



TROY CITY COUNCIL

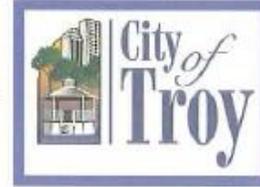
REGULAR MEETING

AGENDA

MAY 18, 2015
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@troymi.gov 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: Brian Kischnick, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

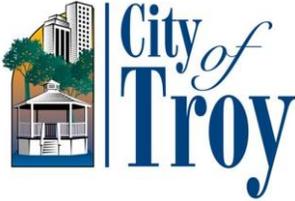
Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

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

Respectfully submitted,

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

Brian Kischnick, City Manager



TROY CITY COUNCIL

VISION STATEMENT AND GOALS

Adopted: Monday, February 7, 2011

VISION:

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

GOALS:

Provide a safe, clean, and livable city

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

Provide effective and efficient local government

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

Build a sense of community

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

Attract and retain business investment

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

2015/2016

TOP 10 STRATEGIES

Adopted by City Council 3/9/2015

'Why'

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

1

Improve and invest in our assets, both people and infrastructure

Define our organizational culture

2

3

Consistently tell our story

Create a sense of place

4

5

Embrace a sustainable Library

Implement a Trails and Pathways Plan and increase walkability

6

7

Maintain strong Public Safety

Improve interaction online and in-person

8

9

Modernize wayfinding opportunities

Celebrate diversity

10



**CITY COUNCIL
AGENDA**
May 18, 2015 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

INVOCATION: Pastor Bob Cholette From Troy Assembly of God **1**

PLEDGE OF ALLEGIANCE: **1**

A. CALL TO ORDER: **1**

B. ROLL CALL: **1**

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

C-1 Barnes and Noble Representative Donald Kendall Will Present a Check for \$615 Raised From Their Bookfair to the Troy Public Library Staff and Members of the Teen Advisory Board. The Money Will Be Used to Purchase English as a Second Language Collection of Books for Teens Who are New to Troy (Not Native Born)
(Presented by: Cindy Stewart, Community Affairs Director) **1**

C-2 Presentation to Karl Heim from Beaumont Health Systems to Recognize Beaumont's Annual Celebration of Life on National Cancer Survivors Day
(Presented by: Cindy Stewart, Community Affairs Director) **1**

D. CARRYOVER ITEMS: **1**

D-1 No Carryover Items **1**

E. PUBLIC HEARINGS: **1**

E-1 No Public Hearings **1**

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INVOCATION: Pastor Bob Cholette From Troy Assembly of God

PLEDGE OF ALLEGIANCE:

A. CALL TO ORDER:

B. ROLL CALL:

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

- b) Excuse Absent Council Members:

Suggested Resolution

Resolution #2015-05-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of May 18, 2015, due to _____.

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Barnes and Noble Representative Donald Kendall Will Present a Check for \$615 Raised From Their Bookfair to the Troy Public Library Staff and Members of the Teen Advisory Board. The Money Will Be Used to Purchase English as a Second Language Collection of Books for Teens Who are New to Troy (Not Native Born) *(Presented by: Cindy Stewart, Community Affairs Director)*

C-2 Presentation to Karl Heim from Beaumont Health Systems to Recognize Beaumont’s Annual Celebration of Life on National Cancer Survivors Day *(Presented by: Cindy Stewart, Community Affairs Director)*

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

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

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

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

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

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

The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are three Public Comment portions of the Agenda. For Items On the Agenda,

Troy Residents and Business Owners can sign up to address Postponed, Regular Business, Consent Agenda, or Study items or any other item on the Agenda. Troy Residents and Business Owners can sign up to address all other topics under Items Not on the Agenda. All Speakers who do not live in Troy or own a Troy business may sign up to speak during the Comments on Items On and Not On the Agenda from Members of the Public Outside of Troy. Also, there is a timer on the City Council table in front of the Mayor that turns yellow when there is one minute of speaker time remaining, and turns red when the speaker's time is up. In order to make the meeting more orderly and out of respect, please do not clap during the meeting, and please do not use expletives or make derogatory or disparaging comments about any one person or group. If you do so, then there may be immediate consequences, including having the microphone turned off, being asked to leave the meeting, and/or the deletion of speaker comments for any re-broadcast of the meeting. Speakers should also be careful to avoid saying anything that would subject them to civil liability, such as slander and defamation.

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

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

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

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

a) Mayoral Appointments:

Suggested Resolution
Resolution #2015-05-
Moved by
Seconded by

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

Brownfield Redevelopment Authority

Appointed by Mayor
7 Regular Members
3 Year Term

Term Expires: 4/30/2018

Joseph Vassallo

Term currently held by: Joseph Vassallo

Yes:
No:
Absent:

b) City Council Appointments: None

I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority; b) City Council Nominations – Charter Revision Committee, Historic District Commission, Personnel Board, Traffic Committee, Zoning Board of Appeals

a) Mayoral Nominations:

Suggested Resolution
Resolution #2015-05-
Moved by
Seconded by

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

Brownfield Redevelopment Authority

Appointed by Mayor
7 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2	Notes 3
Dziurman	Theodore	3/8/2014	4/30/2015	BCBA exp 1/1/2015	NO Reappointment
Kerwin	Mary	1/16/2017	4/30/2017		
Kornacki	Rosemary	12/12/2015	4/30/2017		
Swartz	Robert D.	7/25/2013	4/30/2017		
Vacancy			4/30/2016	Bruce Wilberding's unexpired term.	
Vassallo	Joseph J.	12/6/2013	4/30/2015		Requests Reappointment

Nominations to the Brownfield Redevelopment Authority:

Term Expires: 4/30/2018

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

Term Expires: 4/30/2018

Term currently held by: Theodore Dziurman

Interested Applicants:

No applicants on file.

Yes:

No:

b) City Council Nominations:

Suggested Resolution

Resolution #2015-05-

Moved by

Seconded by

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

Charter Revision Committee

Appointed by Council

7 Regular Members

3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Berk	Robert	2/27/2015	4/30/2016	
Bernardi	Maryann	11/18/2013	4/30/2015	NO Reappointment
Bliss	Daniel	11/16/2013	4/30/2015	
Howrylak	Frank	2/1/2014	4/30/2017	
Kanoza	Shirley	2/21/2015	4/30/2016	
Weisgerber	William	11/17/2013	4/30/2015	NO Reappointment
Wilsher	Cynthia	2/27/2016	4/30/2017	

Nominations to the Charter Revision Committee:

Term Expires: 4/30/2018

Term currently held by: Maryann Bernardi

Term Expires: 4/30/2018

Term currently held by: Daniel Bliss

Term Expires: 4/30/2018

Term currently held by: William Weisgerber

Interested Applicants:

Last Name	First Name	MI or Nickname	App Resume Expire	Notes 1
Baker	Julia	(Judy)	5/7/2015	P&R Bd. exp 9/30/16

Historic District Commission

Appointed by Council
7 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2	Notes 3
Chambers	Barbara	12/20/2015	3/1/2017		
McCown	Paul	7/10/2015	3/1/2017	ZBA (ALT) exp 1/31/2018	
McGee	Timothy	8/13/2014	5/15/2015		Requests Reappointment
Petrulis	Al	1/8/2016	3/1/2017	ACAB exp 9/30/2015; Traffic Comm. exp 1/31/2014	
Schuchter	Doris	11/22/2013	5/15/2015	Historical Society Recommendation	NO Reappointment
Voigt	W. Kent	1/23/2015	3/1/2016		

Nominations to the Historic District Commission:**Term Expires: 5/15/2018**

Term currently held by: Timothy McGee

Term Expires: 5/15/2018

Term currently held by: Doris Schuchter

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Adams	John	12/19/2016	

Personnel Board

Appointed by Council
5 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2	Notes 3
Abraham	Edna	8/15/2013	4/30/2015		
Baughman	Deborah	2/22/2013	4/30/2017		
Knight	P. Terry	1/15/2016	4/30/2015	DDA exp 9/30/2015	Requests Reappointment
New	Lorraine	5/1/2017	4/30/2015		Requests Reappointment
Rosenberg	Michael	4/19/2015	4/30/2017		

Nominations to the Personnel Board:

Term Expires: 4/30/2018

Term currently held by: Edna Abraham

Term Expires: 4/30/2018

Term currently held by: P. Terry Knight

Term Expires: 4/30/2018

Term currently held by: Lorraine New

Interested Applicants:

No applicants on file.

Traffic Committee

Appointed by Council
7 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Brandstetter	Tim	10/17/2016	1/31/2018	
Easterbrook	David	12/2/2015	1/31/2016	Stevan Popovic's unexpired term
Huotari	William			Ex-Officio Member
Kilmer	Richard	12/12/2015	1/31/2017	
Mayer	Gary			Ex-Officio Member
Nelson	William			Ex-Officio Member
Petrulis	Al	1/8/2016	1/31/2017	ACAB exp 9/30/2015

Vacancy			1/31/2016	O. Apahidean resigned 2/13/15
Vacancy			7/31/2015	Student
Wilsher	Cynthia	10/9/2016	1/31/2018	
Ziegenfelder	Peter	12/9/2015	1/31/2017	

Nominations to the Traffic Committee:**Term Expires: 1/31/2016**

Term currently held by: Vacancy (O. Apahidean resigned 2/13/2015)

Term Expires: 7/31/2016

Term currently held by: Vacancy (STUDENT)

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1	Notes 3
Brikho	Frencheska	3/3/2017	STUDENT	(3 rd Choice)
Regan	Kathleen	3/26/2017	STUDENT	(1 st Choice)

Zoning Board of Appeals

Appointed by Council
7 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2
Clark	Glenn	4/27/2015	4/30/2015		Requests Reappointment
Courtney	Kenneth	2/25/2015	4/30/2016		
Desmond	Thomas	10/21/2016	4/30/2015		Request Reappointment
Eisenbacher	David	11/14/2013	4/30/2016		
Kaltsounis	Orestis Rusty	10/17/2016	1/31/2018	Alternate	P&R Bd exp 9/30/2015
Kneale	A. Allen	3/9/2013	4/30/2017		
Lambert	Dave	3/10/2016	4/30/2017		
McCown	Paul	7/10/2015	1/31/2018	Alternate	
Sanzica	Philip	9/24/2014	12/31/2015	PC Rep on ZBA	

Nominations to the Zoning Board of Appeals:

Term Expires: 4/30/2018

Term currently held by: Thomas Desmond

Term Expires: 4/30/2018

Term currently held by: Glenn Clark

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 2
Brandstetter	Tim	5/1/2015	Traffic Comm exp 1/31/2015
Kaltsounis	Andrew	10/15/2016	Liquor Adv. Comm. exp. 1/31/2016
Manek	Ashish	5/23/2015	
Sharp	John	5/12/2015	
Sinutko	Jaime	8/5/2016	

Yes:

No:

I-3 Request for Closed Session – City Attorney Evaluation

Suggested Resolution

Resolution #2015-05-

Moved by

Seconded by

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session on May 11, 2015 in the Council Board Room, pursuant to MCL 15. 268 (a) and (h) (MCL 15.243 (g)) for the evaluation of the City Attorney.

Yes:

No:

I-4 Updates to City Manager Contract (*Introduced by: Mayor Dane Slater*)

Suggested Resolution

Resolution #2015-05-

Moved by

Seconded by

NOW THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the attached City Manager Employment Agreement, and the Mayor and Clerk are **AUTHORIZED TO SIGN** the document on behalf of the City; a copy of the Agreement shall be **ATTACHED** to the original Minutes of the meeting.

Yes:

No:

J. CONSENT AGENDA:

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

Suggested Resolution

Resolution #2015-05-

Moved by

Seconded by

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

Yes:

No:

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

J-2 Approval of City Council Minutes

Suggested Resolution

Resolution #2015-05-

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

- a) City Council Meeting Minutes-Draft – May 11, 2015

J-3 Proposed City of Troy Proclamations:

- a) Beaumont Health Systems’ Annual Celebration of Life on National Cancer Survivors Day

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 15-2 – Maxwell and Stutz Water Main**

Suggested Resolution

Resolution #2015-05-

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 15-2, Maxwell Stutz Water Main, to *Fenton Excavating & Construction, Inc., 44311 Reynolds Drive, Clinton Twp., MI 48036* for their low total bid amount of \$1,383,000.00.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is **AUTHORIZED** in an amount not to exceed 15% of the total project cost.

b) Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – New Kitchen Makeup Air Unit - Troy Community Center

Suggested Resolution
Resolution #2015-05-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to furnish all labor, materials and equipment to deliver and install a new Makeup Air Unit (MAU) for the kitchen at the Troy Community Center to the low bidder meeting specifications; *Tech Mechanical, Inc. of Pontiac, MI* for an estimated total cost of \$53,000.00, not to exceed budgetary limitations; at the prices contained in the bid tabulation opened May 14, 2015, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

J-5 Traffic Committee Recommendations and Minutes – May 13, 2015

Suggested Resolution
Resolution #2015-05-

3. Request for No Parking Zone – Wass Elementary – Willard and English

RESOLVED, That Troy City Council hereby **AUTHORIZES** a No Stopping, Standing, Parking zone be created from 8:00 AM to 9:00 AM and 3:00 PM to 4:00 PM, school days only, near Wass Elementary at:

- a. Willard, south side, English to the west property line of #5443
- b. English, east side, Willard to the south property line of #5442

4. Request for Traffic Control – London at Butler

RESOLVED, That Troy City Council hereby **AUTHORIZES** the intersection of London at Butler to be modified from an existing YIELD sign on Butler to ALL-WAY STOP control at the intersection of London at Butler.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

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

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

M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:

N. COUNCIL REFERRALS:

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

N-1 No Council Referrals

O. COUNCIL COMMENTS:

O-1 No Council Comments Advanced

P. REPORTS:

P-1 Minutes – Boards and Committees:

- a) Building Code Board of Appeals Minutes-Final – April 1, 2015
- b) Traffic Committee Minutes-Final – April 15, 2015
- c) Planning Commission Minutes-Final – April 28, 2015
- d) Building Code Board of Appeal Minutes-Draft – May 6, 2015

P-2 Department Reports:

- a) SOCRRA Quarterly Report – April, 2015
- b) 2015 First Quarter Litigation Report

P-3 Letters of Appreciation:

- a) To Cathleen Russ from Allison Lucas

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

P-5 Notice of Hearing for the Customers of DTE Electric Company Case No. U-17319-R

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

R. CLOSED SESSION:

R-1 City Attorney Evaluation

S. ADJOURNMENT:

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. Kischnick". The signature is written in a cursive style with a horizontal line extending to the left.

Brian Kischnick, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

PROPOSED SPECIAL CITY COUNCIL MEETINGS AND STUDY SESSIONS:

SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

2015 SCHEDULED REGULAR CITY COUNCIL MEETINGS:

May 18, 2015.....	Regular Meeting
June 8, 2015	Regular Meeting
June 22, 2015	Regular Meeting
July 6, 2015.....	Regular Meeting
July 20, 2015.....	Regular Meeting
August 10, 2015	Regular Meeting
August 24, 2015.....	Regular Meeting
September 14, 2015.....	Regular Meeting
September 28, 2015.....	Regular Meeting
October 12, 2015.....	Regular Meeting
October 26, 2015.....	Regular Meeting
November 9, 2015.....	Regular Meeting
November 23, 2015.....	Regular Meeting
December 7, 2015.....	Regular Meeting
December 14, 2015.....	Regular Meeting

**PROCLAMATION
BEAUMONT HEALTH SYSTEM'S
ANNUAL CELEBRATION OF LIFE
ON NATIONAL CANCER SURVIVORS DAY**

WHEREAS, National Cancer Survivors Day is a day to draw national attention to, and raise public awareness of, the challenges faced by cancer survivors. Providing hope helps cancer patients fight harder and motivate them to seek medical treatment; and

WHEREAS, Cancer survivors and their families, along with the Oncology Staff of **Beaumont Health System** will gather for their annual Celebration of Life on Sunday, June 7, 2015 at the Sterling Inn; and

WHEREAS, The **Beaumont Health System** plans this annual event, themed "Hats Off to You" to honor cancer survivors, their caregivers and families as a show of strength and determination. The cancer survivors are the true champions celebrating life each and every day; and

WHEREAS, Today, ten million Americans are cancer survivors, thanks to early detection, treatment, and research demonstrating that a cancer diagnosis is no longer an automatic death sentence;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy joins with **Beaumont Health System** to honor all cancer survivors for their strength and determination.

BE IT FURTHER RESOLVED, That the City Council of the City of Troy hereby proclaims **Sunday, June 7, 2015** as **National Cancer Survivors Day in the City of Troy** and applaud Beaumont Health System for honoring all cancer survivors and celebrating their lives.

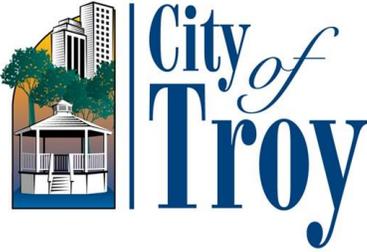
Presented this 18th day of May 2015.



MEMORANDUM

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LGB*
DATE: May 12, 2015
SUBJECT: Request to Convene Closed Session- Personnel Evaluation

Since I am a direct report to City Council, my annual personnel evaluations are held as part of a regular City Council meeting. City Council has scheduled my personnel evaluation for the May 18, 2015 regular meeting. Pursuant to the "personnel evaluation" exception of the Open Meetings Act, MCL 15.268(a), I request that my 2015 personnel evaluation be conducted in a closed session. A resolution has been prepared for your consideration.



MEMORANDUM

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm
DATE: May 15, 2015
SUBJECT: Updates to City Manager's Employment Agreement

After the City Manager's annual evaluation, I was asked to review and update the City Manager's Employment Agreement in consultation with the Mayor, City Manager and Human Resources director. I have completed that review, and enclose the following revised contract for your review and approval.

PROPOSED RESOLUTION:

NOW THEREFORE, BE IT RESOLVED that the attached City Manager Employment Agreement is hereby APPROVED, and the Mayor and Clerk are authorized to sign the document on behalf of the City. A copy of the Agreement shall be attached to the original minutes of the meeting.

**CITY MANAGER
EMPLOYMENT AGREEMENT**

THIS AGREEMENT, made on the 18th day of May, 2015, by and between the City of Troy, Michigan, a municipal corporation, hereinafter referred to as the “City” and Brian Michael Kischnick, hereinafter referred to as the “City Manager.”

**SECTION 1
PERIOD OF EMPLOYMENT**

This Agreement shall be effective as of May 18, 2015 and shall continue for 5 years, and may be terminated subject to the provisions of Section 11 of this Agreement.

**SECTION 2
CITY MANAGER’S DUTIES**

The City Council agrees to continue to employ City Manager to perform the duties of the City Manager as set out in the applicable statutes of the State of Michigan, the Charter of the City of Troy, all ordinances and resolutions lawfully enacted, and other such duties as the Council of the City of Troy may lawfully assign to the City Manager.

The City Manager shall at all times faithfully, industriously and to the best of his ability, experience and talents, perform all of the duties that may be required of and from him pursuant to the express and implicit terms of this Agreement, to the reasonable satisfaction of the Council.

**SECTION 3
OTHER EMPLOYMENT**

The City Manager shall devote full-time attention, knowledge and skills in the interest of the City of Troy, and the City shall be entitled to full-time benefits arising from or incident to the full time work, services and advice of the City Manager. The City Manager may from time to time teach, lecture or make presentations that will not conflict or interfere with his work for the City.

**SECTION 4
HOURS OF WORK**

The parties realize that the position requires the City Manager to work weekends, evenings, and other irregular hours at locations other than the City’s administrative offices and during hours that said offices are not open. It is understood and agreed that the City Manager shall work whatever hours that may be necessary in order for him to fulfill the requirements of the position of City Manager, as described herein and otherwise, but in any event, no less than forty (40) hours per week.

**SECTION 5
CITY MANAGER SALARY**

The City agrees to employ City Manager at an annual salary of \$155,005 effective June 30, 2015. The salary shall be \$158,105 beginning on the first day of the first pay period of the new fiscal year (July 1, 2015), consistent with the 2% pay increase for classified and exempt employees. The City also agrees to review this salary in years 2 through 5 of this Agreement. The review shall take into consideration the performance of City Manager, comparable salary information from other relevant municipalities and other pay and benefit data, both internally and externally. The base salary of City Manager shall be evaluated annually prior to the anniversary date of this Agreement.

**SECTION 6
BENEFITS**

- A. The City of Troy shall make a total annual contribution of \$9,000 on or before July 1st of each year to the ICMA Retirement Corporation Deferred Compensation Plan on behalf of the City Manager, starting July 1st 2015.
- B. The City agrees City Manager is entitled to twenty (20) days paid vacation per year as of the commencement of his employment.
- C. The City shall contribute a sum equal of 10% of City Managers salary and City Manager shall contribute a minimum of 4% of his salary to the ICMA RC plan. Said contribution shall be handled as payroll deduction at intervals mutually agreeable.
- D. The City shall reimburse City Manager for the cost of a complete physical examination for the City Manager, including a cardiopulmonary stress test, once every two (2) years.
- E. The City shall pay a stipend of \$150 per month for technological expenses incurred by the City Manager, payable monthly. In exchange for this stipend, City Manager will supply his own phone and phone service and any other service City Manager deems necessary to accommodate City officials having access to the City Manager outside of City Hall.

**SECTION 7
AUTOMOBILE ALLOWANCE**

The City Manager shall receive an automobile allowance of \$425 per month during the time he is actively working during the term of this Agreement as City Manager for the City. This amount shall be increased from time to time to the extent such allowance is increased for other exempt employees within the City. This

allowance shall be the total compensation to the City Manager for the use of his personal automobile in the course of the City's business and shall be paid in lieu of mileage or any other method of reimbursement. The City Manager shall use his vehicle for all City business that he performs. The City Manager shall provide proof of insurance to the City.

**SECTION 8
OTHER BUSINESS EXPENSE**

The City shall reimburse the City Manager for all reasonable employment related expenses, subject to the administrative policies concerning such expenses, as currently exist in the City of Troy Employee Handbook for full time employees revised 06/09, as may be amended and otherwise. Such expenses may include, but are not limited to, the following: air travel, taxi and automobile rental, lodging, meals, memberships and subscriptions to the publications of the International City Managers Association, the Michigan Local Government Managers Association, Government Finance Officers Association, and such other national, regional, state and local governmental groups thereof which City Manager is a member. Registration fees shall be paid for training programs offered by such organizations, and travel and incidental costs relating to attending such programs or conferences and meetings of such organizations. It is specifically understood that such activities are to be undertaken by the City Manager and shall be considered part of the City Managers duties. In accordance with the Purchasing Policy, other incidental expenses incurred by the City Manager during the course of his duties will also be reimbursed including business meals, supplies, and other costs associated with the position of City Manager.

**SECTION 9
PERFORMANCE REVIEW**

The Council shall annually conduct a performance review of the job performance of City Manager. City Manager may request that this performance review be conducted in executive session as provided by the state statute. The review shall be constructive in nature, the format and basis of which shall be discussed and agreed upon by City Manager and the City Council in advance in order to give City Manager the opportunity to improve his abilities and service to the City of Troy.

**SECTION 10.
PUBLIC OFFICIAL LIABILITY INSURANCE
AND REPRESENTATION BY LEGAL COUNSEL**

The City shall provide the City Manager with public official liability insurance in accordance with that provided other officers in the City. In addition, the City shall provide the City Manager legal representation as otherwise provided for other city officials and as provided by ordinance, except for malicious, wanton criminal conduct arising from the City Manager's action or conduct and/or unless the City Council

determines that the City Manager was clearly acting outside of the scope of his duties when engaged in the actions or conduct which form the basis of such charges or claims.

SECTION 11. TERMINATION

The City or the City Manager may terminate this Agreement at any time with or without just cause.

The Employee may terminate his own employment by giving the City Council, through the City Clerk, at least sixty (60) days notice in writing unless both parties mutually agree that shorter notice is acceptable.

The City shall also have the right to terminate the City Manager's employment without just cause. In the event that the City terminates the City Manager's employment without just cause, and the City Manager is willing, able, and ready to perform the duties as City Manager, the City shall pay the City Manager the equivalent of six months' salary, not including fringe benefits, as full satisfaction of the City's obligation under this Agreement. The City shall not, however, be required to pay said sum to the City Manager until such time that he executes a full and complete release in a form acceptable to the City.

The City shall also have the right to terminate the City Manager's employment with just cause, and all rights of the City Manager as to compensation and benefits under this Agreement shall cease as of the date of such termination. Just cause shall include, but is not limited to, any of the following:

(a) Fraud, dishonesty, or other intentional misconduct either:

1.) in the performance of City Manager's duties and responsibilities pursuant to this Agreement, or

2.) which has a material adverse impact on the City, its officials, administrators or the City Manager.

(b) The use by City Manager of alcohol, drugs, or any other intoxicant or controlled substance in such a manner as to impair his ability to perform his duties and responsibilities pursuant to this Agreement in a competent and diligent manner or in a manner which harms the reputation of the City.

(c) The City Manager's arrest and binding over for trial or a plea of guilty or nolo contendere to a crime providing for a term of imprisonment (other than traffic violations and crimes not requiring the knowing involvement of the City Manager in the commission thereof).

(d) 1.) A pattern of neglect or persistent failure to perform the duties herein contained with respect to duties previously communicated to the City Manager in writing by the City Council but only after the City Manager has been provided notice by the City Council of its dissatisfaction with the performance of said

duties and City Manager has been provided a reasonable opportunity to correct his performance;

2.) Otherwise willful misconduct in connection with the performance of his duties hereunder.

**SECTION 12.
ELIGIBILITY FOR BENEFITS AFFORDED OTHER CITY OFFICIALS**

Except as otherwise provided in this Agreement, the City Manager shall receive the same benefits as provided to the City's exempt employees including: compensatory time, vacation leave, sick leave, Municipal Retirement Fund Contributions, Group Medical Insurance Benefits, life and other insurance, holidays and disability as is described in the City of Troy Employee Handbook for full time employees, and exempt benefits summary, revised 12/14, and which may be modified from time to time during the course of this Agreement.

**SECTION 13.
ARBITRATION**

It is mutually agreed between the City Manager and the City that arbitration shall be the sole and exclusive remedy to redress any grievance which includes, but is not limited to any dispute, claim or controversy involving the interpretation of this Agreement, the terms, conditions or termination of this Agreement; and any and all disputes, claims or controversies arising as a result of the Employment of the City Manager by the City, including claims under federal, state or local civil rights statutes such as Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Family and Medical Leave Act, the Elliott-Larsen Civil Rights Act and the Persons with Disabilities Civil Rights Act. It is the intention of the parties that the arbitration decision will be final and binding and that any and all grievances shall be disposed of as follows:

1. Any and all grievances must be submitted in writing by the aggrieved party within thirty (30) days from the date of termination of this Agreement;

2. Within thirty (30) days following the submission of the written grievance, the party to whom the grievance is submitted shall respond in writing. If no written response is submitted within thirty (30) days, the grievance shall be deemed denied;

3. If the grievance is denied, either party may, within thirty (30) days of such denial, refer the grievance to arbitration in Troy, Michigan. The arbitrator shall be chosen in accordance with the Voluntary Labor Arbitration Rules of the American Arbitration Association then in effect, and the expense of the arbitration shall be shared equally by the City and the City Manager.

4. Any grievance shall be deemed waived unless presented within the time limits specified above. The arbitrator shall not have jurisdiction or authority to change, add to or subtract from any of the provisions of this Agreement. The arbitrator's sole authority shall be to interpret or apply the provisions of this Agreement. The parties

hereby acknowledge that since arbitration is the exclusive remedy with respect to any grievance hereunder, neither party has the right to resort to any federal, state or local court or administrative agency concerning breaches of this Agreement and that the decision of the arbitrator shall be a complete defense to any suit, action or proceeding instituted in any federal, state or local court or before any administrative agency with respect to any dispute which is arbitrable as herein set forth. The arbitration provisions hereof shall, with respect to any grievance, survive the termination or expiration of this Agreement.

**SECTION 14.
COMPLETE AGREEMENT**

This written Agreement embodies the whole agreement between the parties and there are no inducements, promises, terms, conditions or other obligations in this Agreement. Any amendments to this Agreement shall be in writing and executed by both the City and the City Manager.

**SECTION 15.
GOVERNING LAW**

This Agreement shall be construed and enforced in accordance with the laws of the State of Michigan.

**SECTION 16.
SURVIVING PROVISIONS**

All provisions, which by their terms or by reasonable implication may be performed after termination of this Agreement, shall survive termination of this Agreement.

**SECTION 17.
REPRESENTATIONS AND WARRANTIES**

City Manager represents and warrants to the City that he is free to enter into this Agreement and that he has no prior or other obligations or commitments of any kind to anyone that would in any way hinder or interfere with his acceptance of, or the full, uninhibited and faithful performance of his employment under or the exercise of his best efforts as an employee of the City.

**SECTION 18.
WAIVERS**

The failure of either party hereto at any time or from time to time to require performance of any of the other party's obligations under this Agreement shall in no

manner affect the right to enforce any provision of this Agreement at a subsequent time, and the waiver of any rights arising out of any breach shall not be construed as a waiver of any rights arising out of any subsequent breach.

**SECTION 19.
SURVIVAL**

If any of the provisions, terms or clauses of this Agreement are declared illegal, unenforceable or ineffective in a legal forum or by the operation of law, those provisions, terms and clauses shall be deemed severable and all other provisions, terms and clauses shall remain valid and binding.

**SECTION 20.
WARRANTIES**

The individuals signing this Agreement represent and warrant that they, and each of them, are duly authorized and empowered to act on behalf of and to sign for the parties for whom they have signed respectively.

CITY OF TROY

Witness

By: _____
Dane M. Slater, Mayor

Witness

By: _____
M. Aileen Dickson, City Clerk

CITY MANAGER

Witness

By: _____

Brian Michael Kischnick

Witness

Pastor Lee Hart from Woodside Bible Church performed the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, May 11, 2015, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:30 PM.

B. ROLL CALL:

Mayor Dane Slater
Steve Gottlieb
Dave Henderson
Ellen Hodorek
Ed Pennington
Doug Tietz

Resolution #2015-05-060
Moved by Slater
Seconded by Henderson

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council member Campbell at the Regular City Council Meeting of May 11, 2015, due to being out of the state.

Yes: Slater, Gottlieb, Henderson, Hodorek, Pennington, Tietz
No: None
Absent: Campbell

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Economic Development Update *(Presented by: Glenn Lapin, Economic Development Specialist)*

C-2 Police Memorial Day Proclamation *(Presented by: Mayor Dane Slater)*

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 Adoption of the 2015-16 Annual City Budget and 3-Year Budget *(Introduced by: Brian Kischnick, City Manager)*

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

Resolution #2015-05-061
 Moved by Henderson
 Seconded by Pennington

WHEREAS, Section 8.3 of the City Charter directs the City Council to adopt a budget for the ensuing year, beginning July 1, 2015; and

WHEREAS, City Council directed City Management to also produce a three-year budget;

NOW, THEREFORE, BE IT RESOLVED, That the following listed operating revenues including tax revenues and operating transfers “to” the General Operating Fund are anticipated and that the General Operating Fund has sufficient Fund Balance to appropriate as follows:

Taxes	\$30,835,600
Licenses and Permits	2,587,150
Federal Grants	7,000
State Grants.....	42,000
State Shared Revenues.....	6,867,300
Contributions – Local	30,500
Charges for Services	8,511,100
Fines and Forfeitures.....	844,000
Interest and Rents	1,162,600
Other Revenue	1,063,400
Operating Transfers – In.....	<u>4,732,260</u>
Total Revenues and Transfers.....	<u>56,682,910</u>
Appropriation of Fund Balance	<u>4,934,520</u>

Total Revenues, Transfers and Appropriations **\$61,617,430**; and

BE IT FURTHER RESOLVED, That the tax rate for the General Operating Fund shall be six and fifty one-hundredths (6.50) mills on the 2015 taxable valuation; and

BE IT FURTHER RESOLVED, In order to meet anticipated service delivery levels, expenditures amounts from the following listed budgetary functions shall be appropriated from the General Operating Fund:

General Government	\$ 7,769,950
Public Safety	31,781,830
Public Works.....	6,544,050
Community Development.....	3,223,050
Recreation and Culture	7,138,550
Operating Transfers Out	<u>5,160,000</u>

Total Expenditures and Transfers **\$61,617,430**; and

BE IT FURTHER RESOLVED, That the following listed operating revenues of the Capital Projects Fund including tax revenues and transfers “to” the Capital Projects Fund are anticipated and that the Capital Projects Fund has sufficient Fund Balance to appropriate as follows:

Taxes.....	\$6,782,100
Grants.....	1,208,000
Contributions – Local.....	200,000
Charges for Services.....	342,000
Interest and Rents.....	105,000
Other Revenues.....	315,000
Operating Transfer – In.....	<u>8,925,000</u>
Total Revenues and Transfers.....	17,877,100
Appropriation of Fund Balance.....	<u>2,753,600</u>

Total Revenues, Transfers and Appropriations .. \$20,630,700; and

BE IT FURTHER RESOLVED, That the tax rate for the Capital Fund shall be one and fifty-three hundredths (1.53) mills on the 2015 taxable valuation; and

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

City Manager.....	\$50,000
Finance.....	17,000
City Buildings.....	75,000
Police.....	295,000
Fire.....	4,305,000
Streets.....	11,282,000
Public Works.....	567,640
Parks.....	1,667,000
Recreation.....	741,000
Nature Center.....	50,000
Library.....	993,860
Historic Village.....	147,000
Debt and Other Financing Uses.....	<u>440,200</u>

Total Expenditures..... \$20,630,700; and

BE IT FURTHER RESOLVED, That the tax rate for the Refuse Fund shall be one and seven one-hundredths (1.07) mills on the 2015 taxable valuation; and

BE IT FURTHER RESOLVED, That the Refuse Fund shall be appropriated \$4,573,000; and

BE IT FURTHER RESOLVED, That the tax rate for the Library Fund shall be seventy one-hundredths (0.70) mills on the 2015 taxable valuation; and

BE IT FURTHER RESOLVED, That the Library Fund shall be appropriated \$3,667,690; and

BE IT FURTHER RESOLVED, That there shall be a tax levy of seventy one-hundredths (0.70) mills on the 2015 taxable valuation for the General Debt Service Fund; and

BE IT FURTHER RESOLVED, That the General Debt Service Fund shall be appropriated \$3,097,000; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the following budgets as shown in the 2015/16 budget document:

Major Road Fund	\$4,514,670
Local Road Fund	3,228,210
Transit Center Fund	71,320
Drug Forfeiture Fund	152,000
Community Development Block Grant Fund.....	259,850
Cemetery Fund	2,100
Proposal A Debt Fund	914,600
Proposal B Debt Fund	1,391,300
Proposal C Debt Fund	722,600
Series 2013 DDA Debt Fund	951,000
Sanctuary Lake Golf Course Fund.....	2,160,570
Sylvan Glen Golf Course Fund	1,117,950
Aquatic Center Fund	515,730
Sanitary Sewer Fund	20,146,960
Water Fund.....	19,478,730
Building Operations	1,065,200
Fleet Maintenance Fund	5,307,470
Information Technology	2,005,790
Unemployment Insurance Fund.....	158,000
Worker’s Compensation Fund	494,000
Compensated Absences Fund	3,856,100; and

BE IT FURTHER RESOLVED, That the three-year budget (2016/17 – 2017/18) for the General Fund, Refuse Fund, General Debt Service Fund and Capital Projects Fund be approved based on the following revenues, expenditures and available, if needed, fund balance:

General Fund Operating	<u>2016/17</u>	<u>2017/18</u>
Taxes	\$31,175,000	\$31,624,600
Licenses and Permits	2,554,250	2,556,250
Federal Grants.....	4,000	4,000
State Grants.....	40,000	40,000
State Shared Revenues.....	6,932,600	6,998,500
Contributions – Local	30,500	30,500
Charges for Services	8,236,000	8,176,000
Fines and Forfeitures.....	847,000	849,000
Interest and Rents	1,162,600	1,162,600
Other Revenue	1,073,600	1,084,100
Operating Transfers – In.....	<u>4,791,430</u>	<u>4,858,360</u>
Total Revenues & Transfers	<u>56,846,980</u>	<u>57,383,910</u>
Appropriation of Fund Balance	<u>1,127,040</u>	<u>1,600,900</u>

Total Revenue, Transfers and Appropriations \$57,974,020 \$58,984,810; and

BE IT FURTHER RESOLVED, That the tax rate for the General Operating fund shall be six and fifty one-hundredths (6.50) mills on the 2016 and 2017 taxable valuation; and
 BE IT FURTHER RESOLVED, That in order to meet anticipated service delivery levels expenditures amounts from the following listed budgetary centers shall be appropriated from the General Operating Fund:

	<u>2016/17</u>	<u>2017/18</u>
General Government.....	\$ 7,974,210.....	\$ 8,087,510
Public Safety	32,333,180.....	32,961,450
Public Works	6,619,990.....	6,705,580
Community Development	3,293,620.....	3,359,570
Recreation and Culture.....	7,253,020.....	7,370,700
Operating Transfers Out.....	<u>500,000</u>	<u>500,000</u>
Total Expenditures	<u>\$57,974,020</u>	<u>\$58,984,810</u> ; and

BE IT FURTHER RESOLVED, That the following listed revenues and appropriation fund balance of the Capital Projects Fund are anticipated:

	<u>2016/17</u>	<u>2017/18</u>
Taxes.....	\$ 6,857,400.....	\$ 6,958,500
Grants.....	834,000.....	2,300,000
Contributions - Local.....	200,000.....	200,000
Charges for Services	302,000.....	302,000
Interest and Rents	105,000.....	105,000
Other Revenues	120,000.....	90,000
Operating Transfer-In	<u>3,642,500</u>	<u>3,612,500</u>
Total Revenues and Transfers	<u>12,060,900</u>	<u>13,568,000</u>
Appropriation of Fund Balance	<u>22,510</u>	<u>0</u>

Total Revenues, Transfers and Appropriations .. \$12,083,410.....\$13,568,000; and

BE IT FURTHER RESOLVED, That the tax rate for the Capital Projects Fund shall be one and fifty-three one-hundredths (1.53) mills on the 2016 and 2017 taxable valuation; and

BE IT FURTHER RESOLVED, That in order to meet anticipated expenditures, amounts from the following listed budgetary centers shall be appropriated from the Capital Projects Fund:

	<u>2016/17</u>	<u>2017/18</u>
Finance.....	\$17,000.....	\$17,000
City Buildings.....	340,000.....	120,000
Police.....	350,500.....	194,500
Fire	0.....	750,000
Streets	8,466,000.....	9,478,000
Public Works	387,120.....	353,590
Parks	1,357,000.....	1,357,000
Recreation	35,000.....	45,000
Library.....	780,290.....	622,710

Historic Village	25,000	25,000
Debt and Other Financing Uses.....	<u>325,500</u>	<u>365,000</u>

Total Expenditures.....\$12,083,410\$13,327,800; and

BE IT FURTHER RESOLVED, That the tax rate for the Refuse Fund shall be one and seven one-hundredths (1.07) mills on the 2016 taxable valuation and the 2017 taxable valuation; and

BE IT FURTHER RESOLVED, That the Refuse Fund shall be appropriated \$4,665,800 in 2016/17 and \$4,756,050 in 2017/18; and

BE IT FURTHER RESOLVED, That there shall be a tax levy of sixty one-hundredths (0.60) mills on the 2016 and sixty one-hundredths (0.60) mills on the 2017 taxable valuation for the General Debt Service Fund.

BE IT FINALLY RESOLVED, That the General Debt Service Fund shall be appropriated \$3,044,900 in 2016/17 and \$2,872,900 in 2017/18.

Yes: Gottlieb, Henderson, Hodorek, Pennington, Tietz, Slater
No: None
Absent: Campbell

MOTION CARRIED

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

G. POSTPONED ITEMS:

H-1 No Postponed Items

H. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – Employee Retirement System Board of Trustees/Retiree Health Care Benefits Plan and Trust, Liquor Advisory Committee, Parks and Recreation Board

a) Mayoral Appointments: None

b) City Council Appointments:

Resolution #2015-05-062
Moved by Hodorek
Seconded by Gottlieb

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

Employee Retirement System Board of Trustees / Retiree Health Care Benefits Plan & Trust

Appointed by Council
7 Regular Members and 2 Ordinance Members
3 Year Term

Term Expires: 4/15/2018

Dave Henderson

(City Council Rep.)

Term currently held by: Dave Henderson

Liquor Advisory Committee

Appointed by Council
7 Regular Members
3 Year Term

Term Expires: 7/31/2016

Elizabeth Slifkin

Term currently held by: Vacancy (Student)

Parks and Recreation Board

Appointed by Council
7 Regular Members and 1 Troy School Board Member:
Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

Term Expires: 7/31/2016

Kathleen Regan

Term currently held by: Vacancy (Student)

Yes: Henderson, Hodorek, Pennington, Tietz, Slater, Gottlieb
No: None
Absent: Campbell

MOTION CARRIED

I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority; b) City Council Nominations – Charter Revision Committee, Historic District Commission, Personnel Board, Traffic Committee, Zoning Board of Appeals

a) Mayoral Nominations:

Resolution #2015-05-063
Moved by Slater
Seconded by Pennington

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

Brownfield Redevelopment Authority

Appointed by Mayor
7 Regular Members
3 Year Term

Nominations to the Brownfield Redevelopment Authority:

Term Expires: 4/30/2018

Joseph Vassallo

Term currently held by: Joseph Vassallo

Yes: Hodorek, Pennington, Tietz, Slater, Gottlieb, Henderson
No: None
Absent: Campbell

MOTION CARRIED

b) City Council Nominations:

City Council took no action on this Item.

I-3 Request for Closed Session – City Manager Evaluation

Resolution #2015-05-064
Moved by Henderson
Seconded by Gottlieb

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session on May 11, 2015 in the Council Board Room, pursuant to MCL 15. 268 (a) and (h) (MCL 15.243 (g)) for the evaluation of the City Manager.

Yes: Pennington, Tietz, Slater, Gottlieb, Henderson, Hodorek,
No: None
Absent: Campbell

MOTION CARRIED

I-4 Request to Set Date for Closed Session - City Attorney Evaluation

Resolution #2015-05-065
Moved by Slater
Seconded by Gottlieb

RESOLVED, That Troy City Council **SHALL MEET** in Closed Session on Monday, May 18, 2015, after conclusion of business at the Regular City Council meeting, in the Council Board Room, pursuant to MCL 15. 268 (a) and (h) (MCL 15.243 (g)) for the evaluation of the City Attorney.

Yes: Tietz, Slater, Gottlieb, Henderson, Hodorek, Pennington
No: None
Absent: Campbell

MOTION CARRIED

**I-5 Amendment to Chapter 20, Water and Sewer Rates, of the Troy City Code
(Presented by: Tom Darling, Financial Services Director)**

Resolution #2015-05-066
Moved by Gottlieb
Seconded by Henderson

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

Yes: Slater, Gottlieb, Henderson, Hodorek, Pennington, Tietz
No: None
Absent: Campbell

MOTION CARRIED

I-6 Approval of the Troy Downtown Development Authority's Proposed Fiscal Year 2015/16 Budget (Presented by: Mark F. Miller, Director of Economic & Community Development)

Resolution #2015-05-067
Moved by Gottlieb
Seconded by Henderson

WHEREAS, The Troy Downtown Development Authority has adopted and recommends that City Council approve its proposed fiscal year 2015/16 Budget and 3-Year Budget.

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Troy Downtown Development Authority's annual budget for fiscal year July 1, 2015 through June 30, 2016 and 3-Year Budget.

Yes: Gottlieb, Henderson, Hodorek, Pennington, Tietz, Slater
No: None
Absent: Campbell

MOTION CARRIED

I-7 Approval of the Troy Brownfield Redevelopment Authority (BRA) Proposed Fiscal Year 2015/16 Budget (Presented by: Mark F. Miller, Director of Economic & Community Development)

Resolution #2015-05-068
Moved by Gottlieb
Seconded by Pennington

WHEREAS, The Troy Brownfield Redevelopment Authority has adopted and recommends that City Council approve its proposed fiscal year 2015/16 Budget and 3-Year Budget.

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Troy Brownfield Redevelopment Authority’s annual budget for fiscal year July 1, 2015 through June 30, 2016 and 3-Year Budget.

Yes: Henderson, Hodorek, Pennington, Tietz, Slater, Gottlieb
No: None
Absent: Campbell

MOTION CARRIED

I-8 Approval of the Joint Local Development Finance Authority Troy Subcommittee Proposed Fiscal Year 2015/16 Budget (Presented by: Mark F. Miller, Director of Economic & Community Development)

Resolution #2015-05-069
Moved by Henderson
Seconded by Gottlieb

WHEREAS, The Joint Local Development Finance Authority Troy Subcommittee has adopted and recommends that City Council approve its proposed fiscal year 2015/16 Budget and 3-Year Budget.

THEREFORE BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Joint Local Development Finance Authority Troy Subcommittee annual budget for fiscal year July 1, 2015 through June 30, 2016 and 3-Year Budget.

Yes: Hodorek, Pennington, Tietz, Slater, Gottlieb, Henderson
No: None
Absent: Campbell

MOTION CARRIED

I. CONSENT AGENDA:

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

Resolution #2015-05-070
Moved by Pennington
Seconded by Hodorek

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

Yes: Pennington, Tietz, Slater, Gottlieb, Henderson, Hodorek
No: None
Absent: Campbell

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2015-05-070-J-2

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

- a) City Council Meeting Minutes-Draft – April 20, 2015
- b) City Council Special Budget Study Meeting Minutes-Draft – April 27, 2015
- c) City Council Special Budget Study Meeting Minutes-Draft – April 29, 2015

J-3 Proposed City of Troy Proclamations:

Resolution #2015-05-070-J-3

- a) Police Memorial Day

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 2: Low Bidder Meeting Specifications - Parking Lot Maintenance Program – Tennis Bubble Parking Lot Maintenance**

Resolution #2015-05-070-J-4a

RESOLVED, That Troy City Council hereby **APPROVES** a contract to complete an asphalt overlay and expansion to the Tennis Bubble to the low bidder meeting specifications; *Asphalt Specialists, Inc. of Pontiac, MI* for an estimated total cost of \$98,555.00, not to exceed budgetary limitations; at the unit prices contained in the bid tabulation opened April 30, 2015, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

b) Standard Purchasing Resolution 4: GSA Contract - Hyland OnBase Replacement for Moodle

Resolution #2015-05-070-J-4b

WHEREAS, Implementing the OnBase Document Knowledge Transfer and Compliance (DKTC) module would replace Moodle software purchased in April 2008 (Resolution #2008-04-133), to produce and manage internet-based training courses, track distribution of documents and manage training videos; and

WHEREAS, The software provides similar features to Moodle but in a city standard platform and familiar system.

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AWARDS** a contract to *Hyland Software, Inc. of Westlake, OH* for the purchase of the OnBase Document Knowledge Transfer and Compliance (DKTC) module as per the GSA Cooperative Governmental Purchasing Program Contract #GS-35F-4127D for an estimated cost of \$12,900.00 plus a 19% maintenance fee per year which is approximately \$2,450.38 annually.

c) Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Type K Copper Tubing

Resolution #2015-05-070-J-4c

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase Type 'K' Copper Tubing to the low bidder meeting specifications, *HD Supply Waterworks of Canton, MI* for an estimated total cost of \$41,976.60, at unit prices contained in the bid tabulation opened on April 23, 2015;

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

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

Resolution #2015-05-070-J-4d

RESOLVED, Payment is **AUTHORIZED** for annual membership dues to the Michigan Municipal League, for the time period of May 1, 2015 through April 30, 2016, in the amount of \$12,076.

e) Standard Purchasing Resolution 4: National Joint Powers Alliance (NJPA) Cooperative Agreement - Generator

Resolution #2015-05-070-J-4e

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase one (1) DCA-7055JU4I 70KVA Generator with trailer and listed accessories for the Public Works Water & Sewer Division from *Multiquip, Inc. of Carson, CA* at the listed prices as detailed in Quote

#20469314 for an estimated total cost of \$41,568.00; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

f) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 15-4 2015-2016 Joint and Crack Sealing Program

Resolution #2015-05-070-J-4f

RESOLVED, That Contract No. 15-4, 2015-16 Joint & Crack Sealing Program, be **AWARDED** to *Michigan Joint Sealing, Inc., 28830 W Eight Mile, Suite 103, Farmington Hills, MI 48336* for their low bid amount of \$277,280.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required such additional work is authorized in an amount not to exceed 15% of the total project cost.

g) Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Wayfinding Signage Phase 1 – Troy Public Library

Resolution #2015-05-070-J-4g

BE IT RESOLVED, That Troy City Council hereby **AWARDS** a contract to install Phase 1 of a new Interior and Exterior Signage Package at the Troy Public Library for an estimated total cost of \$38,452.00 to *Sign Concepts dba ASI Signage Innovations of Troy, MI*

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

J-5 Traffic Committee Recommendations and Minutes – April 15, 2015

Resolution #2015-05-070-J-5

5. Request to Remove No Parking Zone – Fieldstone, South Boulevard to Nuthatch

RESOLVED, That Troy City Council hereby **AUTHORIZES** the existing No Parking zone be modified starting at the south property line of 6956 Fieldstone and ending at its current ending point, White Tail Drive, on the west side of Fieldstone to maintain the No Parking zone buffer coming into the curve on Fieldstone to the south and allow parking from South Boulevard to the south property line of 6956 Fieldstone.

6. Request for Traffic Control – Diamond at Bonito

RESOLVED, That Troy City Council hereby **AUTHORIZES** the intersection of Diamond at Bonito be modified from an existing YIELD sign on Bonito to a STOP sign on the Bonito approach to Diamond.

7. Request for Traffic Control – Waltham at Post

RESOLVED, That Troy City Council hereby **AUTHORIZES** the intersection of Waltham at Post be modified from existing YIELD signs on the Post approaches to the intersection to two-way STOP control on the Post Drive approaches to Waltham.

8. Request for Traffic Control – Delta at Westpointe

RESOLVED, That Troy City Council hereby **AUTHORIZES** the intersection of Delta at Westpointe be modified from No traffic control to a STOP sign on the Delta approach to Westpointe.

J-6 Assessment of Delinquent Accounts

Resolution #2015-05-070-J-6

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

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

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

General Fund Invoices	
Including Penalties	\$ 58,857.76
Special Assessments	
Including Penalties & Interest	1,638.91
Water & Sewer Accounts	
Including Penalties	728,040.94
Total	\$ 788,537.61.

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

J-7 Authorization to Request Reimbursement – Oakland County West Nile Virus Fund

Resolution #2015-05-070-J-7

RESOLVED, That the City Council for the City of Troy, Oakland County, Michigan, hereby **AUTHORIZES** the City of Troy's Parks, Streets, and Drains Divisions, to seek reimbursement for an amount not to exceed \$11,418.06, from Oakland County's West Nile Virus Fund for the expenditures incurred while instituting proactive public health measures used to reduce the population of mosquitoes in the environment.

J. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**K-1 Announcement of Public Hearings: None Submitted****K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted****K. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:****L. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:**

Barry Johnson	Recommended starting a volunteer tree planting program.
Susie Schwab	Complained about dog owners.

M. COUNCIL REFERRALS:

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

N-1 No Council Referrals**N. COUNCIL COMMENTS:****O-1 No Council Comments Advanced**

Mayor Slater thanked Mr. Johnson for his idea.

Council Member Gottlieb thanked Ms. Schwab for addressing her concerns.

Council Member Hodorek encouraged residents to attend the Troy Police Department Open House this Saturday, May 16, 2015.

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

- a) Brownfield Redevelopment Authority Minutes-Final – October 21, 2014
- b) Joint Local Development Finance Authority Minutes-Final – October 27, 2014
- c) Zoning Board of Appeals Minutes-Final – March 17, 2015
- d) Planning Commission Minutes-Final – March 24, 2015
- e) Planning Commission Minutes-Draft – April 14, 2015
- f) Planning Commission Minutes-Final – April 14, 2015
- g) Brownfield Redevelopment Authority Minutes-Draft – April 21, 2015
- h) Zoning Board of Appeal Minutes-Draft – April 21, 2015
- i) Joint Local Development Finance Authority Minutes-Draft – April 27, 2015

Noted and Filed

P-2 Department Reports:

- a) Economic Development Activity Update
- b) Fire Department and Alliance Mobile Health 2015 Annual Reports
- c) 2015 City of Troy Assessment Roll and Board of Review Report
- d) 2014/2015 Fiscal Year Interim Financial Statements Nine Months Ended March 31, 2015
- e) City of Troy Local Preference Language for Major Street Pavement Markings Contract
- f) Building Department Activity Report – April, 2015
Noted and Filed

P-3 Letters of Appreciation:

- a) To Aileen Dickson from Care House
- b) To Brian Kischnick from Dan Goussy
Noted and Filed

P-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted**Q. COMMENTS ON ITEMS ON OR NOT ON THE AGENDA FROM MEMBERS OF THE PUBLIC OUTSIDE OF TROY (NOT RESIDENTS OF TROY AND NOT FROM TROY BUSINESSES):**

Jim Valente	Spoke about Major Street Pavement Markings Contract.
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The Meeting **RECESSED** at 8:20 PM.

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

R. CLOSED SESSION:**R-1 City Manager Evaluation****S. ADJOURNMENT:**

The Meeting **ADJOURNED** at 10:35 PM.

Mayor Dane Slater

M. Aileen Dickson, CMC
City Clerk



CITY COUNCIL AGENDA ITEM

Date: May 12, 2015

To: Brian Kischnick, City Manager

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

Subject: Standard Purchasing Resolution #1: Award to Low Bidder
Contract 15-2 – Maxwell and Stutz Water Main

History

The cast iron water mains on Maxwell and Stutz streets, located west of Crooks and north of Maple, are over 45 years old and have exceeded their service life. This project will replace and upsize these mains to meet current size and fire flow standards while eliminating costly main breaks that are common with older water mains. Work will include replacing the existing 8" water mains on the above noted streets with 12" water main. The work is anticipated to start in June and be completed in November.

Purchasing

Bids were received and publicly read on May 6, 2015. The low bid of \$1,383,000.00, as submitted by Fenton Excavating & Construction, Inc. can be seen in the attached tabulation of bids. The engineer's estimate at the time of bidding was \$1,475,641.50. The low bid is therefore \$92,642 or 6.3% below the engineer's estimate.

Work was competitively bid and publicly opened with five (5) bidders responding. The award is contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

Financial

Funds for this work are included in the Water Fund. The budgeted amount includes funds for construction, inspection and contingencies.



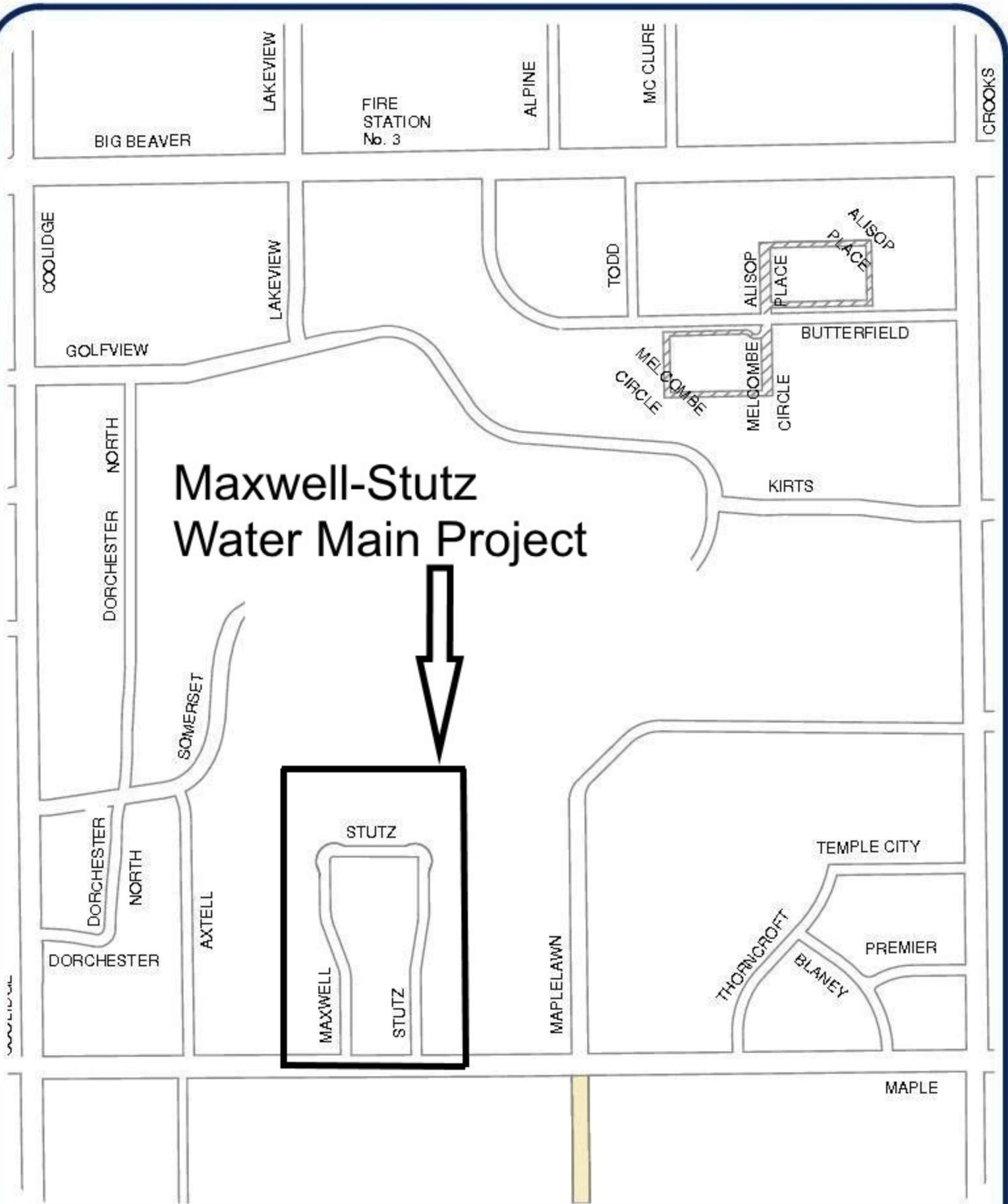
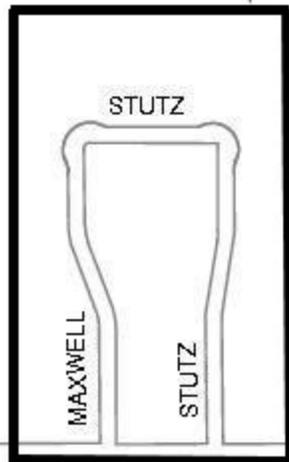
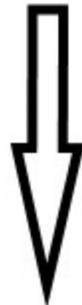
CITY COUNCIL AGENDA ITEM

Recommendation

It is recommended that City Council award a contract for the Maxwell Stutz Water Main project to Fenton Excavating & Construction, Inc., 44311 Reynolds Drive, Clinton Twp., MI 48036 for their low total bid amount of \$1,383,000.00. In addition, we are requesting authorization to approve additional work, if needed, not to exceed 15% of the original project cost due to unknown conflicts with existing underground utilities that may arise during construction.

Enterprise funds are being used to fund this project; enterprise funds can only be used for operation, maintenance and improvements to the water system.

Maxwell-Stutz Water Main Project



BID TABULATION
CONTRACT 15-2
Maxwell Stutz Water Main
City of Troy
Oakland County, Michigan

Bids Due: May 6, 2015
Project # 14.504.5

Total Bid Amount

Fenton Excavating & Construction	\$	1,383,000.00
F.D.M. Contracting	\$	1,383,342.50
ADJ Excavating, Inc.	\$	1,427,982.27
C & P Construction Company, Inc.	\$	1,485,517.20
Pamar Enterprises, Inc.	\$	1,766,454.25



PRINCIPALS
George E. Hubbell
Thomas E. Biehl
Walter H. Alix
Keith D. McCormack
Nancy M. D. Faught
Daniel W. Mitchell
Jesse B. VanDeCreek
Roland N. Alix

SENIOR ASSOCIATES
Gary J. Tressel
Kenneth A. Melchior
Randal L. Ford
William R. Davis
Dennis J. Benoit
Robert F. DeFrain
Thomas D. LaCross
Albert P. Mickalich

ASSOCIATES
Jonathan E. Booth
Michael C. MacDonald
Marvin A. Olane
Marshall J. Grazioli
James F. Burton
Donna M. Martin
Charles E. Hart
Colleen L. Hill-Stramsak
Bradley W. Shepler
Karyn M. Stickel

HUBBELL, ROTH & CLARK, INC.
OFFICE: 555 Hulet Drive
Bloomfield Hills, MI 48302-0360
MAILING: PO Box 824
Bloomfield Hills, MI 48303-0824
PHONE: 248.454.6300
FAX: 248.454.6312
WEBSITE: www.hrc-engr.com
EMAIL: info@hrc-engr.com

May 11, 2015

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

Attn: Mr. Steven Vandette, P.E., City Engineer

Re: Maxwell & Stutz Water Main Replacement
Contract 15-2
Bid Recommendation

HRC Job No. 20150012

Dear Mr. Vandette:

Bids for construction of the Maxwell & Stutz Water Main Replacement Project were received on Wednesday, May 6, 2015 at the City offices. A total of five (5) bids were received. A tabulation and review of the bids was completed and they are in order. The low bidder is Fenton Excavating and Construction, Inc., located at 44311 Reynolds Drive in Clinton Township, Michigan 48036 with a bid of \$1,383,000.00.

In our opinion, the low bid submitted conforms to the requirements of the Specifications and reflects the value of the work. Therefore, we recommend award of the Contract to Fenton Excavating and Construction, Inc., in the amount of \$1,338,000.00 when the necessary financial arrangements have been made.

If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

Michael MacDonald, P.E.
Associate

MM/mm

pc: HRC; W. Alix, File



CITY COUNCIL AGENDA ITEM

Date: May 15, 2015

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager
Steven Pallotta, Building Operations Director
Brian Goul, Assistant Recreation Director

Subject: Standard Purchasing Resolution 2: Low Bidder Meeting Specifications- New Kitchen Makeup Air Unit - Troy Community Center

History:

- The current Kitchen Makeup Air Unit was installed in 2002 for use at the Troy Community Center for full kitchen operation.
- The current Kitchen Makeup Air Unit provides heating, cooling and ventilation using 100% outside air. This type of operation is needed to meet ventilation requirements for full kitchen usage.
- The current Kitchen Makeup Air Unit (MAU) has been maintained by the Building Operations Department.
- Three years ago the heat exchanger and burner assembly were replaced by the Building Operations Department. At the time when the Building Operations Department installed the new heat exchanger and burner assembly, it was discovered that additional components are starting to show signs of fatigue and are getting very close to their projected life cycle.
- In the past few years, it has become very difficult to obtain proper temperature to sufficiently heat the kitchen and get the temperature above 50 degrees when the outdoor air temperature is below 0 degrees.
- In the interest of maintaining a safe and comfortable work environment, staff recommends the replacement of the current Kitchen Makeup Air Unit.

Purchasing:

- On May 14, 2015; a bid opening was conducted as required by City Charter/Code and bids were received at the City's request from Companies that are able to furnish all labor, materials and equipment to deliver and install a new Makeup Air Unit for the kitchen at the Troy Community Center.
- Companies were notified via the Michigan Intergovernmental Trade Network (MITN); www.mitn.info. 430 vendors were notified via the MITN website.
- Below is a detailed summary of the vendor responses.



CITY COUNCIL AGENDA ITEM

Purchasing (continued):

Companies notified via MITN	405
Troy Companies notified via MITN	11
Troy Companies - Active email Notification	11
Troy Companies - Active Free	0
Companies that viewed the bid	45
Troy Companies that viewed the bid	1

MITN provides a resourceful online platform to streamline the procurement process, reduce costs, and make it easier and more transparent for vendors to do business with the City of Troy. **Active MITN** members with a current membership and paying annual dues receive automatic electronic notification which allows instant access to Bids, RFPS and Quote opportunities with the City. **Active MITN non-paying members** are responsible to monitor and check the MITN website for opportunities to do business with the City. **Inactive MITN member** status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.

- Included in the bid process was a pre-bid meeting. Eleven (11) Companies attended the pre-bid meeting.
- Four (4) bids were received.
- *Tech Mechanical, Inc. of Pontiac, MI* was the low bidder meeting specifications and is being recommended to deliver and install a new Make-up Air Unit (MAU) in the kitchen at the Troy Community Center.
- Tech Mechanical's bid is the low bid meeting all bid specifications and is therefore being recommended for this project install.

Financial

- The total cost of this project is \$53,000.00 and funds are budgeted and currently available in the Community Center Capital Budget, Account #401.752.755.7978.045.
- This project will be completed during FY 2014/2015.

Recommendation

City management recommends awarding a contract to complete the installation of a Make-up Air Unit (MAU) for the kitchen at the Troy Community Center for an estimated total cost of \$53,000.00 not to exceed budgetary limitations to the low bidder meeting specifications, *Tech Mechanical, Inc. of Pontiac, MI* at the base bid price contained in the bid tabulation opened May 14, 2015. The award is contingent upon the contractors' submission of properly executed bid documents including insurance certificates, and all other specified requirements.

CITY OF TROY
BID TABULATION
KITCHEN MAU REPLACEMENT

VENDOR NAME:	Tech Mechanical, Inc.	Denny's Heating, Cooling & Refrigeration Service, Inc.	Pleune Service Co.	Walkers Heating and Cooling, Inc.
City, State	Pontiac, MI	Troy, MI	Grand Rapids, MI	Detroit, MI
Check #:	#860437	#103087	#185892	#1611001947
Check Amount:	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00

PROPOSAL: INSTALL NEW KITCHEN MAU REPLACEMENT AT TROY COMMUNITY CENTER

BASE BID: Provide all labor, materials, tools, equipment and supervision required for the furnishing and installing of a new kitchen MAU Unit at Troy Community Center as per all work herein described and/or shown on the drawings and as per all bid specifications.

BASE BID PRICE:	\$53,000.00	\$53,820.00	\$56,000.00	\$68,073.00
SHIPPING/MAU: (4 wk. delivery)	Included	\$2,100.00	included	included
BASE BID TOTAL PRICE:	\$53,000.00	\$55,920.00	\$56,000.00	\$68,073.00
CONTACT INFORMATION: Hours	8A-5P M-F	M-F 7A-4:30P Sat 8A-12P	7A-5P	9A-5P
24 Hour Phone Number	248-322-5600	248-669-4338	616-243-6374	313-862-4498
MANDATORY PRE-BID MEETING: Attended? Yes or No	Yes	Yes	Yes	Yes
PROGRESS SCHEDULE:	90% when equipment is on site, 10% upon completion.	2 weeks upon completion of project.	AIA, based on monthly percent complete with 10% retainage.	Payment due upon completion; scheduling due depending on delivery of MAU
REFERENCES: Yes or No	Yes	Yes	Yes	Yes
INSURANCE Can meet: Cannot meet:	X	X	X	X
SIGNATURE PAGE: Yes or No	Yes	Yes	Yes	Yes
WARRANTY:	1 yr labor and manufacturer's warranty	No Response	1 yr	1 yr labor and manufacturer's warranty
EXCEPTIONS:	None	None	None	None
PAYMENT TERMS:	90% when equipment is on site, 10% upon completion.	14 days	None	30 days
FORMS:	Yes	Yes	Yes	Yes

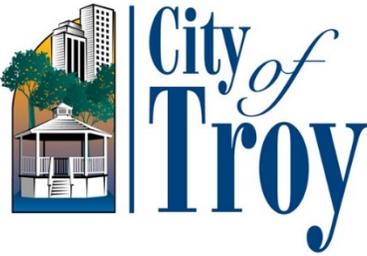
LOW BIDDER MEETING SPECIFICATIONS.

Statement of No Bid received from MJ Mechanical.

ATTEST:

Susan K. Riesterer
Sara Teets
Steve Pallotta

MaryBeth Murz,
Purchasing Manager



CITY COUNCIL ACTION REPORT

Date: May 14, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
William J. Huotari, Deputy City Engineer/Traffic Engineer

Subject: Traffic Committee Recommendations and Minutes – May 13, 2015

At the Traffic Committee meeting of May 13, 2015, the following recommendations were made for City Council approval:

3. Request for No Parking Zone – Wass Elementary – Willard and English

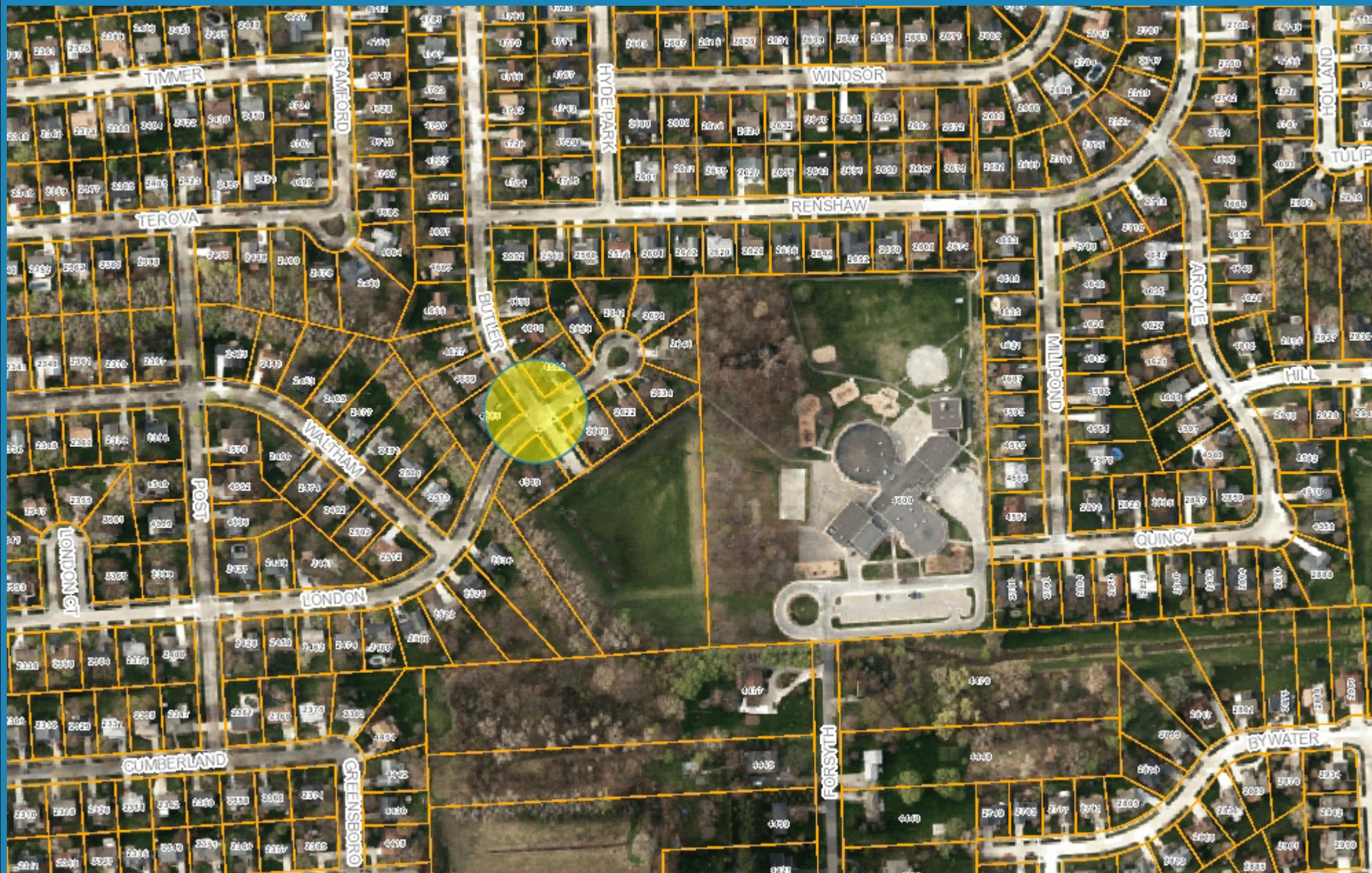
RESOLVED, that Troy City Council hereby **AUTHORIZES** a No Stopping, Standing, Parking zone be created from 8:00 AM to 9:00 AM and 3:00 PM to 4:00 PM, school days only, near Wass Elementary at:

- a. Willard, south side, English to the west property line of #5443
- b. English, east side, Willard to the south property line of #5442

4. Request for Traffic Control – London at Butler

RESOLVED, That Troy City Council hereby **AUTHORIZES** the intersection of London at Butler be modified from an existing YIELD sign on Butler to ALL-WAY STOP control at the intersection of London at Butler.

Minutes of the meeting are attached.



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

A regular meeting of the Troy Traffic Committee was held Wednesday, May 13, 2015 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

1. Roll Call

Present: Tim Brandstetter
David Easterbrook
Richard Kilmer
Al Petrulis
Pete Ziegenfelder
Katie Regan (Student Representative)

Absent: Cynthia Wilsher

Also present: Matt Jansen, Principal, Wass Elementary
Ofc. Gail Jasak, Police Department
Lee Watkins, 2653 London
Nancy Gierak-Taggart, 4586 Butler
Sgt. Mike Szuminski, Police Department
Bill Huotari, Deputy City Engineer/Traffic Engineer

2. Minutes – April 15, 2015

Resolution # 2015-05-21
Moved by Kilmer
Seconded by Brandstetter

To approve the April 15, 2015 minutes as printed.

Yes: Brandstetter, Easterbrook, Kilmer, Petrulis, Ziegenfelder
No: None
Absent: Wilsher

MOTION CARRIED

REGULAR BUSINESS

3. Request for No Parking Zone – Wass Elementary – Willard and English

Gail Jasak, Troy Police School Resource Officer and Principal Matt Jansen requested that No Parking zones be established on Willard and English near Wass Elementary to provide better visibility for safeties to safely cross students and parents at the intersection. It is an extremely high traffic intersection with very close proximity to the school. A temporary traffic control order (TCO) was issued on March 30, 2015 and signs were installed on April 1, 2015. The temporary TCO is valid for 90 days or until replaced by a permanent TCO.

Traffic Engineering received three (3) emails prior to the meeting supporting the No Parking zone.

Principal Matt Jansen attended the meeting and discussed the situation at the intersection. The No Parking zone that has been created provides much better visibility at the intersection for K-5 students that attend the school as well as bikers in the area and for the school safeties. The intersection was waiting for a potential disaster. The signage has created a clear view at the intersection. There was one close call this year between a student and a vehicle before the signs were installed. There have been other close calls in the past. Troy Schools sent out email notices to all of their parents notifying them of the change and, for the most part, parents have been obeying the new signs. Mr. Jansen reiterated that the revised No Parking zone provides students and the community a safer intersection.

Officer Gail Jasak has observed the intersection many times. She stated that the intersection is very congested with parked cars and poor visibility for drivers, students and safeties. She agrees that the signs have done a good job of creating a safer environment for the students.

Mr. Kilmer asked about extending the No Parking zone to 5426 English to the south and to 2669 Willard to the east.

Mr. Brandstetter asked if the current signage was working. Principal Jansen and Officer Jasak both agreed that the current No Parking zone is sufficient and is working as intended.

Resolution # 2015-05-22

Moved by Brandstetter

Seconded by Kilmer

RESOLVED, that a No Stopping, Standing, Parking zone be created from 8:00 AM to 9:00 AM and 3:00 PM to 4:00 PM, school days only, near Wass Elementary at:

- a. Willard, south side, English to the west property line of #5443
- b. English, east side, Willard to the south property line of #5442

Yes: Brandstetter, Easterbrook, Kilmer, Petrusis, Ziegenfelder

No: None

Absent: Wilsher

MOTION CARRIED

4. Request for Traffic Control – London at Butler

Kim Ethridge of 2460 Terova states that the existing traffic control at the intersection of London at Butler is not adequate to assign right-of-way. Ms. Ethridge reports that the traffic control at the intersection creates a potentially hazardous condition.

Lee Watkins of 2653 London was in attendance at the meeting and supports Stop signs at the intersection. She stated that this has been an issue for some time and especially a problem during school dismissal time due to the parents that park near the intersection to pick up children. The existing Yield sign does not provide adequate right-of-way control at the intersection. Traffic is primarily going east on London to north on Butler and south on Butler to west on London.

Nancy Gierak-Taggart of 4586 Butler was also in attendance at the meeting and supports Stop signs at the intersection. Ms. Taggart stated that drivers going southbound on Butler to westbound on London do not yield at the intersection and it is a huge problem. She continued that many drivers just roll through the intersection without yielding or stopping. She agreed that parking in the area contributes to the issue but believes that Stop signs will address the larger issue of assigning right-of-way at the intersection.

Mr. Ziegenfelder supports Stop signs over Yield signs in all instances.

Mr. Brandstetter discussed the unique geometric character of the intersection as London ends to the east in a cul-de-sac and Butler ends to the south as a dead end. It is not apparent which is the continuing street and which should yield the right-of-way contributing to driver confusion at the intersection. Mr. Brandstetter continued that a 4-Way Stop controlled intersection would provide the necessary information to drivers in this instance. He noted that the southbound Butler to westbound London and eastbound London to northbound Butler movements are especially heavy.

Mr. Petrusis agreed that a 4-Way Stop controlled intersection would clarify right-of-way at this intersection.

Mr. Kilmer asked about the curve on southbound Butler just north of the intersection and visibility of a Stop sign at the intersection.

Mr. Brandstetter responded that a Stop sign would be easily visible to drivers moving at the posted speed limit.

Resolution # 2015-05-23
Moved by Brandstetter
Seconded by Easterbrook

RESOLVED, that the intersection of London at Butler be modified from an existing YIELD sign on Butler to ALL-WAY STOP control at the intersection of London at Butler.

Yes: Brandstetter, Easterbrook, Kilmer, Petrusis, Ziegenfelder
No: None
Absent: Wilsher

MOTION CARRIED

5. Public Comment

There was no public comment provided at the meeting.

6. Other Business

There was no other business addressed at the meeting.

7. Adjourn

The meeting adjourned at 8:10 p.m.

Pete Ziegenfelder, Chairperson

Bill Huotari, Deputy City Engineer/Traffic Engineer

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Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on April 1, 2015 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Members Present:

Theodore Dziurman, Chair
Gary Abitheira
Michael Morris
Andrew Schuster

Absent:

Brian Kischnick

Support Staff Present:

Mitch Grusnick, Building Official/Code Inspector
Kathy L. Czarnecki, Recording Secretary

Also Present:

Attached and made a part hereof is the signature sheet of those present and signed in at this meeting.

2. APPROVAL OF MINUTES

Moved by: Abitheira

Support by: Schuster

RESOLVED, To approve the minutes of the March 4, 2015 Regular meeting as submitted.

Yes: All present (4)

Absent: Kischnick

MOTION CARRIED

3. HEARING OF CASES

A. **VARIANCE REQUEST, JUSTIN L. CAMILLERI, 5231 ABINGTON** – This property is a double front corner lot. As such it has a 30 foot required front setback along both Abington and Church Hill. The petitioner is requesting a variance to install a 5-foot high non-obscuring vinyl fence set back 18 feet from the property line along Church Hill where City Code limits fences to 30 inches high.

Mr. Grusnick reviewed the variance request. He reported the department received two written responses to the public hearing notices; one via email and one hand carried to today's meeting. Both communications express opposition to the variance request as submitted.

Mr. Camilleri said he and his wife believe a 5-foot high fence would provide a safe and secure play area for their two children who are under the age of five and a family pet in the future. He said they were not aware of the fence requirements for a corner lot when they purchased the home. Mr. Camilleri said the proposed placement of the fence would not cause any vision obstruction and would be aesthetically pleasing to the neighborhood. Mr. Camilleri distributed pictures of preferred fence styles.

There was discussion on:

- Lot size; hardship as relates to small back yard.
- Removal of existing shed; applicant addressed cost and timeliness in removal.
- Fence placement, height and material allowed without obtaining a variance.
- Location of two written communications, 5229 Church Hill and 5219 Abington, in relation to subject property.

Chair Dziurman opened the floor for public comment.

Mark Nicholson, 5272 Church Hill, voiced opposition. He addressed the proposed fence height, visual sight line, property values, fence material and color and aesthetics of neighborhood.

Larry Slimak, 5303 Church Hill, voiced opposition to any fence higher than 4 feet. Mr. Slimak addressed visual sight line at the corner, aesthetics, property values and the importance of fence color.

Erika Resh, 5320 Church Hill, voiced opposition. She specifically addressed the potential for vehicular visual obstruction at the corner, the proposed fence height and material.

Barbara Wright, 5255 Church Hill, voiced opposition. She addressed the proposed 5-foot height of the fence.

John Poholsky, 5279 Church Hill, voiced opposition. He would like to see the applicant match the material and color of the existing fence at 5272 Church Hill.

Chair Dziurman closed the floor.

Mr. Grusnick addressed:

- Procedure to postpone a variance request.
- City Code relating to corner clearance obstruction of vision.
- Visual sight line from intersection.
- City Code relating to fence material and color.

Mr. Abitheira identified various options available to the applicant.

Mr. Camilleri asked to postpone the variance request so he could address concerns of the neighbors.

Moved by: Abitheira

Support by: Schuster

RESOLVED, To postpone the item at the request of the applicant to the May 6, 2015 meeting.

Yes: All present (4)

Absent: Kischnick

MOTION CARRIED

Mr. Grusnick announced there would be no public notices mailed on this matter for the May 6th meeting.

- B. **VARIANCE REQUEST, BAISHALI DEB, 42249 DEQUINDRE** – A variance to install a 4-foot high gate across the driveway along the front property line. The fence code limits the height of fencing in front yards to 30 inches.

Mr. Grusnick reviewed the variance request. Mr. Grusnick said the applicant submitted a revised drawing showing the gate height at 4 feet. The Board's agenda packet showed the gate height at 4 feet, 8 inches. Mr. Grusnick reported the department received no responses to the public hearing notices.

Mr. Deb said the 4-foot high gate would protect his toddler from the heavily trafficked Dequindre Road. The applicant advised the Board that he intends to construct a 48-inch high fence that would enclose the open space areas between the gate and his neighbor's fence to the south and to the bushes to the north.

Mr. Grusnick said the Board could only make a determination on the variance request as published for the 4-foot high gate. Mr. Grusnick suggested the applicant withdraw the application for consideration in front of the Board today and submit a new variance request application for both the gate and fence.

Mr. Grusnick addressed future plans of the County to widen Dequindre in 2016. He shared that the Superintendent of Streets for the County suggested to set back the fence and gate another 10 feet to accommodate the road widening. Mr. Grusnick addressed measurements of the open spaces alongside the proposed gate and the existing bushes.

Mr. Deb withdrew the variance request in front of the Board today for consideration.

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS

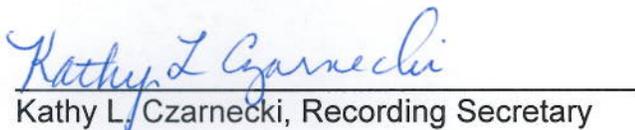
Chair Dziurman said he hopes to see all the Board members at the City's 2015 Volunteer Appreciation Lunch on May 12.

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:55 p.m.

Respectfully submitted,


Theodore Dziurman, Chair


Kathy L. Czarnecki, Recording Secretary

A regular meeting of the Troy Traffic Committee was held Wednesday, April 15, 2015 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

1. Roll Call

Present: Tim Brandstetter
Richard Kilmer
Al Petrulis
Cynthia Wilsher
Pete Ziegenfelder
Katie Regan (Student Representative)

Absent: David Easterbrook

Also present: Melissa Acton, 6956 Fieldstone
Joe Donelko, 6826 Fieldstone
Cindy Graves, 6270 Emerald Lake
Sharon Standifer, 2540 Bonito
Jack Maherzyk, 2540 Bonito
Gary Bernhardt, 2407 Sweet
Nathan Robinson, Horizon Engineering
Sgt. Mike Szuminski, Police Department
Lt. Eric Caloia, Fire Department
Bill Huotari, Deputy City Engineer/Traffic Engineer

2. Minutes – March 18, 2015

RESOLUTION # 2015-04-14

Moved by Kilmer

Seconded by Brandstetter

To approve the March 18, 2015 minutes as printed.

YES: All 5 (Brandstetter, Kilmer, Petrulis, Wilsher, Ziegenfelder)

NO: None

ABSENT: 1 (Easterbrook)

MOTION CARRIED

PUBLIC HEARINGS

3. Request for Sidewalk Waiver – 5026 Somerton – Sidwell #88-20-10-477-051

Mr. Kilmer made a motion to discuss the sidewalk waivers at 5026 and 5038 Somerton as

one (1) item. There was unanimous consensus from the Traffic Committee members.

Sam Stafa requests a sidewalk waiver for the sidewalk at 5026 Somerton (Sidwell #88-20-10-477-051). Mr. Stafa states that there are no sidewalks along Somerton Drive, nor within the Crystal Springs Subdivision, nor within Crystal Springs Subdivision No. 1 to the north. He further states that having no sidewalk along the subject property would be consistent with current neighborhood conditions and also consistent with the subdivision in which it is located.

Nathan Robinson of Horizon Engineering, representing the property owner, was in attendance at the meeting and discussed the request for a waiver. Mr. Robinson stated that the neighborhood has no existing sidewalk. He further stated that having no sidewalk along the subject property would be consistent with the existing neighborhood. The existing sidewalk along Long Lake will be removed and replaced to facilitate construction of a required sanitary sewer.

Ms. Wilsher discussed that she is in this area often. She stated this is an older area and residents would like sidewalks, but that there are no existing sidewalks in the neighborhood. There are existing sidewalks in the subdivisions to the west and residents use those to access Long Lake to walk to Kroger or other locations.

Ms. Regan agrees that sidewalks should be installed. She feels that they provide a safe place for children and pedestrians to walk.

Mr. Petruelis stated that there are no other sidewalks in this area. If a sidewalk were required, it would traverse along only two (2) lots. The sidewalk would go to nowhere and connect to nothing.

Mr. Ziegenfelder addressed a question from a resident asking about who is responsible to pay for the sidewalk. Mr. Ziegenfelder explained that the developer is responsible to pay for the sidewalk, if the waiver was not approved, and that the cost of the same is rolled into the cost of the home.

Mr. Brandstetter asked to review the site plan. He stated that there are four (4) large, mature trees that would have to be removed to allow for sidewalk construction along the lots. He reiterated that the sidewalk would not connect to anything to the north.

RESOLUTION # 2015-04-15

Moved by Kilmer
Seconded by Petruelis

WHEREAS, City of Troy Ordinances, Chapter 34, allows the Traffic Committee to grant waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Sam Stafa has requested a waiver of the requirement to construct sidewalk based on no other existing sidewalk on Somerton; and

WHEREAS, the Traffic Committee has determined the following:

- a. A waiver 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 waiver of the sidewalk requirement for 5026 Somerton (Sidwell #88-20-10-477-051).

YES: 3 (Kilmer, Brandstetter, Petrusis)

NO: 2 (Wilsher, Ziegenfelder)

ABSENT: 1 (Easterbrook)

MOTION CARRIED

4. Request for Sidewalk Waiver – 5038 Somerton – Sidwell #88-20-10-477-050

Mr. Kilmer made a motion to discuss the sidewalk waivers at 5026 and 5038 Somerton as one (1) item. There was unanimous consensus from the Traffic Committee members.

Sam Stafa requests a sidewalk waiver for the sidewalk at 5038 Somerton (Sidwell #88-20-10-477-050). Mr. Stafa states that there are no sidewalks along Somerton Drive, nor within the Crystal Springs Subdivision, nor within Crystal Springs Subdivision No. 1 to the north. He further states that having no sidewalk along the subject property would be consistent with current neighborhood conditions and also consistent with the subdivision in which it is located.

Nathan Robinson of Horizon Engineering, representing the property owner, was in attendance at the meeting and discussed the request for a waiver. Mr. Robinson stated that the neighborhood has no existing sidewalk. He further stated that having no sidewalk along the subject property would be consistent with the existing neighborhood. The existing sidewalk along Long Lake will be removed and replaced to facilitate construction of a required sanitary sewer.

Ms. Wilsher discussed that she is in this area often. She stated this is an older area and residents would like sidewalks, but that there are no existing sidewalks in the neighborhood. There is existing sidewalks in the subdivisions to the west and residents use those to access

Long Lake to walk to Kroger or other locations.

Ms. Regan agrees that sidewalks should be installed. She feels that they provide a safe place for children and pedestrians to walk.

Mr. Petrulis stated that there are no other sidewalks in this area. If sidewalk were required, it would traverse along only two (2) lots. The sidewalk would go to nowhere and connect to nothing.

Mr. Ziegenfelder addressed a question from a resident asking about who is responsible to pay for the sidewalk. Mr. Ziegenfelder explained that the developer is responsible to pay for the sidewalk, if the waiver was not approved, and that the cost of the same is rolled into the cost of the home.

Mr. Brandstetter asked to review the site plan. He stated that there are four (4) large, mature trees that would have to be removed to allow for sidewalk construction along the lots. He reiterated that the sidewalk would not connect to anything to the north.

RESOLUTION # 2015-04-16

Moved by Kilmer
Seconded by Petrulis

WHEREAS, City of Troy Ordinances, Chapter 34, allows the Traffic Committee to grant waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Sam Stafa has requested a waiver of the requirement to construct sidewalk based on no other existing sidewalk on Somerton; and

WHEREAS, the Traffic Committee has determined the following:

- a. A waiver 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 waiver of the sidewalk requirement for 5038 Somerton (Sidwell #88-20-10-477-050).

YES: 3 (Kilmer, Brandstetter, Petrulis)

NO: 2 (Wilsher, Ziegenfelder)
ABSENT: 1 (Easterbrook)

MOTION CARRIED

5. Request to Remove No Parking Zone – Fieldstone, South Boulevard to Nuthatch

Melissa Acton of 6956 Fieldstone requests that a No Parking zone be removed from the west side of Fieldstone, between South Boulevard and Nuthatch. Ms. Acton states that the No Parking zone was established when the Heartland Health Care Center was changing its use to a higher percentage of rehabilitation patients which required more parking. Employees were parking on Fieldstone as the site at that time did not have adequate parking.

In 2011, Heartland Health Care expanded their facility and constructed additional parking on their site to accommodate their needs. She feels that offsite parking from Heartland Health Care, on Fieldstone, is no longer an issue and is causing her a hardship by not allowing parking on the road by residents. The east side of Fieldstone is already posted No Parking due to the location of fire hydrants.

Traffic Engineering received two (2) emails prior to the meeting opposed to changes to the no parking zone.

Ms. Acton was in attendance at the meeting and discussed that she has home health care for her children at home from 9 AM to 1 PM. Both she and her husband work from home and trying to move vehicles in and out of the driveway is not working. She stated that the Heartland Health Care parking lot was expanded and provides parking for their employees, patients and visitors.

Joe Donelko of 6826 Fieldstone and also the president of the Meadowland Estates Subdivision homeowner's association was at the meeting and discussed concerns from other residents. He reiterated the issues that prompted the original request to have the west side of Fieldstone posted as no parking (i.e. overflow parking from Heartland Health Care). He stated that traffic and parking is heavy on weekends. Residents are also concerned about the potential development of property on the north side of South Boulevard that could create a similar issue where vehicles park on Fieldstone. Mr. Donelko also discussed that the no parking zone provides better sight distance into and out of the curve on Fieldstone to the south of this area.

Ms. Acton responded that they have exhausted all of their options. She stated that her neighbor to the north has three (3) working adults and also is in support of removing the no parking zone on the west side.

Nuthatch was discussed as an option for parking, but this area is typically occupied with vehicles from 6938 Fieldstone.

Mr. Kilmer asked about permit parking for residents. Sgt. Szuminski responded that this is a public road and is either available for parking or not. Permit parking is not provided for in Troy and could create significant issues in other areas of the City. We need to be consistent in how issues are treated City wide.

Mr. Donelko asked about having a parking area signed out between the no parking zone so that two (2) cars would be able to park.

Ms. Wilsher asked about parking in the driveway. Ms. Acton responded that they do park in the driveway but with both adults working from home and the health care providers needing to park at the home while they are there, that it becomes a significant issue. Ms. Wilsher asked about talking with a neighbor to use their driveway when needed.

Mr. Petruelis asked about the east side of Fieldstone. This side of the road is posted No Parking due to fire hydrants.

Mr. Brandstetter discussed modifying the No Parking zone rather than just removing it. His proposal was to move the No Parking zone to the south and open up the area from South Boulevard to the south property line of 6956 Fieldstone. This would allow for a few spaces that could be used by the two (2) residents that support removal of the no parking zone, and/or public, but would still maintain a buffer coming into the curve to the south and avoid additional parking to the south in the interior of the subdivision where residents are opposed to the idea.

RESOLUTION # 2015-04-17

Moved by Brandstetter
Seconded by Kilmer

RESOLVED, that the existing No Parking zone be modified to start at the south property line of 6956 Fieldstone and end at its current ending point, White Tail Drive, on the west side of Fieldstone to maintain the No Parking zone buffer coming into the curve on Fieldstone to the south and allow parking from South Boulevard to the south property line of 6956 Fieldstone.

YES: 4 (Kilmer, Brandstetter, Petruelis, Ziegenfelder)
NO: 1 (Wilsher)
ABSENT: 1 (Easterbrook)

MOTION CARRIED

6. Request for Traffic Control – Diamond at Bonito

Sharon Standifer of 2540 Bonito states that the existing traffic control at the intersection of Diamond and Bonito is not adequate to assign right-of-way. Ms. Standifer reports that the traffic control at the intersection creates a potentially hazardous condition.

Traffic Engineering received two (2) emails prior to the meeting in favor of changing the Yield to a Stop sign. One (1) phone call was also received that opposed changes at the intersection.

Ms. Standifer was in attendance at the meeting and supports changing the Yield sign to a Stop sign. She stated that there are 12 children that live on the block. She feels that a Stop sign will enhance safety in the neighborhood.

RESOLUTION # 2015-04-18

Moved by Brandstetter
Seconded by Kilmer

RESOLVED, that the intersection of Diamond at Bonito be modified from an existing YIELD sign on Bonito to a STOP sign on the Bonito approach to Diamond.

YES: All-5 (Brandstetter, Kilmer, Petrusis, Wilsher, Ziegenfelder)
NO: None
ABSENT: 1 (Easterbrook)

MOTION CARRIED

7. Request for Traffic Control – Waltham at Post

Richard Karlis of 2491 Waltham states that the existing traffic control at the intersection of Waltham and Post is not adequate to assign right-of-way. Mr. Karlis reports that the traffic control at the intersection creates a potentially hazardous condition.

There were no residents in attendance at the meeting that addressed this item.

RESOLUTION # 2015-04-19

Moved by Petrusis
Seconded by Wilsher

RESOLVED, that the intersection of Waltham at Post be modified from existing YIELD signs on the Post approaches to the intersection to two-way STOP control on the Post Drive approaches to Waltham.

YES: All-5 (Brandstetter, Kilmer, Petrusis, Wilsher, Ziegenfelder)
NO: None
ABSENT: 1 (Easterbrook)

MOTION CARRIED

8. Request for Traffic Control – Delta at Westpointe

Cindy Graves of 6270 Emerald Lake states that the lack of traffic control at the intersection of Delta and Westpointe creates a potentially hazardous situation.

Ms. Graves was in attendance at the meeting and stated that she was nearly involved in a crash at this intersection due to no traffic control. She would like to see a Stop sign installed at the intersection.

RESOLUTION # 2015-04-20

Moved by Kilmer
Seconded by Wilsher

RESOLVED, that the intersection of Delta at Westpointe be modified from No traffic control to a STOP sign on the Delta approach to Westpointe.

YES: 4 (Kilmer, Petrusis, Wilsher, Ziegenfelder)
NO: 1 (Brandstetter)
ABSENT: 1 (Easterbrook)

MOTION CARRIED

9. Public Comment

Jack Maherzyk of 2540 Bonito asked about sidewalks in new subdivisions. The City requires that new subdivisions install five (5) foot wide sidewalks as part of a new development.

5. Other Business

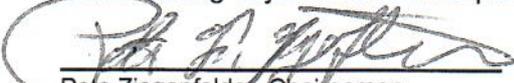
Ms. Wilsher discussed her concerns about on-street parking. She would like the City to pursue making all streets no parking. She stated that other communities, such as Clawson, are easier to drive through residential areas when cars do not park on the road.

Mr. Petrusis asked about the timing of the traffic signal at Coolidge and Golfview. He feels that the timing is off. Sgt. Szuminski will contact the RCOC to have the signal operation reviewed.

The next meeting is May 13, 2015 which is the second Wednesday of the month.

6. Adjourn

The meeting adjourned at 8:25 p.m.


Pete Ziegenfelder, Chairperson
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Bill Huotari, Deputy City Engineer/Traffic Engineer

Chair Edmunds called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on April 28, 2015 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

- Ollie Apahidean
- Karen Crusse
- Donald Edmunds
- Tom Krent
- Padma Kuppa
- Philip Sanzica
- Thomas Strat
- John J. Tagle

Absent

- Michael W. Hutson

Also Present:

- R. Brent Savidant, Planning Director
- Ben Carlisle, Carlisle/Wortman Associates, Inc.
- Allan Motzny, Assistant City Attorney
- Mark F. Miller, Director of Community and Economic Development
- Kurt Bovensiep, Public Works Manager

2. APPROVAL OF AGENDA

Resolution # PC-2015-04-023

- Moved by: Sanzica
- Seconded by: Tagle

RESOLVED, To revise the agenda to add ZBA Report, DDA Report and Planning and Zoning Report to the Agenda.

- Yes: All present (8)
- Absent: Hutson

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2015-04-024

- Moved by: Kuppa
- Seconded by: Crusse

RESOLVED, To approve the minutes of the April 14, 2015 Regular meeting as published.

Yes: All present (8)
 Absent: Hutson

MOTION CARRIED

3A. ZONING BOARD OF APPEALS REPORT

Mr. Sanzica discussed the items considered at the April 21, 2015 Zoning Board of Appeals meeting.

3B. DOWNTOWN DEVELOPMENT AUTHORITY

Mr. Savidant discussed the items considered at the April 15, 2015 Downtown Development Authority meeting. This included the following:

- 2015-16 Budget Approval
- Troy Roads Rock 2 Update
- Planning and Development Report

Mr. Miller provided a brief summary of the financial status of the DDA.

3C. PLANNING AND DEVELOPMENT REPORT

Mr. Savidant informed the Planning Commission they will be reviewing a site plan for Sandalwood South Site Condominium in the near future.

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

STUDY ITEM

5. POTENTIAL REGULATION – Woodland Protection

Mr. Savidant led a discussion on tree and woodland protection. The Planning Commission agreed to separate tree/woodland protection from the issue of wetland protection. Wetland protection would be explored at a later date.

The intent of the meeting was to get a consensus from the Planning Commission in what direction they would like to go when drafting the ordinance language. There was general consensus on the following:

- Require tree mitigation
- Tree mitigation may include consideration of Tree Fund if required trees cannot “fit” on site. Tree Fund used to plant trees on public property elsewhere in City
- Eliminate requirement to identify only trees within range of 4”-10” DBH, so that larger trees are included
- Replacement requirement to be determined
- If possible, have GIS map, existing woodland areas
- Encourage/incentivize, but don’t require, tree preservation

- Tree mitigation shall apply to any property (residential, commercial, office, institutional) that require site plan approval
- Tree mitigation shall not apply to single family developments that do not require site plan approval
- Allow exceptions for dead/dying/diseased and non-desirable/invasive species
- Incorporate tree protection best practices. (i.e. if you're going to save a tree, here's what you have to do)
- Amend zoning ordinance as necessary to address references to outside standards (landscape design standards, etc.)
- Review Cluster Ordinance. There is a direct correlation between cluster development and tree/environmental protection.
- Recognition that all applications and site conditions are different so allow for creative approaches for tree management.

OTHER BUSINESS

6. PUBLIC COMMENT – Items on Current Agenda

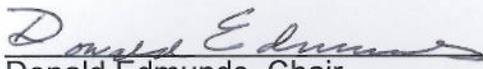
There was no one present who wished to speak.

7. PLANNING COMMISSION COMMENT

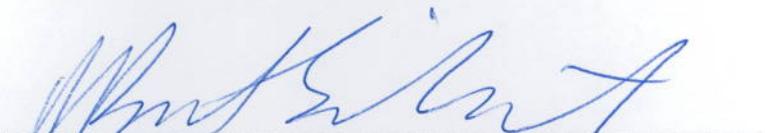
There were general Planning Commission comments.

The Regular meeting of the Planning Commission adjourned at 8:45 p.m.

Respectfully submitted,



Donald Edmunds, Chair



R. Brent Savidant, Recording Secretary

Chair Dziurman called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on May 6, 2015 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Members Present:

Theodore Dziurman, Chair
Gary Abitheira
Michael Morris
Andrew Schuster

Absent:

Brian Kischnick

Support Staff Present:

Mitch Grusnick, Building Official/Code Inspector
Kathy L. Czarnecki, Recording Secretary

Also Present:

Attached and made a part hereof is the signature sheet of those present and signed in at this meeting.

2. APPROVAL OF MINUTES

Moved by: Schuster
Support by: Abitheira

RESOLVED, To approve the minutes of the April 1, 2015 Regular meeting as submitted.

Yes: All present (4)
Absent: Kischnick

MOTION CARRIED

3. HEARING OF CASES

A. **VARIANCE REQUEST, JUSTIN L. CAMILLERI, 5231 ABINGTON** – This property is a double front corner lot. As such it has a 30 foot required front setback along both Abington and Church Hill. The petitioner is requesting a variance to install a 5-foot high non-obscuring vinyl fence set back 18 feet from the property line along Church Hill where City Code limits fences to 30 inches high. This variance request was an item on last month's April 1, 2015 meeting. The owner, Mr. Camilleri requested to postpone this item until the May 6 meeting so he could address concerns with his neighbors. The Board granted the motion for postponement.

Mr. Grusnick reviewed the variance request.

Mr. Camilleri said he and his neighbors reached an agreement on the height and style of the fence. He asked the Board to grant the variance for a 4 foot high non-obscuring vinyl fence. Mr. Camilleri presented a written letter of support from neighbors Barbara and Jack Wright of 5255 Church Hill and indicated a few neighbors are present in the audience in support of the variance request.

Chair Dziurman opened the floor for public comment.

The following persons spoke in support of the variance request.

- Mark Nicholson, 5272 Church Hill
- Lawrence Slimak, 5303 Church Hill

Mr. Grusnick identified the following persons who spoke at the April 1, 2015 meeting and asked if they were present:

- Erika Resh, 5320 Church Hill (not present)
- Barbara Wright, 5255 Church Hill (not present, written comment in support)
- John Poholsky, 5279 Church Hill (not present)

Chair Dziurman closed the floor.

Moved by: Abitheira
Support by: Morris

RESOLVED, To grant the request for a 4-foot high non-obscuring vinyl fence set back 18 feet from the property line along Church Hill, based on the following reason:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 83.

Yes: All present (4)
Absent: Kischnick

MOTION CARRIED

- B. **VARIANCE REQUEST, JOE GLASER OF LOWES, 3971 ESTATES** – This property is a double front corner lot. The Board of Zoning Appeals granted a variance in 2002 establishing a 32 foot front setback requirement along W. Wattles. The petitioner is requesting a variance to install a 6 foot high vinyl privacy fence set back 4 feet from the property line along W. Wattles where City Code limits fences to 30 inches high.

Mr. Grusnick reviewed the variance request. He reported the department received three written responses to the public hearing notices; two comments were from the same person in opposition; one comment in support.

Joe Glaser of Lowes addressed the proposed location of the fence and the fence style and quality.

Robert Bellini stated the primary purpose to install the fence is for the safety of his two young children. He indicated he discussed his plans with two of his neighbors, to the west and to the south, and neither neighbor voiced objection.

There was discussion on:

- Proposed location of fence; inside existing hedgerow, 4 feet inside sidewalk.
- Angling of fence to provide clearance of any visual obstruction.
- Public hearing responses; relationship to variance request.
- Existing fences in the neighborhood.
- Setback variance granted in 2002 for sunroom addition.

Chair Dziurman opened the floor for public comment. There was no one present who wished to speak; the floor was closed.

Moved by: Abitheira

Support by: Schuster

RESOLVED, To grant the request for a 6 foot high vinyl privacy fence set back 4 feet from the property line along W. Wattles, with the condition of providing a triangular corner clearance starting at the northwest corner measuring 25 feet south and 25 feet east, based on the following reason:

1. The petitioner has a hardship or practical difficulty resulting from the unusual characteristics of the property that precludes reasonable use of the property.

Yes: All present (4)

Absent: Kischnick

MOTION CARRIED

Mr. Glaser provided a brochure of the fence to be installed. He said he would resubmit plans showing the corner clearance.

- C. **VARIANCE REQUEST, BAISHALI DEB, 42249 DEQUINDRE** – A variance to install a 4 foot high 12 foot long steel gate and 14 linear feet of 4 foot high aluminum fence in the front yard. The fence and gate are proposed to be set back 13 feet from the Dequindre Road public sidewalk. City Code limits the height of fences in front yards to 30 inches. A similar variance request was an item on last month's April 1, 2015 meeting. During the meeting Mr. Deb realized his request was for a gate only with no additional fencing and withdrew his variance request.

Mr. Grusnick reviewed the variance request. He reported the department received no responses to the public hearing notices.

Mr. Deb said the gate and fence would provide protection from the busy Dequindre Road for his two young children.

There was discussion on:

- Setback allowance for future widening of Dequindre.

Chair Dziurman opened the floor for public comment. There was no one present who wished to speak; the floor was closed.

Moved by: Abitheira
Support by: Morris

RESOLVED, To grant the request, based on the following reason:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 83.

Yes: All present (4)

Absent: Kischnick

MOTION CARRIED

D. VARIANCE REQUEST, RANDY HUYCK OF ACTION FENCE, 1804 WOODGATE

– This property is a double front corner lot. As such it has a 25 foot required front setback along both Woodgate and Crestline. The petitioner is requesting a variance to install a 4 foot high non-obscuring chain link fence along the Crestline property line where City Code limits fences to 30 inches high.

Mr. Grusnick reviewed the variance request. He reported the department received two written responses to the public hearing notices in opposition of the proposed variance.

Tony and Meggan Iacona were present. They addressed:

- Reason for fence; safety for children.
- Location of fence; utilize as much property for back yard.
- Contact with adjoining property owner (1809 Crestline); no objection voiced.
- No traffic control sign at the intersection.

There was discussion on:

- Public hearing responses; relationship to variance request.
- Location of proposed fence along property line.

Chair Dziurman opened the floor for public comment.

Norm Langevin of 1769 Woodgate, confirmed specifics about the variance request. He voiced no objection.

Chair Dziurman closed the floor.

Mr. Iacona asked to postpone the variance request so concerns of the neighbors could be addressed.

Moved by: Morris
Support by: Schuster

RESOLVED, To postpone the item at the request of the applicant to the June 3, 2015 meeting.

Yes: All present (4)
Absent: Kischnick

MOTION CARRIED

Mr. Grusnick announced there would be no public notices mailed on this postponed item for the June 3rd meeting.

- E. **VARIANCE REQUEST, DANIEL HEILEMAN OF HEILEMAN SIGNS, 1821 MAPLELAWN** – A variance to the Sign Code to allow a 24.1 foot tall, 129.5 square foot ground sign to be set back 17 feet from the front property line. The Sign Code requires the sign to be set back at least 30 feet from the front property line.

Item pulled from agenda because it was incorrectly publicized. The item will be re-publicized and scheduled for the June 3, 2015 meeting.

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

6. MISCELLANEOUS BUSINESS

None.

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 4:06 p.m.

Respectfully submitted,

Theodore Dziurman, Chair

Kathy L. Czarnecki, Recording Secretary

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Berkley • Beverly Hills • Birmingham • Clawson • Ferndale • Hazel Park • Huntington Woods • Lathrup Village • Oak Park • Pleasant Ridge • Royal Oak • Troy

QUARTERLY REPORT APRIL 2015

BOARD OF TRUSTEES	
Representative	Municipality
J. Bais-DiSessa	City of Berkley
C. Wilson	Village of Beverly Hills
L. Wood	City of Birmingham
M. Pollock	City of Clawson
L. Cureton	City of Ferndale
A. LeCureaux	City of Hazel Park
A. Sullivan	City of Huntington Woods
M. Baumgarten	City of Lathrup Village
R. Fortura	City of Oak Park
S. Pietrzak	City of Pleasant Ridge
G. Rassel	City of Royal Oak
T. Richnak	City of Troy

OFFICERS	
Chairman:	G. Rassel
Vice Chair:	C. Wilson
Secretary:	T. Richnak
Advisory Committee:	C. Wilson G. Rassel

J. A. McKeen	General Manager
R. Jackovich	Operations Manager

April 2015

Board of Trustees
SOCRRA

Subject: Quarterly Report – April 2015

Board Members:

Attached is a copy of SOCRRA's Quarterly Report, covering the first nine months operation of the fiscal year 2014/15. The report contains a financial statement of the Authority's operation and an outline of projects in progress or completed during the quarter. The report also contains statistical information and other information of general interest to the members of the Board of Trustees, and the members of the governing body of each of the member municipalities of this Authority.

FINANCIAL STATEMENT

The total net income for the first 9 months of 2014/15 was \$866,660 before capital expenses and depreciation, which is \$265,027 more than budgeted. This is \$558,531 more than the net income reported for the first nine months of 2013/14.

	<u>Actual</u>		<u>Compared to Budget</u>
Revenue	\$17,854,933	+	\$3,036,986
Expenses	\$16,988,273	+	\$2,771,959
Net Operating Income	\$ 866,660	+	\$ 265,027

Revenue was higher than planned due to increased revenue from the member communities due to the flood debris (+\$2,947,000), non-member refuse revenue from Car Trucking, Rizzo Services and Tringali Sanitation (+\$326,000), non-member yard waste revenue (+\$32,000) and compost sales (+\$27,000). These increases were partially offset by lower than planned prices for our recycled materials (-\$282,000) and lower than planned miscellaneous revenue (-\$7,000). Additional information on the prices for our recycled materials is in the Major Projects area of this report.

Expenses were above budget primarily due to higher than planned costs for contractor expenses (+\$2,740,000) and labor (+\$140,000) most of which are due to the August flooding and utilities (+\$17,000), which were partially offset by lower than planned costs for non-labor Administrative and General Expenses (-\$78,000), maintenance (-\$46,000).

Additional financial detail is attached.

As of March 31, 2015, our working capital was 10.0% based on unrestricted assets. This is above the 7.5% working capital goal approved by the Board but was a decrease from the 11.1% working capital as of March 28, 2014.

MATERIAL HANDLED

The Authority processed 172,125 tons of refuse, yard waste and recyclables during the first nine months of the current fiscal year. This represents an increase of 18.6% or 26,962 total tons compared to the same period last year. This is the highest tonnage that we have handled over the last 5 years. Refuse tonnages from the member communities and from non-members increased significantly due to the August 2014 flood disaster. Recycling tonnage decreased by 2.3% from 2013/14 largely due to the recycling that was not collected during the flood disaster.

July 1 Through March 31

	2010/11	2011/12	2012/13	2013/14	2014/15
Member Refuse	77,139	79,207	75,237	76,066	100,063
Non-Member Refuse	21,596	18,526	20,837	22,271	26,421
Member Recycling	12,716	13,079	13,279	13,449	13,137
Non-Member Recycling	941	353	321	377	352
Yard Waste	<u>29,063</u>	<u>30,890</u>	<u>29,930</u>	<u>33,000</u>	<u>32,152</u>
TOTAL	141,455	142,055	139,654	145,163	172,125

CAPITAL EXPENDITURES

Capital expenditures for the first nine months of the fiscal year totaled \$211,783 and were for replacement of the container feed conveyor at the MRF (\$57,000), partial payments for a new loader at the Transfer Station (\$50,000) and for the Scarab compost turner at the compost site (\$52,000), a portable paper shredder for use at events in the member communities (\$15,000), a used tractor for the Transfer Station (\$14,000), a replacement door at the Transfer Station (\$10,000), the replacement of the metal coping at the baler feed conveyor (\$9,000) and cement replacement at the Transfer Station driveway (\$5,000).

MAJOR PROJECTS

AUGUST FLOOD DISASTER

The August 2014 flood disaster was the major event for SOCRRA in the first three quarters of the 2014/15 fiscal year. Collecting and disposing of the massive amounts of debris generated by the flooding was a major challenge for SOCRRA and our collection and disposal contractors. These efforts also incurred huge expenses, which are included in the financial results discussed above and in the attached financial statements.

SOCRRA participated in many meetings with FEMA personnel in the second quarter of the 2014/15 fiscal year. Working with FEMA, we were able to develop a methodology of identifying incremental debris tonnage, collection costs and disposal costs for SOCRRA and for the 9 member communities that were affected by the August flooding. Individual invoices were

prepared for each member community, with all of the back-up material requested by FEMA, and were submitted to each community during October. Each of the 9 communities then submitted a reimbursement request to FEMA. Under the FEMA guidelines, the communities should be able to receive reimbursement for up to 85% of their debris removal costs. As of the end of March 2015, none of the communities have received reimbursement from FEMA.

The SOCRRA Board approved a two month loan of \$1 million from SOCWA, at the prime rate, to allow SOCRRA to pay contractor invoices while we were awaiting payments from the member communities. This loan was paid back in January, 2015. The financial statements attached to this report contain all of the costs and revenues from the flood event.

An event like this offers a great learning opportunity. SOCRRA is reviewing how we handled every aspect of our operations, including the operations of our contractors, during this event. We will be preparing disaster response plans that should help us respond to the next disaster.

RECYCLED COMMODITY PRICES

The prices that we receive for our recycled paper and plastic products have been fairly stable, but at a very low level. Prices have been consistently below the level used to prepare our budget and below the prices that we received last fiscal year. Revenue from the sale of recycled materials is under budget by \$282,000.

PROCESSING MATERIALS FROM OTHER COMMUNITIES

Car Trucking, Rizzo Services and Tringali Sanitation are continuing to bring us a significant amount of refuse from outside of the SOCRRA communities. The volume of our cash sales business has also increased significantly in recent months. The incremental revenue from our non-member customers helps us to offset the fixed costs of running the Troy Transfer Station.

STYROFOAM RECYCLING

SOCRRA began accepting Styrofoam for recycling at our recycling drop-off center in Troy on December 1, 2014. Dart Industries, which is located in Mason, MI, will be picking up the recycled Styrofoam on a no cost/no pay basis for a 6 month trial period. Thus far, Styrofoam recycling has gone very well. Dart is picking up the collected material every other week and they have not had any quality concerns with the material that we have collected. Many of our residents are delighted that we are now recycling Styrofoam. We will not be accepting Styrofoam as part of our curbside recycling program.

COLLECTION AND DISPOSAL CONTRACTS

SOCRRA's current collection and disposal contracts all expire on June 30, 2017. Each of these contracts allow SOCRRA to extend them for a second ten year term, at SOCRRA's sole discretion. SOCRRA General Counsel Bob Davis and I have completed our meetings with each SOCRRA Board member and we will be meeting with the Board to discuss how we should proceed with the renewal term of the contracts. Mr. Davis and I will be bringing potential revisions to the collection contracts to the May meeting for review by the Board.

ELECTRONICS RECYCLING CONTRACT

SOCRRA conducted an RFP for electronics recycling beginning on February 1, 2015. We sent the RFP document to over 40 vendors but received only 5 responses. Our current contractor, Vintage Tech, supplied the best proposal. We are continuing to discuss how Vintage Tech will support the SOCRRA staff to provide special event recycling at events hosted by the member communities. If your community would like to conduct an electronics recycling event this summer, please contact the SOCRRA office. This spring, Vintage Tech will be recycling electronics at events in Ferndale, Clawson, Hazel Park, Huntington Woods, Oak Park and Royal Oak.

MDEQ RECYCLING AWARDS AND RECYCLING GRANTS

The MDEQ has significantly increased their interest in recycling since the Governor announced the goal of doubling the level of recycling in Michigan in the next two years. The MDEQ is conducting a Recycling Awards program. SOCRRA submitted award applications for each of the 12 member communities and for SOCRRA as a whole. The winners will be announced at the Governor's Recycling Summit, which is being held on May 5, 2015. The MDEQ is also offering Pollution Prevention grants totaling \$600,000 for recycling improvement activities. SOCRRA and the member communities submitted 5 grant applications for a total amount of \$302,000. The grants are also expected to be announced at the Governor's Recycling Summit.

This increased level of State involvement in recycling has also identified some potential opportunities of funding recycling improvements at SOCRRA. We are working with the MDEQ to explore these opportunities.

Respectfully submitted,

Jeffrey A. McKeen, P.E.
General Manager

SOCRRA
STATEMENT OF INCOME
JULY 1, 2014 THROUGH MARCH 31, 2015

<u>REVENUES</u>	<u>ESTIMATED</u>	<u>ACTUAL</u>	<u>VARIANCES</u>
MEMBER SERVICES	\$12,789,747.00	\$15,736,531.97	\$2,946,784.97
NON-MEMBER REFUSE	700,000.00	1,025,802.90	325,802.90
NON MEMBER YARD WASTE	47,000.00	78,694.05	31,694.05
	<hr/> \$13,536,747.00	<hr/> \$16,841,028.92	<hr/> \$3,304,281.92
 <u>RECYCLING</u> 			
NEWSPAPERS	\$420,000.00	\$319,203.68	(\$100,796.32)
BOXBOARD	140,000.00	103,772.22	(\$36,227.78)
CARDBOARD	48,000.00	39,072.70	(8,927.30)
PLASTIC	322,000.00	265,597.57	(56,402.43)
SCRAP METAL	71,500.00	46,267.32	(25,232.68)
TIN CANS	109,500.00	61,234.35	(48,265.65)
NON FERROUS METAL	12,000.00	6,890.88	(5,109.12)
GLASS	8,500.00	2,205.75	(6,294.25)
BATTERIES	2,800.00	2,497.00	(303.00)
USED ELECTRONICS	13,000.00	18,090.22	5,090.22
	<hr/> \$1,147,300.00	<hr/> \$864,831.69	<hr/> (\$282,468.31)
 <u>OTHER</u> 			
REVENUES-COMPOST	\$29,000.00	\$56,347.20	\$27,347.20
INTEREST ON INVESTMENTS	14,900.00	13,842.09	(1,057.91)
RENTAL INCOME	71,000.00	66,547.00	(4,453.00)
GRANTS	0.00	0.00	0.00
MISC. INCOME	19,000.00	12,335.92	(6,664.08)
	<hr/> \$133,900.00	<hr/> \$149,072.21	<hr/> \$15,172.21
 TOTAL REVENUES	 <hr/> <hr/> \$14,817,947.00	 <hr/> <hr/> \$17,854,932.82	 <hr/> <hr/> \$3,036,985.82
<u>EXPENSES</u>	<u>BUDGET APPROPRIATIONS</u>	<u>ACTUAL EXPENDITURES</u>	<u>VARIANCES</u>
MADISON HEIGHTS FACILITY	\$92,550.00	\$375,996.92	\$283,446.92
TROY TRANSFER FACILITY	1,956,300.00	3,009,966.88	1,053,666.88
MATERIAL RECOVERY FACILITY	892,350.00	942,724.06	50,374.06
HOUSEHOLD HAZARDOUS WASTE	197,650.00	211,561.83	13,911.83
COMPOST/LANDFILL FACILITY	304,000.00	302,749.26	(1,250.74)
ADMINISTRATIVE & GENERAL	937,635.00	847,497.49	(90,137.51)
COLLECTION FEES	7,907,867.00	9,457,704.05	1,549,837.05
COLLECTION & DISPOSAL FEES IN TRANSIT	1,927,962.00	1,840,072.58	(87,889.42)
	<hr/> \$14,216,314.00	<hr/> \$16,988,273.07	<hr/> \$2,771,959.07
 REVENUES OVER EXPENSES	 \$601,633.00	 \$866,659.75	 \$265,026.75
 NET INCOME BEFORE DEPRECIATION	 <hr/> <hr/> \$601,633.00	 <hr/> <hr/> \$866,659.75	 <hr/> <hr/> \$265,026.75

SOCRRA
STATEMENT OF INCOME
JULY 1, 2014 THROUGH MARCH 31, 2015

<u>REVENUE</u>	<u>TOTAL TONS</u>	<u>AMOUNT</u>
MEMBER SERVICES	100,063.16	\$15,736,531.97
NON-MEMBER REFUSE	26,421.03	1,025,802.90
<u>YARD WASTE</u>		
MEMBERS	31,241.45	0.00
OTHERS	910.46	78,694.05
<u>RECYCLABLES</u>		
MEMBERS	13,136.63	0.00
OTHERS	352.31	0.00
	172,125.04	\$16,841,028.92
<u>RECYCLING</u>		
NEWSPAPERS		\$319,203.68
BOXBOARD		103,772.22
CARDBOARD		39,072.70
PLASTIC		265,597.57
SCRAP METAL		46,267.32
TIN CANS		61,234.35
NON FERROUS METAL		6,890.88
GLASS		2,205.75
BATTERIES		2,497.00
USED ELECTRONICS		18,090.22
		\$864,831.69
<u>OTHER</u>		
COMPOST SALES		\$56,347.20
INTEREST ON INVESTMENTS		13,842.09
RENTAL INCOME		66,547.00
GRANTS		0.00
MISC. INCOME		12,335.92
		149,072.21
TOTAL REVENUE		\$17,854,932.82
<u>EXPENSES</u>		
MADISON HEIGHTS FACILITY		\$375,996.92
TROY TRANSFER FACILITY		3,009,966.88
MATERIAL RECOVERY FACILITY		942,724.06
HOUSEHOLD HAZARDOUS WASTE		211,561.83
COMPOST/LANDFILL FACILITY		302,749.26
ADMINISTRATIVE & GENERAL		847,497.49
COLLECTION CONTRACT EXPENSES		9,457,704.05
COLLECTION & DISPOSAL FEES IN TRANSIT		1,840,072.58
		\$16,988,273.07
NET INCOME BEFORE DEPRECIATION		\$866,659.75
DEPRECIATION		292,987.62
NET INCOME		\$573,672.13

SOCRRA
 STATEMENT OF REVENUES & EXPENDITURES
 COMPARED WITH TOTAL BUDGET
 JULY 1, 2014 THROUGH MARCH 31, 2015

<u>REVENUES</u>	TOTAL BUDGET 2014/15	ACTUAL 9 MONTHS	BALANCE	
MEMBERS SERVICES	\$17,053,000.00	\$15,736,531.97	\$1,316,468.03	92%
NON-MEMBER REFUSE	954,000.00	1,025,802.90	(71,802.90)	108%
<u>YARD WASTE</u>				
NON-MEMBERS	70,000.00	78,694.05	(8,694.05)	112%
<hr/>				
<u>RECYCLABLES</u>				
NEWSPAPERS	\$630,000.00	\$319,203.68	\$310,796.32	51%
BOXBOARD	210,000.00	103,772.22	106,227.78	49%
CARDBOARD	71,000.00	39,072.70	31,927.30	55%
PLASTIC	485,000.00	265,597.57	219,402.43	55%
SCRAP METAL	107,000.00	46,267.32	60,732.68	43%
TIN CANS	164,000.00	61,234.35	102,765.65	37%
NON FERROUS METAL	17,000.00	6,890.88	10,109.12	41%
GLASS	13,000.00	2,205.75	10,794.25	17%
BATTERIES	4,000.00	2,497.00	1,503.00	62%
USED ELECTRONICS	21,000.00	18,090.22	2,909.78	86%
<hr/>				
	\$1,722,000.00	\$864,831.69	\$857,168.31	50%
<u>OTHER</u>				
COMPOST SALES	\$60,000.00	\$56,347.20	\$3,652.80	94%
INTEREST ON INVESTMENTS	20,000.00	13,842.09	6,157.91	69%
RENTAL OF HOMES	95,000.00	66,547.00	28,453.00	70%
GRANTS	0.00	0.00	0.00	0%
MISC. INCOME	25,000.00	12,335.92	12,664.08	49%
<hr/>				
	\$200,000.00	\$149,072.21	\$50,927.79	75%
<hr/>				
TOTAL REVENUES	\$19,999,000.00	\$17,854,932.82	\$2,144,067.18	89%

SOCRRA
 STATEMENT OF REVENUES & EXPENDITURES
 COMPARED WITH TOTAL BUDGET
 JULY 1, 2014 THROUGH MARCH 31, 2015

<u>EXPENSES</u>	<u>TOTAL BUDGET 2014/15</u>	<u>ACTUAL 9 MONTHS</u>	<u>BALANCE</u>	
MADISON HEIGHTS FACILITY	\$96,000.00	\$375,996.92	(\$279,996.92)	392%
TROY TRANSFER FACILITY	3,148,600.00	3,009,966.88	138,633.12	96%
MATERIAL RECOVERY FACILITY	1,192,050.00	942,724.06	249,325.94	79%
HOUSEHOLD HAZARDOUS WASTE	270,200.00	211,561.83	58,638.17	78%
COMPOST/LANDFILL FACILITY	428,900.00	302,749.26	126,150.74	71%
ADMINISTRATIVE & GENERAL	1,256,800.00	847,497.49	409,302.51	67%
COLLECTION & DISPOSAL FEES	12,528,000.00	9,457,704.05	3,070,295.95	75%
COLLECTION & DISPOSAL FEES IN TRANSIT	0.00	1,840,072.58	(1,840,072.58)	0%
	<u>\$18,920,550.00</u>	<u>\$16,988,273.07</u>	<u>\$1,932,276.93</u>	
TOTAL EXPENDITURES	<u>\$18,920,550.00</u>	<u>\$16,988,273.07</u>	<u>\$1,932,276.93</u>	90%
NET INCOME	<u>\$1,078,450.00</u>	<u>\$866,659.75</u>	<u>\$211,790.25</u>	80%

S O C R R A
 COMPARATIVE STATEMENT
 JULY 1, 2014 THROUGH MARCH 31, 2015

	<u>2014/15</u>	<u>2013/14</u>	<u>VARIANCES</u>
<u>REVENUES</u>			
MEMBER SERVICES	\$15,736,531.97	\$12,541,998.90	\$3,194,533.07
NON MEMBER REFUSE	1,025,802.90	886,628.32	139,174.58
<u>YARD WASTE</u>			
MEMBERS	0.00	0.00	0.00
OTHERS	78,694.05	63,875.80	14,818.25
	<hr/>	<hr/>	<hr/>
	\$16,841,028.92	\$13,492,503.02	\$3,348,525.90
<u>RECYCLABLES</u>			
NEWSPAPERS	\$319,203.68	\$356,333.09	(\$37,129.41)
BOXBOARD	103,772.22	102,550.74	1,221.48
CARDBOARD	39,072.70	52,597.88	(13,525.18)
PLASTIC	265,597.57	290,053.05	(24,455.48)
SCRAP METAL	46,267.32	61,798.23	(15,530.91)
TIN CANS	61,234.35	83,052.07	(21,817.72)
NON FERROUS METAL	6,890.88	8,665.88	(1,775.00)
GLASS	2,205.75	5,979.25	(3,773.50)
BATTERIES	2,497.00	2,671.15	(174.15)
USED ELECTRONICS	18,090.22	12,360.98	5,729.24
	<hr/>	<hr/>	<hr/>
	\$864,831.69	\$976,062.32	(\$111,230.63)
<u>OTHER</u>			
COMPOST SALES	\$56,347.20	\$32,043.50	\$24,303.70
INTEREST ON INVESTMENTS	13,842.09	15,599.74	(1,757.65)
RENTAL OF HOMES	66,547.00	66,998.00	(451.00)
GRANTS	0.00	0.00	0.00
MISC. INCOME	12,335.92	11,717.85	618.07
	<hr/>	<hr/>	<hr/>
	\$149,072.21	\$126,359.09	\$22,713.12
TOTAL REVENUES	\$17,854,932.82	\$14,594,924.43	\$3,260,008.39
OPERATING EXPENSES	\$16,988,273.07	\$14,286,795.06	\$2,701,478.01
EXCESS	<hr/>	<hr/>	<hr/>
	\$866,659.75	\$308,129.37	\$558,530.38

SOCRRA
TOTAL SERVICE CHARGES
JULY 1, 2013 THROUGH MARCH 31, 2015

<u>MUNICIPALITY</u>	<u>TOTAL TONS</u>	<u>SERVICE CHARGES</u>
BERKLEY	9,537	\$981,239.77
BEVERLY HILLS	6,172	\$465,545.50
BIRMINGHAM	11,881	\$1,045,294.45
CLAWSON	6,687	\$758,371.22
FERNDALE	12,596	\$1,497,049.07
HAZEL PARK	7,795	\$932,788.49
HUNTINGTON WOODS	6,947	\$623,503.63
LATHRUP VILLAGE	2,142	\$209,114.96
OAK PARK	14,343	\$1,750,541.17
PLEASANT RIDGE	1,827	\$145,481.84
ROYAL OAK	34,087	\$4,064,674.89
TROY	30,427	3,262,926.98
	<hr/>	<hr/>
SUB-TOTAL	144,441	\$15,736,531.97
	<hr/>	<hr/>
OTHER CUSTOMERS	27,338	\$1,104,496.95
DROP OFF CENTERS	346	0.00
	<hr/>	<hr/>
TOTAL	172,125	\$16,841,028.92

SOCRRA
IMPROVEMENT FUND
JULY 1, 2014 THROUGH MARCH 31, 2015

EXPENDITURES

TS Driveway Replacement	\$4,672.25
TS Garage Door	9,719.00
TS Auto Car Tractor	14,000.00
MRF New Paper Portable Shredder	14,969.33
MRF Baler Pit Plate	9,090.00
MRF Conveyor Belt	57,059.47
MRF John Deere Loader	50,440.85
CS SCRAB	51,832.22

TOTAL \$211,783.12

\$211,783.12



TO: Members of the Troy City Council

FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
Julie Quinlan Dufrane, Assistant City Attorney
Nicole MacMillan, City Attorney Assistant

DATE: May 12, 2015

SUBJECT: 2015 First Quarter Litigation Report

The following is the quarterly report of pending litigation and other matters of interest. **Developments during the FIRST quarter of 2015 are in bold.**

A. ANATOMY OF THE CASE

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

B. ZONING CASES

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

There are no pending zoning cases for this quarter.

C. EMINENT DOMAIN CASES

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

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

1. Troy v. Grand Sakwa et. al.- This condemnation case was initiated on December 16, 2013, to re-acquire the 2.7 acre transit center parcel from Grand Sakwa after the Michigan Supreme Court denied Troy's application for leave to appeal. Although the City was deeded the property in 2000, and initially prevailed against developer Grand Sakwa's motion seeking a reversion of the property, this decision was reversed by the Michigan Court of Appeals on the basis that the transit center was allegedly not funded by the June 2, 2010 reversion date in the consent judgment. Since the Court of Appeals decision became final upon the Michigan Supreme Court's refusal to hear the case, the condemnation complaint requests possession dating back to June 2, 2010. The independently appraised value for the property is \$550,000, which is well below the federal appropriation set aside for the project under the Federal Transit Administration. The City filed a Motion seeking an order confirming title and possession, based on the fact that the Defendants waived the ability to challenge necessity. Defendants filed a response to this motion, seeking a dismissal of the case based on the fact that the property appraisal date was for 2010 (the date of reversion as declared by the Court of Appeals opinion). The Court entered a dismissal order on February 21, 2014, based on his conclusion that there needed to be an appraisal of the improved property as of 2014 (the date of filing the condemnation case). The City immediately requested an amended appraisal. A new purchase offer was extended, based on the amended appraisal. The Court granted the City's request for an order of possession of the property on August 15, 2014. Discovery continues. **Trial is now scheduled for August 24, 2015.**
2. Troy v Behunin, et al- This condemnation case was initiated on December 2, 2014 to acquire needed right of way from property owned by Kathleen and Michael Behunin. The property is located on John R. Road, between Square Lake Road and South Boulevard. The case was assigned to Oakland County Circuit Court Judge Martha Anderson. A hearing is set for January 14, 2015 at which the City will request an Order of Possession. **On January 14, 2015, the Court granted the City's request for an order of possession. The case will proceed on the issue of just compensation.**

D. CIVIL RIGHTS CASES

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

1. Burley v. Gagacki. This is an excessive force case filed against a Troy police officer who was participating on a federal task force executing search

warrants. The task force divided up and simultaneously executed search warrants on two houses located some distance from each other. Plaintiffs argue that they were injured by unidentified task force members at one of the houses. The incident report fails to specify which task force members were at Plaintiff's house and which task force members were simultaneously executing the search warrant at the other house. The Troy police officer and other task force members were initially represented by an Assistant U.S. Attorney, who obtained a dismissal of the case. Plaintiffs then successfully appealed to the Sixth Circuit Court of Appeals, which reinstated the case. The second trial is scheduled for February 2014. Due to a retirement of the Assistant U.S. Attorney and the possibility of conflicts between the task force team members, our office has assumed a more active role in the litigation, and will defend the Troy police officer task force member. The Court granted the request of one of the co-defendants to adjourn the trial, which is now scheduled to start on June 16, 2014. The parties have been addressing procedural items and preparing for trial. After picking a jury on June 10, 2014 and intense preparation for trial to begin on June 16, 2014, one of the Plaintiffs was hospitalized four days before the scheduled trial date. Trial has been rescheduled for October 6, 2014. The parties are preparing for the jury trial to begin on October 6, 2014. A week long jury trial was conducted from October 6, 2014 through October 15, 2014, in Federal District Court. After deliberating for 30 minutes, the jury returned a verdict of no cause of action, dismissing the case against the task force officers. The Judge also ordered payment of costs to all Defendants. Plaintiffs subsequently filed an appeal with the Sixth Circuit- U.S. Court of Appeals. **Plaintiffs' appellate brief is due in April 2015.**

E. PERSONAL INJURY AND DAMAGE CASES

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

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

21, 2013. The Answer and Affirmative Defenses to the Complaint were due on July 17, 2014. The City filed a Motion for Summary Disposition on July 31, 2014 arguing that governmental immunity shielded the City from liability, and therefore the City was entitled to a dismissal of this case. Prior to entertaining this motion, Judge Asadoorian scheduled case evaluation for October 14, 2014. The City is waiting for the Court to schedule oral arguments on its Motion for Summary Disposition. On December 1, 2014, the Court entered an order denying Summary Disposition. The City filed an interlocutory appeal of this decision on December 5, 2014, which was assigned to Oakland County Circuit Court Judge Leo Bowman. On December 18, prior to the receipt of the transcript or the lower court file, Judge Bowman dismissed the appeal, characterizing it as an application for leave to appeal instead of an appeal of right from a denial of governmental immunity. Instead of filing an application for leave to appeal with the Michigan Court of Appeals, the parties will proceed to trial, which is scheduled for February 20, 2015. **This case proceeded to a bench trial, resulting in a verdict of \$10,230. The City appealed the Court's denial of governmental immunity, and the case has now been assigned to Oakland County Circuit Court Judge Shalina Kumar.**

F. MISCELLANEOUS CASES

1. Michigan Association of Home Builders; Associated Builders and Contractors of Michigan; and Michigan Plumbing and Mechanical Contractors Association v. City of Troy – The Plaintiffs filed a complaint for Declaratory and Injunctive Relief in the Oakland County Circuit. On the date of filing the Plaintiffs also filed a Motion for Preliminary Injunction and Order to Show Cause. The Plaintiffs allege that the City of Troy has violated Section 22 of Michigan's Stille-DeRossett Hale Single State Construction Code Act by collecting fees for building department services that are not reasonably related to the cost of providing building department services. They are alleging that the City of Troy has illegally entered into a contract with Safe Built of Michigan, Inc. for building services that provides that 20% of each building permit fee be returned to the City to cover services that are not "reasonably related to the cost of building department services," as required by state statute. The Plaintiffs also assert a violation of the Headlee Amendment, arguing that the 20% returned to the City is a disguised tax that was not approved by voters. The Plaintiffs are asking for a declaratory judgment, as well as a return of any "surplus" building department service funds collected to date. Plaintiffs also request an order requiring the City to reduce its building department fees. The City of Troy was served with the Complaint and the Motion for Preliminary Injunction and Order for Show Cause on Wednesday, December 15, 2010. The parties were required to appear at Court on Wednesday, December 22, 2010, but the Court did not take any action at that time. Instead, the Court adjourned the matter to January 19, 2011. In the interim, the parties

may engage in preliminary discovery in an attempt to resolve this matter. The parties are conducting discovery. The parties have completed discovery. Trial in this matter is scheduled for January 30, 2012. After being presented with motions for summary disposition, the Court ordered the parties to engage in mediation with a neutral municipal audit professional. Financial documents concerning this case are now being reviewed by an independent CPA. It is expected that the April 19, 2012 trial date will be postponed until after this review is complete. Mediation was unsuccessful in resolving this case, and therefore the Court is expected to issue an order on the pending Summary Disposition Motions. The trial date has been adjourned. On November 13, 2012, Oakland County Circuit Court Judge Shalina Kumar issued her order in favor of the City, and dismissed this case. Plaintiffs filed an appeal, which is now pending in the Michigan Court of Appeals. Appellant's brief is expected to be filed soon. The parties timely filed their appellate briefs, and are now waiting for the Court of Appeals to schedule a date for oral argument. The Court of Appeals has not yet scheduled oral argument for this case. The parties are still waiting for a date for oral argument. Oral argument was held on March 4, 2014. On March 13, 2014, the Court of Appeals issued its opinion ruling in the City's favor and affirming the Circuit Court's decision dismissing the case. On April 23, 2014, Plaintiff Home Builders filed an Application for Leave to Appeal with the Michigan Supreme Court. Troy's response was filed on May 19, 2014. The Michigan Supreme Court considered the application for leave to appeal and ordered that the matter be scheduled for oral argument. The Court also permitted the parties to submit supplemental briefs, which are due October 29, 2014. The City timely filed its supplemental brief with the Michigan Supreme Court. The parties are now waiting for the Court to set a date for oral argument on the application. **The Michigan Supreme Court entertained oral arguments on the application for leave to appeal on March 11, 2015.**

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

brief is due July 18th. The City has filed its responsive brief and Plaintiff filed a reply brief. The case will now be scheduled for oral argument. The parties are still waiting for a date for oral argument, which could be scheduled as early as June 2014. Oral argument was held on June 10, 2014. On June 24, 2014, the Court of Appeals issued its Opinion ruling in favor of the City and affirming the decision of the Circuit Court. The Plaintiff filed a motion for reconsideration with the Court of Appeals. The City filed an answer to the motion. On August 12, 2014, the Court of Appeals entered its order denying the motion for reconsideration. Plaintiff then filed an application for leave to appeal with the Michigan Supreme Court. The City filed a timely response to the application with the Michigan Supreme Court. We are awaiting a decision from the Court. **On March 3, 2015, the Michigan Supreme Court entered its order denying the application for leave to appeal. This case is now concluded.**

3. Todd Michael v. City of Troy et. al. Todd Michael has filed this lawsuit against the City, the Troy Police Department and the Troy Police Chief. Through this lawsuit, Plaintiff alleges that he was discriminated against in his employment with the City, in violation of the Americans With Disabilities Act. He also alleges that he suffered retaliation for his alleged disability. He is asking to be reinstated as a Troy Police Officer. He is also asking for additional compensation, punitive damages, costs and attorney fees. The answer to the complaint and affirmative defenses were filed on September 27, 2012. The Court has issued a scheduling order in this case, and discovery is on-going. The parties are continuing in the discovery phase. The Court has extended the discovery cut off in this matter, and the parties continue to take depositions in this case. The City will be filing a Motion for Summary Judgment. A Motion for Summary Judgment was filed on October 14, 2013. Plaintiff filed its Response on November 21, 2013, and the City's reply brief was filed on December 12, 2013. The parties are still waiting for the Court to either issue an opinion or schedule a date for oral argument on the Motion. The Court transferred the case to newly appointed U.S. District Court Judge Judith Levy, who has scheduled oral argument on the motion for summary judgment for July 10, 2014. Subsequent to oral argument, the Court entered an order on July 23, 2014 dismissing Police Chief Gary Mayer and Count II as to all parties. The Court is expected to issue an order as to the first Count of Plaintiff's Complaint. On October 21, 2014, the Court entered its order in favor of the City, dismissing the case. Plaintiff subsequently filed an appeal with the Sixth Circuit Court of Appeals. **Plaintiff/ Appellant's Corrected Brief was filed on March 6, 2015.**
4. Daniel E. Katayama v City of Troy. Plaintiff filed this lawsuit under the Freedom of Information Act (FOIA) claiming that the City did not fully comply with a FOIA request he submitted on March 26, 2013. Plaintiff's FOIA request sought particular documents related to his arrest on suspicion of driving while intoxicated. The City filed an Answer to the Complaint, and the parties are conducting discovery. Discovery continues. The Court scheduled a mandatory settlement conference for March 10, 2014. The City filed a Motion for Summary Disposition on February 14,

2014. The Court scheduled oral argument on this Motion for June 5, 2014. The Court granted in part and denied in part the City's Motion for Summary Disposition. Plaintiff filed a Claim of Appeal in the Michigan Court of Appeals on September 3, 2014. A briefing schedule has not been issued by the Court of Appeals. A timely response brief will be filed once the date is set by the Court. Plaintiff ordered the transcript of proceedings, and the date of the receipt of the transcript dictates the appellate briefing schedule. **The parties are still waiting for the court transcript to be completed.**

5. *DiMario v. City of Troy, et al.* - Plaintiffs filed this case in Oakland County Circuit Court on November 5, 2014 to obtain a vacant piece of land next to Plaintiffs' home. Plaintiffs listed the City of Troy as a Defendant in the case because the City has easements on the property. The Plaintiffs also listed D&T Construction, Emerald Lakes Pointe Association, and the Oakland County Treasurer as Defendants. The City has filed an Answer to the Complaint, and is now waiting for the Court to issue a scheduling order. **The Court issued its scheduling order.**
6. *Helen Keats v Troy Police Department.* Plaintiff filed this claim and delivery action in the 52-4 District Court seeking the return of several firearms that were confiscated from her home when her husband was arrested for attempted murder. Her husband David Keats was convicted of Assault with Intent to Murder and sentenced to a minimum of 51 months in prison and a maximum of 20 years. Mr. Keats has appealed his conviction. Because of this conviction, the weapon used in the commission of the crime cannot be returned. Mrs. Keats is asking for a return of the gun her husband used in the crime, as well as all other confiscated firearms. The City filed an answer to the complaint and a response to Plaintiff's interim motion for possession. On December 2, 2013, Judge Hartig agreed with the City's position, and denied Plaintiff's motion. At that time, the Court indicated that she would reconsider the motion if Mr. Keats were successful in his appeal and if Mrs. Keats could provide proof that she owns the firearms in question. The Court scheduled a pre-trial for February 3, 2014, and on that date, Plaintiff was granted a stay of the district court case so that she could pursue an appeal. Plaintiff has not yet filed an appeal. Plaintiff's husband filed an appeal of his criminal conviction with the Michigan Court of Appeals. The Court affirmed the conviction on September 30, 2014. **On March 3, 2015, a consent judgment was entered allowing for the firearms to be returned to Plaintiff's grandson if he showed that the firearms were properly transferred to him. The consent judgment also prohibited the firearms from being returned to Plaintiff or her husband, should he be released, or be kept in Plaintiff's home.**
7. *Darrien Foster v Troy Police Department.* Plaintiff filed this claim and delivery action in the 52-4 District Court seeking return of a pistol that was confiscated from his residence. Troy police officers responded to Foster's home after receiving information that Plaintiff threatened to shoot himself. The City has filed an answer to the complaint and a response to Plaintiff's interim motion for

possession. A hearing is scheduled on the motion for April 8, 2015. The case is assigned to Judge Maureen M. McGinnis.

8. **Jeremy Carter v Oakland County Jail, et al.** Plaintiff filed this claim against the City of Troy and an individual Troy police officer claiming he was wrongfully arrested and incarcerated. The case was filed in the United States District Court for the Eastern District of Michigan and assigned to the Honorable Judge Gershwin Drain who ordered Plaintiff to file an Amended Complaint by a date certain. Plaintiff missed his deadline, and a motion to dismiss is pending before the Court awaiting a decision.

G. CRIMINAL APPEALS/ DISTRICT COURT APPEALS

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

There are no pending criminal appeals for this Quarter.

H. ADMINISTRATIVE PROCEEDINGS

1. *In the matter of the Petitions on National Pollution Discharge Elimination Systems (NPDES Phase II General Permits).* The City has joined several other municipalities in challenging several of the mandates in the NPDES Phase II General Permit, which was recently issued by the MDEQ. The new NPDES permit requires some storm water management techniques that exceed the federal mandates, and/or are not justified, based on the high cost of the mandate, in relation to the nominal environmental benefits. A status conference for the parties is set for October 1, 2008. The municipalities are currently exploring the coordination of efforts with other parties. Community representatives are meeting with representatives from the MDEQ to discuss possible resolutions of this matter without the necessity of a full blown administrative hearing. The parties are continuing to negotiate with the MDEQ. The City of Riverview filed a class action complaint in the Ingham County Circuit Court, challenging the permit requirements as unfunded mandates. The petitioners to the NPDES permit administrative proceeding are named as participants in the proposed class action lawsuit. As a result, the class action determination may have an impact on the administrative proceeding. The motion for class certification is scheduled for October 15, 2009. Class certification was granted. Hearings regarding the procedure for the new class action are set for January 2010. The Court granted class action status, and the administrative proceedings are now being delayed. Status reports have been filed and reviewed, and we continue to monitor any new developments. On October 14, 2010, the Michigan Court of Appeals reversed the order granting a stay of the contested cases. On November 19, 2010, the Ingham County Circuit Court (the class action lawsuit) entered an order granting in part the dismissal of some of

the claims. The remaining claims, including a Headlee claim, will be decided by the Court. Subsequently, the Assistant Attorney General, on behalf of the Michigan Department of Natural Resources and Environment (MDNRE) attempted to withdraw all of the remaining NPDES permits, which would mean that the whole process would need to be started from scratch. Since this action would likely result in a significant delay and a duplication of all efforts to date, several municipalities filed objections to this unilateral action. The MDNRE was given until December 22, 2010 to file a formal motion seeking a dismissal of the remaining NPDES permits. On August 9, 2011, the Administrative Law Judge held the case in abeyance, due to pending case at the Michigan Court of Appeals. The parties will continue to provide status reports in the interim. The Court is continuing to receiving status reports, with the next one due on December 19, 2012. Status reports were timely filed on January 6, 2013 and March 22, 2013. Additional status reports were submitted on June 24 and 25, 2013. The Court issued an order on September 10, 2013, continuing to hold the matter in abeyance pending resolution of the constitutional issues. Status reports were timely filed on December 18, 2013. Administrative Law Judge Plummer issued an order on January 29, 2014, continuing the case in abeyance, and ordering quarterly status reports to be filed. Status reports were filed as of the deadline of May 1, 2014. The case continues to be held in abeyance. The Court issued an order on August 27, 2014, continuing the case in abeyance. The Court has continued to hold this case in abeyance, and has required status reports be filed on or before January 30, 2015. **Status reports were timely filed.**

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

Beth L Tashnick

Subject: FW: Letters of Appreciation May 18 City Council meeting

From: Lucas, Allison
Sent: Tuesday, May 12, 2015 9:20 AM
To: Cathleen A Russ
Subject: Thank You!

Cathleen -

Thank you for your participation in the 2015 Food for Thought Campaign to benefit Gleaners Community Food Bank and your local food pantries. The **Troy Public Library** collected and donated **349** pounds of food, which will provide approximately **290** meals to help feed your neighbors in need!

Gleaners collects and distributes over 2.5 million pounds of food through community food drives, like yours, annually. Without your support we would not be able to continue our mission to feed hungry people and nourish our communities.

We appreciate the opportunity to work together with organization that are also committed to enriching the lives of those in southeast Michigan, and look forward to working with you again as you help fight hunger at home.

Best Regards,

Allison Lucas
Food & Fund Drive Campaign Manager
Gleaners Community Food Bank of Southeastern Michigan
2131 Beaufait | Detroit, MI | 48207

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

**NOTICE OF HEARING
FOR THE CUSTOMERS OF
DTE ELECTRIC COMPANY
CASE NO. U-17319-R**

- DTE Electric Company requests Michigan Public Service Commission approval to reconcile its power supply cost recovery (PSCR) costs and revenues for 2014, and to collect its total PSCR underrecovery of \$34,061,798, including interest, for the 12-month period ending December 31, 2014 from all PSCR customers.
- The information below describes how a person may participate in this case.
- You may call or write DTE Electric Company, One Energy Plaza, Detroit, Michigan 48226-1279, (800) 477-4747, for a free copy of its application. Any person may review the application at the offices of DTE Electric Company.
- The first public hearing in this matter will be held:

DATE/TIME: **Thursday, May 21, 2015, at 9:00 a.m.**
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

BEFORE: Administrative Law Judge Sharon L. Feldman

LOCATION: Michigan Public Service Commission
7109 West Saginaw Highway
Lansing, Michigan

PARTICIPATION: Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 284-8090 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider DTE Electric Company's (DTE Electric) March 31, 2015 application to reconcile its power supply cost recovery (PSCR) plan for the 12-month period ending December 31, 2014. DTE Electric requests Commission authority to collect its total PSCR underrecovery at year-end 2014 of \$34,061,798, including interest, to all PSCR customers. DTE Electric is requesting the Commission approve: 1) the Company's calculation and proposed disposition of the Choice Incentive Mechanism billing residual in Case No. U-16952; 2) the Company's calculation and proposed disposition of the Pension Equalization Mechanism billing residual in Case No. U-16047-R; and 3) the Company's utilization of Reduced Emissions Fuel (REF) and its calculation

of REF impacts in 2014.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets website at: michigan.gov/mpscedockets. Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to: mpscedockets@michigan.gov. If you require assistance prior to e-filing, contact Commission staff at (517) 284-8090 or by email at: mpscedockets@michigan.gov.

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by May 14, 2015. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon DTE Electric's attorney, David S. Maquera, One Energy Plaza, 688 WCB, Detroit, Michigan 48226-1279.

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

Requests for adjournment must be made pursuant to the Michigan Administrative Hearing System's Administrative Hearing Rules R 792.10422 and R 792.10432. Requests for further information on adjournment should be directed to (517) 284-8130.

A copy of DTE Electric's request may be reviewed on the Commission's website at: michigan.gov/mpscedockets, and at the office of DTE Electric Company. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 284-8090.

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in 1982 P.A. 304 proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Licensing and Regulatory Affairs, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.54 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended, MCL 460.6j et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Michigan Administrative Hearing System's Administrative Hearing Rules, 2015 AC, R 792.10401 et seq.

April 22, 2015