CITY COUNCIL

AGENDA

October 1, 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 Dan Lewis – Troy Christian Chapel 1

ROLL CALL 1

A-1 Minutes: Regular Meeting of September 17, 2001 and Special Meeting of September 17, 2001 1

A-2 Presentations: 1) Proclamation of Appreciation Presented to Troy Firefighters: Steve Gerard, Dustin Lockard, Jay Reynolds IV, Jack Spreyer, Ali Taqui, Thomas VanSimaeys and Bloomfield Hills Public Safety Officers: Noel Claeson and Terry McDonnell; 2) Proclamation of Appreciation Presented to Harriet Barnard; 3) Service Commendation Presented to David Drouillard; 4) Service Commendation Presented to Roy Fiore; 5) Introduction of Lucy Lu – Proposed Student Representative for the Parks & Recreation Committee; 6) National Fire Prevention Week – October 17-13, 2001 1

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***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-3 Request from Nino Salvaggio's Fruit & Vegetable Market of Troy, Inc. to Add Space to 2001 Specially Designated Distributor (SDD) and Specially Designated Merchant (SDM) Licensed Business, Located at 6835 Rochester Road, Troy, MI 48085 [MLCC REF #131794] 5

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CALL TO ORDER

Invocation & Pledge Of Allegiance – Pastor Dan Lewis – Troy Christian Chapel

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 September 17, 2001 and Special Meeting of September 17, 2001

Suggested Resolution
Resolution #2001-10-
Moved by
Seconded by

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of September 17, 2001 and the Minutes of the Special Meeting of September 17, 2001 be approved.

Yes:
No:

A-2 Presentations: 1) Proclamation of Appreciation Presented to Troy Firefighters: Steve Gerard, Dustin Lockard, Jay Reynolds IV, Jack Spreyer, Ali Taqui, Thomas VanSimaeys and Bloomfield Hills Public Safety Officers: Noel Claeson and Terry McDonnell; 2) Proclamation of Appreciation Presented to Harriet Barnard; 3) Service Commendation Presented to David Drouillard; 4) **Service Commendation Presented to Roy Fiore; 5) Introduction of Lucy Lu – Proposed Student Representative for the Parks & Recreation Committee; 6) National Fire Prevention Week – October 17-13, 2001**

PUBLIC HEARING

C-1 Request for Commercial Vehicle Appeal – 6704 Livernois – Continued from Regular City Council Meeting of September 17, 2001

Suggested Resolution
Resolution #2001-10-
Moved by
Seconded by

(a) Resolution A For Approval

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 Michael Brennan, 6704 Livernois, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevy cube van and an Isuzu cube van in a residential district is hereby approved for up to two years.

(b) Resolution B For Denial

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 not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance;

NOW, THEREFORE, BE IT RESOLVED, That the request from Michael Brennan, 6704 Livernois, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevy cube van and an Isuzu cube van in a residential district is hereby denied.

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 #2001-10-
Moved by
Seconded by

RESOLVED, That all items as presented on the Consent Agenda are hereby approved as presented with the exception of Item(s) _____, which shall be considered after Consent Agenda (E) items, as printed.

Yes:
No:

E-2 Pittman v City of Troy, Troy Police, & Officer Hamzey

Suggested Resolution
Resolution #2001-10-

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 Steven Pittman v City of Troy, City of Troy Police Department and Police Officer Hamzey and to retain any necessary expert witnesses and outside legal counsel to adequately represent the City.

E-3 Request from Nino Salvaggio's Fruit & Vegetable Market of Troy, Inc. to Add Space to 2001 Specially Designated Distributor (SDD) and Specially Designated Merchant (SDM) Licensed Business, Located at 6835 Rochester Road, Troy, MI 48085 [MLCC REF #131794]

Suggested Resolution
Resolution #2001-10-

RESOLVED, That the request from Nino Salvaggio's Fruit & Vegetable Market of Troy, Inc., to add space to 2001 Specially Designated Distributor (SDD) and Specially Designated Merchant (SDM) licensed business, located at 6835 Rochester Road, Troy, MI 48085 [MLCC Ref #131794], be considered for approval. It is the consensus of this legislative body that the application be recommended for issuance.

E-4 Request from McCormick & Schmick Restaurant Corp.: (a) To Transfer Ownership of 2001 Class C Licensed Business with Dance Permit and Official Permit (Food), Located at 2850 Coolidge, Troy, MI 48084, Oakland County, from McCormick & Schmick Operating Corp. (A Georgia Corporation) [MLCC Ref #130614]; (b) Approval of Agreement

Suggested Resolution
Resolution #2001-10-

(a) License Transfer

RESOLVED, That the request from McCormick & Schmick Operating Corp. to transfer ownership of 2001 Class C licensed business with Dance Permit and Official Permit (Food), located at 2850 Coolidge, Troy, MI 48084, Oakland County, from McCormick & Schmick Operating Corp. (A Georgia Corporation) [MLCC Ref #130614], be considered for approval.

Suggested Resolution
Resolution #2001-10-

(b) Approval of Agreement

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 McCormick & Schmick Restaurant Corp., which shall become effective upon approval of the request to transfer ownership of 2001 Class C licensed business with Dance Permit and Official Permit (Food), located at 2850 Coolidge, Troy, MI 48084, Oakland County, from McCormick & Schmick Operating Corp., 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-5 Private Agreement for Coolidge Lot Splits – Project No. 01.913.3

Suggested Resolution
Resolution #2001-10-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Woodward Common Land Co. 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-6 Private Agreement for Harrington Park Condominiums – Project No. 01.910.3

Suggested Resolution
Resolution #2001-10-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Harrington Park Development, L.L.C. is hereby approved for the installation of sanitary sewer, storm sewer, detention, water main, sidewalks, landscaping, soil erosion and paving 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-7 Coolidge Road Reconstruction Contracts

Suggested Resolution
Resolution #2001-10-

(a) Addendum to Contract and Change Order

RESOLVED, That the Addendum to Contract and Change Order, by and between Clark Construction Company, Angelo Iafrate Construction Company, Grand Sakwa Properties, LLC, and the City of Troy, is hereby approved; the Mayor and City Clerk are authorized to execute the documents, and a copy shall be attached to the original Minutes of this meeting.

and

Suggested Resolution
Resolution #2001-10-

(b) Second Addendum to Contract and Change Order

RESOLVED, That the Second Addendum to Contract and Change Order, by and between Clark Construction Company, Angelo Iafrate Construction Company, Grand Sakwa Properties, LLC, and the City of Troy, is hereby approved; the Mayor and City Clerk are authorized to execute the documents, and a copy shall be attached to the original Minutes of this meeting.

E-8 Request for Temporary Trailer – Bob Borst Lincoln-Mercury – 1950 W. Maple

Suggested Resolution
Resolution #2001-10-

RESOLVED, That the request from B. Borst, President of Bob Borst Lincoln-Mercury, to place two office trailers on the site of the existing building at 1950 W. Maple to be used for temporary office space is hereby approved for a period not to exceed four (4) months, in accordance with Chapter 47, House Trailers and Trailer Courts, Section 6.41(2), of the Code of the City of Troy.

E-9 Request for Acceptance of Easements & Approval of Agreements Charleston Club Condominium Project – Estate Millcreek, L.L.C. – Project No. 00.912.3 – Sidwell #88-20-09-476-009, -010 & -011

Suggested Resolution
Resolution #2001-10-

RESOLVED, That the Permanent Easements for water main, sanitary sewer, emergency storm sewer and emergency access from Estate Millcreek, L.L.C. for the Charleston Club Condominium Project, being part of property having Sidwell #88-20-09-476-009, -010 and –011, are accepted; and the City Clerk is hereby directed to record said documents with the Oakland County Register of Deeds, a copy of which shall be attached to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the Sidewalk Agreement and Private Road Agreement with Estate Millcreek, L.L.C., also for the Charleston Club Condominium Project, be approved and that the Mayor and City Clerk be authorized to sign said agreements; and the City Clerk is hereby directed to record said documents with the Oakland County Register of Deeds, a copy of which shall be attached to the original Minutes of this meeting.

E-10 Request for Extension of Preliminary Plat – Tentative Approval (Expanded Proposal) – Beachview Estates – West Side of Beach, South of Long Lake – Section 18

Suggested Resolution
Resolution #2001-10-

RESOLVED, That a one-year extension of the Tentative Approval be granted to the Preliminary Plat of Beachview Estates Subdivision, on the west side of Beach, south of Long Lake in Section 18.

E-11 Standard Purchasing Resolution 2: Bid Award – Low Bidders Meeting Specifications – Mowers and Miscellaneous Equipment for Sylvan Glen Golf Course

Suggested Resolution
Resolution #2001-10-

RESOLVED, That contracts to furnish mowers and miscellaneous equipment, less trade-ins, for Sylvan Glen Golf Course are hereby awarded to the low acceptable bidders meeting specifications, W.F. Miller Company and Spartan Distributors, Inc., at unit prices contained in the bid tabulation opened September 5, 2001, a copy of which shall be attached to the original Minutes of this meeting, at a cost of $25,978.00 and $59,986.46, respectively, for a total cost of $85,964.46.

E-12 Resolution Authorizing Attendance of Mayor and City Council Members at the National League of Cities Annual Business Meeting to be held December 4-8, 2001 in Atlanta, Georgia

Resolution #2001-10-
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 National League of Cities Annual Business Meeting to be held December 4-8, 2001 in Atlanta, Georgia, all in accordance with the accounting procedures of the City of Troy.

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) Animal Control Appeal Board; (c) CATV Committee; (d) Downtown Development Authority; (e) Historical Commission; (f) Liquor Committee; (g) Parks and Recreation Committee; (h) Traffic Committee; and (i) Troy Daze Committee

Suggested Resolution
Resolution #2001-10-
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

_____ Term Expires 11-01-2002

_____ Student Rep Term Expires 07-01-2002

(b) Animal Control Appeal Board — Council Appointment

_____ Term Expires 09-30-2004

(c) CATV Committee — Council Appointment

_____ Student Rep Term Expires 07-01-2002

_____ Vacant Term Expires 02-28-2004

(d) Downtown Development Authority — Mayor, Council Approval

_____ Term Expires 09-30-2005

_____ Term Expires 09-30-2005

_____ Term Expires 09-30-2005

(e) Historical Commission — Council Appointment

_____ Student Rep Term Expires 07-01-2002

_____ Term Expires 07-01-2004

(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

_____ Term Expires 09-30-2004

_____ Term Expires 09-30-2004

(h) Traffic Committee Council Appointment

_____ Student Rep Term Expires 07-01-2002

(i) Troy Daze Committee Council Appointment

_____ Student Rep Term Expires 07-01-2002

Yes:
No:

F-2 Closed Session – No Session Required

F-3 Proposed Amendments to the Code of the City of Troy - Chapter 16 – Garbage and Rubbish

Suggested Resolution
Resolution #2001-10-
Moved by
Seconded by

RESOLVED, That an Ordinance to modify Chapter 16, Garbage and Rubbish, is hereby adopted in order to update the ordinance to the current level of service being provided to the residents of the City of Troy and a copy of this ordinance shall be attached to the original Minutes of this meeting.

Yes:
No:

F-4 Bid Waiver – Purchase of One (1) 60,000 GVW Tandem Combination Sewer & Catch Basin Cleaning Machine Less Trade-Ins

Suggested Resolution
Resolution #2001-10-
Moved by
Seconded by

WHEREAS, On March 1, 1999, one combination sewer and catch basin cleaning machine was awarded to the low bidder meeting specifications, Jack Doheny Supplies, Inc., at a total cost of $211,541.00 (Resolution #99-74); and

WHEREAS, The Troy Motor Pool Division has budgeted funds in the 2001-02 fiscal year for one additional unit; and

WHEREAS, Jack Doheny Supplies, Inc. has agreed to extend the pricing for one additional combination sewer and catch basin cleaning machine model year 2002, even though they experienced an 8% increase since the time of the original award.

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby waived and a contract to provide one (1) combination sewer and catch basin cleaning machine is hereby awarded to Jack Doheny Supplies, Inc. at a cost of $249,541.00 less trade-ins of ($38,000.00) for an estimated total cost of $211,541.00.

Yes:
No:

F-5 Remove "NO RIGHT TURN" Signs at the Leonard Elementary School Driveway

Suggested Resolution
Resolution #2001-10-
Moved by
Seconded by

RESOLVED, That Traffic Control Order #97-10-MR be rescinded for removal of "No Right Turn from 8:30-9:30 a.m. and 3:00-4:00 p.m. except buses" sign on the Leonard School exit driveway at Tallman, as recommended by the Troy School District Safety Committee and City Staff

Yes:
No:

F-6 Special Event Request

Suggested Resolution
Resolution #2001-10-
Moved by
Seconded by

(a) Suggested Resolution A:

RESOLVED, That the Troy City Council does hereby authorize the Angel Society to hold a fundraiser at Firefighter's Park in May, 2002.

or

(b) Suggested Resolution B:

RESOLVED, That the Troy City Council denies the approval of Firefighter's Park for a fundraiser by the Angel Society since this use does not serve the public benefit and welfare.

Yes:
No:

F-7 Bid Waiver: Extension of Contract – Street Light Work

Suggested Resolution
Resolution #2001-10-
Moved by
Seconded by

WHEREAS, On December 2, 1996, a three-year contract to provide street light work was awarded to the sole bidder, Jacobs Electrical Construction, Inc. (Resolution #96-1124); and

WHEREAS, On November 15, 1999, Jacobs Electrical Construction, Inc. agreed to exercise the option to renew the contract for two additional years (Resolution #99-521-E-8); and

WHEREAS, Jacobs Electrical Construction, Inc. has agreed to extend the contract for one-year under the same prices, terms, and conditions;

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby waived and a contract is hereby awarded to Jacobs Electrical Construction, Inc. to provide street light work under the same pricing, terms, and conditions for one year expiring December 2, 2002, at an estimated total cost of $20,000.00.

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 #2001-10-
Moved by
Seconded by

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

(a) Proclamation of Appreciation Honoring Fire Fighters
(b) Proclamation Honoring Harriet Barnard
(c) Service Commendation - David Drouillard
(d) National Fire Prevention Week – October 17-13, 2001
(e) Service Commendation - Roy Fiore

Yes:
No:

G-2 Minutes – Boards and Committees:

(a) Police and Fire Commission (Act 78)/Final – April 30, 2001
(b) Parks and Recreation Advisory Board/Final – May 10, 2001
(c) Parks and Recreation Advisory Board/Final – June 14, 2001
(d) Library Advisory Board/Final – June 21, 2001
(e) Planning Commission Study Session/Draft - June 26, 2001
(f) Planning Commission/Draft - July 10, 2001
(g) Employees' Retirement System Board of Trustees/Final – August 8, 2001
(h) Planning Commission/Final – August 14, 2001
(i) Board of Zoning Appeals/Final – August 21, 2001
(j) Historical Commission/Draft – August 28, 2001
(k) Planning Commission Study Session/Draft – August 28, 2001
(l) Troy Daze/Draft – August 28, 2001
(m) Advisory Committee for Persons with Disabilities/Draft – September 5, 2001
(n) Employees' Retirement System Board of Trustees/Draft – September 12, 2001
(o) Library Advisory Board/Draft – September 13, 2001
(p) Parks and Recreation Advisory Board/Draft – September 13, 2001
(q) Police and Fire Commission (Act 78)/Draft – September 20, 2001

G-3 Department Reports:

(a) Monthly Financial Report – August 31, 2001

G-4 Announcement of Public Hearings:

G-5 Proposed Proclamations/Resolutions from Other Organizations:

(a) City of Ferndale Resolution, Re: September 19, 2001 – Race Equality Day
(b) City of Ferndale Resolution, Re: Community's Condolences and Support to the Families and Friends of the Victims of September 11, 2001 Attack on America
(c) City of Ferndale Resolution, Re: Heroic Efforts of New York City Police Officers and Firefighters and officer of assistance for September 11, 2001 Attack on America

G-6 Letters of Appreciation:

(a) Barnard Elementary School Thank You to Lori Bluhm for Her Assistance with Their Parade Celebration

(b) Institute of Transportation Engineers, Inc. Thank You to Dr. Abraham for His Presentation at The ITE 2001 Annual Meeting and Exhibit

(c) City of Southfield Thank You to the Troy Police Department for Their Assistance With a Missing Youth Case

(d) East Long Lake Estates Homeowner's Association Thank You to Troy Police Department and Officer Kirk Linton for Their Assistance with the Subdivision's Annual Picnic

(e) Credit Union One Thank You to Detective Pete Pizzorni, Officers Kirk Linton and Jay Reynolds for Speaking at Their Identity Theft Seminar

(f) Barnard Elementary School Thank You to Police Chief Craft for His Assistance With Their Parade Celebration

(g) Fit Children's Project Request for Assistance of Police Officer Dan Clark at Their Upcoming AT Walk for A Cure

G-7 Calendar

G-8 City of Troy Debt Millage as it Relates to Downtown Development Authority Tax Increment Revenue

G-9 E-Mail From Fire Department to John Szerlag Inviting City Council Members to Attend a Dinner at Fire Station 6

G-10 Letter of Condolence from U.S. Department of Justice – FBI – to Troy Police Department on the Loss of Officer Charles Mulvihill

G-11 Memorandum From John Szerlag to Mayor and City Council Regarding Request from State Representative Robert Gosselin for Special Natural Features Map

G-12 Memorandum from John Szerlag To Mayor and City Council Regarding the Cleanout of Oakland County's West Sprague Drain – Coolidge to Firefighters Park – Section 5

G-13 Proposed Resident & Business Surveys

Respectfully submitted,

John Szerlag, City Manager

A Regular Meeting of the Troy City Council was held Monday, September 17, 2001, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 7:35 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Reverend Sarhad Jammo, St. Joseph Catholic Chaldean Church and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Matt Pryor
Robin E. Beltramini
Martin F. Howrylak (arrived 7:41 PM)
Thomas S. Kaszubski
David A. Lambert
Anthony N. Pallotta
Louise E. Schilling

A-1 Minutes: Special Meeting of September 6, 2001 and Regular Meeting of September 10, 2001

Resolution #2001-09-465
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, That the Minutes of the 7:30 PM Special Meeting of September 6, 2001 be approved as corrected and the Minutes of the 7:30 PM Regular Meeting of September 10, 2001 be approved as submitted.

Yes: All-7

A-2 Government Finance Officers Association to the Finance and Community Affairs Departments for Obtaining the Certificate of Achievement for Excellence in Financial Reporting for the City's June 30, 2000 Comprehensive Annual Financial Report and An Award for Outstanding Achievement in Popular Annual Financial Reporting for the City's 2000 Financial Summary

A presentation was given by Tom Soave of GFOA regarding City of Troy's achievement for Excellence in Financial Reporting for the City's June 30, 2000 Comprehensive Annual Financial Report and its Award for Outstanding Achievement in Popular Annual Financial Reporting for the City's 2000 Financial Summary.

PUBLIC HEARING

C-1 Request for Commercial Vehicle Appeal – 3911 Kingspoint

Resolution #2001-09-466
Moved by Pallotta
Seconded by Lambert

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 not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance.

NOW, THEREFORE, BE IT RESOLVED, That the request from Bruce Simpson, 3911 Kingspoint, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Chevy cube van in a residential district is hereby **DENIED** and that the vehicle be removed from the property within 30-days.

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

C-2 Request for Commercial Vehicle Appeal – 6704 Livernois

Resolution #2001-09-467
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, That the request for Commercial Vehicle Appeal – 6704 Livernois be **CONTINUED** at the Regular City Council meeting scheduled for October 1, 2001.

Yes: All-7

VISITOR COMMENTS

Candlelight Vigil

Resolution #2001-09-468
Moved by Pallotta
Seconded by Schilling

RESOLVED, That a candlelight vigil be held outside the Library and on the lawn at the Civic Center on Sunday, September 23, 2001 at 6:00 PM.

RECESS – 9:07 PM - 9:27 PM

Suspend Council Rules

Resolution #2001-09-469
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, That the City Council suspend the Rules of Procedure #5 and move Item F-3 forward.

Yes: All-7

F-3 Troy School District – Special Education and Vocational Education Millage Election – September 25, 2001

Troy School District Superintendent Jan Jopke provided a brief video and discussed the upcoming Special Education and Vocational Education Millage Election scheduled for Tuesday, September 25, 2001.

CONSENT AGENDA

E-1 Approval of Consent Agenda

Resolution #2001-09-470
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-4 and E-6, which shall be considered after Consent Agenda E items, as printed.
Yes: All-7

E-2 Standard Purchasing Resolution 4: Oakland County Road Commission (OCRC) – Asphalt Compactor and Trailer

Resolution #2001-09-470-E-2

RESOLVED, That a contract for one (1) CAT CB224D Double Drum Vibratory Asphalt Compactor and one (1) Towmaster T10P Trailer from Michigan CAT is hereby approved in accordance with the Oakland County Road Commission bid tabulation sheets dated March 7, 2001, at a total cost of $37,145.00.

E-3 Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Agreement – Haworth Furniture Contract

Resolution #2001-09-470-E-3

RESOLVED, That a contract to purchase Haworth furniture for the new Police/Fire Training Center Building from University Business Interiors is hereby approved through the Oakland County Cooperative Purchasing Program at an estimated total cost of $40,025.66.

E-5 Transfer of Cable Franchise Agreement to WOW

Resolution #2001-09-470-E-5

WHEREAS**,** Ameritech NewMedia is a current cable franchisee for the Local Franchise Authorities within the Intergovernmental Cable Communications Authority (ICCA); and,

WHEREAS**,** Ameritech NewMedia and WideOpen West Michigan, LLC submitted an application on June 11/12, 2001 for Franchise Authority Consent to assignment of transfer of control of the cable television franchise; and,

WHEREAS, The Local Franchising Authority is relying upon such information as contained in the FCC Form 394 application, documents and additional information provided by WideOpen West Michigan, LLC, and acted upon the application for franchising authority consent. The Local

Franchising Authority intends to consent to the transfer of control subject to the acceptance of the terms and conditions set forth herein with the hope that such consent is in the best interest of the local franchising authority.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1) The Local Franchising Authority, City of Troy, does hereby consent to the transfer of control of the franchise granted to Ameritech NewMedia by the local franchising authority to WideOpen West Michigan, LLC, in the manner described in the Asset Exchange Agreement dated May 23, 2001 subject to the following conditions:

    a) The automatic revocation of the Local Franchising Authority's approval if the Asset Purchase Agreement is not consummated by December 31, 2001 or such Agreement is terminated prior to that time without the same having been consummated; and

    b) The written undertaking by WideOpen West Michigan LLC that it will promptly notify the Local Franchising Authority, in writing, of any change in service or operation in the Local Franchising Authority's cable system and change the personnel directly responsible for the operation of the Local Franchising Authority's system; and

    c) The prompt furnishing to Local Franchising Authority in writing by WideOpen West Michigan, LLC of the local personnel designated to manage the Local Franchise Authority system. The name of the contact person, their telephone numbers for their governmental relations, the department, the person's supervisor, the Technical Operations Manager and Field Technician Manager shall also be provided. In addition, copies of WideOpen West Michigan, LLC's guidelines regarding service procedures; average wait for service; handling cable outages; handling customer complaints shall also be provided to the LFA; and

    d) The prompt remediation of all existing defaults under the current cable franchise agreement with the Local Franchising Authority, if any, as may be specified in writing by the Local Franchising Authority; the representation in writing by Ameritech NewMedia of existence of any such defaults or the written representation by Ameritech NewMedia that it has no knowledge of any such defaults; and

    e) Reimbursement within thirty (30 days) to the Local Franchising Authority by any of the parties to the Asset Exchange Agreement of May 23, 2001 for the reasonable out-of-pocket expenses incurred by ICCA or the Local Franchising Authority attributable to ICCA'S or the Local Franchising Authority's consideration of the transfer application not to exceed an aggregate of $5,000.00 per LFA.

    f) WideOpen West Michigan, LLC will provide a statement that the transferor and the transferee will provide full and immediate cooperation with respect to the audit being conducted by the Local Franchising Authority, including, but not

limited to the transmission of all necessary information to the auditors upon their request within 10 days from the auditor's request for said information; and

g) A statement is provided that the parties to the May 23, 2001 Asset Exchange Agreement will agree to place in escrow with the escrow agent acceptable to the Local Franchising Authority the necessary funds to cover the reasonable costs recoverable pursuant to said audit, and costs incurred by the LFA pursuant to said audit, in the event the audit is not concluded and the funds not paid at the time set pursuant to the applicable provisions of federal law in which the Local Franchise Authority had to act upon this application, or to make such other arrangements acceptable to the Local Franchise Authority.

h) WideOpen West Michigan, LLC. will provide a statement that it will commit to inform customers prior to crossing over their property to perform work on the cable system, they will clean the site upon their departure and restore the property to its prior condition.

i) The Local Franchising Authority hereby acknowledges that (i) the franchise is valid and outstanding and in full force and effect on the date hereof; and (ii) the current term of the franchise will expire on April 22, 2011.

The Local Franchising Authority's grant of consent to the transfer of WideOpen West Michigan, LLC herein provided shall be effective immediately subject to the above conditions, and to the further requirements that WideOpen West Michigan, LLC shall notify the Local Franchising Authority promptly upon the closing of the transaction described in the Asset Exchange Agreement of May 23, 2001. The Local Franchising Authority is hereby authorized to enter to, execute and deliver in the name all done on behalf of the Local Franchising Authority a certificate along with such other documents that may be necessary evidencing this Resolution without further act or Resolution of the governing body.

ITEMS TAKEN OUT OF ORDER

E-4 Employment Contract

Resolution #2000-471
Moved by Beltramini
Seconded by Pallotta

RESOLVED, That contract be referred to the law firm of Lange and Cholak for further review.

Yes: All-7

E-6 Resolution Authorizing the Issuance of Proposal A, B, and C: General Obligation Unlimited Tax Bonds, Series 2001

Resolution #2001-09-472
Moved by Pallotta
Seconded by Kaszubski

WHEREAS, The City Council (the "City Council") and the electors of the City have determined that it is necessary to acquire, construct and reconstruct various street, roadway and streetscape improvements including but not limited to, Crooks Road, Livernois Road, Long Lake Road and Dequindre Road in the City and related site furnishings and improvements and all costs related thereto (the "Improvements"); and

WHEREAS, The cost of the improvements is estimated to be Six Million Eight Hundred Fifty Thousand Dollars ($6,850,000.00); and

WHEREAS, To finance the cost of the improvements, as well as related legal and financing costs and contingencies related thereto, the City Council deems it necessary to borrow the sum of not to exceed Six Million Eight Hundred Fifty Thousand Dollars ($6,850,000.00) and to issue general obligation unlimited tax bonds of the City therefore, as authorized by the provisions of Act 279, Public Acts of Michigan, 1909, as amended ("Act 279"), the City Charter of the City and the affirmative vote of the electors of the City at a general election held on April 5, 1999; and

WHEREAS, Prior to issuance of the bonds, the City must either receive prior approval of the bonds from the Michigan Department of Treasury ("Treasury") or be exempt from prior approval as provided in Chapter III, Section 11 of the Municipal Finance Act, Act 202, Public Acts of Michigan, 1943, as amended ("Act 202"); and
WHEREAS, In order to be exempt from prior approval, the City must notify Treasury of the City's intent to issue the bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1) APPROVAL OF PLANS AND ESTIMATES OF COSTS: The plans and estimates of cost of the improvements on file with the Assistant City Manager/Finance are hereby approved and adopted.

2) PERIOD OF USEFULNESS: The period of usefulness of the improvements, estimated to be not less than twenty (20) years, is hereby approved and adopted.

3) AUTHORIZATION OF BONDS – PURPOSE: Bonds of the City, aggregating the principal sum of not to exceed Six Million Eight Hundred Fifty Thousand Dollars ($6,850,000.00) (the "Bonds") shall be issued and sold, pursuant to the provisions of Act 279 and Act 202, for the purpose of defraying the cost of the acquisition, construction and reconstruction of the improvements and the costs incident thereto and incident to the issuance of said Bonds.

4) BOND DETAILS: The Bonds shall be designated CITY OF TROY, GENERAL OBLIGATION UNLIMITED TAX BONDS, SERIES 2001 (STREETS, ROADS AND STREETSCAPE IMPROVEMENTS); shall be dated as of October 1, 2001, or such other date as shall be approved by the City Council at the time of sale; shall be numbered from 1 upwards, shall be fully registered; shall be in denominations of $5,000.00 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof; shall bear interest at a rate or rates not exceeding 8% per annum, to be determined upon the sale thereof first payable on April 1, 2002 and semiannually thereafter on the first days of April and October in each year, or on such other dates as shall be approved by the City Council at the time of sale; and shall mature on October 1 in each year as follows:

Year	Amount	Year	Amount
2002	150,000	2012	375,000
2003	175,000	2013	400,000
2004	200,000	2014	450,000
2005	225,000	2015	450,000
2006	250,000	2016	475,000
2007	250,000	2017	500,000
2008	300,000	2018	525,000
2009	300,000	2019	550,000
2010	325,000	2020	600,000
2011	350,000		

1. BOND REGISTRAR, PAYING AGENT AND TRANSFER AGENT: The City Manager or the Assistant City Manager/Finance are each authorized to designate, and may enter into an agreement with, Bank One Trust Company, N.A., Detroit, Michigan as bond registrar, paying agent and transfer agent (the "Transfer Agent") for the Bonds. From time to time as required, the City Manager or the Assistant City Manager/Finance may designate a similarly qualified successor Transfer Agent which shall be a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan.

2. PAYMENT OF PRINCIPAL AND INTEREST: The principal of and interest on the Bonds shall be payable in lawful money of the United States. Principal shall be payable upon presentation and surrender of the Bonds to the Transfer Agent as they severally mature. Interest shall be payable commencing on April 1, 2002, and semiannually thereafter, or such interest payment dates as provided in the resolution of the City Council authorizing the sale of the Bonds,

by check or draft mailed by the Transfer Agent to the person or entity which is, as of the 15th day of the month preceding the interest payment date, the registered owner at the registered address as shown on the registration books maintained by the Transfer Agent. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. Notwithstanding the foregoing, if the Bonds are held in book-entry-only form by DTC (as hereinafter defined), payment shall be made in the manner prescribed by DTC.

3. PRIOR REDEMPTION: The Bonds are subject to redemption prior to maturity at the times and prices and in the manner set forth in the Bond Form in Section 15 of this resolution.

Unless waived by any registered owner of Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the City. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers, and in the case of partial redemption, the called amounts of each certificate; the redemption date; the redemption price or premium; the place where Bonds called for redemption are to be surrendered for payment; and shall state that interest on Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

4. BOOK-ENTRY SYSTEM: Initially, one fully-registered bond for each maturity of the Bonds, in the aggregate amount of such maturity, shall be issued in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC") for the benefit of other parties (the "Participants") in the book-entry-only transfer system of DTC. In the event the City determines that it is in the best interest of the City not to continue the book-entry system of transfer or that the interests of the holders of the Bonds might be adversely affected if the book-entry system of transfer is continued, the City may notify DTC and the Transfer Agent, whereupon DTC will notify the Participants of the availability through DTC of bond certificates. In such event, the Transfer Agent shall deliver, transfer and exchange bond certificates as requested by DTC and any Participant or "beneficial owner" in appropriate amounts in accordance with this resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Transfer Agent and discharging its responsibilities with respect thereto under applicable law or the City may determine that DTC is incapable of discharging its duties and may so advise DTC. In either such event, the City shall use reasonable efforts to locate another securities depository. Under such circumstances (if there is no successor securities depository), the City and the Transfer Agent shall be obligated to delivery bond certificates in accordance with the procedures established by this resolution. In the event bond certificates are issued, the provisions of this resolution shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of and interest on such certificates. Whenever DTC requests the City and the Transfer Agent to do so, the City and the Transfer Agent shall cooperate with DTC in taking appropriate action after reasonable notice to make available one or more separate certificates evidencing the Bonds to any

Participant having Bonds certified to its DTC account or to arrange for another securities depository to maintain custody of certificates evidencing the Bonds.

Notwithstanding any other provision of this resolution to the contrary, so long as any bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of, interest on and redemption premium, if any, on the Bonds and all notices with respect to the Bonds shall be made and given, respectively, to DTC as provided in the Letter of Representations relating to the Bonds among DTC, the City and the Transfer Agent. The City Manager or the Assistant City Manager/Finance are each authorized to sign the Letter of Representations on behalf of the City in such form as the City Manager or the Assistant City Manager/Finance deems necessary or appropriate in order to accomplish the issuance of the Bonds in accordance with law and this resolution.

5. EXECUTION, AUTHENTICATION AND DELIVERY OF BONDS: The Bonds shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the City Clerk, shall have the City's seal or a facsimile thereof printed or affixed on them, and shall be authenticated by the manual signature of an authorized representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and shall be delivered by the Transfer Agent to the purchaser in accordance with instructions from the City Manager or the Assistant City Manager/Finance upon receipt of the purchase price for the Bonds in accordance with the bid therefore when accepted. Executed blank bonds for registration and issuance to transferees may simultaneously, and from time to time thereafter as necessary, be delivered to the Transfer Agent for safekeeping. The Transfer Agent shall indicate on each Bond the date of its authentication.

6. EXCHANGE AND TRANSFER OF BONDS: Any Bond, upon surrender thereof to the Transfer Agent with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or his duly authorized attorney, at the option of the registered owner thereof, may be exchanged for a Bond or Bonds of any other authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Bond.

Each Bond shall be transferable only upon the books of the City, which shall be kept for that purpose by the Transfer Agent, upon surrender of such Bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or his duly authorized attorney.

Upon the exchange or transfer of any Bond, the Transfer Agent on behalf of the City shall cancel the surrendered Bond and shall authenticate and deliver to the transferee a new Bond or Bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Bond. If, at the time the Transfer Agent authenticates and delivers a new Bond pursuant to this section, payment of interest on the Bonds is in default, the Transfer Agent shall endorse upon the new Bond the following: “Payment of interest on this bond is in default. The last date to which interest has been paid is _____.”

The City and the Transfer Agent may deem and treat the person in whose name any Bond shall be registered upon the books of the City as the absolute owner of such Bond, whether such

Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes, and all payments made to any such registered owner, or upon his order, in accordance with the provision of Section 6 of this resolution shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Transfer Agent shall be affected by any notice to the contrary. The City agrees to indemnify and save the Transfer Agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.
For every exchange or transfer of Bonds, the City or the Transfer Agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

The Transfer Agent shall not be required to transfer or exchange Bonds or portions of Bonds which have been selected for redemption.

1. Security: The full faith and credit of the City are hereby pledged to the payment of the principal of and interest on the Bonds. There shall be levied upon all taxable property in the City upon the tax roll of the year 2002 and upon the tax roll of each year thereafter while any of the Bonds shall be outstanding, an amount such that the estimated collection therefrom will be sufficient to pay promptly at maturity the principal and interest maturing on the Bonds prior to the time of the following year's tax collections. Taxes required to be levied to pay principal of and interest on the Bonds shall be levied without limitation as to rate or amount.

2. DEBT RETIREMENT FUND: There shall be established and maintained a separate fund to be designated the Series 2001 Bonds (Streets, Roads and Streetscape Improvements) Debt Retirement Fund for the Bonds (the “Debt Retirement Fund”). The proceeds of the taxes (both current and delinquent) to be used to pay the principal and interest on the Bonds when due, shall be deposited as collected in the Debt Retirement Fund. The City Manager or the Assistant City Manager/Finance shall transfer moneys in the Debt Retirement Fund to the Transfer Agent for the Bonds as necessary for the payment of the principal of and interest on the Bonds as the same shall become due. So long as the principal or interest on the Bonds remains unpaid, no moneys shall be withdrawn from such fund except to pay such principal and interest or to pay from any investment earnings on such fund the fees and expenses of the Transfer Agent. There shall also be set aside in the Debt Retirement Fund, from the proceeds of the sale of the Bonds, any premium and accrued interest received from the purchaser at the time of delivery of the Bonds.

3. CONSTRUCTION FUND: The City Manager or the Assistant City Manager/Finance is further directed to establish a separate account, to be designated Series 2001 Bonds (Streets, Roads and Streetscape Improvements) Construction Fund (the “Construction Fund”) into which the proceeds of the Bonds, less accrued interest and premium, if any, shall be deposited, which account shall be used to pay the costs of acquisition, construction and reconstruction of the Improvements and the costs of issuance incurred with respect to the Bonds. Proceeds remaining in the Construction Fund after completion of the Improvements and payment of the costs of issuance of the Bonds shall be applied as permitted by law.

4. DEFEASANCE: In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal and interest on which, without reinvestment, come due at times and in amounts sufficient to pay, at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, shall have been deposited in trust, this resolution shall be defeased and the owners of the Bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

5. FORM OF BONDS: The Bonds shall be in substantially the following form:

[DTC LEGEND]

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF TROY
GENERAL OBLIGATION UNLIMITED TAX BONDS, SERIES 2001
(STREETS, ROADS AND STREETSCAPE IMPROVEMENTS)

R-_____
1
$_____

Interest Rate	Maturity Date	Date of Original Issue	CUSIP

Registered Owner:

Principal Amount:

The City of Troy, County of Oakland, State of Michigan (the "City"), for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless redeemed prior thereto as hereinafter provided, with interest thereon from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on April 1, 2002, and semiannually thereafter. Principal of this bond is payable at the designated office of Bank One Trust Company, N.A., Detroit, Michigan or such other Transfer Agent as the City may hereafter designate by notice mailed to the registered owner hereof not less than sixty (60) days prior to any interest payment date. Interest on this bond is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding the interest payment date as shown on the registration books of the City maintained by the Transfer Agent, by check or draft mailed to the registered owner at the registered address.

This bond is one of a series of bonds of even original issue date and like tenor, aggregating the principal sum of $6,850,000.00, issued for the purpose of defraying the costs of acquisition, construction and reconstruction of various street, roadway and streetscape improvements in the City in accordance with

resolutions duly and regularly adopted by the City Council of said City (said resolutions herein collectively referred to as the "Resolution"), and pursuant to and in full conformity with the Constitution and Statutes of Michigan including the provisions of Act 279, Public Acts of Michigan, 1909, as amended, Act 202, Public Acts of Michigan, 1943, as amended, the City Charter of the City and the affirmative vote of the electors of the City at a general election held on April 5, 1999. The full faith and credit of the City are hereby pledged for the prompt payment of the principal of and interest on this bond. The City is required to levy annually ad valorem taxes, without limitation as to rate or amount, to pay such principal and interest as the same shall become due.

This bond is transferable, as provided in the Resolution, only upon the books of the City kept for that purpose by the Transfer Agent, by the registered owner hereof in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing. Upon the exchange or transfer of this bond a new bond or bonds of any authorized denomination, in the same aggregate principal amount and of the same interest rate and maturity, shall be authenticated and delivered to the transferee in exchange therefore as provided in the Resolution authorizing the bonds of this issue, and upon the payment of the charges, if any, therein provided. Bonds so authenticated and delivered shall be in the denomination of $5,000.00 or any integral multiple thereof not exceeding the aggregate principal amount for each maturity.

The Transfer Agent shall not be required to transfer or exchange bonds or portions of bonds which have been selected for redemption.

Bonds maturing prior to October 1, 2011, are not subject to redemption prior to maturity. Bonds maturing on or after October 1, 2011, are subject to redemption prior to maturity, at the option of the City, in such order as shall be determined by the City, on any one or more interest payment dates on or after October 1, 2010. The redemption price shall be the principal amount of the bond or portion of the bond called to be redeemed plus accrued interest to the date fixed for redemption, plus a premium, as follows:

> ½% of the principal amount of each bond called for redemption on or after October 1, 2010, but prior to October 1, 2012.
>
> No premium shall be paid on bonds or portions thereof called for redemption on or after October 1, 2012.

Bonds of a denomination greater than $5,000.00 may be partially redeemed in the amount of $5,000.00 or any integral multiple thereof. If less than all of the bonds maturing in any year are to be redeemed, the bonds or portions of bonds to be redeemed shall be selected by lot. In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent, upon presentation of the bond called for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for in the redemption.

Notice of redemption shall be given to the registered owners of bonds or portions thereof called for redemption by mailing of such notice not less than thirty (30) nor more than sixty (60) days prior to the date fixed for redemption to the registered address of the registered owner of record. Bonds or portions of bonds so called for redemption shall not bear interest on and after the date fixed for redemption, provided funds are on hand with the Transfer Agent to redeem said bonds.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the bonds of this series, in order to make them valid and binding obligations of the City, existed, have happened and have been performed in regular and due form and manner as required by law, and that the total indebtedness of the City, including the series of bonds of which this is one, does not exceed any constitutional, statutory or charter limitation.

IN WITNESS WHEREOF, the City of Troy, County of Oakland, State of Michigan, by its City Council, has caused this bond to be executed in its name by the original or facsimile signatures of its Mayor and its City Clerk and its corporate seal (or a facsimile thereof) to be impressed or imprinted hereon, all as of the Date of Original Issue. This bond shall not be valid or obligatory for any purpose unless the Certificate of Authentication has been manually executed by an authorized representative of the Transfer Agent.

CITY OF TROY

By:_____
Its: Mayor

CITY OF TROY

And:

[Seal]

By:_____
Its: City Clerk

[FORM OF CERTIFICATE OF AUTHENTICATION]

Date of Registration:

Certificate of Authentication

This bond is one of the bonds described in the within mentioned Resolution.

Bank One Trust Company, N.A.
Transfer Agent

By:_____
Authorized Representative

[FORM OF ASSIGNMENT]

For value received, the undersigned hereby sells, assigns and transfers unto _____

_____

(please print or type name, address and taxpayer identification number of transferee) the within bond and all rights thereunder and does hereby irrevocably constitute and appoint

_____
attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:_____

Signature Guaranteed:_____

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

END OF BOND FORM

1. REPLACEMENT OF BONDS. Upon receipt by the City of proof of ownership of an unmatured Bond, of satisfactory evidence that the Bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity that complies with applicable law and is satisfactory to the City, the City may authorize the Transfer Agent to deliver a new executed Bond to replace the Bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured Bond is lost, apparently destroyed or wrongfully taken, the City may authorize the Transfer Agent to pay the Bond without presentation upon the receipt of the same documentation required for the delivery of a replacement bond. The Transfer Agent, for each new Bond delivered or paid without presentation as provided above, shall require the payment of expenses, including counsel fees, which may be incurred by the Transfer Agent and the City for each new Bond delivered or paid without presentation as provided above. Any Bond delivered pursuant to the provisions of this Section 16 in lieu of any Bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the Bond in substitution for which such Bond was delivered.

2. TAX COVENANT: The City covenants, to the extent permitted by law, to comply with all requirements of and to take all actions within its control necessary to assure that the interest on the Bonds will be and will remain excludable from gross income for federal income tax purposes (as opposed to any alternative minimum or other indirect taxation) under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds. The City Manager and/or the Assistant City Manager/Finance and other appropriate City officials are authorized to do all things necessary (including the making of such covenants of the City as shall be appropriate) to assure that the interest on the Bonds will be and will remain excludable from gross income for federal income tax purposes. The Bonds of this series are not designated as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions.

3. APPROVAL OF DEPARTMENT OF TREASURY: The City Manager or the Assistant City Manager/Finance are authorized to notify Treasury of the City's intent to issue the Bonds, to pay the related fee and to request an order or orders providing an exception from prior approval for the Bonds or to apply for prior approval if an exception therefrom is not available. The City Manager or the Assistant City Manager/Finance further are authorized to apply for such additional approvals or waivers from Treasury as may be necessary or advisable to accomplish the issuance and sale of the Bonds.

4. OFFICIAL STATEMENT: The City Manager or the Assistant City Manager/Finance is authorized to cause the preparation of an official statement for the Bonds for the purpose of enabling compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule") and to do all other things necessary to enable compliance with the Rule. After the award of the Bonds, the City will provide copies of a "final official statement" (as defined in paragraph (e)(3) of the Rule) on a timely basis and in reasonable quantity as requested by the

purchaser to enable the purchaser of the Bonds to comply with paragraph (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board.

5. CONTINUING DISCLOSURE: The City Manager or the Assistant City Manager/Finance is hereby authorized to execute a certificate of the City to comply with the continuing disclosure undertaking of the City with respect to the Bonds pursuant to paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

6. PUBLICATION OF NOTICE: An Official Notice of Sale for the public sale of the Bonds to the bidder whose bid produces the lowest interest cost computed by determining, at the rate or rates specified in such bids, the total dollar value of all interest on the Bonds from the dated date of the Bonds or the first day of the month following the date of sale, whichever is later, to their maturity and deducting therefrom any premium or adding thereto any discount, in the form prescribed by the City Manager or the Assistant City Manager/Finance, with such changes or additions thereto as shall be deemed necessary, shall be published in *The Bond Buyer* of New York, New York (the "Notice"), which Notice as published shall be evidence of any revisions to final Bond terms as permitted in this resolution.

7. SALE OF BONDS: The City shall receive bids for the Bonds in accordance with the Notice approved by the City Manager or the Assistant City Manager/Finance, award sale of the Bonds to the successful bidder determined in accordance with this Resolution, and take all further necessary steps to issue and deliver the Bonds, including but not limited to, the execution of a resolution awarding the Bonds to the purchaser whose bid is determined to produce the lowest interest cost to the City determined as provided in Section 21 of this resolution.

8. COMPLIANCE WITH REIMBURSEMENT RULES: The City intends at this time to state its intention to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Improvements prior to the issuance of the Bonds and hereby makes the following declarations for the purpose of complying with the reimbursement rules of Treasury Regulation §1.150-2 pursuant to the Code:

(a) As of the date hereof, the City reasonably expects to reimburse the City for the expenditures described in (b) below with proceeds of bonds to be issued by the City.

(b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Improvements described in the preamble to this resolution which were or will be paid subsequent to sixty (60) days prior to the date hereof.

(c) The maximum principal amount of bonds expected to be issued for the Improvements, including issuance costs, is not to exceed $6,850,000.00.

(d) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Improvements are placed in service or abandoned, but in no event more than three

(3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Improvements to reimburse the City for a capital expenditure made pursuant to this resolution.

(e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. §1.150 (b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. §1.150-2(c) under general federal income tax principles (as determined at the time the expenditure is paid).

(f) No proceeds of the borrowing paid to the City as reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. §1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. §1.148-1) within one-year of the reimbursement allocation described in (d) above.

(g) Expenditures for the Improvements to be reimbursed from the proceeds of the borrowing for purposes of this resolution do not include: (i) costs for the issuance of the debt or (ii) amounts not in excess of the lesser of $100,000.00 or 5 percent of the proceeds of the borrowing, or (iii) preliminary expenditures not exceeding twenty (20%) percent of the issue price of the bond issue or issues reasonably expected by the City to finance the Improvements for which the preliminary expenditures may be incurred, within the meaning of Treas. Reg. §1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Improvements, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).

9. CONFLICTING RESOLUTIONS: All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

CITY OF TROY
County of Oakland, State of Michigan

RESOLUTION AUTHORIZING THE ISSUANCE OF
NOT TO EXCEED $1,170,000
GENERAL OBLIGATION UNLIMITED TAX BONDS, SERIES 2001
(PUBLIC SAFETY FACILITIES)

WHEREAS, The City Council (the "City Council") and the electors of the City have determined that it is necessary to acquire, construct and equip new public safety facilities for police and fire department services and the sites therefore, and all costs related thereto (the "Improvements"); and

WHEREAS, The cost of the Improvements is estimated to be One Million One Hundred Seventy Thousand Dollars ($1,170,000.00); and

WHEREAS, To finance the cost of the Improvements, as well as related legal and financing costs and contingencies related thereto, the City Council deems it necessary to borrow the sum of not to exceed One Million One Hundred Seventy Thousand Dollars ($1,170,000.00) and to issue general obligation unlimited tax bonds of the City therefore, as authorized by the provisions of Act 279, Public Acts of Michigan, 1909, as amended ("Act 279"), the City Charter of the City and the affirmative vote of the electors of the City at a general election held on April 5, 1999; and

WHEREAS, Prior to issuance of the bonds the City must either receive prior approval of the bonds from the Michigan Department of Treasury ("Treasury") or be exempt from prior approval as provided in Chapter III, Section 11 of the Municipal Finance Act, Act 202, Public Acts of Michigan, 1943, as amended ("Act 202"); and

WHEREAS, In order to be exempt from prior approval, the City must notify Treasury of the City's intent to issue the bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

10. APPROVAL OF PLANS AND ESTIMATES OF COSTS: The plans and estimates of cost of the Improvements on file with the Assistant City Manager/Finance are hereby approved and adopted.

11. PERIOD OF USEFULNESS: The period of usefulness of the Improvements, estimated to be not less than twenty (20) years, is hereby approved and adopted.

12. AUTHORIZATION OF BONDS – PURPOSE: Bonds of the City, aggregating the principal sum of not to exceed One Million One Hundred Seventy Thousand Dollars ($1,170,000.00) (the "Bonds") shall be issued and sold, pursuant to the provisions of Act 279 and Act 202, for the purpose of defraying the cost of the Improvements and the costs incident thereto and incident to the issuance of said Bonds.

13. BOND DETAILS: The Bonds shall be designated CITY OF TROY, GENERAL OBLIGATION UNLIMITED TAX BONDS, SERIES 2001 (PUBLIC SAFETY FACILITIES); shall be dated as of October 1, 2001, or such other date as shall be approved by the City Council at the time of sale; shall be numbered from 1 upwards, shall be fully registered; shall be in denominations of $5,000.00 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof; shall bear interest at a rate or rates not exceeding 8% per annum, to be determined upon the sale thereof first payable on April 1, 2002 and semiannually thereafter on the first days of April and October in each year, or on such other dates as shall be approved by the City Council at the time of sale; and shall mature on October 1 in each year as follows:

Year	**Amount**	**Year**	**Amount**
2002	15,000	2012	65,000

Year	Amount	Year	Amount
2003	20,000	2013	75,000
2004	25,000	2014	75,000
2005	25,000	2015	85,000
2006	25,000	2016	95,000
2007	40,000	2017	100,000
2008	50,000	2018	100,000
2009	50,000	2019	100,000
2010	55,000	2020	110,000
2011	60,000		

14. BOND REGISTRAR, PAYING AGENT AND TRANSFER AGENT: The City Manager or the Assistant City Manager/Finance are each authorized to designate, and may enter into an agreement with, Bank One Trust Company, N.A., Detroit, Michigan as bond registrar, paying agent and transfer agent (the "Transfer Agent") for the Bonds. From time to time as required, the City Manager or the Assistant City Manager/Finance may designate a similarly qualified successor Transfer Agent, which shall be a bank or trust company, located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan.

15. PAYMENT OF PRINCIPAL AND INTEREST: The principal of and interest on the Bonds shall be payable in lawful money of the United States. Principal shall be payable upon presentation and surrender of the Bonds to the Transfer Agent as they severally mature. Interest shall be payable commencing on April 1, 2002, and semiannually thereafter, or such interest payment dates as provided in the resolution of the City Council authorizing the sale of the Bonds, by check or draft mailed by the Transfer Agent to the person or entity which is, as of the 15th day of the month preceding the interest payment date, the registered owner at the registered address as shown on the registration books maintained by the Transfer Agent. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. Notwithstanding the foregoing, if the Bonds are held in book-entry-only form by DTC (as hereinafter defined), payment shall be made in the manner prescribed by DTC.

16. PRIOR REDEMPTION: The Bonds are subject to redemption prior to maturity at the times and prices and in the manner set forth in the Bond Form in Section 15 of this resolution.

Unless waived by any registered owner of Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the City. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers, and in the case of partial redemption, the called amounts of each certificate; the redemption date; the redemption price or premium; the place where Bonds called for redemption are to be surrendered for payment; and shall state that interest on Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

17. BOOK-ENTRY SYSTEM: Initially, one fully-registered bond for each maturity of the Bonds, in the aggregate amount of such maturity, shall be issued in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC") for the benefit of other parties (the "Participants") in the book-entry-only transfer system of DTC. In the event the City determines that it is in the best interest of the City not to continue the book-entry system of transfer or that the interests of the holders of the Bonds might be adversely affected if the book-entry system of transfer is continued, the City may notify DTC and the Transfer Agent, whereupon DTC will notify the Participants of the availability through DTC of bond certificates. In such event, the Transfer Agent shall deliver, transfer and exchange bond certificates as requested by DTC and any Participant or "beneficial owner" in appropriate amounts in accordance with this resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Transfer Agent and discharging its responsibilities with respect thereto under applicable law or the City may determine that DTC is incapable of discharging its duties and may so advise DTC. In either such event, the City shall use reasonable efforts to locate another securities depository.

Under such circumstances (if there is no successor securities depository), the City and the Transfer Agent shall be obligated to delivery bond certificates in accordance with the procedures established by this resolution. In the event bond certificates are issued, the provisions of this resolution shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of and interest on such certificates. Whenever DTC requests the City and the Transfer Agent to do so, the City and the Transfer Agent shall cooperate with DTC in taking appropriate action after reasonable notice to make available one or more separate certificates evidencing the Bonds to any Participant having Bonds certified to its DTC account or to arrange for another securities depository to maintain custody of certificates evidencing the Bonds.

Notwithstanding any other provision of this resolution to the contrary, so long as any bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of and interest on the Bonds and all notices with respect to the Bonds shall be made and given, respectively, to DTC as provided in the Letter of Representations relating to the Bonds among DTC, the City and the Transfer Agent. The City Manager or the Assistant City Manager/Finance are each authorized to sign the Letter of Representations on behalf of the City in such form as the City Manager or the Assistant City Manager/Finance deems necessary or appropriate in order to accomplish the issuance of the Bonds in accordance with law and this resolution.

18. EXECUTION, AUTHENTICATION AND DELIVERY OF BONDS: The Bonds shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the City Clerk, shall have the City's seal or a facsimile thereof printed or affixed on them, and shall be authenticated by the manual signature of an authorized representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and shall be delivered by the Transfer Agent to the purchaser in accordance with instructions from the City Manager or the Assistant City Manager/Finance upon receipt of the purchase price for the Bonds in accordance

with the bid therefore when accepted. Executed blank bonds for registration and issuance to transferees may simultaneously, and from time to time thereafter as necessary, be delivered to the Transfer Agent for safekeeping. The Transfer Agent shall indicate on each Bond the date of its authentication.

19. EXCHANGE AND TRANSFER OF BONDS: Any Bond, upon surrender thereof to the Transfer Agent with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or his duly authorized attorney, at the option of the registered owner thereof, may be exchanged for a Bond or Bonds of any other authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Bond.

Each Bond shall be transferable only upon the books of the City, which shall be kept for that purpose by the Transfer Agent, upon surrender of such Bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or his duly authorized attorney.

Upon the exchange or transfer of any Bond, the Transfer Agent on behalf of the City shall cancel the surrendered Bond and shall authenticate and deliver to the transferee a new Bond or Bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Bond. If, at the time the Transfer Agent authenticates and delivers a new Bond pursuant to this section, payment of interest on the Bonds is in default, the Transfer Agent shall endorse upon the new Bond the following: "Payment of interest on this bond is in default. The last date to which interest has been paid is _____."

The City and the Transfer Agent may deem and treat the person in whose name any Bond shall be registered upon the books of the City as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes, and all payments made to any such registered owner, or upon his order, in accordance with the provision of Section 6 of this resolution shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the City nor the Transfer Agent shall be affected by any notice to the contrary. The City agrees to indemnify and save the Transfer Agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

For every exchange or transfer of Bonds, the City or the Transfer Agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

20. SECURITY: The full faith and credit of the City are hereby pledged to the payment of the principal of and interest on the Bonds. There shall be levied upon all taxable property in the City upon the tax roll of the year 2002 and upon the tax roll of each year thereafter while any of the Bonds shall be outstanding, an amount such that the estimated collection therefrom will be sufficient to pay promptly at maturity the principal and interest maturing on the Bonds prior to the

time of the following year's tax collections. Taxes required to be levied to pay principal of and interest on the Bonds shall be levied without limitation as to rate or amount.

21. DEBT RETIREMENT FUND: There shall be established and maintained a separate fund to be designated the Series 2001 Bonds (Public Safety Facilities) Debt Retirement Fund for the Bonds (the "Debt Retirement Fund"). The proceeds of the taxes (both current and delinquent) to be used to pay the principal and interest on the Bonds when due, shall be deposited as collected in the Debt Retirement Fund. The City Manager or the Assistant City Manager/Finance shall transfer moneys in the Debt Retirement Fund to the Transfer Agent for the Bonds as necessary for the payment of the principal of and interest on the Bonds as the same shall become due. So long as the principal or interest on the Bonds remains unpaid, no moneys shall be withdrawn from such fund except to pay such principal and interest or to pay from any investment earnings on such fund the fees and expenses of the Transfer Agent. There shall also be set aside in the Debt Retirement Fund, from the proceeds of the sale of the Bonds, any premium and accrued interest received from the purchaser at the time of delivery of the Bonds.

22. CONSTRUCTION FUND: The City Manager or the Assistant City Manager/Finance is further directed to establish a separate account, to be designated Series 2001 Bonds (Public Safety Facilities) Construction Fund (the "Construction Fund") into which the proceeds of the Bonds, less accrued interest and premium, if any, shall be deposited, which account shall be used to pay the costs of the Improvements and the costs of issuance incurred with respect to the Bonds. Proceeds remaining in the Construction Fund after completion of the Improvements and payment of the costs of issuance of the Bonds shall be applied as permitted by law.

23. DEFEASANCE: In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal and interest on which, without reinvestment, come due at times and in amounts sufficient to pay, at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, shall have been deposited in trust, this resolution shall be defeased and the owners of the Bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

24. FORM OF BONDS: The Bonds shall be in substantially the following form:

[DTC LEGEND]

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF TROY
GENERAL OBLIGATION UNLIMITED TAX BONDS, SERIES 2001
(PUBLIC SAFETY FACILITIES)

R-_____

$_____

Interest Rate	Maturity Date	Date of Original Issue	CUSIP

Registered Owner:

Principal Amount:

The City of Troy, County of Oakland, State of Michigan (the "City"), for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, with interest thereon from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on April 1, 2002, and semiannually thereafter. Principal of this bond is payable at the designated office of Bank One Trust Company, N.A., Detroit, Michigan or such other Transfer Agent as the City may hereafter designate by notice mailed to the registered owner hereof not less than sixty (60) days prior to any interest payment date. Interest on this bond is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding the interest payment date as shown on the registration books of the City maintained by the Transfer Agent, by check or draft mailed to the registered owner at the registered address.

This bond is one of a series of bonds of even original issue date and like tenor, aggregating the principal sum of $1,170,000.00, issued for the purpose of defraying the costs of acquiring, constructing and equipping new public safety facilities for police and fire department services and the sites therefore and all costs related thereto in accordance with resolutions duly and regularly adopted by the City Council of said City (said resolutions herein collectively referred to as the "Resolution"), and pursuant to and in full conformity with the Constitution and Statutes of Michigan including the provisions of Act 279, Public Acts of Michigan, 1909, as amended, Act 202, Public Acts of Michigan, 1943, as amended, the City Charter of the City and the affirmative vote of the electors of the City at a general election held on April 5, 1999. The full faith and credit of the City are hereby pledged for the prompt payment of the principal of and interest on this bond. The City is required to levy annually ad valorem taxes, without limitation as to rate or amount, to pay such principal and interest as the same shall become due.

This bond is transferable, as provided in the Resolution, only upon the books of the City kept for that purpose by the Transfer Agent, by the registered owner hereof in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing. Upon the exchange or transfer of this bond a new bond or bonds of any authorized denomination, in the same aggregate principal amount and of the same interest rate and maturity, shall be authenticated and delivered to the transferee in exchange therefore as provided in the Resolution authorizing the bonds of this issue, and upon the payment of the charges, if any, therein provided. Bonds so authenticated and delivered shall be in the denomination of $5,000.00 or any integral multiple thereof not exceeding the aggregate principal amount for each maturity.

The Transfer Agent shall not be required to transfer or exchange bonds or portions of bonds, which have been selected for redemption.

Bonds maturing prior to October 1, 2011, are not subject to redemption prior to maturity. Bonds maturing on or after October 1, 2011, are subject to redemption prior to maturity, at the option of the City, in such order as shall be determined by the City, on any one or more interest payment dates on or after October 1, 2010. The redemption price shall be the principal amount of the bond or portion of the bond called to be redeemed plus accrued interest to the date fixed for redemption, plus a premium, as follows:

½% of the principal amount of each bond called for redemption on or after October 1, 2010, but prior to October 1, 2012.

No premium shall be paid on bonds or portions thereof called for redemption on or after October 1, 2012.

Bonds of a denomination greater than $5,000.00 may be partially redeemed in the amount of $5,000.00 or any integral multiple thereof. If less than all of the bonds maturing in any year are to be redeemed, the bonds or portions of bonds to be redeemed shall be selected by lot. In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent, upon presentation of the bond called for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for in the redemption.

Notice of redemption shall be given to the registered owners of bonds or portions thereof called for redemption by mailing of such notice not less than thirty (30) nor more than sixty (60) days prior to the date fixed for redemption to the registered address of the registered owner of record. Bonds or portions of bonds so called for redemption shall not bear interest on and after the date fixed for redemption, provided funds are on hand with the Transfer Agent to redeem said bonds.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the bonds of this series, in order to make them valid and binding obligations of the City, existed, have happened and have
been performed in regular and due form and manner as required by law, and that the total indebtedness of the City, including the series of bonds of which this is one, does not exceed any constitutional, statutory or charter limitation.

IN WITNESS WHEREOF, the City of Troy, County of Oakland, State of Michigan, by its City Council, has caused this bond to be executed in its name by the original or facsimile signatures of its Mayor and its City Clerk and its corporate seal (or a facsimile thereof) to be impressed or imprinted hereon, all as of the Date of Original Issue. This bond shall not be valid or obligatory for any purpose unless the Certificate of Authentication has been manually executed by an authorized representative of the Transfer Agent.

CITY OF TROY

By:_____
Its: Mayor

CITY OF TROY

And:

[Seal]

By:_____
Its: City Clerk

[FORM OF CERTIFICATE OF AUTHENTICATION]

Date of Registration:

Certificate of Authentication

This bond is one of the bonds described in the within mentioned Resolution.

Bank One Trust Company, N.A.
Transfer Agent

By:_____
Authorized Representative

[FORM OF ASSIGNMENT]

For value received, the undersigned hereby sells, assigns and transfers unto

_____

_____

(please print or type name, address and taxpayer identification number of transferee) the within bond and all rights thereunder and does hereby irrevocably constitute and appoint

_____
attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:_____

Signature Guaranteed:_____

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

END OF BOND FORM

25. REPLACEMENT OF BONDS. Upon receipt by the City of proof of ownership of an unmatured Bond, of satisfactory evidence that the Bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity that complies with applicable law and is satisfactory to the City, the City may authorize the Transfer Agent to deliver a new executed Bond to replace the Bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured Bond is lost, apparently destroyed or wrongfully taken, the City may authorize the Transfer Agent to pay the Bond without presentation upon the receipt of the same documentation required for the delivery of a replacement bond. The Transfer Agent, for each new Bond delivered or paid without presentation as provided above, shall require the payment of expenses, including counsel fees, which may be incurred by the Transfer Agent and the City for each new Bond delivered or paid without presentation as provided above. Any Bond delivered pursuant to the provisions of this Section 16 in lieu of any Bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the Bond in substitution for which such Bond was delivered.

26. TAX COVENANT: The City covenants, to the extent permitted by law, to comply with all requirements of and to take all actions within its control necessary to assure that the interest on the Bonds will be and will remain excludable from gross income for federal income tax purposes (as opposed to any alternative minimum or other indirect taxation) under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Bond proceeds and moneys deemed

to be Bond proceeds. The City Manager and/or the Assistant City Manager/Finance and other appropriate City officials are authorized to do all things necessary (including the making of such covenants of the City as shall be appropriate) to assure that the interest on the Bonds will be and will remain excludable from gross income for federal income tax purposes. The Bonds of this series are not designated as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions.

27. APPROVAL OF DEPARTMENT OF TREASURY: The City Manager or the Assistant City Manager/Finance are authorized to notify Treasury of the City's intent to issue the Bonds, to pay the related fee and to request an order or orders providing an exception from prior approval for the Bonds or to apply for prior approval if an exception therefrom is not available. The City Manager or the Assistant City Manager/Finance further are authorized to apply for such additional approvals or waivers from Treasury as may be necessary or advisable to accomplish the issuance and sale of the Bonds.

28. OFFICIAL STATEMENT: The City Manager or the Assistant City Manager/Finance is authorized to cause the preparation of an official statement for the Bonds for the purpose of enabling compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule") and to do all other things necessary to enable compliance with the Rule. After the award of the Bonds, the City will provide copies of a "final official statement" (as defined in paragraph (e)(3) of the Rule) on a timely basis and in reasonable quantity as requested by the purchaser to enable the purchaser of the Bonds to comply with paragraph (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board.

29. CONTINUING DISCLOSURE: The City Manager or the Assistant City Manager/Finance is hereby authorized to execute a certificate of the City to comply with the continuing disclosure undertaking of the City with respect to the Bonds pursuant to paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of such certificate (the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

30. PUBLICATION OF NOTICE: An Official Notice of Sale for the public sale of the Bonds to the bidder whose bid produces the lowest interest cost computed by determining, at the rate or rates specified in such bids, the total dollar value of all interest on the Bonds from the dated date of the Bonds or the first day of the month following the date of sale, whichever is later, to their maturity and deducting therefrom any premium or adding thereto any discount, in the form prescribed by the City Manager or the Assistant City Manager/Finance, with such changes or additions thereto as shall be deemed necessary, shall be published in *The Bond Buyer* of New York, New York (the "Notice"), which Notice as published shall be evidence of any revisions to final Bond terms as permitted in this resolution.

31. SALE OF BONDS: The City shall receive bids for the Bonds in accordance with the Notice approved by the City Manager or the Assistant City Manager/Finance, award sale of the Bonds to the successful bidder determined in accordance with this Resolution, and take all further necessary steps to issue and deliver the Bonds, including but not limited to, the execution of a resolution awarding the Bonds to the purchaser whose bid is determined to produce the lowest interest cost to the City determined as provided in Section 21 of this resolution.

32. COMPLIANCE WITH REIMBURSEMENT RULES: The City intends at this time to state its intention to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Improvements prior to the issuance of the Bonds and hereby makes the following declarations for the purpose of complying with the reimbursement rules of Treasury Regulation §1.150-2 pursuant to the Code:

(h) As of the date hereof, the City reasonably expects to reimburse the City for the expenditures described in (b) below with proceeds of bonds to be issued by the City.

(i) The expenditures described in this paragraph (b) are for the costs of acquiring, constructing, equipping and installing the Project described in the preamble to this resolution together with the sites therefore and all necessary appurtenances and attachments thereto which were or will be paid subsequent to sixty (60) days prior to the date hereof.

(j) The maximum principal amount of bonds expected to be issued for the Improvements, including issuance costs, is not to exceed $1,170,000.00.

(k) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Improvements are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Improvements to reimburse the City for a capital expenditure made pursuant to this resolution.

(l) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. §1.150 (b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. §1.150-2(c) under general federal income tax principles (as determined at the time the expenditure is paid).

(m)No proceeds of the borrowing paid to the City as reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. §1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. §1.148-1) within one-year of the reimbursement allocation described in (d) above.

(n) Expenditures for the Improvements to be reimbursed from the proceeds of the borrowing for purposes of this resolution do not include: (i) costs for the issuance of the debt or (ii) amounts not in excess of the lesser of $100,000.00 or 5 percent of the proceeds of the borrowing, or (iii) preliminary expenditures not exceeding twenty (20%) percent of the issue price of the bond issue or issues reasonably expected by the City to finance the Improvements for which the preliminary expenditures may be incurred, within the meaning of Treas. Reg. §1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar

costs incurred prior to construction of the Improvements, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).

33. CONFLICTING RESOLUTIONS: All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

CITY OF TROY
County of Oakland, State of Michigan

RESOLUTION AUTHORIZING THE ISSUANCE OF
NOT TO EXCEED $9,470,000
GENERAL OBLIGATION UNLIMITED TAX BONDS, SERIES 2001
(COMMUNITY CENTER AND RECREATIONAL FACILITIES)

WHEREAS, The City Council (the "City Council") and the electors of the City have determined that it is necessary to renovate and improve the City's Community Center Building, the site therefore and any furnishings and facilities related thereto and to acquire and improve additional park lands and open space for recreational and to pay all costs related thereto (the "Improvements"); and

WHEREAS, The cost of the Improvements is estimated to be Nine Million Four Hundred Seventy Thousand Dollars ($9,470,000.00); and

WHEREAS, To finance the cost of the Improvements, as well as related legal and financing costs and contingencies related thereto, the City Council deems it necessary to borrow the sum of not to exceed Nine Million Four Hundred Seventy Thousand Dollars ($9,470,000.00) and to issue general obligation unlimited tax bonds of the City therefore, as authorized by the provisions of Act 279, Public Acts of Michigan, 1909, as amended ("Act 279"), the City Charter of the City and the affirmative vote of the electors of the City at a general election held on April 5, 1999; and

WHEREAS, Prior to issuance of the bonds the City must either receive prior approval of the bonds from the Michigan Department of Treasury ("Treasury") or be exempt from prior approval as provided in Chapter III, Section 11 of the Municipal Finance Act, Act 202, Public Acts of Michigan, 1943, as amended ("Act 202"); and

WHEREAS, In order to be exempt from prior approval, the City must notify Treasury of the City's intent to issue the bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

34. APPROVAL OF PLANS AND ESTIMATES OF COSTS: The plans and estimates of cost of the Improvements on file with the Assistant City Manager/Finance are hereby approved and adopted.

35. PERIOD OF USEFULNESS: The period of usefulness of the Improvements, estimated to be not less than twenty (20) years, is hereby approved and adopted.

36. AUTHORIZATION OF BONDS – PURPOSE: Bonds of the City, aggregating the principal sum of not to exceed Nine Million Four Hundred Seventy Thousand Dollars ($9,470,000.00) (the "Bonds") shall be issued and sold, pursuant to the provisions of Act 279 and Act 202, for the purpose of defraying the cost of the Improvements and the costs incident thereto and incident to the issuance of said Bonds.

37. BOND DETAILS: The Bonds shall be designated CITY OF TROY, GENERAL OBLIGATION UNLIMITED TAX BONDS, SERIES 2001 (COMMUNITY CENTER AND RECREATIONAL FACILITIES); shall be dated as of October 1, 2001, or such other date as shall be approved by the City Council at the time of sale; shall be numbered from 1 upwards, shall be fully registered; shall be in denominations of $5,000.00 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof; shall bear interest at a rate or rates not exceeding 8% per annum, to be determined upon the sale thereof first payable on April 1, 2002 and semiannually thereafter on the first days of April and October in each year, or on such other dates as shall be approved by the City Council at the time of sale; and shall mature on October 1 in each year as follows:

Year	Amount	Year	Amount
2002	200,000	2012	550,000
2003	250,000	2013	575,000
2004	300,000	2014	600,000
2005	350,000	2015	600,000
2006	400,000	2016	620,000
2007	425,000	2017	625,000
2008	450,000	2018	650,000
2009	475,000	2019	675,000
2010	500,000	2020	700,000
2011	525,000		

38. BOND REGISTRAR, PAYING AGENT AND TRANSFER AGENT: The City Manager or the Assistant City Manager/Finance are each authorized to designate, and may enter into an agreement with, Bank One Trust Company, N.A., Detroit, Michigan as bond registrar, paying agent and transfer agent (the "Transfer Agent") for the Bonds. From time to time as required, the City Manager or the Assistant City Manager/Finance may designate a similarly qualified successor Transfer Agent which shall be a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan.

39. PAYMENT OF PRINCIPAL AND INTEREST: The principal of and interest on the Bonds shall be payable in lawful money of the United States. Principal shall be payable upon presentation and surrender of the Bonds to the Transfer Agent as they severally mature. Interest shall be payable commencing on April 1, 2002, and semiannually thereafter, or such interest payment dates as provided in the resolution of the City Council authorizing the sale of the Bonds, by check or draft mailed by the Transfer Agent to the person or entity which is, as of the 15th day of the month

preceding the interest payment date, the registered owner at the registered address as shown on the registration books maintained by the Transfer Agent. The date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the City to conform to market practice in the future. Notwithstanding the foregoing, if the Bonds are held in book-entry-only form by DTC (as hereinafter defined), payment shall be made in the manner prescribed by DTC.

40. PRIOR REDEMPTION: The Bonds are subject to redemption prior to maturity at the times and prices and in the manner set forth in the Bond Form in Section 15 of this resolution.

Unless waived by any registered owner of Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the City. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers, and in the case of partial redemption, the called amounts of each certificate; the redemption date; the redemption price or premium; the place where Bonds called for redemption are to be surrendered for payment; and shall state that interest on Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

41. BOOK-ENTRY SYSTEM: Initially, one fully-registered bond for each maturity of the Bonds, in the aggregate amount of such maturity, shall be issued in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC") for the benefit of other parties (the "Participants") in the book-entry-only transfer system of DTC. In the event the City determines that it is in the best interest of the City not to continue the book-entry system of transfer or that the interests of the holders of the Bonds might be adversely affected if the book-entry system of transfer is continued, the City may notify DTC and the Transfer Agent, whereupon DTC will notify the Participants of the availability through DTC of bond certificates. In such event, the Transfer Agent shall deliver, transfer and exchange bond certificates as requested by DTC and any Participant or "beneficial owner" in appropriate amounts in accordance with this resolution. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Transfer Agent and discharging its responsibilities with respect thereto under applicable law or the City may determine that DTC is incapable of discharging its duties and may so advise DTC. In either such event, the City shall use reasonable efforts to locate another securities depository. Under such circumstances (if there is no successor securities depository), the City and the Transfer Agent shall be obligated to delivery bond certificates in accordance with the procedures established by this resolution. In the event bond certificates are issued, the provisions of this resolution shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of and interest on such certificates. Whenever DTC requests the City and the Transfer Agent to do so, the City and the Transfer Agent shall cooperate with DTC in taking appropriate action after reasonable notice to make available one or more separate certificates evidencing the Bonds to any Participant having Bonds certified to its DTC account or to arrange for another securities depository to maintain custody of certificates evidencing the Bonds.

Notwithstanding any other provision of this resolution to the contrary, so long as any bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of, interest on and redemption premium, if any, on the Bonds and all notices with respect to the Bonds shall be made and given, respectively, to DTC as provided in the Letter of Representations relating to the Bonds among DTC, the City and the Transfer Agent. The City Manager or the Assistant City Manager/Finance are each authorized to sign the Letter of Representations on behalf of the City in such form as the City Manager or the Assistant City Manager/Finance deems necessary or appropriate in order to accomplish the issuance of the Bonds in accordance with law and this resolution.

42. EXECUTION, AUTHENTICATION AND DELIVERY OF BONDS: The Bonds shall be executed in the name of the City with the manual or facsimile signatures of the Mayor and the City Clerk, shall have the City's seal or a facsimile thereof printed or affixed on them, and shall be authenticated by the manual signature of an authorized representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and shall be delivered by the Transfer Agent to the purchaser in accordance with instructions from the City Manager or the Assistant City Manager/Finance upon receipt of the purchase price for the Bonds in accordance with the bid therefore when accepted. Executed blank bonds for registration and issuance to transferees may simultaneously, and from time to time thereafter as necessary, be delivered to the Transfer Agent for safekeeping. The Transfer Agent shall indicate on each Bond the date of its authentication.

43. EXCHANGE AND TRANSFER OF BONDS: Any Bond, upon surrender thereof to the Transfer Agent with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or his duly authorized attorney, at the option of the registered owner thereof, may be exchanged for a Bond or Bonds of any other authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Bond.

Each Bond shall be transferable only upon the books of the City, which shall be kept for that purpose by the Transfer Agent, upon surrender of such Bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or his duly authorized attorney.

Upon the exchange or transfer of any Bond, the Transfer Agent on behalf of the City shall cancel the surrendered Bond and shall authenticate and deliver to the transferee a new Bond or Bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Bond. If, at the time the Transfer Agent authenticates and delivers a new Bond pursuant to this section, payment of interest on the Bonds is in default, the Transfer Agent shall endorse upon the new Bond the following: “Payment of interest on this bond is in default. The last date to which interest has been paid is _____.”

The City and the Transfer Agent may deem and treat the person in whose name any Bond shall be registered upon the books of the City as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes, and all payments made to any such registered owner, or upon his order, in accordance with the provision of Section 6 of this resolution shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so

paid, and neither the City nor the Transfer Agent shall be affected by any notice to the contrary. The City agrees to indemnify and save the Transfer Agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

For every exchange or transfer of Bonds, the City or the Transfer Agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

The Transfer Agent shall not be required to transfer or exchange Bonds or portions of Bonds which have been selected for redemption.

44. SECURITY: The full faith and credit of the City are hereby pledged to the payment of the principal of and interest on the Bonds. There shall be levied upon all taxable property in the City upon the tax roll of the year 2002 and upon the tax roll of each year thereafter while any of the Bonds shall be outstanding, an amount such that the estimated collection therefrom will be sufficient to pay promptly at maturity the principal and interest maturing on the Bonds prior to the time of the following year's tax collections. Taxes required to be levied to pay principal of and interest on the Bonds shall be levied without limitation as to rate or amount.

45. DEBT RETIREMENT FUND: There shall be established and maintained a separate fund to be designated the Series 2001 Bonds (Community Center and Recreational Facilities) Debt Retirement Fund for the Bonds (the “Debt Retirement Fund”). The proceeds of the taxes (both current and delinquent) to be used to pay the principal and interest on the Bonds when due, shall be deposited as collected in the Debt Retirement Fund. The City Manager or the Assistant City Manager/Finance shall transfer moneys in the Debt Retirement Fund to the Transfer Agent for the Bonds as necessary for the payment of the principal of and interest on the Bonds as the same shall become due. So long as the principal or interest on the Bonds remains unpaid, no moneys shall be withdrawn from such fund except to pay such principal and interest or to pay from any investment earnings on such fund the fees and expenses of the Transfer Agent. There shall also be set aside in the Debt Retirement Fund, from the proceeds of the sale of the Bonds, any premium and accrued interest received from the purchaser at the time of delivery of the Bonds.

46. CONSTRUCTION FUND: The City Manager or the Assistant City Manager/Finance is further directed to establish a separate account, to be designated Series 2001 Bonds (Community Center and Recreational Facilities) Construction Fund (the “Construction Fund”) into which the proceeds of the Bonds, less accrued interest and premium, if any, shall be deposited, which account shall be used to pay the costs of the Improvements and the costs of issuance incurred with respect to the Bonds. Proceeds remaining in the Construction Fund after completion of the Improvements and payment of the costs of issuance of the Bonds shall be applied as permitted by law.

47. DEFEASANCE: In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal and interest on which, without reinvestment, come due at times and in amounts sufficient to pay, at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, shall have been deposited in trust, this

resolution shall be defeased and the owners of the Bonds shall have no further rights under this resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.

48. FORM OF BONDS: The Bonds shall be in substantially the following form:

[DTC LEGEND]

UNITED STATES OF AMERICA
STATE OF MICHIGAN
COUNTY OF OAKLAND

CITY OF TROY
GENERAL OBLIGATION UNLIMITED TAX BONDS, SERIES 2001
(COMMUNITY CENTER AND RECREATIONAL FACILITIES)

R-_____

$_____

Interest Rate	Maturity Date	Date of Original Issue	CUSIP

Registered Owner:

Principal Amount:

The City of Troy, County of Oakland, State of Michigan (the "City"), for value received, hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless redeemed prior thereto as hereinafter provided, with interest thereon from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, first payable on April 1, 2002, and semiannually thereafter. Principal of this bond is payable at the designated office of Bank One Trust Company, N.A., Detroit, Michigan or such other Transfer Agent as the City may hereafter designate by notice mailed to the registered owner hereof not less than sixty (60) days prior to any interest payment date. Interest on this bond is payable to the registered owner of record as of the fifteenth (15th) day of the month preceding the interest payment date as shown on the registration books of the City maintained by the Transfer Agent, by check or draft mailed to the registered owner at the registered address.

This bond is one of a series of bonds of even original issue date and like tenor, aggregating the principal sum of $9,470,000.00, issued for the purpose of defraying the costs of renovation and improvements to the City's Community Center Building, the site therefore and any furnishings and facilities related thereto and the acquisition and improvement of additional park lands and open space for recreational use in the City in accordance with resolutions duly and regularly adopted by the City Council of said City (said resolutions herein collectively referred to as the "Resolution"), and pursuant to and in full conformity with the Constitution and Statutes of Michigan including the provisions of Act 279, Public Acts of Michigan, 1909, as amended, Act 202, Public Acts of Michigan, 1943, as amended, the City Charter of the City and the affirmative vote of

the electors of the City at a general election held on April 5, 1999. The full faith and credit of the City are hereby pledged for the prompt payment of the principal of and interest on this bond. The City is required to levy annually ad valorem taxes, without limitation as to rate or amount, to pay such principal and interest as the same shall become due.

This bond is transferable, as provided in the Resolution, only upon the books of the City kept for that purpose by the Transfer Agent, by the registered owner hereof in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing. Upon the exchange or transfer of this bond a new bond or bonds of any authorized denomination, in the same aggregate principal amount and of the same interest rate and maturity, shall be authenticated and delivered to the transferee in exchange therefore as provided in the Resolution authorizing the bonds of this issue, and upon the payment of the charges, if any, therein provided. Bonds so authenticated and delivered shall be in the denomination of $5,000.00 or any integral multiple thereof not exceeding the aggregate principal amount for each maturity.

The Transfer Agent shall not be required to transfer or exchange bonds or portions of bonds which have been selected for redemption.

Bonds maturing prior to October 1, 2011, are not subject to redemption prior to maturity. Bonds maturing on or after October 1, 2011, are subject to redemption prior to maturity, at the option of the City, in such order as shall be determined by the City, on any one or more interest payment dates on or after October 1, 2010. The redemption price shall be the principal amount of the bond or portion of the bond called to be redeemed plus accrued interest to the date fixed for redemption, and a premium, as follows:

> ½% of the principal amount of each bond called for redemption on or after October 1, 2010, but prior to October 1, 2012.
>
> No premium shall be paid on bonds or portions thereof called for redemption on or after October 1, 2012.

Bonds of a denomination greater than $5,000.00 may be partially redeemed in the amount of $5,000.00 or any integral multiple thereof. If less than all of the bonds maturing in any year are to be redeemed, the bonds or portions of bonds to be redeemed shall be selected by lot. In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent, upon presentation of the bond called for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for in the redemption.

Notice of redemption shall be given to the registered owners of bonds or portions thereof called for redemption by mailing of such notice not less than thirty (30) nor more than sixty (60) days prior to the date fixed for redemption to the registered address of the registered owner of record. Bonds or portions of bonds so called for redemption shall not bear interest on and after the date fixed for redemption, provided funds are on hand with the Transfer Agent to redeem said bonds.

It is hereby certified, recited and declared that all acts, conditions and things required to exist, happen and be performed precedent to and in the issuance of the bonds of this series, in order to make them valid and binding obligations of the City, existed, have happened and have been performed in regular and due form and manner as required by law, and that the total indebtedness of the City, including the series of bonds of which this is one, does not exceed any constitutional, statutory or charter limitation.

IN WITNESS WHEREOF, the City of Troy, County of Oakland, State of Michigan, by its City Council, has caused this bond to be executed in its name by the original or facsimile signatures of its Mayor and its City Clerk and its corporate seal (or a facsimile thereof) to be impressed or imprinted hereon, all as of the Date of

Original Issue. This bond shall not be valid or obligatory for any purpose unless the Certificate of Authentication has been manually executed by an authorized representative of the Transfer Agent.

CITY OF TROY

By:_____
Its: Mayor

CITY OF TROY

And:

[Seal]

By:_____
Its: City Clerk

[FORM OF CERTIFICATE OF AUTHENTICATION]

Date of Registration:

Certificate of Authentication

This bond is one of the bonds described in the within mentioned Resolution.

_____, Transfer Agent

By:_____
Authorized Representative

[FORM OF ASSIGNMENT]

For value received, the undersigned hereby sells, assigns and transfers unto

_____

_____

(please print or type name, address and taxpayer identification number of transferee) the within bond and all rights thereunder and does hereby irrevocably constitute and appoint

_____

attorney to transfer the within bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:_____
Signature Guaranteed:_____

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

END OF BOND FORM

49. REPLACEMENT OF BONDS. Upon receipt by the City of proof of ownership of an unmatured Bond, of satisfactory evidence that the Bond has been lost, apparently destroyed or wrongfully taken and of security or indemnity that complies with applicable law and is satisfactory to the City, the City may authorize the Transfer Agent to deliver a new executed Bond to replace the Bond lost, apparently destroyed or wrongfully taken in compliance with applicable law. In the event an outstanding matured Bond is lost, apparently destroyed or wrongfully taken, the City may authorize the Transfer Agent to pay the Bond without presentation upon the receipt of the same documentation required for the delivery of a replacement bond. The Transfer Agent, for each new Bond delivered or paid without presentation as provided above, shall require the payment of expenses, including counsel fees, which may be incurred by the Transfer Agent and the City for each new Bond delivered or paid without presentation as provided above. Any Bond delivered pursuant to the provisions of this Section 16 in lieu of any Bond lost, apparently destroyed or wrongfully taken shall be of the same form and tenor and be secured in the same manner as the Bond in substitution for which such Bond was delivered.

50. TAX COVENANT: The City covenants, to the extent permitted by law, to comply with all requirements of and to take all actions within its control necessary to assure that the interest on the Bonds will be and will remain excludable from gross income for federal income tax purposes (as opposed to any alternative minimum or other indirect taxation) under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditure and investment of Bond proceeds and moneys deemed to be Bond proceeds. The City Manager and/or the Assistant City Manager/Finance and other appropriate City officials are authorized to do all things necessary (including the making of such covenants of the City as shall be appropriate) to assure that the interest on the Bonds will be and will remain excludable from gross income for federal income tax purposes. The Bonds of this series are not designated as "qualified tax exempt obligations" for purposes of deduction of interest expense by financial institutions.

51. APPROVAL OF DEPARTMENT OF TREASURY: The City Manager or the Assistant City Manager/Finance are authorized to notify Treasury of the City's intent to issue the Bonds, to pay the related fee and to request an order or orders providing an exception from prior approval for the Bonds or to apply for prior approval if an exception therefrom is not available. The City Manager or the Assistant City Manager/Finance further are authorized to apply for such additional approvals or waivers from Treasury as may be necessary or advisable to accomplish the issuance and sale of the Bonds.

52. OFFICIAL STATEMENT: The City Manager or the Assistant City Manager/Finance is authorized to cause the preparation of an official statement for the Bonds for the purpose of enabling compliance with Rule 15c2-12 issued under the Securities Exchange Act of 1934, as amended (the "Rule") and to do all other things necessary to enable compliance with the Rule. After the award of the Bonds, the City will provide copies of a "final official statement" (as defined in paragraph (e)(3) of the Rule) on a timely basis and in reasonable quantity as requested by the purchaser to enable the purchaser of the Bonds to comply with paragraph (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board.

53. CONTINUING DISCLOSURE: The City Manager or the Assistant City Manager/Finance is hereby authorized to execute a certificate of the City to comply with the continuing disclosure undertaking of the City with respect to the Bonds pursuant to paragraph (b)(5) of the Rule, and amendments to such certificate from time to time in accordance with the terms of such certificate

(the certificate and any amendments thereto are collectively referred to herein as the "Continuing Disclosure Certificate"). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate.

54. PUBLICATION OF NOTICE: An Official Notice of Sale for the public sale of the Bonds to the bidder whose bid produces the lowest interest cost computed by determining, at the rate or rates specified in such bids, the total dollar value of all interest on the Bonds from the dated date of the Bonds or the first day of the month following the date of sale, whichever is later, to their maturity and deducting therefrom any premium or adding thereto any discount, in the form prescribed by the City Manager or the Assistant City Manager/Finance, with such changes or additions thereto as shall be deemed necessary, shall be published in *The Bond Buyer* of New York, New York (the "Notice"), which Notice as published shall be evidence of any revisions to final Bond terms as permitted in this resolution.

55. SALE OF BONDS: The City shall receive bids for the Bonds in accordance with the Notice approved by the City Manager or the Assistant City Manager/Finance, award sale of the Bonds to the successful bidder determined in accordance with this Resolution, and take all further necessary steps to issue and deliver the Bonds, including but not limited to the execution of a resolution awarding the Bonds to the purchaser whose bid is determined to produce the lowest interest cost to the City determined as provided in Section 21 of this resolution.

56. COMPLIANCE WITH REIMBURSEMENT RULES: The City intends at this time to state its intention to be reimbursed from proceeds of the Bonds for any expenditures undertaken by the City for the Improvements prior to the issuance of the Bonds and hereby makes the following declarations for the purpose of complying with the reimbursement rules of Treasury Regulation §1.150-2 pursuant to the Code:

(o) As of the date hereof, the City reasonably expects to reimburse the City for the expenditures described in (b) below with proceeds of bonds to be issued by the City.

(p) The expenditures described in this paragraph (b) are for the costs of acquiring, constructing, equipping and installing the Project described in the preamble to this resolution together with the sites therefore and all necessary appurtenances and attachments thereto which were or will be paid subsequent to sixty (60) days prior to the date hereof.

(q) The maximum principal amount of bonds expected to be issued for the Improvements, including issuance costs, is not to exceed $9,470,000.00.

(r) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Improvements are placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the City's use of the proceeds of the debt to be issued for the Improvements to reimburse the City for a capital expenditure made pursuant to this resolution.

(s) The expenditures described in (b) above are "capital expenditures" as defined in Treas. Reg. §1.150 (b), which are any costs of a type which are properly chargeable

to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. §1.150-2(c) under general federal income tax principles (as determined at the time the expenditure is paid).

(t) No proceeds of the borrowing paid to the City as reimbursement pursuant to this resolution will be used in a manner described in Treas. Reg. §1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. §1.148-1) within one-year of the reimbursement allocation described in (d) above.

(u) Expenditures for the Improvements to be reimbursed from the proceeds of the borrowing for purposes of this resolution do not include: (i) costs for the issuance of the debt or (ii) amounts not in excess of the lesser of $100,000.00 or 5 percent of the proceeds of the borrowing, or (iii) preliminary expenditures not exceeding twenty (20%) percent of the issue price of the bond issue or issues reasonably expected by the City to finance the Improvements for which the preliminary expenditures may be incurred, within the meaning of Treas. Reg. §1.150-2(f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Improvements, but do not include land acquisition, site preparation, and similar costs incident to commencement of construction).

57. CONFLICTING RESOLUTIONS: All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.

Yes: All-7

REGULAR BUSINESS

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

Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for October 01, 2001:

(a) Advisory Committee for Persons With Disabilities Council Appointment

_____ Student Rep Term Expires 07-01-2002

(b) Animal Control Appeal Board Council Appointment

_____ Term Expires 09-30-2004

(c) CATV Committee Council Appointment

_____ Vacant Term Expires 02-28-2004

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

_____ Vacant Term Expires 04-30-2002

Hold for Committee recommendation.

(e) Downtown Development Authority Mayor, Council Approval

_____ Term Expires 09-30-2005

_____ Term Expires 09-30-2005

_____ Term Expires 09-30-2005

(f) Historical Commission Council Appointment

_____ Student Rep Term Expires 07-01-2002

_____ Term Expires 07-01-2004

(g) Liquor Committee Council Appointment

_____ Student Rep Term Expires 07-01-2002

(h) Parks and Recreation Committee Council Appointment

_____ Student Rep Term Expires 07-01-2002

_____ Term Expires 09-30-2004

_____ Term Expires 09-30-2004

(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

F-2 Closed Session - No Session Requested

F-3 Troy School District – Special Education and Vocational Education Millage Election – September 25, 2001

City Council suspended Council Rules and moved Item F-3 before the Consent Agenda.

F-4 Award of Contract for Construction Manager for the Fire Administration Police Department Renovation and Addition – J.M. Olson Corporation

Resolution #2001-09-473
Moved by Pallotta
Seconded by Schilling

RESOLVED, That the proposal for Construction Management Services with the J. M. Olson Corporation for an amount not to exceed $1,123,539.00 is hereby approved and the Troy City Manager is hereby authorized to negotiate a contract in accordance with their proposal dated July 23, 2001 and payments are hereby authorized for construction, furniture, fixtures, and equipment to be paid through J.M. Olson Corporation in the amount of $11,209,846.00.

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

F-5 Retirement Board Recommendation re: Retiree Healthcare Coverage

Resolution #2001-09-474
Moved by Pallotta
Seconded by Lambert

RESOLVED, That Troy City Council approves adjusting the current City share of retiree health care to 3% per year of credited service or $400.00 per month, whichever is greater.

Yes: All-7

F-6 Bid Waiver: Extension of Contract – Parking Lot Maintenance

Resolution #2001-09-475
Moved by Pallotta
Seconded by Kaszubski

WHEREAS, On April 9, 2001, a contract to provide parking lot maintenance was awarded to Asphalt Specialists, Inc. (Resolution #2001-04-188-E-16); and

WHEREAS, Asphalt Specialists, Inc., has agreed to extend the contract for one-year under the same prices, terms, and conditions; and

WHEREAS, Asphalt Specialists, Inc., has provided additional pricing for items required at Raintree Park due to slight changes in the scope of work (Attachment I);

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby waived and a contract is hereby awarded to Asphalt Specialists, Inc. to provide parking lot maintenance under the same terms and conditions, for one-year expiring June 30, 2002, at an estimated total cost of $101,206.00.

BE IT FURTHER RESOLVED, The Department of Public Works may change the quantity of work by (+ or -) 25% during the construction season as needed.

Yes: All-7

F-7 Request for Approval of Purchase Agreement – Christ Church Cranbrook – Proposed Park Development – Sidwell #88-20-02-451-010

Resolution #2001-09-476
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, That the Agreement to purchase between Christ Church Cranbrook and the City of Troy, having Sidwell #88-20-02-452-010, for the acquisition of property for a proposed park development 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 $230,000.00 plus closing costs.

Yes: All-7

COUNCIL COMMENTS/REFERRALS

VISITORS

REPORTS AND COMMUNICATIONS

Reports and Communications noted and filed by Unanimous Consent except for Item G-11 - Administrative Procedure Followed in Canceling Troy Daze

---

G-1 Proposed City of Troy Proclamation:

Resolution #2001-09-477
Moved by Pallotta
Seconded by Beltramini

RESOLVED, That the following City of Troy Proclamation, be approved:
(a) Honor the Silver Anniversary of the Reverend Joseph Antypas

Yes: All-7

G-2 Minutes – Boards and Committees:
(a) Advisory Committee for Persons with Disabilities/Final – June 6, 2001
(b) Advisory Committee for Senior Citizens/Final – June 7, 2001
(c) Library Advisory Board/Draft – July 12, 2001
(d) Liquor Advisory Committee/Final – August 13, 2001
(e) Animal Control Board/Draft – September 5, 2001
(f) Building Code Board of Appeals/Draft – September 5, 2001
(g) Advisory Committee for Senior Citizens/Draft – September 6, 2001
(h) Liquor Advisory Committee/Draft – September 10, 2001

Noted and Filed

G-3 Department Reports:
(a) Development Report – September 2001 and Permits Issued During the Month of August 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 George and Elaine Samulski to Chief William Nelson Thanking Sergeant Joe Falcon and Firefighters Rob Bittner, Pete Dungjen and Greg McMenamin for Their Presentation at Their Annual Block Party

G-7 Froid Hurmoz v City of Troy

Noted and Filed

G-8 Study on Traffic Crash Experience at Stop- and Yield-Controlled Residential Street Intersections

Noted and Filed

G-9 Update on Section 1 Golf Course

Noted and Filed

G-10 Urban Density

Noted and Filed

G-11 Administrative Procedure Followed in Canceling Troy Daze

Council discussed the procedure followed in the decision to cancel Troy Daze and there was a general consensus of City Council that the Special Meeting scheduled to follow the Regular Meeting was unnecessary.

G-12 Review of IBM Real Estate and Construction Division - Architectural Procedure and Design Submittals

Noted and Filed

G-13 Calendar

Noted and Filed

G-14 Press Release: Arab-American and Chaldean Council Condemns the Act of Terrorism

Noted and Filed

The meeting adjourned at 10:51 P.M.

_____

Matt Pryor, Mayor

_____

Tonni L. Bartholomew, City Clerk

The Special Meeting of the Troy City Council scheduled for Monday, September 17, 2001 after the Regular Meeting on Monday, September 17, 2001 at City Hall, 500 W. Big Beaver Road was cancelled due to a general consensus of City Council that it was unnecessary.

Re-scheduling of Troy Daze Events

_____
Matt Pryor, Mayor

_____
Tonni L. Bartholomew, City Clerk

DATE: September 12, 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: Public Hearing
Request for Commercial Vehicle Appeal
6704 Livernois

On April 26, 2001, follow up information was sent to Mr. Michael Brennan that identified restrictions related to commercial vehicles located on residential property. As part of that information, he was advised that the Chevy cube van and Isuzu cube van parked on that property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicles or appeal to City Council for relief of the Ordinance.

In response to our letter, Mr. Simpson has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of September 17, 2001.

Based upon the size of the existing house (1128 square feet) and the size of the existing detached garage (624 square feet), no additional accessory buildings could be constructed on the site. A significant attached garage could be constructed on the site whose size would only be limited by the setbacks and a 30% maximum lot coverage.

A copy of the application, site plan and photo are attached for your reference. I should note that the photo shows only one of the trucks. We have not been able to obtain a photo of the Chevy cube van, but I am told it is similar in size and type to the Isuzu van shown.

Should you have any questions or require additional information, kindly advise.

Commercial Vehicle Appeal
6704 Livernois
City Council: 09/10/01

COMMERCIAL VEHICLE APPEAL APPLICATION

RECEIVED
JUL 26 2001
BUILDING DEPARTMENT

Request is hereby made for permission to keep a commercial vehicle(s) as described below, on the following residential zoned site:

NAME: MICHAEL J. BRENNAN

ADDRESS: 6704 LIVERNOIS RD.

CITY: TROY MI. ZIP: 48098 PHONE: 248.813.0398

ADDRESS OF SITE: 6704 LIVERNOIS RD. TROY, MI. 48098

NUMBER OF VEHICLES: 2

VEHICLE IDENTIFICTION NUMBER(S) JALB4B1K0T7001135-1996
J8BC4B1K6P7007444-1993

LICENSE PLATE NUMBER(S) 0239 HU-1996
BRENNAN 1993

DESCRIPTION OF VEHICLE(S) WHITE CHEVY-1993, WHITE ISUZU-1996

REASON FOR APPEAL (see A - D below) PLEASE SEE ATTACHED. PICTURES WILL BE PROVIDED ON THE DAY OF THE APPEAL.

THE APPLICANT IS AWARE OF THE REQUIRED FINDINGS WHICH ARE STATED IN THE FOLLOWING:

44.02.01 ACTIONS TO GRANT APPEALS ... 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 there are no reasonable or feasible alternative locations for parking of the subject commercial vehicle.

C. A garage or accessory building on the subject 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 that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s).

COMMERCIAL VEHICLE APPEAL APPLICATION

40.02.2. The City Council may grant appeals in relation to the type, character or number of commercial vehicles to be parked outdoors in Residential Districts for an initial period not to exceed two (2) years, and may thereafter extend such actions for a similar period.

Supporting data, attached to the application, shall include: a plot plan, drawn to scale, a description and location of the vehicle)s) and a photo of the vehicle on-site..

(signature of applicant)

STATE OF MICHIGAN
COUNTY OF OAKLAND

On this 18th day of MAY, 2001 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Pamela R Pasternak Macomb acting in Oakland
Notary Public, County, Michigan

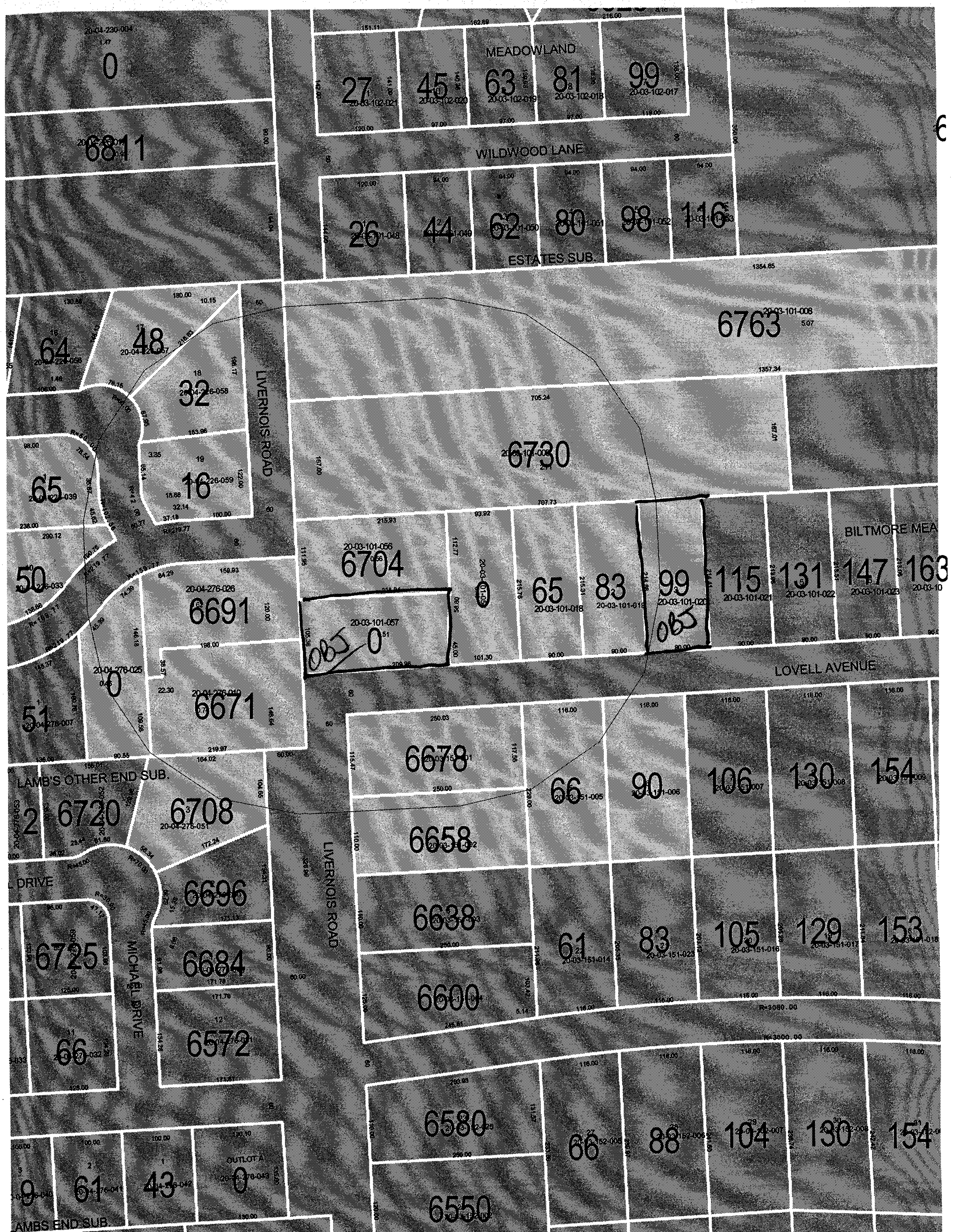
My Commission Expires: 09-01-03

Reason For Appeal

B. Efforts by the applicant have determined there are no reasonable or feasible alternative locations for parking of the subject commercial vehicles. Brennan Electrical Contractors is run out of the residence at, 6704 Livernois Rd, Troy, MI. 48098. All of The materials required for electrical work(incl. Tools, job supplies, and all other applicable items) are kept in the garage of the residence. Because of this,storing the vehicles at an alternate location would pose a hardship on the business.

C. A garage or accessory building on the subject site cannot accommodate, or reasonably be constructed or modified to accommodate the subject commercial vehicle. There is currently a garage on the site. It does not, however, have the capacity to store 2 commercial vehicles. There is no additional space available to add on to the current garage and have it be functionable.

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 that will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street. There is currently enough paved parking for both commercial vehicles in front of the garage, which does not block any vehicular movement along the frontage street. If esthetics are an issue, there are a couple of alternatives available, such as a privacy fence, or possibly the planting of large conifers to block the view for neighbors or car travelers.


MEADOWLAND
WILDWOOD LANE
ESTATES SUB.
LIVERNOIS ROAD
LOVELL AVENUE
BILTMORE MEA
LAMB'S OTHER END SUB.
MICHAEL DRIVE
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TO: CITY COUNCIL

Please register my **approval** [ ] **objection** [✓] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [✓] is:

I am building the new house next door and I feel that if someone is going to pay $ 359,000 for a home in Troy they will not want to live next to a home with 2 (large) enclose vans next door. This decreases the salenability of my newly constructed home at 6692 Livernois, these commercial vehicles are exposed to the neighborhood.

RECEIVED
SEP - 6 2001
BUILDING DEPARTMENT

NAME: Michael A. Johnson

ADDRESS OR PROPERTY DESCRIPTION 6704 Livernois

TO: CITY COUNCIL

Please register my **approval** [ ] **objection** [X] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [X] is:

WE DON'T WANT COMMERCIAL VEHICLES STORED ON RESIDENTIAL PROPERTY.

RECEIVED
SEP 10 2001
BUILDING DEPARTMENT

NAME: JANICE SCHLEICHER Janice Schleicher

ADDRESS OR PROPERTY DESCRIPTION 99 EAST LOVELL

TO: CITY COUNCIL

Please register my **approval** [ ] **objection** [X] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [X] is:

Commercial vehicles are detracting from a neighborhood appearance. Many people in our area are self employed and approval of this relief of the Ordinance could lead to a precedent that would have large service trucks in many driveways.
I firmly believe we should NOT allow outside storage of commercial vehicles in our neighborhood.

RECEIVED
SEP 12 2001
BUILDING DEPARTMENT

NAME: Norma E. Klisz

ADDRESS OR PROPERTY DESCRIPTION 83 E. Lorell

RECEIVED
SEP 17 2001
BUILDING DEPARTMENT

TO: CITY COUNCIL

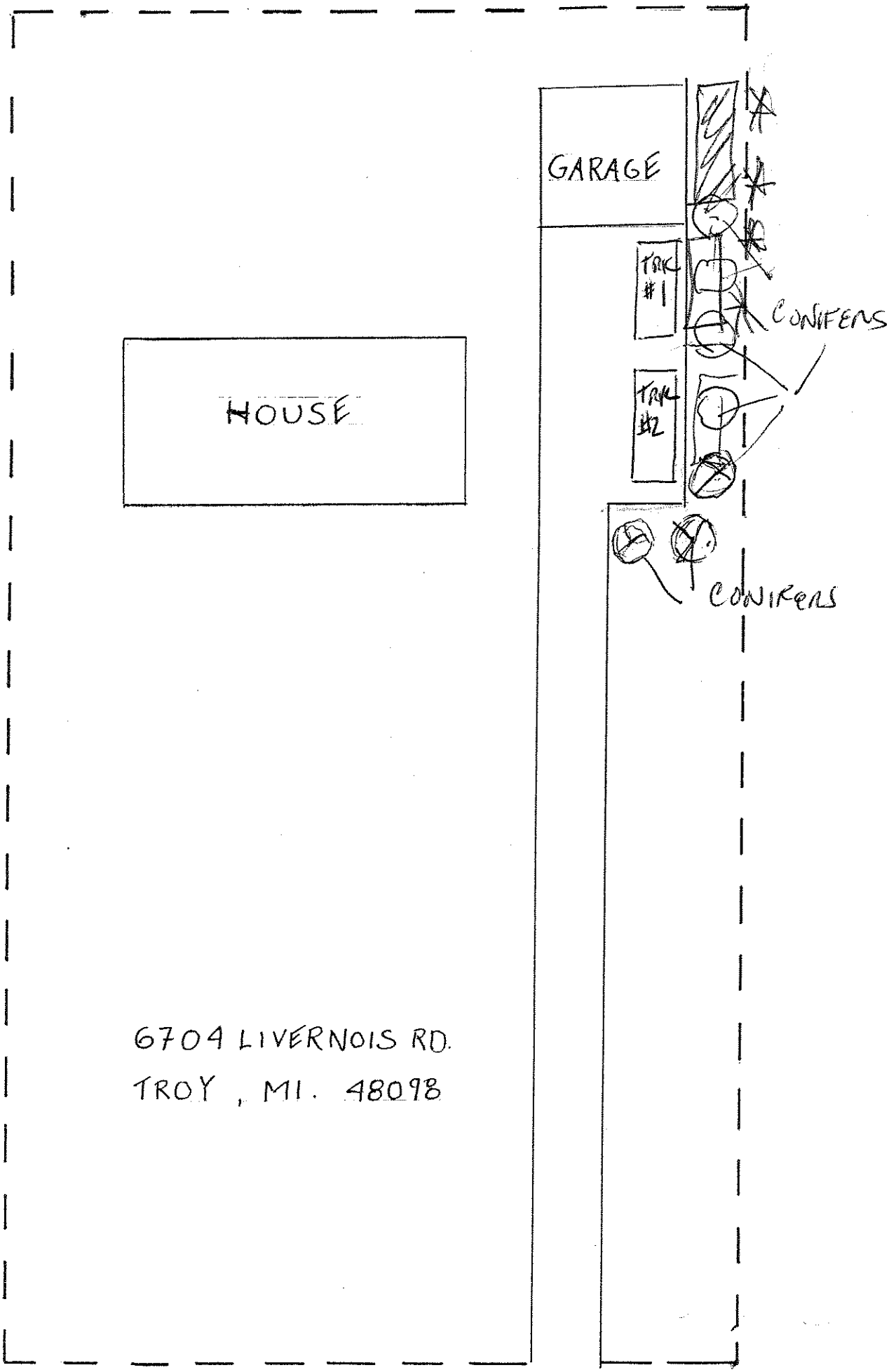
Please register my **approval** [ ] **objection** [X] to the request described on the reverse side.

My reason for this **approval** [ ] **objection** [X] is:

We already have commercial vehicles parked at Uncle Luke's Feed Store on the corner of Lovell & Livernois. We don't need more clutter on the opposite side of the street.

NAME: Michele Dungjen

ADDRESS OR PROPERTY DESCRIPTION 51 W. Lovell Dr. Troy 48098


GARAGE
TANK #1
TANK #2
CONIFERS
HOUSE
CONIFERS
6704 LIVERNOIS RD.
TROY, MI. 48098

September 19, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, CITY ATTORNEY

RE: PITTMAN v. CITY OF TROY, TROY POLICE, & OFFICER HAMZEY

Enclosed please find a copy of the lawsuit recently filed by Steven Pittman against the City of Troy, the Troy Police Department, and Troy Police Officer James Hamzey. In this lawsuit, Plaintiff seeks at least $25,000 in damages, under theories of libel and slander.

According to the police reports involving Plaintiff, Mr. Pittman brought in his 1993 Oldsmobile Cutlass to Suburban Oldsmobile, in Troy, for repairs on November 8, 2000. Although the repairs were completed, the car was still at the dealership on January 24, 2001, when the automobile dealership called the Troy police to report that the radio had been removed from the vehicle. There were no signs of forced entry at that time. A second call was made to the Troy police on February 6, 2001, reporting that the vehicle had been taken from the dealership. The vehicle was actually impounded in Detroit prior to the discovery, and upon inspection, the police again concluded that there was no evidence of forced entry to the vehicle. Officer Hamzey wrote in his police report that he suspected the owner had some involvement in the theft(s). This statement is the basis for the first count of the complaint, under the theory of libel.

The Plaintiff, Mr. Pittman, appeared numerous times at the Suburban Olds dealership, and the Troy police were called to the scene. On March 19, 2001, as Plaintiff was leaving Suburban Olds, he was pulled over. At that time, Officer Hamzey again re-iterated that he felt that Plaintiff was involved in the theft of the car. Since this statement was made in the presence of Plaintiff's pastor, who was also in the vehicle, Plaintiff has alleged slander under the second count of the complaint.

Absent objections, the City Attorney's Office will assume representation of the City, the Troy Police Department and Officer Hamzey. If you have any questions concerning the above, please let me know.

PROPOSED RESOLUTION:

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 Steven Pittman v City of Troy, City of Troy Police Department and Police Officer Hamzy and to retain any necessary expert witnesses and outside legal counsel to adequately represent the City.

Approved, SCAO

This form is available from Target Information Management, Inc. (517) 337-1211

1st copy - Defendant
2nd copy - Plaintiff
3rd -

01-034752-NZ

JUDGE STEVEN N. ANDREWS
PITTMANK, STE vs TROY CITY

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT	SUMMONS AND COMPLAINT

Court address

Plaintiff name(s), address(es), and telephone no(s).

STEVE PITTMAN
1467 LONGFELLOW STREET
Detroit, Michigan 48206
(313) 869-0663

v

Defendant name(s), address(es), and telephone no(s).

City of Troy Police Departm
Department, Troy, and Police
Officer Hamzy
500 W. Big Beaver
Troy, Michigan 48084
(248) 524-3443

45Z

City Mgr.
City Atty.
Risk Mgmt.
Police.
MMRMA

Plaintiff attorney, bar no., address, and telephone no.

DANIEL J. REID
163 MADISON STE 208
Detroit, Michigan 48206

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

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

Issued SEP 17 2001	This summons expires* DEC 17 2001	Court clerk G. WILLIAM CADDELL

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

☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint/

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

☐ 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)	Defendant(s) residence (include city, township, or village)
Mr. Steve Pittman 1467 Longfellow Street Detroit, MI 48206	500 W. BIG BEAVER Troy , Michigan 48084

Place where action arose or business conducted

TROY

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

Date

Signature of attorney/plaintiff

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.

STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF OAKLAND

RECEIVED FOR FILING
OAKLAND COUNTY CLERK
2001 SEP 17 P 3:04
BY: _____
DEPUTY COUNTY CLERK

Steven Pittman
Plaintiff,

-v-

CITY OF TROY, a Municipal Corporation
CITY OF TROY POLICE DEPARTMENT,
POLICE OFFICER HAMZY
Jointly and Severally,
Defendants.

_____,

DANIEL J. REID (P30965)
Law Offices of Reid & Reid, P.C.
Attorneys for Plaintiff
163 Madison Ave., Ste. 208
Detroit, MI 48226
(313) 961-1622

_____,

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge.

Daniel J. Reid
Attorney for Plaintiff

COMPLAINT and Jury Demand

NOW COMES THE PLAINTIFF, STEVEN PITTMAN, complaining of defendant City of Troy, a municipal corporation organized and existing under the laws of the State of Michigan, and for the Plaintiff's Complaint against the above named Defendants, Jointly and Severally, alleges as follows:

COMMON ALLEGATIONS

1. That at all relevant times, Plaintiff, Steven Pittman, is a resident of the City of Detroit, County of Wayne, State of Michigan.
2. That at all relevant times, Defendant, CITY OF TROY (CITY), was a municipal corporation that was responsible for the tortious acts of its agents and/or employees, including but not limited to police officers.
3. That at all times, Defendants, City of Troy Department of Public Safety (Department), was a police agency engaged in the performance of police function originating within the City of Troy, County of Oakland, State of Michigan, and is responsible for the tortious acts of its officers, including TROY POLICE OFFICER HAMZY, LIEUTENUANT GERALD SHERLICK, by way of the Doctrine of Respondent Superior.
4. That at all relevant times, Troy Police Officer Hamzy, was a Police/Public Safety Officer employed by the Defendant, CITY and/or DEPARTMENT, and was conducting himself as a police officer within the course and scope of his employment with Defendants.
5. That at all relevant times, TROY POLICE OFFICER LIEUTENUANT GERALD SHERLICK, was a Police/Public Safety Office employed by the Defendant, CITY and/or DEPARTMENT,

and was conducting himself as a police officer within the course and scope of his employment with Defendants.

6. That the entire cause of action arose in the City of Troy, County of Oakland, State of Michigan.
7. That the amount in controversy exceeds $25,000 (TWENTY FIVE THOUSAND DOLLARS), exclusive of interest, costs and attorney fees.

COUNT 1 LIBEL

8. Defendants resides in the City of Troy in Oakland County, Michigan.
9. At the time of the commission by Defendants of the grievances mentioned, and for a long time prior to it, Plaintiff was a person of good name, fame and reputation, was a resident of Detroit, Wayne Michigan, and was held in high esteem by his acquaintances and the general public.
10. On February 20, 2001 at Troy, Oakland, Michigan, Defendants maliciously and wrongfully composed and wrote, or caused a report to be composed and written report containing false and defamatory matters concerning Plaintiff, as follows: Officer Hamzy stated in his report that he suspects and/or believes that Mr. Pittman had arranged to have his vehicle stolen and that Mr. Pittman

may have taken the items himself. Defendant further states that he has no evidence or motive to back his theory.

11. Defendants maliciously and wrongfully published, or caused the false and defamatory article to be published in the police report, a report in general circulation in the Department's office.

12. The statements in the report concerning Plaintiff were, and are, wholly false. Further, Plaintiff was by reason of the publication injured in his reputation.

Plaintiff demands judgment against Defendants for the an amount in excess of $25,000 together with costs.

COUNT 2 SLANDER

14. On March 19, 2001, Plaintiff was pulled over at Crooks Road and Big Beaver by Defendants (six officers) after leaving Suburban Oldsmobile.

15. Defendant's, who at all relevant times were police officers, pulled Plaintiff over while in uniform.

16. While pulled over by the six officers, Defendant Officer Hamzy pointed at Plaintiff and stated "I still think you are lying Pittman (Plaintiff) and you had something to do with the theft of your car."

17. Defendant, Officer Hamzy, loud and angrily accused Mr. Pittman of stealing his own car in front of his Pastor.

18. While Defendant Hamzy was making his accusations, there was another person and several other officers whose attention was drawn to the Plaintiff.

19. Plaintiff informed Defendants several times that they were mistaken and that he had nothing to do with the theft.

20. Defendants refused to believe him and continued to accuse Mr. Pittman of stealing his own car.

21. Statements made by Defendant Officer Hamzy concerning Plaintiff were false and defamatory.

22. The statements were unprivileged and made before third parties.

23. Defendant Officer Hamzy fault amounts to at least negligence.

24. The statements were defamatory per se, as they constitute words charging Plaintiffs with the commission of a crime.

25. Defendant Officer Hamzy is an employee of Defendant, the City of Troy and at all relevant times to this action was acting as an agent of Defendant City of Troy and on its behalf.

26. Plaintiffs reputation was injured.

Plaintiffs respectfully request that the court enter judgment in their favor in an amount in excess of $25,000.

Respectfully Submitted,

DANIEL J. REID (P30965)
Attorney for Plaintiff
163 Madison Suite 208
Detroit, Michigan 48226
(313) 961-1622

September 17, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Charles Craft, Chief of Police
Gary Mayer, Police Captain
George Zielinski, Police Sergeant

SUBJECT: Application to add space by **Nino Salvaggio's Fruit & Vegetable Market of Troy.**

Nino Salvaggio's Fruit & Vegetable Market of Troy requests to add space to their 2001 Specially Designated Distributor (SDD) and Specially Designated Merchant (SDM) licensed business, located at 6835 Rochester Rd.

The Liquor Advisory Board recommended approval of this application at its September 10th meeting. Present at that meeting to answer questions from the Board was Mr. Kirk Taylor, partner in Nino Salvaggio's, and Ms. Maureen Carlson, Store Manager. Mr. Taylor presented floor plans and company documentation on their proposed liquor sales operations. Alcohol sales will be under very controlled circumstances.

This requests has no effect on the current "Agreement" between the City and Nino Salvaggio's. A new "Agreement", therefore, is not needed.

The police department's background investigation of the company and its officers revealed a Sale to Minor violation as a result of an MLCC operation on May 10th of this year. Mr. Taylor ensures steps have been taken to prevent any recurrence. The police department has no objection to this request.

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST
[Authorized by MCL 436.1(4)]

REC'D 8/8/01 Date

DATE:July 25, 2001
REQUEST ID# 131794

Chief of Police
Troy Police Department
500 West Big Beaver Road
Troy Mi 48084-5285

Chief of Law Enforcement Office

Applicant: Nino Salvaggio Fruit & Vegetable Market of Troy, Inc. request a new SDM licensed business, located at 6835 W. Rochester, Troy, MI 48098, Oakland County.

Please make an investigation of the application. If you do not **believe** that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report and recommendations of the applicant to the Licensing Division.

NO FINGER PRINT NECESSARY

If you have any questions, contact the Licensing Division at (517) 322-1400, after 10:00 a.m.

LC-1972 Rev. 6/92
4880-1658
nll

Michigan Department of Consumer & Industry Services
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.7a)

Important: Please conduct your investigation as soon as possible and complete all four sections of this report. Return the completed report and fingerprint cards to the Commission.

131794 NLL

BUSINESS NAME AND ADDRESS: (include zip code) NINO SALVAGGIO FRUIT & VEGETABLE MARKET OF TROY, INC.
6835 W. ROCHESTER, TROY, MI 48098 OAKLAND COUNTY

REQUEST FOR:
TO ADD SPACE TO 2001 SDM LICENSE

Section 1. APPLICANT INFORMATION

APPLICANT #1:	APPLICANT #2:
HOME ADDRESS AND AREA CODE/PHONE NUMBER:	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH: If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No o Does the applicant have a Visa? Enter status: Date fingerprinted:	DATE OF BIRTH: If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No o Does the applicant have a Visa? Enter status: Date fingerprinted:

Attach the fingerprint card and $15.00 for each card and mail to the Liquor Control Commission.

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

Section 2. Investigation of Business and Address to be Licensed

Can living quarters be reached from the inside of the establishment without going outside? ☐ Yes ☐ No

Does applicant intend to have dancing or entertainment?
☐ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

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

Section 3. Local and State Codes and Ordinances, and General Recommendations

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

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

Section 4. Recommendation

From your investigation:

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

Signature (Sheriff or Chief of Police) Date

(Mail white copy to the Commission, Keep yellow copy for your file)

LCC
Liquor Licensee History

Business name: **Nino Salvaggio International Marketplace**

Address: 6835 Rochester (248) 879-9222

Licensee: Nino Salvaggio Fruit & Vegetable Market of Troy, Inc.

License type: **SDD/SDM** (11788-2000)

Permits:

Comments:

Date	Troy Incident #	Type	Disposition	Date
3/25/96		Council approves SDM license		
12/11/97	**97-44886**	**Sale to minor (compliance test)**	**Fined $500 ($100. waived)**	**9/28/98**
07/25/00	none	Compliance Test	PASSED	
11/15/00	00-42362	Compliance Test	PASSED	
02/19/01		Council approves **SDD**		
04/22/01	01-13774	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
05/10/01	**MLCC**	**Sale to Minor (Compliance Test)**	**$600**	**07/18/01**
05/30/01	01-18851	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
07/08/01	01-24261	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
08/14/01	01-29117	Compliance Test	PASSED	

Chairman Max Ehlert called the meeting to order at 7:30 p.m. in Conference Room C.

PRESENT: David Balagna
Max Ehlert
W. Stan Godlewski
James Moseley
James Peard
John Walker
Jennifer Gilbert, Student Representative
Sergeant George Zielinski
Marsha Livingston, Office Coordinator

ABSENT: Thomas Sawyer

Moved by Walker, seconded by Balagna, to EXCUSE the absent member(s).
APPROVED unanimously

Moved by Balagna, seconded by Walker, to APPROVE the minutes of the August 13, 2001 meeting as printed.
APPROVED unanimously

AGENDA ITEMS:

1. **NINO SALVAGGIO FRUIT & VEGETABLE MARKET OF TROY** requests to add space to 2001 SDD & SDM licensed business located at 6835 Rochester, Troy, MI 48085, Oakland County [MLCCREF#131794]

Present to answer questions from the committee were Kirk Taylor and Maureen Carlson, who was been with the store since March 2001.

Mr. Taylor brought a copy of the store layout for the committee to see. He also handed out packets to each member. The packets included a layout of the approved area, a layout of the same area including the future expansion, a letter as to how they will handle the liquor, the employee handbook, cashier guidelines, and a job description. The job description includes a brief summary of the requirements of liquor guidelines and guidelines for alcohol sales.

The store will simply be expanding the area they currently have designated for the liquor. This area will also include a liquor storage closet. They decided against acting on their ability to sell liquor in the past.

Liquor will be purchased one of two ways. The first is the customer can purchase the liquor directly at the liquor counter. The second is the customer will finish their shopping and proceed to the checkout counter. The customer will then tell the cashier, who will call the liquor counter for the item(s) and a manager will then bring it to the cashier who called for it.

Nino Salvaggio's originally had TAMS training where an instructor came on site to do the training. They felt they could do better, so they implemented their own Responsible Alcohol Sales training. This training includes a video and a packet with a handbook that includes alcohol sales guidelines in brief so all employees have at least some knowledge of alcohol sales. All cashiers get additional training, which includes an alcohol training course. There are two people in the store who are qualified to teach this course. Maureen Carlson is one of these two people. This course includes a pre-test of 15 true or false questions. The employees will then watch a video and take a final test. Each employee is only allowed two wrong. Since March they have had 11 classes, 4 of which have been at the Troy store.

Responsible Alcohol Sales training also includes cashier training for those cashiers that are under 18 years of age. This is to teach them how to properly ring up sales and inquire on ID. Cashiers under 18 must also have a cashier 18 years of age or older ring up the sale. TAMS didn't offer any training of this sort. The cash registers at the store prompt the cashier to check ID but do not require the date of birth be entered. There are date stickers on the cash registers for the cashiers to quickly identify those over 21 years of age.

Also discussed was the violation the Troy location had.

One committee member commented that the packet of information passed out by Mr. Taylor and Ms. Carlson was very impressive and from a retail standpoint, it is the best program they have seen.

Moved by Moseley, seconded by Walker, to APPROVE the above request.
APPROVED unanimously

2. **McCORMICK & SCHMICK RESTAURANT CORP. (A DELAWARE CORPORATION)** requests to transfer ownership of 2001 Class C licensed business with Dance Permit and Official Permit (Food), located at 2850 Coolidge, Troy, MI 48084, Oakland County, from **McCORMICK & SCHMICK OPERATING CORP. (A GEORGIA CORPORATION).** [MLCC REF# 130614]

Present to answer questions from the committee were Scott Edwards, who works with attorney John Carlin, and Sharon Bartlett, General Manager of the restaurant.

This is simply a corporate merger. There will be no changes in management at the restaurant. Mr. McCormick and Mr. Schmick will both still be involved.

The restaurant has TIPS classes through Scott Forbes every 6 months for the entire restaurant. Everyone is certified.

Also discussed was the violation McCormick and Schmick received on August 17, 2001. Ms. Bartlett told the committee members that the restaurant has a zero tolerance policy and the bartender was immediately terminated. They are not proud of the violation the received, and they will continue to make sure it doesn't happen again.

Moved by Peard, seconded by Godlewski, to APPROVE the above request.
APPROVED unanimously

Moved by Balagna, seconded by Walker, to ADJOURN the meeting at 7:57 p.m.
APPROVED unanimously

ML/ml

(d) Allow the sale, possession, or consumption on the licensed premises of any controlled substances that are prohibited by Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws.
(e) Allow narcotics paraphernalia to be used, stored, exchanged, or sold on the licensed premises.
(6) A retail licensee shall not sell any alcoholic liquor off the licensed premises except as follows:
(a) An on-premises licensee may provide out-of-doors service if done in accord with the provisions of R 436.1419.
(b) An off-premises licensee may deliver a pre-ordered quantity of alcoholic liquor to a customer; however, a delivery shall not be made to any customer on the campus of any 2- or 4-year college or university, unless the customer is licensed by the commission.
(c) An off-premises licensee may provide out-of-doors service if done in accord with the provisions of R 436.1521.
History: 1979 ACS 4, Eff. Feb. 3, 1981; 1979 ACS 16, Eff. Nov. 15, 1983; 1985 12, Eff. Jan. 1, 1986; 1994 MR 12, Eff. Dec. 16, 1995.

R 436.1013 Gambling and gambling devices prohibited.
Rule 13. (1) A licensee shall not allow unlawful gambling on the licensed premises.
(2) A licensee shall not allow any gambling devices on the licensed premises which are prohibited by the statutes of this state.
History: 1979 ACS 4, Eff. Feb. 3, 1981.

R 436.1015 Display of license and permit.
Rule 15. (1) Licenses issued by the commission shall be signed by the licensee, shall be framed under a transparent material, and shall be prominently displayed in the licensed premises.
(2) Permits issued by the commission to a licensee shall be framed under a transparent material and shall be prominently displayed in the licensed premises adjacent to the liquor license.
History: 1979 ACS 4, Eff. Feb. 3, 1981.

R 436.1017 Prohibited sales of alcoholic liquor.
Rule 17. (1) A licensee shall not sell, offer or keep for sale, furnish, possess, or allow a customer to consume, alcoholic liquor which is not authorized by the license issued to the licensee by the commission.
(2) A licensee shall not knowingly sell or furnish alcoholic liquor to a person who maintains, operates, or leases premises which are not licensed by the commission and upon which other persons unlawfully engage in the sale or consumption of alcoholic liquor for a fee or other valuable consideration.
History: 1979 ACS 4, Eff. Feb. 3, 1981.

R 436.1019 Contests.
Rule 19. A licensee shall not participate in or sponsor any contest that requires the use or consumption of alcoholic liquor or features alcoholic liquor as a prize in connection with a contest.
History: 1979 ACS 4, Eff. Feb. 3, 1981.

R 436.1021 Sale to licensed truck driver salesman.
Rule 21. A licensee shall not knowingly sell, give, or furnish alcoholic liquor to a licensed truck driver salesman who is employed by a licensee while the truck driver is on duty or in the course of employment.
History: 1979 ACS 4, Eff. Feb. 3, 1981.

R 436.1023 Sale or transfer of license; transfer of location; alteration of premises; lease, sale or transfer of premises.
Rule 23. (1) A licensee shall not sell or transfer an interest in a business licensed by the commission without the prior written approval of the commission.
(2) A licensee shall not transfer the location of the licensed premises without the prior written approval of the commission.
(3) A licensee shall not, without the prior written approval of the commission, do any of the following:
(a) Make an alteration in the size of the physical structure of the licensed premises.
(b) Add or drop any space to or from the physical structure of the licensed premises.
(c) Install any additional bars, if the licensee holds a class C or B hotel license.
(4) A licensee shall not lease, sell, or transfer possession of a portion of the licensed premises without the prior written approval of the commission.
History: 1979 ACS 4, Eff. Feb. 3, 1981.

R 436.1025 Storing of alcoholic liquor.

September 17, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Charles Craft, Chief of Police
Gary Mayer, Police Captain
George Zielinski, Police Sergeant

SUBJECT: Application for SDD license transfer by **McCormick & Schmick Restaurant Corporation**

McCormick & Schmick Restaurant Corp. (A Delaware Corporation) requests to transfer ownership of 2001 Class C licensed business with Dance Permit and Official Permit (Food), located at 2850 Coolidge, from **McCormick & Schmick Operating Corp. (A Georgia Corporation)**.

The Liquor Advisory Board recommended approval of this application at its September 10th meeting. Present at that meeting to answer questions from the Board was Mr. Scott Edwards, Attorney, and Ms. Sharon Bartlett, General Manager for the restaurant. Mr. Edwards reported this was an ownership reorganization at the parent level. The restaurant and its operations locally would remain unchanged

The police department's background investigation of McCormick & Schmick Restaurant Corp. revealed one pending liquor violation for Sale to Minor at that location on August 17, 2001. Steps have been taken to prevent any recurrence. The police department has no objection to this transfer.

Michigan Department of Consumer & Industry Services
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INVESTIGATION REQUEST
[Authorized by MCL 436.1(4)]

To: Troy Police Department
Chief of Police
500 West Big Beaver Road
Troy, MI 48084-5285

Date: August 3, 2001
REF#:
REQ ID#:130614

REC'D 8/23/01 Date

Chief Law Enforcement Officer

Applicant:

MCCORMICK & SCHMICK RESTAURANT CORP. (A DELAWARE CORPORATION) requests to transfer ownership of 2001 Class C licensed business with Dance Permit and Official Permit (Food), located at 2850 Coolidge, Troy, MI 48084, Oakland County, from MCCORMICK & SCHMICK OPERATING CORP. (A GEORGIA CORPORATION).

Please make an investigation of the application. If you do not believe that the applicants are qualified for licensing, give your reasons in detail. Complete the Police Inspection Report on Liquor License Request, LC-1800, or for Detroit police, the Detroit Police Investigation of License Request, LC-1802. If there is not enough room on the front of the form, you may use the back.

Forward your report and recommendations of the applicant to the Licensing Division.

If you have any questions, contact the Licensing Division at (517) 322-1400, after 10:00 a.m.

LC-1972 Rev. 6/92
4880-1658

sfs

Req ID#130614

Michigan Depar[illegible]nt of Consumer & Industry Services
LIQU[illegible] CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INSPECTI[illegible] REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.7a)

Important: **Please conduct your investigation as soon as possible and complete all four sections of this report. Return the completed report and fingerprint cards to the Commission.**

BUSINESS NAME AND ADDRESS: (include zip code) MCCORMICK & SCHMICK RESTAURANT CORP. (A DELAWARE CORPORATION), 2850 Coolidge, Troy, MI 48084, Oakland County

REQUEST FOR: Transfer ownership of 2001 Class C licensed business with Dance Permit and Official Permit (Food), from MCCORMICK & SCHMICK OPERATING CORP. (A GEORGIA CORPORATION).

Section 1. NOT APPLICABLE — APPLICANT INFORMATION

APPLICANT #1:	APPLICANT #2:
MCCORMICK & SCHMICK ACQUISITION CORP. (A DELAWARE CORPORATION) - Stockholder	
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 150 East 58th Street New York, NY 10155 (503)226-3440	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH:	DATE OF BIRTH:
If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No o Does the applicant have a Visa? Enter status:	If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No o Does the applicant have a Visa? Enter status:
Date fingerprinted:	Date fingerprinted:

Attach the fingerprint card and $15.00 for each card and mail to the Liquor Control Commission.

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

Section 2. Investigation of Business and Address to be Licensed

Can living quarters be reached from the inside of the establishment without going outside? ☐ Yes ☐ No

Does applicant intend to have dancing or entertainment?
☐ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

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

Section 3. Local and State Codes and Ordinances, and General Recommendations

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

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

Section 4. Recommendation

From your investigation:

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

Signature (Sheriff or Chief of Police) Date

(Mail white copy to the Commission, Keep yellow copy for your file)

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

PI NUMBER:130614

LOCAL LAW ENFORCEMENT AGENCY REPORT

DANCE/ENTERTAINMENT/TOPLESS ACTIVITY PERMIT
(Authorized by MCL 436.1916)

MCCORMICK & SCHMICK RESTAURANT CORP. (A DELAWARE CORPORATION)
APPLICANT/LICENSEE PHONE NUMBER

STREET ADDRESS CITY TOWNSHIP COUNTY ZIP

PERMIT(S) REQUESTED: DANCE_ ENTERTAINMENT_ TOPLESS ACTIVITY_

1. The dance floor will not be less than 100 square feet, is clearly marked and well defined when there is dancing by customers. YES ☐ NO ☐ N/A ☐

2. Describe the type of entertainment applicant/licensee will provide: N/A ☐

3. Will this entertainment include topless activity? YES ☐ NO ☐ N/A ☐

LAW ENFORCEMENT RECOMMENDATION

DANCE PERMIT	YES	☐	NO	☐	N/A	☐
ENTERTAINMENT PERMIT	YES	☐	NO	☐	N/A	☐
TOPLESS ACTIVITY PERMIT	YES	☐	NO	☐	N/A	☐

REMARKS:

DATE SUBMITTED

OFFICER'S SIGNATURE

DEPARTMENT NAME PHONE NUMBER

ADDRESS CITY

MICHIGAN DEPARTMENT OF COMMERCE
LIQUOR CONTROL COMMISSION
7150 Harris Dr.
P.O. Box 30005
Lansing, Michigan 48909

Req ID #130614

APPLICATION FOR OFFICIAL PERMIT FOR DIFFERENCE IN HOURS OF OPERATION

(Authorized by MAC Rule 436.1437)

APPLICANT OR LICENSEE:
McCormick & Schmick Restaurant Corp.

ADDRESS:
2850 Coolidge, Troy, MI 48084

TYPE OF LICENSE:
Class C

The Commission is requested to grant an after hours permit for: (check boxes that apply)

- [XX] Operating our restaurant for the sale of food
- [ ] Operating night league bowling, tournaments or Sunday morning bowling
- [ ] Registering golfers
- [ ] Registering Skiers
- [ ] Registering Tennis Players
- [ ] Other: (Not listed above)

2001 JUN 29 PM 1:56
MLCC LICENSING

During the Hours of:

Weekdays 11:00 A.M. to 2:00 A.M.

Sundays 11:00 A.M. to 2:00 A.M.

It is understood that customers shall not be on the licensed premises for any activity other than the requested activity.

Licensee or Applicant Signatures:

Douglas L. Schmick, President

LOCAL LAW ENFORCEMENT RECOMMENDATION

To: Law Enforcement Agency:

This Application is for official permits allowing the after hours operations indicated above. Will you please enter your recommendations below and return one signed copy to the Commission.

- [ ] Recommended: Comments: _____
- [ ] Recommended except for _____ permit
- [ ] Not Recommended

Signed: (Include title and date)

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this ____ day of _____, 200___, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and **McCORMICK & SCMICK RESTAURANT CORP.**, whose address is **2850 Coolidge, Troy, MI 48084**, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the **transfer of ownership of 2001 Class C licensed business with Dance Permit and Official Permit (Food), located at 2850 Coolidge, Troy, MI 48084, Oakland County, from McCORMICK & SCHMICK OPERATING CORP. (A GEORGIA CORPORATION). [MLCC REF# 130614]**
2. In consideration of the City of Troy's recommendation for approval of the transfer, the applicant hereby agrees that:
   a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
   b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
   c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

_____
Authorized Representative

McCORMICK & SCHMICK RESTAURANT CORP. (A DELAWARE CORPORATION)

Witnesses:

_____

_____

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

_____

Notary Public, _____
County, _____
My commission expires:

CITY OF TROY

By:_____
Matt Pryor, Mayor

By:_____
Tonni Bartholomew, City Clerk

Witnesses:

_____

_____

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

_____

Notary Public, Oakland
County, Michigan
My commission expires:

LCC
Liquor Licensee History

Business name: **McCormick & Schmick Seafood Restaurant**

Address: 2850 Coolidge

Licensee: McCormick & Schmick Operating Corp.

License type: **Class C**

Permits: Official (Food), Dance

Comments:

Date	Troy Incident #	Type	Disposition	Date
04/02/01	01-11164	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
06/04/01	01-19496	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
08/17/01	**01-29608**	**Sale to Minor (Compliance Test)**	**pending**	
08/28/01	01-30898	Liquor Inspection (Road Patrol)	NO VIOLATIONS	

Chairman Max Ehlert called the meeting to order at 7:30 p.m. in Conference Room C.

PRESENT: David Balagna
Max Ehlert
W. Stan Godlewski
James Moseley
James Peard
John Walker
Jennifer Gilbert, Student Representative
Sergeant George Zielinski
Marsha Livingston, Office Coordinator

ABSENT: Thomas Sawyer

Moved by Walker, seconded by Balagna, to EXCUSE the absent member(s).
APPROVED unanimously

Moved by Balagna, seconded by Walker, to APPROVE the minutes of the August 13, 2001 meeting as printed.
APPROVED unanimously

AGENDA ITEMS:

1. **NINO SALVAGGIO FRUIT & VEGETABLE MARKET OF TROY** requests to add space to 2001 SDD & SDM licensed business located at 6835 Rochester, Troy, MI 48085, Oakland County [MLCCREF#131794]

Present to answer questions from the committee were Kirk Taylor and Maureen Carlson, who was been with the store since March 2001.

Mr. Taylor brought a copy of the store layout for the committee to see. He also handed out packets to each member. The packets included a layout of the approved area, a layout of the same area including the future expansion, a letter as to how they will handle the liquor, the employee handbook, cashier guidelines, and a job description. The job description includes a brief summary of the requirements of liquor guidelines and guidelines for alcohol sales.

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Liquor will be purchased one of two ways. The first is the customer can purchase the liquor directly at the liquor counter. The second is the customer will finish their shopping and proceed to the checkout counter. The customer will then tell the cashier, who will call the liquor counter for the item(s) and a manager will then bring it to the cashier who called for it.

Nino Salvaggio's originally had TAMS training where an instructor came on site to do the training. They felt they could do better, so they implemented their own Responsible Alcohol Sales training. This training includes a video and a packet with a handbook that includes alcohol sales guidelines in brief so all employees have at least some knowledge of alcohol sales. All cashiers get additional training, which includes an alcohol training course. There are two people in the store who are qualified to teach this course. Maureen Carlson is one of these two people. This course includes a pre-test of 15 true or false questions. The employees will then watch a video and take a final test. Each employee is only allowed two wrong. Since March they have had 11 classes, 4 of which have been at the Troy store.

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Also discussed was the violation the Troy location had.

One committee member commented that the packet of information passed out by Mr. Taylor and Ms. Carlson was very impressive and from a retail standpoint, it is the best program they have seen.

Moved by Moseley, seconded by Walker, to APPROVE the above request.
APPROVED unanimously

2. **McCORMICK & SCHMICK RESTAURANT CORP. (A DELAWARE CORPORATION)** requests to transfer ownership of 2001 Class C licensed business with Dance Permit and Official Permit (Food), located at 2850 Coolidge, Troy, MI 48084, Oakland County, from **McCORMICK & SCHMICK OPERATING CORP. (A GEORGIA CORPORATION).** [MLCC REF# 130614]

Present to answer questions from the committee were Scott Edwards, who works with attorney John Carlin, and Sharon Bartlett, General Manager of the restaurant.

This is simply a corporate merger. There will be no changes in management at the restaurant. Mr. McCormick and Mr. Schmick will both still be involved.

The restaurant has TIPS classes through Scott Forbes every 6 months for the entire restaurant. Everyone is certified.

Also discussed was the violation McCormick and Schmick received on August 17, 2001. Ms. Bartlett told the committee members that the restaurant has a zero tolerance policy and the bartender was immediately terminated. They are not proud of the violation the received, and they will continue to make sure it doesn't happen again.

Moved by Peard, seconded by Godlewski, to APPROVE the above request.
APPROVED unanimously

Moved by Balagna, seconded by Walker, to ADJOURN the meeting at 7:57 p.m.
APPROVED unanimously

ML/ml

(d) Allow the sale, possession, or consumption on the licensed premises of any controlled substances that are prohibited by Act No. 368 of the Public Acts of 1978, as amended, being §333.1101 et seq. of the Michigan Compiled Laws.
(e) Allow narcotics paraphernalia to be used, stored, exchanged, or sold on the licensed premises.
(6) A retail licensee shall not sell any alcoholic liquor off the licensed premises except as follows:
(a) An on-premises licensee may provide out-of-doors service if done in accord with the provisions of R 436.1419.
(b) An off-premises licensee may deliver a pre-ordered quantity of alcoholic liquor to a customer; however, a delivery shall not be made to any customer on the campus of any 2- or 4-year college or university, unless the customer is licensed by the commission.
(c) An off-premises licensee may provide out-of-doors service if done in accord with the provisions of R 436.1521.
History: 1979 ACS 4, Eff. Feb. 3, 1981; 1979 ACS 16, Eff. Nov. 15, 1983; 1985 12, Eff. Jan. 1, 1986; 1994 MR 12, Eff. Dec. 16, 1995.

R 436.1013 Gambling and gambling devices prohibited.
Rule 13. (1) A licensee shall not allow unlawful gambling on the licensed premises.
(2) A licensee shall not allow any gambling devices on the licensed premises which are prohibited by the statutes of this state.
History: 1979 ACS 4, Eff. Feb. 3, 1981.

R 436.1015 Display of license and permit.
Rule 15. (1) Licenses issued by the commission shall be signed by the licensee, shall be framed under a transparent material, and shall be prominently displayed in the licensed premises.
(2) Permits issued by the commission to a licensee shall be framed under a transparent material and shall be prominently displayed in the licensed premises adjacent to the liquor license.
History: 1979 ACS 4, Eff. Feb. 3, 1981.

R 436.1017 Prohibited sales of alcoholic liquor.
Rule 17. (1) A licensee shall not sell, offer or keep for sale, furnish, possess, or allow a customer to consume, alcoholic liquor which is not authorized by the license issued to the licensee by the commission.
(2) A licensee shall not knowingly sell or furnish alcoholic liquor to a person who maintains, operates, or leases premises which are not licensed by the commission and upon which other persons unlawfully engage in the sale or consumption of alcoholic liquor for a fee or other valuable consideration.
History: 1979 ACS 4, Eff. Feb. 3, 1981.

R 436.1019 Contests.
Rule 19. A licensee shall not participate in or sponsor any contest that requires the use or consumption of alcoholic liquor or features alcoholic liquor as a prize in connection with a contest.
History: 1979 ACS 4, Eff. Feb. 3, 1981.

R 436.1021 Sale to licensed truck driver salesman.
Rule 21. A licensee shall not knowingly sell, give, or furnish alcoholic liquor to a licensed truck driver salesman who is employed by a licensee while the truck driver is on duty or in the course of employment.
History: 1979 ACS 4, Eff. Feb. 3, 1981.

R 436.1023 Sale or transfer of license; transfer of location; alteration of premises; lease, sale or transfer of premises.
Rule 23. (1) A licensee shall not sell or transfer an interest in a business licensed by the commission without the prior written approval of the commission.
(2) A licensee shall not transfer the location of the licensed premises without the prior written approval of the commission.
(3) A licensee shall not, without the prior written approval of the commission, do any of the following:
(a) Make an alteration in the size of the physical structure of the licensed premises.
(b) Add or drop any space to or from the physical structure of the licensed premises.
(c) Install any additional bars, if the licensee holds a class C or B hotel license.
(4) A licensee shall not lease, sell, or transfer possession of a portion of the licensed premises without the prior written approval of the commission.
History: 1979 ACS 4, Eff. Feb. 3, 1981.

R 436.1025 Storing of alcoholic liquor.

(2) The fees provided in this act for the various types of licenses shall not be prorated for a portion of the effective period of the license.
History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1527 Special license for nonprofit charitable organization; issuance; nontransferable; fee; auction.
Sec. 527. (1) The commission may issue a special license to a nonprofit charitable organization that is exempt from the payment of taxes under the internal revenue code for the purpose of allowing the organization to sell, at auction, wine donated to the organization.
(2) A special license issued pursuant to subsection (1) is not transferable. The organization applying for the special license shall pay the fee required under section 525(1)(r).
(3) An auction permitted under subsection (1) may occur upon premises which are otherwise licensed under this act to allow the sale of alcoholic liquor for consumption on the licensed premises.
History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1529 Transfer of license or interest in license; notice of transfer of stock in licensed corporation or licensed limited partnership; investigation to ensure compliance; approval; transfer fee; inspection fee.
Sec. 529. (1) A license or an interest in a license shall not be transferred from 1 person to another without the prior approval of the commission. For purposes of this section, the transfer in the aggregate to another person during any single licensing year of more than 10% of the outstanding stock of a licensed corporation or more than 10% of the total interest in a licensed limited partnership shall be considered to be a transfer requiring the prior approval of the commission.
(2) Not later than July 1 of each year, each privately held licensed corporation and each licensed limited partnership shall notify the commission as to whether any of the shares of stock in the corporation, or interest in the limited partnership, have been transferred during the preceding licensing year. The commission may investigate the transfer of any number of shares of stock in a licensed corporation, or any amount of interest in a licensed limited partnership, for the purpose of ensuring compliance with this act and the rules promulgated under this act.
(3) Except as otherwise provided in subdivisions (a) through (f), upon approval by the commission of a transfer subject to subsection (1), there shall be paid to the commission a transfer fee equal to the fee provided in this act for the class of license being transferred. A transfer fee shall not be prorated for a portion of the effective period of the license. If a person holding more than 1 license or more than 1 interest in a license at more than 1 location, but in the name of a single legal entity, transfers all of the licenses or interests in licenses simultaneously to another single legal entity, the transfers shall be considered 1 transfer for purposes of determining a transfer fee, payable in an amount equal to the highest license fee provided in this act for any of the licenses, or interests in licenses, being transferred. A transfer fee shall not be required in regard to any of the following:
(a) The transfer, in the aggregate, of less than 50% of the outstanding shares of stock in a licensed corporation or less than 50% of the total interest in a licensed limited partnership during any licensing year.
(b) The exchange of the assets of a licensed sole proprietorship, licensed general partnership, or licensed limited partnership for all outstanding shares of stock in a corporation in which either the sole proprietor, all members of the general partnership, or all members of the limited

partnership are the only stockholders of that corporation. An exchange under this subdivision shall not be considered an application for a license for the purposes of section 501.
(c) The transfer of the interest in a licensed business of a deceased licensee, a deceased stockholder, or a deceased member of a general or limited partnership to the deceased person's spouse or children.
(d) The removal of a member of a firm, a stockholder, a member of a general partnership or limited partnership, or association of licensees from a license.
(e) The addition to a license of the spouse, son, daughter, or parent of any of the following:
(*i*) A licensed sole proprietor.
(*ii*) A stockholder in a licensed corporation.
(*iii*) A member of a licensed general partnership, licensed limited partnership, or other licensed association.
(f) The occurrence of any of the following events:
(*i*) A corporate stock split of a licensed corporation.
(*ii*) The issuance to a stockholder of a licensed corporation of previously unissued stock as compensation for services performed.
(*iii*) The redemption by a licensed corporation of its own stock.
(4) A nonrefundable inspection fee of $70.00 shall be paid to the commission by an applicant or licensee at the time of filing any of the following:
(a) An application for a new license or permit.
(b) A request for approval of a transfer of ownership or location of a license.
(c) A request for approval to increase or decrease the size of the licensed premises, or to add a bar.
(d) A request for approval of the transfer in any licensing year of any of the shares of stock in a licensed corporation from 1 person to another, or any part of the total interest in a licensed limited partnership from 1 person to another.
(5) An inspection fee shall be returned to the person by whom it was paid if the purpose of the inspection was to inspect the physical premises of the licensee, and the inspection was not actually conducted. An inspection fee shall not be required for any of the following:
(a) The issuance or transfer of a special license, salesperson license, limited alcohol buyer license, corporate salesperson license, hospital permit, military permit, or Sunday sale of spirits permit.
(b) The issuance of a new permit, or the transfer of an existing permit, if the permit is issued or transferred simultaneously with the issuance or transfer of a license or an interest in a license.
(c) The issuance of authorized but previously unissued corporate stock to an existing stockholder of a licensed corporation.
(d) The transfer from a corporation to an existing stockholder of any of the corporation's stock that is owned by the corporation itself.
(6) All inspection fees collected under this section shall be deposited in the special fund in section 543 for carrying out of the licensing and enforcement provisions of this act.
History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1531 Public licenses and resort licenses; on-premise escrowed licenses; limitations and quotas; additional licenses for certain establishments; license for certain events at public university; economic development factors; exceptions as to certain veterans and airports; special state census of local governmental unit; rules; availability of transferable licenses held in escrow; on-premise escrowed or quota license; issuance of available licenses; hotels; definitions.

September 24, 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 Coolidge Lot Splits
Project No. 01.913.3

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.

G:\Projects\Projects - 2001\01.913.3 Coolidge lot splits\Private Agreement Cover Letter.doc

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director

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

Enclosed Private Agreement, Detailed Summary, Sketch and Suggested Resolution

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR COOLIDGE LOT SPLITS
PROJECT NO. 01.913.3

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

Escrow Deposits:

Sanitary Sewer	29,138.00	
Total Escrow Deposits: (letter of credit)		**$ 29,138.00**

Cash Fees:

Review & Inspection	1,777.42	
Total Cash Fees: (check)		**$ 1,777.42**

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 01.913.3 PROJECT LOCATION: SE ¼ SECTION 18

RESOLUTION NO. DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and Woodward Common Land Co., L.L.C., whose address is 306 S. Washington, Suite 200, Royal Oak, MI 48067 and whose telephone number is (248)-544-1000 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of sanitary sewer in accordance with plans prepared by Professional Engineering Associates whose address is 2430 Rochester Ct., Suite 100, Troy, MI 48083-1872 and whose telephone number is (248)-689-9090 and approved prior to construction by the City Specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of $29,138.00. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

- Cash ☐
- Certificate of Deposit ☐
- Irrevocable Bank Letter of Credit ☐
- Check ☑

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the contractor by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to contribute the following cash fees:

*	Plan Review and Construction Inspection Fee	$1,777.42
	TOTAL:	$1,777.42

* 6.10% (.061) of approximate contract price

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 01.913.3 PROJECT LOCATION: SE ¼ SECTION 18

COUNCIL RESOLUTION NO. DATE OF COUNCIL APPROVAL:

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the event the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City. Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of $30,915.42 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

SIXTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneysm fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees

to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 01.913.3 PROJECT LOCATION: SE ¼ SECTION 18

COUNCIL RESOLUTION NO. DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 24 day of September, 2001.

OWNERS
By: David P. Jensen
DAVID P. JENSEN
WOODWARD COMMON LAND CO., L.L.C.
Please Print or Type

Please Print or Type

CITY OF TROY
By:

Matt Pryor, Mayor

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 24 day of September, A.D.2001, before me personally appeared David P. Jensen known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

NOTARY PUBLIC, Catherine M Barnes Oakland Michigan

CATHERINE M BARNES
Notary Public, Oakland County, MI
My Commission Expires Apr 18, 2005

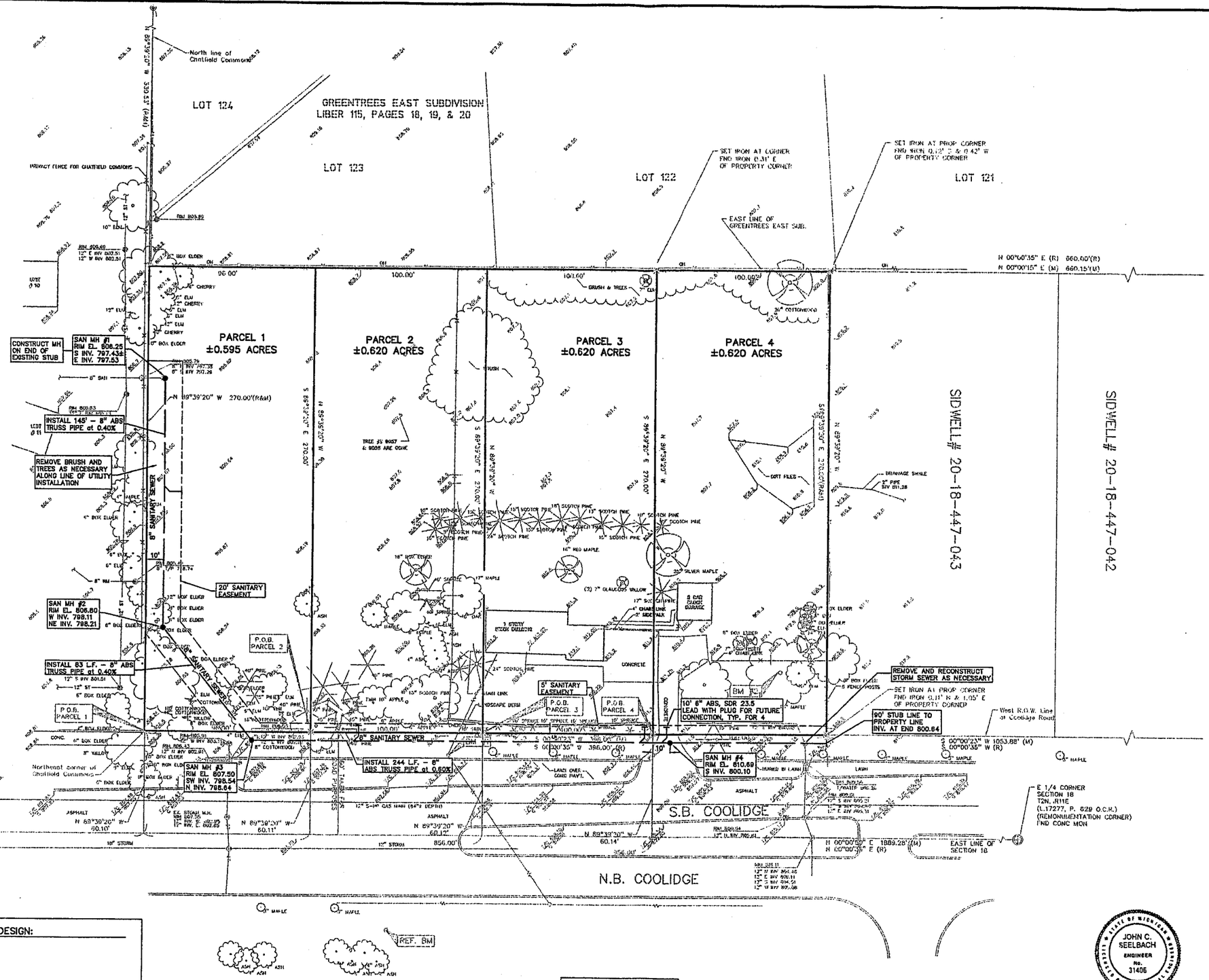
My commission expires: 4/18/2005

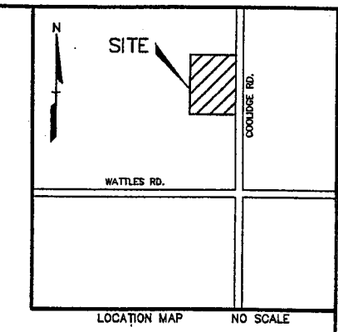
BENCHMARK:

BM #1: GEAR PIN IN WEST FACE UTILITY POLE, EAST SIDE OF COOLIDGE, 15' NORTH OF CHURCH DRIVE.
ELEV: 808.52

BM #2: GEAR PIN IN SOUTH FACE 15" MAPLE 50'± WEST OF COOLIDGE, 30'± SOUTH OF NORTH PROPERTY LINE.
ELEV: 811.60

REF. BM: HYDRANT ARROW, EAST SIDE COOLIDGE OPPOSITE SITE (AT CURB DRIVE)
ELEV: 810.48





GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

LEGEND

- IRON RECORDED
- IRON FOUND
- IRON SET
- NAIL FOUND
- NAIL & CAP SET
- MONUMENT RECORDED
- MONUMENT FOUND
- MONUMENT SET
- SEC. CORNER RECORDED
- SEC. CORNER FOUND

R RECORDED
M MEASURED
C CALCULATED

EXISTING / PROPOSED

- ELEC., PHONE OR CABLE TV O.H. LINE, POLE & GUY WIRE
- UNDERGROUND CABLE TV
- TELEPHONE U.G. CABLE, SPLICING BOX & MANHOLE
- ELECTRIC U.G. CABLE & MANHOLE
- GAS MAIN & VALVE
- WATERMAIN, HYD., GATE VALVE, TAPPING SLEEVE & VALVE
- SANITARY SEWER, CLEANOUT & MANHOLE
- STORM SEWER, CLEANOUT & MANHOLE
- COMBINED SEWER & MANHOLE
- CATCH BASIN
- INLET (NO INCOMING LINES)
- YARD DRAIN (2' DIA. & SMALLER)
- POST INDICATOR VALVE
- WATER SERVICE SHUTOFF, HYDRANT VALVE BOX
- MAILBOX
- UNIDENTIFIED STRUCTURE
- POINT ELEVATION (AT DECIMAL OR END OF LEADER) — 871.21
- AS BUILT ELEVATION — (871.21)
- CONTOUR LINE — 871
- FENCE
- GUARD RAIL
- STREET LIGHT
- SIGN
- SAND BACKFILL
- CONCRETE
- ASPHALT — STANDARD DUTY, HEAVY DUTY, DEEP STRENGTH

REFERENCE DRAWINGS

WATER MAIN	PROFESSIONAL ENGINEERING ASSOCIATES JOB #99169 REVISED 7-27-00
SANITARY SEWER	PROFESSIONAL ENGINEERING ASSOCIATES JOB #99169 REVISED 7-27-00
STORM SEWER	PROFESSIONAL ENGINEERING ASSOCIATES JOB #99169 REVISED 7-27-00
ELECTRIC	DETROIT EDISON MAP No. 1-307-394
TELEPHONE	AMERITECH, DATED
GAS	CONSUMER'S POWER CO., DISTRIBUTION MAP No. 02-61-18-4, LAST REVISED 7-14-99
FLOOD PLAIN	ZONE C - AREA OF MINIMAL FLOODING PER F.I.R.M. NO. 260180 0003E REV. 6-16-88
ADDITIONAL TOPO	FENN & ASSOCIATES INC. UTILITY PLAN DATED 10-31-85

SANITARY SEWER BASIS OF DESIGN:

UNITS = 4

EXPECTED NO. OF PEOPLE/LOT: 3.5

TOTAL EXPECTED POPULATION: 14

AVERAGE DAILY FLOW: 100 G.P.C.P.D.

PEAKING FACTOR = 4 (SINCE POPULATION < 500)

AVERAGE FLOW = 14 X 100 = 1,400 GAL/DAY
= 0.0022 C.F.S.

PEAK FLOW = 0.0022 X 4.00 = 0.0088 C.F.S.

PIPE CAPACITY: 8" DIA. at 0.40% = 0.99 C.F.S. (>0.0088 C.F.S.)

VELOCITY FLOWING FULL: 8" DIA. at 0.40% = 2.84 F.P.S.

PIPE CAPACITY: 8" DIA. at 0.60% = 1.22 C.F.S. (>0.0088 C.F.S.)

VELOCITY FLOWING FULL: 8" DIA. at 0.60% = 3.48 F.P.S.

SANITARY SEWER QUANTITIES	
8" ABS TRUSS PIPE	562 L.F.
6" ABS SDR 23.5 LEADS	40 L.F.
4' DIAMETER MANHOLES	4 EA.

NOTES:

1. MATERIALS USED FOR UTILITIES SHALL BE IN ACCORDANCE WITH THESE PLANS UNLESS OTHERWISE INSTRUCTED BY THE CITY OF TROY.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY OF TROY STANDARDS, WHICH ARE HEREBY MADE A PERMANENT PART OF THESE PLANS

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (TOLL FREE)

CAUTION !!!

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

THIS DRAWING AND DESIGN ARE THE PROPERTY OF PROFESSIONAL ENGINEERING ASSOCIATES, INC. THEY ARE SUBMITTED ON THE CONDITION THAT THEY ARE NOT TO BE USED, REPRODUCED, OR COPIED, IN WHOLE OR IN PART, OR USED FOR FURNISHING INFORMATION TO OTHERS, WITHOUT THE PRIOR WRITTEN CONSENT OF PROFESSIONAL ENGINEERING ASSOCIATES, INC. ALL COMMON LAW RIGHTS OF COPYRIGHT AND OTHERWISE ARE HEREBY SPECIFICALLY RESERVED. © 2001 PROFESSIONAL ENGINEERING ASSOCIATES, INC.

N:\2000PROJ\2000380\DWG\UTIL2.DWG
X-REF: TOPO.DWG
TWIST ANGLE =0°00'00"
BASE POINT 10000,10000

TOPO ROTATED TO MATCH BOUNDARY 00°00'07"

STATE OF MICHIGAN — JOHN C. SEELBACH — ENGINEER — No. 31406 — LICENSED PROFESSIONAL ENGINEER

APPROVED AS NOTED _____
CITY OF TROY
DATE _____ CITY ENGINEER

No.	By	Ck.	Revisions (Description)	Date
1	DJB	JS	EXTEND TO NORTH PROPERTY LINE	8-2-01

WOODWARD COMMON LAND CO., L.L.C.
306 S. WASHINGTON SUITE 200
ROYAL OAK, MICHIGAN 48067

SANITARY SEWER PLAN
COOLIDGE & WATTLES

S.E.1/4. SECTION 18, T.2N., R.11E.
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

DES.	RLS	SUR.	TS	SCALE 1" = 30'	JOB NO. 2000380
DN.	RLS	P.M.	JCS	DATE 07-13-01	DWG. NO. 1

PROFESSIONAL ENGINEERING ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48083-1872
(248) 689-9090

Approval of Contract for the Installation of Municipal Improvements (Private Agreement) for Coolidge Lot Splits, Project No. 01.913.3

RESOLVED, that the *Contract for the Installation of Municipal Improvements* (Private Agreement) between the City of Troy and Woodward Common Land Co. 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.

September 24, 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 Harrington Park Condominiums
Project No. 01.910.3

The Engineering Department has reviewed and approved plans for this project, which includes water main, storm sewer, detention, sanitary sewer, sidewalks, landscaping, soil erosion and paving.

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

Approval is recommended.

G:\Projects\Projects - 2001\01.910.3 Harrington Park Condominiums\Private Agreement Cover Letter.doc

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director
Carol Anderson, Director of Parks and Recreation
Mark Miller, Interim Planning Director
Nino Licari, City Assessor
William Need, Director of Public Works
William Jawlik, Inspector Supervisor
Fenn & Associates, Inc.
Harrington Park Development, L.L.C.

Prepared by: G. Scott Finlay, PE
Civil Engineer

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 01.910.3 PROJECT LOCATION: SE ¼ SECTION 9

RESOLUTION NO. DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and Harrington Park Development L.L.C. whose address is 50215 Schoenherr, Shelby Township, MI 48315 and whose telephone number is 810-726-1930 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of water main, storm sewer, detention, sanitary sewer, sidewalks, soil erosion, landscaping and paving in accordance with plans prepared by Fenn & Associates, Inc. whose address is 42802 Mound Road, Sterling Heights, MI 48314 and whose telephone number is (810)254-9577 and approved prior to construction by the City Specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of **$486,740.00**. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

Cash	☐
Certificate of Deposit	☐
Irrevocable Bank Letter of Credit	☒
Check	☐

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the contractor by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to contribute **$63,668.00** cash fee per the attached **Detailed Summary of Required Escrow Deposits and Cash Fees.**

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 01.910.3 PROJECT LOCATION: SE ¼ SECTION 9

COUNCIL RESOLUTION NO. DATE OF COUNCIL APPROVAL:

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the event the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.
Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of $550,408.00 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

SIXTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 01.910.3

PROJECT LOCATION: SE ¼ SECTION 9

COUNCIL RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 21 day of September, 2001.

OWNERS
By:

Please Print or Type
JOSEPH MANIACI, MANAGING MEMBER
HARRINGTON PARK DEVELOPMENT LLC

Please Print or Type

CITY OF TROY
By:

Matt Pryor, Mayor

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 21 day of September, A.D.2001, before me personally appeared _____ known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

NOTARY PUBLIC, Elizabeth T. DiMartino Michigan

ELIZABETH T DiMARTINO
Notary Public, Oakland County, MI
My Commission Expires Mar 1, 2003
Acting in Macomb County, MI

My commission expires:

Detailed Summary of Required Escrow Deposits and Cash Fees
Harrington Park Condominiums - Project No. 01.910.3
32 Units – Section 9

The estimated costs of public improvements are:

ESCROW DEPOSITS:	
Sanitary Sewers	32,875
Water Mains	27,817
Storm Sewers	211,484
Rear Yard Drains	18,154
Asphalt Pavement	88,650
Grading	10,000
Detention Basin	----------
Soil Erosion Control Measures	4,560
Monuments and Lot Corner Irons	150
Temporary Access Road	2,500
Wetland Mitigation	----------
Deceleration on Long Lake	11,340
Sidewalks on Long Lake	17,460
Sidewalks on site	35,350
Street Light ($7,000 each)	7,000
Deposit for Repair of Damage to Existing Public Streets Used for Access	19,200
TOTAL ESCROW DEPOSITS:	**486,740**
CASH FEES:	
SUB1. Sidewalk Closures:	1,296
SUB3. Water Main Testing and Chlorination:	650
SUB4. Street Name and Traffic Signs:	1,018
SUB5. Street Island Improvements:	--------
SUB6. Landscaping and Screen Planting of Non-access Greenbelt Easement with Berm:	8,160
SUB6. Landscaping and Screen Planting of Non-access Greenbelt Easement :	5,280
SUB8. Maintenance of Detention Basin:	---------
SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way Long Lake and Wright Street	5,250
SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way On - Site	2,716
SUB10. Soil Erosion and Sedimentation Control Permits:	1,140
SUB11. Testing Services:	6,837
SUB13. Engineering Review and Inspection Fees	24,921
SUB14. Deposit for the Maintenance and Cleaning of Existing Public Streets used for Access:	6,400
TOTAL CASH FEES:	**63,668**

Storm water detention for this development will be provided by
A series of underground, oversized storm sewer pipe on site

BUILDINGS 1
70% OF 25 FRONT YARD AND 20' EACH SIDE = 5584 SF. REQUIRED
= 7387 SF. PROVIDED
= 1,803 SF OVER

BUILDINGS 2
70% OF 25 FRONT YARD AND 20' EACH SIDE = 5584 SF. REQUIRED
= 7326 SF. PROVIDED
= 1,742 SF OVER

BUILDINGS 4,5,6,7
70% OF 25 FRONT YARD AND 20' EACH SIDE = 5042 SF. REQUIRED
= 6327 SF. PROVIDED
BUILDINGS 3 1,285 SF. OVER EACH BLDG = 5,140 SF OVER
70% OF 25' FRONT YARD AND 20' EACH SIDE = 5042 SF. REQUIRED
6654 SF. PROVIDED
= 1,612 SF OVER

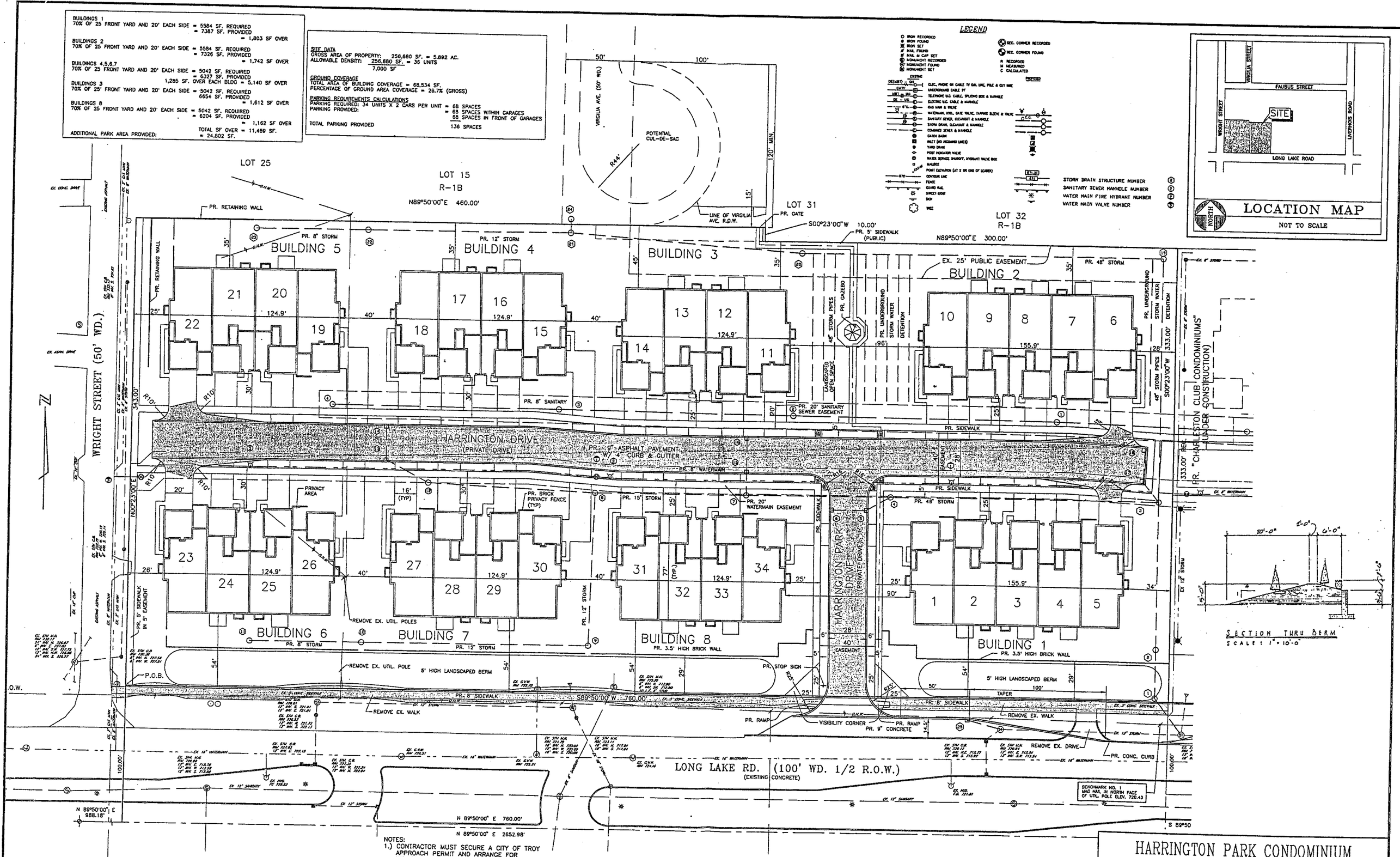
BUILDINGS 8
70% OF 25 FRONT YARD AND 20' EACH SIDE = 5042 SF. REQUIRED
= 6204 SF. PROVIDED
= 1,162 SF OVER

TOTAL SF OVER = 11,459 SF.
ADDITIONAL PARK AREA PROVIDED: = 24,802 SF.

SITE DATA
GROSS AREA OF PROPERTY: 256,680 SF. = 5.892 AC.
ALLOWABLE DENSITY: 256,680 SF. / 7,000 SF = 36 UNITS

GROUND COVERAGE
TOTAL AREA OF BUILDING COVERAGE = 68,534 SF.
PERCENTAGE OF GROUND AREA COVERAGE = 26.7% (GROSS)

PARKING REQUIREMENTS CALCULATIONS
PARKING REQUIRED: 34 UNITS X 2 CARS PER UNIT = 68 SPACES
PARKING PROVIDED: = 68 SPACES WITHIN GARAGES
68 SPACES IN FRONT OF GARAGES
TOTAL PARKING PROVIDED 136 SPACES



S. 1/4 CORNER
SECTION 9
T.2N., R.11E.,
CITY OF TROY
L.14680, P.014

NOTE: R.C.O.C. SHALL INSTALL ALL REQUIRED ROAD SIGNS AT OWNERS EXPENSE.

NOTE: R.C.O.C. PERMIT REQUIRED FOR ALL WORK WITHIN LONG LAKE RD. R.O.W.

NOTES:
1.) CONTRACTOR MUST SECURE A CITY OF TROY APPROACH PERMIT AND ARRANGE FOR INSPECTION BEFORE SUCH WORK IS BEGUN.
2.) SITE IMPROVEMENTS SHALL BE INSPECTED AND APPROVED PRIOR TO ISSUANCE OF A FINAL CERTIFICATE OF OCCUPANCY. CALL FOR A GRADE INSPECTION.
3.) ALL JOINTS FOR STORM DRAINS SHALL BE MODIFIED GROOVED TONGUE WITH RUBBER GASKET CONFORMING TO A.S.T.M. DESIGNATION C-361.

3 WORKING DAYS (EXCLUDING SAT, SUN, AND HOLIDAYS)
BEFORE YOU DIG CALL MISS DIG
1-800-482-7171
(TOLL FREE)

HARRINGTON PARK CONDOMINIUM

PART OF E. 1/2 OF S.E. 1/4 OF SEC. 9, T.2N., R.11E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

GENERAL PLAN

REVISIONS
06/19/01 PER CITY
07/24/01 PER CITY,RCOC
08/28/01 PER OWNER
08/30/01 PER OWNER
09/13/01 PER CITY

Fenn & Associates Inc.
42802 Mound Road
Sterling Heights, Michigan 48314
PHONE: (810) 254-9377
FAX: (810) 254-8020

DRAWN BY: Randy Grimes
SCALE: 1" = 30'
DATE: 05/25/01
DESIGNED BY: Randy Grimes
CHECKED BY: J.S. RIZZO, PE.
DRAWING NUMBER: SHEET 01-416 G 3 OF 11

Approval of Contract for the Installation of Municipal Improvements (Private Agreement) for Harrington Park Condominiums, Project No. 01.910.3

RESOLVED, that the *Contract for the Installation of Municipal Improvements* (Private Agreement) between the City of Troy and Harrington Park Development, L.L.C. is hereby approved for the installation of sanitary sewer, storm sewer, detention, water main, sidewalks, landscaping, soil erosion and paving 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.

Bank One Michigan
Global Trade Services
One Bank One Plaza
Mail Code IL1-0747
Chicago, IL 60670-0747
Tel: (312) 954-1969 Fax: (312) 954-1963
SWIFT: NBDDUS33
Telex: ITT4330253

STANDBY CREDIT

DATE: SEPTMEBER 24, 2001

CITY OF TROY
ATTN:SCOTT FINLEY
500 WEST BIG BEAVER ROAD
TROY, MI 48084

DRAFTS DRAWN MUST BE MARKED:
WITH OUR REF NO: **05153123**
OPENER'S REFERENCE NO:
05153123

GENTLEMEN:

BY THE ORDER OF:

HARRINGTON PARK DEVELOPMENT L.L.C.
50215 SCHOENHERR
SHELBY TOWNSHIP, MI 48315

WE HEREBY ISSUE IN YOUR FAVOR OUR IRREVOCABLE CREDIT NO: **05153123** FOR THE ACCOUNT OF **HARRINGTON PARK DEVELOPMENT L.L.C.** FOR AN AMOUNT OR AMOUNTS NOT TO EXCEED IN THE AGGREGATE **US DOLLARS 486,740.00 (FOUR HUNDRED EIGHTY SIX THOUSAND SEVEN HUNDRED FORTY & 00/100 US DOLLARS)** AVAILABLE BY YOUR DRAFTS AT SIGHT ON BANK ONE, MICHIGAN EFFECTIVE SEPTEMBER 24, 2001 AND EXPIRING AT OUR OFFICE ON **SEPTEMBER 24, 2002.**

FUNDS UNDER THIS CREDIT ARE AVAILABLE AGAINST YOUR DRAFT (S) MENTIONING OUR CREDIT NUMBER

THE BELOW-MENTIONED DOCUMENTS MUST BE PRESENTED AT SIGHT ON OR BEFORE THE EXPIRY DATE ON THIS INSTRUMENT IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THIS LETTER OF CREDIT.

YOUR SIGNED AND DATED STATEMENT, READING AS FOLLOWS:

"WE HEREBY CERTIFY THAT THE AMOUNT $ [SPECIFY AMOUNT] CLAIMED UNDER BANK ONE, MICHIGAN LETTER OF CREDIT NO. **05153123** IS PAYABLE TO CITY OF TROY BECAUSE HARRINGTON PARK DEVELOPMENT L.L.C. HAS FAILED TO SATISFACTORILY COMPLETE ONE OR MORE OF THE JOBS REQUIRED BY THE CITY OF TROY IN CONNECTION WITH THE PROJECT KNOW AS HARRINGTON PARK CONDOMINIUMS LOCATED ON LONG LAKE ROAD BETWEEN LIVERNOIS AND I-75 IN TROY, MICHIGAN."

THE CREDIT IS SUBJECT TO THE UNIFORM CUSTOMS AND PRACTICE FOR DOCUMENTARY CREDITS (1993 REVISION), INTERNATIONAL CHAMBER OF COMMERCE-PUBLICATION 500.

WE ENGAGE WITH YOU THAT DRAFTS DRAWN UNDER AND IN CONFORMITY WITH THE TERMS OF THIS CREDIT WILL BE DULY HONORED ON PRESENTATION IF PRESENTED TO: BANK ONE MICHIGAN, 611 WOODWARD AVENUE, ATTN: GLOBAL TRADE SERVICE DEPT.-MICHIGAN, MAIL CODE MI1-8074, DETROIT, MI 48226 ON OR BEFORE THE EXPIRY DATE. THE ORIGINAL LETTER OF CREDIT MUST ACCOMPANY THE DOCUMENTS REQUIRED UNDER THIS CREDIT.

(CONTINUED)

RECEIVED BY
SEP 25 2001
ENGINEERING

Bank One Michigan
Global Trade Services
One Bank One Plaza
Mail Code IL1-0747
Chicago, IL 60670-0747
Tel: (312) 954-1969 Fax: (312) 954-1963
SWIFT: NBDDUS33
Telex: ITT4330253

OUR REF: 05153123

DATE: SEPTEMBER 24, 2001

PLEASE ADDRESS ALL CORRESPONDENCE REGARDING THIS LETTER OF CREDIT TO: BANK ONE, MICHIGAN, C/O, BANK ONE, NA ATTN: GTS-MICHIGAN, 1 BANK ONE PLAZA, MAIL CODE IL1-0747, CHICAGO, IL 60670-0747 MENTIONING OUR REFERENCE NUMBER AS IT APPEARS ABOVE.

VERY TRULY YOURS,

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

September 25, 2001

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: JOHN SZERLAG, CITY MANAGER
GARY SHRIPKA, ASSISTANT CITY MANAGER
STEVE VANDETTE, CITY ENGINEER
LORI GRIGG BLUHM, CITY ATTORNEY

RE: COOLIDGE ROAD RECONSTRUCTION CONTRACTS

In reviewing the file, it was discovered that the Addendum to Contract and Change Order, and Second Addendum to Contract and Change Order for the Coolidge Road reconstruction and realignment were negotiated, but never officially approved by the City Council.

These contracts supplement the consent judgment between the City of Troy and Grand Sakwa, and extend the rights and responsibilities to the sub-contractors who were completing the reconstruction project, Clark Construction Company and Angelo Iafrate Construction Company.

It is our recommendation that City Council authorize the execution of these contracts, especially now that the project is approximately 90% complete. All parties mistakenly assumed that the contract was approved in January 2001, and have performed accordingly.

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

ADDENDUM TO CONTRACT AND CHANGE ORDER

This Addendum to Change Order and Contract Documents made this _____ day of December, 2000, by and between Clark Construction Company (hereinafter referred to as "Clark"), Angelo Iafrate Construction Company (hereinafter referred to as "Iafrate"), Grand Sakwa Properties, L.L.C. (hereinafter referred to as "Grand"), and the City of Troy (hereinafter referred to as "Troy").

WHEREAS, Grand has entered into certain Contract Documents, attached as Exhibit "A", with Clark, to undertake the work associated with the reconstruction and realignment of Coolidge Highway, pursuant to a First Amended and Restated Consent Judgment with the City of Troy, dated June 2, 2000, recorded in Liber 21665, Page 516, Oakland County Records attached; and

WHEREAS, Clark has entered into the attached Contract Documents with Iafrate to undertake the work pursuant to Purchase Order No. 2271-01, with general conditions which modifies letter of July 20, 2000 from Iafrate to Clark with unit prices; letter dated August 3, 2000 from Clark to Iafrate, being a Letter of Intent to Proceed; Change Order dated August 8, 2000 signed by Grand for the work required under the Judgment for the lump sum of $3,088,000.00; and

WHEREAS, the attached Contract Documents set forth the terms and conditions for the construction of such improvements and all work which is based upon the Plan and specifications prepared by Zeimet-Wozniak & Associates, Inc., dated August 15, 2000; and

WHEREAS, it is acknowledged that the realignment and construction on Coolidge Highway is for a public purpose, and the City has a public interest in the construction of such Project, and pursuant to the Amended and Restated Consent Judgment, has a financial obligation for the installation of improvements, all as set forth within the Amended and Restated Consent Judgment; and

WHEREAS, the City of Troy shall be inspecting the work and progress in the normal course of construction;

NOW, THEREFORE,

IT IS HEREBY AGREED, by and between the parties, that in consideration of the aforegoing and for other good and other valuable consideration, as follows:

1. The parties acknowledge that the Contract Documents form a third party beneficiary contract which is enforceable by the City of Troy.

2. It is agreed that any further Change Orders the effect of which is to reduce the scope of work, or any increase in the Lump Sum Price, shall be subject to the written approval of both the City and Grand.

3. Any requested Change Order which requires an increase or decrease in Lump Sum Price shall necessitate and require that detailed plans be presented to the City and Grand, together with the Unit Price for each item set forth in the Change Order and indicating why such Change Order is necessitated.

4. There shall be a ten (10%) percent retainage upon all funds due Clark (except the initial mobilization) until the final payment under Change Order No. 00-2271-R, at which time the balance of the Lump Sum agreed upon amount shall be paid upon compliance with the General Conditions, including approval of all sworn statements and waivers.

5. Progress payments for maintaining traffic, job overhead and profit, gas company delays and conflicts, dust control, layout and engineering, flagging and striping, will be paid proportional to the quantity of itemized work completed. All progress payments and requests for payments shall be accompanied by sworn statements and waivers of lien, and shall be based on unit price, as determined by the City by inspections and evaluating work in progress on a unit price basis. It is understood, however, that this is a Lump Sum Contract and that the final payment shall include the balance of such lump sum amounts.

6. The City shall pay all the charges under the Contract Documents and approved Change Orders, in accordance with the terms and conditions of the Amended and Restated Consent Judgment. The City shall make all of its payments to Grand and Clark. Grand shall then endorse such checks and cause delivery to Clark. Grand shall reimburse the City for Grand's share of the charges and costs upon establishment and funding by the City of the Special Assessment District and upon receipt of the yearly assessment billing by Grand for the amortization period and up to the amount as provided within the first Amended and Restated Judgment.

7. It is agreed that in all other respects, the Contract Documents, including the Purchase Order and Change Order remain in full force and effect, including all the documents attached hereto as Exhibits, except as modified herein.

8. In the event of a conflict or ambiguity between this Addendum and the documents and exhibits constituting the Contract Documents, this Addendum shall control.

9. A budget amount of $300,000 is established for traffic signal installations based on estimates provided by Mansell Associates.

10. The Coolidge Road and Maple Road intersection improvements will be commenced during the paving season of 2001, or sooner, if feasible.

11. In the event there is a conflict with the dates of commencement of construction and the First Amended and Restated Consent Judgment, this Agreement shall control.

IN THE PRESENCE OF:

MIKE FITZGERALD

CLARK CONSTRUCTION COMPANY,
A Michigan Corporation

By: Gerald Bowman

Its: Project Director

IN THE PRESENCE OF

HEATHER L. CYPHER

GRAND SAKWA PROPERTIES, L.L.C.,
A Michigan Limited Liability Company

By: GARY N. COOPER

Its: DEV. MNGR

MICHAEL J. BLITZ

ANGELO IAFRATE CONSTRUCTION CO., A Michigan Corporation

By: JOE GOODALL

Its: Proj. Manager

CITY OF TROY,
A Municipal Corporation

By: _____

Its: _____

SECOND ADDENDUM TO CONTRACT AND CHANGE ORDER

This Addendum to Change Order and Contract Documents made this _____ day of December, 2000, by and between Clark Construction Company (hereinafter referred to as "Clark"), Angelo Iafrate Construction Company (hereinafter referred to as "Iafrate"), Grand Sakwa Properties, L.L.C., including Grand/Sakwa New Holland L.L.C., and Grand/Sakwa Residential New Holland, L.L.C., (hereinafter referred to as "Grand"), and the City of Troy (hereinafter referred to as "Troy").

WHEREAS, Grand has entered into certain Contract Documents, with Clark, to undertake the work associated with the reconstruction and realignment of Coolidge Highway, pursuant to a First Amended and Restated Consent Judgment with the City of Troy, dated June 2, 2000, recorded in Liber 21665, Page 516, Oakland County Records attached; and

WHEREAS, Clark has entered into Contract Documents with Iafrate to undertake the work pursuant to Purchase Order No. 2271-01, with general conditions which modifies letter of July 20, 2000 from Iafrate to Clark with unit prices; letter dated August 3, 2000 from Clark to Iafrate, being a Letter of Intent to Proceed; Change Order dated August 8, 2000 signed by Grand for the work required under the Judgment; and

WHEREAS, the Contract Documents set forth the terms and conditions for the construction of such improvements and all work which is based upon the Plan and specifications prepared by Zeimet-Wozniak & Associates, Inc., dated August 15, 2000; and

WHEREAS, Clark, Iafrate, Grand and the City did enter into an Addendum to Contract and Change Order dated effective December ___, 2000; and

WHEREAS, the manner of payment and limitation of the amount of Grand's contribution toward the reconstruction and realignment of Coolidge Highway is set forth within the First Amended and Restated Consent Judgment and the Addendum to Contract and Change Order; and

WHEREAS, in the course of excavation it has been discovered that there is contaminated soil within the Coolidge right of way which is not due to or migrating from the Grand property and is migrating from the east to the west; for which Grand is not responsible:

NOW, THEREFORE,

IT IS HEREBY UNDERSTOOD AND AGREED, by and between the parties, as follows:

1. That Grand (including Grand/Sakwa New Holland L.L.C. and Grand/Sakwa Residential New Holland L.L.C.), has no responsibility for the correction, re-

mediation or clean up of such contamination within the Coolidge right of way which shall be the sole obligation and responsibility of the City. The City shall not be precluded from pursuing any rights it may have against any other third-party responsible for such contamination.

2. Clark and Iafrate will undertake to sub-contract work to excavate, remove and dispose of such material by use of licensed contractors and haulers and to remove such materials to appropriate disposal facilities at the direction of Conestoga-Rovers & Associates ("CRA") and upon execution of a written Change Order that provides for the City to pay for the testing, labor and material, disposal and removal of the contaminated materials, including the charges of Clark, Iafrate, CRA and legal fees and costs incurred by Grand.

3. Grand agrees that for purposes of determining the cost for the reconstruction and realignment of Coolidge Highway and the contribution of Grand to such costs (up to the maximum amount for which Grand is obligated to contribute which is capped within the First Amended and Restated Judgment) that the costs incurred by the City as set forth in Paragraph 2 above, for remediation and cleanup including excavation, disposal, testing, labor and material, etc., shall be included within such costs.

4. It is agreed that in all other respects, the Contract Documents, including the Purchase Order and Change Order remain in full force and effect, including all the documents attached hereto as Exhibits, except as modified in the Addendum and this Second Addendum.

IN THE PRESENCE OF:

MIKE FITZGERALD

CLARK CONSTRUCTION COMPANY,
A Michigan Corporation

By: Gerald Boerner

Its: Project Director

IN THE PRESENCE OF

HEATHER L. CYPHER

GRAND SAKWA PROPERTIES, L.L.C.,
A Michigan Limited Liability Company

By: GARY N. COOPER

Its: DEV. MNGR

IN THE PRESENCE OF:

MICHAEL J. BLITZ

ANGELO IAFRATE CONSTRUCTION CO., A Michigan Corporation

By: JOE GOODALL

Its: Proj. Manager

IN THE PRESENCE OF:

CITY OF TROY,
A Municipal Corporation

By: _____

Its: _____

DATE: September 25, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Mark Miller, Interim Planning Director
Mark Stimac, Director of Building and Zoning

SUBJECT: Request for Temporary Trailer
Bob Borst Lincoln-Mercury
1950 W. Maple

We have received a request from B. Borst, President of Bob Borst Lincoln-Mercury, Inc., to temporarily place two office trailers at the location of the existing dealership at 1950 W. Maple. The purpose of the trailers is to house the dealership operations until the current renovation project is completed. Mr. Borst's letter indicates that they need to use the trailer through January 31, 2002.

Chapter 47 of the City Code allows Council to approve the placement of temporary office trailers on commercial sites for a period up to twelve months.

We have reviewed their request and find the proposed locations on the site to be acceptable. A copy of a portion of the site plan showing the location of the trailers is enclosed for your reference. Approval of the request for the temporary trailers is recommended.

Attachments

MERCURY
LINCOLN

Bob Borst Lincoln-Mercury, Inc.

(248) 643-6600 1950 W. Maple St.
Troy, Michigan 48084

RECEIVED
SEP 24 2001
BUILDING DEPARTMENT

September 21, 2001

Mr. Mark Stimak
Director of Building & Zoning
500 W. Big Beaver
Troy, MI 48084

Dear Sir:

This is a request for the use of two (2) trailers to be used for a 4 month period starting the 1st of October 2001 thru 31st of January 2002.

The reason for the need of the trailers is that we are tearing down the front portion of the building and building new. Plus we are remodeling part of the service department for write-up area and new car delivery. The hours for the trailers are the same as our normal business hours: Monday and Thursday 7:30 AM to 9:00 PM, Tuesday, Wednesday and Friday 7:30AM to 6:00 PM. The trailers have working restrooms being serviced by a registered porta john company.

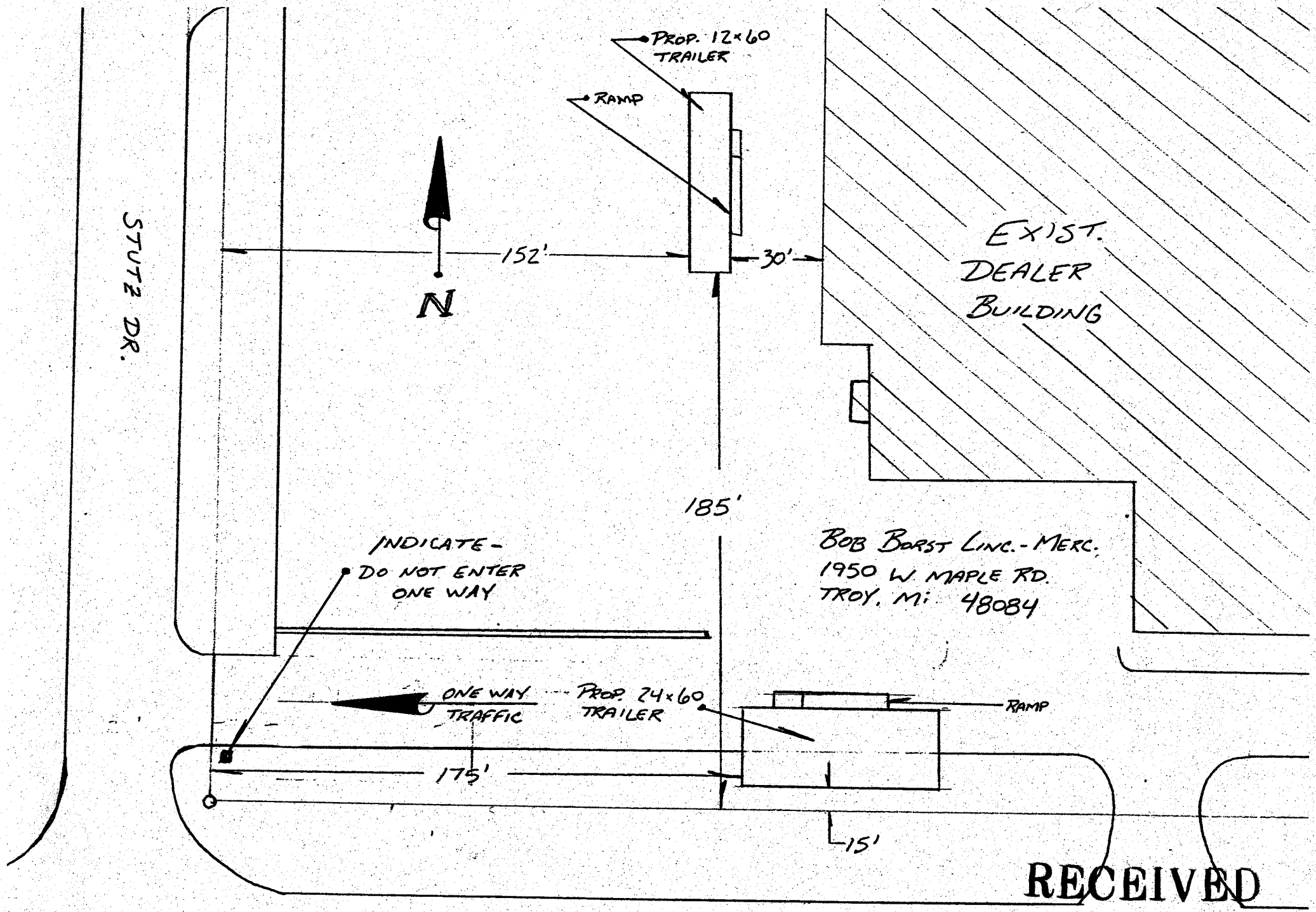
Temporary power and phones will be installed for the period of time needed. There will be handicap ramps installed on both trailers.

The trailer size 24x60 to be used for new and used car salespersons and managers plus customers. Second trailer, 12x60, to be used for customer write up for service on their cars. These trailers are Michigan rated BOCA.

Sincerely,

B. Borst, Pres.

BB;dh



SCALE 1"=40'

NOTE- TEMP. WIRING TO BE UNDERGROUND

MAPLE ROAD

RECEIVED
SEP 24 2001
BUILDING DEPARTMENT

September 18, 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 Acceptance of Easements & Approval of Agreements
Charleston Club Condominium Project – Estate Millcreek, L.L.C.
Project No. 00.912.3 - Sidwell #88-20-09-476-009, -010 & -011

In connection with the construction of a 12 unit residential condominium development on the north side of Long Lake Road west of Livernois, the Real Estate & Development Department has acquired the documents listed below. The consideration on each document is $1.

GRANTOR	TYPE OF DOCUMENT
Estate Millcreek, L.L.C.	Watermain Easement
Estate Millcreek, L.L.C.	Sanitary Sewer Easement
Estate Millcreek, L.L.C.	Emergency Storm Sewer Easement
Estate Millcreek, L.L.C.	Emergency Access Easement
Estate Millcreek, L.L.C.	Sidewalk Agreement
Estate Millcreek, L.L.C.	Private Road Agreement

A Private Road Agreement for this project was previously approved by City Council, but it will be replaced by the attached agreement. The new agreement is similar to the original agreement, however, the original agreement did not reference all of the necessary easements.

In order for the developers to proceed with this project, we recommend that City Council accept the attached easements, approve the attached agreements and authorize the Mayor and City Clerk to sign the Sidewalk Agreement and Private Road Agreement.

cc: Steve Vandette, City Engineer
William Need, Public Works Director
Mark Miller, Interim Director of Planning

PERMANENT EASEMENT

Sidwell #88-20-09-476-009, -010 & -011

Estate Millcreek, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is 70 West Long Lake Road, Suite 116, Troy, Michigan 48098 for and in consideration of the sum of: One and no/100 Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace watermain, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed HIS signature(s) this 6TH day of DECEMBER A.D. 20 00

In presence of:
WITNESS

Patty Cross
* PATTY CROSS

Patricia A. Petitto
* PATRICIA A. PETITTO

ESTATE MILLCREEK L.L.C., a Michigan Limited Liability Company

By [signature] (L.S.)
*Frank Bronzetti
Its Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 6TH day of DECEMBER, 2000, by Frank Bronzetti, its Member on behalf of Estate Millcreek, L.L.C., a Michigan Limited Liability Company.

Patricia A. Petitto
* PATRICIA A. PETITTO
Notary Public, OAKLAND County, Michigan

My Commission Expires 12-31-03

Prepared by: Patricia A. Petitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

TOTAL SITE
Lots 3 and 4, except the South 67.00 feet thereof, of "Two Acre Farms Subdivision", being a part of the East 1/2 of the Southeast Quarter of Section 9, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan as recorded in Liber 28, Page 16 of Plats, Oakland County Records.

WATERMAIN EASEMENT
Commencing at the Southeast corner of Lot 4; thence North 00°23'00" East 67.00 feet along the East line of Lot 4 to the point of beginning; thence continuing along the East line of Lot 4 North 00°23'00" East 162.99 feet; thence South 89°50'00" West 400.00 feet to the West line of Lot 3; thence South 00°23'00" West 20.00 feet along the West line of Lot 3; thence North 89°50'00" East 380.00 feet; thence South 00°23'00" West 142.99 feet to the North right of way line of Long Lake Road; thence North 89°50'00" East 20.00 feet along the North right of way line of Long Lake Road to the point of beginning.

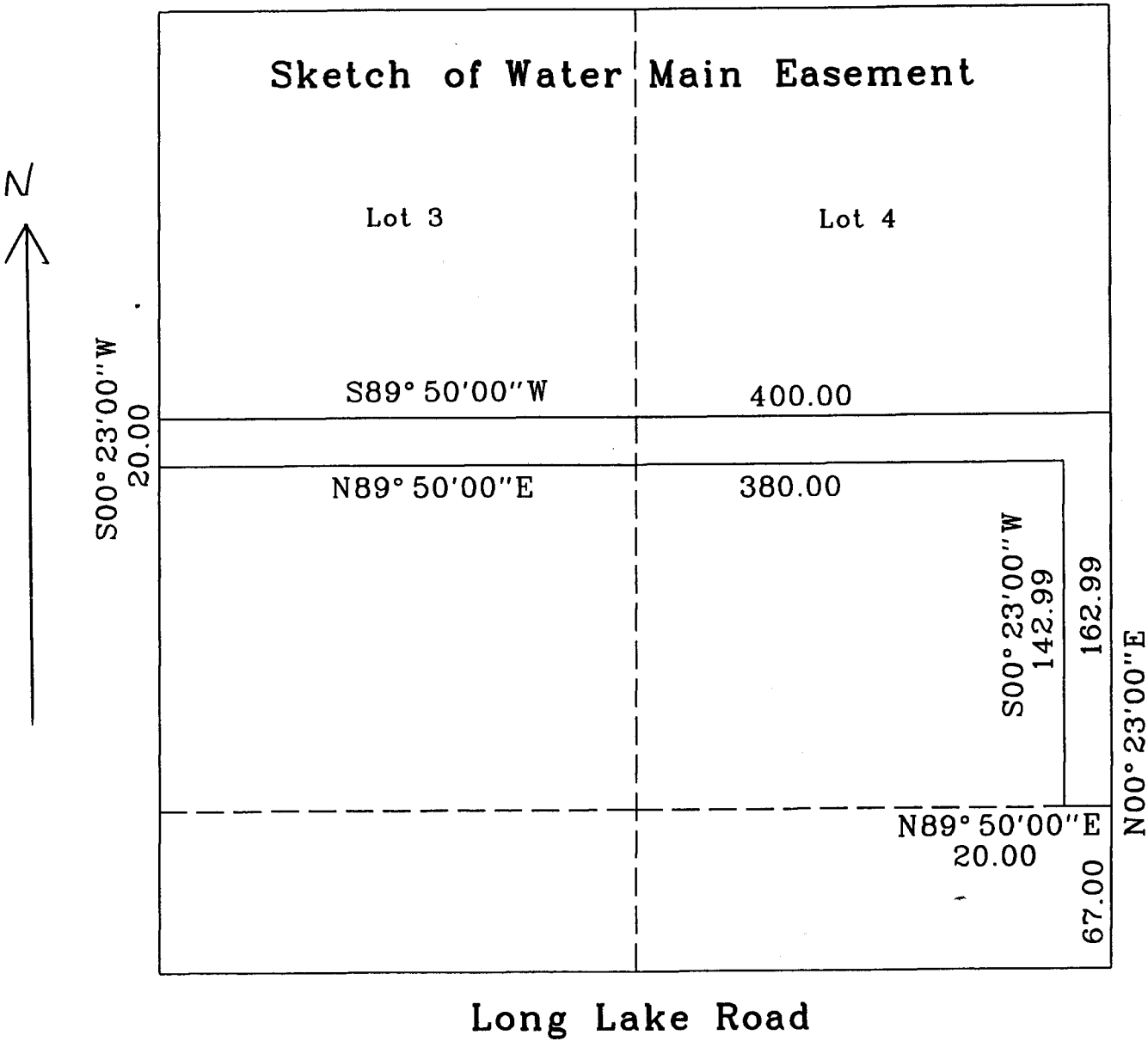

Sketch of Water Main Easement
N
Lot 3
Lot 4
S00° 23'00"W
20.00
S89° 50'00"W
400.00
N89° 50'00"E
380.00
S00° 23'00"W
142.99
162.99
N00° 23'00"E
N89° 50'00"E
20.00
67.00
Long Lake Road

EXHIBIT "C"

PERMANENT EASEMENT

Sidwell #88-20-09-476-009, -010 & -011

Estate Millcreek, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is 70 West Long Lake Road, Suite 116, Troy, Michigan 48098 for and in consideration of the sum of: One and no/100 Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed HIS signature(s) this 6TH day of DECEMBER A.D. 2000

In presence of:
WITNESS

Patty Gross
* PATTI GROSS

Patricia A. Petitto
* PATRICIA A. PETITTO

ESTATE MILLCREEK L.L.C., a Michigan Limited Liability Company

By _____ (L.S.)
*Frank Bronzetti
Its Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 6TH day of DECEMBER, by Frank Bronzetti, its Member on behalf of Estate Millcreek, L.L.C., a Michigan Limited Liability Company.

Patricia A. Petitto
*PATRICIA A. PETITTO
Notary Public, OAKLAND County, Michigan

My Commission Expires 12-31-03

Prepared by: Patricia A. Petitto
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

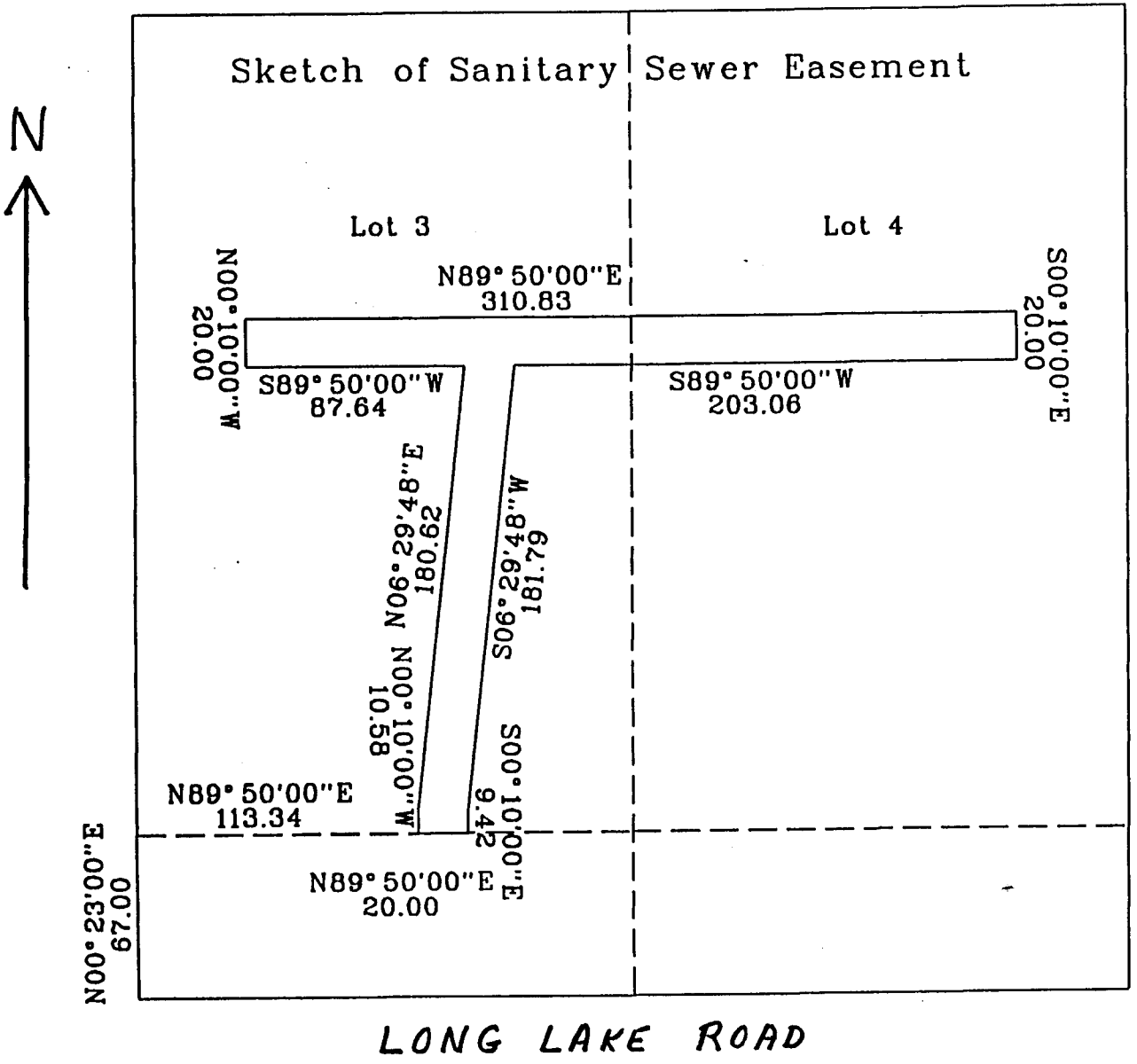
Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

TOTAL SITE
Lots 3 and 4, except the South 67.00 feet thereof, of "Two Acre Farms Subdivision", being a part of the East 1/2 of the Southeast Quarter of Section 9, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan as recorded in Liber 28, Page 16 of Plats, Oakland County Records.

SANITARY SEWER EASEMENT
Commencing at the Southwest corner of Lot 3; thence North 00°23'00" East 67.00 feet along the West line of Lot 3; thence North 89°50'00" East 113.34 feet along the North right of way line of Long Lake Road to the Point of Beginning; thence North 00°10'00" West 10.58 feet; thence North 06°29'48" East 180.62 feet; thence South 89°50'00" West 87.64 feet; thence North 00°10'00" West 20.00 feet; thence North 89°50'00" East 310.83 feet; thence South 00°10'00" East 20.00 feet; thence South 89°50'00" West 203.06 feet; thence South 06°29'48" West 181.79 feet; thence South 00°10'00" East 9.42 feet to the North right of way line of Long Lake Road; thence South 89°50'00" West 20.00 feet along the North right of way line of Long Lake Road to the Point of Beginning.


Sketch of Sanitary Sewer Easement
N
Lot 3
Lot 4
N89° 50'00"E
310.83
N00° 10'00"W
20.00
S00° 10'00"E
20.00
S89° 50'00"W
87.64
S89° 50'00"W
203.06
N06° 29'48"E
180.62
S06° 29'48"W
181.79
N00° 10'00"W
10.58
S00° 10'00"E
9.42
N89° 50'00"E
113.34
N89° 50'00"E
20.00
N00° 23'00"E
67.00
LONG LAKE ROAD

EMERGENCY ACCESS EASEMENT

Sidwell #88-20-09-476-009, -010 & -011

ESTATE MILLCREEK L.L.C., a Michigan Limited Liability Company ("Grantor") whose address is 70 West Long Lake Road, Suite 116, Troy, Michigan 48098, for and in consideration of the sum of One Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation ("Grantee") whose address is 500 West Big Beaver Road, Troy, Michigan 48084, as the fee simple owner of the real property described on Exhibit A, which is attached hereto and by this reference made a part hereof, grants to the Grantee the right to enter upon the real property described on Exhibit B ("Legal Description Road Easement"), which is attached hereto and by this reference made a part hereof, (the "Street Easement Area") for emergency ingress and egress, and police and fire protection. The Street Easement Area is shown on the drawing attached hereto as Exhibit C and by this reference made a part hereof.

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

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

[The signature block in its entirety is contained on the following page]

IN WITNESS WHEREOF, the undersigned hereunto affixed their signature(s) this 6TH day of DECEMBER, 2000.

In the presence of:
WITNESSES:

Patty Gross
PATTY GROSS

Patricia A. Petitto
PATRICIA A. PETITTO

ESTATE MILLCREEK, L.L.C., a Michigan Limited Liability Company

*Frank Bronzetti
Its Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

Subscribed and sworn to before me this 6TH day of DECEMBER, 2000, by Frank Bronzett, its Member, on behalf of Estate Millcreek, L.L.C., a Michigan Limited Liability Company.

Patricia A. Petitto
PATRICIA A. PETITTO
Notary Public, OAKLAND County, MI
My Commission Expires: 12-31-03

DRAFTED BY:
Patricia A. Petitto
City of Troy
500 West Big Beaver Road
Troy, MI 48084

WHEN RECORDED PLEASE RETURN TO:
City Clerk
City of Troy
500 West Big Beaver Road
Troy, MI 48084

EXHIBIT "A"

TOTAL SITE

Lots 3 and 4, except the South 67.00 feet thereof, of "Two Acre Farms Subdivision", being a part of the East Half of the Southeast Quarter of Section 9, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan as recorded in Liber 28 of Plats, Page 16, Oakland County Records.

EXHIBIT "B"

EMERGENCY ACCESS EASEMENT

Commencing at the Southwest corner of Lot 3; thence North 00°23'00" East 67.00 feet along the West line of Lot 3; thence North 89°50'00" East 140.01 feet along the North right of way line of Long Lake Road to the point of beginning; thence North 00°23'00" East 152.00 feet; thence South 89°50'00" West 140.01 feet; thence North 00°23'00" East 40.00 feet; thence North 89°59'00" East 400.00 feet; thence South 00°23'00" West 40.00 feet; thence South 89°50'00" West 219.99 feet; thence South 00°23'00" West 152.00 feet to the North right of way line of Long Lake Road; thence South 89°50'00" West 40.00 feet along the North right of way line of Long Lake Road to the point of beginning.

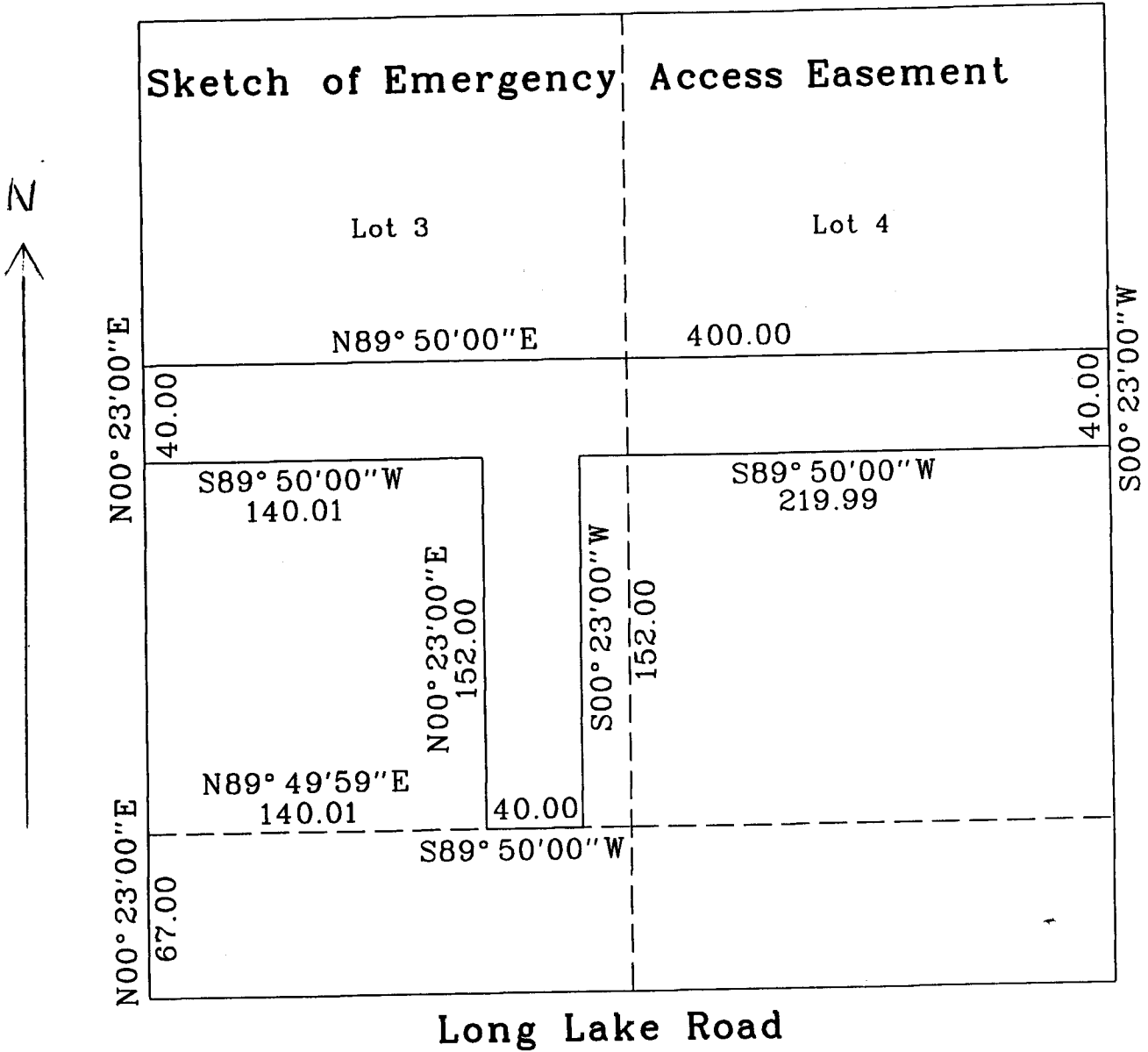

Sketch of Emergency Access Easement
N
Lot 3
Lot 4
N89° 50'00"E
400.00
N00° 23'00"E
40.00
S00° 23'00"W
40.00
S89° 50'00"W
140.01
S89° 50'00"W
219.99
N00° 23'00"E
152.00
S00° 23'00"W
152.00
N89° 49'59"E
140.01
40.00
S89° 50'00"W
N00° 23'00"E
67.00
Long Lake Road

EXHIBIT "C"

EMERGENCYSTORM SEWER EASEMENT

Sidwell #88-20-09-476-009, -010 & -011

ESTATE MILLCREEK L.L.C., a Michigan Limited Liability Company ("Grantor") whose address is 70 West Long Lake Road, Suite 116, Troy, Michigan 48098, for and in consideration of the sum of One Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation ("Grantee") whose address is 500 West Big Beaver Road, Troy, Michigan 48084, grants to the Grantee the right to, on an emergency basis, maintain, repair and/or replace the on-site private storm water drainage system including, storm sewer mains and storm water detention facilities (but not including any storm sewer leads") (the "Storm Sewer System"), located on the real property situated in the City of Troy, Oakland County, Michigan, more particularly described on Exhibit A, which attached hereto and by this reference made a part hereof (the "Property"), and to enter upon the roads constructed on the Property and sufficient land adjacent to said storm drainage system improvements for the purpose of maintaining, repairing and/or replacing any portion of the storm drainage system.

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

Notwithstanding the rights granted to the Grantee under this Emergency Storm Sewer Easement, the Grantee shall have no obligation to maintain the Storm Sewer System. The grant of this easement is intended to allow the Grantee to enter upon the Property and maintain, repair and/or replace any portion of the Storm Sewer System in the event the then-current owners of the Property fail to maintain, repair or replace the Storm Sewer System and the Grantee determines, in its sole discretion, that a public health hazard or public nuisance exists that would be eliminated by the Grantee exercising its rights under this emergency easement.

In the event the Grantee does perform maintenance, repair or replacement of the Storm Sewer System, the owner, or, if a condominium is established on the Property, the co-owners of the condominium through their association shall reimburse the Grantee the cost (calculated at the Grantee's overtime rate for employees) incurred by the Grantee to perform such maintenance, repair and/or replacement of any portion of the Storm Sewer System. If the Owner, Co-owners or Association fail to reimburse the Grantee, the Grantee shall be entitled to impose a lien on the Property that shall encumber the Property and, if a condominium is established, all condominium units on the Property in an amount equal to the costs incurred by the Grantee.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signature(s) this 6TH day of DECEMBER, 2000.

In the presence of:

WITNESSES:

Patti Gross
PATTI GROSS

Patricia A. Petitto
PATRICIA A. PETITTO

ESTATE MILLCREEK, L.L.C., a Michigan Limited Liability Company

*Frank Bronzetti

Its Member

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

Subscribed and sworn to before me this 6TH day of DECEMBER, 2000, by Frank Bronzetti, its Member, on behalf of Estate Millcreek, L.L.C., a Michigan Limited Liability Company.

Patricia A. Petitto
PATRICIA A. PETITTO
Notary Public, OAKLAND County, MI
My Commission Expires: 12-31-03

DRAFTED BY:

Patricia A. Petitto
City of Troy
500 West Big Beaver Road
Troy, MI 48084

WHEN RECORDED PLEASE RETURN TO:

City Clerk
City of Troy
500 West Big Beaver Road
Troy, MI 48084

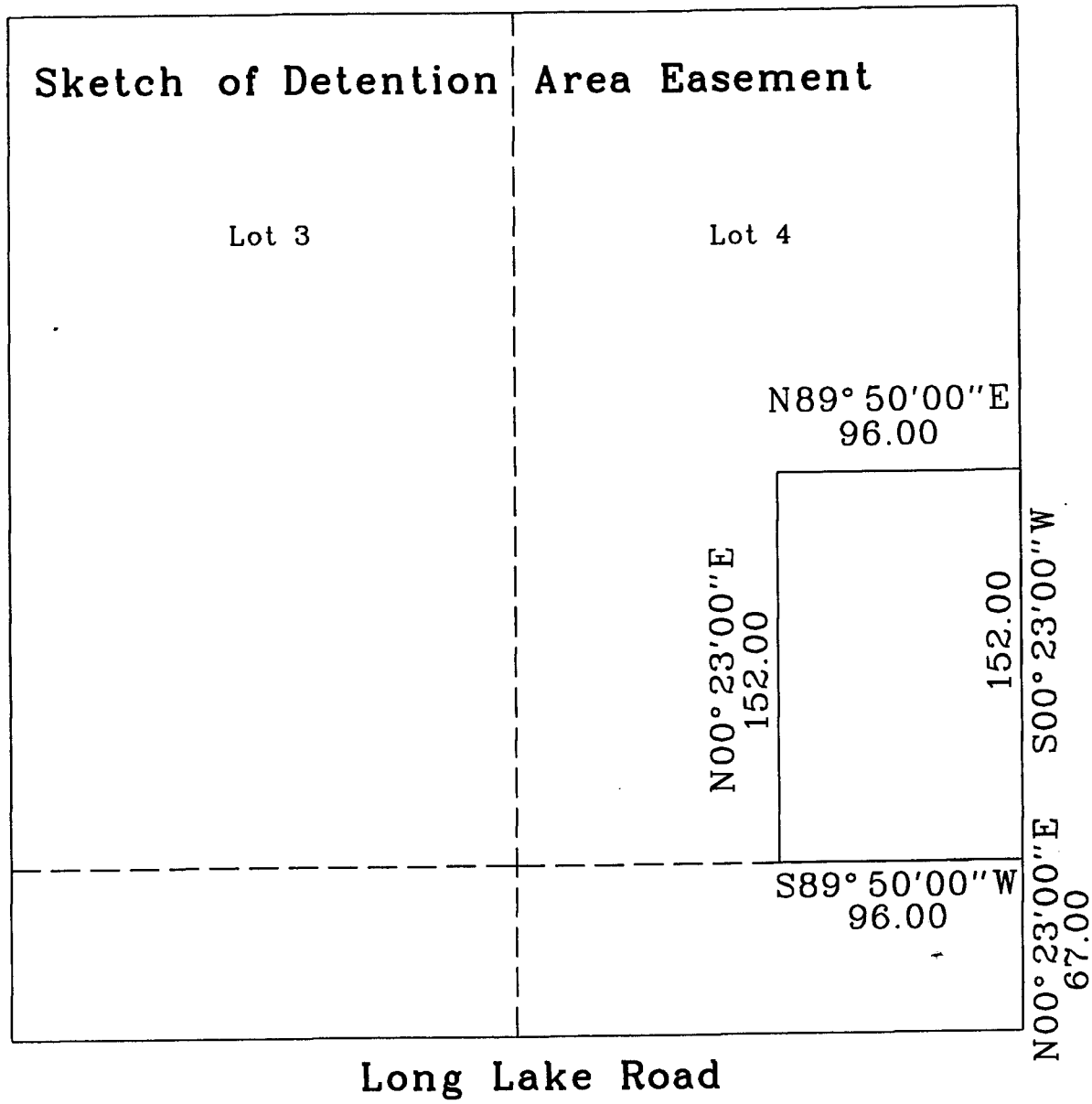
EXHIBIT "A"

TOTAL SITE

Lots 3 and 4, except the South 67.00 feet thereof, of "Two Acre Farms Subdivision", being a part of the East Half of the Southeast Quarter of Section 9, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan as recorded in Liber 28 of Plats, Page 16, Oakland County Records.

DETENTION AREA EASEMENT

Commencing at the Southeast corner of Lot 4; thence North 00°23'00" East 67.00 feet along the East line of Lot 4 to the point of beginning; thence South 89°50'00" West 96.00 feet; thence North 00°23'00" East 152.00 feet; thence North 89°50'00" East 96.00 feet; thence South 00°23'00" West 152.00 feet along the East line of Lot 4 to the Point of Beginning.


Sketch of Detention Area Easement
Lot 3
Lot 4
N89° 50'00"E
96.00
N00° 23'00"E
152.00
152.00
S00° 23'00"W
S89° 50'00"W
96.00
N00° 23'00"E
67.00
Long Lake Road

SIDEWALK AGREEMENT

Sidwell #88-20-09-476-009, -010 & -011

THIS PRIVATE SIDEWALK AGREEMENT ("Agreement") made this 6TH day of DECEMBER, 2000, between ESTATE MILLCREEK L.L.C., a Michigan Limited Liability Company ("Developer") whose address is 70 West Long Lake Road, Suite 116, Troy, Michigan 48098, and the CITY OF TROY, a Michigan Municipal Corporation ("City") whose address is 500 West Big Beaver Road, Troy, Michigan 48084,

WITNESSETH:

WHEREAS, Developer is the owner of certain real property located in the City of Troy, Oakland County, Michigan, more particularly described on Exhibit A (the "Land"), which is attached to this Agreement and made a part hereof, and

WHEREAS, Developer intends to develop a residential condominium project within a R-1T Zoning District, with private sidewalks located within the portion of the Land described on Exhibit B (the "Sidewalk Easement Area"), which is attached to this Agreement and made a part hereof, and seeks the approval of the City Council; and

WHEREAS, the Sidewalk Easement Area is shown on the drawing attached hereto as Exhibit C and by this reference made a part of hereof; and

WHEREAS, the City is willing to approve the private sidewalk system, provided that Developer will agree that the sidewalks will never be dedicated to the public and the City will never be required to maintain them; and

WHEREAS, in conjunction with approval of the private sidewalk system, the City must be assured that the residents of Developer's condominium project will be obligated to maintain the sidewalks.

NOW, THEREFORE, in consideration of One Dollar ($1.00) paid by the City, Developer and City agree as follows:

1. City approves the use of a private sidewalk system to serve the proposed residential condominium development on the Land.

2. Developer agrees, on its behalf and on behalf of all future owners of the Land, that the condominium association created to administer the condominium established on the Land shall always have the obligation to install and forever keep and maintain the sidewalks on the Land and shall never request that the City accept a dedication of the sidewalks for public use and/or request the City to maintain, repair and/or replace the sidewalks

3. Developer, on behalf of all future Co-owners, agrees that neither the Co-owners nor the Association, shall ever remove the sidewalks on the Land.

4. No modification, amendment or supplement to the terms and conditions stated in this Agreement shall be effective unless in writing and signed by each of the parties.

5. This Agreement shall be governed by and interpreted in accordance with the ordinances of the City of Troy and the laws of the State of Michigan.

6. This Agreement shall be binding upon and inure to the benefit of the respective heirs, representatives, successors and permitted assigns of the parties.

7. This Agreement shall be recorded in the office of the Oakland County Register of Deeds.

8. This Agreement shall be governed by and interpreted in accordance with the ordinances of the City of Troy and the laws of the State of Michigan.

9. This Agreement shall be binding upon and inure to the benefit of the respective heirs, representatives, successors and permitted assigns of the parties.

10. This Agreement shall be recorded in the office of the Oakland County Register of Deeds.

11. This Agreement shall be governed by and interpreted in accordance with the ordinances of the City of Troy and the laws of the State of Michigan.

12. This Agreement shall be binding upon and inure to the benefit of the respective heirs, representatives, successors and permitted assigns of the parties.

13. This Agreement shall be recorded in the office of the Oakland County Register of Deeds.

14. This Agreement shall be governed by and interpreted in accordance with the ordinances of the City of Troy and the laws of the State of Michigan.

15. This Agreement shall be binding upon and inure to the benefit of the respective heirs, representatives, successors and permitted assigns of the parties.

16. This Agreement shall be recorded in the office of the Oakland County Register of Deeds.

17. Developer agrees to reference this Agreement in the master deed that establishes the Condominium on the Land.

18. Any notice required or permitted to be given to either party by the other pursuant to this Agreement shall be deemed to be sufficient if in writing and either personally delivered, sent by facsimile, telecopier or telegram, or sent by certified or registered mail, postage prepaid to the following addresses:

To Developer: Estate Millcreek, L.L.C.
70 West Long Lake Road, Suite 116
Troy, Michigan 48098

To City: City of Troy
Real Estate & Development Department
500 West Big Beaver Road
Troy, Michigan 48084

or at such other address as either party shall designate by written notice to the other. Such notice shall be deemed given on the date when personally served or, if by facsimile, telecopier or telegram, on the day it is sent or, if by mail, on the day it is posted.

19. In the event either party hereto commences litigation against the other to enforce its rights hereunder, the prevailing party in such litigation shall be entitled to recover from the other party its reasonable attorneys fees and expenses incident to such litigation (through all appeals).

20. All provisions of this instrument, including the benefits and burdens, run with the land are binding upon and inure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

In the presence of:

WITNESSES:

Patti Gross
PATTI GROSS

Patricia A. Petitto
PATRICIA A. PETITTO

ESTATE MILLCREEK, L.L.C., a Michigan Limited Liability Company

*Frank Bronzetti

Its Member

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

Subscribed and sworn to before me this 6TH day of DECEMBER, 2000, by Frank Bronzetti, its Member, on behalf of Estate Millcreek, L.L.C., a Michigan Limited Liability Company.

Patricia A. Petitto
PATRICIA A. PETITTO
Notary Public, OAKLAND County, MI
My Commission Expires: 12-31-03

WITNESSES:

CITY OF TROY,
a Michigan Municipal Corporation

_____

By: _____
*Matt Pryor
It's Mayor

By: _____
*Tonni Bartholomew
It's City Clerk

_____

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____day of _____, 2000, by Matt Pryor and Tonni Bartholomew, the Mayor and City Clerk of the CITY OF TROY, a Michigan Municipal Corporation, on behalf of the City.

_____

Notary Public, County, MI
My Commission Expires:

DRAFTED BY:

Patricia A. Petitto
City of Troy
500 West Big Beaver Road
Troy, MI 48084

WHEN RECORDED PLEASE RETURN TO:

City Clerk
City of Troy
500 West Big Beaver Road
Troy, MI 48084

EXHIBIT "A"

Lots 3 and 4, except the South 67.00 feet thereof, of "Two Acre Farms Subdivision", being a part of the East Half of the Southeast Quarter of Section 9, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan as recorded in Liber 28 of Plats, Page 16, Oakland County Records.

EXHIBIT "B"

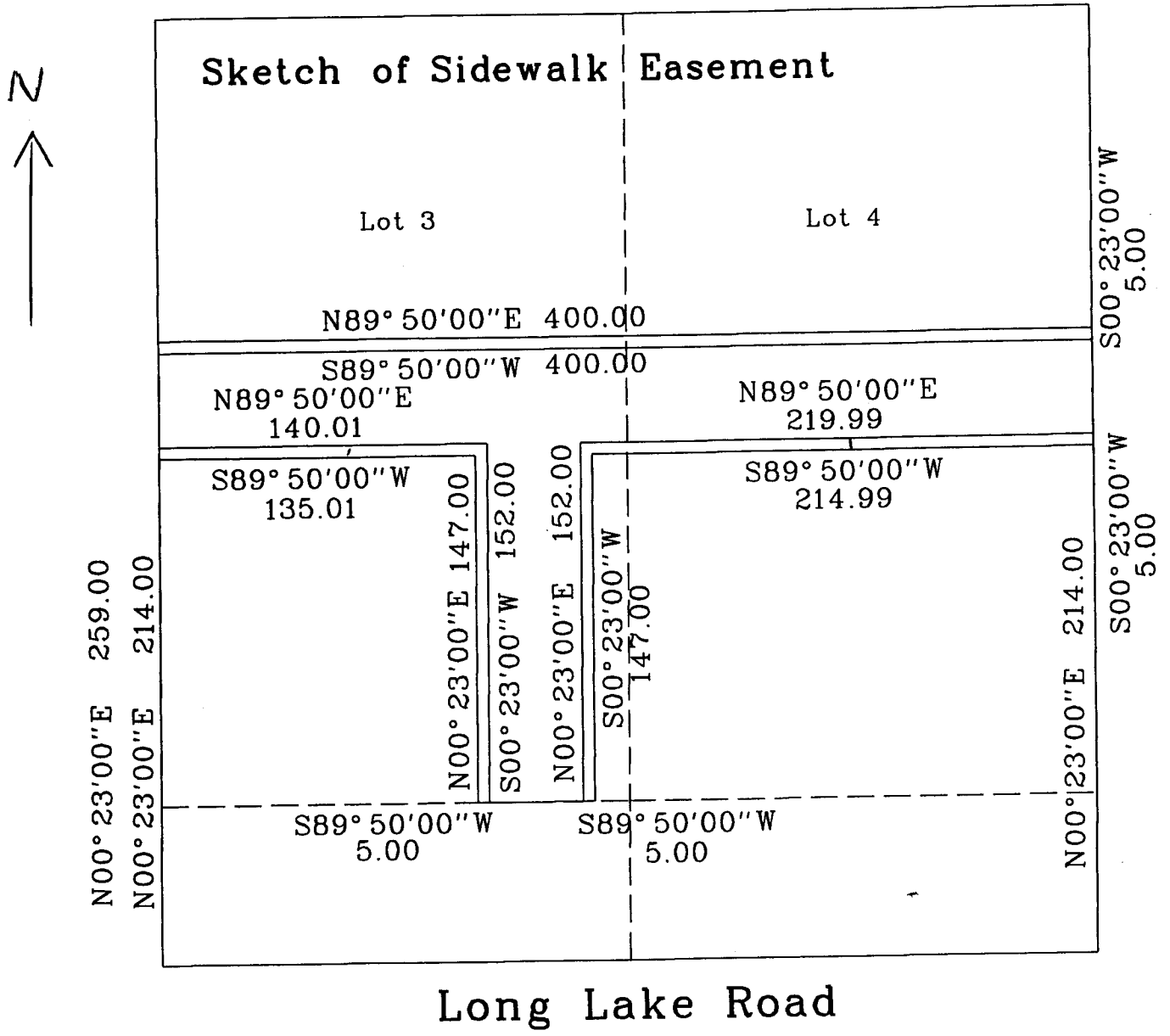
SIDEWALK EASEMENT

BEGINNING ON THE WEST LINE OF LOT 3 NORTH 00°23'00" EAST 259.00 FEET FROM THE SOUTHWEST CORNER OF LOT 3; THENCE CONTINUING NORTH 00°23'00" EAST 5.00 FEET ALONG THE WEST LINE OF LOT 3; THENCE NORTH 89°50'00" EAST 400.00 FEET; THENCE SOUTH 00°23'00"WEST 5.00 FEET ALONG THE EAST LINE OF LOT 4; THENCE SOUTH 89°50'00" WEST 400.00 FEET TO THE POINT OF BEGINNING.

BEGINNING ON THE WEST LINE OF LOT 3 NORTH 00°23'00" EAST 214.00 FEET FROM THE SOUTHWEST CORNER OF LOT 3; THENCE CONTINUING NORTH 00°23'00" EAST 5.00 FEET ALONG THE WEST LINE OF LOT 3; THENCE NORTH 89°50'00" EAST 140.01 FEET; THENCE SOUTH 00°23'00" WEST 152.00 FEET TO THE NORTH RIGHT OF WAY OF LONG LAKE ROAD; THENCE SOUTH 89°50'00" WEST 5.00 FEET ALONG THE NORTH RIGHT OF WAY OF LONG LAKE ROAD; THENCE NORTH 00°23'00" EAST 147.00 FEET; THENCE SOUTH 89°50'00" WEST 135.01 FEET TO THE POINT OF BEGINNING.

BEGINNING ON THE EAST LINE OF LOT 4 NORTH 00°23'00" EAST 214.00 FEET FROM THE SOUTHEAST CORNER OF LOT 4; THENCE SOUTH 89°50'00" WEST 214.99 FEET; THENCE SOUTH 00°23'00" WEST 147.00 FEET TO THE NORTH RIGHT OF WAY OF LONG LAKE ROAD; THENCE SOUTH 89°50'00" WEST 5.00 FEET ALONG THE NORTH RIGHT OF WAY OF LONG LAKE ROAD; THENCE NORTH 00°23'00" EAST 152.00 FEET; THENCE NORTH 89°50'00" EAST 219.99 FEET TO THE EAST LINE OF LOT 4; THENCE SOUTH 00°23'00" WEST 5.00 FEET ALONG THE EAST LINE OF LOT 4 TO THE POINT OF BEGINNING.

EXHIBIT "C"


Sketch of Sidewalk Easement
N
Lot 3
Lot 4
N89° 50'00"E 400.00
S89° 50'00"W 400.00
N89° 50'00"E
140.01
N89° 50'00"E
219.99
S89° 50'00"W
135.01
S89° 50'00"W
214.99
N00° 23'00"E 147.00
S00° 23'00"W 152.00
N00° 23'00"E 152.00
S00° 23'00"W
147.00
S00° 23'00"W
5.00
S00° 23'00"W
5.00
N00° 23'00"E 259.00
N00° 23'00"E 214.00
N00° 23'00"E 214.00
S89° 50'00"W
5.00
S89° 50'00"W
5.00
Long Lake Road

PRIVATE ROAD AGREEMENT

Sidwell #88-20-09-476-009, -010 & -011

THIS PRIVATE ROAD AGREEMENT ("Agreement") made this 6TH day of DECEMBER, 2000, between ESTATE MILLCREEK L.L.C., a Michigan Limited Liability Company ("Developer") whose address is 70 West Long Lake Road, Suite 116, Troy, Michigan 48098, and the CITY OF TROY, a Michigan Municipal Corporation ("City") whose address is 500 West Big Beaver Road, Troy, Michigan 48084,

WITNESSETH:

WHEREAS, Developer is the owner of certain real property located in the City of Troy, Oakland County, Michigan, more particularly described on Exhibit A (the "Land"), which is attached to this Agreement and made a part hereof, and

WHEREAS, Developer intends to develop a residential condominium project within an R-1T Zoning District, with private streets located within the portion of the Land described on Exhibit B (the "Road Easement Area"), which is attached to this Agreement and made a part hereof, and seeks the approval of the City Council of the street system; and

WHEREAS, the Road Easement Area is shown on the drawing attached hereto as Exhibit C and by this reference made a part hereof; and

WHEREAS, it is recognized that the development of a private street system will result in less street area being available for public uses, and the placement of residential buildings closer to the street pavement than would occur in the case of a public street system; and

WHEREAS, it is recognized that the private street may include some non-standard improvements, street furniture, etc., which are not available or present in conjunction with public street systems; and

WHEREAS, the City is willing to approve the private street system; provided that developer will agree that the streets will never be dedicated to the public and the City will never be required to maintain them; and

WHEREAS, in conjunction with approval of the subject private street system, the City must be assured that the residents of Developer's condominium project will have street facilities which will be similar in quality to public streets.

NOW, THEREFORE, in consideration of One Dollar ($1.00) paid by the City, Developer and City agree as follows:

1. City approves the use of a private street system to serve the proposed residential condominium development on the Land.

2. Developer agrees, on its behalf and on behalf of all future owners of the Land, that the condominium association created to administer the condominium established on the Land shall always have the obligation to maintain the streets on the Land as private roads in accordance with the final approved site plan prepared by Fenn & Associates Inc., Dated _____, being Drawing Number , and shall never request that the City accept a dedication of the streets for public use and maintenance.

3. Developer and City agree that the private street pavement shall be constructed to public street standards, or to an alternative pavement standard acceptable to the City Engineer in relation to the pavement life, durability and serviceability. The pavement construction shall be inspected by the City's Engineering staff.

4. Developer agrees to grant to the City, easements for emergency access, for police and fire protection, and for the maintenance, repair or replacement of the storm water drainage system in the event the owner(s) of the Land fail to maintain the system. The cost of any such repair, replacement, or maintenance by the City shall be charged to and reimbursed by the condominium association.

5. No modification, amendment or supplement to the terms and conditions stated in this Agreement shall be effective unless in writing and signed by each of the parties.

6. This Agreement shall be governed by and interpreted in accordance with the ordinances of the City of Troy and the laws of the State of Michigan.

7. This Agreement shall be binding upon and inure to the benefit of the respective heirs, representatives, successors and permitted assigns of the parties.

8. This Agreement shall be recorded in the office of the Oakland County Register of Deeds.

9. Developer agrees to reference this Agreement in the individual deeds to subsequent purchasers and in the master deed that establishes the condominium on the Land.

10. Any notice required or permitted to be given to either party by the other pursuant to this Agreement shall be deemed to be sufficient if in writing and either personally delivered, sent by facsimile, telecopier or telegram, or sent by certified or registered mail, postage prepaid to the following addresses:

To Developer: Estate Millcreek, L.L.C.
70 West Long Lake Road, Suite 116
Troy, Michigan 48098

To City: City of Troy
Real Estate & Development Department
500 West Big Beaver Road
Troy, Michigan 48084

or at such other address as either party shall designate by written notice to the other. Such notice shall be deemed given on the date when personally served or, if by facsimile, telecopier or telegram, on the day it is sent or, if by mail, on the day it is posted.

11. In the event either party hereto commences litigation against the other to enforce its rights hereunder, the prevailing party in such litigation shall be entitled to recover from the other party its reasonable attorneys fees and expenses incident to such litigation (through all appeals).

12. All provisions of this instrument, including the benefits and burdens, run with the land and are binding upon and inure to the benefit of the successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

In the presence of:

WITNESSES:

Patti Gross
* PATTI GROSS
Patricia A. Petitto
*PATRICIA A. PETITTO

ESTATE MILLCREEK, L.L.C., a Michigan Limited Liability Company

*Frank Bronzetti
Member

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

Subscribed and sworn to before me this 6TH day of DECEMBER, 2000, by Frank Bronzetti, Member on behalf of Estate Millcreek, L.L.C., a Michigan Limited Liability Company.

Patricia A. Petitto
PATRICIA A. PETITTO
Notary Public, OAKLAND County, MI
My Commission Expires: 12-31-03

Notary Public, County, MI
My Commission Expires:

WITNESSES:

CITY OF TROY,
a Michigan Municipal Corporation

_____
*

By: _____
*Matt Pryor
It's Mayor

_____
*

By: _____
*Tonni Bartholomew
It's City Clerk

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____day of _____, 2000, by Matt Pryor and Tonni Bartholomew, the Mayor and City Clerk of the CITY OF TROY, a Michigan Municipal Corporation, on behalf of the City.

_____

Notary Public, County, MI
My Commission Expires:

DRAFTED BY:
Michael Guerra
70 West Long Lake Road
Suite 114
Troy, MI 48098

WHEN RECORDED PLEASE RETURN TO:
City Clerk
City of Troy
500 West Big Beaver Road
Troy, MI 48084

EXHIBIT "A"

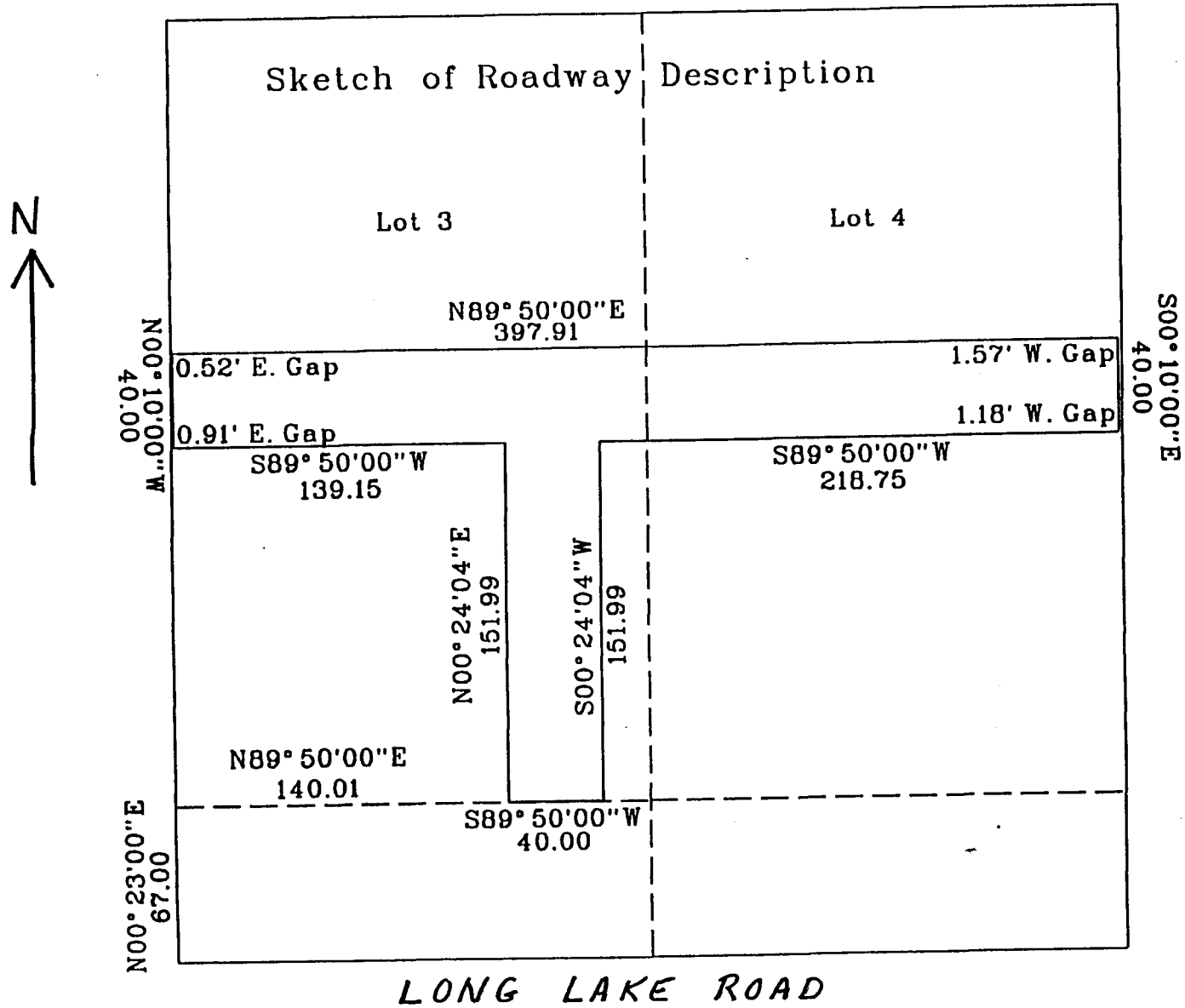
Lots 3 and 4, except the South 67.00 feet thereof, of "Two Acre Farms Subdivision", being a part of the East Half of the Southeast Quarter of Section 9, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan as recorded in Liber 28 of Plats, Page 16, Oakland County Records.

EXHIBIT "B"

ROADWAY EASEMENT

Commencing at the Southwest corner of Lot 3; thence North 00°23'00" East 67.00 feet along the West line of Lot 3; thence North 89°50'00" East 140.01 feet along the North right of way line of Long Lake Road to the point of beginning; thence North 00°23'00" East 152.00 feet; thence South 89°50'00" West 140.01 feet; thence North 00°23'00" East 40.00 feet; thence North 89°50'00" East 400.00 feet; thence South 00°23'00" West 40.00 feet; thence South 89°50'00" West 219.99 feet; thence South 00°23'00" West 152.00 feet to the North right of way line of Long Lake Road; thence South 89°50'00" West 40.00 feet along the North right of way line of Long Lake Road to the Point of Beginning.

EXHIBIT "C"


Sketch of Roadway Description
N
Lot 3
Lot 4
N89° 50'00"E
397.91
0.52' E. Gap
0.91' E. Gap
1.57' W. Gap
1.18' W. Gap
S00° 10'00"E
40.00
N00° 10'00"W
40.00
S89° 50'00"W
139.15
S89° 50'00"W
218.75
N00° 24'04"E
151.99
S00° 24'04"W
151.99
N89° 50'00"E
140.01
S89° 50'00"W
40.00
N00° 23'00"E
67.00
LONG LAKE ROAD

September 25, 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: EXTENSION OF PRELIMINARY PLAT – TENTATIVE APPROVAL (Expanded Proposal) – **Beachview Estates** – West Side of Beach, South of Long Lake – Section 18

At your August 20, 2001 meeting, City Council requested staff to determine if any Plats have expired and to ensure that plats seeking extensions come before City Council prior to expiration. City Staff investigated the subdivision files and found that only one tentative preliminary plat expired recently. A letter was sent to The Choice Group notifying them that the Tentative Preliminary Plat for Beachview Estates Subdivision expired on July 10, 2001. In addition, the proprietor was notified that a written request is necessary for extension consideration, and it was then submitted by the proprietor.

City Council granted Tentative Approval of the Preliminary Plat of the subject subdivision on July 10, 2000. The Planning Commission recommended approval at their June 13, 2000 meeting.

The historical background includes Tentative Approval granted in November of 1998 for a 4.5 acre R-1A zoned site on the west side of Beach Road south of Long Lake Road. The proposed development involved five (5) platted lots and one (1) excepted residential acreage parcel fronting on Beach Road. This rather unusual approach was followed in order to enable the creation of six homesites which would be reasonably similar to typical R-1A lot configurations, based upon a single cul-de-sac street extending west from Beach Road.

The potential subdivision proprietors, Choice Properties, have now acquired a portion of the existing homesite immediately to the north, thus bringing the total site area to 5.55 acres. The additional north-south dimension available through this acquisition has enabled Choice to revise the subdivision plat, involving a total of 8 platted lots, all of which would front on the proposed cul-de-sac street. The expanded site and revised layout further enables the creation of a detention basin parcel which abuts the small watercourse which crosses the southwest corner of the property.

This proposed subdivision is to be developed in accordance with the lot-averaging provisions applicable to the subject R-1A Zoning District. As a result of the preliminary review of this site by the City's Environmental staff, it was determined that no further wetlands delineation or environmental review by Dr. Jaworski (the City's Interim Environmental Consultant) was necessary in 2000. In addition, the Natural Features Map indicates woodlands in the southwest corner of the subject

property. The Tentative Preliminary Plat as now submitted for this proposed 8 lot subdivision meets applicable Ordinance requirements. The proposed plat will include dedication of the 43 foot half-width right-of-way for Beach Road. A one-year extension of this Tentative Preliminary Plat is recommended by City Management.

copies: Steve Vandette, City Engineer
Mark Stimac, Director of Building and Zoning
Doug Smith, Real Estate and Development Director
Tonni Bartholomew, City Clerk
File/Beachview Estates
File/Correspondence

PLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Tentative Preliminary Plat Approval

The following items are included in the **Tentative Approval** process:

- Existing Conditions
- Tree Preservation Plan
- Street layout
- Number of lots
- Building setbacks
- Lot dimensions
- Stub Street for possible future developments
- Locations of easements
- The Planning Department analyses the potential future development of the abutting property.
- The developer must provide locations of wetlands and natural features on the property and the method of preservation.
- 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.

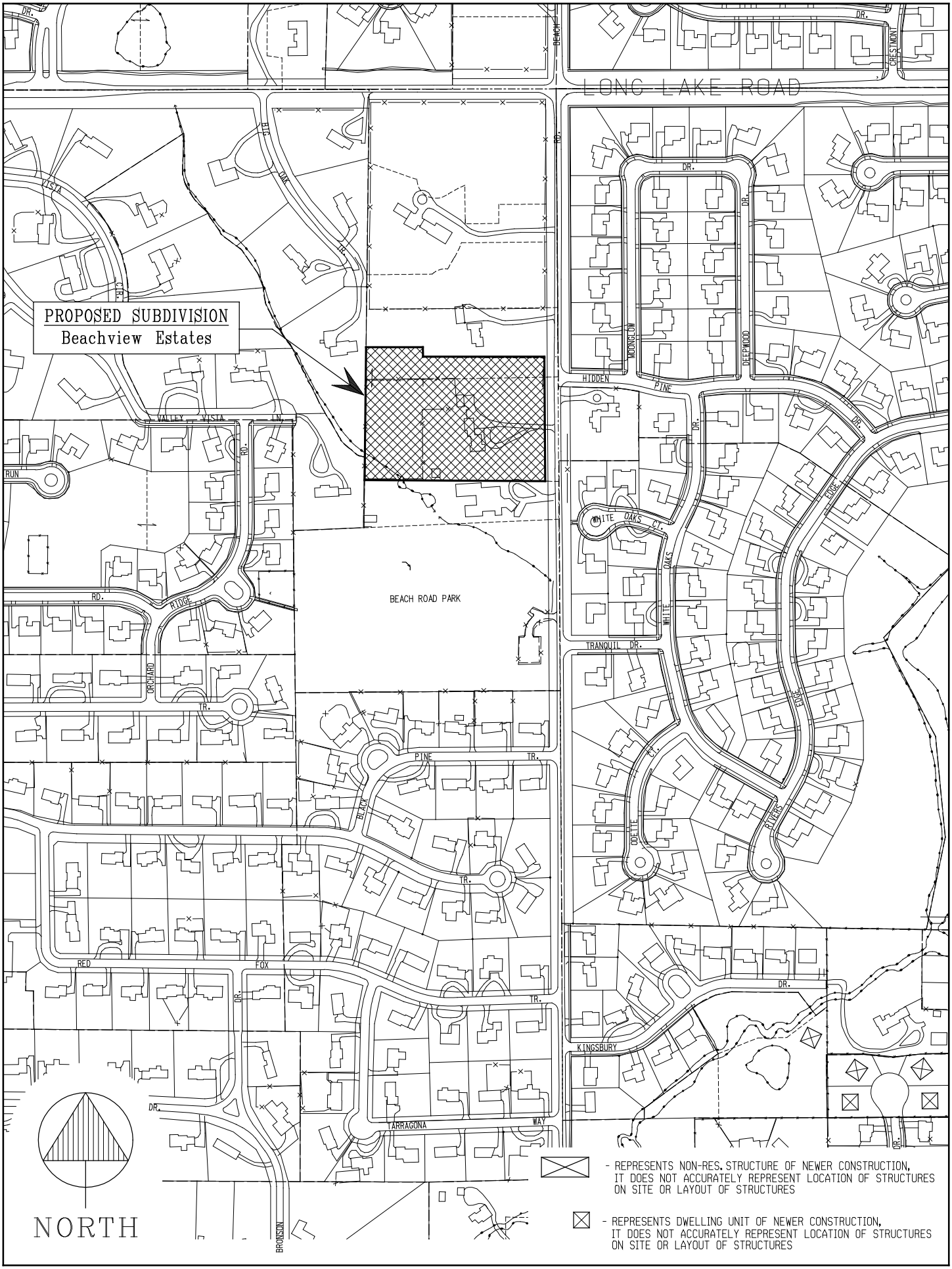
Final Preliminary Plat Approval

The following items are included in the **Preliminary Plat- Final Approval** process:

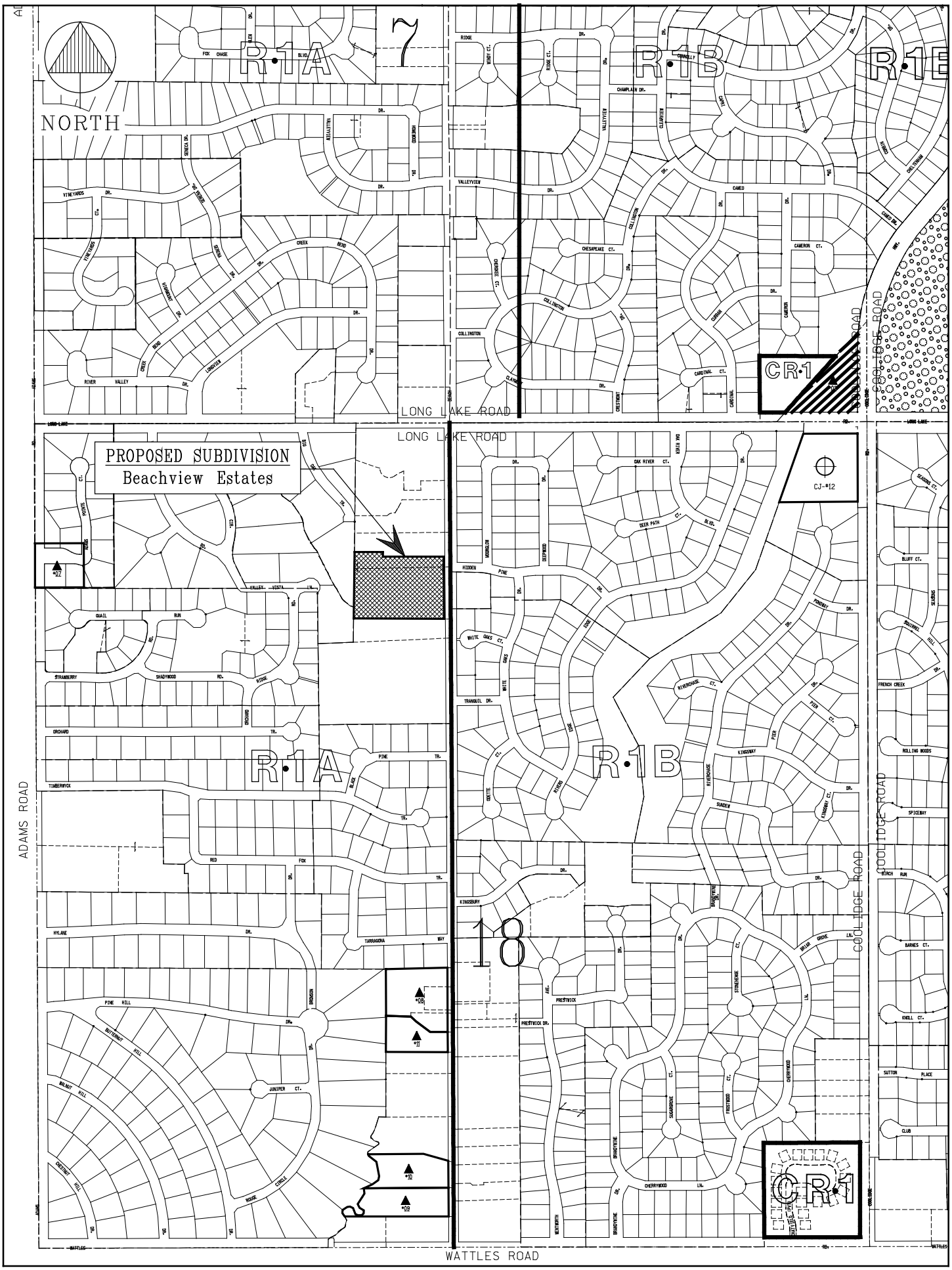
- Determine that all city development standards are met and complied with.
- Capacity of sanitary and storm sewers
- Size and location of Water mains
- Size and location of Detention / Retention basins
- Grading and rear yard drainage
- Paving and widening lanes
- Financial guarantees
- Sidewalk and driveway approaches
- Approval from other government agencies involved with the development.
- Verification of wetlands and M.D.E.Q. permit if necessary.
- Agreements, covenants or other documents for the dedication of land for public use or property owners use.

Final Plat Approval

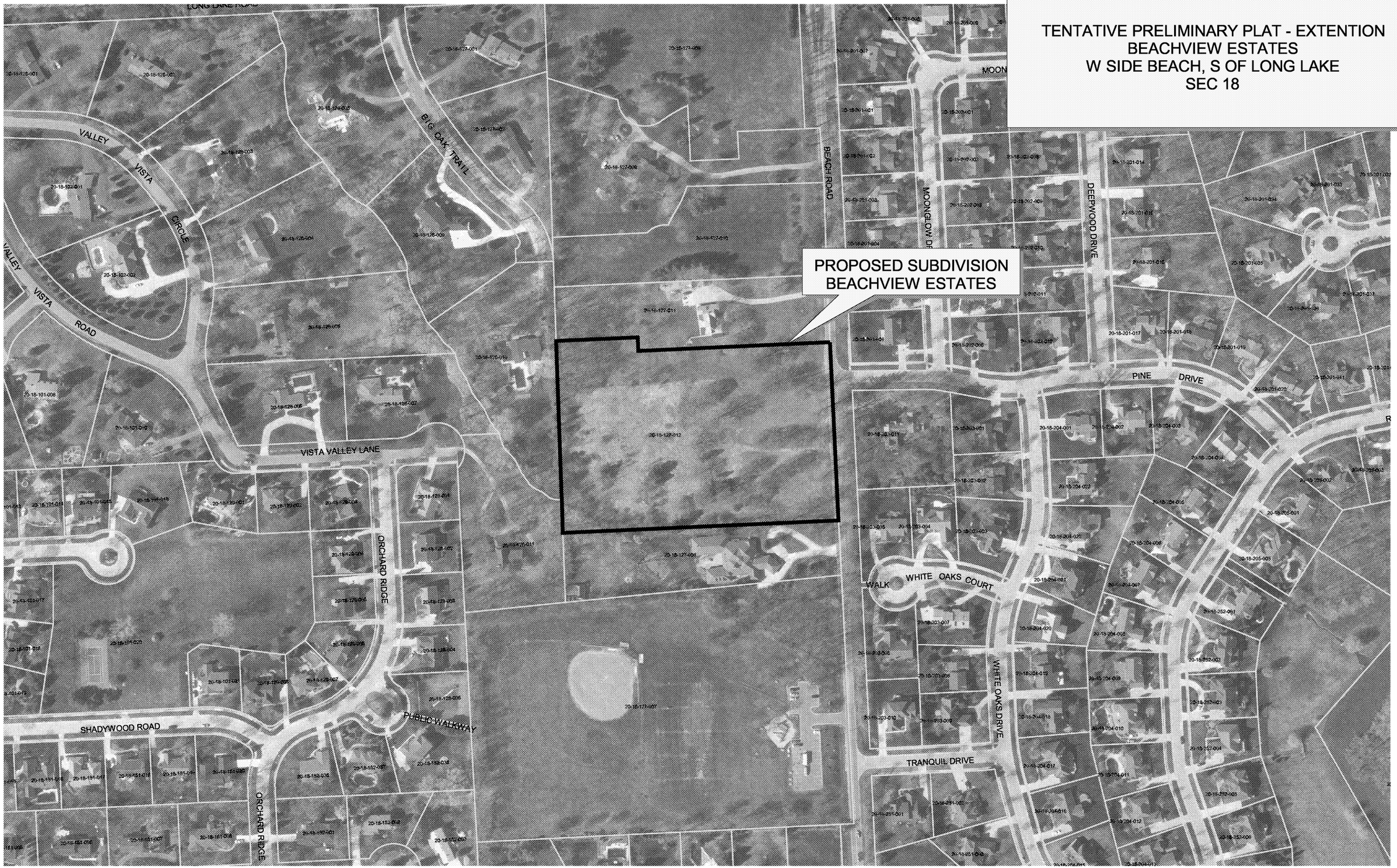
Final Approval checks for conformance with the approved Tentative and Final Preliminary Plats and that all property conveyances such as R.O.W, Easements, Open Space and Parks are in proper order.



BEECHVIEW ESTATES SUB. / SEC. 18 / 09-25-01


NORTH
R1A
7
R1B
R1E
LONG LAKE ROAD
PROPOSED SUBDIVISION
Beachview Estates
CR1
CJ-#12
R1A
R1B
18
ADAMS ROAD
COOLIDGE ROAD
WATTLES ROAD

TENTATIVE PRELIMINARY PLAT - EXTENTION
BEACHVIEW ESTATES
W SIDE BEACH, S OF LONG LAKE
SEC 18



SUBDIVISIONS

10. PRELIMINARY PLAT – TENTATIVE APPROVAL (Expanded Proposal) – Beachview Estates – West Side of Beach, South of Long Lake – Section 18

Mr. Keisling explained that, in November of 1998, Tentative Approval was granted to the Preliminary Plat of the proposed Beachview Estates Subdivision, which at that time involved a 4.5 acre R-1A zoned site on the west side of Beach Road south of Long Lake Road. The proposed development involved five platted lots and one excepted residential acreage parcel fronting on Beach Road. This rather unusual approach was followed in order to enable the creation of six homesites which would be reasonably similar to typical R-1A lot configurations, based upon a single cul-de-sac street extending west from Beach Road. The potential subdivision proprietors, Choice Properties, have now acquired a portion of the existing homesite immediately to the north, thus bringing the total site area to 5.55 acres. The additional north-south dimension available through this acquisition has enabled Choice to submit a revised subdivision plat, involving a total of eight platted lots, all of which would front on the proposed cul-de-sac street. The expanded site and revised layout further enables the creation of a detention basin parcel which abuts the small watercourse which crosses the southwest corner of the property. A revised "conceptual layout" submitted with this plat indicates the proposed subdivision, along with the existing homes and potential future development in the adjacent area.

Mr. Keisling stated that this proposed subdivision is to be developed in accordance with the lot-averaging provisions applicable to the subject R-1A Zoning District. As a result of the preliminary review of this site by the City's Environmental Staff, it was determined that no further wetlands delineation or environmental review by Dr. Jaworski (the City's Interim Environmental Consultant) was necessary. The Tentative Preliminary Plat as now submitted for this proposed eight lot subdivision meets applicable Ordinance requirements. The proposed plat will include dedication of the 43 foot half-width right-of-way for Beach Road. Tentative Preliminary Approval was recommended by the Planning Department.

Joe Chehayeb of Choice Properties and Michael Mayotte of Professional Engineering Associates were present on behalf of the proprietors. Mr. Reece asked if they had considered using the same detention basin for the subdivision now proposed and for the potential future development in the area to the north. He also noted that there was no proposal to extend a stub street to the north property line of the proposed subdivision site. Mr. Chehayeb stated that two detention basins will be necessary to serve these properties, due to topography in this area.

Moved by Starr Seconded by Littman

RESOLVED, that the Planning Commission hereby recommends to the City Council that Tentative Approval be granted to the Preliminary Plat of Beachview Estates Subdivision (8 lots) on the west side of Beach Road south of Long Lake Road in Section 18.

Yeas: All Present (6) Absent: Chamberlain, Kramer, Wright

MOTION CARRIED

September 12, 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 - Low Bidders Meeting Specifications – Mowers And Miscellaneous Equipment For Sylvan Glen Golf Course

RECOMMENDATION:

Bid proposals were opened September 5, 2001, to furnish mowers and miscellaneous equipment, less trade-ins for Sylvan Glen Golf Course, with three (3) vendors returning completed bids. The Parks and Recreation Department recommends purchases be made from the following low bidders meeting specifications at a total cost of $85,964.46

Spartan Distributors Inc., 1050 Opdyke Road, Auburn Hills, Michigan, 48326

Item#1		
1 each	Rotary Trim Mower 3WD	$25,978.00
	TOTAL AWARD	$**25,978.00**

W.F. Miller Company, P.O. Box 605, Novi, Michigan., 48376-0605

Item #2		
1 each	Triplex Riding Greensmower	$19,085.00
Item #3		
2 each	Turf Sweeper-Vacuum Units	$27,123.96
Item #4		
1 each	Heavy Duty Full Size Turf Truckster	$16,527.50
	TRADE-INS:	
Item #1		
1 each	1991 Toro Reelmaster Seven (7) Gang Mower	($1000.00)
Item #2		
1 each	1982 Toro Spartan Three (3) Gang Mower	($ 400.00)
Item #3		
1 each	1993 Toro Turf Sweeper Model 166E	($1300.00)
Item #4		
1 each	1964 Royer Topsoil Screener Model 30	($50.00)
	TOTAL AWARD	**$59,986.46**
	GRAND TOTAL ALL ITEMS	**$85,964.46**

September 12, 2001

To: The Honorable Mayor and City Council
Re: Bid Award: Low Bidders Meeting Specifications – Mowers and Miscellaneous Equipment

EXPLANATION OF BIDS NOT MEETING SPECIFICATIONS:
Spartan Distributors for Triplex Riding Greensmower:
Mower is not equipped with joystick control for one touch lift/lower control for all three cutting units. Mowers lift arms do not have a single pin for removing attachments and no retaining clips for reattaching the reel drive motor to cutting units. Bid specifications require that no tools are needed to remove cutting heads from traction unit and reel drive motors from cutting units. These requirements are to provide for easy servicing and interchangeability.

EXPLANATION OF BIDS NOT MEETING SPECIFICATIONS:
Spartan Distributors for Heavy Duty Utility Full Size Turf Truckster:
Engine does not meet minimum cubic inch displacement and horsepower requirements per specification. Bid specifications require that the vehicle is to be equipped with an automatic transmission; the unit bid by Spartan Distributors is outfitted with a standard manual transmission. Rated capacity does not meet minimum specifications of 2,850 lbs. for operator, passenger and box.

SUMMARY:
The equipment being purchased will replace obsolete mowers, provide a more uniform quality of cut and increase flexibility through contour anti-scalp mowing units. Miscellaneous equipment purchases will provide an additional traction unit with the Turf Truckster to provide increased multiple usage of presently owned pull-type implements. The purchase of two (2) turf sweeper-vacuum units will allow us the ability to cleanup debris during the fall, when leaves begin to drop or after a major storm event, doubling our present capacity.

BUDGET:
Funds for these purchases are currently available in Sylvan Glen Golf Course Capital Account 788.7978.010.

19 Bids Sent
8 Bids Rec'd
5 No Bids

Prepared by: Marvin Ash, Superintendent of Greens

Opening Date -- 9/5/01
Date Prepared -- 9/12/01

CITY OF TROY
BID TABULATION
ONE (1) TRIPLEX RIDING GREENSMOWER
ONE (1) ROTARY TRIM MOWER 3 WD
TWO (2) TURF SWEEPER-VACUUM UNITS
ONE (1) HEAVY DUTY FULL SIZE TURF TRUCKSTER

VENDOR NAME: **	WF MILLER	SPARTAN DISTRIBUTORS INC	CHICAGO TURF & IRRIGATION
PROPOSAL-- FURNISH ONE (1) TRIPLEX RIDING GREENSMOWER, ONE (1) ROTARY TRIM MOWER 3WD, TWO (2) TURF SWEEPER-VACUUM UNITS, AND ONE (1) HEAVY DUTY FULL SIZE TURF TRUCKSTER, LESS OPTIONAL TRADE-IN EQUIPMENT.			
ITEM #1:			
1 EA - ROTARY TRIM MOWER 3WD:	NO BID	**$ 25,978.00**	$ 28,238.60
QUOTING ON MODEL:		GROUNDMASTER 30821	30821 GM 3500
MANUFACTURED BY:		TORO	TORO
LESS TRADE IN:			
1 EA 1991 TORO REELMASTER SEVEN (7) GANG MOWER	**$ (1,000.00)**	$ (700.00)	$ (300.00)
NET TOTAL	**$ (1,000.00)**	$ 25,278.00	$ 27,938.60
ITEM #2:			
1 EA - TRIPLEX RIDING GREENSMOWER	**$ 19,085.00**	DMS ($15,435)	NO BID
QUOTING ON MODEL:	GREENS KING VI	GREENSMASTER #04356	
MANUFACTURED BY:	JACOBSEN/TEXTRON	TORO	
LESS TRADE IN:			
1 EA 1982 TORO SPARTAN THREE (3) Gang Mower	**$ (400.00)**	$ (100.00)	$
NET TOTAL	**$ 18,685.00**	N/A	NO BID
ITEM #3:			
2 EA - TURF SWEEPER-VACUUM UNITS	**$ 27,123.96**	NO BID	NO BID
QUOTING ON MODEL:	V-62		
MANUFACTURED BY:	SMITH CO		
LESS TRADE INS:			
1 EA 1993 TORO TURF SWEEPER MODEL #166E	**$ (1,300.00)**	$	$
1 EA 1964 ROYER TOPSOIL SCREENER MODEL #30	**$ (50.00)**	$	$
NET TOTAL	**$ 25,773.96**	NO BID	NO BID
ITEM #4:			
1 EA - HEAVY DUTY FULL SIZE TURF TRUCKSTER	**$ 16,527.50**	DMS ($13,070)	NO BID
QUOTING ON MODEL:	898-657	WORKMAN 07202	
MANUFACTURED BY:	CUSHMAN/TEXTRON	TORO	

GRAND TOTAL AWARDED ITEMS	$ 59,986.46	$ 25,978.00	N/A	

CITY OF TROY

Opening Date -- 9/5/01
Date Prepared -- 9/12/01

BID TABULATION
ONE (1) TRIPLEX RIDING GREENSMOWER
ONE (1) ROTARY TRIM MOWER 3 WD
TWO (2) TURF SWEEPER-VACUUM UNITS
ONE (1) HEAVY DUTY FULL SIZE TURF TRUCKSTER

VENDOR NAME:	** **WF MILLER**	**SPARTAN DISTRIBUTORS INC**	CHICAGO TURF & IRRIGATION	
DELIVERY DAYS:	30	14	BLANK	
TECHNICAL DATA: YES - NO	PER MODEL	TORO	BLANK	
TERMS:	NET 30 PROX	NET 30 DAYS	NET 30	
WARRANTY:	2 YRS	1500 HRS or 2 YRS	2 YRS	
DELIVERY DATE:	WITHIN 30 DAYS	14 DAYS ARO	30 DAYS ARO	
EXCEPTIONS:	MEETS ALL SPECS	BLANK	BLANK	

NO BIDS:
Weingartz
Grandville Tractor & Equip
Munn Tractor Sales
Wm F Sell Equipment
Thesier Equipment Co

**** BOLDFACE TYPE DENOTES LOW BIDDERS MEETING SPECIFICATIONS**

ATTEST:
Cheryl Morrell
Marvin Ash
Linda Bockstanz

Jeanette Bennett
Purchasing Director

G:\Riding Mower plus misc.SBP 01-33

ADVANCED IRRIGATION SYSTEMS INC
1183 COMBERMERE
TROY MI 48083-2701

ARIENS COMPANY
655 W RYAN
BRILLION WI 54110

BIG BEAR EQUIPMENT CO
10405 J STREET
OMAHA NE 68127

CHICAGO TURF & IRRIGATION INC
1170 W ARDMORE
ITASCA IL 60143-1306

GRANDVILLE TRACTOR & EQUIPMENT
3736 CHICAGO DRIVE SW
GRANDVILLE MI 49418

ILLINOIS LAWN EQUIPMENT INC
16450 104TH AVENUE
ORLAND PARK IL 60467-5498

INDUSTRIAL VEHICLE & TURF SALES INC
45896 WOODWARD AVENUE
PONTIAC MI 48341

MILLER W F TURF& INDUSTRIAL EQUIPMENT CO
25125 TRANS-X
P O BOX 605
NOVI MI 48376-0605

MUNN TRACTOR SALES INC
3700 LAPEER ROAD
AUBURN HILLS MI 48326

NORTH STAR TURF EQUIPMENT
3080 CENTERVILLE
ST PAUL MN 55117

PARADISE GRAVELY TRACTOR
67111 VAN DYKE
ROMEO MI 48095

PIRTEK METRO DETROIT
25363 DEQUINDRE ROAD
MADISON HEIGHTS MI 48071

QUALITY LAWN EQUIPMENT INC
5395 DIXIE HWY
WATERFORD MI 48329

REMSON EQUIPMENT COMPANY
22250 HALL ROAD
CLINTON TWP MI 48036

SOUTHLANE LANDSCAPE EQUIPMENT
P.O. BOX 1036
ROYAL OAK MI 48068

SPARTAN DISTRIBUTORS, INC
487 W DIVISION ST
PO BOX 246
SPARTA MI 49345

THESIER EQUIPMENT COMPANY
28342 PONTIAC TRAIL
SOUTH LYON MI 48178

WEINGARTZ SUPPLY CO INC-FARMINGTON HILLS
39050 GRAND RIVER
FARMINGTON HILLS MI 48335

WM F SELL & SON INC
16555 TELEGRAPH ROAD
TAYLOR MI 48180

E-12 Resolution Authorizing Attendance of Mayor and City Council Members at the National League of Cities Annual Business Meeting to be held December 4-8, 2001 in Atlanta, Georgia

Resolution #2001-10-
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 National League of Cities Annual Business Meeting to be held December 4-8, 2001 in Atlanta, Georgia, all in accordance with the accounting procedures of the City of Troy.

NOTE: There are no attachments for this item.

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 11-01-2002

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 **(Resigned)**	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**
641-3860	Sharon Lu (Student)	1749 Freemont, 98	**July 01, 2002**
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**

Sharon Connelly has resigned
Last year's Student Jerry Ong has requested to be appointed once again
Committee has recommended Kul Gauri be appointed as a **regular** member

Animal Control Appeal Board

Appointed by Council (5) - 3 years

Term Expires 9-30-2004

PHONE	NAME	ADDRESS	TERM EXPIRES
879-0100	Harriet Barnard, Ch	5945 Livernois, 98	**Sept. 30, 2002**
1-800-428-1287 Day Time Only	Leith Gallaher	491 Troywood, 83	**Sept. 30, 2003**
879-6576	Kathleen Melchert	6385 Tutbury, 98	**Sept. 30, 2001**
643-6849	Warren Packard	4200 Beach, 98	**Sept. 30, 2003**
689-1697	Jayne Saeger	1740 Westwood, 83	**Sept. 30, 2002**

Ms. Melchert wishes to be reappointed. Attendance: Not available

CATV Advisory Committee

Appointed by Council (7) - 3 years

Term expires 2-28-2004

	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**
952-5179	Lusi Fang (Student)	1948 Freemont, 98	**July 01, 2002**
643-8250	Frank Smith **(Resigned)**	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**

Mr. Smith has resigned and moved from Troy.

Downtown Development Authority

Mayor, Council Approval (12)- 4 years

Term expires 9-30-2005

Term expires 9-30-2005

Term expires 9-30-2005

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
354-9770	Garry G. Carley	Heathers Club 900 Upper Scotsborough Way Bloomfield Hills, 48304	**Sept. 30, 2001**
879-2450	Philip Goy	380 Tara, 98	**Sept. 30, 2001**
879-6439 526-0576B	William Kennis	249 W. Hurst, 98	**Sept. 30, 2002**
680-7180	Alan M. Kiriluk , Ch	101 W. Big Beaver, Ste.200, 84	**Sept. 30, 2003**
827-4600	G. Thomas York	Forbes/Cohen-100 Galleria Office Center, Ste. 427, Southfield, 48037	**Sept. 30, 2003**
524-3244	Daniel MacLeish	650 E. Big Beaver, Ste. F, 84	**Sept. 30, 2001**
258-5734 689-1200 B	Clarke B. Maxson	1091 Oxford, Birmingham 48009 Office 201 W. Big Beaver Ste. 125, Troy 84	**Sept. 30, 2003**
879-8695	Carol A. Price	6136 Sandshores, 98	**Sept. 30, 2003**
879-6033	Ernest C. Reschke	6157 Walker, 98	**Sept. 30, 2002**
649-2924	Stuart Frankel	3221 W. Big Beaver, Ste. 106, 84	**Sept. 30, 2003**
952-1952H 391-3777B	Michael W. Culpepper	1236 Autumn Dr.,98	**Sept. 30, 2003**
879-2646 H 689-6555 B	Douglas J. Schroeder	2783 Homewood Dr., 98	**Sept. 30, 2002**
879-3896	Matt Pryor	6892 Coolidge, 98	**Sept. 30, 2002**

Mr. Garry Carley wishes to be reappointed.
Mr. Philip Goy wishes to be reappointed
Mr. Daniel MacLeish wishes to be reappointed

Attendance: Three meetings were held since January, all three men attended these meetings

Historical Commission

Appointed by Council (7)- 3 years

Term expires 7-01-2002 (Student)

Term expires 7-31-2004

		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 31, 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, 2004**

Cynthia Kmett **does not** wish to be reappointed.

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)

Term expires 9-30-2004

Term expires 9-30-2004

		ADDRESS (Voters)	TERM EXPIRES
828-8940	Douglas M. Bordas, Ch.	5902 Cliffside, 98	**Sept. 30, 2002**
879-2977	Haley Bryd (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)**

Ms. Kathleen Fejes wishes to be reappointed.
Mr. Tom Krent wishes to be reappointed.
Mr. Gary Hauff has been reappointed by the School Board as their representative effective 8/01.

Attendance: Ms. Fejes attended 4/6 2001 Mtgs; Mr. Krent attended 5/6 2001 Mtgs.

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

DATE: September 24, 2001

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building & Zoning
Mitch Grusnick, Plan Analyst

SUBJECT: Membership for Advisory Committee for Person with Disabilities

Sharon Connelly has resigned as a member of the Advisory Committee for Persons with Disabilities.

At the meeting of September 5, 2001, the Advisory Committee for Persons with Disabilities recommended that City Council appoint Kul Gauri as a regular member. Mr. Gauri is currently serving on this Board as an alternate member.

Also, Jerry Ong, last year's student representative has expressed his desire to remain a part of this Committee and the Committee has recommended that Jerry be appointed for another year.

We ask that this item be placed on the City Council Agenda for the meeting of October 1, 2001.

Troy City Clerks Office

500 West Big Beaver Troy MI 48084 248 524-3316

September 26, 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 and new applications** for the following people as they have indicated a **change/ interest** in their Boards and Committees choices.

Susan Burt
David J. Easterbrook
Mary Kerwin
Endre A. Mayer

Thank you.

RECEIVED
CITY OF TROY
2001 SEP 24 AM 10:43

CITY OF TROY, MICHIGAN
APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for two years.
(Please type or print)

Date: 8/29

Name: Susan Burt

Address: 2134 Oakwood Drive

City: Troy Zip: 48085

Home Phone Number: 248-828-1967

Employer: Wayne State University Department of Occupational Therapy

Address: Detroit MI 48202 Phone: 313-577-1435

Are you a registered voter in the City of Troy? yes

How long have you lived continuously in the City of Troy? 13 years

Have you ever been convicted for anything other than a minor traffic violation? no

Number the Advisory Boards or Committees for which you would like to apply:
(in order of preference - 1 = First Choice, 2 = second Choice, etc.)

1 Advisory Committee for Persons with Disabilities
_____ Animal Control Appeals Board
_____ Board of Review
_____ Building Code Board of Appeals
_____ Charter Revision Committee
_____ Downtown Development Authority
_____ Election Commission
_____ Historic District Commission
_____ Liquor Committee
_____ Parks & Recreation Board
_____ Planning Commission
_____ Traffic Committee

2 Advisory Committee for Senior Citizens
_____ Board of Canvassers
_____ Board of Zoning Appeals
_____ CATV Advisory Committee
_____ Civil Service Commission Act 78
_____ Economic Development Corporation
_____ Historical Commission
_____ Library Board
_____ Municipal Building Authority
_____ Personnel Board
_____ Retirement System Board of Trustees
_____ Troy Daze Committee

9 **I do not wish to be reappointed.**

F-1

Professional Qualifications and/or Work Experience:
Registered Occupational Therapist Please see attached resume.

Community Activities and/or Other Experience:
I have been actively involved in the schools as my son has been in attendance. As a 15 year employee of Beaumont Hospital I was very involved as a director, in educating the public and improving our services and community involvement. Please see attached.

Educational Background:
BS in Occupational Therapy from Eastern Michigan University Additionally please see attached curriculum vitea for additional continuing education.

References (Please list name and address):
Angie Bayci 5021 Prentis Troy 48085

Linda Schmidt 10730 Bogie Lake Rd.White Lake Township MI 48386

Judy Pechur 6471 Shoreline Troy 48085

Please indicate REASONS FOR DESIRING TO SERVE:
I would like to become more involved in the activities within our city and utilize my skills to assist others in the community.

Signature: Susan Rebecca Burt OTR

PLEASE RETURN THIS APPLICATION TO: TROY CITY CLERK'S OFFICE
500 W Big Beaver Road
Troy MI 48084

rev.11/00

Susan E. Robosan-Burt OTR
2134 Oakwood Drive
Troy, MI 48085 (248) 828-1967

Professional Objective

Maintain my professional career with in the community.

Professional Experience

Present

Private Practice
Registered Occupational Therapist

Wayne State University
Instructor
Department of Occupational Therapy
Detroit, Michigan 48202

July 1998 to present

Blue Cross Blue Shield
Medical Consultant
600 Lafayette East
Detroit, Michigan 48226

December 1984 to December 1998

William Beaumont Hospital
3601 W. Thirteen Mile Road
Royal Oak, Michigan 48073
Beaumont Rehabilitation and Health Center
746 Purdy
Birmingham, Michigan 48009

August 1988 to present

Associate Director, Occupational Therapy
Responsible for the daily operations and provision of Occupational Therapy services in Adult Outpatient Rehabilitation, Driver Rehabilitation, Low Vision, Pediatric Rehabilitation and WorkAbility™. Accountable for the provision of Occupational Therapy services for adult outpatients with varied diagnoses.

August 1985 to August 1988

Coordinator of Clinical Education
Responsible for staff and student education. Inservices to hospital and medical staff. Develop, plan and coordinate seminars for departmental sponsorship. Development and revision of department policies and procedures. Expansion and coordination of the student program and the continuing education program.

December 1984 to August 1985	Occupational Therapist, Staff Accountable for the provision of Occupational Therapy services to clients, adolescent through adult with closed head injuries in the acute and outpatient phase.
June 1995 to August 1995	**Wayne County Community College** 801 West Fort Street Detroit, Michigan 48226 Instructor, Occupational Therapy Assistant Program Responsible for the design and implementation of the Assistive Technology Course.
1985 to 1994	**Private Practice** Registered Occupational Therapist Provide consultation, evaluations, recommendations, treatment, education and lectures.
January 1984 to April 1984	**Community Home Care** Occupational Therapist Responsible for the provision of Occupational Therapy services for adult clients with varied diagnoses.
April 1981 to December 1984	**Rehabilitation Institute** 261 Mack Detroit, Michigan 48201 Occupational Therapist, Staff Accountable for the provision of Occupational Therapy services for clients, adolescent through adult with spinal cord injuries, orthopedic injuries and neurologically impaired. Supervision of students and volunteers. Expertise with equipment led to direct involvement in the evaluation and purchase of equipment for the Institute and the Medical Center.
January 1981 to April 1981	**Martin Place Hospital** 27351 Dequindre Madison Heights, Michigan 48071 Occupational Therapist, Contingent Responsible for the provision of Occupational Therapy services as part of the Muscular Dystrophy Clinic for infants through adults with all types of Muscular Dystrophy. Provision of Occupational Therapy services for varied diagnoses: closed head injury, cerebral

vascular accident, spinal cord injury and orthopedic in an acute care setting.

Education

Bachelor of Science, Occupational Therapy
Eastern Michigan University Ypsilanti, Michigan

Certification

National Board of Occupational Therapists
Certification No. 455071
American Heart Association – CPR Certified

Registration

Michigan Board of Occupational Therapists
Registration No. 5201000386

Professional Affiliations

American Occupational Therapy Association Member
American Occupational Therapy Association
Spinal Cord Injury Network
Michigan Occupational Therapy Association
Conference Planning Committee Member present
Co-Chair Conference Planning Committee 1992-1998
Vice President of Practice and Education 1990-1992
Co-Chair Council on Education 1988-1990
Eastern Michigan University Clinical Representative
Council on Education 1987-1990

References

Available upon request.

Susan E. Robosan-Burt OTR
2134 Oakwood Drive
Troy, MI 48085 (248) 828-1967

Certification

National Board for Certification in Occupational Therapy, Certification No. 455071
Michigan Board of Occupational Therapists Registration No. 5201000386
American Heart Association - CPR Certified

Professional Affiliations

American Occupational Therapy Association Member
American Occupational Therapy Association Spinal Cord Injury Network
Michigan Occupational Therapy Association
- Conference Committee 1998 to present
- Co-Chair Conference Committee 1992 - 1998
- Vice President of Practice & Education 1990-1992
- Co-Chair Council on Education 1988-1990
- Eastern Michigan University Clinical Representative Council on Education 1987-1990

Professional Awards and Appointments

MOTA Service Award 1991, 1992, 1998
Eastern Michigan University Clinical Associate 1989-1990
Eastern Michigan University Certificate of Appreciation 1987

Education

1980 B.S. Occupational Therapy, Eastern Michigan University

Research

Elderly Driver Referral Project, Funded by the National Center for Injury Prevention, Center for Disease Control

Professional Experience

Present	Private Practice, Registered Occupational Therapist
	Adjunct Professor Department of Occupational Therapy Wayne State University Detroit, Michigan 48202
1/99 – 12/99	Staff Occupational Therapist William Beaumont Hospital, Troy 44210 Dequindre Troy, Michigan 48098-1198

Professional Experience (Cont.)

7/98 – present	Medical Consultant Blue Cross and Blue Shield 600 Lafayette East Detroit, Michigan 48226
8/88 – 12/98	Associate Director, Occupational Therapy William Beaumont Hospital, Royal Oak Beaumont Rehabilitation and Health Center 746 Purdy Birmingham, Michigan 48009
1995	Instructor Wayne County Community College Occupational Therapy Assistant Program Detroit, Michigan
8/85 - 8/88	Coordinator of Clinical Education William Beaumont Hospital 3601 W. 13 Mile Rd. Royal Oak, Michigan 48073
12/84 - 8/85	Staff Occupational Therapist William Beaumont Hospital 3601 W. 13 Mile Road Royal Oak, Michigan 48073
1984 - 1989	Private Practice, Registered Occupational Therapist 1022 Orchard Grove Royal Oak, Michigan 48067
1/84 - 4/84	Community Home Care 2147 15 Mile Road Sterling Heights, Michigan 48310
4/81 - 12/84	Staff Occupational Therapist Rehabilitation Institute of Detroit 261 Mack Detroit, Michigan 48021
1/81 - 4/81	Staff Occupational Therapist, Contingent Martin Place Hospital 27351 Dequindre Madison Heights, Michigan 48072

References available upon request.

Susan E. Robosan OTR

Presentations

9/00	"Getting the Job; Making the First Impression" Sterling Heights, Michigan
10/97	"BOSS Developing Outcomes Protecting Your Program from the Squeeze Of Managed Care", Royal Oak, Michigan
9/97	"Learning from Each Other: A Therapist Patient Relationship"
4/96	Partnership in Education-Derby Middle School, Birmingham, Michigan
9/94	"OT's in Transition Drivers Evaluation to Rehabilitation" Mountain Central Conference Dallas, Texas
4/94	"Driver Rehabilitation" Rehabilitation Insurance Nurses Council Roseville, Michigan

Continuing Education

10/99	MOTA Annual Conference, Mackinac, MI
9/98	MOTA Annual Conference, East Lansing, MI
9/97	MOTA Annual Conference, Livonia, MI
10/96	Medicare and Managed Care, Dearborn, MI
9/96	MOTA Annual Conference, Traverse City, MI
3/96	Managed Care: Occupational Therapy Program Effectiveness, Toledo, OH
10/95	Stroke Rehabilitation-Functional Outcomes, Cambridge, MA
9/95	MOTA Annual Conference, Grand Rapids, MI
8/95	ADED Annual Conference, Dearborn, MI
5/95	Driver Rehabilitation, The Key to Success, Birmingham, MI
9/94	MOTA Annual Conference, East Lansing, MI
9/94	Mountain Central Conference, Dallas, TX
10/93	MOTA Annual Conference, Troy, MI
6/93	AOTA Annual Conference, Seattle, Washington
10/93	MOTA Annual Conference, Troy, MI
10/92	CARF Accreditation for Work Hardening Programs, Indianapolis, IN
9/92	MOTA Annual Conference, Grand Rapids, MI
10/91	MOTA Annual Conference, Grand Blanc, MI

Susan E. Robosan OTR

Continuing Education (Cont.)

10/90	MOTA Annual Conference, Troy, MI
4/90	Michigan Safety Conference, Lansing, MI
4/89	AOTA Annual Conference, Baltimore, MY
10/88	MOTA Annual Conference, Boyne City, MI
4/88	AOTA Annual Conference, Phoenix, AZ
3/88	Entry Level Masters OT Issues, Ypsilanti, MI
3/88	Soft Tissue Mobilization, Royal Oak, MI
9/87	Organizing and Facilitating the Clinical Education Process, Royal Oak, MI
9/87	Coaching for Student Success, Royal Oak, MI
7/87	Bobath Techniques for the OT in the Treatment of the Adult Hemiplegia Los Gatos, CA
4/87	AOTA Annual Conference, Indianapolis, IN
9/86	TENS in OT Treatment, Royal Oak, MI
4/86	AOTA Annual Conference, Minneapolis, MN
1986	Management Process, Royal Oak, MI
1986	Employee Relations, Royal Oak, MI
1986	Supervisory Skills, Royal Oak, MI
1986	Soft Tissue Mobilization, Royal Oak, MI
1986	Arthritis in the Hand, Royal Oak, MI
1985	Neuro Education Conference, Royal Oak, MI
1984	Hand Therapy, Eastern Michigan University
1983	National Spinal Cord Injury Conference, Chicago, IL
1981	Muscular Dystrophy Clinic, Chicago, IL

David J. Easterbrook
5595 Hunters Gate
Troy, MI 48098

September 24, 2001

Toni Bartholomew
Troy City Clerk
500 W. Big Beaver Road
Troy, MI 48084-5285

Dear Ms. Bartholomew,

I understand that there is an opening on the Civil Service Commission Act 78 Board. I would be honored to be considered for this position.

I've taken the liberty to copy the application from the City of Troy website and have attached it for your review.

I can be reached at the above address or by telephone at 248-641-7063 or cell phone at 248-330-2305.

Thank you for your consideration.

Respectfully,

David J. Easterbrook

F-1

CITY OF TROY, MICHIGAN
APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for two years.
(Please type or print)

Date: September 26, 2001

Name: David J. Easterbrook

Address: 5595 Hunters Gate

City: Troy, 48098

Phone: 248-641-7063

Employer: Retired from U. S. Navy and Kmart Corporation. Currently a business consultant.

Are you a registered voter in the City of Troy? Yes

How long have you lived continuously in the City of Troy? Eight (8) years

Have you ever been convicted for anything other than a minor traffic violation? No.

Number the Advisory Boards or Committees for which you would like to apply: (in order of preference - 1 = First Choice, 2 = second Choice, etc.)

_____ Advisory Committee for Persons with Disabilities
_____ Animal Control Appeals Board
_____ Board of Review
_____ Building Code Board of Appeals
_____ Charter Revision Committee
_____ Downtown Development Authority
_____ Election Commission
_____ Historic District Commission
_____ Liquor Committee
_____ Parks & Recreation Board
_____ Planning Commission
_____ Traffic Committee
_____ Advisory Committee for Senior Citizens
_____ Board of Canvassers
_____ Board of Zoning Appeals
_____ CATV Advisory Committee
1____ **Civil Service Commission Act 78**
_____ Economic Development Corporation
_____ Historical Commission
_____ Library Board
_____ Municipal Building Authority
_____ Personnel Board
_____ Retirement System Board of Trustees
_____ Troy Daze Committee

☐ **I do not wish to be reappointed.**

Professional Qualifications and/or Work Experience:

Recently retired as Divisional Vice President, Marketing from Kmart Corporate Headquarters. Began career as an assistant manager 25 years ago. Managed stores, and districts throughout the southeast United States. Became the Director of Human Resources for the Midwest United States in 1992. Oversaw all HR functions for over 500 stores (7,000 + associates) including exempt and non-exempt personnel. In 1996 appointed Director of Executive Human Resources and oversaw all generalist HR functions for the senior executive management team, including executive recruitment. In 1999 was appointed Divisional Vice President of Human Resources overseeing customer service issues for all 2,150 stores. In 2000 was promoted to Divisional Vice President, Marketing Research, Customer Insights. Previously served for nearly seven years in the U. S. Navy as a Cryptologic Technician. Was formally retired on a disability in August 1977 as a result of having lost part of my lung while in Asia.

Educational Background:

Received an AS in Business Administration (Economics) while in the U. S. Navy from Fisher College in Boston, MA. Finished an additional two years at the University of South Florida. Additional technical and management courses at various universities including study at Harvard University. Served on the Board of Directors of many community and professional agencies over the years.

References (Please list name and address):

Andy Fromm
President
Service Management Group
210 West 19th Terrace
Suite 200
Kansas City, Missouri 64108

Tim Crow
Senior Vice President
Human Resources
Kmart Corporation
3100 West Big Beaver Road
Troy, MI 48084

Stanley Schwartz, Esq.
Sommers, Schwartz, Silver and Schwartz
2000 Town Center, Suite 900
Southfield, MI 48075-1100

Please indicate reasons for desiring to serve:

The City of Troy has been most gracious to myself and my family over the past years. A tragic crash took the life of my daughter, and the citizens of Troy completely embraced us and helped us through a most difficult time. As a result of many transfers in the retail industry, we have lived in a dozens of cities over the years. None of them compare to Troy. Troy is truly our home. Troy is where we belong and where we will always live. It's time I gave back to this wonderful City. With my strong background in Human Resources, I feel I can contribute to this particular Commission. It would be a privilege to work with this commission to ensure that all parties are treated fairly, and with respect.

Signature:

Date: 9/21/01

Name (Mr/Mrs/Ms) _____

Address: _____ MARY KERWIN
6392 Elsey

City/State/Zip: _____ Troy, MI 48098
(248) 879-7909

Phone: _____

Employer: _____

Address: _____

City/State/Zip: _____

Phone: _____

Registered voter in the City of Troy? Yes ☑ No ☐

How long have you lived continuously in the City of Troy? 13 yrs

Have you ever been convicted for anything other than a minor traffic violation? Yes ☐ No ☑

Thank you for your interest in serving on an Advisory Board or Committee.

The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment.

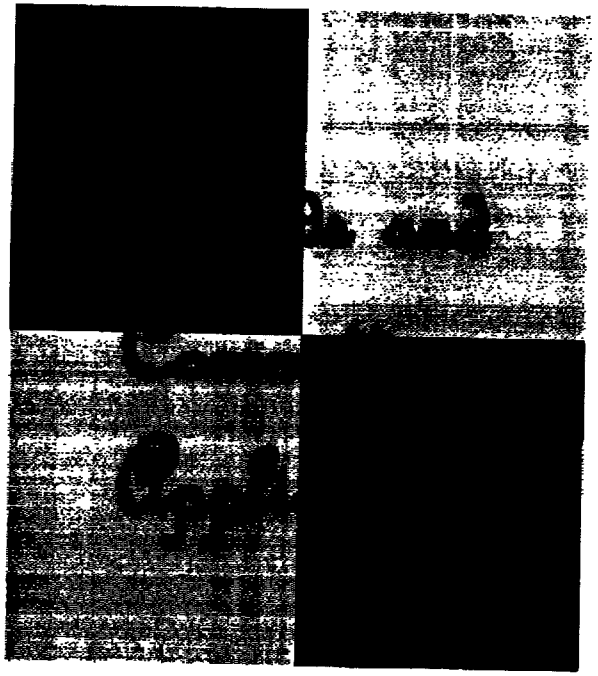
The application will be kept on file for two years.

Number the advisory boards or committees for which you would like to apply for in the order of your preference: 1=first choice, 2=second choice, etc.

- Advisory Committee for Persons with Disabilities
- Advisory Committee for Senior Citizens
- Animal Control Appeals Board
- Board of Canvassers
- Board of Review
- Board of Zoning Appeals
- Brownfield Redevelopment Authority
- Building Code Board of Appeals
- CATV Advisory Committee
- Charter Revision Committee
- ✓ Civil Service Commission Act 78
- Downtown Development Authority
- Economic Development Corporation
- Election Commission
- Historical Commission
- Historic District Commission
- Library Board
- Liquor Committee
- Municipal Building Authority
- Parks & Recreation Board
- Personnel Board
- Planning Commission
- Retirement System Board of Trustees
- Traffic Committee
- Troy Daze Committee

☐ **I do not wish to be reappointed**

City of Troy



City Clerk's Office
500 West Big Beaver
Troy, Michigan 48084
(248) 524-3316

(Send Application to above Address)

F-1

Professional Qualifications and/or Work Experience: FORMER SECONDARY ENGLISH TEACHER; ALSO WORKED FOR LOS ANGELES COUNTY - MEDICAL RECORDS WHICH IS A CIVIL SERVICE JOB

Community Activities and/or Other Experience: SERVING SECOND TERM AS TROY SCHOOL BOARD TRUSTEE, SERVE IN CHURCH, SCHOOL, AND COMMUNITY ORGANIZATIONS; LEAGUE OF WOMEN VOTERS, WOMEN'S OFFICIALS NETWORK, LEADERSHIP TROY, HOSTS, MENTOR, T.H.S. BOOSTER CLUB TRUSTEE, MICHIGAN POLITICAL LEADERSHIP PROGRAM FELLOW 2001

Educational Background: IMMACULATE HEART COLLEGE BA ENGLISH - LIFETIME TEACHING CREDENTIAL, NUMEROUS GRADUATE FELLOWSHIPS FROM: PEPPERDINE, MALIBU, UNIVERSITY OF MISSISSIPPI, TRINITY COLLEGE, UC LONG BEACH

References (Please list name and address): TOM KOSZUBSKI 1078 FREELANDT TROY 48098 952-1732
ROBIN BERTRAMINI 6564 PARKVIEW TROY 48098 828-1775

Indicate REASONS FOR DESIRING TO SERVE: I HAVE A GOOD UNDERSTANDING OF POLICY AND HOW IT SHOULD BE APPLIED. I AM THOUGHTFUL AND DELIBERATE IN JUDGEMENT. I UNDERSTAND THIS COMMISSION IS IN NEED OF VOLUNTEERS AND BELIEVE I CAN BE A VALUE.

Signature: MKerwin

Date: _____

Name (Mr/~~Mrs/Ms~~): Endre A. Mayer

Address: 6435 Denton Dr

City/State/Zip: Troy, MI 48098

Phone: 248-828-8671

Employer: Retired

Address: _____

City/State/Zip: _____

Phone: _____

Registered voter in the City of Troy? Yes ☒ No ☐

How long have you lived continuously in the City of Troy? 13

Have you ever been convicted for anything other than a minor traffic violation? Yes ☐ No ☒

Thank you for your interest in serving on an Advisory Board or Committee.

The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment.

The application will be kept on file for two years.

Number the advisory boards or committees for which you would like to apply for in the order of your preference: 1=first choice, 2=second choice, etc.

- _ Advisory Committee for Persons with Disabilities
- _ Advisory Committee for Senior Citizens
- _ Animal Control Appeals Board
- _ Board of Canvassers
- _ Board of Review
- 1 Board of Zoning Appeals
- _ Brownfield Redevelopment Authority
- _ Building Code Board of Appeals
- _ CATV Advisory Committee
- _ Charter Revision Committee
- _ Civil Service Commission Act 78
- _ Downtown Development Authority
- _ Economic Development Corporation
- _ Election Commission
- _ Historical Commission
- _ Historic District Commission
- _ Library Board
- _ Liquor Committee
- _ Municipal Building Authority
- _ Parks & Recreation Board
- _ Personnel Board
- _ Planning Commission
- _ Retirement System Board of Trustees
- _ Traffic Committee
- _ Troy Daze Committee

☐ **I do not wish to be reappointed**

City of Troy

Boards and Committees Application

City Clerk's Office
500 West Big Beaver
Troy, Michigan 48084
(248) 524-3316

(Send Application to above Address)

F-1

Professional Qualifications and/or Work Experience: After 45 years of experience retired as Engineering Manager in mechanical engineering. Published 15 reviewed professional papers and received 22 45 patents

Community Activities and/or Other Experience: Active in Home Owners group, served as President for the Birmingham Home Owners Association. Served on the Board of Zoning Appeals 9 years as a member and several terms as Vice Chair. Currently member Board of Directors, Fox Hall Subdivision.

Educational Background: B.S. in physics from Denison University; several post graduate courses and computer classes. Registered Professional Engineer in the State of Michigan

References (Please list name and address): David Breck - 248-858-9840; 752 Willits, Birmingham MI 48008
George Renninger 248-828-3631; 6427 Denton Dr., Troy MI 48098
Scott Moore 248-539-1960; 984 Rivenoak, Birmingham, MI 48009

Indicate REASONS FOR DESIRING TO SERVE: Have the time, the interest and the qualification required for the Board of Zoning Appeals to serve the City of Troy

Signature: Eugene A. Mayer 9/16/01

Advisory Committee for Persons With Disabilities
Committee of 9, 3 Alternates

Presently Serving Name	*Address*	*Telephone Numbers*	*Term Expires*	*Original Appt Date*	*TimeApplied Term Limits*
Bertin, Leonard O	5353 Rochester Rd, 98	813-9575 258-2500B	11/01/02	1/10/00	1/10/00
Buchanan, Cynthia (Alternate)	840 Huntsford, 84	362-0671	11/01/03	4/23/01	4/23/01
Butler, Mary Ann (Alternate)	1060 Glaser, 98	689-9098	11/1/2003	1/13/92	12/18/00
Connelly, Sharon (Resigned)	1638 Martinique, 84	649-3542 248-816-1900B	11/1/2002	11/1/99	11/1/99
D'Anna, Philip	5149 Westmoreland, 98	248-526-3088B	11/1/2001	11/3/97	6/21/99
Done, Angela	2304 Academy, 83	689-1457	11/1/2002	3/1/93	11/15/99
Gauri, Kul B (Alternate)	5305 Greendale, 98	680-0325	11/1/03	4/23/01	4/23/01
House, Theodora	301 Belhaven, 98	680-1232	11/1/2003	10/19/99	10/18/99 11/20/00
Johnson, Nancy	1461 Lamb, 98	740-8983	11/1/2003	9/13/93	11/20/00
Kuschinsky, Dick	5968 Whitfield, 98	641-7764 313-496-2686B	11/1/2001	6/27/94	6/21/99
Sharon Lu (Student)	1749 Freemont, 98	641-3860	07/01/2002	9/10/01	N/A
Patel, Shreyas (Student)	43 Crestfield Ave, 98	740-1231	7/01/2001	6/19/00	N/A
Rodgers, John J	5925 Whitfield, 98	641-9538	11/1/2003	4/23/01	4/23/01
Sura, Nancy	1436 Welling, 98	528-3133 248-696-2140B	11/1/2001	10/26/92	6/21/99

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION #98-540

Advisory Committee for Persons With Disabilities
Committee of 9, 3 Alternates

Interested Citizens Name	*Address*	*Telephone Numbers*	*Date Received*	*Sent To Council*	*Currently Serving*
Burt, Susan	**2134 Oakwood, 85**	**828-1967H 313-577-1435B**	**9/24/01 9/2003**	**10/01/01**	
Kasunic, Diane	**3036 Oakhill Troy MI 48084**	**433-1348**	**7/19/00 3/22/01**	**8/09/00 4/09/01**	**Charter Revision Committee**
Pietron, Dorothy Ann	**1716 Eldridge, 83**	**524-9160**	**7/10/01 6/2003**	**7/23/01**	
Shah, Jayshree	**4053 Drexel**	**952-5555H 810-986-3191**	**08/28/01 8/2003**	**9/17/01**	

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION #98-540

Advisory Committee for Senior Citizens
Committee of 9

Presently Serving Name	*Address*	*Telephone Numbers*	*Term Expires*	*Original Appt Date*	*TimeApplied Term Limits*
Banch, Steven	**2731 West Wattles, 98**	**646-3267**	**4/30/2004**	**11/04/96**	**5/07/01**
Crowe, Jane	**1984 Muer, 84**	**643-0158**	**4/30/2004**	**7/17/79**	**4/23/01**
Dixon, Merrill	**5974 Diamond, 98**	**879-2887**	**4/30/2003**	**11/04/96**	**3/20/00**
Forst, Edward	**2731 Dover, 83**	**689-6572**	**4/30/2004**	**5/12/97**	**4/23/01**
Hoag, Marie	**6408 Vernmoor, 98**	**879-6433**	**4/30/2003**	**5/09/94**	**3/20/00**
Jose, Lawrence	**5581 Livernois, 98**	**879-9314**	**4/30/2003**	**2/22/93**	**3/20/00**
Ogg, David S	**3951 Forge, 83**	**689-2210**	**4/30/2002**	**4/24/93**	**3/29/99**
Rhoads, Josephine	**4226 Gatesford, 98**	**689-2741**	**4/30/2002**	**11/11/91**	**3/29/99**
Weisgerber, William	**2475 Charnwood, 98**	**828-7072**	**4/30/2002**	**4/23/01**	**4/23/01**

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

Advisory Committee for Senior Citizens
Committee of 9

Interested Citizens Name	*Address*	*Telephone Numbers*	*Date Received*	*Sent To Council*	*Currently Serving*
Buchanan, Cynthia	**840 Huntsford, 84**	**362-0671**	**6/07/00**	**6/19/00**	**Advisory Committee Persons w/Disabilities**
Burt, Susan	**2134 Oakwood, 85**	**828-1967H 313-577-1435B**	**9/24/01 9/2003**	**10/01/01**	
Kasunic, Diane	**3036 Oakhill, 84**	**433-1348**	**7/19/00 3/22/01**	**8/09/00 4/09/01**	**Charter Revision Committee**
Pietron, Dorothy A	**1746 Eldridge, 83**	**524-9160**	**12/21/98 7/10/01 6/2003**	**7/23/01**	
Shah, Jayshree	**4053 Drexel**	**952-5555H 810-986-3191**	**08/28/01 8/2003**	**9/17/01**	
Thompson, JoAnn	**6177 Livernois, 98**	**879-2637H 362-2165B**	**5/21/01 6/12/01 5/2003**	**5/21/01**	

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

Board of Zoning Appeals
Committee of 7

Presently Serving Name	*Address*	*Telephone Numbers*	*Term Expires*	*Original Appt Date*	*TimeApplied Term Limits*
Courtney, Kenneth L	PO Box 53, 48099	879-1733	4/30/04	4/10/95	4/23/01
Fejes, Christopher	6475 Elmoor, 98	828-4361	4/30/03	1/11/93	3/20/00
Gies, Marcia	4801 Heatherbrook, 98	689-8908H 399-1400B	4/30/04	5/07/01	5/07/01
Hutson, Michael W	2396 Ridge, 98	641-7582	4/30/03	1/10/00	1/10/00 3/20/00
Kovacs, Matthew R	5621 Livernois, 98	879-5193H 458-5900B Ext 610	4/30/02	6/04/01	6/04/01
Maxwell, Mark	4164 Wentworth, 98	649-2115	4/30/02	4/12/99	4/12/99
Storrs, Walter A III (Plan Rep)	5676 Martell, 98	879-8529	12/31/01	1/22/01	
Waller, David T (Plan Rep Alt.)	2921 Townhill, 84	642-9737	12/31/01	1/22/01	

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

Interested Citizens Name	*Address*	*Telephone Numbers*	*Date Received*	*Sent To Council*	*Currently Serving*
Bordas, Douglas M	5902 Cliffside, 98	828-8940	8/19/99		Parks and Rec Board
Butt, Shazad	5381 Clearview, 98	641-8505	7/13/00/6/26/01 5/2003	8/07/00 7/09/01	
Deel, Ryan J	2926 Roundtree, 83	252-4588H 357-6610B	5/17/01/6/25/01 5/2003	5/21/01 7/09/01	
Grinnell, Eric S	416 E Square Lk MAIL TO: PO Box 99417, 99	879-0250H 663-5055B	4/23/01	4/23/01	Traffic Committee
Howrylak, Frank J	3035 Newport, 84	643-6653H 512-3110B	4/05/01	4/09/01	Board of Review
Kasunic, Diane	3036 Oakhill, 84	433-1348	7/19/00 3/22/01	7/19/00 3/22/01	Charter Revision Committee
Laze, Rudolf Q	2843 Iowa, 83	585-3668H 546-6700B	3/01/01	3/05/01	
Mayer, Endre	6435 Denton, 98	828-8671H	9/21/01	10/01/01	
Nicoletti, Paul J	3885 Estates, 84	203-7800B	9/28/99		
Noce, Robert Wilson	2850 Orchard Trail, 98	540-1606	11/16/00	11/20/00	
Ogg, David	3951 Forge, 83	689-2210	2/9/99 4/16/01	4/23/01	Advisory Comm for Sr Citizens
Patel, Shreeti	43 Crestfield, 98	740-1231	10/24/00	11/06/00	
Silver, Neil S	3837 Edenderry, 83	680-0147	8/11/00 6/20/01 5/2003	8/21/00 7/09/01	
Walker, James	5356 Orchard Crest, 98	879-1223B	6/11/99 6/14/01 5/2003		
Wright, Wayne C	2515 Homewood, 98	641-7115H 810-775-7710B	1/7/99		Planning Commission

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

Civil Service Commission (Act 78)
Committee of 3

Presently Serving Name	*Address*	*Telephone Numbers*	*Term Expires*	*Original Appt Date*
Cannon, David C (Appointed by Mayor)	3339 Medford, 84	248-649-9308 (734) 525-2686 (Fax)	4/30/03	7/11/94
McGinnis, Donald E Jr (Police/Fire Repr)	1721 Crooks, 84	248-643-6002 (Work) 810-215-9000 (MOBILE) 248-643-4320 (Fax)	4/30/04	7/29/98
Sirotti, Gary A (Civil Service) (Resigned)	4032 Rouge Circle, 98	642-6747H 224-0809B	4/30/02	3/25/99

Interested Citizens Name	*Address*	*Telephone Numbers*	*Date Received*	*Sent To Council*	*Currently Serving*
Easterbrook, David J	5595 Hunters Gate,98	641-7063H 330-2305C	9/25/01	10/01/01	
Kerwin, Mary	6392 Elsey, 98	879-7909H	9/21/01	10/01/01	
Ziegenfelder, Peter	3695 Forge, 83	582-0237H 696-2277B	12/07/00 6/11/01	12/18/00 07/09/11	

Application
STUDENT REPRESENTATIVES
ON CITY BOARDS AND COMMISSIONS

Name: Lucy Lu Grade: 11 Age: 16

Address: 1749 Freemont Dr.

City: Troy Zip: 48098

Telephone: (248) 641-3860 School: Troy High School

Using the attached listing of City boards and commissions, please list your top 3 choices, ranking your order of preference for appointment from 1 (being your first choice) to 3.

1. Historical Commission
(name of board/commission)

2. CATV Advisory Committee
(name of board/commission)

3. Advisory Committee for Senior Citizens
(name of board/commission)

Please list your school activities and/or classes which would qualify you to sit on the boards or commissions of your choice:

I have taken AP Am. History last yr. & is currently taking World AP History. I'm very interested in history + believe that I am capable of contributing to that commission. I also work w/ many senior citizens during my community volunteering, and understand many of their needs + concerns.

Please list your involvement in extra-curricular and non-school activities:

I am a weekly volunteer at Beaumont Hospital in Royal Oak. I am also a member of SADD, which involves spreading the dangers of drunk driving across the community. I have also worked as a volunteer at the Peachwood Nursing Home.

What personal skills and characteristics do you possess that would make you a good representative?

I am a very responsible young adult who likes to take charge. I believe that I'm very much a person who likes to be involved in the community. I'm always looking for opportunities to improve the environment we're in. I also enjoy socializing + voicing my opinions.

How would you be able to schedule your time to function effectively as a student representative?

In order to schedule time to participate on the youth commission, I will find a way to complete my schoolwork as efficiently as possible, reschedule my volunteer hours to avoid complications, & find extra time to devote to being an outstanding student rep.

Would you be interested in being considered for any other boards if you are not selected for any of your top three choices?

Yes ✓ No _____

Please include a short essay, (no more than 250 words typed or neatly handwritten) describing why the selection committee should choose you as a student representative to a board or commission. If selected, your essay will be part of your introduction to your board or commission.

Please include two letters of recommendation from adults who know you at school and who know your activities out of school.

Parent(s) Permission:

I give my permission for my son/daughter to seek the position of a representative to a City of Troy board or commission.

_____ _____

Parent Signature Date

Return application to:

Cindy Stewart, Community Affairs Director
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Beaumont
William Beaumont Hospital
Royal Oak

August 31, 2001

Dear Ms. Stewart:

My name is Nancy Bonacci and I work as the Coordinator of the Customer Relations department at William Beaumont Hospital-Royal Oak. One of the pleasures of my job is to mentor students in our hospital's volunteer Greeter Program. I am writing this letter as a recommendation for one of the "stars" of our program, Ms. Lucy Lu.

Ms. Lu has been a volunteer in our Greeter Program since February 2001. Her volunteer duties include greeting visitors entering and existing hospital entrances, walking customers to their destinations, transporting customers (by wheelchair) to their destinations, training new greeters, problem solving for patients and vistors, and assisting our Customer Relations department staff with special projects. We have found Ms. Lu handles her responsibilities successfully. We are able to leave her alone in a workstation, knowing the given tasks will be executed to the best of her ability. We describe Ms. Lu with words such as: dependable, eager, friendly, approachable, outgoing, and responsible. In evaluating our students, we rate her customer service skills very high. In addition to the good work Ms. Lu lends to our program, she has been a productive student recruiter too. Ms. Lu has recruited several other exceptional volunteers for the program.

Thank you, I know you will find Ms. Lu a welcome addition to any group you mentor.

Sincerely,

Nancy Bonacci

Nancy Bonacci, Coordinator
Patient Satisfaction
Customer Relations Department

3601 West Thirteen Mile Road Royal Oak, Michigan 48073-6769
(248) 551-5000

VHA United to Improve America's He

As the city of Troy slowly make its way through the first decade of this new millenium, it is suddenly home to new technological advancements and thriving new businesses. Strangers who visits this newly booming town, would barely be able to recognize this as a city deeply embedded with a rich historical background. That is why I hope to be a member of the historical commission.

I have always been convinced that without a past, we cannot have a future; that is why I am so interested in representing this Historical Commission. I am very responsible, hardworking, and devoted and I will serve to the best of my ability if I am to be chosen. I have an abundant amount of experience volunteering and interacting with others—such examples include volunteering at Beaumont Hospital in Royal Oak and Peachwood Nursing Home. My goal is to play a more active role in the community—give back to a town who has given me so much, and represent the people's needs, likes, and dislikes. I feel that with the rapid expansion of corporations and businesses in this city, more and more of its past is being shadowed and inevitably forgotten.

That is why now, more than ever, more effort and improvement is needed to preserve the history of Troy for tomorrow's future. If I am chosen to be a representative of this commission, I will promise to work to the best of my ability and turn a vision into reality.

TROY HIGH SCHOOL

Guidance Department
4777 Northfield Pkwy
Troy, Michigan 48098
Phone: 248/823-2715 • Fax: 248/823-2713

George O'Brien
Counselor

September 10, 2001

Dear Ms. Cindy Stewart,

Please accept this letter of recommendation for Lucy Lu who has applied to be a representative on the Troy City Youth Board. I have known Lucy for almost four years and I'm excited by her desire to become more involved in the community. Her personality and her sense of responsibility make her a perfect candidate for this position. She is a "self-starter" and often leads and initiates responsible action. I am often amazed at her insight and her mature outlook on life. Her outgoing nature and her friendly mannerisms combine with her gifted intelligence to produce a balanced young lady who will represent our students and youth most admirably.

Lucy's desire to enter the political arena is not surprising to me. She likes to learn and to interact with people. She has an open mind and a good deal of common sense. Her times spent volunteering at Beaumont Hospital and at the local nursing home have made her aware of the needs of others. She will work hard to see that her views are expressed and that others' viewpoints will be heard. Lucy Lu is a great choice for this position and I give her my highest recommendation. If you require further information, please do not hesitate to contact me at the address and phone number listed above. Thanks for your consideration.

Sincerely,

George O'Brien

George O'Brien
Counselor

CITY OF TROY, MICHIGAN
APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for two years.
(Please type or print)

Date: SEPT. 13 2001

Name: PENNY MARINOS

Address: 1128 LARCHWOOD

City: TROY Zip: 48083

Home Phone Number: (248) 740-8920

Employer: HAMILTON MILLER TRAVEL

Address: 29566 NORTHWESTERN HWY SOUTHFIELD MI 48034 Phone: (248) 827-4065

Are you a registered voter in the City of Troy? YES

How long have you lived continuously in the City of Troy? 7 1/2 YEARS

Have you ever been convicted for anything other than a minor traffic violation? NO

Number the Advisory Boards or Committees for which you would like to apply:
(in order of preference - 1 = First Choice, 2 = second Choice, etc.)

- ____ Advisory Committee for Persons with Disabilities
- ____ Animal Control Appeals Board
- ____ Board of Review
- ____ Building Code Board of Appeals
- ____ Charter Revision Committee
- ____ Downtown Development Authority
- ____ Election Commission
- ____ Historic District Commission
- ____ Liquor Committee
- ____ Parks & Recreation Board
- ____ Planning Commission
- ____ Traffic Committee
- ____ Advisory Committee for Senior Citizens
- ____ Board of Canvassers
- ____ Board of Zoning Appeals
- 1 CATV Advisory Committee
- ____ Civil Service Commission Act 78
- ____ Economic Development Corporation
- 3 Historical Commission
- ____ Library Board
- ____ Municipal Building Authority
- ____ Personnel Board
- ____ Retirement System Board of Trustees
- 2 Troy Daze Committee

9 **I do not wish to be reappointed.**

Professional Qualifications and/or Work Experience:

TRAVEL AGENT SINCE 1970 - AGENCY MANAGER -
- INSIDE/OUTSIDE SALES - CUSTOMER SERVICE -
SECRETARY/ADMINISTRATIVE ASSISTANT.
COMPUTER SKILLS

Community Activities and/or Other Experience:

ALUMNI TROY CITIZENS ACADEMY.
-
MISS ASSUMPTION - QUEEN OF CHURCH
- SPEAK AT MANY TRAVEL FUNCTIONS
TAPED MANY TRAVEL TV SHOWS AS GUEST SPEAKER.
- MEMBER NATIONAL HONOR SOCIETY.
TRAVEL AGENT OF THE YEAR AWARD

Educational Background:

FINNEY HIGH SCHOOL - CO/ED & COLLEGE PREP - HONORS
- WCCC - LIBERAL ARTS
OCC - BUSINESS COURSES.
-
-

References (Please list name and address):

JACKIE BEIDAS
6562 CARRIAGE HILLS DR.
CANTON MI 48187
- CYNTHIA STEWART - CITY OF TROY
500 W. BIG BEAVER
- TROY MI 48084
MR. BILL ZOYES
- 6079 PINETREE DR.
SHELBY TOWNSHIP, MI 48316

Please indicate REASONS FOR DESIRING TO SERVE:

WANT TO GET INVOLVED WITH CITY OF TROY - TO HELP
-

MAKE OUR CITY A WONDERFUL PLACE TO LIVE, WORK & PLAY!

Signature: Perry Marinos

PLEASE RETURN THIS APPLICATION TO: TROY CITY CLERK'S OFFICE
500 W Big Beaver Road
Troy MI 48084

rev.11/00

Penny Marinos
1128 Larchwood
Troy, MI 48083
(248) 740-8920

OBJECTIVE

Seek a challenging administrative position in a progressive organization whereby I am utilizing my clerical, computer, management and people skills to the benefit of my employer.

SUMMARY OF QUALIFICATIONS

Competitive and innovative with excellent communication, interpersonal and discretionary skills. Computer expertise in the Sabre System, Microsoft Office, Word, Excel & Power Point, Ami-Pro/Lotus. Typing speed 68-wpm, Gregg Shorthand and dictaphone.

ACCOMPLISHMENTS

- Train staff, implement ideas into workable plans, motivate and encourage employees
- Design office forms – handle Customer Service issues – write company newsletter

EXPERIENCE

HMHF Travel Management – Southfield Michigan
Manager – Independent Sales Agent, January, 1985 to present
Hired as Manager of Retail Department, Human Resource, training, sales calls to clients and making travel arrangements. Very orchestral in helping this company grow. Eventually changed position to Independent Sales Agent, handling all travel arrangements for large corporate accounts as well as individuals, booking domestic, international, group, incentive. Take care of all clerical responsibilities and Customer Service issues

Levy & Associates USA – Troy, Michigan
May 1998 to July 1999, part-time secretary to Director of Sales for the US office

Mayfair/Air & Sea Travel – Southfield, Michigan
Manager/Secretary from 1979 to 1985
Manager of Air & Sea Travel, instrumental in the merger with Mayfair Travel – trained staff, made travel arrangements, sales calls to corporate accounts. Secretary to the President.

City National Bank, Trust Department – Detroit, Michigan
Executive Secretary to Trust Officer
Worked in the Pension/Profit Sharing Department, general secretarial duties, shorthand, dictation, typing. Trained on how to make stock purchases and transfers to Trust Accounts.

EDUCATION

Oakland Community College – Royal Oak, Michigan Campus
Courses in Business Management, Liberal Arts and dance

Wayne County Community College – Grosse Pointe Farms, Michigan Campus
Courses in Liberal Arts and English

Eastern Airlines Travel Academy – Coral Gables, Florida
Extensive Travel Agent Training in reservations, sales, fare computing.

Member National Honor Society
Member Troy Citizens Academy

Date: August 13, 2001

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
William R. Need, Public Works Director

Re: Changes to Chapter 16 – Garbage and Rubbish

Attached, please find proposed changes to City of Troy Ordinance Chapter 16 covering Garbage and Rubbish. These revisions are necessary to update the ordinance to the current level of service being provided to the residents of Troy.

I have highlighted below some of the major changes and why they are necessary.

1. Section 2.2 entitled "Definitions" currently specifies which items are combustible or non-combustible, which was necessary when trash was taken to the Southeastern Oakland County Incinerator Authority. Trash is now recycled, composted, or land filled and the definitions need to be updated to specify what is meant by each of these terms.

2. We have proposed changing the minimum and maximum container size from a capacity of between 10 and 30 gallons to between 10 and 35 gallons. More residents are purchasing larger sized trashcans for convenience, some up to a 50-gallon capacity, but there is an industry wide problem of workers being injured from lifting these oversized cans. The proposal will allow our residents to use a slightly larger can while continuing to disallow those trashcans with a capacity of 40 gallons or more.

3. A section has been added addressing "Rejection of Waste, which has become necessary due to the oversized and overweight trashcan issue, and we have specified how much trash is "excessive" under the "Quantity of Refuse Collected" section.

4. New sections have been added addressing Preparation of Refuse, Preparation of Yard Recyclables, and Preparation of Recyclables. These topics are not covered in the current ordinance.

Very shortly we will be soliciting bid proposals for a new refuse collection contract and a resolution to update the ordinance is necessary to begin this process.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 16 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 Chapter 16 - Municipal Solid Waste and Recycling of the Code of the City of Troy.

Section 2. Amendment

Chapter 16 has been re-written to reflect the services currently being extended to the residents of the City of Troy.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the First day of October, 2001.

_____
Matt Pryor, Mayor

_____
Tonni Bartholomew. City Clerk

~~TITLE II - UTILITIES AND SERVICES~~

~~CHAPTER 16 GARBAGE AND RUBBISH~~

~~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 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.~~

~~(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.~~**Chapter 16 – Municipal Solid Waste and Recycling**

TITLE II – UTILITIES AND SERVICES

CHAPTER 16 MUNICIPAL SOLID WASTE AND RECYCLING

2.1 Necessity. Regulations governing the storage, collection, transportation, and disposal of refuse, recyclables, yard recyclables, and other rejected, unwanted or discarded waste materials within the limits of the City of Troy are necessary to protect the public health and safety.

2.2 Definitions. The following definitions shall apply:

(1) 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 material(s) resulting from the alteration, repair, construction, and/or demolition of buildings.

(3) Commercial/Industrial Refuse – "Commercial/Industrial refuse" shall mean the rejected, unwanted, discarded or abandoned materials resulting from operations that are 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 – Whatever annoys, injures, or endangers the safety, health, comfort or repose of the public; interferes with or destroys or renders dangerous any street, highway, allows accumulation of junk or obnoxious matters on private property; or in any way renders the public insecure in life or property is hereby declared to be a public

nuisance. Public nuisances shall include, but not be limited to, whatever is forbidden by any provision of Chapter 88 and the common and statute law of this state.

(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, corn husks, and any other similar items.

(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) Every owner, tenant or occupant of any building, or any person responsible for organizing a gathering place for people for any purpose, shall provide adequate and sufficient size sanitary containers to hold the accumulated refuse between weekly scheduled refuse collections.

(2) It shall be unlawful for any person to burn refuse within the corporate limits of the City.

(3) It shall be unlawful for any person to bury refuse within the corporate limits of the City.

2.4 Containers - General.

(1) Every owner, tenant or occupant of any building, and the owner of any property or use which generates refuse shall provide sufficient size containers to hold the accumulated refuse between weekly scheduled refuse collections.

(2) Cardboard boxes, buckets, bushel baskets, paper bags, paint pails, and other similar containers are considered unapproved containers and the City may not collect refuse when placed in these unapproved containers.

(3) The City may also refuse to collect refuse placed in containers that exceed the size and weight limitation or otherwise do not conform to the provisions of this article.

2.5 Approved Container Size and Weight.

(1) Containers for refuse must be portable, watertight, vermin-proof, of substantial construction, and have 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. Mechanically lifted carts which exceed 35-gallons may be used with prior permission of the City Public Works Department.

(2) Strong, securely closed plastic bags holding up to 32 gallons of refuse are also acceptable.

(3) For regular, scheduled pick-up, item(s) of refuse, including containers filled with refuse, shall weigh less than sixty (60) pounds. In addition, items of refuse shall not exceed three (3) feet in length or three (3) feet in girth.

2.6 Rejection of waste, tagging of containers

(1) If any waste 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 placing a tag on the rejected waste. The tag shall advise the owner or occupant of the non-conformity and shall include a telephone number to call for additional information and possible alternatives.

(2) If the City of Troy Department of Public Works determines the owner or occupant has failed to correct the tagged violation, the Department of Public Works may make a special collection of the rejected waste. The property owner shall be liable for any expense(s) the city incurs to make the special collection.

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~~and contents shall be stored in suitable places~~for the storage of containers and their contents~~ between collection ~~periods, and in such a manner as to~~periods. The containers shall be inaccessible to vermin, domestic animals, ~~insects, and so as not to create a nuisance. If collection of refuse is to be~~ and insects, so as to prevent a nuisance.
~~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 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 shall be the responsibility of the producer, or owner thereof and shall not be disposed of within the City. In addition, hazardous refuse shall not be stored or transported within the City without the written approval of the City Manager or Public Works Director. Written approval will not be granted unless the City Manager designates a supervisor who has knowledge of the safety measures required to protect the public health and safety during the storage, transport, or disposal of hazardous refuse.

(3) Large residential refuse items shall be broken down or disassembled and placed in approved containers 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 or furniture, which cannot be broken down or disassembled, shall be placed at the curb by 7:00 a.m. on the normally scheduled collection day. For safety reasons refrigerator doors shall be removed before placing item(s) at the curb. No item shall exceed 250 pounds.

(5) No person shall leave any materials that could ignite waste in a container or waste collection vehicle.

2.11 Preparation of Yard Recyclables.

(1) Yard recyclable collection 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 yard recyclable collection dates each year.

(2) Yard recyclables shall be placed in container(s) not exceeding thirty-five (35) gallons that have yard waste sticker(s) affixed to the can. The yard recyclable container(s) shall be placed so that the yard waste sticker faces the street. The container shall be placed at the curb on the opposite side of the driveway from the regular refuse 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 any other manner, including yard waste that is placed in plastic bags.

(4) Container(s) marked as yard recyclables shall not be used to collect regular refuse.

(5) No yard recyclables container shall exceed 60 pounds in weight.

2.12 Preparation of recyclables.

(1) Recyclables 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 an approved 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.

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.

~~(Rev. 6-24-71)~~

~~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~~refuse the right to dispose of ~~his own refuse if in so doing he does not violate any provisions of this Code.~~their refuse, so long as no provisions of the Code are violated.

~~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,~~yard and shall be 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)

September 26, 2001

TO: The Honorable Mayor and City Council

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

SUBJECT: Bid Waiver -
Purchase of One (1) 60,000 GVW Tandem Combination Sewer & Catch Basin Cleaning Machine Less Trade-Ins

RECOMMENDATION

Jack Doheny Supplies, Inc., the lowest acceptable bidder of our last combination catch basin machine, has agreed to provide the Motor Pool Division with one (1) additional combination catch basin machine, Model 2115 J6F, at the original bid price of $249,541.00 less trade in(s) of ($38,000) for an estimated total award of $211,541.00. The Motor Pool Division recommends the purchase of the 2002 combination catch basin machine, the cost of which is substantially below the next lowest bidder who participated in the 1999 bid process.

BACKGROUND

In January of 1999, bids were received for the purchase of a new combination catch basin machine. The bid was awarded to Jack Doheny Supplies, Inc., on the basis of their low bid of $249,541.00 less trade in(s) of ($38,000) for an estimated total award of $211,541.00. The combination catch basin machine has been placed into service, and is working very well.

Jack Doheny Supplies, Inc., has indicated that they have experienced approximately an 8% price increase since this was originally bid. There would be no benefit to the City to re-bid this item. By purchasing the combination catch basin machine from the same manufacturer, the unit will be identical to existing equipment, making training, repairs and parts procurement much easier for our employees. This combination catch basin machine will replace a SECA truck mounted Sewer Jet and Camel-Vac Trailer, both 1992 models.

BUDGET

Funds for one additional combination catch basin machine are available in the 2001-02 fiscal year Equipment Replacement Fund.

Total Estimated Award:	$211,541
Budget:	$241,000
Account Number:	565. 7981 (Equipment Replacement)

Prepared by: Samuel P. Lamerato, Superintendent of Motor Pool

9/5/01

EQUIPMENT POOL FUND
2001-02 BUDGET

SECTION A - REPLACEMENT UNITS

ITEM	QTY.	REPLACES	DESCRIPTION	UNIT COST	EST. COST	ACT. COST	QTY.
1	14	A	Police Patrol Cars	$23,000	$322,000		
2	6	B	Detective Cars	$19,500	$117,000		
3	1	C	Police Evidence Tech 4X4	$25,500	$25,500		
4	2	D	Fire Department 4X4	$25,500	$51,000		
5	6	E	Staff Vehicles	$15,000	$90,000		
6	2	F	Cargo Vans	$19,000	$38,000		
7	5	G	Pickup Trucks	$16,500	$82,500		
8	2	H	Pickup Trucks 4X4 W/Plows	$23,500	$47,000		
9	1	I	Equipment Trailer	$6,500	$6,500		
10	1	J	Combination Catch Basin/Sewer Jet	$241,000	$241,000	$ 211,541.00	1
11	2	K	16-YD V-Bottom Salt Spreader	$15,000	$30,000		
12	1	L	Wide Area Mower	$45,000	$45,000		
13	1	M	Brush Chipper	$35,000	$ 35,000		
14	1	N	Stump Cutter	$20,000	$ 20,000		
					$1,150,500	$211,541.00	

September 25, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Charles T. Craft, Chief of Police
Steven J. Vandette, City Engineer
John K. Abraham, Traffic Engineer

SUBJECT: Remove 'NO RIGHT TURN' Signs at the Leonard Elementary School Driveway

In June of 1997, in an effort to improve pedestrian safety at Leonard Elementary School, the Traffic Committee recommended signs that read "NO RIGHT TURN EXCEPT BUSES" at the exit drive from Leonard Elementary School. This was subsequently approved by City Council and the signs were installed.

In January of 2001, Officer Dan Clark and other City staff reviewed traffic conditions in the school parking lot. We found that the signs are one of the causes for congestion within the parking lot and requested removal of the turn restriction signs. The City Council acted on the Traffic Committee Recommendation by Resolution #2001-02-085 that “takes no action”, based on input from area residents, who wanted the signs to reduce traffic congestion on Tallman near their homes. Therefore, the signs remained.

Subsequent to this, the Troy School District Safety Committee met and endorsed four safety interventions (attached). #1, #2, and #4 were for the City to act on, while #3 would be the Troy School District's responsibility. Our Department of Public Works has placed additional signs indicating students crossing on Tallman and has painted the crossing lines (#1). Our Police Department is trying to employ a crossing guard to help kids cross Tallman. In the interim, a Troy Police Service Aide is doing the job (#2). The school district is reviewing alternate crossing locations (#3) and requests consideration of removal of the NO RIGHT TURN sign from the parking lot exit (#4).

Staff recommends approval of the request to remove these signs to improve traffic congestion and related safety concerns at Leonard Elementary School.

Troy School District
Safety Committee
March 2, 2001 - 3:00 p.m.

The districtwide Safety Committee, comprised of Board of Education Vice President Gary Hauff, Board of Education Trustee Ida Edmunds, Jan Jopke, Mike Williams, Stu Redpath, Denny Seppanen, and Gary Wood, convened at the request of Joanelle Long, Leonard School principal, and the Leonard School Safety Committee over parking lot traffic and safety issues at their building. Also present were six parents, Joanelle Long, Officer Dan Clark, and city of Troy traffic engineer John Abraham.

The concern about students crossing Tallman at Longfellow going to and from school was the major safety concern. Because of crowded, gridlock conditions in the parking lot on Tallman at school start and end times, it often takes students up to 15 minutes to cross Tallman to walk home. Officer Clark has been to the city Safety Committee and the City Council over the "No Right Turn" sign at the Leonard parking lot exit that has been causing part of the gridlock difficulties. The school and Officer Clark would like the "No Right Turn" sign hours changed to correspond to school hours. John Abraham, AAA, and Officer Clark have all reviewed and studied the safety circumstances at Leonard School. Mike Williams has dealt with John Abraham and Bill Need to place additional student crossing signs at the crosswalks in the Leonard area along Tallman. Also, new crossing lines will be painted by the city as soon as weather permits. The safety patrol members that help students cross have been trained by Officer Clark and the AAA safety training program.

The Leonard Safety Committee and Officer Clark recommended that an adult crossing guard be hired by the city to help students cross Tallman. John Abraham recommended that the Leonard parking lot be reviewed for expansion and the addition of a separate lane for student drop-off and pick-up to alleviate safety concerns. The District Safety Committee endorses the following safety interventions:

1. Placement of additional signs indicating student crossing on Tallman and the repainting of crossing lines.

2. Review by the city of placing an adult crossing guard on a temporary basis in the area to help children cross Tallman.

3. Review of the area north of the school entrance for a possible crossing area for all students that live east of Tallman to replace existing crossing area at Longfellow and Randall.

4. Removal of the "No Right Turn" sign from the parking lot exit.

City Council Resolution from February 05, 2001

(c) Adjust the No Right Turn Times at the Leonard School Driveway, at the Direction of the Traffic Engineer

Resolution #2001-02-085
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, That City Council hereby takes no action on the request for the adjustment of the No Right Turn Times at the Leonard School Driveway at the direction of the Traffic Engineer, as recommended by the Traffic Committee.

Yes: All-6

Traffic Committee Minutes from January 17, 2001

6. Remove NO RIGHT TURN EXCEPT BUSES Sign on Leonard School Driveway

In June of 1997, in an effort to improve traffic congestion and safety at Leonard School, the Traffic Committee recommended, and subsequently the Council approved, installation of a sign indicating "NO RIGHT TURN FROM 8:00-9:00 AM AND 3:15-3:45 PM EXCEPT BUSES" on Leonard School driveway at Tallman. The Troy Police Department and the Traffic Engineering office have performed several studies to improve traffic flow near the school. There is very high congestion in the parking lot during arrival and dismissal time of the school. Some of the congestion may be due to the turn restrictions, since all traffic has to make a left turn exiting the parking lot. Officer Dan Clark has requested removal of this sign.

Bill Murray, 528 Longfellow, is opposed to removing the NO RIGHT TURN (NRT) signs. Before the signs were installed, children had difficulty crossing Tallman at Longfellow. Mr. Murray stated that 3 out of 4 motorists disregard the NRT signs anyway. Mrs. Murray said that she once stood on the curb waiting for 15 minutes to cross Tallman because of traffic volume and overly cautious safety patrol students. She also said that most of the children who could be walking to school are driven by their parents, thus adding to vehicular congestion. Mrs. Murray feels that an adult crossing guard would help, but the school board has not taken steps to obtain one. Lt. Rossman and Officer Clark are in agreement, and the Lieutenant offered to talk to school officials. It may take quite a long time to hire and train an adult crossing guard.

Linda Schoenfeldt of 514 Longfellow said that she has problems getting out of her driveway because of heavy traffic on Tallman.

Dr. Abraham has drafted a plan to revise the school parking lot to separate the pickup/dropoff area from the parking area. This would enhance safety as well as help alleviate gridlock at arrival and dismissal times. The principal, Dr. Long, is in agreement, but the plan would have to be approved by the Board of Education.

Mr. Diefenbaker suggested creating an exit-only driveway on vacant property to the south of the school. It was determined that this would not be feasible because the area is swampy and is a protected wetland.

Motion by Halsey
Supported by Lambert

To recommend that the NO RIGHT TURN times at the Leonard School driveway be adjusted, at the direction of the Traffic Engineer, and that the Traffic Engineer meet with school officials to discuss changes to the parking/pickup/dropoff areas at the school.

YEAS: 6 NAYS: 0 ABSENT: 1

MOTION CARRIED

Motion by Hubbell
Supported by Diefenbaker

September 18, 2001

TO: Honorable Mayor and Council

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

SUBJECT: Special Event Request

The Angel Society has requested the usage of Firefighters Park for a fundraiser. The organization would like to hold a “doggie wedding”.

The Society is looking at a tentative date of May 2002 for their event and is seeking approval of this event.

BACKGROUND:

In the past, all special events held in parks or on public grounds have been subject to City Council approval. The number of special events is limited to keep parks open to the general public. Very few special events are held where residents, or organizations are allowed to reserve open space in parks.

By City ordinance, special permission to use a park may be authorized if the use will serve the public benefit and welfare.

CONCERNS:

Staff has several concerns with allowing this event in Firefighters Park. The potential for mess caused by 50 dogs and/or the inability to control the behavior of 50 dogs is a real concern.

During the month of May, Firefighters Park is a flurry of activity. Along with disc golf and general park use, soccer games taking 4 fields are scheduled on Saturdays and Sundays. An event such as the one proposed by the Angel Society, promoted in the media could bring a large number of residents and non-residents to an already heavily used facility. Parking and crowd control may be an issue.

Finally, approval of this event would set a precedent for every other fund raising organization and dog show that wishes to use our parks.

September 19, 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, Park and Recreation Director
William R. Need, Public Works Director

Re: Bid Waiver: Extension Of Contract –
Street Light Work

RECOMMENDATION

On Monday, December 2, 1996, Troy City Council approved a three–year contract with Jacobs Electrical Construction, Inc., the sole bidder for Street Light Work, with an option to renew for two additional years at the same prices, terms, and conditions exercised and approved on November 15, 1999, to expire December 2, 2001 (Council Resolution # 96-1124 and 99-521-E-8).

The Public Works Department recommends extending the contract for street light work for one additional year at an estimated total cost of $20,000. As per attached letter, Jacobs Electrical Construction Inc. has agreed to the extension through December 2, 2002, under the same pricing, terms, and conditions as the original service contract as follows --

ITEM	DESCRIPTION	UNIT PRICE
1	Remove light pole 40’	$ 384.00
2	Salvage lighting steel pole	$ 384.00
3	Remove Concrete foundations	$ 565.00
4	Installation of Concrete foundations	$ 948.00
5	Installation of lighting standard 40’	$ 900.00
6	Cut & weld Street light base	$ 295.00
7	11/2” rigid plastic conduit	$ 8.75
8	8 AWG Cable Red	$ 2.40
9	8 AWG Cable Black	$ 2.40
10	10 AWG Cable Bare	$ 1.95

To: The Honorable Mayor and City Council
Re: Bid Waiver – Extension of Contract – Street Light Work

BACKGROUND

Jacobs Electrical Construction Inc. has agreed to extend the contract for one (1) additional year at original contract prices. The quality and service provided by Jacobs Electrical Construction Inc. meets or exceeds the bid specifications.

BUDGET

Funds are available from the Street Lighting Capital Outlay Equipment Account # 401448.7978.010.

Prepared by: Marina Basta-Farouk, Project Manager

Jacobs Electrical Construction, Inc.

September 12, 2001

City of Troy
4693 Rochester Road
Troy, MI 48095

Attention: Marina Basta/Aruk

Please be advised that Jacobs Electrical Construction, Inc. will continue its maintenance contract with the City, at its established unit prices for the year 2002.

We wish to thank you for allowing us to re new this contract.

Sincerely,

Jacobs Electrical Construction, Inc.

Robert E. Merritt
Project Engineer

1813 AUSTIN • P.O. BOX 395 • TROY, MICHIGAN 48099 • 248-689-0710-11 • FAX 248-689-4677
(AN EQUAL OPPORTUNITY EMPLOYER)

Bid Extension – Street Light Contract E-8

Resolution #99-521-E-8

WHEREAS, on December 2, 1996, a three year contract was awarded to the sole bidder, Jacobs Electrical Construction, Inc., to furnish all labor, material and equipment for the removal and replacement of street light poles, H bases and miscellaneous other street light work, excluding photo cell replacement (Resolution #96-1124); and

WHEREAS, Jacobs Electrical Construction, Inc. has agreed to exercise the option to renew this contract to street light work for two additional years under the same prices, terms and conditions; 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 bidding procedures are hereby waived and the contract with Jacobs Electrical Construction, Inc. to remove and replace street light poles, H bases and miscellaneous other street light work, excluding photo cell replacement, is hereby extended through December 2, 2001.

November 1, 1999

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
William R. Need, Public Works Director
Timothy Richnak, Streets & Drains Superintendent
Vicki C. Richardson, Administrative Aide

Re: Bid Extension - Street Light Contract

On Monday, December 2, 1996, City Council approved a three-year contract with Jacobs Electrical Construction, Inc., the sole bidder for Street Light Work, (Council Resolution #96-1124) with an option to renew for two additional years at the same prices, terms and conditions as the original contract. Jacobs Electrical Construction, Inc. has agreed to the extension; and the City recommends accepting their offer to extend the contract for an additional two years from December 2, 1999 through December 2, 2001.

E-8

Jacobs
Electrical
Construction, Inc.

October 21, 1999

City of Troy
4693 Rochester Road
Troy, MI 48098

Attention: Vicki C. Richardson

Dear Vicki:

Jacobs Electrical Construction, Inc. wishes to extend our contract No. 97000273 for removing and replacing street light poles through December 2, 2001.

Thank you for your attention regarding this matter.
Sincerely,

JACOBS ELECTRICAL CONSTRUCTION, INC.

ROBERT E. MERRITT
PROJECT ENGINEER

1813 AUSTIN • P.O. BOX 395 • TROY, MICHIGAN 48099 • 248-689-0710-11 • FAX 248-689-4677
(AN EQUAL OPPORTUNITY EMPLOYER)

REGULAR BUSINESS - CONTINUED

BID AWARDS: (A) STREET LIGHT WORK; (B) SPECIAL SERVICES VEHICLE FOR POLICE DEPARTMENT; (C) CONTRACT SNOW REMOVAL SERVICES C-7

(a) STREET LIGHT WORK

Resolution #96-1124
Moved by Pallotta
Seconded by Allemon

RESOLVED, that a three-year contract to furnish all labor, material and equipment for the removal and replacement of street light poles, H bases and miscellaneous other street light work, excluding photo cell replacement, is hereby awarded to Jacobs Electrical Construction, Inc., the sole bidder, at an estimated first year cost of $26,828, pursuant to bid tabulation opened October 28, 1996, a copy of which shall be attached to the original minutes of this meeting, contingent upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements.

Yeas: All-7

TO : *James c. Bacon, Jr.*
City Manager

FROM: *Marina Masri,*
Engineering Assistant

SUBJECT: *Bid Award*
For Various Street Light Work

DATE: *11/7/96*

We have received bid proposal for three years requirements of removal and replacement of street light poles, H base and miscellaneous other work as to furnish all Labor & Material and Equipment for the following item:

ITEM	ESTIMATED QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	8	Remove light pole 40' with mast arm & luminaire.	$ 384 .00	$ 3,072.00
2	8	Salvage lighting steel pole, mast arm & luminaire.	$ 384.00	$ 3,072.00
3	1	Remove concrete foundations.	$ 565.00	$ 565.00
4	1	Installation of Concrete foundations for 40' pole, according to the attached plan & specifications.	$ 948.00	$ 948.00
5	11	Install lighting standard 40' self weathering steel. EH8-409-SW with mast arm & luminaire.	$ 900.00	$ 9900.00
6	25	Cut & weld Street Light Base H Base for EH-409	$ 295.00	$ 7,375.00
7	120 L.F	1 1/2" Rigid Plastic Conduit Schedule 40	$ 8.75	$ 1,050.00
8	160 L.F	No. 8 AWG Cable Red	$ 2.40	$ 384.00
9	160 L.F	No. 8 AWG Cable Black	$ 2.40	$ 384.00

C-7

10	*40 L.F*	*No. 10 AWG Cable Bare*	*$ 1.95*	*$ 78.00*	
11	*2 EA*	*Photo Cell*	*$ 395*	*$ 790.00*	*EXCLUDED* --RECOMMEND REJECTION

TOTAL BID-- ESTIMATED --*$ 26,828.00*

I was concerned when only one bid was received and felt it necessary to look into the reason , I found that most of the contractors did not bid because they were too busy with other contracts . Further , I researched the last street light work that was similar in nature and compared the prices quoted with similar work performed. The most recent bid was in 1995 at Brinston Park. The prices then were found to be very comparable except for item # 11 which was high. Photo Cell replacement will be performed by our routine maintenance contractor " Reliable Sign Service, Inc." for approximately $ 80.00 each.

Therefore, I recommend we exclude item # 11 the Photo Cell, and we award this contract to the only bidder Jacobs Electrical Construction, Inc. at an estimated cost of $ 26,828.00 for the first year.
Attached for your convenience the bid tabulation.

The quantities as shown on the proposal are based on estimation, the actual work may vary from the proposal. The Contractor will be paid only for the work he does at the unit prices quoted which may be more or less than the quantities shown on the proposal.

If you have any questions regarding this recommendations. Please call me at your convenience.

Respectfully Submitted,

Marina Masri,
Engineering Assistant

Reviewed By,

Michael W. Culpepper,
Coordinator, Public Works Operations

Recommended By,

Jeanette Bennett
Director of Purchasing

NOTE: IF APPROVED BY COUNCIL, THIS BID SHALL BE AWARDED TO THE RECOMMENDED BIDDER CONTINGENT UPON SUBMISSION OF PROPER CONTRACT AND BID DOCUMENTS, INCLUDING INSURANCE CERTIFICATES AND ALL SPECIFIED REQUIREMENTS.

OF BIDS SENT -- 13
OF BIDS REC'D - 1

RECEIVED
NOV 1 4 1996
CITY OF TROY
CITY MANAGER'S OFFICE

BID TABULATION

Opening Date: 10/28/96 | CITY OF TROY | SBP 96-53

Date Prepared: 11/14/96 | VARIOUS STREET LIGHT WORK | Page 1 of 2

	VENDOR NAME:		JACOBS ELECTRICAL CONSTRUCTION		
	CHECK #		#483856		
	CHECK AMOUNT--		$ 500.00		
ITEM #	DESCRIPTION	EST QTY	UNIT PRICE	UNIT PRICE	UNIT PRICE
1.	Remove light pole 40' with mast arm and luminaire	8	$ 384.00	$	$
2.	Salvage lighting steel pole, mast arm and luminaire	8	$ 384.00	$	$
3.	Remove concrete foundations	1	$ 565.00	$	$
4.	Installation of concrete foundations for 40' pole, according to the attached plan and specifications	1	$ 948.00	$	$
5.	Install lighting standard 40' self weathering steel. EH8-409-SW with mast arm and luminaire	11	$ 900.00	$	$
6.	Cut & weld Street Light Base H Base for EH-409	25	$ 295.00	$	$
7.	1 1/2" Rigid Plastic Conduit Schedule 40	120 L.F.	$ 8.75	$	$
8.	No. 8 AWG Cable Red	160 L.F.	$ 2.40	$	$
9.	No. 8 AWG Cable Black	160 L.F.	$ 2.40	$	$
10.	No. 10 AWG Cable Bare	40 L.F.	$ 1.95	$	$
11.	Photo Cell	2	$ 395.00	=>RECOMMEND REJECTION OF ITEM# 11.	
	GRAND TOTAL:	ESTIMATED	$ 26,828.00	$	$
	DELIVERY/INSTALLATION		2 DAYS		
	INSURANCE Y/N		CAN MEET		
	WARRANTY		AS PER CONTRACT		
	EXCEPTIONS		NONE		

BID TABULATION

Opening Date: 10/28/96 | CITY OF TROY | SBP 96-53

Date Prepared: 11/14/96 | VARIOUS STREET LIGHT WC |

) BIDS: PROPOSAL: Three (3) Year Requirements of Removal and Replacement of Street Light Poles and H Bases and Miscellaneous Other Work

ATTEST:

Ester Corbin

Marina Masri

Jeanette Bennett

Jeanette Bennett /sc

JEANETTE BENNETT

PURCHASING DIRECTOR

A: Street Light Work.xls

BIDDERS LIST
REMOVE AND REPLACE STREET LIGHT POLES, H BASES, ETC.

COMPANY	ADDRESS	CITY	STATE	ZIP
ALPHA ELECTRIC INC	5700 18 MILE RD	STERLING HEIGHTS	MI	48314
CITY SIGN COMPANY	101 E WALTON BLVD	PONTIAC	MI	48055
HARLAN ELECTRIC COMPANY	24000 TELEGRAPH RD	SOUTHFIELD	MI	48034
JACOBS ELECTRICAL CONSTRUCTION INC	1813 AUSTIN	TROY	MI	48083
JAN INDUSTRIAL ELECTRONICS CO INC	6630 S. CRESCENT BLVD U S ROUTE 130 S	PENNSAUKEN	NJ	08109-140
RAUHORN ELECTRIC	51997 SCHOENHERR	SHELBY TOWNSHIP	MI	48315
REEVES ELECTRIC COMPANY INC	21707 DEQUINDRE	HAZEL PARK	MI	48030
RELIABLE SIGN SERVICE INC	280 S GRATIOT	MT CLEMENS	MI	48043
RIS CONTRACTING INC	1208 SYLVERTIS	WATERFORD	MI	48628
SUBURBAN ELECTRIC CONTRACTORS INC	1410 GLENWOOD	TROY	MI	48084
THE L E MYERS COMPANY	302 DURA AVE	TOLEDO	OH	43612
TILLMAN ELECTRICAL SERVICES INC	907 IRVIN	PLYMOUTH	MI	48170
ANSFORMER INSPECTION COMPANY	2704 NORMANDY RD	ROYAL OAK	MI	48073

PROCLAMATION OF APPRECIATION

WHEREAS, On September 11, 2001, the United States of America was attacked by terrorists resulting in the deaths of thousands of our fellow citizens in New York City, Washington, D.C., and rural Pennsylvania, while the entire nation watched in horror the destruction, pain, and suffering visited upon our beloved country; and,

WHEREAS, In particular, we watched the heroic acts of the brave New York City Fire Fighters and Police Officers, who ran into the World Trade Center buildings to rescue the trapped and injured and to fight the terrible inferno that engulfed the two massive towers; and,

WHEREAS, Here at home, in the City of Troy, our Volunteer Fire Fighters watched their New York City brothers and sisters rushing into great danger without regard for their own safety to carry out their sworn duty to serve, protect, and save the lives of their fellow citizens; and,

WHEREAS, Despite distance and danger, six Troy Fire Fighters and two Bloomfield Hills Public Safety Officers felt the call and the honored tradition of their profession by departing for New York to help their fallen brothers and sisters. On September 11, eight brave men traveled to the scene to assist, at what would quickly become known around the world as "Ground Zero"; and,

WHEREAS, They returned safely home on September 13, 2001, having accomplished their mission to assist their New York colleagues; and,

WHEREAS, After watching all of these events, the Troy City Council wishes to honor the mission and service of Fire Fighters everywhere.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy extends special recognition and appreciation to **Steve Gerard**, Station 6; **Dustin Lockard**, Station 6; **Jay Reynolds IV**, Station 5; **Jack Spreyer**, Station 4; **Ali Taqi**, Station 6; **Thomas VanSimaeys**, Station 6; and Bloomfield Hills Public Safety Officers **Noel Clason** and **Terry McDonnell** for their selfless and patriotic efforts to help their fellow New York City Officers; and

BE IT FURTHER RESOLVED, That the Troy City Council and the Citizens of Troy admire our Troy Fire Fighters and Bloomfield Hills Public Safety Officers who carried the spirit of our community as they reached out to fellow Americans in their time of need.

Presented this 1st day of October 2001.

PROCLAMATION TO HONOR
HARRIET BARNARD

WHEREAS, **Harriett Barnard** has dedicated her life to this community, and has demonstrated in so many ways her deep and genuine love for the City of Troy; and

WHEREAS, **Harriet** is a 5th generation descendant of the Kyser family. This family settled in Troy as Oakland County was settled on a land grant on the south side of 15 Mile Road near John R in Macomb County; and

WHEREAS, **Harriet** and her late husband Norman, the first City Manager, City Clerk and Troy Township Official from 1938 - 1955, raised their five sons and one daughter in the home on Livernois south of Square Lake. All Barnard children along with Harriet and Norman attended Johnson Niles Elementary School on Square Lake, with many family members including their grandchildren still making Troy their home; and

WHEREAS, Harriet has served the community with distinction in a long list of public services including Member of the Animal Control Board 1973 - present; Charter Member and current President of the Troy Historical Society; Chairperson for Hand & Eye Craft Show; Charter Member of the Museum Guild Past member of the Troy Historical Commission; and

WHEREAS, she also has dedicated many tireless hours to her church as member of Troy United Methodist Women; current Sunshine Person; Historical Committee; Worship Committee; and Rummage Sale Committee; and

WHEREAS, her long list of volunteer service does not end here, as she also worked as a 4-H Club Leader 1950s-1970s and volunteer at Barnard Elementary School; and

WHEREAS, this community has recognized **Harriet** over the years as Recipient of the Gold Badge of an honorary member of the Troy Volunteer Fire Department (for ringing the fire bell in her nightgown!); and Citizen of the year 1970, an honor she shared with husband Norman.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy commends **Harriet Barnard** for her dedication and commitment to the City of Troy; and;

BE IT FURTHER RESOLVED, that the City Council does hereby join with the citizens of Troy, to express sincere appreciation to **Harriet Barnard** for her many years of distinguished service to the City of Troy and thanks for all future years of service.

Presented this 30th day of September 2001.

Service Commendation
DAVID DROUILLARD

WHEREAS, Dave Drouillard began his employment with the City of Troy as a Planning Aide in the Planning Department on June 23, 1969, transferred to the Engineering department on June 30, 1969 as an Engineering Assistant and was promoted to Engineering Specialist on May 1, 1973; and

WHEREAS, On August 1, 1977, **Dave** transferred to the Department of Public Works as a Foreman in the Streets Division where he worked for 13 years;

WHEREAS, on August 20, 1985, **Dave** received a Certificate of Appreciation from the Troy Police Department for the professional actions he took in rendering emergency treatment and assisting in the extrication of a trapped driver in a crushed vehicle; and

WHEREAS, **Dave** was promoted to Field Supervisor in the Streets Division of the Department of Public Works on November 12, 1990 where he worked until his retirement from the City after 32 years of service on September 7, 2001; and

WHEREAS, During the course of his employment, **Dave** has contributed many tireless hours of dedicated service to the City of Troy and its citizens.

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy takes this opportunity to express its appreciation to **Dave Drouillard** 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 management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Dave** during his retirement years.

Signed this 1st day of October 2001.

Service Commendation
ROY FIORE

WHEREAS, Roy Fiore began his employment with the City of Troy as a Laborer with the Department of Public Works on August 12, 1968;

WHEREAS, On July 21, 1969, **Roy** was promoted to Light Equipment Operator and promoted again on May 1, 1973 to MSEC Equipment Operator in the Department of Public Works;

WHEREAS, **Roy** worked as Equipment Operator until his retirement from the City after 33 years of service on September 12, 2001; and

WHEREAS, During the course of his employment, **Roy** has contributed many tireless hours of dedicated service to the City of Troy and its citizens.

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy takes this opportunity to express its appreciation to **Roy Fiore** 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 management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Roy** during his retirement years.

Signed this 1st day of October 2001.

PROCLAMATION
NATIONAL FIRE PREVENTION WEEK
OCTOBER 7 – 13, 2001

WHEREAS, Last year in the United States an average of 406,400 home structure fires caused nearly 3,500 civilian deaths, approximately 18,000 civilian injuries, and approximately $4 billion in property damage; and

WHEREAS, Cooking, heating, and electrical fires represent three of the nation's leading causes of home fires, and are collectively responsible for nearly half of all home fires and almost one-third of the associated fire deaths; and

WHEREAS, A vast majority of home cooking, heating, and electrical fires can be prevented by taking simple safety precautions; developing a home fire escape plan and practicing it at least twice a year are critical to escaping a fire safely; and proper installation, testing, and maintenance of smoke alarms are part of a thorough home fire escape plan; and

WHEREAS, By preventing the leading causes of home fires, and by developing and practicing a thorough home fire escape plan, people can greatly reduce their risk to fire; and

WHEREAS, The **2001 Fire Prevention Week theme of "Cover The Bases & Strike Out Fire,**" designed to incorporate America's favorite past time and teach citizens throughout the United States, the State of Michigan and our community how to prevent cooking, heating, and electrical fires, and encourage people to develop a home fire escape plan that includes working smoke alarms; and

WHEREAS, The Troy Fire Department is dedicated to the safety of life and property from the devastating effects of fire and to educating our citizens about the importance of preventing fires and knowing what to do in the event of a fire; and

WHEREAS, The members of the fire service are joined by other concerned citizens of Troy, as well as other emergency service providers and safety advocates, businesses, schools, service clubs, and organizations in their fire safety efforts.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy does hereby proclaim the **week of October 7-13, 2001, as Fire Prevention Week**. This week commemorates the great Chicago Fire of 1871, which killed more than 200 people, left 100,000 homeless and destroyed more than 17,400 buildings.

BE IT FURTHER RESOLVED that we call upon the people of this community to participate in fire prevention activities at home, work and school. We also invite residents to visit our six local fire stations for the annual **Open House on Sunday, October 7 from 1 to 5 p.m. to celebrate Fire Prevention Week.**

Signed this 1st Day of October, 2001

Service Commendation
ROY FIORE

WHEREAS, Roy Fiore began his employment with the City of Troy as a Laborer with the Department of Public Works on August 12, 1968;

WHEREAS, On July 21, 1969, **Roy** was promoted to Light Equipment Operator and promoted again on May 1, 1973 to MSEC Equipment Operator in the Department of Public Works;

WHEREAS, **Roy** worked as Equipment Operator until his retirement from the City after 33 years of service on September 12, 2001; and

WHEREAS, During the course of his employment, **Roy** has contributed many tireless hours of dedicated service to the City of Troy and its citizens.

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy takes this opportunity to express its appreciation to **Roy Fiore** 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 management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Roy** during his retirement years.

Signed this 1st day of October 2001.

POLICE AND FIRE COMMISSION (ACT 78)

MINUTES/FINAL

Monday, April 30, 2001 - 7:30 AM

Call to Order: Commissioner Sirotti called the meeting to order at 7:32 AM in the Lower Level Conference Room of the Troy City Hall - 500 W. Big Beaver Road, Troy, MI.

Roll Call: PRESENT: Commissioner David C. Cannon
Commissioner Gary A. Sirotti
ABSENT: Chairman Donald E. McGinnis, Jr. (Excused)

Approval of Minutes of December 11, 2000:

Moved by Cannon
Seconded by Sirotti

RESOLVED, That the Minutes of the meeting of December 11, 2000, be approved.

Yes: Cannon, Sirotti
Absent: McGinnis

Petitions and Communications:

(a) Approval of Rule Changes for Entry Level Police Department Competitive Examinations.

Peggy Clifton, Director of Human Resources, advised they are proposing to change the minimum educational requirements for entry-level Police Department competitive examination candidates.

Lori Bluhm, Counsel for the City of Troy, noted the word satisfactory should be added to the language before the word “experience” to indicate that the candidate has performed satisfactorily.

Moved by Cannon
Seconded by Sirotti

RESOLVED, That the Rule Changes for Entry Level Police Department Competitive Examinations, be approved.

Yes: Cannon, Sirotti
Absent: McGinnis

(b) Approval of Job Qualifications, Posting and Test Battery for Recruitment of Police Officers.

Ms. Clifton advised that the posting is nearly identical to last year's posting except that they have now included the changes regarding the minimum requirements.

Moved by Cannon
Seconded by Sirotti

RESOLVED, That the Job Qualifications, Posting and Test Battery for Recruitment of Police Officers, be approved subject to City Council approval of contracting EMPCO, Inc.

Yes: Cannon, Sirotti
Absent: McGinnis

New Business: None

Old Business: None

Adjournment: The meeting was adjourned at 7:39 AM.

_____
David C. Cannon, Commissioner

_____
Barbara A. Holmes, Deputy City Clerk

PARKS AND RECREATION ADVISORY BOARD
Minutes of May 10, 2001

Present:	Robert O'Brien, member	Gary Hauff, member
	Orestes Kaltsounis, member	Tom Krent, member
	John Goetz, member	Doug Bordas, member
	Larry Jose, member	Kathleen Fejes, member (arrived 7:36 pm)
	Haley Byrd, member	Jeff Biegler, staff
	Stuart Alderman, staff	Carol Anderson, staff

Absent: Jeff Stewart

Visitors: Melissa Humbyrd

The meeting was called to order at 7:30 p.m. by chairman Robert O'Brien.

A motion by Doug Bordas, supported by Larry Jose, that the minutes of March 8, 2001 and April 12, 2001 be approved as submitted.

Ayes: All Nays: None
MOTION CARRIED

NEW BUSINESS

A. Tree Preservation Plan – Information regarding the existing Tree Preservation Plan and a proposed updated plan was discussed. Jeff Biegler gave an overview of the existing plan. The updated plan, if adopted, would have penalties if the plan submitted was not followed.

B. Melissa Humbyrd – Melissa is a student from Central Michigan University doing her internship with the department. Her advisors recommended Troy to her saying it was the "best in the state" and because of the various facilities and programs offered, she would get a well rounded education. Her internship is 30 weeks long and during this time she is involved in the planning of numerous programs. She will receive college credit for her work and will graduate in August, 2001.

C. Troy Youth Soccer League – Rick Sizeland and Jerry Ku from Troy Youth Soccer presented info about TYSL. It is a community oriented program that is volunteer based and is a 501C non-profit organization. TYSL has about 2200 players. Leagues include recreational, travel and a program for physically and mentally challenged players called the Ability League. TYSL sponsors the Soccer City Classic which helps bring money into the City by way of restaurant and hotel

patronage. At the end of the season Rick Sizeland surveys soccer fields to map out problems with each field that need to be fixed. This is provided to Parks and Recreation and repairs/maintenance are completed. The accounting of revenues/expenses are kept by the treasurer of the club.

Amended (June 22, 2001) to – Mr. Kaltsounis asked Mr. Sizeland if TYSL had a budget or a detailed report and they responded they did not.

D. School Joint Projects – These are projects done jointly with the school district that benefit both parties. Both contribute $60,000 per year for a budget of $120,000. Some projects intended to be complete next year are turf renovations at some City and school sites, Boulan Park refencing, cement pads for bleachers at some elementary school sites, irrigation at the Costello site and the installation of a new Lacrosse field at Boulan Park.

OLD BUSINESS

A. Land Acquisition – An unconditional offer was approved by Council for proposal on the second parcel of land on John R. behind Barnard school.

The owner of a parcel on Square Lake across from the Rookery offered to the City for purchase. It is six acres and mostly wetlands.

The Real Estate and Development department is negotiating with the owner of the parcel in Section 36 – Milverton.

B. Park Naming Policy – It was suggested that public input regarding park naming be sought thru the City newsletter and press releases.

Member Comments

Larry Jose asked about the new Golf Course. Carol reported that we are waiting on a report from the environmental engineers. Doug Bordas distributed an article from The Oakland Press regarding the saturation of golf courses in Michigan. The golf course in Section 1 will be paid for by revenue bonds and when the course opens for play, the fees for golf will pay for the golf course.

Staff Reports

A. Directors Report – It will be recommended to City Council that the corporate head donated by K-Mart, be placed at the intersection of Civic Center Drive and Town Center Drive facing the Aquatic Center.

Next month we will start the meeting with a “walk through” of the construction of the new Community Center building.

Elections will be in June.

B. Recreation Report – The playstructure at the Aquatic Center is up. The ten year anniversary for the Aquatic Center is this year and will open to the public on Memorial Day.

The Community Center construction continues. The west elevation, which will include the gymnasium and the two story aerobic section, will be complete by February 2002. The foundations are complete on the north side. The parking lot on the south side of the building is open and additional parking spaces will be added when the remainder of the building is demolished.

The target date for the new Recreation Supervisor to begin is early June.

C. Parks Report - Arbor Day celebration is May 11th at Firefighters Park. We will be planting a tree and giving away a kite to the first 50 children.

We will begin planting annuals in mid-May.

Construction of the new shelters at Robinwood Park has begun. The perimeter concrete footing for the playstructures is done at Redwood and Beaver Trail parks.

New signs of park rules and regulations will be installed this year. They are made of recycled plastic, permalene, and are easily cleaned.

A motion by Orestes Kaltsounis, supported by Doug Bordas, that Jeff Stewart be excused.

Ayes: All Nays: None
MOTION CARRIED

The meeting was adjourned at 9:35 p.m.

_____

PARKS AND RECREATION ADVISORY BOARD

Minutes of June 14, 2001

Present: Orestes Kaltsounis, member; Jeff Stewart, member; Robert O'Brien, member; Jeff Biegler, staff; Carol Anderson, staff; Larry Jose, member; Tom Krent, member; Doug Bordas, member; Stuart Alderman, staff

Absent: Gary Hauff, John Goetz, Kathleen Fejes and Haley Byrd.

The meeting was called to order at 7:30 pm by Chairman Robert O'Brien.

A motion by Tom Krent, supported by Jeff Stewart, to excuse the absent members.

Ayes: All Nays: None
MOTION CARRIED

Visitor: Tom Berti from Troy Baseball Boosters.

A motion by Doug Bordas, supported by Orestes Kaltsounis, to amend the minutes of May 10, 2001 to include Mr. Kaltsounis' question to the Troy Youth Soccer League representatives whether they have a budget or a detailed report.

Ayes: All Nays: None
MOTION CARRIED

A motion by Doug Bordas, supported by Larry Jose, to approve the minutes of May 10, 2001 as amended.

Ayes: All Nays: None
MOTION CARRIED

PUBLIC INPUT

Troy Baseball Boosters – Mr. Berti has been on the Board of Troy Baseball Boosters for two years. TBB is an all volunteer organization with 1100 players this year and he is interested in improving the facilities. He expressed interest in being involved in the development of a facility just for 9-12 year olds. He would like to present ideas and have some input in the improvement of facilities also. Would like to see uniformity in the length between bases and pitchers mounds. Mr. Alderman mentioned that the department has replaced 46 players benches with cement pads at the schools, new bleachers with cement pads and in the future we are looking at putting up protective fencing. This organization does have a budget and they purchase T-shirts and bats with surplus money.

NEW BUSINESS

A. Election of Officers – Jeff Stewart and Orestes Kaltsounis were nominated for the Chairman position. A vote was taken and Jeff Stewart is the Chairman and Orestes Kaltsounis is Vice Chairman for the next year.

OLD BUSINESS

A. Land Acquisition – A closing on the second parcel in Section 22 has been scheduled this month. Unconditional offers on two more parcels will be made in this section. The northern parcel on the John R. property is still in negotiations. Offers on Section 36 property will be proposed as an unconditional offer at the appraised price. Offers on the two parcels at Trombley and Talbot in Section 22 have been made.

B. Golf Course, Section 1 – The contract will be going to City Council for approval. If approved the architects will have 75 days to finalize the design and then construction will begin.

MEMBER COMMENTS

Doug Bordas – Since there will not be a Children's Museum or an IMAX theatre on the Civic Center site he would like to see a ball park for kids.

Tom Krent – Will suggest to City Council to call the Civic Center the "Troy Civic and Cultural Campus." Would like a new form of a downtown district but not an active sports zone. A place to meet and a gathering of minds. Also, that consideration be given to active/passive art and cultural activities.

A motion by Doug Bordas, supported by Tom Krent, that a recommendation to City Council to 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

A motion by Tom Krent, supported by Larry Jose, that the July and August meetings be suspended unless there is an emergency.

Ayes: All Nays: None
MOTION CARRIED

A walking tour of the Community Center construction site followed.
The meeting was adjourned at 9:18 p.m.

_____

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

Chairman Chamberlain called the Special/Study Meeting of the Troy City Planning Commission to order at 7:30 P.M. on Tuesday, May 22, 2001 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:
Chamberlain
Kramer
Littman (7:35)
Pennington
Reece
Storrs
Waller
Wright

Absent
James Starr

Also Present:
Mark Miller, Principal Planner
Lori Bluhm, Acting City Attorney
Jordan Keoleian, Student Representative
Steve Vandette, City Engineer
Tracy Slintak, Environmental Specialist
Doug Smith, Real Estate and Development Director

RESOLUTION:

Moved by: Wright Seconded by: Storrs

RESOLVED, to excuse Mr. Starr.

Yeas: All Present (8) Absent: None

MOTION CARRIED

2. MINUTES – Regular Meeting of June 12, 2001

It was noted that on page 13, R-1D be corrected to R-1B and on page 4, delete "apparently".

RESOLUTION:

Moved by: Wright Seconded by: Storrs

RESOLVED, that the minutes of the Regular Meeting of June 12, 2001 be approved as corrected.

Yeas: All Present (8) Absent: None

MOTION CARRIED

TABLED BUSINESS ITEM

3. SITE PLAN REVIEW – Proposed Troy Pines II Site Condominium – East side of John R Road, South of Long Lake Road – Section 13

Mr. Miller explained that this site condominium was presented at the June 12, 2001 Planning Commission Meeting, where a motion to recommend approval to City Council was superceded by a motion to table the item to June 26, 2001. The purpose of the tabling was to allow staff and the petitioner to consider the future development potential for the area surrounding the proposed site condominium.

Mr. Miller further explained that the proposed Single-Family Residential Site Condominium known as Troy Pines II, involves a 6.6-acre R-1C zoned assembly of properties on the east side of John R, 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 Site abuts to the east. A portion of the flood plain for the Gibson County Drain crosses the northeast corner of the site.

Mr. Miller noted that the petitioners in this matter, Premium Construction, have submitted several different plans since their original submittal. This evolution resulted from a combination of staff direction to conform with Ordinance requirements, and the petitioners desire to maximize the lot count. The layout preferred by staff involved 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." Staff requested for revisions of that plan in order to conform with Ordinance requirements resulted in the submittal of an additional alternative plan. The final alternative, including the revision to demonstrate future development potential of the general area was provided. Coincident with submittal of the latest plan, the petitioners indicated that the economics of land acquisition and the limited number of lots would not enable them to include the John R Road frontage portion of the site in their present development. Staff’s direction was that, if the John R 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 frontage, the westerly extent of the present development site should be reduced in order to assure the potential availability of four home sites within the John R frontage exception. The petitioner has indicated they cannot alter the property dimensions to accomplish the "blind cul-de-sac" on the John R Road frontage, therefore staff's

preferred layout cannot be accomplished. Staff has requested the plan include a 25-ft. wide construction access easement to John R Road and a temporary turn around at the westerly stub street, which has not been included on the plan.

Mr. Miller added that the Environmental Reports submitted by the petitioner's wetland consultant and Dr. Jaworski, the City's consultant are generally consistent and do not impact the proposed development. In response to the Planning Commission's tabling action the petitioner has indicated the development potential of a the general area surrounding the subject property. At your June 12, 2001 meeting, a resolution to recommend approval was moved and seconded.

Mr. Storrs wanted clarification of the proposed development. Mr. Waller indicated concern over the construction access. Mr. Reece would like an overlay of the lots on John R Road. Mr. Chamberlain stated that the site condominium and exception meet the Zoning Ordinance requirements and why should there be concern with the John R frontage. Mr. Reece asked where is the plat of exception. Mr. Chamberlain responded that it is indicated on the plans for two lots or units on a cul-de-sac with rear yard frontage on John R. or two lots fronting John R. Mr. Reece stated then the two lots would be over sized. Mr. Chamberlain agreed and said the ordinance requirements will be met. Mr. Kramer noted that alternative lay-outs should be considered and asked if the temporary turn-around is permanent. Mr. Miller stated that the turn-around is within the 60 feet wide right-of-way and is concrete or deep strength asphalt. Mr. Littman asked if the City could stop the properties on John R from being split and homes built with access to the major thoroughfare. Ms. Bluhm commented that the City has some discretion, although not a lot of authority to prohibit the individual home construction on John R. Mr. Kramer commented that the houses fronting on John R is not reasonable. Mr. Reece noted that there are health, safety and welfare reasons for not allowing four homes with frontages on John R.

John Pavone, of Premium Construction stated that they could not modify the site condominium boundaries. There are two quality homes currently fronting John R and are not part of the site condominium. Their purchase agreement does not permit the inclusion of those two homes within the proposal. He indicated that they submitted all the information requested by the Planning Commission. This included the construction access from John R Road.

Mr. Waller confirmed with the petitioner that they owned the westerly portion but are obligated to sell them separately. Ms. Pennington asked if the site plan should indicate the construction easement. Mr. Pavone stated that they have the secured the right for construction access but it is not indicated on the site plan.

Resolution

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 Number II, on the east side of John R Road, south of Long Lake Road, be approved.

Yeas:	Nays:
Chamberlain	Kramer
Storrs	Reece
Littman	
Starr	
Waller	
Wright	
Pennington	

MOTION CARRIED

Moved by: Storrs Seconded by: Littman

RESOLVED, that that the Planning Commission hereby amends their recommendation 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 Number II, on the east side of John R Road, south of Long Lake Road, be approved, subject to the following conditions:

(1) The westerly exception of the site condominium provide for two units or lots on a cul-de-sac with access from the stub street.

(2) The Preliminary Plan indicate a construction access easement for Troy Pines II, from John R Road, between the existing homes, 4706 and 4754 John R Road.

Yeas: All Present (9) Absent: None

MOTION CARRIED

Mr. Kramer stated the site condominium presented with the excepted westerly parcel that could be developed into two house sites is not reasonable or likely to occur.

Mr. Reece agreed with Mr. Kramer and the potential could harm the cul-de-sac and there could be a better lay-out for the John R Road frontage.

STUDY ITEMS

4. BOARD OF ZONING APPEALS REPORT

It was noted that there were no denials and nothing controversial.

5. CURRENT DEVELOPMENT REPORT

Mr. Doug Smith, Real Estate and Development Director noted that at Midtown Square the Home Depot opens June 27, 2001. The Farmer Jack will open in September of 2001, with the out buildings being leased to Sprint and Panera Bread. One additional commercial unit is yet to be completed. The residential condominium utilities are currently being installed. Maple Road improvements are yet to be completed.

Mr. Smith continued his report stating that Altair is breaking ground. IKEA is still exploring designs. Mr. Reece questioned whether there is sufficient acreage at the proposed location. Mr. Smith added that the Troy-Oakland Airport will host the WWJ and all other traffic helicopters. Behr's facility at Daley and I-75 is continuing construction. Mr. Kramer noted that the intersection at Coolidge southbound at Maple is confusing when making a Michigan left turn. Mr. Smith added that the City is receiving addition complaints about the intersection

6. DOWNTOWN DEVELOPENT AUTHORITY REPORT

Mr. Smith summarized the C. H. Johnson conference center report.

Mr. Smith noted the next DDA meet July 28, 2001 will be held to approve the bonds for Big Beaver improvements.

Mr. Chamberlain stated that the C.H. Johnson report indicates that conference centers do not need performing arts facilities, although it can be a good amenity. Further, he commented that theaters over 3000 seats are not designed specifically for performing arts, but geared towards commercial entertainment venues. Mr. Smith noted that C. H. Johnson are conference center consultants, not performing arts center consultants.

7. PROPOSED FUTURE LAND USE PLAN

Mr. Miller noted that in recent Study Meetings, the Commission has been discussing various potential Amendments to the Master Land Use Plan, that could become a part of the updated plan document that is proposed to be called the Future Land Use Plan (consistent with the title contained in recent proposed legislation). 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. At the May 22, 2001 Special/Study Meeting staff presented the updated Transportation Plan map, Future Land Use Plan map and portions of the Future Land Use Plan text. Staff and the Commission reviewed the Future Land Use Plan map and it was determined 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 discussions regarding the present and potential Preservation Areas, staff noted the map Dr. Jaworski is preparing would provide another resource for additional Preservation Areas. It was also suggested that the proposed Planned Auto Center designation be extended further west across the Maple Road Frontage. Staff was requested to research legislation regarding "Neighborhood Electric Vehicles", however did not find any such legislation. The Commission also decided that the Transportation Plan should include a "Transit Corridor" on Livernois extending south from Big Beaver to the City's boundary.

The Future Land Use Plan map and Transportation Plan map are revised and he expected continued discussion to occur at the June 26, 2001 Special/Study Meeting. More importantly, Laurence Keisling, Planning Director has completed the Draft Future Land Use Plan text. The document is comprised of five major sections and include the following: I) Evolution of the Master Plan; II) Goals and Objectives of the Future Land Use Plan; III) Background Information; IV) Elements of Current Development; and V) The Future Land Use Plan. Planning Commission and staff should carefully review this document and consider revisions or additions to the text. Finally he stated that the text was provided for the Planning Commission's consideration.

Mr. Storrs commented that the text includes a historical perspective.

Mr. Waller stated that the historical perspective needs to consolidated into information that is shown graphically in maps. Eventually the process should include public input.

Mr. Miller requested suggestions for the desired public input.

Mr. Waller answered that public input is important, perhaps a charrette.

Mr. Chamberlain stated he would like to set a time-line for the Future Land Use Plan process and identify when the Plan could be approved. He asked the Planning Commission to give this some thought. Further, the Map is basically complete and the text needs work. He asked Mr. Keoleian to submit his thoughts to the Planning Commission.

Ms. Bluhm stated there were good ideas for public input. She asked that the process and product create a succinct document.

Mr. Waller stated that the general public should be notified of this process and seek their input.

Mr. Chamberlain stated that the Planning Commission cannot force the Transit Corridors.

Ms. Bluhm agreed with Mr. Chamberlain.

Mr. Chamberlain stated that a Transit Corridor should connect to Walsh College.

Mr. Storrs stated the Planning Commission should take a close look at relationship of the goals in Chapter II to the policies in Chapter V.

Mr. Kramer asked what is the purpose of the Transit Corridors. Possible transit connections could include the Midtown Square and The Village at Midtown Square both regional centers. Input from SMART is necessary. The number of persons and the trips to and from this center should be determined and reviewed.

8. DRAFT – CHAPTER 37 – WETLANDS ORDINANCE
9. DRAFT – CHAPTER 38 – NATURAL FEATURES PROTECTION ORDINANCE

Mr. Miller stated that in January of 2000 City Council directed the City Manager to develop draft ordinances pertaining to protection of natural features and wetlands. To get more than a perspective from City Management, the City Manager recruited the help of Mrs. Robin Beltramini, Mr. Lon Ullman, Dr. Carl Freeman, and Mrs. Libby Harris. Their collective experience in the areas of planning and zoning, biology, environmental concerns and knowledge of similar ordinances was utilized in the development of the two ordinances. City Management and the volunteers met once a month for over a year.

Further, he stated that once this committee developed the two draft ordinances, representatives from the development community were invited to attend the committee meetings and comment on the proposed ordinances. Specifically the City Manager invited Mr. Don Pratt of Wake-Pratt Construction Co., Mr. Brent Anderson of Father and Son Construction Company, and Mr. Bradley D. Klintworth of Liberty Property Trust. The Ordinances were revised to incorporate some of their concerns. This committee strived to strike a balance between environmental protection and economic development. The proposed ordinances create a wetlands and natural features map, that is still in the process of being developed. We expect to have the wetlands and natural features map in draft form in the near future and will be sent to the Planning Commission when received by staff. The lack of a map makes it difficult to determine what natural features could be regulated, except for the commonly known ones such as wetlands and the blue heron rookery. These ordinances create a Wetlands Use Permit and Natural Features Use Approval, that are granted by the Planning Commission after a public hearing.

Mr. Miller noted that on June 4, 2001, City Council referred the proposed ordinances to the Planning Commission for review and a public hearing. After the public hearing, the Planning Commission should submit their recommendations to the City Council, who then would conduct an additional public hearing and make the final determination regarding the two proposed ordinances. A flow chart, summary and full text of the ordinances are enclosed for your use. City staff representing legal, engineering and environmental expertise are available at the meeting to answer any questions.

Ms. Bluhm stated she is working on a memorandum concerning the legal justification and enforcement of wetland and natural features ordinances.

Mr. Storrs stated concern regarding what the proposed ordinances will regulate. The City should purchase the properties or use a TDR program to preserve the natural features. Further, he stated concern over the standard permitted agricultural run-off rate.

Mr. Reece stated it is reasonable for City Council to serve as mediator in these issues. He added that the storm water and flooding problems related to development demonstrates the importance of wetlands. We are on a threshold of change in storm water management.

Mr. Wright stated that these issues are challenging, because preservation could prevent development or enforce a takings. How does the City balance protection of wetlands or other natural features and not affect the developers legal rights.

Mr. Littman stated the ordinances will be takings. He had conflicting thoughts because in his opinion the protection of wetlands and natural features is way over due.

Mr. Keoleian stated that the ordinances are good because they will clear up confusion.

Ms. Pennington stated she is pulled in both directions, as a developer. The preservation of wetlands and effective storm water drainage are her main concerns.

Mr. Waller note that some Planning Commissioners and City Staff attended a wetland conference sponsored by the Oakland County Conservation District. Many other communities in Michigan have wetland ordinances. The City is not breaking new ground with the introduction of reasonable and fair ordinances.

Mr. Kramer stated that natural features should address woodlands.

Mr. Chamberlain stated that the use of sub-soils to determine a wetland could be a problem. Further, he stated that the Map should include all drains and an overlay of the Future Land Use Plan Preservation Areas should be created. He also asked why the City's Landscape Design and Tree Preservation Standards require a tree inventory

when the trees will be cut down. He also noted the 50 feet natural features setback from woodlands. Flooding throughout the City was also a concern.

Mr. Steve Vandette, City Engineer, stated that wetlands are important for flood control and storm water management, but wetlands cannot provide complete storm water detention. The City's Development Standards provide the necessary storm water detention.

Mr. Chamberlain stated the Planning Commission understands the Development Standards, but people are always coming to the meetings and presenting flood situations.

Mr. Storrs commented that the Planning Commission hears stories that the maintained drains cause flooding, yet the City does not own them. He opined that the City shouldn't put surface water into pipes. In addition the agricultural rate of run-off does not seem to happen in real life and worse problems occur.

Mr. Vandette commented that maintenance of the existing drains is a problem. Communities can purchase floodplain properties to reduce actual flooding. Further, he stated that the standards for stormwater detention facilities are designed to handle 10 year storms. February of this year was an example of an event that exceeded a 10 year storm, and surface water flooding occurred.

Mr. Chamberlain commented that perhaps designing for a 10 year storm is incorrect.

Mr. Vandette stated a 10 year storm is defined as 1.8 inches of rain per hour.

Ms. Bluhm said there could be a need to study the Development Standards.

Mr. Reece noted that there have been win/win situations where developers have provided improved environmental conditions with developments.

Mr. Waller would like the Map to indicate ownership of the storm water drains.

Ms. Tracy Slintak, Environmental Specialist, informed that the drain information is being updated.

Mr. Kramer identified flooding close to newer developments and asked what relief is there when the land is so flat and there are existing properties with lower elevations.

Mr. Vandette answered that the issue of lower elevations is true. However, the new storm water systems suffer from the lack of maintenance caused by silted in drainage swales and catch basins.

Mr. Kramer said it appears there is not much people can do about this problem.

Mr. Vandette added that promoting the use of swales and berms to block and direct existing drainage patterns to swales is helpful. Erosion and the subsequent silt blockages is major problem. When subdivisions are completed it is hard to get corrections to the maintenance issues because the developers moved on to other projects. The final solution is to require escrow funds from the developers to ensure the corrections will be completed.

Mr. Littman asked that the agricultural drains be shown on the Map.

Ms. Slintak answered that all drains will be indicated if there is a record of their existence.

Mr. Littman offered to loan out his wetland conference notebook to the Planning Commission members who did not attend.

Mr. Miller said he would provide copies to the Planning Commission and Ms. Bluhm.

Mr. Reece commented that Abbotsford Parc provided cross-sections with swales that appears to be a good example.

Mr. Vandette agreed with Mr. Reece, noting that swales work.

Mr. Kramer stated that the 50 feet natural features setback buffer seems arbitrary.

Ms. Bluhm said the buffer could be reduced.

Ms. Slintak commented that the buffer provides protection for the wetlands and natural features.

Mr. Storrs stated if farming is exempt then there is a loop hole.

Ms. Bluhm noted that State law provides the legal authority for wetland regulation and much of the proposed ordinance is language directly from the State law.

10. PUBLIC COMMENTS

Mr. Lon Ullman, commented that other communities are successful at regulating wetlands and natural features. He noted silting in the Fetterly and Gibson Drains, and that wetlands reduce flooding. All development should follow best management practices (BMP).

Mr. Waller commented regarding the San Marino rezoning, that the E-P District should be reconsidered or the general practice be revised to notify property owners when the Planning Department changes their request.

Mr. Keoleian stated the City is 86% developed, much of it hard surfaced, there is not a lot of wetlands remaining.

Mr. Chamberlain noted that a natural feature buffer is proposed to be 50 feet wide but the wetland or natural feature may not be valuable.

Mr. Storrs add that he sat down and talked with Alan Kiriluk regarding the Civic Center.

The Meeting was adjourned at 10:07 p.m.

Respectfully Submitted,

Mark F. Miller
Interim Planning Director

MFM

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:30 p.m. on Tuesday, July 10, 2001, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present	**Absent**
Starr	Kramer (excused)
Wright	
Chamberlain	
Littman	
Pennington	
Storrs	
Waller	

Also Present

Mark Miller, Interim Planning Director
Lori Bluhm, Acting City Attorney
Jordan Keoleian, Student Representative

RESOLUTION

Moved by: Wright Seconded by: Storrs

RESOLVED, that Mr. Kramer be excused from attendance at this meeting.

Yeas: All Present (8) Absent: Kramer

MOTION CARRIED

2. PUBLIC COMMENT

NO PUBLIC COMMENTS

3. SITE PLAN REVIEW (SP-863) – Proposed Nical Enterprises, LLC, Proposed Industrial Building – South side of Maplelawn Road, West of Crooks Road – Section 29

Mr. Miller stated that a site plan for a light industrial office with related shop and warehouse for a roofing business, located on a 0.82-acre parcel within the M-1 Zoning District, being on the south side of Maplelawn Road and west of Crooks Road has been submitted. The size of the building is 10,260 square feet, with the height of the office area being two stories and the warehouse/shop area being one story in height. Site access is provided from Maplelawn Road via a joint drive with the property to the east. The subject property and the property to the east are under the same ownership. To meet the parking requirements, additional property for three parking spaces is proposed from the property to the east. A screen wall for the roll-off dumpster is shown on the site plan, however, the applicant is requesting a waiver, as permitted in section 39.70.09 of the Zoning Ordinance. In M-1 Districts the Planning Commission may waive the required dumpster screening when they determine that the dumpster is located so as to be obscured from view from any abutting public streets, and that no other significant negative effects will result from the waiver of the screening. All other ordinance requirements have been met. Staff recommends approval of the Preliminary Site Plan.

RESOLUTION

Moved by: Pennington Seconded by: Wright

RESOLVED, that Preliminary Site Plan Approval, as requested for the Nical Enterprises industrial building,10,260 square feet in size on the 0.82 acre site, being south of Maplelawn Road and west of Crooks Road be approved.

MOTION CARRIED

Yeas:	Nays:	Absent:
All Present (8)		Wright

RESOLUTION

Moved by: Pennington Seconded by: Wright

RESOLVED, that pursuant to Section 39.70.09 of Chapter 39 – Zoning Ordinance, as requested for Nical Enterprises industrial building, on the 0.82 acre site, being south of Maplelawn Road and west of Crooks Road, that a waiver of the dumpster screening be approved.

Yeas:	Nays:	Absent:
All Present (8)		Wright

MOTION CARRIED

4. SITE PLAN REVIEW (SP-645) – Proposed Wilson Real Estate Building – Office Building – Northeast side of Butterfield, West of Crooks – Section 29

Mr. Miller stated that in March of 1996 the Planning Commission approved a site plan for the construction of a two story 28,000 Square ft. office building on the 3.94 acre 0-1 zoned parcel located on the northeast side of Butterfield Street south of Big Beaver Road, which was eventually constructed. On July 14, 1998, the Planning Commission granted Preliminary Site Plan Approval to a second building on the subject property, although the Final Site Plan Approval was never granted for this building. This Site Plan Approval request is substantially identical to the previously approved site plan. The proposed three story building, which will include two stories positioned over off-street parking, will have a proposed floor area of 30,760 square feet. The existing building is 28,184 square feet, therefore, the two buildings total 58,944 square feet of floor area.

Further, Mr. Miller stated that this site plan proposal includes a second driveway access to Butterfield Street from the two building development. The Planning Commission has previously approved the provision of cross-access easements extending to the north, east and west property lines. As part of this proposal, the cross-access easement will be provided to the southern property line. The site plan meets all applicable Zoning Ordinance requirements. Staff recommends approval of the Preliminary Site Plan.

RESOLUTION

Moved by: Storrs Seconded by: Starr

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of a three story (two stories over parking) office building, being 30,760 square feet in size, located on a 3.94-acre, 0-1 zoned site, being northeast of Butterfield Street, south of Big Beaver Road be approved, subject to the following condition:

1. Vehicle cross-access easements as shown on the Site Plan.

Yeas:	Nays:	Absent:
All Present (8)		Kramer

MOTION CARRIED

5. SITE PLAN REVIEW (SP-827) – Proposed NTVB – Industrial Building Expansion – North of Park Street, East of Livernois Road- Section 34

Mr. Miller stated that the Planning Commission approved the proposed Preliminary Site Plan for the NTVB Industrial Building expansion on July 14, 1998. In addition, the

Board of Zoning Appeals granted a rear yard setback variance, permitting a 10 feet setback, where 20 feet is required. However, both the Preliminary Site Plan Approval and variance have expired.

Further, Mr. Miller stated that NTVB has resubmitted a site plan for the expansion of their industrial building and related parking area on the 2.44 acre, M-1 zoned site, north of Park Street and east of Livernois Road. The subject site has its access from a private drive extending north from Park Street. Located on the site are two buildings, 8,478 square feet and 9,780 square feet in size. The proposed addition is 18,527 square feet in area; therefore, total building area will be 36,785 square feet. The private drive situation requires a 25-foot minimum landscaped setback from the buildings and parking, which has been met. The petitioners will have to request and receive a variance for the 10-foot rear yard setback, from the Board of Zoning Appeals. All applicable ordinance requirements have been met, with the exception of the rear yard setback. Staff recommends approval of the Preliminary Site Plan, subject to the Zoning Board of Appeals granting a variance for the 10 feet rear yard setback.

Mr. Stephen Laclave, petitioner, had no comments.

Mr. Storrs asked Mr. Laclave if he attended the previous meetings.

Mr. Laclave summarized, in his opinion, why existing conditions occurred.

RESOLUTION

Moved by: Waller Seconded by: Littman

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of a 18,527 square feet industrial building expansion, located on a 2.44 acre, M-1 zoned site, with related parking, being north of Park Street, east of Livernois Road be approved subject to the following condition:

1. Board of Zoning Appeals approval of a variance for the 10 feet rear yard setback.

Yeas:	Nays:	Absent:
All Present (8)		Kramer

MOTION CARRIED

6. SITE PLAN REVIEW – Proposed Pearl Estates Site Condominium – 3 units – North of Long Lake Road, West of Dequindre Road – Section 12

Mr. Miller stated that a Site Plan has been submitted for a proposed Single-Family Residential Site Condominium, known as Pearl Estates, involving a 1.57-acre assembly, including part of lot 4 and lot 5 of Jennings Subdivision, within the R-1C zoning district, being north of Long Lake Road and west of Dequindre Road. The single road, Windmill Drive, is an extension to the south, from the Orchard Estates Site Condominium. The subject plan utilizes the lot averaging provisions and includes three building sites and a detention basin, with all Zoning Ordinance requirements met. Documentation from the petitioner's consultant and city environmental staff indicate no occurrence of wetlands and/or natural features on the subject property. Petitioner indicates on the site plan potential development patterns of abutting properties.

Mr. Miller concluded, that the Planning Department recommends approval of the Preliminary Plan for the 3-Unit Site Condominium.

Mr. Littman asked if the plan includes public road connections. Mr. Miller answered that the site condominium proposed public roads.

Mr. Storrs asked for clarification the meaning of "pr. storm sewer" on the west side of the development. Mr. Miller answered that it indicates proposed storm sewers. Mr. Fazal Khan, the petitioner, agreed that the note indicated a proposed storm sewer. Mr. Storrs asked Mr. Khan about the 12 inch storm sewer on the west side of the development. Mr. Khan answered that the storm sewer is for rear yard drainage.

Chris Komasara, noted a concern with possibility of unbuildable property on Dequindre Road.

Buford Ballard, stated concerns with the number of stormwater detention basins in the general area of the proposed development.

Mr. Chamberlain stated that the City must approve each development on an individual basis.

Buford Ballard asked if each development is required to provide a detention basin. Mr. Miller stated that developments, in general, are required to provide stormwater detention for a 10-year storm event.

Mr. Reece arrived (8:01 P.M.).

Mr. Ballard noted concern that his property, 41251 Dequindre, will suffer stormwater flooding from the proposed development. The Planning Commission and Mr. Miller indicated to Mr. Ballard that the developer is required to design the proposed development so that the stormwater is contained and directed into the detention basin and eventually into the stormwater sewer system. Further, the detention basin will be owned by the City.

Considerable discussion occurred regarding the specific drainage characteristics of the stormwater management system of the proposed development.

Mr. Waller noted that the Planning Commission should not be engineering the proposed development.

RESOLUTION

Moved by: Storrs Seconded by: Waller

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 Pearl Estates, in the area north of Long Lake Road and west of Dequindre Road, be approved subject to the following conditions:

1. Relocation of storm sewer to the south property line, along units 2 and 3, of the Site Condominium, that will then discharge into the detention basin.

Yeas:	Nays:	Absent:
All Present (8)		Kramer

MOTION CARRIED

SPECIAL USE REQUESTS

7. PUBLIC HEARING – SPECIAL USE REQUEST (SU-98) – Proposed Belle Tire Expansion – Southeast Corner of Long Lake Road & Rochester Road – Section 14

Mr. Miller stated that the existing Belle Tire site and expansion area are within the B-3 Zoning District. In 1975, the Planning Commission granted Special Use Approval for Whales Tire Center (tire sales and service facility). In 1989, the Planning Commission granted Preliminary Site Plan Approval for the Tireman Center that included a reconstruction of the older structure and improved driveway access. Current expansion proposal for the Belle Tire facility includes a piece of property to the south, the Trans American Travel Services building, which has been demolished. Due to the proposed expansion of the automobile repair facility, a Special Use Request is required by the Zoning Ordinance.

Further, Mr. Miller stated that the subject site includes 1.47 acres and will utilize the existing driveways on Rochester and Long Lake Roads. Cross-access easements are provided to the north, south and east property lines. Traffic circulation includes a one-

way, 14 feet wide aisle width on the south side of the proposed building expansion. Although the aisle width meets the Zoning Ordinance requirements, the Fire Department requires 18 feet of width in fire lanes, for fire truck maneuverability. In addition, staff has concern over the one-way traffic circulation pattern and has advised the petitioner consider alternatives. The petitioner's architect has not revised the site plan. The Planning Department recommends a postponement of the Special Use Request, so the petitioner can consider alternative internal traffic circulation patterns.

Robert Miller, 355 S. Bates Street, Birmingham, Michigan, architect, stated that the site is tight. Two-way traffic creates a problem for pedestrians and employees. Fire Marshall has requested that we provide three-sided access. Our proposal provides better access to the buildings.

Mr. Waller stated that there is an artificial line of parking spaces. The actual width of access is greater.

Mr. Wright agrees with Mr. Waller.

Mr. Reece commented on the 228 inches that are the length of parking spaces and there are some larger vehicles longer than these spaces.

Mr. Storrs stated the parked cars could be moved if there is a fire.

Mr. Littman stated he is reluctant to approve this if the Fire Department disagrees.

PUBLIC HEARING OPENED and CLOSED

Mr. Waller stated a fire truck couldn't maneuver south of proposed building.

RESOLUTION

Moved by: Littman Seconded by: Waller

RESOLVED, that Special Use Approval, as requested for the expansion of Belle Tire building on a 1.47 acre B-3 Zoned site, having frontage on the south side of Long Lake Road and frontage on the east side Rochester, hereby be postponed until the Planning Commission's July 24, 2001, Special Study Meeting, to enable the petitioner to meet with the Fire Department and other applicable staff.

Yeas:	Nays:	Absent:
All Present (8)		Kramer

MOTION CARRIED

Mr. Waller asked why the Fire Code and Zoning Ordinance have different standards.

8. CHAIRMAN'S COMMENTS – Discussion of Joint Meeting

Mr. Waller summarized the presentations by Ron Sloan and Eric Castro. These gentlemen hired ARTECH, who are very knowledgeable about Performing Art Centers. This presentation proves that the City has additional homework.

Mr. Chamberlain stated that ARTECH presented great information. Examples demonstrated a very high caliber Performing Arts Center consultant.

Mr. Miller stated that the City needs specific goals for the Civic Center.

Mr. Reece stated feasibility is his concern. Where is the market study. ARTECH presented a tremendous portfolio presentation.

Mr. Storrs commented that it was very helpful to learn from ARTECH. The City needs to identify what's wanted on the Civic Center Site.

Mr. Starr stated one firm presented, but their should be others qualified.

Mr. Wright stated that ARTECH did a good job. Performing art centers don't make money and that means tax dollars will be necessary.

Mr. Chamberlain stated that ARTECH showed us how to spend our tax dollars.

Mr. Miller commented on performance centers stating that developers may not be able to do the job. If a center is desired, then a private and public partnership is required.

Mr. Waller stated that the Planning Commission and City staff should go to Missisauga to see their Performing Arts Center.

Mr. Reece volunteered his 12 person van for a field trip to Missisauga.

Adjourn: 9:15 p.m.

Respectfully submitted,

Mark F. Miller
Interim Planning Director

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, August 8, 2001, at City Hall in Conference Room C. The meeting was called to order at 3:00 p.m.

PRESENT: Mark Calice
Robert Crawford
Thomas Houghton, Chairman
John M. Lamerato
Anthony Pallotta
John Szerlag

ABSENT: Mark Halsey

EXCUSE ABSENT TRUSTEE

Resolution # 01-28
Moved by Pallotta
Seconded by Szerlag

RESOLVED, that Mark Halsey be excused.

Yeas: All 6
Absent: Halsey

MINUTES

Resolution # 01-29
Moved by Pallotta
Seconded by Crawford

RESOLVED, that the minutes of the July 11 and July 18, 2001, meetings be approved.

Yeas: All 6
Absent: Halsey

RETIREMENT REQUESTS

Resolution # 01-30
Moved by Pallotta
Seconded by Crawford

RESOLVED, that the non-duty disability retirement request of John W. Bulman, 8/8/01, be approved.

Yeas: All 6
Absent: Halsey

Resolution # 01-31
Moved by Pallotta
Seconded by Crawford

RESOLVED, that the deferred retirements of Douglas MacFarlane, 1/4/01, and Catherine Renaud, 8/5/01, be approved.

Yeas: All 6
Absent: Halsey

OTHER BUSINESS

Retiree Healthcare Issues

Resolution # 01-32
Moved by Pallotta
Seconded by Calice

RESOLVED, that the Board recommend City Council approve adjusting the current city share of retiree health care to 3% per year of credited service or $400 per month, whichever is greater.

Yeas: All 6
Absent: Halsey

Membership Service

Resolution # 01-33
Moved by Pallotta
Seconded by Calice

RESOLVED, that further discussion of membership service be postponed to the September 12, 2001 Board Meeting.

Yeas: All 6
Absent: Halsey

December 31, 2000 Actuarial Valuation

Resolution # 01-34
Moved by Crawford
Seconded by Pallotta

RESOLVED, that the Board receive and file the December 31, 2000 actuarial valuation.

Yeas: All 6
Absent: Halsey

Post-Retirement Health Reserve

Resolution # 01-35
Moved by Calice
Seconded by Pallotta

RESOLVED, that the City transfer funds from the pension reserve to the health reserve to approximate a 100% funded position.

Yeas: All 6
Absent: Halsey

INVESTMENTS

Resolution # 01-36
Moved by Crawford
Seconded by Szerlag

RESOLVED, that the Board invest $500,000.00 in the Cohen & Steers Equity Income Fund.

Yeas: All 6
Absent: Halsey

The next meeting is September 12, 2001 at 3:00 p.m. at City Hall in Conference Room C.

The meeting adjourned at 4:00 p.m.

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The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:30 p.m. on Tuesday, August 14, 2001, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present	**Absent**
Chamberlain	Kramer (excused)
Littman	
Pennington	
Reece (7:34)	
Starr	
Storrs	
Waller	
Wright	

Also Present
Mark Miller, Interim Planning Director
Lori Bluhm, Acting City Attorney
Jordan Keoleian, Student Representative

2. July 24, 2001 Planning Commission Special / Study Meeting Minutes were approved with amendments.

Motion made by: Mr. Storrs Seconded by: Mr. Starr

Yeas: All Present (7)

Abstain: Wright

RESOLUTION APPROVED

3. PUBLIC COMMENTS

No public comments

4. PUBLIC HEARING – PROPOSED REZONING (Z-671) – Boys and Girls Club of Troy, Southeast corner of Long Lake and John R. R-1C to B-2, Section 13

Mr. Miller stated that the Boys and Girls Club of Troy have submitted a rezoning request for their property and facility, which is 3.4 acres in size, located at the southeast corner of Long Lake and John R. Current zoning classification is R-1C One-Family Residential and the proposed zoning classification is B-2 Community Business. It should be noted that the application does not indicate a specific future use. An Environmental Impact Statement is required when a proposal is intended to enable a development with 50,000 square feet of floor area or greater. The petitioner submitted a schematic site plan with a building of approximately 11,000 square feet of floor area. Therefore, an Environmental Impact Statement is not required.

Mr. Miller continued, stating that a Special Use Request to establish the Boys and Girls Club of Troy at the subject property was granted by the Planning Commission on December 11, 1979. The club continues to operate at this location and is considered a principal use permitted in the proposed B-2 zoning classification.

Mr. Miller further stated that the adjacent land use include: a Seven-Eleven to the north; Bethel Baptist Church to the northwest; a CVS and a One-Family Residential to the west; the Gibson/Renshaw Drain to the east, and an acreage One-Family Residential further to the east, with the City of Troy's Fire/Police Training Center under construction to the south.

The adjacent zoning classifications include: B-3 to the north; C-F to the south; R-1C to the east; and R1C to the west; however, the CVS site is controlled by a consent judgment.

Mr. Miller continued, stating that the adjacent Master Land Use Plan designations include: Low Density Residential to the north; Low Density Residential to the south; Low Density Residential to the east; and Low Density Residential to the west. At the May 23, 2000 Planning Commission Meeting, a proposed Master Plan Amendment request from the petitioner was discussed and the amendment request was withdrawn (see enclosed correspondence and minutes). The subject property was also discussed during the Master Plan/Future Land Use Plan review and update agenda item on January 23, 2001 at Planning Commission Special /Study Meeting. The subject property was discussed in the context of the overall update of the Master Land Use Plan. The Planning Commission considered alternative land use directions for the southeast quadrant of Long Lake and John R. Consideration to amending the subject property to Community Facilities or Medium Density Residential was noted (see enclosed minutes). The Planning Commission is currently in the process of amending the Master Plan/Future Land Use Plan. The draft amendment for this area is designated Community Facilities.

Finally, Mr. Miller stated that based upon the Planning Commission's active update and amendment process of the current Master Land Use Plan and speculative nature of the subject rezoning request, the Planning Department recommends the Planning Commission postpone the request until the Future Land Use Plan is approved by the City.

Mr. Chamberlain asked if the petitioner was present. Petitioner came forward and signed in.

Mr. Waller commented that he once served on the Board of the Boys & Girls Club; however, he currently no longer serves on that Board.

Francis Kotcher, petitioner, commented that he has been a long time board member in good standing of the Boys and Girls Club of Troy, and that he was representing the Boys and Girls Club of Troy as well as Mr. David Verbeke. He stated that the Boys and Girls Club of Troy is a youth development club and a non-profit charitable organization and they have served in excess of 700 members and 20,000 visitors annually. He further stated that no one at the Boys and Girls Club of Troy gets rich and that a few years ago the Club tried to coordinate with City Management a shared facility which would replace the current dilapidated building. However, the coordinated plans fell through. He further stated that the Club would be proud to serve the City of Troy. Mr. Kotcher also stated that he felt that the site is not a desirable residential site for a variety of reasons, with one being that it is one of Troy's busiest intersections and that there are flood plain problems. The Club also feels that a postponement would hinder the Club's efforts and would serve no useful purpose.

Mr. Littman asked the Petitioner why the Club requested B-2 zoning?

Mr. Kotcher stated that through no fault of theirs, the subject property is surrounded by commercial uses. It is in the Club's best interest to see that they get the best value from the property. It would lose value as a single-family zoning classification.

Mr. Starr asked if church groups were sought.

Mr. Kotcher said there were a few inquiries, but no interest.

Mr. Storrs asked the petitioner if they considered condominiums.

Mr. Kotcher answered no, they did not actively market the property for condominiums.

Mr. Stephan Toth, a representative of the Club, said there was an inquiry for condominiums; however, they were interested in putting 30 units per acre on the property.

PUBLIC HEARING OPEN AND CLOSED

Mr. Waller asked for clarification of the flood plain maps provided.

Mr. Miller stated the AE100 flood plain and the floodway are regulated areas by the City and FEMA. The Floodway is severely restricted on the potential development.

Mr. Chamberlain stated that a joint Boys and Girls Club and Police/Fire Training Center should be considered.

Moved by: Waller Seconded by: Wright

RESOLVED, that the Planning Commission hereby recommends to City Council that the request for the R-1C to B-2 rezoning of a 3.4 acre parcel at the southeast corner of Long Lake Road and John R Road be granted, and further, City Staff explore a joint use with the Police and Fire Training Center.

Yeas:	Reece	Nays:	Storrs	Absent:	Kramer
	Starr		Chamberlain		
	Littman				
	Pennington				
	Wright				
	Waller				

RESOLUTION APPROVED

Mr. Chamberlain stated he voted against the resolution as he felt it can be used as R-1T and the City does not need anymore commercial properties.

Mr. Storrs stated he voted against the resolution based on the reasons stated by Mr. Chamberlain and he believes the drain could become an amenity for a residential condominium development.

Mr. Waller stated that the Planning Commission, as a body, feels that the City Staff should take a long and hard look at a method of having a joint use for some portion of the Fire and Police Training Center, which would be realized by having the Boys and Girls Club building occur on the south side of the property leaving the north side open for an outdoor recreation area.

Mr. Starr questioned about the policy of the flood plain on the property. He added that much of the subject property is within the flood plain.

Mr. Littman questioned what is the proper zoning for the CVS; to the west of the rezoning request.

Mr. Chamberlain and Mr. Miller both commented it would require B-2 for the drive-through pharmacy window.

Mr. Chamberlain stated that a recommendation to rezone the subject property to B-2 will be sent to City Council. It will also include recommendation to help the youth group club build on the property in conjunction with the Police and Fire Training Center. The City just does not need any more commercially zoned properties.

5. PUBLIC HEARING – SPECIAL USE REQUEST (SU-310) – Tutor Time Day Care, North of Big Beaver Road, West of Crooks Road – Section 20

Mr. Miller stated that a Special Use Request has been submitted for a Tutor Time Day Care facility, with approximately 11,000 square feet of building, on 1.53 acres of land, at the southwest corner of Crooks Road and Banmoor Avenue. The subject property is within the R-1B Zoning District, which permits child care centers and nursery schools subject to Special Use Approval. There are three conditions required to authorize the granting of the Special Use Approval. The first being the required 28,430 square feet of outdoor play area. The play area shall be visually screened from the residential property to the west and north in a manner acceptable to the Planning Commission. Second, the location of the childcare center be at the exterior of a block and adjacent to an office zoning district. Third, that the childcare center serve as a transitional use between non-residential and residential development and thus reflects the architectural character of the residential area.

To the north and east of the subject property is the Muer's Garden Farms Subdivision, which is developed, and has a zoning classification of One-Family Residential. Abutting the subject property to the south is the Wilshire Plaza West office development. Across Crooks Road to the east, there is a One-Family Residential subdivision and zoning classification. It appears the proposed development serves as a transitional land use between the existing office development to the south and One-Family Residential to the north. Access to the proposed facility is a driveway at the southern end of the subject property to Crooks Road.

Mr. Miller stated that the Planning Commission should determine an appropriate visual screen area to the west and north of Banmoor. Petitioner needs to demonstrate what method of visual screening they are proposing.

Mr. Chamberlain stated that regarding screening, he would be in favor of a landscape buffer bordering the north and west side with screening that we normally put on our entrance ways with a plan approved by the Parks and Recreation Department.

Mr. Miller asked if the screen should include a berm.

Mr. Chamberlain replied that he doesn't know what would work.

Mr. Storrs asked if they are required to provide a sidewalk on Banmoor.

Mr. Miller answered that the site plan shows a sidewalk.

Mr. Cavaliere addressed the Planning Commission and asked if there were any questions concerning the project. There were no questions asked. He stated that there are a large quantity of trees on the west border and along Banmoor Avenue.

Mr. Chamberlain stated that the site plan should try to provide a visual screen for the residential areas.

Mr. Cavaliere stated the plan is calling for 12 trees and they are trying to save some of the existing trees.

Mr. Chamberlain stated that in looking at the site, there are willows that will probably be removed.

Ms. Bluhm stated that willows may not be permitted to remain on the site.

Mr. Chamberlain stated that the existing trees will not provide visual screening.

PUBLIC HEARING OPENED

Barry Minster, 3365 Crooks, would like to review the plan.

Mr. Chamberlain stated that the Planning Commission is going to vote tonight as to whether to approve or disapprove Special Use Request and site plan.

Mr. Storrs commented regarding seeing the chain link fence and felt Mr. Chamberlain's idea to provide screening with some plantings, was better than a solid wall.

Linda Minster, 3365, Crooks, Troy, MI, stated that one of her major concerns was the neighbor to the west of the subject property, who has been a resident for over sixty years. Concern was demonstrated on being totally exposed for the neighbor and Minster house if all the existing trees are removed.

Mr. Wright stated that 188 children could attend this day care facility, which is about a third of the size of Troy elementary schools.

Mr. Barry Minster asked if the request changes his zoning classification.

Mr. Chamberlain answered no, the zoning will not change.

Mr. Robert Guldi, 1454 Banmoor, commented on his concerns for traffic, and stated a fatal accident had just recently occurred near this location. He is not in favor of this request.

PUBLIC HEARING CLOSED

Mr. Littman asked Mr. Cavaliere if this whole plan could be rotated and located on the south side of the property.

Mr. Cavaliere stated the plan was already revised once because of the play area.

Mr. Chamberlain suggested moving the building north.

Mr. Cavaliere asked where the parking would be located.

Mr. Wright stated that parking would remain the same.

Mr. Waller commented on moving the building north to the 45 feet setback line.

Mr. Cavaliere stated there was no problem moving the building to the north.

Mr. Chamberlain stated that the north and west boundaries require a visual and sound buffer and asked Mr. Cavaliere if he was open to providing this buffer.

Mr. Cavaliere stated there are 12 trees north of the property line. A tree every 20 feet basically and he would have no problem with a tree every 15 feet. Mixing and matching types of trees is not a problem.

Mr. Chamberlain stated that the developer doesn't understand. This may have to be tabled to determine the screening requirements. This will give the petitioner some time to meet with Mark Miller and Parks and Recreation Department. He stated the item should be tabled so the petitioner can get with the proper City Staff.

Mr. Wright stated he agrees with Mr. Chamberlain and that the petitioner should look at putting in a berm and some evergreens on top of the berm. The buffer should both screen visually while providing a reduction in noise.

Mr. Cavaliere said his firm is the builder and the owner. He is willing to provide a landscape plan that meets the needs of the Planning Commission.

Mr. Cavaliere further stated that this facility is closed at 5:00 p.m. and is not open on weekends. Everyone does not arrive at the same time. There would be no

influx of traffic arriving all at the same time. He agrees with Mr. Littman regarding moving the building to the north. It would even things out. The berm and landscaping also poses no problems.

Mr. Waller explained to Mr. Cavaliere about Parks and Recreation involvement in this process.

Mr. Waller asked if BZA action is required if a berm is not provided.

Mr. Miller answered no, the Planning Commission has the discretion to determine the appropriate visual barrier.

Mr. Waller commented that evergreens on top of a berm of approximately five or six feet high on the west boundary may be needed.

Mr. Chamberlain stated that a lesson from the Tadium property was that evergreens have to be spaced appropriately. He further stated that the developer will have to sit down with City Staff and get this thing designed right.

Mr. Storrs commented that he doesn't believe a berm is needed along Banmoor, but a berm is needed along the west side with landscaping.

Mr. Waller commented that a berm is necessary.

Mr. Chamberlain made the statement that Parks and Recreation should handle the specific design.

Moved by: Waller Seconded by: Wright

RESOLVED, that the Special Use Approval, as requested for the Tutor Time Day Care facility on a 1.53 acre R-1B zoned site, located on the southwest corner of Crooks Road and Banmoor Avenue be tabled for two weeks to the August 28, 2001, Special/Study meeting, to allow the petitioner time to design an appropriate visual buffer with input from City Staff.

Mr. Storrs clarified that a berm is not needed on Banmoor and the landscape buffers should be a living screen.

Mr. Waller stated the petitioner should investigate with City Staff the necessary design to get the screening done

Yeas:	Absent:
All Present (8)	Kramer

RESOLUTION APPROVED

6. PUBLIC HEARING – SPECIAL USE REQUEST (SU-179) – Christian Leadership Academy, North of Big Beaver, East side of Livernois, Section 22

Mr. Miller stated that The Christian Leadership Ministries, Inc., doing business as the Christian Leadership Academy is proposing a private school for approximately 135 students. Within the existing Zion Christian Church, the Academy will be utilizing a portion of the main worship building and all of the accessory school building for the private school. Subject property is approximately a 34 acre R-1C zoned site located north of Big Beaver Road and on the east side of Livernois Road.

Further, Mr. Miller stated that in 1981, the Planning Commission granted a Special Use Approval for the Zion Evangelistic Temple's church and school complex and subsequently the Site Plan was revised in 1982. Then in 1999 the Planning Commission granted a Special Use Request for a daycare center within the existing church, including an outdoor play area.

Within the R-1C zoning classification private schools are permitted subject to Special Use Approval and specific conditions. All of these Special Use conditions and all other Zoning Ordinance requirements have been met by the proposed Christian Leadership Academy, although there are some questions that need to be discussed. City of Troy's Development Standards require deceleration lanes for the proposed development; however, there is an agreement between the Church and City that may have waived this requirement. Ms. Lori Bluhm, Acting City Attorney, will be able to address this issue.

Ms. Bluhm stated that we must follow the 1986 Agreement that waives the requirements of such road improvements.

Mr. Miller stated that there are two dumpster areas on the site but are not included on the site plan. The plan also provides the sidewalk connection to a portion of the interior sidewalk. Site inspection noted that there are unprotected fire hydrants within the parking area. There is an existing five foot sidewalk in the right-of-way.

Ms. Bluhm commented on the agreement, stating that when the City widened Livernois Road, an agreement was executed regarding deceleration lanes. Based on the 1996 opinion by City Management, we cannot require acceleration and deceleration lanes.

Mr. Patrick Karbowski, attorney for Christian Leadership Academy, stated that as a parent of some of the children in the school, they certainly welcome the opportunity to come to Troy and serve your constituents and community with the small private school of approximately 150 students. Our plans are to remain small.

He said that some of the comments from the Planning Department review are new, but, they want to be good citizens of Troy. As long as they are not cost prohibitive, they will do whatever improvements are required. Regarding the deceleration lane agreement from the mid 80's, deceleration lanes should be waived. Regarding the trees within the greenbelt, there are currently 42 trees, with 58 required. The school will plant the balance. He commented on the interior sidewalk, that as far as he could tell, it was never required by the City. The school doesn't have foot traffic. If it is acceptable to the Planning Commission, so they could occupy the building, and the school could be required a reasonable time to complete all of the items within a reasonable time frame. The school will post a bond if required by the City.

Mr. Chamberlain asked Mr. Miller regarding the number of garbage dumpsters present.

Mr. Miller stated there were three at two locations and that they were not appropriately screened on three sides.

Mr. Chamberlain asked whether the parking was self sufficient.

Mr. Miller said it exceeds the parking lot requirements.

Mr. Chamberlain asked Mr. Karbowski if they want to cut into the greenbelt area for the sidewalk.

Mr. Karbowski stated that obviously, the school did not and would also like to avoid the expense. It makes sense to leave greenbelt intact.

Mr. Chamberlain stated that the City is trying to make a more walkable community. In addition, in the future you might have foot traffic to the school and the church.

Mr. Karbowski stated we would like to help you accomplish the City's goals.

PUBLIC HEARING OPENED

Patricia D'Amico, 2593 Ramsbury, stated that she has been a resident of Troy for 15 years and has two children attending the school. Expressed that the Academy's members were extremely respectful.

Patricia Blankenship, 311 Colebrook, stated that her son attended the Zion Church and graduated from the Christian Leadership Academy. The moral fiber of the children is excellent. She was very much in favor of the Academy coming to this location. She further commented on sidewalks, stating there isn't much foot traffic. She wouldn't be extremely excited about cutting through the berm, as

it is a lovely amenity to the facility. She hopes the Planning Commission approves the request.

Jim Blankenship, 311 Colebrook, commented that there is a transition regarding the dumpsters and stated the church has just switched refuse companies and that there are currently only two dumpsters.

PUBLIC HEARING CLOSED

Mr. Chamberlain stated that a Special Use Request for the school is approvable, but the site plan needs some tidying up regarding dumpsters, sidewalks, and trees.

Mr. Storrs commented why the outdoor play area isn't located on the site plan.

Mr. Chamberlain stated we already approved that.

Mr. Storrs asked if we could go ahead with the school using only Special Use Approval.

Ms. Bluhm stated it is preferable to provide both approvals, however, both can be approved separate. Further, she recommended that the school not be held up.

Mr. Waller asked if some day in the future does the City have the ability to force Walsh College or others to put in sidewalks?

Ms. Bluhm stated that waivers are already probably approved.

Mr. Chamberlain commented that a lot of these big facilities come along and don't install sidewalks. The City should complete these sidewalks.

Mr. Wright stated that he thinks Walsh College already has a sidewalk.

Mr. Chamberlain stated regardless, that is what has been happening in the past.
Moved by: Storrs Seconded by: Pennington

RESOLVED, that Special Use Approval, as requested, for the Christian Leadership Academy private school, within the existing Zion Christian Church buildings on a 33.73 acre R-1C zoned site, located north of Big Beaver Road and on the east side of Livernois Road is hereby granted in accordance with Section 10.30.02 of Zoning Ordinance.

Yeas:	Absent:
All Present (8)	Kramer

RESOLUTION APPROVED

Moved by: Storrs Seconded by: Pennington

RESOLVED, that Preliminary Site Plan Approval, as requested for the Christian Leadership Academy private school, within the existing Zion Christian Church buildings, on a 33.73 acre R-1C zoned site, located north of Big Beaver Road and on the east side of Livernois Road, be tabled for two weeks, at the Special/Study Meeting scheduled August 28, 2001, so that the Site Plan shows all of the previously approved and required elements including trees, sidewalks, correct fire hydrants, bonds.

Mr. Chamberlain stated to the petitioner that he needs to get with Mark Miller and figure out what he needs to do to get Site Plan approval.

Mr. Walled asked why does the school need to get a bond.

Ms. Bluhm stated it is a letter of credit or bond and it is returned upon completion

Yeas:	Absent:
All Present	Kramer

RESOLUTION APPROVED

7. SITE PLAN REVIEW (SP-813) – Proposed Regents Park of Troy (Phase II), North Side of Butterfield, West of Crooks, Section 29

Mr. Miller stated that the Village Green Companies are proposing a second phase to the Regents Park of Troy apartments, located on the north side of Butterfield Road, west of Crooks Road. Phase II includes a 3 acre, RM-2 (Multiple Family Mid-Rise) zoned area, which will be combined with the 18 acre Phase I site. There are two buildings and a detention basin proposed, with 58 units, that are 3 to 4 residential stories constructed over a parking story, which constitute a 5 story building for Zoning purposes. Combined Phases I and II have 17 dwelling units per acre and do not exceed maximum unit density prescribed in Section 16.70.01 of the Zoning Ordinance. Access will be provided off of Butterfield Street, utilizing an existing driveway within Phase I and an interior loop drive providing access around the proposed buildings. Building Code Board of Appeals action will be necessary to allow the proposed fencing in the front yard setback along Butterfield Street which is similar to Phase I. Proposed Preliminary Site Plan conforms to the requirements of the Zoning Ordinance, therefore the Planning Department recommends approval of Regents Park of Troy (Phase II).

Mr. Miller further stated that in Phase II, a retaining wall will screen some of the dumpster staging areas. As is the practice in Phase I, the dumpsters are stored inside the buildings and wheeled outside to the staging area for emptying.

Mr. Starr asked what is the maximum density.

Mr. Miller stated 17 units per acre, and the Phase II, three acre site will have to be combined with Phase I to meet the density requirements.

Mr. Storrs stated our action is to approve an amendment to the original Site Plan, so we should have one Site Plan.

Mr. Miller stated it is a revised plan. We are considering it to be one proposal and tie the projects together with one motion.

Ms. Jennifer Green of the Village Green Companies, commented that the dumpster situation is the same as Phase I. This utilizes temporary staging areas with the dumpsters contained within the buildings. There is a trash room located in each building; the dumpsters are pulled out and then moved back into the buildings. Because they will be completing the first phase within 30 days, and the continued success with Phase I, Phase II is proposed. The layout and landscaping is consistent with Phase I and the two phases become one development.

Mr. Reece asked about the land area between Phase II and Todd Street. What is the lot of exception.

Ms. Green stated that lots 30, 31, 32, are included in Phase I. Lot 33 is zoned P-1 parking. Lot 34 is zoned single family.

Mr. Reece asked if they would develop the area west of the subject property.

Ms. Green stated they could not, and during the rezoning, they demonstrated that the corner lot could be developed as office.

Moved by: Storrs Seconded by: Wright

RESOLVED, that Preliminary Site Plan Approval, as requested for the Regents Park of Troy (Phase II), on a 21 acre RM-1 zoned site, located on the north side of Butterfield Street and west of Crooks Road, is hereby granted, subject to the following condition:

1. If permanent outside dumpsters are proposed, the Planning Commission retains the authority to approve the location, and the Screening method.

Yeas:	Absent:
All Present (8)	Kramer

RESOLUTION APPROVED

8. SITE PLAN REVIEW / REVISED (SP-306) – St. Petka Vratnica Serbian Orthodox Church, Revised Site Plan, North of Wattles Road and West of John R Road, (Section 13)

Mr. Miller stated that on February 13, 2001 the Planning Commission granted a modified Special Use Approval and Preliminary Site Plan Approval for the St. Petka Church including a joint drive with Athens High School. Subsequently, on May 08, 2001 the Planning Commission granted a revised Preliminary Site Plan Approval. The minutes from all the Planning Commission meetings related to subject property and St. Petka were enclosed for detailed information purposes. In addition, the Planning Department prepared a summary of the development process for all three of St. Petka's proposed locations.

Mr. Milled added that St. Petka's architect submitted an application to eliminate the joint drive with Athens High School. This initial submittal eliminated the City parcel of land. These two revisions would have required a Special Use Request public hearing. This was reported to the Planning Commission at the July Study Meeting. Shortly after the Study Meeting site plans were submitted that included the joint driveway and the City parcel of land. The Planning Department then cancelled the scheduled public hearing, considering the most recent proposed revised Preliminary Site Plan request.

Mr. Miller stated that the revised proposal is substantially similar to the approved site plan, including a 7.02 acre R-1B zoned property. Ingress/egress will continue with the joint driveway aligned with Victoria Drive and the approved traffic light for the intersection. The proposed revised site plan provides for a shallow sloped stormwater detention basin that will remain part of the subject property. This basin is somewhat larger than normal due to the higher elevation of the outlet at Wattles Road. This detention area then displaced 71 parking spaces to east of the proposed buildings and near the church entrance driveway. All Zoning Ordinance requirements have been met by the proposed revised Preliminary Site Plan. However, the Planning Department Staff requested the petitioner to revise the church's entrance drive area, though the site plan was not revised to reflect this change. Staff's proposal is enclosed for your review. It is staff opinion that the revised drive will create a safer intersection with the joint driveway and provide a better stacking area for cars exiting the church. It should be noted that Natural Features Map indicates the possibility of wetlands on the subject property. The City does not have any requirements for submittal of

wetland determination for this type of development. Staff will have to insure that the appropriate wetlands permit or letter of no authority is issued before granting Final Site Plan Approval. Planning Department staff recommends approval of the revised Preliminary Site Plan with either intersection.

Mr. Waller asked if the Planning Commission has the ability to require MDEQ permits.

Ms. Bluhm stated that the petitioner is responsible to determine if a permit is required, then secure a permit if necessary.

Mr. Constantine Pappas, architect for the petitioners, commented that they prefer the driveway as submitted by his firm.

Mr. Chamberlain asked when is construction going to start.

Mr. Pappas stated fall of 2001.

Moved by: Pennington Seconded by: Wright

RESOLVED, that revised Preliminary Site Plan Approval, as requested for the St. Petka Vratnica Serbian Orthodox Church, on a 7.02 acre R-1B zoned site, located north of Wattles Road and West of John R Road, is hereby granted.

Yeas:	Absent:
All Present (8)	Kramer

RESOLUTION APPROVED

SECOND RESOLUTION FOR CONDITIONS

Moved by: Waller Seconded by: Wright

RESOLVED, to amend the Revised Preliminary Site Plan Approval with the following condition and is hereby amended to be subject to the following condition:

1. Any site plan revisions shall be approved by the Planning Commission.

Yeas:	Absent:
All Present (8)	Kramer

RESOLUTION APPROVED

9. DISCUSSION OF WETLANDS AND NATURAL FEATURES ORDINANCES PUBLIC HEARING DATES

Mr. Miller stated that City Management is requesting that the Planning Commission schedule two public hearing dates in late September and early October. A public hearing is proposed for developed landowners and a second hearing for vacant landowners. The developed landowners are affected by the ordinances substantially less than vacant landowners. The Engineering Department is working on letter of notification that requests return notice of those owners interested in attending the public hearings. A Draft letter was provided at the meeting.

Mr. Chamberlain asked Ms. Bluhm if the Planning Commission is required to hold a public hearing. There are over 3,000 parcels and 4,000 to 6,000 people potentially could attend the public hearing. Is it fair to hold two hearings; one with the Planning Commission and one with City Council. Is the Planning Commission required to conduct a public hearing.

Ms. Bluhm stated that a public hearing shall be held, but the Planning Commission is not required to conduct the public hearing. The notification of affected property owners is required. The notice to each individual person is to let them know a map is being created. This is required to occur before the effective date of the map and ordinance.

Mr. Chamberlain asked who approves the Natural Features Map.

Ms. Bluhm stated that City Council should approve the map.

Mr. Miller stated the Natural Features Map is not part of the Zoning Ordinance, therefore, there is no required recommendation process for the Planning Commission.

Ms. Bluhm stated that it is important that the Planning Commission has input into the development of the Map and Ordinances.

Mr. Chamberlain commented that he would like the Planning Commission to set a target date to send recommendations to City Council. In addition, the Planning Commission needs the Natural Features Map for the Future Land Use Plan.

Mr. Miller stated that there is a draft map available.

Ms. Pennington stated she sees no problem with the Planning Commission not conducting public hearings.

Mr. Littman stated that if City Council conducts public hearings, the Planning Commission does not need to conduct them also.

Mr. Wright agrees with Mr. Littman.

Mr. Waller stated he concurs that City Council should conduct a single public hearing. He asked if there is a requirement for the letter notifying affected property owners. He further asked when are we going to receive the final map.

Mr. Starr stated the Planning Commission should send comments and recommendations to City Council. He said two public hearings are not necessary. City Staff needs to determine a graceful way to hold the public hearing. There is no use aggravating people twice over the same issue.

Mr. Reece stated that our responsibility is to provide a complete package that includes the Map and revised text.

Mr. Keoleian stated we should complete a full review before sending it to City Council.

Mr. Waller asked if it would be appropriate for the Planning Commission and Mark Miller to make a list of what has to get finished. The Planning Commission is of the opinion that reducing the number of public hearings is helpful to Troy residents.

Mr. Chamberlain stated that major milestones should be identified that will be released to City Council with the understanding that the Future Land Use Plan is a piece of the overall framework including Land Use and Natural Features.

Mr. Miller summarized that without a resolution, the Planning Commission's consensus is that for the good of the City of Troy and its' residents, there should be one public hearing, at the City Council for the Natural Features and Wetlands Map and text.

Mr. Chamberlain stated we want to send comments to City Council once we see the Final Natural Features Map.

Ms. Bluhm asked if the Planning Commission wanted City Council to approve the map first.

Mr. Chamberlain answered no. The Planning Commission wants one package, and to make comments on the text and map.

Mr. Chamberlain stated the Planning Commission needs to look at Special Use Approval requirements. One example cited was automotive repair, both B-3 and M-1 require Special Use Approval. Why are we to doing this, he asked.

RESOLUTION to excuse Mr. Dennis Kramer from this Special Study Meeting.

Moved by: Starr Seconded by: Storrs

Yeas:	Absent:
All Present (8)	Kramer

RESOLUTION APPROVED

The meeting was adjourned at 9:45 PM

Respectfully submitted,

Mark F. Miller
Interim Planning Director

The Chairman, Christopher Fejes called the meeting to order at 7:30 P.M., on Tuesday, August 21, 2001.

PRESENT:	Kenneth Courtney	Also Present:	Mark Stimac
	Christopher Fejes		Lori Grigg Bluhm
	Marcia Gies		Pam Pasternak
	Michael Hutson		
	Matthew Kovacs		
	Mark Maxwell		
	Walter Storrs		

ITEM #1 – APPROVAL OF MINUTES OF MEETING OF JULY 17, 2001

Motion by Courtney
Supported by Gies

MOVED, to approve the minutes of the meeting of July 17, 2001 as written.

Yeas: 6 – Gies, Hutson, Kovacs, Maxwell, Storrs, Courtney
Abstain: 1 – Fejes

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – RENEWAL REQUESTED. ST. AUGUSTINE LUTHERAN CHURCH, 5475 LIVERNOIS, for relief of the 4'6" masonry wall required along the south and west sides of off-street parking.

Mr. Stimac explained that the petitioner is requesting renewal of relief granted by this Board for the 4'6" high masonry wall required along the south and west sides, adjacent to the off-street parking. The relief was originally granted in 1993 based on the fact that the variance would not be contrary to public interest and conforming would be unnecessarily burdensome. In 1998 this Board granted renewal of this variance for a period of three (3) years. Section 39.10.01 of the Zoning Ordinance does not require that a screen wall be provided between the parking lot of a church and adjacent single-family residential property when a public street separates them. Therefore, no wall was required along the north side of their parking lot.

Mr. Stimac further explained that In October 1999 the Building Department received a complaint from Mrs. Baylerian, 70 McKinley drive regarding the traffic congestion, and lack of extra landscaping on this site. The church was granted a variance to install only 22 trees along the McKinley street frontage where Section 39.80.02 would require at least 66 trees (one tree per 20' of frontage) are planted. This variance was granted, in part because the church was only developing the eastern 440' of their 1317' deep parcel. The trees were installed within this developed portion of their site. Since that time the church has, in fact, sold the western 300 feet of their property.

ITEM #2
Mr. Les Kuykendall, a member of St. Augustine Church was present and stated that they would like to make this a permanent variance. Mr. Kuykendall pointed out that presently they have a berm along the west entrance, which is at least 6' high and heavily landscaped, and also have a large stand of tress on the south side of the property. He feels that this landscaping provides enough privacy to the surrounding homes. Mr. Kuykendall further stated that this is a small congregation, and although they have some activities in the evenings, they are on a very limited basis, and usually have only twelve cars in the lot. On Sundays, Mr. Kuykendall stated that there are approximately 80 cars in the lot.

Mr. Kovacs asked Mr. Stimac for clarification on granting this a permanent variance and Mr. Stimac stated that the Board of Zoning Appeals has the authority to make this a permanent variance, however, before this could happen a new Public Hearing would have to be held. Mr. Stimac also pointed out that the Ordinance had recently been changed and now is asking for a berm to be installed rather than a wall. Mr. Stimac also stated he thought that if the Church were to add more landscaping to the berm on the west side of the parking lot it may comply with the Ordinance. Mr. Stimac went on to say that the south property line is approximately 10' from the property line and there is not enough room for the church to add a berm, that would comply and also that the majority of the trees in this area are on the neighboring property and not on the Church's property.

Mr. Courtney asked if there was a possibility of adding a driveway onto Livernois, and Mr. Kuykendall stated that in previous reviews the City felt it would be better to keep the drive on McKinley. Mr. Kuykendall further stated that he thought the Church would want to look into the possibility of a new Public Hearing to make this a permanent variance.

Motion by Courtney
Supported by Kovacs

MOVED, to grant St. Augustine Lutheran Church, 5475 Livernois, a three (3) year renewal of a variance for relief of the 4'6" masonry wall required along the south and west sides of off-street parking.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: All – 7

MOTION TO GRANT RENEWAL OF VARIANCE FOR A PERIOD OF THREE (3) YEARS CARRIED

ITEM #3 – VARIANCE REQUESTED. RICHARD SOWINSKI, 810 TRINWAY, for relief of the Zoning Ordinance to construct a 728 square foot garage, which will exceed the maximum allowable space permitted for accessory structures.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a 728 square foot detached garage at his residence. Section 40.57.04 limits the combined ground floor area of all accessory buildings on a parcel to one-half the ground floor area of the main building or 600 square feet whichever is greater. Presently there is an existing 360 square foot detached garage and a 343 square foot shed which exists on the property. Because the size of the existing residence is 1128 square feet, the maximum size of all accessory buildings on this site is limited to 600 square feet.

This item first appeared before the Board of Zoning Appeals at the meeting of November 16, 1999 and was tabled to allow the petitioner to come up with an alternative plan. The petitioner has changed the size of his variance request.

Mr. and Mrs. Sowinski were present and stated the shed listed in the Public Hearing notice is only 339 square feet rather than 360 square feet. Mrs. Sowinski further stated that the reason they need this garage is due to the fact that they own two large vehicles as well as three (3) classic cars and have nowhere to park them. Mrs. Sowinski also said that due to the fact that their property is almost an acre, they have a large amount of lawn equipment that they need to store and presently have nowhere to put it. Mrs. Sowinski stated that this area is a country type setting in that all of the homes are on large lots. The Sowinskis indicated that they do not want to attach the garage to their home but would prefer having a separate building. Mr. Sowinski indicated that originally their request was for a garage that was 30’ x 40’ and now they would like a building which would be 26’ x 28’.

Mr. Courtney asked for clarification on which buildings the Sowinskis planned to tear down, and Mr. Sowinski stated that the only building they would remove would be the existing garage. Mr. Kovacs asked for clarification regarding the square footage in this variance request and Mr. Stimac stated that they are asking for a variance, which will result in 1,070 square feet of accessory buildings where 600 square feet are permitted.

Mr. Maxwell asked what would be required if the Sowinskis were to attach the garage to their home and Mr. Stimac explained that at least one corner of the building would have to share a common wall with their home. Mr. Maxwell then asked what the ramifications would be regarding property assessment and Ms. Bluhm stated that she would be unable to answer that without checking with the Assessing Department. Mr. Maxwell went on to state that he felt that this building could be attached to the home by a breezeway and the result would be that the petitioner would have a larger garage. Mr. Sowinski stated that they do not wish to add this garage onto their home, due to the fact that there is a drop in the property that would require a large amount of fill to be brought

ITEM #3
in at considerable expense. Mr. Sowinski went on to say that there is a large, mature maple tree and he is afraid that if he were to move the garage addition, it would affect this tree. Mr. Maxwell stated that he was concerned about the size of the variance, because the storage buildings would be larger than the size of the home. Mr. Sowinski stated that many of his neighbors have very large garages and he does not feel that he should be penalized because his home is small.

Mr. Courtney stated that the tree is behind the existing garage, and if the new garage were constructed from the house to the back of this existing structure, it would result in a garage which would be 30' deep, without effecting the tree, and which would be larger than what they are presently asking for. Mrs. Sowinski stated that they do not want an attached garage.

Mr. Fejes asked what would happen if this variance were not granted and Mr. Sowinski stated that he would put a new roof on the existing garage and a larger door, and possibly add a carport. Mr. Fejes stated that he was concerned about the size of the variance request, and did not feel that there was a hardship with the land. Mrs. Sowinski stated that she did not feel it was right to own cars that they could not keep on their property.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written approval on file. There are no written objections on file.

Motion by Courtney
Supported by Maxwell

MOVED, to deny the request of Richard Sowinski, 810 Trinway, for relief of the Zoning Ordinance to construct a 728 square foot garage, which will exceed the maximum allowable space permitted for accessory structures.

- Variance request is considered excessive.
- Petitioner did not prove a hardship
- The Board feels that the petitioner has other options available to him.

Yeas: 6 – Hutson, Maxwell, Storrs, Courtney, Fejes, Gies
Nays: 1 – Kovacs

MOTION TO DENY CARRIED

ITEM #4 – VARIANCE REQUESTED. PATIO ENCLOSURES, 3827 GATE, for relief of the Zoning Ordinance to construct a patio enclosure, which will result in a 36.41' rear yard setback where 40' is required.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to replacing an existing covered patio with an enclosed sunroom 36.41' from the rear property line. Section 30.10.04 requires a 40' minimum rear yard setback in the R-1C Zoning Districts. A variance from the Board of Zoning Appeals on August 21, 1973 permitted the existing covered patio.

Mr. Dave Rossman of Patio Enclosures was present and stated that the existing structure needs repair and the homeowner would like to replace it with a new structure. Mr. Harold Mercer, the homeowner, was also present and stated that the covered structure was approved by the Board in 1973 when the original home was built. Ten years ago the homeowner enclosed this patio.

Mr. Fejes asked if this was a non-conforming structure and Mr. Stimac stated that the covered slab was legal, however, the action of the homeowner enclosing this structure without prior approval, made the structure non-conforming. Mr. Stimac went on to say that if the homeowner was only going to replace the existing covered structure, the action of the Board in 1973 would still apply and the covered patio would conform to the Ordinance.

Mr. Hutson stated that he did not feel there was a hardship with the land that would justify a variance. Mr. Courtney stated that there was already a 4' variance, and if the walls were removed the structure would be in compliance. Mr. Rossman pointed out that he feels that the definition of hardship was open to interpretation and basically the existing porch is an eyesore that the homeowner wants to remove and improve on.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one written approval on file. There are no written objections.

Motion by Maxwell
Supported by Kovacs

ITEM #4
MOVED, to grant Patio Enclosures, 3827 Gate, relief of the Zoning Ordinance to construct a patio enclosure, which will result in a 36.41' rear yard setback where 40' is required.

- Variance request is minimal.
- Variance will not affect the existing setback established in 1973.
- This variance is not contrary to public interest.

Yeas: 6 – Kovacs, Maxwell, Storrs, Courtney, Fejes, Gies
Nays: 1 – Hutson

MOTION TO APPROVE REQUEST CARRIED

ITEM #5 – VARIANCE REQUESTED. ERICH HAGEN, 2339 GREENSBORO, for relief of the Zoning Ordinance to construct an enclosed patio, which will result in a 34.6' rear yard setback where 40' is required.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct an enclosed patio. Section 30.10.04 of the Zoning Ordinance requires a 40' minimum rear yard setback for an enclosed or covered structure in the R-1C Zoning District. The site plan submitted indicates that the proposed enclosure built over an existing raised patio would result in a 34.6' rear yard setback.

Mr. Hagen was present and stated that due to the configuration of his lot, if he measured straight back from the proposed enclosed patio the 40' setback would be complied with. Mr. Hagen went on to state that only one corner of this enclosure would be in violation of the Ordinance.

The Chairman opened the Public Hearing.

Mr. Mike Grube, 4076 Middlebury was present and stated that he is a neighbor of Mr. Hagen's and he would approve of this request. Mr. Grube went on to say that he feels that this enclosure will add to the value of the property as well as create an aesthetically pleasing appearance.

No one else wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are no written objections.

Motion by Hutson
Supported by Gies

ITEM #5
MOVED, to grant Erich Hagen, 2339 Greensboro, relief of the Zoning Ordinance to construct an enclosed patio, which will result in a 34.6' rear yard setback where 40' is required.

- This variance is not contrary to public interest.
- Conforming would be unnecessarily burdensome to the petitioner.
- This variance will not have an adverse effect on surrounding property.
- The angle of the rear lot line makes complying with the ordinance difficult.

Yeas: All – 7

MOTION TO APPROVE CARRIED

ITEM #6 – VARIANCE REQUESTED. DR. RICHARD SCHUSTER, 4221 GATESFORD CIRCLE, for relief of the Zoning Ordinance to construct a family room addition, which will result in a 34'-8" rear yard setback where 40' is required.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a family room addition. The site plan submitted indicates a family room addition with a proposed 34'-8" rear yard setback. Section 30.10.04 of the Zoning Ordinance required a 40' minimum rear yard setback in the R-1C Zoning District.

Dr. Schuster was present and stated that they wished to square off the existing home, and because of the irregular shape of the lot a variance is required. Mr. Courtney asked if the Homeowners Architectural Committee had been contacted for approval and Dr. Schuster stated that he has not yet contacted them. Mr. Courtney suggested that if the variance were to be approved, they should contact the Architectural Committee before beginning construction.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are six (6) written approvals on file. There are no written objections on file.

Motion by Maxwell
Supported by Kovacs

MOVED, to grant Dr. Richard Schuster, 4221 Gatesford Circle, relief of the Zoning Ordinance to construct a family room addition, which will result in a 34'-8" rear yard setback where 40' is required.

- Variance is not contrary to public interest.
- Variance will not establish a prohibited use in the Zoning District.
- This variance will not have an adverse effect on surrounding property.

ITEM #6
Yeas: All – 7

MOTION TO APPROVE CARRIED

ITEM #7 – VARIANCE REQUESTED. BROOKSHIRE DEVELOPMENT, LLC, 26 INGRAM (PROPOSED ADDRESS), for relief of the Zoning Ordinance to construct a new single family home with a 41.58' front yard setback to a major thoroughfare where 50' is required.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a new single-family residence. The site plan submitted proposes construction of a new house with a 41.58' setback from the Livernois Road right-of-way. Section 10.60.03 of the Zoning Ordinance requires a 50' minimum setback from major thoroughfare right-of-way lines in the R-1B Zoning District.

Mr. Maxwell asked if this was a self-imposed hardship and Ms. Bluhm replied that the hardship could be considered to be self-imposed.

Mr. Tom Caporuscio and Mr. Darrin Peebles, the Builders and owners of this property were present and stated that this lot was one of four lots that they bought as a package and are having a difficult time determining what type of home they can build on this lot which would conform with the Ordinance. Mr. Caporuscio stated that the homes in this subdivision are very stately looking homes, and due to the fact that there is an existing floodplain, as well as easements, they would have to build a home that is narrower than the surrounding homes, which they believe would not look right. Mr. Caporuscio further stated that this home would be right near the entrance drive to the subdivision and would be partially hidden behind existing landscaping.

Mr. Fejes asked if they were forced into purchasing this lot and Mr. Caporuscio stated that it was part of a package and they are having quite a difficult time determining what type of design to use for a home, which will fit in with the other homes in this subdivision. Mr. Caporuscio went on to say that if they do conform to the Ordinance, the garage would be nearly one half of the front of the house. Mr. Courtney stated that he felt that the developer did not intend for a house to be built on this lot, but rather that it would be used as a retention pond. Mr. Peebles pointed out that there are two retention ponds south of Ingram, and did not feel that this lot needed to be used for this purpose.

Mr. Kovacs asked for clarification on the distance required for the setback and Mr. Stimac replied that basically it is 110' from the centerline of Livernois or a setback, which should measure 51' from the sidewalk. Mr. Kovacs asked what the setback from the road would be once Livernois was widened and Mr. Stimac stated that depending on whether turn lanes or decel lanes were added, the property line could be as little as 18' from the curb line. Mr. Kovacs then asked if there was a possibility of altering half of the drainage ditch and Mr. Stimac replied that the restrictions fall under the Department

ITEM #7
of Environmental Quality and FEMA, and he felt that if it were possible to shift the floodplain any further, the developer would already have done it.

Mr. Storrs pointed out that this lot is buildable by City standards, however, the petitioner wishes to build a home that will match other homes in this area. Mr. Maxwell asked how wide the lots were and Mr. Peebles replied that there is approximately 120' between lots 1 and 2, and the other lots in this subdivision are approximately 90' wide. Mr. Stimac pointed that the Zoning for this property is R-1B and with a side entrance garage, the buildable width of a home on a 90' wide lot is 56'; and without a side entrance garage the buildable width is 65'. On this particular lot there is a buildable width of 59.2' at the front setback and just under 48' of width at the rear setback. Mr. Stimac went on to say that the builder is proposing to build a home that would be 62.5' wide.

Mr. Courtney asked if this home could be moved up on the lot and Mr. Caporuscio replied that he did not think this would look right. Mr. Courtney stated that the home could be 60' wide x 35' deep. Mr. Caporuscio stated that they wished to build the home 62' wide x 50' deep. Mr. Courtney suggested that the home could be 40' wide and 60' deep and Mr. Caporuscio stated that the garage would take up half of the front of house. Mr. Caporuscio also said that they did not wish to put up a house that would be a "shoebox" design.

The Chairman opened the Public Hearing.

Mr. and Mrs. George Green of 6811 Livernois were present and stated that they object to this variance. Mrs. Green stated that they have had a number of problems with flooding due to the development of this subdivision and she does not want any more problems. Mrs. Green went on to say that there is another home in the subdivision that does not conform to the other homes and it is not an eyesore. Mrs. Green went on to say that this property was purchased knowing the size of this lot, and she did not want to see this variance granted.

No one else wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are two (2) written objections on file.

Motion by Maxwell
Supported by Storrs

ITEM #7
MOVED, to deny the request of Brookshire Development, LLC, 26 Ingram (proposed address), for relief of the Zoning Ordinance to construct a new single family home with a 41.58' front yard setback to a major thoroughfare where 50' is required.

- The Board believes this hardship to be self-imposed.
- The petitioner has other options to build on this lot.
- This variance would be contrary to public interest.

Yeas: All – 7

MOTION TO DENY CARRIED

ITEM #8 – VARIANCE REQUESTED. MR. & MRS. DAVID MEADOR, 1590 CRANBROOK, for relief of the Zoning Ordinance to construct a sunroom addition which will result in a 43' rear yard setback where 45' is required.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a sunroom addition. The site plans submitted indicate the proposed sunroom will result in a 43' rear yard setback. Section 30.10.02 of the Zoning Ordinance requires a minimum 45' rear yard setback in the R-1B Zoning District.

Mr. Erik Heiderer of Polyarch, Inc. and Mr. David Meador were present. Mr. Meador stated that he and his wife wished to have a room that they could enjoy year round. Mr. Meador also said that his lot does not have a straight angle and three quarters of his addition would conform to the rear yard setback, and only one corner would not conform.

Mr. Courtney asked about the shape of the addition and Mr. Heiderer replied that the addition would be an octagon shape with glass on four sides. Mr. Heiderer went on to say that the reason for this shape of the addition was to be able to utilize the pool area. Mr. Courtney then asked what would happen if the variance were to be denied and Mr. Heiderer stated that they would have to pull back one foot and the addition would lose the octagon shape.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are no written objections on file.

Motion by Maxwell
Supported by Kovacs

ITEM #8
MOVED, to grant Mr. & Mrs. David Meador, 1590 Cranbrook, relief of the Zoning Ordinance to construct a sunroom addition, which will result in a 43' rear yard setback where 45' is required.

- Variance request is minimal.
- Conformance would be unnecessarily burdensome.
- This variance is not contrary to public interest.

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

ITEM #9 – VARIANCE REQUESTED. TRICIA YOUNG, 3278 WENDOVER, for relief of the Zoning Ordinance to construct a second floor addition, which will continue an existing 36.5' front yard setback where 40' is required. This structure is considered a legal non-conforming structure and Section 40.50.04 prohibits expansions to non-conforming structures in a way that increases its non-conformity.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a second floor addition. This lot is a double front setback corner lot. Section 30.10.02 of the Zoning Ordinance requires a 40' minimum front yard setback in the R-1B Zoning District. The site plan submitted indicates a 36.5' front setback from the property line along Tothill Road to the existing home. The plans submitted indicate the proposed second floor addition will continue this 36.5' setback. Based upon the age of this house, it is classified as a legal non-conforming structure. Section 40.50.04 prohibits expansions to non-conforming structures in a way that increases its non-conformity.

Mrs. Young was present and stated that the extension of Tothill, creating the double setback condition was established after her home was built. Mrs. Young further stated that the subdivision behind her home runs at an angle that makes it harder for them to conform with this addition.

Mr. Fejes asked what the addition would be used for and Mrs. Young stated that their family was growing and it would be used as a bedroom.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was close.

There are two (2) written approvals on file. There are no written objections on file.

Motion by Hutson
Supported by Courtney

ITEM #9
MOVED, to grant Tricia Young, 3278 Wendover, relief of the Zoning Ordinance to construct a second floor addition, which will continue an existing 36.5' front yard setback where 40' is required.

- This variance is not contrary to public interest.
- The variance will not have an adverse effect on surrounding property.
- Conforming would be unnecessarily burdensome.

Yeas: All – 7

MOTION TO APPROVE REQUEST CARRIED

Mr. Stimac informed the Board that he is still looking into the possibility of having alternate members appointed to this Board, and he will keep them updated. Mr. Stimac also informed the Board that he will not be at the September meeting, however, Mr. Grusnick will be attending the September meeting in his place.

The Board of Zoning Appeals meeting adjourned at 9:23 P.M.

MS/pp

TROY HISTORICAL COMMISSION MINUTES – DRAFT AUGUST 28, 2001

Meeting was called to order at 7:35 P.M., on Tuesday, August 28, 2001.

PRESENT: Roger Kaniarz
Rosemary Kornacki
Kevin Lindsey
Muriel Rounds
Brian Wattles

STAFF: Loraine Campbell, Museum Manager
Brian Stoutenburg, Director

ABSENT (EXCUSED): Ed Bortner

ITEM #1 APPROVAL OF MINUTES OF MEETING OF JUNE 24, 2001.

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF JUNE 24, 2001 AS WRITTEN.

ITEM #2 OLD BUSINESS

A. **Church and Parsonage Status:**
On Wednesday, August 8, 2001 City Manager John Szerlag met with members of the Ad hoc Church Committee, Architect Gerald Yurk, Gary Shripka, Asst. City Manager, Steve Pallotta, Building Operations Dir., Mark Stimac Building and Zoning Dir., Brian Stoutenburg and Loraine Campbell. The timetable and goals of the Church/Parsonage project were discussed. Mr. Yurk agreed that the Structural Assessment of the buildings would be completed by October 1 and the financial analysis of options outlined in the contract will be complete by January 2002. Work will begin on August 9, 2001. Mr. Yurk assured the group that recommendations for stabilization would not result in significant expenditures that are unrecoverable if the structures are moved.

George Ballard of Engineering conducted a new survey of the site. The data will be plotted on computer and drawings made available to the architect.

B. **Programs:**
See attached report for June and July attendance numbers. The school group calendar for 2001-02 is now heavily booked for most months. January and February dates are still available. The Garden Club is hosting an International Tea at the Museum on September 19. Approximately 150 women will attend. Plans for the Harvest Home/Heritage Day Festival are near completion.

C. **Museum Sign:**
No report.

D. **Gazebo:**
The contract has been sent to Edrick M. Owen, Inc. Mark Stimac is waiting for the signed contract and insurance documents to be returned so that construction on the new gazebo can begin.

E. **Lead and asbestos abatement:**
Sam Lamerato (Motor Pool Supervisor) is certified to oversee lead abatement projects. He has provided the Museum with the names of three contractors licensed to complete contaminated soil removal. Once we have three prices, we can retain the appropriate contractor and remediate the soil in the north half of the wagon shop. In preparation for that remediation, the cutter, Durant buggy and carriage have been removed from the Wagon Shop to the Troy Methodist Church (with the permission of the Historical Society Board.) The tools, artifacts, stock and coal in the north half of the shop will be removed. Bill Boardman will sort, identify and accession the artifacts. The working collection of tools will be catalogued and stock inventoried. Loraine is investigating using coke as a fuel in the future to avoid generating additional air and soil contaminants. Roger Kaniarz suggested Matt Balent might be a source for coke.

F. **Review of Chapter 12:**
Brian explained that further review and revision of Chapter 12 will be delayed. This work must be done with the Legal Dept. John Szerlag has suspended non-essential revision projects because of the current workload in the Legal Department. Brian has requested that Laura Fitzpatrick (Asst. to the City Manager) be assigned to assist the Library Dept. when we draft revisions.

ITEM #3 NEW BUSINESS

A. **Troy Historical Society Liaison Report:**
Following inquiries by Walt Cornelius, it was determined that the City now owns both the Church and the Parsonage because three years have elapsed since the warranty deed was filed. The Society agreed to continue paying the utility bills as their investment in the project.

Jack Turner suggested the Society diversify its projects and commit funds to endeavors other than the Church/ Parsonage project. The Society Board agreed to schedule a brainstorming session in October.

Brian Wattles suggested the Society might hold Appraisal Fairs as fundraisers.

B. **New Acquisitions:**
See attached report.

C. **Museum forms and Agreements:**

Oral History
The Museum Staff is initiating work on an Oral History Project. The goals of the project are to collect the oral histories from individuals who lived and worked in Troy before and after the City was established, individuals who lived in Big Beaver and

attended Big Beaver School, and former City and Township officials. Audiotape and video taped interviews will be conducted. Cindy Stewart (Community Affairs will produce the videos and air them on WTRY as part of the City's 50th Anniversary celebration. Staff also hopes to publish the printed oral histories into bound volumes made available at the Museum and Library. An initial step in the project is to develop forms for collecting biographical data from each interviewee and Interview Agreement forms that grant copyright of the taped, video recorded and transcribed interviews to the City of Troy. Draft forms were provided to Commission members. These will be discussed in September.

Photo Usage
The Archivist receives a number of inquiries each year from private citizens and commercial businesses to acquire copies of old photos held in our collection. To control the type of usage and the reproduction of images from originals, prints or negatives, the Archivist developed a Photograph and Image Usage form. The form outlines use policies, including reproduction costs incurred by the user. Additionally, the Museum wishes to levy a $20/ image user fee for each one-time, single-use of a photograph or image. The draft form was provided to Commission members. The form will be discussed in depth in September.

D. **Annual Report**
Loraine Campbell distributed the Museum's Annual Report for FY2000-01. The Commission will review the report in September.

ITEM # 4 REPORTS AND COMMUNICATIONS

A. **Visitors:** No report.

B. **Staff:** William Boardman has been selected as the full time Archivist for the Museum. Bill will begin working full time on September 1. 2001.

Loraine informed the staff that she will be in class on Tuesday evenings from September through December. The Commission agreed Brian would continue to report to the Commission and Loraine will submit written reports, as necessary.

C. **Commission Members:** Cindy Kmett has resigned from the Commission. Rosemary Kornacki will check with Council if any applications have been received from citizens interested in serving on the Historical Commission.

The Troy Historical Commission meeting adjourned at 9:40 P.M.

The next regular meeting is scheduled on Tuesday, September 25, 2001.

Respectively submitted,

Loraine Campbell
Museum Manager

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:30 P.M. on Tuesday, August 28, 2001 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:	**Absent**
Chamberlain	Reece (excused)
Kramer	
Littman	
Pennington	
Starr	
Storrs	
Waller	
Wright	

Also Present:

Mark Miller, Interim Planning Director
Lori Bluhm, Acting City Attorney
Ron Figlan, Planner
Jordan Keoleian, Student Representative

Resolution

Moved by: Wright Seconded by: Storrs

RESOLVED, that Mr. James Reece be excused from attendance at this meeting.

MOTION CARRIED

Yeas: All Present (8) Absent: Wright

2. MINUTES

None

STUDY ITEMS

3. BOARD OF ZONING APPEALS REPORT

Mr. Storrs noted there were two (2) denials at the last meeting of the Board of Zoning Appeals. He discussed a bigfoot case, where a one (1) acre property, requested a 1,000 square feet garage. The second case was in Elgin Corners Subdivision that included a proposed 4,000 square feet house. There was considerable 100 year flood plain on the lot.

4. CURRENT DEVELOPMENT REPORT

Mr. Miller commented that at the August 20, 2001, City Council meeting, Pearl Estates Site Condominium was given preliminary approval. Next he stated that City Council held a Study Meeting August 27, 2001, to generate goals regarding the Civic Center. Also, at the Study Meeting, inter-connection of subdivisions and cross-access easements were discussed. No change of policy was identified; although the Traffic Engineer will provide a traffic impact analysis and explore traffic harmonization for development proposals.

City Staff is looking into an overlay zoning district instead of a transfer of development rights (TDR) ordinance for the DDA. City Council will continue discussions for the Civic Center on September 6, 2001.

5. DOWNTOWN DEVELOPMENT AUTHORITY REPORT
No report. Next meeting is October 8, 2001.

6. SPECIAL USE REQUEST (SU-310) – Tutor Time Day Care, North of Big Beaver Road, West of Crooks Road – Section 20

Mr. Miller stated that this item was tabled at the August 14, 2001 meeting so the petitioner could meet with City staff to discuss the landscape buffer method. Plans were submitted including 37 scotch pines and 17 euonymus bushes, along with the existing trees on the west boundary.

Mr. Chamberlain asked if the willows will be removed.

Mr. Miller stated not necessarily. You can't plant willows, but there is no requirement that they be removed.

Mr. Miller continued, stating that a Special Use Request has been submitted for a Tutor Time Day Care facility, with an approximate 11,000 square foot building, on 1.53 acres of land, at the southwest corner of Crooks Road and Banmoor Avenue. The subject property is within the R-1B Zoning District, which permits child care centers and nursery schools subject to Special Use Approval. There are three conditions required to authorize the granting of the Special Use Approval. First, 28,430 square feet of outdoor play area is required and that area shall be visually screened from the residential property to the west, in a manner acceptable to the Planning Commission. Second, location of the childcare center be at the exterior of a block and adjacent to an office zoning district (others specified). Third, the childcare center serve as a transitional use between non-residential and residential development, thus reflect the architectural character of the residential area.

Mr. Miller continued, to the north and east of the subject property is the Muer's Garden Farms Subdivision, is developed, and has zoning classification of one family residential. Abutting the subject property to the south is the Wilshire Plaza West office development. Across Crooks Road to the east, there is a one family residential subdivision and zoning classification. It appears the proposed development serves as a transitional land use between the existing office development and one family residential.

Mr. Miller stated that access to the facility is a driveway at the southern end of the subject property to Crooks Road.

Mr. Miller added that the request was tabled at the August 14, 2001 meeting, to allow the petitioner the opportunity to meet with City Staff regarding the design of an appropriated visual screen of the outdoor play area. Mr. Cavaliere (petitioner), Ron Hynd (City Landscape Analyst), Ron Figlan (City Planner) and Mark Miller met to discuss the visual screening. City staff had the opinion that an appropriate landscape buffer did not require a berm. The berm would reduce the usability of the outside play area. Revised site plans were submitted indicating 37 scotch pines, 17 euonymus bushes and the use of existing trees along the north and west boundaries of the subject property. Mr. Hynd is recommending use of the submitted landscape buffer. In addition the petitioner moved the building 22 feet to the north based upon Planning Commission input at the August 14, 2001 meeting.

Mr. Miller stated the Planning Department recommends approval of the Special Use Request and Preliminary Site Plan with the condition that the Planning Commission approves an acceptable visual screen of the outdoor play area. Building Code Board of Appeals action will be necessary to permit the chain link fence surrounding the outdoor play area and any visual screening fence that is located in the Banmoor Avenue setback.

Mr. Waller asked if the Parks and Recreation Department recommended tree planting that would fully screen the play area.

Mr. Miller stated it should be noted that this will not provide a screen immediately. The trees have to grow.

Mr. Chamberlain questioned the estimated time of growth.

Mr. Miller stated ten years.

Mr. Chamberlain stated that a buffer should be effective immediately.

Mr. Wright asked if a berm would be a much more viable sound barrier than the trees?

Mr. Miller stated a solid wall probably would achieve that better.

Mr. Storrs asked if there was any kind of requirement that the screening be maintained.

Ms. Bluhm stated that the screening would have to be maintained, but enforcement would rely on complaints from the neighbors.

Mr. Chamberlain commented on that this case is a Special Use Request. Can the City void the Special Use Approval?

Ms. Bluhm stated not generally; though if there were grievous violations perhaps we could, but it is not likely to happen.

Mr. Littman asked if there is a time limit for Special Use Approval, such as a three (3) year requirement.

Ms. Bluhm stated, it is possible if it is related to the screening.

Petitioner, Mr. Cavaliere, 20078 Schoenherr, Warren, Michigan stated he would like to comment on some of the points made and answer some of the questions that were brought forth. All of the evergreen plantings are 15 feet on center and staggered as recommended by Parks and Recreations; however, they could be planted closer together. This is a licensed day care facility by the State of Michigan and if the plantings die they are required to be replaced. In reference to the 188 children capacity, all of those children do not go out to the play area at one time. That is not realistic. Groups of 15 are taken out to the play area. Regarding moving the building to the north, the building can be moved to the 45 foot setback, if desired by the Planning Commission.

Mr. Littman asked if the play area needed to wrap around the building. Is that area required.

Mr. Cavaliere answered what is lost on the north is gained on the south.

Mr. Littman commented that any playground equipment should be placed towards the south end of the subject property.

Ms. Bluhm stated that we could require the playground equipment be submitted prior to Special Use Approval.

General Discussion occurred regarding the outdoor play area and play equipment.

Mr. Kramer questioned the petitioner regarding the outdoor lighting location.

Mr. Cavaliere stated that there are wall packs on the building.

Mr. Kramer stated that wall pack lighting would result in reflection and would affect the neighbors.

Mr. Cavaliere stated the facility is not open at night.

Mr. Chamberlain stated that is not the question.

Mr. Kramer stated that more detail is needed on the lighting. The proposed lighting is not acceptable.

Mr. Chamberlain stated that roof mounted lighting could be considered.

Mr. Kramer stated he would like more information.

Mr. Cavaliere stated the possible use of soffet lighting on the north and south sides of the building.

Mr. Wright stated concern with the possible noise level. It will take too many years for the trees to grow. He prefers a masonry wall along the north property line, stating this would function immediately.

Mr. Cavaliere commented additional screening can be provided. The gaps in the plantings on the west side could be filled in.

Mr. Wright asked what kind of trees are used.

Mr. Cavaliere stated 6 to 7 foot high Scotch Pines.

Ms. Pennington reiterated a statement previously made by the petitioner to clarify the age group of infant to five years old are permitted.

Mr. Robert Guldi, 1454 Banmoor, Troy, Michigan, stated he lives northwest from the site across the street. He understood from last meeting that a chain link fence and a berm with trees on the berm would be approved.

Mr. Chamberlain stated we did not mandate a berm; these were just ideas.

Mr. Guldi stated he would not like to look at a chain link fence.

Mr. Chamberlain stated that the trees would be outside the fence on the north. He also stated that we need to make sure that the neighbors are not damaged by this.

Ms. Linda Minster, 3365 Crooks, Troy, Michigan, stated she lives just north of the piece of the subject property. She further stated that her kitchen window is right in line with the trees and she does not want to look through the gaping holes for the next ten years.

Mr. Chamberlain stated that where you're looking, there is no fence.

Ms. Minster stated I am going to be able to see right through these trees.

Mr. Chamberlain stated the Planning Commission understood her point. There are at least three issues: lighting, landscape screening, and the chain link fence.

Mr. Kramer stated that it will take years for the proposed trees to completely block views. This landscape buffer will not stop the noise. Further, he recommends the use of a masonry wall.

Mr. Storrs stated long term concern for a masonry wall.

Mr. Wright recommended a masonry wall.

Mr. Littman stated the fence should be moved ten feet and reduce the size of the play area.

Mr. Waller asked who's going to maintain the trees.

Numerous discussions followed.

Mr. Cavaliere stated evergreens grow a foot per year on center spacing and perhaps, they should be every 10 feet instead of every 15 feet.

Mr. Storrs stated he did not like masonry screening walls and agrees with Mr. Littman's idea.

RESOLUTION

Moved by: Chamberlain Seconded by: Littman

RESOLVED, that Special Use Approval, as requested for the Tutor Time Day Care facility on a 1.53 acre R-1B zoned site; located on the southwest corner of Crooks Road and Banmoor Avenue is hereby granted in accordance with Section 10.30.03 of the Zoning Ordinance, subject to the following conditions:

1. Locate building at the north setback line.

2. All North and West exterior building lighting be put in soffets and directed towards the ground.

3. All play equipment will be located in the southern half of the play area.

4. Chain link fence on north property line be relocated 10 feet to the east, and to span 140 feet, to reduce the outdoor play area 1,400 square feet. The landscape buffer shall include trees and shrubbery to provide an opaque screen. Further, the landscape buffer shall be placed between the chain link fence and property line.

Mr. Kramer stated the resolution could be liberalized to have soffets on north and west sides of building and to allow parking lot lighting.

Mr. Chamberlain stated the resolution be modified.

Mr. Kramer asked about the elevation of the swale?

Mr. Chamberlain asked the petitioner about the swale.

Mr. Cavaliere answered the west property line has 280 feet of swale, running north to south. The depth will be 1.5 to 3 feet.

Mr. Chamberlain asked what is the width of swale.

Mr. Cavaliere answered the width of swale no larger than 10 feet.

Mr. Littman asked for suggestions regarding the chain link fence. Perhaps opaque strips would be an improvement.

Mr. Storrs stated he did not like plastic strips.

Mr. Chamberlain agreed.

Yeas:	Nays:	Absent:
Starr	Kramer	Reece
Chamberlain	Waller	
Wright		
Littman		
Pennington		
Storrs		

MOTION CARRIED

Mr. Waller commented that we are asking too much from the petitioner. The Ordinance should be amended.

Mr. Kramer stated there was lack of a berm, also an open chain link fence. Overall, there is an insufficient noise barrier.

7. SITE PLAN APPROVAL/REVISED (SU-179) – Christian Leadership Academy, North of Big Beaver, East side of Livernois, Section 22

Mr. Miller stated the Christian Leadership Ministries, Inc., doing business as the Christian Leadership Academy is proposing a private school for approximately 150 students at the existing Zion Christian Church. The Academy will be utilizing a portion of the main worship building and all of the accessory school building for the private school. Subject property is approximately a 34 acre R-1C zoned site located north of Big Beaver Road and on the east side of Livernois Road.

Further, Mr. Miller stated that in 1981, the Planning Commission granted a Special Use Approval for the Zion Evangelistic Temple's church and school complex and subsequently the Site Plan was revised in 1982. Then in 1999 the Planning Commission granted a Special Use Request for a daycare center within the existing church, including an outdoor play area.

Further, Mr. Miller stated that within the R-1C zoning classification private schools are permitted subject to Special Use Approval and specific conditions. On August 14, 2001 the Planning Commission granted approval to the Special Use Request for the school. The site plan issues were tabled for staff input and petitioner response. The sidewalk that connects the Livernois Road right-of-way sidewalk to the building perimeter sidewalk has been included. Two alternatives are shown on the site plan, however, the petitioner has found that alternative # 2 is more cost effective. The Planning Commission will need to determine the extent of the interior connection for Preliminary Site Plan Approval. City of Troy's Development Standards require deceleration lanes for the proposed development, however, there is an agreement between the Church and City that waives this requirement. The petitioner has provided an updated site plan that shows all of the existing elements of the subject property. Specific notes include

providing 42 additional greenbelt trees, two dumpster locations and protected fire hydrants.

Mr. Miller stated that the Planning Department recommends approval of the Revised Preliminary Site Plan for the Christian Leadership Academy within the Zion Christian Church buildings subject to the Planning Commission determining the extent of interior connecting sidewalks necessary and the petitioner providing a cash bond or irrevocable letter of credit acceptable to the City Attorney and City Manager.

Mr. Storrs asked what is the requirement for the sidewalk.

Mr. Miller stated, the right-of-way sidewalk needs to be connected to the building perimeter sidewalk.

Mr. Chamberlain commented that he has noticed strip malls and grocery stores where they don't have connections. People are forced to walk along the side of driveway. This is very dangerous.

Mr. Waller commented about painting lines and handicap accessible areas. Is there an Ordinance for vehicles to stop at the painted lines.

Ms. Bluhm stated that we can provide signs but would have to research the Ordinance.

Mr. Chamberlain asked Ms. Bluhm to research City Ordinances.

Mr. Kramer commented about creating a parking lot island to protect the end of the parking aisle.

Mr. Pat Karbowski, Petitioner, commented regarding the sidewalk, which was required prior to the school. All of the items the school is required to do should have been done previously by the Church. The school will do the necessary improvements. The school prefers Alternative #2 because the City originally required access to the Church to the north. Since there is not any foot traffic to the school, no sidewalk is needed to the south.

Mr. Chamberlain commented, people walk. They have to walk through the parking lot. Sidewalks are needed to provide walkability.

Mr. Karbowski stated that the school is not like a strip mall, there is no pedestrian traffic to the school and there has been none to Zion. He asked the Planning Commission to consider Alternative #2.

Mr. Chamberlain stated people walk out of parking lots. The sidewalk to the south is needed.

Mr. Waller stated that the Christian Leadership Academy offered to provide a cash bond to the City; however, we need to be careful.

RESOLUTION

Moved by: Waller Seconded by: Storrs

RESOLVED, that Revised Preliminary Site Plan Approval, as requested for the Christian Leadership Academy private school, within the existing Zion Christian Church buildings, on a 33.73 acre R-1C zoned site, located north of Big Beaver Road and on the east side of Livernois Road, is hereby granted, subject to the following conditions:

1. Sidewalk to alternative #2 as shown of the site plan shall be provided.

2. A traffic island be created; eliminate two parking spaces to provide pedestrian protection in the parking lot.

3. Internal sidewalk shall connect down to the south end of the school building with a six (6) foot sidewalk.

Mr. Littman commented on petitioner's comment about people not walking to the school or the church is valid. However, people need a connection to get from the parking lot to the building.

Yeas:	Nays:	Absent:
All Present (8)		Reece

MOTION CARRIED

Mr. Storrs commented that the Special Use Approval on a site already exists and wants the site plan to be correct.

8. SITE PLAN REVIEW (REVISED) (SP-861) – Harrington Park Condominium, North side of Long Lake, West of Livernois-Section 9.

Mr. Miller stated that a revised site plan has been submitted for the construction of a 34-unit Residential Condominium Development on a 5.9-acre R-1T zoned site on the north side of Long Lake Road, west of Livernois. The subject site extends east from Wright Street to the Charleston Club Condominium Development which is currently under construction, and includes a portion of the 50-foot wide platted but unopened Virgilia

Street right-of-way. A request for the vacation of this right-of-way has been approved by City Council . The site also includes a small City-owned parcel at the northeast corner of Long Lake Road and Wright Street which is a remnant from the right-of-way acquisition for the recent Long Lake Road improvement. After considering several street pattern alternatives, including use of Wright Street and opening of Virgilia Street, the developer, Joseph Maniaci, is proposing a totally private street system with its sole public street access from Long Lake Road.

Further, Mr. Miller stated the proposed turn-around at the west and east end of the site are similar in dimension to the temporary turn-around design which is being used in recent subdivisions. Proposals for the development of private street systems require the review and approval of the City Council, after receiving a recommendation from the Planning Commission, in accordance with Section 12.50.04 of the Zoning Ordinance.

Further, Mr. Miller stated that the 150-foot wide planned right-of-way for Long Lake Road in this area requires the placement of a five foot high berm across the Long Lake frontage, with a specified evergreen tree planting standard as set forth in Section 12.60.03 of the Zoning Ordinance. The developer has proposed that this berm design be modified to include a screening/retaining wall at the interior edge of the berm, so that the full 50-foot width will not be necessary and the area immediately to the north, adjacent to the rear of the dwelling units, can be more effectively used by the residents. As indicated earlier, this berm modification concept must be accepted by the Planning Commission. This revised proposal includes underground stormwater detention.

Further, Mr. Miller stated this revised proposal is very similar to the condominium approved by the Planning Commission on April 10, 2001, minutes attached to agenda package. The petitioner discovered that underground stormwater detention was an engineering option and determined that four additional units could be included in the condominium. The petitioner includes two details for the eastern boundary at the private road. The site plan shows a turn around in this area, without a private road cross-access agreement. An alternative provided on the site plan shows the private road with a cross-access easement to the east. The petitioner will provide the cross-access easement if the Planning Commission requires it.

Further, Mr. Miller stated the Planning Commission reviewed the Preliminary Environmental Impact Statement submitted with the initial proposal. It should be noted that these proposed units will be almost identical to those which are now under construction on the site, abutting to the east, due in part to use of the same architect. All applicable Ordinance requirements are complied with and approval of this revised site plan is recommended, without a cross-access easement to the Charleston Club Condominium to the east.

Further, Mr. Miller stated that Frank Bronzetti and Mike Guerra, owners and developers of the Charleston Club Condominium site abutting to the east, have expressed objections to the requirement to inter-connect the street system of their complex with that of the proposed condominium development. They asked the Planning Commission to

reconsider the cross-access easement requirement connecting Harrington Park and Charleston Club Condominiums. This request was denied. In addition Robert Schultz, a Troy resident has submitted correspondence to the City warning of the problems of connecting condominiums with private roads (letters attached). This issue was brought to City Council's attention and then referred to the Planning Commission for discussion of a reconsideration of the cross-access easements.

Further, Mr. Miller stated, in a correspondence provided in the agenda package, City Management indicated to City Council that there is no requirement within the Zoning Ordinance to require cross-access easements in the R-1T Zoning District. In addition it will be the policy of the Planning Department not request cross-access easements for abutting condominiums when there are private roads. Therefore, the Planning Department does not recommend cross-access easements connecting Harrington Park and Charleston Club Condominiums.

Mr. Chamberlain asked Ms. Bluhm if the cross-access is removed, can there be some kind of walkway requirement.

Mr. Bluhm answered it is preferable to have an easement to provide pedestrian cross-access.

Mr. Chamberlain stated a five (5) foot easement for a walkway inter-connection would be appropriate.

Mr. Wright asked why the change regarding the private road inter-connection. Possibly it is the liability issues.

Mr. Miller answered the major issue is there are no provisions within the Zoning Ordinance to require inter-connection within the R-1T Zoning District.

Ms. Bluhm stated the Planning Commission can require cross-access easements.

Mr. Wright stated the City needs inter-connection.

Mr. Kramer agreed with Mr. Wright.

Mr. Chamberlain stated we need to promote walkability.

Mr. Maniaci stated he has no problem with pedestrian inter-connection.

Mr. Littman stated because it's private property, the City should not force inter-connection between private property.

Mr. Storrs disagrees with the underground stormwater detention.

Mr. Maniaci, petitioner, stated underground detention is better than detention basins.

Mr. Chamberlain asked Mr. Maniaci the size of the pipes.

Mr. Maniaci stated 48 inch pipes with 6 inch outlets and 6 inch clean-outs.

Mr. Chamberlain asked that in lieu of a street inter-connection, would the petitioner consider a five foot sidewalk inter-connection.

Mr. Maniaci answered there is no problem providing pedestrian inter-connection.

Mr. Kramer asked why only one sidewalk; should there be one on each side of the road.

Mr. Chamberlain stated one sidewalk is needed.

Ms. Bluhm stated Mr. Bronzetti's attorney is present.

Tom Cavanaugh, attorney for the developer of Charleston Club and Frank Bronzetti, came forward.

Mr. Chamberlain asked Mr. Cavanaugh if his client would be willing to provide a pedestrian cross-access easement.

Mr. Cavanaugh answered no. There is a right-of-way sidewalk to the south on Long Lake. Also, they are proposing a wall. They are concerned about the liability. People are purchasing the units with a wall and they don't want inter-connection.

Mr. Chamberlain asked if there is a cross-access easement.

Mr. Cavanaugh answered yes, but it is not in effect because it is not reciprocal as of yet.

Mr. Chamberlain asked Mr. Bronzetti if he will maintain the sidewalks

Mr. Bronzetti answered yes.

Mr. Chamberlain stated walkability is important and inter-connection is needed.

Mr. Kramer asked Ms. Bluhm to comment on Mr. Cavanaugh's statements.

Ms. Bluhm stated cross-access is currently approved. If one of the abutting property owners doesn't execute an easement, then in effect, there is no cross-access.

Mr. Storrs stated private should be private. The City Administration and City Council say to leave it private.

RESOLUTION

Moved by: Waller Seconded by: Littman

RESOLVED, that the Revised Preliminary Site Plan Approval, as requested for the construction of a 34-unit residential condominium development on a 5.9 acre R-1T zoned site having 760 feet of frontage on the north side of Long Lake, west of Livernois is hereby granted, subject to the following conditions:

1. Pedestrian cross-access easement of 5 feet wide provided to the east property line.

2. Necessary street vacations.

Yeas:	Nays:	Absent:
Littman	Chamberlain	Reece
Pennington	Kramer	
Waller	Wright	
	Storrs	
	Starr	

MOTION FAILED

Mr. Chamberlain stated we have two issues in relation to the Site Plan: stormwater detention and cross-access easements. Can we deal with only the stormwater detention.

Ms. Bluhm stated that if you approve a revised site plan, you should discuss the entire proposal.

Mr. Kramer considered a motion to table and bring the item back up after next issue.

Planning Commissioners stated their reasons for their no votes.

Mr. Wright stated concern for the road inter-connection. Mr. Kramer agreed with Mr. Wright. Mr. Storrs stated underground stormwater detention. Mr. Starr stated road inter-connection is needed. Mr. Chamberlain stated the issue of the cross-access easements for pedestrians.

Mr. Chamberlain asked the Planning Commission members how should they handle the site plan request.

NOTE: This agenda item, number 8, was discussed later in the meeting, granting Preliminary Site Plan Approval.

9. DISCUSSION OF RECONSIDERATION OF CROSS-ACCESS AGREEMENT – Charleston Club Condominiums (SP-844) – North of Long Lake Road, West of Livernois Road – Section 9.

Mr. Miller stated that the developer and their attorney requested that City Council reconsider the cross access agreement between Charleston Club and Harrington Park Condominiums. Because the Planning Commission has Site Plan Approval authority, this matter was referred to the Planning Commission. In an attached correspondence City Management indicated to City Council that there is no requirement within the Zoning Ordinance to require cross access easements in the R-1T Zoning District. In addition it will be the policy of the Planning Department not to request cross-access easements for abutting condominiums when there are private roads. Therefore, the Planning Department does not recommend cross-access easements connecting Harrington Park and Charleston Club Condominiums. It is within the Planning Commission's authority to reconsider the cross-access agreement between the two subject condominiums.

Mr. Waller asked if the cross-access agreement provision could be reconsidered.

Ms. Bluhm stated that the Planning Commission can reconsider the cross-access agreement.

Mr. Kramer stated Charleston Club Condominium is basically stub streets and there is not a good turn-around capacity, or will be the driveway be the turn-around?

Mr. Chamberlain asked Mr. Cavanaugh what he would like the Planning Commission to do.

Mr. Cavanaugh, attorney for Charleston Club Condominiums, stated that his client objects to the granting of a cross-access easement. They share concern over access because the roads are not public. The biggest problem is not the pedestrian access, but the private road cross-access easement.

Mr. Chamberlain stated if sidewalks match at the mutual property lines you can provide a pedestrian cross-access easement.

Mr. Littman stated that the petitioners can provide the legal right for the cross-access easements. Currently, there is cross-access for cars.

Mr. Cavanaugh stated that there is no pedestrian cross-access easement.

Ms. Bluhm stated that the private streets are approved by City Council. City Council may consider all public streets for all developments.

Mr. Chamberlain asked what is the Planning Commission going to do this evening.

Mr. Littman asked if the distance is too far for the fire truck to back up if there are stub streets in the Charleston Club Condominiums.

Mr. Miller answered that it is not too far.

Mr. Chamberlain stated the main issues are the Charleston Club vehicle cross-access easement and Harrington Club underground stormwater detention.

Mr. Storrs asked if the Planning Commission is considering these separate and private.

Mr. Kramer stated why consider them private when obviously they are public. Sidewalk is proper and correct. I don't see how sidewalks violate privacy aspect. Further, he stated he is in favor of a sidewalk connecting the two developments.

Mr. Wright stated the Planning Commission could approve the Charleston Site Plan and the Harrington Park Site Plan. Harrington Park could come back with just the issue of underground stormwater detention.

Mr. Cavanaugh stated that initially, they requested City Council to reconsider private roads and cross-access because City Council has the authority over private roads.

Ms. Bluhm stated that Site Plan Approval authority is the Planning Commission's realm, and cross-access easements are part of Site Plan Approval.

Mr. Cavanaugh stated the recommendation regarding cross-access easements, has changed. The Planning Commission is caught in the middle.

Mr. Chamberlain asked Ms. Bluhm if this is an approved Site Plan, can the cross-access be reconsidered.

Ms. Bluhm answered that the Planning Commission can reconsider the cross-access easement.

Mr. Littman stated if the motion is to reconsider cross-access, but we can approve the underground stormwater detention.

Mr. Chamberlain stated he is in favor of the underground stormwater detention for Harrington Park. He suggested dealing with Harrington Park and revising the approved Preliminary Site Plan to allow the underground stormwater detention.

Mr. Bronzetti stated that Mr. Maniaci gets penalized. If pedestrian cross-access is provided, then the Planning Commission will approve Harrington Park's revisions.

Mr. Chamberlain asked if the Planning Commission can actually reconsider the cross-access tonight.

Mr. Storrs stated they can make a decision and be finished with both cases.

NOTE: This agenda item, number 9, was discussed later in the meeting granting reconsideration of the cross-access easement.

8. SITE PLAN REVIEW (REVISED) (SP-861) – Harrington Park Condominium, North side of Long Lake, West of Livernois, Section 9.

RESOLUTION

Moved by: Littman Seconded by: Wright

RESOLVED, that the Revised Preliminary Site Plan Approval, as requested for the construction of a 34-unit residential condominium development on a 5.9 acre R-1T zoned site having 760 feet of frontage on the north side of Long Lake, west of Livernois is hereby granted, subject to the following condition:

1. Provision of granting of vehicle cross-access easement as shown on alternative detail on the Site Plan

Yeas:	Nays:	Absent:
Pennington	Waller	Reece
Wright	Storrs	
Kramer		
Starr		
Chamberlain		
Littman		

MOTION CARRIED

The Planning Commission clarifies that this approval includes underground stormwater detention and vehicle cross-access to Charleston Club Condominium.

Mr. Maniaci stated that he understands the resolution.

RESOLUTION

Moved by: Littman Seconded by: Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the private street system proposed serving the Residential Condominium on the north side of Long Lake Road west of Livernois be approved in accordance with the site plan as presented and approved on this date, in accordance with Section 12.50.04 of the Zoning Ordinance, subject to the provision of sidewalk and utility easements as determined to be necessary by the City Staff.

Yeas:	Nays:	Absent:
All Present (8)		Reece

Mr. Storrs stated he does not want underground stormwater detention.

Mr. Waller stated condominiums shouldn't be connected with private streets.

Mr. Cavanaugh stated that his client, Mr. Bronzetti, would be willing to provide a pedestrian cross-access easement five (5) feet wide. However, they still want a wall between the two condominiums.

9. DISCUSSION OF RECONSIDERATION OF CROSS ACCESS AGREEMENT – Charleston Club Condominiums (SP-844) – North of Long Lake Road, West of Livernois Road – Section 9.

RESOLUTION

Moved by: Waller Seconded by: Littman

RESOLVED to reconsider the vehicle cross-access easement for Charleston Club Condominium.

Yeas:	Nays:	Absent:
Chamberlain	Starr	Reece
Littman	Wright	
Storrs		
Waller		
Kramer		
Pennington		

RESOLUTION

Moved by: Waller Seconded by: Littman

RESOLVED to eliminate the vehicle cross-access easement for Charleston Club Condominium. Further, that a five (5) feet wide pedestrian cross-access easement be provided to the Harrington Park Condominium.

Yeas:	Nays:	Absent:
Chamberlain	Starr	Reece
Littman	Wright	
Storrs		
Waller		
Kramer		
Pennington		

MOTION CARRIED

Mr. Starr stated that vehicular cross-access should be provided between both developments.

Mr. Wright stated that he agrees with Mr. Starr.

8. SITE PLAN REVIEW (REVISED) (SP-861) – Harrington Park Condominium, North side of Long Lake, West of Livernois, Section 9.

Mr. Storrs stated that both developments, Harrington Park and Charleston Club, should provide five (5) feet wide pedestrian cross-access easements.

RESOLUTION

Moved by: Waller Seconded by: Littman

RESOLVED to reconsider Harrington Park Condominiums vehicle cross-access agreement.

Yeas:	Nays:	Absent:
Storrs	Starr	Reece
Waller	Wright	
Kramer		
Chamberlain		
Pennington		
Littman		

MOTION CARRIED

RESOLUTION

Moved by: Storrs Seconded by: Littman

RESOLVED to eliminate the vehicle cross-access easement for the Harrington Park Condominium. Further, that a five (5) foot wide pedestrian cross-access easement be provided to the Charleston Club Condominium.

Yeas:	Nays:	Absent:
Waller	Wright	Reece
Kramer		
Chamberlain		
Starr		
Pennington		
Littman		
Storrs		

RESOLUTION APPROVED

Mr. Starr stated the belief that there should be private street inter-connection.

Mr. Wright stated agreement with Mr. Starr

10. PROPOSED FUTURE LAND USE PLAN

Mr. Chamberlain stated that the hour is late and there is a lot of staff revisions to the Future Land Use Map Plan.

Mr. Chamberlain doesn't agree with some of the revisions.

Mr. Chamberlain asked why are these revisions presented. He would like a narrative describing the recommended revisions to the map. Further, he stated that the Planning Commission needs six (6) items to continue discussion of the Future Land Use Plan Map.

1. Information regarding neighboring communities for Future Land Use designations.
2. Transportation Plan completed.
3. Bicycle and Pedestrian Plan completed.
4. Natural Features designation discussion.
5. Subdivision Map and whether it should be part of Future Land Use Plan.
6. Future Land Use Plan should assimilate all the various components into the document.

Mr. Chamberlain identified a target date of the November Regular Meeting for the Future Land Use Plan Public Hearing.

11. DRAFT – CHAPTER 37 – WETLANDS ORDINANCE &
12. DRAFT – CHAPTER 38 – NATURAL FEATURES PROTECTION ORDINANCE

Mr. Miller noted that the updated draft Natural Features Map is included with the agenda packet. City Council will decide at their September 10, 2001 meeting, whether to conduct public hearing(s) for the purpose of adopting the two proposed ordinances. Mr. Miller directed discussion at this Study Meeting towards the natural feature buffers. The Planning Commission discussed this in great detail previously and it is expected that Mr. Dennis Kramer will present some ideas to adjust the proposed buffer requirements. In addition continued discussions and potential recommendations could occur at this Study Meeting.

Mr. Kramer commented that the problem is how to protect wetlands/natural features, specifically woodlands, and what buffer is appropriate. He mentioned allowing a reduction of the buffer, but hasn't really come up with a revised language for the ordinance. He noted that the ordinance should allow for a case by case provision.

Mr. Chamberlain noted that natural features are related to the Future Land Use Plan. Further, City Council is expected to hold the public hearing October 9, 2001, the Planning Commission's regular meeting date.

He also noted Mr. Waller's letter of March 26, 2001, regarding the proposed ordinance and conflict resolution.

Mr. Waller asked how does conflict resolution occur. This issue needs to be resolved. All the affected parties should have differences resolved prior to the Planning Commission hearing a petition.

Mr. Wright mentioned binding arbitration as an option.

Mr. Chamberlain said there are two major issues, setback and conflict resolution.

Ms. Bluhm stated that the Natural Features/Wetland Map is not definitive. It serves as a guide while experts make the determinations.

Mr. Waller asked if people understand that the Map is not concrete.

Mr. Storrs stated concern that the Ordinances are really workable.

Mr. Chamberlain asked when does the Planning Commission hand off recommendations to City Council.

Mr. Storrs stated that the Planning Commission will do the best review possible and submit recommendations in the very near future.

Mr. Chamberlain stated that they have the October regular and study meetings to review and formulate possible recommendations. At the November regular meeting, the final recommendations can be approved.

13. PUBLIC COMMENT

NO PUBLIC COMMENT

Mr. Waller stated that the Christian Leadership School and Zion Church require handicap ramps.

Mr. Chamberlain stated that Jordan Keoleian will require assistance regarding the Michigan Society of Planning Conference.

Mr. Chamberlain stated that Special Uses will be reviewed at the November study session.

14. ADJOURN – 11:10 p.m.

Respectfully submitted,

Mark F. Miller
Interim Planning Director

TROY DAZE MINUTES
AUGUST 28, 2001

Called to order at 8:50PM by Bob Berk

Present:	Bill Hall	Cheryl Whitton-Kaszubski
	Jim Cyrulewski	Dave Swanson
	Jeff Biegler	Dick Tharp
	Cele Dilley	Bob Matlick
	Cindy Stewart	Kessie Kaltsounis
	Eldon Thompson	Tonya Perry
	Ed Carpus	Bob Berk

Chairpersons & Guests:	Sandie Pries	JoAnn Preston
	Tom Kaszubski	Robert Preston
	Jeff Winiarski	Poncho Massaini
	Gail Anderson	Shirley Darge
	Bob Broquet	Megan Cyrulewski
	Diane Mitchell	Lois Cyrulewski
	Tom Connery	Marilyn Musick
	Cyndee Krstich	Dave Lambert
	Walter Verbruggen	Sandie Pries
	Tom Tighe	Gloria Whicker
	Alison Miller	Gordon Meldrum

Changed Advisory meeting to follow the Committee meeting.

Motion by Cheryl, second by Eldon, and carried, to excuse Sue.

Secretary Report – Motion by Jim, second by Eldon and carried, to accept July minutes as submitted.

New Business – Motion by Cele, second by Eldon, and carried, to nominate Gail Anderson as Volunteer of the Year.
Motion by Kessie, second by Eldon, and carried, to nominate the S O C Credit Union as Business of the Year.
Any members available are to meet on Saturday, 9-8-01 at 9AM at Boulan to set up the lay out.

If available, the Clawson Steak House, with a tentative date of October 9th or 10th, will be the site for the annual dinner for active committee chairpersons. Sign up at headquarters trailer.

Old Business – CONTRACT & PURCHASE ORDER UPDATE – Shirts are in.
Tents, trailers, golf crafts, shirts, stage/lighting/dance floor, portable lights, toilets, and sinks have been ordered. Still waiting for quotes on chairs, table, and generators. Working on a P.O. for electric at this time.

Eldon met with Michelle Hodges with the Troy Chamber of Commerce regarding their organization becoming more involved with the festival. She was very enthuastic and plans to take the idea to their Board and hopefully will have a positive response.

Motion by Cheryl, second by Eldon, and carried to adjourn. Adjourned at 9:42PM

Next Troy Daze Advisory Committee meeting, September 5, 2001, at 8:00PM, preceded by Booth/Vendor meeting.

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT – SEPTEMBER 5, 01

The Chairman, Leonard Bertin, called the meeting to order at 7:10 pm Wednesday, September 5, 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	Kul B Gauri, alt member
	Mitch Grusnick, staff	Mary McGinnis, staff
Absent:	Phillip D'Anna, member	Sharon Connelly, member
	Mary Ann Butler, alt member	

ITEM B – APPROVAL OF MINUTES OF MEETING OF JUNE 6, 2001.

Motion by Kuschinsky
Supported by Rodgers

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC

Nancy Kuha – City of Troy Home Chore Co-ordinator
Susan Marsh – Oakland and Macomb Center for Independent Living

ITEM D – NEW BUSINESS

Nancy Kuha, City of Troy Home Chore Co-ordinator stated that she has received some negative feedback on the snow removal from last winter. Bid packages were recently sent out to contractors for the winter season of 2001-2002, but there has been no response from these contractors. As of now, there are 72 people participating in the program for snow removal, so there is still room available for more people. Kuha stated that no one has left the program because of quality of service.

Bertin asked if she could develop a system of accountability for the contractor, and also if there was any way that services could be expanded, such as house cleaning, window washing, cleaning gutters, and fall clean-up. Kuha will look into these areas.

Susan Marsh – Oakland and Macomb Center for Independent Living – stated that their organization is a community based advocacy program. They have an empowerment program at Troy Athens High School in which self-advocacy, and other programs such as "Independent Living Training" work with individuals on a one to one basis to help develop decision making skills.

It is a requirement that over one half of the Board and staff positions are comprised with people with disabilities. They also like to maintain contact and help establish other committees like this one in other communities.

Bertin has been in contact with "Disabilities Today", a PBS television show that airs Tuesdays at 5:30 p.m., they are interested in doing a segment on this Committee. Leonard should know by the end of the week if a schedule can be coordinated so that they can attend the October meeting. Mr. Szerlag and Cindy Stewart will be available for the meeting if Channel 56 can arrange to be here. Bertin showed a sample videotape of the show on brain disorders.

Bertin has received a letter of resignation from Sharon Connelly stating health reasons for her inability to continue on the Committee. Bertin stated that the Committee would like to thank Connelly for 6 years of service. Johnson made a motion that City Council be asked to make Kul Gauri a full member of the Committee as he has been on the alternate list longer than anyone. Done seconded the motioned. All voted in favor.

Kuschinsky made a motion to extend Jerry Ong another year on this Committee as Student Representative. Done seconded the motion. All voted in favor.

ITEM E – REGULAR BUSINESS

ITEM F – OLD BUSINESS

Done voiced some concerns about the entrance to the library. The vegetation has been allowed to grow so large that it is blocking the lights at night. Also the concrete approach walks are uneven making access difficult for the elderly and people with walkers. Mitch will contact Brian Stoutenburg about these concerns.

ITEM G – INFORMATIONAL ITEMS

Johnson suggested that since the room for the meeting is fairly large, a microphone would be appropriate so that all could hear.

Bertin and Sura were invited to a meeting with the City Manager to discuss a price break on City sponsored programs. People with disabilities traditionally have lower income and higher expenses. Senior Citizens will continue to have their price breaks, and the special needs population will get a needs based break with the City.

ITEM H - ADJOURN

Motion was made to adjourn by Kuschinsky and seconded by Rodgers. Meeting was adjourned at 9:12 p.m.

MG:mm

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, September 12, 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 (arrived 3:16 p.m.)
ALSO PRESENT:	Lori Bluhm, City Attorney James D. Obermanns, Dykema Gossett

MINUTES

Resolution # 01-37
Moved by Pallotta
Seconded by Halsey

RESOLVED, that the minutes of the August 8, 2001, meeting be approved.

Yeas: All 6
Absent: Szerlag

RETIREMENT REQUEST

Resolution # 01-38
Moved by Lamerato
Seconded by Pallotta

RESOLVED, that the retirement request of Roy A. Fiore, 9/12/01, be approved.

Yeas: All 6
Absent: Szerlag

OTHER BUSINESS

Retiree Healthcare

Resolution # 01-39
Moved by Pallotta
Seconded by Calice

RESOLVED, that the Board recommend City Council approve adjusting the current city share of retiree health care to 3% per year of credited service or $400 per month, whichever is greater, with the stipulation that retirees must switch to the $5 drug rider.

Yeas: All 7

Membership Service

City Attorney Lori Bluhm and James Obermanns of Dykema Gossett were asked to prepare language and a recommendation for the Board to consider at their November meeting.

Investment Policy

The Board will review the current investment policy at their October Board meeting.

CLOSED SESSION

Resolution # 01-40
Moved by Pallotta
Seconded by Szerlag

RESOLVED, that the Board recess into Closed Session pursuant to MCL15.268(d) and reconvene at the conclusion of the Closed Session back to the regular scheduled meeting of September 12, 2001.

Yeas: All 7

The Board recessed into Closed Session at 4:25 p.m.

The regular scheduled meeting reconvened at 4:40 p.m.

Resolution # 01-41
Moved by Pallotta
Seconded by Szerlag

RESOLVED, that the Board make an offer to purchase the Ford and Earl property after due diligence for Three Million Three Hundred Thousand Dollars ($3,300,000) including other conditions to be spelled out in the purchase agreement.

Yeas: All 7

The next meeting is October 10, 2001 at 3:00 p.m. at City Hall in Conference Room C.

The meeting adjourned at 4:45 p.m.

G:\My Documents\Retirement Board\2001\09-12-01 Minutes_draft.doc

LIBRARY ADVISORY BOARD MINUTES - DRAFT September 13, 2001

The Chairman, Lynne Gregory, called the meeting to order at 7:30 P.M., on Thursday, September 13, 2001.

PRESENT: David Cloyd
Margaret Gaffney
Lynne Gregory
Fern Nelsen
Nancy Wheeler
Michael Gladysz (Student Representative)

STAFF: Brian Stoutenburg, Library Director

ITEM # 1 APPROVAL OF MINUTES OF MEETING OF JUNE 21, 2001.

Motioned by Wheeler
Supported by Nelsen

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF JULY 12, 2001 AS WRITTEN.

Yeas: 5 — Ayes. Cloyd, Gaffney, Gregory, Nelsen, Wheeler

ITEM # 2 APPROVAL OF AGENDA.

Motioned by Nelsen to approve agenda.
Supported by Wheeler

Yeas: 5 — Ayes. Cloyd, Gaffney, Gregory, Nelsen, Wheeler

MOVED, TO APPROVE AGENDA CARRIED.

ITEM #3 ¾ POSTPONED ITEMS ¾ None.

ITEM #4 ¾ DISCUSSION OF SPACE REORGANIZATION. Work has begun in the Meeting Room area. The mechanical contractor should be on the job next week.

ITEM #5 ¾ REPORT AND COMMUNICATIONS

Director's report. The Director's Reports are attached.

Board Member comments. Nancy Wheeler updated the Board as to the joint Library/Historical entities brochure.

Suburban Library Cooperative. The Warren situation between the Mayor and the Library Commission and the Director was discussed.

Friends of the Troy Public Library. The fire marshal inspected the bookstore area and will be monitoring the area regularly due to continuing violations. The gift shop has relocated in the lobby due to construction.

Monthly Reports (June). Circulation for the month of July compared with the same time period a year ago showed an increase of 12.7%. There was an increase in Patron visits by 3.1%. Circulation for the month of August compared with the same time period a year ago showed an increase of 14.4%. There was an increase in Patron visits by 9.8% and program attendance was up 35.9%.

Staff Changes.

New Employee:	Annette Ponichter, Library Assistant. Kim Edwin, Library Assistant
Promotions:	Philip Kwik, Librarian I Julie McGee, Librarian I Barbara Rutkowski, Librarian I
Change of Status:	Leovelyn Palaspas, Sub Library Assistant to Page Joel Tripp, Library Assistant to Sub Library Assistant
Resignations:	Georgia Souphis, Library Assistant Joyce Simowski, Sub Librarian Cynthia Burpee, Aministrative Aide Steven Moy, Page Chris Faubel, Page Chelsea Zaug, Page

Gifts. None

Informational Items. Michigan Librarian (July/August)
September TPL Calendar

Contacts and Correspondence. 57 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

PARKS AND RECREATION ADVISORY BOARD
Minutes of September 13, 2001

Present: Robert O'Brien, member
Kathleen Fejes, member
Jeff Stewart, member
Stu Alderman, staff
Carol K. Anderson, staff
John Goetz, member
Orestes Kaltsounis, member
Doug Bordas, member
Jeff Biegler, staff

Absent: Gary Hauff, Tom Krent

Visitors: Tom Berti, Bob Kelly, Carl Simmons, John Grezlak, Ann Blizzard

A tour of the Community Center construction site was the first order of business while there was still daylight. Mr. John Grezlak, the site manager and Stuart Alderman conducted the tour explaining where each room would be.

A motion by Kathleen Fejes, supported by John Goetz, that the minutes of May 10, 2001 and June14, 2001 be approved as submitted.

Ayes: All Nays: None
MOTION CARRIED

NEW BUSINESS

A. Public Input – Carl Simmons, one of the Senior Gardeners, would like the fence around the gardens repaired as deer are eating the vegetation. He would also like for City personnel to trap the woodchucks, which are also a problem for the gardeners.
B. Troy Baseball Boosters – President Bob Kelly explained that TBB is an all volunteer, non-profit, community based organization with approximately 1100 players on 90 teams ranging from ages 7 to a Senior league. TBB has 12 board members with a $110 K budget and is audited annually by 3 trustees. They are strongly interested in being involved in upcoming field construction projects, upgrades to existing fields and new facilities.
C. Ann Blizzard – Recreation Supervisor. Ms. Blizzard started working for the City on June 4 and is responsible for the Aquatic Center and the indoor pools when construction is complete. She came to us from Lapeer where she was the Assistant Director. She has a business degree from Sienna Heights College and is excited about the opportunities in the department.

OLD BUSINESS

CAPITAL PROJECTS

A. Cemetery Upgrades –A retaining wall at Perrin cemetery will be built before new fencing is installed. The retaining wall is needed because of road construction.

   Locations and headstones at Beach Rd. cemetery are unknown so a boulder style marker listing the names of those buried will be placed near the entrance.

B. Park Development – The Lacrosse field at Boulan Park will be seeded in the next couple of weeks. Irrigation will be installed in the spring making the field ready for use by fall 2002.

   Cricket Field – Staff has met with the Oakland County Drain Commission staff at the Nelson Drain site to seek the use of that property as a Cricket field. It is on the agenda of the Drain Commission's next meeting for approval. Fencing is planned for the practice pitch site on Garry St.

   Skatepark – City Council will decide in the near future if the site next to the Community Center can be used as a skatepark. Meetings with area teenagers have occurred to get input as to what they would like to have in the skatepark. Plans will proceed after a site is approved.

   Nature Center – The opening date has been pushed back until after the first of the year.

   Swing Sets – Seven parks have swingsets installed – Beach, Boulan, Beaver Trail, Brinston, Firefighters, Jaycee and Redwood. Installation of swingsets at Robbinwood and Raintree is planned for this fall.

C. Sylvan Glen Masterplan – A Masterplan is being developed to address course problems at Sylvan Glen (slow play, back to back par 3's). Two plans will be developed – one using the lake and one without the lake.

D. Section 1 Golf Course – Staff and the developer met with area residents of the new Golf Course. Residents expressed concerns about the course and the gas vents. Staff and the developer will take steps to alleviate the concerns.

E. Park Names – A press release was sent to the media requesting ideas for the names of parks. It was suggested that all parcels be acquired before considering or recommending names to Council.

VII.

Member Comments – Mr. Kaltsounis wants to recommend to TYSL that they come up with a budget within a year because they have preference to use our soccer fields. He also wants to be able to use a field. It was explained that the current policy states that 75% of a team must be residents to obtain a field permit. Discussion took place about the policy and the current usage. There are many requests for fields by teams qualifying for use as well as teams denied permits because they do not qualify. Staff will provide a fall field usage schedule at the next meeting.

VIII. Staff Reports

Directors Report – The Veterans Memorial will be dedicated on October 6 and the Corporate Head will be placed within a month to six weeks.

A motion by John Goetz, supported by Kathleen Fejes, to excuse absent members.

Ayes: All Nays: None
MOTION CARRIED

The meeting was adjourned at 9:45 p.m.

POLICE AND FIRE COMMISSION (ACT 78)

MINUTES/DRAFT

Thursday, September 20, 2001

Call to Order: Chairman McGinnis called the meeting to order at 7:30 AM in the Lower Level Conference Room of the Troy City Hall - 500 W. Big Beaver Road, Troy, Michigan 48084.

Roll Call: PRESENT: Chairman Donald E. McGinnis, Jr.
Commissioner David C. Cannon

ABSENT: None

Approval of Minutes of April 30, 2001:

Moved by Cannon
Seconded by McGinnis

RESOLVED, That the Minutes of the meeting of April 30, 2001, be approved.

Yes: All-2

Petitions and Communications:

(a) Amendment to Hearing Rules – Breaking of Ties:

Peggy Clifton, Director of Human Resources advised that there is a need to take the process of Breaking of Ties one-step further.

Captain Dane Slater suggested adding an additional digit.

Chairman McGinnis agreed that they should maintain the current process, but believes they should continue to add as many digits as is necessary until the tie is broken.

Moved by Cannon
Seconded by McGinnis

RESOLVED, That the Hearing Rules – Breaking of Ties be amended by adding additional digits until the tie is broken to the current process.

Yes: All-2

(b) Approval of Eligible List for the Position of Police Officer:

Moved by Cannon
Seconded by McGinnis

RESOLVED, That the Eligible List for the Position of Police Officer be approved as presented in accordance with the newly established Hearing Rules – Breaking of Ties.

Yes: All-2

New Business:

Resignation of Gary A. Sirotti

Moved by Cannon
Seconded by McGinnis

RESOLVED, That the resignation of Gary A. Sirotti be accepted effective July 2, 2001.

Yes: All-2

Old Business:

No old business.

Adjournment: The meeting was adjourned at 7:40 AM.

_____ _____
Donald E. McGinnis, Jr., Chairman Barbara A. Holmes, Deputy City Clerk

City of Troy

Monthly Financial Report

August 31, 2001

G-3

CITY OF TROY
Monthly Financial port
General Fund
For the Period Ending August 31, 2001

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2001-02 Budget	Current Month	Year To Date	%
GENERAL FUND REVENUES					
TAXES	27,446,640	29,375,690	8,804	29,144,019	99.21
BUSINESS LICENSES & PERMITS	41,256	47,200	1,498	3,033	6.43
NON-BUS. LICENSES & PERMITS	2,006,950	1,546,000	117,140	249,273	16.12
FEDERAL GRANTS	111,937	59,300	4,329	0	.00
STATE AGENCIES	8,366,634	8,047,000	250	250	.00
CONTRIBUTIONS-LOCAL	118,646	95,800	102,598	5,113	5.34
CHARGES FOR SERVICES - FEES	1,146,110	857,700	137,066	49,763	5.80
CHARGES FOR SERVICES - REND.	1,963,118	1,410,000	44,654	143,868	10.20
CHARGES FOR SERVICES - SALES	308,104	139,000	2,754	28,678	20.63
CHARGES FOR SERVICES - REC	1,332,938	1,375,000	223,980	269,206	19.58
FINES & FORFEITS	1,061,310	815,000	66,368	142,612	17.50
INTEREST AND RENTS	1,623,268	1,935,700	46,083	76,304	3.94
OTHER REVENUE	399,843	319,450	484	1,125	.35
OTHER FINANCING SOURCES	7,306,505	9,069,130	0	0	.00
TOTAL GENERAL FUND REVENUE	53,233,259	55,091,970	756,008	30,113,244	54.66
EXPENDITURES					
LEGISLATIVE	1,518,969	1,761,780	157,789	234,964	13.34
FINANCE	3,685,811	4,358,420	372,057	554,026	12.71
OTHER GEN GOVERNMENT	1,894,360	2,069,570	172,145	234,089	11.31
POLICE	18,418,449	19,765,930	1,994,231	2,879,830	14.57
FIRE	2,871,401	3,391,100	237,386	326,223	9.62
BUILDING INSPECTION	1,500,807	1,798,400	183,134	267,180	14.86
STREETS	4,356,799	5,117,940	373,331	629,086	12.29
ENGINEERING	2,461,572	2,776,130	260,645	376,929	13.58
RECREATION	5,347,912	6,905,540	515,692	999,664	14.48
LIBRARY	3,499,982	4,227,870	305,599	486,862	11.52
TRANSFERS OUT	1,810,000	2,919,290	0	0	.00
TOTAL GEN FUND EXPENDITURES	47,366,062	55,091,970	4,572,009	6,988,853	12.69

CITY OF TROY
Monthly Financial port
Refuse Fund
For the Period Ending August 31, 2001

REFUSE FUND

Description	Last Year Actual	2001-02 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	3,707,365	3,672,000	0	3,679,011	100.19
CHARGES FOR SERVICES - REND.	624	0	0	0	.00
CHARGES FOR SERVICES - SALES	807	500	69	120	24.00
INTEREST AND RENTS	190,686	116,500	10,369	11,220	9.63
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	3,899,482	3,789,000	10,438	3,690,351	97.40
EXPENDITURES					
CONTRACTORS SERVICE	3,305,048	3,581,670	341,861	342,111	9.55
OTHER REFUSE EXPENSE	46,977	49,680	3,290	4,404	8.86
RECYCLING	125,364	157,650	15,066	25,442	16.14
TOTAL EXPENDITURES	3,477,389	3,789,000	360,217	371,957	9.82

CITY OF TROY
Monthly Financial Report
Capital Fund
For the Period Ending August 31, 2001

CAPITAL FUND

Description	Last Year Actual	2001-02 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	6,512,306	7,300,000	0	7,313,696	100.19
FEDERAL GRANTS	33,168	0	0	0	.00
STATE AGENCIES	233,579	4,132,900	94,230	94,230	2.28
CHARGES FOR SERVICES - REND.	164,532	152,000	11,423	0	.00
INTEREST AND RENTS	1,068,537	632,600	37,675	45,628	7.21
OTHER REVENUE	625,335	1,000	2,920	2,920	292.00
OTHER FINANCING SOURCES	16,936,436	23,545,398	0	0	.00
TOTAL REVENUE	25,573,893	35,763,898	146,248	7,456,474	20.85
EXPENDITURES					
FINANCE	66,908	75,000	0	47	.06
OTHER GEN GOVERNMENT	58,902	487,000	1,684	1,721	.35
POLICE	410,668	784,620	2,890	2,890	.37
FIRE	266,948	462,000	1,431	135,173	29.26
BUILDING INSPECTION	4,491	20,000	0	900	4.50
STREETS	12,164,310	26,764,010	1,084,152	3,211,347	12.00
ENGINEERING	156,350	96,610	4,766	4,766	4.93
RECREATION	1,311,570	3,878,193	271,393	567,947	14.64
LIBRARY	337,276	450,000	24,871	28,968	6.44
MUSEUM	11,441	466,500	0	0	.00
PLANNING	0	25,000	0	0	.00
STORM DRAINS & RET PONDS	30,811	941,465	211	211	.02
INFORMATION TECHNOLOGY	223,400	1,313,500	0	0	.00
TOTAL EXPENDITURES	15,043,075	35,763,898	1,391,398	3,953,970	11.06

CITY OF TROY
Monthly Financial port
Golf Course
For the Period Ending August 31, 2001

SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2001-02 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	44,096	45,000	6,452	12,334	27.41
CHARGES FOR SERVICES - REC	1,124,143	1,220,000	217,425	403,236	33.05
INTEREST AND RENTS	106,702	100,000	7,068	12,525	12.53
OTHER REVENUE	15	500	41-	32-	6.40
OTHER FINANCING SOURCES	873,820	178,440	0	0	.00
TOTAL REVENUE	2,148,776	1,543,940	230,904	428,063	27.73
EXPENDITURES					
SYLVAN GLEN GREENS	852,359	884,890	82,033	145,210	16.41
SYLVAN GLEN PRO SHOP	279,535	389,050	41,694	58,397	15.01
SYLVAN GLEN CAPITAL	960,669	270,000	350,100	355,350	131.61
TOTAL EXPENDITURES	2,092,563	1,543,940	473,827	558,957	36.20

CITY OF TROY
Monthly Financial port
Aquatic Center
For the Period Ending August 31, 2001

AQUATIC CENTER FUND

Description	Last Year Actual	2001-02 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REC	346,722	355,000	38,306	85,767	24.16
INTEREST AND RENTS	28,559	23,600	4,495	8,145	34.51
OTHER REVENUE	362	0	24	23	.00
TOTAL REVENUE	375,643	378,600	42,825	93,935	24.81
EXPENDITURES					
AQUATIC CENTER	542,878	555,130	95,679	153,581	27.67
CAPITAL	65,994	70,000	19,300	19,300	27.57
TOTAL EXPENDITURES	608,872	625,130	114,979	172,881	27.66

CITY OF TROY
Monthly Financial port
Sewer Fund
For the Period Ending August 31, 2001

SEWER FUND

Description	Last Year Actual	2001-02 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	363,730	325,000	23,276	32,296	9.94
CHARGES FOR SERVICES - REND	6,008,443	7,128,020	734,331	446,720-	6.27
INTEREST AND RENTS	1,137,391	935,000	42,195	42,790	4.58
OTHER REVENUE	89,093	10,000	0	0	.00
TOTAL REVENUE	7,598,657	8,398,020	799,802	371,634-	4.43
EXPENDITURES					
ADMINISTRATION	5,993,650	6,863,680	574,828	570,148	8.31
MAINTENANCE	1,236,906	1,534,340	50,655	83,151	5.42
CAPITAL	178,461	5,549,020	482	2,740	.05
TOTAL EXPENDITURES	7,409,017	13,947,040	625,965	656,039	4.70

CITY OF TROY
Monthly Financial port
Water Fund
For the Period Ending August 31, 2001

WATER FUND

Description	Last Year Actual	2001-02 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	1,401,951	596,000	80,943	158,932	26.67
CHARGES FOR SERVICES - SALES	7,096,164	7,810,400	847,579	528,392-	6.77
INTEREST AND RENTS	1,496,943	1,140,000	30,610	59,204	5.19
OTHER REVENUE	4,018-	0	0	0	.00
TOTAL REVENUE	9,991,040	9,546,400	959,132	310,256-	3.25
EXPENDITURES					
ADMINISTRATION	6,446,527	7,356,600	39,717	71,864	.98
TRANS AND DISTRIBUTION	150,437	142,770	5,676	10,910	7.64
CUSTOMER INSTALLATION	19,231	97,030	0	0	.00
CONTRACTORS SERVICE	163,823	179,040	21,610	38,406	21.45
MAIN TESTING	109,060	178,210	10,447	26,327	14.77
MAINTENANCE OF MAINS	307,631	301,140	46,253	76,447	25.39
MAINTENANCE OF SERVICES	196,820	212,290	16,457	28,066	13.22
MAINTENANCE OF METERS	156,455	292,900	13,251	26,527	9.06
MAINTENANCE OF HYDRANTS	259,796	305,920	16,353	30,092	9.84
METERS AND TAP-INS	219,789	354,470	21,290	39,670	11.19
WATER METER READING	71,951	74,660	9,952	21,155	28.34
ACCOUNTING AND COLLECTING	51,234	51,370	11,303	13,075	25.45
CAPITAL	7,297,199	9,735,200	1,471,526	1,476,566	15.17
TOTAL EXPENDITURES	15,449,953	19,281,600	1,683,835	1,859,105	9.64

CITY OF TROY
Monthly Financial Report
Motor Pool
For the Period Ending August 31, 2001

MOTOR POOL FUND

Description	Last Year Actual	2001-02 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REND	24,141	2,000	2,082	3,052	152.60
INTEREST AND RENTS	3,544,243	3,507,000	424,707	702,044	20.02
OTHER REVENUE	56,447	262,500	35,964	38,015	14.48
OTHER FINANCING SOURCES	2,113,550	1,064,140	0	0	.00
TOTAL REVENUE	5,738,381	4,835,640	462,753	743,111	15.37
EXPENDITURES					
ADMINISTRATION	389,832	467,610	37,948	55,627	11.90
OPERATION AND MAINTENANCE	2,486,210	2,692,870	165,605	220,457	8.19
DPW FACILITY MAINTENANCE	278,861	339,860	10,488	17,255	5.08
CAPITAL	1,547,608	1,335,300	55,837	175,783	13.16
TOTAL EXPENDITURES	4,702,511	4,835,640	269,878	469,122	9.70

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
101	2001	9	20	7	MNB	2001	7	20	3.740	CD	1,096,713		1,096,713.36
	2001	9	21	7	REPUBLIC	2001	6	28	3.900	CD	247,609	53.64	247,609.27
	2001	10	12	7	HUNT BANK	2001	8	2	3.580	CD	495,717		495,717.28
										TOTAL		53.64	1,840,039.91
112	2001	9	5	8	FITB	2001	6	7	3.740	GMAC	2,565,000	5,862.45	2,541,017.25
	2001	9	5	7	MIDW GUART	2001	6	8	3.800	CD	2,000,000	4,644.42	2,000,000.00
	2001	9	6	9	ML	2001	4	26	3.800	TBILL	2,945,000	19,371.55	2,904,743.49
	2001	9	7	7	STAND FED	2001	6	25	3.760	CD	9,667,739	4,038.96	9,667,739.73
	2001	9	10	8	SSB	2001	7	30	3.573	SALOMON SB	1,007,000		1,002,876.34
	2001	9	10	8	FITB	2001	8	9	3.528	FOUNT SQ	1,100,000		1,096,549.52
	2001	9	11	8	ML	2001	8	16	3.590	TRIDENT	1,986,000		1,980,850.74
	2001	9	12	8	ML	2001	8	13	3.530	TRIBUNE CO	1,865,000		1,859,513.79
	2001	9	13	9	ML	2001	5	3	3.850	TBILL	3,398,000	20,175.62	3,350,923.54
	2001	9	13	8	ML	2001	8	10	3.550	GLAXO	2,574,000		2,565,369.95
	2001	9	13	8	FITB	2001	8	14	3.489	GE CAP	2,161,000		2,154,715.41
	2001	9	19	8	FITB	2001	8	20	3.500	FOUNT SQ	2,100,000		2,093,875.00
	2001	9	20	9	ML	2001	5	10	3.600	TBILL	2,166,000	10,559.25	2,137,912.40
	2001	9	21	7	REPUBLIC	2001	6	26	3.900	CD	585,626	253.76	585,626.82
	2001	9	21	8	ML	2001	8	14	3.540	ALLSTATE	2,019,000		2,011,455.67
	2001	9	26	8	SSB	2001	8	23	3.448	STANLEY	1,043,000		1,039,660.66
	2001	9	27	9	ML	2001	5	24	3.580	TBILL	2,111,000	7,367.39	2,085,214.14
	2001	9	28	8	FITB	2001	6	29	3.710	FOUNT SQR	6,405,000		6,344,933.55
	2001	10	4	9	ML	2001	5	31	3.560	TBILL	2,068,000	5,979.97	2,042,884.14
	2001	10	5	8	FITB	2001	8	24	3.320	FNMA	1,000,000		996,126.67
	2001	10	5	7	FITB	2001	8	28	3.350	CD	573,992		573,992.85
	2001	10	11	9	ML	2001	6	8	3.550	TBILL	2,429,000	4,902.53	2,399,818.26
	2001	10	11	9	ML	2001	6	14	3.500	TBILL	1,035,000	4,902.53	1,023,299.33
	2001	10	12	7	HUNT BANK	2001	8	2	3.580	CD	622,477		622,477.39
	2001	10	12	8	FITB	2001	8	24	3.320	FHLB	1,000,000		995,481.11
	2001	10	18	9	ML	2001	6	21	3.410	TBILL	2,375,000	1,757.50	2,348,857.19
	2001	10	18	8	FITB	2001	8	24	3.300	FNMA	1,000,000		994,958.33
	2001	10	19	7	MNB	2001	8	24	3.445	CD	7,309,161		7,309,161.79
	2001	10	25	9	ML	2001	6	27	3.400	TBILL	2,398,000	442.96	2,371,422.17
	2001	10	26	8	FITB	2001	8	24	3.300	FHLB	1,000,000		994,225.00
	2001	11	1	9	ML	2001	7	5	3.530	TBILL	2,407,000		2,379,550.17
	2001	11	7	8	FITB	2001	5	10	3.890	FOUNT SQ	3,061,000	16,537.90	3,001,132.79
	2001	11	8	9	ML	2001	7	12	3.530	TBILL	2,408,000		2,380,538.77
	2001	11	15	9	ML	2001	5	17	3.750	T STRIP	2,046,000	8,802.63	2,008,742.34
	2001	11	20	7	REPUBLIC	2001	8	23	3.500	CD	500,000		500,000.00
	2001	11	20	7	HUNTINGTON	2001	8	23	3.500	CD	500,000		500,000.00
	2001	11	29	9	ML	2001	7	19	3.500	TBILL	2,025,000		1,999,488.94
	2001	12	6	9	ML	2001	7	26	3.470	TBILL	3,458,000		3,414,819.19
	2001	12	13	9	ML	2001	8	2	3.460	TBILL	1,611,000		1,590,942.60
	2001	12	20	9	ML	2001	8	9	3.370	TBILL	2,661,000		2,628,656.28
	2001	12	27	9	ML	2001	8	16	3.370	TBILL	1,252,000		1,236,782.29

7 = CD 8 = Paper 9 = T-Bills

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2002	1	3	9	ML	2001	8	23	3.310	TBILL	2,411,000		2,382,229.40
	2002	1	10	9	ML	2001	8	22	3.350	TBILL	2,766,000		2,730,933.00
	2002	1	17	9	ML	2001	8	30	3.280	TBILL	2,806,000		2,771,080.89
	2002	6	30	7	OLD KENT	1998	12	4	3.200	GOVT POOL	167,950		167,950.06
											TOTAL	115,599.42	99,788,528.95
591	2001	9	4	7	NATL CITY	2001	7	6	3.620	CD	1,440,931		1,440,931.37
	2001	9	20	7	MNB	2001	7	20	3.740	CD	1,096,713		1,096,713.36
	2001	9	21	7	REPUBLIC	2001	6	26	3.900	CD	130,667	56.64	130,667.37
	2001	9	27	7	STAND FED	2001	7	13	3.710	CD	1,464,188		1,464,188.86
	2001	9	27	7	OLD KENT	2001	8	28	3.350	CD	555,553		555,553.06
	2001	11	21	7	HUNT BANK	2001	8	23	3.400	CD	145,808		145,808.99
	2002	6	30	7	COMERICA	1997	7	1	3.700	GOV'T POOL	1,763,881		1,763,880.74
											TOTAL	56.64	6,597,743.75
688	2001	9	13	7	STAND FED	2001	7	13	3.710	CD	728,575		728,575.41
	2001	10	19	7	MNB	2001	8	24	3.350	CD	581,805		581,805.83
	2002	6	30	7	BANK ONE	1997	7	1	3.520	GOV'T POOL	1,251,971		1,251,971.17
											TOTAL		2,562,352.41
701	2001	11	28	7	MIDW GUART	2001	8	30	3.450	CD	507,127		507,127.25
											TOTAL		507,127.25
											TOTAL	115,709.70	111,295,792.27

* * * E N D O F R E P O R T * * *

7 = CD 8 = Paper 9 = T-Bills

Merrill Lynch

PRIORITY CLIENT WCMA® ACCOUNT

CITY OF TROY

Realized Monthly Capital Gains and Losses

Quantity	Security Description	Date of Acquisition	Date of Liquidation	Sales Price	Cost Basis	Gain or (Loss)
2006000	CP PFIZER INC PPBE	07/16/01	08/14/01	2,006,000.00	2,000,053.32	N/C
1865000	CP SHERWIN W PP BE	07/23/01	08/13/01	1,865,000.00	1,861,166.39	N/C

N/C - Results are not calculated for transactions which involve the amortization of premium, the repayment of principal, the sale of partnership interests, or the determination of ordinary income and/or capital items for discount and zero-coupon issues.

Current Portfolio

Quantity	Security Description	Date Acquired	Adjust/Unit Cost Basis	Total Cost Basis	Estimated Market Price	Estimated Market Value	Unrealized Gain or (Loss)	Estimated Accrued Interest	Estimated Annual Income	Current Yield %
	Cash and Money Accounts									
	CASH			1		1				
498	CMA TREASURY FUND		1.00	498	1.00	498			15	3.07
	Total Cash and Money Accounts			499		499			15	3.08
	Government Securities									
2,945,000	U.S. TREASURY BILL ✓ ZERO% SEPT 6 2001	04/26/01	98.63	2,904,743	99.98	2,944,440	N/A			
3,398,000	U.S. TREASURY BILL ✓ ZERO% SEPT 13 2001	05/03/01	98.61	3,350,923	99.91	3,395,111	N/A			
2,166,000	U.S. TREASURY BILL ✓ ZERO% SEPT 20 2001	05/10/01	98.70	2,137,912	99.84	2,162,707	N/A			
2,111,000	U.S. TREASURY BILL ✓ ZERO% SEPT 27 2001	05/23/01	98.77	2,085,214	99.78	2,106,461	N/A			
2,068,000	U.S. TREASURY BILL ✓ ZERO% OCT 04 2001	05/31/01	98.78	2,042,884	99.72	2,062,209	N/A			

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PRIORITY CLIENT WCMA® ACCOUNT

CITY OF TROY

Current Portfolio

Quantity	Security Description	Date Acquired	Adjust/Unit Cost Basis	Total Cost Basis	Estimated Market Price	Estimated Market Value	Unrealized Gain or (Loss)	Estimated Accrued Interest	Estimated Annual Income	Current Yield %
	Government Securities									
2,429,000	U.S. TREASURY BILL ✓ ZERO% OCT 11 2001	06/07/01	98.79	2,399,818	99.65	2,420,668	N/A			
1,035,000	U.S. TREASURY BILL ✓ ZERO% OCT 11 2001	06/14/01	98.86	1,023,299	99.65	1,031,449	N/A			
3,464,000	Security Sub-Total			3,423,117		3,452,118				
2,375,000	U.S.TREASURY BILL ZER0% OCT 18 2001 ✓	06/21/01	98.89	2,348,857	99.59	2,365,333	N/A			
2,398,000	U.S. TREASURY BILL ZERO% OCT 25 2001 ✓	06/27/01	98.89	2,371,422	99.53	2,386,729	N/A			
2,046,000	U S TREASURY STRIPS PRIN ✓ ZERO% NOV 15 2001	05/17/01	98.17	2,008,742	99.35	2,032,721	N/A			
2,025,000	U.S. TREASURY BILL ✓ ZERO% NOV 29 2001	07/19/01	98.74	1,999,488	99.21	2,009,083	N/A			
2,407,000	U.S. TREASURY BILL✓ ZERO% NOV 01 2001	07/05/01	98.85	2,379,550	99.46	2,394,122	N/A			
2,408,000	U.S. TREASURY BILL ✓ ZERO% NOV 08 2001	07/11/01	98.85	2,380,538	99.40	2,393,600	N/A			
3,458,000	U.S.TREASURY BILL ✓ ZERO% DEC 06 2001	07/26/01	98.75	3,414,819	99.15	3,428,710	N/A			
1,611,000	U.S. TREASURY BILL ✓ ZERO% DEC 13 2001	08/02/01	98.75	1,590,942	99.08	1,596,323	N/A			
2,661,000	U.S. TREASURY BILL ✓ ZERO% DEC 20 2001	08/09/01	98.78	2,628,656	99.03	2,635,294	N/A			
1,252,000	U.S. TREASURY BILL ✓ ZERO% DEC 27 2001	08/16/01	98.78	1,236,782	98.97	1,239,192	N/A			
2,411,000	U.S. TREASURY BILL ✓	08/23/01	98.80	2,382,229	98.91	2,384,816	N/A			

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PRIORITY CLIENT WCMA® ACCOUNT

CITY OF TROY

Current Portfolio

Quantity	Security Description	Date Acquired	Adjust/Unit Cost Basis	Total Cost Basis	Estimated Market Price	Estimated Market Value	Unrealized Gain or (Loss)	Estimated Accrued Interest	Estimated Annual Income	Current Yield %
	Government Securities									
	ZERO% JAN 03 2002									
2,766,000	U.S. TREASURY BILL ZERO% JAN 10 2002 Add	08/22/01	98.73	2,730,933	98.85	2,734,329	N/A			
2,806,000	U.S. TREASURY BILL ZERO% JAN 17 2002	08/30/01	98.75	2,771,080	98.80	2,772,328	N/A			
	Total Government Securities			46,188,838		46,495,635				

Current Portfolio

Quantity	Security Description	Symbol	Sector	Date Acquired	Adjust/Unit Cost Basis	Total Cost Basis	Estimated Market Price	Estimated Market Value	Unrealized Gain or (Loss)	Estimated Annual Income	Curren Yield %
	Other										
2,019,000	CP ALLSTATE 4/2 BE ✓ 13AUG01 00.000%21SEP2001			08/14/01	99.62	2,011,455	99.77	2,014,517	N/A		
1,865,000	CP TRIBUNE CO PPBE ✓ 09AUG01 00.000%12SEP2001			08/13/01	99.70	1,859,513	99.87	1,862,631	N/A		
2,574,000	CP GLXO W.PLC PPBE ✓ 10AUG01 00.000%13SEP2001			08/10/01	99.66	2,565,369	99.86	2,570,447	N/A		
1,986,000	CP TRIDENT CAP BE ✓ 15AUG01 00.000%11SEP2001			08/16/01	99.74	1,980,850	99.89	1,983,815	N/A		
	Total Other					8,417,190		8,431,412			
	Total of Long Portfolio					54,606,528		54,927,547	*	15	3.06

* - Excludes N/A Items

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SEP 24 2001
CITY OF TROY
CITY MANAGER'S OFFICE

CITY OF FERNDALE
PROCLAMATION

The National League of Cities is committed to promoting racial equality and justice as a fundamental aspect of a healthy community; and

The National League of Cities has urged local officials across the country to join together in a national campaign to promote racial equality and justice; and

A Resolution of the National League of Cities declared racism unjust and advocate equal rights for all; and

By an Act of Congress of the United States dated July 2, 1964, the Civil Rights Act of 1964 was adopted banning discrimination because of a person's color, race, national origin, religion, or sex; and

By an Act of Congress of the United States dated December 6, 1865, the 13th Amendment of the Constitution was adopted abolishing slavery; and

By an Act of Congress of the United States dated July 9, 1868, the 14th Amendment of the Constitution of the United States giving all persons born or naturalized in the United States the right to due process and equal protection under the law; and

National League of Cities President Dennis W. Archer, Mayor of the City of Detroit, has invited local officials across the country to renew their commitment to ensuring racial equality and justice for all beginning on September 19, 2001, by reporting on successful programs and announcing specific action plans for the coming year; and

The City of Ferndale declares its commitment to ensuring racial equality and justice in our city and to working with the National League of Cities and other organizations to sustain this commitment throughout the country; and

The City of Ferndale pledges to work with national, state and local efforts, both public and private, to further the goals of equality and justice during the coming year.

NOW, THEREFORE, I, Charles G. Goedert, Mayor the City of Ferndale, do proclaim September 19, 2001, as Race Equality Day in the City of Ferndale, and urge all citizens of Ferndale to join together to support this effort.

FURTHERMORE it is requested that the City Clerk forward copies of this Proclamation to President George W. Bush; Governor John Engler; Ferndale's elected representatives in Congress; the Michigan Legislature; the Oakland County Board of Commissioners; National League of Cities and to neighboring communities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Ferndale to be affixed this 10th day of September in the year of our Lord two thousand and one.

Charles G. Goedert, Mayor

FERNDALE MICHIGAN
Seal
1927

G-5a

A/C

RECEIVED
SEP 24 2001
CITY OF TROY
CITY MANAGER'S OFFICE

CITY OF FERNDALE
RESOLUTION

Moved by Mayor Goedert, supported unanimously, to adopt the following Resolution:

The date of September 11, 2001, will be remembered by all Americans, both young and old, as the darkest day in the new millennium; and

On this date, the two 110 story towers of the World Trade Center, which once lined the skyline of Lower Manhattan in New York City and the Pentagon in Washington D.C., were maliciously attacked by terrorists who commandeered and hijacked four commercial passenger jets; and

One of many symbols of New York, the towers of the World Trade Center where thousands and thousands of people worked and visited, collapsed after the crashes of two of the jets into the structures when the steel used to support them disintegrated; and

The results of this tragedy were the deaths of over 200 innocent men, women and children on the hijacked jets and countless deaths and injuries to innocent people in the damaged buildings and surrounding areas; and

Also among those who were killed and injured, were the dedicated and brave members of the Police and Fire departments of New York City who risked their own lives to save the lives of the victims; and

At a time such as this, Americans need to work together to assist our fellow Americans in the rescue and recovery of those affected by this unthinkable tragedy.

THEREFORE, BE IT RESOLVED that we, Ferndale's elected officials, do hereby extend our Community's condolences and support to the families and friends of the victims, and our best wishes for a swift recovery to the survivors. Our thoughts and prayers go out to those who have suffered from the attacks; and

BE IT FURTHER RESOLVED that the City of Ferndale offers any needed assistance it can provide to the areas affected by these attacks and requests our own residents to help in any way they can, including coordinating a City Sponsored Blood Drive and fundraiser should the American Red Cross be able to participate; and

6-5b

The City of Ferndale supports the efforts to investigate these crimes and bring to justice those responsible for those heinous acts; and

BE IT BE FURTHER RESOLVED that a copy of this Resolution, duly certified, be forwarded to President George W. Bush; New York Mayor Rudolph W. Guiliani; New York City representatives of the Police and Fire Departments Unions; New York Governor George E. Pataki; Virginia Governor James S. Gilmore, III; Washington D.C. Mayor Anthony Williams; Pennsylvania Governor Tom Ridge; Michigan Governor John M. Engler; Ferndale's representatives in Congress, the Michigan State Legislature and the Oakland County Board of Commissioners; and to neighboring communities.

AYES: All
NAYS: None
ABSENT: Councilwoman Weber
MOTION CARRIED

I, Karen Pedro, City Clerk of Ferndale, do hereby certify that the foregoing is a true and compared copy of a Resolution duly made and passed by the Ferndale City Council at a meeting held September 13, 2001.

Karen Pedro
Karen Pedro, City Clerk

A/C

RECEIVED
SEP 24 2001
CITY OF TROY
CITY MANAGER'S OFFICE

CITY OF FERNDALE
RESOLUTION

Moved by Mayor Goedert, supported unanimously, to adopt the following Resolution:

On September 11, 2001, the United States of America, in an unprecedented, unprovoked and cowardly attack, suffered thousands of casualties in New York City, Washington D. C. and Pennsylvania.

As a result of that terrorism, many of the dead and injured include the heroic men and women who make up the Public Safety response in those areas, specifically the New York City Police Officers and Firefighters who were the first responders to the World Trade Center catastrophe.

This terrible loss of life includes the single largest loss of life in Public Safety in United States' history, which will take many months for the New York City Police and Fire departments to recover from.

We, the elected officials of the City of Ferndale, are horrified by the events that transpired on September 11, 2001, and yet amazed by the heroism exhibited by the Firefighters and Police Officers of New York City, those that perished and those that survived.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council, with the spirit that has galvanized Americans through centuries of challenges, condemns in the most strenuous sense of the word, the act of war perpetrated against America.

BE IT FURTHER RESOLVED that the heartfelt condolences of this Council and those of the citizens of Ferndale go out to the victims and families of this attack; and

BE IT FURTHER RESOLVED that the Ferndale City Council and the citizens of the City of Ferndale congratulate the surviving New York City Police Officers and Firefighters for their unbelievably heroic efforts and extend a sincere offer, immediately and in the short and long term of assistance, to the fullest extent within our capability, pursuant to MCL 30.261 et seq., for their ongoing mission,

G-5c

rescue and recovery efforts and ongoing police and fire needs in the days, weeks and months to come, should that be requested.

AYES: All
NAYS: None
ABSENT: Councilwoman Weber
MOTION CARRIED

I, Karen Pedro, City Clerk of Ferndale, do hereby certify that the foregoing is a true and compared copy of a Resolution duly made and passed by the Ferndale City Council at a meeting held September 13, 2001.

Karen Pedro

Karen Pedro, City Clerk

H/C

Barnard Elementary School

3601 Forge Drive
Troy, Michigan 48083
Phone: 248/823.4300

Charles G. Hettenbach
Principal

RECEIVED
SEP 24 2001
CITY OF TROY
CITY MANAGER'S OFFICE

September 21, 2001

Dear Lori,

I am writing to thank you for the part you played in making it possible for our students, staff, and parents to enjoy a parade of celebration for meeting goals in reading for the Summer Reading Program. We had a lot of fun. It turned out to be a great day weather-wise too.

It was through your efforts and others like you that this was all made possible. You are much appreciated.

Sincerely,

Chuck Hettenbach

Chuck Hettenbach
Principal

G-6a

ite Institute of Transportation Engineers, Inc.

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

September 14, 2001

John K. Abraham
Traffic Engineer
City of Troy, Transportation Department
500 W. Big Beaver Road
Troy, MI 48084 USA

Dear Dr. Abraham:

Thank you for your presentation at the ITE 2001 Annual Meeting and Exhibit in Chicago, IL. This technical program was one of the largest ever with more than 330 speakers in six different tracks. The technical sessions were well attended, and from feedback that we have received, the registrants indicated that the presentations were very informative. The use of laptop computers along with PowerPoint enhanced the presentations. We appreciate your contribution towards making this meeting a success!

Save the dates for our next two meetings: the ITE 2002 Spring Conference and Exhibit in Tampa, FL, March 24-27, 2002 and the Annual Meeting and Exhibit in Philadelphia, PA, August 4-7, 2002. We look forward to working with you on future technical programs of the Institute.

Sincerely,

Deanna Almond

Deanna Almond
Technical Projects Associate

RECEIVED BY
SEP 17 2001
ENGINEERING

G-6b

City of Southfield

26000 Evergreen Rd. • P.O. Box 2055 • Southfield, MI 48037-2055

Chief Charles Craft
Troy Police Department
500 W. Big Beaver
Troy Mi. 48084

On August 14, 2001, the Southfield Police Department received a report of a missing youth from the area of the Knob In The Woods Apartment Complex. The case was assigned to our detectives, and although they worked tirelessly they were having no success in locating the young man. Based on some reliable information our detectives felt that the youth could possibly be hiding out in the apartment complex somewhere.

A request was made to our canine officers to determine if an area search could be made of the common areas of the apartment buildings.

Officers Mark Cole, Russ Barrows and Paul Bednard along with K-9's Boris, Gunner and Star joined our officers in a comprehensive search of the large complex on August 16, 2001. Although the search did not locate the missing juvenile at that time the assistance you and your department provided to the Southfield Police Department was greatly appreciated. It is through cooperative efforts such as this that the true strength and dedication of law enforcement is realized.

From Chief Joseph Thomas , myself and our canine officers we thank you.

Sincerely,

Joseph E. Thomas

Lt Bryan Jarrell

Lieutenant Bryan A. Jarrell
Operations Officer Patrol Division

RECEIVED
Chief of Police
OK 9/19/01

Mayor Donald F. Fracassi
Council President Myron A. Frasier
City Clerk Nancy L. M. Banks
City Treasurer Roman J. Gronkowski
City Administrator Donald J. Gross

City Council
Jonathan Brateman Paul Condino Sylvia Jordan Sidney Lantz Brenda L. Lawrence Nida R. Samona

East Long Lake Estates

Homeowner's Association

A Pleasant Place to Live

City of Troy Police Department
Attn: Chief of Police Charles Craft
500 W. Big Beaver Rd.
Troy Mi. 48085

We wish to extend our heartfelt thanks to the Troy Police Department and in particular to Officer Kirk Linton for his recent efforts in helping our subdivision.

We recently held our annual subdivision picnic and needed help with a portion of the activities, someone who could project a good image and impress the youth of the subdivision. We usually hold a bicycle parade for the youth to show their bicycles and safety equipment and have a police officer conduct the event, emphasizing safety.

Officer Kirk Linton volunteered and related so well to both the youth and mature residents, that we feel he should be commended for his efforts. He is a great officer and person. Please extend our thanks to the gentleman..

Sincerely;

Bob Van Proeyen
President

9/19/01

RECEIVED
Chief of Police
9/25/01 CR

Credit Union ONE
400 E. Nine Mile Road
Ferndale, Michigan 48220
Phone 248-398-1210

September 17, 2001

Troy Police Department
Attention: Lt. Thomas Houghton
500 W. Big Beaver Rd.
Troy, Michigan 48084

Dear Lt. Houghton:

We would like to take this opportunity to thank you for sending Detective Pete Pizzorni, Officer Kirk Linton, and Officer Jay Reynolds to speak at our Identity Theft Seminar on September 12, 2001.

The professionalism and poise in which Detective Pizzorni and Officers Linton and Reynolds presented themselves and answered the many questions from our members made the seminar very successful.

Enclosed are copies of some of the photos taken during the evening. Again, we appreciate your services and hopefully we can call on you again for future seminars.

Sincerely,

Mark Sebastian
Compliance/Security Officer

Jan White
Compliance/Security Specialist

Enclosures

RECEIVED
Chief of Police
9/24/a CT

Barnard Elementary School

3601 Forge Drive
Troy, Michigan 48083
Phone: 248/823.4300

Charles G. Hettenbach
Principal

September 21, 2001

Dear Chief Craft,

I am writing to thank you for the part you and your officers played in making it possible for our students, staff, and parents to enjoy a parade of celebration for meeting goals in reading for the Summer Reading Program. We had a lot of fun. It turned out to be a great day weather-wise too.

It was through your efforts and your officers that this was all made possible. You are all much appreciated.

Sincerely,

Chuck Hettenbach

Chuck Hettenbach
Principal

RECEIVED
Chief of Police
9/24/01 CR

CHILDREN'S PROJECT

September 5, 2001

Chief Charles Craft
Troy Police Department
500 W. Big Beaver
Troy, MI 48084

Dear Chief Craft,

We would like to request that Officer Dan Clark assist us in an official capacity at our AT Walk for a Cure on Saturday, September 29, 2001. The walk begins at 10 a.m. at Jaycee Park.

Officer Clark has assisted us in prior Walks for AT, and was a very welcome and valuable presence for all of us. We look forward to working with him again this year.

Should you have any questions, please do not hesitate to contact me.

Sincerely

Jackie Tolonen

Jackie Tolonen
AT Walk for a Cure
248.524.1674

RECEIVED
Chief of Police
9/7/01 CTC

October 2001

October 2001

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November 2001

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October 1	2	3	4	5	6
7:30pm City Council - Regular (Chambers)	7:30pm Planning Commission-Regular Session (Chambers)	7:30am Downtown Development Authority ((LL)) 8:30am Bldg Code Bd of Appeals (C) 7:00pm Adv Comm Persons w/Disabilities (LL)	10:00am Sr Citizen Advisory Comm (Comm. Ctr.)		7
8	9	10	11	12	13
7:30pm Liquor Committee (C)		3:00pm Employee Retirement System (C)	7:30pm Parks & Rec-CANCELLED 7:30pm Library Board (Lib.)		14
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7:30pm City Council - Regular (Chambers)	7:30pm Board of Zoning Appeals (Chambers)	7:00pm Cable Advisory Committee (C) 7:30pm Traffic Committee (LL)	7:30pm Parks & Recreation Board (Comm. Ctr.)		21
22	23	24	25	26	27
	7:30pm Planning Commission-Study 7:30pm Historic District Commission (C) 7:30pm Historical Commission (Museum) 8:00pm Troy Daze				28
29	30	31			

9/26/01

10/01 PH - Commercial Vehicle Appeal, 6704 Livernois
10/09 PH - Wetlands & Natural Features Ordinance, Athens HS, 4333 John R

November 2001

November 2001

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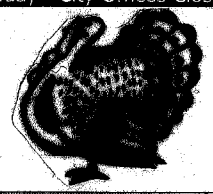
12 7:30pm Liquor Committee (C)	13 7:30pm Planning Commission-Regular Session (Chambers)	14 3:00pm Employee Retirement System (C)	15	16	17 18
19 7:30pm City Council - Regular (Chambers)	20 7:30pm Board of Zoning Appeals (Chambers)	21 7:30am Downtown Development Authority (LL) 7:30pm Traffic Committee (LL)	22 Holiday - City Offices Closed 	23 Holiday - City Offices Closed	24 25
26	27 7:30pm Planning Commission-Study 7:30pm Historic District Commission (C) 7:30pm Historical Commission (Museum) 8:00pm Troy Daze	28	29	30	

9/26/01

December 2001

December 2001

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January 2002

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
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3 7:30pm City Council - Regular (Chambers)	4	5 8:30am Bldg Code Bd of Appeals (C) 7:00pm Adv Comm Persons w/Disabilities (LL)	6 10:00am Sr Citizen Advisory Comm (Comm. Ctr.)	7	8 9
10 7:30pm Liquor Committee (C)	11 7:30pm Planning Commission-Regular Session (Chambers)	12 3:00pm Employee Retirement System (C)	13 7:30pm Parks & Recreation Board (Comm. Ctr.) 7:30pm Library Board (Lib.)	14	15 16
17 7:30pm City Council - Regular (Chambers)	18 7:30pm Board of Zoning Appeals (Chambers)	19 7:30am Downtown Development Authority (LL) 7:30pm Traffic Committee (LL)	20	21	22 23
24 Holiday - City Offices Closed	25 Holiday - City Offices Closed	26	27	28	29 30
31 Holiday - City Offices Closed					

9/26/01

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager-Finance and Administration

RE: City of Troy Debt Millage as it relates to Downtown Development Authority Tax Increment Revenue

DATE: September 19,2001

In response to a question raised at the September 17, 2001 City Council meeting relating to the amount of tax revenue the City debt millage generates for the Downtown Development Authority. The Downtown Development Authority will collect approximately $193,485 in tax increment revenue.

To clarify another point that was brought up at the meeting relating to the Intermediate tax proposal and the Downtown Development Authority share of that revenue. The Downtown Development Authority **does not** capture any tax dollars from the Intermediate School District.

Barbara A Holmes

From: William S Nelson
Sent: Wednesday, September 19, 2001 12:43 PM
To: Agenda
Subject: FW: Invitation to dinner at station 6

-----Original Message-----
From: William S Nelson
Sent: Wednesday, September 12, 2001 4:47 PM
To: John J Szerlag
Subject: Invitation to dinner at station 6

The members of Fire Station 6 have invited you and the members of City Council to attend their station dinner/business meeting in either October or November. Typically, Station 6 meets on the second Monday of the month, but members indicated flexibility in scheduling their dinner meeting on any Monday or Tuesday to accommodate the members of council.

Bill Nelson

U.S. Department of Justice

Federal Bureau of Investigation

5700 Crooks Road, Suite 302
Troy, Michigan 48098

In Reply, Please Refer to
File No.

September 14, 2001

Charles Craft
Chief of Police
Troy Police Department
500 W. Big Beaver
Troy, MI 48084

Dear Chief Craft, Charlie

The tragic events in New York and Washington D.C., which recently engulfed our nation have caused many of us to concenstrate on global matters. Those events occurring close to home are often a casulty, sometimes being viewed with less importance. For this I must apologize. In that regard, I would like to extend my sincere condolence and prayers to you and the men and women of the Troy Police Department on the loss of Officer Charles Mulvihill.

We, at the FBI, recognize the impact that such a loss from the ranks can have and stand ready to assist in any way.

Sincerely yours,

Arthur L. Grovner
Senior Supervisory Resident Agent

RCVD 9/18/01 CFC

September 24, 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: Request from State Representative Robert Gosselin for Special Natural Features Map

Representative Gosselin requested a special Natural Features map that would show parcels in addition to the natural features. This map was easily and quickly prepared and provided to Mr. Gosselin on Friday, September 21, 2001. Due to the nature of the request, a large wall size copy was provided so that individual properties could easily be seen.

Attached for your information is a sample of the map at the same scale as provided to Mr. Gosselin. Should Council desire to have a complete copy or copies of this map, please let us know.

CITY OF TROY
NATURAL FEATURES DRAFT

N

The natural features map does not create any legally enforceable presumptions regarding whether property that is or is not included on the map has or does not have natural features present.

8/17/2001

FEATURES

Woodlands | Streams | Ponds | Lakes | Drains | Wetlands

September 24, 2001

TO: The Honorable Mayor and City Council

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

SUBJECT: Cleanout of Oakland County's West Sprague Drain
Coolidge to Firefighters Park
Section 5

BACKGROUND

The City had been experiencing drainage problems along the West Sprague Drain from South Boulevard to Firefighters Park Lake (detention pond) for some time. On February 20, 1990, a petition was received requesting a drainage project to alleviate the existing flooding/drainage problems in the existing ditch (West Sprague Drain) along the west side of Coolidge Road. The petition was signed by 100% of the Orchard Hills Subdivision residents. Hubbell, Roth & Clark, consulting engineers (HRC), was hired to prepare a study of the West Sprague Drain, which was received in November of 1990.

Soon thereafter in 1991, Joel Garrett started preliminary planning for Forest Creek Subdivision Nos. 6 & 7 that includes a portion of the West Sprague Drain. The April 30, 1998 memo to Mayor and City Council and April 27, 1998 report from Professional Engineering Associates (PEA) to the City regarding the details of the proposed cleanout project, are attached for your information.

As part of the Forest Creek Development, in conformance with the engineering studies by HRC and PEA, it was required that the open drain be improved to 10-year storm capacity. The existing drain has only 75% of a 10-year storm capacity and is in need of improvement to prevent potential flooding of upstream residential properties. The developer agreed to pay the City of Troy for the costs of the drain cleanout in the Forest Creek Subdivisions. On April 30, 1998, the City Council resolved via Resolution 98-201 to pay the City share of the cleanout outside of Forest Creek.

The project has been delayed since 1998, due in part to the required lowering of the Sun Pipeline along the northerly border of the City-owned property, and objections expressed by property owners in the Forest Creek Subdivision. There were extensive negotiations with Sun to establish their responsibility for lowering the main. A schedule was established on April 13, 2000; however, the work remains to be done.

On June 5, 2000, the homeowners affected by the drain improvements submitted a letter to the City objecting to the proposed cleanout project. It is important to note that when the homes abutting the drain were built and sold the prospective buyer and new owners were clearly notified of the drainage improvements on the rear of the properties. On July 14, 2000 the Oakland County Drain Commission, and on July 28, 2000 the City,

replied to the homeowners' letter (copies attached). We believe that all of their concerns have been addressed with the possible exception of tree and shrub replacement within the county drain easement limits.

RECOMMENDATION

A meeting with Drain Commission representatives has been scheduled for Thursday, September 26, 2001, to determine the status and schedule of this project.

We would request that City Council support the proposed West Sprague Drain cleanout and adopt a resolution to proceed with the project following our meting with the Drain Commission.

Please advise if there are any questions or further information required.

SJV/ln

cc: Joe Kozma, OCDC
Steve Korth, OCDC

Attachments: 4/30/98 Memo to Council
4/27/98 Letter from P.E.A.
6/5/00 Letter from Forest Creek Homeowners
6/15/00 Memo to City Council
7/28/00 City letter to Forest Creek Homeowners
7/14/00 OCDC letter to Forest Creek Homeowners
Forest Creek Subdivision Nos. 6 & 7 Plat Map

Prepared by: C. Neall Schroeder, Civil Engineer
G:\County Drains\West Sprague\CNS memo to CC.doc

April 30, 1998

TO: The Honorable Mayor and City Council

FROM: James C. Bacon, Jr., City Manager
John Szerlag, Assistant City Manager/Services
C. Neall Schroeder, City Engineer

SUBJECT: West Sprague Drain Clean-Out

City Council approved the clean-out portion of the West Sprague Drain on April 13, 1998 per the attached resolution.

Consideration of the enclosed portion of the proposed improvement was tabled to May 4, 1998 to determine the impact on existing wetlands.

There are existing mitigated wetlands in the Forest Creek Subdivision that are not impacted by the proposed work.

The existence of any other wetlands in the area and the impact of the project on additional wetlands, if any, has not been determined. An environmental consultant would have to be hired to make such a determination. The Michigan Department of Environmental Quality has no jurisdiction over wetlands that are contained within an established County drain easement. It is my opinion, based on field observations that the West Sprague Drain, from the northerly limits of Forest Creek to Firefighters Lake, does not affect wetlands.

Attached are reports from the Oakland County Drain Commissioner's Office and Professional Engineering Associates, Inc. which describe the proposed West Sprague Drain clean-out project and some of the history of the drain.

The existing drain has only 75% of a 10 year storm capacity and is in need of improvement to prevent the potential flooding of the upstream residential areas.

The proposed project is in conformance with the attached engineering studies by Professional Engineering Associates, Inc. and Hubbell, Roth and Clark, Inc. and is the only way to provide the required 10 year storm capacity.

It is recommended that the dual system of an enclosure with a shallow open drain on top be approved for the West Sprague Drain.

The project costs are as follows:

City of Troy	$522,000.00
Forest Creek Associates	200,000.00
Total	$722,000.00

Funding for the work can come from the appropriate $1,000,000.00 balance in the drain fund account with the Oakland County Drain Commissioner's Office.

PROFESSIONAL ENGINEERING ASSOCIATES, INC.
CONSULTING CIVIL ENGINEERS / LAND SURVEYORS
2430 Rochester Court, Suite 100, Troy, MI 48083-1872
Telephone (248) 689-9090 Facsimile (248) 689-1044

Richard L. Graham, PE, PS
Corporate Director and Chairman
Joseph M. Muller, PE
President
John C. Seelbach, PE
Vice President
Wendy E. Graham, PE
Vice President

April 27, 1998
PEA Job No. 96120A

C. Neall Schroeder, PE
City Engineer
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

RE: WEST SPRAGUE DRAIN
SECTION 5, CITY OF TROY

Dear Mr. Schroeder:

Professional Engineering Associates, Inc. is under contract to the Oakland County Drain Commissioner to provide engineering services for improvements to the West Branch of the Sprague Drain between Coolidge Road and Firefighters Park. In this capacity we offer the following summary of this project to date.

In 1991, Mr. Joel Garrett began the development of his property on either side of the Sprague Drain immediately north of Firefighters Park now platted as Forest Creek Sub. No. 6 (east of drain) and Forest Creek Sub. No. 7 (west of drain). A condition of approval by the City was the improvement of the drain through his property.

The basis for the improvements was a study and report on the West Sprague Drain prepared by Hubbell, Roth and Clark, Inc., dated November 1990 which concluded that "The existing open channel between Troy Lake Municipal Storage Facility and Coolidge Road does not have adequate hydraulic capacity to transport existing or future design flows". Their estimate of the existing flow for a 10-year storm is 335 CFS and they estimate a future flow of 441 CFS. They proposed a typical ditch cross-section which is shown on the accompanying sketch.

When we began our preliminary work on the drain improvements, we determined that this cross-section could not be constructed and remain within the confines of the existing drain easement. Work outside of the existing easement would require a permit from the Michigan Department of Environmental Quality (MDEQ). We have arrived at the "best fit" for a cross-section that we can obtain, a sketch of which is attached. This section will still pass the 441 CFS, ultimate 10-year flow estimated by Hubbell, Roth and Clark, Inc..

There are four (4) wetland mitigation areas constructed in accordance with an MDEQ permit issued for Forest Creek Subs. No. 2 & 3. Two of these areas are in Forest Creek Sub No. 6, one is in Forest Creek Sub. No. 7 and one is in Forest Creek Sub. No. 2. The areas are shown on the attached plan and they are not impacted by the proposed drain improvements.

The section of drain north of Forest Creek Subs. No. 6 & 7 to Coolidge Road will have to be partially enclosed. The section immediately east of Coolidge is constricted by adjacent buildings and a driveway. A section further to the south has a high embankment on one side which makes it impossible to construct the ditch section within the existing easement. Culverts are being selected for these areas which will provide cross sectional area to match the twin 60" diameter culverts under Coolidge Road and are shown on the enclosed map..

Please contact our office if you have any questions or require additional information.

Very truly yours,

PROFESSIONAL ENGINEERING ASSOCIATES, INC.

Michael J. Mayotte

Michael J. Mayotte, PE
Project Manager

MJM/njt

pc: Joseph P. Kozma, PE - OCDC

g:\norma\letters\96120a.ltr\njt

June 5, 2000

Tracy Slintak, CFM
City Of Troy
500 W. Big Beaver Road
Troy, MI 48084

RECEIVED BY
JUN 5 - 2000
ENGINEERING

Dear Tracy:

This letter is written on behalf of the property owners within Forest Creek Subdivision, Sections 6 & 7 that border the "Sprague Drain Project". We have recently learned more about the project from various discussions with representatives and engineers at the Oakland County Drain Commission's Office. The intent of this letter is to express our concerns with the project.

Let's begin with our understanding of the County's objective for the proposed drain design. The minimum width of the proposed drain is 50 feet of fenced-off area compared to the existing eight-foot "natural" creek. This is supposed to increase the volume of water the creek can manage in the event of a 100 year rain. In addition, stone creek beds and a retaining wall are proposed to minimize erosion challenges.

We have highlighted some of our concerns below:

- Currently, the County has no plans to continue this project beyond our small section of the drain to the point where the creek intersects with Coolidge or beyond. Consequently, the water flow will always remain restricted by the culvert underneath Coolidge. Even if the drain were expanded beyond our section at some point in the future, we're pretty confident that the Troy Outdoor Education Center would never allow such a project to disturb its' nature center.
- If the creek were widened to the extent of the proposed drawings, we are concerned that the typical water level will be so shallow that it will collect and create a stagnant condition.
- Nobody opposes the effort to prevent erosion; however, the location of the proposed retaining wall as a result of the County's "volume" objective threatens to take away homeowners' land from which it borders. Our easement allows access to the property but does not permit taking of the property. Valuable real estate is at stake when the County's plan proposes 1/3 of a backyard be excavated and fenced off and an eight foot retaining wall created.
- This project may ecologically impact the lake at Firefighters Park and our stream, i.e., blue herons, fish, deer, birds, fox, muskrats, etc. Currently there is a natural barrier between our homes and the park. Based on the location of the stakes, the County may clear-cut about 700 sq. ft. of trees and shrubs.
- We have invested heavily in our landscaping (i.e., trees, shrubs, patios, pools, irrigation systems etc.) and question the County's budget to replace assets at existing quality and value.

Each of us paid a premium for our lots and chose this location in Troy for its' natural beauty. Many of us are long time Troy residents and moved only because of the natural setting these lots provided. Please help us to address the issues listed above because the resale value of our homes and aesthetics of the area rely heavily upon the future design of this project. We realize that the clock is ticking based on comments from the County. We are anxious to hear your feedback and would appreciate your response within the upcoming week.

Thank you in advance for your feedback and sense of urgency.

Sincerely,

Homeowners of Forest Creek, Sections 6 & 7 Please see signatures on page two.

Cc: Jeanne Stine, Mayor
Jeff Biegler, Troy Parks & Recreation
Mary Vanderlaan, DEQ
Steve Korth, Oakland County Drain Commission

RECEIVED BY
JUN 5 2000
ENGINEERING

Residents

Address	Name *(Print)*	Signature
6448 CRABAPPLE	MR & MRS SCOTT INGOGLIA	
6464 CRABAPPLE	MR & MRS. WM. HANLON	
6440 CRABAPPLE	MR + MRS JOHN DAMICO	
1846 BUCKTHORN CT.	MR & MRS. DOUGLAS F. SMITH	
6432 Crabapple CT	Mr & Mrs P. F. Williams	
6472 CRABAPPLE	Mr & Mrs Robert	
1830 Buckthorn Ct	Mr + Mrs Larry Stukart	
1864 Buckthorn Ct	Mr & Mrs. Dick Harding	Mr & Mrs. Dick Harding
1862 BUCKTHORN CT	MR + MRS DAMICO	
1875 Buckthorn Ct	Manuel & Deanna Perez	Deanna Perez
6456 Crabapple	Bill Meuser Maureen Meuser	Maureen Meuser
6461 CRABAPPLE	Fred Koberstein Karin Koberstein	Karin Koberstein

CONTACT PERSON: KRIS HANLON (248) 828-7767

June 15, 2000

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Asst. City Manager/Services
C. Neall Schroeder, City Engineer

SUBJECT: West Sprague Drain/Forest Creek
No. 6 & 7 Subdivisions

Please be advised that the Oakland County Drain Commission project for the improvement of the "West Sprague Drain" within the established easement is ready for bid. However, the project is being delayed because the Sun Pipeline, which crosses the Drain at the north end of Firefighter's Park, has not been lowered.

The West Sprague Drain improvement from the north limits of Forest Creek Subdivisions No. 6 & 7 to the Firefighter's Lake is a part of the subdivision's drainage system. The Firefighter's Lake was enlarged to allow for the subdivision detention. The developers contributed the majority of the contract cost of the lake improvement and is paying for the West Sprague Drain improvement in the subdivision.

The concerns expressed in the homeowner's letter of June 5, 2000, are being addressed by the Oakland County Drain Commission, and Tracy Slintak, the City's Environmental Specialist, will supplement the response.

We will furnish this information to the Mayor and City Council when received. Please advise if there are any questions or further information required.

CNS/ln

Attachments: Forest Creek No. 6 & 7 Plats
Homeowner's letter of June 5, 2000

City of Troy

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

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

July 28, 2000

Homeowners of Forest Creek, Sections 6&7
C/O Mr. William Hanlon, Jr.
6464 Crabapple Drive
Troy, MI 48098

Dear Homeowners,

This letter is in response to your correspondence of June 5, 2000. I will try to answer your concerns and outline the City of Troy's role in the drain improvement project.

This project was first requested by the developer, and is an integral part of the stormwater management system for your subdivisions. It would have been prudent to execute the work prior to home construction, and in 1994 the City authorized the Oakland County Drain Commissioner's (OCDC) office to proceed with the project. Unfortunately, the work has been delayed by many factors, and the OCDC is just now able to proceed with the project.

The developer, builders, Oakland County Drain Commission, and City staff has made every effort to inform property owners of the project, including the scope of the cleanout. The easement lines are clearly shown on the development plans and individual plot plans. The developer initiated, and the builders were fully aware of, the project.

We understand that many of your concerns would have been avoided had the project proceeded in a timely manner. We have been assured by Steve Korth, OCDC, that the areas that have been landscaped, etc. within the easement will be restored to the greatest extent possible. Please bear in mind that there are no real restoration requirements for OCDC drainage easements except that they will plant grass, etc. to eliminate the potential for erosion. That the OCDC is working closely with you to ensure your personal property is catalogued and replaced shows a good faith effort on their part.

The flows passing through your properties does come, in part, from sources outside your boundaries, within a defined "drainage district". Surfaces that are covered with roads and buildings result in increased stormwater volumes. This is why every new stormwater system in Troy, including the one servicing Forest Creek, uses detention ponds as part of the system.

However, remember that we all use the roads and go to the shopping malls, and we all have houses with driveways, therefore we are all using the stormwater drainage system throughout our area. This drain improvement project is an integral part of the stormwater system that was designed for your neighborhood. Approval of the construction of the Forest Creek Subdivisions was contingent, in part, upon this project being done.

The drain will be constructed properly, including proper grading in the channel so that water will not pond. We hope that the improved quality of the stream will mean that fish and other predators will be available to "remove" any bug larvae in the water and that stagnating conditions will be prevented. In addition, any wetland mitigation areas that have been filled and/or are missing will be restored as part of the drain improvement project.

The City has directed the OCDC to replant the park areas with native species that will create good wildlife habitat. We have also instructed the OCDC to use a wildflower/prairie seed mixture in the easement areas adjacent to the wetland mitigation areas that will be restored as part of this project. These native plants send their roots three feet or more into the clay soil and provide much better soil erosion control than a lawn grass, which has roots only 2 to 4 inches in depth. We encourage all of you to contact us if you would like the OCDC to add these plants and seeds to your section of the easement.

We would like for this project to go forward in a timely manner, now that the Drain Commissioner's office has begun the bidding process. We encourage all of you to remain involved and we will keep you informed of the progress as the project proceeds.

Enclosed is a letter from Steve Korth, OCDC. He was asked to provide additional information directly related to your concerns.

Please contact me if you have any additional questions or concerns.

Very truly yours,

Tracy Slintak

Tracy Slintak, CFM
Environmental Specialist

cc: Jeanne Stine, Mayor
Jeff Biegler, Superintendent of Parks
Mary Vanderlaan, Land and Water Management Division, MDEQ
Steve Korth, P.E., Project Engineer, OCDC

JAMES E. PORTER, P.E.
Chief Deputy Drain Commissioner
(248) 858-0981

GEORGE W. KUHN
OAKLAND COUNTY DRAIN COMMISSIONER
BUILDING 95 WEST
ONE PUBLIC WORKS DRIVE
WATERFORD MI 48328-1907
(248) 858-0958
FAX (248) 858-1066

WILLIAM E. KLOCKOW, P.E.
Deputy and Manager
Engineering & Construction
(248) 858-1094

DOUGLAS A. BUCHHOLZ, P.E.
Deputy and Manager
Operations & Maintenance
(248) 858-1119

July 14, 2000

Homeowners of Forest Creek Subdivisions Nos. 6 & 7
Troy, Michigan

Reference: **Sprague Drain Project**
Section 5, City of Troy

Dear Homeowners:

This correspondence is in response to your letter dated June 5, 2000 indicating your concerns regarding the proposed Sprague Drain improvement project. I have provided additional information in response to your concerns.

I wish to first clarify the basis of design for the proposed project. The Drain is designed to handle a 10 year rain event, not a 100 year rain event as stated in you letter. The proposed width of the Drain from top-of-bank to top-of-bank is 50 feet with a channel bottom of 20 feet wide. The proposed rock rip-rap (referenced as stone creek beds in your letter) will be located at the bends in the Drain to protect against erosion. This aspect of the design is required because severe erosion of the bends in the Drain is clearly evident at this time.

The retaining wall that is proposed as part of this project is not intended to minimize erosion challenges as stated in your letter. These walls are necessary to preserve the design capacity of the Drain within the current easement and at the same time maintain the existing wetland pond located on the south side of the Drain.

Your letter also references that the limits of this project do not extend upstream to Coolidge Road. The project is limited to the area that requires improvement to handle the storm water runoff from the Forest Creek No. 6 & 7 Subdivisions. This Drain improvement project was a requirement of your developer in order to accommodate the storm water flow from the subdivisions.

With regard to future improvements to the Drain, the two 60" diameter culverts under Coolidge Road do not restrict flow and are adequately sized to convey existing and future design flows. Any improvements to the Drain at Coolidge Road would not affect the Troy Outdoor Education Center as stated in your letter. The Drain extends north in a 72" diameter pipe along the west side of Coolidge Road, away from the education center.

To address your concern about stagnant water in the Drain due to a shallow water level, the improvements to the Drain require a slope on the channel to maintain the flow in the Drain. The removal of trees and shrubs from Firefighters Park will be limited to the area required to provide access for the contractor to construct the proposed improvements to the Drain. The 700 sq. ft. clear-cut area referenced in you letter translates into a 15 foot wide access path approximately 50 feet in length. In addition, the repair of disrupted areas within the easement of the Sprague Drain including brick patios and irrigation systems are included as part of the project.

The schedule for this work has not been determined. An 8" high pressure liquid petroleum pipeline crossing under the watercourse on park property must first be lowered. This work, not currently scheduled, will be performed by a separate contractor working for Sun Oil Company.

I hope that this response provides you with a better understanding of the proposed Drain improvement project.

Very truly yours,

OAKLAND COUNTY DRAIN COMMISSIONER

By: Steven A. Korth

Steven A. Korth, P.E.
Project Engineer

SAK/keg

cc: John P. McCulloch, Oakland County Commissioner

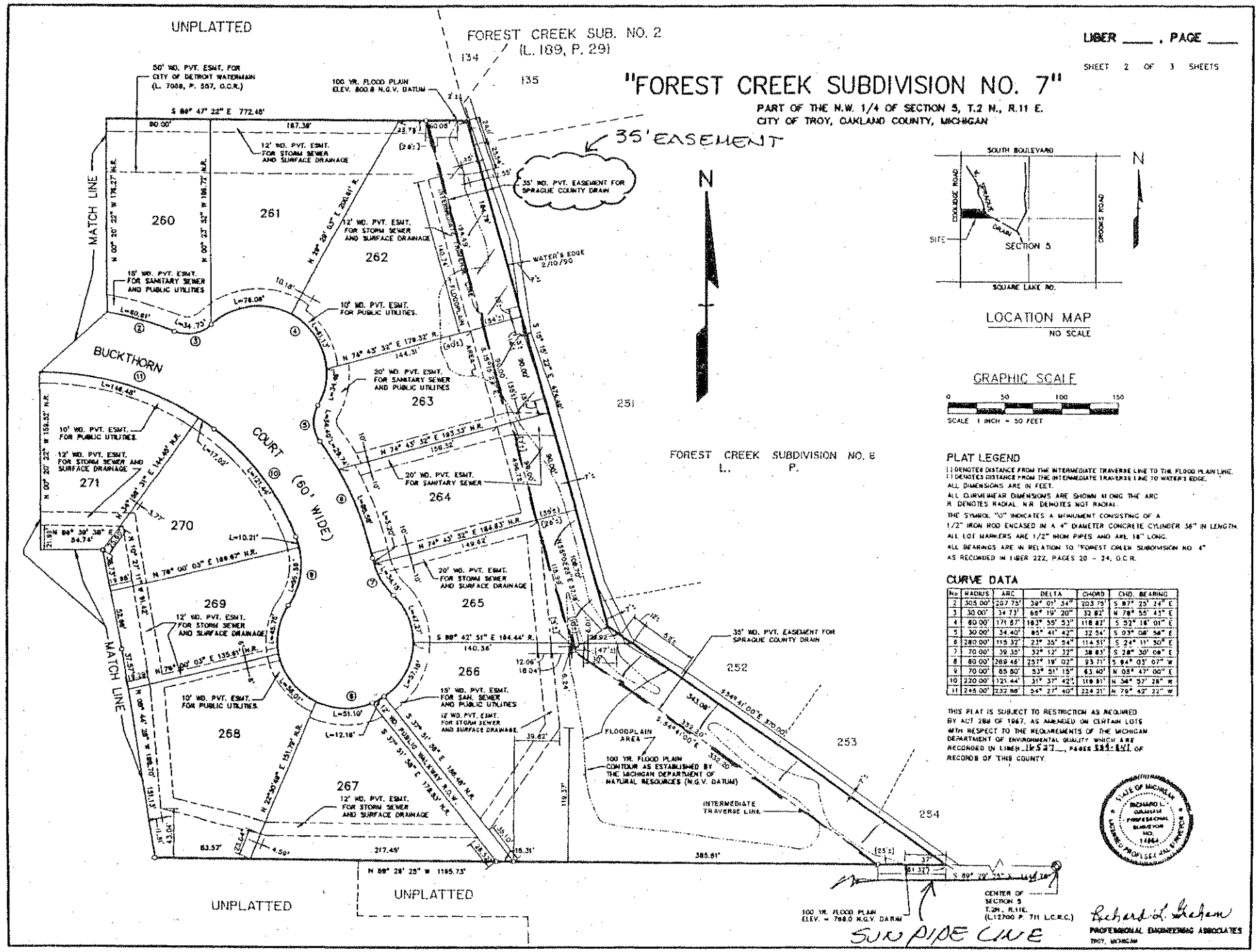
D:\Kathy's Files\Korth\Sprague Drain response.doc

LIBER ____ , PAGE ____

SHEET 2 OF 3 SHEETS

"FOREST CREEK SUBDIVISION NO. 7"

PART OF THE N.W. 1/4 OF SECTION 5, T.2 N., R.11 E.
CITY OF TROY, OAKLAND COUNTY, MICHIGAN



LOCATION MAP
NO SCALE

GRAPHIC SCALE

0 50 100 150

SCALE 1 INCH = 50 FEET

PLAT LEGEND

[ ] DENOTES DISTANCE FROM THE INTERMEDIATE TRAVERSE LINE TO THE FLOOD PLAIN LINE.
[ ] DENOTES DISTANCE FROM THE INTERMEDIATE TRAVERSE LINE TO WATER'S EDGE.
ALL DIMENSIONS ARE IN FEET.
ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC
R DENOTES RADIAL. N.R. DENOTES NOT RADIAL.
THE SYMBOL "O" INDICATES A MONUMENT CONSISTING OF A 1/2" IRON ROD ENCASED IN A 4" DIAMETER CONCRETE CYLINDER 36" IN LENGTH.
ALL LOT MARKERS ARE 1/2" IRON PIPES AND ARE 18" LONG.
ALL BEARINGS ARE IN RELATION TO "FOREST CREEK SUBDIVISION NO. 4" AS RECORDED IN LIBER 222, PAGES 20 - 24, O.C.R.

CURVE DATA

No.	RADIUS	ARC	DELTA	CHORD	CHD. BEARING
2	305.00'	207.75'	39° 01' 34"	203.75'	S 87° 23' 24" E
3	30.00'	34.73'	66° 19' 20"	32.82'	N 78° 55' 41" E
4	60.00'	171.87'	163° 55' 53"	118.82'	S 52° 18' 01" E
5	30.00'	34.40'	65° 41' 42"	32.54'	S 03° 08' 56" E
6	280.00'	115.32'	23° 35' 54"	114.51'	S 24° 11' 50" E
7	70.00'	39.35'	32° 12' 37"	38.83'	S 28° 30' 08" E
8	60.00'	269.46'	257° 19' 03"	93.71'	S 84° 03' 07" W
9	70.00'	85.80'	53° 51' 15"	63.40'	N 05° 47' 00" E
10	220.00'	121.44'	31° 37' 42"	119.91'	N 58° 57' 28" W
11	245.00'	232.88'	54° 27' 40"	224.21'	N 76° 42' 22" W

THIS PLAT IS SUBJECT TO RESTRICTION AS REQUIRED BY ACT 288 OF 1967, AS AMENDED ON CERTAIN LOTS WITH RESPECT TO THE REQUIREMENTS OF THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY WHICH ARE RECORDED IN LIBER 15527, PAGES 595-601 OF RECORDS OF THIS COUNTY.

STATE OF MICHIGAN
RICHARD L. GRAHAM
PROFESSIONAL SURVEYOR
NO. 14864
LICENSED PROFESSIONAL ENGINEER

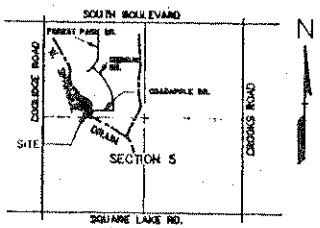
Richard L. Graham

PROFESSIONAL ENGINEERING ASSOCIATES
TROY, MICHIGAN

LIBER ____ , PAGE ____
SHEET 1 OF 2 SHEETS

"FOREST CREEK SUBDIVISION NO. 6"

PART OF THE N.W. 1/4 OF SECTION 5, T. 2 N., R. 11 E.
CITY OF TROY, OAKLAND COUNTY, MICHIGAN



LOCATION MAP
NO SCALE

GRAPHIC SCALE
0 50 100 150
SCALE 1 INCH = 50 FEET

PLAT LEGEND

ALL DIMENSIONS ARE IN FEET.
ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC.
R DENOTES RADIAL. N.R. DENOTES NOT RADIAL.
THE SYMBOL "O" INDICATES A MONUMENT CONSISTING OF A 1/2" IRON ROD ENCASED IN A 4" DIAMETER CONCRETE CYLINDER 36" IN LENGTH
ALL LOT MARKERS ARE 1/2" IRON PIPES AND ARE 18" LONG.
ALL BEARINGS ARE IN RELATION TO "FOREST CREEK SUBDIVISION NO 4" AS RECORDED IN LIBER 222, PAGES 20 – 24, O.C.R.

( ) DENOTES DISTANCE FROM INTERMEDIATE TRAVERSE LINE TO WATER'S EDGE.

[ ] DENOTES DISTANCE FROM INTERMEDIATE TRAVERSE LINE TO FLOOD PLAIN LINE

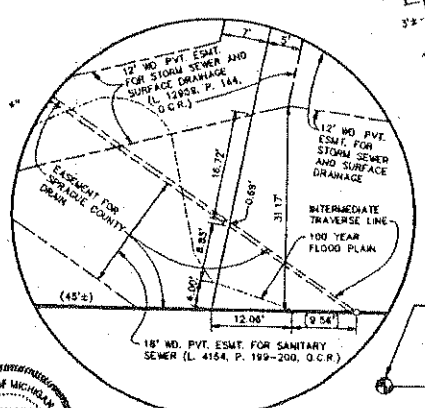
CURVE DATA

No.	RADIUS	ARC	DELTA	CHORD	CHD. BEARING
1	305.00'	206.83'	38° 52' 24"	202.99'	S 69° 51' 33" E
2	30.00'	19.34'	36° 56' 00"	19.01'	S 68° 53' 26" E
3	50.00'	228.98'	262° 16' 16"	75.32'	S 43° 48' 38" W
4	30.00'	24.97'	47° 41' 21"	24.24'	N 28° 55' 54" W
5	245.00'	158.16'	38° 31' 11"	155.53'	N 71° 02' 06" W

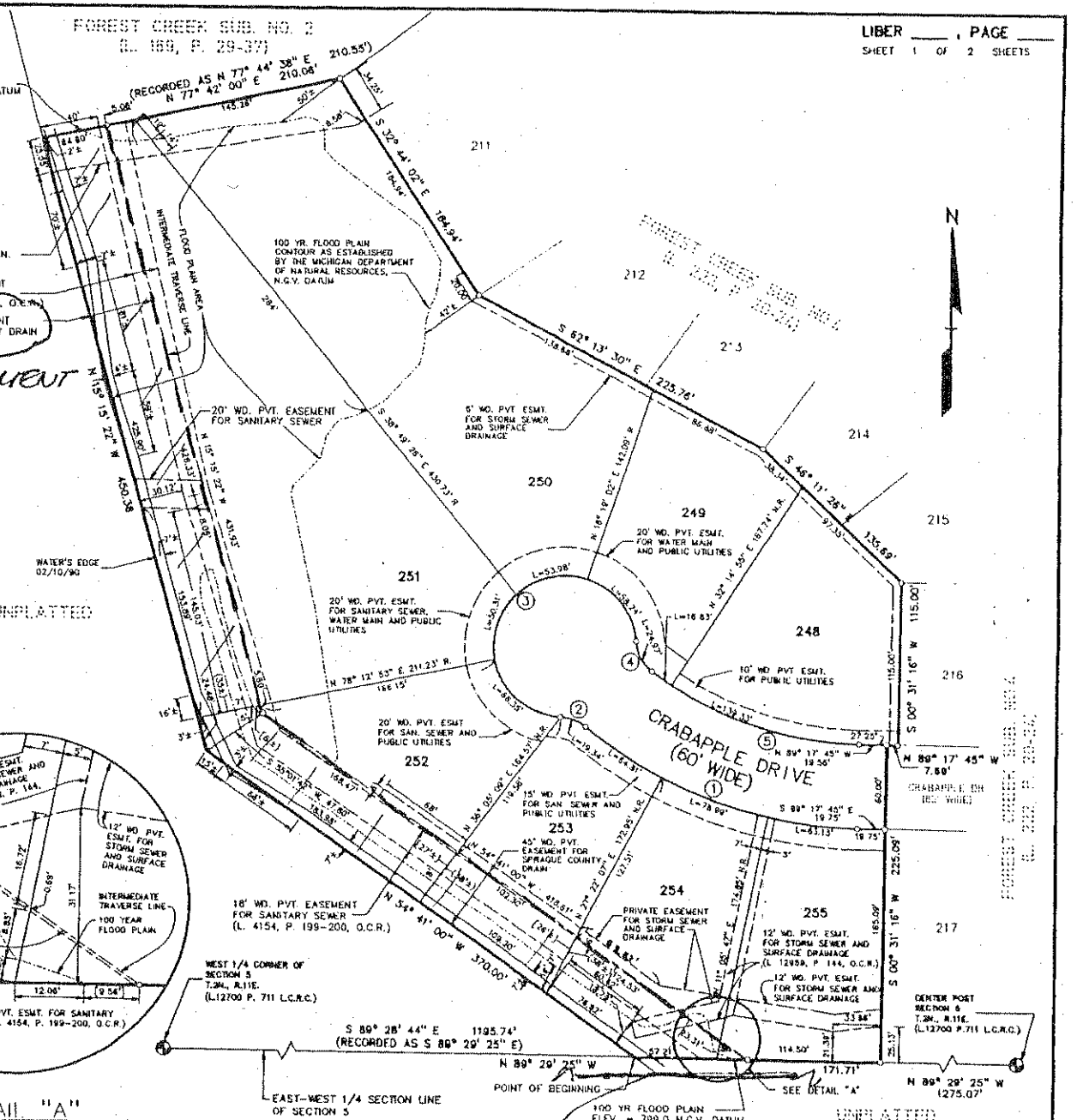
THIS PLAT IS SUBJECT TO RESTRICTION AS REQUIRED BY ACT 288 OF 1967, AS AMENDED ON CERTAIN LOTS, WITH RESPECT TO THE REQUIREMENTS OF THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, WHICH ARE RECORDED IN LIBER [illegible], PAGES [illegible] OF RECORDS OF THIS COUNTY.

STATE OF MICHIGAN
RICHARD L. GRAHAM
PROFESSIONAL SURVEYOR
NO. 14984
LICENSED PROFESSIONAL SURVEYOR

Richard L. Graham



DETAIL "A"



PROFESSIONAL ENGINEERING ASSOCIATES
TROY, MICHIGAN

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: Proposed Resident & Business Surveys

DATE: September 24, 2001

Beginning in 1998 and again in 2000, the City of Troy contracted a research firm to survey Troy residents and businesses. The goal is to gauge changing attitudes, behaviors and perceptions. Copies of summary findings of previous results are attached and the complete report and analysis is available for your review in the Community Affairs Department.

Funds are allocated in the 2001-02 Community Affairs budget. We are seeking Council's approval to continue this program with Market Measurement. Market Measurement has agreed to complete both surveys with no cost increase over that of 1999 ($45,000 for both citizen and business surveys).

Benefits to continued market research:

1. Operating the City of Troy "Like a Business" -
Market research helps evaluate and enhance customer satisfaction.

2. Studies provide highly specific information, as well as recommendations, regarding the strengths and opportunities for improvement within the City of Troy, in terms of maintaining a high level of customer satisfaction among employer groups and residents.

3. Frequency of Replicating Customer Satisfaction Research
Timing between surveys – Two years is, conceptually, likely to represent sufficient time for the actions put in place after the 1999 surveys to justify an evaluation of net changes in resident and business sentiment.

Timing of Year - It is important to replicate market research "tracking" studies during the same time of year. In essence, even if using an identical questionnaire and research methodology, net changes in study findings can vary simply as a function of studies being conducted during different times of the year (i.e., within the market research industry, this is referred to as "controlling for seasonality").

4. Regardless of the specific actions that result from customer satisfaction assessments, there is strong conceptual support for the likelihood that the City of Troy, administration, City Council, etc. will benefit from demonstrating a commitment to evaluating and responding to customer satisfaction issues among businesses and residents. In addition, the 1999 studies were characterized by relatively broad-based satisfaction with the City of Troy, which is also highly useful information to "play back to" the businesses and residents of this community.

5. Essential Information for Better Allocating Personnel and Financial Resources

   The 1999 business and resident satisfaction studies provided quality information that enabled administrators and City Council to establish guidelines for better allocating personnel and financial resources. This compares to a scenario in which resources are allocated on the basis of anecdotal information from the business and residential communities, "best guesses" of those controlling City of Troy resources, etc.

6. Promotional Tool

   The highly favorable sentiment expressed by businesses and residents of the City of Troy could directly translate into support for education and promotional efforts of the City to attract/retain employer groups and residents.

I. Executive Summary

A. Objective

To translate a highly accurate assessment of attitudes, behaviors and perceptions toward the City of Troy, among current residents, into specific recommendations for enhancing satisfaction with the City.

B. Method

This research is based upon a telephone survey conducted within a pure random sample of all City of Troy residents. Introductory questions in the questionnaire were used to confirm that information was collected only from those self-described as “head of household or spouse.” In total, 303 interviews were completed. The decision to use this relatively large sample size was based upon the desire for highly accurate data for the total population surveyed, as well as the importance associated with being able to analyze these data on the basis of attitudinal, behavioral and demographic groups.

All telephone interviewing was completed during January/February 2000. Statistics for the total sample will be accurate to within a range of plus or minus 5.8%.

C. Summary of Key Study Findings

This research suggests that City of Troy residents are often highly satisfied with this community, with emphasis upon schools, low crime rate/police, shopping/services, being well-maintained and having friendly people.

Although almost a third of all residents are unable to identify any criticisms/concerns, a similar proportion is openly critical of traffic congestion. The balance of opportunities to better serve the needs of City of Troy residents are heavily focused upon issues that could be viewed as "City-related” though these issues are distributed across a highly fragmented mix of topics (e.g., road maintenance, snow removal, garbage pick-up, leaf pick-up, responsive politicians, etc.).

City of Troy residents are typically interested in, and generally satisfied with, communication activities pursued by the City. In fact, overall satisfaction with the City is often closely related with attitudes toward communication. This research also highlights the significant opportunities to capitalize upon electronic information delivery and the substantial increase in the proportion of residents who are "very satisfied" with communication since the 8/98 Troy Resident Study.

Finally, this investigation provides compelling evidence that closing the Troy Daze Festival at 10:00 p.m. will have virtually no impact upon attendance, though this is strictly based upon attitudes and perceptions among those who are the head of household or spouse (i.e., this study finding may, or may not, be relevant for teenagers).

D. Key Study Statistics

TOPIC	STUDY DATA
1. Overall attitude toward City of Troy	
Very favorable	77%
Very/somewhat favorable	98%
2. Most attractive attributes of the City of Troy	
Convenience of location (unspecified)	31%
Good schools	25%
Low crime/police	24%
Shopping	21%
Well-maintained	15%
Friendliness	13%

TOPIC	STUDY DATA
3. Primary opportunities for improvement	
No concerns	31%
Traffic congestion	36%
Fast/uncontrolled growth	10%
High taxes	8%
4. Proportion “very satisfied” when rating:	
Library	83%
Police	83%
Fire Department	83%
Parks & Recreation	79%
Community EMS	79%
Troy Nature Center	73%
Safety and security in the City of Troy	73%
Waste removal	72%
Sylvan Glen Golf Course	67%
Troy Museum	63%
Aquatic Center	62%
Snow removal	58%
Road maintenance	51%
Traffic	9%

TOPIC	STUDY DATA
5. Proportion “very/somewhat satisfied” when rating:	
Fire Department	100%
Library	99%
Troy Nature Center	99%
Police	98%
Parks & Recreation	97%
Community EMS	97%
Waste removal	97%
Safety and security in the City of Troy	97%
Troy Museum	96%
Sylvan Glen Golf Course	95%
Aquatic Center	92%
Road maintenance	90%
Snow removal	89%
Traffic	35%

TOPIC	STUDY DATA
6. Importance of City of Troy keeping residents informed about services/activities:	
Very important	74%
Very/somewhat important	96%
7. Satisfaction with City of Troy Communication:	
Very satisfied	61%
Very/somewhat satisfied	95%
8. Sentiment toward *Troy Today:*	
Very favorable	53%
Very/somewhat favorable	95%
9. Cable TV:	
Familiar	51%
Watched one hour in past two months	23%
Aware of City Council broadcasts	45%
Watched City Council broadcasts	29%
10. Internet:	
Have personal access	68%
Visited Troy web site	13%
Receptive to visiting Troy web site and have access to the Internet	48%

TOPIC	STUDY DATA
11. CD-ROM:	
Have access	76%
Receptive to Troy CD-ROM	62%
11. Troy Daze Festival:	
Attended in past	46%
[Among past attendees] proportion who would continue to attend even if closed at 10:00 p.m.	92%
12. Proportion of property taxes allocated to City of Troy:	
Perceived (median)	37%
Actual	26%
13. Sentiment toward value received from property taxes (i.e., after being informed of 26%):	
Very favorable	42%
Very/somewhat favorable	85%

E. Recommendations

It is Market Measurement's philosophy that the primary, *if not only*, reason for conducting market research is to identify ways to better allocate limited personnel and financial resources. With that in mind, we make the following recommendations/observations:

1. Traffic should be viewed as the dominant concern among Troy residents. This issue may also explain comparatively low satisfaction ratings for road maintenance. In responding to this key area of resident concern, Market Measurement recommends strategies, such as:

   - Communication of the action plans already in-place to respond to traffic concerns.

   - Working closely with employers on programs, such as "coordinated" flex time scheduling.

   - Reviewing the "legitimacy" of resident and business concerns/criticisms regarding traffic lights/timing.

   - Improving road maintenance, which could translate into a higher level of satisfaction, fewer accidents, break-downs, etc.

   - Identify creative approaches to traffic management that have been pursued by other communities characterized by rapid growth.

2. Other than traffic, planning activities should reflect the fact that there is little evidence of any other popular areas of concern or criticism among City of Troy residents.

3. It should be assumed that, in addition to the pervasive level of concern regarding traffic, most issues undermining satisfaction with the City of Troy are, or could be, viewed as "controllable" by the City (i.e., as opposed to the less attractive alternative of "dissatisfiers" being issues out of the control of City Council, administrators, etc.). In addition to receiving somewhat lower ratings in the aided evaluation, snow removal and road maintenance should be viewed as comparatively greater areas of concern among those who are, on an overall basis, less that "very satisfied" with the City of Troy. Conceptually, this may serve as an additional incentive to consider directing additional resources to these two service functions.

4. Despite an overall high level of satisfaction with safety in the City of Troy and, specifically, the police, planning activities should reflect the fact that sentiment toward police is the topic for which there is the greatest variance between those who, on an overall basis, are "very favorable" toward the City of Troy, vs. those who are "less than very favorable." Unfortunately, this study highlighted little in the way of specific concerns or criticisms among those providing lower satisfaction ratings for police.

5. City Council, as well as administrators, should consider communication to be an integral element of the "services" delivered to Troy residents. In essence, this is perceived to be a valuable activity for the City to pursue and those less than highly satisfied with the City are also more likely to be critical of communication. Market Measurement strongly recommends that the City of Troy view electronic communication (i.e., both the Internet and CD-ROM) to be essential elements of the communication strategy directed at Troy residents.

6. While there may be some opportunities to improve satisfaction with communication, this should be viewed as a topic rarely criticized by City of Troy residents.

7. Market Measurement recommends that the issues outlined below be viewed as particularly important topics for City of Troy communication activities, primarily to make residents aware of activities and action plans in-place to respond to these issues (i.e., to create more favorable "perceptions" about these popular areas of concern):

   - Traffic (dominant concern among residents)

   - Safety and security in the City of Troy (issue characterized by the greatest variance in ratings when comparing those "very favorable", vs. less than "very favorable" toward the City of Troy, on an overall basis)

   - Good schools (to further reinforce highly favorable sentiment expressed toward this evaluation criterion, especially among younger residents)

   - Road maintenance (received the lowest ratings in the aided evaluation and may also be related to negative sentiment expressed toward traffic)

   - Snow removal (also a lower rated issue in the aided evaluation).

8. *Troy Today* should be viewed as a highly popular publication, with almost half of all residents reading "all" of "most", with this proportion increasing to three-quarters when including those who read at least "some".

9. Although some opportunities for improvement may exist, virtually all readers of *Troy Today* provide at least a "somewhat favorable" rating for this publication.

10. Among all City of Troy residents, more than one-in-four has watched a City Council meeting on local cable TV and almost half are at least aware that City Council meetings are broadcast on local cable TV. Might this serve as support for maintaining the policy of broadcasting City Council meetings?

11. The importance of continuing to view the Internet as a key communication medium is reinforced by the fact that two-thirds of all residents have access to the Internet for personal use and well over half have either accessed the City of Troy web site or demonstrate receptivity to using this information resource. Market Measurement submits that capitalizing upon this opportunity will require awareness-generating activities for the Troy web site and confirmation that the content of the web site is consistent with the needs and expectations of Troy resident. Obviously, the latter activity should be pursued before initiating aggressive promotion of the web site. Also essential is the speed and overall ease-of-use of the web site. Research conducted by Market Measurement consistently reveals that visitors to web sites are becoming a highly "critical audience", that will quickly abandon a web site that does not respond well to these evaluation issues. In fact, once alienated, it can be extremely difficult to recapture these potential web site users.

12. CD-ROM should also be viewed as a key element of the communication mix used by the City of Troy. For example, over three-quarters have access to CD-ROM equipment, with almost two-thirds receptive to using a City of Troy CD-ROM. As with an Internet site a high return-on-investment is likely to require careful consideration of CD-ROM content and ease-of-use features.

13. It can be safely assumed that a closing time of 10:00 P.M. will have only a minimal impact upon attendance at the Troy Daze Festival. Nevertheless, it is also important to note that this recommendation is based strictly upon the attitudes expressed by the "head of household or spouse", and may not reflect sentiment among teenagers.

14. Based upon the solicitation of suggested additions to the Troy Daze Festival, Market Measurement recommends that it be viewed as unlikely that there are any significant opportunities to better serve attendee needs (i.e., most past attendees could provide no suggested additions and the balance identified a highly fragmented list of suggestions).

15. Troy residents, on average, have a fairly accurate perception about the proportion of their property taxes allocated to the City of Troy to provide services. Specifically, the median estimate among Troy residents is 37%, only slightly higher than the actual of 26%. This compares with a dramatically higher "guesstimate" among businesses (i.e., median – 62%). Even though Troy residents maintain a fairly accurate assessment of the proportion of property taxes received by the City of Troy, this research also suggests that it would be useful to promote the actual statistic, as virtually all Troy residents are either "very favorable" or at least "somewhat favorable" when obtaining this information.

16. Market Measurement strongly recommends that the highly favorable ratings provided for residents be shared with City of Troy employees (e.g., police, fire, library, Parks & Recreation, etc.). This recommendation would also be relevant to community EMS.

17. Finally, when compared to statistics obtained during the Troy Resident Survey conducted in August 1998, it should be assumed that satisfaction with the City of Troy's efforts to keep residents informed about services and activities has improved substantially (i.e., 41% - "very satisfied," vs. 61%, today).

I. Executive Summary

A. Objective

To translate a highly accurate assessment of attitudes, perceptions and behaviors among businesses in the City of Troy into specific recommendations for enhancing satisfaction among business owners and operators.

B. Method

This research is based upon a pure random sample of all manufacturing, service and retail businesses located in the City of Troy. Market Measurement completed a total of 300 interviews with representatives of Troy businesses. In all cases, Market Measurement executive interviewers attempted to collect information from business owners, senior management personnel or those representing the human resources function. Ultimately, over three-quarters (80%) of all interviews were completed with senior level business representatives with titles, such as Owner, President, CEO, Principal, etc.

The study findings in this analysis report are based upon interviews completed during January/February 2000. Statistics for the total sample are accurate to within a range of plus or minus 5.8%.

Finally, it is important to note that Market Measurement established a quota of 100 interviews each for retail, manufacturing and service firms. This element of the study design was based upon the importance associated with being able to compare and contrast sentiment across these three business types. In reality, the actual proportion of Troy businesses in each of these categories is (based upon Dun & Bradstreet data):

- Service (54%)
- Retail (26%)
- Manufacturing (20%).

Because of the significant variances in the actual proportion of businesses in each of these three classifications, Market Measurement used a widely accepted market research technique referred to as "data weighting". This process ensures that, when all study data are combined, service firms, for example, actually have an impact, or weight, on the data as if slightly more than half of the interviews had been completed within this constituency.

The use of data weighting enables Market Measurement to develop highly accurate data for manufacturing, vs. service, vs. retail firms, *without inappropriately distorting the "projectability" of the data when combining information for these three constituencies.*

C. Key Study Findings

Although virtually all businesses with operations in the City of Troy are at least "somewhat satisfied" with this community, ratings are somewhat lower for business, vs. residential constituencies. For businesses, the dominant attractive attribute of the City of Troy is location, with emphasis upon high customer traffic, being "centralized" in the region, prestige and being an area of rapid growth. In addition, a relatively high proportion of business representatives suggest that they, themselves, live in this community (21%), with many also highlighting the friendliness of people in this community (17%), highway accessibility (15%) and accessibility to many businesses (13%).

As with Troy residents, the dominant criticism/concern is traffic, followed by a highly fragmented list of issues that are, for the most part, "controllable" by City of Troy government. In responding to traffic problems, it is encouraging to note that almost three-quarters of these businesses currently offer flex time opportunities to employees which, if carefully coordinated, could significantly reduce traffic problems. In the aided assessment of specific evaluation criteria, business decision-makers are most likely to be critical of traffic flow and availability of public transportation.

Troy businesses generally associate a high or moderate level of importance with receiving communication from the City. They also highlight a measurable level of untapped opportunities to better serve their needs for communication, as nearly one-in-four are less than "somewhat satisfied" with the communication they receive now.

In contrast to the fairly accurate perceptions among City of Troy residents, businesses have a highly inflated perception regarding the proportion of property taxes allocated to the City of Troy to provide services.

Finally, Troy businesses demonstrate a high level of access to Internet and CD-ROM technology, combined with fairly widespread interest in accessing information from the City of Troy through these electronic media.

D. Summary of Key Study Statistics

TOPIC	STUDY STATISTICS
1. Overall sentiment toward the City of Troy	
Very favorable	67%
Very/Somewhat favorable	96%
2. Motivations for operating a business in the City of Troy	
Good location (e.g., growth area, reputation, centralized, etc.)	60%
Study participant lives in Troy	21%
Friendliness	17%
Highway accessibility	15%
Access to many businesses	13%

TOPIC	STUDY STATISTICS
3. Criticisms/Concerns regarding City of Troy	
Traffic congestion	30%
Taxes	11%
City Management (especially zoning)	9%
Crime/Lack of security from police	5%
4. Proportion “very satisfied” with the City of Troy when considering:	
Library	92%
Parks & Recreation	87%
Fire Department	81%
Police	77%
Community Affairs	72%
Building Department	54%
Permit processes	50%
Zoning ordinances	50%
Public Works, such as water, sewers and road maintenance	44%
City Manager’s Office	44%
City planning	39%
Taxes, when considering the value provided	26%
Public transportation	22%
Labor pool available	19%
Traffic flow	10%

TOPIC	STUDY STATISTICS
5. Proportion “very” or “somewhat satisfied” with the City of Troy when considering:	
Library	99%
Community Affairs	98%
Parks & Recreation	97%
Police	96%
Fire Department	95%
City Manager’s Office	93%
Permit processes	90%
Building Department	89%
City planning	87%
Zoning ordinances	87%
Public Works, such as water, sewers and road maintenance	84%
Taxes, when considering the value provided	81%
Labor pool available	79%
Public transportation	66%
Traffic flow	49%
6. Importance of Troy communication	
Very important	57%
Very/Somewhat important	89%

TOPIC	STUDY STATISTICS
7. Satisfaction with Troy communication	
Very satisfied	41%
Very/Somewhat satisfied	77%
8. Primary sources of information about City of Troy	
Troy Today (including "City of Troy Newsletter")	32%
Troy Times	28%
Word-of-mouth	26%
Cable TV	26%
Somerset Gazette	24%
9. Internet:	
Currently have access	88%
Have visited Troy web site	6%
Receptive to visiting Troy web site	30%
Not sure (i.e., perhaps because of lack of familiarity with Troy web site)	35%
10. CD-ROM capabilities	
Have access	92%
Receptive to Troy CD-ROM	63%

TOPIC	STUDY STATISTICS
11. Currently offer employee programs/services to reduce traffic problems	4%
12. Flextime	
Currently offer to employees	72%
Would consider	2%
Would not consider	21%
13. Non-resident employee access to City of Troy parks, recreation, etc.	
Aware of this “employee benefit”	47%
[Among those aware] Rate this “very important”	48%
[Among those not aware] Rate this “very important”	25%
14. Proportion of property taxes used by City of Troy	
Perceived (median)	62%
Actual	26%
15. Sentiment toward actual proportion of property taxes used by City of Troy	
Very favorable	36%
Somewhat favorable	51%

E. Recommendations

Market research that provides a high return-on-investment is, in our opinion, that which can be easily translated into action plans to better allocate limited personnel and financial resources. With this in mind, Market Measurement submits the following suggestions for ways in which City Council and administrators can translate information into action plans:

1. Business opinion-leaders should be viewed as generally satisfied with the City of Troy, with little evidence of dissatisfaction. In essence, there does not appear to be any significant "crises" facing the City, with regard to sentiment within the business community.

2. As with residents, Troy businesses are most likely to be concerned about traffic congestion, with the balance of issues representing a highly fragmented mix of concerns/criticisms. In addition to communication activities designed to create awareness of initiatives already being pursued by the City of Troy, consideration could be devoted to the following types of action plans:

   - [As suggested by businesses] Review traffic lights/timing.

   - Repair roads to enhance satisfaction and reduce accidents, break-downs, etc.

   - Identify strategies pursued by other high growth areas to respond to traffic problems.

   - As noted later in the analysis, work with the high proportion of employers who already have in-place flex time work programs.

3. Although sentiment toward the City of Troy should be viewed as highly consistent across business types (i.e., manufacturing, service, retail) and size (i.e., based upon number of employees), satisfaction levels are somewhat lower than average for small employers (i.e., under five employees).

4. Large employer groups are the most likely to be critical of the labor pool available in the City of Troy, perhaps as a function of the challenges these firms face in attracting qualified employees. When considering all the attractive attributes of Troy, might it be useful for the City to consider initiatives designed to "match" employees with City of Troy businesses (e.g., perhaps using the Troy web site)?

5. It should be assumed that Troy businesses are usually highly satisfied with the library, Parks & Recreation, fire department, police and community affairs. Although rarely critical, it may be useful for the City to identify opportunities to enhance satisfaction with permit processes, zoning ordinances, the building department, public works and the City Manager's office. In making this recommendation, Market Measurement notes that these are topics that were typically *not addressed* in the unaided questions included in the survey, thus suggesting that these are rarely significant top-of-mind areas of concern for Troy businesses. Nevertheless, when specifically asked, these topics received a "very satisfied" rating by no more than half of all business representatives. To be fair, it might be difficult to ever imagine consistently high ratings for controversial issues, such as permit processes, zoning ordinances, etc. (i.e., virtually every decision will have proponents and opponents).

6. Again referencing the aided evaluation, beyond the highly criticized topic of traffic flow, public transportation is the lowest rated evaluation criterion, with one-third of all City of Troy business representatives suggesting that they are less than "somewhat satisfied" with these resources within the City. Market Measurement submits that this could easily translate into a recommendation to more aggressively pursue public transportation initiatives and, perhaps of equal importance, communicate to the business community efforts already underway.

7. Planning activities should reflect the fact that satisfaction with taxes paid is inversely related to business size. In essence, larger businesses are the least likely to be satisfied with the return-on-investment from their taxes, with almost one-third being, at best, "only slightly satisfied" among those with 25 or more employees. Might this translate into communication efforts directly targeted at these major employers, to demonstrate the value provided by the City of Troy (i.e., particularly when considering the highly inflated perception businesses have about the proportion of their property taxes allocated to the City of Troy)?

8. Slightly more than half of all Troy businesses consider it "very important" to be kept informed about City of Troy services, activities, etc. This proportion increases to virtually all businesses when considering those rating this topic at least "somewhat important." Conceptually, this should translate into ongoing support for resources devoted to communication activities. In fact, when considering opportunities for better serving businesses in the City of Troy, it could be argued that communication could directly influence some of the negative perceptions identified in this research (e.g., taxes, public transportation, "managing growth," etc.).

9. Although most businesses are at least "somewhat satisfied" with City of Troy communication efforts (i.e., over three-quarters), at least one-in-five is "dissatisfied." This could translate into a recommendation to develop a variety of "outreach" programs to identify the information needs of businesses to which the City could respond in both traditional/print and electronic media. Market Measurement also notes that there is compelling evidence that effective communication from the City of Troy will be related to, and perhaps influence, higher overall satisfaction ratings with the City of Troy among business opinion-leaders.

10. As with City of Troy residents, *Troy Today* is a relatively popular source of communication for Troy businesses. In essence, this information resource should be a key tool for addressing communication needs identified in this research. Market Measurement is also somewhat surprised at the high proportion who identified, on an unaided basis, cable TV as a source of information about the services and activities available through the City of Troy. Might this serve as reinforcement of the value of this communication medium within the mix of delivery mechanisms used by the City of Troy?

11. The high proportion of businesses with access to the Internet and/or CD-ROM (i.e., virtually all), combined with widespread interest in obtaining information from the Troy web site and/or CD-ROM, should directly translate into consideration of expanded resources being devoted to electronic communication.

12. As with recommendations associated with the Troy Resident Study, Market Measurement recommends a critical evaluation of the City of Troy web site, with regard to content, ease-of-use and speed, before responding to the study finding that few (6%) have actually visited the Troy web site. Businesses and consumers are highly sensitive to the "quality" of web sites and will quickly abandon a site that they view as slow, difficult to use, etc. Creating future interest in such a web site can also be undermined by an unfavorable initial experience.

13. There is a virtual absence of businesses that *perceive* that they offer programs that could reduce traffic, however, about three-quarters report offering employees flex time. Although likely to represent a challenging initiative, with the high proportion of businesses already offering employees flex time, might it be worth considering a City of Troy-sponsored program to coordinate these flex time programs to reduce traffic at specific locations, intersections, etc.? Obviously, these initiatives should begin with the largest employers, then focus upon smaller employers in close proximity to the major organizations that agree to participate.

14. There appears to be a significant opportunity to more aggressively promote the ability of employees, who are non-residents, to use City parks, recreation, libraries and other recreational opportunities. Market Measurement submits that no more than half of all employers are aware of this "amenity," though most view this as at least "somewhat important." Might this also represent an opportunity for large employers to be more successful in attracting employees to this region? This also should be an attractive candidate for more aggressive promotion to current/potential City of Troy businesses (i.e., to further reinforce generally favorable sentiment about locating a business in the City of Troy).

15. This study suggests that business opinion-leaders maintain a highly inflated perception regarding the proportion of their property taxes allocated to the City of Troy to provide services. For example, the median is more than double reality (i.e., 62%, vs. 26%). At a minimum, Market Measurement submits that this should be viewed as a key topic for future communication efforts, particularly when considering the mild level of support businesses provide for the return-on-investment associated with property taxes paid to the City of Troy. Nevertheless, to be candid, even when informed about the, often significant, variance between reality and perception, many businesses leaders remain only mildly supportive of the value provided for property taxes paid to the City of Troy. In essence, communication activities should not only focus upon the actual proportion of property taxes allocated to the City of Troy, but should also "remind" businesses about the highly diverse mix of services provided by the City, possibly with emphasis upon the quality of fire protection, police and other highly-rated services.