

AGENDA

Meeting of the

CITY COUNCIL OF THE CITY OF TROY

NOVEMBER 12, 2007

CONVENING AT 7:30 P.M.

Submitted By
The City Manager

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

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: Phillip L. Nelson, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

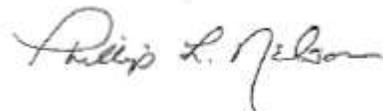
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

Goals

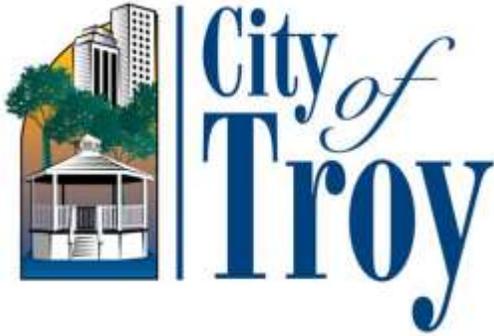
- I. Enhance the livability and safety of the community
- II. Minimize the cost and increase the efficiency and effectiveness of City government
- III. Retain and attract investment while encouraging redevelopment
- IV. Effectively and professionally communicate internally and externally
- V. Maintain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

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

Respectfully submitted,



Phillip L. Nelson, City Manager



CITY COUNCIL

AGENDA

November 12, 2007 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

INVOCATION & PLEDGE OF ALLEGIANCE: Father John J. Mech – St. Anastasia Catholic Church **1**

CALL TO ORDER: **1**

INSTALLATION CEREMONY: 2007-2009 City Council Convenes: a) Installation of New Members; b) Adoption of Rules of Procedure; c) Appointment of Mayor Pro Tem **1**

ROLL CALL **1**

CERTIFICATES OF RECOGNITION: **2**

- A-1 Presentations: 2
- a) Presentation by State Representative Marty Knollenberg – State Budget Deficit Figure Explanation..... 2
 - b) On behalf of the City of Troy Employee’s *Casual for a Cause* Program, Carol Anderson, Parks & Recreation Director will present a check to Cathy Killian of Troy Foundation for Educational Excellence 2

CARRYOVER ITEMS: **2**

- B-1 No Carryover Items 2

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- C-1 Rezoning Application – Proposed Office/Retail Development, South Side of Big Beaver, West of Rochester Road, Section 27 – O-1 to B-2 (File Number Z-728) 2
-

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C-2 Rezoning Application – Proposed Office Building, East of Livernois, South Side of Wattles, Section 22 – R-1C to O-1 (File Number: Z-725) 3

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- b) Standard Purchasing Resolution 3: Exercise Renewal Option – Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses..... 5
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- d) Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Tactical Vests 6
- e) Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Ice Melt Compound 6
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2. Seco Tools, Inc., 2805 Bellingham – Issuance of an Industrial Facilities Exemption Certificate (IFEC)	20

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Monday, February 18, 2008 Regular City Council	20
Wednesday, February 20, 2008 (Liquor Violation Hearing) Regular City Council	20
Monday, March 3, 2008 Regular City Council	20
Monday, March 17, 2008 Regular City Council	20

INVOCATION & PLEDGE OF ALLEGIANCE: Father John J. Mech – St. Anastasia Catholic Church

CALL TO ORDER:

INSTALLATION CEREMONY: 2007-2009 City Council Convenes: a) Installation of New Members; b) Adoption of Rules of Procedure; c) Appointment of Mayor Pro Tem

(a) Installation of New Members

Members of the City Council who begin new terms will be administered the Oath of Office.

ROLL CALL

Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Wade Fleming
Martin Howrylak
Mary Kerwin

(b) Adoption of Rules of Procedure

Suggested Resolution

Resolution #2007-11-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby (**ADOPTS** or **AMENDS**) the Rules of Procedure of the City Council of the City of Troy as recorded by the City Clerk in the Minutes of this meeting.

Yes:

No:

(c) Appointment of Mayor Pro Tem

Council's Rules of Procedure address the appointment of Mayor Pro Tem as follows:

1. *Appointment of Mayor Pro Tem*

The selection of Mayor Pro Tem shall proceed in a linear fashion based on seat rotation in the following order: Martin Howrylak, Wade Fleming, Robin Beltramini, David Eisenbacher, Mary Kerwin, Cristina Broomfield.

Suggested Resolution

Resolution #2007-11-

Moved by
Seconded by

RESOLVED, That Troy City Council hereby **APPOINTS** _____ to serve as Mayor Pro Tem for the City Council of the City of Troy.

Yes:
No:

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Presentation by State Representative Marty Knollenberg – State Budget Deficit Figure Explanation
- b) On behalf of the City of Troy Employee’s *Casual for a Cause* Program, Carol Anderson, Parks & Recreation Director will present a check to Cathy Killian of Troy Foundation for Educational Excellence

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Rezoning Application – Proposed Office/Retail Development, South Side of Big Beaver, West of Rochester Road, Section 27 – O-1 to B-2 (File Number Z-728)

Suggested Resolution
Resolution #2007-11-
Moved by
Seconded by

WHEREAS, The City is in receipt of a rezoning request, from O-1 to B-2, File Number Z-728, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy;

WHEREAS, The application is consistent with the Future Land Use Plan, and is compatible with surrounding zoning districts and land uses; and

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed rezoning from O-1 to B-2.

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

Yes:
No:

C-2 Rezoning Application – Proposed Office Building, East of Livernois, South Side of Wattles, Section 22 – R-1C to O-1 (File Number: Z-725)Suggested Resolution

Resolution #2007-11-

Moved by

Seconded by

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

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

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

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

Yes:

No:

C-3 Community Development Block Grant (CDBG) 2008 ApplicationSuggested Resolution

Resolution #2007-11-

Moved by

Seconded by

WHEREAS, The City of Troy will receive approximately \$165,141.00 for Community Development Block Grant funds for the year 2008;

WHEREAS, On November 12th, 2007 at which Public Hearing, persons were given an opportunity to provide written and oral views to the Troy City Council, the authority responsible for enacting the budget, and to ask questions about the entire budget and the relationship of the Flood Drain Improvements, Home Chore Program, and Administration; and

WHEREAS, The City Council of the City of Troy, after conclusion of the Public Hearing on this date has determined that funding should be provided through the 2008 Community Development Block Grant (CDBG) Program for Flood Drain Improvements, the Home Chore Program, and Administration;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DESIGNATES** Flood Drain Improvements, the Home Chore Program and Administration as Community Development Block Grant (CDBG) Projects for 2008; and

BE IT FINALLY RESOLVED, That the Mayor of the City of Troy is **AUTHORIZED** to sign the Application and Subrecipient Agreement and **SUBMIT** them to Oakland County.

Yes:

No:

POSTPONED ITEMS:

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

Pending Resolution

Moved by Beltramini

Seconded by Schilling

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

Yes:

No:

CONSENT AGENDA:

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

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

Suggested Resolution

Resolution #2007-11-

Moved by

Seconded by

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

Yes:

No:

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

E-2 Approval of City Council MinutesSuggested Resolution

Resolution #2007-11-

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of October 15, 2007 be **APPROVED** as submitted.

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

E-4 Standard Purchasing Resolutions**a) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Avondale Youth Assistance**Suggested Resolution

Resolution #2007-11-

RESOLVED, That Troy City Council hereby **GRANTS** approval to expend funds budgeted in the 2007/2008 fiscal year to the Avondale Youth Assistance to provide counseling and community services to prevent youth offender recidivism to the residents of Troy who reside in the Avondale School District at a cost of \$2,210.00, and **AUTHORIZES** the Mayor and City Clerk to execute the agreements, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

b) Standard Purchasing Resolution 3: Exercise Renewal Option – Fertilization Services at Sylvan Glen and Sanctuary Lake Golf CoursesSuggested Resolution

Resolution #2007-11-

WHEREAS, On February 5, 2007, a one-year contract with an option to renew for one additional year to provide fertilization services to the City golf courses was awarded to the lowest bidder meeting specifications, Turfgrass, Inc. of South Lyon, MI (Resolution #2007-02-031-E-4a); and

WHEREAS, Turfgrass, Inc. has agreed to exercise the one-year option to renew under the same prices, terms and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew the contract for one additional year to provide fertilization services to the City golf courses with Turfgrass, Inc. of South Lyon, MI, under the same contract prices, terms and conditions expiring December 31, 2008.

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

Suggested Resolution
Resolution #2007-11-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase four (4) 2008 Ford Expedition 4X4's from Signature Ford of Owosso, MI, through a Macomb County Cooperative Purchasing Agreement for an estimated total cost of \$103,247.50.

d) **Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Tactical Vests**

Suggested Resolution
Resolution #2007-11-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to purchase Tactical Vests for the Troy Police Department from grant monies made available through the Department of Justice, Bulletproof Vest Partnership Grant Program to the lowest bidder meeting specifications, Michigan Police Equipment Company of Charlotte, MI, at the unit price detailed in the bid tabulation opened May 30, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of June 30, 2009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the expenditure of matching City funds for one-half the cost of the vests.

e) **Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Ice Melt Compound**

Suggested Resolution
Resolution #2007-11-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide one (1) year requirements of ice melt compound with an option to renew for one (1) additional year for the City of Troy and participating MITN (Michigan Intergovernmental Trade Network) Purchasing Cooperative Members to the lowest acceptable bidder, Washington Elevator Co., Inc., of Washington, MI, at the unit price contained in the bid tabulation opened October 9, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with a contract expiration of October 31, 2008.

f) **Standard Purchasing Resolution 4: MITN Cooperative Award – City of Rochester Hills Single Axle Dump Truck**

Suggested Resolution
Resolution #2007-11-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase one (1) 2008 Sterling L 8500 5-7 yard dump truck with snow plow and salt spreader from Wolverine Truck

Sales, Inc. of Dearborn, MI, through a MITN Cooperative Award hosted by the City of Rochester Hills for an estimated total cost of \$129,605.00.

g) Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Annual Flowers and Bedding Plants

Suggested Resolution

Resolution #2007-11-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide seasonal requirements of annual flowers and bedding plants for 2008 to the lowest acceptable bidder, Meiring Greenhouse & Farms of Carleton, MI, at unit prices contained in the bid tabulation opened October 29, 2007, for an estimated total cost of \$11,017.50; and

BE IT FURTHER RESOLVED, If additional annuals or bedding plants are required, such additional materials are **AUTHORIZED** in an amount not to exceed 20% of the estimated total cost or \$2,203.50.

E-5 Request for Acceptance of a Warranty Deed and Four Permanent Easements, Mayapple, LLC – Timbercrest Farms Site Condominium, Section 24, Sidwell #88-20-24-201-035 and -019

Suggested Resolution

Resolution #2007-11-

RESOLVED, That Troy City Council hereby **ACCEPTS** the Warranty Deed for right-of-way and four Permanent Easements for water main, pedestrian walkway, sanitary sewer and storm sewer, from Mayapple, LLC, owner of the property having Sidwell #88-20-24-201-035 and 019; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the Warranty Deed and four Permanent Easements with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-6 Request for Acceptance of Two Warranty Deeds – V3M Associates, LLC, Section 27, Sidwell #88-20-27-357-002

Suggested Resolution

Resolution #2007-11-

RESOLVED, That Troy City Council hereby **ACCEPTS** the two Warranty Deeds for right-of-way from V3M Associates, LLC, owner of the property having Sidwell# 88-20-27-357-002; and

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

E-7 Request for Acceptance of a Permanent Easement for Public Utilities – Wayne Chow, Section 36, Sidwell #88-20-36-100-069

Suggested Resolution
Resolution #2007-11-

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for Public Utilities from Wayne Chow, owner of property having Sidwell #88-20-36-100-069; and

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

E-8 Request for Acceptance of a Permanent Easement for Public Utilities – King Y. Chow Declaration of Trust Dated March 21, 2007, Section 36, Sidwell #88-20-36-100-070

Suggested Resolution
Resolution #2007-11-

RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Easement for Public Utilities signed by King Y. Chow, Trustee of the King Y. Chow Declaration of Trust Dated March 21, 2007, on behalf of the Declaration of Trust, owner of the property having Sidwell #88-20-36-100-070; and

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

E-9 Request for Approval of Purchase Agreement for Right-of-Way – Sidewalk Gap Completion Project – Olive Peters, 115 Wattles – Sidwell #88-20-15-355-048, -049 and -050

Suggested Resolution
Resolution #2007-11-

RESOLVED, That Troy City Council hereby **APPROVES** the Purchase Agreement in the amount of \$21,818.00 between Olive Peters, owner of the property having Sidwell #88-20-15-355-048, -049 and -050, and the City of Troy, for the acquisition of right-of-way for a Sidewalk Gap Completion project in the amount of \$21,818.00, plus closing costs.

E-10 Private Agreement for AAA Insurance Building – Project No. 07.933.3

Suggested Resolution
Resolution #2007-11-

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Ms. Marcy Galka,

for the installation of water main, sanitary sewer service, and concrete sidewalk on the site and in the adjacent right of way, and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-11 2007 Request to Waive Recapture Form

Suggested Resolution

Resolution #2007-11-

WHEREAS, The U.S. Department of Housing and Urban Development (HUD) mandates that Community Development Block Grant (CDBG) balances not exceed 1.5 times the current program year allocation sixty (60) days prior to the end of the program year (February 28th);

WHEREAS, The Oakland County Board of Commissioners adopted a policy allowing communities to protect funds from their two most recent program years to help comply with this regulation;

WHEREAS, All unobligated 2005 and older funds are at risk of recapture December 31, 2007;

WHEREAS, Troy may protect unobligated 2005 funds from recapture for one additional year by requesting a waiver; and

WHEREAS, A separate Waiver request form must be submitted for each 2005 line item to the Manager of the Oakland County Community & Home Improvement Division no later than Friday, November 23, 2007;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **REQUESTS** to waive recapture of 2005 CDBG funds as follows:

<u>Account Number</u>	<u>Project Name</u>	<u>Amount</u>
730744	Flood Drain Improvements	\$82,795.00
731521	Public Services	6,749.00
731815	Special Assessment	4,703.43

E-12 City of Troy Investment Policy and Establishment of Investment Accounts

Suggested Resolution

Resolution #2007-11-

RESOLVED, That Troy City Council hereby **APPROVES** the Investment Policy and Establishment of Investment Accounts outlined in the memorandum from Assistant City Manager/Finance & Administration John M. Lamerato, dated November 2, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-13 Animal Care Service and Disposal Agreement for Fiscal Years 2008-2010

Suggested Resolution
Resolution #2007-11-

WHEREAS, The City of Troy has contracted with Oakland County Animal Care Center who has been authorized to house, care for, maintain, feed, and/or dispose of animals since January 1, 1999;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Animal Care Center Services and Disposal Interlocal Agreement by and between Oakland County and the City of Troy effective October 1, 2007 through September 30, 2010 and **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-14 Private Agreement for 6951 Rochester Road – Gas Station Project No. 06.926.3

Suggested Resolution
Resolution #2007-11-

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

E-15 Approval of Subdivision Entrance Signs/Agreement Mount Vernon Estates Subdivision

Suggested Resolution
Resolution #2007-11-

RESOLVED, That Troy City Council hereby **APPROVES** as to the design and materials proposed, the sign application submitted by the Mount Vernon Estates Homeowners Association for the placement of signs within the medians of Colonial at the intersection of Wattles, Ramblewood at the intersection of Wattles and at Mt. Vernon at the intersection of John R; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the agreement regarding the maintenance and liability coverage for the sign, and **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

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

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

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: Downtown Development Authority and Planning Commission b) City Council Appointments: Advisory Committee for Persons with Disabilities; Cable Advisory Committee; Municipal Building Authority; Parks & Recreation Board; Southeastern Michigan Council of Governments (SEMCOG); and Troy Daze Committee

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

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

(a) Mayoral Appointments

Suggested Resolution

Resolution #2007-11-

Moved by

Seconded by

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

Downtown Development Authority

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

Term Expires 09/30/2011

Planning Commission

Appointed by Mayor (9-Regular) – 3-Year Terms

(Unexpired Term) Term Expires 12/31/2008

Yes:

No:

(b) City Council Appointments

Suggested Resolution

Resolution #2007-11-

Moved by

Seconded by

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

Advisory Committee for Persons with Disabilities

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

***Cynthia Buchanan**

Term Expires 11/01/10

***NOTE: Correction to appointment made at the October 15, 2007 meeting from alternate position to regular term.**

Term Expires 11/01/10

Term Expires 11/01/10

(Unexpired Term) Term Expires 11/01/09

(Alternate) Term Expires 11/01/09

Cable Advisory Committee

Appointed by Council (7-Regular) – 3 Year Terms

Unexpired Term 02/28/09

Municipal Building Authority

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

Unexpired Term 01/31/09

Parks & Recreation Board

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

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

***NOTE: Recommendation received from Troy Daze Committee**

Southeastern Michigan Council of Governments (SEMCOG)

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

(Delegate) Term Expires 11/09/09

(Alternate) Term Expires 11/09/09

Troy Daze Committee

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

Term Expires 11/30/10

Yes:

No:

F-2 Rescind Bid Award/Re-Award Contract – Rifle Accessories

Suggested Resolution

Resolution #2007-11-

Moved by

Seconded by

WHEREAS, On October 1, 2007, a contract to purchase firearm accessories, Item #2) Surefire suppressor adapters was awarded to the low bidder, Interstate Arms Corporation of Billerica, MA, (Resolution # 2007-10-284-E-4c); and

WHEREAS, Interstate Arms Corporation has defaulted on the contract due to their inability to supply the adapters at the quoted price;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract to purchase firearm accessories, Item #2) Surefire suppressor adapters from Interstate Arms Corporation, and hereby **RE-AWARDS** to the next lowest bidder, Vance Outdoors, Inc. dba Vance’s Law Enforcement of Columbus, OH, at unit prices contained in the bid tabulation opened September 12, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

F-3 William Beaumont Hospital Parking Agreement

Suggested Resolution

Resolution #2007-11-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the Addendum to the agreement between the City of Troy and William Beaumont Hospital for the use of Flynn Park Roadway, and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

F-4 Agreement to Provide Fleet Maintenance Services – City of Birmingham

Suggested Resolution

Resolution #2007-11-

Moved by

Seconded by

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

Yes:

No:

F-5 Preliminary Site Condominium Approval – Villas of Troy Site Condominium, South of Wattles, East Side of Finch, Section 21, 11 Units/Lots on 5.532 Acres – R-1B

Suggested Resolution

Resolution #2007-11-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the preliminary site condominium plan, as submitted under Section 34.60.00 of the Zoning Ordinance (Open Space Preservation Option) for the development of a One-Family Residential Site Condominium, known as Villas of Troy Site Condominium, located south of Wattles, east side of Finch, in Section 21, including 11 home sites, within the R-1B zoning district, being 5.532 acres in size.

Yes:

No:

F-6 Alcohol Sales on Golf CoursesSuggested Resolution

Resolution #2007-11-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **DIRECTS** staff to pursue options to allow alcohol to be sold on the Golf Courses; and

BE IT FURTHER RESOLVED, That Troy City Council **DIRECTS** staff to prepare addendums to the agreements with Kosch Special Events, LLC and Gallatin, Inc. (Camp Ticonderoga) that would allow alcohol sales on the golf courses.

Yes:

No:

F-7 Continued Automatic Mailing of Absentee Voter Ballot Applications to Troy Voters on the Permanent Absentee List and Voters 60-Years of Age and OlderSuggested Resolution

Resolution #2007-11-

Moved by

Seconded by

WHEREAS, The City of Troy has maintained a Permanent Absentee Voters List in excess of ten-years and has mailed *Absentee Voter Ballot Applications* prior to every election to the voters on the list as well as mailed applications to voters age 60 and over, one of the statutory reasons to be eligible to receive an Absentee Ballot, for the past 7 elections;

WHEREAS, The City of Troy believes that this is a service provided to its residents and eliminating the mailings would be a disservice to voters accustomed to receiving *Absentee Voter Ballot Applications*;

WHEREAS, The Michigan Court of Appeals issued a decision on October 25, 2007, as result of an appeal by the City of Detroit to the Wayne County Circuit Court's ruling in 2005 that then Detroit City Clerk Jackie Currie had exceeded her authority to mail *Absentee Voter Ballot Applications* to Detroit voters on her Permanent Absentee Ballot Voter List, which were generally voters 60-years or older;

WHEREAS, Detroit City Clerk Jackie Currie was an elected City Clerk and was a candidate for re-election listed on the ballot when the case was filed against her;

WHEREAS, The Troy City Clerk is an appointed official and has no personal gain in the distribution of unsolicited *Absentee Voter Ballot Applications* to Troy Registered Voters;

WHEREAS, The Michigan Court decision contains language that municipal clerks are not authorized by Michigan Election Law to mail unsolicited *Absentee Voter Ballot Applications* to voters, based on the Election Law provision cited in Section 168.759(5) which states that “The clerk of the city, township, or village shall have *Absentee Voter Ballot Applications* forms available in the office of the clerk at all times and shall furnish an *Absentee Voter Ballot Application* form to anyone upon a verbal or written request”;

WHEREAS, Under Michigan Election Law, there are 478 times that the Legislature has used the words “shall not”, but no similar limitation of unsolicited mailing of *Absentee Voter Ballot Applications* is expressed in Section 168.759(5);

WHEREAS, The Home Rule City Act, MCL 117.1 et seq., gives a broad range of authority to Home Rule Cities;

WHEREAS, The Troy City Charter, Section 2.1, General Powers, states, in part, “City and its officers shall have and be vested with any and all powers which Home Rule Cities”;

WHEREAS, The Troy City Council believes that providing services to the residents of the City of Troy is a right and responsibility of local government;

WHEREAS, The City of Troy will be penalized financially by a per piece distribution of applications and ballots at the verbal or written request by qualified voters as the City will not be eligible to utilize their special Election Logo Bulk Mailing rate;

WHEREAS, The current City of Troy staffing levels will not be sufficient to handle the anticipated dramatic increase of in-person contacts for Absentee Voter Ballots;

WHEREAS, Every election administered by the City of Troy will have a dramatic increase in staffing and postage expenses;

WHEREAS, The November 2008 General Election will have an added expenditure for postage in an estimated amount of \$17,000.00 and an undetermined expenditure for an increase in part-time staffing needs;

WHEREAS, It is in the best interest for the City of Troy to encourage its voters to participate in the Election process;

WHEREAS, Troy voters are accustomed to receiving automatic mailings of *Absentee Voter Ballot Applications*, and the elimination of this practice may lead to disenfranchising voters who have previously relied upon the automatic mailing to exercise their right to vote;

WHEREAS, Discontinuing the automatic mailing of *Absentee Voter Ballot Applications* to Troy voters, who have received applications for several elections and in excess of ten-years, is a disservice to those voters; and

WHEREAS, The right to vote is one of the very fundamental provisions of the United States Constitution and it is the belief of the Troy City Council that every effort should be made to assure that right is not disturbed;

THEREFORE, BE IT RESOLVED, That Troy City Council, under the Authority given to Home Rule Cities through MCL 117.1 et seq., hereby **DIRECTS** the Troy City Clerk to continue to automatically mail *Absentee Voter Ballot Applications* to voters of the City of Troy in the manner that has been established as a practice and precedent of the Troy City Clerk's Office.

Yes:

No:

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Seco Tools, Inc. – 2805 Bellingham – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC) – December 17, 2007

G-2 Green Memorandums: None Submitted

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

-
- H-1 No Council Referrals Advanced**

COUNCIL COMMENTS:

-
- I-1 No Council Comments Advanced**

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Troy Cable Advisory Committee/Final – April 19, 2007
 - b) Troy Daze Festival Committee/Final – August 28, 2007
 - c) Troy Daze Festival Committee Special/Final – September 5, 2007
 - d) Advisory Committee for Senior Citizens/Final – September 6, 2007
 - e) Library Advisory Board/Final – September 6, 2007
 - f) Employees' Retirement System Board of Trustees/Final – September 12, 2007
 - g) Board of Zoning Appeals/Final – September 18, 2007
 - h) Parks and Recreation Advisory Board/Final – September 20, 2007
 - i) Historic Commission/Final – September 25, 2007
 - j) Planning Commission Special/Study/Final – September 25, 2007
 - k) Planning Commission Special/Study/Draft – October 2, 2007
 - l) Planning Commission Special/Study/Final – October 2, 2007
 - m) Building Code Board of Appeals/Final – October 3, 2007
 - n) Advisory Committee for Senior Citizens/Draft – October 4, 2007
 - o) Advisory Committee for Senior Citizens/Final – October 4, 2007
 - p) Planning Commission/Draft – October 9, 2007
 - q) Planning Commission/Final – October 9, 2007
 - r) Board of Zoning Appeals/Draft – October 16, 2007
 - s) Cable Advisory Committee/Draft – October 18, 2007
 - t) Building Code Board of Appeals/Draft – October 24, 2007
 - u) Advisory Committee for Senior Citizens/Draft – November 1, 2007
-

J-2 Department Reports:

- a) Council Member Stine's Travel Expense Report – Annual MML Convention
- b) Council Member Beltramini's Travel Expense Report – Annual MML Convention
- c) City of Troy Quarterly Financial Report – September 30, 2007
- d) Purchasing Department – Final Reporting – BidNet On-Line Auction Services – September 2007
- e) Police Department – 2007 Year-To-Date Calls for Police Service Report
- f) Building Department – Permits Issued During the Month of October, 2007
- g) City Attorney's Office – 2007 Third Quarter Litigation Report

J-3 Letters of Appreciation:

- a) Letter of Thanks to Chief Craft from Daniel T. McCaw, Waterford Twp. Chief of Police Regarding Assistance Received from Lt. Frye and Sgt. Salter with an Investigation
- b) Letter of Thanks to Chief Craft from Daniel T. McCaw, Waterford Twp. Chief of Police Regarding Assistance Received from Sgt. Daniel and Officers Schultz and Garcher in a Motorcycle Memorial Ride
- c) Letter of Thanks to Brian Murphy from JoAnn Gibson, GirlBiz Planner and Lead Facilitator Regarding the Efforts of Pam Valentik and the Troy Community Center Staff
- d) Letter of Appreciation to Lt. Scherlinck from Dr. Judy Garrett Regarding the Assistance of Officers Kaptur and Kowalski during the Wattles Elementary School Annual Walk to School Day
- e) Letter of Thanks to Jennifer Lawson from Michael Stafford, Cranbrook Institute of Science Director and John McCulloch, Oakland County Drain Commissioner for Participation in the Rouge River Water Festival

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

J-5 Calendar

J-6 Correspondence from State Senator John Pappageorge Congratulating the City of Troy on Being Named One of the Top 25 Cities to Live in and go to School in the Nation by RelocateAmerica.com

J-7 Troy Youth Assistance Board Meeting Draft Minutes from October 18, 2007**STUDY ITEMS:**

K-1 No Study Items Submitted**PUBLIC COMMENT: Address of "K" Items**

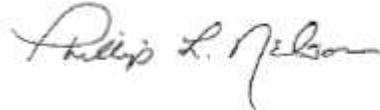
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CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

ADJOURNMENT

Respectfully submitted,



Phillip L. Nelson, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

Monday, December 17, 2007

1. Seco Tools, Inc., 2805 Bellingham – Request for Industrial Development District (IDD)
2. Seco Tools, Inc., 2805 Bellingham – Issuance of an Industrial Facilities Exemption Certificate (IFEC)

SCHEDULED CITY COUNCIL MEETINGS:

Monday, November 19, 2007	Regular City Council
Monday, December 3, 2007	Regular City Council
Monday, December 17, 2007	Regular City Council
Monday, January 7, 2008	Regular City Council
Monday, January 28, 2008	Regular City Council
Monday, February 4, 2008	Regular City Council
Wednesday, February 13, 2008 (Liquor Violation Hearing)	Regular City Council
Monday, February 18, 2008	Regular City Council
Wednesday, February 20, 2008 (Liquor Violation Hearing)	Regular City Council
Monday, March 3, 2008	Regular City Council
Monday, March 17, 2008	Regular City Council

From: Beth L Tashnick
Sent: Tuesday, October 16, 2007 3:42 PM
To: agenda
Subject: 11.12.07 - Presentation by Representative Marty Knollenberg Regarding the State Budget

Beth Tashnick

City of Troy
Manager's Office
tashnickbl@troymi.gov
Phone (248) 524-3330
Fax (248) 524-0851

From: Julie Hamilton
Sent: Monday, October 29, 2007 12:00 PM
To: Barbara A Pallotta; Carol K Anderson
Check Presentation

Barb,

Please add the Troy Foundation for Educational Excellence to the November 12th Council meeting.

Carol,

Cathy Killian will be in attendance on the 12th to accept the check for the foundation. I will forward the check to you today.

Julie Hamilton



Julie Hamilton.vcf



CITY COUNCIL ACTION REPORT

October 29, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Public Hearing – Rezoning Application – Proposed Office/Retail Development, South side of Big Beaver, West of Rochester Road, Section 27 – O-1 to B-2 (File Number Z-728)

Background:

- The Planning Commission recommended approval of the request to rezone the parcel to B-2 at the September 11, 2007 Regular meeting.
- The parcel is classified on the Future Land Use Plan as Regional Center. The Regional Center classification has a primary correlation with the B-2 zoning district and a secondary correlation with the B-3 and H-S zoning districts. The application therefore is consistent with the Future Land Use Plan.
- The application is consistent with the general character of the area and compatible with adjacent zoning districts and land uses.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

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

Policy Considerations:

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

Options:

- City Council can approve or deny the rezoning application.

Attachments:

1. Maps.
2. Minutes from the September 11, 2007 Planning Commission Regular meeting.

Prepared by RBS/MFM

cc: Applicant
File /Z 728

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
File Number Z-728

The City of Troy ordains:

Section 1. Short Title

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

Section 2. Amendment to Zoning District Map

This Ordinance shall amend the Zoning District Map, from O-1 Low Rise Office Building to B-2 Community Business, for parcels 88-20-27-201-008, -009, -010, located on the south side of Big Beaver Road, west of Rochester Road in Section 27, and described in the following legal description and illustrated on the attached Certificate of Survey drawing:

T2N, R11E, NE 1/4 of Section 27

Lots 49, 50, and 51, except the North 32.00 feet taken for Big Beaver Rd., of Ford Subdivision (Liber 58, pg. 24 of Oakland County Records). Containing ±0.63 ac. more or less, and subject to easements and restrictions of record.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

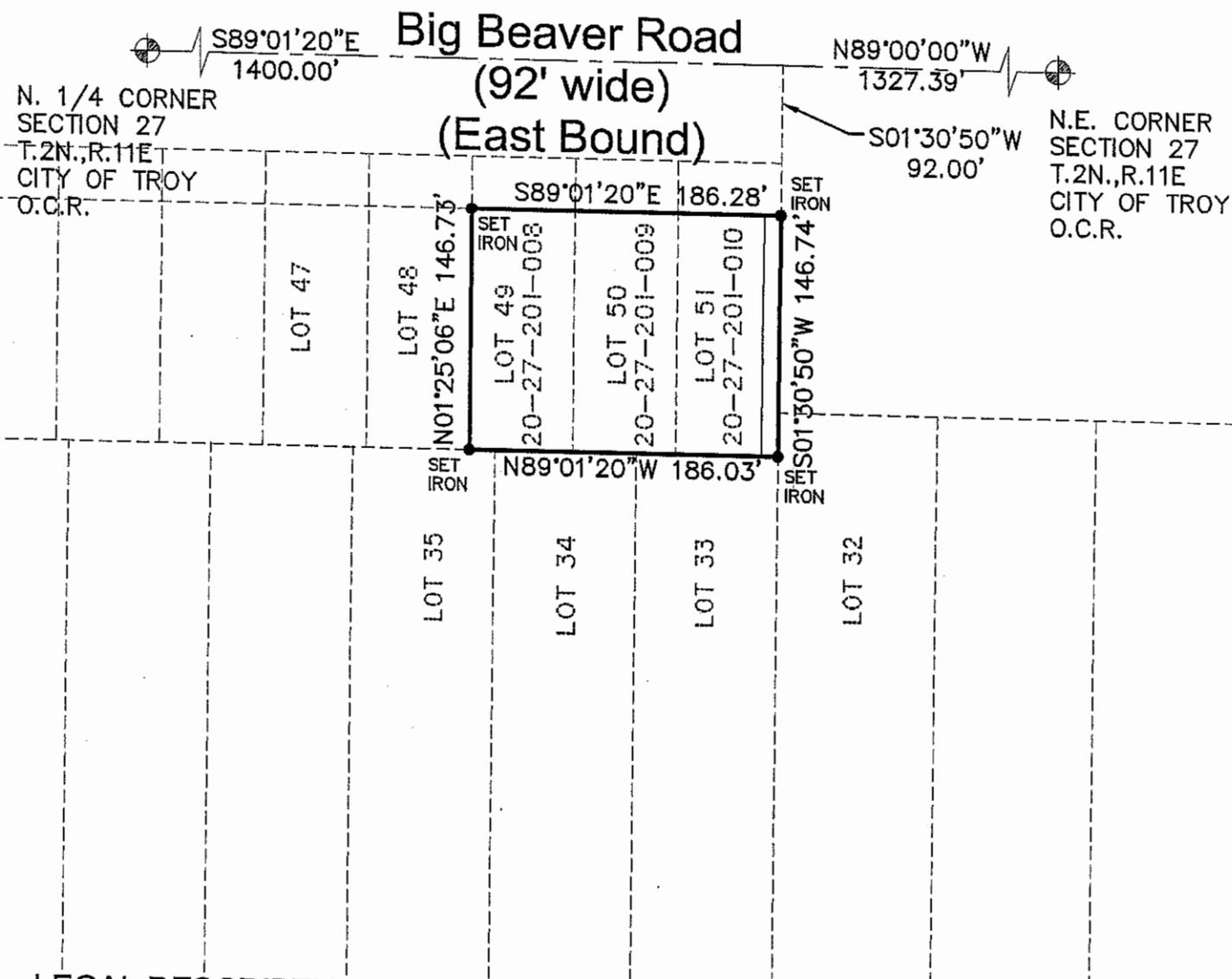
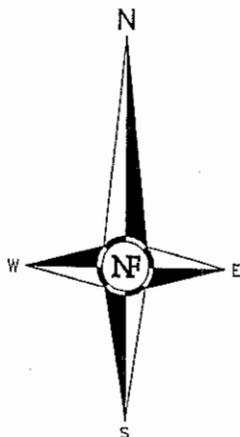
This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

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

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

Certificate of Survey
 PART OF THE N.E. 1/4 OF
 SECTION 27, T. 2N., R. 11E.,
 CITY OF TROY, OAKLAND COUNTY, MICHIGAN



LEGAL DESCRIPTION

LOTS 49, 50 AND 51 EXCEPT THE NORTH 32.00 FEET TAKEN FOR BIG BEAVER ROAD OF "FORD SUBDIVISION" OF PART OF THE N. 1/2 OF N.E. 1/4 OF SECTION 27, T.2N.,R.11E., TROY TWP(NOW CITY OF TROY) OAKLAND COUNTY, MICHIGAN, LIBER 58, PAGE 24, OAKLAND COUNTY RECORDS.

CONTAINING 27,413 SQUARE FEET OR 0.63 ACRES OF LAND

PARCEL ID: 20-27-201-008
 20-27-201-009
 20-27-201-010



CERTIFICATE OF SURVEY

WE HEREBY CERTIFY THAT WE HAVE SURVEYED THE PROPERTY HEREIN DESCRIBED AND THAT WE HAVE PLACED MARKER IRONS AT THE CORNERS OF THE PARCEL OR AS INDICATED IN THE ABOVE SKETCH AND THAT WE HAVE COMPLIED WITH THE SURVEY REQUIREMENTS OF PUBLIC ACT 132 OF 1970, AS AMENDED.

NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners

1310 N. Stephenson Highway
 Royal Oak, Michigan 48067-1508

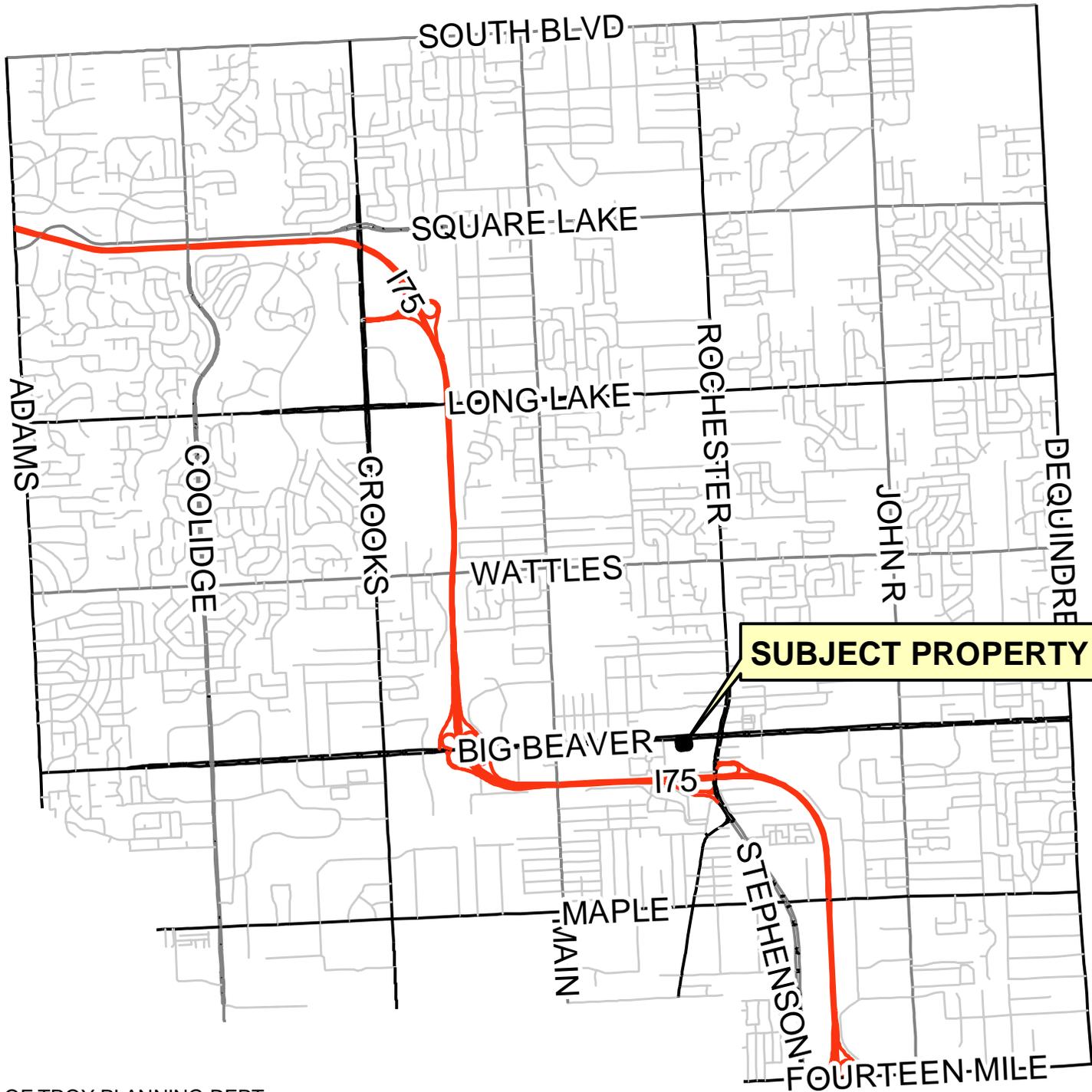
Tel. (248) 399-0886
 Fax. (248) 399-0805

ALEX NICOLAESCU, PLS
 NO.: 22705

DATE: 08-10-03

SCALE: 1" = 100' DATE: 07-17-2007 DRAWN: RJJ JOB No: E538-01 SHEET: 1 of 1

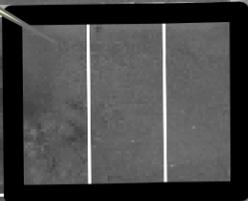
CITY OF TROY



REZONING REQUEST
RESTAURANT / RETAIL DEVELOPMENT
FROM O-1 TO B-2
S SIDE OF BIG BEAVER, W OF ROCHESTER RD
SEC. 27 (Z-728)

SUBJECT PROPERTY

E BIG BEAVER



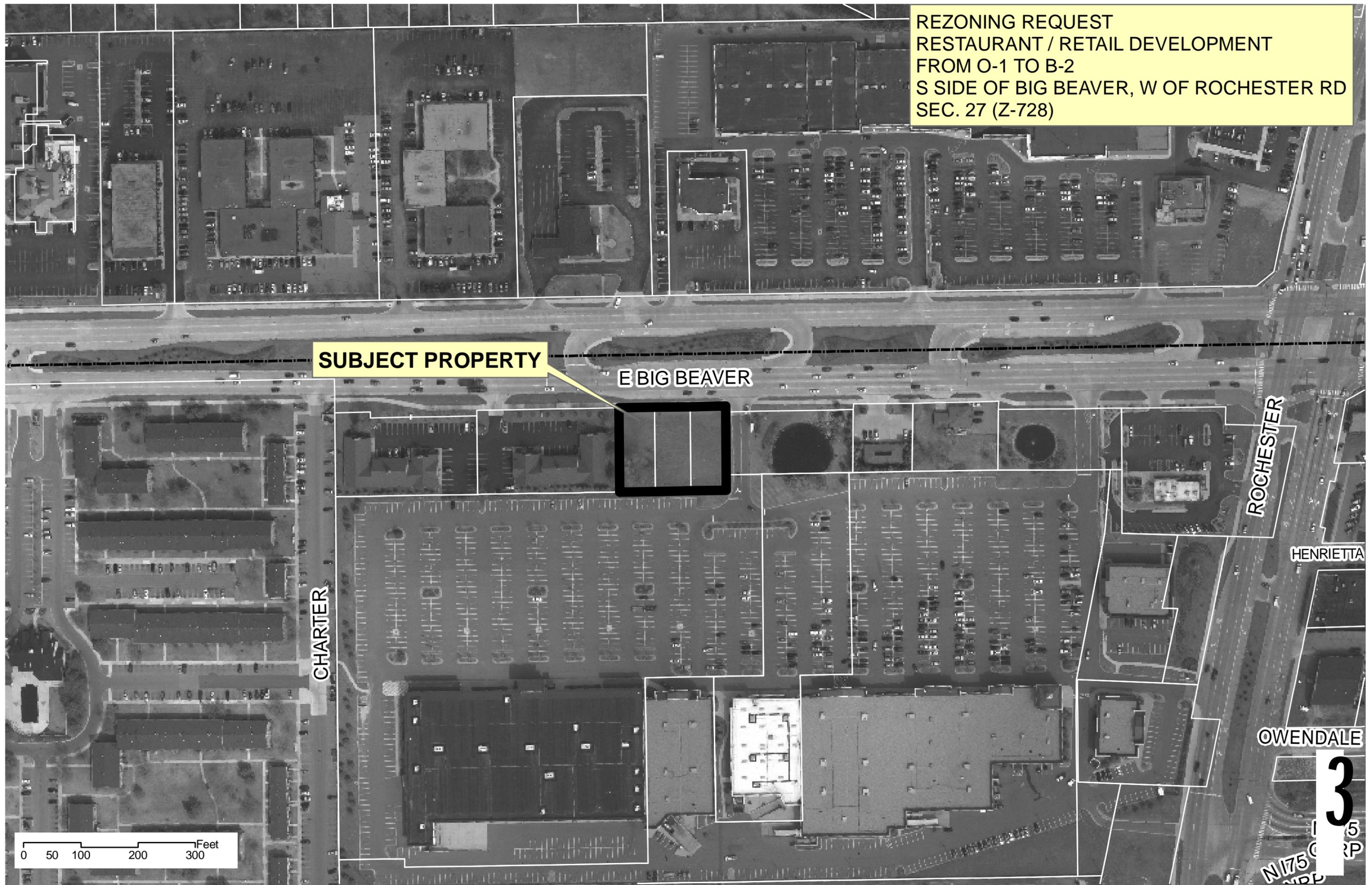
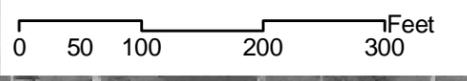
CHARTER

ROCHESTER

HENRIETTA

OWENDALE

3



R-1E

REZONING REQUEST
RESTAURANT / RETAIL DEVELOPMENT
FROM O-1 TO B-2
S SIDE OF BIG BEAVER, W OF ROCHESTER RD
SEC. 27 (Z-728)

O-M

B-3

SUBJECT PROPERTY

E BIG BEAVER

O-1

H-S

ROCHESTER

HENRIETTA

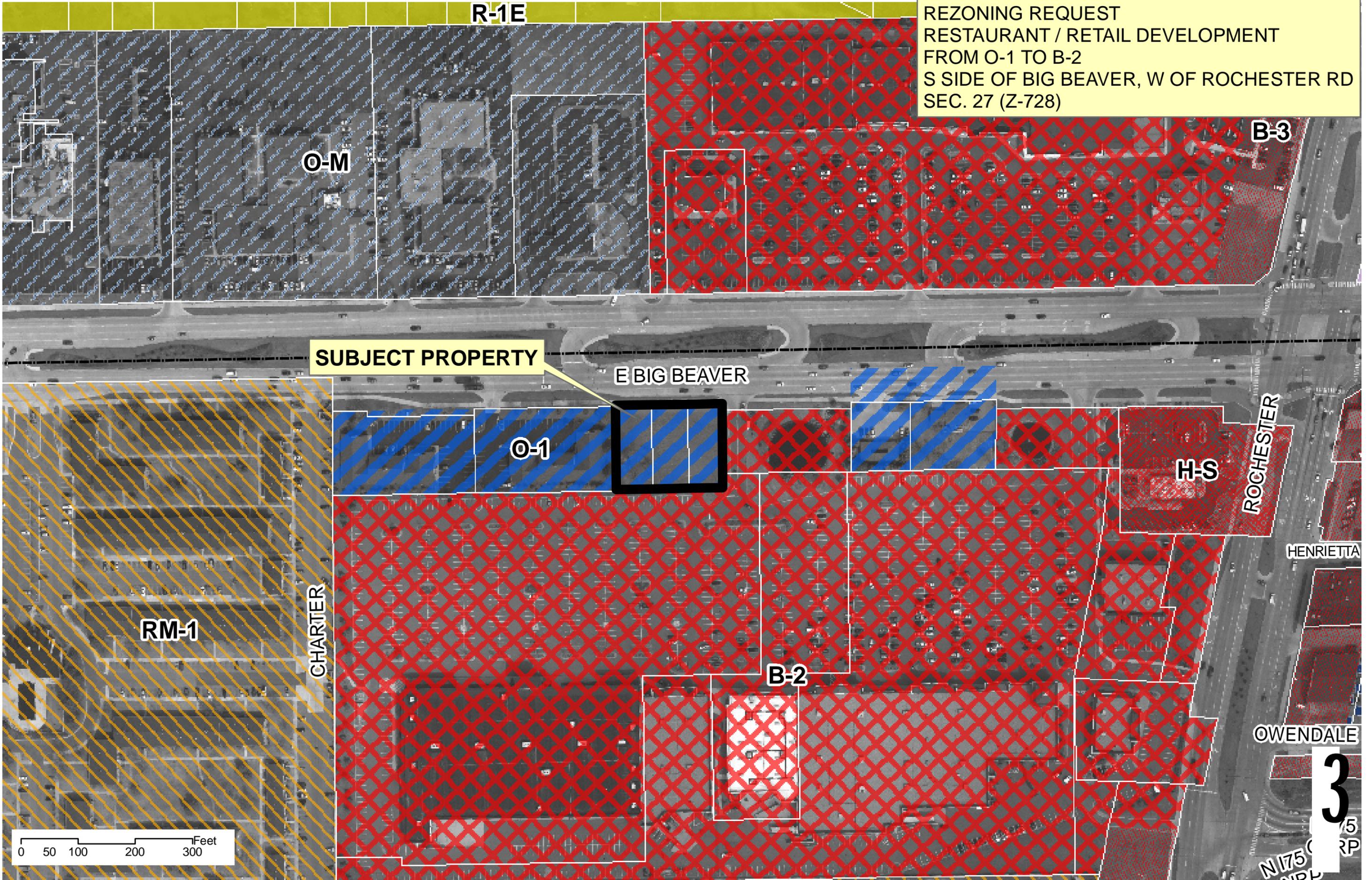
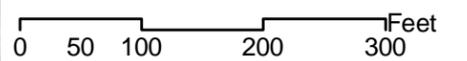
RM-1

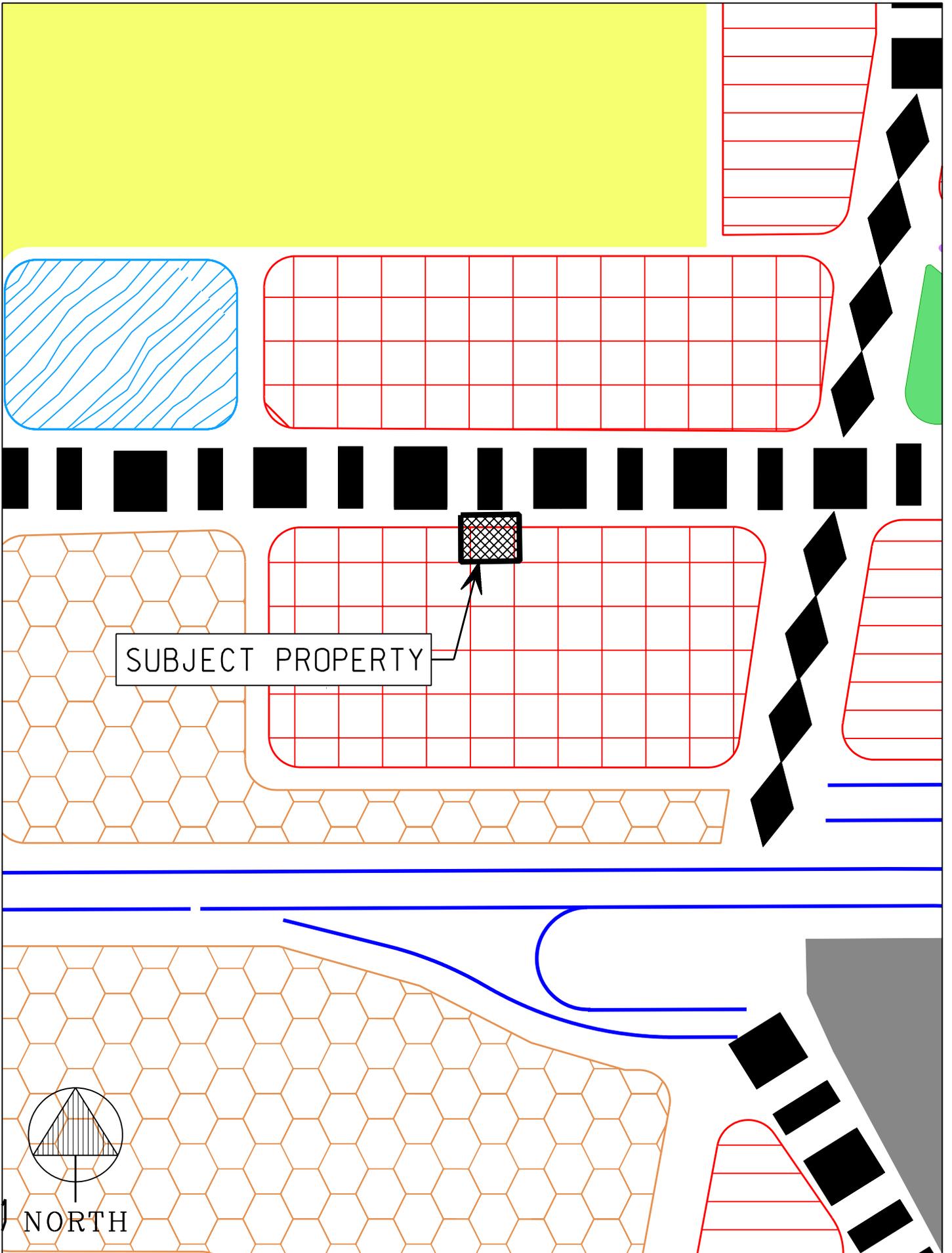
CHARTER

B-2

OWENDALE

3





REZONING REQUEST

7. **PUBLIC HEARING – REZONING REQUEST (Z 728)** – Proposed Retail Development, South Side of Big Beaver, West of Rochester Road, Section 27 – From O-1 (Low Rise Office) to B-2 (Community Business)

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning request, and reported it is the recommendation of City Management to approve the rezoning application.

The petitioner, Dan MacLeish of 650 E. Big Beaver Road, Troy, was present. Mr. MacLeish said his intent is to seek alternate uses to comply with the spirit of the Big Beaver Corridor Study.

PUBLIC HEARING OPENED

Laith Hermiz of 1695 Apple Drive, Troy, was present. Mr. Hermiz, Vice President of Development for Ramco-Gershenson Properties Trust, owner of the Troy Marketplace Retail Center, expressed full support of the rezoning request.

PUBLIC HEARING CLOSED

Resolution # PC-2007-09-141

Moved by: Vleck
Seconded by: Strat

RESOLVED, That the Planning Commission hereby recommends to the City Council that the O-1 to B-2 rezoning request, located on the south side of Big Beaver, west of Rochester Road, within Section 27, being approximately 0.63 acres in size, be granted.

Discussion on the motion on the floor.

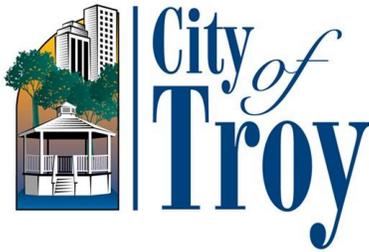
Chair Schultz said he would hope that the site plan would have no parking designations between the building and Big Beaver Road.

Mr. MacLeish replied that is the intent.

Vote on the motion on the floor.

Yes: All present (9)

MOTION CARRIED



CITY COUNCIL ACTION REPORT

October 29, 2007

TO: Phillip L. Nelson, City Manager

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

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

Background:

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

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

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

Policy Considerations:

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

Options:

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

Attachments:

1. Maps.
2. Statement from applicant.
3. Minutes from February 13, 2007 Planning Commission Regular meeting.
4. Minutes from April 2, 2007 City Council Regular meeting.
5. Letter of opposition dated March 18, 2007.
6. Letter to applicant dated August 27, 2007.
7. Letter to applicant dated September 18, 2007.

Prepared by RBS/MFM

G:\REZONING REQUESTS\Z-725 Office Building Sec 22\CC Public Hearing 11 12 07.doc

cc: Applicant
File /Z 725

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

The City of Troy ordains:

Section 1. Short Title

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

Section 2. Amendment to Zoning District Map

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

T2N, R11E, NW 1/4 of Section 22

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

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

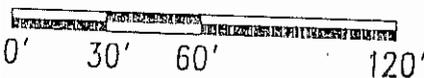
Louise Schilling, Mayor

Tonni Bartholomew, City Clerk



SURVEY DRAWING

Scale : 1" = 60'



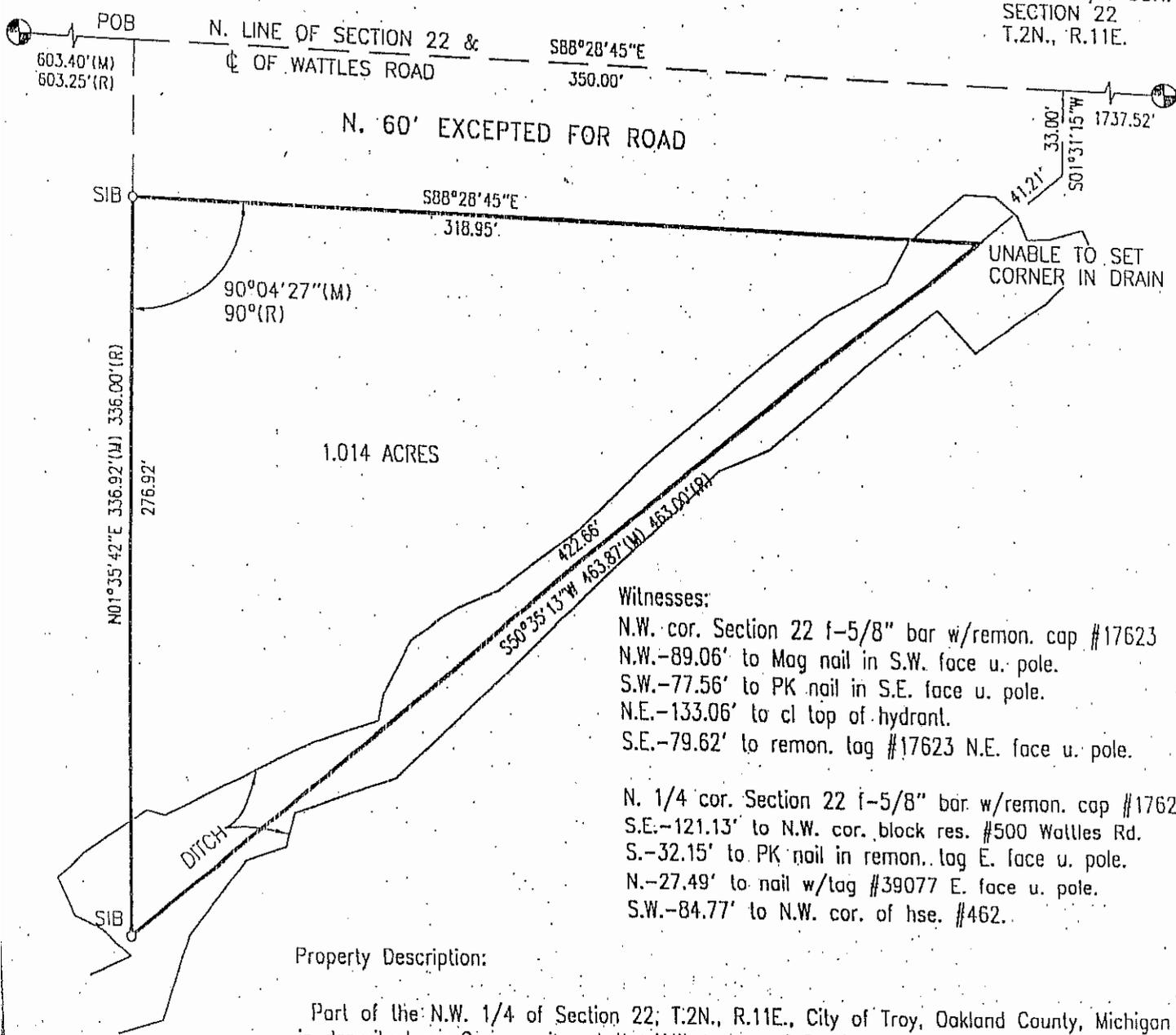
NOTES:

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

WATTLES ROAD 120' WIDE

NW CORNER SECTION 22 T.2N., R.11E.

NORTH 1/4 COR. SECTION 22 T.2N., R.11E.



Witnesses:

- N.W. cor. Section 22 1-5/8" bar w/remon. cap #17623
- N.W.-89.06' to Mag nail in S.W. face u. pole.
- S.W.-77.56' to PK nail in S.E. face u. pole.
- N.E.-133.06' to cl top of hydrant.
- S.E.-79.62' to remon. tag #17623 N.E. face u. pole.

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

Property Description:

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

REC'D

JAN 12 2007

PLANNING DEPT.
Surveyor's Certificate

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

URBAN LAND CONSULTANTS
CIVIL ENGINEERS PLANNERS LAND SURVEYORS
PHONE 506 731-0030 FAX 506 731-2605

LEGEND

FIB = Found Iron Bar	⊙
FIP = Found Iron Pipe	⊙
SIB = Set Iron Bar/Cap	⊙
R = Record Distance	

WARREN C. QUINCY
LICENSED LAND SURVEYOR
MICHIGAN

Date: 07-27-03
Drawn J.L.M.
Check W.C.A.
Sheet 1 OF 1
Fld. Bk.

REZONING REQUEST
PROPOSED WATTLES RD OFFICE BLDG.
FROM R-1C TO O-1
S SIDE OF WATTLES RD., E OF LIVERNOIS
SEC. 22 (Z-725)

LANGE

CRESTFIELD

HANOVER

W WATTLES

E WATTLES

LIVERNOIS

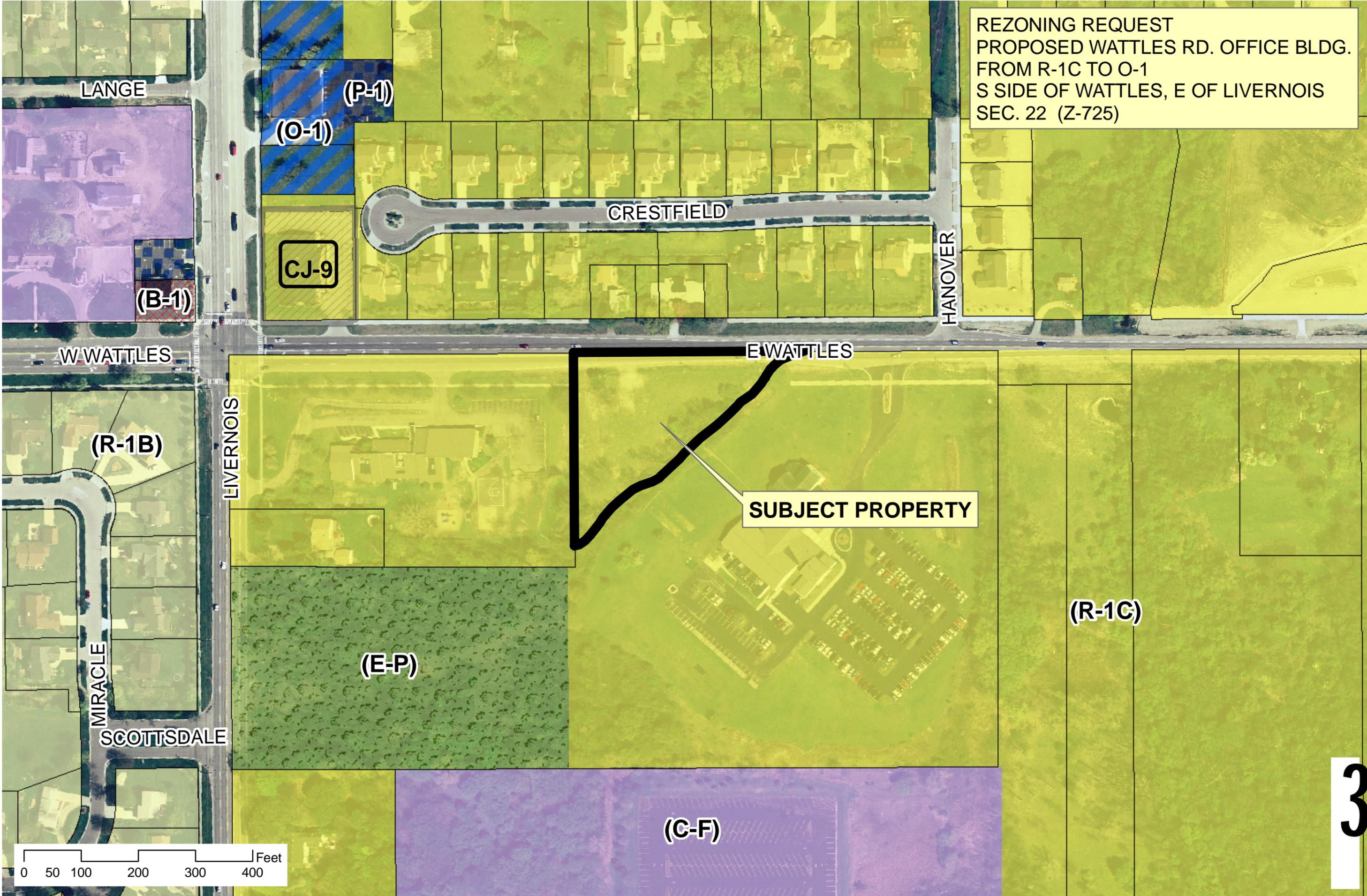
SUBJECT PROPERTY

MIRACLE

SCOTTSDALE

0 50 100 200 300 400 Feet

REZONING REQUEST
PROPOSED WATTLES RD. OFFICE BLDG.
FROM R-1C TO O-1
S SIDE OF WATTLES, E OF LIVERNOIS
SEC. 22 (Z-725)



I - 75 FREEWAY

16^E

CF

E

15

CF

SUBJECT PROPERTY

CF

E

22

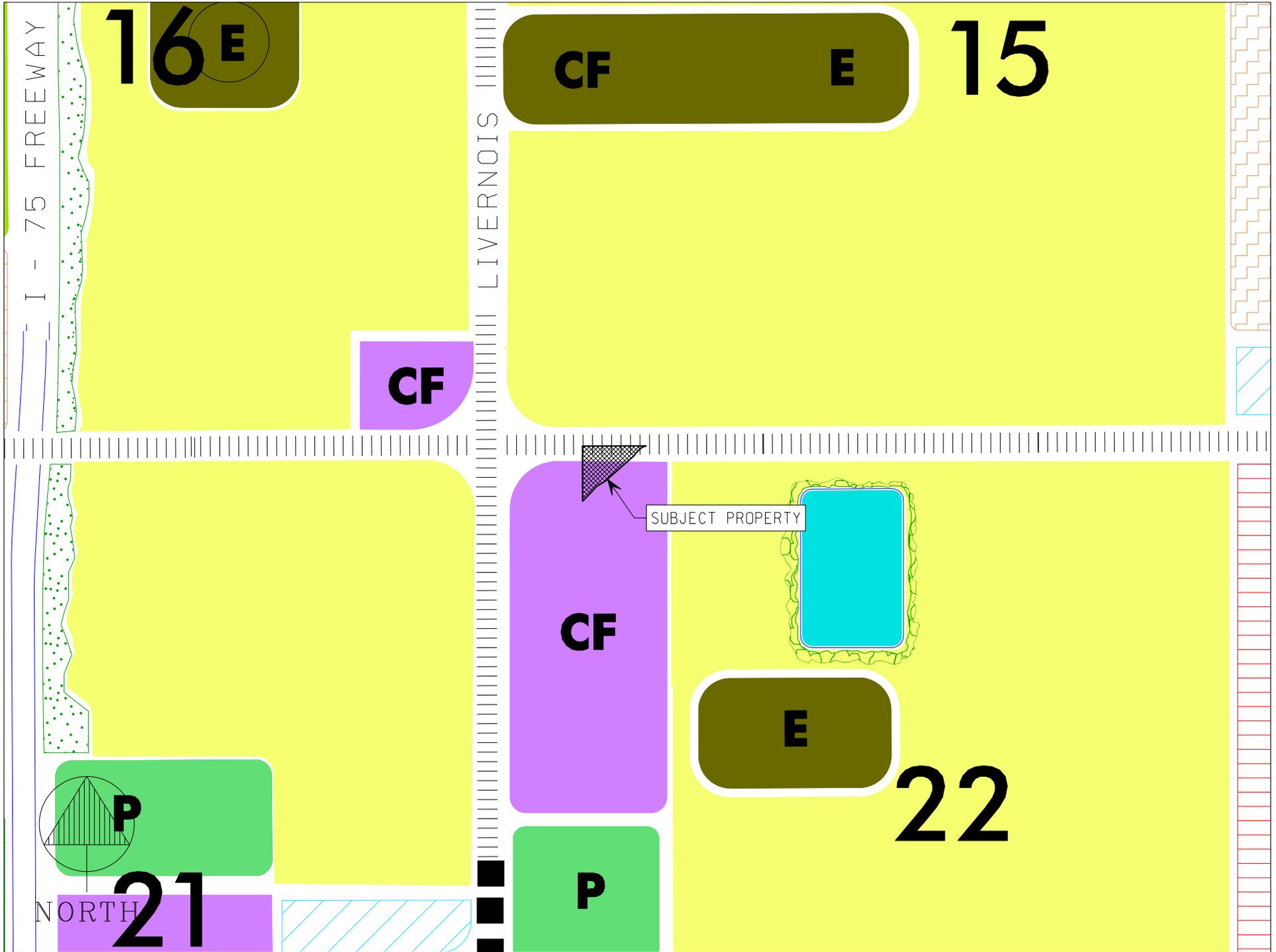
21

P

P

NORTH

LIVERNOIS



APEX

ENGINEERING GROUP INC.
CIVIL ENGINEERING & LAND PLANNING CONSULTANTS

47745 VAN DYKE AVENUE
SHELBY TOWNSHIP, MI 48317

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

January 5, 2007

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

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

Dear Mr. Miller:

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

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

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

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

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

Sincerely,



William E. Mosher, IV, P.E.

JAN 12 2007

REZONING REQUEST

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

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

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

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

PUBLIC HEARING OPENED

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

PUBLIC HEARING CLOSED

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

Commissioner Tagle asked if there are any wetlands.

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

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

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

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

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

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

Resolution # PC-2007-02- -

Moved by: Vleck

Seconded by:

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

MOTION DIED for lack of second.

Resolution # PC-2007-02-034

Moved by: Hutson

Seconded by: Tagle

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

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

Yes: Hutson, Schultz, Tagle

No: Vleck, Kerwin

Absent: Littman, Strat, Troshynski, Wright

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

Resolution # PC-2007-02-035

Moved by: Schultz

Seconded by: Tagle

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

Yes: All present (5)

No: None

Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

Resolution # PC-2007-02-036

Moved by: Hutson

Seconded by: Tagle

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

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

Yes: Hutson, Kerwin, Schultz, Tagle, Vleck

No: None

Absent: Littman, Strat, Troshynski, Wright

MOTION CARRIED

D-4 Hooters v. Troy – Proposed Consent Judgment**Vote on Rejection of Proposed Consent Judgment**

Resolution #2007-04-106

Moved by Howrylak

Seconded by Broomfield

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

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

Yes: Beltramini, Broomfield, Fleming, Howrylak, Lambert

No: Stine, Schilling

MOTION CARRIEDThe meeting **RECESSED** at 9:14 PM.The meeting **RECONVENED** at 9:26 PM.

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

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

Resolution #2007-04-107

Moved by Beltramini

Seconded by Stine

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

Yes: All-7

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

Resolution

Moved by Lambert

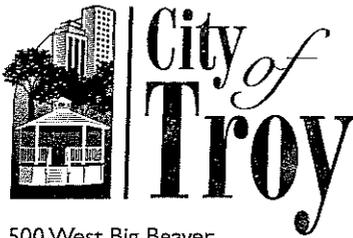
Paula P Bratto

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

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

Thanks.

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



500 West Big Beaver
Troy, Michigan 48084
Fax: (248) 524-0851
www.ci.troy.mi.us

August 27, 2007

Area code (248) Tony and Beatris Haddad
Assessing 6507 John R
524-3311 Troy, MI 48085

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

**Re: Proposed Rezoning – East of Livernois, South side of Wattles,
Section 22 – R-1C to O-1 (File Number: Z-725)**

Dear Mr. and Mrs. Haddad:

This letter is intended to clarify the status of the above referenced item and explain the development options available to you for the parcel.

At the February 13, 2007 Regular meeting, the Planning Commission recommended denial of the proposed rezoning request. At the April 2, 2007 Regular meeting, City Council delayed acting on the rezoning application Z-725 at the request of the applicant. City Management awaits direction from you in terms of how to proceed with your application.

Your options to develop the parcel include the following:

1. Pursue Conditional Rezoning Request (R-1C to O-1)

Section 03.24.00 of the City of Troy Zoning Ordinance provides City Council with the authority to conditionally approve rezoning applications. Essentially, this involves approving a rezoning application concurrently with a site plan application and rezoning agreement, including a description of all development conditions agreed upon between the applicant and City Council. Typically, these conditions include physical improvements to reduce the impacts of the development on neighboring properties.

The application requirements and procedures are listed in Section 03.24.02. It is important to note that conditional rezoning applications must be entered into voluntarily by the applicant and must be submitted in writing. Furthermore, a complete Preliminary Site Plan Application and conditional rezoning agreement must be submitted with the application. A Preliminary Site Plan application is attached.

2. Pursue Rezoning Request (R-1C to O-1)

You may choose to have City Council consider your application to rezone the parcel from R-1C to O-1. To do so, please provide the Planning Department with a written request to place this item on an upcoming City Council agenda.

Following approval of the rezoning, you would need to submit a Preliminary Site Plan application for Planning Commission review and approval.

3. Develop under R-1C One Family Residential Zoning District regulations

You may choose to withdraw your rezoning request and develop the parcel under the existing R-1C provisions.

If you have any questions regarding any of the information in this letter, please call us at (248) 524-3364.

Sincerely,



R. Brent Savidant, AICP, PCP
Principal Planner

Attachments:

1. Troy City Council Minutes from April 2, 2007 (excerpt).
2. Preliminary Site Plan Application.



500 West Big Beaver
Troy, Michigan 48084
Fax: (248) 524-0851
www.ci.troy.mi.us

September 18, 2007

Area code (248)

Tony Haddad
6507 John R
Troy, MI 48085

Assessing
524-3311

Bldg. Inspections
524-3344

**Re: Proposed Rezoning – East of Livernois, South side of Wattles,
Section 22 – R-1C to O-1 (File Number: Z-725)**

Bldg. Maintenance
524-3368

Dear Mr. Haddad:

City Clerk
524-3316

I met with you at the Planning Department counter on September 18, 2007 to discuss the above referenced application. As requested, attached please find the following documents: (1) Troy Zoning Ordinance Conditional Rezoning Provisions, (2) Site Plan Application requirements, and (3) A Sample Conditional Rezoning Agreement.

City Manager
524-3330

As a reminder, we have not received a written request from you informing me of how you wish to proceed with this application. Staff will process your application in a timely manner as soon as you give us clear direction.

Community Affairs
524-1147

If you have any questions regarding any of the information in this letter, please call us at (248) 524-3364.

Engineering
524-3383

Sincerely,

Finance
524-3411

Mark F. Miller, AICP, PCP
Planning Director

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Attachments:

1. Troy Zoning Ordinance Conditional Rezoning Provisions.
2. Site Plan Application requirements.
3. Sample Conditional Rezoning Agreement.

Police-Administration
524-3443

cc: File/Z-725

Public Works
524-3370

Purchasing
524-3338

524-3498

Treasurer
524-3334

General Information



CITY COUNCIL ACTION REPORT

October 24, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Community Development Block Grant (CDBG) 2008 Application

Background:

- Oakland County has advised the City of Troy to use \$165,141.00 as our planning estimate for the program year 2008.
- The following projects are being recommended for the 2008 CDBG program:
 - Flood Drain Improvements:

Lovington Storm Sewer – Minnesota to Dequindre	\$ 91,631.00
○ Home Chore Program:	71,010.00
○ Administration:	<u>2,500.00</u>
○ TOTAL:	\$165,141.00
- Federal regulations require Oakland County as an “urban county” grantee to execute an annual Subrecipient Agreement with each participating community. We must submit the signed Agreement with our application.

Financial Considerations:

- Oakland County will allow participating communities to spend a maximum of 45% of their annual allocation on public services. We are currently at 43%.
- Oakland County will allow participating communities to allocate a minimum of \$2,500 for each activity.

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- CDBG improves the quality of life and property to qualified residents in the City of Troy. (Goal 1)

Options:

- It is recommended that Council approve the Community Development Block Grant (CDBG) 2008 application.



CITY COUNCIL ACTION REPORT

DATE: November 5, 2007

TO: Phillip L. Nelson, City Manager

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

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

Background:

- The Planning Commission held a public hearing for this item at the July 10, 2007 Regular meeting and recommended approval of ZOTA 230.
- City Council held a public hearing on this item on September 10, 2007 and postponed the item to the October 1, 2007 Regular meeting. At the October 1, 2007 Regular meeting, City Council postponed the item to the November 12, 2007 Regular meeting to provide the Parks and Recreation Advisory Board an opportunity to review and provide input on the item.
- The Parks and Recreation Advisory Board passed a resolution at the November 1, 2007 meeting recommending that City Council reject ZOTA 230 to permit wireless communication towers in parks at this time, but reconsider the matter when the Zoning Ordinance is rewritten in its entirety.

Financial Considerations:

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

Legal Considerations:

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

Policy Considerations:

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

Options:

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

Attachments:

1. ZOTA 230 City Council Public Hearing Draft.
2. Memo to City Manager, dated November 5, 2007.
3. Minutes from September 10, 2007 City Council Regular meeting.
4. Minutes from October 1, 2007 City Council Regular meeting.

Prepared by RBS/MFM

G:\ZOTAs\ZOTA 230 Cell Towers on School Property\CC Memo 11 12 07.doc

CITY OF TROY
AN ORDINANCE TO AMEND CHAPTER 39
OF THE CODE OF THE CITY OF TROY

ZONING ORDINANCE TEXT AMENDMENT (ZOTA 230)
CITY COUNCIL PUBLIC HEARING DRAFT

The City of Troy ordains:

Section 1. Amendment to Chapter 39

Chapter 39 of the City of Troy Code is amended by amending Section X (R-IA THROUGH R-1E ONE-FAMILY RESIDENTIAL DISTRICTS) and Section XVIII (C-F COMMUNITY FACILITIES) to read as follows:

10.30.08 Utility and public service buildings and uses (without storage yards) when, in the opinion of the Planning Commission, said buildings and uses:

- A. Maintain the residential character of the area, and,
- B. Are located so as not to hinder the natural or presumed development of the area, or detract from the value of existing development; and,
- C. Do not constitute a safety or health hazard, a nuisance, or have a noxious effect on the surrounding residential area either due to appearance or operations; and,
- D. Operating requirements necessitate the location of such uses and buildings within the District to serve the immediate vicinity.

Such buildings and uses shall be developed according to the following standards:

- E. All proposed uses and facilities shall be contained within masonry buildings and structures similar to or compatible with buildings in the adjacent residential areas.

(Rev. 10-05-98)

- F. Said structures and uses shall be located no closer than eighty (80) feet from any property line abutting a public right-of-way or other residentially zoned land, except as otherwise provided in this Section.

(Rev. 10-05-98)

- G. A landscaped berm at least five (5) feet in height shall be required in all yards abutting Residential Districts and/or public rights-of-way. Said berms shall be landscaped with a minimum of a double row, ten (1) feet apart, of upright coniferous evergreens (pine or spruce species, as acceptable to the Department of Parks and Recreation), five (5) to six (6) feet in height, twenty (20) feet on center, staggered ten (10) feet on center. All required yards shall be further landscaped in grass as a minimum. The nature of other screening, fencing, etc., in addition to the aforementioned berms, shall be subject to the approval of the Planning Commission.

(Rev. 10-05-98)

- H. Overhead transmission lines and tower structures supporting such lines are expressly prohibited from such sites. All lines serving such sites shall be underground.

(Rev. 10-05-98)

- I. Freestanding tower structures and antennas may be permitted only on sites which are developed or otherwise committed for use other than the construction of one-family dwellings, ~~and shall not be permitted on developed City park and public school sites.~~

1. The setback for a freestanding tower structure, from an abutting residentially zoned or used parcel, shall be at least equal to two (2) ~~five (5)~~ times the height of the structure. This setback requirement shall not apply to sites on which antenna tower structures were constructed prior to July 1, 1998.

2. Actions to approve the construction or placement of freestanding tower structures and antennas shall be conditioned upon submittal by the applicant of financial assurances, in a form acceptable to the City Manager, in order to assure that the subject facilities will be removed from the site within one (1) year of the date that their use ceases.

(Rev. 10-05-98)

- J. In order to maximize the efficiency of the provision of utility services, while also minimizing the impact of such facilities on the total community, collocation, or the provision of more than one utility facility at a single location, may be required by the Planning Commission. In this regard, the applicant may be required to provide information regarding the feasibility of

collocation at proposed sites.

1. In the case of freestanding tower structures and antennas, variations from this collocation direction shall be considered only in conjunction with a report from an independent qualified and licensed professional engineer, indicating reasons why collocation is physically or technically not feasible.

Nothing in these regulations shall be construed to prevent the construction, installation and operation of necessary utility and public service buildings and uses within the Residential Districts. These provisions are not, however, intended to include power-generating facilities, bulk power and fuel stations, or other large scale facilities which, by their nature and service area, could reasonably be located in Non-Residential Districts.

(Rev. 10-05-98)

18.25.02 Publicly-owned service buildings, public utility buildings, telephone exchange buildings, electric transformer stations and sub-stations, gas regulator stations, and water and sewage pumping stations, without storage yards.

- A. Said structures and uses shall be located no closer than eighty (80) feet from any property line abutting a public right-of-way or residentially zoned land, except as otherwise provided in this Section.
- B. Overhead transmission lines and tower structures supporting such lines are expressly prohibited from such sites. All lines serving such sites shall be underground.
- C. In order to maximize the efficiency of the provision of utility services, while also minimizing the impact of such facilities on the total community, collocation, or the provision of more than one utility facility at a single location, may be required by the Planning Commission. In this regard, the applicant may be required to provide information regarding the feasibility of collocation at proposed sites.
 1. Applications for the placement of freestanding tower structures and antennas under this Section, which do not involve collocation, shall be considered only in conjunction with a report from an independent qualified and licensed professional engineer, indicating reasons why collocation is physically or technically not feasible.

- D. Freestanding tower structures and antennas may be permitted only on sites which are developed or otherwise committed for use other than the construction of one-family dwellings, ~~and shall not be permitted on developed City park and public school sites.~~
- E. The setback for a freestanding communications antenna tower structure, from an abutting residentially zoned or used parcel, shall be at least equal two (2) ~~five (5)~~ times the height of the structure. This setback requirement shall not apply to sites on which antenna tower structures were constructed prior to July 1, 1998.
- F. Actions to approve the placement of freestanding tower structures and antennas under this Section shall be conditioned upon submittal, by the applicant, of financial assurances in a form acceptable to the City Manager, in order to assure that the subject facilities will be removed from the site within one (1) year of the date that their use ceases.

(Rev. 07-10-00)

Section 2. Savings

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

Section 3. Severability Clause

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

Section 4. Effective Date

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

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

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

G:\ZOTAs\ZOTA 230 Cell Towers on School Property\ZOTA 230 CC Public Hearing Draft 09 10 07.doc



CITY COUNCIL REPORT

November 5, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Parks and Recreation Advisory Board Recommendation – ZOTA 230

At the November 1, 2007 meeting of the Parks and Recreation Advisory Board the following action was taken:

Resolution #PR-2007-11-19

Moved by: Kaltsounis
Seconded by: Fejes

RESOLVED, That the Parks and Recreation Advisory Board recommends that the City Council reject ZOTA 230 article XVII permitting cell towers in parks at this time but reconsider the possibility when the zoning ordinance is rewritten in its entirety.

BE IT FURTHER RESOLVED, That the Parks and Recreation Advisory Board be allowed to offer input, review and make recommendations regarding this matter at the time the zoning ordinance is rewritten.

Yes: All
No: None
MOTION CARRIED

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

The Mayor opened the Public Hearing for public comment.

Neil Goodman – Support

Mike Adamczyk – Support

Tom Krent – Support

Audrey Zembruski – Support

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

Resolution

Moved by Beltramini

Seconded by Schilling

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

Vote on Resolution to Postpone

Resolution #2007-06-268

Moved by Lambert

Seconded by Howrylak

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

Yes: Lambert, Schilling, Beltramini, Fleming, Howrylak

No: Stine

Absent: Broomfield

MOTION CARRIED

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

Pending Resolution

Moved by Beltramini

Seconded by Schilling

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

Vote on Resolution to Postpone

Resolution #2007-10-283

Moved by Lambert

Seconded by Howrylak

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

Yes: All-7

A Regular Meeting of the Troy City Council was held Monday, October 15, 2007, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Pastor Johnny Liles of Fellowship United Methodist gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) On behalf of the City of Troy employee's *Casual for a Cause* program, Carol Anderson, Parks & Recreation Director, presented a check in the amount of \$407.57 to Nancy Piotrowski of Troy Youth Assistance for donations collected during the month of September.
- b) Tim Doyle, Vice President of the Elected Officials Academy, presented a plaque to Council Member Dave Lambert recognizing his achievement of the *Level Three Governance Award*.
- c) In a letter received from Michigan Municipal League Director Dan Gilmartin, Mayor Schilling congratulated Council Member Robin Beltramini as being the newly elected Vice President of the Michigan Municipal League.
- d) Mayor Schilling presented the *Achievement of Excellence Award* received from the National Purchasing Institute and awarded to Susan Leirstein, Purchasing Director.
- e) On behalf of the City of Troy, Mayor Schilling presented a proclamation to Michele Hodges, President of the Chamber of Commerce recognizing October 2007 as *Chamber of Commerce Month*.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

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

Resolution #2007-10-293
Moved by Lambert
Seconded by Stine

WHEREAS, The petitioner Richardson Development Group, Inc. has requested Concept Development Plan approval, pursuant to article 35.50.01, for The Pavilions of Troy Planned Unit Development (PUD 9), located on the northwest corner of Big Beaver and Coolidge, in Section 19, within the O-S-C, O-M and P-1 zoning districts, being approximately 39.99 acres in size;

WHEREAS, The Planning Commission recommended approval of the Concept Development Plan on September 11, 2007;

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

WHEREAS, The proposed Planned Unit Development, parcel 88-20-19-476-001 and part of parcel 88-20-19-430-002, is described in the following legal description and illustrated on the attached Sketch & Description drawing:

Parcel I

T2N, R11E, SE 1/4 of Section 19

Commencing at the Southeast corner of Section 19 thence N00°01'30"W, 1240.08 ft. along the East line of said Section 19; thence S89°30'00"W, 60.00 ft. to the Place of Beginning; thence S89°30'00"W, 1007.36 ft. along the North right-of-way line of Cunningham Dr. (100.00 ft. wide); thence continuing 24.33 ft. along the arc of a 285.00 ft. radius circular curve to the left, with a central angle of 04°53'29", having a chord which bears S87°03'17"W, 24.32 ft. along the North right-of-way line of said Cunningham Dr.; thence N00°01'30"W, 537.20 ft.; thence N89°49'05"E, 631.62 ft. along the South line of "Sheffield Manor Subdivision" as recorded in Liber 142, Pages 22-24, Oakland County Records; thence S00°01'30"E, 88.57 ft.; thence N89°58'30"E, 400.00 ft.; thence S00°01'30"E, 440.77 ft. along the West right-of-way line of Coolidge Hwy. (120.00 ft. wide) to the Place of Beginning, containing 11.81 ac. of land more or less. Being subject to easements, conditions, exceptions and restrictions of record, if any; and

Parcel II

T2N, R11E, SE 1/4 of Section 19

Commencing at the Southeast corner of Section 19 thence N00°01'30"W, 120.00 ft. along the East line of said Section 19; thence S89°30'00"W, 60.00 ft. to the Place of Beginning; thence S44°48'54"W, 42.60 ft.; thence S89°30'00"W, 903.00 ft.; thence N00°01'30"W, 12.00 ft.; thence S89°30'00"W, 227.00 ft. along the North right-of-way line of Big Beaver Rd. (204.00 ft. wide); thence N45°15'40"W, 42.22 ft.; thence N00°01'30"W, 824.57 ft. along the East right-of-way line of Cunningham Dr. (100.00 ft. wide); thence along the Southeasterly right-of-way line of said Cunningham Dr.

289.06 ft. along the arc of a 185.00 ft. radius circular curve to the right, with a central angle of $89^{\circ}31'26''$, having a chord which bears $N44^{\circ}44'15''E$, 260.54 ft.; thence $N89^{\circ}30'00''E$, 1006.55 ft. (recorded as 1006.53 ft.) along the South right-of-way line of said Cunningham Dr.; thence $S00^{\circ}01'30''E$, 1020.06 ft. (recorded as 1020.04 ft.) along the West right-of-way line of Coolidge Hwy. (120 ft. wide) to the Place of Beginning. Excepting that part of Parcel II described as follows: Commencing at the Southeast Corner of Section 19; thence $N00^{\circ}01'30''W$, 120.00 ft. along the East line of said Section 19; thence $S89^{\circ}30'00''W$, 60.00 ft.; thence $S44^{\circ}48'54''W$, 25.53 ft. to the Place of Beginning; thence continuing $S44^{\circ}48'54''W$, 17.07 ft.; thence $S89^{\circ}30'00''W$, 903.00 ft.; thence $N00^{\circ}01'30''W$, 12.00 ft.; thence $N89^{\circ}30'00''E$, 915.03 ft. along the Northerly right-of-way line of said Big Beaver Rd. to the Place of Beginning. Said parcel, less its exception, contains 28.18 ac. of land, more or less. Being subject to easements, conditions, exceptions and restrictions of record, if any;

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the Planning Director and City Clerk to take whatever actions are necessary pursuant to the City Ordinance to effect the rezoning of the subject parcels to PUD;

BE IT FURTHER RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map of the City of Troy Zoning Ordinance to delineate the subject parcels as PUD-009; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the attached Planned Unit Development Agreement subject to **AMENDING** Paragraph 31 of the Agreement by **DELETING** "at that corner" and **INSERTING** "within the first PDP or FDP on Parcel II" and **AMENDING** Paragraph 44 of the Agreement by **INSERTING** "If the updated traffic impact study indicates that improvements, enhancements or upgrades are required at the Big Beaver and Adams and/or Coolidge/Maple intersections, then Owner agrees to pay its proportional share of the necessary improvements, enhancements or upgrades in comparison to the impact of all other offsite users"; and the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the Planned Unit Development Agreement for The Pavilions of Troy Planned Unit Development on behalf of the City; a copy shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the **RECORDING** of the executed The Pavilions of Troy Planned Unit Development Agreement with the Oakland County Register of Deeds; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** the Concept Development Plan for The Pavilions of Troy Planned Unit Development and the petitioner is hereby permitted to submit Preliminary Development Plans pursuant to Article 35.50.02 of Chapter 39.

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

No: Howrylak

MOTION CARRIED

POSTPONED ITEMS:

D-1 No Postponed Items

CONSENT AGENDA:

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

Resolution #2007-10-294-E-1a
Moved by Stine
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item(s) E-10, which **SHALL BE CONSIDERED** after Consent Agenda (E) items, as printed.

Yes: All-7

E-2 Approval of City Council Minutes

Resolution #2007-10-294-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of October 1, 2007 be **APPROVED** as submitted.

E-3 City of Troy Proclamation:

Resolution #2007-10-294-E-3

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

- a) Chamber of Commerce Month – October, 2007

E-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Roof Replacement Fire Station 5**

Resolution #2007-10-294-E-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to replace the roof at Fire Station #5 located at 6399 John R Road to the low bidder, Aero Insulation & Construction, Inc. of Madison Heights, MI, for an estimated total cost of \$29,975.00; and

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

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

Resolution #2007-10-294-E-4b

RESOLVED, That Troy City Council hereby **AWARDS** contracts to provide two-year requirements of janitorial services for various City locations with an option to renew for two (2) additional years to the low bidders by group as follows:

<u>COMPANY NAME</u>	<u>GROUP</u>
Kristel Cleaning, Inc. of Macomb, MI	1 and 5
Du All Cleaning, Inc. of Macomb, MI	2 and 3
Omni Facility Services of Southfield, MI	4

at unit prices as contained in the bid tabulation opened August 7, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring October 31, 2009; and

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

c) Standard Purchasing Resolution 1: Award to Low Bidder – Tee Shirt Contract

Resolution #2007-10-294-E-4c

RESOLVED, That Troy City Council hereby **AWARDS** a contract for one-year requirements of Tee Shirts (various types) with an option to renew for one additional year to the low total bidder, E.A. Graphics of Sterling Heights, MI, at unit prices contained in the bid tabulation opened October 2, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with a contract expiration of September 30, 2008.

E-5 Recognition of Nonprofit Organization Status from Tim Palmer, President – The Lakeshoremens Drum and Bugle Corps

Resolution #2007-10-294-E-5

RESOLVED, That Troy City Council hereby **APPROVES** the request from *The Lakeshoremens Drum and Bugle Corps*, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license.

E-6 Private Agreement for Dr. Joseph Medical Building – Project No. 06.925.3

Resolution #2007-10-294-E-6

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and John R. Joseph, MD, for the installation of water main, sanitary sewer, storm sewer, sidewalks, paving and soil erosion on the site and in the adjacent right of way, and **AUTHORIZES** the Mayor and City Clerk

to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Private Agreement for the SECO Tool A.B. Project – Project No. 07.939.3

Resolution #2007-10-294-E-7

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Cunningham-Limp, for the installation of water main, storm sewer, and concrete approach and sidewalk on the site and in the adjacent right of way, and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-8 Announcement of Public Hearing – Community Development Block Grant (CDBG) 2008 Application

Resolution #2007-10-294-E-8

RESOLVED, That Troy City Council hereby **SCHEDULES** a Public Hearing on November 12, 2007 at 7:30 PM or as soon thereafter as the agenda will permit for the purpose of hearing public comments on the adoption of the Community Development Block Grant 2008 application.

E-9 Acceptance of a Permanent Easement for Water Main and Emergency Ingress/Egress – C-L Bellingham Associates, LLC, Section 26 – Sidwell #88-20-26-200-088

Resolution #2007-10-294-E-9

RESOLVED, That Troy City Council hereby **ACCEPTS** the two Permanent Easements for water main and emergency ingress/egress from property owner C-L Bellingham Associates, LLC, having Sidwell# 88-20-26-200-088; and

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

E-11 Macy's Fireworks Permit Application

Resolution #2007-10-294-E-11

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to Zambelli Fireworks, Inc., of New Castle, PA, for the display of fireworks at Macy's at the Oakland Mall on November 9, 2007.

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

E-10 Request to Approve the Purchase Agreement for Right-of-Way – Sidewalk Gap Completion Project – Olive Peters, 115 Wattles – Sidwell #88-20-15-355-048, -049 and -050 – No action taken; removed at the request of City Management

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

F-3 Traffic Committee Recommendations – September 19, 2007

Resolution #2007-10-295

Moved by Stine

Seconded by Broomfield

(a) **No Changes at the Side Driveway of 6780 Rochester on Hartwig**

RESOLVED, That there be **NO CHANGES** at the side driveway of 6780 Rochester on Hartwig.

(b) **No Changes on Rochester North and South of Player**

RESOLVED, That there be **NO CHANGES** on Rochester north and south of Player.

(c) **No Changes to Parking Regulations on Derby – Proceed with Installation of NO PARKING signs on the North Side of Derby**

RESOLVED, That there be **NO CHANGES** to parking regulations on Derby, and **PROCEED** with installation of NO PARKING signs on the north side of Derby as per City Council resolution.

(d) **No Changes to Parking Regulations on Ivy Lane – No action taken; removed at the request of City Management**

(e) **No Changes at the intersection of Milverton and Isabell**

RESOLVED, That there be **NO CHANGES** at the intersection of Milverton and Isabell; and

BE IT FURTHER RESOLVED, That the Neighborhood Harmonization Program **BE PRESENTED** to the residents to allow them to go through the harmonization process before making any decision on changes.

(f) **Establishment of Fire Lanes/Tow Away Zones at Grand Haven and Lovington**

RESOLVED, That Traffic Control Order No. 07-11-MR be **ISSUED** for the establishment of fire lanes/tow away zones shown in the attached sketch at Grand Haven and Lovington as recommended by the Fire Department.

Yes: All-7

F-5 Sixth Amendment to Consent Judgment for The Pavilions of Troy

Resolution #2007-10-296

Moved by Beltramini

Seconded by Howrylak

WHEREAS, The City of Troy is a party to a Consent Judgment in Case Number 70-69246, Oakland County Circuit Court governing 113 acres at the northwest corner of Big Beaver and Coolidge;

WHEREAS, There have been several amendments to the above referenced Consent Judgment, with the last amendment being the Fifth Order Amending the Consent Judgment, which was entered by the Court on November 28, 2006;

WHEREAS, An amendment to the above referenced Consent Judgment is required in order to allow the development of PUD #9, a mixed use development named The Pavilions of Troy, which was approved by the Troy City Council on October 15, 2007 with the approval of the Pavilions of Troy Planned Unit Development Agreement and the Pavilions of Troy Conceptual Development Plan; and

WHEREAS, The City Council has reviewed the proposed Sixth Amendment to the Consent Judgment in the above referenced case, and **APPROVES** the document as to substance;

NOW THEREFORE, IT IS HEREBY ORDERED, That the City of Troy hereby **APPROVES** the substance of the Sixth Order Amending Consent Judgment, which is attached to the original minutes of this meeting;

IT IS FURTHER ORDERED, That the City Attorney is **AUTHORIZED TO EXECUTE** this Sixth Order Amending Consent Judgment in Case Number 70-69246, Oakland County Circuit Court, or a substantively similar document, as soon as the document has been executed by the other parties to the Consent Judgment.

IT IS FURTHER ORDERED, That any proposed substantive changes to a Sixth Order Amending Consent Judgment in the above referenced case **SHALL BE RETURNED** to City Council for its consideration.

Yes: All-7

F-6 Preliminary Site Condominium Review – Adams Road Site Condominium, East Side of Adams, South of South Boulevard, Section 6 – R-1A

Resolution

Moved by Beltramini

Seconded by Lambert

RESOLVED, That Troy City Council hereby **APPROVES** the preliminary site condominium plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium,

One-Family Cluster Option, known as Adams Road Site Condominium, located on the east side of Adams, south of South Boulevard, in Section 6, including 5 home sites, within the R-1A zoning district, being 4.98 acres in size.

Vote on Resolution to Amend

Resolution #2007-10-297
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to approve the *Preliminary Site Condominium plan for Adams Road Site Condominium, East Side of Adams, South of South Boulevard, Section 6 – R-1A* by **INSERTING** “CONTINGENT upon requiring a MDEQ Wetland Permit and holding a Public Hearing.”

Yes: All-7

Vote on Resolution as Amended

Resolution #2007-10-298
Moved by Beltramini
Seconded by Lambert

RESOLVED, That Troy City Council hereby **APPROVES** the preliminary site condominium plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, One-Family Cluster Option, known as Adams Road Site Condominium, located on the east side of Adams, south of South Boulevard, in Section 6, including 5 home sites, within the R-1A zoning district, being 4.98 acres in size **CONTINGENT** upon requiring a MDEQ Wetland Permit and holding a Public Hearing.

Yes: All-7

F-1 Appointments to Boards and Committees: a) Mayoral Appointments: None Appointed b) City Council Appointments: Advisory Committee for Persons with Disabilities; Historical Commission; and Troy Daze Committee

(a) **Mayoral Appointments – None Appointed**

(b) **City Council Appointments**

Resolution #2007-10-299
Moved by Beltramini
Seconded by Howrylak

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

Advisory Committee for Persons with Disabilities

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

Cynthia Buchanan (Alternate) Term Expires 11/01/09

Historical Commission

Appointed by Council (7- Regular) 3 Year Terms

Brian J. Wattles Term Expires 07/31/10

Troy Daze Committee

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

Jeffrey Stewart Term Expires 11/30/10

Jeffrey Super Term Expires 11/30/10

Yes: All-7

F-2 Bid Waiver – Purchase of Fitness Equipment for the Troy Community Center

Resolution #2007-10-300

Moved by Stine

Seconded by Beltramini

WHEREAS, From the time the Community Center opened in 2002, the City of Troy has purchased numerous pieces of Precor cardiovascular and strength equipment from All-Pro Exercise of Farmington Hills;

WHEREAS, All-Pro Exercise is the only authorized Precor and Matrix dealer in the State of Michigan; and

WHEREAS, Equipment put into service October 2004 is due for replacement after considerable patron use;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures, and **APPROVES** a contract to purchase four Precor ellipticals, three Precor AMT trainers and two Matrix A5x elliptical trainers to All-Pro Exercise at an estimated total cost of \$36,845.00, which includes a three-year maintenance agreement for all parts and labor, as well as equipment trade-ins.

Yes: All-7

F-4 Designation of Voting Delegates at the Annual Meeting of the National League of Cities

Resolution #2007-10-301

Moved by Stine

Seconded by Fleming

RESOLVED, That Council Member Beltramini is hereby **DESIGNATED** as the Voting Delegate to cast the vote of the City of Troy at the Annual Business Meeting of the National League of Cities to be held November 17, 2007 in New Orleans, LA.

Yes: All-7

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a) Rezoning Application – Proposed Office/Retail Development, South Side of Big Beaver, West of Rochester Road, Section 27 – O-1 to B-2 (File Number: Z-728) – November 12, 2007
- b) Rezoning Application – Proposed Office Building, East of Livernois, South Side of Wattles, Section 22 – R-1C to O-1 (File Number: Z-725) – November 12, 2007
Noted and Filed

G-2 Green Memorandums: No Green Memorandums Advanced

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

Council Member Stine reported that she spoke with a resident today who contacted her in regard to political signs that were removed from her property by city staff. Council Member Stine explained to the resident that political signs are prohibited from being displayed on the city's right-of-way.

Mayor Schilling asked Council Members Lambert and Stine if they would share their thoughts since this is their last meeting because the next scheduled City Council meeting will occur after the November 6th General Election.

Although Council Member Stine is leaving with mixed emotions, she looks forward to spending more time with her family. She will miss her colleagues and members of staff after serving the city for the past 29 years. She is honored to have served for the City of Troy and believes her service was a great learning experience. Council Member Stine thanked the community for the opportunity to serve them.

Council Member Lambert thanked the voters of Troy who honored him with two consecutive terms to serve them. He also thanked the City staff, City volunteers of the City of Troy and his colleagues. Council Member Lambert is hopeful that the new Council will make the adoption of an ethics policy a high priority and that a citizens committee will be appointed to assist in designing a plan to protect the wetlands. Council Member Lambert was most thankful to his family for allowing him the opportunity to serve their community for the past 6 years.

Council Member Howrylak believes that the *Live and Learn* event held over the weekend was a great way to showcase the city and a great success. Council Member Howrylak would not be surprised if this activity was repeated.

Council Member Stine urged Council to carefully examine the Fetterly Drain report in the agenda packet and believes Council should reexamine this issue.

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Historic Commission/Final – June 26, 2007
- b) Youth Council/Final – August 22, 2007
- c) Advisory Committee for Persons with Disabilities/Draft – September 5, 2007
- d) Advisory Committee for Persons with Disabilities/Final – September 5, 2007
- e) Building Code Board of Appeals/Final – September 5, 2007
- f) Planning Commission/Final – September 11, 2007
- g) Election Commission/Final – September 12, 2007
- h) Board of Zoning Appeals/Draft – September 18, 2007
- i) Planning Commission Special/Study/Draft – September 25, 2007
- j) Youth Council/Draft – September 26, 2007
- k) Election Commission/Draft – October 1, 2007
- l) Building Code Board of Appeals/Draft – October 3, 2007

Noted and Filed

J-2 Department Reports:

- a) Building Department – Permits Issued During the Month of September, 2007

Noted and Filed

J-3 Letters of Appreciation:

- a) Letter to Chief Nelson from John Simpson in Appreciation of the Fire Department Honoring his son-in-law Joshua Brown who was killed in the Line of Duty in Iraq

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

J-5 Calendar

Noted and Filed

J-6 Communication from City Engineer Steven Vandette and Parks and Recreation Director Carol Anderson Regarding Fetterly Drain Work

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Advanced

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

The meeting **ADJOURNED** at 11:32 PM.

Louise E. Schilling, Mayor

Barbara A. Pallotta, CMC
Deputy City Clerk



CITY COUNCIL ACTION REPORT

October 1, 2007

TO: Phillip L. Nelson, City Manager

FROM: Susan Leirstein, Purchasing Director
Charles Craft, Chief of Police

SUBJECT: Agenda Item - Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Avondale Youth Assistance

Background:

- Funding requirements were previously approved by the City Council resolution #2006-09-356, resolution #2005-10-458, resolution #2004-07-354, resolution #2003-09-467, and resolution #2002-07-424.

Financial Considerations:

- The Police Department's Police Administration Contractual Services – Avondale Youth Assistance account #305.7802.104 has been designated for the funding of this program.

Policy Considerations:

- The Avondale Youth Assistance will provide community services to Troy families residing within the Avondale School District in an effort to strengthen youth and families and reduce the incidence of delinquency, abuse and neglect. The services provided would otherwise be the responsibility of the City of Troy.

Options:

- The Police Department requests approval to continue to provide funding to the AVONDALE YOUTH ASSISTANCE in the amount of \$2,210.00 for the 2007/2008 fiscal year.

Where legal review is necessary:

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

Date

AGREEMENT BETWEEN THE CITY OF TROY AND AVONDALE YOUTH ASSISTANCE

This Agreement, by and between the City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the "CITY"), and the Avondale Youth Assistance, P.O. Box 214257, Auburn Hills, Michigan 48321, , a Michigan non-profit organization, (hereinafter referred to as "AYA"),

RECITALS

WHEREAS, the CITY desires to provide for a problem-solving service for youth and parents through individual, group, and family counseling to enable those served to cope with problems adversely affecting the ability of the youth to make optimal use of their world, i.e. social adjustment, work adjustment; and to provide free, on-site and off-site service for youth, especially those who cannot afford private services; and

WHEREAS, the CITY desires to provide youth residents of the City an opportunity to participate in the AYA program; and

WHEREAS, the general purpose of the AYA is to provide opportunities for mental, social and physical growth and development of youth; and

NOW, THEREFORE, in consideration of the above in meeting the needs of the youth of the CITY, and in consideration of the promises and mutual covenants hereinafter contained, the parties agree as follows:

AYA RESPONSIBILITIES.

1. General Project Summary. A general description of the community services to be provided by AYA is as follows:

A. A mental health worker, a licensed social worker, psychologist, or counselor, on staff at AYA shall be available to the youths of the community who are having difficulty in their personal and social adjustments. This person will work with youths, parents, schools and other community organizations, consistent with their professional training and licensing, in helping the youth grow towards a more satisfactory adjustment. The worker will act as a liaison for the youth, agencies, and family.

B. AYA shall also offer programs to resident youth which are designed to further the social and emotional needs of the youth.

C. AYA will continue to provide service at the current level or greater.

2. Program Description. A detailed description of each program offered will be provided to the CITY, will be maintained on file at AYA, and will be available for inspection by the CITY on request.

3. Location of Facility. AYA shall provide an office or treatment facility within a reasonable distance from the CITY. The CITY shall be notified immediately of any relocation or planned relocation of the facility.

4. Service Documentation. AYA shall provide a quarterly report which may be in the form of minutes from monthly AYA Board of Directors meetings to the CITY in October, January, April and July, including but not limited to the following information:

A. Data regarding AYA's operation, including but not limited to, the number of persons serviced by AYA programs, attendance records for counseling and programs, duration of programs, etc.

B. Types of cases treated and referral source(s).

C. All community and special projects undertaken by AYA.

D. Other information that the CITY may deem necessary without jeopardizing the confidentiality of the AYA clientele.

5. Fiscal Requirements. AYA shall maintain an accounting system to identify and support all expenditures, i.e., all income and expenses for which services are provided under this Agreement. The accounting system, at a minimum, shall consist of a chart of accounts, cash receipts journal, cash disbursements journal, and general ledger. All expenditures and income must be supported by vouchers and receipts that detail the reason for the transaction.

AYA shall submit to the CITY a copy of its annual budget for any fiscal year which falls within the twelve-month period covered by this Agreement. These budgets shall show the AYA budget, total expenditures, and expenditures funded and claimed to other funding sources.

AYA shall provide to the CITY a quarterly financial statement which may be in the form of Monthly Treasurer Reports as submitted to the AYA Board of Directors in October, January, April and July, including total income and expenditures for the previous three (3) months.

AYA agrees to retain at its costs all books, records or other documents relevant to this Agreement for six years after final payment.

6. Review of Programs by the City. Upon request, AYA will review with the CITY staff the programs funded by this Agreement to determine if there are

appropriate educational guidance and counseling activities which may be utilized by the youth.

7. Confidentiality. The use or disclosure of information concerning applicants for services or recipients of services, obtained in connection with the performance of the Agreement, shall be restricted to purposes directly connected with the administration of the programs implemented by this Agreement and must be consistent with all statutory requirements.

8. Subcontracts. AYA shall not assign this Agreement or enter into any subcontracts for services under this Agreement without obtaining prior written approval of the CITY.

9. Indemnify and Hold Harmless. AYA shall indemnify, save and hold harmless the CITY, its employees, officers, and agents, and affiliated entities from any losses, damages, judgments, claims, expenses, costs, and liabilities, including attorney fees, interest and legal expenses, which may arise from or be caused directly or indirectly by any act or omission of AYA or its officers, directors, employees, agents or volunteers.

10. Insurance. AYA shall present to the CITY documentation that is satisfactory to the CITY that indicates that AYA is covered under a policy of insurance or self-insurance with Oakland County, Michigan.

TROY'S RESPONSIBILITIES

The CITY hereby agrees to pay to AYA an amount not to exceed \$ 2,210.00 for services performed under this Agreement. Payment is to be made in a lump sum in September of 2007.

Obligations incurred by AYA prior to or after the period covered by this Agreement shall be excluded.

MUTUAL COVENANTS

1. Cancellation of Agreement. If the CITY determines that AYA fails to comply with the conditions of this Agreement, or to fulfill its responsibility as indicated in the Agreement, or the CITY determines that the methods and techniques being utilized in accomplishing the goals of this Agreement are not acceptable or compatible with the CITY's policy, then the CITY reserves the right to cancel this Agreement by giving thirty (30) days written notice to AYA. If AYA becomes defunct, AYA will reimburse the CITY for all pre-payments based on the date of termination.

2. Employees of AYA. Representatives, employees and volunteers of AYA shall not be deemed to be employees or agents of the CITY for any purposes solely because of their participation with AYA.

3. Independent Contractors. AYA is an independent contractor, and its agents, employees, or servants are responsible for its own conduct. This Agreement is not a joint venture for the profit of either party.

4. Compliance with Laws. AYA shall be responsible for compliance with all Federal, State and City laws or ordinances. Any violation of the law or ordinance results in material breach of the Agreement.

5. Terms of Agreement. This Agreement shall become effective as of August 1, 2007 and shall terminate on July 31, 2008 unless terminated under the provisions set forth in this Agreement.

IN WITNESS WHEREOF, the CITY and AYA have caused this Agreement to be executed by their respective authorized officers.

WITNESSES:

CITY OF TROY

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk

WITNESSES:

AVONDALE YOUTH ASSISTANCE

Colleen A. Seib
Garry Pullins

John Dalton
John Dalton, AYA Chairperson



CITY COUNCIL ACTION REPORT

October 15, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 3: Exercise Renewal Option -
Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses.

Background

- On February 5, 2007, Troy City Council approved a one-year contract for fertilization services for Sylvan Glen and Sanctuary Lake Golf Courses with an option to renew for one (1) additional year. (Resolution #2007-02-031-E-4a)
- Purchasing conducted a market survey and determined the City would not benefit from soliciting additional sealed bids.

Financial Considerations

- Funds for these services are available in the Sylvan Glen Contract Grounds Maintenance Account #785.7802.050 and Sanctuary Lake Contract Grounds Maintenance Account #885.7802.050.

Legal Considerations

- ITB-COT 06-55, one-year requirements of Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses with an option to renew for one additional year was competitively bid and opened December 20, 2006, with three (3) bids received.
- The option to renew is contingent upon contractor's continuance to meet specified insurance requirements.

Policy Considerations

- By renewing the existing contract, the City will save labor costs in personal service, and provide a more efficient, safe means of applying fertilizer to large areas of the golf courses in a timely manner with little or no disruption to staff or clientele. (Goals II & V)

Options

- City management and the Golf Division of the Parks and Recreation department recommend exercising the option to renew for one additional year with Turfgrass, Inc. of South Lyon, MI, for Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses under the same prices, terms and conditions expiring December 31, 2008.

August 21, 2007

TO: Susan A. Leirstein
Purchasing Director

FROM: Julie Hamilton
Buyer

RE: MARKET SURVEY – FERTILIZER APPLICATION SERVICES GOLF COURSES

Troy Clogg Landscape Association – Jim Anderson (248) 685-0123

Troy Clogg Landscape had previously provided a no bid for the fertilizer application bid. In speaking with Jim Anderson he stated the reason he did not bid on the job was based on the fertilizer and equipment requirements stated in the bid. His company had never done golf course fertilization and felt the contract was not large enough to warrant the investment. He stated he would not bid on these services in the future.

Tri-Turf – Dan Shemon (248) 640-4439

Tri-Turf bid an alternate for the Polyon that was specified in the bid. Mr. Shemon stated that, if re-bid, he would have to once again bid an alternate for this product.

Based upon the above comments, I respectfully recommend that the City accept the offer to renew the contract for Fertilizer Application Services for Sylvan Glen and Sanctuary Lake Golf Courses to the current vendor based on specification requirements.

CC: File



August 14, 2007

ATTN: Susan Shockey
 Turfgrass, Inc
 PO Box 667
 South Lyon, MI 48178
 FAX: (248) 437-5810

Dear Ms. Shockey:

The City of Troy entered into contract #20600630-08 with Turfgrass, Inc to provide one-year requirements of Fertilizer Application Services for the golf courses with an option to renew for one additional year, which currently expires December 31, 2007. The City is interested to know whether Turfgrass, Inc will renew its contract at established prices for the one additional year.

Please fax this letter back to Danny McDonald at the golf course indicating if Turfgrass Inc wishes to renew this contract until December 31, 2008. The fax number is (248) 813-8854. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 885-1849

CHECK ONE:

Turfgrass Inc is interested in renewing the contract under the same prices, terms, and conditions:

(✓)

x Susan M. Shockey
 Signed: Authorized Company Representative

Turfgrass Inc is not interested in renewing the contract:

()

X _____
 Signed: Authorized Company Representative

Date: 8/15/07

Thank you,
 Danny McDonald
 Superintendent of Greens

Troy Daze Committee

Appointed by Council (9) – 3 Year Terms

Daniel O'Brien

Unexpired Term 11/30/07

Yes: All-7

CONSENT AGENDA:

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

Resolution #2007-02-031

Moved by Stine

Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-4e, E-8, E-9 and E-10, which **SHALL BE CONSIDERED** after Consent Agenda (E) items, as printed.

Yes: All-7

E-2 Approval of City Council Minutes

Resolution #2007-02-031-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of January 22, 2007 be **APPROVED** as submitted.

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

E-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder Meeting Specifications – Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses**

Resolution #2007-02-031-E-4a

RESOLVED, That a contract to furnish all materials, equipment, and labor for one-year requirements of Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses with an option to renew for one additional year is hereby **AWARDED** to the lowest bidder meeting specifications, Turfgrass, Inc. of South Lyon, MI at the unit prices contained in the bid tabulation with a contract expiration of December 31, 2007.

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



CITY COUNCIL ACTION REPORT

January 16, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 2: Bid Award-
Lowest Acceptable Bidder Meeting Specifications
Fertilization Services at Sylvan Glen and Sanctuary Lake Golf Courses

Background:

- On December 20, 2006, three (3) bids were received and opened for IBT-COT 06-55 to provide one-year requirements of fertilization services for Sylvan Glen and Sanctuary Lake Golf Courses with an option to renew for one additional year.
- One-hundred fifty-one (151) vendors were notified via the MITN system.
- Vendors were required to be able to provide all fertilizers in bulk form and have application equipment capable of handling bulk fertilizer with no damage to the golf course grounds.
- The lowest acceptable bidder meeting specifications was Turfgrass, Inc. of South Lyon, MI
- Tri-Turf of Farmington Hills, MI. bid alternate fertilizers that did not meet specifications on either fertilizer analysis, nitrogen/potassium sources, micronutrient packages, or percentages of slow release nutrient sources.
- Upon analyzing the alternates it was determined that the City's best interest would be served by awarding to the vendor that met bid specifications.

Financial Considerations:

- Funds for these services are available in Sylvan Glen Contract Grounds Maintenance Account #785.7802.050 and Sanctuary Lake Contract Grounds Maintenance Account #885.7802.050.

Legal Considerations:

- ITB-COT 06-55 was competitively bid and vendors were given the opportunity to respond with their level of interest in supplying fertilizer and application services to Sylvan Glen and Sanctuary Lake Golf Courses.
- The award is contingent upon contractor's submission of proper insurance certificates, and all specified requirements.

January 16, 2007

To: Phillip L. Nelson, City Manager

Re: Bid Award – Lowest Bidders Meeting Specifications – Fertilization Services

Policy Considerations:

- Awarding the contract to the vendor saves labor costs in personal service, and is a more efficient, safe means of applying fertilizer to large areas of the golf courses in a timely manner with little or no disruption to staff or our cliental. (Goals I & IV)

Options:

- City Management and the Golf Division of the Parks and Recreation Department recommends awarding fertilization services for Sylvan Glen and Sanctuary Lake Golf Courses to the lowest bidder meeting specifications, Turfgrass, Inc. of South Lyon, MI at unit prices contained in the bid tabulation with a contract expiration of December 31, 2007.

VENDOR NAME:

Turfgrass Inc

CHECK #

21341243

AMOUNT

\$500.00

PROPOSAL -- FURNISH ONE (1) YEAR REQUIREMENTS OF FERTILIZER APPLICATION SERVICES WITH AN OPTION TO RENEW FOR AN ADDITIONAL YEAR IN ACCORDANCE WITH THE SPECIFICATIONS

PROPOSAL "A"	SYLVAN GLEN GOLF COURSE	Cost/Pound		
	For Golf Course Fairways & Roughs & Berms			
21 Acres	Spring Cost per pound (220# per acre)	\$ 0.413		
21 Acres	Summer Cost per pound (285# per acre)	\$ 0.819		
50 Acres	Spring/Summer Cost per pound (200# per acre)	\$ 0.460		
PROPOSAL "B"	SANCTUARY LAKE GOLF COURSE	Cost/Pound		
	For Golf Course Fairways & Roughs & Berms			
27 Acres	Spring Cost per pound (225# per acre)	\$ 0.487		
54 Acres	Summer Cost per pound (260# per acre)	\$ 0.395		
PROPOSAL "C"	APPLICATION SERVICE COSTS	Cost/Acre		
173 Total Acres	For Golf Course Fairways & Roughs & Berms at Both Facilities	\$ 17.50		
ESTIMATED GRAND TOTAL PROPOSALS 'A, B & C':		\$ 22,941.60		
SITE INSPECTION:	Y/N	Yes		
	DATE	Last 2 years		
INSURANCE:	Can Meet	XX		
	Cannot Meet			
ALTERNATE INSURANCE: POLLUTION COVERAGE	Can Meet	Blank		
	Cannot Meet			
FINAL INSURANCE CERTIFICATION	Y or N	Yes		
BIDDER'S QUESTIONNAIRE	Y or N	Yes		
TERMS:		Net 30		
WARRANTY:		None		
EXCEPTIONS:		Blank		
ACKNOWLEDGEMENT - SIGNED	Y or N	Yes		

DMS:
Tri Turf (Estimated Cost \$19,086.15) - Turfgrass Inc - Alternate Bid - (Estimated Cost \$22,848.05)
Reason: Fertilizers not as specified

NO BIDS:
Troy Clogg Landscape Assoc

ATTEST:
Danny McDonald
Cheryl Stewart
Linda Bockstanz

 Jeanette Bennett
 Purchasing Director



CITY COUNCIL ACTION REPORT

October 22, 2007

TO: Phillip L. Nelson, City Manager

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

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

Background

- Signature Ford is the low total bidder in the Macomb County cooperative bid.
- The vehicles being purchased are replacement vehicles for those sold at auction.

Financial Considerations

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

	<u>BUDGET</u>	<u>UNIT COST</u>	<u>ESTIMATED TOTAL</u>
(2) Ford Expedition 4X4 (Police)*	\$ 56,000.00	\$26,182.50	\$ 52,365.00
(2) Ford Expedition 4X4 (Fire)	<u>\$ 56,000.00</u>	\$25,441.25	<u>\$ 50,882.50</u>
	\$112,000.00		\$103,247.50

* Dual spot lights and delete daytime running lights.

Legal Considerations

- There are no legal considerations associated with this item.

Policy Considerations

- The vehicles are used on a daily basis to assure proper and proactive Police and Fire protection and service (Goal I & V).
- The purchase of the Police and Fire vehicles would assure the safety and welfare of citizens and businesses and also reduce the liability for the City. (Goal I & V).

Options

- City management and the Public Works Fleet Division request authorization to purchase from the low total bidder, Signature Ford of Owosso, MI, as a result of the Macomb County cooperative bid, (2) two 2008 Ford Expedition 4X4's for Police and (2) two 2008 Ford Expedition 4X4's for Fire at an estimated total cost of \$103,247.50.



CITY COUNCIL ACTION REPORT

October 23, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 2: Bid Award – Lowest Bidder Meeting Specifications – Tactical Vests

Background

- On May 30, 2007, bids were received for two (2) year requirements of Tactical Vests for the City of Troy Police Department.
- 73 Vendors were notified via the MITN system with six (6) bids received of which three (3) did not meet specifications. In addition, one statement of no bid was received.
- An evaluation of the vests was conducted by members of the Tactical Support Team and the Directed Patrol Unit. Their findings are as follows:
 - Metropolitan Uniform, vests AE Delta III and AE Trojan III – neck and throat protection came apart in testing
 - North Eastern Uniforms, US Armor Vest – lacked throat protection and overall protection was inadequate
 - Time Emergency Equipment, Survival Armor Vest – worst coverage for the upper chest and neck.
- The vest selected by the Tactical Support Team and Directed Patrol Unit is the Protech Trimax with stealth level IIIA ballistics.
- Currently, the tactical vests worn by TST are six (6) years old and the DPU has no tactical vests. The purchase of TST vests will replace the 15-year old tactical vests that are in the patrol supervisors' vehicles used for active shooter responses.

Financial Considerations

- The City of Troy Police Department applied for a grant through the Department of Justice, Bulletproof Vest Partnership Grant Program. This grant provides for matching funds from the Department of Justice for the purchase of bulletproof vests for sworn police officers.
- Funds will be available in the Police department operating supply account for uniform patrol #315.7740.010.

October 23, 2007

To: Phillip L. Nelson, City Manager

Re: Bid Award – Lowest Bidder Meeting Specifications – Tactical Vests

Legal Considerations

- ITB-COT 07-21, to furnish two (2) year requirements of tactical vests for the Police department was competitively bid as required by Chapter 7 of the City Code and opened with six (6) bids received.

Policy Considerations

- The body armor selected has been tested by the US Department of Justice and found to be in compliance with NIJ Standard 0101.04, ballistic resistance testing of police body armor. Safety of the officers helps to ensure safety of the community. (Goal I)
- Minimize the cost and increase the efficiency and effectiveness of City government by utilizing grant funding. (Goal II)

Options

- City management and the Troy Police department recommend awarding the purchase of tactical vests to the lowest bidder meeting specifications, Michigan Police Equipment Company of Charlotte, MI, for an estimated annual cost of \$47,720.00, at the unit price contained in the bid tabulation opened May 30, 2007.

Opening Date: 5/30/07
 Date Prepared: 10/23/07

CITY OF TROY
 BID TABULATION
 TACTICAL VESTS

VENDOR NAME:		** Michigan Police Equipment Company	CMP Distributors Inc.	Hes Stallings Julien Sales & Service	
EST QTY	DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE	
20	Tactical Vests w/Stealth IIIA Ballistics Molle, Attachment System	Protech \$ 2,386.00	\$ 2,543.00	\$ 3,410.00	
ESTIMATED GRAND TOTAL --		\$ 47,720.00	\$ 50,860.00	\$ 68,200.00	
CONTACT INFORMATION Hrs of Op Phone #		M-F 8:30 to 5 313-600-7484	M-F 8:30 to 5 517-974-4276	10 to 6 313-345-6442	
TERMS		Net 30 Days	Net 30 Days	Net 30	
WARRANTY		5 yrs-Ballistics 2 yrs - Carriers	Full Mfg. Warranty	Manufacturers	
DELIVERY DATE (S)		45 - 60 Days	30 - 45 Days ARO	3 - 5 Days	
EXCEPTIONS		None	Blank	None	
ACKNOWLEDGEMENT: Y or N		Yes	Yes	Yes	

DMS: Due to Inadequate Protection -
 Metropolitan Uniform \$31,979.80 - Trojan Level III
 Metropolitan Uniform - Alternate Bid - \$36,779.80 - Delta III
 North Eastern Uniforms \$33,980.00 - US Armor TAV
 Time Emergency Equipment \$38,500.00 - Survival Armor

NO BID: U.S. Cavalry

PROPOSAL - Furnish Two (2) Year Requirements of Tactical Vests for the City of Troy Police Department

ATTEST:
 Debra Painter
 Diane Fisher
 Sgt. John Schaufler
 Linda Bockstanz

**** DENOTES LOWEST BIDDER MEETING SPECIFICATIONS**

 Susan Leirstein CPPB
 Purchasing Director



CITY COUNCIL ACTION REPORT

October 30, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Ice Melt Compound

Background

- On October 9, 2007, nine (9) bids were received and opened to provide one (1) year requirements of ice melt compound with an option to renew for one (1) additional year for the City of Troy and participating MITN Purchasing Cooperative Members.
- 89 Vendors were notified via the MITN system.
- One bidder had to withdraw from the process due to a product misquote – HES Stallings-Julien Sales & Service –
- Three (3) additional bidders did not meet specifications for the following reasons:
 - APAC Paper and HP Products– proposed products only containing two of the four required chemicals and did not include a pattern indicator, which reduces overlapping thereby reducing cost.
 - Industrial Cleaning Supply – refused to list percentages of chemicals in their proposed product offering, which did not have a pattern marker.

Financial Considerations

- Funds are available in the Parks and Recreation account for operating supplies # 770.7740.010.

Legal Considerations

- ITB-COT 07-37 Ice Melt Compound was competitively bid as required by Chapter 7 of the City Code.
- All bidders were given the opportunity to respond with their level of interest in providing ice melt compound to the City of Troy and MITN Cooperative Members.

Policy Considerations

- Removing ice from municipal sidewalks reduces slip and fall hazards (Goal I)

Options

- City management and the Parks and Recreation department recommend awarding a one-year contract with a one (1) year option to renew for Ice Melt Compound to the lowest acceptable bidder, Washington Elevator of Washington, MI, for an estimated annual cost to the City of Troy of \$12,710.00, at unit prices contained in the bid tabulation to expire October 31, 2008.

Opening Date -- 10/09/07
 Date Prepared -- 10/10/07

CITY OF TROY
 BID TABULATION
 ICE MELT COMPOUND

VENDOR NAME:

EST		PRICE/EA	PRICE/EA	PRICE/EA	PRICE/EA
QTY (BAGS)	DESCRIPTION	BAG	BAG	BAG	BAG
4,120	SIDEWALK ICE MELTING COMPOUND, (206,000 lbs) Four-Way Blend or Approved Alternate	\$ 7.75	\$ 8.95	\$ 9.84	\$ 10.25
Quoting On:		Ice Biter	Road Runner Blend	Road Runner Ind.	Ice Buster
Manufactured By:		Elevator	Scotwood Ind.	Scotwood	EC Grow
50# Bags/Pallet		40	50	50	49
ESTIMATED GRAND TOTAL -		\$ 31,930.00	\$ 36,874.00	\$ 40,540.80	\$ 42,230.00
DELIVERY: # of Days after verbal request		5 Days	3 - 5 Days	7-10 Working Days	1 - 2 Days
CONTACT INFORMATION		Hrs of Oper.	8 to 5 M-F	8:00 - 5:00 MST	8 to 5 M-F
Phone #		586-255-3395	801-552-9100	800-631-1955	586-752-9534
EXTENSION OF AWARD TO MITN PURCHASING CO-OP: Y/N		Yes	Yes	Yes	Yes
Minimum Order (Initial)		1 ton	2 Tons	53 Tons	5 tons
(Add'l)		1 ton	2 Tons	53 Tons	1 ton
FORMULA:		Calcium Chloride 20%	15%	15%	30%
		Magnesium Chloride 20%	7%	15%	20%
		Potassium Chloride 20%	7%	1 - 3%	10%
		Sodium Chloride 40%	71%	82 - 84%	40%
		Pattern Indicator	Blue Indicator	No Dye	Green Dye
		Organic anti-caking agent	Not Needed	N/A in a Bag	AMC
TERMS		30 Days	Net 30	Net 30	Net 15
WARRANTY		Blank	Blank	Blank	None
DELIVERY		Within 5 Days	3 - 5 Days ARO	7-10 Working Days ARO	1 - 2 Days
EXCEPTIONS		Blank	Min order 2 Tons If no Dock-lift gate will be needed- will be an Add'l	80 Bag Minimum order required	Blank
ACKNOWLEDGEMENT		Y or N	Yes	Yes	Yes

WITHDREW:
HES Stallings Julien Sales & Service

DMS:
APAC Paper & Packaging (\$5.69/bag) Reason: only a two-way and not four-way blend as specified; in addition no pattern indicator
Industrial Cleaning Supply (\$6.43/bag) Reason: no pattern indicator as specified
HP Products (\$6.50/bag) Reason: only a two-way and not four-way blend as specified; in addition no pattern indicator

NO BIDS:
The Wilkinson Corporation

ATTEST:
Jeff Biegler
Yvonne Ranzinger
Linda Bockstanz

PROPOSAL-- Furnish One (1) Year Requirements of Ice Melt Compound with an Option to Renew for One (1) Additional Year for the City of Troy and Participating MITN Purchasing Cooperative Members

VENDOR NAME:

Commerce			
Corporation			
Great Lakes			

EST	DESCRIPTION	PRICE/EA		
QTY (BAGS)		BAG		
4,120	SIDEWALK ICE MELTING COMPOUND, (206,000 lbs) Four-Way Blend or Approved Alternate	\$ 12.63		
	Quoting On:	Premium Ice Melter		
	Manufactured By:	Spring Valley		
	50# Bags/Pallet	40		
	ESTIMATED GRAND TOTAL -	\$ 52,035.60		
	DELIVERY: # of Days after verbal request	14 Days		
	CONTACT INFORMATION	Hrs of Oper.	8:00 to 5:00	
		Phone #	616-541-3000	
	EXTENSION OF AWARD TO MITN PURCHASING CO-OP: Y/N	Yes		
	Minimum Order (Initial)	4 Tons		
	(Add'l)	4 Tons		
	FORMULA:	Calcium Chloride	20%	
		Magnesium Chloride	20%	
		Potassium Chloride	20%	
		Sodium Chloride	40%	
		Pattern Indicator	Yes	
		Organic anti-caking agen	Yes	
	TERMS	Net 30		
	WARRANTY	Per Manufacturer		
	DELIVERY	Blank		
	EXCEPTIONS	Product is a Special		
		Blend to meet		
		specs		
	ACKNOWLEDGEMENT	Y or N	Yes	

**** DENOTES LOWEST ACCEPTABLE BIDDER**

 Susan Leirstein CPPB
 Purchasing Director



CITY COUNCIL ACTION REPORT

October 29, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 4: – MITN Cooperative Award – City of Rochester Hills
Single Axle Dump Truck

Background

- Wolverine Truck Sales, Inc. is the low bidder as a result of a formal bid process hosted by the City of Rochester Hills and extended to members of the Michigan Intergovernmental Trade Network (MITN) Purchasing Cooperative.
- The vehicle being purchased is a replacement vehicle.

Financial Considerations

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

	<u>BUDGET</u>	<u>UNIT COST</u>	<u>TOTAL</u>
Sterling L 8500 Cab and Chassis with 5-7 yard dump body, plow and salt spreader	<u>\$130,000.00</u>	\$129,605.00	<u>\$129,605.00</u>
	\$130,000.00		\$129,605.00

Legal Considerations

- There are no legal considerations associated with this item.

Policy Considerations

- The dump truck is used on a daily basis to ensure proper and proactive road maintenance (Goal I & V).
- The purchase of the dump truck would assure the safety and welfare of citizens and businesses and also reduce the liability for the City. (Goal I & V).

Options

- City management and the Public Works Fleet Division request authorization to purchase from the low bidder, Wolverine Truck Sales, Inc. of Dearborn, MI, as a result of a MITN Cooperative Award, (1) one 2008 Sterling L 8500 5-7 yard dump truck with snow plow and salt spreader for an estimated total cost of \$129,605.00.



3550 Wyoming • Dearborn, MI 48120 • (313) 849-0800

October 25, 2007

City of Troy
Mr. Sam Lamerato

RE: Troy use of Rochester Hills Bid
Requested Changes / Pricing Revision

As per our letter of 10/16/07, The City of Troy has the opportunity to utilize the City of Rochester Hills Bid of 1/25/07 and make changes to fulfill it's specific needs.

Following are the requested changes requested by Mr. Lamerato in our meeting of 10/24/07. Revised chassis pricing to the City of Troy reflects those changes.

Original Bid Price:	\$133,858.00
Delete Body/Equipment:	<u>-67,125.00</u>
Chassis Only Cost:	\$66,733.00

Requested Changes – 1) Delete Trailer Package :	-397.00
2) Meritor Slack Adjusters :	-80.00
3) Remote Mirrors :	+225.00
4) Delete Air Conditioning:	-360.00
5) Frame Mtd. F/W Sep. :	<u>N/C</u>

Revised Chassis Cost to the City of Troy: \$66,121.00

Ken Malkowski
Sales Engineer



TRUCK EQUIPMENT

1200 S. Averill Ave Flint Mi. 48503
Phone 800-589-9100 Fax 810-744-0542

11/5/2007

City of Troy Michigan
4693 Rochester Road
Troy, Michigan 48098
Attn: Mr. Sam Lamerato

We are please to extend to you the ability to add onto the single axle dump truck contract which we currently have with Wolverine Truck and the City of Rochester Hills.

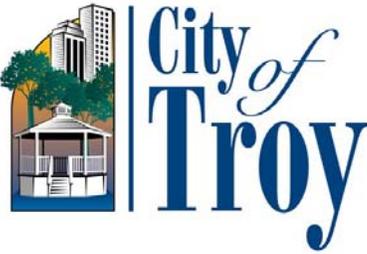
The original purchase agreement for our equipment was \$67,125.00 per truck.

Per our discussion we were able to make the following changes, and credits to the original price, and specifications.

- | | | |
|----|---|----------------|
| 1. | delete auto-lube system | - (\$3,586.00) |
| 2. | change from 34" husting hitch to 29" plow/truck | N/C |
| 3. | delete glad hands at hitch | - (\$ 55.00) |
| 4. | Underbody hoist ILO Telescopic | N/C |

TOTAL PRICE AFTER ABOVE CHANGES \$63,484.00

Best regards,
Jim Fountain



CITY COUNCIL ACTION REPORT

October 31, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Annual Flowers and Bedding Plants

Background

- On October 29, 2007, bids were received to provide 2008 Seasonal Requirements of Annual Flowers and Bedding Plants.
- 59 Vendors were notified via the MITN system with one responsive bid received. In addition, one statement of no bid and one late bid were recorded.

Financial Considerations

- Funds are available in the following Parks department operating accounts:

Northfield Street Islands -	782.7740.010
Fire Halls -	344.7740.010
Cemetery Maintenance -	276.7740.100
Park Maintenance -	770.7740.010
Aquatic Center -	787.7740.100
DPW -	551.7740.010
Museum Grounds -	807.7740.010

Legal Considerations

- ITB-COT 07-39, Seasonal Requirements of Annual Flowers & Bedding Plants for 2008 was competitively bid as required by Chapter 7 of the City Code.
- All bidders were given the opportunity to respond with their level of interest in supplying annuals for the City of Troy.

Policy Considerations

- Annual flowers enhance the livability of the community and give a prosperous feeling to the area. (Goal I)
- Well maintained landscaping will attract business and will help retain those currently located in the City. (Goal III)

Options

- City management and the Parks and Recreation department recommend awarding seasonal requirements of annual flowers and bedding plants the lowest acceptable bidder, Meiring Greenhouse & Farms of Carleton, MI, for an estimated total cost of \$11,017.50, at unit prices contained in the bid tabulation.

Opening Date-- 10/29/07
 Date Prepared-- 10/29/07

CITY OF TROY
 BID TABULATION
 2008 ANNUAL FLOWERS/BEDDING PLANTS

VENDOR NAME:

VENDOR NAME:				Meiring			
				Greenhouse			
				& Farms			
EST QTY	UNIT	SPECIES		UNIT COST	UNIT COST	UNIT COST	UNIT COST
50	48/Flat	ageratum	Blue Horizon	8.00			
50	48/Flat	ageratum	Summer Snow	8.00			
90	48/Flat	begonia	red/green	8.50			
75	48/Flat	begonia	white/bronze	8.50			
60	48/Flat	coleus	Blood Shot	8.00			
20	18/Flat	cleome	Queen Mix	13.25			
125	48/Flat	dusty miller		8.00			
80	48/Flat	marigold-french	Hero Mix	8.00			
20	48/Flat	gomprhena	Mixed colors	8.00			
20	48/Flat	impatiens	Mixed colors	8.50			
100	18/Flat	petunia	Easy Wave Blue	13.25			
100	18/Flat	petunia	Easy Wave Pink	13.25			
100	18/Flat	petunia	Easy Wave White	13.25			
100	18/Flat	petunia-wave	Easy Wave Salmon	13.25			
80	48/Flat	salvia x superba	Blue	8.00			
20	48/Flat	verbena	Ideal Florist Strain	8.00			
ESTIMATED GRAND TOTAL AWARDED ITEMS:				\$ 11,017.50			
SERVICE FACILITY:							
Location:				Carleton, MI			
24 Hr Phone Number:				734-625-1466			
Hrs of Operation:				8 am to 5 pm			
TERMS				Net 45 Days			
WARRANTY				30 Days; Limit 1 Time			
DELIVERY				AS SPECIFIED			
EXCEPTIONS				Blank			
ACKNOWLEDGEMENT				Yes			

NO BID:
 Eckert's Greenhouse

LATE BID:
 Dinser's Greenhouse

ATTEST:
 Ron Hynd
 Yvonne Ranzinger
 Linda Bockstanz

Susan Leirstein CPPB
 Purchasing Director

BOLDFACE TYPE DENOTES LOWEST ACCEPTABLE BIDDER



CITY COUNCIL ACTION REPORT

October 11, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Steven J. Vandette, City Engineer
Larysa Figol, Right-of-Way Representative

SUBJECT: Request for Acceptance of a Warranty Deed and Four Permanent Easements, Mayapple, LLC - Timbercrest Farms Site Condominium, Section 24, Sidwell #88-20-24-201-035 and -019

Background:

- In connection with the development of Timbercrest Farms Site Condominium project, located in Section 24, west of Dequindre on the south side of Wattles, the Real Estate Department has received a warranty deed for right-of-way and four permanent easements for water main, pedestrian walkway, sanitary sewer and storm sewer, from Mayapple, LLC, owner of the property having Sidwell #88-20-24-201-035 and 019.

Financial Considerations:

- The consideration amount on each document is \$1.00.

Legal Considerations:

- The format and content of this warranty deed and easements is consistent with documents previously accepted by City Council.

Policy Considerations:

- The dedication of right-of-way and easements is required as part of the development and improvement process. (Goal I, III & V)

Options:

- City Management recommends that City Council accept the attached warranty deed and easements, consistent with our policy of accepting right-of-way and easements for property improvements and developments.

WARRANTY DEED

Sidwell # 88-20-24-201-035 & 019 (part of)
Resolution #

The Grantor(s) MAYAPPLE, LLC, a Michigan limited liability company, whose address is: 50125 Schoenherr, Shelby Township, MI 48315 convey(s) and warrant(s) to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road,, Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

For the sum of One Dollar and no/cents (\$1.00)

subject to easements and building and use restrictions of record and further subject to:

Dated this 14TH day of Aug, 2007.

Signed in presence of:
(not required)

Signed by:
MAYAPPLE, LLC,
a Michigan limited liability company

By *Joseph Maniaci*
Joseph Maniaci
Its. Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 14 day of August, 2007, by Joseph Maniaci, Member, of MAYAPPLE, LLC, a Michigan limited liability company, on behalf of the company.

Diane C Jones

DIANE C. JONES
Notary Public - Michigan
Macomb County
My Commission Expires
September 17, 2011

Notary Public, Macomb County, MI
My commission expires: September 17, 2011
Acting Macomb County, MI

County Treasurer's Certificate		City Treasurer's Certificate
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084

Tax Parcel #88-20-24-201-035 & 019 (part of) Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"

ROAD RIGHT OF WAY DEDICATION

LEGAL DESCRIPTION: "ROAD RIGHT OF WAY"

PART OF LOTS 5, 6, 7 AND 8 OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5" BEING PART OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 24, T. 2 N., R. 11 E., TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 55 OF PLATS, PAGE 58, OAKLAND COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTH $\frac{1}{4}$ CORNER OF SAID SECTION 24; THENCE S.01'35'00" W., 741.14 FEET ALONG THE NORTH/SOUTH $\frac{1}{4}$ LINE OF SAID SECTION 24 SAID LINE ALSO BEING THE WEST LINE OF SAID "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5"; THENCE N.90'00'00"E., 34.73 FEET; THENCE N.46'03'24"E., 171.49 FEET; THENCE N.90'00'00"E., 125.13 FEET TO THE POINT OF BEGINNING; THENCE N.90'00'00"E., 60.02 FEET; THENCE S.01'35'00"W., 10.81 FEET; THENCE 209.62 FEET ALONG AN ARC OF CURVE TO THE RIGHT (RADIUS 230.00 FEET, CENTRAL ANGLE 52'13'07", CHORD BEARING S.27'41'34"W., CHORD LENGTH 202.44 FEET); THENCE 154.94 FEET ALONG AN ARC OF CURVE TO THE LEFT (RADIUS 170.00 FEET, CENTRAL ANGLE 52'13'07", CHORD BEARING S.27'41'34"W., CHORD LENGTH 149.63 FEET); THENCE S.01'35'00"W., 53.61 FEET; THENCE N.90'00'00"E., 96.43 FEET; THENCE 60.51 FEET ALONG AN ARC OF CURVE TO THE LEFT (RADIUS 440.00 FEET, CENTRAL ANGLE 07'52'49", CHORD BEARING N.86'03'35"E., CHORD LENGTH 60.47 FEET); THENCE 77.02 FEET ALONG AN ARC OF CURVE TO THE RIGHT (RADIUS 560.00 FEET, CENTRAL ANGLE 07'52'49", CHORD BEARING N.86'03'35"E., CHORD LENGTH 76.96 FEET; THENCE N.90'00'00"E., 201.66 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF FERNLEIGH ROAD (60 FEET WIDE); THENCE S.01'35'00"W., 60.02 FEET ALONG SAID WEST RIGHT OF WAY LINE; THENCE N.90'00'00"W., 200.00 FEET; THENCE 68.77 FEET ALONG AN ARC OF CURVE TO THE LEFT (RADIUS 500.00 FEET, CENTRAL ANGLE 07'52'49", CHORD BEARING S.86'03'35"W., CHORD LENGTH 68.71 FEET); THENCE 68.77 FEET ALONG AN ARC OF CURVE TO THE RIGHT (RADIUS 500.00 FEET, CENTRAL ANGLE 07'52'49", CHORD BEARING S.86'03'35"W., CHORD LENGTH 68.71 FEET); THENCE N.90'00'00"W., 98.09 FEET; THENCE S.01'35'00"W., 303.77 FEET; THENCE S.88'25'00"E., 169.84 FEET; THENCE 264.83 FEET ALONG AN ARC OF CURVE TO THE RIGHT (RADIUS 60.00 FEET, CENTRAL ANGLE 252'53'43", CHORD BEARING S.38'01'52"W., CHORD LENGTH 96.53 FEET); THENCE 31.81 FEET ALONG AN ARC OF CURVE TO THE LEFT (RADIUS 25.00 FEET, CENTRAL ANGLE 72'53'43", CHORD BEARING N.51'58'08"W., CHORD LENGTH 29.70 FEET); THENCE N.88'25'00"W., 88.60 FEET; THENCE S.01'35'00"W., 77.66 FEET; THENCE 73.26 FEET ALONG AN ARC OF CURVE TO THE RIGHT (RADIUS 1030.00 FEET, CENTRAL ANGLE 04'04'32", CHORD BEARING S.03'37'16"W., CHORD LENGTH 73.25 FEET); THENCE 69.00 FEET ALONG AN ARC OF CURVE TO THE LEFT (RADIUS 970.00 FEET, CENTRAL ANGLE 04'04'32", CHORD BEARING S.03'37'16"W., CHORD LENGTH 68.98 FEET); THENCE S.01'35'00"W., 210.47 FEET; THENCE N.90'00'00"W., 60.02 FEET; THENCE N.01'35'00"E., 212.13 FEET; THENCE 73.26 FEET ALONG AN ARC OF CURVE TO THE RIGHT (RADIUS 1030.00 FEET, CENTRAL ANGLE 04'04'32", CHORD BEARING N.03'37'16"E., CHORD LENGTH 73.25 FEET); THENCE 69.00 FEET ALONG AN ARC OF CURVE TO THE LEFT (RADIUS 970.00 FEET, CENTRAL ANGLE 04'04'32", CHORD BEARING N.03'37'16"E., CHORD LENGTH 68.98 FEET); THENCE N.01'35'00"E., 555.06 FEET; THENCE 209.63 FEET ALONG AN ARC OF CURVE TO THE RIGHT (RADIUS 230.00 FEET, CENTRAL ANGLE 52'13'07", CHORD BEARING N.27'41'34"E., CHORD LENGTH 202.44 FEET); THENCE 154.93 FEET ALONG AN ARC OF CURVE TO THE LEFT (RADIUS 170.00 FEET, CENTRAL ANGLE 52'13'07", CHORD BEARING N.27'41'34"E., CHORD LENGTH 149.63 FEET); THENCE N.01'35'00"E., 9.15 FEET TO THE POINT OF BEGINNING. CONTAINING 2.80 ACRES OF LAND.

PROPERTY DESCRIPTION:

PART OF LOTS 5, 6, 7 AND 8 OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5" BEING PART OF THE NORTHEAST $\frac{1}{4}$ OF SECTION 24, T. 2 N., R. 11 E., TROY TOWNSHIP (NOW CITY OF TROY), OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 55 OF PLATS, PAGE 58, OAKLAND COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NORTH $\frac{1}{4}$ CORNER OF SAID SECTION 24; THENCE S.01'35'00" W., 741.14 FEET ALONG THE NORTH/SOUTH $\frac{1}{4}$ LINE OF SAID SECTION 24 SAID LINE ALSO BEING THE WEST LINE OF SAID "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5" TO THE POINT OF BEGINNING; THENCE N.90'00'00"E., 34.73 FEET; THENCE N.46'03'24"E., 171.49 FEET; THENCE N.90'00'00"E., 215.08 FEET; THENCE S.01'35'00"W., 246.65 FEET; THENCE N.90'00'00"E., 250.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF FERNLEIGH ROAD (60 FEET WIDE); THENCE S.01'35'00"W., 180.20 FEET ALONG SAID WEST RIGHT OF WAY LINE; THENCE N.90'00'00"W., 200.00 FEET; THENCE S.01'35'00"W., 627.05 FEET; THENCE N.90'00'00"W., 120.00 FEET; THENCE S.01'35'00"W., 176.30 FEET; THENCE N.90'00'00"W., 300.00 FEET TO A POINT ON SAID NORTH/SOUTH $\frac{1}{4}$ LINE; THENCE N.01'35'00"E., 1111.15 FEET ALONG SAID NORTH/SOUTH $\frac{1}{4}$ LINE TO THE POINT OF BEGINNING. CONTAINING 11.66 ACRES OF LAND, MORE OR LESS. SUBJECT TO ANY AND ALL EASEMENTS OR RIGHTS OF WAY OF RECORD, IF ANY.

ROAD RIGHT OF WAY DEDICATION

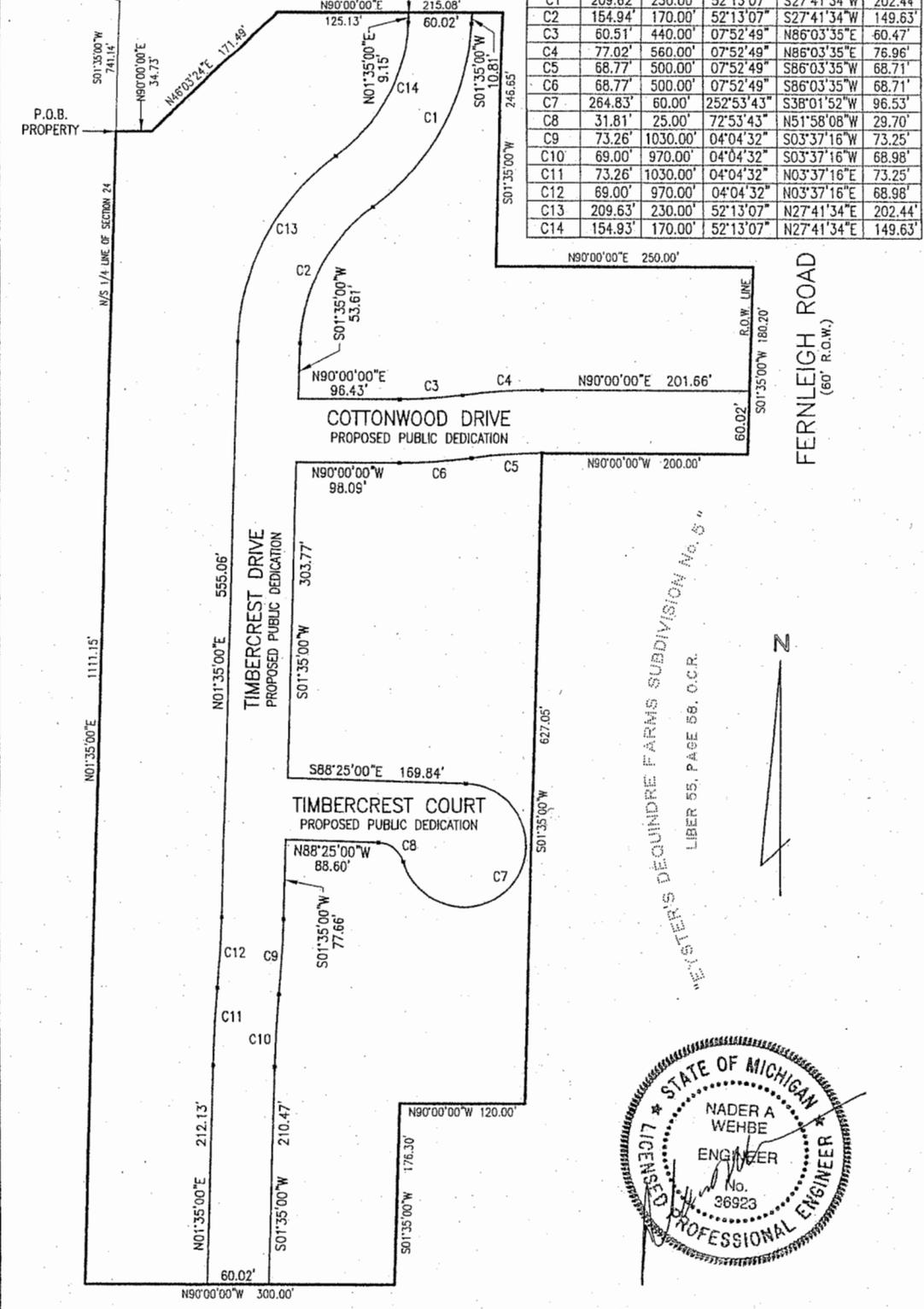
NORTH 1/4 CORNER
SECTION 24,
T. 2 N., R. 11 E.

WATTLES ROAD

P.O.B.
R.O.W.

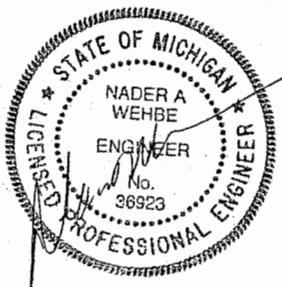
CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	209.62'	230.00'	52°13'07"	S27°41'34"W	202.44'
C2	154.94'	170.00'	52°13'07"	S27°41'34"W	149.63'
C3	60.51'	440.00'	07°52'49"	N86°03'35"E	60.47'
C4	77.02'	560.00'	07°52'49"	N86°03'35"E	76.96'
C5	68.77'	500.00'	07°52'49"	S86°03'35"W	68.71'
C6	68.77'	500.00'	07°52'49"	S86°03'35"W	68.71'
C7	264.83'	60.00'	252°53'43"	S38°01'52"W	96.53'
C8	31.81'	25.00'	72°53'43"	N51°58'08"W	29.70'
C9	73.26'	1030.00'	04°04'32"	S03°37'16"W	73.25'
C10	69.00'	970.00'	04°04'32"	S03°37'16"W	68.98'
C11	73.26'	1030.00'	04°04'32"	N03°37'16"E	73.25'
C12	69.00'	970.00'	04°04'32"	N03°37'16"E	68.98'
C13	209.63'	230.00'	52°13'07"	N27°41'34"E	202.44'
C14	154.93'	170.00'	52°13'07"	N27°41'34"E	149.63'



FERNLEIGH ROAD
(60' R.O.W.)

"EUSTERS DEQUINDRE FARMS SUBDIVISION No. 5"
LIBER 55, PAGE 58, O.C.R.



POINT OF BEGINNING P.O.B.

PERMANENT EASEMENT

Sidwell #88-20-24-201-035 & 019 (part of)
Resolution #

MAYAPPLE, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Rd., Shelby, MI 48315 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed HIS signature(s) this 14th day of Aug A.D. 2007.

In presence of:
WITNESS (not required)

MAYAPPLE, L.L.C.,
A Michigan limited liability company

By [Signature] (L.S.)
* Joseph Maniaci
Its Member

STATE OF MICHIGAN)
COUNTY OF Macomb)

The foregoing instrument was acknowledged before me this 14 day of August, 2007, by Joseph Maniaci, Member of MAYAPPLE, L.L.C., a Michigan limited liability company, on behalf of the company.

DIANE C. JONES
Notary Public - Michigan
Macomb County
My Commission Expires
September 17, 2011

[Signature]
Notary Public, Macomb County, Michigan

My Commission Expires September 17, 2011
Acting in Macomb County, Michigan

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

WATERMAIN EASEMENT DESCRIPTIONS

A TWENTY (20.00) FEET WIDE WATERMAIN EASEMENT WHICH IS PART OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5" LIBER 55 OF PLATS, PAGE 58 OAKLAND COUNTY RECORDS, ALSO BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, OF CENTERLINE DESCRIBED AS:

(EASEMENT SEGMENT - A)

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 24; THENCE S.01°35'00" W., 741.14 FEET ALONG THE NORTH/SOUTH 1/4 LINE OF SAID SECTION 24, THENCE N.90°00'00"E., 24.00 FEET TO THE POINT OF BEGINNING; THENCE S.01°35'00"W., 27.43 FEET, THENCE S.64°47'10"E., 143.41 FEET TO THE POINT OF ENDING.

(EASEMENT SEGMENT - B)

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 24; THENCE S.01°35'00"W., 741.14 FEET ALONG THE NORTH/SOUTH 1/4 LINE OF SAID SECTION 24, THENCE S.01°35'00"W., 307.90 FEET ALONG SAID NORTH/SOUTH 1/4 LINE OF SAID SECTION 24, THENCE N.90°00'00"E., 410.00 FEET TO THE POINT OF BEGINNING; THENCE S.01°35'00"W., 330.97 FEET TO POINT "1"; THENCE S.01°35'00"W., 48.33 FEET TO THE POINT OF ENDING.

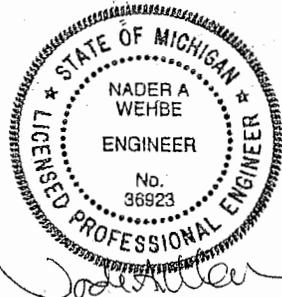
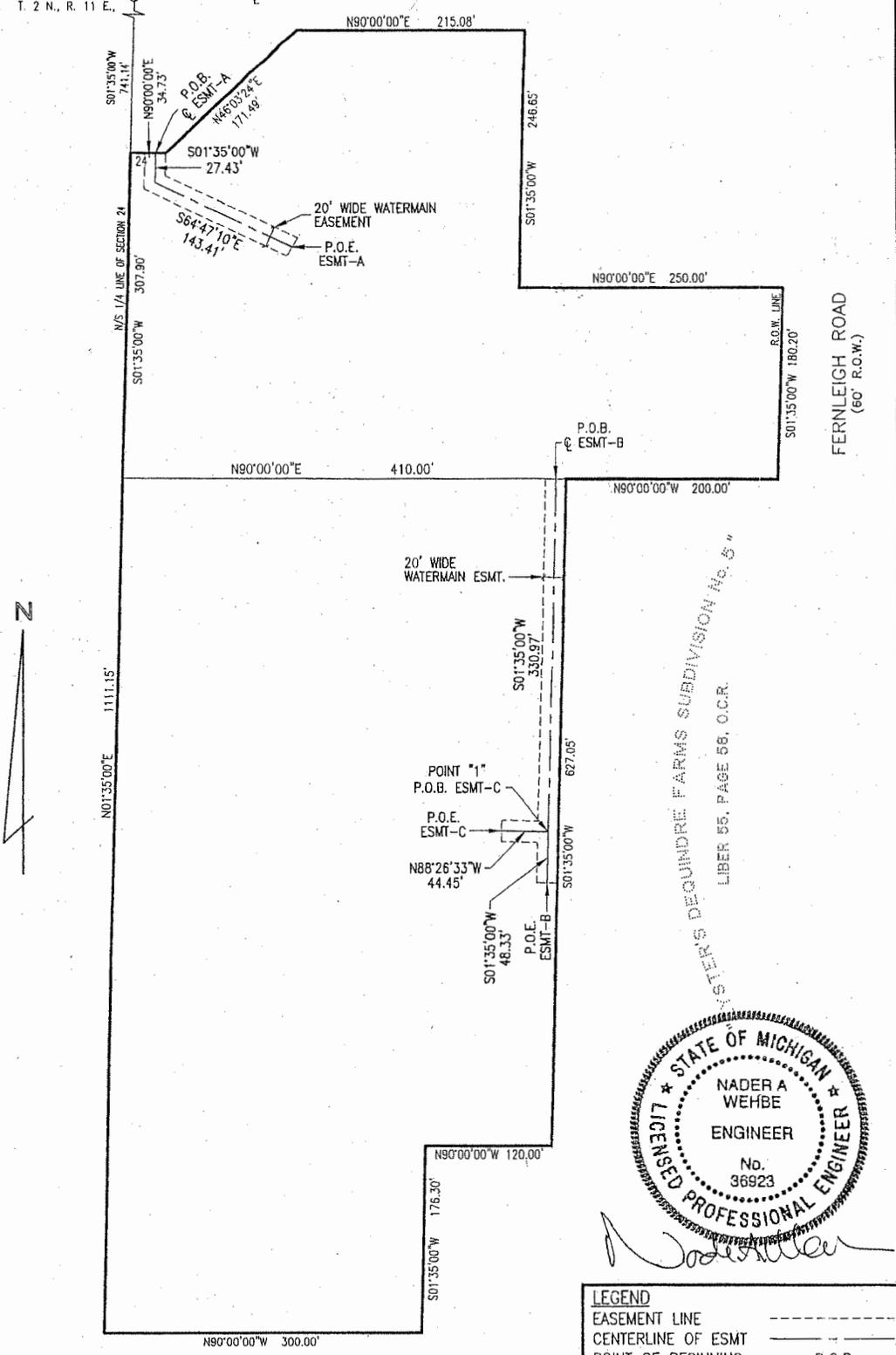
(EASEMENT SEGMENT - C)

ALSO BEGINNING FROM SAID POINT "1"; THENCE N.88°26'33"W., 44.45 FEET TO THE POINT OF ENDING.

WATERMAIN EASEMENT

NORTH 1/4 CORNER
SECTION 24,
T. 2 N., R. 11 E.,

WATTLES ROAD



LEGEND	
EASEMENT LINE	-----
CENTERLINE OF ESMT	-----
POINT OF BEGINNING	P.O.B.
POINT OF ENDING	P.O.E.

PERMANENT EASEMENT

Sidwell #88-20-24-201-035 & 019 (part of)
Resolution #

MAYAPPLE, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Rd., Shelby, MI 48315 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace pedestrian walkway, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed 115 signature(s) this 14th ~~Aug~~ day of Aug A.D. 2007.

In presence of:
WITNESS (not required)

MAYAPPLE, L.L.C.,
A Michigan limited liability company

By [Signature] (L.S.)
Joseph Maniaci
Its Member

STATE OF MICHIGAN)
COUNTY OF Macomb)

The foregoing instrument was acknowledged before me this 14 day of August, 2007, by Joseph Maniaci, Member of MAYAPPLE, L.L.C., a Michigan limited liability company, on behalf of the company.

DIANE C. JONES
Notary Public - Michigan
Macomb County
Commission Expires
September 17, 2011

[Signature]
*
Notary Public, Macomb County, Michigan

My Commission Expires September 17, 2011
Acting in Macomb County, Michigan

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

EXHIBIT "A"

PEDESTRIAN WALKWAY EASEMENT DESCRIPTION

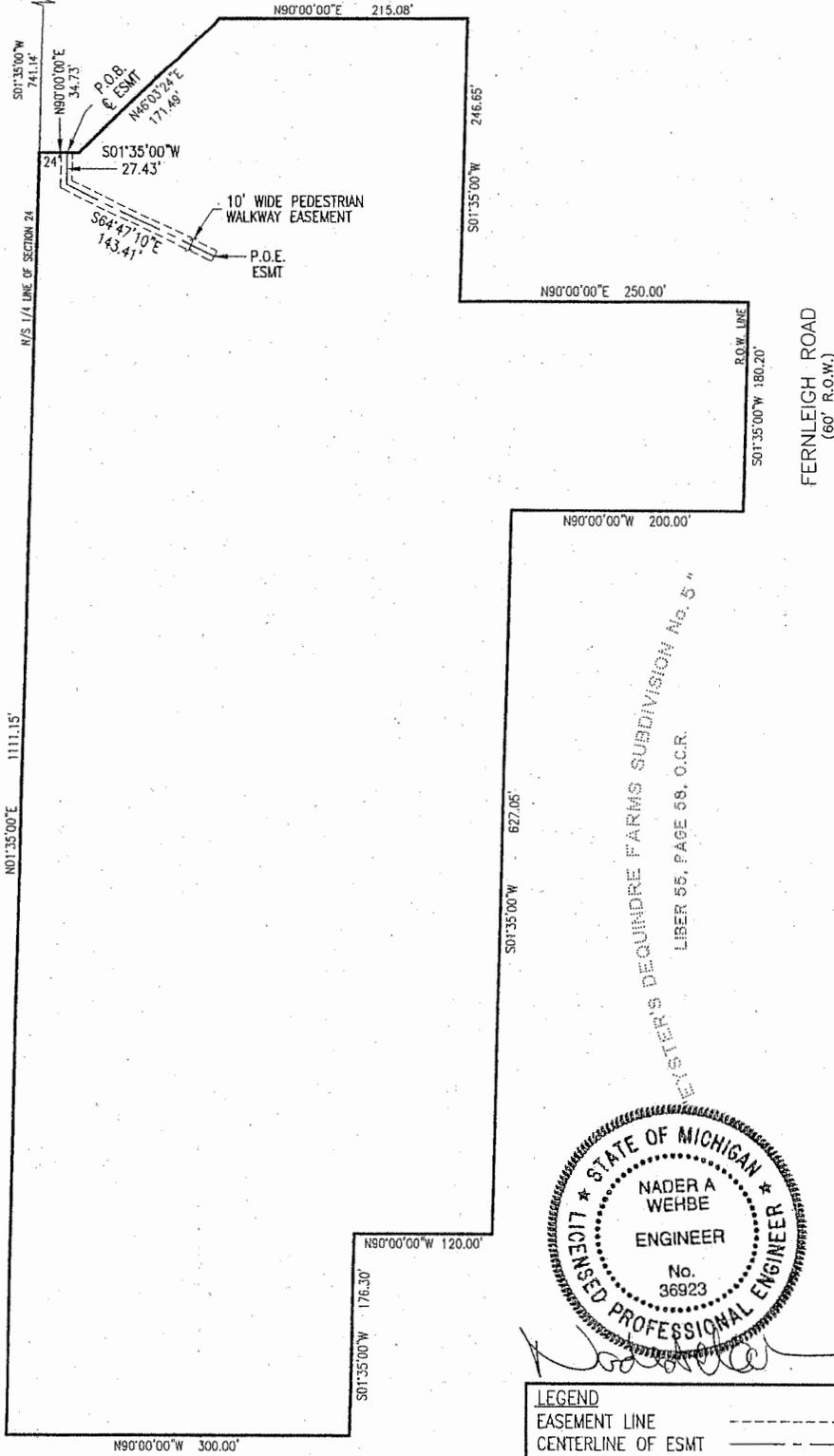
A TEN (10.00) FEET WIDE PEDESTRIAN WALKWAY EASEMENT WHICH IS PART OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5" LIBER 55 OF PLATS, PAGE 58 OAKLAND COUNTY RECORDS, ALSO BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, OF CENTERLINE DESCRIBED AS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 24; THENCE S.01°35'00"W., 741.14 FEET ALONG THE NORTH/SOUTH 1/4 LINE OF SAID SECTION 24, THENCE N.90°00'00"E., 24.00 FEET TO THE POINT OF BEGINNING; THENCE S.01°35'00"W., 27.43 FEET, THENCE S.64°47'10"E., 143.41 FEET TO THE POINT OF ENDING.

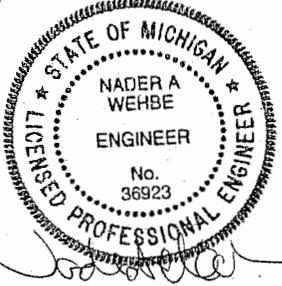
PEDESTRIAN WALKWAY EASEMENT

NORTH 1/4 CORNER
SECTION 24,
T. 2 N., R. 11 E.,

WATTLES ROAD



E.A. ESTIER'S DEQUINDRE FARMS SUBDIVISION No. 5 "
 LIBER 55, PAGE 58, O.C.R.



LEGEND	
EASEMENT LINE	-----
CENTERLINE OF ESMT	—————
POINT OF BEGINNING	P.O.B.
POINT OF ENDING	P.O.E.

PERMANENT EASEMENT

Sidwell #88-20-24-201-035 & 019 (part of)
Resolution #

MAYAPPLE, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Rd., Shelby, MI 48315 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed 1413 signature(s) this 14th day of Aug A.D. 2007.

In presence of:
WITNESS (not required)

MAYAPPLE, L.L.C.,
A Michigan limited liability company

By Joseph Maniaci (L.S.)
Its Member

STATE OF MICHIGAN)
COUNTY OF Macomb)

The foregoing instrument was acknowledged before me this 14 day of August, 2007, by Joseph Maniaci, Member of MAYAPPLE, L.L.C., a Michigan limited liability company, on behalf of the company.

DIANE C. JONES
Notary Public - Michigan
Macomb County
My Commission Expires
September 17, 2011

Diane C Jones
*
Notary Public, Macomb County, Michigan

My Commission Expires September 17, 2011
Acting in Macomb County, Michigan

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

EXHIBIT "A"

SANITARY SEWER EASEMENT DESCRIPTIONS

SANITARY SEWER EASEMENT WHICH IS PART OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5" LIBER 55 OF PLATS, PAGE 58 OAKLAND COUNTY RECORDS, ALSO BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

(EASEMENT SEGMENT - A)

A FIFTEEN (15.00) FEET WIDE EASEMENT OF CENTERLINE COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 24; THENCE S.01°35'00" W., 741.14 FEET ALONG THE NORTH/SOUTH 1/4 LINE OF SAID SECTION 24, THENCE S.01°35'00"W., 249.72 FEET ALONG SAID SECTION LINE, THENCE N.90°00'00"E., 185.07 FEET TO THE POINT OF BEGINNING; THENCE N.90°00'00"E., 96.22 FEET; THENCE 59.48 FEET ALONG AN ARC OF CURVE TO THE LEFT (RADIUS 432.50 FEET, CENTRAL ANGLE 07°52'49", CHORD BEARING N.86°03'35"E., CHORD LENGTH 59.44 FEET); THENCE 78.05 FEET ALONG AN ARC OF CURVE TO THE RIGHT (RADIUS 567.50 FEET, CENTRAL ANGLE 07°52'49", CHORD BEARING N.86°03'35"E., CHORD LENGTH 77.99 FEET); THENCE N.90°00'00"E., 178.04 FEET TO POINT "1" AND POINT OF ENDING.

(EASEMENT SEGMENT - B)

A TWENTY (20.00) FEET WIDE EASEMENT OF CENTERLINE, BEGINNING AT SAID POINT "1"; THENCE N.34°03'47"E., 44.36 FEET TO THE POINT OF ENDING.

(EASEMENT SEGMENT - C)

A FIFTEEN (15.00) FEET WIDE EASEMENT OF CENTERLINE COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 24; THENCE S.01°35'00" W., 741.14 FEET ALONG THE NORTH/SOUTH 1/4 LINE OF SAID SECTION 24, THENCE S.01°35'00"W., 613.52 FEET ALONG SAID SECTION LINE, THENCE N.90°00'00"E., 185.07 FEET TO THE POINT OF BEGINNING; THENCE S.88°25'00"E., 161.58 FEET TO THE POINT OF ENDING.

(EASEMENT SEGMENT - D)

A FIFTEEN (15.00) FEET WIDE EASEMENT OF CENTERLINE COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 24; THENCE S.01°35'00" W., 741.14 FEET ALONG THE NORTH/SOUTH 1/4 LINE OF SAID SECTION 24, THENCE S.01°35'00"W., 1111.15 FEET ALONG SAID SECTION LINE, THENCE N.90°00'00"E., 112.49 FEET TO THE POINT OF BEGINNING; THENCE N.01°35'00"E., 212.34 FEET; THENCE 73.80 FEET ALONG AN ARC OF CURVE TO THE RIGHT (RADIUS 1037.50 FEET, CENTRAL ANGLE 04°04'32", CHORD BEARING N.03°37'16"E., CHORD LENGTH 73.78 FEET); THENCE 68.46 FEET ALONG AN ARC OF CURVE TO THE LEFT (RADIUS 962.50 FEET, CENTRAL ANGLE 04°04'32", CHORD BEARING N.03°37'16"E., CHORD LENGTH 68.45 FEET); THENCE N.01°35'00"E., 555.06 FEET; THENCE 216.45 FEET ALONG AN ARC OF CURVE TO THE RIGHT (RADIUS 237.50 FEET, CENTRAL ANGLE 52°13'07", CHORD BEARING N.27°41'34"E., CHORD LENGTH 209.04 FEET); THENCE 77.56 FEET ALONG AN ARC OF CURVE TO THE LEFT (RADIUS 162.50 FEET, CENTRAL ANGLE 27°20'55", CHORD BEARING N.40°07'40"E., CHORD LENGTH 76.83 FEET) TO THE POINT OF ENDING.

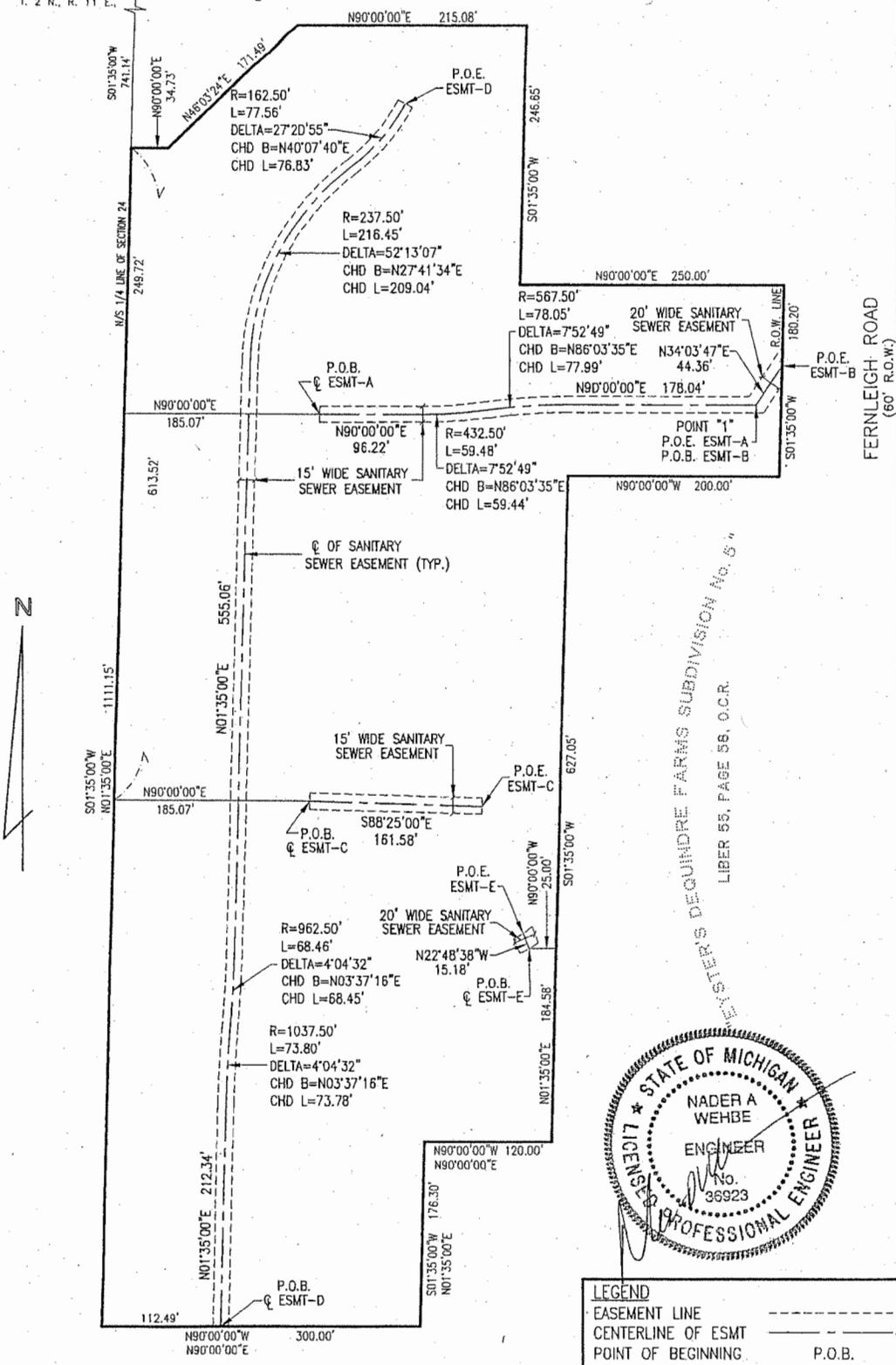
(EASEMENT SEGMENT - E)

A TWENTY (20.00) FEET WIDE EASEMENT OF CENTERLINE COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 24; THENCE S.01°35'00" W., 741.14 FEET ALONG THE NORTH/SOUTH 1/4 LINE OF SAID SECTION 24, THENCE S.01°35'00"W., 1111.15 FEET ALONG SAID SECTION LINE, THENCE N.90°00'00"E., 300.00 FEET; THENCE N.01°35'00"E., 176.30 FEET; THENCE N.90°00'00"E., 120.00 FEET, THENCE N.01°35'00"E., 184.58 FEET; THENCE N.90°00'00"W., 25.00 FEET TO THE POINT OF BEGINNING; THENCE N.22°48'38"W., 15.18 FEET TO THE POINT OF ENDING.

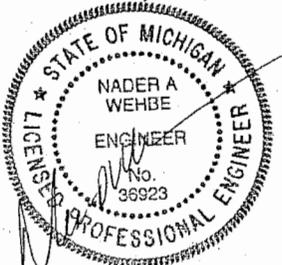
SANITARY SEWER EASEMENTS

NORTH 1/4 CORNER
SECTION 24,
T. 2 N., R. 11 E.

WATTLES ROAD



LESLIE'S DECUNDRÉ FARMS SUBDIVISION No. 5
 LIBER 55, PAGE 56, O.C.R.



LEGEND

EASEMENT LINE	-----
CENTERLINE OF ESMT	-----
POINT OF BEGINNING	P.O.B.
POINT OF ENDING	P.O.E.

PERMANENT EASEMENT

Sidwell #88-20-24-201-035 & 019 (part of)
Resolution #

MAYAPPLE, L.L.C., a Michigan limited liability company, Grantor(s), whose address is 50215 Schoenherr Rd., Shelby, MI 48315 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace **storm sewer**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed HIS signature(s) this 14th day of Aug A.D. 2007.

In presence of:
WITNESS (not required)

MAYAPPLE, L.L.C.,
A Michigan limited liability company

By [Signature] (L.S.)
* Joseph Maniaci
Its Member

STATE OF MICHIGAN)
COUNTY OF Macomb)

The foregoing instrument was acknowledged before me this 14 day of August, 2007, by Joseph Maniaci, Member of MAYAPPLE, L.L.C., a Michigan limited liability company, on behalf of the company.

DIANE C. JONES
Notary Public - Michigan
Macomb County
My Commission Expires
September 17, 2011

[Signature]
*
Notary Public, Macomb County, Michigan

My Commission Expires September 17, 2011
Acting in Macomb County, Michigan

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

STORM SEWER EASEMENT DESCRIPTIONS

STORM SEWER EASEMENT WHICH IS PART OF "EYSTER'S DEQUINDRE FARMS SUBDIVISION NO. 5" LIBER 55 OF PLATS, PAGE 58 OAKLAND COUNTY RECORDS, ALSO BEING PART OF THE NORTHEAST 1/4 OF SECTION 24, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, DESCRIBED AS:

(EASEMENT SEGMENT -- A)

A TWENTY (20.00) FEET WIDE EASEMENT OF CENTERLINE COMMENCING AT THE NORTH ¼ CORNER OF SAID SECTION 24; THENCE S.01°35'00" W., 741.14 FEET ALONG THE NORTH/SOUTH ¼ LINE OF SAID SECTION 24, THENCE S.01°35'00"W., 373.04 FEET ALONG SAID SECTION LINE TO THE POINT OF BEGINNING; THENCE S.88°25'00"E., 125.00 FEET TO THE POINT OF ENDING.

(EASEMENT SEGMENT -- B)

A FIFTEEN (15.00) FEET WIDE EASEMENT OF CENTERLINE COMMENCING AT THE NORTH ¼ CORNER OF SAID SECTION 24; THENCE S.01°35'00" W., 741.14 FEET ALONG THE NORTH/SOUTH ¼ LINE OF SAID SECTION 24, THENCE S.01°35'00"W., 1111.15 FEET ALONG SAID SECTION LINE; THENCE N.90°00'00"E., 16.00 FEET TO THE POINT OF BEGINNING; THENCE N.01°35'00"E., 1081.90 FEET; THENCE N.46°03'24"E., 205.85 FEET TO THE POINT OF ENDING.

(EASEMENT SEGMENT -- C)

A FIFTEEN (15.00) FEET WIDE EASEMENT OF CENTERLINE COMMENCING AT THE NORTH ¼ CORNER OF SAID SECTION 24; THENCE S.01°35'00" W., 741.14 FEET ALONG THE NORTH/SOUTH ¼ LINE OF SAID SECTION 24, THENCE S.01°35'00"W., 1111.15 FEET ALONG SAID SECTION LINE; THENCE N.90°00'00"E., 292.50 FEET TO THE POINT OF BEGINNING; THENCE N.01°35'00"E., 183.80 FEET; THENCE N.90°00'00"E., 34.97 FEET TO POINT "1"; THENCE N.90°00'00"E., 92.54 FEET TO THE POINT OF ENDING.

(EASEMENT SEGMENT -- D)

A TWENTY (20.00) FEET WIDE EASEMENT OF CENTERLINE, BEGINNING AT SAID POINT "1"; THENCE N.01°35'00"E., 142.39 FEET; THENCE N.88°25'00"W., 142.58 FEET TO THE POINT OF ENDING.

(EASEMENT SEGMENT -- E)

A TWENTY (20.00) FEET WIDE EASEMENT OF CENTERLINE COMMENCING AT THE NORTH ¼ CORNER OF SAID SECTION 24; THENCE S.01°35'00" W., 741.14 FEET ALONG THE NORTH/SOUTH ¼ LINE OF SAID SECTION 24, THENCE S.01°35'00"W., 1111.15 FEET ALONG SAID SECTION LINE; THENCE N.90°00'00"E., 300.00 FEET; THENCE N.01°35'00"E., 176.30 FEET; THENCE N.90°00'00"E., 120.00 FEET; THENCE N.01°35'00"E., 183.38 FEET TO THE POINT OF BEGINNING; THENCE N.24°46'22"W., 39.21 FEET TO THE POINT OF ENDING.

(EASEMENT SEGMENT -- F)

A TWENTY (20.00) FEET WIDE EASEMENT OF CENTERLINE COMMENCING AT THE NORTH ¼ CORNER OF SAID SECTION 24; THENCE S.01°35'00" W., 741.14 FEET ALONG THE NORTH/SOUTH ¼ LINE OF SAID SECTION 24, THENCE S.01°35'00"W., 1111.15 FEET ALONG SAID SECTION LINE; THENCE N.90°00'00"E., 300.00 FEET; THENCE N.01°35'00"E., 176.30 FEET; THENCE N.90°00'00"E., 120.00 FEET; THENCE N.01°35'00"E., 309.89 FEET; THENCE N.90°00'00"W., 92.54 FEET TO THE POINT OF BEGINNING; THENCE N.01°35'00"E., 130.00 FEET TO POINT "2"; THENCE N.01°35'00"E., 82.00 FEET TO THE POINT OF ENDING.

(EASEMENT SEGMENT -- G)

A FIFTEEN (15.00) FEET WIDE EASEMENT OF CENTERLINE, BEGINNING AT SAID POINT "2"; THENCE S.88°25'00"E., 92.50 FEET TO THE POINT OF ENDING.

(EASEMENT SEGMENT -- H)

A FIFTEEN (15.00) FEET WIDE EASEMENT OF CENTERLINE COMMENCING AT THE NORTH ¼ CORNER OF SAID SECTION 24; THENCE S.01°35'00" W., 741.14 FEET ALONG THE NORTH/SOUTH ¼ LINE OF SAID SECTION 24, THENCE S.01°35'00"W., 135.11 FEET ALONG SAID SECTION LINE; THENCE N.90°00'00"E., 199.67 FEET TO THE POINT OF BEGINNING; THENCE N.90°00'00"E., 162.83 FEET TO POINT "3"; THENCE N.01°35'00"E., 127.61 FEET TO THE POINT OF ENDING.

(EASEMENT SEGMENT -- I)

A FIFTEEN (15.00) FEET WIDE EASEMENT OF CENTERLINE, BEGINNING AT SAID POINT "3"; THENCE N.90°00'00"E., 78.80 FEET TO POINT "4"; THENCE N.90°00'00"E., 155.29 FEET TO THE POINT OF ENDING.

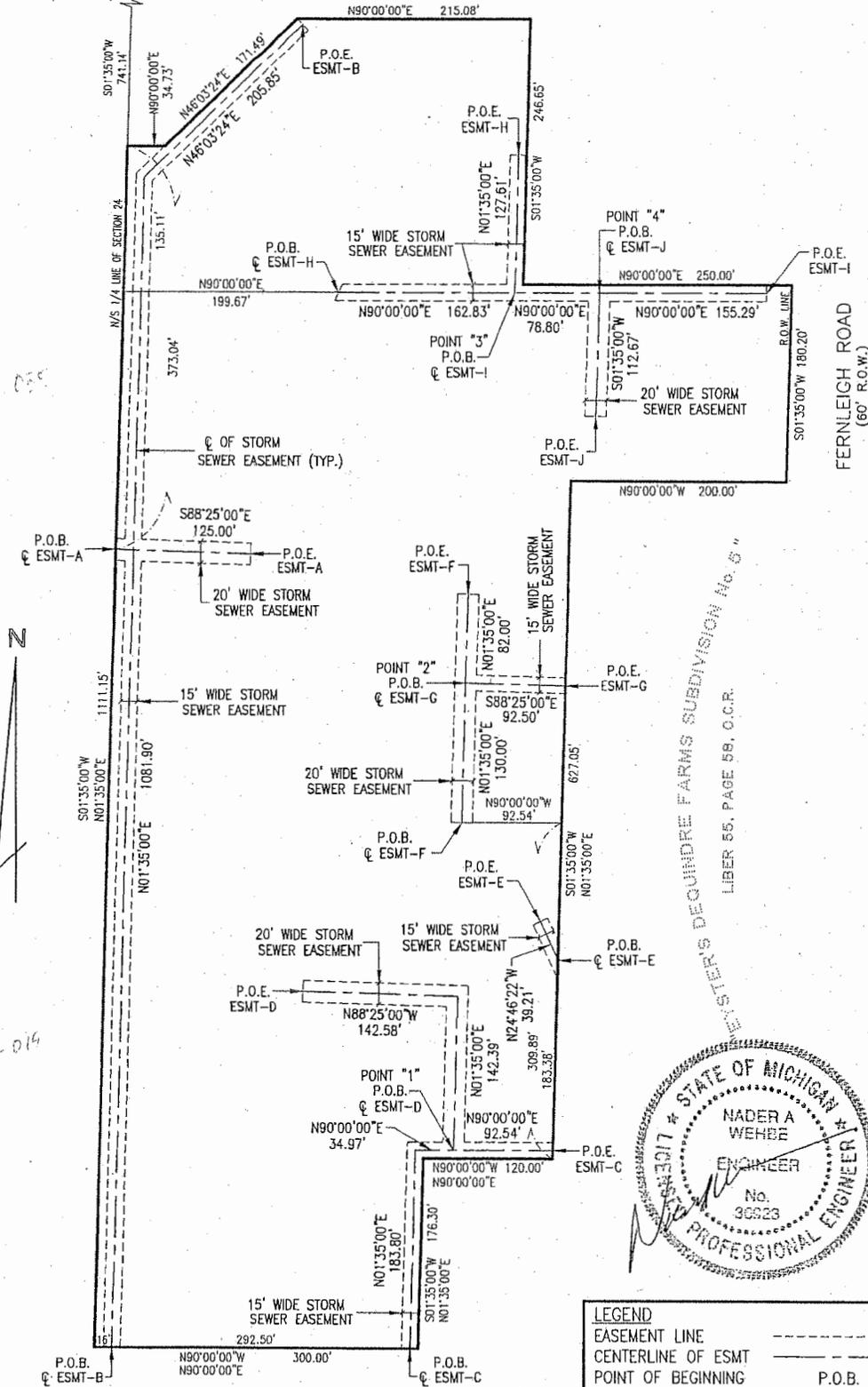
(EASEMENT SEGMENT -- J)

A TWENTY (20.00) FEET WIDE EASEMENT OF CENTERLINE, BEGINNING AT SAID POINT "4"; THENCE S.01°35'00"W., 112.67 FEET TO THE POINT OF ENDING.

STORM SEWER EASEMENTS

NORTH 1/4 CORNER
SECTION 24,
T. 2 N., R. 11 E.,

WATTLE ROAD



LEGEND	
-----	EASEMENT LINE
-----	CENTERLINE OF ESMT
●	POINT OF BEGINNING
○	POINT OF ENDING
●	P.O.B.
○	P.O.E.

**REQUEST FOR ACCEPTANCE OF A WARRANT DEED AND FOUR PERMANENT EASEMENTS
MAYAPPLE, LLC – TIMBERCREST FARMS SITE CONDOMINIUM, SECTION 24
SIDWELL #88-20-24-201-035 and 019**

Resolution #2007-11

RESOLVED, That Troy City Council hereby **ACCEPTS** the Warranty Deed for right-of-way and four permanent easements for water main, pedestrian walkway, sanitary sewer and storm sewer, from Mayapple, LLC, owner of the property having Sidwell #88-20-24-201-035 and 019, and

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the Warrant Deed and four Permanent Easements with the Oakland County Register of Deeds, a copy of which shall be attached to the original minutes of this meeting.



CITY COUNCIL ACTION REPORT

October 11, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Steven J. Vandette, City Engineer
Larysa Figol, Right-of-Way Representative

SUBJECT: Request for Acceptance of Two Warranty Deeds – V3M Associates, LLC,
Section 27, Sidwell #88-20-27-357-002

Background:

- In connection with the redevelopment of a property located at the northeast corner of Livernois and Maple roads, the Real Estate Department has received two warranty deeds for additional right-of-way along Maple Road and Livernois Road from V3M Associates, LLC, owner of the property having Sidwell #88-20-27-357-002.

Financial Considerations:

- The consideration amount on these documents is \$1.00.

Legal Considerations:

- The format and content of these documents is consistent with warranty deeds previously accepted by City Council.

Policy Considerations:

- The dedication of right-of-way is required as part of the development process. (Goal I, III & V)

Options:

- City Management recommends that City Council accept the attached warranty deeds for right-of-way, consistent with our policy of accepting right-of-way for property redevelopments.

WARRANTY DEED

Sidwell # 88-20-27-357-002 (part of)
Resolution #

The Grantor(s) V3M ASSOCIATES, LLC, a Michigan limited liability company, whose address is: 1602 Livernois Road, Troy, MI 48083 convey(s) and warrant(s) to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

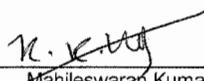
For the sum of One Dollar and no/cents (\$1.00)

subject to easements and building and use restrictions of record and further subject to

Dated this 13th day of August, 2007.

Signed in presence of:
(not required)

Signed by:
V3M ASSOCIATES, LLC, a Michigan limited liability
company

By 
Mahileswaran Kumarsamy
Its: Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 13th day of August, 2007, by Mahileswaran Kumarsamy, Member, of V3M ASSOCIATES, LLC, a Michigan limited liability company, on behalf of the company.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2012
Notary Public, _____ County, MI
My commission expires: _____
Acting in Oakland County, MI

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel #88-20-27-357-002 (part of) Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT A

Legal Description: Existing Parcel

LOTS 82 THROUGH 88, INCLUSIVE, PART OF LOT 89 AND 1/2 OF THE ADJACENT ALLEY ALONG LOTS 82 THROUGH 89 OF "ADDISON HEIGHTS SUBDIVISION ~~NO. 2~~" AS RECORDED IN LIBER 33 OF PLATS, PAGE 28 OF THE OAKLAND COUNTY RECORDS,, ALL PART OF THE S.W. 1/4 OF SECTION 27, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN BEING DESCRIBED AS BEGINNING AT A POINT DISTANT DUE NORTH, 53.00 FEET ALONG THE WEST LINE OF SAID SECTION 27, AND S. 89° 53' 09" E., 62.14 FEET FROM THE S.W. CORNER OF SAID SECTION 27; THENCE N. 26° 32' 46" W, 22.38 FEET; THENCE DUE NORTH 140.00 FEET; THENCE S. 89° 53' 09"E., 109.00 FEET; THENCE DUE SOUTH, 160.00 FEET; THENCE N. 89° 53' 09" W., 99.00 FEET TO THE POINT OF BEGINNING. CONTAINING 17,340 SQUARE FEET OR 0.398 ACRES.

Legal Description: Maple R.O.W.

PART OF LOT 89 AND 1/2 OF THE ADJACENT ALLEY ALONG LOT 89 OF "ADDISON HEIGHTS SUBDIVISION ~~NO. 2~~" AS RECORDED IN LIBER 33 OF PLATS, PAGE 28 OF THE OAKLAND COUNTY RECORDS,, ALL PART OF THE S.W. 1/4 OF SECTION 27, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN BEING DESCRIBED AS BEGINNING AT A POINT DISTANT DUE NORTH, 60.00 FEET ALONG THE WEST LINE OF SAID SECTION 27, AND S. 89° 53' 09" E., 58.64 FEET FROM THE S.W. CORNER OF SAID SECTION 27; THENCE S. 89° 53' 09" E, 102.50 FEET; THENCE DUE SOUTH 7.00 FEET; THENCE N. 89° 53' 09"W., 99.00 FEET; THENCE N. 26° 32' 46" W, 7.83 FEET TO THE POINT OF BEGINNING. CONTAINING 705 SQUARE FEET OR 0.016 ACRES.

NF NOWAK & FRAUS

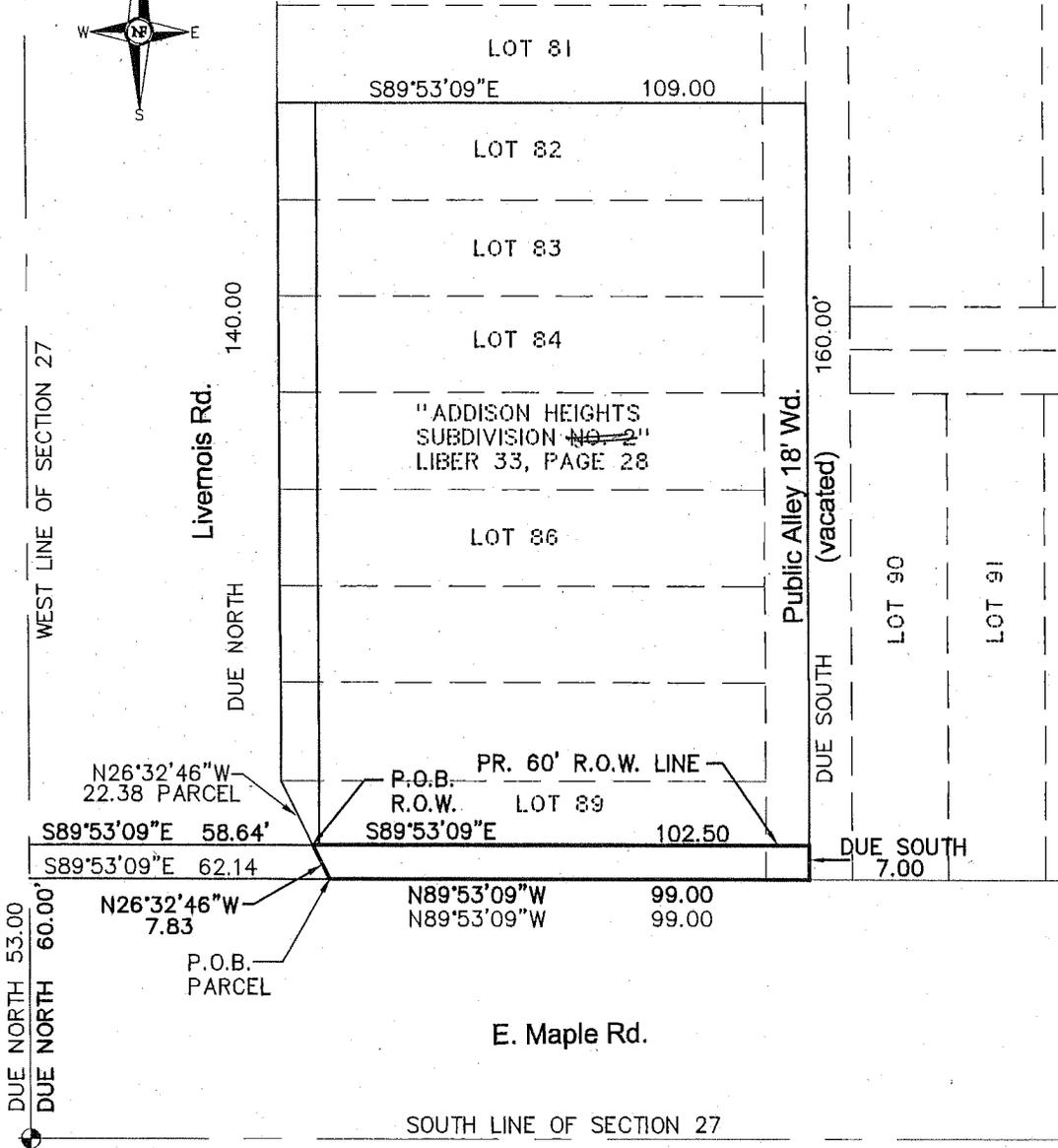
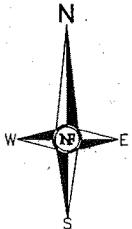
Consulting Engineers • Land Surveyors • Land Planners

1310 N. Stephenson Highway
Royal Oak, Michigan 48067-1508

Tel. (248) 399-0886
Fax. (248) 399-0805

SCALE	DATE	DRAWN	JOB No.	SHEET
	08-08-2007	N. Naoum	E744	2 OF 2

EXHIBIT A



S.W. CORNER SECTION 27 T.2N., R.11E.

NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners

1310 N. Stephenson Highway
Royal Oak, Michigan 48067-1508

Tel. (248) 399-0886
Fax. (248) 399-0805

SCALE	DATE	DRAWN	JOB No.	SHEET
1" = 30'	08-08-2007	N. Naoum	E744	1 OF 2

WARRANTY DEED

Sidwell # 88-20-27-357-002 (part of)
Resolution #

The Grantor(s) V3M ASSOCIATES, LLC, a Michigan limited liability company, whose address is: 1602 Livernois Road, Troy, MI 48083 convey(s) and warrant(s) to the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road,, Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

For the sum of One Dollar and no/cents (\$1.00)

subject to easements and building and use restrictions of record and further subject to

Dated this 13th day of August, 2007.

Signed in presence of:
(not required)

Signed by:
V3M ASSOCIATES, LLC, a Michigan limited liability
company

By *K. K. Mah*
~~Mahileswaran Kumarsamy~~
Its: Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 13th day of August, 2007, by Mahileswaran Kumarsamy, Member, of V3M ASSOCIATES, LLC, a Michigan limited liability company, on behalf of the company.

Larysa Figol
LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan Notary Public, _____ County, MI
My Commission Expires 03/01/2012 My Commission Expires: _____
Acting in Oakland County, MI

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel #88-20-27-357-002 (part of) Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT A

Legal Description: Existing Parcel

LOTS 82 THROUGH 88, INCLUSIVE, PART OF LOT 89 AND 1/2 OF THE ADJACENT ALLEY ALONG LOTS 82 THROUGH 89 OF "ADDISON HEIGHTS SUBDIVISION ~~NO. 2~~" AS RECORDED IN LIBER 33 OF PLATS, PAGE 28 OF THE OAKLAND COUNTY RECORDS,, ALL PART OF THE S.W. 1/4 OF SECTION 27, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN BEING DESCRIBED AS BEGINNING AT A POINT DISTANT DUE NORTH, 53.00 FEET ALONG THE WEST LINE OF SAID SECTION 27, AND S. 89° 53' 09" E., 62.14 FEET FROM THE S.W. CORNER OF SAID SECTION 27; THENCE N. 26° 32' 46" W, 22.38 FEET; THENCE DUE NORTH 140.00 FEET; THENCE S. 89° 53' 09"E., 109.00 FEET; THENCE DUE SOUTH, 160.00 FEET; THENCE N. 89° 53' 09" W., 99.00 FEET TO THE POINT OF BEGINNING. CONTAINING 17,340 SQUARE FEET OR 0.398 ACRES.

Legal Description: Livernois R.O.W.

PART OF LOTS 82 THROUGH 89 OF "ADDISON HEIGHTS SUBDIVISION ~~NO. 2~~" AS RECORDED IN LIBER 33 OF PLATS, PAGE 28 OF THE OAKLAND COUNTY RECORDS,, ALL PART OF THE S.W. 1/4 OF SECTION 27, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN BEING DESCRIBED AS BEGINNING AT A POINT DISTANT DUE NORTH, 60.00 FEET ALONG THE WEST LINE OF SAID SECTION 27, AND S. 89° 53' 09" E., 58.64 FEET FROM THE S.W. CORNER OF SAID SECTION 27; THENCE N. 26° 32' 46" W, 14.55 FEET; THENCE DUE NORTH 140.00 FEET; THENCE S. 89° 53' 09"E., 7.86 FEET; THENCE DUE SOUTH, 153.00 FEET; THENCE N. 89° 53' 09" W., 1.36 FEET TO THE POINT OF BEGINNING. CONTAINING 1,160 SQUARE FEET OR 0.027 ACRES.

NF NOWAK & FRAUS

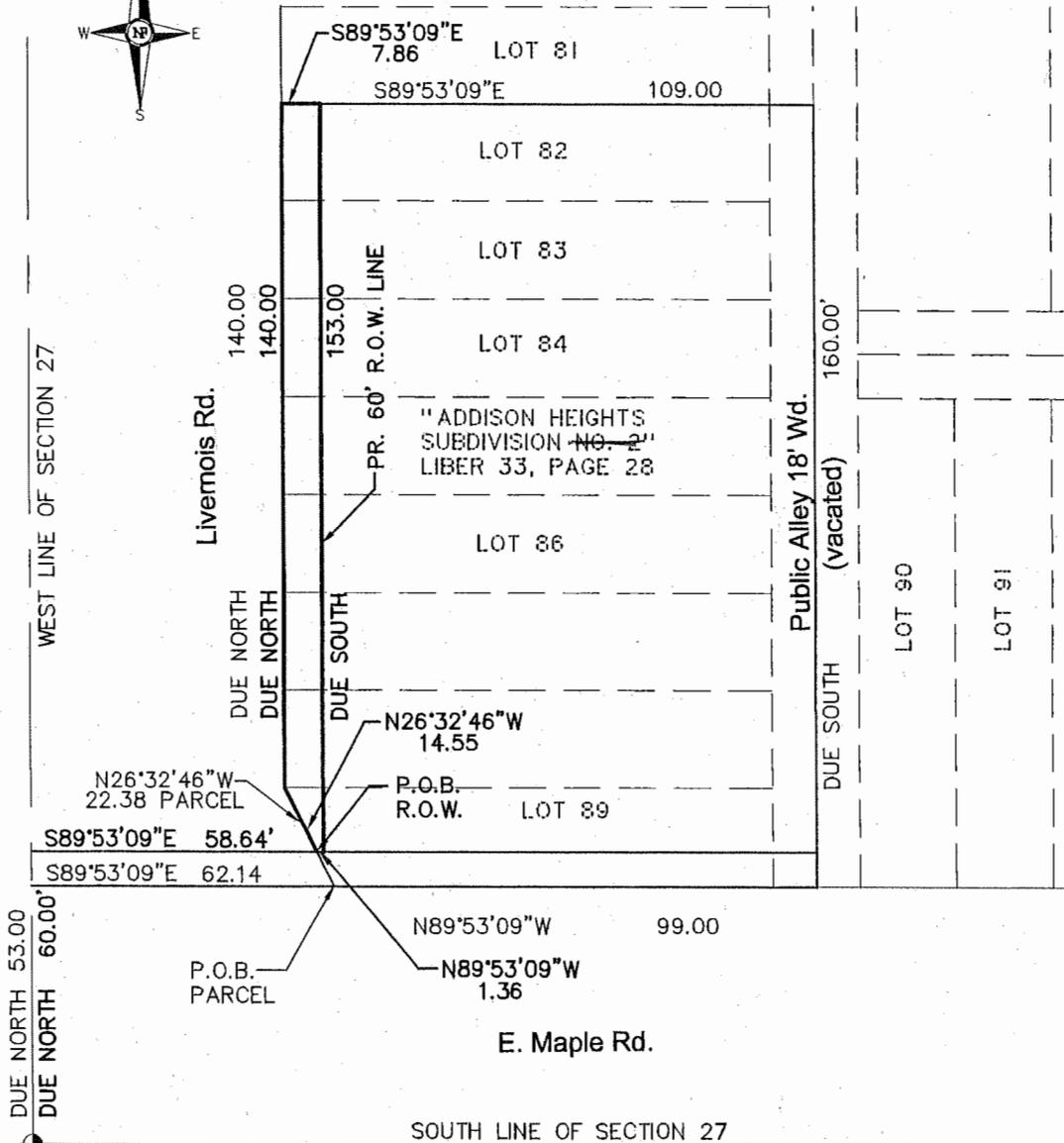
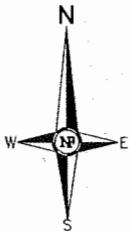
Consulting Engineers • Land Surveyors • Land Planners

1310 N. Stephenson Highway
Royal Oak, Michigan 48067-1508

Tel. (248) 399-0886
Fax. (248) 399-0805

SCALE	DATE	DRAWN	JOB No.	SHEET
	08-08-2007	N. Naoum	E744	2 OF 2

EXHIBIT A



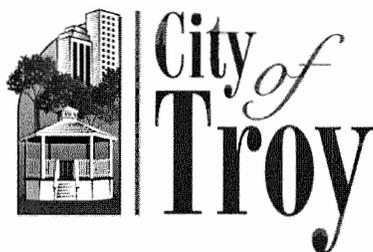
S.W. CORNER
SECTION 27
T.2N., R.11E.

NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners

1310 N. Stephenson Highway
Royal Oak, Michigan 48067-1508
Tel. (248) 399-0886
Fax. (248) 399-0805

SCALE 1" = 30' DATE 08-08-2007 DRAWN N. Naoum JOB No. E744 SHEET 1 OF 2



CITY COUNCIL ACTION REPORT

October 10, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Steven J. Vandette, City Engineer
Larysa Figol, Right-of-Way Representative

SUBJECT: Request for Acceptance of a Permanent Easement for Public Utilities –
Wayne Chow, Section 36, Sidwell #88-20-36-100-069

Background:

- In connection with a property redevelopment located at the corner of Milverton and Maple Road, the Real Estate Department has received an easement for public utilities from Wayne Chow, owner of the property having Sidwell #88-20-36-100-069

Financial Considerations:

- The consideration amount on this document is \$1.00.

Legal Considerations:

- The format and content of this easement is consistent with easements previously accepted by City Council.

Policy Considerations:

- The dedication of easements is required as part of the development and improvement process. (Goal I & V)

Options:

- City Management recommends that City Council accept the attached easement for public utilities, consistent with our policy of accepting easements for property improvements and developments.

PERMANENT EASEMENT

Sidwell #88-20-36-100-069
Resolution #

WAYNE CHOW, a single man, whose address is 1549 East Elza, Hazel park for and in consideration of the sum of: One Dollar and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace public utilities, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

A 12 foot wide easement being part of the Northwest 1/4 of Section 36, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as follows:
Beginning North 89 degrees 39 minutes 40 seconds West, 362.40 feet and South 01 degrees 04 minutes 09 seconds East, 220.53 feet and North 89 degrees 39 minutes 17 seconds West, 115.59 feet from the North 1/4 Corner of said section; thence North 89 degrees 39 minutes 17 seconds West 12.00 feet; thence North 01 degrees 11 minutes 00 seconds West, 10.00 feet; thence South 89 degrees 39 minutes 17 seconds East; 12.00 feet; thence South 01 degrees 11 minutes 00 seconds East 10.00 feet to the Point of Beginning.

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 18th day of October A.D. 2007.

Wayne Chow
Wayne Chow

WAYNE CHOW (L.S.)

STATE OF MICHIGAN)
COUNTY OF Wayne)

The foregoing instrument was acknowledged before me this 18th day of October, 2007, by WAYNE CHOW, a single man.

* Jennifer A. Wagner

Notary Public, Wayne County, Michigan
My Commission Expires 10-22-2007
Acting in Wayne County, Michigan

JENNIFER A. WAGNER
NOTARY PUBLIC WAYNE CO., MI
COMMISSION EXPIRES OCT 22, 2007

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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



CITY COUNCIL ACTION REPORT

October 10, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Steven J. Vandette, City Engineer
Larysa Figol, Right-of-Way Representative

SUBJECT: Request for Acceptance of a Permanent Easement for Public Utilities –
King Y. Chow Declaration of Trust Dated March 21, 2007, Section 36,
Sidwell #88-20-36-100-070

Background:

- In connection with a property redevelopment located on Milverton south of Maple Road, the Real Estate Department has received an easement for public utilities signed by King Y. Chow, Trustee of the King Y. Chow Declaration of Trust Dated March 21, 2007, on behalf of the Declaration of Trust, owner of the property having Sidwell #88-20-36-100-070.

Financial Considerations:

- The consideration amount on this document is \$1.00.

Legal Considerations:

- The format and content of this easement is consistent with easements previously accepted by City Council.

Policy Considerations:

- The dedication of easements is required as part of the development and improvement process. (Goal I, III & V)

Options:

- City Management recommends that City Council accept the attached easement for public utilities, consistent with our policy of accepting easements for property improvements and developments.

PERMANENT EASEMENT

Sidwell #88-2036-100-070
Resolution #

KING Y. CHOW AS TRUSTEE OF THE KING Y. CHOW DECLARATION OF TRUST DATED MARCH 21, 2007, whose address is 2400 Maple Road, Troy, MI 48083 for and in consideration of the sum of: One Dollar and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace public utilities, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

A 12 foot wide easement being part of the Northwest 1/4 of Section 36, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as follows:
Beginning North 89 degrees 39 minutes 40 seconds West, 362.40 feet and South 01 degrees 04 minutes 09 seconds East, 280.53 feet and North 89 degrees 39 minutes 12 seconds West, 115.47 feet from the North 1/4 Corner of said section; thence North 89 degrees 39 minutes 12 seconds West 12.00 feet; thence North 01 degrees 11 minutes 00 seconds West, 60.00 feet; thence South 89 degrees 39 minutes 17 seconds East; 12.00 feet; thence South 01 degrees 11 minutes 00 seconds East 60.00 feet to the Point of Beginning.

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed one signature(s) this 25th day of September A.D. 2007.

Rui Li Chow (L.S.)
*RUI LI CHOW AS TRUSTEE OF THE
KING Y. CHOW DECLARATION OF TRUST
DATED MARCH 21, 2007

STATE OF MICHIGAN)
COUNTY OF Oakland)

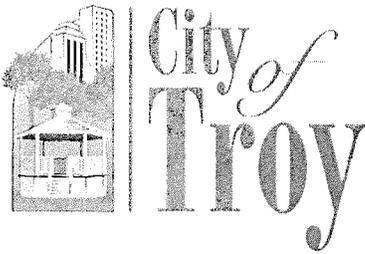
The foregoing instrument was acknowledged before me this 25th day of September, 2007, by RUI LI CHOW AS TRUSTEE OF THE KING Y. CHOW DECLARATION OF TRUST DATED MARCH 21, 2007.

Larysa Figol
LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2012
* Larysa Figol
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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



CITY COUNCIL ACTION REPORT

October 9, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Steven J. Vandette, City Engineer
Larysa Figol, Right-of-Way Representative

SUBJECT: Request for Approval of Purchase Agreement – Olive Peters, 115 Wattles
Sidwell #88-20-15-355-048, 049 & 050

Background:

- As part of the ongoing Wattles Road Sidewalk Gap Completion Project, an agreement has been reached with Olive Peters, owner of the property located at 115 Wattles Road. The agreement reached is to purchase seven feet of right-of-way.
- The property is located in Section 15 on the north side of Wattles, east of Livernois.

Financial Considerations:

- An appraisal was prepared by Dennis Stephens, State Licensed Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser. Staff believes that \$21,818.00, plus closing costs for the acquisition of the seven feet of right-of-way in the purchase agreement is a justifiable amount for this acquisition.
- The right-of-way is being acquired under the Sidewalk New Construction budget.

Legal Considerations:

- The format and content of this purchase agreement is consistent with agreements previously accepted by City Council.

Policy Considerations:

- The sidewalk gap completion projects enhance the safety and livability of our community (Goals I), and maintain public infrastructure and meet public needs (Goal V).

Options:

- City Management recommends that City Council approve the attached Purchase Agreement from the property owner Olive Peters, so that the City can proceed with the acquisition of right-of-way for new sidewalk construction.

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Olive Peters (the "Seller"), the following described premises (the "Property"):

SEE ATTACHED EXHIBIT "A"

for a public project within the City of Troy and to pay the sum of Twenty One Thousand, Eight Hundred and Eighteen and no Dollars/100 (\$21,818.00) under the following terms and conditions:

1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.
2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.
3. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.
4. Buyer shall, at its own expense, provide title insurance information, and the Seller shall disclose any encumbrances against the property.
5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.
6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.
7. The City of Troy's sum paid for the property being acquired represents the property being free of all environmental contamination. Although the City of Troy will not withhold or place in escrow any portion of this sum, the City reserves its rights to bring Federal and/or State and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the property.
8. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council.

9. Seller grants to Buyer temporary possession and use of the property commencing on this date and continuing to the date of closing in order that the Buyer may proceed with the public project.

10. Additional conditions, if any: *subject to completed Removal of willow Tree, to include STump & ALL Debris.*

SELLER HEREBY ACKNOWLEDGES THAT NO PROMISES WERE MADE EXCEPT AS CONTAINED IN THIS AGREEMENT.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 15th day of September, A.D. 2007.

In presence of:

Frank Peters

Nawal Capell
Lara Capell

CITY OF TROY (BUYER)

Larysa Figou
LARYSA FIGOU

[Signature]

SELLER:

Olive Peters

* Olive Peters

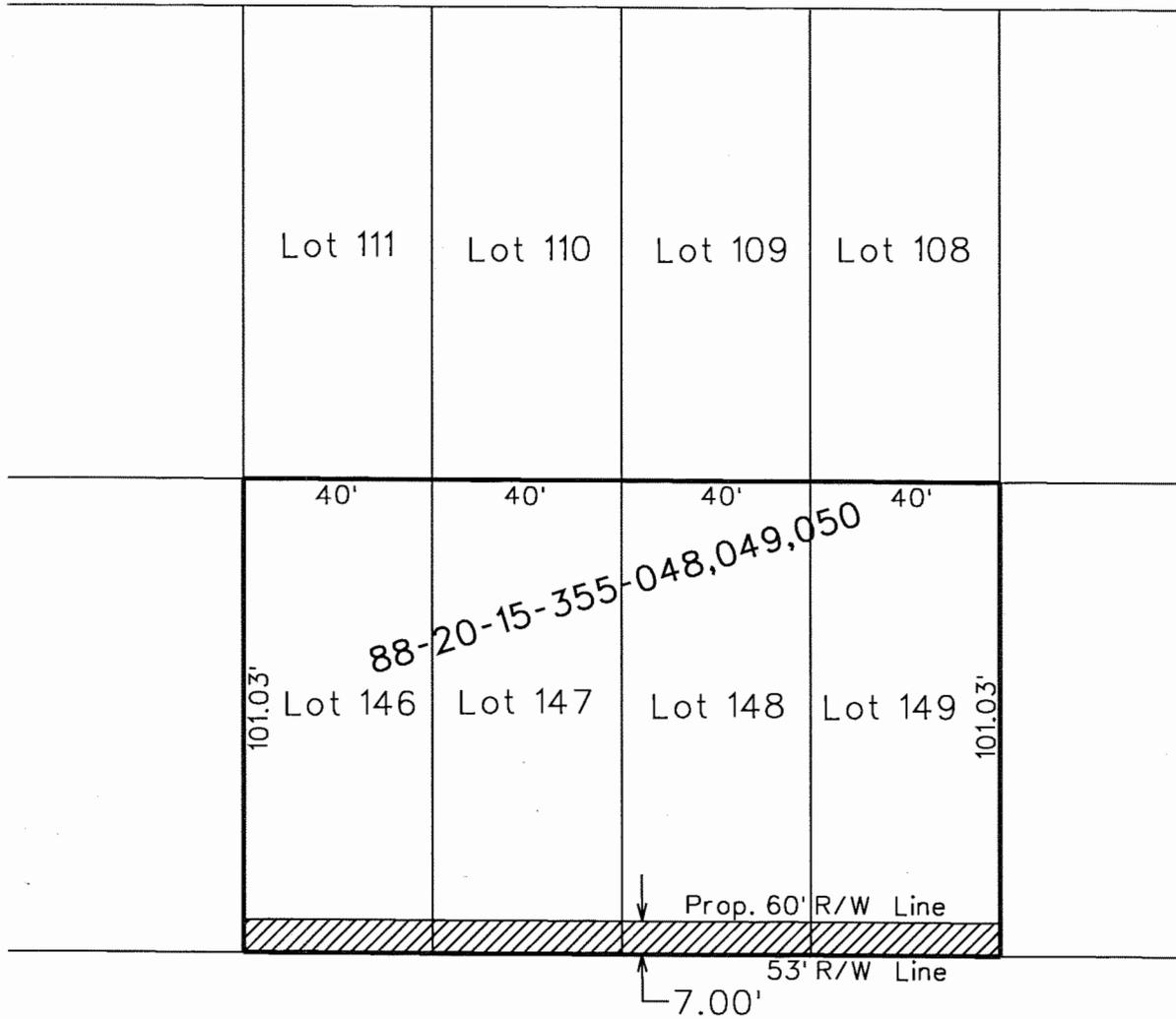
**2 - Property has Lien due to sewer installation.
Lien Holder, is City of Troy, Assessment
For this is in Taxes Levied by Troy!*

EXHIBIT "A"

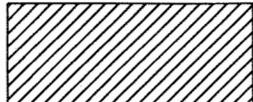
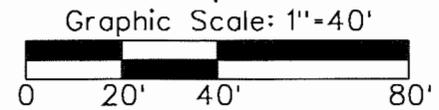
Property Owner: Olive Peters
SIDWELL #88-20-15-355-048, 049 & 050

PART OF THE SOUTHWEST $\frac{1}{4}$ OF SECTION 15, TOWN 2 NORTH , RANGE 11 EAST, LOTS 146, 147, 148 AND 149 OF CRESTFIELD SUBDIVISION AS RECORDED IN LIBER 34, PAGE 38 OF PLATS, OAKLAND COUNTY RECORDS, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS:

THE SOUTH 7 FEET OF PARCEL DESCRIBED AS LOTS 146, 147, 148 AND 149 OF CRESTFIELD SUBDIVISION AS RECORDED IN LIBER 34, PAGE 38 OF PLATS, OAKLAND COUNTY RECORDS, MICHIGAN. CONTAINING 1,120 SQUARE FEET OR 0.026 ACRES, MORE OR LESS.



#115 E. Wattles Rd.



Proposed R/W Acquisition
Area=1,120 Sq.Ft.

CITY OF TROY OAKLAND COUNTY, MICHIGAN			
Proposed R/W Acquisition Sketch 88-20-15-355-048,049,050			
SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=40'	NAME GJB III	NAME	See Above
VER.	DATE 06-20-06	DATE	VIEW *1
DOCUMENT PREPARED BY George J. Ballard III LAND SURVEYOR		CONTRACT No.	SHEET No. JOB No.
		STEVEN J. VANDETTE CITY ENGINEER	10F1

DATE	REV.



CITY COUNCIL ACTION REPORT

October 15, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Asst. City Manager/Economic Development Services
Steven J. Vandette, City Engineer *SV*

SUBJECT: Agenda Item - Private Agreement for AAA Insurance Building
Project No. 07.933.3

Background:

- The Planning Commission granted preliminary site plan approval for the above referenced project on 08/14/2007. The Engineering Department has reviewed the plans for this project and recommends approval. The plans include water main, sanitary sewer service, and concrete sidewalk.

Financial Considerations:

- The owner has provided the necessary escrow deposit and paid the cash fees in accordance with the attached Private Agreement.

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- Consistent with Goal #2 of the City of Troy 2006-2008 Goals & Objectives policy (Retain and Attract Investment While Encouraging Redevelopment).

Options:

- Council can approve or deny the recommendation.

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 07.933.3

PROJECT LOCATION:

SW 1/4 Section 27

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and **Ms. Marcy Galka** whose address is **121 E. Maple Road, Troy, MI 48083** and whose telephone number is **(248) 524-1660** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **Water Main, Sanitary Sewer Service, and Concrete Sidewalk** in accordance with plans prepared by **Mr. Roger D. Wade** whose address is **4826 Elmhurst, Royal Oak, MI 48073** and whose telephone number is **(248) 914-5243**, and approved BY THE City of Troy Engineering Department.

SECOND: That the Owners agree to contribute the approximate contract price of **\$12,400.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

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

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City after final inspection and approval by the City of Troy Engineering Department. In addition, the owners agree to contribute the following cash fees:

* Plan Review and Construction Inspection Fee (Public Improvements)	\$	1,004.00
Engineering Review Fee (Private Improvements)	\$	386.00
Water Main Testing Fee	\$	650.00
Street Cleaning/Road Maintenance (Refundable)	\$	2,500.00
TOTAL:	\$	\$4,540.00

* 8.10% (.081) of approximate contract price

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS**(PRIVATE AGREEMENT)**

PROJECT NO. 07.933.3

PROJECT LOCATION:

SW 1/4 Section 27

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

THIRD: Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$ 14,440.00 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, including, but not limited to, field changes or specification changes as required by the City, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and the City will disburse such additional amounts in accordance with Paragraph SECOND hereof.

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

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 07.933.3

PROJECT LOCATION:

SW 1/4 Section 27

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

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

OWNERS

CITY OF TROY

By:

By:

Marcella A. De Giulio-Galka

Please Print or Type

Louise E. Schilling, Mayor

MARCELLA A. DeGiulio - Galka

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 26th day of October, A.D.2007, before me personally appeared marcella A. DeGiulio-Galka known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

Donna M. Kerbrat

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: _____
DONNA M. KERBRAT
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Jun 25, 2012
ACTING IN COUNTY OF Oakland



CITY COUNCIL ACTION REPORT

October 29, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: 2007 Request to Waive Recapture Form

Background:

- The Community and Home Improvement Division of Oakland County has advised us, as a standard practice, to submit a waiver request to protect year 2005 Community Development Block Grant (CDBG) funds from recapture for one additional year.

Financial Considerations:

- Absent a waiver all unobligated 2005 funds would be recaptured December 31, 2007.

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- There are no policy considerations associated with this item.

Options:

- City management recommends submitting the 2007 request to waive recapture form

COMMUNITY DEVELOPMENT BLOCK GRANT 2007 REQUEST TO WAIVE RECAPTURE FORM

**PLEASE DO NOT SUBMIT WAIVER REQUESTS WITH APPLICATION MATERIALS
WAIVER REQUESTS ARE DUE TO KARRY L. RIETH, DIVISION MANAGER
NO LATER THAN FRIDAY NOVEMBER 23, 2007**

The U.S. Department of Housing and Urban Development (HUD) mandates that Community Development Block Grant (CDBG) balances not exceed 1.5 times the current program year allocation sixty (60) days prior to the end of the program year (February 28th). To help comply with the regulation, the Oakland County Board of Commissioners adopted a policy allowing communities to protect funds from their two most recent program years. Therefore, all unobligated 2005 and older funds are at risk of recapture December 31, 2007.

A community may protect unobligated 2005 funds from recapture for one additional year by requesting a waiver. **Submittal of the following information and a governing body resolution** from the community requesting a one year deferral of recapture constitutes the Request to Waive Recapture. **A separate form must be submitted for each 2005 line item.**

Community Name: City of Troy

Date request submitted: November 15, 2007

2005 CDBG Project Title: Flood Drain Improvements

Amount of funds to be retained: \$82,795.00

Description and Location of activity:

Make storm drain improvements by installing approximately 20 storm drains with catch basins. Section 36, Lovington Street.

Reason for NOT completing project as specified on original 2005 application:

Development of budget, as this is an extremely large project. Additional funding not available.

Provide a corrective action plan and specific project implementation plans scheduled for the next calendar year. Projects must be completed by December 31, 2008

Date: November 12, 2007

Corrective Action:

Funds will be reprogrammed early in 2008 to Section 36 Park project. Funds will be exhausted prior to December 2008.

COMMUNITY DEVELOPMENT BLOCK GRANT 2007 REQUEST TO WAIVE RECAPTURE FORM

**PLEASE DO NOT SUBMIT WAIVER REQUESTS WITH APPLICATION MATERIALS
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A community may protect unobligated 2005 funds from recapture for one additional year by requesting a waiver. **Submittal of the following information and a governing body resolution** from the community requesting a one year deferral of recapture constitutes the Request to Waive Recapture. **A separate form must be submitted for each 2005 line item.**

Community Name: City of Troy

Date request submitted: November 15, 2007

2005 CDBG Project Title: Public Services

Amount of funds to be retained: \$6,749.00

Description and Location of activity:

Fund home chore program for approximately 80 income qualified seniors and persons with disabilities per Oakland County Guidelines. City Wide.

Reason for NOT completing project as specified on original 2005 application:

Less snowfall than anticipated therefore contractor for snow removal was not called out as many times as past years. Lawn maintenance bid price submitted by contractor was lower than previous years.

Provide a corrective action plan and specific project implementation plans scheduled for the next calendar year. Projects must be completed by December 31, 2008

Date: November 12, 2007

Corrective Action:

Funds will be applied to Fall 2007 yard cleanup and snow removal for Winter 2007 and early 2008.

COMMUNITY DEVELOPMENT BLOCK GRANT 2007 REQUEST TO WAIVE RECAPTURE FORM

**PLEASE DO NOT SUBMIT WAIVER REQUESTS WITH APPLICATION MATERIALS
WAIVER REQUESTS ARE DUE TO KARRY L. RIETH, DIVISION MANAGER
NO LATER THAN FRIDAY NOVEMBER 23, 2007**

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A community may protect unobligated 2005 funds from recapture for one additional year by requesting a waiver. **Submittal of the following information and a governing body resolution** from the community requesting a one year deferral of recapture constitutes the Request to Waive Recapture. **A separate form must be submitted for each 2005 line item.**

Community Name: City of Troy

Date request submitted: November 15, 2007

2005 CDBG Project Title: Special Assessment, Street Improvements

Amount of funds to be retained: \$4,703.43

Description and Location of activity: Pay special assessment for approximately 12 low-moderate income residents on Olympia and Tacoma Streets. Paving will consist of 4 ½" thick 24' wide asphalt on existing base. Drainage by ditches/swales with catch basins between driveways and under drains along new pavement, drive approaches paved 5' from the edge of the new pavement, and property restoration.

Reason for NOT completing project as specified on original 2005 application:
Fewer residents than anticipated qualified per income limits for funds.

Provide a corrective action plan and specific project implementation plans scheduled for the next calendar year. Projects must be completed by December 31, 2008

Date: November 12, 2007

Corrective Action:

Funds will be reprogrammed early in 2008 to Section 36 Park project. Funds will be exhausted prior to December 2008.



CITY COUNCIL ACTION REPORT

November 2, 2007

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration

SUBJECT: City of Troy Investment Policy and Establishment of Investment Accounts

Background:

- The current investment policy was initially approved in November, 1999 and each year thereafter with the stipulation that it be reviewed and approved annually by City Council. The current policy has served us well during the past several years and is in compliance with Act 20 PA 1943, as amended; therefore I'm not requesting any changes at this time.
- I would also like to update our resolution authorizing the establishment of investment accounts at the following institutions: Charter One; Citizens Bank; Citizens First Bank; Comerica Bank; Fifth Third Bank; Flagstar Bank; Huntington National Bank; JP Morgan Chase Bank; LaSalle Bank; Merrill Lynch; Michigan Class-MBIA, Michigan Heritage Bank; National City Bank; Peoples State Bank; Salomon Smith Barney; TCF Bank and The Private Bank.

Financial Considerations:

- This policy is established in order to provide for the safety and diversification of investment accounts.

Legal Considerations:

- The investment policy is in compliance with Act 20 PA 1943, as amended.

Policy Considerations:

- The investment policy relates to Goal II "Minimize the cost and increase the efficiency and effectiveness of City government", by upholding fiscal integrity.

Options:

- It is recommended that City Council approve the attached investment policy and listing of approved investment account locations.

CITY OF TROY INVESTMENT POLICY
To Comply with Act 20 PA 1943, as amended

Purpose: It is the policy of the City of Troy to invest its funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow needs of the City and comply with all State statutes governing the investment of public funds.

Scope: This investment policy applies to all financial assets of the City. These assets are accounted for in the various funds of the City and include the general fund, special revenue funds, debt service funds, and capital project funds (unless bond ordinances and resolutions are more restrictive), enterprise funds, internal service funds, trust and agency funds, and any new fund established by the City.

Objectives: The primary objectives, in priority order, of the City's investment activities shall be:

Safety – Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio.

Diversification – The investments will be diversified by security type and institution in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

Liquidity – The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

Return on Investment – The investment portfolio shall be designed with the objective of obtaining a rate of return throughout the budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

Delegation of Authority to Make Investments: Authority to manage the investment program is derived from the following: City of Troy City Council's most current resolution establishing investment accounts (2006-12- 380- E-5). Management responsibility for the investment program is hereby delegated to the City of Troy Assistant City Manager/Finance and Administration who shall establish written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to safekeeping, cash purchase or delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, collateral/depository agreements and banking service contracts. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Assistant City Manager/Finance and Administration. The Assistant City Manager/Finance and Administration shall be responsible for all

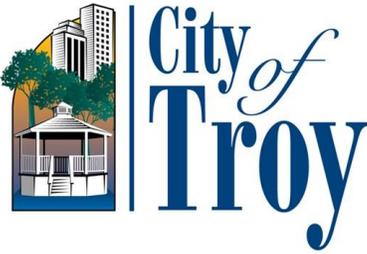
transactions undertaken and shall establish a system of controls. The Investment Policy shall be reviewed and approved by the City Council annually.

List of Authorized Investments: The Assistant City Manager/Finance and Administration is limited to investments authorized by Act 20 of 1943, as amended, and may invest in the following:

- (a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.
- (b) Certificates of deposit, savings accounts, deposit accounts, or depository of a financial institution. Authorized depositories shall be designated by the City of Troy City Council.
- (c) Commercial paper rated at the time of purchase within the two highest classifications established by not less than two standard rating services and that matures not more than 270 days after the date of purchase.
- (d) Repurchase agreements consisting of instruments listed in (a).
- (e) Bankers' acceptances of United States banks.
- (f) Obligations of this state or any of its political subdivisions that at the time of purchase are rated investment grade by not less than one standard rating service.
- (g) Investment pools through an interlocal agreement under the urban cooperation act of 1967, 1987 (Ex Sess) PA 7, MCL 124.501 to 124.512
- (h) Investment pools organized under the surplus funds investment pool act, 1982 PA 367, 129.111 to 129.118.
- (i) The investment pools organized under the local government investment pool act, 1986 PA 121, MCL 129.141 to 129.150.

Safekeeping and Custody: All security transactions, including collateral for repurchase agreements and financial institution deposits, entered into by the Assistant City Manager/Finance and Administration may be on a cash basis or a delivery vs. payment basis as determined by the Assistant City Manager/Finance and Administration. Securities may be held by a third party custodian designated by the Assistant City Manager/Finance and Administration and evidenced by safekeeping receipts as determined by the Assistant City Manager/Finance and Administration.

Prudence: Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.



CITY COUNCIL ACTION REPORT

November 4, 2007

TO: Phillip L. Nelson, City Manager

FROM: Charles T. Craft, Chief of Police

SUBJECT: Animal Care Service and Disposal Agreement for Fiscal Years 2008 - 2010

Background:

- Since January 1, 1999, Oakland County Animal Care Center has been authorized to house, care for, maintain, feed, and/or dispose of animals for the City of Troy.
- City management recommends the continued use of the Oakland County Animal Care Center services.
- Each year the Police Department receives numerous complaints relating to animal control issues that make the Oakland County Animal Care Center services necessary.
- The Oakland County Animal Care Center complies with the animal regulation laws of the State of Michigan, those being P.A. 339, 1919 as amended, MCL 287.261.
- The inter-local agreement between the City of Troy and the Oakland County Animal Care Center expired September 30, 2007.
- A RESOLUTION by the City of Troy Council is necessary to renew this agreement.

Financial Considerations:

- The fee increases for renewal of this contract are minimal.
- The board fees and disposal fees (live and dead) are for the period of October 1, 2007 through September 30, 2010.
- These new rates were approved by the Oakland County Board of Commissioners on September 12, 2007 and become in effect October 1, 2007.
- Funding for the service exists in account numbers 328.7802.130 and 328.7802.020.

Legal Considerations:

- This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan.
- The City of Troy and the Oakland County Board of Commissioners accepts the terms of this contract as prescribed by the Animal Care Center Services and Disposal Interlocal Agreement.

Policy Considerations:

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

Options:

- Approve the RESOLUTION as requested.
- Deny the RESOLUTION as requested and obtain alternative arrangements for the caring, feeding, maintaining and/or disposal of animals for the City of Troy.

Reviewed as to Form and Legality:

Lori Grigg Bluhm
City Attorney

Date: _____



L. BROOKS PATTERSON, OAKLAND COUNTY EXECUTIVE

COUNTY MICHIGAN
DEPARTMENT OF PUBLIC SERVICES
September 25, 2007

ANIMAL CONTROL DIVISION
Lawrence Obrecht, Manager

Mayor Louise Schilling
City of Troy
500 West Big Beaver
Troy, MI 48304

Dear Mayor Schilling:

Re: Animal Care Service and Disposal Agreements for Fiscal Years 2008 – 2010

Enclosed you will find the new service and disposal agreement between the County of Oakland and the City of Troy for animal care services from the Oakland Pet Adoption Center (Animal Care Center) located at 1700 Brown Road in Auburn Hills. There are three (3) copies of the contract for your signature and your city's clerk signature.

As you will note in these renewal agreements, the board fees and disposal fees (live and dead) are for the period of October 1, 2007 through September 30, 2010. The fees are compared below with the current rates being charged.

	FY 2007	FY 2008	FY 2009	FY 2010
Board	\$ 26.00	\$ 26.00	\$ 27.00	\$ 28.00
Live Disposal	\$ 23.00	\$ 23.00	\$ 25.00	\$ 26.00
Live Disposal/Held	\$ 4.00	\$ 5.00	\$ 5.00	\$ 5.00
Dead Disposal	\$ 21.00	\$ 21.00	\$ 22.00	\$ 23.00

These rates were approved by the Oakland County Board of Commissioners on September 12, 2007 and become in effect October 1, 2007.

It is necessary for all three copies to be signed and sent back to this office as soon as possible. Please return them to:

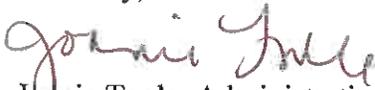
Oakland Pet Adoption Center
1700 Brown Road
Auburn Hills, MI 48326

We will send you an original agreement after the proper Oakland County representatives have signed them.

Please feel free to contact me at (248) 391-0278 if you should have any questions.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Joanie Toole".

Joanie Toole, Administrative Supervisor
Oakland Pet Adoption Center

Resolution #2004-10-546-E-4

RESOLVED, That ~~Article XII (R-1T One Family Attached Residential District) and Article XXXIV (Residential Development Options), Article IV (Definitions) and Article X (One Family Residential Districts)~~ Zoning Ordinance Text Amendment (ZOTA 200) for Article 34.70.00 – One Family Cluster Option of the City of Troy Zoning Ordinance, be **POSTPONED** until the Regular City Council meeting scheduled for Monday, November 29, 2004 and **REFERRED** to City Management for further revision.

E-5 Correction to: Standard Resolution 9: Membership Renewal – Macomb County Criminal Justice Training Consortium and Approval to Use Training Services and the Macomb Police Academy

NOTE: There was a typographical error made in the original resolution for the above agenda item for the Regular City Council Meeting scheduled on Monday, September 13, 2004.

Resolution #2004-10-546-E-5

WHEREAS, Macomb Community College has provided the City of Troy Police Department with training at their Criminal Justice Training Facility.

WHEREAS, It is desirable to continue all standardized reduced cost training services that result from this membership for the Macomb Police Academy, and in-service and specialized training programs such as re-certification of police officers in Emergency Vehicle Operations and utilize the state of the art Computerized Simulated Shooting Scenario System and Crime Lab.

NOW, THEREFORE, BE IT RESOLVED, That a one-year membership renewal is hereby **APPROVED** with the Macomb Community College to become a member of the Macomb County Criminal Justice Training Consortium at an annual fee of ~~\$21,400.00~~ \$21,440.00 and approval is hereby **GRANTED** to use the Macomb Police Academy and all other training services provided through consortium membership on a reduced cost or no cost basis.

E-6 Oakland County Animal Shelter Services

Resolution #2004-10-546-E-6

RESOLVED, That the Animal Care Center Services and Disposal Interlocal Agreement by and between Oakland County and the City of Troy effective October 1, 2004, is hereby **APPROVED**; the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents; and a copy shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Standard Purchasing Resolution 1: Award to Low Bidder – Pavement Seam and Fracture Sealing Program

Resolution #2004-10-546-E-7



10-18-04
2004-10-546-E-6

October 5, 2004

TO: John Szerlag, City Manager

FROM: Jeanette Bennett, Purchasing Director
Charles T. Craft, Chief of Police

RE: Agenda Item – Oakland County Animal Shelter Services

RECOMMENDATION

Since January 1, 1999, Oakland County Animal Care Center has been authorized to house, care for, maintain, feed, and/or dispose of animals in accordance with the Agreements signed by the Mayor and City Clerk. (Council Resolution #2002-02-088) City management recommends the continued use of their services and hereby requests the Mayor and City Clerk to execute the new Agreement for the Oakland County Animal Care Center, which expires when any change to the rates become effective. The contract requires a 30-day notice prior to any rate change.

The Oakland County Board of Commissioners has approved and adjusted the schedule of fees for Animal Shelter Services that are effective October 1, 2004. The fee adjustments are reflected in the attached Oakland County Department of Public Services Memorandum and the new Agreement.

The fee increases are minimal and slightly more expensive than the Macomb County contract. The Police Department will continue to use both Macomb and Oakland County Animal Shelters depending on the immediate needs of the Department, and the availability of the shelters. Fees are only assessed on a per use basis.

Reviewed as to Form and Legality:

Lori Grigg Bluhm, City Attorney Date

Prepared by: Sergeant Michael D. Szuminski

Attn: Beth

9 pages



L. BROOKS PATTERSON, OAKLAND COUNTY EXECUTIVE

COUNTY MICHIGAN
DEPARTMENT OF PUBLIC SERVICESANIMAL CONTROL DIVISION
Lawrence Obrecht, Manager

TO: Contracting Municipalities

FROM: Lawrence Obrecht, Division Manager; Oakland County Animal Control

DATE: September 9, 2004

RE: Board and Disposal Contracts – 2005 – 2007

The present Animal Care Center service agreements will expire September 30, 2004. Enclosed you will find three (3) new original agreements for signatures by your designated representatives.

These agreements are for the purchase of services at the Oakland County Animal Care Center located at 1700 Brown Road, Auburn Hills, Michigan.

As you were notified of in the past, these renewal agreements have an increase in board fees and disposal fees (live and dead) and are for the period of October 1, 2004 through September 30, 2007. These contracts are consistent with the County's fiscal year.

The new rates, as approved by the Oakland County Board of Commissioners, will be in effect beginning October 1, 2004.

It is necessary for all three (3) signed originals be returned to our office as soon as possible. Please return them to:

Oakland County Animal Control
Attn: Jeanie Toole
1700 Brown Road
Auburn Hills, MI 48326

We will send you an original agreement after Oakland County representatives have signed them.

We would appreciate having them returned to this office as soon as possible. Thank you for your cooperation in this matter.

Please feel free to contact Joanie or myself at (248) 391-0278 if you should have any questions.

Thank you.

LAO/jmt

ANIMAL CARE CENTER
SERVICES AND DISPOSAL
INTERLOCAL AGREEMENT

This COUNTY OF OAKLAND AGREEMENT TO PROVIDE ANIMAL CARE SERVICES FOR THE CITY OF TROY, (hereafter "AGREEMENT") is made and entered into by and between Oakland County, a Michigan Constitutional Corporation, whose address is 1200 North Telegraph Road, Pontiac, Michigan 48341, hereinafter referred to as "COUNTY," and the CITY OF TROY, whose principal address is 500 West Big Beaver, Troy, Michigan 48304, hereinafter referred to as "MUNICIPALITY." In this Agreement the COUNTY and the MUNICIPALITY may also be referred to individually as "PARTY" or jointly as "PARTIES."

PURPOSE OF AGREEMENT Pursuant to the Urban Cooperation Act of 1967, 1967 PA 7, MCL 124.501 et seq., the COUNTY and the MUNICIPALITY enter into this Agreement for the purpose of providing the MUNICIPALITY with assistance in the enforcement of the animal laws and regulations of the State of Michigan.

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

- §1. **DEFINITIONS** The following words and expressions used throughout this Agreement, whether used in singular or plural, within or without quotation marks, or possessive or nonpossessive, shall be defined, read, and interpreted as follows.
- 1.1. **Agreement** means the terms and conditions of this Agreement, any Exhibits attached hereto, and any other mutually agreed to written and executed modification, amendment, addendum, or change order.
 - 1.2. **Claim** means any alleged loss, claim, complaint, demand for relief or damages, cause of action, proceeding, judgement, deficiency, liability, penalty, fine, litigation, costs, and/or expenses, including, but not limited to, reimbursement for reasonable attorney fees, witness fees, court costs, investigation expenses, litigation expenses and amounts paid in settlement, which are imposed on, incurred by, or asserted against the County, its employees or agents, whether such claim is brought in law or equity, tort, contract, or otherwise.
 - 1.3. **County** means Oakland County, a Municipal and Constitutional Corporation including, but not limited to, all of its departments, divisions, the County Board of Commissioners, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, volunteers, and/or any such person's successors.
 - 1.4. **Day** means any calendar day beginning at 12:00 a.m. and ending at 11:59 p.m.
 - 1.5. **Animal Care Center** means a facility owned and operated by the COUNTY to care for impounded animals.
 - 1.6. **Impounded Small Animals** means all dogs, cats, wildlife (excluding live, healthy skunks), rodents and all other animals commonly kept as domestic pets which are impounded and confined at the Animal Care Center by: (1) agents of MUNICIPALITIES carrying out rabies program (1' A. 146,

1919) and animal control programs and/or (2) action of residents of MUNICIPALITIES under contract.

- 1.7. **Owned Animals and Give Up Animals** means any animal from any area released directly to the COUNTY by the owners or any person(s) having proper custody thereof.
 - 1.8. **Bite Case** means any stray or owned animal from the contracted service area requiring quarantine or observation by order of the Oakland County Department of Health or his authorized representative.
 - 1.9. **Required Holding Period** shall be in accordance with the provisions of P. A. 224, 1969, and any subsequent amendments thereto, and P. A. 237, 1969.
 - 1.10. **License Fees** means those charges to the owner of a dog which are claimed at the Animal Care Center in accordance with contracted MUNICIPALITIES' policies, practices, and procedures.
 - 1.11. **Impounding Fees** means pick-up fee charges, determined by the contracted MUNICIPALITY'S ruling agent, rendered to an owner upon his application to reclaim an animal which, by action of a MUNICIPALITY, has been impounded.
 - 1.12. **Euthanasia** means the humane destruction of animals.
 - 1.13. **Rabies** means an infectious disease of certain animals, especially dogs, communicated to man by direct inoculation, as by bite or an infected animal.
- §2. COUNTY RESPONSIBILITIES' Subject to the terms and conditions contained in this Agreement, and applicable changes in law, the COUNTY shall carry out the following:
- 2.1. The COUNTY shall comply with the animal regulation laws of the State of Michigan, those being P.A. 339, 1919 as amended.
 - 2.2. The COUNTY shall Provide proper food, water, shelter, and humane care for all stray and give-up animals impounded by the MUNICIPALITY and such animals that are brought to the COUNTY'S Animal Care Center by residents of the MUNICIPALITY until they are placed or otherwise humanely disposed in accordance with applicable laws, consistent with the provisions of this Agreement.
 - 2.3. The COUNTY shall provide proper food, water, shelter, and humane care for any small animal, which is suspected of infection with rabies, quarantined by MUNICIPALITY for such a period of time as may be required by applicable law.
 - 2.4. The COUNTY shall make every effort to maintain office hours at the COUNTY'S Animal Care Center suitable for the purpose of transacting business in connection with the duties under this Agreement and for the purpose of receiving animals and for accepting Applications for the redemption of impounded animals.
 - 2.5. The COUNTY shall make every effort to notify owners of identifiable impounded animals, by telephone or mail consistent with the COUNTY'S procedures.
 - 2.6. Upon completion of the required holding period, impounded animals become the property of the COUNTY and may be disposed of according to law.
 - 2.7. Prior to release by the COUNTY to residents of the MUNICIPALITY, the COUNTY shall vaccinate all dogs of required vaccination age against rabies within the legally required time. No dog shall be released to a resident until a dog license has been obtained.
 - 2.8. The COUNTY shall provide for the sale of dog licenses consistent with the policies, practices, and procedures of the City Clerk/Township Treasurer, consistent with the provisions of this agreement.

- 2.9. The COUNTY shall provide for the collection of impoundment fees. All impoundment fees and license fees shall be paid over by the COUNTY to the MUNICIPALITY within a time period not to exceed one (1) month.
- 2.10. The COUNTY shall retain all vaccination and veterinarian fees and proceeds from adoption of animals.
- 2.11. The COUNTY shall keep proper financial records and account to the MUNICIPALITY monthly for all fees collected on its behalf. The COUNTY will permit the MUNICIPALITY at all reasonable times to inspect COUNTY records maintained pursuant to this agreement.
- 2.12. The COUNTY shall accept and dispose of all small dead animals picked up in the MUNICIPALITY by an Animal Control agent or resident and turned over to the COUNTY consistent with this Agreement.

§3. MUNICIPALITY RESPONSIBILITIES

- 3.1. The MUNICIPALITY shall supply to the COUNTY all necessary dog licenses certificates, dog license tags, receipt forms, etc; to enable the COUNTY to carry out its licensing duties under this agreement.
- 3.2. The MUNICIPALITY shall furnish the COUNTY with an adequate supply of its applicable laws and regulations dealing with dogs and other small animals effective as of the date of this agreement.

§4. FINANCIAL RESPONSIBILITIES The MUNICIPALITY agrees to pay the following fees to the County for its services under this agreement:

- 4.1. A boarding fee per day for each animal impounded by action of the MUNICIPALITY and housed or accepted by the County will be:

2005	\$ 25.00
2006	\$ 26.00
2007	\$ 26.00

Such fee shall be limited to the required holding period as set forth by the MUNICIPALITY, Fees for the destruction and disposal of each animal held the required holding period will be:

2005	\$ 4.00
2006	\$ 4.00
2007	\$ 4.00

Such fees shall be payable monthly by the MUNICIPALITY upon receipt of an invoice from the County covering the previous month's operations.

4.2. Fees for each dead animal turned in from an Animal Control agent or resident from the MUNICIPALITY will be:

2005	\$ 20.00
2006	\$ 20.00
2007	\$ 21.00

Such fee shall be payable monthly by the MUNICIPALITY upon receipt of an invoice from the COUNTY covering the previous month's operations.

4.3. Fees for each live small give-up animal turned in from an Animal Control agent or resident from the MUNICIPALITY will be:

2005	\$ 22.00
2006	\$ 23.00
2007	\$ 23.00

Such fee shall be payable monthly by the MUNICIPALITY upon receipt of an invoice from the COUNTY covering the previous month's operations.

4.4. MUNICIPALITY agrees that the fees as set forth above are subject to adjustment during the term of this Agreement, Such adjustment will be in direct relationship to any general county salary increase by the Oakland County Board of Commissioners. In no instance shall the fee be greater than the percentage salary increase. Provided, that if the COUNTY shall decide to increase said fees, it shall give thirty (30) days prior notice to the MUNICIPALITY, and the MUNICIPALITY shall have the right to terminate this agreement forthwith by giving written notice of such termination to the Oakland County Executive within said thirty (30) day period.

§5. DURATION OF INTERLOCAL AGREEMENT

5.1. It is mutually agreed that the term of this agreement shall be effective October 1, 2004 and expiring September 30, 2007 inclusive. The agreement and any amendments hereto shall be effective when executed by both Parties with concurrent resolutions passed by the governing bodies of each Party, and when the agreement is filed according to MCL 124.510. The approval and terms of this agreement and any amendments hereto shall be entered in the official minutes of the governing bodies of each Party. Upon the completion of the term of this agreement, the provisions of the agreement shall thereafter be subject to review and renewal by written agreement of the parties hereto for a like term.

§6. ASSURANCES

- 6.1. Each Party shall be responsible for its own acts and the acts of its employees, and agents, the costs associated with those acts, and the defense of those acts.
- 6.2. The MUNICIPALITY agrees to indemnify and hold harmless the COUNTY and/or any COUNTY agent harmless from and against any and all claims, demands, judgements or causes of action, and from all expenses that may be incurred in investigating or defending against the same, arising from or growing out of any act of neglect or omission of the MUNICIPALITY, its agents or employees limited to the performance of this Agreement.
- 6.3. The COUNTY shall not be liable for any consequential, incidental, indirect, or special damages in connection with this agreement.
- 6.4. The Parties agree that the COUNTY's Animal Care Center, land and building, shall be owned exclusively by the COUNTY and that the MUNICIPALITY shall have no proprietary interest whatsoever in said care center. It is also understood that the payments made by the MUNICIPALITY to the COUNTY pursuant to this agreement are made solely in consideration of the services to be performed under this agreement.

§7. TERMINATION OR CANCELLATION OF AGREEMENT

- 7.1. Either Party may terminate or cancel this agreement for any reason upon thirty (30) days written notice. The effective date for termination or cancellation shall be clearly stated in the notice. In the event of any termination or cancellation, any funds advanced to the COUNTY shall be payable in service only. Notices given under this agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or first class
- 7.2. The parties shall not be obligated to pay a cancellation or termination fee, if this agreement is terminated as provided herein.

§8. SUSPENSION OF SERVICES. Upon notice to MUNICIPALITY, the COUNTY may immediately suspend this agreement, if the MUNICIPALITY has failed to reasonably comply, within the COUNTY'S discretion, with federal, state, or local law, or any requirements contained in this agreement. The right to suspend services is in addition to the right to terminate or cancel this agreement. The COUNTY shall not incur penalty, expense or liability if services are suspended under this Section.

§9. RIGHT TO SET OFF. Should the MUNICIPALITY fail, for any reason, to timely pay the County the amounts required under this Agreement, the MUNICIPALITY agrees that upon notice from the Oakland County Treasurer to the Treasurer of the State of Michigan (or any other State of Michigan official authorized to disburse funds to the MUNICIPALITY), the State of Michigan is authorized to withhold any funds due the MUNICIPALITY from the State, and assign those funds to partially or completely offset any deficiency by the MUNICIPALITY to the County. Such funds shall be paid directly to the County. Further, the MUNICIPALITY waives any claims against the State or County, or their respective officials, for any such amounts paid to the County.

Should the MUNICIPALITY fail for any reason to timely pay the County the amounts required under this Agreement, the County Treasurer shall be entitled to set-off and retain any amounts due the MUNICIPALITY from Delinquent Tax Revolving Fund ("DTRF") or any other source of funds due the MUNICIPALITY in the possession of the County, to partially or completely offset any deficiency by the MUNICIPALITY, unless expressly prohibited by law. Such a transfer shall be considered an assignment by the MUNICIPALITY to the COUNTY. Further, the MUNICIPALITY waives any claims against the County, or its officials, for any such amounts paid to the County.

Neither of these provisions shall operate to limit in any way the County's right to pursue any other legal remedies against the MUNICIPALITY for the reimbursement of amounts due the County under this Agreement. The remedies in this paragraph are available to the County on an ongoing and successive basis, as the MUNICIPALITY becomes delinquent in its payments.

- §10. NO THIRD PARTY BENEFICIARIES. Except as provided for the benefit of the Parties, this agreement does not and is not intended to create any obligation, duty, promise, contractual right or benefit, right to indemnification, right to subrogation, and/or any other right, in favor of any other person or entity.
- §11. COMPLIANCE WITH LAWS. Each Party shall comply with all federal, state, and local statutes, ordinances, regulations, administrative rules, and requirements applicable to its activities performed under this Agreement, including, but not limited to, the policies, procedures, rules and regulations attached as Exhibits to this agreement, and properly promulgated amendments to those Exhibits.
- §12. PERMITS AND LICENSES. Each Party shall be responsible for obtaining and maintaining, throughout the term of this agreement, all licenses, permits, certificates, and governmental authorizations necessary to perform all its obligations under this agreement. Upon request, a Party shall furnish copies of any permit, license, certificate or governmental authorization to the requesting Party.
- §13. RESERVATION OF RIGHTS. This agreement does not, and is not intended to impair, divest, delegate, or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties.
- §14. FORCE MAJEURE. Each Party shall be excused from any obligations under this agreement during the time and to the extent that a Party is prevented from performing due to causes beyond such Party's control, including, but not limited to, an act of God, war, acts of government (other than the Parties'), fire, strike, labor disputes, civil disturbances, reduction of power source, or any other circumstances beyond the reasonable control of the affected Party. Reasonable notice shall be given to the affected Party of any such event.
- §15. IN-KIND SERVICES. This agreement does not authorize any in-kind services, unless previously agreed to by the Parties and specifically listed herein.
- §16. DELEGATION/SUBCONTRACT/ASSIGNMENT. A Party shall not delegate, subcontract, and/or assign any obligations or rights under this agreement without the prior written consent of the other Party. A delegation, subcontract and/or assignment made without the prior written consent of the other Party is void.
- §17. NO IMPLIED WAIVER. Absent a written waiver, no act, failure, or delay by a Party to pursue or enforce any rights or remedies under this agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this agreement. No waiver of any term, condition, or provision of this agreement, whether by conduct or otherwise, in one or more instances, shall be deemed or construed as a continuing waiver of any term, condition, or provision of this agreement. No waiver by either Party shall subsequently effect its right to require strict performance of this agreement.
- §18. SEVERABILITY. If a court of competent jurisdiction finds a term, or condition, of this agreement to be illegal or invalid, then the term, or condition, shall be deemed severed from this agreement. All other terms, conditions, and provisions of this agreement shall remain in full force.
- §19. CAPTIONS. The section and subsection numbers, captions, and any index to such sections and subsections contained in this agreement are intended for the convenience of the reader and are not intended to have any substantive meaning. The numbers, captions, and indexes shall not be interpreted or be considered as part of this agreement. Any use of the singular or plural number, any reference to the male, female, or neuter genders, and any possessive or nonpossessive use in this agreement shall be deemed the appropriate plurality, gender or possession as the context requires.

- §20. GOVERNING LAW/CONSENT TO JURISDICTION AND VENUE. This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret, or decide any Claim arising under or related to this agreement shall be brought in the 6th Judicial Circuit Court of the State of Michigan, the 50th District Court of the State of Michigan, or the United States District Court for the Eastern District of Michigan, Southern Division, as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.
- §21. AGREEMENT MODIFICATIONS OR AMENDMENTS. Any modifications, amendments, recessions, waivers, or releases to this agreement must be in writing and agreed to by both Parties. Unless otherwise agreed, the modification, amendment, recession, waiver, or release shall be signed by the same persons who signed the agreement or other persons as authorized by the Parties' governing body.
- §22. ENTIRE AGREEMENT. This agreement represents the entire agreement and understanding between the Parties. This agreement supercedes all other oral or written agreements between the Parties. The language of this agreement shall be construed as a whole according to its fair meaning, and not construed strictly for or against any Party.

The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement. The persons signing this agreement on behalf of each Party have legal authority to sign this Agreement and bind the Parties to the terms and conditions contained herein.

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

EXECUTED: _____
Louise Schilling, Mayor
City of Troy

DATE: _____

WITNESSED: _____
Tonni Bartholomew, Clerk
City of Troy

DATE: _____

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

EXECUTED: _____
Frank H. Millard, Jr. Chairperson
Oakland County Board of Commissioners

DATE: _____

WITNESSED: _____
G. William Caddell, Clerk, Register of Deeds
County of Oakland

DATE: _____



CITY COUNCIL ACTION REPORT

November 2, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Asst. City Manager/Economic Development Services
Steven J. Vandette, City Engineer

SUBJECT: Agenda Item - Private Agreement for 6951 Rochester Road – Gas Station
Project No. 06.926.3

Background:

- The Planning Commission granted preliminary site plan approval for the above referenced project on 12/12/2006. The Engineering Department has reviewed the plans for this project and recommends approval. The plans include Concrete & Asphalt Approaches, Aggregate Base, Concrete Curb & Gutter, and Concrete Walkway

Financial Considerations:

- The owner has provided the necessary escrow deposit and paid the cash fees in accordance with the attached Private Agreement.

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- Consistent with Goal #2 of the City of Troy 2006-2008 Goals & Objectives policy (Retain and Attract Investment While Encouraging Redevelopment).

Options:

- Council can approve or deny the recommendation.

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 06.926.3

PROJECT LOCATION:

NE 1/4 Section 3

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and **Sharrak Petroleum** whose address is **13630 Hall Road, Sterling Heights, MI 48313** and whose telephone number is **248-760-3410** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **Concrete & Asphalt Approaches, Aggregate Base, Concrete Curb & Gutter, and Concrete Walkway** in accordance with plans prepared by **Q1 Engineering, Inc.** whose address is **401 S. Main Street, Clawson, MI 48017** and whose telephone number is **248-588-2600**, and approved BY THE City of Troy Engineering Department.

SECOND: That the Owners agree to contribute the approximate contract price of **\$47,969.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

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

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City after final inspection and approval by the City of Troy Engineering Department. In addition, the owners agree to contribute the following cash fees:

* Plan Review and Construction Inspection Fee (Public Improvements)	\$	3,886.00
Engineering Review Fee (Private Improvements)	\$	1,199.00
Water Main Testing Fee	\$	0.00
Street Cleaning/Road Maintenance (Refundable)	\$	2,500.00
TOTAL:	\$	\$7,585.00

* 8.10% (.081) of approximate contract price

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO. 06.926.3

PROJECT LOCATION:

NE 1/4 Section 3

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

THIRD: Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$ 53,054.00 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, including, but not limited to, field changes or specification changes as required by the City, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and the City will disburse such additional amounts in accordance with Paragraph SECOND hereof.

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

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT NO. 06.926.3

PROJECT LOCATION:

NE 1/4 Section 3

RESOLUTION NO. _____

DATE OF COUNCIL APPROVAL: _____

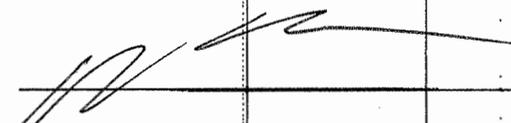
IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this _____ day of _____, 20_____.

OWNERS

CITY OF TROY

By:

By:



Please Print or Type

Louise E. Schilling, Mayor

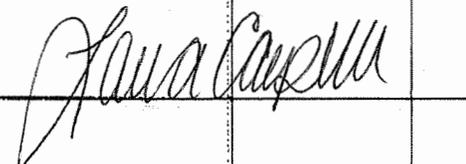
Brian Sharrah

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 1st day of November, A.D. 2007, before me personally appeared BRIAN MANHAL SHARRAH known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.



LAURA CAMPBELL
Notary Public, Oakland County, MI
My Commission Expires 9/25/2011
Acting in Oakland County

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: 09/25/2011



CITY COUNCIL ACTION REPORT

October 31, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Approval of Subdivision Entrance Signs/Agreement
Mount Vernon Estates Subdivision

Background:

- Provisions of the Troy Sign Ordinance allow for the placement of residential development identification signs within the medians of public roads.
- The homeowners association of the Mount Vernon Estates Subdivision has proposed to install three signs within the medians of Colonial at the intersection of Wattles, Ramblewood at the intersection of Wattles and at Mt. Vernon at the intersection of John R.
- The proposal includes the sign permit applications, sign plans, site plans, agreement between the association and the City regarding the maintenance of the signs, and an insurance certificate.
- These documents have been reviewed by staff and have been found to be in compliance with the Ordinance requirements.

Financial Considerations:

- There are no financial considerations with this matter.

Legal Considerations:

- Section 85.01.05 of the Troy Sign Ordinance requires that the design of the sign and the agreement for its ongoing maintenance be approved by City Council before a permit can be issued for a residential development identification sign within the median of a public street.

Policy Considerations:

- The homeowners association is interested in utilizing the entrance sign to help establish an identity and sense of place within the subdivision (Goal 2)

Options:

- City Council can approve the sign and the agreement.
- City Council can deny the sign and the agreement.

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

RESIDENTIAL DEVELOPMENT RIGHT-OF-WAY SIGN AGREEMENT

This Agreement is entered into on this _____ day of _____, 2007, between the City of Troy, a Michigan Municipal Corporation, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter referred to as the "City") and Mt. Vernon Estates Homeowners Association, whose address is 4127 Washington Crescent, Troy, Michigan 48085, (hereinafter referred to as the "Residential Development").

Recitals

A. The Residential Development desires to remove three existing signs and erect three (3) new identification signs at various entrances to the subdivision for the Residential Development pursuant to and in compliance with the City of Troy Code of Ordinances, specifically Chapter 85, Section 85.01.05. A. 3. (Signs in Right-of-Way). Three Sign Permit Applications have been submitted to the Building Department and copies are attached to this Agreement as Exhibit A, Exhibit B, and Exhibit C. The Residential Development is located in the City of Troy, Oakland County, Michigan.

B. The Residential Development is between Wattles Road and Long Lake Road and John R Road and Dequindre Road. The sites for the erection of the signs are as follows: entrance to Colonial Boulevard at Wattles Road; the entrance to Ramblewood Street at Wattles Road; and the entrance to Mt. Vernon Street at John R Road. Those locations of the signage is more particularly

described on the attached Exhibits A, B, and C. A description of the proposed signage is attached to this Agreement as Exhibits A, B, and C.

C. Chapter 85, Section 85.01.05. A. 3. provides that Troy City Council shall approve the design and materials of all residential development identification signs. Further, the Ordinance provision requires that an Agreement be executed between the City and Residential Development specifying that the Residential Development shall assume liability for the signs and be responsible for their maintenance.

IN CONSIDERATION of the foregoing recitals and the mutual covenants contained in this Agreement, IT IS AGREED:

1. The Residential Development shall be permitted to erect three (3) identification signs in the following locations: 1. the boulevard median at the entrance of Colonial Boulevard at Wattles Road as designated on Exhibit A; 2. the boulevard median at the entrance of Ramblewood Street at Wattles Road as designated on Exhibit B; and 3. The boulevard median at the entrance of Mt. Vernon Street at John R Road as designated on Exhibit C. The signs shall not be more than five (5) feet in height and not more than fifty (50) feet in area as set out in Section 85.01.05 A. 3. of the City of Troy Code of Ordinances. If applicable, the height of each sign shall be subject to the corner clearance requirement of Figure 85.01.05 A as set out in the Troy Code of Ordinances as part of Section 85.01.05 A. 3.

2. The identification signs shall comply with the plans and specifications attached hereto as Exhibits A, B, and C and incorporated into this Agreement

and any terms and conditions for design and materials established by City Council by Resolution. Any plans and specifications must designate on their face that they have been approved by the Director of Building and Zoning.

3. The Residential Development shall maintain the identification signs in good and safe condition at all times and shall make such repairs as the City may deem reasonably necessary from time to time to keep the signs in good and safe condition. Failure to keep the signs in good and safe condition shall be considered a breach of this Agreement under Paragraph 7.

4. The Residential Development has provided a Certificate of Insurance acceptable to the City demonstrating that general liability coverage is available for claims for personal injury or property damage caused by the signs or attributed to the placement of the identification signs in the right-of-way. Such insurance shall be in the amount of \$500,000.00 per occurrence and aggregate limit. The Certificate of Insurance shall name the City of Troy as an additional insured. The City reserves the right to modify the insurance requirements as necessary with 30 days notice to the Residential Development. The Residential Development agrees to keep said insurance or a similar policy with the above minimum insurance coverage in effect for the term of this Agreement. The Residential Development shall submit to the City of Troy Risk Management Department on the anniversary date of this Agreement a Certificate of Insurance acceptable to the City demonstrating coverage for the above insurance amounts. Additionally, the City may request a copy of said insurance certificate at any time during this Agreement. Failure to produce a certificate of insurance within fifteen

(15) days of a request by the City, or a determination by the City that there is a lapse in coverage, shall be considered a breach of this Agreement under Paragraph 7.

5. The individual executing this Agreement on behalf of the Residential Development represents that he or she has the authority to bind the Residential Development and the individual property owners within the Residential Development to this Agreement and has provided documentation to support his or her representation. If it is determined by the City at any time hereafter that no such authority exists, this Agreement shall be null and void, and the identification sign shall be immediately removed in accordance with Paragraph 7.

6. If it becomes necessary for the City to remove all or any of the signs for an emergency purpose or to service a utility, such as but not limited to: repair of water main breaks or sewer line or electric line repair, the Residential Development shall be one hundred (100 %) responsible for the replacement of the sign(s). Further, the City shall not be responsible for any damage to the sign(s) as a result of the removal. If the Residential Development fails to reinstall the sign(s) in an identical manner, as set out in this Agreement, or fails to remove the sign(s) from the site within thirty (30) days after the City's removal, the City may take action to remove the sign(s) in accordance with Paragraph 7.

7. If there is a breach of this Agreement or if the Agreement becomes null and void, the City shall notify the Residential Development that it has thirty (30) days to remove the identification signs. If the Residential Development fails to comply, the City may remove the signs and assess any costs it incurs to the

Residential Development. If the Residential Development fails to pay the City's costs for removal within fifteen (15) days from the notification of the costs, the City may exercise any legal remedy to which it is entitled against the Residential Development and/or the individual property owners within the Residential Development including the pro-rata assessment of costs on each individual property owner's tax bill.

8. To the fullest extent permitted by law, the Residential Development agrees to defend, pay on behalf of, indemnify, and hold harmless the City, its elected and appointed officials, employees and volunteers and others working on behalf of the City against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of the City, by reason of personal injury, including bodily injury or death and/or property damage, relating to the erection, maintenance, location and any other aspects of the identification signs.

9. Mt. Vernon Estates Homeowners Association shall submit a written notice of any new addresses to: Risk Management Department, City of Troy, 500 W. Big Beaver Road, Troy, Michigan 48084. Such notice of change of address shall be sent to the City of Troy within 60 days after the effective date of the change.

10. This Agreement shall be binding upon and inure to the benefit of the parties hereto, their heirs, successors and assigns.

IN WITNESS WHEREOF, this Agreement has been entered into as of the above date.

WITNESSES:

CITY OF TROY,

Louise E. Schilling, Mayor

Tonni Bartholomew, Clerk

RESIDENTIAL DEVELOPMENT

Mt. Vernon Estates Homeowners
Association,

Charles H. Folkerts

By: Charles Folkerts
Its: PRESIDENT



SIGN PERMIT APPLICATION
CITY OF TROY
 DEPARTMENT OF BUILDING INSPECTIONS
 500 W. BIG BEAVER ROAD
 TROY, MICHIGAN 48084
 Phone: 248-524-3344
 Fax: 248-689-3120

RECEIVED
 SEP 24 2007
BUILDING DEPT.

SIGN

Date: 9/18/07

Project Information

Job Address: COLONIAL BLVD/WATTLES Suite # _____ Sidwell # _____

Property Owner: MT. VERNON ESTATES HOMEOWNERS ASSOC. Address: 4127 WASHINGTON CRESCENT DRIVE Phone # _____

Type of Sign: Ground Wall Special Event Sign Renewal Zoning District: R1C

Sq. Ft. Area of Front of Building Structure: _____ Land Area (if parcel is vacant): _____

Sign Size: Width 66" Height 24" Sq. Ft. Area: 11' x 12.33'

Ground Sign: Height from grade to top of sign 30" Distance from ultimate right-of-way 11' (SIDEWALK)

Are other signs located on property? No Yes Type GROUND* Size _____
 Copy on sign: MT. VERNON ESTATES * TO BE REMOVED AND REPLACED W/NEW

Illuminated Sign Yes No Electrical Connections by: _____

SIGN PERMIT FEE SCHEDULE			
Size	Wall Sign Painted on Wall	Wall Sign Structurally Attached	Ground Sign
Under 100 sq. ft.	\$ 75.00	\$ 100.00	<u>\$ 125.00</u>
100 to 199 sq. ft.	\$100.00	\$ 125.00	\$ 150.00
200 to 300 sq. ft.	\$ 100.00	\$150.00	\$ 175.00
Special Event		\$30.00	

Applicant/Contractor Information

Name: SIGNS & MORE Phone: (248) 852-0683 Fax: (248) 852-0804

Address: 1633 STAR BATT DR. City: ROCHESTER HILLS State: MI Zip: 48309

Signature of Applicant [Signature] License # _____

FOR OFFICE USE ONLY:

Variance Granted? No Yes Date: _____

Special Stipulations _____

Sign Design

DOUBLE SIDED
 0.125" Thick Aluminum
 Sign Panels - Non-Illuminated
 Painted Medium Green
 PVC Crown Cap
 (Three 0.5" PVC Layers)

Two Aluminum Rectangular
 Poles (4" Square x 8 ft.)
 with Beveled Caps

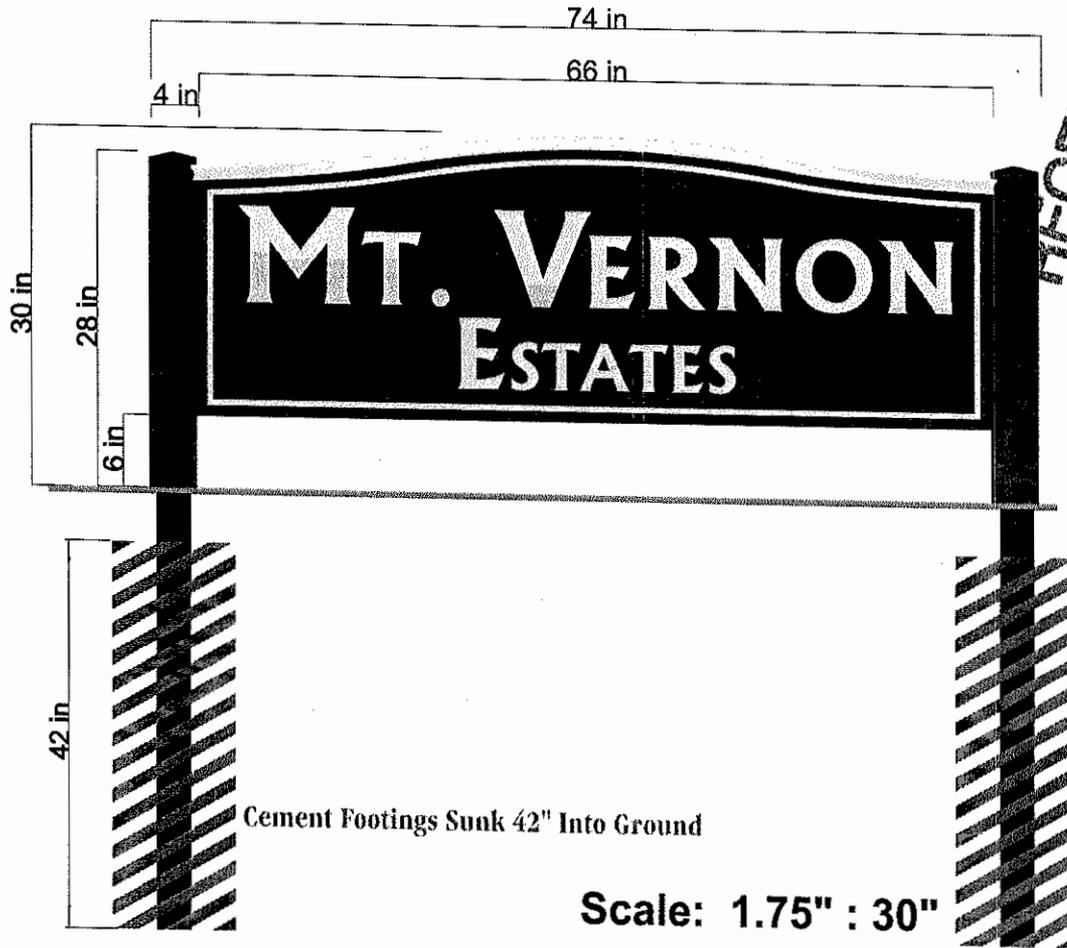
Both Sides Removable
 Stud Mounted PVC Letters

Over-All Square Feet:
 15.4'

6" Above Grade:

Location

Colonial Blvd.
 Entrance Island



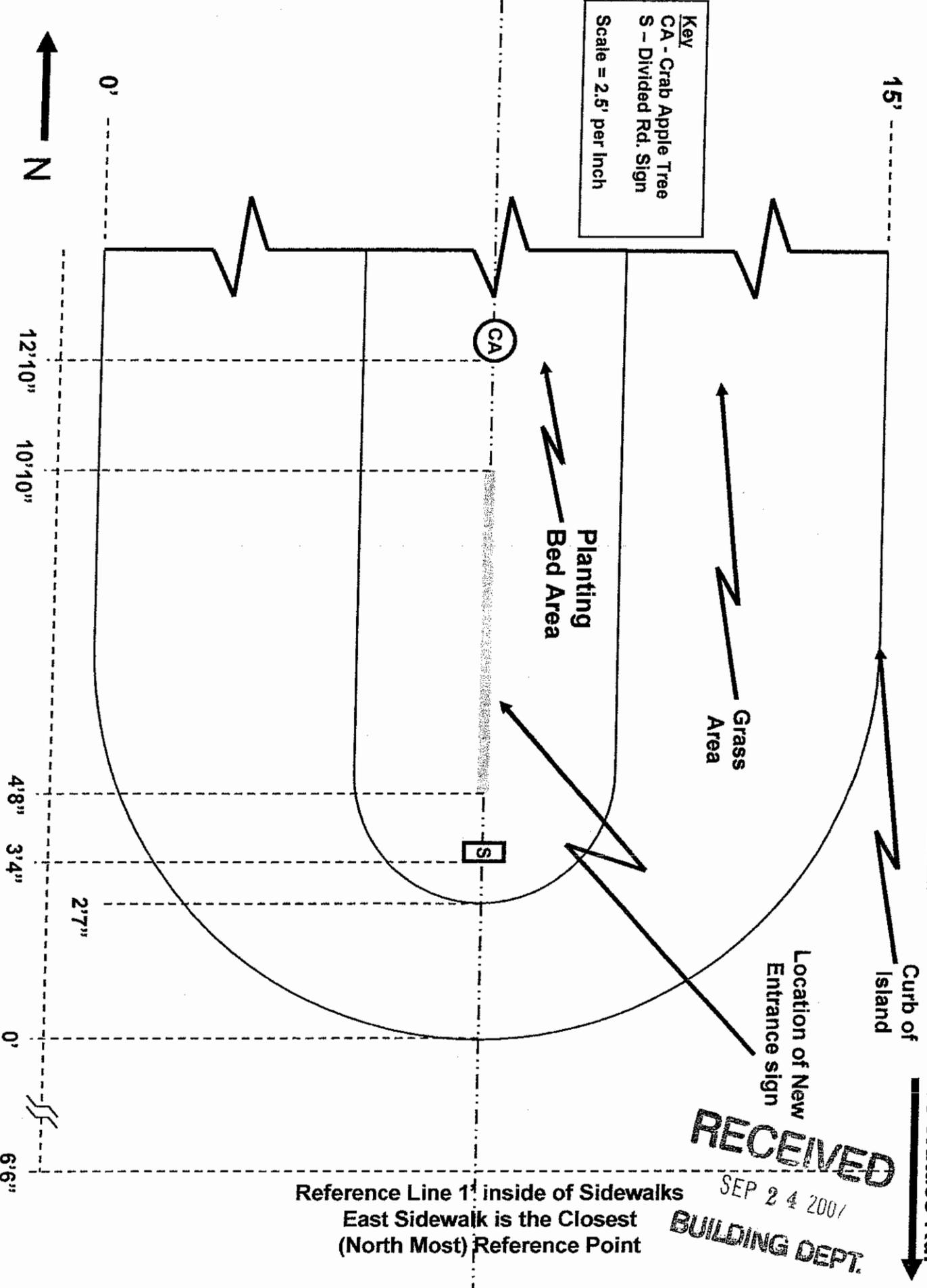
RECEIVED
 SEP 24 2007
 BUILDING DEPT.

Customer:	Date:	<p>All ideas, designs and plans indicated by this drawing are owned by Signs & More and were created and developed for use on and in conjunction with the specified project. None of such ideas, designs, or plans shall be used or disclosed to any person, firm or corporation for any purpose whatsoever without the written permission of Signs & More</p>	 <p>1633 Star Batt Dr. Rochester Hills, MI 48309</p>
Customer Signature:			

Colonial Blvd. Entrance Island

To Wattles Rd. ↓

Key
CA - Crab Apple Tree
S - Divided Rd. Sign
Scale = 2.5' per Inch



RECEIVED
SEP 24 2007
BUILDING DEPT.



SIGN PERMIT APPLICATION
CITY OF TROY
 DEPARTMENT OF BUILDING INSPECTIONS
 500 W. BIG BEAVER ROAD
 TROY, MICHIGAN 48084
 Phone: 248-524-3344
 Fax: 248-689-3120

RECEIVED
 SEP 24 2007
BUILDING DEPT.

SIGN

Date: 9/18/07

Project Information

Job Address: RAMBLEWOOD / WATTLES Suite # _____ Sidwell # _____

Property Owner: MT. VERNON ESTATES HOMEOWNERS ASSOC. Address: 4127 WASHINGTON CRESCENT DRIVE Phone # _____

Type of Sign: Ground Wall Special Event Sign Renewal Zoning District: R1C

Sq. Ft. Area of Front of Building Structure: _____ Land Area (if parcel is vacant): _____

Sign Size: Width 66" Height 24" Sq. Ft. Area: 11² 12.33

Ground Sign: Height from grade to top of sign 30" Distance from ultimate right-of-way 7' (SIDEWALK)

Are other signs located on property? No Yes Type GROUND* Size _____

Copy on sign: MT. VERNON ESTATES * TO BE REMOVED AND REPLACED W/ NEW

Illuminated Sign Yes No Electrical Connections by: _____

SIGN PERMIT FEE SCHEDULE

Size	Wall Sign Painted on Wall	Wall Sign Structurally Attached	Ground Sign
Under 100 sq. ft.	\$ 75.00	\$ 100.00	<u>\$ 125.00</u>
100 to 199 sq. ft.	\$100.00	\$ 125.00	\$ 150.00
200 to 300 sq. ft.	\$ 100.00	\$150.00	\$ 175.00
Special Event		\$30.00	

Applicant/Contractor Information

Name: SIGNS & MORE Phone: (248) 852-0683 Fax: (248) 852-0804

Address: 1633 STAR BATT DR. City: ROCHESTER HILLS State: MI Zip: 48309

Signature of Applicant [Signature] License # _____

FOR OFFICE USE ONLY:

Variance Granted? No Yes Date: _____

Special Stipulations _____

Sign Design

DOUBLE SIDED
 0.125" Thick Aluminum
 Sign Panels - Non-Illuminated
 Painted Medium Green
 PVC Crown Cap
 (Three 0.5" PVC Layers)

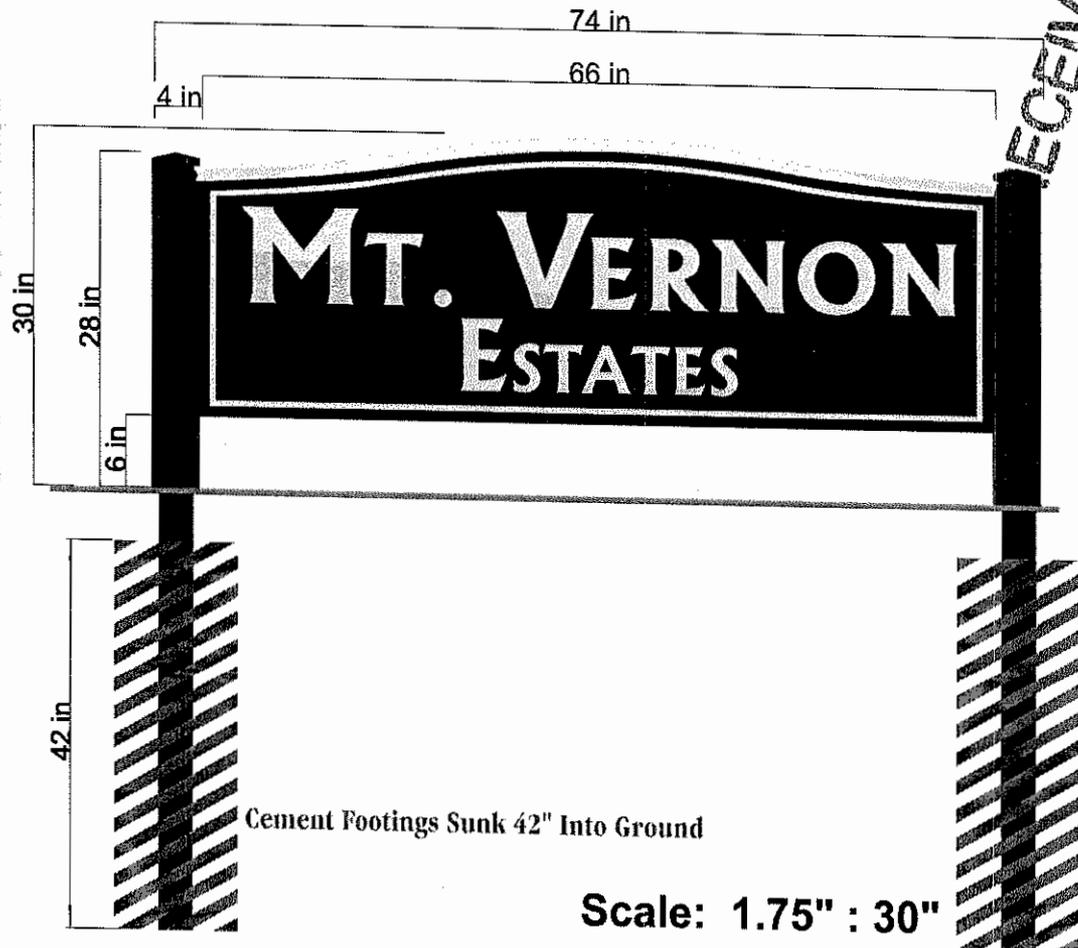
Two Aluminum Rectangular
 Poles (4" Square x 8 ft.)
 with Beveled Caps

Both Sides Removable
 Stud Mounted PVC Letters

Over-All Square Feet:
 15.4'

6" Above Grade:

Location
 Ramblewood
 Entrance Island



Cement Footings Sunk 42" Into Ground

Scale: 1.75" : 30"

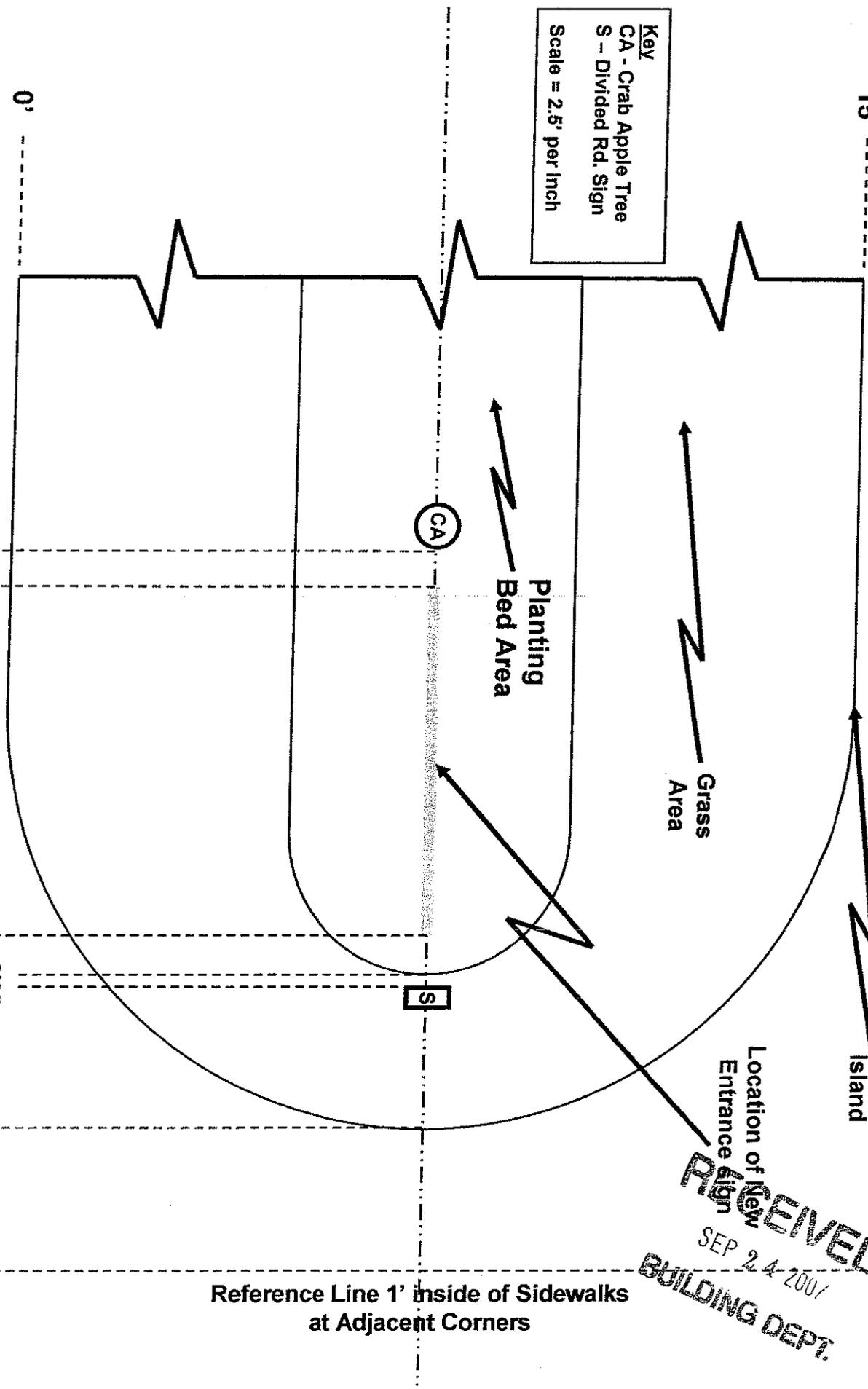
RECEIVED
 SEP 24 2007
 BUILDING DEPT.

Customer:	Date:	<p>All ideas, designs and plans indicated by this drawing are owned by Signs & More and were created and developed for use on and in conjunction with the specified project. None of such ideas, designs, or plans shall be used or disclosed to any person, firm or corporation for any purpose whatsoever without the written permission of Signs & More</p>	 <p>1633 Star Batt Dr. Rochester Hills, MI 48309</p>
Customer Signature:			

Ramblewood Entrance Island

To Wattles Rd. 

Key
CA - Crab Apple Tree
S - Divided Rd. Sign
Scale = 2.5' per Inch



10'4" 9'6"

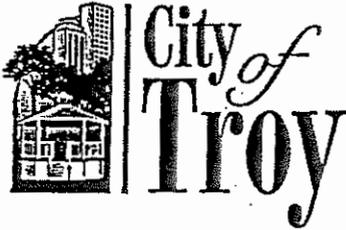
3'5" 2'6"

0'

2'6"

Reference Line 1' inside of Sidewalks at Adjacent Corners

RECEIVED
SEP 24 2007
BUILDING DEPT.



SIGN PERMIT APPLICATION
CITY OF TROY
 DEPARTMENT OF BUILDING INSPECTIONS
 500 W. BIG BEAVER ROAD
 TROY, MICHIGAN 48084
 Phone: 248-524-3344
 Fax: 248-689-3120

RECEIVED
 SEP 24 2007
 BUILDING DEPT.

SIGN

Date: 9/18/07

Project Information

Job Address: MT. VERNON / JOHN R. Suite # _____ Sidwell # _____

Property Owner: MT. VERNON ESTATES Address: 4127 WASHINGTON CRESCENT Phone # _____
HOME OWNERS ASSOC.

Type of Sign: Ground Wall Special Event Sign Renewal ^{SR} Zoning District: R1C

Sq. Ft. Area of Front of Building Structure: _____ Land Area (if parcel is vacant): _____

Sign Size: Width 66" Height 24" Sq. Ft. Area: 117 12.33

Ground Sign: Height from grade to top of sign 30" Distance from ultimate right-of-way 4' (SIDEWALK)

Are other signs located on property? No Yes Type GROUND* Size _____

Copy on sign: MT. VERNON ESTATES * TO BE REMOVED AND REPLACED
W/ NEW

Illuminated Sign Yes No Electrical Connections by: _____

SIGN PERMIT FEE SCHEDULE

Size	Wall Sign Painted on Wall	Wall Sign Structurally Attached	Ground Sign
Under 100 sq. ft.	\$ 75.00	\$ 100.00	<u>\$ 125.00</u>
100 to 199 sq. ft.	\$100.00	\$ 125.00	\$ 150.00
200 to 300 sq. ft.	\$ 100.00	\$150.00	\$ 175.00
Special Event		\$30.00	

Applicant/Contractor Information

Name: SIGNS & MORE Phone: (248) 852-0683 Fax: (248) 852-0804

Address: 1633 STAR BATT DR. City: ROCHESTER HILLS State: MI Zip: 48309

Signature of Applicant [Signature] License # _____

FOR OFFICE USE ONLY:

Variance Granted? No Yes Date: _____

Special Stipulations _____

DOUBLE SIDED
 0.125" Thick Aluminum
 Sign Panels - Non-Illuminated
 Painted Medium Green
 PVC Crown Cap
 (Three 0.5" PVC Layers)

Two Aluminum Rectangular
 Poles (4" Square x 8 ft.)
 with Beveled Caps

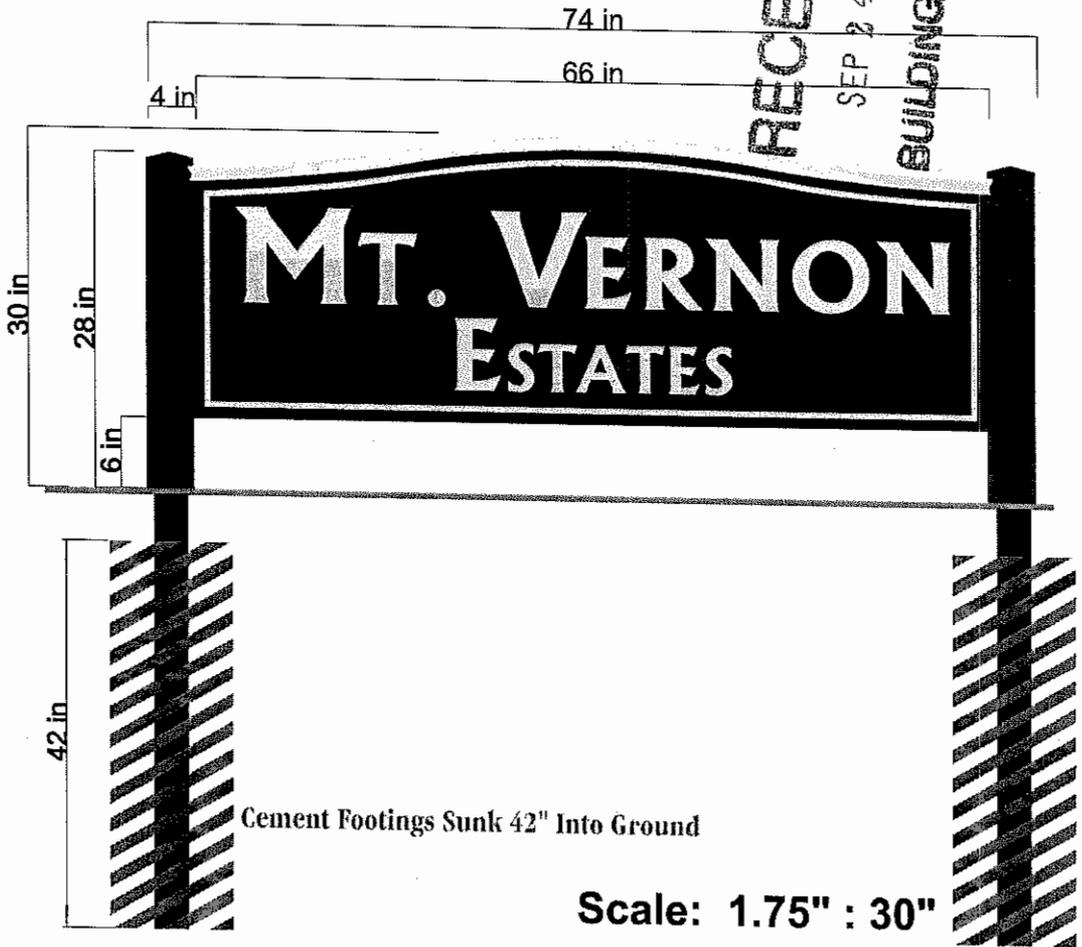
Both Sides Removable
 Stud Mounted PVC Letters

Over-All Square Feet:
 15.4'

6" Above Grade:

Location

Mt. Vernon
 Entrance Island



RECEIVED
 SEP 24 2007
 BUILDING DEPT.

Customer:	Date:	All ideas, designs and plans indicated by this drawing are owned by Signs & More and were created and developed for use on and in conjunction with the specified project. None of such ideas, designs, or plans shall be used or disclosed to any person, firm or corporation for any purpose whatsoever without the written permission of Signs & More
Customer Signature:		

Mt. Vernon Entrance Island

Curb of Island

To John R Rd.

15'

Key
CA - Crab Apple Tree
S - Divided Rd. Sign
Scale = 2.5' per Inch



0'

12'2"

10'3"

4'1"

2'6"

1'

0'

5'

CA

Planting Bed Area

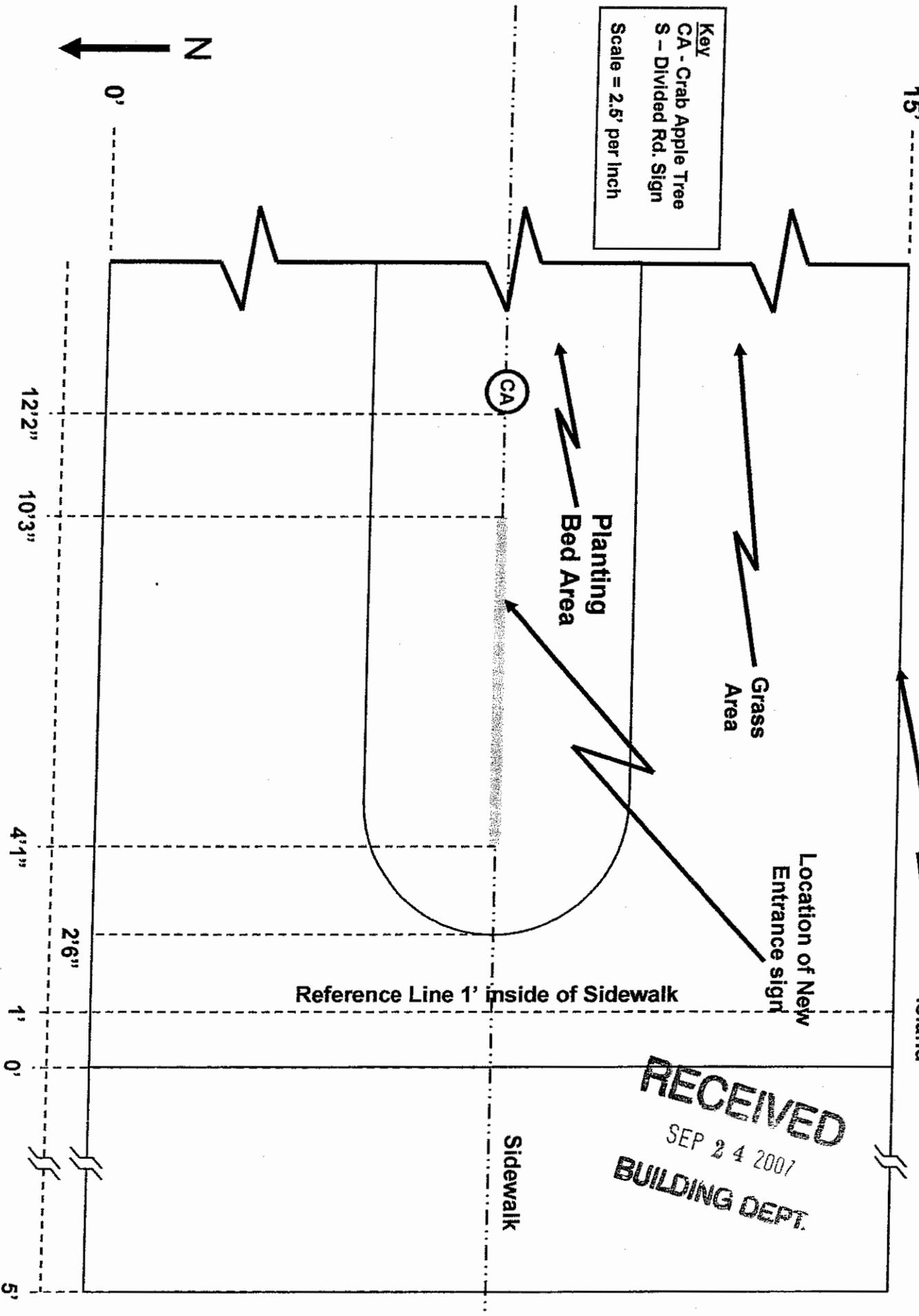
Grass Area

Location of New Entrance sign

Reference Line 1' inside of Sidewalk

Sidewalk

RECEIVED
SEP 24 2007
BUILDING DEPT.



ACORD CERTIFICATE OF LIABILITY INSURANCE

OP ID SK
MTVER-1
DATE (MM/DD/YYYY)
10/24/07

PRODUCER

Emerson-Prew, Inc.
30600 Telegraph, Suite 3110
Birmingham MI 48025
Phone: 248-642-5900 Fax: 248-642-2310

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURED

Mc. Vernon Estates Homeowners
Assoc., A MI Non-Profit Corp
4127 Washington Crescent
Troy MI 48065

INSURERS AFFORDING COVERAGE

NAIC #

INSURER A:	Auto-Owners Insurance Co.	18988
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR	INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	X	GENERAL LIABILITY	0400534207	07/01/07	07/01/08	EACH OCCURRENCE	\$ 1,000,000
		<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 50,000
		<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person)	\$ 5,000
		<input checked="" type="checkbox"/> D&O 1,000,000.				PERSONAL & ADV INJURY	\$ 1,000,000
		GEN'L AGGREGATE LIMIT APPLIES PER:				GENERAL AGGREGATE	\$ 2,000,000
		<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC				PRODUCTS - COMP/OP AGG	\$ 1,000,000
		AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident)	\$
		<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	\$
		<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$
		<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	\$
		<input type="checkbox"/> HIRED AUTOS					
		<input type="checkbox"/> NON-OWNED AUTOS					
		GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	\$
		<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY: EA ACC	\$
						AGG	\$
		EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE	\$
		<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE	\$
							\$
		<input type="checkbox"/> DEDUCTIBLE					\$
		<input type="checkbox"/> RETENTION \$					\$
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATU-TORY LIMITS	OTH-ER
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT	\$
		If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE	\$
		OTHER				E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Certificate holder is included as Additional Insured. Should any of the policies be cancelled or a material change before the expiration date, the issuing company will mail 30 days written notice, with the exception of 10 days for non-payment of premium.

CERTIFICATE HOLDER

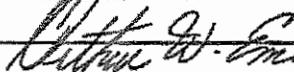
CANCELLATION

TROYC-1

City of Troy
500 W. Big Beaver Road
Troy MI 48064

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE



ACORD CORPORATION 1988

MINUTES OF THE ANNUAL MEETING
MT. VERNON ESTATES HOMEOWNERS ASSOCIATION
June 14, 2006

The meeting was called to order by President, Chuck Folkerts at 7:05 p.m.

Introductions were made, and Chuck went over the Treasurer's report item by item.

Chuck informed the attendees that the Council of Troy Homeowners Association is no longer an organization.

Chuck discussed the status and improvements needed on the Mt. Vernon markers:

Ramblewood & Cumberland--crumbling and needs replacement.

Mt. Vernon--Fair shape--main pillar was hit by a car and cannot be rebuilt.

Colonial--Main pillar on East side is cracking--others in fair shape--starting to show cracking.

Chuck then showed pictures of all entrances and their deteriorating condition.

PROPOSAL:

Ramblewood & Mt. Vernon--

1. Double-sided sign on the islands--6 ft. long
2. Signs perpendicular to the main streets
3. Identification for both directions of traffic.
 - a. Requires agreement with the City of Troy.
 - b. We accept responsibility for maintenance and repair.
 - c. We provide proof of liability insurance.
 - d. Sign placement and size are controlled by ordinances.

PROJECT PLAN:

1. Obtain approval and signed legal agreement with the City of Troy.
2. Fund raising in the Spring/Summer of 2006.
3. Execute plan when sufficient funds are collected--TARGET DATE: FALL, 2006, for required landscaping changes and pillar removal as well as sign installation.

Chuck Folkerts moved and Robert Preston seconded to get approval and legal agreement with the City of Troy--motion passed unanimously. 

NEW BUSINESS:

Mike Mouranie moved and Robert Preston seconded to keep the present slate of officers for the 2006-2007 year. Robert Preston seconded--motion passed unanimously.

Minutes of the Annual Meeting
Mt. Vernon Homeowners Association
June 14, 2006

-2-

Dennis Daignault moved and Stan Edgle seconded to establish a Social Committee to organize and facilitate activities for our residents.

The amount for this committee was set at \$500. Invoices will be submitted to the treasurer for reimbursement. The committee co-chairs are Beth Mayne, 4130 Ramblewood and Lori Mouranie, 4197 Ramblewood.

Mike Mouranie moved and Stan Eagle seconded to adjourn the meeting at 8:15 p.m. and the motion passed unanimously.

Respectfully submitted,



Bonnie J. Daignault
Secretary/Treasurer
MVEHA



CITY COUNCIL ACTION REPORT

October 25, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Rescind Bid Award/Re-award Contract – Rifle Accessories

Background

- The City of Troy Police Department received approval from City Council on October 1, 2007, to purchase firearm accessories, Item #2) Surefire suppressor adapters, from the low bidder, Interstate Arms Corporation of Billerica, MA (Resolution #2007-10-284-E4c).
- Interstate Arms received their purchase order #20700334-OP the week of October 15, 2007.
- At the time the company was to place our order, the sales manager at Interstate Arms realized an error had occurred in the pricing of the adapters, and the company could not honor the bid price of \$30.00 per adapter.

Financial Considerations

- The City's total cost under this contract will increase from \$420.00 to \$793.66, or \$30.00 each to \$56.69.

Legal Considerations

- Interstate Arms Corporation will receive a written notification of default and remedies for reinstatement as a potential bidder after three (3) years.

Policy Considerations

- To enhance the livability and safety of the community (Goal I)

Options

- City management recommends the Troy City Council rescind with prejudice the contract approved on October 1, 2007, to Interstate Arms Corporation of Billerica, MA, for firearm accessories, Item #2) Surefire suppressor adapters (Resolution #2007-10-284-E4c). Staff also recommends re-awarding the contract to the next lowest bidder, Vance Outdoors, Inc. dba Vance's Law Enforcement of Columbus, OH, at unit prices contained in the bid tabulation opened September 12, 2007.

Resolution #2007-10-284-E-4b

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

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

Resolution #2007-10-284-E-4c

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

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

Resolution #2007-10-284-E-4d

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

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

E-5 Temporary Waiver of Parking Restrictions – Smith Middle School

Resolution #2007-10-284-E-5

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



3723 CLEVELAND AVE
COLUMBUS, OH 43224
614-471-0712
614-471-2134 FAX

10/25/07

City of Troy
500 West Big Beaver Road
Troy, MI 48084

RE: ITB-COT 07-32 Rifle Accessories

Vance's Law Enforcement will honor the bid prices as stated in our bid proposal through November 30, 2007.

For part number #FH556K @ \$56.69 each.

A handwritten signature in black ink, appearing to read "Shawn Herman".

Shawn Herman
Law Enforcement & NFA Sales

VENDOR NAME:

Vendor Default Interstate Arms Corporation	Michigan Police Equipment Company	Next Lowest Bidder Vance Outdoors Inc. d/b/a Vance's Law Enforcement
--	---	---

ITEM	EST QTY	DESCRIPTION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION	UNIT PRICE	EXTENSION
1	14	Surefire fast-attach Sound Suppressor, Model #FA556K-BK	\$ 838.04	\$ 11,732.56	\$ 832.00	\$ 11,648.00	#FA556K-B \$ 843.05	\$ 11,802.70
2	14	Surefire fast attach Suppressor Adapter, Model #FH556K	\$ 30.00	\$ 420.00	\$ 57.00	\$ 798.00	* #FH556K \$ 56.69	\$ 793.66
ESTIMATED GRAND TOTALS:				\$ 12,152.56		\$ 12,446.00		\$ 12,596.36

CONTACT INFORMATION:
 Hrs of Operation:
 24 Hr. Phone #:

9 AM to 5 PM M-F	*Surefire discontinued CA556ACC 8:30 AM to 5 PM M-F	10 am to 8 PM Tues-Fri 10 am to 6 PM Saturday
800-243-3006	313-600-7484	877-471-0712
Until such time that the Mfg's price changes	Pricing valid through 12/31/07	11/30/2007
Blank	4-38-045-01-7B-22789	4-31-049-01-8J-00677
Net 30 days	Net 30 days	Net 30
(Contingent upon ATF approval) 60 days ARO	Blank	30 - 60 Days
Warranted for 30K Rounds Lifetime on Mfg Defects	Lifetime from defects in Workmanship & Materials	Lifetime
Blank	CA556ACC - discontinued & replaced with FH556K	Part Number changed
ACKNOWLEDGEMENT: Y or N	Yes	Yes
ADDENDUM #1 Y or N	Yes	No

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

**** BOLDFACE TYPE DENOTES LOW BIDDERS**

ATTEST:
 Thomas Gordon
 Yvonne N. Ranzinger
 Linda Bockstanz

 Susan Leirstein CPPB
 Purchasing Director



CITY COUNCIL ACTION REPORT

October 31, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: William Beaumont Hospital Parking Agreement

Background:

- On November 13, 2006 the City of Troy and William Beaumont Hospital entered into an agreement to allow use of the Flynn Park roadway by hospital personnel. The agreement prohibited parking on City property.
- Construction on William Beaumont Hospital property has resulted in a shortage of parking and the request by Beaumont to use Flynn Park as a temporary parking site.
- Discussions between the two parties have resulted in the proposed addendum attached to this memo.

Financial Considerations:

- Approval of the addendum will result in additional revenues of \$5,000/annually for park improvements.

Legal Considerations:

- The addendum contained herein addresses all legal considerations negotiated by both parties.

Policy Considerations:

- This item is consistent with goal III.

Options:

- City management recommends approval of the addendum for use of the Flynn Park parking lot by William Beaumont Hospital personnel.

October 31, 2007

To: Phillip L. Nelson, City Manager
Re: William Beaumont Hospital Parking Agreement

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney

ADDENDUM TO AGREEMENT BETWEEN CITY OF TROY AND WILLIAM BEAUMONT HOSPITAL FOR THE USE OF DRIVEWAY TO ALLOW FOR THE TEMPORARY USE OF A PORTION OF FLYNN PARK FOR PARKING PURPOSES

This Agreement is entered into between the City of Troy, a Michigan municipal corporation, whose address is 500 W. Big Beaver Road, Troy, Michigan 48084, hereinafter "City", and William Beaumont Hospital, a Michigan non-profit corporation, whose address is 3601 West Thirteen Mile Road, Royal Oak, Michigan 48073, hereinafter "Beaumont".

RECITALS

- A. City is the fee simple owner of a certain parcel of land located in the City of Troy, Oakland County, Michigan, more particularly described on Exhibit A attached hereto and incorporated herein (the "City Property"). The City Property is used as a City park, commonly known as Flynn Park.
- B. Beaumont operates a hospital and related medical and parking facilities known as Troy William Beaumont Hospital ("Hospital") on the Beaumont Property, which is adjacent to the City Property.
- C. On November 13, 2006, City and Beaumont executed an *Agreement Between the City of Troy and William Beaumont Hospital for the Use of Driveway* (hereinafter *Agreement for Use of Driveway*). Pursuant to Paragraph 2 of this Agreement, "This Agreement does not allow the parking of User's vehicles on the Driveway and/or in the parking lot areas of the Property described in Exhibit A" (City Property).
- D. At this time, Beaumont is in the construction phase of the development of additions to both the hospital and parking structures on its property. The construction process has temporarily limited the parking capacity available to Beaumont personnel on Beaumont owned property.
- E. Beaumont has requested the temporary use of City Property for the parking of Beaumont personnel vehicles at Flynn Park. This request is limited in hours and duration and in scope, so that there will be minimal interference with scheduled park activities.
- F. As consideration for the temporary use of City property, Beaumont is willing to pay a user fee.

NOW, THEREFORE, the City and Beaumont agree to the following terms and conditions as a temporary addendum to the *Agreement Between City of Troy and William Beaumont Hospital for the Use of Driveway* previously approved and executed:

1. Definitions. The following terms in this Addendum to Agreement are defined as follows:
 - A. "User" shall mean all Beaumont personnel. The term "user" does not include construction vehicles or emergency vehicles or ambulances.
 - B. "Vehicular" or "vehicles" shall include automobiles (including SUVs, vans, and pick-up trucks) and delivery vehicles driven by Users.
 - C. "Construction vehicles" shall include automobiles, trucks, and any other motor vehicle or machinery or trailers used by Beaumont or its contractors or subcontractors for the delivery of materials, equipment, and/or personnel for construction purposes.

2. Temporary Suspension to Allow Parking of User Vehicles at Flynn Park. For consideration set out herein, City agrees to temporarily suspend the prohibition against parking, found in paragraph 2 of the *Agreement for the Use of Driveway*, under the following limited terms:
 - A. From November 13, 2007 to March 31, 2008, there shall not be any limit on the number of User vehicles that are permitted to park on City Property, as long as the User Vehicles park in the areas that are described on Exhibit B. This is a non-exclusive grant, since the City Property shall remain open to the public during this time. All federal, state and/or local laws, including traffic laws, shall be enforced against Users and User vehicles on the City Property. During this time period, Beaumont shall be solely responsible for snow plowing and snow removal for the parking areas that are designated on Exhibit B. Beaumont, at its discretion, can hire out the snow plowing and snow removal obligation, but the level of service must be acceptable to City. City shall be held harmless from any and all claims, demands, suits or loss, including damages, costs and attorney fees alleged to be proximately caused by improper snow removal or failure to remove snow on the parking areas during this time period. This obligation is in addition to Beaumont's obligation to complete snow plowing and removal on the driveway areas under the *Agreement for the Use of Driveway*.
 - B. From April 1, 2008 to October 31, 2008, User vehicles are only permitted to use the sixty (60) designated spaces that are found on Exhibit C. This grant is non-exclusive, and shall be limited to the weekdays only (Monday thru Friday) and only during the hours of 6:00 am to 3:30 pm

3. User Fee. As consideration for the ability to use City property for the parking of User vehicles, Beaumont shall pay a \$5,000.00 Non-Refundable User Fee, which shall be paid within ten (10) days after the date of the last signature on this Addendum Agreement. The User Fee shall cover the period from November 13, 2007 to October 31, 2008.

4. Any requested extension of this Addendum Agreement must be mutually agreeable to the parties, and must be made in writing.
5. Signage. There shall be no signage on the City property that reserves parking spaces for User vehicles or otherwise identifies the area as designated for User vehicles. If this provision is violated, then City can remove the signs at cost to Beaumont, and will keep the signs for thirty (30) days at the Parks and Recreation Department. Any signs still remaining after thirty (30) days will be destroyed or recycled, in the City's discretion.
6. Indemnification and Hold Harmless. To the fullest extent permitted by law, Beaumont agrees to defend, pay on behalf of, indemnify and hold harmless City, its elected and appointed officials, employees and volunteers and others working on behalf of City against any and all claims, demands, suits, loss, including all costs and attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from City, its elected and appointed officials, employees, volunteers or others working on behalf of City, by reason of personal injury, including bodily injury or death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Addendum Agreement.
7. Responsibility for Damage to Vehicles or Theft or Loss from Vehicles. The City shall not be responsible for damage to any vehicles, Users or otherwise, or for any theft from or loss from a vehicle, Users or otherwise, while that vehicle is parked on City Property.
8. Termination of Temporary Addendum Agreement. Beaumont may terminate this temporary Addendum Agreement at any time, but shall not be entitled to a refund of any portion of the Non-Refundable User Fee. If Beaumont no longer needs to use the City Property for User Vehicles during the designated time frame, then Beaumont shall send a courtesy notice to the Director of Parks and Recreation indicating that it Users will no longer be parking on City Property as of a certain date, which shall be included in the written notification. City may terminate this Addendum Agreement upon thirty (30) days written notice if, in its discretion, it is determined that it is in the best interest of City to do so, either because of different planning for the use of the City Property, or due to actions of the City or City Council which effect the ability of the City to allow Beaumont the use of the City Property for parking. City also reserves the right to terminate this temporary Agreement immediately, if the use of the parking lots or parking spaces causes any condition which effects the health, safety and welfare of the public. City will make every effort to give as much notice to Beaumont as is feasibly possible in this situation. Additionally, City may terminate this Addendum Agreement if, after giving written notice to Beaumont of specific violations of the law by Users or after misuse of the terms of the Addendum Agreement by Beaumont, Beaumont fails to cure such violation or misuse within ten (10) days of receipt of written notice.

9. Use of User Fee. It is the City's intent to use the User Fee paid by Beaumont under this Addendum Agreement for improving public parks throughout the City of Troy.
10. Notices. Notices permitted or required hereunder shall be in writing and shall be delivered or sent by certified mail or overnight delivery by a reputable national carrier to the addresses as set forth above. Either party may, by written notice, designate a different address to which notices must be sent.
11. Governing Laws. This Addendum Agreement shall be construed in accordance with the laws of the State of Michigan and any applicable federal laws and regulations.
12. Exhibits. All exhibits referred to herein and attached hereto shall to shall be deemed part of this Agreement.
13. Severability. If any term, provision or condition contained in this Addendum Agreement shall to any extent, be invalid or unenforceable, the remainder of this Agreement (or the application of such term, provision or condition to persons or circumstances other than those in respect of which it is invalid or unenforceable) shall not be affected thereby, and each term, provision or condition of this Addendum Agreement shall be valid and enforceable to the fullest extent permitted by law.
14. Driveway Use Agreement. This Addendum Agreement supplements the *Driveway Use Agreement*, and together comprises the entire Agreement of the parties with respect to temporary User parking on City Property. All terms and conditions of the Driveway Use Agreement between the parties shall remain in full force and effect during and after termination of the Addendum Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum Agreement as of the day and year first above written.

CITY OF TROY, a Michigan

By: _____
Louise E. Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

STATE OF MICHIGAN)

)ss

COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me on _____, 2007
by Louise E. Schilling, the Mayor of the City of Troy, a Michigan municipal corporation, on behalf
of the corporation.

Notary Public, _____ County, Michigan
My commission expires:

STATE OF MICHIGAN)

)ss

COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me on _____, 2007
by Tonni L. Bartholomew, the City Clerk of the City of Troy, a Michigan municipal corporation,
on behalf of the corporation.

Notary Public, _____ County, Michigan
My commission expires:

WILLIAM BEAUMONT HOSPITAL, a
Michigan non-profit corporation

By: _____

Its: _____

STATE OF MICHIGAN)

)ss

COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me on

_____, 2007 by _____,
the _____ of the William Beaumont Hospital, a Michigan non-
profit corporation, on behalf of the corporation.

Notary Public, _____ County, Michigan
My commission expires:

EXHIBIT A

City of Troy Property Description

PART OF THE NORTHEAST FRACTIONAL $\frac{1}{4}$ AND PART OF THE NORTHWEST FRACTIONAL $\frac{1}{4}$ OF SECTION 1, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. BEGINNING AT THE NORTH $\frac{1}{4}$ CORNER OF SAID SECTION 1; THENCE N $89^{\circ}40'14''$ E, ALONG THE NORTH LINE OF SAID SECTION 1, 1294.69 FEET; THENCE S $00^{\circ}14'51''$ E 3491.98 FEET TO THE NORTH LINE OF "RANIERI SUB.", AS RECORDED IN LIBER 142, PAGE 25-26 OF OAKLAND COUNTY RECORDS; THENCE S $86^{\circ}58'01''$ W, ALONG SAID NORTH LINE, 688.20 FEET TO THE NORTHWEST CORNER OF SAID "RANIERI SUB.", ALSO BEING ON THE EAST AND WEST $\frac{1}{4}$ LINE; THENCE S $87^{\circ}25'25''$ W, ALONG SAID $\frac{1}{4}$ LINE, 622.42 FEET TO THE CENTER OF SAID SECTION 1; THENCE N $00^{\circ}00'42''$ W, ALONG THE NORTH AND SOUTH $\frac{1}{4}$ LINE, 75.05 FEET; THENCE S $87^{\circ}50'03''$ W, PARALLEL TO THE EAST AND WEST $\frac{1}{4}$ LINE, 1327.40 FEET TO A POINT ON THE EAST LINE OF "TROY LAKE ESTATES SUB.", AS RECORDED IN LIBER 232, P 25-29 OF OAKLAND COUNTY RECORDS; THENCE N $01^{\circ}02'39''$ E, ALONG THE SAID EAST LINE, 1033.05 FEET TO THE NORTH LINE OF SAID "TROY LAKE ESTATES SUB.", THENCE S $89^{\circ}41'40''$ E 30.00 FEET TO THE EAST LINE OF RAVENNA DRIVE; THENCE N $00^{\circ}02'11''$ E, ALONG SAID EAST LINE, 1693.53 FEET; THENCE S $89^{\circ}40'30''$ E 334.55 FEET; THENCE N $00^{\circ}0'52''$ E, 800.76 FEET TO THE NORTH LINE OF SAID SECTION 1; THENCE S $89^{\circ}56'00''$ E, ALONG SAID NORTH LINE, 941.10 FEET TO THE POINT OF BEGINNING. CONTAINING 202.60 +/- GROSS ACRES MORE OR LESS, THE NORTH 33.00 FEET OF WHICH IS CURRENTLY BEING USED FOR ROADWAY PURPOSES, AND BEING SUBJECT TO ALL ENCUMBRANCES OF RECORD.

EXHIBIT B

Parking allowed in any available space in the cross hatched area.

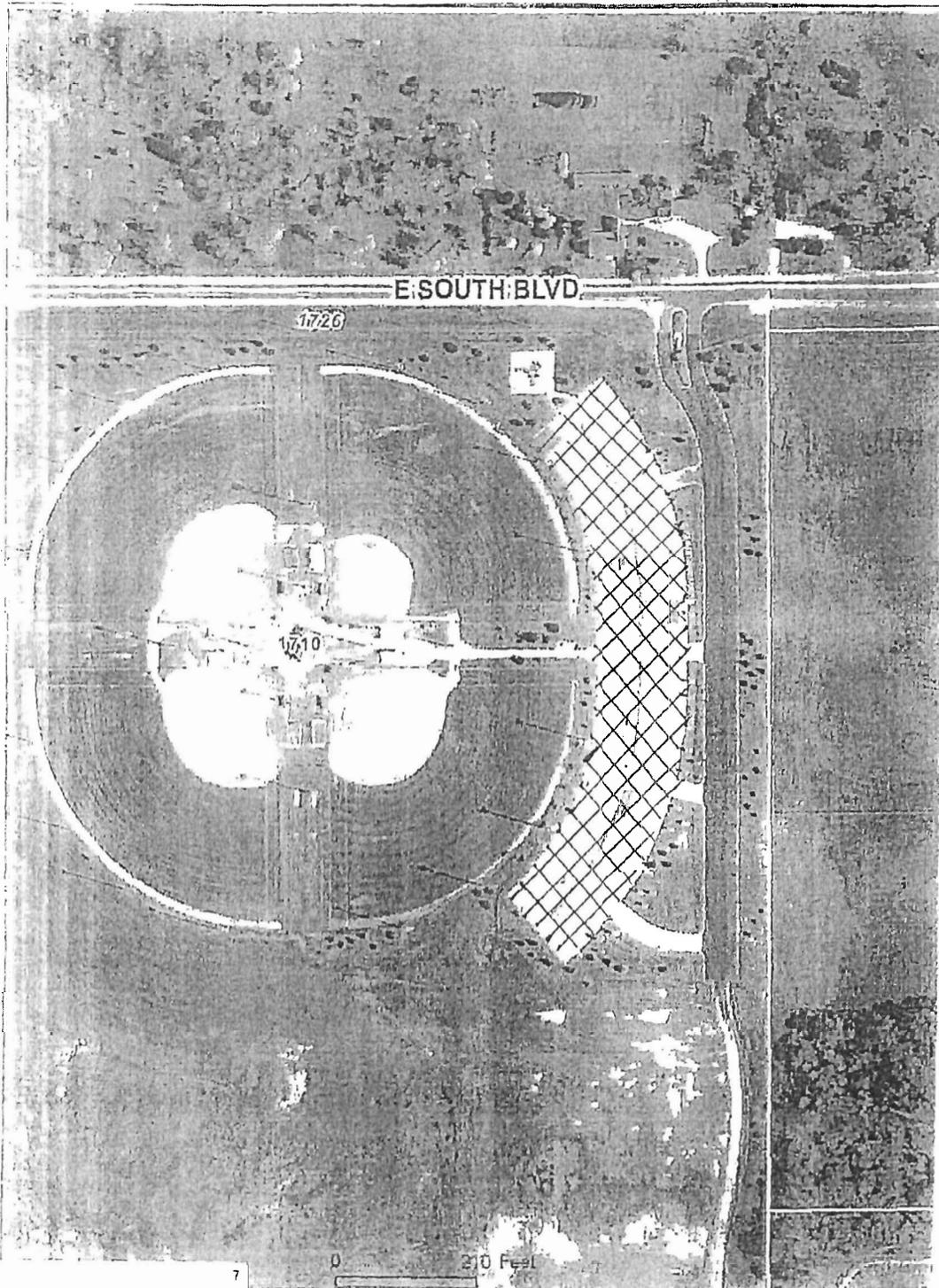
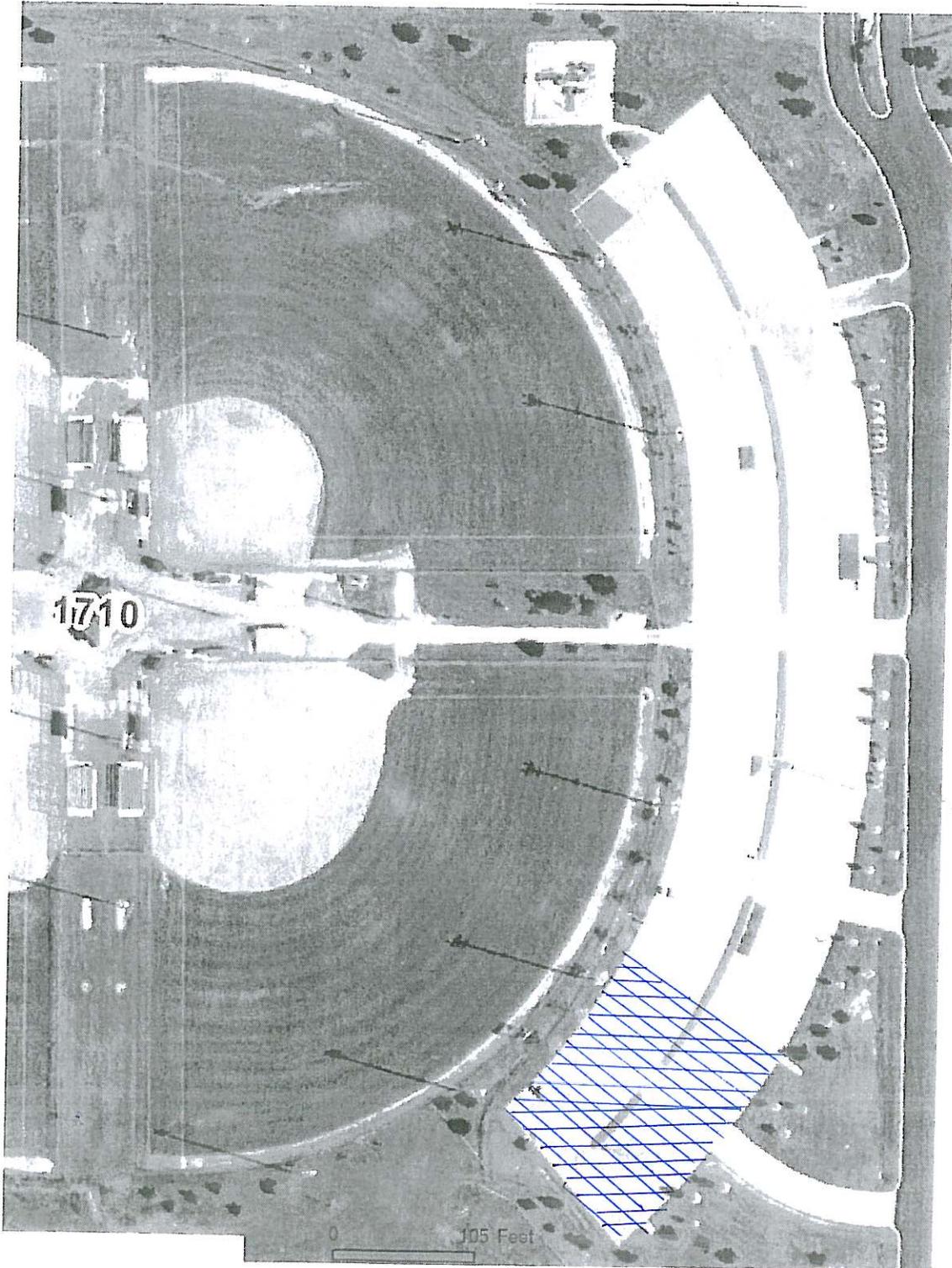


EXHIBIT C

May Park in any of the 60 cross hatched parking spaces





CITY COUNCIL ACTION REPORT

October 11, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Agreement to Provide Fleet Maintenance Services – City of Birmingham

Background

- Attached is a copy of the proposed Interlocal Service Agreement between the City of Troy and the City of Birmingham, where the City of Troy will provide fleet maintenance services to the City of Birmingham vehicles and equipment on an as needed basis.
- The Interlocal Service Agreement follows a discussion with the City's insurance pool to further define and outline the parameters of work that is to be performed.
- The agreement was presented to the Birmingham City Council on October 8, 2007, and approved unanimously.

Financial Considerations

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

Legal Considerations

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

Policy Considerations

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

Options

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

SPL\Service Agreement Birmingham\11.12.07- Agreement to Provide Fleet Maintenance Services – City of Birmingham

INTERLOCAL SERVICE AGREEMENT FOR FLEET SERVICES

This Interlocal Service Agreement dated, this _____ day of _____ 2007, is made by and between:

City of Birmingham

Birmingham, Michigan 48009

-And-

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

RECITALS

WHEREAS, the City of Troy, a Michigan Municipal Corporation, 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter "TROY"), and the City of Birmingham, a municipal authority authorized by state law, 151 MARTIN ST, Birmingham, Michigan 48009 (hereinafter "Birmingham") or TROY and Birmingham hereinafter together referred to as the "Parties" or the "Party" are authorized separately by law to provide for the repair and maintenance of public works vehicles for their respective public entities;

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

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

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

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

WHEREAS, pursuant to resolution of its governing bodies, the Parties each have the authority to execute this Intertocal Service Agreement ("Agreement") to allow TROY to repair or maintain BIRMINGHAM'S public work vehicles at cost on an as requested basis and under the terms set forth below.

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

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

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

Technician's premium time: Minimum amount of 3 hours plus \$92.00 per hour or fraction thereof.

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

If TROY has vehicles belonging to BIRMINGHAM on its site, BIRMINGHAM shall state in its termination notice that it authorizes TROY to complete work on those vehicles or that TROY is to discontinue work on those vehicles. If TROY is to discontinue work on the vehicles, BIRMINGHAM shall pick up the vehicles within five (5) days of the notice of termination. If TROY completes work on the vehicles based on instructions from BIRMINGHAM after termination of the Agreement, all terms and conditions of this Agreement shall apply as to those vehicles.
12. Upon receipt of notice of termination of the Agreement by BIRMINGHAM, TROY shall have thirty (30) days to fully invoice BIRMINGHAM for any outstanding balances that have not previously been invoiced. BIRMINGHAM

shall continue to be responsible for payment for the cost of services, parts and supplies either invoiced prior to termination or performed or purchased by TROY before the notice of termination. TROY will attempt to return any used parts and supplies to suppliers that it is unable to use on non- BIRMINGHAM vehicles being serviced by TROY. If TROY is unable to obtain full refunds or only obtains partial refunds, BIRMINGHAM will be invoiced for those non-refundable and/or partially refundable parts and supplies. The invoice shall be paid within 30 days from the date of the invoice. TROY will hold those parts and supplies for 30 days from the date of the invoice for pick up by BIRMINGHAM. BIRMINGHAM shall be responsible for payment for the non-refundable and/or partially refundable parts and supplies whether or not picked up by BIRMINGHAM.

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

17. TROY acknowledges that it is currently issued with proper coverage and limits. TROY agrees to keep its current insurance, or insurance of a similar nature, in effect during all dates of service of maintain to BIRMINGHAM vehicles. Upon requested by BIRMINGHAM, TROY shall provide a Certificate of Insurance as evidence of it coverage.

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

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

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

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

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

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

20. The Parties agree that they shall promptly deliver to the other Party written notice and copies of any claims, complaints, charges, or any other accusations or allegations of negligence or other wrongdoing, whether civil or

criminal in nature, that the other Party becomes aware of which involves, in any way the facility, equipment personnel and/or services under this Agreement. Unless otherwise provided by law and/or the Michigan Court Rules, the parties agree to cooperate with one another in any investigation conducted by the other party of any acts or performances of any services under this Agreement.

21. The Parties agree that all indemnification and hold harmless promises, waivers of liability, representations, insurance coverage obligations, liabilities, payment obligations and/or any other related obligations provided for in this Agreement with regard to any acts, occurrences, events, transactions, or claims, either occurring or having their basis in any events or transaction that occurred before termination of this Agreement, shall survive the termination.
22. Any written notice required or permitted under the Agreement shall be considered delivered to a party as of the date that such notice is deposited, with sufficient postage, with the U.S. Postal Service. Unless specifically otherwise set out in the Agreement, all writing sent to TROY shall be sent to: Sam Lamerato, City of Troy - Fleet Division, 4693 Rochester Road, Troy, Michigan 48085. All writing sent to BIRMINGHAM shall be sent to: Department of Public Services, 851 South Eton, Birmingham, Michigan 48009.
23. This Agreement sets forth the entire Agreement between the Parties. The language of this Agreement shall be construed as a whole according to its fair meaning and not constructed strictly for or against any party. The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement.
24. If a Court of competent jurisdiction finds any provision of this Agreement invalid or unenforceable, then that provision shall be deemed severed from the Agreement. The remainder of this Agreement shall remain in full force.
25. This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret or decide any claim arising under this Agreement shall be brought in the 6 Judicial Circuit Court of the State of Michigan or the United States District Court for the Eastern District of Michigan, Southern Division as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.
26. The Recitals shall be considered an integral part of this Agreement.
27. The Agreement may be amended or an alternative form of the Agreement adopted only upon written agreement of the Parties.
28. Except as expressly provided herein, this Agreement does not create, by implication or otherwise, any direct or indirect obligation, duty, promise, benefit, right of indemnification (i.e., contractual, legal, equitable, or by

implication) right of subrogation as to any Party's rights in this Agreement, or any other right of any kind in favor of any individual or legal entity.

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

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

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

WITNESSES:

CITY OF TROY, a Michigan
Municipal Corporation,

By: _____
Louise E. Schilling, Mayor

By: _____
Tonni Bartholomew, City Clerk

CITY OF BIRMINGHAM,

By: Tom McDaniel
_____, Mayor

By: Norayma
_____, City Clerk

DATE:

Rev. 7-25-07



CITY COUNCIL ACTION REPORT

November 5, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Preliminary Site Condominium Approval – Villas of Troy Site Condominium, South of Wattles, East side of Finch, Section 21, 11 units/lots on 5.532 acres – R-1B

Background:

- The Planning Commission recommended Preliminary Site Condominium Approval of the development at the October 9, 2007 Regular meeting.
- The applicant proposes an 11-unit site condominium developed under the provisions of the Open Space Preservation Option (Section 34.60.00). This option is permitted by right and is voluntary at the option of the applicant.
- The density of the cluster development is determined through the submission of a Parallel Plan that is designed using conventional R-1B provisions. The Parallel Plan indicates the site could be developed with 11 units under conventional R-1B provisions.
- There are two flood plain boundaries shown on the Parallel Plan. One line is the 100-year flood plain line per the FIRM map and the second line is the result of a study that was done by Spalding DeDecker in February 2001. The Engineering Department has determined that the parallel plan and cluster plan as submitted using the Spalding DeDecker flood plain can be engineered as shown on the plans.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

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

Policy Considerations:

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

Options:

- City Council can approve or deny the Preliminary Site Condominium application.

Attachments:

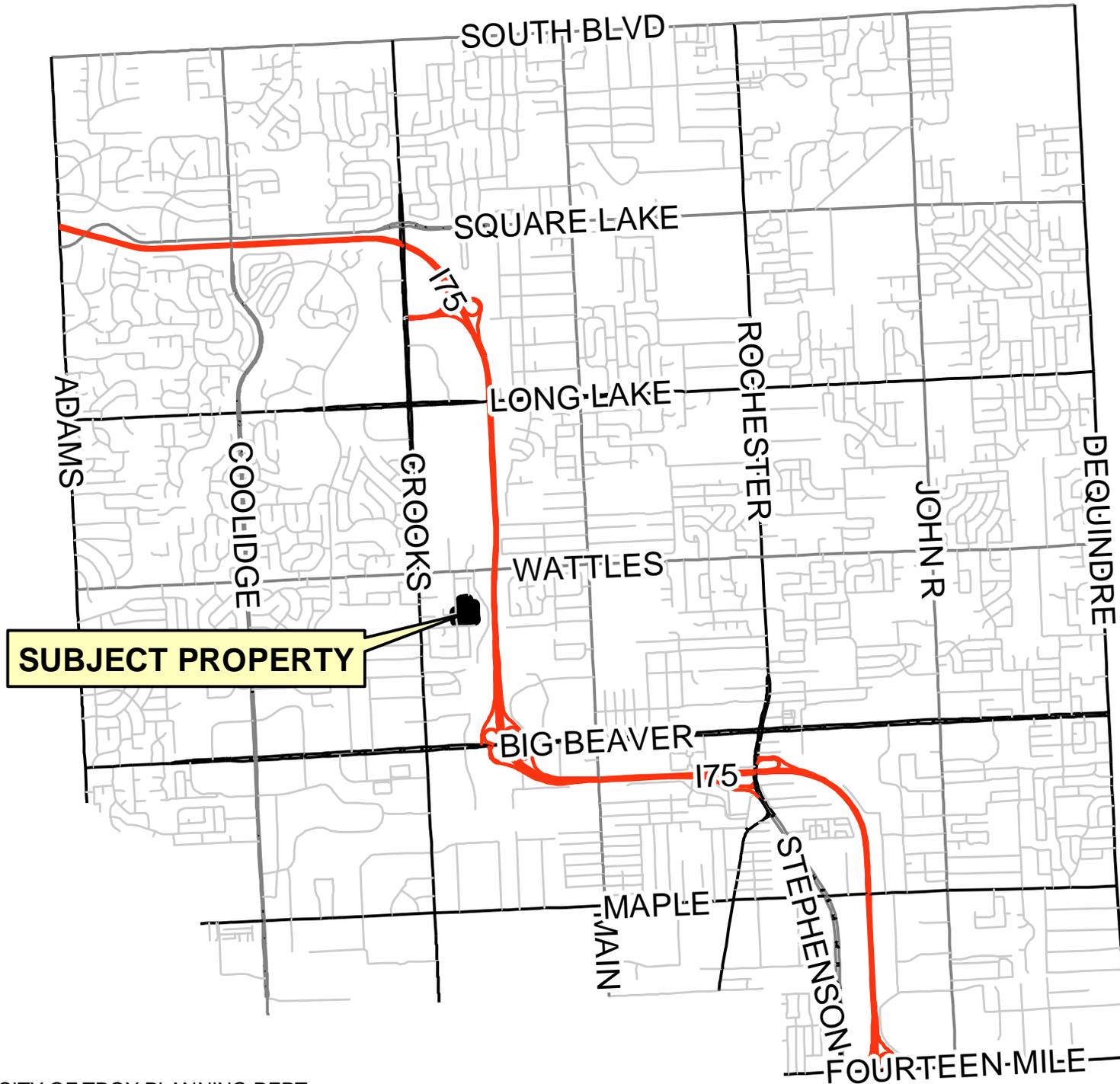
1. Maps.
2. Minutes from the October 9, 2007 Planning Commission Regular meeting.

Prepared by RBS/MFM

cc: Applicant
File /Villas of Troy

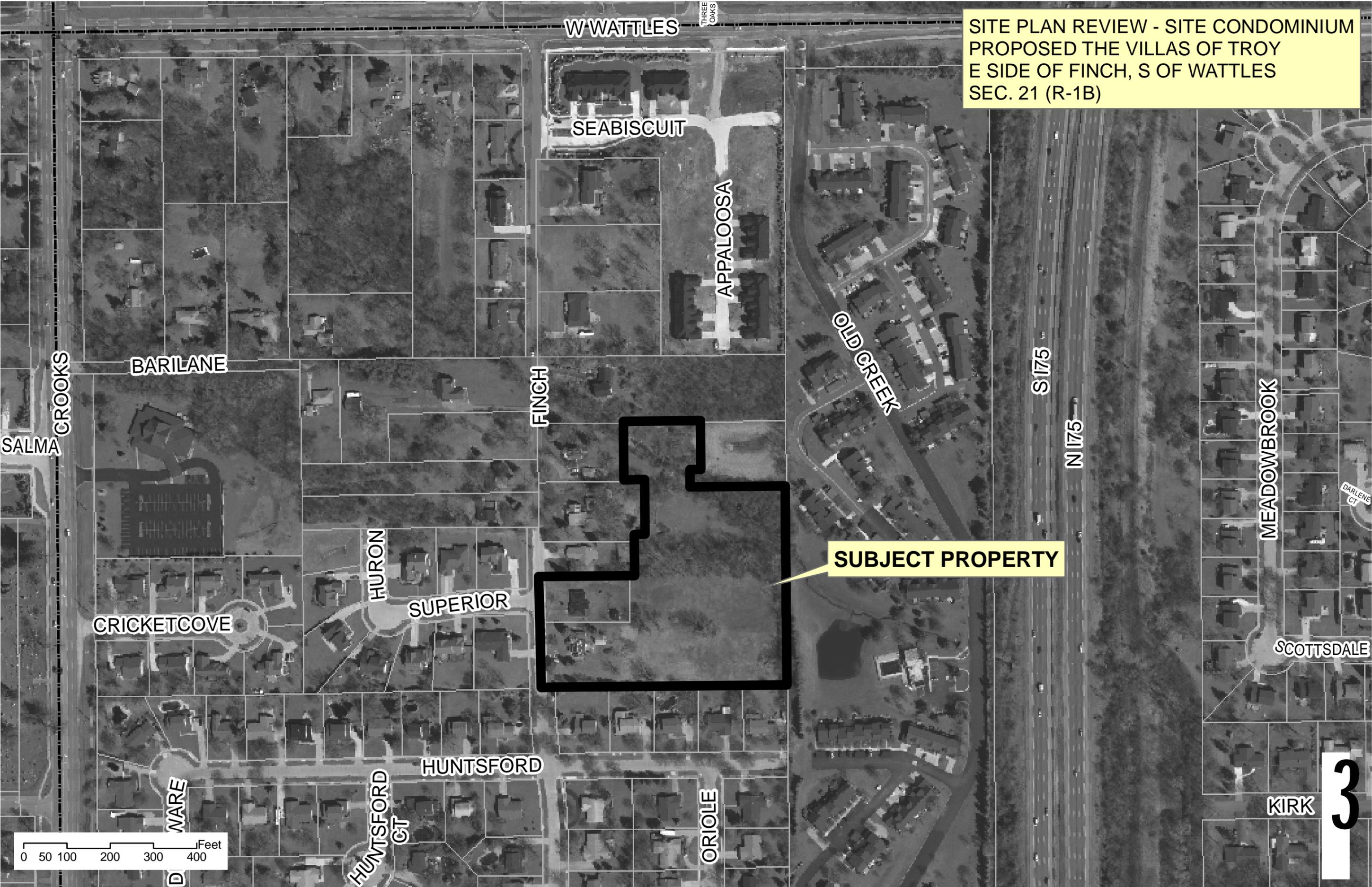
G:\SUBDIVISIONS & SITE CONDOS\Villas of Troy Site Condo Sec 21\Villas of Troy CC Meeting 11 12 07.doc

CITY OF TROY



SUBJECT PROPERTY

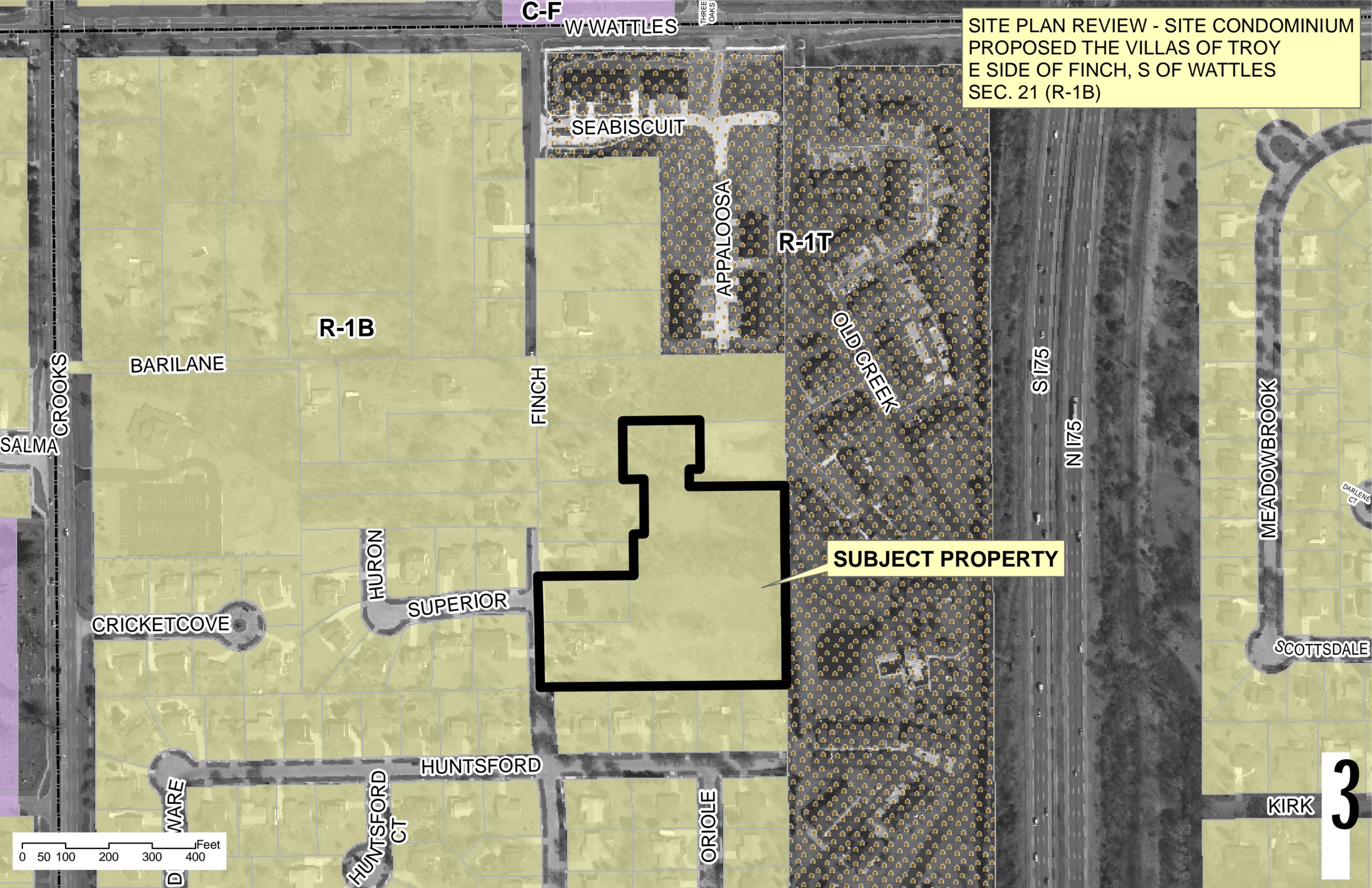
SITE PLAN REVIEW - SITE CONDOMINIUM
PROPOSED THE VILLAS OF TROY
E SIDE OF FINCH, S OF WATTLES
SEC. 21 (R-1B)



SUBJECT PROPERTY

0 50 100 200 300 400 Feet

SITE PLAN REVIEW - SITE CONDOMINIUM
PROPOSED THE VILLAS OF TROY
E SIDE OF FINCH, S OF WATTLES
SEC. 21 (R-1B)



6. SITE CONDOMINIUM SITE PLAN REVIEW – Villas of Troy Site Condominium, 11 Units/Lots Proposed, South of Wattles Road, East side of Finch, Section 21, Zoned R-1B (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report on the proposed site condominium, and reported it is the recommendation of City Management to approve the application with the condition that the floodplain boundary is approved by the MDEQ and FEMA prior to final site condominium approval.

Mr. Vleck asked for clarification on whose authority it is to determine the feasibility of the parallel plan.

Mr. Savidant stated the Engineering Department determined the parallel plan and site plan can be engineered, as shown on the plan.

Ms. Lancaster addressed the ordinance relating to the determination of the feasibility of the parallel plan, and interpreted the ordinance to read that the authority or responsibility lies with the Engineering Department.

The petitioner, Joe Maniaci of Mondrian Properties, 50215 Schoenherr, Shelby Township, was present. Mr. Maniaci said the proposed parallel plan and cluster plan meet all City ordinance requirements. He indicated the density factor is below the maximum allowed and that they are not asking for any variances or special use. Mr. Maniaci said it is their intent to leave as many trees as possible on the site and the nature area in the back would remain for the use and enjoyment of the residents.

Mr. Savidant briefly addressed the open space provisions offered as an option to petitioners.

Chair Schultz opened the floor for public comment.

Janet Martin of 3912 Old Creek, Troy, was present. Ms. Martin addressed concern for potential flooding problems in the area.

Michael Wullaert of 860 Huntsford, Troy, was present. Mr. Wullaert asked the Planning Commission to give consideration to the trees existing at the south end of the site as the development goes forward.

Chair Schultz addressed the engineering development standards for rear yard drainage in relation to the trees to the south.

Rob Wilson of 3776 Finch, Troy, was present. Mr. Wilson said Choice Development, to whom he sold his property, assured him that the site would be developed with full size lots and full size homes. Mr. Wilson said if he would not have sold his property had he known the site would be developed as proposed.

Liberty Garamillo of 3830 Finch, Troy, was present. Mr. Garamillo addressed concerns with the existing wildlife and green environment as relates to the enjoyment of the residents.

The floor was closed.

Mr. Strat shared the concern for the trees to the south of the property, and objects to the lack of creativity on the storm water management.

Ms. Troshynski said the development is extremely dense and expressed concern with potential drainage problems. She addressed the open space and natural area.

Mr. Hutson shared the concerns voiced on storm water management and existing natural environment, but indicated he would support the plan because it meets all ordinance requirements.

Ms. Kerwin asked the petitioner if he would continue to work with the residents on concerns voiced tonight and in correspondence, should the project go forward.

Mr. Maniaci said they would work with the City Engineer to save as many trees as possible, and indicated the existing pine trees were addressed with the Engineering Department to some resolve. He addressed the City ordinances with respect to rear yard drainage and storm water management. Mr. Maniaci shared his reasoning in choosing to develop the site as cluster.

Ms. Kerwin said her point is that it might be a good idea to meet with the residents who surround the site and address their concerns.

Resolution # PC-2007-10-157

Moved by: Vleck
Seconded by: Hutson

RESOLVED, That the Planning Commission recommends to City Council that the Preliminary Site Plan (Section 34.60.00 Open Space Preservation Option), as requested for Villas of Troy Site Condominium, including 11 units, located south of Wattles, east side of Finch, Section 21, within the R-1B zoning district, be granted, subject to the following condition:

1. Prior to Final Site Plan Approval, the flood plain boundary shall be approved by the MDEQ and FEMA.

Yes: All present (9)

MOTION CARRIED

The Villas of Troy Site Condominium
Preliminary Site Plans
are included with Council's agenda packets
and available for public viewing at the
City Clerk's Office and the Troy Public Library



CITY COUNCIL ACTION REPORT

October 26, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Alcohol Sales on Golf Course(s)

Background:

- Chapter 30, Section 10C of the City Code prohibits the sale of alcohol on the golf course(s).
- Previously, the food service providers at both golf courses have informally inquired about the possibility of allowing alcohol sales on the golf course.
- Attached is correspondence from Gordie Kosch, Sanctuary Lake food service provider, formally requesting the City permit the sale of alcohol on the Sanctuary Lake course.
- Golfers are allowed to buy two beers in the restaurant(s) and take onto the golf course.

Financial Considerations:

- As the Sanctuary Lake food Contractor pays a percentage of sales over \$125,000, there is the potential for additional revenue to the City by allowing alcohol to be sold at Sanctuary Lake Golf Course.
- Although direct revenue from the sales will not be increased at Sylvan Glen since the Contractor pays rent, allowing alcohol sales on the course would enable the contractor to increase revenue and remain a viable business.
- There is interest from many golfers for this service and, if allowed, could result in additional golf rounds.

Legal Considerations:

- Chapter 30 of the City Code will need to be revised to allow sales on the golf course proper.
- If approved, addendums to the agreements with the food service providers at both golf courses would be prepared and forwarded to the City Council for approval.

Policy Considerations:

- Allowing the sale of alcohol on the golf course(s) helps to attract and retain investment. (Goal 3)

October 26, 2007

To: Phillip L. Nelson, City Manager
RE: Alcohol Sales on Golf Course(s)

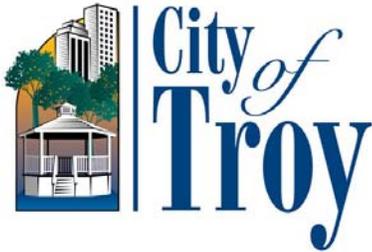
Options:

- City Council can direct staff to pursue options to allow alcohol to be sold on the golf course and to prepare addendums to the agreements with Kosch and Camp Ticonderoga to allow alcohol sales on the golf course(s).
- City Council can take no action.

Where legal review is necessary:

Approved as to Form and Legality:

Lori Grigg Bluhm, City Attorney



CITY COUNCIL REPORT

November 6, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Parks and Recreation Advisory Board Action – Alcohol Sales at the Golf Courses

At the November 1, 2007 meeting of the Parks and Recreation Advisory Board the following action was taken:

Resolution #PR-2007-11-21

Moved by: Fejes
Seconded by: Redpath

RESOLVED, That the Parks and Recreation Advisory Board recommends that the City Council direct staff to pursue options which would allow alcohol sales on the golf courses and further that the City Council direct staff to prepare addendums to the existing food service agreements at both courses allowing alcohol sales on the golf course proper.

Yes: 3 Krent, Fejes, Redpath
No: None
Abstained: 3 Zikakis, Kaltsounis, Noce
MOTION FAILED

9/18/07

Carol Anderson
City of Troy
Director of Parks and Recreation
3179 Livernois
Troy, MI 48083

Dear Carol,

After a season of operations at Sanctuary Lake we are pleased to communicate that it was a successful year of transition and customer appreciation. So many of our guests shared their happiness over the many improvements of the operation, from the interior renovations, to the patio clean up and window panels, to the expanded menu and services.

One opportunity for an additional point of customer appreciation would be the inclusion of beer sales on the golf course. As you know, the City of Troy created an addendum to the State of Michigan Liquor Control Commission Licenses at Sanctuary Lake and Sylvan Glen not allowing beer sales on the course. If there was (is) one point of contention by many of our golfers, it is that restriction of beer sales, if we heard the complaint once, we heard it a hundred times. And perhaps more discerning is fact that we lost many golf outing groups because once they learned we could not service their group with beer on the course they said they would just go someplace else.

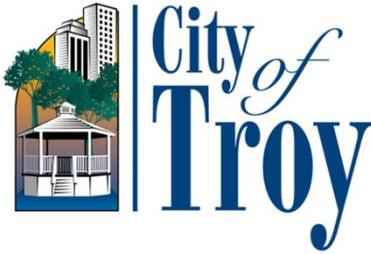
Locally and in the State of Michigan the vast majority, about 85% of public courses do allow beer sales on the course, so this puts us at a competitive disadvantage. Our agreement with the City of Troy does pay a percentage of sales, so by approving this ability to allow the golf courses to sell beer on the course would make for happier golfers (most of which are Troy residents), and would provide the city with more revenue.

Since the Michigan Liquor Control Commission does not restrict golf course beer sales in this regard, this would not require an intervention with the MLCC.

Carol we would like this to be presented to the city council for review and consideration. I would appreciate the opportunity to discuss this and hopefully gain council's approval.

Sincerely,

Gordie Kosch
President
Kosch Catering & Corporate Dining



CITY COUNCIL ACTION REPORT

Date November 5, 2007
TO: Phillip L. Nelson, City Manager

FROM: Tonni L. Bartholomew, City Clerk

SUBJECT: Continued Automatic Mailing of *Absentee Voter Ballot Applications* to Troy Voters on the Permanent Absentee List and Voters 60-Years of Age and Older

Background:

In order to continue the practice of mailing unsolicited *Absentee Voter Ballot Applications* to qualified Troy registered voters, Council can pass a resolution affirming the practice as authorized under the Home Rule Cities Act, (MCL 117.1 et seq.). This affirmative resolution would clarify the authority that the City of Troy relies upon in providing this service to our residents, and distinguish Troy from the City of Detroit, who has been enjoined from mailing these applications by a 2/1 decision at the Michigan Court of Appeals (October 25, 2007). Time is of the essence, since the applications for the January 15, 2008 election are slated to be mailed on November 20, 2007.

Troy joins the majority of other Oakland County communities in engaging in this practice. As part of Oakland County Clerk Ruth Johnson's January 2005 implementation of the Election Consolidation Laws, each community agreed to automatically mail *Absentee Voter Ballot Applications* to the registered voters on the *Permanent Absentee Voter Request List*, as well as those Registered Voters who are 60 years of age or older. Around this same time, there were two challenges to this practice that were registered against the City of Detroit, as well as Macomb County. In order to avert any additional challenges, there were unsuccessful efforts to explicitly authorize the practice in legislation. The current version of the law is silent on the issue, and there is no express authorization or prohibition of the practice.

The City of Troy has automatically mailed *Absentee Voter Ballot Applications* to Troy voters who are on the *Permanent Absent Voter List* for over ten years. In 2005, these *Absentee Voter Ballot Applications* were also mailed to all registered voters that were 60 years old or older, and this practice has continued for at least seven elections. Through our contacts with these registered voters, we know that there is a great reliance on the *Absentee Voter Ballot Application* mailing. In those cases where an *Application* is delayed by the mail service, the registered voter will call us to make sure that the *Absentee Voter Ballot Application* was mailed.

Macomb County prevailed in their similar Circuit Court lawsuit, which was dismissed in August of this year. The City of Detroit case, which was a little more complicated, was decided by the Michigan Court of Appeals on October 25, 2007. The Court of Appeals, in a 2-1 decision, determined that the Detroit City Clerk was appropriately enjoined from mailing unsolicited absentee ballot applications to Detroit voters. In that case, the absentee voter applications were mailed with a cover letter that was signed by the Detroit City Clerk, which is an elected position. The ballot included the contested City Clerk position. In addition, there were other factors that exacerbated the potential for undue influence in the Detroit case.

Based on the facts in the Detroit case, the Michigan Court of Appeals opinion contains some language that notes that there is no express authority for election officials to mail unsolicited absentee ballot applications under the Michigan Election Law. Unless and until this 2-1 decision is challenged, each Michigan community that provides *Absentee Voter Ballot Applications* to their residents should take affirmative action to allow for the practice to continue. It should be noted that dissenting Judge Smolenski found that there was no prohibition to the automatic mailing of *Absentee Voter Ballot Applications*;

There are several reasons for the City of Troy to continue its practice of mailing the *Absentee Ballot Applications* to qualified Troy voters. First, the practice is condoned by the Michigan Secretary of State, and is expressly allowed on the Information for Election Administrators, Michigan Qualified Voter File News You Can Use (NYCU) Election News Archive, on the Secretary of State web site. According to this web site, "A city or township clerk may mass mail blank absentee voter ballot applications to eligible absentee voter in advance of elections at his or her discretion; such mailings are not required by law. Mail lists used clerks to distribute blank absentee voter ballots applications forms must be equitably compiled." Second, the Troy voters have come to expect this service, which is a convenience to them. By automatically mailing out the *Absentee Ballot Applications*, voters are notified of upcoming elections, and are encouraged to vote. Third, although the *Absentee Voter Ballot Application* is available on the City of Troy web site, many of the persons who qualify for an absentee ballot will not download the Application from the web site or don't have alternative access to the application. Fourth, it is our belief that there will be a large number of voters that will be routinely expecting an application prior to the election and will not make contact to the Clerk's office to request an application in a time frame that will provide for adequate mailing time to an out-of-state destination. These voters will lose their voting right at no fault of their own. Fifth, in many other communities (including the City of Detroit), non-city groups or organizations have stepped in and have assumed the responsibility of mailing the city's *Absentee Voter Ballot Applications* to their registered voters. This mailing in some jurisdictions, but not others, may result in disproportionate voter participation on significant ballot questions which cross jurisdictional boundaries.

Financial Considerations:

The current practice of mailing *Absentee Voter Ballot Applications* has saved the City money. By sending out the approximately 13,500 *Absentee Voter Ballot Applications* prior to every election, we are able to use bulk mailing for both the Applications for Absentee Voter Ballots as well as the Absentee Ballots themselves. This is possible since we are able to mail our *Absentee Ballot Applications* at prior to the first day a voter may submit an application for a ballot (75-days prior to an election). This generally leads to an early return of the majority of the *Applications*, which is generally

well before the ballots are available. This allows us to process the *Absentee Voter Ballot Applications*, and prepare for the mailing of the absentee ballots, which are processed at our earliest convenience. Generally, there are thousands of absentee ballots waiting to be mailed at one time, and therefore the city saves significant dollars on postage fees through the Election Logo Bulk Mail Permit. The cost savings realized by utilizing our Election Logo Bulk Mail Permit is estimated to be around \$17,000 for a November Presidential Election, based on past records.

If Troy is required to discontinue its current practice, then each request would be generated by individual pieces of mail and thus the elimination of the bulk mail savings. In addition to these direct mailing costs, there would also be a significant impact to the City Clerk staff, since a change would likely result in a dramatic increase in phone calls and personal contacts with voters requesting individual *Absentee Voter Ballot Applications*. The impact of the additional contact would most likely require significant part-time staffing to process the anticipated 13,500 individual contacts.

Legal Considerations:

The City Attorney's Opinion is attached to this City Council Action Report

Policy Considerations:

Due to time constraints, it is requested that a Council Resolution be adopted to continue the automatic mailing of *Absentee Voter Ballot Applications* with consideration to the adoption of an ordinance to provide for similar relief to be reviewed and offered as reinforcement to the resolution. There are no current policies or ordinances that govern the mailing of automatic AV Ballot Applications

Options:

To continue the practice and precedent of mailing *Absentee Voter Ballot Applications* to Registered Voters on the *Permanent Absentee Voter Ballot* list as well as Registered Voters 60-years and older under the provisions granted to Home Rule Cities, MCL 117.1 et seq. or discontinue the mailing of all automatic *Absentee Voter Ballot Applications*.

Approved for Submittal:

Phillip L. Nelson, City Manager

Approved as to Form:

Lori Grigg Bluhm, City Attorney

F- Automatic Distribution of Absentee Voter Ballot Applications

Resolution #2007-11-

Moved by

Seconded by

WHEREAS, The City of Troy has maintained a Permanent Absentee Voters List in excess of ten-years and has mailed *Absentee Voter Ballot Applications* prior to every election to the voters on the list as well as mailed applications to voters age 60 and over, one of the statutory reasons to be eligible to receive an Absentee Ballot, for the past 7 elections;

WHEREAS, The City of Troy believes that this is a service provided to its residents and eliminating the mailings would be a disservice to voters accustomed to receiving *Absentee Voter Ballot Applications*;

WHEREAS, The Michigan Court of Appeals issued a decision on October 25, 2007, as result of an appeal by the City of Detroit to the Wayne County Circuit Court's ruling in 2005 that then Detroit City Clerk Jackie Currie had exceeded her authority to mail *Absentee Voter Ballot Applications* to Detroit voters on her Permanent Absentee Ballot Voter List, which were generally voters 60-years or older;

WHEREAS, Detroit City Clerk Jackie Currie was an elected City Clerk and was a candidate for re-election listed on the ballot when the case was filed against her;

WHEREAS, The Troy City Clerk is an appointed official and has no personal gain in the distribution of unsolicited *Absentee Voter Ballot Applications* to Troy Registered Voters;

WHEREAS, The Michigan Court decision contains language that municipal clerks are not authorized by Michigan Election Law to mail unsolicited *Absentee Voter Ballot Applications* to voters, based on the Election Law provision cited in Section 168.759(5) which states that "The clerk of the city, township, or village shall have *Absentee Voter Ballot Applications* forms available in the office of the clerk at all times and shall furnish an *Absentee Voter Ballot Application* form to anyone upon a verbal or written request";

WHEREAS, Under Michigan Election Law, there are 478 times that the Legislature has used the words "shall not", but no similar limitation of unsolicited mailing of *Absentee Voter Ballot Applications* is expressed in Section 168.759(5);

WHEREAS, The Home Rule City Act, MCL 117.1 et seq., gives a broad range of authority to Home Rule Cities;

WHEREAS, The Troy City Charter, Section 2.1, General Powers, states, in part, "City and its officers shall have and be vested with any and all powers which Home Rule Cities";

WHEREAS, The Troy City Council believes that providing services to the residents of the City of Troy is a right and responsibility of local government;

WHEREAS, The City of Troy will be penalized financially by a per piece distribution of applications and ballots at the verbal or written request by qualified voters as the City will not be eligible to utilize their special Election Logo Bulk Mailing rate;

WHEREAS, The current City of Troy staffing levels will not be sufficient to handle the anticipated dramatic increase of in-person contacts for Absentee Voter Ballots;

WHEREAS, Every election administered by the City of Troy will have a dramatic increase in staffing and postage expenses;

WHEREAS, The November 2008 General Election will have an added expenditure for postage in an estimated amount of \$17,000.00 and an undetermined expenditure for an increase in part-time staffing needs;

WHEREAS, It is in the best interest for the City of Troy to encourage its voters to participate in the Election process;

WHEREAS, Troy voters are accustomed to receiving automatic mailings of *Absentee Voter Ballot Applications*, and the elimination of this practice may lead to disenfranchising voters who have previously relied upon the automatic mailing to exercise their right to vote;

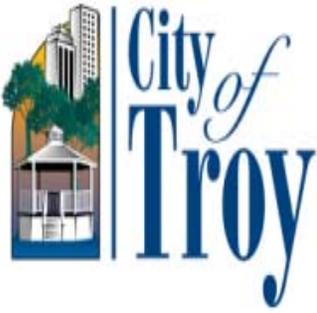
WHEREAS, Discontinuing the automatic mailing of *Absentee Voter Ballot Applications* to Troy voters, who have received applications for several elections and in excess of ten-years, is a disservice to those voters; and

WHEREAS, The right to vote is one of the very fundamental provisions of the United States Constitution and it is the belief of the Troy City Council that every effort should be made to assure that right is not disturbed;

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council, under the Authority given to Home Rule Cities through MCL 117.1 et seq., hereby **DIRECTS** the Troy City Clerk to continue to automatically mail *Absentee Voter Ballot Applications* to voters of the City of Troy in the manner that has been established as a practice and precedent of the Troy City Clerk's Office.

Yes:

No:



TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: November 5, 2007
SUBJECT: Absentee Voter Ballot Applications

As a service to the residents of the City, the Troy City Clerk has been sending Absentee Voter Ballot Applications (AV Apps) to voters in the City. AV Apps are available on the City's web page, as well as the Michigan Secretary of State web page, or in person or by request through the City Clerk's office. AV Apps can also be mailed out by independent organizations, including but not limited to the political parties or groups with a focused message. As a convenience to the Troy voter, the City Clerk mails these applications at the earliest opportunity. The mailing of these AV Apps from a Permanent Absentee Ballot List (which includes but is not limited to those persons 60 years of age and older, precinct workers, and disabled persons), provides some economy of scale, since the mass mailing can be sent via the Election Bulk Mail rate. This would not necessarily be true if each request for an AV ballot were processed individually. However, there is a recently released Court of Appeals decision that might require the City Clerk to do a case by case processing, absent contrary action by City Council.

In *Taylor v. Currie and Detroit Election Commission*, released on October 25, 2007, elected City of Detroit Clerk Jackie Currie mailed AV Apps to voters in the City in 2005. At that time, the City of Detroit's Absentee Voter File was fairly large, since it had not been regularly purged by the Clerk, even when previous mailings were returned to the Clerk as undeliverable. Instead of just sending the Absentee Voter Application, the Detroit City Clerk, who was a candidate on the ballot, also sent a cover letter with each mailing. This practice was challenged by Ms. Taylor, who was an unsuccessful candidate in the election. According to the majority opinion of the Michigan Court of Appeals, Ms. Currie was distributing propaganda at the City's expense. However, instead of focusing on Campaign Finance laws, which prohibit the use of a municipality's funds to further an individual campaign, the Court relied upon the Michigan Election law in issuing an injunction, prohibiting Ms. Currie from further distribution of the AV App and her cover letter. In upholding the injunction against Ms. Currie, the Court of Appeals relied on MCL 168.759 (5), which states (in part) "(t)he clerk of the city, township, or village shall have absent voter ballot application forms available in the office of the clerk at all times and shall furnish an absent voter application form to anyone upon a verbal or written request." The Court noted that this provision does not expressly provide municipal clerks with the authority to bulk mail AV Apps. According to the Court, "municipal officers... have only such powers as are expressly granted by statute or by sovereign authority or those which are necessary to be implied from those granted." (*Presnell v. Wayne County Board of Road Commissioners*, 105 Mich. App. 362, 368 (1981)). Since Jackie Currie was the elected City Clerk, she was a municipal officer, whose authority was limited to only the expressly identified powers. This holding was challenged by dissenting Judge Smolenski, who said "I do not agree that MCL 168.759 implicitly prohibits clerks from mailing unsolicited applications for absent voter ballots..." Judge Smolenski cautioned that silence in a statutory provision doesn't necessarily mean that there was legislative intent to prohibit the activity. The context of a statutory provision should be examined. If the statute is written so that prohibited conduct is clearly identified, then all prohibited

conduct should be spelled out in the legislation. Mass mailing of AV Apps is not covered by Michigan Election law at this time, although there have been some unsuccessful efforts to amend the laws to expressly address this. However, in the interim, mass mailing of AV Apps is neither expressly prohibited or expressly permitted under Michigan law. Since the remainder of Michigan election law clearly identifies all prohibited actions, as well as all required actions that are necessary to preserve the integrity of the election process, the failure to address the mailing of AV Apps should not necessarily be construed as a prohibition, according to Judge Smolenski. Although he did not receive support from the two other panelists, it is possible that his logic would be adopted by the Michigan Supreme Court if the case is appealed. In August of this year, the Macomb County Circuit Court dismissed a similar challenge against the Macomb County Clerk, who did a mass mailing of AV apps. This case, although not precedential, does show support for Judge Smolenski's rationale.

In the meantime, the Detroit case does have some language that infers that there is no authority under the Michigan Election Law for an election official (ie, City Clerk) to do a mass mailing of the AV Apps. The *Taylor* case was limited to Michigan Election Law, and the appropriateness of an injunctive order against elected Detroit Clerk Jackie Currie. The *Taylor* case focused on an alleged abuse of power by a municipal official. It did not discuss the broad grant of power given to a municipality to govern its own affairs in the Michigan Home Rule Cities Act. Section 4 j of the Home Rule Cities Act (MCL 117.4j) authorizes the exercise of all municipal powers in the administration of government, whether enumerated or not. Troy's Charter also recognizes the broad grant of power provided under the Home Rule Cities, and provides that "Unless otherwise provided in this Chapter, the City and its officers shall have and be vested with any and all powers which Home Rule Cities and their officers are now or hereafter may be permitted to exercise under the Constitution and Statutes of the State of Michigan... In no case shall any enumeration of particular powers in this Charter be held to be exclusive." (Section 2.1) Following this, Troy City Council is vested with the authority to govern the City, as long as there is no direct conflict with state or federal statutory or constitutional provisions.

In her memorandum, the Troy City Clerk has identified several reasons why AV Apps are sent to the Troy voters. These reasons include the prevention of voter disenfranchisement, as well as cost savings which are realized through the use of bulk mail. The Troy City Clerk has sent out the AV Apps for several years, and is in a good position to analyze the benefits of doing the bulk mailing of the AV Apps. Since Troy's Clerk is not elected, the potential risk of using the AV Apps as election propaganda is eliminated, unlike in some of the other Michigan municipalities where the City Clerk is an elected position.

If the Troy City Council wants to continue the practice of having AV Apps mailed to the voters, then Council should make clear that it is a legislative mandate, which is permitted under the Home Rule Cities Act. A proposed resolution has been prepared for your consideration.

If you have any questions concerning the above, please let me know.



CITY COUNCIL ACTION REPORT

October 11, 2007

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance/Administration
Nino Licari, City Assessor

SUBJECT: Announcement of Public Hearing for Seco Tools, Inc., Bellingham

Background:

- Seco Tools, Inc. has requested the establishment of an Industrial Development District (IDD), and the issuance of an Industrial Facilities Exemption Certificate (IFEC) for their move to a new building being constructed for them on Bellingham, in Section 26.

Financial Considerations:

- The financial considerations cannot be determined at this time.

Legal Considerations:

- The legal considerations cannot be determined at this time.

Policy Considerations:

- Policy considerations will occur at the Public Hearings.

Options:

- The public hearings will be on December 17, 2007 to conform to State law.

CITY OF TROY
PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, December 17, 2007 at 7:30 P.M. to consider the request from Seco Tools, Inc., for the establishment of an Industrial Development District (IDD) at the following location:

T2N, R11, E, of Section 26
2805 Bellingham, Troy, Michigan 48083,
Parcel # 88-20-26-200-088

You may express your comments regarding this matter by writing to this office, or by attending the Public Hearing.

Tonni Bartholomew, MMC
City Clerk

NOTICE: *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@ci.troy.mi.us or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

CITY OF TROY
PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, December 17, 2007 at 7:30 P.M. to consider the request from Seco Tools Inc., for the granting of an Industrial Facilities Exemption Certificate (IFEC) for a period not to exceed 12 years, beginning December 31, 2008, for personal property located at:

T2N, R11, E, of Section 26
2805 Bellingham, Troy, Michigan 48083,
Parcel # 88-20-26-200-088

You may express your comments regarding this matter by writing to this office, or by attending the Public Hearing.

Tonni Bartholomew, MMC
City Clerk

NOTICE: *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@ci.troy.mi.us or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

**TROY SCHOOL DISTRICT
MICHAEL ADAMCZYK
4400 LIVERNOIS
TROY MI 48098-4799**

**OAKLAND COMMUNITY COLLEGE
CLARENCE E BRANTLEY
2480 OPDYKE
BLOOMFIELD HILLS MI 48304-2266**

**OAKLAND INTERMEDIATE SCHOOLS
2111 PONTIAC LAKE
WATERFORD MI 48328**

**OAKLAND COUNTY PTA
PATRICK DOHANY
1200 N TELEGRAPH Dept 479
PONTIAC MI 48341-0479**

**OAKLAND COUNTY EQUALIZATION
DAVID HIEBER
250 ELIZABETH LAKE RD 1000 W
PONTIAC MI 48341**

**SECO TOOLS, INC
MICHAEL L NEEL
11177 E 8 MILE RD
WARREN MI 48089**

Call to Order

The regular meeting was called to order at 7:06 p.m. at Troy City Hall.

Roll Call

Present:

Kent Voigt	Nancy Chen, Student
Bryan Wehrung	Cindy Stewart, City Liaison
Tom Belian	Penny Marinos (8 pm)
Lisa Martinico	

Absent:

Brian Wattles, Alan Manzon

Approval of Minutes

Motion to approve minutes of January 17, 2007 with one change – section I Cable not Bable.

Motion by Kent Voigt
Seconded by Lisa Martinico
APPROVED UNANIMOUSLY

Introductions

New Member - Tom Belian is a 10 yr resident. Works in IT @ Flagstar Bank. Does programming with CMN as a volunteer.

Correspondence

A. Comcast – Channel Addition & Repositions – March 13, 2007

Channel additions – WTVS, Bloomberg, WDWO (total Christian TV)
Channel reposition – ESPN Classis (28 to 265)
Also digital classic will no longer be available to new customers.

B. Comcast – Upgrading Broadband Network – February, 2006

Comcast is upgrading its broadband network in Troy area. Upgrades will allow them to add Comcast Digital Voice. Since 1996, Comcast has spent over \$2 billion on Michigan's advanced broadband infrastructure to ensure their network performance is 2nd to none.

C. Comcast – Upgrade to Local Broadband Network - \$13 million investment – February 15, 2007

Upgrade to local broadband network had officially begun, a \$13 million investment. This represents a portion of the \$2 billion investment made in the last 10 years in Michigan region in order to provide technology and innovative new products.

Articles

A. AT&T Ready to Take on the Cable Television Competition – Free Press – April 12, 2007

Livonia will be one of the first communities in the state where AT&T plans to challenge the dominance of cable in offering channels not available with an antenna. Most communities have only one cable provider and AT&T hopes to tap into consumer frustration by offering an alternative. Livonia was one of the few to support the new law and AT&T also installed the necessary infrastructure in 2006.

B. Cable Penetration Hits 17 Year Low – MultiChannel News – March 19, 2007

Cable penetration dropped to a 17-year low of 61.3% in Feb. as pay TV competition from direct-broadcast satellite and telephone rivals continues to eat into the basic subscriber counts of cable distributors. Analysis conducted by Nielson Media Research.

C. Analog Television Sets Outlawed – TVWeek.Com – Mar. 8, 2007

As of March 1, companies are restricted from importing analog TV's from foreign countries. In 2 years, over-the-air analog TV broadcast signals will go dark as part of the Congressionally mandated push toward an all digital medium to help free up airwaves. In the U.S. there are about 20 million U.S. households using pure analog sets. The govt. has approved \$1.5 billion for a voucher program to help analog TV owners arrange the switch. The digital converter box will cost \$50-\$70 and the govt. voucher coupon will be worth \$40. Check www.dtvtransition.org

D. Telephone Companies Entering into the Video Arena – December 21, 2006

Television companies getting help in elbowing their way into the video arena that the Cable industries has dominated. Federal regulators moved to speed up the local approval process for phone companies seeking to compete. The action came in a 3-2 vote by the FCC.

E. Senate Clears Way for Cable TV Reform – Detroit News – Dec. 13, 2006

F. New Era Arrives for Cable Customers – Free Press – December 13, 2006

New Business

VRAD/Cable/Phone boxes – Troy Yards: Concern that these boxes are not aesthetically pleasing – tilted, doors open, hanging. Can this board do anything? Let people know they can call the City to complain. In a future Troy Today, put info re: if cable/phone needs repair, please call the City.

Old Business

The City of Troy has received a Uniform Video Service Local Franchise Agreement from AT&T. This uniform agreement is the result of 2006 PA 480 (MCL 484.3303), which was effective January 1, 2007. AT & T has also served a Uniform Video Service Local Franchise Agreement on several other metropolitan Detroit communities.

Prior to this new law, communities were able to negotiate cable franchises with any proposed providers. Although the annual franchise fee was one item of negotiation, municipalities also insisted on other provisions, such as requiring providers to procure appropriate insurance coverage, requirements for the cable providers to make their services available to the entire community (including the less affluent sections of the City), and a demonstration of their experience and financial security. With the passage of the new law, communities are precluded from negotiating any of the above referenced items.

Under the new law, once a municipality receives a Uniform Video Service Local Franchise Agreement from a proposed provider, it has 15 business days to determine whether the application was complete. The City received AT&T's Franchise Agreement on March 29, 2007, so if the City is going to object to the completeness of this uniform agreement, it would need to be done at the April 16, 2007 City Council meeting. Upon information and belief, there are some communities that are objecting to the completeness of the AT&T Franchise Agreement, based upon the fact that AT&T has failed to fill in the appropriate franchise fee and/or PEG (Public, Education, and Government Access) fee information and/or AT&T has failed to provide a map that meets or exceeds national map accuracy standards.

City Administration does not recommend objecting to the completeness of the AT&T Franchise, since the franchise amount is clearly based on the franchise amount paid by the incumbent cable provider with the largest customer base in the City of Troy (currently Comcast). The PEG fees are also based on the amounts in the Comcast franchise. In regards to the map, the City can pass a

resolution requesting more detailed information as soon as the installation plans are finalized. As allowed by the new law, the map is confidential, and not subject to public dissemination.

If the City does not object to the completeness of the AT&T uniform cable franchise, then it will be automatically approved 30 days after receipt of a complete agreement (April 27, 2007). The uniform franchise is for a 10- year period of time, with 10-year renewals thereafter. The franchise fees will be 5%, which will be offset by any payments that AT&T makes under the METRO Act. The total cable franchise revenue for the City of Troy will likely be substantially reduced as a result of this new law.

B. Report on Web Publications from members

C. Wireless Oakland Update

A small part of Troy is functioning (Rochester & Hartland). Cisco and Microsoft are partnering with Wireless Oakland.

Staff Report

A. WTRY Cable Guide

B. CAC Member Listing

C. ICCA Meeting Notes – Final – January 24, 2007

D. Next Meeting: Thursday, July 19, 2007.

Adjournment

Motion to adjourn by Lisa Martinico, seconded by Kent Voigt.
Approved Unanimously. Meeting adjourned at 8:14 pm

Bryan Wehrung

Cindy Stewart, Recording Secretary

CALL TO ORDER

A regular meeting of the Troy Daze Festival Advisory Committee was held Tuesday, August 28, 2007 at the Troy Community Center. Meeting was called to order at 7:10 pm.

ROLL CALL

Members Present: Sandy Macknis
 Bob Berk
 Jeff Stewart
 Mike Gonda
 Bob Preston
 Jeff Super
 Dan O'Brien
 Sarah Wunderlich, Student Rep
 Kasey Wang, Student Rep

City Staff Present: Cindy Stewart
 Bob Matlick
 Gerry Scherlinck
 Jeff Biegler

Guests: Doris Schuchter
 Poncho Massaini
 Tim McAvoy
 Jonathan Campian
 Kelly Jones
 Lisa Neal
 Diana Dulock
 Mimi Ashamalla
 Tom Tighe
 Jeff Winiarski
 Shirley Darge
 Diana McKay
 Danielle Cover

Absent: Alison Miller
 Jim Hattan

RESOLUTION #TD-08-37
Moved by Mike Gonda
Seconded by Jeff Super

RESOLVED, that Alison Miller and Jim Hattan are excused
MOTION CARRIED

Additions/Deletions to Agenda

None

Approval of Minutes

Add Cooperrider to New Business d.

RESOLUTION #TD-08-38
Moved by Mike Gonda
Seconded by Jeff Stewart

RESOLVED, that the minutes of July 24, 2007 are approved as submitted with correction. MOTION CARRIED

New Business

Opening Ceremony Recognition: Troy Daze used to recognize vendors and sponsors. But we don't recognize volunteers who do it all. Perhaps it's time to end this recognition. At one point records were kept but they were not pristine. It would be difficult to recreate this information and we would not want to upset anyone we missed. We would in future do letters of appreciation.

RESOLUTION #TD-08-39
Moved by Mike Gonda
Seconded by Jeff Super

RESOLVED, to temporarily abandon the recognition program during Opening Ceremony. MOTION CARRIED

Work Schedule: Discussion was held related to Troy Daze work schedule. Some additions were made. Need Volunteers to help on Monday, Sept. 17 from 8 am – 2 pm to tear down the festival.

Old Business

a. Contract Updates

Purchase orders for everything. Insurance set for everyone.

Golf Carts – 12 - two-person carts
4 – utility carts
7 – utility carts with “L”-shaped box
12 – four-person shuttles
4 – six-person shuttles

b. Committee Updates

Tina's Party Ponies withdrew. It will be Carousel Acres out of South Lyon. Petting Farm (\$1 to brush the animals), \$3 for pony ride and \$5 for Polaroid Pictures.

Shuttles: Still need a few volunteers

EthniCity Tent: 12 groups scheduled to date

Senior Sensations:
10 am Bingo
11 am Health Fair
12 pm Lunch and entertainer Island Phil

Miss Troy/ Junior Miss Troy: Everything is set. Dress rehearsal is Thursday, Sept. 13 at 5 pm at Boulan Park Middle School. Float will be delivered to Troy High School on Saturday morning. Alison – Truck available to pull float?

Parade: Dealer Promotion is a 2008 Cadillac two-year lease (Dagleish Cadillac)
Bands need parade route map. Athens, Troy High, Avondale, Rochester and Romeo Marching Bands. 7 shuttle carts for Council and 2 six-passenger carts for School Board. Troy High Varsity Football team will carry the 65 Ethnic Flags.

Opening Ceremony: All set - Athens Trumpeters, Cub Scouts & Troy Community Chorus.

Special Needs Kids: 600 people (adults & children) will arrive at 9:30 am. Food and entertainment is all set. First lunch will be at 11:30 am.

Electrical: All Set

Police: Gerry wants to meet with rep from Arnold Amusements before we open re: closing times, city policies. Some miscommunication last year occurred and they sold tickets too late on Sunday evening. People were upset when we closed.

In case of emergencies, Boulan and Bemis are shelters. Emergencies will be announced over loudspeaker system. Nature of emergency will dictate what

action takes place. Emergency plan is in place and police will direct people. Fire department made tapes of sirens to go over PA system. Pagers from P.D. will be available to Troy Daze Operations.

Booth Mtg: Rules and agreement re: sale items will be discussed.

Police will arrange meeting with Diana about parade.

Talent Show: Judges are set. (Miss Teen Troy, Miss Troy, & other Community Members). Applications are coming in and trophies are ordered.

Presale stickers sold to date are 64.

Special Needs Adults: Get list from Arnolds about rides available for Special Needs Adults.

Student Volunteers: 297 students are signed up to volunteer. They received information about \$6 parking passes.

Publicity is everywhere

Booths are all sold out since 8/16

84 – indoor

7 – outdoor

18 – food

Arnolds Ride Bracelets: Pay one price

Saturday, 11 am – 5 pm, \$20

Sunday, noon – 5 pm, \$20

Thursday, 3 – 9 pm, \$10 for 10 rides (Must be purchased as 10 rides for \$10).

Suggestion List will be posted in Festival headquarters, but please add your name

Headquarters Trailer: Will be pop, water, food for committee. Food vouchers will be given to Committee Chairs for volunteers after working 4 hours.

A Booth Meeting will be held Wednesday, Sept. 5, at 7 pm in Room 304.

Public Comment

No public to comment.

Member Comment

None

Old Business

None

Adjourn

RESOLUTION #TD-08-40

Moved by Bob Preston

Seconded by Jeff Stewart

RESOLVED, that the Troy Daze Advisory Committee meeting of August 28, 2007 is adjourned.

Yes: All

No: None

MOTION CARRIED

Meeting adjourned at 8:46 pm.

Bob Berk, Co-Chairperson

Cindy Stewart, Community Affairs Director

CALL TO ORDER

A special booth meeting of the Troy Daze Festival Advisory Committee was held Wednesday, September 5, 2007 at the Troy Community Center.

ROLL CALL

Members Present: Sandy Macknis
 Bob Berk
 Jeff Stewart
 Mike Gonda
 Bob Preston
 Jeff Super
 Alison Miller
 Jim Hattan

City Staff Present: Cindy Stewart
 Bob Matlick
 Gerry Scherlinck
 Jeff Biegler

Guests: Tom Duszynski
 Tammy Duszynski
 Doris Schuchter
 Poncho Massaini
 Jonathan Campian
 Jeff Winiarski
 Shirley Darge
 Diana McKay

Absent: Dan O'Brien

New Business

- a. Parade - All shuttle carts will be used for Parade – run participants from parking lot back to Troy High. Parade set – meeting with Police on Thursday at 1 pm. (Mike Gonda, Bob Berk, Diana McKay, Cindy Stewart, Lt. Gerry Scherlinck, Tim McAvoy). Parade Grand Marshall will be Judge Michael Martone.
- b. Student volunteers - Over 300 volunteers are all set.
- c. Waffle Breakfast - Will have \$1 off coupons for seniors to go to Sunday waffle breakfast.
- d. New cars – 25 vehicles set

- e. Photo Contest – Large amount of entries have come in. Extending deadline to Monday, Sept. 10.
- f. Shirt Schedule
 - Thursday – Black
 - Friday – Gold
 - Saturday – Teal
 - Sunday – California Blue
- g. Operations Committee
 - Friday - Tents set up & volunteers will unload trailer
 - Sunday & Monday - rest of tents set up

Public Comment

No public to comment.

Member Comment

None

Old Business

None

Adjourn

RESOLUTION #TD-09-41

Moved by Jeff Stewart

Seconded by Mike Gonda

RESOLVED, that the Troy Daze Advisory Committee special meeting of September 5, 2007 is adjourned.

Yes: All

No: None

MOTION CARRIED

Meeting adjourned at 9:12 pm.

Bob Berk, Co-Chairperson

Cindy Stewart, Community Affairs Director

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, Sept. 6, 2007 at the Troy Community Center. Chair Bud Black called the meeting to order at 1:00 PM.

Present: Bud Black, Member
James Berar, Member
David Ogg, Member
Betty Coven, Member

Jo Rhoads, Member
JoAnn Thompson, Member
Merrill Dixon, Member
Carla Vaughan, Staff

Absent: Frank Shier, Pauline Noce (excused)

Visitors: Christine Nielsen, Beaumont Hospital, Paula Fleming, Troy School Board, Wade Fleming, Troy City Council

Approval of Minutes

Resolution # SC-2007-9-001
Moved by Jo Rhoads
Seconded by Betty Coven

RESOLVED, That the Minutes of June 7, 2007 be approved as submitted.

Yes: 7
No: 0

MOTION CARRIED

Visitor Comments

Christine Nielsen discussed the services that Beaumont Hospital offers. Paula Fleming reported on school district news. Wade Fleming announced the Comedy for a Cause benefit.

Old Business

Shuffleboard and Bocce Ball: Carla reported that there were 10 participants in the doubles shuffleboard league and 10 participants in the doubles bocce league. As for drop-in play: during June, July and August, the bocce equipment was checked out 22 times and the shuffleboard equipment 16 times. More publicity about the facility and competition with other cities was discussed.

Lunch Visits: Betty Coven reported that she will be visiting Royal Oak next week. JoAnn Thompson reported that there are many centers that don't serve lunch.

Handicap Parking: Carla distributed a letter from Carol Anderson along with the results of a 14-day study of handicap parking usage that indicates that additional spaces are not needed.

Street Signs: James Berar led a discussion about the visibility and placement of street signs.

New Business

Suggestion Box: Carla reported that there were no suggestions this month.

Reports

Park Board: No report.

Senior Program: Carla reported that new programs for fall include document shredding, caregivers support group, men's club and Drums Alive exercise class. The SeniorNet computer lab is hosting an open house next week. The Heart of the Hills Players will present a variety show here in November. Tickets go on sale October 1.

Medi-Go: Jo Rhoads reported that the Med-Go service is described on page 10 of the September **Senior News**.

OLHSA: Jo Rhoads reported that OLHSA held their meeting here in July and that they liked the Troy facility.

Oakland County Senior Advisory Board: Jo Rhoads reported that they are setting up their agenda for the upcoming year. Seniors can request to have the County newsletter sent to their homes.

Comments

JoAnn Thompson: The Restaurant Group is going well and the Supper Club is established. Each group meets every other month.

James Berar: The bocce league has concluded and everyone wants to play again next year.

Bud Black: Members should call to be excused if they are going to be absent. Former member Steve Banch recently passed away.

Jo Rhoads: Sixty people attended the Hospitality Committee's summer event.

Merrill Dixon: Is the Committee going to participate in the Troy Daze Parade? Jo says they are welcome to ride in the Medi-Go van.

Betty Coven: Register now for Cross Train Your Brain. The Library Spice of Life discussion group is well attended.

The meeting was adjourned at 2:40 p.m.

Respectfully submitted,

Pauline Noce, Vice Chair

Carla Vaughan, Secretary

LIBRARY ADVISORY BOARD - FINAL

September 6, 2007

A Regular Meeting of the Troy Library Board was held on Thursday, September 6, 2007 at the Office of the Library Director. Kul Gauri, Chairman, called the meeting to order at 7:35 P.M.

ROLL CALL **PRESENT:** Heather Eisenbacher
Kul B. Gauri
Lynne Gregory
Nancy Wheeler
Audre Zembrzuski
Arthi Krishna

Cathleen Russ, Library Director

The Pledge of Allegiance to the Flag was given

Resolution #LB-2007-09-01

Moved by Wheeler

Seconded by Eisenbacher

RESOLVED, That Shruthi Subramanian be excused.

Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski

No: 0

MOTION CARRIED

Resolution #LB-2007-09-02

Moved by Zembrzuski

Seconded by Gregory

RESOLVED, That Minutes of August 9, 2007 be approved.

Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski

No: 0

MOTION CARRIED

Reviewed Agenda entries

Resolution #LB-2007-08-03

Moved by Wheeler

Seconded by Zembrzuski

RESOLVED, That the Agenda be approved.

Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

POSTPONED ITEMS

There were no Postponed items.

NEW BUSINESS.

A. Ad memo about Printed Materials from Outside Sources in City Facilities
Russ explained the Ad Memo to the LAB members, and the location in the library where outside materials will be displayed.

B. 2006-2007 Statistics

Russ distributed copies of the statistics from FY 2006-2007. The LAB members would also like to see totals of Fines/Fees and other revenues from last year. Russ will bring that to the next meeting.

OLD BUSINESS

A. Update—Request for Proposal for Needs Assessment/Feasibility Study
Russ reported that 8 firms submitted proposals for the study. One was disqualified because it did not submit insurance documentation. The remaining 7 proposals will be evaluated by the committee, and interviews may be necessary. Russ will keep the LAB informed on the progress of this project.

REPORTS & COMMUNICATIONS

Director's Report.

Russ has been working on several projects, in addition to the RFP. The lease on the Café expires December 31, and she has been investigating possible buyers to take over Café operations. Also, collection development is a priority—playaways, the special needs collection, and integrating the reference materials in the adult services area. Finally, Russ explained that she is exploring an alternative staffing structure than the one currently in place, to promote greater accountability among staff.

Board Member's Comments

Wheeler said that she has received some negative comments about the Café, and has responded that the library is aware of the problem and trying to fix it. Wheeler also shared a negative experience she had with Circulation staff when she called to renew her library materials. Gauri had a similar experience. Zembrzuski asked Russ to follow up on her idea for express terminals, where patrons can stand and check email. Zembrzuski also shared an article about donating books.

Student Representative's Comments

Krishna asked if LAB meetings were public meetings. Yes, they are. The public is welcome to attend.

Suburban Library Cooperative--Gregory

Arthur Woodford, retired former director of the St. Clair Shores Public Library, is the new interim director of the Suburban Library Cooperative. He is working part-time, and is

responsible for administrative operations. Chris Frezza has been promoted to the position of Head of Systems, and is responsible for the automation and technology side of Cooperative operations. Other changes to SLC staff include the promotion of Lauren Boggs, Cataloger, to full-time status. The position of Systems Librarian is also going to be posted soon. Election of new SLC board of trustees will be held on Thursday, September 27, 2007, at that meeting.

Friends of the Troy Public Library

The next Friends board meeting is Monday, September 10, at 9:30 a.m.

Gifts.

None.

Informational Items.

September TPL Calendar.

Contacts and Correspondence.

16 written comments from the public were reviewed. A suggestion was made that it would be helpful to include the name of the department (i.e. adult services, youth services, etc.) with the comment, in order to better track which department receives the most compliments and complaints.

Public Participation.

There was no public participation.

The Library Board meeting adjourned at 9:00 P.M.

The next meeting is scheduled for October 11, 2007 at 7:30 p.m.

Kul Gauri
Chairman

Cathleen Russ
Recording Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, September 12, 2007, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:15 p.m.

TRUSTEES PRESENT: Mark Calice
Michael Geise
Thomas Houghton, Chair
Martin Howrylak
William R. Need (Ex-Officio)
Phillip L. Nelson

TRUSTEES ABSENT: Nancy Bowren
John M. Lamerato

EXCUSE ABSENT MEMBERS

Resolution # ER – 2007 – 09 - 32

Moved by Howrylak
Seconded by Calice

RESOLVED, That Nancy Bowren and John Lamerato be excused.

Yeas: All 5
Absent: Bowren, Lamerato

MINUTES

Resolution # ER – 2007 – 09 - 33

Moved by Nelson
Seconded by Houghton

RESOLVED, That the minutes of the August 8, 2007 meeting be approved.

Yeas: All 5
Absent: Bowren, Lamerato

OTHER BUSINESS – PROPOSAL FOR UPDATING ASSUMPTIONS AND METHODS

Resolution # ER – 2007 – 09 - 34

Moved by Houghton
Seconded by Calice

RESOLVED, That the board engage the services of Gabriel, Roeder, Smith & Company to produce a report on updating assumptions and methods contained in their proposal of September 5, 2007.

Yeas: All 5
Absent: Bowren, Lamerato

OTHER BUSINESS – 2008 MEETING DATES

Resolution # ER – 2007 – 09 - 35

Moved by Geise
Seconded by Calice

RESOLVED, That the board approve the following meeting dates for 2008:

- Wednesday, January 9th, 2008
- Wednesday, February 13th, 2008
- Wednesday, March 12th, 2008
- Wednesday, April 9th, 2008
- Wednesday, May 14th, 2008
- Wednesday, June 11th, 2008
- Wednesday, July 9th, 2008
- Wednesday, August 13th, 2008
- Wednesday, September 10th, 2008
- Wednesday, October 8th, 2008
- Wednesday, November 12th, 2008
- Wednesday, December 10th, 2008

Yeas: All 5
Absent: Bowren, Lamerato

INVESTMENTS

Resolution # ER – 2007 – 09 - 36

Moved by Houghton

Seconded by Calice

RESOLVED, That the Board sell the following investments:

Sell: 7,000 shares Ambac
 Bed, Bath & Beyond
 IDEARC Inc.

Yeas: All 5

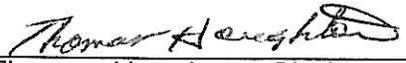
Absent: Bowren, Lamerato

PUBLIC COMMENT

There was no public comment.

The next meeting is October 10, 2007 at 12:00 p.m. at City Hall, Conference Room C, 500 W Big Beaver, Troy, MI.

The meeting adjourned at 12:43 p.m.



Thomas Houghton, Chairman



John M. Lamerato, Secretary

The Chairman, Mark Maxwell, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Tuesday September 18, 2007 in Council Chambers of the Troy City Hall.

PRESENT: Michael W. Bartnik
Glenn Clark
Kenneth Courtney
Marcia Gies
Matthew Kovacs
Mark Maxwell
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Christopher Forsyth, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF AUGUST 21, 2007.

MOVED, to amend Page 3 of the minutes to read: ...”one and one-half million to two million dollars”...

Motion by Wright
Supported by Gies

Yeas: All – 7

MOVED, to approve the minutes of the meeting of August 21, 2007 as amended.

ITEM #2 – VARIANCE REQUESTED. MR. & MRS. DERECK ROBINSON, 4472 LANCASHIRE, for relief of the Ordinance to construct a patio enclosure on the rear of their home that has a proposed 21’ rear yard setback where Section 30.10.04 of the Ordinance requires a 40’ minimum rear yard setback in R-1C Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a patio enclosure on the rear of their home. The site plan submitted indicates the addition on the rear of the home will result in a 21’ rear yard setback. Section 30.10.04 of the Ordinance requires a 40’ minimum rear yard setback in R-1C Zoning Districts.

This item first appeared before this Board at the meeting of August 21, 2007 and was postponed to allow the petitioner to explore the possibility of changing the location of the sunroom in order to ask for a lesser variance.

Mr. Rob McMahon was present and gave each member two (2) alternate plans for this addition. The first plan indicated that the room would be 31’ x 13’, but moved to a different location of the house. With this rendition they would change the existing bay window to a doorway.

ITEM #2 – con't.

The second plan submitted by Mr. McMahon indicated a smaller room approximately 16' from the corner of the house. The smaller room would only enclose the deck and would be darker than the larger room.

Mr. Maxwell asked which plan the homeowner wished to have.

Mr. McMahon stated that they would much rather have the larger room as it would enclose the pool and allow them to use it twelve months out of the year.

Mr. Maxwell then asked how large a variance was required.

Mr. McMahon said that he believes the room would be 26' from the northwest corner of the lot, and therefore would require a 14' variance.

Mr. Stimac stated that he is concerned that since the setbacks are measured perpendicular to the lot lines, from the drawings submitted it is difficult to get an exact setback number.

Mr. McMahon said that he had the person from their company measure the distances to verify the setbacks.

Mr. Courtney asked what would be wrong with moving the room behind the garage so that it would meet the angle of this building.

Mr. McMahon stated that the problem is that there is an access door coming from the kitchen to the garage and it would be covered.

Mr. Kovacs asked for clarification regarding where the door goes.

Mr. McMahon stated that it goes to the garage and also believes it would be very difficult to level off the foundation at this point.

Mr. Courtney asked why the room couldn't be moved closer to the door.

Mr. McMahon stated that 31' is the smallest they can go. The second drawing submitted indicates that the smaller room would start right where the bay window is.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are no written objections on file.

Mr. Maxwell stated that this is an irregular shaped lot and believes this condition creates a hardship.

ITEM #2 – con't.

Mr. Bartnik asked if there was any estimate of the distance from the eastern corner building on the alternative plan submitted to the lot line.

Mr. McMahon stated that the plan is drawn to scale and assumes it is about 40' or 45'.

Mr. Bartnik asked what was located just north of this property.

Mr. McMahon stated that the neighbors to the east, west and north have indicated that they approve of this request. The lot to the north is a protected wetland and nothing would be built in this area.

Mr. Bartnik asked if the Board could grant a variance based on the new plan submitted or if there would have to be another Public Hearing.

Mr. Stimac stated that this request was originally advertised with a 21' setback, and feels that if no one objected to that figure; it would be safe to assume that they would not object to a 26' or 29' setback. At this point there is no requirement to re-advertise this request.

Mr. Courtney asked what the difference was between the two rooms.

Mr. McMahon stated that basically the smaller room will enclose only the deck, and the larger room will enclose the pool area.

Mr. Clark asked a question about the wetlands.

Mr. Stimac stated that he was not aware of wetlands in this area, but stated that there is a flood plain north of this site.

Mr. Wright asked for a clarification of the measurements regarding the room sizes and angles presented.

Mr. McMahon stated that he was not able to explain the difference in the angles, but thought that the measurements would be accurate to within a foot.

Mr. Stimac said that it appears that the 31' wide room measured perpendicularly is 26' to the lot line. The Board has the power to establish a dimension to the rear lot line.

Mr. Kovacs asked if the Board could also determine the maximum width of the building.

Mr. Stimac stated that it certainly would be definable and enforceable for the Board to establish the maximum size of the building and its location along the rear of the home.

ITEM #2 – con't.

Mr. Courtney stated that he would feel better if he had a definite drawing of exactly what the petitioner is requesting.

Motion by Courtney
Supported by Wright

MOVED, to postpone the request of Mr. & Mrs. Dereck Robinson, 4472 Lancashire, for relief of the Ordinance to construct a patio enclosure on the rear of their home that has a proposed 21' rear yard setback where Section 301.10.04 of the Ordinance requires a 40' minimum rear yard setback in R-1C Zoning Districts until the meeting of October 16, 2007.

- To allow the petitioner to present exact drawings showing setbacks.

Mr. Clark stated that the revised plans should be submitted in advance of the meeting so that the Board has the knowledge to act accordingly.

Mr. Kovacs said that in his opinion it was not necessary to postpone this request because the Board has the ability to establish the dimensions required.

Mr. McMahon asked which plans the Board wanted him to submit.

Mr. Maxwell stated that he should talk it over with his clients and determine exactly what they would like and submit those plans. The critical number is the distance measured perpendicular to the rear lot line. Mr. Maxwell also stated that Mr. McMahon should verify that 29' is perpendicular to the rear lot line.

Mr. Bartnik suggested that the petitioner provide photos of the garage door, as he believes they would be very helpful in determining the location of the room.

Vote on motion to postpone.

Yeas: 5 – Gies, Maxwell, Wright, Clark, Courtney
Nays: 2 – Kovacs, Bartnik

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF OCTOBER 16, 2007
CARRIED

ITEM #3 – VARIANCE REQUESTED. MR. & MRS. RICHARD CUMMINGS, 2537 FOX CHASE, for relief of the Ordinance to construct a covered porch on the front the existing home with a proposed 34' front yard setback where Section 30.10.01 requires a 40' minimum front yard setback in R-1A Zoning Districts.

ITEM #3 – con't.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a covered porch on the front of the existing home. The site plan submitted indicates the covered front porch will have a 34' front yard setback. Section 30.10.01 requires a 40' minimum front yard setback in R-1A Zoning Districts.

Mr. & Mrs. Cummings were present. Mrs. Cummings stated that they have lived in this home for nineteen (19) years and they would like to protect people coming to the front door from the weather. Mrs. Cummings said that the porch would be across the front of the house.

Mr. Maxwell stated that this was a safety issue.

Mrs. Cummings said that the front of the house faces north and the sun does not reach this area.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Mr. Clark clarified that the driveway is located on the same side of the proposed porch.

Mrs. Cumming stated that was correct.

Mr. Kovacs asked why they did not plan to also cover the step leading up to the porch.

Mrs. Cummings stated that there is only one step and then it's on to the porch.

Motion by Courtney
Supported by Wright

MOVED, to grant Mr. & Mrs. Richard Cummings, 2537 Fox Chase, relief of the Ordinance to construct a covered porch on the front of the existing home with a proposed 34' front yard setback where Section 30.10.01 requires a 40' minimum front yard setback in R-1A Zoning Districts.

- Variance applies only to the property described in this application.
- This covered porch would be aesthetically pleasing.
- This variance would not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. COY CONSTRUCTION, REPRESENTING MR. & MRS. MICHAEL TAORMINO, 1874 WYNGATE, for relief of the Ordinance to construct a rear porch enclosure that will result in a 43' rear yard setback where Section 30.10.02 requires a 45' rear yard setback for buildings in the R-1B Zoning District.

The Chairman moved this item to the end of the agenda, Item #6, to allow the petitioner the opportunity to be present.

ITEM #5 – VARIANCE REQUESTED. BEHR AMERICA, 2700-2716 DALEY, for relief of the front yard setback requirement to have a parking lot located 31' from the north property line along Big Beaver where Section 30.20.09 of the Troy Zoning Ordinance requires a 50' minimum front yard setback in the M-1 (Light Industrial) Zoning District and Paragraph L of Section 30.30.00 requires that this yard remain free of parking.

Mr. Stimac explained that the petitioner is requesting relief of the front yard setback requirement. The original approved site plan indicated that as part of the development of this site, new parking spaces were to be added on the west side of the driveway out to Daley. The revised site plan submitted indicates these parking spaces moving to the north end of the parking lot and the pavement located 31' from the north property line along Big Beaver. Section 30.20.09 of the Troy Zoning Ordinance requires a 50' minimum front yard setback in the M-1 (Light Industrial Zoning District and Paragraph L of Section 30.30.00 requires that this yard remain free of parking.

Mr. Phil Tocco, representing Behr American was present.

Mr. Courtney asked who would be using the parking spaces along Big Beaver.

Mr. Tocco replied that employees would use them. Mr. Tocco went on to say that they had received site plan approval, however, discovered that there is a very beautiful, mature maple tree located in the center of where they had planned to put in a parking lot. They had previously tried to save several old trees when doing the original construction of the wind tunnel, but these trees died and now they are trying to prevent this tree from dying. This is the reason they wish to put these parking spaces on the east side of the lot. They also plan to add a masonry screen wall with a corporate sign.

Mr. Kovacs asked if there was any other location to put in a parking lot.

Mr. Tocco stated that if they tried to construct it in another location, they would run into the same problem regarding trees and vegetation. There are a number of utilities and fire hydrants located along Daley and the cost would be prohibitive to move all of these light poles and underground utilities.

Mr. Maxwell asked if the screen wall fronting on Big Beaver would be 4' high.

Mr. Tocco stated that the City wants the wall to be 4'. If a variance is required for the proposed sign, they will go through the proper channels to obtain that variance.

ITEM #5 – con't.

Mr. Courtney asked if a sign would still be constructed in this location if this variance request was not approved.

Mr. Tocco stated that they would change the configuration of what goes on the property between Big Beaver and where the parking lot starts.

Mr. Courtney asked about the sign.

Mr. Tocco stated that they expect that they will be able to get the sign and will put the sign on the wall. Mr. Tocco further pointed out that they are not asking for anything different than what the neighboring sites have. There are two companies that have parking right at the sidewalk.

Mr. Kovacs asked about the parking spaces that have been land banked.

Mr. Tocco stated that they do not want to use this area, as this is where the tree is located.

Mr. Stimac explained that on the original site plan there was additional parking on the west side of Daley. In addition there were land-banked spaces on the east side of the lot. Mr. Stimac also said that the petitioner's property is allowed to have a ground sign but this does not fall under the jurisdiction of this Board. The petitioner is proposing to put up a wall in lieu of the required 50' setback. This Board can require the wall as a condition of the variance. Officially, if the wall was not part of a variance request they could not put a masonry-screening wall at this location. A ground sign could be erected here as long as it complies with the Ordinance.

Mr. Maxwell asked if the Board would have to approve both a request for the setback variance as well as a wall. Mr. Maxwell also asked if the Board could specify that the wall be 6' in heights.

Mr. Stimac said that officially walls are not permitted in front yards. The Zoning Ordinance requires that walls screening parking lots be 4'-6" in height.

Mr. Bartnik stated that the property around Somerset Mall and other property along Big Beaver have a screening wall in one form or another. Mr. Bartnik asked if Somerset had received a variance for plantings rather than a wall.

Mr. Stimac explained that the Somerset Collection was in a different Zoning District and there is not a 50' setback required. There is a minimum 10' greenbelt required and the Ordinance requires a certain amount of plant materials be located in that greenbelt. The landscape plans for this development have been approved. A 6' high screening wall is required by the Zoning Ordinance to separate the different uses of properties. Parking areas for non-residential uses on property that abuts residential property

ITEM #5 – con't.

require a 4'-6" high screening wall. Mr. Stimac said that it is the Board's decision regarding the location and height of wall. The Board can approve the 31' setback request with no additional screening, or require a wall or a berm.

Mr. Bartnik asked if the Board is allowed to look at all the other properties along Big Beaver for aesthetics, to determine that this request meets all the requirements of approval. The brick wall seems to be consistent with what is in place along Big Beaver now.

Mr. Maxwell stated that it is up to the Board to decide.

Mr. Stimac addressed the statements that Mr. Tocco made regarding adjacent properties. Mr. Stimac explained that 1100 – 1174 E. Big Beaver has a variance to have parking in the front yard, and this variance is scheduled for renewal in 2008. The variance was granted because of a large open drain that runs through the property. The property to the east, 1180 E. Big Beaver, was constructed in 1969 and at that time the proposed right of way for Big Beaver was 75'. There was a 34' greenbelt installed as part of that development. The width of the road was changed from 75' to 102' in 1972.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written objections on file. There are three (3) written approvals on file.

Motion by Courtney
Supported by Gies

MOVED, to grant Behr America, 2700-2716 Daley, relief of the front yard setback requirement to have a parking lot located 31' from the north property line along Big Beaver where Section 30.20.09 of the Troy Zoning Ordinance requires a 50' minimum front yard setback in the M-1 (Light Industrial) Zoning District and Paragraph L of Section 30.30.00 requires that this yard remain free of parking.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property described in this application.
- A 4' high masonry screen wall will be installed at the 31' setback line to provide additional screening of the parking lot.
- Screen wall will be more aesthetically pleasing and will blend in with surrounding area.

Yeas: All – 7

ITEM #5 – con't.

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 (ITEM #4) - VARIANCE REQUESTED. COY CONSTRUCTION, REPRESENTING MR. & MRS. MICHAEL TAORMINO, 1874 WYNGATE, for relief of the Ordinance to construct a rear porch enclosure that will result in a 43' rear yard setback where Section 30.10.02 requires a 45' rear yard setback for buildings in the R-1B Zoning District.

Motion by Courtney
Supported by Gies

MOVED, to postpone the request of Coy Construction, representing Mr. & Mrs. Michael Taormino, 1874 Wyngate, for relief of the Ordinance to construct a rear porch enclosure that will result in a 43' rear yard setback where Section 30.10.02 requires a 45' rear yard setback for buildings in the R-1B Zoning district.

- To allow the petitioner the opportunity to be present.

Yeas: All – 7

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF OCTOBER 16, 2007
CARRIED

The Zoning Board of Appeals meeting adjourned at 8:33 P.M.

Mark Maxwell, Chairman

Pamela Pasternak, Recording Secretary

PARKS AND RECREATION ADVISORY BOARD

A regular meeting of the Troy Parks and Recreation Advisory Board was held Thursday, September 20, 2007 at the Troy Community Center, room 503. Chairman, Tom Krent called the meeting to order at 7:00 p.m.

Present:	Gary Hauff, member	Kathleen Fejes, member
	Tod Gazetti, member	Divya Subramanian, student representative
	Rusty Kaltsounis, member	Tom Krent, member
	Jeff Stewart, member	Jan Zikakis, member
	Carol K. Anderson, staff	

Absent: Pauline Noce, Meaghan Kovacs, Stuart Redpath

Resolution # PR - 2007 - 09 - 012

Moved by Zikakis

Seconded by Stewart

RESOLVED, that the minutes from April 19, 2007 are approved as submitted.

Yes: All

No: None

MOTION CARRIED

NEW BUSINESS

- A. New Student Representative – Divya Subramanian is the new student representative. She has been involved with many recreational programs as a child and is looking forward to the upcoming year. We welcome her input and comments.
- B. River Day Project – Jennifer Lawson, environmental engineer for the City, spearheaded the River Day Project to stabilize the creek/river that is just north of the Community Center. Debris was cleaned from the banks and new plantings were installed, thereby stabilizing the river. More improvements such as an enhanced garden and a picnic shelter are planned for that site.
- C. Community Center Art Projects – Art work has been added to the Community Center during the summer months. There are wall hangings in the game room, corridors and at the Control Desk. Also, a wall mural was painted in the pool area.
- D. Schroeder Park Improvements – Earlier this year a petition for general maintenance of Schroeder Park was received from the surrounding neighbors. A letter and questionnaire was sent to the residents surrounding the park asking for their input for park improvements. Approximately 2/3 of the respondents want the park to be kept up but they don't want the look or feel of the park to be changed. Dead trees will be removed and general maintenance will be done to the park.
- E. Solar House – Lawrence Technological University students have constructed an 800 square foot solar home as part of an international competition. With funding and grants spearheaded by the Chamber of Commerce, the City will be the recipient of the house. It will be placed on the Community Center site and DTE will monitor its energy use for two years. This solar house will raise awareness for building with green materials and incorporating sustainable, energy saving products to reduce consumption. It will be used for programs and meetings.

OLD BUSINESS

- A. Streambank Project Golf Course – The streambank stabilization project is completed at Sylvan Glen Golf Course.
- B. Troy Racquet Club – The City has enjoyed a 30 year partnership with the Troy Racquet Club. Mr. Pierce will be presented with a proclamation at the October 1st City Council meeting.
- C. Trails and Pathways Committee – This group of people have joined together to develop a City wide pathway plan to connect Troy with other cities and the county pathways. They have come up with a list of long and short term goals that they have begun working on.
- D. Proposed Ordinance Change – A proposal was brought before City Council to change the Ordinance for cell towers. Discussion followed whereby Tom Krent discussed the proposal change and how it would affect the City. His recommendation was to “plan” for these cell towers first. After much discussion the Park Board decided to discuss this at the October meeting so that everyone can do their own research. Carol Anderson will draft a memo to City Council requesting they allow time for the Park Board to make a recommendation.

Land Bank or Park Development – Carol Anderson requested input from the board regarding prioritizing land banking vs. park development. The general consensus was to take these land opportunities as they become available.

Staff Reports

- A. Directors Report –There was an aggressive marketing plan for Sanctuary Lake Golf Course done this year however, it did not result in significant increases in revenue. There are more leagues, but the entire golf industry is down 2% nationwide.

Beaumont Hospital/Flynn Park – Employees of Troy Beaumont Hospital use the driveway in Flynn Park to access the employee parking. Solar lights will be put in the entrance sign to Flynn Park so it is lighted at night for their employees.

Meaghan Kovacs – has difficulty making the meetings with three small children at home. She requested a six-month reprieve from the meetings.

Resolution #PR-2007-09-13

Moved by Gazetti

Seconded by Hauff

RESOLVED, That a motion to excuse Meaghan Kovacs from the Park Board meetings for six months is approved.

Yes: All
 No None

MOTION CARRIED

- B. The October meeting will be held at the Nature Center.

Correspondence

- A. Senior Advisory Board Letter – A letter requesting additional handicap parking spaces was received from the Advisory Committee For Senior Citizens. A study was done to measure the need for these parking spaces and none was found.

Member Comments

Rusty Kaltsounis was in Greece for 45 days and noticed the scheduling for activities by the County Recreation system. He brought a program of the activities and pictures from his visit of the surrounding cities on the sea. He suggested that Troy have a Farmers Market or a Flea Market for their residents.

Tom Krent mentioned that he had stopped at Sanctuary Lake Golf Course one day recently for lunch and it took 45 minutes to receive his food order. The food was excellent however, the amount of time it took was too lengthy.

Resolution #PR-2007-09-14

Moved by Fejes
Seconded by Zikakis

RESOLVED, That absent members are excused.

Yes: All
No: None
MOTION CARRIED

The meeting adjourned at 9 pm.

Tom Krent, Chairman

Mary Williams, Recording Secretary

TROY HISTORIC COMMISSION MINUTES – FINAL**SEPTEMBER 25, 2007**

The regular meeting of the Troy Historic Commission was held Tuesday, September 25, 2007 at the Troy Museum & Historic Village. Rosemary Kornacki called the meeting to order at 7:30 P.M.

ROLL CALL **PRESENT:** Rosemary Kornacki
 Vera Milz
 Terry Navratil
 Remedios Solarte
 Brian Wattles
 Kevin Lindsey
 Roger Kaniarz
 Janice Chen, Student Rep
 Loraine Campbell, Museum Manager

Resolution #HDC-2007-009-001**Moved by Lindsey****Seconded by Navratil****RESOLVED, That the minutes of June 26, 2007 be approved as amended**

Yes: 6 —Kornacki, Milz, Navratil, Solarte, Lindsey, Kaniarz and Wattles

No: 0

MOTION CARRIED**Old Business****A. Capital Projects**

Electrical Repairs

Shoreview Electric is submitting a revised quote to install an “S” loop in the conduit next to the building to stop water from entering the basement. Loraine will then submit to purchasing a PO request for their entire revised quote to change out the electrical panel from 3-phase to 1-phase and repair the conduit.

Wagon Shop

Robin Adair will complete repairs to the deteriorated wood in October. The cost is \$2,900.

General Store

This fall Loraine will finalize the specifications and collect bids to strip and stain the General Store. The work will be scheduled in the spring of 2008.

Change in Accounting:

A new accounting rule was put in place for this fiscal year. All repairs under \$5,000 will be taken out of operations rather than the capital repair budget. The operations budget for the museum has been a flat \$15,000 for the last 4 years.

Total repairs under \$5,000 average \$8,500/ year. John Lamerato has promised to adjust the operations budget mid-year so that operations funds are not completely depleted by small capital projects. Loraine will request a budget increase for the operations budget for FY 2008/09 to compensate increased costs from that line item.

B. Programs

See Attendance Reports.

Copy for winter *Troy Today* will be submitted in early October.

C. Attendance

See attached reports.

D. Grants

The Troy Historical Society received \$1,925 from the Michigan Council for the Humanities for this summer's Music in the Air Concerts.

Loraine submitted to the Kresge Foundation a grant application to receive up to \$5,000 for three years (total \$15,000) for operations. If received, the funds will be applied to an interpretive master plan for the proposed expanded facility.

E. Collections

See attached report.

F. Follow-up on MAP

Loraine will schedule with appropriate volunteers meetings to review the museum mission statement and changes and additions to the collections policy. These adjustments will reflect observations and recommendations made during the Museum Assessment Program (MAP) in 2006.

New Business

A. Troy Historical Society Liaison Report

The committee, in cooperation with the Purchasing Department completed the RFQ/RFP for an architect for the museum expansion. (Scope of work is attached for review.) Twenty-two firms attended the pre-bid meeting September 25, 2005. The deadline for proposals is October 6. The selection committee includes:

- Loraine Campbell, Museum Manager
- Mark Stimac, Dir. Building and Zoning Department
- Ward Randol, Co-Chair THC
- John Lavender, Co-Chair THC
- Terry Navratil, Historical Commission

B. Request to Amend Boundaries of Historic District

The committee is finalizing the Preliminary Report to expand the museum historic district to include the new properties purchased by the Historical Society for the museum expansion. This report will be submitted to three state

commissions, the Troy Planning Commission and City Council for a sixty-day review period. Any recommendations submitted following the review will be integrated into the final report and a public hearing will be held. After the hearing, the final report will be resubmitted to the Historic District Commission and Planning Commission for their approvals and their recommendations to City Council.

C. Rezoning Request

George Ballard and his crew will complete a new certified survey of the expanded museum site by September 30. This survey will be included in the application to the Planning Commission to change the zoning on the two newly acquired properties from RB1 to CF.

D. Application for National Register

Loraine hopes to present to the commission in late 2007, the finished application to place the 1927 Township Hall on the National Register of Historic Places.

E. Reports and Communications

a. Staff

Virginia Czerwinski was hired as the new Museum Aid Interpreter to replace Cindianne Johnson.

b. Visitor

None

c. Commission Members

i. Reappointment of Brian Wattles

Brian has indicated that he would like to be reappointed to the Historical Commission and will notify the City Clerk's office.

The Troy Historic Commission Meeting was adjourned at 9:30p.m. The next regular meeting will be held Tuesday, October 23, 2007 at the Troy Museum & Historic Village.

Rosemary Kornacki
Chairperson

Loraine Campbell
Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on September 25, 2007 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
Mary Kerwin
Lawrence Littman
Robert M. Schultz
Thomas Strat
John J. Tagle
Mark J. Vleck
Wayne Wright

Absent:

Kathleen Troshynski

Also Present:

Mark F. Miller, Planning Director
Susan Lancaster, Assistant City Attorney
Brian Murphy, Assistant City Manager/Economic Development Services
Zak Branigan, Carlisle/Wortman Associates, Inc.
Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2007-09-147

Moved by: Wright
Seconded by: Tagle

RESOLVED, To approve the Agenda as printed.

Yes: All present (8)
Absent: Troshynski

MOTION CARRIED

Resolution # PC-2007-09-148

Moved by: Littman
Seconded by: Wright

RESOLVED, That Member Troshynski is excused from attendance at this meeting for personal reasons.

Yes: All present (8)
Absent: Troshynski

MOTION CARRIED

3. MINUTES

Resolution # PC-2007-09-149

Moved by: Littman
Seconded by: Wright

RESOLVED, To approve the minutes of the September 11, 2007 Regular meeting as distributed.

Yes: All present (8)
Absent: Troshynski

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Wright gave a brief report on the September 18, 2007 Board of Zoning Appeals meeting.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller gave a brief report on the September 19, 2007 Downtown Development Authority meeting.

7. PLANNING AND ZONING REPORT

Mr. Miller reported on City Council action taken at their September 10 and September 17, 2007 meetings. He also addressed the Special City Council meeting held on September 24, 2007 to discuss the proposed Planned Unit Development (PUD #9), The Pavilions.

SITE PLAN

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

Mr. Miller presented a summary of the Planning Department report on the proposed site plan, and reported it is the recommendation of City Management to approve the

site plan as submitted. Mr. Miller acknowledged representatives from the City, the Chamber of Commerce and Lawrence Technological University (LTU) in the audience.

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

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

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

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

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

Discussed were:

- Uses; educational laboratory, meeting space, children summer camps.
- Exterior signage.
- Informational brochures.
- LEED membership (City).
- Zoning Ordinance compliance.
- Parks and Recreation Department in charge of operation.
- Sustainable material used in the house.
- Future use; easily disassembled.
- Solar Decathlon 2007 competition.
- Public-private partnership.
- Assistance by LTU students with exhibits.
- Fundraising campaigns.

Resolution # PC-2007-09-150

Moved by: Tagle
 Seconded by: Strat

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

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

Yes: All present (8)
 Absent: Troshynski

MOTION CARRIED

Chair Schultz requested a recess at 8:10 p.m.

The meeting reconvened at 8:17 p.m.

STUDY ITEM

9. CITY OF TROY MASTER PLAN – Discussion with representatives of Carlisle/Wortman Associates, Inc.

Zak Branigan of Carlisle Wortman Associates, Inc. presented the following draft chapters of the Master Plan. Bullets denote comments and notations for text revisions.

Chapters 6 - Infrastructure and Services: The Assets of the Community

- Make mention of solar house in chapter.
- Encourage storm water management for both commercial and residential.
- Re-order / re-number chapters (Chapter 8 before Chapter 7).
- Stress “infrastructure” in title.

Chapter 8 – Green City: Responsibility to Natural and Energy Resources

- Add solar house to chapter.
- Discussed wetlands survey completed by Carlisle Wortman Associates, Inc.
- List *all* redevelopments in City.
- Bulk up green sections; include outside projects that complement City, add Sanctuary Lakes Golf Course, “bump-out” Kresge Foundation; more examples of storm water management, add photographs of green methods.
- Create development incentives (a challenge); research Boston and Chicago.
- Diversify paragraph(s) on flex fuel, alternate fuels, natural gas.
- Revise sentence on page 1 to make it positive (“Environmental considerations do not necessarily threaten economic development”).

Chapter 7 – People: The Changing Face of Housing Demand

- Variety of housing for aging, first-time buyers, and work force.
- Punch up language on loft-style homes.
- Strategize on M-1 zoning district / Maple Road.
- Create housing inventory that identifies existing home styles (colonial, ranch, townhouse, tri-level, quad-level, rental, condos) and values.

OTHER ITEMS10. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

11. **PLANNING COMMISSION COMMENTS**

Ms. Kerwin shared her experience of a mock planning commission meeting conducted by the Institute of Continuing Legal Education, and encouraged members to attend seminars offered by the organization. Ms. Kerwin asked Ms. Lancaster to address the Open Meetings Act.

Ms. Lancaster briefly addressed the Open Meetings Act and impropriety. She revealed that email messages are now discoverable evidence that can be used in court cases.

Mr. Strat shared his experience of an AIA municipal planning conference he attended. The conference covered working with municipalities and how municipalities joint venture with the private sector. Mr. Strat offered reading material published by the State titled *Active Michigan Communities*.

Mr. Hutson addressed the addition of the proposed solar house site plan on tonight’s agenda.

Mr. Miller briefly reviewed what to expect at the next study meeting that is dedicated to the Big Beaver Development Code.

Mr. Branigan spoke optimistically on tonight's meeting and the Master Plan text.

Chair Schultz apologized to the members if they were surprised by the addition of the proposed solar house site plan on tonight's agenda.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:12 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on October 2, 2007 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
 Mary Kerwin
 Robert Schultz
 Thomas Strat
 John J. Tagle
 Kathleen Troshynski
 Mark J. Vleck

Absent:

Lawrence Littman
 Wayne Wright (arrived at 7:45 p.m.)

Also Present:

Mark M. Miller, Planning Director
 R. Brent Savidant, Principal Planner
 Susan Lancaster, Assistant City Attorney
 Dave Scurto, Carlisle/Wortman Associates, Inc.
 Alex Bellak, GIS Administrator

Resolution # PC-2007-10-151

Moved by: Troshynski
 Seconded by: Strat

RESOLVED, To excuse members Littman and Wright for personal reasons.

Yes: All (7)
 No: None
 Absent: Littman, Wright (arrived at 7:45 p.m.)

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2007-10-152

Moved by: Kerwin
 Seconded by: Tagle

RESOLVED, To approve the Agenda as published.

Yes: All (7)
 No: None
 Absent: Littman, Wright (arrived at 7:45 p.m.)

MOTION CARRIED

3. MINUTES – September 25, 2007 Special/Study Meeting

Resolution # PC-2007-10-153

Moved by: Kerwin

Seconded by: Troshynski

RESOLVED, To approve the September 25, 2007 Special /Study meeting minutes as presented.

Yes: All (7)

No: None

Absent: Littman, Wright (arrived at 7:45 p.m.)

MOTION CARRIED

4. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

5. PLANNING AND ZONING REPORT

Mr. Miller stated that there is no report studying the impact of condominiums on adjacent single-family residential homes.

Mr. Miller reported that Timbercrest Farms Site Condominium was granted Final Approval at the October 1, 2007 City Council Regular meeting.

Mr. Miller updated Planning Commission members on the status of the Oak Forest and Oak Forest South Site Condominiums.

Mr. Strat indicated he was concerned with (1) the large sign at the St. Mark's Coptic Orthodox Church on Livernois, north of Town Center Drive, and (2) debris at White Chapel Cemetery.

Ms. Kerwin received an email from a church representative and forwarded the email to Mr. Miller and Ms. Lancaster. The church posted temporary signs for a blood drive however could only post the signs once per year, even though they wanted to hold two blood drives per year.

(Mr. Wright arrived at 7:45 p.m.)

STUDY ITEM

6. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 232) – Big Beaver Development Code

Mr. Miller introduced Dave Scurto from Carlisle/Wortman Associates, Inc. and Alex Bellak, City of Troy GIS Specialist.

Alex Bellak presented a 3-dimensional digital model of existing building height and massing along the Big Beaver Corridor. He then presented a 3-dimensional digital model of a potential build-out scenario based on the Concept Plan included in the Big Beaver Corridor Plan.

General discussion followed.

The Planning Commission discussed the models as they related to the draft Big Beaver Development Code.

OTHER ITEMS

7. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

8. PLANNING COMMISSION COMMENTS

Mr. Strat and Mr. Vleck complimented staff on the high quality of the presentation.

Mr. Tagle complimented staff on the presentation and stated it would be a great tool to use for other future projects.

Ms. Kerwin informed the Planning Commission of a Rapid Fire Basketball Game at the Boys and Girls Club on November 9, 2007.

Ms. Troshynski commented on how dynamic the presentation was.

Mr. Schultz commented that this was one of the more effective Study meetings he has attended.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:45 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

R. Brent Savidant, Principal Planner

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on October 2, 2007 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
 Mary Kerwin
 Robert Schultz
 Thomas Strat
 John J. Tagle
 Kathleen Troshynski
 Mark J. Vleck
 Wayne Wright (arrived at 7:45 p.m.)

Absent:

Lawrence Littman

Also Present:

Mark M. Miller, Planning Director
 R. Brent Savidant, Principal Planner
 Susan Lancaster, Assistant City Attorney
 Dave Scurto, Carlisle/Wortman Associates, Inc.
 Alex Bellak, GIS Administrator

Resolution # PC-2007-10-151

Moved by: Troshynski
 Seconded by: Strat

RESOLVED, To excuse members Littman and Wright for personal reasons.

Yes: All (7)
 No: None
 Absent: Littman, Wright (arrived at 7:45 p.m.)

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2007-10-152

Moved by: Kerwin
 Seconded by: Tagle

RESOLVED, To approve the Agenda as published.

Yes: All (7)
 No: None
 Absent: Littman, Wright (arrived at 7:45 p.m.)

MOTION CARRIED

3. MINUTES – September 25, 2007 Special/Study Meeting

Resolution # PC-2007-10-153

Moved by: Kerwin

Seconded by: Troshynski

RESOLVED, To approve the September 25, 2007 Special /Study meeting minutes as presented.

Yes: All (7)

No: None

Absent: Littman, Wright (arrived at 7:45 p.m.)

MOTION CARRIED

4. PUBLIC COMMENT (Items Not on the Agenda)

There was no one present who wished to speak.

5. PLANNING AND ZONING REPORT

Mr. Miller stated that there is no report studying the impact of condominiums on adjacent single-family residential homes.

Mr. Miller reported that Timbercrest Farms Site Condominium was granted Final Approval at the October 1, 2007 City Council Regular meeting.

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Mr. Strat indicated he was concerned with (1) the large sign at the St. Mark's Coptic Orthodox Church on Livernois, north of Town Center Drive, and (2) debris at White Chapel Cemetery.

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(Mr. Wright arrived at 7:45 p.m.)

STUDY ITEM

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Mr. Miller introduced Dave Scurto from Carlisle/Wortman Associates, Inc. and Alex Bellak, City of Troy GIS Specialist.

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General discussion followed.

The Planning Commission discussed the models as they related to the draft Big Beaver Development Code.

OTHER ITEMS

7. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

8. PLANNING COMMISSION COMMENTS

Mr. Strat and Mr. Vleck complimented staff on the high quality of the presentation.

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Ms. Troshynski commented on how dynamic the presentation was.

Mr. Schultz commented that this was one of the more effective Study meetings he has attended.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:45 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

R. Brent Savidant, Principal Planner

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The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:32 A.M. on Wednesday, October 3, 2007 in the Lower Level Conference Room at Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
William Nelson
Tim Richnak

ABSENT: Frank Zuazo

ALSO PRESENT: Mitch Grusnick, Residential Plan Analyst
Pam Pasternak, Recording Secretary

ITEM #2 – VARIANCE REQUEST. JOHNSON SIGN COMPANY, 150 STEPHENSON, for relief of Chapter 85 to erect three (3) wall signs totaling 282 square feet, where Chapter 85.02.05 limits the number of signs to one wall sign per building, with a maximum of 200 square feet in area.

Mr. Grusnick explained that the petitioner sent a letter asking that this item be withdrawn.

Motion by Richnak
Supported by Kessler

MOVED, to accept the withdrawal request of Johnson Sign Company, 150 Stephenson, for relief of Chapter 85 to erect three (3) wall signs totaling 282 square feet, where Chapter 85.02.05 limits the number of signs to one wall sign per building, with a maximum of 200 square feet in area.

- At request of petitioner.

Yeas: 4 – Dziurman, Kessler, Nelson, Richnak
Absent: 1 - Zuazo

MOTION TO ACCEPT WITHDRAWAL CARRIED

ITEM #3 – VARIANCE REQUEST. KIRK PESTA, HARLEY ELLIS DEVEREAUX, REPRESENTING 44201 DEQUINDRE, for relief of the 2003 Michigan Plumbing Code Section 1107.1.

Mr. Grusnick explained that the 2003 Michigan Plumbing Code requires that roof drainage systems be provided with a secondary drainage system that has piping and a point of discharge that is independent from the primary roof drains. It further requires that this secondary drainage discharge be at a location, above grade, where the building occupants would normally observe it. The petitioners are proposing a

ITEM #3 – con't.

secondary system that would be interconnected with the primary system within the building. They propose over sizing the primary system and installing alarms in the secondary system to notify the occupants if the overflow is receiving water. They are asking relief for this modified system.

Mr. Dziurman asked if this request was similar to a previous request by Beaumont Hospital.

Mr. Kessler stated that it was identical to a request made in 2001. The roof elevation is to be raised to allow for an additional three floors.

Mr. Kirk Pesta was present and stated that basically they have never had a problem with the drains on the roof. This is a controlled roof area and is monitored. The water alarms have gone off, however, this was during a heavy rain and the drains were not blocked. The alarms went off due to the amount of water. Mr. Pesta stated that he checked with their Building Maintenance Department before this meeting and they stated that they have never had a plugged drain on the roof.

Motion by Nelson
Supported by Richnak

MOVED, to grant Kirk Pesta, Harley Ellis Devereaux, representing 44201 Dequindre relief of the 2003 Michigan Plumbing Code Section 1107.1 of the independent secondary roof drainage system to over size the primary system and install alarms in the secondary system to notify the occupants if the overflow is receiving water.

- System will be tested to make sure it works efficiently.
- Variance would not be contrary to public interest.

Yeas: 4 – Dziurman, Kessler, Need, Nelson
Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 - VARIANCE REQUEST. BASEMENT EXPERTS, 4458 LANCASHIRE, for relief of the 2003 Michigan Residential Code to finish a basement that will result with a 6'-10" main ceiling height and ductwork drop areas to 6'-2". Section R305 requires a 7' minimum ceiling height and 6'-6" under dropped areas.

Mr. Grusnick explained that the petitioner is requesting relief of Section R305 of the 2003 Michigan Residential Code to finish a basement. The existing basement has a 7'-0" main ceiling height and 6'-3" in areas of dropped ductwork. The proposed finish would lower the main ceiling height to 6'-10" and the ductwork drop areas to 6'-2". The

ITEM #4 – con't.

2003 Michigan Residential Code, Section R305 requires a 7' minimum ceiling height and 6'-6" under dropped areas.

Mr. Steve Attar was present and stated that he understands he is asking for a large variance under the ductwork. Mr. Attar indicated that he was more than willing to listen to any suggestions the Board would have.

Mr. Dziurman stated that the 6'-10" ceiling height is not an unusually request, but felt that the 6'-2" height was extremely low.

Mr. Kessler asked if there was a way to design the basement so that the finished area would not fall under the ductwork.

Mr. Attar indicated that it would mean that the finished area of the basement would be very small.

Mr. Richnak asked what the distance of the wall was up to the stairwell.

Mr. Attar indicated that it was approximately 9'.

Mr. Richnak said that the finished area would be approximately 20' x 9'.

The Board members discussed different possibilities available and Mr. Nelson suggested that a wall be put up where the duct work is, and then shelves or storage be provided below the ductwork area so that no one could stand under this area.

Mr. Richnak asked if the intended use was as a play area for children.

Mr. Attar said he believes that is what they are looking for.

Mr. Richnak asked what the lowest height was that was permitted by the Board.

Mr. Attar said that in the past, the height under duct work was limited to 6'-4". Mr. Attar also asked if shelving were an option, would it be "fixed" or temporary shelving that would be required.

Mr. Kessler stated that he thought it should be fixed, so that people would not bump their heads.

Motion by Richnak
Supported by Nelson

ITEM #4 – con't.

MOVED, to **grant** the request of Basement Experts, 4458 Lancashire, for relief of the 2003 Michigan Residential Code to finish a basement that will result with a 6'-10" main ceiling height and to **deny** the request to finish the area under the duct work that would result in a 6'-2" ceiling height.

- 6'-10" main ceiling height is not unusual.
- The petitioner has the alternative to install a wall or fixed cabinets under the ductwork.

Yeas: 4 – Dziurman, Kessler, Nelson, Richnak
Absent: 1 – Zuazo

MOTION TO GRANT VARIANCE FOR 6'-10" MAIN CEILING HEIGHT, AND TO DENY REQUEST FOR 6'-2" CEILING HEIGHT UNDER DUCTWORK CARRIED

The Board was reminded that a Special Meeting will be held on October 24, 2007 as the request of SignGraphix in Conference Room C of the Troy City Hall.

The Building Code Board of Appeals meeting adjourned at 8:50 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, Oct. 4, 2007 at the Troy Community Center. Vice Chair Pauline Noce called the meeting to order at 1:00 PM.

Present:	Jo Rhoads, Member	Pauline Noce, Member
	James Berar, Member	JoAnn Thompson, Member
	David Ogg, Member	Merrill Dixon, Member
	Carla Vaughan, Staff	

Absent: Bud Black (excused), Betty Coven (excused), Frank Shier

Visitors: None

Approval of Minutes

Resolution # SC-2007-10-001
Moved by James Berar
Seconded by Merrill Dixon

RESOLVED, That the Minutes of Sept. 6, 2007 be approved as submitted.

Yes: 6
No: 0

MOTION CARRIED

Visitor Comments

None.

Old Business

Lunch Visits: There were no lunch visits, but Joann Thompson commented that the recent chef’s choice here in Troy was good.

New Business

Suggestion Box: Carla reported that there were no suggestions regarding the senior program this month.

Spelling DUEL: JoAnn Thompson confirmed with Carla that the duel would be held in the fall next year to accommodate the Florida people.

Reports

Park Board: No report.

Senior Program: Carla reported that the SHARP senior home repair program has had over 200 requests for service since January. The breakdown on types of requests is as follows: 42% for plumbing, 22% for yard work, 15% for carpentry, and 14% for electrical. Attendance at the Aquatic Exercise class is up 35% over last fall, thanks to the new students brought in this summer when the program was offered free through the HAP sponsorship.

Medi-Go: Jo Rhoads reported that Medi-Go is talking about merging with another group to cut costs. The service is going fine.

OLHSA: Jo Rhoads reported that in home services available to seniors was discussed. They have been meeting at various centers including Auburn Hills last month, which was very nice. Visitors are welcome at the meetings.

Oakland County Senior Advisory Board: Jo Rhoads reported that they continue to discuss housing for deaf and hard of hearing seniors and that they sent a letter to City Council informing them of the concept.

Comments

JoAnn Thompson reported that the restaurant group met last night, and they will meet at Europa Bistro in Rochester in December. She also commented on the new requirement to show photo ID when voting.

Jo Rhoads reported that she is working with two students from Bethany Villa and that she had given them a tour of the Community Center.

James Berar reported that the pathway into the neighborhood at the northwest corner of Athens High School is overgrown. Carla will check to see if the City maintains it.

Merrill Dixon asked how Troy Daze went, and those who attended said it was nice.

The meeting was adjourned at 1:52 p.m.

Respectfully submitted,

Pauline Noce, Vice Chair

Carla Vaughan, Secretary

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Present: Jo Rhoads, Member
James Berar, Member
David Ogg, Member
Carla Vaughan, Staff

Pauline Noce, Member
JoAnn Thompson, Member
Merrill Dixon, Member

Absent: Bud Black (excused), Betty Coven (excused), Frank Shier

Visitors: None

Approval of Minutes

Resolution # SC-2007-10-001
Moved by James Berar
Seconded by Merrill Dixon

RESOLVED, That the Minutes of Sept. 6, 2007 be approved as submitted.

Yes: 6

No: 0

MOTION CARRIED

Visitor Comments

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Old Business

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Merrill Dixon asked how Troy Daze went, and those who attended said it was nice.

The meeting was adjourned at 1:52 p.m.

Respectfully submitted,

Pauline Noce, Vice Chair

Carla Vaughan, Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on October 9, 2007, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
Mary Kerwin
Lawrence Littman
Robert Schultz
Thomas Strat
John J. Tagle
Kathleen Troshynski
Mark J. Vleck
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2007-10-154

Moved by: Kerwin
Seconded by: Wright

RESOLVED, To approve the Agenda as presented.

Yes: All present (9)

MOTION CARRIED

3. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

SPECIAL USE REQUEST

4. **PUBLIC HEARING – SPECIAL USE REQUEST (SU 348-B)** – Proposed Child Care Center, Troy Church of the Nazarene, East side of Crooks, South of South Blvd., (6840 Crooks), Section 4, Zoned R-1B (One Family Residential) District

Mr. Miller presented a summary of the Planning Department report on the proposed site plan and special use request. Mr. Miller said an updated proposed Resolution that addresses the reduction in parking spaces was distributed. He addressed the opaque screening designated on the site plan for the outdoor play area, and the Planning Commission's authority to determine the appropriate visual screening. Mr. Miller reported it is the recommendation of City Management to approve the site plan and special use request.

There was general discussion on screening the outdoor play area, the plans submitted for the proposed child care center, and the approved site plan for construction of the new ministry.

Melody East, staff associate of Troy Church of the Nazarene, 6840 Crooks Road, Troy, was present. Ms. East explained that the proposed location of the child care center is in the existing church building and is not part of the new ministry that was previously approved. Ms. East addressed the screening of the outdoor play area. She said they would be agreeable to any recommendations made by the Planning Commission.

Concerns addressed during discussion of screening the outdoor play area:

- Surrounding wooded and vacant area.
- Protection and safety of children.
- Proximity to Sunrise Assisted Living.
- Potential for future development of neighboring properties.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Hutson suggested that screening the outdoor play area could be waived, or deferred, as part of the special use approval until such time that adjacent property might be developed.

Ms. Lancaster advised the members to place a condition on the special use, as opposed to deferring or waiving the screening. She said placing a condition on the special use would put the burden on the owner of the property.

Mr. Littman addressed a potential noise factor for the residents to the north.

Ms. Lancaster addressed the difficulty in making determinations of noise level that are considered nuisances, and the design of noise-lessening screening.

Mr. Miller said an alternate method of screening would be a landscape buffer. He stated that Sunrise Assisted Living was notified of the special use request and public hearing. He addressed the density and existing intensity of the Sunrise property in terms of potential future expansion.

Mr. Tagle asked members to view the outdoor play area from the perspective of the children who would be using it. He said kids are kids and are entitled to enjoy the fresh air and experience nature. Mr. Tagle suggested that outdoor play time could be limited to certain hours of the day should noise become a factor.

Ms. Troshynski addressed the security and safety of children. She would like to see the matter come back before the Planning Commission to determine appropriate screening should there be future development of any adjacent properties.

Mr. Strat addressed concerns with future development in the area, and recommended a landscape buffer.

Mr. Littman asked the petitioner to address the protection of the treed area with respect to the construction equipment.

Ms. East indicated that the proposed outdoor play area was cleared to prepare for construction of the new ministry, and said there would be no intrusion to the existing trees.

Resolution # PC-2007-10-155

Moved by: Vleck
Seconded by: Kerwin

RESOLVED, That the Planning Commission hereby approves a reduction in the total number of required parking spaces to eighty-three (83) when a total of ninety six (96) spaces are required on the site based on the off-street parking space requirements for churches and child care centers, as per Article XL. This reduction meets the standards of Article 40.20.12 given that the hours of operation of the child care facility and church will not overlap.

BE IT FINALLY RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 10.30.03 of the Zoning Ordinance, as requested for the proposed Child Care Center within the Troy Church of the Nazarene, located on the east side of Crooks Road, south of South Boulevard, in Section 4, within the R-1B zoning district, is hereby granted, subject to the following conditions:

1. That the opaque screening fence shall not be constructed and if there is future development of the neighboring properties, it shall come back to the Planning Commission for a determination whether or not the fencing shall be constructed.
2. That the screening, opaque or landscaping, shall be determined.

Discussion on the motion on the floor.

Mr. Hutson and Ms. Troshynski offered revisions to the motion, as incorporated above. The maker and supporter of the motion accepted the revisions.

Mr. Miller made certain that the members understood that the outdoor play area would still be fenced in.

Vote on the motion on the floor.

Yes: All present (9)

MOTION CARRIED

SITE CONDOMINIUM SITE PLANS

5. SITE CONDOMINIUM SITE PLAN REVIEW – Crestwood Site Condominium – Phase 2, 4 Additional Units/Lots Proposed, North side of Wattles Road, East of Livernois, Section 15, Zoned R-1C (One Family Residential) District

Mr. Miller presented a summary of the Planning Department report on the proposed site condominium, and reported it is the recommendation of City Management to approve the preliminary site plan application as submitted.

Chair Schultz addressed site plan approval procedure as relates to floodplain and wetlands.

Ms. Lancaster confirmed that approvals from State agencies such as MDEQ and FEMA would supersede the Planning Commission authority.

Chair Schultz opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Jeff Huhta of Nowak & Fraus, 46777 Woodward Avenue, Pontiac, was present to represent the petitioner. Mr. Huhta provided additional information relating to the floodplain jurisdiction, MDEQ application, completion of the cul de sac, and tree survey.

Mr. Strat addressed the storm water management on site, and said it lacked creative ingenuity.

Ms. Kerwin shared the same concern and addressed the condition and care of the existing trees on site.

Resolution # PC-2007-10-156

Moved by: Hutson

Seconded by: Littman

RESOLVED, That the Planning Commission recommends to City Council that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Crestwood Site Condominium Phase 2, including 4 units, located on the north side of Wattles, east of Livernois, Section 15, within the R-1C zoning district, be granted, subject to the following condition:

1. That the Michigan Department of Environmental Control approve the plan.

Yes: All present (9)

MOTION CARRIED

6. **SITE CONDOMINIUM SITE PLAN REVIEW** – Villas of Troy Site Condominium, 11 Units/Lots Proposed, South of Wattles Road, East side of Finch, Section 21, Zoned R-1B (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report on the proposed site condominium, and reported it is the recommendation of City Management to approve the application with the condition that the floodplain boundary is approved by the MDEQ and FEMA prior to final site condominium approval.

Mr. Vleck asked for clarification on whose authority it is to determine the feasibility of the parallel plan.

Mr. Savidant stated the Engineering Department determined the parallel plan and site plan can be engineered, as shown on the plan.

Ms. Lancaster addressed the ordinance relating to the determination of the feasibility of the parallel plan, and interpreted the ordinance to read that the authority or responsibility lies with the Engineering Department.

The petitioner, Joe Maniaci of Mondrian Properties, 50215 Schoenherr, Shelby Township, was present. Mr. Maniaci said the proposed parallel plan and cluster plan meet all City ordinance requirements. He indicated the density factor is below the maximum allowed and that they are not asking for any variances or special use.

Mr. Maniaci said it is their intent to leave as many trees as possible on the site and the nature area in the back would remain for the use and enjoyment of the residents.

Mr. Savidant briefly addressed the open space provisions offered as an option to petitioners.

Chair Schultz opened the floor for public comment.

Janet Martin of 3912 Old Creek, Troy, was present. Ms. Martin addressed concern for potential flooding problems in the area.

Michael Wullaert of 860 Huntsford, Troy, was present. Mr. Wullaert asked the Planning Commission to give consideration to the trees existing at the south end of the site as the development goes forward.

Chair Schultz addressed the engineering development standards for rear yard drainage in relation to the trees to the south.

Rob Wilson of 3776 Finch, Troy, was present. Mr. Wilson said Choice Development, to whom he sold his property, assured him that the site would be developed with full size lots and full size homes. Mr. Wilson said if he would not have sold his property had he known the site would be developed as proposed.

Liberty Garamillo of 3830 Finch, Troy, was present. Mr. Garamillo addressed concerns with the existing wildlife and green environment as relates to the enjoyment of the residents.

The floor was closed.

Mr. Strat shared the concern for the trees to the south of the property, and objects to the lack of creativity on the storm water management.

Ms. Troshynski said the development is extremely dense and expressed concern with potential drainage problems. She addressed the open space and natural area.

Mr. Hutson shared the concerns voiced on storm water management and existing natural environment, but indicated he would support the plan because it meets all ordinance requirements.

Ms. Kerwin asked the petitioner if he would continue to work with the residents on concerns voiced tonight and in correspondence, should the project go forward.

Mr. Maniaci said they would work with the City Engineer to save as many trees as possible, and indicated the existing pine trees were addressed with the Engineering Department to some resolve. He addressed the City ordinances with respect to rear

yard drainage and storm water management. Mr. Maniaci shared his reasoning in choosing to develop the site as cluster.

Ms. Kerwin said her point is that it might be a good idea to meet with the residents who surround the site and address their concerns.

Resolution # PC-2007-10-157

Moved by: Vleck
Seconded by: Hutson

RESOLVED, That the Planning Commission recommends to City Council that the Preliminary Site Plan (Section 34.60.00 Open Space Preservation Option), as requested for Villas of Troy Site Condominium, including 11 units, located south of Wattles, east side of Finch, Section 21, within the R-1B zoning district, be granted, subject to the following condition:

1. Prior to Final Site Plan Approval, the flood plain boundary shall be approved by the MDEQ and FEMA.

Yes: All present (9)

MOTION CARRIED

SITE PLAN REVIEW

7. **SITE PLAN REVIEW (SP 898-B)** – Proposed Mausoleum, White Chapel Cemetery, South side of Long Lake Road, between Crooks and I-75 (621 W. Long Lake Road), Section 16, Zoned R-1B (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report on the proposed site plan, and reported it is the recommendation of City Management to approve the site plan as submitted. Mr. Savidant noted that the applicant needs a variance from the BZA to utilize niches in the wall within the required 50-foot setback and a variance to construct walls higher than 30 inches within the required setback.

There was general discussion on the proposed garden area and proposed walls with respect to the required setbacks for principal and accessory uses and the spatial relationship to I-75.

Donald Root, architect from Integrated Design Solutions, 888 W. Big Beaver Road, Troy, and Marc Russell, landscape architect from Russell Design, 114 Rayson Street, Northville, were present.

Mr. Root addressed the access points to the mausoleum, the interior road layout and proposed burial sites. Mr. Root explained the north wall is a continuation of the sound wall and would separate the mausoleum and the garden to create a quiet prayerful space for visitors. He addressed the screening of the maintenance area from the mausoleums and garden. Mr. Root noted that traditional burials can be done up to the property line.

Mr. Russell provided a brief explanation of the proposed cremation garden, a Michigan first. He addressed the proposed garden and mausoleum relationship to I-75, the sound wall along I-75 as well as a water feature to lessen noise, the walking area with seating, and potential burial sites in the walls and planting area. Mr. Russell said the new burial concept would create revenue for the cemetery.

Mr. Littman asked about the approval process for the sound wall and the visual appearance from I-75.

Mr. Root said Michigan Department of Transportation (MDOT) approved the sound wall.

Mr. Russell said there would be views of the garden from I-75. He indicated the proposed walls would be aesthetically pleasing and appealing from both sides.

Mr. Strat complimented the petitioners on the proposed site plan in terms of creativity and ingenuity, but indicated he would not support the site plan until the maintenance area is cleaned up and the opaque screen wall is removed.

Ms. Kerwin addressed the principal use within the 50-foot setback and the eyesore of the maintenance area, and indicated she would not support the site plan for those reasons.

Mr. Hutson said he would not support the proposed site plan until there is assurance that the maintenance area would be cleaned up.

Mr. Russell asked if the Planning Commission would consider approval of the proposed site plan contingent upon the owner satisfying the Commission's request to clean up the maintenance area. He indicated willingness to work with the Building Department on the code enforcement matter.

Ms. Lancaster said she would not recommend a motion to approve the site plan contingent on the cleanup of the maintenance area.

Discussion followed on the relationship of the code enforcement issue to site plan approval, the principal use within the 50-foot setback, and a different design layout of the garden area.

Resolution # PC-2007-10-158

Moved by: Strat
Seconded by: Littman

RESOLVED, To postpone this matter until such time that the Planning Commission receives a report prepared by the Building Department to clarify the violations in terms of the equipment in the front area and come back at the next meeting.

Yes: All present (9)

MOTION CARRIED**OTHER ITEMS**8. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

9. PLANNING COMMISSION COMMENTS

Mr. Miller briefly addressed the Michigan Association of Planning (MAP) conference.

The Regular Meeting of the Planning Commission adjourned at 9:10 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

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The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on October 9, 2007, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
Mary Kerwin
Lawrence Littman
Robert Schultz
Thomas Strat
John J. Tagle
Kathleen Troshynski
Mark J. Vleck
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2007-10-154

Moved by: Kerwin
Seconded by: Wright

RESOLVED, To approve the Agenda as presented.

Yes: All present (9)

MOTION CARRIED

3. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

SPECIAL USE REQUEST

4. **PUBLIC HEARING – SPECIAL USE REQUEST (SU 348-B)** – Proposed Child Care Center, Troy Church of the Nazarene, East side of Crooks, South of South Blvd., (6840 Crooks), Section 4, Zoned R-1B (One Family Residential) District

Mr. Miller presented a summary of the Planning Department report on the proposed site plan and special use request. Mr. Miller said an updated proposed Resolution that addresses the reduction in parking spaces was distributed. He addressed the opaque screening designated on the site plan for the outdoor play area, and the Planning Commission's authority to determine the appropriate visual screening. Mr. Miller reported it is the recommendation of City Management to approve the site plan and special use request.

There was general discussion on screening the outdoor play area, the plans submitted for the proposed child care center, and the approved site plan for construction of the new ministry.

Melody East, staff associate of Troy Church of the Nazarene, 6840 Crooks Road, Troy, was present. Ms. East explained that the proposed location of the child care center is in the existing church building and is not part of the new ministry that was previously approved. Ms. East addressed the screening of the outdoor play area. She said they would be agreeable to any recommendations made by the Planning Commission.

Concerns addressed during discussion of screening the outdoor play area:

- Surrounding wooded and vacant area.
- Protection and safety of children.
- Proximity to Sunrise Assisted Living.
- Potential for future development of neighboring properties.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Hutson suggested that screening the outdoor play area could be waived, or deferred, as part of the special use approval until such time that adjacent property might be developed.

Ms. Lancaster advised the members to place a condition on the special use, as opposed to deferring or waiving the screening. She said placing a condition on the special use would put the burden on the owner of the property.

Mr. Littman addressed a potential noise factor for the residents to the north.

Ms. Lancaster addressed the difficulty in making determinations of noise level that are considered nuisances, and the design of noise-lessening screening.

Mr. Miller said an alternate method of screening would be a landscape buffer. He stated that Sunrise Assisted Living was notified of the special use request and public hearing. He addressed the density and existing intensity of the Sunrise property in terms of potential future expansion.

Mr. Tagle asked members to view the outdoor play area from the perspective of the children who would be using it. He said kids are kids and are entitled to enjoy the fresh air and experience nature. Mr. Tagle suggested that outdoor play time could be limited to certain hours of the day should noise become a factor.

Ms. Troshynski addressed the security and safety of children. She would like to see the matter come back before the Planning Commission to determine appropriate screening should there be future development of any adjacent properties.

Mr. Strat addressed concerns with future development in the area, and recommended a landscape buffer.

Mr. Littman asked the petitioner to address the protection of the treed area with respect to the construction equipment.

Ms. East indicated that the proposed outdoor play area was cleared to prepare for construction of the new ministry, and said there would be no intrusion to the existing trees.

Resolution # PC-2007-10-155

Moved by: Vleck
Seconded by: Kerwin

RESOLVED, That the Planning Commission hereby approves a reduction in the total number of required parking spaces to eighty-three (83) when a total of ninety six (96) spaces are required on the site based on the off-street parking space requirements for churches and child care centers, as per Article XL. This reduction meets the standards of Article 40.20.12 given that the hours of operation of the child care facility and church will not overlap.

BE IT FINALLY RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 10.30.03 of the Zoning Ordinance, as requested for the proposed Child Care Center within the Troy Church of the Nazarene, located on the east side of Crooks Road, south of South Boulevard, in Section 4, within the R-1B zoning district, is hereby granted, subject to the following conditions:

1. That the opaque screening fence shall not be constructed and if there is future development of the neighboring properties, it shall come back to the Planning Commission for a determination whether or not the fencing shall be constructed.
2. That the screening, opaque or landscaping, shall be determined.

Discussion on the motion on the floor.

Mr. Hutson and Ms. Troshynski offered revisions to the motion, as incorporated above. The maker and supporter of the motion accepted the revisions.

Mr. Miller made certain that the members understood that the outdoor play area would still be fenced in.

Vote on the motion on the floor.

Yes: All present (9)

MOTION CARRIED

SITE CONDOMINIUM SITE PLANS

5. SITE CONDOMINIUM SITE PLAN REVIEW – Crestwood Site Condominium – Phase 2, 4 Additional Units/Lots Proposed, North side of Wattles Road, East of Livernois, Section 15, Zoned R-1C (One Family Residential) District

Mr. Miller presented a summary of the Planning Department report on the proposed site condominium, and reported it is the recommendation of City Management to approve the preliminary site plan application as submitted.

Chair Schultz addressed site plan approval procedure as relates to floodplain and wetlands.

Ms. Lancaster confirmed that approvals from State agencies such as MDEQ and FEMA would supersede the Planning Commission authority.

Chair Schultz opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Jeff Huhta of Nowak & Fraus, 46777 Woodward Avenue, Pontiac, was present to represent the petitioner. Mr. Huhta provided additional information relating to the floodplain jurisdiction, MDEQ application, completion of the cul de sac, and tree survey.

Mr. Strat addressed the storm water management on site, and said it lacked creative ingenuity.

Ms. Kerwin shared the same concern and addressed the condition and care of the existing trees on site.

Resolution # PC-2007-10-156

Moved by: Hutson

Seconded by: Littman

RESOLVED, That the Planning Commission recommends to City Council that the Preliminary Site Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Crestwood Site Condominium Phase 2, including 4 units, located on the north side of Wattles, east of Livernois, Section 15, within the R-1C zoning district, be granted, subject to the following condition:

1. That the Michigan Department of Environmental Control approve the plan.

Yes: All present (9)

MOTION CARRIED

6. **SITE CONDOMINIUM SITE PLAN REVIEW** – Villas of Troy Site Condominium, 11 Units/Lots Proposed, South of Wattles Road, East side of Finch, Section 21, Zoned R-1B (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report on the proposed site condominium, and reported it is the recommendation of City Management to approve the application with the condition that the floodplain boundary is approved by the MDEQ and FEMA prior to final site condominium approval.

Mr. Vleck asked for clarification on whose authority it is to determine the feasibility of the parallel plan.

Mr. Savidant stated the Engineering Department determined the parallel plan and site plan can be engineered, as shown on the plan.

Ms. Lancaster addressed the ordinance relating to the determination of the feasibility of the parallel plan, and interpreted the ordinance to read that the authority or responsibility lies with the Engineering Department.

The petitioner, Joe Maniaci of Mondrian Properties, 50215 Schoenherr, Shelby Township, was present. Mr. Maniaci said the proposed parallel plan and cluster plan meet all City ordinance requirements. He indicated the density factor is below the maximum allowed and that they are not asking for any variances or special use.

Mr. Maniaci said it is their intent to leave as many trees as possible on the site and the nature area in the back would remain for the use and enjoyment of the residents.

Mr. Savidant briefly addressed the open space provisions offered as an option to petitioners.

Chair Schultz opened the floor for public comment.

Janet Martin of 3912 Old Creek, Troy, was present. Ms. Martin addressed concern for potential flooding problems in the area.

Michael Wullaert of 860 Huntsford, Troy, was present. Mr. Wullaert asked the Planning Commission to give consideration to the trees existing at the south end of the site as the development goes forward.

Chair Schultz addressed the engineering development standards for rear yard drainage in relation to the trees to the south.

Rob Wilson of 3776 Finch, Troy, was present. Mr. Wilson said Choice Development, to whom he sold his property, assured him that the site would be developed with full size lots and full size homes. Mr. Wilson said if he would not have sold his property had he known the site would be developed as proposed.

Liberty Garamillo of 3830 Finch, Troy, was present. Mr. Garamillo addressed concerns with the existing wildlife and green environment as relates to the enjoyment of the residents.

The floor was closed.

Mr. Strat shared the concern for the trees to the south of the property, and objects to the lack of creativity on the storm water management.

Ms. Troshynski said the development is extremely dense and expressed concern with potential drainage problems. She addressed the open space and natural area.

Mr. Hutson shared the concerns voiced on storm water management and existing natural environment, but indicated he would support the plan because it meets all ordinance requirements.

Ms. Kerwin asked the petitioner if he would continue to work with the residents on concerns voiced tonight and in correspondence, should the project go forward.

Mr. Maniaci said they would work with the City Engineer to save as many trees as possible, and indicated the existing pine trees were addressed with the Engineering Department to some resolve. He addressed the City ordinances with respect to rear

yard drainage and storm water management. Mr. Maniaci shared his reasoning in choosing to develop the site as cluster.

Ms. Kerwin said her point is that it might be a good idea to meet with the residents who surround the site and address their concerns.

Resolution # PC-2007-10-157

Moved by: Vleck
Seconded by: Hutson

RESOLVED, That the Planning Commission recommends to City Council that the Preliminary Site Plan (Section 34.60.00 Open Space Preservation Option), as requested for Villas of Troy Site Condominium, including 11 units, located south of Wattles, east side of Finch, Section 21, within the R-1B zoning district, be granted, subject to the following condition:

1. Prior to Final Site Plan Approval, the flood plain boundary shall be approved by the MDEQ and FEMA.

Yes: All present (9)

MOTION CARRIED

SITE PLAN REVIEW

7. **SITE PLAN REVIEW (SP 898-B)** – Proposed Mausoleum, White Chapel Cemetery, South side of Long Lake Road, between Crooks and I-75 (621 W. Long Lake Road), Section 16, Zoned R-1B (One Family Residential) District

Mr. Savidant presented a summary of the Planning Department report on the proposed site plan, and reported it is the recommendation of City Management to approve the site plan as submitted. Mr. Savidant noted that the applicant needs a variance from the BZA to utilize niches in the wall within the required 50-foot setback and a variance to construct walls higher than 30 inches within the required setback.

There was general discussion on the proposed garden area and proposed walls with respect to the required setbacks for principal and accessory uses and the spatial relationship to I-75.

Donald Root, architect from Integrated Design Solutions, 888 W. Big Beaver Road, Troy, and Marc Russell, landscape architect from Russell Design, 114 Rayson Street, Northville, were present.

Mr. Root addressed the access points to the mausoleum, the interior road layout and proposed burial sites. Mr. Root explained the north wall is a continuation of the sound wall and would separate the mausoleum and the garden to create a quiet prayerful space for visitors. He addressed the screening of the maintenance area from the mausoleums and garden. Mr. Root noted that traditional burials can be done up to the property line.

Mr. Russell provided a brief explanation of the proposed cremation garden, a Michigan first. He addressed the proposed garden and mausoleum relationship to I-75, the sound wall along I-75 as well as a water feature to lessen noise, the walking area with seating, and potential burial sites in the walls and planting area. Mr. Russell said the new burial concept would create revenue for the cemetery.

Mr. Littman asked about the approval process for the sound wall and the visual appearance from I-75.

Mr. Root said Michigan Department of Transportation (MDOT) approved the sound wall.

Mr. Russell said there would be views of the garden from I-75. He indicated the proposed walls would be aesthetically pleasing and appealing from both sides.

Mr. Strat complimented the petitioners on the proposed site plan in terms of creativity and ingenuity, but indicated he would not support the site plan until the maintenance area is cleaned up and the opaque screen wall is removed.

Ms. Kerwin addressed the principal use within the 50-foot setback and the eyesore of the maintenance area, and indicated she would not support the site plan for those reasons.

Mr. Hutson said he would not support the proposed site plan until there is assurance that the maintenance area would be cleaned up.

Mr. Russell asked if the Planning Commission would consider approval of the proposed site plan contingent upon the owner satisfying the Commission's request to clean up the maintenance area. He indicated willingness to work with the Building Department on the code enforcement matter.

Ms. Lancaster said she would not recommend a motion to approve the site plan contingent on the cleanup of the maintenance area.

Discussion followed on the relationship of the code enforcement issue to site plan approval, the principal use within the 50-foot setback, and a different design layout of the garden area.

Resolution # PC-2007-10-158

Moved by: Strat
Seconded by: Littman

RESOLVED, To postpone this matter until such time that the Planning Commission receives a report prepared by the Building Department to clarify the violations in terms of the equipment in the front area and come back at the next meeting.

Yes: All present (9)

MOTION CARRIED**OTHER ITEMS**8. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

9. **PLANNING COMMISSION COMMENTS**

Mr. Miller briefly addressed the Michigan Association of Planning (MAP) conference.

The Regular Meeting of the Planning Commission adjourned at 9:10 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

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The Chairman, Mark Maxwell, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Tuesday, October 16, 2007, in Council Chambers of the Troy City Hall.

PRESENT: Michael W. Bartnik
Glenn Clark
Kenneth Courtney
Marcia Gies
Matthew Kovacs
Mark Maxwell
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Christopher Forsyth, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF SEPTEMBER 18, 2007

Motion by Wright
Supported by Gies

MOVED, to approve the minutes of the meeting of September 18, 2007 as written.

Yeas: All - 7

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. MR. & MRS. DERRICK ROBINSON, 4472

LANCASHIRE, for relief of the Ordinance to construct a patio enclosure on the rear of their home that has a proposed 21’ rear yard setback where Section 30.10.04 of the Ordinance requires a 40’ minimum rear yard setback in R-1C Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a patio enclosure on the rear of their home. The site plan submitted indicates the addition on the rear of the home will result in a 21’ rear yard setback. Section 30.10.04 of the Ordinance requires a 40’ minimum rear yard setback in R-1C Zoning Districts.

This item last appeared at the meeting of September 18, 2007 and was postponed to allow the petitioner the opportunity to bring in exact plans of what they want to construct. Mr. Stimac further explained that the petitioner was presenting two plans to the Board, one which would result in a 25’-6” rear yard setback and would result with the size of the enclosure 31’ x 13’; the other would result in a 29’ rear yard setback and the room would be 18’ x 11’.

Mr. McMahon was present and discussed the two (2) plans that he had submitted to the Board members. The homeowner’s first choice was the larger room that would result in

ITEM #2 – con't.

a 25'-6" rear yard setback. If the room was moved farther east the pedestrian garage door would not be able to be used and Mr. McMahon feels that the proposed location would be the best solution for this proposed patio enclosure.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Mr. Courtney asked what the plan was for the existing deck.

Mr. McMahon said that the deck was in pretty rough shape and they would remove it and create a stamped concrete patio.

Mr. Clark asked what was on the property to the north.

Mr. McMahon said originally he thought there were wetlands located on that lot and therefore was unbuildable.

Mr. Stimac explained that there is a house facing John R. on the lot to the north and a county drain is located in this area. This site is in a flood plain and therefore unbuildable.

Motion by Kovacs
Supported by Wright

MOVED, to grant Mr. & Mrs. Derrick Robinson, 4472 Lancashire, relief of the Ordinance to construct a patio enclosure on the rear of their home that will result in a 25'-6" rear yard setback where Section 30.10.04 of the Ordinance requires a 40' minimum rear yard setback in R-1C Zoning Districts.

- Variance is not contrary to public interest.
- Irregular shape of lot creates a hardship.
- Property to the north is unbuildable and will not be affected.
- Variance does not permit the establishment of a prohibited use in a Zoning District.
- Literal enforcement of the Ordinance precludes full enjoyment of the property in question and is unnecessarily burdensome.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUEST. COY CONSTRUCTION, REPRESENTING MR. & MRS. MICHAEL TAORMINO, 1874 WYNGATE, for relief of the Ordinance to construct a rear porch enclosure that will result in a 43' rear yard setback where Section 30.10.02 requires a 45' rear yard setback for buildings in the R-1B Zoning District.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a rear porch enclosure that will result in a 43' rear yard setback. Section 30.10.02 requires a 45' rear yard setback for buildings in the R-1B Zoning District.

This item last appeared before this Board at the meeting of September 18, 2007 and was postponed to allow the petitioner the opportunity to be present.

Mr. Michael Coy of Coy Construction and Mr. Michael Taormino, the homeowner, were present. Mr. Coy explained that the homeowner had been before this Board earlier this year and was denied a variance as the proposed patio enclosure at that time required a very large variance. Mr. Coy stated that they had moved the patio enclosure farther east and now require a very minimal variance to construct this room.

Mr. Maxwell asked how large the proposed room would be.

Mr. Coy stated that it would be 12' x 15' room and they will be able to construct it in such a way that it will appear to have been built at the same time the home was constructed. They plan to put in a deck and that will extend past the edge of the enclosed structure.

Mr. Bartnik stated that he is very concerned as this is a new subdivision and when looking down the line of homes they all have 45' setbacks. The whole row of homes on this street, backs up to the wetlands. The Zoning laws were put in place for a reason and Mr. Bartnik feels that to ask for a variance at such an early time could be precedent setting.

Mr. Taormino stated that many of the homes on either side of him already have concrete patios with walls around them.

Mr. Bartnik asked if they were enclosed and Mr. Taormino stated that they were not.

Mr. Coy stated that none of these homes have enclosed rooms on them and doesn't think the other homeowners would want to change their existing patios by adding enclosures.

Mr. Bartnik asked when the home was built.

Mr. Taormino stated that it was constructed in December 2005.

Mr. Bartnik stated that the plans presented were beautiful but he is still concerned that approval of this request would be precedent setting.

ITEM #3 – con't.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Maxwell stated that he did not think this was a very large variance request as it is only for 2'.

Mr. Courtney stated that this request was denied in February of this year by a vote of 5 - 2.

Mr. Kovacs said that he believes this request is quite different from the request presented in February.

Mr. Coy stated that they moved the room over so that instead of a 10' variance request it is now a 2' variance request.

Mr. Stimac explained that he had determined that this request was substantially different from the earlier request and this is the reason that it was brought before the Board at this time.

Mr. Courtney stated in February it was determined that the petitioner did not demonstrate a hardship that ran with the land, and that the variance request could be precedent setting.

Mr. Kovacs stated that the reason he had denied the original request was because he felt that the room could have been moved over at that time and a lesser variance required.

Motion by Kovacs
Supported by Gies

MOVED, to grant Coy Construction, representing Mr. & Mrs. Michael Taormino, 1874 Wyngate, relief of the Ordinance to construct a rear porch enclosure that will result in a 43' rear yard setback where Section 30.10.02 requires a 45' rear yard setback for buildings in the R-1B Zoning District.

- Variance request is minimal.
- Variance is not contrary to public interest.
- Variance does not prohibit establishment of a prohibited use in a Zoning District.
- Literal enforcement of the Ordinance precludes full enjoyment of the property in question and is unnecessarily burdensome.

ITEM #3 – con't.

Mr. Bartnik stated that he still believes that this request could be precedent setting and will open the door for other homes in the area to ask for variances and there is no hardship that runs with the land.

Mr. Maxwell stated that each case is heard on its own merit and doesn't think this would set a precedent.

Mr. Bartnik agreed with Mr. Maxwell, but stated that this is a new subdivision and all of the lots along Wyngate back up to wetlands. Mr. Bartnik believes that this Board needs to look at the impact on the surrounding property.

Yeas: 5 – Kovacs, Maxwell, Wright, Clark, Gies

Nays: 2 – Bartnik, Courtney

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUEST. LINDA CARDINALE, 2652 RONALD, for relief of the Ordinance to construct a sunroom on the rear of an existing home. The proposed sunroom would result in a 38.3' rear yard setback and would increase the percentage of lot area covered by buildings from an existing 28.4% to a proposed 30.4%. Section 30.10.05 requires a 40' minimum rear yard setback in the R-1D Zoning District and limits the maximum percentage of lot area covered by building to 30%.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a sunroom on the rear of an existing home. The proposed sunroom would result in a 38.3' rear yard setback and would increase the percentage of lot area covered by buildings from an existing 28.4% to a proposed 30.4%. Section 30.10.05 requires a 40' minimum rear yard setback in the R-1D Zoning District and limits the maximum percentage of lot area covered by building to not more than 30%.

Mr. Michael Selden was present and stated the only portion of this sunroom that would encroach into the rear yard setback was the bay on the back. Mr. Selden stated that they have lived in this home for twelve and one-half years and their family dynamics have changed. They have very small children and it is very difficult to watch them in the yard from inside the house. This sunroom would allow them to keep an eye on the kids from the inside of the home. Mr. Selden stated that they had spoken to the neighbors on either side of them and they have indicated approval.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

ITEM #4 – con't.

Motion by Kovacs
Supported by Courtney

MOVED, to grant Linda Cardinale, 2652 Ronald, relief of the Ordinance to construct a sunroom on the rear of an existing home that will result in a 38-3' rear yard setback and would increase the percentage of lot area covered by buildings from an existing 28.4% to a proposed 30.4%. Section 30.10.05 requires a 40' minimum rear yard setback in the R-1D Zoning District and limits the maximum percentage of lot area covered by buildings to 30%.

- Variance request is extremely small.
- Variance is not contrary to public interest.
- Variance does not permit the establishment of a prohibited use in a Zoning District.
- Literal enforcement of the Ordinance would be unnecessarily burdensome.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUEST. DENNIS BOSTICK, 1881 E. BIG BEAVER (PROPOSED ADDRESS), for relief of the Ordinance to alter a tenant space for a new restaurant resulting in a parking requirements of 1,310 parking spaces per Sections 40.21.30 and 40.21.40 of the Troy Zoning Ordinance where only 1,179 parking spaces are available.

Mr. Stimac explained that the Petitioner is requesting relief of the Ordinance to alter a tenant space for a new Buffalo Wild Wings Restaurant. This site is located at the northwest corner of John R. and Big Beaver. With the inclusion of the new restaurant with 293 seats a total of 1,310 parking spaces would be required for the entire development, by Section 40.21.30 and 40.21.40 of the Troy Zoning Ordinance. The site plans submitted indicate that only 1,179 parking spaces are available on the combined sites.

Mr. Dennis Bostick was present and stated that they are asking for a variance of 131 parking spaces. They are planning to alter the former Hollywood Video space. The shopping center has never exceeded 80% of the parking lot being used. Mr. Bostick passed pictures out to the Board members taken at different times of the day indicating the amount of parking used. The parking lot is usually at a 30% - 40% of its capacity.

Mr. Maxwell has been by the area many times and has never seen the parking lot full.

Mr. Courtney asked if parking was a problem during hockey games.

ITEM #5 – con't.

Mr. Bostick stated that during hockey games the west side of the lot fills up. The retail stores close early and usually there is abundant parking available.

Mr. Clark stated that he lives very close to this shopping center and is very familiar with this development. In the evenings most of the retail stores are closed and traffic is greatly diminished. Mr. Clark also stated that during sports events he has noted that the west end of the parking lot fills up.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Motion by Clark
Supported by Wright

MOVED, to grant Dennis Bostick, 1881 E. Big Beaver, relief of the Ordinance to alter a tenant space for a new restaurant resulting in 1,179 parking spaces available, where Sections 40.21.30 and 40.21.40 of the Troy Zoning Ordinance required 1,310 parking spaces.

- Variance is not contrary to public interest.
- Variance does permit the establishment of a prohibited use in a Zoning District.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUEST. SOMERSET PONTIAC GMC TRUCK, INC., 1728 MAPLELAWN, for relief of the required 6' high masonry obscuring wall at the north property line where the site abuts residential zoned property per Section 39.10.01 of the Zoning Ordinance.

Mr. Stimac explained that the petitioner is requesting Special Use Approval for the Outdoor Storage of Vehicles per Section 28.30.04 of the Troy Zoning Ordinance. This property is located in the M-1 (Light Industrial) Zoning District. The property immediately to the north is located in the R-M1 (Multiple-Family Residential) Zoning District. Section 39.10.01 of the Zoning Ordinance requires that a 6' high masonry obscuring wall be located at the north property line of the site where it abuts residentially zoned property. The petitioner does not indicate the required wall on plans submitted.

ITEM #6 – con't.

Mr. Charles LeFevre and Mr. Jack Fowler were present. Mr. LeFevre stated that they want to be able to use this area for the overflow of vehicle storage. They have an existing facility that they are presently using and this area would only be for the overflow. This property would only be used one or two months out of the year.

Mr. LeFevre stated that besides the very thick vegetation there is an existing fence running along the north property line. The trees overlap the parking structure on the north side of the property. Mr. LeFevre also stated that this area was developed in the early 1970's and if they are forced to put a barrier in they will have to destroy at least half of the existing vegetation. The only section they are planning to use for storage has a gravel base and he believes that the vegetation barrier is approximately 25' to 35'. The largest build up of inventory is March or April. The only other time they may have to use this area for storage would be during the model changeover in the summer months.

Mr. Maxwell asked if they were planning to add asphalt to this area.

Mr. LeFevre said that they are not planning to at this time and they do not want to change the existing structure.

Mr. Bartnik stated that Somerset Apartments are located from Crooks to Coolidge and he does not believe there is a lot of area that does not have a screening wall.

Mr. LeFevre stated that Maplelawn curves.

Mr. Bartnik asked what type of lighting would be on the site.

Mr. Fowler stated that they will have security lights; however he does not believe they would cause the neighboring property any problems.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Motion by Wright
Supported by Clark

MOVED, to grant Somerset Pontiac GMC Truck, Inc., 1728 Maplelawn, a one-year variance for relief of the required 6' high masonry obscuring wall at the north property line where the site abuts residential zoned property per Section 39.10.01 of the Zoning Ordinance.

- One-year will allow the Board to re-visit this request to determine that a screen wall is not required.
- Variance is not contrary to public interest.

ITEM #6 – con't.

- Variance will not cause an adverse effect to surrounding property.

Yeas: All – 7

MOTION TO GRANT VARIANCE FOR ONE-YEAR CARRIED

The Board of Zoning Appeals meeting adjourned at 8:28 P.M.

Mark Maxwell, Chairman

Pamela Pasternak, Recording Secretary

CABLE ADVISORY COMMITTEE AGENDA
Thursday, October 18, 2007 – 7 p.m.
Conference Room C – Troy City Hall

Call to Order 7:05 pm

Roll Call

Present:

Kent Voigt
Bryan Wehrung
Lisa Martinico
Brian Wattles

Nancy Chen, Student
Tom Belian
Penny Marinos
Cindy Stewart, City Liaison

Absent: Alan Manzon

- III. Approval of Minutes – Regular Meeting of April 19, 2007
Change under old Business – Sysco should be CISCO

Motion by Kent Voigt
Seconded by Lisa Martinico
APPROVED with changes

- IV. Correspondence: None

- V. A. Comcast – Channel Addition & Repositions – July 19, 2007
Channel additions: Food Network HD, HGTV HD, CSTV (College Sports),
Sportsman Channel.

Complaint from Brian Wattles – he never gets notices as a Comcast customer. Penny agreed – she never gets notices re: changes from WOW either.

Observation – the Music Channel on WOW, the audio is very low. When you turn it up you get static and hissing noises. Needs better modulation.

Channel repositions: IFC (Ind. Film Channel), Music Choice and Gospel Music Channel

B. WOW – Earns top carrier position in 2006 J.D. Power & Associates Residential Telephone Satisfaction Survey for North Central Region – July 11, 2007

2005 & 2000 they got top honors for cable and internet. WOW is dedicated to living “Modern Life Made Easy.” WOW enters into their second decade of offering competitive performance, reliability, cost of service, offerings and promotions, image and billing.

C. Comcast – Real Facts about the Big Ten Network – July 9, 2007

The best and fairest way to protect all consumers is for the cable company to offer Fox Cable networks Big 10 network on a digital sports station or as a subscription package. Big 10 network wants people to pay \$12/year. This info was Comcast’s defense to charging for Big 10 network.

D. Comcast – Complimentary Municipal Video Accounts Dropped – July 2, 2007

Comcast did an extensive review of their complimentary service accounts and determined that they would be realigning these accounts from complimentary status to commercial status. All municipal drops will not be free except for schools and library, plus one drop at Fire and Police.

WOW communicated with the City – they will be happy to offer complimentary service to our municipal facilities.

E. Comcast – Price Changes effective August 1, 2007 – June 5, 2007
Comcast sent pricing changes for installation and service charges for residential effective August 1, 2007.

F. Comcast – Offers NFL Network on Digital Sports Tier – May 15, 2007
Effective June 20, 2007, the NFL network will move from channel 180 on the Digital Plus tier to channel 275 on the Sports Entertainment Pack. In order to receive the NFL network, customers will need to subscribe to the Sports Entertainment Pack.

G. Comcast – Payment Options – May 8, 2007

Multiple options to pay Comcast bill - mail a check, recurring charge on a credit card, automatic withdrawal from bank account, pay online or pay in person at one of the service centers. There is a charge of \$1.99 to have payments processed by a live agent at one of the payment centers. If customer elects to have Comcast services reactivated after deactivation there will be charges effective July 1, 2007.

H. Comcast – Commitment to Michigan – April 24, 2007

Their 4,400 employee workforce will be expanded by 500 new jobs in 2007. Combined with their \$2 billion investment in broadband fiber

technology over the past decade, Comcast prides itself on being a major contributor to Michigan's economic growth. Comcast will continue to invest in the schools by offering and maintaining existing free video drops; offer and maintain independent internet connections.

VI. Articles

A. Comcast Unveils New Broadband Technology called "Wideband" – Media Week – May 8, 2007

"Wideband" can download vast amounts of data and video in a matter of seconds and potentially supercharge cable's triple-play offering.

Wideband can download 4 gigabytes of data (the entire Encyclopedia Britannica – 55 million words) in less than 4 minutes. Traditional cable modem would take 3 hours and a dial-up connection would take 2 weeks to download. Comcast CEO Brian Roberts said, "Consumers want more, faster. We just have to keep investing." Kent said, "Watch for news from Sprint offering new technology in the near future."

VII. New Business

A. CMN Comcast

ICCA approved at their September meeting a 5 year contract with Community Media Network (CMN). We are very happy with CMN's service led by Exec Director Jay Wiencko. We hope the communities who do not contribute part of their 1% PEG fees to Public Access will reconsider (Clawson, Huntington Woods, and Pleasant Ridge).

CMN Contract

Jay sent correspondence related to CMN Contract approval. Last fiscal year Troy led all cities with 34 CMN members and 12 nonprofit memberships. There were 23 Troy graduates of their production training services, and 13 advanced training participants. CMN also facilitated 12 remote (van) productions for Troy schools as well as "Courage First" and "League of Women Voters."

Jay Wiencko is very proud of the partnership CMN enjoys with Troy, its very active resident members and nonprofits.

VII. Old Business

A. Report on Web Publications from members

Wireless Oakland Residential Service (Michtel Communications)

Free	128 k	
Silver package	512 k down/up	– \$19.95/month
Gold package	.54 m down & 768 k up	– \$26.95/month

Wireless Business Service

Silver	\$19.95	512K
Gold	\$39.95	1.54 mg down/7.68 k up
Platinum	\$99.00	1.54 down/1.54 up

Said they are 100% up and running for their Phase I installation in portions of 7 communities (Birmingham, Troy, Oak Park, Royal Oak, Madison Heights, Pontiac, Wixom). 7,000 users signed up since July & 100 users have paid to upgrade.

In 1st 24 hours of service, they saw 10% of households in area begin to use the free internet service.

VIII. Staff Report

Introduction of new student rep

Chi Song - He is a junior at Troy High who is working towards a career in medicine. He has an interest in technology and also enjoys obtaining information via the internet and YouTube. He has no time to watch TV.

Cable Guide – September/October/November showing a lot of Troy Daze programming. We also taped the League of Women Voters Candidates Forum.

IX. Committee Member Comment

Bryan said his 3rd tern is up in January 2008. He said he would not ask to be reappointed. January 2008 agenda we will select a new chair.

X. Adjournment

Motion to adjourn by Penny Marinos seconded by Lisa Martinico at 8:35 p.m.

Bryan Wehrung, Chairman

Cindy Stewart, City Liaison

The special meeting of the Building Code Board of Appeals was brought to order by the Chairman, Ted Dziurman, at 8:30 A.M., on Wednesday, October 24, 2007 in Conference Room C of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Paul Evans, Housing & Zoning Inspector Supervisor

ITEM #1 – APPROVAL OF MINUTES – MEETING OF OCTOBER 3, 2007

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of October 3, 2007 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. SIGNGRAPHIX, 900 TOWER, for relief of Chapter 85 to erect two (2) wall signs.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect two (2) wall signs. Chapter 85.02.05 allows one wall sign for each building, not to exceed a maximum of 200 square feet in area. The plans submitted indicate a total of two (2) wall signs, each measuring 324 square feet in area.

Mr. William Lutz and Mr. Keith Murray of Signgraphix were present. Mr. Tony Antone of Kojaian Management Corporation was also present. Mr. Lutz stated that the bank had revised their corporate logo. The new signs have been designed so that they would be readable at a one-half mile line of sight from the freeway. The proposed signs would be proportional to the building. This building has a wall area of approximately 26,000 square feet.

Mr. Kessler asked what the hardship was that would justify granting this variance.

Mr. Lutz stated that this request is based on a study done by the University of Pennsylvania that indicates the letters in a sign such as this must be at least 6' high in order to be visible for one-half mile.

ITEM #2 – con't.

Mr. Kessler stated that in his opinion the reason the petitioner is asking for this variance is to increase marketing rather than to aid people in locating the building.

Mr. Antone stated that while the named tenant may use the sign for marketing, the other tenants in the building use it for identifying which building they are in to clients.

Mr. Lutz stated that this would also be a tool used by other tenants to help people find the building.

Mr. Nelson asked what type of illumination would be used.

Mr. Lutz stated that the old sign is neon and the proposed sign would be LED.

The Chairman opened the public hearing. No one wished to be heard and the public hearing was closed.

There are no written approvals or objections on file.

Mr. Kessler asked if there was a standard alternate sign available that was smaller.

Mr. Lutz stated that this is a custom sign.

Mr. Stimac noted that upon reviewing the sign layout that was submitted that the sign area shown is larger than the Sign Ordinance would calculate the area to be. He noted that it is quite possible that the sign area would be significantly reduced when properly calculated in accordance with the Ordinance.

Motion by Richnak
Supported by Nelson

MOVED, to postpone the request of Signgraphix, 900 Tower, for relief of Chapter 85 to erect two (2) wall signs each measuring 324 square feet in area, until the next regular meeting of the Building Code Board of Appeals.

- To allow the petitioners the opportunity to present the Board Members with the data from the University of Pennsylvania study.
- To allow the Building Department to recalculate the area of the signs as presented by Signgraphix.

Yeas: All – 5

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF NOVEMBER 7, 2007
CARRIED

The Building Code Board of Appeals meeting adjourned at 9:07 am.

Ted Dziurman, Chairman

Pamela Pasternak, Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, Nov. 1, 2007 at the Troy Community Center. Chair Bud Black called the meeting to order at 1:00 PM.

Present: Jo Rhoads, Member
James Berar, Member
David Ogg, Member
Bud Black, Member
Frank Shier, Member
Pauline Noce, Member
JoAnn Thompson, Member
Merrill Dixon, Member
Betty Coven, Member
Carla Vaughan, Staff

Absent: None

Visitors: None

Approval of Minutes

Resolution # SC-2007-11-001
Moved by Jo Rhoads
Seconded by JoAnn Thompson

RESOLVED, That the Minutes of Oct. 4, 2007 be approved as submitted.

Yes: 9
No: 0

MOTION CARRIED

Visitor Comments

None.

Old Business

Lunch Visits: Betty Coven visited Royal Oak. The food was good, but she had the last table number drawn and felt rushed. The fee is \$3.

Path at Athens High School: Carla reported that she did contact the Streets Department who has responsibility for that path, via email, but has not heard back from them. She will follow up today and report next month.

New Business

Suggestion Box: Carla reported that there were no suggestions regarding the senior program this month.

Airport Rides: JoAnn Thompson reported on various services available for transportation to the airport. Bud Black is going to contact airport transportation services to get their rates for possible inclusion in the senior newsletter.

Cancellation of December Meeting: Merrill Dixon suggested cancelling the December meeting. The majority of the committee wanted to have a meeting, so it will be held.

Reports

Park Board: No report.

Senior Program: Carla reported that the Broadway Memories variety show will be held tomorrow and Saturday. Seventeen people attended the first Caregiver’s Support group meeting. Future topics for that group will include community resources, hospice, activities for those with dementia, and medication management.

Medi-Go: Jo Rhoads reported that Medi-Go is talking about merging with another group to cut costs. The service is going fine.

OLHSA: Pauline Noce reported that they had a speaker on identity theft.

Oakland County Senior Advisory Board: No report.

Comments

Merrill Dixon announced that the flu shot clinic and health fair will be November 14.

Jo Rhoads suggested that contact information about attorneys that specialize in elder law be listed in the newsletter. Jim Berar asked about the possibility of them placing ads, and Carla reported that at this time, we do not accept ads for the newsletter.

David Ogg commented that the committee should not keep rehashing things. They should decide what action to take, take that action and move on.

Jim Berar asked about where the committee should get items to talk about.

Betty Coven reported that her Cross Train Your Brain program is going great with 32 enrolled.

The meeting was adjourned at 2:17 p.m.

Respectfully submitted,

Bud Black, Chair

Carla Vaughan, Secretary

2007 SEP 25 A 10: 02

J-02a

Form 87-007
1-P-1

CITY OF TROY
HUMAN RESOURCES

CITY OF TROY
TRAVEL EXPENSE REPORT

Name: Jeanne Stine Position: Council Member

Other Employees Included in Request: None

Trip Destination: Traverse City, Michigan Date From: 9/18/2007 To: 9/20/2007

Purpose of Trip: 109th Annual MML Convention

Items	Sun	Mon	Tues 18-Sep	Wed 19-Sep	Thurs 20-Sep	Fri	Sat	TOTAL
Miles (Personal Car)								
Enter Current Mileage Rate: \$ 0.48 /mile								
City Car Expense (Details on Bottom)								
Air/Bus/Train								
Registration			379.00					\$379.00
Room (Attach all Receipts)			94.86	94.86				\$189.72
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:								
Lunch:								
Dinner:								
Other Detail, Explain Below								
Additional Other Detail, Explain Below								
TOTAL EXPENSE			473.86	94.86				\$568.72

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ()	
Total	

Cash Advanced	568.72
Balance Due Employee	568.72
(or) Balance Due City	

Mary Redden
Requested By
Phil Nelson
Department Head
Cathy E. Seaman
Approved, Human Resources Director
Mark
Approved - Financial Services Director

9/24/07
Date
9/24/07
Date
9/25/07
Date
9-25-07
Date

Notes and Explanations:
Meals paid for on the City Manager's p-card; accounted for on his travel expense report.

Charge to: City Council's Education & Training Account

Dept. Account # 102.7960

CITY OF TROY
TRAVEL EXPENSE REPORT

Name: Robin Beltramini Position: Council Member

Other Employees Included in Request: None

Trip Destination: Traverse City, Michigan Date From: 9/18/2007 To: 9/20/2007

Purpose of Trip: 109th Annual Michigan Municipal League Convention

Items	Sun	Mon	Tues 18-Sep	Wed 19-Sep	Thurs 20-Sep	Fri	Sat	TOTAL
Miles (Personal Car)								
Enter Current Mileage			\$ 110.40		110.40			
Rate: \$ 0.48 /mile			(230mi)		(230)			220. ⁸⁰
City Car Expense (Details on Bottom)								
Air/Bus/Train								
Registration			349.00					\$349.00
Room (Attach all Receipts)					247. ⁴²			247. ⁴²
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:								
Lunch:								
Dinner:								
Other Detail, Explain Below								
Additional Other Detail, Explain Below								
TOTAL EXPENSE			459. ⁴⁰		357. ⁸²			817. ²⁰

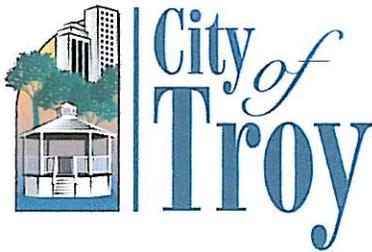
Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ()	
Total	

Cash Advanced	\$349.00
Balance Due Employee	\$ 468. ²⁰
(or) Balance Due City	

Robin E. Beltramini Requested By Oct. 12, 2007 Date
[Signature] Department Head _____ Date
[Signature] Approved - Human Resources Director _____ Date
[Signature] Approved - Financial Services Director 10-16-07 Date

Notes and Explanations:



CITY COUNCIL ACTION REPORT

October 23, 2007

TO: ^{PN} Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance and Admin. 

SUBJECT: September 30, 2007 Quarterly Financial Report

Background:

- Section 8.6 of the City Charter requires a quarterly financial report be provided to City Council.

Financial Considerations:

- The quarterly report provides City Council with an update of the financial condition of the City.

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- Providing the quarterly financial report relates to Council Goal IV, "Effectively and professionally communicate internally and externally".

Options:

- This report is submitted for City Council review and to be noted and filed. I am happy to provide additional information or answer any questions that may arise.

CITY OF TROY
QUARTERLY FINANCIAL REPORT
FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2007

- QUARTER END HIGHLIGHTS
- STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL
- INVESTMENT LISTING (TYPE, LOCATION, RATE, MATURITY DATE)
- BANK BALANCES (LOCATION, FUND, BALANCE)

QUARTER END HIGHLIGHTS (September 30, 2007)

GENERAL FUND

- REVENUE THRU THE 1st QTR. APPEARS IN LINE WITH THE BUDGET
- INVESTMENT INCOME IS DOWN \$44,843 COMPARED TO THE SAME PERIOD LAST YEAR.
- YEAR TO DATE EXPENDITURES AS A PERCENTAGE OF BUDGET ARE UP 1.2% COMPARED TO LAST YEAR.
- LICENSE AND PERMIT REVENUE IS DOWN \$96,810 COMPARED TO THE SAME PERIOD LAST YEAR. BUILDING PERMIT REVENUE MAKES UP \$62,000 OF THAT AMOUNT.
- THE CITY REALIZED A 5% REDUCTION IN DENTAL INSURANCE PREMIUMS, RESULTING IN A SAVINGS OF APPROX. \$ 27,000 FOR 2008.

SYLVAN GLEN GOLF COURSE

- REVENUE APPEARS IN LINE WITH LAST YEARS RECEIPTS FOR THE SAME PERIOD.
- EXPENSES ARE UP \$24,800 COMPARED TO LAST YEAR FOR THE SAME PERIOD.

SANCTUARY LAKE GOLF COURSE

- REVENUE IS DOWN \$15,159 FOR THE 1ST QTR. COMPARED TO LAST YEAR.
- EXPENSES ARE UP \$31,464 COMPARED TO THE SAME PERIOD LAST FISCAL YEAR.
- WE ARE EMBARKING ON A NEW SIGNAGE PROGRAM FOR BOTH COURSES AT STRATEGIC LOCATIONS AROUND THE CITY.

DEPARTMENT HIGHLIGHTS

- PASSPORT ACTIVITY (JULY THRU SEPT.) – 836 TRANSACTIONS; 292 PHOTOS GENERATING \$28,000 IN REVENUE.
- NEW RESIDENT PACKET DISTRIBUTION JULY – SEPTEMBER (210)
BREAKDOWN:

OUT OF COUNTRY	17
OUT OF STATE	23
TROY-TO-TROY	65
IN STATE	105

(LAST YEAR JULY – SEPTEMBER 253)

CAPITAL PROJECTS

- THROUGH SEPTEMBER 30, 2007 WE HAVE EXPENDED \$3.0 MILLION ON CAPITAL PROJECTS.

CITY OF TROY
MONTHLY FINANCIAL REPORT
30-Sep-07

CITY OF TROY
 Monthly Financial Report
 General Fund
 For the Period Ending September 30, 2007

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
GENERAL FUND REVENUES					
TAXES	35,679,836	36,308,690	31,395	35,794,330	98.58
BUSINESS LICENSES & PERMITS	38,993	42,000	1,298	4,091	9.74
NON-BUS. LICENSES & PERMITS	1,452,966	1,705,500	136,438	350,897	20.57
FEDERAL GRANTS	198,102	55,900	0	0	.00
STATE AGENCIES	6,800,242	6,784,000	1,065	60,731	.90
CONTRIBUTIONS-LOCAL	171,189	180,000	9,371	9,371	5.21
CHARGES FOR SERVICES - FEES	1,455,402	1,159,000	29,155	85,022	7.34
CHARGES FOR SERVICES - REND.	2,346,725	1,717,500	114,724	229,634	13.37
CHARGES FOR SERVICES - SALES	154,366	157,000	10,773	27,565	17.56
CHARGES FOR SERVICES - REC	3,740,024	3,565,200	350,584	958,679	26.89
FINES & FORFEITS	1,243,286	1,027,000	52,028	127,636	12.43
INTEREST AND RENTS	2,363,543	2,081,600	141,947	346,612	16.65
OTHER REVENUE	546,469	510,550	1,607	9,818	1.92
OTHER FINANCING SOURCES	4,635,622	8,161,480	0	0	.00
TOTAL GENERAL FUND REVENUE	60,826,765	63,455,420	880,385	38,004,386	59.89
EXPENDITURES					
LEGISLATIVE	1,839,175	2,033,040	138,903	407,313	20.03
FINANCE	4,726,731	5,054,990	381,175	1,095,099	21.66
OTHER GEN GOVERNMENT	2,552,515	2,700,750	276,178	520,885	19.29
POLICE	23,147,967	24,060,510	1,921,769	5,104,282	21.21
FIRE	4,376,861	4,317,390	376,929	1,515,294	35.10
BUILDING INSPECTION	2,051,078	2,243,190	164,063	455,314	20.30
STREETS	4,754,158	5,606,460	308,321	913,194	16.29
ENGINEERING	2,676,718	3,136,960	208,531	565,647	18.03
RECREATION	8,424,151	9,225,600	825,383	2,218,646	24.05
LIBRARY	4,805,280	5,066,530	439,719	965,923	19.06
TRANSFERS OUT	3,510,000	10,000	0	0	.00
TOTAL GEN FUND EXPENDITURES	62,864,634	63,455,420	5,040,971	13,761,597	21.69

CITY OF TROY
 Monthly Financial Report
 Refuse Fund
 For the Period Ending September 30, 2007

REFUSE FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	4,254,241	3,572,670	1,000,000	3,562,562	99.72
CHARGES FOR SERVICES - REND.	0	0	0	0	.00
CHARGES FOR SERVICES - SALES	2,275	1,500	300	790	52.67
INTEREST AND RENTS	162,643	175,000	8,077	16,755	9.57
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	4,419,159	3,749,170	1,008,377	3,580,107	95.49
EXPENDITURES					
CONTRACTORS SERVICE	4,380,060	3,577,000	310,852	767,858	21.47
OTHER REFUSE EXPENSE	47,855	55,230	1,381	3,467	6.28
RECYCLING	101,047	116,940	8,057	29,092	24.88
TOTAL EXPENDITURES	4,528,962	3,749,170	320,290	800,417	21.35

83500
FINANCE
FIN248F8

CITY OF TROY
Monthly Financial Report
Downtown Development Authority Fund
For the Period Ending September 30, 2007

1
10/15/07
12:25:12

DOWNTOWN DEV AUTHORITY FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	3,516,210	3,793,000	0	3,740,758	98.62
STATE GRANTS	0	0	0	0	.00
INTEREST AND RENTS	519,215	400,000	34,361	76,719	19.18
OTHER FINANCING SOURCES	0	2,844,590	0	0	.00
TOTAL REVENUE	4,035,425	7,037,590	34,361	3,817,477	54.24
EXPENDITURES					
ECONOMIC DEVELOPMENT	41,011	350,000	109	8,168	2.33
TAX TRIBUNAL REFUNDS	8,242	0	5,129	9,213	.00
CAPITAL OUTLAY	0	3,000,000	0	0	.00
DEBT SERVICE	3,021,460	3,285,000	0	0	.00
TRANSFER TO GENERAL FUND	311,944	402,590	0	0	.00
TOTAL EXPENDITURES	3,382,657	7,037,590	5,238	17,381	.25

CITY OF TROY
 Monthly Financial Report
 Capital Fund
 For the Period Ending September 30, 2007

CAPITAL FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	8,200,947	8,440,000	0	8,382,498	99.32
FEDERAL GRANTS	650	0	0	0	.00
STATE AGENCIES	519,811	4,464,000	0	244,620	5.48
CHARGES FOR SERVICES - REND.	327,744	75,000	908-	3,496-	4.66
INTEREST AND RENTS	1,181,962	807,200	68,568	156,033	19.33
FINES & FORFEITS	0	246,180	0	0	.00
OTHER REVENUE	1,262,421	0	0	24,106	.00
OTHER FINANCING SOURCES	5,700,000	15,709,560	0	0	.00
TOTAL REVENUE	17,193,535	29,741,940	67,660	8,803,761	29.60
EXPENDITURES					
FINANCE	33,464	55,000	0	9,735	17.70
OTHER GEN GOVERNMENT	90,439	4,457,600	44,317	112,958	2.53
POLICE	411,940	1,129,210	0	0	.00
FIRE	856,110	536,200	0	0	.00
BUILDING INSPECTION	440	10,000	0	232	2.32
STREETS	7,879,499	13,708,000	870,999	2,451,107	17.88
ENGINEERING	369,372	0	0	0	.00
RECREATION	1,708,773	7,255,000	152,896	259,030	3.57
LIBRARY	105,525	325,000	8,304	8,304	2.56
MUSEUM	82,068	256,000	0	0	.00
STORM DRAINS & RET PONDS	536,741	1,260,930	67,671	126,395	10.02
INFORMATION TECHNOLOGY	1,150,000	749,000	0	0	.00
TOTAL EXPENDITURES	13,224,371	29,741,940	1,144,187	2,967,761	9.98

CITY OF TROY
 Monthly Financial Report
 Sanctuary Lake Golf Course
 For the Period Ending September 30, 2007

SANCTUARY LK GOLF COURSE FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	37,416	38,500	4,492	16,720	43.43
CHARGES FOR SERVICES - REC	1,007,452	1,249,090	129,531	464,409	37.18
INTEREST AND RENTS	6,988	6,500	0	0	.00
OTHER REVENUE	4,279	0	30	157	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	1,056,135	1,294,090	134,053	481,286	37.19
EXPENDITURES					
SANCTUARY LAKE GREENS	792,102	885,280	76,619	246,350	27.83
SANCTUARY LAKE PRO SHOP	888,113	1,165,390	29,963	84,377	7.24
SANCTUARY LAKE CAPITAL	0	40,000	0	0	.00
TOTAL EXPENDITURES	1,680,215	2,090,670	106,582	330,727	15.82

CITY OF TROY
 Monthly Financial Report
 Sylvan Glen Golf Course
 For the Period Ending September 30, 2007

SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	28,566	38,500	3,791	13,713	35.62
CHARGES FOR SERVICES - REC	936,929	1,092,630	110,834	420,300	38.47
INTEREST AND RENTS	227,644	200,400	10,963	118,812	59.29
OTHER REVENUE	400	0	246-	203-	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	1,193,539	1,331,530	125,342	552,622	41.50
EXPENDITURES					
SYLVAN GLEN GREENS	729,347	766,160	68,420	220,696	28.81
SYLVAN GLEN PRO SHOP	352,687	322,020	32,710	93,012	28.88
SYLVAN GLEN CAPITAL	0	187,100	13,543	20,315	10.86
TOTAL EXPENDITURES	1,082,034	1,275,280	114,673	334,023	26.19

CITY OF TROY
 Monthly Financial Report
 Aquatic Center
 For the Period Ending September 30, 2007

AQUATIC CENTER FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REC	462,469	445,950	21,451	171,620	38.48
INTEREST AND RENTS	29,257	31,600	624	17,262	54.63
OTHER REVENUE	4-	0	0	1-	.00
TOTAL REVENUE	491,722	477,550	22,075	188,881	39.55
EXPENDITURES					
AQUATIC CENTER	684,334	628,670	53,080	240,020	38.18
CAPITAL	0	110,000	0	0	.00
TOTAL EXPENDITURES	684,334	738,670	53,080	240,020	32.49

CITY OF TROY
 Monthly Financial Report
 Sewer Fund
 For the Period Ending September 30, 2007

SEWER FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
FEDERAL GRANTS	17,081	0	0	0	.00
CHARGES FOR SERVICES - FEES	423,810	400,000	1,800	55,700	13.93
CHARGES FOR SERVICES - REND	10,867,704	11,836,000	1,862,920	1,341,731	11.34
INTEREST AND RENTS	1,187,038	820,000	61,006	140,103	17.09
OTHER REVENUE	426,738	0	0	0	.00
TOTAL REVENUE	12,922,371	13,056,000	1,925,726	1,537,534	11.78
EXPENDITURES					
ADMINISTRATION	9,186,528	9,743,900	900,283	2,150,999	22.08
MAINTENANCE	1,151,136	1,532,140	69,983	177,629	11.59
CAPITAL	0	4,628,000	408,387	461,834	9.98
TOTAL EXPENDITURES	10,337,664	15,904,040	1,378,653	2,790,462	17.55

CITY OF TROY
 Monthly Financial Report
 Water Fund
 For the Period Ending September 30, 2007

WATER FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	707,790	885,000	50,773	156,909	17.73
CHARGES FOR SERVICES - SALES	13,847,856	15,432,000	2,491,807	1,831,337	11.87
INTEREST AND RENTS	987,721	648,000	50,234	136,548	21.07
OTHER REVENUE	569,010	0	0	0	.00
TOTAL REVENUE	16,112,377	16,965,000	2,592,814	2,124,794	12.52
EXPENDITURES					
ADMINISTRATION	11,552,161	12,147,070	1,739,828	2,104,781	17.33
TRANS AND DISTRIBUTION	220,659	224,930	13,677	32,924	14.64
CUSTOMER INSTALLATION	101,647	92,720	7,187	16,770	18.09
CONTRACTORS SERVICE	148,717	217,360	10,461	36,756	16.91
MAIN TESTING	56,893	121,940	0	3,344	2.74
MAINTENANCE OF MAINS	362,261	447,950	39,213	93,528	20.88
MAINTENANCE OF SERVICES	196,788	272,480	14,377	46,772	17.17
MAINTENANCE OF METERS	471,767	709,860	10,215	30,109	4.24
MAINTENANCE OF HYDRANTS	310,130	392,070	8,502	48,533	12.38
METERS AND TAP-INS	300,220	388,720	27,191	75,397	19.40
WATER METER READING	106,366	103,290	16,070	47,696	46.18
ACCOUNTING AND COLLECTING	95,296	106,400	14,437	24,981	23.48
CAPITAL	0	8,715,000	370,702	848,169	9.73
TOTAL EXPENDITURES	13,922,905	23,939,790	2,271,860	3,409,760	14.24

CITY OF TROY
 Monthly Financial Report
 Motor Pool
 For the Period Ending September 30, 2007

MOTOR POOL FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REND	0	5,000	0	0	.00
INTEREST AND RENTS	3,870,828	3,913,400	286,712	873,971	22.33
OTHER REVENUE	612,792	380,000	90,889	121,691	32.02
OTHER FINANCING SOURCES	0	1,473,090	0	0	.00
TOTAL REVENUE	4,483,620	5,771,490	377,601	995,662	17.25
EXPENDITURES					
ADMINISTRATION	543,477	586,650	41,957	107,861	18.39
OPERATION AND MAINTENANCE	3,366,597	3,417,450	263,025	723,058	21.16
DPW FACILITY MAINTENANCE	361,706	392,890	43,959	61,496	15.65
CAPITAL	0	1,374,500	74,572	166,877	12.14
TOTAL EXPENDITURES	4,271,780	5,771,490	423,513	1,059,292	18.35

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2007	10	4	9	ML	2007	6	25	4.720	TBILL	2,403,000	1,530.24	2,372,089.08
	2007	10	4	7	CITIZENS	2007	7	5	5.300	CD	2,186,616		2,186,615.60
	2007	10	4	7	FLAGSTAR	2007	7	12	5.450	CD	2,256,953	2,256,953.00	
	2007	10	11	7	CITIZENS	2007	7	5	5.300	CD	2,088,373	2,088,373.11	
	2007	10	11	7	TCF BANK	2007	7	12	5.330	CD	2,090,389	2,090,388.70	
	2007	10	11	9	ML	2007	7	12	4.940	TBILL	2,456,000	2,426,169.50	
	2007	10	11	7	HUNT BANK	2007	7	19	5.330	CD	2,093,603	2,093,603.49	
	2007	10	18	7	REPUBLIC	2007	7	5	5.300	CD	2,267,578	2,267,578.24	
	2007	10	18	9	ML	2007	7	19	4.970	TBILL	2,126,000	2,100,043.30	
	2007	10	18	7	CHART ONE	2007	8	2	5.230	CD	1,050,478	1,050,477.78	
	2007	10	18	7	CITIZENS	2007	8	2	5.300	CD	2,096,901	2,096,900.52	
	2007	10	18	7	CHART ONE	2007	10	18	5.220	CD	2,095,031	2,095,030.91	
	2007	10	24	8	NATL CITY	2007	7	24	5.060	FNMA	1,127,000	1,112,755.97	
	2007	10	25	7	PRIV BANK	2007	7	5	5.300	CD	1,606,598	1,606,598.13	
	2007	10	25	7	FITB	2007	7	26	5.160	CD	2,206,560	2,206,559.51	
	2007	10	25	7	HUNT BANK	2007	8	16	5.510	CD	1,051,874	1,051,873.92	
	2007	10	25	7	FITB	2007	8	16	5.180	CD	1,071,245	1,071,245.17	
	2007	10	30	8	FITB	2004	1	1	4.200	MM	115,682	115,681.86	
	2007	10	30	8	FITB	2004	1	30	4.250	FHR 2537LA	24,503	24,502.55	
	2007	10	30	7	CITIZENS	2006	5	4	4.800	MMIA	1,118,566	1,118,565.52	
	2007	10	30	8	ML	2006	8	31	4.000	MM	2,204	2,203.92	
	2007	11	1	7	HUNT BANK	2007	7	26	5.350	CD	2,300,412	2,300,411.54	
	2007	11	1	7	HUNT BANK	2007	8	9	5.350	CD	2,197,797	2,197,796.91	
	2007	11	8	7	HUNT BANK	2007	7	26	5.350	CD	1,165,347	1,165,347.47	
	2007	11	8	7	FITB	2007	8	9	5.160	CD	2,098,261	2,098,260.76	
	2007	11	15	7	HUNT BANK	2007	8	9	5.370	CD	1,052,090	1,052,090.49	
	2007	11	15	7	FITB	2007	8	9	5.160	CD	1,080,331	1,080,330.66	
	2007	11	15	7	CITIZENS	2007	8	30	5.300	CD	1,103,687	1,103,687.33	
	2007	11	21	7	FLAGSTAR	2007	9	6	5.750	CD	2,109,292	2,109,292.06	
	2007	11	29	7	COMERICA	2007	8	20	5.300	CD	1,000,000	1,000,000.00	
	2007	11	29	7	CITIZENS	2007	8	30	5.300	CD	2,201,212	2,201,212.03	
	2007	11	29	7	FLAGSTAR	2007	9	13	5.620	CD	2,000,000	2,000,000.00	
	2007	11	30	8	FITB	2003	2	27	5.000	MAX SAVER	7,079,147	7,079,146.59	
	2007	11	30	8	HUNT BANK	2004	8	27	4.302	MM	578,309	578,308.95	
	2007	11	30	8	MBIA	2005	11	18	5.130	MBIA	1,616,829	1,616,828.99	
	2007	11	30	8	FITB	2006	9	8	5.000	MAXSAVER+	2,056,005	2,056,005.34	
	2007	11	31	8	FITB	2006	8	25	5.500	FNMA 73	744,891	744,890.63	
	2007	12	6	7	FLAGSTAR	2007	8	23	5.490	CD	2,103,735	2,103,734.93	
	2007	12	6	7	FLAGSTAR	2007	8	23	5.490	CD	1,000,000	1,000,000.00	
	2007	12	6	7	HUNT BANK	2007	8	23	5.500	CD	1,000,000	1,000,000.00	
	2007	12	6	7	FITB	2007	8	23	5.200	CD	1,000,000	1,000,000.00	
	2007	12	13	9	ML	2007	9	6	4.290	TBILL	2,855,000	2,822,513.27	
	2007	12	13	7	JPM CHASE	2007	9	13	5.430	CD	2,000,000	2,000,000.00	
	2007	12	13	7	TCF BANK	2007	9	20	4.750	CD	2,109,539	2,109,539.20	
	2007	12	20	7	TCF BANK	2007	9	13	5.300	CD	2,212,124	2,212,124.13	
	2007	12	20	7	CHART ONE	2007	9	13	5.260	CD	2,000,000	2,000,000.00	
	2007	12	20	9	ML	2007	9	13	3.950	TBILL	2,837,000	2,807,266.65	

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Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2007	12	27	7	CITIZENS	2007	9	13	5.300	CD	2,000,000		2,000,000.00
	2007	12	27	7	HUNT BANK	2007	9	27	4.720	CD	2,218,083		2,218,083.10
	2007	12	30	8	FITB	2007	2	9	6.000	3243	215,000		214,027.49
	2007	12	31	8	FITB	2005	7	27	4.500	FHLM 2687	4,090,000		4,089,941.25
	2008	1	3	7	FITB	2007	9	13	5.220	CD	2,000,000		2,000,000.00
	2008	1	3	9	ML	2007	9	26	3.790	TBILL	2,277,000		2,253,862.83
	2008	1	10	7	HUNT BANK	2007	9	13	5.590	CD	2,000,000		2,000,000.00
	2008	1	10	8	ML	2007	9	27	4.730	G E CAP	2,394,000		2,360,972.78
	2008	1	17	7	NATL CITY	2007	9	13	5.400	CD	2,000,000		2,000,000.00
	2008	1	24	7	PRIV BANK	2007	9	13	5.300	CD	2,000,000		2,000,000.00
	2008	1	30	8	FITB	2005	5	25	5.000	FHLM 2808	60,000		59,901.30
	2008	1	31	7	TCF	2007	9	13	5.300	CD	2,000,000		2,000,000.00
	2008	2	7	7	NAT CITY	2007	9	21	5.050	CD	2,000,000		2,000,000.00
	2008	2	14	7	FLAGSTAR	2007	9	21	5.380	CD	2,000,000		2,000,000.00
	2008	2	28	7	FLAGSTAR	2007	9	21	5.350	CD	2,000,000		2,000,000.00
	2008	2	28	7	COMERICA	2007	9	21	4.900	CD	2,000,000		2,000,000.00
	2008	3	6	7	JPM CHASE	2007	9	21	4.840	CD	2,000,000		2,000,000.00
	2008	3	13	7	FITB	2007	9	21	4.680	CD	2,000,000		2,000,000.00
	2008	3	20	7	FLAGSTAR	2007	9	21	5.310	CD	2,000,000		2,000,000.00
	2008	3	27	7	JPM CHASE	2007	9	21	4.790	CD	2,000,000		2,000,000.00
	2008	4	25	8	FITB	2005	1	11	4.000	FNMA 42	670,000		669,400.94
	2008	4	25	8	FITB	2005	8	26	4.500	31	869,000		868,474.31
	2008	4	25	8	FITB	2006	6	30	5.000	86	321,000		320,943.55
	2008	4	25	8	FITB	2007	1	9	5.500	FNMA 80	254,000		253,590.96
	2008	4	25	8	FITB	2007	3	21	5.000	FNMA 17	862,375		862,375.00
	2008	5	30	8	FITB	2003	5	19	5.000	FHLMC95237	424,000		423,344.32
	2008	5	30	8	FITB	2004	1	30	4.000	FHR 2535LK	526,000		525,413.99
	2008	5	30	8	FITB	2004	3	25	4.500	FHR 2669DT	215,000		214,882.33
	2008	5	30	8	FITB	2004	10	7	2.250	FHR 2625	114,000		113,752.80
	2008	5	30	8	FITB	2004	10	8	3.250	FHR 2564CN	408,000		407,500.53
	2008	5	30	8	FITB	2006	1	30	4.500	FHLM 2557	597,000		596,703.84
	2008	5	30	8	FITB	2008	5	30	3.600	FHR03 2640	363,000		362,677.40
	2008	6	15	8	FITB	2005	11	30	5.000	2802	619,000		618,149.15
	2008	6	25	8	FITB	2007	5	25	4.500	FHLM 2693	772,000		771,431.73
	2008	6	28	8	FITB	2004	10	12	4.000	FHR 2617	2,073,000		2,072,582.26
	2008	6	28	8	FITB	2005	8	30	4.500	2545	188,000		187,565.12
	2008	6	29	8	FITB	2006	11	24	3.250	FHLM 2568	462,000		461,436.82
	2008	7	31	8	FITB	2005	9	29	4.500	FHLM 2618	546,000		545,724.91
	2008	8	25	8	FITB	2007	4	25	4.500	2569	463,000		462,482.48
	2008	9	25	8	FITB	2007	9	28	5.500	FNMA 3061	550,000		552,268.75
	2008	10	30	8	FITB	2007	7	17	4.500	FNMA 37	671,000		670,409.30
	2008	11	30	8	FITB	2007	8	27	4.500	2003-36	990,000		987,312.50
	2008	11	30	8	FITB	2007	8	27	5.500	2549	600,000		599,633.33
	2008	12	31	8	FITB	2007	9	15	5.500	FHLM 3145	1,600,000		1,601,275.26
										TOTAL		1,530.24	137,219,118.04

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T-Bills, Commercial Paper, C.D. etc.

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Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
591	2007	10	4	7	CITIZENS	2007	6	29	5.250	CD	155,275		155,275.29
	2007	10	4	7	HUNT BANK	2007	6	29	5.350	CD	169,886		169,886.10
	2007	10	4	7	LASALLE	2007	6	29	5.075	CD	1,005,252		1,005,252.08
	2007	11	26	8	LA SALLE	2007	7	31	4.500	MMA	2,025,195		2,025,195.22
	2007	12	15	8	FITB	2005	8	26	4.500	FHLM 2687	1,000,000		991,000.00
	2007	12	30	8	FITB	2006	3	3	5.000	FHLM 2561	49,000		48,147.91
	2007	12	31	8	FITB	2007	2	9	6.000	3243	162,000		161,091.09
	2007	12	31	8	FITB	2007	3	26	4.000	2780	257,000		256,386.77
	2008	1	4	8	NAT CITY	2007	9	4	5.292	MORG STAN	1,597,000		1,569,087.99
	2008	3	25	8	FITB	2006	8	9	5.500	FNMA 73	125,000		124,451.22
	2008	6	30	7	COMERICA	1997	7	1	4.900	GOV'T POOL	2,068,850		2,068,850.77
	2008	6	30	8	FITB	2005	8	31	4.500	MM	93,196		93,196.26
	2008	6	30	8	FITB	2005	9	29	4.500	FHLM 2618	230,000		229,271.74
	2008	8	15	8	FITB	2007	5	25	4.500	FHLM 2693	194,000		193,607.93
	2008	12	31	8	FITB	2007	8	25	3.000	2659	99,000		98,176.99
	2008	12	31	8	FITB	2007	9	25	5.000	2898	1,195,000		1,192,248.28
										TOTAL			10,381,125.64
688	2008	6	30	7	CHASE	1997	7	1	4.950	GOV'T POOL	1,462,730		1,462,730.28
										TOTAL			1,462,730.28
										TOTAL	1,530.24		149,062,973.96

*** END OF REPORT ***

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BANK ACCOUNTS
9/30/2007

BANK	FUND	POOLED INVESTMENT BALANCE
Fifth Third	General	\$ 4,101,956.32
Fifth Third	Trust & Agency	5,553,060.79
Fifth Third	Investment-MM	115,681.86
TOTAL		<u>\$ 9,770,698.97</u>



CITY COUNCIL REPORT

October 18, 2007

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Final Reporting – BidNet On-Line Auction Services –
September 2007

Background

- Resolution #2004-02-075 established the auction fee of 5% and provided approval to use BidCorp with the provision that other on-line auction service options would be considered. BidNet moved forward and implemented the on-line surplus auction service for the MITN System (Michigan Inter-governmental Trade Network), which can be accessed through the City of Troy home web page. MITN is Purchasing's official e-procurement website used for posting bids, tabulations, quotations, and award information. It was a Purchasing goal that one e-procurement site would be operational for all functions.

Financial Considerations

- In compliance with Resolution #2004-02-075, final reporting is being presented for five (5) file cabinets, one (1) golf cart, one (1) diesel tractor, one (1) laptop with docking station, one (1) 160 gallon sprayer, one (1) computer unit, one (1) greensmower, one (1) rubber dumbbell mat kit, and miscellaneous items that were auctioned on-line through BidNet, the City's e-procurement website, on August 27, 2007 and closed on, September 16, 2007.

October 18, 2007

To: Phillip Nelson, City Manager

Re: Final Reporting – BidNet On-Line Auction Services – September 2007

Financial Considerations - continued

Final sale amounts and fees are listed below:

DESCRIPTION	PROCEEDS	SUB-TOTAL	NET INCOME
Golf cart, file cabinets, tractor, laptop, computer, etc	5,974.86		
SUB-TOTAL:		\$5,974.86	
	FEES:		
5% Golf cart, file cabinets, tractor, laptop & etc.	(298.74)		
SUB-TOTAL:		(\$298.74)	
Sales Tax +6% (Golf cart, file cabinets, tractor, laptop & etc):	319.49		
Note: Greensmower purchased – tax exempt			
SUB-TOTAL:		\$319.49	
			\$ 5,995.61

Legal Considerations

- Farmington Hills, Michigan was the lead agency for the bid process for an on-line auction website. Resolution #2004-02-075.

Policy Considerations

- All bidders were given the opportunity to respond with their level of interest in the surplus auction process. (Goal II).

Options

- To report final results of the September 2007 auction to City management.
- No action required



MITN Auctions	National Auctions	Auctions Main Menu	HELP/FAQ	Contact Support	MITN Admin Menu
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Report For The City Of Troy, MI

Detailed Report For Seller: ALL

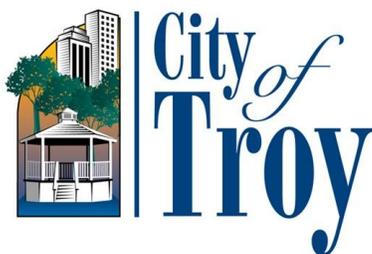
Reported On 11/8/2007

From: 9/1/2007 To: 9/30/2007

Item ID	Date	Sale Amount	Tax Collected	Charge	Type of Fee	Auction Description	Seller
2315	9/3/2007	1,725.00	103.50	86.25	Sale	160 Gallon Sprayer	Bockstanz
2341	9/3/2007	122.50	7.35	6.13	Sale	Dell Laptop with Docking Station	Bockstanz
2379	9/3/2007	26.00	1.56	1.30	Sale	Computer Unit	Bockstanz
2345	9/3/2007	15.00	0.90	0.75	Sale	Black File Cabinet	Bockstanz
2346	9/3/2007	11.51	0.69	0.58	Sale	Two - 3 Drawer file cabinets	Bockstanz
2314	9/3/2007	650.00	0.00	32.50	Sale	Greensmower	Bockstanz
2348	9/3/2007	1.00	0.06	0.05	Sale	Book Light	Bockstanz
2342	9/3/2007	10.00	0.60	0.50	Sale	Two Blue Chairs	Bockstanz
2312	9/3/2007	1,400.00	84.00	70.00	Sale	Diesel Tractor	Bockstanz
2310	9/3/2007	401.60	24.10	20.08	Sale	Rubber Dumbell Mat	Bockstanz
2349	9/3/2007	4.25	0.26	0.21	Sale	Bates Stamp	Bockstanz
2350	9/3/2007	12.00	0.72	0.60	Sale	HP Laserjet Cartridge	Bockstanz
2343	9/16/2007	16.00	0.96	0.80	Sale	Two Blue File Cabinets	Bockstanz
2347	9/16/2007	5.00	0.30	0.25	Sale	Maxell Data Cartridges	Bockstanz
2317	9/16/2007	1,575.00	94.50	78.75	Sale	EZ-Go Golf Cart	Bockstanz
0	9/24/2007	0	0.00	333.90	Payment		Bockstanz

Total Sales Amount	Total Tax Collected	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
\$5,974.86	\$319.49	\$298.74	\$333.90	(\$35.16)	\$425.06

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CITY COUNCIL REPORT

October 23, 2007

TO: Phillip L. Nelson, City Manager

FROM: Charles T. Craft, Chief of Police
Wendell Moore, Research & Technology Administrator

SUBJECT: 2007 Year-To-Date Calls for Police Service Report

Background:

- Each quarter the police department publishes a year-to-date report comparing current year calls for service, criminal offenses, clearance rates, traffic crashes and citations issued, to the same time period of the previous year.
- The report's format complies with the National Incident Based Reporting System. All offenses within an incident are reported.
- Group A Crime decreased 9.3% (263 incidents) from the 2006 level. Within the group, the following categories show significant variations:
 - Breaking and Entering: Down 10% (23 incidents)
 - Destruction/Damage to Property/Vandalism: Down 16.1% (57 incidents)
 - Robbery: Down 35% (7 incidents)
 - Larceny/Theft Offenses: Down 10.9% (128 incidents)
 - Motor Vehicle Theft: Down 15% (19 incidents)
 - Assault Offenses: Down 6.1% (30 incidents)
 - Drug/Narcotics Offenses: Up 9% (14 incidents)
 - Sex Offenses: Up 40% (8 incidents)
 - Fraud Offenses: Up 29.6% (34 incidents)
- Group B Crime decreased 17.7% (254 incidents). Significant changes occurred in the following:
 - Disorderly Conduct: Down 19.5% (43 incidents)
 - Drunk Driving: Increased 10.1% (28 incidents)
- Total incidents of crime (Group A & B combined) decreased by 12.1% (517 incidents).
- Clearance rates (the percentage of offenses for which a perpetrator has been prosecuted, or positively identified but not prosecuted) continue to be high, 30.1% for Group A Crime, and 78% for Group B Crime. In total, 46.5% of all reported crime has been cleared.
- Arrests have decreased 14.8% (153 arrests) for Group A crime, and increased 12.6% (112 arrests) for Group B crime. Overall, arrests decreased by 2.1% (41 arrests).
- Group C (non-criminal) calls for police service increased by 5.9% (1508 incidents).
- Year to date reported traffic crashes and traffic citations issued totals are as follows:

- Property Damage crashes increased 5.9% (106 crashes).
- Injury crashes are up 12.7% (49 crashes).
- Fatal crashes remain unchanged (3 crashes in both 2006 and 2007).
- Hazardous traffic citations issued are up 4.8% (342 citations).
- Non-hazardous traffic citations issued are up 16.1% (87 citations)
- License/title/registration citations decreased 24.9% (599 citations).
- Parking citations increased 15.3% (83 citations).
- Overall, criminal and non-criminal calls for police are up 3.6% (1056 calls for service).

Financial Considerations:

- None

Legal Considerations:

- None

Policy Considerations:

- City of Troy Goal #1 - Enhance the livability and safety of the community.
- The 2007 year to date calls for police service are very close to the numbers we experienced in 2005 and down significantly from 2006 levels.

Troy Police Department

January through September 2007/2006 Comparison

Group A Crime Categories	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	Y-T-D		Percent	Y-T-D		Percent	Y-T-D		Percent	Y-T-D	
	2007	2006	Change	2007	2006	Change	2007	2006	Change	2007	Percent
Arson	3	3	NC	3	4	-25.0%	1	0	+	0	0.0%
Assault Offenses	463	493	-6.1%	470	498	-5.6%	129	159	-18.9%	129	27.4%
Bribery	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Breaking and Entering	206	229	-10.0%	209	234	-10.7%	29	21	38.1%	25	12.0%
Counterfeiting/Forgery	21	62	-66.1%	22	63	-65.1%	3	12	-75.0%	3	13.6%
Destruction/Damage/Vandalism	297	354	-16.1%	316	380	-16.8%	3	10	-70.0%	10	3.2%
Drug/Narcotic Offenses	169	155	9.0%	237	250	-5.2%	187	195	-4.1%	216	91.1%
Embezzlement	53	57	-7.0%	57	57	NC	33	38	-13.2%	19	33.3%
Extortion/Blackmail	1	0	+	1	0	+	0	0	NC	0	0.0%
Fraud Offenses	149	115	29.6%	157	133	18.0%	25	27	-7.4%	23	14.6%
Gambling Offenses	1	0	+	2	0	+	0	0	NC	0	0.0%
Homicide Offenses	1	1	NC	1	1	NC	1	0	+	1	100.0%
Kidnapping/Abduction	0	2	-	0	2	-	0	0	NC	0	0.0%
Larceny/Theft Offenses	1,042	1,170	-10.9%	1,075	1,190	-9.7%	434	513	-15.4%	362	33.7%
Motor Vehicle Theft	108	127	-15.0%	117	136	-14.0%	7	14	-50.0%	7	6.0%
Pornography/Obscene Material	0	1	-	0	1	-	0	1	-	0	0.0%
Prostitution Offenses	0	3	-	0	5	-	0	4	-	0	0.0%
Robbery	13	20	-35.0%	13	20	-35.0%	7	7	NC	2	15.4%
Sex Offenses, Forcible	28	20	40.0%	28	21	33.3%	4	6	-33.3%	4	14.3%
Sex Offenses, Nonforcible	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Stolen Property Offenses	8	9	-11.1%	17	15	13.3%	10	12	-16.7%	12	70.6%
Weapon Law Violations	6	11	-45.5%	12	18	-33.3%	6	13	-53.8%	11	91.7%
Group A Total	2,569	2,832	-9.3%	2,737	3,028	-9.6%	879	1,032	-14.8%	824	30.1%
Group B Crime Categories											
Bad Checks	36	12	200.0%	38	12	216.7%	7	3	133.3%	7	18.4%
Curfew/Loitering/Vagrancy	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Disorderly Conduct	178	221	-19.5%	191	238	-19.7%	19	11	72.7%	28	14.7%
Driving Under the Influence	304	276	10.1%	412	325	26.8%	321	286	12.2%	406	98.5%
Drunkenness	0	5	-	0	5	-	0	0	NC	0	0.0%
Family Offenses, Nonviolent	13	14	-7.1%	15	15	NC	1	0	+	3	20.0%
Liquor Law Violations	102	68	50.0%	144	110	30.9%	163	147	10.9%	136	94.4%
Peeping Tom	2	6	-66.7%	2	6	-66.7%	0	2	-	0	0.0%
Runaway (Under 18)	5	9	-44.4%	5	9	-44.4%	0	0	NC	0	0.0%
Trespass of Real Property	9	17	-47.1%	11	18	-38.9%	3	2	50.0%	4	36.4%
All Other	533	808	-34.0%	604	867	-30.3%	489	440	11.1%	525	86.9%
Group B Total	1,182	1,436	-17.7%	1,422	1,605	-11.4%	1,003	891	12.6%	1,109	78.0%
Group A and B Total	3,751	4,268	-12.1%	4,159	4,633	-10.2%	1,882	1,923	-2.1%	1,933	46.5%
Above data includes both completed and attempted offenses.											

DATE: November 1, 2007
 TO: Phillip L. Nelson, City Manager
 FROM: Mark Stimac, Director of Building & Zoning
 SUBJECT: Permits issued during the Month of October 2007

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
Add/Alter	3	\$235,100.00	\$1,983.00
Wreck	1	\$0.00	\$100.00
Sub Total	4	\$235,100.00	\$2,083.00
<u>COMMERCIAL</u>			
New	3	\$3,530,067.00	\$21,900.00
Fnd. New	1	\$1,500,000.00	\$9,645.00
New Less Tenant	1	\$250,000.00	\$1,895.00
Completion Less Tenant	3	\$335,000.00	\$2,780.00
Tenant Completion	5	\$238,000.00	\$2,171.00
Add/Alter	28	\$1,644,800.00	\$16,120.00
Sub Total	41	\$7,497,867.00	\$54,511.00
<u>RESIDENTIAL</u>			
New	7	\$1,705,610.00	\$12,957.00
Add/Alter	24	\$547,109.00	\$6,639.00
Garage/Acc. Structure	17	\$116,447.00	\$2,097.00
Pool/Spa/Hot Tub	3	\$71,450.00	\$796.00
Repair	3	\$32,500.00	\$445.00
Fire Repair	3	\$149,426.00	\$1,420.00
Wreck	2	\$0.00	\$100.00
Fnd./Slab/Rat Wall	2	\$6,900.00	\$170.00
Sub Total	61	\$2,629,442.00	\$24,624.00
<u>TOWN HOUSE/CONDO</u>			
New	4	\$419,852.00	\$3,527.00
Add/Alter	2	\$17,300.00	\$325.00
Sub Total	6	\$437,152.00	\$3,852.00
<u>MULTIPLE</u>			
Add/Alter	1	\$1,200.00	\$55.00
Sub Total	1	\$1,200.00	\$55.00
<u>INSTITUTIONAL/HOSPITAL</u>			
Add/Alter	2	\$205,000.00	\$1,725.00
Sub Total	2	\$205,000.00	\$1,725.00
<u>RELIGIOUS</u>			
New	2	\$2,658,000.00	\$16,036.00
Sub Total	2	\$2,658,000.00	\$16,036.00

MISCELLANEOUS

Signs	62	\$0.00	\$6,060.00
Fences	15	\$0.00	\$245.00

Sub Total	77	\$0.00	\$6,305.00
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TOTAL	194	\$13,663,761.00	\$109,191.00
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PERMITS ISSUED DURING THE MONTH OF OCTOBER 2007

	NO.	PERMIT FEE
Mul. Dwel. Insp.	233	\$2,330.00
Cert. of Occupancy	57	\$4,459.90
Plan Review	110	\$7,399.00
Microfilm	47	\$527.00
Building Permits	194	\$109,191.00
Electrical Permits	219	\$14,102.00
Heating Permits	157	\$7,830.00
Air Cond. Permits	58	\$2,575.00
Refrigeration Permits	1	\$130.00
Plumbing Permits	108	\$8,134.00
Storm Sewer Permits	22	\$2,343.00
Sanitary Sewer Permits	17	\$587.00
Sewer Taps	20	\$20,722.00

TOTAL	1243	\$180,329.90
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LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF OCTOBER 2007

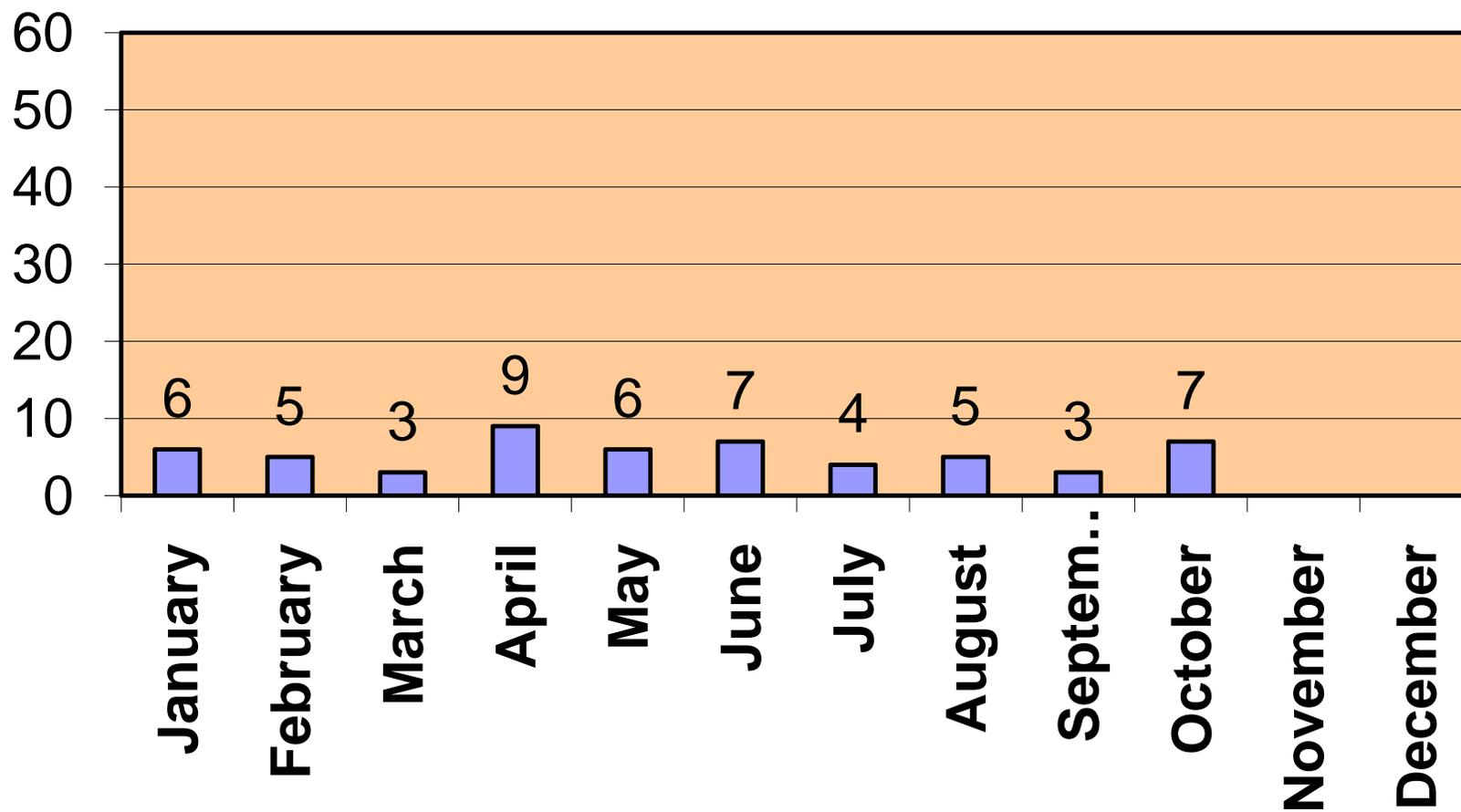
	NO.	LICENSE FEE
Mech. Contr.-Reg.	62	\$310.00
Elec. Contr.-Reg.	28	\$420.00
Master Plmb.-Reg.	18	\$18.00
Sign Inst. - Reg.	9	\$90.00
E. Sign Contr-Reg.	4	\$60.00
Fence Inst.-Reg.	4	\$40.00
Bldg. Contr.-Reg.	21	\$210.00
F.Alarm Contr.-Reg.	1	\$15.00

TOTAL	147	\$1,163.00
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BUILDING PERMITS ISSUED

	<u>BUILDING PERMITS 2006</u>	<u>PERMIT VALUATION 2006</u>	<u>BUILDING PERMITS 2007</u>	<u>PERMIT VALUATION 2007</u>
JANUARY	116	\$7,273,163.00	119	\$7,595,008.00
FEBRUARY	94	\$6,659,691.00	101	\$8,056,092.00
MARCH	127	\$5,629,425.00	135	\$9,204,932.00
APRIL	174	\$5,766,996.00	140	\$4,844,929.00
MAY	216	\$11,290,598.00	170	\$11,201,261.00
JUNE	218	\$10,681,352.00	183	\$6,057,272.00
JULY	198	\$11,269,902.00	134	\$5,755,737.00
AUGUST	150	\$14,170,725.00	149	\$10,867,085.00
SEPTEMBER	161	\$12,827,192.00	151	\$15,498,043.00
OCTOBER	134	\$10,733,680.00	194	\$13,663,761.00
NOVEMBER	111	\$6,690,950.00	0	\$0.00
DECEMBER	94	\$10,508,219.00	0	\$0.00
TOTAL	1793	\$113,501,893.00	1476	\$92,744,120.00

SINGLE FAMILY DWELLING PERMITS 2007



BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS
ISSUED DURING THE MONTH OF OCTOBER 2007

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	THREE SIXTY DESIGN CONSTRUCTIO	3290 W BIG BEAVER 301	126,000
Commercial, Add/Alter	ATCON CONSTRUCTION	2800 W BIG BEAVER Q-121	191,800
Commercial, Add/Alter	ELDER-JONES	2800 W BIG BEAVER W-330	170,000
Commercial, Add/Alter	ENGLEWOOD CONSTRUCTION	2800 W BIG BEAVER Q-115	300,000
Total Commercial, Add/Alter			787,800
Commercial, Compl. less Tenant	MILLCREEK BUILDILNG CO	3435 LIVERNOIS	250,000
Total Commercial, Compl. less Tenant			250,000
Commercial, Foundation New	CUNNINGHAM-LIMP	2805 BELLINGHAM	1,500,000
Total Commercial, Foundation New			1,500,000
Commercial, New Building	SEERCA	1980 E BIG BEAVER	1,178,000
Commercial, New Building	RESTAURANT SPECIALTIES INC	2915 COOLIDGE	2,343,067
Total Commercial, New Building			3,521,067
Commercial, New Less Tenant	MILLCREEK BUILDILNG CO	3415 LIVERNOIS A	250,000
Total Commercial, New Less Tenant			250,000
Commercial, Tenant Completion	INFINITE CONSTRUCTION	6900 ROCHESTER	125,000
Total Commercial, Tenant Completion			125,000
Industrial, Add/Alter	KEMP BUILDING AND DEVELOPMENT	2341 ALGER	200,000
Total Industrial, Add/Alter			200,000
Inst./Hosp., Add/Alter	BEAUMONT SERVICE CO LLC	44201 DEQUINDRE ULTRASO	125,000
Total Inst./Hosp., Add/Alter			125,000
Religious, New Construction	THE GARRISON COMPANY	6850 ADAMS	2,430,000
Religious, New Construction	TROY CHURCH OF THE NAZARENE	6840 CROOKS	228,000
Total Religious, New Construction			2,658,000

Printed: Nov 1, 2007

BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS
ISSUED DURING THE MONTH OF OCTOBER 2007

Page: 2

Type of Construction	Builder or Company	Address of Job	Valuation
Records	15		Total Valuation: 9,416,867



TO: Members of the Troy City Council

FROM: Lori Grigg Bluhm, City Attorney
Robert F. Davisson, Assistant City Attorney
Christopher J. Forsyth, Assistant City Attorney
Susan M. Lancaster, Assistant City Attorney
Allan T. Motzny, Assistant City Attorney

DATE: November 5, 2007

SUBJECT: 2007 Third Quarter Litigation Report

The following is the quarterly report of pending litigation and other matters of interest. **The accomplishments during the THIRD quarter of 2007 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.

1. *Troy v. Papadelis and Papadelis v. Troy* - This is a case filed by the City against Telly's Nursery, seeking to enjoin the business from using the northern parcel for commercial purposes. After a lengthy appellate history, an order was entered in the Oakland County Circuit Court, requiring compliance on or before April 29, 2002. The Papadelis family failed to comply with the court's order, and therefore

a Contempt Motion was filed. Oakland County Circuit Court Judge Colleen O'Brien determined that the defendants were in contempt of court, and required them to pay \$1,000 to the City of Troy. However, the court also determined that the defendants were in compliance with the City of Troy zoning ordinances as of the date of the court decision. The Troy City Council authorized an appeal of this decision to the Michigan Court of Appeals. It was filed on September 27, 2002. The neighbors filed an application for leave to appeal, which was denied by the Michigan Court of Appeals on 2/10/03. After receiving criminal citations from the City for expansion of the business, Papadelis filed a federal lawsuit against the City of Troy, alleging civil rights violations and seeking an injunction against the prosecution and/or further expansion. The neighboring property owners filed a Motion to Intervene, which was granted by Federal US District Court Judge Arthur Tarnow. Troy filed a counterclaim in the Federal Court case but it was dismissed by Judge Tarnow, who refused to exercise jurisdiction over the counter-complaint, since it would require him to interpret the opinion of the Oakland County Circuit Court Judge. Troy has subsequently filed two separate motions to dismiss the Papadelis complaint. One of the motions asserted the same jurisdictional claim that was raised against the counter-complaint. The Court granted Troy's motion based on jurisdictional issues and dismissed the case without prejudice. The court did not rule on the other motion, but instead, directed the Papadelises to re-file their case in state court. The Papadelis family then re-filed its lawsuit in Oakland County Circuit Court. Troy filed an answer and a counterclaim. Troy also immediately filed a motion for summary disposition seeking dismissal of the complaint and a judgment in favor of Troy. The counterclaim seeks an order requiring the Papadelis family to remove two greenhouses and other structures that have been built upon the property without approvals that are required under the zoning ordinance. The Court scheduled an early intervention conference (settlement conference) for October 18, 2005. The Court has set the hearing date for the Motion for Summary Disposition for January 4, 2006. Subsequent to the filing of Troy's Motion for Summary Disposition, Plaintiffs' filed a Cross Motion for Summary Disposition, and the hearing was rescheduled for January 18, 2006. On February 17, 2006, the Court entered its written Opinion and Order, dismissing the Papadelis claim for money damages and their claim for injunctive relief. However, the Court also granted Summary Disposition in favor of the Plaintiffs on their claim for declaratory relief, and held that "retail" activity was not occurring on the northern parcel, and that the "agricultural" activities on the northern parcel were protected under the Right to Farm Act. Additionally the Court ruled the Plaintiffs' were exempt from City permitting requirements under the agricultural building permit exemption of the State Construction Code Act. The Court also dismissed the City's counterclaim. Troy has filed an appeal with the Michigan Court of Appeals. Plaintiffs' have filed a cross appeal challenging the dismissal of their claims for money damages and injunctive relief. All the required briefs have been filed with the Court of Appeals, which will either schedule an oral argument or will inform the parties that the case will be decided without oral argument. Since this case was assigned to the expedited track for summary disposition appeals, a final decision on appeal is

expected before the end of September of this year. On June 16, 2006, the Building Department discovered that the Papadelis family was erecting a new, large pole barn structure on the property at 3301 John R. Road. This structure was likely in violation of local and/or state law. The Building Department followed the procedure for issuing a Stop Work Order. In addition, our office filed an emergency motion with the Court of Appeals, seeking to enjoin construction of the building pending final outcome of the appeal. On June 21, 2006, the Court of Appeals granted the motion for immediate consideration, but denied the motion to enjoin construction of the building. The denial of the motion has no bearing on the final outcome of this appeal, and if Troy ultimately prevails on appeal, the new building will have to be removed. Despite the issuance of the Stop Work Order, the construction continued on the new building. The Papadelis Family then filed a Motion to hold the City Attorney and the Director of Building and Zoning in contempt of court. In this Motion, the Papadelis family argued that the Circuit Court ruling (Judge Colleen O'Brien) allows the construction of the new building without a permit and without having to comply with the zoning ordinance provisions regulating the size and location of buildings. Judge O'Brien denied this Motion on June 28, 2006, and ruled that her earlier ruling (the ruling on appeal) was limited to the buildings on the property at the time of the ruling, and did not extend to allow for new construction on the site. On September 19, 2006, the Court of Appeals affirmed the decisions of the Circuit Court. Thus, the Court affirmed the declaratory judgment in favor of the plaintiffs, but it also affirmed the dismissal of plaintiff's civil rights claims against the City, Mark Stimac, and Marlene Struckman. Troy has filed an Application for Leave to Appeal with the Michigan Supreme Court. The Michigan Municipal League is also filing an amicus brief in support of the City's Application for Leave to Appeal. The Papadelis family filed a Cross Application for Leave to Appeal. If the Supreme Court denies both the Application for Leave to Appeal and the Cross Application for Leave to Appeal, the Court of Appeals decision becomes the final decision in this case. The Supreme Court may grant both the Application and Cross Application for Leave to Appeal, or it may grant one and deny the other, or it may grant either Application in part and limit the issues that it will review. The Michigan Municipal League (MML) has prepared an Amicus Brief in support of the municipal position, and the Papadelis family has opposed the MML's Motion for Leave To File the Amicus Brief. The parties are now waiting for the Michigan Supreme Court to take action. On June 29, 2007, in lieu of granting leave to appeal, the Michigan Supreme Court ruled in favor of the City, and reversed the decisions of the Oakland County Circuit Court and the Court of Appeals. The case will now be remanded back to the Oakland County Circuit Court for an order requiring the Papadelis family to comply with Troy's zoning ordinances. The Michigan Supreme Court declared that the greenhouses and pole barn are not "incidental to the use for agricultural purposes of the land on which they are located." Plaintiff's cross appeal against the City was denied. **Troy filed a motion in Circuit Court to enforce the Supreme Court's ruling, which requires all of the buildings constructed on the Papadelis property to be in compliance with Troy's zoning ordinance. In the alternative, the structures**

need to be removed. The Court scheduled an evidentiary hearing on our Motion for October 17, 2007.

2. *Milano Development Company, Inc. v. City of Troy, et. al.* – This lawsuit was filed on December 11, 2006. It seeks to amend part of a plat to vacate an easement reserved on the original plat of the Square Acres Subdivision Plat, located in Section 14. The Plaintiff is proposing to develop a 13-unit site condominium project on Lot 17. The City has already granted preliminary site plan approval of the proposed Athens Park Site Condominium Project. However, the development cannot be completed in accordance with the approved site plan unless the private roadway easement is vacated. The Plaintiff is currently working on a proposed Consent Judgment, which will incorporate the requests of the attorneys of record. Once finalized, the proposed Consent Judgment will be forwarded to City Council for action. **There has been a delay to this case, since Plaintiff needs to add some recently discovered parties who are necessary to the lawsuit, and delete some originally named but unnecessary parties from the lawsuit. Once the issue of the proper defendants is resolved, we will submit a proposed Consent Judgment to amend the plat as a future City Council action item.**

3. *Karagiannakis and Garrett Family Ltd.Partnership v. City of Troy, et. al.*
The Plaintiffs, Nick and Leslie Karagiannakis, are the owners of property that is designated as “Outlot B” in the Troy Villas Subdivision No. 1 (north of Square Lake Road, west of Rochester Road). The Co-Plaintiff, Garrett Family Limited Partnership (hereinafter “Garrett”) has a purchase agreement with the Karagiannakis family for a portion of this property, which has or will be combined with the rear portions of other parcels that front on Square Lake Road. Garrett proposes to build a 12-unit site condominium on this approximately 6.04 acre parcel, which is currently landlocked and is located behind several homes that front on Ottawa and Donaldson. The plat for the property does not expressly designate a public roadway easement that would allow for a roadway to be constructed over the property owned by co-defendants Arthur and Delphine Lubiarz (480 Ottawa) and James and Cynthia Smith (536 Ottawa- actually on the adjoining plat). The express language of the plat grants only a 43-foot private easement- not a public road. In 1981, a private driveway agreement over this 43-foot private easement allowed for the construction of the Karagiannakis’ residence (500 Ottawa). However, this agreement is extremely limited, and authorizes only a private driveway to a single-family residence. It could not be used to service a 12-unit condominium site. Plaintiffs seek to convert the private easement to a public road, which is required for the proposed development. The Plaintiffs previously filed an action for Declaratory Judgment, and the City argued that the complaint was not correctly filed, since the requested relief could only be granted through a re-plat lawsuit under the Michigan Subdivision Control Act. Under this law, a plat revision complaint needs to be filed against all persons having an interest that could be impacted by revisions to the plat. Plaintiffs thereafter agreed to voluntarily dismiss their Declaratory Judgment action lawsuit, and have now filed this plat revision lawsuit. In the alternative, Plaintiffs have also pled a count asking the Court to allow it to put in a public or private road that is less than the 60- foot width required by City ordinance. The City has filed an Answer to the Complaint and discovery is

continuing. **Trial is scheduled for April 3, 2008. Prior to the trial date, we will file a Motion for Summary Disposition, seeking dismissal of the case.**

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.

There are no pending eminent domain cases at this time.

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. *Gerald Molnar v. Janice Pokley, the City of Troy et al.*- Plaintiff filed this lawsuit against the City and Troy Detective Janice Pokley, after a jury found him not guilty of the charge of Criminal Sexual Conduct in the Second Degree. Plaintiff alleges that the City and Detective Pokley violated his constitutional rights to be from an unreasonable seizure, due process, and equal protection. These constitutional violations allegedly occurred during the criminal sexual conduct investigation of Plaintiff. Plaintiff also claims that the Troy defendants conspired with other named defendants to violate his constitutional rights, and intentionally inflicted emotional distress on Plaintiff. Plaintiff is requesting an unspecified amount of compensatory, exemplar, and punitive damages. On February 27, 2007, Troy filed a motion to dismiss, or in the alternative summary judgment. Plaintiff filed his response to our motion to dismiss on May 21, 2007. **As of the end of the third quarter, the Court had not yet set a date for oral argument on the motion or otherwise ruled on our motion to dismiss. Since the other defendant, Care House, subsequently filed its motion to dismiss the lawsuit, it is possible that the Court will simultaneously rule on both of these pending motions.**
2. *Kenneth Morrell v Troy, et al.* Plaintiff Kenneth Morrell filed a lawsuit against the City of Troy and Troy Police Officer Meghan Broderick. In the complaint, Mr. Morrell alleges a count of assault, gross negligence, a violation of Michigan's Persons with Disabilities Civil Rights Act (PWDCRA), Constitutional violations, false imprisonment, and racial discrimination. The lawsuit was filed in Oakland County Circuit Court and assigned to Judge Steven N. Andrews. According to the complaint, the Plaintiff is a disabled person who is African-American. He contends that the PWDCRA entitles him to have employees of self-service gas stations pump gasoline into his car on demand. He alleges that on April 28, 2006 he

drove to the BP gas station at Maple and John R., seeking some gasoline for his car. Plaintiff claims that his request for gasoline was denied, and that the gas station owner/ operator instead contacted the Troy Police, who sent Officer Broderick to the scene. In his complaint, he alleges that Officer Broderick aided and abetted the gas station employees in violating his rights under the PWDCRA. He also complains that Officer Broderick drew a weapon (a handgun) on the Plaintiff without justification. Officer Broderick denies that she drew a handgun, although the circumstances may have justified it. She did take her department issued taser out of the holster, but did not use it. Plaintiff also complains that another unidentified Troy police sergeant told him he was permanently barred from the BP gas station, and that he would be arrested for trespassing if he returned. He claims the incident resulted in emotional agitation, forcing him to seek medical help, including medication for his nerves. He is seeking over \$25,000 in damages, plus attorney fees and costs. Plaintiff has also named the gas station owners and its manager as co-defendants in this lawsuit. Troy has filed a Motion for Summary Disposition. The hearing on the motion is scheduled for July 11, 2007. **The Court granted Troy's motion in part and dismissed the assault, gross negligence and false imprisonment claims against the City of Troy. The Court also initially dismissed the alleged violation of PWDCRA claim against both Troy and Officer Broderick, but reinstated the claim in response to Plaintiff's Motion for Reconsideration. The case is now in the discovery phase.**

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. Mary Ann Hennig v. City of Troy- Plaintiff has filed this lawsuit, claiming that the City is liable for injuries she sustained after her vehicle was struck by a Troy Police Officer as he was pursuing a suspected drug dealer. Her complaint alleges serious impairment of a bodily function, in that she has neurological damages. The City has filed an answer to the complaint, and the parties are now conducting discovery. **The parties have exchanged witness list, expert witness lists and exhibit lists. The Plaintiff has been examined by an orthopedic physician chosen by the City and is scheduled to be examined by a clinical neuropsychologist chosen by the City during the week of October 22nd. Discovery is continuing.**

F. MISCELLANEOUS CASES

1. *Nardi v Troy, et al.* - Plaintiff Leroy S. Nardi named the City of Troy, the County of Oakland, and the State of Michigan as Defendants in this lawsuit filed in the United States District Court for the Eastern District of Michigan. The Plaintiff owns a parcel of land located at 97 East Wattles. On April 26, 2001, he received a letter from the Building Department, advising him that public sanitary sewer would soon be available to service his property, since there was a new subdivision that abutted his property. The letter informed Mr. Nardi of Chapter 20, which at that time required connection to the newly available public sewer within 18 months. This mandatory connection included a \$200.00 Interceptor Connection fee (tap fee) and a \$3,400.00 Lateral Benefit Charge. These costs could be financed over a 40- year period of time, through a Sewer Contract with the City. In November 2001, Plaintiff's septic system on the property was showing signs of failure, and the Oakland County Health Department was investigating the matter. On November 21, 2001, the Plaintiff signed a Sewer Contract with the City, where he agreed to pay the sewer connection fees for the hook up in quarterly installments of \$57.00 each. Pursuant to the contract, unpaid installments are collected in the same manner as taxes, which mean that all delinquent payments are forwarded to Oakland County for collection and/or foreclosure proceedings. As a result of Plaintiff's failure to pay the quarterly installments, Oakland County initiated foreclosure proceedings for the property.

In the lawsuit, Plaintiff seeks an injunction to stop the foreclosure proceeding, as well as reimbursement for all sewer fees previously paid, and punitive damages in the amount of \$500,000.00. Plaintiff filed the complaint without the assistance of an attorney, and his basis for relief is not exactly clear. He contends all defendants have violated his rights under the 5th, 7th, and 14th Amendments of the United States Constitution and he alleges fraud, extortion, a violation of Article VI, Section 2 of the Constitution, and a taking of property without due process of law. Essentially, he claims the Sewer Contract is not valid because he signed it under duress. He did make a note on the contract when signing that said that he was signing it under duress. However, without such a contract, the entire collection fee would have been immediately due, rather than financing the payments over a 40 year period. Plaintiff also challenges the City's ability to collect a Benefit Charge, because a private developer constructed the portion of the sanitary sewer system to which his property is connected. The Benefit Charge is designed to reimburse the City for the proportional cost of operating the entire system. The City has filed a Motion to Dismiss, which is scheduled for April 23, 2007. After receiving Troy's Motion to Dismiss, Plaintiff hired an attorney to represent him. Plaintiff filed a response to the motion, and oral argument was held. Judge Anna Diggs Taylor granted the Motion in part and dismissed Plaintiff's state law (fraud, contract, duress, extortion and common law) claims. With regard to Plaintiff's federal claims, the Court indicated it would grant the Motion to Dismiss unless Plaintiff filed an amended complaint within 20 days. The Plaintiff filed an amended complaint and

Troy has filed its Answer and Affirmative Defenses. The case is now in the discovery phase. **Discovery is continuing.**

2. *In re Collins and Aikman Corporation et al.* - Collins and Aikman has filed this complaint for an adversary proceeding against the City of Troy in connect with its Chapter 11 bankruptcy case. According to the allegations contained in this complaint, Collins and Aikman is seeking to have the 2004 and 2005 City property taxes (totaling \$201,997.83) declared as unsecured liens. The taxes have already been paid. Similar adversary proceeding complaints were filed against other Michigan municipalities. **Upon being challenged, the Collins and Aikman attorneys conceded that the adversary proceeding may have been filed in error, since the taxes had already been paid. As a result, they voluntarily dismissed the case against the City, and the Bankruptcy Judge signed an order of dismissal on September 19, 2007. The case against the City is now closed.**

G. CRIMINAL APPEALS

1. *People v Aileen Grace Potter* – Ms. Potter was charged with operating a motor vehicle while intoxicated. Her attorney filed a Motion to Dismiss the complaint, arguing that the Defendant was not “operating” a motor vehicle pursuant to the statute. Visiting Judge Levy granted the Defendant’s Motion. The City filed a Claim of Appeal with the Oakland County Circuit Court. On February 15, 2007, the Oakland County Circuit Court affirmed the trial court’s dismissal. On March 8, 2007 the City filed an Application for Leave to Appeal with the Michigan Court of Appeals. This case involves the application of the fairly recent amendments to the drunk driving statute, which allow for an arrest when an officer has probable cause to believe a defendant drove a vehicle while drunk. Previously, police officers were required to actually observe a defendant drive, unless there was an accident. **On September 28, 2007, the Court of Appeals issued an Order granting leave to appeal, and reversing Judge Levy’s dismissal. The Court of Appeals ruled that there was sufficient probable cause to believe the defendant drove while drunk. The case has been remanded back to the District Court for further proceedings.**
2. *People v Megan B. Nairne* – Ms. Nairne was charged with domestic assault. She was represented by a court appointed attorney, and pled no contest to the assault charge on December 21, 2006. Although a no contest plea is treated like a guilty plea, the Defendant is able to defer to the police report, instead of detailing the crime on the record. Since Ms. Nairne is deaf, there was an interpreter present at the time of the plea. Shortly after pleading no contest, Ms. Nairne hired a new attorney, who filed a motion asking the Court to allow Defendant to withdraw her plea. In this motion, Ms. Nairne claimed that her court appointed attorney did not adequately represent her, and her plea of no contest was not voluntarily and knowingly made. On September 20, 2007, Judge Martone denied her motion. She then filed an

application for leave to appeal Judge Martone's decision in the Oakland County Circuit Court. We responded to her motion, arguing that Judge Martone properly denied her motion to withdraw the no contest plea.

H. ADMINISTRATIVE PROCEEDINGS

1. *In the Matter of the Application of International Transmission Company, d/b/a ITCTransmission, for a Certificate of Public Convenience and Necessity for the Construction of a Major Transmission Line Running From and Through Sterling Heights, Troy, Clawson, and Royal Oak, MI.* ITCTransmission has requested permission to construct a new major transmission line- the Bismark- Troy Project. After meeting with City Administration, ITC's proposed location for this new transmission line is primarily through industrial properties, and underground. Previously, a route traversing Maple Road was considered. Before any construction can commence, ITCTransmission needs to obtain a Certificate of Public Convenience and Necessity from the Public Service Commission (PSC). In this proceeding, the PSC determines whether the public benefits justify the construction of the new transmission line; whether the proposed route is feasible and reasonable; and whether the proposed line presents an unreasonable threat to public health or safety. In this particular case, Detroit Edison and Consumers Power filed to intervene. On appeal, these petitions were granted. The parties are now conducting discovery. **The expert witnesses of the parties were cross examined on September 27 and 28, 2007. The parties are now preparing written legal briefs for the Administrative Law Judge.**

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



Waterford Township

Daniel T. McCaw, Chief of Police
5150 Civic Center Drive • Waterford MI 48329
www.twp.waterford.mi.us/police
248-674-0351

October 10, 2007

Charles Craft
Chief of Police
Troy Police Department
500 W. Big Beaver Road
Troy MI 48084

Dear Chief Craft:

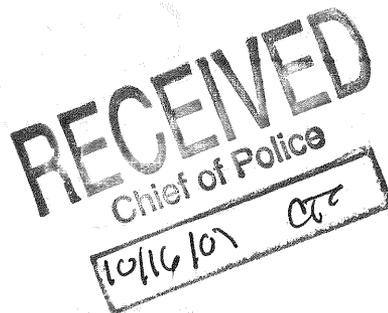
On behalf of the men and women of the Waterford Police Department I would like to thank you for all the assistance you provided during our search for murder suspect, Edward Stenberg.

Without the cooperation of your department, in particular, Lieutenant Keith Frye and Sergeant Scott Salter, it would have been a difficult investigation. We received enough support to maintain a general whereabouts of Stenberg's travels, which in turn, provided us with his exact location. Thankfully the suspect has been arrested; we will now begin the road to prosecution.

If there is ever anything I can assist you with, please do not hesitate to call me at 248-618-7533.

Respectfully,

Daniel T. McCaw
Chief of Police



DTM/agt

cc: City Mgr.
Division Commanders
BB's
F&S

"Moving Forward Together"



Waterford Township

Daniel T. McCaw, Chief of Police
5150 Civic Center Drive • Waterford MI 48329
www.twp.waterford.mi.us/police
248-674-0351

J-03b

September 13, 2007

Charles Craft
Chief of Police
Troy Police Department
500 W. Big Beaver
Troy MI 48084

Dear Chief Craft:

On Saturday, September 8, 2007, Officers Gary Davis of the Bloomfield Township Police Department, and Mark Sawyers of the Sterling Heights Police Department were honored by a motorcycle memorial ride. Officers Davis and Sawyers are the only graduates of the Oakland County Police Academy who have been killed in the line of duty; they were honored in style.

The ride was aided by the Police Departments along the way and concluded without incident; the event was performed in a professional manner and held to a strict timeline. Without the assistance of your Motor Officers, Sergeant Daniel, Officer Schultz and Officer Garcher, the ride could not have operated with such success.

Thank you to your officers for their outstanding dedication, and thank you to your department for allowing them to volunteer their time, as representatives of your agency, in this worthwhile event.

Sincerely,

Daniel T. McCaw
Chief of Police

DTM/agt

RECEIVED
Chief of Police
10/16/07 ca

CC: City mgr.
Division Commander
D/C
Affected Officers/Files

"Moving Forward Together"



October 17, 2007

Brian Murphy
Assistant City Manager
Economic Development Services
City of Troy
500 W. Big Beaver Road
Troy, MI 48045

Dear Brian:

Thank you for your support of the **GirlBiz Keys To Success** Conference on October 10, 2007 at the Troy Community Center. Pamela Valentik (my new best friend) was invaluable to this effort and gave tirelessly. The Greater Detroit Chapter of the National Association of Women Business Owners appreciates your part in helping GirlBiz champion the goal of economic empowerment for the next generation of women.

The Troy Community Center's staff was extremely helpful and accomodating, and the venue was not only beautiful but comfortable. Again, thank you for your part in helping girls reach dreams, make positive choices and maintain self-esteem.

Sincerest thanks,



JoAnn Gibson
GirlBiz Planner & Lead Facilitator
girlbiz@nawbogdc.org

President
Non-Stop Customer Service
(313) 863-3901
jgibson@joanngibson.com

First National Building • 660 Woodward Avenue • Suite 1166 • Detroit, MI 48226

NAWBO/Excel is the 501(c)(3) educational arm of the Greater Detroit Chapter of the National Association of Women Business Owners.
GirlBiz is a program of NAWBO/Excel.

Wattles Elementary School

3555 Ellenboro
Troy, Michigan 48083
Phone: (248) 823-3400

Dr. Judith L. Garrett
Principal

October 11, 2007

Lt. Jerry Scherlinck
Troy Police Department
500 West Big Beaver Rd.
Troy, MI 48084

Dear Lt. Scherlinck,

On behalf of the students and staff at Wattles Elementary, please know how much we appreciated the help of Officer Nickie Kaptur and Officer Robert Kowalski for this year's Walk To School Day, which was held on Oct. 4, 2007. All 400 Wattles students and approximately 50 parents and staff met at the Church of Christ on Trombley Street and we "walked to school"! The police officers helped direct traffic and provided safety as we crossed two intersections (Trombley and Ellenboro and Colebrook and Ellenboro.) Officers Kaptur and Kowalski did a great job!

This is an annual event at Wattles each fall and Troy Police Officers have always helped to provide safety for the adults and students.

I feel fortunate that the Troy Police Department has a close working relationship with the schools!

Sincerely,



Dr. Judy Garrett
Principal

cc: City Mgr
Division Commander
D/C Mayor
BB
OFFices files

NEWS RELEASE - WATTLES SCHOOL

TROY, MICHIGAN

Wed., OCT. 3, 2007

8:45 a.m. approximately

*Rainy Day -
Rescheduled
10/4/07*



**WALK TO SCHOOL DAY!
NEW ROUTE THIS YEAR!**

WHO/WHAT: Wattles AM Kindergartners, K+ and grade 1-5 students, parents, teachers, noon-aids and principal will celebrate Walk To School Day by walking to Wattles School from the parking lot at Church of Christ on Trombley between Rochester Road and Ellenboro. This allows us to participate in a healthy walk to school without crossing major roads. **THIS IS OUR THIRD ANNUAL WALK TO SCHOOL! EVERY YEAR WE TAKE A DIFFERENT ROUTE TO LEARN ABOUT OUR SCHOOL COMMUNITY.**

WHY: Walk to School Day is sponsored by the Governors Council on Physical Fitness, Health and Sports.

In 2004 Wattles School received "The Healthiest School in Oakland County" award from the Healthy Schools, Healthy Oakland committee. We continue to look for ways that we can include exercise and healthy eating into our daily schedule. Participating in "Walk to School Day" is one of the ways adults and children from school can exercise together!

*In May of 2005 and 2006 children and parents participated in ACES (All Children Exercising Simultaneously).

*Students have participated in a mileage club: they get points for walking, jogging or running on our school jogging track.

*The Troy School District physical education department has achieved Level 8 status for the outstanding physical fitness curriculum.

The walk will **START** with all students gathering at the parking lot for warm up stretches by one of our third grade teachers, Mr. Ben Martin. Then Mrs. Forney, head teacher, will lead her first graders and the rest of the school on our **WALK TO SCHOOL!** We will conclude by meeting in the gym for a short program which includes the Pledge of Allegiance (Boy Scouts and Girl Scouts), a patriotic song (2 fourth grade girls will lead us), a "top secret song" (YMCA - everyone's favorite exercise song), and the presentation of the Walk to School certificate (Received by Safety and Service Patrol 5th grade representatives). All children will receive an apple as a healthy treat as they leave. When they return to the classroom, they will receive a special green sticker for participating in the walk.

Thank You to: The parent volunteers, noon-aids, Troy Police Department, Troy Church of Christ for the use of their parking lot **AND** for the donation for the cost of the apples, Troy School District Bus Transportation Department, Wattles teachers and Wattles **STUDENTS!!**



Rouge River Water Festival at

October 17, 2007

Dear Jen Lawson,

On behalf of Cranbrook Institute of Science and the Office of the Oakland County Drain Commissioner, we are writing to thank you for your volunteer participation at the 2007 Rouge River Water Festival at Cranbrook Institute of Science. Over 1200 fifth grade students from twenty-five elementary schools throughout the Rouge River watershed participated in this event.

Your contribution as a volunteer helped ensure the overall success of the 5th annual Rouge River Water Festival held at Cranbrook Institute of Science. We sincerely hope you will join us again September 2008, as a volunteer for this unique environmental education event.

Sincerely,

Michael J. Stafford

Michael J Stafford
Director, Cranbrook Institute of Science

John P. McCulloch

John P. McCulloch
Oakland County Drain Commissioner

Jen - I think I need to meditate now - missed you at the Clinton last night - see you soon Michael



P. O. Box 801, Bloomfield Hills, MI 48303-0801
Phone: (248) 645-3240 - Fax: (248) 645-3050
E-mail: marquette@cranbrook.edu



November 2007

November 2007							December 2007						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3							1
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30		23	24	25	26	27	28	29
							30	31					

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Oct 28 - Nov 3	Oct 28	29	30	31	Nov 1	2	3
					1:00pm Advisory Comn 7:00pm Parks & Recrea		
Nov 4 - 10	4	5	6	7	8	9	10
			Election Day 7:30pm Historic District	8:30am Building Code I 7:00pm Persons with D	7:30pm Library Advisor		
Nov 11 - 17	11	12	13	14	15	16	17
		7:00pm Liquor Advisor 7:30pm City Council Me	7:00pm Ethnic Issues A 7:30pm Planning Comn	12:00pm Employee's Ret			
Nov 18 - 24	18	19	20	21	22	23	24
		7:30pm City Council Me	7:30pm BZA (Chambers 7:30pm Historic District	7:30am DDA Meeting;	City Hall Closed		
Nov 25 - Dec 1	25	26	27	28	29	30	Dec 1
			7:00pm Troy Daze; Con 7:30pm Planning Comn	7:00pm Youth Council; 7:30pm Traffic Commit			

December 2007

December 2007							January 2008						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
2	3	4	5	6	7	8	1	2	3	4	5	6	7
9	10	11	12	13	14	15	8	9	10	11	12	13	14
16	17	18	19	20	21	22	15	16	17	18	19	20	21
23	24	25	26	27	28	29	22	23	24	25	26	27	28
30	31						29	30	31				

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Nov 25 - Dec 1	Nov 25	26	27	28	29	30	Dec 1
Dec 2 - 8	2	3 7:30pm City Council Me	4 7:30pm Planning Comn 7:30pm Historic District	5 8:30am Building Code E 7:00pm Persons with D	6	7 1:00pm Advisory Comn	8
Dec 9 - 15	9	10 7:00pm Liquor Advisor	11 7:30pm Planning Comn	12 12:00pm Employee's Ref 1:00pm Retiree Health	13 7:30pm Library Advisor	14	15
Dec 16 - 22	16	17 7:30pm City Council Me	18 7:30pm BZA (Chambers 7:30pm Historic District	19 7:30am DDA Meeting; 7:00pm Youth Council;	20 7:00pm CANCELLED Pa	21	22
Dec 23 - 29	23	24 City Hall Closed		25	26	27	28
Dec 30 - Jan 5	30	31 City Hall Closed	Jan 1, 08	2	3	4	5



13TH DISTRICT
 1020 FARNUM BUILDING
 P.O. BOX 30036
 LANSING, MI 48909-7536
 PHONE: (517) 373-2523
 TOLL-FREE: (877) SEN-13TH
 FAX: (517) 373-5669
 WEBSITE: www.senate.michigan.gov/pappageorge

JOHN PAPPAGEORGE
 MICHIGAN SENATE

VICE CHAIR - APPROPRIATIONS
 SUBCOMMITTEES:
 CHAIR - GENERAL GOVERNMENT
 VICE CHAIR - DEPARTMENT OF
 COMMUNITY HEALTH
 COMMITTEES:
 CHAIR - ADMINISTRATIVE RULES
 VICE CHAIR - SENIOR CITIZENS
 AND VETERANS AFFAIRS
 MEMBER - CAPITAL OUTLAY
 MEMBER - HOMELAND SECURITY
 AND EMERGING TECHNOLOGIES
 MEMBER - SENATE FISCAL AGENCY
 BOARD OF GOVERNORS

October 9, 2007

Mr. Phillip L. Nelson
 City Manager
 City of Troy
 500 W Big Beaver Rd
 Troy, MI 48084-5285

Dear Phillip:

Congratulations on the City of Troy being named one of the top 25 cities to live in and go to school in the nation by RelocateAmerica.com.

While reading *The Oakland Press*, I noticed the article about the city receiving this prestigious recognition and I wanted to take this opportunity to congratulate you and the city. As a resident of this community, I know that the City of Troy offers a unique living experience that is second to none. I am confident that the City of Troy will continue to set an inspiring example to other cities to strive for excellence in offering a great quality of life. I wish you and the City of Troy much continued success.

Once more, congratulations on this recognition.

Sincerely,

John Pappageorge
 State Senator
 District 13

JP: kl

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OCT 11 2007

CITY OF TROY
 CITY MANAGER'S C

Troy Youth Assistance Board Meeting

October 18, 2007 Draft Minutes

6:00 p.m.

Present: Nancy Piotrowski, Leonette Ciepielowski, Robin Lilly, George Zielinski, Ann Comiskey, Palak Vani, Beth Nowinski, Robin Beltramini, Jeanne Stine, Brian Goul, Wendy Underwood, Paul Scobie.

Call to order: Nancy called the meeting to order at 6:07 p.m. All rose for the Pledge of Allegiance.

Minutes: Leonette moved to approve the minutes of September 20, 2007. Robin B. seconded; so moved.

Treasurer's Report: George Zielinski:

- George presented Treasurers Report. Ann moved to approve report as presented. Wendy seconded; so moved.
- Jeanne made a motion to accept revision of 2007-2008 budget. Robin seconded, so moved.

Communications:

- Paul distributed a thank you note sent by past Caseworker Margo Clarfelt for inviting her to our 50th Anniversary Annual Breakfast.
- Paul discussed a pamphlet provided by Pontiac YA on how to talk to your family about drinking.

Caseworker's Report:

- **DISTINGUISHED CITIZEN**-Heartfelt thanks and congratulations to Nancy Piotrowski, who has been selected as the 2007 Troy Distinguished Citizen. TYA is very blessed to be led by a person with such skills and compassion. The Leadership Troy Dinner honoring Nancy, along with Leonette Ciepielowski for her service to TYA will be held on October 24 at Petruzzello's.
- **ANNUAL BREAKFAST THANKS** –Many thanks to everyone who made TYA's 50th Anniversary/Annual Breakfast such a success. There was a great spirit in the room and Jeanne Stine's retrospective was very nicely done. Let's start getting ready for our 100th!!
- **COORDINATING COUNCIL ANNUAL MEETING**-Oakland County YA is holding its Annual Meeting and Sponsor Appreciation Breakfast on Thursday, November 8 at 7:30 AM at the Iroquois Club in Bloomfield Hills. Anyone interested in attending can speak with Nancy or myself.
- **CASUAL FOR A CAUSE** –TYA is the beneficiary of over \$400.00 in contributions from City of Troy employees. Nancy Piotrowski accepted this generous gift at the City Council Meeting on October 15. Many thanks to these caring City of Troy employees.
- **CASEWORK**- During September, eight new referrals came into TYA-six from police and two from parents. Our caseload as of September 30, 2007 stood at 56- 38 boys and 18 girls.

Executive Committee Report:

- Passed out the updated by laws.
- Looked over New Beginnings Scholarship and made a few more changes in preparation for distribution.
- Paul will be attending Troy Women's Association Meeting November 13th.

Committee Reports:

A. Camp/Skill Building:

- It is the off season so not a lot going on at this time. Discussed concern on how things were handled in regards to the Sports Camp.

B. Family Education:

- Leonette reported: October 22, 2007 is the Helping "Our Children" Cope with Stress event.

C. Fundraising- Vacant:

D. Mentors Plus-Paul Scobie reported.

- Bill Waggoner has expressed interest in helping with TYA's efforts.

E. Membership- Vacant

F. Publicity- Amy Johnson:

- Paul spoke with Amy in regards to intern, it was decided to do our own press releases and forward them on to Amy so she can distribute as needed.

E. Youth Involvement-

- Leonette and Brian to get together for the Halloween candy drop off. Will be adding a couple more schools. Will have middle school kids help with the separation.

H. Youth Recognition-Vacant

- Youth Recognition has been set for April 24, 2008 at Troy Athens HS. Passed around sign up to join committee.

School Reports:

- Palak reports Athens will be holding a blood drive in November.
- Beth Nowinski reports Troy High raised \$2000.00 with a fundraiser they held. They sold tickets to the Powder Puff Football Game. Money raised will be given to a battered women's shelter.

Old Business:

- Nancy and Paul thanked Jeanne for her speaking at the Annual Breakfast. Nancy and Robin met with Gayle to discuss menu for next year.

New Business:

- No new business

Community Information From Organization/Agencies Liaisons:

- Ann reports the Tory Community Coalition Celebrity Night Dinner went well.
- Robin Beltramini reports trick or treating at the Troy Museum will be held 1-3 p.m. on Sunday October 28, 2007. City elections will be November 6, 2007.
- Brian Goul reports the Boo Bash will be held in a couple weeks at the Troy Community Center. Winter programs are coming up. Kaleidoscope is coming up on January 27, 2008. Once again all activities will be free to use and TYA is welcome to set up a table.
- Wendy Underwood reports that Live and Learn in Troy was a big success. This was a combined effort between Troy Schools, Troy Chamber of Commerce, and local realtors.

Adjourned: 7:30 p.m.

Next meeting will be November 15, 2007 @ 6:00 p.m.

Respectfully Submitted,
Robin Lilly, Secretary