



TROY CITY COUNCIL

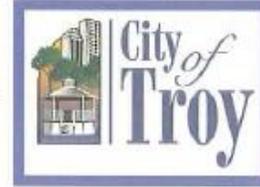
REGULAR MEETING

AGENDA

OCTOBER 26, 2015
CONVENING AT 7:30 P.M.

Submitted By
The City Manager

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



TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: Brian Kischnick, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

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

Respectfully submitted,

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

Brian Kischnick, City Manager



TROY CITY COUNCIL

VISION STATEMENT AND GOALS

Adopted: Monday, February 7, 2011

VISION:

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

GOALS:

Provide a safe, clean, and livable city

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

Provide effective and efficient local government

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

Build a sense of community

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

Attract and retain business investment

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

2015/2016

TOP 10 STRATEGIES

Adopted by City Council 3/9/2015

'Why'

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

1

Improve and invest in our assets, both people and infrastructure

Define our organizational culture

2

3

Consistently tell our story

Create a sense of place

4

5

Embrace a sustainable Library

Implement a Trails and Pathways Plan and increase walkability

6

7

Maintain strong Public Safety

Improve interaction online and in-person

8

9

Modernize wayfinding opportunities

Celebrate diversity

10



CITY COUNCIL AGENDA

October 26, 2015 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

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INVOCATION:

PLEDGE OF ALLEGIANCE: Pack of Fireflies from the Three Fires Longhouse

A. CALL TO ORDER:

B. ROLL CALL:

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

- b) Excuse Absent Council Members:

Suggested Resolution

Resolution #2015-10-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Regular City Council Meeting of October 26, 2015, due to _____.

Yes:

No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

- C-1** *America Recycles Day (Introduced by: Cindy Stewart, Community Affairs Director and Presented by: Pam Brady, South Oakland County Resource Recovery)*

D. CARRYOVER ITEMS:

- D-1** No Carryover Items

E. PUBLIC HEARINGS:

- E-1** *Street Vacation Request (SV 190) – Alley Between Vermont and Birchwood (Introduced by: Brent Savidant, Planning Director)*

Suggested Resolution

Resolution #2015-10-

Moved by

Seconded by

WHEREAS, A request has been received for the vacation of a section of the 18-foot-wide platted alley, approximately 240 feet in length, located east of Livernois, between Vermont and Birchwood, and abutting parcels 88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029 on the west and parcels 88-20-27-353-012 and 021 on the east, in Section 27; and

WHEREAS, The Planning Commission recommended that this alley vacation be granted with the retention of overhead utility easements.

NOW, THEREFORE, BE IT RESOLVED, The properties which **SHALL BENEFIT** from this requested vacation are Lots 54 through 65 (City of Troy Tax Parcels 88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029) and Lots 452 and 453 (36 Vermont; City of Troy Tax Parcels 88-20-27-353-012) and lots 454 and 455 (39 Birchwood; City of Troy Tax Parcels 88-20-27-353-021), of Addison Heights Subdivision, Section 27; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **VACATES** the portion of the alley, approximately 18 feet in width and 240 feet in length, located east of Livernois, between Vermont and Birchwood.

BE IT FINALLY RESOLVED, That the City hereby **RETAINS** an easement for overhead utility purposes.

Yes:

No:

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

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

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

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any Troy resident or Troy business representative, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes total to address Postponed, Regular Business, Consent Agenda or Study items or any other item on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items On the Agenda from Troy Residents and Businesses* portion of the Agenda.
- Any Troy resident or Troy business representative, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any topic not on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items Not on the Agenda from Troy Residents and Businesses* portion of the Agenda.

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

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

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

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

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

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

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

a) **Mayoral Appointments: None**

b) **City Council Appointments: None**

I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority; b) City Council Nominations – Animal Control Appeal Board, Charter Revision Committee, Employee Retirement System Board of Trustees / Retiree Health Care Benefits Plan & Trust, Personnel Board

a) **Mayoral Nominations:**

Suggested Resolution

Resolution #2015-10-

Moved by

Seconded by

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

Brownfield Redevelopment Authority

Appointed by Mayor

7 Regular Members

3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2	Notes 3
Dziurman	Theodore	5/7/2017	4/30/2015	BCBA exp 1/1/2020	NO Reappointment
Kerwin	Mary	1/16/2017	4/30/2017		
Kornacki	Rosemary	12/12/2015	4/30/2017		
Swartz	Robert D.	12/16/2017	4/30/2017		
Vacancy			4/30/2016	Bruce Wilberding's unexpired term.	
Vassallo	Joseph J.	5/7/2017	4/30/2018		

Nominations to the Brownfield Redevelopment Authority:

Unexpired Term Expiring: 4/30/2016

Term currently held by: Vacancy–Bruce Wilberding resigned 4/11/2014

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Brennan	Michael T.	9/17/2015	

Yes:

No:

b) City Council Nominations:

Suggested Resolution

Resolution #2015-10-

Moved by

Seconded by

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

Animal Control Appeal Board

Appointed by Council

5 Regular Members

3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2	Notes 3
Carolan	Patrick	6/17/2015	9/30/2016		
Knight	P. Terry	1/15/2016	9/30/2017	(Deceased)	
Petrulis	Al	6/16/2017	9/30/2015	ACAB exp 9/30/2015; Traffic Comm exp 1/31/2017	Requests Reappointment
Saeger	Jayne	10/15/2016	9/30/2017		
Waters	Gretchen	10/3/2013	9/30/2015		

Nominations to the Animal Control Appeal Board:

Unexpired Term Expiring: 9/30/2017

Term currently held by: P. Terry Knight (Deceased)

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Floch	Patrick	11/18/2016	

Charter Revision Committee

Appointed by Council
7 Regular Members
3 Year Term

Current Members:

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

Nominations to the Charter Revision Committee:

Term Expires: 4/30/2018

Term currently held by: Maryann Bernardi

Term Expires: 4/30/2018

Term currently held by: Daniel Bliss

Term Expires: 4/30/2018

Term currently held by: William Weisgerber

Interested Applicants:

No applicants on file.

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

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

Current Members:

Last name	First name	App Res Expire	Appointment Expire	Notes 1
Calice	Mark	9/6/2014	12/31/2015	Council Appointed Citizen
Darling	Thomas			Chapter 10
Gordon II	Thomas	9/17/2015	12/31/2016	DB-Employee Rep. - Elected

Henderson	Dave		4/15/2018	
Kischnick	Brian			Chapter 10
Pallotta	Steven		12/31/2017	DC Employee Rep. - Elected
Stansbury	Milt	11/29/2013	12/31/2015	DC Employee Rep. - Elected
Vacancy			12/31/2016	DB Ex-Officio Retiree Rep. - Council Appointed Ex-Officio (Bill Need resigned 9/9/2015)

Nominations to the Employee Retirement System Board of Trustees / Retiree Health Care Benefits Plan & Trust:

Unexpired Term Expiring: 12/31/2016

Term currently held by: William Need-Resigned

Interested Applicants:

No DB retiree applicants on file.

Personnel Board

Appointed by Council
5 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 2
Abraham	Edna	8/15/2013	4/30/2018	
Baughman	Deborah	2/22/2013	4/30/2017	
Knight	P. Terry	1/15/2016	4/30/2018	(Deceased)
New	Lorraine	5/1/2017	4/30/2018	
Rosenberg	Michael	4/19/2015	4/30/2017	

Nominations to the Personnel Board:

Unexpired Term Expiring: 4/30/2018

Term currently held by: P. Terry Knight (Deceased)

Interested Applicants:

No applications on file.

Yes:

No:

I-3 No Closed Session Requested

**I-4 Winter Maintenance Agreement – Road Commission for Oakland County
(Introduced by: Tim Richnak, Public Works Director, and Kurt Bovensiep, Public Works Manager)**

Suggested Resolution

Resolution #2015-10-

Moved by

Seconded by

RESOLVED, That the 2015-2016 Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy for Snow and Ice Control of county roads, which are described and outlined in Exhibit A, is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED** to execute the necessary documents. A copy of this agreement, which is authorized by the provisions of 1951 PA 51 (MCL 247.651 et seq.), shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

I-5 Casualty and Property Insurance – Three (3) Year Renewal with Michigan Municipal Risk Management Authority (MMRMA) (Introduced by: Lori Bluhm, City Attorney) (Presented by: Paul Mongiello, Director of Risk Management, Michigan Municipal Risk Management Authority and Tim McClorey, Risk Manager, Michigan Municipal Risk Management Authority)

Suggested Resolution

Resolution #2015-10-

Moved by

Seconded by

WHEREAS, On October 21, 2013, City Council authorized a two year extension of the agreement for the City's casualty and property insurance coverage with the Michigan Municipal Risk Management Authority (MMRMA), Resolution #2013-10-167-J-4f; and

WHEREAS, The MMRMA has proposed a renewal of the agreement for the City's casualty and property insurance coverage, starting November 2015-2016 and extending to November 2018; and

WHEREAS, The City's contribution cost for coverage for the 2015-2016 year is \$521,684; and is guaranteed not to increase more than 2% for year 2 and 0% increase in year three; and

WHEREAS, City Administration recommends approval of the three year renewal and that pursuing a competitive bid process at this time is not in the City's best interest or required under charter or ordinance for this professional service, and is not likely to produce a more beneficial contract for the City.

NOW THEREFORE, BE IT RESOLVED, That Troy City Council **AGREES** to extend the Agreement with the Michigan Municipal Risk Management Authority, as presented in the

attached MMRMRA proposal for casualty and property insurance coverage, and **AUTHORIZES** payment in an amount not to exceed \$521,684 for 2015-2016, and an amount not to exceed 2% year 2 and no increase in year 3 and **AUTHORIZES** the City Attorney to execute any documents necessary for the renewal of the Agreement with MMRMA.

Yes:

No:

J. CONSENT AGENDA:

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

Suggested Resolution

Resolution #2015-10-

Moved by

Seconded by

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

Yes:

No:

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

J-2 Approval of City Council Minutes

Suggested Resolution

Resolution #2015-10-

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

- a) Special Joint City Council and Planning Commission Minutes-Draft – October 12, 2015
- b) City Council Minutes-Draft – October 12, 2015

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 1: Award to Low Bidder – Street Trees**

Suggested Resolution

Resolution #2015-10-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide and install ball and burlap or container grown trees to Marine City Nursery of Marine City, Michigan, low bidder meeting specifications as detailed in the bid tabulation, not to exceed budgetary limitations;

opened October 15, 2015, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring June 30, 2016.

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

b) Standard Purchasing Resolution – Flooring Replacement – Police and Fire Training Center

Suggested Resolution

Resolution #2015-10-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to furnish all equipment, material and labor for epoxy floor removal and to install new polished concrete floors at the Police and Fire Training Center to the low bidder meeting specifications, *Great Lakes Concrete Restoration, LLC of Troy, Michigan*, for an estimated total cost of \$55,950.00, at the unit prices contained in the bid tabulation opened October 8, 2015, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

c) Standard Purchasing Resolution 1: Award to Low Bidder – Camera Upgrades for the City of Troy Council Chambers and Council Boardroom

Suggested Resolution

Resolution #2015-10-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all equipment, material and labor to install new cameras, cables, TV's and articulating mounts in the Council Chambers and Council Boardroom to the low bidder meeting specifications, *Advanced Lighting and Sound of Troy, MI*, for an estimated total cost of \$32,451.00, as contained in the bid tabulation opened October 15, 2015, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

J-5 Resolution Requesting a Special Joint Meeting of the Troy City Council and the Planning Commission to Discuss Trails and Pathways on Monday, November 9, 2015 at 6:00 PM in the City Council Boardroom

Suggested Resolution

Resolution #2015-10-

RESOLVED, That a Joint Study Meeting is **SCHEDULED** for the Troy City Council and Troy Planning Commission for the purpose of discussing Trails and Pathways on Monday, November 9, 2015 at 6:00 PM in the Council Boardroom at 500 W. Big Beaver Road, Troy, MI 48084.

J-6 Resolution Requesting a Special Joint Meeting of the Troy City Council and the Planning Commission To Discuss the Master Plan Update on Monday, November 23, 2015 at 6:00 PM in the City Council Boardroom

Suggested Resolution
Resolution #2015-10-

RESOLVED, That a Joint Study Meeting is **SCHEDULED** for the Troy City Council and Troy Planning Commission for the purpose of discussing the Master Plan Update on Monday, November 23, 2015 at 6:00 PM in the Council Boardroom at 500 W. Big Beaver Road, Troy, MI 48084.

J-7 Request for Recognition as a Nonprofit Organization from Professional Law Enforcement Association Foundation, Inc.

Suggested Resolution
Resolution #2015-10-

RESOLVED, That Troy City Council hereby **APPROVES** the request from Professional Law Enforcement Association Foundation, Inc., asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license as recommended by City Management.

J-8 Wierzbicki et. al. v Troy

Suggested Resolution
Resolution #2015-10-

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of *Jacek Wierzbicki et al v. City of Troy (Oakland County Circuit Court, Case No. 15-149666 NO)*. Furthermore, the City Attorney is **AUTHORIZED** to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

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

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

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

N. COUNCIL REFERRALS:

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

N-1 No Council Referrals

O. COUNCIL COMMENTS:

O-1 No Council Comments Advanced

P. REPORTS:

P-1 Minutes – Boards and Committees:

- a) Downtown Development Authority-Final – April 15, 2015
 - b) Brownfield Redevelopment Authority-Final – April 21, 2015
 - c) Building Code Board of Appeals-Final – August 5, 2015
 - d) Civil Service Commission (Act 78)-Final – August 27, 2015
 - e) Planning Commission-Draft – September 22, 2015
 - f) Planning Commission-Final – September 22, 2015
 - g) Election Commission-Draft – September 25, 2015
 - h) Building Code Board of Appeals-Draft – October 7, 2015
 - i) Civil Service Commission (Act 78)-Draft – October 12, 2015
 - j) Planning Commission-Draft – October 13, 2015
-

P-2 Department Reports:

- a) Refuse and Recycling Update
-

P-3 Letters of Appreciation: None Submitted

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

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

R. CLOSED SESSION:

R-1 No Closed Session Requested

S. ADJOURNMENT:

Respectfully submitted,

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

Brian Kischnick, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

PROPOSED SPECIAL CITY COUNCIL MEETINGS AND STUDY SESSIONS:

November 9, 2015.....Joint City Council and Planning Commission
November 23, 2015.....Joint City Council and Planning Commission

SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

2015 SCHEDULED REGULAR CITY COUNCIL MEETINGS:

October 26, 2015.....Regular Meeting
November 9, 2015.....Regular Meeting
November 23, 2015.....Regular Meeting
December 7, 2015.....Regular Meeting
December 14, 2015.....Regular Meeting

2016 CITY COUNCIL/STAFF RETREAT:

February 26, 2016 at 5:00 PM Kresge Foundation, 3215 W. Big Beaver
February 27, 2016 at 8:30 AMWalsh College, Barry Center, 3838 Livernois

2016 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

January 25, 2016 Joint Meeting–Troy City Council/Troy Downtown Development Authority
February 22, 2016..... Liquor Violation Hearings
March 14, 2016 Liquor Violation Hearings
April 18, 2016..... Joint Meeting–Troy City Council/Troy Chamber
April 20, 2016..... Special Study Session – Budget Discussions
April 25, 2016..... Special Study Session – Budget Discussions
August 8, 2016..... Joint Meeting–Troy City Council/Troy School Board
October 24, 2016 Joint Meeting–Troy City Council/Troy Planning Commission

2016 SCHEDULED REGULAR CITY COUNCIL MEETINGS:

January 11, 2016 Regular Meeting
January 25, 2016 Regular Meeting
February 8, 2016..... Regular Meeting
February 22, 2016..... Regular Meeting
March 14, 2016 Regular Meeting
March 21, 2016 Regular Meeting
April 4, 2016 Regular Meeting
April 18, 2016..... Regular Meeting
May 9, 2016 Regular Meeting
May 23, 2016 Regular Meeting
June 13, 2016 Regular Meeting
June 27, 2016 Regular Meeting
July 11, 2016..... Regular Meeting
July 25, 2016..... Regular Meeting
August 8, 2016..... Regular Meeting
August 22, 2016..... Regular Meeting
September 19, 2016 Regular Meeting
September 26, 2016 Regular Meeting
October 10, 2016 Regular Meeting
October 24, 2016 Regular Meeting
November 14, 2016 Regular Meeting
November 21, 2016 Regular Meeting
December 5, 2016 Regular Meeting
December 19, 2016 Regular Meeting

**PROCLAMATION
AMERICA RECYCLES 2015**

WHEREAS, The world has changed a lot in the past century. From individually packaged food servings to disposable diapers, more garbage is generated now than ever before. The average American discards 7.5 pounds of garbage every day. Our garbage, our solid waste stream, all goes to landfills, where it's compacted and buried; and

WHEREAS, To focus the nation's attention on the importance of recycling, businesses, industries, government agencies, nonprofit organizations, and individuals have joined together to celebrate **America Recycles 2015** and are encouraging their employees, staff, customers, membership, and all citizens to pledge to buy more recycled-content products starting today; and

WHEREAS, Participating in **America Recycles 2015** is one way our citizens can help raise awareness about the need to reduce waste by reusing, recycling and buying recycled products; and

WHEREAS, The more we recycle, the less garbage winds up in our landfills and incineration plants. By reusing aluminum, paper, glass, plastics and other materials, we can save production and energy costs, and reduce by up to 75% the negative impacts that the extraction and processing of virgin materials has on the environment. Plastics, made from precious and nonrenewable petroleum, and aluminum, which is mined from bauxite, are especially important to recycle; and

WHEREAS, Recycling helps protect our resources, our environment, and our quality of life. The entire loop: **Reduce, Reuse, Recycle** is completed when we buy products made from recycled material; and

WHEREAS, From July 2014 to June 2015, the City of Troy recycled 4,566 tons of glass, paperboard, cardboard, newspaper, metal, tin, and plastic and 9,173 tons of compost; and

WHEREAS, State and community leaders need to spread the word about the excellent programs they have established, the growth of markets for recyclable materials, and the importance of buying recycled products;

NOW, THEREFORE BE IT RESOLVED, that the City of Troy City Council hereby proclaims **America Recycles 2015** in Troy, Michigan, and urges all Troy residents to **Reduce, Reuse and Recycle**;

BE IT FURTHER RESOLVED, That **America Recycles 2015** is celebrated year-round to encourage people to recycle and buy products made from recycled materials. The theme for **America Recycles 2015** is "**One Day to Educate, One Day to Motivate, One Day to Make Recycling Bigger and Better 365 Days a Year. Get Involved!**"

Presented this 26th day of October 2015.



CITY COUNCIL AGENDA ITEM

Date: October 20, 2015

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic & Community Development
R. Brent Savidant, Planning Director

Subject: PUBLIC HEARING - STREET VACATION REQUEST (SV 190) – Alley between Vermont and Birchwood, Abutting parcels 88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029 on the west and parcels 88-20-27-353-012 and 021 on the east, Section 27, Currently Zoned MR (Maple Road) and R-1E (One Family Residential) Districts (abutting properties)

The applicant, Amber Properties Company, seeks vacation of a section of alley approximately 18 feet wide by 240 feet long. The alley vacation is needed to facilitate development of the 35-unit Amber Studios and Lofts apartment building, which was conditionally rezoned by City Council on August 24, 2015.

Because the applicant owns the parcels which abut the alley to the west, the applicant will acquire the western 9 feet of the alley upon vacation. The applicant proposes to utilize the western half of the alley primarily for a landscaping buffer. A portion of the dumpster enclosure is also proposed for the western half of the alley. Ownership of the eastern half of the alley will revert to the two residential properties to the east (39 Birchwood and 36 Vermont).

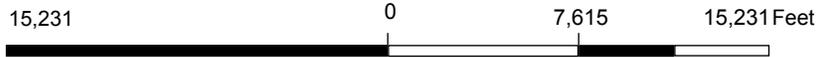
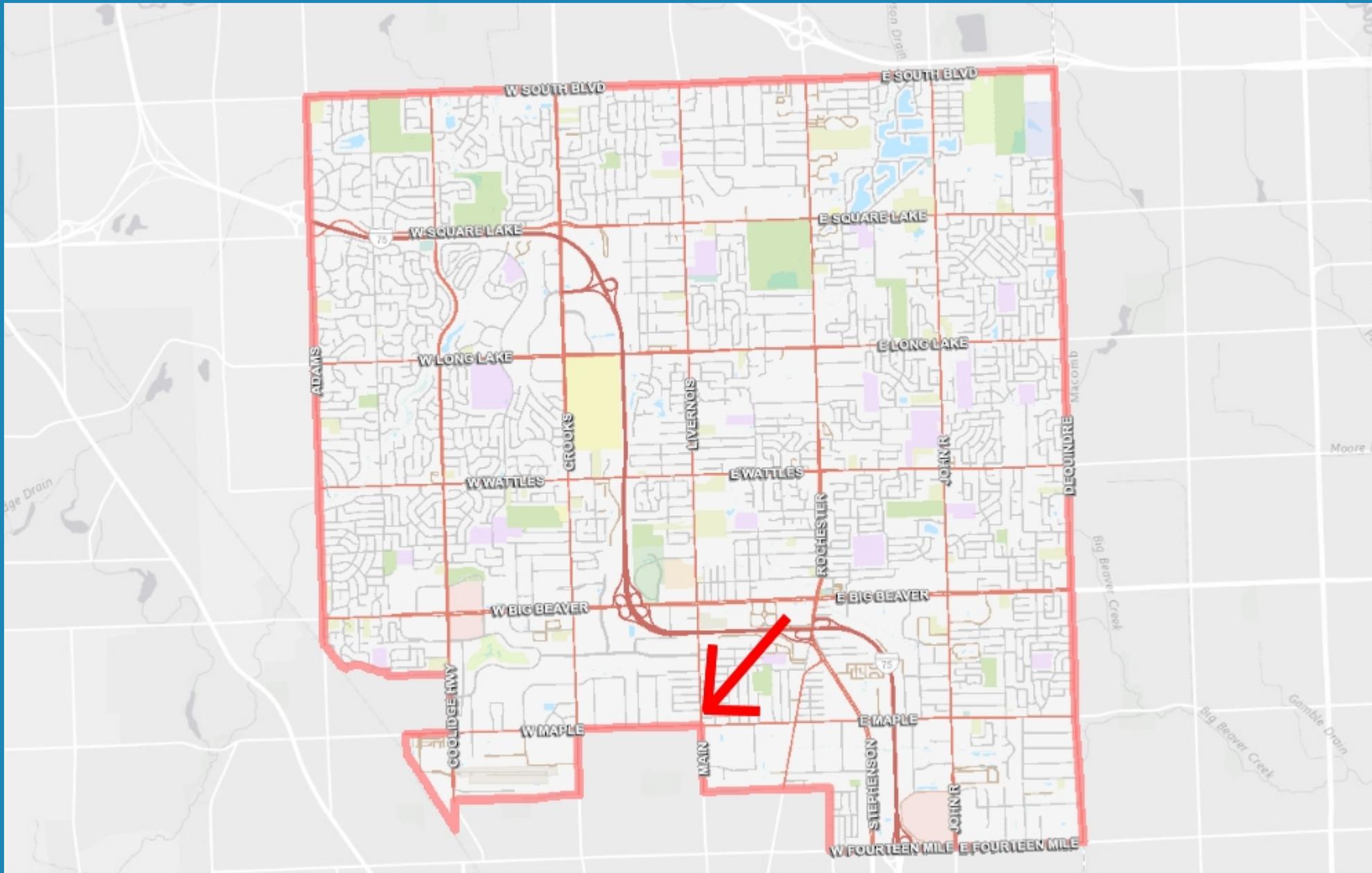
There are no City utilities in the alley, however there are overhead utilities. An easement must be maintained for the overhead utilities.

The Planning Commission held a public hearing on this item on September 22, 2015 and recommended approval of the application by a 7-0 vote.

The attached Planning Commission item provides additional background.

Attachments:

1. Map
2. Agenda item from September 22, 2015 Planning Commission Regular meeting
3. Minutes from September 22, 2015 Planning Commission meeting (excerpt)
4. Public Comment



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

DATE: September 16, 2015

TO: Planning Commission

FROM: R. Brent Savidant, Planning Director

SUBJECT: PUBLIC HEARING - STREET VACATION REQUEST (SV 190) – Alley between Vermont and Birchwood, Abutting parcels 88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029 on the west and parcels 88-20-27-353-012 and 021 on the east, Section 27, Currently Zoned MR (Maple Road) and R-1E (One Family Residential) Districts (abutting properties)

GENERAL INFORMATION

Name of applicant(s):
Amber Properties Company.

History of Right of Way:

The subject alley is in the Addison Height Subdivision, which was platted in 1924. The alley has not been developed.

The applicant owns parcels 88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029, which front on Livernois. The parcels 88-20-27-353-021 (39 Birchwood) and 88-20-27-353-012 (36 Vermont) abut the alley to the east.

The applicant is requesting to vacate the alley to facilitate development of his multi-family development. Most of the alley has been vacated over time (see attached map).

Length and width of right of way.

The section of alley proposed to be vacated is approximately 18 feet wide by 240 feet long, between Vermont Avenue and Birchwood Street.

ANALYSIS

Reason for street vacation (as stated on the Street/Alley Vacation Application):

To support Conditional Rezoning of the parcels fronting Livernois Rd. that will facilitate implementation of the site plan for a multiple family development under the Maple Road District.

Impact on access to existing lots or buildings (including emergency service vehicles):

If the alley were to be vacated, all properties abutting the alley will continue to have access to abutting streets. Ownership of the vacated alley will revert to the abutting property owners within the subdivision. The applicant will receive the western 9 feet of

the vacated alley and the owners of 39 Birchwood and 36 Vermont will receive the eastern 9 feet of the vacated alley.

Impact on Utilities

There are no City utilities in the alley, however there are overhead utilities. An easement must be maintained for the overhead utilities.

Future Land Use Designation:

The area is designated on the Future Land Use Plan as Maple Road Zoning District.

CITY MANAGEMENT RECOMMENDATION

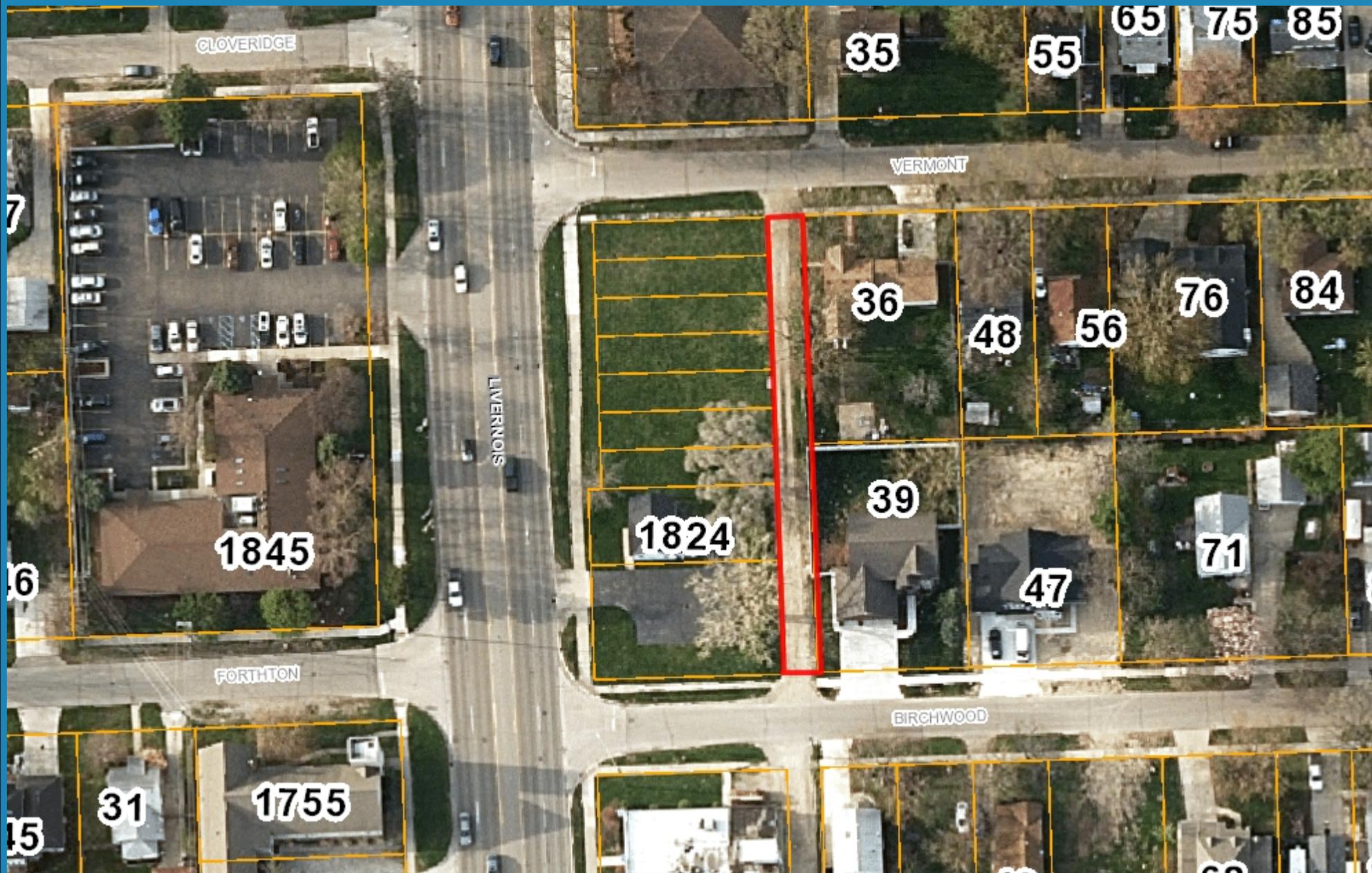
City Management recommends approval of the street vacation request as submitted, subject to the following:

1. An easement shall be maintained for overhead utilities.

Attachments:

1. Maps
2. Application and correspondence from applicant

G:\STREET VACATION\SV 190 Alley btwn Vermont and Birchwood Sec 27\SV 190 PC Memo 09 22 2015.doc



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

"ADDISON HEIGHTS-SUBDIVISION" No 2

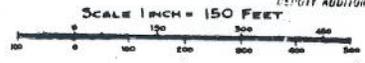
A SUBDIVISION OF W 1/2 OF SW 1/4 OF SEC. 27 T2N, R11 E.
TROY TOWNSHIP, OAKLAND COUNTY, MICHIGAN.

Examined and Approved
Aug 29 1924
Deputy Auditor General

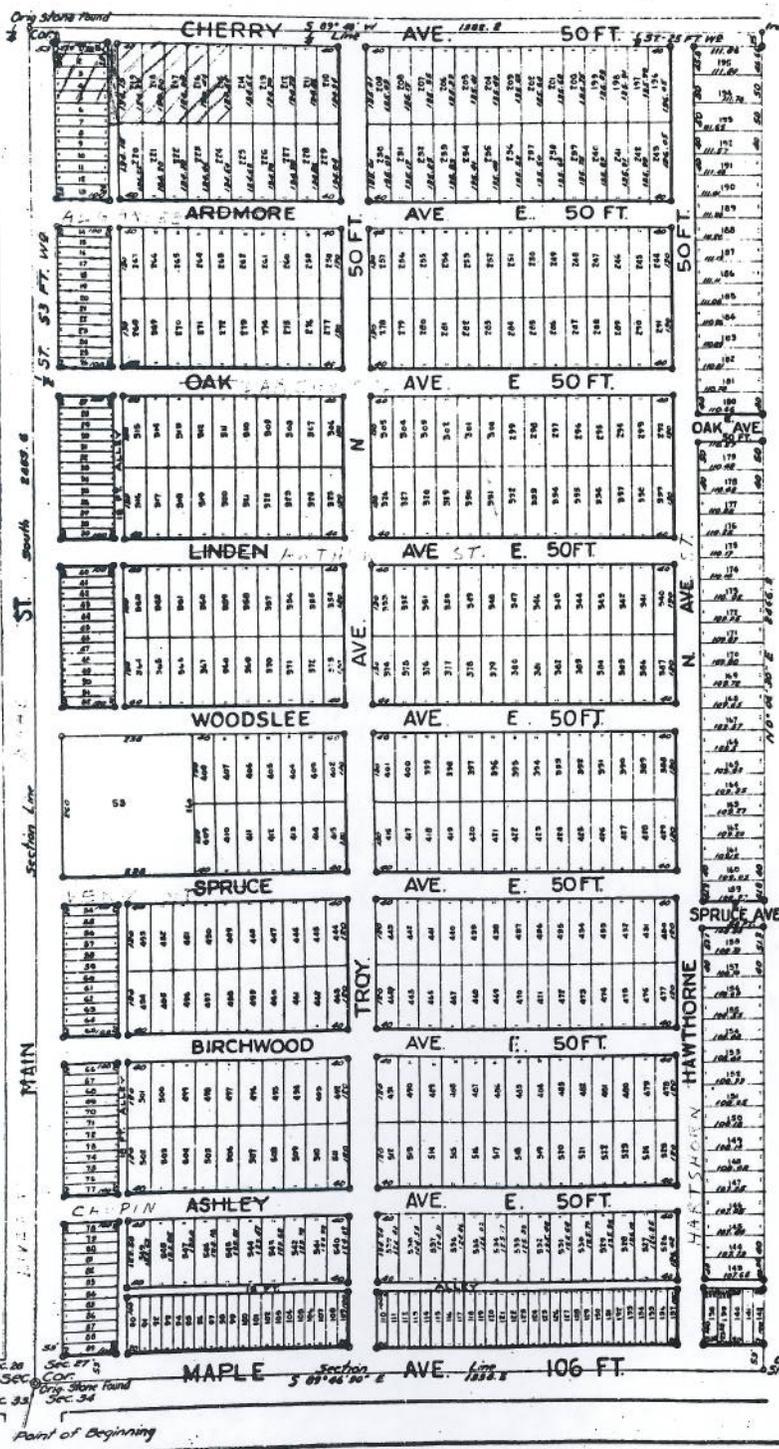
Recorded this *2nd* day of *Sept*
A.D. 1924 at *10:00* o'clock
of *1924* of *Plat*
Lucile Avery
Deputy Auditor General

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE MAP OR PLAT FORWARDED THE REGISTER OF DEEDS FOR RECORDING.
COMPOSED *Aug 29 1924*
Deputy Auditor General

FILED IN AUDITOR GENERAL'S DEPT.
Aug 29 1924
Deputy Auditor General



Note: -
All dimensions in feet and decimals thereof.



DEDICATION -
Know all men by these present that we, Addison Heights Land Company, a Michigan Corporation by John F. Addison, President and Lawrence W. Snell, Secretary and Francis W. Poole and Edith F. Poole, its wife, as proprietors, have caused the land embraced in the annexed plat to be surveyed, laid out and platted as shown as Addison Heights Subdivision No. 2, a subdivision of the W 1/2 of the SW 1/4 of Section 27, T2N, R11E, Troy Township, Oakland County, Michigan and that all the streets and alleys as shown on said plat are hereby dedicated to the use of the public.

Signed and sealed in the presence of:
John F. Addison
Lawrence W. Snell
Francis W. Poole
Edith F. Poole

STATE OF MICHIGAN }
COUNTY OF WAYNE } S.S.
On this *14th* day of *July*, A.D. 1924 before me a Notary Public in and for said County, came the above named John F. Addison, President and Lawrence W. Snell, Secretary of Addison Heights Land Co., who being duly sworn, by me, did say that the above dedication was signed in behalf of said Corporation, by authority of its Board of Directors and the said John F. Addison, President and Lawrence W. Snell, Sec'y acknowledged said dedication to be the free act and deed of said Corporation, also personally came the above named Francis W. Poole and Edith F. Poole, his wife, known to me to be the persons who executed the above dedication and acknowledged the same to be their free act and deed.

DESCRIPTION -
Beginning at the SW corner of Section 27, T2N, R11E, Troy Township, Oakland County, Michigan; thence S89°30'E, 182.3 feet along Section line to 1/2 corner; thence N09°30'W, 100 feet along 1/2 Section line; thence S 89° 30' W, 182.3 feet along 1/2 Section line to W 1/2 corner of Section 27; thence South along Section line 825.6 to the point of beginning.

VACATED BY COURT ORDER
ORDER *21761* 1962
VOLUME NO. *210-62*

SURVEYOR'S CERTIFICATE -
I hereby certify that the Plat hereon delineated is a correct one, and that permanent monuments consisting of 2"x10" iron pipe have been placed at angles in the boundaries of the land platted and at intersections of streets and alleys and at all points marked thus:

W. S. McAlpine
Registered Surveyor

CERTIFICATE OF MUNICIPAL APPROVAL -
This Plat was approved by the Township Board of the Township of Troy, Oakland County, Michigan at a meeting held on the 28 day of June, A.D. 1924.

Monie G. Wadler
Township Clerk

Oakland County Treasurer's Certificate
This is to Certify, that there are no Tax Liens or Taxes held by the State or any individual against, and that all Taxes on lands described in the annexed instrument bearing Treasurer's No. *8763* have been paid FIVE YEARS prior to the date thereof, according to the records of this office, except as stated.

Aug 6 1924
Edwards
Deputy Treasurer

Point of Beginning
Sec. 20
Sec. 27
Sec. 34
Orig. Stone Found
Sec. 34

STREET / ALLEY VACATION APPLICATION CITY OF TROY

CITY OF TROY PLANNING DEPARTMENT
500 W. BIG BEAVER
TROY, MICHIGAN 48084
248-524-3364
FAX: 248-524-3382
E-MAIL: planning@troymi.gov



FILE NUMBER SV 190
DATE FILED 8/5/2015
STREET VAC. FEE (\$500.00)
ESCROW FEE (\$1,500.00)

NOTICE TO THE APPLICANT

REGULAR MEETINGS OF THE TROY CITY PLANNING COMMISSION ARE HELD ON THE SECOND TUESDAY OF EACH MONTH AT 7:00 P.M. AT THE CITY HALL. APPLICATIONS FOR VACATIONS SHALL BE FILED NOT LATER THAN THIRTY (30) DAYS BEFORE THE SCHEDULED DATE OF THE MEETING.

PLEASE FILE ONE (1) SIGNED ORIGINAL APPLICATION FORM

THE **ESCROW FEE** IS AN ADDITIONAL FEE ABOVE THE NON-REFUNDABLE APPLICATION FEE WHICH SHALL BE USED TO PAY PROFESSIONAL REVIEW EXPENSES OF OUTSIDE CONSULTANTS.

TO THE CITY COUNCIL:

I (WE), THE UNDERSIGNED, DO HEREBY RESPECTFULLY PETITION AND MAKE APPLICATION TO THE TROY CITY COUNCIL FOR VACATION OF THE RIGHT- OF- WAY OR EASEMENT WHICH IS DESCRIBED AS FOLLOWS:
The public alley between Birchwood Ave. and Vermont Ave. adjacent to the parcels identified below, as shown on attached drawing.

APPLICANT(S) FOR VACATION: *

NAME Jerome S. Amber
COMPANY Amber Properties Company
ADDRESS 380 N. Crooks Rd.
CITY Clawson **STATE** MI **ZIP** 48017
TELEPHONE (248) 280-1700
E-MAIL jamber@comcast.net

NAME *Property is under an existing contract to purchase.
COMPANY _____
ADDRESS _____
CITY _____ **STATE** ____ **ZIP** _____
TELEPHONE _____
E-MAIL _____

ADDRESS(S) AND/OR PARCEL NUMBER(S) OF PROPERTY OWNED BY APPLICANT(S) WHICH ABUTS OR INCLUDES THE AREA FOR WHICH VACATION IS REQUESTED: Parcel nos. 20-27-353-001, 20-27-353-002, 20-27-353-003, 20-27-353-004, 20-27-353-005, 20-27-353-006, 20-27-353-007, 20-27-353-008 and 02-27-353-029 on the west; and 20-27-353-012 & 20-27-353 on the east.

THIS REQUEST FOR VACATION IS MADE FOR THE FOLLOWING REASON(S) : To support Conditional Rezoning of the parcels fronting Livernois Rd. that will facilitate implementation of the site plan for a multiple family development under the Maple Road District.

(Attach additional informational pages if necessary)

ATTACHED IS A MAP INDICATING THE AREA FOR WHICH VACATION IS REQUESTED, THE LOCATION OF THE APPLICANT(S) PROPERTY, AND OTHER ABUTTING PROPERTIES. (1" = 200' MIN. SCALE)

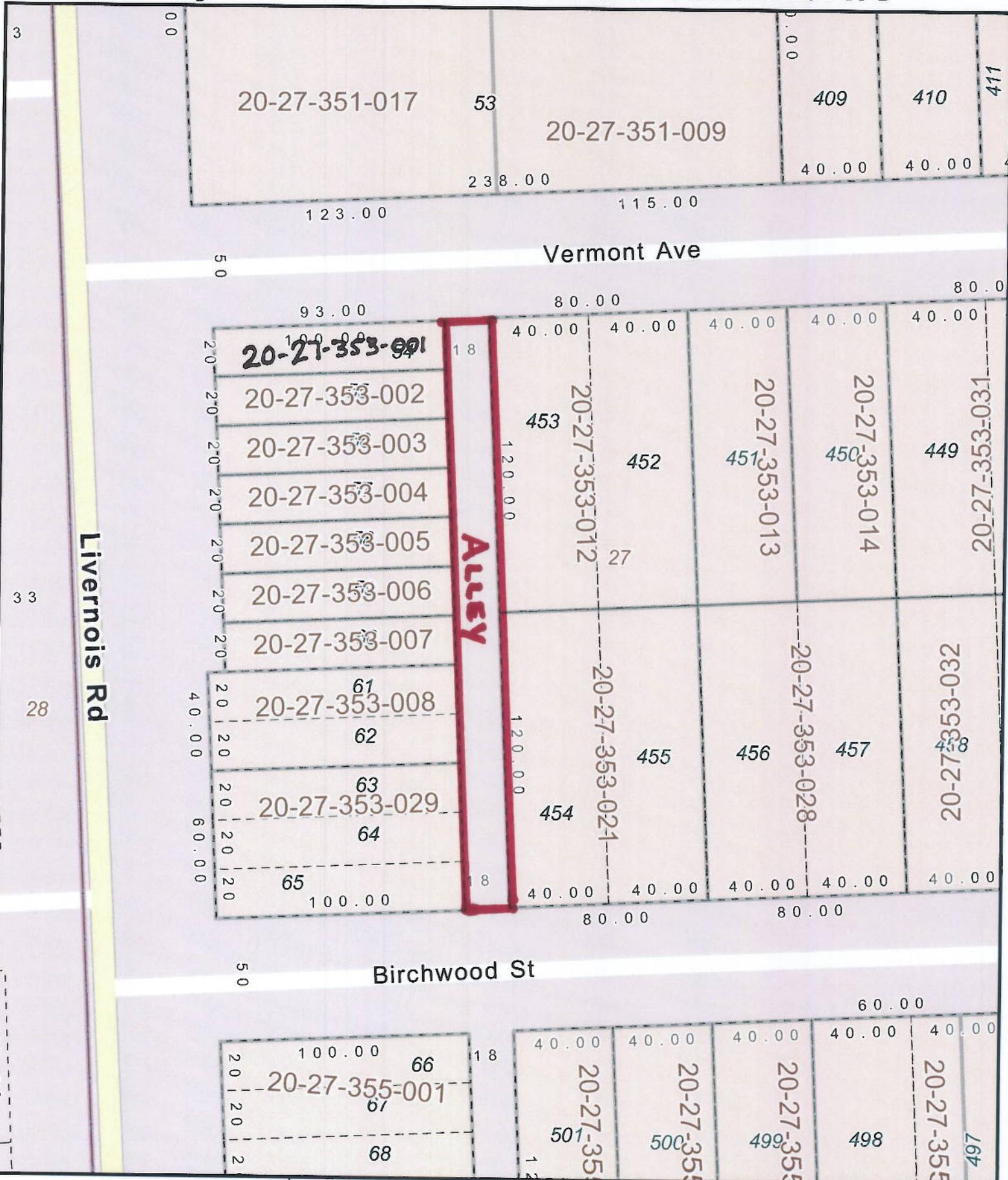
SIGNATURE(S) OF THE APPLICANT(S):

Jerome S. Amber

DATE: 8/5/2015

DATE: _____

Alley Btwn Birchwood St and Vermont Ave



- 2 Foot Contours
- 5 Foot Contours
- FEMA Base Flood Elevations
- FEMA Cross Sections
- 100 yr - FEMA Floodplain
- 100 yr (detailed) - FEMA Floodplain
- 500 yr - FEMA Floodplain
- FLOODWAY - FEMA Floodplain

Disclaimer: The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise. FEMA Floodplain data may not always be present on the map.

OAKLAND COUNTY
 ECONOMIC DEVELOPMENT & COMMUNITY AFFAIRS
L. Brooks Patterson
 Oakland County Executive

Date Created: 8/4/2015

NORTH
 1 inch = 50 feet



October 23, 2015

Mayor Dane Slater
and City Council
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Re: Amber Properties Company
Alley Vacation Request
1800-1870 Livernois (the "Project")

Dear Mayor Slater and City Council Members:

Since we last met with you on August 24th, we are very pleased to report that the Troy Planning Commission unanimously recommended the requested alley vacation for the Project.

On behalf of Amber Properties Company, we assert the alley should be vacated for the following reasons:

1. The alley has never been paved or landscaped and only serves as an "unofficial" pathway between Birchwood and Vermont streets;
2. The alley is not needed for any governmental purpose, such as refuse pickup;
3. The alley is not needed for any ingress or egress to the Project -- all ingress and egress will occur off of the driveways on the adjacent residential streets;
4. The alley is not needed for any ingress or egress to the two adjacent residential homes, which have driveways and garages facing the streets;
5. The westerly half of the alleyway to be vacated to Amber will be part of the "buffer area" and will be appropriately landscaped and maintained;
6. Based upon an inspection of other adjacent properties bordering on Livernois, it appears that numerous alleys have been vacated over the years and incorporated into office and other commercial building projects; and

ATTORNEYS & COUNSELORS AT LAW

Mayor Dane Slater
and City Council
City of Troy
October 23, 2015
Page 2

7. The alley is not part of a network of alleys that are interconnected or continuous and that provide any manner of ingress and egress of the adjacent and nearby commercial and residential properties.

Amber respectfully requests approval to vacate the alley from the City Council. We are under a current deadline as we have had the due diligence period extended with the current property owner. Amber would appreciate your accommodation in this regard.

As always, if you have any questions, please feel free to contact me at your earliest convenience or Jerry Amber at (248) 280-1700.

Sincerely,



Dennis G. Cowan
PLUNKETT COONEY
Direct Dial: (248) 901-4056
Email: dcowan@plunkettcooney.com

DGC/cmw
cc: Jerry Amber

Open.19331.70425.16089971-1



September 18, 2015

Planning Commission
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Re: Amber Properties Company
Alley Vacation Request
1800-1870 Livernois (the "Project")

Dear Planning Commissioners:

Since we last met with you on July 28th, we are very pleased to report that the Troy City Council unanimously approved the conditional rezoning and Site Plan for the Project on August 24th. As you may recall, as part of the Site Plan, the westerly nine feet of the current alley, has been added as a buffer area to the adjacent residential properties. Consequently, the alley needs to be vacated in order for the Project to move forward.

On behalf of Amber Properties Company, we assert the alley should be vacated for the following reasons:

1. The alley has never been paved or landscaped and only serves as an "unofficial" pathway between Birchwood and Vermont streets;
2. The alley is not needed for any governmental purpose, such as refuse pickup;
3. The alley is not needed for any ingress or egress to the Project -- all ingress and egress will occur off of the driveways on the adjacent residential streets;
4. The alley is not needed for any ingress or egress to the two adjacent residential homes, which have driveways and garages facing the streets;
5. The westerly half of the alleyway to be vacated to Amber will be part of the "buffer area" and will be appropriately landscaped and maintained;
6. Based upon an inspection of other adjacent properties bordering on Livernois, it appears that numerous alleys have been vacated over the years and incorporated into office and other commercial building projects; and

ATTORNEYS & COUNSELORS AT LAW

Planning Commission
City of Troy
September 18, 2015
Page 2

7. The alley is not part of a network of alleys that are interconnected or continuous and that provide any manner of ingress and egress of the adjacent and nearby commercial and residential properties.

Amber respectfully requests a recommendation to vacate the alley from the Planning Commission to the City Council. We are under a current deadline as we have had the due diligence period extended with the current property owner. Amber would appreciate your accommodation in this regard.

As always, if you have any questions, please feel free to contact me at your earliest convenience or Jerry Amber at (248) 280-1700.

Sincerely,



Dennis G. Cowan
PLUNKETT COONEY
Direct Dial: (248) 901-4056
Email: dcowan@plunkettcooney.com

DGC/cmw
cc: Jerry Amber

Open.19331.70425.15938672-1

6. PUBLIC HEARING - STREET VACATION REQUEST (SV 190) – Alley between Vermont and Birchwood, Abutting parcels 88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029 on the west and parcels 88-20-27-353-012 and 021 on the east, Section 27, Currently Zoned MR (Maple Road) and R-1E (One Family Residential) Districts (abutting properties)

Mr. Savidant reported the vacation request is consistent with previous requests to vacate portions of the same alley. Mr. Savidant said City Management recommends approval of the alley vacation request as submitted, subject to the condition that an overhead utility easement is maintained.

Present were Dennis Cowan of Plunkett Cooney and Jerome Amber of Amber Properties Company.

Mr. Cowan said the proposed vacation has been discussed with the abutting property owner on Birchwood but they have not been successful making contact with the property owner on Vermont.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2015-09-059

Moved by: Krent

Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for an alley located east of Livernois, between Vermont and Birchwood, approximately 18 feet wide by 240 feet in length, abutting Lots 65 through 54 and lots 454 and 455 of Addison Height, Section 27, be approved, subject to the following:

1. An easement shall be maintained for overhead utilities.

Yes: All present (8)

Absent: Hudson

MOTION CARRIED

September 15, 2015

Planning Commission
City of Troy
500 West Big Beaver
Troy, MI 48064

Dear Sirs/Madams:

I, as a property holder on the site which is proposed for development at R 24 Leominster, between Vermont and Buchanan and following the Planning Commission and the City Council's unanimous approval to allow the development subject to the vacation of the alley which runs to the back of the proposed development just West of Leominster. My understanding is if the alley is vacated 1/2 will go to the owners of the property which is ~~to~~ planned to be

subject - vacation of alley developed and 1/2 to the two property owners whose property parallels the alley and also runs East of Leominster.

I include myself along with Jim Sheppard as a co-owner of the subject property in the petition to vacate the alley for the following reasons:

- (1) it is an issue with the unanimous approval of the Planning Commission and the City Council that the proposed development go forward, (2) the developer needs the additional property as I understand it, to complete their proposed development, (3) there is a precedent for the area for vacation of alleys, (4) it will create a better lot base for the city, (5) there is several parcels of vacant property which

SUBJECT:

Vacation of Alley

have been vacant for years, which stand to be developed, (6) the two adjoining property owners who also stand to gain 1/2 of the land proposed by the vacation of the alley, have built attractive white picket fences on their respective property lines which abut the alley, (7) if approved release the City of Troy from the obligation to maintain an alley, (8) most importantly it will fulfill a need the City of Troy ~~has to~~ to attract young hard working professionals who will continue to live there after they are married and will seek large accommodations.

Subject - vacation of alley

(9) The developer has an outstanding track record for the development and maintenance of the properties which he has already developed, and (10) Jenni Sheppard and I, will be proud to see this development go forward as a vast improvement to what is on the site already and as a lasting legacy to the City. The City of Troy has made a lot of progress since I began a resident in the early "60's" living first in the Somerset Apartments and then purchasing a home at 296 Resden in Troy. I admire the City for fulfilling the needs of the city despite all the progress it has made to date.

Respectfully,
S. Whittell

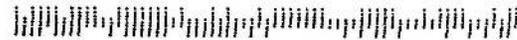
M. J. Farney
1824 Lenox
Troy, MI 48084

METROPLEX MI 480

18 SEP 2015 PM 9 L



Planning Commission
City of Troy
500 West Big Beaver
Troy, MI 48084





CITY COUNCIL AGENDA ITEM

Date: October 26, 2015

To: Brian Kischnick, City Manager

From: Timothy Richnak, Public Works Director
Kurt Bovensiep, Public Works Manager

Subject: Winter Maintenance Agreement, Road Commission for Oakland County
(Introduced by: Timothy Richnak and Kurt Bovensiep DPW)

History

Since 2001 the City of Troy has serviced all county roads in Troy for snow and ice control. The amount of the Winter Maintenance Agreement compensation to the City for the 2014-15 winter season totaled \$269,666.66. The 2015-16 Winter Maintenance Agreement contract is for \$274,660.60. Attached are copies of the proposed 2015/2016 Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy.

Over the life of these contracts compensation from the Road Commission of Oakland County has not covered costs but does provide for a higher level of service by the City. The higher level of service has cost the City an average of \$122,246 per year. For detailed expense information, refer to the attached Road Commission of Oakland County Winter Maintenance Contract Expense History chart.

The extremely harsh winter of 2013/14, with record snowfall had escalated salt prices. The seasonal back-up salt prices had more than doubled from \$36.77 to \$76.61 per ton, due to the lack of supply of mined salt. Salt supplies have eased and the new contract price for salt for this winter has dropped to \$57.10. See the attached "Seasonal Back-Up Salt Prices" line graph for historical salt price data.

It is evident that this agreement is beneficial to the residents, businesses and traveling public concerning the level and timeliness of service. The City is able to administer snow and ice control in a more timely and uniform manner to these high priority roads, while allowing the county to concentrate on its highest priority roads, I-75 and M-59.

Financial

Funds are budgeted and available in the County Road Winter Maintenance operating budgets (Labor 101.502.7702, Materials 101.502.7774.115 and Equipment 101.502.7943).

Recommendation

City Management is in agreement with the lane mile figures as presented, and calculations used to determine the compensation for each road configuration; therefore, we recommend that the proposed maintenance agreement be approved.

City Attorney's Review as to Form and Legality

Lori Grigg Bluhm, City Attorney

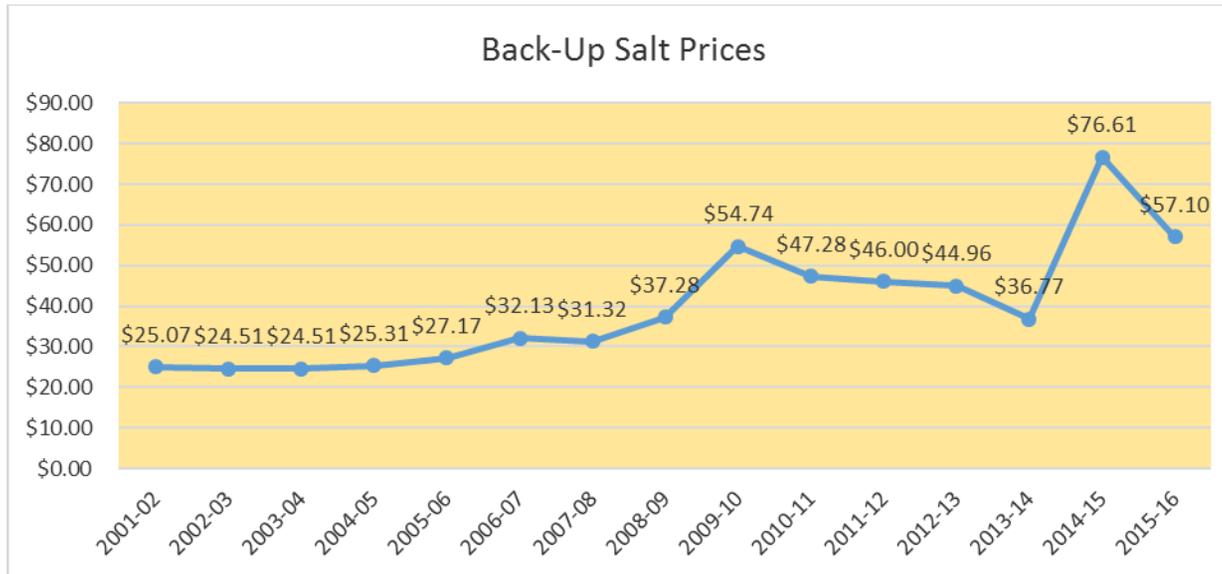
Date

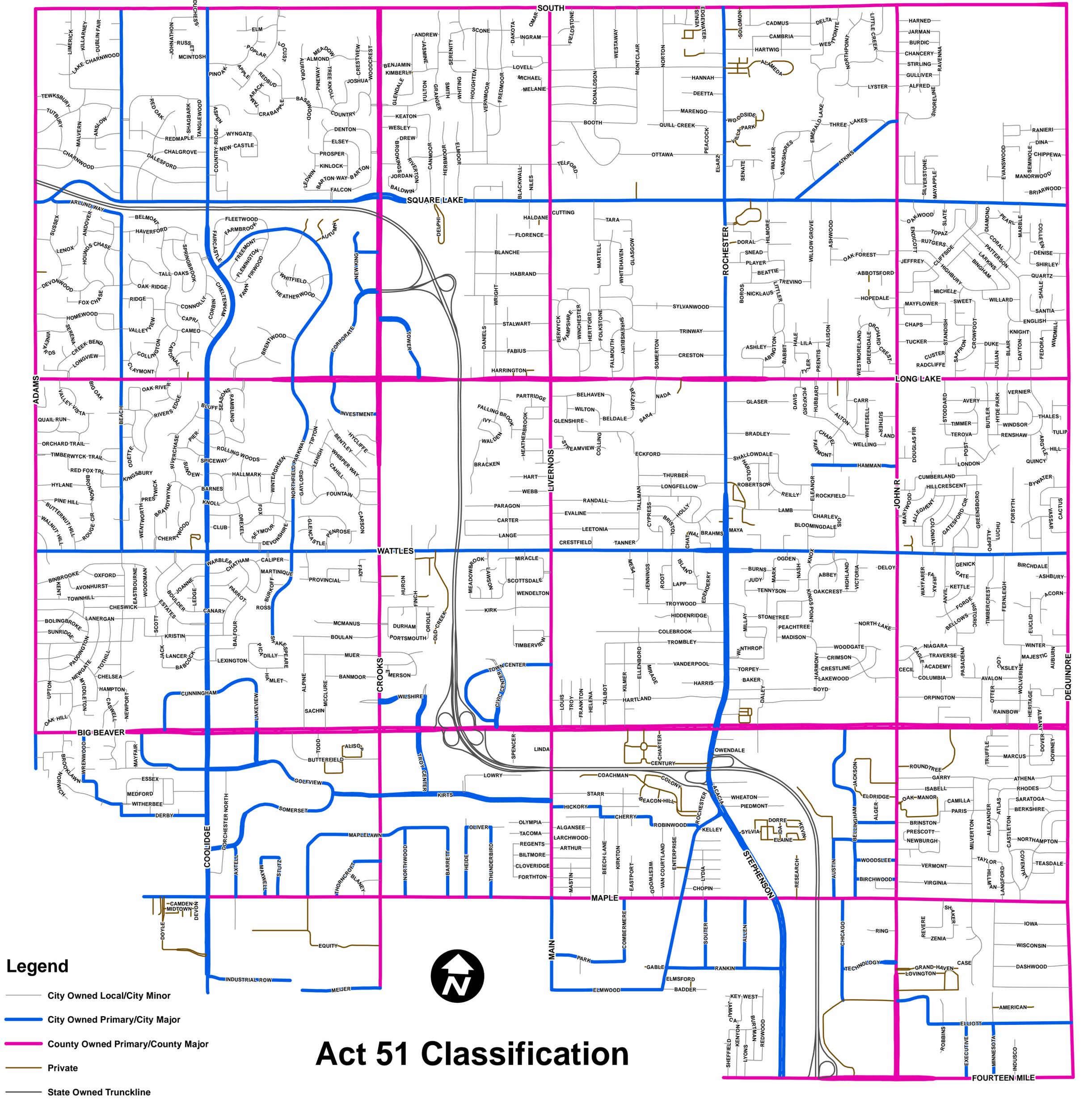
TR/efS: DPW Agenda Items \ 10.26.15 - RB: 2015-2016 Winter Maintenance Agreement, RCOC



CITY COUNCIL AGENDA ITEM

RCOC Winter Maintenance Contract Expense History																Total	% of Expenses	
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015				
Personal Services	\$ 67,971	\$ 109,889	\$ 85,042	\$ 122,384	\$ 87,472	\$ 93,444	\$ 173,673	\$ 125,799	\$ 69,447	\$ 113,287	\$ 49,177	\$ 61,799	\$ 231,716	\$ 117,414	\$	1,508,514	31.1%	
Vehicles & Equipment	\$ 39,260	\$ 73,090	\$ 62,263	\$ 88,718	\$ 57,674	\$ 58,122	\$ 112,434	\$ 117,084	\$ 56,849	\$ 79,109	\$ 42,838	\$ 62,300	\$ 185,740	\$ 102,251	\$	1,137,732	23.4%	
Salt and Supplies	\$ 64,128	\$ 128,162	\$ 118,385	\$ 167,386	\$ 128,565	\$ 120,004	\$ 257,666	\$ 238,349	\$ 114,949	\$ 191,836	\$ 81,388	\$ 123,749	\$ 219,459	\$ 254,696	\$	2,208,722	45.5%	
Totals Expense	\$ 171,359	\$ 311,141	\$ 265,690	\$ 378,488	\$ 273,711	\$ 271,570	\$ 543,773	\$ 481,232	\$ 244,114	\$ 384,232	\$ 173,403	\$ 247,848	\$ 636,915	\$ 474,361	\$	4,857,837		
RCOC Contract Amount	\$ 213,170	\$ 219,565	\$ 226,152	\$ 230,676	\$ 235,289	\$ 239,995	\$ 244,795	\$ 249,691	\$ 249,691	\$ 249,691	\$ 249,691	\$ 249,691	\$ 249,691	\$ 269,666	\$ 269,666	\$	3,397,429	
Net Cost to City	\$ 41,811	\$ 91,576	\$ 39,538	\$ 147,812	\$ 38,422	\$ 31,575	\$ 298,978	\$ 231,541	\$ 5,577	\$ 134,541	\$ 76,288	\$ 1,843	\$ 367,249	\$ 204,695	\$	1,711,446		
Average Net Cost to City / Year				\$ 122,246														





- Legend**
- City Owned Local/City Minor
 - City Owned Primary/City Major
 - County Owned Primary/County Major
 - Private
 - State Owned Trunkline



Act 51 Classification

Map showing Act 51 Classification of roads. Major roads are labeled in blue, county-owned roads in pink, and private roads in brown. The map includes a grid of streets and a legend in the bottom left corner. A north arrow is located in the bottom center. The title 'Act 51 Classification' is at the bottom.



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

Board of Road Commissioners

Ronald J. Fowkes
Commissioner

Gregory C. Jamian
Commissioner

Eric S. Wilson
Commissioner

Dennis G. Kolar, P.E.
Managing Director

Gary Piotrowicz, P.E., P.T.O.E.
Deputy Managing Director
County Highway Engineer

Highway Maintenance
Department

2420 Pontiac Lake Road
Waterford, MI
48328

248-858-4881

FAX
248-858-7607

www.rcocweb.org

August 18, 2015

Mr. Timothy Richnak
Director of Public Works
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084-5285

RE: 2015-2016 Winter Maintenance Agreement

Dear Mr. Richnak:

Attached are two copies of a Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy.

If this agreement is satisfactory, please return the two-signed copies and the resolution of approval by your City Council. One fully signed copy will be returned to you upon approval by the Board of Road Commissioners.

Please furnish proof that your liability insurance covers this agreement, and particularly covers your personnel and equipment working on county roads under the jurisdiction of the Board of Road Commissioners. If there are any changes in this coverage during the term of this agreement, we must be notified of these changes. We will also need a current certificate of membership in the Michigan Municipal Workers Compensation Fund.

The Board of Road Commissioners and I extend our appreciation to you, the City Council, and your personnel for the fine work that has been done. We will continue to cooperate in any way to provide our citizens with the best road system possible.

We request that your signed agreement be returned to us no later than the end of November, so that we may present the agreement to our Board prior to the end of the year, which will allow RCOC to make payments per the agreement.

Sincerely,

Darryl M. Heid, P.E.
Director of Highway Maintenance

/slp
Attachment

2015-2016 WINTER MAINTENANCE AGREEMENT
CITY OF TROY

Under 1951 PA 51, As Amended

This Winter Maintenance Agreement (“Agreement”) is made this ____ day of _____, 2015, between the Board of County Road Commissioners of the County of Oakland, State of Michigan, a public body corporate, hereinafter referred to as the “Board,” and the City of Troy, Oakland County Michigan, a Michigan municipal corporation hereinafter referred to as the “City.”

WHEREAS, certain county primary and local roads more specifically set forth in Exhibit A, attached hereto, are under the jurisdiction and control of the Board and are located within or adjacent to the City; and

WHEREAS, The City desires to be responsible for certain winter maintenance of said roads under the terms of this Agreement, and the Board is willing to participate in the cost thereof as provided in Section III of this Agreement;

NOW, THEREFORE, in consideration of the mutual covenants set forth herein as provided, it is hereby agreed as follows:

I

The City will perform Winter Maintenance of certain roads under the terms of this Agreement, and the Board will participate in the cost thereof as provided in Section III of this Agreement. “Winter Maintenance,” herein required to be performed by the City, shall mean snow removal and ice control, on all roads listed in Exhibit A, as follows: Snow removal by blading, plowing and other methods necessary to make the roads reasonably safe for public travel, and ice control by salting, sanding, scraping and other methods necessary to make the roads reasonably safe for public travel, together with such other work and services, such as recordkeeping and insurance, required by this Agreement. All Winter Maintenance work and services performed by the City shall be in accordance with the Board’s maintenance guidelines, including the Board adopted Winter Maintenance Guidelines, the Board’s standard practices and this Agreement.

II

The City shall keep accurate and uniform records of all Winter Maintenance work performed pursuant to this Agreement. The Board shall have the right to audit City accounts and records insofar as such documents concern this Agreement and the work and services performed and to be performed hereunder.

III

In consideration of the assumption of Winter Maintenance by the City, the Board hereby agrees to pay to the City the sum of \$274,660.60, as set forth in Exhibit A, attached hereto and made a part hereof. Such amounts are to be used by the City for Winter Maintenance. Payments are to be made by the Board to the City as follows:

50% in December, 2015
50% in March, 2016

The making of said payments shall constitute the Board's entire obligation in reference to Winter Maintenance.

IV

The City hereby agrees to hold harmless, represent, defend and indemnify the Board, the Road Commission for Oakland County, its officers, and employees of the County of Oakland; the Office of the Oakland County Water Resources Commissioner and applicable drainage districts(s); the Michigan State Department of Transportation and the Transportation Commission; and any and all local units(s) of government within which the roads subject to this Agreement are located, against any and all claims, charges, complaints, damages, or causes of action for (a) public or private property damage, (b) injuries to persons (including death), or (c) other claims, charges, complaints, damages or causes of action arising out of the performance or non-performance of the activities which are the subject matter of this Agreement, specifically those activities set out in Section I, both known and unknown, whether during the progress or after the completion thereof. However, this hold harmless provision does not apply in so far as any claim or suit is alleged to be, or demonstrated to be, the result of a defect in highway design or condition and not related to the Winter Maintenance activities set out in Section I. Further, since the Board has the statutory responsibility for maintenance of the roads under this Agreement, it is the intent of the parties that the delegation by this Agreement of those maintenance responsibilities to the City provide immunity to the City as an agent of the County. Therefore, the City falls within the governmental immunity protection of the County.

During that part of the year that the City is providing Winter Maintenance under Section I, the City agrees to promptly notify the Board as soon as possible, but not longer than 10 days, should it become aware of defects or maintenance requirements in the roads set forth in Exhibit A, if said defects or maintenance requirements are not Winter Maintenance subject to this Agreement.

V

The City shall acquire and maintain, during the term of the Agreement, statutory worker's compensation insurance, employer's liability insurance, automobile and comprehensive general liability insurance coverages, as more fully described in Exhibit B attached hereto, covering the Board's liability for any and all claims arising out of the City's performance or non-performance of the activities which are the subject matter of this Agreement.

VI

The City further agrees to comply with all applicable laws and regulations, including laws and regulations of the State of Michigan for safeguarding the air and waters of the State. In particular, City facilities and operations must meet the provisions of Part 5 (Spillage of Oil and Polluting Materials) rules promulgated pursuant to Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. (Rules R324.2001 through R324.2009 address release prevention planning, secondary containment, surveillance, and release reporting requirements).

VII

In accordance with Michigan 1976 Public Acts No. 220 and 453, being MCLA §§37.1209 and 37.2209, as the same may be amended, the City and its subcontractors shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment, or matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status; or 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 this covenant may be regarded as a material breach of this Agreement.

VIII

It is the intention of the parties hereto that this Agreement is not made for the benefit of any third party.

It is anticipated that subsequent agreements regarding Winter Maintenance activities will be executed annually by the Parties hereto.

The terms and conditions of this Agreement shall become effective on October 1, 2015, and shall continue in full force and effect until a subsequent Winter Maintenance agreement has been executed by the parties hereto or until this Agreement is terminated, as set forth below.

In the event that a subsequent Winter Maintenance agreement has not been executed by the parties hereto on or before September 1, 2016, either party may terminate this Agreement by providing the other party hereto with written notice of intent to terminate, at least thirty (30) days prior to the date of termination.

This Agreement is executed by the Board at its meeting of _____, and by the City by authority of a resolution of its governing body, adopted _____, (copy attached as Exhibit C).

Witnesses:

CITY OF TROY
A Municipal Corporation

_____ By: _____

Its: _____

_____ By: _____

Its: _____

Witnesses:

BOARD OF COUNTY ROAD COMMISSIONERS
OF THE COUNTY OF OAKLAND,
A Public Body Corporate

_____ By: _____

Its: _____

_____ By: _____

Its: _____

EXHIBIT A
WINTER MAINTENANCE
2015-2016
CITY OF TROY

EXHIBIT A

Long Lake Road

Extending from Adams to Dequindre	
1.54 miles at \$3,578.06 per mile	\$ 5,510.21
0.16 miles at \$5,076.65 per mile	\$ 812.26
3.47 miles at \$6,261.62 per mile	\$ 21,727.82
0.86 miles at \$7,723.06 per mile	<u>\$ 6,641.83</u>
TOTAL	\$ 34,692.13

John R Road

Extending from Fourteen Mile Road to South Boulevard	
1.15 miles at \$3,578.06 per mile	\$ 4,114.77
0.32 miles at \$5,076.65 per mile	\$ 1,624.53
4.37 miles at \$6,261.62 per mile	\$ 27,363.28
0.38 miles at \$7,723.06 per mile	<u>\$ 2,934.76</u>
TOTAL	\$ 36,037.34

Big Beaver

Extending from Adams to Dequindre	
3.40 miles at \$6,261.62 per mile	\$ 21,289.51
2.61 miles at \$7,723.06 per mile	<u>\$ 20,157.19</u>
TOTAL	\$ 41,446.69

Crooks Road

Extending from Maple Road to South Boulevard	
0.38 miles at \$3,578.06 per mile	\$ 1,359.66
0.26 miles at \$5,076.65 per mile	\$ 1,319.93
3.08 miles at \$6,261.62 per mile	\$ 19,285.79
1.40 miles at \$7,723.06 per mile	<u>\$ 10,812.28</u>
TOTAL	\$ 32,777.67

Livernois Road

Extending from Maple Road to South Boulevard	
1.31 miles at \$3,578.06 per mile	\$ 4,687.26
0.34 miles at \$5,076.65 per mile	\$ 1,726.06
3.05 miles at \$6,261.62 per mile	\$ 19,097.94
0.43 miles at \$7,723.06 per mile	<u>\$ 3,320.92</u>
TOTAL	\$ 28,832.18

CITY OF TROY
EXHIBIT A
(Continued)

Maple Road

Extending from Dequindre to Coolidge
5.01 Miles at \$6,261.62 per mile

\$ 31,370.72

South Boulevard

Extending from Dequindre to Adams
5.96 Miles at \$3,578.06 per mile

\$ 21,325.24

Dequindre Road

Extending from Fourteen Mile to South Boulevard
2.16 Miles at \$3,578.06 per mile
3.98 Miles at \$6,261.62 per mile
TOTAL

\$ 7,728.61

\$ 24,921.25

\$ 32,649.86

Adams Road

Extending from South Troy City Limits to South Boulevard
4.34 Miles at \$3,578.06 per mile

\$ 15,528.78

TOTAL

\$274,660.60

CITY OF TROY
 EXHIBIT A
 (Continued)

TWO LANES

(\$3,578.06 per mile)

1.54 miles	\$ 5,510.21
1.15 miles	\$ 4,114.77
0.38 miles	\$ 1,359.66
1.31 miles	\$ 4,687.26
5.96 miles	\$ 21,325.24
2.16 miles	\$ 7,728.61
<u>4.34 miles</u>	<u>\$ 15,528.78</u>
16.84 miles	\$ 60,254.53

THREE LANES

(\$5,076.65 per mile)

0.16 miles	\$ 812.26
0.32 miles	\$ 1,624.53
0.26 miles	\$ 1,319.93
<u>0.34 miles</u>	<u>\$ 1,726.06</u>
1.08 miles	\$ 5,482.78

FOUR OR FIVE LANES

(\$6,261.62 per mile)

3.47 miles	\$ 21,727.82
4.37 miles	\$ 27,363.28
3.40 miles	\$ 21,289.51
3.08 miles	\$ 19,285.79
3.05 miles	\$ 19,097.94
5.01 miles	\$ 31,370.72
<u>3.98 miles</u>	<u>\$ 24,921.25</u>
26.36 miles	\$165,056.30

SIX OR MORE LANES

(\$7,723.06 per mile)

0.86 miles	\$ 6,641.83
0.38 miles	\$ 2,934.76
2.61 miles	\$ 20,157.19
1.40 miles	\$ 10,812.28
<u>0.43 miles</u>	<u>\$ 3,320.92</u>
5.68 miles	\$ 43,866.98

TOTAL 49.96 miles \$274,660.60

50% in December, 2015	\$137,330.30
50% in March, 2016	<u>\$137,330.30</u>
	<u>\$274,660.60</u>

EXHIBIT B

2015-2016 WINTER MAINTENANCE AGREEMENT

ROAD COMMISSION FOR OAKLAND COUNTY

**INSURANCE PROVISION
(CITY)**

Insurance Coverage:

The City, prior to execution of the maintenance agreement, shall file with the Road Commission for Oakland County, copies of completed certificates of insurance as evidence that he carries adequate insurance satisfactory to the Board. Insurance coverage shall be provided in accordance with the following:

- a. **Worker's Compensation and Employer's Liability Insurance:** The insurance shall provide worker's compensation protection for the City's employees, to the statutory limits of the State of Michigan, and provide Part B Employers Liability as follows:

Each Accident	\$500,000
Disease – Each Employee	\$500,000
Disease – Policy Limit	\$500,000

The indemnification obligation under this section shall not be limited in any way by any limitation on the amount or type of damages, compensation or benefits payable by or for the City under worker's disability compensation coverage established by law.

- b. **Bodily Injury and Property Damage:** The insurance shall provide protection against all claims for damages to public or private property, and injuries to persons arising out of and during the progress and to the completion of the work, and with respect to product and completed operation for one year, after completion of the work.

- 1. **Bodily Injury and Property Damage Other Than Automobile:** The minimum limits of property damage and bodily injury liability covering each contract shall be:

Bodily Injury and Property Damage Liability:	or: Combined Single Limit:
Each Person \$1,000,000	Aggregate \$2,000,000
Each Occurrence \$1,000,000	
Aggregate \$2,000,000	

Such insurance shall include: 1) explosion, collapse, and underground damage hazards (x,c,u), which shall include, but not be limited to coverage for (a) underground damage to facilities due to drilling and excavating with mechanical equipment; and (b) collapse or structural injury to structures due to blasting or explosion, excavation, tunneling, pile driving, cofferdam work, or building moving or demolition; (2) products and completed operations; (3) contractual liability; and (4) independent contractors coverages.

2. Bodily Injury Liability and Property Damage Automobiles: The minimum limits of bodily injury liability and property damage liability shall be:

Bodily Injury and Property Damage Liability: Each Person \$1,000,000 Each Occurrence \$1,000,000	or: Combined Single Limit: Each Occurrence: \$1,000,000
---	--

Such insurance shall include coverage for all owned, hired, and non-owned vehicles.

- c. Excess and Umbrellas Insurance – The City may substitute corresponding excess and/or umbrella liability insurance for a portion of the above listed requirements in order to meet the specified minimum limits of liability.
- d. The City shall provide for and in behalf of the Road Commission for Oakland County and all agencies specified by the Road Commission, as their interest may appear, Owner’s Protective Public Liability Insurance. Such insurance shall provide coverage and limits the same as the City’s General Liability Insurance.
- e. Notice – The City shall not cancel, renew, or non-renew the coverage of any insurance required by this Section without providing 30 day prior written notice to the Road Commission for Oakland County. All such insurance shall include an endorsement whereby the insurer shall agree to notify the Road Commission for Oakland County 30 days in advance of any reduction by the City. The City shall cease operations on the occurrence of any such cancellation or reduction, and shall not resume operations until new insurance is in force. If the City cannot secure the required insurance within 30 days, the Board reserves the right to terminate the Contract.
- f. Reports: Within thirty (30) days of receipt of each claim, the City or its insurance carrier shall report to the Road Commission a description of the claim received, the claim investigations made, and the disposition of claim.

See provisions of the maintenance agreement to which this Exhibit B is attached.



CITY COUNCIL AGENDA ITEM

Date: October 21, 2015

To: Members of the Troy City Council

From: Brian Kischnick, City Manager
Lori Grigg Bluhm, City Attorney
Tom Darling, Director of Financial Services
MaryBeth Murz, Purchasing Manager

Subject: Casualty and Property Insurance- Three (3) Year Renewal with Michigan Municipal Risk Management Authority (MMRMA)

History

The City of Troy has received its property and casualty insurance coverage from the Michigan Municipal Risk Management Authority (MMRMA) since 1990. Since 1990 the City has competitively bid property and liability insurance on four separate occasions; and MMRMA was the successful respondent. The current agreement with MMRMA expires on November 7, 2015, and City Administration has therefore negotiated the attached three year renewal proposal, which would be effective until November 2018.

MMRMRA competitively provides risk pool insurance coverage for 51 other governmental entities in Oakland County, and 334 governmental entities statewide. MMRMA also provides Risk Avoidance Program (RAP) Grants to municipalities, and the City has received \$92,858 under this program since 2005. MMRMA provides claims handling service, notary bonds, loss control services, risk management counseling, and educational seminars at no additional cost which is an invaluable asset to the City. Additionally, since MMRMA is a risk pool, what would be a profit share for commercial insurers is money that is returned to the municipalities as a net asset distribution.

The City's net asset distribution will be \$400,440 for the 2014-2015 year, and also the City has received a grand total net asset distribution of \$1,573,666 since the program initiation in 2006. This is a significant offset to the \$521,684 contribution cost for 2015-2016. This year's contribution cost represents a 1.5% increase over last year. Current market survey indicates a 2-3% contribution rate increase in the market.

The three (3) renewal proposal limits the combined lines of coverage. For the second year of the agreement, the combined lines of coverage rate level may increase; but not more than 2%. For the third year of the agreement, the combined lines of coverage rate level will not increase.



CITY COUNCIL AGENDA ITEM

Based on the excellent working relationship with the City and the competitiveness of the MMRMA proposal, City Administration did not pursue the competitive bid process, which is not required for professional services. It is in the best interest of the City to waive the bid process and renew the three (3) year agreement with MMRMA. Note that the current contract with MMRMA can be terminated with a 90-day written notice and administration will continue to monitor the market.

Recommendation

Administration recommends approval of a three year renewal with MMRMA, as detailed in the attached proposal.

MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY COVERAGE PROPOSAL

Member:	City of Troy	Proposal No: Q000001928
Date of Original Membership:	November 8, 1990	
Proposal Effective Dates:	November 08, 2015 To November 08, 2016	
Member Representative:	Lori Bluhm	Telephone #: (248) 524-3323
Regional Risk Manager:	Michigan Municipal Risk Management Authority	Telephone #: (734) 513-0300

A. Introduction

The Michigan Municipal Risk Management Authority (hereinafter "MMRMA") is created by authority granted by the laws of the State of Michigan to provide risk financing and risk management services to eligible Michigan local governments. MMRMA is a separate legal and administrative entity as permitted by Michigan laws. **City of Troy** (hereinafter "Member") is eligible to be a Member of MMRMA. **City of Troy** agrees to be a Member of MMRMA and to avail itself of the benefits of membership.

City of Troy is aware of and agrees that it will be bound by all of the provisions of the Joint Powers Agreement, Coverage Documents, MMRMA rules, regulations, and administrative procedures.

This Coverage Proposal summarizes certain obligations of MMRMA and the Member. Except for specific coverage limits, attached addenda, and the Member's Self Insured Retention (SIR) and deductibles contained in this Coverage Proposal, the provisions of the Joint Powers Agreement, Coverage Documents, reinsurance agreements, MMRMA rules, regulations, and administrative procedures shall prevail in any dispute. The Member agrees that any dispute between the Member and MMRMA will be resolved in the manner stated in the Joint Powers Agreement and MMRMA rules.

B. Member Obligation - Deductibles and Self Insured Retentions

City of Troy is responsible to pay all costs, including damages, indemnification, and allocated loss adjustment expenses for each occurrence that is within the Member's Self Insured Retention (hereinafter the "SIR"). **City of Troy's** SIR and deductibles are as follows:

Table I
Member Deductibles and Self Insured Retentions

COVERAGE	DEDUCTIBLE	SELF INSURED RETENTION
Liability	N/A	\$500,000 Per Occurrence
Vehicle Physical Damage	\$1,000 Per Vehicle	\$15,000 Per Vehicle \$30,000 Per Occurrence
Fire/EMS Replacement Cost	\$1,000 Per Occurrence	N/A
Property and Crime	\$1,000 Per Occurrence	N/A
Sewage System Overflow	N/A	\$500,000 Per Occurrence

The member must satisfy all deductibles before any payments are made from the Member's SIR or by MMRMA.

The **City of Troy** is afforded all coverages provided by MMRMA, except as listed below:

- 1.
- 2.
- 3.
- 4.

All costs including damages and allocated loss adjustment expenses are on an occurrence basis and must be paid first from the Member's SIR. The Member's SIR and deductibles must be satisfied fully before MMRMA will be responsible for any payments. The most MMRMA will pay is the difference between the Member's SIR and the Limits of Coverage stated in the Coverage Overview.

City of Troy agrees to maintain the Required Minimum Balance as defined in the Member Financial Responsibilities section of the MMRMA Governance Manual. The Member agrees to abide by all MMRMA rules, regulations, and administrative procedures pertaining to the Member's SIR.

C. MMRMA Obligations - Payments and Limits of Coverage

After the Member's SIR and deductibles have been satisfied, MMRMA will be responsible for paying all remaining costs, including damages, indemnification, and allocated loss adjustment expenses to the Limits of Coverage stated in Table II. The Limits of Coverage include the Member's SIR payments.

The most MMRMA will pay, under any circumstances, which includes payments from the Member's SIR, per occurrence, is shown in the Limits of Coverage column in Table II. The Limits of Coverage includes allocated loss adjustment expenses.

Table II
Limits of Coverage

Liability and Motor Vehicle Physical Damage	Limits of Coverage Per Occurrence		Annual Aggregate	
	Member	All Members	Member	All Members
1 Liability	15,000,000	N/A	N/A	N/A
2 Judicial Tenure	N/A	N/A	N/A	N/A
3 Sewage System Overflows	1,000,000	N/A	1,000,000	N/A
4 Volunteer Medical Payments	25,000	N/A	N/A	N/A
5 First Aid	2,000	N/A	N/A	N/A
6 Vehicle Physical Damage	1,500,000	N/A	N/A	N/A
7 Uninsured/Underinsured Motorist Coverage (per person)	100,000	N/A	N/A	N/A
Uninsured/Underinsured Motorist Coverage (per occurrence)	250,000	N/A	N/A	N/A
8 Michigan No-Fault	Per Statute	N/A	N/A	N/A
9 Terrorism	5,000,000	N/A	N/A	5,000,000

Property and Crime	Limits of Coverage Per Occurrence		Annual Aggregate	
	Member	All Members	Member	All Members
1 Buildings and Personal Property	109,243,747	350,000,000	N/A	N/A
2 Personal Property in Transit	2,000,000	N/A	N/A	N/A
3 Unreported Property	5,000,000	N/A	N/A	N/A
4 Member's Newly Acquired or Constructed Property	5,000,000	N/A	N/A	N/A
5 Fine Arts	2,000,000	N/A	N/A	N/A
6 Debris Removal (25% of Insured direct loss plus)	25,000	N/A	N/A	N/A
7 Money and Securities	1,000,000	N/A	N/A	N/A
8 Accounts Receivable	2,000,000	N/A	N/A	N/A
9 Fire Protection Vehicles, Emergency Vehicles, and Mobile Equipment (Per Unit)	2,000,000	10,000,000	N/A	N/A
10 Fire and Emergency Vehicle Rental (12 week limit)	1,000 per week	N/A	N/A	N/A
11 Structures Other Than a Building	5,000,000	N/A	N/A	N/A
12 Storm or Sanitary Sewer Back-Up	1,000,000	N/A	N/A	N/A
13 Marine Property	1,000,000	N/A	N/A	N/A
14 Other Covered Property	10,000	N/A	N/A	N/A
15 Income and Extra Expense	5,000,000	N/A	N/A	N/A
16 Blanket Employee Fidelity	1,000,000	N/A	N/A	N/A
17 Faithful Performance	Per Statute	N/A	N/A	N/A
18 Earthquake	5,000,000	N/A	5,000,000	100,000,000
19 Flood	5,000,000	N/A	5,000,000	100,000,000
20 Terrorism	50,000,000	50,000,000	N/A	N/A

TABLE III

Data Breach and Privacy Liability, Data Breach Loss to Member, Electronic Media Liability, and Breach Mitigation Expense Coverage

Limits of Coverage

Retroactive Dates:

For Coverage A -- Data Breach and Privacy Liability Coverage: 07/01/2013

For Coverage C -- Electronic Media Liability Coverage: 07/01/2013

Data Breach and Privacy Liability, Data Breach Loss to Member, Electronic Media Liability, and Breach Mitigation Expense	Limits of Coverage Per Occurrence/Claim	Annual Aggregate	
	Member	Member	All Members
Coverage A -- Data Breach and Privacy Liability Coverage: Each Claim:	\$1,000,000 Included in the limit above	\$1,000,000	\$15,000,000
Coverage B -- Data Breach Loss to Member Coverage: Each Unauthorized Access:	Included in the limit above		
Coverage C -- Electronic Media Liability Coverage: Each Claim:	Included in the limit above		
Coverage D -- Breach Mitigation Expense Coverage: Each Unintentional Data Compromise:	Included in the limit above		

The total liability of MMRMA shall not exceed \$1,000,000 per Member aggregate Limit of Liability for coverages A, B, C, and D, in any coverage period.

The total liability of MMRMA shall not exceed \$15,000,000 for All Members aggregate Limit of Liability for coverages A, B, C, and D, from July 1, 2015, to June 30, 2016.

TABLE IV

Data Breach and Privacy Liability, Data Breach Loss to Member, Electronic Media Liability, and Breach Mitigation Expense Coverage

Deductibles

Data Breach and Privacy Liability, Data Breach Loss to Member, Electronic Media Liability, and Breach Mitigation Expense	Deductible Per Occurrence/Claim
	Member
Coverage A -- Data Breach and Privacy Liability Coverage: Each Claim:	\$25,000
Coverage B -- Data Breach Loss to Member Coverage: Each Unauthorized Access:	\$25,000
Coverage C -- Electronic Media Liability Coverage: Each Claim:	\$25,000
Coverage D -- Breach Mitigation Expense Coverage: Each Unintentional Data Compromise:	\$25,000

D. Contribution for MMRMA Participation

City of Troy

Period: November 08,
2015

To November 08, 2016

Coverages per Member Coverage Overview:	\$471,351
Stop Loss Coverage:	\$25,333
Member Loss Fund Deposit:	\$25,000
TOTAL ANNUAL CONTRIBUTIONS:	\$521,684

E. List of Addenda

1. Employer's Liability Coverage Extension
2. Stop Loss Program Participation Agreement
3. Uninsured/Underinsured Motorists Coverage Extension

This document is for the purpose of quotation only and does not bind coverage in the Michigan Municipal Risk Management Authority, unless accepted and signed by both the authorized Member Representative and MMRMA Representative below.

Accepted By:

Proposal No:

City of Troy

Q000001928

MMRMA

Member Representative



MMRMA Representative

Date

10-19-2015

Date

ADDENDUM

**STOP LOSS PROGRAM
PARTICIPATION AGREEMENT**

Optional

The Stop Loss Program limits the Member's cash payments during a July 1 - June 30 year for those costs falling within the Member's SIR. The Stop Loss Program responds only to cumulative Member SIR payments, including damages, indemnification, and allocated loss adjustment expenses, within a July 1 - June 30 calendar year. The paid costs include payments for any coverage provided to the Member by MMRMA provided that the costs are actually paid within the July 1 - June 30 period. On July 1 of each year, the Member's paid costs accumulate from zero.

If the Member has chosen to participate in the Stop Loss Program, and if the Member's paid costs exceed the member's entry point, the Stop Loss Program will pay, until July 1, all costs that would, in the absence of the Stop Loss Program, be paid from the Member's SIR. **City of Troy's** entry point is **\$1,000,000**. Withdrawing Members do not participate in the Stop Loss Program after the date of withdrawal.

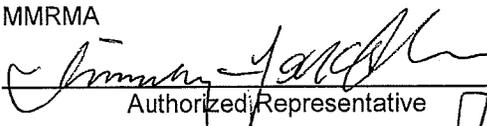
The Member agrees to be bound by MMRMA rules relating to the Stop Loss Program.

Accepted by:

Member Representative

Date: _____

MMRMA



Authorized Representative

Date: 10-19-2015

**Employer's Liability Coverage Extension
to the
Liability and Vehicle Physical Damage
Coverage Document**

It is agreed that Exclusion 1 of the Liability and Vehicle Physical Damage Coverage Document is deleted, and coverage is extended hereby for occurrences of bodily injury by accident to, or sickness, disease or death of, an employee or volunteer worker of the Member, arising out of and in the course of such employment or work, subject to the following:

- . Bodily injury by accident, including resulting death, must be caused or aggravated by the conditions of employment by or volunteer work for the Member, and the last day of last exposure to the conditions causing or aggravating the disease or sickness must occur during the period of Membership;

- . This coverage does not apply to:
 - A. punitive or exemplary damages because of bodily injury to, or sickness or disease, or resultant death, of an employee employed, or of a volunteer worker whose volunteer work was solicited or accepted, in violation of law;
 - B. bodily injury to, or sickness or disease, or resultant death of, an employee or volunteer worker whose employment or volunteer work was accepted in violation of law with the actual knowledge of any of the elected or appointed officials, or officers, or members of the governing body of the Member;
 - C. any obligation imposed by a workers' compensation, occupational disease, unemployment compensation, or disability benefits law, or any similar law;
 - D. bodily injury, sickness, or disease intentionally caused or aggravated by the Member, including death resulting therefrom. In the application of coverage with respect hereto, the act of one or more persons committing such act shall not be imputed to any other person(s) or entity(ies) not having knowingly and with intent, committed, permitted or authorized such act;

4. As used within this Coverage Extension:

- A. a sickness or disease is not bodily injury by accident unless it results directly from bodily injury by accident;
- B. sickness or disease does not include sickness or disease that results directly from a bodily injury by accident;

5. The coverage afforded hereby shall apply excess over, and shall not contribute with, any other insurance or coverage available to and collectible by the Member, whether such other insurance or coverage be primary, contributing, or itself excess;

6. As a condition of this coverage, the Member warrants it will maintain in full force and effect underlying primary, or a combination of underlying primary and excess, other coverage commensurate to this coverage (over which this coverage will then apply per Item 5 hereof), in the following minimum and collectible limits of liability, and in providers thereof acceptable to the Authority, else this coverage be void:

For Bodily Injury by Accident	\$100,000 Each Accident
For Disease or Sickness	\$500,000 Policy Limit
For Disease or Sickness	\$100,000 Each Employee

7. The limits of liability for the Authority obligation under this coverage, excess of those set forth in 6 foregoing, and excess of Member obligation, are as follows, and the Coverage Overview is amended with respect hereto, accordingly:

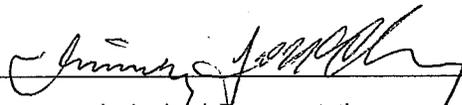
For Bodily Injury by Accident	\$500,000 Each Occurrence
For Disease or Sickness	\$500,000 Each Occurrence
For Disease or Sickness	\$500,000 Aggregate for Each Year of Membership

8. This addendum is subject otherwise to all terms, conditions, exclusions, and limitations of the Liability and Physical Damage Coverage Document and other amendments thereto not modified by this Extension.

9. This extension is effective: November 08, 2015

10. Member Name: City of Troy

Michigan Municipal Risk Management Authority

By: 
Authorized Representative

Date Issued: October 16, 2015

Uninsured/Underinsured Motorists Coverage Extension
to the
Liability and Vehicle Physical Damage Coverage Document

This coverage extends to pay all sums to which a Member as defined is legally entitled as damages from the owner or driver of an uninsured or underinsured motor vehicle, resulting from bodily injury, sickness or disease sustained by the Member and caused by an occurrence, subject, however, to the following:

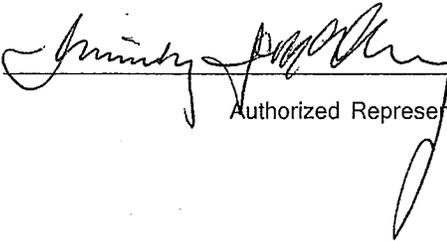
- . A. The owner's or driver's liability for these damages must result from the ownership, maintenance or use of the uninsured or underinsured motor vehicle;
- . B. Any judgment for damages arising out of a suit brought, or claim settled, without the written consent of the Authority is not binding on the Authority, and in the event of such judgment or settlement, this coverage does not apply;
- . C. This coverage does not extend to directly or indirectly benefit any insurer or self-insurer under any workers' compensation, disability benefits, or similar law;
- . D. This coverage does not apply as to suit brought or claim settlement made with respect to bodily injury, sickness, disease or death, resulting from occupying or being struck by a vehicle owned by or under long-term lease (six months or more) the Member or a member of his/her family;
- . E. This coverage does not apply, either in whole or in part, if other similar protection, or insurance, regardless of amount thereof, is available to the Member;
- . F. "Uninsured or underinsured motor vehicle" does not include any vehicle (i) owned or operated by a self-insurer under any applicable motor vehicle law, or (ii) designed for use mainly off public roads while not on public roads;

- . G. "Uninsured motor vehicle" means a land motor vehicle to trailer, or owner or driver thereof, for which the sum of all collectible liability bonds or insurance policies at the time of the occurrence provides at least the amounts required by applicable laws, but their limits are less than the limit of this coverage.
- . H. "Occupying" means in, upon, getting in, on, or out of;
- . I. "Underinsured motor vehicle" means a land motor vehicle or trailer, or owner or driver thereof, for which the sum of all collectible liability bonds or insurance policies at the time of the occurrence provides at least the amounts required by applicable laws, but their limits are less than the limit of this coverage;
- . J. Any amount payable under this coverage shall be reduced by (i) all sums paid or payable under any workers' compensation law or similar law, or under any disability, pension, retirement, social security, vision, dental, medical, hospitalization, life, annuity or salary continuation plans or insurance, and (ii) all sums paid by or for anyone who is legally responsible, or who agrees to pay by settlement, regardless if paid by insurance or otherwise.
- . K. Any amount paid under this coverage will reduce any amount the Member may be paid under any other coverage within the Liability and Vehicle Physical Damage Coverage Document;
- . L. If any payment is made under this coverage and the Member recovers from another party, the Member shall hold the proceeds of such recovery in trust for and pay the Authority the amount the Authority has paid;
- . M. In the event of an occurrence pursuant to this coverage, the Member shall promptly (i) notify the police if a hit-and-run driver is involved, and (ii) send the Authority copies of the legal papers if a suit is brought;
- . N. This coverage does not apply to any punitive or exemplary damages portions of any judgment or settlement.
- . O. The most which will be paid under this coverage for all damages resulting from any one occurrence is \$ 250,000.

Effective Date: October 16, 2015

Issue Date: November 08, 2015

Michigan Municipal Risk Management Authority

By:  _____
Authorized Representative

Multi Year Membership Agreement

In consideration of the items below, Michigan Municipal Risk Management Authority (MMRMA) and Member (City of Troy) agree:

1. This Agreement shall extend for a three (3) year period starting November 8, 2015 and ending, November 8, 2018.
2. For the second year of this Agreement, the combined lines of coverage rate level may be increased, but not more than two percent (2%). Combined lines of coverage rate shall mean the quotient of the annual Member Total Contribution without Retention Fund Allocation and the annual Member Exposure Equivalents, as indicated on the contribution summary page of the Coverage Overview.
3. For the third year of this Agreement, the combined lines of coverage rate level will not increase. Combined lines of coverage rate shall mean the quotient of the annual Member Total Contribution without Retention Fund Allocation and the annual Member Exposure Equivalents, as indicated on the contribution summary page of the Coverage Overview.
4. Annual Member Total Contribution without Retention Fund Allocation shall mean the annual Member contribution less that portion of the contribution for the Michigan Catastrophic Claims Association and other state mandated charges and also less that portion of the contribution which funds payment of losses and expenses falling within the Member's self-insured retention.
5. Substantial change in types of exposure as determined by MMRMA Underwriters, are exempted from the above limitation.
6. This agreement excludes any coverage change to MMRMA Coverage Document, Joint Powers Agreement, Reinsurance Treaties, MMRMA rules and administrative procedures.

MICHIGAN MUNICIPAL RISK MANAGEMENT AUTHORITY

City of Troy
 QUOTE NUMBER Q000001928
 SUMMARY
 EFFECTIVE 11/8/2015 - 11/8/2016

<u>Coverage</u>	<u>Expiring Annual Exposure</u>	<u>Proposed Annual Exposure</u>	<u>Limits of Liability</u>	<u>SIR/ Deductible</u>	<u>Expiring Contribution</u>	<u>Proposed Contribution</u>
Automobile Liability	251 Total Vehicles	257 Total Vehicles	15,000,000	500,000	49,135	56,309
Automobile Physical Damage	\$6,250,000 ACV	\$6,380,000 ACV		15,000	9,707	11,005
Fire/EMS Replacement Cost	\$11,220,000 Replacement Cost	\$11,305,000 Replacement Cost		1,000	52,081	49,151
General Liability	\$80,386,996 Exposure Equivalents	\$98,286,871 Exposure Equivalents	15,000,000	500,000	65,877	72,236
Law Enforcement Liability	128 Employee Equivalents	124 Employee Equivalents	15,000,000	500,000	106,681	155,551
Public Officials' Liability	\$80,386,996 Exposure Equivalents	\$98,286,871 Exposure Equivalents	15,000,000	500,000	48,935	56,973
Property	\$99,399,444	\$107,843,747		1,000	59,009	64,105
Data Breach and Privacy Liability			1,000,000	25,000 See Table IV	0	0
Subtotal					391,425	465,330
Sewers	82,071 Population	82,071 Population	1,000,000	500,000	6,021	6,021
MCCA Assessment	251 Total Vehicles	257 Total Vehicles			46,686	38,550
MCCA Assessment Discount					-46,686	-38,550
Total					397,446	471,351
Stop Loss Charge	\$1,000,000 Stop Loss entry point	\$1,000,000 Stop Loss entry point			20,722	25,333
Total Contribution without Retention Fund Allocation					413,545	496,684
Retention Fund Allocation					100,000	25,000
Total Contribution including Retention Fund Allocation					513,545	521,684

A. CALL TO ORDER:

A Special Joint Meeting of the Troy City Council and Planning Commission was held on Monday, October 12, 2015, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 6:00 PM.

B. ROLL CALL:City Council Members

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

Planning Commission Members

Chairman Don Edmunds
 Ollie Apahidean
 Karen Crusse
 Carlton Faison
 Michael W. Hutson
 Tom Krent
 Padma Kuppa
 Philip Sanzica - Absent
 John J. Tagle
 Frencheska Brikho (Student) - Absent

C. DISCUSSION ITEMS:**C-1 Community Development Planning Update (Presented by: Brian Kischnick, City Manager)**

Brian Kischnick, City Manager, introduced Brent Savidant, Planning Director, who discussed a presentation regarding the Master Plan Update.

Mr. Kischnick presented an update on Community Development Planning.

C-2 Roundtable Discussion (Facilitated by: Mayor Dane Slater and Planning Commission Chairman Don Edmunds)

Mayor Slater opened the roundtable discussion. He said the current Master Plan that was reviewed 7 years ago was done well, but then the economic downturn hit Troy. He said that he wants to see Troy being more proactive now that the economy is rebounding. He said that now is the perfect time to revisit planning the continued development of Big Beaver Road and Maple Road. He said he would like to see more height along both those corridors. Mayor Slater said that he supports further development on Town Center Drive as well.

Chairman Edmunds said that five of the Planning Commission members attended the Michigan Association of Planning conference recently. He said that this conference was very informative and relevant to Troy. He said he agrees with Mayor Slater and he wants to see great things done in Troy.

Mr. Hutson said that the Planning Commission has been vexed for years with trying to get developers to add height to their developments. He does not want to see more single-story plazas along Big Beaver. He would like to see a minimum requirement of two stories on new developments on Big Beaver.

Mrs. Kuppa asked about the results of the Troy Futures Committee. Mr. Tagle answered that the Futures reports were taken into consideration when reviewing the Master Plan. She also asked how to get more groups to come forward to be represented and participate in planning discussions. Mr. Tagle said it's difficult to get residents to participate if there isn't a lot of interest or perceived need. Mr. Kischnick pointed out the Focus Groups that were formed in 2014, and talked about homeowners groups, boards and committees, and topic-focused discussion groups that the City has formed in order to get residents involved.

Mr. Krent discussed the need for the City Council and the Planning Commission to be the visionaries for the City. He said that at conferences like the National Association of Planners conference, he was very inspired by what other cities are doing. He would like to see Council Members also attend these Planners conferences. Mayor Slater commented that bringing in experts from other cities, such as the Move Across Troy expert from Chicago, is exactly what Troy needs to keep doing. He said that now is the time for City Council to tell the Planning Commission what Council is looking for.

Mr. Faison asked if the plan to review the Master Plan incorporates the ideas that are being presented at this meeting. Mayor Slater said that City Administration is looking to these joint meetings for the direction in which City Council and the Planning Commission want to head.

Mrs. Crusse said that for example, the developments at Town Center and Livernois need to flow together, and create cohesiveness with the residential areas, Big Beaver, and the rest of the amenities in the area. She said that she wants to see ideas for funding and development of the Civic Center campus, including the Library.

Mr. Tagle said that there needs to be a marketing strategy for going outside this region to bring new projects into Troy. Mayor Slater said he agrees with Mrs. Crusse and Mr. Tagle, we need to look at the bigger picture of the Big Beaver Corridor. He said he thinks there needs to be a moratorium on development on Big Beaver until there are decisions made as to the vision of the Corridor. Mr. Tagle referenced the City of Fenton and how they are approaching development decisions and vision. Mayor Slater said that the Master Plan needs to be reviewed more often than every five years.

Mayor Pro Tem Campbell said that he likes the standards along Big Beaver Road with the buildings closer to the road, and he agrees that there should not be any more single-story developments along Big Beaver. Mr. Krent offered to make a presentation to City Council regarding the National Association of Planners conference in Atlanta and the inspired ideas that were presented there.

Mayor Slater said that the Planning Commission and Downtown Development Authority need to be included in planning trails and pathways, and planning the Big Beaver Corridor. Mayor Slater reiterated that there needs to be a moratorium on development on Big Beaver until the plan for the Corridor is revised.

Council Member Hodorek said that she would like to see if vacant office buildings in north Troy could be redeveloped into residential housing. She said that Troy needs to be marketing our location as an ideal location for businesses and residents. Chairman Edmunds said that at the Michigan Planner's conference, he heard other cities talking about the argument of higher density developments being marketable, and he said that Troy can and should insist on the standards it wants.

Council Member Tietz said he would like the Master Plan to focus on all parts of the City, including the areas that are not as exclusive as the Big Beaver Corridor. He said he would like to see more focus on other areas of the City such as Fourteen Mile Road and John R Road. Mayor Slater agreed that the Master Plan needs to focus on all areas of the City. Council Member Tietz said that the City needs to focus on getting input from residents south of Big Beaver Road.

Council Member Henderson said that the idea of moving City Hall to a different location needs to be considered at some point in the future. He said that making Big Beaver walkable is a great idea and the City needs to encourage input from residents. Mayor Slater said that the market is out there for development along the Maple Road Corridor as well. Council Member Pennington said that he thinks the areas of Maple Road and Town Center will attract new residents to the area. Mayor Slater said that he has received communications with some good ideas for how to develop the Civic Center complex, and move City Hall.

Council Member Hodorek said that the Library building and City Hall both need attention. She said that if it's possible to use the proceeds from the sale of the land to pay for moving City Hall and Library, then the City needs to investigate those ideas. She encouraged anyone listening to these creative discussions about new ideas to support the process and join the discussion. Mayor Slater said he would also like the Master Plan review to revisit Rochester Road.

Mr. Kischnick said that the roads also need to be a focus since they are a vital part of Troy's value as a city. He said that at the retreat last year, there was a session on the issue of City Hall, and that topic will be discussed again at the retreat in 2016 on February 26th and 27th. He said that bringing in the Planning Commission and Downtown Development Authority to the retreat will enhance the conversations at the retreat. Mayor Slater said that the area of Rochester Road and South Boulevard is also a gateway to Troy and is in desperate need of repair.

Council Member Pennington said that City Hall is the center of Troy, and should be an impressive sight, and something needs to be done soon while the economy will support it. Mayor Slater said he wants some experts to come in and talk about what is feasible and not feasible for the Civic Center campus. Council Member Henderson said that the cycle of life in Troy and varying cost levels of housing are issues as well.

D. PUBLIC COMMENT:

Jim Werpetinski – Commented that he is happy with the creative, proactive discussions that are taking place. He would like to see more emphasis on the Maple Road Corridor and Rochester Road.

Kim Antoine – Commented that he would like to see a downtown area in Troy, and would like to see development in the area of Rochester Court and Rochester Road area.

E. ADJOURNMENT:

The Meeting **ADJOURNED** at 7:04 PM.

Mayor Dane Slater

M. Aileen Dickson, CMC
City Clerk

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

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, October, 12, 2015, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:31 PM.

B. ROLL CALL:

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

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Proclamation for Eli's of Troy – 45 Years in Business *(Presented by: Mayor Dane Slater)*

C-2 Troy Community Coalition Programs Update *(Introduced by: Gary Mayer, Chief of Police, and Presented by: Nancy Morrison, Troy Community Coalition)*

C-3 Crime Stats *(Presented by: Gary Mayer, Chief of Police, and Ben Nelms, Crime Data Analyst)*

C-4 Proclamation for Tree City USA / Arbor Day Presented to Mike Potyok, City Forester *(Presented by: Mayor Dane Slater)*

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

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

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

H. POSTPONED ITEMS:**H-1 No Postponed Items**

I. REGULAR BUSINESS:**I-1 Board and Committee Appointments: a) Mayoral Appointments – None; b) City Council Appointments – None****a) Mayoral Appointments: None****b) City Council Appointments: None**

I-2 Board and Committee Nominations: a) Mayoral Nominations – Brownfield Redevelopment Authority; b) City Council Nominations – Animal Control Appeal Board, Charter Revision Committee, Employee Retirement System Board of Trustees / Retiree Health Care Benefits Plan & Trust, Personnel Board**a) Mayoral Nominations:**

City Council took no action on this item.

b) City Council Nominations:

City Council took no action on this item.

I-3 No Closed Session Requested

I-4 2016 City Council Meeting Schedule (Presented by: Cindy Stewart, Community Affairs Director)

Resolution #2015-10-133

Moved by Pennington

Seconded by Hodorek

RESOLVED, That Troy City Council **SHALL HOLD** Regular Meetings in 2016 according to the following schedule at 7:30 PM:

Monday, January 11 & 25

Monday, February 8 & 22

Monday, March 14 & 21

Monday, April 4 & 18

Monday, May 9 & 23

Monday, June 13 & 27

Monday, July 11 & 25

Monday, August 8 & 22

Monday, September 19 & 26

Monday, October 10 & 24

Monday, November 14 & 21
Monday, December 5 & 19

BE IT FURTHER RESOLVED, That Troy City Council **SHALL HOLD** Special Study Sessions for the purpose of budget discussions in 2016 according to the following schedule at 6:00 PM:

Wednesday, April 20
Monday, April 25

BE IT FURTHER RESOLVED, That Troy City Council **SHALL HOLD** Regular Liquor Violation Hearing Meetings in 2016 according to the following schedule at 6:00 PM:

Monday, February 22
Monday, March 14

BE IT FURTHER RESOLVED, That Troy City Council **SCHEDULES** Special Joint Study Session Meetings in 2016 according to the following schedule at 6:00 PM:

Monday, January 25 (Joint Meeting – Troy City Council/Troy Downtown Development Authority)
Monday, April 18 (Joint Meeting – Troy City Council/Troy Planning Commission)
Monday, July 11 (Joint Meeting – Troy City Council/Troy Chamber)
Monday, August 8 (Joint Meeting – Troy City Council/Troy School Board)
Monday, October 24 (Joint Meeting – Troy City Council/Troy Planning Commission)

BE IT FURTHER RESOLVED, That Troy City Council **SHALL HOLD** the City Council/Staff Retreat in 2016 according to the following schedule:

Friday, February 26 5:00PM (Kresge Foundation, 3215 W. Big Beaver Road)
Saturday, February 27 8:30AM (Walsh College, Barry Center, 3838 Livernois Road)

BE IT FINALLY RESOLVED, That Troy City Council **MAY SCHEDULE** other Special Meetings as needed.

Yes: All-7
No: None

MOTION PASSED

J. CONSENT AGENDA:

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

Resolution #2015-10-134-J-1a
Moved by Henderson
Seconded by Campbell

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

Yes: All-7
No: None

MOTION PASSED

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

J-2 Approval of City Council Minutes

Resolution #2015-10-134-J-2

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

- a) City Council Minutes-Draft – September 28, 2015

J-3 Proposed City of Troy Proclamations:

- a) Eli’s of Troy – 45 Years in Business

J-4 Standard Purchasing Resolutions: None Submitted

J-5 Tree City USA – Arbor Day 2015

Resolution #2015-10-134-J-5

WHEREAS, The City of Troy has been certified as a Tree City USA for 25 years through the National Arbor Day Foundation and this prestigious certification proves the City of Troy is dedicated to the future of its urban forest; and

WHEREAS, The City of Troy wishes to acknowledge that Troy’s urban forest reduces noise, air pollution, energy costs, reflected light, flooding, stabilizes soils, sequesters carbon, provides habitat for wildlife and improves the overall quality of life; and

WHEREAS, Trees in our City increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, It is in the interest of all to plant and protect trees; and

WHEREAS, Troy desires to be recognized as a Tree City USA by The National Arbor Day Foundation and wishes to continue its tree planting ways;

THEREFORE BE IT RESOLVED, That the Troy City Council hereby **PROCLAIMS** May 6, 2016, May 5, 2017, and May 4, 2018 as Arbor Day in the City of Troy, and urges all citizens to support our City’s urban forestry program and to plant trees to gladden the hearts and promote the well-being of present and future generations.

J-6 Request for Acceptance of Three Warranty Deeds and Two Permanent Easements for Pinery Woods Site Condominium – Sidwell #88-20-13-401-010, 011, 039, 014, 015 and 016

Resolution #2015-10-134-J-6

RESOLVED, That City Council hereby **ACCEPTS** three warranty deeds for a public road, Wattles Road right-of-way, and for detention purposes, and two permanent easements for storm sewers & surface drainage, and public utilities from Mondrian Properties Pinery, LLC, owner of the property having Sidwell #88-20-13-401-010, 011, 039, 014, 015 & 016.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the warranty deeds and permanent easements with the Oakland County Register of Deeds, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

- a) October 26, 2015 – Street Vacation Request (SV 190) – Alley Between Vermont and Birchwood, Abutting Parcels #88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029 on the West and Parcels #88-20-27-353-012 and 021 on the East, Section 27, Currently Zoned MR (Maple Road) and R-1E (One Family Residential) Districts (Abutting Properties)

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

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

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

N. COUNCIL REFERRALS:

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

N-1 No Council Referrals

O. COUNCIL COMMENTS:

O-1 Council Comments

Council Member Pennington discussed the coyote problem in the City and shared a story of Troy residents whose dog was attacked by coyotes. He urged residents to not feed coyotes, mind pets and small children if coyotes are in the area, and call the Troy Police if you see a coyote in your yard.

Mayor Slater asked Mr. Kischnick to share the information regarding the new Fire Chief. Mr. Kischnick said that Assistant Chief Dave Roberts will become the new Fire Chief.

P. REPORTS:

P-1 Minutes – Boards and Committees: None Submitted

P-2 Department Reports:

- a) 2015 Third Quarter Litigation Report
- b) Notification from Oakland Community College Regarding Two Companies in Troy Approved for Funding Through the Michigan New Jobs Training (MNJT) Program
- c) 2015 Employee Wellness Fair Summary

P-3 Letters of Appreciation:

- a) To the Employees of the City of Troy from Fire Chief Bill Nelson Regarding His Retirement Gifts and Support
- b) To Mayor Dane Slater from Sue McCormick, Great Lakes Water Authority Regarding Support for the Great Lakes Water Authority
- c) To Chief Gary Mayer from John Talamo, VP Loss Prevention at LBrands, Regarding Officer Assistance
- d) To Chief Gary Mayer from David Eager, Kelly Services, Regarding Presentation by Officers

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

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

R. CLOSED SESSION:

R-1 No Closed Session Requested

S. ADJOURNMENT:

The Meeting **ADJOURNED** at 8:05 PM.

Mayor Dane Slater

M. Aileen Dickson, CMC
City Clerk



CITY COUNCIL AGENDA ITEM

Date: October 19, 2015

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager
 Timothy L. Richnak, Public Works Director
 Kurt Bovensiep, Public Works Manager

Subject: Standard Purchasing Resolution 1: Award to Low Bidder – Street Trees

History

The Parks Division is responsible for the maintenance of the City's urban forest. This responsibility includes making additions to the urban forest through a tree-planting program. During the 2016 Budget presentations, it was indicated that city administration should reinstitute a more aggressive tree-planting program. The Financial Ideas Team (FIT) also recommended a more aggressive tree planting program than what was originally proposed. Through these discussions, city administration recommended a program that would fill vacancies over the next several years in the Rights-of-Way (ROW) that could support a tree while adhering to City of Troy Ordinance Chapter 28. Chapter 28 regulates that trees planted in the ROW should not be planted any closer than 50' of an existing tree within the ROW, no closer than 15' from any driveway approach, no closer than 3.5' of any curb, and no closer than 3' to any sidewalk. During the budget presentation discussions City Council also gave the direction to plant more substantial trees in the ROW resulting in a request from vendors for trees with a minimum of 2.5" in diameter; which is almost double the diameter that was planted in the past. The city also requested vendors provide a 2 year warranty from the date of planting.

Over the last several years, the Parks Division has been accumulating addresses from residents that have requested a tree and addresses where trees have been removed. It is the intent of the Parks Division to use the first year of the program to fulfill these requests and replace trees that have been removed. Attached is a map detailing the locations where trees will be planted this year.

Purchasing

On October 15, 2015, a bid opening was conducted as required by City Charter and Code for Tree Planting. The bid was posted on the Michigan Inter-governmental Trade Network (MITN) website; www.mitn.info and the bid was also sent to the Troy Chamber of Commerce. Two (2) bid responses were received. Below is a detailed summary of potential vendors for both bid opportunities:

Companies notified via MITN	69
Troy Companies notified via MITN	2
Troy Companies notified Active email Notification	2
Troy Companies - Active Free	0
Companies that viewed the bid	19
Troy Companies that viewed the bid	0

MITN provides a resourceful online platform to streamline the procurement process, reduce costs, and make it easier and more transparent for vendors to do business with the City of Troy.

Active MITN members with a current membership and paying annual dues receive automatic electronic notification which allows instant access to Bids, RFPS and Quote opportunities with the City.

Active MITN non-paying members are responsible to monitor and check the MITN website for opportunities to do business with the City.

Inactive MITN member status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of

After reviewing the bid proposals; Marine City Nursery Company was low bidder and meets all bid specifications for the purchase and installation of Balled and Burlap or Container Grown Trees and is being recommended.



CITY COUNCIL AGENDA ITEM

Financial

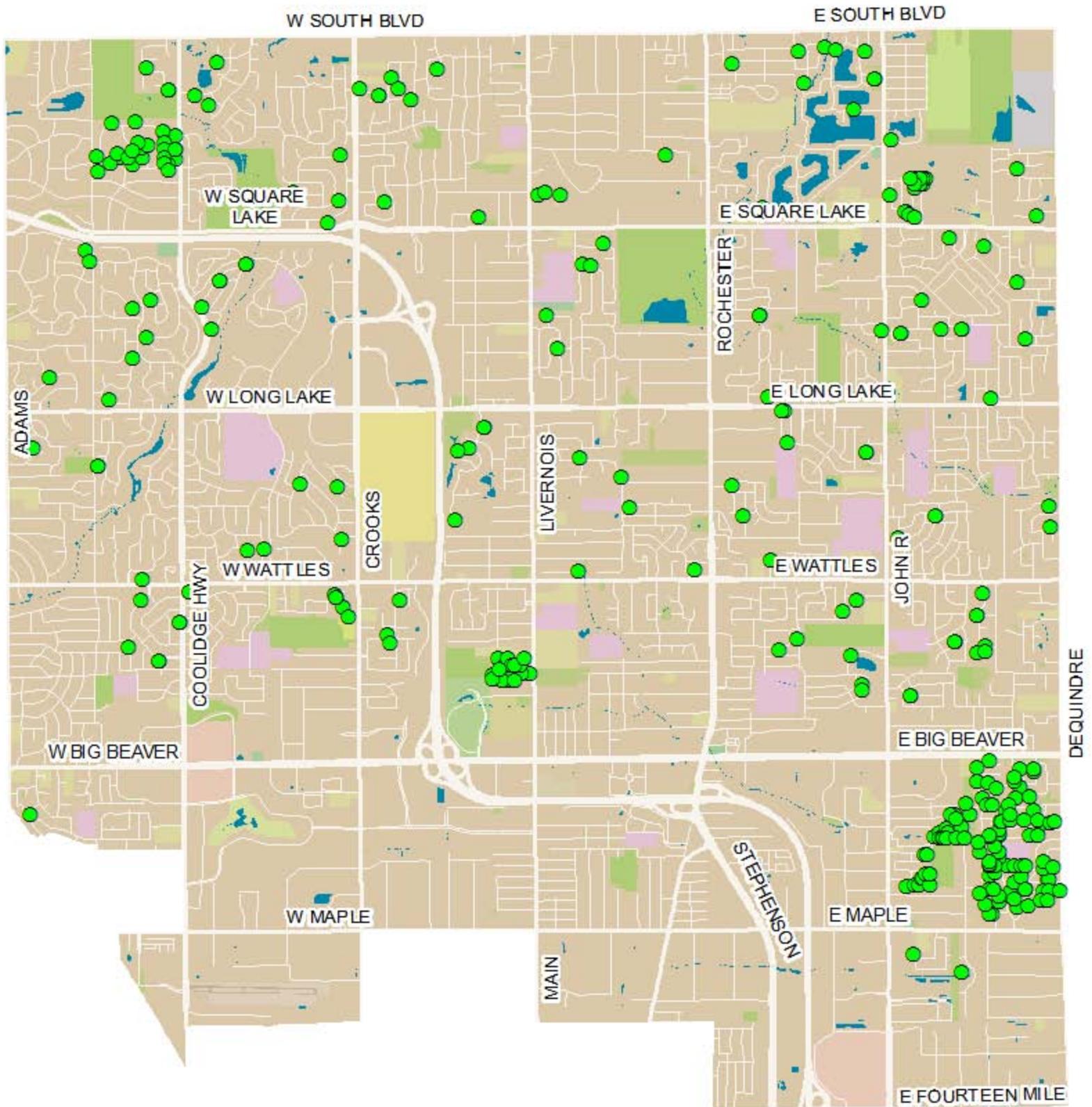
Funds for the new tree-planting program were budgeted in the Parks Division, Local Tree Planting account in the amount of \$92,810. Also, City staff applied for two grants to assist in the new tree-planting program and was successfully award both grants. Through the Michigan Department of Natural Resources - Forest Resources Division and the DTE Energy Foundation; the city was awarded a \$4,000 grant for tree planting and through the Alliance of Rouge Communities - Restoring Community Trees; the city was awarded a \$15,625 grant for tree planting. Total available funds for tree planting are as detailed below:

Parks Division Local Tree Planting Account	\$92,810.00
Michigan DNR & DTE Energy Foundation Grant	\$4,000.00
Alliance of Rouge Communities Grant	\$15,625.00
Total	\$112,435.00

Recommendation

City management recommends awarding a contract to purchase and have installed balled and burlap or container grown trees to the low bidder meeting specifications; *Marine City Nursery Company of Marine City, MI* for an estimated total cost of \$112,435.00 at unit prices contained in the bid tabulation opened October 15, 2015 not to exceed budgetary limitations. The award is contingent upon the contractors' submission of properly executed bid documents including insurance certificates, and all other specified requirements.

2015 Fall Tree Planting Locations



● Locations of 2015 Tree Planting

VENDOR NAME:	Marine City Nursery Co.	The Davey Tree Expert Company
	China Twp., MI	Auburn Hills, MI
CHECK #:	25519963	26663786
	\$4,500.00	\$4,500.00

PROPOSAL: To Provide and plant for the City of Troy Bare Root Street Trees and Ball and Burlap Trees in accordance with the bid specifications.

PROPOSAL A:		
Price Per Planted Tree:	\$ 294.00	\$ 325.00
Proposal A Total Cost (unit price x 200):	\$ 58,800.00	\$ 65,000.00
FALL 2015		
LIST OF NINE TREE TYPES:	Yes or No	Yes
How many listed:	9	9
CONTACT INFORMATION:	Hrs. of Operation	8-5 M-F
24 HR Phone Number	810-560-9099	7am-7pm 248-371-9007
STATEMENT OF GUARANTEE:		
INSURANCE:	Can meet	Yes
	Cannot meet	Yes
PAYMENT TERMS:	Net 30 days	60 days
DELIVERY:	included	when needed
EXCEPTIONS:	Blank	Blank
ACKNOWLEDGEMENT: Signed	Yes or No	Yes
Forms (5)	Yes or No	Yes

ATTEST:
Enna Bachelor
Susan Reisterer
Sara Teets
Kurt Bovensiep

 MaryBeth Murz,
 Purchasing Manager



CITY COUNCIL AGENDA ITEM

Date: October 19, 2015

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager
Tom Darling, Director of Financial Services
Dave Roberts, Fire Chief
Peter Hullinger, Staff Technician

Subject: Standard Purchasing Resolution 2: Award to Low Bidder Meeting Specifications – Floor Replacement at the Police and Fire Training Center

History

Over the past 20 years the Fire Department has endeavored to find a process to seal and treat the concrete floors in the Fire Stations and the Training Center. Currently, four fire stations and the training center have the epoxy floor coating which was designed to facilitate cleaning, resist staining from vehicle fluids, and provide a safe working surface for personnel. Over time, the epoxy material has degraded and delaminated from the training center floor resulting in an uneven and unsightly floor surface. The material continues to degrade daily with pieces of epoxy coming loose and causing slip hazards.

The Fire Department has researched current methods of treating concrete floors in industrial and other high traffic occupancies and has determined that polished concrete is the best replacement alternative for the apparatus bay floor surfaces at the training center. This method was done at Fire Stations 1 and 6 last year, and turned out very good.

Purchasing

On October 8, 2015, a bid opening was conducted as required by City Charter and Code for the floor replacement at the Police and Fire Training Center. The bid was posted on the Michigan Inter-governmental Trade Network (MITN) website; www.mitn.info. Two (2) bid responses were received.

Companies notified via MITN	294
Troy Companies notified via MITN	11
Troy Companies - Active email Notification	10
Troy Companies - Active Free	1
Companies that viewed the bid	20
Troy Companies that viewed the bid	2

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



CITY COUNCIL AGENDA ITEM

Purchasing (continued)

After reviewing the bid responses and warranty detail in conjunction with the Fire Department it is being recommended that Great Lakes Concrete Restoration, LLC of Troy, MI be awarded a contract to furnish all equipment, material and labor for floor removal and replacement at the Police and Fire Training Center.

The floor replacement bid required and specified a qualified installer that is L & M Chemical certified for FGS Permashine polished floor systems. The scope of the work is to remove the old epoxy floor and prepare and install new polished concrete floors.

Master Craft Carpet Services, Inc., was the low bidder, but only offered a one (1) year warranty in addition to the two (2) year manufacturer warranty versus a ten (10) year warranty in addition to the two (2) year manufacturer warranty being offered by Great Lakes Concrete Restoration. Typically warranty issues regarding this type of flooring install occur beyond 2 years and typically a patch repair costs approximately \$5,000.00. It is in the best interest of the City to invest in the 10-year warranty for this project.

Master Craft Carpet Services, Inc.'s references did not include work experience specific to Fire Stations and/or Training Centers, whereas Great Lakes Concrete Restoration, LLC, has successfully completed two Troy fire stations as well as the Police Sally Port Project in the last two years.

Financial

\$75,000 is budgeted in the 2015/2016 Capital Fund, Building Operations, Fire – Police Training Center Account for this project. The Project# is 20160006.

Recommendation

City management recommends awarding a contract to furnish all equipment, material and labor for the epoxy floor removal, and to install new polished concrete floors at the Police and Fire Training Center, for an estimated total cost of \$55,950.00 to *Great Lakes Concrete Restoration, LLC of Troy, Michigan* at prices contained in the bid tabulation opened October 8, 2015. The award is contingent upon the contractor's submission of properly executed bid documents including insurance certificates and all specified requirements.

CITY OF TROY
 BID TABULATION
 FLOORING - TRAINING CENTER

Vendor	MasterCraft Carpet Service, Inc	Great Lakes Concrete Restoration
	Plymouth, MI	Troy, MI
Ck#	1217033	0000617479
Ck. Amount	\$3,750.00	\$3,750.00

PROPOSAL: To furnish all equipment, material and labor, for floor removal and replacement for the City of Troy Police and Fire Training Center.

COMPLETE FOR THE SUM OF:		\$45,900.00	\$55,950.00
HOURLY LABOR RATE:		\$60.49	N/A
MATERIAL DISCOUNT:		Blank	N/A
CONTACT INFORMATION:			
Hours of Operation		7am-5pm	8am to 7pm
24 Hr Phone #		734-679-7387	248-755-8025
SITE INSPECTIONS:	Y or N	Y	Y
Date		9/28/2015	9/29/2015
COMPLETION DATE:			
Can Meet		X	X
Cannot Meet			
Offers			
Work Shall Commence		5 days	5 days
REFERENCES:	Attached Y or N	Y	Y
INSURANCE:	Can Meet	X	X
	Cannot Meet		
ACKNOWLEDGEMENT SIGNED:	Y or N	Y	Y
PAYMENT TERMS:		30 days	30 days
EXCEPTIONS:		Blank	Blank
WARRANTY:		1 year	10 yr standard
QUESTIONNAIRE:	Attached Y or N	Y	Y
FORMS COMPLETED:	Y or N	Y	Y

ATTEST:
 Enna Bachelor
 Sara Teets
 Susan Reisterer
 Peter Hullinger

 MaryBeth Murz,
 Purchasing Manager



CITY COUNCIL AGENDA ITEM

Date: October 21, 2015

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager
Cindy Stewart, Community Affairs Director
Mark Miller, Director of Economic & Community Development
Tom Darling, Director of Financial Services

Subject: Standard Purchasing Resolution 1: Award to Low Bidder – Camera Upgrades for the City of Troy Council Chambers and Council Board Room

History

- The video cameras in the Council Chambers are 14 years old and the cameras in the Council Board Room are 11 years old. The two existing TV monitors in the Council Chambers will be replaced by 49" flat screen monitors. The entire system is in need of updates and upgrades.
- The current cameras have been malfunctioning for quite some time. The existing cameras are too old to repair and are considered obsolete. New hi-def cameras will reduce energy consumption and produce a better quality picture as well as consistently function properly.
- The existing heavy TVs in the chambers could potentially be a hazard if they fell and new updated flat screen TVs will also reduce energy consumption.

Purchasing

- On October 15, 2015, a bid opening was conducted as required by City Charter and Code to furnish all equipment, material and labor to install new cameras, cables, TVs and articulating mounts in the Council Chambers and Council Board Room. The bid was posted on the Michigan Inter-governmental Trade Network (MITN) website; www.mitn.info and the bid was also sent to the Troy Chamber of Commerce. Five (5) bid responses was received. Below is a detailed summary of potential vendors:

Companies notified via MITN	239	<p>MITN provides a resourceful online platform to streamline the procurement process, reduce costs, and make it easier and more transparent for vendors to do business with the City of Troy.</p> <p>Active MITN members with a current membership and paying annual dues receive automatic electronic notification which allows instant access to Bids, RFPS and Quote opportunities with the City.</p> <p>Active MITN non-paying members are responsible to monitor and check the MITN website for opportunities to do business with the City.</p> <p>Inactive MITN member status can occur when a company does not renew their account upon expiration. Inactive members cannot be notified of solicitations or access any bid information.</p>
Troy Companies notified via MITN	10	
Troy Companies notified Active email Notification	10	
Troy Companies - Active Free	0	
Companies that viewed the bid	47	
Troy Companies that viewed the bid	6	

- After reviewing the bid proposal, *Advanced Lighting and Sound of Troy, MI* was the low bidder and meets all bid specifications and is being recommended to upgrade the cameras, cables, TVs and articulating mounts in the Council Chambers and the Council Board Room as specified and as per the project timeline.

Financial

The estimated total cost of this upgrade is \$32,451.00 and funds in the amount of \$50,000.00 has been budgeted and is currently available in the General Equipment Capital Account. The project number is 2016001.

Recommendation

City management recommends awarding a contract to furnish all equipment, material and labor to install new cameras, cables, TVs and articulating mounts in the Council Chambers and Council Board Room to the low bidder meeting all specifications, *Advanced Lighting and Sound of Troy, MI* for an estimated total cost of \$32,451.00, at prices contained in the bid tabulation dated October 15, 2015.

G:\Bid Award 15-16 New Format\Award Standard Purchasing Resolution ITB 15-30 CouncilChamberUpdates.doc

VENDOR NAME:	Advanced Lighting & Sound	Johnson Controls, Inc.
CITY, STATE	Troy, MI	Auburn Hills, MI
Check amount	\$2,500.00	\$2,500.00
Check number	1203350	324099

PROPOSAL: FURNISH ALL EQUIPMENT, MATERIAL AND LABOR TO INSTALL NEW CAMERAS, CABLES, AND ARTICULATING MOUNTS FOR THE TROY COUNCIL CHAMBERS AND COUNCIL BOARD ROOM.

ITEM	DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION PRICE	UNIT PRICE	EXTENSION PRICE
1	Panasonic AW-HE40SKPJ Features 30x optical zoom lens and support for PoE+, SDI out - black	7	\$ 3,276.00	\$ 22,932.00	\$ 3,325.75	\$ 23,280.25
2	Panasonic AW-RP50NJ Sub-compact remote camera controller	1	\$ 1,786.00	\$ 1,786.00	\$ 4,984.31	\$ 4,984.31
3	Cisco SG300-28 Cisco 28 port managed gigabit switch	1	\$ 517.00	\$ 517.00	\$ 606.77	\$ 606.77
4	Black BMD-CONVMSDIDA Mini Converter – SDI Distribution	1	\$ 279.00	\$ 279.00	\$ 267.65	\$ 267.65
5	LG 49LX341C 49" LED 1080 HDTV	2	\$ 711.00	\$ 1,422.00	\$ 982.42	\$ 1,964.84
6	Black BMD-CONVMBSH4K Mini Converter – SDI to HDMI 4K	2	\$ 279.00	\$ 558.00	\$ 404.89	\$ 809.78
7	Hosa HDMA-401.5 High Speed HDMI Cable with Ethernet, HDMI to HDMI, 1.5 ft.	2	\$ 6.00	\$ 12.00	\$ 14.45	\$ 28.90
8	Hosa YAC-406 Power Extension Y Cable, Dual NEMA 5-15R to NEMA 5-15P, 1.5 ft.	2	\$ 8.00	\$ 16.00	\$ 14.45	\$ 28.90
9	Chief TS318TU Medium swing arms, dual stud	2	\$ 297.00	\$ 594.00	\$ 504.21	\$ 1,008.42
10	Down converter – standard definition composite video feed; AJA Video Black Magic or equivalent.	1	\$ 345.00	\$ 345.00		\$ -
11	CAD Drawings to reflect new updated equipment changes	1	\$ -	\$ -		\$ -
TOTAL MATERIALS COST:			\$	28,461.00	\$	32,979.82
INSTALLATION MATERIALS COST:			\$	1,650.00	\$	2,047.66
LABOR COST			\$	2,340.00	\$	4,682.58
GRAND TOTAL COST			\$	32,451.00	\$	39,710.06

*does not include pricing for line items #10 & 11.

How many years of experience do you have with audio visual projects dealing with cameras, cabling and TV installations?	25 years	Blank
How many audio visual projects has your company completed in the last year?	40+	"many"

CONTACT INFORMATION:

Hours of Operation	8am-6pm M-F	7am-8pm
Office Phone #	Blank	248-770-8164
Contact Name	Robert B. Sullivan	Michael Smith
Y or N	Y	Y
REFERENCES	Y	Y
PROPOSED PAYMENT SCHEDULE	Net 30	20% upfront/20% after first week/60% after completion
COMPLETION DATE	Can Meet X	X
INSURANCE	Cannot Meet	
	Can Meet X	X
	Cannot Meet	
PAYMENT TERMS:	N-30	Blank
WARRANTY:	Manufacturer	1 Year
	"Cisco SG300-28 is replaced with FG-2410 to add POE power feature for cameras."	None
EXCEPTIONS:	Y or N	Y
FORMS COMPLETED:	Y	Y
ACKNOWLEDGEMENT: Signed	Y or N	Y

VENDOR NAME:	JMC Technology Group	Videotape Products, Inc. dba VTP
CITY, STATE	Clinton Twp, MI	Novi, MI
Check amount	\$2,500.00	\$2,500.00
Check number	9439414031	103913

PROPOSAL: FURNISH ALL EQUIPMENT, MATERIAL AND LABOR TO INSTALL NEW CAMERAS, CABLES, AND ARTICULATING MOUNTS FOR THE TROY COUNCIL CHAMBERS AND COUNCIL BOARD ROOM

ITEM	DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION PRICE	UNIT PRICE	EXTENSION PRICE
1	Panasonic AW-HE40SKPJ Features 30x optical zoom lens and support for PoE+, SDI out - black	7	\$ 3,795.00	\$ 26,565.00	\$ 3,275.00	\$ 22,925.00
2	Panasonic AW-RP50NJ Sub-compact remote camera controller	1	\$ 2,084.50	\$ 2,084.50	\$ 1,775.00	\$ 1,775.00
3	Cisco SG300-28 Cisco 28 port managed gigabit switch	1	\$ 445.54	\$ 445.54	\$ 699.00	\$ 699.00
4	Black BMD-CONVMSDIDA Mini Converter – SDI Distribution	1	\$ 203.78	\$ 203.78	\$ 165.00	\$ 165.00
5	LG 49LX341C 49" LED 1080 HDTV	2	\$ 742.50	\$ 1,485.00	\$ 665.00	\$ 1,330.00
6	Black BMD-CONVMBSH4K Mini Converter – SDI to HDMI 4K	2	\$ 308.28	\$ 616.56	\$ 255.00	\$ 510.00
7	Hosa HDMA-401.5 High Speed HDMI Cable with Ethernet, HDMI to HDMI, 1.5 ft.	2	\$ 5.83	\$ 11.66	\$ 5.00	\$ 10.00
8	Hosa YAC-406 Power Extension Y Cable, Dual NEMA 5-15R to NEMA 5-15P, 1.5 ft.	2	\$ 15.16	\$ 30.32	\$ 10.00	\$ 20.00
9	Chief TS318TU Medium swing arms, dual stud	2	\$ 229.90	\$ 459.80	\$ 240.00	\$ 480.00
10	Down converter – standard definition composite video feed; AJA Video Black Magic or equivalent.	1	\$ 225.00	\$ 225.00	\$ 425.00	\$ 425.00
11	CAD Drawings to reflect new updated equipment changes	1	\$ 150.00	\$ 150.00	Included	
TOTAL MATERIALS COST:			\$	32,277.16	\$	28,339.00
INSTALLATION MATERIALS COST:			\$	2,256.86	\$	5,500.00
LABOR COST			\$	5,490.08	\$	7,200.00
GRAND TOTAL COST			\$	40,024.10	\$	41,039.00

How many years of experience do you have with audio visual projects dealing with cameras, cabling and TV installations?
 How many audio visual projects has your company completed in the last year?

5 years	10 years
2	7

CONTACT INFORMATION:

Hours of Operation

8am-6pm

Office Phone #

586-563-5824

Contact Name

Richard

SITE INSPECTION

Y or N

Y

REFERENCES

Y or N

Y

Y

PROPOSED PAYMENT SCHEDULE

Net 30

Net 30

COMPLETION DATE

Can Meet

X

X

Cannot Meet

INSURANCE

Can Meet

X

X

Cannot Meet

PAYMENT TERMS:

Net 30

Net 30

WARRANTY:

1 Year

1 year workmanship. All other standard manufacturer warranties apply

EXCEPTIONS:

Blank

Blank

FORMS COMPLETED:

Y or N

Y

Y

ACKNOWLEDGEMENT: Signed

Y or N

Y

Y

CITY OF TROY
 BID TABULATION
 COUNCIL CHAMBERS CAMERA UPGRADES

VENDOR NAME:	Mechanical Controls Maintenance, Inc. dba MCMI
CITY, STATE	Sterling Heights, MI
Check amount	\$2,500.00
Check number	9225709896

PROPOSAL: FURNISH ALL EQUIPMENT, MATERIAL AND LABOR TO INSTALL NEW CAMERAS, CABLES, AND ARTICULATING MOUNTS FOR THE TROY COUNCIL CHAMBERS AND COUNCIL BOARD ROOM

ITEM	DESCRIPTION	EST QTY	UNIT PRICE	EXTENSION PRICE	UNIT PRICE	EXTENSION PRICE
1	Panasonic AW-HE40SKPJ Features 30x optical zoom lens and support for PoE+, SDI out - black	7	\$ 3,936.46	\$ 27,555.22		\$ -
2	Panasonic AW-RP50NJ Sub-compact remote camera controller	1	\$ 2,194.43	\$ 2,194.43		\$ -
3	Cisco SG300-28 Cisco 28 port managed gigabit switch	1	\$ 963.69	\$ 963.69		\$ -
4	Black BMD-CONVMSDIDA Mini Converter – SDI Distribution	1	\$ 231.56	\$ 231.56		\$ -
5	LG 49LX341C 49" LED 1080 HDTV	2	\$ 837.50	\$ 1,675.00		\$ -
6	Black BMD-CONVMSH4K Mini Converter – SDI to HDMI 4K	2	\$ 231.56	\$ 463.12		\$ -
7	Hosa HDMA-401.5 High Speed HDMI Cable with Ethernet, HDMI to HDMI, 1.5 ft.	2	\$ 6.63	\$ 13.26		\$ -
8	Hosa YAC-406 Power Extension Y Cable, Dual NEMA 5-15R to NEMA 5-15P, 1.5 ft.	2	\$ 16.13	\$ 32.26		\$ -
9	Chief TS318TU Medium swing arms, dual stud	2	\$ 275.00	\$ 550.00		\$ -
10	Down converter – standard definition composite video feed; AJA Video Black Magic or equivalent.	1	\$ 231.56	\$ 231.56		\$ -
11	CAD Drawings to reflect new updated equipment changes	1	\$ 500.00	\$ 500.00		\$ -
TOTAL MATERIALS COST:			\$	34,410.10	\$	-
INSTALLATION MATERIALS COST:			\$	1,446.98		
LABOR COST			\$	9,228.34		
GRAND TOTAL COST			\$	45,085.42	\$	-

How many years of experience do you have with audio visual projects dealing with cameras, cabling and TV installations?
 How many audio visual projects has your company completed in the last year?

21 years
5

CONTACT INFORMATION:

Hours of Operation

8am-5pm M-F

Office Phone #

586-726-7500

Contact Name

Joe Tocco

Y or N

Y

Y or N

Y

SITE INSPECTION

REFERENCES

PROPOSED PAYMENT SCHEDULE

COMPLETION DATE

Can Meet

X

Cannot Meet

Can Meet

X

Cannot Meet

INSURANCE

PAYMENT TERMS:

WARRANTY:

EXCEPTIONS:

FORMS COMPLETED:

ACKNOWLEDGEMENT: Signed

Y or N

Blank

Y or N

Y

Y

Net 30

1 Year

ATTEST:

Enna Bachelor

Susan Reisterer

Cindy Stewart

Sara Teets

MaryBeth Murz,

Purchasing Manager



CITY COUNCIL AGENDA ITEM

Date: October 22, 2015
To: Brian Kischnick, City Manager
From: Aileen Dickson, City Clerk 
Subject: Request for Recognition as a Nonprofit Organization from Professional Law Enforcement Association Foundation, Inc.

History

Attached is a request from Alison DeJaeger, Board Member of the Professional Law Enforcement Association Foundation, seeking recognition as a nonprofit organization for the purpose of obtaining a charitable gaming license for fundraising purposes.

Financial

There are no financial considerations associated with this item.

Recommendation

It has been City Management's practice to support the approval of such requests.

City Attorney's Review as to Form and Legality

There are no legal considerations associated with this item.



1640 Axtell Road
Troy, MI 48084
248-588-8989
Fax: 248-641-8857
www.plea.net

Dear Mayor Slater and City Council Members,

The Professional Law Enforcement Association (PLEA) Foundation was founded in 2014 as a 501c3 volunteer-based, non-profit organization aimed at providing support to law enforcement professionals, including K9 officers, by soliciting donations. The donations we receive go towards purchasing necessary resources that are not always provided to the law enforcement officers that put their lives on the line for us every day. These resources range from paying for training to purchasing much needed equipment.

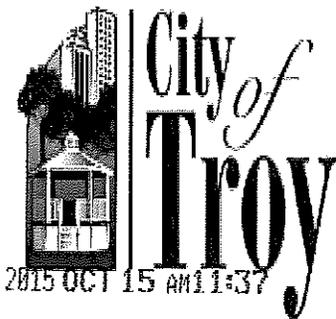
We have four initiatives as our foundation's primary goals. Our first goal is to provide officers with stuffed animals to give to children who are in a time of crisis. These will help comfort children in otherwise traumatizing situations. Our second goal is to provide department training for police officers. This will help to educate officers in procedural and safety protocol. Our third initiative is to provide police officers and K9 officers with bullet-proof vests, which will help keep law enforcement officials safe. Lastly, our fourth goal is to provide officers with body cameras. Unfortunately, public opinion of law enforcement is currently in a critical state of mistrust. If we can provide these cameras, we can increase public understanding of police practices and also get better documentation of police action. We plan to track the impact of our initiatives with a before and after analysis of crime rates in affected areas, as well as a survey of law enforcement officials and their level of preparedness confidence.

In our efforts to raise money, we would like to host a fundraiser where we can offer participants the opportunity to take part in a raffle. Please consider this letter a formal request for recognition by the city of Troy, Michigan as a non-profit organization for the purpose of obtaining a gaming license by the state of Michigan. Thank you very much for your time.

Kind regards,

A handwritten signature in black ink that reads "Alison DeJaeger". The signature is fluid and cursive, with a long, sweeping underline.

Alison DeJaeger
PLEA Foundation Inc. Board Member
foundation@plea.net
248-588-8989 Ext. 1016



CITY OF TROY

SOLICITATION – FUND RAISING

Date Received: 10/14/15

File the following information with the City Clerk's Office at least 21 days prior to the time when the permit is desired. TIME SPAN FOR PERMIT IS NOT TO EXCEED NINETY (90) DAYS.

Name of Organization:

Phone:

Professional Law Enforcement Association
 Local Address: Foundation Inc.

248-795-8126

1640 Axtell Rd
 Home Address (if different):

City/Zip:

Troy 48084
 City/Zip:

Name of Parent Organization:

Professional Law Enforcement Association Inc.

Address:

1640 Axtell Rd, Troy 48084

Local Representative/Officers:

Name	Title	Phone
<u>Leslie McMahon</u>	<u>President</u>	<u>248-554-3310</u>
<u>Robert Goldenbogen</u>	<u>Vice-President</u>	<u>810-241-0606</u>
<u>Ashley Duelllette-McMahon</u>	<u>Director of Sponsorships & Donations</u>	<u>248-588-8989</u>

Person in Charge of Solicitations: Alison DeJaeger

How are funds solicited: fundraisers & donation requests

Locations/Dates/Times:

Locations	Dates	Times
<u>The Memory Room, Hall Rd Clinton Twp.</u>	<u>11/10/15</u>	<u>6 pm</u>

To what purpose will you put these funds: Training & equipment for officers

What is the requested amount for contribution: Any



State of Michigan
 Michigan Gaming Control Board
 Office of the Executive Director
 P.O. Box 30786
 Lansing, MI 48909
 Phone: (313) 456-4940
 Fax: (313) 456-3405
 Email: Millionaireparty@michigan.gov
 www.michigan.gov/mgcb

LOCAL GOVERNING BODY RESOLUTION FOR CHARITABLE GAMING LICENSES

(Required by MCL.432.103(K)(ii))

At a _____ meeting of the _____
REGULAR OR SPECIAL TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD

called to order by _____ on _____
DATE

at _____ a.m./p.m. the following resolution was offered:
TIME

Moved by _____ and supported by _____

that the request from _____ of _____,
NAME OF ORGANIZATION CITY

county of _____, asking that they be recognized as a
COUNTY NAME

nonprofit organization operating in the community for the purpose of obtaining charitable

gaming licenses, be considered for _____
APPROVAL/DISAPPROVAL

APPROVAL	DISAPPROVAL
Yeas: _____	Yeas: _____
Nays: _____	Nays: _____
Absent: _____	Absent: _____

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
TOWNSHIP, CITY, OR VILLAGE COUNCIL/BOARD REGULAR OR SPECIAL

meeting held on _____
DATE

SIGNED: _____
TOWNSHIP, CITY, OR VILLAGE CLERK

PRINTED NAME AND TITLE

ADDRESS

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **OCT 24 2014**

PROFESSIONAL LAW ENFORCEMENT
ASSOCIATION FOUNDATION INC
PO BOX 1197
TROY, MI 48099-1197

Employer Identification Number:
47-1010301
DLN:
26053687003544
Contact Person:
CUSTOMER SERVICE ID# 31954
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990/990-EZ/990-N Required:
Yes
Effective Date of Exemption:
June 13, 2014
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Letter 5436

PROFESSIONAL LAW ENFORCEMENT

Sincerely,

A handwritten signature in black ink that reads "Tamara Ripperda". The signature is written in a cursive style with a large, prominent initial 'T'.

Director, Exempt Organizations

**MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU**

Date Received

This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.

Name

Robert L. Goldenbogen

Address

511 Fort Street, Suite 505

City

Port Huron

State

Michigan

ZIP Code

48060

EFFECTIVE DATE:

Document will be returned to the name and address you enter above.
If left blank, document will be returned to the registered office.

ARTICLES OF INCORPORATION

For use by Domestic Nonprofit Corporations

(Please read information and instructions on the last page)

Pursuant to the provisions of Act 162, Public Acts of 1982, the undersigned corporation executes the following Articles:

ARTICLE I

The name of the corporation is:

Professional Law Enforcement Association Foundation, Inc.

ARTICLE II

The purpose or purposes for which the corporation is organized are:

Said corporation is organized exclusively for charitable, educational, and scientific purposes, including providing support to members of the law enforcement community and families of fallen law enforcement officers including but not limited to direct financial support, scholarships to children of fallen law enforcement officers and for the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code.

ARTICLE III

1. The corporation is organized upon a nonstock basis.
(Stock or Nonstock)

2. If organized on a stock basis, the total number of shares which the corporation has authority to issue is _____.
If the shares are, or are to be, divided into classes, the designation of each class, the number of shares in each class, and the relative rights, preferences and limitations of the shares of each class are as follows:

Use space below for additional Articles or for continuation of previous Articles. Please identify any Article being continued or added. Attach additional pages if needed.

Article VI. No part of the net earnings of the corporation shall inure to the benefit of, or be distributable to its members, trustees, officers, or other private persons, except that the corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in Article II hereof. No substantial part of the activities of the corporation shall be the carrying on of propaganda, or other attempting to influence legislation, and the corporation shall not participate in, or intervene in (including the publishing or distribution of statements) any political campaigns on behalf of any candidate for public office. Notwithstanding any other provision of these articles, the corporation shall not carry on any other activities not permitted to be carried on (a) by a corporation exempt from federal income tax under Section 501(c)(3) or the Internal Revenue Code, or corresponding section of any future federal tax code, or (b) by a corporation contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

Article VII. Upon the dissolution of the corporation, assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to the state or local government, for a public purpose. Any such assets not so disposed of shall be disposed of by the appropriate court of competent jurisdiction in the county in which the principal office of the corporation is then located, exclusively for such purposes or to such organization or organizations as said court shall determine, which are organized and operated exclusively for such purposes.

I, (We), the incorporator(s) sign my (our) name(s) this _____ day of _____, _____

Name of person or organization remitting fees:

Preparer's name and business telephone number.

INFORMATION AND INSTRUCTIONS

1. This form may be used to draft your Articles of Incorporation. A document required or permitted to be filed under the act cannot be filed unless it contains the minimum information required by the act. The format provided contains only the minimal information required to make the document fileable and may not meet your needs. This is a legal document and agency staff cannot provide legal advice.
2. Submit one original of this document. Upon filing, the document will be added to the records of the Corporations, Securities & Commercial Licensing Bureau. The original will be returned to your registered office address, unless you enter a different address in the box on the front of this document.

Since this document will be maintained on electronic format, it is important that the filing be legible. Documents with poor black and white contrast, or otherwise illegible, will be rejected.

3. This document is to be used pursuant to the provisions of Act 162, P.A. of 1982, by one or more persons for the purpose of forming a domestic nonprofit corporation.
4. Article II - The purpose for which the corporation is organized must be included. It is not sufficient to state that the corporation may engage in any activity within the purpose for which corporations may be organized under the Act.
5. Article III - The corporation must be organized on a stock or nonstock basis. Complete Article III(2) or III(3) as appropriate, but not both. Real property assets are items such as land and buildings. Personal property assets are items such as cash, equipment, fixtures, etc. The dollar value and description must be included. If there is no real and/or personal property, write in "none".
6. A domestic nonprofit corporation may be formed on either a membership or directorship basis. A membership corporation entitles the members to vote in determining corporate action. If organized on a directorship basis the corporation may have members but they may not vote and corporate action is determined by the Board of Directors.
7. Article IV - A post office box may not be designated as the address of the registered office.
8. Article V - The Act requires one or more incorporators. Educational corporations are required to have at least three (3) incorporators. The address(es) should include a street number and name (or other designation), city and state.
9. This document is effective on the date endorsed "filed" by the Bureau. A later effective date, no more than 90 days after the date of delivery, may be stated as an additional article.
10. The Articles must be signed in ink by each incorporator listed in Article V. However, if there are 3 or more incorporators, they may, by resolution adopted at the organizational meeting by a written instrument, designate one of them to sign the Articles of Incorporation on behalf of all of them. In such event, these Articles of Incorporation must be accompanied by a copy of the resolution duly certified by the acting secretary at the organizational meeting and a statement must be placed in the articles incorporating that resolution into them.

11. **FEES:** Make remittance payable to the State of Michigan. Include corporation name on check or money order.
FILING AND FRANCHISE FEE.....\$20.00

Submit with check or money order by mail:

Michigan Department of Licensing and Regulatory Affairs
Corporations, Securities & Commercial Licensing Bureau
Corporation Division
P.O. Box 30054
Lansing, MI 48909

To submit in person:

2501 Woodlake Circle
Okemos, MI
Telephone: (517) 241-6470

Fees may be paid by check, money order, VISA or Mastercard when delivered in person to our office.

MICH-ELF (Michigan Electronic Filing System):

First Time Users: Call (517) 241-6470, or visit our website at <http://www.michigan.gov/corporations>
Customer with MICH-ELF Filer Account: Send document to (517) 636-6437

LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

Optional expedited service.

Expedited review and filing, if fileable, is available for all documents for profit corporations, limited liability companies, limited partnerships and nonprofit corporations.

The nonrefundable expedited service fee is in addition to the regular fees applicable to the specific document.

Please complete a separate CSCL/CD-272 form for expedited service for each document submitted in person, by mail or MICH-ELF.

24-hour service - \$50 for formation documents and applications for certificate of authority.

24-hour service - \$100 for any document concerning an existing entity.

Same day service

- **Same day - \$100 for formation documents and applications for certificate of authority.**

- **Same day - \$200 for any document concerning an existing entity.**

Review completed on day of receipt. Document and request for same day expedited service must be received by 1 p.m. EST OR EDT.

- **Two hour - \$500**

Review completed within two hours on day of receipt. Document and request for two hour expedited service must be received by 3 p.m. EST OR EDT.

- **One hour - \$1000**

Review completed within one hour on day of receipt. Document and request for 1 hour expedited service must be received by 4 p.m. EST OR EDT.

First time MICH-ELF user requesting expedited service must obtain a MICH-ELF filer number prior to submitting a document for expedited service. CSCL/CD-901.

Changes to information on MICH-ELF user's account must be submitted before requesting expedited service. CSCL/CD-901.

Documents submitted by mail are delivered to a remote location for receipts processing and are then forwarded to the Corporation Division for review. Day of receipt for mailed expedited service requests is the day the Corporation Division receives the request.

BYLAWS
BOARD OF DIRECTORS
OF
PLEA FOUNDATION

Article I – Purpose

The Corporation (Foundation) is established as a 501(c)3 corporation exclusively for charitable purposes, including providing support to members of the law enforcement community and families of fallen law enforcement officers including but not limited to direct financial support, scholarships to children of fallen law enforcement officers and for the making of distributions to organizations that qualify as exempt organizations under Section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code through PLEA Foundation financial grants. Grants may be awarded directly to such individuals or to other organizations to assist them in providing like services to such individuals.

Grants may also be awarded to help in the funding of programs designed to similarly assist members of the law enforcement community and their family members.

PLEA Foundation will not limit its involvement to financial assistance, but will also provide training and promotion of programs that are beneficial to the law enforcement community and the families of fallen law enforcement officers. PLEA Foundation will initiate, plan, direct and coordinate programs, fundraising activities and seminars, with or without other charitable organizations, citizens, government agencies, or business industries; to provide community awareness of the efforts of PLEA Foundation and its exempt purpose. PLEA Foundation will engage with any lawful business or activities related thereto for which corporations may be organized under Michigan law; and for all purposes within the meaning of Section 501(c)(3) of the Internal revenue Code of 1986.

Article II – Board of Directors

Section 2.1 – Standing Committees

The Standing Committees shall be:

1. Fundraising
2. Grants
3. Recruitment of Volunteers

Section 2.2 – Board of Directors

The Board of Directors shall consist of the PLEA Foundation Officers, a Program Administrator, and members at large. The number of directors constituting the Board shall not be less than 3 nor more than 10, with the exact number to be set annually by resolution of the existing Board. All newly-elected directors shall commence official duty as June 1 of the year following their election unless otherwise stated at the time of their election.

Section 2.3 – Meetings

Regular meetings of the Board shall be held at least annually at a place and time to be determined. Meetings may be held more but not less frequently by a resolution of the Board. Meetings may be held in person, telephonically or via other electronic media. Special meetings of the Board may be called by the Foundation Board President/Chair Person, or by request of any two (2) Directors.

Section 2.4 – Notice

Notice of any regular or special meeting shall be given at least three (3) days in advance by phone, mail or electronic mail.

Section 2.5 – Quorum

A majority of the Board shall constitute a quorum for the transaction of business at any regular or special meeting of the Board.

Section 2.6 – Attendance

Each member of the Board shall be required to attend the annual meeting and at least fifty percent (50%) of any additional or special meetings each year. Unless excused for cause, failure to meet the attendance requirements shall be grounds for removal of Board membership.

Section 2.7 – Vacancies

Vacancy on the board of directors shall be filled by the appointment of new officers or the appointment of new committee Chair Personships, with new officers or chairs become directors immediately upon appointment.

Article III – Officers

Section 3.1 – Officers

The officers of the Board shall be a President/Chair Person, Vice President, and Secretary/ Treasurer.

Section 3.2 – Election and Term of Office

The officers of the Board shall be elected annually by the Board at its first meeting of each year. Each officer shall hold office until his/her successor shall have been elected.

Section 3.3 – Removal

Any officer of the Board may be removed from office by a majority vote of all Board members.

Section 3.4 – Vacancies

A vacancy in any office shall be filled by a quorum of the Board for the unexpired portion of the term.

Section 3.5 – President/Chair Person

The Chair Person shall preside at all meetings of the Board and shall see that all orders and resolutions of the Board are carried into effect. He/she shall also perform such other duties given by the Bylaws and those as may be assigned from time to time by the Board.

Section 3.6 – Vice President

The Vice President shall perform such duties given by these Bylaws and those as may be assigned from time to time by the Board or the President.

Section 3.7 – Secretary/Treasurer of the Board

The Secretary/Treasurer shall:

- a. record all proceedings of the meetings of the Board and any committees thereof in a book or books to be kept for that purpose;
- b. provide all notices in accordance with the provisions of these Bylaws;
- c. whenever any committee shall be appointed pursuant to a resolution of the Board, furnish the chairperson of such committee with a copy of such resolution;
- d. in general, perform all duties incidental to the office of the Secretary and such other duties as are given by these Bylaws or as may be assigned from time to time by the Board, the Chair Person, and/or the Vice Chair Person.
- e. As treasurer, in addition to one other Board member, will be responsible for check distributions. The treasurer will present a quarterly Treasurer's report to the Board and provide an annual review of all financial documents.

The positions of Secretary and Treasurer may be split between two individuals, with one acting as Secretary and the other acting as Treasurer, when in the determination of the Board of Directors, it will be feasible and practical to do so.

Article IV – Fiscal Year

The fiscal year shall be the calendar year.

Article V – Committees of the Board

The Board shall require a majority vote unless separate committees are established as provided herein below:

- a. The Board may establish one or more committees. Each committee shall have at least one (1) Director as Chair Person, and at least two committee members. Committees may have advisory members who are not Directors. All members of committees shall serve at the pleasure of the Board.
- b. The creation of a committee, special or ad hoc, shall require approval of the number of Directors required by these Bylaws to take action on behalf of the Board.

When establishing a committee the Board shall define:

- Qualifications for membership on the committee, including the selection of non-Board members to the committee;
- The term of committee membership;
- The minimum frequency of meeting and attendance requirements;
- The frequency and type of required reports on committee activities; and
- The specific authority and responsibilities of the committee.

No committee shall have authority to fill vacancies on the Board or to adopt, amend or repeal these Bylaws.

Article VI – Board Function

The Board will provide guidance and leadership to the Foundation Program Administrator and the Corporation.

Article VII – PLEA Foundation Program Administrator

Section 7.1 – Appointment and Responsibilities:

The Foundation Program Administrator is the Chief Executive/President and Administrative Officer of the Organization. The Foundation Program Administrator will be appointed by the Board.

Responsibilities:

1. Through the Board of Directors, the Foundation Program Administrator will identify needs of potential grant recipients consistent with the exempt purposes of the Foundation. This involves a regular evaluation of the needs or the target

community, with recommendations for programs, processes and policies designed to attain PLEA Foundation purpose.

2. The Foundation Program Administrator will serve as the liaison between the Board and the participating individuals and entities. The Program Administrator will collaborate with participating individuals and entities to ensure adequate communication.
3. With assistance from the Secretary/Treasurer, the Program Administrator will be responsible for preparing the budget and maintaining all financial records.
4. Within the budget allocations, the Program Administrator is responsible for purchase, storage and use of the supplies and equipment.

Article VIII – Approval

APPROVED BY:

By: Leah A. McMahon
President/Chair Person

By: George P. McMahon II
Secretary/Treasurer

Date: 10/9/15

Date: 10/9/15



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LGB*
DATE: October 21, 2015
SUBJECT: Wierzbicki et. al. v. Troy

Enclosed please find a copy of a lawsuit that was recently filed against the City of Troy by Troy residents Jacek and Grazna Wierzbicki, Beth Farhat, Fawaz and Maha Hasso, Gregory and Gail Eskridge, Charles and Patricia Moran, Jay and Rucha Patel, Dev and Dimpi Patel, Mark and Dana Thomas, and Kischore and Shridevi Reddy.

The Plaintiffs in this case are seeking an amount in excess of \$600,000 for damages resulting from a sewage back up in the Somerset North subdivision. These Plaintiffs have previously filed and settled a lawsuit against the Somerset Collection and the Capital Grille in which the City provided significant discovery related to the sewage back-up that occurred on November 9, 2013.

Under Michigan law, there is no municipal liability unless Plaintiffs can prove that there was a defect in the sewer system, and that the City knew about the defect and did not timely correct it. In the complaint, Plaintiffs do not allege any defects in the sewage system, but instead claim that the City should have provided even greater maintenance and oversight. This sewer line had been jetted and cleaned just two months prior to the back-up. There were no prior back-ups in this sewer line. The City also was able to demonstrate that our Water and Sewer Department was very proactive in monitoring the sewer system, in light of the fact that it serviced restaurants.

Absent objections from City Council, our office will represent the City's interests. As always, please let us know if you have any questions.

Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT SIXTH JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO. 2015 149 666	NO
--	-----------------------	--------------------------	----

Court address: North Telegraph Road, Pontiac, MI

Court telephone no.:

Plaintiff's name(s), address(es), and telephone no(s).
JACEK WIERZBICKI, GRAZNA WIERZBICKI, GREGORY ESKRIDGE, GAIL ESKRIDGE, BETH FARHAT, FAWAZ HASSO, MAHA HASSO, CHARLES MORAN, PATRICIA MORAN, JAY PATEL, RUCHA PATEL, DEV PATEL, DIPPEPATEL, M&D THOMASETAL

Plaintiff's attorney, bar no., address, and telephone no.
**PHILLIP G. BAZZO P25243
 55 EAST LONG LAKE RD., PMB # 535
 TROY, MI 48085 248-321-8600
 FLOODLAW@COMCAST.NET**

Defendant's name(s), address(es), and telephone no(s).
**CITY OF TROY
 500 WEST BIG BEAVER ROAD
 TROY, MI 48084**

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

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state). (MCR 2.111(C))
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued OCT 16 2015	This summons expires JAN 15 2016	Court clerk Lisa Brown
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*This summons is invalid unless served on or before its expiration date.
 This document must be sealed by the seal of the court.

COMPLAINT Instruction: The following is information that is required to be in the caption of every complaint and is to be completed by the plaintiff. Actual allegations and the claim for relief must be stated on additional complaint pages and attached to this form.

Family Division Cases

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

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

The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
------------	-------	---------

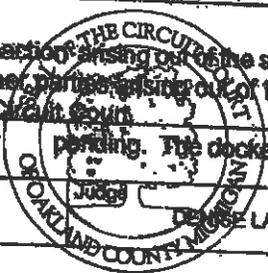
General Civil Cases

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

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

The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no. 2014 140384-NQ	Judge DENISE LANGFORD MORRIS	Bar no.
------------------------------	---------------------------------	---------



VENUE

Plaintiff(s) residence (include city, township, or village) CITY OF TROY, COUNTY OF OAKLAND	Defendant(s) residence (include city, township, or village) CITY OF TROY, OAKLAND COUNTY
Place where action arose or business conducted CITY OF TROY, OAKLAND COUNTY	

Date: 10/16/2015

Signature of attorney/plaintiff: *Phillip G. Bazzo*

If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Received for Filing Oakland County Clerk 2015 OCT 16 PM 04:06

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

JACEK WIERZBICKI, GRAZYNA WIERZBICKI, GREGORY ESKRIDGE, GAIL ESKRIDGE, BETH FARHAT, FAWAZ HASSO, MAHA HASSO, CHARLES MORAN, PATRICIA MORAN, JAY PATEL, RUCHA PATEL, DEV PATEL, DIMPI PATEL, MARK THOMAS, DANA THOMAS, KISHORE REDDY, and SHRIDEVI REDDY, ON BEHALF OF THEMSELVES AND THEIR MINOR CHILDREN, PLAINTIFFS Vs. CITY OF TROY, DEFENDANT	ORIGINAL COMPLAINT CASE NO.: <u>15-149666</u>-NO JDG LANGFORD MORRIS RELATED CASE: 2014-140384- NO RELATED CASE JUDGE: HON. DENISE LANGFORD MORRIS
--	---

ORIGINAL COMPLAINT
TO THE CLERK OF THE COURT:

There are no other presently pending cases arising out of the same occurrence as complained of herein to the best of the undersigned's knowledge. However, there was a prior, dismissed case arising out of the same nucleus of operative facts related to this occurrence entitled "Wierzbicki et al. vs. Doetsch et al.", case no. 2014-140384-NO before the Hon. Denise Langford Morris.



/s/Phillip G. Bazzo
Phillip G. BazzoP25243

The PLAINTIFFS JACEK WIERZBICKI, GRAZYNA WIERZBICKI, GREGORY ESKRIDGE, GAIL ESKRIDGE, BETH FARHAT, FAWAZ HASSO, MAHA HASSO, CHARLES MORAN, PATRICIA MORAN, PATRICIA MORAN, JAY PATEL, RUCHA PATEL, DEV PATEL, DIMPI PATEL, MARK THOMAS, DANA THOMAS, KISHORE REDDY AND SHRIDEVI REDDY, on behalf of themselves and on behalf of their minor children, by and through their attorney PHILLIP G. BAZZO, complain of tortious conduct by the DEFENDANT CITY OF TROY as follows

PARTIES

1. "At all relevant times" prefaces all averment(s) herein unless otherwise evident.
2. **Plaintiffs JACEK WIERZBICKI, GRAZYNA WIERZBICKI, BETH FARHAT, FAWAZ HASSO, GREGORY ESKRIDGE, GAIL ESKRIDGE, MAHA HASSO, CHARLES MORAN, PATRICIA MORAN, PATRICIA MORAN, JAY PATEL, RUCHA PATEL, DEV PATEL, DIPPE PATEL, MARK THOMAS, DANA THOMAS, KISHORE REDDY and SHRIDEVI REDDY RESIDE AND/OR OWN PROPERTY IN THE COUNTY OF OAKLAND, STATE OF MICHIGAN.**
3. **Defendant CITY OF TROY** is a municipal corporation which conducts a continuous and systematic business in the City of Troy, County of Oakland, State of Michigan.
4. The amount in controversy exceeds \$25,000 as to each Plaintiff and as to Defendant and is otherwise within the jurisdiction of this Court.
5. Venue is proper in Oakland County as (1) all parties conduct business in Oakland County, (2) the tortious conduct occurred within Oakland County and (3) Plaintiffs are citizens of Oakland County.

NUCLEUS OF OPERATIVE FACTS

6. **Definitions:** The following definitions apply herein.
 - 6.1. **2011 Warning:** "2011 Warning" refers to the December 8, 2011 Letter by Richard Shepler, Superintendent, City of Troy Water and Sewer Department, in which the City of Troy identifies "massive amounts of grease" in the South Drive Sewers based upon its inspection. See Exhibit 1 hereto.
 - 6.2. **Big Beaver Road:** "Big Beaver Road" is the main road between Coolidge Road on the west and Crooks Road on the east (A) under which is situated the "North Big Beaver Trunk Sewer"

and (B) which divides the Somerset North Mall from the Somerset South Mall, into which Lakeview Drive terminates.

- 6.3. **East Dock:** "East Dock" refers to the southeast loading dock located in the southeast quadrant of the North Somerset Mall.
- 6.4. **Hamlet Sewer:** "Hamlet Sewer" refers to the lateral sanitary sewer which services the homes on Hamlet Drive including the Plaintiffs who resided on Hamlet Drive and which connects to the Lakeview Sewer. The Hamlet Drive sewer receives forms a junction with the "Shakespeare Sewer" and continues in a southwest direction to the Lakeview Sewer.
- 6.5. **Lakeview Sewer:** "Lakeview Sewer" means the sanitary sewer main line under or near Lakeview Drive to which both the South Drive Sewer and the Hamlet Sewer connected.
- 6.6. **Manhole 177:** "Manhole 177" means Manhole 177 of the West Big Beaver Truck Line which is the approximate location of the sanitary sewer obstruction blocking sanitary sewage flow on November 9, 2013.
- 6.7. **Manhole 259:** "Manhole 259" means Manhole 259 situated along the South Drive Sewer located near the East Grease Interceptor.
- 6.8. **North Big Beaver Trunk Sewer:** "North Big Beaver Trunk Sewer" is the sanitary sewer situated underneath or near the easement of Big Beaver Road on the north side between Coolidge Road on the west and Crooks Road on the east. The North Big Beaver Trunk Sewer receives sanitary sewage from the the Lakeview Sewer, the South Drive Sewer, the Hamlet Sewer and the Shakespeare Sewer.
- 6.9. **North Drive:** "North Drive" refers to the drive situated directly north of the north side of the North Somerset Mall. See Exhibit BPV-Mall-1.

- 6.10. **North Drive Sewer:** "North Drive Sewer" means the lateral sanitary sewer near and under the North Drive of the North Mall with a terminus being north of Nordstroms and the sewer proceeding east to Lakeview Drive.
 - 6.11. **North Mall:** "North Mall" means the north mall of the Somerset Collection Mall.
 - 6.12. **Sanitary Sewage System:** "Sanitary Sewage System" means the sanitary sewage system including any and all pipes and sewers which collects sanitary sewage from the North Mall and Plaintiffs' Subdivision.
 - 6.13. **Shakespeare Sewer:** "Shakespeare Sewer" means the lateral municipal sanitary sewer servicing homes on Shakespeare including the Plaintiffs' homes on Shakespeare.
 - 6.14. **Somerset Mall:** "Somerset Mall" means both the south mall and the north mall of the Somerset Collection.
 - 6.15. **South Drive Sewer:** "South Drive Sewer" refers to the lateral sewer situated south of the Somerset North Mall land which begins at its western terminus at or near manhole 20-260 and, proceeding east, traverses from west to east to the following manholes in the following order: manhole 20-261, manhole 20-262, manhole 20-259, manhole 20-258 and man-hole 20-257 at or near the intersection of the South Drive with Lakeview Drive.
 - 6.16. **Sewer Watch List:** "Sewer Watch List" refers to the list maintained by the City of Troy of sewers which the City of Troy watches more carefully due to prior sewer problems including prior grease problems.
 - 6.17. **West Dock:** "West Dock" refers to the loading dock located in the southwest quadrant of the Somerset North Mall.
7. The Plaintiffs are situated in the Somerset North Subdivision immediately north of the North

Somerset Mall in the City of Troy.

8. All sewers identified herein are sewers exclusively owned by and exclusively operated by the City of Troy.
9. The Plaintiffs share a common sanitary sewer lines including the Lakeview Sewer and the North West Big Beaver Trunk Sewer with the North Somerset Mall owned and operated by the City of Troy.
10. The South Drive Sewer is a sanitary sewage line situated under and/or near the South Drive of the North Somerset Mall and is solely and exclusively owned and operated by the City of Troy.
11. The South Drive Sewer drains east into the Lakeview Sewer which is a common sanitary sewer which services the Plaintiffs' homes in the North Somerset Subdivision.
12. Both the Hamlet Sewer and the Shakespeare Sewer drain sanitary sewerage into the Lakeview Sewer.

PRIOR KNOWLEDGE OF GREASE DISCHARGES

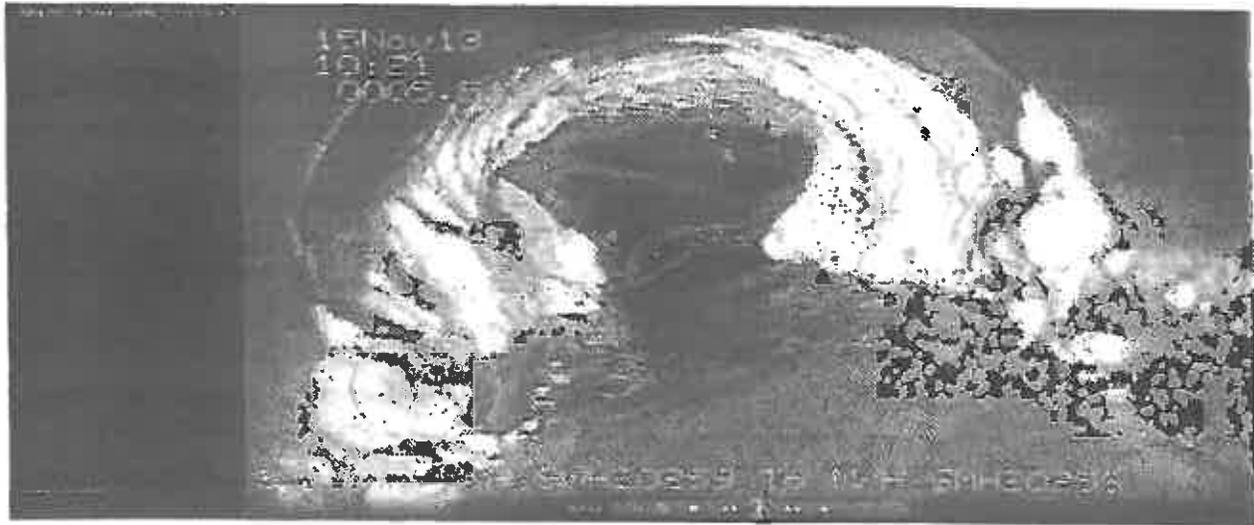
13. On December 5, 2011, the City of Troy became aware that excess grease was being discharged by the North Somerset Mall's grease interceptors into the South Drive Sewer upstream from the Lakeview Sewer posing a risk to the Plaintiffs per the 2011 Warning.
14. Specifically, Richard Sheplar, Superintendent, City of Troy, knew of and was fully aware of "massive amounts of grease" entering the South Drive Sewer of the Troy Sanitary Sewer System:

On December 5, 2011, the Troy Water & Sewer Division discovered during routine cleaning of the City's main sanitary sewer system an excessive amount of grease coming from the sewer lateral of The Somerset Collection on the north side of Big Beaver Rd. Upon further investigation with our video inspection equipment, we found massive amounts of grease in the sanitary sewer system and began immediate cleanup procedures.

15. Complaint Exhibit 1 is the Letter of Richard Shelplar finding massive amounts of grease in the

South Drive Sewer solely and exclusively owned and operated by the City of Troy.

16. These “massive amounts of grease” were located in the South Drive Sewer solely and exclusively operated by the Defendant City of Troy.
17. Despite the City of Troy having actual notice and knowledge of grease accumulations in the City-owned and City-operated South Drive Sewer, the City of Troy failed to monitor the South Drive Sewer for grease deposits on a periodic basis which would allow for detection of grease accumulations.
18. At all relevant times, the City maintained a “Sewer Watch List” for sewers which presented a problem relating to the safe conveyance of sanitary sewage.
19. Specifically, despite the City of Troy having actual notice and knowledge of grease accumulations in the City-owned and City-operated South Drive Sewer, the City of Troy failed to place the South Drive Sewer on the City’s “Sewer Watch List”.
20. After December 2011, the South Drive Sewer continued to accumulate grease deposits.
21. However, the City of Troy failed to do regular weekly, bi-weekly, monthly or proper periodic sewer inspections of the South Drive Sewer.
 - 21.1. Specifically, the City failed to open and inspect the various manholes including manhole number 259 of the South Drive Sewer situated near the East Dock of the North Somerset Mall.
22. If the City of Troy had done a visual inspection and other sewer inspections of the South Drive Sewer before November 9, 2013, then the City of Troy would have seen accumulated grease deposits in its South Drive Sewer including the following condition:

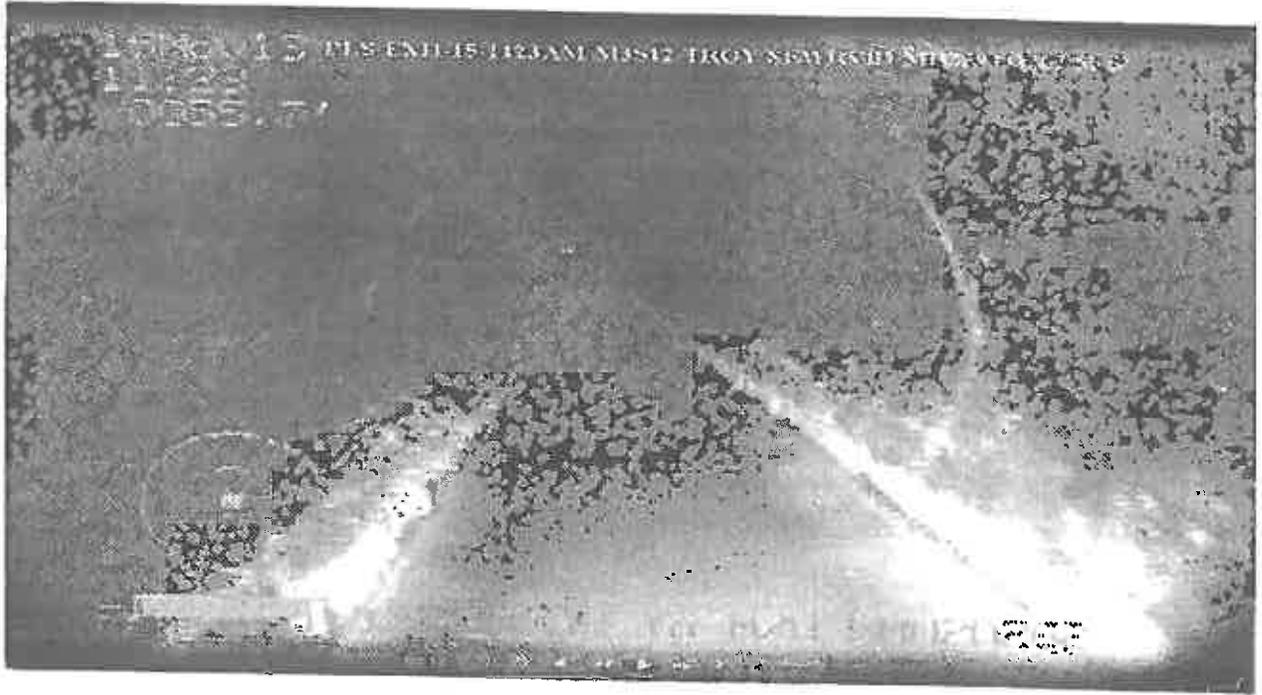


23. Prior to November 9, 2013, the above grease accumulation condition was open and obvious as it was located only 5.5 feet downstream of Manhole No. 259 and readily visualized upon any type of reasonable inspection before November 9, 2013 including but not limited to:

- 23.1. Simply popping Manhole Cover No. 259 and doing a manual visual inspection of the sewer pipe within 6 feet of the manhole;
- 23.2. Conducting a visual inspection using the Troy Sewer Inspection Camera System on one of the Troy Sewer Inspection TV Trucks; and/or
- 23.3. Using other types of visual sewer inspection systems including but not limited to inspection camera and/or inspection mirrors other than the Troy Sewer Inspection TV.

24. Not only was the above open and obvious condition available for inexpensive inspection by the City, but massive open and obvious grease rails coated over 100 feet within the South Drive Sewer.

25. For example, the following grease rails existed prior to and on November 9, 2013 within the South Drive Sewer at the location of 55 feet west of Manhole No. 259 between Manhole No. 262 and No. 259:



26. Prior to November 9, 2013, the above grease rail accumulations were open and obvious defective conditions upon sewer inspection and readily visualized upon any type of reasonable inspection before November 9, 2013 including but not limited to:

26.1. Conducting a visual inspection using the Troy Sewer Inspection Camera System on one of the Troy Sewer Inspection TV Trucks; and/or

26.2. Using other types of visual sewer inspection systems including but not limited to inspection camera and/or inspection mirror other than the Troy Sewer Inspection TV.

27. Prior to November 9, 2013, the City of Troy had adequate time and adequate opportunity to perform inspections including manual inspections, camera inspections and/or TV inspections as these grease accumulations existed in the days, weeks and/or months before November 9, 2013.

28. Due to these grease deposits breaking away from the sewers and traveling downstream, prior to or on November 9, 2013, a large grease ball obstruction formed in the North Big Beaver Trunk Sewer.
29. On November 9, 2013, due to a large grease ball obstruction, raw, untreated sanitary sewage containing feces, urine, and other human waste backed-up due to the grease ball and invaded the Plaintiffs' homes from the Hamlet and Shakespeare municipal sanitary sewers.

DAMAGES

30. As a substantial and proximate cause of these acts and/or omissions by Defendant, Plaintiffs have sustained substantial and significant injury and damage in excess of the jurisdictional limit of this Court as to each household.
31. These substantial damages proximately caused by Defendant to the Plaintiffs include the following damages set forth for purposes of description but not limitation:
- 31.1. With the exception of the Plaintiffs Reddy, the Plaintiffs suffered the following non-economic nuisance damages stated for purpose of description but not limitation and including but not limited to the following non-economic nuisance damages:
- 31.1.1. Plaintiffs inhaled the sewage-laden interior atmosphere including suffering the odors and stench arising from a raw sewage invasion;
- 31.1.2. Plaintiffs came into contact with the raw, untreated sewage including but not limited to their efforts to salvage personal belongings and/or clean-up these sewage invasions;
- 31.1.3. Plaintiffs suffered physical symptomatology associated with breathing and/or contact with the sewage infused air and liquid atmospheres within their homes;
- 31.1.4. Plaintiffs suffered inconvenience and/or annoyance and/or other stress arising from these sewage home invasions;
- 31.2. All Plaintiffs suffered some form of economic loss stated for purposes of description but not limitation and including but not limited to the following economic losses:
- 31.2.1. Plaintiffs suffered total destruction and/or partial destruction of real property or components of the real property including but not limited to damage to wall-to-wall

carpet, drywall, paneling, doors, base molding, base cabinetry and/or other components of the finished lower levels/basements;

- 31.2.2. Plaintiffs suffered total destruction to and/or partial destruction and/or damage to personal property including but not limited to damage to furniture situated in the lower levels/basements;
- 31.2.3. Plaintiffs paid out out-of-pocket expenses, including but not limited to the cost of cleanup, remediation, tearing out drywall, tearing out studs to which the drywall was attached and/or rebuilding their pre-existing finished lower levels/basements;
- 31.2.4. Plaintiffs suffered lost time and additional labor costs including but not limited to the performance of sewage clean-up, the performance and/or coordination of the moving of personal property, the performance and/or coordination of the tear out of real property and/or other related work done causing the loss of time;
- 31.2.5. Plaintiffs suffered loss of use of Plaintiffs' real and personal property;
- 31.2.6. Plaintiffs suffered reduced market value due to having to report under the Michigan Real Estate Disclosure Act facts relating to this sewage invasion;
- 31.2.7. Plaintiffs suffered increase in insurance premiums caused Defendant's conduct;
- 31.3. The Plaintiffs have future remediation and mitigation costs stated for description but not limitation and including but not limited to:
 - 31.3.1. Installation of sewage backflow preventer(s) to prevent a reoccurrence of sewage backups;
 - 31.3.2. Air-quality testing to determine that remediation has fully eliminated air and water borne sewage bacteria, molds and other internal air pollutants due to the sewage backup;
 - 31.3.3. Full repair and restoration of their real property; and
 - 31.3.4. Full replacement and/or restoration of their personal property.
- 31.4. The Plaintiffs suffered other injury and damages, both economic and non-economic;
- 31.5. Plaintiffs suffered these injuries and damages, past, present and into the future; and

COUNT 1: CITY: 691.1416(A) SEWAGE DISPOSAL SYSTEM EVENT EXCEPTION TO GOVERNMENTAL IMMUNITY

32. The Plaintiffs incorporate the foregoing averments herein.

33. Per MCLA Sec. 691.1416(A), the City of Troy was under a duty to properly operate its sanitary sewage system including to perform reasonable inspections at reasonable times to determine any operational problems such as grease accumulations.

34. **Operational Negligence:** Despite full knowledge of these physical defects, the Defendant CITY failed to take any operational action including but not limited to:

34.1. The City failed to place the South Drive Sewer on a the Sewer Watch List;

34.2. The City failed to monitor the South Drive Sewer at any time in October 2013;

34.3. The City failed to properly inspect the South Drive Sewer at reasonable periodic times including the the weeks and months before the November 9, 2013 grease obstruction;

34.4. The City failed to mobilizing its workforce to monitor the South Drive Sewer before November 9, 2013;

34.5. The City failed to perform other operational acts relating to the South Drive Sewer before November 9, 2013.

35. Per M.C.L.A. §691.1416(a), the Plaintiffs owned and/or possessed the affected real property Home Residences which was invaded by sewage from CITY'S Sanitary Subsystem(s) during this November 9, 2013 sewage disposal system events.

36. Per 691.1416(b), the CITY is an "appropriate governmental agency" because the CITY is a governmental agencies that, on the Occurrence Date, operated, controlled and/or owned the Sanitary Subsystem including the South Drive Sewer, Lakeview Sewer and North Big Beaver Trunk Sewer that caused damage to the Plaintiffs.

37. Per M.C.L.A. Sec. 691.141616 (c), the PLAINTIFFS are "claimants" as they owned the real and personal property damaged on the Occurrence Date sewage disposal system events.

- 38. Per M.C.L.A. Sec. 691.1416 (e), maintenance and operational defects existed including but are not limited to the Physical Defects of grease accumulations in the South Drive Sewer.
- 39. Per MCLA Sec. 691.1416 (g), Plaintiffs are "persons" within the meaning of this section.
- 40. Per MCLA Sec. 691.1416 (i), no defects existed within the "service lead" (the instrumentality that connects an affected property, including a structure, fixture, or improvement on the property, to the sewage disposal system and that is neither owned nor maintained by a governmental agency) to the Home Residences.
- 41. Per MCLA Sec. 691.1416 (j), the CITY'S Sanitary Subsystem(s) mean all sanitary interceptor sewers, sanitary sewers, and other sewers, works, instrumentalities, and properties used or useful in connection with the collection, treatment, and disposal of sewage and industrial wastes, under the jurisdiction and control of the CITY which related to servicing the Plaintiffs' Homes.
- 42. Per MCLA Sec. 691.1416 (k), the November 9, 2013 sewage invasions constituted a "sewage disposal system event" because sewer water from the CITY'S Sanitary Subsystem (which is a sewage disposal system) invaded, back flowed, backed-up and entered onto real property of the PLAINTIFFS.
- 43. Per M.C.L.A. §691.1416(2), these trespassory sewer water invasions constitute a sewage disposal system event because the sewer water invaded the Plaintiffs' Homes from the municipal Sanitary Subsystem including the South Drive Sewer, Lakeview Sewer and North Big Beaver Trunk Sewer.
- 44. Per M.C.L.A. §691.1416(2), the CITY is appropriate governmental agencies as it operates and controls the Sewage Subsystem including the South Drive Sewer, Lakeview Sewer and North Big Beaver Trunk Sewer.

45. Per M.C.L.A. §691.1416(3) (a), CITY is an appropriate governmental agency as the operators this Sewage Disposal Subsystem including the South Drive Sewer, Lakeview Sewer and North Big Beaver Trunk Sewer.
46. Per M.C.L.A. §691.1416(3)(b), the sewage disposal system had maintenance and operational defects as set forth above.
47. Per M.C.L.A. §691.1416(3)(c), the CITY knew, or in the exercise of reasonable diligence, should have known, about these physical defects as these defects were known substantially before the Occurrence Date and could have been repaired, corrected or cured substantially before the Occurrence Date.
48. Per M.C.L.A. §691.141 (3) (d), the CITY is the proper governmental agency, having the legal authority to control the Sanitary Subsystem and failed to take reasonable steps in a reasonable amount of time to repair, correct, or remedy the defects.
49. Per M.C.L.A. §691.141 (3) (e), these defects were a substantial proximate cause of the event and the property damage or physical to PLAINTIFFS.
50. Per M.C.L.A. §691.1417(4) (a), the PLAINTIFFS represent that they suffered property damage to their property and will so testify.
51. Per M.C.L.A., §691.1417(4)(b), Plaintiffs complied by providing notice within 45 days.
52. On the Occurrence Dates, Plaintiffs' persons and properties were physically invaded by the contents of the City of Troy's Sanitary Subsystem, a sewage disposal system(s) owned and/or operated by the CITY.
53. On or about the Occurrence Date of November 9, 2013, due to the negligence of the defendant herein, the CITY'S Sanitary Subsystem surcharged with sanitary sewage, causing back flow into

Plaintiffs' homes.

54. The Sanitary Subsystem Sewage Disposal System that serviced Plaintiffs' properties had a maintenance and/or operation and/or repair defect about which CITY knew, or in the exercise of reasonable diligence, should have known including but not limited to physical defects of accumulated grease deposits in the City sewers which resulted in sanitary sewage invading the Plaintiffs' homes.
55. CITY had the legal authority to repair, correct and/or remedy the defect(s) as the CITY conducted an investigation into the causes of these sewage disposal system events which occurred on the Occurrence Date.
56. The CITY failed to take reasonable steps in a reasonable amount of time to repair, correct or remedy the defects as the CITY knew or should have known of these defects for weeks and/or months before these sewage disposal events.
57. The CITY failed to take any corrective action to prevent these sewage disposal system events including failing to properly, reasonably and timely inspect the South Drive Sewer.
58. As a substantial and proximate cause of these acts and/or omissions by the CITY, the Plaintiffs sustained the damages earlier set forth herein.

WHEREFORE, Plaintiffs request relief against the Defendant City as set forth herein in the Relief Section.

COMMON RELIEF

The PLAINTIFFS JACEK WIERZBICKI, GRAZYNA WIERZBICKI, GREGORY ESKRIDGE, GAIL ESKRIDGE, BETH FARHAT, FAWAZ HASSO, MAHA HASSO, CHARLES MORAN, PATRICIA MORAN, PATRICIA MORAN, JAY PATEL, RUCHA PATEL, DEV PATEL, DIPPE PATEL, MARK THOMAS AND DANA THOMAS, on behalf of themselves and their children, request the following relief against the DEFENDANT CITY OF TROY as follows:

- A. The award of compensatory damages in excess of \$25,000 as to each plaintiff including damages to install a mitigation system to prevent any future sewage invasion;
- B. The award of attorney fees and court costs; and
- C. Such other relief which this Court deems just and right.



Date: Friday, October 16, 2015

/s/Phillip G. Bazzo
Phillip G. Bazzo P25243
Attorney for Plaintiffs
55 East Long Lake Rd., No. 535
Troy, MI 48085
(248) 321-8600

500 W. Big Beaver
Troy MI 48084
(248) 524-3300

The City of Tomorrow...



...Today

December 8, 2011

Somerset Collection
2600 Big Beaver Rd. Suite 300
Troy MI. 48084
Attn. Mark Fortner & John Myszak

Dear Gentleman,

On December 5, 2011, the Troy Water & Sewer Division discovered during routine cleaning of the City's main sanitary sewer system an excessive amount of grease coming from the sewer lateral of The Somerset Collection on the north side of Big Beaver Rd. Upon further investigation with our video inspection equipment, we found massive amounts of grease in the sanitary sewer system and began immediate cleanup procedures.

This condition violates many sections of the City of Troy's Ordinance Code, specifically Chapter 19 Sections 19.05.02 & 19.06.02 (copy enclosed). Please be advised that this is your one and only warning. Any future violations will result in immediate court action.

Please contact me if you have any questions or want to discuss this matter with me. We will be monitoring this situation in the future. I can be reached at 248-524-3395.

Thank you for your attention to this matter.

Sincerely,

Richard Shepler
Water & Sewer Superintendent
r.shepler@troymt.gov

EXHIBIT THREE
WIERZBICKI V. DOETSCH
REQUEST FOR ADMISSIONS
NOV. 28, 2014

I SPOKE WITH MARK FORTNER ON THE PHONE 1-4-12. TOLD HIM WE HAVE CLEANED AND TELEVIEWED ENTIRE SOMERSET NORTH SEWER. THEY ARE NOW CLEAN THEY WILL BE ON A 1 YEAR SCHEDULE. JOHN MYSEK HAS TAKEN THIS LETTER TO ALL RESTAURANTS IN SOMERSET NORTH FOR THEIR KNOWLEDGE AND CLEANUP OF THEIR GREASE TRAPS.

www.troymt.gov

Ruliffe - 1-4-12

WIERZBICKI-ORIG.COMPLAINT EXH. 1

Received for Filing Oakland County Clerk 2015 OCT 16 PM 02:00

TREADWELL & ASSOCIATES, INC., REALTORS

15032 FORT STREET, SOUTHGATE, MICHIGAN, 48195-1301
Phone 734.282.2123 Fax 734.282.7822 Email TREADWELLASSOC@MSN.COM

SOMERSET NORTH SUBDIVISION SEWER BACKUP TROY, MICHIGAN

Appraisal Report for Eight Houses Impacted by Sewer Back-up
Date Written: June 17, 2015
Date of Value: November 9, 2013

Prepared for: Phillip G. Bazzo, Esq.
55 East Long Lake Road, No. 535
Troy, Michigan 48085-4738

Authorized by: Phillip G. Bazzo

Prepared by: Donald H. Treadwell, Jr., MAI
President

TREADWELL & ASSOCIATES, INC.
15032 Fort Street
Southgate, Michigan 48195

(734.282.2123)

TREADWELL & ASSOCIATES, INC., REALTORS

15032 FORT STREET, SOUTHGATE, MICHIGAN, 48195-1301
Phone 734.282.2123 Fax 734.282.7822 Email TREADWELLASSOC@MSN.COM

June 17, 2015

Phillip G. Bazzo, Esq.
55 East Long Lake Road, No. 535
Troy, MI 48085-4738

Re: Somerset North Subdivision
Sewer Backup
Troy, Michigan

Ladies and Gentlemen:

In accordance with your request, we have examined the above referenced properties to estimate the market value of the single-family houses if they were not adversely impacted by the backup of sanitary sewage into the basement areas and their value given the past sewer backup and risk of future backups. The value estimates are for the purpose of deriving an estimate of the damages caused by this problem. The estimate is to be utilized in conjunction with litigation between the property owners and the owners of the Somerset Mall.

The properties appraised are single-family residences. It is our understanding that the primary occupant of each property is the owner with one exception set forth in the subject property details.

The client is Phillip G. Bazzo, Attorney at Law, acting on behalf of the defendants in the case. The appraisal report was authorized by Phillip G. Bazzo and a retainer was paid. The appraisal report is intended to be utilized in the determination of damages through court proceedings and may be utilized by all parties to those proceedings in conjunction with the analysis of the appropriate damages.

The report is not intended to be utilized by any other parties for any other purpose without the specific authorization of the appraiser.

In the event testimony by the appraiser is required at deposition or trial, an additional hourly fee is required.

The fee simple estate is appraised.

The assignment is to prepare an Appraisal Report of the subject properties, valuing each property individually. The data, analysis, and conclusions are in conformance with the current Uniform Standards of Professional Appraisal Practice (USPAP). The data, analysis, and conclusions are considered to be presented in an Appraisal Report prepared in conformance with Standards Rule 2-2(a) of the current Uniform Standards of Professional Appraisal Practice (USPAP).

The subject properties were inspected during March of 2015. The effective date of the appraisal report is May 1, 2014, reflecting the date on which the city of Troy data was researched. The search for market data covered the period from January of 2011 through May of 2015. The diminution in value occurred on November 9, 2013, and the estimated property damages are based on the property values estimated as of November 9, 2013, the date of the sanitary sewer backup.

TREADWELL & ASSOCIATES, INC., REALTORS

15032 FORT STREET, SOUTHGATE, MICHIGAN, 48195-1301

Phone 734.282.2123 Fax 734.282.7822 Email TREADWELLASSOC@MSN.COM

The value estimates of the subject properties, in both the "before" and the "after" analyses, are predicated on no environmental contamination or problems other than the risk of future sewage backup in the "after" analyses. Except for the specific items noted within the appraisal, the structures and site improvements are assumed to be in sound condition and all mechanical systems being fully operable. The "before" value estimates are premised on the basement finishes being in a condition consistent with the remainder of the house and the information provided by the owners. The condition observed at the time of the inspection, for most of the properties, was reported to be equivalent to the level of finish that existed prior to the sanitary sewage backup.

The accompanying report includes a complete legal description, a description of the premises and the surrounding area together with other data which we have discovered during our investigation, analysis and the conclusions drawn therefrom.

In our opinion, the market values of the following described properties and the damages created by the potential for future sewer backup, subject to the limiting conditions and assumptions set forth within this appraisal report, as of November 9, 2013, are:

VALUE ANALYSIS SUMMARY

ADDRESS	BEFORE VALUE	AFTER VALUE	DAMAGES
3389 Shakespeare	\$464,000	\$409,000	\$55,000
3390 Shakespeare	\$550,000	\$490,000	\$60,000
3405 Shakespeare	\$586,000	\$526,000	\$60,000
3422 Shakespeare	\$580,000	\$520,000	\$60,000
3438 Shakespeare	\$560,000	\$550,000	\$10,000
1512 Hamlet	\$600,000	\$540,000	\$60,000
1525 Hamlet	\$650,000	\$590,000	\$60,000
1528 Hamlet	\$650,000	\$590,000	\$60,000

Respectfully submitted,

TREADWELL & ASSOCIATES, INC.

*Donald H.
Treadwell, Jr.*

*Digitally signed by Donald H.
Treadwell, Jr.
DN: cn=Donald H. Treadwell, Jr.,
o=Treadwell and Associates, Inc., c=,
email=treadwell@treadwell.com, ou=MAI,
ou=MAI
Date: 2013.06.17 13:11:11 -0400*

Donald H. Treadwell, Jr., MAI
President

Mr. Treadwell is a member of the Appraisal Institute holding the MAI designation and is a Certified General Real Estate Appraiser under the laws of the State of Michigan, Identification Number 1201000263.

A meeting of the Downtown Development Authority was held on Wednesday, April 15, 2015 in the Lower Level Conference room, City Hall, 500 W. Big Beaver, Troy, Michigan. Chairman Alan Kiriluk called the meeting to order at 7:35 AM.

Present:	Kiriluk, Alan	
	Hay, David	
	Keisling, Larry	
	Knight, P. Terry	
	MacLeish, Dan	
	Randol, Ward	
	Reschke, Ernest	
	Slater, Mayor Dane	
	Blair, Tim	
Absent:	Bostick, Dennis	
	Jonna, Arkan	
	Papa, Albert	
	Schroeder, Douglas	
Also Present:	Miller, Mark, <i>Executive Director</i>	
	Darling, Thomas, <i>Secretary/Treasurer</i>	
	Kischnick, Brian	
	Lori Bluhm	
	Bovenseip, Kurt	
	Hughes, Maggie	
	Savidant, Brent	

Minutes

Resolution: DDA-2015-04-02

Moved by: Randol

Seconded by: MacLeash

RESOLVED, That the Minutes of the February 18, 2015 regular meeting be approved.

Yeas: 9

Absent: 4

Old Business – None

New Business – 2015-16 Budget Approval

Mark Miller, Director of Economic and Community Development reviewed the 2016-2018 Budget. He also reviewed the restructure of the DDA and showed the success in tax capture. There are no Administrative expenses until 2017. Also noted were enhancements to street maintenance. No funds will be borrowed from the city's General Fund.

Resolution: DDA-2015-04-03

Moved by: Reschke
Seconded by: MacLeash

RESOLVED, That the 2015-16 TDDA Three-Year Budget be approved.

Yeas: 9
Absent: 4

New Business – Troy Roads Rock Update

Kurt Bovensiep, Public Works Manager reviewed the Troy Roads Rock program noting 2014/2015 projects including Big Beaver, John R and Dequindre as well as asphalt overlay projects for Long Lake, Square Lake, Coolidge, Crooks and Wattles. Mr. Bovensiep noted that Tri Party funds will be utilized; 1/3 from the County and 1/3 from the Road Commission for Oakland County totaling \$300,000 for John R and Livernois roads.

MacLeash commended the city for road conditions and using concrete roads as they hold up better than asphalt.

New Business – Planning and Development Report

Brent Savidant, Planning Director reviewed the planning and development report. Projects noted were:

- Galleria of Troy (Phase 2)
- Detroit Medical Center Children's Outpatient Clinic
- Kresge Foundation Headquarters Expansion
- Multi-Tenant Development – Northeast corner of Big Beaver and Talbot

Mark Miller commented that the DMC colors on the building are more appealing than what the pictures indicated.

Public Comment

None

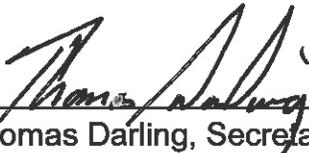
Alan Kiriluk inquired about having a speaker phone for meetings. Attorney Lori Bluhm indicated that due to the open meetings act, they cannot be counted towards the quorum and their vote would not count.

This meeting was adjourned at 8:00 AM.

The next regular meeting of the Troy Downtown Development Authority is scheduled for Wednesday October 20, 2015 at 7:30 AM.



Alan Kiriluk, Chairman



Thomas Darling, Secretary

Final Minutes Troy Brownfield Redevelopment Authority
Annual Meeting - April 21, 2015

The meeting was called to order at 3:01 p.m. in the Council Boardroom, Troy City Hall by Chairperson Joseph Vassallo.

Members Present: Joseph Vassallo (Chair)
Rosemary Kornacki (Vice Chair)
Theodore Dziurman
Robert Swartz

Members Absent: Mary Kerwin

Also Present: Lori Bluhm, City Attorney
Tom Darling, Director of Financial Services (present during budget discussion)
Glenn Lapin, Economic Development Specialist
Mark F. Miller, Director of Economic & Community Development
Steve Schafer, Schafer Development

ELECTION OF OFFICERS (Chairperson, Vice-Chairperson and Secretary/Treasurer)

Resolution # BRA 2015-04-01

Moved by Dziurman

Seconded by Swartz

RESOLVED, that Joseph Vassallo be elected as Chairperson, Rosemary Kornacki be elected as Vice Chairperson and Mark F. Miller be elected as Secretary/Treasurer.

Yeas: 4

Nays: 0

2015 REGULAR MEETING SCHEDULE

2015 BRA meetings are scheduled on April 21st and October 20th at 3:00 pm. Meetings are held in the Council Boardroom at Troy City Hall.

APPROVAL OF MINUTES FROM OCTOBER 21, 2014

Resolution # BRA 2015-04-02

Moved by Dziurman

Seconded by Swartz

RESOLVED, that the BRA approve the minutes of the October 21, 2014 regular meeting.

Yeas: 4

Nays: 0

Final Minutes Troy Brownfield Redevelopment Authority
Annual Meeting - April 21, 2015

OLD BUSINESS

None

NEW BUSINESS

A. 2015-16 and 3-Year BRA Budget

Mark F. Miller provided an overview of the budget to the BRA and answered questions related to it. Tom Darling joined the meeting and answered questions on the budget and provided an explanation of the Unassigned Fund Balance line.

Resolution # BRA 2015-04-03
Moved by Swartz
Seconded by Dziurman

RESOLVED, that the BRA approve the 2015-16 and 3-Year Budget.

Yeas: 4
Nays: 0

B. Update of potential Brownfield Redevelopment Plan #7 – The Mark of Troy, 2785 W. Maple Road

Mark F. Miller provided an overview of the proposed project. Project Developer Steve Schafer provided additional project information and answered questions. The developer is proposing a 246-unit apartment complex at the McGregor industrial site located on W. Maple Road at Axtell. The developer intends to submit an application for BRA assistance to address various qualified project expenditures. A special BRA meeting will be scheduled to review and make a recommendation regarding the application.

BOARD MEMBER COMMENT

General discussion took place.

PUBLIC COMMENT

None

Meeting was adjourned at 4:00 p.m.

The next scheduled meeting is October 20, 2015 – 3:00 p.m.

Final Minutes Troy Brownfield Redevelopment Authority
Annual Meeting - April 21, 2015

J J Vassallo *10-20-15*
Chairperson Date

[Signature] *OCT 20 2015*
Secretary Date

The Regular meeting of the Building Code Board of Appeals was called to order at 3:00 p.m. on August 5, 2015 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Members Present

Brian Kischnick
Michael Morris
Andrew Schuster

Members Absent

Theodore Dziurman, Chair
Gary Abitheira

Support Staff Present:

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

Also Present:

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

Moved by: Schuster
Support by: Morris

RESOLVED, That Brian Kischnick conduct the meeting in the absence of the Chair and Vice Chair.

Yes: All present (3)
Absent: Dziurman, Abitheira

MOTION CARRIED

2. APPROVAL OF MINUTES

Moved by: Morris
Support by: Schuster

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

Yes: All present (3)
Absent: Dziurman, Abitheira

MOTION CARRIED

3. HEARING OF CASES

- A. **VARIANCE REQUEST, TERRANCE ULCH II FOR AVER SIGN COMPANY, 840 W. LONG LAKE** – A variance to the Sign Code to allow installation of three wall signs with a combined total size of 658 square feet. The Sign Code allows one wall sign not to exceed 200 square feet in area on the building.

Mr. Grusnick reported the department received no written responses to the public hearing notices.

Terrance Ulch of Aver Sign Company and Dan Leming of New World Systems were present.

Mr. Kischnick opened the floor for public comment. Acknowledging there was no one present to speak, the floor was closed.

Moved by: Morris
 Support by: Schuster

RESOLVED, To grant the variance as requested with a condition that there be no additional signage for tenants on the building in the future, for the following reason:

- 1. The variance does not adversely affect properties in the immediate vicinity of the proposed sign.

Discussion on motion on the floor.

Mr. Kischnick disclosed the City has contracted with New World Systems for its services. Mr. Kischnick asked the record to reflect that he has no personal interest in New World Systems with the exception that in the capacity of City Manager to possibly make a recommendation to City Council. Mr. Kischnick said in light of the absence of two Board members, he would not abstain and vote on the matter so it can go forward.

Vote on the motion on the floor.

Yes: All present (3)
 Absent: Dziurman, Abitheira

MOTION CARRIED

B. VARIANCE REQUEST, LEON LaBRECQUE OF LJPR LLC, 5480 CORPORATE –

A variance to the Sign Code to allow installation of a second wall sign that is 42 square feet in area. The Sign Code allows one wall sign not to exceed 200 square feet in area on the building. There is currently a 64 square foot wall sign on the building.

Mr. Grusnick reported the department received no written responses to the public hearing notices.

Michael Stephens of Signarama and Leon LaBrecque and Anne Whipple of LJPR LLC were present.

Mr. Kischnick opened the floor for public comment. Acknowledging there was no one present to speak, the floor was closed.

Moved by: Schuster
Support by: Morris

RESOLVED, To grant the variance as requested, for the following reason:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 85.

Yes: All present (3)
Absent: Dziurman, Abitheira

MOTION CARRIED

4. COMMUNICATIONS

None.

5. PUBLIC COMMENT

None.

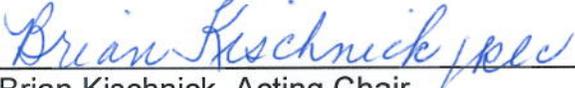
6. MISCELLANEOUS BUSINESS

None.

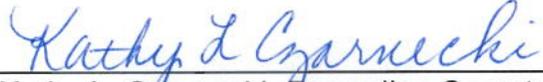
7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:30 p.m.

Respectfully submitted,



Brian Kischnick, Acting Chair



Kathy L. Czarnecki, Recording Secretary

G:\Building Code Board of Appeals Minutes\2015\Final\2015 08 05 Regular Meeting_Final.doc

A Meeting of the Civil Service Commission (Act 78) was held Thursday, August 27, 2015 at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chairman/President McGinnis called the meeting to order at 7:30 AM.

A. ROLL CALL:

PRESENT: Chairman/President Donald E. McGinnis, Jr.
Commissioner David Cannon

ALSO PRESENT: Lori Grigg Bluhm, City Attorney
Gary Mayer, Police Chief
Aileen Dickson, City Clerk
Jeanette Menig, Human Resources Director
Thomas Gordon, Police Lieutenant
Brooke Insana, Human Resources Coordinator

ABSENT: Commissioner John Steele

B. APPROVAL OF MINUTES:

1. Approval of Minutes of Friday, August 7, 2015

Resolution #CSC-2015-08-011
Moved by Cannon
Seconded by McGinnis

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **APPROVES** the Minutes of the Friday, August 7, 2015, meeting as presented.

Yes: McGinnis, Cannon
No: None
Absent: Steele

MOTION CARRIED

C. PETITIONS AND COMMUNICATIONS: None

D. REPORTS: None

E. OLD BUSINESS: None

F. NEW BUSINESS:

1. Approval of Eligible List for Police Officer

Resolution #CSC-2015-08-012
Moved by Cannon

Seconded by McGinnis

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the eligible list for Police Officer as **PRESENTED**.

Yes: Cannon, McGinnis
No: None
Absent: Steele

MOTION CARRIED

PUBLIC COMMENT: None

G. ADJOURNMENT:

The Civil Service Commission (Act 78) meeting **ADJOURNED** at 7:33 AM.



Donald E. McGinnis, Jr., Chairman



M. Aileen Dickson, City Clerk

Chair Edmunds called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on September 22, 2015 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Ollie Apahidean
 Karen Crusse
 Donald Edmunds
 Carlton M. Faison
 Tom Krent
 Padma Kuppa
 Philip Sanzica
 John J. Tagle

Absent:

Michael W. Hutson

Also Present:

R. Brent Savidant, Planning Director
 Ben Carlisle, Carlisle/Wortman Associates, Inc.
 Allan Motzny, Assistant City Attorney
 Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

It was the consensus of the Board and staff to incorporate the Zoning Board of Appeals and Planning and Zoning reports under Agenda item #10, Planning Commission Comment.

3. APPROVAL OF MINUTES

Resolution # PC-2015-09-057

Moved by: Sanzica
 Seconded by: Crusse

RESOLVED, To approve the minutes of the August 25, 2015 Regular meeting as submitted.

Yes: All present (8)
 Absent: Hutson

MOTION CARRIED

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

PLANNED UNIT DEVELOPMENT

5. **PLANNED UNIT DEVELOPMENT APPLICATION (PUD 014)** – Proposed Stonecrest Planned Unit Development, East side of Livernois between Big Beaver and Wattles, Section 22, Currently Zoned R-1E (One Family Residential) District

Mr. Carlisle gave an overall review of the proposed Stonecrest Assisted Living PUD development and the approval process of a Planned Unit Development application. He reported the application meets the PUD standards. He addressed the public benefit to include improvements for the development of a City park and trailhead. Mr. Carlisle recommended the Planning Commission recommend approval of the Preliminary Site Plan with the conditions as identified in his report dated September 11, 2015.

Mark Pomerence, Vice President of Operations for North Point Development, gave a summary of the project. He said meetings were held with City staff, homeowners' associations and property owners within a radius of 300 feet of the proposed development. Mr. Pomerence identified revisions to the site plan to address concerns of the property owner abutting directly to the south; additional screening, preservation of two existing trees, stormwater management, light and noise pollution.

Mr. Pomerence said the height of the building would not exceed 38 feet. He stated they would comply with all the conditions as identified in the Planning Consultant report.

PUBLIC HEARING OPENED

Joe Peterson, 118 Scottsdale, expressed opposition; not a good fit for the residential neighborhood, concerns with traffic, flooding, public notification.

Joyce Peterson, 118 Scottsdale, expressed opposition; not a good fit for the area, concerns with operations of such a facility, setback/screening from Livernois, public notification.

Duane Kristofice, 3404 Talbot, asked the applicant to acknowledge revisions to the site plan that was agreed to in their discussion.

Steve Toth, 2312 Niagara, spoke in favor.

PUBLIC HEARING CLOSED

Mr. Pomerence offered apologies to Duane Kristofice. He said additional evergreens would be planted, no less than five trees on the southeast corner, as promised; as well, noise and light pollution would be addressed.

Resolution # PC-2015-09-058

Moved by: Sanzica
Seconded by Krent

WHEREAS, The applicant NP Senior Living Development LLC submitted an application for a Planned Unit Development (PUD), located on the east side of Livernois, between Big Beaver and Wattles in Section 22; and

WHEREAS, The site abuts a City park site which is presently undeveloped but is proposed to include a trailhead and dog park; and

WHEREAS, The applicant is proposing a partnership with the City to increase the overall development potential of the subject site while also assisting the City with developing the park site; and

WHEREAS, The applicant intends to develop a 100-bed convalescent and nursing facility with thirty-seven (37) parking spaces on the subject property, while preserving a significant portion of wetlands on the eastern half of the site; and

WHEREAS, The applicant proposes a number of improvements to the City property including site grading work, sidewalks, construction of detention basin, and construction of eighty (80) shared parking spaces to be used by visitors to the facility and City park; and

WHEREAS, The proposed revision to the PUD meets the Standards for Approval set forth in Section 11.03.

BE IT RESOLVED, That the Planning Commission recommends to City Council that Concept Development Plan Approval and Preliminary Development Plan Approval for the proposed Stonecrest Planned Unit Development, including improvements and layout for the City park property, be granted, subject to the following:

1. Height of the structure shall not exceed 38 feet.
2. All area located outside of the “limits of tree removal” be placed in a conservation easement.
3. Applicant should add bike parking to the assisted living site and city park.
4. Submit a detailed landscape plan with species and sizes indicated.
5. Screen the southern row of parking from the adjacent single-family property.
6. Break up row of 28 spaces along south side of property with landscape peninsula.
7. Indicate trash enclosure screening.
8. Submit a lighting plan including fixtures and photometrics.
9. Additional evergreens on the southeast side of the property, as promised by applicant, to be provided for screening 3404 Talbot.

Discussion on the motion on the floor.

Mr. Krent identified buildings of similar height range (Zion Church, Walsh College) noting the proposed development is not an anomaly in this area.

Vote on the motion on the floor.

Yes: All present (8)
Absent: Hutson

MOTION CARRIED

- 6. PUBLIC HEARING - STREET VACATION REQUEST (SV 190) – Alley between Vermont and Birchwood, Abutting parcels 88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029 on the west and parcels 88-20-27-353-012 and 021 on the east, Section 27, Currently Zoned MR (Maple Road) and R-1E (One Family Residential) Districts (abutting properties)

Mr. Savidant reported the vacation request is consistent with previous requests to vacate portions of the same alley. Mr. Savidant said City Management recommends approval of the alley vacation request as submitted, subject to the condition that an overhead utility easement is maintained.

Present were Dennis Cowan of Plunkett Cooney and Jerome Amber of Amber Properties Company.

Mr. Cowan said the proposed vacation has been discussed with the abutting property owner on Birchwood but they have not been successful making contact with the property owner on Vermont.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2015-09-059

Moved by: Krent
Seconded by: Tagle

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for an alley located east of Livernois, between Vermont and Birchwood, approximately 18 feet wide by 240 feet in length, abutting Lots 65 through 54 and lots 454 and 455 of Addison Height, Section 27, be approved, subject to the following:

- 1. An easement shall be maintained for overhead utilities.

Yes: All present (8)
Absent: Hudson

MOTION CARRIED

SITE CONDOMINIUM DEVELOPMENT REVIEW

- 7. PRELIMINARY SITE PLAN REVIEW – Proposed Casca Villa Site Condominium, 4 units/lots, North side of Andrew Drive between Crooks and Granger, Section 4, Currently Zoned R-1B (One Family Residential) District

Mr. Carlisle reviewed the application for Casca Villa. He recommended approval of the Preliminary Site Condominium Plan with the conditions as identified in his report dated September 8, 2015. He clarified that the berming and screening is along the western property line, not southern, as indicated in his report.

The applicant Anthony Randazzo was present.

There was discussion on the proposed landscaping and notations of the berm and plantings on the landscape plan prior to Final Site Plan approval.

Chair Edmunds opened the floor for public comment. There was no one present; the floor was closed for public comment.

Resolution # PC-2015-09-060

Moved by: Kuppa
Seconded by: Krent

RESOLVED, That Preliminary Site Condominium Approval, pursuant to Article 8 and Section 10.02 of the Zoning Ordinance, as requested for Casca Villa Site Condominium, 4 units/lots, north side of Andrew Drive between Crooks and Granger, Section 4, currently zoned R-1B (One Family Residential) District, be granted, subject to the following:

- 1. Clarify berming and screening on the Landscape Plan along the western property line to indicate the planting of a berm and evergreen trees spaced 12 feet as shown on the Site Plan.
- 2. Clarify sidewalk location with Engineering.

Yes: All present (8)
Absent: Hutson

MOTION CARRIED

8. MASTER PLAN UPDATE – Boomers and Shakers Forum

Mr. Savidant gave a report on the Boomers and Shakers Forum and an update on adoption of the Master Plan.

9. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

10. PLANNING COMMISSION COMMENT

Mr. Sanzica gave a report on the September 15, 2015 Zoning Board of Appeals (ZBA) meeting. He shared the following resolution passed by the Board.

Moved by Courtney
 Seconded by Eisenbacher

RESOLVED, to request the Planning Department and Planning Commission review the setbacks on major thoroughfares in the RT Zoning classification. It is the Board’s opinion that the front yard setback should be 25 feet, which it was in the past.

Yes: All

MOTION PASSED

It was asked of Mr. Savidant to provide members of the ZBA with the list of potential zoning ordinance amendment recommendations.

Mr. Motzny addressed settlement of the recent lawsuit related to the Transit Center.

Mr. Savidant addressed the following Planning and Zoning items.

- ZOTA 247 Oil and Gas Extraction
- ZOTA 248 Woodland Protection

There was discussion on the meeting room venue for scheduled public hearings and study items.

The Regular meeting of the Planning Commission adjourned at 8:26 p.m.

Respectfully submitted,

Donald Edmunds, Chair

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2015 PC Minutes\Draft\2015 09 22 Regular Meeting_Draft.doc

Chair Edmunds called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on September 22, 2015 in the Council Chamber of the Troy City Hall.

1. ROLL CALL

Present:

Ollie Apahidean
 Karen Crusse
 Donald Edmunds
 Carlton M. Faison
 Tom Krent
 Padma Kuppa
 Philip Sanzica
 John J. Tagle

Absent:

Michael W. Hutson

Also Present:

R. Brent Savidant, Planning Director
 Ben Carlisle, Carlisle/Wortman Associates, Inc.
 Allan Motzny, Assistant City Attorney
 Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

It was the consensus of the Board and staff to incorporate the Zoning Board of Appeals and Planning and Zoning reports under Agenda item #10, Planning Commission Comment.

3. APPROVAL OF MINUTES

Resolution # PC-2015-09-057

Moved by: Sanzica
 Seconded by: Crusse

RESOLVED, To approve the minutes of the August 25, 2015 Regular meeting as submitted.

Yes: All present (8)
 Absent: Hutson

MOTION CARRIED

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

PLANNED UNIT DEVELOPMENT

5. **PLANNED UNIT DEVELOPMENT APPLICATION (PUD 014)** – Proposed Stonecrest Planned Unit Development, East side of Livernois between Big Beaver and Wattles, Section 22, Currently Zoned R-1E (One Family Residential) District

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Mr. Pomeranke said the height of the building would not exceed 38 feet. He stated they would comply with all the conditions as identified in the Planning Consultant report.

PUBLIC HEARING OPENED

Joe Peterson, 118 Scottsdale, expressed opposition; not a good fit for the residential neighborhood, concerns with traffic, flooding, public notification.

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Duane Kristofice, 3404 Talbot, asked the applicant to acknowledge revisions to the site plan that was agreed to in their discussion.

Steve Toth, 2312 Niagara, spoke in favor.

PUBLIC HEARING CLOSED

Mr. Pomeranke offered apologies to Duane Kristofice. He said additional evergreens would be planted, no less than five trees on the southeast corner, as promised; as well, noise and light pollution would be addressed.

Resolution # PC-2015-09-058

Moved by: Sanzica
Seconded by Krent

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Vote on the motion on the floor.

Yes: All present (8)
 Absent: Hutson

MOTION CARRIED

- 6. PUBLIC HEARING - STREET VACATION REQUEST (SV 190) – Alley between Vermont and Birchwood, Abutting parcels 88-20-27-353-001, 002, 003, 004, 005, 006, 007, 008 and 029 on the west and parcels 88-20-27-353-012 and 021 on the east, Section 27, Currently Zoned MR (Maple Road) and R-1E (One Family Residential) Districts (abutting properties)

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Mr. Cowan said the proposed vacation has been discussed with the abutting property owner on Birchwood but they have not been successful making contact with the property owner on Vermont.

PUBLIC HEARING OPENED

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PUBLIC HEARING CLOSED

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Absent: Hudson

MOTION CARRIED

SITE CONDOMINIUM DEVELOPMENT REVIEW

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Chair Edmunds opened the floor for public comment. There was no one present; the floor was closed for public comment.

Resolution # PC-2015-09-060

Moved by: Kuppa
Seconded by: Krent

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- 2. Clarify sidewalk location with Engineering.

Yes: All present (8)
Absent: Hutson

MOTION CARRIED

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9. PUBLIC COMMENT – Items on Current Agenda

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Seconded by Eisenbacher

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Yes: All

MOTION PASSED

It was asked of Mr. Savidant to provide members of the ZBA with the list of potential zoning ordinance amendment recommendations.

Mr. Motzny addressed settlement of the recent lawsuit related to the Transit Center.

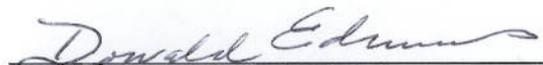
Mr. Savidant addressed the following Planning and Zoning items.

- ZOTA 247 Oil and Gas Extraction
- ZOTA 248 Woodland Protection

There was discussion on the meeting room venue for scheduled public hearings and study items.

The Regular meeting of the Planning Commission adjourned at 8:26 p.m.

Respectfully submitted,



 Donald Edmunds, Chair

Kathy L. Czarnecki
Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2015 PC Minutes\Final\2015 09 22 Regular Meeting_Final.doc

A meeting of the Troy Election Commission was held September 25, 2015, at City Hall, 500 W. Big Beaver Road. City Clerk Dickson called the Meeting to order at 8:10 AM.

Roll Call:

PRESENT: M. Aileen Dickson – City Clerk, Harry Philo
ABSENT: David Anderson

Approval of Minutes

Resolution #EC-2015-09-08
Moved by Philo
Seconded by Dickson

RESOLVED, That the following Minutes are **APPROVED** as submitted:

Election Commission Meeting – August 20, 2015

Yes: Dickson, Philo
No: None
Absent: Anderson

MOTION CARRIED

Approval of Election Inspector Assignments – November 3, 2015 City General Election

Resolution # EC-2015-09-09
Motion by Philo
Seconded by Dickson

RESOLVED, That Election Inspectors be **APPOINTED** for the November 3, 2015 City General Election, as presented by the City Clerk.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **AUTHORIZED** to make emergency appointments as necessary.

Yes: Dickson, Philo
No: None
Absent: Anderson

MOTION CARRIED

Authorization to Conduct Testing for the November 3, 2015 City General Election

Resolution # EC-2015-09-10
Motion by Philo
Seconded by Dickson

RESOLVED, That the Election Commission hereby **AUTHORIZES** the City Clerk to conduct preliminary and public tests of the programming, equipment and ballots on behalf of the Election Commission for the November 3, 2015 City General Election.

Yes: Dickson, Philo

No: None

Absent: Anderson

MOTION CARRIED

Adjournment:

The meeting was **ADJOURNED** at 8:12 AM.

M. Aileen Dickson, CMC, CMMC
City Clerk

Mr. Abitheira called the Regular meeting of the Building Code Board of Appeals to order at 3:00 p.m. on October 7, 2015 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Members Present

Gary Abitheira
Michael Morris
Andrew Schuster

Members Absent

Theodore Dziurman, Chair
Brian Kischnick

Support Staff Present:

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

Also Present:

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

2. APPROVAL OF MINUTES

Moved by: Morris
Support by: Schuster

RESOLVED, To approve the minutes of the August 5, 2015 Regular meeting as submitted.

Yes: All present (3)
Absent: Dziurman, Kischnick

MOTION CARRIED

3. HEARING OF CASES

A. **VARIANCE REQUEST, ROB MILLER/EDIE VICTOR for GARDNER SIGNS INC, 769 CHICAGO** – A variance from the Sign Code to allow installation of an 83 square foot wall sign on a building that currently has a 140 square foot wall sign. The Sign Code allows one wall sign not exceeding 200 square feet.

Mr. Grusnick reported the department received no written responses to the public hearing notices.

Rob Miller of Gardner Signs was present.

Mr. Abitheira opened the floor for public comment. Acknowledging there was no one present to speak, the floor was closed.

Moved by: Schuster
Support by: Morris

RESOLVED, To grant the variance as requested, for the following reason:

- 1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 85.

Yes: All present (3)
Absent: Dziurman, Kischnick

MOTION CARRIED

- B. **VARIANCE REQUEST, KEVIN TUCHOWSKI for WAYNE STATE UNIVERSITY PHYSICIAN GROUP, 1560 E. MAPLE** – A variance from the Sign Code to allow installation of three 62 square foot wall signs and a 198 square foot wall banner. The Sign Code allows one wall sign not exceeding 200 square feet.

Mr. Grusnick reported the department received no written responses to the public hearing notices.

Kevin Tuchowski of Wayne State University Physician Group and Joseph Gattari of ASI Signs were present.

Mr. Abitheira opened the floor for public comment. Acknowledging there was no one present to speak, the floor was closed.

Moved by: Morris
Support by: Abitheira

RESOLVED, To grant the variance as requested on the condition the temporary banner is removed 90 days after installation of the permanent sign, and any future request(s) for a banner must come back to the Board for consideration, for the following reason:

- 1. The variance does not adversely affect properties in the immediate vicinity of the proposed sign.

Yes: All present (3)
Absent: Dziurman, Kischnick

MOTION CARRIED

- C. **VARIANCE REQUEST, JAKE MEADOWS for JONES LaSALLE at BEAUMONT HEALTH, 44201 DEQUINDRE** – A variance from the Sign Code to allow the installation of a 211 square foot wall sign on a site that currently has numerous signs. The sign code limits the hospital campus to two signs.

Mr. Grusnick reported the department received no written responses to the public hearing notices.

Jake Meadows for Jones LaSalle at Beaumont Health was present. Mr. Meadows announced a reduction in the size of the proposed sign and asked the Board’s consideration of a 162.5 square foot wall sign.

Mr. Abitheira opened the floor for public comment. Acknowledging there was no one present to speak, the floor was closed.

Moved by: Abitheira
 Support by: Schuster

RESOLVED, To grant the variance for a 162.5 square foot wall sign, for the following reason:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 85.

Yes: All present (3)
 Absent: Dziurman, Kischnick

MOTION CARRIED

- D. **VARIANCE REQUEST, MICHELLE WILSON, 3685 HISTORIC** – This property is a double front corner lot. As such it has a 25 foot required front setback along both Historic and Bellows. The petitioner is requesting a variance to install a 4 foot high decorative non-obscuring fence, set back 10 feet along the Bellows property line where City Fence Code limits fences to 30 inches high.

Mr. Grusnick reported the department received one written response from 3673 Bellows in support of the variance request.

Michelle Wilson was present.

Mr. Abitheira opened the floor for public comment. Acknowledging there was no one present to speak, the floor was closed.

Moved by: Schuster
Support by: Morris

RESOLVED, To grant the variance as requested, for the following reason:

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

Yes: All present (3)
Absent: Dziurman, Kischnick

MOTION CARRIED

The meeting intervened at 3:30 p.m. for a fire drill in City Hall.

The meeting reconvened at 3:36 p.m.

- E. **VARIANCE REQUEST, WILL JOHNSON for JOHNSON SIGN COMPANY, 100 E. BIG BEAVER** – A variance from the Sign Code to allow replacement of an existing ground sign set back 2 feet from the front property line. The proposed 174 square foot sign is shown to be set back 6 feet from the front property line. The Sign Code requires a 30 foot minimum front setback for this sign.

Mr. Grusnick reported the department received no written responses to the public hearing notices.

Will Johnson of Johnson Sign Company and Ganesh Reddy of Mamta Holdings were present. Mr. Johnson distributed and submitted five additional drawings for the file.

Mr. Abitheira opened the floor for public comment. Acknowledging there was no one present to speak, the floor was closed.

Moved by: Morris
Support by: Schuster

RESOLVED, To grant the variance as requested, for the following reason:

- 1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 85.

Yes: All present (3)
Absent: Dziurman, Kischnick

MOTION CARRIED

F. **VARIANCE REQUEST, CHARLIE MOORE for CHUCK MOORE’S COMMERCIAL SIGN SERVICE LLC, 5505 CORPORATE** – A variance from the Sign Code to allow installation of a 96 square foot ground sign on a site that currently has two ground signs measuring 195 and 50 square feet. The Sign Code allows one ground sign at this location.

Mr. Grusnick reported the department received no written responses to the public hearing notices.

Charlie Moore of Chuck Moore’s Commercial Sign Service and Warren Hudson of Friedman Real Estate were present.

Mr. Abitheira opened the floor for public comment. Acknowledging there was no one present to speak, the floor was closed.

Moved by: Schuster
Support by: Morris

RESOLVED, To grant the variance as requested, for the following reason:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 85.

Yes: All present (3)
Absent: Dziurman, Kischnick

MOTION CARRIED

4. **COMMUNICATIONS**

None.

5. **PUBLIC COMMENT**

None.

6. **MISCELLANEOUS BUSINESS**

None.

7. **ADJOURNMENT**

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

Respectfully submitted,

Gary Abitheira, Acting Chair

Kathy L. Czarnecki, Recording Secretary

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A Meeting of the Civil Service Commission (Act 78) was held Monday, October 12, 2015 at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chairman/President McGinnis called the meeting to order at 7:30 AM.

A. ROLL CALL:

PRESENT: Chairman/President Donald E. McGinnis, Jr.
Commissioner David Cannon
Commissioner John Steele

ALSO PRESENT: Brian Kischnick, City Manager
Lori Grigg Bluhm, City Attorney
Aileen Dickson, City Clerk
Jeanette Menig, Human Resources Director
David Roberts, Assistant Fire Chief
Chuck Riesterer, Fire Lieutenant
Chuck Roberts, Fire Technician
Lynne Lambert, Human Resources Coordinator
Shirley Shepherd, Fire Secretary

B. APPROVAL OF MINUTES:

1. Approval of Minutes of Thursday, August 27, 2015

Resolution #CSC-2015-10-013
Moved by Cannon
Seconded by Steele

RESOLVED, That the Troy Civil Service Commission (Act 78) hereby **APPROVES** the Minutes of the Thursday, August 27, 2015, meeting as presented.

Yes: Cannon, McGinnis, Steele
No: None

MOTION CARRIED

C. PETITIONS AND COMMUNICATIONS: None

D. REPORTS: None

E. OLD BUSINESS: None

F. NEW BUSINESS:

1. Approval of Eligible List for Fire Chief

Resolution #CSC-2015-10-014

Moved by Cannon
Seconded by Steele

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the eligible list for Fire Chief as **PRESENTED**.

Yes: Cannon, McGinnis, Steele
No: None

MOTION CARRIED

PUBLIC COMMENT: None

G. ADJOURNMENT:

The Civil Service Commission (Act 78) meeting **ADJOURNED** at 7:32 AM.

Donald E. McGinnis, Jr., Chairman

M. Aileen Dickson, City Clerk

Chair Edmunds called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on October 13, 2015 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

- Karen Crusse
- Donald Edmunds
- Carlton M. Faison
- Michael W. Hutson
- Tom Krent
- Philip Sanzica
- John J. Tagle

Absent:

- Ollie Apahidean
- Padma Kuppa

Also Present:

- R. Brent Savidant, Planning Director
- Julie Quinlan Dufrane, Assistant City Attorney
- Ben Carlisle, Carlisle/Wortman Associates, Inc.
- Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2015-10-061

- Moved by: Crusse
- Seconded by: Tagle

RESOLVED, To approve the Agenda as prepared.

Yes: All present (7)

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2015-10-062

- Moved by: Hutson
- Seconded by: Krent

RESOLVED, To approve the minutes of the September 22, 2015 Regular meeting as published.

Yes: All present (7)

MOTION CARRIED

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

PRELIMINARY SITE PLAN REVIEW

5. PRELIMINARY SITE PLAN REVIEW (File Number SP 1003) – Proposed DTE Ariel Substation, South of Maple, East of Doyle (Parcel 88-20-31-226-029), Section 31, Currently Zoned IB (Integrated Industrial and Business) District

Mr. Savidant recommended postponement of this item to allow City Administration to assess the request from DTE to use Doyle Road for construction traffic.

Resolution # PC-2015-10-063

Moved by: Krent

Seconded by: Sanzica

RESOLVED, To postpone the DTE Ariel Substation item.

Yes: All present (7)

MOTION CARRIED

OTHER BUSINESS

6. MASTER PLAN UPDATE

Mr. Savidant reviewed the timeline for the Master Plan Update. General discussion followed.

7. PUBLIC COMMENT – Items on Current Agenda

There was no one present who wished to speak.

8. PLANNING COMMISSION COMMENT

There was general discussion on:

- Michigan Association of Planning Conference.
- October 12, 2015 City Council/Planning Commission Joint Meeting.
- Big Beaver Corridor development; Zoning Ordinance Text Amendment vs Moratorium.
- Preliminary Site Plan Application; 3-D presentation.
- Trails and Pathways Committee.
- Sign Ordinance.
- Civic Center property.

Mr. Savidant announced the following dates and stated the Planning Commission is invited to attend the Annual Retreat:

- November 9, 2015 – Joint City Council/Planning Commission meeting, Trails and Pathways.
- November 23, 2015 – Joint City Council/Planning Commission meeting, Master Plan.
- February 26 and 27, 2016 – City of Troy Annual Retreat.

The Regular meeting of the Planning Commission adjourned at 8:07 p.m.

Respectfully submitted,

Donald Edmunds, Chair

Kathy L. Czarnecki, Recording Secretary

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CITY COUNCIL AGENDA REPORT

Date: October 20, 2015

To: Brian Kischnick, City Manager

From: Timothy Richnak, Public Works Director
Emily Frontera, Refuse, Recycling & Office Coordinator

Subject: Refuse and Recycling Update

The City of Troy tracks and receives benefits for all its curbside collected recycling through rebates and avoided disposal costs.

In 2013, 4,691 tons of recyclables were collected, an increase of 242 tons compared to the 4,449 tons collected in 2012. In 2014, collections remained level at 4,683 but fell in 2015 to 4,566 tons. The drop was due to the flood of August 2014. Recycling collection was not completed for three weeks because of the massive amounts of flood debris requiring 100 percent of the contractor's collection efforts, thus resulting in a 150-200 ton drop.

SOCRRA rebates the city \$35 for each ton collected. In 2015, Troy received a rebate of \$159,800 and \$123,285 in avoided disposal costs for a total benefit of \$283,085. Below is a three-year comparison of collected tonnage and total benefits received by the City. Please note that in 2013/14 SOCRRA reduced its rebate amount by 30% due to lower commodity rates. Prior to then we were paid a rebate of \$50 per ton.

	2012/2013	2013/2014	2014/2015
Recycling collected in tons	4691.4	4682.96	4566.10
Rebate paid by SOCRRA	\$234,515	\$163,904	\$159,800
Avoided Disposal Costs	\$126,153	\$126,440	\$123,285
Total Benefit	\$361,153	\$290,344	\$283,085

Current 1st quarter fiscal year collection amounts are at 3,536 tons compared to 3,273 tons in 2014 and 3,500 in 2013. Collection levels have returned to normal with a slight increase overall.

During the months of November and April, the City of Troy with SOCRRA hosts a Bin Blitz selling recycling bins at a reduced cost of \$6, 40% off the regular \$10 price. SOCCRRA credits the City \$3 for each bin sold by the City and charges \$3 for each bin sold at SOCCRRA. Last year Troy sold 145 bins in November and 240 in April and received a total credit of \$1,041.

An RFP to convert SOCRRA to a single stream facility was issued September 21, 2015 and includes 3 options: Design/Build, Design/Build/Operate and Transfer of single stream recyclables to another location for processing. Proposals are due on November 24, 2015.

Refuse and recycling contracts will expire on June 30, 2017. SOCRRA is currently reviewing and updating the contract to include single stream recycling, changes to State Regulations and clarification of contract language in preparation for negotiations with current collection contractors. The expectation is to have contracts in place by early to mid-2016, to allow time to have the single stream facility and collection equipment in place.