CITY COUNCIL

AGENDA

July 9, 2001 – 7:30 P.M.
Council Chambers – City Hall
500 West Big Beaver, Troy, Michigan 48084
(248) 524-3300

CALL TO ORDER 1

Invocation & Pledge Of Allegiance – Pastor Ed Schick – Bethel Baptist Church 1

ROLL CALL 1

A-1 Minutes: Regular Meeting of June 18, 2001 and Joint Meeting of June 21, 2001 with Troy School District 1

A-2 Presentation: Service Commendation Presented to Larry Keisling 1

PUBLIC HEARING 2

C-1 Request for Placement of a Free Standing Communications Tower – Nextel Communications 2

VISITOR COMMENTS 3

CONSENT AGENDA 3

E-1 Approval of Consent Agenda 3

E-2 Approval of Medi-Go Service Agreement 4

E-3 Approval of Funding Agreement Boys and Girls Club 4

E-4 Ratification of Board and Commission Members 4

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk (248) 524-3316 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

E-5 SEMCOG 2001 Membership Dues 5

E-6 Standard Purchasing Resolution 1: Award to Low Bidder – Fence Replacement for Stoneridge Detention Basin 5

E-7 Design Services – CMAQ Projects - Insurance 5

E-8 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Fertilization Services for Sylvan Glen Golf Course 6

E-9 U.S. Conference of Mayors 6

E-10 Private Agreement for Stratford Sanitary Sewer Extension - Project No. 01.403.3 7

E-11 Traffic Signal Maintenance Cost Agreement – Intersection of Big Beaver and Bellingham 7

E-12 Request for Authorization to Sign Detroit Edison Public Utility Easement Agreement 7

E-13 First Amendment to the Grand/Sakwa Brownsfield Plan 8

E-14 Authorization From City Council for July 13 and July 14, 2001 Trip 8

E-15 Abbotsford Development v City of Troy et. al 9

REGULAR BUSINESS 9

F-1 Appointments to Boards and Committees: (a) Advisory Committee for Persons with Disabilities; (b) CATV Advisory Committee; (c) Civil Service Commission (Act 78); (d) Economic Development Corporation; (e) Historical Commission; (f) Liquor Committee; (g) Parks and Recreation Committee; (h) Planning Commission; (i) Traffic Committee; and (j) Troy Daze Committee 9

F-2 Closed Session – No Session Requested 11

F-3 Bid Waiver: Extension of Contract – Printing of 2002 City Calendar 11

F-4 Ordinance Waiver – Sign and Sale of Merchandise 11

F-5 Bid Waiver – Macomb County Criminal Justice Training Consortium Membership 11

F-6 Contract Ratification – Troy Fire Staff Officers Association 12

F-7 Use of City Property – Formerly 101 E. Square Lake Road/Krell Property – Sidwell #88-20-03-301-032 13

F-8 Voluntary General Storm Water Permit and Septic Systems 13

F-9 Request for Approval of Purchase Agreement – Turowski-Long Lake, L.L.C. – Proposed I-75/Long Lake Interchange – Sidwell #88-20-09-451-014, 015, 016, & 017 14

F-10 Resolution for Mayor and Council's Attendance of the 103rd Annual MML Conference 14

F-11 Skate Park Location 15

F-12 Study Session with Troy Daze Advisory Board 15

F-13 Naming Troy Parks 16

F-14 Requested Salary Increase 16

F-15 Proposed Change to Chapter 2 of the City Code Relating to the Placement of Secondary Addresses 16

F-16 Preliminary Plat-Tentative Approval – Oak Forest Subdivision (Revised) West Side of John R Road, South of Square Lake Road – Section 11 17

F-17 Site Plan Review – Proposed Birchwood Estates Site Condominium – South Side of Wattles, West of Dequindre – Section 24 17

F-18 Seth E. Walker Company – Sidwell #88-20-20-300-004: (a) Request for Authorization to Make Unconditioned Offer to Purchase Property for Fire Station #3; (b) Request for Authorization for City Attorney to Institute Court Action of Necessary 17

F-19 Resolutions from Mayor Pryor 19

COUNCIL COMMENTS/REFERRALS **21**

VISITORS **21**

REPORTS AND COMMUNICATIONS **21**

.G-1 Proposed City of Troy Proclamations: 21

(a) Parks and Recreation Month – Month of July 21
(b) Service Commendation – Larry Keisling 21

G-2 Minutes – Boards and Committees: 21

(a) Advisory Committee for Senior Citizens/Final – May 3, 2001 21
(b) Employees' Retirement System Board of Trustees/Final – May 9, 2001 21
(c) Library Advisory Board/Final – May 10, 2001 21
(d) Board of Zoning Appeals/Final – May 15, 2001 21
(e) Planning Commission Special Study Meeting/Final – May 22, 2001 21
(f) Troy Daze/Final – May 22, 2001 21
(g) Advisory Committee for Person with Disabilities/Draft – June 6, 2001 21
(h) Planning Commission/Final – June 12, 2001 21
(i) Employees' Retirement System Board of Trustees /Draft – June 13, 2001 21
(j) Board of Zoning Appeals/Draft – June 19, 2001 21
(k) Library Advisory Board/Draft – June 21, 2001 21
(l) Historical Commission/Draft – June 26, 2001 21

G-3 Department Reports: 22

G-4 Announcement of Public Hearings: 22

(a) Proposed Rezoning – North Side of Long Lake, West of Livernois – Section 9 – R-1B (One Family Residential) to R-1T (One Family Attached Residential – Scheduled for Regular City Council Meeting on July 23, 2001 22
(b) Proposed Rezoning – North Side of Big Beaver, West of John R – Section 23 – R-1E (One Family Residential) and P-1 (Vehicular Parking) to O-1 (Low-Rise Office) and E-P (Environmental Protection District) – Scheduled for Regular City Council Meeting on July 23,2001 22

G-5 Proposed Proclamations/Resolutions from Other Organizations: 22

G-6 Letters of Appreciation: 22

(a) Memorandum from Police Chief Craft to City Manager Szerlag, Re: Certificate of Appreciation from Oakland County Probation 22
(b) Letter from Gary Peer, Ph.D., Central Michigan University, Re: Robert Wolfe's Master of Science Degree 22
(c) Letter from Renee Gucciardo to Captain Slater, Re: Officer Joseph Mairorano's Outstanding Service 22

(d) Letter from Tom Sawyer, Jr., to Mr. Need, Re: Thank You 22
(e) Certificate of Accomplishment from the Institute of Transportation Engineers Awarded to John K. Abraham 22
(f) Letter from Dorothy Meerschaert to Department of Public Works, Re: The Efficient Manner in Which DPW Staff has Maintained Their Street While it Has Been Under Construction 22

G-7 Letters of Resignation from Boards and Committees: 22

(a) Gary A. Sirotti – Act 78 Commission 22
(b) Nelson Ritner – Economic Development Corporation 22

G-8 Agenda Visitor Information System 22

G-9 Resolution of Drainage Problem South of Peacock Farm on Rochester Road, Section 10 22

G-10 Citizen Comments on Red Light Enforcement Cameras 23

G-11 Recommendation of Civic Center Site 23

G-12 Troy Executive Aviation 23

G-13 Resolution of Drainage Ditch Problem on Harris Street, West of Rochester Road, in Connection with Section 22 & 23 Water Main Project 23

G-14 Federal Storm Water Regulations 23

G-15 Project Status Report 23

G-16 Troy Fire Department – 1999 Annual Report and 2000 Annual Report 23

G-17 Levels of Approval for Platted and Unplatted Residential Developments 23

G-18 Update of Chapter 16 Solid Municipal Waste and Recycling Ordinance 23

G-19 Update on Dangerous Building – 612 Trombley, Parcel #88-20-22-401-006 23

G-20 Darrah v Oak Park, City of Troy, Officer Russ Bragg 23

CALL TO ORDER

Invocation & Pledge Of Allegiance – Pastor Ed Schick – Bethel Baptist Church

ROLL CALL

Mayor Matt Pryor
Robin Beltramini
Martin F. Howrylak
Thomas S. Kaszubski
David A. Lambert
Anthony N. Pallotta
Louise E. Schilling

A-1 Minutes: Regular Meeting of June 18, 2001 and Joint Meeting of June 21, 2001 with Troy School District

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of June 18, 2001 and Joint Meeting of June 21, 2001 with Troy School District be approved.

Yes:
No:

A-2 Presentation: Service Commendation Presented to Larry Keisling

PUBLIC HEARING

C-1 Request for Placement of a Free Standing Communications Tower – Nextel Communications

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That at the request of the property owner, David Nelson, and the petitioner, Nextel Communications, Inc., the Public Hearing to consider a request by Nextel Communications, Inc. to construct a 100-foot cell tower at the Northfield Commons Shopping Plaza, located in the southwest quadrant of the Crooks Road and South Boulevard intersection is hereby **POSTPONED** until the next Regular City Council Meeting scheduled for July 23, 2001.

Yes:
No:

VISITOR COMMENTS

Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. Any such matter may be deferred to another time or referred for study and recommendation upon the request of any one Council Member except that by a majority vote of the Council Members, said matter may be acted upon immediately. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. (Rules of Procedure for the City Council, Article 15, as amended May 7, 2001.)

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 remove an item from the Consent Agenda and have it considered as a separate item. A member of the audience who wishes to speak in opposition to the recommended action for any given Consent Agenda item may do so with the approval of a majority vote of City Council. Any item so removed from the Consent Agenda shall be considered after other items on the consent business portion of the agenda have been heard. (Rules of Procedure for the City Council, Article 13, as amended May 7, 2001.)

E-1 Approval of Consent Agenda

Suggested Resolution
Resolution #2001-07-
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-2 Approval of Medi-Go Service Agreement

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That the request for funding in the amount of $110,000.00 for Troy Medi-Go Plus for fiscal year 2001/2002, and the funding agreement between the City of Troy and Troy Medi-Go Plus covering July 1,2001 through June 30, 2002 are hereby approved and the Mayor and City Clerk are authorized to execute the documents, and copies shall be attached to the original Minutes of this meeting.

E-3 Approval of Funding Agreement Boys and Girls Club

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That the funding agreement between the City of Troy and Boys and Girls Club of Troy covering July 1,2001 through June 30, 2002 are hereby approved and the Mayor and City Clerk are authorized to execute the documents, and copies shall be attached to the original Minutes of this meeting.

E-4 Ratification of Board and Commission Members

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

BE IT RESOLVED, That the Troy City Council ratifies the appointment and designated term for all persons previously named to the Troy Board of Zoning Appeals, the Troy Liquor Committee, and the Troy Planning Commission, as listed on the Directory of City Officials, which is maintained by the City Clerk, and is current as of July 7, 2001.

E-5 SEMCOG 2001 Membership Dues

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That the annual membership dues to the Southeast Michigan Council of Governments (SEMCOG) are hereby approved in the amount of $11,040.00 for the period of July 15, 2001 through July 15, 2002.

E-6 Standard Purchasing Resolution 1: Award to Low Bidder – Fence Replacement for Stoneridge Detention Basin

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That a contract to furnish all labor, material, and equipment to remove, dispose, and install fencing at Stoneridge Detention Pond be awarded to the low bidder, Riteway Fence Company, at unit prices contained in the bid tabulation opened June 14, 2001, a copy of which shall be attached to the original Minutes of this meeting, at an estimated total cost of $26,028.40.

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.

E-7 Design Services – CMAQ Projects - Insurance

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

WHEREAS, Ken Van Hoelst, P.E. is providing design services for the following CMAQ projects:

Project No. 99.205.5 – Square Lake – John R Intersection
Project No. 99.206.5 – Square Lake – Dequindre Intersection
Project No. 00.106.5 – Coolidge Left Turn Storage Under I-75
Project No. 00.108.5 – Wattles Right Turn Lane at Forsyth
Project No. 00.109.5 – Wattles EB & WB Right Turn Lane at Coolidge

NOW BE IT RESOLVED, That insurance costs for Ken Van Hoelst, P.E., in the amount of $7,113.00 for the period beginning July 1, 2001 through June 30, 2002 in connection with CMAQ Design Services being provided by Ken Van Hoelst under his contract with the City of Troy, Resolution #2000-305, is hereby authorized. Funds are available in the 2001-02 Major Roads Capital budget.

E-8 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Fertilization Services for Sylvan Glen Golf Course

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That a contract to provide three (3) year requirements of fertilization services at Sylvan Glen Golf Course is hereby awarded to the lowest acceptable bidder meeting specifications, Turfgrass, Inc., at unit prices contained in the bid tabulation opened June 8, 2001, a copy of which shall be attached to the original Minutes of this meeting, at an estimated total cost of $50,750.94.

BE IT FURTHER RESOLVED, The award is contingent upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements.

E-9 U.S. Conference of Mayors

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That authorization is granted for the Mayor's attendance at the U.S. Conference of Mayors in Detroit held on June 22, 2001.

E-10 Private Agreement for Stratford Sanitary Sewer Extension - Project No. 01.403.3

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Daniel Bora is hereby approved for the installation of sanitary sewer on the site and in the adjacent right-of-way, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

E-11 Traffic Signal Maintenance Cost Agreement – Intersection of Big Beaver and Bellingham

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That the agreement for Traffic Control Device between the Road Commission for Oakland County and the City of Troy, for maintenance of the proposed traffic signal at Big Beaver and Bellingham Roads is hereby approved, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

E-12 Request for Authorization to Sign Detroit Edison Public Utility Easement Agreement

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That the City Manager is authorized to sign on behalf of the City of Troy, the Public Utility Easement agreement prepared by Detroit Edison relating to the private development of the “Coolidge Medical Office Building”, Sidwell #20-32-191-019.

E-13 First Amendment to the Grand/Sakwa Brownsfield Plan

(a) Resolution to Establish Public Hearing to Adopt the First Amendment to the Grand/Sakwa Properties, Inc. Brownfield Plan

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That the Troy City Council establish a Public Hearing on August 6, 2001 to adopt the First Amendment to the Grand/Sakwa Properties, Inc. Brownfield Plan under PA 381 of 1996, as originally approved on July 10, 2000 by the Troy City Council.

(b) Resolution to Establish a Public Hearing to Approve the Establishment of a Local Remediation Revolving Fund

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That the Troy City Council establish a Public Hearing on August 6, 2001 to approve the establishment of a Local Remediation Revolving Fund as provided in Public Act 381 of 1996.

E-14 Authorization From City Council for July 13 and July 14, 2001 Trip

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That authorization be granted for City Council Members to travel to Kingsport, Tennessee to visit the Meadowview Conference Center, and to Rosemont, Illinois to visit the Rosemont Theater on July 13 and 14, 2001; and that reimbursement for reasonable travel expenses necessary for this fact finding mission for the Civic Center site development will be made.

E-15 Abbotsford Development v City of Troy et. al

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That the City Attorney is hereby authorized and directed to represent the City of Troy in any and all claims and damages in the matter of Abbotsford Development, L.L.C. v City of Troy et. al., and to retain any necessary expert witnesses and outside legal counsel to adequately represent the City.

REGULAR BUSINESS

Persons interested in addressing City Council on items, which appear on the printed Agenda, may do so at the time the item is discussed. For those addressing City Council, time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 6, as amended May 7, 2001. Persons interested in addressing City Council on items, which are not on the printed Agenda, may do so under the last item of the Regular Business (F) Section.

F-1 Appointments to Boards and Committees: (a) Advisory Committee for Persons with Disabilities; (b) CATV Advisory Committee; (c) Civil Service Commission (Act 78); (d) Economic Development Corporation; (e) Historical Commission; (f) Liquor Committee; (g) Parks and Recreation Committee; (h) Planning Commission; (i) Traffic Committee; and (j) Troy Daze Committee

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That the following persons are hereby appointed by the City Council to serve on the Boards and Committees as indicated:

(a) Advisory Committee for Persons With Disabilities Council Appointment

_____ Student Rep Term Expires 07-01-2002

_____ Student Rep Term Expires 07-01-2002

(b) CATV Advisory Committee Council Appointment

_____ Student Rep Term Expires 07-01-2002

(c) Civil Service Commission (Act 78) Council Appointment

_____ Vacant Term Expires 04-30-2002

(d) Economic Development Corporation Mayor, Council Approval

_____ Vacant Term Expires 04-30-2003

_____ Vacant Term Expires 04-30-2005

(e) Historical Commission Council Appointment

_____ Student Rep Term Expires 07-01-2002

(f) Liquor Committee Council Appointment

_____ Student Rep Term Expires 07-01-2002

(g) Parks and Recreation Committee Council Appointment

_____ Student Rep Term Expires 07-01-2002

(h) Planning Commission Council Appointment

_____ Student Rep Term Expires 07-01-2002

(i) Traffic Committee Council Appointment

_____ Student Rep Term Expires 07-01-2002

(j) Troy Daze Committee Council Appointment

_____ Student Rep Term Expires 07-01-2002

Yes:
No:

F-2 Closed Session – No Session Requested

F-3 Bid Waiver: Extension of Contract – Printing of 2002 City Calendar

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

WHEREAS, On October 4, 1999, a contract to provide printing of the 2000 City Calendar/Annual Report was awarded to the highest scoring vendor as a result of the request for proposal process, University Lithoprinters, (Resolution #99-448-E-19) with an option to renew for one additional year exercised on August 21, 2000 (Resolution #2000-387-E-12); and

WHEREAS, University Lithoprinters has agreed to extend 2001 prices for the 2002 calendar under the same contract terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, That bidding procedures are hereby waived and the contract with University Lithoprinters to provide printing services for the 2002 City of Troy Calendar is hereby extended based upon the same pricing, terms and conditions to expire upon completion of the calendar in accordance with specifications.

Yes:
No:

F-4 Ordinance Waiver – Sign and Sale of Merchandise

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That the request from Troy Youth Soccer League for temporary suspension of Chapter 78, Signs, of the Code of the City of Troy, to permit placement of sponsor banners at Firefighters Park, Boulan Park, and Jaycee Park, in conjunction with the 16th Annual Troy Soccer City Classic, from September 1-3, 2001be approved; and

BE IT FURTHER RESOLVED, That temporary suspension of Chapter 28, Parks-General Regulations, is hereby approved to permit the sale of merchandise during the event.

Yes:
No:

F-5 Bid Waiver – Macomb County Criminal Justice Training Consortium Membership

Suggested Resolution

Resolution #2001-07-
Moved by
Seconded by

WHEREAS, Macomb Community College has provided the City of Troy Police Department with training at their Criminal Justice Training Facility; and

WHEREAS, It is desirable to continue 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 formal bidding procedures are hereby waived, and a one-year contract is awarded with Macomb Community College to become a member of the Macomb County Criminal Justice Training Consortium at an annual fee of $21,235.00.

Yes:
No:

F-6 Contract Ratification – Troy Fire Staff Officers Association

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That a Collective Bargaining Agreement between the City of Troy and TFSOA for the period July 1, 2001 through June 30, 2006 is hereby ratified by the City Council of the City of Troy, the employer, and the Mayor and City Clerk are authorized to execute the final agreement, a copy of which shall be attached to the original Minutes of this meeting.

Yes:
No:

F-7 Use of City Property – Formerly 101 E. Square Lake Road/Krell Property – Sidwell #88-20-03-301-032

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

(a) Proposed Resolution - Use of City Property – Formerly 101 E. Square Lake Road/Krell Property – Sidwell #88-20-03-301-032

RESOLVED, That the Historic District Commission be allowed to pursue the development of property having Sidwell #88-20-03-301-032 as an information and orientation park including orientation sign and map identifying historic structures and districts.

(b) Proposed Resolution – Sale of City Property – Formerly 101 E. Square Lake Road/Krell Property – Sidwell #88-20-03-301-032

RESOLVED, That the Real Estate and Development Department hire an independent fee appraiser to appraise the property having Sidwell #88-20-03-301-032 and enter into negotiations with adjoining property owner for the sale of this parcel.

Yes:
No:

F-8 Voluntary General Storm Water Permit and Septic Systems

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

WHEREAS, The City of Troy has applied for the Voluntary General Storm Water Permit from the Michigan Department of Environmental Quality (MDEQ) to help protect storm water quality in the Rouge River and Clinton River Watersheds; and

WHEREAS, The City of Troy has applied for the Voluntary General Storm Water Permit, which is necessary for the compliance with requirements of the Federal Clean Water Act; and

WHEREAS, The City of Troy has not received coverage for the Voluntary General Storm Water Permit because the MDEQ is enforcing the Clean Water Act by requiring a more pro-active approach to finding and eliminating failed septic systems; and

NOW, THEREFORE, BE IT RESOLVED, That the City Council directs the City Administration to continue in their efforts to obtain the Voluntary General Storm Water Permit by addressing the issue of pro-actively finding and eliminating failed septic systems within the City of Troy.
Yes:
No:

F-9 Request for Approval of Purchase Agreement – Turowski-Long Lake, L.L.C. – Proposed I-75/Long Lake Interchange – Sidwell #88-20-09-451-014, 015, 016, & 017

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That the agreement to purchase between Turowski-Long Lake, L.L.C., and the City of Troy, having Sidwell #88-20-09-451-014, 015, 016, and 017, for the acquisition of property for the proposed I-75/Long Lake Interchange, is hereby approved; and

BE IT FURTHER RESOLVED, That authorization is hereby granted to purchase property in the agreement referenced above in the amount of $649,000.00, plus closing costs, a copy of which shall be attached to the original Minutes of this meeting.

Yes:
No:

F-10 Resolution for Mayor and Council's Attendance of the 103rd Annual MML Conference

(a) Resolution Authorizing Attendance of Mayor and City Council Members

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That pursuant to the Rules of Procedure of the City Council of the City of Troy, the City Council hereby approves the payment and use of City funds for transportation, registration, pre-conference workshops, food, and lodging for the Mayor and City Council Members to attend the Michigan Municipal League Annual Conference to be held in Battle Creek, Michigan, September 12 through 14, 2001, all in accordance with the accounting procedures of the City of Troy.

Yes:
No:

(b) Designation of Voting Delegates at Annual Meeting

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That _____ is hereby designated as Voting Delegate and _____ is hereby designated as the Alternate Voting Delegate to cast the vote of the City of Troy at the Annual Meeting of the Michigan Municipal League to be held September 12 through September 14, 2001 at Battle Creek, Michigan.

Yes:
No:

F-11 Skate Park Location

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That the City Council of the City of Troy approves the skate park location at the southwest corner of Livernois and Troy Center.

Yes:
No:

F-12 Study Session with Troy Daze Advisory Board

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

BE IT RESOLVED, That a study session is hereby established for July 23, 2001 at 6:30 p.m. prior to the Regular City Council Meeting to discuss the proposed mission statement as well as long-term goals and future needs for the festival.

Yes:
No:

F-13 Naming Troy Parks

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

BE IT RESOLVED, That the policy for naming public parks and facilities was adopted by Council on June 2, 1986 by Resolution #86-559. With the passage of Bond Issue in April, 1999, there are a number of new parks as well as the new Community Center and future Section 1 golf course that will need names.

BE IT FURTHER RESOLVED, That we will promote to our residents the need for new names for our parks, community center, and golf course.

BE IT FINALLY RESOLVED, That Troy City Council will make a final decision as to the naming of new locations based on the criteria established with Resolution #86-559.

Yes:
No:

F-14 Requested Salary Increase

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That the compensation for Lori Grigg Bluhm, Acting City Attorney, shall be increased as of July 1, 2001 to $_____.

Yes:
No:

F-15 Proposed Change to Chapter 2 of the City Code Relating to the Placement of Secondary Addresses

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That an ordinance amendment to Section 7 of Chapter 2 is hereby adopted as recommended by the City Administration. A copy of this ordinance shall be attached to the original Minutes of this meeting.

Yes:
No:

F-16 Preliminary Plat-Tentative Approval – Oak Forest Subdivision (Revised) West Side of John R Road, South of Square Lake Road – Section 11

City Management requests a 5-minute presentation regarding this item.
Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That the Tentative Approval be granted to the Preliminary Plat of Oak Forest Subdivision, on the west side of John R Road, south of Square Lake Road in Section 11, subject to the City requesting a MDEQ Wetlands Permit public hearing.

Yes:
No:

F-17 Site Plan Review – Proposed Birchwood Estates Site Condominium – South Side of Wattles, West of Dequindre – Section 24

City Management requests a 5-minute presentation regarding this item.

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

(a) Site Plan A – As Recommended by the Planning Commission

RESOLVED, That the Preliminary Plan be approved as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of the One-Family Residential Site Condominium known as Birchwood Estates on the south side of Wattles, west of Dequindre.

OR

(b) Site Plan B – As Recommended by City Management

RESOLVED, That the Preliminary Plan be approved as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of the One-Family Residential Site condominium known as Birchwood Estates on the south side of Wattles, west of Dequindre.

Yes:
No:

F-18 Seth E. Walker Company – Sidwell #88-20-20-300-004: (a) Request for Authorization to Make Unconditioned Offer to Purchase Property for Fire Station

#3; (b) Request for Authorization for City Attorney to Institute Court Action of Necessary

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

(a) Request for Authorization to Make Unconditioned Offer to Purchase Property for Fire Station #3 – Seth E. Walker Company – Sidwell #88-20-20-300-004

WHEREAS, In order to proceed on schedule with Fire #3 expansion, it is necessary for the City to obtain property from Seth E. Walker Company having Sidwell #88-20-20-300-004.

BE IT RESOLVED, That the Real Estate and Development Department is hereby authorized to make an unconditioned offer for $1,625,000.00, the appraised value, plus closing costs.

(b) Request for Authorization to Institute Court Action if Necessary for Fire Station #3 Expansion – Seth E. Walker Company – Sidwell #88-20-20-300-004

WHEREAS, In order to proceed on schedule with Fire #3 expansion, it is necessary for the City to obtain property from Seth E. Walker Company having Sidwell #88-20-20-300-004.

BE IT RESOLVED, That the City Attorney is hereby authorized, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

OR

(c) Request for Authorization to Make Unconditioned Offer to Seth E. Walker Company for Fire Station #3 Expansion – Sidwell #88-20-20-300-004

WHEREAS, In order to proceed on schedule with Fire #3 expansion, it is necessary for the City to obtain property from Seth E. Walker Company having Sidwell #88-20-20-300-004.

BE IT RESOLVED, That the Real Estate and Development Department is hereby authorized to make an unconditioned offer for $1,625,000.00, the appraised value, plus closing costs.

BE IT RESOLVED, That the City Attorney is hereby authorized, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes:
No:

F-19 Resolutions from Mayor Pryor

City of Troy Resolutions submitted by Mayor Pryor.

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

(a) Proposed Resolution A

WHEREAS, No community should be held hostage by SOCRRA with its own funds.

WHEREAS, SOCRRA is unable to demonstrate any immediate need for the proceeds of the sale of its surplus land in Rochester Hills (it had previously expressed an intent to spend those monies on a golf course) and it is clear that these communities can best determine how their money should be spent at this time.

RESOLVED, That Troy's representative to SOCRRA shall make or support a motion to refund $2 million of SOCRRA's surplus monies (now down to approximately 3.5 million), generated by the sale of surplus land in Rochester Hills to its members and former members in proportion to their historic contributions to the authority (see the attached percentages). Equally, that SOCRRA shall distribute these monies within 10 days of the passage of such a resolution by its board.

BE IT FURTHER RESOLVED, That Troy's representative to SOCRRA shall also make or support a motion to prevent SOCRRA from spending the other $1.5 million in proceeds from this sale unless SOCRRA's own projections for private development, operation, and maintenance of the proposed Avon Meadows Golf Course should fall through and these monies be proven necessary to the maintenance of the monitoring and maintaining of a proper cap over the landfill.

BE IT FINALLY RESOLVED, That Troy's representative to SOCRRA shall also make or support a motion to prevent SOCRRA from spending any monies on the development (other than completing the current clay "capping"), operation and/or maintenance of a golf course at the Rochester Hills site.

(b) Proposed Resolution B

WHEREAS, No community should be held hostage by SOCRRA with its own funds.

WHEREAS, SOCRRA is unable to demonstrate any immediate need for the proceeds of the sale of its surplus land in Rochester Hills (it had previously expressed an intent to spend those monies on a golf course) and it is clear that these communities can best determine how their money should be spent at this time.
RESOLVED, That Troy's representative to SOCRRA shall also make or support a motion directing SOCRRA to include in its upcoming bid process a request for prices based on diminished volume (should a community or communities leave SOCRRA).

(c) Proposed Resolution C

WHEREAS, No community should be held hostage by SOCRRA with its own funds.

WHEREAS, SOCRRA is unable to demonstrate any immediate need for the proceeds of the sale of its surplus land in Rochester Hills (it had previously expressed an intent to spend those monies on a golf course) and it is clear that these communities can best determine how their money should be spent at this time.

RESOLVED, That SOCRRA determine an exit option for communities with an equitable method for determining liabilities as well as refund of equity beyond those needed to cover liabilities.

Yes:
No:

COUNCIL COMMENTS/REFERRALS

VISITORS

Any person not a member of the Council who have not addressed Council during the 1st Visitors Comments may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. Any such matter may be deferred to another time or referred for study and recommendation upon the request of any one Council Member except that by a majority vote of the Council Members, said matter may be acted upon immediately. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. (Rules of Procedure for the City Council, Article 5 (16) and Article 15, as amended May 7, 2001.)

REPORTS AND COMMUNICATIONS

G-1 Proposed City of Troy Proclamations:

Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That the following City of Troy Proclamations, be approved:

(a) Parks and Recreation Month – Month of July
(b) Service Commendation – Larry Keisling

Yes:
No:

G-2 Minutes – Boards and Committees:

(a) Advisory Committee for Senior Citizens/Final – May 3, 2001
(b) Employees' Retirement System Board of Trustees/Final – May 9, 2001
(c) Library Advisory Board/Final – May 10, 2001
(d) Board of Zoning Appeals/Final – May 15, 2001
(e) Planning Commission Special Study Meeting/Final – May 22, 2001
(f) Troy Daze/Final – May 22, 2001
(g) Advisory Committee for Person with Disabilities/Draft – June 6, 2001
(h) Planning Commission/Final – June 12, 2001
(i) Employees' Retirement System Board of Trustees /Draft – June 13, 2001
(j) Board of Zoning Appeals/Draft – June 19, 2001
(k) Library Advisory Board/Draft – June 21, 2001
(l) Historical Commission/Draft – June 26, 2001

G-3 Department Reports:

G-4 Announcement of Public Hearings:

(a) Proposed Rezoning – North Side of Long Lake, West of Livernois – Section 9 – R-1B (One Family Residential) to R-1T (One Family Attached Residential – Scheduled for Regular City Council Meeting on July 23, 2001

(b) Proposed Rezoning – North Side of Big Beaver, West of John R – Section 23 – R-1E (One Family Residential) and P-1 (Vehicular Parking) to O-1 (Low-Rise Office) and E-P (Environmental Protection District) – Scheduled for Regular City Council Meeting on July 23,2001

G-5 Proposed Proclamations/Resolutions from Other Organizations:

G-6 Letters of Appreciation:

(a) Memorandum from Police Chief Craft to City Manager Szerlag, Re: Certificate of Appreciation from Oakland County Probation

(b) Letter from Gary Peer, Ph.D., Central Michigan University, Re: Robert Wolfe's Master of Science Degree

(c) Letter from Renee Gucciardo to Captain Slater, Re: Officer Joseph Mairorano's Outstanding Service

(d) Letter from Tom Sawyer, Jr., to Mr. Need, Re: Thank You

(e) Certificate of Accomplishment from the Institute of Transportation Engineers Awarded to John K. Abraham

(f) Letter from Dorothy Meerschaert to Department of Public Works, Re: The Efficient Manner in Which DPW Staff has Maintained Their Street While it Has Been Under Construction

G-7 Letters of Resignation from Boards and Committees:

(a) Gary A. Sirotti – Act 78 Commission

(b) Nelson Ritner – Economic Development Corporation

G-8 Agenda Visitor Information System

City Management requests a 5-minute presentation regarding this item if time permits.

G-9 Resolution of Drainage Problem South of Peacock Farm on Rochester Road, Section 10

G-10 Citizen Comments on Red Light Enforcement Cameras

G-11 Recommendation of Civic Center Site

G-12 Troy Executive Aviation

G-13 Resolution of Drainage Ditch Problem on Harris Street, West of Rochester Road, in Connection with Section 22 & 23 Water Main Project

G-14 Federal Storm Water Regulations

G-15 Project Status Report

G-16 Troy Fire Department – 1999 Annual Report and 2000 Annual Report

G-17 Levels of Approval for Platted and Unplatted Residential Developments

G-18 Update of Chapter 16 Solid Municipal Waste and Recycling Ordinance

G-19 Update on Dangerous Building – 612 Trombley, Parcel #88-20-22-401-006

G-20 Darrah v Oak Park, City of Troy, Officer Russ Bragg

Respectfully submitted,

John Szerlag, City Manager

A Regular Meeting of the Troy City Council was held Monday, June 18, 2001, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 7:38 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Pastor Jason Dunn – Troy Assembly of God, and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Matt Pryor
Robin E. Beltramini
Martin F. Howrylak
Thomas S. Kaszubski
David A. Lambert
Anthony N. Pallotta
Louise E. Schilling

A-1 Minutes: Regular Meeting of June 4, 2001

Resolution #2001-06-312
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of June 4, 2001 be approved.

Yes: All-7

A-2 Presentation: (a) Recognition of Troy Dryzga; (b) Bayer/National Science Foundation Award to Mrs. Purnima Gupta, Coach, and Students: Gursharon Shergil, Preethi Hita Papineni, and Pragna Hita Papineni of Larson Middle School; and (c) Renee´ Stevens, Miss Michigan American Coed

Mayor Pryor recognized Troy Dryzga for his courage in rescuing Elizabeth Reis of Rochester Hills from her burning car.

Mayor Pryor congratulated Coach, Purnima Gupta and her students from Larson Middle School for their hard work in achieving a semifinalist award from the Bayer/National Science Foundation for their team's entry "Safety on Roads and Highways."

Mayor Pryor congratulated Renee´ Stevens, as Miss Michigan American Coed.

PUBLIC HEARING

C-1 Commercial Vehicle Appeal – 1839 E. Wattles Road

Resolution #2001-06-313
Moved by Kaszubski
Seconded by Howrylak

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).

B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.

C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.

D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance:_____
_____
_____.;

NOW, THEREFORE, BE IT RESOLVED, That the request from Jim Laplante, 1839 E. Wattles, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford dump truck in a residential district is hereby approved for up to two years.

Yes: Pryor, Beltramini, Howrylak, Kaszubski, Lambert, Pallotta
No: Schilling

VISITOR COMMENTS

CONSENT AGENDA

E-1 Approval of Consent Agenda

Resolution #2001-06-314
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, That all items as presented on the Consent Agenda are hereby approved as presented with the exception of Items E-7 and E-9, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

E-2 Standard Purchasing Resolution 2: Bid Award – Low Acceptable Bidder Meeting Specifications – Hydraulic Hammer and Accessories

Resolution #2001-06-314-E-2

RESOLVED, That a contract to purchase one Rammer Model S25N City Hydraulic Hammer with accessories is hereby awarded to the lowest acceptable bidder meeting specifications, Contractors Machinery, at unit prices contained in the bid tabulation opened May 11, 2001, a copy of which shall be attached to the original Minutes of this meeting at an estimated total cost of $13,334. 63.

E-3 Essian v City of Troy

Resolution #2001-06-314-E-3

RESOLVED, That the City Attorney is hereby authorized and directed to represent the City of Troy in any and all claims and damages in the matter of State Farm Fire & Casualty Company, as subrogee of Michael and Nichole Essian v The City of Troy, and to retain any necessary experts to adequately represent the City.

E-4 Adam Pachana v City of Troy and Board of Zoning Appeals

Resolution #2001-06-314-E-4

RESOLVED, That the City Attorney is hereby authorized and directed to represent the City of Troy in any and all claims and damages in the matter of Adam Pachana v City of Troy and the Board of Zoning Appeals, and to retain any necessary expert witnesses to adequately represent the Defendants.

E-5 Request for Acceptance of Water Main Easement – Maple Stephenson Development Associates, L.L.C. – Project No. 01.906.3 – Sidwell #88-20-35-102-031

Resolution #2001-06-314-E-5

RESOLVED, That a Permanent Easement for Water Main from Maple Stephenson Development Associates, L.L.C. having Sidwell #88-20-35-102-031, is hereby accepted for public use; and

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

E-6 Application for New SDM License Transfer by Borman's, Inc. (Farmer Jack)

(a) License Transfer

Resolution #2001-06-314-E-6 (a)

RESOLVED, That the request from Borman's, Inc., for a new Specially Designated Merchant license for a new store located at 1237 N Coolidge, Troy, MI 48084. [MLCC REF#124739], be considered for approval. It is the consensus of this legislative body that the application be recommended for issuance.

(b) Agreement

Resolution #2001-06-314-E-6 (b)

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby approves an agreement with Borman's, Inc., which shall become effective upon approval of the new Specially Designated Merchant license for a new store located at 1237 N Coolidge, Troy, MI 48084; and the Mayor and City Clerk are authorized to execute the document, a copy of which shall be attached to the original Minutes of this meeting.

E-8 Fouad Taleb & Jawan Taleb v City of Troy, Troy Police Department, Neiman Marcus, Inc., Somerset Collection, and ABC Security Company

Resolution #2001-06-314-E-8

RESOLVED, That the City Attorney is hereby authorized and directed to represent the City of Troy and the Troy Police Department in any and all claims and damages in the matter of Fouad Taleb and Jawan Taleb v The City of Troy, Troy Police Department, Neiman Marcus, Inc., Somerset Collection, and ABC Security Company, an unidentified corporation, and to retain any necessary expert witnesses and outside legal counsel to adequately represent the City.

E-9 Ratification of Board and Commission Members

Removed at the request of the City Attorney.

E-10 Assessing and Real Estate and Development Renovation

Resolution #2001-06-314-E-10

RESOLVED, That City staff is authorized to renovate the Assessing and Real Estate and Development Departments at an estimated cost of $116,688.00 in accordance with Appendix A & B, Detailed Cost Estimates.

ITEM TAKEN OUT OF ORDER

E-7 Approval to Pay Annual Membership Dues to the Michigan Municipal League

Resolution #2001-06-315
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, That the annual membership dues to the Michigan Municipal League are hereby approved in the amount of $12,014.00 for the period of May 1, 2001 through April 30, 2002.

Yes: All-7

RECESS: 9:00 PM – 9:15 PM

REGULAR BUSINESS

F-1 Appointments to Boards and Committees:

There are no appointments to be addressed at this time.

F-2 Closed Session

Resolution #2001-06-316
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, That the City Council of the City of Troy shall meet in Closed Session as permitted by State Statute MCLA 15.268, Section (e) (Thomas & Cynthia Fisher v City of Troy) and (h) {MCLA 15.243 (1) (h)} after adjournment of this meeting.

Yes: All-7

F-3 Contract with Troy Golf L.L.C.

Resolution #2001-06-317
Moved by Pallotta
Seconded by Schilling

RESOLVED, That the contract for the construction of an 18-hole golf course complete with clubhouse and practice facility be awarded to Troy Golf L.L.C. for an amount not to exceed $8,300,000.00.

BE IT FURTHER RESOLVED, If unforeseen additional services are required, such additional work is authorized in an amount not to exceed $415,000.00.

BE IT FINALLY RESOLVED, That the Mayor and City Clerk are authorized to execute the contract, a copy of which shall be attached to the original Minutes of this meeting.

Yes: Pryor, Beltramini, Kaszubski, Lambert, Pallotta, Schilling
No: Howrylak

F-4 Award of Contract for Schematic Design – Police/Fire Administration Addition/City Hall Renovation

Resolution #2001-06-318
Moved by Schilling
Seconded by Pallotta

F-4 Award of Contract for Schematic Design – Police/Fire Administration Addition/City Hall Renovation - Continued

RESOLVED, That the contract for architectural services for the Police/Fire Administration addition and City Hall renovation be awarded to Redstone Architects, Inc. in the amount of $916,347.00, with an additional amount not to exceed $25,000.00 for reimbursable expenses. The total amount of the contract shall not exceed $941,347.00.

BE IT FURTHER RESOLVED, That if additional services are required that could not be foreseen, such additional work is authorized in an amount not to exceed $46,000.00.

BE IT FINALLY RESOLVED, That the Mayor and City Clerk are authorized to execute the document, a copy of which shall be attached to the original Minutes of this meeting; and

Yes: All-7

F-5 Proposed Change to Chapter 79 of the City Code Relating to Electrical Licensing

Resolution #2001-06-319
Moved by Pallotta
Seconded by Lambert

RESOLVED, That an ordinance amendment to Article 27 of Chapter 79 is hereby adopted as recommended by the City Administration. A copy of this ordinance shall be attached to the original Minutes of this meeting.

Yes: All-7

F-6 Change Order 1 – Increased Size of Water Main at Community Center

Resolution #2001-06-320
Moved by Pallotta
Seconded by Kaszubski

WHEREAS, On May 1, 2000,Council awarded a contract with J.M. Olson for the construction management of costs of the Community Center project; and

WHEREAS, Due to requirements of the City, a change to the size of the water main and an extension of the sanitary sewer is required resulting in additional costs;
NOW, THEREFORE, BE IT RESOLVED, That Change Order Number 1 is hereby approved for the additional size main and associated costs in the amount of $119,954.00.

Yes: All-7

F-7 2001 Annual Salary Update and Proposed Change to Benefit Provision for Classified and Exempt Employees

Resolution #2001-06-321
Moved by Pallotta

Seconded by Beltramini

RESOLVED, That the 2001 salary structure and pay plan, as proposed by the Hay Group, is hereby approved as recommended by Administration and the Personnel Board, and a copy shall be attached to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the change to the benefit package for Classified and Exempt personnel are hereby approved, as recommended by Administration and the Personnel Board, and a copy shall be attached to the original Minutes of this meeting.

Yes: All-7

F-8 2000-2001 Budget Amendment No. 2

Resolution #2001-06-322
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, That 2000-2001 Budget Amendment No. 2 is hereby approved and a copy shall be attached to the original Minutes of this meeting.

Yes: All-7

COUNCIL COMMENTS/REFERRALS

Resolution #2001-06-323
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, That City Council directs the City Attorney to conduct and assist with necessary research on the issue, and if appropriate, file an Amicus Brief on behalf of the City of Troy.

Yes: All-7

Suspend City Council Rules and Continue with Agenda

Resolution #2001-06-324
Moved by Pallotta
Seconded by Beltramini

RESOLVED, That City Council suspends Rules of Procedure #21 and continue discussion on Agenda items to 11:30 PM.

Yes: All-7

Council Member Kaszubski presented the results from his resident survey regarding Performing Arts Center.

VISITORS

REPORTS AND COMMUNICATIONS

G-1 Proposed City of Troy Proclamations:

Resolution #2001-06-325
Moved by Pallotta
Seconded by Schilling

RESOLVED, That the following City of Troy Proclamations, be approved:
(a) Proclamation to Honor Reverend Dr. Kenneth R. Kaucheck
(b) Proclamation to Recognize Renee´ Stevens – Miss Michigan American Coed

Yes: All-7

G-2 Minutes – Boards and Committees:
(a) Building Code of Board of Appeals/Final – May 2, 2001
(b) Parks and Recreation Advisory Board/Draft – May 10, 2001
(c) Traffic Committee/Draft – May 16, 2001
(d) Planning Commission/Draft – May 22, 2001
(e) Building Code Board of Appeals/Draft – June 6, 2001
(f) Ad Hoc Church Committee/Draft – June 7, 2001
(g) Liquor Advisory Committee/Draft – June 11, 2001
(h) Personnel Board/Draft – June 12, 2001

Noted and Filed

G-3 Department Reports:

(a) Monthly Financial Report – May 31, 2001

(b) Economic Development Update Including Major Commercial & Office Developments/ Building Permits Issued During May 2001

Noted and Filed

G-4 Announcement of Public Hearings:

G-5 Proposed Proclamations/Resolutions from Other Organizations:

G-6 Letters of Appreciation:

(a) Letter From the Goshgarian Family to the Troy Fire Department Thanking Them for Their Swift Response to the Fire Which Occurred in Their Garage

(b) Letter From Lisa Cucitor to Police Chief Craft Thanking Police Service Aide Adam Sinutko for His Assistance in Locating Her Identification at Somerset Collection

(c) Letter From L.J. Dragovic, MD-Chief Medical Examiner for Oakland County to Chief Charles Craft Thanking Him for a Job Well Done by Police Officer Nicolette Kaptur For Her Information Update on RAVE-Culture and Related Drugs of Abuse to Employees of the County's Department of Human Services

(d) Thank-you Note from Ruth Dixon Thanking Lifeguard Karen Gibbons for Her Quick Response in Pulling Her Daughter Kelly From the Pool

Noted and Filed

G-7 Year 2000 Police Department Annual Report

Noted and Filed

G-8 Background on Huntington Woods Resolution regarding NFPA Standards 1710 & 1720

Noted and Filed

G-9 Board and Committee Applications

Noted and Filed

G-10 Skate Park Location

Noted and Filed

G-11 Hartland/Daley Street Drainage Concerns

Noted and Filed

G-12 Use of City Property – Formerly 101 E. Square Lake Road/Krell Property

Noted and Filed

G-13 June 20, 2001 Meeting with C.S. Johnson Consulting Firm on Conference Centers

Noted and Filed

G-14 Public Hearing Notification

Noted and Filed

G-15 Attendance at Board/Commission Meetings

Noted and Filed

G-16 Meeting with Troy Players

Noted and Filed

The meeting adjourned at 11:30 P.M.

_____
Matt Pryor, Mayor

_____
Tonni L. Bartholomew, City Clerk

TROY SCHOOL DISTRICT
TROY BOARD OF EDUCATION
TROY, MICHIGAN

JOINT SCHOOL BOARD/ CITY COUNCIL MEETING | **MINUTES** | **JUNE 21, 2001 SERVICES BUILDING**

A special meeting of the Troy School District Board of Education and the Troy City Council was held on Thursday, June 21, 2001, at the Troy School District Services Building, 4420 Livernois Road. Troy Board of Education President Kerwin called the meeting to order at 7:30 p.m. and gave a brief welcome.

In addition to Ms. Kerwin, the following Troy School Board Members were present: Vice President Hauff, Secretary Gillett, and Trustees: Edmunds, Fleming, Rader, and Spagnola. Also present from the School District were Superintendent Jopke and Administrators: Fowler, Adamczyk, Williams, Blatt, Stromayer, Greene, and McAvoy. Present from the Troy City Council were Mayor Pryor and Council Members: Kaszubski, Beltramini, Howrylak, Lambert, Pallotta, and Schilling. Also present were City staff members: Szerlag, Lamerato, Shripka, Stewart, Anderson, Smith, and Fitzpatrick. The audience included members of the press and community.

The following items were discussed:

A. Troy School District Presentation

B. City of Troy Presentation

C. Joint Projects Presentation

The joint meeting adjourned at 8:15 p.m.

Respectfully submitted,

Lee Gillett, Secretary

June 28, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, ACTING CITY ATTORNEY

RE: NEXTEL'S PROPOSED CELL TOWER PUBLIC HEARING

The attorney for Nextel Communications has requested a postponement of the public hearing that was previously set for July 9, 2001. The public hearing was scheduled to discuss a potential amendment to the consent judgment governing Northfield Commons, which would allow for the placement of a cell tower on the property. A postponement would allow Nextel Communications to formalize option agreements with the property owner, Northfield Commons (David Nelson).

Nextel Communications has asked for the public hearing to be postponed to the July 23, 2001 City Council meeting. The City will still send public hearing notices, since it was initially scheduled for July 9, 2001. However, the notices will indicate that the petitioners have requested a postponement to the July 23, 2001 City Council meeting.

If you have any questions concerning the above, please let me know.

June 14, 2001

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Lori Bluhm, Acting City Attorney
Carol K. Anderson, Parks and Recreation Director

Subject: Medi-Go Service Agreement

Recommendation

Attached, please find the annual agreement with Troy Medi-Go for 2001-2002. This agreement states that the City will fund Medi-Go $110,000.00.

This funding is an increase of $11,000.00 from 2000-2001 and is the amount that has been approved by City Council for the 2001-2002 budget. The agreement remains unchanged in all other aspects.

AGREEMENT BETWEEN
THE CITY OF TROY, MICHIGAN AND TROY MEDI-GO

This agreement is made by and between the City of Troy, Michigan, hereinafter called "Troy" and Troy Medi-Go, hereinafter called "Medi-Go".

PURPOSE

To provide financial support to Medi -Go for the purpose of maintaining a program to provide transportation service for senior citizens and physically handicapped residents of Troy, Michigan.

OBJECTIVES

Medi-Go shall accomplish the following objectives through the fiscal year, July 1,2001, through June 30, 2002, to service the residents of Troy:

1. Provide three (3) passenger vans with handicapped lifts operating approximately forty (40) hours per week, adding a 4th van within this fiscal year as need warrants it.

2. Provide experienced drivers to operate the passenger vans.

3. Arrange for storing the passenger vans.

4. Provide a central scheduling person to implement the transportation services.

MEDI-GO FURTHER AGREES TO:

1. Maintain fiscal records and files, including appropriate income and expense ledgers.

2. Permit an independent auditor representing Troy to audit accounts of income and expenses relating to Troy's contribution with findings to be submitted to Troy.

3. Comply with all state and local regulations covering the use of passenger vans.

4. Hold harmless Troy, their principals, staff, and agents from any liability for loss or damage to any person or property arising out of or in any way related to the service provided by Medi-Go.

5. Furnish Troy such information as may be necessary, indicating the use of the service
by the senior citizens and handicapped residents of Troy.

TROY FURTHER AGREES TO:

1. Provide payment of$110,000.00 to be paid on or after July 1,2001.

2. Recognize Medi-Go's autonomy in determining its own personnel and operating policies.

3. Assist, if possible, in disseminating information about the service to senior citizens and handicapped residents of Troy.

4. Make available at the Troy Community Center information regarding the Medi-Go service.

AGREEMENT PERIOD:

This agreement is in full force and effect from July 1, 2001, through June 30, 2002.

CONTRACT APPROVAL:

CITY OF TROY

By: _____ By: _____
Matt Pryor, Mayor Tonni Bartholomew, City Clerk

Date:_____ Date:_____

TROY MEDI-GO

By: _____ By: _____
President Treasurer

Date: _____ Date: _____

May 22, 2001

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Lori Bluhm, Acting City Attorney
Carol Anderson, Parks and Recreation Director

Subject: Approval of Funding Agreement Boys and Girls Club.

Recommendation

Attached please find the annual agreement with the Boys and Girls Club for 2001-2002. The agreement states the City will fund the Boys and Girls Club $64,128.00.

This funding is a decrease of $3207.00 from the 2000-2001 allocation and is the amount already approved by City Council in the 2001-2002 budget. The agreement remains unchanged in all other aspects.

AGREEMENT

This Agreement, by and between the City of Troy, 500 W. Big Beaver Rd., Troy, Michigan 48084 (hereinafter referred to as the CITY), and the Boys and Girls Club of Troy, a private, nonprofit organization, having a mailing address of 4970 John R. Rd , Troy, Michigan 48098 (hereinafter referred to as BOYS & GIRLS CLUB).

WHEREAS, the CITY desires to provide for a problem-solving service to 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 services for youth, especially those who cannot afford private services; and

WHEREAS, the CITY desires to provide to the youth residents of the CITY an opportunity to participate in the Community Service Program, i.e. the Juvenile Court ordered supervision of youth residents; and

WHEREAS, the general purpose of the BOYS & GIRLS CLUB is to provide opportunities for mental and physical growth and development of boys and girls.

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

BOYS & GIRLS CLUB RESPONSIBILITIES.

A. General Project Summary. A general description of the community services to be provided by the BOYS & GIRLS CLUB is as follows:

   1. Mental health worker, a licensed social worker, psychologist, or counselor, on staff at the BOYS & GIRLS CLUB of Troy shall be available to members of the club 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.

   2. BOYS & GIRLS CLUB will continue to provide service at the current level or greater.

B. Program Description. A detailed description of each program offered will be provided to the CITY, will be maintained on file at the BOYS & GIRLS CLUB, and will be available for inspection on request.

C. Location of Facilities. The BOYS & GIRLS CLUB shall provide the actual services described herein in facilities located at 4970 John R., Troy, MI 48098.

D. Mental Health Worker Responsibilities. The BOYS & GIRLS CLUB shall provide a mental health worker, whose responsibilities shall include counseling, and providing guidance to youths, families and groups; acting as a liaison with the schools, courts, and community agencies and the members involved; serving as a consultant; conducting in-service training for staff and volunteers, collaborates with community resources to improve special services and implement new programs designed to further the social and emotional needs of the youth; and any other duties necessary to carry out his/her responsibilities.

E. Records. For each person receiving individual, family, or group counseling, the BOYS & GIRLS CLUB shall maintain individual case records that document service delivery. Records of attendance must be maintained for all persons served. Applicable laws regarding confidentiality will be adhered to regarding all records. Records will be kept in accordance with the standard of the profession and law.

F. Service Documentation. The BOYS & GIRLS CLUB agrees to maintain program records, program statistical records, and to produce upon request program narrative and statistical data.

G. Fiscal Requirement. The BOYS & GIRLS CLUB shall install and maintain an accounting system to identify and support all expenditures billed under this agreement. The accounting system must record all income and expenses for the BOYS & GIRLS CLUB's total program of which services are provided under this agreement. The accounting system, as 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.

The BOYS & GIRLS CLUB 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 BOYS & GIRLS CLUB budget, total expenditures, and expenditures funded and claimed to other funding sources.

The BOYS & GIRLS CLUB shall submit to the CITY a copy of their annual certified audit for any fiscal year which falls within the twelve month period covered by this agreement.

The BOYS & GIRLS CLUB agrees to retain at its cost all books, records, or other documents relevant to this agreement for six years after final payment; Federal or State auditors and any persons duly authorized by the CITY shall have full access to and the right to examine any of said materials during said period. If an audit is initiated prior to the expiration of the six year period, and extends

past that period, all documents must be maintained until the audit is completed. The CITY will provide any findings and recommendations of audits, if any, to the BOYS & GIRLS CLUB. The CITY will adjust future payments or final payments if the findings of an audit indicate over or under payment in the period prior to the audit. If no further payments are due and owing against any sums paid under this agreement, the BOYS & GIRLS CLUB agrees to refund all amounts which may be due to the CITY. The BOYS & GIRLS CLUB agrees that as a condition of any sale or transfer of ownership of the BOYS & GIRLS CLUB, the new purchasers must agree to maintain the above-described books, records, or other documents for any unexpired portion of the six year period after final payment under this agreement, or the BOYS & GIRLS CLUB must otherwise maintain said records as the CITY may direct. The BOYS & GIRLS CLUB agrees that if it ceases business operations, the records will be maintained as the CITY may direct.

H. Review of Programs by the City. Upon request, the BOYS & GIRLS CLUB 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 CITY in its programs. Any joint effort must be mutually agreed upon by both parties.

In addition, the City shall receive a copy of the annual summary of the activities undertaken by the BOYS & GIRLS CLUB for its evaluation regarding the effectiveness of educational and counseling programs.

I. Insurance Coverage. The BOYS & GIRLS CLUB will provide and maintain public liability insurance in the amount of $2,000,000 General Liability and $1,000,000 Professional Liability as required by the CITY, to cover all claims which may arise out of the BOYS & GIRLS CLUB's operations under the terms of this agreement. Unemployment compensation, worker's compensation insurance shall be maintained in accordance with applicable Federal and State law and regulations. The BOYS & GIRLS CLUB agrees to provide the CITY with a certificate of insurance enumerating the above coverage. Cost of specific insurance such as malpractice will be a reimbursable expense.

J. Confidentiality. The use or disclosure of information concerning applicants for services or recipients of services, obtained in connection with the performance of this 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.

K. Subcontracts. The BOYS & GIRLS CLUB may not assign this agreement or enter into any subcontracts to this agreement with additional parties without obtaining prior written approval of the CITY, as a condition of granting such approval, shall require that such assignees or subcontractors shall be subject to all conditions and provisions of this agreement. The BOYS & GIRLS CLUB shall be responsible for the performance of all assignees or subcontractors.

L. Liability. The BOYS & GIRLS CLUB 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 and legal expenses, which may arise from or be caused directly or indirectly by any act or omission of BOYS & GIRLS CLUB or their officers, directors, employees, agents, or volunteers.

M. Close out. When this agreement is concluded or terminated, the BOYS & GIRLS CLUB shall provide the CITY, within sixty days after the conclusion of termination, with all financial, performance and other reports required as a condition of the agreement. The BOYS & GIRLS CLUB shall immediately refund to the CITY any payments or funds advanced to the BOYS & GIRLS CLUB in excess of allowable reimbursable expenditures. The final payment by the CITY or refund by the BOYS & GIRLS CLUB may be subject to an audit.

N. Continuing Responsibilities. Termination, conclusion, or cancellation of this agreement shall not be construed so as to terminate the on-going responsibilities of the BOYS & GIRLS CLUB contained in paragraphs E (Records), G (Fiscal Requirement), I (Insurance Coverage), J (Confidentiality), L (Liability), and M (Close out), included in this agreement.

O. Publication- Approval and Copyright. The CITY shall have copyright, property, and publication rights in all written or visual material or other work products developed in connection with this agreement. The BOYS & GIRLS CLUB shall not publish or distribute any of the results of the services provided nor any other printed or visual material funded by this agreement without prior written permission of the CITY.

P. Grievance System. The BOYS & GIRLS CLUB shall maintain a system of hearings under which applicants or recipients who are citizens of the CITY or an individual acting on behalf of an applicant or recipient may appeal denial, reduction or termination of a service, or the BOYS & GIRLS CLUB's failure to act upon a request for service with reasonable promptness. The BOYS & GIRLS CLUB shall advise recipients of this right on such forms and in such manner as has been customary, or as the CITY may direct.

CITY OF TROY'S RESPONSIBILITIES.

The CITY hereby agrees to pay to the BOYS & GIRLS CLUB an amount not to exceed $64,128.00 for services performed under this agreement. Payments are to be made in four quarterly installments, $16,032.00 each during the months of July and October 2001, and January, and April 2002.

Obligations incurred by the BOYS & GIRLS CLUB prior to or after the period covered by this agreement shall be excluded.

MUTUAL COVENANTS

A. Cancellation of Agreement. If the CITY determines that the BOYS & GIRLS CLUB fails to comply with the conditions of this agreement, or to fulfill its responsibilities 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 policies, then the CITY reserves the right to cancel this agreement by giving sixty days written notice to the BOYS & GIRLS CLUB.

   The BOYS & GIRLS CLUB may terminate this agreement upon sixty days written notice to the CITY at any time prior to the completion of the agreement period if the CITY fails to comply with the conditions of this agreement.

   If there is a cancellation or termination, the CITY shall prorate the payments to cover all appropriate expenditures made prior to the date of termination.

B. Disputes. An aggrieved party shall notify the other party in writing of its intent to pursue a claim against the other party for breach of any term of this agreement. No suit may be commenced for breach of this agreement prior to the expiration of ninety days from the date of such notification. Within this ninety day period, the parties, at the request of the CITY, must meet with the CITY for the purpose of attempting to resolve the dispute.

C. Agreement Inclusiveness/Amendment. This agreement contains all the terms and conditions agreed upon by the parties. All items incorporated by reference are to be attached. No other understanding, oral or otherwise, regarding the subject matter of this agreement shall be deemed to exist or to bind any of the parties hereto. The BOYS & GIRLS CLUB agrees to amend the agreement when there is a substantial change in the law or in the financial position of the CITY, and if the CITY reasonably determines that an amendment is necessary. This shall be done only upon written request by the CITY and only after the proposed amendments are received by the BOYS & GIRLS CLUB. If the BOYS & GIRLS CLUB refuses to sign such amendment within fifteen days after receipt, this agreement shall immediately terminate. This agreement may otherwise be amended only with the written consent of all parties to the agreement.

D. Employees of the BOYS & GIRLS CLUB. Representatives and employees and volunteers of the BOYS & GIRLS CLUB shall not be deemed to be employees or agents of the CITY for any purpose because of their participation in this program.

E. Independent Contractors. In the performance of their respective duties and obligations under this agreement, each party is an independent contractor, and neither is the agent, employee, or servant of the other, and each is responsible for its own conduct. This agreement is not a joint venture for the profit of either party.

F. Compliance with Laws. Each party shall be separately responsible for compliance with all Federal, State and City laws. Any violation of the law results in a material breach of the agreement.

G. Terms of Agreement. This agreement shall become effective as of July 1, 2001, and shall terminate on June 30, 2002, unless terminated under the provisions set forth in this agreement.

IN WITNESS WHEREOF, the CITY and the BOYS & GIRLS CLUB have caused this agreement to be executed by their respective authorized officers.

WITNESSES: CITY OF TROY

_____ BY: _____
Matt Pryor, Mayor

_____ BY: _____
Tonni Bartholomew, City Clerk

WITNESSES BOYS & GIRLS CLUB OF TROY

_____ BY: _____
Steve Toth, Executive Director

_____

June 14, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, ACTING CITY ATTORNEY

RE: RATIFICATION OF BOARD AND COMMISSION MEMBERS

Just prior to the last City Council meeting, Councilman Howrylak directed our attention to Section 6.12(f) of the Troy Charter, which requires all candidates for the City Planning Commission, the Board of Zoning Appeals, and the Liquor Committee to file a full disclosure statement with the City Clerk PRIOR to their appointment. In reviewing past practices, the disclosure statements had been filed by all appointees immediately after the appointment. This practice now has been corrected, and disclosure statements for all current appointees to these boards/ commissions either have been filed or will be filed before the meeting on Monday, June 18, 2001.

City Council has the option to ratify the previous appointments to these three boards and commissions. Ratification is a preferred approach, since it relates back to the time of the initial appointment, cures the deficiencies, and makes it a binding action, whether performed initially by this City Council or a previous City Council.

If you have any questions concerning the above, please let me know.

June 29, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services

SUBJECT: SEMCOG 2001 Membership Dues

Attached is a letter from Mr. Paul E. Tait, Executive Director of Southeast Michigan Council of Governments (SEMCOG), with an invoice for the coming year. Our dues for membership total $11,040.

Funds are available to cover the membership fees in the 2001-02 budget.

G:\My Documents\Shripka, Gary\2001\062901 - Memo_M & CC re SEMCOG Dues.doc

SEMCOG
Southeast Michigan Council of Governments
535 Griswold Street • Suite 300 • Detroit, Michigan 48226
(313) 961-4266 • FAX (313) 961-4869

Date June 20, 2001 **MEMBERSHIP NOTICE**

Office of the City Clerk
City of Troy
500 West Big Beaver Road
Troy, MI 48084-5285

SEMCOG, serving local units of government and education in the seven-county region of Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw and Wayne

INVOICE
Annual Membership in
Southeast Michigan Council of Governments

For the Period	July 15, 2001
To	July 15, 2002
Contribution	$11,040.00

[The annual contribution is established by the by-laws and action of the General Assembly]

Please enclose yellow copy with remittance to insure proper credit

SEMCOG . . . *Local Governments Advancing Southeast Michigan*

Southeast Michigan Council of Governments • 535 Griswold • Suite 300 • Detroit, Michigan 48226 • 313-961-4266 • *Fax 313-961-4869*
www.semcog.org

June 22, 2001

Tonni Bartholomew, Clerk
City of Troy
500 W. Big Beaver
Troy, MI 48084-5285

Dear Clerk Bartholomew:

An invoice for your 2001 membership dues is enclosed. In requesting renewal, we hope that you are assured of the benefits of membership; renewal represents a valuable investment with dividends extending to both your community and the region.

Your continued support strengthens SEMCOG's presence among local governments, state and federal agencies, and community organizations. Together, SEMCOG facilitates a forum for information-sharing designed to help you maintain your effectiveness as a local elected official.

You, or course, are aware of the available services and resources, and staff welcomes your inquiries. Member requests are *always priority*. In addition, SEMCOG's publications are mailed regularly to keep you informed. Active participation on SEMCOG's advisory councils, Executive Committee, and General Assembly is also encouraged to ensure maximum benefit from membership.

We look forward to the opportunity to continue to work with you. If you have any questions, please feel free to contact Membership Manager Durene Brown or me.

Sincerely,

Marjorie A. Thomas
Marjorie A. Thomas
Chairperson

Paul E. Tait
Paul E. Tait, CAE
Executive Director

MAT:PET/vll

cc: Tom Kaszubski, Councilman/City of Troy
Laurence Keisling, Planning Director/City of Troy

Marjorie Thomas
Chairperson
President, ISD of St. Clair County Board of Education

Dante J. Lanzetta, Jr.
First Vice Chairperson
Mayor, City of Birmingham

Donald E. Dodge
Vice Chairperson
Commissioner, St. Clair County

R. LaMar Frederick
Vice Chairperson
Supervisor, Bedford Township

Maryann Mahaffey
Vice Chairperson
Council President Pro Tem City of Detroit

Diana J. Kolakowski
Immediate Past Chair
Commissioner, Macomb County Board of Commissioners

Paul E. Tait
Executive Director

Recycled paper

SEMCOG . . . *Local Governments Advancing Southeast Michigan*

Southeast Michigan Council of Governments • 535 Griswold • Suite 300 • Detroit, Michigan 48226 • 313-961-4266 • *Fax 313-961-4869*
www.semcog.org

June 29, 2001

The Honorable Matt Pryor and City Council
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084-5285

RE: SEMCOG Membership Benefits

Dear Mayor Pryor and City Council Members:

Thank you for the opportunity to reply to the City of Troy's request for information on SEMCOG's membership benefits. Currently, the City of Troy is well-represented by an elected official and staff who hold positions in the organization that allow them to exchange information with other local government officials who shape policy development on regional issues in Southeast Michigan.

Presently, Councilperson Tom Kaszubski serves as the Delegate to SEMCOG's General Assembly. Laurence Keisling is the Alternate to the General Assembly and a member of the Data Center Advisory Council. In addition, C. Neall Schroeder is a member of the Transportation Advisory Council, while Daniel Michalec and Alex Bellak are active members of the Regional Geographic Information Systems (GIS) Coordination Committee. SEMCOG has also had a long-term relationship with the Troy Public Library which is one of the regional libraries to which we send copies of all of our publications and reply to data inquiries on a regular basis. To ensure the value of membership, only SEMCOG members are allowed to serve on advisory councils and committees and benefit from prioritized responses, often at no charge.

In addition to the program areas, managed by professional and technical staff, SEMCOG also offers its members the largest planning library in Michigan, including over 20,000 publications on community and economic development, environment, land use, master land use and recreation plans, transportation, planning and intergovernmental cooperation, census material, a national database of local ordinances, along with a variety of databases such as LOGIN (Local Government Information Network).

SEMCOG is the only local government organization that exclusively represents the unique interests of Southeast Michigan, particularly in the areas of transportation planning, data analysis, environmental concerns, community and economic development, and education. As a member, you join 149 other local governments who take advantage of numerous opportunities to provide input on issues that affect individual communities, as well as those issues that extend beyond individual boundaries.

Marjorie Thomas, Chairperson, President, ISD of St. Clair County Board of Education
Dante J. Lanzetta, Jr., First Vice Chairperson, Mayor, City of Birmingham
Donald E. Hodge, Vice Chairperson, Commissioner, St. Clair County
R. LaMar Frederick, Vice Chairperson, Supervisor, Bedford Township
Maryann Mahaffey, Vice Chairperson, Council President Pro Tem, City of Detroit
Diana J. Kolakowski, Immediate Past Chair, Commissioner, Macomb County Board of Commissioners
Paul E. Tait, Executive Director
Recycled paper

Membership benefits extend beyond technical expertise capabilities. SEMCOG also uses its adept capability to advocate for local governments with decision makers at the state and federal levels. Present advocacy efforts are being directed to:

- Development of walkable communities,
- Addressing sewer infrastructure needs,
- Addressing basement flooding liability,
- Seeking changes to the composition of the Mobile Home Commission,
- Raising awareness of and providing tools to local governments for water quality improvements,
- 2025 Transportation planning,
- Approving $1.4 billion in transportation improvements
- Providing tools for redevelopment to older, urban communities through legislation that addresses reuse of obsolete buildings, and
- Transit planning.

I encourage the City Council to continue your SEMCOG membership and participation. SEMCOG is an organization that depends on regional collaboration as a key component to the well-being of our region, and the City of Troy adds to the clout that makes us a viable organization.

If you have more questions, or if you would like additional information, please contact me at (313) 961-4266 or by e-mail at brown@semcog.org. In addition, please feel free to visit our website at www.semcog.org.

Sincerely,

Durene Brown

Durene Brown
Membership Manager

June 22, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
William R. Need, Public Works Director

SUBJECT: Standard Purchasing Resolution 1: Award to Low Bidder – Fence Replacement for Stoneridge Detention Basin

RECOMMENDATION

On June 14, 2001, bids were received to furnish all labor, material, and equipment to remove, dispose, and install fencing at Stoneridge Detention Pond. The Public Works Department recommends awarding the contract to the low bidder, Riteway Fence Company, at an estimated total cost of $26,028.40, at unit prices contained in the attached bid tabulation dated 6/14/01.

The award is contingent upon the recommended bidder submission of proper contract and bid documents, including insurance certificates and all specified requirements.

BUDGET

Funds are available in the Public Works Capital Account, Drains and Retention Ponds, #401516.7989.100

31 Bids Sent
5 Bids Rec'd
1 No Bid

Prepared by: Marina Basta-Farouk, Project Manager

June 25, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Steven Vandette, City Engineer

SUBJECT: Design Services – CMAQ Projects – Insurance

RECOMMENDATION

Staff recommends that the current not-to-exceed amount of $25,066.00 be increased to $32,179.00 for the CMAQ design services currently under contract with Mr. Ken Van Hoelst. The increase of $7,113.00 is to cover the cost of insurance requirements for the period beginning July 1, 2001 through June 30, 2002. As part of the original proposal, and all consultant proposals, the costs for insurance requirements are included as part of the design fee (copy of original proposal attached). Due to the delay in the construction of the CMAQ projects for budgetary reasons, the design phase was pushed back. Since Mr. Van Hoelst's insurance policy expires June 26, 2001, its renewal is necessary for design work to continue on these projects.

PROJECT INFORMATION

Ken Van Hoelst is currently under contract to provide design services for the CMAQ projects, as approved by Resolution #2000-305 (copy attached). The construction phase for the following CMAQ projects has been delayed until July 1, 2002:

Project No. 99.205.5 – Square Lake – John R Intersection
Project No. 99.206.5 – Square Lake – Dequindre Intersection
Project No. 00.106.5 – Coolidge Left Turn Storage Under I-75
Project No. 00.108.5 – Wattles Right Turn Lane at Forsyth
Project No. 00.109.5 – Wattles EB & WB Right Turn Lanes at Coolidge

The projects were originally intended to be let as two separate contracts. With the delay in the construction due to budgetary constraints, the City requested that Mr. Van Hoelst delay the plan preparation to allow for all five (5) CMAQ projects to be let as one contract on the MDOT bid letting in April 2002 to allow for a start of construction after July 1, 2002.

The City of Troy is providing the survey, drafting, reproducible materials and right-of-way acquisition, as required.

The following CMAQ project is proposed for the current construction season, after July 1, 2001:

Project No. 00.107.5 – Crooks, Extend Left Turn Storage EB at Kirts

The City is working with the MDOT and the RCOC to use City and Oakland County forces to complete the construction of this project. As such, Mr. Van Hoelst has submitted final construction plans.

FUNDING

Funds are available in the 2001-02 Major Roads Capital budget.

June 13, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Director of Parks and Recreation

Subject: Standard Purchasing Resolution 2: Bid Award— Lowest Acceptable Bidder— Fertilization Services For Sylvan Glen Golf Course

RECOMMENDATION

Bid proposals were opened June 8, 2001, to furnish three (3) year requirements of fertilization services for turf grass areas at Sylvan Glen Golf Course. The Parks and Recreation Department recommends awarding the contract to the lowest acceptable qualified bidder, Turfgrass Inc., at an estimated total cost for three (3) years of $50,750.94, at unit prices contained in the attached bid tabulation opened 6/08/01. The award is contingent upon the recommended vendor submission of proper contract and bid documents, including insurance certificates and all specified requirements.

EXPLANATION OF BIDS NOT MEETING SPECIFICATIONS

TruGreen-Chemlawn was disqualified because all fertilizer material would be provided in 50 lb. bags, no totes or bulk sacs. Specifications call for all fertilizer to be provided in bulk containers, bags are not acceptable. Simplot Partners and ProSource One were disqualified because alternate fertilizer materials not meeting our specifications were bid.

SUMMARY

Proposals A, B, and C will be awarded to the lowest total responsible bidder meeting specifications. The contract shall commit the vendor to provide three (3) year requirements of fertilizer material and bulk application services to specified turf grass areas of Sylvan Glen Golf Course.

BUDGET

Funds are available to complete this contract in the Sylvan Glen Golf Course Seed and Plant Supplies Account #785.7740.100.

82 Bids Sent
7 Bids Rec'd
3 No Bids
3 Bids did not meet specifications

Prepared by: Marvin Ash, Superintendent of Greens

July 5, 2000

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Laura Fitzpatrick, Assistant to the City Manager

SUBJECT: U.S. Conference of Mayors

On June 22, 2001 Mayor Pryor attended the annual meeting of the U.S. Conference of Mayors. General information about the conference is attached. The attached resolution grants approval for the attendance.

JS/lf\To M&CC RE U.S. Conf of Mayors

USCM Calendar of Events

(updated 5/23/01)

2001

May 29-30
Mayors' Energy Summit
Chicago
Contact: Kevin McCarty (202-861-6711)

June 7
Mayors' Regional Skills Summit
Boston
Contact: Joan Crigger (202-861-6726)

June 22-26
69th Annual Meeting of the U.S. Conference of Mayors
Detroit
Contact: Carol Edwards (202-293-7330)

July 21-22
Preventing Crime and Violence: The Success of Community Policing in America's Cities
Las Vegas
Contact: Kathy Amoroso (202-861-6723)

The United States Conference of Mayors

J. Thomas Cochran, Executive Director
1620 Eye Street, NW, Washington, DC 20006
Telephone (202) 293-7330, FAX (202) 293-2352

Copyright ©2001, US Conference of Mayors, All rights reserved.

June 22-26, 2001
Marriott Renaissance

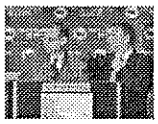
Daily Recaps

- Tuesday, June 26

- Monday, June 25

- Sunday, June 24

- Saturday, June 23


- Friday, June 22

General Meeting Information

- U.S. Mayor Overview: Bush Confirmed *(6/18/2001)*
- U.S. Mayor Story: "Family Day" Preview *(6/11/2001)*
- Policy Resolution Summaries
- Official Photograph
- "Meet the Mayors" Taping
- Attendance Policy
- Draft Agenda *(updated 6/20/2001)*
- Pre-Registered Mayors *(updated 6/22/2001)*
- Spouse Events
- Youth Events
- Press Pre-Registration *(press only!)*

Press Releases

- Mayors Encourage President to Fight for Brownfields Legislation & Other Urban Issues *(6/25/2001)*
- 2001 City Livability Program Award Winners Announced *(6/23/2001)*
- U.S. Conference of Mayors Joins Habitat for Humanity to Build House in Detroit *(6/22/2001)*
- President Bush Tops Long List of Speakers and Events at the 69th Annual Conference of Mayors in Detroit *(6/19/2001)*
- HHS Secretary Thompson to Speak at 69th Annual Conference of Mayors in Detroit *(6/18/2001)*
- 3Com to Award Urban Challenge Grants to Five Cities *(6/18/2001)*
- Bush to Speak Monday, June 25 *(6/14/2001)*

June 28, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Steven Vandette, City Engineer

SUBJECT: Private Agreement for Stratford Sanitary Sewer Extension
Project No. 01.403.3

The Engineering Department has reviewed and approved plans for this project, which includes sanitary sewer.

The Owner has provided a check for escrow and cash fees in the amount of the estimated cost of public improvements, as required.

Approval is recommended.

'01 Projects\01.403.3\Private Agreement Cover Letter

cc: Barbara A. Holmes, Deputy City Clerk (Original Agreement)
James Nash, Financial Services Director

Prepared by: G. Scott Finlay, P.E.
Civil Engineer

Enclosed Private Agreement, Detailed Summary, Sketch

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR STRATFORD SANITARY SEWER EXTENSION
PROJECT NO. 01.403.3

The estimated costs of public improvements for the above mentioned project are as follows:

Escrow Deposits:

Sanitary Sewer	$10,120.00	
Total Escrow Deposits: (check)		**$ 10,120.00**

Cash Fees:

Review & Inspection	$ 617.00	
Total Cash Fees: (check)		**$ 617.00**

July 3, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Steven J. Vandette, City Engineer
John K. Abraham, Traffic Engineer

SUBJECT: Traffic Signal Maintenance Cost Agreement – Intersection of Big Beaver and Bellingham

Enclosed please find a memo from Winston Myrie of the Road Commission for Oakland County (RCOC) regarding Traffic Signal maintenance cost agreement for the intersection of Big Beaver and Bellingham (between Rochester and John R).

Installation of the signal was determined based on a traffic impact study that was performed for the new industrial park in 1998. The signal will stop eastbound traffic on Big Beaver to let westbound traffic enter Bellingham (southbound) safely. The signal will be installed by the developer (their cost) and the attached agreement is for traffic signal maintenance at 66.7% RCOC's share and 33.3% City's share. Traffic signal maintenance costs average around $1800 per year per signal.

The RCOC requests that the attached cost agreement be signed and submitted along with a certified copy of a City Council Resolution supporting the same.

ROAD COMMISSION for OAKLAND COUNTY

QUALITY LIFE THROUGH GOOD ROADS:
ROAD COMMISSION FOR OAKLAND COUNTY
"WE CARE"

Board of Road Commissioners

Larry P. Crake
Chairman

Richard G. Skarritt
Vice-Chairman

Rudy D. Lozano
Commissioner

Brent O. Bair
Managing Director

Gerald M. Holmberg
Deputy Managing Director
County Highway Engineer

Traffic Safety Department

2420 Pontiac Lk. Rd.
Waterford, MI
48328

248-858-4802

FAX
248-858-7607

TDD
248-858-8005

www.rcocweb.org

June 28, 2001

Mr. John Abraham
Traffic Engineer
City of Troy
500 West Big Beaver
Troy, MI. 48084-5285

Dear John,

Enclosed are three copies of the maintenance cost agreement for the proposed traffic signal on Big Beaver Road and Bellingham.

Please have all copies of the agreement signed by the appropriate official and returned to us for further processing. A completed copy of the agreement will be returned to you for your files.

Sincerely,

Winston J. Myrie, P.E.
Traffic Engineer
Traffic-Safety Department

WJM/ch

Enclosures

RECEIVED
JUL - 3 2001
ENGINEERING

STATE OF MICHIGAN
BOARD OF COUNTY ROAD COMMISSIONERS
OAKLAND COUNTY
AGREEMENT FOR TRAFFIC CONTROL DEVICE

Type of Work: TRAFFIC SIGNAL MAINTENANCE
Location: Big Beaver Road (W/B) and Bellingham

Signal No: CO 1124
Date Effective:

Under authority of state law and by virtue of resolution formally adopted by their respective governing bodies, the under-signed hereby agree to participate in the cost of installation, maintenance and operation of the above traffic control device on the basis of the following division of costs. (Title to equipment shall remain with the purchasing agency, unless purchased for roads not under the jurisdiction of the Board of County Road Commissioner.) The proportionate share of all costs are to be billed monthly. This agreement is terminable on thirty days written notice by any party.

DIVISION OF COSTS

AGENCY	INSTALLATION Percent	INSTALLATION Estimated Cost	MAINTENANCE Percent
ROAD COMMISSION FOR OAKLAND COUNTY	%	$	66 2/3%
City of Troy	%	$	33 1/3%
	%	$_____	_____%
Total	%	$	100%

It is further agreed that the agency responsible for payment of energy billings and/or leased line interconnection billings included in maintenance costs, shall be the ROAD COMMISSION FOR OAKLAND COUNTY.

It is further agreed that the agency responsible for making original and replacement installations and performing maintenance shall be the ROAD COMMISSION FOR OAKLAND COUNTY.

"In the event the traffic control device referred to in this agreement is located on a road or street that is not under the jurisdiction of the Road Commission for Oakland County, the authority having the jurisdiction over the road or street hereby agrees to save harmless, indemnify, represent, and defend the Road Commission for Oakland County from any and all claims, demands, or suits arising out of or relating to the installation, maintenance and operation of the traffic control device which is the subject matter of this agreement."

"In the event the traffic control device referred to in this agreement is located on a road or street that is under the jurisdiction of the Road Commission for Oakland County and by virtue of this agreement will be maintained by an agency other than the Road Commission for Oakland County, then and in that event the said agency hereby acknowledges that it is undertaking the Road Commission for Oakland County's duty to maintain the said traffic control device and further agrees to provide insurance coverage protecting the Road Commission for Oakland County."

APPROVED:

ROAD COMMISSION FOR OAKLAND COUNTY

Date_____

By_____
David F. Allyn

DIRECTOR OF TRAFFIC-SAFETY
Title of Authorized Official

APPROVED:

City of Troy

Date_____

By_____

_____
Title of Authorized Official

---

*Certified copy of resolution must be submitted with this form for new installations.

July 3, 2001

TO: THE HONORABLE MAYOR AND CITY COUNCIL

FROM: LORI BLUHM, ACTING CITY ATTORNEY
ROBERT F. DAVISSON, ASSISTANT CITY ATTORNEY

RE: REQUEST FOR AUTHORIZATION TO SIGN DETROIT EDISON PUBLIC UTILITY EASEMENT AGREEMENT

In order that the private development of the "Coolidge Medical Office Building" located on Coolidge Road between Maple Road and Industrial Row may proceed, Detroit Edison has prepared the attached "Public Utility Easement". This easement and agreement grants a public utility easement to the City of Troy.

We request that City Council authorize the City Manager to sign the easement agreement on behalf of the City.

cc: John Szerlag, City Manager
Douglas J. Smith, Real Estate and Development Director
Stephen Cooperrider, Risk Manager

PUBLIC UTILITY EASEMENT

On _____, 2001, for the sum of one dollar and other valuable consideration, Edison grants to Grantee a non-exclusive, permanent easement on land called the Easement Area.

"Edison" is:
The Detroit Edison Company, a Michigan corporation, 2000 Second Avenue, Detroit, MI 48226

"Grantee" is:
City of Troy, a Michigan municipal corporation, 500 W. Big Beaver, Troy, Michigan 48084

The "Easement Area" is in the NW 1/4 of Section 32 in City of Troy, Oakland County, Michigan described as:

See Attached Exhibit "A" - Property Description

1. **Purpose** Edison grants this easement to Grantee to construct, operate, maintain, remove and replace a Water Main and Public Utilities. ("Grantee's Facility").

2. **Access** Grantee has the right to use a reasonable route across Edison land to access the Easement Area. However, Grantee must not enter a fenced area without Edison's approval.

3. **Edison's Rights** Edison specifically reserves the right to construct, operate and maintain overhead and underground electric transmission, distribution and communication lines and associated structures and equipment ("Edison's Facilities") on, over and under the Easement Area as long as Edison's Facilities do not interfere with Grantee's Facility.

4. **Encumbrances** This easement is granted without any warranties or covenants of title, and subject to all now existing easements, restrictions and encumbrances affecting the Easement Area to which this easement would be subordinate under the recording acts or other applicable law of the State of Michigan. Furthermore, Edison may grant other encumbrances over the Easement Area, which do not interfere with Grantee's Facility.

5. **Edison Damages** Grantee must pay Edison for all damages, losses or injuries to Edison's Facilities caused by Grantee, its agents, employees, servants or independent contractors while constructing, operating or maintaining Grantee's Facility.

6. **Insurance**

a. Grantee and Grantee's contractors, at their own expense, must each maintain a general liability insurance policy that is satisfactory to Edison in form and substance. The policies must cover the liability assumed in this agreement for $500,000 each person and $1,000,000 each occurrence bodily injury, and $500,000 each occurrence property damage. The policies must also include explosion damage, collapse, or damage to underground property (commonly

known as "XCU"). If Grantee is a governmental unit, then Grantee's contractor's policy must name Edison as an additional insured. Grantee's policy must remain in effect as long as this easement agreement remains in effect. Grantee's contractors' policies must remain in effect during the time that the contractors are working in the Easement Area.

b. Grantee and Grantee's contractors must each give Edison's Director of Corporate Real Estate Services a Certificate of Insurance for the insurance coverage required by this agreement. The certificates must state that Edison will have 30 days written notice before any material change or cancellation becomes effective.

c. Grantee waives Grantee's rights of recovery, Grantee's contractor's rights of recovery and their insurers' rights of subrogation against Edison for damage to Grantee's or its contractor's property used on the Easement Area.

d. Obtaining the insurance required by this agreement will not limit or release Grantee's indemnity liability.

7. **Indemnity**

a. Grantee will indemnify Edison (the Company, its officers, agents employees and affiliates) for any claims for injuries to persons or damages to property, or both, arising directly or indirectly out of the use of this easement by Grantee (the person, company or organization, its contractors, subcontractors, lessees, licensees and any of its or their agents or employees). This includes, but is not limited to, claims arising out of Grantee's negligence, Grantee and Edison's joint negligence, or any other person's negligence. But Grantee will not indemnify Edison for claims arising out of Edison's sole negligence.

b. Grantee will also indemnify Edison (the Company, its officers, agents, employees and affiliates) for any claims for direct, indirect, consequential, or liquidated damages sought by General Motors, Ford, and Chrysler, based upon special manufacturing contracts signed with these customers in 1995, which I) arise directly or indirectly out of the use of this agreement by Grantee (the person, company or organization, its contractors, subcontractors, lessees, licensees and any of its or their agents or employees and II) are due to momentary or sustained electrical interruptions or voltage fluctuations, including sag, arising out of Grantee's negligence, Grantee's and Edison's joint negligence, or any other person's negligence. But Grantee will not indemnify Edison for claims arising out of Edison's sole negligence.

c. If any claim covered by Grantee's indemnity is brought against Edison, Grantee will defend the claim at Grantee's expense. Grantee will also pay any costs (including, but not limited to, environmental clean up costs), attorney fees, or judgments that Edison incurs or is subject to in the claim.

d. If a construction lien is placed on the Easement Area due to Grantee's activities in the Easement Area, then Grantee must discharge the lien by giving a bond or otherwise.

e. The terms of this indemnity will survive the Termination of this easement.

8. **Construction and Maintenance**

a. Grantee will construct and maintain Grantee's Facility on this easement at its sole expense. If underground work is involved, Grantee must call Miss Dig (tel: 1-800-482-7171) in accordance with Michigan Public Act 53 of 1974, as amended, before beginning any groundbreaking. Edison may inspect Grantee's Facilities during any construction or maintenance work.

b. Grantee and its contractors must maintain at least a 20-foot clearance from Edison Facilities. Grantee must not mound dirt or change elevations, which would decrease the clearance of Edison's existing electric lines to ground.

c. Grantee must not change the natural drainage of the Easement Area.

d. Grantee must not change either the elevation or the slope of the Easement Area without Edison's prior written permission.

e. After Grantee completes construction of Grantee's Facility, Grantee must send "as-built" drawings of Grantee's Facility to the Principal Area Leader, Architectural/Civil/Towers, The Detroit Edison Company, 2000 Second Avenue, Room 662 G.O., Detroit, Michigan 48226. (Tel. 313-235-6898).

f. After Grantee completes any construction or maintenance work, Grantee must back-fill any excavations with excavated material having an in-place density of at least 100 pounds per cubic foot. If excavated material is unsuitable (e.g. peat, organic material or trash), Grantee must use Michigan Department of Transportation Class II granular fill. For grassy or unpaved areas, Grantee must place backfill in 12 inch to 15 inch layers and compact each layer to 90 percent maximum density as determined by the Modified Proctor Test (ASTM D 1557). For aggregate or pavement surface, Grantee must place backfill in 9 inch maximum layers and compact each layer to 95 percent maximum density as determined by the Modified Proctor Test.

g. After Grantee completes any construction or maintenance work, Grantee must restore Edison property as nearly as possible to its original condition. This includes grading and reseeding all disturbed lawn areas and replacing any damaged landscaping.

9. **Abandonment** If Grantee abandons any part of this easement, then within three months after the abandonment, Grantee must restore the abandoned part as nearly as possible to its original condition and give Edison a written recordable document concerning this abandonment.

10. **Mortgage** This easement is subject to an October 1, 1924, Mortgage between The Detroit Edison Company and Banker's Trust Company, a New York corporation, and all supplemental agreements to the Mortgage.

11. **Successors and Assigns** This easement runs with the land and binds and benefits Edison's and Grantee's successors and assigns.

12. **Additional Item**

a. All disturbed areas must be restored to its original condition and any landscaping or pavement that is removed must be restored to its original condition.

Witnessed by: (type or print name under signature)

_____

_____

_____

_____

The Detroit Edison Company

By:_____
Paul W. Potter, Director
Corporate Real Estate Services

City of Troy

By:_____

By:_____

Acknowledged before me in Wayne County, Michigan, on _____, 2001, by Paul W. Potter, Director of Corporate Real Estate Services of The Detroit Edison Company, a Michigan corporation, for the corporation.

Notary's Stamp:_____ Notary's Signature:_____
(Notary's name, county and date commission expires)

Acknowledged before me in _____County, Michigan on _____, 2001,

by _____the_____

and_____the_____ of

the City of Troy, a Michigan municipal corporation, on behalf of the corporation.

Notary's Stamp:_____ Notary's Signature:_____
(Notary's name, county and date commission expires)

Prepared By: George H. Hathaway, Detroit Edison, 2000 Second Avenue, Detroit, Michigan, 48226

July 2, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Doug Smith, Real Estate & Development Director

SUBJECT: First Amendment to the Grand/Sakwa Brownfield Plan

On July 10, 2000, Troy City Council passed a resolution approving a Brownfield plan for the former Ford Tractor facility at Maple and Coolidge. Attached are amendments to this Brownfield Plan that will be known as the First Amendment to the Grand/Sakwa Brownfield Plan. The amendments establish the reimbursement from tax increment for documented environmental costs as approved in the initial plan adopted by the Brownfield Redevelopment Authority and Troy City Council.

These are implementation amendments and generally recognize that Grand/Sakwa Properties Inc. is eligible for reimbursement not to exceed $2,000,000 for eligible environmental costs associated with the cleanup and redevelopment of this property. The amendments establish a 6% interest rate calculated from the date the cost was incurred, or July 10, 2000 (the date the plan was adopted) whichever is later. Finally, the amendments also amend Appendix A, which initially estimated the cost associated with remediation and Table 2, which identified the summary of cost of eligible activities and adds Table 3, which is a summary of calculated interest.

The amendments also recognize that Troy will establish a local site remediation revolving fund, which in accordance with Section 8 of Public Act 381 of 1996, permits the municipality to collect tax increment for five years after Grand/Sakwa has been fully reimbursed for its eligible costs
.
The second resolution establishes the local site remediation revolving fund as permitted by law under Section 8 of Public Act 381 of 1996. This fund is established so that a Brownfield Redevelopment Authority may capture tax increment for five years beyond the date at which a plan has fully reimbursed the owners for all eligible environmental costs, and may create a fund that permits the City to pre-pay other owners to further encourage remediation of environmentally sensitive sites, while still permitting the tax increment to be captured from those respective sites.

The Troy Brownfield Redevelopment Authority approved these changes on April 26, 2001. All amounts to be reimbursed have been documented and submitted to the Brownfield Redevelopment Authority. The Department of Law has also reviewed and concurs with these amendments. Attached is copy of the tax increment financing reimbursement agreement that would implement this amendment.

DS/pg

RESOLUTION TO BE CONSIDERED ON AUGUST 6, 2001 TO ESTABLISH REVOLVING FUND

WHEREAS; Public Act 381 of 1996 allows for the establishment of local site remediation revolving funds by local units of government, as part of the Brownfield Redevelopment Authority (BRA) operations, and

WHEREAS; Public Act 381 of 1996 allows for recapture of eligible tax increment revenues from captured taxable value of eligible properties with approved development plans for five years beyond the date necessary to meet all obligations of the development plan, if this tax increment is deposited into a local site remediation revolving fund, and

WHEREAS; this local site remediation revolving fund could provide the BRA with needed funds to provide the incentive of more timely reimbursement of eligible environmental clean up;

RESOLVED: The Troy Brownfield Redevelopment Authority hereby establishes a Local Site Remediation Revolving Fund as provided under Public Act 381 of 1996 and further that all reimbursements from funds shall be approved by the Authority and included in an approved Development Plan.

July 2, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Doug Smith, Real Estate & Development Director

SUBJECT: Authorization from City Council for July 13 and July 14, 2001 trips.

Attached are overviews of the two site visits. A more detailed package on each site will be available when you arrive at City Hall on July 13, 2001.

DS/pg

July 5, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, ACTING CITY ATTORNEY

RE: ABBOTSFORD DEVELOPMENT v. CITY OF TROY et. al

The City has recently been served with a re-platting lawsuit, filed by Abbotsford Development, L.L.C. Technically, the lawsuit is an adversarial proceeding, which is required by statute to be filed against all property owners within 300 feet from the subject property. In addition, the City of Troy, the State of Michigan Treasurer, the Oakland County Drain Commissioner, the chairperson of the Oakland County Road Commission, each public utility with easements or franchise rights for the subject property, the Director of State Transportation, and the Director of the Michigan Department of Natural Resources are also mandated defendants in the litigation. This ensures that all above parties have notice of the requested change to the plat, and can verify that the proposed plat complies with all applicable laws.

Absent objections from City Council, our office will represent the City in this case. City Council has already given tentative preliminary plat approval to the Plaintiff in this case, and therefore the City's interest may be adverse to the adjoining property owners who challenge the requested re-plat. Our office has encouraged the adjoining homeowners to protect their own interests in this litigation. At least one of the neighboring homeowners, Victor Lenivov, has also responded to this lawsuit, challenging the proposed re-plat.

If you have any questions concerning the above, please let me know.

6th JUDICIAL DISTRICT
JUDICIAL CIRCUIT

CH

Court Address
1200 N. Telegraph, Pontiac, Michigan 48341

367

OAKLAND COUNTY JUDGE D. LANGFORD MORRIS
ABBOTTSFORD vs TROY CITY

ne no.
-0347

Plaintiff name(s), address(es) and telephone no(s).		Defendant name(s), address(es), and telephone no(s).
ABBOTTSFORD DEVELOPMENT, L.L.C. c/o John D. Tomlinson 522 Michigan Street Port Huron, Michigan 48060	v	CITY OF TROY, a Michigan municipal corporation; KATHLEEN M. WILBUR, Director of the MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES; JAMES R. DESANA, Director of the MICHIGAN DEPARTMENT OF TRANSPORTATION; K.L. COOL, Director of the MICHIGAN DEPARTMENT OF NATURAL RESOURCES; JOHN McCULLOCH, Oakland County Drain Commissioner; LARRY P. CRAKE, Chairperson of the Oakland County Road Commission; THE DETROIT EDISON COMPANY; CONSUMERS POWER COMPANY; COMCAST CABLEVISION OF OAKLAND COUNTY; AMERICAST CABLE TELEVISION; AMERITECH, and CERTAIN PROPERTY OWNERS as set forth in the attached Schedule 1
Plaintiff attorney, bar no., address, and telephone no. JOHN D. TOMLINSON (P 45917) FLETCHER GALICA CLARK TOMLINSON & FEALKO, P.C. 522 Michigan Street Port Huron, Michigan 48060 (810) 987-8444		

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan, you are notified:

1. You are being sued.
2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relie demanded in the complaint.

Issued	This summons expires:	Court clerk
May MAY 29 2001	AUG 28 2001 Ninety (90) Days	G. WILLIAM CADDELL

This summons is invalid unless served on or before its expiration date.

X There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the Complaint.

_ A civil action between these parties or other parties arising out of the transaction or occurrence as alleged in the complaint has been previously filed in _____.

_ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.

_ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The docket number and assigned judge of the civil/domestic relations action are:

Docket no.	Judge	Bar no.

The civil/domestic relations action _ remains _ is no longer pending.

VENUE	
Plaintiff(s) residence (include city, township, or village) Oakland County, Michigan	Defendant(s) residence (include city, township, or village) Oakland County, Michigan
Place where action arose or business conducted Oakland County, Michigan	

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

May 25, 2001
Date

J. D. Tomlinson
JOHN D. TOMLINSON (P 45917)

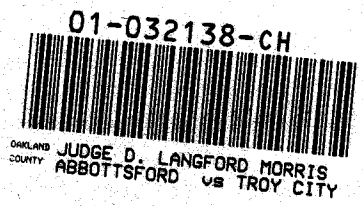
COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

367

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUN



ABBOTTSFORD DEVELOPMENT, L.L.C.,
a Michigan limited liability company,

RECEIVED FOR FILING
OAKLAND COUNTY CLERK
'01 MAY 29 A8:50

Plaintiff,

v Case No. 01- -CH

CITY OF TROY, a Michigan municipal corporation; KATHLEEN M. WILBUR, Director of the MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES; JAMES R. DESANA, Director of the MICHIGAN DEPARTMENT OF TRANSPORTATION; K. L. COOL, Director of the MICHIGAN DEPARTMENT OF NATURAL RESOURCES; JOHN McCULLOCH, Oakland County Drain Commissioner; LARRY P. CRAKE, Chairperson of the Oakland County Road Commission; THE DETROIT EDISON COMPANY; CONSUMERS POWER COMPANY; COMCAST CABLEVISION OF OAKLAND COUNTY; AMERICAST CABLE TELEVISION; AMERITECH; and CERTAIN PROPERTY OWNERS AND OTHERS, as set forth in the attached Schedule 1,

Defendants.

JOHN D. TOMLINSON (P45917)
JOHN D. MONAGHAN (P57387)
FLETCHER GALICA CLARK
TOMLINSON & FEALKO, P.C.
Attorneys for Plaintiff
522 Michigan Street
Port Huron, Michigan 48060
(810) 987-8444

COMPLAINT

NOW COMES Plaintiff ABBOTTSFORD DEVELOPMENT, L.L.C., by its attorneys, Fletcher Galica Clark Tomlinson & Fealko, P.C., and makes complaint in the above matter, stating:

1. Plaintiff ABBOTTSFORD DEVELOPMENT, L.L.C., is a Michigan limited liability company, with its principal place of business located in Macomb County, Michigan.

2. Defendant CITY OF TROY is a Michigan municipal entity, located in Oakland County, Michigan.

3. Defendant KATHLEEN M. WILBUR, Director of the MICHIGAN DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES, a Department of the State of Michigan, and successor to the State Treasurer of his obligations under the Land Division Act, MCLA 560.101 *et. seq.*, pursuant to Executive Orders 1996-2 and 1980-1, and MCLA 16.732, has offices located in Ingham County, Michigan.

4. Defendant JAMES R. DESANA, Director of the MICHIGAN DEPARTMENT OF TRANSPORTATION, s a Department of the State of Michigan, has offices located in Ingham County, Michigan.

5. Defendant K. L. COOL, Director of the MICHIGAN DEPARTMENT OF NATURAL RESOURCES, a Department of the State of Michigan, has offices located in Ingham County, Michigan.

6. Defendant JOHN McCULLOCH is the Oakland County Drain Commissioner, with offices located in Oakland County, Michigan.

7. Defendant LARRY P. CRAKE is Chairperson of the Oakland County Road Commission, with offices located in Oakland County, Michigan.

8. Defendants THE DETROIT EDISON COMPANY, CONSUMERS POWER COMPANY, COMCAST CABLEVISION OF OAKLAND COUNTY, AMERICAST CABLE TELEVISION, and AMERITECH provide utilities and/or have easements over a portion of the property which is the subject of this action, and have offices or do business in Oakland County, Michigan.

9. Upon information and belief, Defendants CERTAIN PROPERTY OWNERS AND OTHERS, as set forth in the attached Schedule 1, which is incorporated in this Complaint by reference, reside and/or own property in Oakland County, Michigan, and constitute all owners or persons of record claiming under those owners within three hundred (300') feet of the property which is the subject of this action.

10. This Court has jurisdiction over this matter pursuant to MCLA 560.221 *et. seq.*

11. Plaintiff ABBOTTSFORD DEVELOPMENT, L.L.C., is the record title holder of the following parcels of property (the "Property"):

> Parcel 1: A parcel of land in the Northeast 1/4 of Section 11, Town 2 North Range 11 East, City of Troy, Oakland County, Michigan, is described as: Commencing at the East 1/4 corner of Section 11; thence along the East line of Section 11 and the centerline of John R. Road, North 00 degrees 14 minutes 55 seconds West 749.67 feet; thence South 89 degrees 22 minutes 00 seconds West 209.02 feet to the Point of Beginning; thence South 00 degrees 01 minutes 53 seconds East 231.98 feet measured (232.00 feet record); thence South 89 degrees 22 minutes 32 seconds West 85.78 feet measured (85.70 feet record); thence South 00 degrees 13 minutes 30 seconds West 119.99 feet measured (120.00 feet record); thence South 89 degrees 22 minutes 48 seconds West 342.17 feet measured (342.00 feet record); thence North 00 degrees 15 minutes 59 seconds East 351.89 feet measured (352.00 feet record); thence North 89 degrees 22 minutes 00 seconds East 426.66 feet measured (426.80 feet record) to the Point of Beginning and containing 3.217 acres; subject to the rights of the public for highway purposes along John R Road and all other easements of record.
>
> Parcel 2: A parcel of land in the Northeast 1/4 of Section 11, Town 2 North Range 11 East, City of Troy, Oakland County, Michigan, is described as: Commencing at

the East 1/4 corner of Section 11; thence along the East line of Section 11 and the centerline of John R Road North 00 degrees 14 minutes 55 seconds West 749.67 feet; thence South 89 degrees 22 minutes 00 seconds West 229.02 feet to the Point of Beginning; thence South 00 degrees 01 minutes 53 seconds East 129.79 feet; thence South 89 degrees 58 minutes 08 seconds West 85.31 feet; thence North 00 degrees 06 minutes 28 seconds East 1289.90 feet; thence North 89 degrees 22 minutes 00 seconds East 85.00 feet to the Point of Beginning and containing 0.253 acres.

12. Currently, the Property is platted as part of the Subdivision Plat of the "Eyster's John R. Farms", as recorded in Liber 48 of Plats, Pages 121, Oakland County Records (the "Old Plat").

13. Plaintiff ABBOTTSFORD DEVELOPMENT, L.L.C., seeks to vacate that portion of the Old Plat which constitutes the Property and to replat the Property pursuant to the Subdivision Control Act, as amended (the "Act"), MCLA 560.101 *et. seq.*. A copy of the proposed replat for the Property is attached to and incorporated by reference in this Complaint as Exhibit A.

14. Pursuant to the Act, replatting of the Property may only be accomplished by order of this Court, following of service upon certain named parties, all of whom are named as Defendants in this matter.

15. Vacation of the Old Plat and replatting of the Property in the manner sought by Plaintiff ABBOTTSFORD DEVELOPMENT, L.L.C., would be consistent with the character and use of other properties in the area.

16. Vacation of the Old Plat and replatting of the Property in the manner sought by Plaintiff ABBOTTSFORD DEVELOPMENT, L.L.C., would be consistent with property uses in the area and would help Plaintiff ABBOTTSFORD DEVELOPMENT, L.L.C., achieve the highest and best use of the Property.

WHEREFORE, Plaintiff ABBOTTSFORD DEVELOPMENT, L.L.C., respectfully requests this Honorable Court enter an order vacating the portion of the Old Plat which constitutes the Property and requiring Plaintiff ABBOTTSFORD DEVELOPMENT, L.L.C., to submit a new plat for the Property, pursuant to the requirements of the Act, and granting Plaintiff ABBOTTSFORD DEVELOPMENT, L.L.C., such other and further relief as to which it may be entitled.

FLETCHER GALICA CLARK
TOMLINSON & FEALKO, P.C.

By: _____
JOHN D. TOMLINSON
522 Michigan Street
Port Huron, Michigan 48060
(810) 987-8444

Dated: May 25, 2001

SCHEDULE 1
PROPERTY OWNERS/MORTGAGEES

PARCEL ID #	OWNER (name/address)	MORTGAGES (names/addresses)
8820 1122 6014	Steven & Micheline Bauman 1915 Abbotsford Troy, MI 48098-3342	Countryside Home Loans, Inc. 4500 Park Granada Calabasas, CA 91302-1613
8820 1122 6026	Matthew and Elizabeth Bernot 1877 Abbotsford Troy, MI 48098-3342	First of America Bank Southeast Michigan N.A. 30 N. Saginaw Pontiac, Michigan
8820 1122 6017	Arthur J. Bowman 5615 John R Troy, MI 48098-3858	Towne Mortgage Company 13325 East Fourteen Mile Road Sterling Heights, Michigan 48312
8820 1127 6008	Ronald & Judith Briney 1803 Hopedale Troy, MI 48098	
8820 1127 7013	Larry Brown 5505 John R Troy, MI 48098-3857	Mortgage Electronic Registration Systems, Inc. 5280 Corporate Drive Frederick, MD 21701
8820 1215 2003 8820 1215 2004	Aurel & Felicia Buia 5608 John R Troy, MI 48098-3868	Standard Federal Bank 2600 West Big Beaver Road Troy, Michigan 48084
8820 1127 7017	Kent and Gayle Carleton 5570 Holm Troy, MI 48098-3356	Standard Federal Bank 2600 West Big Beaver Road Troy, Michigan 48084
8820 1122 6023	Thomas Collins 1801 Abbotsford Troy, MI 48098-3343	
8820 1122 6015	Pauline Davaney 1923 Abbotsford Troy, MI 48098-3342	Comerica Bank P.O. Box 75000, 1 Detroit Center 500 Woodward Avenue Detroit, Michigan 48226-7235
8820 1122 6024	Farley M. Deel Trust/ Lola F. Deel Trust 1821 Abbotsford Troy, MI 48098-3343	First of America Bank, N.A. 108 E. Michigan Avenue Kalamazoo, Michigan 49008

8820 1127 7023	Ralph J. Erickson 5589 John R Troy, MI 48098-3857	
8820 1127 7005	David A. and Susan P. Ford 1885 Hopedale Troy, MI 48098-3346	Comerica Bank P.O. Box 75000, 1 Detroit Center 500 Woodward Avenue Detroit, Michigan 48226-7235
8820 1127 6007	Robert Ginter 1790 Abbotsford Troy, MI 48098-3328	
8820 1127 6009	William and Janet C. Hogancamp 1845 Hopedale Troy, MI 48098-3335	Bank One, N.A. 100 East Broad Street Columbus, Michigan 43271
8820 1122 6020	Michael & Carrie Holifield 5625 John R Troy, MI 48098-3858	Goldfarb Bonding Agency 1401 Beaubien Street Detroit, Michigan 48226 Universal Mortgage Corporation 24901 Northwestern Hwy, #214 Southfield, Michigan 48075
8820 1215 2034	James & Virginia Kiley 2015 Laurel Troy, MI 48098-3820	
8820 1215 2007	Timothy J. Kowalec 2010 Jeffrey Troy, MI 48098-3817	
8820 1127 7011	Frank & Angela T. Lapinski 5549 John R Troy, MI 48098-3857	
8820 1127 7024	Victor & Galine Lenivov 1929 Hopedale Troy, MI 48098-3346	
8820 1127 6004	Thomas Joseph Loafman 5535 Holm Troy, MI 48098-3332	GMAC Mortgage Corporation 100 Witner Road Horsham, PA 19044-0963 Mortgage Electronic Systems, Inc. P.O. Box 2026 Flint, Michigan 48501-2026

8820 1215 2005	Richard and M'Lisa Long 5570 John R Troy, MI 48098-3860	Paramount Bank 30850 Telegraph Rd., Suite 250 Bingham Farms, MI 48025
8820 1215 2033	Lily Mukalla 2007 Laurel Troy, MI 48098-3820	
8820 1215 2006	Bernice A. Nieman Trust 5578 John R Troy, MI 48098-3860	
8820 1215 2001	Charlene A. Oakes Gary Oakes 5632 John R Troy, MI 48098-3868	Golden Mortgage Corporation 1760 S. Telegraph, Suite 203 Bloomfield Hills, MI 48302 Huntington National Bank Department HZ1104 7450 Huntington Park Drive Columbus, Ohio 43235
8820 1127 7010	Ioan Panesiu Aurel Buia 5565 John R Troy, MI 48098-3857	Flagstar Bank, F.S.B. 2600 Telegraph, Suite 100 Bloomfield Hills, MI 48302
8820 1127 6011	Mihai & Silvia Raetchi 1797 Hopedale Troy, MI 48098-3335	Kaye Financial Corporation 1133 W. Long Lake Road, #200 Bloomfield Hills, MI 48302
8820 1127 6002	Robert E. Redilla 1820 Abbotsford Troy, MI 48098-3328	
8820 1127 7004	David & Karen Shay 1865 Hopedale Troy, MI 48098-3346	Mortgage Company of Michigan 950 W. University Rochester, Michigan 48307
8820 1215 2038	Dennis and Teresa Sherman 5628 John R Troy, MI 48098-3868	Standard Federal Bank 2600 West Big Beaver Road Troy, Michigan 48084
8820 1127 7016 8820 1127 7014	William E. and Gloria J. Stark 1872 Abbotsford Troy, MI 48098-3327	Merrill Lynch Equity Mgmt, Inc. 7751 Belfort Pkwy, Bldg 200 Jacksonville, Florida 32256-6901 Merrill Lynch Credit Corporation P.O. Box 1975 Corapolis, PA 15108

8820 1122 6013	Wayne & Janis Twist 1901 Abbotsford Troy, MI 48098-3342	SOC Credit Union 4555 Corporate Dr., P.O. Box 7085 Troy, Michigan 48084 Standard Federal Bank 2600 West Big Beaver Road Troy, Michigan 48084
8820 1122 6025	Gary G. Vitale 1855 Abbotsford Troy, MI 48098-3342	Standard Federal Bank 2600 West Big Beaver Road Troy, Michigan 48084
8820 1122 6019	Marion Walmsley 5665 John R Troy, MI 48098-3858	
8820 1127 7012	Ralph A. and Joanne L. Winarski 5531 John R Troy, MI 48098-3857	Designing Engineers C.U. 31010 John R. Madison Heights, MI 48071 Standard Federal Bank 2600 West Big Beaver Road Troy, Michigan 48084

BOARDS AND COMMITTEES VACANCIES

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

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

Advisory Committee for Persons with Disabilities

Appointed by Council (9) - 3 years

Term Expires 7-01-2002 (Student)

Term Expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS	TERM EXPIRES
689-9098	Mary Ann Butler (Alternate)	1060 Glaser, 98	**Nov. 1, 2003**
649-3542 248-816-1900B	Sharon M. Connelly	1638 Martinique, 84	**Nov. 1, 2002**
248-526-3088B	Philip D'Anna	5149 Westmoreland, 98	**Nov. 1, 2001**
689-1457	Angela Done	2304 Academy, 83	**Nov. 1, 2002**
740-8983	Nancy Johnson	1461 Lamb, 98	**Nov. 1, 2003**
813-9575 258-2500B	Leonard Bertin	5353 Rochester, 98	**Nov. 1, 2002**
641-7764 313-496-2686B	Dick Kuschinsky	5968 Whitfield, 98	**Nov. 1, 2001**
680-1233	Theodora House	301 Belhaven, 98	**Nov. 1, 2003**
952-0484	Jerry Ong (Student)	1903 Fleetwood, 98	**July 1, 2001**
528-3133 248-696-2140B	Nancy Sura, Ch	1436 Welling, 98	**Nov. 1, 2001**
740-1231	Shreyas Patel (Student)	43 Crestfield, 98	**July 1, 2001**
641-9538	John J. Rogers	5925 Whitfield, 98	**Nov. 1, 2003**
362-0671	Cynthia Buchanan (Alternate)	840 Huntsford, 84	**Nov. 1, 2003**
680-0325	Kul B. Gauri(Alternate)	5305 Greendale, 98	**Nov. 1, 2003**

CATV Advisory Committee

Appointed by Council (7) - 3 years

Term expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
689-8176	Alex Bennett	1065 Arthur, 83	**Sept. 30, 2003**
879-8657	Jerry L. Bixby	6228 Crooks, 98	**Feb. 28, 2003**
689-3430	Michael J Farrug	6781 Little Creek Ct., 98	**Nov. 30, 2002**
689-2528	Richard Hughes	1321 Roger Ct., 83	**Feb. 28, 2003**
952-5122	Kyleen Krstich (Student)	2033 Sundew, 98	**July 01, 2001**
643-8250	Frank Smith	2020 Dorchester #103, 84	**Feb. 28, 2004**
879-0793	W. Kent Voigt	2620 Coral, 98	**Feb. 28, 2004**
649-6578	Bryan H. Wehrung	3860 Edgemont, 84	**Feb. 28, 2002**

Civil Service Commission (Act 78)

1 – Mayor, 1 – Police and Fire Depts, 1 – Civil Service **Appointed by Council (3)-6 years**

Term expires 4-30-2002

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
649-9308 H 734-525-4452 W	David C. Cannon	3339 Medford, 84 (Mayor)	**Apr. 30, 2006**
643-6002	Donald E. McGinnis, Jr Ch.	1721 Crooks, 84 (P&F)	**Apr. 30, 2004**
642-6747 H 224-0809 B	Gary A. Sirotti **Resigned 7/02/01**	4032 Rouge Circle, 98(C.S.)	**Apr. 30, 2002**

Economic Development Corporation

Mayor, Council Approval (9) **-6 years**

Term expires 4-30-2003

Term expires 4-30-2005

PHONE	NAME	ADDRESS	TERM EXPIRES
879-5725H 313-225-9095B	Kenneth Bluhm	6187 Brittany Tree, 98	**Apr. 30, 2006**
641-7676 H 362-3600 B	Robert S. Gigliotti	2381 Hidden Pine, 98	**Apr. 30, 2002**
879-9104 H 524-3364 B	Laurence Keisling **Retired 7/02/01**	6321 Sandshores, 98	**Apr. 30, 2005**
524-0877 H 524-3311 B	Leger (Nino) Licari	4533 Post, 98	**Apr. 30, 2004**
643-0332 H 739-4254 B	Michael Parker	2524 Kingston, 84	**Apr. 30, 2007**
641-7339H 879-0500B	Stuart F. Redpath	1679 Greenwich, 98	**Apr. 30, 2003**
952-5709 H 575-8719B	Nelson Ritner **Resigned 6/23/01**	5527 Whitfield, 98	**Apr. 30, 2003**
689-7235	Charles Salgat, Ch	2651 Winter, 83	**Apr. 30, 2004**
362-5385 H 540-2300 B	John Sharp	3362 Muerknoll, 84	**Apr. 30, 2003**

Historical Commission

Appointed by Council (7)- 3 years

Term expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
879-0195	Edward Bortner	193 Hurst, 98	**July 31, 2002**
649-5074H 810-497-5333B	Roger Kaniarz	4350 Stonehenge, 98	**July 31, 2002**
879-8659	Cynthia Kmett	1168 Snead, 98	**July 21, 2001**
641-1962	Rosemary Kornacki	4648 Rivers Edge, 98	**July 31, 2002**
879-6168	Jeannine Kufta (Student)	683 Sylvanwood, 98	**July 01, 2001**
828-3632H 753-2408B	Kevin Lindsey	6890 Norton, 98	**July 31, 2003**
879-6567	Muriel W. Rounds	6291 Ledwin, 98	**July 31, 2003**
689-1249	Brian J. Wattles	3864 Livernois, 83	**July 31, 2001**

Liquor Committee

Appointed by Council (7) - 3 years

Term Expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
879-0817H 689-5900W	Max K. Ehlert	6614 Northpoint, 98	**Jan. 31, 2002**
689-4614H 810 575-2648B	W. S. Godlewski	2784 Whitehall, 48098	**Jan. 31, 2002**
828-7436	James C. Moseley	1687 White Birch Ct.,98	**Jan. 31, 2003**
689-8092	James R. Peard	4549 Post, 98	**Jan. 31, 2003**
642-1887H 647-9099W	Thomas G. Sawyer, Jr., Ch.	895 Norwich, PO 99236,Troy 48099	**Jan. 31, 2003**
649-7480	David J. Balagna	1822 Wilmet, 98	**Jan. 31, 2003**
689-1099	John J. Walker	94 Evaline, 98	**Jan. 31, 2003**
641-8432	Jennifer Gilbert(Student)	4808 Rivers Edge, 98	**July 1, 2001**
524-3477	Capt. Dane Slater	Police Department	**(Ex-officio)**

Parks and Recreation Committee

Appointed by Council (9) - 3 years

Term expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
828-8940	Douglas M. Bordas, Ch.	5902 Cliffside, 98	**Sept. 30, 2002**
879-2977	Haley Byrd (Student)	200 Nottingham, 98	**July 01, 2001**
828-4361	Kathleen M. Fejes	6475 Elmoor, 98	**Sept. 30, 2001**
644-6744	John F. Goetz, Jr	2539 Black Pine, 98	**Sept. 30, 2003**
689-3794	Gary Hauff (School Rep)	3794 Wayfarer, 83	**July 31, 2001**
879-9314	Lawrence Jose (Sr. Rep.)	5581 Livernois, 98	**Apr. 30, 2003**
828-8084	Orestes (Rusty) Kaltsounis	6798 Jasmine, 98	**Sept. 30, 2003**
649-4948	Tom Krent	3184 Alpine, 84	**Sept. 30, 2001**
879-1466	Robert J. O'Brien	6285 Brookings, 98	**Sept. 30, 2002**
689-2074H 569-8454B	Jeffrey Stewart (Troy Daze Representative)	884 Hidden Ridge, 83	**Sept. 30, 2003**
524-3484	Carol Anderson	Parks & Rec. Dir.	**(Ex-officio)**

Planning Commission

Mayor, Approved by Council (9) – 3 years

Term Expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
524-9850	Gary G. Chamberlain	4850 Alton, 98	**Dec. 31, 2002**
689-1849	Jordan C. Keoleian (Student)	3709 Kings Point Dr, 83	**July 01, 2001**
952-5588 H 435-1712 B	Dennis A. Kramer	1903 Spiceway, 98	**Dec. 31, 2003**
879-8877H 649-1150B	Larry Littman	6867 Killarney, 98	**Dec. 31, 2001**
528-3848	Cynthia Pennington	1924 Westwood, 83	**Dec. 31, 2002**
689-3722	James E. Reece, Jr.	2915 Hill, 98	**Dec. 31, 2001**
524-2285	James H. Starr	2643 Arrowhead, 83	**Dec. 31, 2002**
879-8529	Walter A. Storrs, III	5676 Martell, 98	**Dec. 31, 2003**
642-9737	David T. Waller	2921 Townhill, 84	**Dec. 31, 2003**
641-7115 H 775-7710 B	Wayne C. Wright	2525 Homewood, 98	**Dec. 31, 2001**

Traffic Committee

Appointed by Council (7) – 3 years

Term Expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
649-2319	David Allen (Student)	3755 Ledge Ct., 84	**July 01, 2001**
879-0103	John Diefenbaker	5697 Wright, 98	**Jan. 31, 2003**
879-0250H 663-5055B	Eric S Grinnell	406 E Square Lake, 84 **MAIL TO:** PO Box 99417 Troy MI 48099	**Jan. 31, 2003**
689-1223	Lawrence Halsey	663 Vanderpool, 83	**Jan. 31, 2003**
689-9401H (313)665-4284B	Jan L. Hubbell	1080 Glaser, 98	**Jan. 31, 2002**
524-1595	Richard A. Kilmer	62 Hickory, 83	**Jan. 31, 2002**
689-0217H 223-2303B	Michael Palchesko	36 Randall, 98	**Jan. 31, 2002**
524-9062H 689-2920B	Charles A. Solis, Ch.	1866 Crimson, 83	**Jan. 31, 2003**
524-3379	John Abraham	Traffic Engineer	**(Ex-officio)**
524-3443	Charles Craft	Police Chief	**(Ex-officio)**
524-3419	William Nelson	Fire Chief	**(Ex-officio)**

Troy Daze Committee

Appointed by Council (9) - 3 years

Term expires 7-01-2002 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
528-0155 H 322-9813B	Robert A. Berk	726 Thurber, 98	**Nov. 30, 2003**
879-9030H 879-0272B	Sue Bishop	6109 Emerald Lake, 98	**Nov. 30, 2001**
528-1551	Jim D. Cyrulewski.	626 Randall, 98	**Nov. 30, 2001**
689-9244	Cecile Dilley	2722 Sparta, 83	**Nov. 30, 2001**
828-8084	Kessie Kaltsounis	6798 Jasmine, 98	**Nov. 30, 2002**
879-6958H 354-3710B	Richard L. Tharp	6881 Westaway Dr.98	**Nov. 30, 2003**
649-4345H 944-5968B	William F Hall	1891 Kirts, Apt 215, 84	**Nov. 30, 2002**
689-2074H 569-8454B	Jeffrey Stewart (Repr to Parks/Rec Board)	884 Hidden Ridge, 83	**Sept. 30, 2003**
879-3710	Eldon Thompson	6500 Denton, 98	**Nov. 30, 2002**
952-1732	Cheryl A Kaszubski	1878 Freemont, 98	**Nov. 30, 2003**
952-1763	Rebecca Mill (*Student*)	1478 Brentwood, 98	July 1, 2001

Troy City Clerks Office

500 West Big Beaver Troy MI 48084 248 524-3316

July 3, 2001

TO: All recipients of the Boards and Committees Resume Book
FROM: Clerk's office

RE: Update process of Resume Book

We are in the process of verifying our records showing citizen interest in the Boards and Committees of the City of Troy.

Please **file** the **attached revised applications** for the following people as they have indicated a **change** in their Boards and Committees choices.

Shazad Butt
Patrick C. Hall
Laurie Huber
Carmelo P. Milia
Robert M. Schultz
Neil S. Silver
James Walker
Peter F. Ziegenfelder

`

Thank you.

Troy City Clerks Office

500 West Big Beaver Troy MI 48084 248 524-3316

July 3, 2001

TO: All recipients of the Boards and Committees Resume Book
FROM: Clerk's office

RE: Update process of Resume Book

We are in the process of verifying our records showing citizen interest in the Boards and Committees of the City of Troy.

Please **remove** the applications and resumes for the following people as they have responded that they are no longer able to serve in Troy.

Agnes Molnar
Andrew Pollack
Nelson Ritner
Pat Ritner
Gary Sirotti

Thank you.

Date: June 19, 2001

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance
Jeanette Bennett, Purchasing Director
Cindy Stewart, Community Affairs Director CS

Re: Bid Waiver: Extension of Contract -
Printing of 2002 City Calendar

RECOMMENDATION

The Community Affairs Department recommends the City extend the contract for the printing of the 2002 City Calendar for one (1) year with University Lithoprinters, 4150 Varsity Dr., Ann Arbor MI. 48108, (734) 973-9414 under the same prices, terms, and conditions. The contract will expire upon completion of the 2002 Calendar.

BACKGROUND

On October 4, 1999, University Lithoprinters was awarded the contract to provide the 2000 City Calendar/Annual Report with an option to renew printing services for the 2001 Calendar/Annual Report. (CC Resolution #99-448-E-19) On August 21, 2000, the option to renew was exercised and approved with a slight price adjustment for the increase in paper costs. (CC Resolution #2000-387-E-12) Prices are as follows:

OPTION A:	Complete for the sum of:	$35,880.00
	Cost per Add'l (M) over 39M	$ 600.00
	Scans for each photo over 60	$ 35.00

The product provided by University Lithoprinters meets or exceeds proposal specifications.

BUDGET

Funds are available for printing of the City Calendar in the Community Affairs Printing Accounts.

MARKET SURVEY:

A market survey was not deemed necessary as the award was based upon a Request for Proposal (RFP) process resulting in an award to the best-qualified bidder.

CONSENT AGENDA - CONTINUED

Option to Renew – Printing of 2001 City Calendar E-12

Resolution #2000-387-E-12

WHEREAS, On October 4, 1999 a contract for the printing of the 2000 City of Troy Calendar was awarded to the highest scoring vendor, University Lithoprinters, as the result of a Request for Proposal process (Resolution #99-448-E-19); and

WHEREAS, The proposal contained an option to renew the contract for the printing of the 2001 calendar; and

WHEREAS, University Lithoprinters has agreed to exercise the option to renew this contract for printing the 2001 City of Troy Calendar under the same pricing structure, terms and conditions, with the exception of an increase in paper prices (as stated in the contract "pricing may only be adjusted due to fluctuations in paper costs); and

WHEREAS, It is the determination of the City Manager and City Council of the City of Troy that no benefit would result for the City to solicit additional sealed bids;

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby waived and the contract renewed with University Lithoprinters to provide printing of the 2001 City of Troy Calendar, at an estimated total cost of $35,880.00 with additional costs for quantities over 39,000 calendars at $600.00 per thousand and each additional scan at $35.00 per scan, is hereby approved which shall expire upon completion of the calendar in accordance with specifications.

L I T H O

February 5, 2001

Cynthia A Stewart
Community Affairs Director
City of Troy
500 West Beaver Road
Troy, Mi 48084

Dear Cynthia,

Thank you for the opportunity to extend our contract for the design and printing of the 2002 City Calendar and Annual Report with you. We are able to issue the same pricing as last year.

I look forward to working with you again on this project.

Sincerely,

Marilyn Bealafeld

Marilyn Bealafeld

UNIVERSITY LITHOPRINTERS
4150 VARSITY DRIVE
ANN ARBOR MI 48108

734.973.9414 ANN ARBOR
313.274.6670 DETROIT
800.652.9414 ANYWHERE
734.973.2884 FAX

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
John Lamerato, Assistant City Manager / Finance and Administration
Jeanette Bennett, Purchasing Director
Cindy Stewart, Community Affairs Director CS

Date: 8/16/00

Re: Option to Renew – Printing of 2001 City Calendar

RECOMMENDATION:

The contract for the printing of the City of Troy Calendar was a one-year contract with a one-year option to renew. Staff recommends exercising the City's option to renew the contract with University Lithoprinters under the same terms and conditions, with the exception of pricing for paper costs. As stated in the initial contract, "Pricing may only be adjusted due to fluctuations in paper costs." The company mutually agrees to the extension under the same pricing structure, terms, and conditions, with the exception of an increase in paper costs, as indicated in the attached letter. The contract will expire upon completion of the 2001 calendar.

BUDGET INFORMATION:

Funds are budgeted in the Community Affairs printing account #748.7901.

MARKET SURVEY:

We will not do a market survey since the award was based upon a Request for Proposal process that resulted in an award to the best-qualified vendor.

E-12

L I T H O

August 16, 2000

Ms. Cindy Stewart
Community Affairs Director
City of Troy
500 West Beaver Road
Troy, MI 48084

Dear Cindy,

Thank you for the opportunity to re-new our contract for the design and printing of the 2001 City Calendar and Annual Report.

As of the first of the year our paper vendors had a 7% increase. This equates to a $ 400.00 increase for the stock we will be using for your project.

A letter from our paper supplier will be forwarded to you as soon as we receive it.

We look forward to working with you again this year.

Sincerely,

Marilyn Bealafeld
Sales Rep

UNIVERSITY LITHOPRINTERS
4150 VARSITY DRIVE
ANN ARBOR MI 48108

734.973.9414 ANN ARBOR
313.274.6670 DETROIT
800.652.9414 ANYWHERE
734.973.2884 FAX

CASE PAPER

University Lithoprinters
4150 Varsity Drive
Ann Arbor, MI 48108

Dear Pam,

This letter is confirm to you that during the past year paper prices have increased dramatically in all grades including the dull stock you need for the City of Troy Calendar.

The costs have risen by more then the amount indicated by the seven and one half percent you have been quoted for this stock but it is the minimum I can sell the stock for due to the increases. I wish I could control the market price of paper but as you know Case paper has no control in this matter. If I could I would keep the prices the same all the time.

If you have further questions on paper or need my help please do not hesitate to contact me. I thank University Lithoprinters for its support and business.

Sincerely,
Bill Moosekian

Sales Representative

CASE PAPER COMPANY INC., 900 WEST 45th STREET, CHICAGO, ILLINOIS 60609 • 773-927-4151
FAX 773-927-7281 Out of Illinois Dial Toll FREE 800-621-8837

CONSENT AGENDA – CONTINUED

Award of Request for Proposal No. 99-05, 2000 City Calendar/Annual Report **E-19**

Resolution #99-448-E-19

RESOLVED, that a contract to furnish all materials, labor, and equipment to provide the 2000 Calendar / Annual Report with an option to renew the contract for the 2001 Calendar / Annual Report is hereby awarded to the highest scoring vendor as the result of a Request for Proposal process, University Lithoprinters, at an estimated total cost of $35,480 for Option A with additional costs for quantities over 39,000 calendars at $600 per thousand and each additional scan at $35 per scan.

BE IT FURTHER RESOLVED, that Options B and C for alternate paper choices is hereby rejected.

To: The Honorable Mayor and City Council;

From: John Szerlag, City Manager
John Lamerato, Assistant City Manager/Finance & Administration
Jeanette Bennett, Purchasing Director
Cindy Stewart, Community Affairs Director CS

Date: 09/29/99

Re: Award of Request for Proposal 99-05, 2000 City Calendar/Annual Report

---

The selection of the printer for the City of Troy 2000 Calendar/Annual Report was based upon weighted criteria including but not limited to RFQ/RFP, sample full-color calendars, and price. Using a 100 point scoring process, prices were equated to the same number value as the sample evaluations. The higher the score, the higher the quality of sample calendars submitted. Final score calculation was 70% for comparable samples and 30% for price. Our recommendation is that City Council award the Request for Proposal to the *highest scoring vendor, University Lithoprinters, at an estimated total cost of $35,480 for Option A. Additional costs per quantities of 1000 over 39,000 would be $600 per M and each additional scan is $35.*

We would also recommend using 80# Allegro Dull Cover and 80# Allegro Dull Text (Ambrose Paper). Our examination of the paper samples confirms that our first option is a higher quality paper, whiter than the Porcelain Gloss with no show through from one page to the other (one minor problem with Porcelain). We asked for other paper options in case one was substantially higher than the other. The cost for the 2000 City Calendar using the 80# Allegro paper is well within our budgeted amount for the project.

University Lithoprinters received the highest recommendations from the committee consisting of the Assistant City Manager/Finance and Administration, Community Affairs Director and Community Affairs Officer. They received superior marks based on their quality samples. University Lithoprinters has serviced many other municipalities on similar projects of comparable magnitude. City calendars they produced within the last four years include Wayne, Westland, Dearborn, Warren, Sterling Heights, and Southfield. They also produced calendars for Consumers Energy, University of Michigan and the Detroit Free Press. Not only did this company furnish the most impressive and complete proposal package; it as well as its designer received outstanding endorsements from each of their references. Two of the other bidders had never printed City calendars.

Also, it is recommended that Options B and C for the alternate paper choices be rejected.

E-19

WEIGHTED FINAL SCORING

2000 CALENDAR / ANNUAL REPORT

Final Score Calculation:

70% x Weighted Average Score (Sample Evaluation Process)
30% x Price Score*
Final Weighted Score

*** In order to equate the price to the weighted evaluation process scoring, the prices had to be converted into a score with the base of 100**

OPTION A: **Cover:** **80# Allegro Dull Cover (Ambrose Paper)**
Text: **80# Allegro Dull Text (Ambrose Paper)**

VENDORS:

	(Sample Score x .70) + (Price Score x .30)	Final Score
MSX International	**(25.75 x .70) = 18.03 + (74 x .30) = 22.20**	**40.23**
University Lithoprinters	**(93.25 x .70) = 65.28 + (129 x .30) = 38.70**	**103.98 ******
Dearborn Lithograph	**(61.50 x .70) = 43.05 + (130 x .30) = 39.00**	**82.05**
Arbor Press	**(34.25 x .70) = 23.98 + (59 x .30) = 17.70**	**41.68**

******** Recommended Award - High Scorer using selected paper alternative

VENDOR NAME:	UNIVERSITY LITHOPRINTERS		DEARBORN LITHOGRAPH INC		MSX INTERNATIONAL INC	
CHECK #:	159602730		9400063		2729150	
CHECK AMOUNT:	$ 1500.00		$ 1500.00		$ 1500.00	

THE CITY OF TROY INVITES QUALIFIED PRINTERS TO SUBMIT REQUEST FOR PROPOSALS TO PROVIDE A 2000 CALENDAR IN ACCORDANCE WITH SPECIFICATIONS. THE INTENT OF THE RFP IS TO SELECT ONE PRINTER WITH A GRAPHIC DESIGNER WHO CAN MEET THE REQUIRED DEADLINES.

SUBMITTALS INCLUDED-- (Y/N)						
1) QUESTIONAIRE	Y		Y		Y	
2) SAMPLE CALENDARS	Y (9)		Y (3)		Y (2)	
3) GRAPHIC DESIGNER	Y		Y		Y	
4) REFERENCES/GRAPHIC DESIGNER	Y		Y		Y	
5) REFERENCES/COMPANY	Y		Y		Y	
6) MASS MAILING PROJECTS	Y		Y		N	
7) Y2K COMPLIANCE	Y	7/1/99	Y	SEPT' 99	Y	

PRICING--			
OPTION A: Ambrose Paper			
COMPLETE FOR THE SUM OF:	$ 35,480	$ 34,790	$ 63,189.05
Cost per Add'l (M) over 39M	$ 600	$ 892.06	$ 1,018.24
OPTION B: Unisource			
COMPLETE FOR THE SUM OF:	$ 33,480	$ 31,759	$ 59,968.59
Cost per Add'l (M) over 39M	$ 545.00	$ 814.34	$ 943.10
OPTION C: Alternate Paper			
QUOTING ON COVER STOCK:	CASE #2 DULL	ASTROLITH	OPUS COVER
QUOTING ON TEXT STOCK:	CASE #2 DULL	ASTROLITH	OPUS STOCK
MANUFACTURED BY:	CASE PAPER CO	CASE PAPER	XPEDX
COMPLETE FOR THE SUM OF:	$ 32,445	$ 31,567	$ 60,521.06
Cost per Add'l (M) over 39M	$ 520.00	$ 809.42	$ 955.99

UNIT PRICES FOR ADD'L QUANTITIES--			
SCANS	$ 35.00	$ $ 35.00	$ 60.00
FULL PAGE TINT BACKGROUND	INCLUDED	INCLUDED	$ 0
TWO-COLOR SCREEN TINT AREAS	$ 0	$ 0	$ 0
ONE-COLOR SCREEN TINT AREAS	$ 0	$ 0	$ 0

Date Prepared -- 9/28/99

2000 CALENDAR/ANNUAL REPORT

VENDOR NAME:	UNIVERSITY LITHOPRINTERS	DEARBORN LITHOGRAPH INC	MSX INTERNATIONAL INC
UNIT PRICES FOR ADD'L QUANTITIES--			
REVERSE	$ 0	$ 0	$ 0
KNOCKOUTS	$ 0	$ 0	$ 0
OTHER:			
	$ 0	$ 0	$ 0
	$	$	$
	$	$	$
DELIVERY DATE:	CAN MEET	CAN MEET	CAN MEET
TERMS:	NET 30 DAYS	NET 30 DAYS	NET 30 DAYS
EXCEPTIONS:	LETTER ATTACHED	BLANK	BLANK
	COATING COVERS		
	DEDUCT $1020.00		

NO BIDS:
Grand River Printing & Imaging
Delta Printing Co, Inc

ATTEST:
MaryAnn Hays
Jeanette Bennett
Susan Leirstein

Jeanette Bennett
Purchasing Director

G:\Annual Report/Calendar

VENDOR NAME:	ARBOR PRESS		
CHECK #:	168904280		
CHECK AMOUNT:	$ 1500.00	$ 1500.00	$ 1500.00

THE CITY OF TROY INVITES QUALIFIED PRINTERS TO SUBMIT REQUEST FOR PROPOSALS TO PROVIDE A 2000 CALENDAR IN ACCORDANCE WITH SPECIFICATIONS. THE INTENT OF THE RFP IS TO SELECT ONE PRINTER WITH A GRAPHIC DESIGNER WHO CAN MEET THE REQUIRED DEADLINES.

SUBMITTALS INCLUDED-- (Y/N)				
1) QUESTIONAIRE	Y			
2) SAMPLE CALENDARS	Y (3)			
3) GRAPHIC DESIGNER	Y			
4) REFERENCES/GRAPHIC DESIGNER	Y			
5) REFERENCES/COMPANY	Y			
6) MASS MAILING PROJECTS	Y			
7) Y2K COMPLIANCE	Y	10/99		
PRICING--				
OPTION A: Ambrose Paper				
COMPLETE FOR THE SUM OF:		$ 70,483	$	$
Cost per Add'l (M) over 39M			$	$
OPTION B: Unisource				
COMPLETE FOR THE SUM OF:		$ 68,214	$	$
Cost per Add'l (M) over 39M			$	$
OPTION C: Alternate Paper				
QUOTING ON COVER STOCK:	BLANK			
QUOTING ON TEXT STOCK:				
MANUFACTURED BY:				
COMPLETE FOR THE SUM OF:	BLANK		$	$
Cost per Add'l (M) over 39M			$	$
UNIT PRICES FOR ADD'L QUANTITIES--				
SCANS	BLANK		$	$
FULL PAGE TINT BACKGROUND	W/DESIGN QUOTE			$
TWO-COLOR SCREEN TINT AREAS			$	$
ONE-COLOR SCREEN TINT AREAS			$	$

VENDOR NAME:	ARBOR PRESS		
UNIT PRICES FOR ADD'L QUANTITIES--			
REVERSE	W/DESIGN QUOTE		$
KNOCKOUTS		$	$
OTHER:		$	$
		$	$
		$	$
		$	$
DELIVERY DATE:	CAN MEET		
TERMS:	30 DAYS		
EXCEPTIONS:	NONE		

BIDDERS LIST

Mailing Name	Address Line 1	Address Line 2	City City	ST	Postal Code
OAKLAND PRINTING SERVICES, INC	1754 MAPLELAWN		TROY	MI	48084
UNIVERSITY LITHOPRINTERS	4150 VARSITY DR		ANN ARBOR	MI	48108
INHOUSE PRINTER	1061 BADDER		TROY	MI	48083
SELECT GRAPHICS CORPORATION	24024 GIBSON		WARREN	MI	48089
DELTA PRINTING COMPANY INC	1200 E OAKLAND		LANSING	MI	48906
DEARBORN LITHOGRAPH INC	12380 GLOBE		LIVONIA	MI	48150
PROMOTIONAL PUBLISHERS INC	P O BOX 117		TROY	MI	48099
PHOENIX PRESS	2530 INDUSTRIAL ROW		TROY	MI	48084-7035
GRAYWOLF PRINTING	757 SOUTH ETON		BIRMINGHAM	MI	48009
CITY PRINTING & MAILING	32039 MILTON		MADISON HEIGHTS	MI	48071
LASERTEC - ROCHESTER HILLS	2359 AVON INDUSTIAL DRIVE		ROCHESTER HILLS	MI	48309
CUSTOM PRINTING	32701 JOHN R		MADISON HEIGHTS	MI	48071
FRANKLIN SOURCE	2075 W BIG BEAVER		TROY	MI	48084
GOODWILL PRINTING COMPANY	2000 W 8 MILE RD		FERNDALE	MI	48220
DE ANGELIS PRINTING	209 PARK ST		TROY	MI	48083
TRANSWORLD PRINTING	1179 SYLVERTIS RD		WATERFORD	MI	48328
PRINTWELL INC	26975 NORTHLINE ROAD		TAYLOR	MI	48180
WRIGHT COMMUNICATIONS	1233 CHICAGO		TROY	MI	48083
HDM GRAPHICS	715 EAST MILWAUKEE		DETROIT	MI	48202
PRINT MAX	1734 CROOKS ROAD		TROY	MI	48084
ADVANCE PRINT & DESIGN	1026 MAPLELAWN DRIVE		TROY	MI	48084
SPECTRUM 3 ADVERTISING AND DESIGN	15655 KINLOCH		REDFORD TWP	MI	48239
PLS	145 PIKE ST		PONTIAC	MI	48342
WHITLOCK SOLUTIONS	275 E 12 MILE RD		MADISON HEIGHTS	MI	48071-2557
JOHNSTON LITHOGRAPH INC	11334 HUNT ST		ROMULUS	MI	48174-0424
ALLEGRA PRINT & IMAGING	1800 W MAPLE RD	SUITE 400	TROY	MI	48084-7104
LAKESHORE PRINTING	46912 NORTH GRATIOT		CHESTERFIELD TWP	MI	48051

Mailing Name	Address Line 1	Address Line 2	City City	ST	Postal Code
CSW DESIGNS INC	1719 SYCAMORE		ROYAL OAK	MI	48073
CALDWELL PRINTING	33490 GROESBECK		FRASER	MI	48026
J & M REPRODUCTIONS	1200 ROCHESTER RD		TROY	MI	48083
ADVANCE REPRODUCTION COMPANY	5808 ST JEAN		DETROIT	MI	48213
GRAND RIVER PRINTING & IMAGING	22153 TELEGRAPH		SOUTHFIELD	MI	48034
E & G PRINTING	32031 TOWNLEY		MADISON HEIGHTS	MI	48071
NORTHWESTERN PRINTING COMPANY	17825 RYAN		DETROIT	MI	48212
SIR SPEEDY COMMERCIAL PRINTING DIVISION	1270-A RANKIN STREET		TROY	MI	48083
ARTHUR DOUGLAS INC	2032 HEIDE		TROY	MI	48084
ANGELOSANTE PRINT & GRAPHICS	4095 EMERALD PINES DRIVE		WALLED LAKE	MI	48390
MIAMI SYSTEMS	28120 DEQUINDRE		WARREN	MI	48092
ARBOR PRESS INC	4303 NORMANDY COURT		ROYAL OAK	MI	48073
J K PRINTING CO LTD	200 E BIG BEAVER ROAD		TROY	MI	48083

SBP 99-37 2000 CALENDAR / ANNUAL REPORT

COMMODITY CODE: 966-60 OFFSET PRINTING
4 COLOR ⇐ 100M

June 18, 2001

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Ordinance Waiver – Sign and Sale of Merchandise

The Troy Youth Soccer League, in cooperation with the Parks and Recreation, will be conducting the 16th Annual Troy Soccer City Classic September 1-3, 2001.

A waiver of the Chapter 26 Parks ordinance is requested to allow the sale of merchandise at the tournament sites. A waiver of the Chapter 78 sign is also requested to allow the display of tournament-related banners during the tournament as has been allowed during previous years. Banners will be displayed at Firefighters Park, Boulan Park, and Jaycee Park (approximate size of signs: 4' x 8').

June 20, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Jeanette Bennett, Purchasing Director
Charles Craft, Chief of Police

Subject: Bid Waiver—
Macomb County Criminal Justice Training Consortium Membership

RECOMMENDATION

The Police Department recommends standard bidding procedures be waived and City Council approve a one-year contract to become a member of the Macomb County Criminal Justice Training Consortium. The membership fee would be $21,235.00.

BACKGROUND

The Police Department has spent an average of $8,000 - $9,000 a year in training funds at the Macomb Criminal Justice Training Facility. In addition, the Police Department spends approximately $13,500.00 a year, at the Macomb Criminal Justice Training Facility to re-certify half of the department police officers in Emergency Vehicle Operations. The amount spent each year would cover the cost of membership in the consortium. By becoming members of the consortium, the Police Department will be able to send more officers to the numerous training schools at the Macomb Criminal Justice Training Facility at no additional cost to the Police Department. This facility has scenario-training rooms that officers will be able to simulate actual police responses to calls for service. The Police Department will be able to utilize Macomb's state of the art Computerized Simulated Shooting Scenario System that would further enhance our officers' decision-making skills. In addition, Macomb has a Crime Lab Training Room, in which our Evidence Technicians would be able to practice and learn new techniques in evidence collection and protection.

BUDGET INFORMATION

Funds for becoming members of this consortium have been budgeted for in Police Department account number 305.7960

Prepared by: Stephen Perkola, Lieutenant Police Department Support Services Section

June 20, 2001
PC01M.050 a

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Peggy E. Clifton, Human Resources Director

SUBJECT: Contract Ratification - Troy Fire Staff Officers Association

RECOMMENDATION

City Administration supports and recommends approval of the tentative agreement for a five-year collective bargaining agreement between the City of Troy and the Troy Fire Staff Officers Association (TFSOA).

BACKGROUND

This agreement was ratified by the TFSOA on June 6, 2001, and will replace the contract that will expire on June 30, 2001.

This Agreement was achieved using the Interest-Based Bargaining method in which both sides discuss possible solutions to "issues" rather than holding to "positions". (This method also resulted in an expedient contract resolution with the AFSCME bargaining unit last fall and most recently with the Troy Command Officers.) The tentative agreement with the TFSOA provides a mutually satisfactory solution to the issues raised in negotiations (primarily wages, retirement, hospitalization and medical insurance, disability insurance, work schedule, cleaning allowance and residency. A summary of the Tentative Agreement is attached for your review.

RESOLUTION

RESOLVED, that a Collective Bargaining Agreement between the City of Troy and TFSOA for the period July 1, 2001 through June 30, 2006 is hereby ratified by the City Council of the City of Troy, the employer, and the Mayor and City Clerk are authorized to execute the final agreement.

Attachment
G:\Negotiations\TFSOA\CORRESPONDENCE.doc

TENTATIVE AGREEMENT SUMMARY
City of Troy and TFSOA
2001-2006 Collective Bargaining Agreement

ISSUE	SOLUTION
Wages	a. Increase maximum salaries by 5% for each of the 5 years of the contract. *Note: Current rates are the product of a 5-yr. agreement. Based on the average salary of the comparables, Fire Staff Lieutenant rates were 13.4% low. Assuming a projected 3% per annum increase in the market over the next 5 years, the recommended increases should result in maintaining a competitive rate with the comparables.* b. Reduce starting pay and redistribute differential between steps.
Retirement	a. Health insurance through COPS Trust Replaced with BCBS PPO. b. Reduce employee pension contribution from 4% to 3% of gross payroll.
Hospitalization/Medical Insur.	a. Replace COPS Trust with BCBS PPO. b. Increase annual maximum for dental and orthodontics from $600 and $1,200 to $1,000 and $2,000 respectively. c. The parties agree to participate in a Health Committee comprised of representatives from all employee groups to review current health insurance plans and make recommendations to further the goal of reducing the number of plans in place.
Disability Insurance	In the case of non-duty disability, coverage will terminate after 5 years of disability.
Clothing/Cleaning Allowance	Increase cleaning allowance from $150 to $300.

Work Schedule	Institute 4/40 schedule on a trial basis.
Residency	Replace residency requirement with the requirement that employees reside within 20 miles from the nearest boundary of the City of Troy.

June 14, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services

SUBJECT: Use of City Property – Formerly 101 E. Square Lake Road / Krell Property

Once again, City management has been approached by the Historic District Commission and Mr. William Shuwayhat of John's Party Store requesting use of the vacant Krell property. This property immediately east of the party store was acquired by the City as part of a drain project. Since that time, the Historic District Commission, Mr. Shuwayhat and the property owner to the north, Mr. Frickle, have at times been interested in improving the site in different ways.

Attached you will find a letter from the Historic District Commission dated May 31, 2001 recommending the property be developed as an information and orientation park. It goes on to describe the needs and includes a copy of the proposed sign. Additionally, you will find attached a letter from Mr. Shuwayhat expressing his desire to purchase the property with an explanation as to this intended use of the property. He has also provided a proposed site plan.

Should Council wish to discuss this matter, we will contact both parties and have them attend the next regular Council meeting.

31-May-2001

Dear Gary Schripka, Assistant Manager / Services Division,

We the members of the Troy Historic District Commission recommend to the City of Troy that the property at Lot 22, Supervisors Plat #27, AKA Krell be developed as an information and orientation park.

Why is the information and orientation park needed:

- This is an ideal location as a center or niche for this historic business district/place in the City of Troy. (Examples: downtown Birmingham and Rochester)
- Add to the financial self-sustainability of the historic district through special events and the capital value of Troy.
- This is the only part of Troy that has a high density of historic structures.
- If the historical structures at Troy Corners are eliminated then we slowly loose our identity, roots, and the appropriate environment.
- Preservation of the properties in the Troy Corners corridor as a historic property is a priority.

Proposed information and orientation park usage:

- Rest stop containing information about Troy and it's history with an orientation sign and map identifying the historic structures and districts.
- Orient people that are lost.
- Maintain the special ambiance of the area (Square Lake and Livernois Historic District at Troy Corners).
- Area for people to get away from a hectic office for an hour of lunch.
- Additional parking for party store.

Users:

- Local business people on lunch
- Travelers and tourists
- Students / history buffs / continuing education
- Local residents

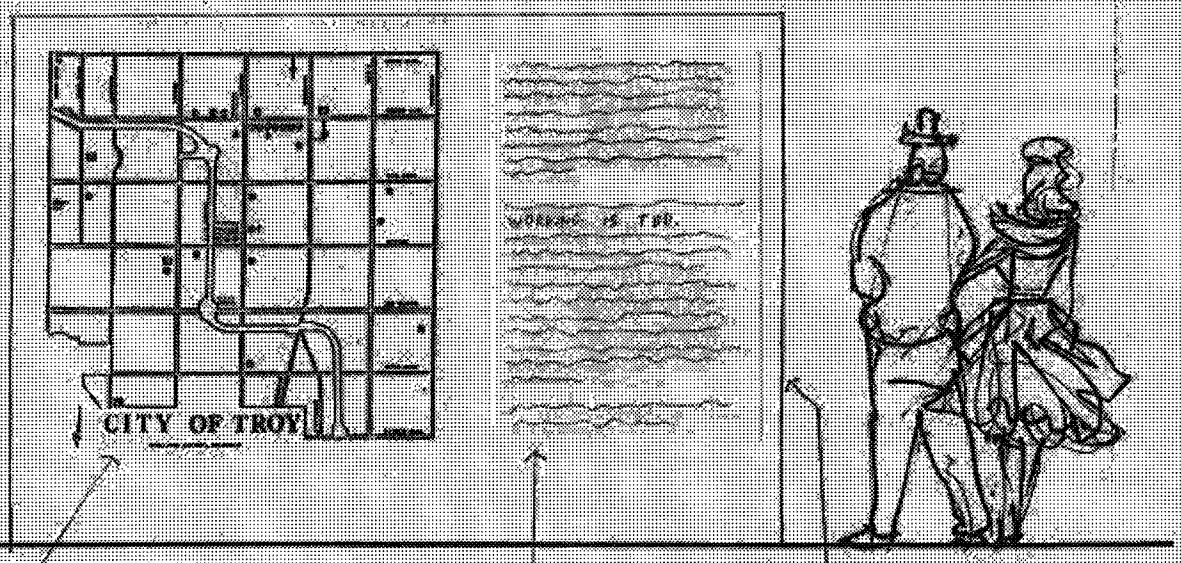
The aesthetics of John's Party store does not blend with the character, scale, and texture of the other properties, creating disunity in the area. The Historic District would recommend allowing John's Party Store to use the additional parking for aesthetic upgrades to the building. After historical research of the former historic businesses in the area, the historic character and details can be incorporated as part of the building's envelope. The Historic District Commission is willing to meet with John, help with any research, and offer suggestions to achieving a 19th century appearance.

Respectfully submitted,
Troy Historic District Commission

Attachments: Site Plan, Sign Details

Cc: Mayor and City Council,
City Manager,
Building Department,
Parks and Recreation Department

The use of these "swing-like" plaks at all historic places/sites provide another means of setting and providing orientation/location to the site square area of the city of Troy(much like what the park and transportation variety systems are supposed to accomplished).



Map provides the following:
a. For especially those lost, where they are.
b. Locations of all historic sites in Troy.If desired,to continue on, explore, and be enlighten.

Information about specific site/place.

On back of sign could be pictorials how site/place was in a specific time. Dialogue between present and past does take place.

Paul Chu-Lin
Urban Designer
Architect/Educator
3-6-2001

CONCEPT: The "ritual whisper/ scenery" in time. Before it the past, present, and future takes place. Example of concept Monte 2001's "monolith".

June 13,2001

To: Gary A. Shripka, Assistant City Manager

From: William John Shuwayhat, a partner of John's Market

Subject: Regarding possible sale of vacant parcel #88-20-03-031-032-on the North Side of Square Lake between Livernois and Rochester Roads-Adjacent to John's Market to the west.

Mr. Shripka, since the Oakland County Drain Commission came through and purchased the property at 101 E. Square Lake and deeded the parcel back to the City of Troy in 1994, we have pursued to purchase the parcel for additional parking for our business. The parcel is 171.4 feet of frontage by 72.25 feet deep. What we would like to do is make 125 feet of parking with the remainder 46.4 feet, being part of the greenbelt area, with evergreen hedges surrounding the edges of the property line.

We have sent letters and had numerous meetings with city officials over the last 7 years regarding a possible sale without a final outcome.

We would like to note that it is extremely difficult for our delivery trucks to turn their 40 to 50 foot trucks around in 62 feet of space which has caused 40 feet of our masonary wall to be knocked down. While they attempt these turnarounds our customers cannot maneuver around them and sometimes leave out of frustration.

Also note that if the Drain Commission did not exchange right of way with First of America Bank and give them the 40 feet west of our parcel and sold it to us instead that we would not be in this precarious situation.

We would like to a least bring our case to City Council and put some kind of closure to this ongoing situation and greatly appreciate your efforts in helping us see this through.

I have attached 3 copies of our proposal what we would like to do with the parcel.

Thank you Gary,

Bill Shuwayhat

Bill Shuwayhat

To The Mayor and
City Council members

I am very much interested in having an Oriental Park in Supervisor Plot #27.
I believe this would make Troy Corners an Historical Corner.

Harriet F. Barnard
President of the
Troy Historical Society

Mayor Matt Pryor
& Council members
City of Troy
500 W. Big Beaver
Troy MI. 48084

Mrs Harriet F. Barnard
5946 Livernois Ave
Troy, MI. 48098-3130

RECEIVED
JUL - 3 2001
CITY OF TROY
CITY MANAGER'S OFFICE

F-7

Date: July 3, 2001

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Steven J. Vandette, City Engineer
William R. Need, Director of Public Works

Subject: Voluntary General Storm Water Permit and Septic Systems

STATEMENT OF PROBLEM:

The City of Troy has not received its Certificate of Coverage for the Voluntary General Storm Water Permit because the Michigan Department of Environmental Quality is requiring a more pro-active approach to finding failed septic systems than was addressed in the original permit application.

HISTORY:

In June of 2000, the City of Troy applied for a Voluntary General Storm Water Permit from the Michigan Department of Environmental Quality (MDEQ). This permit is necessary for Troy to comply with requirements of the federal Clean Water Act and to continue to be eligible for grant money from the Rouge River National Wet Weather Demonstration Project, Clean Michigan Initiative funds, and other grant money. The MDEQ approved the City's application, with the exception of the plan to address leaking septic systems. Due to revisions in the Clean Water Act, the MDEQ has made finding leaking septic systems a priority because they are known to cause water quality problems including excessive nutrient loading and high *E. coli* counts.

Currently, the City and Oakland County Health Department rely upon reported complaints of a failed septic system before performing inspections. The necessary corrections include connecting to the sanitary sewer or replacing the septic system. Connection to the sanitary sewer system is usually accomplished with a special assessment project for sanitary sewers. Last year's installation of a sanitary sewer line along Larayne Street is one example of this approach. However, this approach is expensive and requires the support of the affected property owners. The City of Troy is committed to continuing to work with the OCHD to find and correct failed septic systems. The City's plan for the Voluntary General Storm Water Permit included implementing an intensive public education program for the care and maintenance of septic systems, creating a GIS map to document the location and status of septic systems in the City, and to train City personnel to identify failed septic systems. However, the MDEQ is requiring participation in a program that

has inspections of septic systems either periodically or at the time-of-sale of the property as a condition of the Voluntary General Storm Water Permit.

Several communities in Oakland County received their voluntary permit based on statements in their application that Oakland County was conducting a study to determine whether or not they would administer a countywide time-of-sale inspection program to find failed septic systems. The MDEQ granted these communities their permits with the understanding that if the County did not address the problem of failing septic systems within 6 months of the date of permit issuance, the individual communities would have to implement their own inspection programs. When Troy applied for the voluntary permit, these other communities were still waiting for the promised report from Oakland County before proceeding with further action regarding the failed septic system issue. This report has recently been issued (a copy is attached). In summation, the County is taking the position that this is a "home rule" issue and they will not be implementing a countywide inspection program. It is therefore the responsibility of each community to implement its own program.

RECOMMENDATION:

Based on this information, it is recommended that the City should approach this issue by first adopting an ordinance that would require homeowners with septic systems to have periodic inspections. The City of Troy would have these septic system inspections conducted by trained City personnel or certified evaluators under contract with Troy. These inspections would be done on a periodic rotating basis. Owners of failing systems would be notified by the City of their obligation to correct the failure by connecting to the sanitary sewer system or repairing their septic system. The City would also notify the Oakland County Health Department (OCHD) of the failed inspection. The OCHD would follow up with the owner, according to the State Health Code, to ensure the problem is corrected. This option serves the purpose of pro-actively looking for failed septic systems and tracking them. The disadvantage is that this would have to be an on-going program as long as septic systems are permitted in the City of Troy.

City staff and contract evaluators could get certified through 3 different programs including Washtenaw County's Training, MSU Tollgate, or National Association of Waste Transporters.

Long term goals would include extending sanitary sewer service to areas of the City of Troy that are currently served by septic systems. Sanitary sewer extension projects could be done in phases. City Ordinance permits City initiation of sewer special assessment projects to mitigate health problems as determined by the OCHD. Also, City ordinance requires properties to hook up to sanitary sewer if they are located within 200 feet of the sewer. The advantage to this option is that it will eliminate septic systems within the City of Troy, which will make the issue of finding

failed septic systems a moot point. The disadvantage to this option is that it will be expensive to extend sanitary sewer service and will take time to complete.

SUMMARY:

These are the main issues and options regarding finding and eliminating failed septic systems. It is proposed that the City use variations of the different options to meet the requirements of the Voluntary General Storm Water Permit. Discussions with the staff at the MDEQ have led to the conclusion that by following the recommendations listed above, the City of Troy will receive their Voluntary General Storm Water Permit and will be able to meet all the requirements for the future federal Storm Water regulations.

Failed septic systems are a serious issue that the Environmental Protection Agency and the MDEQ are now requiring cities and counties to address. There is approximately $400,000 per year for 5 years available for reimbursement from Oakland County from its Environmental Infrastructure Fund to help address various environmental issues including storm water, sanitary sewers, combined sewers, and failed septic systems.

Prepared by Dana Calhoun, Storm Water Utility Engineer and Tracy Slintak, Environmental Specialist.

G:\Council Reports and Communications\Councilsepticmemo.doc

July 3, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

SUBJECT: Financial Responsibility for Right-of-Way; Proposed I-75 / Long Lake Interchange Project

Current Status

The Michigan Department of Transportation (MDOT) maintains its position that the City of Troy should be financially responsible for all right-of-way purchases involved in the proposed I-75 / Long Lake Interchange Improvement Project. We will not be able to get a firm grip on estimated right-of-way costs until the geometrics from MDOT are determined, which we hope will be some time this summer. However, right-of-way costs could be as high as $25 million. Engineering and construction costs are in the range of $50 million.

Background

Discussions with MDOT on the need for this interchange improvement have spanned over 15 years. Talks were stalled because of MDOT's initial position that a Long Lake interchange improvement would only be functional with a Square Lake connector. After conducting a transportation network simulation analysis, which basically predicts traffic flow via computer analysis, we were able to convince MDOT that a Long Lake interchange will be functional without a Square Lake connector. Given this, MDOT agreed to obtain a dimensioned layout of the proposed interchange (geometrics). We expect to have this information by August 2001 enabling us to make a much more accurate forecast of right-of-way costs. Then, our plan is to approach MDOT again, as well as Oakland County and the Northfield Hills businesses, to see if they are willing to contribute funding for right-of-way. I make no guarantees on the outcome.

Recommendation

This brings us to the attached request to purchase property on the north side of Long Lake Road between Deinmore and Daniels for an amount of $649,000, plus closing costs. We should proceed with this acquisition. Here's why:

1. We know the site needs to be acquired for construction of the interchange.

2. The property owner submitted a request for rezoning in 1999 and had site plans for an office building. It is much more cost effective to purchase vacant property as opposed to making an acquisition after it is improved.

3. Funds are budgeted for this purpose.

4. Even if the interchange project does not reach fruition, all we are doing is transferring a liquid asset to a fixed asset, which will continue to increase in value.

Attachment

cc: Gary Shripka
John Lamerato
Doug Smith
Steve Vandette

June 28, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Request for Approval of Purchase Agreement
Turowski-Long Lake, L.L.C.
Proposed I-75/Long Lake Interchange
Sidwell #88-20-09-451-014, -015, -016 & -017

As part of the proposed I-75/Long Lake Interchange Project, an agreement has been reached with Turowski-Long Lake, L.L.C. to purchase property on the north side of Long Lake Road between Deinmore and Daniels in Section 9. The site is comprised of four vacant abutting parcels, with the western portion zoned for office development and the eastern area zoned for single-family residential use.

Based on an appraisal prepared by Jay Messer, from Integra Dean Appraisal Company, and a review prepared by Kimberly Harper, Deputy City Assessor, we originally offered $620,000 for this property. The owners wanted more money because they were unaware of the plans for the proposed interchange improvements when they acquired the property in 1994. Pending sales have also been canceled due to the City's interest in the property and the owners have had to pay taxes and weed mowing bills for property they can't develop or sell. After discussions with the Acting City Attorney and City Assessor, staff believes that $649,000, the compensation agreed upon, is a justifiable value for this 2.55 acre parcel.

In order for the City to proceed with the acquisition of this parcel, staff requests that City Council approve the attached Purchase Agreement with Turowski-Long Lake, L.L.C. in the total amount of $649,000, plus closing costs. Funding for this project is contained in the Capital Projects Fund.

cc: Steve Vandette, City Engineer

Sidwell #88-20-09-451-014,
#88-20-09-451-015,
#88-20-09-451-016 &
#88-20-09-451-017

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Turowski-Long Lake, LLC, a Michigan Limited Liability Company (the "Sellers"), the following described premises (the "Property"):

TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, PART OF THE WEST ½ OF THE SOUTHEAST ¼ OF THE WEST 183.00 FEET OF A PARCEL DESCRIBED AS BEGINNING AT A POINT DISTANT EAST 231.05 FEET FROM THE SOUTH ¼ CORNER; THENCE NORTH 379.50 FEET; THENCE EAST 347.20 FEET; THENCE SOUTH 378.80 FEET; THENCE WEST 346.45 FEET TO BEGINNING; EXCEPTING THEREFROM THE SOUTH 60.00 FEET TAKEN FOR ROAD, AND

TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, PART OF THE WEST ½ OF THE SOUTHEAST ¼ OF THE NORTH 100.00 FEET EXCEPT THE WEST 183.00 FEET OF A PARCEL DESCRIBED AS BEGINNING AT A POINT DISTANT EAST 231.05 FEET FROM THE SOUTH ¼ CORNER; THENCE NORTH 379.50 FEET; THENCE EAST 347.20 FEET; THENCE SOUTH 378.80 FEET; THENCE WEST 346.45 FEET TO BEGINNING, AND

TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, PART OF THE WEST ½ OF THE SOUTHEAST ¼ OF THE SOUTH 100.00 FEET OF THE NORTH 200.00 FEET, EXCEPT THE WEST 183.00 FEET OF A PARCEL DESCRIBED AS BEGINNING AT A POINT DISTANT EAST 231.05 FEET FROM THE SOUTH ¼ CORNER; THENCE NORTH 379.50 FEET; THENCE EAST 347.20 FEET; THENCE SOUTH 378.80 FEET; THENCE WEST 346.45 FEET TO BEGINNING, AND

TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, PART OF THE WEST ½ OF THE SOUTHEAST ¼ BEGINNING AT A POINT DISTANT EAST 231.05 FEET FROM THE SOUTH ¼ CORNER; THENCE NORTH 379.50 FEET; THENCE EAST 347.20 FEET; THENCE SOUTH 378.80 FEET; THENCE WEST 346.45 FEET TO BEGINNING; EXCEPT THE NORTH 200.00 FEET; ALSO EXCEPT THE WEST 183.00 FEET; AND ALSO EXCEPT THE SOUTH 60.00 FEET TAKEN FOR ROAD.

for a public project within the City of Troy and to pay the sum of Six Hundred Forty-Nine Thousand and no/100 Dollars ($649,000) 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 will not be responsible for any real estate taxes or lawn cutting charges after 6/1/01.

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 assurance information to the Buyer, 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 Purchaser will assume all responsibility and liability for environmental concerns and cleanup, if necessary, on this 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: _____

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this _____ day of _____, A.D. 2001.

In presence of:

_____

_____

CITY OF TROY (BUYER)

_____

_____

SELLERS:

X _____

X _____

_____

_____

Sidwell #88-20-09-451-014,
#88-20-09-451-015,
#88-20-09-451-016 &
#88-20-09-451-017

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Turowski-Long Lake, LLC, a Michigan Limited Liability Company (the "Sellers"), the following described premises (the "Property"):

TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. PART OF THE WEST ½ OF THE SOUTHEAST ¼ OF THE WEST 183.00 FEET OF A PARCEL DESCRIBED AS BEGINNING AT A POINT DISTANT EAST 231.05 FEET FROM THE SOUTH ¼ CORNER; THENCE NORTH 379.50 FEET; THENCE EAST 347.20 FEET; THENCE SOUTH 378.80 FEET; THENCE WEST 346.45 FEET TO BEGINNING; EXCEPTING THEREFROM THE SOUTH 60.00 FEET TAKEN FOR ROAD, AND

TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, PART OF THE WEST ½ OF THE SOUTHEAST ¼ OF THE NORTH 100.00 FEET EXCEPT THE WEST 183.00 FEET OF A PARCEL DESCRIBED AS BEGINNING AT A POINT DISTANT EAST 231.05 FEET FROM THE SOUTH ¼ CORNER; THENCE NORTH 379.50 FEET; THENCE EAST 347.20 FEET; THENCE SOUTH 378.80 FEET; THENCE WEST 346.45 FEET TO BEGINNING, AND

TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, PART OF THE WEST ½ OF THE SOUTHEAST ¼ OF THE SOUTH 100.00 FEET OF THE NORTH 200.00 FEET, EXCEPT THE WEST 183.00 FEET OF A PARCEL DESCRIBED AS BEGINNING AT A POINT DISTANT EAST 231.05 FEET FROM THE SOUTH ¼ CORNER; THENCE NORTH 379.50 FEET; THENCE EAST 347.20 FEET; THENCE SOUTH 378.80 FEET; THENCE WEST 346.45 FEET TO BEGINNING, AND

TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, PART OF THE WEST ½ OF THE SOUTHEAST ¼ BEGINNING AT A POINT DISTANT EAST 231.05 FEET FROM THE SOUTH ¼ CORNER; THENCE NORTH 379.50 FEET; THENCE EAST 347.20 FEET; THENCE SOUTH 378.80 FEET; THENCE WEST 346.45 FEET TO BEGINNING; EXCEPT THE NORTH 200.00 FEET; ALSO EXCEPT THE WEST 183.00 FEET; AND ALSO EXCEPT THE SOUTH 60.00 FEET TAKEN FOR ROAD.

for a public project within the City of Troy and to pay the sum of Six Hundred Forty-Nine Thousand and no/100 Dollars ($649,000) 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 will not be responsible for any real estate taxes or lawn cutting charges after 6/1/01.

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 assurance information to the Buyer, 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 Purchaser will assume all responsibility and liability for environmental concerns and cleanup, if necessary, on this 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: _____
_____
_____

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this _____ day of _____, A.D. 2001.

In presence of:

_____

_____

CITY OF TROY (BUYER)

_____

_____

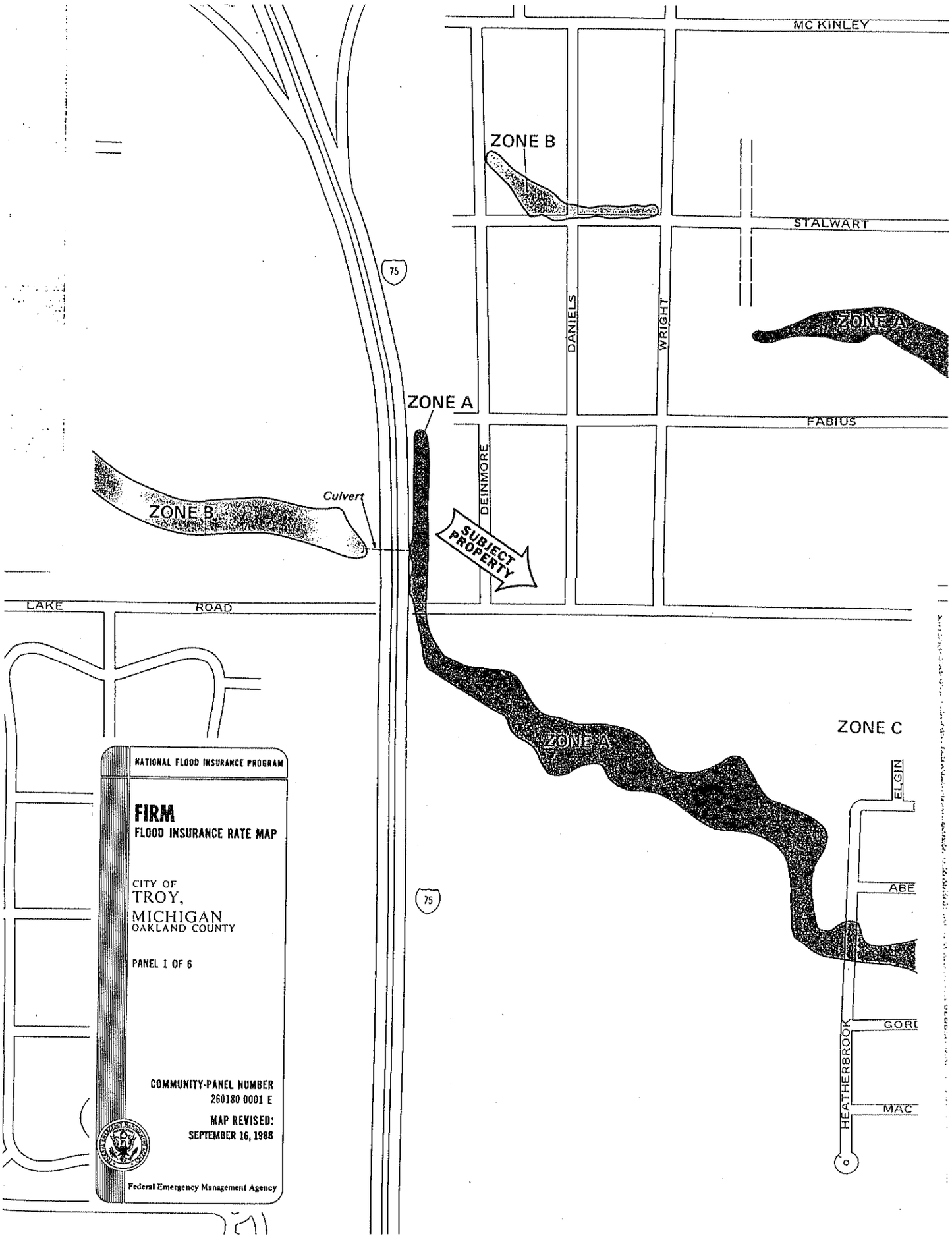
SELLERS:

_____

_____

_____

_____


MC KINLEY
ZONE B
STALWART
75
DANIELS
WRIGHT
ZONE A
ZONE A
FABIUS
DEINMORE
Culvert
ZONE B
SUBJECT PROPERTY
LAKE
ROAD
ZONE A
ZONE C
ELGIN
ABE
75
GORI
HEATHERBROOK
MAC
NATIONAL FLOOD INSURANCE PROGRAM
FIRM
FLOOD INSURANCE RATE MAP
CITY OF
TROY,
MICHIGAN
OAKLAND COUNTY
PANEL 1 OF 6
COMMUNITY-PANEL NUMBER
260180 0001 E
MAP REVISED:
SEPTEMBER 16, 1988
Federal Emergency Management Agency

MICHIGAN MUNICIPAL LEAGUE
A CENTURY OF COOPERATION

President
CHARLES SMILEY
Mayor, Burton

Vice President
JEFFREY FITCH
Village President, Kalkaska

Trustees
MARGARET "PEGGI" ARNOLD
Mayor, Manistique

KENNETH BABICH
Mayor, Marlette

FRANKLIN L. CAMPBELL
Mayor, Hastings

C. D. "AL" CAPPUCCILLI
Mayor, Monroe

HAROLD DRAKE
Village President, Ravenna

MYRON FRASIER
Council President, Southfield

FREMAN HENDRIX
Deputy Mayor, Detroit

PATRICIA KILLINGBECK
City Manager, AuGres

KURT KIMBALL
City Manager, Grand Rapids

GEORGE KORTHAUER
City Manager, Petoskey

KATE LAWRENCE
Mayor, Brighton

JAMES LEIDLEIN
City Manager, Harper Woods

CAROL SHEETS
Mayor Pro Tem, Wyoming

ROBERT SLATTERY, JR.
Mayor, Mount Morris

JOEL THOMPSON
Mayor, Otsego

MICHAEL USKIEWICZ
City Manager, Escanaba

Executive Director
GEORGE D. GOODMAN

June 22, 2001

2001 JUN 21 AM 11:10

OFFICIAL NOTICE TO MEMBER CITIES AND VILLAGES
OF THE MICHIGAN MUNICIPAL LEAGUE

(Please present at the next Council or Commission Meeting)

Dear Official:

The annual meeting of the members of the Michigan Municipal League will be held in Battle Creek, September 12-14, 2001. The business session is scheduled for 10:30 a.m. on Wednesday, September 12, at the McCamly Plaza Hotel. The meeting will be held for the following purposes:

1. Election of Trustees. To elect six members of the Board of Trustees for terms of three years each.

2. Policy. To vote on statements of policy and resolutions properly brought before the annual meeting.

3. Other Business. To transact such other business as may properly come before the meeting.

Designation of Voting Delegates

Pursuant to the provisions of the League Bylaws, you are requested to designate by action of your governing body one of your officials who will be in attendance at the Convention as your official representative to cast the vote of the municipality at the annual meeting, and, if possible, to designate one other official to serve as alternate. After taking this action, please return the enclosed reply card no later than August 22, 2001.

In connection with the designation of an official representative of the member to the annual meeting, your attention is invited to the following provisions of the Bylaws of the Michigan Municipal League:

> "Section 4.4 - Votes of Members. Each member city and village shall be equally privileged with all other members in its voice and vote in the election of officers and upon any proposition presented for discussion or decision at any meeting of the members. Honorary members shall be entitled to participate in the discussion of any question, but such members shall not be entitled to vote. The vote of each member shall be cast by its official representative attending the meeting at which an election of officers or a decision on any proposition shall take place. Each member shall, by action of its governing body prior to the annual meeting or any special meeting, appoint one official of such member city or village as its principal official representative to cast the vote of the member at such meeting, and may appoint one official as its alternate official representative to serve in the absence or inability to act of the principal representative."

F-10

A member of the National League of Cities

Web Address
www.mml.org

Headquarters Office
1675 Green Road, P.O. Box 1487
Ann Arbor, MI 48106-1487
Phone: 734-662-3246
Fax: 734-662-8083

Lansing Office
320 N. Washington Square, Suite 110
Lansing, MI 48933-1288
Phone: 517-485-1314
Fax: 517-372-7476

Northern Field Office
8925 Garden Road
Garden, MI 49835-9270
Phone: 906-644-2299
Fax: 906-644-2298

Election of Trustees

In connection with election of officers, under Section 5.3 of the Bylaws, six members of the Board of Trustees will be elected at the annual meeting for a term of three years. The regulations of the Board of Trustees require the Nominations Committee to complete its recommendations and post the names of the nominees for the Board of Trustees on the bulletin board of the registration desk at least four hours before the hour of the business meeting.

Resolution

In connection with consideration of resolutions and statements of policy, under Section 4.5 of the Bylaws of the League, the Board of Trustees acts as the Resolutions Committee, and no resolution or motion, except procedural and incidental matters having to do with business properly before the annual meeting or pertaining to the conduct of the meeting, shall be considered at the annual meeting unless it is submitted to the meeting by the Board of Trustees. The proposed Michigan Municipal League Policies and any new proposed Resolutions recommended by the Board of Trustees for adoption by the membership will be printed and distributed prior to the Convention, to permit governing bodies of member cities and villages to have an opportunity to review such proposals and delegate to their voting representative the responsibility for expressing the official point of view of the member at the annual meeting.

The Board of Trustees will meet on Tuesday, September 11, at the McCamly Plaza Hotel in Battle Creek for the purpose of considering such other matters as may be requested by the membership.

Sincerely,

Charles Smiley

Charles Smiley
President

George D. Goodman

George D. Goodman,
Executive Director

GDG/dw
Enc.

I:\meetings\conv\forms\official-letter

PLEASE RETURN BY AUGUST 22, 2001

Our official representative at the Annual Business Meeting of the Michigan Municipal League will be:

Name _____

Title _____

Our alternate official representative will be:

Name _____

Title _____

Official action of governing body on _____ (date)

Submitted by _____

Municipality _____

Mary F Redden

From: Mary F Redden
Sent: Thursday, June 28, 2001 11:03 AM
To: Cynthia A Stewart; Dave Lambert (E-mail); Martin Howrylak (E-mail); Matt Pryor (E-mail); Robin Beltramini (E-mail); Tom Kaszubski (E-mail); Tony Pallotta
Subject: 103rd MML Annual Conference

Attached is information on the 103rd Annual MML Convention that will be held in Battle Creek in September. Please let me know if you plan to attend the convention, so a resolution can be drafted and arrangements made. Registration is considerably less expensive if submitted before August.

Mary Redden
CITY MANAGER'S OFFICE
(248) 524-3330
reddenmf@ci.troy.mi.us

Tracking:

Recipient	Read
Cynthia A Stewart	Read: 6/28/01 11:06 AM
Dave Lambert (E-mail)	
Martin Howrylak (E-mail)	
Matt Pryor (E-mail)	
Robin Beltramini (E-mail)	
Tom Kaszubski (E-mail)	
Tony Pallotta	

Join in the fun and learning at the 103rd Annual MML Convention

September 11-14, 2001
McCamly Plaza Hotel, Battle Creek

Enhancing Local Government

This annual meeting is the single best opportunity you have to make contacts, to learn new ideas, to learn about products and services that can benefit your community and to have a good time while doing so – all in one place. You'll have the opportunity to network with city and village officials from all areas of Michigan, many of whom are facing the same struggles you are. The League is dedicated to preparing local officials in our state for new and continuing challenges of leadership.

Different This Year . . .

Trade Show
The Exhibit Hall will be open Tuesday, September 11 from 5:00 p.m. until 8:00 p.m. and Wednesday, September 12 from 7:30 a.m. until 4:00 p.m. There will be a reception in the exhibit area beginning at 5:00 p.m. on Tuesday.

One-day Trade Show Only Pass
If you wouldn't normally attend the MML convention but you are responsible for making decisions or recommendations on municipal purchases, you can come to just the trade show. Register in advance for a guest pass or obtain one at the MML Registration Desk.

Pride of Michigan Display
The Pride of Michigan Display will be the focal point of the reception on Tuesday evening from 5:00 until 8:00 p.m. in the Exhibit Hall. This is your opportunity to "show off!"

Restaurant Romp
City of Battle Creek employees are organizing an informal Restaurant Romp for Wednesday night. Look for the sign-up boards in the lobby, choose a restaurant that sounds appealing and sign up. Join your fellow Rompers at the designated meeting spot and head off to dinner. Local restaurants have varying capacity, so be sure to sign up early.

Closing Breakfast
In keeping with the City of Battle Creek's annual tradition of having the World's Largest Breakfast Table, the League will end its 103rd annual convention with the "League's longest breakfast table." Join us for a taste of Kellogg.

Free Shuttle Service

The City of Battle Creek will provide shuttles between the McCamly Plaza Hotel and the Amerihost, Battle Creek Inn, Baymont Inn & Suites, Econo Lodge, Hampton Inn, Holiday Inn Express, Quality Inn & Suites, and Super 8 Motel.

General Session Speakers

Investing in Communities (Wednesday)
Dennis Archer, President, National League of Cities; Mayor, Detroit, Michigan

Battlefield Earth: Clash of the Species (Thursday)
Cherie Cross, Speaker, Professional Training Dynamics, Georgia

Building a Civil Community (Thursday)
Cherise Brandell, Director of Marketing, Outreach and Training, Neighborhoods, Inc., Battle Creek

Downtown Consultation Clinics

Free Downtown Consultation Clinics will be offered on Thursday, September 13. Sign up on-site at the MML Registration Desk for these personalized, private clinics.

Elected Officials Academy Credit

Credit in the Elected Officials Academy may be earned by attending the convention. These credits will help officials enrolled in the Academy to achieve Level One: Education Award, Level Two: Leadership Award and Level Three: Governance Award. Eligible activities include:

- Attending the Convention
  (4 convention/conference credits total, 2 per day)
- Attending a Pre-Convention Workshop
  (3 elective credits for half day)
  (6 elective credits for full day)
- Serving as a panelist or speaker
  (2 leadership credits)
- Serving as a moderator, invocator or volunteer
  (1 leadership credit)
- Participating in the Pride of Michigan
  (1 leadership credit per person, 2 person max)
- Writing an article for the *Convention Communiqué*
  (2 leadership credits)

Meal Events Reservation Form

Municipality: _____

Name: _____ Title: _____

Address: _____ Zip: _____

Daytime Phone: _____ Fax: _____

We hope you will participate in many of these meal events. Please purchase your meal event tickets when you register for the convention. **Unregistered attendees and unregistered guests are subject to a $15 surcharge per meal, in addition to the cost of the meal.** There will be only a limited number of tickets available on site.

To order meal tickets, complete this form and send it with your convention registration form and check payable to the Michigan Municipal League, to: MML Annual Convention, PO Box 7409, Ann Arbor, MI 48107-7409. Completed form with credit card authorization should be faxed to 734-662-8083 or mailed to PO Box 1487, Ann Arbor, MI 48106-1487. Full payment or credit card information must accompany registration. For more information, please call Judy Beitel at 734-669-6350 or 800-653-2483.

		Fee	Quantity	Total
Wednesday September 12:				
12:15 pm	15th Annual Michigan Municipal Achievement Awards Luncheon. – Cost - $20.00 per ticket	$20	_____	$ _____ (CA)
Thursday, September 13:				
7:30 am	Michigan Women in Municipal Government Breakfast – Cost - $15.00 per ticket	$15	_____	$ _____ (CB)
7:30 am	Roundtable Breakfast – Cost - $10.00 per ticket	$10	_____	$ _____ (CC)
Noon	Affiliate Lunches (choose one) – Cost - $20.00 per ticket			
	Michigan Association of Mayors	$20	_____	$ _____ (CD)
	Michigan Municipal Clerks Association	$20	_____	$ _____ (CE)
	Michigan Association of Municipal Attorneys	$20	_____	$ _____ (CF)
	Michigan Local Government Management Association	$20	_____	$ _____ (CG)
	Annual Councilmember Luncheon	$20	_____	$ _____ (CH)
	Youth Luncheon	$20	_____	$ _____ (CI)
7:30 pm	Annual Banquet (includes pre-banquet reception and Afterglow Party) Cost – $45.00 per ticket	$45	_____	$ _____ (CJ)
Friday, September 14:				
8:30 am	Closing Breakfast – Cost - $15.00 per ticket	$15	_____	$ _____ (CK)

Total Cost of Meal Events:
Please write the **Total Cost of Meal Events** amount in the space provided in "Section 4. Meal Events" on the Convention Registration Form on the facing page.

Total Cost of Meal Events $ _____

Mail this form WITH your Convention Registration Form and Payment.

Show Your Pride Day

On Thursday of the convention, wear your community pride on your sleeve. Shirts! Hats! Buttons! Pins! You decide.

On Thursday we will be shooting a video to show at the closing breakfast on Friday.

This video will serve as a promotional piece for the League for years to come. So, get involved! Show your community pride! Secure your place in MML history!

MML 103rd Annual Convention Registration Form

1. **Only one registrant per form, please. You may duplicate this form if necessary. The pre-convention session form is on page 12.**

Municipality: _____

Name: _____ Title: _____

Address: _____ Zip: _____

First Name or Nickname for Badge: _____ Daytime Phone: _____

Guest's Full Name: _____ Guest's Badge Name: _____

This is my 1st convention. **I will attend the First Time Convention Attendees Orientation.**

We will be bringing a youth from our city/village. (Complete Youth Registration Form)

I volunteer to write for the *Convention Communiqué* Newsletter.

If you have special needs, including dietary, please attach a separate sheet describing your requirements.

2. **Convention Registration:**
No advance registrations will be accepted **after August 24, 2001.**
After this date, please wait and register on-site at the convention.

	3-day	1-day	Amount Due
Early Advance Registration With Payment - must be postmarked no later than **July 27, 2001 and be accompanied by payment in full to qualify for this rate.** May be faxed if credit card information is included.	$225	$135	$ _____ (AA)
Advance Registration With Payment - must be postmarked no later than **August 24, 2001 and be accompanied by payment in full to qualify for this rate.** May be faxed if credit card information is included.	$250	$160	$ _____ (AB)
Advance Registration Without Payment and Non-member Registrations - any registrations received without payment, via FAX, telephone or in the mail, and all registrations by non-members. Registrations must be received no later than August 24, 2001. **No-shows will be invoiced.**	$300	$200	$ _____ (AC)
One-day Trade Show Only Pass - Registrations must be received no later than August 24, 2001. No-shows will be invoiced. **If you register for a pre-convention session pass is $10.00.**		$30 $10	$ _____ (AD) $ _____ (AE)
Guest Registration - All guests must pay a guest fee, which includes refreshments and receptions. Space is limited on these tours. Please reserve your tickets in advance.	**Guest Fee** $55		$ _____ (AF)

Tours are only for guests who have paid the $55 Guest Registration Fee.

- 11:30 am - 4:00 pm Tuesday - Cornwell's Turkeyville matinee dinner theatre _____ # people attending @ $30 ea: $_____ (BA)
- 9:30 am - 1:00 pm Wednesday - Marshall Historic District tour _____ # people attending @ $15 ea: $_____ (BB)
- 10:00 am - 12:00 pm Wednesday - Trolley tour of the city # people attending: _____ (BC)
- 1:30 pm - 4:30 pm Wednesday - Binder Park Zoo with African Safari _____ # people attending @ $7 ea: $_____ (BD)
- 3:00 pm - 5:00 pm Wednesday - Trolley tour of the city # people attending: _____ (BE)
- 9:30 am - 1:00 pm Thursday - Marshall Historic District tour _____ # people attending @ $15 ea: $_____ (BF)
- 10:00 am - 11:00 am Thursday - Kellogg House # people attending: _____ (BG)
- 1:30 pm - 4:30 pm Thursday - Binder Park Zoo with African Safari _____ # people attending @ $7 ea: $_____ (BH)
- 3:00 pm - 5:00 pm Thursday - Trolley tour of the city # people attending: _____ (BI)

4. **Meal Events:**
Please complete the Meal Events Reservation Form on the facing page, and mail it with your Convention Registration Form and payment in full. You must purchase tickets for all group meals. Registered guests may purchase meal tickets at regular rates. Guests not registered for the convention will be charged the regular cost of meals plus a $15.00 surcharge per meal they attend. A limited number of tickets will be available on site. Buy early!

Total Cost of Meal Events: $ _____

Please indicate if you plan to attend the following events (do not include youth):

Tuesday, September 11, 5:00-8:00 pm - Welcoming/Pride of Michigan Reception # people attending: _____ (DA)

Wednesday, September 12, 8:00-10:00 pm - Host City Reception # people attending: _____ (DB)

Thursday, September 13, 9:00-11:00 pm - MML Banquet Afterglow Party # people attending: _____ (DC)

TOTAL : $ _____

5. **Method of Payment:**

Check # _____ (Payable to Michigan Municipal League)	Visa/Mastercard/Discover/Amex # _____ Expiration Date _____ Name as it appears on card _____ Signature of cardholder _____

6. **To Register:**
Complete and mail this Form, your Meal Events Reservation Form and your Concurrent Session Form along with check payable to the Michigan Municipal League, to: MML Annual Convention, PO Box 7409, Ann Arbor, MI 48107-7409. Completed form with credit card authorization should be faxed to 734-662-8083 or mailed to PO Box 1487, Ann Arbor, MI 48106-1487. Full payment or credit card information must accompany registration to qualify for early registration discount. For more information, please call Judy Beitel at 734-669-6350 or 800-653-2483.

7. **Cancellation Policy:**
There is a $60 cancellation fee. Advance registrations canceled by 5:00 p.m., Tuesday, September 4, 2001, will receive a full refund minus the $60. Cancellation requests may be made by phone to (734) 669-6350; in writing to MML, P.O. Box 1487, Ann Arbor, MI 48106-1487; or by fax to (734) 662-8083. **Cancellations after September 4 and no shows will be charged the full registration fee.**

Convention Schedule At-A-Glance

Tuesday, September 11

9:00 am - 4:00 pm
Pre-Conference Workshops
- Developing and Maintaining Parks & Recreation Facilities
- General Law Villages: The Good, The Bad and The Ugly

1:30 pm - 4:30 pm
Pre-Conference Workshops
- Trends in Retirement Programs
- Downtown Improvements and Funding

2:00 - 6:00 pm
Convention Registration Open

5:00 - 8:00 pm
Welcoming/Pride of Michigan Reception (In Exhibit Hall)
- Silent Auction Open

8:00 pm
Hospitality Suites Open

Wednesday, September 12

7:30 am - 6:30 pm
Convention Registration Open

7:30 am - 4:00 pm
- Exhibit Hall Open
- Silent Auction Open

8:00 am
First Timers/Youth Orientation

9:00 am
Opening General Session
- Parade of Flags
- General Session

10:30 am
Break (In Exhibit Hall)

10:45 am
MML Annual Business Meeting

12:15 pm
Achievement Awards Luncheon
- Presentation of 19th Annual Michigan Municipal Achievement Awards

2:15 pm
- Afternoon Concurrent Sessions
- Michigan Association of Municipal Attorneys (MAMA) Annual Meeting

3:30 - 4:00 pm
Break (In Exhibit Hall)

Concurrent Session Form
See page 5 for the titles of the concurrent sessions. In order to help us with room assignments we are asking all attendees to complete the concurrent session form on page 5.

4:00 - 5:15 pm
- Afternoon Concurrent Sessions
- MAMA Annual Meeting (continuing)

5:30 - 7:30 pm
Restaurant Romp

8:00 - 10:00 pm
Host City Reception – Cereal City USA

9:00 pm
Hospitality Suites Open

Thursday, September 13

7:30 am - 6:30 pm
Convention Registration Open

7:30 am
- Michigan Women in Municipal Government Breakfast
- Roundtable Breakfast

9:00 am
- General Session
- Downtown Consultation Clinics
- MAMA Annual Meeting (continuing)

12:00 pm
Affiliate Organization Lunches
- Michigan Municipal Clerks Association
- Michigan Local Government Management Association
- Michigan Association of Mayors
- Annual Councilmembers Luncheon
- Michigan Association of Municipal Attorneys
- Youth Luncheon

2:15 pm
Afternoon Concurrent Sessions

3:30 - 3:45 pm
Break

3:45 - 5:00 pm
Afternoon Concurrent Sessions

6:30 pm
Reception & Annual Awards Banquet
- Presentation of Awards of Merit and Honorary Life Membership

9:00 - 11:00 pm
MML Banquet Afterglow Party

9:00 pm
Hospitality Suites Open

Friday, September 14

8:30 am
Closing Breakfast – League's Longest Breakfast Table

10:30 am
Approximate time of adjournment

Convention Attendees: Help us to Help YOU!

Please mark the one concurrent session, under each time slot, that you are most interested in attending. We will be using this information ONLY to determine which session to assign to which room (i.e., the sessions with the most responses will be assigned to the largest rooms). You are in NO WAY obligated to attend these sessions if you should change your mind. This will help us with the logistical decisions. Please mail this form back to the League with your convention registration form. Thank you!

Wednesday, September 12, 2001

2:15-3:30 p.m.

____ Key Municipal Legislative Issues for 2001

____ Citizens Academy: A New Way to Teach Constituents About Your Local Government

____ Diversity Within the Community: Emerging Issues

____ One Community – The Challenges and Rewards of a City-Township Merger

____ Local Energy Aggregation Project (LEAP)

____ You Want Us to Buy a What?. . .Understanding Technology Jargon

4:00-5:15 p.m.

____ Anatomy of a Jailhouse Death

____ Land Use

____ Smoke-Free Environments

____ Municipal Finance

____ Current Technology in Local Government (Computer)

____ Rising Energy Costs: What You Can Expect in Your Community

____ Crime Prevention: Strategies for Small Communities

____ * YOUTH SESSION at Full Blast Recreation Center (walking distance)

Thursday, September 13, 2001

2:15-3:30 p.m.

____ Key Municipal Legislative Issues for 2001 (repeat of Wednesday's 2:15 p.m. session)

____ YOUTH SESSION – The Next Generation: Exploring Our Strange New World

____ Coping with Crumbling Sewers and Water Quality Mandates

____ How Community Foundations Benefit Municipalities

____ * W.K. Kellogg Airport – The Success Story of a Non-Commercial Airport

3:45-5:00 p.m.

____ Legal Defense Fund: Key Cases that Impact Your Municipality

____ Developing Citizen Surveys that Generate High Participation

____ *Bolt v. City of Lansing* (legal/financial)

____ Racial Profiling – Seeking Solutions

____ * YOUTH SESSION – Farmington Hills: Chartered Commission for Teens

____ * Battle Creek Revitalization Documentary, "Back from the Brink" (walking distance)

* Off-site session

Please note:
Concurrent session topics and times are subject to change. Everyone is welcome to attend the YOUTH SESSIONS.

Mail this form WITH your Convention Registration Form and Payment.

Convention Housing

The MML has reserved room blocks at special rates at the following hotels:

- Amerihost
- Hampton Inn
- Battle Creek Inn
- Holiday Inn Express
- Baymont Inn Suites
- Quality Inn & Suites
- Econo Lodge
- Super 8 Motel

Housing information was mailed or faxed to all municipalities in late March.

For more information:

- Visit the convention housing page on the League's web site – www.mml.org/education/annual_convention/housing.htm
- Call the League at 734-662-3246.

MML Foundation

9th Annual Silent Auction Fundraiser
Wednesday, September 12, 2001

All proceeds of the Silent Auction Fundraiser benefit the Michigan Municipal League Foundation. Your community can help by donating an auction item!

- Bring visitors to your community by donating a weekend getaway for two.
- Promote your local businesses by encouraging them to contribute their wares.
- Highlight your resident artist by donating a painting or photograph.
- Show off a local restaurant, theater, festival, ski resort or golf course by donating a pass to an outing, performance or meal.

For more information on donating an item call Terri Murphy at 734-669-6342 or email her at thetzel@mml.org.

Information about the auction items will be available in your convention packet, and items will be on display on Tuesday evening and Wednesday in the Exhibit Hall. Highest bidders will be announced on Thursday.

Michigan Association of Municipal Clerks (MAMC)

Thursday, September 13, 2001

Clerks are invited to attend their annual affiliate luncheon on Thursday during the convention. The one-day convention registration fee applies for clerks attending Thursday only.

If you are attending the lunch only, there is a $15 surcharge for badges and materials. Please use the Meal Events Reservation Form to order your lunch ticket.

Convention Communiqué Newsletter

Wednesday - Friday, September 12-14, 2001

The City of Battle Creek will produce the *Convention Communiqué*, a daily newsletter distributed during the convention. If you would like to volunteer to write a summary of some of the sessions you attend, check the box on the Convention Registration Form.

Michigan Women in Municipal Government (MWIMG)

Annual Breakfast
Thursday, September 13, 2001

Come and meet new people, renew old friendships and just talk. It's the best way to find out what's going on around the state. New officers will be elected at this meeting. To register please use the Meal Events Registration Form.

Michigan Association of Municipal Attorneys (MAMA)

Annual Meeting
Wednesday and Thursday, September 12-13, 2001

This two-day session will begin on Wednesday, September 12 at 2:15 p.m. and conclude with the annual MAMA luncheon on Thursday, September 13. Plan on attending other functions of the convention, particularly the opening general session, concurrent sessions of interest on Thursday afternoon and the annual banquet.

This event offers an ideal opportunity to network with other municipal attorneys and gain a great deal of information and problem solving ideas.

Topics will include an update on the Americans with Disabilities Act, the defense of personnel cases and advising your municipality on avoiding the "California Energy" experience. There will also be updates on legislation and reports from the education, publication and ethics roundtable committees. A luncheon will bring the meeting to a close on Thursday.

Guest Tours

Cornwell's Turkeyville Matinee Dinner Theatre
A professional matinee and dinner theatre presents "Annie Get Your Gun" while you enjoy tasty turkey dishes.

Kellogg House
W.K. Kellogg was the developer of a worldwide cereal industry and an international Foundation dedicated to helping people to solve societal problems. Mr. Kellogg's residence matched his simpler tastes and preferences. With its understated charm and elegrant practicality carefully restored, the Kellogg House continues to serve in the quiet tradition of its original owner.

Marshall Historic District Tour
The District comprises an outstanding collection of remarkably intact nineteenth and early twentieth century architecture in a small-scale American city.

Trolley/Federal Center Tour of the City
This trolley tour is hosted by the Battle Creek City Clerk and includes unique landmarks in the City of Battle Creek of interest to city officials and tourists alike. The Federal Center, formerly the Battle Creek Sanitarium, played a major role in cereal history in the late 1800s.

Binder Park Zoo with African Safari
Wild Africa is the new 50 acre expansion to this already amazing zoo. Located in a lush forest, the animals are in natural exhibits.

Guest Tours are only for guests who have paid the $55 Guest Registration Fee. Space is limited on the tours. Please reserve your guest's tickets in advance by requesting tickets on your registration form.

Just for Newcomers – An Orientation for First Time Convention Attendees

If you are a first time conventioneer or a newly elected official, this session on Wednesday at 8:00 a.m. is for you. You will become acquainted with:

- the various structures of Michigan government
- the way Michigan Municipal League policies are developed
- how the Michigan Municipal League can make your life as a local government official easier
- how to get the most from attending this convention
- the League's relationship with the National League of Cities and other affiliated organizations
- how to become involved with the League

Please check the box near the top of your convention registration form if you plan to attend.

Pride of Michigan Display

Show off your Pride for the new century

This is your opportunity to boast about your community.

Join us at the Pride of Michigan reception on Tuesday, evening from 5:00 to 8:00 p.m. Bring your products!!! Bring information on your special events. You can share the wonders and the beauty of your city or village. It's a lot of fun!

More information on how to display your Pride will be sent to you after we receive your Pride of Michigan registration.

To participate:
Complete this form and mail or FAX it to:
Michele Hodgson
Education Coordinator
P.O. Box 1487, Ann Arbor, MI 48106-1487
FAX: (734) 662-9399

Municipality: _____
Contact Person: _____
Title: _____
Address: _____
City: _____
State: _____ Zip: _____
Daytime Phone: _____
FAX: _____
Display Description: _____

_____
_____
_____
_____

* 1 EOA leadership credit will be awarded to up to 2 elected officials who participate in the Pride of Michigan.

Parade of Flags

Keep the momentum going!

We want all of you to help us open this convention by participating in the Parade of Flags.

The Parade of Flags is a highlight of the stirring opening ceremony of the Michigan Municipal League's annual convention. A representative of your municipality will carry your flag on its pole. After the Parade, and throughout the convention, the flags will be on display in the McCamly Plaza Hotel. You must pick up your flag, flagpole and base by the end of the closing breakfast to take home with you.

You are responsible for getting your flag, flagpole and base to and from the convention. Many flagpoles and bases look alike. Clearly label all parts of yours with your municipality's name and mailing address.

Be a part of Enhancing Local Government

Details about the logistics will be sent later this summer to those who register.

To participate:
Complete this form and mail or FAX it to:
Michele Hodgson
Education Coordinator
P.O. Box 1487, Ann Arbor, MI 48106-1487
FAX: (734) 662-9399

Municipality: _____
Contact Person: _____
Title: _____
Address: _____
City: _____
State: _____ Zip: _____
Daytime Phone: _____
FAX: _____

Share Your Convention Experience with Youth from Your Community

Repeating past success, the Michigan Municipal League will host young people at the convention.We want your community to participate! The convention is designed to prepare our communities for a dynamic future. Youth are an integral part of this vision as their involvement in civic affairs today will have a significant impact on their attitudes and involvement in civic affairs as adults.

We invite you to share this experience with the youth that are actively involved in your community and especially in your local government.

Your Responsibilities as a Youth Sponsor

The Michigan Municipal League will be offering special events and programs for youth delegates who accompany their sponsoring municipalities to the convention. The sponsoring municipalities, however, shall be responsible for the supervision of all activities of any youth accompanying municipal delegates to the convention.

In particular, the sponsoring municipality shall be responsible for making all travel arrangements to and from the convention for the youth delegate and shall be responsible for general supervision of the youth delegate while in attendance at the convention, including attendance at League events and programs, and rooming accommodations.

We ask that you bring teens 16-18 years old. We are waiving the registration fee to encourage participation but your municipality will be responsible for the cost of lodging and meals.

We applaud your current efforts to involve youth in local government planning and decision making and hope you take this opportunity to broaden their knowledge of local government in Michigan.

There are many ways for youth to participate:

Orientation

Information on what to expect, where to go and what can be accomplished.

Workshops

There will be workshops focusing on youth issues. Also other general and concurrent sessions may appeal to this generation.

Welcoming Center

A place for youth to meet between sessions and discuss issues informally will be available.

Hospitality Suite

On Thursday evening, entertainment for youth only will be provided at Full Blast Family Entertainment Center. Sponsors are encouraged to peek in at any time. League staff will be present at all times.

Youth delegates at the 2000 convention on Mackinac Island.

Tour

A special trolley/Federal Center tour is planned for youth delegates. The tour is hosted by the Battle Creek City Clerk and includes unique landmarks in the City of Battle Creek. The Federal Center, formerly the Battle Creek Sanitarium, played a major role in cereal history in the late 1800s.

Banquet

An opportunity to meet municipal officials and other youth from all over the state.

Youth Luncheon

A luncheon specifically for youth to meet other youth representatives from all over the state.

Why Should You Bring Youth?

Here is what some youth said about last year's convention.

"Because the main involvement of youth in our community is mainly through our school. I am very interested in what I learned about the youth advisory boards that serve on city councils."

"I liked meeting kids from all around Michigan, getting ideas on how to help our communities."

Youth Registration Form

1. **Only one youth registrant per form, please. You may duplicate this form if necessary.**

Municipality: _____

Name of Youth: _____

First Name or Nickname for Badge: _____

Name of Sponsor: _____ Sponsor's Daytime Phone: _____

2. **Photo Release:**
During the Convention we take photographs of events and sessions. These photographs may be printed in *Michigan Municipal Review* magazine, in promotional materials for future conferences and in local media (newspaper articles) about the convention. Please have your youth's parent or guardian complete the section below so that we may use these photographs.

I grant my permission for photographs taken at the 103rd Michigan Municipal League Convention, which include my son/daughter (name) _____ to be published in *Michigan Municipal Review* magazine, convention materials, local newspapers or other publications.

Parent/Guardian Signature: _____

Date: _____

3. **To help us plan, please indicate the events your youth delegate will attend: (no charge for these events)**

Tuesday, September 11, 5:00-8:00 pm - Welcoming/Pride of Michigan Reception (DA)

Wednesday, September 12, 8:00 am - First Timers/Youth Orientation Meeting (DA1)

Wednesday, September 12, 8:00-10:00 pm - Host City Reception (DB)

Thursday, September 13, 9:00-11:00 pm - MML Banquet Afterglow Party (DC)

4. **Youth Meal Tickets:**
Include youth meal tickets on your Meal Events Reservation form. (See page 3).

5. **Cancellation Policy:**
Cancellation requests may be made by phone to (734) 669-6350; in writing to MML, P.O. Box 1487, Ann Arbor, MI 48106-1487; or by fax to (734) 662-8083. Cancellations must be received by September 4, 2001.

Mail this form WITH your Convention Registration Form and Payment.

Host City Reception
Wednesday September 12, 2001
8:00 p.m. until 10:00 p.m.
Kellogg's Cereal City USA™

Hosted by the City of Battle Creek, this reception at Kellogg's Cereal City USA ™ will entertain you with the sights and sounds of cereal history. You'll learn about the history of the cereal industry and the many aspects of Americana it has touched.

Your badge is your entrance ticket.

See, hear and smell the simulated corn flake production line in operation.

Pre-Convention Sessions

Please register for pre-convention sessions on the pre-convention registration form on page 12.

General Law Villages: The Good, The Bad and The Ugly EOA

Tuesday, September 11, 2001

Don't miss this opportunity to gain an in-depth understanding of General Law Village government. Designed for both experienced and new officials, we have assembled a group of experts to answer your questions. How does a community govern with limited resources – both financial and personnel? How do a Master Plan and zoning ordinance help you plan your community? How do you create a budget? Learn about the legal aspects of governing, such as following the General Law Village Act and the Open Meetings Act, as well as practical advice on how to get along with each other and neighboring townships. (01I-01)

Topics

1. Duties of Officers/Employee Relationships
2. Meetings (managing, Open Meetings Act, Council Rules)
3. Intergovernmental Relationships
4. Boundaries (annexation, Act 425 agreements)
5. Roundtable Discussion (Pros/cons of hiring a manager, changing to appointed clerk &/or treasurer, reducing number of trustees, police/fire options, municipal bonds)
6. Planning/Zoning
7. Finance
8. Economic Development

Program Details

- Check-in 8:30 a.m.; Begin 9:00 a.m; Lunch (included); Adjourn 4:00 p.m.
- McCamly Plaza Hotel, Battle Creek 616-963-7050
- Speakers – A panel of experts
- *Special Cost – $60, less than one week before the program add $35 to the fee.
- Credits: CEU .6, EOA 6

Developing and Maintaining Parks and Recreation Facilities EOA

Tuesday, September 11, 2001

How are the parks and recreation facilities in your community? Need improvement? Would you like to create a new park? How about a recreation center? Learn how to get your community and local businesses involved to fund the park. Hear from a panel of small and large communities that have completed their Parks and Recreation projects. In the afternoon hear from companies that offer different types of equipment and recreational furniture. Also hear from experts on ADA requirements, security and liability issues and find out how to apply for a State grant. (01I-02)

Topics

1. ADA Requirements for Playground Equipment and Facilities
2. Architectural Options
3. Grantwriting
4. Security and Liability
5. Two panels:
   - 5 Vendors that specialize in parks and recreation equipment
   - 5 small to large communities with parks and recreation facilities
6. State-of-the-art equipment or programming

Program Details

- Check-in 8:30 a.m.; Begin 9:00 a.m; Lunch (included); Adjourn 4:00 p.m.
- McCamly Plaza Hotel, Battle Creek 616-963-7050
- Speakers – A panel of experts
- Cost Code A – If 3 or more MML member officials register from the same city or village at the same time the cost is $90.00 per person
- Credits: CEU .6, EOA 6

Cost Code A
When registered one week before the program, Member cities and villages, $105; Other units of government, $140; Non-members $185. Less than one week before the program add $35 to the fee.

Cost Code B
When registered one week before the program, Member cities and villages, $65; Other units of government, $95; Non-members $120. Less than one week before the program add $35 to the fee.

Pre-Convention Educational Sessions Registration Form

(Only one person per registration form, copy as needed)

To Register: Form may be faxed to 734-662-8083. **NEW ADDRESS FOR PAYMENTS BY CHECK:** If paying by check please mail this form along with check payable to Michigan Municipal League, to MML Education Services, P.O. Box 7409, Ann Arbor, MI 48107-7409. Credit card payments may be mailed to MML, P.O. Box 1487, Ann Arbor, MI 48106 or faxed to 734-662-8083.

Name of Municipality or Firm:			
Name:		Title:	
Billing Address:		City:	Zip Code:
Phone:	Fax:		Email:
Payment Info:	☐ Check Enclosed	Check #:	☐ Will pay by credit card
Master Card/Visa/Discover/American Express #:			Expiration Date:
Signature:			
Name on Card (Please Print):			

Please check the box that corresponds to the program you wish to register for.

Date	Title/Location	Cost Code	Enter Cost
9/11/2001	**General Law Villages: The Good, The Bad and The Ugly (01I-01)**	$60	$_____
9/11/2001	**Developing and Maintaining Parks and Recreation Facilities (01I-02)** *If 3 or more MML member officials register from the same city or village at the same time the cost is $90.00 per person.	*Cost Code A	$_____
9/11/2001	**Downtown Improvements and Funding (01I-03)** *If 3 or more MML member officials register from the same city or village at the same time the cost is $50.00 per person.	*Cost Code B	$_____
9/11/2001	**Trends in Retirement Programs: Creative Defined Contribution Retirement Plans for Municipal Employees (01I-04)** *If 3 or more MML member officials register from the same city or village at the same time the cost is $50.00 per person.	*Cost Code B	$_____

***Add Late Registration Fee** $_____

TOTAL $_____

Cost Code A
When registered one week before the program, Member cities and villages, $105; Other units of government, $140; Non-members $185. Less than one week before the program add $35 to the fee.

Cost Code B
When registered one week before the program, Member cities and villages, $65; Other units of government, $95; Non-members $120. Less than one week before the program add $35 to the fee.

Cost Code C
When registered one week before the program, Member cities and villages, $100; Other units of government, $135. Less than one week before the program add $35 to the fee.

Cost Code D
When registered one week before the program, Member cities and villages, $195; Other units of government, $245; Non-members $290. Less than one week before the program add $35 to the fee.

Trends in Retirement Programs: Creative Defined Contribution Retirement Plans for Municipal Employees

Tuesday afternoon, September 11, 2001
There are creative and portable retirement plans available to municipalities. This seminar shows public officials how they can best utilize these arrangements and stabilize budgets through defined contribution plans. (01I-04)

Topics
1. Alternative Pension Plan Designs
2. Reasons to Consider a Defined Contribution Plan
3. Strategies and Implementation Issues
4. Employee Education and Communications
5. Industry Trends
6. Hybrid Retirement Plans
7. Deferred Retirement Option Plans (DROP)
8. Retirement Medical Savings Plan (individual accounts)
9. Update on Federal Legislation improving 401(a) and 457 Retirement Plans
10. Investment Trends and Strategies

Program Details
- Check-in 1:00 p.m., Begin 1:30 p.m.; Adjourn 4:30 p.m.
- McCamly Plaza Hotel, Battle Creek 616-963-7050
- Speaker – Experienced Speakers from the ICMA Retirement Corporation
- Cost Code B – If 3 or more MML member officials register from the same city or village at the same time, the cost is $50.00 per person.
- Credits: CEU .3

Pre-Convention Registration Information

Pre-registration
Pre-registration is highly recommended so that we can notify registrants if unforeseen circumstances require us to cancel or reschedule a course.

Reservations made by mail or FAX, unless canceled, will be considered a commitment to attend. No-shows will be billed, because meeting and meal arrangements have to be made for all registrants.

Cancellation Policies
Refunds will be made ONLY if the MML is notified of cancellation in writing, 4 business days before the program, either by fax or mail. If you have registered and find that you cannot attend, you may transfer your registration to another person. Please notify MML of this occurrence.

Downtown Improvements and Funding EOA

Tuesday afternoon, September 11, 2001
This session describes a pro-active, market driven planning approach useful to city and village officials concerned with the decline of their downtowns as a result of competition from outlying retail and business centers. The workshop examines the primary causes for failing downtowns, and identifies realistic solutions to achieving and maintaining successful downtowns. (01I-03)

Program Details
- Check-in 1:00 p.m.; Begin 1:30 p.m.; Adjourn 4:30 p.m.
- McCamly Plaza Hotel, Battle Creek 616-963-7050
- Speaker – Gerald L. Adams, Senior Planner, LSL Planning, Grand Rapids
- Cost Code B – If 3 or more MML member officials register from the same city or village at the same time, the cost is $50.00 per person.
- Credits: CEU .3, EOA 3

Guest Lunches
For a $15 fee guests may join attendees for program lunches if space permits. This will be determined at the program on the day of the program. No advanced reservations will be accepted for guest lunches.

Who Should I Call?
- For registration verification, call MML Registration at 734-669-6352.
- For answers to questions about the program content, call 734-669-6312.
- For special needs/diet requests, call 734-669-6312.

Persons with Disabilities and Special Needs
The Michigan Municipal League would like to make all programs accessible to you. If you require special arrangements, please contact the League's education coordinator no later than September 4, 2001.

If you require a special diet, please notify the League's education coordinator no later than September 4, 2001. We are not able to accommodate such requests on the day of the program. Meeting room temperatures may vary beyond our control, please wear layers of clothing for your comfort.

Discrimination Policy
The Michigan Municipal League will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, familial status, height, weight, disability or political beliefs.

June 11, 2001

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Skate Park Location

RECOMMENDATION:

Staff is requesting City Council approve the southwest corner of Livernois and Troy Center as the permanent site for the development of the skate park.

BACKGROUND:

A primary goal of department staff as well as City management is to increase activities and programs for teen residents. The addition of a skate park in the City will help in the achievement of this goal.

This group has no organization to advocate for them like TYSL, TBB and even the Cricket players. Yet, if you watch these kids, they are every bit the athletes as those involved in organized sports. These kids use parking lots, park benches and ramps found in areas around the City.

Teens use the library, Aquatic Center and will use the renovated Community Center. With the skate park and Community Center adjacent, the message is sent that teens are welcome in the area. The idea that teen activity is desirable speaks well for the City government and the community.

This parcel would provide adequate space for the park and be proximate to both the Community Center and Civic Center. It is intended that the skate park be unstaffed while open. The location on the Civic Center site will allow a police presence in the area and will encourage positive activity and discourage negative behavior.

The surface for skateboarding must be smooth and without cracks, bumps or irregularities. Consequently, putting a temporary facility in a parking lot would be risky. It is anticipated that the facility be constructed primarily of concrete, with smooth surfaces, permanent skateboard tricks and design elements. Therefore, creating a temporary facility would be impractical.

Staff have designed a schematic of a park for the site, however, it is intended that a teen group be formed to give input regarding design and features. A facility designed this way gives ownership to the teens, which increases its success.

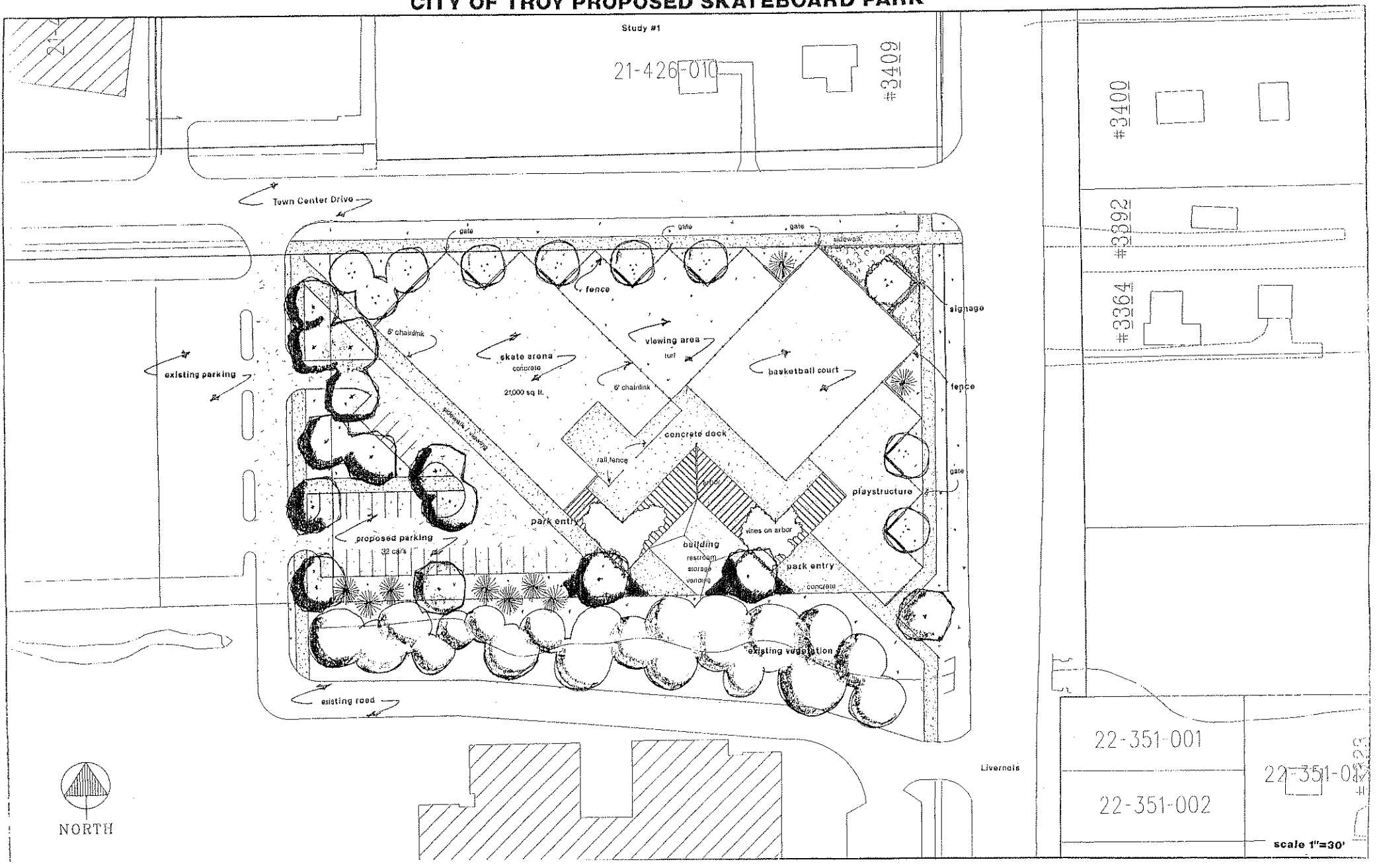
The area in section 22 might be able to be used for this purpose however, some of this site is wetlands. Active use areas will be limited to only part of the total acreage and this site has already been targeted to replace the ball diamonds and soccer fields on the Civic Center site.

BUDGET:

Funds for the development of the skatepark are available in Capital Fund/Park Development.

Prior to expending funds, the project will be bid and returned to Council for contract approval.

CITY OF TROY PROPOSED SKATEBOARD PARK



Feasibility Study

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance & Admin.
Cindy Stewart, Community Affairs Director

SUBJECT: Study Session with Troy Daze Advisory Board

DATE: June 29, 2001

The Troy Daze Advisory Board sent you information on their proposed mission statement. They would like to meet with you for a study session in July regarding this mission statement as well as long term goals and future needs for the festival. If you approve of the mission statement, they would like to include it in the 2001 Toy Daze Festival schedule brochure that will be printed in early August.

We would like to suggest Monday, July 23 at 6:30 p.m. We would provide a light supper of cold cuts and salads since this would be prior to your next Council Meeting.

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance & Admin.
Cindy Stewart, Community Affairs Director

SUBJECT: Naming Troy Parks

DATE: June 29, 2001

The policy for naming public parks was adopted by the City Council June 2, 1986 with Resolution 86-559. As part of the bond issue passed in April 1999, the City has purchased and will continue to purchase property for future parks. Although the properties have not yet been completely planned, when established as parks, they will need to be named, as well as the Community Center and proposed Section 1 golf course. We are proposing to ask our residents to submit names for the parks, community center and golf course with Council making the final decisions. We will promote this via local newspapers and Troy Today.

The criteria for naming a park are:

1) A past or present resident of the City of Troy or a group located in Troy.
2) Dedicated to the improvement, advancement and furtherance of the facility and/or the Troy Community which is or has been of significant consequence; and
3) Within the Park Naming Policy as recommended by the Parks and Recreation Board which is hereby adopted:

a) Submittal of a communication to the City Council, which explains the request and justification for same. Representatives submitting on behalf of organizations must include excerpts of organizational minutes approving the request.

b) Communications suggesting an organizational name must be accompanied by background information on the organization, its affiliation with the community, its contributions to the community and evidence of same including its charter, photographs of projects and photo copies of independent information sources (e.g. news articles, awards, etc.) confirming community efforts.

c) Communications proposing the name of an individual must be accompanied by background information including a complete biography of the individual and evidence of community contributions, including photos, photocopies of independent information sources (e.g. news articles, awards, testimonials) all of which must be acceptable to the City Council.

d) Upon receipt of a request and accompanying background information the City Council will cause same to be on display and available for public inspection at public places selected by the City Council for not less than one hundred – eighty (180) days during which time the public will be given the opportunity to submit written comments regarding the proposed name.

e) After expiration of the 180-day period for public review and comment, the City Council will reserve an additional 90 days for public review of comments received after which time the matter will be available for consideration by the City Council.

f) During its consideration, the City Council may refer the request, all supporting material and public comments to any advisory board or committee so designated by the City Council.

g) The City Council may, at its discretion, postpone a final conclusion of its deliberations for not less than one year from the date the request is received.

July 5, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, ACTING CITY ATTORNEY

RE: REQUESTED SALARY INCREASE

At the last City Council meeting, the Hay Group 2001 Salary Structure for Classified and Exempt employees was approved by City Council, and will go into effect on July 1, 2001. According to the Hay Group classification, the pay grade for the City Attorney position is grade 11. The pay range for Grade 11 was recently increased, and the new minimum is $77,833 and the maximum is $116,750. The mid-point, or job value, for City Attorney, is $97,292.

On March 31, 2001, I was officially appointed as Acting City Attorney. At that time, I received a salary increase of $5,000, which increased my salary to $73,789. At the time of my interim appointment, this increase placed me at the bottom of the salary range for City Attorney. As a result of the new pay study, my salary is now below the new minimum pay range for grade 11.

I have also attached information from City Manager John Szerlag concerning the pay grade classification for City Attorney. This was previously included in your May City Council packets. According to this information, management has a goal of setting salaries for exempt employees who are good performers at the mid-point, or job value.

I am grateful for the opportunity to serve as the Acting City Attorney, and I would like to be considered for the permanent position by City Council. However, if City Council is not prepared at this time to make a decision about filling the City Attorney position, then I request a salary increase which would, at a minimum, place me in the salary range for the City Attorney for the City of Troy.

I am happy to provide references or any other requested information concerning my qualifications and accomplishments to City Council upon request.

If you have any questions concerning the above, please let me know.

TROY LAW DEPARTMENT

MAY 11 AM '01

May 3, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

SUBJECT: Pay Grade Classification for City Attorney

According to the Hay Group classification and compensation study, the pay grade for City Attorney is grade 11. The annual salary range is $73,244 - $109,866. The midpoint of the range is $91,555. Management has the goal of setting salaries for all classified and exempt employees at the midpoint of the range for good performers. Of course the salaries of the Manager and Attorney are set by City Council.

Should you wish to delve further into this matter, attached is a memorandum from the Hay Group which speaks to the methodology involved in setting pay grades as well as a reevaluation of several positions. Comments pertaining to the City Attorney position are found of page 3 of this report.

Also included is the salary structure that was utilized by the City of Troy for all pay grades, and that became effective July 1, 2000.

There is much supporting documentation relative to the Hay Group methodology of assigning pay grades and salary structures. Please feel free to call me should you require additional information and I'll be happy to provide it.

JS/mr\To M&CC RE Pay Grade Classification for City Attorney

c: Lori Bluhm, Acting City Attorney
Peggy Clifton, Human Resources Director

Hay Management Consultants
205 North Michigan Avenue
Suite 4000
Chicago, IL 60601-5792
Tel: (312) 228-1800
Fax: (312) 228-1888

Confidential

2000 MAR -3 P 1:44
CITY OF TROY
PERSONNEL DEPARTMENT

March 2, 2000

Hay
Management
Consultants

Ms. Peggy Clifton
City of Troy
500 Big Beaver Road
Troy, Michigan 48084

Dear Peggy:

The City of Troy requested that the Hay Group review the job evaluations of thirty-one positions originally evaluated during the 1998 Hay Group study. The review process included analysis of each position description questionnaire, either as originally completed, or amended, and any accompanying supporting data. We then evaluated each position using the Hay Guide Chart® – Profile Method of Job Evaluation. Finally, we 'sore-thumbed' each slotting to ensure that it fits within the City's overall job evaluation structure.

Hay's approach to job evaluation is based on four critically important observations:

1. While there are many factors one could consider, the most significant can be grouped as representing the knowledge required to do a job, the kind of thinking needed to solve the problems commonly faced, and responsibilities assigned.

2. Jobs can be ranked not only in the order of importance within an organization structure, but the distances between the ranks can be determined.

3. The factors appear in certain kinds of patterns that are inherent to certain kinds of jobs.

4. The focus of the process of job evaluation is on the nature and requirements of the job itself, not on the skills or background of the job holder.

Guide Chart Factors

The Hay Guide Chart®–Profile Method uses three factors and a total of eight elements.

Know-How

The sum total of every kind of capability or skill, however acquired, needed for acceptable job performance. Its three dimensions are requirements for:

- Practical procedures, specialized techniques and knowledge within occupational fields, commercial functions, and professional or scientific disciplines.

- Integrating and harmonizing simultaneous achievement of diversified functions within managerial situations occurring in operating, technical, support or administrative fields. This involves, in some combination, skills in planning, organizing executing, controlling and evaluating and may be exercised consultatively (about management) as well as executively.

- Active, practicing person-to-person skills in work with other people.

Problem Solving

The original, self-starting use of Know-How required by the job to identify, define, and resolve problems. "You think with what you know." This is true of even the most creative work. The raw material of any thinking is knowledge of facts, principles, and means. For that reason, Problem Solving is treated as a percentage of Know-How.

Problem Solving has two dimensions:

- The environment in which thinking takes place.

- The challenge presented by the thinking to be done.

Accountability

The answerability for action and for the consequences thereof. It is the measured effect of the job on end results of the organization. It has three dimensions in the following order of importance:

- Freedom to Act - the extent of personal, procedural, or systematic guidance or control of actions in relation to the primary emphasis of the job.

- Job Impact on End Results - the extent to which the job can directly affect actions necessary to produce results within its primary emphasis.

- Magnitude - the portion of the total organization encompassed by the primary emphasis of the job. This is usually, but not necessarily, reflected by the annual revenue or expense dollars associated with the area in which the job has its primary emphasis.

Within the definitional structure, each Guide Chart has semantic scales which reflect degrees of presence of each element.

Findings, Observations and Recommendations

Detailed below are our findings, observations and recommendations.

Assessing

We recommend that the slotting for the Assessor position should be Grade 9, the Deputy Assessor should be placed at Grade 7, and the Appraiser position should be at Grade 5. We make these recommendations after researching similar positions in the Hay Guide Chart Evaluation Reference Data Base, a comprehensive database that contains top municipal job data, as well as the additional information provided to us regarding the other Assessor positions in Michigan.

Building

The Plan Analyst and Plans Examiner/Coordinator job evaluations should be the same since the position questionnaires are virtually identical. We recommend that the Plan Analyst position be slotted in Grade 7.

Building Maintenance

The evaluation for the Director of Building Operations (formerly the Supervisor-Building Maintenance) should be slotted in Grade 7 because of its comparability to other jobs in that Grade, specifically the Superintendents of Streets & Drains and the Motor Pool.

The Building Maintenance Specialists should be slotted in Grade 4. Those jobs have been evaluated based on the fact that they require advanced technical trouble-shooter and skilled craft training and experience.

City Attorney

The major difference between the City Attorney and Assistant City Managers' job evaluations is the level of [redacted] The City Attorney position requires significant legal and City knowledge, and serves the City and Council in a consultative mode, assuring that functional interests and issues are addressed throughout the broader organization. The Assistant City Manager positions require both [redacted] s. On both a short- and long-term basis, they must deal with conflicting objectives and priorities by allocating different types of resources among the subordinate areas or functions. Under the Hay job evaluation system, the [redacted] these diverse and potentially conflicting objectives results [redacted]

The foregoing evaluation is based on the current position description questionnaire. However, the new City Attorney is reviewing the current questionnaire and we will be happy to [redacted] evaluation should any changes result

The evaluation for the Real Estate and Development Director is a typical, model evaluation for a department head reporting to the top job in the organization. The rationale for comparing the Director's job to the Assistant City Attorney is the same as cited above.

City Clerk

The evaluation for the City Clerk position is appropriate in Grade 7. This position matches the model job in Hay's database, although the model job typically reports to the City Manager, while this job reports to the Assistant City Manager. However, we 'pushed' or increased the slotting of the model evaluation to take into consideration the responsibility for conducting elections.

The Deputy City Clerk is appropriate in Grade 6 due to the fact that the Deputy is called upon to be completely knowledgeable in and is required to fill in for many of the Clerk's duties.

The Treasurer's evaluation and the City Clerk's evaluation are now the same.

The Buyer position matches the model job in Hay's database, and is therefore slotted appropriately in Grade 5 according to our suggested evaluation.

City Manager's Office

Due to the significant nature of the job, one of Hay's most senior job evaluators reviewed the City Manager's position questionnaire. He also analyzed data from the Hay Guide Chart Evaluation Reference Data Base, which includes job evaluation information on top municipal jobs across the U.S. Looking at the typical duties of other City Managers compared with the City of Troy's Manager, specifically the Manager's role as Executive Director of the Troy Downtown Development Authority, and noting that the bulk of the Fire Department's operation is staffed by volunteers, Hay recommends that the evaluation stand as originally proposed, in Grade 15. The evaluation also takes into account that this job must be concerned with the long term viability of the City, not solely with meeting City operating goals for the current year.

Engineering

We recommend that the Environmental Specialist (formerly the Soil Erosion Inspector) position, not originally part of the 1998 study, be slotted at Grade 5. The job duties and responsibilities, the job qualifications of a degree and the level of experience appear to be greater than that of the other Inspector positions slotted in Grade 4.

The Land Surveyor evaluation is appropriate at Grade 5, where it is currently placed. This job, as well as the other jobs in Grade 5, requires a level of expertise generally acquired through an Associate's/Bachelor's degree or equivalent formal training.

In addition, mastery of the skills involved may require considerable on-the-job-training, as the documentation for this job states. The Survey Supervisor position, which reports to the Land Surveyor, should be slotted two know how steps away from the Surveyor position, which would place it in Grade 4.

The GIS Data Analyst position is evaluated as a senior level specialist providing moderately complex technical user support and training and is therefore correctly slotted in Grade 4.

The Engineering Inspector is currently slotted with the other Inspector positions in Grade 4. We believe that this is appropriate.

Information Systems

We recommend that the Application Support Specialist be slotted at Grade 5. Again, this is a position that requires a degree or equivalent formal training. The slotting also recognizes the necessity for the position to function in both the systems and accounting arenas.

Library

We recommend that the Operations Coordinator position be slotted at Grade 6. This is consistent with the fact that the position purpose, budget responsibilities, and major job duties have not been substantively modified from the original requirements.

formerly a Lib II or Adm. Asst.

Our recommendation on slotting the Librarian II position is that it be placed in Grade 5. The level of research, evaluation and development responsibilities are commensurate with the know how level requirements of this grade.

Motor Pool Division

We recommend that the Inventory Control Assistant position be slotted at Grade 2. The increase from Grade 1 recognizes the additional computer software training and maintenance duties outlined in the update position description questionnaire.

Parks & Recreation

We recommend that the Parks Superintendent be slotted in Grade 7. This is consistent with the budget responsibilities, educational and experience requirements of the job.

The Recreation Supervisor, as well as the Community Center Facility Manager, position match the model job in Hay's database and should be slotted in Grade 5.

The Secretary II position matches the model job and should remain in Grade 3.

Planning

We recommend that the Principal Planner position be slotted in Grade 7 based on the additional information provided regarding the requirement that the incumbent possess an architect's credentials.

Police

We recommend that the Civilian Communications Supervisor position be slotted in Grade 5. This job is a working first line supervisor, with a requirement for specialized skills that have been learned from directly relevant vocational training and job experience.

We recommend that the Police Records Supervisor be slotted in Grade 5. The requirements for this position are five years experience in a similar position as well as additional relevant post high school coursework, which is again, typical of Grade 5 positions.

Real Estate & Development

We recommend that the Right of Way Representative remain slotted in Grade 5. This job, as well as the other jobs in Grade 5, requires a level of expertise generally acquired through an Associate's/Bachelor's degree or equivalent formal training. In addition, mastery of the skills involved may require considerable on-the-job-training.

Traffic Engineering

We recommend that the Traffic Engineer position remain slotted in Grade 6. This job, like others in Grade 6 requires that the incumbent, often part of a professional group, provide a defined product or service that requires an understanding of professional concepts and principles. The incumbent must analyze the facts and then determine how to apply known principles and procedures.

Water Division

Currently, all the Building Inspectors are classified at Grade 5, and a review of the position description questionnaire confirms that this is appropriate.

If after reviewing the above information, you have any questions or require further clarification, please do not hesitate to contact me.

Very truly yours,

Ethel Green

Ethel Green
Consultant

enclosure

HayGroup

Table of Job Titles and Job Grades

03/06/00

Titles By Grade Level

15	City Manager
12	Asst City Manager/Finance
12	Asst City Manager/Services
11	City Attorney
10	Police Chief
10	Public Works Director
9	Director of Building & Zoning
9	Parks and Recreation Director
9	Fire Chief
9	Real Estate & Devel Director
9	City Engineer
9	City Assessor
9	Human Resources Director
9	IS Director
9	Planning Director
8	Assistant City Attorney
8	Director of Purchasing
8	Library Director
7	Supt of Recreation
7	Plans Examiner/Coordinator
7	Parks Superintendent
7	Water & Sewer Maint. Supt
7	Supt of Motor Pool
7	Supt of Streets & Drains
7	Municipal Accountant
7	Plan Analyst
7	City Clerk
7	Risk Manager
7	Community Affairs Director
7	Senior Right-of-Way Rep
7	Attorney I
7	Attorney II
7	Deputy City Engineer
7	City Treasurer
7	Principal Planner
7	Deputy City Assessor
7	Dir of Building Operations
6	Traffic Engineer
6	Inspector Supervisor
6	Communications Manager
6	Economic Development Offr
6	Deputy City Clerk
6	Research & Technology Admr
6	Human Resources Specialist
6	Civil Engineer
6	Operations Coordinator
5	Data Processing Analyst/Prog
5	Librarian II
5	Greens Superintendent
5	Application Support Spec
5	Solid Waste Coordinator
5	Field Supervisor
5	Buyer
5	Director of Golf Operations
5	Building Inspector
5	Interpretive Programs Mgr
5	Planner
5	Right-of-Way Representative
5	Land Surveyor
5	Community Affairs Officer
5	Community Ctr Facility Manager
5	Accountant
5	Environmental Specialist
5	Recreation Supervisor
5	Appraiser
5	Civilian Comm Supervisor
5	Police Records Supervisor
5	Cross Connection Inspector
4	Office Coordinator
4	Planning Technician
4	Naturalist
4	Associate Buyer
4	Inspector
4	Curator
4	Landscape Analyst
4	Librarian I
4	Engineering Assistant
4	Legal Assistant
4	PC Specialist/Help Desk Tech
4	GIS Data Analyst
4	Survey Supervisor
4	Building Maint. Specialist
3	Administrative Aide
3	Secretary II
3	Education Coordinator
3	Library Aide
3	Engineering Technician
3	Legal Secretary
2	Inventory Control Assistant

Table of Job Titles and Job Grades

03/06/00

Titles by Alpha

5	Accountant
3	Administrative Aide
5	Application Support Spec
5	Appraiser
8	Assistant City Attorney
12	Asst City Manager/Finance
12	Asst City Manager/Services
4	Associate Buyer
7	Attorney I
7	Attorney II
4	Building Maint. Specialist
5	Building Inspector
5	Buyer
9	City Assessor
11	City Attorney
7	City Clerk
9	City Engineer
15	City Manager
7	City Treasurer
6	Civil Engineer
5	Civilian Comm Supervisor
6	Communications Manager
7	Community Affairs Director
5	Community Affairs Officer
5	Community Ctr Facility Manager
5	Cross Connection Inspector
4	Curator
5	Data Processing Analyst/Prog
7	Deputy City Assessor
6	Deputy City Clerk
7	Deputy City Engineer
9	Director of Building & Zoning
7	Director of Building Operations
5	Director of Golf Operations
8	Director of Purchasing
6	Economic Development Officer
3	Education Coordinator
4	Engineering Assistant
3	Engineering Technician
5	Environmental Specialist
5	Field Supervisor
9	Fire Chief
4	GIS Data Analyst
5	Greens Superintendent
9	Human Resources Director
6	Human Resources Specialist
4	Inspector
6	Inspector Supervisor
5	Interpretive Programs Mgr
2	Inventory Control Assistant
9	IS Director
5	Land Surveyor
4	Landscape Analyst
4	Legal Assistant
3	Legal Secretary
4	Librarian I
5	Librarian II
3	Library Aide
8	Library Director
7	Municipal Accountant
4	Naturalist
4	Office Coordinator
6	Operations Coordinator
9	Parks and Recreation Dir
7	Parks Supt
4	PC Specialist/Help Desk Tech
7	Plan Analyst
5	Planner
9	Planning Director
4	Planning Technician
7	Plans Examiner/Coordinator
10	Police Chief
5	Police Records Supervisor
7	Principal Planner
10	Public Works Director
9	Real Estate & Devel Director
5	Recreation Supervisor
6	Research & Technology Adminr
5	Right-of-Way Representative
7	Risk Manager
3	Secretary II
7	Senior Right-of-Way Rep
5	Solid Waste Coordinator
7	Supt of Motor Pool
7	Supt of Recreation
7	Supt of Streets & Drains
4	Survey Supervisor
6	Traffic Engineer
7	Water & Sewer Maint. Supt

Pay Grade Assignments
(Re-evaluated)

Position Title	Initial Pay Grade	Recommended Pay Grade
City Assessor	7	9
Deputy Assessor	5	7
Appraiser	4	5
Plan Analyst	5	7
Director of Building Operations	6	7
Building Maintenance Specialist	3	4
City Clerk	6	7
Deputy City Clerk	4	6
Buyer	5	5
Associate Buyer (new)	--	4
City Manager	15	15
Environmental Specialist (new)	--	5
Land Surveyor	5	5
Survey Supervisor	5	4
GIS Data Analyst	4	4
Application Support Specialist (new)	--	5
Operations Coordinator	6	6
Librarian II	6	5
Inventory Control Assistant	1	2
Parks Superintendent (new)	--	7
Recreation Supervisor	3	5
Community Center Facility Manager	7	5
Secretary II	3	3
Principal Planner	6	7
Civilian Communications Supervisor	4	5
Police Records Supervisor	4	5
Right-Of-Way Representative	5	5
Traffic Engineer	6	6
Inspector (Water Division)	4	5

V. Recommendations

Hay recommends that the City continue to set its salary range midpoints at the median of the market.

- The Support/Professional structure is based upon the market median from Hay's Industrial Survey of the Detroit Metropolitan area.
- The Managerial structure is based on the municipal market median.
- Each grade has a 50% range spread, which means that the grade minimum is 80% of the midpoint and the grade maximum is 120% of the midpoint.

Recommended Salary Structure

	POINTS			DOLLARS		
Grade	Low	Mid	Max	Min	Mid	Max
Support/Professional						
1	158	172	188	$20,496	$25,620	$30,744
2	189	205	222	$24,075	$30,094	$36,113
3	223	243	263	$28,197	$35,246	$42,295
4	264	289	313	$33,186	$41,483	$49,779
5	314	343	372	$39,043	$48,804	$58,565
6	373	412	450	$46,527	$58,159	$69,790
7	451	492	532	$55,204	$69,005	$82,806
Manager						
8	533	586	638	$64,570	$80,712	$96,855
9	639	703	766	$66,986	$83,733	$100,479
10	767	841	916	$69,836	$87,295	$104,755
11	917	1006	1095	$73,244	$91,555	$109,866
12	1096	1201	1307	$77,271	$96,589	$115,907
15	1870	2045	2227	$94,703	$118,378	$142,054

HayGroup

DATE: June 29, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Proposed Change to Chapter 2 of the City Code
Relating to the placement of Secondary Addresses

RECOMMENDATION

To revise Chapter 2 of the Troy City Code to eliminate the requirement for secondary address placement.

BACKGROUND

In 1998 City Council made revisions to Chapter 2 of the Troy City Code. The revisions clarified and improved the requirements for the size and placement for addresses on buildings. The revisions also required the owners of property to post secondary address numbers on their property. These numbers were to be placed on the mailbox of the home or were to be painted on the curb in front of the structure. Council further acted to make this requirement apply retroactively to all existing structures in the City of Troy within a one-year time frame.

Realistically, this requirement for secondary address posting is difficult if not impossible to administer and enforce. The U.S. Postal Service dictates the placement of mailboxes and the current trend is to have boxes “ganged” together at a central location. This reduces the number of locations where the use of mailbox numbering will have any benefit. The use of curb painting also has limited benefit. Many homes in Troy are located in areas that do not have curbed streets. The ability to read curb addresses in winter months when snow is piled along the curbs is limited. The maintenance of the painted address during road construction, asphalt overlays, and road maintenance will be difficult. The current text also requires that curbs only be painted by vendors “under contract” with the City of Troy. We have no contracts with painting contractors for this work. It is unclear how someone without a mailbox or a curb would ever be able to comply.

In addition, we have noticed the proliferation of so called “rural address markers” springing up in the city. Because of their highly reflective material and two-sided design, these signs are a very effective property identification device. However, most do not comply with our address posting requirements. Most of these signs are designed with the digits displayed vertically instead of horizontally as required in Paragraph G. In addition, many of these signs are mounted on posts, trees, or other structures instead of being mounted on the mailbox. While these signs could still be installed as an auxiliary (third) address sign, it is difficult to tell someone that they have to install numbers on their mailbox or curb in addition to the “rural” sign.

We propose to do the following:

1) Revise the City Code to eliminate the requirement to post a second address on all properties.
2) Identify locations that do not comply with the posting requirements of the primary address and begin an enforcement campaign to bring them into compliance.
3) Create an informational campaign to promote the use of the “rural” style address signs throughout the City through the City Newsletter, website, etc.

A copy of the proposed amended text is attached for your review. We will be happy to provide you with any other information that you require regarding this matter

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 2 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Section 7 of Chapter 2 of the Code of the City of Troy.

Section 2. Amendment

Section 7 of Chapter 2 of the Code of the Troy City shall be amended to read as follows:

7. Placement of Address

(A) Each address shall be indicated by digits, placed in a horizontal line or a diagonal line no more than forty-five (45) degrees from horizontal, and placed so as to be read properly from left to right.

(B) The digits used for an address shall not be less than four (4) inches in height for residential, six (6) inches in height for commercial, office, or industrial, and shall be made of a durable and clearly visible material, which shall contrast with its background. The digit font shall be easily distinguishable and readable from the street under varying natural and artificial light conditions.

(Rev. 7-6-98)

(C) The digits shall be conspicuously placed so that the address can be seen plainly from the Street. Generally, the digits shall be placed immediately above, on or at the side of the main entrance of each building.

(D) Whenever any building is situated more than 75 feet from the street, either of the following provisions, as determined by the owner of the building, shall apply:

1. The address shall be displayed upon a separate sign or post, placed by the main driveway entrance closest to the property center line and at least one foot off of the ground, so as to be easily discernible from the street.

2. Larger size digits, as approved by the Director of Building and Zoning, may be placed on the building to comply with the provisions of Section 7(C).

(Rev. 7-6-98)

(E) Multiple family structures containing three (3) or more dwelling units may be required (1) to display the appropriate address on the individual residences and

(2) to display the addresses of all residences included in each building, or court on a separate sign or post at least one foot off of the ground, so as to be easily discernible from the street.

(F) The owners and/or occupants of all establishments contained within a multi-tenant commercial, office, or industrial building complex which have front and rear entrances shall cause the correct street numbers to be placed on or adjacent to both front and rear doors. The numbers shall comply with all other sections of this Chapter and be at least four (4) inches high. In addition to the street number, each establishment shall be clearly identified both front and rear by display of the name of the business or occupant. If no other visible identification is available, the name shall be clearly printed on the door or beneath the address by letters at least three (3) inches high and shall meet the requirements of Chapter 78 (Sign Ordinance).

(Rev. 7-6-98)

~~(G) In addition to the requirements set forth in Section 7, each building shall comply with one of the following two criteria:~~

~~1. Mailbox Numbering: Where a mailbox is present in front of, or along the property line, the address shall be indicated by digits placed in a horizontal line on the mailbox. The digits shall be made of a durable and clearly visible material which shall contrast with its background. The digit font shall be easily distinguishable and readable from the street.~~

~~2. Curb Numbering: Where curb and gutter are installed, curb painting of house or business numbers are permitted under the following conditions:~~

~~a) The application of curb digits shall be applied only by a vendor under contract with the City of Troy who holds a valid permit.~~
~~b) Digits shall be on a white background only and shall be three (3) inches high in Black Arial font.~~
~~c) Digits shall be placed directly adjacent to the main driveway on the side closest to the property center line.~~

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

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

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

Section 5. Severability Clause

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

Section 6. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the ninth day of July, 2001.

_____
Matt Pryor, Mayor

_____
Tonni Bartholomew. City Clerk

June 29, 2001

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Mark F. Miller, Interim Planning Director

Subject: PRELIMINARY PLAT-TENTATIVE APPROVAL– Oak Forest Subdivision (Revised) West side of John R Road, South of Square Lake Road – Section 11

In the Spring of 2000, the Planning Commission considered Tentative Preliminary Plats for two Subdivisions in the area west of John R Road and south of Square Lake Road, then known as Oak Forest and Oak Forest South Subdivisions. The sites proposed for these subdivisions are indicated by the darker shaded patterns on the first of the enclosed maps. The original Oak Forest Subdivisions site extended one half mile west from John R Road, in an irregular configuration, to Willow Grove. On April 11, 2000 the Planning Commission postponed action, at the request of the proprietor, in order to enable submittal of the required environmental information, completion of the necessary environmental review of the subject property, and submittal of the Plats revised to indicate the results of the environmental review and the changes requested by City staff.

A revised plat for proposed Oak Forest Subdivision has been submitted, involving just the easterly 10.2-acre portion of the site, extending west ¼ mile from John R Road. This proposed subdivision consists of 24 lots developed in accordance with the lot-averaging provisions applicable to the subject R-1C zoning district. The street pattern involves a single street access from John R Road, now properly located directly opposite Highbury Drive in the Stoneridge Subdivisions. A stub-street connection is proposed, extending south to the present Holm Street right-of-way within the Eyster's John R Farms Subdivision. A stub-street is also proposed to extend to the north, in order to provide for potential additional residential development in that area. The proprietor's engineer provided a potential street and lot layout for that area.

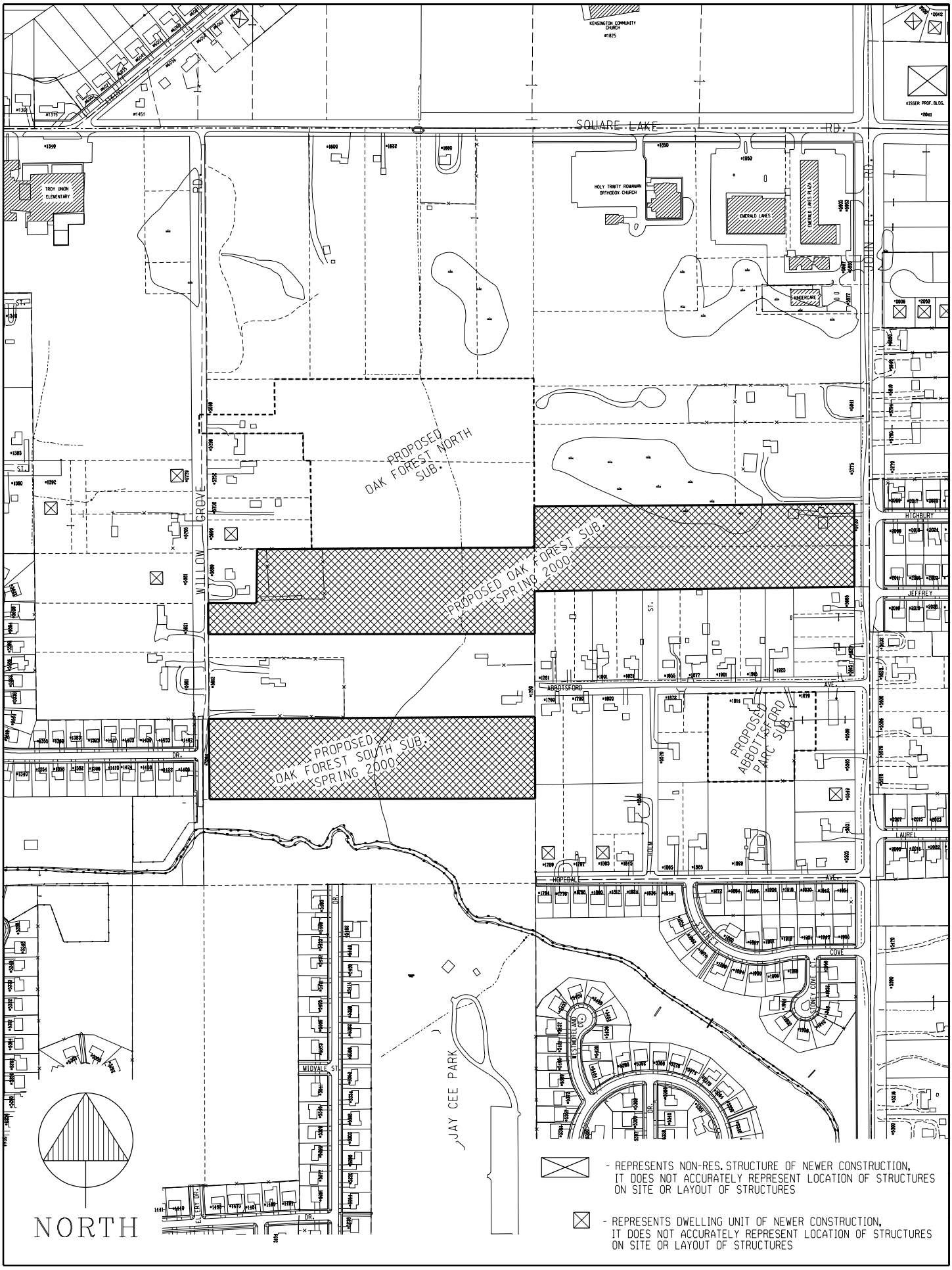
Storm water detention is proposed to be provided in an off-site location abutting immediately to the west, between the proposed subdivision site and the Fetterley Drain. The location and configuration of this parcel is indicated on an additional sheet attached to the proposed subdivision plat. It is intended that this basin site will ultimately serve this proposed subdivision, along with potential additional development in the area to the west. It is further intended that this basin will ultimately be conveyed to the City for maintenance.

Under the Wattles Square, Inc. cover letter of April 24, 2001, the proprietors have submitted the Wetlands Assessment Report from the Michigan Department of Environmental Quality (MDEQ). A June 11, 2001 J & L Consulting Services report from Dr. Eugene Jaworski, the City's Interim Environmental Consultant outlined an separate wetland assessment for the subject property. A map showing the differences between the two wetlands assessments has been prepared by City Staff. The proposed plat shows wetlands preservation and mitigation areas at three locations and wetlands mitigation within the detention basin site to the west. It should be noted that the stormwater detention basin is off-site and no wetlands delineation or assessment has been conducted for this area. Although staff would prefer consolidation of regulated wetlands and wetlands mitigation areas into subdivision open spaces, the wetlands permit authority continues to be the responsibility of the MDEQ.

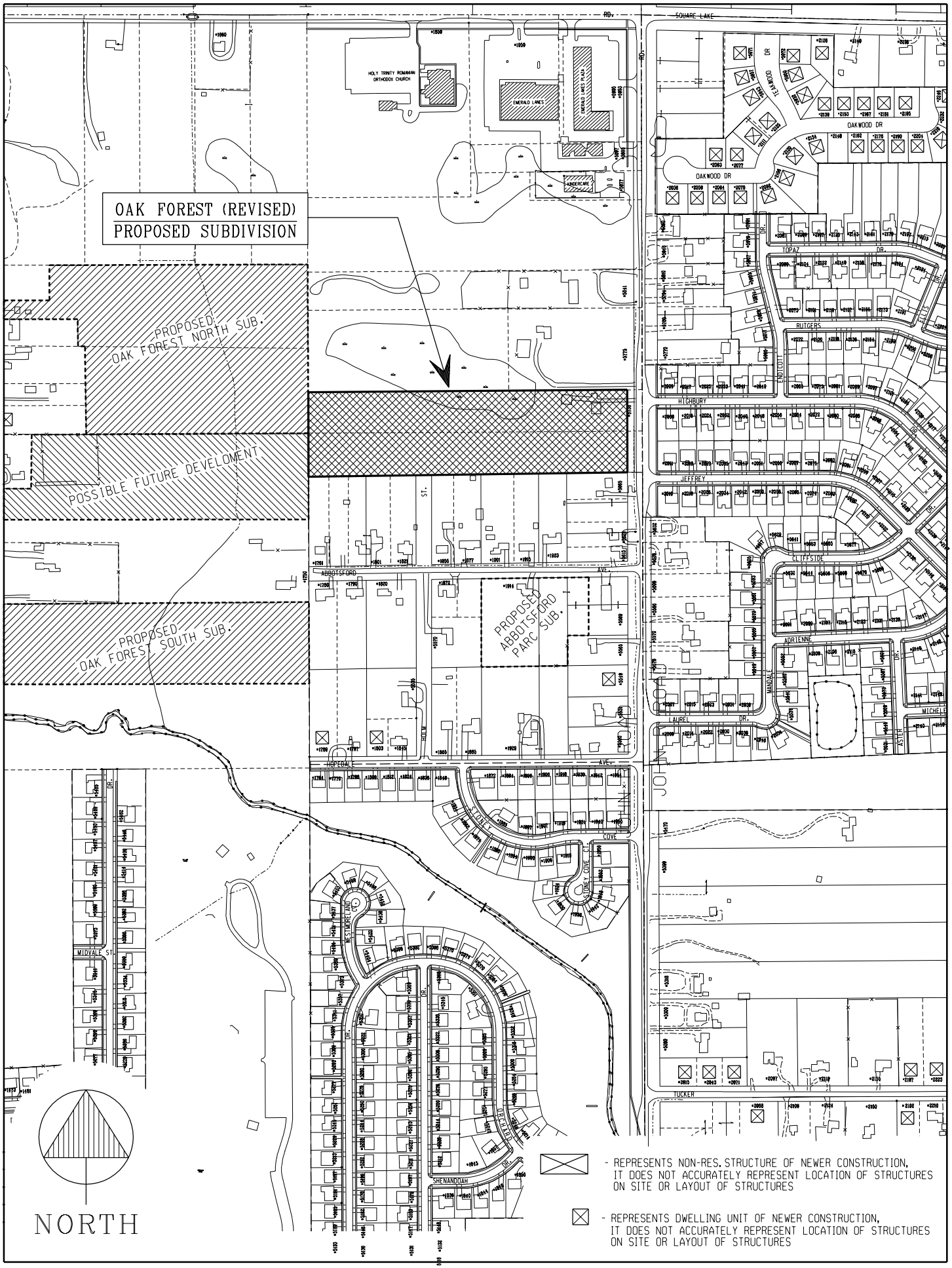
All applicable Ordinance requirements are complied with and the Planning Commission recommended approval of the subdivision on June 12, 2001, subject to the City requesting a MDEQ Wetlands Permit hearing. City Management recommends approval of this Tentative Approval of the Preliminary Plat.

Mfm
Enclosures

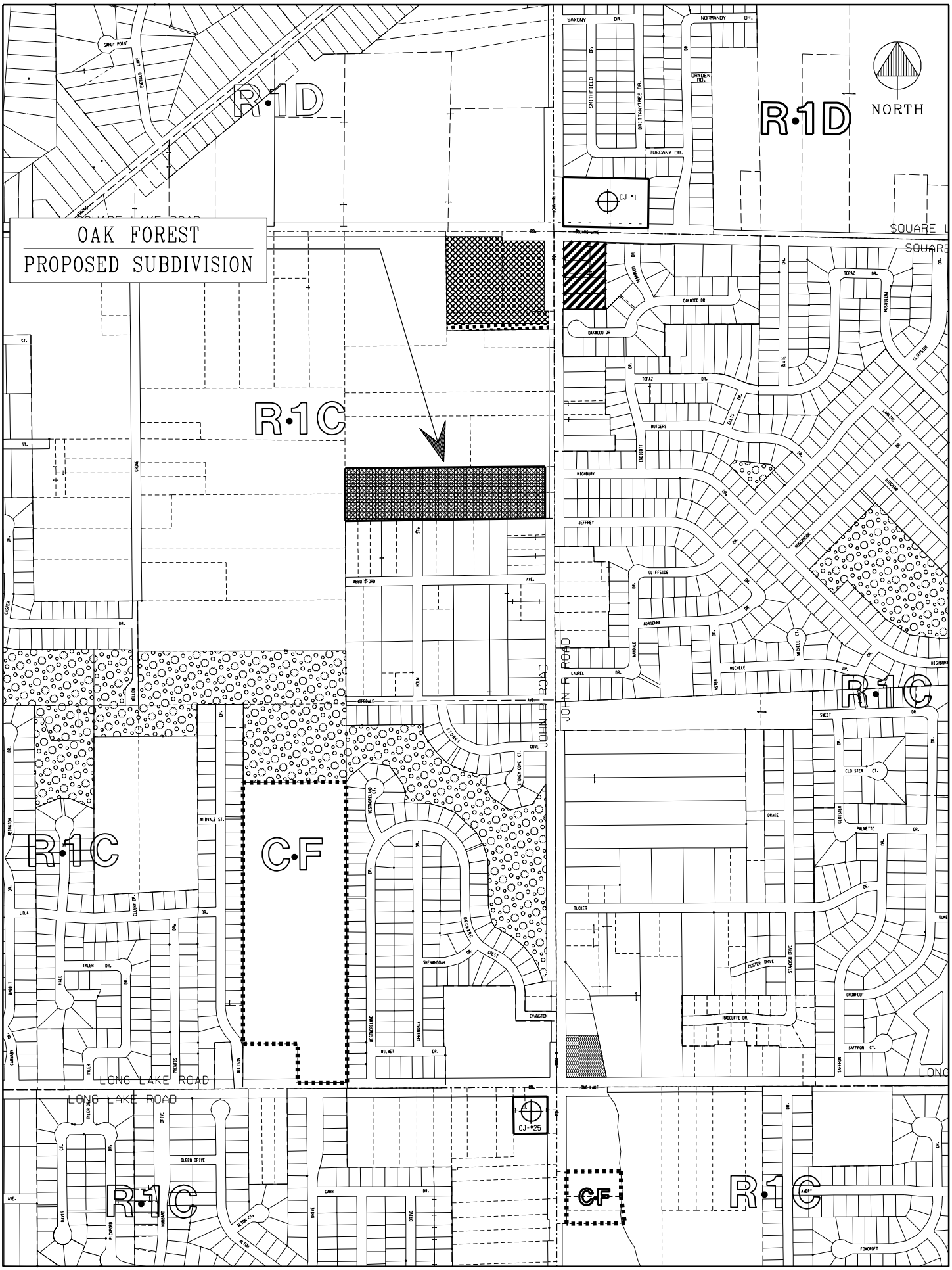
Cc: John Abraham, Traffic Engineer
Tonni Bartholomew, City Clerk
Tracy Slintak, Environmental Specialist
Steven Vandette, City Engineer
File/Oak Forest (revised)



OAK FOREST SUBS. / SEC. 11 / 06-7-01



OAK FOREST SUB. (REVISED) / SEC. 11 / 04-25-01


OAK FOREST
PROPOSED SUBDIVISION
NORTH
R-1D
R-1D
R-1C
R-1C
R-1C
R-1C
R-1C
C-F
C-F
CJ-*1
CJ-*25
SAXONY DR.
NORMANDY DR.
SMITHFIELD DR.
BRITTANY TREE DR.
DRYDEN RD.
TUSCANY DR.
SANDY POINT
OAKWOOD DR
TOPAZ DR.
RUTGERS
ENDICOTT
HIGHBURY
JEFFREY
CLIFFSIDE
ADRIENNE
MANDALE
MICHELE
LAUREL DR.
ABBOTSFORD AVE.
HOLM
HIGHDALE AVE.
JOHN R ROAD
STEWART
COVE
WESTMORELAND
GREENVALE
SHENANDOAH
EVANSTON
WILMET DR.
MIDVALE ST.
ELLORY DR.
LILA
TYLER DR.
HALE
PRENTIS
ALLISON
LONG LAKE ROAD
SWEET
CLOISTER CT.
PALMETTO
DRAKE
TUCKER
CUSTER DRIVE
SHANDOR DRIVE
RADCLIFFE DR.
CROWFOOT
SAFFRON CT.
QUEEN DRIVE
CARR DR.
DRIVE
ALTON CT.
DAVIS
PICKFORD
HUBBARD
AVERY
FOXCROFT

PROPOSED SUBDIVISION
OAK FOREST (REVISED)
S OF SQUARE LAKE & W OF JOHN R
SEC. 11
PROPOSED SUBDIVISION
OAK FOREST (REVISED)
ENDICOTT DRIVE
RUTGERS DRIVE
JOHN R. ROAD
JEFFREY DRIVE
JOHN R. ROAD
ABBOTSFORD AVENUE
HOLM STREET
MANDEL DRIVE
ADRIENNE DRIVE
N
0 200 400 600 Feet

J & L CONSULTING SERVICES

- Environmental Assessments
- Mitigation Plans and Permits
- Site Evaluation and Analyses
- Wetlands Mapping

11 June 2001

REC'D

JUN 13 2001

PLANNING DEPT.

Ms. Tracy Slintak
Engineering Department
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Re: Wetland Verification, 10.19 Acres, Oak Forest Subdivision, NE ¼ of Section 11

Dear Ms. Slintak:

Enclosed please find the annotated Wetlands Map pertaining to the 24-unit proposed project which is located west of John R Road. The undersigned and his field assistant inspected the wetlands on this property on 6-9-01.

The wetlands were identified in accordance with Part 303 – Wetland Protection of P.A. 451 of 1994 as amended, i.e., the **Natural Resources and Environmental Protection Act**, Statutes of the State of Michigan.

Findings:

1. Six small areas of additional wetlands have been mapped on the enclosed drawing. These additional wetland areas are shown in hacures, but were not flagged in the field.

2. The wetlands which are located in Unit 15, and the Unit 20-22-Park-23 area are regulated by the State of Michigan per Part 303 of P.A. 451 of 1994. In contrast, the L-shaped wetland located in the east end of the property (closer to John R Road) is not regulated due to being located more than 500 feet from the drain located offsite to the northwest. Also, no stream occurs in this L-shaped wetland. Furthermore, no culverts were located under John R Road, i.e., to the east of the subject property.

3. The mitigation area, which has been set aside in Unit # 13, is not of sufficient size, nor well located. If a wetland replacement area is constructed on Unit (Lot) # 13, it will be hydrologically and ecologically isolated.

Rather, the wetland replacement should occur adjacent to existing preserved and regulated wetlands. Thus, Unit 13 (Lot 13) appears to be a more likely mitigation site. Also, if some of the wetlands in Units 1 and 2 were preserved, that would be more suitable in terms of location and ecological conditions.

RECEIVED

JUN 12 2001

ENGINEERING

22 N. Clubview • Ypsilanti, MI 48197 Telephone: 734/572-1630 Fax: 734/572-1637

The amount of rear yard space in Lots 20, 21 and 22 is not really adequate, nor is there any assurance that additional wetland loss will occur in the future. Thus, the wetland mitigation plan must be reworked.

If you have any questions concerning this wetland review, please contact my office at 734/572-1630.

Sincerely,

Eugene Jaworski, PhD
Principal, and
Interim Wetland Consultant

Enclosure: Corrected Site Plan Drawing, showing the Additional Wetlands

WATTLES SQUARE, INC.
4086 ROCHESTER ROAD, SUITE 202
TROY, MI 48098

REC'D
APR 24 2001
PLANNING DEPT.

April 24, 2001

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

RE: Proposed Preliminary Plat, Oak Forest Subdivision (Revised)

To Whom It May Concern:

Enclosed herewith is Wetlands Assessment Report from the Michigan Department of Environmental Quality for the property containing the above-referenced plat (specifically, parcel numbers 20-11-226-006 and 20-11-226-007.) We hereby authorize the review of this property for wetlands and natural features by city personnel and consultant.

We do not at this time authorize inspection of the remainder of the property contained in the previous submittal of the proposed plat for Oak Forest Subdivision, specifically parcel number 20-11-201-015, nor of the property contained in the plats previously submitted for Oak Forest North (20-11-201-007, part of 20-11-201-018) and Oak Forest South (20-11-201-012.)

No city employees, consultants, contract employees, volunteers, or members of any official or ad hoc committees are permitted to be on these parcels without written permission.

We thank you for your cooperation. If you require further information regarding this plat submittal, please contact me at (248)524-2560.

Sincerely,

Dale E. Garrett

Encl.

#4

STATE OF MICHIGAN

JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

"Better Service for a Better Environment"

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: www.deq.state.mi.us

RUSSELL J. HARDING, Director

REPLY TO:

SE MICHIGAN DISTRICT OFFICE
38980 SEVEN MILE RD
LIVONIA MI 48152-1006

January 23, 2001

REC'D

APR 24 2001

PLANNING DEPT.

Wattles Square Inc.
4086 Rochester Road, Suite 202
Troy, Michigan 48098

Dear Sir or Madam:

SUBJECT: Wetland Assessment Report - Wetland Assessment File Number 00-63-0006 WA

The Department of Environmental Quality (DEQ) conducted a Level 3 Wetland Assessment on property (property tax identification number 20-11-226-007) located in Town 02N, Range 11E, Section 11, City of Troy, Oakland County, on November 1, 2000. The assessment was conducted in accordance with Part 303, Wetland Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and Rule 4, Wetland Assessments (R 281.924), of the Administrative Rules for Part 303. This is a report of our findings in response to your wetland assessment application.

The DEQ staff walked all the staked/flagged boundaries as requested in your wetland assessment application. Based on our on-site investigation, which included review of plant communities, hydrologic indicators, and soils of the assessment area, and an in-office review of other pertinent information, the DEQ accepts in part the boundaries observed on November 1, 2000. Enclosed is a site map of the assessment area that was created by combining information from your consultant and the DEQ based upon results of the November 1, 2000 site inspection. The new map dated November 13, 2000, identifies both wetland and upland areas within the assessment area.

For those areas identified as wetland on the site map, please be advised that any of the following activities require a permit under Part 303:

a) Deposit or permit the placing of fill material in a regulated wetland.

b) Dredge, remove, or permit the removal of soil or minerals from regulated wetland.

c) Construct, operate, or maintain any use or development in a regulated wetland.

d) Drain surface water from a regulated wetland.

For those areas identified as upland and non-regulated wetland on the site map, the DEQ lacks jurisdiction under Part 303 for activities occurring in those areas. The non-regulated wetland is not regulated since it is not contiguous to the Great Lakes, an inland lake or pond, or a river or stream, and is smaller than five acres in size.

You may request the DEQ reassess the subject parcel or any portion of the parcel should you disagree with the findings of this report. A written request to reassess the parcel must be accompanied by supporting evidence with regard to wetland vegetation, soils or hydrology different from, or in addition to, the information relied upon by the DEQ staff in preparing this report. The written request must be submitted to:

Inland Lakes and Wetlands Unit
Land and Water Management Division
Department of Environmental Quality
P.O. Box 30458
Lansing, Michigan 48909-7958

Please be aware that this assessment report does not constitute a determination of the presence of wetland that may be regulated under local ordinances or federal law. The U.S. Army Corps of Engineers (USACE) retains regulatory authority over certain wetlands pursuant to Section 404 of the Clean Water Act (CWA) and specifically those wetlands associated with traditionally navigable waters of the state. Traditionally, navigable waters are generally the Great Lakes, their connecting waters, and river systems and lakes connected to these waters. In other areas of Michigan, the DEQ is responsible for determination of wetland boundaries for purposes of compliance with the CWA under an agreement with the U.S. Environmental Protection Agency. Your assessment area does not appear to be within those areas also regulated by the USACE. However, should you desire more information, please contacted the USACE at 313-226-2218.

The U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS) may also make an independent evaluation of wetland boundaries on agricultural land under certain provisions of the Food Security Act. For additional information, please contact your county NRCS office.

This assessment report is limited to findings pursuant to Part 303 and does not constitute a determination of jurisdiction under other DEQ administered programs. Any land use activities undertaken on the assessed parcel may be subject to regulation pursuant to the NREPA under the following programs:

Part 31, Water Resources Protection, Floodplain Regulatory Authority
Part 91, Soil Erosion and Sedimentation Control
Part 301, Inland Lakes and Streams

#4

The findings contained in this report do not convey, provide, or otherwise imply approval of any governing act, ordinance, or regulation; nor does it waive the obligation to acquire any applicable state, county, local, or federal approval or authorizations necessary to conduct any possible activities. This assessment report is not a permit for any activity that requires a permit from the DEQ.

The findings contained in this report are binding on the DEQ until November 1, 2002, a period of three years from the date of the assessment, unless new information provided by the applicant warrants a revision of the DEQ's findings prior to the expiration date. Please contact me if you have any questions regarding this assessment report.

Sincerely,

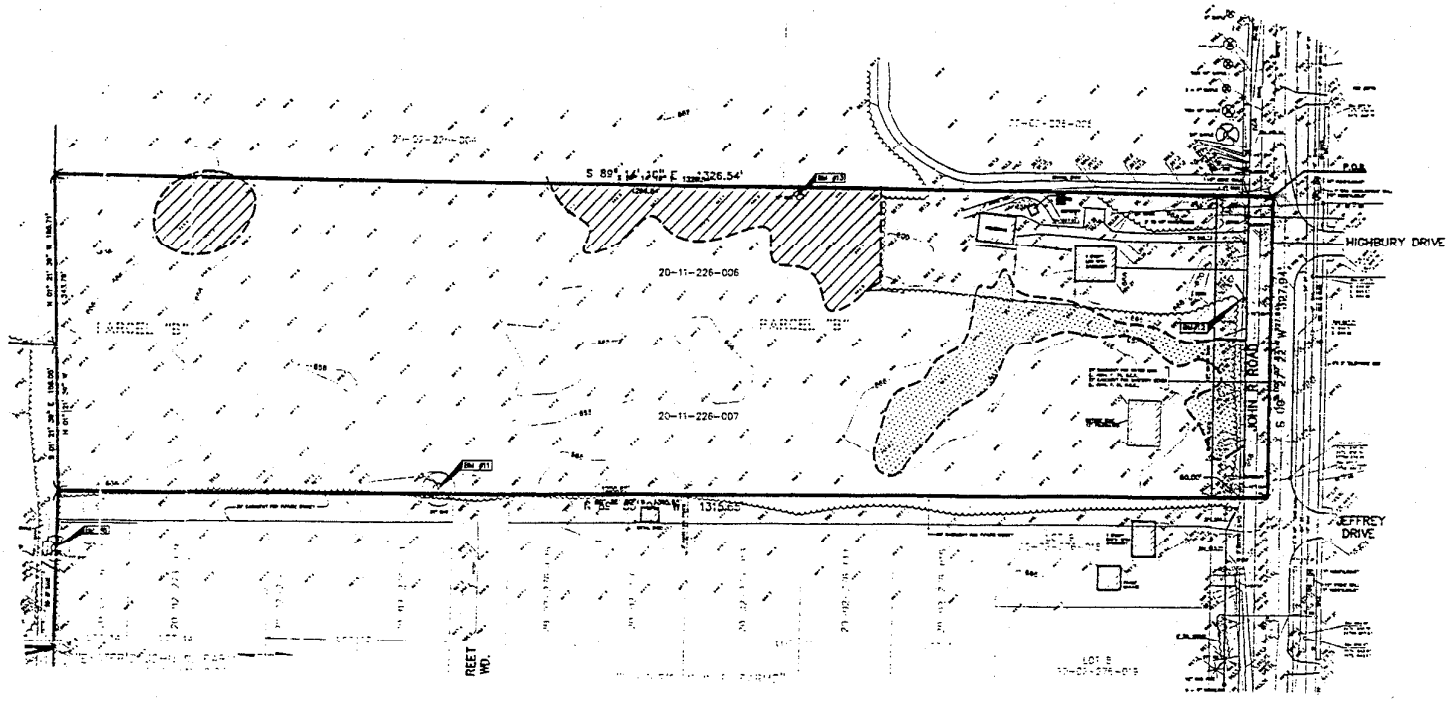
Mary Vanderlaan

Mary Vanderlaan
Land and Water Management Division
734-953-1465

Enclosure

cc: Ms. Wendy Veltman, DEQ
Mr. Todd Holloway

#4



LEGEND

MDEQ REGULATED WETLANDS

NON–REGULATED WETLANDS

Approximate Scale: 1 inch = 203 feet

This drawing showing those areas containing wetland and not containing wetland is an approximation of the boundaries flagged on-site.

This drawing does not authorize or permit activities requiring a permit in accordance with Part 303 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

#4

4. PRELIMINARY PLAT-TENTATIVE APPROVAL– Oak Forest Subdivision (Revised) – West side of John R Road, South of Square Lake Road – Section 11

Mr. Miller explained that, in the Spring of 2000, the Planning Commission considered Tentative Preliminary Plats for two Subdivisions in the area, west of John R Road and south of Square Lake Road, then known as Oak Forest and Oak Forest, South Subdivisions. The original Oak Forest site extended ½ mile west from John R Road in an irregular configuration, to Willow Grove. The last action taken by the Planning Commission on these proposals was postponement, at the request of the proprietor, in order to enable submittal of the required environmental information, completion of the necessary Environmental Review of the subject property, and submittal of the plats, revised to indicate the results of the Environmental Review and the changes requested by staff.

Mr. Miller noted that a revised plat for proposed of Oak Forest Subdivision has now been submitted involving just the easterly 10.2-acre portion of the site, extending west ¼ mile from John R Road. This proposed Subdivision consists of 24 lots developed in accordance with the lot-averaging provisions applicable to the subject R-1C Zoning District. The street pattern involves a single street access from John R Road, now properly located directly opposite Highbury Drive in the Stoneridge Subdivisions. A stub-street connection is proposed extending south to the present Holm Street right-of-way within the Eysters John R Farms Subdivision. A stub street is also proposed to extend to the north, in order to provide for potential additional residential development in that area. Storm water detention is proposed to be provided in an off-site location abutting immediately to the west, between the proposed subdivision site and the Fetterley Drain. It is intended that this basin site will ultimately serve this proposed subdivision, along with additional potential development in the area to the west. It is further intended that this basin will ultimately be conveyed to the City for maintenance. The plan attached to the proposed subdivision plat indicates an asphalt service access drive to the basin site within an easement along the edge of a proposed hypothetical street alignment in that area.

Mr. Reece arrived.

Mr. Miller noted the MDEQ Wetlands Assessment report, which had been conveyed under the Wattles Square, Inc. cover letter of April 24, 2001. Dr. Jaworski, the City's Interim Environmental Consultant, has now provided a report in response to the MDEQ Assessment, which indicates slightly more wetland area.

In response to Mr. Waller's questions, Mr. Miller confirmed that the MDEQ has final authority in relation to wetlands and that they must ultimately grant a wetland permit before construction can begin. Mr. Littman questioned the use of a part of proposed Lot 13 for wetland mitigation. Mr. Miller confirmed that the lot will be buildable, with exclusion of the mitigation area.

Joel Garrett was present representing the proprietors, and indicated that he would be willing to answer any questions.

Bill Collins of Huron Ecologic in Rochester Hills stated that he was a Wetlands Consultant, and that the wetland boundaries appear to be "way off". Some wetland area is not shown on the plat. He disagrees with the proposal to create several mitigation areas. He questioned the timing of the Wetland Evaluation, in relation to the growing season for wetland plants. He felt that the Planning Commission and the Council shouldn't pass off the wetland question entirely to the MDEQ. Finally, he stated that the MDEQ will review a wetland without a Preliminary

Plan Approval. In relation to Mr. Kramer's question regarding surface water versus ground water impacts, Mr. Collins commented that although the matter is somewhat subjective, ground water should be considered in Wetland Evaluation.

Lon Ullman of 5621 Willow Grove was present and stated that there are saturated soils in this area from October to late May. Two years ago the City's staff and consultant identified an historic wetland in the area to the north, related to the Blue Heron Rookery. It took the developer's consultant three visits to the site in order to complete his Wetland Evaluation. Mr. Ullman objected to home sites encroaching into wetlands, and to the potential placement of the detention basin within a flood plain area. He noted that the developer's proposal includes the enclosure of the Fetterley Drain, to which he also objected. He felt that a development involving fewer lots, along with preservation of large trees and wetland areas, would be far preferable.

Mr. Winkler Prins of 650 Eckford explained that he was in the "indoor air quality" business, wherein he attempted to resolve moisture problems in homes. He noted that hydrostatic pressure from ground water causes problems with basement walls which are quite difficult to overcome. He also commented that potential disease problems can occur and that the City should avoid actions which would create contaminated buildings.

In response to Mr. Littman's question, Ms. Bluhm stated that it was her understanding that a Preliminary Plan is necessary in order to request a Wetland Permit, but the matter is still somewhat unclear. In response to Mr. Storr's question, she indicated that the City Council has requested MDEQ hearings in the past on wetland matters. The Planning Commission could certainly recommend that such a request be forwarded.

Joel Garrett stated that approximately five years ago the City Council considered a proposal to share with him the cost of improving the Fetterley Drain. The City decided not to proceed. The Fetterley Drain must be improved before development proceeds in this area. He corrected Mr. Ullman's comment by indicting that it took three inspections by the MDEQ, not three tries by his consultant, in order to develop the Wetlands Assessment. He has developed in Troy since the mid-1960's and he would not cause a health problem. One of the problems is that the City and the County have failed to maintain the Fetterley Drain.

In response to Mr. Wright's question, Mr. Garrett stated that it is intended that the homes in this area will have basements. Mr. Wright was concerned about the impact of ground water hydrology on basement walls, and wondered whether the Engineering Department could provide information about such concerns. Mr. Kramer shared Mr. Wright's concern, but felt that Engineering matters can't be addressed by the Planning Commission. Mr. Storr's felt that the Planning Commission has done all they can do under current Ordinance provisions.

Moved by Waller Seconded by Storrs

RESOLVED, that the Planning Commission hereby recommends to the City Council that Tentative Approval be granted to the Preliminary Plat of Oak Forest Subdivision, on the west side of John R Road, south of Square Lake Road in Section 11, subject to the condition that the City request an MDEQ hearing in relation to the potential Wetland Permit Application.

Yeas: Chamberlain
Kramer
Littman

Nay: Wright

Pennington
Reece
Starr
Storrs
Waller

MOTION CARRIED

In response to Mr. Reece's question, Ms. Bluhm stated that if the City Council requests a hearing on an MDEQ Wetland Permit Application, the Council would be responsible for determining the extent of any notice.

Mr. Wright stated that his nay vote was due to his concern that health, safety and welfare matters were not adequately addressed (in relation to ground water).

We are residents of Troy and have been for 36 years. Recently the Planning Commission has approved of a new sub going up in the woods across the street - Oak Forest located west of John R between Long Lake & Square Lake roads. At the meeting 3 wetland experts gave their opinion on this land - which is very wet! The issues concerning the wetlands (would be) were the cause of flooding in the existing neighborhood. To no avail, they passed it anyway. Under the recommendation of Lord Ellmann head of Troy Wetlands & Wildlife we are urging you to help us in any matter available.

Bob/Nancy Pedilla
1800 Abbotsford
Troy 48098

June 29, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Mark F. Miller, Interim Planning Director

SUBJECT: SITE PLAN REVIEW – Proposed Birchwood Estates Site Condominium – South side of Wattles, West of Dequindre – Section 24

A Site Plan has been submitted for a proposed Single-Family Residential Site Condominium known as Birchwood Estates, involving an 8.6-acre assembly of R-1C zoned property on the south side of Wattles, west of Dequindre. The subject site consists of all or part of a series of lots from the Eyster's Dequindre Farms Subdivision Number 5. The site abuts the west edge of the office-zoned parcels at the southwest corner of Wattles and Dequindre, and the north edge of the Woodglen Park Subdivision which is presently being developed. The petitioners in this matter, the Elro Corporation, propose a project consisting of 23 or 24 home sites and a detention basin site. The configuration of the property and its relationship to the excepted parcel within the Wattles Road frontage, cause a situation whereby some of the home sites will front on Wattles Road. In those cases, we have asked that joint driveway easements be provided, in order to minimize the occurrence of driveway intersections with Wattles Road.

This site is encumbered by an oil pipeline which runs diagonally through the southeasterly portion of the site. A portion of an un-named drain also crosses the southwest corner of the site. Consistent with the procedure which would be followed in the event that this was a conventional subdivision, a wetlands evaluation was submitted with this proposal. The developer submitted a wetlands evaluation dated, May 16, 2001 and prepared by King & MacGregor Environmental Inc. The City directed J & L Consulting Services, Dr. Eugene Jaworski, to conduct a wetlands delineation and assessment. Dr. Jaworski's wetland area is somewhat larger in scope than identified by the developers consultant. A map comparing both delineation of wetlands and wetland mitigation areas was prepared by City Staff and is enclosed. MDEQ is responsible for the issuance of a wetlands permit. The home site dimensions are consistent with the lot-averaging provisions within the Subject R-1C zoning district. All applicable Ordinance requirements are have been adhered to by the site condominium proposal.

On June 12, 2001 the Planning Commission recommended approval a revised Preliminary Plan for this site condominium, known as site plan "A". This recommended street pattern eliminated the street connection to the Wardlow Drive stub, and provides pedestrian access to Woodglen Park Subdivision. Site plan "A" has a access to Wattles Road, and then terminates with a stub street at the western edge of the subject property

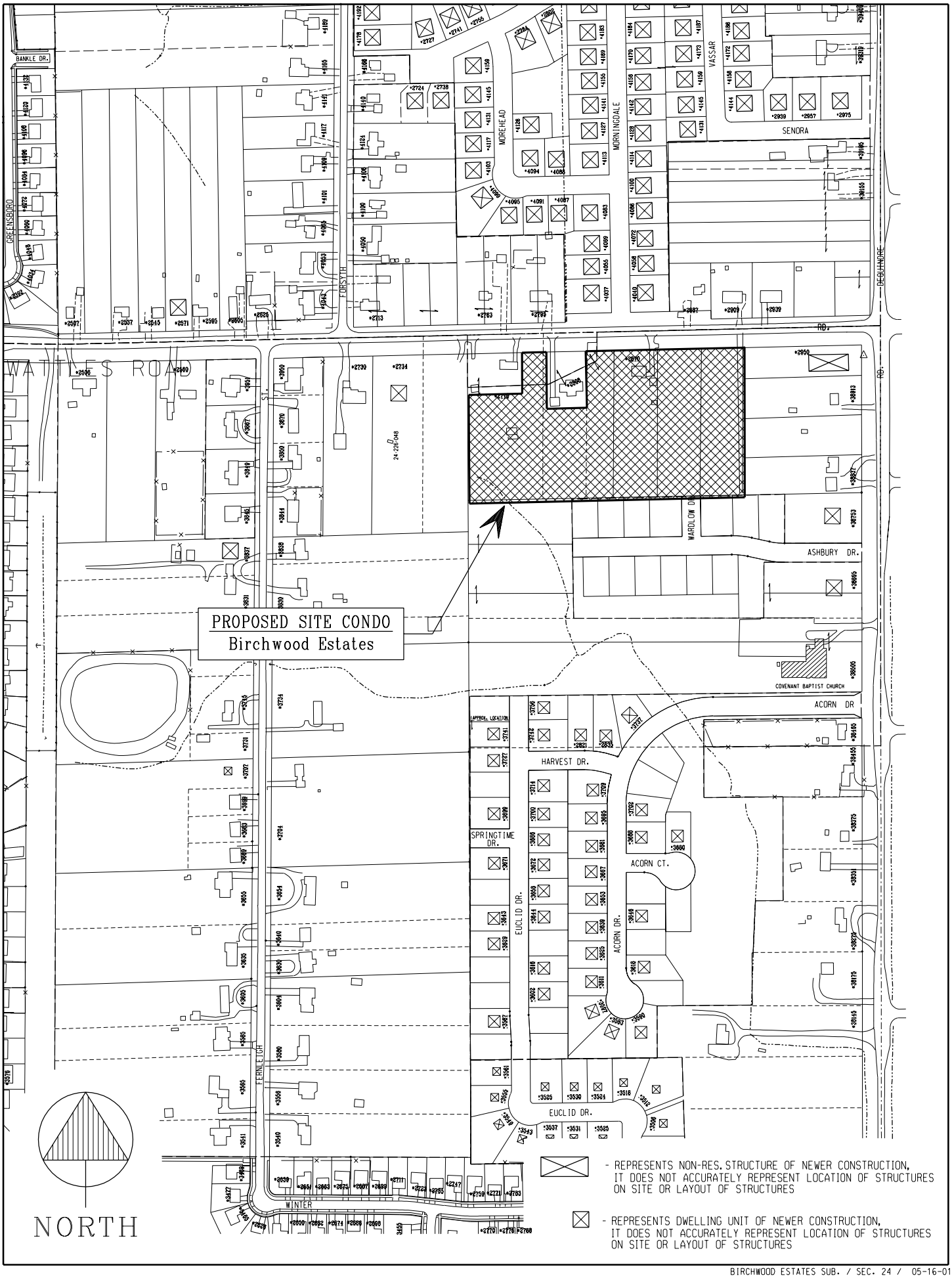
utilizing a temporary turn-around. This alternative allows for 24 home sites, one more than the developers original submittal.

City Management recommends approval of site plan “B”. Access to the proposed development is from the existing Wardlow Drive, within the Woodglen Subdivision, then to Ashbury Drive that intersects with Dequindre Road. Within the proposed development a cul-de-sac is adjacent to Wattles Road, thereby eliminated access to this major thoroughfare. A stub street is provided to the western edge of the subject property, including the provision of a temporary turn-around. This alternative allows for 23 home sites.

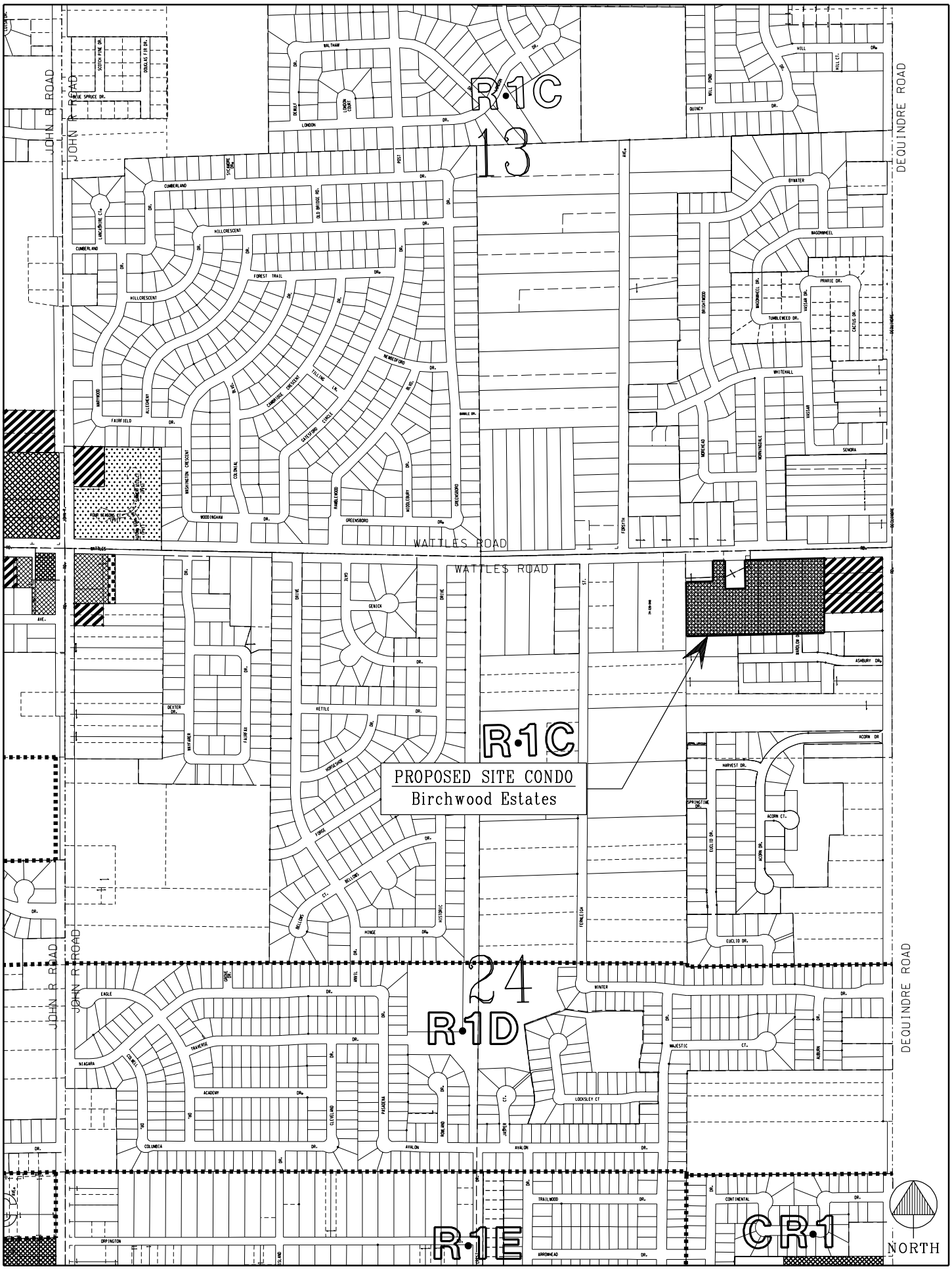
Both site plan “A” and site plan “B” eliminate the potential for cut-through traffic between Wattles Road to Dequindre Road. However, City Management’s site plan “B” provides inter-connection of neighborhoods. The developer, Elro Corporation is comfortable with both alternatives.

Mfm
Enclosures

Cc: John Abraham, Traffic Engineer
Tonni Bartholomew, City Clerk
Tracy Slintak, Environmental Specialist
Steven Vandette, City Engineer
File/Birchwood Estates



BIRCHWOOD ESTATES SUB. / SEC. 24 / 05-16-01


R-1C
13
R-1C
PROPOSED SITE CONDO
Birchwood Estates
24
R-1D
R-1E
CR-1
NORTH
WATTLES ROAD
JOHN R ROAD
DEQUINDRE ROAD

PROPOSED SITE CONDOMINIUM
BIRCHWOOD ESTATES
S OF WATTLES & W OF DEQUINDRE
SECTION 24

0 200 400 600 Feet

King & MacGregor
Environmental
Inc.

May 16, 2001

Mr. Jesse Kranz
Elro Corporation
201 W. Big Beaver Road, Suite 720
Troy, MI 48084

Re: Preliminary Wetland Evaluation – Birchwood Estates
Northeast ¼, Section 24, Troy, Oakland County

Dear Mr. Kranz:

Pursuant to your request, we have completed a preliminary wetland evaluation on the above-referenced site. The intent of this evaluation is to provide a report of the Michigan Department of Environmental Quality (DEQ) jurisdictional wetland area within the subject parcel.

The methods used to conduct this preliminary wetland evaluation are consistent with the procedures and general practices used by the DEQ. This evaluation included review of in-office information including the Soil Survey of Oakland County, the U.S. Geological Survey quadrangle map, the National Wetlands Inventory map, and the Preliminary Site Plan (dated 04/23/01) prepared by MCS Associates, Inc. The soil survey indicates the majority of the site is within a Capac sandy loam soil unit. These soils are described as somewhat poorly drained. The extreme southwest corner of the property is shown to be within a Brookston and Colwood loams soil unit. These soils are described to be very poorly drained. The soil survey also shows a drainage feature to be present in this portion of the property. The quadrangle map does not show wetlands to be present on the property but a surface drainage feature is shown in the extreme southwest corner of the property. The National Wetland Inventory map shows the extreme southwest corner of the property to be within a larger scrub-shrub/emergent wetland system that extends off site to the west and south. The Preliminary Site Plan shows the site to be nearly level with the exception of a linear depression that extends off site in the extreme southwest corner. Floodplain was also indicated to be present in this portion of the property.

An on-site evaluation was conducted on April 27, 2001. The site consists of meadow and scrub vegetation. A wetland area was flagged in the extreme southwest corner of the property contiguous with a surface drainage feature. The wetland boundary flags were subsequently surveyed. The wetland area was characterized by the presence of wetland plant species such as willows, silky dogwood, green ash, box elder, reed canarygrass, moneywort, and sedge species. The adjacent upland area was characterized by the presence of species such as gray dogwood, common buckthorn, Morrow's honeysuckle, multiflora rose, Russian olive, Virginia strawberry, tall goldenrod and yarrow.

Because this wetland is part of a larger wetland system that extends to the south and eventually becomes contiguous to a drain, it is our opinion that this wetland is regulated by the DEQ. A permit must be obtained from the DEQ prior to conducting any filling dredging or draining activities or maintaining a use within this wetland.

FILE

West Michigan Office
2675 44th Street SW
Suite 105
Wyoming, MI 49509

Phone: 616/261-4567
FAX: 616/261-4562

Southeast Michigan Office
360 N. Canton Center Rd.
Suite 387
Canton, MI 48187

Phone: 734/354-0594
FAX: 734/354-0593

mail: kmc@king-macgregor.com

printed on recycled paper

Please be advised the information provided in this report is a professional opinion. The ultimate decision on wetland boundary locations and jurisdiction thereof rests with the DEQ and, in some cases, the Federal government. Therefore, there may be adjustments to boundaries based upon review of a regulatory agency. An agency determination can vary, depending on various factors including, but not limited to, experience of the agency representative making the determination and the season of the year. In addition, the physical characteristics of the site can change with time, depending on the weather, vegetation patterns, drainage, activities on adjacent parcels, or other events. Any of these factors can change the nature / extent of wetlands on the site. This report does not address any local ordinances which may apply to this site.

Thank you for the opportunity to provide this preliminary wetland evaluation. If you have any questions, please contact me at your convenience.

Sincerely,

Woody L. Held

KING & MACGREGOR ENVIRONMENTAL, INC.
Woody L. Held

J & L CONSULTING SERVICES

- Environmental Assessments
- Mitigation Plans and Permits
- Site Evaluation and Analyses
- Wetlands Mapping

5 June 2001

Ms. Tracy Slintak
Engineering Department
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Re: Wetland Delineation and Assessment; 8.583 -Acre Properties; Part of Lot 18, and Lot 19, 20 and 21. NE ¼ of Section 24, City of Troy, MI

Dear Ms. Slintak:

In response to your request, J & L Consulting has investigated the properties located directly south of Wattles Road and west of Dequindre Road in Section 24 of the City of Troy, MI. Wetlands were identified and delineated in the southwest portion of the property. This field work was conducted on 30 May 2001.

The wetlands on site were investigated in accordance with Part 303 – Wetland Protection of P.A. 451 of 1994 as amended, i.e., the **Natural Resources and Environmental Protection Act**, Statutes of the State of Michigan.

Findings:

1. Wetlands on Site

As indicated on the enclosed drawing, two wetlands exist on site. For ease of reference, these wetlands have been labeled Wetlands A and B. Wetland A, which extends offsite to the west in the vicinity of the old garage, is about 0.083 acres on site, with about 0.032 acres occurring on site. Wetland A is a mixed shrub and forested wetland, with some current standing water.

Wetland B, in contrast, is located about a ditch. This ditch may be a county-designated drain, i.e., part of the Big Beaver Creek Drain. Wetland B1 is about 0.18 acres in size, whereas B2 is approximately 0.60 acres in size. Both Wetlands B1 and B2 extend offsite to the south, and are MDEQ regulated due to being part of a drainage course.

2. Wetland Regulation

Wetland A extends offsite to the west, and nearby are some single-family homes which appear to delimit the wetland. Hence, Wetland A is probably not MDEQ-regulated.

Wetland B, in contrast, does appear to be part of a drainage course. See enclosed Figure 1 (which is a part of the Warren Quadrangle). Because it is part of the headwaters of a

32 N. Clubview • Ypsilanti, MI 48197 Telephone: 734/572-1630 Fax: 734/572-1637 #5

drainage course, it will be regulated by the Michigan DEQ pursuant to Part 303 of P.A. 451 of 1994.

3. Other Wetland Documentation

Figure 1 (a portion of the Warren Quadrangle) shows the general location of this 8.583-acre property. Note that a drain is shown running through the subject property, i.e., on the west margin. However, this drain may now be enclosed, at least for a portion of the area located directly west of Lot # 11 and the old garage.

Figure 2 (Soils Map) was abstracted from Sheet # 99 of the *Oakland County Soil Survey*. This figure shows the presence of Soil Type 12, which is the Brookston & Colwood Loams. Soil Type 12 is regarded as a hydric or wetland soil type.

Figure 3 is a portion of the National Wetlands Inventory Map (NWI Map) for this portion of the City of Troy. Note that a mixed shrub and emergent marsh wetland has previously been identified along the drain, i.e., in the southwest corner of the subject property.

4. Review of the Preliminary Site Plan

It appears as though this 23-unit development can not be constructed as proposed. First, the stormwater detention basin can not be located in a MDEQ-regulated wetland and floodplain. Secondly, Lots # 10 and 11 have wetlands in more than half of the lot, and hence would be regarded as unbuildable. Also, Lots # 9 and 12 also have wetlands in them, but could be developed if wetland mitigation (replacement) were to be made available. Hence, the stormwater detention basin has to be relocated, and it appears as though Lots 10 and 11 may have to be abandoned. In addition, the proposed roadway, i.e., Birchwood Drive, may have to be relocated, and perhaps turned north toward Wattles Road in the area of Lot # 13 and 23.

If wetland mitigation is proposed, that activity must be regarded as a last resort, i.e., prudent alternatives must be explored first. Secondly, the mitigation should occur on site, probably at a ratio of 1.5 to 1.0. This mitigation area should be constructed in an area adjacent to Wetland B1 if at all possible.

If you have any questions concerning this wetland report, please contact my office at 734/572-1630.

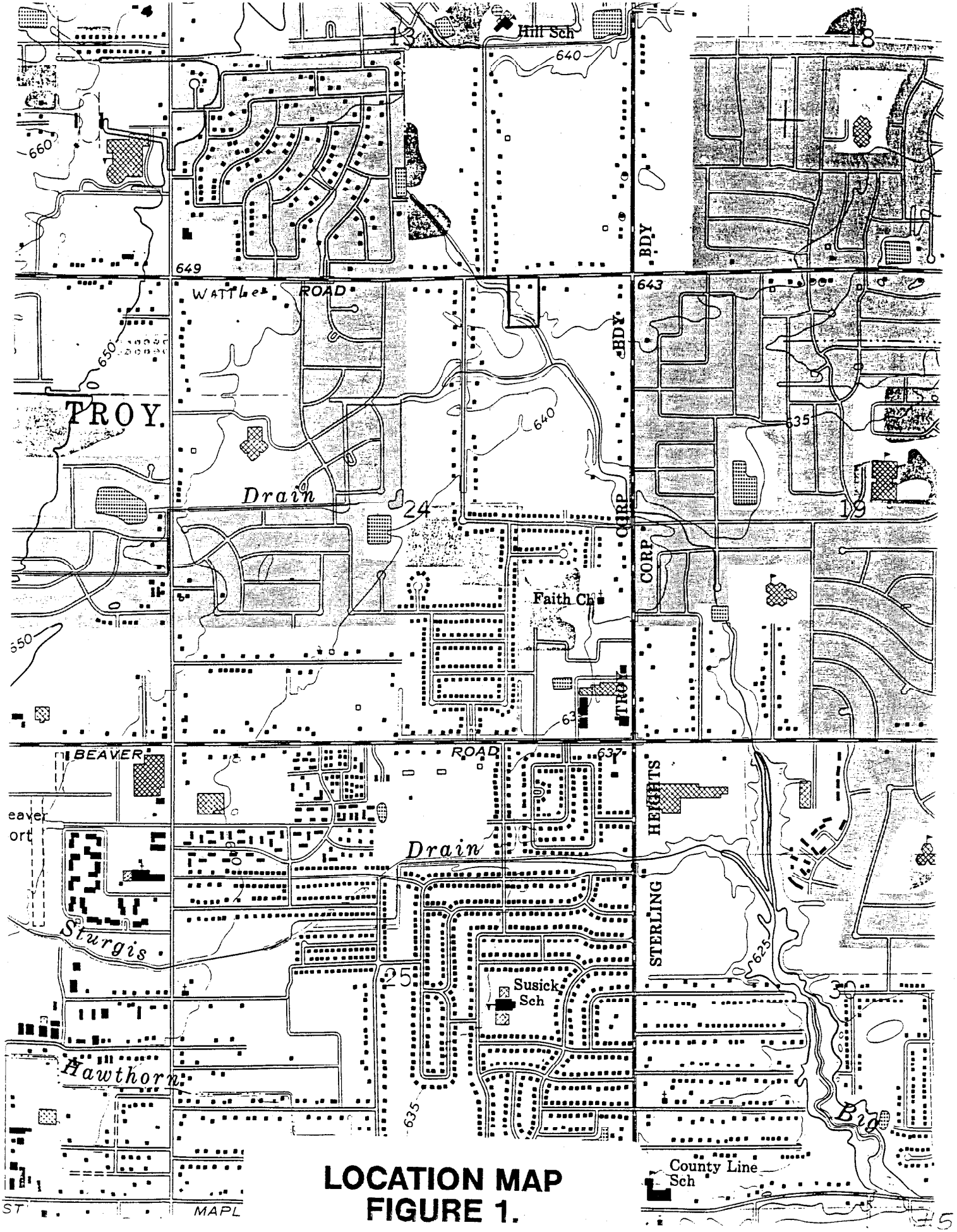
Sincerely,

E. Jaworski

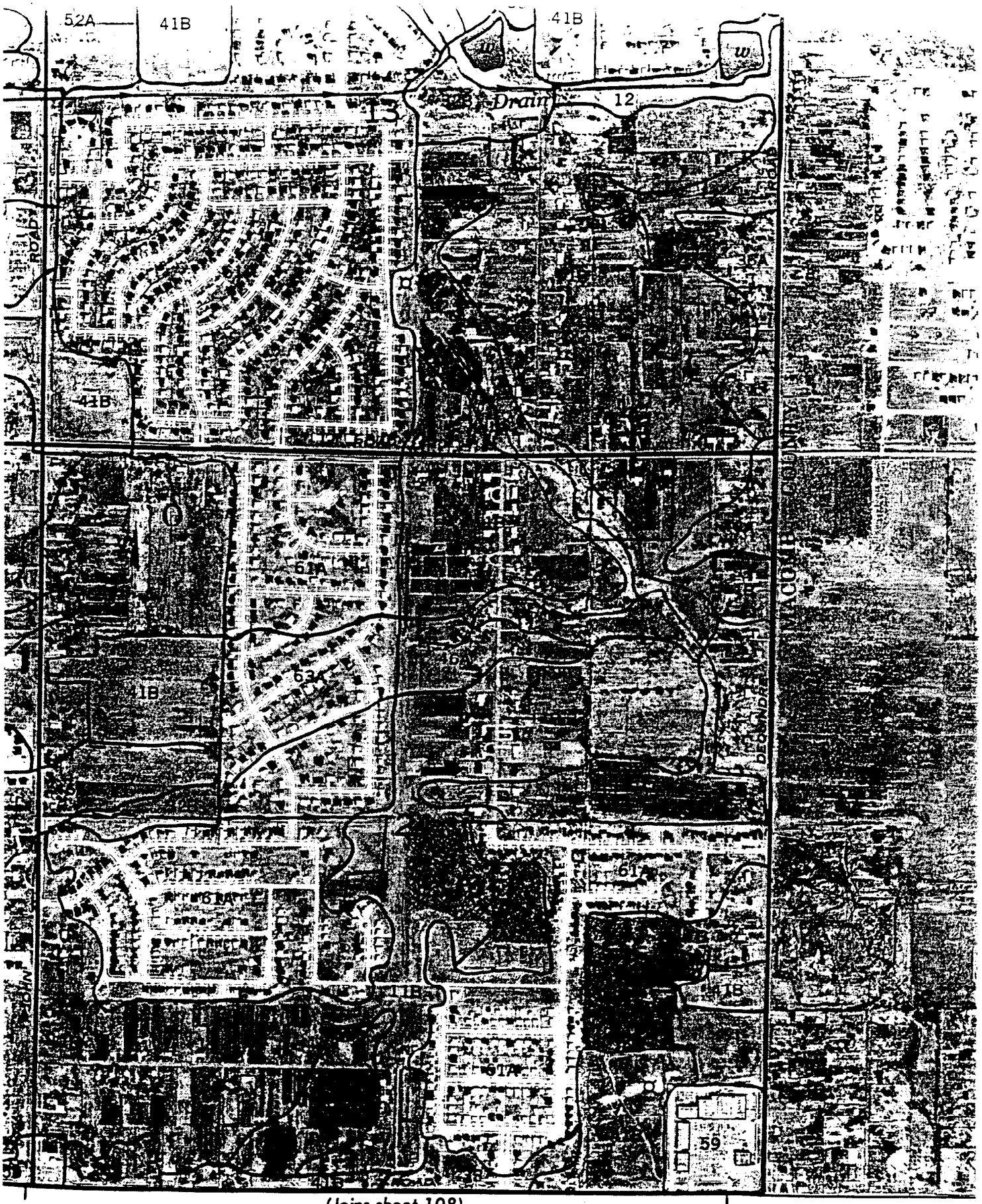
Eugene Jaworski, PhD
Principal, and
Interim Wetlands Consultant

Enclosures: Preliminary Wetlands Map, for Planning Purposes Only
Figures 1, 2 and 3. Ancillary Wetland Data Maps

#5



LOCATION MAP
FIGURE 1.

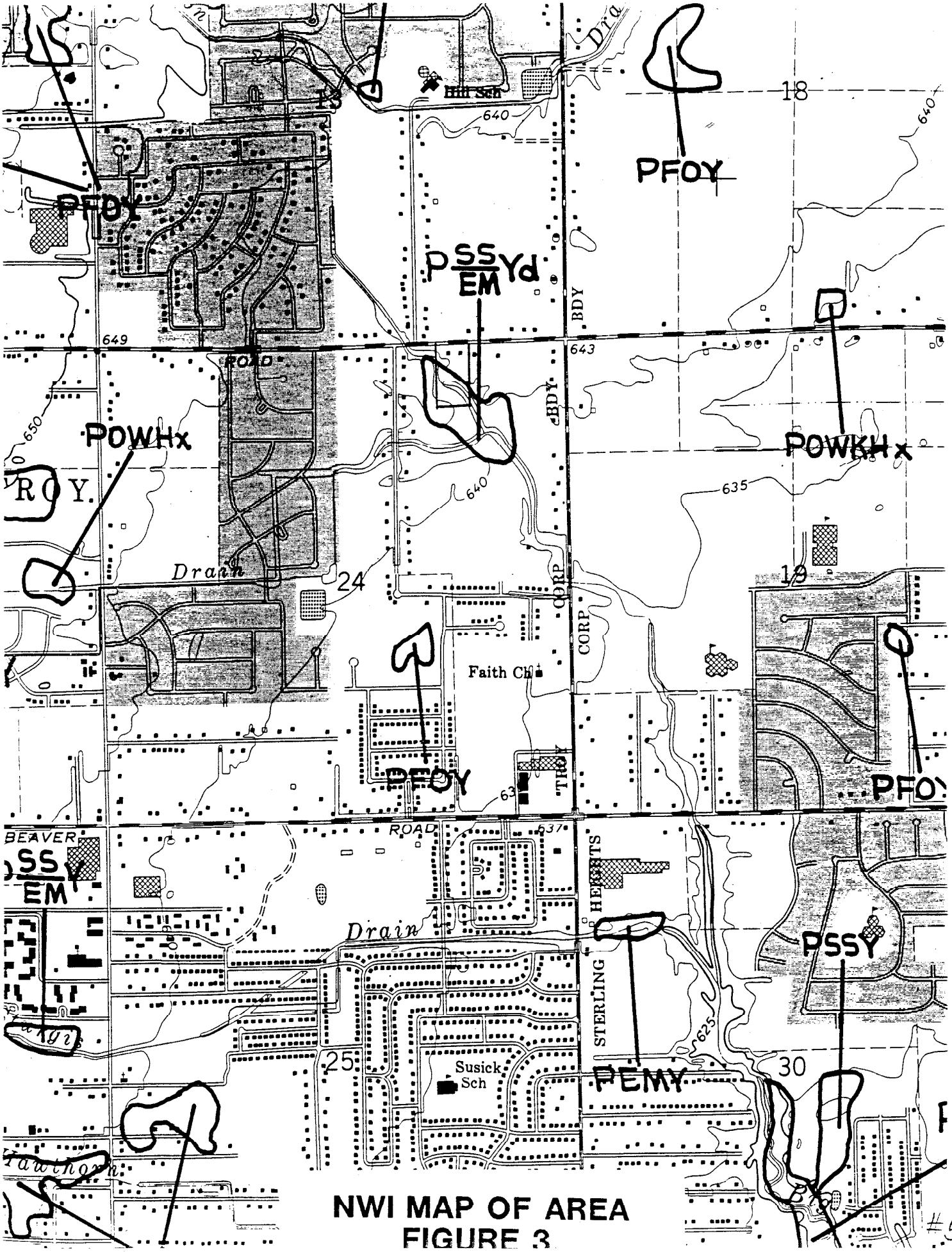


(Joins sheet 108)

SOILS MAP OF AREA

FIGURE 2

#5



NWI MAP OF AREA
FIGURE 3

#5

5. SITE PLAN REVIEW – Proposed Birchwood Estates Site Condominium – South side of Wattles, West of Dequindre – Section 24

Mr. Miller explained that a Site Plan has been submitted for a proposed Single-Family Residential Site Condominium known as Birchwood Estates, involving an 8.6-acre assembly of R-1C zoned property on the south side of Wattles, west of Dequindre. The subject site consists of all or part of a series of lots from the Eyster's Dequindre Farms Subdivision Number 5. The site abuts the west edge of the office-zoned parcels at the southwest corner of Wattles and Dequindre, and the north edge of the Woodglen Park Subdivision which is presently being developed. The petitioners in this matter, the Elro Corporation, proposed a project consisting of 23 home sites and a detention basin site. The configuration of the property and its relationship to the excepted parcels within the Wattles Road frontage caused a situation whereby some of the home sites will front on Wattles Road. In those cases, joint driveway easements will be provided in order to minimize the occurrence of driveway intersections with Wattles Road. The proposed development will be served by a single street extending from Wattles, which will be a northerly extension of Wardlow Drive from the Woodglen Park Subdivision to the south. A temporary street turn-around should be provided at the west end of the longer east-west street.

Mr. Miller noted that this site is encumbered by an oil pipeline which runs diagonally through the southeasterly portion of the site. A portion of a county drain also crosses the southwest corner of the site. A Wetland Evaluation was submitted with this proposal. The City's Interim Environmental Consultant prepared a report in response to that evaluation, indicating a larger wetland area affecting the lots at the western end of the site. This report also indicated that the storm water detention basin could not be located in an MDEQ Regulated Wetland and flood plain, as proposed. The ultimate wetland and flood plain boundaries will, of course, be determined through the MDEQ Permit process. With this recognition, and the with the provision of a temporary turn-around at the west end of the proposed east-west street, Preliminary Plan Approval was recommended by staff.

Mr. Chamberlain inquired as to whether the proposed development would make the existing houses within the Wattles Road frontage non-conforming. Mr. Storrs expressed a concern regarding the potential street pattern including the extension of Wardlow Drive, which would enable drivers to cut through the area in order to avoid the Dequindre-Wattles intersection.

Richard Schoenherr was present representing Elro Development, along with Graham Orley and Jesse Kranz. Mr. Schoenherr confirmed that no non-conformities will be created in relation the existing houses. One house will be removed. The proposed extension of Wardlow Drive north to Wattles Road was recommended by staff. He felt that the proposed intersection was the only place within the Wattles Road frontage where a connection could be made, due in part to the required street offset from Morningdale Drive on the north side of Wattles Road.

Mr. Storrs proposed that the Wardlow Drive extension be ended in a blind cul-de-sac immediately south of Wattles Road. A potential connection to Wattles Road could then be provided for the future, in the area west of this proposed development. Mr. Schoenherr confirmed that such a plan would still enable direct construction access from Wattles Road.

Moved by Storrs Seconded by Littman

RESOLVED, that the Planning Commission hereby recommends to the City Council the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted

One-Family Residential Development) for the development of the One-Family Residential Site Condominium known as Birchwood Estates on the south side of Wattles west of Dequindre, be approved with the inclusion of a cul-de-sac at the north end of Wardlow Drive adjacent to Wattles Road, in order to avoid creating a direct by-pass of the Wattles/Dequindre intersection. With this action it is recognized that a future potential westerly extension of Birchdale Drive could provide Wattles Road access to this area.

In the course of the Commission's further discussion, it was suggested that it would be preferable to maintain Wattles Road access to this proposed development, while eliminating the connection between this site and the Woodglen Park Subdivision site to the south. Mr. Littman then withdrew his second of the previous recommending motion.

Moved by Littman Seconded by Waller

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of the One-Family Residential Site Condominium known as Birchwood Estates on the south side of Wattles west of Dequindre, be approved, subject to the following conditions:

1. The provision of a temporary turn-around at the west end of the proposed east-west street.
2. No connection to Wardlow Drive to the south, in order to eliminate cut-through traffic.
3. Maintain pedestrian access from this site to Wardlow Drive.

Yeas: Chamberlain
Kramer
Littman
Pennington
Starr
Waller
Wright

Nays: Reece
Storrs

MOTION CARRIED

Mr. Reece and Mr. Storrs stated that their negative votes were due to their position that street inter-connection between Woodglen Park Subdivision and this site is important. Mr. Storrs felt that a blind cul-de-sac adjacent to Wattles Road would be a preferable approach, along with the potential for a future connection to Wattles Road in the area to the west.

July 2, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Bill Nelson, Fire Chief
Doug Smith, Real Estate and Development Director

SUBJECT: 1. Request for Authorization to Make Unconditioned Offer to Purchase Property for Fire Station #3
2. Request for Authorization for City Attorney to Institute Court Action if Necessary
Seth E. Walker Company – Sidwell #88-20-20-300-004

After exhaustively examining a number of sites for a relocation of Fire Station #3 over the past two years, it appears that only one site remains viable and that is the expansion and rebuilding of fire station #3 on the current site by acquiring the property immediately east known as the Walker Building. While this is not an ideal location because it is still limited to a single egress to Big Beaver Road, it is in staff's judgment the only option at this point in time.

With the approval of Council, the Walker building has been appraised. This appraisal came in at $1,625,000 for the site. A conditional offer was given to Marty Walker, one of the two co-partners in the partnership, on May 16, 2001. Ms. Walker has been approached about a voluntary sale of the property. At this time, she has indicated through her attorney that she has no interest in selling the property.

In addition to the acquisition price of the property, relocation expenses for approximately ten tenants would be required potentially costing another $200,000. The total acquisition cost would be $1.8 million or slightly higher.

Therefore, it is requested that City Council authorize an unconditioned offer to Seth E. Walker Company in the amount of $1,625,000. It is also requested that City Council authorize the City Attorney to take whatever action is necessary and to expend the needed funds to acquire this parcel.

The estimated cost of building a new station is approximately $1,000,000, the total cost of a new station including land, would be estimated at $3,000,000. Funding for this purchase would come from a reallocation of priorities under Bond Proposal B (see attached matrix) or a bond issuance by the Troy Downtown Development Authority.

Att.

papers, and to expend necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

July 5, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services

SUBJECT: Resolutions from Mayor Pryor

Attached are proposed resolutions received from the Mayor on Thursday, July 5, 2001. Resolution "A" is similar to those recently passed by the City of Royal Oak; "B" suggests changes to the bid process (bid packets have been sent and proposals are being received, but we will follow up with the general manager on procedure to modify bids should the majority of the SOCRRA board wish to do so); and "C" to determine an exit policy for SOCRRA members which includes refund of equity provisions.

Mayor and Council had reviewed the proposed SOCRRA bylaws changes previously and decided they along with other SOCRRA issues that would be discussed at a future Study Session. While staff is limited in respect to the amount of time to respond to the proposed resolutions we can offer some information.

SOCRRA is not building a golf course. They are closing a landfill. Bids are currently being taken to complete the clay dikes, and requests for proposals to build and operate a golf course are out.

Indeed there is money within SOCRRA from the sale of property. What happens to that money, returning it to member communities versus using it to meet SOCRRA's goals and objectives, becomes a philosophical issue.

If a member community believes SOCRRA should only plan to operate a year at a time, meaning each year a budget is developed only to meet the needs for the upcoming year and then at the end of the fiscal year all surplus money is returned to the members, then Resolution "A" would be favorable. But if the member communities believe SOCRRA should develop long range plans for disposal of solid waste, recycling, compost and household hazardous waste and have a master plan which includes future site improvements and upgrades to equipment, then Resolution "A" would defeat this.

Based on the limited information provided herein Council may wish to approve or deny the proposed resolutions or discuss them at a future Study Session.

John, Please place this on the agenda for our June 9th Council Meeting - Matt

Whereas no Community should be held hostage by SOCRRA with its own funds, and whereas SOCRRA is unable to demonstrate any immediate need for the proceeds of the sale of its surplus land in Rochester Hills (it had previously expressed an intent to spend those monies on a Golf Course) and it is clear that these communities can best determine how their money should be spent at this time:

(A)

Troy's representative to SOCRRA shall make or support a motion to refund $2 million of SOCRRA's surplus monies (now down to approx. 3.5 million), generated by the sale of surplus land in Rochester Hills to its members and former members in proportion to their historic contributions to the authority (see the attached percentages). Equally, that SOCRRA shall distribute these monies within 10 days of the passage of such a resolution by its board.

Troy's representative to SOCRRA shall also make or support a motion to prevent SOCRRA from spending the other 1.5 million in proceeds from this sale unless SOCRRA's own projections for private development, operation and maintenance of the proposed Avon Meadows Golf Course should fall through and these monies be proven necessary to the maintenance of the monitoring and maintaining of a proper cap over the landfill.

Troy's representative to SOCRRA shall also make or support a motion to prevent SOCRRA from spending any monies on the development (other than completing the current clay "capping") , operation and/or maintenance of a golf course at the Rochester Hills Site.

(B)

Troy's representative to SOCRRA shall also make or support a motion directing SOCRRA to include in its upcoming bid process a request for prices based on diminished volume (should a community or communities leave SOCRRA) and that SOCRRA determine an exit option for communities with an equitable method for determining liabilities as well as refund of equity beyond those needed to cover liabilities.

Membership Contributions to SOCRRA
Possible Shares of Land Sale Proceeds

	Berkley	Beverly Hills	B'ham	Clawson	Ferndale	Hazel Park	Huntington Woods	Lathrup Village	Madison Heights	Oak Park	Pleasant Ridge	Royal Oak	Royal Oak Township	Southfield Township	Troy	Troy Township
Historic Contribution (Percent of Total Refuse Delivered to SOCRRA)	6.10	3.13	9.97	4.32	9.06	6.87	2.49	1.31	9.15	9.27	1.34	23.67	0.94	0.12	13.16	0.00
Municipal Equity in Proceeds of Land Sale Using Historic Contributions																
Using $4,760,000	$ 290,360	$ 148,988	$ 431,732	$ 205,632	$ 431,258	$ 327,012	$ 118,524	$ 62,356	$ 435,540	$ 441,252	$ 63,784	$ 1,126,692	$ 44,744	$ 5,712	$ 626,416	$ -

Notes:

EXECUTIVE SUMMARY

Rate Analysis
Solid Waste Management Services

Southeastern Oakland County Resource Recovery Authority

SUBMITTED JUNE 14th

The attached Rate Analysis for Solid Waste Management Services examines costs incurred by the Southeastern Oakland County Resource Recovery Authority (SOCRRA) and its member communities for solid waste management services compared to costs incurred by similar communities in Southeast Michigan for comparable service. This rate analysis was prepared for SOCRRA by the engineering and consulting firm of Resource Recycling Systems, Inc. (RRSI). The analysis is based on the audited 1998/99 fiscal year for SOCRRA.

This analysis has four sections:

I: Benchmarks for SOCRRA Communities
II: Benchmarks for Comparable Communities
III: Costs for SOCRRA Services Versus Comparable Services
IV: Findings and Conclusions

The analysis concludes that SOCCRA is a tool for its members as buyers to bundle their service requirements together and take advantage of economies of scale and marketplace bidding opportunities to gain more services for fewer dollars.

The analysis verifies that SOCRRA is being used in that capacity and that it is effectively providing marketplace benefits to its members. Cost differences between SOCRRA and comparable communities on a per ton and per household basis are created by many different factors. When these variables are stripped away the net difference in cost, on an average adjusted system cost per ton basis, is negligible.

There is room for improvement in service and pricing through SOCRRA. A closer examination of SOCRRA's msw transfer and disposal costs shows that 10% to 20% reductions in disposal costs can be achieved through bidding of disposal independent of transfer station hauling. Member communities could also take advantage of SOCRRA's ability to facilitate multi-community bidding of solid waste collection and recycling collection, a practice that has been shown in other authorities to offer up to 20% reductions over current costs on the collection side.

The analysis suggests that the best approach for SOCRRA member communities to reduce costs and improve service is not to look outside of SOCRRA but instead to maximize the use of SOCRRA as a procurement tool, building on the advantages of their equity position in the SOCRRA system.

EXECUTIVE SUMMARY

Rate Analysis
Solid Waste Management Services

Southeastern Oakland County Resource Recovery Authority

The attached Rate Analysis for Solid Waste Management Services examines costs incurred by the Southeastern Oakland County Resource Recovery Authority (SOCRRA) and its member communities for solid waste management services compared to costs incurred by similar communities in Southeast Michigan for comparable service. This rate analysis was prepared for SOCRRA by the engineering and consulting firm of Resource Recycling Systems, Inc. (RRSI). The analysis is based on the audited 1998/99 fiscal year for SOCRRA.

This analysis has four sections:

SUBMITTED JULY 11

- I: Benchmarks for SOCRRA Communities
- II: Benchmarks for Comparable Communities
- III: Costs for SOCRRA Services Versus Comparable Services
- IV: Findings and Conclusions

The analysis concludes that SOCCRA is a tool for its members as buyers to bundle their service requirements together and take advantage of economies of scale and marketplace bidding opportunities to gain more services for fewer dollars.

The analysis verifies that SOCRRA is being used in that capacity and that it is effectively providing marketplace benefits to its members. Cost differences between SOCRRA and comparable communities on a per ton and per household basis are created by many different factors. When these variables are stripped away the net difference in cost, on an average adjusted system cost per ton basis, is slightly favorable to SOCRRA members, and even more so when their "equity" in SOCRRA as "owner/members" is taken into consideration. < MORE FAVORABLE

There is room for improvement in service and pricing through SOCRRA. A closer examination of SOCRRA's msw transfer and disposal costs shows that reductions of at least 10% in transfer/disposal costs can be achieved through bidding of disposal independent of transfer station hauling. Member communities could also take advantage of SOCRRA's ability to facilitate multi-community bidding of solid waste collection and recycling collection, a practice that has been shown in other authorities to offer up to 20% reductions over current costs on the collection side. < Δ FROM 10-20%

The analysis suggests that the best approach for SOCRRA member communities to reduce costs and improve service is not to look outside of SOCRRA but instead to maximize the use of SOCRRA as a procurement tool, building on the advantages of their equity position in the SOCRRA system.

JOHNSON, ROSATI, GALICA, SHIFMAN,
LABARGE, ASELTYNE, SUGAMELI & FIELD, P.C.
ATTORNEYS AND COUNSELORS

EDWARD L. SHIFMAN
KENNETH G. GALICA
CAROL A. ROSATI
CHRISTOPHER J. JOHNSON
J. RUSSELL LABARGE, JR.
PATRICK A. ASELTYNE
S. RANDALL FIELD
MICHAEL J. SUGAMELI
MICHAEL E. ROSATI
KENNETH A. SLUSSER

34405 W. TWELVE MILE ROAD, SUITE 200
FARMINGTON HILLS, MICHIGAN 48331-5627

TELEPHONE: (810) 489-4100
FAX: (810) 489-1726

LAURA S. AMTSBUECHLER
JAMES S. MEYERAND
EDWARD M. OLSON
DAVID R. BRINKS
DANIEL P. DALTON
MARGARET T. DEBLER*
MARCELYN A. STEPANSKI
LINDA B. EVERINGHAM

*ALSO ADMITTED IN ILLINOIS

April 6, 1995

Mr. Thomas Markus, Chairman
Board of Trustees
Southeastern Oakland County Resource Recovery Authority
3910 Webster Road
Royal Oak, MI 48073

Re: Legal Opinion Authority to Develop, Operate, or Lease property for Golf Course

Dear Mr. Markus:

You asked us to review a proposal to develop, organize or lease property owned by SOCRRA into a golf course. We have reviewed the information provided to us, the relevant Attorney General opinions, case law and statutes to determine if the proposal can withstand judicial scrutiny. Our findings reveal that SOCRRA does not have the legal authority to develop or operate a golf course. However, our research leads us to conclude that SOCRRA may have the authority to lease property to an individual to operate a golf course. As you know, the interpretation of statutes vary with every judge in every different court of law. In this legal opinion, we have set forth the perimeters of the law which the courts will consider when evaluating the claims raised by those challenging SOCRRA's authority. Please consider the following in either going forward with developing, operating or leasing property owned by SOCRRA into a golf course.

SOCRRA is organized and operates under Act No. 179 Public Act 1947 which is MCL 123.301 et. seq.; MSA 5.2725(1) et. seq. as amended by Act No. 92 PA, 1955 and subject to the strict limitations therein. The above stated statute, after authorizing the creation of a public authority by certain municipalities and setting up the method of incorporation thereof, provides in section 2 thereof:

OFFICES IN: BAY CITY ST. CLAIR SHORES LANSING

JUNE 9, 1998

SAME LAW FIRM

Section 3 of Public Act 179 specifically states that authorities formed under the Act "shall possess all the powers necessary to carry out the purposes of its incorporation, and those incident thereto. The enumeration of any powers in this Act shall not be construed as a limitation upon such general powers". MCLA 123.303. Section 4 of Public Act 179 states that authorities formed under the Act "may acquire private property by purchase, lease, gift, device or condemnation, either within or without its corporate limits, and may hold, manage, control, sell, exchange or lease such property". MCLA 123.304. In addition, Section 10 of Act 179 states: "The powers herein granted shall be in addition to those granted by any statute or charter." MCLA §123.310.

The Articles of Incorporation for SOCRRA incorporate almost identical language in Article XIII.

As with all opinions, a different set of facts would likely warrant different conclusions. In this case, however, we felt that it was important to note that all of the real estate encompassed by this opinion was purchased or acquired as part of an integral part of SOCRRA's business. In addition, SOCRRA has specific obligations under the law regarding the landfill site.

As noted above, it is our opinion that SOCRRA has the authority, under Michigan law, and its charter, to build and operate a golf course as proposed on the landfill site in Rochester Hills and to own and lease the houses surrounding the compost facility.

Please feel free to contact the undersigned with any questions regarding the above.

Very truly yours,
VELARDO, SUGAMELI & OLSON, P.L.C.

Edward M. Olson

EMO/jw
socrra/general/client ltr

May 14, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services

SUBJECT: Revisions to Articles of Incorporation - SOCRRA

On April 11, 2001, the Board of Trustees for SOCRRA adopted revised Articles of Incorporation. Before these revisions can be filed, the attached Resolution must be adopted by each of the SOCRRA member municipalities' legislative body. Copies of the old and revised Articles of Incorporation are attached as well as a list of the major changes. The major changes are:

1. Article I updates the name of the Authority.
2. Article V contains expanded language regarding the Authority's continued existence.
3. Article XXII, a newly created Article, allows the withdrawal of a member community and states the withdrawal conditions.

The new Article is the result of legislation introduced to dissolve SOCRRA. It was the feeling of the legislative committee at the public hearing that it would be in the best interest of SOCRRA and the State to have exit provisions listed in the Articles of Incorporation rather than enact State legislation affecting local units of government.

Shripka\2001\087 - Memo to Mayor & CC re SOCRRA Articles of Incorporation.doc

Southeastern Oakland County Resource Recovery Authority

'10 W. Webster Road
.oyal Oak, Michigan 48073-6764

Phone: (248) 288-5150
Fax: (248) 435-[illegible]
www.socrra.org

CITY OF TROY
2001 APR 23 P 3:00
CITY MANAGER'S OFFICE

April 19, 2001

Ms. Tonni Bartholomew
City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084-5285

Subject: Articles of Incorporation of the Southeastern Oakland County Resource Recovery Authority

Dear Ms. Bartholomew:

Enclosed are six (6) copies of SOCRRA's Articles of Incorporation that were adopted by the Board of Trustees at their meeting of April 11, 2001. Also, enclosed are six (6) certification forms.

All six (6) executed copies should be returned to the Authority. Two (2) State and County certified copies will be returned for your file.

Additional information regarding the Articles has been sent to Mr. J. Szerlag with the request that it be submitted to your Council for approval.

Very truly yours,

Thomas G. Waffen, P.E.
General Manager

TGW/ksh

CITY OF TROY
COUNTY OF OAKLAND, MICHIGAN

Minutes of a meeting of the City Council of the City of Troy, County of Oakland, Michigan, held in said City on the _____ day of _____, 2001, at _____ __.m.

Present: Council Members _____

_____

Absent: Council Members _____

_____

The following resolution was introduced by Council Member _____, and supported by Council Member _____:

WHEREAS, the City of Troy is a member of the Southeastern Oakland County Incinerator Authority (now known as Southeastern Oakland County Resource Recovery Authority), a public corporation of the State of Michigan, incorporated pursuant to the provisions of Act No. 179, Public Acts of Michigan of 1947, as amended; and

WHEREAS, Articles of Incorporation of said Authority have been prepared and submitted to this Council for its review and consideration; and

WHEREAS, the Council has reviewed the amendment and finds that it is necessary and appropriate,

NOW THEREFORE BE IT RESOLVED THAT:

1. The attached Articles of Incorporation of the Southeastern Oakland County Resource Recovery Authority are hereby approved and adopted by the City of Troy.
2. The Mayor and City Clerk are authorized and directed to execute and endorse said Articles of Incorporation on behalf of the City of Troy.
3. All resolutions and parts of resolutions insofar as they conflict with this resolution be and the same hereby are rescinded.

AYES: Council Members _____

_____

NAYS: Council Members _____

_____

RESOLUTION DECLARED ADOPTED.

_____
City Clerk

_____
Mayor

I hereby certify that the attached is a true and complete copy of a resolution adopted by the City Council of the City of Troy, County of Oakland, State of Michigan, at a meeting held on _____, 2001, and that public notice of said meeting was given pursuant to Michigan's Open Meetings Act MCLA § 15.261 et. sec., including in the case of a special or rescheduled meeting, notice by publication or posting at least eighteen hours prior to the time set for the meeting.

_____
City Clerk

ARTICLES OF INCORPORATION
OF THE
SOUTHEASTERN OAKLAND COUNTY RESOURCE RECOVERY AUTHORITY
(Amended April 11, 2001)

These Articles of Incorporation are adopted by the incorporating municipalities for the purpose of creating an Authority under the provisions of Act No. 179 of the Michigan Public Acts of 1947.

ARTICLE I

The name of this Authority is changed by amendment to this Article from "Southeastern Oakland County Incinerator Authority" to "Southeastern Oakland County Resource Recovery Authority". All contracts, agreements, covenants and obligations of the Southeastern Oakland County Incinerator Authority shall remain and be equally effective and binding on the Southeastern Oakland County Resource Recovery Authority, the purpose of this amendment to this Article being solely to change the name of the Authority without in any way affecting its corporate existence or its obligations and duties.

ARTICLE II

The names of the municipalities creating this Authority or later becoming a part thereof, and which are now constituent members thereof, are:

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

all in Oakland County, Michigan.

ARTICLE III

The purpose of this Authority is the collection and/or disposal of garbage and rubbish.

ARTICLE IV

This Authority shall be a body corporate with power to sue or to be sued in any court of this state. The Authority shall be comprised of the territory lying within the incorporating municipalities. No change in municipal jurisdiction over any territory within the Authority shall in any manner affect the Authority or its boundaries. It shall possess all the powers granted by statute and by these Articles, and all powers necessary to carry out the purpose of its incorporation and these incidents thereto. The enumeration of any powers herein shall not be construed as a limitation upon its general powers unless the context shall clearly indicate otherwise. It shall have a corporate seal.

ARTICLE V

The Authority shall continue in existence until dissolved by law or as provided in this Article. The Members may dissolve the Authority by action approved by two thirds of the governing bodies of the Members and by two thirds of the total voting power of the Board. In no event may the Authority dissolve if the dissolution would impair any of its contracts. In the event of the dissolution of the Authority, then the book value of the Authority shall be determined and each constituent municipality shall be entitled to a pro-rata share of the assets of the Authority and shall assume a pro-rata share of the liabilities of the Authority other than those specifically contracted for by a particular constituent municipality.

ARTICLE VI

The fiscal year of the Authority shall commence on the first day of July in each year and end on the 30th day of June of the preceding year.

ARTICLE VII

The governing body of this Authority shall be a Board of Trustees (sometimes hereinafter referred to as the "Board") which shall be constituted of one (1) representative from each constituent municipality, who shall be appointed by the governing body of such municipality on or before the 15th day of June of each year, and shall serve during the next fiscal year and until his successor is appointed. The members of the Board of Trustees shall serve without compensation but the Board in its discretion may authorize the payment of the actual expenditures of any member, incurred in connection with the business of the Authority. The Board shall meet on the second Wednesday in July of each year, at 2:00 o'clock p.m., at the place of holding the meetings of the Board for the purpose of organization. At such organization meeting, the Board shall select a Chairman, a Vice-Chairman and a Secretary, who shall be members of the Board. At such organization meeting, the Board shall also select a Treasurer, a Finance Director, and an Assistant Secretary, who may or may not be members of the Board. The positions of Treasurer and Assistant Secretary may be held by the same person; or the position of Finance Director and Assistant Secretary may be held by the same person, but in that event such person shall not be authorized to act both as Assistant Secretary and Finance Director in signing and countersigning checks. Such officers shall serve until the organization meeting of the following year and/or until their respective successors shall be selected. Providing that no person shall serve as Chairman, Vice-Chairman or Secretary after he ceases to be a member of the Board. Within twenty (20) days after this Authority shall become effective, the governing body of each constituent municipality shall select its representative on the Board to serve for the remainder of the then fiscal year and within thirty (30) days after such effective date the Board members shall meet for the purpose of organizing the Board for the balance of such fiscal year. The time and place of such meeting shall be fixed in writing by members of the Board holding at least fifty-one per centum of the voting power of the entire Board, and notice thereof served upon all members in the manner provided in Article X. The agreement for such meeting may name the temporary chairman thereof. The governing body of each constituent municipality shall at the time of appointing its regular representative on the Board of Trustees also appoint an alternate representative who shall have the right to act in the place of the regular representative in event of the latter's absence from any meeting of the Board of Trustees, but his authority shall be limited to the business conducted at such meeting. For any other purpose he shall not be considered a member of the Board. It shall not be necessary to serve notice of meeting upon such alternates. No appointment to the Board and no selection of an officer of the Board shall be deemed to be invalid because it was not made within or at the time specified in these articles.

Any board member or any alternate may be removed at any time by action of the governing body of the municipality which he represents. Any officer may be removed by action of the Board of Trustees.

ARTICLE VIII

In event of a vacancy on the Board, the governing body of the municipality entitled to such representative shall fill the vacancy for the unexpired term. In event of a vacancy in any office of the Board, such vacancy shall be filled by the Board for the unexpired term. In case of the temporary absence or disability of any officer, the Board may appoint some person to temporarily act in his stead except that, in event of the temporary absence or disability of the Chairman, the Vice-Chairman shall so act.

ARTICLE IX

The number of votes to which each representative on the Board of Trustees shall from time to time be entitled, shall be one vote for each 3,000 tons or fraction thereof, of garbage and rubbish delivered to the Authority during the then preceding fiscal year from the municipality which he represents; Provided that the representative of any municipality which, at any time has not delivered its garbage and rubbish to the Authority's disposal plant for all of the preceding fiscal year, shall be entitled to one vote.

ARTICLE X

Meetings of the Board shall be held at least bi-monthly at such times and place as shall be prescribed by resolution of the Board. Special meetings of the Board may be called by the Chairman, or any three (3) members thereof, by serving written notice of the time, place and purpose thereof, upon each member of the Board, personally, or by leaving it at his place of residence, at least twenty-four (24) hours prior to the time of such meeting, or by depositing the same in a United States Post Office or mail box within the limits of the Authority, at least seventy-two (72) hours prior to the time of such meeting, enclosed in a

sealed envelope properly addressed to him at his home or office address, with postage fully prepaid thereon. Special meetings of the Board at which all members are present shall be deemed to be valid even though no written notice thereof may have been given as above provided. Any member of the Board may waive notice of any meeting either before or after the holding thereof. The presence of members of the Board holding more than fifty per centum of the total voting power of the entire Board, shall be required for a quorum.

The Board shall act by motion, resolution, or ordinance. For the passage of any motion, resolution or ordinance, there shall be required the affirmative vote of members of the Board possessing more than one-half of the total voting power of the entire Board, except where a larger vote is required by these Articles. The Board shall have the right to adopt rules governing its procedures which are not in conflict with the terms of any statute or of these Articles. The Board shall keep a journal of its proceedings, which shall be signed by the Chairman and Secretary. All votes shall be by "Yeas" and "Nays". The journal shall show how each member voted and the total number of votes for and against each motion, resolution or ordinance.

ARTICLE XI

The Board of Trustees shall appoint a General Manager. The General Manager shall be the chief administrative officer of the Authority, and shall perform all of the purely administrative functions of the Authority, unless otherwise delegated in these Articles. All such functions shall be performed in harmony with the adopted policies of the Board. The General Manager shall serve at the will of the Board and may be removed at any time by action of the Board.

ARTICLE XII

The Chairman of the Board shall be the presiding officer thereof. Except as herein otherwise provided, he shall not have any executive or administrative functions. In the absence or disability of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. The Secretary shall be the recording officer of the Board. The Treasurer shall be custodian of the funds of the Authority. The Finance Director shall be the chief accounting officer of the Authority. All monies shall be deposited in a bank or banks, to be designated by the Board, and all checks or other forms of withdrawal therefrom shall be signed by the Treasurer, Chairman or Secretary of the Board and countersigned by the Finance Director or General Manager. The Assistant Secretary shall under all conditions and circumstances be authorized to act in place of the Secretary. Except as in these Articles otherwise provided, the Assistant Secretary shall have custody of the official records of the Authority. The Treasurer, and such other officers and employees as the Board shall determine, shall give to the Authority a bond in an amount as determined by the Board, or as required by statute, conditioned upon the faithful performance of the duties of their respective offices. The cost of said bonds shall be paid by the Authority. The officers of the Board shall have such other powers and duties as may be conferred upon them by the Board.

ARTICLE XIII

The Authority shall possess all the powers necessary to carry out the purposes thereof and those incident thereto. It may acquire private property by purchase, lease, gift, devise or condemnation, either within or without its corporate limits, and may hold, manage, control, sell, exchange or lease such property. For the purpose of condemnation, it may proceed under the provisions of Act 149 of the Public Acts of 1911, as now or hereafter amended, or any other appropriate statute.

ARTICLE XIV

The Authority, and its several constituent municipalities, shall enter into a Contract or Contracts, for the disposal by the Authority of the garbage and rubbish originating in such municipalities, and for payment to the Authority, by the constituent municipality. Such Contract shall be for a period not exceeding thirty (30) years. The charges specified in such a Contract, for services rendered shall be subject to increase by the Authority, if necessary, in order to provide funds to meet its obligations. The Authority may also enter into such a Contract with any non-constituent City, Village or Township, or with any person, firm or corporation, for a reasonable period of time, but the charges thereunder shall be subject to change by the Authority from time to time.

There shall be established a uniform rate per ton for all material delivered to the Authority for disposal; provided, the rate may vary as between different classes of material delivered, in accordance with the

regulations of the Authority. The rate shall be uniform for all constituent municipalities, and shall be uniform per ton, regardless of number of tons, for each method of disposal.

There shall be a "Ready-to-Serve Charge" included in the rate structure, which shall be based on the "Maximum Average Day". This "Maximum Average Day" shall be established by first determining the average day, in tons per working day, for each of the sixty (60) months immediately preceding each fiscal year. The "Maximum Average Day" shall be the average day with the greatest tonnage computed as specified above.

The amount paid by the constituent municipalities, to the Authority, as a Ready-to-Serve Charge, and the rates paid by the constituent municipalities for services rendered, shall be established by resolution of the Board. The initial rates shall be included in the Contracts to be entered into by the Authority and each constituent member thereof. Said rates shall be maintained to produce revenue sufficient to pay all operating and other expenses of the Authority, and to meet the conditions of any ordinance authorizing the issuance of revenue bonds, issued in accordance with provisions of Act 94 of the Public Acts of 1933, as new or hereafter amended or issued in accordance with any other act.

ARTICLE XV

The Authority shall have the power to contract with any person, firm or corporation for the performance by the latter of any part of the work of collecting and/or disposing of garbage and/or rubbish.

ARTICLE XVI

For the purpose of acquiring, improving, enlarging or extending facilities for the collection and/or disposal of garbage and/or rubbish, this Authority may issue self-liquidating revenue bonds, in accordance with the provisions of Act 94 of the Public Acts of 1933, as now or hereafter amended; provided, that no such bonds shall be a general obligation of the Authority, but shall be payable from revenues only.

ARTICLE XVII

The Board shall have the power to secure all necessary services to carry out the functions of the Authority, and to fix the compensation of all of the employees of the Authority, and to provide Group Life Insurance, other group insurance, pensions and other benefits for the employees as are customarily provided by the constituent municipalities making up this Authority. No officer or employee of any constituent municipality shall receive any compensation from the Authority except by the vote of members of the Board possessing at least two-thirds (2/3) of the total voting power of the entire Board. The Board shall have power to enter into contracts with constituent municipalities, or other municipalities, for the providing of municipal services, to the Authority by such municipalities and for the use by the Authority of facilities of such municipalities and for the payment by the Authority to such municipality of the reasonable cost thereof.

ARTICLE XVIII

The Board shall cause an annual audit to be made of its financial transactions by a certified public accountant, and shall furnish a copy thereof to each constituent municipality.

ARTICLE XIX

If any constituent municipality shall refuse or neglect to enter into a contract for the disposal of its garbage and rubbish through the facilities of the Authority, then the Board by the vote of members thereof possessing at least two-thirds (2/3^{rds}) of the total voting power of the entire Board, may expel such municipality as a constituent part of the Authority. The Board may not modify or cancel any contract upon which its revenues are based, if the same would impair the obligation of any bond contract.

ARTICLE XX

If for any reason the total income of the Authority during any fiscal year shall not be sufficient to satisfy its obligations accruing during such year, including payments to be made to the Bond and Interest Redemption Fund if revenue bonds are outstanding, then the amount of any deficiency shall be prorated among the constituent municipalities, in accordance with the tonnage of garbage and rubbish delivered to

the Authority during such fiscal year, which amount shall be considered as an additional charge for disposal services.

ARTICLE XXI

These Articles shall be published once in The Daily Tribune, a newspaper circulating within the Authority. One printed copy of such Articles of Incorporation, certified as a true copy thereof, with the date and place of publication, shall be filed with each the Secretary of State and the Clerk of the County of Oakland, within thirty (30) days after execution has been completed. The General Manager of the Authority is hereby designated as the person to cause these Articles to be published, certified and filed as aforesaid.

ARTICLE XXII

The governing body of a constituent municipality may request withdrawal from the Authority at any time. The municipality may withdraw as a constituent member of the Authority if the action is approved by two thirds of the governing bodies of the Members and by two thirds of the total voting power of the Board. In no event may a constituent member of the Authority withdraw from the Authority if the withdrawal would impair any contract of the Authority.

MAJOR CHANGES TO ARTICLES OF INCORPORATION

A. **Article I**
The name of this Authority is changed by amendment to this Article from "Southeastern Oakland County Incinerator Authority" to "Southeastern Oakland County Resource Recovery Authority". All contracts, agreements, covenants and obligations of the Southeastern Oakland County Incinerator Authority shall remain and be equally effective and binding on the Southeastern Oakland County Resource Recovery Authority, the purpose of this amendment to this Article being solely to change the name of the Authority without in any way affecting its corporate existence or its obligations and duties.

B. **Article V** – delete the existing Article V as stated:
This Authority shall continue in existence until dissolved by act of the parties or by law; provided, that it shall not be dissolved if such dissolution would operate as an impairment of any of its contracts.

and replace with the following dissolution paragraph:

The Authority shall continue in existence until dissolved by law or as provided in this Article. The Members may dissolve the Authority by action approved by two thirds of the governing bodies of the Members and by two thirds of the total voting power of the Board. In no event may the Authority dissolve if the dissolution would impair any of its contracts. In the event of the dissolution of the Authority, then the book value of the Authority shall be determined and each constituent municipality shall be entitled to a pro-rata share of the assets of the Authority and shall assume a pro-rata share of the liabilities of the Authority other than those specifically contracted for by a particular constituent municipality.

C. Add a New Article XXII
The governing body of a constituent municipality may request withdrawal from the Authority at any time. The municipality may withdraw as a constituent member of the Authority if the action is approved by two thirds of the governing bodies of the Members and by two thirds of the total voting power of the Board. In no event may a constituent member of the Authority withdraw from the authority if the withdrawal would impair any contract of the Authority.

ARTICLES OF INCORPORATION

OF THE

SOUTHEASTERN OAKLAND COUNTY ~~INCINERATOR~~ **RESOURCE RECOVERY** AUTHORITY

(Amended ~~as of February 1976~~ **April 11, 2001**)

These Articles of Incorporation are adopted by the incorporating municipalities for the purpose of creating an Authority under the provisions of Act No. 179 of the Michigan Public Acts of 1947.

ARTICLE I

The name of this Authority is changed by amendment to this Article from "Southeastern Oakland County ~~Garbage and Rubbish Authority" to "Southeastern Oakland County~~ Incinerator Authority" to **"Southeastern Oakland County Resource Recovery Authority"**. All contracts, agreements, covenants and obligations of the Southeastern Oakland County ~~Garbage and Rubbish~~ **Incinerator** Authority shall remain and be equally effective and binding on the Southeastern Oakland County ~~Incinerator~~ **Resource Recovery** Authority, the purpose of ~~the~~ **this** amendment to this Article being solely to change the ~~original~~ name of the Authority without in any way affecting its corporate existence or its obligations and duties.

ARTICLE II

The names of the municipalities creating this Authority or later becoming a part thereof, and which are now constituent members thereof, are:

City of Berkley
Village of Beverly Hills
City of Birmingham
City of Clawson
City of Ferndale
City of Hazel Park
City of Huntington Woods
City of Lathrup Village
~~City of Madison Heights~~
City of Oak Park
City of Pleasant Ridge
City of Royal Oak
~~Township of Royal Oak~~
City of Troy

all in Oakland County, Michigan.

ARTICLE III

The purpose of this Authority is the collection and/or disposal of garbage and rubbish.

ARTICLE IV

This Authority shall be a body corporate with power to sue or to be sued in any court of this state. The Authority shall be comprised of the territory lying within the incorporating municipalities. No change in municipal jurisdiction over any territory within the Authority shall in any manner affect the Authority or its boundaries. It shall possess all the powers granted by statute and by these Articles, and all powers necessary to carry out the purpose of its incorporation and these incidents thereto. The enumeration of any powers herein shall not be construed as a limitation upon its general powers unless the context shall clearly indicate otherwise. It shall have a corporate seal.

ARTICLE V

~~This Authority shall continue in existence until dissolved by act of the parties or by law; provided, that it shall not be dissolved if such dissolution would operate as an impairment of any of its contracts.~~ **The Authority shall continue in existence until dissolved by law or as provided in this Article. The Members may dissolve the Authority by action approved by two thirds of the governing bodies of the Members and by two thirds of the total voting power of the Board. In no event may the Authority dissolve if the dissolution would impair any of its contracts. In the event of the dissolution of the Authority, then the book value of the Authority shall be determined and each constituent municipality shall be entitled to a pro-rata share of the assets of the Authority and shall assume a pro-rata share of the liabilities of the Authority other than those specifically contracted for by a particular constituent municipality.**

ARTICLE VI

The fiscal year of the Authority shall commence on the first day of July in each year and end on the 30th day of June of the preceding year.

ARTICLE VII

The governing body of this Authority shall be a Board of Trustees (sometimes hereinafter referred to as the "Board") which shall be constituted of one (1) representative from each constituent municipality, who shall be appointed by the governing body of such municipality on or before the 15th day of June of each year, and shall serve during the next fiscal year and until

his successor is appointed. The members of the Board of Trustees shall serve without compensation but the Board in its discretion may authorize the payment of the actual expenditures of any member, incurred in connection with the business of the Authority. The Board shall meet on the second Wednesday in July of each year, at 2:00 o'clock p.m., at the place of holding the meetings of the Board for the purpose of organization. At such organization meeting, the Board shall select a Chairman, a Vice-Chairman and a Secretary, who shall be members of the Board. At such organization meeting, the Board shall also select a Treasurer, a Finance Director, and an Assistant Secretary, who may or may not be members of the Board. The positions of Treasurer and Assistant Secretary may be held by the same person; or the position of Finance Director and Assistant Secretary may be held by the same person, but in that event such person shall not be authorized to act both as Assistant Secretary and Finance Director in signing and countersigning checks. Such officers shall serve until the organization meeting of the following year and/or until their respective successors shall be selected. Providing that no person shall serve as Chairman, Vice-Chairman or Secretary after he ceases to be a member of the Board. Within twenty (20) days after this Authority shall become effective, the governing body of each constituent municipality shall select its representative on the Board to serve for the remainder of the then fiscal year and within thirty (30) days after such effective date the Board members shall meet for the purpose of organizing the Board for the balance of such fiscal year. The time and place of such meeting shall be fixed in writing by members of the Board holding at least fifty-one per centum of the voting power of the entire Board, and notice thereof served upon all members in the manner provided in Article X. The agreement for such meeting may name the temporary chairman thereof. The governing body of each constituent municipality shall at the time of appointing its regular representative on the Board of Trustees also appoint an alternate representative who shall have the right to act in the place of the regular representative in event of the latter's absence from any meeting of the Board of Trustees, but his authority shall be limited to the business conducted at such meeting. For any other purpose he shall not be considered a member of the Board. It shall not be necessary to serve notice of meeting upon such alternates. No appointment to the Board and no selection of an officer of the Board shall be deemed to be invalid because it was not made within or at the time specified in these articles.

Any board member or any alternate may be removed at any time by action of the governing body of the municipality which he represents. Any officer may be removed by action of the Board of Trustees.

ARTICLE VIII

In event of a vacancy on the Board, the governing body of the municipality entitled to such representative shall fill the vacancy for the unexpired term. In event of a vacancy in any office of the Board, such vacancy shall be filled by the Board for the unexpired term. In case of the temporary absence or disability of any officer, the Board may appoint some person to temporarily act in his stead except that, in event of the temporary absence or disability of the Chairman, the Vice-Chairman shall so act.

ARTICLE IX

The number of votes to which each representative on the Board of Trustees shall from time to time be entitled, shall be one vote for each 3,000 tons or fraction thereof, of garbage and rubbish delivered to the Authority during the then preceding fiscal year from the municipality which he represents; Provided that the representative of any municipality which, at any time has not delivered its garbage and rubbish to the Authority's disposal plant for all of the preceding fiscal year, shall be entitled to one vote.

ARTICLE X

Meetings of the Board shall be held at least bi-monthly at such times and place as shall be prescribed by resolution of the Board. Special meetings of the Board may be called by the Chairman, or any three (3) members thereof, by serving written notice of the time, place and purpose thereof, upon each member of the Board, personally, or by leaving it at his place of residence, at least twenty-four (24) hours prior to the time of such meeting, or by depositing the same in a United States Post Office or mail box within the limits of the Authority, at least seventy-two (72) hours prior to the time of such meeting, enclosed in a sealed envelope properly addressed to him at his home or office address, with postage fully prepaid thereon. Special meetings of the Board at which all members are present shall be deemed to be valid even though no written notice thereof may have been given as above provided. Any member of the Board may waive notice of any meeting either before or after the holding thereof. The presence of

members of the Board holding more than fifty per centum of the total voting power of the entire Board, shall be required for a quorum.

The Board shall act by motion, resolution, or ordinance. For the passage of any motion, resolution or ordinance, there shall be required the affirmative vote of members of the Board possessing more than one-half of the total voting power of the entire Board, except where a larger vote is required by these Articles. The Board shall have the right to adopt rules governing its procedures which are not in conflict with the terms of any statute or of these Articles. The Board shall keep a journal of its proceedings, which shall be signed by the Chairman and Secretary. All votes shall be by "Yeas" and "Nays". The journal shall show how each member voted and the total number of votes for and against each motion, resolution or ordinance.

ARTICLE XI

The Board of Trustees shall appoint a General Manager. The General Manager shall be the chief administrative officer of the Authority, and shall perform all of the purely administrative functions of the Authority, unless otherwise delegated in these Articles. All such functions shall be performed in harmony with the adopted policies of the Board. The General Manager shall serve at the will of the Board and may be removed at any time by action of the Board.

ARTICLE XII

The Chairman of the Board shall be the presiding officer thereof. Except as herein otherwise provided, he shall not have any executive or administrative functions. In the absence or disability of the Chairman, the Vice-Chairman shall perform the duties of the Chairman. The Secretary shall be the recording officer of the Board. The Treasurer shall be custodian of the funds of the Authority. The Finance Director shall be the chief accounting officer of the Authority. All monies shall be deposited in a bank or banks, to be designated by the Board, and all checks or other forms of withdrawal therefrom shall be signed by the Treasurer, Chairman or Secretary of the Board and countersigned by the Finance Director or General Manager. The Assistant Secretary shall under all conditions and circumstances be authorized to act in place of the Secretary. Except as in these Articles otherwise provided, the Assistant Secretary shall have custody of the official records of the Authority. The Treasurer, and such other officers and employees as the Board shall determine, shall give to the Authority a bond in an amount as

determined by the Board, or as required by statute, conditioned upon the faithful performance of the duties of their respective offices. The cost of said bonds shall be paid by the Authority. The officers of the Board shall have such other powers and duties as may be conferred upon them by the Board.

ARTICLE XIII

The Authority shall possess all the powers necessary to carry out the purposes thereof and those incident thereto. It may acquire private property by purchase, lease, gift, devise or condemnation, either within or without its corporate limits, and may hold, manage, control, sell, exchange or lease such property. For the purpose of condemnation, it may proceed under the provisions of Act 149 of the Public Acts of 1911, as now or hereafter amended, or any other appropriate statute.

ARTICLE XIV

The Authority, and its several constituent municipalities, shall enter into a Contract or Contracts, for the disposal by the Authority of the garbage and rubbish originating in such municipalities, and for payment to the Authority, by the constituent municipality. Such Contract shall be for a period not exceeding thirty (30) years. The charges specified in such a Contract, for services rendered shall be subject to increase by the Authority, if necessary, in order to provide funds to meet its obligations. The Authority may also enter into such a Contract with any non-constituent City, Village or Township, or with any person, firm or corporation, for a reasonable period of time, but the charges thereunder shall be subject to change by the Authority from time to time.

There shall be established a uniform rate per ton for all material delivered to the Authority for disposal; provided, the rate may vary as between different classes of material delivered, in accordance with the regulations of the Authority. The rate shall be uniform for all constituent municipalities, and shall be uniform per ton, regardless of number of tons, for each method of disposal.

There shall be a "Ready-to-Serve Charge" included in the rate structure, which shall be based on the "Maximum Average Day". This "Maximum Average Day" shall be established by first determining the average day, in tons per working day, for each of the sixty (60) months

immediately preceding each fiscal year. The "Maximum Average Day" shall be the average day with the greatest tonnage computed as specified above.

The amount paid by the constituent municipalities, to the Authority, as a Ready-to-Serve Charge, and the rates paid by the constituent municipalities for services rendered, shall be established by resolution of the Board. The initial rates shall be included in the Contracts to be entered into by the Authority and each constituent member thereof. Said rates shall be maintained to produce revenue sufficient to pay all operating and other expenses of the Authority, and to meet the conditions of any ordinance authorizing the issuance of revenue bonds, issued in accordance with provisions of Act 94 of the Public Acts of 1933, as new or hereafter amended or issued in accordance with any other act.

ARTICLE XV

The Authority shall have the power to contract with any person, firm or corporation for the performance by the latter of any part of the work of collecting and/or disposing of garbage and/or rubbish.

ARTICLE XVI

For the purpose of acquiring, improving, enlarging or extending facilities for the collection and/or disposal of garbage and/or rubbish, this Authority may issue self-liquidating revenue bonds, in accordance with the provisions of Act 94 of the Public Acts of 1933, as now or hereafter amended; provided, that no such bonds shall be a general obligation of the Authority, but shall be payable from revenues only.

ARTICLE XVII

The Board shall have the power to secure all necessary services to carry out the functions of the Authority, and to fix the compensation of all of the employees of the Authority, and to provide Group Life Insurance, other group insurance, pensions and other benefits for the employees as are customarily provided by the constituent municipalities making up this Authority. No officer or employee of any constituent municipality shall receive any compensation from the Authority except by the vote of members of the Board possessing at least two-thirds (2/3) of the total voting power of the entire Board. The Board shall have power to enter into contracts with constituent municipalities, or other municipalities, for the providing of

municipal services, to the Authority by such municipalities and for the use by the Authority of facilities of such municipalities and for the payment by the Authority to such municipality of the reasonable cost thereof.

ARTICLE XVIII

The Board shall cause an annual audit to be made of its financial transactions by a certified public accountant, and shall furnish a copy thereof to each constituent municipality.

ARTICLE XIX

If any constituent municipality shall refuse or neglect to enter into a contract for the disposal of its garbage and rubbish through the facilities of the Authority, then the Board by the vote of members thereof possessing at least two-thirds (2/3rds) of the total voting power of the entire Board, may expel such municipality as a constituent part of the Authority. The Board may not modify or cancel any contract upon which its revenues are based, if the same would impair the obligation of any bond contract.

ARTICLE XX

If for any reason the total income of the Authority during any fiscal year shall not be sufficient to satisfy its obligations accruing during such year, including payments to be made to the Bond and Interest Redemption Fund if revenue bonds are outstanding, then the amount of any deficiency shall be prorated among the constituent municipalities, in accordance with the tonnage of garbage and rubbish delivered to the Authority during such fiscal year, which amount shall be considered as an additional charge for disposal services.

ARTICLE XXI

These Articles shall be published once in The Daily Tribune, a newspaper circulating within the Authority. One printed copy of such Articles of Incorporation, certified as a true copy thereof, with the date and place of publication, shall be filed with each the Secretary of State and the Clerk of the County of Oakland, within thirty (30) days after execution has been completed. ~~Edmund H. Waterhouse of the City of Huntington Woods, Michigan,~~ **The General Manager** is hereby designated as the person to cause these Articles to be published, certified and filed as aforesaid. ~~In the event he shall be unable to act or shall neglect to act, then Ashton J. Berst of the City of Pleasant Ridge, Michigan, shall act in his stead.~~

ARTICLE XXII

The governing body of a constituent municipality may request withdrawal from the Authority at any time. The municipality may withdraw as a constituent member of the Authority if the action is approved by two thirds of the governing bodies of the Members and by two thirds of the total voting power of the Board. In no event may a constituent member of the Authority withdraw from the Authority if the withdrawal would impair any contract of the Authority.

July 3, 2001

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Parks and Recreation Month

Recommendation

Staff requests approval by Council designating July as Parks and Recreation Month in Troy.

Background

The month of July is designated as Parks and Recreation month by the National Parks and Recreation Association.

The purpose of this designation is to bring awareness to the benefits of Parks and Recreation.

Parks and Recreation activities and experiences impact and benefit individuals, the community, environment and economy.

“The benefits are endless.”

Suggested Resolution

Whereas, Parks, recreation activities and leisure experiences provide opportunities for young people to live, grow and develop into contributing members of society and

Whereas, parks and recreation creates lifelines and continued life experiences for older members of our community, and

Whereas, generating opportunities for people to come together and experience a sense of community through fun recreational pursuits, and

Whereas, park and recreation agencies provide outlets for physical activities, socializations and stress reducing experiences and

Whereas, parks, playgrounds, nature trails, open spaces, community and historic sites make communities attractive and desirable places to live, work, play and visit in a manner that contributes to our ongoing economic vitality and

Whereas, parks and open spaces provide a welcome respite from our fast paced, high-tech lifestyles while simultaneously protecting and preserving our natural environment and

Whereas, parks and recreation agencies touch the lives of individuals, families, groups and the entire community, which positively impacts upon the social, economic, health and environmental quality of our community,

Now, Therefore **Be It Resolved**, that we proclaim July as Recreation and Parks Month and encourage all citizens to celebrate healthy, active lifestyles by participating in their choice of recreation and park activities.

City of Troy

Service Commendation

LARRY KEISLING

WHEREAS, Larry Keisling began his employment with the City of Troy as City Planner on November 4, 1968, 13 years after it became a City and three years after the first Master Plan was put into place; and

WHEREAS, **Larry** was promoted to Planning Director on June 28, 1971 and has watched the City grow from largely rural to the envy of Oakland County. In 1971 he was responsible for a major update of the Master Plan; and

WHEREAS, **Larry's** complete knowledge of land use, zoning and planning helped guarantee that the Master Plan would firmly guide the City with respect to water, sewer capacity, roads and drainage, all studied with two very important guiding principles: minimizing the impact of new development on established neighborhoods, and maintaining a healthy revenue stream for Troy over the long haul; and

WHEREAS, June 8, 2001 marked the occasion of **Larry's** retirement from the City of Troy with over 32 years of service and pride in the multitude of projects completed within the City's boundaries that have put Troy on the map; and

WHEREAS, During the course of his employment, **Larry** has contributed many tireless hours of dedicated service to the City of Troy and its citizens, while still finding quality time to devote to his wife Betty and children Brian, Kristin and Laurie;

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

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

Signed this 9th day of July 2001.

Matt Pryor, Mayor

Thomas S. Kaszubski, Mayor Pro Tem

Robin E. Beltramini, Councilwoman

Martin F. Howrylak, Councilman

David A. Lambert, Councilman

Anthony N. Pallotta, Councilman

Louise E. Schilling, Councilwoman

Advisory Committee for Senior Citizens
Minutes of May 3, 2001

Present:	David Ogg, Member	Steven Banch, Member
	Jo Rhoads, Member	Ed Forst, Member
	Merrill Dixon, Member	Bill Weisgerber, Member
	Lawrence Jose, Member	Carla Vaughan, Staff
Excused:	Marie Hoag, Member	Jane Crowe, Member
Absent:	None	
Visitors:	Jo-Anne Stein, Joe Gilligan, Dale Derning, Ed Volny	

Approval of Minutes: Motion by Jo Rhoads, supported by Steve Banch that the minutes of April 5 be approved as submitted. Ayes: All Nays: None MOTION CARRIED

Old Business:

Parks and Recreation Report: Larry Jose reported that an ethnic group would like a cricket field. They play cricket on Saturdays at Boulan Park. A group wants a field for remote control cars. The City is still working on acquiring more park area and making the parks accessible to persons with disabilities.

Troy Medi-Go *Plus* Report: The committee received an e-mail regarding a complaint about Medi-Go. Lillian Karamanian indicated that her mother had been stranded and the telephone at Medi-Go is often not answered. Jo Rhoads reported that Medi-Go is in transition, and they are getting complaints for the first time in 13 years. There are some glitches in the new computer system, and phones are not being answered because the supervisor is on the road driving. The volunteer Board of Directors is making every effort to get things back to normal. Merrill Dixon stated that the Advisory Committee is behind Medi-Go 100%. Carla will respond to Mrs. Karamanian.

Community Center/Civic Center Update: Carla reported that everything is on schedule and the new parking lot on the south side of the building will be done in a few days.

Suggestion Box: In response to a comment in the suggestion box about Troy's trips being priced too high, Larry Jose compared prices with nine other cities. Troy charged more in some cases and less in some cases, but he was unable to compare identical trips, i.e. same seat location, same menu, same departure and return time. Carla explained how trips are priced in Troy, using the June 10 Tiger game as an example. The Committee asked that something be put in the newsletter saying that the Committee would be happy to investigate if provided with specific details. Carla will include this in the June newsletter.

Jo Rhoads responded in writing to Everett Lenderman's request for golf fitness indicating that Carla would arrange such a program when the new community Center opens.

A suggestion was received to have brewed decaffeinated coffee available in the morning, not instant. Steve Banch will investigate.

OLHSA Committee: David Ogg reported that there was a speaker on dementia at the last meeting and that OLHSA has a speaker available to come to our meeting to explain their services. They are working in Lansing to increase funding for senior citizen home care.

Health and Wellness Day: Merrill Dixon will purchase the bagels and Steve Banch will purchase the juice, to be reimbursed by Carla. Several committee members will be present to serve the refreshments. Carla will provide cups, napkins, tablecloth and Advisory Committee brochures.

New Business:

Elton Blose: Jo-Anne Stein, Joe Gilligan, Dale Derning and Ed Volny wanted to know why Elton was terminated. Mr. Volny stated that Elton was popular, and Mr. Derning said that he should have his job back. Carla stated that it is a personnel issue and that she is not allowed to discuss it. Mr. Derning stated that the Advisory Committee should have been consulted and that they should review the matter. Steve Banch indicated that there was some concern about who would replace Elton. Carla stated that the position has been posted and that the City is accepting applications. Steve Banch suggested that persons wishing additional information should contact the City's Personnel Director.

Program Fees: Carla distributed a memo to City Council regarding charging fees to cover direct costs (**attachment**). There are currently eight programs for which direct costs are not covered. The Parks and Recreation Department is recommending that user fees be established to cover these costs and that the Confidential Assistance Program which provides scholarships for low income youth be expanded to include senior citizens. Bill Weisgerber suggested that a study group be formed. Merrill Dixon tabled the matter until the next meeting.

Other:

Term Limits: Merrill Dixon reported that Senior Advisory Committee members are limited to three three-year terms.

Nutrition Report: There were **1265** meals served at the Troy Community Center and **1675** homebound meals delivered during the month of **April**. The average donation was **$1.69** for meals served at the Community Center.

The meeting was adjourned at 11:50 A.M.

Respectfully submitted,

Carla Vaughan
Senior Director

To: Honorable Mayor and City Council

From: John Szerlag, City Manager

John Lamerato, Assistant City Manager/Finance and Administration

Gary Shripka, Assistant City Manager/Services

Carol Anderson, Parks and Recreation Director

Date: April 16, 2001

Re: Fees for Senior Programs

Background:

Some senior citizen recreation programs have been free since they were first offered two to three decades ago. We would like to begin charging for some of these programs as we move toward having most direct program costs covered by fees.

Instead of offering no cost programs, we would like to revise the Confidential Assistance Program for youth to include seniors as well. Senior programs would then be available to those meeting low-income guidelines at no or reduced cost.

We currently subsidize the following programs (approximate annual subsidy is in parenthesis):

Chair Exercise	($800)
Gardens	($1100)
Monthly Birthday Party	($600)
Movies	($90)
Senior Week Dance	($400)
Softball	($700)
Stretch and Tone	($600)
Volleyball	($800)

Most programs that have expenses are self-supporting. These include: aquatic exercise, ballroom dance lessons, bingo, bowling, computer classes, dances, defensive driving classes, golf leagues, line dance lessons, massage, muscle conditioning, painting, tai chi, piano keyboard lessons, tap dance lessons, travel, and yoga.

A number of free programs are offered that have no direct expenses. These include: bridge, chorus, cribbage, euchre, harmonica club and lessons, health screenings, needlework club, oil painting club, pinochle, quilting club, speakers, tennis league, and woodcarving club.

The senior newsletter would continue to be printed and distributed monthly at a cost of approximately $17,000 per year.

Recommended Action:

It is recommended that fees for senior citizen programs cover direct costs. It is further recommended that the Confidential Assistance Program be expanded to include seniors.

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, May 9, 2001, at City Hall in Conference Room C. The meeting was called to order at 3:00 p.m.

PRESENT: Mark Calice
Robert Crawford
Mark Halsey
Thomas Houghton, Chairman
John M. Lamerato
Anthony Pallotta
John Szerlag

MINUTES

Resolution # 01-18
Moved by Pallotta
Seconded by Szerlag

RESOLVED, that the minutes of the meeting of April 11, 2001, be approved.

Yeas: All 7

INVESTMENTS

Resolution # 01-19
Moved by Crawford
Seconded by Pallotta

RESOLVED, that the Board sell the following stocks and bonds: 10,000 Anheuser Busch; 6,250 Disney and $500,000 General Electric Credit due 11/1/01.

Yeas: All 7

STUDY SESSION

Resolution # 01-20
Moved by Houghton
Seconded by Halsey

RESOLVED, that the Board schedule a Study Session for July 18, 2001 at 300 p.m. in conference Room C.

Yeas: All 7

The next meeting is June 13, 2001 at 3:00 p.m. at City Hall in Conference Room C.

The meeting adjourned at 3:40 p.m.

LIBRARY ADVISORY BOARD MINUTES - FINAL MAY 10, 2001

The Chairman, Lynne Gregory, called the meeting to order at 7:30 P.M., on Thursday, May 10, 2001.

PRESENT:	Margaret Gaffney Lynne Gregory Fern Nelsen Nancy Wheeler
STAFF:	Brian Stoutenburg, Library Director
ABSENT:	David Cloyd Michael Gladysz (Student Representative)

ITEM # 1 APPROVAL OF MINUTES OF MEETING OF APRIL 8, 2001.

Motioned by Gaffney
Supported by Nelsen

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF APRIL 5, 2001 AS WRITTEN.

Motioned by Wheeler to excuse Mr. Cloyd and Mr. Gladysz from this meeting as they were out of town.
Supported by Gaffney

Yeas: 4 — Ayes. Gaffney, Gregory, Nelsen, Wheeler
Absent: 1 — Cloyd

MOTION TO EXCUSE MR. CLOYD CARRIED.

ITEM # 2 APPROVAL OF AGENDA.

Motioned by Gaffney to approve agenda.
Supported by Wheeler

Yeas: 4 — Ayes. Gaffney, Gregory, Nelsen, Wheeler
Absent: 1 — Cloyd

MOVED, TO APPROVE AGENDA CARRIED.

ITEM #3 ¾ POSTPONED ITEM ¾ DISCUSSION OF COLLECTION DEVELOPMENT AND MANAGEMENT PLAN, was reviewed.

Motioned by Wheeler to approve the Collection Development Plan as written.
Supported by Nelsen

Yeas: 4 — Ayes. Gaffney, Gregory, Nelsen, Wheeler
Absent: 1 — Cloyd

MOTION TO APPROVE COLLECTION DEVELOPMENT PLAN CARRIED.
ITEM #4 ¾ CHANGE OF DATE OF JUNE MEETING, was discussed. It was agreed to reschedule June meeting of the Library Advisory Board to Thursday, June 21, 2001.

ITEM #5 ¾ DISCUSSION OF SPACE REORGANIZATION. The contract for the renovation project has been held up due to some insurance questions. Once those have been resolved, the contract can move forward.

ITEM #6 ¾ ELECTION OF OFFICERS. The report of Nominating Committee was given by Margaret Gaffney. Nominations: Lynne Gregory, Chairman; Fern Nelsen, Vice-Chairman; David Cloyd, Secretary.

Motioned by Wheeler to approve the slate of Officers from the Nominating Committee.
Supported by Nelsen

Yeas: 4 — Ayes. Gaffney, Gregory, Nelsen, Wheeler
Absent: 1 — Cloyd

MOTION TO APPROVE SLATE OF OFFICERS CARRIED.

ITEM #7 ¾ REPORT AND COMMUNICATIONS

Director's report. The Director's Reports are attached.

Board Member comments. Nancy Wheeler suggested that the titles to be discussed at the Book Discussion Groups be listed in each Troy Today.

Also suggested was for the Library to explore a Family Pass to area Museums that could be circulated to patrons.

Suburban Library Cooperative. The last meeting was held at the Fraser Public Library. SIRSI training is underway. Replacement PCs for the old Acer machines have been ordered through Dell. It was decided to discontinue email and Internet service to Municipal employees and government officials. Trustees and Staff would continue to have this service provided. Standards were identified regarding computers that the Cooperative would support.

Friends of the Troy Public Library. The revised By-Laws were approved.

Monthly Reports (April). Circulation for the month of April compared with the same time period a year ago showed an increase of 22.9%. There was an increase in Patron visits by 15.8%, and program attendance was up 34.7%.

Staff Changes.	New Employees:	Joel Tripp, Library Assistant.
	Promotions:	Jeanette Smith to Acting Librarian; Becky Williams to Library Aide.
	Resignations:	Martha Cornish, Substitute Librarian; Annette Ponichter, Library Aide.

Gifts. No gifts were received.

Informational Items. May TPL Calendar, Access (April 2001)

Contacts and Correspondence. Seven written comments from the public were noted.

Public Participation. There was no public participation.

The Library Advisory Board meeting adjourned at 8:15 P.M.

Respectively submitted,

Brian Stoutenburg
Library Director

The Vice-Chairman, Christopher Fejes, called the meeting to order at 7:30 P.M., on Tuesday, May 15, 2001.

PRESENT:	Kenneth Courtney	ALSO PRESENT:	Mark Stimac
	Christopher Fejes		Bob Davisson
	Marcia Gies		Pam Pasternak
	Michael Hutson		
	Mark Maxwell		
	Walter Storrs		

ITEM #1 – APPROVAL OF MINUTES OF MEETING OF APRIL 24, 2001.

Motion by Maxwell
Supported by Storrs

MOTION to approve the minutes of the meeting of April 24, 2001 as written.

Yeas: 4 – Hutson, Maxwell, Storrs, Courtney
Abstain: 2 – Fejes, Gies

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF APRIL 24, 2001 AS WRITTEN.

ITEM #2 – VARIANCE REQUESTED. LIBERTY PROPERTY TRUST, 2600 AND 2710 BELLINGHAM, for relief to construct two new industrial building with a 6' high berm in lieu of the 6' high masonry-screening wall required.

This item was moved to the end of the agenda (Item #6) to allow the petitioner the opportunity to be present.

ITEM #3 – VARIANCE REQUESTED. EVANSWOOD CHURCH OF GOD, 2601 E. SQUARE LAKE, for relief to maintain a landscaped berm in place of the 4'6" high masonry wall required along the west side of off-street parking and relief of the 4'6" high masonry wall required along the north side of off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board to provide a berm in place of the 4'6" high wall on the west side of off-street parking and deletion of the 4'6" high wall required along off-street parking on the north side of the property. This relief was originally granted in 1995 based on the fact that the property immediately north of the parking lot is wetlands and has substantial growth. In 1998 this variance was granted a renewal for a period of three years. Conditions remain the same and we have no complaints on file. This item first appeared before the Board of Zoning Appeals at the meeting of April 24, 2001 and was tabled to allow the petitioner the opportunity to be present.

ITEM #3
Mr. John Sharp, Moderator for Evanswood Church of God, and the Pastor, Paul Sober, were present. Mr. Sharp stated that this is the third renewal request they have made and that there are many mature trees growing along the berm. He also said that they would have to remove a very mature oak tree in order to put up a wall. Mr. Sharp also said that the north side of the property is surround by a marsh.

Motion by Courtney
Supported by Maxwell

MOVED, to grant Evanswood Church of God, 2601 E. Square Lake, a three (3) year renewal for relief to maintain a landscaped berm in place of the 4'6" high masonry wall required along the west side of off-street parking and deletion of the 4'6" high masonry wall required along the north side of off-street parking.

- Variance is not contrary to public interest.
- There are no complaints or objections on file.
- Conditions remain the same.

Yeas: All – 6

MOTION TO GRANT VARIANCE FOR THREE YEARS CARRIED

ITEM #4 – VARIANCE REQUESTED. MR. DAN SIMIONESCU, 691 OTTAWA, for relief of the Zoning Ordinance regarding the size of accessory buildings and for approval to construct a barn.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a barn. The plans submitted indicate a proposed 1520 square foot barn located behind an existing 1440 square foot detached garage that will result in 2960 square feet of accessory buildings. Section 40.57.04 limits the size of accessory buildings on a parcel to 600 square feet or one-half the ground floor area of the main building whichever is greater. Because the main building on this site covers 3732 square feet, accessory buildings are limited to 1866 square feet. Also, Section 40.57.10 required Board of Zoning Appeals approval for the construction of a barn.

Mr. Dan Simionescu was present and stated that his property covers slightly more than 2 acres of land, and he needs this barn in order to construct stalls for a horse, a donkey and two goats. Mr. Simionescu stated that the animal stay outside in the summer, however, he needs a place for them to go when the weather turns cold. He also needs the extra room for the storage of hay. Mr. Simionescu also said that this barn would be 400' from the road and at least 200' from the rear property line. Mr. Simionescu has four drivers in his family with a fifth on the way and does not have any place to park the

ITEM #4

extra cars in the winter. Mr. Simionescu further stated that he had spoken to his neighbor on the east side of his home, who stated that he has no objection to this barn.

Mr. Siomionescu also stated that in the time he has lived in this home, he has not received any complaints on his animals and has a good relationship with his neighbors.

Mr. Stimac explained that there were two items before the Board. The size of the accessory structures needs the petitioner to demonstrate a hardship as it applies to the land, however the Board only needs to approve the construction of the barn without the need for the petitioner to show a hardship. Mr. Hutson asked what there was about the land that would demonstrate a hardship. Mr. Simionescu stated that he could not put the barn in any other location, due to the fact that there is a dip in his property, which is always wet. Mr. Simionescu also said that he did not feel that his request was excessive due to the fact that his property is very large and can support a structure that is this size. Mr. Storrs asked what the height restriction was and Mr. Stimac stated that it is 14'. Mr. Storrs also questioned why the Board had to approve construction of a barn and Mr. Stimac stated that when a structure is used as a barn, to house animals, the Ordinance requires the Board approve it. Mr. Storrs also questioned Mr. Simionescu as to several large boulders which are located on the property. Mr. Simionescu stated that they are planning to use these boulders for landscaping and have a contractor who is doing the work.

Mr. Courtney asked if Mr. Simionescu could convert his detached garage to a barn and Mr. Simionescu stated that it is too far away from the existing animal pen. Mr. Simionescu wants to be able to have a structure connected to the animal pen, so that the animals can go in and out of the structure. Mr. Simionescu further stated that there is a great deal of water due to the fact that there are two culverts in this area causing this portion of his property to be wet most of the time.

Mrs. Gies asked Mr. Simionescu how he came up with the size of the barn and he stated that he had planned on four stalls, plus room for the storage of hay and his tractor.

Mr. Fejes asked what options Mr. Simionescu would have if his request for a variance were to be denied and Mr. Simionescu stated that he would probably just have to continue the way he has been doing things. Mr. Simionescu also stated that due to the fact that this building has an 8' overhang, it appears bigger than it actually is. Mr. Storrs questioned the fact that the overhang was added into the total square footage of the building, and Mr. Stimac stated that overhangs, such as what is proposed here, have always been considered in the total square footage of a building.

Mr. Maxwell questioned the size of the building and the fact that there are already two garages on the property. Mr. Simionescu stated that he had determined that this was

ITEM #4
the size of a building he would need and feels that his property should not be considered the same as a typical subdivision lot. Mr. Simionescu also said that if he had to move this structure, he would have to take out his garden and did not feel that they would be able to enjoy their property as they would lose most of their yard. Mr. Maxwell stated that he was concerned with the size of the building, due to the fact that a variance stays with the land, and he thinks there would be too many buildings on the property. Mr. Maxwell asked Mr. Simionescu if he could build a smaller structure, and Mr. Simionescu again stated that he did not believe this request was excessive and that he had researched this very carefully to determine exactly what he would need.

The Vice-Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no objections on file.

Mr. Fejes stated that he thinks that the property can support another structure, however, he expressed concern over the size of the barn. Both Mr. Hutson and Mr. Courtney stated that they agreed that the size of the structure was of some concern to them. Mr. Simionescu again stated that he had given the size of the structure a great deal of thought, before he brought his request to the Board. Mr. Maxwell asked if he could put a stall in the accessory building and Mr. Simionescu stated that he has two stalls in this building, however, he still has to store his hay outside. Mr. Maxwell asked if the existing building could be converted to a barn and Mr. Simionescu stated that it would be very difficult for him due to the fact that he would have to move the animal pen up and therefore would lose most of his yard.

Motion by Storrs
Supported by Gies

MOVED, to grant Mr. Simionescu relief of the Zoning Ordinance regarding the size of accessory buildings and for approval to construct a barn.

- Variance is not contrary to public interest.
- Conforming to the ordinance is unnecessarily burdensome for the petitioner.
- Variance will not cause an adverse effect to surrounding property.
- The large size of this property is such that a building of this size would not be inappropriate.
- The amount of wooded and wet area on the property prevents the property owner from full use of the property.

Motion by Courtney
Supported by Hutson

ITEM #4
MOVED, to table the request of Mr. Simionescu, 691 Ottawa, for relief of the Zoning Ordinance regarding the size of accessory buildings and for approval to construct a barn until the meeting of June 19, 2001.

- To allow the Board members to take a closer look at this property to determine the hardship.
- To allow the petitioner to determine if a decrease in the request of his variance would be in order.
- To allow the petitioner to present to the Board an interior layout showing why the petitioner requires this size of a building.

Yeas: 6 – Maxwell, Storrs, Courtney, Fejes, Gies, Hutson

MOTION TO TABLE THE REQUEST OF MR. SIMIONESCU UNTIL THE MEETING OF JUNE 19, 2001 CARRIED.

ITEM #5 – VARIANCE REQUESTED. MR. MARK WHISNANT, 2106 VIRGINIA, for relief of the Zoning Ordinance regarding the square footage of accessory buildings.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a detached garage. The permit application indicates the proposed construction of a 1200 square foot detached garage. Section 40.57.04 limits the size of accessory structures to 600 square feet or one half of the ground floor area of the main building whichever is greater. Because the existing house has 1,554 square feet of ground floor area, accessory buildings are limited to 777 square feet.

Mr. Mark Whisnant was present and stated that his garage is presently 24' x 24' and was built in 1943. Mr. Whisnant further stated that this garage is in need of repair and he would like a larger garage due to the fact that he has two full size pickup trucks, 2 snowmobiles, a boat and two four-wheelers. Mr. Whisnant also said that parking is not allowed on the south side of Virginia and his vehicles are placed out in his yard. Mr. Whisnant stated that he would like to be able to store his vehicles and equipment behind a closed door.

Mr. Storrs asked what type of business Mr. Whisnant was in and if he ran a business out of his home. Mr. Whisnant stated that he works for a gravel hauler and does not run a business from his home. Mr. Whisnant further stated that the trucks are parked at his place of business which is on Twenty-Three Mile and Ryan Road.

Mrs. Gies questioned Mr. Whisnant regarding his present garage. Mr. Whisnant stated that the present garage is a two-car garage, however due to the fact that it was built in 1943, it has only one door which makes it very difficult to get his pickup trucks inside. Mr. Storrs asked how long Mr. Whisnant had lived at this address and he stated that

ITEM #5
they moved into the home in November 2000. Mr. Whisnant stated that they have done a great deal of clean up on the property.

Mr. Hutson asked if based on the dimensions of the home, Mr. Whisnant could live with a garage that was 40' x 20'. Mr. Whisnant stated that he could live with something smaller and if necessary he could probably make do with what he had; however, he would be forced to store his extra vehicles outside.

The Vice-Chairman opened the Public Hearing.

Mr. Jim Groesbeck, of 2044 Virginia was present and stated that the neighbors do not object to the construction of a larger garage. Mr. Groesbeck stated that the Whisnants have done a very good job of cleaning up this property and understands why they would like to be able to store their property inside a building. Mr. Groesbeck approves of this variance request.

Gary Tarr of 2009 Milverton was present and stated that he also approved of this variance request.

No one else wished to be heard and the Public Hearing was closed.

There is one written approval on file. There is one written objection on file.

Mr. Storrs asked if Mr. Whisnant could live with a garage which would be 40' x 25', which would reduce the variance request by 200 square feet. Mr. Whisnant stated that he would be willing to reduce the size of his garage.

Motion by Maxwell
Supported by Storrs

MOVED, to grant Mr. Mark Whisnant, 2106 Virginia relief of the Zoning Ordinance regarding the square footage of accessory buildings.

- Size of garage would be reduced to 30' x 34'.
- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.
- Petitioner is willing to work with the Board regarding the size of his request.
- There is no parking permitted on the petitioner's side of Virginia.

Yeas: 6- Storrs, Courtney, Fejes, Gies, Hutson, Maxwell

MOTION TO GRANT VARIANCE WITH ABOVE STIPULATION CARRIED

ITEM #6 (ITEM #2) - VARIANCE REQUESTED. LIBERTY PROPERTY TRUST, 2600 AND 2710 BELLINGHAM, for relief to construct two new industrial buildings with a 6' high berm in lieu of the 6' high masonry-screening wall required.

This item was moved to the end of the agenda (Item #6) to allow the petitioner the opportunity to be present.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board in May 2000 to construct two new industrial buildings with a 6' high berm in lieu of the 6' high masonry-screening wall required. Conditions remain the same and we have no objections or complaints on file.

Ms. Janell Gilardone, representing Liberty Property Trust was present and stated that she had nothing to add.

Motion by Courtney
Supported by Maxwell

MOVED, to grant Liberty Property Trust, 2600 and 2710 Bellingham, a two (2) year variance for relief to construct two new industrial buildings with a 6' high berm in lieu of the 6' high masonry-screening wall required.

- Conditions remain the same.
- We have no complaints or objections on file.
- Two-year variance to allow the Board to observe the maintenance of the berm.

Yeas: 6 – Storrs, Courtney, Fejes, Gies, Hutson, Maxwell

MOTION TO GRANT VARIANCE FOR TWO (2) YEARS CARRIED

MISCELLANEOUS BUSINESS

Motion by Courtney
Supported by Hutson

MOVED, to elect Mr. Fejes, Chairman for the Board of Zoning Appeals for the term ending May 2002.

Yeas: 6 – Courtney, Fejes, Gies, Hutson, Maxwell, Storrs

MOTION TO ELECT MR. FEJES CHAIRMAN FOR THE BOARD OF ZONING APPEALS CARRIED

Motion by Courtney

Supported by Fejes

MOVED, to elect Mr. Hutson, Vice-Chairman for the Board of Zoning Appeals for the term ending May 2002.

Yeas: 6 – Courtney, Fejes, Gies, Hutson, Maxwell, Storrs

MOTION TO ELECT MR. HUTSON, VICE CHAIRMAN FOR THE BOARD OF ZONING APPEALS CARRIED

The Board of Zoning Appeals meeting adjourned at 8:41 P.M.

MS/pp

.

FINAL MEETING MINUTES OF MAY 22, 2001

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:33 P.M. on Tuesday, May 22, 2001 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present: (All 9) Chamberlain
Kramer
Littman
Pennington
Reece
Starr
Storrs
Waller
Wright

Absent: None

Also Present:
Laurence G. Keisling, Planning Director
Mark Miller, Principal Planner
Robert Davisson, Assistant City Attorney
Jordan Keoleian, Student Representative
Barbara Holmes, Deputy City Clerk

The Commission welcomed new Planning Commission member Cindy Pennington. Ms. Pennington was appointed to fill the unexpired term of Robin Beltramini, who was elected to the City Council.

2. MINUTES – Regular Meeting of May 8, 2001
Special Meeting of May 7, 2001

Mr. Chamberlain stated that the Resolution approving the Revised Plan for the St. Petka Church should be revised to delete the word "significant" in the fourth condition attached to the Commission's action. That condition would now read "(4) Any other changes to the Site Plan will be returned to the Planning Commission for their review and approval."

RESOLUTION:

Moved by: Reece Seconded by: Littman

RESOLVED, that the minutes of the Regular Meeting of May 8, 2001 be approved as corrected.

Yeas: All Present (9) Absent: None

MOTION CARRIED

Mr. Chamberlain noted that there were a couple of detail items, including Mr. Lenivov's address, which needed to be included in the Draft Minutes which he prepared for the May 7, 2001 Special Meeting with Mayor Matt Pryor.

RESOLUTION

Moved by Starr Seconded by Wright

RESOLVED, that the Minutes of the Special Meeting of May 7, 2001 be approved as modified.

Yeas: Chamberlain
Littman
Pennington
Reece
Starr
Storrs
Waller
Wright

Abstain: Kramer

Absent: None

MOTION CARRIED

3. OATH OF OFFICE – PLANNING COMMISSION MEMBERS

Mr. Keisling noted that the City Clark and the Acting City Attorney have determined that it is necessary to administer an Oath of Office to Planning Commission members and to members of other City Boards and Committees. Barbara Holmes, Deputy City Clerk, then administered the Oath of Office to the Planning Commission members.

REGULAR BUSINESS ITEMS

4.. PUBLIC HEARING – SPECIAL USE REQUEST – Proposed Temporary Outdoor In-Line Hockey Rinks – North of Big Beaver, West of John R Road – Section 23.

Mr. Keisling explained that, in May of 2000, the Planning Commission granted Special Use Approval for the temporary placement of two outdoor in-line hockey rinks on a portion of the B-2 and O-1 zoned Troy Sports Center Site on the north side of Big Beaver, west of John R Road. This request was submitted in accordance with Section 21.30.04-B of the Zoning Ordinance, which provides for the establishment of such outdoor recreational activities on B-2 sites, subject to conditions related to matters such as location, setback, and fencing. The approval granted at that time covered the period from May 10, 2000 to September 30, 2000.

Mr. Keisling noted that the property owners and petitioners have once again submitted a request for Special Use Approval in order to enable the proposed outdoor in-line hockey rinks to be placed on their site, in a manner identical to that approved by the Planning Commission last year. The Plan submitted with this request is an excerpt from the Plan which was approved in conjunction with the Commission's action in May of 2000. At their request, and in part at the suggestion of staff, the Public Hearing advertisement related to this matter indicates the potential establishment of this temporary use for periods extending from May 1 through September 30 in the years 2001, 2002, and 2003. Mr. Keisling stated that, as indicated at the time of the original request, the location and proposed use meet applicable ordinance provisions, with the condition as previously applied relative to the blocking off of seating inside

the Sports Arena in order to ensure adequate parking. Staff therefore recommended that this request for Special Use Approval for the three Summer periods be granted.

Mr. Davisson distributed a memorandum from Ms. Bluhm, regarding a phone call which she had received from Mrs. Rasmussen, a resident in an area northwest of the subject site. Mrs. Rasmussen complained about various noises emanating from the proposed use.

In response to Mr. Chamberlain's question, Mr. Keisling noted that the Commission could limit the hours of operation of this proposed use, in conjunction with their action on the Special Use Request. Mr. Reece expressed concern about the adequacy of parking in the event that a high-volume activity such as the Home Show might occur during the Summer.

The Public Hearing was declared open.

Dennis Bostick and other representatives of the Troy Sports Center were present. Mr. Bostick stated that the hours of operation were typically from 6 p.m. to 11 p.m. or 11:30 p.m. Sweeping up the lot, about which Mrs. Rasmussen complained, occurs after 7:30 a.m. and not late at night. In response to Mr. Reece's questions about potential large-scale events, Mr. Bostick stated that such events typically do not occur in the Summer. Summer events most often include athletic camps, clinics, etc. In response to Mr. Littman's question, Mr. Bostick noted that the rink elements will be secured by anchors placed in concrete pads. In response to Mr. Storrs questions about the detention basin in the area to the northeast fronting on John R, Mr. Keisling explained that it is a private basin, and that the property owners are responsible for maintenance. Mr. Bostick indicated that he would follow through on the cutting of weeds in that area, as he did not want it to become a nuisance.

No one else wished to be heard.

The Public Hearing was declared closed.

RESOLUTION

Moved by Waller Seconded by Littman

RESOLVED, that Special Use Approval, as requested for the temporary placement of two outdoor in-line hockey rinks on a portion of the B-2 and O-1 Zoned Troy Sports Center site on the north side of Big Beaver, west of John R is hereby granted, in accordance with Section 21.30.04-B of the Zoning Ordinance, for periods extending from May 1 through September 30 for the years 2001, 2002, and 2003, subject to the following conditions:

1) Seating inside the Sports Arena building will be blocked off in order to offset parking spaces made unavailable by this use.

2) Additional spectator area will be provided outside the limits of the rinks, delineated or barricaded in a manner which will assure the health, safety and welfare of the public.

Mr. Storrs expressed concern about granting this approval for three years. He felt that approval for 2001 would be adequate and that a condition should be added relative to limiting outdoor activity after midnight. Mr. Reece also noted that, with the Commission's action, it is assumed that when the rinks are in place, seating within the Sports Center will be blocked-off.

RESOLUTION

Moved by Littman Seconded by Wright

RESOLVED, that the resolution regarding the Special Use Request for the temporary placement of two outdoor in-line hockey rinks on the Troy Sports Center site be amended to apply just to 2001, and to include that there be no outdoor activity on this site between midnight and 7 a.m.

Yeas: All Present (9) Absent: None

MOTION CARRIED

The resolution was thus amended to read as follows:

RESOLVED, that Special Use Approval, as requested for the temporary placement of two outdoor in-line hockey rinks on a portion of the B-2 and O-1 Zoned Troy Sports Center Site on the north side of Big Beaver, west of John R is hereby granted, in accordance with Section 21.30.04-B of the Zoning Ordinance, for a period extending from May 1 through September 30, 2001, subject to the following conditions:

1) Seating inside the Sports Arena building will be blocked off in order to offset parking spaces made unavailable by this use.

2) Additional spectator area will be provided outside the limits of the rinks, delineated or barricaded in a manner which will assure the health, safety, and welfare of the public.

3) There will be no activity on the site between midnight and 7 a.m.

(Vote on amended motion)

Yeas: All Present (9) Absent: None

MOTION CARRIED

STUDY ITEMS

5. BOARD OF ZONING APPEALS REPORT

Mr. Storrs noted that Marsha Gies, formerly a member of the Board of Review, has now been appointed to the Board of Zoning Appeals. She has replaced Mr. Milia who chose not to be reappointed.

Mr. Storrs then commented on a request for a variance in order to permit the construction of accessory buildings exceeding the area limit of the Zoning Ordinance on a 2-acre lot on the north side of Square Lake between Rochester and Livernois. The Board tabled action on this

matter for further review. Mr. Storrs felt that the request appeared to be reasonable, and noted that perhaps the Ordinance ought to permit additional accessory building area on larger parcels.

6. CURRENT DEVELOPMENT REPORT

Mr. Keisling advised the Commission that, the City Council, at their May 21 Regular Meeting, approved the Preliminary Plan for the proposed Shady Creek North Site Condominium. In part as a result of a communications error, the Council tabled action on the proposed West Oak Subdivisions until their June 4, 2001 Regular Meeting.

Mr. Keisling then referred to the memorandum which had been distributed to the Commission, regarding the development of Zoning Ordinance language which would enable "Transfer of Development Rights" processes within the DDA District . This matter first came up as the result of a proposal to develop a high-rise office building on a parcel abutting the northwest quadrant of the I-75/Big Beaver interchange. The parcel includes a portion of the Magna site. The developers are proposing to transfer a portion of the building intensity permitted by the Zoning Ordinance which Magna will not be using on the remainder of their site, to the proposed site within the Big Beaver frontage, so that a larger building can be constructed. The Preliminary concept proposed by staff would involve projects which would result in an overall reduction of p.m. peak hour traffic as compared to full development under the current zoning classifications of both parcels involved. The resultant development should also have a significantly larger amount of landscaping as compared to development in accordance with the Zoning Ordinance.

Mr. Chamberlain commented that this matter had also been presented to and preliminarily discussed by the DDA. He doesn't support the proposal to limit the potential use of this development tool to the DDA District. He does however like the potential for applying this approach to the Civic Center site. Mr. Reece questioned the nature of the "control mechanism" which would be involved in order to assure that the development of the parcels involved is limited as intended. Mr. Keisling commented on the approach used for the transfer of sanitary sewer units in the Evergreen District, where the transfer is established through a recorded agreement executed by the two property owners involved, as well as by the City. Mark Miller noted that the present intent of staff is that this development approach would be used on abutting parcels. Mr. Littman noted that this approach would encourage the use of parking structures. The Commission then discussed several other potential elements of a "Transfer of Development Rights" approach, and raised questions about matters such as involving a variety of types of land uses, involving parcels which are substantially removed from one another, and using the TDR approach for the preservation of open space and natural features. Mr. Chamberlain asked that the staff minimize the size or volume of the proposed text.

7. DOWNTOWN DEVELOPENT AUTHORITY REPORT

Mr. Chamberlain commented on the May 16, 2001 DDA Meeting, which involved discussion of their proposed 2001 – 2002 budget, and extensive discussion of the DDA bonding process. He then asked that the date of the next DDA Meeting be confirmed (June 20, 2001), and that there be adequate notice of the dates of these meetings, along with the potential cancellation of same. He then noted that the City Council is proposing to visit the theater in Rosemont, Illinois, and the Cobb Center near Atlanta, in order to assist them in their potential decisions regarding a Performing Arts Center and a Conference Center on the Civic Center site.

8. PROPOSED FUTURE LAND USE PLAN

Mr. Keisling noted that, in recent Study Meetings, the Commission has been discussing various potential amendments to the Master Land Use Plan, which could then become a part of an updated plan document which is proposed to be called the Future Land Use Plan (consistent with the title contained in recent proposed legislation). At the March 27th Study Meeting a Draft Revised Future Land Use Plan map, incorporating those matters which had been discussed to date was presented and discussed. Staff had also previously presented a proposed Transportation Plan element of the overall Future Land Use Plan which would depict the Master Thoroughfare Plan, the proposed city-wide walkway/bikeway plan, and other transportation related elements. The Commission subsequently proposed some additional items which could be included on the Transportation Plan. As the Commission proceeded in their discussion of potential Future Land Use Plan Amendments, staff was asked to depict those additional amendments in the same manner as had previously been done, through the use of a map which depicts only the proposed amendments and not the underlying plan. Some Commission members also requested some background items which should be included in the explanatory text portion of the proposed Future Land Use Plan.

It was noted that, in preparation for this meeting, the Commission had received an updated proposed Transportation Plan map, including those items previously suggested by the Commission. An updated map indicating potential Plan Amendments was also provided. The Commission also received a portion of the proposed explanatory text, which included an historical summary entitled Evolution of the Master Plan, Goals and Objectives of the Future Land Use Plan, background information, and a portion of the section related to the elements of the City's current development.

Mr. Keisling and the Commission reviewed the map indicating potential Future Land Use Plan changes. In the course of the Commission's discussion it was decided that the current land use configuration indicated in the northwest quadrant of the Big Beaver/John R intersection should remain as presently depicted. In conjunction with a discussion of present and potential (Environmental) Preservation Areas, Mark Miller noted that the map being prepared by Dr. Jaworski will provide another resource for additions to the indicated Preservation Areas. Dave Waller asked that the proposed Planned Auto Center designation be extended further west across the Maple Road frontage.

In the course of discussing the proposed Transportation Plan, Mr. Kramer noted that new State legislation has been presented and perhaps adopted in relation to the use of "Neighborhood Electric Vehicles". Such vehicles could certainly become a significant part of a community's transportation resources. Staff was asked to secure a copy of the legislation. Mr. Littman expressed concern about the indication of a walkway/bikeway through the wooded portion of the Northfield Hills open space area. Mr. Storrs confirmed that maps indicating the signed Bikeway System throughout the City area still available. Mr. Keisling noted that the vast majority of that system is on local streets. Mr. Chamberlain commented that the Commission must encourage implementation of the various elements of the Big Beaver Corridor Urban Design Plan, including seating and other street furniture, etc. in order to make the area more pedestrian friendly. After discussion of the proposed "Transit Corridors", it was decided that the Transportation Plan should include the indication of such a Corridor on Livernois extending south from Big Beaver to the City's south boundary.

In response to Mr. Chamberlain's question, Mr. Keisling confirmed that the text provided to the Commission thus far does not include language related to the proposed Future Land Use Plan itself.

9. PUBLIC COMMENTS

No one wished to be heard.

The Meeting was adjourned at 9:50 p.m.

Respectfully Submitted,

Laurence G. Keisling
Planning Director

/lbz

TROY DAZE MINUTES
MAY 22, 2001

Called to order at 7:34PM by Bob Berk.

Present:	Cele Dilley	Cheryl Whitton-Kaszubski
	Jim Cyrulewski	Bill Hall
	Kessie Kaltsounis	Dave Swanson
	Jeff Biegler	Bob Berk
	Dick Tharp	Sue Bishop
	Steve Zavislak	Cindy Stewart

Chairpersons & Guests:	Scott Wharff	JoAnn Preston
	Tom Kaszubski	Dave Lambert
	Robert Preston	Gloria Whicker
	Raymond Diaz	Shirley Darge
	Linda Hannon	Michael Oleszkowicz
	Alison Miller	

Motion by Cheryl, second by Kessie, and carried, to excuse Eldon Thompson as he is out of town.

Secretary Report – Motion by Kessie, second by Sue, and carried, to accept April minutes as printed.

Treasurer's report – Cheryl reports the city showing revenues of $115,488.99 and expenses of $141,538.76. She also reported that City Council has approved the new budget.

New Business – Jim recommended a new committee be created as Teen Special Events. A motion was made by Sue, second by Kessie, and carried, to establish Teen Special Events Committee, appoint Alison Miller and Rebecca Mill as Chairpersons and to appoint Alison Miller as Chairperson for the New Cars Auto Show.
Jim reviewed the criteria for presenting Milestone Plaques to participants. Still need 10 years or more with Troy Daze.

Old Business – Update on Purchase Orders for a variety of items needed this year. Jeff Biegler is in the process of getting quotes on golf carts, porta johns, chairs/tables, stage/dance floor/lighting and the tents. When Jeff has all the information, he will initiate purchase orders for each. In getting info on the larger tents that were mentioned last month, so far it looks like a minimum cost of $5,000.00 and he will need the Board to decide if they wish to spend that amount before he puts anything in the purchasing system.
The board decided to use hunter green shirts this year and Joy will take care of that after number of shirts needed is determined.
The fireworks purchase order is finished just waiting for the insurance certificate to be sent to Risk Management.
The date is to be announced for the meeting with City Council regarding the Troy Daze Mission Statement. Do hope to have results soon.
Updating the ride vendor situation, Pugh is in the process of filing a form of bankruptcy, offered a Surety Bond equal to our highest numbers, but there actually is no guarantee they would be able to provide services. It was recommended to City Council and they approved to go with Arnold's Amusements. Jim and Bob both mentioned that a pre-opening walk through is back on the agenda this year.

Adjourned at 7:56PM.

Next Troy Daze Advisory Committee meeting, Tuesday, June 24, 2001, at 7:30PM to be followed by Festival Committee Meeting.

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT – JUNE 6, 2001

The Chairman, Nancy Sura, called the meeting to order at 7:09 pm Wednesday, June 6, 2001.

Present:	Leonard Bertin, member	Nancy Sura, member
	Angela J Done, member	Dick Kuschinsky, member
	Dorie House, member	Nancy Johnson, member
	John Rodgers, member	Cynthia Buchanan, alt member
	Jerry Ong, student rep	Shreyas Patel, student rep
	Mitch Grusnick, staff	Mary McGinnis, staff
Absent:	Phillip D'Anna, member	Sharon Connelly, member
	Mary Ann Butler, alt member	Kul B Gauri, alt member

ITEM B – APPROVAL OF MINUTES OF MEETING OF May 2, 2001.

Motion by Bertin
Supported by Kuschinsky

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC

Jo Rhoads – Troy Medi-Go and Senior Advisory Committee
Annette Kingsbury – Troy Eccentric Newspaper

ITEM D – NEW BUSINESS

Nancy Sura explained the purpose of this Committee for new members and guests. She passed out a 1998 report prepared by this Committee titled New Troy Community/Civic Center.

Sura motioned the nomination of Leonard Bertin as chairperson and Angie Done as vice chairperson. Motion by Kuschinsky and supported by Rodgers to close nominations. All voted in favor of closing nominations and in support of Bertin for Chairperson and Done for Vice-Chairperson.

Sura highlighted accomplishments of this Committee during her leadership such as the appointment of a student representative and expanding the Committee to 12 members. This Committee has also helped identify some needs of the community with the Community Block Program, Medi-Go, and the design and function at the new Community Center.

Sura also stated that more cross communication between Committees has developed, and that having City Staff Representatives attend our meetings has been a wonderful addition.

Bertin stated that he would like to see a specific place provided at the Library that the general public could use to obtain information on disability issues. Between Bertin and Johnson they have a lot of information or could suggest materials that could be useful, but it needs to be in a centralized place to be readily available.

ITEM E – REGULAR BUSINESS

Bertin suggested that since Carla Vaughan is the ADA representative for the City, that she should be invited to one of our meetings to explain what her duties are in this area.

Mitch Grusnick spoke to Mark Stimac, Director of Building and Zoning, about giving this Committee the opportunity to review the plans of improvements to City owned buildings. Mr. Stimac agreed to this idea and will send plans when they become available.

ITEM F – OLD BUSINESS

Bertin had a comment on the quality of service of the Home Chore Program. The service of lawn mowing is poor, the lawn is not cut on time, they do not complete weed whacking, his downspouts have been driven over with the mowers and there are gouges in the trees. Bertin suggested that someone from Bill Needs office should make some type of spot inspection to see if the quality of work is up to City's standards.

Bertin has talked to Carol Anderson from the Community Center concerning the accessibly of the Nature Center to persons with disabilities. Anderson has stated that she is amenable to purchasing a four-wheel outdoor scooter with 12" wheels for persons with disabilities to use on the trails.

Sura stated that she has taken over as teacher of the Adaptive Computer Club at the Community Center, Patel will be her assistant. The club has 8 kids at the present time and are hoping to eventually make it a drop in program.

ITEM G – INFORMATIONAL ITEMS

Jo Rhodes the founder of Troy Medi-Go and a member of the Advisory Committee for Senior Citizens was a guest at the meeting. Sura asked if there were unmet needs at Medi-Go? Rhodes stated that there are a few so Medi-Go has to prioritize at times. Cancer, radiation, dialyses and chemo patients are prioritized rides. Rhodes stated that Independence for Life is going to disband and has given Medi-Go their two vans, but stated that they still need two more vans, one with a lift.

ITEM H - ADJOURN

Motion was made to adjourn by Done and seconded by House. Meeting was adjourned at 9:14 p.m.

MG:mm

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:32 p.m. on Tuesday, June 12, 2001, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

All Present: (9) Chamberlain
Kramer
Littman
Pennington
Starr
Storrs
Waller
Wright
Reece (7:40 p.m.)

Absent: None

Also Present: Mark F. Miller, Principal Planner
Laurence G. Keisling, Planning Director
Lori Bluhm, Acting City Attorney
Jordan Keoleian, Student Representative

2. MINUTES – Special/Study Meeting of May 22, 2001

Mr. Wright noted that the minutes related to the proposed temporary outdoor in-line hockey rinks on Big Beaver, west of John R Road should be modified to consistently indicate that it was Mrs. Rasmussen who had complained about various noises emanating from the proposed use.

Moved by: Wright Seconded by: Littman

RESOLVED, that the minutes of the Special/Study Meeting of May 22, 2001 be approved as corrected.

Yeas: Chamberlain
Kramer
Littman
Pennington
Storrs
Waller
Wright

Abstain: Starr

Absent: Reece

MOTION CARRIED

3. PUBLIC COMMENTS:

No one wished to be heard.

Subdivisions

4. PRELIMINARY PLAT-TENTATIVE APPROVAL– Oak Forest Subdivision (Revised) – West side of John R Road, South of Square Lake Road – Section 11

Mr. Miller explained that, in the Spring of 2000, the Planning Commission considered Tentative Preliminary Plats for two Subdivisions in the area, west of John R Road and south of Square Lake Road, then known as Oak Forest and Oak Forest, South Subdivisions. The original Oak Forest site extended ½ mile west from John R Road in an irregular configuration, to Willow Grove. The last action taken by the Planning Commission on these proposals was postponement, at the request of the proprietor, in order to enable submittal of the required environmental information, completion of the necessary Environmental Review of the subject property, and submittal of the plats, revised to indicate the results of the Environmental Review and the changes requested by staff.

Mr. Miller noted that a revised plat for proposed of Oak Forest Subdivision has now been submitted involving just the easterly 10.2-acre portion of the site, extending west ¼ mile from John R Road. This proposed Subdivision consists of 24 lots developed in accordance with the lot-averaging provisions applicable to the subject R-1C Zoning District. The street pattern involves a single street access from John R Road, now properly located directly opposite Highbury Drive in the Stoneridge Subdivisions. A stub-street connection is proposed extending south to the present Holm Street right-of-way within the Eysters John R Farms Subdivision. A stub street is also proposed to extend to the north, in order to provide for potential additional residential development in that area. Storm water detention is proposed to be provided in an off-site location abutting immediately to the west, between the proposed subdivision site and the Fetterley Drain. It is intended that this basin site will ultimately serve this proposed subdivision, along with additional potential development in the area to the west. It is further intended that this basin will ultimately be conveyed to the City for maintenance. The plan attached to the proposed subdivision plat indicates an asphalt service access drive to the basin site within an easement along the edge of a proposed hypothetical street alignment in that area.

Mr. Reece arrived.

Mr. Miller noted the MDEQ Wetlands Assessment report, which had been conveyed under the Wattles Square, Inc. cover letter of April 24, 2001. Dr. Jaworski, the City's Interim Environmental Consultant, has now provided a report in response to the MDEQ Assessment, which indicates slightly more wetland area.

In response to Mr. Waller's questions, Mr. Miller confirmed that the MDEQ has final authority in relation to wetlands and that they must ultimately grant a wetland permit before construction can begin. Mr. Littman questioned the use of a part of proposed Lot 13 for wetland mitigation. Mr. Miller confirmed that the lot will be buildable, with exclusion of the mitigation area.

Joel Garrett was present representing the proprietors, and indicated that he would be willing to answer any questions.

Bill Collins of Huron Ecologic in Rochester Hills stated that he was a Wetlands Consultant, and that the wetland boundaries appear to be "way off". Some wetland area is not shown on the plat. He disagrees with the proposal to create several mitigation areas. He questioned the timing of the Wetland Evaluation, in relation to the growing season for wetland plants. He felt that the Planning Commission and the Council shouldn't pass off the wetland question entirely to the MDEQ. Finally, he stated that the MDEQ will review a wetland without a Preliminary Plan Approval. In relation to Mr. Kramer's question regarding surface water versus ground water impacts, Mr. Collins commented that although the matter is somewhat subjective, ground water should be considered in Wetland Evaluation.

Lon Ullman of 5621 Willow Grove was present and stated that there are saturated soils in this area from October to late May. Two years ago the City's staff and consultant identified an historic wetland in the area to the north, related to the Blue Heron Rookery. It took the developer's consultant three visits to the site in order to complete his Wetland Evaluation. Mr. Ullman objected to home sites encroaching into wetlands, and to the potential placement of the detention basin within a flood plain area. He noted that the developer's proposal includes the enclosure of the Fetterley Drain, to which he also objected. He felt that a development involving fewer lots, along with preservation of large trees and wetland areas, would be far preferable.

Mr. Winkler Prins of 650 Eckford explained that he was in the "indoor air quality" business, wherein he attempted to resolve moisture problems in homes. He noted that hydrostatic pressure from ground water causes problems with basement walls which are quite difficult to overcome. He also commented that potential disease problems can occur and that the City should avoid actions which would create contaminated buildings.

In response to Mr. Littman's question, Ms. Bluhm stated that it was her understanding that a Preliminary Plan is necessary in order to request a Wetland Permit, but the matter is still somewhat unclear. In response to Mr. Storr's question, she indicated that the City Council has requested MDEQ hearings in the past on wetland matters. The Planning Commission could certainly recommend that such a request be forwarded.

Joel Garrett stated that approximately five years ago the City Council considered a proposal to share with him the cost of improving the Fetterley Drain. The City decided not to proceed. The Fetterley Drain must be improved before development proceeds in this area. He corrected Mr. Ullman's comment by indicting that it took three inspections by the MDEQ, not three tries by his consultant, in order to develop the Wetlands Assessment. He has developed in Troy since the mid-1960's and he would not cause a health problem. One of the problems is that the City and the County have failed to maintain the Fetterley Drain.

In response to Mr. Wright's question, Mr. Garrett stated that it is intended that the homes in this area will have basements. Mr. Wright was concerned about the impact of ground water hydrology on basement walls, and wondered whether the Engineering Department could provide information about such concerns. Mr. Kramer shared Mr. Wright's concern, but felt that Engineering matters can't be addressed by the Planning Commission. Mr. Storr's felt that the Planning Commission has done all they can do under current Ordinance provisions.

Moved by Waller Seconded by Storrs

RESOLVED, that the Planning Commission hereby recommends to the City Council that Tentative Approval be granted to the Preliminary Plat of Oak Forest Subdivision, on the west side of John R Road, south of Square Lake Road in Section 11, subject to the condition that the City request an MDEQ hearing in relation to the potential Wetland Permit Application.

Yeas: Chamberlain
Kramer
Littman
Pennington
Reece
Starr
Storrs
Waller

Nay: Wright

MOTION CARRIED

In response to Mr. Reece's question, Ms. Bluhm stated that if the City Council requests a hearing on an MDEQ Wetland Permit Application, the Council would be responsible for determining the extent of any notice.

Mr. Wright stated that his nay vote was due to his concern that health, safety and welfare matters were not adequately addressed (in relation to ground water).

Site Plans

5. SITE PLAN REVIEW – Proposed Birchwood Estates Site Condominium – South side of Wattles, West of Dequindre – Section 24

Mr. Miller explained that a Site Plan has been submitted for a proposed Single-Family Residential Site Condominium known as Birchwood Estates, involving an 8.6-acre assembly of R-1C zoned property on the south side of Wattles, west of Dequindre. The subject site consists of all or part of a series of lots from the Eyster's Dequindre Farms Subdivision Number 5. The site abuts the west edge of the office-zoned parcels at the southwest corner of Wattles and Dequindre, and the north edge of the Woodglen Park Subdivision which is presently being developed. The petitioners in this matter, the Elro Corporation, proposed a project consisting of 23 home sites and a detention basin site. The configuration of the property and its relationship to the excepted parcels within the Wattles Road frontage caused a situation whereby some of the home sites will front on Wattles Road. In those cases, joint driveway easements will be provided in order to minimize the occurrence of driveway intersections with Wattles Road. The proposed development will be served by a single street extending from Wattles, which will be a northerly extension of Wardlow Drive from the Woodglen Park Subdivision to the south. A temporary street turn-around should be provided at the west end of the longer east-west street.

Mr. Miller noted that this site is encumbered by an oil pipeline which runs diagonally through the southeasterly portion of the site. A portion of a county drain also crosses the southwest corner of the site. A Wetland Evaluation was submitted with this proposal. The City's Interim Environmental Consultant prepared a report in response to that evaluation, indicating a larger wetland area affecting the lots at the western end of the site. This report also indicated that the storm water detention basin could not be located in an MDEQ Regulated Wetland and flood plain, as proposed. The ultimate wetland and flood plain boundaries will, of course, be determined through the MDEQ Permit process. With this recognition, and the with the provision of a temporary turn-around at the west end of the proposed east-west street, Preliminary Plan Approval was recommended by staff.

Mr. Chamberlain inquired as to whether the proposed development would make the existing houses within the Wattles Road frontage non-conforming. Mr. Storrs expressed a concern regarding the potential street pattern including the extension of Wardlow Drive, which would enable drivers to cut through the area in order to avoid the Dequindre-Wattles intersection.

Richard Schoenherr was present representing Elro Development, along with Graham Orley and Jesse Kranz. Mr. Schoenherr confirmed that no non-conformities will be created in relation the existing houses. One house will be removed. The proposed extension of Wardlow Drive north to Wattles Road was recommended by staff. He felt that the proposed intersection was the only place within the Wattles Road frontage where a connection could be made, due in part to the required street offset from Morningdale Drive on the north side of Wattles Road.

Mr. Storrs proposed that the Wardlow Drive extension be ended in a blind cul-de-sac immediately south of Wattles Road. A potential connection to Wattles Road could then be provided for the future, in the area west of this proposed development. Mr. Schoenherr confirmed that such a plan would still enable direct construction access from Wattles Road.

Moved by Storrs Seconded by Littman

RESOLVED, that the Planning Commission hereby recommends to the City Council the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of the One-Family Residential Site Condominium known as Birchwood Estates on the south side of Wattles west of Dequindre, be approved with the inclusion of a cul-de-sac at the north end of Wardlow Drive adjacent to Wattles Road, in order to avoid creating a direct by-pass of the Wattles/Dequindre intersection. With this action it is recognized that a future potential westerly extension of Birchdale Drive could provide Wattles Road access to this area.

In the course of the Commission's further discussion, it was suggested that it would be preferable to maintain Wattles Road access to this proposed development, while eliminating the connection between this site and the Woodglen Park Subdivision site to the south. Mr. Littman then withdrew his second of the previous recommending motion.

Moved by Littman Seconded by Waller

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of the One-Family Residential Site Condominium known as Birchwood Estates on the south side of Wattles west of Dequindre, be approved, subject to the following conditions:

1. The provision of a temporary turn-around at the west end of the proposed east-west street.
2. No connection to Wardlow Drive to the south, in order to eliminate cut-through traffic.
3. Maintain pedestrian access from this site to Wardlow Drive.

Yeas: Chamberlain
Kramer
Littman
Pennington
Starr
Waller
Wright

Nays: Reece
Storrs

MOTION CARRIED

Mr. Reece and Mr. Storrs stated that their negative votes were due to their position that street inter-connection between Woodglen Park Subdivision and this site is important. Mr. Storrs felt that a blind cul-de-sac adjacent to Wattles Road would be a preferable approach, along with the potential for a future connection to Wattles Road in the area to the west.

6. SITE PLAN REVIEW – Proposed Troy Pines II, Site Condominium – East side of John R, South of Long Lake Road – Section 13

Mr. Miller explained that a Site Plan has been submitted for a proposed Single Family Residential Site Condominium known as Troy Pines II, potentially involving a 6.6-acre R-1C zoned assembly of properties on the east side of John R Road south of Long Lake Road. The subject site abuts the north edge of the original Troy Pines Site Condominium, within which homes are presently under construction. The Larson Middle School abuts to the east. A portion of the flood plain for the Gibson County Drain crosses the northeast corner of the site. The petitioners in this matter, Premium Construction, have submitted several different site plans since their original submittal. This plan evolution resulted from a combination of staff direction to conform with Ordinance Requirements, and the petitioner's desire to maximize the lot count. Of the layouts submitted by the petitioners, staff preferred one involving the northerly extension of Douglas Fir Drive from the Troy Pines Site Condominium to the south, along with a street extending into the John R Road frontage and ending in a blind cul-de-sac. Their request for revisions of that plan in order to conform with Ordinance Requirements resulted in the submittal of additional alternative plans which no longer included the John R Road frontage. The petitioners indicated that the economics of land acquisition, and

the limited number of lots, would not enable them to include that frontage portion of the site in their development. Staff's direction was that, if the John R Road frontage is not included, the plan as ultimately presented should provide for future development within that frontage consistent with the previously proposed blind cul-de-sac layout. Also, in order to enable the most reasonable development within the excepted John R Road frontage, the westerly extent of the presently proposed development should be reduced in order to assure the potential availability of four home sites within that frontage exception. The petitioners have indicated that they cannot alter the property dimensions to accomplish the blind cul-de-sac on the John R Road frontage and therefore that the staff's preferred layout cannot be accomplished. The most recent plan submitted involves a street which ends at the east edge of the John R Road frontage exception. If, as the petitioners now indicate, they no longer control the John R Road, exception, the staff must reluctantly support the street configuration most recently presented. This Plan properly indicates the provision of a 12-foot wide public walkway right-of-way extending east to the Larson Middle School. Staff has also indicated to the petitioners that construction access to this development must be directly from John R Road, rather than across existing adjacent local streets. Finally, Mr. Miller indicated that the Environmental Reports submitted by the petitioners and by the City's Consultant are generally consistent, and did not impact the proposed development.

In response to Mr. Waller's questions, Mr. Miller stated that construction access is not controlled by Ordinance, but it was his understanding that such a requirement is contained in the City's development standards. In response to another question, Mr. Miller and Ms. Bluhm indicated that the City maintains public walkways to park and school sites.

John Pavone and Mukesh Mangla, the petitioners, were present. Mr. Pavone indicated that a blind cul-de-sac could be provided in the future but that it would only serve two lots within the John R Road frontage. Since that frontage was sold to others, he has not been able to secure construction access rights. He then commented on some of the other plans which they had prepared, including a plan involving an independent cul-de-sac on the site to the north, thus not requiring a stub-street extension to that property. In response to Mr. Kramer's questions, Mr. Pavone indicated that they had also prepared a plan involving a cul-de-sac ending within their present ownership area. Mr. Miller commented, that that particular plan involved undesirable lot depths. Mr. Storrs expressed concern about the potential extension of Scotch Pine Drive, the existing street nearest to John R Road. Mr. Pavone indicated that extension of that street into the parcel abutting the southwest portion of their property could enable a 3-lot cul-de-sac. Mr. Reece felt that action should be tabled on this matter in order to further consider the relationship between the proposed development and the potential future development on adjacent properties. Mr. Waller asked whether layouts on adjacent properties could be required. Ms. Bluhm stated that requesting such layouts would be reasonable.

Moved by Waller Seconded by Chamberlain

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family

Residential Site Condominium known as Troy Pines II, on the east side of John R Road south of Long Lake Road, be approved.

Mr. Storrs noted that the owners of the John R Road frontage abutting the northerly portion of the site have chosen the property configuration that has resulted, so they should not object to development limitations in the future. Mr. Littman agreed with the potential tabling of action this matter in order to review the overall potential plan for the area.

Moved by Kramer Seconded by Reece

RESOLVED, that action on the Preliminary Plan for the proposed Troy Pines II Site Condominium, on the east side of John R Road south of Long Lake Road, be tabled until the June 26th Study Meeting, in order to further consider the best future development plans for the total area.

Yeas: Pennington
Storrs
Wright
Kramer
Reece
Littman

Nays: Starr
Waller
Chamberlain

MOTION CARRIED

Mr. Starr, Mr. Waller and Mr. Chamberlain indicated their position that action could proceed on this matter. Mr. Waller felt that a requirement for the provision of plans for excepted parcels should be applied consistently, rather than on an irregular basis.

7. SITE PLAN REVIEW – Proposed Peacock Farms Site Condominium – West of Rochester Road, North of Square Lake Road – Section 3

Mr. Miller explained that a Site Plan has been submitted for a proposed Singe-Family Residential Site Condominium known as Peacock Farms, involving an 11-acre assembly of R-1B zoned properties lying west of Rochester Road, north of Square Lake Road, and specifically north of Ottawa Road. The subject site consists of the rear major portion of acreage parcels which include the Peacock Poultry Farm's operation, along with a portion of a large platted lot extending south to Ottawa Road. The developer was unable to acquire land extending further to the west on Ottawa, and thus will be developing a single-loaded street in that area. The proposed street pattern will extend north from Ottawa and then west to an area involving platted but unopened partial street rights-of-way and street easements lying south of Marengo and east of Norton Street. The petitioners propose street rights-of-way and improvements which will provide for the extension of a full street to the north toward Marengo. Staff concurs with petitioners proposal to provide just a half-street right-of-way in an area to the south, so that the future provision of a street extending into the Ottawa Road lots in that area will be aligned with the proposed street to the north. It may be reasonable to accept a deposit for the construction of a portion of the stub-street extending to the south with the intention that the street would actually be constructed at such time as the west half of the right-of-way is available.

Mr. Miller noted that the home sites within this development will be sized in accordance with the lot-averaging provisions applicable to the subject R-1B Zoning District. The proposed shallow-sloped unfenced storm water detention area in the southeast portion of the property will ultimately be conveyed to the City for maintenance. The Wetlands Evaluation carried out by the petitioner's consultant generally concurred with the City's Interim Environmental Consultant. Approval of this 21-unit site condominium was recommended.

Bob McComb, the petitioner, was present. He noted that he would be requesting a waiver of the sidewalk requirement along the west side of the proposed street extending north from Ottawa, which would not involve any home sites. In response to Mr. Kramer's question, he indicated that he was aware that an MDEQ Permit process would be necessary, and that any resultant revisions in the layout, would require review by the Planning Commission.

Bob Nielsen of 900 Marengo, stated that he was representing several Marengo residents. Although they appreciated the improvements recently carried out in their area by the City, they felt that the proposed development would be detrimental to their area. He noted the Elliott Drain at the rear of their properties, and stated that the flow in that drain has increased considerably in recent years and has caused tremendous erosion problems, etc. The construction now proposed will cause even more run-off. Area residents were also concerned about the considerable loss of trees in this area which would result from the proposed development. In response to Mr. Chamberlain's question, Mr. Miller explained that the City's tree preservation procedures emphasize preservation of trees in the 4-inch to 10-inch diameter range. Mr. Kramer noted the concerns about the volume of flow in the Elliott Drain, and inquired as to whether that drain could or should be improved at this time.

Tom Thompson of 6285 Rochester Road (four parcels north of Ottawa) stated that his property was adjacent to the Peacock property, and that alterations to their site have made the flooding problems in this area worse. His property is at the lowest elevation in the Section. He was concerned that the proposed detention basin may not be adequate. He commented that backyards in this area have not been usable for two years.

Milton Curtis of 875 Ottawa stated that his property would become the new "corner lot" in the area as it will lie along the west side of the proposed street extending north from Ottawa. He inquired as to where the storm drain facilities will be connected in this area, and why access must be provided to this development from Ottawa other than just from Rochester Road. He also inquired as to who would be responsible for maintenance of the margin along the west side of the proposed street, and the maintenance of the detention basin.

Mr. McComb stated that the detention basin will outlet to Rochester Road. The basin will be shallow-sloped and unfenced. Access to Rochester Road is not available as the property does not front on Rochester Road.

The Commission advised Mr. Curtis that he would be responsible for maintenance of the area along the west edge of the proposed street.

Tom Patton of 841 Ottawa expressed concern about the change in character of the neighborhood which will result from the proposed development, which involves lots which are much smaller then the existing lots in the area along Ottawa. Considering the water problems, the road problems, and the potential loss of trees in this are, he felt that it would be far preferable to establish a park in the area rather than the proposed development.

Alex Muezynski of 830 Ottawa stated that storm sewers in the area are already over capacity. He felt that the plan should be rejected until the developers find another way of providing access and improving storm sewers.

In response to Mr. Chamberlain's question regarding lot-size compatibility, Mr. Keisling noted the actions which occurred in the area of the Willison Subdivision on Square Lake between Livernois and Crooks. In that case the City's Attorneys advised that a subdivision development meeting Ordinance requirements should be approved, even though the proposed lots are smaller than the adjacent lots. Mr. Chamberlain further commented that this area apparently has a substantial storm water problem, and that solutions to the problem must be found.

Moved by Waller Seconded by Kramer

RESOLVED, that action on the Preliminary Plan for the proposed Peacock Farms Site Condominium, in the area west of Rochester Road and north of Square Lake Road be tabled until the July 24th Study Meeting, in order to enable further study as to the storm water situation in the area, and the potential disparity of lot sizes.

Yeas: All Present (9) Absent: None

MOTION CARRIED

Mr. Reece and Mr. Wright commented that information as to elevation of adjacent properties and potential cross-sections in the rear yard drainage areas should be provided.

Special Use Requests

8. PUBLIC HEARING – SPECIAL USE REQUEST – Proposed Hospital Site Expansion – West side of Dequindre, South of South Boulevard – Section 1

Mr. Miller explained that, on May 18, 2001, a request was submitted for the establishment of a child-care center on the William Beaumont Troy Hospital site on the west side of Dequindre, South of South Boulevard. The child-care center plan also indicated the construction of a "utility shop" or service building on the site, in order to better provide for site and building maintenance activities. In the course of reviewing the plan, staff recognized that the site involved extended beyond the site originally approved for the establishment of the William Beaumont Troy Hospital. With the consent of the petitioners, staff then expanded the advertisement for the Special Use Approval Public Hearing to include consideration of a proposal to expand the total site of the hospital to

include the land extending south from the presently-developed site to the Ranieri Subdivision, the land which was rezoned to CF and EP classifications in June of 2000. This rezoning added approximately 19 acres to the potential hospital site, bringing the total site area to 66.6 acres.

Mr. Miller stated that, during the week of May 29 to June 1, Beaumont representatives withdrew their day-care center proposal, but indicated that they wanted to proceed with the proposal to expand the hospital site itself. In accordance with Section 18.30.04 of the Zoning Ordinance, this hospital site expansion proposal will also require approval of the City Council. The Commission's action on this matter will therefore be in the form of a recommendation to the City Council, who will then take the final action on same.

Mr. Miller noted that the question now before the Planning Commission is the propriety of expanding the site of William Beaumont-Troy Hospital to a total of approximately 66.6 acres. There are presently no specific building proposals within the proposed expansion area. Beaumont representatives have however indicated that they are proceeding with their Master Planning efforts, as indicated in conjunction with their most recent rezoning request. Potential expansion of this hospital site is indicated on the Master Land Use Plan, and was the basis for the rezoning which occurred of June of 2000. It was the recommendation of staff that action be taken to approve the request for expansion of this hospital site.

Mr. Chamberlain and Mr. Storrs raised a question as to why the E-P-zoned area should be included in the hospital site for Special Use Approval purposes.

The Public Hearing was declared open.

Kelly Panoff of 2833 Ranieri Drive was present and raised a question as to whether this action is premature if no construction is proposed in the expansion area for eight to ten years. She also inquired as to any restrictions which the City has on hours of construction activity.

Terry Guirey of 2777 Ranieri Drive also questioned the need for the site expansion action.

Mary Bogush of 5916 Patterson Drive raised a question as to whether the specific uses which will occur on this site should be specified.

No one else wished to be heard.

The Public Hearing was declared closed.

The Commission extensively discussed the pros and cons of proceeding with an action which would just expand the hospital site, but not include any specific building proposals. They also discussed the effects of including the EP-zoned area in the hospital site for Special Use Approval purposes. Mr. Miller noted that the EP zoning provisions control the uses in that area whether it is included in a Special Use Approval action or not.

Moved by Kramer Seconded by Littman

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the expansion of the site of the William Beaumont-Troy Hospital, on the west side of Dequindre south of South Boulevard, to include an approximate 19.1-acre area lying between the presently developed hospital site and the Ranieri Subdivision, be approved with the exception of the E-P-zoned portion of the William Beaumont-Troy Hospital property.

Mike Engle of Kasco, Inc. was present on behalf of Beaumont Hospital. He indicated that they would be willing to withdraw their request, in order to avoid any confusion or misunderstanding.

Chairman Chamberlain indicated that this request had been withdrawn and thus that no further action is necessary.

Rezoning Proposals & Text Amendments

9. PUBLIC HEARING – PROPOSED REZONING – North of Long Lake Road, West of Livernois – Section 9 – R-1B to R-1T

Mr. Miller explained that, in March of this year, the City Council took action to rezone parcels totaling approximately 5.5 acres in area on the north side of Long Lake Road west of Livernois from R-1B to R-1T in order to enable construction of the proposed Harrington Park Condominium Development. A Site Plan for that development was approved by the Planning Commission on April 10, 2001, and the City Council has now adopted a resolution authorizing the vacation of the Virgilia Street right-of-way which lies in the midst of the site, in order to enable final consolidation of the site. In the course of detail review of the various matters regarding this site, it was recognized that the depth of the site lying east of the Virgilia Street right-of-way was ten feet less then that portion of the site lying to the west. In conjunction with the requested street vacation, Mr. Maniaci, the developer, has acquired a 100-foot deep portion of the R-1B zoned lot lying north of the present R-1T site, on the east side of the Virgilia Street right-of-way, in order to provide for the potential future construction of a cul-de-sac street ending in that area. This acquisition also potentially enabled addition of a 10-foot by 125-foot strip of land to the Condominium Site, at such time as that parcel would be rezoned to the R-1T classification. The resultant north-south dimension of the site in this immediate area will thus be the same as the site depth in the area west of Virgilia.

Mr. Miller stated that Mr. Maniaci has now requested rezoning of a 10-foot by 100-foot parcel on the north edge of his site from R-1B to R-1T, so that the parcel can be added to the Harrington Park Condominium site. When the vacation of the Virgilia right-of-way is completed, the east-west dimension of this parcel will be expanded to 125 feet. The Planning Department sees no problem with the addition of this small parcel to the potential Harrington Park Condominium site. Approval of this rezoning request was therefore recommended.
The Pubic Hearing was declared open.

Joseph Maniaci, the petitioner, was present and had no further comment.

No one else wished to be heard.

The Public Hearing was declared closed.

Moved by Littman Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the R-1B to R-1T rezoning of a 10-foot by 100-foot parcel lying north of Long Lake Road and west of Livernois, abutting the R-1T zoned site of the proposed Harrington Park Condominium Development, be granted as such rezoning will enable a reasonable minor expansion of the residential condominium site.

Yeas: All Present (9) Absent: None
MOTION CARRIED

10. PUBLIC HEARING – PROPOSED REZONING – North of Big Beaver, West of John R. – Section 23 – R-1E and P-1 to O-1

Mr. Miller explained that a request has been submitted, by the San Marino Club, for the rezoning of the present P-1 zoned portion of their site and a portion of the R-1E zoned area still further to the north, to the O-1 (Low-Rise Office) classification. The San Marino Club building itself lies within the present O-1 zoned portion of the site which has approximately 404 feet of frontage on Big Beaver Road. The present P-1 zoned area extends 124 feet north of the O-1 boundary. The R-1E zoned land proposed for rezoning extends 255 feet still further to the north. It was Mr. Miller's understanding that it was the petitioner's intention to have their proposed north O-1/R-1E boundary in line with the B-2/R-EC boundary of the Troy Sports Center Site abutting to the east. Initial investigation indicates that their proposed rezoning area extends approximately ten feet further north than the B-2 zoning boundary to the east. This request is submitted in order to enable further improvement of the building and facilities which have been established in the present R-1E zoned area.

As background, Mr. Miller noted that in 1981, San Marino Club received Special Use Approval in order to establish an outdoor recreation area on the northerly 6-acre R-1E zoned portion of their property. The only building proposed at that time was a 3,000-square foot picnic shelter. That building was constructed, and was subsequently enclosed and expanded without the necessary additional approvals.

It was his understanding that this building is now used as the Clubhouse or meeting facility for the San Marino Club members. The owners have been advised that, if they wish to continue this use or expand the building any further, rezoning will be necessary.

Mr. Miller stated that, in the course of staff review of this request, it was noted that the area remaining to the north is fully developable for Single-Family Residential purposes, even considering the oil pipeline which runs diagonally through the site. If the subject property is to be rezoned, there is no reason why the area involved should extend any further north than the north boundary of the B-2 zoned site to the east. It was further

staff's position that, consistent with the approach taken in recent years when additional non-residential zoning has been applied, it would be reasonable to establish E-P (Environmental Protection) zoning on the northernmost and westernmost 50 foot portions of the R-1E zoned area proposed for O-1 zoning.

Mr. Waller asked why the proposed E-P area was not extended further south along the west edge of the P-1 zoned portion of the San Marino Site. Mr. Miller explained that it is expected that P-1 zoning will, at some time in the future, be extended further east across the north edge of the vacant O-1 zoned site immediately west of the San Marino property. Mr. Storrs expressed concern about the realistic potential for additional residential development of the area to the north which is proposed to remain R-1E.

The Public Hearing was declared open.

Bruno Casadei was present representing the San Marino Club. He confirmed that conversations with Mark Stimac of the Building Department indicated that their northerly building is presently non-conforming and that it would be necessary to rezone the property now under consideration in order to enable the present uses of the building to continue and to enable any expansion of that building. In relation to the area still further to the north, he noted that the San Marino Club has maintained that area as a soccer field for many years, as a service both to their members and to the community. In response to a question from the Commission, he further stated that they would have no objection to reducing the northerly limit of the area requested for rezoning so that it will be in line with the B-2 boundary to the east. The proposed E-P zoning would also be acceptable, as long as they could use that area as a portion of their active recreation area.

No one else wished to be heard.

The Public Hearing was declared closed.

In response to Mr. Waller's question, it was indicated that the staff had not discussed the proposed E-P zoning with the petitioners. He was concerned about that lack of communication.

Moved by Kramer Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the rezoning of a 3.5-acre portion of the San Marino Club Site in the area north of Big Beaver and west of John R Road, from R-1E and P-1 to O-1, in order to enable continuation and expansion of facilities and activities in this area, be approved with the following modifications:

1. Reduce the northerly extent of area proposed for rezoning by approximately ten feet in order to place it in line with the B-2/R-EC boundary immediately to the east.
2. Apply E-P Zoning to the northernmost and westernmost 50-foot portions of the resultant area proposed for R-1E to O-1 Rezoning.

This action is taken with the understanding that the proposed E-P area will still be able to be used for active recreation purposes, in accordance with the Zoning Ordinance provisions.

Yeas: Chamberlain	Nays: Storrs	Absent: None
Kramer		
Littman		
Pennington		
Reece		
Starr		
Waller		
Wright		

MOTION CARRIED

Mr. Storrs stated that his nay vote was due to his opinion that this request resulted in too much O-1 zoning depth, and that there would not be enough land left for meaningful residential development.

The Meeting was adjourned at 11:15 p.m.

Respectfully Submitted

Mark F. Miller
Principal Planner

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, June 13, 2001, at City Hall in Conference Room C. The meeting was called to order at 3:00 p.m.

PRESENT: Mark Calice
Mark Halsey
Thomas Houghton, Chairman
John M. Lamerato
Anthony Pallotta (arrived 3:05 p.m.)
John Szerlag (arrived 3:05 p.m.)

ABSENT: Robert Crawford

MINUTES

Resolution # 01-21
Moved by Halsey
Seconded by Calice

RESOLVED, that the minutes of the meeting of May 9, 2001, be approved.

Yeas: All 4
Absent: Crawford, Pallotta, Szerlag

RETIREMENT REQUESTS

Resolution # 01-22
Moved by Halsey
Seconded by Lamerato

RESOLVED, that the retirement requests of Ronald A. Barnard, 8-13-01, DC, public Works, and David G. Drouillard, 9-10-01, DC, Public Works, be approved.

Yeas: All 4
Absent: Crawford, Pallotta, Szerlag

OTHER BUSINESS

John Grant of McDonald Investments reviewed with the Board the March 31, 2001 Investment results.

Resolution # 01-23
Moved by Pallotta
Seconded by Lamerato

RESOLVED, that the Board confirm the purchase of Kraft stock at their Public Offering.

Yeas: All 6
Absent: Crawford

Resolution # 01-24
Moved by Pallotta
Seconded by Halsey

RESOLVED, that the Board authorize John M. Lamerato to transfer the McDonald Investment account to a firm to be named contingent that the terms, conditions and services remain the same.

Yeas: All 6
Absent: Crawford

INVESTMENTS

Resolution # 01-25
Moved by Szerlag
Seconded by Calice

RESOLVED, that the Board purchase the following stocks: 5,000 Pepsi; 5,000 Kraft and 5,000 Corning.

Yeas: All 6
Absent: Crawford

COHEN & STEERS EQUITY INCOME FUND

The Board will review the prospectus of the Cohen & Steers Equity Income Fund at their July meeting.

The next meeting is July 13, 2001 at 3:00 p.m. at City Hall in Conference Room C.

The meeting adjourned at 4:05 p.m.

The Chairman, Christopher Fejes, called the meeting to order at 7:30 P.M., on Tuesday, June 19, 2001.

PRESENT:	Kenneth Courtney	ALSO PRESENT:	Mark Stimac
	Christopher Fejes		Bob Davisson
	Michael Hutson		Pam Pasternak
	Matthew Kovacs		
	Mark Maxwell		
	David Waller		

ABSENT: Marcia Gies

The Building Department had received a letter from Mrs. Gies stating that she would be out of town for this meeting.

Motion by Courtney
Supported by Maxwell

MOVED, to excuse Mrs. Gies from this meeting as she is out of town.

Yeas: 6 – Fejes, Hutson, Kovacs, Maxwell, Waller, Courtney

MOTION TO EXCUSE MRS. GIES CARRIED

ITEM #1 – APPROVAL OF MINUTES OF MEETING OF MAY 15, 2001.

Motion by Courtney
Supported by Maxwell

MOTION to approve the minutes of the meeting of May 15, 2001 as written.

Yeas: 5 – Hutson, Kovacs, Maxwell, Courtney, Fejes
Abstain: 1 – Waller

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF MAY 15, 2001 AS WRITTEN.

ITEM #2 – VARIANCE REQUESTED. MR. DAN SIMIONESCU, 691 OTTAWA, for relief of the Zoning Ordinance to permit 2960 square feet of accessory buildings where 1866 square feet are permitted by Section 40.57.04 and for approval to construct a barn per Section 40.57.10.

ITEM #2
Mr. Stimac explained that Mr. Simionescu is requesting relief of the Zoning Ordinance to construct a barn. The plans submitted indicate a proposed 1520 square foot barn located behind an existing 1440 square foot detached garage that will result in 2960 square feet of accessory buildings. Section 40.57.04 limits the size of accessory buildings on a parcel to 600 square feet or one-half the ground floor area of the main building whichever is greater. Because the main building on this site covers 3732 square feet, accessory buildings are limited to 1866 square feet. Also, Section 40.57.10 required Board of Zoning Appeals approval for the construction of a barn.

This item first appeared before the Board of Zoning Appeals at the meeting of May 15, 2001 and was tabled until this meeting to allow the Board members to take a closer look at this property to determine the hardship. This tabling also was to allow the petitioner to determine if he could decrease the size of his request and to allow him to present to the Board an interior layout showing why a building of this size is required.

Mr. Simionescu stated that his property is more than 2-acres and requires a large amount of lawn equipment for its maintenance. He further stated that he has a trailer, snow blowers and a tractor. He stated that he would also like to be able to use this building to store his hay. Mr. Simionescu also said that due to the placement of this barn it would not be visible to any of his neighbors, and would help to eliminate some of the mud that is created by the pen that he now keeps his animals in. Mr. Simionescu brought in pictures and a layout of the interior of the proposed barn. He stated that he had tried to work out a request for a smaller variance, but was unable to figure out how he could work everything into a smaller building.

Mr. Courtney asked Mr. Simionescu if he presently had two garages and Mr. Simionescu stated that he did. He parked cars in one and used the other for his tractor and in inclement weather, this building was used to house the animals.

Mr. Maxwell asked Mr. Simionescu to describe what kind of animals he had and Mr. Simionescu said that he has a horse, a donkey, two goats and a sheep. Mr. Maxwell then asked if Mr. Simionescu thought he could care for the animals properly without this building, and Mr. Simionescu stated that he feels they would get the best care if he had somewhere to house them in both the extreme heat and extreme cold.

There are four (4) written approvals on file. There are no written objections on file.

Mr. Hutson stated that he did not feel there was a physical hardship with the land and Mr. Simionescu stated that he couldn't get full use of this property without this variance. Mr. Maxwell stated that he feels that this is a very unique situation and that Mr. Simionescu's property can easily support this extra accessory building. Mr. Fejes stated that he had hoped that Mr. Simionescu would have come back to the Board with a request for a lesser variance request and Mr. Simionescu said that he had attempted

ITEM #2
to develop a plan asking for a smaller building, however, he feels that he needs this size of building to store everything he has.

Motion by Maxwell
Supported by Waller

MOVED, to grant Mr. Dan Simionescu relief of the Zoning Ordinance to construct an accessory building that will result in a total of 2960 square feet of accessory buildings where 1866 square feet are permitted and relief of the Zoning Ordinance to construct a barn.

- Property is large enough to support this building.
- Variance would not have an adverse effect on surrounding property.
- Barn would not be visible to surrounding neighbors.
- This variance is not contrary to public interest.

Yeas: 4 – Kovacs, Maxwell, Waller, Fejes
Nays: 2 – Hutson, Courtney

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUESTED. MR. MARC DYKES REPRESENTING HOME PROPERTIES, 2003-2281 LOVINGTON for relief of the Zoning Ordinance to construct carports at the Canterbury Square Apartments at the property line where a six foot setback is required by Section 40.57.05.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct carports at Canterbury Square. Section 40.57.05 requires a 6' minimum setback from an accessory building to any side or rear property line. The site plan submitted indicates the proposed carports constructed right up to the north and east property lines.

Mr. Marc Dykes representing Home Properties was present and stated that they are attempting to update this property and also provide amenities for the people who rent the apartments at this location. Mr. Dykes stated that they plan to have the carports back up to the existing 5' high screening wall, which will help to improve the appearance of these carports. Mr. Dykes further stated that the property to the north is currently zoned multi family.

Mr. Hutson asked Mr. Dykes if there was parking along the front of the apartments and if carports are constructed in this area. Mr. Dykes stated that they did not want to put carports in the front of the apartments in order to preserve the look of the buildings, as
ITEM #3
well as to keep the landscaping intact. Mr. Hutson then asked what the physical characteristics of the property were, that would require the carports to be constructed in

this area. Mr. Dykes stated that they wished to use the screening wall as a visual screen as well as a back wall for the carports. He further stated that there are not any constraints except for the fact that they would like to keep parking open in the front of the buildings.

Mr. Courtney asked if the carports were moved 6' back if that would place them in the middle of the drive and Mr. Dykes stated that this would make the drive smaller and a large amount of asphalt and cement would have to be moved. Mr. Stimac stated that the minimum requirement for a two-way drive is 24'. Mr. Waller asked if the carports did not back up to the concrete wall how would this extra space be filled in. Mr. Dykes said that presently the asphalt goes right to the concrete wall and they were hoping that the cement wall would act as the back of the carport.

Mr. Maxwell asked what impact the carports would have on neighboring property and Mr. Dykes stated that he felt it would be minimal. Mr. Dykes further stated that once you got above the third floor of the apartment building, you would probably be able to see the tops of the carports. Mr. Dykes also said that the property along Milverton is pretty well wooded and feels that this will also act as screening.

Mr. Waller advised Mr. Dykes that the City is presently looking into acquiring the land to the east to develop a subdivision park and Mr. Stimac stated that City Council had recently passed a resolution directing the City to acquire this land for a park. It was suggested that perhaps Mr. Dykes would like to wait for the request of a variance on the east side of the property, until a determination has been made as to what will happen to this property.

Mr. Kovacs asked Mr. Dykes if he had future plans for this property and Mr. Dykes stated that Home Properties has only owned this parcel of land approximately four years and they are trying to do many exterior improvements to the building. They would like to do the carports on the north side of the property now and on the east side of the property sometime in the future. Mr. Stimac explained that the Administration had decided that it would be easier for Mr. Dykes to come before the Board and ask for a variance for all the property at one time, rather than to come back to the Board on a reoccurring basis asking for a variance for each area. Mr. Stimac further explained that based on the site plan submitted by Mr. Dykes the areas marked 1, 2, and 5 do not require a variance. The areas marked 3 and 4 on the north side of the property require a variance as well as the areas marked 6 and 7 on the east side of the property.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

ITEM #3

There is one written approval on file with the stipulation that he would approve the request for the variance if a fence or barrier were installed along the wooded area to help keep the litter from the apartments to a minimum.

There are no written objections on file.

Mr. Hutson brought up the fact that recently the City had changed the Ordinance to require landscaped berms in lieu of screening walls and wondered if a berm would be more appropriate. Mr. Stimac stated that this was applicable mainly where Churches abuts to single family residential zoned property and that a 4'-6" wall would still be required for property that is zoned multi-family.

Motion by Waller
Supported by Courtney

MOVED, to grant Mr. Marc Dykes, representing Home Properties, a variance for relief of the Zoning Ordinance to construct carports at the Canterbury Square Apartments at the property line on the north side, depicted on the site plan submitted as areas 3 and 4.

- The location of the existing site improvements make compliance with the requirements overly burdensome.
- Variance is not contrary to public interest.
- Petitioner to become fully aware of plan for the property on the east side of this complex.
- Variance will not have an adverse effect on surrounding property.
- Variance will not establish a prohibited use.

Yeas: 5 – Kovacs, Maxwell, Waller, Courtney, Fejes
Nays: 1 – Hutson

MOTION TO GRANT VARIANCE FOR AREAS ON THE NORTH PROPERTY LINE, DESIGNATED AS 3 AND 4 ON SITE PLAN CARRIED

The petitioner withdrew his request for a variance on areas depicted as 6 and 7 on the site plan submitted. The Board took no further action.

ITEM #4 – VARIANCE REQUESTED. MR. JOHN ARDNER, 2387 TOPAZ for approval to construct a freestanding gazebo as required by Section 40.57.10.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a freestanding gazebo. Section 40.57.10 of the Zoning Ordinance required Board of Zoning Appeals approval for construction of a gazebo. Mr. Stimac further
ITEM #4
stated that the petitioner is not required to meet the hardship requirements for a gazebo.

Mr. Ardner was present and stated that he and his wife have lived in the Troy area for over twenty (20) years and his wife would like a gazebo in the yard.

Mr. Maxwell asked if there were any other accessory buildings on the property and Mr. Ardner stated that there were not any other buildings on this property.

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 Maxwell
Supported by Courtney

MOVED, to grant Mr. John Ardner, 2387 Topaz approval to construct a freestanding gazebo as required by Section 40.57.10.

- This variance will not cause the property to be overbuilt.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: 6 – Waller, Courtney, Fejes, Hutson, Kovacs, Maxwell

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUESTED. MR. JOHN BEDNARSKI, 456 STARR for relief of the Zoning Ordinance to construct a 750 square foot detached garage where 621 square feet are permitted by Section 40.57.04.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a detached garage. Section 40.57.04 limits the area of all accessory buildings on a parcel of land to 600 square feet or one-half the ground floor area of the main building whichever is greater. The plans submitted indicate a 750 square foot detached garage. The footprint of the house is 1,242 square feet, which limits the size of accessory buildings on this site to 621 square feet.

Mr. John Bednarski was present and stated that the reason he would like to construct this size garage is to park two vehicles inside as well as keep his lawn equipment and other tools. He stated that this home has a basement that is only 200' square feet with
ITEM #5
a height clearance of approximately 5'-11". Mr. Bednarski further stated that there is only enough room for a laundry area, a furnace and his water heater. He said that he would like to have extra room for storage. Mr. Bednarski also said that he had spoken to his neighbors and they indicated that they did not object to this variance.

Mr. Waller asked how many people live in the home and Mr. Bednarski replied that there are three adults and each has their own car.

Mr. Fejes asked what recourse Mr. Bednarski would have if this variance were not granted and Mr. Bednarski stated that he probably would not build anything. Mr. Bednarski further stated that he had thought of attaching the garage to the home, however, he was afraid that too many additions would not make this home aesthetically pleasing. Mr. Bednarski also stated that if he attached the garage, he would have to remove an existing sunroom. Mr. Bednarski further explained that eventually he would like to build a new home on the site.

Mr. Courtney asked Mr. Bednarski why he felt he needed the depth of the garage to be 32'. Mr. Bednarski explained that this would allow him to park his pickup truck as well as his work van, and still have extra room for the storage of lawn equipment as well as numerous tools that he owns.

Mr. Maxwell asked if attaching the garage to the house would improve the area and Mr. Bednarski stated that he would have to remove a number of very large mature trees. Mr. Bednarski further stated that his home was originally built in 1928 and added on to in 1968. Mr. Bednarski is concerned that attaching the garage may give the appearance of the home being chopped up. Mr. Kovacs asked if the proposed location of the garage would require Mr. Bednarski to remove a tree that is located very close to it. Mr. Bednarski replied that he had measured the area and was quite sure the garage would not endanger this tree.

The Chairman opened the Public Hearing.

Mr. Kurt Hahn of 473 Starr was present and stated that he approves of this variance.

No one else wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There is one (1) written objection on file.

Motion by Maxwell
Supported by Kovacs

ITEM #5
MOVED, to grant Mr. John Bednarski, 456 Starr relief of the Zoning Ordinance to construct a 750 square foot detached garage where 621 square feet are permitted by Section 40.57.04.

- The lot is larger than the standard lot in this area.
- The existing home has little usable basement area.
- Variance request is reasonable.
- This variance would not have an adverse effect on surrounding property.
- This variance is not contrary to public interest.
- Conforming is unnecessarily burdensome.

Yeas: 5 – Fejes, Hutson, Kovacs, Maxwell, Waller
Nays: 1 – Courtney

MOTION TO GRANT VARIANCE CARRIED

ITEM #6 – VARIANCE REQUESTED. MR. & MRS. JOE SANDOVAL, 5338 CROWFOOT, for relief of the Zoning Ordinance to construct a sunroom addition with a 32.8' rear yard setback where 40' is required by Section 30.10.04.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a sunroom addition. Section 30.10.04 requires a 40' minimum rear yard setback in the R1C Zoning District. The site plan submitted indicates a 32.8' rear yard setback to the proposed sunroom.

Mr. Bob Pelzel, of Temo's Sunrooms was present representing the Sandoval's and stated that this sunroom was going to be constructed of 70% glass in an effort to keep the impact on any neighboring property to a minimum. Mr. Pelzel went on to say that there are a lot of trees on the property and because of this there are a lot of bugs. Mr. Pelzel stated that the Sandoval's would like to be able to sit outside and enjoy their property. Mr. Pelzel further stated that there is a school behind this property and that this lot is only 125' deep.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no written objections on file.

Motion by Waller
Supported by Hutson

ITEM #6
MOVED, to grant Mr. and Mrs. Sandoval relief of the Zoning Ordinance to construct a sunroom addition with a 32.8' rear yard setback where 40' is required by Section 30.10.04.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.
- The property immediately behind is a school site.
- Position at center of home minimizes impact on adjacent homes.
- Addition is 70% glass.
- This variance will not establish a prohibited use.

Yeas: 6 – Courtney, Fejes, Hutson, Kovacs, Maxwell, Waller

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUESTED. CONSERVATIONS UNLIMITED, 3513 SHERWOOD, for relief of the rear yard setback to construct a sunroom with a 33'-6" rear yard setback where a 35' rear yard setback is required by Section 34.20.03.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a sunroom addition. Section 34.20.03 requires a 35' minimum rear yard setback in the R-1C Zoning District in subdivisions developed using the open space option. The site plan submitted indicates a rear yard sunroom addition with a proposed 33'-6" rear yard setback.

Mr. Robert Clark, of Conservations Unlimited was present and stated that this was an all glass structure which would be used as an enclosure for a hot tub. Mr. Clark also stated that they could not put it in any other location because there is a doorway located on one side of the proposed location, and in order to move this doorway they would then have to take down kitchen cupboards. Mr. Clark further stated that there is a large wooded area behind the home. Mr. Stimac explained that the area to the east is reserved as a park site, which is part of the subdivision.

Mr. Courtney asked if there was any way they could cut one foot off of this structure and Mr. Clark stated that he had planned it as close to the chimney as he could and would not be able to put it in another location.

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.

ITEM #7
Motion by Maxwell
Supported by Courtney

MOVED, to grant Conservations Unlimited relief of the rear yard setback to construct a sunroom with a 33'-6" rear yard setback where a 35' rear yard setback is required by Section 34.20.03.

- Variance request is minimal.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.
- The property to the rear is a common park area.

Yeas: 6 – Fejes, Hutson, Kovacs, Maxwell, Waller, Courtney

MOTION TO GRANT VARIANCE CARRIED

Mr. Hutson stated that his firm represented the petitioner for Item #8, Mr. McComb, and suggested that he be excused.

Motion by Maxwell
Supported by Hutson

MOVED, to excuse Mr. Hutson from hearing Item #8 due to the appearance of a conflict of interest.

Yeas: 4 – Kovacs, Maxwell, Waller, Fejes
Nays: 1 – Courtney

MOTION TO EXCUSE MR. HUTSON CARRIED

ITEM #8 – VARIANCE REQUESTED. MR. BOB MCCOMB, 1343 BURNS (PROPOSED ADDRESS), for relief of the Zoning Ordinance to divide a parcel of property resulting in a 75.55' wide parcel where 76.5' width is required by Sections 34.10.00 and 30.10.03.

Mr. Stimac explained that the petitioner recently developed a five lot residential subdivision. Based upon the size of the original parcel, there was not enough land to create six lots. Two of the lots along the north side of the subdivision were platted at the minimum lot width while the westernmost lot was platted with all of the extra land. The petitioner is now requesting to divide that parcel of land into two buildable sites. Utilizing the lot averaging provisions of Section 34.10.00 of the Troy Zoning Ordinance, each lot in the R1C Zoning District requires 76.5' of lot width. The site plan submitted indicates that the proposed split would result in one parcel having 75.55' of lot width.

ITEM #8

Mr. Maxwell asked if the lot were split would it cause a drainage problem and Mr. Stimac stated that the coverage factor for retention design as part of the subdivision is 30% whether it is one lot or two. Mr. Courtney asked Mr. Stimac who subdivided this parcel and Mr. Stimac replied that it was the current petitioner.

Mr. McComb was present and stated that they had changed the drainage on this site due to the fact that there was a pond at the back of the property. Mr. McComb also said that they went down the property lines and put in catch basins for each piece of property. He further stated that if there is standing water at the back of the property, it may be due to the ground settling.

Mr. McComb also said that he had attempted to purchase more land to make this lot comply with the Ordinance, however, the owners of the adjacent property did not wish to

sell. Mr. McComb further stated that this is a high-density subdivision and hopefully part of the vacant property would be used as a road easement. Mr. McComb feels that this variance would be in keeping this lot in line with other lots in the area. Mr. McComb also said that if the variance was not granted, they would end up with four lots that are 76.5' wide and one lot that would end up to be 150' wide. He does not feel that this would be consistent with the other lots in the area.

Mr. Courtney asked if Mr. McComb had gotten as many lots as he could when he was subdividing this lot and Mr. McComb stated that he had. Mr. McComb also said that he had worked very closely with the City, however, he would like this property to yield as many lots as possible. Mr. Courtney asked if Mr. McComb could have made the lots bigger and Mr. McComb again replied that due to the fact that this would result in less density he would say "no". Mr. Courtney then asked when final approval was granted on this subdivision and Mr. Stimac stated that he thought it was back in 1997.

Mr. Kovacs asked if all of these lots were sold and Mr. McComb replied that they were not. Mr. Kovacs asked what type of home Mr. McComb planned to build and he stated that he uses several different plans, but that any of them would fit in the envelope of the proposed property. Mr. Courtney asked if he could have taken any land away from the other lots and Mr. McComb stated that they are at the minimum now. Mr. McComb also stated that the proposed lots exceed the minimum size required by approximately 5,000 square feet. Mr. Kovacs asked that since Burns was a dead end street if Mr. McComb was aware of any plans to add an access road. Mr. Stimac stated that the current zoning is single family and he thought that the property would be developed with a road going out to Wattles.

The Chairman opened the Public Hearing.

Mr. and Mrs. Russell Hadley, 1250 East Wattles, were present and stated that they objected to this variance. Mr. Hadley stated that they were the original owners of this property and had come to the City asking if they could split this parcel into six (6) lots.

ITEM #8

Mr. Hadley said that someone in the City told them that it could not be done and since they had a child in college, they decided to sell the parcel. They feel that they could have gotten more money for this property, if they would have known that it could be split into six (6) lots.

No one else wished to be heard and the Public Hearing was closed.

There are three written objections on file. There are no written approvals.

Mr. Fejes asked Mr. Stimac if builders received special consideration over landowners and was told that everyone gets the same consideration. Mr. Stimac stated that it was possible that the reason they were told that this parcel could not be split was because they had to plat the area first. Mr. Stimac stated that Mr. McComb was also told that he could not split this property into six lots.

Mr. McComb stated that he felt that he had paid a fair price for the land due to the fact that it was advertised in the paper, and he gave the real estate company the asking price.

Motion by Maxwell
Supported by Waller

MOVED, to grant Mr. Bob McComb relief of the Zoning Ordinance to divide a parcel of property resulting in a 75.55' wide parcel where 76.5' width is required by Sections 34.10.00 and 30.10.03.

- Variance request is small.
- Variance is not contrary to public interest.
- The resultant lots exceed the square footage required by more than 50%.

Yeas: 5 – Kovacs, Maxwell, Waller, Courtney, Fejes
Excused: 1 – Hutson

MOTION TO GRANT VARIANCE CARRIED

A ten-minute break was called at 9:50 P.M. The Board of Zoning appeals meeting resumed at 10:00 P.M.

ITEM #9 – VARIANCE REQUESTED. MR. & MRS. JOHN KLEIN, 2833 SUNRIDGE, for relief of the Zoning Ordinance to expand a legal non-conforming structure and construct an addition with a 37.69' rear yard setback and a 5.13' side yard setback where Section 30.10.02 requires a 45' rear yard setback and a 10' minimum side yard setback.

Mr. Stimac explained that the petitioners are requesting relief of the Zoning Ordinance to construct an addition to their home. The permit application indicates a 4.1' side yard setback to the existing home. The permit application further indicates a proposed addition with a 37.69' rear yard setback and a 5.13' side yard setback. Section 30.10.02 requires a 45' rear yard setback and a 10' minimum side yard setback in the R1B Zoning District. The existing structure was built prior to the current setback regulations and therefore is a legal non-conforming structure. However, Section 40.50.04 prohibits expansions to non-conforming structures in a way that increases its non-conformity. Petitioners are asking for approval of the expansion of the non-conforming structure as well as relief of the side and rear setbacks.

Mr. Richard Kalt, Architect representing Mr. and Mrs. Klein was present and stated that basically they wished to enlarge both the kitchen, breakfast nook and family room. Mr. Kalt

stated that this home was built in 1963 and the Klein's' need the extra room to accommodate their growing family. Mr. Kalt further stated that this was a small, irregular shaped lot and they were unable to put this addition straight back. Mr. Kalt said that he had gone through the subdivision and determined that there are only six (6) lots out of 317 that have this type of configuration. Mr. Kalt also said that none of the neighbors have objected to this addition.

Mr. Waller asked how close the next house was to this home and Mr. Kalt stated that it was 20.2'. Mr. Maxwell asked if the addition would be built over the existing slab and Mr. Kalt stated that they plan to take out the slab and construct the addition on a crawl space.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are four (4) written approvals on file. There are no written objections on file.

Motion by Courtney
Supported by Maxwell

ITEM #9
MOVED, to grant Mr. and Mrs. John Klein, 2833 Sunridge, relief of the Zoning Ordinance to expand a legal non-conforming structure and construct an addition with a 37.69' rear yard setback and a 5.13' side yard setback where Section 30.10.02 requires a 45' rear yard setback and a 10' minimum side yard setback.

- The lot is small in comparison to other lots in the subdivision.
- Irregular shape of lot makes conforming to the Ordinance unnecessarily burdensome.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: 6 – Kovacs, Maxwell, Waller, Courtney, Fejes, Hutson

MOTION TO GRANT VARIANCE CARRIED

ITEM #10 – VARIANCE REQUESTED. MR. ANTHONY LOGUE, 2651 E. SQUARE LAKE, for relief of the rear yard setback to expand a legal non-conforming structure and construct an addition with a 25.1' rear yard setback where Section 30.10.05 requires a 40' rear yard setback.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a second floor addition to an existing residence. The permit application indicates a 25.1' rear yard setback to the existing home. Section 30.10.05 requires a 40' rear yard setback in the R1D Zoning District. Based upon the age of this structure it is classified as a legal non-conforming structure. The plans also indicate a proposed second floor addition that will continue this 25.1' setback. Section 40.50.04 prohibits expansions to non-conforming structures in a way, which increases its non-conformity.

Petitioners are asking for approval of the expansion of the non-conforming structure as well as relief of the rear yard setback.

Mr. Anthony Logue was present and stated that his family has lived in the home for eleven years and he and his wife have three children. Mr. Logue stated that he and his wife would like all of the bedrooms on the second floor. Mr. Logue further stated that with four males in the house he would like to be able to provide his wife with her own bathroom. Mr. Logue also said that he believed this would be the most practical way to design the addition because they could put one bathroom over the existing bathroom and the other over the kitchen area where there is existing plumbing. Mr. Logue also stated that the back of the property has a great number of trees and does not believe this addition would be intrusive to other neighbors.

ITEM #10

Mr. Kovacs asked if he planned to hire a contractor and Mr. Logue said that he did. Mr. Courtney asked if they had looked at the possibility of moving rather than adding on this residence and Mr. Logue stated that they had, however, this home has a lot on the side which he uses for soccer practices as he coaches a soccer team. Mr. Logue further stated that it is very difficult to find a large lot in the City.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written objection on file. There are no written approvals on file.

Mr. Kovacs asked how the property was zoned on the north side of Square Lake and Mr. Stimac stated that this property was zoned Single Family Residential. Mr. Courtney asked how close this home was to the right-of-way on Square Lake and Mr. Stimac stated that it was setback 32.5' from the future 60' right-of-way. Mr. Courtney asked if there were any plans to widen Square Lake beyond the 60' right-of-way and Mr. Stimac replied that he was not aware of any.

Motion by Hutson
Supported by Courtney

MOVED, to grant Mr. Anthony Logue, 2651 E. Square Lake, relief to expand a legal non-conforming structure with a second floor addition with a 25.1' rear yard setback where Section 30.10.05 requires a 40' rear yard setback.

- The addition does not increase the footprint.
- Conformance would be unnecessarily burdensome.
- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding property.

Yeas: 6 – Maxwell, Waller, Courtney, Fejes, Hutson, Kovacs

MOTION TO GRANT VARIANCE CARRIED

ITEM #11 – VARIANCE REQUESTED. MS. LISAMARIE CLOUSE, 111 BLANCHE, for relief of the Zoning Ordinance to construct a barn as required by Section 40.57.10.

Mr. Stimac explained that the petitioner is requesting approval of the Board of Zoning Appeals to construct a barn to house two "mini" horses. Section 40.57.10 requires approval of the Board of Zoning Appeals for the construction of a barn. Mr. Stimac also explained that the petitioner has recently purchased a portion of the rear of the adjacent property to the west so that she can comply with the minimum parcel size of ¾ acre required by Section 28.5 of Chapter 90 (Animal Ordinance) of the City Code.

Ms. Clouse was present and stated that she has purchased two (2) miniature horses and she bought this property so that she would be able to have them at home. The horses are 36" and 38" high. Ms. Clouse also stated that she had confirmed with Animal Control that she would be able to keep these horses on her property. Ms. Clouse purchased additional land from her neighbors in order to meet the land requirements for keeping animals.

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.

Motion by Maxwell

Supported by Kovacs

MOVED, to grant Ms. Lisamarie Clouse, 111 Blanche, relief of the Zoning Ordinance to construct a barn as required by Section 40.57.10.

- Other provisions of lot coverage and area of buildings will be met.
- Variance will not have an adverse effect on surrounding property.
- Variance is not contrary to public interest.

Yeas: 6 – Waller, Courtney, Fejes, Hutson, Kovacs, Maxwell

MOTION TO GRANT VARIANCE CARRIED

Mr. Fejes informed the Board that he will be out of town for the July 17, 2001 meeting.

The Board of Zoning Appeals meeting adjourned at 10:34 P.M.

MS/pp

The Vice-Chairman, Fern Nelsen, called the meeting to order at 7:30 P.M., on Thursday, June 21, 2001.

PRESENT:	Margaret Gaffney Fern Nelsen Nancy Wheeler
STAFF:	Brian Stoutenburg, Library Director
ABSENT:	David Cloyd Lynne Gregory Michael Gladysz (Student Representative)

ITEM # 1 APPROVAL OF MINUTES OF MEETING OF MAY 10, 2001.

Motioned by Gaffney
Supported by Wheeler

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF MAY 10, 2001 AS WRITTEN.

Motioned by Wheeler to excuse Mr. Cloyd, Mr. Gregory, and Mr. Gladysz from this meeting as they were out of town.
Supported by Gaffney

Yeas: 3 — Gaffney, Nelsen, Wheeler
Absent: 2 — Cloyd, Gregory

MOTION TO EXCUSE MR. CLOYD, MR. GREGORY, AND MR. GLADYSZ CARRIED.

ITEM # 2 APPROVAL OF AGENDA.

Motioned by Wheeler to approve agenda.
Supported by Gaffney

Yeas: 3 — Gaffney, Nelsen, Wheeler
Absent: 2 — Cloyd, Gregory

MOTION TO APPROVE AGENDA CARRIED.

ITEM #3 ¾ POSTPONED ITEMS ¾ None.

ITEM #4 ¾ DISCUSSION OF SPACE REORGANIZATION. The construction contract has been signed with Cedroni Associates, Inc., the low bidder, and work is scheduled to

commence on July 20, 2001 ending August 31, 2001. They have been made aware of our meeting room use needs, and they will work around them.

ITEM #5 ¾ REPORT AND COMMUNICATIONS

Director's report. The Director's Reports are attached.

Board Member comments. Nancy Wheeler asked about the status of the study being done statewide of State funding for libraries. The preliminary report is complete, but no one has been identified in the legislature yet to accept or advocate the report to the appropriate legislative committee.

Nancy Wheeler asked about the status of the attempted move of the Library of Michigan into a new "cultural" department. The move appears to be happening, but there are details to be worked out as to representation and lines of authority and communication.

Margaret Gaffney suggested that a Troy author series of programs be explored.

Suburban Library Cooperative. The switch in automation systems to SIRSI is on schedule for the last week of June.

Friends of the Troy Public Library. There was no report.

Monthly reports (May). Circulation for the month of May compared with the same time period a year ago showed an increase of 17.4%. There was an increase in patron visits by 8.7%, and program attendance was up 84.2%.

Staff changes.	New Employees:	Georgia Souphis, Library Assistant; Charles Hoeft, Page.
	Resignations:	Shawn Pewitt, Substitute Library Assistant; Betty Morgan, Library Assistant.

Gifts. One gift in the amount of $125.00 was received.

Informational items. June TPL Calendar.

Contacts and Correspondence. Fourteen written comments from the public were noted.

Public participation. There was no public participation.

The Library Advisory Board meeting adjourned at 8:15 P.M.

Respectively submitted,

Brian Stoutenburg
Library Director

TROY HISTORICAL COMMISSION MINUTES – DRAFT JUNE 26, 2001

Meeting was called to order at 7:35 P.M., on Tuesday, June 26, 2001.

PRESENT: Edward Bortner
Roger Kaniarz
Rosemary Kornacki
Kevin Lindsey
Muriel Rounds
Brian Wattles

STAFF: Loraine Campbell, Museum Manager
Brian Stoutenburg, Director

ABSENT (EXCUSED): Cynthia Kmett

ITEM #1 APPROVAL OF MINUTES OF MEETING OF MAY 22, 2001.

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF MAY 22, 2001 AS WRITTEN.

ITEM #2 OLD BUSINESS

A. **Church and Parsonage Status:**
The Ad Hoc Church Committee sent out on June 13 a modified Request for Proposals to seven pre-selected architectural firms. Four firms have indicated current project loads prohibit them from submitting proposals for the project. It is anticipated three will submit proposals by June 29. Review of the proposals, interviews with the firms, and a recommendation of an architect with support from the boards, the Historical Society and Museum Guild will go to Council on July 23, 2001.

B. **Programs:**
See attached report for May attendance numbers. Bookings for the 2001-02 school year have been heavy. May and October are nearly full. The youth program, Living and Writing History, featuring author Janie Lynn Panagopoulos was well received with 25 children attending.

C. **Museum Sign:**
Mark Stimac is working with sign companies to finalize the selection of durable materials for use in the sign. He indicates the sign may be done by August 30.

D. **Gazebo:**
Bids on the construction contract will be opened June 29, 2001. Contract approval will go to Council on July 9, 2001.

E. **NTH Contract:**
Bids on the construction contract will be opened June 29, 2001. Contract approval will go to Council on July 9, 2001.

F. **Review of Chapter 12:**
The members discussed how the roll of the Commission has changed. During the 1970s and 1980s the Commission provided active policy development and management. As staff increased that role has shifted to an advisory capacity with staff developing policies and providing active management. This should be reflected in Chapter 12. Further, since the Museum is now included in the Library Department, the ordinances governing the Library and Museum Boards should be parallel. The Commission requested that Loraine and Brian work with the City's Legal Department to recommend appropriate changes to the ordinance. The Commission will review the proposed changes before they and the name change (see motion May 22, 2001) are sent to Council for approval.

G. **Other:**
The members toured the buildings and grounds and archive noting physical improvements that have been made and projects still requiring attention. Bill Boardman showed them his progress organizing the textile collection and the addition of digital images of assessioned textiles on SNAP.

ITEM #3 NEW BUSINESS

A. **Troy Historical Society Liaison Report:**
Concern regarding the diminished number of active Society members was discussed.

B. **New Acquisitions:**
See attached report.

C. **Other:**
The full time Archivist position will be posted within the City in July. Bill Boardman is ready to apply. Loraine has developed a job description, questions which will be added as an addendum to the standard application, and criteria for rating interviewees.

ITEM # 4 REPORTS AND COMMUNICATIONS

A. **Visitors:** No report.

B. **Staff:** No report.

C. **Commission Members:** No reports.

The Troy Historical Commission meeting adjourned at 9:45 P.M.

The next regular meeting is scheduled on Tuesday, July 17, 2001.

Respectively submitted,

Loraine Campbell
Museum Manager

July 2, 2001

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Mark F. Miller, Interim Planning Director

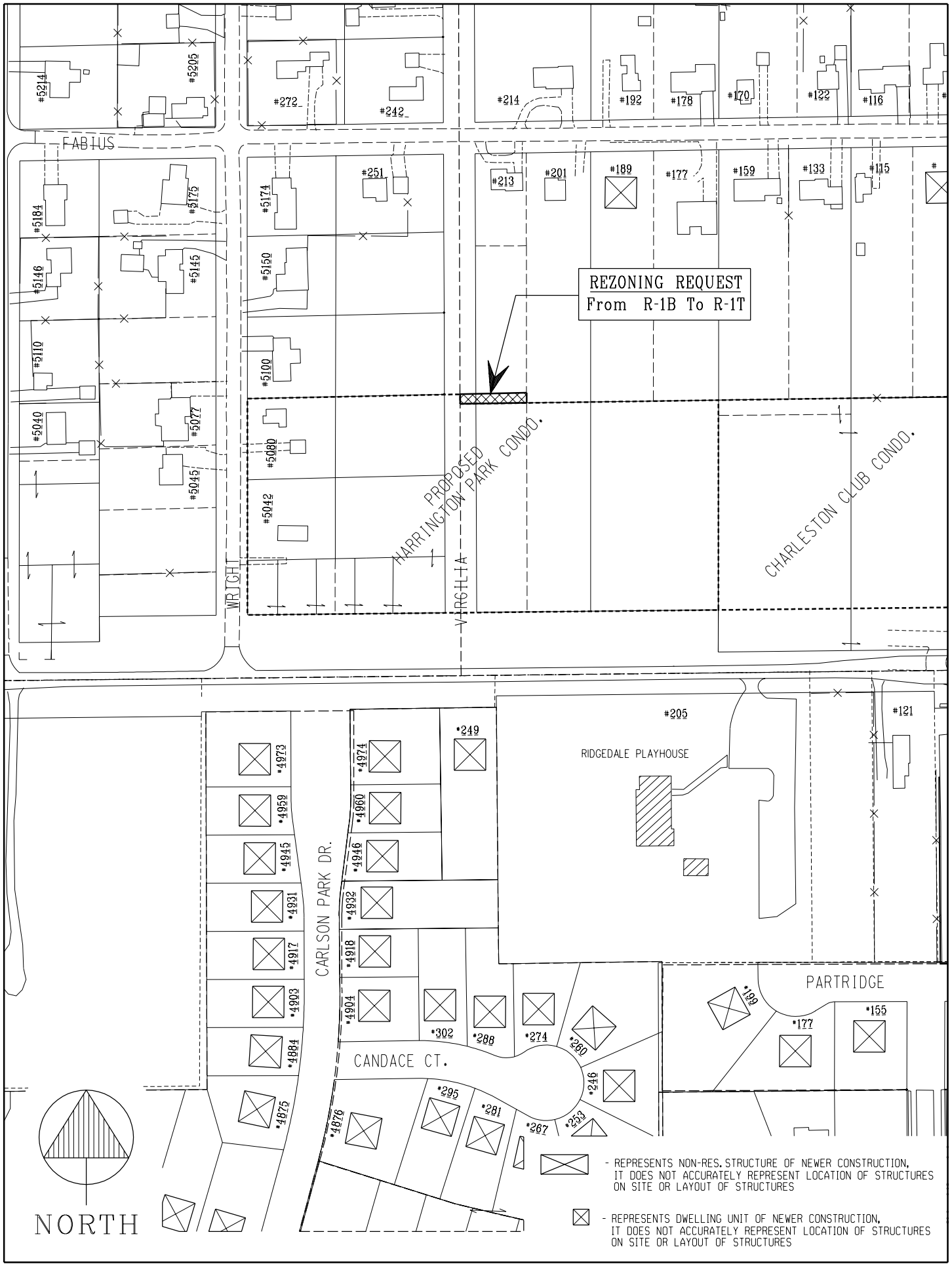
Subject: ANNOUNCEMENT OF PUBLIC HEARING – PROPOSED REZONING – North of Long Lake Road, West of Livernois – Section 9 – R-1D to R-1T.

In March of this year, the City Council took action to rezone a series of parcels totaling Approximately 5.5 acres in area, and having 710 ft. of frontage on the north side of Long Lake Road west of Livernois Road from R-1B to R-1T (One-Family Attached Residential) in order to enable construction of the proposed Harrington Park Condominium Development. A Site Plan for this development was approved by the Planning Commission on April 10, 2001, and the City Council has now adopted a Resolution authorizing vacation of the Virgilia Street right-of-way that lies in the midst of the site, in order to enable final consolidation of the site.

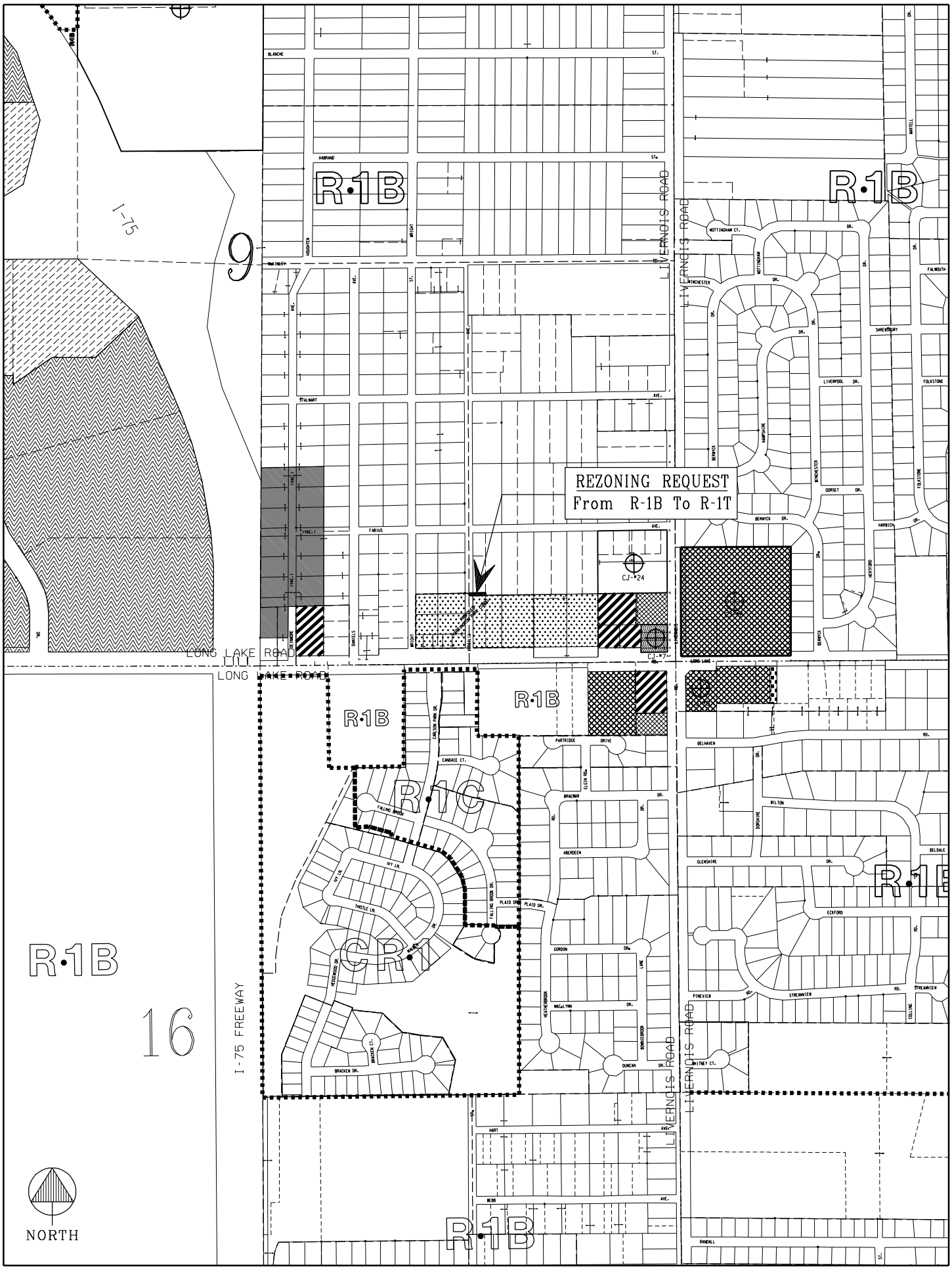
A 10 ft. by 100 ft. parcel of land included in the Preliminary Site Plan was not included in the developer's original rezoning request that occurred in March of 2001. Planning Commission recommended approval of this rezoning request on June 12, 2001. A complete analysis of this rezoning request will be provided for the Public Hearing at the July 23, 2001 City Council meeting.

Cc: Tonni Bartholomew, City Clerk
file/Z-670

mfm



Z-670 ADD'L PROP / SEC. 9 / 05-14-01


REZONING REQUEST
From R-1B To R-1T
R-1B
R-1C
CR-1
I-75
I-75 FREEWAY
LONG LAKE ROAD
LIVERNOIS ROAD
NORTH
9
16
CJ-24

PROPOSED REZONING
HARRINGTON PARK CONDO. (ADD'L PROP.)
N OF LONG LAKE & W OF LIVERNOIS
SECTION 9 Z-670
REZONING REQUEST
R-1B TO R-1T
CHARLESTON CLUB
CONDO.
LIVERNOIS
LONG LAKE RD
N
0 200 400 600 Feet

June 28, 2001

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Mark F. Miller, Interim Planning Director

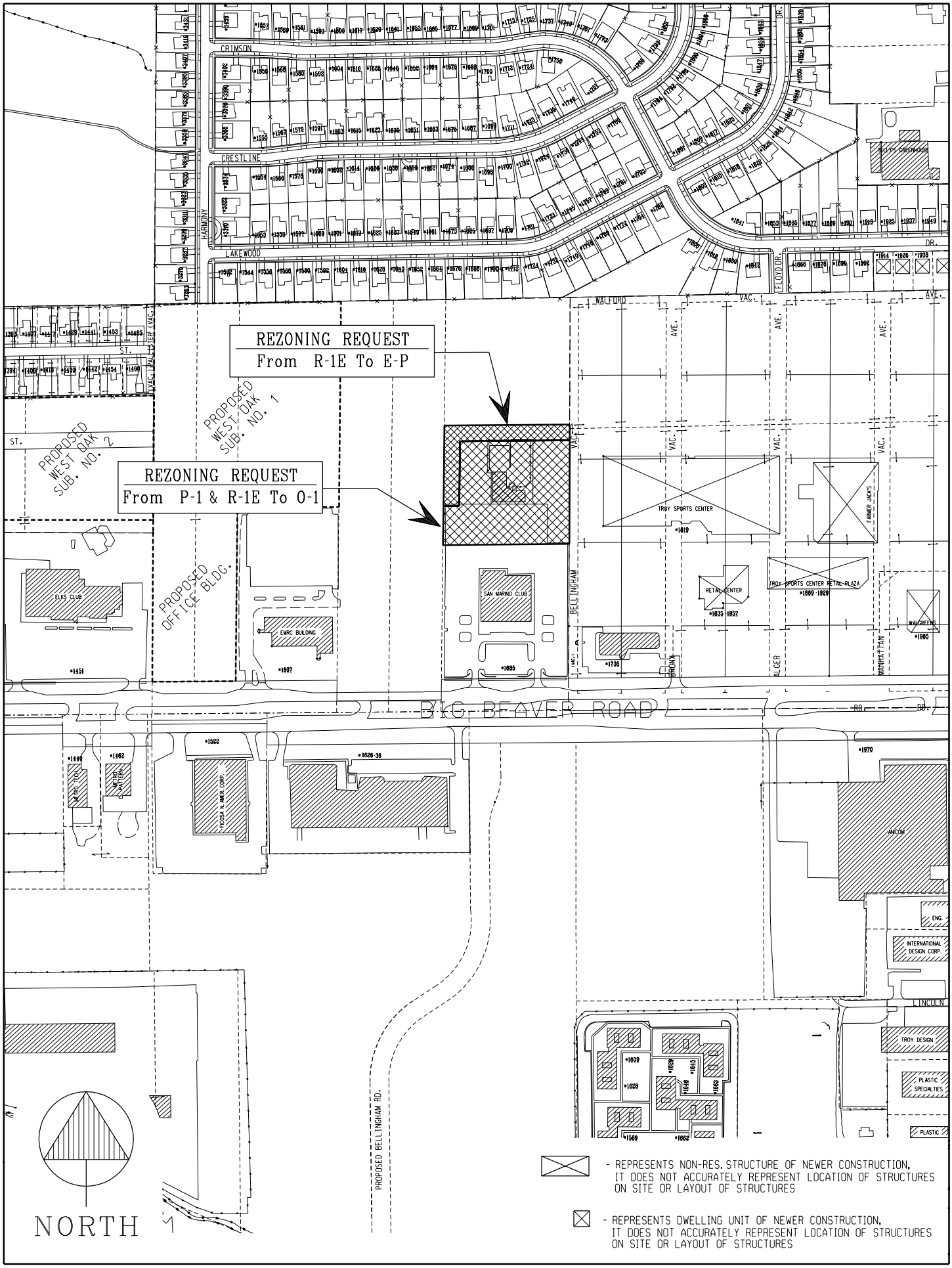
Subject: ANNOUNCEMENT OF PUBLIC HEARING – PROPOSED REZONING – North of Big Beaver, West of John R Road – Section 23 – R-1E and P-1 to O-1 and E-P

A request has been submitted by the San Marino Club, for the rezoning of the present P-1 zoned portion of their site, and a portion of the R-1E zoned area, to the O-1 (Low-rise Office) classification and E-P (Environmental Protection) classification.

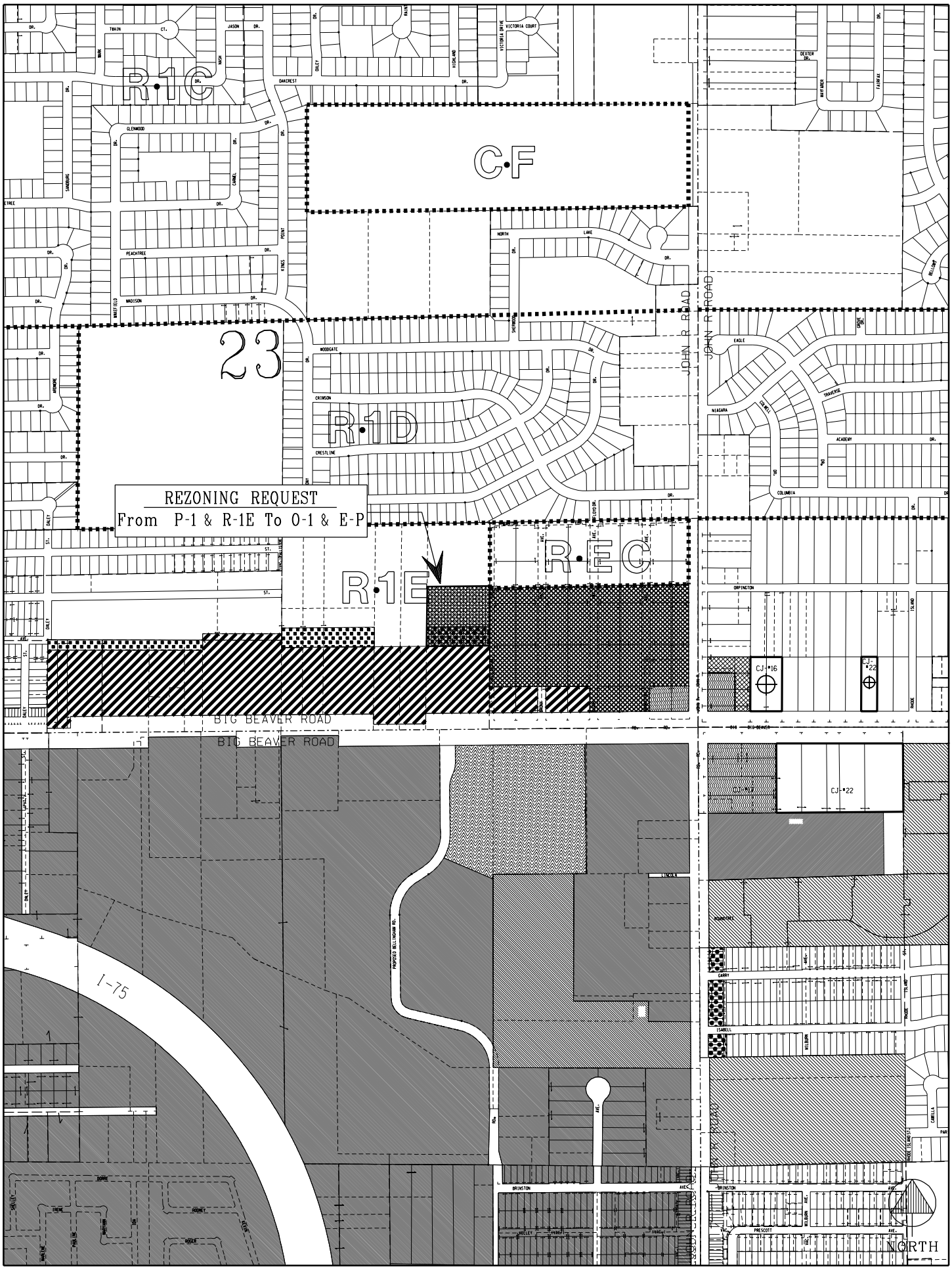
The Planning Commission recommended approval of the rezoning proposal on June 12, 2001. A complete analysis of this rezoning request will be provided for the Public Hearing at the July 23, 2001 City Council meeting.

Cc: Tonni Bartholomew, City Clerk
file/Z-402-b

mfm



Z-402 / SEC. 23 / 05-14-01


REZONING REQUEST
From P-1 & R-1E To O-1 & E-P
R-1C
C-F
23
R-1D
R-1E
R-1C
BIG BEAVER ROAD
BIG BEAVER ROAD
I-75
JOHN R ROAD
JOHN R ROAD
NORTH

PROPOSED REZONING
SAN MARINO CLUB
N OF BIG BEAVER & W OF JOHN R
SECTION 23 (Z-402 b)
REZONING REQUEST
From R-1E & P-1 To O-1
PROP WEST OAK
SUB NO. 1
PROP WEST OAK
SUB NO 2
BIG BEAVER RD
JOHN R
N
0
200
400
600 Feet

June 14, 2001

TO: John Szerlag, City Manager

FROM: Charles T. Craft, Chief of Police

SUBJECT: Certificate of Appreciation from Oakland County Probation

Attached is a copy of a certificate of appreciation I received from the Oakland County Probation Department as a result of the police department's involvement in "Operation Nighthawk". This program teams police officers with Oakland County Probation agents to do home visits, during non-business hours, of persons on Oakland County Circuit Court Probation. The purpose of these visits is to check for compliance with the terms of the individual's probation.

Most Oakland County police departments participate. However, Troy was among the first to agree to do so. Per the Probation Department, the rate of probation violations discovered in the year 2000 was very low in Troy. They indicate that probationers in Troy are aware of the regular visits and believe this has increased compliance.

The Oakland County Probation Department

presents the

Troy Police Department

with this

Certificate of Appreciation

for their participation in the

Operation Nighthawk Program

June 1, 2001

Maureen Gillis, Nighthawk Coordinator

Kenneth J. Aud, Area Manager

CENTRAL MICHIGAN
UNIVERSITY

College of Extended Learning
(989) 774-3865

June 11, 2001

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

Dear Chief Craft:

I would like to inform you of the achievements of Mr. Robert Ralph Wolfe. Mr. Wolfe is a May 2001 graduate of Central Michigan University's off-campus degree program and earned a Master of Science in Administration degree. The fact that he earned a degree while also maintaining a job is commendable, and we are proud to count Mr. Wolfe among our alumni.

Sincerely,

Gary G. Peer, Ph.D.
Interim Dean

GGP:das

RECEIVED
Chief of Police
6/13/01 CTC

cc: Dept File

Law Offices of Raymond A. Cassar

Attorneys & Counselors at Law

30665 Northwestern Highway Suite 100
Farmington Hills, MI 48334 (248) 855-0911 (248) 855-9523 fax

Raymond A. Cassar
Daryl Wood
Renée K. Gucciardo
R. Scott A. Baker

web site: www.crimlawattorney.com
e-mail: Ray@crimlawattorney.com

Wayne County Office
25639 Ford Road
Suite 215
Dearborn Heights, MI 48127
(313) 278-8811

June 9, 2001

Captain Dane Slater
Troy Police Department
500 W. Big Beaver
Troy, MI 48083

Re: Officer Joseph F. Mairorano, #94

Dear Captain Slater:

I wanted to write you a letter to inform you of what an outstanding employee you have in Officer Mairorano. I had occasion to meet Officer Mairorano on March 1, 2001 due to a situation involving one of my clients, Elvira Schulte. Officer Mairorano was the officer in charge of the case. I was immediately struck by how professional he was. During the course of the case, I found that he was extremely intelligent, competent and helpful. After being a prosecutor for over eight years, I have come across many officers. I found that Officer Mairorano was one of the brightest, most compassionate and most competent officer that I have ever come across. Thanks to him the matter was handled in a completely professional and fair manner. He immediately responded to all of the concerns that we had, and allowed the matter to be settled quickly and fairly.

Please let Officer Mairorano know that he had a very positive impact on my client and myself. I think that the Troy Police Department is well served by such an impressive employee as Officer Mairorano.

With kind regards,

Renée K. Gucciardo

RECEIVED
Chief of Police
6/14/01 CE

6/14
Chief, FYI... Copies Distributed. LMK

R/C

June 25, 2001

Dear Mr. Nood,

Thank-you very much for your assistance in having the Trash Men pick-up my construction rubish from my property. Please make sure the city writes good contracts for trash pick-up. This is important as a tax payer and resident of the city.

Best Regards,

Tom Sawyer, Jr

G-6d

ite Institute of Transportation Engineers

1099 14th Street, NW • Suite 300 West • Washington, DC 20005-3438 USA • Tel: +1 202 289 0222 • Fax: +1 202 289 7722 • www.ite.org

Memo

DATE: June 20, 2001
TO: Members of the Geometric Design Criteria for Highway-Rail Intersections (Grade Crossing) Informational Report Committee
FROM: Russell Houston
RE: Thank you

On behalf of the Institute of Transportation Engineers, I would like to extend my thanks for your participation in the development of the Informational Report entitled "Geometric Design Criteria for Highway-Rail Intersections (Grade Crossings)."

Please accept the enclosed Certificate of Accomplishment as a token of appreciation for your efforts.

The Institute and your colleagues appreciate the time and effort you devoted to this project and I hope that you will continue to volunteer your time on future ITE activities.

Institute of
Transportation
Engineers

This Certificate of Accomplishment is presented to

JOHN K. ABRAHAM

Coordinating
Council

In recognition of outstanding service on

THE GEOMETRIC DESIGN REPORT

of the Institute of Transportation Engineers

Donna J. Lari

Coordinating Council Chair

Dorothy Meerschaert
3395 Alpine
Troy, MI 48084
(248) 643-6977
mmarvdor@tir.com

June 26, 2001

Department of Public Works
500 West Big Beaver Road
Troy, MI 48084

Dear Sir or Madam:

As you can tell by my address, my neighborhood has been undergoing a massive construction project this summer.

The workmen are almost finished with my street and I wanted to let you know how impressed I am with the coordination of departments and different corporations put together to get this all finished in about two months.

I have observed such wasteful practices in other cities where each company or department had it own crew try and repair damage it had done just in time to have it ripped up again.

I don't know who was in charge of putting all the projects together, but they certainly did a fantastic job.

I would also like to comment on the manner of the ordinary men working in our neighborhood. They were so polite and helpful. They tried to impede traffic as little as possible and when my husband put sod back and filled in patches in the lawn they were quick to point out that they would have taken care of it. (We found it easier on the garden tractor to mow a smooth surface.)

I am certainly relieved that our street is just about finished until they refinish the roadway next year, but I am so proud to live in a city that is so efficient. It makes me feel like all the tax dollars are being well spent.

Sincerely,

Dorothy Meerschaert

Dorothy Meerschaert

G-6

RC

June 22, 2001

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

RE: ACT 78 Commission

Dear Madam Clerk,

This letter will serve as my resignation from the ACT 78 Commission effective July 02, 2001 as my term of office expires on April 30, 2002.

This resignation is a result of my relocating from the City of Troy.

I apologize for this very short notice as my home sold much more rapidly then I anticipated, with a closing in thirty (30) days from the date of sale.

I will be moving to Auburn Hills and if you desire me to serve pending my replacement I will be willing to do so.

It has been an honor to serve on the ACT 78 Commission with Commissioner's McGinnis and Cannon who exemplify the best in public service in representing the citizens of Troy.

RECEIVED
CITY OF TROY
2001 JUN 26 AM 11:44

G-7

I have always been proud to call Troy my home.

Sincerely,

Gary A. Sirotti
895 Lyndenglen Court #105
Auburn Hills, MI 48326
(248) 322-1562

RC

Nelson Ritner
563 Jacob Way, Apt 103
Rochester, MI 48307-2295
Phone 248-651-7971

RECEIVED
CITY OF TROY
2001 JUN 26 PM 3:17

June 23, 2001

City Clerk
City of Troy
500 West Big Beaver Rd.
Troy, MI 48084

Dear Sir:

Please accept my letter of resignation from the Economic Development Corporation. I moved out of the City on March 1, 2001. Please give my best wishes to members of the EDC.

I want to express my pleasure in having served the City. Troy was a great place to live for many years and a great place to raise our family. Pat and I are temporarily living in Rochester pending our retirement to Florida.

Thank you,

Nelson Ritner

Nelson Ritner

G-7

DATE: July 2, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M Lamerato, Assistant City Manager/Finance and Administration
Gert Paraskevin, Information Technology Director

RE: Agenda Visitor Information System

As a result of a request by the Mayor to investigate an automated "Request to Comment" system to be used during regularly scheduled Council Meetings, the Information Technology Department has developed a system outlined in this memorandum. City Administration feels this is an improvement over the current paper based system, which requires visitors to fill out a card that is then handed to the Mayor, who must then manage them during the meeting. When there are a large number of requests this can become very cumbersome and distracting.

Input from the City Manager's office, Community Affairs, and the City Clerk's office contributed to the design of this software. Attached are copies of the various screens that comprise the system. At this point, administration is soliciting input from the Mayor and City Council for comments or improvements to this system. If time permits, a short demonstration will be conducted during the meeting of July 9, 2001. Once all feedback has been incorporated into the software, this new method of recording requests to speak at a council meeting will replace the current card system. A general description of how the new procedure will work follows:

1. A large sign (Attachment A) will be posted next to a computer in the hallway outside of the Council Chambers. It will provide instructions to visitors and general information about requesting to speak.
2. Visitors will enter their name into the system (Attachment B).
3. Next they will be prompted to indicate which items they wish to speak to on the current agenda. In addition, they can enter optional personal information such as address, telephone number and email address. This would be used to allow follow-up with the visitor after the meeting if necessary (Attachment C).
4. During the meeting, the City Clerk will pull up the list of visitors wishing to speak item by item from a computer at their table (Attachment D).
5. The list of items and visitors will also appear on the screen of a computer at the Mayor's seat. The Mayor will call up each visitor in the order they registered (Attachment E). After all registered visitors are called, other members of the audience may also indicate they wish to speak. The Mayor may recognize them one at a time. As they come up to speak the City Clerk will register them also.

If you have any comments or suggestions for improvement, please make City Administration aware of them. If possible, they will be incorporated into the system.

Attachment A

Welcome to a public meeting of the Troy City Council. All meetings are open to the public except those specifically exempted by law.

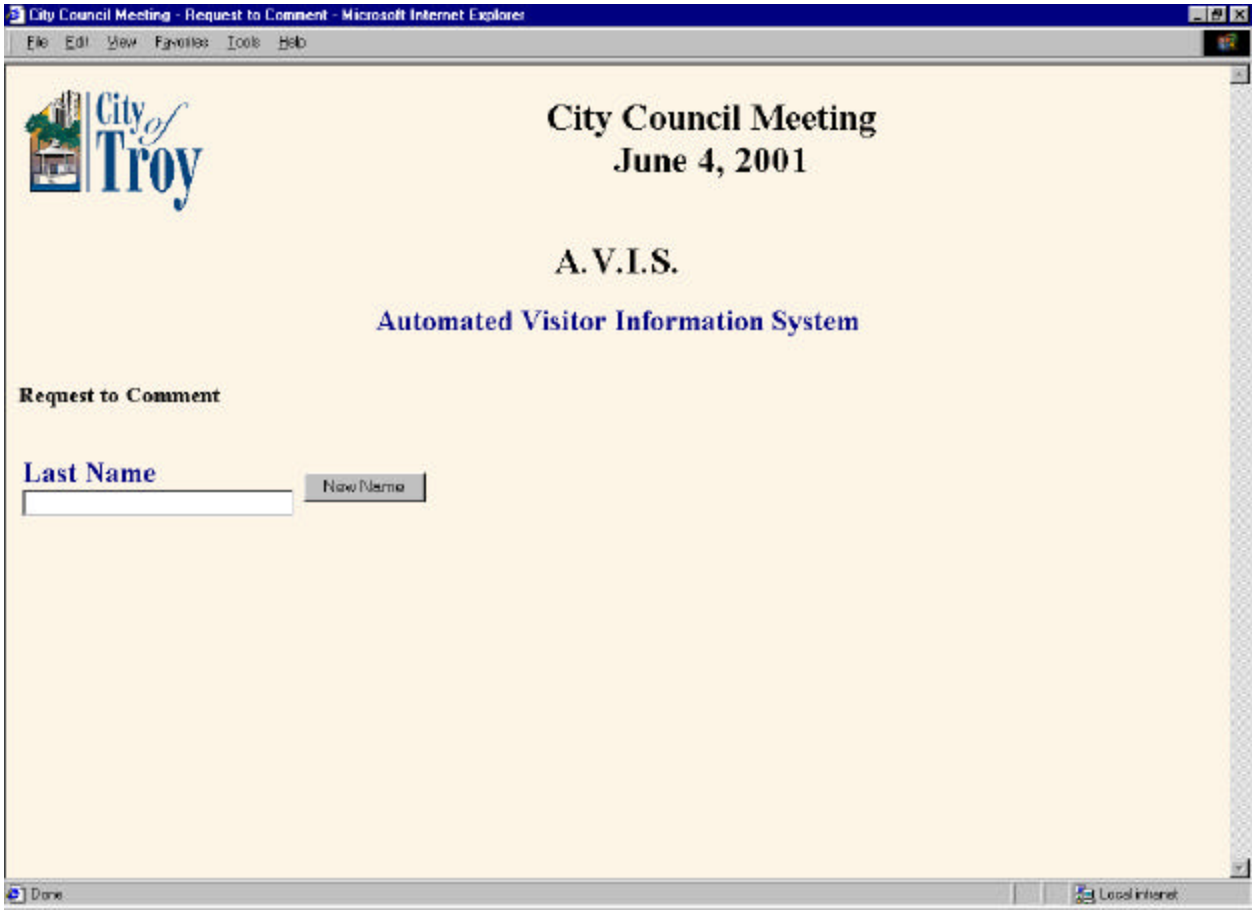
Public participation is encouraged during the information-gathering stages of the Council's deliberations. Citizens may express their views at public hearings and during the Visitor Comments Section of regular meetings. A member of the audience who wishes to speak in opposition to the recommended action for any given Consent Agenda Item may do so with the approval of a majority vote of City Council. Persons interested in addressing City Council on regular Business Items, which appear on the printed Agenda, may do so at the time the item is discussed. Time is limited to not more than five (5) minutes on any question.

The City Manager has requested that if you have a question or concern not on the printed agenda, please bring it to the attention of the appropriate municipal department(s). If you then think that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the Assistant City Manager or City Manager; and if still not resolved satisfactorily it will be placed on an upcoming agenda. Please know that any such matter may be deferred to another time or referred for study and recommendation upon the request of any one Council member. However, a majority of City Council can act upon the issue immediately. Comments and statements to be addressed to Mayor and Council may be limited to five minutes.

All speakers are asked to stand at the podium and speak into the microphone to accommodate the television cameras. Requests to speak should be made in advance of the meeting, or in advance of that point in the meeting when a person wishes to comment. **Remember, a five-minute time limit will be observed.** All City Council meetings are cablecast on Channel 10/53.

If you wish to comment please enter your name into the computer. You will be prompted to identify the items you wish to speak to, as well other optional personal information. This information will become public record and subject to the Freedom of Information Act (FOIA). If you do not wish to be recognized and called to the podium through this automated method, you may hold up your hand and be called upon after those that have registered their request have been recognized.

Attachment B



Attachment C

City Council Meeting - Request to Comment - Microsoft Internet Explorer

File Edit View Favorites Tools Help

City of Troy

Brion
First Name

Jones
Last Name

123 Main Street
Address

248-111-2222
Phone Number

BJones@email.com
Email

Submit

Check all items you wish to address

CALL TO ORDER

ROLL CALL

☐ **A-1** Minutes: Regular Meeting of May 21, 2001 and Special Meeting of May 30, 2001

☐ **A-2** Presentations: (a) To Doris Snyder in Memory of Her Husband Don Snyder for His Service as a Member of the City of Troy's Liquor Committee beginning August 1, 1977 until January 10, 2000, (b) Welcome to Matthias Appoldt, Intern at Siemens Automotive from Bavaria, Germany

PUBLIC HEARING

☐ **C-1** Street Vacation - Virginia, North of Long Lake Road - Section 9

POSTPONED ITEMS

☑ **D-1** Preliminary Plat -Tentative Approval - West Oak Subdivisions 1 & 2 - North Big Beaver, between Rochester and John R. - Section 23

VISITOR COMMENTS

☑ **1** Flooding at my house.

☐ **2**

Done

Local intranet

City Council Meeting - Request to Comment - Microsoft Internet Explorer

File Edit View Favorites Tools Help

City of Troy

Brion
First Name

Jones
Last Name

123 Main Street
Address

248-111-2222
Phone Number

BJones@email.com
Email

Submit

Check all items you wish to address

☐ **F-8** Traffic Committee Recommendations: (1) No Parking Between Signs - Cypress Drive Cul-De-Sac, (2) No Changes to Traffic Control Devices in Holland Hills Subdivision, (3) Establishment of Fire Lanes/Tow Away Zones at Midtown Square, Maple and Coolidge, (4) Establishment of Fire Lanes/Tow Away Zones in Alley behind 1025 East Maple Road

☐ **F-9** John Pavone and Mukesh Mangula, dba Matthew's Farms, L.L.C., Sidwell #88-20-36-100-35 (a) Request for Authorization to Make Unconditioned Offer to Purchase for Section 36 Parkland (b) Request for Authorization for City Attorney to Institute Court Action if Necessary

☐ **F-10** IMAX Theatre Project/Mr. Kirton

☐ **F-11** Acceptance and Approval of an Agreement to Purchase Property Located in Section 22 at the Intersection of Trombley and Talbot - Addition to Section 22 Park

☐ **F-12** Proposed Amendments Concerning Sidewalk Waivers

☐ **F-13** Proposed Cellular Towers

☐ **F-14** Michigan Youth Museum

☑ **F-15** Memo From City Manager Re: Draft Ordinances for Wetlands, and Natural Features Presentation

COUNCIL COMMENTS/REFERRALS

VISITORS

☐ **1**

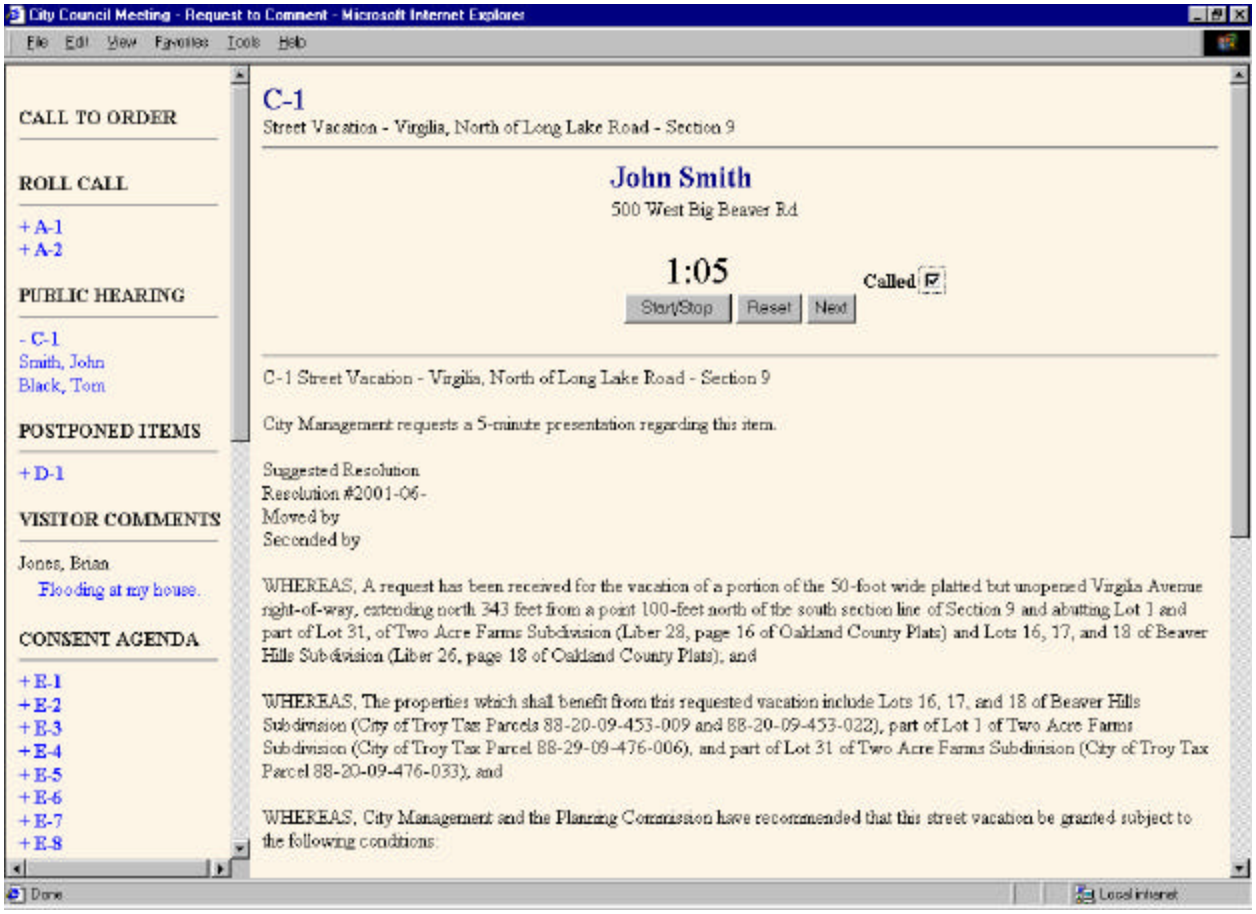
☐ **2**

☐ **3**

Done

Local intranet

Attachment D



City Council Meeting - Request to Comment - Microsoft Internet Explorer

File Edit View Favorites Tools Help

CALL TO ORDER

ROLL CALL

+ A-1
+ A-2

PUBLIC HEARING

- C-1
Smith, John
Black, Tom

POSTPONED ITEMS

+ D-1

VISITOR COMMENTS

Jones, Brian
Flooding at my house.

CONSENT AGENDA

+ E-1
+ E-2
+ E-3
+ E-4
+ E-5
+ E-6
+ E-7
+ E-8

C-1

Street Vacation - Virgilia, North of Long Lake Road - Section 9

John Smith

500 West Big Beaver Rd

1:05

Called ☑

Start/Stop Reset Next

C-1 Street Vacation - Virgilia, North of Long Lake Road - Section 9

City Management requests a 5-minute presentation regarding this item.

Suggested Resolution
Resolution #2001-06-
Moved by
Seconded by

WHEREAS, A request has been received for the vacation of a portion of the 50-foot wide platted but unopened Virgilia Avenue right-of-way, extending north 343 feet from a point 100-feet north of the south section line of Section 9 and abutting Lot 1 and part of Lot 31, of Two Acre Farms Subdivision (Liber 28, page 16 of Oakland County Plats) and Lots 16, 17, and 18 of Beaver Hills Subdivision (Liber 26, page 18 of Oakland County Plats); and

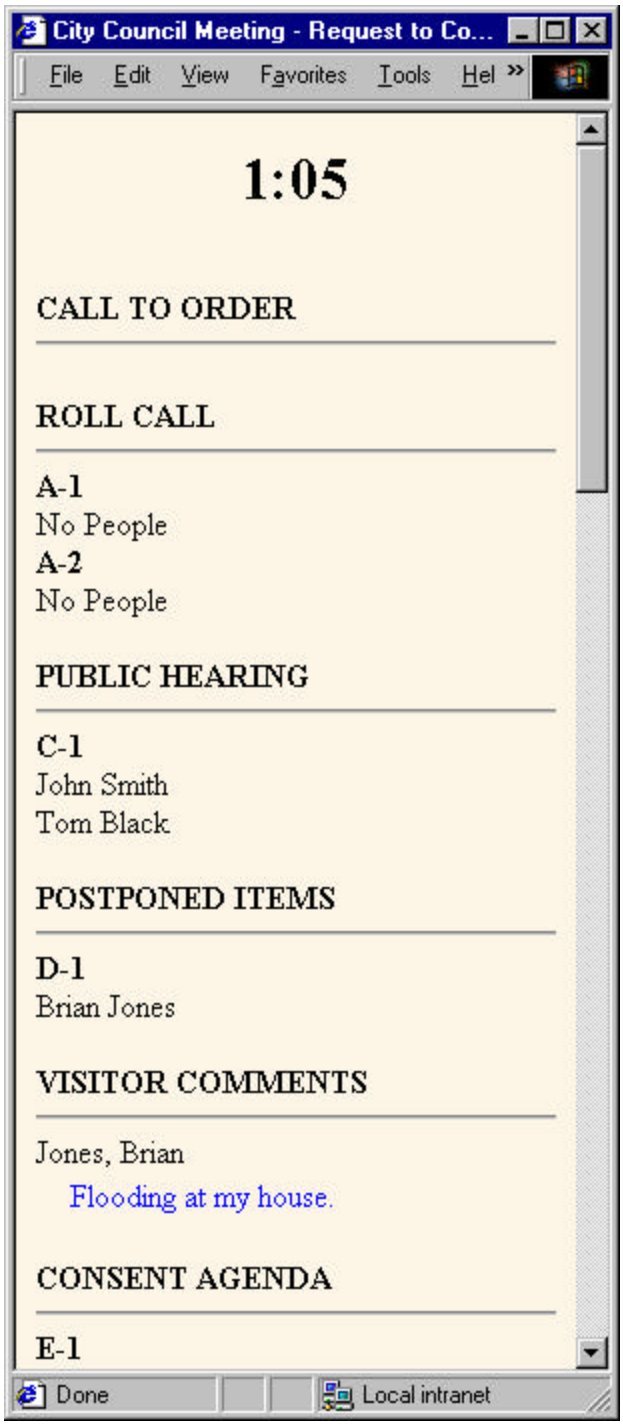
WHEREAS, The properties which shall benefit from this requested vacation include Lots 16, 17, and 18 of Beaver Hills Subdivision (City of Troy Tax Parcels 88-20-09-453-009 and 88-20-09-453-022), part of Lot 1 of Two Acre Farms Subdivision (City of Troy Tax Parcel 88-29-09-476-006), and part of Lot 31 of Two Acre Farms Subdivision (City of Troy Tax Parcel 88-20-09-476-033); and

WHEREAS, City Management and the Planning Commission have recommended that this street vacation be granted subject to the following conditions:

Done

Local intranet

Attachment E



July 2, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Steven Vandette, City Engineer

SUBJECT: **Resolution of Drainage Problem South of Peacock Farm on Rochester Road, Section 10**

The Engineering and Public Works Departments have been working with the property owners south of the Peacock farm for several months to alleviate a long standing drainage problem on their property. These properties receive runoff from vacant property to the west and north, including the Peacock farm. The rear yards are much lower than the surrounding property and flooding has long been a problem, although it has been aggregated by recent activity on the Peacock farm property. During our topographic survey we found two private drains installed many years ago, according to the property owners, which are no longer functional. This condition coupled with increased runoff has resulted in flooding conditions of increased frequency and severity than what has occurred in the past.

The Engineering Department recently completed a storm drain design for DPW to use in their rear yard drainage program to address flooding at this site. It was reviewed with Tim Richnak, Superintendent of Streets and Drains, in the office and in the field. During his visit to the site during the week of June 12, he reviewed the plan with property owners and made revisions based on their comments. The requested changes were made and a revised engineering plan has been prepared. A joint meeting with Engineering, Streets and Drains and the property owners is being scheduled to review and finalize the plan. The next step will be identification and acquisition of easements and scheduling of the project. We anticipate that this rear yard drainage project, without cost to the property owners, will be constructed late this summer, depending on acquisition of easements.

July 2, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Steven J. Vandette, City Engineer
John K. Abraham, Traffic Engineer

SUBJECT: Citizen Comments on Red Light Enforcement Cameras

This memo is in response to the citizen comments at the June 19, 2001 meeting of the City Council, based on research by staff.

Reports from a majority of all U.S. communities show a reduction in traffic crashes at locations with red light enforcement cameras. Attached please find information from eight representative communities that report reductions. Another observation from these communities is that crashes at the area intersections (without cameras) were also reduced as a ripple effect of automated enforcement. An Australian study quoted at the Council meeting reported no change in traffic crashes before and after installing cameras. Our findings show that this 1995 report was never published in any scientific literature, since it does not follow scientific methodology to arrive at the conclusion. However, the U.S. Insurance Institute for Highway Safety (IIHS) reports reductions in crashes that have been published in various national and international journals. Also, the IIHS is a reliable non-profit research organization dedicated to reducing highway crashes and injuries. The IIHS also rates vehicles for crashworthiness based on crash tests they perform, and their data is respected and well accepted in the U.S.

To understand more on the "strobes" that blind a driver when the camera goes on, we contacted communities with camera installations. We were told that camera flash equipment could be activated in the event of low light conditions for less than one second. As proposed in the Michigan bill, only rear photographs will be taken (photo of the license plate), eliminating the probability of the light flash blinding the driver.

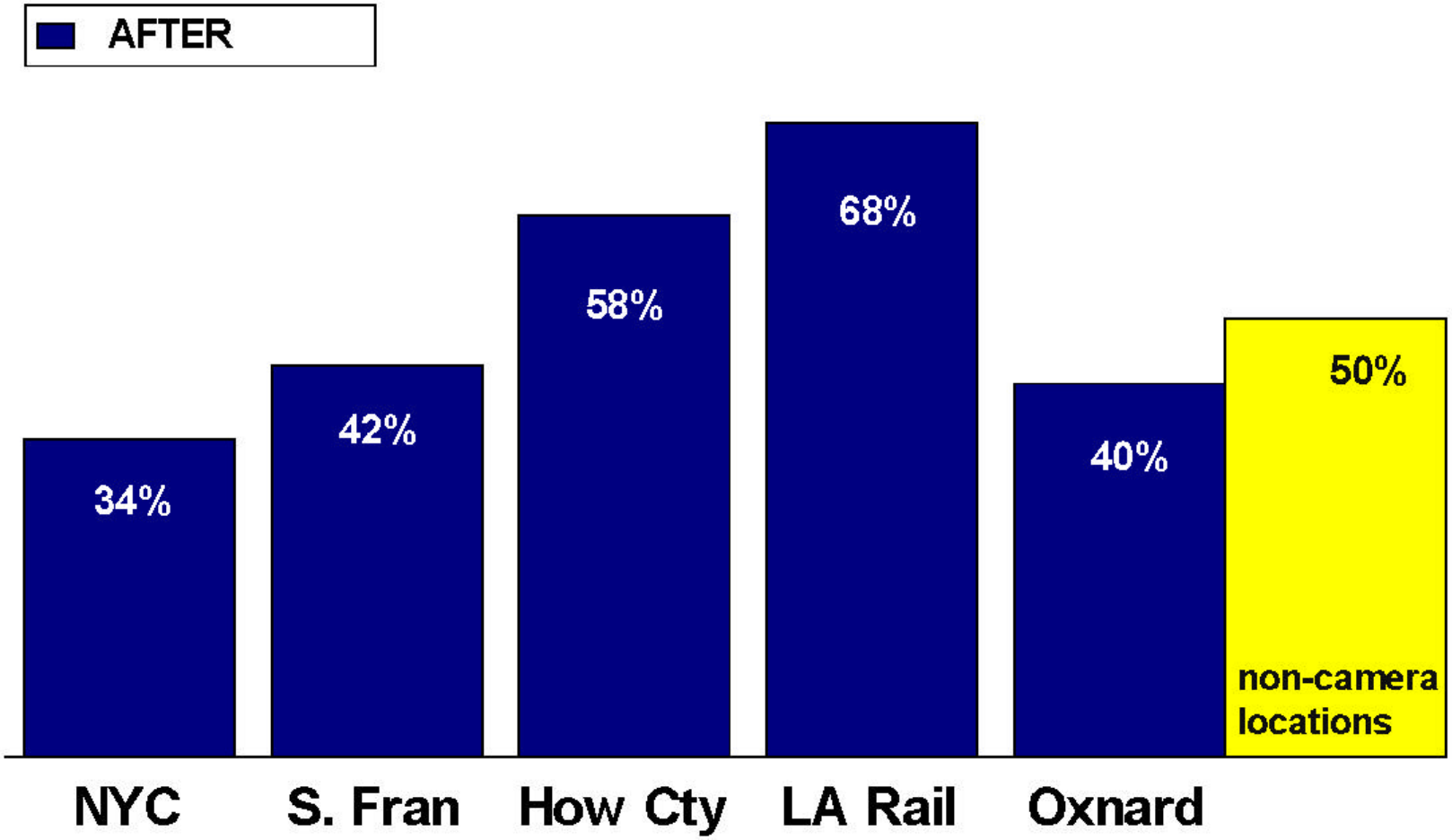
Red light running crashes constitute a small percent of all traffic crashes. Attached please find the numbers for the City of Troy. Between 1994 and 1998, 9.05% of all intersection crashes were related to red light running, which is a small percentage; however, these crashes tend to be high severity crashes. In the same time period, 68% of all fatal and 43.33% of all A-level (incapacitating injury) crashes at intersections involved red light running. It is this high severity of the crashes that is of concern.

City management recommended support for the bill only from a traffic safety point of view, due to the demonstrated and documented reduction in traffic crashes in U. S. communities and will not preclude investigating any other remedies for the growing red-light running concern. City staff is represented in the National Committee titled "Engineering Safer Intersections to Prevent Red Light Running" and on the Michigan Traffic Signal Summit's Red-Light Running Subcommittee.

If passed, the bill would provide an additional tool to the traffic safety toolbox that could be used *if required*, after all other engineering and education measures are implemented.

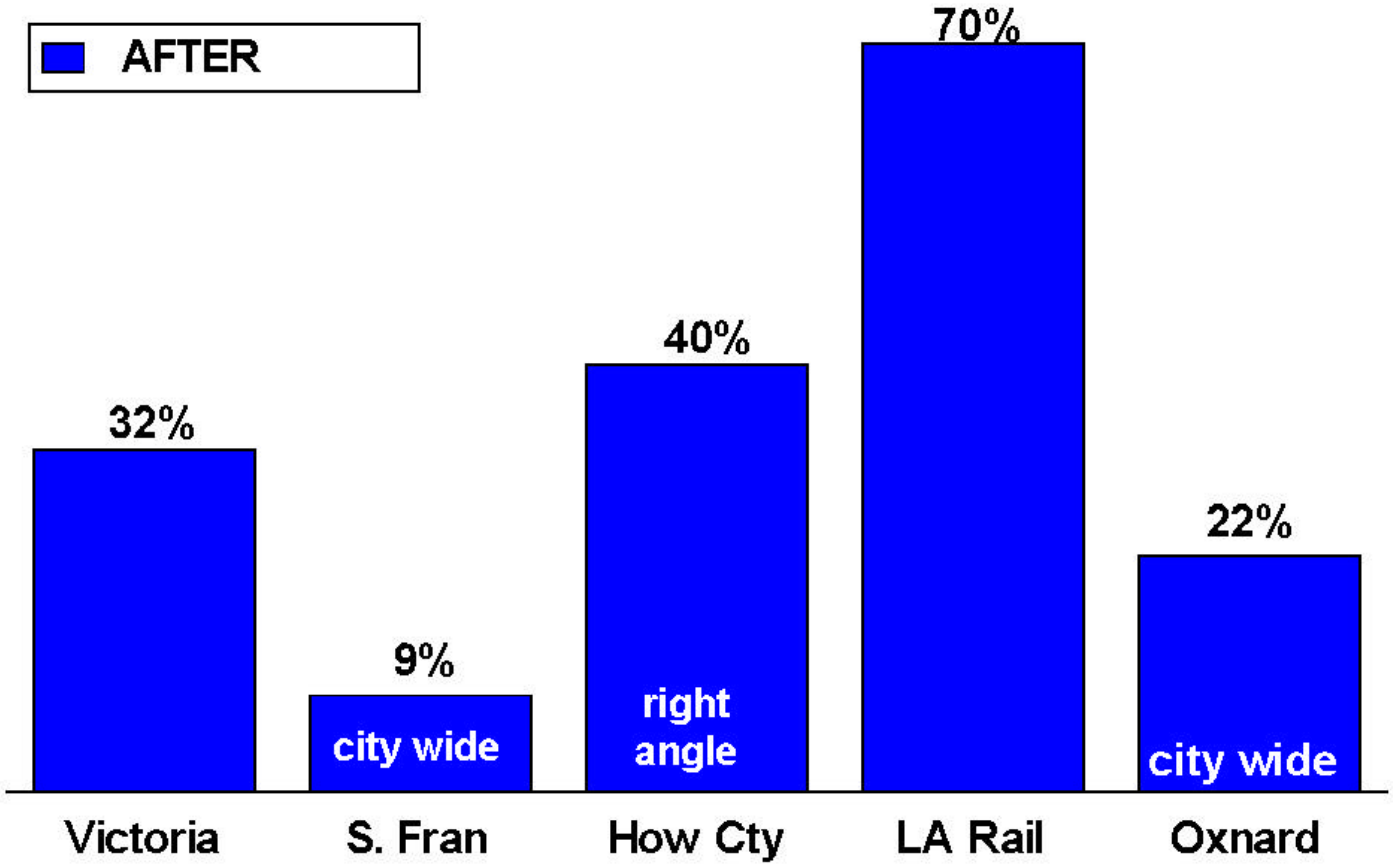
Reduction in Violations

After Cameras Installed



Reduction in Crashes

After Cameras Installed



AUTOMATED ENFORCEMENT MYTHS

March 2001

Background

Traditional traffic law enforcement relies exclusively on the presence of an officer to observe violations and identify and cite offenders. Obviously, this limits the effectiveness of traffic law enforcement because police cannot be everywhere. Even when they observe violations, it is not always possible to safely stop the violator because to make the stop, the officer may have to speed or run a red light.

Red light cameras and other photo-enforcement systems are designed to identify traffic law violators without depending on the presence of police officers. Red light camera systems are connected to traffic signals and to sensors buried in the pavement at the crosswalk or stop line. The system continuously monitors the traffic signal and triggers the camera to photograph the tags of vehicles entering the intersection after the light has turned red. In most cases, a second photograph is taken to show the offending vehicle in the intersection. The camera records the date, time, and speed of the vehicle; a clear image of the vehicle is produced under a wide range of light and weather conditions. Images are carefully reviewed, and citations are mailed to the registered owners of the vehicles for which there is unambiguous evidence of a violation.

Although courts have repeatedly upheld photo enforcement, opponents often claim that it violates a variety of constitutional and other legal protections. The following is a list of some of the objections that are most often raised and responses to those objections.

Myth: Like old-fashioned speed traps, photo enforcement is designed to make money, not protect the public.

Myth: Photo enforcement allows police to act as "Big Brother," continuously spying on law-abiding citizens.

Myth: With photo enforcement, owners are guilty until proven innocent.

Myth: Photo enforcement violates the Fourteenth Amendment because it does not provide immediate notice that an offense is alleged.

Myth: Photo-enforcement cameras make too many mistakes.

Myth: Like old-fashioned speed traps, photo enforcement is designed to make money, not protect the public.

Each year crashes involving red light running claim the lives of more than 800 people and injure another 200,000 people.[1] More than half of the deaths in red light running crashes are other motorists and pedestrians, so there should be no debate about the fact that red light runners are dangerous drivers who put other road users at risk. A recent Insurance Institute for Highway Safety study in Oxnard, California, showed that red light running violations dropped a total of 42 percent after well publicized photo enforcement was introduced.[2] Another study in Fairfax, Virginia, showed that violations declined about 40 percent after one year of photo enforcement.[3] A key to all effective traffic law enforcement is publicity; without it there is no deterrent effect, and the purpose of red light cameras is deterrence.

Photo enforcement has such a strong deterrent effect precisely because it is *not* like so-called "speed traps." The old image of a speed trap was that of "secret" enforcement at a location where almost every driver speeds. Officers could pick and choose whomever they wished to cite, even drivers who barely exceeded the limit.

The objective of photo enforcement is to deter violations, not to surreptitiously catch violators. The more public the enforcement is, the better. Photo-enforcement cameras are in plain view, not hidden. There typically are signs and publicity campaigns warning drivers that photo enforcement is in use. And unlike speed traps, photo enforcement is fair. The cameras are programmed not to photograph vehicles turning right on red or caught in the intersection when the light changes. Only violators who meet objective criteria specifically designed to omit minor, unintended infractions are photographed. There is no potential for impermissible profiling or discriminatory enforcement where photo enforcement is in use. back to myths

Myth: Photo enforcement allows police to act as "Big Brother," continuously spying on law-abiding

citizens.

Photo-enforcement cameras are not general surveillance cameras that observe everyone within range, but are designed only to capture photographic evidence of traffic law violations. Thus, red light cameras are triggered solely by vehicles that enter an intersection on a red light. They do not photograph vehicles being driven less than minimum speeds (e.g., 15 mph), thereby assuring that drivers executing turns or stopping in intersections on yellow or green signals are not cited. In other words, photo enforcement is designed to collect no more information than is necessary for law enforcement purposes.

The Fourth Amendment to the U.S. Constitution protects our right to privacy from unreasonable intrusion by law-enforcement agents. In 1967, in a landmark case, *Katz v. United States*, the U.S. Supreme Court established that the Fourth Amendment protects our right to privacy in those things that we actually keep private and those which society generally regards as private. "What a person knowingly exposes to the public, even in his own home or office, is not a subject of Fourth Amendment protection" *Katz v. United States*, 389 U.S. 347, 351 (1967).

A photo-enforcement camera photographs a vehicle, including its rear license tag. In states that require identification of the driver, photo-enforcement cameras photograph the driver as well as the license tag. No one can reasonably argue that a driver or registered owner of a vehicle has a privacy interest in the driver and/or license tag of a vehicle being driven on a public road if the driver has violated the law.

If there were such privacy interests in license tags, it would be violated through traditional enforcement. Every time an officer stops a vehicle, he or she calls in the tag number to verify registration, thereby making a record of when and where the vehicle was seen. Officers routinely request driver's licenses when they conduct stops and visually inspect drivers to see that licenses match the drivers submitting them.

Opponents of photo enforcement raise the privacy issue with the general public, but not in court. This is very likely because the law is well settled that there is no privacy interest in what is routinely and regularly displayed in public. back to myths

Myth: With photo enforcement, owners are guilty until proven innocent.

Opponents of photo enforcement raise this issue frequently. At first blush, it has strong appeal because the presumption of innocence is one of our most treasured constitutional rights. However, photo enforcement does not violate the presumption of innocence, which attaches at trial, not before. Police and prosecutors are not bound by a presumption of innocence. To the contrary, ethics prevent them from charging a person unless there is sufficient evidence.

Laws authorizing photo enforcement provide that photographic evidence of a violation is sufficient to issue a citation to a registered owner. The citation is merely a summons. Photo-enforcement laws always make it clear that the photographic evidence creates only a rebuttable presumption. The registered owner may present a defense in person or, in Virginia, by mailing in an affidavit stating under oath that he or she was not the driver at the time of the offense (Va. Code Ann. § 46.2-833.01(D)). In other states, an owner only has to identify the driver to rebut the presumption. It is difficult to imagine a presumption that is easier to rebut. back to myths

Myth: Photo enforcement violates the Fourteenth Amendment because it does not provide immediate notice that an offense is alleged.

Opponents of photo enforcement argue that traffic offenders are entitled to immediate notice when they commit offenses. Otherwise, the opponents claim, it is not possible to defend against a charge.

The Fourteenth Amendment of the U.S. Constitution provides that when a state seeks to take action against a person or property, that person or property owner must be given due process of law. Fundamental fairness requires that when a person is charged with an offense, he or she be given notice of exactly what offense is being charged and when and where it was allegedly committed. Statutes of limitations dictate the time within which the notice of the offense must be given. Absent a violation of any statute of limitations, there is absolutely no guarantee that a person will be charged contemporaneously with an offense.

Traditional enforcement methods almost always provide relatively immediate notice of an offense during the stop and citation process, but there is nothing in the law providing traffic law offenders with special rights to notice. Furthermore, in some circumstances traditional enforcement methods do not provide immediate notice. An officer who observes a violation can cite the violator at a later time. In crash situations, citations often are issued after the investigation is completed, days or weeks after the crash. back to myths

Myth: Photo-enforcement cameras make too many mistakes.

Every technological and every human system can make mistakes. However, photo enforcement has been in use in Europe for more than 20 years and in the United States for more than 10 years and has proven extremely accurate and reliable. Photo-enforcement laws require the cameras to meet specified standards and to be well maintained. Persons defending citations generated by photo enforcement have the same ability to test whether the state has properly used and maintained the equipment as any offender facing any other technological evidence.

The law guarantees persons fair trials. This is no more or less true in traffic than in other cases. All scientific evidence is subject to rigorous testing in court; if it is based on sound scientific principles, it is admissible. An offender always has the right to show the possibility of error, and it is up to the judge to determine whether that possibility is sufficient to create reasonable doubt. back to myths

References

[1] Retting, R.A.; Ulmer, R.G.; and Williams, A.F. 1999. Prevalence and characteristics of red light running crashes in the United States. *Accident Analysis and Prevention* 31:687-94.

[2] Retting, R.A.; Williams, A.F.; Farmer, C.M.; and Feldman, A.F. 1999. Evaluation of red light camera enforcement in Oxnard, California. *Accident Analysis and Prevention* 31:169-74.

[3] Retting, R.A.; Williams, A.F.; Farmer, C.M.; and Feldman, A.F. 1999. Evaluation of red light camera enforcement in Fairfax, Virginia. *ITE Journal* 69:30-34.

© 2001, Insurance Institute for Highway Safety, Highway Loss Data Institute

Last modified: 14-Mar-2001

Crashes Involving Red Light Running 1994- 1998

YEAR	R_L_R CRASHES	FATAL	A-LEVEL	B-LEVEL	C-LEVEL	PDO
1994	137	1	12	13	32	79
1995	109	2	9	19	22	57
1996	156		16	24	40	76
1997	135	3	8	26	28	70
1998	103	1	6	23	37	36

Total Intersection Crashes - 1994 to 1998

YEAR	TOTAL CRASHES	FATAL	A-LEVEL	B-LEVEL	C-LEVEL	PDO
1994	1407	1	27	62	342	975
1995	1367	5	23	61	298	980
1996	1412	0	30	67	342	973
1997	1423	3	18	78	314	1010
1998	1468	1	17	64	302	1084

Percent of Intersection Crashes as a Result of Red Light Running, 1994-1998

	TOTAL CRASHES	FATAL	A-LEVEL	B-LEVEL	C-LEVEL	PDO
1994	9.74	100.00	44.44	20.97	9.36	8.10
1995	7.97	40.00	39.13	31.15	7.38	5.82
1996	11.05	0.00	53.33	35.82	11.70	7.81
1997	9.49	100.00	44.44	33.33	8.92	6.93
1998	7.02	100.00	35.29	35.94	12.25	3.32

AVERAGES	**9.05**	**68.00**	**43.33**	**31.44**	**9.92**	**6.40**

Fatal	Injury resulting in death
A-Level	Involving an incapacitating injury (prevents normal activities)
B-Level	Involving a major (visible) injury such as broken bones, bad wounds
C-Level	Involving minor injuries or complaint of pain
PDO	Property Damage Only - No injuries

Data Source SEMCOG

CITY OF TROY

2001 JUL -3 P 3:36

CITY MANAGER'S OFFICE

June 22, 2001

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager
Carol K. Anderson, Parks and Recreation Director

Subject: Recommendation of Civic Center site.

At the June 14, 2001 meeting of the Parks and Recreation Board, the following action was taken:

A motion by Doug Bordas, supported by Tom Krent, that City Council acquire additional information from citizens and the Parks and Recreation Advisory Board before the Civic Center site is finalized.

Ayes: All Nays: None
MOTION CARRIED

G-11

July 2, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Doug Smith, Real Estate and Development Director

SUBJECT: Troy Executive Aviation

Attached is a recent communication from Nick Esposito, President of Troy Executive Aviation letting the City know that as of June 1, 2001, the traffic copters for the traffic report for WWJ and WJR are going to fly out of Oakland Troy Airport, and that as of July 1, 2001, additional traffic copters for Detroit area television stations and radio stations will be flying out of Troy Airport. This is just another example of expanding Troy businesses and certainly will provide some additional recognition and coverage of the Troy area with all of this helicopter activity.

DS/pg

July 2, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Steven Vandette, City Engineer

SUBJECT: **Resolution of Drainage Ditch Problem on Harris Street, west of Rochester Road, in connection with Section 22 & 23 Water Main Project**

Reconstruction of ditches on Harris Street, following the water main construction, resulted in the ditch abutting two homes upstream of the existing storm outlet to hold several inches of water. The problem was caused by lowering of the ditch to match the elevation of the existing outlet, an outlet that we discovered holds approximately one third to a half of pipe of water on a continuous basis. This causes water to back up into the ditch along Harris. The higher ditch that existed prior to construction did not have this problem.

The Engineering Department was aware of the problem prior to resident comments made at the June 18, 2001 Council meeting and had done some preliminary work to resolve it. The storm sewer between Harris and Hartland streets was cleaned out by DPW to try and relieve the standing water in the pipe. It was suspected that dirt from a sinkhole over the sewer, in the church parking lot, was obstructing flow and backing up water in the pipe and the ditch upstream on Harris Street. After this cleaning, the water level went down a little but not enough to eliminate the problem. Additional ditch cleaning at the outlet and downstream on Hartland Street was done with similar results.

Currently we are working on a short-term and a long-term solution. The short-term solution is a partial enclosure of the ditch immediately upstream of the outlet on Harris Street. This work is scheduled for completion in the next two weeks. The long-term solution is construction of a new storm outlet from Harris Street south to the Lane Drain, south of Hartland Street. This will require design and acquisition of easements. Our goal is to include the storm sewer with the Harris Street special assessment paving plans scheduled for bids this summer and construction in September. Construction of the storm sewer may depend on easement acquisition and may be done after the paving is completed.

July 5, 2001

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager, Services
Steven J. Vandette, City Engineer
William R. Need, Director of Public Works

Subject: Federal Storm Water Regulations

The Environmental Protection Agency (EPA) has passed the Phase II National Pollutant Discharge Elimination System (NPDES) regulations, which will go into effect in March 2003. These regulations will apply to all municipalities and organizations that maintain separate storm water systems and have populations between 50,000 and 100,000. The Michigan Department of Environmental Quality (MDEQ) is now drafting the permit application and requirements for Michigan communities. The City of Troy is one of the communities that will be affected by these regulations.

However, the EPA has approved Michigan's Voluntary General Storm water Permit as a substitute for the NPDES phase II permit. The City's application for a Voluntary General Storm Water Permit is currently under review by the MDEQ, and if this permit is approved, the City of Troy will not need to apply for the Phase II permit. During the first permit period, the EPA will review and compare the two types of permits and will make a decision as to whether or not they will continue to allow Michigan communities to make this substitution. The benefits for the Voluntary General Storm water Permit include considerable amounts of grant money available to perform the required storm water work, cooperative efforts with neighboring watershed communities, a less adversarial role between the communities and the MDEQ, and more flexibility in implementing various storm water improvement programs.

In the future, storm water regulations will require the City of Troy to investigate updating and modifying its Development Standards and Ordinances to address protecting water quality. While we do not anticipate changes in storm water regulations that require increased detention (increasing the size of ponds and/or pipes), pre-treatment of storm water from new developments prior to discharge to the waters of the State, and the use of Better Site Design principles that reduce the amount of water entering the storm water system may be required. The City's need for retrofitting existing systems to obtain storm water quality improvements has not been fully determined. The more pro-active the City of Troy is today, the easier the transition will be for our community as the federal storm water regulations become more and more restrictive.

Prepared by Dana Calhoun, Storm Water Utility Engineer, and Tracy Slintak, Environmental Specialist

G:\Council Reports and Communications\CouncilstormmemoR2.doc

July 2, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

SUBJECT: Project Status Report

As mentioned during our budget sessions, attached are timelines for major and notable capital projects. From this point forward, I will be providing you with quarterly updates.

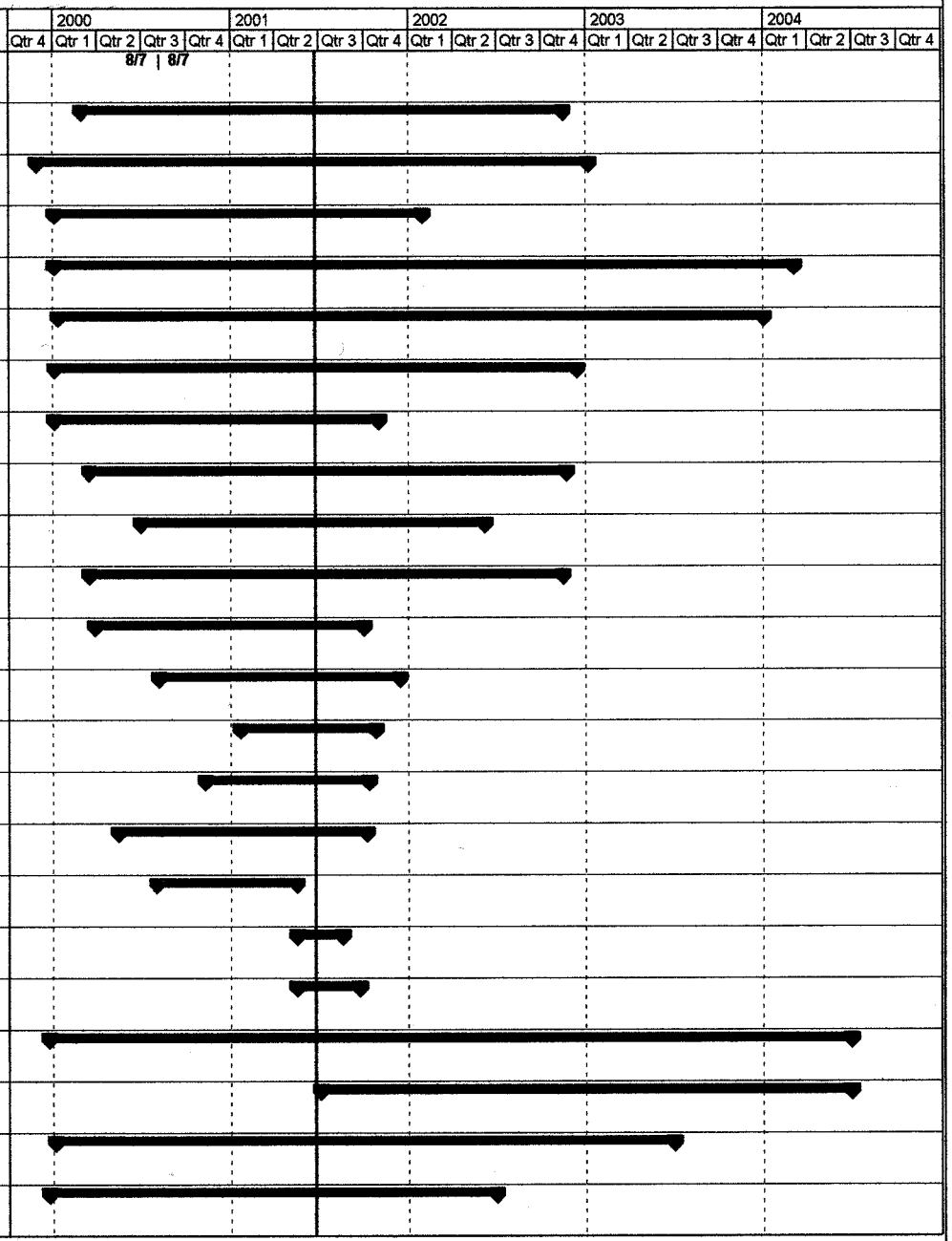
As always, please feel free to call should you have any questions.

Attachments

G:\My Documents\JOHN S\2001\M&CC Re Project Status Report.doc

CAPITAL OUTLOOK

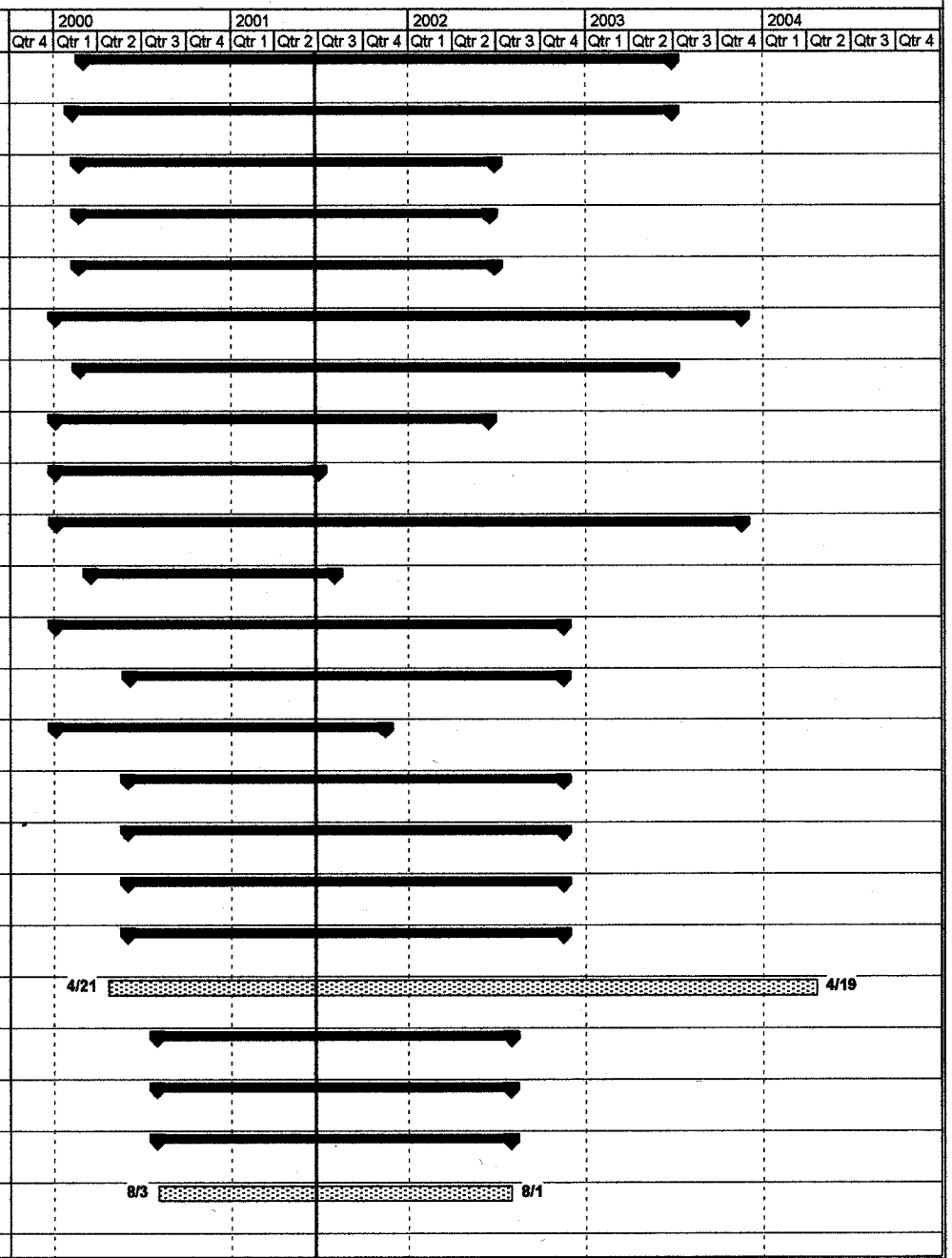
ID		Task Name
1		DDA Bonds
2		Civic Center
13		Community Center (Bond C)
30		Land Acquisition (Bond C)
38		Police And Fire Administration (Bond B)
43		Renovation of City Hall Space (Bond B)
46		Fire Station #3 (Bond B)
54		Police And Fire Training Facility (Bond B)
71		Golf Course, Section 1
88		DPW Storage Buildings Fire & DPW.
99		Museum Site Improvements
106		New Nature Center Building
115		Library Renovations
121		New Civic Center Sign
126		DPW Office Addition
145		Veterans Memorial- Civic Center
154		Median Landscaping - Square Lake, Long Lake/Rochester -Done
158		Museum Gazebo Repair/Rebuild
164		Museum Sign Replacement
169		ROADS (Neall,Bill H.,John Abraham --Oakland County Road C.) BOND A
170		Crooks - 4 Lane Blvd.- Square Lake to South Blvd (Bond A) 2003
177		Dequindre - 5 Lane (Troy Half Only) Wattles to Long Lake (Bond A) 2002
184		Livernois - 5 Lane- Wattles to Long Lake (Bond A) 2001



Capital_Outlooknrr2_sum1.mpp

CAPITAL OUTLOOK

ID		Task Name
190		Long Lake - 5 Lane - Carnaby to John R (Bond A) 2002
197		Long Lake - 5 Lane -John R. to Dequindre (Bond A) 2002
204		Roads DDA FUNDS
205		Big Beaver- 6 Lane Blvd. (TIP)-Livernois to Rochester & I-75 to Livernois (DDA) 2001
212		Big Beaver - (TIP)-Adams to Coolidge - 5 Lane-. (DDA) 2001
219		Roads Misc.
220		Maple - Widening -Eton to Coolidge 2002
227		Coolidge, Maple to Property Line (developer) 2000
232		Rochester - 6 Lane Blvd.-I-75 to Torpey 1999 under construction
237		I-75 And Long Lake Interchange
240		14 Mile & John R. Median
246		Cmaq Projects
247		P.N. 00.106.5 Coolidge Left Turn Storage Under I-75
254		P.N. 00.107.5 Crooks, Extend Left Turn Storage EB at Kirts
260		P.N. 00.108.5 Wattles Right Turn Lane at Forsyth
267		P.N. 00.109.5 Wattles EB and WB Right Turn Lane at Coolidge
274		P.N. 99.205.5 -- Square Lake --John R . Intersection
281		P.N. 99.206.5 --- Square Lake & Dequindre Intersection
288		Bond issue 47 million; voters approved to must issue date
289		Bond A First issue $4,150,000 Roads (Crooks,Deq,Livernois,Long Lake)
294		Bond B first issue $2,330,000 (Fire sta.3, P&F Admin.,C. H.Renov.and P.W.B.)
299		Bond C first issue $8,530,000(Land Acquisition and Community Center)
304		Total first bond issue $15,000,010 (2 year variable)



Capital_Outlooknrr2_sum1.mpp

Due to the length of the document, this item is available for viewing at the Troy City Clerk's Office

July 5, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

SUBJECT: Levels of Approval for Platted and Unplatted Residential Developments

We are sometimes asked to explain the difference between a tentative preliminary plat approval and final preliminary plat approval. Generally, tentative approval is a two-dimensional view of what has been submitted, assuming that all conditions of the proposed plat can be met. Final approval, on the other hand, is a verification that applicable ordinance and development standards are complied with.

This is probably better explained by a delineation of which items are addressed at each level of approval. As such, attached you will find specific elements we look for during each phase of the plat approval process.

Please feel free to call should you have any questions.

JS/mr\2001\To M&CC RE Plat Approval Process

c: Gary Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building/Zoning
Mark Miller, Interim Planning Director

PLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Tentative Preliminary Plat Approval

The following items are addressed at **Tentative Approval**:

- Street layout
- Number of lots
- Building setbacks
- Lot dimensions
- Stub Street for possible future developments
- Locations of easements
- The Planning Dept. looks at the potential development of the abutting property.
- The developer must provide locations of wetlands on the property.
- An environmental impact statement is required if the development consists of 25 lots or more.
- A sign is placed on the property informing the public of the proposed development.
- A notice of the public meeting before Planning Commission is mailed to the abutting property owners.

Final Preliminary Plat Approval

The following items are addressed at **Preliminary Plat- Final Approval**:

- Determine that all are city standards are met and complied with.
- Capacities of sanitary and storm sewer
- Size and location of Water mains
- Size and location Detention / Retention basins
- Grading and rear yard drainage
- Paving and widening lanes
- Financial guarantees
- Sidewalk and driveway approaches
- Approval from other government agencies involved with the development.
- Verification of wetlands and M.D.E.Q. permit if necessary.

Final Plat Approval

Final Approval is checking that everything in the approved Tentative and Final Preliminary Plats is complied with and that all property conveyances such as R.O.W, Easements, Open Space and Parks are in order.

UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Preliminary Plan Approval
A sign is placed on the property informing the public of the proposed development.
Adjacent property owners are notified by mail
Public meeting held by **Planning Commission** for review and recommendation to City Council
City Council reviews and approvals plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
  - Number of lots
  - Building setbacks
  - Lot dimensions
  - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

Final Plan Approval
Notice sign is posted on site
City Council review and approval of:

- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
  - Sanitary and Storm sewer
  - Water mains
  - Detention / Retention basins
  - Grading and rear yard drainage
  - Paving and widening lanes
  - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the placement of proper property and parcel monuments and markers shall be furnished by the petitioner prior to submittal of the Final Plan to the City Council for review and approval
- Floor Plans and Elevations of the proposed residential units

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager
William R. Need, Public Works Director

SUBJECT: Update of Chapter 16 Solid Municipal Waste and Recycling Ordinance

We are beginning the process of formulating new specifications for a new Refuse Collection contract (current contract expires July 2002). Recently we began reviewing the current Chapter 16, Garbage and Refuse Ordinance, and discovered that the text was very antiquated, having last been updated back in 1969.

We contacted several neighboring communities, and were provided copies of their ordinance. We have adapted language that we felt was suitable for Troy and added our own where necessary to better tailor an ordinance to the needs of our community.

The changes have been very extensive, including even a proposed new chapter title of Solid Municipal Waste and Recycling Ordinance for the original Garbage and Rubbish.

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager
William R. Need, Public Works Director

SUBJECT: Update of Chapter 16 Solid Municipal Waste and Recycling Ordinance

We are beginning the process of formulating new specifications for a new Refuse Collection contract (current contract expires July 2002). Recently we began reviewing the current Chapter 16, Garbage and Refuse Ordinance, and discovered that the text was very antiquated, having last been updated back in 1969.

We contacted several neighboring communities, and were provided copies of their ordinance. We have adapted language that we felt was suitable for Troy and added our own where necessary to better tailor an ordinance to the needs of our community.

The changes have been very extensive, including even a proposed new chapter title of Solid Municipal Waste and Recycling Ordinance for the original Garbage and Rubbish.

Chapter 16 – Municipal Solid Waste and Recycling

TITLE II ~~-~~ – UTILITIES AND SERVICES

~~CHAPTER 16 GARBAGE AND RUBBISH~~CHAPTER 16 MUNICIPAL SOLID WASTE AND RECYCLING

2.1 Necessity. The City of Troy, Michigan hereby declares that it is necessary to provide regulations governing the storage, collection, transportation, and disposal of ~~garbage, rubbish~~refuse, recyclables, yard recyclables, and other rejected, unwanted or discarded waste materials within the limits of the City of Troy in order that the public health and safety may be protected.

2.2 Definitions. In the interpretation of this Chapter the following definitions shall apply:

~~(1) Refuse - "Refuse" shall be understood to refer to all types of rejected, unwanted, discarded or abandoned materials.~~

~~(2) Combustible - "Combustible" shall mean any refuse acceptable for incineration a partial list of which is:~~

~~(a) Garbage. Includes waste resulting from the handling, preparation, cooking or spoiling of food. (Does not include such wastes from food processing plants, large quantities of condemned food products, or large quantities of wind-fallen fruit subject to rapid decomposition).~~

~~(b) Rubbish. Includes waste paper, empty tin cans, and glass containers if cleaned of contents, wood or wood products if under 3" in diameter and 3' in length, paper products except magazines and books.~~

~~(c) Dead Animals. Includes carcasses of small animals fish and fowl. (Does not include carcasses from large animals or from veterinary hospitals or clinics).~~

~~(3) Non-Combustible - "Non-combustible" shall mean any refuse not acceptable for incineration a partial list of which is:~~

~~(a) Metal. Includes all metal or metal products except tin can containers.~~

~~(b) Rubbish. Includes books, magazines, glass except small food containers, crockery, stones, concrete and all other such materials not herein defined.~~

~~(c) Ashes. Includes residue from fires used for household heating or cooking, or domestic incinerators. (Does not include ashes produced by factories or plants, hotels, or apartment houses).~~

~~(d) Yard Wastes. Includes large tree or shrub branches, clippings, weeds, leaves, sod, dirt, manure and other such refuse from domestic gardening and care of the premises.~~

~~(4) Construction Refuse - "Construction refuse" shall mean all unwanted, rejected, discarded or abandoned materials resulting from the alteration, repair or construction of buildings.~~

~~(5) Industrial Refuse - "Industrial refuse" shall mean the rejected, unwanted, discarded or abandoned materials resulting from industrial operations such as is generally identified with manufacturing, assembling, processing and distributing plants, large office buildings, hospitals, and clinics, and other producers of quantities of refuse in excess amounts.~~

~~(6) Hazardous Refuse - "Hazardous refuse" shall mean any thing dangerous to the public health, safety or welfare and shall include drugs, volatile or radioactive materials, poisons, explosives, and diseased or contaminated materials.~~

~~(7) Nuisance - "Nuisance" shall mean any act or thing that may create objectionable consequences or endanger others.~~

~~2.3 Duties of Owners, Occupants.~~

~~(1) It shall be the duty of every owner, tenant or occupant of any building, amusement or picnic park - gathering place for people for any purpose, - to provide adequate, sanitary containers of sufficient size to hold the accumulated refuse between scheduled refuse collections.~~

~~(2) No person shall burn refuse within the corporate limits of the City in any manner that may create a nuisance.~~

~~(3) No person shall bury refuse within the corporate limits of the City if it would create a nuisance, or tend to endanger the general health and welfare of the public.~~

~~2.4 Containers. Containers shall be water tight and of sufficient strength to contain refuse during collection, and shall have a capacity of not less than 10 gallons nor more than 30 gallons.~~

~~(Rev. 6-15-92)~~

~~2.5 Container Size, Weight. No container and its contents, or any single piece of refuse shall weigh more than seventy-five (75) pounds, or exceed four (4) feet in length or three (3) feet in girth to be acceptable for scheduled pick-up and disposal. such heavy or bulky refuse disposal shall be the responsibility of the owner thereof, or handled through the City as an unscheduled refuse collection at a fee to be established by the City Manager as herein provided.~~

~~2.6 Preparation of Refuse.~~

~~(1) Garbage must be thoroughly drained of liquids and be wrapped in several thicknesses of paper before being placed in containers for collection. Refuse classified and described herein as combustible may be placed in the same containers as garbage if all other requirements of this Chapter are adhered to. Other combustible refuse must be tied in bundles with non- metallic materials, or placed in proper containers.~~

~~(2) Non-combustible refuse as hereinbefore defined shall be placed in proper containers, or tied in bundles to facilitate handling wherever possible. In the case of articles not conforming to weight or dimension limitations, the City will arrange for pick-up and disposal if notified of the necessity for so doing, but such pick-ups shall be in accordance with section 2.5.~~

(1) ~~(3) Hazardous refuse as hereinbefore defined shall be the responsibility of the producer, or owner thereof and shall not be disposed of within the City, or allowed to be stored, or transported within the City without the written approval of the City Manager or his authorized agent, and then only under the supervision of someone appointed by him who has knowledge of the safety measures necessary to protect the public health and safety during such storing, transporting or disposing of hazardous refuse.~~Refuse – "Refuse" shall be understood to refer to municipal solid waste excluding recyclables and yard recyclables.

(2) Construction Refuse – "Construction refuse" shall mean all unwanted, rejected, discarded or abandoned materials resulting from the alteration, repair, construction, or demolition of buildings.

(3) Commercial/Industrial Refuse – "Commercial/Industrial refuse" shall mean the rejected, unwanted, discarded or abandoned materials resulting from operations such as is generally identified with manufacturing, assembling, processing and distributing plants, large office buildings, hospitals, and clinics, and other producers of quantities of refuse in excess amounts.

(4) Hazardous Refuse – "Hazardous Refuse" shall mean anything dangerous to the public health, safety, or welfare and shall include liquids, drugs, volatile or radioactive materials, poisons, explosives, and diseased or contaminated materials.

(5) Nuisance – "Nuisance" shall mean any act or thing that may create objectionable consequences or endanger others.

(6) Yard Recyclables – "Yard Recyclables" shall mean grass clippings, leaves, wood chips, chipped Christmas trees, small pencil-thin twigs, garden vegetables and fruit, old potting soil, Halloween pumpkins, shredded bark, sod, weeds, old flowers, prunings, straw, straw bales, play sand, top soil, old mulch, and corn husks.

(7) Recyclables – "Recyclables" shall be defined on an annual basis by the Southeastern Oakland County Resource Recovery Authority, but is expected to at least include newspapers, inserts, catalogs, magazines, brown paper grocery bags, paperboard, corrugated cardboard, telephone books, clear and brown glass, #1 and #2 plastics, metal cans, metal lids, pie tins, small metal objects, empty metal paint cans and metal aerosol cans, and household batteries.

2.3 Duties of Owners, Occupants.

(1) It shall be the duty of every owner, tenant or occupant of any building, amusement, picnic park, or gathering place for people for any purpose, to provide adequate, sanitary containers of sufficient size to hold the accumulated refuse between scheduled refuse collections.

(2) No person shall burn refuse within the corporate limits of the City.

(3) No person shall bury refuse within the corporate limits of the City.

2.4 Containers - General.

(1) It shall be the duty of every owner, tenant or occupant of any building, and the owner of any property or use which generates refuse, to provide containers of sufficient size to hold the accumulated refuse between scheduled refuse collections.

(2) Cardboard boxes, buckets, bushel baskets, paper bags, paint pails, and other containers of a like nature are considered unapproved containers and collection may not be made by the city when such containers are used.

(3) Refuse placed in containers that exceed the size and weight limitation or otherwise do not conform to the provisions of this article may not be collected by the City.

2.5 Approved Container Size and Weight.

(1) Approved containers shall be portable watertight and vermin-proof of substantial construction with handles and a tight-fitting cover. The container must have a capacity of at least ten (10) gallons, but not more than thirty-five (35) gallons except for a mechanically lifted cart, which may be used with the permission of the City.

(2) Securely closed plastic bags up to thirty-two (32) gallons and of sufficient strength to contain refuse without breakage may be used.

(3) No container and its contents, or any single piece of refuse shall weigh more than sixty (60) pounds, or exceed three (3) feet in length or three (3) feet in girth to be acceptable for scheduled pick-up and disposal.

2.6 Rejection of waste, tagging of containers

(1) If any owner or occupant of any property places any waste, which is rejected by the city waste collector because it does not conform to the requirements of this chapter, the city waste collector shall give notice to the owner or occupant of the premises by tagging the rejected waste. The tag shall advise the owner or occupant of the reason the waste was not collected and it shall include a telephone number to call for additional information and possible alternatives.

(2) If the Department of Public Works determines the owner or occupant of the premises upon which rejected waste is located has failed to correct the violation, the Department of Public Works may make a special collection of the rejected waste and the property owner shall be liable for any expense the city incurs to cure the violation.

2.7 Disturbing Containers. No person other than the owner of refuse containers or his agents, or employees of licensees of the City shall disturb, remove, or attempt to remove refuse containers or their covers or disturb or remove or attempt to remove the contents of such containers or disturb, remove or attempt to remove any refuse not in containers whether same is on public or private property.

2.8 Container Maintenance. The owners of refuse containers or his agents, shall provide suitable places for the storage of containers and their contents between collection periods, and in such a manner as to be inaccessible to vermin, domestic animals, insects, and so as not to create a nuisance. ~~If collection of refuse is to be made from locations other than the curb, containers and their contents shall be made accessible to the collectors.~~

~~2.9 Placing at Curb.~~

2.9 Quantity of refuse collected .

(1) In every case where the owner, occupant, or user of any residential premises generally accumulates more than one (1) cubic yard of refuse within any one-week period, it shall be the responsibility of such owner, occupant, or user to arrange for private collection and disposal.

(2) Commercial/industrial buildings may place at the curb up to 4 bags or cans per week for collection. These cans shall not exceed a thirty-five (35) gallon limit nor weigh more than 60 pounds. If the owner or occupant accumulates more than 4 bags or cans per week, it shall be the responsibility of the owner or occupant to arrange for private collection and disposal.

2.10 Preparation of Refuse.

(1) Garbage must be thoroughly drained of liquids and be wrapped in several thicknesses of paper before being placed in containers for collection.

(2) Hazardous refuse as hereinbefore defined shall be the responsibility of the producer, or owner thereof and shall not be disposed of within the City, or allowed to be stored, or transported within the City without the written approval of the City Manager or his authorized agent, and then only under the supervision of someone appointed by him who has knowledge of the safety measures necessary to protect the public health and safety during such storing, transporting or disposing of hazardous refuse. (Act 451 of 1994, Section 324.11105)

(3) Large residential refuse items shall be broken down or disassembled and placed in approved receptables or securely tied in bundles which do not exceed sixty (60) pounds in weight, three (3) feet in length, and three (3) feet in girth. No item shall exceed 60 pounds.

(4) Bulky residential refuse items, such as large appliances and furniture, which cannot be broken down or disassembled, shall be placed for collection in a manner to facilitate handling. For safety reasons, refrigerator doors will be removed before placing item at the curb. No item shall exceed 250 pounds.

(5) No person may place for collection any materials, which could ignite waste in a receptacle or waste collection vehicle.

2.11 Preparation of Yard Recyclables.

(1) Yard recyclable collection, as hereinbefore defined, typically runs for 35 weeks from mid-April through the first week in December. The Public Works Director or his designated representative will announce the dates each year.

(2) Yard recyclables shall be placed in a trash container not exceeding thirty-five (35) gallons and a yard waste sticker shall be placed on the can to distinguish it from refuse. The container shall be placed so that the yard waste sticker faces the street and is located on the opposite side of the driveway as regular refuse. The container shall be placed at the curb by 7:00 a.m. on the normally scheduled collection day. Thirty (30) gallon yard waste paper bags may also be used.

(3) At no time will the City collect yard waste packaged in plastic bags.

(4) No refuse shall be collected from a container marked as yard recyclables.

(5) No container shall exceed 60 pounds in weight.

2.12 Preparation of recyclables.

(1) Recyclables, as hereinbefore defined, and as may be modified by the City Manger, shall be placed in a City of Troy approved recycling bin. The bin shall be placed on the opposite side of the driveway as the refuse. The bin shall be placed at the curb by 7:00 a.m. on the normally scheduled collection day.

(2) Recyclables may also be placed in a container with a recyclables sticker placed on it. The container must conform to all provisions of section 2.4 and 2.5. The container shall be placed so that the sticker faces the street and the container is clearly distinguished from regular refuse. The container shall be placed on the opposite side of the driveway as the refuse.

2.13 Disposal of construction refuse – It shall be the duty of the owner, contractor, occupant or other person responsible for construction work to arrange, at their own expense, the removal of such construction refuse from the premises, within a reasonable time after the completion of such construction work, all surplus construction materials, and all building and construction refuse.

2.14 Placing at Curb.

(1) Refuse, recyclables, and recyclable yard waste will be collected Monday through Friday beginning at 7:00 a.m. with the exception of the following legal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day. When a holiday occurs on a weekday, refuse collection shall be made on the day following the regularly scheduled collection day. If the normally scheduled collection day is Friday, collection shall be made on Saturday.

(2) ~~(1)~~ No refuse shall be placed at the curb or street for collection prior to 7:00 p.m. on the day preceding the day scheduled for collection.

(3) ~~(2)~~ After the collection of container contents has been made the empty containers shall be removed from the curb or street and replaced on owners storage area as soon as possible, but in no

case later than ten (10) hours after collection of refuse has been made.

(4) ~~(Rev. 6-24-71)~~Trash shall be placed on one side of the driveway and compost and recycling on the other side.

~~2.10~~2.15 Collection of Refuse.

(1) ~~(1)~~ Nothing in this Chapter shall be interpreted to prohibit or deny the owner or producer of refuse, his right to dispose of his own refuse if in so doing he does not violate any provisions of this Code.

~~2.13~~2.16 Collection Vehicles. Vehicles used for collection, transportation of refuse within or through the City shall be water tight, covered, and conform to all laws regulating axle and road limitations.

~~2.14~~2.17 Disposal of Refuse. All refuse collected for disposal from within the corporate limits of the City shall be disposed of at the facilities of the Southeastern Oakland County ~~Incinerator~~Resource Recovery Authority.

~~(Rev. 5-29-67)~~

~~2.15~~2.18 Routes to be Designated. The City shall designate the route to be taken by trucks of haulers of refuse through the City and to the ~~Incinerator.~~facilities of the Southeastern Oakland County Resource Recovery Authority.

~~2.16~~
2.19 Composting

(a) The restrictions of Chapter 39, Section 39.90.03; Chapter 88, Section 9.13; Chapter 48, Section 6.101(5) and Section 6.107 shall not be deemed to prohibit composting on private property; provided, there is compliance with the provisions of Sub-Section (b) below:

(b) (1) Composting may include a combination of branches, bark, weeds, grass clippings, stalks and stems, brush or vines, leaves, soil/compost, wood chips. A commercial compost additive may be included as part of composting.

(2) Composting shall not include household waste such as meat and fish scraps, dairy products, bones, cooked food, vegetables, or animal manure.

(3) Composting shall not be located within any drainage easement. Composting shall be located only in a rear yard, a minimum of three (3) feet from any lot line and fifteen (15) feet from any dwelling located on adjacent property.

(4) A composting bin shall not exceed three (3) feet in diameter and three (3) feet in height. Each lot shall be limited to a maximum of three (3) bins.

(5) Composting shall be maintained in a manner to prevent the escape of offensive, unwholesome, or nauseous odor to adjacent property and not be an active attraction/refuge for rodents.

(6) The proper ratio of combined material is one-third (1/3) nitrogen and two-thirds (2/3) carbon. Nitrogen is green yard waste, such as grass clippings, weeds, hedge and shrub trimmings. Carbon is brown yard waste, such as leaves, wood chips and soil/compost.

(6/5/95)

DATE: July 2, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

COPY: Robert Davisson, Assistant City Attorney
Andrew Jantz
Peter Jantz

SUBJECT: Update on Dangerous Building
612 Trombley, Parcel # 88-20-22-401-006

On May 7, 2001 City Council held an Administrative Hearing on the appeal of the dangerous building determination regarding the existing structure at 612 Trombley. The resolution passed after that hearing (copy attached) required a number of things be done. The first was to have the petitioner install a fence around the structure. This was completed within a week of the hearing. The second was for City Administration to provide a listing of what steps were necessary to obtain building permit from the City to repair and re-occupy the structure. That letter, was sent to the petitioner on May 15, 2001 and a copy provided to Council at their meeting of May 21, 2001. A copy is attached for your reference.

The third requirement was that the applicant gives a status report on the completed work within 45 days. The 45 day period ended on June 21, 2001. Since no such report has been received from the applicant, staff has prepared a status of the review process as of this date.

1. No building permit application or plans have been submitted to the City of Troy Building Department.
2. No report has been submitted certifying the impact of the proposed development will have on the existing flood plain.
3. A copy of a letter to the Department of Environmental Quality, dated May 28, 2001, was received by the Building Department on May 31, 2001. No copies of a response have been received.

4. A copy of a letter to the Oakland County Drain Commission, dated June 3, 2001, was received by the Building Department on June 5, 2001. No copies of a response have been received.
5. A soil erosion permit application has not been submitted to the City of Troy Engineering Department.
6. Mr. Andrew Jantz was in the Building Department on May 29, 2001 to clarify specific submittal requirements for the Building Permit Application.

The City Administration is still prepared to review applications submitted to the City of Troy in a timely manner.

If Council directs, staff will contact Mr. Jantz requesting that he appear at a subsequent Council meeting to give a status report directly to Council.

A Regular Meeting of the Troy City Council was held Monday, May 7, 2001, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 7:30 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Pastor Jim Roach – Abundant Grace Church, and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Matt Pryor
Robin E. Beltramini
Martin F. Howrylak
Thomas S. Kaszubski
David A. Lambert
Anthony N. Pallotta
Louise E. Schilling

A-1 Minutes: Regular Meeting of April 23, 2001 and Study Session of May 1, 2001

Resolution #2001-05-226
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of April 23, 2001 and the 7:00 PM Study Session of May 1, 2001 be approved as submitted.

Yes: All-7

ADMINISTRATIVE HEARING

C-1 Appeal of Dangerous Building Determination – 612 Trombley, Parcel #22-401-006

Resolution #2001-05-227
Moved by Pallotta
Seconded by Kaszubski

WHEREAS, On February 14, 2001, the structure at 612 Trombley, in the City of Troy, was declared a dangerous building by the City Housing and Zoning Inspector under the City of Troy Ordinances, Chapter 82B, Sections 5 (3) (e) and (h), since the structure is unsafe for its intended use as a dwelling; and

C-1 Appeal of Dangerous Building Determination – 612 Trombley, Parcel #22-401-006 – Continued

WHEREAS, The Housing and Zoning Inspector required this dangerous structure to be demolished on or before March 15, 2001; and

WHEREAS, The owner of the structure at 612 Trombley has filed a timely appeal of this order of demolition, and requested an administrative hearing before the Troy City Council, for which proper notice was given; and

WHEREAS, The City Council held the requested administrative hearing on this 7th day of May, 2001, and numerous existing structural ordinance violations at the subject structure were established, which include but are not limited to: missing windows, doors, rotted roof boards and sags in the roof, peeling paint, rotted fascia boards, and roof leaks; and

WHEREAS, The City Council was also presented with testimony regarding heating and plumbing violations of the structure, which revealed that an approved heating system, a bath tub or shower, lavatory, water closet, kitchen sink, laundry facilities, approved drainage and vent system, water supply system and water heater were required to be installed in order to comply with the City of Troy ordinances; and

WHEREAS, The City Council was also presented with testimony regarding the numerous electrical violations in the structure, which include but are not limited to the necessary installation of illumination throughout the residence;

NOW, THEREFORE, IT IS HEREBY RESOLVED, That the structure located at 612 Trombley is hereby declared a dangerous structure, under the provisions of Chapter 82B of the City of Troy Ordinances;

BE IT FURTHER RESOLVED, That the structure at 612 Trombley, Troy, MI shall be made habitable or demolished on or before May 28, 2001;

BE IT FURTHER RESOLVED, That if the structure at 612 Trombley is not made habitable or demolished on or before May 28, 2001, then the City of Troy is authorized to cause the structure to be razed and removed either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged as a lien upon the property at 612 Trombley, Troy, MI.

Yes: All-7

Resolution To Amend

Resolution #2001-05-228
Moved by Pryor
Seconded by Howrylak

C-1 Appeal of Dangerous Building Determination – 612 Trombley, Parcel #22-401-006 – Continued

RESOLVED, That the resolution be amended subject to the following conditions: (1) Amend habitable or demolished date from May 28, 2001 to May 28, 2002; (2) Petitioner to install fence; (3) City Administration to provide a listing as to what work must be performed by the petitioner to remove the dangerous building status; (4) Petitioner to provide feedback to City Administration regarding completed work within 45 days; and (5) The 45 day requirement will be extended accordingly if a delay in work is caused due to restrictions set by a governmental agency.

Yes: Pryor, Beltramini, Howrylak, Kaszubski, Lambert, Pallotta
No: Schilling

Vote on Amended Resolution

Resolution #2001-05-229
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, That if the structure at 612 Trombley is not made habitable or demolished on or before "May 28, 2002", then the City of Troy is authorized to cause the structure to be razed and removed either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged as a lien upon the property at 612 Trombley, Troy, MI subject to the following provisions "(1) Petitioner to install fence; (2) City Administration to provide a listing as to what work must be performed by the petitioner to remove the dangerous building status; (3) Petitioner to provide feedback to City Administration regarding completed work within 45 days; and (4) The 45 day requirement will be extended accordingly if a delay in work is caused due to restrictions set by a governmental agency."

Yes: Pryor, Beltramini, Howrylak, Kaszubski, Lambert, Pallotta
No: Schilling

POSTPONED ITEMS

D-1 Request for Commercial Vehicle Appeal – 1855 Boulan

Resolution #2001-05-230
Moved by Pallotta
Seconded by Schilling

WHEREAS, Section 44.02.02 of Chapter 39, Zoning, of the Code of the City of Troy provides that actions to grant appeals to the restrictions on outdoor parking of commercial vehicles in residential districts pursuant to Section 40.66.00 of Chapter 39 of the Code of the City of Troy "shall be based upon at least one of the following findings by the City Council:

DATE: May 15, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

COPY: Robert Davisson, Assistant City Attorney
Mitch Grusnick, Plan Analyst
Steve Vandette, City Engineer
Andrew Jantz
Peter Jantz

SUBJECT: Requirements for Obtaining a Building Permit
612 Trombley

At the Administrative Hearing held before City Council on May 7, 2001 one condition of the resolution was that the administration prepare a list of requirements that the applicants must comply with before being able to obtain a building permit to renovate the structure. The following is a list of those requirements. There is no particular order that the must be followed, other than, we would suggest that the building permit application and plans be submitted first so that the other reviews can be conducted knowing the scope of the work proposed.

1. Submit a building permit application and two copies of detailed plans showing the scope of the proposed development project including how the structure will be brought up to minimum habitable standards. Plans should include information on structural revisions as well as proposed improvements to the plumbing, electrical, mechanical and thermal envelope (insulation).
2. Since it is obvious that the necessary work will cost more than 50% of the value of the structure, submit a report from a registered Professional Engineer certifying that the proposed development will not result in any increase in the base flood elevation during a base flood discharge per Section 7(2) of Chapter 42, Flood Plain Management Ordinance.
3. Submit conformation from the State of Michigan Department of Environmental Quality that their letter of no jurisdiction, dated June 9, 1999, is still applicable upon notice that the development proposed is to a structure located within the regulatory floodway. In order for staff to follow the progress of this item and

report to Council we would request that the applicants send copies of all correspondence with the State of Michigan to the Building Department.

4. Submit approval, or a letter of no objection, from the Oakland County Drain Commission for any new structure, porches, or other appurtenances located within their drain easement that are proposed as part of the development. In order for staff to follow the progress of this item and report to Council we would request that the applicants send copies of all correspondence with the Oakland County Drain Commission to the Building Department.
5. Submit for and obtain a soil erosion permit from the City of Troy Engineering Department.

Once all approvals are received and any plan review comments are addressed, a building permit will be issued. Permits for plumbing, electrical, and mechanical work will also be required to be obtained prior to commencing any work on those systems.

While City staff cannot speak for the time frame of response from regulatory authorities outside of our control, review of properly prepared, complete applications for building and soil erosion permits can be reviewed by our staff within ten business days of submittal. Per Council's Resolution the owners are required to submit a written progress report within 45 days to detail the steps that have been taken to eliminate the dangerous structure.

We look forward to the elimination of this dangerous structure from the City of Troy, whether by demolition or by renovation in a timely manner. City staff is prepared to give this matter immediate attention once applications are made.

We will be happy to provide additional information regarding this matter if you desire.

JANTZ CONSTRUCTION

RECEIVED
MAY 3 1 2001
BUILDING DEPARTMENT

May 28, 2001

Ashok K. Punjabi
Department of Environmental Quality
Land and Water Management Division
SE Michigan District Office
38980 Seven Mile Road
Livonia, Michigan 48152-1006

To: Ashok K. Punjabi

Copy: Honorable Mayor and City Council, Troy, Michigan
John Szerlag, City Manager
Gary A Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning
Robert Davisson, Assistant City Attorney
Mitch Grusnick, Plan Analyst
Steve Vandette, City Engineer

Subject: DEQ File No 99-10-0210, Reconstruction of a home at 612 Trombley
T2N, R22E, Section 22, City of Troy, Oakland County

We have been requested by the City of Troy Building Department in reference to letter from the City Manager dated May 15, 2001, item number 3:

> Resubmit confirmation, from the State of Michigan, Department of Environmental Quality, that the letter of "no jurisdiction, dated June 9, 1999, is still applicable upon notice that the reconstruction of the home at 612 Trombley is within the regulatory floodway.

Please note that nothing has changed with regard to the intent or content to the proposed project or letter received June 9, 1999. Enclosed are the findings of City council meeting May 7, 2001 and lists the other requirements for obtaining a building permit at 612 Trombley.

Sincerely,

Andrew A. Jantz
Jantz Construction

37315 CATHERINE MARIE • STERLING HEIGHTS, MI • 48312
PHONE: 313-594-3407 • FAX: 313-593-3409

JANTZ CONSTRUCTION

June 3, 2001

RECEIVED
JUN 0 5 2001
BUILDING DEPARTMENT

George W. Kuhn
Oakland County Drain Commissioner
Building 95 West
One Public Works Drive
Waterford, MI 48328-1907

To: William N. Eckstein, P.E.

Copy: Honorable Mayor and City Council, Troy, Michigan
John Szerlag, Gary A Shripka, Mark Stimac, Robert Davisson, Mitch Grusnick,
Steve Vandette, City of Troy

Reference: A) Sturgis Drain Proposed " Plot Plan for Lot 43 (20-22-401-0050)"; Plans Prepared by Carl Heikel Architect P.C., Their job No. 9909; Sheet No. 1 dated 9/3/98; Location: part of the Southeast ¼ of section 22, City of Troy
B) Letter dated July 28, 1999
C) Architectural Drawings for 612 Trombley, Troy Michigan

Dear Mr. Eckstein,

The City of Troy required us to provide approval from the Oakland County Drain Commissioner or a letter of no objection with regard to our renovation project. Requirement number 4 specifies, "any new structures, porches or other appurtenances located within your drain easement, must be approved" by the Oakland County Drain Commissioner..

Please find enclosed:

1. The original letter you sent us dated July 28, 1999
2. Complete set of drawings for the renovation project at 612 Trombley, Troy, MI
3. Requirements for Obtaining a Building Permit for 612 Trombley.

Your office has already received one set of engineering plans for the above referenced residential project dated July 28, 1999, however the requirements request that we resubmit this information to bring your letter of no objection to the current date.

Please note that nothing has changed with regard to the intent or content to the proposed project or letter received July 28, 1999.

Andrew A. Jantz
Jantz Construction

37315 CATHERINE MARIE • STERLING HEIGHTS, MI • 48312
PHONE: 313-593-3407 • FAX: 313-593-3409

July 5, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, ACTING CITY ATTORNEY

RE: DARRAH V. OAK PARK, CITY OF TROY, OFFICER RUSS BRAGG

Enclosed please find the recent decision of the Sixth Circuit Court of Appeals, affirming the dismissal of the civil rights lawsuit filed against the City of Troy and Troy Police Officer Russell Bragg. The City of Oak Park and the individual Oak Park police officers were previously dismissed from the lawsuit.

As you may recall, Ms. Darrah was injured during a Detroit Newspaper strike in the City of Oak Park. Officer Bragg was sent to the City of Oak Park as part of a mutual aid request. The Plaintiff, Ms. Darrah was hit in the mouth as she physically tried to stop Officer Bragg from arresting another striking worker. The Oakland County Prosecutor's office authorized a warrant against Ms. Darrah for hinder and obstruct police officers in arresting the striking individual on October 8, 1995. After a jury trial, Ms. Darrah was acquitted of this underlying criminal charge.

U.S. District Court Judge George E. Woods dismissed the malicious prosecution claim against the City and Officer Bragg. Judge Woods also dismissed the alleged excessive force claim against Defendants. Plaintiff appealed this dismissal to the Sixth Circuit Court of Appeals. The Sixth Circuit panel affirmed the earlier dismissals, finding that Plaintiff had failed to set forth sufficient evidence of excessive force and malicious prosecution by the Troy defendants.

A motion to recover our costs will be prepared by our office. If you have any questions concerning the above, please let me know.

Click here for the Adobe PDF version of this opinion.

RECOMMENDED FOR FULL-TEXT PUBLICATION

Pursuant to Sixth Circuit Rule 206

ELECTRONIC CITATION: 2001 FED App. 0202P (6th Cir.)

File Name: 01a0202p.06

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

Lucinda Darrah, *Plaintiff-Appellant,* *v.* City of Oak Park, et al., *Defendants,* Russell Bragg, a Troy police officer, *Defendant-Appellee.*	No. 00-1253

Appeal from the United States District Court

for the Eastern District of Michigan at Detroit.

No. 98-74365--George E. Woods, District Judge.

Argued: March 9, 2001

Decided and Filed: June 22, 2001

Before: SILER, MOORE, and CLAY, Circuit Judges.

COUNSEL

ARGUED: Kevin S. Ernst, LAW OFFICE OF K. S. ERNST, Detroit, Michigan, for Appellant. Lori Grigg Bluhm, Troy, Michigan, for Appellees. **ON BRIEF:** Kevin S. Ernst, LAW OFFICE OF K. S. ERNST, Detroit, Michigan, for Appellant. Lori Grigg Bluhm, Troy, Michigan, for Appellees.

OPINION

KAREN NELSON MOORE, Circuit Judge. Plaintiff-Appellant Lucinda Darrah ("Darrah" or "plaintiff") appeals the district court's decision granting summary judgment to Officer Russell Bragg ("Bragg") on her excessive force and malicious prosecution claims, both brought pursuant to 42 U.S.C. § 1983. We **AFFIRM** the district court's decision.

I. BACKGROUND

Early in the morning on October 8, 1995, Lucinda Darrah arrived at the Detroit Newspaper Agency's ("DNA") Oak Park, Michigan distribution center to participate in an organized picketing in support of Detroit's unionized newspaper workers. The picketing was organized to coincide with the DNA's efforts to distribute the Sunday edition of the newspaper. Upon seeing the growing number of picketers arriving at the distribution center, Detective Krizmanich of the Oak Park Police Department called upon other officers from surrounding areas to assist in the handling of the situation. Thirty-seven officers and thirteen commanders responded to this call for assistance, including Officer Russell Bragg of the City of Troy Police Department.

By around 4:00 a.m., approximately two hundred picketers had arrived at the DNA distribution center. About one hour later, after several hours of unsuccessful negotiations aimed at encouraging the demonstrators to leave the distribution center driveway voluntarily so that the newspaper trucks could leave the premises, the officers decided to attempt to move the picketers off the driveway. The officers first spoke to the crowd over a bullhorn, stating that it was in violation of an Oak Park ordinance prohibiting demonstrators from blocking ingress and egress to property. The crowd only became more vocal after this warning, and then began to chant at the officers.

After the picketers ignored this warning, the officers then formed two lines and began to walk toward the middle of the driveway. The officers planned to expand their two lines out from the middle of the driveway, thus forcing the picketers to move back and away from the driveway. The officers in the formation had been instructed to take no shields or sticks and to use no tear gas. The officers were also told that if they met any physical resistance, they should retreat to the original staging area, where they would then make a decision as to what to do.

The police had previously assigned various officers to form three arrest teams, whose duty "was to arrest individuals that were pointed out to [them] by supervisors as violating a city ordinance." Joint Appendix ("J.A.") at 115 (Bragg Test.). Officer Bragg was assigned to one of the arrest teams.

As the officers expanded their lines across the driveway, approximately half of the picketers voluntarily moved off to the side. One group of picketers refused to move, however, and remained in the middle of the driveway in a tight circle. Lieutenant Richard Cain, one of the supervising officers on the scene, approached a man in this group and instructed him to leave the driveway. The man, Bill Dearmond, remained in the driveway, looking defiantly at Cain as he repeated his order to move. After Dearmond refused to move, Cain instructed Bragg and the other two officers in his arrest team, Officers Petrides and Smith, to arrest Dearmond.

Officers Petrides and Bragg approached Dearmond and were able to grab hold of him. At this point,

however, another picketer jumped onto the officers' backs before Officer Smith could restrain Dearmond. Dearmond backpedaled further into the crowd as Officers Bragg and Petrides again attempted to arrest him. The plaintiff, who was back too far in the crowd to see what was happening at the front of the picket lines, only then noticed Officers Petrides and Bragg approaching. According to Darrah, the two officers were running toward the back of the crowd, pushing Dearmond along as they went. Darrah testified that the officers then "ram[med]" Dearmond to the ground and placed him in an arm lock, jerking his arm back further and further. J.A. at 86 (Darrah Dep.).

Upon witnessing this use of force, Darrah bent over, grabbed Officer Bragg by the ankle, and began tugging it with both hands, all the while telling him to stop hurting Dearmond.(1) Darrah stated that she was interfering with the officers' actions because she felt their conduct constituted police brutality.

Bragg was able to pull his ankle loose from Darrah's grasp, yet Darrah again grabbed hold of his ankle and told him to stop. At this point, both Darrah and Bragg essentially agree that Bragg "turned and swung backwards" with his left arm, hitting Darrah in the mouth. J.A. at 116 (Bragg Test.); J.A. at 88 (Darrah Dep.). Darrah was knocked backward and hit her head on what she believes was a parking block. Darrah suffered a "split lip" from the blow which required six or seven stitches. J.A. at 79 (Darrah Dep.).

Officer Bragg testified that he did not get a good look at the person who he claimed was tugging at his belt, other than to see that the person was female. After knocking Darrah away from him, Bragg went back to "trying to arrest" Dearmond with Officer Petrides, yet by this point Dearmond had regained his footing and had taken off through the crowd. J.A. at 116-17 (Bragg Test.).

After the situation had settled down, officers spoke with Darrah and asked for her version of what had transpired. According to Lieutenant Cain's police report, Darrah refused to identify herself to the police. Cain further stated in his police report that "[t]he only reason she was not placed under arrest" at that time was because she asked to go to a hospital. J.A. at 223 (Cain Police Report). Darrah's personal information was later obtained from the ambulance staff that treated her on the scene. An arrest warrant for Darrah for obstructing a police officer was not issued until February 14, 1996, more than four months after the incident.

A preliminary hearing on Darrah's obstruction charge was held on May 9, 1996, at which time the state district court determined that there was probable cause to hold Darrah over for trial. The court noted that regardless of Darrah and Bragg's differing accounts of the events, the mere act of pulling an officer while he was lawfully performing his duty was enough to "constitute[] . . . resisting and obstruction." J.A. at 144 (Prelim. Examination Tr.). Darrah's case proceeded to trial, where she was acquitted by a jury on August 7, 1997.

On October 7, 1998, plaintiff filed suit in the United States District Court for the Eastern District of Michigan, raising several claims against Officer Bragg, in his individual capacity, and the Cities of Oak Park and Troy. More specifically, Darrah alleged that Officer Bragg's conduct violated her Fourth Amendment rights, and, under 42 U.S.C. § 1983, sued him for excessive force in striking her in the face after she attempted to prevent him from subduing Dearmond, and for malicious prosecution based on her claim that the state court's probable cause finding was founded upon Bragg's materially false statements, including Bragg's claim that Darrah had grabbed his gun belt.

The defendants then filed a motion for summary judgment. While it is unclear from the record, it appears that the plaintiff thereafter voluntarily dismissed her claims against the Cities of Oak Park and Troy. The district court then granted the defendants' motion for summary judgment with respect to the

remaining § 1983 claims of excessive force and malicious prosecution against Officer Bragg. Darrah now appeals these remaining claims against Officer Bragg to this court.

II. ANALYSIS

A. Standard of Review

This court reviews de novo a district court's decision to grant summary judgment. *Campbell*, 238 F.3d at 775. The moving party has the burden of establishing that there are no genuine issues of material fact, and that it is entitled to a judgment as a matter of law. Fed. R. Civ. P. 56(c). A dispute over a material fact cannot be "genuine" unless a reasonable jury could return a verdict for the nonmoving party. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). In reviewing the district court's decision to grant summary judgment, this court must view all evidence in the light most favorable to the nonmoving party. *Campbell*, 238 F.3d at 775.

B. Darrah's Excessive Force Claim

While excessive force claims are often best analyzed under the Fourth Amendment's protection against unreasonable seizures, *Graham v. Connor*, 490 U.S. 386, 394 (1989), the Supreme Court has recently cautioned that not "all constitutional claims relating to physically abusive government conduct must arise under either the Fourth or Eighth Amendments[.]" *United States v. Lanier*, 520 U.S. 259, 272 n.7 (1997). Instead, the Court noted that "*Graham* simply requires that if a constitutional claim is covered by a specific constitutional provision, such as the Fourth or Eighth Amendment, the claim must be analyzed under the standard appropriate to that specific provision, not under the rubric of substantive due process." *Id.* Thus, while the Fourth Amendment "objective reasonableness" analysis should be used in excessive force cases involving searches and seizures, where there is no search or seizure, the Supreme Court has held that the substantive component of the Fourteenth Amendment's due process clause is the most appropriate lens with which to view an excessive force claim. *County of Sacramento v. Lewis*, 523 U.S. 833, 843-44 (1998).

A substantially higher hurdle must be surpassed to make a showing of excessive force under the Fourteenth Amendment than under the "objective reasonableness" test of *Graham*, in which excessive force can be found if the officer's actions, in light of the totality of the circumstances, were not objectively reasonable. *Graham*, 490 U.S. at 396-97; *Lewis*, 523 U.S. at 845-46. The substantive due process rights of the Fourteenth Amendment protect citizens from the arbitrary exercise of governmental power. *Lewis*, 523 U.S. at 845. The test applied by the Supreme Court to determine when governmental conduct reaches this threshold is to ask whether the alleged conduct "shocks the conscience." *Id.* at 846. In *Lewis*, the Supreme Court explained that whether governmental conduct shocks the conscience depends on the factual circumstances of the case. *Id.* at 851-53. More specifically, in situations where the implicated government actors

> are afforded a reasonable opportunity to deliberate various alternatives prior to electing a course of action . . . , their actions will be deemed conscience-shocking if they were taken with "deliberate indifference" towards the plaintiff's federally protected rights. In contradistinction, in a rapidly evolving, fluid, and dangerous predicament which precludes the luxury of calm and reflective pre-response deliberation . . ., public servants' reflexive actions "shock the conscience" only if they involved force employed "maliciously and sadistically for the very purpose of causing harm" rather than "in a good faith effort to maintain or restore discipline."

Claybrook v. Birchwell, 199 F.3d 350, 359 (6th Cir. 2000) (quoting *Lewis*, 523 U.S. at 852-53).

The first question in this case, then, is whether Officer Bragg's conduct in striking plaintiff in the face while plaintiff was attempting to prevent Bragg from executing an arrest constitutes a seizure. If so, this court should apply the Fourth Amendment "objective reasonableness" analysis articulated in *Graham*. If not, this court must determine whether Bragg's conduct, given these circumstances, shocks the conscience. Ultimately, we conclude that, regardless of which test is applied, Darrah is unable to create a genuine issue of material fact with respect to her excessive force claim. Therefore, we need not and do not decide whether Bragg's conduct constitutes a seizure.

1. "Shock the Conscience" Test

Applying the "shock the conscience" test, the more difficult standard for the plaintiff to meet, it is clear that the district court's decision granting summary judgment to Officer Bragg must be affirmed. As stated earlier, the Supreme Court has held that different conscience-shocking standards should be applied depending on the circumstances in which the governmental action occurred. *Lewis*, 523 U.S. at 850-51. Unlike those instances where the government actor has the time to deliberate various alternatives before acting, this case is precisely one of those "rapidly evolving, fluid, and dangerous predicament[s] which precludes the luxury of calm and reflective pre-response deliberation[.]" *Claybrook*, 199 F.3d at 359. Officer Bragg, when grabbed from behind in a loud and unruly crowd of people, did not have time to deliberate the best possible course of action. Just the opposite is the case. In these instances, the Court has stated that the government actor's conduct shocks the conscience only if the force was applied "maliciously and sadistically for the very purpose of causing harm." *Lewis*, 523 U.S. at 853 (quotation omitted). Given the facts of this case, the plaintiff simply cannot show that any reasonable jury could find that Officer Bragg's conduct was malicious, sadistic, and imposed not to restore order, but only to cause harm.

2. "Objective Reasonableness" Test

Even if we were to apply the Fourth Amendment "objective reasonableness" test, an easier standard for the plaintiff to meet, there still is no genuine issue that Officer Bragg's conduct did not amount to excessive force. In determining whether an officer's actions were objectively reasonable, courts must view the reasonableness of any seizure in light of the totality of the circumstances, analyzing the facts "from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight." *Graham*, 490 U.S. at 396. The *Graham* Court emphasized that, when conducting the reasonableness inquiry, we must keep in mind the "tense, uncertain, and rapidly evolving" circumstances in which officers are forced to make difficult decisions about the appropriate level of force to be used. *Id.* at 397. In addition, when determining the reasonableness of the force used, courts should pay particular attention to "the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." *Id.* at 396.

In this case, Officer Bragg and the other members of his arrest team were in the middle of a boisterous and unruly group of picketers attempting to make an arrest of an individual who was resisting their efforts. One picketer had just jumped on the backs of Officers Bragg and Petrides before the third officer was able to restrain him. The crowd was chanting in opposition to the police, and the noise grew louder as the officers attempted to clear the driveway. In the midst of this tumult, plaintiff grabbed Bragg's ankle with both of her hands and tried to prevent him from executing Dearmond's arrest. While Officer Bragg freed himself from her grasp initially, plaintiff grabbed his ankle again. Only then did Bragg swing his arm backward at the plaintiff so as to free himself and further attempt to subdue Dearmond.

Viewing these facts "from the perspective of a reasonable officer on the scene," *Graham*, 490 U.S. at 396, it is clear that Officer Bragg took relatively minimal measures to free himself from plaintiff, particularly after his first attempt at shaking her loose was only temporarily effective. In light of the totality of the circumstances in which Officer Bragg was embroiled, we are convinced that any reasonable jury would find that Bragg's conduct was objectively reasonable.(2)

Thus, regardless of the standard that applies, plaintiff has failed to create a genuine issue of material fact with respect to the reasonableness of Bragg's conduct. Accordingly, the district court's decision granting Bragg summary judgment as to this claim is **AFFIRMED**.

C. Darrah's § 1983 Malicious Prosecution Claim

Plaintiff brings her malicious prosecution claim against Officer Bragg under 42 U.S.C. § 1983, claiming that the state court's probable cause finding regarding her obstruction charge "was based on the materially false statements and/or omissions of Defendant Bragg." Appellant's Br. at 35. More specifically, plaintiff claims that, had Bragg not lied in stating that he was involved in a lawful arrest of Dearmond, and had he not failed to reveal that he was assaulting Dearmond before plaintiff intervened, there would not have been probable cause to hold plaintiff over for trial on the obstruction charge.

Important to our analysis of plaintiff's malicious prosecution claim is this circuit's recent opinion in *Frantz v. Village of Bradford*, --- F.3d ---, No. 99-4186, 2001 WL 387731 (6th Cir. Apr. 18, 2001). The *Frantz* court, interpreting the Supreme Court's plurality opinion in *Albright v. Oliver*, 510 U.S. 266 (1994), broke from the ranks of nine other circuit courts of appeals in holding that "the Fourth Amendment does not support a separate malicious prosecution claim independent of the underlying illegal seizure." *Frantz*, 2001 WL 387731, at *4-5, 7. In *Frantz*, a police officer was sued pursuant to § 1983 for violating an arrestee's Fourth Amendment rights to be free from unlawful arrest, excessive force, and malicious prosecution. Following the district court's denial of the officer's motion for summary judgment, the officer filed an interlocutory appeal with this court asserting qualified immunity only from plaintiff's malicious prosecution claim.

After deciding that it had jurisdiction to review the officer's interlocutory appeal, the court decided that, before examining whether the officer was entitled to qualified immunity, it must first determine whether the plaintiff's Fourth Amendment malicious prosecution claim, from which qualified immunity was sought, was even a "cognizable constitutional claim." *Id.* at *3. In making this determination, the court looked to the Supreme Court's plurality opinion in *Albright* for guidance.

The state of the law for malicious prosecution claims brought pursuant to 42 U.S.C. § 1983 has been unsettled since the Supreme Court's decision in *Albright*. *See* John T. Ryan, Note, *Malicious Prosecution Claims Under Section 1983: Do Citizens Have Federal Recourse?*, 64 Geo. Wash. L. Rev. 776, 803-09 (1996) (noting the confusion among lower federal courts after *Albright*). In *Albright*, a plurality of the court agreed that the substantive component of the Fourteenth Amendment's Due Process Clause, "with its scarce and open-ended guideposts," may not serve as the basis for a § 1983 malicious prosecution claim. *Albright*, 510 U.S. at 275 (quotation omitted). The plurality did explain, however, that "[w]here a particular Amendment provides an explicit textual source of constitutional protection against a particular sort of government behavior, that Amendment, not the more generalized notion of substantive due process, must be the guide for analyzing these claims." *Id.* at 273 (quotation omitted). As for any specific constitutional provisions relating to federal malicious prosecution claims, the plurality explained that the Court has "in the past noted the Fourth Amendment's relevance to the deprivations of liberty that go hand in hand with criminal prosecutions." *Id.* at 274. Nevertheless, stressing the "very limited" nature of the plaintiff's claim, the plurality stated that, because plaintiff had not presented the question in his petition for certiorari, it would "express no view as to whether [his

malicious prosecution] claim would succeed under the Fourth Amendment[.]" *Id.* at 271, 275.

The *Frantz* court, analyzing this discussion in *Albright*, interpreted the plurality as stating "that any recovery based on a claim of malicious prosecution in a case involving an illegal seizure is limited to that which is recoverable under a Fourth Amendment illegal seizure claim[.]" *Frantz*, 2001 WL 387731, at *6. In other words, the *Frantz* court held that plaintiffs have no separate § 1983 claim for malicious prosecution in cases based on alleged Fourth Amendment violations; in cases where the violation of Fourth Amendment rights is not at issue, however, the court interpreted *Albright* as stating that § 1983 malicious prosecution claims may still be available pursuant to the Fourteenth Amendment's substantive due process rights. *Id.* at *6-7 & n.2.

It appears that, in reaching this conclusion, the *Frantz* court was influenced by the Supreme Court's decision to dismiss Albright's malicious prosecution claim without deciding whether the claim would be successful under the Fourth Amendment. In *Albright*, the plurality explicitly refrained from deciding the issue whether plaintiff's malicious prosecution claim would succeed under the Fourth Amendment because the plaintiff had "not presented that question in his petition for certiorari." *Albright*, 510 U.S. at 275. The *Frantz* court did not interpret the plurality's decision as expressing a desire to address only the narrow issue presented, however. Instead, the *Frantz* court, from our reading, believed that the Court's refusal to address the Fourth Amendment issue stood for the proposition that, because there was no underlying Fourth Amendment claim of illegal seizure upon which Albright's claim was based (he had previously waived any Fourth Amendment claims arising out of the initial seizure that occurred when he surrendered himself to the State following the State's issuance of a warrant for his arrest), the Court could not address any "separate" claim of malicious prosecution under the Fourth Amendment. *Frantz*, 2001 WL 387731 at *6. Based on its interpretation of *Albright*, the *Frantz* court held that, because only the plaintiff's Fourth Amendment malicious prosecution claim was before it, and because there was no separate claim of malicious prosecution under the Fourth Amendment after *Albright*, the police officer's request for qualified immunity from this nonexistent claim was unnecessary. *Id.* at *6-7.

Whether this was a proper reading of *Albright* is not our place to say, for "[a] panel of this Court cannot overrule the decision of another panel. The prior decision remains controlling authority unless an inconsistent decision of the United States Supreme Court requires modification of the decision or this Court sitting en banc overrules the prior decision."(3) *Salmi v. Sec'y of Health & Human Servs.*, 774 F.2d 685, 689 (6th Cir. 1985); *see also* 6th Cir. R. 206(c) (stating that published panel opinions are binding on all subsequent panels). We do note, however, as did the dissenting opinion in *Frantz*, that the *Frantz* majority explicitly chose to disregard a prior binding precedent of this circuit that had interpreted *Albright* as authorizing a Fourth Amendment malicious prosecution claim. *Spurlock v. Satterfield*, 167 F.3d 995, 1006 & n.19; *see also Frantz*, 2001 WL 387731, at *7 (disregarding *Spurlock*). Contrary to *Frantz*, in *Spurlock*, this court expressly described *Albright* as establishing that "malicious prosecution of an individual and continued detention of an individual without probable cause clearly violate rights afforded by the Fourth Amendment[.]" *Spurlock*, 167 F.3d at 1006. Thus, *Spurlock* interpreted *Albright* as authorizing a Fourth Amendment malicious prosecution claim. As we have previously noted, when a later decision of this court conflicts with one of our prior published decisions, we are still bound by the holding of the earlier case. *Sowards v. Loudon County, Tenn.*, 203 F.3d 426, 431 n.1 (6th Cir. 2000); *Brentwood Acad. v. Tenn. Secondary Sch. Athletic Ass'n*, 180 F.3d 758, 765 (6th Cir. 1999), *rev'd on other grounds*, 121 S. Ct. 924 (2001).

Although we believe the *Spurlock* case to be binding rather than *Frantz*, because this court's decision in *Frantz* has clouded the already murky waters of *Albright* and a plaintiff's right to bring a malicious prosecution claim under the Fourth Amendment, we will examine Darrah's malicious prosecution claim under both *Spurlock* and *Frantz*. Under either approach, Darrah's malicious prosecution claim will be unsuccessful.

1. *Frantz*

If we were to apply *Frantz* to this case, we would have to dismiss Darrah's malicious prosecution claim because she has no separate § 1983 action for malicious prosecution under the Fourth Amendment. *Frantz*, 2001 WL 387731, at *6-7 & n.2. If *Frantz* were binding, it appears that, at most, a plaintiff could recover additional damages as part of her overall Fourth Amendment claim if, following an arrest without probable cause in violation of the Fourth Amendment, a prosecution follows. *Id.* at *7. No additional damages would be available to Darrah based on her prosecution for obstructing a police officer, however, for we earlier affirmed the district court's decision that no reasonable jury could find in Darrah's favor on her underlying excessive force claim. In accordance with *Frantz*, we would have to dismiss Darrah's federal malicious prosecution claim.

2. *Spurlock*

Assuming, as we do, that *Spurlock* still binds this court even after *Frantz*, a plaintiff has a constitutionally cognizable claim of malicious prosecution under the Fourth Amendment. In this case, Darrah brings her malicious prosecution claim pursuant to her Fourth Amendment right against unlawful seizures. J.A. at 17-18 (Compl.).

a. Collateral Estoppel

As stated earlier, plaintiff brings her Fourth Amendment malicious prosecution claim on the grounds that the state court's probable cause finding was based on Officer Bragg's false statements and omissions. The district court, in granting defendant's motion for summary judgment with respect to Darrah's malicious prosecution claim, based its decision, in part, on the doctrine of collateral estoppel. The district court stated that plaintiff was precluded from raising the issue of probable cause for a second time after the state court, in an adversary proceeding, had already determined that there was probable cause to hold her over for trial. *See Coogan v. City of Wixom*, 820 F.2d 170, 175 (6th Cir. 1987) ("where the state affords an opportunity for an accused to contest probable cause at a preliminary hearing and the accused does so, a finding of probable cause by the examining magistrate or state judge should foreclose relitigation of that finding in a subsequent § 1983 action.").

As the Supreme Court has held, we must apply the state law of collateral estoppel when deciding whether the state court's determination of probable cause at the preliminary hearing has preclusive effect in this § 1983 action. *Haring v. Prosise*, 462 U.S. 306, 313 (1983). Under Michigan law, issue preclusion applies when 1) there is identity of parties across the proceedings, 2) there was a valid, final judgment in the first proceeding, 3) the same issue was actually litigated and necessarily determined in the first proceeding, and 4) the party against whom the doctrine is asserted had a full and fair opportunity to litigate the issue in the earlier proceeding. *People v. Gates*, 452 N.W.2d 627, 630-31 (Mich.), *cert. denied*, 497 U.S. 1004 (1990).

Following our reasoning in *Josey v. Salisbury*, No. 92-2093, 1993 WL 476974 (6th Cir. Nov. 18, 1993), an unpublished case with similar facts, we hold that the identity of the issues requirement under Michigan law has not been satisfied in this case. In *Josey*, as in this case, the plaintiffs based their malicious prosecution claim in federal court on the grounds that the defendant-officers had knowingly supplied the magistrate with false information in order to establish probable cause. *Id.* at *2. Thus, the court held, plaintiffs were not attempting to relitigate the identical issue of whether probable cause exists; rather, they were arguing that the officers misstated material facts in order to establish probable cause at the state level. *Id.* (citing *Jones v. City of Chicago*, 856 F.2d 985, 994 (7th Cir. 1988)). Applying the same reasoning to this case, we hold that the state court's determination of probable cause

at the preliminary hearing is not identical to the issue Darrah argues today, that being whether Officer Bragg made materially false statements to the state judge that formed the basis of that court's probable cause determination. Accordingly, we proceed to a review of the merits of Darrah's Fourth Amendment malicious prosecution claim.

b. The Merits of Darrah's Malicious Prosecution Claim

In *Frantz*, this court held that, following *Albright*'s holding that the "Fourth Amendment is the only 'peg' on which to hang a § 1983 claim alleging malicious prosecution," we may no longer rely on the state law of malicious prosecution to define the proper cause of action for a federal malicious prosecution claim under § 1983.(4) *Frantz*, 2001 WL 387731, at *5. The *Frantz* court explained "that establishing a § 1983 cause of action requires a constitutional violation and cannot differ depending on the tort law of a particular state." *Id.*

Other than its holding that a § 1983 action for malicious prosecution requires a constitutional violation, the *Frantz* court did not further explicate the elements of a § 1983 malicious prosecution claim under the Fourth Amendment, because *Frantz* later held that no such claim exists after *Albright*. We need not enunciate a test for malicious prosecution under § 1983 either, however, for Darrah can show no constitutional deprivation in this case. Regardless of the specific elements of the federal malicious prosecution claim, plaintiff is unable to allege an unreasonable seizure under the Fourth Amendment, *i.e.*, that there was no probable cause to justify her arrest and prosecution. *See Albright*, 510 U.S. at 273-75.

We need not proceed any further than the probable cause analysis to decide plaintiff's malicious prosecution claim. Plaintiff claims in her brief that the state court's determination of probable cause to prosecute her on the obstruction charge was based on false information provided by Officer Bragg. However, if this court finds that there was probable cause to prosecute Darrah, regardless of any alleged false statements made by Bragg, then she cannot make out a malicious prosecution claim under the Fourth Amendment.

"Probable cause to make an arrest exists if the facts and circumstances within the arresting officer's knowledge 'were sufficient to warrant a prudent man in believing that the [arrestee] had committed or was committing an offense.'" *Pyles v. Raisor*, 60 F.3d 1211, 1215 (6th Cir. 1995) (quoting *Beck v. Ohio*, 379 U.S. 89, 91 (1964)). Plaintiff contends that Officer Bragg misled the state court by: 1) stating that plaintiff reached for his gun belt rather than his ankle when he was attempting to subdue Dearmond; 2) stating that he was conducting a lawful arrest when plaintiff interfered with him; and 3) failing to disclose to the court "that he was assaulting the civilian on whose behalf Plaintiff intervened[.]" Appellant's Br. at 35-36.

Taking these allegations into account, it is clear that, regardless of any alleged misinformation provided to the court by Bragg, the state court would have concluded that there was probable cause to arrest Darrah and hold her over for trial. First, the state court transcript clearly refutes plaintiff's claim that whether she was grabbing Bragg's gun belt or his ankle affected the court's decision to hold her over for trial. In the preliminary hearing, the court stated that the mere act of pulling on the officer, regardless of whether it was his belt or his ankle, was enough to constitute probable cause to hold plaintiff over for trial. J.A. at 144 (Prelim. Examination Tr.). Plaintiff also admitted in her deposition that she was trying to interfere with the officers' actions when they were using force on Dearmond. J.A. at 87 (Darrah Dep.).

Plaintiff further claims that Officer Bragg's misleading police report, which allegedly indicated that he was engaging in a lawful arrest of Dearmond, influenced the state court's decision to find probable

cause for plaintiff's arrest and prosecution on the obstruction charge. There are two problems with this argument: first, based on the facts alleged by Darrah and the information in the police report, there is no indication that Bragg's report misled the court in any way; second, under Michigan law, while arrestees have the right to use physical force to resist an unlawful arrest, third-party intervenors do not. *City of Detroit v. Smith*, 597 N.W.2d 247, 249-50 (Mich. Ct. App. 1999). Thus, even though Bragg may have used force against Dearmond when attempting to handcuff him that the plaintiff considered excessive, plaintiff had no right under Michigan law to resort to physical force against Officer Bragg in an attempt to aid Dearmond. Because Darrah had no right to intervene physically on Dearmond's behalf even if she thought the officer's use of force was excessive, the extent to which Bragg informed the court of the force he used in his attempts to detain Dearmond could not have affected the state court's determination of the probable cause to prosecute Darrah for obstructing a police officer.

After reviewing the evidence and the arguments presented by Darrah, we conclude that no reasonable jury could find that Officer Bragg's allegedly misleading acts and omissions affected the state court's determination of probable cause in any way. Accordingly, having recognized a § 1983 claim of malicious prosecution pursuant to *Spurlock*, we **AFFIRM** the district court's decision granting Officer Bragg summary judgment on this claim.

III. CONCLUSION

For the foregoing reasons, we **AFFIRM** the district court's decision granting Officer Bragg summary judgment with respect to Darrah's excessive force and federal malicious prosecution claims.

Footnotes

[1] Officer Bragg claims that it was not his ankle, but his gun belt, that was being pulled. J.A. at 118. For purposes of a summary judgment motion, this court must view the facts in the light most favorable to Darrah, the nonmoving party. *Campbell v. Grand Trunk W. R.R. Co.*, 238 F.3d 772, 775 (6th Cir. 2001).

[2] Because any reasonable jury would find that Bragg's conduct was objectively reasonable, we need not determine whether Bragg's conduct was qualifiedly immune. *See Martin v. Heideman*, 106 F.3d 1308, 1312-13 (6th Cir. 1997); *Walton v. City of Southfield*, 995 F.2d 1331, 1342 (6th Cir. 1993).

[3] Nevertheless, it does appear that the *Frantz* court may have been reading too much into the *Albright* Court's decision not to address the Fourth Amendment issue. The *Albright* Court at no time explicitly stated that there is no separate constitutional claim for malicious prosecution based on the Fourth Amendment. In addition, by "not[ing] the Fourth Amendment's relevance to the deprivations of liberty that go hand in hand with criminal prosecutions[,]" it does not appear that the Court was intimating that, in cases based on Fourth Amendment violations, a plaintiff could never have a separate Fourth Amendment claim of malicious prosecution. *Albright*, 510 U.S. at 274.

[4] In light of *Albright*'s holding, the *Frantz* court disavowed any further reliance on *Coogan*, 820 F.2d at 174-75, which had previously held that a § 1983 action for malicious prosecution is defined, in part, by the elements of the state law tort of malicious prosecution. We are bound by the *Frantz* court's holding disavowing our prior decision in *Coogan* because *Frantz* applied the new Supreme Court decision in *Albright* to the *Coogan* case that had preceded *Albright*. We are not bound by the *Frantz* court's interpretation of *Spurlock*, however, because *Spurlock* (unlike *Coogan*) was decided after *Albright*, and had interpreted *Albright* in concluding that a § 1983 cause of action for malicious prosecution does exist under the Fourth Amendment. No new Supreme Court case justified the *Frantz*

court's decision to disregard *Spurlock*.