

CITY COUNCIL

AGENDA

October 15, 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 Robert Cholette – Troy Assembly of God **1**

ROLL CALL **1**

A-1 Minutes: Regular Meeting of October 1, 2001 and Special Meetings of October 9, 2001 1

CARRY-OVER ITEMS **1**

B-1 Special Event Request – Carried Over from Regular City Council Meeting of Monday, October 1, 2001 1

POSTPONED ITEMS **2**

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E-3 Oakland Intermediate Schools Millage Levy 3

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.

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CALL TO ORDER

Invocation & Pledge Of Allegiance – Pastor Robert Cholette – Troy Assembly of God

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 October 1, 2001 and Special Meetings of October 9, 2001

Suggested Resolution

Resolution #2001-10-

Moved by

Seconded by

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of October 1, 2001; the Minutes of the 7:30 PM Special Meeting of October 9, 2001, and the Minutes of the 8:30 PM Special Meeting of October 9, 2001 be approved.

Yes:

No:

CARRY-OVER ITEMS

B-1 Special Event Request – Carried Over from Regular City Council Meeting of Monday, October 1, 2001

Suggested Resolution

Resolution #2001-04-

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:

POSTPONED ITEMS

D-1 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:

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 Authorization to Participate in Troy School District's Auction

Suggested Resolution

Resolution #2001-10-

RESOLVED, That authorization is hereby granted to participate in the Troy School District's auction to sell out-of-service equipment at the Big Beaver School using the City of Troy's awarded auctioneer, Mid-Thumb Auctioneers SVC LLC (Resolution #2001-03-160-E-9).

E-3 Oakland Intermediate Schools Millage Levy

Suggested Resolution

Resolution #2001-10-

WHEREAS, The voters in the Oakland Intermediate Schools approved an additional operating levy of 1.3983 mills on September 25, 2001; and

WHEREAS, The Oakland Intermediate Schools has requested that the City of Troy collect this levy on the December 2001 tax bill; and

WHEREAS, The City of Troy has, at the request of the Oakland Intermediate Schools, collected all of the Oakland Intermediate Schools levies on the July tax billing prior to this request.

THEREFORE, BE IT RESOLVED, That the City of Troy will collect the additional 1.3983 operating millage levy of the Oakland Intermediate Schools, on the December 2001 tax bill; and

BE IT FINALLY RESOLVED, That the City of Troy will collect all of the Oakland Intermediate Schools millages on the July tax billing beginning with the July 2002 levy.

E-4 Warren Consolidated Schools Debt Levy

Suggested Resolution

Resolution #2001-10-

WHEREAS, The voters in the Warren Consolidated School District approved an additional debt levy of 1.25 mills on September 24, 2001; and

WHEREAS, The Warren Consolidated School District has requested that the City of Troy collect this levy on the December 2001 tax bill; and

WHEREAS, The City of Troy has, at the request of the Warren Consolidated School District, collected all of the Warren Consolidated School District levies on the July tax billing, prior to this request.

THEREFORE, BE IT RESOLVED, That the City of Troy will collect the additional 1.25 debt millage levy of the Warren Consolidated School District on the December 2001 tax bill; and

BE IT FINALLY RESOLVED, That the City of Troy will collect all of the Warren Consolidated School District millages on the July tax billing beginning with the July 2002 levy.

E-5 Approval of Contract with MDOT for the Traffic Signal Modernization Work at the Intersection of Crooks and Kirts, Contract 01-9, Project No. 00.107.5

Suggested Resolution

Resolution #2001-10-

RESOLVED, That the contract between the Michigan Department of Transportation and the City of Troy for the Traffic Signal Modernization at the Intersection of Crooks and Kirts, Project No. 00.107.5, is hereby approved and the Mayor and City Clerk are authorized the agreement.

E-6 Private Agreement for Boulder Office Building – 1080 Kirts – Project No. 01.904.3Suggested Resolution

Resolution #2001-10-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Troy Center Office L.L. C., is hereby approved for the installation of water main, storm sewer and paving at 1080 Kirts, 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 SMART Dial-a-Ride Service AgreementSuggested Resolution

Resolution #2001-10-

RESOLVED, That the request that the City transfer Municipal Credit funds in the amount of \$76,084 and Community Credit funds in the amount of \$60,066.00 to SMART for the operation of Dial-a-Ride is hereby approved and the Mayor and City Clerk are authorized to execute the documents and copies shall be attached to the original Minutes of this meeting.

E-8 Employment Agreement – City AttorneySuggested Resolution

Resolution #2001-10-

WHEREAS, The City Council and Lori Grigg Bluhm have agreed to the terms and conditions of employment of the City Attorney.

NOW, THEREFORE, BE IT RESOLVED, That the Employment Agreement between the City of Troy and Lori Grigg Bluhm, dated October 15, 2001, is hereby approved, and the Mayor and City Clerk are authorized and directed to execute said document on behalf of the City of Troy, a copy of which shall be attached to the original Minutes of this meeting.

E-9 Standard Purchasing Resolution 3: Exercise Renewal Option for National Cooperative Purchasing Program (NACo) with Graybar & Grainger – Industrial/Commercial Products, Equipment, Supplies and Related ServicesSuggested Resolution

Resolution #2001-10-

WHEREAS, On April 9, 2001, three 3-year contracts to provide Industrial/Commercial Products, Equipment, Supplies and Related Services to the City of Troy and participating Tri-County Purchasing Cooperative Members from the best value bidders, Graybar Electric Company and Grainger Industrial Supply were approved through a “piggyback” addendum with Los Angeles County and the National Cooperative Purchasing Program Contract #57128/57141 (Resolution #2001-04-188-E-7); and

WHEREAS, Both awarded bidders have agreed to exercise the first of two 1-year renewal options and NACo has approved the renewals under the same prices, terms and conditions and has extended both contracts through the National Cooperative Purchasing Program (NACo);

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contracts are hereby exercised with Graybar and Grainger through the National Cooperative Purchasing Program (NACo) to provide Industrial/Commercial Products, Equipment, Supplies and Related Services under the same contract prices, terms, and conditions expiring September 30, 2002.

E-10 Request for Temporary Trailers – Acura of Troy – 1828 MaplelawnSuggested Resolution

Resolution #2001-10-

RESOLVED, That the request from Mike Savoie, President of Acura of Troy, to place two office trailers serving the existing dealership at 1828 Maplelawn on the site of the existing building at 1900 W. Maple to be used for temporary office space is hereby approved for a period not to exceed 7-months, in accordance with Chapter 47, House Trailers and Trailer Courts, Section 6.41 (2), of the Code of the City of Troy.

E-11 Resolution to Authorize Issuance and Authentication of Replacement Bonds – 1995 Michigan Transportation Fund BondsSuggested Resolution

Resolution #2001-10-

WHEREAS, The City Council of the City of Troy has previously authorized the issuance, sale and delivery of bonds designated the 1995 MICHIGAN TRANSPORTATION FUND BONDS in the original principal amount of \$3,125,000.00; (the “Bonds”); and

WHEREAS, The Bonds were issued and executed in the name of the City with the facsimile signatures of the Mayor and the City Clerk and bearing the actual or facsimile of the City seal and, upon authentication by an authorized signatory of Michigan National Bank as the transfer agent and paying agent for the Bonds (the “Paying Agent”), were delivered to the purchasers thereof upon payment of the purchase price; and

WHEREAS, Hazel Kennedy Kaiser T/U/A dated 2/24/86, as the registered owner of Bond Certificate Number 153 in the principal amount of \$10,000.00, maturing on November 1, 2008 (the “Registered Owner”) has delivered proof of ownership of said bond (the “Proof of Ownership”), proof of loss, destruction or wrongful taking of said bond certificate (the “Affidavit of Loss”) and an open penalty bond of indemnity indemnifying the City and the Paying Agent against any loss they may suffer on account of issuance and delivery of the replacement obligation (the “Indemnity Bond”), all as required under Act 354, Public Acts of Michigan, 1972, as amended, MCLA 129.131 et seq (the “Act”); and

WHEREAS, The Paying Agent has requested the City to review the Proof of Ownership, Affidavit of Loss and Indemnity Bond and, pursuant to the Act, to authorize, by resolution of this governing body, the issuance and delivery of a replacement obligation; and

WHEREAS, The City has reviewed the above described Proof of Ownership, Affidavit of Loss and Indemnity Bond and has determined the foregoing to comply with the requirements under the Act and wishes to authorize the issuance and delivery of a replacement obligation by the Paying Agent upon payment by the Registered Owner of all costs of preparation of the replacement obligation and all other costs incurred by the City and the fees, costs and expenses of the Paying Agent in connection with the issuance and delivery of the replacement obligation; and

WHEREAS, Pursuant to the provisions of subsection (2) of Section 2 of the Act, the City wishes to further authorize the Paying Agent to exercise, on behalf of the City Council, the powers granted thereto under subsection (1) of the Act as hereinafter provided.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The City Council, having received and reviewed the Proof of Ownership, Affidavit of Loss and Indemnity Bond as required under the Act, hereby authorizes the Transfer Agent to authenticate and deliver, in lieu of Bond Certificate Number 153, a Bond of the same form and tenor and secured in the same manner as the Bond in substitution for which such Bond is delivered, to the Registered Owner thereof, upon payment by the Registered Owner of all costs of preparation of the replacement Bond and all other costs incurred by the City, and the fees, costs and expenses of the Paying Agent in connection with the issuance and delivery of the replacement Bond.
2. Pursuant to the provisions of subsection (2) of Section 2 of the Act, upon prior statutory notification to the Assistant City Manager/Finance on behalf of the City, the City further authorizes the Paying Agent to issue and deliver replacement Bonds for any unmatured Bond, or for payment without presentation of a matured Bond, that has been lost, apparently destroyed, or wrongfully taken, when furnished with all of the documentation required under subsection 1 of Section 2 of the Act, provided that the Paying Agent shall also notify this governing body of its exercise of the powers herein granted within 30 days after the exercise of such powers as required by the Act.
3. The City Manager or the Assistant City Manager/Finance are hereby authorized to take all further necessary steps to carry out the provisions of this resolution.
4. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

E-12 Abandonment of Unuseable Water Main Easements and Acceptance of Replacement Water Main Easement at 1815 and 1819 Maplelawn, Sidwell #88-20-29-426-047Suggested Resolution

Resolution #2001-10-

RESOLVED, That the City of Troy hereby abandons the two water main easements described in the attached exhibit, with description "A" being recorded in Liber 10437, page 777, and description "B" being an unresolved easement, both being a part of property having Sidwell #88-20-29-426-047, commonly known as 1815 and 1819 Maplelawn; and

BE IT FURTHER RESOLVED, That the replacement water main easement from Elder Land Development Company, being a part of property having Sidwell #88-20-29-426-047, commonly known as 1815 and 1819 Maplelawn is hereby accepted for public water main purposes; and

BE IT FURTHER RESOLVED, That 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-13 Interest Payment on Agreed Compensation for Livernois Parcel #8E, Sidwell #88-20-15-352-005 – Project #95.201.5, Owner – Robert Leach EstateSuggested Resolution

Resolution #2001-10-

RESOLVED, That the interest payment of \$588.76 is necessary to settle and close parcel #8E, Livernois Improvement Project, Sidwell #88-20-15-352-005, be paid to the Robert Leach Estate.

E-14 Voice and Data Communication Upgrades and Contract ExtensionsSuggested Resolution

Resolution #2001-10-

WHEREAS, In 1996, City Council awarded a contract for telephone equipment and service to Lucent Technologies as a result of a Request for Proposal process (Resolution #96-691); and

WHEREAS, Upgrading the current system to incorporate new technology currently available will initially provide voice service to the new Nature Center and Police/Fire Training Facility, but can be expanded to other administrative buildings.

NOW, THEREFORE, BE IT RESOLVED, That adding these changes to the current telephone lease with Avaya (Formerly Lucent Technologies) is hereby approved resulting in improvements to the current system as outlined in a memorandum from the Information Technology Director dated October 9, 2001, in an estimated amount of \$1,130.00 per month; and

BE IT FURTHER RESOLVED, That the City Manager is authorized to execute contracts with Ameritech for communication service as outlined in Council Memorandum dated October 9, 2001, in the estimated amount of \$34,467.00 for three years plus a one time cost of \$1,350.00; and

BE IT FINALLY RESOLVED, That communications equipment be purchased from EDS on the State of Michigan Extended Purchasing Contract in the estimated amount of \$37,550.00 to provide voice and data communication to remote sites as outlined in the Council Memorandum dated October 9, 2001.

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) Downtown Development Authority; (d) Historical Commission; (e) Liquor Committee; (f) Parks and Recreation Committee; (g) Traffic Committee; and (h) 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) Downtown Development Authority Mayor, Council Approval

_____ Term Expires 09-30-2005

_____ Term Expires 09-30-2005

_____ Term Expires 09-30-2005

(d) Historical Commission Council Appointment

_____ Student Rep Term Expires 07-01-2002

_____ Term Expires 07-01-2004

(e) Liquor Committee Council Appointment

_____ Student Rep Term Expires 07-01-2002

(f) Parks and Recreation Committee Council Appointment

_____ Term Expires 09-30-2004

_____ Term Expires 09-30-2004

(g) Traffic Committee Council Appointment

_____ Student Rep Term Expires 07-01-2002

(h) Troy Daze Committee Council Appointment

_____ Student Rep Term Expires 07-01-2002

Yes:

No:

F-2 Closed Session – No Session Required

Suggested Resolution

Resolution #2001-10-

Moved by

Seconded by

RESOLVED, That the City Council of the City of Troy shall meet in Closed Session as permitted by State Statute MCLA 15.268, Sections _____, after adjournment of this meeting.

Yes:

No:

F-3 “Urban Density” Residential DevelopmentSuggested Resolution

Resolution #2001-10-

Moved by

Seconded by

WHEREAS, The City desires to diversify its housing stock to include more affordable attached condominiums and provide for alternatives to additional office or commercial development.

RESOLVED, That Troy City Council direct staff to develop ordinance amendments to permit greater density for residential units along certain major roads and adjacent to non-residential development.

Yes:

No:

F-4 Troy Daze Amusement Vendor ContractSuggested Resolution

Resolution #2001-10-

Moved by

Seconded by

WHEREAS, The original term of the contract to provide amusement rides for the Troy Daze/Magic of Fall Festival was for the years 2001, 2002, and 2003; and

WHEREAS, Due to unusual circumstances, the Troy Daze/Magic of Fall Festival was cancelled for 2001.

BE IT THEREFORE RESOLVED, That the three (3)-year term of the contract with Arnolds Amusements to provide amusement rides for the Troy Daze/Magic of Fall Festival be amended to 2002, 2003, and 2004.

Yes:

No:

F-5 Amendment of Chapter 106Suggested Resolution

Resolution #2001-10-

Moved by

Seconded by

RESOLVED, That an ordinance amendment to Chapter 106, Section 5, is hereby adopted as recommended by the City Attorney. A copy of this ordinance shall be attached to the original Minutes of this meeting.

Yes:

No:

F-6 Addendum No. 1 to Long Lake Road Design Services Agreement for Storm Drain Outlet Design, Long Lake Road Reconstruction, Carnaby to Dequindre, Projects: 92.203.5, 94.203.5Suggested Resolution

Resolution #2001-10-

Moved by

Seconded by

WHEREAS, The selection of Hubbell, Roth & Clark, Inc. was in accordance with the Michigan Department of Transportation Consultant Selection Process for Preliminary Engineering for the Long Lake Road Project Storm Outlet Design, Project Nos. 92.203.5/94.203.5; and

WHEREAS, A Preliminary Engineering Agreement was approved by resolution #200-206-E-10 for Hubbell, Roth & Clark, Inc. to provide preliminary road engineering and route selection study for the storm sewer outlet for the Long Lake Road project; and

WHEREAS, City Staff has selected a design alternate and route for the storm sewer outlet.

BE IT RESOLVED, That Addendum No. 1 to the Preliminary Engineering Agreement between Hubbell, Roth & Clark, Inc. and the City of Troy for preliminary road engineering for Long Lake Road, Project No. 92.203.5/94.203.5, be approved for Storm Sewer Outlet Design at an estimated cost to the City of Troy not to exceed \$48,800.00 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.

Yes:

No:

F-7 Request for Study Sessions on October 22 and November 26, 2001; 7:30 PM in Lower Level Conference Room of City HallSuggested Resolution

Resolution #2001-10-

Moved by

Seconded by

RESOLVED, That a Study Session be held on October 22, 2001 at 7:30 PM in the Lower Level Conference Room of City Hall to discuss the following topics:

- 1) Fee Structure for Community Center
- 2) Request for Proposals for Economic Feasibility of Conference Center and Hotel at Civic Center Site. An alternative for housing will also be requested.
- 3) Entrance and Site Improvements to Police/Fire Addition/Renovation at City Hall; and

BE IT FURTHER RESOLVED, That a Study Session also be held on November 26, 2001 at 7:30 PM in the Lower Level Conference Room of City Hall to discuss the City of Troy's Goals and Objectives.

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) Recognition of Dennis C. Drury – Troy's Distinguished Citizen for 2001

Yes:

No:

G-2 Minutes – Boards and Committees:

- a) Historic District Commission/Cancelled – May 15, 2001
- b) Planning Commission-Special Study Session/Final – June 26, 2001
- c) Planning Commission/Final – July 10, 2001
- d) Municipal Building Authority/Final – July 31, 2001
- e) Planning Commission/Final – August 14, 2001
- f) Troy Daze/Final – August 28, 2001
- g) Advisory Committee for Persons with Disabilities/Final – September 5, 2001
- h) Building Code Board of Appeals/Final – September 5, 2001
- i) Troy Daze/Draft – September 5, 2001
- j) Liquor Advisory Committee/Final – September 10, 2001
- k) Board of Zoning Appeals/Draft – September 18, 2001
- l) Historic District Commission/Draft - September 18, 2001
- m) Traffic Committee/Cancelled – September 19, 2001
- n) Brownfield Redevelopment Authority/Draft – September 27, 2001
- o) Municipal Building Authority/Draft – October 3, 2001
- p) Liquor Advisory Committee/Draft – October 8, 2001

G-3 Department Reports:

G-4 Announcement of Public Hearings:

- a) Proposed Rezoning – Proposed Fountain Park Condominiums, East Side of Rochester and North of Wattles, Section 14, R-1C to R-1T (Z-672) – Scheduled for November 5, 2001 Regular City Council Meeting

G-5 Proposed Proclamations/Resolutions from Other Organizations:

- a) Proclamation from the City of Huntington Woods, Michigan Honoring the United States of America
 - b) Proclamation from the City of Berkley Condemning the Act of War Perpetrated Against America on September 11, 2001
-

G-6 Letters of Appreciation:

- a) Letter from Theodore R. Gibson – Oakland County – Community Corrections Division – to Chief Charles Craft Thanking the Department for Assisting Their Investigator Mary Falls.
 - b) E-Mail from Robert M. Schultz to William R. Need Thanking His Staff for Their Excellent Citizen's Academy Presentation
 - c) Letter from Joan C. Feldman to Steven J. Vandette Re: Simone Contracting in Appreciation of Their Clean-up Help
 - d) Letter from Jeanne Graves to Tim Richnak Thanking Him for His Personal Assistance With Their Drainage Problem.
 - e) E-mail Re: Telephone Call Received From a Resident at 5621 Houghten Complimenting Dominic Mauro's Behavior When He Changed Her Meter.
 - f) E-Mail From David Flanagan Thanking John Abraham For His Response Regarding His Questions About The Turn Lane on Crooks Road
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G-7 Calendar

G-8 Memo from John Szerlag and Chief Charles Craft To City Council Re: Liquor Compliance Testing

G-9 Memo from John Szerlag and Chief Charles Craft To City Council Re: Troy Police Department 50th Anniversary

G-10 Memo from John Szerlag to City Council Re: Proposed Revision to Chapter 78 Allowing Subdivision Signs in Right-of-Way

G-11 Memo from John Szerlag, Gary Shripka, and Steven J. Vandette to City Council Re: I-75, Crooks & Long Lake Roads Interchange Project Scope Verification Meeting

G-12 Status of Single Family Lot Development Request from Mr. Michael Kochanski for Lot 201-15-376-025

G-13 Request from Jack Stine for Exception to City Design Standard for Drive Approaches, Section 20 Water Main Project

G-14 Permanent Absent Voters

Respectfully submitted,

John Szerlag, City Manager

A Regular Meeting of the Troy City Council was held Monday, October 1, 2001, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 7:33 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Pastor Dan Lewis – Troy Christian Chapel and the Pledge of Allegiance to the Flag was given.

ROLL CALL

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

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

Resolution #2001-10-478
Moved by Pallotta
Seconded by Kaszubski

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: All-7

A-2 Presentations: 1) Proclamation of Appreciation Presented to Troy Firefighters: Steve Gerard, Dustin Lockard, Jay Reynolds IV, Jack Spreyer, Ali Taqui, Thomas VanSimaey 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 (Unable to attend); 5) Introduction of Lucy Lu – Proposed Student Representative for the Parks & Recreation Committee; 6) National Fire Prevention Week – October 17-13, 2001

Mayor Davies of the City of Bloomfield Hills gave a presentation praising the public safety officers from Bloomfield Hills and the firefighters from the City of Troy, for assisting the New York Fire Department after the tragic events that took place on September 11, 2001 in New York City.

Mayor Pryor presented a Proclamation of Appreciation on behalf of the City of Troy to the public safety officers and firefighters, who assisted the City of New York.

Mayor Pryor presented a Service Commendation to David Drouillard.

Mayor Pryor presented a Proclamation of Appreciation to Harriet Barnard.

PUBLIC HEARING

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

Resolution #2001-10-479

Moved by Pallotta

Seconded by Kaszubski

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 a 90-day period provided that 8 evergreen trees, 6-7 feet in height, be planted and that the vehicles be parked on the driveway in front of the garage, south of the house and behind the front line of the house, as proposed by the petitioner and indicated on the attached drawing, a copy of which shall be attached to the original Minutes of this meeting.

Yes: Beltramini, Howrylak, Kaszubski, Lambert, Pallotta, Pryor

No: Schilling

VISITOR COMMENTS

Mayor Pryor introduced Lucy Lu as the proposed student representative for the Parks and Recreation Committee.

Mayor Pryor advised that Roy Fiore was unable to attend tonight's meeting because he was recently hospitalized.

CONSENT AGENDA

E-1 Approval of Consent Agenda

Resolution #2001-10-480

Moved by Pallotta

Seconded by Schilling

RESOLVED, That all items as presented on the Consent Agenda are hereby approved as presented with the exception of Items E-10 and E-11, which shall be considered after Consent Agenda E items, as printed.

Yes: All-7

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

Resolution #2001-10-480-E-2

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]

Resolution #2001-10-480-E-3

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**(a) License Transfer**

Resolution #2001-10-480-E-4 (a)

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.

(b) Approval of Agreement

Resolution #2001-10-480-E-4 (b)

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby approves an agreement with 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

Resolution #2001-10-480-E-5

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

Resolution #2001-10-480-E-6

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**(a) Addendum to Contract and Change Order**

Resolution #2001-10-480-E-7 (a)

RESOLVED, That the Addendum to Contract and Change Order, by and between Clark Construction Company, Angelo lafrate 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

(b) Second Addendum to Contract and Change Order

Resolution #2001-10-480-E-7 (b)

RESOLVED, That the Second Addendum to Contract and Change Order, by and between Clark Construction Company, Angelo lafrate 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

Resolution #2001-10-480-E-8

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

Resolution #2001-10-480-E-9

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-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 #2001-10-480-E-12

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.

ITEMS TAKEN OUT OF ORDER

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

Resolution #2001-10-481
Moved by Pallotta
Seconded by Kaszubski

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.

Yes: All-7

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

Resolution #2001-10-482
Moved by Pallotta
Seconded by Beltramini

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.

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

RECESS – 8:54 P.M. until 9:12 P.M.

(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

_____ 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

F-2 Closed Session – No Session Required

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

Resolution #2001-10-484
Moved by Howrylak
Seconded by Lambert

RESOLVED, That proposed amendments to the Code of the City of Troy – Chapter 16 – Garbage and Rubbish be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, October 15, 2001.

Yes: All-7

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

Resolution #2001-10-485

Moved by Pallotta

Seconded by Kaszubski

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: All-7

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

Resolution #2001-10-486

Moved by Pallotta

Seconded by Pryor

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: All-7

F-6 Special Event Request – Carried Over to Regular City Council Meeting Scheduled for Monday, October 15, 2001

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

Resolution #2001-10-487

Moved by Pallotta

Seconded by Kaszubski

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: Kaszubski, Pallotta, Schilling, Beltramini

No: Howrylak, Lambert, Pryor

MOTION CARRIED

F-8 Flag Banners

Resolution #2001-10-488

Moved by Kaszubski

Seconded by Pallotta

RESOLVED, That Council approve the purchase of 50 flag banners for the City of Troy from Banner Prints, Inc. at a cost of \$2,750.00. The price of \$55.00 per banner is the lowest price from four companies quoted.

Yes: All-7

F-9 Grant of Easement to Detroit Edison for Electrical Service to the Police/Fire Training Facility

Resolution #2001-10-489

Moved by Schilling

Seconded by Pallotta

RESOLVED, That the Mayor and City Clerk are authorized to execute the agreement granting an easement to Detroit Edison for electrical service to the new Police/Fire Training Facility located at 4850 John R Road and a copy of this agreement shall be attached to the original Minutes of this meeting.

Yes: All-7

COUNCIL COMMENTS/REFERRALS

Text Amendment to Chapter 78

Resolution #2001-10-
Moved by Howrylak
Seconded by Pryor

RESOLVED, That Chapter 78 be modified such that the signs limit on non-commercial informational signs be eliminated.

Vote on Amendment to Resolution

Resolution #2001-10-490
Moved by Pryor
Seconded by Lambert

RESOLVED, That the main resolution be amended by inserting 16-square feet.

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

MOTION FAILED

Vote on Main Resolution

Resolution #2001-10-491
Moved by Howrylak
Seconded by Pryor

RESOLVED, That Chapter 78 be modified such that the signs limit on non-commercial informational signs be eliminated.

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

MOTION FAILED

VISITORS

Suspend City Council Rules and Continue with Agenda

Resolution #2001-10-493
Moved by Schilling
Seconded by Pallotta

RESOLVED, That the City Council suspend the Rules of Procedure #19 and continue discussion on Agenda items to 11:15 p.m.

Yes: All-7

REPORTS AND COMMUNICATIONS

G-1 City of Troy Proclamations:

Resolution #2001-10-492
Moved by Beltramini
Seconded by Schilling

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

- (a) Proclamation of Appreciation Honoring Firefighters
- (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: All-7

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

Noted and Filed

G-3 Department Reports:

- (a) Monthly Financial Report – August 31, 2001
- Noted and Filed
-

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

Noted and Filed

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

Noted and Filed

G-7 Calendar

Noted and Filed

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

Noted and Filed

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

There was a general consensus for Council to attend a dinner at Fire Station 6 on Monday, October 29, 2001 at 7:00 PM.

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

G-13 Proposed Resident & Business Surveys

There is a general consensus of Council that this item be postponed to a study session in January, 2002.

The meeting adjourned at 11:11 P.M.

Matt Pryor, Mayor

Tonni L. Bartholomew, City Clerk

A Special Meeting of the Troy City Council was held Tuesday, October 9, 2001, at Athens High School Auditorium – 4333 John R Road, Troy, Michigan 48085. Mayor Pryor called the Meeting to order at 7:44 P.M.

ROLL CALL

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

PUBLIC HEARING – Proposed Natural Features and Wetlands Ordinance

City Planner Mark Miller and City Engineer Steve Vandette provided a general overview of the proposed ordinances.

Members of the Audience raised issues, concerns and questions during the Public Hearing.

The meeting adjourned at 9:20 P.M.

Matt Pryor, Mayor

Tonni L. Bartholomew, City Clerk

A Special Meeting of the Troy City Council was held Tuesday, October 9, 2001, at Athens High School Auditorium – 4333 John R Road, Troy, Michigan 48085. Mayor Pryor called the Meeting to order at 9:35 P.M.

ROLL CALL

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

PUBLIC HEARING – Proposed Natural Features and Wetlands Ordinance

City Planner Mark Miller and City Engineer Steve Vandette provided a general overview of the proposed ordinances.

Members of the Audience raised issues, concerns and questions during the Public Hearing.

The meeting adjourned at 10:28 P.M.

Matt Pryor, Mayor

Tonni L. Bartholomew, City Clerk

October 8, 2001

To: Honorable Mayor and City Council

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

Subject: Doggie Wedding Request – Additional Information

At the October 1, 2001 City Council meeting, Mayor and Council requested additional information regarding the City's dog policy, park shelter reservation policy, and additional dog park locations that might accommodate a dog wedding fund raising event such as the one proposed by The Angel Society.

City's Dog Policy

Chapter 26, Section 3.8 of the City Code addresses the issue of animals in the parks. It states: **No person shall permit any dog owned by him or under his control or custody to enter any park where a sign or signs are posted bearing the legend "No Dogs Allowed", or other words to that same effect. In park areas where dogs are permitted, such dogs shall at all times be kept under reasonable control by means of a leash. No person shall permit any other animal either wild or domestic, owned by him or under his control or custody, with the exception of dogs as outlined above, to enter any park except when special permission is granted by the City Manager.**

The intent of the ordinance is to allow an individual the ability to walk a dog on a leash in parks where dogs are allowed. It is not intended to allow a large group of dogs access to the park for purposes of dog shows, or other special events.

Park Shelter Reservation

Park picnic shelters are available for reservation in five (5) of our City parks. Rules governing park shelter usage require that 75% of the group must be Troy residents, work in Troy for the company having the function, or be a bonafide member of the sponsoring Troy organization. We limit the number of people in attendance at a picnic shelter to 200.

Park shelter rules also prohibit "rides, amusements, concessions, hot or cold air balloons, **animals of any kind**, inflatable games, dunk tanks, climbing walls, or generators. Tents are allowed only in conjunction with a park shelter reservation or as part of a Council approved special event.

Since animals are not allowed as part of a park shelter reservation, and no other part of the park is reservable, the fund raising dog wedding proposed by The Angel Society would have to be approved by City Council as a special event.

Special events are kept to an absolute minimum due to their impact on park maintenance staffing, parking, and public access to the facility.

Dog Park Locations

Troy does not have an established "Dog Park". Several other surrounding communities, as well as Oakland County Parks do have areas in some parks designated for the purpose of allowing dogs off-leash exercise. The cities of Mount Clemens, Clinton Township, Roseville, Warren, Howell, and Royal Oak all have dog parks. Oakland County has the Orion Oaks Bark Park in Lake Orion, a 7-acre site with lake access for dog swimming. While all of these dog parks have restrictions governing their use, one of the sites might be a more appropriate setting for the event that is being proposed by the Angel Society.

Recommendation

Staff does not recommend approval of the request for a doggie wedding as proposed by The Angel Society due to concerns with allowing a large number of dogs in the park, and the impact an event such as this would have on parking, crowd control, restricting general public access to the park, and bringing a large number of people to an already heavily used facility.

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.

RECOMMENDATION:

Staff does not recommend approval of this doggie wedding. However, if Council wishes to allow the request for the fundraiser, staff will devote its efforts to accommodate the event.

The Angel Society

1346 Judy Dr., Troy, MI 48083-5228

Phone 248-528-1919 Fax 248-528-3219

Email: jzikakis@mindspring.com



Sept. 7, 2001

Carol Anderson
Director of Parks & Recreation
Troy, MI 48084

Dear Ms. Anderson,

The Angel Society, a newly established Troy-based non-profit organization whose beneficiaries are local children with emotional or physical medical needs is holding a major fundraising effort in May of 2002.

Working with both Beaumont and Children's Hospitals The Society is hoping to draw publicity and funds from an unusual, charming and newsworthy activity involving children's pets: dogs.

The Society is developing plans for a doggie wedding to be held in Troy, in May 2002.

The event would feature approximately 50 dogs, all healthy and well groomed who would be reviewed by a panel of judges for suitability as prospective wedding couples and wedding attendants. The wedding would be performed by judges and Troy Mayor Matt Pryor.

The chosen brides and grooms would a feature of 2002's Troy Daze's parade. Naturally, the dogs would be leashed and escorted at all times by owners.

We have already had press inquires with possibly national media exposure.

The Angel Society is, with this letter, asking your permission to hold this event at Firefighters Park.

Veterinarians as well as physicians would be present during this event. The dogs' owners would be responsible for their pets' conduct and cleanliness.

Plans are being developed now and we would need written permission before going further. Such permission should be in our hands by Oct. 15, 2001.

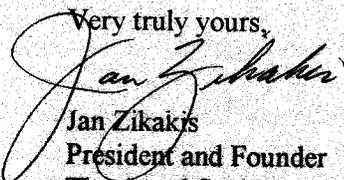
Potential sponsors have already expressed enthusiasm for this charitable event benefiting children.

A letter from you giving The Angel Society a place to hold "The Doggie Wedding" is our next requirement.

Thank you so much for your interest and consideration.

The Angel Society's motto is "Touch one heart and you will touch a thousand lives".

Very truly yours,


Jan Zikakis
President and Founder
The Angel Society

Date: October 10, 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 a revised copy of the Chapter 16 Garbage and Rubbish Ordinance. I have highlighted below the revisions that have been made since the Council meeting of October 1, 2001.

1. Section 2.2 (4) The definition of “hazardous waste” has been revised at the request of Councilman Howrylak.
2. Section 2.9 (1) The amount of refuse collected per week has been changed from 1 cubic yard to 2 cubic yards.
3. Section 2.10 The original subsection 1 has been stricken.
4. Section 2.14 – Placing at Curb
 - (2) Refuse will be allowed to be placed curbside not before 5:00 p.m. instead of the original 7:00 p.m.
 - (3) The resident has 24 hours to remove trash containers from the curb rather than the original 10 hours.
5. Section 2.17 has been revised to indicate that the contractor for the City of Troy must dispose of all collected refuse at the facilities of SOCRRA.

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 Fifteenth day of October, 2001.

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. 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 Waste – "Hazardous Waste" shall mean a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in serious

irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed, however, not to include solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act of 1967 as amended, or source, special nuclear, or by product material as defined by the Atomic Energy Act of 1954.

- (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) ~~_____ (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~~ 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 clean containers to hold the accumulated refuse between weekly scheduled refuse collections.

- (2) ~~_____ (2) _____ No person shall~~ It shall be unlawful for any person to burn refuse within the corporate limits of the City in any manner that may create a nuisance. City.
- (3) ~~_____ (3) _____ No person shall~~ It shall be unlawful for any person to 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)~~ 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) ~~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)~~ 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 to be acceptable for scheduled pick-up

and disposal. ~~such heavy or bulky refuse disposal shall be the responsibility of the owner girth.~~
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.~~

2.6 Rejection of refuse, tagging of containers

- (1) If any refuse 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 refuse. 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 refuse. 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 two (2) cubic yards 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) Hazardous waste shall be the responsibility of the producer, or owner thereof and shall not be disposed of within the City. In addition, hazardous waste 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 waste.

(2) 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.

(3) 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.

(4) 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~~5:00 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)~~ twenty-four (24) 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~~ The contractor for the City of Troy shall dispose of 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)

October 8, 2001

TO: The Honorable Mayor and City Council

FROM John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance and Administration
Jeanette Bennett, Purchasing Director

SUBJECT: AUTHORIZATION TO PARTICIPATE IN TROY SCHOOL DISTRICT'S AUCTION

RECOMMENDATION

The Purchasing Department requests authorization to participate in the Troy School District's Auction that is tentatively set to occur on Saturday, November 3, 2001. Mid-Thumb Auctioneers SVC LLC, the City's awarded auctioneer, (Resolution #2001-03-160-E-9) will be providing the auctioneer's services.

ADDITIONAL INFORMATION

The City has participated with the School District in the past for the sale of low priced, well-used inventory items. We are attempting to sell at least one big-ticket item, a Fire Apparatus - Pumper, at this auction although a minimum price will be used to start the auctioning. We know that at least two other governmental entities are interested in this piece of equipment.

It is anticipated that other out-of-service equipment will include, but not be limited to, computer equipment, pool tables, copiers, and other miscellaneous items. A complete list is not included with this memo since the sale lists are still being prepared in the departments.

BUDGET

A check is cut for the proceeds of the auction, less the contracted commission for the auctioneer's services.

E-7 Private Agreement for Orchard Estates Condominiums – Project No. 00.952.3

Resolution #2001-03-160-E-7

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Chris Komasara is hereby approved for the installation of sanitary sewer, storm sewer, water main, 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-8 Sole Source – Fire Department Thermal Imaging Cameras

Resolution #2001-03-160-E-8

WHEREAS, The City of Troy Fire Department has funds for a thermal imaging camera; and

WHEREAS, The City of Troy Fire Department requires that the camera be the same as those already owned by the department; and

WHEREAS, Douglas Safety Systems is the only available vendor for the ISI camera in the State of Michigan; and

NOW, THEREFORE, BE IT RESOLVED, That bidding procedures are hereby waived and the purchase of one (1) thermal imaging camera is hereby approved at a cost of \$16,860.00.

E-9 Standard Resolution 2: Bid Award – Low Acceptable Bidder – Auction Services

Resolution #2001-03-160-E-9

RESOLVED, That a contract to provide auctioneering services is hereby awarded to the low acceptable bidder, Mid-Thumb Auctioneers SVC LLC, at commission rates contained in the bid tabulation opened February 21, 2001, a copy of which shall be attached to the original Minutes of this meeting; and

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

October 2, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John Lamerato, Assistant City Manager - Finance
Nino Licari, City Assessor

RE: Oakland Intermediate Schools Millage Levy

Oakland Intermediate Schools has 2 new millages to levy. They are a 1.1704 levy for Special Education, and a .2279 levy for Vocational Education (approved by the voters on September 25, 2001).

They currently collect all of their levy in the summer.

They are requesting to collect the new millages in December, for this year only.

Since this is a change from an already approved collection request, it will require Council action to make this change effective.

Staff requests that you approve the recommended resolution prepared for you.

UPDATED FROM FAX DATED SEPTEMBER 28, 2001

(Please discard previous information)

To: All Taxing Units, Clerks and Treasurers

Date: October 3, 2001

From: John Fitzgerald, Director of Financial Services

Subject: Revised L-4029 & Request to Levy Millage Increase

Attached is a copy of the unsigned Revised L-4029 for 2001 from Oakland Schools - ISD.

The Revised L-4029 will be certified at our October 9th Board of Education Meeting. The Board will set the date for the Truth in Taxation Hearing (tentative - October 23, 2001). A certified copy of the Revised L-4029 and a Board Resolution certifying the millage increase and tax levy will be mailed to all the local taxing units following the October 9, 2001 Board Meeting. The Board of Education will approve the levy of the Special Education and Vocational Education millage increase at the Truth in Taxation Hearing. The increased millage approved on September 25 will be reflected on this years winter tax bill.

Attached is a request to levy a winter tax for Oakland Schools, please sign and return to Oakland Schools. (Fax 248-209-2085 or Mail).

	Millage Request to be levied July 1	Millage Request to be levied Dec 1
Special Education	1.4381	1.1704
Vocational Education	0.4109	.2279
General Education	0.2053	-
TOTAL	2.0543	1.3983

If you have any questions or concerns, please call Dawn Styma, 248.209.2095.

Total - 3 pages

ds

October 2, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John Lamerato, Assistant City Manager - Finance
Nino Licari, City Assessor

RE: Warren Consolidated Schools Debt Levy

Warren Consolidated Schools will be levying an additional debt of 1.25 mills starting with the December billing for 2001 (per their September election).

They currently collect all of their levy in the summer. After this Decembers billing, they request to once again collect all of their levy on the July bill for the 2002 year.

Since this is a change from an already approved collection request, it will require Council action to make this change effective.

Staff requests that you approve the recommended resolution prepared for you.

Warren Consolidated Schools

31300 Anita Warren, Michigan 48093-1697

(810) 825-2400

www.wcs.k12.mi.us

TTY (810) 977-8168



BOARD OF EDUCATION

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James L. Clor, Ed.D.
Superintendent

October 5, 2001

Ms. Tonni Bartholomew, City Clerk
City of Troy
500 Big Beaver
Troy, MI 48084

Dear Ms. Bartholomew:

The Warren Consolidated School District was successful on the September 24, 2001 Bond Election. It is the district's intent to implement this provision with the additional 1.25 mills on the winter property tax collection.

Pursuant to the enclosed Resolution adopted by the Board of Education on October 3, 2001, the District wishes to have the City collect our revised school property taxes with the 2001 winter tax bill. The revision of the additional 1.25 mills for the winter tax bills is recorded on the enclosed L-4029.

Thank you very much for your anticipated cooperation.

Very truly yours,

Dr. William C. Kiefer

Assistant Superintendent for Business & Finance

/ph

c: John Szerlag, City Manager
Dr. James L. Clor

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Where Children Succeed

REVISED

CERTIFICATION OF TAX RATES AND LEVIES FOR 2001/02

SUGGESTED MOTION

Moved by _____ ,
supported by _____ that the
Board of Education accept the recommendation of the Superintendent
and amend the tax rates to be levied on all real and personal
property located in the Warren Consolidated Schools District for
the year 2001/02 at 7.8971 Mills for Homestead, 18.0000 Mills for
Non-Homestead, a revised 2.25 Mills for Debt Retirement which is
1.0000 Mill for the Summer 2001 Levy and 1.25 Mills for the Winter
2001 Levy.

The Superintendent recommends the above.



Dr. James L. Clor, Superintendent of Schools

Board of Education Meeting October 3, 2001.

g:\agendas\taxcertify02A.mot

October 8, 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: Approval of Contract with MDOT for the Traffic Signal Modernization
Work at the Intersection of Crooks and Kirts, Contract 01-9
Project No. 00.107.5

RECOMMENDATION

Staff recommends that City Council approve the attached contract with the Michigan Department of Transportation for the traffic signal modernization work at the intersection of Crooks Road and Kirts Boulevard. Furthermore, staff recommends that the Mayor and City Clerk are authorized to execute the agreement. The agreement, as submitted, is based on estimated costs as is customary with all MDOT agreements in that they are prepared when the funding for the project is obligated. The execution of the agreement by the local agency is a requirement of the MDOT bid award process.

SUMMARY

Bids were received and publicly read by the Michigan Department of Transportation on October 5, 2001 with six contractors responding. The as-read low bidder was Harlan Electric Company as can be seen in the attached short form tabulation of bids. MDOT will prepare the formal bid tabulation and review the contractors insurance and bonds as part of the bid award. Harlan Electric Company is a well-known and capable electrical contractor that has completed numerous traffic signal projects throughout southeast Michigan. Additionally, they are pre-approved by MDOT for traffic signal work.

The project is anticipated to start in late November to early December. The contract completion date is April 1, 2002. The completion date will be predicated on the availability of materials for the traffic signal installation. Currently, a shortage of materials (poles, controller boxes, etc.) for traffic signal installations has created a backlog of projects that the vendors are trying to work through. In addition to the shortage of materials, the specification for the hot-dipped bronze, powder coated finish used by Troy, creates additional time required to complete the manufacturing of the materials. It is anticipated that as much as six (6) months may be required in order for the contractor just to receive the required materials for this project. We have experienced this delay on the Big Beaver, I75 to Rochester Road project and expect a similar delay on the Big Beaver, Adams to Coolidge project.

The Road Commission for Oakland County will be performing the inspection of this traffic signal installation. A separate cost sharing agreement will be submitted to delineate the agencies respective costs in the project based on the as-bid unit prices when available.

FUNDING

Federal Congestion Mitigation/Air Quality (CMAQ) funds in the amount of \$61,000 are available for this project. The local share of the project will be split by the City of Troy and the Road Commission for Oakland County. Funds for the City of Troy's share is included in the 2001-02 Major Road Capital budget, account number 401479.7989.001075.

LETTING OF OCTOBER 05, 2001	ENG. EST.	LOW BID
PROPOSAL 0110048	\$ 131,165.00	\$ 106,935.00
PROJECT CM 63459-53630		
LOCAL AGRMT. 01-5451		% OVER/UNDER EST.
START DATE -		
COMPLETION DATE - APRIL 01, 2002		-18.47

Traffic signal modernization and installation on Crooks at Kirts intersection in the city of Troy, Oakland County.

BIDDER	AS-READ
HARLAN ELECTRIC COMPANY	\$ 106,935.00 **
JACOBS ELECTRICAL CONSTRUCTION	\$ 110,212.00
TRANS TECH ELECTRIC, L.P.	\$ 127,935.00
METROPOLITAN POWER & LIGHTING,	\$ 0.00
J. RANCK ELECTRIC, INC.	\$ 107,450.00
JOHN R. HOWELL, INC.	\$ 113,815.00
RAUHORN ELECTRIC, INC.	\$ 119,815.00
E & B PAVING, INC.	\$ 0.00

6 Bidders

TRANSPORTATION
COMMISSION

BARTON W. LaBELLE - Chairman
JACK L. GINGRASS - Vice Chairman
BETTY JEAN AWREY
TED B. WAHBY
LOWELL B. JACKSON
JOHN W. GARSIDE

LH-LAN-0 (01/01)

STATE OF MICHIGAN



JOHN ENGLER, GOVERNOR

DEPARTMENT OF TRANSPORTATION

MURRAY D. VAN WAGONER (TRANSPORTATION) BUILDING
425 WEST OTTAWA - POST OFFICE BOX 30050, LANSING, MICHIGAN 48909
PHONE: (517) 373-2090 FAX: (517) 373-0167 WEB SITE: <http://www.mdot.state.mi.us>
GREGORY J. ROSINE, DIRECTOR

September 19, 2001

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

Dear Ms. Bartholomew:

RE: MDOT Contract No.: 01-5451
Control Section CM 63459
Job Number 53630

Enclosed is the original and one copy of the above described contract between your organization and the Michigan Department of Transportation (MDOT). Please take time to read and understand this contract. If this contract meets with your approval, please complete the following checklist:

- ___ **Please do not date the contracts.** MDOT will date the contracts when they are executed. A contract is not executed unless it has been signed by both parties.
- ___ **Secure the necessary signatures on all contracts.**
- ___ **Include a certified resolution.** The resolution should specifically name the officials who are authorized to sign the contracts.
- ___ **Return all copies of the contracts to my attention of the Department's Design Division, 2nd floor for MDOT execution.**

A copy of the executed contract will be forwarded to you. If you have any questions, please feel free to contact me at (517) 335-2264.

Sincerely,

A handwritten signature in cursive script that reads "Jackie Burch".

Jackie Burch
Contract Processing Specialist
Design Division

Enclosure

RECEIVED BY
SEP 24 2001
ENGINEERING

CMAQ

DIR

Project	CM 0163(051)
Job Number	53630
Control Section	CM 63459
Fed Item #	RR 2945
Contract No.	01-5451

PART I

THIS CONTRACT, consisting of PART I and PART II (Standard Agreement Provisions), is made and entered into this date of _____, by and between the MICHIGAN DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the "DEPARTMENT"; and the CITY OF TROY, a Michigan municipal corporation, hereinafter referred to as the "REQUESTING PARTY"; for the purpose of fixing the rights and obligations of the parties in agreeing to the following improvements, in the City of Troy, Michigan, hereinafter referred to as the "PROJECT" and estimated in detail on EXHIBIT "I", dated September 5, 2001, attached hereto and made a part hereof:

Traffic signal modernization work at the intersection of Crooks Road and Kirts Boulevard; and all together with necessary related work.

WITNESSETH:

WHEREAS, pursuant to Federal law, monies have been provided for the performance of certain improvements on public roads; and

WHEREAS, the reference "FHWA" in PART I and PART II refers to the United States Department of Transportation, Federal Highway Administration; and

WHEREAS, the PROJECT, or portions of the PROJECT at the request of the REQUESTING PARTY, are being programmed with the FHWA, for implementation with the use of Federal Funds under the following Federal program(s) or funding:

CONGESTION MITIGATION AND AIR QUALITY

WHEREAS, the parties hereto have reached an understanding with each other regarding the performance of the PROJECT work and desire to set forth this understanding in the form of a written contract.

NOW, THEREFORE, in consideration of the premises and of the mutual undertakings of the parties and in conformity with applicable law, it is agreed:

1. The parties hereto shall undertake and complete the PROJECT in accordance with the terms of this contract.

2. The term "PROJECT COST", as herein used, is hereby defined as the cost of the physical construction necessary for the completion of the PROJECT.

Costs for construction engineering and inspection incurred by the DEPARTMENT will be charged 100 percent to the REQUESTING PARTY. Any other costs incurred by the DEPARTMENT as a result of this contract will be at PROJECT COST.

The costs incurred by the REQUESTING PARTY for preliminary engineering, construction engineering and inspection, and right-of-way are excluded from the PROJECT COST as defined by this contract.

3. The DEPARTMENT is authorized by the REQUESTING PARTY to administer on behalf of the REQUESTING PARTY all phases of the PROJECT including advertising and awarding the construction contract for the PROJECT or portions of the PROJECT. Such administration shall be in accordance with PART II, Section II of this contract.

Any items of the PROJECT COST incurred by the DEPARTMENT may be charged to the PROJECT.

4. The REQUESTING PARTY, under the terms of this contract, shall:

A. Appoint a project engineer who shall be in responsible charge of the PROJECT and ensure that the plans and specifications are followed.

B. At PROJECT COST

Perform or cause to be performed the autoscope installation work necessary for the completion of the PROJECT.

C. At no cost to the PROJECT

(1) Design or cause to be designed the plans for the PROJECT.

(2) Perform or cause to be performed the construction engineering and inspection services necessary for the completion of the PROJECT.

The REQUESTING PARTY will furnish the DEPARTMENT proposed timing sequences for trunkline signals that, if any, are being made part of the improvement. No timing adjustments shall be made by the REQUESTING PARTY at any trunkline intersection, without prior issuances by the DEPARTMENT of Standard Traffic Signal Timing Permits.

The method of performing the work will be indicated on the work authorization. The REQUESTING PARTY will comply with PART II, Section IIF, when applicable.

5. The PROJECT COST shall be met in part by contributions by the Federal Government. Under the terms of this contract, Federal Congestion Mitigation and Air Quality Funds shall be applied to the eligible items of the PROJECT COST at the established Federal participation ratio equal to 80 percent up to an amount not to exceed \$61,000. The balance of the PROJECT COST, after deduction of Federal Funds, shall be charged to and paid by the REQUESTING PARTY in the manner and at the times hereinafter set forth.

Billing for costs incurred by the REQUESTING PARTY, which are eligible for reimbursement under this contract, shall be submitted to the DEPARTMENT by the REQUESTING PARTY for reimbursement with Federal Funds only after all billings for construction costs have been submitted and paid for.

Any items of PROJECT COST not reimbursed by Federal Funds shall be the sole responsibility of the REQUESTING PARTY.

6. No working capital deposit will be required for this PROJECT.

In order to fulfill the obligations assumed by the REQUESTING PARTY under the provisions of this contract, the REQUESTING PARTY shall make prompt payments of its share of the PROJECT COST upon receipt of progress billings from the DEPARTMENT as herein provided. All payments will be made within 30 days of receipt of billings from the DEPARTMENT. Billings to the REQUESTING PARTY will be based upon the REQUESTING PARTY'S share of the actual costs incurred less Federal Funds earned as the PROJECT progresses.

In the event of any discrepancies between PART I and PART II, the provisions of PART I shall prevail.

7. Upon completion of construction of the PROJECT, the REQUESTING PARTY will promptly cause to be enacted and enforced such ordinances or regulations as may be necessary to prohibit parking in the roadway right-of-way throughout the limits of the PROJECT.

8. The performance of the entire PROJECT under this contract, whether Federally funded or not, will be subject to the provisions and requirements of PART II that are applicable to a Federally funded project.

9. The REQUESTING PARTY certifies that a) it is a person under 1995 PA 71 and is not aware of and has no reason to believe that the property is a facility as defined in MSA 13A.20101(1)(I); b) the REQUESTING PARTY further certifies that it has completed the tasks required by MCL 324.20126 (3)(h); MSA 13A.20126(3)(h); c) it conducted a visual inspection of property within the existing right of way on which construction is to be performed to determine if any hazardous substances were present; and at sites on which historically were located businesses that involved hazardous substances, it performed a reasonable investigation to determine whether hazardous substances exist. This reasonable investigation should include, at a minimum, contact with local, state and federal environmental agencies to determine if the site has been identified as, or potentially as, a site containing hazardous substances; d) it did not cause or contribute to the release or threat of release of any hazardous substance found within the PROJECT limits.

The REQUESTING PARTY also certifies that, in addition to reporting the presence of any hazardous substances to the Department of Environmental Quality, it has advised the DEPARTMENT of the presence of any and all hazardous substances which the REQUESTING PARTY found within the PROJECT limits, as a result of performing the investigation and visual inspection required herein. The REQUESTING PARTY also certifies that it has been unable to identify any entity who may be liable for the cost of remediation. As a result, the REQUESTING PARTY has included all estimated costs of remediation of such hazardous substances in its estimated cost of construction of the PROJECT.

10. If, subsequent to execution of this contract, previously unknown hazardous substances are discovered within the PROJECT limits, which require environmental remediation pursuant to either state or federal law, the REQUESTING PARTY, in addition to reporting that fact to the Department of Environmental Quality, shall immediately notify the DEPARTMENT, both orally and in writing of such discovery. The DEPARTMENT shall consult with the REQUESTING PARTY to determine if it is willing to pay for the cost of remediation and, with the FHWA, to determine the eligibility, for reimbursement, of the remediation costs. The REQUESTING PARTY shall be charged for and shall pay all costs associated with such remediation, including all delay costs of the contractor for the PROJECT, in the event that remediation and delay costs are not deemed eligible by the FHWA. If the REQUESTING PARTY refuses to participate in the cost of remediation, the DEPARTMENT shall terminate the PROJECT. The parties agree that any costs or damages that the DEPARTMENT incurs as a result of such termination shall be considered a PROJECT COST.

11. If federal and/or state funds administered by the DEPARTMENT are used to pay the cost of remediating any hazardous substances discovered after the execution of this contract and if there is a reasonable likelihood of recovery, the REQUESTING PARTY, in cooperation with the Department of Environmental Quality and the DEPARTMENT, shall make a diligent effort to recover such costs from all other possible entities. If recovery is made, the DEPARTMENT shall be reimbursed from such recovery for the proportionate share of the amount paid by the FHWA and/or the DEPARTMENT and the DEPARTMENT shall credit such sums to the appropriate funding source.

12. The DEPARTMENT'S sole reason for entering into this contract is to enable the REQUESTING PARTY to obtain and use funds provided by the Federal Highway Administration pursuant to Title 23 of the United States Code.

Any and all approvals of, reviews of, and recommendations regarding contracts, agreements, permits, plans, specifications, or documents, of any nature, or any inspections of work by the DEPARTMENT or its agents pursuant to the terms of this contract are done to assist the REQUESTING PARTY in meeting program guidelines in order to qualify for available funds. Such approvals, reviews, inspections and recommendations by the DEPARTMENT or its agents shall not relieve the REQUESTING PARTY and the local agencies, as applicable, of their ultimate control and shall not be construed as a warranty of their propriety or that the DEPARTMENT or its agents is assuming any liability, control or jurisdiction.

The providing of recommendations or advice by the DEPARTMENT or its agents does not relieve the REQUESTING PARTY and the local agencies, as applicable of their exclusive jurisdiction of the highway and responsibility under MCL 691.1402, MSA 3.996(102).

When providing approvals, reviews and recommendations under this contract, the DEPARTMENT or its agents is performing a governmental function, as that term is defined in MCL 691.1401; MSA 3.996(101), which is incidental to the completion of the PROJECT.

13. The DEPARTMENT, by executing this contract, and rendering services pursuant to this contract, has not and does not assume jurisdiction of the highway, described as the PROJECT for purposes of MCL 691.1402; MSA 3.996(102). Exclusive jurisdiction of such highway for the purposes of MCL 691.1402; MSA 3.996(102) rest with the REQUESTING PARTY and other local agencies having respective jurisdiction.

14. The REQUESTING PARTY shall approve all of the plans and specifications to be used on the PROJECT and shall be deemed to have approved all changes to the plans and specifications when put into effect. It is agreed that ultimate responsibility and control over the PROJECT rests with the REQUESTING PARTY and local agencies, as applicable.

15. The parties shall promptly provide comprehensive assistance and cooperation in defending and resolving any claims brought against the DEPARTMENT by the contractor, vendors or suppliers as a result of the DEPARTMENT'S award of the construction contract for the PROJECT. Costs incurred by the DEPARTMENT in defending or resolving such claims shall be considered PROJECT COSTS.

16. The DEPARTMENT shall require the contractor who is awarded the contract for the construction of the PROJECT to provide insurance in the amounts specified and in accordance with the DEPARTMENT'S current standard specifications for construction, and to:

- A. Maintain bodily injury and property damage insurance for the duration of the PROJECT.
- B. Provide owner's protective liability insurance naming as insureds the State of Michigan, the Michigan State Transportation Commission, the DEPARTMENT and its officials, agents and employees, the REQUESTING PARTY and any other party with jurisdiction for the roadway being constructed as the PROJECT, and their employees, for the duration of the PROJECT and to provide copies of certificates of insurance to the insureds. It is understood that the DEPARTMENT does not assume jurisdiction of the highway described as the PROJECT as a result of being named as an insured on the owners protective liability insurance policy.
- C. Comply with the requirements of notice of cancellation and reduction of insurance set forth in the current standard specifications for construction and to provide copies of notices and reports prepared to those insured.

17. This contract shall become binding on the parties hereto and of full force and effect upon the signing thereof by the duly authorized officials for the parties hereto and upon the adoption of the necessary resolutions approving said contract and authorizing the signatures thereto of the respective officials of the REQUESTING PARTY, a certified copy of which resolution shall be attached to this contract.

IN WITNESS WHEREOF, the parties hereto have caused this contract to be executed the day and year first above written.

CITY OF TROY

MICHIGAN DEPARTMENT
OF TRANSPORTATION

By _____
Title:

By _____
Department Director MDOT

By _____
Title:

FORM APPROVED
9/17/01
JCS
ASSISTANT
ATTORNEY
GENERAL

REVIEWED
9-5-01
CONTRACTOR

September 5, 2001

EXHIBIT I

PROJECT	CM 0163(051)
JOB NUMBER	53630
CONTROL SECTION	CM 63459

ESTIMATED COST

CONTRACTED WORK

Estimated Cost	\$123,700
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FORCE ACCOUNT & AGREED UNIT PRICE WORK(REQUESTING PARTY)

Autoscope Installation	\$ 60,200
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GRAND TOTAL	\$183,900
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COST PARTICIPATION

GRAND TOTAL ESTIMATED COST	\$183,900
Less Federal Funds*	<u>\$ 61,000</u>
BALANCE (REQUESTING PARTY'S SHARE)	\$122,900

*Federal Funds shall be applied to the eligible items of the PROJECT COST at a participation ratio equal to 80 percent up to an amount not to exceed \$61,000.

NO DEPOSIT

The agency shall submit two copies of:

- The Reporting Package
- The Data Collection Form
- The management letter to the agency, if one issued by the audit firm

The OMB Circular A-133 audit must be submitted to the address below in accordance with the time frame established in the circular, as revised or amended.

b. Agencies expending less than \$300,000 in federal funds must submit a letter to the Department advising that a circular audit was not required. The letter shall indicate the applicable fiscal year, the amount of federal funds spent, the name(s) of the Department federal programs, and the CFDA grant numbers(s). This information must also be submitted to the address below.

c. Address: Michigan Department of Transportation
Bureau of Highways Technical Services
425 W. Ottawa, P.O. Box 30050
Lansing, MI 48909

d. Agencies must also comply with applicable State laws and regulations relative to audit requirements.

e. Agencies shall not charge audit costs to Department's federal programs which are not in accordance with the OMB Circular A-133 requirements.

f. All agencies are subject to the federally required monitoring activities, which may include limited scope reviews and other on-site monitoring.

2. Agreed Unit Prices Work - All billings for work undertaken by the REQUESTING PARTY on an agreed unit price basis will be submitted in accordance with the Michigan Department of Transportation Standard Specifications for Construction and pertinent FAPG Directives and Guidelines of the FHWA.
3. Force Account Work and Subcontracted Work - All billings submitted to the DEPARTMENT for Federal reimbursement for items of work performed on a force account basis or by any subcontract with a consulting firm, railway company, governmental agency or other party, under the terms of this contract, shall be prepared in accordance with the provisions of the pertinent FHPM Directives and the procedures of the DEPARTMENT. Progress billings may be submitted monthly during the time work is being performed provided, however, that no bill of a lesser amount than \$1,000.00 shall be submitted unless it is a final or end of fiscal year

billing. All billings shall be labeled either "Progress Bill Number _____", or "Final Billing".

4. Final billing under this contract shall be submitted in a timely manner but not later than six months after completion of the work. Billings for work submitted later than six months after completion of the work will not be paid.
5. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with Federal monies, the DEPARTMENT will act as billing agent for the REQUESTING PARTY, consolidating said billings with those for its own force account work and presenting these consolidated billings to the FHWA for payment. Upon receipt of reimbursement from the FHWA, the DEPARTMENT will promptly forward to the REQUESTING PARTY its share of said reimbursement.
6. Upon receipt of billings for reimbursement for work undertaken by the REQUESTING PARTY on projects funded with non-Federal monies, the DEPARTMENT will promptly forward to the REQUESTING PARTY reimbursement of eligible costs.

B. Payment of Contracted and DEPARTMENT Costs:

1. As work on the PROJECT commences, the initial payments for contracted work and/or costs incurred by the DEPARTMENT will be made from the working capital deposit. Receipt of progress payments of Federal funds, and where applicable, State Critical Bridge funds, will be used to replenish the working capital deposit. The REQUESTING PARTY shall make prompt payments of its share of the contracted and/or DEPARTMENT incurred portion of the PROJECT COST upon receipt of progress billings from the DEPARTMENT. Progress billings will be based upon the REQUESTING PARTY'S share of the actual costs incurred as work on the PROJECT progresses and will be submitted, as required, until it is determined by the DEPARTMENT that there is sufficient available working capital to meet the remaining anticipated PROJECT COSTS. All progress payments will be made within thirty (30) days of receipt of billings. No monthly billing of a lesser amount than \$1,000.00 will be made unless it is a final or end of fiscal year billing. Should the DEPARTMENT determine that the available working capital exceeds the remaining anticipated PROJECT COSTS, the DEPARTMENT may reimburse the REQUESTING PARTY such excess. Upon completion of the PROJECT, payment of all PROJECT COSTS, receipt of all applicable monies from the FHWA, and completion of necessary audits, the REQUESTING PARTY will be reimbursed the balance of its deposit.

2. In the event that the bid, plus contingencies, for the contracted, and/or the DEPARTMENT incurred portion of the PROJECT work exceeds the estimated cost therefor as established by this contract, the REQUESTING PARTY may be advised and billed for the additional amount of its share.

C. General Conditions:

1. The DEPARTMENT, in accordance with its procedures in existence and covering the time period involved, shall make payment for interest earned on the balance of working capital deposits for all projects on account with the DEPARTMENT. The REQUESTING PARTY in accordance with DEPARTMENT procedures in existence and covering the time period involved, shall make payment for interest owed on any deficit balance of working capital deposits for all projects on account with the DEPARTMENT. This payment or billing is processed on an annual basis corresponding to the State of Michigan fiscal year. Upon receipt of billing for interest incurred, the REQUESTING PARTY promises and shall promptly pay the DEPARTMENT said amount.
2. Pursuant to the authority granted by law, the REQUESTING PARTY hereby irrevocably pledges a sufficient amount of funds received by it from the Michigan Transportation Fund to meet its obligations as specified in PART I and PART II. If the REQUESTING PARTY shall fail to make any of its required payments when due, as specified herein, the DEPARTMENT shall immediately notify the REQUESTING PARTY and the State Treasurer of the State of Michigan or such other state officer or agency having charge and control over disbursement of the Michigan Transportation Fund, pursuant to law, of the fact of such default and the amount thereof, and, if such default is not cured by payment within ten (10) days, said State Treasurer or other state officer or agency is then authorized and directed to withhold from the first of such monies thereafter allocated by law to the REQUESTING PARTY from the Michigan Transportation Fund sufficient monies to remove the default, and to credit the REQUESTING PARTY with payment thereof, and to notify the REQUESTING PARTY in writing of such fact.
3. Upon completion of all work under this contract and final audit by the DEPARTMENT or the FHWA, the REQUESTING PARTY promises to promptly repay the DEPARTMENT for any disallowed items of costs previously disbursed by the DEPARTMENT. The REQUESTING PARTY pledges its future receipts from the Michigan Transportation Fund for repayment of all disallowed items and, upon failure to make repayment for any disallowed items within ninety (90) days of demand made by the DEPARTMENT, the DEPARTMENT is hereby authorized to withhold an equal amount from the REQUESTING PARTY'S share of any future distribution of Michigan Transportation Funds in settlement of said claim.

4. The DEPARTMENT shall maintain and keep accurate records and accounts relative to the cost of the PROJECT and upon completion of the PROJECT, payment of all items of PROJECT COST, receipt of all Federal Aid, if any, and completion of final audit by the DEPARTMENT and if applicable, by the FHWA, shall make final accounting to the REQUESTING PARTY. The final PROJECT accounting will not include interest earned or charged on working capital deposited for the PROJECT which will be accounted for separately at the close of the State of Michigan fiscal year and as set forth in Section C(1).

5. The costs of engineering and other services performed on those projects involving specific program funds and one hundred percent (100%) local funds will be apportioned to the respective portions of that project in the same ratio as the actual direct construction costs unless otherwise specified in PART I.

SECTION IV

MAINTENANCE AND OPERATION

A. Upon completion of construction of each part of the PROJECT, at no cost to the DEPARTMENT or the PROJECT, each of the parties hereto, within their respective jurisdictions, will make the following provisions for the maintenance and operation of the completed PROJECT:

1. All Projects:

Properly maintain and operate each part of the project, making ample provisions each year for the performance of such maintenance work as may be required, except as qualified in paragraph 2b of this section.

2. Projects Financed in Part with Federal Monies:

a. Sign and mark each part of the PROJECT, in accordance with the current Michigan Manual of Uniform Traffic control Devices, and will not install, or permit to be installed, any signs, signals or markings not in conformance with the standards approved by the FHWA, pursuant to 23 USC 109(d).

b. Remove, prior to completion of the PROJECT, all encroachments from the roadway right-of-way within the limits of each part of the PROJECT.

With respect to new or existing utility installations within the right-of-way of Federal Aid projects and pursuant to FAPG (23 CFR 645B): Occupancy of non-limited access right-of-way may be allowed based on consideration for traffic safety and necessary preservation of roadside space and aesthetic quality. Longitudinal occupancy of non-limited access right-of-way by private lines will require a finding of significant economic hardship, the unavailability of practicable alternatives or other extenuating circumstances.

c. Cause to be enacted, maintained and enforced, ordinances and regulations for proper traffic operations in accordance with the plans of the PROJECT.

d. Make no changes to ordinances or regulations enacted, or traffic controls installed in conjunction with the PROJECT work without prior review by the DEPARTMENT and approval of the FHWA, if required.

- B. On projects for the removal of roadside obstacles, the parties, upon completion of construction of each part of the PROJECT, at no cost to the PROJECT or the DEPARTMENT, will, within their respective jurisdictions, take such action as is necessary to assure that the roadway right-of-way, cleared as the PROJECT, will be maintained free of such obstacles.
- C. On projects for the construction of bikeways, the parties will enact no ordinances or regulations prohibiting the use of bicycles on the facility hereinbefore described as the PROJECT, and will amend any existing restrictive ordinances in this regard so as to allow use of this facility by bicycles. No motorized vehicles shall be permitted on such bikeways or walkways constructed as the PROJECT except those for maintenance purposes.
- D. Failure of the parties hereto to fulfill their respective responsibilities as outlined herein may disqualify that party from future Federal-aid participation in projects on roads or streets for which it has maintenance responsibility. Federal Aid may be withheld until such time as deficiencies in regulations have been corrected, and the improvements constructed as the PROJECT are brought to a satisfactory condition of maintenance.

DOT

TYPE B
BUREAU OF HIGHWAYS
03-15-93

PART II

STANDARD AGREEMENT PROVISIONS

SECTION I COMPLIANCE WITH REGULATIONS AND DIRECTIVES

SECTION II PROJECT ADMINISTRATION AND SUPERVISION

SECTION III ACCOUNTING AND BILLING

SECTION IV MAINTENANCE AND OPERATION

SECTION V SPECIAL PROGRAM AND PROJECT CONDITIONS

SECTION I

COMPLIANCE WITH REGULATIONS AND DIRECTIVES

- A. To qualify for eligible cost, all work shall be documented in accordance with the requirements and procedures of the DEPARTMENT.
- B. All work on projects for which reimbursement with Federal funds is requested shall be performed in accordance with the requirements and guidelines set forth in the following Directives of the Federal-Aid Policy Guide (FAPG) of the FHWA, as applicable, and as referenced in pertinent sections of Title 23 of the Code of Federal Regulations (CFR), and all supplements and amendments thereto.
 - 1. Engineering
 - a. FAPG (23 CFR 140G): Payroll & Related Expense of Public Employees; General Administration and Other Overhead; and Cost Accumulation Centers and Distribution Methods
 - b. FAPG (6012.1): Preliminary Engineering
 - c. FAPG (23 CFR 172): Administration of Engineering and Design Related Service Contracts
 - d. FAPG (23 CFR 635A): Contract Procedures
 - 2. Construction
 - a. FAPG (23 CFR 140E): Administrative Settlement Costs-Contract Claims
 - b. FAPG (23 CFR 140B): Construction Engineering Costs
 - c. FAPG (23 CFR 140G): Reimbursement for Employment of Public Employees on Federal-Aid Projects
 - d. FAPG (23 CFR 17): Recordkeeping and Retention Requirements for Federal-Aid Highway Records of State Highway Agencies
 - e. FAPG (23 CFR 635A): Contract Procedures
 - f. FAPG (23 CFR 635B): Force Account Construction
 - g. FAPG (23 CFR 645A): Utility Relocations, Adjustments and

Reimbursement

- h. FAPG (23 CFR 645B): Accommodation of Utilities (PPM 30-4.1)
 - i. FAPG (23 CFR 655F): Traffic Control Devices on Federal-Aid and other Streets and Highways
 - 3. Modification Or Construction Of Railroad Facilities
 - a. FAPG (23 CFR 140I): Reimbursement for Railroad Work
 - b. FAPG (23 CFR 646B): Railroad Highway Projects
- C. In conformance with FAPG (23 CFR 630C) Project Agreements, the political subdivisions party to this contract, on those Federally funded projects which exceed a total cost of \$100,000.00 stipulate the following with respect to their specific jurisdictions:
 - 1. That any facility to be utilized in performance under or to benefit from this contract is not listed on the Environmental Protection Agency (EPA) List of Violating Facilities issued pursuant to the requirements of the Federal Clean Air Act, as amended, and the Federal Water Pollution Control Act, as amended.
 - 2. That they each agree to comply with all of the requirements of Section 114 of the Federal Clean Air Act and Section 308 of the Federal Water Pollution Control Act, and all regulations and guidelines issued thereunder.
 - 3. That as a condition of Federal aid pursuant to this contract they shall notify the DEPARTMENT of the receipt of any advice indicating that a facility to be utilized in performance under or to benefit from this contract is under consideration to be listed on the EPA List of Violating Facilities.
- D. Ensure that the PROJECT is constructed in accordance with and incorporates all committed environmental impact mitigation measures listed in approved environmental documents unless modified or deleted by approval of the FHWA.
- E. All the requirements, guidelines, conditions and restrictions noted in all other pertinent Directives and Instructional Memoranda of the FHWA will apply to this contract and will be adhered to, as applicable, by the parties hereto.

SECTION II

PROJECT ADMINISTRATION AND SUPERVISION

- A. The DEPARTMENT shall provide such administrative guidance as it determines is required by the PROJECT in order to facilitate the obtaining of available federal and/or state funds.
- B. The DEPARTMENT will advertise and award all contracted portions of the PROJECT work. Prior to advertising of the PROJECT for receipt of bids, the REQUESTING PARTY may delete any portion or all of the PROJECT work. After receipt of bids for the PROJECT, the REQUESTING PARTY shall have the right to reject the amount bid for the PROJECT prior to the award of the contract for the PROJECT only if such amount exceeds by twenty percent (20%) the final engineer's estimate therefor. If such rejection of the bids is not received in writing within two (2) weeks after letting, the DEPARTMENT will assume concurrence. The DEPARTMENT may, upon request, readvertise the PROJECT. Should the REQUESTING PARTY so request in writing within the aforesaid two (2) week period after letting, the PROJECT will be cancelled and the DEPARTMENT will refund the unused balance of the deposit less all costs incurred by the DEPARTMENT.
- C. The DEPARTMENT will perform such inspection services on PROJECT work performed by the REQUESTING PARTY with its own forces as is required to ensure compliance with the approved plans & specifications.
- D. On those projects funded with Federal monies, the DEPARTMENT shall as may be required secure from the FHWA approval of plans and specifications, and such cost estimates for FHWA participation in the PROJECT COST.
- E. All work in connection with the PROJECT shall be performed in conformance with the Michigan Department of Transportation Standard Specifications for Construction, and the supplemental specifications, Special Provisions and plans pertaining to the PROJECT and all materials furnished and used in the construction of the PROJECT shall conform to the aforesaid specifications. No extra work shall be performed nor changes in plans and specifications made until said work or changes are approved by the project engineer and authorized by the DEPARTMENT.

- F. Should it be necessary or desirable that portions of the work covered by this contract be accomplished by a consulting firm, a railway company, or governmental agency, firm, person, or corporation, under a subcontract with the REQUESTING PARTY at PROJECT expense, such subcontracted arrangements will be covered by formal written agreement between the REQUESTING PARTY and that party.

This formal written agreement shall: include a reference to the specific prime contract to which it pertains; include provisions which clearly set forth the maximum reimbursable and the basis of payment; provide for the maintenance of accounting records in accordance with generally accepted accounting principles, which clearly document the actual cost of the services provided; provide that costs eligible for reimbursement shall be in accordance with clearly defined cost criteria such as 49 CFR Part 18, 48 CFR Part 31, 23 CFR Part 140, OMB Circular A-87, etc. as applicable; provide for access to the department or its representatives to inspect and audit all data and records related to the agreement for a minimum of three years after the department's final payment to the local unit.

All such agreements will be submitted for approval by the DEPARTMENT and, if applicable, by the FHWA prior to execution thereof, except for agreements for amounts less than \$25,000 for preliminary engineering and testing services executed under and in accordance with the provisions of the "Small Purchase Procedures" FAPG (23 CFR 172), which do not require prior approval of the DEPARTMENT or the FHWA.

Any such approval by the DEPARTMENT shall in no way be construed as a warranty of the subcontractor's qualifications, financial integrity, or ability to perform the work being subcontracted.

- G. The REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, shall make such arrangements with railway companies, utilities, etc., as may be necessary for the performance of work required for the PROJECT but for which Federal or other reimbursement will not be requested.
- H. The REQUESTING PARTY, at no cost to the PROJECT, or the DEPARTMENT, shall secure, as necessary, all agreements and approvals of the PROJECT with railway companies, the Railroad Safety & Tariffs Division of the DEPARTMENT and other concerned governmental agencies other than the FHWA, and will forward same to the DEPARTMENT for such reviews and approvals as may be required.
- I. No PROJECT work for which reimbursement will be requested by the REQUESTING PARTY is to be subcontracted or performed until the DEPARTMENT gives written notification that such work may commence.

- J. The REQUESTING PARTY shall be responsible for the payment of all costs and expenses incurred in the performance of the work it agrees to undertake and perform.
- K. The REQUESTING PARTY shall pay directly to the party performing the work all billings for the services performed on the PROJECT which are authorized by or through the REQUESTING PARTY.
- L. The REQUESTING PARTY shall submit to the DEPARTMENT all paid billings for which reimbursement is desired in accordance with DEPARTMENT procedures.
- M. All work by a consulting firm will be performed in compliance with the applicable provisions of 1980 PA 299, Subsection 2001, MCL 339.2001; MSA 18.425(2001), as well as in accordance with the provisions of all previously cited Directives of the FHWA.
- N. The project engineer shall be subject to such administrative guidance as may be deemed necessary to ensure compliance with program requirement and, in those instances where a consultant firm is retained to provide engineering and inspection services, the personnel performing those services shall be subject to the same conditions.
- O. The DEPARTMENT, in administering the PROJECT in accordance with applicable Federal and State requirements and regulations, neither assumes nor becomes liable for any obligations undertaken or arising between the REQUESTING PARTY and any other party with respect to the PROJECT.
- P. In the event it is determined by the DEPARTMENT that there will be either insufficient Federal funds or insufficient time to properly administer such funds for the entire PROJECT or portions thereof, the DEPARTMENT, prior to advertising or issuing authorization for work performance, may cancel the PROJECT, or any portion thereof, and upon written notice to the parties this contract shall be void and of no effect with respect to that cancelled portion of the PROJECT. Any PROJECT deposits previously made by the parties on the cancelled portions of the PROJECT will be promptly refunded.
- Q. Those projects funded with Federal monies will be subject to inspection at all times by the DEPARTMENT and the FHWA.

SECTION III

ACCOUNTING AND BILLING

A. Procedures for billing for work undertaken by the REQUESTING PARTY:

1. The REQUESTING PARTY shall establish and maintain accurate records, in accordance with generally accepted accounting principles, of all expenses incurred for which payment is sought or made under this contract, said records to be hereinafter referred to as the "RECORDS". Separate accounts shall be established and maintained for all costs incurred under this contract.

The REQUESTING PARTY shall maintain the RECORDS for at least three (3) years from the date of final payment of Federal Aid made by the DEPARTMENT under this contract. In the event of a dispute with regard to the allowable expenses or any other issue under this contract, the REQUESTING PARTY shall thereafter continue to maintain the RECORDS at least until that dispute has been finally decided and the time for all available challenges or appeals of that decision has expired.

The DEPARTMENT, or its representative, may inspect, copy, or audit the RECORDS at any reasonable time after giving reasonable notice.

If any part of the work is subcontracted, the REQUESTING PARTY shall assure compliance with the above for all subcontracted work.

In the event that an audit performed by or on behalf of the DEPARTMENT indicates an adjustment to the costs reported under this contract, or questions the allowability of an item of expense, the DEPARTMENT shall promptly submit to the REQUESTING PARTY, a Notice of Audit Results and a copy of the audit report which may supplement or modify any tentative findings verbally communicated to the REQUESTING PARTY at the completion of an audit.

Within sixty (60) days after the date of the Notice of Audit Results, the REQUESTING PARTY shall: (a) respond in writing to the responsible Bureau or the DEPARTMENT indicating whether or not it concurs with the audit report, (b) clearly explain the nature and basis for any disagreement as to a disallowed item of expense and, (c) submit to the DEPARTMENT a written explanation as to any questioned or no opinion expressed item of expense, hereinafter referred to as the "RESPONSE". The RESPONSE shall be clearly stated and provide any supporting documentation necessary to resolve any disagreement or questioned or no opinion expressed item of expense. Where the documentation is voluminous, the REQUESTING PARTY may

supply appropriate excerpts and make alternate arrangements to conveniently and reasonably make that documentation available for review by the DEPARTMENT. The RESPONSE shall refer to and apply the language of the contract. The REQUESTING PARTY agrees that failure to submit a RESPONSE within the sixty (60) day period constitutes agreement with any disallowance of an item of expense and authorizes the DEPARTMENT to finally disallow any items of questioned or no opinion expressed cost.

The DEPARTMENT shall make its decision with regard to any Notice of Audit Results and RESPONSE within one hundred twenty (120) days after the date of the Notice of Audit Results. If the DEPARTMENT determines that an overpayment has been made to the REQUESTING PARTY, the REQUESTING PARTY shall repay that amount to the DEPARTMENT or reach agreement with the DEPARTMENT on a repayment schedule within thirty (30) days after the date of an invoice from the DEPARTMENT. If the REQUESTING PARTY fails to repay the overpayment or reach agreement with the DEPARTMENT on a repayment schedule within the thirty (30) day period, the REQUESTING PARTY agrees that the DEPARTMENT shall deduct all or a portion of the overpayment from any funds then or thereafter payable by the DEPARTMENT to the REQUESTING PARTY under this contract or any other agreement, or payable to the REQUESTING PARTY under the terms of 1951 PA 51, as applicable. Interest will be assessed on any partial payments or repayment schedules based on the unpaid balance at the end of each month until the balance is paid in full. The assessment of interest will begin thirty (30) days from the date of the invoice. The rate of interest will be based on the Michigan Department of Treasury common cash funds interest earnings. The rate of interest will be reviewed annually by the DEPARTMENT and adjusted as necessary based on the Michigan Department of Treasury common cash funds interest earnings. The REQUESTING PARTY expressly consents to this withholding or offsetting of funds under those circumstances, reserving the right to file a lawsuit in the Court of Claims to contest the DEPARTMENT'S decision only as to any item of expense the disallowance of which was disputed by the REQUESTING PARTY in a timely filed RESPONSE.

The REQUESTING PARTY shall comply with the Single Audit Act of 1984, P.L. 98-502.

The REQUESTING PARTY shall adhere to the following requirements associated with audits of accounts and records:

- a. Agencies expending a total of \$300,000 or more in federal funds, from one or more funding sources in its fiscal year, shall comply with the requirements of the federal Office of Management and Budget (OMB) Circular A-133, as revised or amended.

SECTION V

SPECIAL PROGRAM AND PROJECT CONDITIONS

- A. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the acquisition of right-of-way must be under construction by the close of the twentieth (20th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that right-of-way.
- B. Those projects for which the REQUESTING PARTY has been reimbursed with Federal monies for the performance of preliminary engineering must be under construction by the close of the tenth (10th) fiscal year following the fiscal year in which the FHWA and the DEPARTMENT projects agreement covering that work is executed, or the REQUESTING PARTY may be required to repay to the DEPARTMENT, for forwarding to the FHWA, all monies distributed as the FHWA'S contribution to that preliminary engineering.
- C. On those projects funded with Federal monies, the REQUESTING PARTY, at no cost to the PROJECT or the DEPARTMENT, will provide such accident information as is available and such other information as may be required under the program in order to make the proper assessment of the safety benefits derived from the work performed as the PROJECT. The REQUESTING PARTY will cooperate with the DEPARTMENT in the development of reports and such analysis as may be required and will, when requested by the DEPARTMENT, forward to the DEPARTMENT, in such form as is necessary, the required information.
- D. In connection with the performance of PROJECT work under this contract the parties hereto (hereinafter in Appendix "A" referred to as the "contractor") agree to comply with the State of Michigan provisions for "Prohibition of Discrimination in State Contracts", as set forth in Appendix A, attached hereto and made a part hereof. The parties further covenant that they will comply with the Civil Rights Acts of 1964, being P.L. 88-352, 78 Stat. 241, as amended, being Title 42 U.S.C. Sections 1971, 1975a-1975d, and 2000a-2000h-6 and the Regulations of the United States Department of Transportation (49 C.F.R. Part 21) issued pursuant to said Act, including Appendix "B", attached hereto and made a part hereof, and will require similar covenants on the part of any contractor or subcontractor employed in the performance of this contract.
- E. The parties will carry out the applicable requirements of the DEPARTMENT'S Disadvantaged Business Enterprise (DBE) program and 49 CFR, Part 26, including, but not limited to, those requirements set forth in Appendix C.

APPENDIX A
PROHIBITION OF DISCRIMINATION IN STATE CONTRACTS

In connection with the performance of work under this contract; the contractor agrees as follows:

1. In accordance with Act No. 453, Public Acts of 1976, the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or as a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status. Further, in accordance with Act No. 220, Public Acts of 1976 as amended by Act No. 478, Public Acts of 1980 the contractor hereby agrees not to discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. A breach of the above covenants shall be regarded as a material breach of this contract.
2. The contractor hereby agrees that any and all subcontracts to this contract, whereby a portion of the work set forth in this contract is to be performed, shall contain a covenant the same as hereinabove set forth in Section 1 of this Appendix.
3. The contractor will take affirmative action to insure that applicants for employment and employees are treated without regard to their race, color, religion, national origin, age, sex, height, weight, marital status or a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.
4. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, national origin, age, sex, height, weight, marital status or disability that is unrelated to the individual's ability to perform the duties of a particular job or position.
5. The contractor or his collective bargaining representative will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice advising the said labor union or workers' representative of the contractor's commitments under this appendix.
6. The contractor will comply with all relevant published rules, regulations, directives, and orders of the Michigan Civil Rights Commission which may be in effect prior to the taking of bids for any individual state project.
7. The contractor will furnish and file compliance reports within such time and upon such forms as provided by the Michigan Civil Rights Commission, said forms may also elicit information as to the practices, policies, program, and employment statistics of each subcontractor as well as the contractor himself, and said contractor will permit access to his books, records, and accounts by the Michigan Civil Rights Commission and/or its agent, for purposes of investigation to ascertain compliance with this contract and relevant with rules, regulations, and orders of the Michigan Civil Rights Commission.
8. In the event that the Civil Rights Commission finds, after a hearing held pursuant to its rules, that a contractor has not complied with the contractual obligations under this agreement, the Civil Rights Commission may, as part of its order based upon such findings, certify said findings to the Administrative Board of the State of Michigan, which Administrative Board may order the cancellation of the contract found to have been violated and/or declare the contractor ineligible for future contracts with the state and its political and civil subdivisions, departments, and officers, and including the governing boards of institutions of higher education, until the contractor complies with said order of the Civil Rights Commission. Notice of said declaration of future ineligibility may be given to any or all of the persons with whom the contractor is declared ineligible to contract as a contracting party in future contracts. In any case before the Civil Rights Commission in which cancellation of an existing contract is a possibility, the contracting agency shall be notified of such possible remedy and shall be given the option by the Civil Rights Commission to participate in such proceedings.
9. The contractor will include, or incorporate by reference, the provisions of the foregoing paragraphs (1) through (8) in every subcontract or purchase order unless exempted by the rules, regulations or orders of the Michigan Civil Rights Commission, and will provide in every subcontract or purchase order that said provisions will be binding upon each subcontractor or seller.

March, 1998

APPENDIX B

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. Compliance with Regulations: The contractor shall comply with the Regulations relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 27, as they may be amended from time to time (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
2. Nondiscrimination: The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or natural origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
3. Solicitations for Subcontracts, Including Procurements of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
4. Information and Reports: The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Michigan Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Michigan Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
5. Sanctions for Noncompliance: In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Michigan Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - (a) Withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b) Cancellation, termination, or suspension of the contract, in whole or in part.
6. Incorporation of Provisions: The contractor shall include the provisions of paragraphs 1 through 6 of every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Michigan Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for non-compliance; provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Michigan Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX C

TO BE INCLUDED IN ALL FINANCIAL ASSISTANCE AGREEMENTS WITH LOCAL AGENCIES

Assurance that Recipients and Contractors Must Make (Excerpts from US DOT Regulation 49 CFR 26.13)

- A. Each financial assistance agreement signed with a DOT operating administration (or a primary recipient) must include the following assurance:

The recipient shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any US DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The recipient shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. The recipient's DBE program, as required by 49 CFR Part 26 and as approved by US DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the recipient of its failure to carry out its approved program, the department may impose sanctions as provided for under Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).

- B. Each contract MDOT signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance:

The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of US DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

October 5, 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 Boulder Office Building
1080 Kirts
Project No. 01.904.3

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

The Developer 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.

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

Prepared by: Gary Streight, Civil Engineer

G:\Projects\Projects - 2001\01.904.3\Private Agreement Cover Letter

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR BOULDER OFFICE BUILDING AT 1076 & 1096 KIRTS
PROJECT NO. 01.904.3

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

ESCROW DEPOSITS:

Watermain	\$ 41,892.00
Storm Sewer	5,000.00
Paving	10,000.00

TOTAL ESCROW DEPOSITS: \$ 56,892.00

CASH FEES:

Plan Review & Inspection	\$ 3,470.41
Water Main Testing	<u>650.00</u>

TOTAL CASH FEES: \$ 4,120.41

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT No. 01.904.3

PROJECT LOCATION: 1076 & 1096 KIRTS

COUNCIL 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 Troy Center Office L.L.C., Pacholski, whose address is 30078 Schoenherr, Suite 300, Warren, MI 48088 and whose telephone number is (810)563-1500 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of watermain, storm sewer & paving in accordance with plans prepared by Professional Engineering Associates, whose address is 2430 Rochester Ct., Suite 100, Troy, MI 48083, 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 \$56,892.00. 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 owner 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	\$3,470.41
	Water Main Testing Fee (Separate Check)	<u>650.00</u>
	Street Cleaning/Road Maintenance	
	Miscellaneous Road and Pavement Repair	
	TOTAL:	\$4,120.41
*	6.1% (.061) of approximate contract price	

**CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)**

PROJECT No. 01.904.3 _____

PROJECT LOCATION: 1076 & 1096 KIRTS _____

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 even 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 \$61,012.41 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. 01.904.3

PROJECT LOCATION: 1076 & 1096 KIRTS

COUNCIL RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

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

OWNERS

CITY OF TROY

By:

By:



Please Print or Type *LORENZO J. CAVALIERE*
MANAGER : TROY CENTER OFFICE LLC

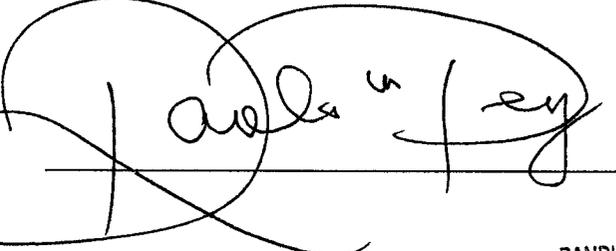
Matt Pryor, Mayor

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 12th day of September, A.D. 2001, before me personally appeared Lorenzo J Cavaliere 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.

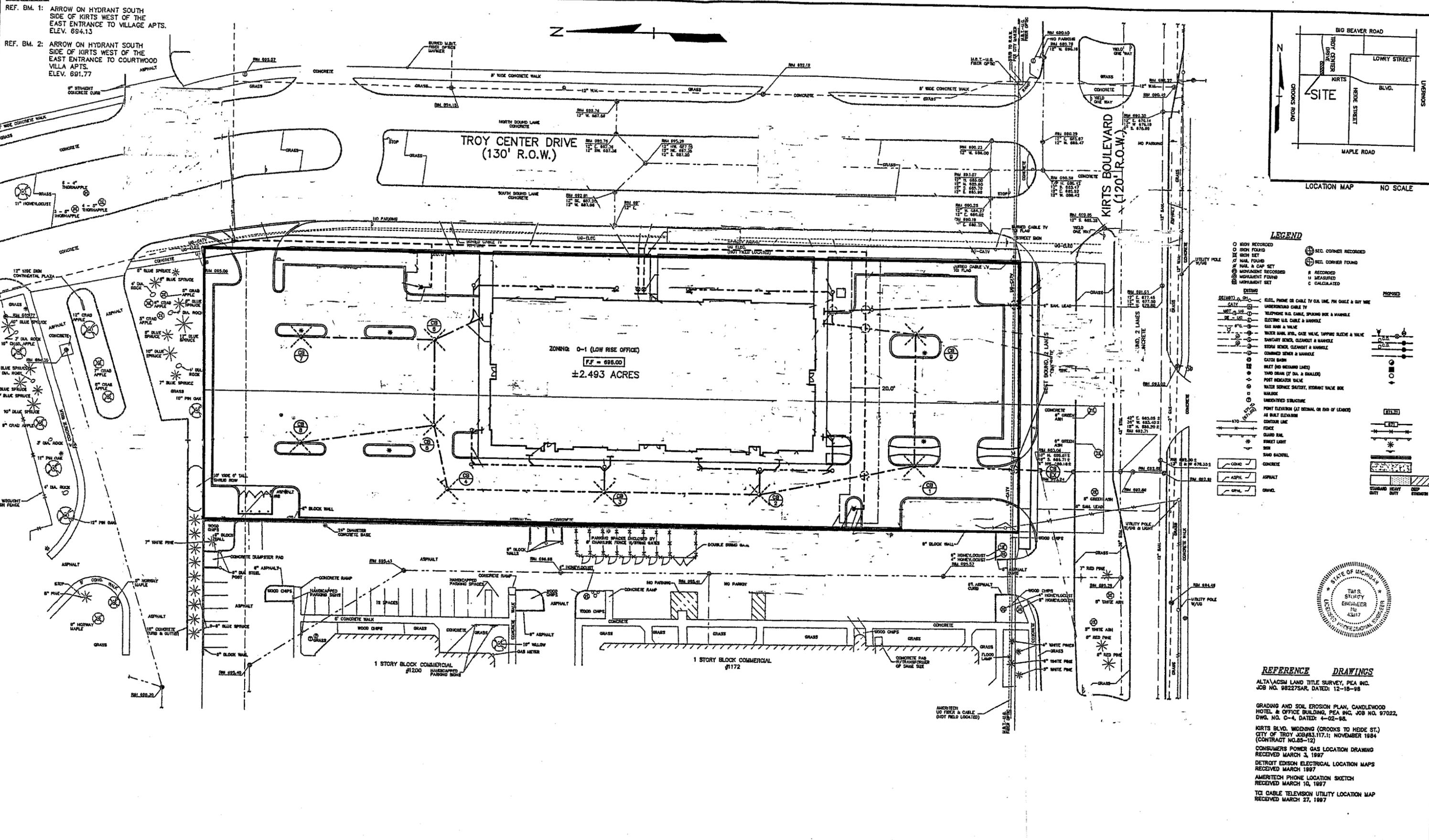


RANDI M. PERCY
NOTARY PUBLIC MACOMB CO., MI
MY COMMISSION EXPIRES Oct 28, 2004

NOTARY PUBLIC, Macomb County, Michigan

My commission expires: 10/28/2004

BENCHMARKS
 REF. BM. 1: ARROW ON HYDRANT SOUTH SIDE OF KIRTS WEST OF THE EAST ENTRANCE TO VILLAGE APTS. ELEV. 694.13
 REF. BM. 2: ARROW ON HYDRANT SOUTH SIDE OF KIRTS WEST OF THE EAST ENTRANCE TO COURTHOUSE VILLA APTS. ELEV. 691.77



LEGEND

- IRON RECORDED
 - IRON FOUND
 - MAIL SET
 - MAIL & CAP SET
 - MONUMENT RECORDED
 - MONUMENT FOUND
 - MONUMENT SET
 - SEC. CORNER RECORDED
 - SEC. CORNER FOUND
 - RECORDED
 - MEASURED
 - CALCULATED
- SYMBOLS**
- ⊖ ELEC. PHONE OR CABLE TV ON LINE, PM GAGE & OUT WIRE
 - ⊖ UNDERGROUND CABLE TV
 - ⊖ TELEPHONE MAIL CABLE, SPURRING BOX & MANHOLE
 - ⊖ ELECTRIC U.S. CABLE & MANHOLE
 - ⊖ GAS MAIN & VALVE
 - ⊖ WATER MAIN, FIRE, GATE VALVE, TAPPING BLEED & VALVE
 - ⊖ SANITARY SINKER, CLEANOUT & MANHOLE
 - ⊖ STORM SINKER, CLEANOUT & MANHOLE
 - ⊖ COMBINED SINKER & MANHOLE
 - ⊖ CATCH BASIN
 - ⊖ SILEY (NO RECORDING LINES)
 - ⊖ TANK DRAIN (2" DIA. & SMALLER)
 - ⊖ POST INDICATOR VALVE
 - ⊖ WATER SERVICE SANITARY, HYDRANT VALVE BOX
 - ⊖ MANHOLE
 - ⊖ UNIDENTIFIED STRUCTURE
 - ⊖ POINT ELEVATION (AT BEGINNING OR END OF LEADER)
 - ⊖ AS BUILT ELEVATION
 - ⊖ 670
 - ⊖ FENCE
 - ⊖ GUARD RAIL
 - ⊖ STREET LIGHT
 - ⊖ SIGN
 - ⊖ SAND BACINET
 - ⊖ CONCRETE
 - ⊖ ASPHALT
 - ⊖ GRAVEL
- STANDARD HEAVY DUTY DEEP STRENGTH**



REFERENCE DRAWINGS

- ALTA/ACSM LAND TITLE SURVEY, PEA INC. JOB NO. 98227SAR, DATED: 12-18-98
- GRADING AND SOIL EROSION PLAN, CANDLEWOOD HOTEL & OFFICE BUILDING, PEA INC. JOB NO. 97022, DWG. NO. C-4, DATED: 4-02-98.
- KIRTS BLVD. WIDENING (CROOKS TO HEIDE ST.), CITY OF TROY JOB#83.117.1; NOVEMBER 1984 (CONTRACT NO.85-12)
- CONSUMERS POWER GAS LOCATION DRAWING RECEIVED MARCH 3, 1997
- DETROIT EDISON ELECTRICAL LOCATION MAPS RECEIVED MARCH 1997
- AMERITECH PHONE LOCATION SKETCH RECEIVED MARCH 10, 1997
- TQI CABLE TELEVISION UTILITY LOCATION MAP RECEIVED MARCH 27, 1997

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 GENERAL PRACTICES OF THE PROFESSION OF ENGINEERING AND SURVEYING, THE CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR THE PROJECT, INCLUDING THE SAFETY OF ALL PERSONS AND PROPERTY, THAT THIS AGREEMENT 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 DESIGNER.

No.	By	Date	Revision (Description)

BOULDER CONSTRUCTION
 30078 SCHOENHERR ROAD, SUITE 300
 WARREN, MICHIGAN 48093

UTILITY PLAN - TROY
 N.W. CORNER OF KIRTS BOULEVARD AND TROY CENTER DRIVE
 CITY OF TROY, OAKLAND COUNTY, MICHIGAN



September 27, 2001

To: Honorable Mayor and City Council

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

Subject:: SMART Dial-A-Ride Service Agreement

Recommendation

Attached please find the annual agreement with SMART for 2001-2002. This agreement states that the City will transfer Municipal Credit funds in the amount of \$76,084 and Community Credit funds in the amount of \$60,066 to SMART for the operation of Dial-A-Ride.

- (3) Transportation service purchased from SMART
(Includes SMART Tickets/Passes, Shuttle Service, Dial-A-Ride)

At the cost of: \$ _____

- (4) Capital Purchases

At the cost of: \$ _____

Total \$ 60,066.00

Exhibits A and B as completed are attached hereto and made a part hereof.

Capital purchases permitted with Community Credits are subject to applicable state and federal regulations, and SMART procurement guidelines. When advantageous, SMART may make procurements directly. Reimbursement for purchases made by a community requires presentation of proper documentation to support the purchase (i.e. purchase orders, receiving reports, invoices, etc.).

City of Troy

By: _____

Dated: _____

Its: Mayor

By: _____

Dated _____

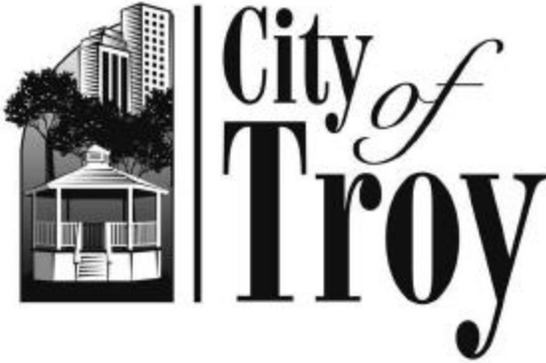
Its: Clerk

**Suburban Mobility Authority for
Regional Transportation**

Dated _____

By: _____

Dan G. Dirks
General Manager



October 9, 2001

TO: MAYOR AND MEMBERS OF COUNCIL

FROM: LORI GRIGG BLUHM, CITY ATTORNEY

RE: EMPLOYMENT AGREEMENT

Enclosed please find my employment agreement, as revised by Craig Lange. Other than necessary typographical errors, the following revisions were incorporated into the new, proposed agreement:

1. Section 7 has been revised to be consistent with Section 5.
2. Section 12 (2) was modified in both substance and form.
3. Section 12 (3) was also clarified.
4. Potentially applicable laws were included in the revised Section 14.
5. Sections 17 to 21 were added to the agreement.

These changes are all acceptable to me, as evidenced by my signature on the agreement. If you have any questions concerning the above, please let me know.

LANGE & CHOLACK, P.C.
ATTORNEYS AND COUNSELLORS AT LAW
50 WEST BIG BEAVER ROAD, SUITE 580
TROY, MICHIGAN 48084

TELEPHONE: (248) 619-2500
FACSIMILE: (248) 619-3232
E-MAIL: lachpc@digitalrealm.com

CRAIG W. LANGE
ERIC W. CHOLACK
BARBARA F. DOOLITTLE
MELANIE J. ROHR

E-MAIL
clange@digirealm.com
echolack@digirealm.com
bdoolittle@digirealm.com
mrohr@digirealm.com

October 2, 2001

ATTORNEY/CLIENT PRIVILEGE
PERSONAL & CONFIDENTIAL
Lori Bluhm, Esq.
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Dear Lori:

Enclosed please find the Employment Agreement. I trust you will forward this to the City Council under separate cover as part of an agenda packet in the near future.

If you have any questions, please feel free to contact me.

Very truly yours,
LANGE & CHOLACK, P.C.


Craig W. Lange

CWL/mmg
Enclosure.

EMPLOYMENT AGREEMENT

THIS AGREEMENT made on the 15th day of October, 2001, by and between the City of Troy, Michigan, a municipal corporation, hereinafter referred to as the "City" and Lori Grigg Bluhm, hereinafter referred to as the "Attorney".

As the City desires to retain the Attorney as its City Attorney and as the Attorney desires to serve the City as its City Attorney, the City and the Attorney agree as follows:

SECTION 1. PERIOD OF EMPLOYMENT

This Agreement shall be effective as of September 10, 2001 and shall continue for an indefinite period, and may be terminated subject to the provisions of Section 13 of this Agreement.

SECTION 2. ATTORNEY'S DUTIES

During the period of employment with the City, the Attorney shall perform the duties of the City Attorney as set out in the applicable statutes of the State of Michigan, the Charter of the City of Troy, all ordinances and resolutions lawfully enacted, and other such duties as the Council of the City of Troy may lawfully assign to the Attorney.

SECTION 3. OTHER EMPLOYMENT

The Attorney shall devote full-time attention, knowledge and skills in the interest of the City of Troy, and the City shall be entitled to full-time benefits arising from or incident to the full-time work, services, and advice of the Attorney.

The Attorney may from time to time teach, lecture, or make presentations that will not conflict or interfere with her work for the City.

The Attorney agrees to execute all oaths and provide all bonds with surety as required by law.

SECTION 4. HOURS OF WORK

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

SECTION 5. ATTORNEY'S SALARY

The Attorney shall receive a salary at an annual rate of \$97,292 for the period commencing September 10, 2001, and that salary shall be payable in installments as per the pay plan generally applicable to other City exempt employees. From time to time, the City shall review the Attorney's performance. The Attorney's annual salary may be adjusted from time to time as determined by resolution of the City Council.

SECTION 6. DEFERRED COMPENSATION

Prior to termination of this Agreement, and while the Attorney remains in the employ of the City as its City Attorney, the City of Troy shall contribute \$3,500

on or before January 15th of each year to the ICMA Retirement Corporation Deferred Compensation Plan on behalf of the Attorney. This provision shall be effective for the calendar year of 2002 and thereafter.

**SECTION 7.
AUTOMOBILE ALLOWANCE**

The Attorney shall receive an automobile allowance of \$425 per month during the time she is actively working during the term of this Agreement as City Attorney for the City. This amount shall be increased from time to time to the extent such allowance is increased for other exempt employees within the City. This allowance shall be the total compensation to the Attorney for the use of her personal automobile in the course of the City's business and shall be paid in lieu of mileage or any other method of reimbursement. The Attorney shall use her vehicle for all City business that she performs. The Attorney shall provide proof of insurance to the City and name the City as an additional insured on her automobile insurance policy.

**SECTION 8.
OTHER BUSINESS EXPENSE**

The City shall reimburse the Attorney for all other reasonable employment related expenses, subject to the administrative policies concerning such expenses, as currently exist in the Exempt Employee's Handbook, Revised 2/00, as may be amended and otherwise. Such expenses may include, but are not limited to, the following: air travel, taxi and automobile rental, lodging, meals, memberships and subscriptions to the publications of the International Municipal

Lawyers Association, the Michigan Association of Municipal Attorneys, the State Bar of Michigan and Public Corporations Law Section, the Oakland County Bar Association, registration fees for training programs offered by such organizations, and travel and incidental costs relating to attending such programs or conferences and meetings of such organizations. It is specifically understood that such activities are to be undertaken by the Attorney as may be required by the City, and shall be considered part of the Attorney's duties. The Attorney shall be reimbursed for other such reasonable expenses as the City shall approve by resolution passed by the City Council.

**SECTION 9.
VACATION LEAVE**

Vacation benefits for the Attorney shall be as provided to the City's exempt employees.

**SECTION 10.
SICK LEAVE**

The Attorney shall accumulate sick leave pursuant to the plan for exempt employees as is provided in the Exempt Employee's Handbook, revised 2/00, which may be modified from time to time during the course of this Agreement.

**SECTION 11.
PUBLIC OFFICIAL LIABILITY INSURANCE
AND REPRESENTATION BY LEGAL COUNSEL**

The City shall provide the Attorney with public official liability insurance in accordance with that provided other officers of the City. In addition, the City shall provide the Attorney legal representation as otherwise provided for other city officials and as provided by ordinance, except for malicious, wanton criminal

conduct arising from the Attorney's action or conduct and/or unless the City Council determines that the Attorney was clearly acting outside of the scope of her duties when engaged in the actions or conduct which forms the basis of such charges or claims.

SECTION 12. TERMINATION

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

1. In the event the Attorney terminates this Agreement, she shall give no less than thirty (30) days prior written notice to the City Clerk and in said notice advise the City of the date of termination. If the Attorney terminates this Agreement, all rights of the Attorney to compensation and benefits pursuant to this Agreement shall cease as of the effective date of such termination.

2. In the event the City terminates the Attorney's employment under provisions of this Agreement for just cause, all rights of the Attorney to compensation and benefits pursuant to this Agreement shall cease as of the effective date of such termination. Just cause shall include, but is not limited to, any of the following:

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

1. in the performance of Attorney's duties and responsibilities pursuant to this Agreement, or
2. which has a material adverse impact on the public's perception of the City, its officials, administrators or the Attorney.

- (b) The use by Attorney of alcohol, drugs, or any other intoxicant or controlled substance, in such a manner as to impair her ability to perform her duties and responsibilities pursuant to this Agreement in a competent and diligent manner or in a manner which harms the reputation of the City.
- (c) The attorney's arrest and binding over for trial or a plea of guilty or nolo contendere to a crime providing for a term of imprisonment (other than traffic violations and crimes not requiring the knowing involvement of the Attorney in the commission thereof).
- (d) (i) A pattern of neglect or persistent failure to perform the duties herein contained with respect to duties previously communicated to the Attorney in writing by the City Council but only after the Attorney has been provided notice by City Council of its dissatisfaction with the performance of said duties and Attorney has been provided a reasonable opportunity to correct her performance; (ii) otherwise willful misconduct in connection with the performance of her duties hereunder.

If the City terminates the Attorney's employment under the provisions of paragraph 2, all rights of the Attorney to compensation and benefits shall cease as of the effective date of such termination unless a final termination is thereafter made pursuant to the arbitration provisions hereof that the City did not have just

cause to terminate the Attorney, in which case the provisions of Paragraph 3 below shall apply.

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

**SECTION 13.
ELIGIBILITY FOR BENEFITS AFFORDED OTHER CITY OFFICIALS**

Except as otherwise provided in this Agreement, the Attorney shall receive the same benefits as provided to the City's exempt employees including; compensatory time, vacation leave, sick leave, Municipal Retirement Fund Contributions, Group Medical Insurance Benefits, life and other insurance, holidays and disability as is described in the City of Troy Exempt Employee's Handbook, revised 2/00, and which may be modified from time to time during the course of this Agreement.

**SECTION 14.
ARBITRATION**

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

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

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

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

4. Any grievance shall be deemed waived unless presented within the time limits specified above. The arbitrator shall not have jurisdiction or authority to change, add to or subtract from any of the provisions of this Agreement. The arbitrator's sole authority shall be to interpret or apply the provisions of this Agreement. The parties hereby acknowledge that since arbitration is the exclusive remedy with respect to any grievance hereunder, neither party has the right to resort to any federal, state or local court or administrative agency concerning breaches of this Agreement and that the decision of the arbitrator shall be a complete defense to any suit, action or proceeding instituted in any federal, state or local court or before any administrative agency with respect to any dispute which is arbitrable as herein set forth. The arbitration provisions hereof shall, with respect to any grievance, survive the termination or expiration of this Agreement.

**SECTION 15.
COMPLETE AGREEMENT**

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

**SECTION 16.
GOVERNING LAW**

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

**SECTION 17.
SURVIVING PROVISIONS**

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

**SECTION 18.
REPRESENTATIONS AND WARRANTIES**

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

**SECTION 19.
WAIVERS**

The failure of either party hereto at any time or from time to time to require performance of any of the other party's obligations under this Agreement shall in no manner affect the right to enforce any provision of this Agreement at a subsequent time, and the waiver of any rights arising out of any breach shall not be construed as a waiver of any rights arising out of any subsequent breach.

**SECTION 20.
SURVIVAL**

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

**SECTION 21.
WARRANTIES**

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

Witnesses:

CITY OF TROY, a Michigan
municipal corporation

By: _____
Matt Pryor, Mayor

By: _____
Tonni Bartholomew, City Clerk

Attorney

By: _____
Lori Grigg Bluhm

October 9, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance & Administration
Jeanette Bennett, Purchasing Director

SUBJECT: Standard Purchasing Resolution 3: Exercise Renewal Option for National Cooperative Purchasing Program (NACo) with Graybar & Grainger - Industrial/Commercial Products, Equipment, Supplies And Related Services

RECOMMENDATION

On April 9, 2001, the City Council approved a (3) year contract for Industrial/Commercial Products and related services to Graybar Electric Company and Grainger Industrial Supply, with the option to renew for two additional one-year periods (Res#2001-04-188-E-7). The Purchasing Department recommends the acceptance of the first year option exercised by NACo to renew the contracts. The contracts will expire on September 30, 2002 with one additional optional year remaining. The discount structure originally bid and indicated below will remain the same –

DETAIL

GRAYBAR

Electrical Products-Equipment Supplies and Related Services
Discounts from 15 – 74% off Manufacturers' List

GRAINGER

Hardware-Paint-Electrical-HVAC-Equipment Supplies and Related Services

Stanley/Proto Hand Tools	58% off list
Milwaukee Power Tools	46% off list
Dewalt Power Tools	48% off list
GE Large Lamps	59.5% off list
Stage/Studio Lamps	52.5% off list
Grainger Catalog	15% off list
Additional Specific Mfg Discounts	28% - 58% off list

MARKET SURVEY

Since this a nationally bid contract, we can only accept or decline to participate in the contract and cannot do pricing comparisons.

BUDGET

Funds for this contract are charged to various department-operating budgets as needed.

E-7 Standard Purchasing Resolution 4: National Cooperative Purchasing Program (NACo) – Industrial/Commercial Products, Equipment, Supplies and Related Services

Resolution #2001-04-188-E-7

RESOLVED, That a three-year contract to provide for Industrial/Commercial Products, Equipment, Supplies and Related Services to the City of Troy and participating Tri-County Purchasing Cooperative Members from the best value bidders, Graybar Electric Co. and Grainger Industrial Supply are hereby approved through a "piggyback" addendum with Los Angeles County and the National Cooperative Purchasing Program Contract #57128/57141 under the following discount structure to commence on the date of award and expire September 30, 2001, with an option to renew for an additional two years.

GRAYBAR

Electrical Products-Equipment Supplies and Related Services
 Discounts from 15 – 74% off Manufacturers' List

GRAINGER

Hardware-Paint-Electrical-HVAC-Equipment Supplies and Related Services

Stanley/Proto Hand Tools	58% off list
Milwaukee Power Tools	46% off list
Dewalt Power Tools	48% off list
GE Large Lamps	59.5% off list
Stage/Studio Lamps	52.5% off list
Grainger Catalog	15% off list
Additional Specific Mfg Discounts	28% - 58% off list

E-8 Approval to Charge Admission Fee/Flynn Park

Resolution #2001-04-188-E-8

RESOLVED, That Athens High School is granted permission to charge admission for their annual varsity softball tournament at Flynn Park on May 19, 2001. The daily admission fees are: Adults - \$3.00; Students/Seniors - \$2.00

TERM CONTRACT

AMENDMENT

INTERNAL SERVICES DEPARTMENT



NUMBER : 41021
 BUYER : KEVIN BYRNES
 BUYER PHONE : (323) 267-2292-0000
 T-NUMBER : T031C
 DATE ISSUED : 09/27/01
 VENDOR NUMBER : 043568 -01
 VENDOR PHONE : (213) 634-7371
 REQ AGENCY : IS9000

AMENDMENT : 01

INTERNAL SERVICES DEPARTMENT

AGENCY REQ NO. :
 REQ NO. : 1004670
 FISCAL YEAR : 99
 EFFECTIVE DATE : 09/01/98
 EXPIRATION DATE : 09/30/02

TYPE CHANGE : ADMINISTRATIVE CHANGE

W W GRAINGER INC
 2211 E. OLYMPIC BLVD.
 LOS ANGELES, CA 90021-2521

HARDWARE-PAINT-ELECTRICAL

AGREEMENT OF EXTENSION

AMENDMENT A

FROM: 10/01/01

TO: 09/30/02

BASIS: LETTER SIGNED BY ANDREW GUZZON, DATED 8/31/01, OFFERING
 TO EXTEND AGREEMENT FOR AN ADDITIONAL 12 MONTHS PER OPTION.

ADD THE FOLLOWING CANCELLATION CLAUSE TO AGREEMENT EFFECTIVE 10/01/01.

THE COUNTY OF LOS ANGELES RESERVES THE RIGHT TO CANCEL THIS AGREEMENT
 UPON 30 DAYS WRITTEN NOTICE. VENDOR MAY CANCEL AGREEMENT AFTER
 INITIAL YEAR OF THE AGREEMENT EXTENSION PERIOD, UPON 90 DAYS WRITTEN
 NOTICE. THE COUNTY MAY CONTINUE TO PLACE ORDERS AGAINST THE
 AGREEMENT UNTIL THE EFFECTIVE DATE OF SUCH CANCELLATION.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

COUNTY OF LOS ANGELES

VENDOR SIGNATURE/DATE

DATE: October 9, 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 Trailers
Acura of Troy
1828 Maplelawn

We have received a request from Mike Savoie, President of Acura of Troy, to temporarily place two office trailers for use by the dealership at 1828 Maplelawn. The purpose of the trailers is to house the dealership operations until the current renovation project is completed. The one unusual condition of this request is that the trailers are actually proposed to be located on the adjacent property at 1900 W. Maple. This is the site of Mike Savoie Chevrolet, obviously owned by the same owner. While this condition is unusual, it does provide for efficient access and circulation and separates the public from the construction area. Mr. Savoie's letter indicates that they need to use the trailers through April of 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



Acura of Troy

October 8, 2001

Mr. Mark Stimac
Director of Building and Zoning
City of Troy
500 West Big Beaver Road
Troy, MI 48084

Re: Acura of Troy – Renovation
1828 Maplelawn Road

Dear Mark,

Acura of Troy does herewith request permission to erect (2) temporary office trailers for staff use during our upcoming renovation project. Our Construction manager, The Monahan Company has applied for a building permit in September. The temporary trailers are intended to house office staff, sales staff and service staff. Customers will be directed to the trailers via temporary signage and cars will be transported to the service area via staff. The trailers will have barrier free accessible ramps and toilet rooms. The trailers will have temporary electric power, phones, etc.

We anticipate the trailers being mobilized to the site on or near October 22, 2001. The construction is scheduled to be complete April 2002. The trailers will be positioned on or near the southern lot line of Acura of Troy. There is a possibility that the trailers will be protruding onto or be actually on the Mike Savoie Chevrolet, Inc. property. This is ok, since I am the owner of both parcels and both businesses. This will provide the least amount of disruption to both customer groups and businesses.

Please see the attached site plan with the proposed location of the trailers.

Thank you for your assistance in this matter.

Sincerely,
Acura of Troy

A handwritten signature in cursive script, appearing to read 'Michael Savoie'.

Michael Savoie
President

Work 248-458-1601
Fax 248-643-6020
Email msavoie@mikesavoie.com

Mailing Address: P.O. Box 1830 • Troy, Michigan 48099-1830 • (248) 643-0900 • Fax (248) 643-7473

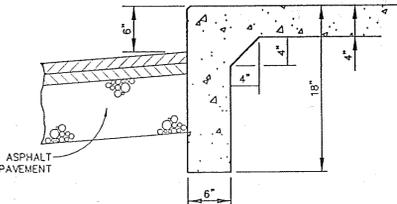
Shipping Address: 1828 Maplelawn • Troy, Michigan 48084

1 1/2" MDT 1100T
(20A MIN. 50% CRUSHED)
1 1/2" MDT 1100L
(20A MIN. 50% CRUSHED)

RECEIVED
OCT 08 2001
BUILDING DEPARTMENT

8" MDT 21AA (C.I.P.)

TYPICAL PAVEMENT CROSS-SECTION
ON-SITE DETAIL ONLY NO SCALE



THICKENED EDGE WALK DETAIL
NO SCALE

NOTE
ALL UNDERGROUND CONSTRUCTION UNDER OR WITHIN 3' OF PAVEMENT SHALL BE BACKFILLED W/MDOT CL. II GRANULAR MATERIAL COMPACTED TO MINIMUM 95% OF MAXIMUM DENSITY.

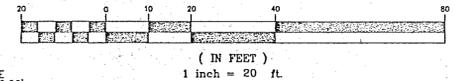
NOTE
ALL STORM SEWER TO BE INSTALLED SHALL BE PREMIUM JOINT

BENCHMARKS
ARROW ON FIRE HYDRANT S.E. CORNER MAPLE RD. & MAPLELAWN ELEV. 613.74
ARROW ON FIRE HYDRANT W. SIDE MAPLELAWN @ #1900 ELEV. 613.34
ARROW ON FIRE HYDRANT W. SIDE MAPLELAWN BETWEEN ACURA & CHEVROLET DEALERSHIPS ELEV. 613.43

- LEGEND**
- R. RECORD
 - M. MEASURED
 - C. CALCULATED
 - F.I.R. FOUND IRON ROD
 - F.M. FOUND MONUMENT
 - S.I.R. SET IRON ROD
 - S.N. SET NAIL
 - TC TOP OF CURB
 - GU GUTTER
 - F.F. FINISHED FLOOR
 - TW TOP OF WALL
 - C.B. CATCH BASIN
 - U.P. UTILITY POLE
 - M.H. MANHOLE
 - L.P. LIGHT POLE
 - O.H. OVERHEAD WIRES
 - G.V.W. GATE VALVE AND WELL
 - H.Y.D. FIRE HYDRANT
 - SIGN

3 WORKING DAYS BEFORE YOU DIG
CALL MISS DIG.
1-800-482-7171
FOR FREE LOCATION OF PUBLIC UTILITY LINES

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft

BENCHMARK
P.K. NAIL IN S. FACE OF U.P.
ELEV. 614.81

PROVIDE 4-6" CONC. FILLED STEEL GUARD POSTS

PROPOSED HYDRANT & VALVE ASSEMBLY
FG 614.34

126 LF FULL DEPTH SAWCUT, REMOVE AND REPLACE 1160 SF OF ASPHALT PAVEMENT

8 LF OF 6" CL-54 D.I. W.M.

M.H. RIM 613.60
4" INV. S. 609.50
BOTTOM 609.90

GAS METER
ELEC. METER

EXISTING 6" SANITARY SERVICE C.O.

EXISTING 1" WATER SERVICE

64.6' SECURITY FENCE

6" COLORED DECORATIVE STAMPED CONCRETE (ASHLAR SLATE PATTERN) WALK

9" TAPPING SLEEVE, VALVE AND BOX
RIM 611.30

12" STORM

BENCHMARK
ARROW ON FIRE HYDRANT
ELEV. 613.23

FENCE IN 0.69' UNABLE TO SET

FENCE OUT 1.17'

12' PUBLIC UTILITIES & STORM DRAINAGE ESMT.

211.1'

ASPHALT PAVEMENT

L.P.

S.I.R.

ASPHALT PAVEMENT

SECURITY FENCE

CUSTOMER PARKING

CUSTOMER ENTRANCE

CONSTRUCTION GATE

SERVICE TRAILER

SALES TRAILER

ADA RAMP

N. 00°08'34" W. 247.00' R.

12' PUBLIC UTILITIES & STORM DRAINAGE ESMT.

U.P.

U.P.

U.P.

U.P.

U.P.

U.P.

UTILITY NOTE:
ALL WATER MAIN, STORM SEWER, SANITARY SEWER AND PUBLIC LIGHTING UTILITIES AS SHOWN HEREON ARE TAKEN FROM THE BEST AVAILABLE RECORDS AS DISCLOSED BY THE VARIOUS UTILITY COMPANIES AND/OR MUNICIPALITIES. NO GUARANTEE CAN BE GIVEN BY US AS TO THE ACCURACY OR COMPLETENESS THEREOF.

N.JOB/SUBS 24200 THRU 24299/24232/imp/24232 site plan-20 scale.dwg 10/20/01 10:56:37 AM, PLOTTED BY GEORGE JEROME & COMPANY

PAVEMENT GRADING & DRAINAGE PLAN

ACURA OF TROY, CITY OF TROY, OAKLAND COUNTY, MICHIGAN

DATE	BY	REVISIONS	DATE	BY	REVISIONS
10/2/01	ALJ	LAYOUT PER ARCHITECT			

SURVEY BY: AT	GEORGE JEROME & CO. CONSULTING MUNICIPAL & CIVIL ENGINEERS • SURVEYORS 2804 HAVES ROSELVILLE, MI 48066	ORDER NO. 24-232	SHT. NO. 1
DRAWN BY: LAS		FIELD BOOK: 1298, P.6-9	OF 3
CHECKED BY: DJC		SCALE: 1" = 20'	
APPROVED BY: DJC		FOR: THE MONAHAN CO. DATE: 10/2/01	

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager-Finance and Administration

RE: Resolution to Authorize Issuance and Authentication of Replacement
Bonds – 1995 Michigan Transportation Fund Bonds

DATE: October 10, 2001

The City has received documentation that a holder of the above referenced bond had lost Bond Certificate Number 153 in the principal amount of \$10,000.00 due November 1, 2008.

The attached resolution prepared by our Bond Counsel will authorize the replacement of that bond to the rightful owner.

JML/jml

CITY OF TROY
County of Oakland, State of Michigan

RESOLUTION TO AUTHORIZE
ISSUANCE AND AUTHENTICATION
OF REPLACEMENT BONDS

Minutes of a regular meeting of the City Council of the City of Troy, County of Oakland, State of Michigan (the "City") held on the 15th day of October, 2001, at 7:30 p.m., Eastern Daylight Time, in the City Hall.

PRESENT: Members

ABSENT: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____.

WHEREAS, the City Council of the City of Troy has previously authorized the issuance, sale and delivery of bonds designated the 1995 MICHIGAN TRANSPORTATION FUND BONDS in the original principal amount of \$3,125,000; (the "Bonds"); and

WHEREAS, the Bonds were issued and executed in the name of the City with the facsimile signatures of the Mayor and the City Clerk and bearing the actual or facsimile of the City seal and, upon authentication by an authorized signatory of Michigan National Bank as the transfer agent and paying agent for the Bonds (the "Paying Agent"), were delivered to the purchasers thereof upon payment of the purchase price; and

WHEREAS, Hazel Kennedy Kaiser T/U/A dated 2/24/86, as the registered owner of Bond Certificate Number 153 in the principal amount of \$10,000, maturing on November 1, 2008 (the "Registered Owner") has delivered proof of ownership of said bond (the "Proof of Ownership"), proof of loss, destruction or wrongful taking of said

bond certificate (the “Affidavit of Loss”) and an open penalty bond of indemnity indemnifying the City and the Paying Agent against any loss they may suffer on account of issuance and delivery of the replacement obligation (the “Indemnity Bond”), all as required under Act 354, Public Acts of Michigan, 1972, as amended, MCLA 129.131 et seq (the “Act”); and

WHEREAS, the Paying Agent has requested the City to review the Proof of Ownership, Affidavit of Loss and Indemnity Bond and, pursuant to the Act, to authorize, by resolution of this governing body, the issuance and delivery of a replacement obligation; and

WHEREAS, the City has reviewed the above described Proof of Ownership, Affidavit of Loss and Indemnity Bond and has determined the foregoing to comply with the requirements under the Act and wishes to authorize the issuance and delivery of a replacement obligation by the Paying Agent upon payment by the Registered Owner of all costs of preparation of the replacement obligation and all other costs incurred by the City and the fees, costs and expenses of the Paying Agent in connection with the issuance and delivery of the replacement obligation; and

WHEREAS, pursuant to the provisions of subsection (2) of Section 2 of the Act, the City wishes to further authorize the Paying Agent to exercise, on behalf of the City Council, the powers granted thereto under subsection (1) of the Act as hereinafter provided.

NOW THEREFORE, BE IT RESOLVED THAT:

1. The City Council, having received and reviewed the Proof of Ownership, Affidavit of Loss and Indemnity Bond as required under the Act, hereby authorizes the Transfer Agent to authenticate and deliver, in lieu of Bond Certificate Number 153, a Bond of the same form and tenor and secured in the same manner as the Bond in substitution for which such Bond is delivered, to the Registered Owner thereof, upon payment by the Registered Owner of all costs of preparation of the replacement Bond and all other costs incurred by the City, and the fees, costs and expenses of the Paying Agent in connection with the issuance and delivery of the replacement Bond.

2. Pursuant to the provisions of subsection (2) of Section 2 of the Act, upon prior statutory notification to the Assistant City Manager/Finance on behalf of the City, the City further authorizes the Paying Agent to issue and deliver replacement Bonds for

any unmatured Bond, or for payment without presentation of a matured Bond, that has been lost, apparently destroyed, or wrongfully taken, when furnished with all of the documentation required under subsection 1 of Section 2 of the Act, provided that the Paying Agent shall also notify this governing body of its exercise of the powers herein granted within 30 days after the exercise of such powers as required by the Act.

3. The City Manager or the Assistant City Manager/Finance are hereby authorized to take all further necessary steps to carry out the provisions of this resolution.

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

AYES: Members

NAYS: Members

RESOLUTION DECLARED ADOPTED.

Tonni L. Bartholomew, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Troy, County of Oakland, State of Michigan, at a Regular Meeting held on October 15, 2001, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Tonni L. Bartholomew, City Clerk

October 8, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Doug Smith, Real Estate and Development Director
Dennis C. Stephens, Right of Way Representative

SUBJECT: Abandonment of un-useable Water Main Easements and Acceptance of
Replacement Water Main Easement at 1815 and 1819 Maplelawn, Sidwell
#88-20-29-426-047

The City of Troy has two water main easements on property located at 1815 and 1819 Maplelawn. One easement is a recorded easement, Liber 10437, page 777 and the second is an unrecorded easement.

Both of these easements now run under the existing two auto dealership buildings, as construction of a new building has occurred. The water main has been moved to a location outside of the buildings' footprints. The owner, Elder Land Development Company, has provided the City of Troy Real Estate and Development Department with a new water main easement covering its new location and has requested the abandonment of the existing, but no longer usable, easements.

It is recommended that the City of Troy abandon the two no longer usable water main easements and accept the easement covering the location of the relocated water main.

DCS/pg

PERMANENT EASEMENT

ELDER LAND DEVELOPMENT CORPORATION, a Michigan Corporation, Grantor, whose address is 777 John R, Troy, Michigan 48083, 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, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE EXHIBIT "A" ATTACHED

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 distributed 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 has executed this Permanent Easement this 2 day of October, 2001.

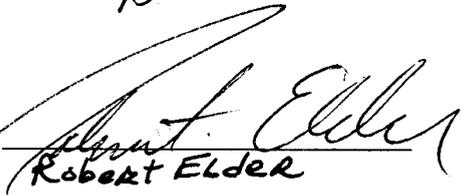
In presence of:

WITNESS:

ELDERLAND DEVELOPMENT COMPANY,
a Michigan corporation

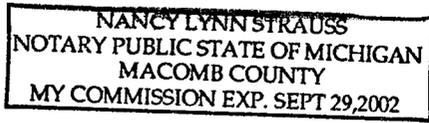

NANCY STRAUSS


By: Irma B. Elder
Its: President


Robert ELDER

STATE OF MICHIGAN)
COUNTY OF)

The foregoing instrument was acknowledged before me this 2 day of October, 2001 by Irma Elder, President of Elder Land Development Company, a Michigan Corporation, on behalf of said corporation.



Nancy Lynn Strauss

Notary Public, Macomb County, Michigan

My Commission Expires 09/29/02

Prepared by:
Robert A. Wright, Esq.
Dawda, Mann, Mulcahy & Sadler, PLC
39533 Woodward Avenue, Suite 200
Bloomfield Hills, MI 48304-2815

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

Sidwell #88-20-29-426-019

Commonly known as 1815 and 1819 Maplawn, Troy, Michigan

EASEMENT DESCRIPTIONS TO BE ABANDONED
EXHIBIT

RECORDED EASEMENT (A) SIDWELL #88-20-29-426-047

Legal Description: 12 ft. Water Main Easement

A 12-foot easement for a watermain on and across Lot 16 of: Maplelawn Industrial Park No. 2" a subdivision of part of the S. ½ of Section 29, T.2N. R.11E., City of Troy, Oakland County, Michigan as recorded in Liber 119 of plats, page 35, Oakland County Records.

The Centerline of said 12 foot easement described as follows: beginning at a point on the West Property line of said Lot 16 being S. 0°, 00'00" E., 0.48 feet from the P.C. curve on lot thence S. 23°24'20" E., 192.73 feet; along the centerline to a P.I., thence N. 90°E. 369.0 feet to the point of beginning.

UNRECORDED EASEMENT (B) SIDWELL #88-20-29-426-047

Water Main Easement

A 20 foot and a 12 foot easement for as water main on and across Lot 16 of "Maplelawn Industrial Park No. 2" a subdivision of part of the S. ½ of Section 29. 2N., R 11E., City of Troy, Oakland County, Michigan as recorded in Liber 119 of Plats, Page 35 Oakland County Records

The Centerline of said 20-foot easement described in Parts A, B and C as follows:

- (A) Commencing at the Southwest Corner of said Lot 16, and proceeding due North 10.0 feet to the Point of Beginning; thence due East 93.0 feet to the Point of Ending.
- (B) Commencing at the Southwest Corner of said Lot 16, and proceeding due East 62.0 feet; thence due North 20.0 feet to the Point of Beginning; thence due North 116.0 feet to the Point of Ending.
- (C) Commencing at the Southwest Corner of said Lot 16, and proceeding due North 146.0 feet; thence due East 44.5 feet to the Point of Beginning; thence due East 316.0 feet; thence due South 55.0 feet to the Point of Ending.

The Centerline of said 12-foot easement described as follows. Commencing at the Southwest Corner of said Lot 16, and proceeding due North 156.0 feet thence due East 50.5 feet to the Point of Beginning; thence due North 85.5 feet; thence N. 46° 16' 40" W. 69.5 feet to the Point of Ending.

EXHIBIT "A"

Water Main Easement

A 20-foot and a 12-foot easement for a water main on and across Lot 16v and part of Lot 15 of "Maplelawn Industrial Park No.2" a subdivision of part of the South ½ of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, as recorded in Liber 119 of Plats, Page 35, Oakland County Records.

The centerline of said 20-foot easement described in Parts A, B and C as follows:

- (A) Commencing at the Southwest corner of said Lot 15, and proceeding due North 310.00 feet to the point of beginning; thence due East 93.00 feet to the point of ending.
- (B) Commencing at the Southwest corner of said Lot 15, and proceeding due East 62.00 feet; thence due North 320.00 feet to the point of beginning; thence due North 116.00 feet to the point of ending.
- (C) Commencing at the Southwest corner of said Lot 15, and proceeding due North 446.00 feet; thence due East 44.50 feet to the point of beginning; thence due East 316.00 feet; thence due South 55.00 feet to the point of ending.

The centerline of said 12-foot easement described as follows: Commencing at the Southwest corner of said Lot 15 and proceeding due North 456.00 feet; thence due East 50.50 feet to the point of beginning; thence due North 85.5 feet; thence North 46 degrees 16 minutes 40 seconds West, 69.50 feet to the point of ending.



ARC= 111.97'
 RAD= 139.11'
 C.A.= 49°38'59"
 CHD= N 22°55'12" E 168.07'



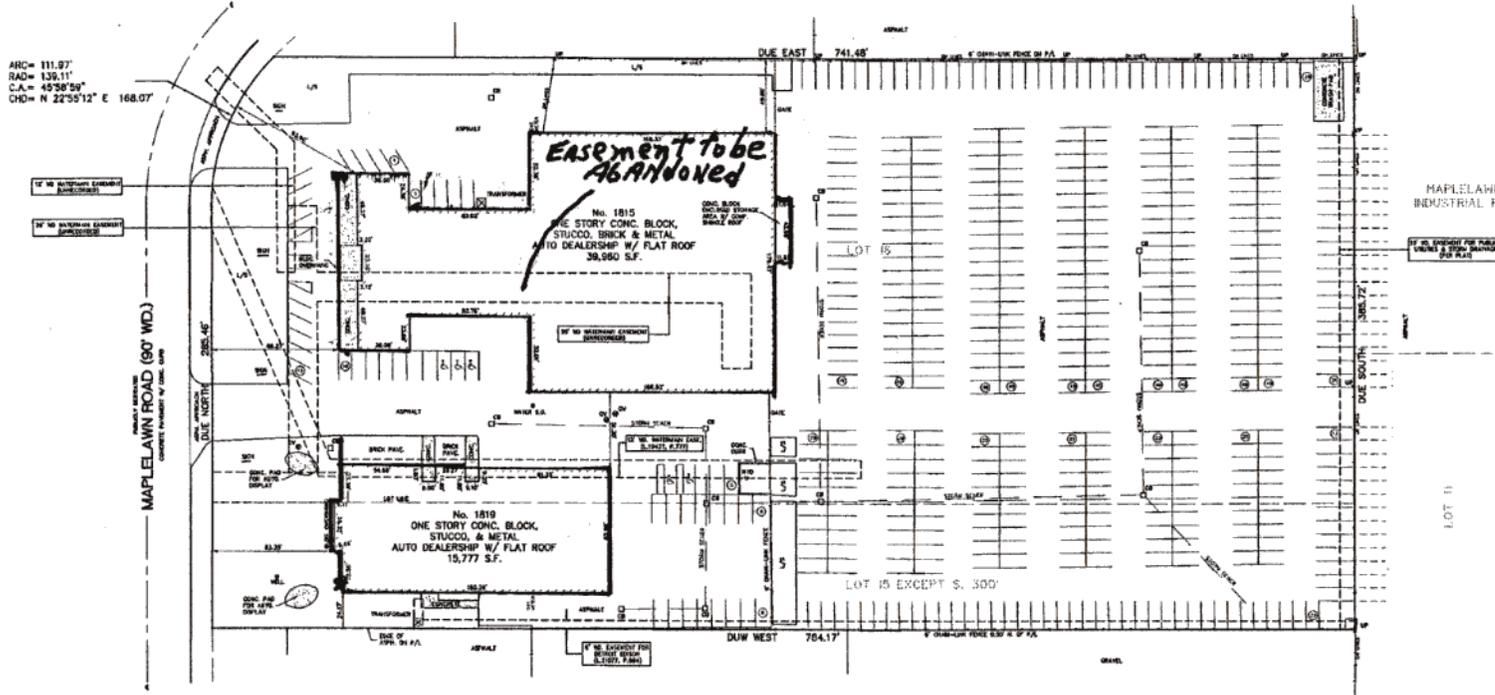
LOCATION MAP

The amount of the underpinning is in the way plus fewer in legal description

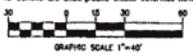
NOWAK & FRAUS

Consulting Engineers
 Land Surveyors
 Land Planners

1310 N. Stephenson Highway
 Royal Oak, MI 48067-1508
 Tel. (248) 399-0885
 Fax. (248) 399-0825



- LEGEND**
- ASPH = Asphalt
 - CONC = Concrete
 - CB = Catch Basin
 - CO = Chain Out
 - GF = Gate Valve
 - ME = Man Hole
 - HYD = Hydrant
 - LP = Light Pole
 - UP = Utility Pole
 - LAN = Landscape
 - OH LINES = Overhead Lines
 - L/S = Landscaping
 - P/L = Property Line
 - PH = Physically Redesignated
 - R/W = Right of Way
 - SBH = Sanitary Sewer
 - SW = Storm Sewer
 - WM = Water Main
 - CL = Center Line
 - F.L. = Found Iron
 - SL = Set Iron
 - BM = Benchmark
 - (M) = Surveyed Measurement



LEGAL DESCRIPTION
 Land in the City of Troy, Oakland County, Michigan, is described as follows:
 Lot 15, except South 300 feet, of Lot 18, MAPLELAWN INDUSTRIAL PARK No. 2, as recorded in Liber 118, Page 35 of Plans, Oakland County Records.
 Site Containing: 303,145 S.F. or 6.81 Acres

TITLE EXCEPTION NOTED
 Subject to Existing Restrictions & other provisions but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin, (L.653, P.797 & L.955, P.354).

FLOOD HAZARD NOTE
 The Property described on this survey does not lie within a Special Flood Hazard Area as defined by the Federal Emergency Management Agency, the property lies within Zone C of the Flood Insurance Rate Map identified as Community Panel No. 26040 0000 C having an effective date of 08-03-1983.

SURVEYOR'S CERTIFICATION
 Certified to:
 Ford Motor Credit Company
 State Land Development Corporation
 Lawyers Title Insurance Company

This is to certify that this map or part and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," jointly established and adopted by ALTA, NSLS and NSPS in 1990 and includes Items 1, 2, 3, 4, 7(a), 7(b), 8, 9, 10, and 11(a) of Table A thereof and pursuant to the Accuracy Standards as adopted by ALTA, NSPS and NSLS and in effect on the date of this certification the undersigned further certifies that proper field procedures, instruments and adequate survey personnel were employed in order to achieve results comparable to those achieved in the "Minimum Accuracy and Closure Requirements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys."

James P. Fraus, P.E.
 No. 17548

PRESUBJECT LOCATION
 No. 1815 & 1819
 Maplelawn Road
 City of Troy,
 Oakland Co., Michigan

METIT
 ALTA/ACSM
 Land Title Survey

DATE REVISION
 08-22-2001 AM Unrecorded Fees

DRAWN BY:

DESIGNED BY:

APPROVED BY:
 RJF

DATE ISSUED:
 08-21-2001

SCALE:
 1"=40'

NO. JOB NO. SHEET NO.
 5-8681 1



LEGAL DESCRIPTION (Proposed Water Main Easement)

A 20-foot and a 12-foot easement for a water main on and across Lot 15 of part of Lot 13 of Maplelawn Industrial Park No. 2, a subdivision of part of the South 1/2 of Section 25, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, as recorded in Liber 119 of Plats, Page 33, Oakland County Records.

The centerline of said 20-foot easement described in Parts A, B and C as follows:

(A) Commencing at the Southwest corner of said Lot 15 and proceeding due North 310.00 feet to the point of beginning; thence due East 83.00 feet to the point of ending.

(B) Commencing at the Southwest corner of said Lot 15 and proceeding due East 82.00 feet; thence due North 220.00 feet to the point of beginning; thence due North 118.00 feet to the point of ending.

(C) Commencing at the Southwest corner of said Lot 15 and proceed due North 446.00 feet; thence due East 44.00 feet to the point of beginning; thence due East 214.00 feet; thence due South 50.00 feet to the point of ending.

The centerline of said 12-foot easement described as follows: Commencing at the Southwest corner of said Lot 15 and proceeding due North 458.00 feet; thence due East 90.00 feet to the point of beginning; thence due North 63.5 feet; thence North 46 degrees 16 minutes 40 seconds West, 68.50 feet to the point of ending.



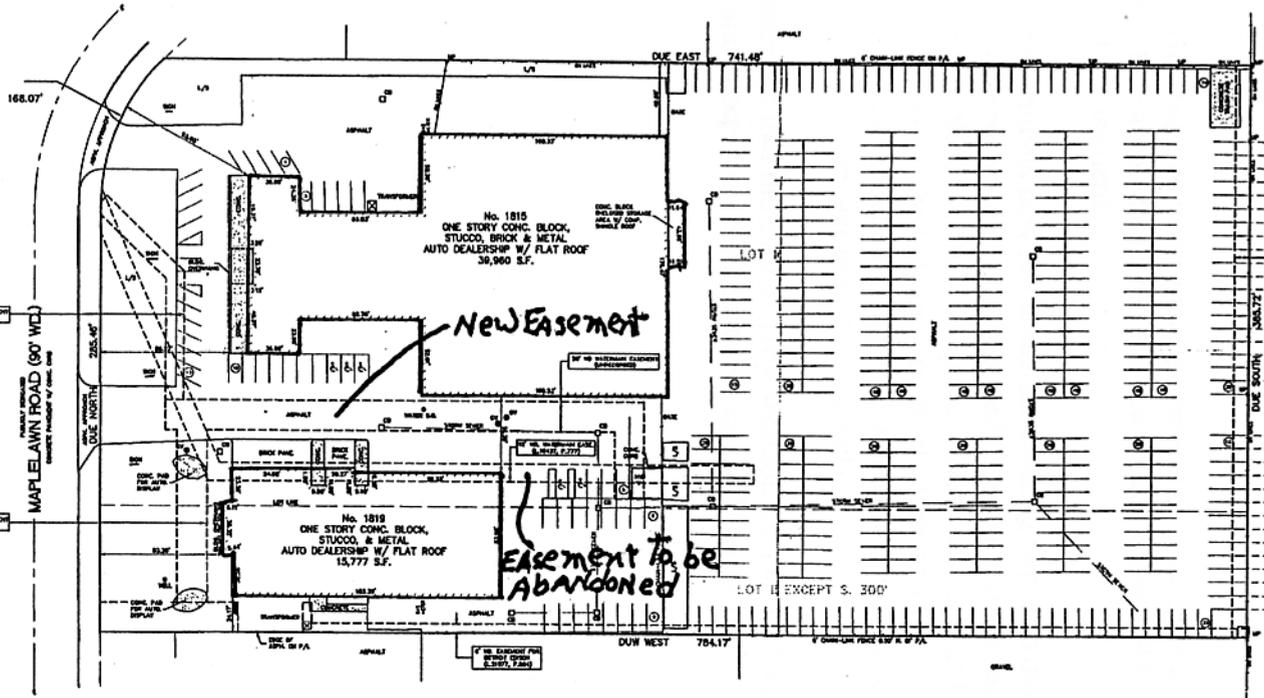
LOCATION MAP

NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

1310 N. Steptoeon Highway
Royal Oak, MI 48067-1536
Tel. (248) 399-0886
Fax. (248) 399-0605

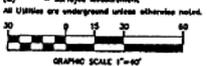
ARC= 111.87
RAD= 136.11
C.A.= 45°56'58"
CHD= N 22°55'12" E 168.07'



MAPLELAWN INDUSTRIAL PARK

LOT II

- LEGEND**
- ASPH = Asphalt
 - CONC = Concrete
 - CB = Catch Basin
 - CD = Chain Cut
 - CV = Gate Valve
 - MS = Man Hole
 - HYD = Hydrant
 - LP = Light Pole
 - UP = Utility Pole
 - LI = Landscape
 - OH LINES = Overhead Lines
 - PH = Property Handicapped
 - P/L = Property Line
 - ROA = Right of Way
 - SAN = Sanitary Sewer
 - SEW = Storm Sewer
 - WM = Water Main
 - C = Center Line
 - F = Fenced Area
 - SL = Set Line
 - PT = Record Measurement
 - DU = Surveyed Measurement



LEGAL DESCRIPTION
Land in the City of Troy, Oakland County, Michigan, is described as follows:
Lot 15, except South 300 feet, all of Lot 16, MAPLELAWN INDUSTRIAL PARK No. 2, as recorded in Liber 119, Page 33 of Plats, Oakland County Records.
Site Containing: 301,145 S.F. or 6.91 Acres

TITLE EXCEPTION NOTES
Subject to Building Restrictions & other provisions not conflicting restrictions, if any, based on race, color, religion sex, handicap, familial status or national origin, (L.4637, P.737 & L.537A, P.254).

FLOOD HAZARD NOTE
The Property described on this survey does not lie within a Special Flood Hazard Area as shown by the Federal Emergency Management Agency; the property lies within Zone C of the Flood Insurance Rate Map, identified as Community Flood No. 260490 0005 C having an effective date of 05-02-1993.

SURVEYORS CERTIFICATION
Certified by:
Ford Motor Credit Company
Elder Land Development Corporation
Lloyds Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys," fully applicable and adopted by ALTA, ACSM and NPS in 1999 and included items 1, 2, 3, 4, 7(a), 7(b), 8, 9, 10, and 11(c) of Table A thereof and pursuant to the Accurately Substantiated and Certified by ALTA, NPS and ACSM and to effect on the date of this certification the undersigned further certifies that proper field procedures, instruments and adequate survey personnel were employed in order to achieve results comparable to those outlined in the "Minimum Angle, Distance and Closure Measurements for Survey Measurements Which Control Land Boundaries for ALTA/ACSM Land Title Surveys."

Surveyed by:
JAMES P. FRAUS, P.E.
No. 17026



PROJECT LOCATION
No. 1815 & 1819
Maplelawn Road
City of Troy,
Oakland Co., Michigan

SHEET
ALTA/ACSM
Land Title Survey

DATE REVISION
08-22-2008 Add Unrecorded Easement
05-18-2009 Rev. Prop. W.M. Easement

DRAWN BY:
DESIGNED BY:
APPROVED BY: R/JF
DATE DSCRD: 05-21-2001
SCALE: 1"=40'

MAP JOB NO.: 5-8681
SHEET NO.: 1

October 10, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Doug Smith, Real Estate and Development Director
Dennis C. Stephens, Right of Way Representative

SUBJECT: Interest Payment on Agreed Compensation Livernois Parcel #8E, Sidwell #88-20-15-352-005 – Project # 95.201.5, Owner – Robert Leach Estate

On February 9, 2001, Robert Leach and Sophia Leach signed an “Agreement to Purchase” with the City of Troy for a 27-foot wide right of way across the front of their property. On February 11, 2001, Mr. Leach passed away. It was determined that a probate would be set up to handle the estate. On May 7, 2001, a probate was established naming a personal representative to handle the estate.

New title work was ordered to determine the owners in title, as Mrs. Leach was not on the deed with Mr. Leach. The title commitment was received and a closing was set for September 13, 2001. On September 12, 2001, a letter was received from the attorney for the estate with conditions to close. A copy of this letter is attached. Four of the conditions have been addressed, with one still remaining which is the question of the City of Troy paying interest from the ninety day time to close on the agreement to purchase.

The City of Troy’s Assistant City Attorney, Robert Davisson is of the opinion that the City probably does not owe interest, but the cost to litigate this matter would far exceed the cost of interest, which would be \$588.76.

It is recommended that the City approve the payment of \$588.76 in interest to settle and close this parcel.

DCS/pg

BRUCE J. SAGE

ATTORNEY AT LAW

SUITE 108

3155 WEST BIG BEAVER ROAD

TROY, MICHIGAN 48084

(248) 643-8940

MEMBER:
STATE BAR OF MICHIGAN

PONTIAC OFFICE
SUITE 201
825 WEST HURON
PONTIAC, MICHIGAN 483
(248) 332-6400

September 21, 2001

Mr. Dennis C. Stephens
Real Estate and Development Department
City of Troy
500 West Big Beaver Road
Troy, MI 48084

RE: 4118 Livernois, Troy

Dear Mr. Stephens:

I am writing to advise you of the terms and conditions upon which my client is willing to resolve this matter.

The Estate will execute an appropriate deed provided that, in addition to the sums previously offered, the city pay interest from the date that this matter should have closed, additional monies for the maple tree that was negligently destroy during construction, the cost for replacement and installation of a new mailbox destroyed by the construction, the cost of the turn around addressed by the previous Agreement (paragraph 9) and a reasonable sum for the attorney fees that my client has incurred in connection with this matter. Please consider and advise.

Very truly yours,

Bruce J. Sage

BJS/hll

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF OAKLAND

REGISTER'S STATEMENT

FILE NO.
278031

Estate of Robert F. Leach, deceased

- 1. An application has been filed requesting
 - informal probate of the estate of the above named decedent.
 - the appointment of a personal representative.
 - the estate be reopened.
- 2. There is good cause to reopen the estate and reappoint the former personal representative. The estate was not closed under supervised administration.
- 3. Upon consideration of the application, I determine that all of the following are true:
 - a. Venue is proper.
 - b. The application is complete and made in accordance with MCL 700.3301.
 - c. The applicant appears to be an interested person.
 - d. An original, properly executed, and apparently unrevoked will dated _____ with codicil(s) dated _____ is in my possession.
 - An authenticated copy of the will and codicil(s) probated in _____ County _____ is offered for informal proceedings and documents establishing probate in another state are in my possession.
 - e. The application is not within MCL 700.3304.
 - f. A will to which the requested appointment relates has been formally or informally probated.
 - g. The person whose appointment is sought has priority to the appointment.
 - The applicant gave notice of his/her intention to seek an informal appointment to each person having a prior or equal right to an appointment not waived in writing and filed with the court.
- 4. The will dated _____ with codicils dated _____ is admitted to informal probate.
- 5. Danny E. Lee is appointed personal representative special personal representative of the decedent's estate and upon filing a statement of acceptance, letters shall issue to that personal representative without bond.
 - upon filing a bond in the amount of \$ _____.
- 6. The application is denied because:
 - a personal representative has been appointed in this or another county of this state and continues to serve.
 - this or another will of the decedent has been the subject of a previous probate order.
 - the probate relates to one or more of a known series of testamentary instruments, the latest of which does not expressly revoke the earlier.
 - other:
- 7. The estate is reopened for _____ days.

May 3, 2001

Date
Bruce J. Sage, P23830
 Attorney name (type or print) Bar no.
3155 West Big Beaver Road, Suite 108
 Address

LIBRARY

Register
Troy, MI 48084 248-643-8940
 City, state, zip Telephone no.

Do not write below this line - For court use only

MAY 7 - 7 43:43
 (Signature)
 01

MCL 700.3302; MSA 27.13302, MCL 700.3303; MSA 27.13303, MCL 700.3304; MSA 27.13304, MCL 700.3305; MSA 27.13305, MCL 700.3308; MSA 27.13308, MCL 700.3601; MSA 27.13601, MCR 5.309

-0CPC-EST-87-

STATE OF MICHIGAN
PROBATE COURT
COUNTY OF OAKLAND

LETTERS OF AUTHORITY FOR
PERSONAL REPRESENTATIVE

FILE NO.

01-278,031-DE

Estate of ROBERT F. LEACH

Deceased

To:

Name, address, and telephone no.

DANNY E. LEE
109 LANGE
TROY, MI 48098

You have been appointed and qualified as personal representative of the estate on May 7, 2001

You are authorized to do and perform all acts authorized by law except as to the following:

Date

- Real estate or ownership interests in a business entity excluded from your responsibilities in your acceptance of appointment
- Restrictions:

These letters expire: NO EXPIRATION DATE

Date

May 7, 2001

Date

Lisa Symula

Judge (formal proceedings)/Register Lisa Symula (informal proceedings)

Bar no.

SEE FOLLOWING FOR NOTICE OF DUTIES

Attorney name (type or print)

Bar no.

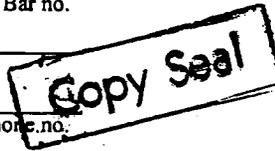
Address

City

State

Zip

Telephone no.



I certify that I have compared this copy with the original on file and that it is a correct copy of the original and that these letters are in full force and effect as of the date on the letters.

5/7/01

Date

Jaura J. Nick
Deputy register

Do not write below this line - For court use only

PCPC-EST-BY-
MAY-7 9:48
2001

FILED
FILM

20

Deputy Register of Probate

Revised 1/29/01
CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Robert F. Leach (the "Seller"), the following described premises (the "Property"):

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

for a public project within the City of Troy and to pay the sum of Fourteen Thousand Five Hundred Thirty Seven Dollars & 59/100 cents (\$14,537.59) under the following terms and conditions:

1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.
2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.
3. Seller shall deliver the Warranty Deed & Re-grading & Temporary Construction Permit/Easement upon payment of the purchase money by check drawn upon the account of the City of Troy.
4. Buyer shall, at its own expense, provide title assurance information to the Buyer, and the Seller shall disclose any encumbrances against the property.
5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.
6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.
7. The City of Troy's appraisal of the property being acquired represents the property being free of all environmental contamination. Although the City of Troy will not withhold or place in escrow any portion of the appraised value, the City reserves its rights to bring federal and/or state and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the property.
8. Seller grants to Buyer temporary possession and use of the property commencing on this date and continuing to the date of closing in order that the Buyer may proceed with the public project.
9. Additional conditions, if any: Subject to Troy City Council approval, the City will also pay to the property owner and there contractor the actual cost of installing a T-turn around from their driveway in the front of the house, to be installed in accordance with Troy City Code requirements & specifications. Said cost shall not excide the lowest of three estimates to do such work by qualified contractors, plus the cost of permits if necessary.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 9 day of Feb, A.D. 2001.

In presence of:

Patti Gross
Christine A. Hill

CITY OF TROY (BUYER)

Wanda Hopkins

SELLER: Robert F. Leach
X _____

Sophia E. Leach

October 9, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance and Administration
Jeanette Bennett, Purchasing Director
Gert Paraskevin, Information Services Director

SUBJECT: VOICE AND DATA COMMUNICATION UPGRADES AND CONTRACT EXTENSIONS

RECOMMENDATION:

City administration recommends changes to the current Avaya lease and Ameritech contracts, and the purchase of additional network equipment from EDS on the State of Michigan Extended Purchasing Program. This will provide voice and data service to the new Police/Fire Training Center and the new Nature Center. It will also provide for continued data communications to all remote sites, and high speed DSL Internet service to Council members. Costs are as follows:

Avaya (Competitive Bid Contract)— Lease increase of approximately \$1,130 per month

- Purchase equipment, software and services to IP enable the main Lucent voice switch at City Hall.
- Purchase voice over IP phones for the Nature Center, and Police/Fire Training Center.
- Additional IP phones as needed to replace OPX lines.

EDS (State of Michigan Extended Purchasing Program) – Approximately \$37,550

- Upgrade router and purchase new switch for the Nature Center.
- Purchase router equipment for additional T1 lines for Fire Stations.

Ameritech (Utility Provider) – 3-year agreement at an annual cost of \$34,467 plus \$1,350 one time cost

- Extend existing data communications contracts an additional 3 years
- Add T1 for communication to Nature Center
- Add DSL lines for City Council

BACKGROUND INFORMATION:

Voice

To provide telephone service to the new Nature Center and the new Police/Fire training facility, it is recommended that an upgrade be made to the central Lucent voice switch located at City Hall to utilize current technology referred to as "Voice over IP". This technology allows the use of the data network to transmit voice. A telephone becomes another device on the network just like a PC or printer. Although not currently recommended for all voice service, this technology can be very beneficial for remote sites as it provides a number of advantages. The main advantage is that once there is data service to a building, voice service immediately becomes available. Historically

two separate connections are initiated to a remote building, one for voice and another for data. Since responsibility for voice communications was moved to Information Technology, IT has been trying to take steps to combine the two whenever possible. The first instance of that change was the Engineering Field Office move to Rochester Road. To provide communication service, one T1 line with channels split between voice and data was installed. This reduced the communication cost, however, it still required additional equipment at that building to allow the sharing of voice and data over this line, and to extend the voice switch capabilities to the remote site. Although added to the lease, the total cost of additional equipment was approximately \$21,000.

While researching how to extend similar voice and data service to the new Nature Center and Police/Fire Training Center, options were discussed with our telephone vendor, Avaya. (Avaya is the former Lucent Technologies who was selected through a competitively bid contract in 1996.) An alternative to the Engineering scenario above was proposed. Utilize Voice over IP on the data network. This would require an initial investment of approximately \$38,000 to P enable the existing telephone switch. This includes equipment and software upgrades to the switch, and implementation services. It should be noted that Avaya has spun off their implementation services to a "diamond" level reseller, Exp@nets. However, the cost can be added to the existing Avaya lease. In addition, the existing router at the Nature Center would have to be upgraded; a new network switch would be purchased for the Nature Center: and IP enabled telephone sets would have to be purchased for both locations (cost \$16,318).

Once the switch is IP enabled, IP telephones could be used anywhere in the City. Remote sites such as the Fire Stations, Museum, and Sylvan Glenn would provide an immediate payback. Currently many of these sites have special off premise extensions (OPX) through Ameritech that allows their telephones to act as extensions off our main voice switch, giving them 4 digit dialing and voice mail services. Currently we pay on average \$100 per month for one OPX. If all OPX lines from the Fire Stations (6), Museum (3), Nature Center (2), Sylvan Glenn (1) were removed the immediate savings would total \$14,400 per year. Furthermore, additional extensions could be provided to the Nature Center, Sylvan Glen Greens and the Police/Fire Training facility without increasing Ameritech voice service costs. It would only be the cost of a phone.

The itemized costs for this upgrade are approximately \$54,422 and are detailed in Appendix A. All telephone equipment would be added to our existing Avaya lease thereby increasing it \$1,130 per month. Any data equipment such as hubs and routers would be purchased off the State of Michigan Extended Purchasing Program.

Data

HISTORY

In March 1997 the original Ameritech channelized T1 was installed for data communications between City Hall and 12 remote sites at a speed of 56k. The sites were Sylvan Glen Pro Shop, Outdoor Education Center, Aquatic Center, Museum, Police/Fire Training, Community Center, and 6 Fire stations. In addition a dedicated T1 was installed to DPW.

In August 1998 an Ameritech T1 was added for an Internet connection and the existing channelized connections were upgraded to a faster speed (128k).

September 1999 the Police/Fire Training facility moved to City Hall vacating one of the channels on the channelized T1.

In June 2000 the Troy School District Wide Area Fiber Network became active for the Community Center, Museum and DPW. This eliminated the need for the Ameritech lines to those locations.

In February 2001 the Field Engineering Office moved to Rochester Road requiring the installation of an Ameritech T1 for voice and data.

In September 2001 Sylvan Glen Greens was connected to one of the vacated channelized T1 lines.

CURRENT CHANGES AND NEEDS

Oakland County has offered to install dedicated Ameritech T1 lines to the fire stations to facilitate the new County Fire Records Management System. This would increase the speed to those locations, as their current 128k connections do not meet County recommendations. The County will pay for this service for the first year, then turn it back to the City gradually over the next couple of years. This change does require the City purchase routing equipment to handle the additional T1 lines coming into the network.

A T1 connection to the new Nature Center is required for voice and data service.

Council has requested installation of DSL connections to the Internet for all Council Members to increase their access speed. Currently this service is only available to five members of Council. Alternate service will be utilized to the remaining two.

The channelized T1 connection is nearing the end of its 3-year contract term with Ameritech. This contract needs to be extended another three years.

The current data configuration and equipment requirements are listed in Appendix B. The annual Ameritech recurring cost will be approximately \$34,466.76 and a one-time fee of \$1,350. The routing equipment will cost approximately \$32,500 and would be purchased from EDS on the State of Michigan Extended Purchasing Program.

SUMMARY:

It is recommended that Council approve the purchases and changes as outlined above. This will enable the City to continue to provide sufficient data and voice communications to all administrative buildings.

BUDGET:

The funds for these purchases are available in the general operating budget under public utilities, telephones, account number 265.7928 and the Information Technology capital budget, account number 401258.7980.020.

APPENDIX A

VOICE OVER IP SOLUTION

Vendor	Description	QTY	Price
Avaya	Voice switch hardware and software upgrades		\$22,161
	Implementation Services		15,943
	IP Telephones	18	11,268
Avaya Total			\$49,372
	As an addition to lease:		
	Monthly lease amount		\$ 1,130
EDS			
Nature Center			
	Upgrade Cisco Router		\$2,400
	Network Switch	1	2,650
EDS Total			\$5,050
Voice over IP Total			\$54,422

Appendix B

Ameritech Voice and Data

Site	Connection	Monthly Cost	Installation
City Hall	Channelized T1	653.00	
Aquatic Center	128K	128.71	
Sylvan Glen GC Pro Shop	128K	265.21	
Sylvan Glen GC Greens	128K	265.21	
City Hall to Field Engineers	Dedicated T1	270.00	
City Hall to Nature Center	Dedicated T1	490.10	350
City Hall - Internet	Dedicated T1	550.00	
Fire Station #1	Dedicated T1		
Fire Station #2	Dedicated T1		
Fire Station #3	Dedicated T1		
Fire Station #4	Dedicated T1		
Fire Station #5	Dedicated T1		
Fire Station #6	Dedicated T1		
DSL for 5 Council Members		250.00	1,000
Monthly Cost		2,872.23	
Annual Cost		\$34,466.76	1,350

Equipment Requirement for T1s to Fire Stations

Vendor	Description	QTY	Price
EDS			
City Hall			
	Cisco Router	1	\$32,500

October 11, 2000

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager
Larry Keisling, Planning Director
Mark Stimac, Building & Zoning Director
Doug Smith, Real Estate & Development Director

SUBJECT: "Urban Density" Residential Development

A new generation of housing that reflects the lifestyle of two working adults and the demographics of an aging population is gaining popularity throughout the nation. This housing is offering attached and stacked condominiums, which provide for home ownership without the yard and maintenance that a typical single family home requires. The densities can range from 10 units per acre to over 20 units per acre. Consistent with Council's previous discussions on increasing the diversity of housing in Troy to meet the needs of seniors, staff believes that Troy should offer this form of housing in selected areas of the City. This diversity in housing not only assures that the housing stock can meet the needs of our emerging population, but also may help encourage reinvestment and assure increasing values in property throughout the City well into the future.

Staff would propose a series of ordinance amendments or the development of a new zoning district, if it is more appropriate, to permit greater density for residential units in a few key sites around the City, primarily adjacent to major non-residential development areas. In addition to diversifying the housing stock, the provision of housing at a higher density would provide an alternative to additional office development, thus reducing ultimate traffic impact.

The potential ordinance changes would provide flexibility in criteria, such as setbacks, open space location, parking, and street widths, to achieve densities that permit the housing prices to be competitive with office prices for property, while still maintaining all of the necessary public safety standards and incentives to create quality developments.

An example of flexibility is to require as much or more green space than is called for under current ordinances, but to allow for the green space, as in cluster residential housing, to be massed in different locations. The potential standards would most likely include requirements such as a minimum 5-acre site area, attached garages, and sprinkler/fire suppression systems.

Attached is a proposal by Tadian Homes to provide this type of density in a residential development that would include the Big Beaver Elementary School site northeast of Rochester Road and Big Beaver. The development of this ordinance, while it is assisted by having a real project to look at, may or may not accommodate entirely the proposal that Tadian Homes has put forward. The attached site plan and elevations gives Council a look at the type of development that could occur under this type of ordinance change.

As part of the November 6, 2000 Regular Meeting Agenda, staff will seek your direction on whether or not to pursue this type of ordinance change. This matter could be referred to the Planning Commission for review and recommendation, with final action on the resultant ordinance amendment by the City Council. An amendment to the Master Plan would also be necessary, in order to properly guide the location of such development

DS/pg

LK/pg

September 27, 2001

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
John M. Lamerato, Assistant City Manager/Finance and Administration
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

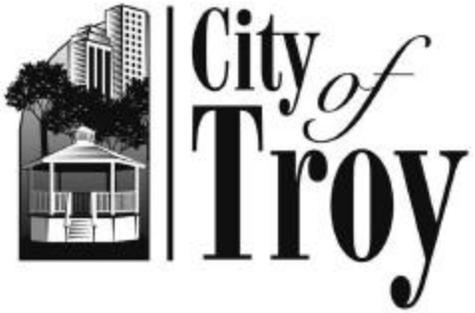
Subject: Troy Daze Amusement Vendor Contract

A three (3) year contract to provide amusement rides for the Troy Daze festival was approved by Council on May 7, 2001. Arnolds Amusements agreed to provide amusement rides for the 2001, 2002, and 2003 Troy Daze festivals.

In light of the cancellation of the 2001 festival, it is intended that the contract for furnishing amusement rides for the Troy Daze festival be revised to cover the years 2002, 2003, and 2004. All other conditions of the contract remain the same.

The Troy Daze Advisory Chairman, Robert Berk is in agreement with this proposal.

CKA/jb



October 9, 2001

TO: HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, CITY ATTORNEY

RE: AMENDMENT OF CHAPTER 106

Attached is a proposed ordinance which would amend the traffic chapter of the City Code. The proposed ordinance makes it a misdemeanor for a driver who fails to exhibit due care and caution when passing a stationary emergency vehicle. This ordinance will bring the Troy City Ordinance into conformance with state law.

I recommend that Council adopt this ordinance.

CITY OF TROY

AN ORDINANCE TO
AMEND CHAPTER 106
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 106, of the Code of the City of Troy.

Section 2. Amendment

Chapter 106 is hereby amended by adding Section 5.1a as follows:

5.1a. Stationary authorized emergency vehicles, visual signals, approach with due care and caution; violation, penalty and fine.

(1) Upon approaching and passing a stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights, the driver of an approaching vehicle shall exhibit due care and caution, as required under the following:

(a) On any public roadway with at least 2 adjacent lanes proceeding in the same direction of the stationary authorized emergency vehicle, the driver of the approaching vehicle shall proceed with caution and yield the right-of-way by moving into a lane at least 1 moving lane or 2 vehicle widths apart from the stationary authorized emergency vehicle, unless directed otherwise by a police officer. If movement to an adjacent lane or 2 vehicle widths apart is not possible due to weather, road conditions, or the immediate presence of vehicular or pedestrian traffic in parallel moving lanes, the driver of the approaching vehicle shall proceed as required in subdivision (b).

(b) On any public roadway that does not have at least 2 adjacent lanes proceeding in the same direction as the stationary authorized emergency vehicle, or if the movement by the driver of the vehicle into an adjacent lane or 2 vehicle widths apart is not possible as described in subdivision (a), the approaching vehicle shall reduce and maintain a safe speed for weather, road conditions and vehicular or pedestrian traffic and

proceed with due care and caution, or as directed by a police officer.

- (2) A person who violates this section is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment for not more than 90 days or both.**

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2001.

Matt Pryor, Mayor

Tonni Bartholomew, City Clerk

October 8, 2001

TO: The Honorable Mayor and City Council

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

SUBJECT: Addendum No. 1 to Long Lake Road Design Services Agreement for Storm Drain Outlet Design, Long Lake Road Reconstruction, Carnaby to Dequindre, Projects: 92.203.5, 94.203.5

RECOMMENDATION

By Resolution #2000-206-E-10 (May 1, 2000), City Council approved a proposal by Hubbell, Roth & Clark, Inc. (HRC) for preliminary engineering and route selection for the permanent outlet for the Long Lake Road project. This approval provided for HRC to analyze three (3) alternative outlets and determine the most cost effective and efficient outlet that met the City's requirements. At that time it was indicated that a separate request at a future date would be made to finalize the selected alternate and proceed with design of the storm outlet.

Previous to that, City Council approved staff's recommended selection of HRC out of nine other consultants that responded to the city's advertisement for letters of interest for Engineering Services on the Long Lake Road project by Resolution #99-568; #99-569; #99-570; #99-571. The City's selection was based on the Michigan Department of Transportation's Consultant Selection Process, as is required for projects receiving federal transportation monies. The Brooks Act, PL 92-582 of 1972, underpins the MDOT Consultant Selection Process whereby Qualifications Based Selection (QBS) is used for the procurement of architects and engineers. Since HRC was selected using this process, and is proceeding with design of the road project for construction in 2002, it is not necessary to repeat the selection process for this addendum. Additionally, it is not advisable to repeat the process since we believe that there would be inefficiency and duplication of work by staff and consultants if a second consultant were selected to design the storm outlet while HRC would design the rest of the storm system and road work. Another factor is time. The QBS process takes at least two to three months to complete. Repeating the selection process would result in delaying construction of the Long Lake Road project from 2002 to 2003.

Staff recommends approving Addendum No.1 to the preliminary road engineering agreement between HRC and the City of Troy for consultant services for the Long Lake Road storm outlet design at a not-to-exceed amount of \$48,800 and authorizing the Mayor and City Clerk to execute the Addendum.

BACKGROUND

The Long Lake Road/Carnaby to Dequindre project includes a new storm drain along Long Lake in accordance with the 1999 Master Storm Drainage Plan Update prepared by HRC. The permanent outlet for this drain is to the east through the City of Sterling Heights to the Gibson Drain, located approximately 300 feet east of Dequindre. Three design alternatives for the outlet to the Gibson Drain were identified in the Master Storm Drainage Plan Update.

The three alternative methods proposed in the Master Storm Drainage Plan Update were as follows:

1. **Shallow Enclosed Drain Improvements** – This first alternative would connect the Long Lake Road drain to the existing shallow 54” enclosed drain in Sterling Heights. This existing drain, however, would be too shallow to allow for gravity outlets along Dequindre and Long Lake Roads.
2. **Deep Enclosed Drain Improvements with Pump Station at Dequindre** – The second alternative would route the proposed improvements along Long Lake and Dequindre Roads similar to Alternative No. 1, but at a deeper elevation to allow for gravity discharge outlets for the retention basins along Dequindre and Long Lake Roads. This alternative would require a wet well and pump station near the corner of Dequindre and Long Lake Roads to access the existing 54” enclosed drain which drains east along Long Lake Road into Sterling Heights
3. **Deep Enclosed Drain and New 60” Enclosed Drain Along 18 Mile Road in Sterling Heights** – The third alternative would also route the proposed new improvements at a deeper elevation as in Alternative No. 2, but would require a new 60” enclosed drain along Long Lake Road from Dequindre to the Gibson Drain in Sterling Heights. This would provide a gravity discharge outlet for the retention basins along Dequindre Road and Long Lake Road, thereby eliminating the existing pump stations, but also eliminating the need for a pump station near Dequindre Road and Long Lake Road required in Alternative No. 2.

We initially preferred Alternative No. 3, (gravity flow alternative - eliminating existing and future pumps). After studying the existing site conditions, utility locations etc., Hubbell Roth and Clark identified a modified alternate No.3 that includes a 30-inch storm sewer that could be constructed within an easement parallel to the existing 54-inch drain to a

point east of the K-Mart site in Sterling Heights. The remaining portion of the 54-inch drain leading to the Gibson drain will be removed and replaced with a deeper 60-inch drain. This design concept precludes the need for pumps and allows the Long Lake and Dequindre drains to flow by gravity. This design alternative was selected.

BUDGET

Funds are available for preliminary engineering in the 2001-02 Major Road Capital budget, account number 401479.7989.922025 and 401479.7989.942035.

October 9, 2001

TO: The Honorable Mayor and City Council
FROM: John Szerlag, City Manager
SUBJECT: Request for Study Sessions on October 22 and November 26, 2001;
7:30 PM in Lower Level Conference Room of City Hall

I recommend having Study Sessions as noted above that will have the following topics:

October 22, 2001 Session

- 1) Fee structure for Community Center. This will include a discussion on the desirability of private sector contribution. 7:30 – 8:30 PM
- 2) Request for Proposals for Economic Feasibility of Conference Center and Hotel at Civic Center Site. An alternative for housing will also be requested. 8:30 – 9:00 PM
- 3) BREAK 9:00 – 9:10 PM
- 4) Entrance and Site Improvements to Police/Fire Addition/Renovation at City Hall 9:10 – 9:40 PM

November 26, 2001 Session

- 1) Goals and Objectives for City of Troy 7:30 – 9:45 PM

Of course, please feel free to incorporate any other topics you may wish to discuss.

JS/mr\2001\To M&CC\Oct-Nov Study Session Topics

c: John M. Lamerato
Gary A. Shripka
Laura Fitzpatrick
Carol Anderson
Doug Smith
Lori Bluhm
Cindy Stewart

**PROCLAMATION IN RECOGNITION OF
DENNIS C. DRURY
TROY'S DISTINGUISHED CITIZEN FOR 2001**

WHEREAS, Dennis Drury, husband of Robin, father of Elizabeth, and resident of Troy since 1981, has earned a solid reputation as a committed volunteer, serving several organizations with an enthusiasm and dedication that is respected by all who know him; and

WHEREAS, Judge Drury has served for 16 years as a Judge in the 52nd District Court for the State of Michigan, following a successful 18-year career as a trial lawyer practicing in federal and state courts on criminal and civil matters; and

WHEREAS, He is one of only three District Judges appointed to sit as the Drug Judge for Oakland County, presiding over jury and bench trials of cases involving possession, use, delivery and manufacture of controlled substances; and

WHEREAS, In addition to his responsibilities on the bench, **Judge Drury** is active in more than 10 national, state, county, and local professional associations; is an annual participant in the Law Day Youth Conference where thousands of high school students attend his presentation on the dangers and consequences of drinking and driving given in collaboration with the Alcohol Highway Enforce Team from the Oakland County Sheriff's Department; and

WHEREAS, Despite his demanding professional responsibilities, **Judge Drury** has always made time to volunteer. He has served on the Board of Directors or Advisory Boards of the Troy Kiwanis Club, the Boys & Girls Club of Troy, the YMCA of Michigan, Troy Medi-Go Plus, the Animal Rescue League, and Troy School District Continuing Education; and

WHEREAS, One of **Judge Drury's** most significant contributions has been to the Troy Community Coalition for the Prevention of Drug and Alcohol Abuse. Based on his professional experience and observations in the criminal justice system, he believes that the single most significant factor contributing to crime is the abuse of drugs and alcohol and that the concept of Community Coalition directly addresses this problem; and

WHEREAS, He has devoted time and energy to the programs of the Troy Community Coalition, as President and member of the Board of Directors; designing and implementing Troy Teens Taking Action, a youth leadership program with a drug and alcohol free platform; collaborated with the Coalition in the presentation of the Judicial seminar Sentencing the Drunk Driver; and

WHEREAS, Judge Drury's current project is the creation of a Youth Drug Court designed to identify and treat substance abuse problems in cooperation with the Troy School District, Oakland County Circuit Court Family Division, Oakland County Probate Court, Oakland County Community Corrections, Troy Youth Assistance, Henry Ford Health Systems and Troy Community Coalition.

NOW THEREFORE BE IT RESOLVED, That the City Council of the City of Troy extends special recognition to **Judge Dennis Drury**, for his selfless and tireless service to this community; and

BE IT FURTHER RESOLVED, That the Troy City Council and all of Troy's residents congratulate **Dennis Drury**, for being named **Troy's Distinguished Citizen for 2001** and wish him continued success in all future endeavors.

Signed this 15th day of October 2000.

HISTORIC DISTRICT COMMISSION MEETING

May 15, 2001

PRESENT: David J. Eisenbacher
Jacques O. Nixon

STAFF: John M. Skeens, Education Coordinator/Museum

ABSENT (EXCUSED): Marjory A. Biglin
Kevin Danielson
Paul C. Lin
William G. Martin, Chair
Dorothy Scott

Due to a lack of a Quorum, this meeting was canceled.

Sincerely

John M Skeens
Education Coordinator
Museum

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
Storrs
Littman
Starr
Waller
Wright
Pennington

Kramer
Reece

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 DEVELOPMENT 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 be 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

Starr
 Wright
 Chamberlain
 Littman
 Pennington
 Storrs
 Waller
 Reece

Absent

Kramer (excused)

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)

Kramer

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)

Kramer

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 Komasa, 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 Municipal Building Authority of Troy was held on Tuesday, July 31, 2001, at City Hall, 500 W. Big Beaver, in Conference Room C. The meeting was called to order at 4:00 p.m.

PRESENT: John A. Gleeson
Robert J. Krokosky
John M. Lamerato
William S. McCain

ABSENT: Frank A. Taube, III

APPROVAL OF MINUTES

Resolution # 01-01

Moved by McCain

Supported by Lamerato

RESOLVED, that the minutes of the June 8, 2000 meeting be approved.

Yeas: All 4

Absent: Taube, III

RESOLUTION APPROVING BUILDING AUTHORITY CONTRACT OF LEASE, AUTHORIZING CERTAIN FILINGS WITH THE MICHIGAN DEPARTMENT OF TREASURY AND AUTHORIZING REIMBURSEMENT FROM BOND PROCEEDS.

Resolution # 01-02

Moved by McCain

Supported by Krokosky

RESOLVED, that the Municipal Building Authority of Troy hereby approve the Contract of Lease authorizing certain filings with the Michigan Department of Treasury, authorize reimbursement from bond proceeds and a copy of the resolution will be attached to the official minutes of this meeting.

Yeas: All 4

Absent: Taube, III

ELECTION OF OFFICERS

Resolution # 01-03

Moved by Lamerato

Supported by Gleeson

RESOLVED, that Robert J. Krokosky be elected Secretary of the Municipal Building Authority of Troy.

Yeas: All 4

Absent: Taube, III

The meeting was adjourned at 5:05 p.m.

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

Chamberlain
Littman
Pennington
Reece (7:34)
Starr
Storrs
Waller
Wright

Absent

Kramer (excused)

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

Starr

Littman

Pennington

Wright

Waller

Nays: Storrs

Chamberlain

Absent: Kramer

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:

All Present (8)

Absent:

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

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:
All Present

Absent:
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:
All Present (8)

Absent:
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:
All Present (8)

Absent:
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:
All Present (8)

Absent:
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.

Mr. Chamberlain further stated that the Planning Commission wants one package making 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 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

**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 layout.

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 carts, 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 enthusiastic 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 - FINAL - SEPT 5, 2001

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 Bertin
Supported by Done

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-coordinator 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 Kuha has conducted a poll to determine if anyone has left the program because of dissatisfaction with the service. Kuha responded that she has polled the current participants, but as of yet she has not polled past participants. She has only been in charge of the program for two months and in that time 2 people have left the program because they moved from the area.

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

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES - FINAL - SEPT 5, 2001

“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 for the Oakland and Macomb Center for Independent Living, and staff positions are comprised of people with disabilities. They also like to maintain contact and help establish other committees like this one in other communities.

Kul Gauri was asked to attend the meeting at Athens High School and give a report at the next meeting.

Angie Done was asked to send a “Thank You” note to Susan Marsh of the Oakland and Macomb Center for Independent Living for attending the meeting.

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 motion. 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 House 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.

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES - FINAL - SEPT 5, 2001

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

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, September 5, 2001.

PRESENT:	Ted Dziurman	Mark Stimac
	Rick Kessler	Ginny Norvell
	Bill Need	Pam Pasternak
	Bill Nelson	
	Frank Zuazo	

ITEM #1 – APPROVAL OF MINUTES – MEETING OF AUGUST 1, 2001.

Motion by Need
Supported by Zuazo

MOVED, to approve the minutes of the meeting of August 1, 2001 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. DAN HEILEMAN, HEILEMAN SIGNS, REPRESENTING ELDER FORD, 777 JOHN R., for relief of Chapter 78 to replace an existing sign box and reclad the existing sign pole.

Petitioner is requesting relief of the Sign Ordinance to replace an existing sign box and reclad the existing sign pole at 777 John R.

Section 9.02.04, A of the Sign Ordinance:

1. Limits the site to 2 ground signs and the proposal is for 3 to remain;
2. Limits the height of signs to 25' and the proposed sign is 42.1' high;
3. Requires that a sign of this size be placed at least 30' from the right-of-way, (105 feet from the section line). The proposed sign would remain in the future right-of-way approximately 65' from the section line; and
4. Limits the size to 200 square feet and the proposed sign is 260 square feet.

Mr. Stimac stated that the Building Department had received a written request from Elder Ford requesting that this item be postponed until the meeting of October 3, 2001 to allow them the opportunity to be present.

Motion by Nelson
Supported by Zuazo

ITEM #2

MOVED, to postpone the request of Dan Heileman, Heileman Signs, representing Elder Ford, 777 John R., for relief of Chapter 78 to replace an existing sign box and reclad the existing sign pole until the meeting of October 3, 2001.

- To allow the petitioner the opportunity to be present.

Yeas: All – 5

MOTION TO POSTPONE THE REQUEST OF PETITIONER TO THE MEETING OF OCTOBER 3, 2001 CARRIED

ITEM #3 – VARIANCE REQUESTED. AVER SIGN COMPANY, 2017 LIVERNOIS – CITGO, for relief of the Sign Ordinance to replace an existing sign.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to replace an existing sign, which will be placed at the property line (0 setback). Section 9.02.04, A of the Sign Ordinance requires that a sign of this size, (94.5 square feet in size and 22.5 feet in height), be placed 30 feet from the right-of-way.

Mr. Dziurman asked what size sign would be allowed to be placed at the property line and Ms. Norvell explained that a sign that is 50 square feet in size and 10' in height can be placed at the property line.

Mr. Terry Vleh of Aver Sign Company, and Mr. Wally Ouro, owner of the Citgo gas station were present. Mr. Vleh explained that the pricing numbers that are presently on the sign are unreadable within 200' of the station. Mr. Vleh also stated that the property is mostly asphalt and concrete and therefore, it is almost impossible for them to place the sign in any other location. Mr. Vleh went on to say that the price signs would be lower than the existing sign and would not be blocked by a building, which is located on the south side and a canopy on the north side.

Ms. Norvell stated that the permit for the installation of the original ground sign was issued in 1976. The size of the sign was 102 square feet and the height was 22'. At that time the sign was conforming. Subsequent changes to the ordinance have made it a legal non-conforming sign.

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 is one written objection on file.

Mr. Zuazo asked if it would be possible to move the sign to the grassy area on the north side of the site and Mr. Vleh stated that there was a great deal of concrete around this area, and the sign would be blocked by the canopy.

ITEM #3

Mr. Nelson asked for a clarification on the height of the sign and Ms. Norvell stated that it could be 10' high and 50 square feet in size, in order to be placed at the property line. Mr. Dziurman asked if this was a standard size for the Citgo sign and Mr. Vleh replied that because it is a franchise, all the signs are the same design, but can be different sizes. Mr. Ouro stated that all the signs for the Citgo gas stations are uniform. Mr. Need asked if all the other signs were allowed by the Ordinance to be on this sign and Mr. Stimac stated that these ancillary signs have to be included in the square footage. Mr. Stimac went on to say that as the Public Hearing was advertised, if the Board were to grant a variance, no other signage would be allowed.

Mr. Ouro stated that they have a difficult time changing the pricing on this site due to the height of the sign. Mr. Vleh stated that the new sign would be 7' shorter, which would make it easier to change the pricing.

Mr. Need asked if the Citgo sign could be made smaller and Mr. Vleh stated that they are proposing a 7' x 7' sign, but that it could be reduced to a sign that is 6' x 6'.

Motion by Need

Supported by Nelson

MOVED, to grant Aver Sign Company, 2017 Livernois – CITGO, relief of the Sign Ordinance to replace an existing sign at the property line (0 setback) with the following stipulations:

- Size of the Citgo sign box will be reduced to 6' x 6' (overall sign size to be 75 square feet).
- All ancillary signs will be removed.
- Maximum height will be 21.5'.

Yeas: All – 5

MOTION TO APPROVE REQUEST CARRIED WITH STIPULATIONS

ITEM #4 – VARIANCE REQUESTED. STANLEY TKACZ, ARCHITECT FOR THE SUBURBAN COLLECTION, 1810 MAPLELAWN – OLDSMOBILE, for relief of Chapter 78 to install a third wall sign.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to install a third secondary wall sign in addition to the primary wall sign. Section 9.02.05, D of the Sign Ordinance permits two additional wall signs, not to exceed 20 square feet each. The existing 12.7 square foot Buick and 8 square foot Cadillac signs comply with the Ordinance; however, the proposed 13.6 square foot Oldsmobile sign exceeds the number of signs permitted.

ITEM #4

Mr. Stanley Tkacz was present and stated that the Oldsmobile line of automobiles has been eliminated, however, GM is requesting its dealers to provide a sign with the Oldsmobile name for a period of twenty-four (24) months. After that period of time the sign would be eliminated.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

Mr. Need asked what type of Oldsmobile sign was present at this time and Mr. Tkacz stated that there isn't any Oldsmobile sign right now. Mr. Tkacz further stated that they have made so many changes at the Motor Mall, that there is a great deal of confusion by people coming in for service and not being able to locate a sign. Ms. Norvell stated that in 1995 a permit was issued for a small sign with the Oldsmobile logo, however, that sign has been removed.

Mr. Nelson asked for clarification on the two-year time period and Mr. Tkacz stated that the letter they had received from GM, indicated that the sign would be up from November 1, 2001 through November 1, 2003.

Motion by Nelson
Supported by Need

MOVED, to grant Stanley Tkacz, Architect for the Suburban Collection, 1810 Maplelawn – Oldsmobile, relief of Chapter 78 to install a third wall sign.

- Sign will be put up through November 1, 2003.

Yeas: All – 5

MOTION TO GRANT VARIANCE REQUEST FOR A PERIOD OF TWO YEARS
CARRIED

ITEM #5 – VARIANCE REQUESTED. SIGNGRAPHIX, INC. ON BEHALF OF WILLIAM BEAUMONT HOSPITAL, 44201 DEQUINDRE, for relief of the Sign Ordinance to remove three (3) existing ground signs and install seven (7) new ground signs.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to remove three (3) existing ground signs and install seven (7) new ground signs. Section 9.02.02, A & B of the Sign Ordinance permits one sign not exceed 100 square feet and one additional sign not to exceed 36 square feet at this location. Previous action by City Council and the Building Code Board of Appeals granted variances to allow up to 21 signs. The proposed request for installation of seven (7) new ground signs will result in a total of twenty-five (25) signs on site.

ITEM #5

Mr. Bill Lutz of Signgraphix, Inc. and Mr. Pete Musqo of Beaumont Services were present. Mr. Lutz stated that this healthcare campus is continually growing and due to the addition to the parking deck, there is a great deal of confusion regarding parking. Mr. Lutz went on to say that most of the people that come to this campus are under some type of stress and therefore may not be thinking as clearly as they ordinarily would. Mr. Lutz further stated that they are trying to get people from one location to another with the least amount of difficulty.

Mr. Dziurman asked if more signs could be added as more buildings are added and Ms. Norvell stated that the Sign Ordinance dictates the number of signs that are allowed in the C-F Zoning District by the site, not the number of buildings. Mr. Nelson asked how many signs are presently at the Royal Oak campus and Mr. Lutz stated that there are hundreds.

Mr. Musqo stated that they have found that the elderly residents seem to have a resistance to parking in a parking structure and would prefer park in an open space. Mr. Musqo went on to say that most of the signs they are eliminating will be the signs that indicate that there is free parking across Dequindre. Mr. Musqo also said that they have reduced the number of free parking spaces to about 70 spaces and that the reason they charge \$2.00 for parking is for maintenance of the parking deck.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Mr. Dziurman stated that he could understand why directional signs were needed, but did not want to add signs that would serve no purpose. Mr. Lutz stated that this was a very complicated campus due to the constant changes that are taking place. Mr. Musqo stated that with the construction of the west addition, he felt that they would probably be back before the Board requesting another variance for additional signage. Mr. Lutz pointed out that the new signs would not be visible from Dequindre, but are merely directional signs. Ms. Norvell stated the Sign Ordinance does not limit the number of directional signs on a site, but does state that they cannot be more than 6 square feet in size.

Mr. Nelson asked if the signs in Troy were consistent with the signs that are at the healthcare campus in Royal Oak and Mr. Lutz stated that they are uniform. Mr. Dziurman asked if the signs were lighted and Mr. Lutz stated that they are lit from inside out, and the foundation is not lit.

Motion by Nelson
Supported by Kessler

ITEM #5

MOVED, to grant Signgraphix, Inc. on behalf of William Beaumont Hospital, 44201 Dequindre, relief of the Sign Ordinance to remove three (3) existing ground signs and install seven (7) new ground sign, which will result in a total of twenty-five (25), signs on site.

- There are no objections on file.
- Signs will make it easier for patients and visitors to find the parking areas.

Yeas: 4 – Dziurman, Kessler, Nelson, Zuazo

Nays: 1 – Need

MOTION TO APPROVE REQUEST CARRIED

Mr. Musqo asked the Board if they would have to come back for a variance when the west addition was completed and Mr. Need suggested that they hire a Traffic Engineer to look at the complete package and determine exactly where and how many additional signs would be required. Mr. Need stated that he is opposed to the number of signs that are on the campus, and that he would be opposed to any additional variances.

The Building Code Board of Appeals meeting adjourned at 9:10 A.M.

MS/pp

**TROY DAZE MINUTES
SEPTEMBER 5, 2001**

Called to order at 8:05PM by Bob Berk

Present:	Bob Berk	Cheryl Whitton-Kaszubski
	Jim Cyrulewski	Dave Swanson
	Jeff Biegler	Dick Tharp
	Cele Dilley	Bob Matlick
	Cindy Stewart	Kessie Kaltsounis
	Tonya Perry	Ed Carpus

PARADE – Tom reported there will be 9 floats and 4 bands for the parade.

Jim reminded everyone there are no pony rides this year. He also announced that he was just informed that the Jaycees need to cancel the 5 and 10k races but they hope to participate next year.

Jim said those interested in the MFEA convention should let him know. Also, the travel expense paperwork should be picked up from Parks & Recreation, filled out and returned ASAP. He hopes to have a lot of pictures from the Special Children Day to show at the convention during the presentation.

Cutest Toddler/Baby now has 52 entries and may still have more.

Bob asked if there were any questions or problems still to be addressed, hearing none, he wished everyone good luck and thank you.

Annual dinner to be held at Clawson Steak House in late September or very early October, exact date & time available at headquarters trailer during festival.

Adjourned at 8:55PM

Next Troy Daze Advisory Committee meeting, October 23, 2001, at 7:30PM, followed by the Committee meeting.

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 has 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 they 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

The Chairman, Christopher Fejes called the meeting to order at 7:30 P.M., on Tuesday, September 18, 2001.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Walter Storrs

Also Present: Mitch Grusnick
Bob Davisson
Pam Pasternak

ITEM #1 – APPROVAL OF MINUTES OF MEETING OF AUGUST 21, 2001

Motion by Courtney
Supported by Storrs

MOVED, to approve the minutes of the meeting of August 21, 2001 as written.

Yeas: 7 – All

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUESTED. JACQUES MILOIAN, 1739 COVENTRY, for relief of the Ordinance to construct a shed, which will exceed the maximum allowable square footage for accessory buildings.

Mr. Grusnick explained that the petitioner is requesting relief to construct a shed, which will exceed the maximum allowable square footage for accessory buildings. A permit for a 576 square foot detached garage has been issued and is currently under construction on this lot. An application has been submitted to construct a 100 square foot shed, which would result in 676 square feet of accessory buildings. Section 40.57.04 of the Zoning Ordinance limits the total square footage of all accessory buildings at this site to 600 square feet.

Mr. Miloian was present and stated that due to the fact that his existing garage was only a one and one-half (1 ½) car garage; he needed the extra room to store his lawn equipment. Mr. Miloian stated that he wants to keep his yard looking neat. Mr. Miloian further stated that he is also looking into the possibility of adding a family room addition to his home, which would increase the square footage of living space he has and allow for the extra storage building.

Mr. Fejes stated that the Board had received an objection from the neighbor immediately behind Mr. Miloian’s property stating that he was very concerned about his property being flooded out. Mr. Miloian stated that he plans to pour the slab for the shed at ground level, which would not raise the grade. Mr. Miloian feels that there should not be any concern regarding flooding with this plan.

ITEM #2 – con't

Mr. Storrs asked how much higher the garage was and Mr. Miloian stated that it is approximately 13" higher. Mr. Miloian again stated that the slab for the shed would be put at ground level. Mr. Courtney asked how close the shed would be to the neighbor's property line and Mr. Miloian stated that he planned on placing it approximately 8' from the fence line.

The Chairman opened the Public Hearing.

The property owner, directly across the street from 1739 Coventry, wished to speak and stated that he approves of the petitioner's request 100%. He stated that he did not believe adding this shed would do any damage.

Mr. James Redmond, 1700 Castleton, stated that he lives directly behind Mr. Miloian and 29' of his property abuts 1739 Coventry. Mr. Redmond stated that he is very concerned about this shed, due to the fact that the grade will be raised and he believes this will cause his property to flood. Mr. Redmond also said that the grade of the properties on Coventry already have a 1' higher elevation than the homes on Castleton. Mr. Redmond believes that this is the way the subdivisions were originally platted. Mr. Redmond also said that he was a surveyor and brought in drawings indicating what he has determined will happen when this slab is put in. Mr. Redmond stated that he has had a problem with flooding and has attempted to alleviate it by adding a ditch for drainage. Mr. Redmond also said that with the addition of the slab and fill dirt, a 10 ½" rise will be created in order to allow the petitioner to go into this shed.

Mr. Fejes asked Mr. Redmond if he would approve of this request, if Mr. Miloian did not raise the floor of the shed, or add any fill dirt, but in fact did pour it at ground level. Mr. Redmond stated that he would probably approve this request, as long as this stipulation was in writing. Mr. Hutson stated that he thought that there were existing drains on this site, and Mr. Redmond stated that these drains are rather old and because of the improvements made by the residents, these drains are no longer effective. Mr. Redmond stated that he has put in extra drainage at his own expense to try and alleviate the flooding problem, however, due to the high water table in the area, he still has a problem with flooding.

Mr. Storrs suggested that Mr. Redmond contact the Engineering Department to come out and take a look at the grade and existing drains in order to determine if there is something they could do to help the flooding problem.

No one else wished to be heard and the Public Hearing was closed.

There are six (6) written approvals on file. There are three (3) written objections on file.

Mr. Maxwell asked Mr. Grusnick to look at the drawing, which Mr. Redmond submitted and comment on it. Mr. Grusnick stated that based on this drawing, it appears that the water flow would go directly toward the neighbor's property. Mr. Grusnick went on to

ITEM #2 – con't

say that he thought the amount of the water in the “swale” would run to the neighbor’s property and could create a water problem. Mr. Grusnick also said that he thought that due to the age of this subdivision, changes to the properties may be affecting the drainage ditches and the Engineering Department may need to do some maintenance on them.

Mr. Hutson stated that he was concerned about the suggestion of a flooding problem and wants the Engineering Department to go out and take a look at these properties, to determine if something can be done to eliminate the possibility of flooding. Mr. Fejes asked if Mr. Hutson felt that if the slab for the shed were to be placed at ground level, if this would take care of the problem. Mr. Hutson stated that even at ground level, adding fill dirt and cement could create an 18” wall.

Mr. Kovacs asked Mr. Redmond if he would be happy if the slab were placed at ground level. Mr. Redmond stated that he thought a “rain sheer” would be created, because the more concrete that is added creates less place for water to go. Mr. Redmond then stated that he is also concerned about the build up of dirt around Mr. Miloian’s garage.

Motion by Courtney
Supported by Maxwell

MOVED, to table the request of Jacques Miloian, 1739 Coventry, for relief of the Ordinance to construct a shed, which will exceed the maximum allowable square footage for accessory buildings until the next scheduled meeting of October 16, 2001.

- This will allow the Engineering Department to examine the property, to determine if they can help to alleviate the water problem.
- Tabling will allow the petitioner to come back to the Board with an exact plan.

Yeas: All – 7

MOTION TO TABLE REQUEST UNTIL MEETING OF OCTOBER 16, 2001 CARRIED

ITEM #3 – INTERPRETATION REQUESTED. CENTURY PARK PLACE, LLC, 400 E. BIG BEAVER (PROPOSED ADDRESS), requests an interpretation of Chapter 39, Section 41.50.00 and an interpretation of Chapter 39 Section 30.30.00 subsection S which would allow the construction a new office building that, absent these interpretations, will encroach into the required setbacks.

Mr. Grusnick explained that the petitioner is requesting an interpretation of Chapter 39, Section 41.50.00 that would allow him to construct his proposed new office building at 400 E. Big Beaver (proposed address). This property is located in the O-M (Mid-Rise Office) Zoning District. The plans submitted indicate a three-story building that is 35.5 feet in height. The Building Department has determined that Sub-paragraph S of

ITEM #3 – con't.

Section 30.30.00 of the Troy Zoning Ordinance requires that for a building of this height, a side yard setback of at least 38.25 feet must be provided on the east side of the site where it abuts residentially zoned property and 35.5 feet must be provided on the west side of the side where it abuts additional O-M property. The site plan submitted indicates a 30-foot setback on each side.

In addition, the plans submitted indicate glass walls enclosing the stairways that slope outward 3 feet from the face of the building. Based on the Building Department's interpretation of Chapter 39 Section 41.50.00, these glass walls are an encroachment into the required setback.

Mr. Peter Kanuck, General Manager of Century Park Place, and Mr. Frank D'Anna, Architect were present. Mr. Kanuck stated that he believes that the proposed glass walls are an "architectural feature" and therefore are allowed pursuant to Chapter 39 Section 41.50.00. Mr. Kanuck explained that these projections do not start at ground level, but begin above the first floor, and that the glass walls will not make contact with any of the floors. The use of the sloped glass walls will not increase the square footage of the building. Mr. Kanuck stated that the purpose of these glass walls was to make a very small building look larger, and be more aesthetically pleasing. Mr. Kanuck said the site is unique and very small and is surrounded by very large developments. He believes the site itself restricts the type of building that can be constructed. Mr. Kanuck believes that Petitioner's interpretation is not contrary to the spirit and intent of the Ordinance. Mr. Kanuck believes that as an "architectural feature" the sloping glass walls would not be detrimental to the preservation or enjoyment of the other buildings in this Zoning District.

Mr. Storrs asked if the stairwells at the end of the building, would add square footage to the footprint of the building. Mr. Kanuck stated that they did not. Mr. Hutson asked if part of the stairwells would have to be removed if the vertical projections were removed. Mr. Kanuck stated no, indicating that the sloping glass walls and the stairwell are not connected.

Mr. Kovacs asked if the City has an exact definition of a "vertical projection". Mr. Grusnick stated no, but indicated that in the past "vertical projection" was interpreted to mean from "floor to ceiling".

Mr. Fejes expressed concern that if the Board were to approve this "architectural feature", it would create a precedent. Mr. Davisson stated that the Ordinance allows the Board to interpret the Ordinance. Mr. Hutson felt that since this is not a load-bearing wall, and if it were removed, there would not be any structural changes, it should not be a concern for the Board. Mr. Hutson felt that this is a unique situation and should be allowed.

Mr. Kanuck stated that the Board also needed to make an interpretation of Chapter 39, Section 31.30.00 subsection S. This ordinance requires additional setbacks in O-M

ITEM #3 – con't.

zoning districts under certain circumstances. Mr. Kanuck believes that this setback ordinance only applies to buildings of four stories or more.

Mr. Kanuck stated that the proposed building was going to be a three story, 35 foot six-inch high building. Mr. Courtney asked how far this building would encroach into the required setbacks and Mr. Kanuck replied that according to the City, it would encroach 8 ¼ feet at the side of the building adjacent to residential zoning and 5 ½ feet from the side of the building adjacent to commercial zoning. Mr. Kanuck again stated that he believed that this ordinance is inapplicable to his building because his building is under four stories in height. Mr. Kanuck also stated that this building would not create a cramped intrusion to surrounding buildings, as the nearest building on the west side is approximately 350 to 400 feet away. The nearest building on the east side is approximately 150 feet away. Big Beaver is on the north side of the development.

Mr. Storrs stated that the language in the Chapter 39, Section 31.30.00, paragraph S, is ambiguous. He will suggest to the Planning Commission that they make a recommendation to City Council regarding language changes to the ordinance.

Mr. Fejes stated that he thought the proposed design of the building was beautiful and that the petitioner was maximizing the use of this space due to the odd shape of the lot.

Mr. Hutson stated that these issues were unique to the parcel and that he thinks there was a mistake made in the wording of the Ordinance. He believes that the ordinance needs to be amended by City Council. Mr. Kovacs and Mr. Storrs both agreed that the language in Chapter 31.30.00, Section S is ambiguous and needs to be clarified.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections in file.

Motion by Hutson
Supported by Maxwell

MOVED, to adopt Petitioner's, Century Park Place, LLC, 400 E. Big Beaver (proposed address), interpretation of Chapter 39, Section 31.30.00 that the additional setbacks of subsection S, are inapplicable to buildings of less than four stories in height located in an O-M district.

- The Board finds that the language in Chapter 31.30.00, subsection S is ambiguous.
- The Board finds that because Petitioner's building is three-stories in height, Chapter 31.30.00, subsection S is inapplicable.

ITEM #3 – con’t.

Yeas: 6 – Hutson, Kovacs, Maxwell, Storrs, Fejes, Gies

Nays: 1 – Courtney

MOTION TO GRANT REQUEST REGARDING SETBACKS CARRIED

Motion by Maxwell

Supported by Kovacs

MOVED, to adopt Petitioner’s, Century Park Place, LLC, 400 E. Big Beaver (proposed address), interpretation of Chapter 39 Section 41.50.00 to include as an “architectural feature” the sloped glass walls as shown in Petitioner’s architectural plans.

- The Board finds that Petitioner’s proposed sloping glass walls are an “architectural feature” and not a “vertical projection” as set forth Chapter 39, Section 41.50.00.
- The Board finds that because petitioner’s sloped walls are an “architectural feature”, they are permitted to encroach up to 3’ into the required setback by Section 41.50.00.

Yeas: 6 – Kovacs, Maxwell, Storrs, Fejes, Gies, Hutson

Nays: 1 – Courtney

MOTION TO GRANT REQUEST OF “ARCHITECTURAL FEATURE” CARRIED

The Board of Zoning Appeals meeting adjourned at 9:18 P.M.

MEG/pp

Meeting was called to order at 7:30 P.M., on Tuesday, September 18, 2001.

PRESENT: Marjory A. Biglin
Kevin Danielson
David J. Eisenbacher
Paul C. Lin
William G. Martin, Chair
Jacques O. Nixon
Dorothy Scott

STAFF: John M. Skeens, Education Coordinator/Museum

ABSENT (EXCUSED): None

ITEM #1 APPROVAL OF MINUTES OF MEETING OF APRIL 17, 2001.

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF APRIL 17, 2001 AS WRITTEN.

Yeas: 7—Ayes. Biglin, Danielson, Eisenbacher, Lin, Martin, Nixon, Scott

ITEM #2 NEW BUSINESS

A. Grain Building 46 E Square Lake Road:

Kathy Johnson had requested time and study for the old grain building at 46 E. Square Lake Road in that she was requesting a beauty parlor use. At this time there was a question as to the amount of parking available. Item tabled for further information, due to City of Troy requirements.

B. Certified Local Government Program:

Discussion regarding information for a certified Local Government program giving tax credits for restorations. Reviewed and filed in that we do not immediately require this certification.

ITEM #3 OLD BUSINESS

A. 777 West Square Lake Road:

Outside windows are now being repaired. Bricks were found that would match and one large bay window have been repaired.

B. Cemetery Marker:

Drawings for a granite marker for Beach Road cemetery was presented with several phrases that could be placed on the marker to show our appreciation for these pioneers. The phrase "Pioneers of Troy" seemed most appropriate with perhaps another small phrase. Also, discussion was made for something to compliment the marker at all cemeteries. Mr. Lin will submit a thoughtful sign with further discussion at the next meeting.

C. Krell Park:

Nothing further has been given to the District Commission for consideration. We have our site plan and the site plan as submitted to Council by John's Party Store.

D. Church Update:

Nixon gave a brief statement of what has been done in committee and that the Architect has stated there is nothing basic wrong with the structures.

E. Flyer Program:

Submitted for review and update. Skeens will present new flyer for approval. This is for mailing to all homeowners for their information.

ITEM #4 OTHER

A. Letter from History Division:

Concern for two structures (not on our list) that will be effected by road work in the future. These owners did not want to be listed because they thought nothing could happen to their property. Mr. Skeens will do a research write-up of the history.

The Troy Historical Commission meeting adjourned at 9:33 P.M.

The next regular meeting is scheduled on Tuesday, October 16, 2001 at 7:30 PM.

Sincerely

John M Skeens
Education Coordinator/Museum

Meeting was called to order at 7:30 P.M., on Tuesday, September 18, 2001.

PRESENT: Marjory A. Biglin
Kevin Danielson
David J. Eisenbacher
Paul C. Lin
William G. Martin, Chair
Jacques O. Nixon
Dorothy Scott

STAFF: John M. Skeens, Education Coordinator/Museum

ABSENT (EXCUSED): None

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Yeas: 7—Ayes. Biglin, Danielson, Eisenbacher, Lin, Martin, Nixon, Scott

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Sincerely

John M Skeens
Education Coordinator/Museum

The Traffic Committee meeting was called to order by Ted Halsey at 7:40 p.m. in the Lower Level Conference Room at Troy City Hall on September 19, 2001.

Roll Call:

Members present were: Ted Halsey
Jan Hubbell
Richard Kilmer

Members absent were: John Diefenbaker
Eric Grinnell
Michael Palchesko
Charles Solis

The meeting was cancelled due to lack of a quorum.

DRAFT
BROWNFIELD REDEVELOPMENT AUTHORITY
MINUTES
SEPTEMBER 27, 2001

The meeting was called to order at 12:17 p.m. at Troy City Hall, Lower Level Conference Room. Roll call was taken.

Members Present: Art Cotsonika, Victor Lenivov, Ken Wheeler, and Robert Swartz

Absent Members: Lon Ullmann, Bruce Wilberding, Leon Sowell

EXCUSE ABSENT MEMBERS

Resolution # 01-08
Moved by Cotsonika
Seconded by Swartz

Resolved, that the absent members be excused.

APPROVAL OF MINUTES

Resolution # 01-09
Moved by Lenivov
Seconded by Wheeler

Resolved, that the minutes of April 26, 2001 as amended to reflect the appropriate spelling of Mr. Lenivov's last name be approved.

Yeas: All (4)
Absent: Lon Ullmann, Bruce Wilberding, Leon Sowell

OLD BUSINESS

1. Brownfield members would like draft minutes mailed and/or e-mailed to them once the minutes are complete.
2. Doug Smith discussed updates on Brownfield sites (Stanley Door, Troy Hilton).

3. A presentation was made by Jill Ferrari from Atwell Hicks regarding potential Brownfield's in Troy and examples of what benefits could be provided if the owner of these sites wanted to designate them as Brownfield's. The discussion with Atwell Hicks included a thorough discussion about the type of lists or maps that could be made from public information, such as BEA's, LUST or blighted properties. A lengthy discussion took place regarding the dangerousness or liability and the advantages of such lists or maps. The BRA members recognize that the role of the BRA is, first, to encourage the use of Brownfield s to improve redevelopment in the City, and secondly, to be prepared to respond quickly when approached with a request for a Brownfield consideration. General consensus was to walk very carefully in putting together any list where an owner might be identified as having a Brownfield site that might not choose to want to have such a perception or designation made of his particular property. It was noted that an increase sensitivity to designations of this type have been heightened with the wetlands and natural features ordinance that is being considered by Troy City Council.

Out of the discussion came a number of issues and/or directions from the BRA to staff, they include:

1. Develop promotional materials using Ford New Holland and include the website both for information about the Brownfield and forms that may be necessary. This promotional effort should target brokers and lawyers as well as potentially interested parties or properties.
2. A map of the BEA's in Troy (approximately 17).
3. Check with the EPA and DEQ about federal and state grants that might be available.
4. Seek from the DEQ work plans for private property under Public Act 381 (these are only state filed work plans where school taxes are included in the TIF). Also, seek from MEGA any work plans that have been submitted from Troy.
5. Determine if the Oakland County \$1 million credit for BRA districts has been used already.

There was no new business.

There was no Public Comment.

During the conversations of the BRA it was noted that Old Business should keep a running tally or identify old topics, which have not been completed to date. Included in those should be the website and the revolving loan fund. The revolving loan fund discussions should include decisions or requirements the BRA should make once the revolving loan fund becomes operative.

The meeting was adjourned at 1:58 p.m.

The next meeting is scheduled for January 17, 2002 at 3:00 p.m.

Robert Swartz, Chairman

Doug Smith, Secretary and Treasurer

A meeting of the Municipal Building Authority of Troy was held on Wednesday, October 3, 2001, at City Hall, 500 W. Big Beaver, in Conference Room C. The meeting was called to order at 4:10 p.m.

PRESENT: John A. Gleeson
 Robert J. Krokosky
 John M. Lamerato
 William S. McCain
 Frank A. Taube, III

ALSO PRESENT: Lori Grigg Bluhm; City Attorney
 Linda Bloch; Miro Weiner & Kramer

APPROVAL OF MINUTES

Resolution # 01-04

Moved by Lamerato

Supported by Krokosky

RESOLVED, that the minutes of the July 31, 2001 meeting be approved.

Yeas: All 5

RESOLUTION AUTHORIZING ISSUANCE OF MUNICIPAL BUILDING AUTHORITY OF TROY GOLF COURSE BONDS, SERIES 2001

Resolution # 01-05

Moved by McCain

Supported by Taube III

RESOLVED, that the Municipal Building Authority of Troy hereby authorize the issuance of Municipal Building Authority of Troy Golf Course Bonds, Series 2001 and a copy of the resolution will be attached to the official minutes of this meeting.

Yeas: All 5

ELECTION OF OFFICERS

Resolution # 01-06

Moved by McCain

Supported by Gleeson

RESOLVED, that John M. Lamerato be elected Treasurer of the Municipal Building Authority of Troy.

Yeas: All 5

The meeting was adjourned at 4:25 p.m.

The next meeting is Monday, November 5, 2001, at 4:00 p.m. at City Hall in Conference Room C.

The meeting was called to order at 7:29 p.m. by Chairman Max Ehlert in Conference Room C.

PRESENT: David Balagna
Max Ehlert
W. Stan Godlewski
James Moseley
James Peard
Thomas Sawyer
John Walker
Sergeant George Zielinski
Marsha Livingston, Office Coordinator

ABSENT: Jennifer Gilbert

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

Moved by Moseley, seconded by Balagna, to APPROVE the minutes of the September 10, 2001 meeting as printed.
APPROVED unanimously

AGENDA ITEMS:

1. **7-ELEVEN, INC.**, requests to drop **D. & G. BLATCHLEY, INC.**, as Co-Licensee and add **NISAR SIDDIQUI** as Co-Licensee with 7-Eleven, Inc. in 2001 Specially Designated Merchant (SDM_licensed business located at 2891 Crooks, Troy, MI 48084, Oakland County, [MLCC REF#132394]

Present to answer questions from the committee was Pedro Hernandez, Field Consultant for the Big Beaver and Crooks Road location. He was there to represent 7-Eleven, Inc. as Co-Licensee.

Mr. Siddiqui was unable to attend because he was in California transferring ownership of his California store to his son. According to Mr. Hernandez, Mr. Siddiqui has been a successful franchisee in California since December 1986. He is also a franchisee of two Subway restaurants in California. Mr. Hernandez said Mr. Siddiqui sees good opportunity here in Michigan and likes the area.

Moved by Sawyer, seconded by Walker, to TABLE the above request until Mr. Siddiqui can be present.
APPROVED unanimously

2. **City Attorney Lori G. Bluhm will discuss Liquor License transfer limitations.**

The committee explained to City Attorney Lori Bluhm they are looking for options regarding transfer licenses. They understand more licenses will be allocated due to an increase in the population and are looking for more control. The main question was if there is a way to impose City limitations. The committee would like to protect current

holders in the area, police enforcement for establishments, and they do not want Troy to be a “dumping ground”.

Lori Bluhm’s response was that not all licenses have to be approved. The local legislative body has the authority to recommend approval for licenses. Denials cannot be discriminatory, arbitrary, or capricious. Criteria will be upheld legally. Royal Oak will become a more recent case for challenges in the future and transferring is a new concept anyway.

Criteria can be used for denials. It is better to have something to base denials on in case of challenges in court. Criteria, for example, could be making restrictions with the site plans, restricting license holders in an area, encouraging development in certain areas and not in others, and previous history. The next step will be to see the current criteria for licenses and revise. Once criteria has been agreed upon, have it available to all businesses applying for licenses beforehand so they are aware of needs that have to be met in order to get an approved recommendation from the committee. The way to avoid a lawsuit is to have everything spelled out.

Ms. Bluhm will research Resort Licenses further.

It is easier to deny a recommendation rather than revoke license. She prefers it to be done at the committee’s stage and she would encourage the limitation of licenses. It would be reasonable to limit the number of licenses in Troy since we do have a lot.

Ms. Bluhm will contact Royal Oak to get a copy of their proposed criteria and Sgt. Zielinski will make a map that is coded as to where licenses currently are within the city. Ms. Bluhm will also contact various Assistant Attorney Generals to see what criteria they may have.

Before the next meeting, the committee will get copies of current criteria and come up with ideas for revisions. This will be discussed after the next meeting. At this point, Council is waiting for recommendations from the committee in regards to this.

Moved by Walker, seconded by Sawyer, to ADJOURN the meeting at 8:13 p.m.
APPROVED unanimously

ML/ml

October 8, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Mark F. Miller, Interim Planning Director

SUBJECT: Announcement of Public Hearing, November 5, 2001 – Proposed Rezoning – Proposed Fountain Park Condominiums, East side of Rochester and North of Wattles, Section 14, R-1C to R-1T (Z-672)

The Schout Development Company have submitted a rezoning request for the November 5, 2001 City Council Meeting, for their property, 2.74 acres, comprised of lots 2, 3 and 4 in Supervisor's Plat # 22, located on the east side of Rochester Road and north of Wattles Road. Current zoning classification is R-1C One Family Residential and the proposed zoning classification is R-1T One Family Attached. Petitioner has submitted a schematic site plan that includes an attached condominium development with 14 units. The site plan appears to not have the required landscaped open space.

Current use of the subject properties is one family residential. The adjacent land uses include: Tom's Landscape to the north; Maya's Meadows Condominium to the south; Tom's Landscape to the east; and one family residential and vacant to the west.

Current Master Land Use Plan designation for the subject property is Medium Density Residential. The adjacent land use designations include: Medium Density Residential to the north; Medium Density Residential to the south; Medium Density Residential and/or Low Density Residential to the east; and Medium Density Residential to the west.

Current zoning district classification of the subject property is R-1C One Family Residential. The adjacent zoning district classifications include: R-1C One Family Residential to the north; R-1T Medium Density Residential to the south; R-1C One Family Residential to the east; and R-1C One Family Residential and CR-1 One Family Residential (cluster) to the west.

The proposed rezoning is consistent with the Master Land Use Plan and is compatible with the adjacent zoning districts and existing land uses. Based upon the findings, the Planning Department recommended Approval of the rezoning request. The Planning Commission, at their October 2, 2001 Regular meeting, adopted the following resolution:

Moved by: Littman

Seconded by: Pennington

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1C to R-1T rezoning request of 2.74 acres, comprised of lots 2, 3 and 4 of Supervisor's Plat #22, located on the east side of Rochester Road and north of Wattles Road, be granted, to enable the development of an attached residential condominium.

Yeas: All Present (9)

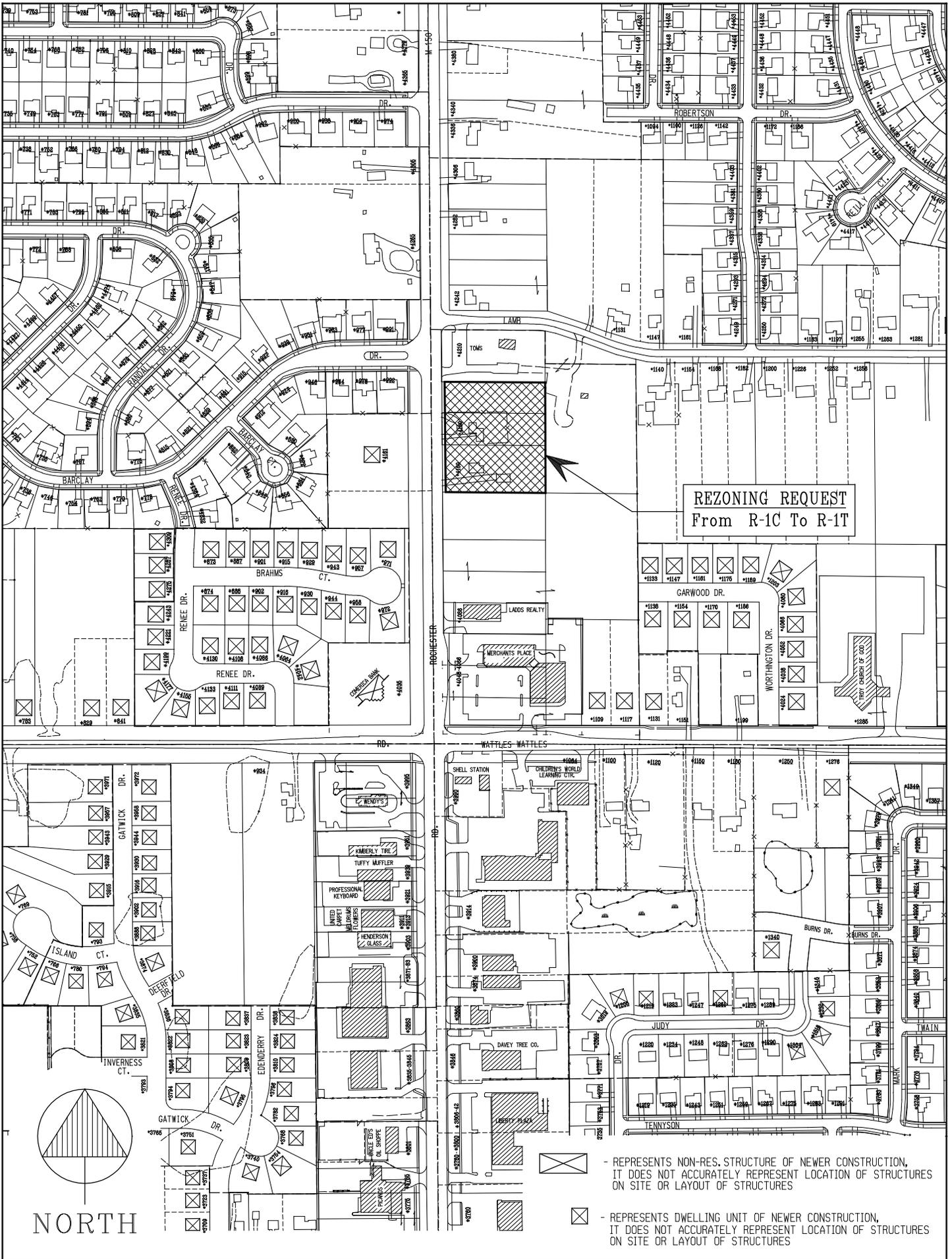
RESOLUTION APPROVED

City Management recommends Approval of the subject rezoning request.

Enclosures

Cc: Mark Stimac, Director of Building and Zoning
Steve Vandette, City Engineer
Petitioner, John Janviriyia
File/Z-672
File/Correspondence

MFM/dav

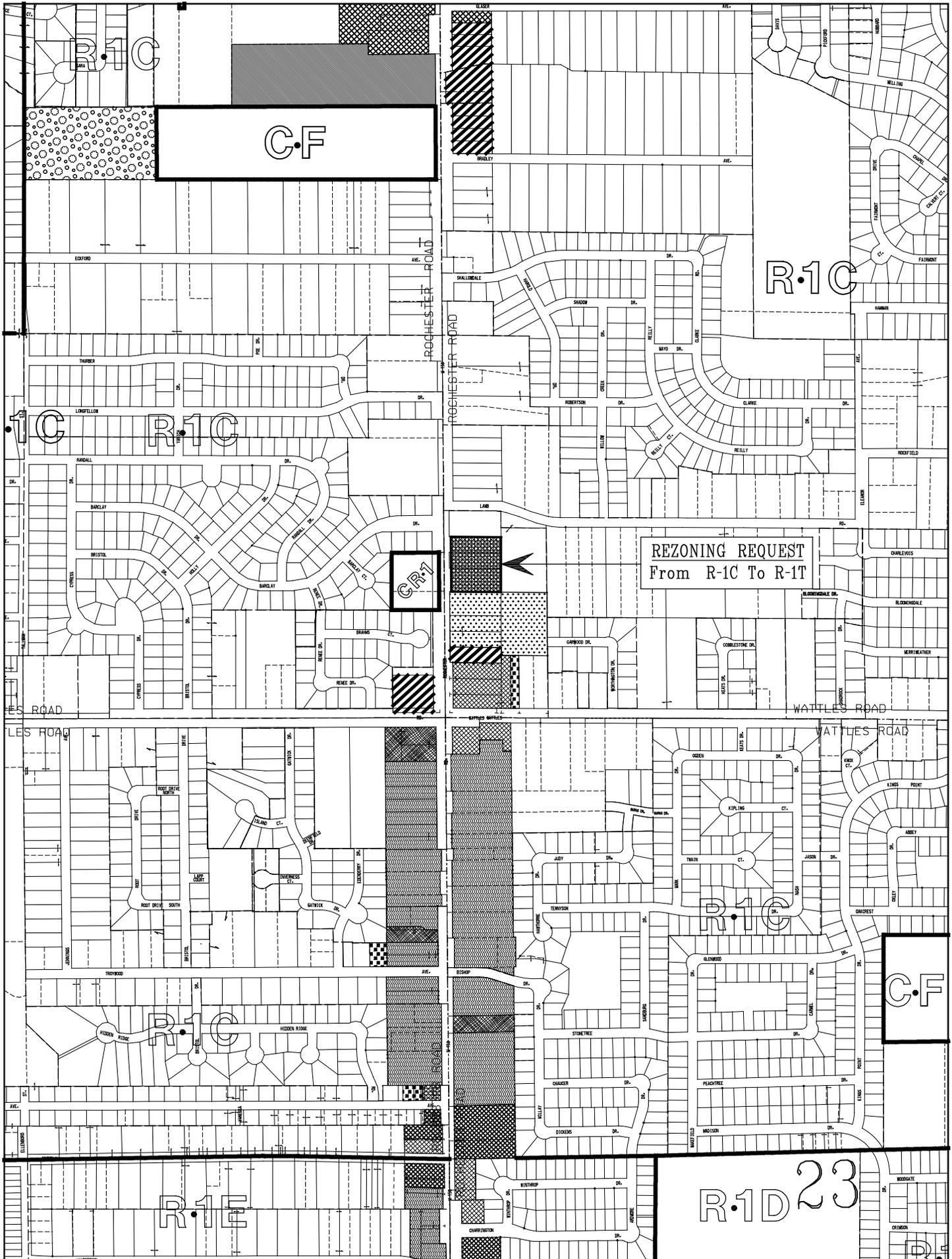


REZONING REQUEST
From R-1C To R-1T

— REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION,
IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES
ON SITE OR LAYOUT OF STRUCTURES

⊠ — REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION,
IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES
ON SITE OR LAYOUT OF STRUCTURES

NORTH



R-1C

C.F

R-1C

REZONING REQUEST
From R-1C To R-1T

CR-7

R-1C

C.F

R-1E

R-1D 23

*A PROCLAMATION
of the City of Huntington Woods, Michigan*

Honoring

THE UNITED STATES OF AMERICA

WHEREAS, September 11, 2001 will always be remembered as a dark day in American history, another day that will "live in infamy", not only for the United States but for the World; and

WHEREAS, terrorists attacked our beloved Country, destroying the two towers of the World Trade Center, severely damaging the Pentagon, and hijacking four American passenger jets resulting in the loss of many lives including police, fire and rescue workers and thousands of innocent civilians; and

WHEREAS, rather than defeating us--the United States of America, President Bush and his Cabinet, members of Congress and our Country's citizens stand strong together; and

WHEREAS, as Americans we have an abiding faith and pride in the ideals and strength of our nation, in our democratic processes and in our President, George W. Bush; and

WHEREAS, all Huntington Woods residents are asked to stand up and be proud that we are Americans and make it clearly known that our democracy will long endure; and

WHEREAS, that we, the Huntington Woods' elected officials, stand behind our President, our Country and those who defend it and extend our condolences, support and prayers to the families and friends of the victims, and best wishes for recovery to the survivors; and

WHEREAS, that the City of Huntington Woods offers any assistance it can provide to the areas affected and requests our own residents to help in any way they can.

NOW, THEREFORE, BE IT PROCLAIMED that the City of Huntington Woods supports the efforts of President George W. Bush and his Cabinet to investigate these horrific crimes and bring to justice those responsible.

BE IT FURTHER PROCLAIMED that a copy of this Proclamation, be forwarded to President George W. Bush, Senator Carl Levin, Senator Debbie Stabenow, Congressman Sander Levin, and to neighboring communities.

Proclaimed this 25th day of September, 2001.

Ronald F. Gillham
Ronald F. Gillham
Mayor



A RESOLUTION

of the Council of the City of Berkley, Michigan
Condemning the Act of War perpetrated against America
On September 11, 2001

WHEREAS, September 11, 2001, will be remembered by all Americans, both young and old, as the darkest day in the new millennium; and

WHEREAS, 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. 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

WHEREAS, One of many symbols of New York, the towers of the World Trade Center, where thousands of people worked and visited, collapsed after the crash of two of those jets into the structures. The results of this tragedy were the deaths of innocent men, women and children on the hijacked jets and in the damaged buildings and surrounding areas; and

WHEREAS, Among those who were killed and injured were the dedicated and brave members of the Police and Fire Department of New York City and the Emergency Medical Services and many citizens, who risked their own lives to save the lives of the victims; and

NOW, THEREFORE, THE CITY OF BERKLEY RESOLVES:

SECTION 1: That the Council of the City of Berkley, 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; and

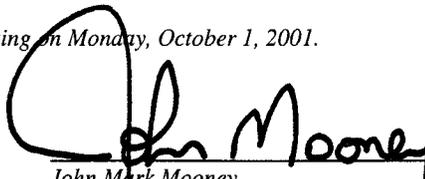
SECTION 2: That the Council of the City of Berkley, on behalf of the citizens of the City of Berkley, extends heartfelt condolences and support to the families and friends of the victims and our best wishes for a swift recovery to the survivors. Our thoughts and prayers go out to those who have suffered from the attacks; and

SECTION 3: That the City of Berkley 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; and

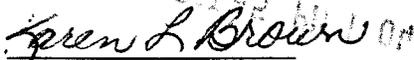
SECTION 4: That the City of Berkley supports the efforts to investigate these crimes and bring to justice those responsible for those heinous acts of terrorism; and

SECTION 5: That the City Clerk is directed to send a copy of this Resolution to President George W. Bush; New York Mayor Rudolph W. Guiliani; New York City representatives of the Police and Fire Departments; representatives of the New York City Emergency Medical Services; 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; the City of Berkley representative in Congress, the Michigan State Legislature, the Oakland County Board of Commissioners; and to neighboring communities.

Introduced and passed at a Regular City Council Meeting on Monday, October 1, 2001.


 John Mark Mooney
 Mayor

Attest:


 Karen L. Brown
 City Clerk



September 26, 2001

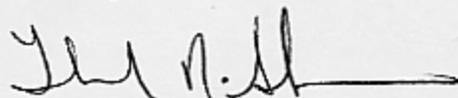
Chief Charlie Kraft
Troy Police Department
500 W. Big Beaver
Troy, Michigan 48084

Chief Kraft:

On behalf of Mary Falls, Pretrial Investigator, 52-4 D.C., I would like to thank you and your officers for being so accommodating. Mary indicates that the officers at the Troy Jail facility are very professional and are always ready to assist in any way they can. We all work in a field that produces a great deal of daily stress. It is refreshing to work with a group of people who do such a professional job, and employ such an attitude of cooperation.

Pretrial Services looks forward to the continuation of a positive working relationship with you and your staff.

Sincerely,



Theodore R. Gibson
Lead Investigator, District Courts



MAIN OFFICE
2300 DIXIE HIGHWAY SUITE 200
WATERFORD MI 48328
OFFICE: (248) 451-2310
FAX: (248) 451-2319

SOUTH OAKLAND OFFICE
1151 CROOKS RD
TROY MI 48084
OFFICE: (248) 655-1260
FAX: (248) 655-1278

IN-STEP PROGRAM
5640 WILLIAMS LAKE RD
WATERFORD MI 48329
OFFICE: (248) 618-7390
FAX: (248) 618-7391

GPS STEP DOWN WORK PROGRAM
1200 N TELEGRAPH BLDG 24-EAST
PONTIAC MI 48341
OFFICE: (248) 858-2101
FAX (248) 858-5586

Barbara A Holmes

From: Barbara A Holmes
Sent: Monday, October 08, 2001 3:41 PM
To: Agenda
Subject: FW: Thank You for the evening of 10/4

-----Original Message-----

From: Gary A Shripka
Sent: Monday, October 08, 2001 2:52 PM
To: Barbara A Holmes
Subject: FW: Thank You for the evening of 10/4

Please put in R/C part of agenda.

-----Original Message-----

From: William R Need
Sent: Monday, October 08, 2001 2:41 PM
To: John J Szerlag; Gary A Shripka; Cynthia A Stewart; Timothy L Richnak; Samuel P. Lamerato; Michael S Karloff; Ann M Tyrrell; Nancy E Kuha; Dana G Calhoun
Subject: FW: Thank You for the evening of 10/4

FYI!

-----Original Message-----

From: Schultz, Robert M [mailto:Robert.Schultz@usa.xerox.com]
Sent: Monday, October 08, 2001 2:22 PM
To: 'needwr@ci.troy.mi.us'
Subject: Thank You for the evening of 10/4

Mr. Need:

I just wanted to take a moment of your time to thank you and your staff for the excellent presentations that were provided to the Citizen's Academy last Thursday.

The information was all very well pertinent, organized and interesting. It gave me a new respect for the tasks that your organization handles on a daily basis.

Again, please extend my sincere thanks to your staff. Their efforts and dedication are greatly appreciated

Bob Schultz
883 Kirts Blvd.
48084
248.827.2358 (office)

PS: While exiting your facility, we noticed that the street directly in

front of you building
was burned out... just thought we'd report it!

October 2, 2001

Mr. Steven J. Vandette, P.E.
City Engineer
City of Troy
500 West Big Beaver
Troy, MI 48084

RECEIVED BY
OCT 4 2001
ENGINEERING

Subject: SIMONE CONTRACTING

Dear Sir:

When I received your letter of March 9, 2001 regarding the construction schedule for water main replacement and drainage improvements for McManus Drive, I dreaded the possible inconveniences the residents might experience. I, personally, did not have ANY inconvenience.

Simone's priority seemed to be "Create as little inconvenience to residents as possible." And, they did just that. Their people were polite and courteous and answered all questions very thoroughly.

I know of several times when their work might have been delayed due to moving equipment so residents could get in and out of the street. Opening the gate at the end of McManus so residents could exit and enter through Boulan Park was a big help.

Their clean-up EVERY DAY was greatly appreciated.

I thought they did a great job.

Joan C. Feldmann

Joan C. Feldmann
1800 McManus Dr.
Troy, MI 48084

Cc: Mr. John Szerlag, City Manager
Mr. Bill Jawlik, Engineering Field Office
Mr. Robert Dommer, Simone Contracting

September 28, 2001

Gregory A. and Jeanne Graves
2374 Ridge Dr.
Troy, MI 48098
(248) 952-5762

Mr. Tim Richnak, Superintendent
Troy DPW
4693 Rochester Rd.
Troy, MI 48085

Dear Tim,

Thank you very much for taking care of our water drainage problem. We appreciate your time and personal attention you gave to our situation. Please let the others that assisted you know that we appreciate their time and efforts, too. We are very happy with the way you and your office followed through with our problem and were able to arrive at a solution so quickly.

Our basement has been dry with this last 4 inch rainfall, so it seems the French drain works. Thank you very much.

Sincerely,

Jeanne Graves

Ann M Tyrrell

From: Janet P Kidd
Sent: Thursday, September 27, 2001 9:23 AM
To: Ann M Tyrrell
Subject: Complimentary call

Call taken by Flo 9/17/01 from resident at 5621 Houghten - #325 (Dominic Mauro) had changed her meter that morning. She wanted to give her compliments regarding his behavior - she was very impressed by him and found him to be very considerate and helpful.

-----Original Message-----

From: Dave Flanagan [mailto:adflanagan@yahoo.com]
Sent: Monday, September 24, 2001 12:08 PM
To: John K Abraham
Subject: RE: turn lane on Crooks Road

Dear Mr. Abraham,

Thank you very much for your informative reply to my question. If there is inconsistency, I now understand the jurisdiction issue as one reason for it.

I appreciate your effort to bring the issue up with county authorities.

And thanks for all the good work you and your department do to make Troy a great city!

**Best Regards,
Dave Flanagan**

-----BACKGROUND-----

Dear Mr. Flanagan:

Thank you for your e-mail regarding left turn storage lanes. In 1997 we performed an analysis of the left turn storage lengths (the "white" turn lane) on all City roads based on turning traffic, and have updated all intersections to reflect accepted adequacy of storage lengths (except when impossible due to driveways / other reasons). Roads under the City jurisdiction include Wattles, Rochester, Square Lake and Coolidge. All other major roads (Crooks, Livernois, John R, Dequindre, Long Lake, Big Beaver, Maple) are under the jurisdiction of the Road Commission for Oakland County (RCOC).

Your suggestion of increasing the left turn storage length is well taken and we will work with the RCOC to review left turn storage lengths and increase the storage lengths if required on major roads under County jurisdiction.

Our Police Department enforces illegal use of the center lane for left turns due to the frequency of traffic crashes that occur in the City due to this maneuver. Improper use of the center lane for left turns ranks high in the major causes for traffic crashes in the City. State law states that the center lanes for left turns should not be used as passing lanes. It becomes hazardous when vehicles enter the center lane well in advance of the intersection and move at high speeds to get to the left turn signal..when other vehicles are trying to use the lane for legal left turn maneuvers into driveways / local streets.

If you have any questions / need more information, please do not hesitate to call me at (248) 524 3379 or at abrahamjk@ci.troy.mi.us ..

Sincerely,

**John Abraham
Traffic Engineer**

-----ORIGINAL REQUEST -----

From: adflanagan <adflanagan@yahoo.com>
To: <Councilman.Kaszubski@gte.net>; <rbeltram@hotmail.com>;
<mfhowryl@umich.edu>; <dave@lambertonline.net>; <pallottaAN@wwnet.net>;
<council@ci.troy.mi.us>
Sent: Saturday, September 15, 2001 8:39 PM
Subject: turn lane on Crooks Road

I have noticed police issuing traffic citations to drivers pulling into the turn lane prematurely to make the left turn to westbound Wattles from northbound Crooks Road. I have no idea the actual citation, but in my mind it borders on police harassment because the "white" turn zone is very short, compared to other large intersections such as Rochester and Wattles, and there is no apparent reason for the difference, in my mind.

How about looking into this and lengthening the turn lane for Crooks road, both n-bound and s-bound?

Respectfully,

David Flanagan
1450 Provincial Drive, Troy, MI 48084

October 2001

October 2001						
S	M	T	W	T	F	S
7	1	2	3	4	5	6
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

November 2001						
S	M	T	W	T	F	S
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
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.)		
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.)		
15	16	17	18	19	20
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.)		
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				
29	30	31			
					

November 2001

November 2001							December 2001						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
				1	2	3							1
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30		23	24	25	26	27	28	29
							30	31					

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
			November 1	2	3
			10:00am Sr Citizen Advisory Comm (Comm. Ctr.)		4
					5
5	6	7	8	9	10
4:00pm Municipal Building Authority (Conference Room C) 7:30pm City Council - Regular (Chambers)		8:30am Bldg Code Bd of Appeals (C) 7:00pm Adv Comm Persons w/Disabilities (LL)	7:30pm Parks & Recreation Board (Comm. Ctr.) 7:30pm Library Board (Lib.)		11
					12
12	13	14	15	16	17
7:30pm Liquor Committee (C)	7:30pm Planning Commission-Regular Session (Chambers)	3:00pm Employee Retirement System (C)			18
					19
19	20	21	22	23	24
7:30pm City Council - Regular (Chambers)	7:30pm Board of Zoning Appeals (Chambers)	7:30am Downtown Development Authority (LL) 7:30pm Traffic Committee (LL)	Holiday - City Offices Closed 	Holiday - City Offices Closed	25
					26
26	27	28	29	30	
	7:30pm Planning Commission-Study 7:30pm Historic District Commission (C) 7:30pm Historical Commission (Museum) 8:00pm Troy Daze				

December 2001

December 2001

S	M	T	W	T	F	S	
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9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	

January 2002

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					December 1
					2
					3
7:30pm City Council - Regular (Chambers)		8:30am Bldg Code Bd of Appeals (C) 7:00pm Adv Comm Persons w/Disabilities (LL)	10:00am Sr Citizen Advisory Comm (Comm. Ctr.)		8
					9
					10
7:30pm Liquor Committee (C)	7:30pm Planning Commission-Regular Session (Chambers)	3:00pm Employee Retirement System (C)	7:30pm Parks & Recreation Board (Comm. Ctr.) 7:30pm Library Board (Lib.)		15
					16
					17
7:30pm City Council - Regular (Chambers)	7:30pm Board of Zoning Appeals (Chambers)	7:30am Downtown Development Authority (LL) 7:30pm Traffic Committee (LL)			22
					23
					24
Holiday - City Offices Closed	Holiday - City Offices Closed				29
					30
					31
Holiday - City Offices Closed					

September 25, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Charles T. Craft, Chief of Police

SUBJECT: Liquor Compliance Testing

During the week of August 14, 2001, plainclothes officers, with the assistance of underage enforcement aides, conducted liquor compliance at all SDM (package beer and wine), SDM/SDD (package beer, wine, and package liquor), and Class C liquor license holders.

All 35 SDM and SDM/SDD retail were found to be in compliance. This is the first time all establishments passed. Each will receive a congratulatory letter from the Police Department.

Of the 60 Class C establishments tested, six violations were reported and cited. The six are as follows:

- Holiday Inn
- LaShish
- Capitol Grill
- Embassy Suites
- Ruth's Chris Steak House
- McCormick and Schmick

The Police Department will in the coming weeks announce a program designed to assist retailers and raise public awareness regarding the issues of underage drinking.

September 27, 2001

TO: The Honorable Mayor and City Council

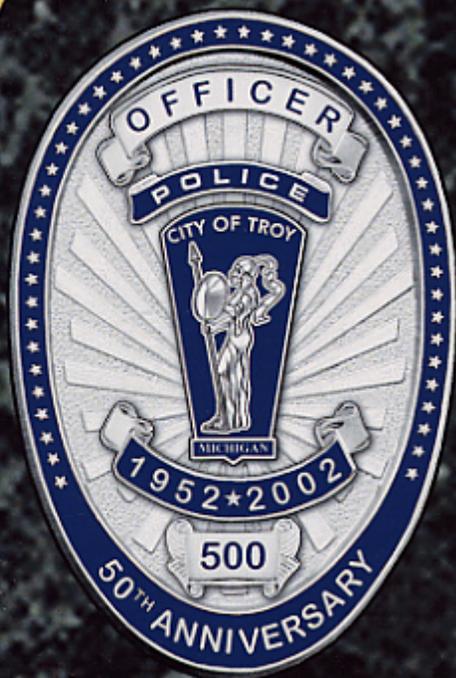
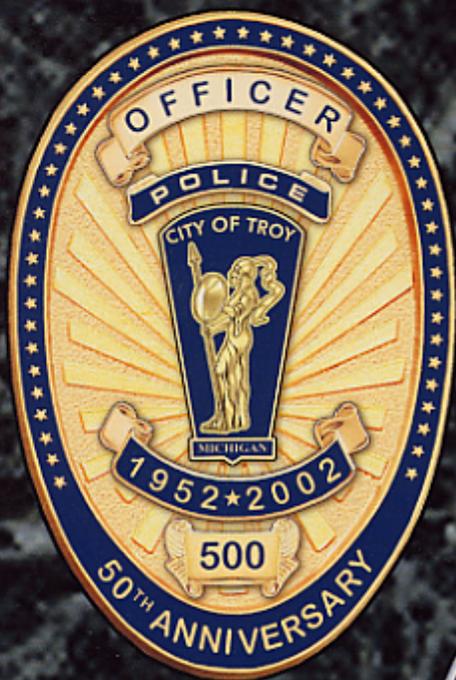
FROM: John Szerlag, City Manager
Charles T. Craft, Chief of Police

SUBJECT: Troy Police Department 50th Anniversary

The year 2002 marks the 50th anniversary of the Troy Police Department. In July of 1952, Chief David Gratopp and Officer Williard Schwandt were hired to patrol what was then Troy Township. In November of that year a second patrol officer, Eugene Sackner, was hired.

In recognition of this milestone year, the Police Department commissioned the design of a 50th Anniversary badge. A photocopy of that badge is attached. Please note that the photocopy does not reflect the actual size of the badge. The actual badge is somewhat smaller.

Sworn department personnel are authorized to wear the anniversary badge beginning December 31, 2001, through December 31, 2002.



ACTUAL SIZE

October 8, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

SUBJECT: Proposed Revision to Chapter 78 Allowing
Subdivision Signs in Right-of-Way

City staff has worked in tandem with the Council of Troy Homeowners Association (COTHA) to come up with proposed revisions to Chapter 78 of the Troy City Code. Section 7.01.01 regulates signs in the right-of-way and the attached proposed changes to the code will allow subdivision entrance signs in this area.

Succinctly, these identification signs can be up to five (5) feet in height and 50 square feet in size. Further, the height of these signs will be subject to our corner clearance requirements so as to not cause a vision obstruction. In addition, approval of these signs, along with possible landscaping, will be within the purview of City Council via use agreement.

The issue of subdivision signs in the City right-of-way has been ongoing for many years, and we believe the attached ordinance and use agreement offers a solution that will enhance the esthetics of individual subdivisions, as well as the community.

JS/mr\2001\To M&CC\Chapter 78 Revisions

c: Tammy Duszinski, COTHA President, 5068 Tyler, Troy, MI 48098
Gary A. Shripka, Assistant City Manager/Services
John M. Lamerato, Assistant City Manager/Finance & Administration
Lori Bluhm, City Attorney
Mark Stimac, Director of Building and Zoning

- Proposed changes
- Contract still in LEGAL

Revise Section 7.01.01 of Chapter 78 of the Troy City Code to read as follows:

7.01.01 Signs in Right-of-Way: No sign, except those established and maintained by the City, County, State, or Federal Governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement.

Exceptions:

- A) Signs established and maintained by the City, County, State, or Federal Governments.
- B) Banners, advertising civic events may be permitted on lighting poles within the median of Big Beaver Road, between Rochester Road and Cunningham Drive for a period not to exceed seven days subject to the approval of the City Manager.
- C) Subdivision identification signs not more than five feet in height and not more than 50 square feet in area located within the median of boulevard entrance streets subject to City Council approval of design and materials and further subject to the execution of an agreement with the City of Troy covering liability and maintenance of the sign. The height of such signs shall further be subject to the corner clearance requirements of Figure 7.01.01.

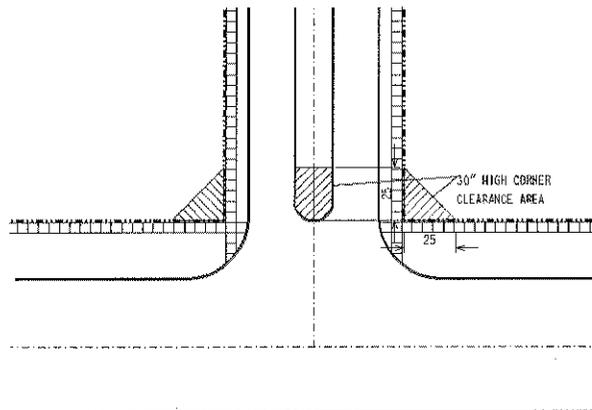


Figure 7.01.01

- mark's memo on
topic: good background
INFO.

DATE: January 3, 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

COPIES: John Martin, City Attorney
Ginny Norvell, Inspector Supervisor
John Abraham, Traffic Engineer
William Need, Public Works Director

SUBJECT: Subdivision Entrance Signs in Public Right of Way

Over the years the Building Department has received numerous requests from subdivision associations to locate subdivision entrance identification signs within public rights of way. Primarily these signs are proposed to be placed within the medians of boulevard entrance streets. In addition, a few of the subdivisions that currently have entrance signs in the medians have asked to do major repair or replacement of their signs. The current provisions of Chapter 78 of the Troy City Code (the Sign Ordinance) would prohibit this activity. In particular, Section 7.01.01 states, "No sign shall be located in, project into, or overhang a public right-of-way or dedicated public easement".

In the city of Troy, there are about a half-dozen subdivision entrance signs that currently exist in the medians of public roads. These signs were installed a great number of years ago when such installations were allowed. Throughout the city there are over sixty boulevard entrance roads where subdivision identifications could be requested.

The City, in the past, has considered some form of "license agreement" to allow these subdivision signs to be placed in the right of way. This process raises some serious concerns regarding the ability to regulate other signs in the public right of way. The City of Troy has been very successful in the courts of law defending our Sign Ordinance, in part, because our ordinance is "content neutral". That is that we

don't regulate the content or message of a sign, only the location, height and size. Creating a separate set of rules for signs identifying a subdivision would begin to undermine that neutral content.

One option that staff is looking at is to have the City of Troy install and maintain the subdivision entrance signs. We currently install and maintain street signs to identify streets, park signs including directional signs, and other city entrance signs. Other cities install signs to identify historic districts, central business districts and special purpose districts (i.e. Corktown, Chinatown or Capitol District). Why can't the City of Troy install signage to identify subdivisions? Of course the cost of the signs would need to be borne by the residents that the signs would serve. This could be done either through direct payment or by special assessment.

The City could develop, or allow the homeowner associations to develop in accordance with City established guidelines, designs of subdivision entranceway signs. These designs may be from as simple as a green and white street sign blade with the name of the subdivision to signs that would include brick columns or walls. Once the sign design was approved, the City would have the sign installed, either by our own forces or by an outside contractor. The association would reimburse the City for the expense of the sign installation. Once installed, the sign would be maintained in the same manner as other cul-de-sac improvements that the associations have agreements on with the City.

The other issue is the placement of the sign. The Sign Ordinance, in Section 7.01.02, prohibits signs above 30" in height in the triangular area formed 25 feet from the intersection of two street right of way lines. We would propose that any sign over 30" in height located in the median would also have to be at least 25 feet back from the intersecting road right of way. This would allow for an equivalent level of sight clearance to signs on private property. A sketch of the proposed height restriction areas is attached for your reference.

This matter was presented to the Council of Troy Home Owners Association at their meeting of November 9, 2000, to get their input and comments. The proposal was met with favorable response from the members that were present. If Council is in agreement with the proposal, staff will begin to prepare the agreement documents necessary to implement the program. If Council wishes to discuss this matter further, we would propose to combine this with the discussion of the 2000 Property Maintenance Code at a future study session.

AJR 11/20/01 (LHM) 11/20/01
JS sub process

Laura A Fitzpatrick

Subject: Subdivision Signs: Items Raised at the COTHA Mtg on 9/12/01
Due Date: Friday, October 05, 2001

Status: Completed
Percent Complete: 100%
Date Completed: Monday, October 08, 2001

Total Work: 0 hours
Actual Work: 0 hours

Owner: Laura A Fitzpatrick

Categories: Research Project

CONTRACT ISSUES

* 1-Re: Sterling Heights Contract: In #1 MAINTENANCE & REPAIR; Can we have our repair notice requirements be:
-sign owner must repond to City within 7 days; and repair within 21 days of response to City
-further extensions on this deadline may be granted by the City *mark said no problem*

* 2-Liability Issue (Section 2 in Ster Hgts contract; INDEMNIFICATION) re: Liability
Can the City be named as an additional insured party on the [sign's] policy? *question for Lon or Steve*

OTHER ISSUES RAISED:

- * 1) Can we outline the exact process people have to go through to put a sign on private property? *-Apply for a permit*
- * 2) If there is no boulevard, where does the sign go? (options) *private property*
-unanimous support from COTHA at the 9/12/01 meeting

mark has a draft of similar^{topic} memo to CC (for background) (attached) - mark can write if you would like

Row 5000

AGREEMENT

This Agreement made this 29th day of November, 1988, by and between the CITY OF STERLING HEIGHTS, whose address is 40555 Utica Road, Sterling Heights, Michigan 48078, and HATHERLY HOME OWNERS ASSOCIATION, an unincorporated and voluntary association.

WHEREAS, the HATHERLY HOME OWNERS ASSOCIATION (hereinafter the "Association"), has requested approval from the City Council of the CITY OF STERLING HEIGHTS, (hereinafter "City"), to permit a subdivision sign to be located in the public right-of-way being the boulevard area of Hatherly Place Drive, a variance of the Zoning Ordinance of the City; and

WHEREAS, the Association has agreed to abide by the conditions of approval as evidenced by the minutes of the City Council dated November 29, 1988, a certified copy of which is attached hereto; and

WHEREAS, City has agreed to approve the request to erect a subdivision sign in the public right-of-way upon the following terms and conditions.

NOW THEREFORE, in consideration of the foregoing premises and further in consideration of the mutual covenants and conditions provided, the parties hereto agree as follows:

1. MAINTENANCE AND REPAIR. The Association shall be responsible for the maintenance of the ground sign to be erected and will, if the sign is damaged in any way, take necessary steps to repair the sign within seven (7) days of written notification by the City. All maintenance and repairs shall be done in accordance and comply with City Ordinances and Regulations and to the satisfaction of the Engineering Department of the City of Sterling Heights.

2. INDEMNIFICATION. Association agrees to defend, pay on behalf of, hold harmless and indemnify the City, its elected and appointed officials, board and commission members, employees, and others working on behalf of the City against any and all claims, demands, suits, losses, including all costs connected therewith, including reasonable attorney fees incurred in connection with any such claim, demand, suit or loss and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, board and commission members, employees, and others working on behalf of the City, by reason of the granting of the variance requested by Association for the placement of a subdivision sign in the public right-of-way as aforementioned, including bodily injury and death, and/or property damage, including the loss thereof, arising therefrom.

to 21 days

7 days repair to 21 days to complete

further extensions approved by the City

RISK mgmt
#2 Liability
"City"
"be named additional insured" on policy [party]



Laura A Fitzpatrick

From: Laura A Fitzpatrick
Sent: Tuesday, September 18, 2001 10:16 AM
To: Lori G Bluhm; Mark S Stimac; Stephen L Cooperrider
Cc: Douglas J Smith; John K Abraham; Steven J Vandette; Mark F Miller; Gary A Shripka
Subject: FW: Subdivision Signs: Items Raised at the COTHA Mtg on 9/12/01

Categories: Research Project

Re: subdivision sign ordinance change to go on OCTOBER 15th council meeting
(referenced at staff meeting today)

I have cc'd all those who expressed an interest in this information.

Below is information (attached in an outlook task file) I sent to Lori, Steve C. and Mark last week. Note that the October meeting date in that message is wrong.

I have attached the Sterling Heights contract as a sample. This contract was presented at the 9/12/01 COTHA meeting and served as a focal point for the association's suggestions.

I am gone beginning Friday 9/21 and return to city hall on Friday 9/28.

Perhaps we could organize our notes and coordinate this during the first part of the week of OCT 1st.

Have a good one!

Laura-



SterHghtsContract.pdf

-----Original Message-----

From: **Laura A Fitzpatrick**
Sent: Thursday, September 13, 2001 3:37 PM
To: Mark S Stimac; Lori G Bluhm; Stephen L Cooperrider
Cc: John J Szerlag; Gary A Shripka
Subject: FW: Subdivision Signs: Items Raised at the COTHA Mtg on 9/12/01



Subdivision Signs:
Items Raise...

Lori, Mark, Steve-

Attached are subdivision sign issues raised at last night's COTHA meeting. John wants the item to go on the Oct 10th council meeting.

I refer to the sample contract from Sterling Hgts; if you don't have this, advise and I will forward you a copy.

I am using email to share these ideas. Do you think we should meet on this? Let me know what you want to do.

Laura-

September 27, 2001

TO: The Honorable Mayor and City Council

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

SUBJECT: I-75, Crooks & Long Lake Roads Interchange Project
Scope Verification Meeting

The Michigan Department of Transportation (MDOT) has selected CH2MHill as the Consultant Engineer for the Early Preliminary Engineering (EPE) of the proposed I-75, Crooks & Long Lake Roads interchange improvements.

On August 2, 2001, a Scope Verification meeting was held at the Oakland County MDOT office, to review the Scope of Design Services. Based on the consultant's recommendation, it was requested that a landscape architectural firm be included in the design process.

The preliminary design will start when the contract is awarded by MDOT. Based on the consultant's proposed schedule, on October 2, 2002 the consultant will present the preliminary right of way plans to MDOT, which will conclude Phase I of the contract. At this time, an accurate estimate of the cost of the required right of way acquisition would be determined.

The second phase is the completion of the design plans, and it would proceed when MDOT and the City of Troy execute a formal agreement. The design completion is scheduled for the end of 2004 and final deliverables by January 5, 2005.

The estimated construction cost (not including estimated ROW costs) is \$40 million.

Copies of the first three pages of the proposed Scope of Design Services are attached for your information. Copies of the 44-page Scope of Design Services are available for your use. We will submit progress reports as the design proceeds.

Please advise if there are any questions or further information required.

NS/lg

Attachment

cc: Christopher Burnell, MDOT, P.O. Box 30050, Lansing, MI 48909

SCOPE OF DESIGN SERVICES
CS 63174 - JN 49565
I-75/Crooks and Long Lake Road Interchange, Oakland County

I. SCOPE OF CONSULTANT DUTIES

This project will include some Early Preliminary Engineering study to preform noise analysis for the interchange. The design will consist of the but not limited to the following:

- A. Determine the horizontal and vertical alignments, proposed edge of pavements, curb and gutter, drainage, cross sections, and right of way requirements for the project. With every effort made to minimize right of way impacts within the limits of this project.
- B. Design for drainage of MDOT right of way, including appropriate outlets, based on the requirements outlined in Chapter 4 of the MDOT Road Design Manual. Submit all design calculations, drainage maps, and preliminary plans to the MDOT Project Manager prior to the Plan Review. If any part of the proposed drainage requires an environmental permit, provide preliminary permit information to the Project Manager 6 months prior to the plan completion date.
- C. Conduct Hydraulic/Hydrologic and Scour Analysis (see attachment B)
- D. Prepare required plans, typical cross-sections, details, and specifications required for design and construction.
- E. Design of bridges for Long Lake Road and Crooks Road connector. (See attachment A for scope of work)
- F. Compute and verify all plan quantities.
- G. Prepare staging plans and special provisions for maintaining traffic during construction.
- H. Prepare pavement marking plans and special provisions.
- I. Prepare Right-Of-Way plans as required to locate, verify and purchase real estate and/or obtain construction access permits for this project.
- J. Prepare traffic signal plans and special provisions.
- K. Prepare permanent signing plans and special provisions for non-freeway sign upgrading.

- L. Prepare permanent signing plans and special provisions for freeway sign upgrading.
- M. Provide solutions to any unique problems that may arise during the design of this project or that may affect the constructability of this project.
- N. The Consultant may be required to provide Design Services during the construction phase of this project. If Construction Assistance is required, then a separate authorization for those services will be issued.

II. PROJECT LOCATION

The project is located on I-75 from North of Wattles Road to South of Crooks Road in the City of Troy in Oakland County. The project is approximate 5.15 miles along I-75 for the construction of north and southbound collector distributor road. Approximately 0.5 mile along Long Lake and Crooks Road Connector.

III. PROJECT DESCRIPTION

This project consists of all work related to the design of collector distributor road for North and Southbound I-75 starting from north of Wattle Road to south of Cooks Road. The design of the interchange at Crooks Road Ramp and a new interchange at Long Lake Road, including but not limited to the following; the design of ramps, ramp terminals and the realignment of ramps. The design of the Crooks Road Connector bridge and the Long Lake bridges. The project will also, include work related to completing a noise and air analysis of the I-75/Crooks Road and Long Lake Road interchange.

This project will be completed in two phases. Phases one is the completion of design plan up to Preliminary right of way. The second phases is the completion of the design plans and will not proceed until an agreement with the City of Troy is obtained. **The second phases cannot be started until written permission from the Project Management is given.**

Work shall conform to current MDOT, FHWA, and AASHTO practices, guidelines, policies, and standards (i.e., Roadside Design Guide, A Policy on Geometric Design of Highways and Streets, Michigan Manual of Uniform Traffic Control Devices, etc.).

IV. PROJECT CONSTRUCTION COST

- A. The estimated cost of construction is: \$40,000,000

The above construction total is the amount of funding programmed for this project. The Consultant is expected to design the project within the programmed amount. If at any time the

estimated cost of construction varies by more than 5% of the current programmed amount, then the Consultant may be required to submit a letter justifying the changes in the construction cost estimate.

V. PROJECT SCHEDULE

The scheduled plan completion date for this project is **January 2005**. The Consultant shall use the following events to prepare the proposed implementation schedule as required in the Guidelines for the Preparation of Responses on Assigned Design Services Contracts. These dates shall be used in preparing the Consultant’s Monthly Progress Reports.

<u>Target Date</u>	<u>Task #</u>	<u>Description</u>
Phase I		
	2310	Conduct Technical SEE Studies
	3360	Prepare Base Plans
10/02	3361	Preliminary Right-Of-Way Plans
Phase II		
	3380	Review Base Plans (Pre-GI)
	3390	Develop the Construction Zone Traffic Control Concepts
	3520	Conduct Hydraulic/Hydrologic and Scour Analysis
	3540	Develop Construction Zone Traffic Control Plan
	3550	Develop Preliminary Traffic Operations Plan
	3580	Develop Preliminary Plans
12/03	3581	Final Right of Way Plans
	3590	Review Preliminary Plans (Grade Inspection)
	3620	Develop Preliminary Municipal Utility Plans
	3625	Prepare Preliminary Electrical Plans
	3670	Develop Final Municipal Utility Plans
	3680	Obtain Required Municipal Utility Permits
	3710	Develop Required Mitigation
	3820	Complete Traffic Operations Plan
	3830	Complete the Construction Zone Traffic Control Plan
	3840	Develop Final Plans and Specifications
		Submit Final Plan/Proposal Package to MDOT for final review
10/04	3870	Hold Omissions/Errors Check (OEC) Meeting
		Omissions/Errors Check (OEC) Meeting (approximate date)
		Final Construction Plan/Proposal package with recommendations incorporated to MDOT (two weeks after OEC Meeting)
01/05	3910	Final Deliverables to MDOT

October 8, 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: Status of Single Family Lot Development Request from Mr. Michael Kochanski for Lot 201-15-376-025

On October 1, 2001 the Michigan Department of Environmental Quality (MDEQ), after a lengthy review and subsequent request by Mr. Kochanski to the Office of Administrative Hearings to contest an earlier finding of the MDEQ, determined that the drainage area of the Sturgis Drain abutting the subject lot is less than two square miles. Therefore, construction of a home at this site does not require a permit from the MDEQ and Mr. Kochanski was asked to dismiss the contested case.

There are, however, federal and local requirements that must be met. It is the responsibility of the city of Troy to administer these requirements. On October 4, 2001 Mr. and Mrs. Kochanski met with City Engineer, Steve Vandette and Building Department Supervisor, Mitch Grunsnick to gather information about the site, previous permits, current permit applications, etc. so that a determination can be made what requirements must be met.

Preliminarily, engineering will consult with Hubbell, Roth and Clark, consulting engineers, for their opinion on the impact of the new drain (Wattles and Livernois as part of the Livernois Road project) on the floodplain and floodway elevations of the Sturgis Drain. Depending on their response, a study of the drainage district may or may not be needed to determine new floodway elevations and what permit requirements must be met. This work is ongoing.



JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

"Better Service for a Better Environment"

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: www.deq.state.mi.us

RUSSELL J. HARDING, Director

REPLY TO:

LAND & WATER MANAGEMENT DIVISION
PO BOX 30458
LANSING MI 48909-7958

October 1, 2001

Mr. Michael Kochanski
179 Evaline Avenue
Troy, Michigan 48098

Dear Mr. Kochanski:

SUBJECT: Michigan Department of Environmental Quality File No. 99-10-1134,
City of Troy, T2N, R11E, Section 15, Sturgis Drain

Upon further review, we have determined that the drainage area of the Sturgis Drain at Evaline Drive is less than two square miles. Therefore, the construction of a home at this site does not require a permit from the Land and Water Management (LWMD) under the State's Floodplain Regulatory Authority found in Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

You are hereby advised to send a written request to the Office of Administrative Hearings to dismiss your contested case.

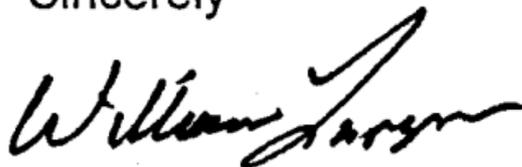
While the LWMD does not have any authority under Part 31, there are federal and local requirements that you should be aware of.

- 1) If your house includes a basement below the 100-year floodplain elevation being constructed in a filled portion of the floodplain within a mapped National Flood Insurance Program community, the applicant/owner shall apply for and obtain a letter of map revision based on fill (LOMR-F) from the Federal Emergency Management Agency (FEMA). The requirements found in section 65.5(a) of the FEMA's 44CFR Part 65 must be followed. Under this revision process, the local community must determine that the land and any existing or proposed structures are "reasonably safe from flooding." The community must keep a record of all analyses and documentation used to make that determination. The community may require that the property owner's professional engineer provide this determination. The community shall assure that a LOMR-F has been obtained prior to issuance of a local building permit.
- 2) If your house does not include a basement, then the Michigan Residential Building Code requires that the lowest floor be elevated one foot above the design flood elevation (100-year floodplain) of 671.1 feet, National Geodetic Vertical Datum.

October 1, 2001

If you have further questions, please contact me.

Sincerely

A handwritten signature in black ink that reads "William Larsen". The signature is fluid and cursive, with a large, sweeping initial "W".

William Larsen

Land and Water Management Division

517-373-9249

cc: Mr. Gary Shripka, City of Troy Building Official
Mr. Richard A. Patterson, DEQ
Ms. Mary Vanderlaan, DEQ
Mr. Jerry Fulcher, DEQ

October 5, 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: Request from Jack Stine for Exception to City Design Standard for Drive Approaches, Section 20 Water Main Project

Jack Stine has requested that his drive approach be replaced with 8 inches of asphalt to match the thickness of his driveway. Some years ago Mr. Stine replaced his approach and entire driveway with this "heavy-duty" asphalt cross-section with the idea that it would never have to be replaced again. This driveway is uncommonly thick and more costly to construct due to the increase in material and an additional asphalt application that is necessary to complete the work. Nearly all other asphalt driveways are 4 inches or less. This heavy-duty driveway has served Mr. Stine well over the years and indeed the approach was without a single crack. This year, his approach was removed during the Section 20 Water Main and Drainage project. Inasmuch as the city standard for drive approaches is four inches of asphalt, an exception is being made for Mr. Stine's approach due to the fact that his existing approach was significantly thicker than normal. Replacement of his approach with 8 inches of asphalt will assure that the extra long life of the approach is preserved.

As with all water main projects, a follow-up overlay project will be done under a separate contract. This project is going out for bids this winter and will be constructed in the spring of 2002. In anticipation of this work, all drive approaches replaced under the water main contract, including Mr. Stine's approach, are built flush with the existing driveway but left 1 ½ inches higher at the street. This will allow for the street overlay to meet flush with the drive approach.



Memorandum

To: Mayor and City Council
From: John Szerlaq, City Manager
John M. Lamerato, Assistant City Manager/Finance & Administration
Tonni L. Bartholomew, City Clerk
Date: October 10, 2001
Subject: Permanent Absent Voters

Recently, several references have been made to the City of Troy's Permanent Absent Voter list. Due to the misinformation distributed via outside sources, clarification as to the current manner in which Absent Voter applications are mailed to Troy residents are as follows:

The City Clerk's Office maintains a Permanent Absent Voter's List, which is a compiling of voters who have personally requested to be placed on the list. There are no requirements, other than being a Registered Voter, to be considered a Permanent Absent Voter. However there are statutory requirements tied to the receipt of an Absent Voter Ballot. The statutory requirements are printed on the application. Voters must select one of the requirements; each time they request a ballot, in order to qualify for a ballot.

The City Clerk's Office does not automatically send an application for Absent Voters Ballot to Registered Voters 60 years and older.

Currently, approximately 5,000 voters are marked as Permanent Absent Voters and receive applications in the mail. It is estimated that there are approximately 13,000 people who would fall into the 60 and older category should the City elect to mail Absent Voter Applications.

The approximate cost to mail and Absent Voter Application is \$.20 plus labor. The approximate cost to mail the Absent Voter Ballot is \$.50 plus labor. Labor associated with the issuing of an application and ballot is quite extensive due to the strict statutory processing regulations. Signature checking alone would greatly burden the Clerk's Office current staff.

Additionally, the Clerk's Office has utilized several other means to make Absent Voter Ballot Applications available to Troy residents. The application form is available on the Clerk's web page, Troy Today, and brochure rack. Residents are notified in the Troy Today, Somerset Gazette, Cable TV, Water Bills and postings in public facilities.

Several voter records would require updating should the Council desire to automatically mail Absent Voter Applications to Troy voters 60 years of age and older. The Clerk's Office is looking for direction on this matter as soon as possible to facilitate the timely release of Absent Voter Applications for the April 1, 2002 City Election.