOPMENT

5. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (P.U.D. 9) – Proposed The Pavilions of Troy Planned Unit Development, Northwest Corner of Big Beaver and Coolidge, Section 19, Currently Zoned O-S-C (Office-Service-Commercial), O-M (Office Mid-rise) and P-1 (Vehicular Parking) Districts

Mr. Miller outlined the procedure that would be followed on the presentation of the proposed planned unit development.

The petitioner, Hunter Richardson, representing Diamond Troy JV LLC, was present. Mr. Richardson gave a PowerPoint presentation of the proposed development. He extended his appreciation to City departments and the City's Planning Consultant for their responsiveness in the development process. The presentation covered:

- National and local development teams.
- Location; custom-designed project for Troy.
- Evolution of the proposed site.
- Status of Conceptual Development Plan (CDP) application.
- Neighborhood meetings.
- Planned Unit Development (PUD) process; first stage of 3-step process.
- Vision: authentic place, destination, sustainable (green) environment, livable community, connectivity, people's space, amenities, human scale and needs.
- Land uses: pavilions area, border area, transition area, residential (to the north).
- Project phases; Phase 1 must stand alone.
- Traffic impact, road system, circulation and parking.
- Development guidelines.

- Amenities: ice skating rink, civic gathering spaces, seating areas, gateway feature, public art, park for residents, play areas for children, bus shelters, pedestrian crossings.
- Residential buffer to the north, and views along perimeter streets.
- Open space.
- Sustainable design.
- Public benefit.
- Development timeline/schedule.

Richard Carlisle of Carlisle/Wortman Associates, Inc., was present. Mr. Carlisle detailed the three steps of the Planned Unit Development (PUD) process. He indicated all of the PUD criteria have been met in innovative ways and addressed the following concepts as relates to the PUD criteria.

- Horizontal and vertical mix of uses.
- Variety of civic spaces.
- Comfortable walkability of the site.
- Active and passive recreational space.
- Cross-generational characteristic of residential living.
- State of the art thinking in terms of viable sustainable mixed uses.
- Economic sustainability.
- Open space; greenscape and hardscape to create urban setting.
- Trend-setting sustainable design techniques.
- Appropriate use of vacant site.
- Roadway improvements to ensure safe pedestrian access.
- Perimeter and residential setbacks.
- Shared parking and caveat to re-evaluate parking after Phase 1 completion.
- Traffic studies as relates to site access, signalization and timing.
- Sanitary sewer and water service capacity.

Rod Arroyo of Birchler Arroyo Associates, Inc., provided a brief presentation on the traffic impact assessment. He addressed updates/revisions to the traffic documentation provided in the packets since last reviewed by the Planning Commission. The presentation covered:

- Compact, walkable communities.
- Grid traffic system; its positives and challenges.
- Additional traffic lights on Coolidge to alleviate backup on Big Beaver.
- Support from the Road Commission of Oakland County (RCOC).
- Re-evaluation of traffic after completion of Phase 1.

In closing, Mr. Carlisle recommended that the Planning Commission recommend approval of the PUD Concept Development Plan to City Council.

Chair Schultz opened the floor for Planning Commission comments. There were none. Chair Schultz stipulated a few ground rules on public comment prior to opening up the Public Hearing.

PUBLIC HEARING OPENED

Aaron Oesyreich of 870 Barilane, Troy, was present. Mr. Oesyreich spoke favorably of the proposed PUD.

Ilene Hill of 2139 Lancer Drive, Troy, was present. Ms. Hill spoke favorably of the proposed PUD and developer. She addressed the multitude of disruptions their neighborhood has experienced from previous major projects in the area. Ms. Hill voiced concerns with construction hours of operation, noise level, asbestos removal, dirt and dust, capacity of water and storm water runoff, traffic, parking, dumpsters, and locations of the proposed staging areas.

James Forrer of 3592 Eastbourne, Troy, was present. Mr. Forrer spoke favorably of the proposed PUD and complimented the petitioner on his presentation.

Michael Flesher of 2091 Lancer, Troy, was present. Mr. Flesher voiced a concern with the proposed food market as relates to noise and health. He also addressed the affect that the proposed development might have on home values in the neighborhood.

Mary Ellen Budabin of 2105 Babcock, Troy, was present. Ms. Budabin said the petitioner has not addressed her concerns. She stated the house depicted in the pictures displayed during the petitioner's presentation to simulate the residential buffer to the north is her home, which is located at the lowest part of the berm and within full view of the former K-Mart Headquarters parking lot. Ms. Budabin said her view with the proposed development would be a skyline of buildings, not blue sky; and that her life would change. Ms. Budabin suggested a different layout orientation of the proposed townhouses so a view of a common area would be provided instead of an alleyway, garage door, utility meters, and upstairs windows.

Tim Dalglish of 3603 Salem, Troy, was present. Mr. Dalglish said he would like the berms to be similar to those provided for the residents abutting Somerset North, and noted the two berms on each side of Coolidge should be equal distance. He voiced concerns with the proposed multi-screen movie theater as relates to the type of crowd it would attract.

John Bailey of 755 W. Big Beaver Road, Troy, was present. Mr. Bailey, incoming Chairperson for the Chamber of Commerce, spoke in favor of the proposed PUD.

Eric McPherson of 23435 Davey, Hazel Park, was present to represent the Sheet Metal Workers. He indicated there are approximately 300 members of the building trade who live in Troy. Mr. McPherson encouraged the members to approve the proposed PUD in support of bringing area jobs to area workers.

Gino J. Delpup of 350 W. Big Beaver Road, Troy, was present. Mr. Delpup of Ford & Earl Associates and former resident of Troy spoke favorably of the proposed PUD. He said it would be a positive destination point for people.

Linda Shears of 1538 Wrenwood Drive, Troy, was present. Ms. Shears, a resident and Troy business owner, spoke on behalf of the Image and Arts Council of Troy. She said local artists and sculptors would heartily welcome the proposed PUD.

Thomas Gross of 350 W. Big Beaver Road, Troy, was present. Mr. Gross, CEO of Ford & Earl Associates, spoke in support of the proposed PUD.

Michelle Hodges, President of Troy Chamber of Commerce, was present. Ms. Hodges voiced strong support for the proposed PUD.

David Schreiber, representative of the Oakland County Economic Development Group, was present. Mr. Schreiber spoke favorably of the project.

Ted Wilson of 5038 Kellen Lane, Bloomfield Hills, was present. Mr. Wilson, a member of the Troy Chamber of Commerce Board of Directors, spoke in support of the proposed PUD. He addressed the high bar set by the petitioner for future developments, the vertical and horizontal mix of uses, and the positive economic expectations.

David Tonker of 2118 Shelley, Troy, was present. Mr. Tonker spoke favorably of the proposed PUD.

PUBLIC HEARING CLOSED

Mr. Vleck said he is impressed and amazed at the amount of support expressed tonight. He complimented the petitioner and the development team.

Mr. Strat complimented the petitioner. He questioned what construction was inclusive of Phase 1, as envisioned on the project model. Mr. Strat asked if anything has been accomplished to incorporate a pedestrian walkway across Big Beaver.

Mr. Richardson said a pedestrian bridge has not been designed because they do not control enough of the environment to accomplish such, but he indicated they have not done anything from a planning perspective to preclude construction of one. Mr. Richardson addressed the three pedestrian crossings that would be designed with the intent to create refuge zones.

Mr. Miller addressed lane reconfiguration that would increase pedestrian safety zones.

Mr. Strat asked if a secondary lane with pedestrian refuge and boulevard area as portrayed in the Big Beaver Corridor Study would be incorporated in the project.

Mr. Richardson replied that concept was researched and it was determined that it did not add or contribute to what they were doing relative to the environment.

Ms. Troshynski complimented the petitioner for the effort he put forth to satisfy the people of Troy. She asked the petitioner to address cost factors that would result from proposed improvements.

Mr. Richardson said the matter of costs resulting from road improvements and sanitary, sewer and water improvements is under discussion with City Management, and indicated City Management has made a commitment toward resolution of those costs.

Ms. Troshynski stressed the importance of a pedestrian bridge from Somerset to The Pavilions.

Mr. Richardson said he strongly encourages a pedestrian bridge also and addressed the public-private partnership that would be necessary to attain a pedestrian bridge.

Mr. Littman asked if the Assessing Department researched the effect of the proposed development on neighboring home values.

Mr. Richardson said it is his experience that projects such as this provide a positive upturn to home values within the neighborhood.

Mr. Miller said he would ask the City Assessor to provide a report on the outcome of home values in correlation to this type of development.

Ms. Kerwin expressed her excitement to see the proposed development come to fruition.

Chair Schultz addressed the critical need for redevelopment in the City, and said the development would set the tone for future developments within the City. He said the development would truly keep Troy the *City of Tomorrow Today*.

Resolution # PC-2007-09-139

Moved by: Kerwin

Seconded by: Troshynski

WHEREAS, The Planning Commission reviewed a Concept Development Plan for a Planned Unit Development, pursuant to Article 35.50.01, as requested by Diamond Troy JV LLC for The Pavilions of Troy Planned Unit Development (PUD 9), located on the northwest corner of Big Beaver and Coolidge, located in Section 19, within the O-S-C, O-M and P-1 zoning districts, being approximately 40 acres in size; and

WHEREAS, The City's Planning Consultant Richard Carlisle of Carlisle/Wortman Associates, Inc. prepared a memorandum dated September 7, 2007 that

recommends Concept Development Plan Approval of The Pavilions of Troy Planned Unit Development; and

WHEREAS, The proposed PUD meets the Eligibility Requirements set forth in Article 35.30.00; and

THEREFORE BE IT RESOLVED, That the Planning Commission recommends that Concept Development Plan Approval for The Pavilions of Troy Preliminary Planned Unit Development be granted.

Yes: All present (9)

MOTION CARRIED

Chair Schultz requested a recess at 9:10 p.m.

The meeting reconvened at 9:23 p.m.

SPECIAL USE REQUEST

6. PUBLIC HEARING – SPECIAL USE REQUEST (SU 353) – Proposed Bounce “U”, Indoor Commercial Recreation Facility, West Side of Rochester Road, North of Gable (1101 Rochester Road), Section 34 – Zoned M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed special use request, and reported it is the recommendation of City Management to approve the application as submitted.

The petitioner, Ken Olivier of 4341 Walnut Woods, West Bloomfield, was present. Mr. Olivier said he is excited to be a part of Troy. He indicated that background information on the proposed children entertainment business was submitted.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Ms. Troshynski asked the petitioner to address the need of additional parking for special events and shared parking.

Mr. Olivier said discussion with the franchisor and franchise owners revealed that the need for more than 35 parking spaces is rare, and that Saturdays might be the

only day that 30+ parking spaces would be needed. Mr. Olivier said shared parking is available.

Mr. Tagle asked the petitioner to address the business operation, hours of operation and building occupancy.

Mr. Olivier said the facility would be rented for pre-scheduled special events, such as birthday parties. Giant inflatable play structures are set up in two separate stadiums. A short video on safety is provided to the children and parents before entering the play area, after which the group is ushered to a separate party room for refreshments. Mr. Olivier said two employees accompany the group at all times. Mr. Olivier said the hours of operation vary according to customer demand, generally 9 am to 8 pm. He said food and refreshments are provided from an outside source on a pre-order basis, and emphasized that no food is prepared on site.

The owner, Bruce Levine of 43902 Woodward Avenue, Bloomfield Hills, indicated the current tenants of the building are a marketing company and an Indian grocer. He noted the proposed use is similar to its competitor, Pump It Up.

Mr. Littman asked if the petitioner would rent to high school students, and what kind of control he would have on alcohol brought on the premises.

Mr. Olivier said customers are not permitted to bring any food or drink onto the premises. He noted occasional exceptions would be made for children's birthday cakes. Mr. Olivier indicated he would rent the facility to high school students and place no time restrictions as long as he had employees willing to work the requested hours.

Mr. Strat said it is great to get multi uses coming into the City's light industrial area.

Chair Schultz asked the Assistant City Attorney if the ordinance stipulates any restriction on hours of operation in the M-1 district.

Ms. Lancaster confirmed there are no restrictions on hours of operation in the M-1 district.

Resolution # PC-2007-09-140

Moved by: Kerwin

Seconded by: Strat

RESOLVED, That the Planning Commission hereby approves a reduction in the total number of required parking spaces to thirty-five (35) when a total of two hundred four (204) spaces are required on the site based on the off-street parking space requirements for indoor commercial recreation uses, as per Article XL. This reduction meets the standards of Article 40.20.12.

BE IT FINALLY RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 28.30.09 of the Zoning Ordinance, as requested for the Proposed Bounce “U”, Indoor Commercial Recreation Facility, located on the west side of Rochester Road, north of Gable, in Section 34, within the M-1 zoning district, is hereby granted.

Yes: All present (9)

MOTION CARRIED

REZONING REQUEST

7. **PUBLIC HEARING – REZONING REQUEST (Z 728)** – Proposed Retail Development, South Side of Big Beaver, West of Rochester Road, Section 27 – From O-1 (Low Rise Office) to B-2 (Community Business)

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.

The petitioner, Dan MacLeish of 650 E. Big Beaver Road, Troy, was present. Mr. MacLeish said his intent is to seek alternate uses to comply with the spirit of the Big Beaver Corridor Study.

PUBLIC HEARING OPENED

Laith Hermiz of 1695 Apple Drive, Troy, was present. Mr. Hermiz, Vice President of Development for Ramco-Gershenson Properties Trust, owner of the Troy Marketplace Retail Center, expressed full support of the rezoning request.

PUBLIC HEARING CLOSED

Resolution # PC-2007-09-141

Moved by: Vleck

Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that the O-1 to B-2 rezoning request, located on the south side of Big Beaver, west of Rochester Road, within Section 27, being approximately 0.63 acres in size, be granted.

Discussion on the motion on the floor.

Chair Schultz said he would hope that the site plan would have no parking designations between the building and Big Beaver Road.

Mr. MacLeish replied that is the intent.

Vote on the motion on the floor.

Yes: All present (9)

MOTION CARRIED

SITE PLAN REVIEW

8. SITE PLAN REVIEW (SP 942) – Proposed Seco Tool Technical Office / Research Building, West Side of Bellingham, South of Big Beaver Road, Section 26, Zoned R-C (Research Center) District

Mr. Savidant brought to the attention of the members that the application was considered further after the distribution of agenda packets. Mr. Savidant reviewed the revisions that were made to the required number of parking spaces and landbanked spaces relative to the proposed “tech auditorium”. Mr. Savidant indicated the petitioner provided a letter of explanation on how the auditorium would be utilized, a copy of which was distributed to the members prior to tonight’s meeting. Mr. Savidant also addressed the construction of a cross access easement to the north. He confirmed that the easement could continue to be used as parking until it is needed.

James Butler of Professional Engineering Associates, 2430 Rochester Court, Troy, was present to represent the petitioner. Mr. Butler said they are agreeable to the cross access easement. He displayed a building elevation of the proposed site.

Mr. Littman said he would feel more comfortable if the maximum parking spaces were provided, inclusive of landbanked spaces, in case the building changes hands and the auditorium is used in a different capacity. Mr. Littman said he would support the reduction of 21 parking spaces that would allow for 72 landbanked spaces.

Mr. Butler indicated they would comply with the wishes of the Commission.

Mr. Strat said he would support the reduction of parking spaces to 21.

Chair Schultz opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Resolution # PC-2007-09-142

Moved by: Kerwin

Seconded by: Vleck

RESOLVED, That the Planning Commission hereby approves a reduction in the total number of required parking spaces to two hundred seventy (270) when a total of two hundred ninety one (291) spaces are required on the site based on the off-street parking space requirements for office, warehouse and lecture facilities, as per Article XL. Of these two hundred seventy (270) spaces, one hundred ninety eight (198) shall be constructed and seventy-two (72) shall be landbanked. This reduction meets the standards of Article 40.20.12.

BE IT FINALLY RESOLVED, That the proposed Seco Tool Technical Office / Research Building, located on the west side of Bellingham, south of Big Beaver Road, located in Section 26, on approximately 8.469 acres in area, within the R-C zoning district, be granted.

Yes: All present (9)

MOTION CARRIED**ZONING ORDINANCE TEXT AMENDMENT**

9. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-B) – Article 04.20.00 and Article 40.66.00, Commercial Vehicle Definitions and Outdoor Parking of Commercial Vehicles in Residential Districts**

Mr. Savidant provided a history of the proposed zoning ordinance text amendment relating to commercial vehicles in residential districts and briefly reviewed the proposed revisions.

PUBLIC HEARING OPENED

Tom Krent of 3184 Alpine, Troy, was present. Mr. Krent presented a PowerPoint presentation and brought to the attention of members that there are a number of loopholes to the proposed ordinance text relating to commercial vehicles.

Mr. Krent briefly addressed the proposed zoning ordinance text amendment relating to cell towers in City parks and on school property [ZOTA 230] that went before City Council on September 10, 2007, as relates to aesthetics, location and height specifications. Mr. Krent distributed pictures of various cell towers.

Chair Schultz invited Mr. Krent to the many study sessions held to discuss proposed zoning ordinance text amendments.

Mr. Vleck stated that he does not appreciate a discussion on a topic that is not an agenda item. Mr. Vleck addressed remarks made in Mr. Krent's presentation on commercial vehicles, and said his assessment of the proposed language is not correct. Mr. Vleck said any commercial vehicle that is being used for commercial business is required by law to display on its vehicle a company name and phone number and would not be allowed to park outside in a residential district.

Lucille Arking of 4705 Stoddard, Troy, was present. Ms. Arking spoke in support of a very strict zoning ordinance relating to commercial and recreational vehicles. She distributed six photographs that show recreational vehicles parked within 100 feet of her home, and gave a brief description of each. Ms. Arking stated that the situations have been reported to the City at least three times, and she was informed that the vehicles were legally parked.

PUBLIC HEARING CLOSED

Discussion followed.

Resolution # PC-2007-09-143 [Motion withdrawn]

Moved by: Littman

Seconded by: Wright

RESOLVED, To postpone this item to a future meeting with no date specified.

Discussion on the motion on the floor.

Ms. Lancaster said the motion should specify a date certain to bring back the matter before the Commission.

Discussion followed on the timeframe given to review the matter further, the material to provide at a future meeting, and comparisons of proposed text/comments provided by Mr. Krent.

Ms. Lancaster said she would discuss the matter with a patrol officer who specializes with commercial vehicles and ask for clarification of State law.

Mr. Littman said he would like to withdraw his motion on the floor. Mr. Wright assented.

Resolution # PC-2007-09-144

Moved by: Littman

Seconded by: Wright

RESOLVED, To postpone this item to the Regular meeting of March 2008, or to a time when the Planning Director feels it is appropriate to bring it before a study session.

Discussion on the motion on the floor.

Mr. Strat said there is no reason that any revisions with respect to the issues brought forth tonight should take a long time and require a lengthy discussion. He asked that Mr. Krent be present at future meetings when the item is on the agenda.

Ms. Kerwin agreed. She would like to see the item come back before the Commission as soon as possible. Ms. Kerwin indicated that the members should be assured that the situations brought forth tonight are resolved when the zoning ordinance text amendment goes forward.

Vote on the motion on the floor.

Yes: All present (9)

MOTION CARRIED**SITE CONDOMINIUM SITE PLAN**

10. SITE CONDOMINIUM SITE PLAN REVIEW – Adams Road Site Condominium (Renewal), 5 units/lots proposed, East Side of Adams, South of South Boulevard, Section 6, Zoned R-1A (One Family Residential) Districts

Mr. Littman, who lives in the area of the proposed development, asked to be excused from voting on this item. He said he feels he cannot make an unbiased decision on the matter, but he has no direct financial interest in the proposed development.

Ms. Lancaster advised the members that a vote to excuse Mr. Littman would be in order because there is no financial interest involved on his part.

Resolution # PC-2007-09-145

Moved by: Strat

Seconded by: Tagle

RESOLVED, To excuse Member Littman from voting on this item, based on the inability to make an impartial decision.

Yes: Littman, Strat, Tagle, Vleck, Wright

No: Hutson, Kerwin, Schultz, Troshynski

MOTION CARRIED

[Mr. Littman exited the Chambers.]

Mr. Savidant presented a summary of the Planning Department report on the proposed site condominium development, and reported it is the recommendation of City Management to approve the application, as submitted. Mr. Savidant noted the site plan indicates that underground storm water detention would be utilized, and that the City does not accept ownership and responsibility for the maintenance of underground detention facilities.

The petitioner, David Donnellon of Design Resources, 3445 Citation Drive, Clarkston, was present. Mr. Donnellon confirmed that the site plan drawings before the Commission are the same plans as previously submitted.

There was discussion on the site plan submission as relates to the appropriate signature and date on the plans and the requirement of sealed plans.

There was discussion on the underground detention facilities.

- Background/history of site condominium developments who own/maintain their detention facilities.
- Potential problems for site condominium association.
- Financial responsibility/potential cost to site condominium association.

Discussion continued on potential water problems. The members addressed communications received from two residents voicing concerns with the impact that the development might have in the area.

Ms. Kerwin noted that a cluster development as proposed would preserve many of the trees.

Mr. Donnellon stated that the improvements would be in the uplands, not the wetlands; and assured the members that he has no plans to do anything in the wetlands.

Chair Schultz opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Resolution # PC-2007-09-146

Moved by: Vleck

Seconded by: Strat

RESOLVED, That the Planning Commission recommends to City Council, that the Preliminary Site Plan (Section 34.70.00 One-Family Cluster Option), as requested for Adams Road Site Condominium, including 5 units, located on the east side of Adams, south of South Boulevard, Section 6, within the R-1A zoning district be granted, subject to the following condition:

1. All plans be re-dated, sealed and signed.

Yes: Hutson, Kerwin, Schultz, Strat, Tagle, Troshynski, Vleck, Wright
Abstain: Littman

MOTION CARRIED

[Mr. Littman returned to the meeting.]

OTHER ITEMS

11. **PUBLIC COMMENTS** – Items on Current Agenda

Tom Krent of 3184 Alpine, Troy, apologized for speaking at an inappropriate time on an item not on the Agenda. He briefly addressed his intent in bringing ZOTA 215-B ambiguities to the attention of the Planning Commission.

12. **PLANNING COMMISSION COMMENTS**

Mr. Littman addressed an indirect financial interest in Agenda item #10.

Ms. Kerwin addressed the City's interesting developments and redevelopments and different architectural approaches.

Ms. Troshynski encouraged the Commission's participation in Troy Daze.

Mr. Miller addressed the upcoming Michigan Association of Planning (MAP) annual conference, at which the Big Beaver Corridor Study will be honored with the best plan award.

Chair Schultz said The Pavilions is a major step forward. Chair Schultz thanked the petitioner for his hard work and cooperation. He shared positive comments he heard from the Richardson organization for the cooperation received from staff, City Management and the Planning Consultant. Chair Schultz thanked the Planning Commission for the hard work they put forth to move the project forward.

The Regular Meeting of the Planning Commission was adjourned at 10:55 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

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A regular meeting of the Liquor Advisory Committee was held on Monday, September 17, 2007 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 6:58 p.m.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Henry W. Allemon
W. Stan Godlewski
Patrick C. Hall
David S. Ogg
Timothy P. Payne
Bohdan L. Ukrainec
Allan Motzny, Assistant City Attorney
Lieutenant Michael Lyczkowski
Pat Gladysz

ABSENT: None

Resolution to Approve Minutes of August 13, 2007 Meeting

Resolution #LC2007-09-020

Moved by Allemon

Seconded by Ukrainec

RESOLVED, that the Minutes of the August 13, 2007 meeting of the Liquor Advisory Committee be approved.

Yes: 7
No: 0
Absent: None

Agenda Items

1. 1555 E. Maple LLC requests to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple,

Troy, MI 48084, Oakland County, from Jumbo Investment, Inc.; with license to be held in escrow. {MLCC req #367206}

Present to answer questions from the Committee was the previous property owner, Wendy Thagard. She explained that the property had been sold and may be developed into a hotel. She is currently negotiating with a restaurant owner in Farmington Hills to purchase her liquor license.

Resolution #LC2007-09-021

Moved by Ogg
Seconded by Hall

RESOLVED, that 1555 E. Maple LLC be allowed to transfer ownership of 2005 Class C licensed business with dance permit, located in escrow at 1555 E. Maple, Troy, MI 48084, Oakland County, from Jumbo Investment, Inc.; with license to be held in escrow.

Yes: 7
No: 0
Absent: None

The meeting adjourned at 7:10 p.m.

Max K. Ehlert, Chairman

Patricia A. Gladysz, Secretary II

A Meeting of the Civil Service Commission (Act 78) was held Monday, September 24, 2007, at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chair McGinnis called the meeting to order at 7:03 AM.

ROLL CALL

PRESENT: Chairman Donald E. McGinnis, Jr.
Commissioner David Cannon
Commissioner Patrick Daugherty

ALSO PRESENT: Lori Grigg Bluhm, City Attorney
Charles Craft, Police Chief
William Nelson, Fire Chief
Barbara A. Pallotta, Deputy City Clerk
Gary Mayer, Police Captain
Sergeant Robert Redmond, TCOA President
Lt. Keith Lenderman, Fire Department
Lt. Chuck Riesterer, Fire Department
Peter Hullinger, Volunteer Fire Fighter
Tom Kmiec, Volunteer Fire Fighter
Charles Roberts, Volunteer Fire Fighter
John Schoenbeck, Volunteer Fire Fighter

APPROVAL OF MINUTES:

Resolution #CSC-2007-09-015
Moved by Daugherty
Seconded by Cannon

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the Minutes of the meeting of Thursday, July 10, 2007 as presented.

Yes: All-3

PETITIONS AND COMMUNICATIONS:

a. Approval of Eligible List for Division Assistant Chief (Fire Department)

Resolution #CSC-2007-09-016
Moved by
Seconded by

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the Eligible List for Division Assistant Chief as **PRESENTED**.

Yes: All-3

b. Approval of Eligible List for Fire Staff Technician (Fire Department)

Resolution #CSC-2007-09-017

Moved by Cannon

Seconded by Daugherty

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the Eligible List for Fire Staff Technician as **PRESENTED**.

Yes: All-3

c. Approval of Eligible List for Deputy Police Chief (Note: Eligible List for Deputy Police Chief to be presented at the meeting.)

Resolution #CSC-2007-09-018

Moved by McGinnis

Seconded by Cannon

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the Eligible List for Deputy Police Chief as **PRESENTED**.

Yes: All-3

d. Approval of Job Qualifications, Posting and Test Battery for Recruitment of Police Officers

Resolution #CSC-2007-09-019

Moved by Cannon

Seconded by Daugherty

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the job qualifications, the posting and the test battery for the recruitment of Police Officers as **PRESENTED**.

Yes: All-3

NEW BUSINESS: None

OLD BUSINESS: None

PUBLIC COMMENT: None

ADJOURNMENT: The meeting was adjourned at 7:12 AM.

Donald E. McGinnis, Jr.

Barbara A. Pallotta, Deputy City Clerk

CITY OF TROY
MONTHLY FINANCIAL REPORT
31-Aug-07

CITY OF TROY
 Monthly Financial Report
 General Fund
 For the Period Ending August 31, 2007

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
GENERAL FUND REVENUES					
TAXES	35,679,836	36,308,690	3,441	35,762,935	98.50
BUSINESS LICENSES & PERMITS	38,993	42,000	1,584	2,793	6.65
NON-BUS. LICENSES & PERMITS	1,452,966	1,705,500	126,748	214,458	12.57
FEDERAL GRANTS	198,102	55,900	0	0	.00
STATE AGENCIES	6,817,878	6,784,000	56,843	59,666	.88
CONTRIBUTIONS-LOCAL	171,189	180,000	121,994	0	.00
CHARGES FOR SERVICES - FEES	1,455,402	1,159,000	27,868	55,867	4.82
CHARGES FOR SERVICES - REND.	2,346,725	1,717,500	48,990	114,910	6.69
CHARGES FOR SERVICES - SALES	154,366	157,000	11,306	16,792	10.70
CHARGES FOR SERVICES - REC	3,740,024	3,565,200	301,322	608,095	17.06
FINES & FORFEITS	1,243,286	1,027,000	62,589	75,608	7.36
INTEREST AND RENTS	2,350,236	2,081,600	104,497	204,665	9.83
OTHER REVENUE	546,469	510,550	1,970	8,212	1.61
OTHER FINANCING SOURCES	4,635,622	8,161,480	0	0	.00
TOTAL GENERAL FUND REVENUE	60,831,094	63,455,420	869,152	37,124,001	58.50
EXPENDITURES					
LEGISLATIVE	1,839,175	2,033,040	121,342	268,411	13.20
FINANCE	4,726,428	5,054,990	323,287	713,924	14.12
OTHER GEN GOVERNMENT	2,552,515	2,700,750	146,071	244,707	9.06
POLICE	23,147,967	24,060,510	1,729,085	3,182,512	13.23
FIRE	4,376,861	4,317,390	171,286	1,138,364	26.37
BUILDING INSPECTION	2,051,078	2,243,190	146,831	291,251	12.98
STREETS	4,754,158	5,606,460	294,024	604,873	10.79
ENGINEERING	2,676,718	3,136,960	178,482	357,116	11.38
RECREATION	8,424,151	9,225,600	662,934	1,389,600	15.06
LIBRARY	4,805,280	5,066,530	244,196	526,204	10.39
TRANSFERS OUT	3,510,000	10,000	0	0	.00
TOTAL GEN FUND EXPENDITURES	62,864,331	63,455,420	4,017,538	8,716,962	13.74

CITY OF TROY
 Monthly Financial Report
 Refuse Fund
 For the Period Ending August 31, 2007

REFUSE FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	4,254,241	3,572,670	0	2,562,562	71.73
CHARGES FOR SERVICES - REND.	0	0	0	0	.00
CHARGES FOR SERVICES - SALES	2,275	1,500	300	490	32.67
INTEREST AND RENTS	162,643	175,000	7,515	8,678	4.96
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	4,419,159	3,749,170	7,815	2,571,730	68.59
EXPENDITURES					
CONTRACTORS SERVICE	4,380,060	3,577,000	291,455	457,005	12.78
OTHER REFUSE EXPENSE	47,855	55,230	1,374	2,086	3.78
RECYCLING	101,047	116,940	16,970	21,035	17.99
TOTAL EXPENDITURES	4,528,962	3,749,170	309,799	480,126	12.81

CITY OF TROY
 Monthly Financial Report
 Downtown Development Authority Fund
 For the Period Ending August 31, 2007

DOWNTOWN DEV AUTHORITY FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	3,516,210	3,793,000	0	3,740,758	98.62
STATE GRANTS	0	0	0	0	.00
INTEREST AND RENTS	519,215	400,000	26,570	42,358	10.59
OTHER FINANCING SOURCES	0	2,844,590	0	0	.00
TOTAL REVENUE	4,035,425	7,037,590	26,570	3,783,116	53.76
EXPENDITURES					
ECONOMIC DEVELOPMENT	41,011	350,000	8,059	8,059	2.30
TAX TRIBUNAL REFUNDS	8,242	0	0	4,085	.00
CAPITAL OUTLAY	0	3,000,000	0	0	.00
DEBT SERVICE	3,021,460	3,285,000	0	0	.00
TRANSFER TO GENERAL FUND	311,944	402,590	0	0	.00
TOTAL EXPENDITURES	3,382,657	7,037,590	8,059	12,144	.17

CITY OF TROY
 Monthly Financial Report
 Capital Fund
 For the Period Ending August 31, 2007

CAPITAL FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	8,200,947	8,440,000	0	8,382,498	99.32
FEDERAL GRANTS	650	0	0	0	.00
STATE AGENCIES	519,811	4,464,000	0	244,620	5.48
CHARGES FOR SERVICES - REND.	235,354	75,000	457	2,588-	3.45
INTEREST AND RENTS	1,181,962	807,200	60,728	87,464	10.84
FINES & FORFEITS	0	246,180	0	0	.00
OTHER REVENUE	1,354,811	0	50	24,106	.00
OTHER FINANCING SOURCES	5,700,000	15,709,560	0	0	.00
TOTAL REVENUE	17,193,535	29,741,940	61,235	8,736,100	29.37
EXPENDITURES					
FINANCE	33,464	55,000	0	9,735	17.70
OTHER GEN GOVERNMENT	90,439	4,457,600	24,389	68,641	1.54
POLICE	411,940	1,129,210	0	0	.00
FIRE	856,110	536,200	0	0	.00
BUILDING INSPECTION	440	10,000	232	232	2.32
STREETS	7,879,499	13,708,000	1,228,348	1,580,108	11.53
ENGINEERING	369,372	0	0	0	.00
RECREATION	1,708,773	7,255,000	96,940	106,134	1.46
LIBRARY	105,525	325,000	0	0	.00
MUSEUM	82,068	256,000	0	0	.00
STORM DRAINS & RET PONDS	536,741	1,260,930	58,724	58,724	4.66
INFORMATION TECHNOLOGY	1,150,000	749,000	0	0	.00
TOTAL EXPENDITURES	13,224,371	29,741,940	1,408,633	1,823,574	6.13

CITY OF TROY
 Monthly Financial Report
 Sanctuary Lake Golf Course
 For the Period Ending August 31, 2007

SANCTUARY LK GOLF COURSE FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	37,416	38,500	5,525	12,228	31.76
CHARGES FOR SERVICES - REC	1,007,452	1,249,090	140,722	334,877	26.81
INTEREST AND RENTS	6,988	6,500	0	0	.00
OTHER REVENUE	4,279	0	55	127	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	1,056,135	1,294,090	146,302	347,232	26.83
EXPENDITURES					
SANCTUARY LAKE GREENS	792,102	885,280	85,788	164,821	18.62
SANCTUARY LAKE PRO SHOP	888,113	1,165,390	36,254	54,414	4.67
SANCTUARY LAKE CAPITAL	0	40,000	0	0	.00
TOTAL EXPENDITURES	1,680,215	2,090,670	122,042	219,235	10.49

CITY OF TROY
 Monthly Financial Report
 Sylvan Glen Golf Course
 For the Period Ending August 31, 2007

SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	28,566	38,500	5,231	9,922	25.77
CHARGES FOR SERVICES - REC	936,929	1,092,630	110,680	309,466	28.32
INTEREST AND RENTS	227,644	200,400	10,320	107,849	53.82
OTHER REVENUE	400	0	84	43	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	1,193,539	1,331,530	126,315	427,280	32.09
EXPENDITURES					
SYLVAN GLEN GREENS	729,347	766,160	80,564	151,305	19.75
SYLVAN GLEN PRO SHOP	352,687	322,020	30,784	60,302	18.73
SYLVAN GLEN CAPITAL	0	187,100	6,772	6,772	3.62
TOTAL EXPENDITURES	1,082,034	1,275,280	118,120	218,379	17.12

CITY OF TROY
 Monthly Financial Report
 Aquatic Center
 For the Period Ending August 31, 2007

AQUATIC CENTER FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REC	462,469	445,950	67,970	150,169	33.67
INTEREST AND RENTS	29,257	31,600	9,039	16,639	52.66
OTHER REVENUE	4-	0	2-	1-	.00
TOTAL REVENUE	491,722	477,550	77,007	166,807	34.93
EXPENDITURES					
AQUATIC CENTER	684,334	628,670	96,622	186,566	29.68
CAPITAL	0	110,000	0	0	.00
TOTAL EXPENDITURES	684,334	738,670	96,622	186,566	25.26

CITY OF TROY
Monthly Financial Report
Sewer Fund
For the Period Ending August 31, 2007

SEWER FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
FEDERAL GRANTS	17,081	0	0	0	.00
CHARGES FOR SERVICES - FEES	423,810	400,000	41,504	53,900	13.48
CHARGES FOR SERVICES - REND	10,669,817	11,836,000	1,324,999	521,189-	4.40
INTEREST AND RENTS	1,187,038	820,000	50,963	79,097	9.65
OTHER REVENUE	426,738	0	0	0	.00
TOTAL REVENUE	12,724,484	13,056,000	1,417,466	388,192-	2.97
EXPENDITURES					
ADMINISTRATION	9,186,528	9,743,900	1,101,693	1,250,716	12.84
MAINTENANCE	1,151,136	1,532,140	64,649	107,646	7.03
CAPITAL	0	4,628,000	52,324	53,447	1.15
TOTAL EXPENDITURES	10,337,664	15,904,040	1,218,666	1,411,809	8.88

CITY OF TROY
 Monthly Financial Report
 Water Fund
 For the Period Ending August 31, 2007

WATER FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	707,790	885,000	47,964	106,136	11.99
CHARGES FOR SERVICES - SALES	13,565,383	15,432,000	1,756,641	660,470-	4.28
INTEREST AND RENTS	987,721	648,000	40,384	86,314	13.32
OTHER REVENUE	569,010	0	0	0	.00
TOTAL REVENUE	15,829,904	16,965,000	1,844,989	468,020-	2.76
EXPENDITURES					
ADMINISTRATION	11,552,161	12,147,070	169,212	364,954	3.00
TRANS AND DISTRIBUTION	220,659	224,930	10,646	19,248	8.56
CUSTOMER INSTALLATION	101,647	92,720	5,248	9,583	10.34
CONTRACTORS SERVICE	148,717	217,360	11,299	26,295	12.10
MAIN TESTING	56,893	121,940	1,748	3,344	2.74
MAINTENANCE OF MAINS	362,261	447,950	26,835	54,314	12.13
MAINTENANCE OF SERVICES	196,788	272,480	13,778	32,395	11.89
MAINTENANCE OF METERS	471,767	709,860	8,899	19,893	2.80
MAINTENANCE OF HYDRANTS	310,130	392,070	21,358	40,031	10.21
METERS AND TAP-INS	300,220	388,720	25,935	48,207	12.40
WATER METER READING	106,366	103,290	13,265	31,626	30.62
ACCOUNTING AND COLLECTING	95,296	106,400	4,468	10,544	9.91
CAPITAL	0	8,715,000	282,205	477,467	5.48
TOTAL EXPENDITURES	13,922,905	23,939,790	594,896	1,137,901	4.75

CITY OF TROY
 Monthly Financial Report
 Motor Pool
 For the Period Ending August 31, 2007

MOTOR POOL FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REND	0	5,000	0	0	.00
INTEREST AND RENTS	3,870,828	3,913,400	284,170	587,259	15.01
OTHER REVENUE	612,792	380,000	14,395	30,802	8.11
OTHER FINANCING SOURCES	0	1,473,090	0	0	.00
TOTAL REVENUE	4,483,620	5,771,490	298,565	618,061	10.71
EXPENDITURES					
ADMINISTRATION	543,477	586,650	31,788	65,904	11.23
OPERATION AND MAINTENANCE	3,366,597	3,417,450	226,697	460,033	13.46
DPW FACILITY MAINTENANCE	361,706	392,890	12,462	17,537	4.46
CAPITAL	0	1,374,500	23,672	92,305	6.72
TOTAL EXPENDITURES	4,271,780	5,771,490	294,619	635,779	11.02

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2007	9	6	9	ML	2007	4	19	5.000	TBILL	2,822,000		
	2007	9	6	7	FLAGSTAR	2007	6	14	5.410	CD	2,082,998	27,271.80	2,768,971.49
	2007	9	13	9	ML	2007	5	3	4.940	TBILL	2,807,000	5,008.48	2,082,997.69
	2007	9	13	7	TCF BANK	2007	6	14	5.340	CD	2,182,662	21,594.40	2,757,481.80
	2007	9	20	9	ML	2007	5	10	4.910	TBILL	2,253,000	5,180.16	2,182,661.83
	2007	9	20	7	TCF BANK	2007	6	14	5.340	CD	2,079,313	15,144.85	2,213,504.59
	2007	9	27	9	ML	2007	5	31	4.810	TBILL	2,361,000	4,934.88	2,079,312.92
	2007	9	27	7	HUNT BANK	2007	6	28	5.350	CD	2,188,487	9,178.39	2,324,592.39
	2007	9	30	8	FITB	2003	2	27	5.000	MAX SAVER	7,060,030	650.00	2,188,486.86
	2007	9	30	8	FITB	2004	1	1	4.000	MM	482,242		7,060,030.00
	2007	9	30	8	HUNT BANK	2004	8	27	4.302	MM	576,310		482,242.44
	2007	9	30	8	MBIA	2005	11	18	5.130	MBIA	1,609,524		576,310.02
	2007	9	30	7	CITIZENS	2006	5	4	4.800	MMIA	1,114,736		1,609,524.52
	2007	9	30	8	ML	2006	8	31	4.000	MM	1,869		1,114,735.71
	2007	9	30	8	FITB	2006	9	8	5.000	MAXSAVER+	1,051,214		1,869.42
	2007	10	4	9	ML	2007	6	25	4.720	TBILL	2,403,000	1,530.24	1,051,213.88
	2007	10	4	7	CITIZENS	2007	7	5	5.300	CD	2,186,616		2,372,089.08
	2007	10	4	7	FLAGSTAR	2007	7	12	5.450	CD	2,256,953		2,186,615.60
	2007	10	11	7	CITIZENS	2007	7	5	5.300	CD	2,088,373		2,256,953.00
	2007	10	11	7	TCF BANK	2007	7	12	5.330	CD	2,090,389		2,088,373.11
	2007	10	11	9	ML	2007	7	12	4.940	TBILL	2,456,000		2,090,388.70
	2007	10	11	7	HUNT BANK	2007	7	19	5.330	CD	2,093,603		2,426,169.50
	2007	10	18	7	REPUBLIC	2007	7	5	5.300	CD	2,267,578		2,093,603.49
	2007	10	18	9	ML	2007	7	19	4.970	TBILL	2,126,000		2,267,578.24
	2007	10	18	7	CHART ONE	2007	8	2	5.230	CD	1,050,478		2,100,043.30
	2007	10	18	7	CITIZENS	2007	8	2	5.300	CD	2,096,901		1,050,477.78
	2007	10	18	7	CHART ONE	2007	10	18	5.220	CD	2,095,031		2,096,900.52
	2007	10	24	8	NATL CITY	2007	7	24	5.060	FNMA	1,127,000		2,095,030.91
	2007	10	25	7	PRIV BANK	2007	7	5	5.300	CD	1,606,598		1,112,755.97
	2007	10	25	7	FITB	2007	7	26	5.160	CD	2,206,560		1,606,598.13
	2007	10	25	7	HUNT BANK	2007	8	16	5.510	CD	1,051,874		2,206,559.51
	2007	10	25	7	FITB	2007	8	16	5.180	CD	1,071,245		1,051,873.92
	2007	10	30	8	FITB	2004	1	30	4.250	FHR 2537LA	29,000		1,071,245.17
	2007	11	1	7	HUNT BANK	2007	7	26	5.350	CD	2,300,412		29,004.53
	2007	11	1	7	HUNT BANK	2007	8	9	5.350	CD	2,197,797		2,300,411.54
	2007	11	8	7	HUNT BANK	2007	7	26	5.350	CD	1,165,347		2,197,796.91
	2007	11	8	7	FITB	2007	8	9	5.160	CD	2,098,261		1,165,347.47
	2007	11	15	7	HUNT BANK	2007	8	9	5.370	CD	1,052,090		2,098,260.76
	2007	11	15	7	FITB	2007	8	9	5.160	CD	1,080,331		1,052,090.49
	2007	11	15	7	CITIZENS	2007	8	30	5.300	CD	1,103,687		1,080,330.66
	2007	11	29	7	COMERICA	2007	8	20	5.300	CD	1,000,000		1,103,687.33
	2007	11	29	7	CITIZENS	2007	8	30	5.300	CD	2,201,212		1,000,000.00
	2007	11	31	8	FITB	2006	8	25	5.500	FNMA 73	744,891		2,201,212.03
	2007	12	6	7	FLAGSTAR	2007	8	23	5.490	CD	2,103,735		744,890.63
	2007	12	6	7	FLAGSTAR	2007	8	23	5.490	CD	1,000,000		2,103,734.93
	2007	12	6	7	HUNT BANK	2007	8	23	5.500	CD	1,000,000		1,000,000.00
	2007	12	6	7	FITB	2007	8	23	5.200	CD	1,000,000		1,000,000.00

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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	12	30	8	FITB	2007	2	9	6.000	3243	225,000		224,860.53
	2007	12	31	8	FITB	2005	7	27	4.500	FHLM 2687	4,095,639		4,095,638.75
	2008	4	25	8	FITB	2005	1	11	4.000	FNMA 42	704,000		703,428.09
	2008	4	25	8	FITB	2005	8	26	4.500	31	898,000		897,472.09
	2008	4	25	8	FITB	2006	6	30	5.000	86	332,200		332,140.04
	2008	4	25	8	FITB	2007	1	9	5.500	FNMA 80	259,000		258,803.93
	2008	4	25	8	FITB	2007	3	21	5.000	FNMA 17	862,375		862,375.00
	2008	5	30	8	FITB	2003	5	19	5.000	FHLMC95237	432,000		431,885.87
	2008	5	30	8	FITB	2004	1	30	4.000	FHR 2535LK	580,000		578,923.81
	2008	5	30	8	FITB	2004	3	25	4.500	FHR 2669DT	232,000		231,847.10
	2008	5	30	8	FITB	2004	10	7	2.250	FHR 2625	135,000		134,683.46
	2008	5	30	8	FITB	2004	10	8	3.250	FHR 2564CN	437,000		436,147.41
	2008	5	30	8	FITB	2005	5	25	5.000	FHLM 2808	75,976		75,976.09
	2008	5	30	8	FITB	2006	1	30	4.500	FHLM 2557	631,000		630,446.24
	2008	5	30	8	FITB	2008	5	30	3.600	FHR03 2640	369,000		368,739.09
	2008	6	15	8	FITB	2005	11	30	5.000	2802	634,000		633,179.22
	2008	6	25	8	FITB	2007	5	25	4.500	FHLM 2693	788,400		788,400.00
	2008	6	28	8	FITB	2004	10	12	4.000	FHR 2617	2,111,000		2,110,328.66
	2008	6	28	8	FITB	2005	8	30	4.500	2545	200,000		199,848.06
	2008	6	29	8	FITB	2006	11	24	3.250	FHLM 2568	475,000		474,377.38
	2008	7	31	8	FITB	2005	9	29	4.500	FHLM 2618	566,000		565,049.01
	2008	8	25	8	FITB	2007	4	25	4.500	2569	472,000		471,253.10
	2008	10	30	8	FITB	2007	3	21	4.250	FHLM 27E9	500,000		500,381.94
	2008	10	30	8	FITB	2007	6	27	4.319	FNMA XX2	799,000		799,444.44
	2008	10	30	8	FITB	2007	7	17	4.500	FNMA 37	683,000		682,795.97
	2008	11	30	8	FITB	2007	8	27	4.500	2003-36	1,000,000		991,062.50
	2008	11	30	8	FITB	2007	8	27	5.500	2549	600,000		602,383.33
										TOTAL		90,493.20	101,825,829.88
591	2007	9	5	8	NAT CITY	2007	6	8	5.062	FNMA	1,570,000		1,550,593.06
	2007	10	4	7	CITIZENS	2007	6	29	5.250	CD	155,275	4,797.22	155,275.29
	2007	10	4	7	HUNT BANK	2007	6	29	5.350	CD	169,886		169,886.10
	2007	10	4	7	LASALLE	2007	6	29	5.075	CD	1,005,252		1,005,252.08
	2007	10	26	8	LA SALLE	2007	7	31	4.500	MMA	2,017,370		2,017,370.04
	2007	12	15	8	FITB	2005	8	26	4.500	FHLM 2687	1,000,000		991,000.00
	2007	12	30	8	FITB	2006	3	3	5.000	FHLM 2561	52,000		51,279.88
	2007	12	31	8	FITB	2007	2	9	6.000	3243	170,000		169,215.87
	2007	12	31	8	FITB	2007	3	26	4.000	2780	263,100		263,055.00
	2008	3	25	8	FITB	2006	8	9	5.500	FNMA 73	125,000		124,451.22
	2008	6	30	7	COMERICA	1997	7	1	4.890	GOV'T POOL	2,060,393		2,060,393.52
	2008	6	30	8	FITB	2005	8	31	1.000	MM	35,929		35,929.22
	2008	6	30	8	FITB	2005	9	29	4.500	FHLM 2618	238,000		237,375.39
	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	6	30	8	FITB	2007	6	26	4.200	FNMA	203,000		202,611.11
	2008	8	15	8	FITB	2007	5	25	4.500	FHLM 2693	197,850		197,850.00

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09/19/07

T-Bills, Commercial Paper, C.D. etc.

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PAGE 3

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
591	2008	12	31	8	FITB	2007	8	25	3.000	2659	110,000		109,242.80
											TOTAL	4,797.22	10,339,289.99
688	2008	6	30	7	CHASE	1997	7	1	5.030	GOV'T POOL	1,457,130		1,457,130.57
											TOTAL		1,457,130.57
											TOTAL	95,290.42	113,622,250.44

*** END OF REPORT ***

7 = CD 8 = Paper 9 = T-Bills



CITY COUNCIL REPORT

September 18, 2007

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance/Administration
Nino Licari, City Assessor

SUBJECT: New Michigan Business Tax effect on LDFA collections

Background:

- The State of Michigan eliminated the Single Business Tax effective December 31, 2007. In its place the Legislature instituted the new Michigan Business Tax.

Tie-barred to this legislation were 4 bills that affected Personal Property Tax collection, beginning in the 2008 year, Public Acts #37, 38, 39, and 40 of 2007.

In short, these bills exempt the levy and collection of the 6 mill State Education Tax on commercial and industrial Personal Property. Industrial Personal Property will also be exempted from the 18 mill levy for school operating purposes. Commercial Personal Property will be exempted from 12 of the 18 mills of school operating millage.

Concern has arisen amongst local units of government that have DDAs (Downtown Development Authority), LDFAs (Local Development Financing Authority), and BRAs (Brownfield Redevelopment Authority) that capture some or all of the millage that will no longer be levied. Many local units have debt payments that are dependent on the capture of this millage.

Public Acts 40 of 2007 recognize this problem, and states that this issue will be addressed at a later time.

The City of Troy has the SmartZone, an LDFA that captures 9 of the 18 mill levy for school operating purposes. The total captured millage for 2007 is estimated to be 26.550 mills. The 9 mills is 34.3% of the total captured millage.

The 2007 captured value of the SmartZone is \$11,227,940. The total estimated captured taxes would then be \$294,789.56. The 9 mills of school operating levy account for \$101,051.46 of the total captured taxes.

Per City Council Resolution 2003-08-411 (LDFA), the City is committed to making a \$265,000 total payment towards the Automation Alley building debt, over a 5 year time frame. The last payment would be made in the 2008 calendar year.

Roughly 60% of the captured taxes are used for the Automation Alley building operations. The 5 year payment on the debt for the building is taken from the remaining 40%.

Financial Considerations:

- Assuming that no replacement revenue is forthcoming from the State, and also assuming no measurable change in the LDFA capture or millage rates, there will be financial considerations in the 2008 year for the City.

Without the \$101,051.46 in taxes generated by the 9 mill levy, the capture for the SmartZone will be \$193,738.10 instead of \$294,789.56.

Sixty percent of the \$193,738.10 (a total of \$116,242.86) will go to the operations of the Automation Alley building. The \$116,242.86 is less than the \$127,000.00 budgeted for the last year.

This leaves \$77,495.40 that the \$53,000.00 debt payment must come out of. Once the debt is paid, the SmartZone is left with \$24,495.40 for administration and marketing. This is \$27,104.60 less than the \$51,600.00 in the last budget year.

In 2009, the excess \$53,000.00 from the debt that has now been fully paid will revert to the administrative cost side of the SmartZone ledger.

Legal Considerations:

- While it is always possible to sue the State for reimbursement of lost revenues, the chances of success are best answered by the City Attorney. While we have only the SmartZone to contend with, there are many more communities that have captured school millages, and will be forced into financial circumstances far more dire than Troy.

Policy Considerations:

- Unchanged, this legislative action is in opposition to Council Goal III: "Retain and attract investment while encouraging redevelopment."

Options:

- Contact with State Representatives, and the State Senator may prove beneficial in bringing the City's position to light.



D E P A R T M E N T O F P U B L I C S A F E T Y

Director of Public Safety Steve Fairman

Chief William Nelson
Troy Fire Department
500 West Big Beaver
Troy, MI 48084

9/5/07

Lt. Neil Gensler
Huntington Woods Public Safety Department
12755 W. Eleven Mile Rd.
Huntington Woods, MI 48070

Re: Troy Fire Department Explorers

Dear Sir,

I would like to extend my appreciation to the Troy Fire Department. We have a Public Safety Camp for the children in our community each year. The Troy Explorers brought the Smoke House with them, and delivered a great program. This included the teaching of several fire safety items pertaining to getting out of a burning building, and how they should meet outside. The Explorers bonded with our camp members, and were very professional in their appearance and knowledge. The Explorers added a big part to our camp.

So, please pass on our appreciation for their help, it made our camp a success for another year.

A handwritten signature in black ink, appearing to read "Neil Gensler", written in a cursive style.

Lt. Neil Gensler
Huntington Woods Public Safety

MINDLIN-KOH CENTER FOR OPHTHALMIC MEDICINE AND SURGERY PC

Alan M. Mindlin MD FACS • John Y. Koh MD FACS

Tear Duct and Orbital Surgery • Thyroid Eye Disease • Eyelid Cancers • Dry Eyes and Tearing
Emergencies and Eyelid Trauma • Reconstructive and Cosmetic Eyelid Surgery
~ Adults and Children ~

September 7, 2007

PSA DREW PATTERSON

Troy Police Department
Attn: Officer Patterson - Badge 443
500 West Big Beaver Road
Troy Michigan 48084

Dear Officer Patterson:

On behalf of the Mindlin-Koh Center for Ophthalmic Medicine and Surgery PC, I want to thank you all for your help in locating the mother of one of our patients who suffered a medical emergency this morning. I am happy to report that our patient was examined by her personal physician and at this time is doing well.

Again, thank you for your help.

Sincerely,

Blanche L. Mindlin
Blanche L. Mindlin BA
Practice Administrator

cc: CITY MGR.
CAPT. MAHER
PSA PATTERSON/FILE
BB

RECEIVED
Chief of Police
9/12/07 082

**CURE
HUNGER
HERE**

**CERTIFICATE OF
APPRECIATION**

This certificate is gratefully awarded to

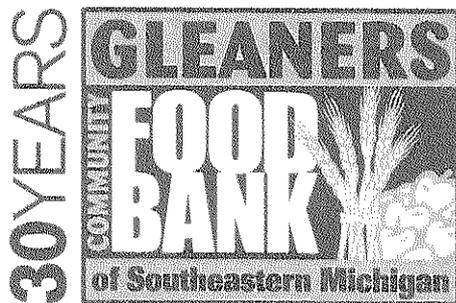
City of Troy

For providing 1,676 meals to our hungry neighbors
in Southeastern Michigan through participation in the

2007

**Food Fight on Big Beaver
(and Beyond)**

**Thank You
For
Your Support!**



*Gleaners Community Food Bank
of Southeastern Michigan*

St. Mark
Coptic Orthodox Church
TROY, MI.



September 12, 2007

To the City of Troy Police Department:

The clergy with all the board members of St. Mark Coptic Orthodox Church in Troy would like to send a sincere thanks to all the police members who patrolled our church during the visit of His Holiness Pope Shenouda III.

Your presence was very much appreciated and was instrumental in keeping matters organized. Thank you again for being available when needed and God bless.

Sincerely,

Fr. Maximus Habib

Fr. Mina Essak

RECEIVED
Chief of Police
9/24/07

cc: City Mgr
BB
dept. files



**CITY COUNCIL
AGENDA
October 1, 2007
Back-Up Documentation
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317**

Proposed Proclamations/Resolutions from Other Organizations:

J-4 No Proposed Proclamations/Resolutions from Other Organizations

There is no back-up documentation on this Agenda item at the time of publication.

October 2007

J-05

October 2007						
S	M	T	W	T	F	S
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November 2007						
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	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Sep 30 - Oct 6	Sep 30	Oct 1 7:30pm City Council Mt	2 7:00pm Ethnic Issues A 7:30pm Planning Comn 7:30pm Historic District	3 8:30am Building Code I 7:00pm Persons with D	4 1:00pm Advisory Comn	5	6
	7	8 7:00pm Liquor Advisory	9 7:30pm Planning Comn	10 12:00pm Employee's Rel	11 7:30pm Library Advisor	12	13
Oct 7 - 13	14	15 7:30pm City Council Mt	16 3:00pm BRA Meeting; C 7:30pm BZA (Chambers 7:30pm Historic District	17 7:30am DDA Meeting; C 7:30pm Traffic Commit	18 7:00pm Parks & Recrea 7:00pm Cable Advisory	19	20
	21	22	23 7:00pm Troy Daze; Con 7:30pm Planning Comn 7:30pm Historical Comi	24 7:00pm Youth Council;	25	26	27
Oct 14 - 20	28	29 3:00pm LDFA Committ	30	31	Nov 1	2	3
	Oct 28 - Nov 3						

November 2007

November 2007						
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December 2007						
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	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Oct 28	29	30	31	Nov 1	2	3
Oct 28 - Nov 3					1:00pm Advisory Comn		
	4	5	6	7	8	9	10
Nov 4 - 10			Election Day 7:30pm Historic District	8:30am Building Code I 7:00pm Persons with D	7:30pm Library Advisor		
	11	12	13	14	15	16	17
Nov 11 - 17		7:00pm Liquor Advisory 7:30pm City Council Me	7:00pm Ethnic Issues A 7:30pm Pfanning Comn	12:00pm Employee's Rel	7:00pm Parks & Recrea		
	18	19	20	21	22	23	24
Nov 18 - 24		7:30pm City Council Me	7:30pm BZA (Chambers 7:30pm Historic District	7:30am DDA Meeting; I 7:30pm Traffic Commit	City Hall Closed		
	25	26	27	28	29	30	Dec 1
Nov 25 - Dec 1			7:00pm Troy Daze; Con 7:30pm Planning Comn	7:00pm Youth Council;			

December 2007

December 2007							January 2008						
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30	31												

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Nov 25 - Dec 1	Nov 25	26	27	28	29	30	Dec 1
Dec 2 - 8	2	3 7:30pm City Council Me	4 7:30pm Planning Comn 7:30pm Historic District	5 8:30am Building Code I 7:00pm Persons with D	6 1:00pm Advisory Comn	7	8
Dec 9 - 15	9	10 7:00pm Liquor Advisory	11 7:30pm Planning Comn	12 12:00pm Employee's Ref 1:00pm Retiree Health	13 7:30pm Library Advisor	14	15
Dec 16 - 22	16	17 7:30pm City Council Me	18 7:30pm BZA (Chambers 7:30pm Historic District	19 7:30am DDA Meeting; I 7:00pm Youth Council;	20 7:00pm Parks & Recrea	21	22
Dec 23 - 29	23	24 City Hall Closed	25	26	27	28	29
Dec 30 - Jan 5	30	31 City Hall Closed	Jan 1, 08	2	3	4	5



CITY COUNCIL REPORT

DATE: September 19, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: City of Troy Master Plan Update

Background:

- The Planning Commission, with assistance from City Management and Carlisle/Wortman Associates, Inc., is preparing the City of Troy Master Plan. This project serves as a much-needed update of the Future Land Use Plan, which has not been significantly updated since the early 1970's.
- Chapters 1 through 5 have been presented to the Planning Commission at previous meetings. Chapters 6 through 8 will be discussed on September 25, 2007. Chapters 9 and 10 will be discussed on October 23, 2007. Chapter 11 will be discussed on November 27, 2007. It is anticipated that the first draft of the complete document will be presented to the Planning Commission in December 2007.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- Updating the Master Plan is consistent with City Council Goal I (Enhance the livability and safety of the community), Goal III (Retain and attract investment while encouraging redevelopment) and Goal V (Maintain relevance of public infrastructure to meet changing public needs).

Options:

- This report is provided for informational purposes. No City Council action is necessary.

Attachment: Master Plan Outline, rev. July 25, 2007

Prepared by RBS/MFM

G:\Master Plan\CC Update Memo 10 01 07.doc

CITY OF TROY 2007 MASTER PLAN:
MASTER PLAN OUTLINE
REV. JULY 25, 2007

CHAPTER 1 INTRODUCTION

This Chapter will discuss the role of the Master Plan, recognize parties involved in the development of the Plan, and introduce the planning enabling legislation of the State of Michigan. It will describe the organization of the Plan and how the document should be used in practice.

An important function of this opening Chapter will be recognition of the community participation measures taken throughout the process, and an acknowledgement and encouragement of the concept of "civic entrepreneurship," such as that displayed by the Troy Futures group. The community outreach done prior to and as part of this planning process will be fully described and highlighted.

This Chapter will also serve as an executive summary of the Plan as a whole and will establish the graphics and maps that will be included in the document.

Maps and Data in this Chapter: None identified at this time

CHAPTER 2 TROY'S CONTEXT: FROM LOCAL TO GLOBAL

This Chapter will analyze Troy's role in the regional development and economic landscape, as well as establish the City's ability to position itself as a gateway to global markets. This Chapter focuses upon intergovernmental cooperation as an important practice in the positioning of Troy as a regional leader. The Chapter will create "bookends" with the later "Image and Character" Chapter around the more specific Chapters which discuss recreation and enrichment, economy, mobility, infrastructure, housing, and natural resource protection.

Building on the concept of a more "global" Troy promoted by Troy Futures, this Chapter will describe Troy's assets and attributes which could ultimately help accomplish ambitious regional goals. This Chapter will position Troy as a regional leader for transit, the development of world-class amenities, and regional responsibility to the environment and to civic infrastructure.

Maps and Data in this Chapter: This Chapter will include a series of demographic graphs and charts. It will also include information on Troy's regional position economically, geographically, and demographically, which will highlight its strategic assets within the context of Southeast Michigan.

CHAPTER 3 A PLACE TO LEARN AND PLAY: THE CONTINUED ENRICHMENT OF TROY

A vibrant community must have a variety of elements. This Chapter will connect innovative development styles, economic and social diversity, and cultural, educational, and recreational amenities. The benefits and techniques of maintaining or upgrading current amenities and the creation or encouragement of new ones, both within and outside of Troy, will be explored. This Chapter will specifically emphasize the importance and role of recreation in the evolution of Troy as a global City.

Maps and Data in this Chapter: This Chapter will include a map or series of maps highlighting cultural, educational, recreational, and other civic facilities, and could include service area diagrams to explore the distribution and access Troy residents have to these resources. This Chapter will also reference educational statistics from the Census and possibly incorporate enrollment data from

CITY OF TROY 2007 MASTER PLAN:
MASTER PLAN OUTLINE
REV. JULY 25, 2007

cultural and educational facilities.

CHAPTER 4 A PLACE OF PROSPERITY:
THE ECONOMY OF TROY

This Chapter will focus on the changing economic environment and how Troy may develop an optimal mix of land uses for a balanced tax base which also meets the service, employment, and retail needs of the City and the area beyond. Further, this Chapter will build consensus on the role Troy wishes to play in the regional and global economy.

Maps and Data in this Chapter: This Chapter will include Troy employment and income characteristics, race and age data, and mapping which illustrates the regional access and positioning of industrial, office, and commercial properties that could play a pivotal role in Troy's economic success.

CHAPTER 5 THE CITY IN MOTION:
LOCAL AND REGIONAL MOBILITY

This Chapter will analyze the existing transportation network, including public transit, non-motorized pathways, access to air travel, and roadways within the City of Troy and beyond. It may also explore the technological "virtual pathways" that are emerging for telecommuting and digital commerce, which could significantly impact the way people work and obtain goods and services.

Maps and Data in this Chapter: The Chapter will include a series of maps and data describing the existing and proposed transportation network. It will also describe the potential users and anticipated

transportation demands within the City of Troy.

CHAPTER 6 INFRASTRUCTURE AND
SERVICES: THE ASSETS AND CARE OF THE
CITY

In order to implement most of the measures that will ultimately be recommended by the Master Plan, upgrading and maintaining civic infrastructure must be considered. In that regard, this Chapter will contain the Master Plan's discussion of sewer, water, and stormwater infrastructure. It will describe some of the key needs or opportunities with regard to these utilities and discuss the City's ability to maintain them, while describing and recommending alternative methods of meeting the needs of the City.

Maps and Data in this Chapter: This Chapter will include a map of the City's utilities and could include a series of graphics to illustrate sensitive methods of upgrading or maintaining civil infrastructure.

PEOPLE:
THE CHANGING FACE
OF HOUSING DEMAND

This Chapter will analyze the changing nature of Troy's population and compare local trends to regional and national trends. Topics such as household size and age will be used to make recommendations to improve the utility of the City's housing stock to meet the changing demand for housing types of many varieties. The concepts of affordability and housing an aging population will be covered in detail.

Maps and Data in this Chapter: In addition to population, age, and housing demographics, this Chapter will, at a minimum, include figures on rental

CITY OF TROY 2007 MASTER PLAN:
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and ownership in the City, the number of housing starts and existing units, and vacancy rates.

CHAPTER 8 GREEN CITY:
RESPONSIBILITY TO
NATURAL & ENERGY RESOURCES

This Chapter will provide the City with a forum for establishing itself as a regional and national leader in the responsible treatment of natural resources and energy. The concept of sustainability will appear throughout the Chapter in many areas, from stormwater management to green building technology, to the preservation of natural features.

Specific techniques to preserve the quality of existing natural spaces and features in the face of development and redevelopment will be discussed. Formal programs such as Low Impact Development (LID) for watershed protection and Leadership in Energy and Environmental Design (LEED) for architecture and site design will be included.

Potential next steps beyond Master Planning will be outlined to provide additional guidance to the City in an effort to allow for the continued growth of green elements in the City while allowing for a balance of new construction and reconstruction.

Maps and Data in this Chapter: Graphics and maps describing the existing open space and natural features in the City will be provided. Also, a series of graphics describing potential measures for natural

features preservation or mitigation and low-impact stormwater management will be included.

CHAPTER 9 LAND PATTERNS:
FUTURE LAND USE

The goals and objectives established in the previous Chapters of this Plan will be translated into land use policy within this Chapter. The Future Land Use Map will formalize the input, research, and conclusions of the Plan by establishing clear land use policy. While it is intended to be a fluid document, the Future Land Use Map establishes a continuous basis for land use decision-making through changes in the makeup of elected and appointed boards, and therefore encourages the implementation of the long-term goals and objectives adopted within the Master Plan.

Maps and Data in this Chapter: Future and existing land use maps and supporting graphs and charts will be included in the Chapter.

CHAPTER 10 A CITY DESIGNED:
THE IMAGE AND CHARACTER OF TROY

This Chapter will expand on the Future Land Use Map and discuss visual and design characteristics in the City of Troy at the street level, the neighborhood level, the corridor level, and the City-wide level. The physical differences which affect the daily function and success of developed areas, especially corridors, will be pointed out in order to more accurately focus on those areas which could benefit from change.

The Chapter will promote smart growth principles related to compact, mixed-use development, and will describe the benefits to Troy in this regard. This

CITY OF TROY 2007 MASTER PLAN:
MASTER PLAN OUTLINE
REV. JULY 25, 2007

Chapter will center on a series of sub-area plans and will highlight the importance and utility of form-based codes.

Maps and Data in this Chapter: The Chapter will include a series of maps which portray the varied development pattern in Troy, and may include a graphic which shows City-wide development trends and an analysis describing potential gateways, nodes, important places, and connective corridors throughout the City. Also included in this Chapter will be a primer on form-based code and a series of graphics introducing the reader to new development styles which reinforce the principles of smart growth. The Chapter may also include demographics on aging, commuting, and employment.

CHAPTER 11 IMPLEMENTATION

The “action plan” to help the City realize the goals of this Plan will be collected in the Implementation Chapter. A description of general tools and measures for Master Plan implementation will also be included.

APPENDIX:

- A. Planning and Zoning Concepts document
- B. Demographics and background studies



CITY COUNCIL REPORT

September 25, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Parks and Recreation Advisory Board Request/Proposed ZOTA Change
Cell Tower

At the Parks and Recreation Advisory Board meeting on Thursday, September 20, 2007, members briefly discussed the proposed Ordinance change to allow cell towers on park and school property.

The Advisory Board members indicated during the discussion that there should be further study on the issue before any proposed change is enacted. As you may know, about nine years ago there was public opposition to allowing a cell tower in Boulan Park.

Members would like to discuss this further at their next meeting before making a recommendation to City Council concerning this matter. As there is no urgency to this matter, consider this a request of the Parks and Recreation Advisory Board until after the board next meets (October 18, 2007) and makes a recommendation.



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: September 25, 2007
SUBJECT: In re Collins and Aikman Corporation, et al.

This summer, the City of Troy was the subject of one of the bankruptcy cases filed by Collins & Aikman against municipalities where their facilities were located. In the case against the City of Troy, Collins & Aikman sought to avoid the 2004 and 2005 personal property taxes that were assessed against the corporation. These taxes totaled \$201,997.83, and they were paid prior to filing of the bankruptcy matter.

Enclosed please find a stipulation, where Collins & Aikman agreed to voluntarily dismiss the adversary bankruptcy proceeding against the City of Troy. We worked with bankruptcy specialist Sandra Hamilton (Nantz, Litowich, Smith, Girard and Hamilton, P.C.), who was already representing some of the other municipalities in the cases filed by Collins & Aikman. The City was able to realize some savings because of this joint defensive effort.

On September 19, 2007, the Bankruptcy Judge signed the order of dismissal, and therefore this case against the City is now closed.

If you have any questions, please let us know.

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:	)	Chapter 11
)	
COLLINS & AIKMAN CORPORATION, <u>et al.</u> ¹	)	Case No. 05-55927
	)	(Jointly Administered)
Debtors.)	
<hr style="border: 0.5px solid black;"/>		
COLLINS & AIKMAN CORPORATION, <u>et al.</u>,	)	Honorable Steven W. Rhodes
)	
Plaintiffs,	)	Adversary No. 07-05665
)	
v.)	
)	
CITY OF TROY, MICHIGAN,)	
)	
Defendant.)	
)	
<hr style="border: 0.5px solid black;"/>		

**ORDER APPROVING THE STIPULATION RESOLVING ADVERSARY
PROCEEDING FILED AGAINST CITY OF TROY, MICHIGAN**

Upon the stipulation [Docket No. 12] (the “Stipulation”) by and between the above-captioned debtors (collectively, the “Debtors” or “Plaintiffs”) and the City of Troy,

¹ The Debtors in the jointly administered cases include: Collins & Aikman Corporation; Amco Convertible Fabrics, Inc., Case No. 05-55949; Becker Group, LLC (d/b/a/ Collins & Aikman Premier Mold), Case No. 05-55977; Brut Plastics, Inc., Case No. 05-55957; Collins & Aikman (Gibraltar) Limited, Case No. 05-55989; Collins & Aikman Accessory Mats, Inc. (f/k/a the Akro Corporation), Case No. 05-55952; Collins & Aikman Asset Services, Inc., Case No. 05-55959; Collins & Aikman Automotive (Argentina), Inc. (f/k/a Textron Automotive (Argentina), Inc.), Case No. 05-55965; Collins & Aikman Automotive (Asia), Inc. (f/k/a Textron Automotive (Asia), Inc.), Case No. 05-55991; Collins & Aikman Automotive Exteriors, Inc. (f/k/a Textron Automotive Exteriors, Inc.), Case No. 05-55958; Collins & Aikman Automotive Interiors, Inc. (f/k/a Textron Automotive Interiors, Inc.), Case No. 05-55956; Collins & Aikman Automotive International, Inc., Case No. 05-55980; Collins & Aikman Automotive International Services, Inc. (f/k/a Textron Automotive International Services, Inc.), Case No. 05-55985; Collins & Aikman Automotive Mats, LLC, Case No. 05-55969; Collins & Aikman Automotive Overseas Investment, Inc. (f/k/a Textron Automotive Overseas Investment, Inc.), Case No. 05-55978; Collins & Aikman Automotive Services, LLC, Case No. 05-55981; Collins & Aikman Canada Domestic Holding Company, Case No. 05-55930; Collins & Aikman Carpet & Acoustics (MI), Inc., Case No. 05-55982; Collins & Aikman Carpet & Acoustics (TN), Inc., Case No. 05-55984; Collins & Aikman Development Company, Case No. 05-55943; Collins & Aikman Europe, Inc., Case No. 05-55971; Collins & Aikman Fabrics, Inc. (d/b/a Joan Automotive Industries, Inc.), Case No. 05-55963; Collins & Aikman Intellimold, Inc. (d/b/a M&C Advanced Processes, Inc.), Case No. 05-55976; Collins & Aikman Interiors, Inc., Case No. 05-55970; Collins & Aikman International Corporation, Case No. 05-55951; Collins & Aikman Plastics, Inc., Case No. 05-55960; Collins & Aikman Products Co., Case No. 05-55932; Collins & Aikman Properties, Inc., Case No. 05-55964; Comet Acoustics, Inc., Case No. 05-55972; CW Management Corporation, Case No. 05-55979; Dura Convertible Systems, Inc., Case No. 05-55942; Gamble Development Company, Case No. 05-55974; JPS Automotive, Inc. (d/b/a PACJ, Inc.), Case No. 05-55935; New Baltimore Holdings, LLC, Case No. 05-55992; Owosso Thermal Forming, LLC, Case No. 05-55946; Southwest Laminates, Inc. (d/b/a Southwest Fabric Laminators Inc.), Case No. 05-55948; Wickes Asset Management, Inc., Case No. 05-55962; and Wickes Manufacturing Company, Case No. 05-55968.

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:	)	Chapter 11
)	
COLLINS & AIKMAN CORPORATION, <u>et al.</u> ¹	)	Case No. 05-55927
	)	(Jointly Administered)
Debtors.)	
<hr/>		
COLLINS & AIKMAN CORPORATION, <u>et al.</u>,	)	Honorable Steven W. Rhodes
)	
Plaintiffs,	)	Adversary No. 07-05665
)	
v.)	
)	
CITY OF TROY, MICHIGAN,)	
)	
Defendant.)	
<hr/>		

**STIPULATION RESOLVING ADVERSARY PROCEEDING FILED AGAINST
CITY OF TROY, MICHIGAN**

This Stipulation is made as of September 19, 2007 by and between the above-captioned debtors (collectively, the “Debtors” or “Plaintiffs”) and the City of Troy, Michigan (the “Defendant”) resolving the above-captioned adversary proceeding (the “Adversary Proceeding”).

¹ The Debtors in the jointly administered cases include: Collins & Aikman Corporation; Amco Convertible Fabrics, Inc., Case No. 05-55949; Becker Group, LLC (d/b/a/ Collins & Aikman Premier Mold), Case No. 05-55977; Brut Plastics, Inc., Case No. 05-55957; Collins & Aikman (Gibraltar) Limited, Case No. 05-55989; Collins & Aikman Accessory Mats, Inc. (f/k/a the Akro Corporation), Case No. 05-55952; Collins & Aikman Asset Services, Inc., Case No. 05-55959; Collins & Aikman Automotive (Argentina), Inc. (f/k/a Textron Automotive (Argentina), Inc.), Case No. 05-55965; Collins & Aikman Automotive (Asia), Inc. (f/k/a Textron Automotive (Asia), Inc.), Case No. 05-55991; Collins & Aikman Automotive Exteriors, Inc. (f/k/a Textron Automotive Exteriors, Inc.), Case No. 05-55958; Collins & Aikman Automotive Interiors, Inc. (f/k/a Textron Automotive Interiors, Inc.), Case No. 05-55956; Collins & Aikman Automotive International, Inc., Case No. 05-55980; Collins & Aikman Automotive International Services, Inc. (f/k/a Textron Automotive International Services, Inc.), Case No. 05-55985; Collins & Aikman Automotive Mats, LLC, Case No. 05-55969; Collins & Aikman Automotive Overseas Investment, Inc. (f/k/a Textron Automotive Overseas Investment, Inc.), Case No. 05-55978; Collins & Aikman Automotive Services, LLC, Case No. 05-55981; Collins & Aikman Canada Domestic Holding Company, Case No. 05-55930; Collins & Aikman Carpet & Acoustics (MI), Inc., Case No. 05-55982; Collins & Aikman Carpet & Acoustics (TN), Inc., Case No. 05-55984; Collins & Aikman Development Company, Case No. 05-55943; Collins & Aikman Europe, Inc., Case No. 05-55971; Collins & Aikman Fabrics, Inc. (d/b/a Joan Automotive Industries, Inc.), Case No. 05-55963; Collins & Aikman Intellimold, Inc. (d/b/a M&C Advanced Processes, Inc.), Case No. 05-55976; Collins & Aikman Interiors, Inc., Case No. 05-55970; Collins & Aikman International Corporation, Case No. 05-55951; Collins & Aikman Plastics, Inc., Case No. 05-55960; Collins & Aikman Products Co., Case No. 05-55932; Collins & Aikman Properties, Inc., Case No. 05-55964; Comet Acoustics, Inc., Case No. 05-55972; CW Management Corporation, Case No. 05-55979; Dura Convertible Systems, Inc., Case No. 05-55942; Gamble Development Company, Case No. 05-55974; JPS Automotive, Inc. (d/b/a PACI, Inc.), Case No. 05-55935; New Baltimore Holdings, LLC, Case No. 05-55992; Owosso Thermal Forming, LLC, Case No. 05-55946; Southwest Laminates, Inc. (d/b/a Southwest Fabric Laminators Inc.), Case No. 05-55948; Wickes Asset Management, Inc., Case No. 05-55962; and Wickes Manufacturing Company, Case No. 05-55968.

WHEREAS, on May 17, 2005 (the "Petition Date"), the Debtors filed their voluntary petitions for relief under chapter 11 of the Bankruptcy Code, 11 U.S.C. §§ 101-1330 (the "Bankruptcy Code"), in the United States Bankruptcy Court for the Eastern District of Michigan (the "Bankruptcy Court").

WHEREAS, on May 15, 2007, the Debtors filed the Complaint to avoid the fixing of any alleged statutory liens of the Defendant related to any claims on account of the personal property taxes incurred by the Debtors in the 2004 and 2005 tax years (the "Taxes") pursuant to section 545(2) of the Bankruptcy Code.

WHEREAS, on July 16, 2007, the Defendant filed its answer to the Complaint [Docket No. 9].

WHEREAS, the Defendant agrees that no payment or amount is due or owing by any of the Debtors on account of any of the Taxes.

NOW, THEREFORE, in consideration of the mutual premises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, it is hereby stipulated and agreed to by and between the Debtors and the Defendant as follows:

1. The Defendant's alleged liens related to the Taxes are hereby avoided pursuant to section 545(2) of the Bankruptcy Code.
2. The Defendant hereby acknowledges and agrees that no payment or amount is due or owing by any of the Debtors on account of any of the Taxes.
3. This Stipulation fully, finally and completely resolves and satisfies any claims the Defendant has or may have, now or hereafter arising, against the Debtors on account of or relating to any of the Taxes.

4. The Defendant shall not collect or seek to collect any payments or amounts on account of the Taxes from any of the Debtors or their successors (including, for clarity, any trust established under the Debtors' chapter 11 plan).

5. The Bankruptcy Court shall retain jurisdiction (and the Debtors and the Defendant consent to such retention of jurisdiction) to resolve any disputes or controversies arising from or related to this Stipulation.

6. This Stipulation may be executed in multiple counterparts, any of which may be transmitted by facsimile, and each of which shall be deemed an original, but all of which together shall constitute one instrument.

7. This Stipulation constitutes the entire agreement between the parties with respect to the subject matter hereof, and no prior or contemporaneous agreement may be used to alter the terms of the Stipulation.

8. The signatories to this Stipulation represent that they have been duly authorized by their respective client to execute this Stipulation.

KIRKLAND & ELLIS LLP

**NANTZ, LITOWICH, SMITH, GIRARD &
HAMILTON, P.C.**

/s/ Scott R. Zernick

Richard M. Cieri (NY RC 6062)
Joseph Serino, Jr. (NY JS 9911)
Carl D. LeSueur (NY CL 0315)
Citigroup Center
153 East 53rd Street
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

/s/ Sandra S. Hamilton

Sandra S. Hamilton (P-41980)
2025 East Beltline, S.E.
Suite 600
Grand Rapids, Michigan 49546
Telephone: (616) 977-0077

Counsel for Defendant

-and-

David L. Eaton (IL 3122303)
Ray C. Schrock (IL 6257005)
Scott R. Zernick (IL 6276224)
200 East Randolph Drive
Chicago, Illinois 60601
Telephone: (312) 861-2000
Facsimile: (312) 861-2200

-and-

CARSON FISCHER, P.L.C.

Joseph M. Fischer (P13452)
4111 West Andover Road
West - Second Floor
Bloomfield Hills, Michigan 48302
Telephone: (248) 644-4840
Facsimile: (248) 644-1832

Co-Counsel for the Debtors



TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: September 25, 2007
SUBJECT: Mario's of Troy v. City of Troy

Attorney William S. Stern has been hired by several of the businesses that were impacted by the June 28, 2007 gas main break that occurred at the John R. and Maple Road intersection. These businesses include Mario's of Troy, Inc., Bottle & Cork Wine Shop, Inc., Diya's Inc., and Clark Gas Station. Mr. Stern has assisted these businesses in evaluating a possible business interruption lawsuit against the party or parties who are responsible for the gas main break. As you recall, AT & T hit the gas main during the installation of its telecommunications equipment in the City's Right of Way. The gas main was staked by SMP, an independent contractor for Miss DIG. There is some discrepancy between the identified gas main location in the field and the gas main location, as found on the records from Consumers Power.

In the investigation of this matter, attorney Stern filed a Freedom of Information Act (FOIA) request with the Troy Police Department. Although he did receive a timely and complete response to his FOIA request, he still filed a FOIA lawsuit against the City, seeking additional information. A copy of the lawsuit is attached for your review.

Immediately after receiving the lawsuit, we immediately contacted Plaintiffs' attorney to resolve this matter without the necessity of the FOIA lawsuit. Once we discovered the documents that he was searching for, we were able to provide him with these additional public documents, which went beyond the scope of his FOIA request. In exchange, attorney Stern agreed to voluntarily dismiss the FOIA lawsuit against the City.

On September 12, 2007, the City received a copy of the Order of Dismissal, which is attached for your review. The case is now closed.

Please let me know if you have any questions about this matter.

07-084945-CZ



WASHTENAW COUNTY JUDGE STEVEN N. ANDREWS
MARIOS OF TROY V TROY CITY

2

STATE OF MICHIGAN JUDICIAL DISTRICT 6th JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT
--	-----------------------

Court address 1200 Telegraph, Pontiac, MI

Court telephone no.

Plaintiff name(s), address(es), and telephone no(s). Mario's of Troy, Inc., Bottle & Cork Wine Shop, Inc. Diya's, Inc., and Clark Gas Station
Plaintiff attorney, bar no., address, and telephone no. William S. Stern (P27395) 24750 Lahser Rd. Southfield, MI 48033 (248) 353-9400

v

Defendant name(s), address(es), and telephone no(s). City of Troy
--

SUMMONS NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 8-9-07	This summons expires 11-08-07	Court clerk RUTH JOHNSON
---------------	-------------------------------	--------------------------

*This summons is invalid unless served on or before its expiration date.

COMPLAINT Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
 - An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.
- The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

General Civil Cases

- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint/
 - A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.
- The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

VENUE

Plaintiff(s) residence (include city, township, or village)	Defendant(s) residence (include city, township, or village)
Place where action arose or business conducted Troy	

August 7, 2007
Date

[Signature]
Signature of attorney/plaintiff

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you to fully participate in court proceedings, please contact the court immediately to make arrangements.



STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

MARIO'S OF TROY, INC.,
BOTTLE & CORK WINE SHOP, INC.,
DIYA'S, INC., CLARK GAS STATION,

Plaintiffs

07 MS -9 A9:45

Case No.

Hon.

-vs-

CITY OF TROY,

Defendant.

_____ /

COMPLAINT FOR RELEASE OF RECORDS
UNDER FREEDOM OF INFORMATION ACT

NOW COME the Plaintiffs, by and through their attorney, WILLIAM S. STERN, and for their causes of action against the Defendant, states:

1. The Plaintiffs are businesses located in the City of Troy, Michigan.
2. The Defendant is a municipal corporation existing in Oakland County, Michigan.
3. This matter is brought under the Freedom of Information Act being incorporated under Michigan Compiled Laws MCL 15.231 et seq.
4. A gas leak occurred in the vicinity of the Plaintiffs' business establishments on or about June 28, 2007.
5. The gas leak forced the closure of the businesses for one or more days causing the businesses to lose income for that period of time.
6. It was the understanding of the Plaintiffs that the gas leak occurred when digging took place that hit a gas line.

7. The Plaintiffs desire to obtain public records to determine the responsible party for the gas leak.

8. On July 10, 2007, a formal request was made in writing under the Freedom of Information Act to obtain a copy of the police report so that the Plaintiffs could determine who was responsible for hitting the gas line.

9. The City of Troy, in writing, provided the Plaintiffs with a perfunctory report omitting from the report any indication as to the responsible party and stating as a reason for its refusal to provide the information that the information was of a "personal nature where the public disclosure of the information would constitute a clearly unwarranted invasion of the individual's privacy". The Plaintiffs cannot imagine any right of privacy that may exist under these circumstances.

10. It appears to the Plaintiffs that the City of Troy is engaging in an obstruction of information in order to protect the party responsible for the gas leak.

11. MCL 15.240(1)(b) allows the Plaintiffs to commence this action in the Circuit Court to compel the public bodies disclosure of the public records requested.

12. Furthermore, the Freedom of Information Act allows and requires an award of reasonable attorney's fees, costs and disbursements in a situation where the public body fails to give the information that it should supply.

13. The Plaintiffs are requesting an award of attorney's fees, costs and other disbursements due to the failure of the City of Troy to provide the information that should be clearly public knowledge.

WHEREFORE, the Plaintiffs request that this Honorable Court enter an Order requiring the City of Troy to provide the complete police report and investigation concerning the gas leak that took place on or about June 28, 2007 in the vicinity of Maple and John R in Troy, Michigan (15 Mile and John R) and to enter an award of costs, attorney's fees and other disbursements pursuant to the statute.

BY: _____
WILLIAM S. STERN (P27396)
Attorney for Plaintiffs
24750 Lahser
Southfield, MI 48033
(248) 353-9400

Dated: August 7, 2007

RECEIVED FOR FILING
OAKLAND COUNTY CLERK

Original - Court
1st conv. - Applicant
07-084945-CZ



OAKLAND COUNTY JUDGE STEVEN N. ANDREWS
COURT MARIO'S OF TROY V TROY CITY

Approved, SCAO

STATE OF MICHIGAN
JUDICIAL DISTRICT
6th JUDICIAL CIRCUIT
COUNTY PROBATE

2007 AUG 31 P 3: 01
BY: DEPUTY COUNTY CLERK

Court address
1200 N. Telegraph Rd., Pontiac, MI

Plaintiff name(s) and address(es)
Mario's of Troy, Inc.
Bottle & Cork Wine Shop, Inc.
Diya's, Inc., and Clark Gas Station

Defendant name(s) and address(es)
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Plaintiff's attorney, bar no., address, and telephone no.
William S. Stern (P27396)
24750 Lasher Rd.
Southfield, MI 480033
(248)353-9400

Defendant's attorney, bar no., address, and telephone no.
Lori Grigg Bluhm (P46908)
500 W. Big Beaver Rd.
Troy, MI 48084
(248) 524-3320

NOTICE OF DISMISSAL BY PLAINTIFF

1. Plaintiff/Attorney for plaintiff files this notice of dismissal of this case with without prejudice as to:
 all defendants.
 the following defendant(s): _____

2. I certify, under penalty of contempt, that:
a. This notice is the first dismissal filed by the plaintiff based upon or including the same claim against the defendant.
b. All costs of filing and service have been paid.
c. **No answer or motion has been served upon the plaintiff by the defendant** as of the date of this notice.
d. A copy of this notice has been provided to the appearing defendant/attorney by mail personal service.

8/23/07
Date

[Signature]
Plaintiff/Attorney signature

STIPULATION TO DISMISS

I stipulate to the dismissal of this case with without prejudice as to:
 all parties.
 the following parties: _____

Date

Plaintiff/Attorney signature

Date

Defendant/Attorney signature

ORDER TO DISMISS

IT IS ORDERED this case is dismissed with without prejudice. Conditions, if any: _____

AUG 29 2007

STEVEN N. ANDREWS

Date
MC 09 (6/97) DISMISSAL

A TRUE COPY
RUTH JOHNSON
Oakland County Clerk - Register of Deeds
By: *[Signature]*
Deputy

Bar no.
MCR 2.604

Lori G Bluhm

From: Super Lawyers [superlawyers@lawandpolitics.com]
Sent: Friday, September 21, 2007 2:30 PM
To: Lori G Bluhm
Subject: Michigan Super Lawyers is here

Dear Lori Grigg Bluhm,

Congratulations on being selected for inclusion on the *Michigan Super Lawyers* list for 2007.

Only five percent of the lawyers in the state have been named to the list.

You have been selected through an extensive process based on peer nominations, blue ribbon panel review and independent research.

The list will be published in *Michigan Super Lawyers*, and seen by more than 135,000 readers and subscribers in:

- A special advertising supplement to ***The New York Times*, Sunday, September 23, 2007**, (home subscription and single copy; distributed in Detroit, Ann Arbor, Grand Rapids/Lansing and Kalamazoo)
- ***Michigan Super Lawyers* magazine**, mailed to active Michigan attorneys and nationwide to the lead corporate counsel of the Russell 3000 companies and ABA-approved law school libraries

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To: The Mayor & City Council
From: Phil Nelson
Subject: Possible Trends
Date: August 31, 2007

Background:

- Over the past year, several presentations have been made to the Council concerning policy considerations that could assist in preparing the City of Troy for what seems to be a fairly uncertain future.
- The Council has approved initiation of documents that are intended to set a pattern for preparation for the future. These documents include: a revamp of the outdated comprehensive master plan; an update of the Park and Recreation Plan that will be an element of the updated master plan; an update of the zoning ordinance; and, while not officially adopted, the Council did consider the Troy Futures Report to be used as a planning tool for the future.
- The Council has adopted an operating and capital budget for 2007/2008 that is intended to address some of the many policy challenges of a community that undoubtedly faces many future changes. Those changes include the facts that: Troy is landlocked and must look for redevelopment projects as the primary way to maintain or increase property values; the demography for the entire southeast region of the state will change to an elderly dominated population; young people are leaving the state in significant numbers; the region's economy is changing from a manufacturing base to a knowledge base, and other pertinent factors that make the need to prepare for and accept change imminent.
- At the last Council meeting, Councilmember Howrylak introduced a motion to instruct the Charter Revision Committee to develop a ballot question to change the City's Charter to freeze property tax levies at 2007/2008 levels. While no definitive direction was given, staff is assuming that the councilman's intent was to limit the only two funds that fall under Charter control, the General Fund and the Capital Construction Fund.
- Staff has started preliminary study of the potential impacts of such a change, the results of which will be addressed in this memo.

Budget Considerations:

- The proposed resolution does not consider the impact of inflation and other factors on the budget as well. Again, according to American City and County Magazine, the Municipal cost index has increased 3.6% over the last year meaning that the budget's buying power has decreased commensurately.
- Staff has prepared charts that show some of the prospective impacts of the proposed Charter change. The tables are based on maintaining service levels at today's standards using basic assumptions in developing the data.
- Table 1 assumes that property valuation levels will stay fairly constant over the next 6 years, and that the State will not continue to arbitrarily reduce shared revenues. The chart also assumes that franchise fees collected from the various utilities stay constant (even though the state legislature's actions could arbitrarily reduce franchise fee revenue).
- On the expenditure side, staff has assumed a constant 3% increase in expenditures to account for increases in the Municipal Cost Index and the Construction Cost Index.
- The chart shows that more and more reserve funds would have to be used to balance the General Fund budget. This would be the case through 2010/2011 when cash reserves would sharply dip below the Council's goal of 10-to-17 % of budgeted expenditures. In fact, even though revenues would stay constant with expenditures in 2009/2010, just over \$3 million dollars would have to be cut from the budget to maintain the minimum 10% cash reserve policy balance. The following year, \$7.5 million would have to be cut from the budget in order to meet minimum cash balance policy totals. The chart indicates that budget cuts would be required in each of the next three years to stay within legal limits and to meet the Council's cash reserve policies.
- In essence, once cash reserves are exhausted, almost \$42 million dollars would have to be cut from the General Fund over a six year period. Logic would say that cuts would be made sooner, but the end result would still be the same, i.e., that service delivery and protection functions in all departments would be have to be cut significantly.

Table 2

- Chart 2 is probably more realistic in that it assumes a continued trend toward reduced property values over the next 6 years; more state cuts in shared revenue, reduced interest income from reduced revenues, and more General Fund Reserves being used to finance expenditures.
- The chart also assumes that expenditure totals stay constant with 2007/2008 totals through the 2008/2009 fiscal year.
- The chart shows significant cuts to all departments in the General Fund. The cuts are equal to the total percentage of appropriations that each of the funds has with the total fund expenditures. Cuts were made to

maintain the Council's cash reserve policy. Total reserve percentage for 2013/2014 is 11.4% which means that the 2014/2015 budget will have to show even more significant cuts to stay above the Council reserve totals.

Table 1-Possible Budget Implications from Proposed Mill Rate Freeze

	2006/2007							
Description	Budget	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014
General Fund Revenues								
Taxes	\$ 35,473,690	\$ 36,308,690	\$ 36,308,690	\$ 36,308,690	\$ 36,308,690	\$ 36,308,690	\$ 36,308,690	\$ 36,308,690
Business Licenses & Permits	\$ 40,000	\$ 42,000	\$ 43,050	\$ 44,126	\$ 45,229	\$ 46,360	\$ 47,519	\$ 48,707
Non-Bus. Licenses & Permits	\$ 2,019,000	\$ 1,705,500	\$ 1,748,138	\$ 1,791,841	\$ 1,836,637	\$ 1,882,553	\$ 1,929,617	\$ 1,977,857
Federal Grants	\$ 34,500	\$ 55,900	\$ 57,298	\$ 58,730	\$ 60,198	\$ 61,703	\$ 63,246	\$ 64,827
State Agencies	\$ 6,765,000	\$ 6,784,000	\$ 6,946,816	\$ 7,106,593	\$ 7,262,938	\$ 7,415,460	\$ 7,571,184	\$ 7,730,179
Contributions- Local	\$ 140,000	\$ 180,000	\$ 184,500	\$ 189,113	\$ 193,840	\$ 198,686	\$ 203,653	\$ 208,745
Charges for Services-Fees	\$ 1,271,500	\$ 1,159,000	\$ 1,187,975	\$ 1,217,674	\$ 1,248,116	\$ 1,279,319	\$ 1,311,302	\$ 1,344,085
Charges for Services-Rend.	\$ 1,642,100	\$ 1,717,500	\$ 1,760,438	\$ 1,804,448	\$ 1,849,560	\$ 1,895,799	\$ 1,943,194	\$ 1,991,773
Charges for Services-Sales	\$ 151,500	\$ 157,000	\$ 160,925	\$ 164,948	\$ 169,072	\$ 173,299	\$ 177,631	\$ 182,072
Charges for Services-Rec	\$ 3,410,200	\$ 3,565,200	\$ 3,654,330	\$ 3,745,688	\$ 3,839,330	\$ 3,935,314	\$ 4,033,697	\$ 4,134,539
Fines & Forfeits	\$ 1,012,000	\$ 1,027,000	\$ 1,052,675	\$ 1,078,992	\$ 1,105,967	\$ 1,133,616	\$ 1,161,956	\$ 1,191,005
Interest and Rents	\$ 1,443,300	\$ 2,081,600	\$ 2,081,600	\$ 2,081,600	\$ 2,081,600	\$ 2,081,600	\$ 2,081,600	\$ 2,081,600
Other Revenue	\$ 491,900	\$ 510,550	\$ 523,314	\$ 536,397	\$ 549,807	\$ 563,552	\$ 577,640	\$ 592,081
Other Financing Sources	\$ 11,092,120	\$ 4,951,200	\$ 5,074,980	\$ 5,201,855	\$ 5,331,901	\$ 5,465,198	\$ 5,601,828	\$ 5,741,874
Transfers from General Fund Cash Reserves		\$ 3,210,280	\$ 4,574,356	\$ 2,983,197				
Total General Fund Revenue	\$ 64,986,810	\$ 63,455,420	\$ 65,359,083	\$ 64,313,892	\$ 61,882,885	\$ 62,441,148	\$ 63,012,758	\$ 63,598,035
Expenditures								
Legislative	\$ 2,041,140	\$ 2,033,040	\$ 2,094,031	\$ 2,156,852	\$ 2,221,558	\$ 2,288,204	\$ 2,356,851	\$ 2,427,556
Finance	\$ 4,869,370	\$ 5,054,990	\$ 5,206,640	\$ 5,362,839	\$ 5,523,724	\$ 5,689,436	\$ 5,860,119	\$ 6,035,922
Other Gen Government	\$ 2,807,150	\$ 2,701,000	\$ 2,782,030	\$ 2,865,491	\$ 2,951,456	\$ 3,039,999	\$ 3,131,199	\$ 3,225,135
Police	\$ 23,174,400	\$ 24,060,260	\$ 24,782,068	\$ 25,525,530	\$ 26,291,296	\$ 27,080,035	\$ 27,892,436	\$ 28,729,209
Fire	\$ 4,212,260	\$ 4,317,390	\$ 4,446,912	\$ 4,580,319	\$ 4,717,729	\$ 4,859,260	\$ 5,005,038	\$ 5,155,189
Building Inspection	\$ 2,169,250	\$ 2,243,190	\$ 2,310,486	\$ 2,379,800	\$ 2,451,194	\$ 2,524,730	\$ 2,600,472	\$ 2,678,486
Streets	\$ 5,359,530	\$ 5,606,460	\$ 5,774,654	\$ 5,947,893	\$ 6,126,330	\$ 6,310,120	\$ 6,499,424	\$ 6,694,406
Engineering	\$ 3,096,890	\$ 3,136,960	\$ 3,231,069	\$ 3,328,001	\$ 3,427,841	\$ 3,530,676	\$ 3,636,596	\$ 3,745,694
Recreation	\$ 8,744,820	\$ 9,225,600	\$ 9,502,368	\$ 9,787,439	\$ 10,081,062	\$ 10,383,494	\$ 10,694,999	\$ 11,015,849
Library	\$ 5,002,000	\$ 5,066,530	\$ 5,218,526	\$ 5,375,082	\$ 5,536,334	\$ 5,702,424	\$ 5,873,497	\$ 6,049,702
Transfers Out	\$ 3,510,000	\$ 10,000	\$ 10,300	\$ 10,609	\$ 10,927	\$ 11,255	\$ 11,593	\$ 11,941
Total General Fund Expenditures	\$ 64,986,810	\$ 63,455,420	\$ 65,359,083	\$ 67,319,855	\$ 69,339,451	\$ 71,419,634	\$ 73,562,223	\$ 75,769,090
Undesignated General Fund Cash Balance		\$ 14,312,304	\$ 9,737,948	\$ 6,754,751	\$ 6,754,751	\$ 7,141,963	\$ 7,356,222	\$ 7,576,909
Percentage GF Reserves to GF Budget		23%	15%	10%	10%	10%	10%	10%
Cuts Needed to Maintain Budget Policy				\$ 3,005,963	\$ 7,456,566	\$ 9,365,698	\$ 10,763,724	\$ 12,391,742

- As is indicated on the chart, using the Police Department as an example, budget totals remain the same for two consecutive years, and then decrease by about 5% in 2009/2010.
- It should be noted that even though totals remain the same for two years, the department's buying power would be decreased by the municipal price index of 3.5% per year. Since the vast majority of expenditures for the

department fall in the personnel services funding category, it is not inconceivable that personnel cutbacks would be a part of staying within the budget.

- Over the 6 year period, cash reserves decrease from \$14.3 million to approximately \$6.7 million

Table 2—Possible Budget Implications from Proposed Mill Rate Freeze

	2006/2007							
Description	Budget	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014
General Fund Revenues								
Taxes	\$ 35,473,690	\$ 36,308,690	\$ 35,582,516	\$ 35,226,691	\$ 34,874,424	\$ 34,525,680	\$ 34,180,423	\$ 33,838,619
Business Licenses & Permits	\$ 40,000	\$ 42,000	\$ 43,050	\$ 44,126	\$ 45,229	\$ 46,360	\$ 47,519	\$ 47,519
Non-Bus. Licenses & Permits	\$ 2,019,000	\$ 1,705,500	\$ 1,748,138	\$ 1,791,841	\$ 1,836,637	\$ 1,882,553	\$ 1,929,617	\$ 1,929,617
Federal Grants	\$ 34,500	\$ 55,900	\$ 57,298	\$ 58,730	\$ 60,198	\$ 61,703	\$ 63,246	\$ 63,246
State Agencies	\$ 6,765,000	\$ 6,784,000	\$ 6,716,160	\$ 6,648,998	\$ 6,582,508	\$ 6,516,683	\$ 6,451,516	\$ 6,387,001
Contributions- Local	\$ 140,000	\$ 180,000	\$ 184,500	\$ 189,113	\$ 193,840	\$ 198,686	\$ 203,653	\$ 203,653
Charges for Services-Fees	\$ 1,271,500	\$ 1,159,000	\$ 1,187,975	\$ 1,217,674	\$ 1,248,116	\$ 1,279,319	\$ 1,311,302	\$ 1,311,302
Charges for Services-Rend.	\$ 1,642,100	\$ 1,717,500	\$ 1,760,438	\$ 1,804,448	\$ 1,849,560	\$ 1,895,799	\$ 1,943,194	\$ 1,943,194
Charges for Services-Sales	\$ 151,500	\$ 157,000	\$ 160,925	\$ 164,948	\$ 169,072	\$ 173,299	\$ 177,631	\$ 177,631
Charges for Services-Rec	\$ 3,410,200	\$ 3,565,200	\$ 3,600,852	\$ 3,636,861	\$ 3,673,229	\$ 3,709,961	\$ 3,747,061	\$ 3,784,532
Fines & Forfeits	\$ 1,012,000	\$ 1,027,000	\$ 1,052,675	\$ 1,078,992	\$ 1,105,967	\$ 1,133,616	\$ 1,161,956	\$ 1,161,956
Interest and Rents	\$ 1,443,300	\$ 2,081,600	\$ 2,039,968	\$ 1,999,169	\$ 1,959,185	\$ 1,920,002	\$ 1,881,602	\$ 1,843,970
Other Revenue	\$ 491,900	\$ 510,550	\$ 523,314	\$ 536,397	\$ 549,807	\$ 563,552	\$ 577,640	\$ 577,640
Other Financing Sources	\$ 11,092,120	\$ 4,951,200	\$ 5,074,980	\$ 5,201,855	\$ 5,331,901	\$ 5,465,198	\$ 5,601,828	\$ 5,601,828
Transfers from General Fund Cash Reserves		\$ 3,210,280	\$ 3,722,933	\$ 3,855,878				
Total General Fund Revenue	\$ 64,986,810	\$ 63,455,420	\$ 63,455,720	\$ 63,455,720	\$ 59,479,674	\$ 59,372,411	\$ 59,278,189	\$ 58,871,708
Expenditures								
Legislative	\$ 2,041,140	\$ 2,033,040	\$ 2,033,040	\$ 2,033,040	\$ 1,934,722	\$ 1,836,525	\$ 1,836,525	\$ 1,823,502
Finance	\$ 4,869,370	\$ 5,054,990	\$ 5,054,990	\$ 5,054,990	\$ 4,810,150	\$ 4,715,310	\$ 4,715,310	\$ 4,682,932
Other Gen Government	\$ 2,807,150	\$ 2,701,000	\$ 2,701,000	\$ 2,701,000	\$ 2,569,637	\$ 2,438,306	\$ 2,406,496	\$ 2,389,199
Police	\$ 23,174,400	\$ 24,060,260	\$ 24,060,260	\$ 23,009,410	\$ 22,107,787	\$ 22,962,855	\$ 23,090,217	\$ 22,935,968
Fire	\$ 4,212,260	\$ 4,317,390	\$ 4,317,390	\$ 4,217,390	\$ 4,002,803	\$ 4,049,803	\$ 4,049,803	\$ 4,022,184
Building Inspection	\$ 2,169,250	\$ 2,243,190	\$ 2,243,190	\$ 2,243,190	\$ 2,131,431	\$ 2,019,672	\$ 1,993,287	\$ 1,978,940
Streets	\$ 5,359,530	\$ 5,606,460	\$ 5,606,460	\$ 5,606,460	\$ 5,326,630	\$ 5,246,800	\$ 5,180,861	\$ 5,145,006
Engineering	\$ 3,096,890	\$ 3,136,960	\$ 3,136,960	\$ 3,136,960	\$ 2,985,256	\$ 2,833,552	\$ 2,796,597	\$ 2,776,502
Recreation	\$ 8,744,820	\$ 9,225,600	\$ 9,225,600	\$ 9,225,600	\$ 8,779,447	\$ 8,533,294	\$ 8,533,294	\$ 8,474,197
Library	\$ 5,002,000	\$ 5,066,530	\$ 5,066,530	\$ 5,066,530	\$ 4,821,511	\$ 4,726,492	\$ 4,666,806	\$ 4,634,351
Transfers Out	\$ 3,510,000	\$ 10,000	\$ 10,300	\$ 10,300	\$ 10,300	\$ 9,802	\$ 8,993	\$ 8,927
Total General Fund Expenditures	\$ 64,986,810	\$ 63,455,420	\$ 63,455,720	\$ 62,304,870	\$ 59,479,674	\$ 59,372,411	\$ 59,278,189	\$ 58,871,708

Undesignated General Fund Cash Balance \$ 14,312,304 \$ 10,589,371 \$ 6,733,493 \$ 6,733,493 \$ 6,733,493 \$ 6,733,493 \$ 6,733,493

Percentage GF Reserves to GF Budget 22.6% 16.7% 10.8% 11.3% 11.3% 11.4% 11.4%

Capital Construction Fund:

The other part of the property tax mill levy freeze would involve the Capital Construction Fund. This account is funded by a 1.6 mill property tax levy, state and federal grants, contributions from the county road fund, charges for service, primarily through the sidewalk replacement fund, drug forfeiture funds, interest on idle funds, and operating transfers from the Major Street and Special Assessment fund, and from re-appropriation of fund balance of the fund.

Again, tables were prepared showing potential impacts on the Capital Construction Fund should the property tax mill levy be ratified.

Table 3

- Property tax revenues start to decrease based on declining property values
- Already approved federal grants increase from the 2009 through the remainder of the study period.
- Operating transfers in continue at stable trends even though shared revenue funds are showing signs of declining.
- On the expenditure side, staff put a higher priority on construction of hike and bike trails since that was the highest priority listed in the approved Park and Open Space Plan adopted by the council.
- The majority of the funding over the next six years goes for road reconstruction. Even at \$73.8 million, the amount is insufficient to keep road conditions at satisfactory levels.
- Departmental capital outlay is indicated at about 56% of past yearly totals

Table 4

- Chart 4 is probably more realistic in the property tax revenue totals as it reflects less funding as a result of reduced property values.
- Already approved federal grants increase from the 2009 through the remainder of the study period.
- Operating transfers in continue at stable trends even through shared revenue funds are showing signs of declining
- On the expenditure side, total funds decrease by about \$7 million from Chart 3. Projected expenditures for streets are reduced by approximately \$3 million dollars and funding for park development is decreased by approximately \$2.4 million.

Legal Considerations:

- It is virtually impossible that the Charter Revision Committee can meet to formulate language, and that the language can be approved by the

Table 3
Possible Impact of Mill Rate Freeze on Capital Construction Fund

	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	Totals	
Revenues										
Taxes	8,291,000	8,440,000	8,271,200	8,188,488	8,106,603	8,025,537	7,945,282	7,865,829	48,402,939	
Federal Grants	305,000			2,200,000	2,650,000	2,590,000	759,800	759,800	8,959,600	
State Grants	1,409,000	4,219,000	459,000						459,000	
Contributions-Local		245,000							-	
Charges for Service	150,000	75,000	75,000	75,000	75,000	75,000	75,000	75,000	450,000	
Fines and Forfeitures		246,180							-	
Interest and Rents	607,200	807,200	650,000	650,000	650,000	650,000	650,000	650,000	3,900,000	
Other Revenue	335,260		150,000	150,000	150,000	150,000	150,000	150,000	900,000	
Operating Transfer In	14,907,000	15,709,560	12,000,000	11,500,000	11,615,000	11,731,150	11,848,462	11,966,946	70,661,558	
									-	
Total Revenues	26,004,460	29,741,940	21,605,200	22,763,488	23,246,603	23,221,687	21,428,543	21,467,575	133,733,096	
	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014	Cumulative	Annual
Expenditures									Totals	Average
Departmental Capital Outlay	10,980,330	6,216,010	2,531,200	3,443,488	3,771,603	4,116,687	4,074,543	3,132,575	21,070,096	3,511,683
City Hall Improvements	2,078,000	4,288,000	750,000	1,000,000	500,000	250,000	250,000	250,000	3,000,000	500,000
Major Roads	6,415,700	10,150,000	9,959,000	10,000,000	10,500,000	10,350,000	8,519,000	9,500,000	58,828,000	9,804,667
Local Roads	2,061,630	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	2,500,000	15,000,000	2,500,000
Sidewalks	600,000	600,000	600,000	600,000	600,000	600,000	600,000	600,000	3,600,000	600,000
Drains	370,000	1,000,000	500,000	500,000	500,000	500,000	500,000	500,000	3,000,000	500,000
Drains-Debt Service	255,830	260,930	265,000	270,000	275,000	280,000	285,000	285,000	1,660,000	276,667
Parks Development	736,320	2,896,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	2,000,000	12,000,000	2,000,000
Fire Vehicles	800,000	400,000	400,000	400,000	400,000	400,000	400,000	400,000	2,400,000	400,000
Subdivision Improvements	996,000	850,000	800,000	800,000	800,000	800,000	800,000	800,000	4,800,000	800,000
Library/Museum Improv.	710,650	581,000	550,000	500,000	650,000	675,000	750,000	750,000	3,875,000	645,833
Hike and Bike Trails			750,000	750,000	750,000	750,000	750,000	750,000	4,500,000	750,000
Total Capital Expenditures	26,004,460	29,741,940	21,605,200	22,763,488	23,246,603	23,221,687	21,428,543	21,467,575	133,733,096	22,288,849
Cash Balance	1,626,900	1,626,900	1,626,900	1,626,900	1,626,900	1,626,900	1,626,900	1,626,900		

Attorney General for the November election. The first time that the question could be put on the ballot would be sometime in 2008.

- The city is already subject to the Headlee Amendment which requires local voter approval for increasing tax rates above the rates authorized by law or Charter; and, requires rolling back or decreasing millage rates so the total amount of taxes paid on existing property increases by no more than the rate of inflation during periods when property values increase by more than the rate of inflation. It should be noted that the City is levying .4

of foreclosed homes—usually at depressed prices—to be part of the mix in figuring assessments, a move that could help drive down property assessments in some communities as much as 8%”.

- The city is also subject to Proposal A which defined a special class of property—Homestead. Homestead is treated differently than the other classes of property as these properties are exempt from the local school tax of 18 mills. No other class has this exemption. Schools were provided with state funds, generated by the state sales tax to offset the loss of property tax revenues.

Policy Considerations:

- The city’s property tax levy was 9.48 mills from 1996 through 2001, was decreased to 9.45 mills from 2002 through 2005, and was decreased to 9.43 mills in 2006. The Council recently lowered the mill rate to 9.28 mills by reducing the Refuse and Recycling millage by .15 mills. While the assessed value of properties grew, so did the local, regional and national economies. While the city was holding mill levies fairly constant, the state legislature was busy mandating new programs without funding, and reducing the city’s shared revenues by over \$8 million dollars over the past 8 years. The legislature continued their pattern of usurping Home Rule statutes by imposing laws that reduce local control of rights-of-way and lowering cable television franchise fees commensurately.
- Through all of these reductions in funding and constant mill rates, staff has continued to provide excellent services, maintain extraordinary bond ratings, and win budgeting and comprehensive annual financial reporting awards for the last 10 years. The most significant fact is that General Fund expenditures for 2006-2007 were reduced by 2.4%
- The further the city gets behind in maintaining infrastructure, the more chance there is that at some point in time, the city will have to consider issuing bonds to make essential upgrades. As example of potential fiscal impacts of bond issuance to pay for infrastructure, a \$30 million dollar bond issue with an amortization period of 25 years could carry a total repayment cost of approximately \$56 million. The most deleterious part of a bond issue to pay for capital improvements is that the infrastructure will be worn out and need replacement prior to the time the debt on the bonds is paid.
- The most logical question to ask is what impact local property taxes have on personal income. Are city property taxes at such exorbitant levels that they cause a burden to home and property owners? Table 5 shows the impacts of ad valorem property taxes on typical Troy taxpayers. Table 5 shows the total impact of the city’s levy of 9.28 mills on properties of various values. Annual property taxes range from \$601 for properties valued at \$150,000 to \$2,606.43 for properties valued at \$650,000. Using a real estate industry standard formula for purchasing a residence that states that families can usually afford to pay 25% of their gross incomes

for house payments, staff has calculated that the typical property in Troy uses about 1.4% of annual income for payment of property taxes levied by the City of Troy.

- There still seems to be some confusion as to what taxes are being paid by property owners in Troy. Most people look at their tax statement and since it comes from the City of Troy make an assumption that Troy gets all of the taxes that have to be paid. **In reality, the city gets about 26.5% of taxes paid.** Other taxing entities that get a various percentage of tax dollars include:
 - The Troy School District at 27.2%;
 - Oakland County government at 13.3%;
 - Oakland Community College at 4.5%;
 - The Intermediate School District at 9.6%;
 - S.M.A.R.T at 1.7%; and,
 - State Education at 17.2% of the total tax bill.
- **This breakdown means that education gets 58.5% of all funds collected. It also means that of the total tax bill, 73.5% goes to other taxing entities that have operations inside the City of Troy.**
- The truest policy decision should focus on the legacy that the City Council will leave to the City of Troy if this amendment should pass. There are those who advocate the political ideology that cutting taxes will starve the beast—the beast being government. Those who follow this ideology advocate spending government funds on only certain priorities, even though citizen surveys indicate that people have expectations of the best service possible and who want a comprehensive city at a low price. Over many years, city staff has done a phenomenal job in maintaining peak service delivery within the funds that have been appropriated. This has been proven time and time again by citizen surveys that show over 94% of those citizens responding feel that services are good to excellent. Staff has shown that there are about \$459 million dollars in unfunded capital improvements that should be done over the next 20 years. The answer to solving this challenge does not come in cutting taxes. It comes with careful fiscal planning and in discussions with the property owners of Troy.
- Staff has attached several spreadsheets showing the true impact of property taxes on property owners. The first, Table 5, shows the impact of all 9.28 mills on Troy property owners. The average value of a single family house in Troy is about \$300,000. This means that the owner of a property valued at \$300,000 pays \$1,202.97 in City of Troy taxes, or about \$3.30 per day.
- Table 6 shows property tax impact removing the Refuse and Recycling mill rate. The owner of property valued at \$300,000 would pay \$1,114.83 in property taxes, or about \$3.05 per day.
- Table 7 shows the impact of only those programs, projects and functions that are a part of the General Fund. The 6.50 mills that pays for such

services as Police, Fire, streets, parks and recreation, library/museum, administration, etc. costs the owner of a \$300,000 property \$842.60 per year, or about \$2.31 per day.

- Table 8 shows the impact of the Capital Construction Fund on property owners in the City. The owner of property valued at \$300,000 pays about \$207.41, or about 57 cents per day for capital construction projects.

In conclusion, staff hopes that Council shares the same pride that we do in the fact that we are rated (just to name a few):

- The fifth safest city in the United States with a population over 75,000
- The second highest rated library in the State
- The third ranked motor pool in North America
- One of five entrepreneurial cities in Michigan as rated by the University in Michigan
- The third highest assessed valuation in the state (it should be noted that we were second, but Sterling Heights has moved past Troy)
- One of three governmental units in Michigan and one of 60 organizations nationwide that maintains a AAA bond rating from all bond rating agencies
- Recipient of 8 straight Budgeting Awards given by the Government Finance Officers Association
- Recipient of 10 straight Comprehensive Annual Financial Report Awards given by the Government Finance Officers Association

The previous awards were listed solely to show that it takes resources that are provided by the home and business owners of the community to make a model city. The awards also point out that the City of Troy has one of the most conscientious, hard working and dedicated staffs of any city in the United States. City staff understands that there are economic challenges and fully understands that close scrutiny has to be given to each and every expenditure. Staff has an extremely significant stake in the future of the community and we take our jobs very seriously.

The economy, demographics and the general nature of this community, region and state will continue to change. While the future seems uncertain, the Council has to concentrate on policies that set the pathways to the future by focusing on developing plans and policies that are flexible enough to meet the next series of changes that will face Troy. Now is the time to understand that government or business, interest groups or other interested parties cannot individually meet the challenges of the future. Instead, if this city, region and state are going to succeed, all interested parties will have to form partnerships that find the way to the future.

Other states have tried property tax freezes through such initiatives as the Taxpayers Bill of Rights (TABOR) in Colorado and Proposition 13 in California and have seen disastrous results in terms of maintaining infrastructure. The

Colorado Department of Transportation has stated that they can no longer afford to build new roadways and has taken a stance of road maintenance only. The results have been that all new expressways in the Denver Metropolitan area are now toll roads. As an example of new fees without public input, E470 that circles the east side of Denver from Thornton to Parker, a distance of 42 miles costs \$9.75 (one-way), which is about 3 days of property tax payments for the owner of a \$300,000 home in Troy. Additionally, the voters of Colorado also had to vote to suspend TABOR for three years in order to give CDOT adequate funding to fix major highways in the state.

Michigan Futures completed a study that provides insight as to providing a near term and longer term roadmap to the future for the State. The most serious of the principles states that “an investment in higher education, research and innovation, while providing our institutions with the capacity to become more agile and market smart”. **The report also indicates that tax reductions are not the key to the future**

**Table 5
Total City of Troy Property Tax Impact**

Property Value	\$ 150,000	\$ 175,000	\$ 200,000	\$ 250,000	\$ 275,000	\$ 300,000	\$ 350,000	\$ 400,000	\$ 450,000	\$ 500,000	\$ 650,000
Assessment Ratio	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%
Taxable Value	\$ 64,815	\$ 75,618	\$ 86,420	\$ 108,025	\$ 118,828	\$ 129,630	\$ 151,235	\$ 172,840	\$ 194,445	\$ 216,050	\$ 280,865
City Property Tax Rate (2006-07)	0.00928	0.00928	0.00928	0.00928	0.00928	0.00928	0.00928	0.00928	0.00928	0.00928	0.00928
Annual Property Taxes-City Only	\$ 601.48	\$ 701.73	\$ 801.98	\$ 1,002.47	\$ 1,102.72	\$ 1,202.97	\$ 1,403.46	\$ 1,603.96	\$ 1,804.45	\$ 2,004.94	\$ 2,606.43
Monthly Property Tax Equivalent	\$ 50.12	\$ 58.48	\$ 66.83	\$ 83.54	\$ 91.89	\$ 100.25	\$ 116.96	\$ 133.66	\$ 150.37	\$ 167.08	\$ 217.20
Daily Property Tax Equivalent	\$ 1.65	\$ 1.92	\$ 2.20	\$ 2.75	\$ 3.02	\$ 3.30	\$ 3.85	\$ 4.39	\$ 4.94	\$ 5.49	\$ 7.14
Daily Cost/Person Tax Equiv.	\$ 0.61	\$ 0.71	\$ 0.82	\$ 1.02	\$ 1.12	\$ 1.23	\$ 1.43	\$ 1.63	\$ 1.84	\$ 2.04	\$ 2.65
Est. Monthly House Payment	\$ 900	\$ 1,050	\$ 1,200	\$ 1,500	\$ 1,650	\$ 1,800	\$ 2,100	\$ 2,400	\$ 2,700	\$ 3,000	\$ 3,900
Est. Yearly House Payment	\$ 10,800	\$ 12,600	\$ 14,400	\$ 18,000	\$ 19,800	\$ 21,600	\$ 25,200	\$ 28,800	\$ 32,400	\$ 36,000	\$ 46,800
Est. Annual Household Income	\$ 43,200	\$ 50,000	\$ 57,600	\$ 72,000	\$ 80,000	\$ 86,400	\$ 100,000	\$ 115,200	\$ 129,600	\$ 144,000	\$ 187,200
% of Income for House Payment	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%
Percent Property Taxes of Annual Income	1.39%	1.40%	1.39%	1.39%	1.38%	1.39%	1.40%	1.39%	1.39%	1.39%	1.39%
Examples of Service Costs--Daily Basis											
Daily Cost of Police Protection	0.26	0.31	0.35	0.44	0.48	0.53	0.62	0.70	0.79	0.88	1.14
Daily Cost of Fire Protection	0.04	0.05	0.05	0.07	0.07	0.08	0.09	0.11	0.12	0.13	0.17
Daily Cost of Library/Museum	0.06	0.07	0.08	0.10	0.11	0.12	0.13	0.15	0.17	0.19	0.25
Daily Cost of Parks & Rec	0.10	0.12	0.13	0.16	0.18	0.20	0.23	0.26	0.30	0.33	0.43
Daily Cost of Administration	0.02	0.03	0.03	0.04	0.04	0.05	0.05	0.06	0.07	0.08	0.10
Total Cost of All General Fund	\$ 0.74	\$ 0.87	\$ 0.99	\$ 1.24	\$ 1.36	\$ 1.48	\$ 1.73	\$ 1.98	\$ 2.22	\$ 2.47	\$ 3.21

Table 6—Property Tax For Services Excluding Refuse and Recycling Fund

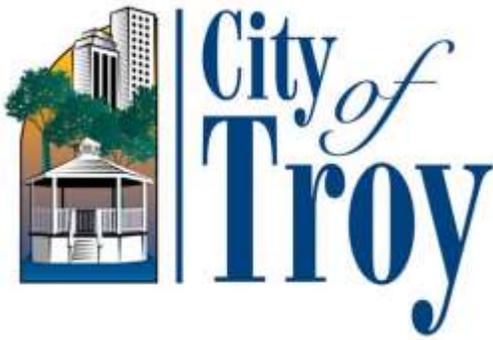
Property Value	\$ 150,000	\$ 175,000	\$ 200,000	\$ 250,000	\$ 275,000	\$ 300,000	\$ 350,000	\$ 400,000	\$ 450,000	\$ 500,000	\$ 650,000
Assessment Ratio	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%
Taxable Value	\$ 64,815	\$ 75,618	\$ 86,420	\$ 108,025	\$ 118,828	\$ 129,630	\$ 151,235	\$ 172,840	\$ 194,445	\$ 216,050	\$ 280,865
City Property Tax Rate (2006-07)	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086	0.0086
Annual Property Taxes-City Only	\$ 557.41	\$ 650.31	\$ 743.21	\$ 929.02	\$ 1,021.92	\$ 1,114.82	\$ 1,300.62	\$ 1,486.42	\$ 1,672.23	\$ 1,858.03	\$ 2,415.44
Monthly Property Tax Equivalent	\$ 46.45	\$ 54.19	\$ 61.93	\$ 77.42	\$ 85.16	\$ 92.90	\$ 108.39	\$ 123.87	\$ 139.35	\$ 154.84	\$ 201.29
Daily Property Tax Equivalent	\$ 1.53	\$ 1.78	\$ 2.04	\$ 2.55	\$ 2.80	\$ 3.05	\$ 3.56	\$ 4.07	\$ 4.58	\$ 5.09	\$ 6.62
Daily Cost/Person Tax Equiv.	\$ 0.57	\$ 0.66	\$ 0.76	\$ 0.95	\$ 1.04	\$ 1.14	\$ 1.32	\$ 1.51	\$ 1.70	\$ 1.89	\$ 2.46
Est. Monthly House Payment	\$ 900	\$ 1,050	\$ 1,200	\$ 1,500	\$ 1,650	\$ 1,800	\$ 2,100	\$ 2,400	\$ 2,700	\$ 3,000	\$ 3,900
Est. Yearly House Payment	\$ 10,800	\$ 12,600	\$ 14,400	\$ 18,000	\$ 19,800	\$ 21,600	\$ 25,200	\$ 28,800	\$ 32,400	\$ 36,000	\$ 46,800
Est. Annual Household Income	\$ 43,200	\$ 50,000	\$ 57,600	\$ 72,000	\$ 80,000	\$ 86,400	\$ 100,000	\$ 115,200	\$ 129,600	\$ 144,000	\$ 187,200
% of Income for House Payment	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%
Percent Property Taxes of Annual Income	1.29%	1.30%	1.29%	1.29%	1.28%	1.29%	1.30%	1.29%	1.29%	1.29%	1.29%
Examples of Service Costs--Daily Basis											
Daily Cost of Police Protection	0.24	0.29	0.33	0.41	0.45	0.49	0.57	0.65	0.73	0.81	1.06
Daily Cost of Fire Protection	0.04	0.04	0.05	0.06	0.07	0.07	0.09	0.10	0.11	0.12	0.16
Daily Cost of Library/Museum	0.05	0.06	0.07	0.09	0.10	0.11	0.12	0.14	0.16	0.18	0.23
Daily Cost of Parks & Rec	0.09	0.11	0.12	0.15	0.17	0.18	0.21	0.24	0.27	0.31	0.40
Daily Cost of Administration	0.02	0.02	0.03	0.04	0.04	0.04	0.05	0.06	0.06	0.07	0.09
Total Cost of All General Fund	\$ 0.69	\$ 0.80	\$ 0.92	\$ 1.15	\$ 1.26	\$ 1.37	\$ 1.60	\$ 1.83	\$ 2.06	\$ 2.29	\$ 2.98

Table 7
Property Tax Impact of Services Funding in the General Fund

Property Value	\$ 150,000	\$ 175,000	\$ 200,000	\$ 250,000	\$ 275,000	\$ 300,000	\$ 350,000	\$ 400,000	\$ 450,000	\$ 500,000	\$ 650,000
Assessment Ratio	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%
Taxable Value	\$ 64,815	\$ 75,618	\$ 86,420	\$ 108,025	\$ 118,828	\$ 129,630	\$ 151,235	\$ 172,840	\$ 194,445	\$ 216,050	\$ 280,865
City Property Tax Rate (2006-07)	0.0065	0.0065	0.0065	0.0065	0.0065	0.0065	0.0065	0.0065	0.0065	0.0065	0.0065
Annual Property Taxes-City Only	\$ 421.30	\$ 491.51	\$ 561.73	\$ 702.16	\$ 772.38	\$ 842.60	\$ 983.03	\$ 1,123.46	\$ 1,263.89	\$ 1,404.33	\$1,825.62
Monthly Property Tax Equivalent	\$ 35.11	\$ 40.96	\$ 46.81	\$ 58.51	\$ 64.36	\$ 70.22	\$ 81.92	\$ 93.62	\$ 105.32	\$ 117.03	\$ 152.14
Daily Property Tax Equivalent	\$ 1.15	\$ 1.35	\$ 1.54	\$ 1.92	\$ 2.12	\$ 2.31	\$ 2.69	\$ 3.08	\$ 3.46	\$ 3.85	\$ 5.00
Daily Cost/Person Tax Equiv.	\$ 0.43	\$ 0.50	\$ 0.57	\$ 0.72	\$ 0.79	\$ 0.86	\$ 1.00	\$ 1.14	\$ 1.29	\$ 1.43	\$ 1.86
Est. Monthly House Payment	\$ 900	\$ 1,050	\$ 1,200	\$ 1,500	\$ 1,650	\$ 1,800	\$ 2,100	\$ 2,400	\$ 2,700	\$ 3,000	\$ 3,900
Est. Yearly House Payment	\$ 10,800	\$ 12,600	\$ 14,400	\$ 18,000	\$ 19,800	\$ 21,600	\$ 25,200	\$ 28,800	\$ 32,400	\$ 36,000	\$ 46,800
Est. Annual Household Income	\$ 43,200	\$ 50,000	\$ 57,600	\$ 72,000	\$ 80,000	\$ 86,400	\$ 100,000	\$ 115,200	\$ 129,600	\$ 144,000	\$ 187,200
% of Income for House Payment	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%
Percent Property Taxes of Annual Income	0.98%	0.98%	0.98%	0.98%	0.97%	0.98%	0.98%	0.98%	0.98%	0.98%	0.98%
Examples of Service Costs--Daily Basis											
Daily Cost of Police Protection	0.18	0.22	0.25	0.31	0.34	0.37	0.43	0.49	0.55	0.62	0.80
Daily Cost of Fire Protection	0.03	0.03	0.04	0.05	0.05	0.06	0.06	0.07	0.08	0.09	0.12
Daily Cost of Library/Museum	0.04	0.05	0.05	0.07	0.07	0.08	0.09	0.11	0.12	0.13	0.18
Daily Cost of Parks & Rec	0.07	0.08	0.09	0.12	0.13	0.14	0.16	0.18	0.21	0.23	0.30
Daily Cost of Administration	0.02	0.02	0.02	0.03	0.03	0.03	0.04	0.04	0.05	0.05	0.07
Total Cost of All General Fund	\$ 0.52	\$ 0.61	\$ 0.69	\$ 0.87	\$ 0.95	\$ 1.04	\$ 1.21	\$ 1.39	\$ 1.56	\$ 1.73	\$ 2.25

Table 8
Property Tax Impact of the Capital Construction Fund

Property Value	\$ 150,000	\$ 175,000	\$ 200,000	\$ 250,000	\$ 275,000	\$ 300,000	\$ 350,000	\$ 400,000	\$ 450,000	\$ 500,000	\$ 650,000
Assessment Ratio	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%	43.21%
Taxable Value	\$ 64,815	\$ 75,618	\$ 86,420	\$ 108,025	\$ 118,828	\$ 129,630	\$ 151,235	\$ 172,840	\$ 194,445	\$ 216,050	\$ 280,865
City Property Tax Rate (2006-07)	0.0016	0.0016	0.0016	0.0016	0.0016	0.0016	0.0016	0.0016	0.0016	0.0016	0.0016
Annual Property Taxes-City Only	\$ 103.70	\$ 120.99	\$ 138.27	\$ 172.84	\$ 190.12	\$ 207.41	\$ 241.98	\$ 276.54	\$ 311.11	\$ 345.68	\$ 449.38
Monthly Property Tax Equivalent	\$ 8.64	\$ 10.08	\$ 11.52	\$ 14.40	\$ 15.84	\$ 17.28	\$ 20.16	\$ 23.05	\$ 25.93	\$ 28.81	\$ 37.45
Daily Property Tax Equivalent	\$ 0.28	\$ 0.33	\$ 0.38	\$ 0.47	\$ 0.52	\$ 0.57	\$ 0.66	\$ 0.76	\$ 0.85	\$ 0.95	\$ 1.23
Daily Cost/Person Tax Equiv.	\$ 0.11	\$ 0.12	\$ 0.14	\$ 0.18	\$ 0.19	\$ 0.21	\$ 0.25	\$ 0.28	\$ 0.32	\$ 0.35	\$ 0.46
Est. Monthly House Payment	\$ 900	\$ 1,050	\$ 1,200	\$ 1,500	\$ 1,650	\$ 1,800	\$ 2,100	\$ 2,400	\$ 2,700	\$ 3,000	\$ 3,900
Est. Yearly House Payment	\$ 10,800	\$ 12,600	\$ 14,400	\$ 18,000	\$ 19,800	\$ 21,600	\$ 25,200	\$ 28,800	\$ 32,400	\$ 36,000	\$ 46,800
Est. Annual Household Income	\$ 43,200	\$ 50,000	\$ 57,600	\$ 72,000	\$ 80,000	\$ 86,400	\$ 100,000	\$ 115,200	\$ 129,600	\$ 144,000	\$ 187,200
% of Income for House Payment	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%
Percent Property Taxes of Annual Income	0.24%	0.24%	0.24%	0.24%	0.24%	0.24%	0.24%	0.24%	0.24%	0.24%	0.24%
Examples of Service Costs--Daily Basis											
Daily Cost of Police Protection	0.05	0.05	0.06	0.08	0.08	0.09	0.11	0.12	0.14	0.15	0.20
Daily Cost of Fire Protection	0.01	0.01	0.01	0.01	0.01	0.01	0.02	0.02	0.02	0.02	0.03
Daily Cost of Library/Museum	0.01	0.01	0.01	0.02	0.02	0.02	0.02	0.03	0.03	0.03	0.04
Daily Cost of Parks & Rec	0.02	0.02	0.02	0.03	0.03	0.03	0.04	0.05	0.05	0.06	0.07
Daily Cost of Administration	0.00	0.00	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.01	0.02
Total Cost of All General Fund	\$ 0.13	\$ 0.15	\$ 0.17	\$ 0.21	\$ 0.23	\$ 0.26	\$ 0.30	\$ 0.34	\$ 0.38	\$ 0.43	\$ 0.55



**CITY COUNCIL
AGENDA
October 1, 2007
Back-Up Documentation
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317**

CLOSED SESSION:

L-1 Closed Session – No Closed Session Requested

**There is no back-up documentation on this
Agenda item at the time of publication.**