

CITY COUNCIL

AGENDA

September 9, 2002 – 7:30 P.M.
Council Chambers – City Hall
500 West Big Beaver, Troy, Michigan 48084
(248) 524-3300

CALL TO ORDER **1**

Invocation & Pledge Of Allegiance – Pastor Brad Shirley – Zion Christian Church **1**

ROLL CALL **1**

- A-1 Presentations: (a) Papa Vino's Presentation of Donation Checks to Boys & Girls Club of Troy & Special Olympics; (b) Section 1 Golf Course Presentation; (c) Introduction of Jennifer Hsu – Student Candidate for Traffic Committee 1

PUBLIC HEARINGS **1**

- C-1 Street Vacation Application (SV-174) – Somerton Street 1

- C-2 Preliminary Planned Unit Development Review – Woodside Bible Church (formerly Troy Baptist Church) Planned Unit Development (PUD), Located on the East Side of Rochester Road – North of Square Lake Road and South of South Boulevard – Section 2 2

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

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CALL TO ORDER

Invocation & Pledge Of Allegiance – Pastor Brad Shirley – Zion Christian Church

ROLL CALL

Mayor Matt Pryor
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Anthony N. Pallotta

A-1 Presentations: (a) Papa Vino's Presentation of Donation Checks to Boys & Girls Club of Troy & Special Olympics; (b) Section 1 Golf Course Presentation; (c) Introduction of Jennifer Hsu – Student Candidate for Traffic Committee

PUBLIC HEARINGS

C-1 Street Vacation Application (SV-174) – Somerton Street

Management requests a 5-minute presentation regarding this item.

Suggested Resolution
Resolution #2002-09-
Moved by
Seconded by

WHEREAS, A request has been received for the vacation of a portion of the 60-foot-wide platted public street, extending south approximately 295.0 feet south from Sylvanwood Street, and part of abutting Lots 58 and 59 of Sylvanwood Gardens Subdivision Number 1, Section 10 (Liber 25, page 13 of Oakland County Plats); and

WHEREAS, The properties which shall benefit from this requested vacation include Lot 58 of Sylvanwood Gardens Subdivision Number 1, Section 10 (City of Troy Tax Parcel 20-10-402-006 and Lot 59 of Sylvanwood Gardens Subdivision Number 1, Section 10 (City of Troy Tax Parcel 20-10-427-001); and

WHEREAS, City Management and the Planning Commission have recommended that this street vacation be **GRANTED** subject to the following conditions:

1. Retention of easements within the right-of-way to be vacated to the extent determined to be necessary by the City Engineer, based in part on input or responses from applicable utility companies.
2. A common drive agreement between the City of Troy and the owners of Lot 58 and Lot 59 shall be executed prior to vacation of the right-of-way.
3. No improvements are to be completed within the right-of-way until all future water main improvements within the Somerton Street right-of-way are complete.

NOW, THEREFORE, BE IT RESOLVED, That the City Council concurs with the recommendations of City Management and the Planning Commission.

BE IT FURTHER RESOLVED, That final action on this street vacation request shall be taken by the City Council, after the following actions:

1. Determination by the City Engineer of the nature and extent of easements to be retained over the subject street right-of-way, based in part on input or responses from the applicable utility companies.
2. A common drive agreement between the City of Troy and the owners of Lot 58 and Lot 59 shall be executed.
3. Completion of the watermain improvements within the Somerton Street right-of-way.

Yes:

No:

C-2 Preliminary Planned Unit Development Review – Woodside Bible Church (formerly Troy Baptist Church) Planned Unit Development (PUD), Located on the East Side of Rochester Road – North of Square Lake Road and South of South Boulevard – Section 2

Management and Planning Consultant request a 5-minute presentation regarding this item.

Suggested Resolution

Resolution #2002-09-

Moved by

Seconded by

(a) Resolution A: City Management

RESOLVED, That the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by the Robertson Brothers Co. and Woodside Bible Church, for the Woodside Bible Church/Northwyck Planned Unit Development (FKA Troy Baptist PUD), located on the east side of Rochester Road and south of South Boulevard, located in Section 2, within the R-1D zoning district, being 89.83 acres in size, is hereby **APPROVED**;

FURTHER RESOLVED, That the proposed PUD qualifies under the standards set forth in Section 35.30.00;

FURTHER RESOLVED, That the proposed mix of uses, in particular the environmental assets of the site, are appropriate and in keeping with the intent of Section 35.10.00;

FURTHER RESOLVED, that the overall residential density is consistent with the City's Future Land Use Plan;

FURTHER RESOLVED, That the proposed Preliminary Plan demonstrates that the General Development Standards, set forth in Section 35.40.00, and the Standards for Approval, set forth in Section 35.70.00, have been met;

BE IT FINALLY RESOLVED, That the recommendation is subject to the following conditions;

1. The Preliminary Plan consists of a transmittal letter dated August 26, 2002, accompanying a document dated July 12, 2002, the document containing narratives, reduced plans, and full size plans:

- L1 Overall Landscape Plan, 08/14/02
- L2 Village at Northwyck Landscape Plan, 07/12/02
- L3 Woods at Northwyck Landscape Plan, 07/12/02
- L4 Woods at Northwyck Clubhouse Landscape Plan, 07/12/02
- L5 Clubhouse Elevations Plan, 07/12/02
- L6 Typical Unit Landscape Plan, 07/12/02
- L7 Landscape Details Plan, 07/12/02
- L8 Entry Elevation Plan, 07/12/02
- L9 Cross-Sections Plan, 07/12/02
- L10 Tree Preservation Plan, 07/12/02
- GWE 1 of 11 Preliminary Site Plan Cover, 07/12/02
- GWE 2 of 11 Land Use/General Development Map, 07/12/02
- GWE 3 of 11 Natural Features Plan, 07/12/02
- GWE 4 of 11 Tree Inventory Plan, 07/12/02
- GWE 5 of 11 Storm Drainage Plan, 07/12/02
- GWE 6 of 11 Utility Layout Plan, 07/12/02
- GWE 7 of 11 100 Scale Site Plan, 07/12/02
- GWE 8 of 11 50 Scale Site Plan, 07/12/02
- GWE 9 of 11 50 Scale Site Plan, 07/12/02
- GWE 10 of 11 50 Scale Site Plan, 07/12/02
- GWE 11 of 11 50 Scale Site Plan, 07/12/02.

2. The fence detail along the southern boundary shall be consistent with the northern boundary and scale back length to 50 feet to the east beyond the last unit of Rochester Villas.
3. That a note be provided on the plans stating the wooden fence along the northern property line will be adequately maintained in the future.
4. That fire hydrants shall be indicated on the Final Plans.

OR

(b) Resolution B: Planning Commission

RESOLVED, That the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by the Robertson Brothers Co. and Woodside Bible Church, for the Woodside Bible Church/Northwyck Planned Unit Development (FKA Troy Baptist PUD), located on the east side of Rochester Road and south of South Boulevard, located in Section 2, within the R-1D zoning district, being 89.83 acres in size, is hereby **APPROVED**;

FURTHER RESOLVED, That the proposed PUD qualifies under the standards set forth in Section 35.30.00.

FURTHER RESOLVED, That the proposed mix of uses, in particular the environmental assets of the site, are appropriate and in keeping with the intent of Section 35.10.00.

FURTHER RESOLVED, That the overall residential density is consistent with the City's Future Land Use Plan.

FURTHER RESOLVED, That the proposed Preliminary Plan demonstrates that the General Development Standards, set forth in Section 35.40.00, and the Standards for Approval, set forth in Section 35.70.00, have been met;

BE IT FINALLY RESOLVED, That the recommendation is subject to the following conditions;

1. The Preliminary Plan consists of a transmittal letter dated August 26, 2002, accompanying a document dated July 12, 2002, the document containing narratives, reduced plans, and full size plans:

- L1 Overall Landscape Plan, 08/14/02
- L2 Village at Northwyck Landscape Plan, 07/12/02
- L3 Woods at Northwyck Landscape Plan, 07/12/02
- L4 Woods at Northwyck Clubhouse Landscape Plan, 07/12/02
- L5 Clubhouse Elevations Plan, 07/12/02
- L6 Typical Unit Landscape Plan, 07/12/02
- L7 Landscape Details Plan, 07/12/02
- L8 Entry Elevation Plan, 07/12/02
- L9 Cross-Sections Plan, 07/12/02
- L10 Tree Preservation Plan, 07/12/02
- GWE 1 of 11 Preliminary Site Plan Cover, 07/12/02
- GWE 2 of 11 Land Use/General Development Map, 07/12/02
- GWE 3 of 11 Natural Features Plan, 07/12/02
- GWE 4 of 11 Tree Inventory Plan, 07/12/02
- GWE 5 of 11 Storm Drainage Plan, 07/12/02
- GWE 6 of 11 Utility Layout Plan, 07/12/02
- GWE 7 of 11 100 Scale Site Plan, 07/12/02
- GWE 8 of 11 50 Scale Site Plan, 07/12/02
- GWE 9 of 11 50 Scale Site Plan, 07/12/02
- GWE 10 of 11 50 Scale Site Plan, 07/12/02
- GWE 11 of 11 50 Scale Site Plan, 07/12/02.

2. The Planning Commission is authorized to provide a recommendation to City Council regarding the Final Plan for the Woodside Bible Church/ Northwyck Planned Unit Development (FKA Troy Baptist PUD).
3. The fence detail along the southern boundary shall be consistent with the northern boundary and scale back length to 50 feet to the east beyond the last unit of Rochester Villas.
4. The land bank portion of the church parking shall require Planning Commission recommendation and City Council approval before construction.
5. That a note be provided on the plans stating the wooden fence along the northern property line will be adequately maintained in the future.
6. That fire hydrants shall be indicated on the Final Plans.

Yes:

No:

C-3 Community Development Block Grant (CDBG) Re-programming of Year 2001 and 2002 Funds

Suggested Resolution

Resolution #2002-09-

Moved by

Seconded by

RESOLVED, That the City Council of the City of Troy, after conclusion of a Public Hearing on this date, has determined that the Creston Road Paving Project should be added to the 2002 list of CDBG Projects, and Year 2001 unspent funds should be re-programmed from Administration and Special Assessment to Public Services and Flood Drain Improvements.

Yes:

No:

POSTPONED ITEMS

PUBLIC COMMENT:

A. Items on the Current Agenda

Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. Consistent with Order of Business

#11, the City Council will move forward the specific Business Items which audience members would like to address. The Mayor shall announce the items which are to be moved forward and will ask the audience if there are any additional items which they would like to address. All Business Items that members of the audience would like to address will be brought forth and acted upon at this time. Items will be taken individually and members of the audience will address council prior to council discussion of the individual item.

B. Items Not on the Current Agenda

After Council is finished acting on all Business Items that have been brought forward, the public is welcome to address the Mayor and Council on items that are specifically not on the agenda. (Article 15)

CONSENT AGENDA

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may remove an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent business portion of the agenda have been heard. (Rules of Procedure for the City Council, Article 13, as amended May 6, 2002.)

E-1 Approval of Consent Agenda

Suggested Resolution

Resolution #2002-09-

Moved by

Seconded by

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

Yes:

No:

E-2 Minutes: Regular Meeting of August 19, 2002 and Special Meeting of August 26, 2002

Suggested Resolution

Resolution #2002-09-

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of August 19, 2002 and the Minutes of the 7:30 PM Special Meeting of August 26, 2002, be approved as submitted.

E-3 Proposed City of Troy Proclamations: No Proclamations Submitted

E-4 Standard Purchasing Resolution 3: Exercise Renewal Option – Tee Shirt ContractSuggested Resolution

Resolution #2002-09-

WHEREAS, On August 20, 2001, an one-year contract with an option to renew for one additional year for Tee Shirts was **AWARDED** to the low bidder, Metro Printing Service (Resolution #2002-08-419-E-7); and

WHEREAS, Metro Printing Service has agreed to exercise the one-year option to renew the contract under the same pricing, terms and conditions.

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contract is hereby exercised with Metro Printing Service to provide Tee Shirts under the same prices, terms, and conditions for one year, to expire September 30, 2003.

E-5 Application for Corporate Reorganization by California Pizza Kitchen, Inc. (a California Corporation), 2800 W. Big Beaver, Somerset Collection North, Space N126, Troy, MI 48084, Oakland County, requests Corporate Reorganization as made by California Pizza Kitchen, Inc. (a California Corporation) in connection with 2001 12 Months Resort Class C licensed business with Official Permit (Food). [MLCC REF#132874]; (b) Approval of Agreement

Suggested Resolution

Resolution #2002-09-

A copy of the Liquor Advisory Committee Minutes are located under Agenda Item G-01

(a) Stock Transfer

RESOLVED, That the request from **CALIFORNIA PIZZA KITCHEN, INC.** (a California Corporation), 2800 W. Big Beaver, Somerset Collection North, Space N126, Troy, MI 48084, Oakland County, requests Corporate Reorganization as made by California Pizza Kitchen, Inc. (a California Corporation) in connection with 2001 12 Months Resort Class C licensed business with Official Permit (Food). [MLCC REF#132874], be considered for **APPROVAL**. It is the consensus of this legislative body that the application be recommended for issuance.

(b) Agreement

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with CALIFORNIA PIZZA KITCHEN. INC., which shall become effective upon approval of the request for Corporate Reorganization in connection with 2001 12 Months Resort Class C licensed business with Official Permit (Food).; and the Mayor and City Clerk are authorized to execute the document, a copy of which shall be attached to the original Minutes of this meeting.

E-6 Troy Paradise, Inc., (a) Application for New Specialty Designated Merchant (SDM) License Business located at 5945 John R, Troy, MI 48085, Oakland County, [MLCC Req ID#186119]; (b) Approval of Agreement

A copy of the Liquor Advisory Committee Minutes are located under Agenda Item G-1

Suggested Resolution

Resolution #2002-09-

(a) New SDM License

RESOLVED, That the request from **TROY PARADISE, INC.** for a **new** Specialty Designated Merchant (SDM) licensed business located at 5945 John R, Troy, MI 48085, Oakland County. [MLCC Req ID#186119; be considered for approval. It is the consensus of this legislative body that the application be **RECOMMENDED** for issuance.

(b) Agreement

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with TROY PARADISE INC., which shall become effective upon approval of the request for a **new** Specially Designated Merchant (SDM) licensed business located at 5945 John R, Troy, MI 48085, Oakland County; and the Mayor and City Clerk are authorized to execute the document, a copy of which shall be attached to the original Minutes of this meeting.

E-7 Request for Acceptance of Warranty Deed and Easement - Bellingham Street Extension – Project 98.911.3

Suggested Resolution

Resolution #2002-09-

RESOLVED, That the Warranty Deed for Maya Court and Permanent Easement for the extension of Bellingham Street from Liberty Property Limited Partnership, being part of property having Sidwell #88-20-26-200-032 and #88-20-26-200-056 & 056 respectively, are **ACCEPTED**; and the City Clerk is hereby directed to record said documents with the Oakland County Register of Deeds, a copy of which shall be attached to the original Minutes of this meeting.

E-8 Request To Waive Parking RestrictionsSuggested Resolution

Resolution #2002-09-

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** the No Parking restrictions on the west side of Donaldson Street from Square Lake Road to Cotswold Street, on September 19, 2002, between the hours of 6:30 PM and 9:00 PM, November 25, 2002, between 1:00 PM and 9:00 PM and November 26, 2002 between 1:00 PM and 9:00 PM.

E-9 Troy Daze Fireworks PermitSuggested Resolution

Resolution #2002-09-

RESOLVED, That City Council **PERMIT** a fireworks display at the Troy Daze Festival as part of the Festival in 2002 on Sunday, September 15, 2002 in conjunction with the Troy Daze/Magic of Fall Festival.

E-10 Request for Approval of Purchase Agreement – Civic Center Area Improvement Project – Anthony P. Aguinaga and Nancy L. Aguinaga – Project No. 97-110-0 – Parcel 4 – Sidwell #88-20-21-476-008Suggested Resolution

Resolution #2002-09-

RESOLVED, That the Agreement to Purchase between Anthony P. Aguinaga and Nancy L. Aguinaga and the City of Troy, having Sidwell #88-20-21-476-008, for the acquisition of property for the proposed Civic Center Improvement Project is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby granted to purchase property in the Agreement referenced above in the amounts of \$229,100.48, plus closing costs.

E-11 Private Agreement for Fountain Park Condominiums – Project No 01.957.3Suggested Resolution

Resolution #2002-09-

RESOLVED, That the Contract for Installation of Municipal Improvements (Private Agreement) between the City of Troy and Fountain Park Troy, L.L.C. is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, detention, water main, sidewalks, landscaping, soil erosion and paving on the site and in the adjacent right of way, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

E-12 Standard Purchasing Resolution 1: Award to Low Bidders – Car and Truck Wash ServiceSuggested Resolution

Resolution #2002-09-

RESOLVED, That a two-year contract for Car and Truck Wash Services with an option to renew for two additional years is hereby **AWARDED** to the low bidders, Pro Enterprise, Inc. and Jax Car Wash, at unit prices contained in the bid tabulation opened August 7, 2002, a copy of which shall be attached to the original Minutes of this meeting at an estimated total cost of \$19,115.00 commencing December 10, 2002.

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

E-13 Standard Purchasing Resolution 1: Award to Low Bidders – Type “K” Copper TubingSuggested Resolution

Resolution #2002-09-

RESOLVED, That contracts for Type “K” Copper Tubing are hereby **AWARDED** to the low bidders, US Filter, Inc. and SLC Meter Service, at unit prices contained in the bid tabulation opened August 23, 2002, a copy of which shall be attached to the original Minutes of this meeting at an estimated cost of \$26,532.00.

E-14 Webhe v. City of Troy, L. D’Agostini, & Hutch PavingSuggested Resolution

Resolution #2002-09-

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 Webhe v. City of Troy, L. D’Agostini & Hutch Paving, and to retain any necessary expert witnesses and outside legal counsel to adequately represent the City.

E-15 Request for Acceptance of 2 Permanent Easements for Water Mains and 1 Sanitary Sewer Easement – Sidwell #88-20-26-200-081 from INA USA Corporation and Liberty Property Limited PartnershipSuggested Resolution

Resolution #2002-09-

RESOLVED, That 2 permanent easements for water main from INA USA Corporation and Liberty Property Limited Partnership, having Sidwell #88-20-26-200-081, are hereby **ACCEPTED** for public use, and;

BE IT RESOLVED, That the City Clerk is hereby **DIRECTED** to record said permanent easements with the Oakland County Register of Deeds, copies of which shall be attached to the original Minutes of this meeting, and;

BE IT FURTHER RESOLVED, That a sanitary sewer easement executed by Liberty Property Limited Partnership, having Sidwell #88-20-26-200-081, and previously recorded with Oakland County Register of Deeds, is hereby **ACCEPTED** for public use.

E-16 Standard Purchasing Resolution 4: State of Michigan Extended Purchasing Agreement – Optical Scanning Services

Suggested Resolution

Resolution #2002-09-

RESOLVED, That a contract for Optical Scanning Services from Graphic Sciences is hereby **APPROVED** through the State of Michigan Extended Purchasing Program at an estimated cost of \$55,105.00.

E-17 Request for Public Hearing

Suggested Resolution

Resolution #2002-09-

RESOLVED, That Troy City Council sets a public hearing for October 7, 2002 on the proposed Brownfield Redevelopment Plan for the former Stanley Door Systems property at 1225 East Maple Road, Troy, Michigan.

REGULAR BUSINESS

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair (during the public comment portion of the agenda item's discussion). Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt members of the public during their comments. For those addressing City Council, petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of Council and all other interested people, their time may be limited to not more than twice nor longer than five (5) minutes on any question, unless so permitted by the Chair, in accordance with the Rules of Procedure of the City Council, Article 15, as amended May 6, 2002. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair.

F-1 Appointments to Boards and Committees: Mayoral Appointments: (a) Downtown Development Authority: (a) Advisory Committee for Persons w/Disabilities; (b)

Animal Control Appeal Board; (c) CATV Advisory Committee; (d) Ethnic Community Issues Advisory Committee; (e) Historic District Commission; (f) Parks and Recreation Board; (g) Planning Commission; (h) Traffic Committee; and (i) Troy Daze

Suggested Resolution

Resolution #2002-09-

Moved by

Seconded by

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

Mayoral Appointments with Council Approval:

(a) Downtown Development Authority

_____ Term Expires 09-30-2006

_____ Term Expires 09-30-2006

_____ Term Expires 09-30-2006

_____ Term Expires 09-30-2004 (Mayor)

Council Appointments:

(a) Advisory Committee for Persons with Disabilities

_____ Student Term Expires 07-01-2003

_____ Student Term Expires 07-01-2003

(b) Animal Control Appeal Board

_____ Term Expires 09-30-2003

(c) CATV Advisory Board

_____ Student Term Expires 07-01-2003

(d) Ethnic Community Issues Advisory Committee

_____ Term Expires 09-30-2005

(e) Historic District Commission

_____ Term Expires 03-01-2005

(f) Parks and Recreation Board

_____ School Rep Term Expires 07-31-2003

_____ Term Expires 09-30-2005

_____ Term Expires 09-30-2005

(g) Planning Commission

_____ Student Term Expires 07-01-2003

(h) Traffic Committee

_____ Student Term Expires 07-01-2003

(i) Troy Daze

_____ Student Term Expires 07-01-2003

Yes:

No:

F-2 Closed Session

Suggested Resolution

Resolution #2002-09-

Moved by

Seconded by

RESOLVED, That the City Council of the City of Troy shall meet in Closed Session as permitted by State Statute MCLA 15.268, Section (e), Kostrzewa v. Troy, after adjournment of this meeting.

Yes:

No:

F-3 Janitorial Services – Fire / Police Training Center – Amendment – Clean Care, Add Additional Cleaning DaysSuggested Resolution

Resolution #2002-09-

Moved by

Seconded by

WHEREAS, A two-year contract for janitorial services with an option to renew for two additional years was awarded to Clean Care of Oak Park, the low bidder, on October 16, 2000, (Resolution #2000-471); and

WHEREAS, The contract contained a provision to negotiate the addition of buildings under construction into the contract as the buildings went into service; and

WHEREAS, The contract was amended to add the cost of \$.13 per sq. ft. or \$875 per month for the Police / Fire Training Center (Resolution #2002-02-061) for two days of cleaning a week.

NOW, THEREFORE, BE IT RESOLVED, That the contract established by Resolutions 2000-471 and 2002-02-061 is hereby **AMENDED** to add three additional days of cleaning for a total of five days of cleaning for the Police / Fire Training Center to the janitorial services contract with Clean Care of Oak Park at a monthly cost of \$1,729.75 or \$20,745 per year.

Yes:

No:

F-4 Minnesota Street Storm Sewer, Dashwood to Lovington, Contract 01-2 Change Order No. 3Suggested Resolution

Resolution #2002-09-

Moved by

Seconded by

RESOLVED, That Change Order No. 3 for Contract No. 01-02 – Minnesota Street Storm Sewer, Dashwood to Lovington be **APPROVED** in the amount of \$32,863.80 for additional work performed by the contractor on a time and material basis due to conflicts encountered with underground utilities during construction.

Yes:

No:

F-5 Preliminary Approval – Shady Creek South Site Condominium, North Side of Long Lake Road and East Side of Shady Creek Drive – Section 10 – R-1B

Management requests a 5-minute presentation regarding this item.

Suggested Resolution

Resolution #2002-09-

Moved by

Seconded by

(a) Resolution A, City Management Recommendation

RESOLVED, That the Preliminary Plan be **APPROVED**, as recommended by City Management, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of the One-Family Residential Site Condominium known as Shady Creek South, with five (5) units, located on the north side of Long Lake Road and west side of Shady Creek Drive in Section 10, within the R-1B Zoning District and being 3.02 acres in size.

OR

(b) Resolution B, Planning Commission Recommendation

RESOLVED, The Preliminary Plan be **APPROVED**, as recommended by the Planning Commission, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of the One-Family Residential Site Condominium known as Shady Creek South, with five (5) units, located on the north side of Long Lake Road and west side of Shady Creek Drive in Section 10, within the R-1B Zoning District and being 3.02 acres in size, subject to the following condition:

1. The check valve device be installed in the manhole to prevent storm water backflow as recommended by the petitioner's engineer.

Yes:

No:

F-6 Tentative Preliminary Plat Approval – The Estates at Cambridge Subdivision, Section 18, East Side of Beach Road, North of Wattles Road and South of Long Lake – R-1B

Management requests a 5-minute presentation regarding this item.

Suggested Resolution

Resolution #2002-09-

Moved by

Seconded by

(a) Resolution A: City Management Recommendation

RESOLVED, That Tentative Approval be **GRANTED** to the Preliminary Plat of The Estates at Cambridge Subdivision, as submitted to City Council and recommended by City Management, with ten (10) lots, located on the east side of Beach Road, north of Wattles Road and south of Long Lake - Section 18, within the R-1B Zoning District and being 6.09 acres in size, including the condition that City Management request a MDEQ Wetlands Permit Public Hearing.

OR

(b) Resolution B: Planning Commission Recommendation

RESOLVED, That Tentative Approval be **GRANTED** to the Preliminary Plat of The Estates at Cambridge Subdivision, as recommended by the Planning Commission, with ten (10) lots, located on the east side of Beach Road, north of Wattles Road and south of Long Lake - Section 18, within the R-1B Zoning District and being 6.09 acres in size.

Yes:

No:

F-7 Tentative Preliminary Plat Review – Evanswood Parc Subdivision, Section 1-R-1D

Management requests a 5-minute presentation regarding this item.

Suggested Resolution

Resolution #2002-09-

Moved by

Seconded by

RESOLVED, That **TENTATIVE APPROVAL** be granted to the Preliminary Plat of Evanswood Parc Subdivision, as recommended by City Management and the Planning Commission, west side of Evanswood Road, north of Square Lake Road and east of John R, Section 1.

Yes:

No:

F-8 Fall Study Session Dates and TopicsSuggested Resolution

Resolution #2002-09-

Moved by

Seconded by

RESOLVED, That study sessions are scheduled on the following dates:

- (1) **September 16, 2002** at 7:30 PM in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan. Topics to be discussed are: 1) State

telecommunications policy; 2) Signs in easements for non-residential areas; and 3) Street interconnection.

- (2) **October 14, 2002** at 7:30 PM in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan. Topics to be discussed are: 1) Regional transportation; 2) Major road construction projects; and 3) Condemnation process.

Yes:
No:

F-9 Traffic Signal Maintenance Cost Agreement for Signal at Crooks and Butterfield

Suggested Resolution
Resolution #2002-09-
Moved by
Seconded by

WHEREAS, The Board of Commissioners for the Road Commission for Oakland County approved the installation of a traffic signal at the intersection of Crooks Road (a County road) and Butterfield Road (a City road), as requested by Kelly Services, Inc., a Troy business; and

WHEREAS, Kelly Services, Inc. will bear the cost of installation of the signal.

NOW, THEREFORE, BE IT RESOLVED, That the cost agreement with the Road Commission for Oakland and maintenance of the new traffic signal be **APPROVED**.

Yes:
No:

F-10 SOCRRA Delegate and Alternate

Suggested Resolution
Resolution #2002-09-
Moved by
Seconded by

RESOLVED, That _____ is **APPOINTED** as the Delegate to the SOCRRA board, effective immediately, until December 9, 2002; and

BE IT FURTHER RESOLVED, That _____ is **APPOINTED** as the Alternate Delegate to the SOCRRA board, effective immediately, until December 9, 2002.

Yes:
No:

F-11 Award of Contract for Architectural Services – New Fire Station #3Suggested Resolution

Resolution #2002-09-

Moved by

Seconded by

RESOLVED, That the contract for the architectural services for the new Fire Station #3 be **APPROVED** with the firm of JSN Design, Inc. for a sum not to exceed \$82,500.00 plus an additional amount not to exceed \$3,000.00 for reimbursable expenses, and the Mayor and City Clerk are authorized to sign the attached contract.

Yes:

No:

COUNCIL COMMENTS/REFERRALS**REPORTS AND COMMUNICATIONS****G-1 Minutes – Boards and Committees:**

- (a) Historic District Commission/Final – May 21, 2002
- (b) Historic District Commission/Draft – June 18, 2002
- (c) Liquor Advisory Committee/Final – July 8, 2002
- (d) Employees' Retirement System Board of Trustees/Final – July 10, 2002
- (e) Historic District Commission/Draft – July 16, 2002
- (f) Traffic Committee/Draft – July 17, 2002
- (g) Troy Daze/Final – July 23, 2002
- (h) Liquor Advisory Committee/Draft – August 12, 2002
- (i) Historic District Commission/Draft – August 13, 2002
- (j) Employees' Retirement System Board of Trustees/Draft – August 14, 2002
- (k) Board of Zoning Appeals/Draft – August 20, 2002

G-2 Department Report

- (a) Museum & Historic Village Annual Report FY2001-02

G-3 Announcement of Public Hearings:

- (a) PRELIMINARY SITE PLAN REVIEW (S.P. # 679) – Troy Museum Improvements, Wattles Road, Section 16 – C-F – September 23, 2002
- (b) REZONING APPLICATION – The West 140.87 Feet of the Lot Abutting John's Market Property to the East (Sidwell #88-20-03-301-032), Section 3 – P-1 – September 23, 2002
- (c) STREET VACATION APPLICATION (SV-15) – A Portion of Hartland Street, East of Daley Street, North of Big Beaver Road, Sections 23 – September 23, 2002

G-4 Proposed Proclamations/Resolutions from Other Organizations:

G-5 Letters of Appreciation:

- (a) Letter from Carrie Crabb & Robinwood/Morse Camp Staff to Chief Craft and the K-9 Unit Thanking Them for Their Participation in the K-9 Demonstration
 - (b) Letter from Lillian Simoncini to Chief Craft Extending a Thank You to Officers Boska and Bodek for Their Professionalism and Kindness
 - (c) Letter from F. Emanuel Shaleta – St. Joseph Catholic Chaldean Church to the Police Department Expressing Their Appreciation for Assistance in Directing Traffic During the Episcopal Consecration Event
 - (d) Letter from Sue Bishop to Chief Craft Recognizing Officer Nicolette Kaptur, Lieutenant Stephen Zavislak and Sergeant David Swanson for Their Community Dedication
 - (e) Letter from Anthony Triplett – Dept. of the Treasury to Chief Craft Thanking the Police Department for Their Support During President George W. Bush’s Visit to Troy
 - (f) Letter from Sue Bishop to Chief Craft Recognizing Police Service Aide Julie Green Hernandez’s Response
 - (g) Thank You Note from Debbie Gordon Thanking the Police Department for Assisting Her Mother-in-Law, Ruth Seay
 - (h) Thank You from City of Berkley Public Safety Department to Sgt. Don Ostrowski for his Assistance and Support During their 8th Annual 2002 Berkley Cruise and Woodward Dream Cruise
-

G-6 Calendar

G-7 Memorandum – Re: Compliance with Council Resolution – Liquor Licensees

G-8 Memorandum – Re: Equipment for Hearing Impaired

G-9 Memorandum – Re: Revisions and Clarification of the Bid Process

G-10 Building Industry Association of Southeastern Michigan Letter to Mayor and Council, Re: Advisory Committee for Persons with Disabilities Proposal

G-11 Memorandum – Re: Fix-it-First, City Management Opposition to Position Paper Ratified by MOSES (Metropolitan Organizing Strategy Enabling Strength)

G-12 Memorandum – Re: City Management Response to Petition Regarding Adult Lap Swim Times

G-13 Memorandum – Re: Actions of the Building Board of Appeals Relating to Request for Fence Variances

G-14 Memorandum – Re: Proprietary Information

G-15 Memorandum – Re: Citizens for Troy Family Aquatic Center Committee

G-16 Fax – Re: Outdoor Systems, Inc. v. City of Clawson – Case No. 00-022427-CZ

G-17 Memorandum – Re: Request for Amendment to Consent Judgment

PUBLIC COMMENT

Public Comment is limited to people who have not addressed Council during the 1st Public Comment section. (Rules of Procedure for the City Council, Article 5 (16), as amended May 6, 2002.)

Respectfully submitted,

John Szerlag, City Manager

August 13, 2002

TO: The Honorable Mayor and City Council

From: John Szerlag, City Manager
 Gary Shripka, Assistant City Manager/Services
 Doug Smith, Real Estate and Development Director
 Steve Vandette, City Engineer
 Mark F. Miller, Planning Director

SUBJECT: STREET VACATION APPLICATION (SV-174) – A portion of Somerton Street, from Sylvanwood Street extending south between lots 58 and 59 of Sylvanwood Garden Subdivision Number 1, west of Rochester and south of Square Lake, Section 10.

CITY MANAGEMENT AND PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of the street vacation request, with three conditions. First, a full right-of-way width easement for utilities be retained for the entire length of the Somerton right of way. Second, a common drive agreement between the owners of lots 58 and 59 be executed prior to vacation of the right of way. Third, no improvements occur by the owners of lots 58 and 59 in the proposed vacated street, until after the water main is constructed. City Management concurs with the Planning Commission and recommends approval of an authorizing resolution to vacate the street.

GENERAL INFORMATION

Name of applicant(s):

James A. Stephens and Ramsey Mattia.

Location of property owned by applicant(s):

The applicants own the lots abutting Somerton Street on both sides. Mr. Stephens owns lot 59 (624 Sylvanwood Street) to the east and Mr. Mattia owns lot 58 (604 Sylvanwood Street) to the west.

Length and width of right-of-way.

The section of Somerton Street that is proposed to be vacated is 60' wide by approximately 295' in length. The right of way is generally unimproved, although the applicants share an entry drive within the right of way that leads to their individual driveways.

Current use of adjacent parcels:

The entire neighborhood including the lots abutting the right of way are designated on the Future Land Use plan as Low Density Residential.

cc: Applicant
File/SV-174

STREET VACATION REQUESTS

13. PUBLIC HEARING – STREET VACATION REQUEST (SV-174) – Somerton Street between Lots 58 & 59 of Sylvanwood Garden Subdivision #1, South of Sylvanwood, West of Rochester, Section 10 – R-1C

Mr. Savidant presented a summary report.

Public hearing opened and closed.

RESOLUTION

Moved by Pennington

Seconded by Starr

RESOLVED, that the Planning Commission hereby recommends to the City Council that the street vacation request for Somerton Street, being 60 feet wide and approximately 295 feet in length right-of-way, extending south between lots 58 and 59 of Sylvanwood Garden Subdivision, located within Section 10, be approved, subject to the following:

1. A full width easement for utilities be retained for the entire length of the Somerton Street right-of-way.
2. A common drive agreement with the owners of lot 58 and lot 59, should also be executed prior to vacation of the right-of-way.
3. No improvements are completed within the right-of-way until all water main improvements are complete.

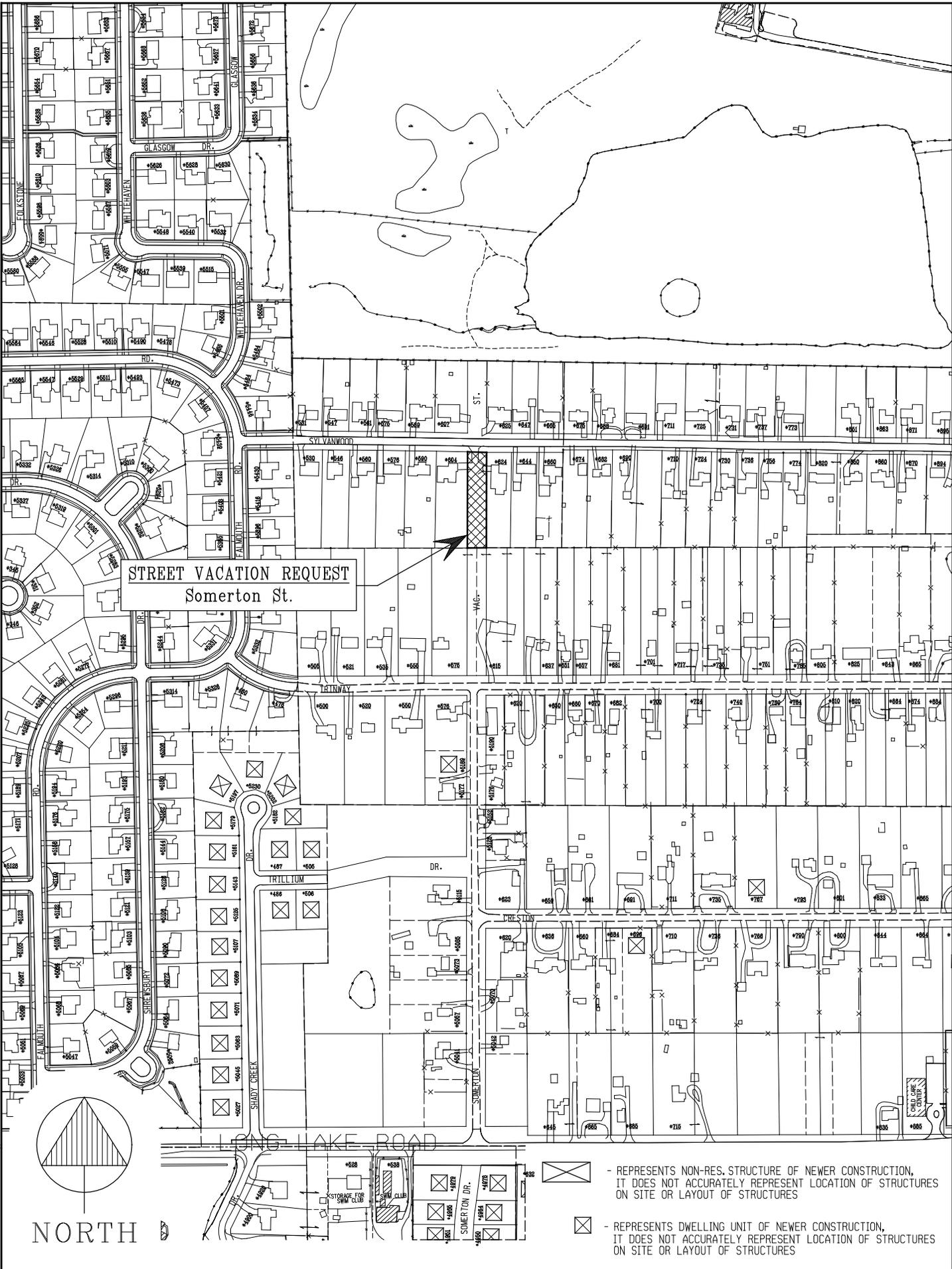
Yeas:

All in favor (9)

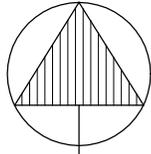
Nays:

Absent:

MOTION CARRIED



STREET VACATION REQUEST
Somerton St.



NORTH

- 
 - REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES
- 
 - REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES

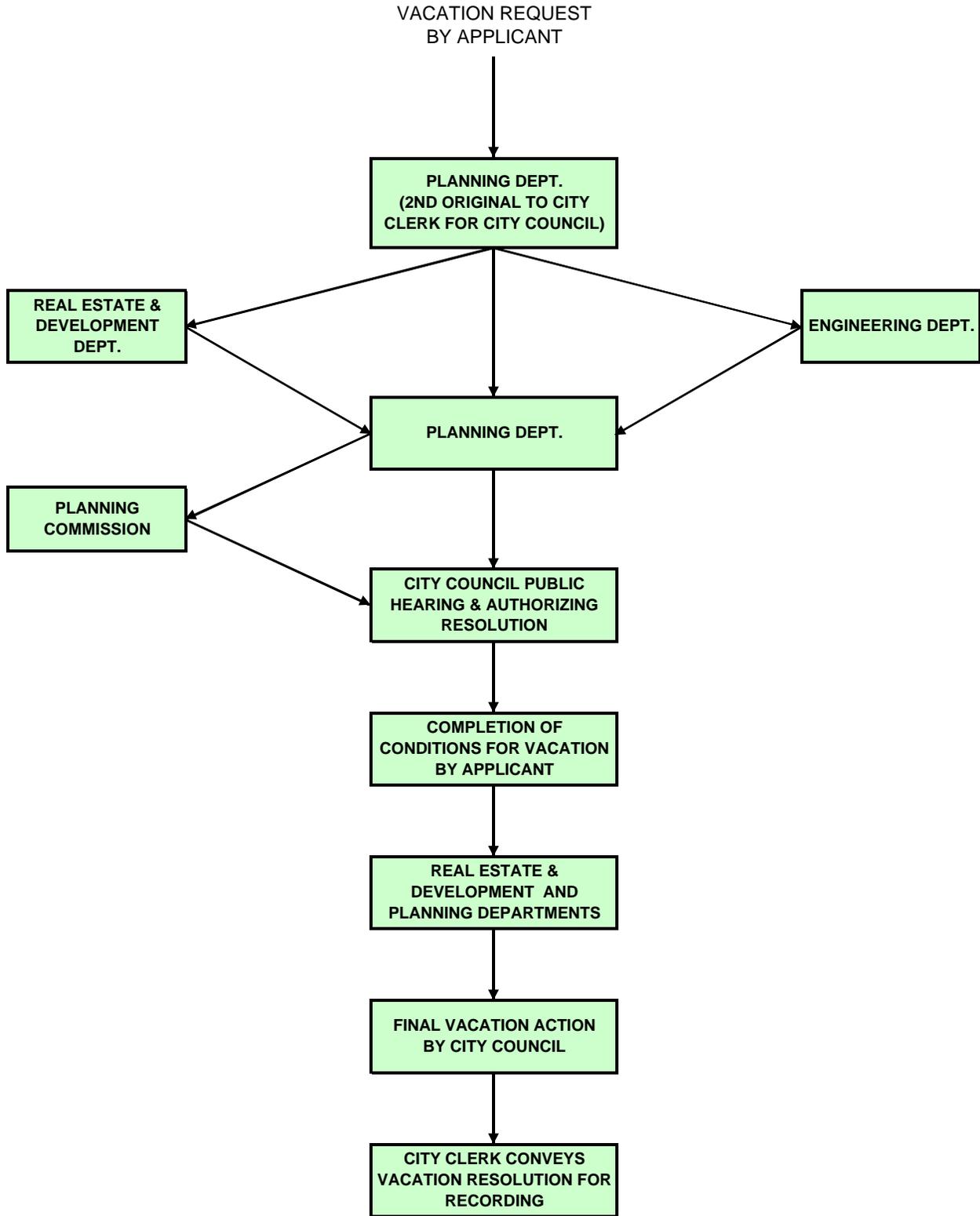
STREET VACATION REQUEST
SOMERTON STREET
S OF SLYVANWOOD, W OF ROCHESTER
SEC. 10 (SV-174)



0 100 200 400 600 800 Feet



STREET AND ALLEY VACATION PROCESS



Paula P Bratto

From: Linda Fritsch [lfritsch@comcast.net]
Sent: Wednesday, August 07, 2002 3:02 PM
To: planning@ci.troy.mi.us
Subject: Sylvanwood vacation, lots 58&59

I live at 615 Trinway, directly south of the lots in question. I have no problem with the vacation of the 60 ft. right-of-way. We were granted the vacation next to our property and feel they should also get the same consideration.

Linda and Daniel Fritsch

8/7/02

September 4, 2002

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Mark Miller, Planning Director

SUBJECT: PRELIMINARY PLANNED UNIT DEVELOPMENT REVIEW –
Woodside Bible Church (formerly Troy Baptist Church) Planned
Unit Development (PUD), located on the east side of Rochester
Road, north of Square Lake Road and south of South Boulevard,
Section 2.

**Note: See attached Planned Unit Development Review prepared by Troy's
planning consultant, Mr. Richard Carlisle of Carlisle/Wortman Associates,
Inc., dated July 30, 2002 (revised).**

RECOMMENDATIONS

The Planning Commission conducted a public and recommended approval of the
Planned Unit Development, subject to the following conditions:

1. The Preliminary Plan consists of a transmittal letter dated
July 12, 2002, which was presented to the Planning
Commission this date; the notebook containing narratives,
reduced plans, and full size plans:

- L1 Overall Landscape Plan, 07/12/02
- L2 Village at Northwyck Landscape Plan,
07/12/02
- L3 Woods at Northwyck Landscape Plan,
07/12/02
- L4 Woods at Northwyck Clubhouse Landscape
Plan, 07/12/02
- L5 Clubhouse Elevations Plan, 07/12/02
- L6 Typical Unit Landscape Plan, 07/12/02
- L7 Landscape Details Plan, 07/12/02
- L8 Entry Elevation Plan, 07/12/02
- L9 Cross-Sections Plan, 07/12/02
- L10 Tree Preservation Plan, 07/12/02

GWE 1 of 11 Preliminary Site Plan Cover, 07/12/02

GWE 2 of 11 Land Use/General Development Map,
07/12/02

GWE 3 of 11 Natural Features Plan, 07/12/02

GWE 4 of 11 Tree Inventory Plan, 07/12/02
GWE 5 of 11 Storm Drainage Plan, 07/12/02
GWE 6 of 11 Utility Layout Plan, 07/12/02
GWE 7 of 11 100 Scale Site Plan, 07/12/02
GWE 8 of 11 50 Scale Site Plan, 07/12/02
GWE 9 of 11 50 Scale Site Plan, 07/12/02
GWE 10 of 11 50 Scale Site Plan, 07/12/02
GWE 11 of 11 50 Scale Site Plan, 07/12/02.

2. The Planning Commission is authorized to provide a recommendation to City Council regarding the Final Plan for the Woodside Bible Church/Northwyck Planned Unit Development (FKA Troy Baptist PUD).
3. The fence detail along the southern boundary shall be consistent with the northern boundary and scale back length to 50 feet to the east beyond the last unit of Rochester Villas.
4. The landbank portion of the church parking shall require Planning Commission recommendation and City Council approval before construction.
5. That a note be provided on the plans stating the wooden fence along the northern property line will be adequately maintained in the future.
6. That fire hydrants shall be indicated on the Final Plans.

City Management recommends approval of the Planned Unit Development including the Planning Commission's conditions, with the exception of conditions number 2 and 4. Condition number 2 authorizes the Planning Commission to review and submit a recommendation regarding the Final Plan and Agreement for the PUD. The Zoning Ordinance is specific in granting City Council the authority to approve or disapprove the Final Plan and Agreement for the PUD. Therefore, City Management recommends following the Zoning Ordinance procedures. If City Council desires to change the approval procedure, a Zoning Ordinance amendment should be initiated. Condition number 4 requires that the church's land banked, non-required parking, receive Planning Commission recommendation and City Council approval prior to construction. City Management is of the opinion that if the Preliminary PUD Approval is granted by City Council, any Final Plan and Agreement issues are within the authority of City Council.

Note: The applicant has addressed item condition numbers 3 and 5 on the Preliminary PUD Plan submitted to City Council.

GENERAL INFORMATION

Name of Owner / Applicant:

Woodside Bible Church and Robertson Brothers Co.

Size of subject parcel:

The parcel is approximately 89.4 acres in size.

Proposed use(s) of subject parcel:

The applicant is proposing a mixed-use development including a church, a neighborhood community center, fourteen 6-unit townhouses, twenty-one 4-unit condominiums and wetlands and open space areas.

Current use of subject property:

The property is presently vacant.

Current use of adjacent parcels:

North: The Alibi Restaurant is on the corner of Hartwig and Rochester Road. The remainder of the property to the north is single family residential (Eyster's Subdivision).

South: The front half of the property is one family attached dwellings (Rochester Villas); the back half of the property is open space.

East: Single family residential (Emerald Lakes Subdivision).

West: Across Rochester Road, all of the property with the exception of a dentist office between Lovell and Hannah is single family residential

Current zoning classification:

The parcel is currently zoned R-1D One Family Residential.

Zoning classification of adjacent parcels:

North: The property on the corner of Hartwig and Rochester is zoned B-3 General Business and P-1 Vehicular Parking. The remainder of the property is zoned R-1D One Family Residential

South: The west half of the property is zoned CR-1 One Family Residential Cluster. The east half is zoned E-P Environmental Protection.

East: R-1D One Family Residential

West: The property between Lovell and Hannah is zoned B-1 Local Business. The remainder of the property is zoned R-1B One Family Residential.

Future Land Use Designation:

The property is a mix of designations in the Future Land Use Plan. The frontage along Rochester Road is designated as Medium Density Residential. The property further to the east is designated as Low Density Residential. There is a relatively large area west of the Gibson Renshaw Drain that is designated as Open Space. The proposed development appears to be consistent with the Future Land Use Plan.

Stormwater Detention:

The proposed development will detain water on site using existing floodplain areas, wetlands, swirl chambers, smaller detention basins and wetland mitigation areas. All of these areas will be shallow sloped.

Natural features and floodplains:

Approximately 25 acres (30% of the overall site) of wetlands and woodlands will be preserved with a conservation easement. Mr. Eugene Jaworski of J & L Consulting Services, the City of Troy's wetlands consultant, has reviewed the preliminary site plan. He suggested that the relationship between the stormwater detention system and wetlands be closely scrutinized during engineering design (see attached letter dated July 28, 2002).

Compatibility with adjacent land uses:

The proposed development appears to be compatible with adjacent land uses.

Compliance With Standards For Approval Of Planned Unit Developments (Section 35.70.00)

In considering applications for Planned Unit Developments, the Planning Commission and City Council shall make their determination based upon the following standards:

The overall design and all proposed uses shall be consistent with and promote the Intent of the Planned Unit Development approach, as stated in Section 35.10.00, and the Eligibility conditions as stated in Section 35.30.00:

The proposed development appears to be consistent with the intent of the PUD approach, including innovation and variety in design, preserving natural features, providing for enhanced recreation opportunities, compatibility with adjacent sites and consistency with the Future Land Use Plan (Section 35.10.00).

The proposed development is consistent with the Eligibility conditions (Section 35.30.00).

The proposed Planned Unit Development shall be consistent with the intent of Master Land Use Plan:

The PUD appears to be consistent with the Future Land Use Plan, which delineates medium density residential along Rochester Road and Low Density Residential toward the rear of the parcel. In addition, the area that is to be preserved is delineated as Open Space in the Plan.

The proposed Planned Unit Development includes information which clearly sets forth specifications or information with respect to structure height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to the surrounding properties and uses thereon, as well the relationship between the various elements of the proposed Planned Unit Development. In determining whether this requirement has been met, consideration shall be given to the following:

The bulk, placement, and materials of construction of the proposed structures and other site improvements:

The required rear yard setback in the R-1D district to the north is 40 feet. All condominium units have rear yard setbacks of at least 35 feet.

A 28-foot wide private road will serve the residential neighborhood. Setbacks between separate buildings are at least 30 feet. Units are typically set back at least 30 feet from the edge of the private drive and in no instance are setback less than 21 feet from the edge of the private drive.

These setbacks allow the petitioner to preserve a significant portion of the property's natural features.

The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development:

All landscaping will be approved by the Parks and Recreation Department prior to Final Site Plan approval. The PUD will be screened from Rochester Road by a 50-foot wide landscaped berm. All interior roadways will be lined with trees. The church parking lot will be screened from the residential development to the south by a fence and landscaping. In addition, the interior of the parking lot will be planted with trees. The residential neighborhood will be screened from the property to the north by an wooden fence with landscaping. All fences will have a one (1) foot space from grade. The residential neighborhood to the east will be buffered by a 400-foot wide woodland preserve.

The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment:

All outdoor activity areas will be recreational in nature.

The hours of operation of the proposed uses:

The church will generate significant traffic immediately before and after church services on Sunday mornings and Wednesday evenings. These times will generally not coincide with peak traffic volumes on Rochester Road.

The location, amount, type and intensity of landscaping, and other site amenities:

Site amenities include approximately 25 acres of preserved open space, including woodlands and wetlands. The proposed "Sacred Grove" located east of the church includes a meditation area, picnic area and wetlands overlook area. The PUD also includes a neighborhood community center, sports field, boardwalk and walking trails. These amenities will improve the quality of life of residents of the PUD and surrounding area. A pedestrian connection is also included to the Emerald Lakes Subdivision.

The proposed development shall not exceed the capacities of existing public facilities and available public services, including but not limited to utilities, roads, police and fire protection services, recreation facilities and services, and educational services (Section 35.70.04).

It appears that the proposed development will not exceed the capacities of existing public facilities.

The Planned Unit Development shall be designed to minimize the impact of traffic generated by the PUD on the surrounding uses and area (Section 35.70.05).

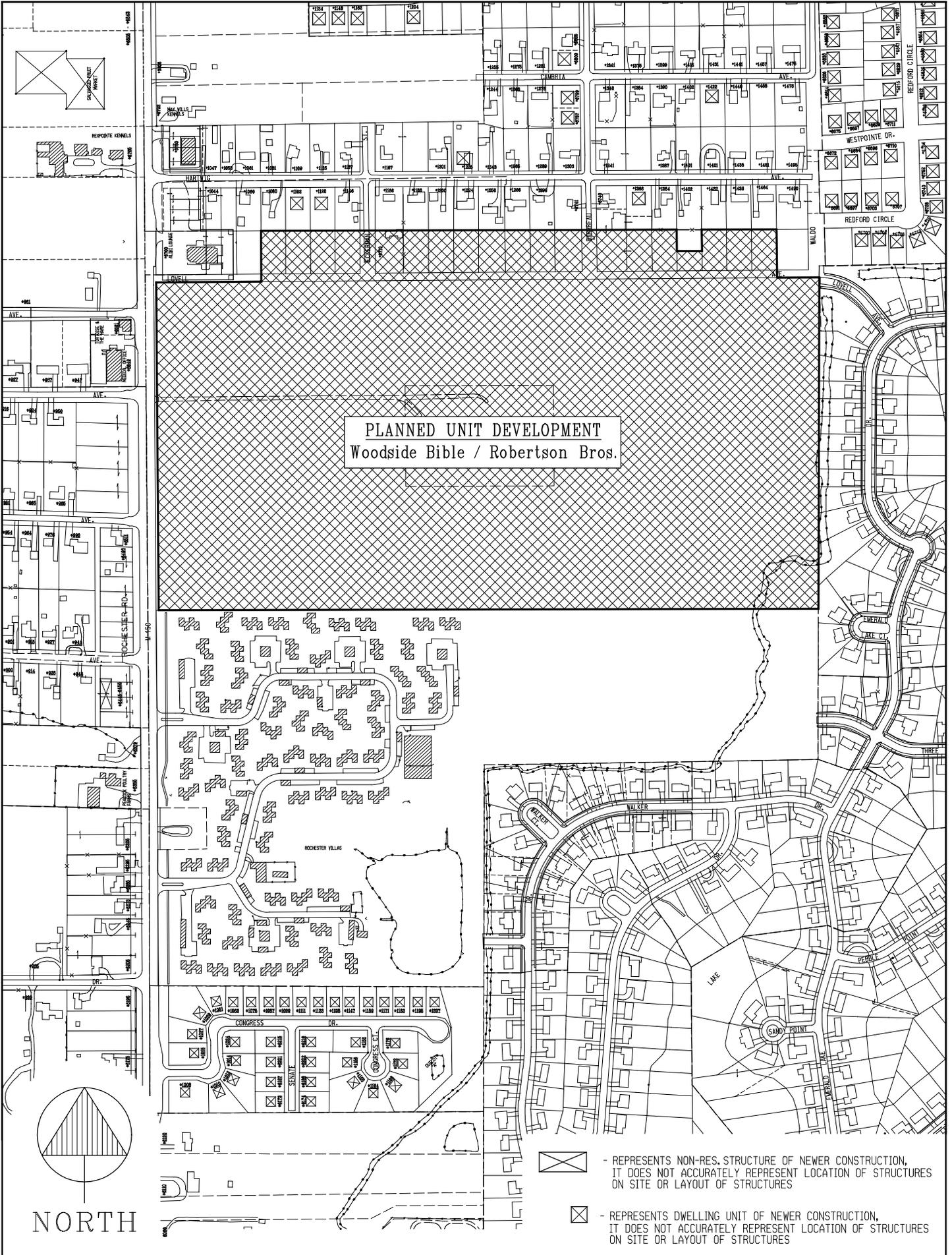
Vehicular access to the PUD will be from Rochester Road. A boulevard entrance with acceleration and deceleration lanes is proposed for both the church entrance and the entrance to the residential neighborhood. An additional two-way entrance is proposed for the church.

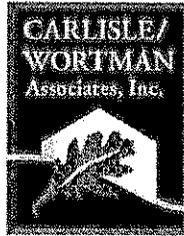
The Planned Unit Development shall include a sidewalk system to accommodate safe pedestrian circulation throughout the development, and along the perimeter of the site, without undue interference from vehicular traffic.

The PUD includes a system of sidewalks and trails throughout the property. The system will be connected to an 8' wide sidewalk along Rochester Road as well as a connection to Lovell in the Emerald Lakes Subdivision to the east.

The proposed Planned Unit Development shall be in compliance with all applicable Federal, State and local laws and ordinances.

The PUD appears to be in compliance with all applicable laws and ordinances.





Community Planners Landscape Architects
605 S. Main, Suite 1 Ann Arbor, MI 48104 734-662-2200 fax 734-662-1935

Date: January 22, 2002
Rev.: June 18, 2002
Rev.: July 30, 2002

Planned Unit Development Review For City of Troy, Michigan

GENERAL INFORMATION

File No.: PUD - 1
Applicant: Woodside Bible (formerly Troy Baptist) Church / Robertson Brothers
Project Name: Northwyck Community PUD
Plan Date: 9-14-01
Latest Revision: 7-12-02
Location: East side of Rochester Road, south Hartwig
Zoning: R1-D, Parcel size is 89.83 acres
Action Requested: Preliminary Plan Approval for Planned Unit Development

Preliminary Plan for Planned Unit Developments shall be submitted to the Planning Commission, for review and recommendation to the City Council. Before making a recommendation to the City Council, the Planning Commission shall hold a Public Hearing on the proposal. Following their Public Hearing, the Planning Commission shall make a recommendation to the City Council on the Preliminary Plan for the proposed Planned Unit Development.

Required Information: Preliminary Plan submittal requirements for PUD's are set forth in Section 03.33.00. Materials which have been submitted for review include a Site Plan package consisting of Sheets 1 – 11, a Landscape Plan package consisting of Sheets L1 – L10, and a notebook with numbered sections.

PROJECT AND SITE DESCRIPTION

The site is 89.83 acres in size, with 1,300 ft. of frontage on Rochester Road. The project will consist of the following elements:

- ❖ Church with first phase consisting of 97,000 sq. ft. and potential expansion of an additional 50,000 sq. ft. Worship space shall consist of 1,500 seats.
- ❖ 84 “Urban” condominium units located in 14 buildings.
- ❖ 86 “Suburban” condominium units located in 22, 2 -4 unit buildings.

The site contains approximately 24 acres of MDEQ regulated wetlands and 0.23 acres of non-regulated wetland. Although not calculated by the applicant, approximately 20 acres of area is located within the 100 year flood plain boundary of the Gibson-Renshaw Drain. The applicant indicates that 26.37 acres (including wetlands) of the site or 30% will be devoted to open space. The applicant has agreed to preserve these areas with a preservation easement.

CRITERIA FOR ACCEPTANCE AS A PUD

Planned Unit Development regulations are set forth in Article XXXV of the Zoning Ordinance. Various findings must be made by the City based on the demonstration by the applicant that certain criteria are met to qualify the site as a PUD.

Section 35.10.00 sets forth the intent of the PUD regulations which permit projects that would otherwise not be possible through application of other provisions of the Zoning Ordinance. Furthermore, PUD regulations are intended to encourage innovative design and site arrangement and land use mixes that will create a unified project. As a result of extensive discussions and revisions, meeting the intent of the PUD Ordinance has been demonstrated by the applicant.

More specifically, the focus of the project has shifted so that the environmental attributes of the site provide the underlying foundation for the PUD. Preservation of significant natural features and open space is an important objective of the PUD provisions. Revisions to the plan allow for the following:

- 1) Approximately 26 acres or 30% of the site will be permanently preserved with a conservation easement. Such an easement will bind all parties of interest to a common obligation of stewardship for this portion of the site.
- 2) The preserved portion contains the more significant resources found on the site consisting of the large wooded wetland in the southeast corner, the open wetland in the south-central portion, and the wooded upland in the northeast portion.

It is perhaps the wooded upland which is of highest significance because it is a well-developed Oak-Hickory woodland with emerging mesic species (basswood, tulip tree). Both the concentration and quality of these woodlands are unique. Although this portion of the site is highly developable, it will be preserved and provide a buffer of 400 feet to Emerald Lakes Subdivision.

- 3) The ± 26 acres of preserved area on the subject site in combination with the ± 25 acres behind Rochester Villas will provide a large area of intact woodland, wetland and wildlife habitat, which is not often found in highly developed communities.
- 4) The wooded knoll behind the church will also remain and becomes an integral element of the church's design.

These are other aspects of the plan that contribute to consideration as a PUD.

- 1) The project will provide a variety of mixed housing types that would otherwise be unachievable under conventional zoning regulations. Specifically, the CR-1 regulations prevent the type of condominium unit proposed for the site. The Urban units will provide transition from both Rochester Road and the neighboring commercial (Alibi Restaurant) site.
- 2) Physical integration of project components has been improved, particularly by making the environmental features a primary element of site design. Both the church and housing components of the project will be tied together with a walkway system and common landscaping. However, the primary unifying feature will be the area of environmental preservation.
- 3) An important focal point has been created in the area behind the church and the community center. The combination of the "Sacred Grove" and the wetland/boardwalk/overlook area provides a centrally located common element which ties the two portions of the site together.

In summary, the project has advanced significantly and exhibits both the characteristics and components of a PUD under the provisions of the Troy Zoning Ordinance.

PUD DESIGN CONSIDERATIONS

Density and Land Use Mix

As indicated, the focus of the project has shifted to place greater emphasis on the environmental assets of the site as a key determination of site design. As a result, the environmental assets become a component of the mix of uses and contribute to unifying project components.

Section 35.70.02 requires a proposed PUD to be consistent with the intent of the Future Land Use Plan. The Land Use Plan designates the frontage along Rochester Road as Medium Density Residential and the balance of the site as Low Density Residential. Approximately, 37.5 acres of the total site are devoted to residential use. Of the 37.5 acres, 9 acres are devoted to “Urban Residential” units and 28.5 acres are devoted to “Suburban Residential” units.

Applying R-1T density (6.2 units/acre) to the “Urban Residential” portion and R-1D density (3.8 units/acre) to be “Suburban Residential” portion, the potential density would be 164 dwelling units. This is, of course, without providing any credit for wetlands preserved outside the boundaries of the residential component of the project. Therefore, the 170 units proposed by the applicant compare favorably to, and are consistent with, the City’s Land Use Plan. As we suggested, notations as to density have been revised and based upon the Land Use Plan.

Eliminating the proposed office along the frontage of Rochester Road and addition of higher density residential is an appropriate transition between the Alibi Restaurant and the church, and between the Alibi and Rochester Road and the Suburban units. Churches are a special approval use within residential districts and are generally considered to be compatible with residential use.

The proposed residential has been revised to be more compatible with the single family to the north and east. The variation in siting of units along the northerly property line has been improved. Setbacks of these units range from 35’ – 50”. To the rear, a 400’ buffer has been provided adjacent to Emerald Lakes Subdivision.

Items to be Addressed: None.

Relationship Between Pedestrian and Vehicular Circulation

The entire site will be tied together with a pedestrian circulation system. Sidewalks have been provided within the residential component and are separated from the travel portion of the roadway.

The functional relationship of the pedestrian circulation between the various components of the site has also been improved. A walkway connection has been provided between the church parking and the “Urban” units (in proximity to the building containing units 7 – 12 & 13 – 18). As suggested, a second connection has been provided as an extension of the walk adjacent to the building containing units 1 – 6.

The applicant proposes to construct a continuous and connected pathway system adjacent to the wetlands. As suggested, an integrated pathway system is provided outside of the wetland areas tying together various physical and natural features of the site. Portions of this path are proposed to be woodchips, which is appropriate as nature trails through environmentally sensitive areas. It is also not typical for such woodchip pathways to be ADA compliant. A paved pathway connection has been provided to the Emerald Lake Subdivision.

Items to be Addressed: None.

Relationship Between Design Features

The PUD criteria expects there to be significant physical and functional integration within project. From an architectural standpoint, the two residential components of the project to appear to be compatible with the use of the same design features, and materials.

The church architecture bears little relationship to the more traditional architecture of the other two (2) components of the project. However, site design modifications mitigate the lack of similar architecture. The prominent feature of the church is the extensive parking which extends almost to the right-of-way of Rochester Road. However, the parking has been rearranged to soften its appearance. Furthermore, a 50' landscape berm is provided along the frontage of the church parking.

Items to be Addressed: None.

Landscaping / Screening

A concept Landscape Plan package has been submitted and labeled as Sheets L1 – L10.

Screening adjacent to Rochester Villas has been improved with a wooden board-on-board fence. The fence is bordered by deciduous trees planted 30' – 40' on-center. We recommend the same fence detail as the northerly boundary be used. Furthermore, the fence does not need to extend as far as shown. Approximately 50' beyond the east unit will be adequate and will avoid wetland encroachment.

Screening along the northern boundary will be similar. An 8' board on board fence is provided. As recommended, additional deciduous trees will be planted along this fence behind units 1 – 30. Eventually, such trees will mature and provide shade and softening of the fence.

The landscaping across the frontage has been revised to be more consistent between the residential component and the church. The combination of berming and landscaping will effectively screen the parking.

Greater description of material types and sizes has been provided

Items to be Addressed: Fence detail and length of fencing along southerly boundary.

NATURAL RESOURCES AND NATURAL FEATURES PRESERVATION

In general, the site contains a number of outstanding environmental features which, have been more successfully incorporated into the development plan.

Topography: In general, the site slopes downward from the frontage along Rochester Road to the lowland areas in the southeast portion of the site. The site is relatively flat and there are no major slopes which represent a developmental constraint except in a few areas in proximity to drainage ways, and a small “knob” in central portion of the site. This “knob” will be preserved in the form of the “Sacred Grove” associated with the church. Since a grading plan is not provided nor required at this stage, it is not possible to determine the impact of grading. However, we know that, due to soil conditions, the condominium units will need to be elevated above the mitigated wetland areas.

Woodlands: Tree cover is a significant feature of the site, as evidenced by the tree survey submitted by the applicant. Much of the frontage along Rochester Road in the northwest and southwest portions have more scattered vegetation of varied quality. However, the balance of the site contains a number of dense stands of both deciduous and evergreen trees.

The tree survey indicates twenty-one (21) mass areas of woody vegetation. Some of the areas are varied in quality and contain some trees that are of lesser quality such as box elder, silver maple, and cherry. However, these appear more prevalent on the front portion of the site. As you travel towards the rear portion of the site, the quality of the vegetation seems to improve indicating less disturbance in the past.

A Tree Preservation Plan (sheet L10) has been provided as part of the landscape plan package. On most of the developed upland portion of the site, all existing trees will be removed. However, three areas of significance will be preserved. The first area to remain untouched is designated “I” on the tree survey and contains an impressive stand of spruce and pine trees in combination with mixed hardwoods. This is the “Sacred Grove”.

The second area is designated “S” on the tree survey. It is perhaps the wooden upland which is of highest significance because it is well developed, Oak-Hickory woodland with emerging mesic species (basswood, tulip tree). Both the concentration and quality of these woodlands are unique. Although this portion of the site is highly developable, it will be preserved and provide a buffer of 400 feet to Emerald Lakes Subdivision.

Finally, there is substantial tree cover associated with the wetlands. We have received clarification that, while some of the wetlands are intended to be used for storm drainage purposes, there will likely be no impact on existing tree cover. The applicant’s wetlands consultant has indicated that the wetlands used for storage of storm drainage are poor quality with existing grassy vegetation. Addition of stormwater will likely improve its quality.

Wetlands:

The wetlands and floodplains are a significant feature of this site. It is unusual in the City such as Troy to find consolidated wetlands as large as is found in the southeast portion of the site. The main portion of wetland, as well as the upland woodlands behind units 31 – 34, will be protected by a Conservation easement. The large wetland is connected to two smaller wetlands in the north central portion of the site. These two smaller wetlands will be altered with mitigation, which could actually improve their function. These plans indicate alteration of wetland boundaries in proximity to development in the upland portions of the project.

A concern expressed by the Commission is preservation of the drainageway behind units 39 – 46. Plans have been refined to ensure that there is no encroachment. Although raised in our previous report, it has been clarified that there is no encroachment of units in the wetlands (behind units 40 – 42).

The church will be built over a natural drainageway which will be eliminated. The church plans on building an athletic field within two “fingers” of wetland which extend into the upland portion of the site.

A revised report has been submitted by the City’s wetland consultant, J & L Consulting Services.

Soils:

The applicant's soils report, as well as the County soil survey, indicates soils on the site which are poorly drained. This would be expected for areas within the floodplain and wetland areas. However, of greater concern, are the soil and groundwater conditions for soil borings taken in the upland areas proposed for development. This would be a particular concern for any residential construction with basements, a fact verified by the consultants report. The report does indicate that there may be extraordinary measures taken in order to allow construction of homes with basements that would require a significant amount of under drainage.

We would advise the City Engineering Department to carefully evaluate such measures for their impact on drainage conditions within this surrounding area.

Items to be Addressed: None.

SITE ACCESS AND CIRCULATION

The applicant proposes to provide primary access to the church site with boulevard entrances. A secondary access to the church was previously provided on the southerly portion of the site. We believe secondary access is necessary, but suggested that the drive be moved to the northern portion of the church parking. Such a location will not conflict with existing or proposed residential and will provide more efficient distribution of traffic.

The balance of the internal circulation for the church is reasonable. Two drop-off points are provided for the church entrances. By and large, access to parking areas is limited in order to avoid conflicting turning movements.

A separate entrance is provided to the proposed condominiums. After discussions with the applicant, we agree that a cross connection for vehicular traffic would serve no useful purpose. Internal traffic circulation for the residential component of the project appears to be reasonable and provided safe and convenient access to all dwelling units.

Items to be Addressed: None.

SETBACKS / HEIGHTS

Plan notes on the cover sheet have been clarified about applicable setbacks and height of the project.

Items to be Addressed: None.

PARKING

Parking information is provided on the cover sheet of the site plan. Overall, parking is sufficient. For the residential portion of the project, the Suburban units will be provided with two car garages and driveways which will accommodate two cars. Plan notation, indicates on-street parking is anticipated on one side of the streets. Urban units will also have garages and additional surface parking of two spaces per unit.

Additional parking (12 spaces) is provided for the clubhouse. Overflow parking will be available within the church parking lot and sidewalk connections have been provided. We would recommend that the PUD agreement required by Section 35.80.00 ensure that overflow parking remains available.

Church parking is based upon a standard of one (1) space for every three (3) seats within the sanctuary plus additional parking for ancillary facilities. While 608 spaces are required by this standard, 1,212 spaces (1,137 in Phase I and 75 deferred) have been provided. The church has explained that the additional parking is needed to accommodate overlap between services and dual use of the facility with services and Adult Sunday School conducted simultaneously.

Earlier, we recommended that parking at the south end of the building be eliminated to avoid encroaching on the wetlands in this area. Most of this area is shown to be landbanked. We remain cautious as to whether this parking will be needed. Therefore, if the church intends to build this parking in the future, they return to Planning Commission and demonstrate the need..

Items to be Addressed: Landbanked parking at the south end of church.

TECHNICAL COMMENTS

Planning Department staff, in conjunction with our office, identified the following technical items in our previous review which need to be addressed. We have noted how each issue has been addressed:

1. The conservation easement boundary needs to be clarified.

Response: Sheet 7 of the site plan package clearly identifies boundary.

2. Provide a note stating that the wooden fence along the northern property line will be adequately maintained in the future.

Response: We are unable to find such notation. However, maintenance issues such as these are appropriately addressed in the PUD agreement.

3. Location of fire lanes and fire hydrants need to be provided.

Response: Fire lanes are shown on sheets 7 – 10. However, we are unable to locate fire hydrants.

4. Identify location of church dumpsters and provide screening details for dumpsters.

Response: Shown on sheet 7. Detail provided on sheet L-7.

5. Clarify location of trash storage and procedure for trash pickup for condominiums.

Response: Notation on sheet 1 (cover sheet) indicates trash storage will be within individual units and curbside pickup provided.

6. Provide basic lighting plan identifying location of lights and light details for all parking areas, including church parking lot.

Response: Location shown on sheets 7 – 10. Details indicated on sheet L-7.

7. Provide note indicating that all trails and gazebo will be ADA compliant (wood chip trails not acceptable).

Response: All but woodchip paths will be ADA compliant. It would not be typical to require woodchip paths to be ADA compliant. Woodchip pathways are located along buffers of wetland and are an appropriate surface material for this application.

8. Provide street and sidewalk cross-sections and easement details.

Response: Provided on sheet 7.

9. The wetlands boundary is vague and needs to be clarified.

Response: Boundary has been clarified on all plan sheets.

10. The applicant should ensure that all future submissions do not reference proposed “offices” or “athletic fields” in the project narrative or on the site plan.

Response: Offices have been eliminated, but athletic field has been shown on plans.

SUMMARY OF COMMENTS

There are a few remaining items that should be clarified and/or addressed that would assist the Commission in making a recommendation. These items are summarized as follows:

1. Require fence detail along southern boundary to be consistent with northern boundary. Scale back length to 50' beyond last unit of Rochester Villas.
2. Require landbank portion of church parking, if requested in the future, to receive Planning Commission approval before its construction.
3. Technical comments #2 and #3.

RECOMMENDATIONS

Subject to the comments contained herein, we would recommend that the Planning Commission provide a favorable recommendation to the City Council for the following reasons:

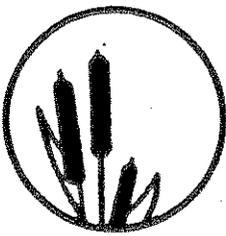
1. The project qualifies as a PUD under the standards set forth in Section 35.30.00.
2. The proposed mix of uses, in particular the environmental assets of the site, are appropriate and in keeping with the intent of Section 35.10.00.
3. Overall residential density is consistent with the City's Master Land Use Plan.
4. The proposed Preliminary Plan demonstrates that the General Development Standards, set forth in Section 35.40.00, and the Standards for Approval, set forth in Section 35.70.00, have been met.



CARLISLE/WORTMAN ASSOC., INC.
Richard K. Carlisle, PCP

RKC/ss

225-02-2101



- Environmental Assessments
- Mitigation Plans and Permits
- Site Evaluation and Analyses
- Wetlands Mapping

July 28, 2002
Revised 7-31-02

Ms. Tracy Slintak
Engineering Department
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Re: Environmental Review, Troy Baptist Church, 89.83 Acres, NW ¼ of Section 2,
East of Rochester Road, City of Troy, MI. Applicant is Robertson Brothers, Inc.

Dear Ms. Slintak:

J & L Consulting has received and reviewed the revised site plans that were dated 6-04-02 and which were prepared by Giffels-Webster Engineers, Inc for Robertson Brothers. The revised site plans for this PUD consist of 11 sheets, and are part of Job # 15786. This environmental review focused on the wetlands, and was performed in accordance with ordinances and policies of the City of Troy, including Chapter 42 (Flood Plain Management) of the City Code.

Findings:

1. Accuracy of Wetland Boundaries, and MDEQ Regulation

According to Mr. Jim Jehle of Robertson Brothers, the wetlands on this 89.83-acre parcel have been verified by the Michigan DEQ. See Report # 01-63-0010-WA. Hence, the wetland boundaries, as indicated on the revised site plans, should be accurate. In addition, all the wetlands on site are MDEQ-regulated, except for the isolated patch of wetlands in the northwest part of the subject property (see Sheet 3 of 11).

2. Quantity of Wetland Loss

The undersigned was unable to locate a proposed wetland loss figure on the revised site plan drawings, nor was the volume of proposed wetland fill indicated.

Based on the site plan drawings (specifically Sheet 5 of 11, Preliminary Site Plan), the undersigned estimates that the wetland loss is 1.25 acres, and the proposed wetland fill volume is about 6,000 cubic yards, not including the berm along the southern margin of the property. Giffels-Webster should, however, verify these wetland loss figures.

3. Proposed Wetland Mitigation:

a. Replacement Areas

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ENGINEERING

If the proposed wetland loss is in fact 1.25 acres, and if the wetland replacement ratio imposed by the Michigan DEQ is 1.5 X, then the wetland replacement area should amount to 1.87 acres. However, a check by J & L Consulting reveals that only about 1.34 acres of wetland replacement is being provided. Giffels-Webster Engineering should verify both the proposed wetland loss and the area of the proposed wetland mitigation, since it has the site plan drawings on CAD. It appears, however, that an additional 0.50 acres of wetland mitigation is needed in order to meet the 1.5X ratio.

b. Location of the 5 Wetland Mitigation Areas

With regard to the proposed location of the wetland mitigation areas, the five separate sites for the proposed wetland replacement are acceptable. According to MDEQ policy, the MDEQ generally requires that the wetland mitigation areas be: 1) on site if possible, 2) in an area adjacent to an existing wetland or water body, 3) in an area where a water supply is readily available, and 4) in a somewhat isolated area where a preservation easement can be granted or wetland protection assured. Hence, the areas being designated as wetland replacement areas on the site plan appear acceptable.

c. Wetland Replacement Credit

Be advised that the Michigan DEQ generally does not provide credit for wetland replacement in existing, regulated wetlands. Hence, in Drainage Areas A and B, as indicated on Sheet 5 of 11, it is likely that no wetland replacement credit can be given for wetland replacement in the existing, MDEQ-regulated wetlands.

Moreover, the adjacent (non-mitigation) wetlands are generally to be preserved, i.e., should not be modified as part of the nearby wetland creation activity. Hydrologic connections between adjacent natural wetlands and mitigation wetlands are usually required, but vegetation removal or excavation should generally be avoided in the nearby natural wetlands, even for the purpose of creating additional stormwater detention capacity. Since a complete restructuring of the wetland so as to increase the stormwater detention capacity may not be acceptable to the Michigan DEQ, the applicant may wish to contact the Livonia District Office of the MDEQ in this regard.

Patch of Giant Reed Cane (*Phragmites australis*)

In the wetlands of Drainage Area A, there is a patch of Giant Reed Cane, i.e., a very tall grass that is considered to be invasive. Invasive plants are aggressive, and often over time crowd out native species. Hence, it is recommended that the City of Troy accept some careful excavation work in the wetland to remove the invasive plants.

d. Area of Proposed Conservation Easement

The area of the proposed conservation easement, as shown on Sheet 7 of 11, does not cover all of the preserved wetlands, nor all of the wetland mitigation areas. Hence, it is likely that the Michigan DEQ will require that the proposed conservation easement area be expanded, particularly in regard to the proposed wetland mitigation areas. A more inclusive easement area is recommended, especially in regard to the wetlands.

4. Stormwater Management Plan

a. Use of the Wetlands for Stormwater Detention, and the Swirl Chambers

As indicated on Sheet 5 of 11, a total of five Swirl Chambers are to be employed on this project site in place of the usual stormwater detention basins. Hence, these five Swirl Chambers, as substitutes for detention basins, are to provide both: 1) stormwater detention, and 2) water quality pre-treatment. Both detention and pre-treatment are required by the Michigan DEQ (according to Part 303 of P.A. 451 of 1994 as amended) prior to discharge of stormwater into a MDEQ-regulated wetland. See Rules of Implementation for Part 303 of P.A. 451 of 1994 as amended, and the NPDES regulation (as managed by the MDEQ, Surface Water Quality Division).

Without information on the design and actual performance of the Swirl Chambers, J & L Consulting can not comment on the effectiveness of the specific model of Swirl Chamber being proposed herein in lieu of detention basins. These chambers probably do not provide for any stormwater detention. Moreover, the use of these Swirl Chambers should be reviewed and approved by the Drain Office of Oakland County (OCDC). The Gibson-Renshaw Drain is a county-designed drain. The OCDC generally requires the detention of a 10-year storm volume from developed sites in Oakland County, MI.

b. MDEQ Policy on Discharging Stormwater to Regulated Wetlands

Based on the experience of the undersigned, generally the MDEQ will limit the water level increase in the receiving wetland, as regards the discharge of stormwater, to 6 to 8 inches over an 18 to 24 hr time period during a 10-year storm.

Given that general MDEQ standard, J & L Consulting attempted to evaluate the table presented on the bottom of Sheet 5 of 11 (Preliminary Site Plan). However, no water level increases in inches for 10-year and 25-year storms were provided for Areas A and B, which contain wetlands. Also, the 3.5-inch increase in water level in Area C during a 25-year storm seems relatively low, given that both Areas A and B drain into Area C, and so does the parking lot and church area. The parking area and church, for some reason, does not have a "drainage area designation". Therefore, it is recommended that the parking lot and church building area be labeled drainage Area D, and that a relatively high runoff coefficient (C-Value) of about 0.90 be assigned to that area. Then the water level increase in the wetland complex, which is labeled Drainage Area C, should be recalculated by the Giffels-Webster.

In addition, if the receiving wetland is a "shared wetland", i.e., a wetland shared by two or more property owners, the adjacent property owner should be asked if he/she has no objections to the discharge of the stormwater into the shared wetlands. The wetlands in Drainage Area C do extend offsite, including near the nearby condominiums, which were built in a relatively low, and perhaps flood-prone area.

c. Sediment Basin of the Church Parking Lot and Building Area

Sheet 5 of 11 indicates a Sediment Basin as part of the proposed stormwater detention system in the area southeast of the church parking lot. However, the capacity of this sediment basin is not indicated. A minimum of a 2-year storm volume is recommended by the undersigned, with the condition that the adjacent wetland can accommodate the remaining detention volume storage without causing vegetation drowning in the wetlands or flooding offsite. (The MDEQ's 8- to 12-inch maximum increase in water level of a wetland receiving stormwater discharge during a 10-year storm is a pertinent principle). In addition, this Sediment Basin should be equipped with a forebay, standpipe with gravel blanket, and an overflow system. Also, this Sediment Basin should remain in place and be functional after the construction period.

d. Berm along southern edge of the Property

This berm will receive scrutiny on part of the MDEQ when a MDEQ wetlands permit is submitted to the Livonia Office of the Michigan DEQ for review. If the berm is to be constructed of clayey sediments, and given a length of 750 feet in wetlands, the wetland fill volume could be substantial and the construction impacts on the wetlands may be considerable. In comparison, a concrete or stone wall may cause less wetland fill, but would still involve serious impacts on the wetlands during construction.

Because the stormwater flow from the church parking and church building area will be discharged close to the south property line, that particular stormwater discharge causes most of the need for this berm. Hence, discharging that stormwater farther north, as in the drainage ditch (located about 250 ft north of the south property line) would be helpful in reducing water level increases in the wetlands close to the south property line. However, the most important factor would be to reduce the nearly total reliance on the stormwater detention and pre-treatment in the wetlands by proposing additional stormwater detention basins.

e. Stormwater Maintenance Plan

Because this 89.83-acre development is apparently to be a PUD, the responsibility for maintaining the stormwater management system in the future needs to be clarified in the Construction Agreement, Master Deed, and in other legal documents. The attorney for the City of Troy is important in this regard. Moreover, careful inspections by both the Drain Office and the City of Troy are important, before C of O's are issued, in order to prevent costly repairs early on that may be passed on to the homeowners association or to church congregation.

5. Plotting of the Floodway about the Gibson-Renshaw Drain

According to the Flood Plain Management Ordinance of the City of Troy, the floodway about the Gibson-Renshaw Drain, located in the southeast portion of the property, should be plotted on the appropriate site plan drawings. Giffels-Webster Engineering should be responsible for this floodway designation.

6. Listed Species Search

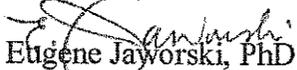
Because of the relatively large woodlands and sizeable wetlands on this property, parts of which are relatively natural, there is the potential for threatened and endangered species on this 89.83-acre property. Therefore, contact should be made with the National Features Inventory Program of the Wildlife Division of the MDNR, Ph. 517/373-9418, as regards the need for a listed species search.

Summary and Recommendations

Considerable progress has been made with regard to making these preliminary site plans acceptable to the City of Troy. Nevertheless, these site plans should be revised, particularly with regard to providing additional stormwater detention basins, and thereby reducing the reliance on the wetlands for stormwater detention and pre-treatment. In addition, the possibility of modifying two of the existing, MDEQ- regulated wetlands solely for the purpose of expanding the detention capacity of the wetlands must re-evaluated. Once the six issues listed above are more completely addressed by the developer and his consultants, this PUD site plan may well be acceptable.

If you have any questions concerning this environmental review, please contact my office at 734/572-1630.

Sincerely,


Eugene Jaworski, PhD

Principal, and Wetlands Consultant for the City of Troy



King & MacGregor
Environmental
Inc.

August 1, 2002

Ms. Tracy Slintak
Engineering Department
City of Troy
500 W. Big Beaver Road
Troy, MI 48064

Re: Response to J & L Consulting Services Environmental Review Letter Dated
July 28, 2002 and Revised July 31, 2002

Dear Ms. Slintak,

As the wetland consultant for Robertson Brothers, Troy Baptist Church Project, we are responding to the Environmental Review letter that were written by Dr. Eugene Jaworski, J&L Consulting Services, dated July 28, 2002 and revised July 31, 2002. The purpose of this letter is to address the applicable issues from Dr. Jaworski's letter in a clear and concise manner as possible, in the hope of clearing up any unresolved issues.

2. Quantity of Wetland Loss

On February 6, 2002 a permit application (MDEQ file #: 02-63-0037-P) was submitted to the MDEQ for impacts associated with regulated wetlands, inland lakes and streams, and the 100-year floodplain of the Gibson-Renshaw Drain. The total amount of wetland impact proposed in the MDEQ application was 1.68 acres with a corresponding wetland fill volume of 7,225 cubic yards and 115 cubic yards of excavation. As part of the application a wetland impact and mitigation ratio table was created that breaks down the amount of wetland impact per area, the MDEQ mitigation ratio, and the resulting required mitigation acreage. Please see the attached Wetland Impacts and Mitigation Ratios table for a complete breakdown. Also included is a table, which outlines the proposed floodplain impacts.

3. Proposed Wetland Mitigation

a. Replacement Areas

In the MDEQ permit application three areas, M1 through M3, of wetland mitigation were proposed. The combination of these three areas totals 2.81 acres of wetland mitigation, which is 0.005 acres more than what is required by the MDEQ. The proposed mitigation areas are shown as M1 through M3 and are clearly labeled on sheet 1 of 5, Wetland Application.

c. Wetland Replacement Credits

KME, Inc. on behalf of Robertson Brothers is in the process of discussing wetland replacement credits with the MDEQ for the areas you have described as Drainage Areas A and B. These areas will be part of an MDEQ permit application that is currently being completed for the proposed residential portion of this project.

Southwest Michigan Office
5860 N. Canton Center Rd.
Suite 387
Canton, MI 48187

Phone: 734/354-0594
FAX: 734/354-0593

West Michigan Office
2520 Woodmeadow Dr. SE
Grand Rapids, MI 49546

Phone: 616/957-1231
FAX: 616/957-2198

Central Michigan Office
2990 Lake Lansing Rd.
Suite 201
East Lansing, MI 48823

Phone: 517/333-2122
FAX: 517/333-2124

Northern Michigan Office
302 South Warren
Big Rapids, MI 49307

Phone: 231/796-9291
FAX: 231/796-4060

mail: kme@king-macgregor.com

d. Conversation Easement

The limits of the conversation easement shown on sheet 7 of 11, Preliminary Site Plan are preliminary in nature. The final site plan shall include a conversation easement that preserves all remaining regulated wetland areas and all proposed wetland mitigation areas. These conservation easements will be a requirement of the MDEQ permit approval process.

4. Stormwater Management Plan

a. Use of the Wetlands for Stormwater Detention, and the Swirl Chambers

The project engineer, Giffels-Webster Engineers, Inc. is proposing the installation of five swirl chambers for storm water pre-treatment for the residential portion of the site. The swirl chambers are designed specifically to pre-treat storm water and do not have the capacity to detain storm water. Storm water detention is currently being proposed in the areas designated as Area A and B (see sheet 5 of 11), which partially contain regulated wetland and proposed mitigation areas.

b. MDEQ policy on Discharging Stormwater to Regulated Wetlands

A meeting was conducted on July 31, 2002 with Mike Polmear, Giffels-Webster Engineers, Inc; Jim Jehle and Ron Phillips, Robertson Brothers; Ashok Punjabi, R.K. Engineering; and Dave Dortman, MDEQ that addressed the stormwater management plan including the amount and time of stormwater storage within the regulated wetlands. Part of finalizing the stormwater management plan is determining the volume of stormwater that will enter each of the detention areas and the corresponding dewatering time for each storm event. This information is a requested part of the MDEQ permitting process and preliminary information was provided to the MDEQ as part of the current pending MDEQ permit application for the Church. As soon as Giffels-Webster finalizes the stormwater management plan the new information will be submitted to the MDEQ for review and final approval. This finalized information will also be part of the permit application for the residential development once it is completed. To date the MDEQ has approved the concept of pre-treated stormwater detention within jurisdictional wetlands pending final engineering and plan submittal.

The large regulated wetland in the southeast portion of the site, continues off of the property to the south. If the finalized stormwater management plan continues to utilize this area for the detention of pre-treated stormwater the client will precede with obtaining the necessary approvals.

c. Sediment Basin of the Church Parking Lot and Building Area

Currently, two sediment basins are being proposed east of the church and the parking lots in order to properly pre-treat and detain the storm water from the southwestern portion of the property.

d. Berm along southern edge of the Property

At this time, the stormwater management plan that is currently in the process of being finalized eliminates the proposed storage of stormwater within the large regulated wetland in the southeast portion of the site. Therefore, the berm along the southern property boundary may not be required. If the berm is still deemed necessary, the MDEQ has indicated that the state will approve the berm, but that the amount of fill being proposed to create the berm needs to be reduced. These issues will be resolved with the MDEQ upon KME, Inc. receiving the finalized stormwater management plans from the engineer.

5. Listed Species Search

Upon a request from the City of Troy the client will contact the National Features Inventory Program and request their help in completing a listed species search.

We hope that this letter of response serves to address the questions and concerns as raised in Dr. Jaworski's letter. If you should have any additional questions or if you should need any additional information, please feel free to contact us in the Southeast Michigan office, 734-354-0594, at your convenience

Sincerely,

Pamela E. Rice

Derek J. Stratelak

King & MacGregor Environmental, Inc.
Pamela E. Rice and Derek J. Stratelak

Enclosures

cc: Mr. Kevan Johnston, Troy Baptist Church
Mr. Jim Jehle, Robertson Brothers Company
Mr. Joe Anderson, Giffels-Webster Engineers, Inc.
Mr. Mike Polnear, Giffels-Webster Engineers, Inc.
Dr. Eugene Jaworaski, J & L Consulting Services
Mr. Dick Carlisle, Carlisle/Wortman Associates, Inc.

TROY BAPTIST CHURCH IMPACT TABLES

Wetland Impacts and Mitigation Ratios

Wetland Area/Wetland Type	Area of Impact (acres)	Fill Volume (cubic yards)	Excavation Volume (cubic yards)	Mitigation Ratio	Required Mitigation in acres
F1/PSSB	0.65	1,574	N/A	1.5:1	0.975
F2/PFO	0.18	1,694	115	2:1	0.36
F3/PFO	0.33	3,237	N/A	2:1	0.66
F4/PFO	0.05	35	N/A	2:1	0.10
F5/PSSB	0.47	685	N/A	1.5:1	0.71
Totals	1.68 acres	7,225 cubic yards	115 cubic yards		2.805 acres

Floodplain Impacts

Floodplain Area	Area of Impact (acres)	Fill Volume (cubic yards)	Excavation Volume (cubic yards)	Created Compensatory Cut Volume (cubic feet)
FP1	0.88	771	--	0
FP2	0.05	35	--	0
FP3	0.47	685	--	0
FP4	1.80	--	741	741
FP5	2.35	--	1,111	1,111
FP6	0.23	778	--	0
FP7	1.38	--	444	444
Totals	7.16 acres	2,269 cubic yards	2,296 cubic yards	2,296 cubic yards or 61,992 cubic feet

August 28, 2002

Dear City of Troy Planning Committee,

I am writing to you concerning the proposed development project by Woodside Bible/Robertson Brothers. The proposed construction is for the development of a church & residential homes east of Rochester Road & south of South Blvd.

I live adjacent to this proposed area at 1080 Hartwig Dr with my wife & 7 year old son. One of the proposed residential homes would be behind my lot. I am concerned about the effect this construction will have on the water management on our property. There is a stream on this lot that was blocked off by the extension of the Alibi Restaurant's parking lot several years ago. Now, the water sits stagnate on this vacant lot. I am concerned that further development without regard for water management might force this stagnate water to sit on our property.

I hope the planning committee considers the effect of this building project on adjacent properties such as ours. We have received many notices from the City of Troy concerning this project & subsequent public hearings, but we have yet to see any communication from the City of Troy regarding a well thought out plan for environment & water management effects of this plan. The past history of the Alibi restaurant parking lot extension created a stagnate water issue & showed the lack of proper planning by City of Troy officials. I hope history does not repeat itself at the expense of our back yard & play area for our son.

Charles A. Haba

Charles Haba
1080 Hartwig Dr
Troy, MI 48085
phone: 248-879-2496
e-mail: chaba@dow.com.

REC'D

AUG 30 2002

PLANNING DEPT.

RECEIVED
CITY OF TROY
2002 AUG 27 PM 1:47

08/26/02

CITY COUNCIL of The City of Troy
500 W. BIG BEAVER
Troy MI

DEAR CITY COUNCIL

WE STILL CONTINUE TO DISAGREE WITH
THIS RECOMMENDATION.

THE CHURCH WILL CREATE MASSIVE
TRAFFIC THAN CITY STREETS, NAMELY "WARD",
LOVELL & RED FORD CIRCLE.

THESE ARE RESIDENTIAL STREETS WITH
MANY CHILDREN, BIKERS & WALKERS.

WITH HUNDREDS OF CARS, AS THE CHURCH,
MORE THAN LIKELY THEY WILL USE THE
RESIDENTIAL STREETS TO EXIT

REC'D
AUG 27 2002
PLANNING DEPT.

Sincerely
Mr & Mrs Douglas Wesley
6691 Redford Circle
Troy MI 48068
(248) 879-6927

PLANNED UNIT DEVELOPMENT

2. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-1) – Proposed Woodside Bible Church (F/K/A Troy Baptist Church)/Robertson Brothers P.U.D., East side of Rochester and South of South Blvd., Section 2 – R-1D

Mr. Miller provided a summary of the PUD Proposal.

Mr. Jim Clark presented a history of developing large condominium complexes. He stated that they have never found a need for a second entrance and that they would never endanger the residents. He would prefer to continue for approval on the plan as provided to you this evening as they have a strong preference of not providing the emergency connection.

Mr. Littman stated that the Fire Department has a strong preference for a second emergency access.

Mr. Clark stated that urban condominiums do provide options for emergencies.

RESOLUTION

Moved by Kramer

Seconded by Pennington

RESOLVED, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by the Robertson Brothers Co. and Woodside Bible Church, for the Woodside Bible Church/Northwyck Planned Unit Development (FKA Troy Baptist PUD), located on the east side of Rochester Road and south of South Boulevard, located in section 2, within the R-1D zoning district, being 89.83 acres in size, is hereby recommended for approval to City Council;

FURTHER RESOLVED, that the proposed PUD qualifies under the standards set forth in Section 35.30.00;

FURTHER RESOLVED, that the proposed mix of uses, in particular the environmental assets of the site, are appropriate and in keeping with the intent of Section 35.10.00;

FURTHER RESOLVED, that the overall residential density is consistent with the City's Future Land Use Plan;

FURTHER RESOLVED, that the proposed Preliminary Plan demonstrates that the General Development Standards, set forth in Section 35.40.00, and the Standards for Approval, set forth in Section 35.70.00, have been met;

FURTHER RESOLVED, that the recommendation is subject to the following conditions;

1. The Preliminary Plan consists of a transmittal letter dated July 12, 2002, which was presented to the Planning Commission this date; the notebook containing narratives, reduced plans, and full size plans:
 - L1 Overall Landscape Plan, 07/12/02
 - L2 Village at Northwyck Landscape Plan, 07/12/02
 - L3 Woods at Northwyck Landscape Plan, 07/12/02
 - L4 Woods at Northwyck Clubhouse Landscape Plan, 07/12/02
 - L5 Clubhouse Elevations Plan, 07/12/02
 - L6 Typical Unit Landscape Plan, 07/12/02
 - L7 Landscape Details Plan, 07/12/02
 - L8 Entry Elevation Plan, 07/12/02
 - L9 Cross-Sections Plan, 07/12/02
 - L10 Tree Preservation Plan, 07/12/02
 - GWE 1 of 11 Preliminary Site Plan Cover, 07/12/02
 - GWE 2 of 11 Land Use/General Development Map, 07/12/02
 - GWE 3 of 11 Natural Features Plan, 07/12/02
 - GWE 4 of 11 Tree Inventory Plan, 07/12/02
 - GWE 5 of 11 Storm Drainage Plan, 07/12/02
 - GWE 6 of 11 Utility Layout Plan, 07/12/02
 - GWE 7 of 11 100 Scale Site Plan, 07/12/02
 - GWE 8 of 11 50 Scale Site Plan, 07/12/02
 - GWE 9 of 11 50 Scale Site Plan, 07/12/02
 - GWE 10 of 11 50 Scale Site Plan, 07/12/02
 - GWE 11 of 11 50 Scale Site Plan, 07/12/02.
2. The Planning Commission be authorized to provide a recommendation to City Council regarding the Final Plan for the Woodside Bible Church/Northwyck Planned Unit Development (FKA Troy Baptist PUD).
3. The fence detail along the southern boundary be consistent with the northern boundary and scale back length to 50 feet to the east beyond the last unit of Rochester Villas.
4. The landbank portion of the church parking shall require Planning Commission recommendation and City Council approval before construction.

5. That a note be provided on the plans stating the wooden fence along the northern property line will be adequately maintained in the future.
6. That fire hydrants shall be indicated on the Final Plans.

Mr. Littman stated that he would like to propose an amendment to the motion based on the request by the Fire Department having a strong preference for two (2) entrances for the health, safety, and welfare of the future residents of this development. That access be provided by the church parking lot. His suggestion is that a sidewalk be provided of significant width and strength and readily accessible and that petitioners work with the Fire Chief to get a second access to the residential portion of the development.

Mr. Chamberlain asked for a second on the amendment.

No second. Amendment dies for lack of a second.

Yeas:

Pennington
Chamberlain
Starr
Vleck
Kramer
Storrs

Nays:

Littman

Absent:

MOTION CARRIED

Mr. Littman stated he voted against the motion as he feels that the Commission has worked very hard to provide a second access for safety reasons and that the Fire Chief has a strong preference that it be provided.

3. PUBLIC HEARING - PROPOSED PLANNED UNIT DEVELOPMENT (PUD-1) – Proposed Woodside Bible Church (FKA Troy Baptist Church)/Robertson Brothers P.U.D., East side of Rochester and South of South Blvd., Section 2 – R-1D

Mr. Miller addressed the Chairman stating as a reminder that there are two (2) items that are on the agenda in which notification was sent that are not being addressed tonight and you might want to mention those so those people in the audience can go home.

Mr. Chamberlain stated that Item #4, which is the Evanswood Parc in Section 1, that will not be discussed tonight. The applicant withdrew his application from the City so we don't know when the board will see that one again. Item #5 is proposed Freund Site Condo, north of Devonwood in Section 7, petitioner asked for a postponement on that one, so we will not be talking about these two items tonight.

Mr. Miller introduced Richard Carlisle, the City's Planning Consultant, who will be making a presentation related to the Woodside Bible Church PUD, formerly known as Troy Baptist.

Dick Carlisle of Carlisle/Wortman Associates stated that he was primarily responsible for the review of this project. This project was before you several months ago whereas we provided a review, which I felt was critical review of the matter. City Staff, along with the assistance of our office, took the direction from the Commission and began to look at this site and determine some ways that this site could qualify in terms of qualification under your PUD provisions in the Ordinance. One of the essential features of the site that we felt was critical that was not evident in the previous plan where the environmental features of the site. That includes an extensive wetlands system, but also some significant wooded areas, particularly in the northeast corner of the site that in the previous plan were really proposed for development. We began to look at the project from the standpoint under your PUD provisions, which talk about the preservation of environmental features and assets and actually have those particular features and assets be a significant component and a significant unifying characteristic of the site and a feature around which the project should focus. As a result, what you see now is a project that really, it has three (3) development components; but I'm going to really say it has four (4) critical components. The office portion of the project has been eliminated and has been replaced with what the applicant is calling urban condominium units, which are going to be located. Eight-four (84) of those located in fourteen (14) buildings. The second component of that is eight-six (86), what they term to be suburban units and those are located in twenty-two (22) two(2) four (4) unit buildings and those are really the rear portion of the site along the northern property boundary and really serves more as a transitional area between this site and the neighboring single family residential. The church remains, although there has been some redesign of the site layout on that in a manner that we find certainly more reasonable. That would consist of a

first phase of 97,000 square feet which a potential expansion of an additional 50,000 square feet. We looked at this from the standpoint very strictly in terms of the criteria that are set forth in your PUD Ordinance in terms of the types of things that need to be considered and that is the areas of innovation and design, mix of uses, and unification of elements that will provide a project that appears, as which it is planned, as a unit; therefore, the term Planned Unit Development, as it is appropriately indicated. As a result, it has been our finding that, more specifically, the focus of the property has shifted so that the environmental attributes of the sites provide the underlying foundation for the PUD. And that, as you can see, is a very significant component of this site, and primarily you see, central and southeast portion of the site an extensive wetlands system of that will be preserved and actually components of it enhanced by some of the stormwater management approach that is being taken. Around the rear, in the northeast corner, I eluded to an area, which has probably the most significant tree cover on the site in terms of the species and the mix of the species. That to will be preserved, and an added feature of that is the fact that it'll provide a 400 foot buffer between this site and the Emerald Lake Subdivision. The real critical item is what's the guarantee it's going to be preserved. Those areas that you see, essentially will be preserved by a conservation easement that will run with the land and ultimately...I think the details of that need to be worked out as to...it will be recorded, but whether it's actually dedicated to a conservational organization or not as a scenic easement I don't believe has been finally determined. But, that will be something we will want to see in the development agreement in terms of how ultimately, how that conservation easement is to be recorded and with whom it resides. The standpoint of the focus of this project shifting, I think a significant job has been done towards advancing that particular concept; much more than the previous plan, and it's approach that we're very comfortable with. One of the other things I would like to point out is that in conjunction with the 24, 25 acres of wetland plus upland that's going to be preserved on this site, this also joins with the approximately 25 acres of the preserved area with Rochester Villa. As a result, you have a significant area of environmental conservation in an area that is pretty heavily developed. I think, as a result in a community that has been developed as Troy this is quite an accomplishment. There's also a final element of the environmental area and that's what's been referred to as the sacred grove or the wooded knoll behind the church and that to, is indicated on the plan to be preserved. We are satisfied with the approach that is currently being taken to preserve the wetlands. The other significant issue is the issue of the drainage in utilizing part of the wetland for additional storage. In my investigations with the petitioner's wetland consultant, a firm called McGregor, King, this particular area that's being used for storage is an area of poor quality wetland and actually the introduction of additional water in this area would really enhance the wetland environment, plus give the added benefit to provide an additional stormwater storage in that area. I'm satisfied that that's a good approach in that particular area. Regarding traffic circulation, we had had some concerns about the traffic circulation plan that was previously proposed for the church, and in my opinion, it has been greatly improved. The internal traffic circulation is much improved.

The only question we have raised, and at this point the petitioner is attempting to address, is the location of that most southerly drive. We had indicated that if it were to be located there, we would like to see it moved further away from Rochester Villa's parking lot because that's got to be an area where you're going to have some queue during Sunday morning and the further away you can get from the neighboring residents the better. We had also made a suggestion that it be moved to the north of the boulevard because it could actually provide a greater distance between the two (2) driveways and we felt it might provide a better distribution of the dispersible traffic. This is currently under study. I am unaware at this point if that southerly location was actually recommended by City Staff or not, so that's an item that needs to be addressed. Another issue that we have, which I believe the petitioner is prepared to respond to, is the issue of screening. I think the screen across both the northern and southern boundaries needs to be enhanced. On the northern boundary, they are proposing a substantial fence; however, we think there needs to be more landscaping in addition to that. Along the southern boundary, we also believe a more substantial screening is needed, because there really could be a greater impact in that particular regard because of the parking lot adjacent to Rochester Villa. This is why we are recommending greater screening along that matter.

Mr. Carlisle continued stating there were several other areas that needed to be clarified and a number of these are technical areas. One of these areas that we raised questions on was the amount of parking the church was providing. However, in discussions with the church, we did find that they are actually conducting adult Sunday School classes concurrently with church services, which does impact parking. Therefore, I'm satisfied with the amount of parking they are providing is necessary, although there is one area that we're suggesting be either eliminated or landbanked, and that is that very little southerly wing of parking that is to the south of their proposed expansion. That area is built over a wetland and we see, for the amount of parking, you're going to obtain, in that particular location, we think, the environmental benefit of preserving that wetland is much greater.

Mr. Carlisle concluded stating that this is the high point of our review Mr. Chairman, and if you would like me to answer any questions, I'd be happy to.

Mr. Kramer asked to Mr. Carlisle if he could you provide a clearer understanding on setbacks.

Mr. Carlisle stated that the cover sheet of the site plan indicates a schedule of setbacks; however, in the case of the condominium units, the notation says refer to the site plan. That's not a method I prefer. I would like to see those setbacks, actually the minimum setbacks they are providing, called out on the cover sheet of this site plan. Our device is to have the scale of the site plan to find out what the setbacks are and I've discussed this with their engineers and they've indicated that would be no problem.

Mr. Kramer asked are the actual setback distances proposed adequate.

Mr. Carlisle replied in his opinion, yes, with the additional screening.

Mr. Waller stated that this has taken some time to come to this point and we're getting close to the goal, would you comment on your review as you came into this and how the project is going to be better because of not only your review, but the concerted effort of all the concerned parties.

Mr. Carlisle replied, I think in several ways. First of all, in our initial review we felt that the environmental resources of the site could have been better recognized in the plan. The most significant feature I think of this plan now is that the environmental features of the site has been a significant focus of this plan and, furthermore, they're going to be guaranteed their perpetual preservation with a conservation easement. That's I think first and foremost one of the most significant things. I think the second thing is the mix of uses now. You have a mix of housing types, the office has been eliminated, which is counter to City policy along Rochester Road, so now it's been replaced with residential units and the density of which is consistent with your Master Plan. I think the final item is that there's now an integration of the actual design elements of the site. The pedestrian circulation system, the amenities, the landscaping, although there's a little bit more in that regard that we would like them to do, but there is now, I think, a consistent approach to the physical amenities on the site to, again, make this look as a project planned as a unit. I believe those are the three (3) major areas I can point to that have been as a result of discussions with the applicant.

Mr. Storrs stated he honestly was not clear with all of the drawings as to what revision date, what write-ups with what revision date, etc., now comprise a PUD, we're being asked to approve. We've gotten a variety of inputs over time and quite a large stack of stuff at the last meeting, I'm wondering if anybody honestly knows what it is.

Ms. Lancaster stated, I am not sure we've gotten to the point of tonight's meeting for this Board to be aware, but I think Jim Clarke is going to appraise you of the fact that we have not received final revisions due to vacationing plans and other things from the architect, etc. What both Mark Miller and myself have asked of Dick Carlisle is that we get a neat, clean pile of the documents with dates and with an appendix so that this Board, when it gets to the point that's it's ready to make a motion, will be able to refer to those documents with dates and revisions and hopefully, that will satisfy all your requirements. That is in the works, however, you will not see it tonight.

Jim Clarke of Robertson Brothers stated, as Sue Lancaster just indicated to you, due to vacation schedules and getting the letters from your professionals, we started to work but are not able to present you with a completed package having

lost a lot of time last week. We are in receipt of Carlisle/Wortman's letter of June 18th and the Troy Planning Commission letter of June 20th and all the other correspondence. There isn't anything in any of those documents that we see an issue with. I talked with Mr. Carlisle on some of the specifics and how he wants the issues handled and we will present to you by Friday, at worst case Monday of next week, a complete package with dates and a summary of any changes that were made from the set that you are currently looking at, which indicates how we address the concerns in those letters of the 18th and the 20th. Just an additional background, I had sent a letter out to the neighbors before this meeting last week asking if anyone had any questions going into the public hearing and I had one (1) phone call regarding our relationship to Emerald Lakes and I had to leave a voicemail saying that we had not changed any of those dimensions or relationships. The new books that you've received can be disregarded. They do not reflect the current updated information. All information in those books will be replaced on Friday with updated information. I heard you loud and clear in that you want a summary of the changes and that will be provided.

Mr. Chamberlain stated he has a few questions and starting with the southwest corner on the drive next to the existing residential, you heard Mr. Carlisle say that he would like to see that moved north and at the same time put some extra shrubbery in there to shield that; is that going to be a consideration you're going to bring forward to this Board.

Mr. Clarke replied yes and stated that Kevan Johnston was here to represent the church.

Mr. Chamberlain stated his concerns were if they were going to meet the main concerns that Mr. Carlisle brought up today of moving that road north, better buffering between the residential to the south and the church parking lot, better buffering to the north residents and the condo units, and the parking lot out on that little peninsula just south of the expansion and landbank that.

Mr. Clarke stated that in all cases I think we are going to adequately address all of Mr. Carlisle's issues and I believe he will be very pleased with what he sees. I will let Mr. Johnston talk about location.

Mr. Chamberlain stated my question wasn't so much about location but if you are considering moving it north.

Mr. Clarke replied yes, it has been moved north on their site plan.

Kevan Johnston of Woodside Baptist stated that all the issues that have been brought up with the church regarding the landbanking of that small portion of parking has been addressed. It is on the new plan. With regards to the southern entrance, that has been moved north about eight (8) feet with additional landscaping to the south of that. With regards to our screening, we've elected to

do the same as Robertson Brothers with regards to a non-footed wood fence that'll run the length of our parking lot between ourselves and the apartments to our south. Another concern that was brought up was regarding our future expansion, and it is noted on the drawings that it has to come before you before anything additional will be done on the site.

Mr. Littman brought up the letter by our environmental consultant, Dr. Jaworski, recommending against approval, which I recognize is a couple of months old. It has been changed since that, however that's the last communication that we have about that issue. Has that been addressed in some way either to get that updated or given direction to ignore it or whatever.

Mr. Johnston stated he believes it has been addressed and asked Mr. Clarke to respond.

Mr. Clarke stated I would ask the attorney. We had come to an agreement with your Planning Director, Larry Keisling, that J.L. Consulting was not going to be used because they were already hired by the church to inventory the site. We came to an agreement that the wetlands would be delineated and the line would be agreed to by the DEQ, which is the governing agency, which has been done. The application for the church portion of this has been submitted and has been approved with corrections, which are in the process of being made. Now, we don't have the permit because it was in the ninety (90) day pile and they gave us the comments on that application and the permit is forthcoming on the church portion of this development. I guess I need to talk to your attorney on how we have a guy on both sides of an equation.

Mr. Littman stated that the only point he wanted to take, which he made last time, was that we're shooting for a complete, accurate total package to turn over to Council when we get done with what we're going to do and that is the only thing in that packet that I know of, to the best of my knowledge, the only communication which we have about that issue, is the recommendation from our consultant to not approve. Either that needs to be updated, replaced, somehow made to go away. In my mind that can't be a part of the package we approve.

Mr. Clarke stated it's your consultant...

Ms. Lancaster stated that we'll make that a matter of priority and call Mr. Clarke about that and petitioner and see if we can't get you what you need to make a complete record.

Mr. Clarke stated I think there's been...I think there's further information he's not appraised of.

Mr. Chamberlain stated I think you're right, I think it's been overcome, but like Mr. Littman stated it's still part of the record and we got to clean the record up.

Mr. Kramer stated that in Mr. Miller's letter of June 20th, one comment made was that there will be a sidewalk connection to Lovell. I just wanted to make sure that we will see some detail of that; at least from my vantage point here, I don't see it on the sketch in front of me.

Mr. Miller replied that we did indicate to the petitioners that we wanted a pedestrian connection in this area and we have indicated that to them and they are in the process of preparing revised drawings. They will have to respond if they are going to include that; but I believe it's been the Planning Department's recommendation, and I think Mr. Carlisle and the Planning Commission's intent, to have that pedestrian connection.

Mr. Clarke stated that everything in the letter will be addressed and I believe in every case we're going to...but, yes, there will be a pedestrian connection to Lovell, and in addition there was a request for an additional pedestrian connection in the area of units 1-6 of our condominiums up front, will be part of the new plans that are submitted to you, and I'll note those once again.

Mr. Starr stated that one of the things he hasn't seen in the packet is an outdoor lighting plan.

Mr. Johnston stated that is in the new landscape package.

Mr. Clarke stated additionally, the condos will have photo lights on their garages plus we have light stands at various intersections, which are detailed in the packet.

Public hearing opened and closed.

Mr. Starr asked if we really wanted to close the public hearing.

Mr. Chamberlain stated I want to close it. We advertised for tonight, everybody knew it was tonight, so therefore, it's tonight and no one wanted to talk, so we'll bring it back to the Board.

Mr. Chamberlain suggested tabling to the August 6, 2002 Special Study Meeting.

RESOLUTION

Moved by Kramer

Seconded by Starr

RESOLVED, to postpone the Preliminary Plan Unit Development for the Woodside Bible Church (aka Troy Baptist Church) /Robertson Brothers located

on the east side of Rochester Road and south of South Boulevard, Section 2, R-1D, to the August 6, 2002 Planning Commission Special/Study Meeting.

Yeas:

Nays:

Absent:

All present (9)

Mr. Chamberlain stated before we close this item, I want to ask the people who have presented this, do we need to keep all this paper.

Mr. Clarke stated there was no need to hand on to all the prior information as they will be preparing a whole new package.

4. PUBLIC HEARING - PROPOSED PLANNED UNIT DEVELOPMENT (PUD-1) – Proposed Troy Baptist Church/Robertson Brothers P.U.D., East side of Rochester and South of South Blvd., Section 2 – R-1D

Mr. Miller stated that the petitioner has submitted revised PUD plans. A review of these plans is underway and a report will be provided to the Planning Commission for the next Special / Study Planning Commission Meeting. The Public Hearing will be postponed to the next Regular Planning Commission Meeting.

Mr. Chamberlain stated that the Commission did not have a chance to review the input on this as it was received in the Planning Department at close of business on Monday, June 11, 2002.

Mr. Storrs commented that the petitioner found that they had to make some last minute changes to the plan, so it arrived in the Planning Department too late to take any further action at this time.

RESOLUTION

Moved by Littman
Wright

Seconded by

RESOLVED, to postpone the Preliminary Plan Unit Development for the Troy Baptist Church/Robertson Brothers located on the east side of Rochester Road and south of South Boulevard, Section 2, R-1D, to the next Regular Planning Commission Meeting.

Yeas:
All Present (9)

Nays:

Absent:

MOTION CARRIED

8. PUBLIC HEARING - PROPOSED PLANNED UNIT DEVELOPMENT (PUD-1) – Proposed Troy Baptist Church/Robertson Brothers P.U.D., East side of Rochester and South of South Blvd., Section 2 – R-1D

Mr. Miller stated that the package from Troy Baptist Church and Robertson Brothers was received in the Planning Department last night, June 3, 2002, at 4:30 p.m. which was not enough time to review and have ready for the meeting this evening.

Tad Kreger, Architect, stated that they have put together a ten (10) page package to help further define the character of the development. They are also redesigning the pedestrian circulation and by rotating the buildings it has given us a lot more green space. We have very extensive landscaping plans.

Mr. Littman asked how wide are the sidewalks.

Mr. Kreger stated five (5) feet.

Mr. Kramer commented to Mr. Kreger that when he comes back, give us a warm and fuzzy feeling that these sidewalks, fences, and pole areas are low maintenance.

Mr. Starr asked about lighting and commented that you had talked about bringing it down.

Mr. Kreger stated that is right.

Mr. Waller commented on segregating the north and south use driveways.

Mr. Littman stated his concern with only one entrance.

Mr. Johnston stated that their new name is now Woodside Bible Church and that the fire department wants two (2) entrances.

Mr. Waller stated he would like to see some sort of breakaway gate in case a fire truck needs to get through. There needs to be a way for a fire truck to get from the church parking lot to the residential area.

Mr. Chamberlain stated there are churches with gated drives.

Mr. Clarke stated we need to address emergency cross access.

Mr. Vleck stated his only question is the wetland area.

Mr. Clarke stated that the residents to the north want a 35 to 50 foot setback.

Mr. Waller stated that emergency cross access is needed.

Mr. Kramer asked about pedestrian access to Emerald Lakes area.

Mr. Chamberlain asked about the distance from curb to private road.

Mr. Kreger stated 23 feet.

Mr. Chamberlain stated that the public hearing will continue on the second Tuesday in July.

6. UPDATE OF TROY BAPTIST PUD

Mr. Miller stated that the enclosed correspondence is from John Szerlag, City Manager, to the Troy Baptist Church indicating general agreement of the conceptual plan by the development team and City Management. It is expected that the PUD will be presented at the June 11, 2002 regular meeting and be discussed at all study meetings as necessary.

Mr. Miller further stated that Dick Carlisle was involved in the plan direction. We laid down design standards while trying to preserve more of the uplands in the northeast corner. There were some changes to the parking area that were allowed. The office was eliminated with the introduction of the medium density condos in that area, 170 units. The plan shows some pedestrian amenities. This is a conceptual plan. We do know that some changes will be addressed. We had a final meeting with City Management and they agreed to this conceptual plan. This summarizes where we are today. We are shooting for a public hearing at the June meeting. This plan was reviewed very quickly to get this done. There are some additional setbacks on the north boundary.

Mr. Chamberlain asked if it meets the zoning requirements.

Mr. Miller stated that the 50 foot rear yard setback exceeds the required rear yard setback.

Mr. Chamberlain stated he was against conservancy. He doesn't want to see Michigan or Oakland County get it. They will trade land.

Mr. Waller commented on the north end of the conservation agreement behind unit 40, across to 47 and 51, inasmuch these are condos, they could still walk out their back door and still use the area there, but they couldn't build a deck or a gazebo.

Ms. Lancaster replied it would strictly not be their property.

Mr. Waller asked why is it packed so tightly behind those units.

Mr. Miller replied they are trying to preserve natural features.

Mr. Storrs stated there is no vehicle access between the houses and the church access. There is no way to get traffic out of there.

Mr. Vleck asked when is hydraulic analysis going to be completed.

Mr. Starr asked if the wetlands in the middle of the condo area, northeast corner, was going to be a problem for the MDEQ.

Mr. Miller stated that they are actually going to increase that area with natural plantings.

Mr. Storrs commented that if we could anticipate a problem and fix it before it happened, wouldn't that be beneficial. Maybe we could have some procedural questions in place on how to make it work.

Mr. Chamberlain stated a PUD is a PUD. When you're done building, it is supposed to be complete.

Mr. Kramer stated he liked what he saw. His question was regarding this large wonderland preserve, if we are treating this as a public place or private place. He would like to see some definition. Is the intent here to keep this as a preserve that no one uses.

Mr. Miller stated that in our negotiations, it was brought up about this upland wooded area in the northeast, which would actually be dedicated to the City. Robertson Brothers was in agreement to dedicate that to the City for better ownership. The City chose to go with the conservancy idea for public access. That was what was conceptually approved on. We wanted to decide which side of the fence we are on. If it's an improvement for the public, there has to be some access to it.

Mr. Kramer commented that he was still looking for some definition.

Mr. Chamberlain commented on water flow in this area and that it runs northwest to the southeast. We can't make the water pool in these areas. All these residents' yards are going to flood if we put a six (6) foot dam in there. We have to figure out a way to move the water underneath.

Mr. Vleck agreed there are potential problems and that it is a pretty substantial drain. The creek holds a substantial amount of water. If you do any type of blockage back there, you will have substantial problems.

Mr. Chamberlain asked how do we mitigate that. These are issues that need to be resolved before this PUD is approved.

Mr. Littman commented that we need to understand vehicular separation and the concern regarding emergency vehicles and only one entrance.

Mr. Waller stated we must save trees and vegetation. We need to let the water flow.

Jim Clarke of Robertson Brothers came forward.

Mr. Chamberlain stated that we have really come some distance into this process. It sure is a lot further than it was.

Mr. Clarke stated the plan itself has come a long way. We have integrated it all together. He complimented Mark Miller and City Staff in their working so cooperatively with them. One consideration on who to dedicate that land to may be to the MDEQ. He also stated that the parking now accommodates the maximum number of required spaces.

Mr. Kramer stated he would like to be sure there is some language in there about the height.

Mr. Smith commented on filling it in as Phase II on the Site Plan.

Ms. Lancaster stated that could be a condition on its approval. You can actually do an outline of the square footage. Everything else would have to come back for review, but actually you would have already approved. You can do the volume and the architectural pieces at a later date.

Mr. Vleck stated he would like to see the language include what the setbacks are going to be. He commented on the drain being included in the Natural Features Map and would like to see how it's going to be addressed.

Mr. Littman commented on a second entrance, even if it's just for emergencies.

Mr. Vleck asked if the Commission looks at engineering and drainage as part of the approval process for the PUD.

Mr. Storrs stated he doesn't like the egress on the southwest.

Mr. Waller stated that regarding access, other departments of the City would help us on what their feelings are on that in lining up utilities and easements going out east and west, 600 to 800 feet. Is that the only place they can bring in water and sewer.

Mr. Miller stated that we will be looking at it closer as we get more information.

Mr. Kramer asked what are we expecting in terms of details which is going to aid in our decision regarding approval of this.

Mr. Storrs stated he thought it was a good idea for us to get with the other departments and chat with them about it. A concern is safety on Rochester Road and at the Rochester Villas.

Mr. Chamberlain stated the Commission has five (5) weeks for the target recommendation, which would be the first Tuesday in June.

Current Development Report

Mr. Chamberlain commented on the Troy Baptist PUD and asked if there were any comments from those who walked the site last week.

Mr. Miller summarized the meetings with Dick Carlisle and the PUD Team.

Mr. Waller stated that he was delighted that we did the walkthrough on the site. Everywhere there is water on the ground we should double check.

Mr. Kramer stated it is apparent there is a conflict if areas preserved in the PUD, while others don't include uplands. We need to decide whether we feel that it should be a public access as part of the PUD or a natural amenity just to the residents.

Mr. Chamberlain stated this is private property, only people who own it will have access to it. They dropped verbal words on us about splitting their property apart. The church is going to do their part and Robertson Brothers is going to do their part with the housing. Where do the wetlands end up in this thing. Will City Council support some public access.

Mr. Miller stated they were talking about splitting it up, but now they are going to keep it is as one and a PUD.

Mr. Chamberlain asked how can we control the unbuildable stuff.

Mr. Miller stated that a PUD is a form of contract zoning, but it's for a purpose. If the Planning Commission feels that it is very important that the public has access to certain areas within, then stick to your guns. This is a negotiated process. What does the City want from this project. That is why a City does PUDs. We are learning this, and we need to determine what we want from this project.

Ms. Lancaster stated she agreed with Mr. Miller. The goal of a PUD is to provide public improvements.

Mr. Storrs asked what do we want out of this. What are we willing to get.

Mr. Miller stated private roads instead of public roads.

Ms. Lancaster stated we have a lot of power with a PUD.

Mr. Littman agreed.

Mr. Waller stated all are good neighbors. All parties, including the Planning Commission, need to submit a document with a rationale for the PUD.

Mr. Kramer asked if we had two petitioners.

Mr. Miller stated that Robertson Brothers is the applicant while Troy Baptist is the majority property owner. Realistically, it is a development team.

Mr. Storrs stated that Mr. Carlisle promised to provide us with a good example of a PUD.

Mr. Chamberlain stated he hopes the developer is not forgetting about the neighbors to the north.

Mr. Miller stated they appear to be supportive because the petitioner is buying their extra property. He firmly believes if we are going to develop the current plan, all of the trees get cut down.

Mr. Waller commented, so it's going to be a clear cut.

Mr. Miller stated you can't have a 30 or 40 foot setback and build and not cut everything down. We need to see some good landscaping and berming.

6. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-1) – Proposed Troy Baptist Church/Robertson Brothers P.U.D., East side of Rochester and South of South Blvd., Section 2 – R-1D – No new information received.

Mr. Miller stated that City Staff continues to meet with the Robertson Brothers Co., Franklin Properties and Troy Baptist Church. The petitioner is designing a new project that may eliminate the office component and add some medium density residential on the Rochester Road frontage. Schematic plans are expected to be available in the near future.

Mr. Miller further stated at this point that City Management has met at least twice with Troy Baptist and Robertson Brothers. Tomorrow, March 27th, we are having a meeting at 11:30 a.m. and he believes some schematic plans will be presented. The general idea is leaning towards the office being eliminated. Residential will be closer to the Rochester Road frontage, although we still have not seen a plan. We do not have any new information available at this time.

Mr. Storrs asked what are the pink ribbons doing on those trees at the site.

Mr. Chamberlain stated they mean the trees are dead and they will be removed.

Petitioner, Jim Clark of Robertson Brothers, stated they will present a total of 3.8 units per acre under CR-1. They will not be requesting any variances with the exception of 50% attaching of common walls and private roads. We will accept any comments from the Commission.

Mr. Chamberlain stated that in walking the site this evening they noticed large groves of conifers and the commission believes these would be an amenity to the site and should be kept.

Mr. Storrs commented on retaining some of the wetlands.

Mr. Kramer asked when looking at the PUD or a modification, are we looking at the complete development plan. What will be the final layout plan. Will there be a Phase I and future phases. Will the development stop as presented. What happens if the wetlands status changes.

Mr. Clark stated that there would be contractual obligations to residents as to what would be developed and include E-P zoning. We are looking for a residential PUD. A blended PUD that will be owned by Robertson Brothers.

Mr. Chamberlain stated that we are not going to design this right now.

4. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-1) – Proposed Troy Baptist Church/Robertson Brothers P.U.D., East side of Rochester and South of South Blvd., Section 2 – R-1D – Tabling Requested by Petitioner

The petitioner submitted a request to table the PUD proposal (enclosed).

Mr. Littman asked if there was any indication from the petitioner as to when they would be ready to appear.

Mr. Miller stated I believe they want to go forward as soon as possible. It seems they will be proposing a different configuration of the residential area. It may or may not be under a PUD.

Mr. Miller further stated that the Chairman, Mr. Chamberlain, wanted this item on the agenda for the next study session and to meet at the site at 6:00 p.m.

RESOLUTION

Moved by Waller

Seconded by Starr

RESOLVED, that the Proposed Planned Unit Development (PUD-1) – Proposed Troy Baptist Church/Robertson Brothers P.U.D., East side of Rochester and South of South Blvd., Section 2 – R-1D, is hereby tabled to the next regular meeting which will be held on April 9, 2002. However, this item will be discussed at the next Study Session.

Yeas:
All present (8)

Nays:

Absent:
Chamberlain

MOTION CARRIED

9. PUBLIC HEARING - PROPOSED PLANNED UNIT DEVELOPMENT (PUD-1) – Proposed Troy Baptist Church/Robertson Brothers P.U.D., East side of Rochester Road and South of South Boulevard, 89.63 acres (gross) Section 2, R-1D

Mr. Miller stated that the Troy Baptist Church, Robertson Brothers Company and Franklin Property Corporation submitted a Planned Unit Development (PUD) for Preliminary Plan Approval for the development of the 89.63 acre (gross), Troy Baptist property on the east side of Rochester Road south of South Boulevard, within the R-1D Zoning District. This site has approximately a quarter mile of frontage on Rochester Road and extends east from Rochester Road approximately one half mile.

Mr. Miller further stated that the City of Troy utilized the consulting services of Carlisle/Wortman Associates, Inc., a community planning and landscape architect firm to prepare an analysis and recommendation for the PUD request. Richard K. Carlisle, PCP is the professional community planner who worked with the City and will present his report and recommendation to the Planning Commission meeting. A copy of the report and recommendation is provided in the agenda package.

Mr. Miller further stated that the Planning Commission discussed the PUD proposal at the March 27, 2001, October 23, 2001 and November 27, 2001, Special/Study Meetings (minutes enclosed). There is also a review checklist provided in the agenda package to allow each Planning Commissioner the opportunity to address each PUD requirement in relation to the Troy Baptist proposal.

Mr. Miller further stated that located on the subject property are MDEQ regulated wetlands as determined by the MDEQ Wetlands Assessment Report. In addition there is a regulated 100 year flood plain associated with the Ferry Drain located on the subject property. This MDEQ report does not include the northerly portion of the subject property within the Eyster's Suburban Home Subdivision. These natural features are indicated on the PUD plans. In addition J & L Consulting Services, City of Troy's wetlands consultant, conducted a wetlands review of the subject property.

Mr. Miller further stated that there is one correspondence from Mr. and Mrs. Douglas Wesley regarding the proposal. A Mr. Bengt Jonsson, 1250 Hartwig, Troy, Michigan contacted the Planning Department and indicated that part of his property, Lot 20 Eyster's Suburban Home Subdivision, is included within the proposal, although he has not agreed to sell that portion of his property.

Mr. Miller concluded stating that the Planning Department and City Management coordinated with Richard Carlisle, Carlisle/Wortman Associates, Inc., and concurred with their report and recommendation for the subject PUD request.

Based upon these findings and recommendations, the Planning Department recommends the subject PUD Preliminary Plan be denied approval.

Richard Carlisle, Carlisle/Wortman Associates Inc., summarized his PUD report for the Planning Commission. Mr. Carlisle's recommended denial of the PUD. He stated that, ultimately, the proposed project does not have merit as a PUD and cannot be corrected with tweaking of the plan. In addition, the PUD standards call for projects that are exemplary or higher quality development, and this proposal does not achieve this standard.

Petitioner, Andrew Milia, stated that on March 27, 2001, Troy Baptist came forward to the City for their consideration on which way to achieve their objective. He stated that it was the City's recommendation to go for the PUD. April through September of 2001 we have addressed a number of issues with the Planning Department and attended a Study Session with the Planning Commission in October to discuss this site. After the Study Session we resubmitted the plans; however, we were stalled through December, January, into early February. The whole process took too long.

Petitioner, Jim Clark, came forward and stated that he has been in front of the Planning Commission twice and asked how much of the previous presentations did the Planning Commission wish him to present this time.

Mr. Littman stated that the petitioner should address Mr. Carlisle's presentation.

Mr. Clark stated that Troy Baptist submitted applications to MDEQ and have agreed to the wetlands report and have conceptually accepted it 90 days from the beginning of January. He stated that Larry Keisling and Eugene Jawoski did a review. He stated that Troy Baptist got the MDEQ documentation and provided additional details in relation to plans as Mr. Miller had requested.

Mr. Clark further stated that a PUD does provide for innovation and different types of land uses. That the PUD ensures preservation of Natural Features; provides 35% of natural space and that they are making a contribution for preservation. That instead of providing a 10 year stormwater detention system that they came up with a 25 year stormwater detention system and believe it to be exemplary. That the wetlands will be used for what they are suppose to be used for. It will be a visual amenity for the development.

Mr. Clark further stated that 11 out of 13 sites will be accessed over a road through Emerald Lakes. Hopefully, we will be able to come to some kind of terms. They will be putting all our traffic out to the boulevard. Employment will also be provided with our project.

Mr. Clark further stated that they have met with neighbors and that some are in support of this project and some things need to worked out with others. They

feel confident that they can meet with these people and come up some kind of resolution provided we understand what direction we should go. They believe the project will be successful.

Mr. Clark further stated that they have had some good initial feedback from the Planning Commission to go forward with a PUD. He asked how can we get this to work.

Doug Schmidt, 5184 Hertford, stated he is the Sr. Pastor of Troy Baptist and that one of their difficulties is the congregation is growing and they have a small piece of property. Attendance is somewhere between 2,300 - 2,500 on Sundays. Total membership is in excess of 5,000. They have done everything to accommodate growth and keep people safe. One of the things they are excited about is seniors. Discussions have occurred with many regarding them living in these proposed condominiums. They want to work with this Commission to work out all of the details possible. The greatest expenditure has been time and a year of work spent in good faith.

Kevin Johnston, Building Committee for Troy Baptist stated that the situation in the current facility is growth, in excess of 5,000 members who call Troy Baptist their Church. Part of the community is the schools, homes, and the Church. They looked in Auburn Hills, Rochester Hills, and wanted to go with what would work best for the church. When this property became available, the members of City Council and the Planning Commission stated they thought this would be an ideal location for the Troy Baptist Church. We have worked step by step with the City Staff. The church looks with extreme disfavor at Richard Carlisle's consideration of the woodlands did not occur. The Church was placed on the property to preserve major woodlands. There is 26 acres of wetlands throughout the site. The church wants to work in the City of Troy. The church has done everything the City has asked. This eleventh hour report comes as a surprise. The church really wants to do everything possible to make this work. It is their belief that the development and the Church will be able to interact.

Mr. Littman stated that the Commission agrees that it is a great location for the Church. To be built under the current zoning, you wouldn't have to be here for this process. The remainder of the area is already zoned residential, R-1T, which certainly could be done on portion of the property. It would still work under the current zoning without any special process. Why does this have to be done under a PUD? The project can be done under our current zoning.

Mr. Clark replied that stormwater agreements and the PUD is the way it has been addressed in other communities. Mr. Clark also stated that part of the answer to Mr. Littman's question is the encouragement we received from the City and didn't perceive it as a problem until just recently.

Mr. Littman asked about the office component.

Mr. Clark stated it would be a buffer from the Alibi Inn.

Public Hearing Opened

Tim Fausch, 1186 Doral, stated he has worked in Troy for 20 years and has been a resident for 10 years. He stated that he disagrees with the consultant's report. We talked about the opportunities that would be available to us for housing. There will be interaction within this project. This is a sorely lacking opportunity in the City of Troy. To see it as not a unified plan is really missing an opportunity. He attended the study session meeting with the Planning Commission and Troy Baptist and walked out of that meeting with a pretty strong endorsement from the Planning Commission. Looking back at the meeting, it was favorable for the PUD.

Mr. Waller asked for clarification of the meeting.

Mr. Miller clarified.

Mr. Waller asked if the feeling of the City and the outside consultant was that the PUD may not be what we want now. The Planning Commission has not been a part of that. He did not have a clear recommendation that we stop the PUD unless you go somewhere else. That doesn't reflect well on how we run our business. We all need to be singing out of the same hymn book.

Scott Wetzell, 1401 Hartwig, stated his biggest concerns, as well as many of my neighbors, is when we depart for work and return, traffic is horrendous and to exit Hartwig onto Rochester Road you need a gift from God to get on the roadway. Another concern is traffic going in and out of Alibi Inn, everyone cuts through to Lovell. Another concern is the office building. He understood the explanation why they don't want to put condos next to the Alibi. Locating an office building there to cushion the smell will not work. He doesn't want an office building near him. He does applaud the church in saving as much wetland as proposed.

Richard Harding, 56 Whitney Ct., stated he has been a resident of Troy for 54 years and worked in the Fire Department as a volunteer for 25 years. He stated he is the vice-chairman of the building committee for Troy Baptist and that he has attended all meetings except with the engineering staff. He states that he is floored that the PUD is recommended for denial when the Church is trying to stretch to help other people. He wants to know if the City of Troy is willing to do something different. Seven other communities have PUDs. They must work. All they have done is try to please the City. What more does the City want us to do? The church will do whatever we need to do to make the PUD work. He stated the project will be an asset.

Yvonne Stark, 1120 Hartwig, stated she agreed with Scott Wetzel. She also stated that she just purchased her first house on Hartwig and picked this particular house because of the environment. She stated she was of the understanding that nothing was going to be built on that property. She understands the growth within the Church. However, the condo complex is a problem. There will be an excess of another 300 vehicles on Rochester Road. It is nice to be able to walk to Church, but no one buys a condo to walk to Church. If they are able to build these condos, they have committed to the line of trees being left to the residents on the east, but have not committed to the trees to the North. Is it necessary to build 142 condos.

Mr. Littman stated the Church's issue regarding changing things at the eleventh hour and other problems related to traffic and nature. These have already been addressed. Ask public comments address different issues.

Ali Rabbani, 18 Ford Court, Grosse Point Shores, stated that he owns approximately 400 feet (5 lots) on the west side of Rochester Road. He doesn't have any concerns at all, it is very good for the City of Troy.

Ron Wilson, 4457 Holly, stated he has a 15 year old daughter, a 12 year old dog, and owns a business in Troy. When he saw the Troy Baptist Church site, not only did he want to live in the condos, he would like to locate his company into this office building.

Charles Joseph, 2408 Highbury, member of Troy Baptist Church, strongly encourages the Planning Commission to work for all residents in Troy. They are Troy residents and whether real or imagined, they have a carefully planned development that demands all Troy residents be considered. It is an opportunity to do something great in the City of Troy. He encourages better coordination of all parties concerned.

Ralph Wafford, 1330 22 Mile Road, Shelby Twp., stated he lived on Lot #29 on Hartwig for 22 years. He stated he trapped 13 skunks, a number of possums, and couldn't hardly get out of the house due to the mosquitoes. There were a lot of things he doesn't like in that area so he moved. This isn't anything the City can't handle. The Church would be nice. Why did the City hire someone to tell you not to do it?

Dick Harding, 1814 Buckmorr Ct., stated he has lived in Troy for 44 years, worked in the Troy Fire Department as a volunteer for 17 years, and would like to stay in Troy. Troy has offered his family what we perceived other communities have not offered them. He doesn't think we should go backwards. We should look at doing things differently. Troy is a desirable community for people to come to. He would like to see the City take a chance on this PUD.

Bob Boehle, 4313 Reilly, stated he is a member of Troy Baptist Church and that he endorses the PUD. He encourages the City to look very seriously at this PUD.

Public hearing closed.

Mr. Reece stated that the PUD requires more mixed use and interconnectivity. The density is also an issue.

Mr. Kramer commented there are a number of things the PUD needs: More integration and more amenities. When he looks at the site plan, the same issues we talked about last March and last October are still unresolved. Connectivity of vehicles and pedestrians are necessary. Sidewalks are as far away from the residents as you can imagine. It's those types of details which were discussed in the previous meetings. The wetlands area designed should be an amenity and integrated in an overall development. He supported the Church at this location and the Church has been working very hard in reaching their goal. But Robertson Brothers is optimizing their return at the expense of the neighbors. The proposal is not an improvement that we would expect from a PUD.

Mr. Waller stated he totally agreed with Mr. Kramer. There is no justification for an office building. The objective of a PUD is to improve development and this doesn't look like any improvement.

Mr. Littman stated that the taxpayers pay the Planning Commission to attend conferences once a year so we that we can look at innovative ideas from other communities. We all hoped that this PUD could bring what we saw in other communities. We also talked about our fears. One of our biggest fears is that it would be used by someone to just get around the Zoning Ordinance. What the Planning Commission had in mind, is a community that fits together. This request did not require a consultant to tell the City it is overbuilt on this site. He didn't think it's a benefit for the citizens of this City with the concentration of houses. The Church is a magnificent facility that should be put on this location. He sees this PUD is an attempt to overbuild. The project doesn't begin to satisfy the quality the Planning Commission had hoped for when the PUD ordinance was created. Someone owns that property and is allowed to develop it, however, the proposed PUD is a total misapplication of the PUD provisions.

Mr. Waller stated that there is a history of not wanting additional retail. He doesn't agree that there should be a 7-Eleven on the property. Everybody needs to calmly decide if our current Zoning Ordinance is valid. If the PUD is not the way to do this, then we should have another meeting to get this done.

Mr. Littman stated that there are mechanisms for variances.

RESOLUTION

Moved by Waller

Seconded by None

RESOLVED, that the Planning Commission hereby recommends that the Preliminary Plan Approval for the development of PUD-1, located on 89.63 acres (gross) of land, located on the east side of Rochester Road south of South Boulevard, within the R-1D Zoning District, is hereby granted.

No second on the resolution and motion fails.

RESOLUTION

Moved by Kramer

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends that the Preliminary Plan Approval for the development of PUD-1, located on 89.63 acres (gross) of land, located on the east side of Rochester Road south of South Boulevard, within the R-1D Zoning District, be denied for the following reasons:

1. That the application of the PUD and mix use requirement has not been fully.
2. That the density of the PUD is incompatible with the Future Land Use Plan.
3. One-family houses that are applicable to this area can be established under the existing Zoning Ordinance.

Mr. Starr stated a denial does not seem to be in order and that additional discussions are needed.

Mr. Littman commented that we have already discussed this.

Mr. Kramer stated that the proposal hasn't changed at all throughout the whole process. Density hasn't changed.

Mr. Starr stated that pathways were provided. That they have tried to accommodate.

Mr. Reece asked if the petitioner would like a tabling or continuance.

Mr. Clark asked for a brief moment.

Mr. Robertson of Robertson Brothers, stated his company has been in the building industry in Troy for 50 years. He has been challenged to accomplish this and would like to take another shot at another meeting. He has spent a lot of time at Planning Commission meetings because he has felt this to be very important project.

Mr. Littman stated he does not wish to delay the process but is willing to table.

Mr. Robertson stated that they want to be cooperative to meet the demand for empty nester homes and requested a tabling.

MOTION TO TABLE

Moved by Waller

Seconded by Reece

RESOLVED, that the Planning Commission hereby recommends that the Preliminary Plan Approval for the development of PUD-1, located on 89.63 acres (gross) of land, located on the east side of Rochester Road south of South

Boulevard, within the R-1D Zoning District, is hereby tabled to the next regular Planning Commission meeting.

Yeas:

All Present (7)

Nays:

Absent:

Chamberlain
Storrs

MOTION CARRIED

3. CURRENT DEVELOPMENT REPORT

Mr. Chamberlain stated that he had asked Mr. Miller to put together an analysis on the PUD for Troy Baptist Church and how it fit our Ordinance. He further stated that it was a very good document and that all should read it.

Mr. Chamberlain further stated that Troy Baptist does not seem to meet the requirements of the PUD. Why are we looking at a PUD, except for the office building component. If we continue down this road, we are still going to make a recommendation to council as to why it's a good or bad idea.

Mr. Miller stated that after the last staff meeting with Troy Baptist, the project is not moving quickly, to the point that the petitioner is not providing a Site Plan with dimensions. The basic Site Plan does not meet the basic Zoning Ordinance requirements. From staff's standpoint, we are not getting the necessary information.

Mr. Chamberlain stated we still have to center on a PUD because whatever we do is going to set a standard for future PUDs.

Mr. Keoleian asked what would be the advantage for Troy Baptist to do a PUD.

Mr. Miller stated a church is not a developer. The church bought a very expensive piece of property and development will help recoup some of the land acquisition costs.

Mr. Waller stated that he thinks that the legal department needs to look at the Federal Law and case law related to religious institutions.

Ms. Lancaster stated that we have to treat churches just like anyone else and she would provide the Planning Commission additional information.

Mr. Storrs stated the PUD analysis is alarming. Did we mislead Troy Baptist and the Robertson Brothers.

Mr. Chamberlain asked if we should notify them. He stated we need to be prepared for ourselves.

Mr. Miller stated that we should explain staff's position and get a full application from them before providing a full analysis. In staff's meeting with them, these points were discussed. Staff explained the City required a unified development. Further, it was asked why couldn't rezoning accomplish the development and build it. The office use is the problem. Staff's main concern at this point is getting a full application from them.

Mr. Chamberlain stated that the Planning Commission kind of gave them the thumbs up on a PUD. Are we wrong in pursuing the PUD with the church.

Mr. Storrs stated they don't meet very many of the requirements.

Mr. Chamberlain stated maybe we aren't interested in them coming in with a PUD.

Mr. Storrs stated that based on staff's analysis, maybe we should send them a letter stating we don't think the requirements are being met.

Ms. Lancaster stated that she doesn't think it should come from the Planning Commission. It should come from Mr. Miller and the Planning Department. Let staff tell them they might want to reconsider.

Mr. Storrs stated that if they sat down and worked through it, they would come to the same conclusion.

Mr. Miller stated staff could state our concern about them not meeting the ordinance requirements and inform them that they need to justify how they do meet the PUD requirements.

8. PROPOSED P.U.D. (PUD-1) – Troy Baptist Church et al, East side of Rochester, South of Hartwig, Section 2

The Troy Baptist Church, Robertson Brothers Company and Franklin Property Corporation have submitted a preliminary proposal for the development of the 80 acre Troy Baptist property on the east side of Rochester Road south of South Boulevard, within the R-1D Zoning District. This site has approximately a quarter mile of frontage on Rochester Road and extends east from Rochester approximately one half mile. Troy Baptist also owns a series of lots immediately north of the 80-acres site, on the north side of the platted but unopened one half-width Lovell Street right-of-way. The proposed development includes a church complex, an approximate 5-acre area proposed for low rise office use, and approximately 20 acres of residential condominium development. This submittal is considered preliminary due to the incomplete nature of the site plan. City staff recognizes that considerable information has been submitted by the petitioner; however, the site plan is lacking information as required by the Zoning Ordinance, as determined by the Planning Department and other City Staff. Therefore, staff cannot complete a full review or submit the PUD proposal to the Planning Commission for consideration until a complete application is provided by the petitioners.

At your March 27, 2001 Special/Study Meeting this preliminary proposal was presented by the petitioner (minutes enclosed). The Planning Commission generally demonstrated a favorable opinion towards the concept of the PUD proposal. Therefore, the petitioners have moved forward to develop a more complete PUD package and are requesting additional discussions with the Planning Commission.

The issue of the applicability of the PUD provisions to this proposal, have not changed since March of 2001 and are as follows:

- A. Are the predominant uses consistent with the intent of the Master Land Use Plan;
- B. Are the physical features of the proposed development, such as building height and bulk, setbacks, and development density consistent or compatible with the adjacent areas;
- C. Open space and landscaped areas are intended to be a primary feature of the PUD. Is there substantially more open space area than required for typical developments within the underlying Zoning District, recognizing that most of the wetlands, approximately 20 acres, are State regulated and would be preserved to some degree;

- D. Stormwater detention shall be provided in open unfenced basins or underground. The petitioner is proposing detention within the wetlands and no other detention is indicated;
- E. Parking shall meet the Zoning Ordinance standards, which appears to be feasible and ;
- F. It is intended that the PUD will be implemented as a single coordinate and cohesive development.

The Planning Department recommends that the Planning Commission provide input to the petitioners regarding the proposed PUD. Then, City Staff can meet with developer and clarify specifically the necessary revisions and additional information required. Once the complete information is provided, City Staff can conduct a complete review and submit the proposal to the Planning Commission.

Mr. Chamberlain commented on increasing the height and that we need more site data because the site has expanded from 80 to 90 acres. If we go this route, we are going to need street vacations. We'll require minimal sidewalk provisions. Would like to see a little more effort made for provisions for pedestrians and who will eventually own the wetlands.

Mr. Chamberlain also stated that another issue is the office use being inconsistent with the Master Land Use Plan. This is the biggest question for the Planning Commission. We need to look at that closely and provide some information to the developer. One thing we looked at in this area was residential, and just by itself, the density average is 1.4 units per acre including the wetland. He was also puzzled by the large amount of parking spaces for the church and asked why so many spaces.

Mr. Chamberlain asked if the future Senior Housing is identified to be completed in the future. This will need to be addressed. City Staff requires more detailed information. Further, stated that a PUD shouldn't identify future uses. Any vacant area as approved, will remain vacant. The whole concept of a PUD is that the whole 80 or 90 acres will be a planned development including all uses.

Mr. Chamberlain stated the major issues include; site plan information, encroachment on the north border by other properties, tree preservation, walkability, senior housing, and traffic impact.

Mr. Starr commented that a PUD basically becomes an amendment to the City Ordinances and Charter and that there is no time limit. The future and proposed uses are a problem and should be clarified.

Mr. Chamberlain stated to the petitioner that this is an informal meeting and asked the petitioner when they would be ready to submit for formal consideration.

Andrew Milia, joint petitioner with Troy Baptist, Franklin Properties, and Robertson Brothers were present to answer questions and provide more input. He stated more detailed information was provided and that Mr. Jehle will make a presentation.

Mr. Chamberlain stated he wanted 3-D models before next study meeting, not after.

Mr. Jehle, Robertson Brothers Co. stated that we have acquired all the backyards but two on the north boundary. Rochester Villa is to the south of our site and Alibi restaurant is to the north. There are 89 acres of which Troy Baptist currently sits on 9 ½ acres with 97,000 square feet of church. There will be 140,000 square feet of church in second phase. There is an overlapping situation of church services and that is why there is such a large parking area.

Office building area is 40,000 square feet and will be next to the Alibi restaurant.

Since we met with the Planning Commission in March, we have pulled together a series of the prominent brokers that sell homes in the City of Troy to determine what might be possible here and what were their thoughts of residential on Rochester Road. Their opinion is that the office would provide a barrier for residential uses. There will be 142 condominiums.

He further stated that commuting patterns are different for these types of condominiums. There is not the normal peak volumes because the residents don't normally have jobs.

The Church's peak volume is all on Sunday. A pedestrian walkway system is provided, which allows access to the office.

There is also included an environmental trail system in the wetland area.

The stormwater detention is proposed in the wetlands. This can be accomplished with an earth and berm system. In addition, there is consideration to plan for a 10 year storm.

He further stated that Mark Miller and City Staff provided a mailing list of adjacent property owners and we met with the neighbors. As a result of neighbors' input, we moved buildings away from the east property lines. The site plan in the notebook is the most recent version.

Mr. Kevin Johnson, Troy Baptist Church, presented the Church's proposed building elevations and site plan. He added that there are three separate Church services held on Sunday and that each service is represented by 2,100 to 2,300 people at a time.

Mr. Chamberlain stated that everything that is to be built will be shown on the PUD documents and site plan. We want to see it all right now. That's what a PUD is all about.

Mr. Johnson stated that they do not have the proposed senior housing. He also commented on protecting landmark trees and reviewed floor plans and site plans. He stated there will be a preschool area, and 1,150 parking spaces. Further he stated that the problem is the congregation's size. We've looked at what we need to do in this phase to accommodate our congregation now and 20 years from now.

Mr. Chamberlain stated that on Rochester Road, the entrances need to accommodate pedestrian access. Walkways are needed on both sides and one right through the middle of the parking lot, so that pedestrians have safe access. He recommended that the final plans should have considerable sidewalks to access the facilities. Rochester Road sidewalks and connection to Emerald Lakes is necessary for pedestrians. Troy is trying to become a walkable community, with pedestrian safety as being very important.

Mr. Kramer asked for pedestrian connection to Emerald Lakes.

Further he stated, paths should provide access through the flood plains and wetland areas. He asked if this would be usable at all times without flooding.

Mr. Jehle stated the walkway would be designed so it will not be under water; therefore, making it usable.

Mr. Jehle stated that soil conditions and water levels are bad but that most of these condominiums will have basements.

Mr. Kramer commented that he knows the petitioner's will meet the City and State codes relative to fire safety, but will sprinklers be used.

Mr. Jehle stated that the use of block common walls will stop fires between units.

Mr. Kramer stated that the Cherry Hill development built by Biltmore, have sprinklers in the townhouses.

Mr. Robertson stated that with 28 years experience, masonry wall works. If we used sprinklers, there would be no solid wall and then no sound barrier. The wall goes all the way to the roof. Robertson has had fabulous acceptance from residents and is good soundproofing and fire proofing.

Mr. Storrs stated he was still concerned about traffic on south side of the site. He would like to see the primary traffic flow be away from the Rochester Villas.

Mr. Johnston stated that the main entrance will be one way in and one way out.

Mr. Storrs stated that there are a lot of activities, i.e., athletic field, gym, etc. Primary goal is the traffic flow right behind the units that I am concerned about. He also stated he was concerned about the office and that we have residential across Rochester.

Mr. Chamberlain asked the petitioners when they were planning on bringing this in front of the city.

Mr. Jehle stated 30 days.

Mr. Chamberlain stated he does not want to see any walls with footings that may kill off trees, use pilings to save trees.

Mr. Kramer commented that if we don't see any lights on the soccer field, we can interpret that to mean there won't be any lights on the soccer field in the future. A lighting plan should be provided and should not impact the neighbors.

Mr. Jehle asked what would the requirements be for walls and fencing if we could do it under a PUD. Would prefer to use landscaping rather than walls.

Mr. Chamberlain stated wherever you are required to put a fence, we don't want one with footings. Another concern, is the residential and the lack of sidewalks. The Future Land Use Plan is trying to make Troy a walkable community. We would like to see sidewalks on both sides of the residential road.

Mr. Robertson stated they have looked at sidewalks, but they will reduce the open space and some of the natural features. In the course of their experience since 1973, they have found that this type of market does not need sidewalks. Also, the trip generation is very low so sidewalks aren't necessary.

Mr. Chamberlain stated that in his opinion sidewalks are to be required on both sides of the road.

Mr. Miller commented that the City Traffic Engineer wants a Traffic Impact Study.

Mr. Chamberlain stated that he does not see the Planning Commission being ready to hear this in 30 days.

Mr. Storrs asked if there is going to be pedestrian access to Emerald Lakes and Eister and Suburban Homes Subdivisions.

Mr. Jehle stated yes, they can do pedestrian access.

Mr. Robertson asked if the Planning Commission would consider the December meeting.

Mr. Chamberlain stated that it will not be easy to make December. It will probably be tabled until January.

Mr. Robertson stated their development proposals can always get tabled.

Mr. Chamberlain commented that if we don't set that public hearing, we are going to be really behind. He also stated that City Staff needs a traffic impact statement. He further stated that we could tentatively set this for December and he also questioned the timeframe that notices need to go out to the public before the public hearing.

Mr. Miller commented notice needs to be given 5 -15 days prior to the meeting.

Mr. Chamberlain stated that the petitioners need to get with Mr. Miller to provide 3D models of the whole site. Mr. Miller will talk with you about that.

Mr. Storrs commented that back in March we discussed reasons on why we think there should be a PUD here. He also asked why there is an office use.

Mr. Robertson answered that it is a double edge situation that we are dealing with. No one wants the church next to a bar. Robertson doesn't want residential on Rochester Road. Therefore, the office building will look very residential and will fit right in with the proposed uses.

Mr. Storrs stated that it's not how the office building would look or function, the problem is zoning. It creates a zoning problem across Rochester.

Ms. Lancaster commented on the Rabbani zoning litigation, where O-1 was denied by the City and this PUD could affect this case.

8. PROPOSED PLANNED UNIT DEVELOPMENT – East side of Rochester, south of South Boulevard – Section 2

Mr. Keisling explained that the Troy Baptist Church, along with Robertson Brothers Company, have submitted a preliminary proposal for development of the 80-acre Troy Baptist property on the east side of Rochester Road south of South Boulevard. This site has approximately a quarter-mile of frontage on Rochester Road and extends east from Rochester approximately one half mile. Troy Baptist also owns a series of lots immediately north of the 80-acres site, on the north side of the platted by unopened one half-width Lovell Street right-of-way. The proposed development includes a church complex, an approximate 5-acre area proposed for low rise office use, and approximately 20 acres of residential condominium development. Jim Jehle of Robertson Brothers, on behalf of the petitioners has indicated that they feel that this development proposal may represent a reasonable application of the City's Planned Unit Development provisions (Article XXXV of the Zoning Ordinance). They are, however, interested in having a preliminary discussion of this proposal with the Planning Commission, in order to obtain the Commission's input, along with that of staff, as to the appropriateness of this development as a PUD project, along with the appropriateness of the variety and extent of uses proposed. They have formally filed applications both for Rezoning and for Special use Approval (in relation to a PUD proposal and a Church proposal), with the idea that the exact direction of their application could be determined following the preliminary discussion with the Planning Commission. Recognizing that a preliminary discussion such as that now proposed is somewhat unusual, it is once again the staff's position that such an approach would be reasonable considering the nature and scale of the property and the proposed development. The Commission had received copies of plans and surveys covering the site, along with the Preliminary Environmental Impact Statement. Mr. Keisling noted that these materials have not as yet been distributed to related staff members due in part to the fact that the nature and direction of this development proposal may change as a result of the preliminary discussion.

At the Chairman's request, Mr. Keisling summarized some of the Planning Department's comments regarding the applicability of the PUD provisions to this proposal, as follows:

1. Several portions of the PUD provisions indicate that the resultant development will be consistent with the direction of the Master Land Use Plan. The density and extent of the proposed residential condominium development is clearly in conflict with the Plan. Even though one of the staff's proposals for a Plan Amendment would indicate Medium-Density Residential use in Rochester Road frontage, such use would certainly not be intended to extend one-half mile east from the frontage.

2. The PUD provisions state that such an approach "– – – shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards." The proposed uses could apparently be readily implemented through the use of conventional zoning provisions or standards.
3. Among the "Eligibility" provisions of the PUD text is the objective of bringing about "– – – a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety and welfare or protect existing or future uses from the impacts of the proposed uses." Mr. Keisling was not aware of any such proposed improvement or facility as a part of the proposed development.
4. The staff was concerned about the establishment of an office use in this portion of the Rochester Road frontage, considering recent actions to deny such zoning in the area to the north along Rochester Road and in the area across Rochester Road opposite the center of the Troy Baptist property.
5. The City Council has historically taken the position that alternative development approaches, including additional density, should not be used for the purpose of "preserving" a natural feature area which would be preserved in any event without such an action (wetlands, flood plain, etc.)

Andrew Milia, one of the partners in the proposed development, was present along with representatives of the Troy Baptist Church and Robertson Brothers Company. He introduced Doug Schmidt, Pastor of the Troy Baptist Church, who summarized the 52-year history of that Church in Troy and, in particular, their growth during his involvement there over the past decade. He also commented on their search for a site, and their desire to remain in Troy.

Paul Robertson Jr., President of Robertson Brothers Company, was present along with Jim Jehle and Jim Clarke, of Robertson Brothers. He noted that their history in Troy is just 50 years in length, and that they have looked for a good site for quite some time for an "Adams Woods" or "Heathers" type of project. They made proposals for developments in the area of the City's proposed golf course in Section 1 and the Civic Center, but the City chose not to have anyone proceed with those projects. He then proceeded to describe the proposed development in conjunction with Troy Baptist Church, noting that the Rochester Road frontage is not a good residential location. They have therefore proposed an office site to buffer the Church from the Alibi Restaurant to the north and to buffer their proposed residential development from Rochester Road. He felt that a Planned Unit Development would be the best way to implement a development such as that proposed. They are attempting to acquire the remaining lots on the north side of Lovell so that they can expand the residential condominium portion of the project. He then summarized the nature of the proposed condominium

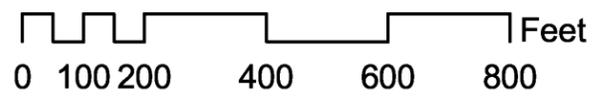
development. He noted that if adequate area is available for residential construction, they would be able to minimize filling of the flood plain area.

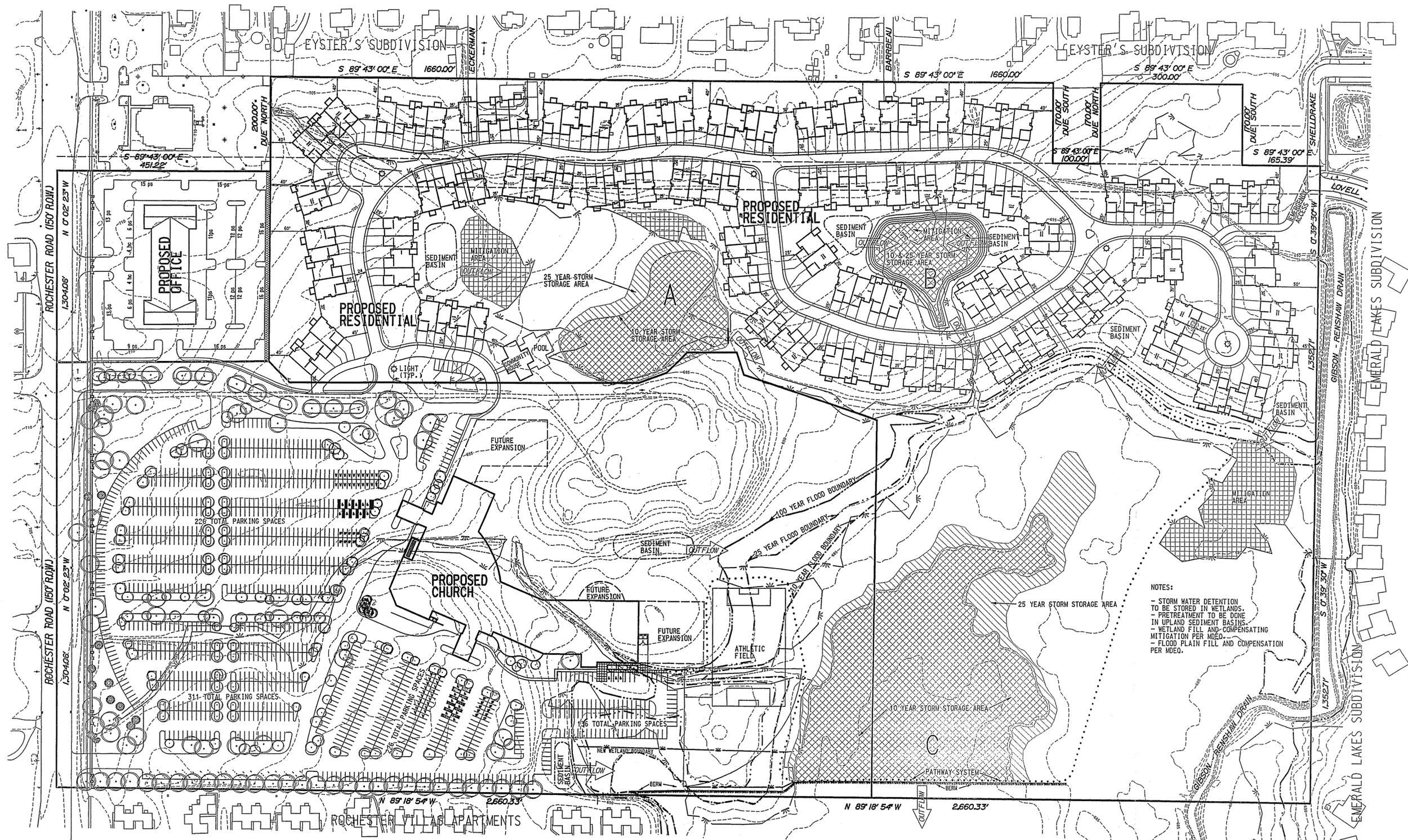
In response to Mr. Storrs questions, Mr. Robertson commented that he felt that they had a 90% chance of being able to assemble the remainder of the lots along the north side of the platted Lovell Street right-of-way. The present concept plan indicates approximately 104 condominium units. In response to Mr. Reece's question, Mr. Robertson commented that if they were able to expand the site, and could construct approximately 150 units, they could potentially include a clubhouse and pool in the proposed development. In response to Mr. Kramer's question as to why the PUD provisions would fit a development such as that proposed, Mr. Robertson stated that the provisions provide development flexibility, provide more control for the City, and enable a positive development for this unique 80-acre site with its extensive flood plain and wetland areas, etc. He further noted that his company has done approximately five or six PUD type developments. In response to Mr. Reece's question regarding the seating capacity of the proposed church complex, Pastor Schmidt indicated that a capacity of 1500 was proposed at this time. Mr. Chamberlain felt that the Commission should look at why a PUD would work in this area, rather than why it would not work. He recognized that the proposed office use could lead to more office use in this area, but felt that the overall result would be a win-win situation. At the close of the Commission's discussion, in response to an inquiry from the Chairman, the Commission members generally indicated their support for using the PUD provisions at this location.

PROPOSED P.U.D.
WOODSIDE BIBLE CHURCH / ROBERTSON BROS.
S OF SOUTH BLVD., E SIDE ROCHESTER
SEC 2 (PUD-1)



PROPOSED P.U.D.
WOODSIDE BIBLE CHURCH / ROBERTSON BROS.





STORAGE AREA "A"

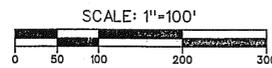
CONTRIBUTING AREA:	12 acres
"C" VALUE:	0.6
OUTFLOW @ 0.1 cfs/ac:	1.2 cfs
REQUIRED DETENTION FOR 10yr. STORM:	57,400cf
REQUIRED DETENTION FOR 25yr. STORM:	72,500cf
DEPTH OF STORAGE FOR 10yr. STORM:	0'-2', UP TO ELEV. 694.0
DEPTH OF STORAGE FOR 25yr. STORM:	0'-2.5', UP TO ELEV. 694.5

STORAGE AREA "B"

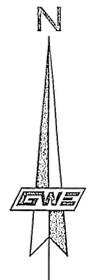
CONTRIBUTING AREA:	9 acres
"C" VALUE:	0.6
OUTFLOW @ 0.1 cfs/ac:	0.9 cfs
REQUIRED DETENTION FOR 10yr. STORM:	41,500cf
REQUIRED DETENTION FOR 25yr. STORM:	52,500cf
DEPTH OF STORAGE FOR 10yr. STORM:	0'-2', UP TO ELEV. 694.0
DEPTH OF STORAGE FOR 25yr. STORM:	0'-2.5', UP TO ELEV. 694.5

STORAGE AREA "C"

CONTRIBUTING AREA:	59 acres
"C" VALUE:	0.43
OUTFLOW @ 0.1 cfs/ac:	5.9 cfs
REQUIRED DETENTION FOR 10yr. STORM:	193,000cf
REQUIRED DETENTION FOR 25yr. STORM:	245,000cf
DEPTH OF STORAGE FOR 10yr. STORM:	0'-1.5', UP TO ELEV. 683.0
DEPTH OF STORAGE FOR 25yr. STORM:	0'-1.75', UP TO ELEV. 683.25
INCREASE IN DEPTH TP 10yr. FLOOD:	3"
INCREASE IN DEPTH TO 25yr. FLOOD:	3.5"



NOTES:
 - STORM WATER DETENTION TO BE STORED IN WETLANDS.
 - PRETREATMENT TO BE DONE IN UPLAND SEDIMENT BASINS.
 - WETLAND FILL AND COMPENSATING MITIGATION PER MDEQ.
 - FLOOD PLAIN FILL AND COMPENSATION PER MDEQ.



REVISED
 NOV 29 2001
 PLANNING DEPT.

ISSUE:

DATE:	11/29/01
RE-ISSUE FOR:	SITE PLAN APPROVAL



72 HOURS BEFORE YOU DIG
 CALL MISS DIG
 800-482-7171
 TOLL FREE

PRINCIPAL: MS
 PROJ. MGR: MP
 DESIGN: JKA
 DRAWN: JKA
 IND. REVIEW:
 SECTION: 2
 T- 2-N,R-11-E

PROPRIETOR:
 ROBERTSON BROTHERS
 6905 TELEGRAPH ROAD, SUITE 200
 BLOOMFIELD HILLS, MI 48301
 248-644-3460

GWE
 Giffels-Webster Engineers, Inc.
 ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS
 2871 EDDO STREET ROCHESTER HILLS, MI 48309
 (248) 852-3100

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SHEET TITLE:
PRELIMINARY SITE PLAN
 TROY BAPTIST CHURCH ET AL.
 CITY OF TROY, OAKLAND COUNTY, MICHIGAN

DATE: 9-14-01
 SCALE: 1" = 100'
 SHEET: 5 OF 9
 JOB: 15786

Date: August 26, 2002

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
William R. Need, Public Works Director

Re: Public Hearing - Community Development Block Grant (CDBG) Re-programming of Year 2001 and 2002 Funds

2002 Funds - We are requesting permission to add the Creston Road paving project to our 2002 CDBG list of projects. The project was initiated after the 2002 application was submitted, so it was not included on the initial list of projects.

Since the announcement of the public hearing, four (4) additional residents of Creston have come forward and qualify for Community Development Block Grant Funds, bringing the total number of qualified residents to six (6). Each parcel is assessed at \$3,366.67, so the total amount required is \$20,200.02.

The requested funds would be transferred from the Administration and Flood Drain Improvement accounts as detailed below.

Existing (From):

Account #	Activity Description	Amount
2328	Administration	\$7,000.00
2696	Flood Drain Improvements	\$13,200.02

Proposed (To):

Account #	Activity Description	Amount
3616	Special Assessment	\$20,200.02

2001 Funds – All 2001 projects have been completed with the exception of Section 36 Flood Drain Improvements. This last fiscal year, our home chore program cost \$5,899.20 more than we had available, so we are requesting that funds be re-programmed to cover the balance. We currently have no waiting list for the home chore program. Everyone who has requested to be put on the program is being serviced. All remaining funds for 2001 would be re-programmed into Flood Drain Improvements.

Existing (From):

Account #	Activity Description	Amount
2328	Administration	\$8,683.11
3616	Special Assessment	\$22,231.61

Proposed (To):

Account #	Activity Description	Amount
3384	Public Services – CDBG	\$5,746.20
2696	Flood Drain Improvements	\$25,168.52

A Regular Meeting of the Troy City Council was held Monday, August 19, 2002, at City Hall, 500 W. Big Beaver Road. Mayor Matt Pryor called the Meeting to order at 7:34 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Pastor Randall Engle – North Hills Christian Reformed Church and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Matt Pryor
Robin E. Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Anthony N. Pallotta

PUBLIC HEARINGS

C-1 Street Vacation Application (SV-174) – Somerton Street

Vote on Postponement

Resolution #2002-08-473
Moved by Pallotta
Seconded by Beltramini

RESOLVED, That the request for the vacation of a portion of the 60-foot-wide platted public street, extending approximately 295.0 feet south from Sylvanwood Street, and part of abutting Lots 58 and 59 of Sylvanwood Gardens Subdivision Number 1, Section 10 (Liber 25, page 13 of Oakland County Plats) be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, September 9, 2002.

Yes: All-7

C-2 Street Vacation Application (S.V. #14) – Section Of Alley Located East of Livernois Road and South of Arthur Street – Section 27

Resolution #2002-08-474
Moved by Pallotta
Seconded by Lambert

WHEREAS, A request has been received for the vacation of a portion of the 18-foot-wide platted public alley, extending south 130.0 feet from Arthur Street, and part of abutting Lots 41 through 46 and 363 of Addison Heights Subdivision, Section 27 (Liber 33, page 28 of Oakland County Plats); and

WHEREAS, The properties which shall benefit from this requested vacation include Lots 41 through 46 of Addison Heights Subdivision, Section 27 (City of Troy Tax Parcel 20-27-307-036 and Lot 363) of Addison Heights Subdivision, Section 27 (City of Troy Tax Parcel 20-27-307-033); and

WHEREAS, City Management and the Planning Commission have recommended that this alley vacation be granted, subject to the following condition:

1. Retention of easements within the rights-of-way to be vacated to the extent determined to be necessary by the City Engineer, based in part on input or responses from applicable utility companies.

NOW, THEREFORE, BE IT RESOLVED, That the City Council concurs with the recommendations of City Management and the Planning Commission; and,

BE IT FURTHER RESOLVED, That final action on this street vacation request shall be taken by the City Council, after the following action:

1. Determination by the City Engineer of the nature and extent of easements to be retained over the subject street right-of-way, based in part on input or responses from the applicable utility companies.

Yes: All-7

C-3 Zoning Ordinance Text Amendment – Article XXXV Planned Unit Development (PUD – 35.30.00)

Resolution #2002-08-475

Moved by Lambert

Seconded by Broomfield

RESOLVED, That the proposed Zoning Ordinance Text Amendment for Article XXXV Section 35.30.00 is amended, as recommended by City Management, to read as follows:

35.30.00 ELIBIGILITY:

In order to qualify for the Planned Unit Development Option, it must be demonstrated that the following condition will be met:

- A. The proposed development site shall be under a single ownership or control, and be capable of being planned and developed as one integral unit.

Yes: Broomfield, Eisenbacher, Howrylak, Lambert, Pallotta, Pryor

No: Beltramini

MOTION CARRIED

POSTPONED ITEMS

D-1 Final Site Plan Approval – Proposed Shady Creek North Site Condominium – North of Long Lake Road – West of Rochester Road – Section 10, R-1C – Regular Business Item from July 22, 2002

Resolution #2002-08-476

Moved by Pallotta

Seconded by Eisenbacher

RESOLVED, That the Final Site Plan be **APPROVED**, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of the one-family residential site condominium known as Shady Creek North Site Condominium, with ten (10) units, located north of Long Lake Road and west of Rochester Road – Section 10, within the R-1C Zoning District and being 4.010 acres in size.

Yes: All-7

D-2 Standard Purchasing Resolution 2: Low Acceptable Bidder – Two (2) 64,000 GVW Tandem-Axle Dump Trucks – 2003 Models

Resolution #2002-08-477

Moved by Pallotta

Seconded by Beltramini

RESOLVED, That a contract to purchase two (2) 64,000 GVW Dump Trucks, 2003 Models, with 10-12 yard dump box, underbody scraper, front mounted snowplow, wetting system, and tailgate salt spreader with hydraulic system is hereby awarded to the lowest acceptable bidder, Motor City Truck with Monroe Truck Equipment, at unit prices contained in the bid tabulation opened June 7, 2002, a copy of which shall be attached to the original Minutes of this meeting at an estimated total cost of \$243,092.00.

Yes: All-7

RECESS 8:56 PM – 9:15 PM

PUBLIC COMMENT:**A. Items on the Current Agenda**

F-5 National League of Cities 2002 Congress of Cities and Exposition, December 3-7, 2002 – Salt Palace Convention Center in Salt Lake City, Utah

Resolution #2002-08-
Moved by Pallotta
Seconded by Howrylak

RESOLVED, That Mayor and Council are authorized to attend the National League of Cities 2002 Congress of Cities and Exposition at the Salt Palace Convention Center in Salt Lake City, Utah – December 3-7, 2002.

Vote on Amendment

Resolution #2002-08-478
Moved by Pallotta
Seconded by Pryor

RESOLVED, That the resolution be amended by inserting “and the training institute” and designating Council Member Beltramini as delegate and Council Member Lambert as alternate delegate.

Yes: All-7

Vote on Amended Resolution

Resolution #2002-08-479
Moved by Pallotta
Seconded by Howrylak

RESOLVED, That Mayor and Council are authorized to attend the National League of Cities 2002 Congress of Cities and Exposition and the training institute at the Salt Palace Convention Center in Salt Lake City, Utah – December 3-7, 2002; and

BE IT FURTHER RESOLVED, That Council Member Beltramini will be designated as delegate and Council Member Lambert as alternate delegate.

Yes: All-7

F-7 Preliminary Plan Review – Crestwood Site Condominium – North of Wattles – East of Livernois – Part of the Crestfield Subdivision in the SW ¼ of Section 15 – R-1C – 12.277 Acres

Resolution #2002-08-480
Moved by Pallotta
Seconded by Beltramini

RESOLVED, That the Preliminary Site Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a

one-family residential site condominium known as Crestwood Site Condominium and as recommended for approval by the Planning Commission, with Wattles Road automobile access and pedestrian/bicycle interconnection to Tallman Drive, in the area north of Wattles Road and east of Livernois Road, including 22 home sites, within the R-1C Zoning District, being 12.277 acres is hereby **APPROVED** with considerations to be given to emergency access at the other end by either grass or concrete ribbon, or whatever is appropriate access at that point.

Yes: Pryor, Beltramini, Broomfield, Howrylak, Lambert, Pallotta
No: Eisenbacher

MOTION CARRIED

F-8 Section 1 Golf Course – Tree Removal

Resolution #2002-08-481
Moved by Lambert
Seconded by Beltramini

RESOLVED, That removal of additional trees at the Section 1 Golf Course to accommodate clearing, access and cart paths as indicated on the site plan is hereby **APPROVED**.

Yes: Beltramini, Broomfield, Eisenbacher, Lambert, Pallotta, Pryor
No: Howrylak

MOTION CARRIED

B. Items Not on the Current Agenda

Suspend City Council Rules #21 and Continue with Agenda

Resolution #2002-08-482
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the City Council suspend the Rules of Procedure #21 and continue discussion on Agenda items to 12:30 AM.

Yes: All-7

CONSENT AGENDA

E-1 Approval of Consent Agenda

Resolution #2002-08-483-E-1
Moved by Pallotta
Seconded by Lambert

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-2 and E-12, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

E-3 Proposed City of Troy Proclamations: No Proclamations Submitted

E-4 Request for Acceptance of Warranty Deed and Easements - Cedar Ridge Estates Condominiums – Pratt Building Company – Project No. 00.938.3 – Sidwell #88-20-24-377-014 thru -022

Resolution #2002-08-483-E-3

RESOLVED, That the warranty deeds for Pratt Drive, Big Beaver right-of-way and the Cedar Ridge detention basin parcel and the permanent easements for storm sewer, sanitary sewer and public utilities from Pratt Building Company, being part of property having Sidwell #88-20-24-377-014 thru –022, are hereby **ACCEPTED**.

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

E-5 Request for Acceptance of Permanent Easement for Storm/Sewer Drain from Jack C. and Joyce Zimmerman – 530 Kenyon St. – Sidwell #88-20-35-305-015

Resolution #2002-08-483-E-5

RESOLVED, That the permanent easement from Jack C. and Joyce Zimmerman, owners of property at 530 Kenyon St., having Sidwell #88-20-35-305-015 is hereby **ACCEPTED** for the operation, maintenance, and repair of storm drain/sewer; and

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

E-6 Standard Purchasing Resolution 1: Award to Low Bidder – Section 22 SW ¼, Bituminous Overlay – Contract No. 02.5

Resolution #2002-08-483-E-6

RESOLVED, That Contract No. 02-5 –Section 22 SW ¼ - Bituminous Overlays, on Louis, Troy, Frankton, Helena, Talbot, Kilmer, Ellenboro and Hartland streets be **AWARDED** to Metropolitan Asphalt Paving, Inc. at an estimated total costs of \$169,665.00; and

BE IT FURTHER RESOLVED, That the award is contingent upon the contractor's submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required that could not be foreseen, such additional work is authorized in an amount to exceed 10% of the total project cost.

E-7 Approval to Participate in the St. Clair County Auction on September 7, 2002 and Disposal of Motor Pool Equipment

Resolution #2002-08-483-E-7

RESOLVED, That authorization is hereby **GRANTED** to participate in the St. Clair County auction to sell out-of-service equipment using the City of Troy's awarded auctioneer, Mid-Thumb Auctioneers SVC LLC (Resolution #2001-03-160-E-9).

E-8 2003 City Council Meetings

Resolution #2002-08-483-E-9

RESOLVED, That the City Council shall hold Regular meetings on the first and third Mondays of each month at 7:30 p.m. with the exception of May, and in observance of a holiday, or City general election day, and then the Council shall meet on the second and fourth Mondays; and

BE IT FURTHER RESOLVED, That the Study meetings may be scheduled on the fourth Monday of each month or as needed.

E-9 Preliminary Engineering Services for Stephenson – 14 Mile to I-75 – Project No. 02.20.15

Resolution #2002-08-483-E-9

RESOLVED, That the selection of Spalding DeDecker Associates, Inc. in accordance with the Michigan Department of Transportation Consultant Selection process, as outlined in the memorandum dated August 5, 2002, for preliminary engineering for Stephenson Highway – 14 Mile to I-75 – Project No. 02.201.5, is hereby **APPROVED** at an estimated cost to the City of Troy not to exceed \$228,399.91, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

E-10 Private Agreement for Huntington Estates Site Condominiums – Project No. 02.902.3

Resolution #2002-08-483-E-10

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Fernleigh Development, L.L.C. is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, detention, water main, sidewalks, landscaping, soil erosion and paving on the site and in the adjacent right-of-way, and the Mayor and City Clerk

are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

E-11 Final Action on the Troy (Mastin) Street Vacation – Section 27 – Caverly Heights and Greenough Heights Subdivisions

Resolution #2002-08-483-E-11

WHEREAS, Requests have been received for the vacation of a 50-foot wide platted but unopened street right-of-way area as follows:

1. Troy (Mastin) Street, between Hickory and Starr; abutting Lots 63 and 64 of Caverly Heights Subdivision (Liber 27, Page 12 of Oakland County Plats), and Lots 87 and 88 of Greenough Heights Subdivision (Liber 27, Page 14 of Oakland County Plats); and

WHEREAS, The properties which shall benefit from this vacation are as follows:

<u>SUBDIVISION</u>	<u>LOT</u>	<u>PARCEL NUMBER</u>
Caverly Heights	63	20-27-155-021
Caverly Heights	64	20-27-154-013
Greenough Heights	87	20-27-154-023
Greenough Heights	88	20-27-155-014

WHEREAS, In conjunction with this requested vacation action, it is necessary to retain adequate right-of-way for future improvement and maintenance of intersecting streets, and easements for public utilities and storm drainage/sewer;

NOW, THEREFORE, BE IT RESOLVED, That the request for the vacation of the 50 foot wide platted but unopened Troy (Mastin) Street right-of-way between Starr and Hickory is **APPROVED** with the exception of the south 5 feet of said right-of-way, subject to the retention of an easement for public utilities and storm drainage over the total area being vacated.

BE IT FURHTERRESOLVED, That City Council accepts the voluntary dedication, for \$1.00, of the following listed permanent easements for recording:

<u>PARCEL NUMBER</u>	<u>OWNER</u>	<u>EASEMENT</u>
1. 20-27-255-021	Davison	6 foot Public Utilities/Storm Drain/Sewer
2. 20-27-154-013	Peterson	6 foot Public Utilities/Storm Drain/Sewer
3. 20-27-154-023	Vince	6 foot Public Utilities/Storm Drain/Sewer 5 foot Sidewalk/ Public Utilities/Storm Drain/Sewer
4. 20-27-155-014	Losey	6 foot Public Utilities/Storm Drain/Sewer 5 foot Sidewalk/ Public Utilities/Storm Drain/Sewer

E-13 Winter Maintenance Agreement – Road Commission for Oakland

Resolution #2002-08-483-E-13

RESOLVED, That the Winter Maintenance Agreement between the Road Commission for Oakland County and the City of Troy for snow and ice control of certain primary and local roads in accordance with the provisions of 1951 PA 51, amended as described and outlined in Exhibit A, is hereby **APPROVED** and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

E-14 Standard Purchasing Resolution 1: Award to Low Bidder – Sole Bid Playground Equipment - Troy Community Center, Preschool Courtyard

Resolution #2002-08-483-E-14

RESOLVED, That a contract to furnish and install playground equipment at the Troy Community Center – Preschool Courtyard is hereby **AWARDED** to the sole bidder, Rolar Incorporated, at an estimated total cost of \$37,800.00; and

BE IT FURTHER RESOLVED, That the award is contingent upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; and if additional work is required that could not be foreseen, such additional work is authorized in an amount not to exceed 10% of the total project cost.

ITEMS TAKEN OUT OF ORDER

E-2 Minutes: Regular Meeting of August 5, 2002 and Special Meeting of August 9, 2002

Resolution #2002-08-484

Moved by Beltramini

Seconded by Pallotta

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of August 5, 2002 be **APPROVED** as corrected and the Minutes of the 5:30 PM Special Meeting of August 9, 2002, be **APPROVED** as submitted.

Yes: All-7

E-12 Traffic Signal Maintenance Agreement – Wattles and Athens High School Drive

Resolution #2002-08-485

Moved by Pallotta

Seconded by Beltramini

WHEREAS, The City Council of the City of Troy **APPROVED** the installation of a traffic signal at the intersection of Wattles Road and the new drive from Athens High School; and

NOW, THEREFORE, BE IT RESOLVED, That the cost agreement with the Road Commission for Oakland County and the Troy School District for the installation and maintenance of the new traffic signal be **APPROVED**.

Yes: All-7

REGULAR BUSINESS

F-1 Appointments to Boards and Committees: Mayoral Appointments: None and Council Appointments: (a) Advisory Committee for Persons w/Disabilities; (b) Advisory Committee for Senior Citizens; (c) Animal Control Appeal Board; (d) CATV Advisory Committee; (e) Historic District Commission; (f) Historical Commission; (g) Parks and Recreation Board; (h) Planning Commission; (i) Traffic Committee; and (j) Troy Daze

Resolution #2002-08-486
 Moved by Pallotta
 Seconded by Howrylak

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

Council Appointments:

(b) Advisory Committee for Senior Citizens

JoAnn Thompson Unexpired Term Expires 04-30-2003

(f) Historical Commission

Sucheta Sikdar Student Term Expires 07-01-2003

Rosemary Kornacki Term Expires 07-31-2005

Yes: All-7

Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for September 9, 2002:

Mayoral Appointments with Council Approval:

None

Council Appointments:

(a) Advisory Committee for Persons with Disabilities

_____ Student Term Expires 07-01-2003

_____ Student Term Expires 07-01-2003

(c) Animal Control Appeal Board

_____ Term Expires 09-30-2003

(d) CATV Advisory Board

_____ Student Term Expires 07-01-2003

(e) Historic District Commission

_____ Term Expires 03-01-2005

(g) Parks and Recreation Board

_____ School Rep Term Expires 07-31-2003

(h) Planning Commission

_____ Student Term Expires 07-01-2003

(i) Traffic Committee

_____ Student Term Expires 07-01-2003

(j) Troy Daze

_____ Student Term Expires 07-01-2003

F-2 Closed Session – No Closed Session Requested

F-3 Request to Waive Parking Restrictions

Resolution #2002-08-487
Moved by Pallotta
Seconded by Eisenbacher

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** the no parking restrictions on the east side of Northfield Parkway from the parking lot entrance to

Congregation Shir Tikvah to the entrance to Boulan Park, on September 6, 2002, between the hours of 7:00 pm and 11:00 pm, September 7, 2002, between 9:00 am and 5:00 pm, and September 16, 2002, between 9:00 am and 9:00 pm.

Yes: All-7

F-4 Traffic Committee Recommendations

1. Recommend Installing NO LEFT TURN signs from the Shell Gas Station (Southeast Corner) onto Rochester at Wattles (Item 7)

Resolution #2002-08-488

Moved by Pallotta

Seconded by Beltramini

RESOLVED, That Traffic Control Order No. 02- _____P be **APPROVED** for the installation of NO LEFT TURN signs be installed from the Shell gas station (southeast corner) onto Rochester at Wattles (Item 7).

Yes: All-7

2. Recommend Installing a YIELD Sign on Flower Hill at Seasons (Item 8)

Resolution #2002-08-489

Moved by Pallotta

Seconded by Beltramini

RESOLVED, That Traffic Control Order No. 02- _____P be **APPROVED** for the installation of a YIELD sign be installed on Flower Hill at Seasons (Item 8).

Yes: Broomfield, Eisenbacher, Lambert, Pallotta, Beltramini

No: Howrylak, Pryor

MOTION CARRIED

F-6 Identifying and Scheduling Study Session Topics

Resolution #2002-08-490

Moved by Eisenbacher

Seconded by Howrylak

RESOLVED, That the City Council suspend the Rules of Procedure #7 and schedule a Study Session for August 26, 2002 at 7:30 PM in the Council Board Room of Troy City Hall – 500 West Big Beaver, Troy, Michigan.

Yes: All-7

F-9 Mead Property on South Boulevard

Resolution #2002-08-491

Moved by Pallotta

Seconded by Pryor

RESOLVED, That the Agreement to Purchase between the Edna L. Mead Trust and the City of Troy, having Sidwell #88-20-01-126-012, for the acquisition of property at 2250 Harned, for the Section 1 Golf Course Development is hereby **APPROVED**; and

BE IT FURTHER RESOLVED, That authorization is hereby granted to purchase the property in the Agreement referenced above in the amount of \$425,000.00, plus closing costs.

Yes: Lambert, Pallotta, Pryor, Beltramini, Broomfield

No: Howrylak, Eisenbacher

MOTION CARRIED

F-10 Authorization to Make Unconditioned Offers and for City Attorney to Initiate Court Action if Necessary to Acquire Storm Sewer Easements for the Long Lake Road Widening Project – Carnaby to Dequindre – Project No. 94.203.5**a) Request for Authorization to Make Unconditioned Offers to Acquire Storm Sewer Easements for the Long Lake Road Widening Project – Carnaby to Dequindre – Project No. 94.203.5 – Comerica Bank – Sidwell #88-10-07-300-014**

Resolution #2002-08-492

Moved by Beltramini

Seconded by Pallotta

RESOLVED, That the Real Estate and Development Department is hereby authorized to make an unconditioned offer to acquire a storm sewer easement for parcel #88-10-07-300-014 to Comerica Bank in the amount of \$11,366.00.

Yes: Lambert, Pallotta, Pryor, Beltramini, Broomfield, Eisenbacher

No: Howrylak

MOTION CARRIED**a) Request for Authorization to Make Unconditioned Offers to Acquire Storm Sewer Easements for the Long Lake Road Widening Project – Carnaby to Dequindre – Project No. 94.203.5 – Windmill Properties – Sidwell #88-10-07-300-016**

Resolution #2002-08-493

Moved by Beltramini

Seconded by Pallotta

RESOLVED, That the Real Estate and Development Department is hereby authorized to make an unconditioned offer to acquire a storm sewer easement for parcel #88-10-07-300-016 to Windmill Properties in the amount of \$18,317.00.

Yes: Lambert, Pallotta, Pryor, Beltramini, Broomfield, Eisenbacher
No: Howrylak

MOTION CARRIED

- a) **Request for Authorization to Make Unconditioned Offers to Acquire Storm Sewer Easements for the Long Lake Road Widening Project – Carnaby to Dequindre – Project No. 94.203.5 – Windmill Properties – Sidwell #88-10-07-300-018**

Resolution #2002-08-494
Moved by Beltramini
Seconded by Pallotta

RESOLVED, That the Real Estate and Development Department is hereby authorized to make an unconditioned offer to acquire a storm sewer easement for parcel #88-10-07-300-018 to Windmill Properties in the amount of \$21,654.00.

Yes: Lambert, Pallotta, Pryor, Beltramini, Broomfield, Eisenbacher
No: Howrylak

MOTION CARRIED

- a) **Request for Authorization to Make Unconditioned Offers to Acquire Storm Sewer Easements for the Long Lake Road Widening Project – Carnaby to Dequindre – Project No. 94.203.5 – Charter One, fka First Federal of Michigan – Sidwell #88-10-07-300-019**

Resolution #2002-08-495
Moved by Beltramini
Seconded by Pallotta

RESOLVED, That the Real Estate and Development Department is hereby authorized to make an unconditioned offer to acquire a storm sewer easement for parcel #88-10-07-300-019 to Charter One, fka First Federal of Michigan in the amount of \$8,100.00.

Yes: Lambert, Pallotta, Pryor, Beltramini, Broomfield, Eisenbacher
No: Howrylak

MOTION CARRIED

- b) **Request for City Attorney to Initiate Court Action if Necessary to Acquire Storm Sewer Easements for the Long Lake Road Widening Project – Carnaby to Dequindre – Project No. 94.203.5 – Comerica Bank – Sidwell #88-10-07-300-014**

Resolution #2002-08-496

Moved by Beltramini

Seconded by Pallotta

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

Yes: Pallotta, Beltramini, Broomfield, Lambert

No: Pryor, Eisenbacher, Howrylak

MOTION CARRIED

- b) **Request for City Attorney to Initiate Court Action if Necessary to Acquire Storm Sewer Easements for the Long Lake Road Widening Project – Carnaby to Dequindre – Project No. 94.203.5 – Windmill Properties – Sidwell #88-10-07-300-016**

Resolution #2002-08-497

Moved by Beltramini

Seconded by Pallotta

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

Yes: Pallotta, Beltramini, Broomfield, Lambert

No: Pryor, Eisenbacher, Howrylak

MOTION CARRIED

- b) **Request for City Attorney to Initiate Court Action if Necessary to Acquire Storm Sewer Easements for the Long Lake Road Widening Project – Carnaby to Dequindre – Project No. 94.203.5 – Windmill Properties – Sidwell #88-10-07-300-018**

Resolution #2002-08-498

Moved by Beltramini

Seconded by Pallotta

RESOLVED, That the City Attorney is authorized, if necessary to initiate condemnation litigation and to execute and deliver any and all documents and papers, and to expend

necessary funds expedient for the prosecution of such proceedings or settlement of such claims on proceedings by and with the express approval of this Council.

Yes: Pallotta, Beltramini, Broomfield, Lambert

No: Pryor, Eisenbacher, Howrylak

MOTION CARRIED

b) Request for City Attorney to Initiate Court Action if Necessary to Acquire Storm Sewer Easements for the Long Lake Road Widening Project – Carnaby to Dequindre – Project No. 94.203.5 – Charter One, fka First Federal of Michigan – Sidwell #88-10-07-300-019

Resolution #2002-08-499

Moved by Beltramini

Seconded by Pallotta

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

Yes: Pallotta, Beltramini, Broomfield, Lambert

No: Pryor, Eisenbacher, Howrylak

MOTION CARRIED

COUNCIL COMMENTS/REFERRALS

REPORTS AND COMMUNICATIONS

G-1 Minutes – Boards and Committees:

- (a) Building Code Board of Appeals/Final – July 3, 2002
 - (b) Library Advisory Board/Final – July 11, 2002
 - (c) Board of Zoning Appeals/Draft – July 16, 2002
 - (d) Troy Daze/Draft – July 23, 2002
 - (e) Building Code Board of Appeals/Draft – August 7, 2002
 - (f) Library Advisory Board/Draft – August 8, 2002
- Noted and Filed

G-2 Department Reports:

- (a) Permits Issued – July 2002
 - (b) 2002 Year-to-Date Crime and Calls for Service Report
- Noted and Filed

G-3 Announcement of Public Hearings:

- (a) Preliminary Planned Unit Development Review – Woodside Bible Church (formerly Troy Baptist Church) Planned Unit Development (PUD), Located on the East Side of Rochester Road – North of Square Lake Road and South of South Boulevard – Section 2 – Scheduled for September 9, 2002
- (b) Community Development Block Grant (CDBG) Re-programming of Year 2001 and 2002 Funds – Scheduled for September 9, 2002

Noted and Filed

G-4 Proclamations/Resolutions from Other Organizations:

- (a) City of Oak Park – Resolution Requesting Michigan State Legislature to Override Local Revenue Sharing Veto By Governor Engler

Noted and Filed

G-5 Letters of Appreciation:

- (a) Letter from Dan Johnson- DuPont Automotive – In Appreciation of the Fire Department’s Support and Extending a Special Thanks and Certificates of Appreciation to Chris Steigerwalk, Tonya Perry, Jim Hazan and Matt Harnold
- (b) Letter from Dan Johnson – DuPont Automotive – In Appreciation of the Police Department’s Support and Extending a Special Thanks and Certificate of Appreciation to Officer Dan Clark
- (c) Letter from Frances Taber Thanking Police Officer Jackie Snedden for Assistance During a Recent 911 Response on I-75
- (d) Letter from Patrick and Janice Towey to Mike Karloff – DPW Expressing Their Appreciation for the Repaving of Sections of Their Driveway by the Crew Led by Tom O’Brien
- (e) Troy Public Library Comment Card Received from Ada Valentine Griffith in Appreciation of the “Children’s Festival of the Arts” Presentations
- (f) Letter from Laurie Mitchener to the Library in Appreciation of the Wonderful Children Programs that the Library Offers
- (g) Letter from Kathleen Rice – Youth Services Librarian, Troy Public Library to John Szerlag Acknowledging the Wonderful Job that Cynthia Stewart and Katie Taylor Mowrey Have Done With the Publicity for This Year’s Children’s Festival of the Arts

Noted and Filed

G-6 Calendar – Not submitted

G-7 Memorandum – Re: Request for Funding – Asian Pacific Program for Seniors of Oakland County

Noted and Filed

G-8 Memorandum – Re: I-75 Corridor Oakland County Planning/Environmental Study Meeting on July 30, 2002

Noted and Filed

G-9 Memorandum – Re: Rhode Island Estates Site Condominium

Noted and Filed

G-10 Memorandum – Re: City-Owned Property

Noted and Filed

G-11 Memorandum – Re: Standard Purchasing Resolution 8 – Best Value Contract Awards

Noted and Filed

G-12 Memorandum – Re: Update on Section 1 Golf Course Tree Removal

Noted and Filed

G-13 Letter from John Szerlag, City Manager to Jack Nixon, 1035 Milverton– Re: Petition to Stop Mowing Milverton Park Property – South of the Spencer Drain

Noted and Filed

PUBLIC COMMENT

The meeting adjourned at 12:27 AM

Matt Pryor, Mayor

Tonni L. Bartholomew - City Clerk

A Special Meeting of the Troy City Council was held Monday, August 26, 2002, at City Hall, 500 W. Big Beaver Road. Mayor Pro Tem Martin F. Howrylak called the Meeting to order at 7:35 P.M.

ROLL CALL

PRESENT: Mayor Matt Pryor (Arrived 7:45 p.m.)
 Robin E. Beltramini
 Cristina Broomfield
 David Eisenbacher
 Martin F. Howrylak
 David A. Lambert
 Anthony N. Pallotta (Absent)

1 Updated Property Maintenance Code

Mark Stimac reviewed proposed changes to the Property Maintenance Code. Special attention should be given to Sections 302.9, 303.2 and 404. City Council will report back on special concerns and proposed remedies at a later date.

2 Police Vehicle Tracking Demonstration

Cathy Neubauer and Police Chief Charles Craft gave a demonstration on the Police Vehicle Tracking System.

3 Vote on Resolution to Excuse Council Member Pallotta

Resolution #2002-08-500

Moved by Lambert

Seconded by Beltramini

RESOLVED, That Council Member Pallotta be excused.

Yes: Pryor, Beltramini, Broomfield, Eisenbacher, Howrylak, Lambert,

Absent: Pallotta

RECESS: 9:15 – 9:30 PM

4 GIS System Demonstration

Alex Bellak gave a demonstration of the GIS system.

5 Selection of Dates & Topics for Future Study Sessions

The following dates were selected for future study sessions:

- September 16, 2002 – (Street Interconnection, Signs in Easements for Non-Residential Properties and State Telecommunication Policy)
- October 14, 2002 – (Major Mile Road Improvement Projects, Major Road Construction Projects and Condemnation Process)

PUBLIC COMMENT

The meeting adjourned at 10:15 PM

Matt Pryor, Mayor

John M. Lamerato, Assistant City Manager/Finance
and Administration

August 15, 2002

TO: The Honorable Mayor and City Council

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

Re: Standard Purchasing Resolution 3: Exercise Renewal Option – Tee Shirt Contract

RECOMMENDATION

On August 20, 2001, City Council approved an one-year contract to purchase tee shirts(various types) with an option to renew for one additional year to the low bidder, Metro Printing Service (Council Resolution #2001-08-419-E-7). It is recommended that the City exercise the option to renew for one (1) additional year with Metro Printing Service, under the same prices, terms and conditions to expire September 30, 2003.

DESCRIPTION	PRICE/EACH
50/50 TEE SHIRTS w/1-COLOR SILK SCREEN	
Youth – Small, Medium, Large	\$2.69
Adult – Small, Medium, Large, X-Large	\$3.07
Adult – XX-Large	\$4.29
Single Digit	\$.27
Double Digits	\$.27
100% COTTON SHIRTS w/2-COLOR SILK SCREEN	
Adult – Medium, Large, X-Large	\$4.17
Adult – XX-Large	\$5.38
100% COTTON SHIRTS – NO SILK SCREENING	
Adult –Medium, Large, X-Large	\$2.58
Adult – XX-Large	\$3.79

MARKET SURVEY:

A market survey conducted by the Purchasing Department indicates no change in market conditions from last year and concurs with the recommendation to exercise the option to renew for one additional year.

BUDGET:

Funds are available for the purchase of these tee shirts in the Parks and Recreation Summer and Winter Program Operating Supply Accounts.



METRO PRINTING SERVICE INC.
1219 E. LINCOLN
ROYAL OAK, MICHIGAN 48067
(248) 545-4444

August 2, 2002

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

Gentlemen:

We were awarded Bid #SBP 01-31 for Cotton T-Shirts for contract period October 1, 2001 to September 30, 2002, which included an option to renew for one additional year.

This is to advise we wish to exercise this option to renew at the same prices and conditions as previously. This period would be from October 1, 2002 to September 30, 2003.

Thank you.

Sincerely yours,

A handwritten signature in cursive script that reads 'W. R. Brown'.

W. R. Brown
President

BE IT FURTHER RESOLVED, That the award is contingent upon contractor submission of properly executed proposal and bid documents, including bonds, insurance certificates and all other specified requirements; and if additional work is required that could not be foreseen, such additional work is authorized in an amount not to exceed 10% of the total project cost.

E-6 Private Agreement for Rhode Island Road Extension – Project No. 00-960-3

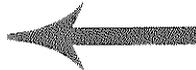
Resolution #2001-08-419-E-6

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and A&M Custom Built Homes, Inc., is hereby approved for the installation of sanitary sewer, storm sewer, detention, water main, sidewalks and paving on the site and in the adjacent right-of-way, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

E-7 Standard Purchasing Resolution 1: Award to Low Bidder – Tee Shirt Contract

Resolution #2001-08-419-E-7

RESOLVED, That a contract to provide one-year requirements of tee shirts (various types) with an option to renew for one additional year is hereby awarded to the low bidder, Metro Printing Service, at unit prices contained in the bid tabulation opened August 1, 2001, a copy of which shall be attached to the original Minutes of this meeting at an estimated total cost of \$18,778.15.



**E-8 Request for Acceptance of Warranty Deed – Westwood Park Subdivision
Detention Basin Parcel – Sidwell #88-20-21-278-020**

Resolution #2001-08-419-E-8

RESOLVED, That the Warranty Deed from Gulf Livernois, Inc., having Sidwell #88-20-210-278-020, is hereby accepted for public detention and other public purposes; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby directed to record said Warranty Deed with the Oakland County Register of Deeds Office and a copy of said deed shall be attached to the original Minutes of this meeting.

August 13, 2001

TO: The Honorable Mayor and City Council

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

SUBJECT: Standard Purchasing Resolution 1: Award To Low Bidder-
Tee Shirt Contract

RECOMMENDATION

The Parks and Recreation Department recommends that City Council award a one-year contract for various types of Tee Shirts with an option to renew for one additional year to the low bidder, Metro Printing Service, 1219 E. Lincoln, Royal Oak, MI 48067, 248-545-4444, at an estimated total cost of \$18,778.15, at unit prices contained in the attached bid tabulation opened August 1, 2001. The award includes 50/50 tee shirts with printing, 100% cotton tee shirts with printing, and 100% cotton tee shirts without printing.

SUMMARY

Bids for this contract were opened on August 1, 2001, with six companies submitting completed bids. Tip Top Tees was not considered for award because the company failed to submit a \$500 deposit, which was required with their bid.

This bid is for one year commencing October 1, 2001 and ending September 30, 2002. There is an option to renew for one additional year.

Item 1 is 4900 50/50 cotton/polyester tee shirts with a one-color screen. Approximately 1900 shirts have digits on the back.

Item 2 are 330 100% cotton award tee shirts with a two-color screen.

Item 3 are 825 100% cotton award tee shirts with no screen.

BUDGET

Funds are available to complete this purchase in the Parks and Recreation Summer and Winter Program Accounts.

92 Bids Sent
12 Bids Rec'd
6 No Bids
1 Bid did not meet specifications

Prepared by: Barb Rupas, Recreation Supervisor

Opening Date -- 8/1/01
Date Prepared -- 8/7/01

CITY OF TROY
BID TABULATION
COTTON & 50/50 TEE SHIRTS

SBP 01-31
Pg. 1 of 4

VENDOR NAME:

**	METRO	ALL	A PLUS	USA
	PRINTING	STAR	PRINTING	PATCH CO
	SERVICE	GRAPHICS		
	20137691	ON FILE	3693362364	581658630
	\$500.00	\$500.00	\$500.00	\$500.00

CHECK #
CHECK AMOUNT

EST QTY	DESCRIPTION	PRICE/EACH	PRICE/EACH	PRICE/EACH	PRICE/EACH
ITEM #1-- 50/50 Short Sleeve Shirts (50% Cotton & 50% Polyester) <i>REQUIREMENTS: October 1, 2001 - September 30, 2002</i>					
2200	Youth - Small, Med, Large	\$ 2.69	\$ 2.82	\$ 3.18	\$ 3.28
2400	Adult - Small, Med, Large, Xlarge	\$ 3.07	\$ 3.23	\$ 3.76	\$ 3.68
300	Adult - XXL Large	\$ 4.29	\$ 4.47	\$ 5.15	\$ 4.68
1500	Single Digit	\$ 0.27	\$ 0.23	\$ 0.40	\$ 0.50
400	Double Digit	\$ 0.27	\$ 0.33	\$ 0.80	\$ 1.00
QUOTING ON STYLE:		50/50 COTTON	50/50 FOL 5930	BEST 50/50	5930 BEST
MANUFACTURED BY:		SCREEN STAR/GILDAN	FOL/GILDAN	FOL	FOL
COLORS AVAILABLE: (Minimum 12 + 2 Fluorescent)		12 COLORS	19 COLORS	12 COLORS	13 COLORS
		2 FLUORESCENT	4 FLUORESCENT	NO FLUORESCENT	2 FLUORESCENT
			+\$1.43 FOR		
			FLUORESCENT		
ESTIMATED TOTAL (ITEM#1):		\$ 15,086.00	\$ 15,774.00	\$ 18,485.00	\$ 18,602.00
ITEM #2 -- 100% Cotton - Short Sleeve Shirts (Imprinting) <i>REQUIREMENTS: October 1, 2001 - September 30, 2002</i>					
300	Adult - Med, Large, Xlarge	\$ 4.17	\$ 10.14	NO BID	\$ 4.57
30	Adult - XXL Large	\$ 5.38	\$ 11.35	NO BID	\$ 5.57
QUOTING ON STYLE:		COTTON CREW	FOL 3930	NO BID	3930 HEAVY
MANUFACTURED BY:		Fruit of the Loom	Fruit of the Loom	Fruit of the Loom	Fruit of the Loom
COLORS AVAILABLE: (Minimum 6)		6 COLORS	18 COLORS	NO BID	6 COLORS
ESTIMATED TOTAL (ITEM#2):		\$ 1,412.40	\$ 3,382.50	NO BID	\$ 1,538.10
ITEM #3 -- 100% Cotton - Short Sleeve Shirts (No Imprinting) <i>REQUIREMENTS: October 1, 2001 - September 30, 2002</i>					
700	Adult - Med, Large, Xlarge	\$ 2.58	\$ 2.75	NO BID	\$ 3.27
125	Adult - XXL Large	\$ 3.79	\$ 4.06	NO BID	\$ 4.27
QUOTING ON STYLE:		COTTON CREW	3930	NO BID	3930 HEAVY
MANUFACTURED BY:		Fruit of the Loom	Fruit of the Loom	Fruit of the Loom	Fruit of the Loom
COLORS AVAILABLE: (Minimum 6)		6 COLORS	18 COLORS	NO BID	6 COLORS
ESTIMATED TOTAL (ITEM#3):		\$ 2,279.75	\$ 2,432.50	NO BID	\$ 2,822.75
GRAND TOTAL ALL ITEMS:		** \$ 18,778.15	\$ 21,589.00	N/A	\$ 22,962.85

Opening Date -- 8/1/01
 Date Prepared -- 8/7/01

BID TABULATION
 COTTON & 50/50 TEE SHIRTS

VENDOR NAME:

		** METRO	ALL	A PLUS	USA
		PRINTING	STAR	PRINTING	PATCH CO
		SERVICES	GRAPHICS		
EST QTY	DESCRIPTION	PRICE/ EACH	PRICE/ EACH	PRICE/ EACH	PRICE/ EACH
	SAMPLES INCLUDED	Y-Yes or N - No	NO	YES	NO
	TERMS		NET 30 DAYS	NET 30	NET 10
	DELIVERY		2 WEEKS	10 DAYS	AS REQUIRED
	WARRANTY		N/A	IMPRINT/DELIVERY	BLANK
	EXCEPTIONS		FLUORESCENT SHIRTS	LISTED	BLANK
			MFG BY GILDAN;	IN BID	
			SCREEN STAR		
			DOES NOT HAVE		
			FLUORESCENT		

DMS:

Tip Top Tees - Reason: No Check

**** DENOTES LOW TOTAL BIDDER**

NO BID

- Krystal Marketing Inc
- AB Emblems & Caps
- Broner & Kraut
- Gemini Systems
- Park Athletic Supply
- ATD American Company

ATTEST:

- Flo Opatik
- Barb Rupas
- Linda Bockstanz

Opening Date -- 8/1/01
 Date Prepared -- 8/7/01

CITY OF TROY
 BID TABULATION
 COTTON & 50/50 TEE SHIRTS

SBP 01-31
 Pg. 3 of 4

VENDOR NAME:

NORTH			
STAR GRAPHIC			
GROUP LLC			
CHECK # 040201658			
CHECK AMOUNT \$500.00			

EST QTY	DESCRIPTION	PRICE/EACH		
ITEM #1-- 50/50 Short Sleeve Shirts		\$30.00 SET-UP FEE FOR EACH LOGO		
(50% Cotton & 50% Polyester)				
REQUIREMENTS: October 1, 2001 - September 30, 2002				
2200	Youth - Small, Med, Large	\$ 3.80		
2400	Adult - Small, Med, Large, Xlarge	\$ 4.00		
300	Adult - XXLarge	\$ 4.80		
1500	Single Digit	\$ 2,780.00	(\$1.85)	
400	Double Digit	\$ 800.00	(\$2.00)	
QUOTING ON STYLE:		BEST CREW STYLE		
MANUFACTURED BY:		FOL		
COLORS AVAILABLE: (Minimum 12 + 2 Fluorescent)		7 COLORS		
		NO FLUORESCENT		
ESTIMATED TOTAL (ITEM#1):		\$ 22,980.00		
ITEM #2 -- 100% Cotton - Short Sleeve Shirts (Imprinting)		\$60.00 SET-UP FEE FOR EACH LOGO		
REQUIREMENTS: October 1, 2001 - September 30, 2002				
300	Adult - Med, Large, Xlarge	\$ 5.20		
30	Adult - XXLarge	\$ 8.65		
QUOTING ON STYLE:		3930 STYLE		
MANUFACTURED BY:		Fruit of the Loom		
COLORS AVAILABLE: (Minimum 6)		5 COLORS		
ESTIMATED TOTAL (ITEM#2):		\$ 1,819.50		
ITEM #3 -- 100% Cotton - Short Sleeve Shirts (No Imprinting)				
REQUIREMENTS: October 1, 2001 - September 30, 2002				
700	Adult - Med, Large, Xlarge	\$ 3.15		
125	Adult - XXLarge	\$ 6.95		
QUOTING ON STYLE:		3930 CREW		
MANUFACTURED BY:		Fruit of the Loom		
COLORS AVAILABLE: (Minimum 6)		5 COLORS		
ESTIMATED TOTAL (ITEM#3):		\$ 3,073.75		
GRAND TOTAL ALL ITEMS:		\$ 27,873.25		

Opening Date -- 8/1/01

CITY OF TROY
 BID TABULATION

SBP 01-31
 Pg. 4 of 4

Date Prepared -- 8/7/01

COTTON & 50/50 TEE SHIRTS

VENDOR NAME:

NORTH			
STAR GRAPHIC			
GROUP LLC			

EST QTY	DESCRIPTION	PRICE/ EACH			
	SAMPLES INCLUDED	Y-Yes or N - No	NO		
	TERMS		NET 30 DAYS		
	DELIVERY		8-12 DAYS		
	WARRANTY		BLANK		
	EXCEPTIONS		ARTWORK DISK		
			MUST BE		
			PROVIDED		

PROPOSAL-- One Year Requirements of Tee Shirts (Various Types) with an Option to Renew for One Additional Year

 Jeanette Bennett
 Purchasing Director

A B EMBLEMS & CAPS
P O BOX 695
WEAVERVILLE NC 28787

A J ENTERPRISES
28511 ORCHARD LAKE ROAD STE E
FARMINGTON HILLS MI 48334

AD LIB SCREEN PRINT
9143 DEL RIO DRIVE
GRAND BLANC MI 48439-8384

ADDIS MARKETING
5097 WILLIAMS LAKE
WATERFORD MI 48329

ADVANCE PRINTWEAR
31191 STEPHENSON HWY
MADISON HEIGHTS MI 48071

ADVANTAGE EMBLEM INC
108688 AVENUE W
DULUTH MN 55808

AFM SCREEN PRINTING & EMBROIDERY
7818 ANDERSONVILLE ROAD
CLARKSTON MI 48346

ALL STAR GRAPHICS
12669 MARSH ROAD
SHELBYVILLE MI 49344

ALLIE BROTHERS INC
20295 MIDDLEBELT
LIVONIA MI 48152

AMERICAN SILKSCREEN & EMBROIDERY
24601 HALLWOOD CT
FARMINGTON HILLS MI 48335

A-PLUS PRINTING
25407 JOHN R
MADISON HEIGHTS MI 48071

ARTWEAR
34164 WOODWARD
BIRMINGHAM MI 48009

ATD-AMERICAN COMPANY
135 GREENWOOD AVENUE
WYNCOTE PA 19095-1396

ATHLETIC SUPPORTER LTD
24601 HALLWOOD COURT
FARMINGTON HILLS MI 48335

ATHLETIC UNIFORM LETTERING CO
26114 W 6 MILE ROAD
REDFORD MI 48240

ATTN SHELLY WILLIAMS
COUSINS SCREEN PRINTING
135 CLIVE
WATERFORD MI 48328

AUSTIN INC.
1288 HOLDEN
MILFORD MI 48381

B C CLOTHING
175 S SAGINAW
PONTIAC MI 48342

BAM WEARABLES INC
28035 SOUTHFIELD ROAD #201
LATHRUP VILLAGE MI 48076

BAVARIAN VILLAGE CORPORATE HEADQUARTERS
1985 RING DRIVE
TROY MI 48083

BRAZOS SPORTSWEAR
2765 BUCKNER ROAD
LAKE ORION MI 48362

CADILLAC OVERALL SUPPLY COMPANY
6401 E DAVISON
DETROIT MI 48212

CAROL L FOREMAN & ASSOCIATES
1229 W WINDEMERE
ROYAL OAK MI 48073

COACH'S CORNER
5217 DIXIE HWY
WATERFORD MI 48329

CREATIVE CONCEPTS
1501 HALO DRIVE
TROY MI 48084

CREATIVE SCREEN STUDIOS
1818 LARCHWOOD
TROY MI 48083-2225

CUDA UNIFORM INC
6063 SCHAEFER ROAD
DEARBORN MI 48126

DBT AWARDS & GRAPHICS
253 E MILWAUKEE
DETROIT MI 48202

DEES SPORT SHOP
29456 GRATIOT AVE
ROSEVILLE MI 48066

DETROIT TROPHY SPORTSPRINT
4160 WOODWARD
DETROIT MI 48201

DOUGLAS "THE TAILOR"
28561 GRATIOT
ROSEVILLE MI 48066

D'S TEES
7615 HIGHLAND ROAD
WATERFORD MI 48327

E & A GRAPHICS
44002 PHOENIX
STERLING HEIGHTS MI 48314

EBY MEDIA CORPORATION
7685 BITTERBUSH
CLARKSTON MI 48348

ENGAN-TOOLEY-DOYLE & ASSOCIATES INC
P O BOX 829
OKEMOS MI 48805-0829

ETHNIC ARTWORK INC
44002 PHOENIX DRIVE
STERLING HEIGHTS MI 48314

EVECAL GIFTS
23620 BEECH ROAD
SOUTHFIELD MI 48034-3484

EXCELLENT POLICE EQUIPMENT
52968 VAN DYKE
SHELBY TWP MI 48316-3548

FUTURISTIC ARTWEAR INC
1934 AUSTIN
TROY MI 48083

GEMINI FORMS & SYSTEMS INC
1902 ROCHESTER INDUSTRIAL
ROCHESTER HILLS MI 48309

GNIEWEKS TROPHIES INC
21925 MICHIGAN AVENUE
DEARBORN MI 48124

GRAPHMARK SERVICES
18 1/2 SOUTH MAIN STREET
CLARKSTON MI 48346

GREAT LAKES EMBROIDERY
1195 ROCHESTER ROAD SUITE H
TROY MI 48083

GSI INC
1409 SHAKER
TROY MI 48083

G-TEK PROFESSIONAL SERVICES INC
42830 MOUND ROAD
STERLING HEIGHTS MI 48315

HALO CREATIVE CONCEPTS IN MARKETING
1501 HALO DRIVE
TROY MI 48084

HARWOOD UNIFORMS
908 W HURON
WATERFORD MI 48328

J & D UNIFORMS INC
3711 TEN MILE ROAD
WARREN MI 48091

J P SPORTS
P O BOX 210636
MONTGOMERY AL 36121

JOHNNY MAC'S SPORTING GOODS
29600 NORTHWESTERN #104
SOUTHFIELD MI 48034

JO'LAINÉ ENTERPRISES
2880 TEWKSBURY
TROY MI 48098

KATHY NIEDZWIECKI
144 LEETONIA
TROY MI 48085

KEL GRAPHICS
110 W RIVER STREET
CADILLAC MI 49601

KRYSTAL MARKETING INC
1120 E LONG LAKE RD STE 200
TROY MI 48098

LIFE STYLES MARKETING INC
18450 FOX
REDFORD MI 48240

LOGO OUTFITTERS
5373 CROOKS ROAD
TROY MI 48098

MACKELLAR ASSOCIATES INC/BURRO GRAPHICS
1804 STAR-BATT
ROCHESTER HILLS MI 48309

MCNISH'S SPORTING GOODS & TROPHY
44480 GRAND RIVER
NOVI MI 48375

METRO PRINTING SERVICE INC
1219 E LINCOLN
ROYAL OAK MI 48067

METROPOLITAN UNIFORM COMPANY
455 MACOMB
DETROIT MI 48226-2383

MR EMBLEM
2596 WOODVILLE ROAD
TOLEDO MI 43619

NORTH STAR GRAPHICS GROUP LLC
39095 LAKESHORE DRIVE
HARRISON TWP MI 48045

OFFICIAL SPORTS CENTER
P O BOX 1070
BLOOMFIELD HILLS MI 48303-1070

OVISCO SPORTSWEAR INC
800 GRAND LAKE ROAD
CELINA OH 45822

PARK ATHLETIC SUPPLY
6809 ROOSEVELT
ALLEN PARK MI 48101

PORTER WALLACE CORP/GARY BRILL
135 W 29TH STREET
NEW YORK NY 10001

PRIMO SCREEN PRINTING
1304 UNIVERSITY
PONTIAC MI 48342

QUALITY GRAPHIC SERVICE
11750 15 MILE ROAD
STERLING HEIGHTS MI 48312

QUALITY TIME RECREATION
5100 AUTUMN LANE
NORTH STREET MI 48049

R C SPORTS
335 W WALTON
PONTIAC MI 48340

SELLING EDGE INC
214 W 29TH STREET SUITE 1401
NEW YORK NY 10001

SOCCER NOMADS
5647 W 13 MILE ROAD
WARREN MI 48092

SPANKY'S SPORTS APPAREL
42361 MAYHEW
STERLING HEIGHTS MI 48313

SPEEDY TEES
33923 WOODWARD
BIRMINGHAM MI 48009

SPORTMASTER
P O BOX 5000
PITTSBURGH PA 15206

STEPPIN OUT
1545 SHORELINE DRIVE
HARTLAND MI 48353

STERLING PROMOTIONS CO
8853 BROUGHAM DR #100
STERLING HEIGHTS MI 48312

STITCH IN TIME INC
2200 CAMEO DR
TROY MI 48098-2460

STITCH MASTERS
369 SUSSEX FAIR
ROCHESTER HILLS MI 48309

SUPERIOR GRAPHICS
22092 DONALD AVE
EAST POINTE MI 48021-0243

SUPERIOR UNIFORM SALES INC
909 PHILLIPS AVENUE
TOLEDO OH 43612

TEC ENTERPRISE
1018 DREON
CLAWSON MI 48017

THE IMPRESSION CENTER
1429 ROCHESTER RD
TROY MI 48083

TODAY'S UNIFORMS
2116 WAYWARD DRIVE
ROCHESTER HILLS MI 48309

TOOL SPORT AND SIGN COMPANY
P O BOX 221
ORTONVILLE MI 48462

US SUPPLY DBA BACK OF THE NET
2315 LAURELBROOK STREET
RALEIGH NC 27604

USA PATCH COMPANY
P O BOX 704
NORTH HAVEN CT 06473

VATEX AMERICA
P O BOX 5247
2395 HERMITAGE ROAD
RICHMOND VA 23220

WITTEK GOLF RANGE SUPPLY CO INC
3650 AVONDALE AVENUE
CHICAGO IL 60618

August 21, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: Application for Corporate Reorganization by **CALIFORNIA PIZZA KITCHEN, INC.**

California Pizza Kitchen, Inc. is requesting approval of a Corporate Reorganization with respect to their 2001 12 Months Resort Class C licensed business with Sunday Sales Permit and Official Permit (Food), located at 2800 W. Big Beaver, Troy, MI 48084, Oakland County. Nothing in or about the day-to-day business operations will change.

The Liquor Advisory Committee recommended approval of this application at its August 12th meeting. Present at that meeting to answer questions from the Committee was Mr. Pat Alandt, Attorney for California Pizza Kitchen, Inc. and Olivia Huynh, manager for California Pizza Kitchen. Mr. Alandt confirmed this is a corporate reorganization stock transfer, and that day-to-day operations would not be affected. The history file for this business is attached.

The Michigan Liquor Control Commission has already approved this request and is awaiting our approval.

The police department's background investigation of the new stockholders revealed no history of liquor violations or criminal activity. Consequently, we have no objection to this request.



State of Michigan
John Engler, Governor

Department of Consumer & Industry Services
Kathleen M. Wilbur, Director

Liquor Control Commission
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505
(517) 322-1345



October 3, 2001

California Pizza Kitchen, Inc.
(A California Corporation)
% Sofia Fili
Compliance & Licensing
6053 W. Century Blvd., Suite 1100
Los Angeles, CA 90045

Request ID: 132874

Request For: Corporate reorganization as made by California Pizza Kitchen, Inc., wherein CPK Acquisition Corp., (A California Corporation) & wholly owned subsidiary of Pepsico, Inc., divested its 53% stock interest in California Pizza Kitchen, Inc. & Bruckman, Rosser, Sherrill & Co., L.P., (A Delaware Limited Partnership) & its affiliates acquired 67.4% stock interest thru merger of C.P. Kitchen Acquisition Corp. (A Delaware Corporation) into California Pizza Kitchen, Inc. on or about 9-30-97; and wherein on or about 8-7-00 California Pizza Kitchen, Inc. completed an initial public offering of 5,300,000 shares of its common stock on the NASDAQ Exchange resulting in Bruckman, Rosser, Sherrill & Co., L.P. & its affiliates owning 30/4% stock interest in California Pizza Kitchen, Inc in connection with 2001 12 Months Resort Class C licensed business with Sunday Sales Permit & Official Permit (Food), located at 2800 W. Big Beaver, Somerset Collection North, Space N 126, Troy, MI 49084, Oakland County.

Please be advised that the above request has been approved subject to receipt of favorable recommendation by the Troy City Council & Troy Police Department.

We are making our records accordingly.

Sincerely,

Michigan Liquor Control Commission

jm

enc.

cc: Troy City Council w/encl
Troy Police Department w/encl
William E. Lobenherz, Legislative Counsel w/encl

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST
 (Authorized by MCL 436.7a)

Important: Please conduct your investigation as soon as possible and complete all four sections of this report.
Return the completed report and fingerprint cards to the Commission. REQUEST ID: 132874

BUSINESS NAME AND ADDRESS: (include zip code) California Pizza Kitchen, Inc. (A California Corporation)
 2800 W Big Beaver, Somerset Collection North, Space N 126, Troy, MI 49084, Oakland County

REQUEST FOR: Corporate Reorganization as made by California Pizza Kitchen, Inc. (A California Corporation) in connection with 2001 12 Months Resort Class C licensed business with Official Permit (Food)

Section 1. APPLICANT INFORMATION

APPLICANT #1: CONTACT: Sofia Fili	APPLICANT #2:
HOME ADDRESS AND AREA CODE/PHONE NUMBER: Compliance & Licensing 6053 W. Century Blvd., Suite 1100 Los Angeles, CA 90045 (310) 342-4725	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH: If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No o Does the applicant have a Visa? Enter status:	DATE OF BIRTH: If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? <input type="checkbox"/> Yes <input type="checkbox"/> No o Does the applicant have a Visa? Enter status:
Date fingerprinted:	Date fingerprinted:

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

ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)
---	---

Section 2. Investigation of Business and Address to be Licensed

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

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

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

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

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

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

Section 4. Recommendation

From your investigation:

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

Signature (Sheriff or Chief of Police) _____ Date _____

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this ____ day of _____, 200____, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and CALIFORNIA PIZZA KITCHEN, INC. whose address is 2800 W. Big Beaver Troy, MI 48084, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the Corporate Reorganization in 2001 12 Months Resort Class C licensed business with Sunday Sales Permit and Official Permit (Food), located at 2800 W. Big Beaver, Troy, by California Pizza Kitchen, Inc. (a California Corporation).
2. In consideration of the City of Troy's recommendation for approval of the transfer, the applicant hereby agrees that:
 - a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
 - c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

Authorized Representative

CALIFORNIA PIZZA KITCHEN, INC.

Witnesses:

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

Notary Public, _____
County, _____
My commission expires:

CITY OF TROY

By: _____
Matt Pryor, Mayor

By: _____
Tonni Bartholomew, City Clerk

Witnesses:

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

Notary Public, Oakland
County, Michigan
My commission expires:

LCC

Liquor Licensee History

Business name: **California Pizza Kitchen, Inc.**

Address: 2800 W. Big Beaver, Space N 126 (248) 816-0900

Licensee: California Pizza Kitchen, Inc.

License type: **12 Months Resort Class C** (41008-2002)

Permits: Sunday Sales, Official Permit (Food)

Comments: Somerset Collection North.

Date	Troy Incident #	Type	Disposition	Date
07/22/96		Council Recommends License.		
5/13/98	98-18231	Sale to Minor (Compliance Insp)	Fined \$500.	7/22/98
01/06/99	99-00808	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
01/14/99	99-02126	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
02/10/99	99-05646	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
06/23/99	99-23840	Compliance Test	PASSED	
11/23/99	none	Compliance Test	PASSED	
05/11/00	00-15233	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
07/26/00	none	Compliance Test	PASSED	
08/07/00	00-28922	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
08/31/00	00-32367	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
10/25/00	00-39547	Compliance Test	PASSED	
10/26/00	00-39666	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
11/17/00	00-42563	Compliance Test	PASSED	
05/03/01		Compliance Test	PASSED	
08/17/01	01-29638	Compliance Test	PASSED	
10/05/01	01-36163	Compliance Test	PASSED	
10/31/01	01-39156	Liquor Inspection (Road Patrol)	NO VIOLATIONS	

02/11/02	02-04475	Liquor Inspection (Road Patrol)	NO VIOLATIONS
03/01/02	02-06515	Compliance Test	PASSED
03/11/02	02-07627	Liquor Inspection (Road Patrol)	NO VIOLATIONS
04/17/02	02-11794	Liquor Inspection (Road Patrol)	NO VIOLATIONS
06/28/02	02-20747	Compliance Test	PASSED
07/03/02	02-21412	Liquor Inspection (Road Patrol)	NO VIOLATIONS

(2) The fees provided in this act for the various types of licenses shall not be prorated for a portion of the effective period of the license.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1527 Special license for nonprofit charitable organization; issuance; nontransferable; fee; auction.

Sec. 527. (1) The commission may issue a special license to a nonprofit charitable organization that is exempt from the payment of taxes under the internal revenue code for the purpose of allowing the organization to sell, at auction, wine donated to the organization.

(2) A special license issued pursuant to subsection (1) is not transferable. The organization applying for the special license shall pay the fee required under section 525(1)(r).

(3) An auction permitted under subsection (1) may occur upon premises which are otherwise licensed under this act to allow the sale of alcoholic liquor for consumption on the licensed premises.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1529 Transfer of license or interest in license; notice of transfer of stock in licensed corporation or licensed limited partnership; investigation to ensure compliance; approval; transfer fee; inspection fee.

Sec. 529. (1) A license or an interest in a license shall not be transferred from 1 person to another without the prior approval of the commission. For purposes of this section, the transfer in the aggregate to another person during any single licensing year of more than 10% of the outstanding stock of a licensed corporation or more than 10% of the total interest in a licensed limited partnership shall be considered to be a transfer requiring the prior approval of the commission.

(2) Not later than July 1 of each year, each privately held licensed corporation and each licensed limited partnership shall notify the commission as to whether any of the shares of stock in the corporation, or interest in the limited partnership, have been transferred during the preceding licensing year. The commission may investigate the transfer of any number of shares of stock in a licensed corporation, or any amount of interest in a licensed limited partnership, for the purpose of ensuring compliance with this act and the rules promulgated under this act.

(3) Except as otherwise provided in subdivisions (a) through (f), upon approval by the commission of a transfer subject to subsection (1), there shall be paid to the commission a transfer fee equal to the fee provided in this act for the class of license being transferred. A transfer fee shall not be prorated for a portion of the effective period of the license. If a person holding more than 1 license or more than 1 interest in a license at more than 1 location, but in the name of a single legal entity, transfers all of the licenses or interests in licenses simultaneously to another single legal entity, the transfers shall be considered 1 transfer for purposes of determining a transfer fee, payable in an amount equal to the highest license fee provided in this act for any of the licenses, or interests in licenses, being transferred. A transfer fee shall not be required in regard to any of the following:

(a) The transfer, in the aggregate, of less than 50% of the outstanding shares of stock in a licensed corporation or less than 50% of the total interest in a licensed limited partnership during any licensing year.

(b) The exchange of the assets of a licensed sole proprietorship, licensed general partnership, or licensed limited partnership for all outstanding shares of stock in a corporation in which either the sole proprietor, all members of the general partnership, or all members of the limited

partnership are the only stockholders of that corporation. An exchange under this subdivision shall not be considered an application for a license for the purposes of section 501.

(c) The transfer of the interest in a licensed business of a deceased licensee, a deceased stockholder, or a deceased member of a general or limited partnership to the deceased person's spouse or children.

(d) The removal of a member of a firm, a stockholder, a member of a general partnership or limited partnership, or association of licensees from a license.

(e) The addition to a license of the spouse, son, daughter, or parent of any of the following:

(i) A licensed sole proprietor.

(ii) A stockholder in a licensed corporation.

(iii) A member of a licensed general partnership, licensed limited partnership, or other licensed association.

(f) The occurrence of any of the following events:

(i) A corporate stock split of a licensed corporation.

(ii) The issuance to a stockholder of a licensed corporation of previously unissued stock as compensation for services performed.

(iii) The redemption by a licensed corporation of its own stock.

(4) A nonrefundable inspection fee of \$70.00 shall be paid to the commission by an applicant or licensee at the time of filing any of the following:

(a) An application for a new license or permit.

(b) A request for approval of a transfer of ownership or location of a license.

(c) A request for approval to increase or decrease the size of the licensed premises, or to add a bar.

(d) A request for approval of the transfer in any licensing year of any of the shares of stock in a licensed corporation from 1 person to another, or any part of the total interest in a licensed limited partnership from 1 person to another.

(5) An inspection fee shall be returned to the person by whom it was paid if the purpose of the inspection was to inspect the physical premises of the licensee, and the inspection was not actually conducted. An inspection fee shall not be required for any of the following:

(a) The issuance or transfer of a special license, salesperson license, limited alcohol buyer license, corporate salesperson license, hospital permit, military permit, or Sunday sale of spirits permit.

(b) The issuance of a new permit, or the transfer of an existing permit, if the permit is issued or transferred simultaneously with the issuance or transfer of a license or an interest in a license.

(c) The issuance of authorized but previously unissued corporate stock to an existing stockholder of a licensed corporation.

(d) The transfer from a corporation to an existing stockholder of any of the corporation's stock that is owned by the corporation itself.

(6) All inspection fees collected under this section shall be deposited in the special fund in section 543 for carrying out of the licensing and enforcement provisions of this act.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

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

(2) The fees provided in this act for the various types of licenses shall not be prorated for a portion of the effective period of the license.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1527 Special license for nonprofit charitable organization; issuance; nontransferable; fee; auction.

Sec. 527. (1) The commission may issue a special license to a nonprofit charitable organization that is exempt from the payment of taxes under the internal revenue code for the purpose of allowing the organization to sell, at auction, wine donated to the organization.

(2) A special license issued pursuant to subsection (1) is not transferable. The organization applying for the special license shall pay the fee required under section 525(1)(r).

(3) An auction permitted under subsection (1) may occur upon premises which are otherwise licensed under this act to allow the sale of alcoholic liquor for consumption on the licensed premises.

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(2) Not later than July 1 of each year, each privately held licensed corporation and each licensed limited partnership shall notify the commission as to whether any of the shares of stock in the corporation, or interest in the limited partnership, have been transferred during the preceding licensing year. The commission may investigate the transfer of any number of shares of stock in a licensed corporation, or any amount of interest in a licensed limited partnership, for the purpose of ensuring compliance with this act and the rules promulgated under this act.

(3) Except as otherwise provided in subdivisions (a) through (f), upon approval by the commission of a transfer subject to subsection (1), there shall be paid to the commission a transfer fee equal to the fee provided in this act for the class of license being transferred. A transfer fee shall not be prorated for a portion of the effective period of the license. If a person holding more than 1 license or more than 1 interest in a license at more than 1 location, but in the name of a single legal entity, transfers all of the licenses or interests in licenses simultaneously to another single legal entity, the transfers shall be considered 1 transfer for purposes of determining a transfer fee, payable in an amount equal to the highest license fee provided in this act for any of the licenses, or interests in licenses, being transferred. A transfer fee shall not be required in regard to any of the following:

(a) The transfer, in the aggregate, of less than 50% of the outstanding shares of stock in a licensed corporation or less than 50% of the total interest in a licensed limited partnership during any licensing year.

(b) The exchange of the assets of a licensed sole proprietorship, licensed general partnership, or licensed limited partnership for all outstanding shares of stock in a corporation in which either the sole proprietor, all members of the general partnership, or all members of the limited

August 22, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: Application for new Specially Designated Merchant (SDM) license by
TROY PARADISE, INC.

TROY PARADISE, INC. is requesting a **new** Specially Designated Merchant (SDM- beer and wine only) licensed business located at 5945 John R, Troy, MI 48085, Oakland County

At its August 12th meeting, the Liquor Advisory Committee entertained this request. Present to answer questions from the Board was Ms. Sandra Cotter, Attorney for Troy Paradise, and shareholders Sadik J. Sadik and Louay Joulakh. Troy Paradise indicated server training is in process and that this will be a family run store.

Troy Paradise is also applying for a Specially Designated Distributor license (spirits) under separate application. After discussion, the Liquor Advisory Committee is recommending approval for the SDM and holding approval for the SDD for 90 days.

The police department's background investigation of the shareholders revealed no liquor violations or criminal activity. Consequently, we have no objection to this request.

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505
LOCAL GOVERNMENT 15-DAY NOTICE
[Authorized by MAC 436.1105 (2d)(3)]

Troy City Council
CLERK
500 W. Big Beaver Road
Troy, MI 48084-5285

June 5, 2002
REQUEST ID# 186119

The Liquor Control Commission has received an application from:
Troy Paradise, Inc. request a new SDM licensed business located at 5945 John R, Troy, MI 48085,
Oakland County. stockholder Sadik J. Sadik 1147 Baker Ct, Troy, MI 48083 248 526 9816

Specially Designated Merchant (SDM) licenses permit the sale of beer and wine for consumption off the premises only. Specially Designated Distributor (SDD) licenses permit the sale of alcoholic liquor, other than beer and wine under 21 per cent alcohol by volume, for consumption off the premises only.

For your information, part of the investigation of the application is conducted by the local law enforcement agency and investigative forms will be released to them either in person or by mail.

Although local governing body approval is not required by the Michigan Liquor Control Act for off-premise licenses, the local governing body, or its designee, may notify the Commission within 15 days of receipt of this letter if the applicant location will not be in compliance with all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, or if the applicant is considered ineligible due to other factors.

All conditions of non-compliance must be outlined in detail, indicating the laws and ordinances applicable in this case, with a copy of the law and/or ordinance submitted with notification.

PLEASE RETURN YOUR RESPONSE TO:

Michigan Liquor Control Commission
Licensing Division
P.O. Box 30005
Lansing, Michigan 48909-7505

LC-3104 Rev. 6/90
4880-2068
nll

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

POLICE INVESTIGATION REQUEST
[Authorized by MCL 436.1201(4)]

Date: 06/05/2002
Request ID #: 186119

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

Chief Law Enforcement Officer

Applicant: Troy Paradise, Inc. request a new SDM licensed business located at 5945 John R, Troy, MI 48085, Oakland County.

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

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

(xx)

PLEASE INCLUDE FINGERPRINT CARDS AND \$30.00 FOR EACH CARD AND MAIL TO THE LICENSING DIVISION, MICHIGAN LIQUOR CONTROL COMMISSION AT THE ABOVE ADDRESS.

If you have any questions, please contact the Licensing Division at (517) 322-1400.

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.1217)

Michigan Department of Consumer & Industry Services

MICHIGAN LIQUOR CONTROL COMMISSION

7150 Harris Drive

P.O. Box 30005

Lansing, Michigan 48909-7505

Important: Please conduct your investigation as soon as possible and complete all four sections of this report. Return the completed report and fingerprint cards to the Commission. 186119

BUSINESS NAME AND ADDRESS: (include zip code)

TROY PARADISE, INC.
5945 JOHN R, TROY, MI 48085, OAKLAND COUNTY

REQUEST FOR:

A NEW SDM LICENSED BUSINESS

Section 1. APPLICANT INFORMATION

APPLICANT #1:
SADIK J. SADIK

APPLICANT #2:

HOME ADDRESS AND AREA CODE/PHONE NUMBER:
1147 BAKER CT,
TROY, MI 48083 248 526 9816

HOME ADDRESS AND AREA CODE/PHONE NUMBER:

DATE OF BIRTH:
If the applicant is not a U.S. Citizen:
◦ Does the applicant have permanent Resident Alien status?
 Yes No
◦ Does the applicant have a Visa? Enter status:

Date fingerprinted:

DATE OF BIRTH:
If the applicant is not a U.S. Citizen:
◦ Does the applicant have permanent Resident Alien status?
 Yes No
◦ Does the applicant have a Visa? Enter status:

Date fingerprinted:

Attach the fingerprint card and \$30.00 for each card and mail to the Michigan Liquor Control Commission.

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

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

Section 2. Investigation of Business and Address to be Licensed

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

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

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

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

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

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

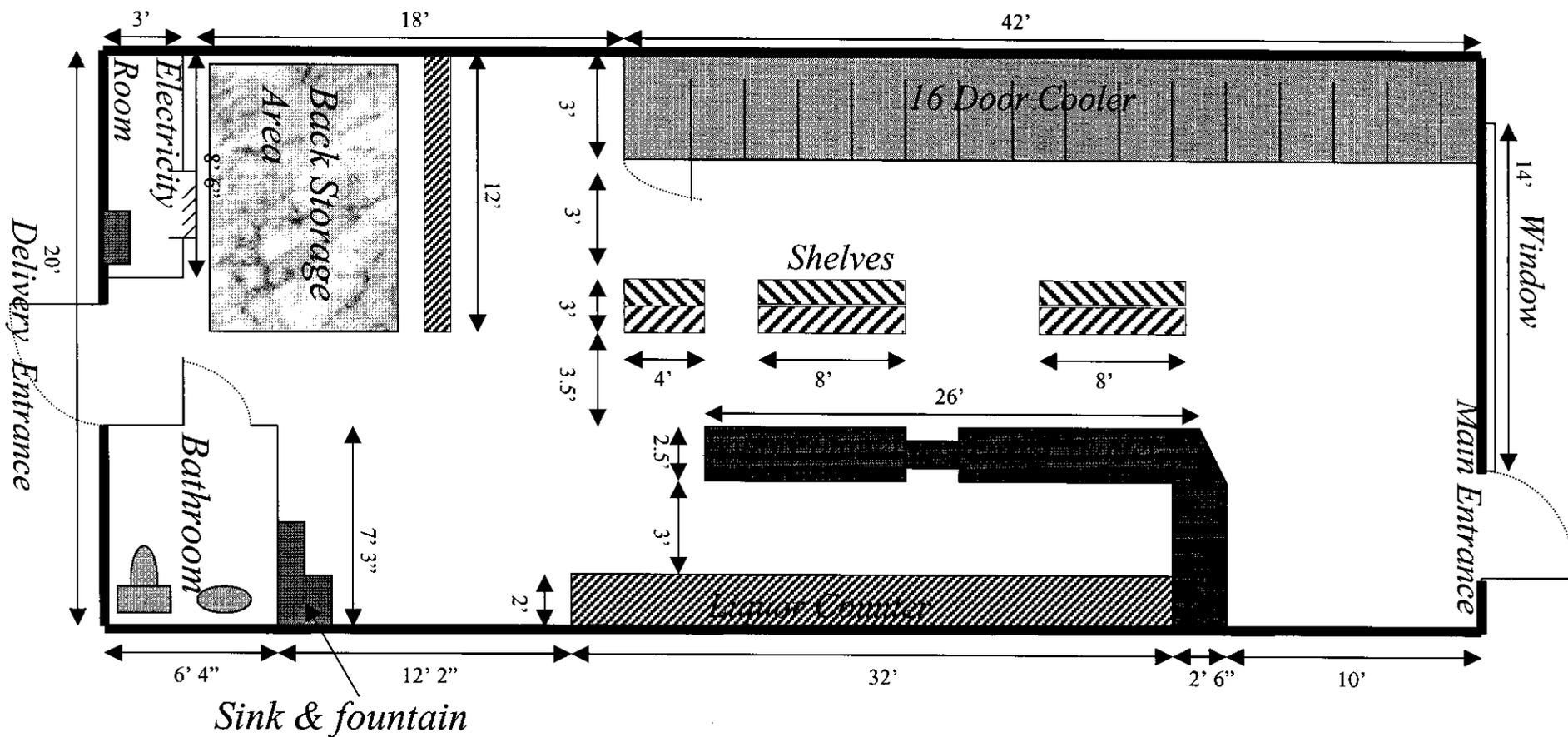
Section 4. Recommendation

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

Signature (Sheriff or Chief of Police)

Date

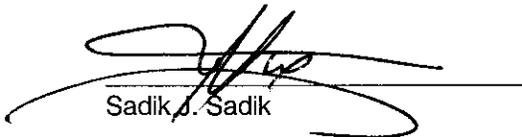
TOP VIEW OF THE STORE WITH DIMENSIONS



AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 12 day of June, 2002, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and TROY PARADISE, INC. whose address is 5945 John R, Troy 48085, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request for a new Specially Designated Distributor (SDD) license, located at 5945 John R, Troy, Michigan 49085, Oakland County, to be held in conjunction with proposed new Specially Designated Merchant (SDM) license.
2. In consideration of the City of Troy's recommendation for approval of the transfer, the applicant hereby agrees that:
 - (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
 - (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
 - (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.


Sadik J. Sadik

TROY PARADISE, INC.

Witnesses:



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

Notary Public, _____
County, _____
My commission expires:

CITY OF TROY

By: _____
Matt Pryor, Mayor

By: _____
Tonni Bartholomew, City Clerk

Witnesses:

Louay Joulakh



Subscribed and sworn to before me
this 12th day of June, 2002

Linda Reeves

Notary Public, Oakland
County, Michigan

My commission expires: **LINDA REEVES**
Notary Public, Oakland County, MI
My Commission Expires Feb. 6, 2008

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this ____ day of _____, 200____, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and TROY PARADISE, INC. whose address is 5945 John R, Troy 48085, the Applicant, hereinafter known as APPLICANT.

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Sadik J. Sadik

TROY PARADISE, INC.

Witnesses:

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

Notary Public, _____
County, _____
My commission expires:

CITY OF TROY

By: _____
Matt Pryor, Mayor

By: _____
Tonni Bartholomew, City Clerk

Witnesses:

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

Notary Public, Oakland
County, Michigan
My commission expires:

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

PRESENT: Anita Elenbaum
Max Ehlert
W. Stan Godlewski
Captain Gary Mayer
James Moseley
James Peard
Terry Colussi, Clerk/Typist

ABSENT: David Balagna
Stephanie Robotnik
Thomas Sawyer
Sgt. George Zielinski

Moved by J.Peard, seconded by J. Moseley, to EXCUSE the absent members.
APPROVED unanimously

Moved by J. Moseley, seconded by A. Elenbaum, to APPROVE the minutes of the July 8, 2002 meeting as printed.
APPROVED unanimously

AGENDA ITEMS:

1. **TROY PARADISE, INC.** requests a **new Specially Designated Distributor (SDD)** license, located at 5945 John R, Troy, Michigan 49085, Oakland County, to be held in conjunction with proposed **new Specially Designated Merchant (SDM)** license. [MLCC Req ID#186120]

Present to answer questions from the committee were Sandy Cotter, Attorney for Troy Paradise, Inc., Sadik Sadik, shareholder of Troy Paradise, Inc. and Louay Joulakh, Mr. Sadik's brother-in-law.

Ms. Cotter presented the committee with an information packet that included a layout of the building. They are working with distributors at this time to stock the store. They should be ready to open within a few weeks. This is to be a family run operation with a few employees to be hired when business increases. Cotter explained that they have good experience with this type of business; they live in Troy and have a strong commitment to the community.

Moseley inquired as to what experience they have in liquor sales. The owners have 5 years experience in the supermarket business in Jordan. This is the first business they have owned in the United States.

Ehlert inquired as to the hours of business and who will be working in the business. The business will be open from 8:00 am. to 10:00 pm. and will be run by family members until the business requires more employees.

Ehlert inquired as to the type of training the employees would receive. Ms. Cotter explained that Mrs. Sadik will go to the TAM course to be certified and then she will

train the rest of the staff. Mrs. Sadik is in the process of completing this State requirement.

Moseley stated that at one time they held back the SDD license on a requesting business until there was sufficient time to track the way the business was run. It is possible to give a SDM license and then when credibility has been established, reconsider the SDD license. Elhert inquired if this was something that been considered by the Troy Paradise Inc., representatives.

Ms. Cotter explained that the Liquor Control Board already went through their exhausting background check and they were just waiting for the local Police Department background check to be forwarded to them. Ms. Cotter reemphasized that profits are mainly from liquor sales thus making the SDD very important to their business.

Elhert inquired as to where other party stores are located in proximity to the location of Troy Paradise. There were many stores named that are in the same general area.

Moved by J. Moseley, to grant Troy Paradise, Inc. a **new Specially Designated Merchant (SDM)** license for 90 days so we can review the business and then after 90 days they can request a **new Specially Designated Distributor (SDD)** license. Seconded by S. Godlewski, APPROVED 5 votes yes, 1 opposed.

Elhert advised the committee from Troy Paradise, Inc. that this will now be an agenda item before City Council and they can make their presentation. Capt. Mayer advised that Sgt. Zielinski would be calling the Troy Paradise representatives.

2. **CALIFORNIA PIZZA KITCHEN, INC.** requests a Corporate **Reorganization** as made by **CALIFORNIA PIZZA KITCHEN, INC.** in connection with 2001 12 Months Resort Class C licensed business with Official Permit (Food). [MLCC REF# 132874]

Present to answer questions from the committee were Pat Alandt, Attorney for California Pizza Kitchen, Inc. and Olivia Huynh, manager of California Pizza Kitchen, Inc.

The original owner of California Pizza Kitchen, Inc. was Pepsi Co., they sold off the business and it is now a publicly owned company. California Pizza Inc. has been located in Troy for 7 years. The state has approved the reorganization of the Livonia, Ann Arbor and Troy businesses. They are seeking local government approval for the reorganization.

Moved by M. Elhert, seconded by S. Godlewski to APPROVE the above request. APPROVED unanimously

- (3) "Professional account" means an account established for a person by a class C licensee or tavern licensee whose major business is the sale of food, by which the licensee extends credit to the person for not more than 30 days.
- (4) "Residence" means the premises in which a person resides permanently.
- (5) "Retailer" means a person licensed by the commission who sells to the consumer in accordance with rules promulgated by the commission.
- (6) "Sacramental wine" means wine containing not more than 24% of alcohol by volume which is used for sacramental purposes.
- (7) "Sale" includes the exchange, barter, traffic, furnishing, or giving away of alcoholic liquor. In the case of a sale in which a shipment or delivery of alcoholic liquor is made by a common or other carrier, the sale of the alcoholic liquor is considered to be made in the county within which the delivery of the alcoholic liquor is made by that carrier to the consignee or his or her agent or employee, and venue for the prosecution for that sale may be in the county or city where the seller resides or from which the shipment is made or at the place of delivery.
- (8) "School" includes buildings used for school purposes to provide instruction to children in grades kindergarten through 12, when that instruction is provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses. School does not include a proprietary trade or occupational school.
- (9) "Small wine maker" means a wine maker manufacturing or bottling not more than 50,000 gallons of wine in 1 calendar year.
- (10) "Special license" means a contract between the commission and the special licensee granting authority to that licensee to sell beer, wine, mixed spirit drink, or spirits. The license shall be granted only to such persons and such organization and for such period of time as the commission shall determine so long as the person or organization is able to demonstrate an existence separate from an affiliated umbrella organization. If such an existence is demonstrated, the commission shall not deny a special license solely by the applicant's affiliation with an organization that is also eligible for a special license.
- (11) "Specially designated distributor" means a person engaged in an established business licensed by the commission to distribute spirits and mixed spirit drink in the original package for the commission for consumption off the premises.
- (12) "Specially designated merchant" means a person to whom the commission grants a license to sell beer or wine, or both, at retail for consumption off the licensed premises.
- (13) "Spirits" means a beverage that contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing an alcoholic content of more than 21% by volume, except sacramental wine and mixed spirit drink.
- (14) "State liquor store" means a store established by the commission under this act for the sale of spirits in the original package for consumption off the premises.
- (15) "Supplier of spirits" means a vendor of spirits, a manufacturer of spirits, or a primary source of supply.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1113 Definitions; T to W.

- Sec. 113. (1) "Tavern" means any place licensed to sell at retail beer and wine for consumption on the premises only.
- (2) "Vehicle" means any means of transportation by land, by water, or by air.
- (3) "Vendor" means a person licensed by the commission to sell alcoholic liquor.
- (4) "Vendor of spirits" means a person selling spirits to the commission.

- (b) A copy of the constitution, charter, and bylaws of the club.
- (c) An affidavit certifying that there are no racial disqualifications for membership or guest privileges contained in the charter, constitution, franchise, bylaws, membership application, or related documents under which the club operates.
- (2) An applicant for a club license shall have its minutes recorded in English and available for inspection.

History: 1954 ACS 94, Eff. Mar. 15, 1978; 1979 AC

R 436.1129 Specially designated merchant license; issuance and transfer; limitation; waiver; applicability.

Rule 29. (1) For the issuance of a new, or the transfer of location of an existing, specially designated merchant license, all of the following are approved types of businesses:

- (a) A grocery store.
- (b) A party store.
- (c) A food specialty store.
- (d) A meat market.
- (e) A delicatessen.
- (f) A drugstore.
- (g) A patent medicine store.
- (h) A tobacconist.
- (i) A florist.
- (j) A department store that includes 1 or more of the stores listed in subdivisions (a) to (l) of this subrule.
- (k) A specially designated distributor.
- (l) A class C.
- (m) A class B hotel.
- (n) A club.
- (o) A tavern.
- (p) A class A hotel licensed establishment.

(2) The commission shall not issue a new, or transfer location of an existing, specially designated merchant license to an applicant operating an approved type of business who also holds, or a partner or stockholder of an applicant who holds, an interest, directly or indirectly, in a nonapproved type of business on, or contiguous to, the proposed licensed premises, unless 50% or more of the combined monthly gross sales of the approved and nonapproved businesses are of goods and services customarily marketed by the approved type of business. For purposes of this subrule, combined monthly gross sales are sales exclusive of all taxes collected by a retailer on sales and are computed for an accounting period of not less than 180 consecutive days. The commission may approve an application under this rule subject to the condition that the applicant shall demonstrate compliance with this subrule at the end of the 180-day accounting period. The commission shall cancel the license if the licensee has failed to comply with the provisions of this subrule at the end of the 180-day accounting period.

(3) The commission shall not issue a specially designated merchant license to any of the following entities and shall not allow any of the following entities to change the nature of an existing business that has a specially designated

merchant license:

(a) An applicant who owns gasoline pumps which are at the same location as, which are operated in conjunction with, or which are a part of, the proposed licensed business.

(b) An applicant who holds any financial interest, directly or indirectly, in gasoline pumps in the establishment, maintenance, operation, or promotion of the sale of gasoline at the proposed location of, in conjunction with, or as a part of, the proposed licensed business.

(c) An applicant who holds any interest, directly or indirectly, by ownership in fee, leasehold, mortgage, or otherwise, in the establishment, maintenance, operation, or promotion of the sale of gasoline at the proposed location of, in conjunction with, or as a part of, the proposed licensed business.

(d) An applicant who holds any interest, directly or indirectly, through interlocking stock ownership in a corporation or through interlocking directors in a corporation engaged in the establishment, maintenance, operation, or promotion of the sale of gasoline at the proposed location of, in conjunction with, or as a part of, the proposed licensed business.

(e) An applicant at any location at which gasoline is sold or offered for sale by any person, whether or not the applicant has any interest or derives any profit from the sale.

(4) In a city, incorporated village, or township that has a population of 3,000 or fewer people, the commission may, in its discretion, waive the provisions of subrules (1), (2), and (3) of this rule if the applicant for a license has and maintains a minimum inventory on the premises, excluding alcoholic liquor, of not less than \$10,000.00, at cost, of the goods and services customarily marketed by approved types of businesses. The commission shall accept the means prescribed in R 436.1141(1) as a method for determining the population of a city, incorporated village, or township.

(5) In a township which is comprised of 72 square miles or more and which has a population of 7,000 or fewer people, the commission may, in its discretion, waive the provisions of subrule (3) of this rule if the applicant for a license has and maintains a minimum inventory on the premises, excluding alcoholic liquor, of not than \$10,000.00, at cost, of the goods and services customarily marketed by approved types of businesses.

(6) The commission shall not issue a specially designated merchant license to an applicant who operates a drive-in or drive-through establishment and shall not allow an applicant who operates a drive-in or drive-through establishment to change the nature of an existing business that has a specially designated merchant license.

(7) This rule does not apply to the renewal of an existing specially designated

merchant license that is in operation before the effective date of this rule and does not apply to a new specially designated merchant license or the transfer of location of a specially designated merchant license conditionally approved by the commission before the effective date of this rule.

History: 1954 ACS 94, Eff. Mar. 15, 1978; 1954 ACS 96, Eff. June 23, 1978; 1979 AC; 1985 MR 2, Eff. Mar. 1, 1985; 1985 MR 5, Eff. June 18, 1985. Rev 03/17/2000.

(iii) The existence of mandatory contractual restrictions or inclusions attached to the sale of the license.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998;-Am 1998, Act 282, Imd. Eff. July 27, 1998.

436.1533 Eligibility for license as specially designated merchant or specially designated distributor.

Sec. 533. A retail vendor licensed under this act to sell for consumption on the premises may apply for a license as a specially designated merchant. A specially designated distributor may apply for a license as a specially designated merchant. In cities, incorporated villages, or townships, the commission shall issue only 1 specially designated distributor license for each 3,000 of population, or fraction of 3,000.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1535 Vendor as authorized to do business.

Sec. 535. A vendor shall be a person authorized to do business under the laws of this state.

History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1537 Classes of vendors permitted to sell alcoholic liquors at retail; sale of wine by wine maker; wine tastings.

Sec. 537. (1) The following classes of vendors may sell alcoholic liquors at retail as provided in this section:

- (a) Taverns where beer and wine may be sold for consumption on the premises only.
- (b) Class C license where beer, wine, mixed spirit drink, and spirits may be sold for consumption on the premises.
- (c) Clubs where beer, wine, mixed spirit drink, and spirits may be sold for consumption on the premises only to bona fide members, who have attained the age of 21 years.
- (d) Hotels of class A where beer and wine may be sold for consumption on the premises and in the rooms of bona fide registered guests. Hotels of class B where beer, wine, mixed spirit drink, and spirits may be sold for consumption on the premises and in the rooms of bona fide registered guests.
- (e) Specially designated merchants, where beer and wine may be sold for consumption off the premises only.
- (f) Specially designated distributors where spirits and mixed spirit drink may be sold for consumption off the premises only.
- (g) Special licenses where beer and wine or beer, wine, mixed spirit drink, and spirits may be sold for consumption on the premises only.
- (h) Dining cars or other railroad or Pullman cars, watercraft, or aircraft, where alcoholic liquor may be sold for consumption on the premises only, subject to rules promulgated by the commission.
- (i) Brewpubs where beer manufactured on the premises by the licensee may be sold for consumption on or off the premises by any of the following licensees:
 - (i) Class C.
 - (ii) Tavern.
 - (iii) Class A hotel.
 - (iv) Class B hotel.
- (j) Micro brewers where beer produced by the micro brewer may be sold to a consumer for consumption on or off the brewery premises.

August 20, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: Request for Acceptance of Warranty Deed and Easement
 Bellingham Street Extension - Project No. 98.911.3

In connection with the development of the former Big Beaver Airport into a research park Bellingham Street was extended in the northeast quarter of Section 26. The agreement with the developer was to make Bellingham Street a public thoroughfare. The Real Estate & Development Department has acquired the documents listed below to complete the turnover of Bellingham as a public street. The consideration on each document is \$1.

<u>PARCEL</u>	<u>GRANTOR</u>	<u>TYPE OF DOCUMENT</u>
26-200-032	Liberty Property Limited Partnership	Permanent Easement for Public Improvements
26-200-056 & 26-200-066	Liberty Property Limited Partnership	Warranty Deed

In order for the developers to proceed with this project, we recommend that City Council accept the attached deed and easement.

PERMANENT EASEMENT

Sidwell #88-20-26-200-032

Liberty Property Limited Partnership, a Pennsylvania Limited Partnership, Grantors, whose address is Suite 100, 65 Valley Stream Parkway, Great Valley Corporate Center, Malvern, PA 19355 for and in consideration of the sum of: One Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace public improvements, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed HIS signature(s) this 13 day of APRIL A.D. 2000

In presence of:
WITNESS

LIBERTY PROPERTY LIMITED PARTNERSHIP
a Pennsylvania Limited Partnership



Brad Klintworth

By  (L.S.)

Kevin Shea

Its

vice President/City Manager (L.S.)



Joe Hauska

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 13th day of April, ~~1999~~ 2000
by Kevin Shea on behalf of the Liberty
Property Limited Partnership, a Pennsylvania Limited Partnership.



Notary Public, OAKLAND County, Michigan

My _____ Commission Expires

ELLEN G. EVERETT
Notary Public, Oakland County, MI
Expires My Commission Expires 01/11/2003

Prepared by:
Alicia T. Worthley
500 West Big Beaver
Troy, Michigan 48084

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

EXHIBIT "A"

LEGAL DESCRIPTION

WEST 30 FEET OF THE NORTH 261.30 FEET OF THE FOLLOWING DESCRIBED PARCEL:

TOWN 2 NORTH, RANGE 11 EAST, SECTION 26 PART OF NORTHEAST 1/4 BEGINNING AT POINT DISTANT NORTH 89 DEGREES 10 MINUTES 00 SECONDS WEST 961.00 FEET AND NORTH 00 DEGREES 10 MINUTES 33 SECONDS WEST 318.08 FEET FROM EAST 1/4 CORNER, THENCE NORTH 89 DEGREES 47 MINUTES 49 SECONDS WEST 319.63 FEET, THENCE NORTH 00 DEGREES 08 MINUTES 00 SECONDS WEST 45.44 FEET, THENCE NORTH 89 DEGREES 10 MINUTES 00 SECONDS WEST 30.00 FEET, THENCE NORTH 00 DEGREES 08 MINUTES 00 SECONDS WEST 261.30 FEET, THENCE SOUTH 89 DEGREES 10 MINUTES 00 SECONDS EAST 349.44 FEET, THENCE SOUTH 00 DEGREES 10 MINUTES 33 SECONDS EAST 303.22 FEET TO BEGINNING.

2.42 ACRES

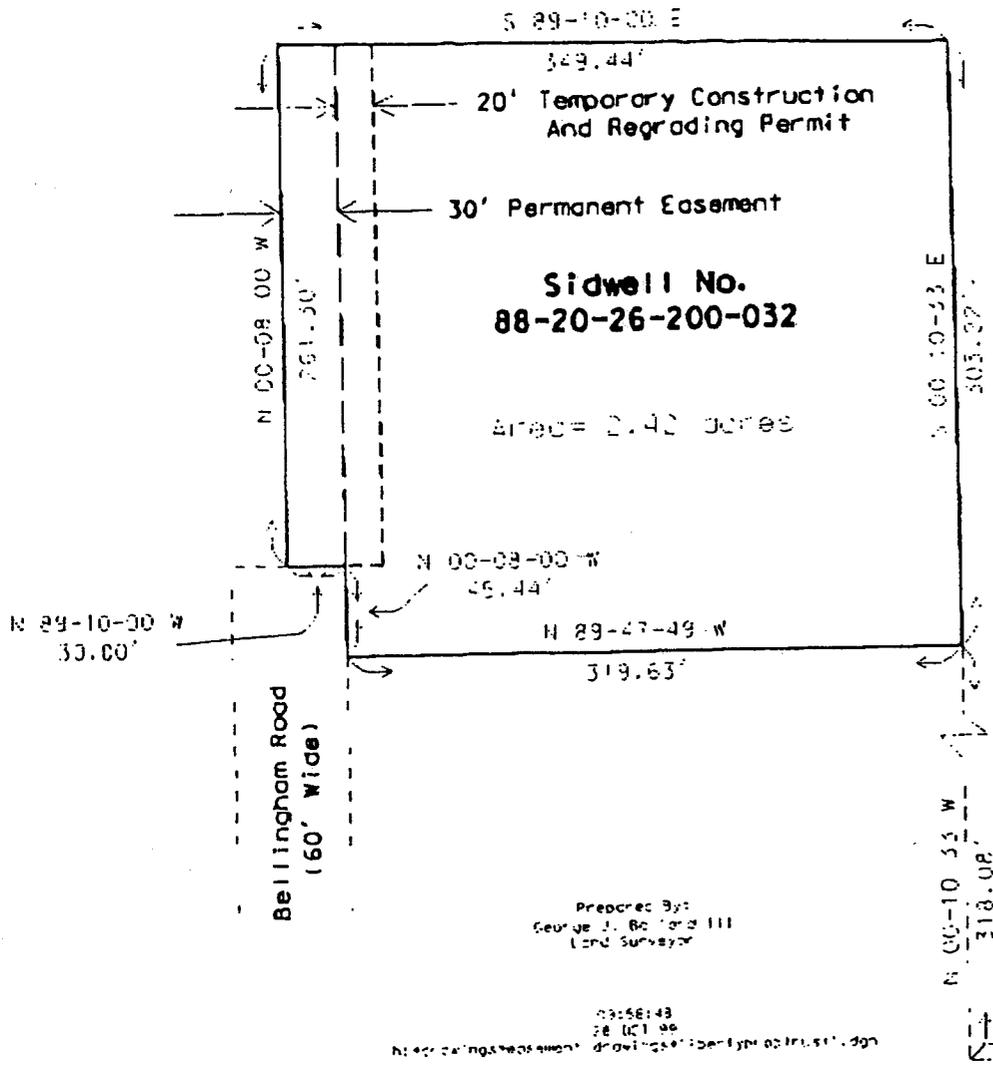
SIDWELL #88-20-26-200-032

ALSO

THE OWNER ALSO GRANTS A TEMPORARY CONSTRUCTION AND REGRADING PERMIT OVER THE EAST 20 FEET OF THE WEST 50 FEET OF THE ABOVE PARCEL FOR REMOVAL OF THE EXISTING NORTH/SOUTH DRIVE. THE AREA WILL BE REGRADED AND RESTORED WITH GRASS SEED.

Sketch of Exhibit 'A'

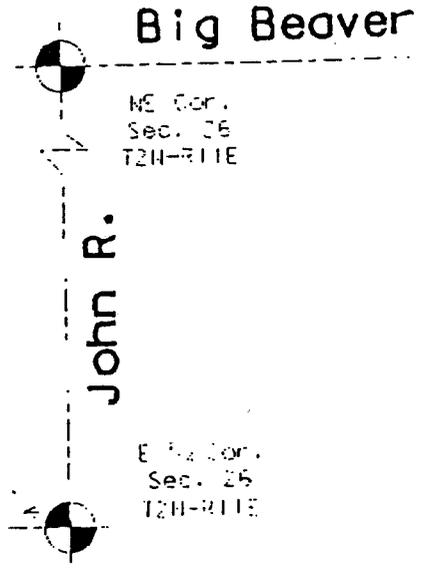
Liberty Property Trust
(Bellingham Road)



Prepared By:
 George J. Boland III
 Land Surveyor
 03-56148
 28 DEC 99
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Scale: 1" = 100'



WARRANTY DEED

Sidwell #88-20-26-200-056
#88-20-26-200-066
Resolution #

The Grantor(s), Liberty Property Limited Partnership, a Pennsylvania Limited Partnership, whose address is 65 Valley Stream Parkway, Suite 100, Great Valley Corporate Center, Malvern, PA 19355 convey(s) and warrant(s) to The City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver, Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

SEE ATTACHED EXHIBIT "A"

For the sum of One Dollar (\$ 1.00)

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

Dated this 31 day of May, 2000.

Signed in presence of:

Signed by:
LIBERTY PROPERTY LIMITED PARTNERSHIP
A Pennsylvania Limited Partnership

By: LIBERTY PROPERTY TRUST, ITS SOLE
GENERAL PARTNER

[Signature]

* BRAD KLINTWORTH

By [Signature] BOK
KEVIN P. SHEA
Its VICE PRESIDENT / CITY MANAGER

[Signature]

* DEBRAH K. ANDERSON

By _____

Its

STATE OF MICHIGAN
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 31st day of May, 2000, by Kevin Shea, City Manager and Regional Vice President of Liberty Property Limited Partnership, a Pennsylvania Limited Partnership, by Liberty Property Trust, its sole General Partner, on behalf of the partnership.

[Signature]
ELLEN G. EVERETT

ELLEN G. EVERETT
Notary Public, Oakland County, MI
My Commission Expires 01/11/2003

Notary Public, Oakland County, MI
My commission expires: _____

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: Alicia T. Worthley City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel # _____ Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"
PROPOSED BELLINGHAM ROAD RIGHT-OF-WAY

PART OF THE NORTH 1/2 OF SECTION 26, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED AS BEGIINING AT A POINT "J" ON THE SOUTH RIGHT-OF-WAY LINE OF BIG BEAVER ROAD (204 FEET WIDE) DISTANT S 89°42'00" W 720.60 FEET ALONG THE NORTH LINE OF SAID SECTION 26 AND S 00°29'22" E 102.00 FEET AND S 89 °42'00" W 822.05 FEET FROM THE NORTHEAST CORNER OF SAID SECTION 26; THENCE FROM SAID POINT OF BEGINNING S 00°36'00" E 100 FEET; THENCE 90.21 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, RADIUS 200.00 FEET, CENTRAL ANGLE 25°50'31", CHORD LENGTH 89.44 FEET AND A CHORD BEARING S 12°19'15" W; THENCE 90.21 FEET ALONG AN ARC OF A CURVE TO THE LEFT, RADIUS 200.00 FEET, CENTRAL ANGLE 25°50'31", CHORD LENGTH 89.44 FEET AND A CHORD BEARING S 12°19'15" W; THENCE S 00°36'00" E 285.00 FEET; THENCE 306.09 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, RADIUS 305.00 FEET, CENTRAL ANGLE 57°30'00", CHORD LENGTH 293.40 FEET AND A CHORD BEARING S 28°09'00" W; THENCE S56°54'00" W 88.18 FEET; THENCE 245.87 FEET ALONG AN ARC OF A CURVE TO THE LEFT, RADIUS 245.00 FEET, CENTRAL ANGLE 57°30'00", CHORD LENGTH 235.68 FEET AND A CHORD BEARING S 28°09'00" W; THENCE S 00°36'00" E 528.72 FEET; THENCE 92.97 FEET ALONG AN ARC OF A CURVE TO THE LEFT, RADIUS 70.00 FEET, CENTRAL ANGLE 76°05'39", CHORD LENGTH 86.28 FEET AND A CHORD BEARING S 38°38'50" E; THENCE S 76°41'39" E 342.10 FEET; THENCE 269.24 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, RADIUS 305.00 FEET, CENTRAL ANGLE 50°34'45", CHORD LENGTH 260.59 FEET AND A CHORD BEARING S 51°24'17" E; THENCE S 00°29'22" E 131.91 FEET; THENCE N 89°21'30" W 30.00 FEET; THENCE 325.26 FEET ALONG AN ARC OF A CURVE TO THE LEFT, RADIUS 245.00 FEET, CENTRAL ANGLE 76°03'59", CHORD LENGTH 301.90 FEET AND A CHORD BEARING N 38°39'40" W; THENCE N 76°41'39" W 443.84 FEET; THENCE N 00°36'00" W 630.46 FEET; THENCE 306.09 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, RADIUS 305.00 FEET, CENTRAL ANGLE 57°30'00", CHORD LENGTH 293.40 FEET AND A CHORD BEARING N 28°09'00" E; THENCE N 56°54'00" E 88.18 FEET; THENCE 245.87 FEET ALONG AN ARC OF A CURVE TO THE LEFT, RADIUS 245.00 FEET, CENTRAL ANGLE 57°30'00", CHORD LENGTH 235.68 FEET AND A CHORD BEARING N 28°09'00" E; THENCE N 00°36'00" W 559.88 FEET; THENCE N 89°42'00" E 100.00 FEET TO THE POINT OF BEGINNING.

Big Beaver

122.00'

120.60'

NE Cor.
Section 26
T2N-R11E

John R.

Sketch of Bellingham Extension Part of the NE 1/4 of Section 26, T2N-R11E City of Troy, Oakland County, Michigan

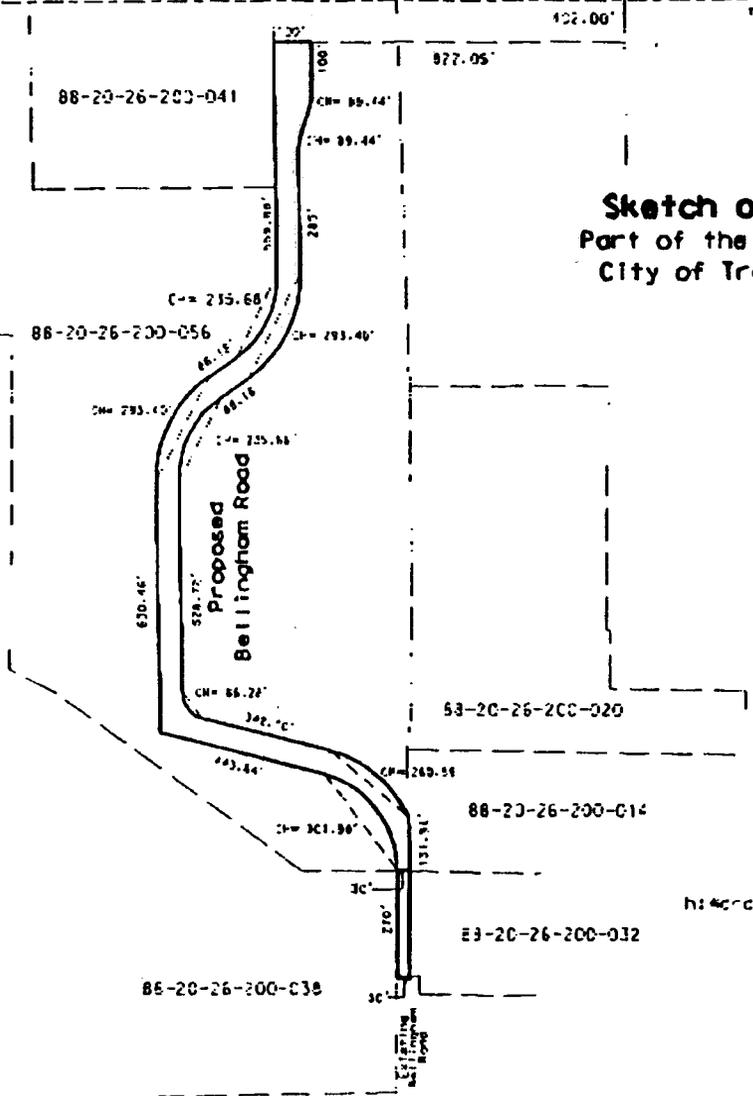


Scale: 1" = 500'

Prepared by
George J. B...
Land Surveyor

07:53:03
03 MAY 99

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TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Charles T. Craft, Chief of Police *CTC*

SUBJECT: Request To Waive Parking Restrictions

Smith Middle School requests that the parking restrictions be waived on Donaldson street from Square Lake Road to Cotswald street, so that they may host parent conferences and an open house. The specific dates and times are as follows:

- September 19, 2002 (Thursday), 6:30 pm – 9:30 pm (Open House)
- November 25 (Monday) and November 26 (Tuesday), 2002, 1:00 pm – 9:00 pm (Parent Teacher Conferences)

Both sides of Donaldson are posted no parking areas and parking at Smith Middle School is limited.

Smith Middle School makes about four such requests each year and city staff is supportive of the requests. It is recommended that parking restrictions on the non-hydrant side of the street (the west side) be waived on the dates and times requested. Waiving the restrictions on the non-hydrant side will provide additional parking while still allowing for the passage of emergency vehicles.

forward to
Chief Craft 8/27/02
(JRP)

Troy School District

Smith Middle School

5835 Donaldson
Troy, Michigan 48085
(248)823-4700 / FAX# (248)823-4713

Stuart F. Redpath

Principal

Joseph Hosang

Assistant Principal

Jennifer Hartenburg

Counselor

Chris Summerell

Counselor

August 26, 2002

RECEIVED

AUG 27 2002

CITY OF TROY
CITY MANAGER'S OFFICE

Mayor Matthew Pryor and
Troy City Council Members
500 W. Big Beaver Road
Troy, MI 48083

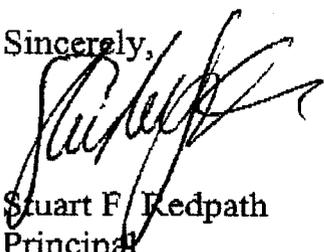
Dear Mayor Pryor & Council Members:

We would like to request that the street parking restrictions on Donaldson be waived on the following dates due to activities at Smith Middle School that require extra street parking:

- Thursday, September 19 from 6:30 – 9:30 pm – Open House
- Monday, November 25 & Tuesday, November 26 from 1:00 – 4:00 and 6:00 – 9:00 pm – Parent Teacher Conferences

Thank you for your consideration in this matter.

Sincerely,


Stuart F. Redpath
Principal

lg

df:parking.city

August 21, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
William Nelson, Fire Chief
David Roberts, Assistant Fire Chief

SUBJECT: Troy Daze Fireworks Permit

BACKGROUND

This year's Troy Daze Festival is scheduled to end with a public fireworks display. Michigan's Fireworks Law requires that before anyone can conduct a fireworks display, a permit must be obtained from the local unit of government. The law states that any person or group that would like to conduct a fireworks display must apply to the local unit of government for a permit. The law defines local unit of government as the council or commission of a city or village, or the township board of a township.

With this fact in mind, the vendor selected to conduct this year's fireworks display, Melrose Pyrotechnics, Inc., of Kingsbury, Indiana, along with the Troy Daze Advisory Committee, is requesting the Troy City Council to grant a permit for a public fireworks display to occur on Sunday, September 15, 2002. City Council has previously granted permission for the fireworks display on January 22, 2001. The purpose of this item is to issue the permit to the vendor.

The Fire Department has worked closely with the Troy Daze Advisory Committee and other involved City departments for the past few years to plan for this event and will continue to participate to help insure that it is a safe and enjoyable event for everyone.

RECOMMENDATION

Staff recommends that City Council issue a fireworks permit to Melrose Pyrotechnics, Inc., for a public fireworks display. Enclosed for Council's review is the permit application and permit to be signed and issued. If there are any questions regarding this matter, please contact the Fire Department.

Copy: Bob Berk, Chairman, Troy Daze Advisory Committee

August 29, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: Request for Approval of Purchase Agreement
Civic Center Area Improvement Project
Anthony P. Aguinaga and Nancy L. Aguinaga
Project No. 97.110.0 – Parcel 4 - Sidwell #88-20-21-476-008

As part of the proposed Civic Center Area Improvement Project, we have reached an agreement to purchase the property that was formerly known as 3329 Livernois. On May 10, 1999 City Council authorized an unconditioned offer and condemnation action if necessary for this parcel. The City received possession of the property on July 15, 1999 and the Aguinaga family moved to a replacement property in Troy. They were paid the estimated compensation of \$204,600, plus relocation costs. At that time they executed a Possession and Use Agreement, but the issue of final compensation remained open.

The recommended compensation of \$229,100.48 is based on the same land value per square foot used for a recent settlement of another condemnation case. As you may recall there were several delays incurred in the Thomas condemnation case, which was used as the basis for settlement of this matter. Management believes that the square footage figures paid in the Thomas case were fair compensation and therefore feels that a settlement using these same figures is in the best interest of the City.

Management therefore recommends that City Council approve the attached Purchase Agreement with Mr. and Mrs. Aguinaga in the total amount of \$229,100.48, plus closing costs. The estimated compensation that was previously paid will be deducted from the final check ($\$229,100.48 - \$204,600 = \$24,500.48$). Monies for this acquisition will come from the 2002-2003 Park Development Fund.

cc: Carol Anderson, Parks & Recreation Director

CITY OF TROY
AGREEMENT TO PURCHASE REALTY FOR PUBLIC PURPOSES

Sidwell #88-20-21-476-008
Project #97.110.0
Parcel 4

The CITY OF TROY (the "Buyer"), agrees to purchase from Anthony P. Aquinaga and Nancy L. Aquinaga, his wife (the "Sellers"), the following described premises (the "Property"):

Land situation in the Southeast ¼ of Section 21, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, described as: Lot 19, except the North 80 feet, Supervisor's Plat No. 26, according to the plat thereof as recorded in Liber 57, Page 59 of Plats, Oakland County Records.

for a public project within the City of Troy and to pay the sum of Two Hundred Twenty-Nine Thousand, One Hundred and 48/100 Dollars (\$229,100.48) under the following terms and conditions:

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

Additional conditions, if any: _____

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 29th day of AUGUST, A.D. 2002.

In presence of
Christine A. Hill

CITY OF TROY (BUYER)
Patricia A. Pettit

SELLER:
Nancy L. Aquinaga
Anthony P. Aquinaga

CIVIC CENTER AREA IMPROVEMENT PROJECT

21-426-010

TOWN CENTER

N



21-476-004

21-476-005

21-476-006

PARCEL 2



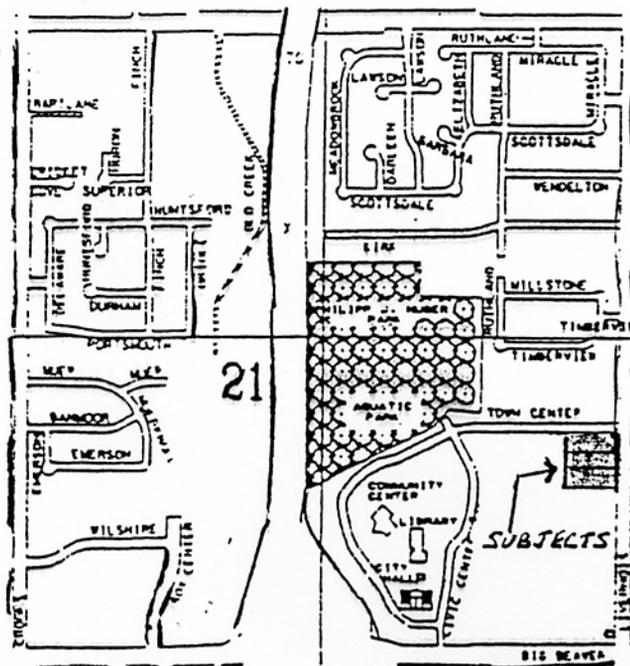
21-476-007

PARCEL 3

21-476-008

PARCEL 4

LIVERNOIS



September 3, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: Private Agreement for Fountain Park Condominiums
Project No. 01.957.3

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

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

Approval is recommended.

G:\Projects\Projects - 2001\01.957.3 Fountain Park Condominiums\Private Agreement Cover Letter.doc

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

Prepared by: Gary Streight, PE
Civil Engineer

Enclosed: Private Agreement, Detailed Summary, Sketch, and Suggested Resolution

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

PROJECT NO. 01.957.3

PROJECT LOCATION: SW 1/4 SECTION 14

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and Fountain Park Troy, L.L.C. whose address is 1535 Sixth Street, Suite 1, Detroit, MI 48226 and whose telephone number is (313)965-1511 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of water main, storm sewer, detention, sanitary sewer, sidewalks, soil erosion, landscaping and paving in accordance with plans prepared by Land Engineering Services, Inc. whose address is 2201 12 Mile Road, Warren, MI 48092 and whose telephone number is (586)582-9800 and approved prior to construction by the City Specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of \$311,966.00. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

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

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to contribute \$36,960.00 cash fee per the attached **Detailed Summary of Required Escrow Deposits and Cash Fees.**

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

PROJECT NO. 01.957.3

PROJECT LOCATION: SW ¼ SECTION 14

COUNCIL RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the event the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$348,926.00 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

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

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

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 01.957.3

PROJECT LOCATION: SW 1/4 SECTION 14

COUNCIL RESOLUTION NO. _____

DATE OF COUNCIL APPROVAL: _____

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 3rd day of September, 2002.

OWNERS

By: For owner Pacific May LLC

CITY OF TROY

By:

[Signature]

Please Print or Type

DAVID MICHAEL KILVINGTON, MANAGER

Matt Pryor, Mayor

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 3 day of Sept, A.D. 2002, before me personally appeared DAVID MICHAEL KILVINGTON known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

NOTARY PUBLIC, Jacqueline Dopy Michigan

[Signature]

JACQUELINE D. TOPY
NOTARY PUBLIC, OAKLAND COUNTY, MICHIGAN
MY COMMISSION EXPIRES 10/07/2004

My commission expires: _____

Detailed Summary of Required Escrow Deposits and Cash Fees
 Fountain Park Condominiums - Project No. 01.957.3
 14 Units – Section 14

The estimated costs of public improvements are:

ESCROW DEPOSITS:

Sanitary Sewers	78,855
Water Mains	<u>22,640</u>
Storm Sewers	<u>42,114</u>
Rear Yard Drains	<u>31,070</u>
Asphalt Pavement	<u>39,645</u>
Grading	<u>7,500</u>
Detention Basin	<u>10,000</u>
Soil Erosion Control Measures	<u>2,935</u>
Monuments and Lot Corner Irons	<u>100</u>
Temporary Access Road	<u>4,800</u>
Improvement of Park or Open Space	<u>24,000</u>
Deceleration on Rochester Road	<u>72,360</u>
Sidewalks on Rochester Road	<u>7,770</u>
Sidewalks on site	<u>5,850</u>
Street Light (\$7,000 each)	<u>7,000</u>
Deposit for Repair of Damage to Existing Public Streets Used for Access	<u>8,400</u>
TOTAL ESCROW DEPOSITS:	<u>311,966</u>

CASH FEES:

SUB1. Sidewalk Closures:	<u>324</u>
SUB3. Water Main Testing and Chlorination:	<u>650</u>
SUB4. Street Name and Traffic Signs:	<u>223</u>
SUB5. Street Island Improvements:	<u>362-</u>
SUB6. Landscaping and Screen Planting of Non-access Greenbelt Easement with Berm:	<u>3,120</u>
SUB7. Landscaping and Screen Planting of Detention Basin	<u>3,696</u>
----- Maintenance of Detention Basin:	<u>PRIVATE</u>
SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way Rochester Rd.	<u>2,520</u>
SUB 9. Topsoil, Fertilizer, Seed and Mulch, Right of Way On Site	<u>1,500</u>
SUB10. Soil Erosion and Sedimentation Control Permits:	<u>734</u>
SUB11. Testing Services:	<u>4,403</u>
SUB13. Engineering Review and Inspection Fees	<u>16,628</u>
SUB14. Deposit for the Maintenance and Cleaning of Existing Public Streets used for Access:	<u>2,800</u>
TOTAL CASH FEES:	<u>36,960</u>

Storm water detention for this development will be provided by Two new private detention basins within the development.



"We Create Solutions"®

May 3, 2002

Mr. David Kilvington
Mr. Nino Spagnuolo
Dr. Vicha Janviriya
Warren Properties, LLC
1535 Sixth Street, Suite 1
Detroit, Michigan 48226

Via Fax and Mail

Re: Fountain Park Troy, LLC
Commitment Letter

Dear David:

This letter is to inform you that the Sterling Bank & Trust, fsb. Loan Committee has approved the issuance of a \$311,966.00 Letter of Credit for the benefit of the City of Troy concerning the Fountain Park Troy Project. The Letter of Credit will be issued at loan closing.

I look forward to working with you on the Project.

Please call me if you have any questions.

Sincerely,

Perry J. Allen
Relationship Manager
Construction Lending



August 26, 2002

TO: Honorable Mayor and City Council

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

Subject: Standard Purchasing Resolution 1: Award To Low Bidders –
 Car and Truck Wash Service

RECOMMENDATION

On August 7, 2002, bid proposals were opened to furnish two-year requirements for Car and Truck Wash Service with an option to renew for two additional years. After reviewing these proposals, the Fleet Maintenance Division recommends awarding the contract to the low bidders, Pro Enterprise Inc. and Jax Kar Wash for an estimated total cost of \$19,115.00, at the unit prices listed below. Cars and Trucks are washed on an as needed basis.

ITEM	EST QTY (Washes)	DESCRIPTION	PRICE PER WASH	TOTAL
<u>Pro Enterprise Inc.</u>				
1.	2,750	Wash Outside Only Car	\$3.50	\$ 9,625.00
3.	1,600	Wash Outside Only Pickup Trucks & Vans	\$3.90	\$ 6,240.00
<u>Jax Kar Wash</u>				
2.	650	Complete Car Wash (inside/out)	\$5.00	\$ 3,250.00
4.	*0	Complete Truck & Van Wash (inside/out)	\$5.00	\$ 0.00
ESTIMATED TOTAL COST:				\$19,115.00

* This service is included to establish a price, if needed during the contract term.

The contract shall commence on December 10th, 2002.

BUDGET

Funds for these services are available through the Fleet Maintenance operating budgets.

10 Bids Sent
 2 Bid Responses Rec'd

Prepared by: Samuel P. Lamerato, Superintendent Motor Pool

Opening Date -- 8/7/02
 Date Prepared -- 8/26/02

CITY OF TROY
 BID TABULATION
 CAR AND TRUCK WASH SERVICES

SBP 02-27

VENDOR NAME:				JAX KAR	PRO		
				WASH	ENTERPRISE		
					INC		
ITEM	EST. QTY.	DESCRIPTION	SERVICE LEVEL	COST/ UNIT	COST/ UNIT	COST/ UNIT	COST/ UNIT
1.	2,750	Wash Outside of Vehicle (passenger car only)	A	\$ 4.99	\$ 3.50		
2.	650	Complete Car Wash (clean inside/out)	B	\$ 5.00	N/A		
3.	1,600	Pickup Trucks and Vans (outside wash)	A	\$ 4.99	\$ 3.90		
4.	0	Pickup Trucks and Vans (clean inside/out)	B	\$ 5.00	N/A		
ESTIMATED TOTAL AWARDED ITEMS:				\$ 3,250.00	\$ 15,865.00		
CAR WASH LOCATIONS:				OUTSIDE			
				WOODWARD	3785 ROCHESTER		
				13 MILE	3688 ROCHESTER		
INSURANCE				Can meet	XX		
				Cannot meet			
TERMS:				BLANK	NET 25TH		
EXCEPTIONS:				BLANK	NONE		

ATTEST:
Samuel Lamerato
Cheryl Morrell
Linda Bockstanz

BOLDFACE TYPE DENOTES LOW BIDDERS

 Jeanette Bennett
 Purchasing Director

ATTN D KLAUSEN
PAUL'S CLAWSON AUTO WASH
1339 W 14 MILE ROAD
CLAWSON MI 48017-2803

ATTN RANDY HALL
TUNNEL-O-SUDS
2886 E MAPLE
TROY MI 48083

ATTN TIMOTHY DRISCOLL
TROY AUTO WASH
1300 W MAPLE
TROY MI 48084

C/O PECO CORPORATION OF TROY
PAUL'S AUTO WASH
1950 STEPHENSON HWY
TROY MI 48083

JAX CAR WASH
2823 W MAPLE
TROY MI 48084

JAX KAR WASH INC
28845 TELEGRAPH
SOUTHFIELD MI 48034

PRO CAR WASH - EAST
ATTN: ROBERT WALDRON
3688 ROCHESTER ROAD
TROY MI 48083

PRO CAR WASH - WEST
ATTN: ROBERT WALDRON
3785 ROCHESTER ROAD
TROY MI 48083

SIMONIZ/JAX CAR WASH
ARCO CONSTRUCTION COMPANY
25200 TELEGRAPH RD STE 419
SOUTHFIELD MI 48034

SUPER CAR WASH COMPANIES
13665 EAST 12 MILE ROAD
WARREN MI 48088

August 30, 2002

To: The Honorable Mayor and City Council

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

Re: Standard Purchasing Resolution 1: Award To Low Bidders –
 Type "K" Copper Tubing

RECOMMENDATION

On August 23, 2002, bid proposals were opened to furnish Type "K" Copper Tubing. After reviewing these proposals, the Public Works Department recommends awarding the contract to the low bidders, US Filter Inc. and SLC Meter Service, at the unit prices listed below.

US Filter Inc.

<u>ITEM</u>	<u>Quantity</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
1.	15,000 Ft.	1" Type "K" Copper Tubing	\$1.06	\$15,900.00
2.	480 Ft	1 1/2" Type "K" Copper Tubing	\$1.70	\$ 816.00
				<u>\$16,716.00</u>

SLC Meter Service

2.	480 Ft	1 1/2" Type "K" Copper Tubing	\$1.70	\$ 816.00
3.	3,000 Ft.	2" Type "K" Copper Tubing	\$3.00	\$ 9,000.00
				\$ 9,816.00
GRAND TOTAL ALL ITEMS:				<u>\$ 26,532.00</u>

NOTE: Quantity for Item #2 has been split between the two tie bids.

BUDGET

Funds for these materials are available through the 2002-2003 Water Department Operating Supply Accounts.

22 Bids Sent
 6 Bid Responses Rec'd
 3 No Bids

Prepared by: Vicki C. Richardson, Administrative Aide

Opening Date: 8/23/02
 Date Prepared: 8/28/02

CITY OF TROY
 BID TABULATION
 TYPE "K" COPPER TUBING

SBP 02-37

VENDOR NAME:	US FILTER	SLC METER	ETNA SUPPLY	
	INC	SERVICE	COMPANY	
CHECK NUMBER:	542341972	445040986	548081527	
CHECK AMOUNT:	\$500.00	\$500.00	\$500.00	

ITEM	DESCRIPTION	QTY/FT	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
1.	1" Type "K" Copper Tubing	15,000	\$ 1.060	\$ 1.07	\$ 1.0689	
2.	1 1/2" Type "K" Copper Tubing	960	\$ 1.70	\$ 1.70	\$ 1.7136	
3.	2" Type "K" Copper Tubing	3,000	\$ 3.02	\$ 3.00	\$ 3.0447	
GRAND TOTAL AWARDED ITEMS--			\$ 16,716.00	\$ 9,816.00	\$ -	

TERMS	NET 30 DAYS	NET 30	NET 30 DAYS	
WARRANTY	MFG	MFG	MFG	
DELIVERY DATE	AS NEEDED	STOCK-3 WEEKS	STOCK-60 DAYS	
EXCEPTIONS	BLANK	BLANK	BLANK	

NO BIDS
Graybar
State Wire & Terminal
Grainger

ATTEST:
MaryAnn Hays
Vicki Richardson
Linda Bockstanz

BOLDFACE TYPE DENOTES LOW BIDDERS

NOTE: Quantity for Item #2 has been split between the two tie bids.

 Jeanette Bennett
 Purchasing Director

AJ DANBOISE
31015 GRAND RIVER AVE
FARMINGTON HILLS MI 48336

ATLAS TUBE INC
13101 ECKLES ROAD
PLYMOUTH MI 48170

CAPI TUBE INC
24075 GIBSON DR
WARREN MI 48089

CERTIFIED PRODUCTS & SUPPLY INC
500 N PERRY
PONTIAC MI 48342

COPPER SALES INC
1001 LUND BLVD
ANOKA MN 55303

ENGINEERED COMFORT SYSTEMS
4413 BEECH DALY ROAD
DEARBORN HEIGHTS MI 48125

ETNA SUPPLY CO
ATTN DEBRA WILTSIE
529 32ND STREET SE
GRAND RAPIDS MI 49548-2392

GRAINGER INDUSTRIAL SUPPLY
1201 W LAFAYETTE
DETROIT MI 48226

GRAYBAR ELECTRIC INC
28300 SCHOOLCRAFT ROAD
LIVONIA MI 48150

HOME DEPOT
225 W AVON
ROCHESTER HILLS MI 48307

J A HALL ENTERPRISES INC
6500 EPWHORTH
DETROIT MI 48210

JAMES STEEL TUBE CO
P.O. BOX 71545
MADISON HEIGHTS MI 48071

LINWOOD PIPE & SUPPLY CO INC
14860 LINWOOD
DETROIT MI 48238

MATHISEN CO/SERVICE
4800 JOSLYN ROAD
ORION MI 48359

MILLENNIUM FABRICATING & DESIGN
575 S MANSFIELD ROAD
YPSILANTI MI 48197

PIRTEK METRO DETROIT
25363 DEQUINDRE ROAD
MADISON HEIGHTS MI 48071

PREMARC CORPORATION
ATTN RICHARD THIELL
7505 HWY M-71
DURAND MI 48429

PROCESS PIPING & EQUIPMENT INC
435 UNION
MILFORD MI 48381

S L C METER SERVICE INC
3059 DIXIE HWY
WATERFORD MI 48328-1719

STATE PLUMBING & HEATING
2501 FENKELL
DETROIT MI 48238

STATE WIRE & TERMINAL INC
16140 DIXIE HIGHWAY
DAVISBURG MI 48350-1004

U S FILTER/WATER PRO
6575 23 MILE ROAD
SHELBY TOWNSHIP MI 48316



September 5, 2002

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, CITY ATTORNEY *LG*

RE: WEBHE V. CITY OF TROY, L. D'AGOSTINI, & HUTCH PAVING

The City has been recently served with a new lawsuit that was filed by Sandra Wehbe, on behalf of her minor son, Robert Wehbe (12 years old). The Plaintiffs have named the City of Troy, L. D'Agostini, and Hutch Paving, Inc. as co-defendants.

Robert Wehbe alleges that he sustained injuries on June 26, 2001, when he was roller-blading on the street in front of 1214 Torpey Drive, which is near Baker Middle School. According to the complaint, he roller bladed into "freshly poured and/or repaired asphalt." He argues that he sustained severe burns and scarring to his left pinky, elbow, and both knees. He also claims loss due to pain and embarrassment, and also claims wage loss and/or an impairment of earning capacity.

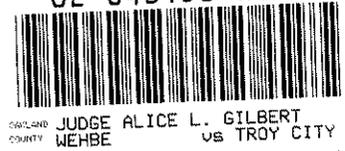
City records confirmed that our contractor, L. D'Agostini, was completing water main replacements in that area at that time. It is very likely that L. D'Agostini hired Hutch Paving, Inc. as a sub-contractor, which will soon be confirmed.

The complaint lists three separate counts. The first count argues that all defendants were negligent on several alternate theories. Defendants argue that the defective highway exception to governmental immunity imposes liability on the City of Troy. The second and third counts allege that Plaintiffs are the intended third party beneficiaries of the contract between the City of Troy and L. D'Agostini and the contract between L. D'Agostini and Hutch Paving.

The City of Troy is a named insured on the policy of L. D'Agostini, and therefore our office will pursue indemnification and/or defense from the insurance company. However, in the interim, the complaint should be answered to insure that governmental immunity is preserved. Our office will handle the defense of this case absent objection from the City Council.

STATE OF MICHIGAN
JUDICIAL DISTRICT
JUDICIAL CIRCUIT
COUNTY PROBATE

SUMMONS AND COMPLAINT



Court Address
1200 N. Telegraph Road, Pontiac, MI 48341

Plaintiff name(s), address(es) and telephone no(s).
ROBERT WEHBE, by his Next Friend,
SANDRA WEHBE

Plaintiff attorney, bar no., address, and telephone no.
STEVEN P. KARFIS (P56578)
23077 Greenfield Road, Suite 557
Southfield, MI 48075
(248) 443-6552

v Defendant name(s), address(es), and telephone no(s).
CITY OF TROY, a Municipal Corporation

RECEIVED
CITY OF TROY
2002 AUG 26 AM 11:00

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 an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued AUG 19 2002	This summons expires NOV 18 2002	Court clerk G. WILLIAM GADDIS
------------------------------	--	---

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

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 been previously filed _____ Court.
- The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	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, County of Oakland
Place where action arose or business conducted City of Troy, County of Oakland	

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

Date 8/15/02

Signature of attorney/plaintiff

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

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

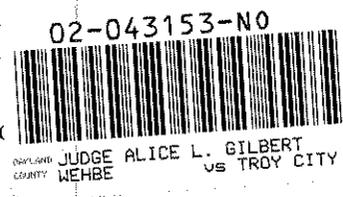
ROBERT WEHBE, a minor, by
his Next Friend, SANDRA WEHBE,

Plaintiff,

vs.

CITY OF TROY, a Municipal Corporation,
HUTCH PAVING, INC., a Michigan
Corporation, and L. D'AGOSTINI & SONS,
INC. a Michigan Corporation,

Defendants.



Case No
Hon.

RECEIVED FOR FILING
OAKLAND COUNTY
AUG 19 11 40

CLERK

STEVEN P. KARFIS (P56578)
Attorney for Plaintiff
23077 Greenfield Rd., Ste. 557
Southfield, MI 48075
(248) 443-6552

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this complaint pending in this Court, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge, nor do I know of any other civil action, not between these parties, arising out of the same transaction or occurrence as alleged in this complaint that is either pending or was previously filed and dismissed, transferred, or otherwise disposed of after having been assigned to a judge in this Court.

COMPLAINT
AND DEMAND FOR TRIAL BY JURY

Plaintiff, ROBERT WEHBE, by his next friend, SANDRA WEHBE, and by his attorneys,
ZAMLER, MELLEN & SHIFFMAN, P.C., complains against the above-named Defendants as
follows:

ZAMLER, MELLEN, & SHIFFMAN, P.C.

I. (Jurisdiction & Venue)

1. Plaintiff, ROBERT WEHBE, is a resident of the City of Troy, County of Oakland, State of Michigan.
2. Plaintiff, ROBERT WEHBE, is a minor, represented by his next friend, SANDRA WEHBE
3. Defendant, CITY OF TROY, is a Municipal Corporation duly organized in accordance with the laws of the State of Michigan and located in the County of Oakland, State of Michigan and whose resident agent is Lori Grigg Bluhm, located at 500 W. Big Beaver, Troy, Michigan 48084.
4. Defendant, HUTCH PAVING, INC is a Michigan Corporation, duly organized in Michigan and whose resident agent is Dale Campbell located at 2020 Riggs, Warren, Michigan 48091.
5. Defendant, L. D'AGOSTINI & SONS, INC is a Domestic Profit Corporation, duly organized in Michigan and whose resident agent is L. Robert D'Agostini located a 15801 Twenty Three Mile Road in Macomb Township, Michigan 48042.
6. The amount in controversy exceeds the sum of Twenty-Five Thousand Dollars (\$25,000.00). [MCR 2.111 (B)(2)].

II. (Allegations Common to All Counts)

7. On or about the 26th day of June, 2001, at approximately 3:10 p.m., Plaintiff was an invitee lawfully in the street located in front of 1214 Torpey Drive, in the City of Troy, County of Oakland, State of Michigan.
8. On or about the same date and location, Defendants, CITY OF TROY, HUTCH PAVING, INC and L. D'AGOSTINI & SONS, INC were the owners, operators, managers, or otherwise in control of that street location.

9. Plaintiff was not guilty of negligence or comparative negligence in the happening of the hereinafter described accident.
10. On or about the above stated date and location, Plaintiff was rollerblading on the street when he encountered freshly poured and/or repaired asphalt, causing him to trip and fall to the ground and sustain serious injuries.
11. That pursuant to MCLA 691.1401 et seq., and more specifically, MCLA 691.1402 (the Defective Highway Exception), the Defendant, CITY OF TROY is not shielded or protected by a claim of governmental immunity.

Count I (Negligence)

12. Plaintiff incorporates Paragraphs 1 through 11 of this Complaint.
13. It was the duty of the Defendants, CITY OF TROY, HUTCH PAVING, INC and L. D'AGOSTINI & SONS, INC, to provide a safe place for invitees such as Plaintiff and others, and to exercise due care in the operation and maintenance of said premises so as to prevent injury to thier invitees.
14. Further, it was the duty of Defendants CITY OF TROY, HUTCH PAVING, INC and L. D'AGOSTINI & SONS, INC to maintain the streets in reasonable repair so that it was reasonably safe and convenient for public travel.
15. Further, Defendants had a duty toward Plaintiff and other patrons of said premises, as invitees, to inspect for dangerous conditions and to warn Plaintiff and other patrons of dangerous conditions of which they knew or should have known.
16. Notwithstanding said duties, Defendants breached them in the following particulars:
 - (a) Negligently maintaining a dangerous and defective condition on a portion of the street where it knew or should have known invitees, pedestrians, cyclists and/or rollerbladers would traverse;

- (b) Failing to keep the street in a safe condition;
- (c) Failing to take precautionary measures to correct or alleviate the unsafe condition created by the freshly poured and/or repaired asphalt;
- (d) Failing to inspect the street for dangerous conditions and failing to warn Plaintiff and others of the unsafe condition created by the freshly poured and/or repaired asphalt, after such time as Defendant knew or could reasonably have known of the unsafe condition;
- (e) Failing to provide a reasonably safe street surface for invitees, and/or rollerbladers to traverse upon;
- (f) Failing to comply with MCLA 691.1402;
- (g) Failing to barricade off or otherwise warn of freshly poured and/or repaired asphalt;
- (h) Performing other acts of negligence not yet known by Plaintiff but which will be ascertained during the discovery of said litigation.

17. As a direct and proximate result of the negligence of and statutory violation by Defendants, Plaintiff, ROBERT WEHBE, was violently thrown to the ground sustaining severe personal injuries including but not limited to the following: severe burns to the left pinky, left elbow, both knees and right elbow with resulting scarring, and any and all damages which the proofs may show.

18. Prior to said accident, Plaintiff, ROBERT WEHBE, was a reasonably strong and healthy person, but because of the negligence of the Defendant and the injuries received, Plaintiff became ill, sore, and lame; he has suffered and will continue to suffer pain, humiliation, embarrassment, mental anguish, gross indignity and inconvenience because of the permanent nature of said injuries; he has suffered or may yet suffer aggravation or activation of a pre-existing condition; he has suffered both wage loss and impairment of her earning capacity due to the permanent nature of his injuries; he has been forced to expend and will continue to expend

considerable sums of money in and about the alleviation of his suffering; and he finds it impossible to participate in the usual activities of life in which he indulged prior to sustaining his injuries.

WHEREFORE, Plaintiff prays for a Judgment against the Defendants CITY OF TROY, HUTCH PAVING, INC and L. D'AGOSTINI & SONS, INC of actual and consequential damages in whatever amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) he is deemed to be entitled by this Honorable Court and/or Jury, together with costs, interest, and attorney fees.

Count II (Third Party Beneficiary of Contract)- L. D'Agostini & Sons, Inc.

19. Plaintiffs hereby adopt and incorporate by reference all of the allegations and statements set forth in Paragraph 1 through 18 of this Complaint as if set forth herein in full.
20. That pursuant to a contract with Defendant, CITY OF TROY, Defendant, L.D'AGOSTINI & SONS, INC, was obligated to perform certain duties.
21. That Plaintiff was an intended third party beneficiary of the contract.
22. That Plaintiff has the same rights to enforce the provisions of that contract as does Defendant, CITY OF TROY. (MCLA 600.1405).
23. That Defendant, L. D'AGOSTINI & SONS, INC, owed duties to Plaintiff to perform its obligations under the contract with due care and caution.
24. That notwithstanding said duties, Defendant, L. D'AGOSTINI & SONS, INC breached them in the following ways:
 - (a) Negligently maintaining a dangerous and defective condition on a portion of the street where it knew or should have known invitees would traverse;
 - (b) Failing to keep the street in a safe condition;
 - (c) Failing to take precautionary measures to correct or alleviate the unsafe condition created by the freshly poured and/or repaired asphalt;

- (d) Failing to inspect said premises for dangerous conditions and failing to warn Plaintiff and others similarly situated of the unsafe condition created by the freshly poured and/or repaired asphalt on the street, after such time as Defendant knew or could reasonably have known of the unsafe condition;
- (e) Failing to provide warning signs and/or barricade the freshly poured asphalt;
- (f) Creating a dangerous condition by improperly maintaining the premises;
- (g) Performing other acts of negligence not yet known by Plaintiff but which will be ascertained during the discovery of said litigation.

WHEREFORE, Plaintiffs pray for a Judgment against the Defendant, L. D'AGOSTINI & SONS, INC, of actual and consequential damages in whatever amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) they are deemed to be entitled by this Honorable Court and/or Jury, together with costs, interest, and attorney fees.

Count III (Third Party Beneficiary of Contract)- HUTCH PAVING, INC.

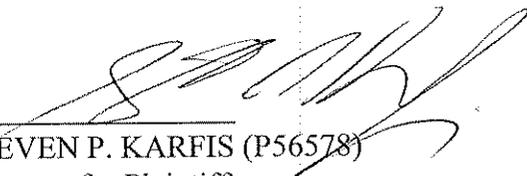
- 25. Plaintiffs hereby adopt and incorporate by reference all of the allegations and statements set forth in Paragraph 1 through 24 of this Complaint as if set forth herein in full.
- 26. That pursuant to a contract with Defendant, L.D'AGOSTINI & SONS, INC, Defendant, HUTCH PAVING, INC, was obligated to perform certain duties.
- 27. That Plaintiff was an intended third party beneficiary of the contract.
- 28. That Plaintiff has the same rights to enforce the provisions of that contract as does Defendant, L. D'AGOSTINI & SONS, INC. (MCLA 600.1405).
- 29. That Defendant, HUTCH PAVING, INC, owed duties to Plaintiff to perform its obligations under the contract with due care and caution.
- 30. That notwithstanding said duties, Defendant, HUTCH PAVING, INC breached them in the following ways:

- (a) Negligently maintaining a dangerous and defective condition on a portion of the street where it knew or should have known invitees would traverse;
- (b) Failing to keep the street in a safe condition;
- (c) Failing to take precautionary measures to correct or alleviate the unsafe condition created by the freshly poured and/or repaired asphalt;
- (d) Failing to inspect said premises for dangerous conditions and failing to warn Plaintiff and others similarly situated of the unsafe condition created by the freshly poured and/or repaired asphalt on the street, after such time as Defendant knew or could reasonably have known of the unsafe condition;
- (e) Failing to provide warning signs and/or barricade the freshly poured asphalt;
- (f) Creating a dangerous condition by improperly maintaining the premises;
- (g) Performing other acts of negligence not yet known by Plaintiff but which will be ascertained during the discovery of said litigation.

WHEREFORE, Plaintiffs pray for a Judgment against the Defendant, HUTCH PAVING, INC, of actual and consequential damages in whatever amount in excess of Twenty-Five Thousand Dollars (\$25,000.00) they are deemed to be entitled by this Honorable Court and/or Jury, together with costs, interest, and attorney fees.

Respectfully Submitted,

ZAMLER, MELLEN & SHIFFMAN, P.C.

By: 
STEVEN P. KARFIS (P56578)
Attorney for Plaintiffs
Advance Building
23077 Greenfield Road, Suite 557
Southfield, Michigan 48075
(248) 443-6552

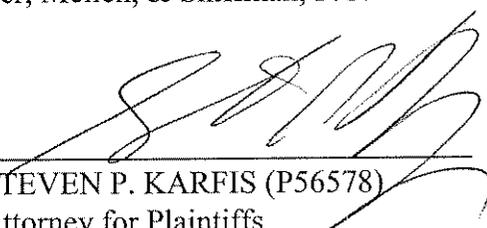
Date: August 15, 2002

DEMAND FOR TRIAL BY JURY

NOW COMES the Plaintiff, ROBERT WEHBE, by his next-friend SANDRA WEHBE, and by and through his attorneys, ZAMLER, MELLEN & SHIFFMAN, P.C., and hereby demands a trial by jury in the above-entitled matter.

Respectfully submitted,

Zamler, Mellen, & Shiffman, P.C.

BY: 

STEVEN P. KARFIS (P56578)
Attorney for Plaintiffs
23077 Greenfield Rd., Ste. 557
Southfield, MI 48075
(248) 443-6552

Dated: August 15, 2002

August 22, 2002

TO: The Honorable Mayor and City Council

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

RE: Request for Acceptance of 2 Permanent Easements for Water
Mains and 1 Sanitary Sewer Easement -
Sidwell # 88-20-26-200-081 from INA USA Corporation and Liberty
Property Limited Partnership

In connection with the construction of an office building in Section 26 on the southeast corner of Big Beaver and Bellingham roads, the Real Estate and Development Department has acquired 2 permanent water main easements from INA USA Corporation, owner of the property having Sidwell #88-20-26-200-081. One of the easements is acknowledged by Liberty Property Limited Partnership, INA USA's predecessor-in-interest.

In addition to the above mentioned water main easements the City of Troy required a sanitary sewer easement. The easement was executed by Liberty Property Limited Partnership, prior to the sale of the property to INA USA Corporation. Subsequently, the document was recorded with Oakland County Register of Deeds by Metropolitan Title Company. Normally, such documents are presented to City Council prior to recording.

The consideration amount for each document is \$1.00. In order for this project to proceed, management recommends that City Council accept the attached 2 water main easements and 1 sanitary sewer easement.

PERMANENT EASEMENT

Sidwell # 88-20-26-200-081
Project #
Resolution #

INA USA Corporation, a Delaware Corporation, Grantor, whose address is 335 East Big Beaver, Suite 101, Troy, 48083, MI for and in consideration of the sum of: One Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said non-exclusive easement for land situated in the City of Troy, Oakland County, Michigan, described as:

SEE ATTACHED EXHIBIT "A"

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. Grantor reserves all use of the easement land not inconsistent with this easement grant, but no buildings or signs shall be erected on the easement area without the prior written approval of Grantee.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 20th day of August A.D. 2002.

INA USA CORPORATION, a Delaware Corporation

By: Bruce G. Warmbold
Name: Bruce G. Warmbold
Its: President & CEO

And: Timothy U. Zygmunt
Name: Timothy U. Zygmunt
Its: Secretary/Treasurer

STATE OF SC
COUNTY OF YORK)

The foregoing instrument as acknowledged before me this 20th day of August, 2002, by Bruce G. Warmbold and Timothy U. Zygmunt
On behalf of INA USA Corporation, a Delaware Corporation.

Marguerite Macloy
Notary Public, York County, Michigan SC
My Commission Expires Oct. 24, 2010

Prepared by:
Larysa Figol
City of Troy
500 West Big Beaver
Troy, Michigan 48084

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

EXHIBIT "A"

GRANTOR'S PARCEL

PART OF THE NORTHEAST ¼ OF SECTION 26, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY MICHIGAN, BEING DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 26; THENCE S. 89°42'00" W., 720.60 FEET ALONG THE NORTH LINE OF SAID SECTION 26, THENCE S. 00°29'22" E., 102.00 FEET TO A POINT ON THE SOUTHERLY LINE OF BIG BEAVER ROAD (204 FEET WIDE); THENCE S. 89°42'00" W., 482.22 FEET ALONG SAID SOUTHERLY LINE OF BIG BEAVER TO THE POINT OF BEGINNING; THENCE S. 00°29'22" E., 812.99 FEET; THENCE S. 89°42'00" W., 117.78 FEET; THENCE S. 00°29'22" E., 32.79 FEET; THENCE N. 66°41'32" W., 330.33 FEET TO A POINT ON THE EASTERLY LINE OF BELLINGHAM ROAD (60 FEET WIDE); THENCE THE FOLLOWING FIVE (5) COURSES ALONG SAID EASTERLY LINE OF BELLINGHAM ROAD 1) 161.10 FEET ALONG AN ARC OF A CURVE TO THE LEFT (RADIUS 305.00 FEET, CENTRAL ANGLE 30°15'53", CHORD BEARS N. 14°32'01" E., 159.24 FEET) 2) N. 00°36'00" W., 285.00 FEET 3) 90.20 FEET ALONG AN ARC OF A CURVE TO THE RIGHT (RADIUS 200.00 FEET, CENTRAL ANGLE 25°50'28", CHORD BEARS N. 12°19'15" E., 89.44 FEET) 4) 90.20 FEET ALONG AN ARC OF A CURVE TO THE LEFT (RADIUS 200.00 FEET, CENTRAL ANGLE 25°50'28", CHORD BEARS N. 12°19'15" E., 89.44 FEET) 5) N. 00°36'00" W., 100.00 FEET TO A POINT ON THE SOUTHERLY LINE OF BIG BEAVER ROAD (204 FEET WIDE); THENCE N. 89°42'00" E., 339.83 FEET TO THE POINT OF BEGINNING. CONTAINING 296,803 SQUARE FEET OR 6.814 ACRES, AND SUBJECT TO EASEMENTS OF RECORD, IF ANY.

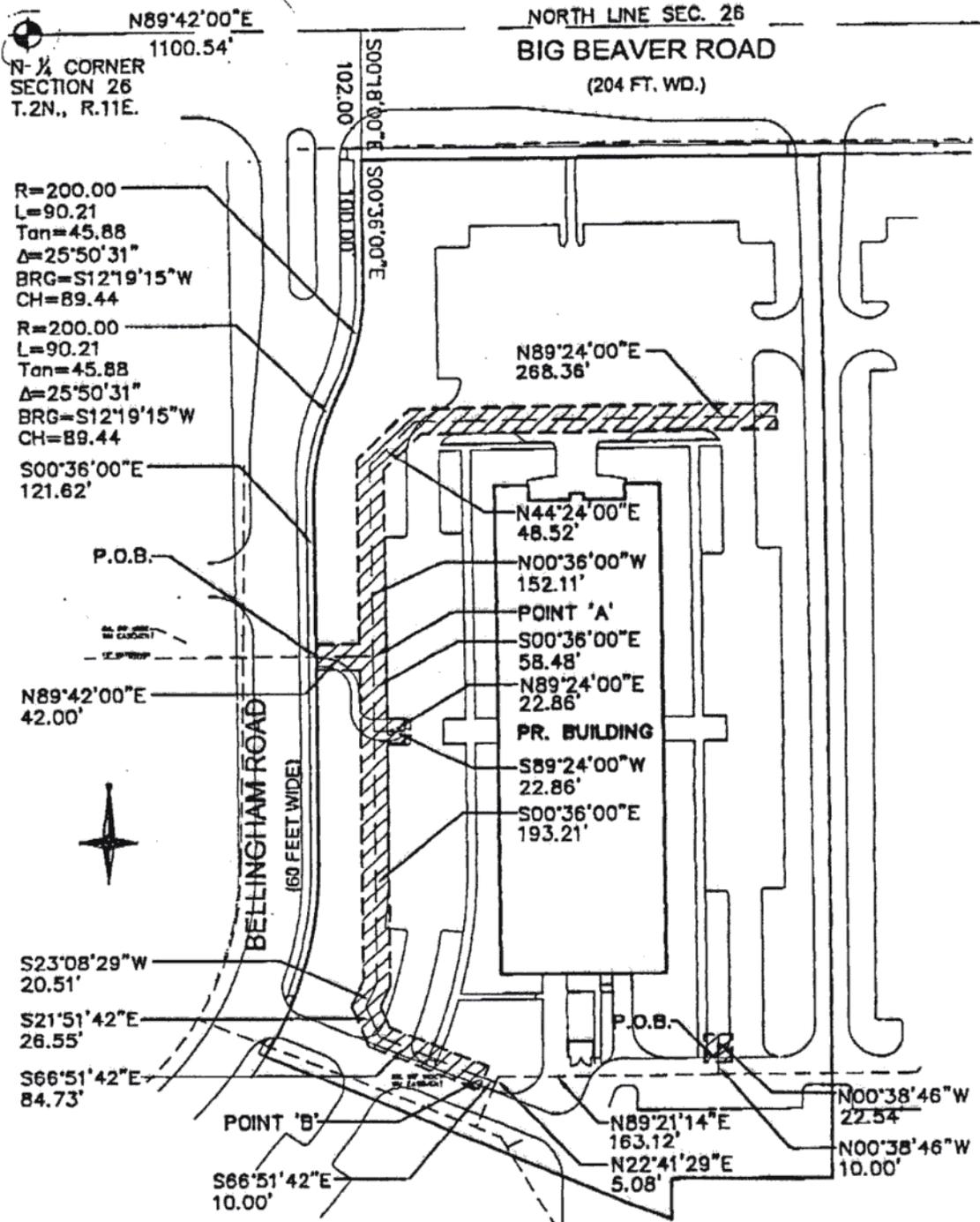
LEGAL DESCRIPTION OF EASEMENT AREA

A PROPOSED TWENTY (20.00) FOOT WIDE WATER MAIN EASEMENT BEING PART OF THE NORTHEAST CORNER OF SECTION 26, T. 2N., R. 11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, WHOSE CENTERLINE IS DESCRIBED AS COMMENCING AT THE NORTH ¼ CORNER OF SAID SECTION 26; THENCE 1100.54 FEET ALONG THE NORTH LINE OF SAID SECTION 26; THENCE S. 00°18'00" E., 102.00 FEET TO A POINT ON THE SOUTH R.O.W. LINE OF BIG BEAVER ROAD (204 FEET WIDE); THENCE S. 00°36'00"E., 100.00 FEET ALONG THE EAST R.O.W. LINE OF BELLINGHAM ROAD (60.00 FEET WIDE); THENCE 90.21 FEET ALONG AN ARC OF A CURVE TO THE RIGHT (RADIUS OF 200.00 FEET, CENTRAL ANGLE OF 25°50'31", CHORD BEARS S. 12°19'15" W., 89.44 FEET); THENCE 90.21 FEET ALONG AN ARC OF A CURVE TO THE LEFT (RADIUS OF 200.00 FEET, CENTRAL ANGLE OF 25°50'31", CHORD BEARS S. 12°19'15" W., 89.44 FEET); THENCE S 00°36'00" E., 121.62 FEET TO THE POINT OF BEGINNING; THENCE N. 89°42'00" E., 42.00 FEET TO POINT 'A'; THENCE N. 00°36'00" W., 152.11 FEET; THENCE N. 44°24'00" E., 48.52 FEET; THENCE N. 89°24'00" E., 268.36 FEET TO THE POINT OF BEGINNING.

ALSO A TWENTY (20.00) FOOT WIDE WATER MAIN EASEMENT WHOSE CENTERLINE IS DESCRIBED AS BEGINNING AT THE AFOREMENTIONED POINT 'A'; THENCE S. 00°36'00" E., 58.48 FEET; THENCE N. 89°24'00" E., 22.86 FEET; THENCE S. 89°24'00" W., 22.86 FEET; THENCE S. 00°36'00" E., 193.21 FEET; THENCE S. 23°08'29" W., 20.51 FEET; THENCE S. 21°51'42" E., 26.55 FEET; THENCE S. 66°51'42" E., 84.73 FEET TO A POINT ENDING, SAID POINT ALSO BEING POINT 'B'.

ALSO A TWENTY (20.00) FOOT WIDE WATER MAIN EASEMENT WHOSE CENTERLINE IS DESCRIBED AS COMMENCING AT THE AFOREMENTIONED POINT 'B'; THENCE S. 66°51'42" E., 10.00 FEET; THENCE N. 22°41'29" E., 5.08 FEET; THENCE N. 89°21'14" E., 163.12 FEET; THENCE N. 00°38'46" W., 10.00 FEET; TO THE POINT OF BEGINNING; THENCE N. 00°38'46" W., 22.54 FEET TO THE POINT OF ENDING.

EXHIBIT A Proposed Water Main Easement



NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners

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

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

SCALE DATE REV. DRAWN JOB No. SHEET
1" = 100' 07-22-02 08-12-02 A.P.W. 1-C159-01 1 of 2

PERMANENT EASEMENT

Sidwell #88-20-26-200-081

Project #

Resolution #

INA USA Corporation, a Delaware corporation having an address at 335 East Big Beaver Road, Suite 101, Troy, Michigan ("Grantor") and Liberty Property Limited Partnership, a Pennsylvania limited partnership, whose address is 65 Valley Stream Parkway, Suite 100, Great Valley Corporate Center, Malvern, PA 19355 ("Liberty") for and in consideration of the sum of: One Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grant to the Grantee the right to construct, operate, maintain, repair and/or replace a water main, said non-exclusive easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. Grantor reserves all use of the easement land not inconsistent with this easement grant, but no buildings or signs shall be erected on the easement area without the prior written approval of Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land. Liberty joins in the grant of this easement pursuant to and solely in order to convey any rights in the easement land that it may have pursuant to the Declaration of Easement (Water Main) which it previously recorded in the Oakland County Records with respect to the easement.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 20th day of August A.D. 2002.

INA USA CORPORATION

By: Bruce G. Warmbold
Name: Bruce G. Warmbold
Its: President & CEO

And: Timothy U. Zygmunt
Name: Timothy U. Zygmunt
Its: Secretary/Treasurer

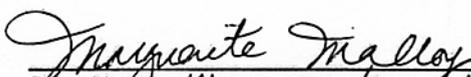
LIBERTY PROPERTY LIMITED PARTNERSHIP,
A PENNSYLVANIA LIMITED PARTNERSHIP

By: LIBERTY PROPERTY TRUST, (L.S.),
Its: SOLE GENERAL PARTNER

By:  (L.S.)
KEVIN P. SHEA
VICE PRESIDENT, CITY MGR.

STATE OF SC)
COUNTY OF York) SS.

The foregoing instrument was acknowledged before me this 20th day of August, 2002 by Bruce G. Warmbold and Timothy U. 245 Mont the President + CEO and Secretary/Treasurer, respectively, of INA USA Corporation, a Delaware corporation, on behalf of the corporation..


Print Name: Marguerite Malloy
Notary Public, York County, SC
My commission expires: Oct. 24, 2010

STATE OF MICHIGAN)
COUNTY OF OAKLAND) SS.

The foregoing instrument was acknowledged before me this 15TH day of AUGUST, 2002 by Kevin P. Shea, the Vice-President-City Manager of Liberty Property Trust, the Sole General Partner of Liberty Property Limited Partnership, a Pennsylvania limited partnership, on behalf of the partnership.


Print Name: JANELL M. GILARDONE
Notary Public, Oakland County of Michigan
My commission expires: 25TH JULY 2004

Prepared by:
Bethany E. Hawkins
Dickinson Wright PLLC
38525 Woodward Ave.
Bloomfield Hills, MI 48324

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

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

EXHIBIT "A"

LEGAL DESCRIPTION

Part of the Northeast 1/4 of Section 26, T.2N., R.11E., City of Troy, Oakland County, Michigan, being described as: Commencing at the Northeast corner of said Section 26; thence S. 89° 42' 00" W., 720.60 feet along the North line of said Section 26; thence S. 00° 29' 22" E., 102.00 feet to a point on the Southerly line of Big Beaver Road (204 feet wide); thence S. 89° 42' 00" W., 482.22 feet along said Southerly line of Big Beaver to the point of beginning; thence S. 00° 29' 22" E., 812.99 feet; thence S. 89° 42' 00" W., 117.78 feet; thence S. 00° 29' 22" E., 32.79 feet; thence N. 66° 41' 32" W., 330.33 feet to a point on the Easterly line of Bellingham Road (60 feet wide); thence the following five (5) courses along said Easterly line of Bellingham Road 1) 161.10 feet along an arc of a curve to the left (radius 305.00 feet, central angle 30° 15' 53", chord bears N. 14° 32' 01" E., 159.24 feet) 2) N. 00° 36' 00" W., 285.00 feet 3) 90.20 feet along an arc of a curve to the right (radius 200.00 feet, central angle 25° 50' 28", chord bears N. 12° 19' 15" E., 89.44 feet) 4) 90.20 feet along an arc of a curve to the left (radius 200.00 feet, central angle 25° 50' 28", chord bears N. 12° 19' 15" E., 89.44 feet) 5) N. 00° 36' 00" W., 100.00 feet to a point on the Southerly line of Big Beaver Road (204 feet wide); thence N. 89° 42' 00" E., 339.83 feet to the point of beginning. Containing 296,803 square feet or 6.814 acres. And subject to easements of record, if any.

EXHIBIT "A"

**Sidwell #88-20-26-200-081
Water Main Easement**

A TWENTY (20.00) FOOT WIDE EASEMENT FOR WATER MAIN BEING PART OF THE N.E. ¼ OF SECTION 26, T. 2 N., R. 11 E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, WHOSE CENTERLINE IS DESCRIBED AS BEGINNING AT A POINT DISTANT S. 89° 42' 00" W., 720.60 FEET ALONG THE N. LINE OF SAID SECTION 26; THENCE S. 00° 29' 22" E., 102.00 FEET; THENCE S. 89° 42' 00" W., 482.22 FEET; THENCE S. 00° 29' 22" E., 729.87 FEET; TO THE POINT OF BEGINNING; THENCE S. 89° 21' 14" W., 246.32 FEET; THENCE S. 22° 41' 29" W., 33.16 FEET TO THE POINT OF ENDING ON EXISTING WATER MAIN EASEMENT, SAID PROPOSED EASEMENT LIMITS SHALL TERMINATE AT SAID EXISTING WATER MAIN EASEMENT.

EXHIBIT C

Proposed Off-Site Water Main Easement



N.E. CORNER
SECTION 26
T.2N., R.11E.

BIG BEAVER ROAD

S.89°42'00"W
720.60'

S00°29'22"E
102.00'

EX. 8" WATERMAIN

N89°42'00"E EX. 102' R.O.W. LINE 482.22'

S89°42'00"W
482.22'

729.87'

812.99'

812.99'

Altair
Engineering

ON-SITE WATER MAIN (TYP)

S00°29'22"E

N00°29'22"W

S00°29'22"E

Adjacent
Parcel

S89°21'14"W
246.32'

P.O.B.

EX. WM
ESMT.

S22°41'29"W
33.16'

P.O.E.

20' WD. WATER
MAIN EASEMENT

S89°42'00"W 482.22'

NF NOWAK & FRAUS

Consulting Engineers • Land Surveyors • Land Planners

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

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

SCALE	DATE	DRAWN	JOB No.	SHEET
1" = 100'	03-05-02	A.P.W.	1-B819	1 of 2



Metropolitan Title Company

COMMERCIAL DIVISION

39400 Woodward, Suite 135 • Bloomfield Hills, MI 48304
(248) 540-4102 • FAX (248) 540-2428

August 9, 2002

VIA telefax to 248/526 5131

City of Troy
Real Estate and Development
Troy, Michigan
Attn: Larysa Figol (248/524 3380)

**Re: Liberty Property Limited Partnership ("Liberty")
INA USA Corporation ("Buyer")
6.814 acre parcel in Big Beaver Business Park, Troy, Michigan
Metropolitan Title Commitment No. CM-418081**

Dear Sir/Madam:

Please be advised that Metropolitan Title Company acted as escrow agent for the closing of the sale by Liberty to Buyer of the captioned parcel. In connection with the sale, Metropolitan Title Company recorded the easements described on Exhibit A attached with the Oakland County Register of Deeds. Recording information for these easements is not yet available from Oakland County. Copies of the easements listed as Items 6 and 8 on Exhibit A are attached to this letter. Copies of the other documents can be provided to you at your request.

METROPOLITAN TITLE COMPANY

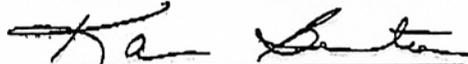
BY: 
Karen Benton
Commercial Closing Officer

EXHIBIT A

Documents Recorded

1. First Amendment to Protective Covenants executed by Liberty.
2. Termination of Access Easement Agreement Recorded in Liber 22275, Page 534, O.C.R. executed by Liberty and Altair Bellingham LLC.
3. First Amendment to Easement to Access and Utility Easement Agreement Recorded in Liber 23146, page 751, O.C.R. executed by Liberty and Altair Bellingham LLC.
4. Declaration of Easement (South Parcel Entrance from Bellingham Road) executed by Liberty .
5. Grant of Easement (Storm Sewer) executed by Liberty.
6. Declaration of Easement (Water Main) executed by Liberty.
7. Declaration of Easement (Entrance Improvements) executed by Liberty.
8. Permanent Easement to City of Troy (sanitary sewer and public utilities) executed by Liberty.

8 PERMANENT EASEMENT

Sidwell #88-20-26-200-080
Resolution #

Liberty Property Limited Partnership, a Pennsylvania Limited Partnership, Grantor, whose address is 65 Valley Stream Parkway, Suite 100, Great Valley Corporate Center, Malvern, PA 19355 for and in consideration of the sum of: One Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace Sanitary Sewer and Public Utilities, said non-exclusive easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

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

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee. Grantor reserves all use of the easement land not inconsistent with this easement grant, but no buildings or signs shall be erected on the easement area without the prior written approval of Grantee.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature this 26th day of June A.D. 2002.

In presence of:

WITNESS

Bethany E. Hawkins
Bethany E. Hawkins

Deborah D. Pomeroy
DEBORAH D. POMEROY

LIBERTY PROPERTY LIMITED PARTNERSHIP,
A PENNSYLVANIA LIMITED PARTNERSHIP

By: LIBERTY PROPERTY TRUST, (L.S.),
Its: SOLE GENERAL PARTNER

By: Kevin P. Shea (L.S.)
KEVIN P. SHEA
VICE PRESIDENT, CITY MGR.

cm 418081
2050 kb

EXHIBIT "A"

88-20-26-200-081

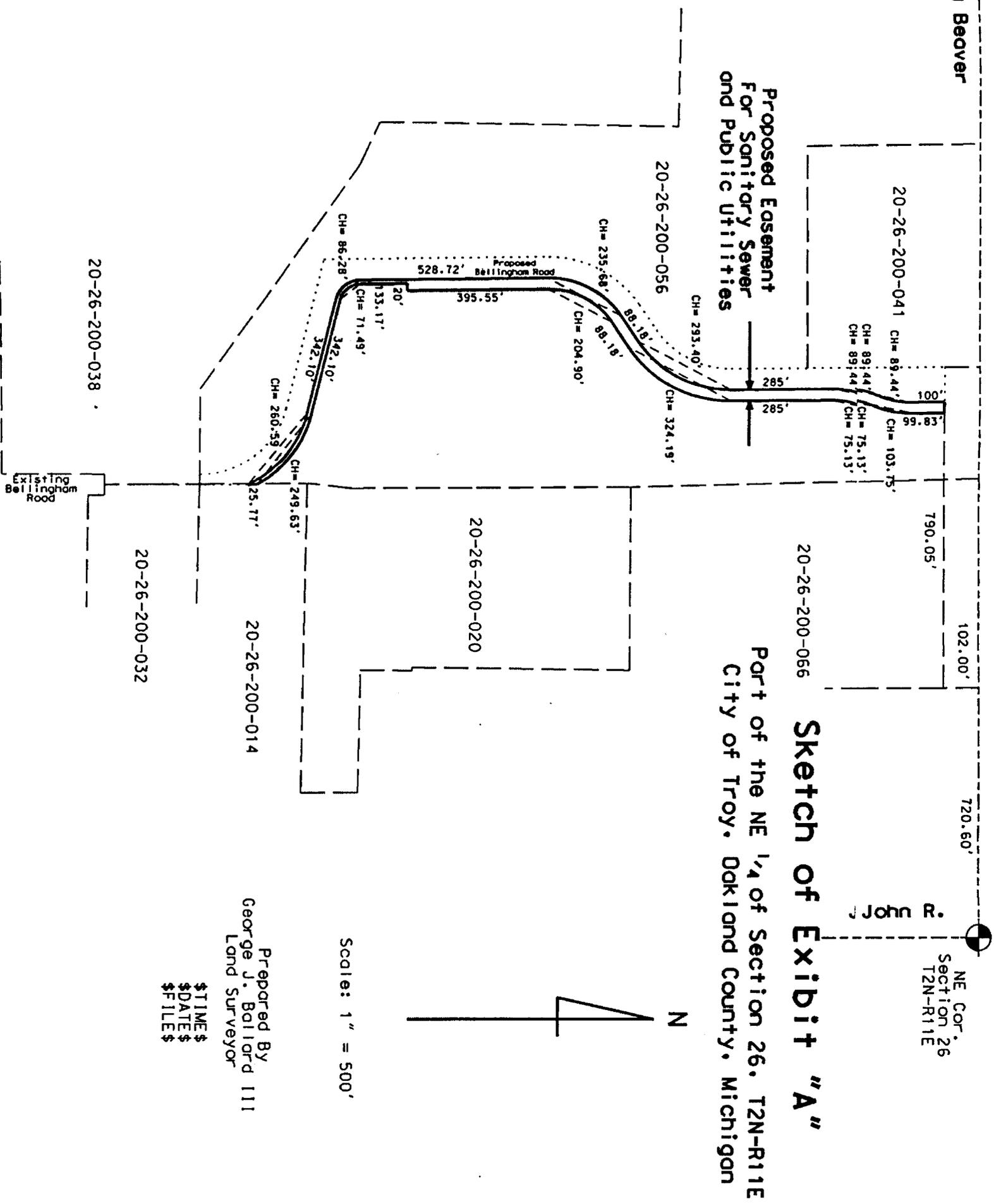
Sidwell #88-20-26-200-080 082

SANITARY SEWER AND PUBLIC UTILITIES

Part of the North ½ of Section 26, T. 2 N., R. 11 E., City of Troy, Oakland County, Michigan described as beginning at a point "A" on the South Right-of-Way line of Big Beaver Road (204 feet wide) distant S. 89°42'00" W. 720.60 feet along the North line of said Section 26 and S. 00°29'22" E. 102.00 feet and S. 89°42'00" W. 790.05 feet from the Northeast corner of said Section 26; thence from said point of beginning S. 00°36'00" E. 99.83 feet; thence 104.64 feet along the arc of a curve to the right, radius 232.00 feet, central angle 25°50'31", chord length 103.75 feet, and a chord bearing of S. 12°19'15" W.; thence 75.77 feet along the arc of a curve to the left, radius 168.00 feet, central angle 25°50'31", chord length 75.13 feet, and a chord bearing S. 12°19'15" W.; thence S. 00°36'00" E. 285.00 feet; thence 338.20 feet along the arc of a curve to the right, radius 337.00 feet, central angle 57°30'00", chord length 324.19 feet, and a chord bearing S. 28°09'00" W.; thence S. 56°54'00" W. 88.18 feet; thence 213.76 feet along the arc of a curve to the left, radius 213.00 feet, central angle 57°30'00", chord length 204.90 feet, and a chord bearing S. 28°09'00" W.; thence S. 00°36'00" E. 395.55 feet; thence S. 89°24'00" W. 20.00 feet; thence S. 00°36'00" E. 133.17 feet; thence 77.03 feet along the arc of a curve to the left, radius 58.00 feet, central angle 76°06'39", chord length 71.49 feet, and a chord bearing of S. 38°38'50" E.; thence S. 76°41'39" E. 342.10 feet; thence 256.58 feet along the arc of a curve to the right, radius 317.00 feet, central angle 46°22'30", chord length 249.63 feet, and a chord bearing of S. 53°30'24" E.; thence S. 00°29'22" E. 25.77 feet; thence 269.24 feet along the arc of a curve to the left, radius 305.00 feet, central angle 50°34'45", chord length 260.59 feet, and a chord bearing of N. 51°24'17" W.; thence N. 76°41'39" W. 342.10 feet; thence 92.97 feet along the arc of a curve to the right, radius 70.00 feet, central angle 76°06'39", chord length 86.28 feet, and a chord bearing N. 38°38'50" W.; thence N. 00°36'00" W. 528.72 feet; thence 245.87 feet along the arc of a curve to the right, radius 245.00 feet, central angle 57°30'00", chord length 235.68 feet, and a chord bearing of N. 28°09'00" E.; thence N. 56°54'00" E. 88.18 feet; thence 306.09 feet along the arc of a curve to the left, radius 305.00 feet, central angle 57°30'00", chord length 293.40 feet, and a chord bearing of N. 28°09'00" E.; thence N. 00°36'00" W. 285.00 feet; thence 90.21 feet along the arc of a curve to the right, radius 200.00 feet, central angle 25°50'31", chord length 89.44 feet, and a chord bearing N. 12°19'15" E.; thence 90.21 feet along the arc of a curve to the left, radius 200.00 feet, central angle 25°50'31", chord length 89.44 feet, and a chord bearing N. 12°19'15" E.; thence N. 00°36'00" W. 100.00 feet; thence N. 89°42'00" E. 32.00 feet to the point of beginning.

Big Beaver

Proposed Easement
For Sanitary Sewer
and Public Utilities



Sketch of Exhibit "A"

Part of the NE 1/4 of Section 26, T2N-R11E
City of Troy, Oakland County, Michigan

TO: The Honorable Mayor and City Council

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

SUBJECT: Standard Purchasing Resolution 4: State of Michigan Extended Purchasing Agreement – Optical Scanning Services

RECOMMENDATION

The Records Section of the City of Troy Police Department requests approval and authorization to have Graphic Sciences convert our 1997/1998 Incident and Accident Reports to digital (tiff) images and 16mm digital microfilm backup through the State of Michigan Extended Purchasing Agreement at an estimated cost of \$55,105.00. See Appendix I.

BACKGROUND

The proposed conversion system will give us the ability to retrieve or view documents from our computer workstations allowing for superior quality, speedy retrieval and copying of reports. The 16mm digital microfilm backup meets the Optical Imaging Systems Rules as mandated by Public Act 116 of 1992, "Records Media Act." We would purchase two sets of CD's. The first set would be for Police Department use. The second CD would be in a tiff format. This format is compatible with any document imaging system the City purchases in the future.

BUDGET

Funds are available from the Police Department's Microfilm/CD Project Account 401325.7980.030.

Prepared by: Bonnie R. Korttila, Police Records Supervisor

Cc: Gary Mayer, Captain
Michael Lyczkowski, Lieutenant

1997/1998 RECORDS
 Example: Sample Incident & Accident Reports
 Based on 214,236 (8 ½ x 11) Images
 47,608 Reports

<u>Description</u>	<u>Unit Price</u>	<u>Total</u>
Scanning	.05/image	\$10,712.00
Image Finishing	.01/image	2,142.00
Data Entry	.007/character	2,332.00
Preparation	13.75/hour	3,682.00
Imbedded Retrieval Software	45.00/license	967.00
<small>(CD holds about 10,000 images)</small>		
CD Duplicate	10.00/CD	214.00
CD (tiff) images		No Charge
Pickup/Delivery		<u>No Charge</u>
 Total		 \$20,049.00

Example: Sample Incident & Accident Reports
 Based on 250,000 (8 ½ x 11) Images
 52,695 Reports

<u>Description</u>	<u>Unit Price</u>	<u>Total</u>
Scanning	.05/image	\$12,500.00
Image Finishing	.01/image	2,500.00
Data Entry	.007/character	2,951.00
Preparation	13.75/hour	5,730.00
Microfilm Creation	.04/image	10,000.00
Imbedded Retrieval Software	45.00/license	1,125.00
<small>(CD holds about 10,000 images)</small>		
CD Duplicate	10.00/CD	250.00
CD (tiff) images		No Charge
Pickup/Delivery		<u>No Charge</u>
 Total		 \$35,056.00
 TOTAL ESTIMATED COST:		 \$55,105.00

September 3, 2002

TO: Honorable Mayor and City Council

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

SUBJECT: Request for Public Hearing

On September 12, 2002, the Brownfield Redevelopment Authority is considering a proposed Brownfield Redevelopment plan for the former Stanley Door Systems Property at 1225 East Maple Road, Troy, Michigan. The Brownfield Redevelopment Authority is expected to issue a recommendation on the proposed plan to the Troy City Council, and request a public hearing on the proposed plan for October 7th, 2002.

Management requests that Troy City Council set a public hearing for October 7, 2002.

BOARDS AND COMMITTEES VACANCIES

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

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

Advisory Committee for Persons w/Disabilities

Approved by Council (9)- 3 years

Term expires 7-01-2003 (Student)

Term expires 7-01-2003 (Student)

PHONE	NAME	ADDRESS	TERM EXPIRES
828-1967H 313-577-1435B	Susan Burt (Alternate)	1060 Glaser, 85	Nov. 1, 2003
689-1457	Angela Done	2304 Academy, 83	Nov. 1, 2002
740-8983	Nancy Johnson	1461 Lamb, 85	Nov. 1, 2003
813-9575 258-2500B	Leonard Bertin	5353 Rochester, 85	Nov. 1, 2002
689-4983H 547-3286B	Pauline Manetta (Alternate)	1473 Lila, 85	Nov. 1, 2003
641-7764 313-496-2686B	Dick Kuschinsky	5968 Whitfield, 98	Nov. 1, 2004
680-1233	Theodora House	301 Belhaven, 85	Nov. 1, 2003
641-3860	Sharon Lu (Student)	1749 Freemont, 98	July 1, 2002
952-0484	Jerry Ong (Student)	1903 Fleetwood, 98	July 1, 2002
524-9160	Dorothy Ann Pietron	1716 Eldridge, 83	Nov. 1, 2004
641-9538	John J. Rodgers	5925 Whitfield, 98	Nov. 1, 2003
362-0671	Cynthia Buchanan	840 Huntsford, 84	Nov. 1, 2004
680-0325	Kul B. Gauri	5305 Greendale, 85	Nov. 1, 2002
952-5555H 810-986-3191B	Jayshree Shah (Alternate)	4053 Drexel, 84	Nov. 1, 2003

Animal Control Appeal Board

Appointed by Council (5)- 3 years

Term expires 9-30-2003

Term expires 9-30-2005

Term expires 9-30-2005

PHONE	NAME	ADDRESS	TERM EXPIRES
879-0100	Harriet Barnard, Ch	5945 Livernois, 98	Sept. 30, 2005
1-800-428-1287 Day Time Only	Leith Gallaher	491 Troywood, 83	Sept. 30, 2003
879-6576	Kathleen Melchert	6385 Tutbury, 98	Sept. 30, 2004
643-6849	Warren Packard (Resigned)	4200 Beach, 98	Sept. 30, 2003
689-1697	Jayne Saeger	1740 Westwood, 83	Sept. 30, 2005

Ms. Barnard and Ms. Saeger wish to be reappointed.

CATV Advisory Committee

Appointed by Council (7)- 3 years

Term expires 7-01-2003 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
689-8176	Alex Bennett	1065 Arthur, 83	Sept. 30, 2003
362-3107	Jerry L. Bixby	891 Kirts Blvd, 84	Feb. 28, 2003
689-3430	Michael J Farrug	6781 Little Creek Ct., 85	Nov. 30, 2002
689-2528	Richard Hughes	1321 Roger Ct., 83	Feb. 28, 2003
952-5179	Lusi Fang (Student)	1948 Freemont, 98	July 01, 2002
740-8920H 827-4065B	Penny Marinos	1128 Larchwood, 83	Feb. 28, 2004
879-0793	W. Kent Voigt	2620 Coral, 85	Feb. 28, 2004
649-6578	Bryan H. Wehrung	3860 Edgemont, 84	Feb. 28, 2005

Downtown Development Authority

Mayor, Council Approval (13)- 4 years

Term expires 9-30-2006

Term expires 9-30-2006

Term expires 9-30-2006

Term expires 9-30-2004 (Mayor)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
952-1952H 391-3777B 248-391-4895F	Michael W. Culpepper	1236 Autumn Dr.,98 mculpepp@auburnhills.org	Sept. 30, 2004
649-2924	Stuart Frankel	3221 W. Big Beaver, Ste. 106, 84	Sept. 30, 2003
313-881-0523H 248-641-0197B	Michele Hodges	1169 Bedford Grosse Point Park, 48230 Mhodes4@aol.com	Sept. 30, 2005
879-6439H 526-0576B	William Kennis	249 W. Hurst, 98 100 W Big Beaver, Ste.200, 84	Sept. 30, 2002
642-1875H 680-7180W 248-680-7181F	Alan M. Kiriluk , Ch	Kirco Development Corp 101 W. Big Beaver, Ste.200, 84	Sept. 30, 2004
827-4600B	G. Thomas York	Forbes/Cohen Properties 100 Galleria Officentre Ste 427 Southfield MI 48037	Sept. 30, 2004
524-3244W 641-7999H 248-524-2345F	Daniel MacLeish	Macleish Building, Inc. 650 E. Big Beaver, Ste. F, 84	Sept. 30, 2005
258-5734H 689-8081B 248-689-8651F	Clarke B. Maxson	1091 Oxford, Birmingham, 09 Midwest Guaranty Bank 201 W. Big Beaver Ste. 125, 84	Sept. 30, 2003
786-1450W 248-689-4722F 810-206-9000C	Nick Najjar	3150 Livernois, Ste 105, 83	Sept. 30, 2005
879-8695	Carol A. Price	6136 Sandshores, 85	Sept. 30, 2003
879-6033	Ernest C. Reschke	6157 Walker, 85	Sept. 30, 2002
879-2646 H 689-6555 B	Douglas J. Schroeder	2783 Homewood Dr., 98	Sept. 30, 2002
879-3896H 248-879-3896F 248-709-0383C	Matt Pryor	6892 Coolidge, 98	Sept. 30, 2002

Mr. Kennis, Mr. Reschke, and Mr. Schroeder wish to be reappointed.

Ethnic Community Issues Advisory Committee

Approved by Council (9)- 3 years

- Term expires 9-30-2005

Council established this committee on March 18, 2002. See attached resumes.

Historic District Commission

Appointed by Council (7)- 3 years

(One member must be an architect)
(Two members recommended by Troy Historical Society)
(One member recommended by Troy Historical Commission)
Chapter 13, Troy City Ordinance

- Term expires 3-01-2005

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
879-9494H 366-1224B	Marjorie A. Biglin	5863 Cliffside, 85	March 1, 2004
614-0011H 313-392-7122B	Wilson Deane Blythe	3458 Gresham, 84	March 1, 2005
689-7031	Kevin Danielson	210 Paragon, 98	May 15, 2003
619-7119H 362-2888B	David J. Eisenbacher	1863 Lakewood, 83	March 1, 2002
645-2187H	Paul C. Lin	1599 Witherbee, 84	May 15, 2003
524-1874H	Jacques O. Nixon	1035 Milverton, 83	March 1, 2005
689-0516	Dorothy Scott	129 Belhaven, 85	May 15, 2003

See attached recommendation from the Troy Historical Society

Parks and Recreation Board

Appointed by Council (10)- 3 years

Term expires 7-31-2003 (School Rep)

Term expires 9-30-2005

Term expires 9-30-2005

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
828-8940	Douglas M. Bordas, Ch.	5902 Cliffside, 85	Sept. 30, 2005
828-4361	Kathleen M. Fejes	6475 Elmoor, 98	Sept. 30, 2004
644-6744	John F. Goetz, Jr	2539 Black Pine, 98	Sept. 30, 2003
689-3794	Gary Hauff (School Rep.)	3794 Wayfarer, 83	July 31, 2002
879-9314	Lawrence Jose (Sr. Rep.)	5581 Livernois, 98	Apr. 30, 2003
828-8084	Orestes (Rusty) Kaltsounis	6798 Jasmine, 98	Sept. 30, 2003
649-4948	Tom Krent	3184 Alpine, 84	Sept. 30, 2004
619-9217	Deanna Ned (Student)	3740 Horseshoe, 83	July 01, 2003
879-1466	Robert J. O'Brien	6285 Brookings, 98	Sept. 30, 2005
689-2074H 569-8454B	Jeffrey Stewart (Troy Daze Rep.)	884 Hidden Ridge, 83	Sept. 30, 2003
528-1919	Janice C Zikakis	1346 Judy, 85	Sept. 30, 2005
524-3484	Carol Anderson	Parks & Rec. Dir.	(Ex-officio)

Mr. O'Brien **does not** wish to be reappointed. School Board recommendation is attached.

Planning Commission

Appointed by Council (9) – 3 years

Term expires 7-01-2003 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
524-9850	Gary G. Chamberlain	4850 Alton, 85	Dec. 31, 2002
689-1849	Jordan C. Keoleian (Student)	3709 Kings Point Dr, 83	July 01, 2002
952-5588 H 435-1712 B	Dennis A. Kramer	1903 Spiceway, 98	Dec. 31, 2003
879-8877H 649-1150B	Larry Littman	6867 Killarney, 98	Dec. 31, 2004
528-3848	Cynthia Pennington BZA Rep	1924 Westwood, 83	Dec. 31, 2002
524-2285	James H. Starr	2643 Arrowhead, 83	Dec. 31, 2002
879-8529	Walter A. Storrs, III	5676 Martell, 85	Dec. 31, 2003
	Mark J Vleck	1060 Hartwig, 85	Dec. 31, 2004
642-9737	David T. Waller BZA Alt	2921 Townhill, 84	Dec. 31, 2003
641-7115 H 775-7710 B	Wayne C. Wright	2525 Homewood, 98	Dec. 31, 2004

Traffic Committee

Appointed by Council (7) – 3 years

Term expires 7-01-2003 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
649-2319	David Allen (Student)	3755 Ledge Ct., 84	July 01, 2001
879-0103	John Diefenbaker	5697 Wright, 98	Jan. 31, 2003
879-0250H 663-5055B	Eric S Grinnell	406 E Square Lake, 84 MAIL TO: PO Box 99417 Troy MI 48099	Jan. 31, 2003
689-1223	Lawrence Halsey	663 Vanderpool, 83	Jan. 31, 2003
689-9401H (313)665-4284B	Jan L. Hubbell	1080 Glaser, 85	Jan. 31, 2005
524-1595	Richard A. Kilmer	62 Hickory, 83	Jan. 31, 2005
362-2128H 827-2359B	Robert M. Schultz	883 Kirts Blvd, 84	Jan. 31, 2005
524-9062H 689-2920B	Charles A. Solis, Ch.	1866 Crimson, 83	Jan. 31, 2003
524-3379	John Abraham	Traffic Engineer	(Ex-officio)
524-3443	Charles Craft	Police Chief	(Ex-officio)
524-3419	William Nelson	Fire Chief	(Ex-officio)

Troy Daze Committee

Appointed by Council (9) – 3 years

Term expires 7-01-2003 (Student)

PHONE	NAME	ADDRESS (Voters)	TERM EXPIRES
528-0155 H 322-9813B	Robert A. Berk	726 Thurber, 85	Nov. 30, 2003
879-9030H 879-0272B	Sue Bishop	6109 Emerald Lake, 85	Nov. 30, 2004
528-1551	Jim D. Cyrulewski.	626 Randall, 85	Nov. 30, 2004
689-9244	Cecile Dilley	2722 Sparta, 83	Nov. 30, 2004
828-8084	Kessie Kaltsounis	6798 Jasmine, 98	Nov. 30, 2002
879-6958H 354-3710B	Richard L. Tharp	6881 Westaway Dr, 85	Nov. 30, 2003
649-4345H 944-5968B	William F Hall	1891 Kirts, Apt 215, 84	Nov. 30, 2002
689-2074H 569-8454B	Jeffrey Stewart (Repr to Parks/Rec Board)	884 Hidden Ridge, 83	Sept. 30, 2003
528-2647H 877-678-2747B	Robert S. Preston	4458 Lancashire Ct., 85	Nov. 30, 2002
952-1732	Cheryl A Kaszubski	1878 Freemont, 98	Nov. 30, 2003
641-0175	Xin Li (Student)	5826 Faircastle, 98	July 1, 2002

*Advisory Committee for Persons With Disabilities
Committee of 9, 3 Alternates*

<i>Presently Serving Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Term Expires</i>	<i>Original Appt Date</i>	<i>TimeApplied Term Limits</i>
Bertin, Leonard O	5353 Rochester Rd, 85	813-9575 258-2500B	11/1/02	1/10/00	1/10/00
Buchanan, Cynthia	840 Huntsford, 84	362-0671	11/1/04	4/23/01	4/23/01
Burt, Susan (Alternate)	2134 Oakwood, 85	828-1967H 313-577-1435B	11/1/03	1/14/01	1/14/01
Done, Angela	2304 Academy, 83	689-1457	11/1/02	3/1/93	11/15/99
Gauri, Kul B	5305 Greendale, 85	680-0325	11/1/02	4/23/01	4/23/01
House, Theodora	301 Belhaven, 85	680-1232	11/1/03	10/19/99	10/18/99 11/20/00
Johnson, Nancy	1461 Lamb, 85	740-8983	11/1/03	9/13/93	11/20/00
Kuschinsky, Dick	5968 Whitfield, 98	641-7764 313-496-2686B	11/1/04	6/27/94	6/21/99
Lu, Sharon (Student)	1749 Freemont, 98	641-3860	7/1/02	9/10/01	N/A
Manetta, Pauline (Alternate)	1473 Lila, 85	689-4983H 547-3286B	11/1/03	4/22/02	4/22/02
Ong, Jerry (Student)	1903 Fleetwood, 98	952-0484	7/1/02	12/04/00	N/A
Pietron, Dorothy Ann	1716 Eldridge, 83	524-9160	11/1/04	1/14/01	1/14/01
Rodgers, John J	5925 Whitfield, 98	641-9538	11/1/03	4/23/01	4/23/01
Shah, Jayshree (Alternate)	4053 Drexel	952-5555H 810-986-3191	11/1/03	1/14/01	1/14/01

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION #98-540

*Advisory Committee for Persons With Disabilities
Committee of 9, 3 Alternates*

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Zhou, Hannah	6365 Elsey, 98	879-9052	8/19/02		

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION #98-540

*Advisory Committee for Senior Citizens
Committee of 9*

<i>Presently Serving Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Term Expires</i>	<i>Original Appt Date</i>	<i>TimeApplied Term Limits</i>
Banch, Steven	2731 West Wattles, 98	646-3267	4/30/2004	11/04/96	5/07/01
Crowe, Jane	1984 Muer, 84	643-0158	4/30/2004	7/17/79	4/23/01
Dixon, Merrill	5974 Diamond, 85	879-2887	4/30/2003	11/04/96	3/20/00
Forst, Edward	2731 Dover, 83	689-6572	4/30/2004	5/12/97	4/23/01
Jose, Lawrence	5581 Livernois, 98	879-9314	4/30/2003	2/22/93	3/20/00
Ogg, David S	3951 Forge, 83	689-2210	4/30/2005	4/24/93	3/29/99
Rhoads, Josephine	4226 Gatesford, 85	689-2741	4/30/2005	11/11/91	3/29/99
Thompson, JoAnn	6177 Livernois, 98	879-2637H 362-2165B	4/30/2003	8/19/02	8/19/02
Weisgerber, William	2475 Charnwood, 98	828-7072	4/30/2005	4/23/01	4/23/01

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

*Advisory Committee for Senior Citizens
Committee of 9*

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Buchanan, Cynthia	840 Huntsford, 84	362-0671	6/07/00	6/19/00	Advisory Committee Persons w/Disabilities
Burt, Susan	2134 Oakwood, 85	828-1967H 313-577- 1435B	9/24/01	10/01/01	Advisory Committee Persons W/Disabilities Alt
Pietron, Dorothy A	1746 Eldridge, 83	524-9160	12/21/98 7/10/01	7/23/01	Advisory Committee Persons W/Disabilities
Shah, Jayshree	4053 Drexel, 84	952-5555H 810-986-3191	08/28/01	9/17/01	Advisory Committee Persons W/Disabilities Alt

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

***Animal Control Appeal Board
Committee of 5***

<i>Presently Serving Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Term Expires</i>	<i>Original Appt Date</i>	<i>TimeApplied Term Limits</i>
Barnard, Harriet	5945 Livernois, 98	879-0100	9/30/2002	9/10/73	10/04/99
Gallaher, Leith	491 Troywood, 83	1-800-428-1287 Day time only	9/30/2003	11/6/95	11/20/00
Melchert, Kathleen	6385 Tutbury, 98	879-6576	9/30/2004	9/29/80	10/15/01
Packard, Warren (Resigned)	4200 Beach, 98	643-6849	9/30/2003	9/10/73	9/25/00
Saeger, Jayne	1740 Westwood, 83	689-1697	9/30/2002	11/2/81	10/04/99

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Larue, Patricia M	95 Cutting, 85	879-5716H 313-567-1000B	8/12/02 8/2004	8/19/02	
Zhou, Hannah	6365 Elsey, 98	879-9052	8/19/02		

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

*CATV Advisory Committee
Committee of 7*

<i>Presently Serving Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Term Expires</i>	<i>Original Appt Date</i>	<i>TimeApplied Term Limits</i>
Bennett, Alex	1065 Arthur, 83 MAIL TO: PO Box 346, 99	689-8176	9/30/03	10/25/88	3/01/99 11/6/00
Bixby, Jerry L	891 Kirts Blvd, 84	362-3107	2/28/03	5/05/97	2/07/00
Farrug, Michael J	6781 Little Creek Ct, 85	689-3430	11/30/02	8/07/00	8/07/00
Hughes, Richard	1321 Roger Ct., 83	689-2528	2/28/03	2/17/97	1/17/00
Lusi Fang (Student)	1948 Freemont, 98	952-5179	7/01/02	9/10/01	N/A
Marinos, Penny	1128 Larchwood, 83	740-8920H 827-4065B	2/28/04	10/01/01	10/01/01
Voight, W Kent	2620 Coral , 85	879-0793	2/28/04	5/07/01	5/07/01
Wehrung, Bryan H	3860 Edgemont, 84	649-6578	2/28/05	2/18/91	3/01/99

Each member shall not serve more than three consecutive terms, any portion of a term served shall constitute one full term and this resolution shall Apply only to terms starting after January 1, 1999 COUNCIL RESOLUTION # 98-540

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Butt, Shazad	5381 Clearview, 98	641-8505	7/13/00/6/26/01 5/2003	8/07/00 7/09/01	
Gauri, Kul B	5305 Greendale, 85	680-0325	8/26/99		Advisory Comm for Persons w/Disabilities
Godlewski, W S	2784 Whitehall, 85	689-4614H 456-2966B	12/28/01	1/07/02	Liquor Committee
Kuschinsky, Dick	5968 Whitfield, 98	641-7764H 313-496-2686B	10/11/01	11/05/01	Advisory Comm for Persons w/Disabilities
Manzon, Alan	2946 Shirley	828-3155H 248-583-2710B	6/04/02	6/17/02	
Minnick, Richard D II	28 Millstone, 84	619-7478	4/29/02 4/2004	5/06/02	
Wattles, Brian J	3864 Livernois, 83	689-1249	7/10/01	7/23/01	Historical Commission
Zhou, Hannah	6365 Elsey, 98	879-9052	8/19/02		

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Downtown Development Authority/ Committee of 13

Presently Serving Name	Address	Telephone Numbers	Term Expires	Original Appt Date
Culpepper, Michael W	1236 Autumn, 98	952-1952H/391-3777B 248-391-4895Fax mculpepp@auburnhills.org	9/30/04	8/16/99
Frankel, Stuart	3221 W. Big Beaver Ste 106, 84	649-2924	9/30/03	10/18/99
Hodges, Michele	1169 Bedford Grosse Point Park, 48230	313-881-0523H 248-641-0197B mhodges4@aol.com	9/30/05	1/14/02
Kennis, William	249 W Hurst, 98 100 W Big Beaver, Ste. 200, 84	879-6439H 526-0576B	9/30/02	9/13/93
Kiriluk, Alan M	Kirco Development Corp 101 W Big Beaver Ste 200, 84	680-7180W 642-1875H 248-680-7181Fax	9/30/04	9/13/93
MacLeish, Daniel	MacLeish Building, Inc 650 E Big Beaver Ste F, 83	524-3244W 641-7999H 248-524-2345Fax	9/30/05	9/13/93
Maxson, Clarke B	1091 Oxford Birmingham MI 48009 Midwest Guaranty Bank 201 W Big Beaver Ste 125, 84	258-5734H 689-8081B 248-689-8651Fax	9/30/03	8/31/98
Nick Najjar	3150 Livernois Ste 105, 83	786-1450W 248-689-4722Fax 810-206-9000Cell	9/30/05	11/19/01
Price, Carol A	6136 Sandshores, 85	879-8695	9/30/03	9/13/93
Pryor, Matt	6892 Coolidge, 98	879-3896H 248-879-3896Fax 248-709-0383Cell	9/30/02	4/23/01
Reschke, Ernest C	6157 Walker, 85	879-6033	9/30/02	
Schroeder, Douglas J	2783 Homewood, 98	689-6555B	9/30/02	12/07/98
York, G Thomas	2800 W. Big Beaver Rd., 84 Forbes/Cohen Properties 100 Galleria Officentre, Ste 427 Southfield MI 48037	827-4600B	9/30/04	11/15/99

RESUMES/CURRENT MEMBERS/INTERESTED CITIZENS

BOARDS/COMMITTEES OF TROY

F-1

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Alexander, Larry	4685 Rambling Dr., 98	952-5355H 313-202-1801B	6/12/01 5/2003	7/09/01	
Baughman, Deborah L	967 Muer, 84	362-3082H 313-961-8380B	3/29/01/6/18/01 5/2003	4/09/01 7/09/01	
Brod bine, Anju C.	263 Falling Brook, 98	689-0056H 689-9959B	8/13/02 8/2004	8/19/02	
Calice, Mark A	4235 Beach, 98	644-8310	6/97		Employee Retirement System
Chang, Jouky	3654 Boulder, 84	649-8237H 313-394-6941B	10/02/01 10/2003	10/15/01	
Daugherty, Patrick	5512 Whitfield, 98	641-1849H 313-442-6495B	11/14/01	11/19/01	Act 78, Civil Service
Elenbaum, Anita	870 Barilane, 84	362-0337H 1-800-477-5035B	4/17/02 4/2004	4/22/02	
Hall, Patrick C	5363 Clearview, 98	641-4765H 952-0400B	1/26/01 1/2003	2/05/01	
Howrylak, Frank J	3035 Newport Ct, 84	643-6653H 512-3110B	4/05/01	4/09/01	Board of Review
Huber, Laurie G	2794 Saratoga, 83	619-1487	6/18/01 5/2003	7/09/01	
Victoria Lang	2700 Dashwood, 83	589-3304	7/09/01 6/2003	7/23/01	
Lin, Paul Chu	1599 Witherbee, 84	645-2187	5/22/00	6/05/00	Historic District
Milia, Carmelo	3911 Boulder, 84	643-0859	6/14/01 5/2003	7/09/01	
Rocchio, James A	2810 Waterloo, 84	649-9612H 205-2748B	4/16/01	4/23/01	Economic Development Corp
Schultz, Robert M	883 Kirts Blvd, 84	362-2128	6/19/01	1/22/01 7/09/01	Traffic Committee
Shah, Jayshree	4053 Drexel, 98	952-5555H 810-986-3191	08/28/01 8/2003	9/17/01	Advisory Comm for Persons w/Disabilities
Shiner, Mary E	5456 Patterson, 85	879-9776H 586-254-7707B	11/28/01 11/2003	12/09/01	Bd of Canvassers

RESUMES/CURRENT MEMBERS/INTERESTED CITIZENS

BOARDS/COMMITTEES OF TROY

F-1

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Silver, Neil S	3837 Edenderry, 83	680-0147	8/11/00 6/20/016/03	8/21/00 7/09/01	
Watkins, Patrick N	2638 Parasol, 83	689-1379H 810-574-7132	5/22/00 5/2003	6/05/00	
Wells, Alexandra	156 Millstone, 84	680-9749H 248-280-5009B	8/22/02 8/2004	9/09/02	
Wilberding, Bruce J	3762 Boulder, 84	649-3073H 680-0400B	8/05/99		Brownfield Authority
Wright, Wayne C	2515 Homewood, 98	641-7115H 810-775-7710B	1/07/99		Planning Commission
Zhou, Hannah	6365 Elsey, 98	879-9052	8/19/02		

**Election Commission
Committee of 3**

Presently Serving Name	Address	Telephone Numbers	Term Expires	Original Appt Date
Anderson, David C (R)	2361 Oak Ridge, 98	952-5708H 526-0133W	1/31/03	2/08/82
Dewan, Timothy (D)	6234 Crescent Way, 85	879-0912H 313-621-6545W	1/31/03	5/04/98
Bartholomew, Tonni	City Clerk	524-3316	Charter	10/02/00

Interested Citizens Name	Address	Telephone Numbers	Date Received	Sent To Council	Currently Serving
Brodbine, Anju C.	263 Falling Brook, 98	689-0056H 689-9959B	8/13/02 8/2004	8/19/02	
DeBacker, Deborah	1879 Knoll Ct., 98	641-7066H 248-229-1836C	5/20/02 5/2004	6/03/02	
Gauri, Kul B	5305 Greendale, 85	680-0325	8/26/99		Advisory Committee Persons w/Disabilities
Larue, Patricia M	95 Cutting, 85	879-5716H 313-567-1000B	8/12/02 8/2004	8/19/02	
Shah, Jayshree	4053 Drexel, 98	952-5555H 810-986-3191	08/28/01	9/17/01	Advisory Committee Persons w/Disabilities
Ziegenfelder, Peter	3695 Forge, 83	528-0237H 696-2277B	12/07/00 6/11/01	12/18/00 7/09/01	Municipal Building Authority

***Ethnic Community Issues Advisory Committee
Committee of _____***

<i>Presently Serving Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Term Expires</i>	<i>Original Appt Date</i>

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Brodbine, Anju C.	263 Falling Brook, 98	689-0056H 689-9959B	8/13/02		
Hashmi, Amin	5818 Marble, 85	879-2653H 586-947-0412B	8/22/02		
Kaszubski, Tom	1878 Freemont, 98	952-1732	6/07/02		
Kuppa, Padma	4275 Marywood, 85	619-7176	5/21/02		
Shiva, Sastry	1832 Eldridge, 83	524-9601	8/23/02		
Zhou, Hannah	6365 Elsey, 98	879-9052	8/19/02		

**Historic District Commission
Committee of 7**

Presently Serving Name	Address	Telephone Numbers	Term Expires	Original Appt Date	Time Applied Term Limits
Biglin, Marjorie A	5863 Cliffside, 85	879-9494H 366-1224B	3/01/04	4/09/01	4/09/01
Blythe, Wilson Deane	3458 Gresham, 84	614-0011H 313-392-7122B	3/01/05	4/08/02	4/08/02
Danielson, Kevin	210 Paragon, 98	689-7031	5/15/03	11/19/98	2/19/01
Eisenbacher, David J Elected to Council	1863 Lakewood, 83	619-7119H 362-2888B	3/01/02	4/17/00	4/17/00
Lin, Paul C	1599 Witherbee, 84	645-2187H	5/15/03	2/19/01	2/19/01
Nixon, Jacques O	1035 Milverton, 83	524-1874H	3/01/05	2/19/01	2/19/01
Scott, Dorothy	129 Belhaven, 85	689-0516	5/15/03	2/27/73	2/19/01

Interested Citizens Name	Address	Telephone Numbers	Date Received	Sent To Council	Currently Serving
Krivoshein, Kerry S	1259 Ashley, 85	524-0227H 576-4799B	8/12/99 6/14/01 5/2003	7/09/01	
Partlan, Ann	2300 Terova, 85	689-3685	8/14/02 8/2004	8/19/02	
Zhou, Hannah	6365 Elsey, 98	879-9052	8/19/02		

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**Library Advisory Board
Committee of 5**

Presently Serving Name	Address	Telephone Numbers	Term Expires	Original Appt Date	TimeApplied Term Limits
Allen, Joanne C	2245 Alexander, 83	689-4870	4/30/05	5/06/02	5/06/02
Cloyd, David	1737 Chatham, 84	643-7152H 313-226-8614B	4/30/03	3/29/99	3/29/99 3/20/00
Gladysz, Michael (Student)	4633 Riverchase, 98	641-0248H	12/31/01	3/05/01	
Gregory, Lynne R	2244 Niagara, 83	689-2623	4/30/04	4/21/89	4/23/01
Wheeler, Nancy D	5355 Beach, 98	641-8511	4/30/04	10/23/89	4/23/01
Zembrzuski Audre	2842 Shadywood, 98	248-646-8218	4/30/05	5/6/02	4/30/05

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<i>Interested Citizens</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Balagna, David J	1822 Wilmet, 85	619-1472H 649-7480B	2/02/00	2/00	Liquor Advisory Committee
Blythe, Wilson Deane	3458 Gresham, 84	614-0011H 313-392-7122B	3/06/02	3/18/02	Historic District
Daugherty, Patrick	5512 Whitfield, 98	641-1849H 313-442-6495B	11/14/01	11/19/01	Act 78 Civil Service Commission
Gauri, Kul B	5305 Greendale, 85	680-0325	8/26/99		Advisory Comm for Personsw/Disabilities
Hashmi, Amin	5818 Marble, 85	879-2653H 586-947-0412B	8/22/02		
Victoria Lang	2700 Dashwood, 83	589-3304	7/09/01 6/2003	7/23/01	
Nelson, Albert T Jr	5846 Clearview, 98	528-1111B	3/16/99		Personnel Board
Patel, Shreeti	43 Crestfield, 85	740-1231	10/24/00 10/2002	11/06/00	
Shah, Jayshree	4053 Drexel, 98	952-5555H 810-986-3191	08/28/01	9/17/01	Advisory Comm for Persons w/Disabilities
Shiner, Mary E	5456 Patterson, 85	879-9776H 586-254-7707B	11/28/01	12/09/01	Bd of Canvassers
Solomon, Mark R	2109 Golfview, Apt 102, 84	649-2018H 689-8282B	2/05/99		Charter Revision
Zhou, Hannah	6365 Elsey, 98	879-9052	8/19/02		

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**Planning Commission
Committee of 9**

Presently Serving Name	Address	Telephone Numbers	Term Expires	Original Appt Date	TimeApplied Term Limits
Chamberlain, Gary G	4850 Alton, 85	524-9850	12/31/02	3/04/85	12/13/99
Keoleian, Jordan C (Student)	3709 Kings Point Dr, 83	689-1849	7/01/02	9/11/00	
Kramer, Dennis	1903 Spiceway, 98	952-5588H 435-1712B	12/31/03	10/24/88	12/18/00
Littman, Larry	6867 Killarney, 98	828-7100	12/31/04	3/29/99	3/29/99
Pennington, Cynthia BZA Rep	1924 Westwood, 83	528-3848	12/31/02	5/07/01	5/07/01
Starr, James H	2643 Arrowhead, 83	524-2285 248-338-2300B	12/31/02	2/23/87	12/13/99
Storrs, Walter A III	5676 Martell, 85	879-8529	12/31/03	10/18/76	12/04/00
Vleck, Mark J	1060 Hartwig, 85		12/31/04	4/08/02	4/08/02
Waller, David T BZA Alternate Rep	2921 Townhill, 84	642-9737	12/31/03	10/18/93	12/04/00
Wright, Wayne C	2525 Homewood, 98	641-7115H 810-775-7710B	12/31/04	7/27/81	12/03/01

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RESUMES/CURRENT MEMBERS/INTERESTED CITIZENS

BOARDS/COMMITTEES OF TROY

F-1

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Baughman, Deborah L	967 Muer, 84	362-3082H 313-961-8380B	3/29/01/6/18/01 5/2003	4/09/01 7/09/01	
Culpepper, Michael	1236 Autumn, 98	952-1952	12/97		Downtown Developmnt Authority
D'Anna, Philip	5149 Westmoreland, 85	740-9244	2/08/99		Advisory Comm For Persons w/Disabilities
Deel, Ryan J	2926 Roundtree, 83	252-4588H 357-6610B	5/17/016/25/01 5/2003	5/21/01 7/09/01	
Godlewski, W S	2784 Whitehall, 85	689-4614			Liquor Committee
Hall, Patrick C	5363 Clearview, 98	641-4765H 952-0400B	1/26/01 1/2003	2/05/01	
Hoef, Paul V	3671 Scott, 84	649-1358H 244-3521B	8/14/02 8/2004		
Howrylak, Frank J	3035 Newport Ct, 84	643-6653H 512-3110B	4/05/01	4/09/01	Board of Review
Kovacs, Matthew	5621 Livernois, 98	879-5193H 458-5900BExt. 610	1/08/01	1/22/01	Board of Zoning Appeals
Victoria Lang	2700 Dashwood, 83	589-3304	7/09/01 6/2003	7/23/01	
Laze, Rudolf Q	2843 Iowa, 83	585-3668H 546-6700B	3/01/01 3/2003	3/05/01	
Lepp, Gary R	1227 Autumn, 98	641-3058H 641-8129B	4/16/01 4/2003	4/23/01	
Lin, Paul Chu	1599 Witherbee, 84	645-2187	5/22/00	6/05/00	Historic District
Manetta, Pauline	1473 Lila, 85	689-4983H 547-3286B	11/26/01	12/03/01	Advisory Comm for Persons w/Disabilities
Milia, Carmelo	3911 Boulder, 84	643-0859	6/14/01 5/2003	7/09/01	
Minnick, Richard D II	28 Millstone, 84	619-7478	4/29/02 4/2004	5/06/02	
Nelson, Albert Taylor	5846 Clearview, 98	528-1111B			Personnel Board

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RESUMES/CURRENT MEMBERS/INTERESTED CITIZENS

BOARDS/COMMITTEES OF TROY

F-1

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Nixon, Jacques O	1035 Milverton, 83	524-1874H 332-9430B	6/14/00	6/19/00	Historic District Commission
Ogg, David	3951 Forge, 83	689-2210	2/9/99 4/16/01	4/23/01	Advisory Comm for Sr Citizens
Patel, Shreeti	43 Crestfield, 85	740-1231	10/24/00 10/2002	11/06/00	
Rocchio, James	2810 Waterloo, 84	649-9612H 205-2748B	4/16/01	4/23/01	Economic Development Corp
Schultz, Robert M	883 Kirts Blvd, 84	362-2128H 827-2359B	1/15/01 6/19/01 5/2003	1/22/01 7/09/01	Traffic Committee
Shah, Jayshree	4053 Drexel Dr, 98	952-5555	12/06/00 12/2002	12/04/00	
Silver, Neil S	3837 Edenderry, 83	680-0147	8/11/00 6/20/01 5/2003	8/21/00 7/09/01	
Ullmann, Lon M	5621 Willow Grove, 85	828-7625	3/19/01	4/09/01	Brownfield Redevelopment Auth
Walker, James	5356 Orchard Crest, 85	879-1223B	6/11/99 6/14/01 5/2003	7/09/01	
Wattles, Brian J	3864 Livernois, 83	689-1249	7/10/01	7/23/01	Historical Commission
Wilberding, Bruce	3762 Boulder, 84	649-3073H 680-0400B	8/05/99		Brownfield Redevelopment Auth
Zhou, Hannah	6365 Elsey, 98	879-9052	8/19/02		
Ziegenfelder, Peter F	3695 Forge Dr, 83	528-0237H 696-2277B	12/07/00 6/11/01	12/18/00 07/09/01	Municipal Building Authority

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**Traffic Committee
Committee of 7**

Presently Serving Name	Address	Telephone Numbers	Term Expires	Original Appt Date	TimeApplied Term Limits
Allen, David (Student)	3755 Ledge Ct., 84		7/01/01	12/04/01	
Diefenbaker, John	5697 Wright, 98	879-0103	1/31/03	1/07/85	1/08/01
Grinnell, Eric S	406 E Square Lake, 98 MAIL TO: PO Box 99417, 99	879-0250H 663-5055B	1/31/03	4/23/01	4/23/01
Halsey, Lawrence	663 Vanderpool, 83	689-1223	1/31/03	10/14/85	2/07/00
Hubbell, Jan L	1080 Glaser, 85	689-9401H 313-665-4284B	1/31/05	1/08/90	3/01/99
Kilmer, Richard A	62 Hickory, 83	524-1595	1/31/05	5/10/99	5/10/99
Schultz, Robert M	883 Kirts Blvd, 84	362-2128H 827-2359B	1/31/05	1/07/01	1/07/01
Solis, Charles A	1866 Crimson, 83	524-9062H 689-2920B	1/31/03	9/26/94	1/08/01
Abraham, John	Traffic Engineer				
Craft, Charles	Police Chief				
Nelson, William	Fire Chief				

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**Traffic Committee
Committee of 7**

Interested Citizens Name	Address	Telephone Numbers	Date Received	Sent To Council	Currently Serving
Basmadjian, A. George	6512 Denton, 98	879-8637	3/06/02 3/2004	3/18/02	
Deel, Ryan J	2926 Roundtree, 83	252-4588H 357-6610B	5/17/01/6/25/01 5/2003	5/21/01 7/09/01	
Howrylak, Frank J	3035 Newport Ct, 84	643-6653H 512-3110B	4/05/01	4/09/01	Board of Review
Hrynik, Thomas F	2828 Orchard Trail, 98	642-4534	10/01/00 6/14/01 5/2003	11/06/00 7/19/01	
Kovacs, Matthew	5621 Livernois, 84	879-5193H 458-5900B Ext 610	1/08/01	1/22/01	Board of Zoning Appeals
Kuschinsky, Dick	5968 Whitfield, 98	641-7764H 313-496-2686B	10/11/01	11/05/01	Advisory Committee Persons w/Disabilitie
Minnick, Richard D II	28 Millstone, 84	619-7478	4/29/02 4/2004	5/06/02	
O'Brien, Robert J	6285 Brookings, 98	879-1466			Parks and Recreation
Ogg, David	3951 Forge, 83	689-2210	2/09/99 4/16/01	4/23/01	Advisory Comm for Senior Citizens
Patel, Shreeti	43 Crestfield, 85	740-1231	10/24/00 10/2002	11/06/00	
Wells, Alexandra	156 Millstone, 84	680-9749H 248-280-5009B	8/22/02 8/2004	9/09/02	
Wilberding, Bruce J	3762 Boulder, 84	649-3073H 680-0400B	8/05/99		Brownfield Authority
Wright, Wayne C	2515 Homewood, 98	641-7115H 810-775-7710B	1/07/99		Planning Commission
Zhou, Hannah	6365 Elsey, 98	879-9052	8/19/02		
Ziegenfelder, Peter	3695 Forge, 83	528-0237H 696-2277B	12/07/00 6/11/01	12/18/00 7/09/01	Municipal Building Authority

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**Troy Daze Advisory Committee
Committee of 9**

<i>Presently Serving Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Term Expires</i>	<i>Original Appt Date</i>
Berk, Robert A	726 Thurber, 85	528-0155H 322-9813B	11/30/03	5/02/88
Bishop, Sue	6109 Emerald Lake Dr, 85	879-9030H 879-0272B	11/30/04	5/02/88
Cyrulewski, Jim D	626 Randall, 85	528-1551	11/30/04	5/02/88
Dilley, Cecile	2722 Sparta, 83	689-9244	11/30/04	5/02/88
Hall, William F	1891 Kirts Blvd, Apt 215, 84	649-4345H 944-5968B	11/30/02	1/10/00
Kaltsounis, Kessie	6798 Jasmine, 98	828-8084	11/30/02	5/04/98
Kaszubski, Cheryl	1878 Freemont, 98	952-1732	11/30/03	11/04/97
Preston, Robert S.	4458 Lancashire Ct., 85	528-2647H 877-678-2747B	11/30/02	5/13/02
Xin Li (Student)	5826 Faircastle, 98	641-0175	7/01/02	1/07/01
Stewart, Jeffrey Troy Daze Rep to Parks and Rec Board	884 Hidden Ridge, 83	689-2074H 569-8454B	9/30/03	3/05/01
Tharp, Richard L	6881 Westaway, 98	879-6958H 354-3710B	11/30/03	8/16/99

***Troy Daze Advisory Committee
Committee of 9***

<i>Interested Citizens Name</i>	<i>Address</i>	<i>Telephone Numbers</i>	<i>Date Received</i>	<i>Sent To Council</i>	<i>Currently Serving</i>
Grinnell, Eric S	406 E Square Lk, 98 MAIL TO; PO Box 99417, 99	879-0250H 663-5055B	4/23/01	4/23/01	Traffic Committee
Hashmi, Amin	5818 Marble, 85	879-2653H 586-947-0412B	8/22/02		
Huber, Laurie G	2794 Saratoga, 83	619-1487	9/22/00 6/18/01 5/2003	9/22/00 7/09/01	
Kovacs, Meaghan	5621 Livernois, 98	879-5193H 262-6932B	1/08/01 1/2003	1/22/01	
Pietron, Dorothy Ann	1716 Eldridge, 83	524-9160	7/10/01 7/2003	7/23/01	
Wells, Alexandra	156 Millstone, 84	680-9749H 248-280-5009B	8/22/02 8/2004	9/09/02	
Zhou, Hannah	6365 Elsey, 98	879-9052	8/19/02		

TROY

SCHOOL DISTRICT

4400 Livernois
Troy, Michigan 48098-4799

F-1

RECEIVED
CITY OF TROY
2002 AUG 26 AM 8:40

Janet H. Jopke, Ed.D., Superintendent of Schools
248.823.4003
Fax: 248.823.4012

August 21, 2002

MaryAnn Hays
City Clerk's Office
City of Troy
500 West Big Beaver
Troy, Michigan 48084

Dear Ms. Hays:

This letter is to inform you that Ida Edmunds has been recommended by the Troy Board of Education to serve as the school district's representative on the Troy Parks and Recreation Board for the 2002-2003 school year. Her home mailing address is:

1304 Player
Troy, MI 48085

Please let her know when the first meeting is scheduled.

Sincerely,



Janet H. Jopke, Ed.D.
Superintendent of Schools

JHJ:js

Troy City Clerks Office

500 West Big Beaver

Troy MI 48084

248 524-3316

July 23, 2002

Mr. Douglas J. Schroeder
2783 Homewood Dr.
Troy MI 48098

RECEIVED
TROY
2002 AUG -6 PM 1:00

Your appointment to the Downtown Development Authority will expire in September, 2002. Please indicate whether you wish to be **reappointed** to this committee and your interest (If any) in other Boards and Committees by completing the following form.

APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for **two** years. **(Please type or print)**

Date: 7/31/02

Name: Douglas J. Schroeder

Address: 2783 Homewood

City: Troy Zip: 48098

Home Phone Number: (248) 267-5065

Employer: Waters Sawyer, Reilly, Rupp & Schroeder

Address: 292 Towncenter Troy Phone: (248) 689-5700

Are you a registered voter in the City of Troy? yes

How long have you lived continuously in the City of Troy? 55 years

Have you ever been convicted for anything other than a minor traffic violation? No

Number the Advisory Boards or Committees for which you would like to apply:
(in order of preference - 1 = First Choice, 2 = second Choice, etc.)

- Advisory Committee for Persons with Disabilities
- Animal Control Appeals Board
- Board of Review
- Building Code Board of Appeals
- Charter Revision Committee
- Downtown Development Authority
- Election Commission
- Historic District Commission
- Liquor Committee
- Parks & Recreation Board
- Planning Commission
- Traffic Committee

- Advisory Committee for Senior Citizens
- Board of Canvassers
- Board of Zoning Appeals
- CATV Advisory Committee
- Civil Service Commission Act 78
- Economic Development Corporation
- Historical Commission
- Library Board
- Municipal Building Authority
- Personnel Board
- Retirement System Board of Trustees
- Troy Daze Committee

I wish to be reappointed

I do not wish to be reappointed

Troy City Clerks Office

500 West Big Beaver

Troy MI 48084

248 524-3316

July 23, 2002

Mr. William Kennis
249 W Hurst
Troy MI 48098

RECEIVED
TROY
2002 JUL 29 PM 3:16

Your appointment to the Downtown Development Authority will expire in September, 2002. Please indicate whether you wish to be **reappointed** to this committee and your interest (If any) in other Boards and Committees by completing the following form.

APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for **two years**. **(Please type or print)**

Date: 7/26/02

Name: WILLIAM D. KENNIS

Address: 249 HURST

City: TROY Zip: 48098

Home Phone Number: 248 879 6439

Employer: FOOT-WEDGE LLC

Address: 100 W. BIG BEAVER Phone: 526 0576

Are you a registered voter in the City of Troy? YES

How long have you lived continuously in the City of Troy? 15 YRS

Have you ever been convicted for anything other than a minor traffic violation? NO

Number the Advisory Boards or Committees for which you would like to apply:
(in order of preference - 1 = First Choice, 2 = second Choice, etc.)

- | | |
|---|---|
| <input type="checkbox"/> Advisory Committee for Persons with Disabilities | <input type="checkbox"/> Advisory Committee for Senior Citizens |
| <input type="checkbox"/> Animal Control Appeals Board | <input type="checkbox"/> Board of Canvassers |
| <input type="checkbox"/> Board of Review | <input type="checkbox"/> Board of Zoning Appeals |
| <input type="checkbox"/> Building Code Board of Appeals | <input type="checkbox"/> CATV Advisory Committee |
| <input type="checkbox"/> Charter Revision Committee | <input type="checkbox"/> Civil Service Commission Act 78 |
| <input checked="" type="checkbox"/> Downtown Development Authority | <input type="checkbox"/> Economic Development Corporation |
| <input type="checkbox"/> Election Commission | <input type="checkbox"/> Historical Commission |
| <input type="checkbox"/> Historic District Commission | <input type="checkbox"/> Library Board |
| <input type="checkbox"/> Liquor Committee | <input type="checkbox"/> Municipal Building Authority |
| <input type="checkbox"/> Parks & Recreation Board | <input type="checkbox"/> Personnel Board |
| <input type="checkbox"/> Planning Commission | <input type="checkbox"/> Retirement System Board of Trustees |
| <input type="checkbox"/> Traffic Committee | <input type="checkbox"/> Troy Daze Committee |

I wish to be reappointed

I do not wish to be reappointed

Troy City Clerks Office

500 West Big Beaver

Troy MI 48084

248 524-3316

July 23, 2002

Mr. Ernest C. Reschke
6157 Walker
Troy MI 48085

RECEIVED
CITY OF TROY
2002 JUL 29 PM 2:13

Your appointment to the Downtown Development Authority will expire in September, 2002. Please indicate whether you wish to be **reappointed** to this committee and your interest (if any) in other Boards and Committees by completing the following form.

APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for **two years**. **(Please type or print)**

Date: July 29, 2002

Name: Ernest C. Reschke

Address: 6157 Walker Dr

City: Troy Zip: 48085

Home Phone Number: (248) 879-6033

Employer: Retired

Address: _____ Phone: _____

Are you a registered voter in the City of Troy? Yes

How long have you lived continuously in the City of Troy? 35 years

Have you ever been convicted for anything other than a minor traffic violation? No

Number the Advisory Boards or Committees for which you would like to apply:
(in order of preference - 1 = First Choice, 2 = second Choice, etc.)

- | | |
|---|---|
| <input type="checkbox"/> Advisory Committee for Persons with Disabilities | <input type="checkbox"/> Advisory Committee for Senior Citizens |
| <input type="checkbox"/> Animal Control Appeals Board | <input type="checkbox"/> Board of Canvassers |
| <input type="checkbox"/> Board of Review | <input type="checkbox"/> Board of Zoning Appeals |
| <input type="checkbox"/> Building Code Board of Appeals | <input type="checkbox"/> CATV Advisory Committee |
| <input checked="" type="checkbox"/> Charter Revision Committee | <input type="checkbox"/> Civil Service Commission Act 78 |
| <input type="checkbox"/> Downtown Development Authority | <input type="checkbox"/> Economic Development Corporation |
| <input type="checkbox"/> Election Commission | <input type="checkbox"/> Historical Commission |
| <input type="checkbox"/> Historic District Commission | <input type="checkbox"/> Library Board |
| <input type="checkbox"/> Liquor Committee | <input type="checkbox"/> Municipal Building Authority |
| <input type="checkbox"/> Parks & Recreation Board | <input type="checkbox"/> Personnel Board |
| <input type="checkbox"/> Planning Commission | <input type="checkbox"/> Retirement System Board of Trustees |
| <input type="checkbox"/> Traffic Committee | <input type="checkbox"/> Troy Daze Committee |

I wish to be reappointed

I do not wish to be reappointed

Troy City Clerks Office

500 West Big Beaver

Troy MI 48084

248 524-3316

F-1

July 23, 2002

Ms. Harriet Barnard
5945 Livernois
Troy MI 48098

2002 AUG 12 AM 9:06

Your appointment to the Animal Control Appeal Board will expire in September, 2002. Please indicate whether you wish to be **reappointed** to this committee and your interest (if any) in other Boards and Committees by completing the following form.

APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for **two years**. **(Please type or print)**

Name: Harriet Barnard Date: 8/2/02

Address: 5945 Livernois

City: Troy, MI Zip: 48098

Home Phone Number: 248-879-0100

Employer: None

Address: _____ Phone: _____

Are you a registered voter in the City of Troy? Yes

How long have you lived continuously in the City of Troy? over 75 yrs

Have you ever been convicted for anything other than a minor traffic violation? NO

Number the Advisory Boards or Committees for which you would like to apply:
(in order of preference - 1 = First Choice, 2 = second Choice, etc.)

- | | |
|---|---|
| <input type="checkbox"/> Advisory Committee for Persons with Disabilities | <input type="checkbox"/> Advisory Committee for Senior Citizens |
| <input checked="" type="checkbox"/> Animal Control Appeals Board | <input type="checkbox"/> Board of Canvassers |
| <input type="checkbox"/> Board of Review | <input type="checkbox"/> Board of Zoning Appeals |
| <input type="checkbox"/> Building Code Board of Appeals | <input type="checkbox"/> CATV Advisory Committee |
| <input type="checkbox"/> Charter Revision Committee | <input type="checkbox"/> Civil Service Commission Act 78 |
| <input type="checkbox"/> Downtown Development Authority | <input type="checkbox"/> Economic Development Corporation |
| <input type="checkbox"/> Election Commission | <input type="checkbox"/> Historical Commission |
| <input type="checkbox"/> Historic District Commission | <input type="checkbox"/> Library Board |
| <input type="checkbox"/> Liquor Committee | <input type="checkbox"/> Municipal Building Authority |
| <input type="checkbox"/> Parks & Recreation Board | <input type="checkbox"/> Personnel Board |
| <input type="checkbox"/> Planning Commission | <input type="checkbox"/> Retirement System Board of Trustees |
| <input type="checkbox"/> Traffic Committee | <input type="checkbox"/> Troy Daze Committee |

I wish to be reappointed

I do not wish to be reappointed

Troy City Clerks Office

500 West Big Beaver

Troy MI 48084

248 524-3316

July 23, 2002

Ms. Jayne Saeger
1740 Westwood
Troy MI 48083

RECEIVED
CITY OF TROY
2002 JUL 29 PM 1:12

Your appointment to the Animal Control Appeal Board will expire in September, 2002. Please indicate whether you wish to be **reappointed** to this committee and your interest (if any) in other Boards and Committees by completing the following form.

APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for **two** years. **(Please type or print)**

Date: 7/27/02

Name: JAYNE SAEGER

Address: 1740 WESTWOOD

City: TROY Zip: 48083

Home Phone Number: 248-689-1697

Employer: _____

Address: _____ Phone: _____

Are you a registered voter in the City of Troy? Yes

How long have you lived continuously in the City of Troy? 30 yrs

Have you ever been convicted for anything other than a minor traffic violation? No

Number the Advisory Boards or Committees for which you would like to apply:
(in order of preference - 1 = First Choice, 2 = second Choice, etc.)

____ Advisory Committee for Persons with Disabilities

1 Animal Control Appeals Board

____ Board of Review

____ Building Code Board of Appeals

____ Charter Revision Committee

____ Downtown Development Authority

____ Election Commission

____ Historic District Commission

____ Liquor Committee

____ Parks & Recreation Board

____ Planning Commission

____ Traffic Committee

____ Advisory Committee for Senior Citizens

____ Board of Canvassers

____ Board of Zoning Appeals

____ CATV Advisory Committee

____ Civil Service Commission Act 78

____ Economic Development Corporation

2 Historical Commission

____ Library Board

____ Municipal Building Authority

____ Personnel Board

____ Retirement System Board of Trustees

____ Troy Daze Committee

I wish to be reappointed

I do not wish to be reappointed

Troy City Clerks Office

500 West Big Beaver

Troy MI 48084

248 524-3316

July 23, 2002

Mr. Robert J. O'Brien
6285 Brookings
Troy MI 48098

Your appointment to the Parks and Recreation Board will expire in September, 2002. Please indicate whether you wish to be **reappointed** to this committee and your interest (if any) in other Boards and Committees by completing the following form.

APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for **two years**. **(Please type or print)**

Date: 8/1/02

Name: ROBERT O'BRIEN

Address: 6285 BROOKINGS

City: TROY Zip: 48098

Home Phone Number: (248) 879-6575

Employer: BUSINESS TRENDS

Address: 5455 CORP DR - TROY Phone: (248) 952-0074

Are you a registered voter in the City of Troy? YES

How long have you lived continuously in the City of Troy? 12 YEARS

Have you ever been convicted for anything other than a minor traffic violation? NO

Number the Advisory Boards or Committees for which you would like to apply:
(in order of preference - 1 = First Choice, 2 = second Choice, etc.)

- Advisory Committee for Persons with Disabilities
- Animal Control Appeals Board
- Board of Review
- Building Code Board of Appeals
- Charter Revision Committee
- Downtown Development Authority
- Election Commission
- Historic District Commission
- Liquor Committee
- Parks & Recreation Board
- Planning Commission
- Traffic Committee

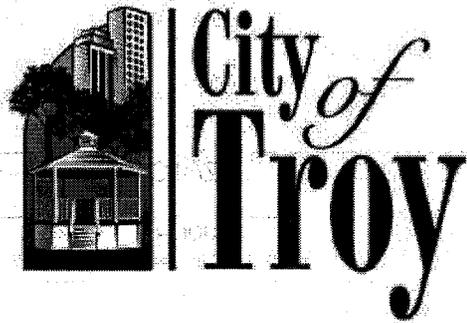
- Advisory Committee for Senior Citizens
- Board of Canvassers
- Board of Zoning Appeals
- CATV Advisory Committee
- Civil Service Commission Act 78
- Economic Development Corporation
- Historical Commission
- Library Board
- Municipal Building Authority
- Personnel Board
- Retirement System Board of Trustees
- Troy Daze Committee

I wish to be reappointed

I do not wish to be reappointed

RECEIVED
CITY OF TROY
2012 AUG 22 PM 12:36

City of Troy
City Clerk's Office
500 West Big Beaver
Troy, Michigan 48084
(248) 524-3316



(Send Application to Above Address)

APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for two years.

(Please type or print)

Date: _____

Name (Mr/Mrs/Ms): AMIN HASHMI

Phone: 248-879-2653

Address: 5818 MARBLE DR

City/Zip TROY 48085

Employer: GENERAL MOTORS

Phone: 586-947-0412

Address: 12 MILE WARREN CAMPUS

City/Zip WARREN

Registered voter in the City of Troy? Yes No

How long have you lived continuously in the City of Troy? OVER TWO YEARS

Have you ever been convicted for anything other than a minor traffic violation? Yes No

Are you a graduate of Troy Citizen Academy? Yes No

Number the advisory boards or committees for which you would like to apply for in the order of your preference - 1 = first choice, 2 = second Choice, etc.:

- ___ Advisory Committee for Persons with Disabilities
- ___ Animal Control Appeals Board
- ___ Board of Review
- ___ Brownfield Redevelopment Authority
- ___ CATV Advisory Committee
- ___ Civil Service Commission Act 78
- ___ Economic Development Corporation
- 1 Ethnic Community Issues Advisory Committee
- ___ Historical Commission
- ___ Liquor Committee
- ___ Parks & Recreation Board
- ___ Planning Commission
- ___ Traffic Committee

- ___ Advisory Committee for Senior Citizens
- ___ Board of Canvassers
- ___ Board of Zoning Appeals
- ___ Building Code Board of Appeals
- ___ Charter Revision Committee
- ___ Downtown Development Authority
- ___ Election Commission
- ___ Historic District Commission
- 2 Library Board
- ___ Municipal Building Authority
- ___ Personnel Board
- ___ Retirement System Board of Trustees
- 3 Troy Daze Committee

I do not wish to be reappointed.

Professional Qualifications and/or Work Experience: _____

CURRENTLY WORKING FOR GENERAL MOTORS AS DESIGN + DEVELOPMENT
ENGINEER OF AUTOMOTIVE SAFETY + RESTRAINT SYSTEM.
WORKED AT BOEING COMMERCIAL PLANE AS OCCUPANT SAFETY ENGINEER
SERVED ON MERCHANT MARINE SHIPS AS ASSISTANT CHIEF ENGINEER
FOR VARIOUS INTERNATIONAL SHIPPING COMPANIES

Community Activities and/or Other Experience: _____

ON MARINE VESSELS RAN OFFICERS CLUB ACTIVITIES.
CONDUCT GM PLENIES FOR THE DEPARTMENT ENGINEERS
HELPED SUBDIVISION PARTY'S

Educational Background: _____

MASTERS IN MECHANICAL ENGINEER FROM WAYNE STATE UNIV.
BACHELOR'S IN MECHANICAL ENG. FROM NED. UNIVERSITY, PAK.
EARNED MARINE ENGINEER LICENCE FROM ENGLAD AND
SINGAPORE.

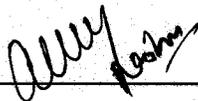
References (Please list name and address): _____

NADEEM BUKHARI 5603 Patterson Dr Troy 48085
AZHAR ALI 2648 Coral Dr Troy. 48085
AHMED FAROOK 1452 Wla Dr Troy 48085
Asghar Ali 5725 Patterson Dr Troy 48085

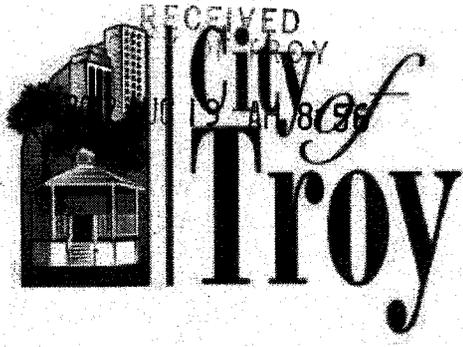
Indicate REASONS FOR DESIRING TO SERVE: _____

I HAVE BEEN AROUND THE WORLD, WORKED WITH DIFFERENT
NATIONALITY. TROY BEING DIVERSED CITY WOULD GIVE A CHANCE
TO ENHANCE MY INTERNATIONAL RELATIONS AND WILL BE ABLE
TO SERVE AND SUPPORT THE COMMUNITY ACTIVITY. I TAKE
THIS OPPORTUNITY AS A STARTING POINT TO GO INTO PUBLIC SERVICE

Signature: _____



RECEIVED
 CITY OF TROY
 2007 AUG 19 AM 8:56
City of Troy
City Clerk's Office
500 West Big Beaver
Troy, Michigan 48084
(248) 524-3316



(Send Application to Above Address)

APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for two years.

(Please type or print)

Date: 8/11/02

Name (Mr/Mrs/Ms): Ms. Hannah Zhou

Phone: (248)879-9052

Address: 6365 Elsey

City/Zip Troy/48098

Employer: _____

Phone: _____

Address: _____

City/Zip _____

Registered voter in the City of Troy? Yes No

How long have you lived continuously in the City of Troy? 9 years

Have you ever been convicted for anything other than a minor traffic violation? Yes No

Are you a graduate of Troy Citizen Academy? Yes No

Number the advisory boards or committees for which you would like to apply for in the order of your preference - 1 = first choice, 2 = second Choice, etc.:

- 3 Advisory Committee for Persons with Disabilities
- 4 Animal Control Appeals Board
- Board of Review
- Brownfield Redevelopment Authority
- 6 CATV Advisory Committee
- Civil Service Commission Act 78
- Economic Development Corporation
- 5 Ethnic Community Issues Advisory Committee
- Historical Commission
- Liquor Committee
- Parks & Recreation Board
- 1 Planning Commission
- 9 Traffic Committee

- Advisory Committee for Senior Citizens
- Board of Canvassers
- Board of Zoning Appeals
- Building Code Board of Appeals
- Charter Revision Committee
- 7 Downtown Development Authority
- Election Commission
- 8 Historic District Commission
- 10 Library Board
- Municipal Building Authority
- Personnel Board
- Retirement System Board of Trustees
- 2 Troy Daze Committee

I do not wish to be reappointed.

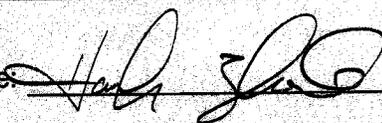
Professional Qualifications and/or Work Experience: none

Community Activities and/or Other Experience: Hospital Volunteer (St. Joseph
Mary in Pontiac), Project LEAD volunteering at Troy High school

Educational Background: Troy High School grade 10 (September 2002)

References (Please list name and address): Mary Kerwin - 6392 Elseg Troy, MI 48098
Char Chynoweth - 4777 Northfield Parkway Troy, MI 48098

Indicate REASONS FOR DESIRING TO SERVE: to gain experience about the
city government.

Signature: 

Date: 8/18/02

Name (Mr/Mrs/Ms): Aleyandra Wells

Address: 156 Millstone Dr.

City/State/Zip: Troy, mi 48084

Phone: (248) 680-9749

Employer: Meijer

Address: 5150 Coolidge Hwy

City/State/Zip: Royal Oak, mi 48073

Phone: (248) 280-5009

Registered voter in the City of Troy? Yes No

How long have you lived continuously in the City of Troy? 4 years

Are you a graduate of Troy Citizen Academy? Yes No

Have you ever been convicted for anything other than a minor traffic violation? Yes No

Thank you for your interest in serving on an Advisory Board or Committee.

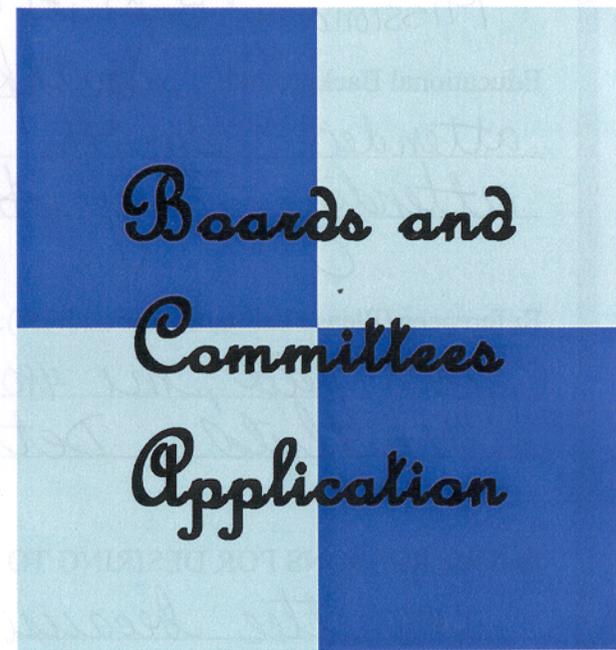
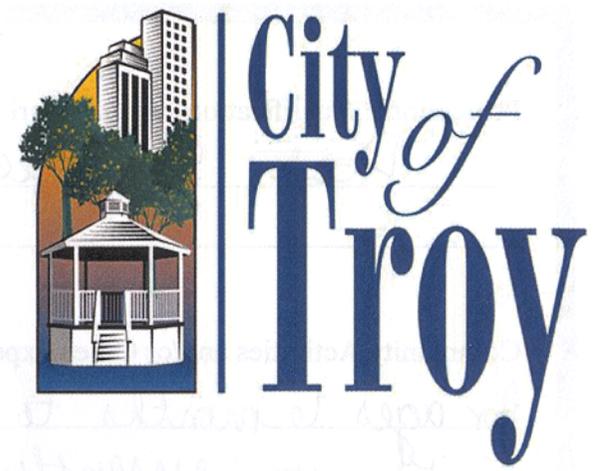
The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment.

The application will be kept on file for two years.

Number the advisory boards or committees for which you would like to apply for in the order of your preference: 1=first choice, 2=second choice, etc.

- Advisory Committee for Persons with Disabilities
- Advisory Committee for Senior Citizens
- Animal Control Appeals Board
- Board of Canvassers
- Board of Review
- Board of Zoning Appeals
- Brownfield Redevelopment Authority
- Building Code Board of Appeals
- CATV Advisory Committee
- Charter Revision Committee
- Civil Service Commission Act 78
- 1 - Downtown Development Authority
- Economic Development Corporation
- Election Commission
- Historical Commission
- Historic District Commission
- Library Board
- Liquor Committee
- Municipal Building Authority
- Parks & Recreation Board
- Personnel Board
- Planning Commission
- Retirement System Board of Trustees
- 3 - Traffic Committee
- 2 - Troy Daze Committee

I do not wish to be reappointed



**City Clerk's Office
 500 West Big Beaver
 Troy, Michigan 48084
 (248) 524-3316**

(Send Application to above Address)

Professional Qualifications and/or Work Experience: Meijer Corporation: Guest Service
Desk Employee

Community Activities and/or Other Experience: Knesge Early Childhood Program Volunteer
for ages 6 months to pre-k. I was a girl scout from 1st grade thru 10th grade.
I am presently vice-president of the Youth Chorale at New Hope
Missionary Baptist Church

Educational Background: Southfield Public Schools from K-7th grade, then
attended Smith Middle School for 8th grade & am currently
attending Troy Athens High School & will finish in 2003.

References (Please list name and address): ① Kevin & Bessie Bradley - 27369 Pierce
Southfield, mi 48076 (248) 569-3821 ② Winifred Wells - 5514
Whitfield Detroit, mi 48204 (313) 834-8291

Indicate REASONS FOR DESIRING TO SERVE: I would like to serve on this board/
committee because I feel that this would give me the opportunity
to broaden my experience in different fields of employment and
to help make changing decisions for my community

Signature: Winifred Wells

Professional Qualifications and/or Work Experience: Ph.D. Biological Sciences, WAYNE STATE UNIVERSITY DETROIT; MS. Agricultural Entomology, DELHI INDIA
18 YEARS RESEARCH, TEACHING & EXTENSION in CROP PEST CONTROL (1948-1966) India. TEACHING Biology - W.S.U; Oakland Community College; Shaw College at DETROIT; Entomologist in several pest control companies in Michigan, MD, Indiana; Technical Director, NPCA, the National TRADE Association of U.S. & International pest control operators, and also Community Activities and/or Other Experience: in U.S. DHS and EPA.

Agricultural extension, U-DC Washington, D.C; President of SAI pest control consultants & trainers, Inc. MD; Active in Indian cultural organizations, in MD & in Michigan. Teaching English to people from other countries in Lutheran Church on Deawindt, Troy. Member of Panel of Elder Advisors to Research, Institute of Gerontology, W.S.U. Regional co-ordinator, Spelling Bee & Vocabulary Contest, North South Foundation
Educational Background:

B.S. in chemistry, Botany, Zoology; M.S. in Agricultural Entomology; Ph.D. in Biology; Trained in U.S. Federal Government Supervisors' courses & also course in "Contracting Officers"

References (Please list name and address):

1. Joseph Kelly, Professor, Life Sciences, Oakland Community College; Highland lakes campus, Waterford, MI.
2. DR. Kulbhusan Gauri, 5305, Greendale TROY, MI - 48085.

Indicate REASONS FOR DESIRING TO SERVE: ^{uniquely qualified because I was Indian (Mainstream) for 37 years. (lived in different regions) and then 'main stream' American for 37 years. Believes in diversity at the same time 'universal human' (Pl. see poem written & read at Troy Library)}
With Gratitude, want to repay for the help I received by the communities. I want to do that through areas of human activity in which I am trained & gained considerable years of experience.
As I would like to do it in Troy my neighborhood.

Signature: R. Shivashankar Sarathy

Encl:
Appln: for Boards & committees.

HEY! HUE-MAN!

Be a Native American Indian
Be an Asian Indian American
Be an African American
Be a Hispanic American
Be a Chinese American
Be a Japanese American
Be an Arab American or
Be a White American
We are all AMERICANS.

The LORD, that **one** for all,
delivers every one of us
Into this world by
The universal process, '**Birth**';
And pops us out of this world
By '**Death**' the other inescapable process.

This or that American,
All our hearts pump that
Nourishing, pure, blood,
Which, is red and
Of no other color than red.
Still, Still! Some hearts prompt good
Thoughts and deeds, while others, heinous ones; Why? Why? Oh! Man?

Born and grown up among the beasts in the Animal Kingdom
Thou art the only animal blessed with the ability to
Think and tell love from hate; peace from war;
Care from neglect and Compassion from malevolence.
You did, think, think; and did learn
'The root cause of such heinous thoughts and deeds are
The six dangerous enemies'
Dwelling right within you, which are

'**Kaama**', the intense desire to get it at any cost;
'**Krodha**', the uncontrollable anger leading to hate;
'**Lobha**', the miserliness, in spite of having plenty;
'**Moha**', utter attachment to person or property;

'Mada', the feeling of "ego" and "power"

'Maatsarya', the jealousy,

You also learned that only a pure heart can conquer them all.

Oh! Americans! What happened to that knowledge we acquired from our forefathers?

Have we succumbed to 'the cultural amnesia'? OH! No!

Let us, all Americans and all the Citizens of the Globe unite;

Let **not** the enemies impoverish us and

Let **not** the enemies gobble us up.

Let us all pray, meditate and practice together

To let our hearts **LOVE** all God's -children of all Lands

And to emerge from the 'Egoistic Man' into the 'Global Human'.

Thanks

Shivashankara Sastry

Shiva Sastry, Ph.D.

City of Troy
City Clerk's Office
500 West Big Beaver
Troy, Michigan 48064
(248) 524-3316

RECEIVED
CITY OF TROY
AUG 13 PM 12:00



City of
Troy

(Send Application to Above Address)

APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for two years.

(Please type or print)

Date: 8/9/02

Name (Mr/Mrs/Ms): MRS. ANSU CHANDRA BRODBINE

Phone: 248-689-0056

Address: 263 FALLING BROOK

City/Zip TROY 48068

Employer: SELF EMPLOYED

Phone: (248) 689-9959

Address: VARIOUS

City/Zip _____

Registered voter in the City of Troy? Yes No

How long have you lived continuously in the City of Troy? 4 YRS

Have you ever been convicted for anything other than a minor traffic violation? Yes No

Are you a graduate of Troy Citizen Academy? Yes No

Number the advisory boards or committees for which you would like to apply for in the order of your preference - 1 = first choice, 2 = second Choice, etc.:

- Advisory Committee for Persons with Disabilities
- Animal Control Appeals Board
- Board of Review
- Brownfield Redevelopment Authority
- CATV Advisory Committee
- Civil Service Commission Act 78
- Economic Development Corporation
- Ethnic Community Issues Advisory Committee
- Historical Commission
- Liquor Committee
- Parks & Recreation Board
- Planning Commission
- Traffic Committee

- Advisory Committee for Senior Citizens
- Board of Canvassers
- Board of Zoning Appeals
- Building Code Board of Appeals
- Charter Revision Committee
- Downtown Development Authority
- Election Commission
- Historic District Commission
- Library Board
- Municipal Building Authority
- Personnel Board
- Retirement System Board of Trustees
- Troy Daze Committee

I do not wish to be reappointed.

Professional Qualifications and/or Work Experience: ATTORNEY FOR 8 YEARS.

Community Activities and/or Other Experience: _____

Educational Background: B.A. @ UNIV. OF MICH - ANN ARBOR
J.D @ UNIV OF DAYTON

References (Please list name and address): _____

- PAULETTE MANCUSO, 115 WILTON, TROY, MI 48084 (248) 689-9585
- LALITA PURI, 480 CARLTON PARK, TROY, MI 48098 (248) ~~391-2531~~ 524-0911
- RAKESH SAXENA, 268 FALLING BROOK, TROY, MI 48088 (248) 689-1991
- ANITA SUMMERVILLE 301 EAGLE RIDGE, ORION TWP, MI (248) 391-2531
- KRISHNA ROY 390 FALLING BROOK, TROY, MI (248) 528-0881

Indicate REASONS FOR DESIRING TO SERVE: _____

I ENJOY BEING IN A VERY ETHNICALLY DIVERSIFIED CITY & WISH
TO SEE THE DIVERSITY FLOURISH AND ADD VALUE FURTHER VALUE
THE CITY AND ITS CITIZENS

Signature: _____

RE City of Troy
 City Clerk's Office
 500 West Big Beaver
 Troy, Michigan 48084
 (248) 524-3316



(Send Application to Above Address)

APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for two years.

(Please type or print)

Name (Mr/Mrs/Ms): TOM KASZUBSKI Date: JUNE 6, 2002
 Phone: (248) 952-1732
 Address: 1878 FREEMONT City/Zip TROY 48098
 Employer: _____ Phone: 952-1732
 Address: _____ City/Zip _____

Registered voter in the City of Troy? Yes No

How long have you lived continuously in the City of Troy? 35 YEARS

Have you ever been convicted for anything other than a minor traffic violation? Yes No

Are you a graduate of Troy Citizen Academy? Yes No

Number the advisory boards or committees for which you would like to apply for in the order of your preference - 1 = first choice, 2 = second Choice, etc.:

- | | |
|--|---|
| <input type="checkbox"/> Advisory Committee for Persons with Disabilities | <input type="checkbox"/> Advisory Committee for Senior Citizens |
| <input type="checkbox"/> Animal Control Appeals Board | <input type="checkbox"/> Board of Canvassers |
| <input type="checkbox"/> Board of Review | <input type="checkbox"/> Board of Zoning Appeals |
| <input type="checkbox"/> Brownfield Redevelopment Authority | <input type="checkbox"/> Building Code Board of Appeals |
| <input type="checkbox"/> CATV Advisory Committee | <input type="checkbox"/> Charter Revision Committee |
| <input type="checkbox"/> Civil Service Commission Act 78 | <input type="checkbox"/> Downtown Development Authority |
| <input type="checkbox"/> Economic Development Corporation | <input type="checkbox"/> Election Commission |
| <input checked="" type="checkbox"/> Ethnic Community Issues Advisory Committee | <input type="checkbox"/> Historic District Commission |
| <input type="checkbox"/> Historical Commission | <input type="checkbox"/> Library Board |
| <input type="checkbox"/> Liquor Committee | <input type="checkbox"/> Municipal Building Authority |
| <input type="checkbox"/> Parks & Recreation Board | <input type="checkbox"/> Personnel Board |
| <input type="checkbox"/> Planning Commission | <input type="checkbox"/> Retirement System Board of Trustees |
| <input type="checkbox"/> Traffic Committee | <input type="checkbox"/> Troy Daze Committee |

I do not wish to be reappointed.

Thomas S. (Tom) Kaszubski

Birthdate: June 10, 1942

Troy Resident for 35 years

Family: Married to Cheryl in 2001

Married to Rose in 1964 (deceased 1994)

Five Children: Amy 26, Marc 27, Jason 28, Jeffery 31, and Michael 35

Four Grandchildren

Education: B.S. Electrical Engineering – University of Detroit

Occupation: Florist

Civic/Volunteer Involvement:

Troy Boy's and Girl's Club

Board of Directors (2002)

Mayor Pro-Tem City of Troy (2001-2002)

Member-Troy City Council (1999-2002)

Troy Community Foundation

Board of Directors (1998-Present)

Vice-President (2002)

Secretary (2000-2002)

Leadership Troy

President (1998-Present)

Board of Directors (1994-Present)

Troy Daze Community Festival

Parade Co-Chairman (1994-Present)

Opening Ceremonies Chairman (1986-Present)

Committee Member (1985-Present)

Troy Daze Volunteer of the Year (2000)

Advisory Board (1996-1999)

Troy's Distinguished Citizen of the Year (1996)

Michigan Municipal League Labor Relations Committee (2000, 2001)

Troy Board of Education

Member (1986-1998)

Vice President (1996-1997)

Secretary (1988-1989 and 1993-1996)

President (1990-1991)

Member – Oakland County Workforce Development Board (1997-98)

Advisory Task Force, Old Troy High School (1996-1997)

Member – Troy Parks and Recreation Board (1995-1996)

Chairman – Troy Youth Business Symposium, Troy Chamber of
Commerce (1990-1991)

Hill School Parent Teacher Organization

Member (1976-1986)

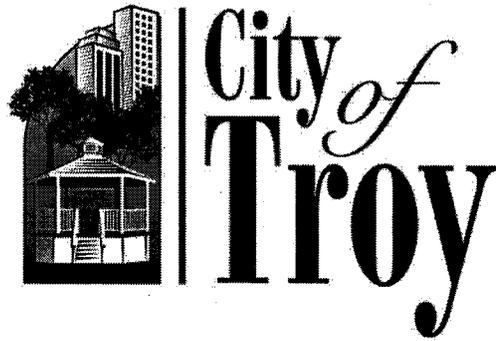
President (1985-1986)

Vice President (1983-1985)

Co-Chairman Troy Bicentennial Committee (1985)

Co-Founder – Troy Teen Support Group (1985)

**City of Troy
City Clerk's Office
500 West Big Beaver
Troy, Michigan 48084
(248) 524-3316**



(Send Application to Above Address)

APPLICATION FOR BOARDS AND COMMITTEES

Thank you for your interest in serving on an Advisory Board or Committee. The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment. The application will be kept on file for two years.

(Please type or print)

Date: 5/21/02

Name (Mr/Mrs/Ms): Ms. Padma Kuppa

Phone: (248) 619-7176

Address: 4275 Marywood Drive

City/Zip Troy / 48085

Employer: Stay-at-home-Mom

Phone: —

Address: —

City/Zip —

Registered voter in the City of Troy? Yes No

How long have you lived continuously in the City of Troy? 3 1/2 years

Have you ever been convicted for anything other than a minor traffic violation? Yes No

Are you a graduate of Troy Citizen Academy? Yes No

Number the advisory boards or committees for which you would like to apply for in the order of your preference - 1 = first choice, 2 = second Choice, etc.:

- | | |
|--|---|
| <input type="checkbox"/> Advisory Committee for Persons with Disabilities | <input type="checkbox"/> Advisory Committee for Senior Citizens |
| <input type="checkbox"/> Animal Control Appeals Board | <input type="checkbox"/> Board of Canvassers |
| <input type="checkbox"/> Board of Review | <input type="checkbox"/> Board of Zoning Appeals |
| <input type="checkbox"/> Brownfield Redevelopment Authority | <input type="checkbox"/> Building Code Board of Appeals |
| <input type="checkbox"/> CATV Advisory Committee | <input type="checkbox"/> Charter Revision Committee |
| <input type="checkbox"/> Civil Service Commission Act 78 | <input type="checkbox"/> Downtown Development Authority |
| <input type="checkbox"/> Economic Development Corporation | <input type="checkbox"/> Election Commission |
| <input checked="" type="checkbox"/> Ethnic Community Issues Advisory Committee | <input type="checkbox"/> Historic District Commission |
| <input type="checkbox"/> Historical Commission | <input type="checkbox"/> Library Board |
| <input type="checkbox"/> Liquor Committee | <input type="checkbox"/> Municipal Building Authority |
| <input type="checkbox"/> Parks & Recreation Board | <input type="checkbox"/> Personnel Board |
| <input type="checkbox"/> Planning Commission | <input type="checkbox"/> Retirement System Board of Trustees |
| <input type="checkbox"/> Traffic Committee | <input type="checkbox"/> Troy Daze Committee |
| <input type="checkbox"/> I do not wish to be reappointed. | <input type="checkbox"/> Troy Youth Council |

Professional Qualifications and/or Work Experience:

I have a Bachelors degree in Engg. Graduate study in Engg & Systems Design & have been a systems mgr/ systems analyst for 10 years. I am also very skilled with computers & software. I have dealt with customers & was involved in providing service through most of my life. I worked for a non-profit corp. for 7+ years.

Community Activities and/or Other Experience:

I am an active volunteer at prof. Hill Elementary School, where my older child goes to school; Also, I am a girl scout co-leader (I started with my daughter's Daisy troop in 1999). I am also an active volunteer at the ~~Troy~~ Bharatiya Temple of Troy, working mostly with the youth activities committee.

Educational Background:

I completed K-10th in the North Eastern U.S. (mostly NY). I went to India for the last 2 yrs. of HS & completed my B.S. in Engg. there. I ~~am~~ returned to NY to complete graduate work in Comp. Sci & Engg. at State Univ. of NY @ Stony Brook

References (Please list name and address):

Nutan Oak 879- Troy, Mi
Nita Bhatnagar 680-8727 4
Cindy Nutak 528-0299

Indicate REASONS FOR DESIRING TO SERVE:

I am both Indian & American in my outlook, having spent a considerable amount of time in an Indian household, both here & in India. I am very American in because of having grown up here & I am aware of the needs & issues of blending both cultures.

Signature:

Padma Kuppam



City of Troy

Boards and Committees Application

City Clerk's Office
500 West Big Beaver
Troy, Michigan 48084
(248) 524-3316

(Send Application to above Address)

Number the advisory boards or committees for which you would like to apply for in the order of your preference:
1=first choice, 2=second choice, etc.

RECEIVED
2002 AUG 30 PM 1:09

- 2 Advisory Committee for Persons with Disabilities
- 1 Advisory Committee for Senior Citizens
- Animal Control Appeals Board
- Board of Canvassers
- Board of Review
- Board of Zoning Appeals
- Brownfield Redevelopment Authority
- Building Code Board of Appeals
- CATV Advisory Committee
- Charter Revision Committee
- Civil Service Commission Act 78
- Downtown Development Authority
- Economic Development Corporation
- Election Commission
- Historical Commission
- Historic District Commission
- Library Board
- Liquor Committee
- Municipal Building Authority
- Parks & Recreation Board
- Personnel Board
- Planning Commission
- Retirement System Board of Trustees
- Traffic Committee
- Troy Daze Committee

I do not wish to be reappointed

Date: 8-29 2002

Name (Mr/Mrs/Ms): JAMES MACDONALD

Address: 5106 BUCKINGHAM Pt.

City/State/Zip: TROY MI 48098

Phone: 248 641 9144

Employer: RETIRED

Address: -

City/State/Zip: -

Phone: -

Registered voter in the City of Troy? Yes No

How long have you lived continuously in the City of Troy? 1981

Have you ever been convicted for anything other than a minor traffic violation? Yes No

Thank you for your interest in serving on an Advisory Board or Committee.

The purpose of this form is to provide the Mayor and City Council with basic information about residents considered for appointment.

The application will be kept on file for two years.



Professional Qualifications and/or Work Experience: REGISTERED PROFESSIONAL CIVIL ENGINEER
STATE OF MICHIGAN. LEAD HOISTING ENGINEER DETROIT EDISON CO. DESIGN ENG
POWER PLANTS RETIRED 1986

Community Activities and/or Other Experience: CHAIRPERSON S.T.E.P. SERVICES TO ENHANCE POTENTIAL
(SHELTER WORKSHOP PROGRAM IN WAYNE COUNTY). VICE CHAIR HOUSING EXCEPTIONAL PEOPLE DETROIT

Educational Background: B.S. DEGREE CIVIL ENGINEERING D.I.T. DETROIT INSTITUTE TECHNOLOGY
1953

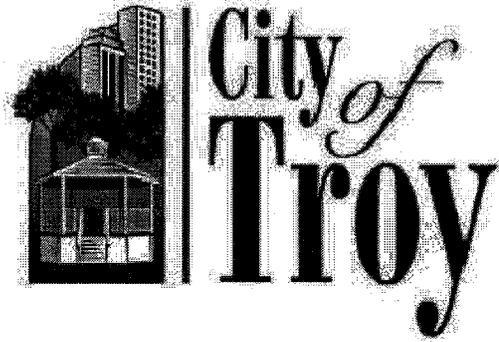
References (Please list name and address): REV. RICHARD PEACOCK 6339 VERMOR TROY 48098
MR LAWRENCE JOSE 5581 LIVERNOIS TROY 48098

Indicate REASONS FOR DESIRING TO SERVE: TO KEEP MY BRAIN ACTIVE & TO SERVE
THIS COMMUNITY.

Signature: James E. McDougal



City of Troy
City Clerk's Office
500 West Big Beaver
Troy, Michigan 48084
(248) 524-3316



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(Please type or print)

Date: 9/3/2002

Name (Mr/Mrs/Ms): Ms. Ginny Tang Phone: 248-740 1403

Address: 1919 Atlas Ct. City/Zip Troy, MI 48083

Employer: _____ Phone: _____

Address: _____ City/Zip _____

Registered voter in the City of Troy? Yes No

How long have you lived continuously in the City of Troy? 4 months

Have you ever been convicted for anything other than a minor traffic violation? Yes No

Are you a graduate of Troy Citizen Academy? Yes No

Number the advisory boards or committees for which you would like to apply for in the order of your preference - 1 = first choice, 2 = second Choice, etc.:

- | | |
|--|--|
| <u> </u> Advisory Committee for Persons with Disabilities | <u>12</u> Advisory Committee for Senior Citizens |
| <u> </u> Animal Control Appeals Board | <u> </u> Board of Canvassers |
| <u>2</u> Board of Review | <u>8</u> Board of Zoning Appeals |
| <u>10</u> Brownfield Redevelopment Authority | <u>9</u> Building Code Board of Appeals |
| <u> </u> CATV Advisory Committee | <u> </u> Charter Revision Committee |
| <u>6</u> Civil Service Commission Act 78 | <u>7</u> Downtown Development Authority |
| <u>1</u> Economic Development Corporation | <u> </u> Election Commission |
| <u> </u> Ethnic Community Issues Advisory Committee | <u> </u> Historic District Commission |
| <u> </u> Historical Commission | <u>11</u> Library Board |
| <u> </u> Liquor Committee | <u>5</u> Municipal Building Authority |
| <u>13</u> Parks & Recreation Board | <u> </u> Personnel Board |
| <u>4</u> Planning Commission | <u>3</u> Retirement System Board of Trustees |
| <u> </u> Traffic Committee | <u> </u> Troy Daze Committee |

I do not wish to be reappointed.

Professional Qualifications and/or Work Experience: _____

I was an auditor in Deloitte & Touche in China from Mar. 2000 to Aug. 2001. My major responsibilities were performing annual and interim audit. Before that, I was an civil engineer in China Union Design & Consultant Co.. In working there I approved and designed commercial and residential buildings.

Community Activities and/or Other Experience: _____

Educational Background: I have been taking several courses in Walsh College since May 2002. I obtained my master degree of accountancy from University of New South Wales (Australia) from Sep. 1998 to Jan. 2000. I also have a bachelor degree in civil engineering in University of South China Agriculture from Sep. 1992 to Jul. 1996.

References (Please list name and address): _____

Cindy Jurasek, 586-360 3812
(Cindy was my ESL teacher from Sep. 2000 to Jun. 2002.)

Indicate REASONS FOR DESIRING TO SERVE: _____

Since I have just finished a course of Governmental Accounting in Walsh College in Aug. 2002, I want to know more ~~about~~ about the operations of a government. I also want to contribute to our community.

Signature: _____

Jieling



Application
STUDENT REPRESENTATIVES
ON CITY BOARDS AND COMMISSIONS

Qualified candidates must be residents of the City of Troy in grades 11 or 12.

Name: Jennifer Hsu Grade: 11 Age: 16

Address: 4095 Morehead

City: Troy Zip: 48085

Telephone: (248) 680-0669 School: TROY ATHENS H.S.

E-Mail: CRAZYJ123@HOTMAIL.COM

Using the attached listing of City boards and commissions, please list your top 3 choices, ranking your order of preference for appointment from 1 (being your first choice) to 3.

1. Traffic Committee
PARKS AND RECREATION BOARD
(name of board/commission)

2. DOWNTOWN DEVELOPMENT AUTHORITY
(name of board/commission)

3. PLANNING COMMISSION
(name of board/commission)

Please list your school activities and/or classes that would qualify you to sit on the boards or commissions of your choice:

Executive board member of Project LEAD
Captain of school lacrosse team (J.V)
RESPONSIBLE STUDENT: HONORS/AP CLASSES

Please list your involvement in extra-curricular and non-school activities:

SENIOR GIRL SCOUT, MEMBER OF SCHOOL BASKETBALL TEAM, MEMBER OF SCHOOL LACROSSE TEAM, RECENTLY GRADUATED FROM 11 YEARS OF CHINESE SCHOOL, REPRESENTATIVE OF PROJECT LEAD AT SCHOOL.

What personal skills and characteristics do you possess that would make you a good representative?

PERSONAL SKILLS AND CHARACTERISTICS I POSSESS SUCH AS RESPONSIBILITY, ORGANIZATION, GOOD COMMUNICATION SKILLS AND LEADERSHIP WOULD MAKE ME A GOOD REPRESENTATIVE.

How would you be able to schedule your time to function effectively as a student representative?

WITH SCHOOL AS A FIRST PRIORITY I WOULD MAKE THIS REPRESENTATIVE POSITION A CLOSE SECOND. OUTSIDE OF MANDATORY EDUCATIONAL AND PERSONAL OBLIGATIONS I WOULD DEDICATE AS MUCH TIME AS POSSIBLE TO BEING A QUALITY STUDENT REPRESENTATIVE.

Would you be interested in being considered for any other boards if you are not selected for any of your top three choices?

Yes X No _____

Please include a short essay, (no more than 250 words typed or neatly handwritten) describing why the selection committee should choose you as a student representative to a board or commission. If selected, your essay will be part of your introduction to your board or commission.

Please include two letters of recommendation (with your application and essay) from adults who know you at school and who know your activities out of school.

Parent(s) Permission:

I give my permission for my son/daughter to seek the position of a representative to a City of Troy board or commission.

Chris Stone
Parent Signature

8-5-02
Date

Return application to:

**Cindy Stewart, Community Affairs Director
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084
(248) 524-1147
stewartca@ci.troy.mi.us**

Tell me what you would like out of life and Troy has that to offer. After spending fifteen years of my life here in this city I am still amazed by everything it is. Even as far as Troy has come I would love to be able to help it go that tiny distance closer to perfection.

In recent years I have skimmed over countless student positions but none have had the same appeal as this. I feel that I am well-qualified to fill this position because of my experience as a leader in my school and community. As an individual I am responsible and sociable, qualities I believe are necessary for this position. Further, while many may simply be satisfied and constant with their involvements I am devoted to everything I commit to. Given the opportunity, I will be ready to dedicate as much time as possible to being a good student representative. I even hope to surpass some expectations because, in my opinion, it is simply not good enough to be satisfied with the ordinary.

This city always seems to offer more even when nothing is expected of it. In those respects I would like to believe that I share many of the same qualities. Stability and loyalty to people are just two of the many traits I have waiting to offer the boards and the community of Troy.

TROY

SCHOOL DISTRICT

Janet H. Jopke, Ed.D., *Superintendent of Schools*

Athens High School
4333 John R
Troy, Michigan 48085
248.823.2900
248.823.2913 Fax

Dr. Catherine Cost, *Principal*
Marcia Decker, *Assistant Principal*
Bettie Goss, *Assistant Principal*
Bob Dowd, *Assistant Principal*
Mark Dziatczak, *Assistant Principal*

August 5, 2002

To Whom It May Concern,

It is without hesitation that I recommend Jenny Hsu for the Student Representative position on the Troy Board.

Jenny has excelled in the classroom, on the basketball court, and in the community. Hard work, dedication, and a willingness to improve have contributed to her success.

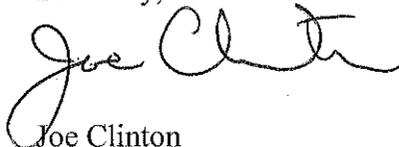
Teamwork has always been one of Jenny's strengths. Her understanding of her role and a strong desire to do what is necessary to build a "winning team" has always been one of her top priorities.

In the classroom, Jenny is an example of what the 'Work Ethic' is all about. She never accepts less than her very best on all projects she is involved with in the Honors Program.

I think Jenny would be an asset to any organization. Her positive mental attitude, willingness to learn and work, and her ability to get along with other people make her a great team member.

Jenny has my highest recommendation.

Sincerely,



Joe Clinton
Head Basketball Coach
English Teacher

July 14, 2002

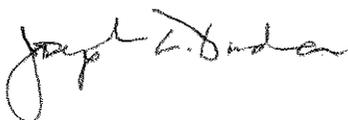
To Whom It May Concern:

I am writing this letter in recommendation of Jennifer Hsu for a student representative position on the Troy City Board. I had the pleasure of having Jennifer in my chemistry class during the 2001-2002 school year at Athens High School. Jennifer was one of my best students, consistently achieving some of the highest marks in the class, and I recommended her for advanced placement chemistry during the 2002-2003 school year. Outside of the class, Jennifer was very active as well. She was an integral member of the Athens Lacrosse and Basketball teams, worked as an executive board member of Project LEAD, and is an accomplished Girl Scout.

I believe Jennifer to be an excellent candidate for several reasons. First and foremost, Jennifer is a very good problem solver and independent thinker. Much of what is studied in chemistry requires that information be documented, analyzed, and interpreted. Jennifer generally required little assistance and was adept at thinking through to the solution on her own. Secondly, Jennifer works very well with others. She had a very strong rapport with her classmates and they felt comfortable working with her in the laboratory and in the small group setting. Lastly, Jennifer is motivated and believes in challenging herself. She has enrolled in numerous honors and advanced placement courses at Athens. Although she has had a very rigorous class load, Jennifer has maintained a 4.0 GPA throughout her high school career.

I have no hesitation in recommending Jennifer Hsu for a student representative position. If you have any questions or seek additional information I would be more than happy to help. I can be reached at (248) 651-4895.

Sincerely,



Joseph A. Duda

Chemistry Teacher
Athens High School

August 27, 2002

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager / Services
Jeanette Bennett, Purchasing Director
Stephen Pallotta, Building Operations Director

RE: Janitorial Services –
Fire / Police Training Center - Amendment
Clean Care, Add Additional Cleaning Days

Recommendation

Due to the amount of class and training activity at the Fire/Police Training Center, staff recommends increasing the number of cleaning days at the Training Center from two days per week at a cost of \$875.00 per month to five days per week at a cost of \$1,728.75 per month or \$20,745 annually.

On October 16, 2000, an award was made to the low bidder, Clean Care of Oak Park, Resolution 2000-471, for Janitorial Services for all City locations. In November 2001, the Fire and Training Center was added to the contract since a provision to negotiate additional new locations that were under construction into the contract as the buildings went into service was included in the contract. The Police / Fire Training Center was added at the cost of \$875 per month or \$10,500 per year for cleaning services based on two days a week (Resolution 2001-12-582).

Background Information

The original cost per square foot of approximately \$.13 was to clean 6,915 square feet of space two times per week. This square footage cost translates into \$.065 per day. Clean Care has agreed to drop the daily square footage price to \$.05 per sq. ft. or \$.25 per sq. ft. for five days of cleaning which equals their final cost of \$1,728.75 per month. Currently, the Parks and Recreation Maintenance Facility in accordance with the original contract is paying \$.30 per sq. ft. for five days of cleaning during the winter months and seven days of cleaning for summer months.

Budget

Funds will be available in the Police / Fire Training Facility operating account #269.7802.110 and the Building Operations custodial contractor account #266.7802.110.



22610 Rosewood • Oak Park, MI 48237 • (248)414-3880 • Fax (248)414-3879

August 26, 2002

Jeanette Bennett
 Purchasing
 City of Troy
 500 W Big Beaver
 Troy, Mi. 48064

Dear Jeanette:

Per my conversation with Steve Pallotta, Clean Care would be happy to quote on 5 day cleaning service at the Fire Hall/Training Center.

We are currently cleaning this location 2 days a week at \$0.13 per Sq. Ft. for a monthly cost of \$875.00.

With 5 day a week service the new cost would be \$0.05 per Sq. Ft. for a monthly cost of \$1,728.75

Sincerely,

A handwritten signature in black ink, appearing to read "G. Goulais".

Garfield Goulais
 President



(g) Library Committee Council Appointment

Student Rep Term Expires 07-01-2002

(h) Liquor Committee Council Appointment

Student Rep Term Expires 07-01-2002

(i) Planning Commission Mayor, Council Approval

Term Expires 12-31-2004

(j) Traffic Committee Council Appointment

Student Rep Term Expires 07-01-2002

(k) Troy Daze Committee Council Appointment

Student Rep Term Expires 07-01-2002

F-2 Closed Session

Resolution #2001-12-581
Moved by Pallotta
Seconded by Kaszubski

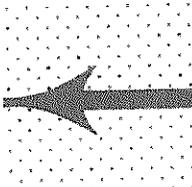
RESOLVED, That the City Council of the City of Troy shall meet in Closed Session as permitted by State Statute MCLA 15.268, Sections (d): and MCLA 15.268, (e) and (h) Troy v. Papadelis; MCL 15.243 (g), after adjournment of this meeting.

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

MOTION CARRIED

F-3 Janitorial Services – Addition of the Fire/Police Training Center – Clean Care, Resolution #2000-471

Resolution #2001-12-582
Moved by Pallotta
Seconded by Kaszubski



WHEREAS, A two-year contract for janitorial services with an option to renew for two additional years was awarded to Clean Care of Oak Park, the low bidder, on October 16, 2000, (Resolution #2000-471); and

WHEREAS, The contract contained a provision to negotiate the addition of buildings under construction into the contract as the buildings went into service; and

WHEREAS, The cost of \$.13 per sq. ft. for the Police/Fire Training Center is found to be within the range paid for other buildings currently cleaned by Clean Care;

NOW, THEREFORE, BE IT RESOLVED, That Resolution #2000-471 is hereby amended to add the Police/Fire Training Center to the Janitorial Services contract with Clean Care of Oak Park at a monthly cost of \$875.00 or \$10,500.00 per year.

Yes: All-7

F-4 Bid Waiver – Bus Rental for Downhill Ski Program

Resolution #2001-12-583

Moved by Pallotta

Seconded by Kaszubski

WHEREAS, A market comparison has been conducted for bus rental for the Parks and Recreation Department 2001-02 Downhill Ski Program; and

WHEREAS, It has been determined that the Troy School buses meet the Parks and Recreation Department's restrictions regarding cancellation notice, and the buses are available on both Friday and Saturday; and

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

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby waived and a contract to provide bus rental for nineteen, 66-passenger buses, for five consecutive weeks, for the Parks and Recreation Department 2001-02 Downhill Ski Program is hereby awarded to the Troy Schools at a unit cost of not more than \$319.19 (Friday) and \$380.88 (Saturday) with the total award not to exceed \$33,000.00.

Yes: All-7

F-5 Conference Room Renovation – Upper Level

Resolution #2001-12-584

Moved by Pallotta

Seconded by Schilling

RESOLVED, The City Staff is authorized to renovate the Upper Level Conference Room at an estimated cost of \$96,100.00 in accordance with Appendix B, Detailed Cost Estimates.

November 26, 2001

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager / Services
Jeanette Bennett, Purchasing Director
Stephen Pallotta, Building Operations Director

RE: Janitorial Services –
Addition of the Fire / Police Training Center -
Clean Care, Resolution 2000-471

Recommendation

On October 16, 2000, an award was made to the low bidder, Clean Care of Oak Park, Resolution 2000-471, for Janitorial Services for all City locations. Included in the contract was a provision to negotiate into the contract additional new locations under construction, as the buildings went into service. The first addition to the contract is the 6,915 sq. ft. Police / Fire Training Center at the cost of \$875 per month or \$10,500 per year.

Background Information

The cost per square foot is approximately \$.13 per sq. ft. This price is within the current range paid for other City buildings. It should be noted that smaller buildings are more costly to clean.

Budget

Funds will be available in the Police / Fire Training Facility operating account #269.7802.110.

Request from Target Corporation (A Minnesota Corporation): (a) To Transfer Ownership of 2000 12 Month Resort Class C Licensed Business with Direct Connection from Fairlane Town Center, 18900 Michigan, Suite 1003, Dearborn, MI 48126, Wayne County to 2752 W. Big Beaver, Troy, MI 48084, Oakland County. [MCL REF#88375]; (b) Approval of Agreement F-11

(a) License Transfer

Resolution #2000-469
Moved by Pallotta
Seconded by Allemon

RESOLVED, That the request from Target Corporation (A Minnesota Corporation), to transfer ownership of a 2000 12 Month Resort Class C Licensed Business with direct connection from Fairlane Town Center, 18900 Michigan, Suite 1003, Dearborn, MI 48126, Wayne County to 2752 W. Big Beaver, Troy, MI 48084, Oakland County. [MCL REF#88375], be considered for approval.

It is the consensus of this legislative body that the application be recommended for issuance.

Yes: All-7

(b) Agreement

Resolution #2000-470
Moved by Pallotta
Seconded by Allemon

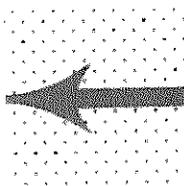
WHEREAS, The City Council of the City of Troy deems it necessary to enter agreements with applicants for liquor licenses for the purpose of providing civil remedies to the City of Troy in the event licensees fail to adhere to Troy Codes and Ordinances;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby approves an agreement with Target Corporation, which shall become effective upon approval of the transfer of a 2000 12 Month Resort Class C Licensed Business at 2752 W. Big Beaver, Troy, MI 48084, Oakland County. [MCL REF#88375], and the Mayor and City Clerk are authorized to execute the document, a copy of which shall be attached to the original Minutes of this meeting.

Yes: All-7

Bid Award, Janitorial Services F-12

Resolution #2000-471
Moved by Pallotta
Seconded by Allemon



Bid Award, Janitorial Services – Continued

F-12

RESOLVED, That a two-year contract for janitorial services with an option to renew for two additional years is hereby awarded to the low bidder, Clean Care of Oak Park at unit prices contained in the bid tabulation dated October 10, 2000 a copy of which shall be attached to the original Minutes of this meeting at an estimated annual cost of \$374,400.00 contingent upon contractor submission of properly executed proposal and contract documents, including bonds, insurance certificates and all other specified requirements.

BE IT FURTHER RESOLVED, That amendments to the monthly cleaning prices are hereby approved based upon the cost per square foot price for each building due to new construction and renovations except where cleaning services are beyond the scope of the current contract.

Yes: All-7

COUNCIL COMMENTS

Meeting held with Hubbell, Roth & Clark and City Management regarding Rochester Road design and report will be provided to City Council after further review.

COUNCIL REFERRALS**VISITORS****REPORTS AND COMMUNICATIONS****Council Referrals**

G-1

Minutes - Boards and Committees

G-2

- (a) Advisory Committee for Persons with Disabilities – September 6, 2000
- (b) Troy Daze – September 6, 2000
- (c) Advisory Committee for Senior Citizens – September 7, 2000
- (d) Planning Commission – September 12, 2000
- (e) Parks and Recreation Advisory Board – September 14, 2000
- (f) Library Advisory Board – September 14, 2000
- (g) Board of Zoning Appeals – September 19, 2000
- (h) Traffic Committee – September 20, 2000
- (i) Building Board of Appeals – October 4, 2000
- (j) Liquor Advisory Committee – October 9, 2000

Noted and Filed

Department Reports:

G-3

- (a) September 30, 2000 Quarterly Financial Report
- (b) Building Permits Issued - September, 2000

Noted and Filed

October 11, 2000

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Steve Pallotta, Director of Building Operations

RE: Bid Award, Janitorial Services

RECOMMENDATION

On October 10, 2000, bids were opened for a two-year contract to furnish Janitorial Services commencing on November 5, 2000 with an option to renew for two (2) additional years. It is recommended that Clean Care of Oak Park, the low bidder, be awarded the contract at unit prices* contained in the attached bid tabulation dated October 10, 2000. The estimated total annual contract cost is \$374,400.

AMENDMENTS TO THE CONTRACT

The contract may be amended during the contract period. The cost per square foot price bid remains firm but the different buildings square footage may change during the contract term due to new construction and renovations. The only exception will be the final construction of the Community Center where certain features such as the natatorium may require cleaning services beyond the scope of the current contract. The contract changes of this magnitude will be brought back to the City Council for approval.

REJECTION OF ALTERNATES 1 AND 2

Staff recommends rejecting the alternate options quoted for glass cleaning and blind cleaning at the large locations where this work is not specified in the cleaning routine. The Building Maintenance Department prefers to receive quotations for these services on an as needed basis from companies that specialize in these services.

BUDGET

Costs for this contract are charged to various departmental operating budgets as needed.

* Note: Clean Care's bid contained an obvious decimal error in their square footage prices that was considered a minor deviation and clarified in the letter attached. The Law Department reviewed the deviation and concurred.

51 Bids Sent
5 Bids Rec'd
1 No Bids
1 Late Bid

August 29, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: Minnesota Street Storm Sewer, Dashwood to Lovington, Contract 01-2
Change Order No. 3

RECOMMENDATION

It is recommended that City Council approve Change Order No. 3 for additional work performed by the contractor on a time and material basis. This work was necessary due to conflicts encountered with underground utilities during construction. This contract was awarded with authorization to add work due to unforeseen circumstances, not to exceed 10% of the original project cost, however; since the change order amount exceeds the 10% limit, City Council approval is necessary. The amount of the change order is \$32,863.80 and the total of all the change orders is 17.5% of the original contract amount.

SUMMARY

Due to the unexpected location of a sanitary sewer, the 60" diameter Minnesota Drain had to be realigned and an 8" water main relocated. A buried sanitary manhole was discovered at the edge of the trench for the 60" diameter storm sewer. A 15" diameter sanitary sewer coming out of the manhole ran parallel to the proposed route of the 60" storm sewer. This necessitated a portion of the storm sewer being re-laid and relocation of a nearby 8" water main on the other side of the storm sewer. Without this realignment and use of trench boxes to support the sides of the trench, both the water main and sanitary sewer would have been at risk of collapsing. All work was done on a time and material basis, under full time inspection, and fully documented in the inspector's daily report.

FUNDING

The City has CDBG funds in the amount of \$439,460.00 for this project. These funds are comprised of the 1998 CDBG allocation of \$69,210; 1999 allocation of \$153,750 including a re-programmed amount; 2000 allocation of \$103,750 and the 2001 allocation of \$112,750. An additional \$109,266 was included in the FY 2001/02 Drains Capital Budget. The cost of this change order will be paid from the Drains Capital Budget.

AUTHORIZATION FOR CHANGE IN WORK

Owner: City of Troy
500 West Big Beaver
Troy, MI 48084

Name of Project: Minnesota Street Storm Sewer Change Order No. 3

Contractor: DiMar Construction, Inc. Date: 08/19/02

Address: 12501 23 Mile Road Contract No. 01-02

Shelby Township, MI 48315 Project No. 00.301.5

This Change Order, When Approved, Will Constitute Authorization for the Following Changes:

The following work was necessary for installation of the storm sewer due to conditions encountered in the field. Existing conditions were different than what were shown on the plans. Work was performed on a time and materials basis.

Description of Work	Unit	Estimated Quantities	Unit Price	Amount Increase	Amount Decrease
1. Reinstall 60" storm sewer due to conflict with sanitary sewer.	Lsum	1	8,532.64	8,532.64	
2. Continue, reinstall 60" storm sewer due to conflict with sanitary sewer.	Lsum	1	4,386.10	4,386.10	
3. Install 8 feet of 84" casing for jack and bore for storm sewer under existing 60" sanitary sewer.	Lsum	1	9,595.26	9,595.26	
4. Continue jack and bore of 84" casing for storm sewer	Lsum	1	2,331.63	2,331.63	
5. Remove gate well in conflict with proposed 60" storm sewer.	Lsum	1	532.45	532.45	
6. Connect to existing storm sewer system.	Lsum	1	835.72	835.72	
7. Sod restoration at Lovington Apartments	SY	1,900	3.50	6,650.00	
Total				32,863.80	
Net Increase/Decrease				\$32,863.80	

Original Contract Amount	376,975.30
Change Order No. 1	8,280.00
Change Order No. 2	24,968.64
Change Order No. 3	32,863.80
<u>REVISED CONTRACT AMOUNT</u>	<u>443,087.74</u>

Change in Time of Completion: None to _____

Recommended by: _____ Date: _____

Accepted by: DiMar Construction, Inc. By: _____ Date: _____
Contractor

Approved by: City Engineer By: _____ Date: _____
City of Troy

September 4, 2002

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Mark Miller, Planning Director

SUBJECT: PRELIMINARY APPROVAL – Shady Creek South Site
Condominium, section 10 – R-1B.

RECOMMENDATION

City Management recommends approval of the preliminary site plan, as submitted.

The Planning Commission recommends approval of the preliminary site plan, subject to the following condition:

1. The check valve device be installed in the manhole to prevent storm water backflow as recommended by the petitioner's engineer.

Note: The City Engineer has the authority regarding engineering issues. After Preliminary Approval and prior to Final Approval the site condominium will be reviewed based the City's Development Standards.

GENERAL INFORMATION

Name of Owner / Applicant:

Mr. Ken Dabrowski of Durant Development Corporation.

Location of subject property:

The property is located on the north side of Long Lake Road and the east side of Shady Creek Drive, between Livernois Road and Rochester Road, section 10.

Size of subject parcel:

3.02 acres.

Description of proposed development, including number and density of units:

The applicant is proposing a total of 5 single-family units, a density of approximately 1.7 units per acre.

Current use of subject property:

The property is presently vacant.

Current use of adjacent parcels:

North: Vacant parcels and a single-family residential neighborhood.

South: Single family residences.

East: Vacant parcels, including a detention basin, and a single-family residential neighborhood.

West: Single family residential neighborhood (Shady Creek Estates Subdivision)

Current zoning classification:

The property currently has two different zoning classifications. The rectangular shaped portion of the lot fronting Shady Creek Drive, approximately 134 feet by 515 feet in size, is zoned R-1B One Family Residential. The units are located in the R-1B district. The remaining portion of the parcel is zoned R-1C One Family Residential.

Zoning classification of adjacent parcels:

North: R-1B and R-1C One Family Residential.

South: R-1B One Family Residential.

East: R-1C One Family Residential.

West: R-1B One Family Residential.

Future Land Use Designation:

The property is designated on the Future Land Use Plan as Low Density Single Family Residential.

ANALYSIS

Compliance with area and bulk requirements:

All of the units will be developed within the R-1B district. The requirements of the R-1B district, which are more restrictive than the R-1C district, will be applied.

Lot Area: Minimum lot size in the R-1B district is 15,000 square feet (13,500 square feet using lot averaging).

Lot Width: Minimum lot width is 100 feet (90 feet with lot averaging).

Height: Maximum height is 2 ½ stories or 25 feet.

Setbacks: Front: 40 feet.
Side (least one): 10 feet.
Side (total two): 25 feet.

Rear: 45 feet.

Minimum Floor Area: 1,400 square feet.

Maximum Lot Coverage: 30%.

Off-street parking and loading requirements:

The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:

A Tree Survey and Tree Preservation Plan were submitted as part of the application.

Stormwater detention:

The applicant is proposing to utilize an existing detention basin, which is located in the northeast corner of the parcel.

Natural features and floodplains:

The parcel is heavily wooded. The Houghten Drain runs through the parcel. The applicant is proposing to relocate a portion of the drain to the eastern edge of the property. A cross section of the drain is provided on the site plan.

The applicant has provided a letter dated July 23, 2002, which addresses some of the issues raised at the July 9, 2002, Planning Commission meeting. The Planning Department has provided a Shady Creek Timeline, which illustrates the history of the wetlands determination for the property. A letter from the Michigan Department of Environmental Quality (MDEQ) dated December 19, 2001, indicates that there are no state regulated wetlands located on Outlot "A".

Permit Number 01-63-0195-P from the MDEQ, allows the applicant to relocate the Houghten Drain and place fill within 240 feet of the drain.

The applicant has provided cross section drawings for units 1, 2 and 3, which are located closer to the Houghten Drain than units 4 and 5.

Development Standards:

The floodplain boundary is shown on the site plan.

Environmental Standards:

This proposed development is only 5 lots and therefore does not require an Environmental Impact Statement to be completed.

Subdivision Control Ordinance, Article IV Design Standards

Blocks:

The development will front on Shady Creek Drive, an existing public street.

Lots:

The applicant is utilizing the Averaged Lot Sizes option, Section 35.10.00. Using this option, the applicant may reduce the lot sizes, provided the average lot size is 15,000 square feet and lots are not smaller than 13,500 square feet. The applicant meets this requirement.

Easements:

There is a drainage easement proposed for the eastern side of the property. A 20-foot by 25-foot landscape easement is proposed for the northeast corner of Shady Creek Drive and Long Lake Road. The applicant is proposing to provide a 15-foot wide non-access greenbelt easement along Long Lake Road.

Topographic Conditions:

The applicant is proposing to relocate and enclose a portion of the Houghton Drain.

Streets:

Access to the development will be provided by Shady Creek Drive, an existing paved public street.

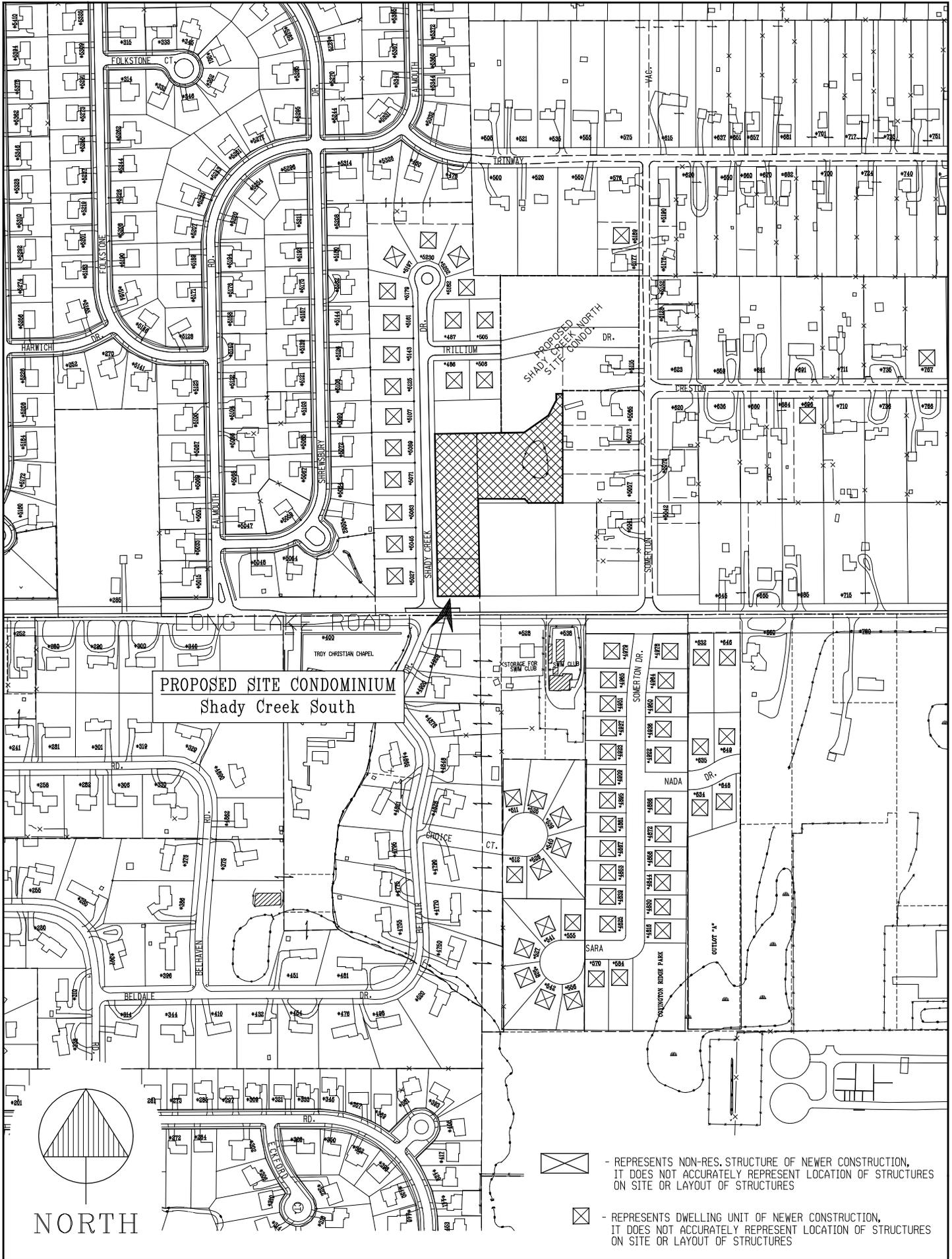
Sidewalks:

The applicant is providing a 5-foot wide sidewalk on the east side of Shady Creek Drive and an 8-foot wide sidewalk on the north side of Long Lake Road. There is an existing 5-foot wide sidewalk on both sides of Shady Creek Drive, with a 100-foot gap on the east side of the street. The existing sidewalk on the north side of Long Lake Road is only 5 feet wide.

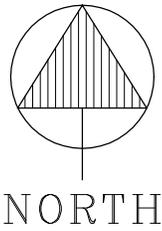
Utilities:

The development will be served by public water and sewer services.

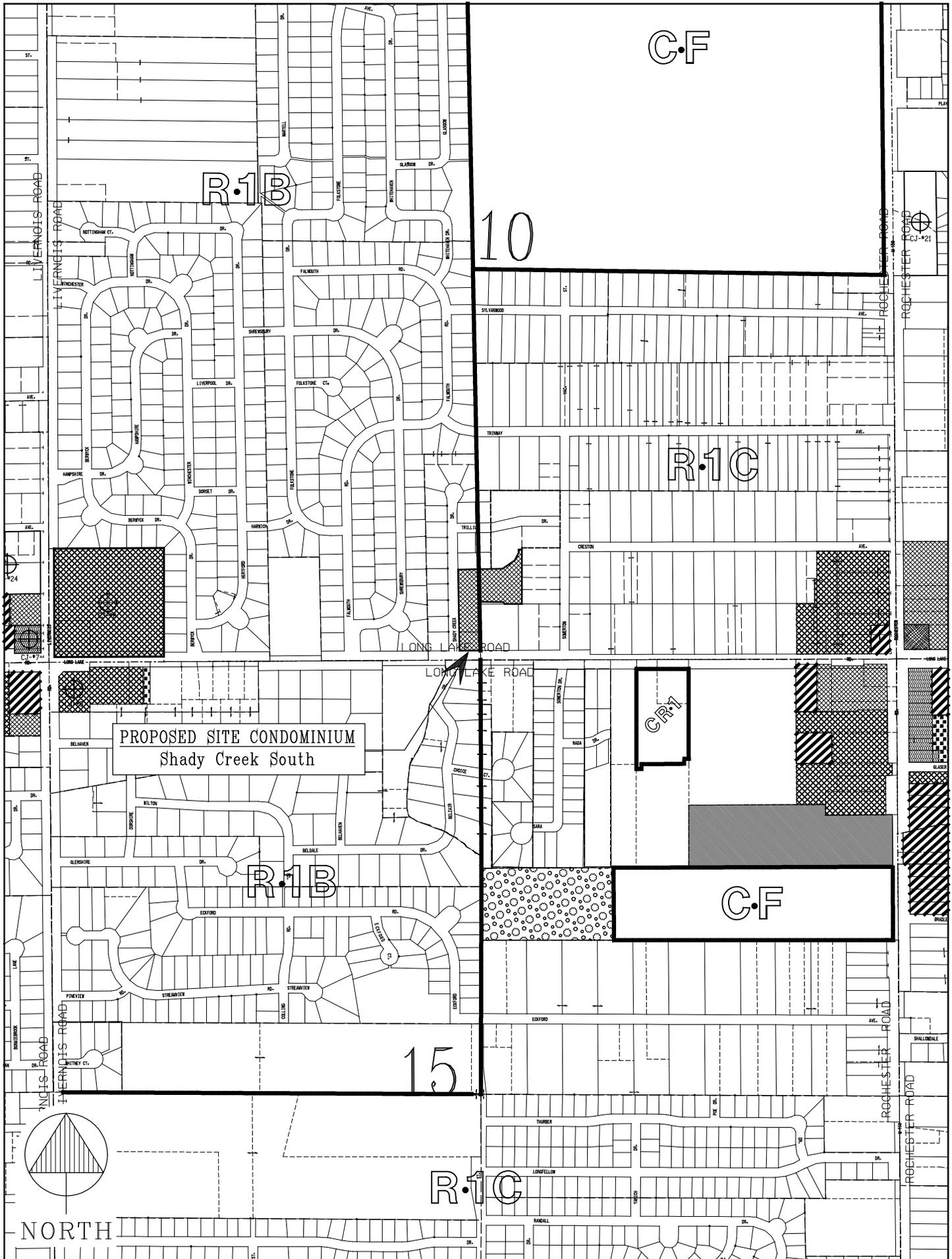
cc: Ken Dabrowski, applicant
File/Shady Creek South
Planners (3)



PROPOSED SITE CONDOMINIUM
Shady Creek South



-  - REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES
-  - REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES



C.F

R.1B

10

R.1C

PROPOSED SITE CONDOMINIUM
Shady Creek South

CR-1

C.F

R.1B

15

R.1C

NORTH

UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development.

Adjacent property owners are notified by mail

Public meeting held by **Planning Commission** for review and recommendation to City Council

City Council reviews and approvals plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
 - Number of lots
 - Building setbacks
 - Lot dimensions
 - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

Final Plan Approval

Notice sign is posted on site

City Council review and approval of:

- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
 - Sanitary and Storm sewer
 - Water mains
 - Detention / Retention basins
 - Grading and rear yard drainage
 - Paving and widening lanes
 - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the placement of proper property and parcel monuments and markers shall be furnished by the petitioner prior to submittal of the Final Plan to the City Council for review and approval
- Floor Plans and Elevations of the proposed residential units

3. SITE PLAN REVIEW – Proposed Shady Creek South Site Condominium, North of Long Lake, West of Somerton, Section 10 – R-1B

Mr. Miller provided a summary.

Mr. Bayer, petitioner's engineer, stated that they met with the residents last Thursday on both Shady Creek North and Shady Creek South. They left the meeting with a better understanding of what the residents are looking for. He also advised the use of an additional check valve for the stormwater system.

Mr. Storrs stated, in order to accomplish this a check valve should be installed on Shady Creek Drive about 127 feet north of E. Long Lake to stop the drain from backing up into any of the houses.

Mr. Bayer replied, yes.

Ms. Pennington asked if Mr. Bayer had also met with the Somerton residents.

Mr. Bayer replied, yes.

RESOLUTION

Moved by Littman

Seconded by Pennington

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Shady Creek South Site Condominium, north of Long Lake Road and west of Somerton Road, within Section 10 and within the R-1B zoning district, including 5 units and being 3.02 acres in size, be approved subject to the following condition:

1. The check valve device be installed in the manhole to prevent storm water backflow as recommended by the petitioner's engineer.

Yeas:

All present (7)

Nays:

Absent:

MOTION CARRIED

6. SITE PLAN REVIEW – Proposed Shady Creek South Site condominium, North of Long Lake, West of Somerton, Section 10 – R-1B

Mr. Miller presented a summary.

Mr. Vleck asked, on all the previous plans, that strip of land there on all the plans was indicated as wetlands, or was to be used for wetlands purposes. Do you know at what point that that changed?

Mr. Miller stated that most of the property that was in front of you in the development proposal is an outlot of the subdivision and it was considered wetlands, but what occurred is there were drainage improvements in the area and the land dried up. According to the reports, this is substantiated by the petitioner's consultants and the MDEQ's review.

Mr. Vleck said I guess my question is how the drainage was improved. Who did the improvements of the drainage to dry up the land? How did that happen?

Mr. Miller stated he believed they were just general drainage improvements. It is not unusual in the built environment where man-made improvements either move water or stop the flow of water where wetlands are created or they're changed. It is very common.

Mr. Kramer stated, as I look at the site plan, it looks like on Unit #2 there's a considerable amount of the Houghton Drain is on that property. Is that covered by any type of a separate easement, that for instance, would limit further development of things on that property, i.e., decks, patios?

Mr. Miller stated that a substantial portion of that unit will be covered by an easement for that drain. The future homeowner will not be able to build on that easement.

Mr. Kramer stated so that easement will be similar to other easements in other subdivisions.

Mr. Miller stated it's a utility easement for storm drainage, basically.

Mr. Kramer asked are we creating basically a non-conforming use there where you don't have the typical setbacks?

Mr. Miller stated the easement area can be computed into your setback. It is part of your property.

Mr. Kramer asked, if it's not buildable for extensions or things like that, what remedy or what process would the homeowner go through at that point?

Mr. Miller stated they have a limited area to build any improvements in the rear yard and there is definite development restraints in the rear yard in that they cannot build in that easement.

Mr. Kramer asked, that's not something that can be changed by a BZA variance?

Mr. Miller replied correct.

Mr. Kramer stated, as a minimum, for the information of any potential or future homeowners, that's the type of thing I would want to include in any approval.

Mr. Chamberlain asked, does that easement preclude meeting the minimum size of the building that would be allowed on one of these lots? There's minimum size requirement in the zoning district.

Mr. Miller stated minimum size of the unit or the lot.

Mr. Chamberlain stated not the lot size, the building size.

Mr. Miller stated the building envelope is outside of the easement area.

Mr. Chamberlain stated, I understand that; but, the building envelope, does it meet the zoning requirements?

Mr. Miller replied, yes it does.

Mr. Storrs asked why is the property north of Unit #5 look like a vacant lot to the north of that. Do you know if that's a different ownership pattern; why it was excluded?

Mr. Miller replied, to answer the question, no I do not know why.

Mr. Storrs replied okay, then we'll ask the petitioner then. In that rear yard, that relocated drain behind Unit #2 that we were talking about, is it that wide for detention purposes. Is that what's going on.

Mr. Miller stated that the width is so that it's more of a shallow slope drainage area, and, of course, to contain the necessary volume of water.

Mr. Vleck stated the existing detention basin that was obviously designed and constructed for the original development, are we to assume that this detention basin takes into account the fifteen (15) units?

Mr. Miller replied yes, it will have to be designed to accommodate those fifteen (15) units and it was constructed by the developer in the Shady Creek Subdivision which

is north and west of the subject property that was constructed as part of that development for future developments, which Mr. Dabrowski might build.

Mr. Vleck stated, so it's not a given that it's going to stay in the configuration that it's at right now?

Mr. Miller stated he believes it will but Mr. Al Bayer, the engineer for Durant Development, is here and he could probably answer that a little better. However, it was sized for future development when it was originally built.

Al Bayer stated, I'm with Nowak and Fraus, Consulting Engineers and I'm representing Durant Development tonight. The Oakland County Drain Commission improved the Frederick Drain and all flow was intercepted to the Houghton Drain. Therefore, the flow to the Houghton Drain was dramatically reduced. As a result of the flow decreasing, the nature of the wetlands has changed in that area.

Mr. Chamberlain commented that another question that had been asked was the size of the detention pond.

Mr. Bayer stated the size of the detention pond is sufficient.

Mr. Vleck stated, the detention basin appears to be a relatively steep detention area. How much standing water do you anticipate staying in that basin and what is the planned construction around the detention basin?

Mr. Bayer stated that the pond is a 1:6 slope which conforms to the City and Oakland County Drain Commission's and does not require fencing. It is designed to be completely dry.

Mr. Vleck asked why were they split into two (2) phases?

Mr. Bayer stated Shady Creek North didn't have any wetlands on it and we knew that Shady Creek South did. We didn't want Shady Creek South to hold up Shady Creek North and that's why it was developed into two (2) separate phases.

Ms. Pennington asked about the lot to the north that's wooded, what is going to be happening with that?

Mr. Bayer stated that it's one of the units of Shady Creek North.

Ms. Pennington asked, with these site condominiums that you're building, are they compatible with what's across the street?

Mr. Bayer replied yes.

Mr. Kramer asked if the five (5) houses would have basements.

Mr. Bayer replied, yes, and stated that they will have geo tech engineers designing the basements for those units.

Mr. Storrs asked who owns the property north of Unit #5?

Mr. Vleck stated that area that you're talking about is actually the platted lot 19 of the original Shady Creek Subdivision.

Mr. Miller stated he believes it is Francesco and Monica Fazio who live on Yorktown in Grosse Pointe Woods.

Charlene Calabro, 488 Trillium Drive, stated that when they moved into Shady Creek South, they moved in because of the trees and the wetlands. We were told the wetlands would not be developed. She voiced her concern for the valuation of her property. She asked that the Commission please postpone their decision for further study.

Mr. Raymond Santangelo, 5182 Shady Creek Drive, stated that with all due respect to the experts, these are wetlands. We were told at a meeting with City Council that this was just preliminary approval and that they will still have to go through the MDEQ and MDEQ is the one who will protect your interests in terms of the wetlands here. When we went to MDEQ, they said they only make a determination whether there are wetlands or not, it's City Council that should be dealing with whether these plans are appropriate for this area.

Ms. Roberta Wells, 5057 Somerton, stated she has two (2) small children and is concerned if the drain doesn't empty properly, that her children may fall into the water.

Mr. Jerry Richard, 487 Trillium, asked if this was such a slam dunk and this is such a dry area, why was the developer admitting special considerations already had to be made for the basements because of the hydraulic pressure?

Ms. Dorothy Dettloff, 660 Creston, stated her concern about her grandchildren. She stated that despite what has been said about the basin being dry, it is not dry. She stated that it was her belief that this property has been sold three (3) different times because they were always told they could not build a house with a basement.

Mr. Raja Rajendran, 5179 Shady Creek, stated that when it rains, his basement leaks and his sump pump is always running.

Mr. Morgan Subbavayan, 5107 Shady Creek, stated that we all have one major problem and that is water in our basements. The suggestion I have is that consideration be given for redesign of the detention basin. Maybe line it with clay which would hold the water until it completely drained. He also commented on the

safety factors for the children in the area and suggested that 100 foot of woods be retained around the basin to keep the children out of the area.

Mr. Carroll Christopher, 5089 Shady Creek, stated that he lives directly west of Unit #5 and believes that the wetlands have not dried up.

Mr. Chamberlain asked Ms. Lancaster if the builder can build here.

Ms. Lancaster stated that this is a site plan and if the developer meets all City and other agency standards, then the Planning Commission has no choice but to recommend approval. We rely on the MDEQ to issue a permit and the MDEQ did issued a permit stating that no wetlands exist. As long as it's legal and in compliance, this Board's hands are tied by state law to pass the site plan. They have to approve.

Mr. Storrs asked if there was anything to prevent the developer from just coming in and filling this development in. How much fill-in can they do?

Mr. Miller stated that the petitioner had to secure an MDEQ permit on this property and in regards to how much filling-in was allowed, he could not answer that. However, I don't think there is a strict requirement for how much volume goes in there. There are certain standards for positive draining of the site.

Mr. Vleck asked would there be any additional consideration that the petitioner would have to take into account had both of these proposals been proposed as one plan?

Mr. Miller stated that potentially, if the total number of lots is twenty-five (25), there could have been an environmental impact statement prepared. An environmental impact statement would address a number of issues related to utilities and things of that nature. It's more of an informational requirement by a petitioner. It is not regulatory, which would change the layout or things of that nature.

Mr. Vleck stated according to this, between the two, we've got fifteen (15) total units, so it would not have affected it if it was put in as one.

Mr. Miller stated it would not have required an environmental impact statement with fifteen (15) units if it had been proposed as one development.

Mr. Waller stated that we have started to see rear yard drains in various projects that have come in front of us. Is there a requirement for a rear yard drain to be provided in this situation.

Mr. Miller stated that new homes should have rear yards drains. Approval of those drains is by Engineering and is worked on after preliminary site plan approval.

Mr. Kramer stated that what we're staring at here is a site plan and we are chartered with reviewing it and approving it if it meets the requirements and the City attends to the health, safety, and welfare of the citizens. Even more so, the citizens of these new homes, particularly lots 1, 2, and 3. I don't think there are complete answers before us tonight for the health, safety, and welfare of these future citizens based on this site plan. Although this is a 2-dimensional drawing these people are going to have to live in 3-dimensions. My recommendation is that we table action on this preliminary site plan until we can see a grading plan and some cross sections that are going to convince this Board that we are not creating a problem.

RESOLUTION

Moved by Kramer

Seconded by Storrs

RESOLVED, to table the Preliminary Site Plan Approval for the proposed Shady Creek South Site condominium, North of Long Lake, West of Somerton, Section 10 – R-1B, until this Board sees a grading plan and some cross sections, particularly on lots 1, 2, and 3.

Yeas:
All in favor (9)

Nays:

Absent:

MOTION CARRIED

Mr. Vleck stated he would like to see included in the motion that answers be provided as to how the wetlands actually dried up. We would like to get some clarification as to how that took place.

Mr. Miller stated if you look at your plan, along the north area of the right-of-way for East Long Lake Road, there's a notation of a 78 inch Frederick Drain OCDC, which stands for Oakland County Drain Commission. When that was installed, that took a good portion of the flow of the Houghton Drain and that improvement reduced the amount of water into what was at one time wetlands.

Mr. Chamberlain asked Mr. Miller if he could provide the date the drain went in and prior to that, when was the MDNR first delineation and when (date) was the area no longer considered to be wetlands.

Shady Creek Timeline

- 12-22-86 Application for Tentative Preliminary Plat of Shady Creek Estates Subdivision is Submitted
- 02-10-87 Tentative Preliminary Plat Approval of Shady Creek Estates Subdivision is recommended by Planning Commission w/ understanding that floodplain modification is necessary (requiring MDNR permit)
- 02-23-87 Tentative Preliminary Plat Approval of Shady Creek Estates Subdivision is approved by City Council w/ understanding that floodplain modification is necessary (requiring MDNR permit)
- 05-15-87 Letter from MDNR rejecting Shady Creek Estates Subdivision plat: 1) Lots 18, 19, 20 don't have adequate bldg. site and 2) Subdivision lacks adequate access **outside of wetland area identified by MDNR**
- 02-14-89 Planning Commission recommends approval revised Tentative Preliminary Plat of Shady Creek Estates Subdivision
- 02-27-89 Revised Tentative Preliminary Plat of Shady Creek Estates Subdivision is approved by City Council
- 05-10-89 Application for Final Preliminary Plat of Shady Creek Estates Subdivision is Submitted
- 05-22-89 Final Preliminary Plat of Shady Creek Estates Subdivision is approved by City Council
- 05-22-89 Draft of Deed Restrictions for of Shady Creek Estates Subdivision includes: 25. Wetland Maintenance - Outlots A, B, C, and D shall remain in their natural state **as long as these parcels are classified as wetland by the MDNR**
- 06-05-89 Oakland County Drain Commission letter indicates that "storm water runoff from Shady Creek Estates Subdivision will outlet to the Fredricks Drain (legally established County Drain) **presently under construction**
- 08-04-89 Application for Final Plat of Shady Creek Estates Subdivision is Submitted
- 08-14-89 Final Plat of Shady Creek Estates Subdivision is approved by City Council
- 11-15-89 Deed restrictions for Shady Creek Estates Subdivision includes: 27. Maintenance Fund ..." **except Outlot A, until such time as dwelling unit(s) is constructed...**
- 1989-1990 Fredricks Drain is constructed

Shady Creek Timeline (cont.)

- July 1999 JJR conducts Wetland Delineation indicating no wetland on Outlot "A" of Shady Creek Estates Subdivision and 2 small wetland areas on "Shady Creek North" site which they indicated were not regulated by the MDEQ

- 01-15-00 Application for Site Plan Review of Shady Creek North Site Condominium Submitted

- 09-25-00 J & L Consulting conducts Wetland Delineation indicating 2 wetland areas on Outlot "A" of Shady Creek Estates Subdivision and 2 wetland areas on "Shady Creek North" site which they indicated were regulated by the MDEQ

- 12-04-00 MDEQ letter indicates that during site inspection on 9-8-00 it was determined that the Houghton Drain is not a stream and the wetlands are not contiguous and therefore not regulated

- 03-15-01 MDEQ letter indicates that during site inspection on 3-15-00 it was determined that the Houghton Drain is a stream and the wetlands are regulated and a permit is required

- 05-01-01 Planning Commission recommends approval of Preliminary Plan of Shady Creek North Site Condominium

- 05-01-01 City Council approves Preliminary Plan of Shady Creek North Site Condominium

- 09-21-01 MDEQ issues permit

- 12-19-01 MDEQ letter indicated that no wetlands are located on Outlot "A", only in the rear yards of units 1,2,8, and 9 of Shady Creek North Site Condominium

- 05-29-02 Application for Site Plan Review of Shady Creek South Site Condominium Submitted

- 07-09-02 Planning Commission recommends tabling of Preliminary Plan of Shady Creek South Site Condominium until further information is provided

July 23, 2002

REVISED

JUL 24 2002

PLANNING DEPT.

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

Attn: Mr. Mark F. Miller
Principal Planner

**RE: "Shady Creek South" Site Condominium
Long Lake Road / Shady Creek Drive
Section 10, City of Troy, Michigan
(N&F Job No. 5-B212)**

Dear Mr. Miller:

Detailed below is the additional information requested by the Planning Commission at the 7/9/02 meeting.

Wetland Information

- The initial wetlands study of the entire 20 acre undeveloped site (owned by Durant Development Company), which included the land that was later developed into Shady Creek Estates, was conducted by Johnson, Johnson & Roy (JJ&R) in June, 1987. Selected areas of wetlands were found immediately adjacent to the Houghten Drain.
- In 1988, Shady Creek Estates Subdivision was developed and the Fredericks Drain was installed along Long Lake Road. The subdivision drain system managed all drainage flow into the Fredricks Drain, instead of the Houghten Drain, and the Fredricks Drain significantly changed the drainage pattern for the entire region. The combination of these two developments resulted in substantially less surface drainage flow to the Houghten Drain, resulting in the elimination of the wetlands from most areas adjacent to the Houghten Drain.
- An updated wetlands study by (JJ&R) was conducted in July, 1999, which indicated that wetlands no longer existed on the proposed Shady Creek South Condominium parcel outside the banks of the Houghten Drain.
- The Michigan Department of Environmental Quality conducted a wetlands analysis in 2001 and confirmed the findings of JJ&R in a letter from David Dortman, dated December 19, 2001. Furthermore, MDEQ has issued a permit to modify the routing of the Houghten Drain.

City of Troy
Mr. Mark F. Miller
July 23, 2002
Page 2

Flood Plain Information

- A hydraulic analysis of the Houghten Drain was conducted by Applied Sciences, Inc. (ASI) in 1999. A final report was submitted to F.E.M.A. on January 21, 2000, indicating that the 100 year flood plain was limited to the existing bed of the Houghten Drain.
- The City of Troy reviewed the report and notified F.E.M.A. that there were no objections to the study on January 7, 2000.
- F.E.M.A. approved the ASI study and the flood plain revision on September 14, 2000.

The City of Troy planning/engineering department has a copy of each of the above documents in their files. Also, a copy of a letter from Durant Development Company to the City of Troy Planning Commission (dated: February 1, 2001) delineating the chronology of the wetland and flood plain events is included in their files.

If you require additional information please let me know.

Respectfully Submitted,



Albert N. Bayer, P.E.
Vice President

ANB/mr

cc: Durant Development Company



JOHN ENGLER, Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

"Better Service for a Better Environment"

HOLLISTER BUILDING, PO BOX 30473, LANSING MI 48909-7973

INTERNET: www.deq.state.mi.us

RUSSELL J. HARDING, Director

REPLY TO:

SOUTHEAST MI DISTRICT
LAND & WATER MANAGEMENT DIVISION
38980 SEVEN MILE ROAD
LIVONIA MI 48152-1006

December 19, 2001

Durant Development Corporation
5065 Lone Pine Lane
Bloomfield Hills, MI 48302

ATTENTION: Mr. Ken Dabrowski

Dear Sir:

SUBJECT: DEQ File No. 01-63-0195-P, Shady Creek Estates
T2N, R11E, Section 10, City of Troy, Oakland County

Per your request, I am providing this letter to clarify any wetland regulatory issues for Outlot "A" of Shady Creek Estates. Per the plans in our file 01-63-0195-P, Outlot "A" appears to now be proposed as units 2, 3, 4, and 5 of Shady Creek South. During our site inspections, the Department of Environmental Quality (DEQ) did not find any wetlands regulated under the authority of Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 303), in the location of Outlot "A". The only wetlands the DEQ determined to be regulated under Part 303, were those wetlands located within the rear lots of units 1, 2, 8 and 9 of Shady Creek North.

If you have any other questions regarding wetlands, please feel free to call me at the number below.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Dortman".

David R. Dortman
Land and Water Management Division

cc: Ms. Tracy Slintak, City of Troy

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY PERMIT

Durant Development Corporation
5065 Lone Pine Lane
Bloomfield Hills, MI 48302

Permit No.	01-63-0195-P
Issued	September 21, 2001
Extended	
Revised	
Expires	December 31, 2002

Under the provisions of the Natural Resources and Environmental Protection Act 451, PA 1994, as amended and specifically:

- Part 301 Inland Lakes and Streams.
- Part 325 Great Lakes Submerged Lands
- Part 303 Wetland Protection
- Part 31 Floodplain/Water Resources Protection.
- Part 315 Dam Safety.

REC'D

SEP 27 2001

PLANNING DEPT.

RECEIVED BY

SEP 27 2001

ENGINEERING

Permission is hereby granted, based on permittee assurance of adherence to State requirements and permit conditions to:

Permitted Activity: Place approximately 504 cubic yards of fill within approximately 240 feet of a stream known as the Houghton Drain. Excavate approximately 254 cubic yards of material to relocate the stream into approximately 305 feet of new channel. Fill approximately 175 feet of stream and excavate approximately 120 feet of new stream channel. All work is for the proposed Shady Creek Estates.

Water Course Affected: Houghton Drain

Property Location: Oakland County, City of Troy, Section 10

Shady Creek Estates Subdivision, Lot 50+ Town/Range 2N, 11E

Authority granted by this permit is subject to the following limitations:

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee in exercising the authority granted by this permit shall not cause unlawful pollution as defined by Part 31, Floodplain/Water Resources Protection of the Natural Resources and Environmental Protection Act 451, PA 1994, as amended.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the plans and the specifications referred to or attached hereto.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved herein.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that act.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. Permittee shall notify the Department of Environmental Quality within one week after the completion of the activity authorized by this permit, by completing and forwarding the attached, preaddressed post card to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of the Department of Environmental Quality.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific State Act, Federal Act and/or Rule under which this permit is granted.
- L. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation, Natural Resources and Environmental Protection Act (1994, PA 451 as amended) or the need to acquire applicable permits from the County Drain Commissioner.

Prior to the initiation of any permitted construction activities, a siltation barrier shall be constructed immediately downstream of the construction site. The siltation barrier shall be maintained in good working order throughout the duration of the project. Upon project completion, any accumulated materials shall be removed and disposed of at an upland (non-wetland, non-floodplain) site. The siltation barrier shall then be removed in its entirety and the area restored to its original configuration and cover.

This permit does not authorize or sanction work that has been completed in violation of applicable federal, state, or local statutes.

If the project, or any portion, is stopped and lies uncompleted for any length of time other than that encountered in a normal work week, every precaution shall be taken to protect the uncompleted work from erosion, including the placement of temporary sandbag riprap or other acceptable temporary protection.

No work shall be done in the stream during periods of above-normal flows except as necessary to prevent erosion.

Permittee is cautioned against commencing work in unacquired right of ways or easements. This permit does not convey any interest in property or property rights in either real state or material. Permittee is responsible for acquiring all necessary easements or right of ways before commencing any work.

Unless specifically stated under the "Permitted Activity" of this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed on or over bottomlands and /or wetlands are not authorized by this permit and shall not be constructed unless authorized by separate permit or permit revision granted in accordance with applicable law.

All slurry resulting from any dewatering operation shall be discharged through a filter bag or pumped to a sump located away from wetlands and surface waters and allowed to filter through natural upland vegetation, gravel filters, or other engineered devices for a sufficient distance and/or period of time necessary to remove sediment or suspended particles.

In issuing this permit, the Department of Environmental Quality has relied on the information and data which permittee has provided in connection with the permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete, or inaccurate, the Department may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.

All raw areas resulting from the permitted construction activity shall be promptly and effectively stabilized with sod or seed and mulch) or other technology specified by this permit) in sufficient quantity and manner so as to prevent erosion and any potential siltation to surface waters or wetlands.

This permit does not authorize the filling of regulated wetlands.

Permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.

Permittee covenants not to sue the State of Michigan, or any of its departments, boards, commissions, officers, employees, or agents for any claim, whether legal or equitable, arising under or in any manner related to the privileges granted in this permit. Permittee hereby releases, waives, and discharges the State of Michigan and all of its departments, boards, commissions, officers, employees, and agents from any and all liability to permittee arising under or in any manner related to the privileges granted under this permit.

Permittee agrees to indemnify the State of Michigan and all of its departments, agencies, boards, commissions, officers, employees, and agents from any and all liability arising under or in any manner related to the issuance of the permit or the privileges granted under this permit.

This permit does not preclude the need for approvals or permits from other federal, state, county or municipal authorities as may be required by law.

This permit is limited to authorizing the construction as specified above and carries with it no assurances or implications that any associated wetland area can be developed or serviced by the structures authorized by this permit.

The authority to conduct the activity as authorized by this permit is granted solely under provisions of the governing act as identified above. This permit does not convey, provide or otherwise imply approval of any other governing act, ordinance or regulation, nor does it waive the permittee's obligation to acquire any local, county or federal approval or authorizations necessary to conduct the activity.

Fill shall consist of clean inert material that will not cause siltation nor contain soluble chemicals, pollutants or contaminants. All fill shall be CONTAINED in such a manner so as not to erode into any surface water or wetland. All raw areas associated with the permitted activity shall be STABILIZED with sod and/or seed, and mulch, riprapped, or other technically effective method as necessary to prevent erosion.

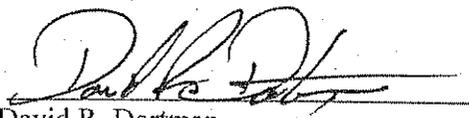
Permittee is responsible for controlling all authorized fill material including soils graded on site and shall prevent same from entering any surface water or wetland except as otherwise specified by this permit. NO fill shall be allowed to escape from the area(s) specified to receive fill either by willful intent, neglect or faulty maintenance of erosion controls. Fill this permit has authorized which leaves the specified fill area constitutes a violation of this permit.

All work shall be completed in accordance with the approved plans and the specific terms and conditions of this permit.

Any modification or revision to the attached authorized plans must be approved IN WRITING by the Department of Environmental Quality prior to construction.

Should this permit result in an unreasonable encroachment, interference with adjacent riparians or the public trust, permittee agrees, in exercising the authority granted herein, to make adjustments in the project as ordered by the Department of Environmental Quality.

Russell J. Harding, Director
Department of Environmental Quality

By 
David R. Dortman
District Representative
Land and Water Management Division

cc: DEQ, LWMD, PCU
Oakland CEA
Mr. Glenn Appel, Oakland County Drain Commission
Ms. Tracy Slintak, City of Troy
City of Troy Planning Department
Mr. Al Bayer, Nowak and Fraus
Mr. Terry Heatlie, Smith Group JJR

SITE PLAN REVIEW
SHADY CREEK SOUTH SITE CONDOMINIUM
N SIDE LONG LAKE, E SIDE SHADY CREEK
SEC. 10



SITE PLAN REVIEW
SHADY CREEK SOUTH SITE CONDOMINIUM

September 4, 2002

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Mark Miller, Planning Director

SUBJECT: TENTATIVE PRELIMINARY PLAT REVIEW – The Estates at Cambridge Subdivision, section 18 - R-1B.

RECOMMENDATION

City Management recommends approval of the proposed Tentative Preliminary Plat as submitted by the petitioner, including the public walkway connecting Prestwick Drive. Councilwoman Beltramini sent an e-mail to Council members and City Staff regarding the regulated MDEQ wetlands on the subject property. Ms. Beltramini raised concerns related to wetlands mitigation and wetlands permit public hearing. The subdivision process does not require wetlands permits or engineering approval prior to Tentative Preliminary Plat Approval. After the Tentative Preliminary Plat Approval and prior to Final Preliminary Plat Approval, the petitioner is required to obtain an MDEQ permit and engineering approval from the City of Troy. The MDEQ Wetlands Permit process includes a comment period, where the City or other parties could request a public hearing. Based upon the proposed subdivision located near the Rouge River and the lack of proposed mitigation, City Management also recommends that a MDEQ Wetlands Permit Public Hearing be requested prior to Final Preliminary Plat Approval.

The Planning Commission recommended to City Council, that the Tentative Preliminary Plat, cul-de-sac version, as requested for The Estates at Cambridge Subdivision, be approved, subject to six conditions. City Management is of the opinion that condition numbers 4 and 6 are engineering issues regulated by the Development Standards and should not be addressed in the Tentative Preliminary Plan Approval process.

1. That a paved access drive to the stormwater detention or retention pond shall be provided, as per City of Troy Development Standards, which is shown on the proposed plat. (Petitioner revised plat to show this item).
2. That prudent alternatives be considered in the location of the Beach Road sidewalk. The design should not destroy the natural characteristics of the Beach Road parkway. (Petitioner maintained sidewalk location in the standard location on

submitted plat. This is an engineering issue, which is addressed in the Improvement Design process prior to Final Preliminary Plat Approval).

3. That a 12 foot wide public walkway be provided for pedestrian traffic to Prestwick Drive. (Petition revised plat to indicate this item).
4. That the current detention pond be changed to a retention pond according to the proposed draft #4 of the Stormwater Detention Standards of the Development Standards currently being developed. (City Management is of the opinion that the Planning Commission has no authority to dictated engineering issues. The storm water management system will be reviewed by the Engineering Department prior to Final Preliminary Plat Approval).
5. That there be an increase in landscaping along Beach Road to maintain the natural character of the road. (City Management understands this condition, however, there is no specific requirement or standard for additional landscaping requirements).
6. That the plans show the typical cross-sections on the north, south and east; whereas, it shows the grade blending between this property and the abutting property. (Although this is an engineering issue, the petitioner revised the proposed plat to show this grading information).

GENERAL INFORMATION

Name of Owner / Applicant:
D.A.J. Enterprises, L.L.C.

Location of subject property:
The property is located on the east side of Beach Street, north of Wattles in Section 18.

Size of subject parcel:
The parcel is 6.09 acres in area.

Description of proposed development, including number and density of units:
The applicant is proposing a 10-unit subdivision with a density of approximately 1.6 units per acre.

Current use of subject property:
A single family residence presently sits on the property.

Current use of adjacent parcels:

North: Single family residential.

South: Single family residential.

East: Single family residential.

West: Single family residential.

Current zoning classification:

The property is currently zoned R-1B One Family Residential.

Zoning classification of adjacent parcels:

North: R-1B One Family Residential.

South: R-1B One Family Residential.

East: R-1B One Family Residential

West: R-1A One Family Residential

Future Land Use Designation:

The property is designated on the Future Land Use Plan as Low Density Single Family Residential.

ANALYSIS

Compliance with area and bulk requirements:

Lot Area: The minimum lot area in the R-1B district is 15,000 square feet. The application meets this requirement.

Lot Width: The minimum lot width in the R-1D district is 100 feet. The application meets this requirement.

Height: The maximum height in the R-1D district is 2 ½ stories or 25 feet. The application will be required to meet this requirement.

Setbacks: Front: 40'
Sides: 10' (least one), 25' (total)
Rear: 45'.

Minimum Floor Area: 1,200 square feet.

Maximum Lot Coverage: 30%.

Off-street parking and loading requirements:

The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:

The applicant submitted a Preliminary Tree Preservation Plan, which was approved by the Parks and Recreation Department.

Stormwater detention:

The applicant is proposing to construct a detention pond in the northwest corner of the property. A retaining wall is required along the northern line to provide enough elevation for the detention pond. The design of the detention pond will need to be approved by the Engineering Department prior to Final Preliminary Plat Approval. A 12-foot wide paved access drive is proposed to provide access to the detention pond.

Note that the Planning Commission recommended that a stormwater retention pond (which permanently holds water) be provided, rather than a stormwater detention pond (which temporarily holds water). The Planning Commission does not have the authority to require a retention pond over a detention pond. The stormwater detention requirements will be determined by the Engineering Department prior to final approval.

Natural features and floodplains:

The Natural Features Map indicates there is a significant woodland along the eastern third of the property. The site plan indicates that there are no floodplains located on the property.

The applicant has provided a Wetland Evaluation dated July 17, 2002, that indicates that the wetland is regulated by the MDEQ. A wetland delineation is provided with the evaluation. The applicant will be required to apply for a permit from the MDEQ to fill or alter the wetlands on the property. Note that at this time the applicant is not proposing any mitigation and is proposing to fill in the wetlands. City Management recognizes that this issue will be addressed during the MDEQ permitting process.

Subdivision Control Ordinance, Article IV Design Standards

Blocks:

Carrington Court provides access from Beach Road.

Lots:

Lots conform to the minimum requirements of the Zoning Ordinance.

Easements:

The applicant has provided a 30-foot wide drainage and landscape easement along Beach Road, a 12-foot wide drainage easement along the perimeter of the property, 10-foot and 20-foot wide public utility

easements in the front of each lot, and a 15-foot wide non-accessible greenbelt easement along Beach Road.

Topographic Conditions:

There are no floodplains located on the property.

Streets:

Carrington Court is the only street proposed for the subdivision. This cul-de-sac is approximately 600 feet in length. Note that the name "Carrington Court" will need to be approved by the Street Naming Committee.

Sidewalks:

The applicant is proposing a 5-foot wide sidewalk on both sides of Carrington Court and a 5 foot wide sidewalk along the east side of Beach Road.

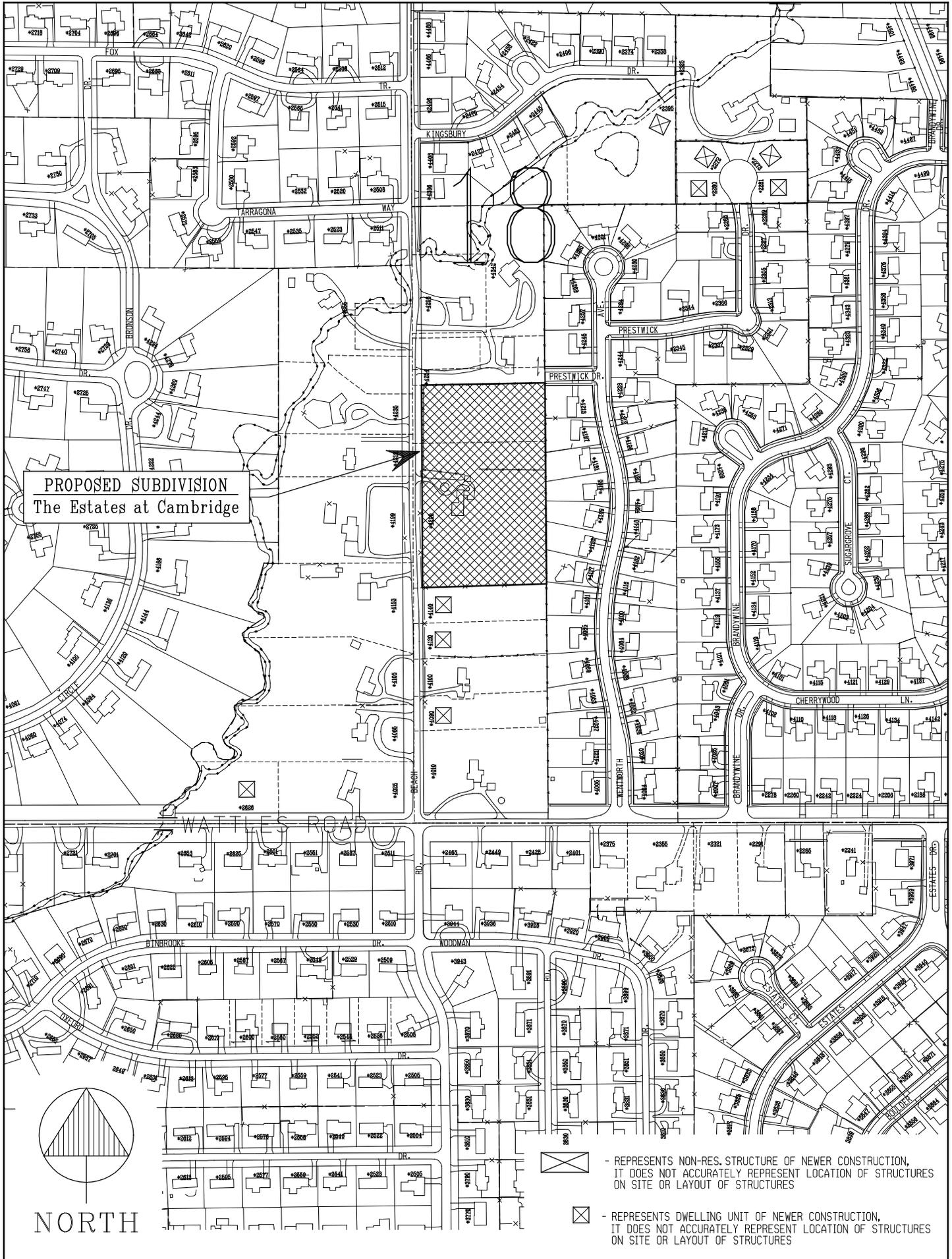
Walkways:

There is a 5-foot wide sidewalk proposed to connect with Prestwick Drive to the east, within a 12 foot wide public walkway.

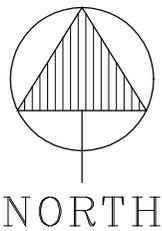
Utilities:

The property is served by public water and sewer services. Note that the proposed fire hydrant will need to be moved from the center of the cul-de-sac, as per City of Troy Engineering standards. This issue can be addressed prior to Final Approval.

cc: Applicant
Planners
File/The Estates of Cambridge Subdivision

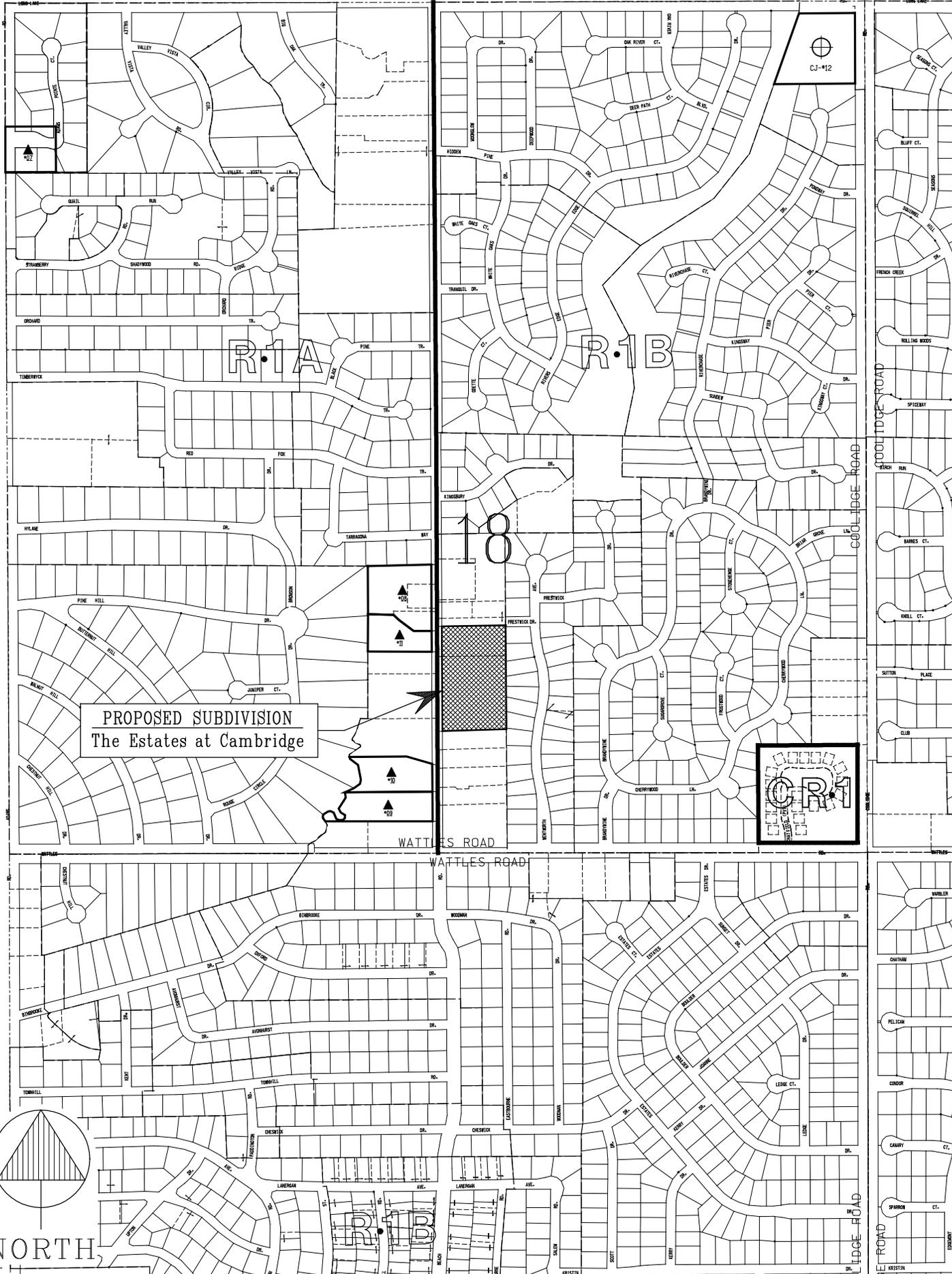


PROPOSED SUBDIVISION
The Estates at Cambridge



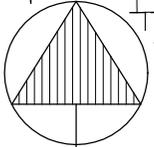
- 
 - REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES
- 
 - REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES

ADAMS ROAD



PROPOSED SUBDIVISION
The Estates at Cambridge

18



NORTH

CJ-112

COOLIDGE ROAD

WATTLE'S ROAD

COOLIDGE ROAD

PLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Tentative Preliminary Plat Approval

The following items are included in the **Tentative Approval** process:

- Existing Conditions
- Tree Preservation Plan
- Street layout
- Number of lots
- Building setbacks
- Lot dimensions
- Stub Street for possible future developments
- Locations of easements
- The Planning Department analyses the potential future development of the abutting property.
- The developer must provide locations of wetlands and natural features on the property and the method of preservation.
- An environmental impact statement is required if the development consists of 25 lots or more.
- A sign is placed on the property informing the public of the proposed development.
- A notice of the public meeting before Planning Commission is mailed to the abutting property owners.

Final Preliminary Plat Approval

The following items are included in the **Preliminary Plat- Final Approval** process:

- Determine that all city development standards are met and complied with.
- Capacity of sanitary and storm sewers
- Size and location of Water mains
- Size and location of Detention / Retention basins
- Grading and rear yard drainage
- Paving and widening lanes
- Financial guarantees
- Sidewalk and driveway approaches
- Approval from other government agencies involved with the development.
- Verification of wetlands and M.D.E.Q. permit if necessary.
- Agreements, covenants or other documents for the dedication of land for public use or property owners use.

Final Plat Approval

Final Approval checks for conformance with the approved Tentative and Final Preliminary Plats and that all property conveyances such as R.O.W, Easements, Open Space and Parks are in proper order.

**SITE PLAN REVIEW
(FOR DEPARTMENTAL USE ONLY)**

NAME OF THE PROPOSED DEVELOPMENT: ESTATES AT CAMBRIDGE SUBDIVISION (CUL DE SAC VERSION)

PROPOSED ADDRESS: BEACH ROAD

LOCATION: ON EAST SIDE OF BEACH ROAD BETWEEN LONG LAKE AND WATTLES

PRELIMINARY SITE PLAN REVIEW

DATE SUBMITTED TO THE PLANNING DEPARTMENT	_____	
DATE SUBMITTED TO THE BUILDING DEPARTMENT	_____	REPLY RECEIVED ON _____
DATE SUBMITTED TO THE ENGINEERING DEPARTMENT	_____	REPLY RECEIVED ON _____
DATE SUBMITTED TO THE PUBLIC WORKS DEPARTMENT	_____	REPLY RECEIVED ON _____
DATE SUBMITTED TO THE FIRE DEPARTMENT	<u>08-29-02</u>	REPLY RECEIVED ON _____
DATE SUBMITTED TO THE TRANSPORTATION ENGINEER	_____	REPLY RECEIVED ON _____
DATE SUBMITTED TO THE PARKS AND RECREATION DEPT.	_____	REPLY RECEIVED ON _____

COMMENTS FROM REVIEWING DEPARTMENTS PROPOSED LAYOUT APPROVED BY
FIRE DEPT. BASED ON CUL-DE-SAC PROVISIONS OF
ENB. STOS.

Willow Park

DATE SUBMITTED TO THE PLANNING COMMISSION _____
ACTION TAKEN (APPROVED, DENIED, TABLED) _____ DATE: _____

CONDITIONS / REQUIREMENTS OF PRELIMINARY SITE PLAN APPROVAL AS STATED IN THE PLANNING COMMISSION RESOLUTION:

APPROVED PRELIMINARY SITE PLAN COPIES TO:

BUILDING	_____
FIRE	_____
ENGINEERING	_____



King & MacGregor
Environmental
Inc.

July 17, 2002

Mr. Ronald Figlan
City of Troy Planning Department
500 W. Big Beaver Road
Troy, MI 48084

Re: The Estates at Cambridge – Wetland Evaluation

Dear Mr. Figlan:

Pursuant to your request, enclosed please find the wetland boundary delineation as surveyed by Fenn and Associates, Inc. for the proposed Estates at Cambridge residential development. I flagged the wetland boundaries on April 16, 2002; the Fenn and Associates survey was conducted the same day.

The on-site wetland areas were reviewed on-site by Mr. David Dortman of the Michigan Department of Environmental Quality (DEQ) during a pre-application meeting on March 21, 2002. During his on-site evaluation, Mr. Dortman directed me as to where it was appropriate to place the wetland flagging. The delineated wetlands have been historically disrupted due to mowing and placement of lawn maintenance debris (brush piles, etc.) Given this historically disturbed condition, I felt it necessary to request a DEQ on-site evaluation prior to any flagging or submittal of a wetland permit application.

The methods used to conduct the wetland flagging were consistent with the procedures and general practices used by the DEQ. This methodology, combined with a site-specific evaluation from the DEQ, leads us to believe the wetlands boundaries shown are accurate.

The existing on-site wetland consists of vegetation such as eastern cottonwood, silver maple, curly dock, and various unidentifiable rush and/or sedge species. The surrounding upland consists of vegetation such as common buckthorn and gray dogwood in unmowed areas, as well as dandelion and unidentifiable lawn grass species in the mowed areas.

Please be advised the developer and project engineer are aware of the DEQ's jurisdiction over the on-site wetlands. It is my understanding that, in the near future, we will be submitting a permit application to the DEQ, wherein we will request a permit to fill the subject wetlands. The permit application will be consistent with the tentative preliminary plat dated July 11, 2002, as prepared by Fenn and Associates. When that application is submitted, the City of Troy will receive due notice from the DEQ with regards to the specifics of the plan.

West Michigan Office
2675 44th Street SW
Suite 105
Wyoming, MI 49509

Phone: 616/261-4567
FAX: 616/261-4562

Southeast Michigan Office
5860 N. Canton Center Rd.
Suite 387
Canton, MI 48187

Phone: 734/354-0594
FAX: 734/354-0593

e-mail: kme@king-macgregor.com

printed on recycled paper



WETLANDS SKETCH



BEACH ROAD (60 FT. WD.)

NORTH AND SOUTH QUARTER LINE OF SECTION 18 AND THE # OF BEACH ROAD

S.00°00'03"W.
1187.96'

N.00°00'03"E. 631.98'

N.00°00'03"E.
762.98'

CENTER POST
SECTION 18, T.2N., R.11E.,
CITY OF TROY
OAKLAND COUNTY, MICHIGAN
(FOUND P.K. NAIL IN # OF ROAD)

20-18-402-022
S.89°57'58"E.
419.81'

EX WETLANDS
(0.24 AC. ±)

6.09 ACRES

30' R.O.W. LINE

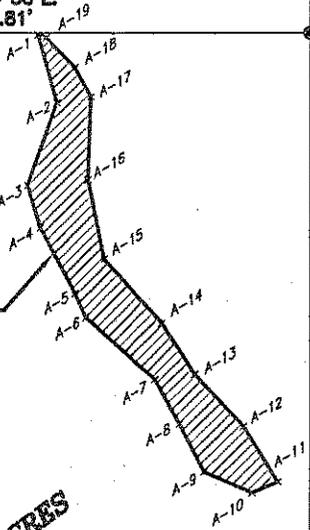
N.89°54'17"W. 419.82'
20-18-402-026

P.O.B. (PROPERTY)
SOUTH QUARTER CORNER
SECTION 18, T.2N., R.11E.,
CITY OF TROY
OAKLAND COUNTY, MICHIGAN
(FOUND REMON. CAP IN MON. BOX)

S.00°00'00"E. 632.43'

WEST LINE OF "GREENTREES EAST SUBDIVISION NO. 2"

GREENTREES EAST SUBDIVISION NO. 2"
(LIBER 130 OF PLATS, PAGES 33 AND 34, O.C.R.)



LEGEND

- = SET IRON W/CAP #23505
- A-1^x = WETLAND FLAG & NUMBER



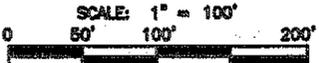
DENOTES WETLAND AREA AS MAPPED BY:



King & MacGregor Environmental Inc.

8880 N. Canton Center Rd., Ste. 387
Canton, Michigan 48187
Phone: (734) 354-0584

DATE: 04/16/02



BEARINGS WERE DETERMINED FROM "GREENTREES EAST SUBDIVISION NO. 2" (LIBER 130 OF PLATS, PAGES 33-34, O.C.R.)



FENN and ASSOCIATES INC.

LAND SURVEYING
42822 Island Road
Sterling Heights, Michigan 48314
PHONE: (588) 254-8877

CLIENT: JOSEPH P. CRAIG & ASSOCIATES
DATE: 04/23/02 SCALE: 1" = 100'
DRAWN: J.D.K. CHECK: W.F.S.
JOB NO. 02-2113 SHEET: 1 OF 2

4. PRELIMINARY PLAT – TENTATIVE APPROVAL – The Estates at Cambridge – East side of Beach, North of Wattles – Section 18 – R-1B

Mr. Miller presented a summary of the Estates at Cambridge.

Mr. Chamberlain asked, with the alternate plan, how far west would the City be looking at Prestwick. Would it come down by lot #4?

Mr. Miller stated that Prestwick would extend and then turn into Carrington Court and would not extend all the way to Beach, so there would be an indirect connection. We would like to see a future connection to that area but further south from the stub street if it is developed some time in the future.

Mr. Storrs asked, the detention pond retaining wall required along the northern line, is that still necessary if this revised plan is used?

Mr. Miller replied that the petitioner is here and he can answer any of your questions.

Mr. Starr stated, we suspect there's a regulated wetlands on there, they would, typically, have to mitigate?

Mr. Miller replied, most likely, yes, but it's hard to say at this time.

Mr. Joseph Cracchiolo, 4881 Riverchase Drive, stated that he is the developer and that a cul-de-sac is the way they would like to go. We got a notice last Thursday that the City of Troy wanted a change in the plans because they wanted a stub street to the south and a stub street to the north. I don't understand why.

Mr. Starr asked, regarding wetlands, do you have any idea on how you want to mitigate them?

Mr. Cracchiolo replied, I am leaving that up to my wetlands consultant.

Mr. Starr asked, do you expect any alteration in the plan because of mitigation?

Mr. Cracchiolo replied, no.

Mr. Storrs asked, what do you know about the wall around the detention pond?

Mr. William Soderberg, 42802 Mound, Sterling Heights, the surveyor, stated that the exact shape and size of the detention pond will be part of final engineering.

Mr. Storrs asked, do you think you it will be necessary that you have one?

Mr. Soderberg replied, we have been doing some research and there are alternatives.

Ms. Pennington asked, the way the property lays as far as the detention pond, the highest level is where the street coming in off of Beach, and then if flows down into the detention pond, is that how it's going to lay?

Mr. Sodeberg replied, correct.

Richard Beltz, 2422 Kingsbury, stated that he was familiar with the paving of Beach Road. It was designed to maintain its character and to keep it safe. He stated it has occurred to him that there have been objectives that should have been included in the Ordinance long before this time. We have read about other developments that may be forthcoming down the road. We are asking that this item be tabled. We need more answers. Please say yes to good quality development. Insure that the quality of our neighborhood is protected. Come up with some fair objectives that everybody can agree with.

Mr. Joe Chehayeb, 755 W. Big Beaver, stated that you would have to extend the Prestwick stub street in order to connect to Beach Road. If this were to happen, because of its affects on setbacks and right-of-ways, this would require that a variance be granted from the City in case the stub street is extended.

Mr. Storrs asked if there is a right-of-way dedicated along your property now.

Mr. Chehayeb replied, no

Dale Young, 4255 Beach Road, stated that his house is in the flood plain twenty (20) feet off of the Rouge. The most critical issues deal with the watershed. The wetland has been grossly underestimated and needs to be investigated further before this plan is approved.

Kyle Jones, 4280 Wentworth, stated that the Planning Department created an alternative plat which includes the potential future connection of Prestwick and that there was no advance warning of this. He stated that potential impacts to those on Wentworth would be pretty big and also the other homeowners who live on Beach Road.

Oakley Lutes, 4140 Beach Road, stated he is the adjacent owner on the south end of the proposed development. My concern is the abutting proposal. The proposal by the developer proposes three (3) lots that would abut my property and I would much prefer that to having a dead end street come within about ten (10) feet of my house.

Najih Bahure, 4245 Wentworth, stated he bought his house on the corner of Wentworth and Prestwick and did so because of it being on a dead end street. In

checking all documents prior to purchasing my home, I found no encumbrances that Prestwick would possibly be extended to Beach Road. There are several homeowners that object to the extension of Prestwick for the following reasons: 1) value of the property for current residents will decrease; 2) increased traffic in the neighborhood brings increased risk for children; 3) two outlets will lessen security in the neighborhood and may encourage crime; 4) this would also increase drag racing. This search led to no legal documentation ever being recorded citing the extension of Prestwick to Beach Road, and I believe that neither the Planning Commission nor City Council has the right to approve this plan.

Gail Brush, 4386 Beach Road, just north of the proposed development and stated that the Rouge River runs in her backyard. My main concern is the water problem.

Francis Siefert, 2550 Topsham Rochester, stated that he thought this transaction should be moved forward as soon as possible.

Colleen Gillen, 2461 Kingsbury Drive, stated that her house has flooded twice. The main issue is the water problem and flooding. The river goes wild when there is a hard rain. The river is in my backyard.

Curtis Rouley, 4133 Wentworth, stated that there is a storm drain behind his house that the City did not have a record of, although the City has been out to work on it. The sump pumps pump into a catch basin at the corner of my property and it does need some repair work on it and I believe and that is what contributes to some of the water problems which we are currently discussing.

Rusty Ziter, 4228 Wentworth, stated when they moved to Wentworth, a key factor for their move was that it was a safe street to raise their children. There was no outlet on Wentworth.

Ms. Lancaster stated that what is before the Commission tonight is what's known as a review under our Subdivision Ordinance which is part of the Zoning Ordinance and that the State gives the City a chance to make sure the subdivision is keeping within the design standards of the City. The review of subdivisions is controlled by the State of Michigan and the Troy Subdivision Control Ordinance. If the plans submitted by the builder meet the requirements, it must be approved.

Mr. Kramer stated that this is the first time this Board has seen this plat and asked Mr. Miller what would be the series of steps before there would be final approval.

Mr. Miller stated this is a tentative preliminary plat application. The Planning Commission then makes a recommendation to City Council, who can either approve or deny the tentative preliminary plat as submitted. The tentative preliminary plat sets the layout of lot sizes, where the roads will be, how large the roads are, and the basic foot print of the sizes. Once City Council grants approval the property owner has his engineers design the site; that means the infrastructure,

access, paving, and stormwater detention basin. That is submitted to the City engineers for review. There are a number of other reviewing organizations that come in to play, i.e., the MDEQ for wetland delineation and permit, the Oakland County Drain Commission, etc. The owner would then identify where all the easements will be. This information would be reviewed by these organizations, assembled and then resubmitted to the Planning Department where a Final Preliminary Plat Application is submitted directly to City Council. Construction of the project begins when City Council grants approval of the Final Preliminary Plat. Once the project is initiated and under construction, the Final Plat is submitted and that is the legal document which sets the layout of the subdivision. That is approved by City Council and then signed off by a number of other agencies and eventually submitted to the State for recording and approval.

Mr. Chamberlain stated he likes the original development proposal with the cul-de-sac with cross-access or public walkway to Prestwick and would like to see the detention pond area be a retention pond area. He stated he was in favor of moving this on tonight.

Mr. Vleck suggested a recommendation for the petitioner to seek a sidewalk variance along Beach Road.

Mr. Miller stated before recommending a variance of the sidewalk, I caution that a prudent alternative should be looked at to see if it could fit and maintain the character before it's fully waived. Let's see if it can fit and reduce impact. This is my recommendation.

Mr. Starr stated that on Prestwick Drive there is a stub there for some reason and asked if there was anything on record regarding developments to the north and to the south.

Mr. Miller stated the only reason the stub was there was for potential connection to Beach Road and the development of Beach Road properties. The only development that I am currently aware of is the one on Beach Road that is in front of you this evening.

Mr. Storrs stated, that he agrees with going with the developer's option; however, he believed it would be prudent to not only maintain an easement for foot traffic, but maintain an easement for potential continuation of Carrington. He would like to see a typical cross-section of the abutting properties, where it shows a blend.

Mr. Kramer stated there are a couple of different situations relative to the properties to the north and south. He asked Mr. Miller if he understood what the consolidation potential of that property to the north is.

Mr. Miller replied that Choice Group does own a larger area of that property and it is unusually shaped and there really is not that much potential for consolidation.

Mr. Storrs stated that his concern is that we have discussed so many things tonight, that it seems like it would be prudent to table this for a month and let them work these questions to see where we are. For example, will a retention pond work?

Mr. Chamberlain stated that gets back to the engineering that needs to be done after we and City Council approve this. That engineering cannot be started until we approve and City Council approves.

RESOLUTION

Moved by Vleck

Seconded by Pennington

RESOLVED, that the Planning Commission recommends to City Council, that the Tentative Preliminary Plat, cul-de-sac version, as requested for The Estates at Cambridge Subdivision, including 10 lots, located on the east side of Beach Road and north of Wattles Road, within Section 18, and the R-1B zoning district be granted, subject to the following conditions:

1. That a paved access drive to the stormwater detention or retention pond shall be provided, as per City of Troy Engineering standards.
2. That the sidewalk along Beach Road be designed so that it does not destroy the natural characteristics of the Beach Road parkway.
3. That a 12 foot wide public walkway be provided for pedestrian traffic to Prestwick Drive.
4. That the current detention pond be changed to a retention pond according to the standards currently being developed.
5. That there be an increase in landscaping along Beach Road to maintain the natural character of the road.
6. That the drawings show the typical cross-sections on the north, south and east; whereas, it shows the grade blending between this property and the abutting property.

Yeas:

Storrs
Chamberlain
Kramer
Pennington
Vleck

Nays:

Starr

Absent:

Littman
Wright
Waller

Mr. Starr stated his concerns on what the impact may be to the north and south.

MOTION CARRIED

Mary F Redden

From: R Beltramini [rbeltram@hotmail.com]
Sent: Friday, August 30, 2002 10:28 AM
To: david@eisenbacher.org; talk2cristina@aol.com; pallottaan@ameritech.net;
dave@lambertonline.net; mfhowryl@umich.edu; matt@mattpryor.org; szerlagaj@ci.troy.mi.us;
Shripkaga@ci.troy.mi.us; bluhmlg@ci.troy.mi.us
Cc: lisandale@comcast.net
Subject: Fwd: Beach Rd. Subdivision "Estates of Cambridge"

Council and Staff-

I know that this development will be on our agenda soon. John, could we please have answers to these questions at that time? Lori, I know that you and I have already talked that the City might want to request a Public Hearing from MDEQ before a permit for alteration of these regulated wetlands could be granted. I absolutely believe that to be a minimal step in this. We also need to see a plan that will show us how/where mitigation, at an acceptable ratio, will take place.

Thankx. Let me know if you need anything from me.

Robin

>From: Lisa Meils <lisandale@comcast.net>
>To: rbeltram@hotmail.com
>Subject: Beach Rd. Subdivision "Estates of Cambridge"
>Date: Thu, 29 Aug 2002 13:19:50 -0400.

>

>Dear Ms. Beltramini,

> My name is Dale Young. I own the house at 4255 Beach Rd. It is the
>house with the access bridge over the Rouge. My house is in the floodplain
>as is much of the 3.5 acres of my property.

> In a heavy rain my front yard floods extensively, which is OK. Many of
>my neighbors basements also flood, which is NOT ok. On several occasions,
>the City of Troy has pumped the sewers, storm and sanitary, into the river
>upstream of my house, and thus, into my front yard and on downstream into
>other yards and communities that border the Rouge.

> There have been reports of leaking sanitary sewers in my immediate
>area. I do not believe that it is allowable to discharge untreated sewage
>into a river.

> I would like to know when these problems will be resolved.

> I would also like to know how the Estates of Cambridge
>development filling in and paving over a significant Regulated Wetland
>adjoining the Rouge floodplain as well as turning 6 acres of field and
>forest watershed mostly into road, roofs and driveways will affect these
>flooding issues.

> I would like these issues resolved before the development gets any
>sort of consideration of City Council.

> Please forward this to anyone else you think needs to see it.

> Thank you,

> Dale Young

> 248 701 6791

>

Join the world's largest e-mail service with MSN Hotmail.
<http://www.hotmail.com>

Paula P Bratto

From: ginger hodge [gingerhodge4@comcast.net]
Sent: Monday, August 12, 2002 12:44 PM
To: planning@ci.troy.mi.us
Subject: Estates at cambridge

To Whom it May Concern:

I live at 2445 Kingbury Dr. in Troy. I understand a meeting in regards to the Cambridge Estates plan will be held tomorrow night. I will be unable to attend; however, I am greatly concerned about this proposed project.

Our house backs up to the Rouge River, and with heavy rain, the river comes within feet of our house. Previous owners had much trouble with flooding, so the city agreed to pump excess water out to Beach Rd. when rainfall is heavy. There is NO ROOM for even a DROP of extra water, drainage, etc. to go into this river. If it does, surely the 10 houses that used to flood will again. I don't see how ten large, new houses wouldn't add extra water to our already full river banks. Therefore, I would like to document my vote against such a change to our little nature preserve. Ten large houses backing up to Beach Rd. won't fit in with the rest of the rolling front yards and feeling of being in the country. Please don't allow overconstruction of this beautiful area of Troy.

Sincerely,

Ginger Hodge

8/12/02

The undersigned residents of Wentworth Dr. and Prestwick Dr. object to any future plans leading to the extension of Prestwick Dr. to the west to connect with Beach Rd.

We object for the following reasons:

1. Value of property for current residents will decrease.
2. Increased traffic in the neighborhood brings added risk to our children.
3. Two outlets will lessen security in the neighborhood and may encourage crime.
4. When the houses on Wentworth Dr. were purchased by some residents there was no documentation recorded that would create an encumbrance by extending the street of Beach Rd. Title search does not reflect the extension of Prestwick Dr.

We urge the Planning Commission not to approve any development that will pave the way for the extension of Prestwick Dr. to Beach Rd.

Name	Signature	Address
1. Lei-Yi Ding	Lei-Yi Ding	4149 Wentworth
2. RICHARD BELTZ	Richard Beltz	2422 KINGS BURX
3. Carol Beltz	Carol Beltz	" "
4. Dale Young	Dale Young	4255 Beach Rd.
5. Munt Wong	Munt Wong	4342 Beach
6. Mario Tabacchio	Mario Tabacchio	4053 Wentworth Ave.
7. Pat Park	Pat Park	4069 Wentworth
8. John Woodson	John Woodson	4408 Beach Rd
9. [Signature]	[Signature]	4228 WENTWORTH
10. JILL ZELTER	Jill Zelter	4228 WENTWORTH
11. Dennis Carter	Dennis Carter	4488 Beach 45898

Name

Signature

Address

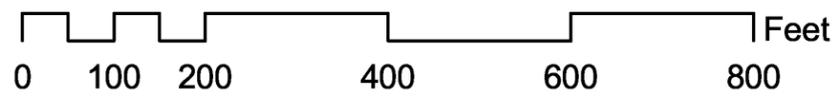
- | Name | Signature | Address |
|--------------------|----------------|----------------|
| 12. PEGGY VELEZ | Peggy Velez | 4219 BEACH |
| 13. Tom Henderson | Tom Henderson | 4169 Westworth |
| 14. Sherry Maxwell | Sherry Maxwell | 4164 Westworth |
| 15. MARK MAXWELL | Mark Maxwell | 4164 Westworth |
| 16. Martha Adams | | 4213 Westworth |
| 17. C. Gray | | 4197 Westworth |
| 18. N. Gray | | 4245 Westworth |
| 19. | | |
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| 32. | | |
| 33. | | |

Name	Signature	Address
34. Kyle Jones		4280 Wentworth Trng
35. Mary Wallace	MARY WALLACE	4021 Wentworth
36. James Christopher Caldwell		2336 Prestwick Trng
37. Michelle Komerska		4037 WENTWORTH
38. Tony Komerska		4037 WENTWORTH
39. Lucy Simone		4101 Wentworth
40. Lunta Poreby		4133 Wentworth
41. Cheryl Rowley		4133 Wentworth
42. Shirley Yuan		4117 Wentworth
43. Lei Huang		4020 Wentworth
44.		
45.		

PROPOSED SUBDIVISION
ESTATES AT CAMBRIDGE
E SIDE BEACH, N OF WATTLES
SEC. 18



PROPOSED SUBDIVISION
ESTATES AT CAMBRIDGE



September 4, 2002

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Mark Miller, Planning Director

SUBJECT: TENTATIVE PRELIMINARY PLAT REVIEW – Evanswood Parc
Subdivision, section 1 – R-1D.

RECOMMENDATION

The Planning Commission recommends Tentative Approval of the Preliminary Plat, subject to the following conditions:

1. That cross-sections be added to the plat to show the matching and blending of grades to the northwest and south abutting properties.
2. That a rear yard drain system be added along the north side of the property line to be stopped fifty (50) feet from the west property line, the north and east quadrant.
3. That the west forty (40) feet of the subject property cannot be disturbed with any root cuts or fill.

City Management is concerned that the Planning Commission conditions are of an Engineering nature. However, the petitioner revised the proposed plat to reflect the Planning Commission conditions. Based upon the revised plat submittal City Management recommends approval of the Tentative Preliminary Plat for Evanswood Parc Subdivision.

GENERAL INFORMATION

Name of Owner / Applicant:
Abbottsford Development, LLC.

Location of subject property:
The property is located on the west side of Evanswood Road, north of Square Lake Road and east of John R, Section 1.

Size of subject parcel:
2.673 acres.

Description of proposed development, including number and density of units:

The applicant is proposing a total of 6 single family units, a density of approximately 2.2 units per acre.

Current use of subject property:

There is an existing single family residence on the property.

Current use of adjacent parcels:

North: Single family residences.

South: Single family residences (Meadow Creek Subdivision).

East: Troy School District open space property, including meadows, woodlands and wetlands. This area contains a lake plain prairie wetland.

West: Single family residences.

Current zoning classification:

The property is currently zoned R-1D One Family Residential.

Zoning classification of adjacent parcels:

North: R-1D One Family Residential

South: R-1D One Family Residential

East: R-1D One Family Residential

West: R-1D One Family Residential

Future Land Use Designation:

The property is designated on the Future Land Use Plan as Low Density Single Family Residential.

ANALYSIS

Compliance with area and bulk requirements:

Lot Area: The minimum lot area in the R-1D district is 8,500 square feet.

Lot Width: The minimum lot width in the R-1D district is 75 feet.

Height: The maximum height in the R-1D district is 2 ½ stories or 25 feet.

Setbacks: Front: 25'
Sides: 8' (least one), 20' (total)
Rear: 40'

Minimum Floor Area: 1,000 square feet

Maximum Lot Coverage: 30%

Off-street parking and loading requirements:

The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:

The applicant has submitted a Preliminary Tree Preservation Plan that has been approved by the City's Parks and Recreation Department.

Stormwater detention:

The applicant is proposing to construct a detention basin that is 17,312 square feet in area and is shallow-sloped, without a fence. This will be dedicated to the City.

Natural features and floodplains:

The applicant has provided a wetlands determination for the property (see attached letter from Brooks Williamson dated July 5, 2002). The City's Wetlands Specialist, Dr. Eugene Jaworski, has reviewed the determination and has determined that there are no wetlands on site which would restrict the residential development of this parcel (see attached letter dated July 31, 2002). The two small wetlands are not regulated by the MDEQ. Brooks Williamson and Associates prepared a "Habitat Assessment and Review for Threatened and Endangered Species", that concluded, no threatened and/or endangered species are located on the subject property.

Environmental Standards:

The applicant is not required to submit an Environmental Impact Statement because the development is less than 25 lots.

Subdivision Control Ordinance, Article IV Design Standards

Blocks:

Meadowlark Drive extends to the northern limits of this development

Lots:

Lots conform to the minimum requirements of the Zoning Ordinance.

Easements:

The applicant has provided a 20' wide storm sewer easement. The applicant will be required in the future to provide easements for all public utilities located on the property.

Topographic Conditions:

There are no floodplains located on the property.

Streets:

The applicant is proposing to extend Meadowlark Drive north from the Meadow Creek Subdivision. Meadowlark Drive will provide access to lots

3 through 6. Evanswood Road (existing) will provide access to lots 1 and 2.

Sidewalks:

The applicant is proposing 5' wide sidewalks on both sides of Meadowlark Drive as well as the west side of Evanswood Road.

Walkways:

There are no walkways proposed as part of this development.

Utilities:

The property is served by public water and sewer services.

cc: Applicant
File/Evanswood Parc Subdivision
Planners (3)

PROPOSED SUBDIVISION
Evanswood Parc

MEADOW CREEK
SUBDIVISION

SQUARE LAKE ROAD

RONALD DR.

FLORA

SEMINOLE DR.

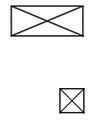
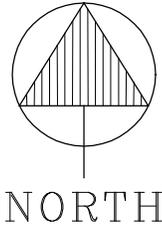
CHIPPEWA DRIVE

SEMINOLE DRIVE

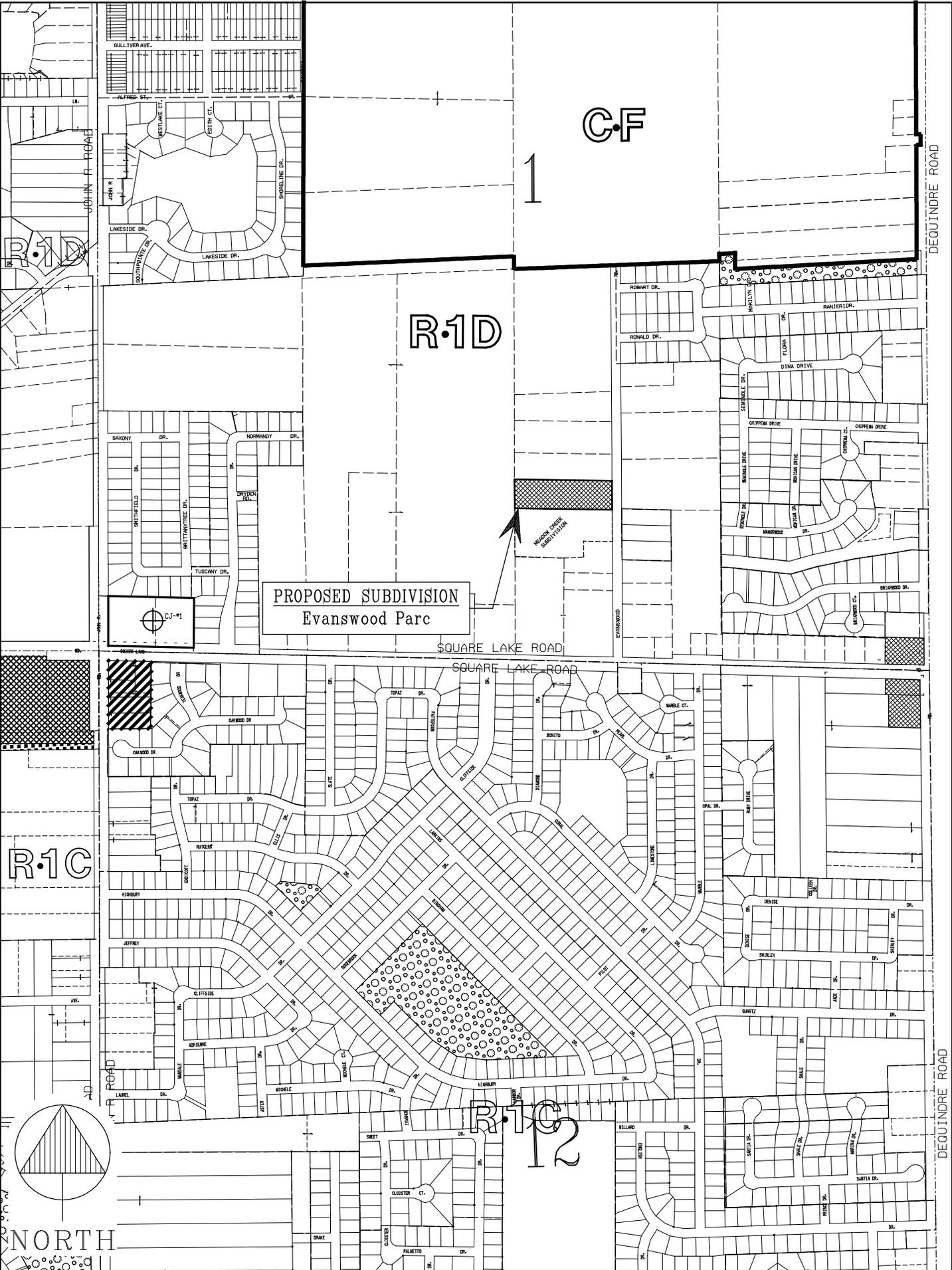
MANORWOOD

EVANSWOOD CHURCH
OF GOD

CHURCH OF JESUS CHRIST
LATTER DAY SAINTS



- REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES
- REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES



C.F

1

R-1D

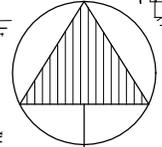
PROPOSED SUBDIVISION
Evanswood Parc

SQUARE LAKE ROAD

SQUARE LAKE ROAD

R-1C

R-12



NORTH

DEGUINDRE ROAD

DEGUINDRE ROAD

PLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Tentative Preliminary Plat Approval

The following items are included in the **Tentative Approval** process:

- Existing Conditions
- Tree Preservation Plan
- Street layout
- Number of lots
- Building setbacks
- Lot dimensions
- Stub Street for possible future developments
- Locations of easements
- The Planning Department analyses the potential future development of the abutting property.
- The developer must provide locations of wetlands and natural features on the property and the method of preservation.
- An environmental impact statement is required if the development consists of 25 lots or more.
- A sign is placed on the property informing the public of the proposed development.
- A notice of the public meeting before Planning Commission is mailed to the abutting property owners.

Final Preliminary Plat Approval

The following items are included in the **Preliminary Plat- Final Approval** process:

- Determine that all city development standards are met and complied with.
- Capacity of sanitary and storm sewers
- Size and location of Water mains
- Size and location of Detention / Retention basins
- Grading and rear yard drainage
- Paving and widening lanes
- Financial guarantees
- Sidewalk and driveway approaches
- Approval from other government agencies involved with the development.
- Verification of wetlands and M.D.E.Q. permit if necessary.
- Agreements, covenants or other documents for the dedication of land for public use or property owners use.

Final Plat Approval

Final Approval checks for conformance with the approved Tentative and Final Preliminary Plats and that all property conveyances such as R.O.W, Easements, Open Space and Parks are in proper order.

5. PRELIMINARY PLAT – TENTATIVE APPROVAL – Evanswood Parc – North of Square Lake, West side of Evanswood – Section 1 – R-1D

Mr. Miller presented a summary on Evanswood Parc.

The Petitioner, Bill Mosher, 47745 Van Dyke, Shelby Twp., came forward and stated he had nothing to add to Mr. Miller's summary.

Mr. Storrs asked, what plans do you have to blend the property? Did your client do Meadowcreek also?

Mr. Mosher replied, no.

Mr. Storrs stated that when you dig the basement, sometimes there is extra dirt, then it gets shoved over and someone ends up in a hole.

Mr. Mosher stated that in this instance the lots are large enough that we'll be able to disperse the soil on each individual lot.

Public hearing opened.

Chuck Grigg, 6154 Evandswood Road, stated that this subdivision was inconsistent with the existing terrain and believes this is of higher density than the surrounding area. He also stated that the construction traffic is not safe for the pedestrians on the road including children using the school bus and that he is opposed to any sidewalks that may be proposed for this area. He feels that this is one of the few remaining areas that has rural characteristics. He also asked, why is there so much public comment allowed when the Planning Commission's decisions are based on whether or not the proposed development, based on the tentative preliminary plat, meets the City Ordinance standards for building?

Mr. Chamberlain stated that on a project of this nature a public hearing is not part of the process and we do not have to allow anyone but the petitioner and myself to speak. However, we do allow the public to come up and state their concerns and add their comments. These comments become a part of the public record and are frequently discussed at study sessions. As far as this project, if they meet the Ordinance requirements and the State law, there's not much we can do about it.

Mr. Grigg asked how far are we going to go as far as undeveloped land?

Mr. Chamberlain stated that for privately owned land, the answer is zero. With privately owned property, the owner has a right to develop it as long as it meets the requirements and the State law.

Linda Wattereit, 6205 Evanswood, stated her concern was how much dirt was going to be brought in to raise the level of the land before these six (6) new houses

are going to be put in. My experience is that when Meadowcreek was put in, the level of the land was raised four (4) or five (5) feet, leaving the neighbor to the south of her living in a hole. I am afraid I am going to get flooded out.

Mr. Storrs stated that he noticed how low that house is, was dirt hauled in to Meadowcreek?

Ms. Wattereit replied, yes. One truck load after another.

Mary Bogush, 5916 Patterson Drive, asked if they were going to be required to do a tree preservation plan?

Mr. Chamberlain stated that a tree preservation plan has been submitted and approved.

Ms. Bogush asked that consideration be given to working with the natural features of the site. People pay more for lots that still have trees and more natural features remaining.

Ms. Pennington commented about subdivision to the south, Meadow Lark Drive and asked if there was a sidewalk going on Evanswood, and that in regards to that subdivision, would it connect with that sidewalk?

Mr. Miller stated that it would have been required. He didn't know if the sidewalk had been waived, however, it was required.

Mr. Storrs stated that the engineering design for this project needs to be improved.

Mr. Chamberlain stated that he would like to see a tree buffer on the west side of that development on the school district property to keep the invasive flowers from overtaking the area.

RESOLUTION

Moved by Storrs

Seconded by Vleck

RESOLVED, that the Planning Commission recommends to City Council, that the Preliminary Plat – Tentative Approval, as requested for Evanswood Parc Subdivision, including 6 lots, located north of Square Lake Road and on the west side of Evanswood Road, within Section 1 and the R-1D zoning district be granted, subject to the following conditions:

1. That cross-sections be added to the plat to show the matching and blending of grades to the northwest and south abutting properties.

2. That a rear yard drain system be added along the north side of the property line to be stopped fifty (50) feet from the west property line, the north and east quadrant.
3. That the west forty (40) feet of the subject property cannot be disturbed with any root cuts or overfill.

Yeas:
All present (6)

Nays:

Absent:
Littman
Wright
Waller

MOTION CARRIED

BROOKS WILLIAMSON

AND ASSOCIATES, INC.

ENVIRONMENTAL
CONSULTING

30366 BECK ROAD
WIXOM, MI 48393

PHONE 248-624-9100
FAX 248-624-3963

July 5, 2002

REVISED

Mr. Frank Mancini
47858 Van Dyke
Shelby Township MI 48317

AUG 21 2002

PLANNING DEPT.

**Re: Wetland Delineation for the 2.67 Acre Evanswood Road Site
SE 1/4, Section 1, T.2N., R.11E., City of Troy, Oakland County**

Dear Mr. Mancini:

Inspections of your property on Evanswood Road in the City of Troy were undertaken to determine whether or not wetlands, ponds, lakes, or streams are present on the parcel and whether or not these are subject to the following regulations:

- a) Natural Resources and Environmental Protection Act (1994 P.A. 451),
 - Part 301, Inland Lakes and Streams Protection;
 - Part 303, Wetland Protection;
- b) Any regulation of wetlands, lakes, and streams by the City of Troy.

The inspections of the property were undertaken on numerous dates in the spring and early summer of 2002. Actual flagging (delineation) of the wetland areas took place on July 5, 2002.

The property involved is a 2.67 acre parcel on the west side of Evanswood Road, in Section 1 of the City of Troy, Oakland County, Michigan (Site Location Map Figure 1). The site is surrounded by Evanswood Road to the east, a City Park to the west, a new subdivision to the south, and large residential lots to the north.

U.S. Geological Survey Map (USGS)

The USGS Quadrangle map for this area (Figure 1) does not show any wetland areas for this site. These maps typically show only the more distinct wetland and water features, and should be utilized for preliminary analysis only. Actual field mapping is necessary to determine the actual existence, type, and boundaries of wetland on a given site.

Wetland Definition And Methodology

Wetland areas are defined by P.A. 451 of 1994, Part 303, Wetland Protection, as "... land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp, or marsh..."

The methodology used in defining the location of wetland areas within the parcel was that established by Rule 4 of the rules promulgated pursuant to the Act and by the Michigan Department of Environmental Quality: A Technical Manual for Identifying Wetlands in Michigan (March, 2001). When questions arose regarding the proper

location of the line, the Corps of Engineers Wetlands Delineation Manual, 1987, and supporting documents were used.

At the time the site was inspected and the wetland delineated, the City of Troy has no ordinance regulating wetlands.

Wetland Inspection and/or Delineation

The site was inspected and delineated July 5, 2002. Two wetlands were identified on the property. The wetland-upland boundaries were flagged with fluorescent pink and blue survey ribbon. A preliminary map of the general location and size of the wetland areas is included for your review (Figure 2). Please note that this map shows only an approximate location of wetland-upland boundaries. We recommend that the delineated wetland boundaries be surveyed and incorporated into the site plan.

Site Description

The site work revealed that the majority of the property is upland (current residential use) and two small wetland pockets are present. The wetlands are small, isolated palustrine forested pockets in the south central and southwest portion of the property. A County Drain is located off-site to the south. The Drain does not appear to meet the definition of a stream.

Wetland #1: This area is a palustrine forested community. Dominant wetland vegetation present includes green ash (*Rhamnus frangula*), European buckthorn (*Rhamnus frangula*), silver maple (*Acer saccharinum*), manna grass (*Glyceria sp.*), golden rods (*Solidago sp.*), and choke cherry (*Prunus virginiana*). This vegetation is typically associated with wetland areas in this portion of the State.

Wetland hydrology is suggested by water marks on the trees and stained leaf litter. The presence of standing water for an extended period of the spring provides the hydrology for the establishment of the wetland species. Evidence of the hydrology later in the season is shown by water marks on the trees and stained leaf litter.

The soils in this area are mottled and show borderline hydric conditions. A hydric soil is a soil that is saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions that favor the growth and regeneration of hydrophytic (wetland) vegetation.

Wetland #2: This area is also a small isolated palustrine forested community. Dominant wetland vegetation present includes silver maple (*Acer saccharinum*) American elm (*Ulmus americana*), green ash (*Rhamnus frangula*), willow (*Salix sp.*) silky dogwood (*Cornus amomum*), sensitive fern (*Onoclea sensibilis*) and spice bush (*Lindera benzoin*). Early season standing water was observed that provides the hydrology for this wetland. Watermarks are visible on a few trunks of the trees. Soils in this area are mottled and show borderline hydric conditions.

Regulation of Inland Lakes and Streams by the State of Michigan

P.A. 451 of 1994, Part 301, Inland Lakes and Streams Protection, regulates natural or artificial inland streams that have definite banks, a bed, and visible evidence of a continued flow or continued occurrence of water; and natural or artificial lakes or ponds with a surface area of five acres or greater. The Great Lakes and Lake St. Clair are not considered to be inland lakes under this act.

No inland lakes or streams are located on-site. As mentioned, a County Drain is located off-site to the south. The drain is an excavated drain/ditch and does not meet the definition of a stream as stated in Part 301. The Drain has banks and occasional flow but it does not have a bed or evidence of scour (typically utilized by the MDEQ for a stream definition). Silt is built up on the ditch bottom throughout most of the nearby reach, showing little flow. In addition, vegetation has established in many areas in the bottom of the channel indicating little to no flow. Given that the Drain is not a stream, the wetlands are not subject to regulation.

Further, field observations and verification from plat surveys indicate that the wetlands exceed 500 feet from this County Drain even if one were to consider the Drain to meet the criteria of a stream.

Wetland Regulation by the State of Michigan

Pursuant to P.A. 451 of 1994, Part 303, Wetland Protection, the Michigan Department of Environmental Quality (MDEQ) assumes authority over wetlands that are contiguous to an inland lake, pond, or stream, within 500 feet of an inland lake, pond, or stream, or within 1,000 feet of a Great Lake, Lake St. Clair, the St. Clair River, or the Detroit River. In counties with a population of greater than 100,000, isolated wetlands five acres in size or greater are also regulated. The population of Oakland County was in excess of 100,000 at the time the law was enacted.

The MDEQ may also exert regulatory control over isolated wetlands less than five acres in size "...if the department determines that protection of the area is essential to the preservation of the natural resources of the state from pollution, impairment, or destruction and the department has so notified the owner".

Neither Wetland #1 or Wetland #2 would be subject to regulation under Part 303 because they are small, isolated wetland pockets, less than five acres in size, and are not contiguous to a inland lake, stream, or pond. Therefore, permits would not be required under Part 303 Wetland Protection, of P.A. 451 of 1994.

Regulation By City of Troy

At the time of the site inspection, the City of Troy had no ordinances regulating wetland or watercourse areas.

Confirmation By Regulatory Agencies

Numerous natural environmental factors and human induced changes may cause changes in the extent of wetland on a parcel over a period of time. The water resources identified on the property represent what this firm believes the MDEQ and the City of Troy would consider to be wetland, lake, pond, or stream based on the condition of the site at the time of inspection and recent regulatory policies and attitudes. Please note that the Department and the City of Troy have the final decision in matters of jurisdiction and delineation.

We recommend that a request be forwarded to the MDEQ for confirmation or corrections, should any questions arise. Only after receiving written confirmation should a purchase or detailed planning be considered.

If you have any questions please feel free to call.

Sincerely,

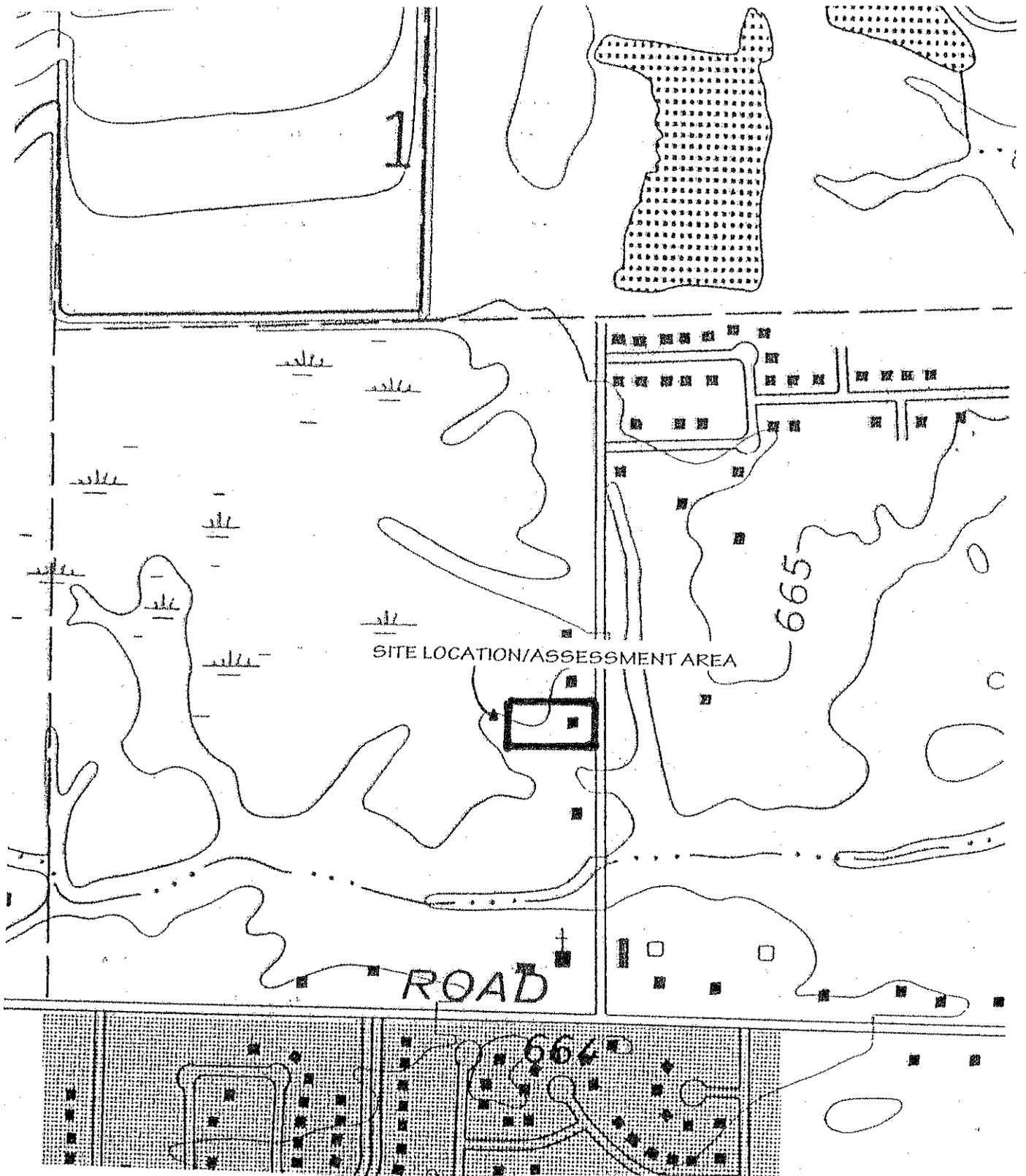


Brooks B. Williamson
Brooks Williamson and Associates, Inc.

[02-019]

Enclosures

cc: Robert C. Davis - O'Reilly, Rancilio, Nitz, Andrews, Turnbull & Scott, P.C.



U.S.G.S. QUADRANGLE

'WARREN' QUAD

SCALE: 1" = 500'

(BWA FILE 02-019)

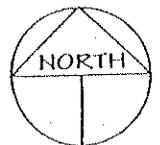
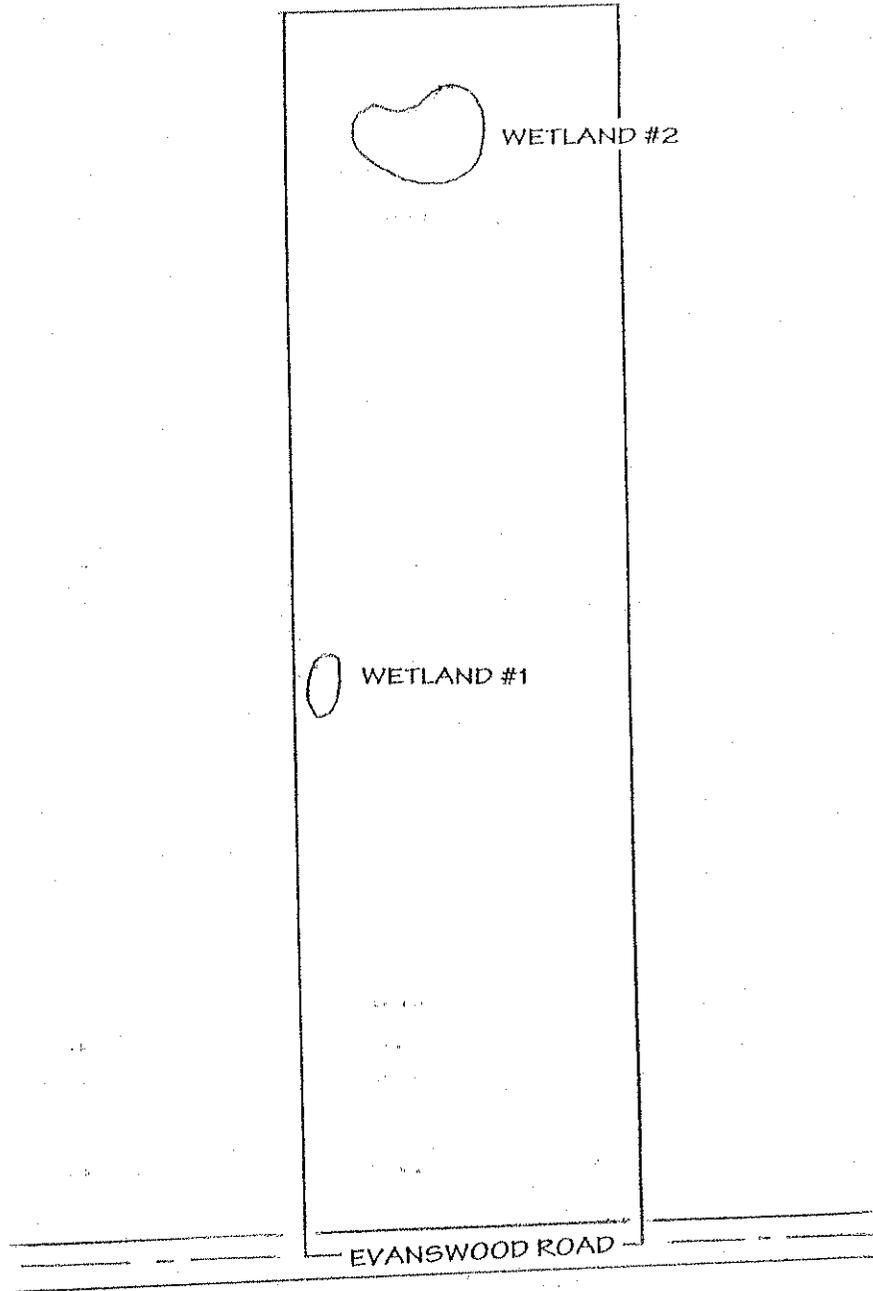


FIGURE 1



PRELIMINARY WETLAND MAP

SCALE: 1" = 100'

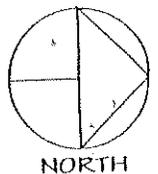


FIGURE 2

PROPOSED SUBDIVISION
EVANSWOOD PARC
N OF SQUARE LAKE, W SIDE EVANSWOOD
SEC. 1

PROPOSED SUBDIVISION
EVANSWOOD PARC

TROY SCHOOL DISTRICT PROPERTY

MEADOW CREEK SUB.

EVANSWOOD ROAD

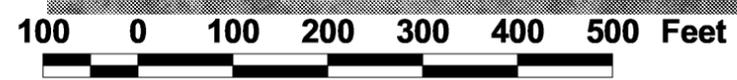
SPRINGFIELD DRIVE

CHIPPEWA DRIVE

MOHICAN DRIVE

MANORWOOD

BRIARWOOD



August 27, 2002

TO: The Honorable Mayor and City Council Members
FROM: John Szerlag, City Manager
SUBJECT: Fall Study Session Dates and Topics

At the August 26, 2002 study session two dates were set for future study sessions. The details are:

<u>DATE/TIME</u>	<u>LOCATION</u>	<u>TOPICS</u>
September 16, 2002 at 7:30 PM	Council Board Room	(1) State telecommunications policy (2) Signs in easements for non-residential areas (3) Street interconnection
October 14, 2002 at 7:30 PM	Council Board Room	(1) Regional transportation (2) Major road construction projects (3) Condemnation process

Sessions are scheduled to adjourn at 10:00 PM.

As always, please contact me should you have any questions.

JS/mr\AGENDA ITEMS\2002\Fall Study Session Dates and Topics

c: Lori Grigg Bluhm
Laura Fitzpatrick
John Lamerato
Mark Miller
Gary Shripka
Doug Smith
Mark Stimac
Steve Vandette

August 30, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: Traffic Signal Maintenance Cost Agreement for signal at
Crooks and Butterfield.

Enclosed please find a letter and the Traffic Signal Maintenance Cost Agreement for the new signal proposed at Crooks and Butterfield. The signal was requested by Kelly Services to improve egress/ingress at their drive on Crooks Road and was approved by the Board of Commissioners for the Road Commission for Oakland County (RCOC).

Since the signal was requested by Kelly Services for benefit of the operation of their driveway, the cost of installation of the signal is the responsibility of Kelly Services and the on-going maintenance costs are to be shared between RCOC and the City. The City's share of maintenance will be 33.33% of the total maintenance costs.

RECEIVED

AUG 20 2002

ENGINEERING



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

August 16, 2002

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

Board of Road Commissioners

Larry P. Crake
Chairman

Richard G. Skarritt
Vice-Chairman

Rudy D. Lozano
Commissioner

Brent O. Bair
Managing Director

Gerald M. Holmberg
Deputy Managing Director
County Highway Engineer

Dear John,

Enclosed are three copies of the maintenance agreement for the traffic signal at Butterfield and Crooks. Please have all copies of the agreement signed by the appropriate official and returned to us for further processing. A completed copy of the agreement will be returned to you for your files.

Very truly yours,

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

WJM/ch

Enclosures

Traffic Safety Department

2420 Pontiac Lk. Rd.
Waterford, MI
48328

248-858-4802

FAX
248-858-7607

TDD
248-858-8005

www.rcocweb.org

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

Type of Work: TRAFFIC SIGNAL MAINTENANCE

Location: BUTTERFIELD AND CROOKS

Signal No: C0 1161

Date Effective:

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

DIVISION OF COSTS

AGENCY	INSTALLATION		MAINTENANCE Percent
	Percent	Estimated Cost	
ROAD COMMISSION FOR OAKLAND COUNTY	%	\$ N/A	66 2/3 %
CITY OF TROY	%	\$ N/A	33 1/3 %
Total	100%	\$	100%

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

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

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

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

APPROVED:

APPROVED:

APPROVED:

ROAD COMMISSION FOR OAKLAND COUNTY

CITY OF TROY

Date _____

Date _____

Date _____

By _____
David F. Allyn

By _____

By _____

DIRECTOR OF TRAFFIC-SAFETY
Title of Authorized Official

Title of Authorized Official

Title of Authorized Official

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

September 4, 2002

TO: The Honorable Mayor and City Council Members
FROM: John Szerlag, City Manager
SUBJECT: SOCRRA Delegate and Alternate

At the June 3, 2002 City Council meeting, the following resolution was passed:

RESOLVED, That Mayor Pro Tem Howrylak be appointed as delegate and Mayor Pryor be appointed as alternate delegate effective immediately to serve until September 9, 2002 as the City of Troy representatives to the SOCRRA board.

In view of the fact that the closure issue at the Rochester Hills landfill site is still unresolved, I continue to recommend political representation on the SOCRRA board for a time frame of three (3) months.

DATE: September 2, 2002

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
William Nelson, Fire Chief
Mark Stimac, Director of Building and Zoning

Re: Award of Contract for Architectural Services
New Fire Station #3

Recommendation

Attached is a proposed contract for the architectural services with the firm of JSN Design, Inc. for the new Fire Station #3. We propose that this contract be awarded for an amount of \$82,500 and not to exceed \$3,000 for reimbursable expenses. The total amount of the contract is an amount not to exceed \$85,500. In addition we recommend authorization for an amount not to exceed \$8,250 be approved for any additional services necessary for the completion of the work.

Background

In June of this year, staff solicited and received Request for Proposals from architectural firms seeking to design a new replacement facility for Fire Station #3. Four RFPs were submitted and from those, all four firms were invited to an interview by staff on July 17, 2002. After a review of the RFPs in combination with the results of the interview and pricing, staff recommends the contract for architectural services be awarded to the firm of JSN Design, Inc. Mr. Novitsky, while a member of the David Donnellon firm did extensive work on Fire Stations 2, 4, 5, and 6. Mr. Novitsky's new firm has also worked on the expansion and remodeling of the Parks and Recreation Service Garage. The cost for his services, as quoted in the RFP, is \$82,500, with an additional \$3,000 for reimbursable expenses.

At your meeting of August 5, 2002, you authorized staff, in Resolution #2002-08-468, to negotiate a contract for architectural services for this project. The attached contract is attached for your approval.

Budget

Funds are available for this project from the Public Safety Facilities Bond Account

AGREEMENT

made as of the Fifth day of September two thousand and two.

BETWEEN the Owner: The City of Troy, a Municipal Corporation
(Name and address) 500 W. Big Beaver,
 Troy Michigan 48084

and the Architect: JSN Design, Inc., a Michigan Corporation
(Name and address) 30100 Telegraph, Suite 350
 Bingham Farms, MI 48025

For the following Project: New Fire Station #3
 2400 W. Big Beaver
 Troy, MI 48084

The Construction Manager is: JM Olson, a Michigan Corporation
 26210 Harper Ave.
 St. Clair Shores, MI 48081

The Owner and Architect agree as set forth below.

TERMS AND CONDITIONS OF AGREEMENT BETWEEN OWNER AND ARCHITECT

ARTICLE 1

ARCHITECT'S RESPONSIBILITIES

1.1 ARCHITECT'S SERVICES

- 1.1.1 The Architect's services consist of those services performed by the Architect, Architect's employees and Architect's consultants as enumerated Articles 2 and 3 of this Agreement and any other services included in Article 12.
- 1.1.2 The Architect's services shall be performed as expeditiously as is consistent with professional skill and care and the orderly progress of the Work. The Architect shall submit for the Owner's approval a mutually agreeable schedule for the performance of the Architect's services which may be adjusted as the Project proceeds, and shall include allowances for periods of time required for the Owner's review and for approval of submissions by authorities having jurisdiction over the Project. Time limits established by this schedule approved by the Owner shall not, except for reasonable cause, be exceeded by the Architect or Owner.
- 1.1.3 The services covered by this Agreement are subject to the time limitations contained in Subparagraph 11.5.1.

ARTICLE 2

SCOPE OF ARCHITECT'S BASIC SERVICES

2.1 DEFINITION

- 2.1.1 The Architect's Basic Services consist of those described in Paragraphs 2.3 through 2.6 and any other services identified in Article 12 as part of Basic Services, and include normal structural, mechanical and electrical engineering services.

2.2 SCHEMATIC DESIGN PHASE

- 2.2.1 The Architect shall review the program furnished by the Owner to ascertain the requirements of the Project and shall arrive at a mutual understanding of such requirements with the Owner.
- 2.2.2 The Architect shall provide a preliminary evaluation of the Owner's program, schedule and construction budget requirements, each in terms of the other, subject to the limitation set forth in Subparagraph 5.2.1.
- 2.2.3. The Architect shall review with the Owner alternative approaches to design and construction of the Project.
- 2.2.4. Based on the mutually agreed-upon program, schedule and construction budget requirements, the Architect shall prepare, for approval by the Owner, Schematic Design Documents consisting of drawings and other documents illustrating the scale and relationship of Project components.
- 2.2.5. The Architect shall submit to the Owner a preliminary estimate of Construction Cost based on current area, volume or other unit costs.

2.3 DESIGN DEVELOPMENT PHASE

- 2.3.1 Based on the approved Schematic Design Documents and any adjustments authorized in writing by the Owner in the program, schedule or construction budget, the Architect shall prepare, for approval by the Owner, Design Development Documents consisting of drawings and other documents to fix and describe the size and character of the Project as to architectural, structural, mechanical, and electrical systems, materials, and such other elements as may be appropriate.
- 2.3.2 The Design Development Documents shall be based upon data and estimates prepared by the Construction Manager. The Architect shall advise the Owner of any adjustments to the preliminary estimate of Construction Cost.

2.4 CONSTRUCTION DOCUMENTS PHASE

- 2.4.1 Based on the approved Design Development Documents and any further adjustments in the scope or quality of the Project or in the construction budget authorized in writing by the Owner, the Architect (utilizing data and estimates prepared by the Construction Manager) shall prepare, for approval by the Owner, Construction Documents consisting of Drawings and Specifications setting forth in detail the requirements for the construction of the Project.

- 2.4.2 The Architect shall assist the Owner and Construction Manager in the preparation of the necessary bidding information, bidding forms, the Conditions of the Contract, and the forms of Agreement between the Owner and Contractors. The Architect shall assist the Construction Manager in issuing bidding documents to bidders, and conducting pre-bid conferences with prospective bidders. The Architect, with the assistance of the Construction Manager, shall respond to questions from bidders, and shall issue addenda.
- 2.4.3 Based on the updated estimate prepared by the Construction Manager, the Architect shall advise the Owner and the Owner shall approve of any adjustments to previous preliminary estimates of Construction Cost indicated by changes in requirements or general market conditions.
- 2.4.4 The Architect shall cooperate with the Construction Manager in connection with the responsibility for filing documents required for the approval of government authorities having jurisdiction over the Project.

2.5 BIDDING OR NEGOTIATION PHASE

- 2.5.1 The Architect, following the Owner's written approval of the Construction documents and of the Construction Manager's latest preliminary estimate of Construction Cost, shall assist the Construction Manager in obtaining bids or negotiated proposals and assist the Construction Manager in awarding and preparing contracts for construction.

2.6 CONSTRUCTION PHASE-ADMINISTRATION OF THE CONSTRUCTION CONTRACT

- 2.6.1 The Architect's responsibility to provide Basic Services for the Construction Phase under this Agreement commences with the award of the Contract for Construction and terminates at the earlier of the issuance to the Owner of the final Certificate for Payment or sixty (60) days after the date of Substantial Completion of the Work, unless extended under the terms of Subparagraph 10.3.3.
- 2.6.2 The Architect shall provide administration of the Contract for Construction as set forth below and in the edition of AIA document A201/CMA, General Conditions of the Contract for Construction for Construction, Construction Manager-Adviser Edition, current as of the date of this Agreement, unless otherwise provided in this Agreement.
- 2.6.3 Duties, responsibilities and limitations of authority of the Architect shall not be restricted, modified or extended without written agreement of the Owner and Architect
- 2.6.4 The Architect shall be a representative of and shall advise and consult with the Owner during construction until final payment to the Construction Manager is due. The Architect shall have authority to act on behalf of the Owner only to the extent provided in this Agreement unless otherwise modified by written instrument executed by the Owner. Owner reserves the right to appoint a representative empowered to act for the Owner during the construction phase and to supersede the Architect's construction phase responsibility to the extent set forth in a written notice to Architect. The Architect shall not exercise any of its prerogative or duties hereinabove enumerated in such manner as to increase the cost to Owner of constructing the project without Owner's prior written approval.

- 2.6.5 The Architect shall visit the site at intervals as requested by the Owner or as otherwise agreed by the Owner and Architect in writing to become generally familiar with the progress and quality of the Work completed and to determine in general if the Work is being performed in a manner indicating that the Work when completed will be in accordance with the Contract Documents. However, the Architect shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of the Work. The Architect shall keep the Owner informed of the progress and quality of the Work, and shall endeavor to guard the Owner against defects and deficiencies in the Work. The Architect shall advise Owner in writing of any omissions, deficiencies or flaws observable in the on-site inspections. It is contemplated that the architect will visit the site on the average of two times month to observe the construction and to review pay requests.
- 2.6.6 The Architect shall not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the Work, since these are solely the Contractor's responsibility under the Contract for Construction. The Architect shall not be responsible for the Contractor's schedules or failure to carry out the Work in accordance with the Contract Documents. The Architect shall not be responsible for the performance by the Construction Manager of the services required by the Construction Manager's agreement with the Owner. The Architect shall not have control over or charge of acts or omissions of the Contractor, Subcontractors, or their agents or employees performing portions of the Work.
- 2.6.7 The Architect shall at all times have access to the Work wherever it is in preparation or progress.
- 2.6.8 Except as may otherwise be provided in the Contract Documents or when direct communications have been specially authorized in writing, the Owner and Construction Manager shall communicate through the Architect. Communications by and with the Architect's consultants shall be through the Architect.
- 2.6.9 Based on the Architect's observations and evaluations of the Contractor's Applications for Payment, the Architect shall review and certify the amounts due the respective Contractors.
- 2.6.10 The Architect's certification for payment shall constitute a representation to the Owner, based on the Architect's observations at the site as provided in Subparagraph 2.6.5, and the recommendations of the Construction Manager, and on the data comprising the Contractor's Application for Payment, that the Work has progressed to the point indicated and that, to the best of the Architect's knowledge, information and belief, quality of the Work is in accordance with the Contract Documents. The foregoing representations are subject to an evaluation of the Work for conformance with the Contract Documents upon Substantial Completion, to results of subsequent tests and inspections, to minor deviations from the Contract Documents correctable prior to completion and to specific qualifications expressed by the Architect. The issuance of a Certificate for Payment shall further constitute a representation that the Contractor is entitled to payment in the amount certified. The Owner will be provided with waivers from Sub-contractors and suppliers. However, the issuance of a Certificate for Payment shall not be a representation that the Work is without defects or that Architect has (1) made exhaustive or continuous on-site inspections to check the quality or quantity of the Work, (2) reviewed construction means, methods, techniques, schedules, sequences or procedures or other items set forth in Subparagraph 2.6.6, (3) reviewed copies of requisitions received from Subcontractors and material and equipment suppliers and other data requested by Client to substantiate Contractor's right to payment, or (4) ascertained how or for what purpose Contractor has used money previously paid on account of the Contract Sum. Further, Architect shall not be obligated to issue any Certificate of Payment covering work by Design/Build contractors or subcontractors, work by Owner's separate contractors, or other work for which Architect is not providing full services.
- 2.6.11 After notification to the Construction Manager, the Architect shall have authority to reject work which does not conform to the Contract Documents. Whenever the Architect considers it necessary or

advisable for implementation of the intent of the Contract Documents, the Architect will have authority to require additional inspection or testing of the Work in accordance with the provisions of the Contract Documents, whether or not such Work is fabricated, installed, or completed. However, neither this authority of the Architect nor a decision made in good faith either to exercise or not to exercise such authority shall give rise to a duty or responsibility of the Architect to the Construction Manager, Contractors, Subcontractors, material and equipment suppliers, their agents or employees or other persons performing portions of the Work.

- 2.6.12 The Architect shall review and approve or take other appropriate action upon Construction Manager's and Contractor's submittals such as Shop Drawings, Product Data and Samples, but only for the limited purpose of checking for conformance with information given and the design concept expressed in the Contract Documents. The Architect's action shall be taken with such reasonable promptness as to cause no delay in the Work or in the construction of the Owner or of separate Contractors, while allowing sufficient time in the Architect's professional judgment to permit adequate review. Review of such submittals is not conducted for the purpose of determining the accuracy and completeness of other details such as dimensions and quantities or for substantiating instruction for installation or performance of equipment or systems designed by the Contractor, all of which remain the responsibility of the Contractor to the extent required by the Contract documents. The Architect's review shall not constitute approval of safety precautions or, unless otherwise specifically stated by the Architect, of construction means, methods, techniques, sequences or procedures. The Architect's approval of a specific item shall not indicate approval of an assembly of which the item is a component. When professional certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, the Architect shall be entitled to rely upon such certification to establish that the materials, systems or equipment will meet the performance criteria required by the Contract Documents.
- 2.6.13 The Architect shall review and approve or take other appropriate action upon Change Orders and Construction Change Directives prepared by the Construction Manager, with supporting documentation and data if deemed necessary by the Architect as provided in Subparagraphs 3.1.1 and 3.3.3. These shall then be submitted for the Owner's approval and execution in accordance with the Contract Documents. The Architect may authorize minor changes in the Work not involving an adjustment in the Contract Sum or an extension of the Contract Time, which are not inconsistent with the intent of the Contract Documents. The Architect shall promptly notify Owner in writing of such minor changes.
- 2.6.14 The Architect, assisted by the Construction Manager, shall conduct inspections to determine the date or dates of Substantial Completion and the date of final completion, shall receive and forward to the Owner for the Owner's review and records written warranties and related documents required by the Contract documents and assembled by the Construction Manager or Contractors, and shall issue a final Certificate for Payment upon compliance with the requirements of the Contract documents.
- 2.6.15 The Architect shall interpret and decide matters concerning performance of the Construction Manager or Contractors under the requirements of the Contract Documents on written request of the Owner. The Architect's response to such requests shall be made with reasonable promptness and within any time limits agreed upon.
- 2.6.16 Interpretations and recommendations of the Architect shall be consistent with the intent of and reasonably inferable from the Contract Documents and shall be in writing or in the form of drawings. When making such interpretations and initial recommendations, the Architect shall endeavor to secure faithful performance by both Owner and Construction Manager and Contractors Contracts. The Architect shall not be liable for interpretations rendered in good faith.
- 2.6.17 The Architect's decisions on matters relating to aesthetic effect shall be final if consistent with the intent expressed in the Contract documents and approved by the Owner.

- 2.6.18 The Architect shall render written decisions within a reasonable time on all claims, disputes or other matters in questions concerning the Construction Manager or Contractor relating to the execution or progress of the Work as provided in the Contract Documents.

ARTICLE.3

ADDITIONAL SERVICES

3.1 GENERAL

- 3.1.1 Services described in this Article 3 are not included in Basic Services unless so identified in Article 12, and they shall be paid for by the Owner as provided in this Agreement, in addition to the compensation for Basic Services. The services described under Paragraphs 3.2 and 3.4 shall only be provided if authorized or confirmed in advance and in writing by the Owner. If services described under Contingent Additional Services in Paragraph 3.3 are required due to circumstances beyond the Architects control, the Architect shall notify the Owner prior to commencing such services. If the Owner deems that such services described under Paragraph 3.3 are not required, the Owner shall give prompt written notice to the Architect. If the Owner indicates in writing that all or part of such Contingent Additional Services are not required, the Architect shall have no obligation to provide those services and shall not be held liable for any losses or damages to the Owner or others that may arise from not providing such services.

3.2 PROJECT REPRESENTATION BEYOND BASIC SERVICES

- 3.2.1 If more extensive representation at the site than is described in Subparagraph 2.6.5 is required, the Architect shall provide one or more Project Representatives to assist in carrying out such additional on-site responsibilities.
- 3.2.2 Project Representatives shall be selected, employed, and directed by the Architect, and the Architect shall be compensated therefore or as agreed to in writing by the Owner and Architect. The duties, responsibilities and limitations of authority of Project Representatives shall be as described in the edition of AIA Document B352 current as of the date of this Agreement, unless otherwise agreed.
- 3.2.3 Through the observations by such Project Representatives, the Architect shall endeavor to provide further protection for the Owner against defects and deficiencies in the Work, but the furnishing of such project representation shall not modify the rights, responsibilities or obligations of the Architect as described elsewhere in this Agreement.

3.3 CONTINGENT ADDITIONAL SERVICES

- 3.3.1 Making revisions in Drawings, Specifications or other documents when such revisions are:
- .1 inconsistent with approvals or instructions previously given in writing by the Owner, including revisions made necessary by adjustments in the Owner's program or Project budget;
 - .2 required by the enactment or revision of codes, laws or regulations subsequent to the preparation of such documents; or
 - .3 due to changes required as a result of the Owner's failure to render decisions in a timely manner.

- 3.3.2 Providing services required because of significant changes in the Project including, but not limited to, size, quality, complexity, the Owner's schedule, except for services required under Subparagraph 5.2.5.
- 3.3.3 Preparing Drawings, Specifications, and other documentation and supporting data, evaluating Contractor's proposals, and providing other services in connection with Change Orders and Construction Change Directives.
- 3.3.4 Providing services in connection with evaluating substitutions proposed by the Construction Manager or Contractors and making subsequent revisions to Drawings, Specifications and other documentation resulting therefrom.
- 3.3.5 Providing consultation concerning replacement of Work damaged by fire or other cause during construction, and furnishing services required in connection with the replacement of such Work.
- 3.3.6 Providing services made necessary by the default of the Construction Manager, Contractors, by major defects or deficiencies in the Work of the Construction Manager or Contractors, or by failure of performance of either the Owner, Construction Manager, or Contractors under the Contract for Construction.
- 3.3.7 Providing services in connection with arbitration proceeding or legal proceeding except where the Architect is party thereto.
- 3.3.8 Preparing documents for alternate, separate or sequential bids or providing services in connection with bidding, negotiation or construction prior to the completion of the Construction Documents Phase.

3.4 OPTIONAL ADDITIONAL SERVICES

- 3.4.1 Providing analyses of the Owner's needs and programming the requirements of the Project.
- 3.4.2 Providing financial feasibility or other special studies.
- 3.4.3 Providing planning surveys, site evaluations or comparative studies of prospective sites.
- 3.4.4 Providing special surveys, environmental studies and submissions required for approvals of governmental authorities or others having jurisdiction over the Project.
- 3.4.5 Providing services relative to future facilities, systems and equipment.
- 3.4.6 Providing services to investigate existing conditions or facilities or to make measured drawings thereof.
- 3.4.7 Providing services to verify the accuracy of drawings or other information furnished by the Owner.
- 3.4.8 Providing coordination of construction performed by separate Contractors or by the Owner's own forces and coordination of services required in connection with construction performed and equipment supplied by the Owner if requested by the Owner in writing.
- 3.4.9 Providing services in connection with the work of a separate consultants retained by the Owner.
- 3.4.10 Providing detailed quantity surveys or inventories of material, equipment, and labor.
- 3.4.11 Providing interior design and other similar services required for or in connection with the selection, procurement or installation of furniture, furnishings, and related equipment.

- 3.4.12 Providing services for planning tenant or rental spaces.
- 3.4.13 Making investigations, inventories of materials or equipment, or valuations and detailed appraisals of existing facilities.
- 3.4.14 Preparing a set of reproducible record drawings showing significant changes in the Work made during construction based on marked-up prints, drawings, and other data furnished by the Contractor to the Architect.
- 3.4.15 Providing assistance in the utilization of equipment or systems such as testing, adjusting and balancing, preparation of operation and maintenance manuals, training personnel for operation and maintenance, and consultation during operation.
- 3.4.16 Providing services after issuance to the Owner of the final Certificate for Payment, or in the absence of a final Certificate for Payment, more than 60 days after the date of Substantial Completion of the Work.
- 3.4.17 Providing services of consultants for other than architectural, structural, mechanical and electrical engineering portion of the Project provided as a part of Basic Services.
- 3.4.18 Providing any other services not otherwise included in this Agreement or not customarily furnished in accordance with generally accepted architectural practice.

ARTICLE 4

OWNER'S RESPONSIBILITIES

- 4.1 The Owner shall provide full information regarding requirements for the Project, including a program which shall set forth the Owner's objectives, schedule, constraints and criteria, including space requirements and relationships, flexibility, expandability, special equipment, systems, and site requirements.
- 4.2 The Owner shall establish and update an overall budget for the Project, including the Construction Cost, the Owner's other costs, and reasonable contingencies related to all of these costs.
- 4.3 If requested by the Architect, the Owner shall furnish evidence that financial arrangements have been made to fulfill the Owner's obligations under this Agreement.
- 4.4 The Owner shall designate a representative authorized to act on the Owner's behalf with respect to the Project. The Owner or such authorized representative shall render decisions in a timely manner pertaining to documents submitted by the Architect in order to avoid unreasonable delay in the orderly and sequential progress of the Architect's services.

- 4.5 The Owner shall retain a construction manager to administer the Project. The Construction Manager services, duties and responsibilities will be described in the edition of AIA Document B801/Cma, Standard Form of Agreement Between Owner and Construction Manager, current as of the date of this Agreement. The Terms and Conditions of the Agreement between Owner and Construction Manager shall be furnished to the Architect and shall not be modified without written consent of the Architect, which consent shall not be unreasonably withheld. The Architect shall not be responsible for actions taken by the Construction Manager.
- 4.6 The Owner shall furnish surveys describing physical characteristics, legal limitations, and utility locations for the site of the Project, and a written legal description of the site. The surveys and legal information shall include, as applicable, grades and fines of streets, alleys, pavements and adjoining property and structures; adjacent drainage; rights-of-way, restrictions, easements, encroachments, zoning, deed restrictions, boundaries and contours of the site; locations, dimensions and necessary data pertaining to existing buildings, other improvements and trees; and information concerning available utility services and lines, both public and private, above and below grade, including inverts and depths. All the information on the survey shall be referenced to a project benchmark.
- 4.7 The Owner shall furnish the services of geo-technical engineers when such services are requested by the Architect. Such services may include but are not limited to test borings, test pits, determinations of soil bearing values, percolation tests, evaluations of hazardous materials, ground corrosion and resistivity tests, including necessary operations for anticipating subsoil conditions, with reports and appropriate professional recommendations.
- 4.7.1 The Owner shall furnish the services of other consultants when such services are reasonably required by the scope of the Project and are requested by the Architect.
- 4.8 The Owner shall furnish structural, mechanical, chemical, air and water pollution tests, tests for hazardous materials, and other laboratory and environmental tests, inspections and reports required by law or the Contract documents. The Architect shall advise the Owner of tests, inspections and reports which may be required to verify Contractor's compliance with the requirement of the construction documents.
- 4.9 The Owner shall furnish all accounting and insurance counseling services as may be necessary at any time for the Project, including auditing services the Owner may require to verify the Contractor's Applications for Payment or to ascertain how or for what purposes the Contractor has used the money paid by or on behalf of the Owner.
- 4.10 The services, information, surveys and reports required by Paragraphs 4.5 through 4.8 shall be furnished at the Owner's expense, and the Architect shall be entitled to rely upon the accuracy and completeness thereof.
- 4.11 Prompt written notice shall be given by the Owner to the Architect and the Construction Manager if the Owner becomes aware of any fault or defect in the Project or nonconformance with the Contract Documents.
- 4.12 The proposed language of certificates or certifications requested of the Architect or Architect's consultants shall be submitted to the Architect for review and approval at least 14 days prior to execution. The Owner shall not request certifications that would require knowledge or services beyond the scope of this Agreement.
- 4.13 The Owner shall furnish the Architect copies of written communications with the Construction Manager and Contractors.

ARTICLE 5

CONSTRUCTION COST

5.1 DEFINITION

- 5.1.1 The Construction Cost shall be the total cost or estimated cost to the Owner of all elements of the Project designed or specified by the Architect.
- 5.1.2 The Construction Cost shall include the cost at current market rates of labor and materials furnished by the Owner and equipment designed, specified, selected or specially provided for by the Architect, plus a reasonable allowance for the Contractor's overhead and profit. In addition, a reasonable allowance for contingencies shall be included for market conditions at the time of bidding and for changes in the Work during construction. Construction Cost shall also include the compensation of the Construction Manager and Construction Manager's consultants.
- 5.1.3 Construction Cost does not include the compensation of the Architect and Architect's consultants, the costs of the land, rights-of-way, financing, or other costs which are the responsibility of the Owner as provided in Article 4.

5.2 RESPONSIBILITY FOR CONSTRUCTION COST

- 5.2.1 Evaluations of the Owner's Project budget, preliminary estimates of Construction Cost and detailed estimates of Construction Cost, if any, prepared by the Architect, represent the Architect's best judgment as a design professional familiar with the construction industry. The Architect's review of preliminary estimates of Construction Cost or detailed estimates of Construction Cost prepared by the Construction Manager is solely for the Architect's guidance in the Architect's preparation of the Construction Documents. It is recognized, however, that neither the Architect nor the Owner has control over the cost of labor, materials or equipment, over the Contractor's methods of determining bid prices, or over competitive bidding, market or negotiating conditions. Accordingly, the Architect cannot and does not warrant the accuracy of the estimates of the Construction Manager, or represent that bids or negotiated prices will not vary from the Owner's Project budget or from any estimate of Construction Cost or evaluation prepared by the Construction Manager or agreed to by the Architect.
- 5.2.2 No fixed limit of Construction Cost shall be established as a condition of this Agreement by the furnishing, proposal or establishment of a Project budget, unless such fixed limit has been agreed upon in writing and signed by the parties hereto. If such a fixed limit has been established, the Architect shall be permitted to include contingencies for design, bidding and price escalation, to determine what materials, equipment, component systems and types of construction are to be included in the Contract Documents, to make reasonable adjustments in the scope of the Project and to include in the Contract Documents alternate bids to adjust the Construction Cost to the fixed limit. Fixed limits, if any, shall be increased in the amount of an increase in the Contract Sum occurring after execution of the Contract for Construction.
- 5.2.3 If the Bidding or Negotiation Phase has not commenced within ninety (90) days after the Architect submits the Construction documents to the Owner, any Project budget or fixed limit of Construction Cost shall be adjusted to reflect changes in the general level of prices in the construction industry between the date of submission of the Construction documents to the Owner and the date on which proposals are sought.
- 5.2.4 If a fixed limit of Construction Cost (adjusted as provided in Subparagraph 5.2-3) is exceeded by the lowest bona fide bid or negotiated proposal, the Owner shall:
 - .1 give written approval of an increase in such fixed limit;

- .2 authorize rebidding or renegotiating of the Project within a reasonable time;
 - .3 if the Project is abandoned, terminate in accordance with Paragraph 8.3; or
 - .4 cooperate in revising the Project scope and quality as required to reduce the Construction Cost.
- 5.2.5 If the Owner chooses to proceed under Clause 5.2.4.4, the Architect, without additional charge, shall modify the Contract Documents as necessary to comply with the fixed limit, if established as a condition of this Agreement. The modification of Contract Documents shall be the limit of the Architect's responsibility arising out of the establishment of a fixed limit. The Architect shall be entitled to compensation in accordance with this Agreement for all services performed whether or not the Construction Phase is commenced.

ARTICLE 6

USE OF ARCHITECT'S DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS

- 6.1 The Drawings, Specifications and other documents prepared by the Architect for this Project are instruments of the Architect's service for use solely with respect to this Project and, unless otherwise provided, the Architect shall be deemed the author of these documents and shall retain all common law, statutory and other reserved rights, including the copyright. The Owner shall be permitted to retain copies, including reproducible copies, of the Architect's Drawings, Specifications and other documents for information and reference in connection with the Owner's use and occupancy of the Project. The Architect's Drawings, Specifications or other documents shall not be used by the owner or others on other projects, for additions to this Project or for completion of this project by others, other than to provide a description of existing conditions, unless the Architect is adjudged to be in default under this agreement, or except by agreement in writing and with appropriate compensation to the Architect.
- 6.1 Submission or distribution of documents to meet official regulatory requirements or for similar purposes in connection with the Project is not to be construed as publication in derogation of the Architect's reserved rights.

ARTICLE 7

DISPUTE RESOLUTION

All questions in dispute under this agreement may be submitted to mediation first. Once either party elects to submit any dispute under the agreement to mediation, the party shall immediately provide written notice of the election to the other party. Each party shall designate their own representative, who shall together within five (5) days after service of the notice of election to try and resolve the dispute. If the parties are not able to resolve the dispute within ten (10) days after the meeting of the designated representatives, then the parties shall appoint a third party, who shall be a competent and impartial party and who shall be acceptable to each party, to mediate the dispute. This mediation shall be scheduled within ten (10) days of the selection of the mediator. Each party shall equally pay all the fees and expenses of the third party mediator. If mediation does not prove acceptable, either party may pursue any available legal remedies or binding arbitration with the American Arbitration Association. Any demand for arbitration shall be made within a reasonable time after the claim or dispute has arisen, but in no event shall a demand for arbitration be made after the date when institution of legal or equitable proceedings based on such claim, dispute or other matter in question would be barred by the applicable statutes of limitations.

ARTICLE 8

TERMINATION, SUSPENSION OR ABANDONMENT

- 8.1 This Agreement may be terminated by either party upon not less than seven days' written notice should the other party fail substantially to perform in accordance with the terms of this Agreement through no fault of the party initiating the termination.
- 8.2 This Agreement may be terminated by the Owner upon not less than seven days' written notice to the Architect in the event that the Project is permanently abandoned. If the Project is abandoned by the Owner for more than ninety (90) consecutive days, the Architect may terminate this Agreement by giving written notice.
- 8.3 Failure of the Owner to make payments to the Architect in accordance with this Agreement shall be considered substantial nonperformance and cause for termination.
- 8.4 If the Owner fails to make payment when due the Architect for services and expenses, the Architect may, upon thirty (30) days written notice to the Owner, suspend performance of services under this Agreement. In the event of a dispute with respect to the amount due the Architect for service and expenses, the Architect shall resume performance upon payment by the Owner of the amount not in dispute and payment into an interest bearing escrow account of the amount which is being disputed.
- 8.5 In the event of termination not the fault of the Architect, the Architect shall be compensated for services performed prior to termination, together with Reimbursable Expenses than due.

ARTICLE 9

MISCELLANEOUS PROVISIONS

- 9.1 Unless otherwise provided, this Agreement shall be governed by the law of the State of Michigan.
- 9.2 Terms of this Agreement shall have the same meaning as those in AIA Document A201/CMA, General Conditions of the Contract for Construction, current as of the date of this Agreement.

- 9.3 Causes of action between the parties to this Agreement pertaining to acts or failures to act shall be deemed to have accrued and the applicable statutes of limitations shall commence to run not later than either the date of Substantial Completion for acts or failures to act occurring prior to Substantial Completion, or the date of issuance of the final Certificate for Payment for acts or failures to act occurring after Substantial Completion, or as provided by Michigan law, whichever is longer.
- 9.4 The Owner and Architect waive all rights against each other and against the Construction Manager, Contractors, consultants, agents, and employees of the other for damages, but only to the extent covered by property insurance during construction, except such rights as they may have to the proceeds of such insurance as set forth in the edition of AIA documents A201-CMa, General Conditions of the Contract for Construction, Construction Manager-Advisor edition, current as of the date of this Agreement. The Owner and Architect each shall require similar waivers from their Construction Manager, contractors, consultants and agents.
- 9.5 The Owner and Architect, respectively, bind themselves, their partners, successors, assigns and legal representatives to the other party to this Agreement and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this Agreement. Neither Owner nor Architect shall assign this Agreement without the written consent of the other.
- 9.6 This Agreement represents the entire and integrated agreement between the Owner and Architect and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both Owner and Architect.
- 9.7 Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Owner or Architect.
- 9.8 Unless otherwise provided in this Agreement, the Architect and Architect's consultants shall have no responsibility for the discovery, presence, handling, removal or disposal of or exposure of persons to hazardous materials in any form at the Project site, including but not limited to asbestos, asbestos products, polychlorinated biphenyl (PCB) or other toxic substances.
- 9.9 The Architect shall have the right to include representation of the design of the Project, including photographs of the exterior and interior, among the Architect's promotional and professional materials. The Architect's materials shall not include the Owner's confidential or proprietary information. The Owner shall provide professional credit for the Architect on the construction sign and in the promotional materials for the Project.
- 9.10 The Architect agrees to indemnify, protect, defend and hold harmless the Owner, its affiliates and the Owner's representative and their respective officers, directors and employees (collectively, "indemnities") against and from all claims, damages, losses, liens, causes of action, suits, judgments and expenses, including reasonable attorney fees of any kind or description (collectively, "liabilities") directly resulting from or arising out of negligent acts, errors or omissions in the professional services provided by the Architect to the Owner pursuant to this agreement.
- 9.11 The Owner agrees to indemnify, protect, defend and hold harmless the Architect and their respective officers, directors and employees (collectively, "indemnities") against and from all claims, damages, losses, liens, causes of action, suits, judgments, and expenses, including reasonable attorney fees of any kind or description (collectively "liabilities") directly resulting from or arising out of the negligent acts, errors or omissions in the services provided by the Owner pursuant to this agreement.
- 9.12 The Architect agrees, at no cost to the Owner, to obtain and will maintain for the life of this contract the coverage as indicated on the attached sample certificates of insurance.

All such insurance shall be obtained from insurance companies authorized to do business in the State of Michigan, shall be non-cancelable or amendable by endorsement without thirty (30) days prior written notice to Owner, and shall be evidenced by certificates of insurance to be delivered to Owner upon execution of this agreement. Architect states that no insured, and/or his predecessor(s) in business has/have knowledge of any pending claim under these policies other than those disclosed in writing to Owner at the time of contract execution.

- 9.13 Latent Conditions: This project includes remodeling, alteration or rehabilitation work. Architect shall exercise the standard level of care in completing such work. However, Client understands and acknowledges that certain design and technical decisions are made on 'assumptions based upon readily available documents and visual observations of existing conditions. Architect shall not perform any destructive testing or opening of any concealed portions of Project in order to ascertain its actual conditions. Architect shall not be held responsible for latent conditions subsequently discovered. In the event that Architect's assumptions, made in good faith and in accordance with industry standards, prove to be incorrect, Client agrees that Architect shall not be held responsible for the performance of any additional work or costs required to correct any ensuing problems based on such assumptions.

ARTICLE 10

PAYMENTS TO THE ARCHITECT

10.1 DIRECT PERSONNEL EXPENSE

- 10.1.1 Direct Personnel Expense is defined as the direct salaries of the Architect's personnel engaged on the similar Project and the portion of the cost of their mandatory and customary contributions and benefits related thereto, such as employment taxes and other statutory employee benefits, insurance, sick leave, holidays, vacations, pension contributions, and benefits.

10.2 REIMBURSABLE EXPENSES

- 10.2.1 Reimbursable Expenses are in addition to compensation for Basic and Additional Services and include expenses incurred by the Architect and Architect's employees and consultants in the interest of the Project, as identified in the following Clauses.
- .1 Expense of transportation other than to the job site in connection with the Project; expenses in connection with authorized out-of-town travel; long-distance communications; and fees paid for securing approval of authorities having jurisdiction over the Project.
 - .2 Expense of reproductions, postage and handling Drawings, Specifications, and other documents.
 - .3 If authorized in writing in advance by the Owner, expense of overtime work requiring higher than regular rates.
 - .4 Expense of formalized renderings, models and mock-ups requested by the Owner in writing.
 - .5 Expense of additional insurance coverage or limits, including professional liability insurance, requested by the Owner in excess of that normally carried by the Architect and Architect's consultants.

10.3 PAYMENTS ON ACCOUNT OF BASIC SERVICES

- 10.3.1 An initial payment as set forth in Paragraph 11.1 is the minimum payment under this Agreement.
- 10.3.2 Subsequent payments for Basic Services shall be made monthly and, where applicable, shall be in proportion to services performed within each phase of service, on the basis set forth in Subparagraph 11.2.2.
- 10.3.3 If and to the extent that the time initially established in Subparagraph 11.5.1 of this Agreement is exceeded or extended through no fault of the Architect, compensation for any services rendered during the additional period of time shall be computed in the manner set forth in Subparagraph 11.3.2.
- 10.3.4 When compensation is based on a percentage of Construction Cost and any portions of the Project are deleted or otherwise not constructed, compensation for those portions of the Project shall be payable to the extent services are performed on those portions, in accordance with the schedule set forth in Subparagraph 11.2.2, based on (1) the lowest bona fide bid or negotiated proposal, or (2) if no such bid or proposal is received, the most recent preliminary estimate of Construction Cost or detailed estimate of Construction Cost for such portions of the Project.

10.4 PAYMENTS ON ACCOUNT OF ADDITIONAL SERVICES

- 104.1 Payment on account of the Architect's Additional Services and for Reimbursable Expenses shall be made monthly upon presentation of the Architect's statement of services rendered or expenses incurred.

10.5 PAYMENTS WITHHELD

- 10.5.1 No deductions shall be made from the Architect's compensation on account of penalty, liquidated damages or other sums withheld from payments to Contractors, or on account of the cost of changes in the Work other than those for which the Architect has been found to be liable.

10.6 ARCHITECT'S ACCOUNTING RECORDS

- 10.6.1 Records of Reimbursable Expenses and expenses pertaining to Additional Services and services performed on the basis of a multiple of Direct Personnel Expense shall be available to the Owner or the Owner's authorized representative at mutually convenient times.

ARTICLE 11

BASIS OF COMPENSATION

The Owner shall compensate the Architect as follows:

- 11.1** AN INITIAL PAYMENT OF ZERO Dollars (\$ 0.00) shall be made upon execution of this Agreement and credited to the Owner's account at final payment.

11.2 BASIC COMPENSATION

11.2.1 FOR BASIC SERVICES, as described in Article 2, and any other services included in Article 12 as part of Basic Services, Basic Compensation shall be computed as follows:

a fixed fee equal to Eighty Two Thousand Five Hundred (\$82,500.00) Dollars.

11.2.2 Where compensation is based on a stipulated sum or percentage of Construction Cost, progress payments for Basic Services in each phase shall total the following percentages of the total Basic Compensation payable:

Schematic Design Phase	Ten	(10%) percent
Design Development Phase:	Fifteen	(15.0%) percent
Construction Documents Phase:	Fifty five	(55.0%) percent
Bidding or Negotiation Phase:	Five	(5.0%) percent
<u>Construction Phase-</u>	<u>Fifteen</u>	<u>(15.0%) percent</u>
Total Basic Compensation:	One hundred	(100.0%) percent

TOTAL COMPENSATION FOR BASIC SERVICES, AND REIMBURSABLE EXPENSES SHALL NOT EXCEED \$85,500.00 unless modified in writing by both parties.

11.3 COMPENSATION FOR ADDITIONAL SERVICES

11.3.1 FOR PROJECT REPRESENTATION BEYOND BASIC SERVICES, as described in Paragraph 3.2, compensation shall be computed as follows:

Only with prior written approval by Owner.

See attached Billing Rate Schedule, Article 13.

11.3.2 FOR ADDITIONAL SERVICES OF THE ARCHITECT, as described in Articles 3 and 12, other than (1) Additional Project Representation, as described in Paragraph 3.2, and (2) services included in Article 12 as part of Additional Services, but excluding services of consultants, compensation shall be computed as follows:

Only with prior written approval by Owner.

See attached Billing Rate Schedule, Article 13.

11.3.3 FOR ADDITIONAL SERVICES OF CONSULTANTS, including additional structural, mechanical and electrical engineering services and those provided under Subparagraph 3.4.19 or identified in Article 12 as part of Additional Services, a multiple of one and five hundredths (1.05) times the amounts billed to the Architect for such services.

11.4 REIMBURSABLE EXPENSES

11.4.1 FOR REIMBURSABLE EXPENSES, as described in Paragraph 10.2, and any other items included in Article 12 as Reimbursable Expenses, a multiple of One and one tenth (1.10) times the expenses incurred by the Architect, the Architect's employees and consultants in the interest of the Project. Reimbursable fees shall not exceed Three Thousand (\$3,000.00) Dollars.

11.5 ADDITIONAL PROVISIONS

- 11.5.1 If the basic services covered by this Agreement have not been completed within twelve (12) months of the date hereof, through no fault of the Architect, extension of the Architect's services beyond that time shall be compensated as provided in Subparagraphs 10.3.3 and 11.3.2.
- 11.5.2 Payments are due and payable forty-five (45) days from the date of the Architect's invoice. Amounts unpaid Ninety (90) days after the invoice date shall bear interest at the rate of one and one half (1 1/2) percent annually.

ARTICLE 12

OTHER CONDITIONS OR SERVICES

- 12.1 To the fullest extent permitted by law, Architect's total liability to the Client, except for Architect's gross negligence, for any and all injuries, claims, liabilities, losses, costs, expenses or damages whatsoever arising out of or in any way related to the Works or this Agreement from any cause or causes including, but not limited to, Architect's negligence, errors, omissions or breach of contract, shall not exceed the total compensation received by Architect under this agreement.
- 12.2 This Agreement anticipates the City of Troy engaging a Construction Manager for this project. If a Construction Manager is selected the Construction Manager will be responsible for the submission of all estimates of probable construction cost during the design phases of the Work that the Construction Manager is involved with. The Construction Manager will be responsible for the cost of printing of all bidding documents, and the solicitation and review of bids.
- 12.3 Professional fees for Furniture, Fixtures and Equipment design, specification and procurement are not included in this Agreement.

ARTICLE 13

BILLING RATE SCHEDULE

<u>CLASSIFICATION</u>	<u>HOURLY RATE</u>
Principal Architect	\$90.00
Junior Architectural Technician	\$35.00
Mid-level Architectural Technician	\$40.00
Senior Architectural Technician	\$45.00
Principal Designer	\$90.00
Staff Interior Designer	\$45.00
Design Technician	\$45.00
Junior Interior Designer	\$35.00
Principle CAD	\$50.00
Senior CAD	\$45.00
Mid-level CAD	\$40.00
Junior CAD	\$35.00

This agreement is entered into as of the day and year first written above, by the following signatories who are legally empowered and authorized to execute this agreement.

OWNER: The City of Troy, Michigan

(Signature) _____
Matt Pryor, Mayor

(Signature) _____
Tonni Bartholomew, City Clerk

ARCHITECT: JSN Design, Inc.

(Signature) _____
Joseph S. Novitsky, AIA, President

HISTORIC DISTRICT COMMISSION MINUTES-FINAL MAY 21, 2002

MEETING CALLED TO ORDER AT 7:36 P.M. ON TUESDAY, MAY 21, 2002.

PRESENT: Kevin Danielson, Chair
 Dorothy Scott
 Jacques O. Nixon
 Marjorie Biglin
 Wilson (Deane) Blythe

STAFF: John M Skeens, Education Coordinator/Museum

ABSENT (EXCUSED): Paul Lin

GUEST: Jack Turner

ITEM #1 APPROVAL OF MINUTES OF MEETING OF MARCH 19, 2002.

MOVED BY NIXON, SECONDED BY DANIELSON TO APPROV THE MINUTES OF THE MEETING OF MARCH 19, 2002 AS WRITTEN.

Yes: 5- YES. Danielson, Scott, Nixon, Biglin, Blythe.

ITEM#2 NEW BUSINESS

A. Assignment of Secretary:

MOVED BY NIXON AND SECONDED BY DANIELSON, TO NOMINATE BIGLIN AS SECRETARY.

Yes: 5- YES. Danielson, Scott, Nixon, Biglin, Blythe.

B. Welcome new member:

Wilson (Deane) Blythe, 35 year resident of the City of Troy.

ITEM#3 OLD BUSINESS

A. **770 W. Square Lake Rd:** Tabled

B. **Church and Parsonage:** Nixon advised the Commission of the anticipated date of for the Church and Parsonage move, approximately in July or August 2002. Discussed the existing lawsuit in the Michigan Court of Appeals. Determined that the Commission is not the Plaintiff in the case. The Commission has already passed its approval to move the Church and Parsonage.

C. **Flyer Program:**

- a. Continuing to wait for a response from the CITY ATTORNEY on the legal status of the brochure "To Preserve Our Heritage". It was discussed that homes 50 years old and older receive the brochure to make them aware of having their homes designated as historic. It was further discussed that an article should be run in the quarterly newsletter the Troy Today to make people more aware of the Commission in the Community.
- b. Historical Site Informational Booklet. John Skeens discussed with Farmington's Director about how their Informational booklet was put together. Work on obtaining markers etc. Markers to be designated if private or public monies used. Dorothy Scott inquired as to the status on the Beach Road Cemetery marker. John Skeens advised that the project was still in progress and that Parks and Recreation would be placing a boulder at the entrance way to the cemetery.

D. **Yamasaki Designation:** A synopsis of Minoru Yamasaki prestigious architectural landmarks which impacted the 20th century. The synopsis is attached and submitted to City Council. Jacques Nixon requested that historical designation be submitted. Dorothy Scott to locate submission papers. Secretary to fill out paperwork upon receipt. With council approval the Commission plans to proceed with historic designation.

MOVED BY DANIELSON AND SECONDED BY NIXON, TO SEND SYNOPSIS TO CITY COUNCIL WITH SUMMARY OF YAMASAKI'S ACCOMPLISHMENTS.

Yes: 5- YES. Danielson, Scott, Nixon, Biglin, Blythe.

E. **Commemorative Bench at the Veterans Memorial:** Discussed the purchase of bricks for \$7,000 from the 2001/2002 HDC budget. A list is being compiled of veterans from the Revolutionary War, War of 1812, Mexican War, Civil War and Spanish American War to be placed at the Veterans Memorial in front of City Hall.

MOVED BY NIXON SECONDED BY BIGLIN, TO SEND A REQUEST FOR \$7,000 TO CITY MANAGEMENT FOR THE COST OF THE BRICKS. AND TO FORWARD AND UPDATED LIST OF VETERANS TO THE VETERANS COMMITTEE CHAIRMAN JACK TURNER.

Yes: 5- YES. Danielson, Scott, Nixon, Biglin, Blythe.

F. **Historic site evaluation in Troy:** Recommendation made to see if money is available as pointed out in an article brought in by Scott about a historical site evaluation being conducted in Pontiac, Michigan.

ITEM #4 OTHER

A. **Historic site #10-101-032 a.k.a. Krell Property:** Discussed the sale of the Krell Property. Proposed marker designation identifying the length of time the Krell's and others lived there. The structure was demolished in 1995-96. Further discussion of Mr. Szerlag request for a meeting on 5/29/02 is changed to an evening meeting. Further approximately 25 to 30 thousand dollars to be used for a park when the church and parsonage is removed from historic site #10-101-104.

The Historic District Commission meeting adjourned at 8:31 p.m.

The next regular meeting is scheduled for Tuesday, June 18, 2002 at 7:30 PM at the Troy City Hall in Conference Room C.

Sincerely

John M Skeens
Education Coordinator/Museum

HISTORIC DISTRICT COMMISSION MINUTES-DRAFT

JUNE 18, 2002

MEETING CALLED TO ORDER AT 7:34 P.M. ON TUESDAY, JUNE 18, 2002.

PRESENT: Kevin Danielson, Chair
Dorothy Scott
Paul Lin
Marjorie Biglin
Wilson (Deane) Blythe

STAFF: John M Skeens, Education Coordinator/Museum

GUEST: Jack Turner, Veterans Committee Chairman

ABSENT (EXCUSED): Jacques Nixon (excused)

ITEM #1 APPROVAL OF MINUTES OF MEETING OF MAY 21, 2002.

MOVED BY DANIELSON SECONDED BY BIGLIN APPROVAL OF THE MINUTES OF THE MEETING OF MAY 21, 2002 AS WRITTEN.

Yes: 5--Danielson, Scott, Lin, Biglin, Blythe.

ITEM# 2 Moved forward from Agenda - Comemerative bricks at the Veterans Memorial

- A. Jack Turner , Veterans Committee Chairman, spoke about the Veterans Memorial brick project. WW I will not be included in the project; not historical. Scott moved to keep 2 veterans of the Toledo War on separate bricks. All bricks will be ordered per Turner.

Jack Turner was advised to prepare an invoice for the cost of the bricks so as to take advantage of the 2001 budget. Requisition due before 6/30/2002. Veterans Day was suggested by Turner for the presentation of the veterans bricks.

Lin commented on the diversity of all veterans inclusive of the Asian/Americans that were also in these wars.

ITEM # 3 NEW BUSINESS

- A. Scott informed committee of Mr. Don Philips, building inspector giving misinformation to owner at 6059 Livernois 6091? Basement filled with water. City trying to demolish? Recommendation by Lin to call liaison, Mitch and inform of the situation and get legal requirements. It was stated that a memo needed to be drafted to council to advise departments of handling of work related to historic sites.

ITEM # 4 OLD BUSINESS

- A. 770 W. Square Lake Road Historic Site # 04-301-012 Tabled. Lin noted that he would check windows.
- B. Update of Historic Site # 10-101-104 (Church and Parsonage/Historic Park)
Update of Historic Site # 10-101-032 (Krell Property) John's Party Store. Mentioned ad hoc committee attended by Nixon and Turner. No report available in Nixon's absence
General discussion. Scott mentioned Judge Mester hearing on the issue. Scott stated that he judge should not have ruled to have the site moved. Commission's responsibility. Scott stated that Chapter 13 does not provide for moving church. Also, stated that the commission

(at that time, i.e. prior to the judges ruling) did approve for the movement of these buildings to the green area.

Scott and Lin indicated that the commission should be working on getting an historical passage way on Square Lake from Troy Cemetery (east of Rochester Rd.) to Crooks Road. A new study group (ad hoc) should be formed by the commission, with commission members doing the study. Lin commented, the corridor development should integrate/incorporate a plan utilizing the ad hoc recommendations.

- C. Flyer Program. Pending city attorney's legal review.
- D. Yamasaki Designation. Tabled for further study.
- E. See item above.
- F. Historic Site Evaluation. Motion by Lin to have a feasibility study of the Square Lake Corridor is one historic district as referenced in item B above.

MOTION: By Lin, seconded by Danielson

Yes: 5--Scott, Lin, Blythe, Biglin, Danielson

Motion passed.

The Historic District Commission meeting adjourned at 9:30 p.m.

The next regular meeting is scheduled for Tuesday, July 16, 2002 at 7:30 PM at the Troy City Hall in Conference Room C.

Respectively Submitted

Marjorie Biglin
Secretary

The meeting was called to order at 7:37 p.m. by James Moseley in the Lower Level Conference Room.

PRESENT: Anita Elenbaum
W. Stan Godlewski
James Moseley
James Peard
Sergeant George Zielinski
Terry Colussi, Clerk/Typist

ABSENT: David Balagna
Max Ehler
Thomas Sawyer
Stephanie Robotnik

Moved by Godlewski, seconded by Peard, to EXCUSE the absent member(s).
APPROVED unanimously

Moved by Peard, seconded by Godlewski, to APPROVE the minutes of the May 13, 2002 meeting as printed.
APPROVED unanimously

AGENDA ITEMS:

1. **TROY HOTEL PROPERTY, LLC AND MEI HOLDINGS**, LLC as Co-licensee's, requests to transfer ownership of 2000 Class C licensed business with 2 Direct Connections located in escrow at Twelve Oaks Mall, 27302 Novi, Novi, MI 48377, Oakland County, from **JONATHAN B PUB OF NOVI, INC.**; transfer location (governmental unit) (MLCC 436.1531 (1) to 1495 Equity, W., Troy, MI 48084, Oakland County; and requests a new DM license to be held in conjunction. [MLCC REQ ID# 169319]

Present to answer questions from the committee were Sandy Cotter, Attorney for Troy Hotel Property and Melissa Whitcomb, General Manager of the Homewood Suites Property.

Cotter explained that the Homewood Suites would be completed at the end of August or early September. The business is considered a long-term residence; generally the stays are between 5 days to months. One of the purposes for their location is to accommodate Arvin Meritor. This establishment will offer a nearby business that has a home atmosphere. The license is now in escrow in the City of Novi and is to be transferred into Troy.

Moseley requested a schematic of the building and it was presented to the Committee by Cotter. The Committee also requested information on the distribution and location of the liquor. The liquor will be served by wait-staff that has been trained per Michigan law. They will have supervisors that have the TIPS training on duty. Sgt. Zielinski was asked the reputation and background of the Hilton Properties. He reported that they have a good reputation. The two principle owners are out of Cleveland, Ohio and check clear.

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

2. **TROY PARADISE, INC.** requests a **new Specially Designated Distributor (SDD)** license, located at 2945 John R, Troy, Michigan 49085, Oakland County, to be help in conjunction with proposed **new Specially Designated Merchant (SDM)** license. [MLCC REQ ID# 186120]

Postponed and to be presented at the August, 2002 meeting. They are waiting for building inspections to be approved.

Sgt. Zielinski will confirm the number of SDD licenses that are available and the number allotted.

Moved by Godlewski, seconded by Peard, to ADJOURN the meeting at 8:10 p.m.
APPROVED unanimously

ML/tc

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, July 10, 2002, at City Hall in Conference Room C. The meeting was called to order at 3:02 p.m.

TRUSTEES PRESENT: Mark Calice (arrived 3:04 p.m.)
 Robert Crawford
 Thomas Houghton, Chair
 John M. Lamerato
 Anthony Pallotta
 John Szerlag

ALSO PRESENT: Charles Campbell
 Laura Fitzpatrick

MINUTES

Resolution # 02-26

Moved by Pallotta

Seconded by Szerlag

RESOLVED, that the minutes of the June 12, 2002 meeting be approved.

Yeas: All 6

OTHER BUSINESS

Election Results

Resolution # 02-27

Moved by Lamerato

Seconded by Pallotta

RESOLVED, that due to fact that Andrew Breidenich withdrew his name from consideration on July 10, 2002 because of his interest to have a balanced representation of employees on the Board, THEREFORE BE IT FURTHER *RESOLVED*, that Charles Campbell, who received the second highest number of votes, be appointed to the Board to fill the unexpired term of Mark Halsey ending December 31, 2003.

Yeas: All 6

Reciprocal Retirement Act

The Board will review a draft amendment to Chapter 10 at the next meeting.

RETIREMENT REQUESTS

Resolution # 02-28

Moved by Pallotta
Seconded by Lamerato

RESOLVED, that the retirement request of Cecilia A. Brukwinski previously approved be rescinded upon request of employee.

Yeas: All 6
Absent: Szerlag

Motion stands by its own merits without Campbell's vote being not considered as part of the final vote tally.

Resolution # 02-29

Moved by Pallotta
Seconded by Lamerato

RESOLVED, that the non-duty disability retirement request of Eilene Hazel, 7-10-02, be approved.

Yeas: All 4
Nays: Campbell, Crawford
Absent: Szerlag

Motion stands by its own merits without Campbell's vote being not considered as part of the final vote tally.

INVESTMENTS

Resolution # 02-30

Moved by Lamerato

Seconded by Campbell

RESOLVED, that the Board buy the following bonds:

\$500,000 Household Finance Corp., 5.25%, due 7/15/06

\$500,000 General Electric Capital Corp., 6.25%, due 7/17/17

Yeas: All 6

Absent: Szerlag

Motion stands by its own merits without Campbell's vote being not considered as part of the final vote tally.

The next meeting is August 14, 2002 at 3:00 p.m. at the Troy City Hall in Conference Room C.

The meeting adjourned at 4:22 p.m.

John M. Lamerato, Secretary

HISTORIC DISTRICT COMMISSION MINUTES-DRAFT JULY 16, 2002

MEETING CALLED TO ORDER AT 7:33 P.M. ON TUESDAY, JULY 16, 2002.

PRESENT: Kevin Danielson, Chair
 Dorothy Scott
 Paul Lin
 Marjorie Biglin
 Wilson (Deane) Blythe
 Jacques Nixon

STAFF: John M Skeens, Education Coordinator/Museum
 Lori Bluhm, Attorney for City of Troy
 Brian Stoutenburg, Library Director
 Councilman Martin Howrylak

GUESTS: Audrey Zembrzuski
 Jack Turner

ABSENT: All present

ITEM # 1 MINUTES OF MEETING OF JUNE 18, 2002 UNAVAILABLE.

ITEM # 2 NEW BUSINESS

- A. Bob Hobert of 36551 Dequindre site # 25-230-030 change from residential to office.

ITEM # 3 OLD BUSINESS

- A. Lin presented his written motion based upon a vote to have the commission do a feasibility study on the Square Lake Corridor concept. Much criticism ensued. It was noted that the Planning Commission meeting is coming within 2 weeks. Nixon presented another motion which was further discussed and not approved.

Motion made by Nixon and seconded by Biglin.

MOTION: To allow the City of Troy to apply to the Troy Historic District Commission to move the church and parsonage to museum green.

3 Yes: Nixon, Biglin, Blythe 3 No: Lin, Scott, Danielson

Motion Tied: Application Denied.

It was stated by Nixon that since the vote did not go through, the City of Troy will have to appeal to the State Historic Preservation Review Board unless the votes were reconsidered. All voted for reconsideration with the exception of Scott to not reconsider. It was decided to wait a week and return for a single agenda meeting to vote again on the application to begin. Meeting for the purpose of the church and parsonage reconsideration and written motion scheduled: 7/23/2002.

Motion made by Nixon and seconded by Biglin.

MOTION: to set aside and table Application Motion for further discussion on 7/23/2002.

5 Yes: Nixon, Biglin, Blythe, Lin, Danielson 1 No: Scott

Motion Approved

- B. Flyer Program. Attorney set back with this project due to other litigation she is handling at this time. Item tabled.
- C. Yamasaki Designation. Skeens to gather historical background. Tabled till September.
- D. Combative Bricks. 183 names to be placed on bricks. Veterans Day as suggested by Jack Turner, Vets Chair, to be presentation day for the veterans bricks. An invoice for brick payment was not submitted to the city, therefore, the 2002 budget was not utilized. A cut off date was asked of Mr. Turner by Skeens. Danielson suggested mid August to stop researching.

MOTION: To hold the release of \$7,000.00 from 2002 budget towards brick purchase.

5 Yes: Biglin, Blythe, Lin, Danielson, Scott Excused: Nixon

Motion Passed.

- E. Historic signage. Noted that the signage should be consistent throughout the city. Tabled for now.
- F. 770 Square Lake – Tabled.

OTHER

- A. Scott requested how to pursue a copy of a road map showing the gas line positions on Square Lake Road before Krell property was removed.

The Historic District Commission meeting adjourned at 9:30 p.m.

The next meeting, single agenda, is scheduled for Tuesday, July 15, 2002 at 7:30 PM at the Troy City Hall in Conference Room C.

Respectively Submitted

Marjorie Biglin
Secretary

DRAFT

The Traffic Committee meeting was called to order at 7:30 p.m. in the Lower Level Conference Room at Troy City Hall on July 17, 2002 by Charles Solis, Chairperson.

PRESENT: Ted Halsey
Jan Hubbell
Richard Kilmer
Robert Schultz
Charles Solis

ABSENT: John Diefenbaker
Eric Grinnell

Also present: Lt. Robert Rossman, Troy Police Department
John Abraham, Traffic Engineer
Lt. Robert Matlick, Fire Department

and Item 9 Dale Garrett, 5877 Livernois, Suite 103, Troy

2. Minutes – June 19, 2002

Motion by Kilmer
Seconded by Schultz

To approve the June 19, 2002 minutes as printed--with one addition to Item 9, Public Hearing. Mr. Schultz wants added to the minutes the fact that he asked whether Victor DeFlorio had signed an Agreement for Irrevocable Petition for Sidewalks for Rhode Island Drive, and was assured by staff that he had.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

Motion to Excuse

Motion by Halsey
Seconded by Kilmer

To excuse Mr. Grinnell and Mr. Diefenbaker.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

PUBLIC HEARINGS

3. Request for Sidewalk Waiver – 6758 Barabeau

Mike Johnson is requesting a waiver for the sidewalk at 6758 Barabeau. The sidewalk ordinance requires that sidewalk be installed in conjunction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for irrevocable Petition for Sidewalks."

The Public Hearing was declared open.

No one wished to be heard.

The Public Hearing was declared closed.

RESOLUTION #2002-7

Motion by Kilmer

Seconded by Schultz

WHEREAS, City of Troy Ordinances, Chapter 34, Section 8 (D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Mike Johnson has requested a temporary waiver of the requirement to construct a sidewalk on the property because Barabeau is already developed with no sidewalks existing.

WHEREAS, the Traffic Committee has determined the following:

- a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and
- b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and
- c. The construction of a new sidewalk on the property line would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 6758 Barabeau, which is owned by Mike Johnson.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

4. Request for Sidewalk Waiver – 1770 Hartshorn

Olympus Corporation is requesting a waiver for the sidewalk at 1770 Hartshorn. The sidewalk ordinance requires that sidewalk be installed in conjunction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks." Petitioner states that trees, ditch and catch basin are in the way of the potential sidewalk area.

The public hearing was declared open.

No one wished to be heard.

The public hearing was declared closed.

The Traffic Engineer presented aerial photographs of the area. The waiver requests this month include three contiguous parcels on Hartshorn. There are no sidewalks adjacent to these three parcels; however, the sidewalk starts again four parcels to the north.

Committee members also felt that to complete sidewalks in a street, it should start somewhere and that this three-parcel piece of sidewalk will be a good start.

RESOLUTION #2002-8

Motion by Hubbell

Seconded by Schultz

WHEREAS, City of Troy Ordinances, Chapter 34, Section 8 (D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Olympus Corporation has requested a temporary waiver of the requirement to construct a sidewalk because Hartshorn is already developed with no adjacent sidewalks existing, and

WHEREAS, the Traffic Committee has determined, after a public hearing, that Petitioner failed to establish the standards justifying the granting of a waiver,

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee **denies** a waiver of the sidewalk requirement for the property at 1770 Hartshorn, which is owned by Olympus Corporation.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

5. Request for Sidewalk Waiver – 1778 Hartshorn

Olympus Corporation is requesting a waiver for the sidewalk at 1778 Hartshorn. The sidewalk ordinance requires that sidewalk be installed in conjunction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks." Petitioner states that trees, ditch and catch basins are in the way of the potential sidewalk area.

The public hearing was declared open.

No one wished to be heard.

The public hearing was declared closed.

The Traffic Engineer presented aerial photographs of the area. The waiver requests this month include three contiguous parcels on Hartshorn. There are no sidewalks adjacent to these three parcels; however, the sidewalk starts again four parcels to the north.

Committee members also felt that to complete sidewalks in a street, it should start somewhere and that this three-parcel piece of sidewalk will be a good start.

RESOLUTION #2002-9

Motion by Schultz

Seconded by Hubbell

WHEREAS, City of Troy Ordinances, Chapter 34, Section 8 (D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Olympus Corporation has requested a temporary waiver of the requirement to construct a sidewalk because Hartshorn is already developed with no adjacent sidewalks existing. and

WHEREAS, the Traffic Committee has determined, after a public hearing, that Petitioner failed to establish the standards justifying the granting of a waiver,

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee **denies** a temporary one-year waiver of the sidewalk requirement for the property at 1778 Hartshorn, which is owned by Olympus Corporation.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

6. Request for Sidewalk Waiver – 1786 Hartshorn

Olympus Corporation is requesting a waiver for the sidewalk at 1786 Hartshorn. The sidewalk ordinance requires that sidewalk be installed in conjunction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks." Trees, ditch, and catch basin are in the way of the potential sidewalk area.

The public hearing was declared open.

No one wished to be heard.

The public hearing was declared closed.

The Traffic Engineer presented aerial photographs of the area. The waiver requests this month include three contiguous parcels on Hartshorn. There are no sidewalks adjacent to these three parcels; however, the sidewalk starts again four parcels to the north.

Committee members also felt that to complete sidewalks in a street, it should start somewhere and that this three-parcel piece of sidewalk will be a good start.

RESOLUTION #2002-10

Motion by Hubbell

Seconded by Schultz

WHEREAS, City of Troy Ordinances, Chapter 34, Section 8 (D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Olympus Corporation has requested a temporary waiver of the requirement to construct a sidewalk because Hartshorn is already developed with no adjacent sidewalks existing, and

WHEREAS, the Traffic Committee has determined, after a public hearing, that Petitioner failed to establish the standards justifying the granting of a waiver,

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee **denies** a waiver of the sidewalk requirement for the property at 1786 Hartshorn, which is owned by Olympus Corporation.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

REGULAR BUSINESS

Motion by Hubbell
Seconded by Schultz

To take Item 9 out of order.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

9. Revise Fire Lanes at 4770 Rochester Road.

Lt. Matlick feels that the present parking arrangement at 4770 Rochester Road does not allow sufficient space for access by emergency vehicles. He would like to see two handicap spaces on the south side, two in the center and at least one on the north side removed and posted as fire lanes, and the north side driveway should also be posted.

The Troy Fire Department requests establishment of fire lanes at 4770 Rochester Road. Section 8.28, Chapter 106, Troy City Code, provides for the establishment of fire lanes on private property. The Fire Department recommends that the fire lanes shown on the attached sketch be provided to allow proper deployment of and travel by emergency vehicles (fire, police, medical).

Dale Garrett addressed the committee, and expressed concerns that the building already has fewer parking spaces than ordinarily required by City Ordinances. Taking away six more would place the building even more out of compliance. Lt. Matlick thought a compromise could be worked out to ensure safety for the building occupants and still provide for sufficient parking.

Motion by Halsey
Seconded by Schultz

Recommend that the fire lanes/tow away zones be established at 4770 Rochester Road in accordance with plans to be worked out between the Fire Department and Mr. Garrett.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

7. **Install NO LEFT TURN Signs from the Shell Gas Station (SE Corner) onto Rochester Road at Wattles Road.**

Our annual review of high crash locations indicated that there are a number of crashes related to left turns from the gas station onto Rochester Road. These crashes also resulted in a number of injuries, since a considerable number were "broadside" crashes.

In 2000 there were 12 crashes related to the two Shell gas station drives, out of which 10 were angle or broadside crashes, two involving injuries. In 2001, there were 15 angle crashes, including 3 that involved injuries. More than 80% of these crashes in 2000 and 2001 occurred between 7:30 a.m. and 6:30 p.m.

The intersection of Rochester and Wattles is one of the busier intersections in the City, carrying around 60,000 vehicles in a day. This intersection is also in the top ten high-crash locations for 2000 and 2001. As can be seen in the intersection aerial photograph, the first driveway of the gas station is 54 feet south of Wattles, while the second driveway is 160 feet south of Wattles. The left turn lane for northbound Rochester to Wattles is around 200 feet, which means that a vehicle turning left from the gas station has to cross three lanes of traffic before turning onto the southbound lanes.

Attached are copies of all the individual crash diagrams drawn by the police officers on the crash reports. It can be seen that more than 95% of all angle crashes happened in the center lane, when two lanes of northbound traffic stop to let the vehicle out of the driveway, and a vehicle in the left turn center lane who cannot see the vehicle trying to make the left turn collides broadside. Since the northbound vehicles are stopped to let the left turn vehicle exit, this vehicle also has little chance of seeing vehicles in the center lane approaching the intersection. This crash trend can be attributed both to the left turning vehicle taking high risk and the vehicles in the center lane approaching at high speeds.

The committee felt that the crash history was more than sufficient to recommend prohibiting left turns from this gas station.

Motion by Schultz
Seconded by Kilmer

Recommend installing NO LEFT TURN Signs from the Shell Gas Station (SE Corner) onto Rochester Road at Wattles Road.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

The Traffic Engineer also presented a new concept to prevent center lane crashes similar to the experience at this intersection. He was approached by a supplier of flexible poles that rebound on impact. These poles do not damage the vehicles if they are run over and spring back up after the vehicle passes over. This provides a very effective physical and psychological barrier if installed along the double yellow lines south of the intersection. This will reinforce the left turn prohibition and serve as a barrier. To prevent motorists from illegal use of the center lane, these poles could be installed at a 45-degree angle in the center lane to provide a physical barrier.

The Traffic Committee and Lt. Rossman thought this might be a viable idea to prevent the hazardous crashes happening in the center lanes and felt the intersection of Rochester and Wattles would be an ideal site for a test project. They requested the Traffic Engineer to consider designing optimal left turn storage at the intersection and explore how these would work with snow plows.

8. Install STOP or YIELD Sign on Flower Hill at Seasons.

Troy Police Officer J. Novak requested that the above intersection be examined for traffic controls. Officer Novak responded to a crash at the intersection and reported that because there are no traffic control devices the traffic flow at the intersection is uncontrolled.

Flower Hill is a short street that runs south off Long Lake Road and ends at Seasons, serving as a major entrance to the subdivision. Flower Hill also meets Seasons at an angle to form a skewed intersection. There are some plantings on the Flower Hill median, and our Parks and Recreations Department has been asked to trim the foliage. The skewed intersection and the plantings present a small sight obstruction to traffic approaching Seasons from Flower Hill. Since this is a "T" intersection, traffic on Seasons has the right-of-way at the intersection, as opposed to traffic on Flower Hill, which is the leg of the "T."

Flower Hill carries around 1,800 vehicles per day, while Seasons carries around 1,000 vehicles per day (in both directions). A crash analysis shows no other reported crashes in the past three years.

Motion by Schultz

There was no second to this motion.

To recommend installing STOP sign on Flower Hill at Seasons.

Motion by Hubbell

Seconded by Schultz

To recommend installing a YIELD sign on Flower Hill at Seasons.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

10. Visitors' Time

No one appeared to address any items not on the agenda.

11. Other Business

Mr. Halsey asked the Traffic Engineer to investigate the traffic signal timing at Livernois and Maple. Eastbound Maple to northbound Livernois traffic is usually backed up as a result of there being insufficient green time to complete the left turn.

Mr. Schultz expressed his gratitude to everyone who helped get the left-turn lane and signal installed at Crooks and Kirks. The intersection is safer and traffic flows more smoothly.

Mr. Kilmer had concerns about the traffic and speeding on Hartshorn. This month's agenda included a speed study report that shows no major speeding on Hartshorn between 4:00 and 5:00 p.m. However, Mr. Kilmer feels there is more traffic between 5 and 9 p.m. He thinks STOP or YIELD signs on all the side streets entering Hartshorn might slow motorists down when they are coming around the corners. The committee and the traffic engineer didn't feel that STOP signs on the side streets would have the desired effect of slowing traffic on Hartshorn. Lt. Rossman will have the area monitored more closely and use the radar trailer to remind motorists of their speeds.

12. Adjourn

Motion by Kilmer
Seconded by Schultz

To cancel the August meeting because several members will be out of town at that time.
The next meeting is scheduled for September 18, 2002.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

Motion by Schultz
Seconded by Hubbell

To adjourn the meeting at 8:36 p.m.

YEAS: 5

NAYS: 0

ABSENT: 2

MOTION CARRIED

**TROY DAZE MINUTES
JULY 23, 2002**

Called to order at 7:39PM by Cheryl

Present:	Bill Hall	Dave Swanson
	Jim Cyrulewski	Tonya Perry
	Jeff Biegler	Dick Tharp
	Cele Dilley	Robert Preston
	Cindy Stewart	Cheryl Whitton Kaszubski
	Xin Li	

Chairpersons & Guests:	Tom Kaszubski	JoAnn Preston
	Daniel P. O'Brien	Tom Tighe
	Tarcisio Massaini	Dave Lambert
	Tom Connery	Leonard Bertin
	Bob Broquet	Jeff Winiarski
	Mike Gonda	Karen Mooradian
	Jen Tabor	Shirley Darge
	Scott Wharff	Diane Mitchell
	Sandy Pries	Cyndee Krstich

Motion by Cele, second by Bob P., and carried, to excuse Kessie, Bob B., & Sue.

Secretary Report – Motion by Dick, second by Bill, and carried, to accept July minutes as submitted.

New Business – Motion by Jim, second by Dick, and carried, to appoint Bob Berk as Chairperson of the Festival Emergency Operation Committee.

POLICY FOR REQUESTS FOR PARTICIPANT INFORMATION – Motion by Cele, second by Jim, and carried, to table until legal requirements can be researched.

Old Business – UPDATE ON CONTRACTS – Most have been entered into the system, a couple are waiting for quote responses.

Adjourned at 7:55PM

Next Troy Daze Advisory Committee meeting August 20, 2002 at 7:30PM, followed by Festival Committee meeting.

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

PRESENT: Anita Elenbaum
Max Ehlert
W. Stan Godlewski
Captain Gary Mayer
James Moseley
James Peard
Terry Colussi, Clerk/Typist

ABSENT: David Balagna
Stephanie Robotnik
Thomas Sawyer
Sgt. George Zielinski

Moved by J.Peard, seconded by J. Moseley, to EXCUSE the absent members.
APPROVED unanimously

Moved by J. Moseley, seconded by A. Elenbaum, to APPROVE the minutes of the July 8, 2002 meeting as printed.
APPROVED unanimously

AGENDA ITEMS:

1. **TROY PARADISE, INC.** requests a **new Specially Designated Distributor (SDD)** license, located at 5945 John R, Troy, Michigan 49085, Oakland County, to be held in conjunction with proposed **new Specially Designated Merchant (SDM)** license. [MLCC Req ID#186120]

Present to answer questions from the committee were Sandy Cotter, Attorney for Troy Paradise, Inc., Sadik Sadik, shareholder of Troy Paradise, Inc. and Louay Joulakh, Mr. Sadik's brother-in-law.

Ms. Cotter presented the committee with an information packet that included a layout of the building. They are working with distributors at this time to stock the store. They should be ready to open within a few weeks. This is to be a family run operation with a few employees to be hired when business increases. Cotter explained that they have good experience with this type of business; they live in Troy and have a strong commitment to the community.

Moseley inquired as to what experience they have in liquor sales. The owners have 5 years experience in the supermarket business in Jordan. This is the first business they have owned in the United States.

Ehlert inquired as to the hours of business and who will be working in the business. The business will be open from 8:00 am. to 10:00 pm. and will be run by family members until the business requires more employees.

Ehlert inquired as to the type of training the employees would receive. Ms. Cotter explained that Mrs. Sadik will go to the TAM course to be certified and then she will train the rest of the staff. Mrs. Sadik is in the process of completing this State requirement.

Moseley stated that at one time they held back the SDD license on a requesting business

until there was sufficient time to track the way the business was run. It is possible to give a SDM license and then when credibility has been established, reconsider the SDD license. Elhert inquired if this was something that been considered by the Troy Paradise Inc., representatives.

Ms. Cotter explained that the Liquor Control Board already went through their exhausting background check and they were just waiting for the local Police Department background check to be forwarded to them. Ms. Cotter reemphasized that profits are mainly from liquor sales thus making the SDD very important to their business.

Elhert inquired as to where other party stores are located in proximity to the location of Troy Paradise. There were many stores named that are in the same general area.

Moved by J. Moseley, to grant Troy Paradise, Inc. a **new Specially Designated Merchant (SDM)** license for 90 days so we can review the business and then after 90 days they can request a **new Specially Designated Distributor (SDD)** license. Seconded by S. Godlewski, APPROVED 5 votes yes, 1 opposed.

Elhert advised the committee from Troy Paradise, Inc. that this will now be an agenda item before City Council and they can make their presentation. Capt. Mayer advised that Sgt. Zielinski would be calling the Troy Paradise representatives.

2. **CALIFORNIA PIZZA KITCHEN, INC.** requests a Corporate **Reorganization** as made by **CALIFORNIA PIZZA KITCHEN, INC.** in connection with 2001 12 Months Resort Class C licensed business with Official Permit (Food). [MLCC REF# 132874]

Present to answer questions from the committee were Pat Alandt, Attorney for California Pizza Kitchen, Inc. and Olivia Huynh, manager of California Pizza Kitchen, Inc.

The original owner of California Pizza Kitchen, Inc. was Pepsi Co., they sold off the business and it is now a publicly owned company. California Pizza Inc. has been located in Troy for 7 years. The state has approved the reorganization of the Livonia, Ann Arbor and Troy businesses. They are seeking local government approval for the reorganization.

Moved by M. Elhert, seconded by S. Godlewski to APPROVE the above request. APPROVED unanimously.

Moved by M. Elhert, second by S. Godlewski, to ADJOURN the meeting at 8:00 p.m. APPROVED unanimously.

ML/tc

HISTORIC DISTRICT COMMISSION MINUTES-DRAFT AUGUST 13, 2002

MEETING CALLED TO ORDER AT 7:30 P.M. ON TUESDAY, AUGUST 13, 2002.

PRESENT: Kevin Danielson, Chair
 Dorothy Scott
 Paul Lin
 Wilson (Deane) Blythe
 Jacques Nixon

STAFF: John M Skeens, Education Coordinator/Museum

GUESTS: Audrey Zembrzuski

ABSENT: Marjorie Biglin (Excused)

ITEM # 1 Further review of road impact and other issues on the historic districts on the south side of Square Lake Road East of Livernois.

- a. Dorothy Scott expressed concern that any future road improvement or widening of Square Lake would have a major impact on the remaining historic districts now that the City of Troy is proceeding with the moving of the Church and Parsonage structures.
- b. Existing Right of Way has been purchases by the City of Troy on the north side of Square Lake Road, but concerns are still present as to the effect to the structures on the south.
- c. Paul Lin proposed a motion that if the City of Troy did not give further assurances that the church and parsonage meet strict safety codes and that additions and aesthetics be compliant with proper preservation methods and standards then they should vote to reconsider their motion to allow the move of the church and parsonage. That further assurances be given that no impact would effect the structures on the south side of Square Lake.
- d. Jacques Nixon excused himself from the meeting at 8:01 pm.
- e. Wilson (Deane) Blythe requested excusal from the chairman at 8:05 pm and was excused from the meeting.

The Historic District Commission meeting adjourned at 8:05 p.m. due to lack of quorum.

The next meeting, single agenda, is scheduled for Tuesday, August 27, 2002 at 7:30 PM at the Troy City Hall in Conference Room C.

Respectively Submitted

John M Skeens
Education Coordinator
City of Troy-Museum

EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES MINUTES – DRAFT August 14, 2002

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, August 14, 2002, at City Hall in Conference Room C. The meeting was called to order at 3:02 p.m.

TRUSTEES PRESENT: Mark Calice
Robert Crawford (arrived 3:15 p.m.)
John M. Lamerato
Anthony Pallotta
John Szerlag

ABSENT: Thomas Houghton, Chair

ALSO PRESENT: Lori Grigg Bluhm
Laura Fitzpatrick
Steve Gasper, UBS Paine Webber

MINUTES***Resolution # 02-31***

Moved by Szerlag
Seconded by Calice

RESOLVED, that the minutes of the July 10, 2002 meeting be approved.

Yeas: All 4
Absent: Crawford, Houghton

RETIREMENT REQUESTS***Resolution # 02-32***

Moved by Lamerato
Seconded by Calice

RESOLVED, that the retirement request of Cecilia A. Brukwinski, 9/14/02, be approved.

Yeas: All 4
Absent: Crawford, Houghton

OTHER BUSINESS**12/31/01 Investment Performance Report**

Steve Gasper of UBS Paine Webber reviewed the 12/31/01 investment results with the Board.

Reciprocal Retirement Act

Resolution # 02-33

Moved by Pallotta
Seconded by Calice

RESOLVED, that the Board direct City Management and the City Attorney to prepare proposed amendment language to incorporate provisions of the State Reciprocal Retirement Act.

Yeas: All 5
Absent: Houghton

Summary Annual Report to Members – 12-31-01

The Board received and filed the Summary Annual Report to Members and all full-time employees will receive a copy in the near future.

Actuarial Valuation December 31, 2001

The Board will review the Actuarial Report at its September meeting.

Resolution # 02-34

Moved by Pallotta
Seconded by Szerlag

RESOLVED, that Thomas Houghton be excused.

Yeas: All 5
Absent: Houghton

The next meeting is September 11, 2002 at 3:00 p.m. at the Department of Public Works Building.

The meeting adjourned at 4:32 p.m.

The Chairman, Michael Hutson, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, August 20, 2002.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Cindy Pennington

ALSO PRESENT: Mark Stimac
Allan Motzny
Pam Pasternak

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JULY 16, 2002

Motion by Maxwell
Supported by Gies

MOVED, to approve the minutes of the meeting of July 16, 2002 as written.

Yeas: 5 – Gies, Hutson, Kovacs, Maxwell, Courtney
Abstain: 2 – Fejes, Pennington

MOTION TO APPROVE MINUTES OF MEETING OF JULY 16, 2002 CARRIED

Motion by Courtney
Supported by Pennington

MOVED, to approve Items 2 through 4 and Items 6 and 7 in accordance with the suggested resolutions as presented by City Staff.

Yeas: All – 7

ITEM #2 - MOVED, to grant the request of MG Acquisitions, 2555 Crooks Road, a three (3) year renewal of their variance for relief of the 6’ high masonry-screening wall required along the west property line.

- There is an existing 6’ high fence at this location.
- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #3 – MOVED, to grant the request of Crooks Office L.L.C., 2585 Crooks Road, a three (3) year renewal of relief granted by this Board to maintain a 6’ high stockade fence in lieu of the decorative masonry screening-wall required along the west property line of their site that abuts residential zoned property.

- There is an existing 6’ high fence at this location.
- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #4 - MOVED, to grant the request of Oak Manor, Inc., 2316 John R., a three (3) year renewal of relief granted by this Board of the requirement for a 4’-6” high masonry screening-wall along the east and south areas of their parking lot where they are adjacent to residential zoned property.

- Adjacent properties are used for non-single family residential uses.
- Conditions remain the same.
- There are no complaints or objections on file

ITEM #6 - MOVED, to grant the request of Mick Blunden, Detroit Edison, 3080 John R., a three (3) year renewal for relief of the landscaped berms required along the north, west and east property lines.

- There are several mature trees providing screening.
- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #7 - MOVED, to grant the request of PSI Holdings, Inc. 2525 Crooks Road, a three (3) year renewal of their variance for relief of the 6’ high masonry-screening wall required along the west and south property line where it abuts residential zoned property.

- There is an existing 6’ high fence at this location.
- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #5 - Village Green Management, 2330-2488 John R. Petitioner is requesting renewal of relief granted by this Board to maintain a 5’ high berm in lieu of a wall along the north property line and their northern 300’ of the east property line where off-street parking abuts residential. The Zoning Ordinance requires a 4’-6” high masonry screening-wall at this location. This Board has granted this relief since 1990. This item last appeared before this Board in August 1999 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no objections or complaints on file. The petitioners have now submitted a request to make this a permanent variance. They have submitted photographs showing the condition of the substantial berm that exists on the site. Mr. Stimac indicated that the photos are a correct representation of the conditions and that the adjacent use of the property is a

ITEM #5 – con't.

fully developed single residential subdivision. It is believed that this use will remain for the foreseeable future.

Mary Fogo, representing Village Green Management, was present and stated she had nothing to add.

Motion by Courtney
Supported by Maxwell

MOVED, to grant Village Green Management, 2330-2488 John R., a permanent variance for relief to maintain a 5' high berm in lieu of a wall along the north property line and their northern 300' of the east property line where off-street parking abuts residential.

- Adjacent properties are fully developed in a single- family subdivision and will remain so.
- Landscaping has matured and provides a natural buffer.
- Variance is not contrary to public interest.

Yeas: All – 7

MOTION TO GRANT VILLAGE GREEN MANAGEMENT A PERMANENT VARIANCE CARRIED

ITEM #8 – VARIANCE REQUESTED. MR. KENT MELLEBRAND, 1065 HARTLAND, for relief to construct a 576 square foot detached garage that would result in 896 square feet of accessory building where 600 square feet are permitted.

The Chairman moved this item to the end of the agenda, Item #13, to allow the petitioner the opportunity to be present.

ITEM #9 – VARIANCE REQUESTED. MAPLEWOOD COURT L.L.C., 440 E. MAPLE (PROPOSED ADDRESS), for relief to construct an 11,928 square foot multi-tenant light industrial building with parking in the front setback where a 50' landscaped front yard is required by Paragraph L of Section 31.30.00.

Mr. Stimac explained that the petitioner is requesting relief to construct an 11,928 square foot multi-tenant light industrial building with parking in the front setback where a 50' landscaped front yard is required by Paragraph L of Section 31.30.00.

This item first appeared before this Board at the meeting of July 16, 2002 and was postponed to allow the petitioner the opportunity of a full Board, and also to allow the petitioner to present the Board with an alternative plan concerning the north driveway. A revised plan showing a smaller building with a revised driveway location has been submitted. Mr. Stimac explained that the driveway has been moved out of the front yard

ITEM #9 – con't.

setback on Maple. Mr. Stimac also indicated that the petitioner has gone with a one-way driveway system, angled parking to the north and have by a reduction in the building size and the one-way driveway system, increased the greenbelt area in this front setback to 15'.

Mr. Paul Siver and Mr. Jeff Tenniswood were present. Mr. Siver stated that they have met with the Planning Department and believe this revised plan would decrease the size of the paved surface and feels that this is a very workable plan.

Mr. Maxwell stated that he really likes the revised plan, and asked if it would be possible to get a turn right only sign leaving the northern driveway?

Mr. Courtney asked about the size of the building in the current proposal and the plan approved in 2000. Mr. Stimac indicated that the current plan is for a 11,289 square foot building and the plan in 2000 was for a 9,540 square foot building.

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

There is one written objection on file. There are no written approvals on file.

Motion by Maxwell
Supported by Pennington

MOVED, to grant Maplewood Court, L.L.C., 440 E. Maple (proposed address) a variance for relief to construct an 11,289 square foot multi-tenant light industrial building with parking in the front setback where a 50' landscaped front yard is required by Paragraph L of Section 30.30.00.

- Petitioner to consult appropriate City Staff regarding the feasibility of a "Right Turn Only" sign exiting the driveway.
- The corner lot location and shallow depth of the property make compliance burdensome.
- Variance is not contrary to public interest.
- Variance will not cause an adverse effect to surrounding property.
- Variance does not establish a prohibited use.

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

Nays: 1 – Courtney

MOTION TO GRANT VARIANCE CARRIED

ITEM #10 – VARIANCE REQUESTED. BENJAMIN TEPES, 2024 HARNED, for relief to construct an attached garage to a non-conforming structure.

Mr. Stimac explained that the petitioner is requesting relief to construct an attached garage. The site plan submitted indicates that the existing house has a 1.8' rear yard setback and 1.7' side yard setback. Section 30.10.05 requires a 40' rear yard setback, an 8' minimum side yard setback and a minimum 20' total for both side yard setbacks. The existing house is classified as a legal non-conforming structure. The proposed attached garage would expand the non-conformity with a 22' rear yard setback, a 6' side yard setback and a 7.7' total for both side yards. The expansions of the non-conforming structure are prohibited by Section 40.50.04.

In June 2002 a variance was granted to construct a detached garage in a side yard where a rear yard location is required. A new plan has been submitted revising the construction to make this an attached garage.

Mr. Courtney asked if the location of the garage has moved since the first request. Mr. Stimac explained that the detached garage was 10' north of the house.

Mr. Tepes was present and stated that he wishes to improve the value of his property and he believes he can accomplish this by attaching the garage rather than putting up a detached garage. Mr. Tepes does not believe that a detached garage would be as convenient or attractive as an attached garage. He also stated that the attached arrangement would allow him to get from the house to the garage through the protection of the covered porch.

Mr. Courtney asked if Mr. Tepes would consider moving the garage further south and Mr. Tepes stated he would like to keep this location, in order to enjoy the small backyard that he has.

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

There are no written objections or approvals on file.

Motion by Pennington
Supported by Courtney

MOVED, to grant Benjamin Tepes, 2024 Harned a variance for relief to construct an attached garage, which will result in a 22' rear yard setback, a 6' side yard setback and a 7.7' total for both side yards.

- Variance is not contrary to public interest.
- Variance would not have an adverse effect to surrounding properties.
- The location of the existing home makes compliance difficult.
- Conformance to the Ordinance would be unnecessarily burdensome.

ITEM #10 – Con't.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #11 – VARIANCE REQUESTED. KIMBERLY TEKIP, 1183 HARTLAND, for relief to split a parcel of land into two lots in the R-1E Zoning District.

Mr. Stimac explained that the petitioner is requesting relief to split a parcel of land in the R-1E Zoning District. Section 30.10.06 of the Ordinance requires a minimum lot area of 7,500 square feet. The proposed lot split would result in two lots, each with an area of only 6,600 square feet.

Mr. Eric Salswedel of SDA Architects, was present and stated that Ms. Tekip came to them and stated that they did not want to redevelop the existing house, but wished to re-describe the lots to make them more like the surrounding lots. Mr. Salswedel also indicated that if they re-developed the structure on the existing lot, it would look out of place, as it would be larger than the existing homes in the area. Mr. Salswedel also stated that by splitting the lots, they would not be over developed.

Mr. Courtney asked what the hardship was other than financial gain and Mr. Salswedel stated that it would be because the homeowners did not want to develop a non-conforming structure. Mr. Salswedel also stated that this split would be in keeping with the area.

Mr. Fejes asked Mr. Stimac if this was a non-conforming lot. Mr. Stimac explained that the existing lot complies with the requirements of the Ordinance. Mr. Fejes also asked what the hardship would be and Mr. Salswedel stated that he had already given the reasons.

Mr. Maxwell asked what size the other lots in the area and Mr. Stimac explained that this subdivision was originally platted in the 1920's and was platted with 40' lots. A majority of the houses utilized two lots to make up one, and also that some of the property owners used three lots to make up one lot. Mr. Stimac also pointed out that the house right next door to this property was on a 40' lot. Mr. Maxwell then asked what size the lots were directly behind this property and Mr. Stimac stated that they are each 60' wide and 120' deep.

Mrs. Gies asked what the requirements were regarding setbacks for new construction on these lots. Mr. Stimac replied that in the R-1E Zoning classification, a 25' front yard setback, 35' rear and the sides are a minimum of 5' with a total of 15'. Because of the location of this lot, it is a double front corner lot and would require a 25' setback from Hartland and a 25' setback from Daley. Mr. Stimac further stated that the building envelope on the corner lot would be 1500 square feet.

ITEM #11 – con't.

Mrs. Pennington stated that the two lots to the north are 60' x 120' and have new homes built on them and asked if they were legal non-conforming lots. Mr. Stimac stated that the Zoning Ordinance states that a lot of record, independently owned can be built on without a need for a variance. However, when someone owns a series of lots in one contiguous parcel, the owner is not allowed to split the lots to create non-conforming lots.

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

There are two (2) written approvals on file. There are no written objections on file.

Mr. Kovacs asked if the petitioner planned to tear down the existing structure and re-build on one of the other lots. Mr. Salswedel stated that they wished to re-build on the same lot, and build another home on the other lot, which they would sell.

Mr. Hutson stated that he feels that this request is going in the wrong direction, in that the petitioner is asking to go smaller and create non-conforming lots. Mr. Hutson also stated that he did not believe the petitioner demonstrated a hardship with the land.

Motion by Courtney
Supported by Fejes

MOVED, to deny the request of Kimberly Tekip, 1183 Hartland, for relief to split a parcel of land in the R-1E Zoning District, which would result in two lots, each with an area of only 6,600 square feet where 7,500 square feet is required.

- Petitioner did not demonstrate a hardship.
- Variance would have an adverse effect on surrounding property.
- Variance would result in the creation of non-conforming lots.

Yeas: 6 – Courtney, Fejes, Gies, Hutson, Kovacs, Maxwell
Nays: 1 – Pennington

MOTION TO DENY REQUEST CARRIED

ITEM #12 – VARIANCE REQUESTED. FERNLEIGH DEVELOPMENT LLC, 3668 FERNLEIGH, 3682 FERNLEIGH, 3696 FERNLEIGH (PROPOSED ADDRESSES), for relief to construct three (3) single family homes on two existing 80' wide lots and one lot which is 82.92' wide.

Mr. Stimac explained that the petitioner is requesting relief to construct three (3) single-family homes on two existing 80' wide lots and a third lot which is 82.92' wide (as measured at the front setback line). These parcels are located in an R-1C Zoning District. Section 30.10.04 of the Zoning Ordinance requires an 85' minimum lot width in

ITEM #12 – con't.

the R-1C Zoning District. In December of 2001 a split request was submitted and approved by the City Assessor's Office to split the property into the parcels currently shown. However the lots fail to meet the minimum lot width requirement. The petitioner is now applying for building permits for the three homes and those permits have been denied because of the width deficiency.

Mr. Joe Maniaci was present and stated that when the property was purchased the City told them that they would be able to get four (4) legal lot splits. Subsequently, after the property was purchased and split, they sold the existing home that was there. Mr. Maniaci indicated that he was not aware that he could not build on this property until he submitted for his building permits. Mr. Maniaci also stated that if he had known he did not have enough room to build, he would have taken down the garage on the existing home and that would have given him the room he required, however he can no longer do this as the property has been sold. Mr. Maniaci also indicated that the proposed homes meet all the setback requirements of the Ordinance and also that the homes will be in keeping with the other homes in the area.

Mr. Maxwell asked about access to Parcel B of this proposal and Mr. Maniaci replied that access to the back of this parcel will be from the newly developed street, Springtime to the east. Mr. Maxwell asked if Mr. Maniaci planned to build a home at the front of the lot, and Mr. Maniaci stated he did.

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

There is one written objection on file. There are no written approvals on file.

Motion by Kovacs
Supported by Maxwell

MOVED, to grant Fernleigh Development, L.L.C., 3668 Fernleigh, 3682 Fernleigh, 3696 Fernleigh, (proposed addresses) relief to construct three (3) single-family homes on two existing 80' wide lots and one lot which is 82.92' wide.

- Variance is not contrary to public interest.
- Variance will not cause an adverse effect on surrounding property.
- Conformance will be unnecessarily burdensome.
- There was sufficient width in the original parcel to develop four building sites.

Yeas: All – 7

MOTION TO GRANT REQUEST CARRIED

Mr. Hutson stated that there was a request from Mr. Murray Scott at 3831 Kingspoint for reconsideration of his request of May 21, 2002 regarding the height of an amateur radio

tower. Mr. Hutson stated that the petitioner had submitted additional documents for the Board's review.

Mr. Stimac stated that there are special circumstances in the Zoning Ordinances when considering the height of amateur radio towers. In the original motion from May of 2002, the Board indicated that the petitioner failed to meet the requirements of Section 43.80.00. Mr. Stimac also stated that the documents submitted by the petitioner in seeking reconsideration specifically address the issue of being able to communicate with a tower that is 25' tall. Mr. Stimac also stated that it is up to the Board to determine whether the information provided is enough to justify re-consideration of this request.

Mr. Hutson stated that under the "Roberts Rules of Order", those that voted to deny are the only ones who can move to reconsider this action.

Mr. Maxwell asked Mr. Scott if he would be able to accept any tower, which would be less than 50'. Mr. Scott stated that he probably should have asked for a tower that was 75' high in order to allow him to communicate more completely. Mr. Scott also stated that he would be able to reach a much greater area with a higher tower. Mr. Maxwell also pointed out that in one of the documents provided by Mr. Scott stated "local authorities may adopt regulations pertaining to placement, screening or height of antennas if such regulations are based on health, safety or aesthetic considerations". Mr. Maxwell also pointed out that a number of Mr. Scott's neighbors were present and objected to this antenna.

Motion by Maxwell
Supported by Gies

MOVED, to reconsider the request of Mr. Murray Scott, 3831 Kingspoint for relief to construct a 50' high amateur radio tower.

- To allow the petitioner the opportunity of a full board.
- New evidence presented by the petitioner.

Yeas: All – 7

MOTION TO APPROVE RECONSIDERATION OF MR. MURRAY SCOTT'S REQUEST
CARRIED.

Motion by Courtney
Supported by Fejes

MOVED, to postpone the request of Mr. Murray Scott, 3831 Kingspoint, for relief of the Zoning Ordinance to construct a 50' high radio antenna structure until the next regularly scheduled meeting of September 17, 2002.

- To allow the Building Department to inform the residents that this matter is being reconsidered by this Board.

Yeas: All – 7

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF SEPTEMBER 17, 2002 CARRIED.

ITEM # 13 – (ITEM #8) – VARIANCE REQUESTED. MR. KENT MELLEBRAND, 1065 HARTLAND, for relief to construct a 576 square foot detached garage that would result in 896 square feet of accessory building where 600 square feet are permitted.

Motion by Fejes
Supported by Courtney

MOVED, to postpone the request of Mr. Kent Mellebrand, 1065 Hartland, until the meeting of September 17, 2002, for relief to construct a 576 square foot detached garage that would result in 896 square feet of accessory building where 600 square feet are permitted.

- To allow the petitioner the opportunity to be present.
- If petitioner is not present at the next meeting, the Board will take a final vote.

Yeas: All – 7

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF SEPTEMBER 17, 2002 CARRIED

The Board of Zoning Appeals meeting adjourned at 8:36 P.M.

MS/pp

**Troy Museum and Historic Village
Annual Report
FY 2001-02**

Introduction

During this year the staff at the Museum continued development of the organizational plans implemented during 2000-01. Progress was made in addressing the physical maintenance of the buildings and grounds, and program offerings for school groups and the public were reviewed, enhanced and expanded. The proposed project to move the Troy Methodist Church and Parsonage to the Green, stalled by litigation since 1997, is now poised for completion.

Museum Administration

The following staffing changes and additions occurred during FY2001-02:

Date	Change
September 2001	William Boardman filled the full time Archivist position
December 2001	Part-time Interpreter James Marquardt resigned
April 2002	Raymond Lucas filled part-time Interpreter's position
June 2002	Council Approval for part-time Museum Assistant position

In the spring of 2001, the Troy Historical Society agreed to sponsor an internship program at the Museum. Loraine Campbell met with representatives from Oakland University and developed the policies and guidelines to offer for-credit internships to undergraduate history majors interested in conducting primary research on designated Museum topics. In addition to credit, interns receive stipends from the Historical Society to cover the tuition for their class and expenses. OU senior Trini Kirkpatrick was selected as an intern for Summer Term 2002. She was assigned pioneer Solomon Caswell. Her research paper (30-40 pages), annotated bibliography, and endnotes will be turned in August 2002. All publication and copyrights will be assigned to the City of Troy.

Exhibits

Two exhibits were featured at the Museum during FY2001-02:

1. March 2001- Jan. 2001- *"What Is It?"* featured 84 artifacts from the Museum Collection. It remained open until January as many teachers requested time in the exhibit for their classes. The exhibit also alleviated over-crowded storage areas.
2. February 2002- present- *50 Years of the Troy Police Department* recognized and commemorated the 50th Anniversary of the Troy Police Department. Staff worked closely with Dave Swanson, Steve Zavislak and other members of the police department to research the history of the department, compile photographic and oral history documentation, and exhibit appropriate materials. The Museum also developed a complete list of department personnel from 1952- present and acquired over 1000 photographs related to the Police Department. Finally, on May 18 the Museum also hosted a special "Heroes on the Green Day".

Education Programs

Education Coordinator, John Skeens, and the staff interpreters made changes to programs offered to school groups. These changes improved program quality.

1. Field Days were limited to 100 students. Groups with more students were asked to schedule two programs. Students now cycle through four, rather than five field day activities. This schedule allows interpreters to provide more information to the children, allows the students to complete hands-on activities at a realistic pace and accommodates adjustments to specific school schedules without sacrificing program time.
2. A field day experience was offered to first graders. The program includes three activities tailored to the developmental needs and attention span of younger students.
3. The program, Village Tour and Activity, was offered as added to the school group menu.
4. The One-Room School program was implemented. In this 1.5-hour program, staff interpreters portray nineteenth century teachers. Students also wear period clothing, and traditional teaching methods and materials are used. Staff is provided the spelling list and math problems students are currently studying. These are incorporated into the lessons.

During the summer, staff worked on revisions and refinements to Granny's Trunk.

Attendance is detailed in the attached report.

Public Programs

The number and quality of Public Programs increased significantly over FY2000/01.

1. Family Fun Weekend activities and increased hand-on programs for children were offered. These were well received and, in general, well attended.
2. The adult lecture series on the Detroit Tercentennial was successfully completed. These programs were followed by the Connections lecture series.
3. Day trips to the following sites were offered:
 1. Dossin Great Lakes Museum and Old Mariners Church
 2. Detroit Historical Museum
 3. Rutherford B. Hayes Presidential Center
4. Trick-or-Treating on the Green, Hanging of the Green drew good attendance. Heritage Day and Harvest Home Festival were combined into one weekend public event due to lead remediation and Caswell restoration projects. The combined event drew over 700 visitors. A special tribute to Harriet Barnard was held on Heritage Day. Heritage Day 2002 was especially well received. The theme was The Summer of 1942.
5. The Museum co-sponsored a workshop with the National Association of Interpreters. The theme was cross-disciplines interpretations. Twenty-nine interpreters attended.

Archive and Collections

See the attached Collections Report and Museum Collections Storage Report.

Projects and Staff Assignments

Museum staff participated in a number of work groups and ad hoc committees.

1. Loraine Campbell worked with a group comprised of representatives from boards, commissions, and non-profit organizations that support heritage, culture, the arts and literature. They published a brochure that identifies their respective organizations and their respective volunteer opportunities.
2. Gill Ellis was assigned to the Library Promotions team.
3. Loraine Campbell and John Skeens served on the Ad Hoc Park Committee established by John Szerlag. This group was charged to develop a proposal for a park on Square Lake Road after the Troy Methodist Church and Parsonage are moved.
4. Loraine Campbell served on the planning committee for the two-day Local History Conference held at Wayne State University and presented a conference program on the development of the Historic Village annexed to the Troy Museum.
5. Loraine Campbell is serving on the planning committee for the April 2003 Regional Conference of the National Association of Interpreters. The Troy Museum and Historic Village and Troy Nature Center will be field trip destinations during the three-day conference.

Physical Maintenance and Buildings

Gerald J. Yurk Associates was selected to complete a Physical Maintenance and Conservation Plan for the Troy Museum and Historic Village. During FY 2001-02 the firm completed Phase I, the assessment of the seven structures on the Green. See attached report summary. Phases II-VII of the study will be completed in FY2002-03.

Main Museum Building

No significant improvements.

Log Cabin

Loft was cleaned and viscaine barrier installed on loft floor.

Caswell

Lead contaminated soil abatement and re-waterproofing of all foundation walls were initiated. Exterior painting and interior renovations will be completed with input from Gerald J. Yurk Associates during FY 2002-03.

Poppleton School

The desks in the school were reversed to conform to the historic arrangement of the school. A front blackboard was added and the large stove was exchanged with a more accurate period stove.

General Store

All artifacts on the shelves were dusted. Staff began purchasing fake food items to enhance store shelves.

Print Shop

Some type cases were removed to increase space for students.

Wagon Shop

Lead contaminated soil was removed from the north half of the Wagon Shop and replaced with clean slag. During the abatement period all tools and equipment were removed from the shop. Artifacts were properly accessioned, working tools and blacksmith stock inventoried, and inappropriate materials removed and/or discarded. The three historic vehicles stored in the Wagon Shop were removed to the Troy Methodist Church for temporary storage. Long term exposure to coal dust and smoke had damaged them. Better long-term storage will be investigated.

Troy Hall

No significant improvements.

Gazebo

The Gazebo was rebuilt from the deck up by Edrick Owens Inc. and repainted by Detroit Spectrum Painters Inc.. The rebuilt structure includes a cedar shake roof.

Troy Methodist Church and Parsonage

Gerald J. Yurk Associates completed their analysis of the Troy Methodist Church and Parsonage. Their report offered four options for restoration of the structures. The Troy Historical Society, Historical Commission, Historic District Commission, and Museum Guild all endorsed Option III: to relocate the oldest portion of the church and the entire parsonage to the Historic Village and locate them at the east end of the Green. This option requires that Troy Hall be relocated to the south side of the Green facing the Wagon Shop.

John Szerlag appointed the Ad Hoc Park Committee to recommend a plan for the development of a park on the Square Lake site after the buildings are removed. That committee includes:

1. Jack Turner, Historical Society (and Chairman)
2. Myra Zavatchan, Historical Society
3. Brian Wattles, Historical Commission
4. Rosemary Kornacki, Historical Commission
5. Jacques Nixon, Historic District Commission
6. Paul Lin, Historic District Commission
7. Loraine Campbell, Museum
8. John Skeens, Museum
9. Ron Hynd, landscape Analyst, Parks and Recreation

The Appellate Court remanded Scott vs. The City of Troy back to the Oakland County Circuit Court, stating the City of Troy may not have complied with Chapter 13 of the City of Troy Code in filing its original application to the Historic District Commission regarding relocating the structures. Lori Bluhm, City Attorney and the attorney for the plaintiffs agreed that the City of Troy would resubmit the application to the Historic District Commission and both sides would abide by their decision. In the event of a tie

vote, the decision would fall to the State Historic Preservation Office (SHPO). The site plan was resubmitted to the HDC, which voted 5-1 in favor of moving the structures.

Gerald J. Yurk Associates was appointed Construction Manager for the project. Their construction drawings are 98% complete. Drawings and specifications for the exterior restorations of the buildings were submitted to the HDC for review under provisions of Chapter 13. Following approval by that Commission, and final approval by City Council, the relocations and restorations will proceed during FY 2002-03.

**Troy Museum & Historic Village
Public Attendance Report
Fiscal Year 2001/2002**

Fiscal 2001/2002	Walk-In	Fee	PPGM	Total
First Half: July 1 to December 31, 2001 (152 Days Open)				
Sum	1921	\$2,430.00	2070	3991
Second Half: January 1 to June 30, 2002 (151 Days Open)				
Sum	1372	\$2,161.00	1157	2519
Grand Total	3293	\$4,591.00	3227	6510

There was a 6.6% decrease in attendance from last fiscal year.

In the Fiscal Year 2001/2002 there were 3293 walk in visitors, and 3227 attended 33 public programs with fees of \$4,591.00. Total Visitors 6510

In the Fiscal Year 2000/2001 there were 3565 walk in visitors, and 3408 attended 27 public programs with fees of \$1,028.00. Total Visitors 6973

**John M Skeens
Education Coordinator**

**Troy Museum & Historic Village
Educational Programs
Attendance Report By Program
Fiscal Year 2001/2002**

Fee	Education Program	Pgm Time	#Staff	#Vol Pt	Vol	#Total	Pgm
	After School*** = AS (8 Programs)						
	Sum	18	8	0	0	152	\$480.00
	Children's Chores = CC (36 Programs)						
	Sum	90	38	0	0	1041	
	\$2,859.00						
	Field Day = FD (57 Programs)						
	Sum	392	157	17	161	4482	
	\$13,233.00						
	First Grade Field Day** = FD1 (9 Programs)						
	Sum	55	23	1	20	693	
	\$1,930.00						
	General Tour = GEN (3 Programs)						
	Sum	5.5	3	0	0	55	\$88.00
	Granny's Trunk = GT (25 Programs)						
	Sum	62.5	25	0	0	544	
	\$1,527.50						
	Hunting for History* = HH (2 Programs)						
	Sum	5	6	0	0	75	\$256.00
	One Room School* = ORS (11 Programs)						
	Sum	27.5	11	0	0	306	\$844.50
	Out Reach = OUT (15 Programs)						
	Sum	33.5	15	0	0	518	\$750.00
	Poppleton School = PS (25 Programs)						
	Sum	12.5	25	0	0	819	
	\$2,368.50						
	Village Tour & Activity*** = VTA (27 Programs)						
	Sum	67.5	34	0	0	623	
	\$1,745.50						
Grand Total	218 Programs	769	345	18	181	9308	
\$26,082.0							

*Denotes new program introduced for the 2001/2002 school year.

**Modification of the Field Day program to adjust to the activity level of the first grade student.

***After School and Village Tour & Activity are the same programs. **AS** identifies that it is a scout group and **VTA** identifies that it is a School groups.

John M Skeens
Education Coordinator

July 17, 2002

**Troy Museum & Historic Village
Educational Programs
Attendance Report
Fiscal Year 2001/2002**

Fiscal 2001/2002	Pgm Time	# Staff	# Vol	Pt Vol	#Total	Pgm Fee
First Half: July 1 to December 31, 2001 (91 Programs)						
Sum	298	140	1	63	3555	\$10,271.00
Second Half: January 1 to June 30, 2002 (127 Programs)						
Sum	471	205	17	118	5753	\$15,811.00
Grand Total	769	345	18	181	9308	\$26,082.00

There was a 3.16% decrease from Fiscal Year 2000/01.

During the Fiscal Year 2001/02, 9308 students and chaperones attended 218 educational programs, generating \$26,082.00.

During the Fiscal Year 2000/01, 9612 students and chaperones attended 203 educational programs, generating \$26,452.00.

Troy Public Schools accounted for 24.6% or 2286 students and chaperones attending 55 educational programs, generating \$4,701.00. This is an increase of 2.9% over fiscal year 2000/01.

Pgm Time: Program Time, 769 hours went into program preparation and presentation.

Staff: Number of times staff was involved in educational programs, 345.

Vol: Number of times Museum Guild was involved in educational programs, 18.

Pt Vol: Number of times parent volunteers assisted in the Field Day program, 181.

Average of 3 to 4 parents per Field Day.

**John M Skeens
Education Coordinator**

Museum Collections Report: Fiscal Year 2001-2002

The Troy Museum Artifact Collection currently consists of approximately 10,000 unique items or grouped collections representing the history of Troy and its residents. The artifacts in the collection range from tools used by the area's prehistoric Native American population to materials relating to settlers in the early 1800s to materials representing Troy today. The collection is meant to preserve various elements of Troy's history for future generations and to educate current and future generations about Troy's history. To this end the museum collection is used for exhibits, educational programs, and for research. The collection is accessible and available to all persons and institutions public or private, which have an interest in the history of Troy, its residents, government, businesses, and other institutions. In order to preserve the collection and ensure its availability for future generations, it is necessary that the collection be well organized, stored, and cared for and that an allowance be made for its continued growth as Troy's history continues to grow. Projects and tasks carried out during the past year were all undertaken with these needs in mind.

The past fiscal year was an extremely active one in regards to the Troy Museum's artifact collection. As expected, the collection saw some growth, as did its use by researchers. However, the major activity trends were in the areas of collections management and care. The organization, storage, inventory, database management, and general reconciliation of the collection showed incremental improvements. As the overall collection organization improves there are corresponding improvements in the research accessibility and long-term preservation of the collection. The completion of a number of large projects along with the completion of countless small tasks served to enhance the museum, its exhibits, educational programs, artifact collection, and the needs of researchers.

Collections Management Activities:

Collections management is the core of the museum's collection care program. It is a catch all term that attempts to describe all of the activities required to ensure the museum collection's long-term preservation and material acquisition as well as the ability to provide exhibit and educational program support and research accessibility. Care and management of the collection is the responsibility of the archivist – established as a full time position in September 2001. Additional support is received from other museum or city staff and volunteers as needs require and time allows. Below is a list of major activities performed during the course of fiscal year 2001-2002:

- Textile Project – continued inventory, inspection, and database reconciliation of the textile collection. {July-Aug 2001}
- Wagon Shop Project – soil remediation saw the need for the shop to be emptied of its contents; contents were sorted, evaluated, inventoried, cleaned, repaired or stabilized, database & accession numbers corrected, and returned to the shop or other appropriate location. {Aug-Dec 2001}
- Moved the vehicle collection (cutter, two buggies, and other miscellaneous items) to the Church for temporary storage; assisted by other museum staff and building maintenance personnel.
- Exhibit Take Down – “What is It?” exhibit was taken down and artifacts returned to storage. {Jan 2002}
- Exhibit Set Up – “Troy Police 50th Anniversary” exhibit designed, constructed, and set up in conjunction with museum staff and members of the Troy Police Department. {Jan-Feb 2002}
- Provided support to a series of mini exhibits in the Pioneer Room.
- Provided support and assistance to educational programs and other museum staff and projects as needed.
- Provided support to special events as needed.
- Citizen's Academy presentations and/or support.
- Repaired and/or stabilized artifacts and educational props as needed.
- Continued corrections and updating of corrupted or inaccurate SNAP data – the transfer of SNAP between various operating systems over the course of the past decade resulted in substantial corruption of the database; factual errors regarding artifacts and dispositions also appear

with regularity; all corrections are manually made as errors are discovered in conjunction with other projects.

- Clarified the Collections Policy and created a series of new forms covering: donations, artifact loans to and from the museum, educational material loans, and a photo reproduction policy.
- Established the Digital Photo Collection for artifacts and original photos – heavily used after purchase of digital camera and installation of scanner; linked photos to the SNAP database enabling instant viewing of linked items.
- Acquisition of 3 new flat file storage cases (“map cases”) for the archive; comprised of 15 drawers total.
- Acquisition of 2 museum quality vacuums; performance has exceeded expectations.
- Acquisition of digital hygrometer and software; initial unit began testing in the archive in late June and shows great potential for establishing a long-term record of temperature & humidity readings in storage and exhibit spaces.
- Acquisition of miscellaneous archival supplies.
- Assessed potential donations; determined if they were acceptable to add to the collection or were rejected.
- Assisted visiting researchers with their research goals; also assisted with phoned in requests
- Transferred via permanent donation 2 collections of inappropriate or unneeded donations to other institutions.
- Deaccessioned and disposed of and/or internally transferred 4 inappropriate accessions.
- Disposed of unserviceable City of Troy Fixed Assets.
- Archivist attended a weeklong course on textile care & preservation offered by the Campbell Center for Historic Preservation Studies.

Donations & Collection Holdings:

The Troy Museum artifact collection is comprised of approximately 10,000 unique items or grouped collections. Details of the collection are maintained in SNAP, a museum specific database software package. Although collection records are maintained in SNAP, the records are by no means complete or necessarily accurate. Staffing and operational fluctuations over a period of approximately 30 years resulted in a convoluted and essentially non-functioning collections management program. As a result, while SNAP lists ~6800 entries, the museum more than likely holds about 10,000

items. The relative staffing and management stability over the past 3 years has allowed for substantial corrections and improvements in the management, preservation, and research accessibility of the museum's artifact collection. As a result of these improvements, it has been possible to accept and accurately process artifact donations, which enhance all aspects of the museum, its educational programs, and the needs of public and private researchers.

- From July 1, 2001 – June 30, 2002, the number of SNAP entries increased by 251 (from 6577 to 6828):
 - 224 entries were from new accessions
 - 27 entries were previously accessioned items not yet in database
 - 146 digital images are now fully linked to the SNAP database

- 34 individuals or families donated accessionable artifacts to the museum during fiscal years 2001-2002:
 - 16 single item donations
 - 18 multiple item donations

- Donations of major Troy importance during fiscal year 2001-2002 included:
 - Personal papers, photographs, and memorabilia of Troy Mayor Robert Huber (c.1950s-70s)
 - Personal papers, photographs, and memorabilia of Troy Mayor Jeanne Stine (c.1970s-90s)
 - Personal papers, photographs, and memorabilia of former Troy Councilman and Commission member Donald Lance (c.1950s-70s)
 - 1108 photos, slides, & negatives of the Troy Police Department (c.1952-present)
 - 108 digital photos -- Big Beaver area/Rochester Road (c.1910s-40s)

- 1 box of Caswell family documents; primarily of Solomon Caswell (c.1850s)
 - Book from the Troy Lending Library (c.1888)
 - David Gratopp's police hat & a small photo collection (Troy's 1st Police Chief c.1952-60s)
- Donations during fiscal year 2001-2002 increased the volume of stored materials by the following:
 - Document storage: ~12 linear feet (on 16 inch deep shelves) {all material stored in archive}
 - 3-Dimensional artifacts: ~120 cu. ft. {~50 cu. ft. require restricted storage – remaining material was added to building exhibits or used in educational programs}
- 16 donor refusals – artifacts did not fit within the collections policy or were otherwise unacceptable due to storage considerations. Items refused included but were not limited to 3 book collections (c. 1890s-1940s), 3 sewing machines (c. 1890s-1910s), ~10 cameras (c. 1920-1950s), 2 floor radios (c. 1930s), printing press (c. 1900), a piano (c. 1930s), a manure spreader (c. 1920), several pieces of furniture, and a caboose (c.1920s).

Research Activities:

Growing public and city staff awareness of the existence of the Troy Museum has also affected the growth in the use of the archives by public and private persons and organizations. Although the number of external researchers has seen only a slight rise (27 in 2001-2002 vs. 24 in 2000-2001), researchers are spending about 1 hour longer in the archive or with staff members per visit. In addition, although no actual numbers exist, it is generally perceived that phone requests for information more than doubled during fiscal year 2001-2002.

Archive use:

- Continuous internal museum research projects for programs and exhibits by staff, volunteers, and interns.
- Commercial photo décor project (Farmer Jack) -- 20 photos provided -- \$400.00 fee collected
- 4 topical researchers (unique users – 3 private or non-profit groups or individuals – 1 corporate researcher)
- 21 genealogy researchers (21 separate visitations not unique users – several were multiple use patrons – these are archive visitors only and do not account for persons using the main museum building's Research Room)
- The 27 external users of the archive spent an average of 2.5 hours each in the archive or with the archivist or other staff members (~68 hours total usage)

Museum Collection

Storage Report:

Current Situation

&

Assessment of Needs

June 12, 2002

Collections Policy

Acquisitions/ Scope of Collection:

The collection of the *Troy Museum and Historic Village* shall include documentary and photographic artifacts, domestic and agricultural implements, textiles and clothing, and other objects indicative of the lifestyles, customs, dress and resources of the residents, businesses, and government of Troy, Michigan and surrounding areas that are of historical importance to this and future generations of Troy residents. Artifacts less than 50 years old must have a direct significance to Troy, its residents, government, businesses, etc. Other objects outside the scope of the collections policy will be considered for collection if deemed useful to the educational program or acquired with the intent to transfer them to a more appropriate institution. Digital images collected from original images, photos, artwork or documents still held in private by the donor become part of the museum collection and are subject to the same policies governing physical items held by the museum. Objects intended for the *Troy Museum* collection will be collected for preservation, research, exhibit and for use in educational programs. All materials held in the collection will be available for research by all persons or institutions public or private (restrictions based on conservation needs, hours of operation, or other policies may apply).

Acceptance:

- All donations are presented as outright and unconditional gifts to be used or disposed of at the discretion of the Troy Museum. The Troy Museum retains the right to dispose of gifts by sale or exchange with other institutions, organizations, or persons.
- **No gift will be accepted with the condition that it is to be permanently exhibited or labeled.** No collection will be accepted with the condition that it is to be kept intact.
- The Troy Museum will not acquire or otherwise accept as a gift or loan any item that is either known or suspected to be stolen property.
- All gifts donated to the Troy Museum are owned by the Troy Museum and may not be reclaimed by the donor or the donor's heirs at any time hereafter.
- The Troy Museum will not provide donors with appraisals or any other form of monetary assessment. All such appraisals and assessments are the responsibility of the Donor.

- Donors will be provided with a copy of this policy and a copy of the Gift Agreement; originals will be held by the Troy Museum.

Deaccessioning:

Artifacts deaccessioned from the Troy Museum Artifact Collection, or items accepted for use in educational or other programs, will be disposed of in a discreet manner that will not compromise the Museum's reputation and is in keeping with the disposal policies of historical institutions and the City of Troy. Donating artifacts to another museum will be considered.

The Museum Collection currently consists of approximately 10,000 unique items or grouped collections representing the history of Troy and its residents. The artifacts in the collection range from tools used by the area's prehistoric Native American population to materials relating to settlers in the early 1800s to materials representing Troy today. The collection is meant to preserve various elements of Troy's history for future generations and to educate current and future generations about Troy's history. To this end the Museum Collection is used for educational programs and for research and is accessible to all persons and institutions public or private, which have an interest in the history of Troy, its residents, government, businesses, and other institutions. In order to preserve the collection and ensure its availability for future generations, it is necessary that the collection be well organized, stored, and cared for and that an allowance be made for its continued growth as Troy's history continues to grow. Whereas the organization of the collection is an ongoing process and critical to its effective use, the base issue at the root of any collections management policy must be the long-term stability of the storage environment—without which artifacts in the collection will rapidly deteriorate and be destroyed.

Fixed exhibit space limitations, preservation and conservation needs, and continued collection growth require that all museums keep a large portion of their collection in long-term storage. The following report is an assessment of the Troy Museum's current long-term storage environment and an estimate of the collection's projected rate and direction of growth. All measurements in the following report are based on actual (not blueprint) inside dimensions of space that has proven useable for a combination of storage space and access paths.

Not included is space taken up by mechanical equipment or space in front of doorways.

The following are the primary areas intended and currently used for long-term storage:

- **Archive**
- **General Store Basement**
- **Main Museum Basement**

The following areas are used for overflow storage due to lack of adequate space in the primary areas:

- **Main Museum Basement—phone/utility room**
- **Main Museum Basement—sump pump room**
- **Main Museum Basement—east stairwell passage**
- **Main Museum Basement—passageway adjacent to Mobile Storage**
- **Main Museum Basement—jail cell {temporarily empty for exhibit}**
- **Main Museum Basement—office/workspace**
- **Main Museum 2nd Floor—space behind exhibit**
- **General Store Basement—mechanical room**
- **Troy Methodist Church**

Area Assessments:

Archive

- **Good quality storage facility**

Used for storage of textiles, documents and photos. Also, used as a secondary office & work facility.

Positive aspects:

- **Security: independent security (alarm)**
- **Environmental: no external light**
- **Environmental: independent climate control (temp)**

- Environmental: above ground
- Elevator & oversize stairway
- Fire suppression system

Negative aspects:

- Environmental: poor humidity controls
- Environmental: poor insulation
- No computer & phone access
- Low ceiling
- Security: no locking doors

Useable space: 34' x 23' (782 sq. ft.) {useable vertical space: 5' 10"}

Textiles: 16' x 23' (368 sq. ft.)

Documents: 14' x 23' (322 sq. ft.)

Work Space: 4' x 23' (92 sq. ft.) {Plus some limited additional space in the alcove}

General Store Basement

- **Adequate quality storage facility**

Used for storage of large 3-dimensional objects (furniture, agricultural implements, etc).

Positive aspects:

- Environmental: no external light
- Elevator & oversize stairway
- Fire suppression system.

Negative aspects:

- Environmental: poor humidity controls
- Environmental: shared climate control with main floor
- Low useable ceiling due to cluttered duct and piping
- No independent security (public able to access with no warning)
- All meter & utility room access requires staff escort
- Below ground level and susceptible to flooding (has occurred in the past)
- Suffers significant dust fall from heavy foot traffic on ground floor
- Unable to store oversize 3-D objects (any item unable to be moved via the elevator or stairs).

Useable space: 29' x 22' (638 sq. ft.) {useable vertical space: 6' 8"}
20' x 2' (40 sq. ft.) {strip facing elevator alcove}

Note that useable basement sq. footage is smaller than the archive due to narrower interior walls, additional space required by a larger furnace, and additional access space needed for the mechanical room and large items exiting the elevator.

Main Museum Basement

- **Poor quality storage facility**

Used for storage of small 3-dimensional objects in the Mobile Storage Unit. Used as primary office & workspace.

Positive aspects:

- Limited external light

Negative aspects:

- Environmental: poor humidity controls
- Environmental: shared climate control with main floor
- Environmental: fluorescent lighting
- Low useable ceiling due to cluttered duct and piping
- Security: no independent security (public able to access with no warning)
- Below ground level and susceptible to flooding (has occurred in the past).

Useable space: 31' x 12' (372 sq. ft.) {useable vertical space: 6'}

Mobile Storage: 24' x 12'

Office/Work Space: 7' x 12'

Current Overflow Storage Areas

- **Main Museum Basement—phone/utility room**
 - **Main Museum Basement—sump pump room**
 - **Main Museum Basement—east stairwell passage**
 - **Main Museum Basement—passageway adjacent to Mobile Storage**
 - **Main Museum Basement—jail cell {temporarily empty for exhibit}**
 - **Main Museum Basement—office/workspace**
 - **Main Museum 2nd Floor—space behind exhibit**
 - **General Store Basement—mechanical room**
 - **Troy Methodist Church**
-
- **Unacceptable storage facilities**

The fixed size of the long-term storage areas coupled with the current size of the collection, growth from new accessions, the old processing backlog, and numerous displaced artifacts from closed buildings has forced the museum to use a variety of emergency overflow storage areas. Essentially, the overflow storage consists of nothing more than storing artifacts in whatever corner of the museum has empty floor or shelf space. An attempt has been made to isolate these materials into the least frequently used areas, but a constant flow of traffic from museum and city staff and contractors is causing an increasing amount of stress and damage to the artifacts stored in these areas as they are moved or jostled to gain access elsewhere. All of these areas are completely unsuitable for use as storage due to the need for these areas to function in their intended primary roles (i.e. as utility & mechanical, etc.). In addition, the sump pump room is prone to flooding, traffic is impeded in passageways, and the jail cell is needed for interpretive purposes.

Assessment of Current Status & Trends

A quick glance at the issues surrounding the overflow storage areas shows that the long-term storage situation for the Museum Collection is critical. In addition, the primary storage areas are packed well beyond their intended capacity. In many cases items are stacked atop one another or otherwise placed far too close to each other so that damage can occur to multiple items if only one is bumped. It should also be noted that items packed too closely together are hard to keep free of dust and dirt and are consequently more susceptible to pest and rodent damage. In addition to all of these concerns, our largest items such as the buggy and cutter, which cannot fit into any existing basements, are still looking for a permanent storage spot after work projects required they be moved temporarily to the Church. It is once again time to find them another temporary home.

The following list outlines currently used long-term storage by material type. Also provided is an estimate of minimum requirements to meet current needs if the existing collection were stored properly:

Archive:

Documents (paper, film, & photos):

Current: 322 sq. ft.
Minimum: ~500 sq. ft.

Textiles (clothing, etc.):

Current: 368 sq. ft.
Minimum: ~500 sq. ft.

Main Museum (Mobile Storage):

Small 3-D (~1 cu. ft. or smaller):

Current: 288 sq. ft.

Minimum: ~500 sq. ft.

General Store Basement:

Large 3-D (large &/or irregular):

Current: 678 sq. ft.

Minimum: ~1000 sq. ft.

Vehicles & Oversize Items:

Current: 14' x 8' (x 8'6" high) (112 sq. ft.)

Minimum: 40' x 12' (x 8' 6" high) (480 sq. ft)

Dedicated Work Space for General Artifact Conservation/Processing:

Current: non-existent (shared with office space)

Minimum: 10' x 14' (x 8' 6" high) (140 sq. ft.) and easy access for large items

Quarantine Area for New Acquisitions or Pest/Mold/Fungus Infested Items:

Current: non-existent

Minimum: 10' x 14' (140 sq. ft.)

Although great strides forward have been made in the organization of the collection, without adequate storage facilities it remains difficult to use or organize efficiently and is subject to stresses leading to substantial physical deterioration. A number of steps have been taken in order to reduce pressure on the storage areas: acquisitions have been severely curtailed through the cessation of purchases, many donations have been refused, and many inappropriate items have been deaccessioned. Despite these reductions, however, the collection has continued to grow as more people become aware of the museum and its mission. Many of these new donations such as personal papers and photograph collections are critical to the museum's mission and the preservation and interpretation of Troy's history. The current growth trend in the collection is largely in the area of documentary and photographic acquisitions. Such material, while not generally as bulky as items like furniture still requires a substantial investment in storage space. For example, during the last 6 months the museum has added approximately 6 linear feet of documents and 1200 photographs to the collection. A small fraction of the new accessions during the past 6 months have been other types of artifacts, however, they are far bulkier and take up approximately the same amount of

space as the documents and photos. Based on this small sample, which only takes into account random donations, long-term storage space needs increase by approximately 150 sq. feet annually. Targeted acquisitions or the implementation of a long-term records management plan by the City of Troy would further increase this rate of growth.

The ongoing inventory, organization, and assessment of the collection has shown the need for additional long-term storage space that can properly accommodate the museum's current needs and provide for growth. Whether this space is on-site or off is not as important as the simple need for the space. Perhaps the best long-term solution would be a dedicated Collection Storage Facility, which would prove its worth by addressing current needs as well as providing for future growth.

Phase I Physical Maintenance and Conservation Plan Summary of Part 1- Building Assessment

Each building at the Troy Museum and Historic Village was analyzed between February and June, 2002. The report submitted by Gerald J. Yurk Associates provides the assessment of each building in sixteen categories. This summary, however, outlines the issues identified by the architects by category. For this report the Troy Township Hall= Museum.

1) Accessibility

a) Museum

- i) Inadequate routing for visitors through front entry. The front entry is vulnerable to seasonal elements. The handicap ramp collects runoff from the roof. The west entrance is comprised only of stairs and does not permit handicap access on to the Green from the Museum building. Consider redesign for both entrances to make them safer for public and staff while ensuring security for the site.

b) Log Cabin

- i) Field stone pathway is uneven and inhibits wheelchair access.

c) Caswell House

- i) There is no path connection from the main brick pathway to the handicap ramp.
- ii) Handicap ramp should be redesigned for better safety, functionality, and to visually provide and appropriate historic link.
- iii) Install step in barriers inside the house that allow visitors to step into the room to view the display of furnishings.

d) Poppleton School

- i) There is no path connection from the main brick pathway to the handicap ramp.
 - ii) Handicap ramp should be redesigned for better safety, functionality, and to visually provide and appropriate historic link.
- e) General Store
- i) Visitors cannot access the public restrooms from within the General Store. A new barrier solution should be developed to restrict people from entering the stairwell and elevator, and permit access to the restroom wing.
 - ii) The landing in the front of the north exterior door is too narrow to maneuver due to the doors swinging out into that space.
- f) Wagon Shop
- i) The main entrance door threshold does not allow for barrier free access.
- g) Troy Hall
- i) When Troy Hall is relocated on the Green the existing wood stairs and landing will be eliminated and a new ramp access will be constructed at the side and rear of the building.

2) Doors

- a) Museum
 - i) The building's doors need to be carefully retained and preserved as architecturally significant features. The existing locks on the exteriors are inadequate.
- b) Log Cabin
 - i) Effective period locking devices, and/or effective, concealed locks should be installed.
- c) Caswell House
 - i) Refurbish, repair and/or replace inefficient and/or inappropriate locks with effective period style hardware and handles.
 - ii) Some of the interior doors do not match other existing doors in the house. Missing doors should be replaced.
- d) Poppleton School
 - i) Refurbish, repair and/or replace inefficient and/or inappropriate locks with effective period style hardware and handles.
- e) General Store
 - i) Existing locks and handles on front and rear entry inefficient for security.
 - ii) Staircase door should be more secure from public access. Exposed hinges are not period. Inappropriate door hardware should be replaced with period style hardware.
 - iii) Front exterior door is not period and should be replaced with an historically appropriate door with screen.
- f) Print Shop
 - i) Main entrance door is historically inaccurate and has been planed to square the door. However this has created gaps around the door preventing a weather tight seal.
 - ii) Refurbish, repair and/or replace inefficient and/or inappropriate locks with effective period style hardware and handles.
- g) Wagon Shop
 - i) Refurbish, repair and/or replace inefficient and/or inappropriate locks with effective period style hardware and handles.
- h) Troy Hall
 - i) Refurbish, repair and/or replace inefficient and/or inappropriate locks with effective period style hardware and handles.
 - ii) Re-hinge ear door to swing the other direction to allow for required ramp access.

3) Electrical

- a) Museum
 - i) Changes and additions will be required in all levels per new space planning. See Space Planning and Function.
 - ii) Electrical duplexes throughout main level are not grounded or sufficient for the required technology uses of today. The existing system does not meet standards based on the current functions within the spaces.

- b) Log Cabin
 - i) No electrical service to building currently. Discreet/concealed outlets must be provided for staff needs.

- c) Caswell House
 - i) Current electrical service is insufficient and not adequate for today's standards.
 - ii) Replace current pull chains in basement with single switch at top of stairs to provide efficient and safer access.
 - iii) Accessibility ramp is not illuminated for evening use.

- d) Poppleton School
 - i) Current electrical service is insufficient and not adequate for today's standards.
 - ii) South wall of the entry vestibule has exposed wiring that could become a hazard.
 - iii) Accessibility ramp is not illuminated for evening use.

- e) Wagon Shop
 - i) No electrical service to building currently. Discreet/concealed outlets must be provided for staff needs.
 - ii) Wall adjacent to the entry vestibule has exposed intercom and security wiring that could become a hazard

- f) Troy Hall
 - i) Current electrical service is insufficient and not adequate for today's standards

4) Exterior Walls

- a) Museum
 - i) Maintenance of wood trim includes paint removal and repainting, wood repair and/or replacement in select places.

- b) Log Cabin
 - i) Missing corner of exterior log needs a new wood pieced spliced and chinked into place.
 - ii) Gaps and cavities along base perimeter need filling.
 - iii) Existing chicken wire in roof eave needs to be removed and a new method of critter-infiltration developed and implemented.

- c) Caswell House
 - i) Current repairs need to be completed.

- d) Poppleton School
 - i) General condition of wood trim is good. Continued maintenance is required.
 - ii) Limited locations require tuck-pointing. Several bricks are spalling and need replacement. Concrete wash at the brick sill should be replaced.
 - iii) Brick chimney in poor condition. Repair, replacement and tuck-pointing and preventative measures required.

- e) General Store
 - i) General appearance is poor. Paint should be removed from wood siding and a repaint specification determined.

- f) Print Shop
 - i) Wood siding is not holding paint in some areas. Moisture is staining the front of the building due to leaks through the shingles at the covered porch area.
 - ii) Wood entrance porch is at grade and deteriorating. It should be completely reconstructed.
 - iii) Missing wood balusters on porch should be replaced.

- g) Wagon Shop
 - i) Wood siding is deteriorating at the base of the building due to improper grading at the base of the building and runoff from the roof.

- h) Troy Hall
 - i) Woods siding is deteriorating in some places and should be repaired/replaced.

5) Flooring

- a) Museum
 - i) Wood floor in Pioneer Room requires refurbishing and refinishing.
 - ii) Carpet should be removed from wood floors on upper level.
- b) Caswell House
 - i) All rubber matting should be removed. Restrict access and provide period floor covers as seasonably appropriate.
- c) Poppleton School
 - i) Floor should be refinished. Install appropriate mats.
- d) General Store
 - i) Dirt and moisture filter through voids in the wood floor causing potential harm to collection materials stored in the basement.
 - ii) Main level wood floor should be refurbished and refinished.
- e) Print Shop
 - i) Wood floor should be refurbished and refinished. Install appropriate mats.
- f) Wagon Shop
 - i) Dirt floor on south side is high and accelerating deterioration of exterior wood walls due to excess moisture.
- g) Troy Hall
 - i) Wood floor should be refurbished and refinished Install appropriate mats.

6) Foundation

- a) General Store
 - i) Foundation walls show signs of moisture penetration to the interior.
- b) Wagon Shop
 - i) Foundation is low causing the wood exterior to be too close to grade level.
- c) Troy Hall
 - i) A new crawl space is to be constructed when the building is moved. This space will have access and accommodate some storage.

7) Heating, Ventilating and Cooling

- a) Museum
 - i) Investigate possible concerns regarding condition of the steam boiler.
 - ii) Moisture is a threatening concern in this building. Minimize problematic sources, correct existing leaks, provide and control environment.
 - iii) West entrance to Pioneer Room is problematic. If current use continues consider a vestibule or buffering condition to protect interior.
- b) Log Cabin
 - i) Heating is required to keep the cabin at a cool but comfortable temperature during the winter.
 - ii) Investigate additional insulation techniques in interior.
- c) Caswell House
 - i) Moisture content in building should be controlled and monitored. Seal and weather-strip front door. Refurbish/repair wood windows. Investigate utilizing cooling ducts to provide better heat to second level.
 - ii) Screen AC condenser for better interpretation of historic period.
- d) Poppleton School
 - i) Moisture content in building should be controlled and monitored. Seal and weather-strip front door. Refurbish/repair wood windows.
 - ii) Remove and conceal thermostat from public view.
- e) General Store
 - i) Moisture is a threatening concern in this building. Minimize problematic sources, correct existing leaks, provide and control environment.
 - ii) HVAC system currently discharges undiffused air directly on to artifacts.
 - iii) Remove non-functioning unit heater in sidewall on first floor.
 - iv) Investigate more appropriate grills for main level HVAC vents.
- f) Print Shop
 - i) There may be moisture concerns below existing wood floor.
- g) Wagon Shop
 - i) Existing interior does not have adequate heat source during winter. Explore options.
- h) Troy Hall
 - i) Existing heating system is inadequate requiring space heaters during winter. A new heating system will be installed when the building is moved.

8) Interiors

- a) Museum
 - i) Patch, repair and repaint interior walls that have deteriorated because of moisture and with wear or due to modifications in interior functions, mechanical or electrical systems.
 - ii) Repair, patch, and refinish wood trim following modifications in interior functions, mechanical or electrical systems.
- b) Log Cabin
 - i) Cement chinking has lost bond and is cracking in some areas. Moisture has stained walls in some areas.
- c) Caswell
 - i) Patch, repair and repaint interior walls that have deteriorated because of moisture and with wear or due to modifications in interior functions, mechanical or electrical systems.
 - ii) Repair, patch, and refinish wood trim following modifications in interior functions, mechanical or electrical systems.
- d) Poppleton School
 - i) Patch, repair and repaint interior walls that have deteriorated because of moisture and with wear or due to modifications in interior functions, mechanical or electrical systems.
 - ii) Repair, patch, and refinish wood trim following modifications in interior functions, mechanical or electrical systems.
 - iii) Staff would like flexibility of a new wood picture molding for display of materials.
 - iv) North wall wainscoting does not match original profile of remaining wainscot.
- e) General Store
 - i) Front entry wall seems unstable when opening and closing the door. This is apparently due to drywall and cornerbead showing signs of cracking and separation. The wall needs reinforcement.
- f) Print Shop
 - i) Repair and repaint and refinish wood trim to maintain.
- g) Troy Hall
 - i) Patch, repair and repaint interior walls following relocation of structure.
 - ii) Repair, patch, and refinish wood trim following relocation of structure.

9) Maintenance

- a) General maintenance and cleaning is a problem throughout the village green. A comprehensive, proactive plan of action for not only each building, but for the entire village needs to be created. It will establish routine maintenance plans as well as janitorial plans for the entire village.

10)Roof

- a) Museum
 - i) Some slate shingles are broken or missing and should be replaced. All flashing needs to be replaced with copper flashing.
 - ii) The angle supporting the gable overhanging the roof eaves needs to be replaced to prevent further deterioration in the brick.
 - iii) The existing gutters are not period. Half round copper gutters should replace them.
- b) Log Cabin
 - i) The cedar shake roof should be replaced following NPS Preservation Brief guidelines
- c) Caswell
 - i) Period gutters or alternative drainage solutions should be evaluated as a way to move roof drainage from building.
- d) Poppleton School
 - i) Period gutters or alternative drainage solutions should be evaluated as a way to move roof drainage from building.
- e) General Store
 - i) The cedar shake roof should be replaced following NPS Preservation Brief guidelines
 - ii) Period gutters or alternative drainage solutions should be evaluated as a way to move roof drainage from building.
 - iii) Existing roof venting is inadequate resulting in improper air movement within the attic and roof structure.
- f) Print Shop
 - i) The cedar shake roof should be replaced following NPS Preservation Brief guidelines.
 - ii) Period gutters or alternative drainage solutions should be evaluated as a way to move roof drainage from building.
- g) Wagon Shop
 - i) The cedar shake roof should be replaced following NPS Preservation Brief guidelines.
 - ii) Period gutters or alternative drainage solutions should be evaluated as a way to move roof drainage from building.
- h) Troy Hall
 - i) The cedar shake roof should be replaced following NPS Preservation Brief guidelines.

11) Space Planning For Function

- a) Museum
 - i) Lower Level
 - (1) Staff would like to include the jail cell in the historic tour of the building.
 - (2) A quarantine room for newly aquaired collections materials is needed.
 - (3) Ceiling conditions are poor with exposed wiring, piping, conduit, mechanical and lighting devices. This will need to be addressed if there is public access to the lower level.
 - ii) Main Level
 - (1) Space planning and functionality is needed to move the public and tell the history of Troy, while preserving the historic architectural details and finishes that distinguish the building.
 - (2) Security must be provided for displayed collections while maintaining public tour space.
 - (3) Museum reference materials need to be available for public use, but protected from theft or damage.
 - iii) Second Level
 - (1) Possible area for relocation of staff.
 - (2) Restore original ceiling for historic accuracy and to create a pleasant work environment for staff.
 - (3) Windows should be reopened if staff uses this level.
 - iv) Other
 - (1) A new gift shop should be conveniently located for public access.
 - (2) Relocate kitchen and prep room may be advisable.
 - (3) Vertical transportation should be part of space plan study.
- b) Log Cabin
 - i) Barrier solution to loft stairway will prevent public access to loft.
- c) Caswell
 - i) Possible relocation of step stove for historic accuracy and to improve gathering space for public.
- d) Poppleton School
 - i) Suggested changes have been completed.
- e) General Store
 - i) Consider addition of janitorial facility to service this and adjacent buildings on the green.
- f) Wagon Shop
 - i) Consider alternatives to the chicken wire barrier that prevents sparks from injuring the public.

12) Structure

- a) Log Cabin
 - i) Additional support may be required for the log beam running the width of the cabin located in the center of the structure. This would only be necessary to supplement the extra loads if the attic becomes a storage area.

- b) Caswell
 - i) Wood floors throughout the house are sagging in various areas. Basement supports are inadequate. Wood floor on the second floor is deflecting due to flood last year. A structural analysis is necessary to determine appropriate course of action.
 - ii) The staircase to the second floor is unstable. The railing is being stabilized by adding new balusters into the stair treads. Additional anchoring may be required.

- c) Wagon Shop
 - i) The attic space is currently not structurally adequate to be used as a storage space. If this is desired a structural analysis and reinforcement will be required.

- d) Troy Hall
 - i) Currently the roof is deflecting in the middle. Prior to roofing of new wood shingles, the roof itself should be structurally reinforced.

13) Utility Service

- a) Museum
 - i) Electrical Service to building may be inadequate for upgrades required throughout the building.
 - ii) Telephone service should be expanded to accommodate new administrative level.
 - iii) Data connections should be enhanced/ upgraded to accommodate new administrative level.
 - iv) Existing building may require utility upgrades due to re-space planning. This may include restroom and kitchen locations.

- b) Log Cabin
 - i) Electrical service is desired in this structure.

- c) Caswell
 - i) Electrical service should be reviewed and accessed for further expansion within the house.

- d) General Store
 - i) The existing electric meter is in the basement. This location requires meter readers to pass through artifact storage areas. Consider relocating meter or providing a digital readout on the exterior of the building.

- e) Print Shop
 - i) The existing sink is from the wrong era. A new functional, period sink is desirable.

- f) Wagon Shop
 - i) Electrical service to the structure is desired.
 - ii) Water service to the structure would be nice, but is not a pressing need.

14) Windows

- a) Museum
 - i) Existing windows allow UV light into display areas. This should be minimized
 - ii) Windows should be evaluated for paint removal, repainting, re-glazing broken panes, repair and replacement of wooden components in compliance with historic preservation standards.
 - iii) Window lintels need to be inspected. Rusted and warped components need to be replaced before further damage is done to the window and surrounding brick.
 - iv) Remove covers on second floor windows if staff relocated to upper level.

- b) Log Cabin
 - i) Moisture is deteriorating wood frames and sashes.
 - ii) Windows should depict historic six over six muntin bars
 - iii) Existing windows allow UV light into display areas. This should be minimized

- c) Caswell
 - i) Windows should be evaluated for paint removal, repainting, re-glazing broken panes, repair and replacement of wooden components in compliance with historic preservation standards.
 - ii) Existing windows allow UV light into display areas. This should be minimized

- d) Poppleton School
 - i) Windows should be evaluated for paint removal, repainting, re-glazing broken panes, repair and replacement of wooden components in compliance with historic preservation standards.
 - ii) Existing windows allow UV light into display areas. This should be minimized
 - iii) Circle window in gable is a single unit with no muntin bars. A period window with four quarters is appropriate.

- e) General Store
 - i) Windows should be evaluated for paint removal, repainting, re-glazing broken panes, repair and replacement of wooden components in compliance with historic preservation standards.
 - ii) Existing windows allow UV light into display areas. This should be minimized.

- f) Print Shop
 - i) Windows should be evaluated for paint removal, repainting, re-glazing broken panes, repair and replacement of wooden components in compliance with historic preservation standards.
 - ii) Existing windows allow UV light into display areas. This should be minimized.

- g) Wagon Shop
 - i) Windows should be evaluated for paint removal, repainting, re-glazing broken panes, repair and replacement of wooden components in compliance with historic preservation standards.

- h) Troy Hall

- i) Windows should be evaluated for paint removal, repainting, re-glazing broken panes, repair and replacement of wooden components in compliance with historic preservation standards.
- ii) Existing windows allow UV light into display areas. This should be minimized

August 29, 2002

To: Honorable Mayor and City Council

From: John Szerlaq, City Manager
Gary Shripka, Assistant City Manager/Services
Mark Miller, Planning Director

Subject: ANNOUNCEMENT OF PUBLIC HEARING – SEPTEMBER 23, 2002 - PRELIMINARY SITE PLAN REVIEW (S.P. # 679) – Troy Museum Improvements, Wattles Road, section 16 – C-F.

Site plan applications for improvements to the Troy Museum require a City Council Public Hearing, as per Section 8, Chapter 13 of the City of Troy Code of Ordinances (Historic Preservation Ordinance).

CITY MANAGEMENT AND PLANNING COMMISSION RECOMMENDATION
City Management recommends approval of the site plan as revised, including the alternate parking lot design, which is shown on the site plan.

On August 13, 2002, the Planning Commission recommended approval of the site plan with the alternate parking lot design and also a “one-way exit” sign being located on the east side of the exit drive.

The site plan has been amended to reflect these conditions.

GENERAL INFORMATION

Name of Owner / Applicant:
City of Troy.

Location of Subject Property:
The property is located on the north side of Wattles Road, west of Livernois Road, section 16.

Size of Subject Parcel:
The parcel is approximately 110,415 square feet or 2.5 acres in size.

Proposed Use of Subject Parcel:
The applicant is proposing to move a historic church and parsonage into the historic village, relocate the Troy Hall building, and construct an additional parking lot next to the museum. Public museums are principal permitted uses in the C-F Community Facilities District.

Current Use of Subject Property:
The lot is presently used as a museum and historic village.

Current Zoning Classification:

The property is zoned C-F Community Facilities.

Current Use of Adjacent Parcels:

North: Single family residential neighborhood.

South: Single family residential neighborhood.

East: Single family residential neighborhood.

West: John's Party Store is located on the northwest corner of Wattles and Livernois; an office and a supply company are located on the east side of Wattles.

Zoning Classification of Adjacent Parcels:

North: R-1B One Family Residential.

South: R-1B One Family Residential.

East: B-2 Community Business and O-1 Office Building.

West: R-1B One Family Residential.

Future Land Use Designation:

The property is designated on the Future Land Use Plan as C-F Community Facilities.

ANALYSIS

Area and Bulk Requirements:

There are no general area and bulk requirements for the C-F Community Facilities District.

Off-Street Parking and Loading Requirements:

There is no specific parking standard for museums in the Zoning Ordinance. There are presently thirty-eight (38) parking spaces serving the museum. The applicant is proposing an additional eighteen (18) spaces.

The two new additions will improve the museum by expanding the number of historic buildings within the museum. However the additions will not cause a direct increase in the number of people visiting the museum at any given time.

Vehicular and Non-motorized Access:

Vehicular access to the museum is provided by an existing, U-shaped driveway on Wattles Road. It is a one-way driveway; the easternmost drive is for entry only, the drive to the west is for exit only.

The existing fire lane will be maintained.

Stormwater Detention:

The applicant is proposing a detention basin in the northeast corner of the parcel.

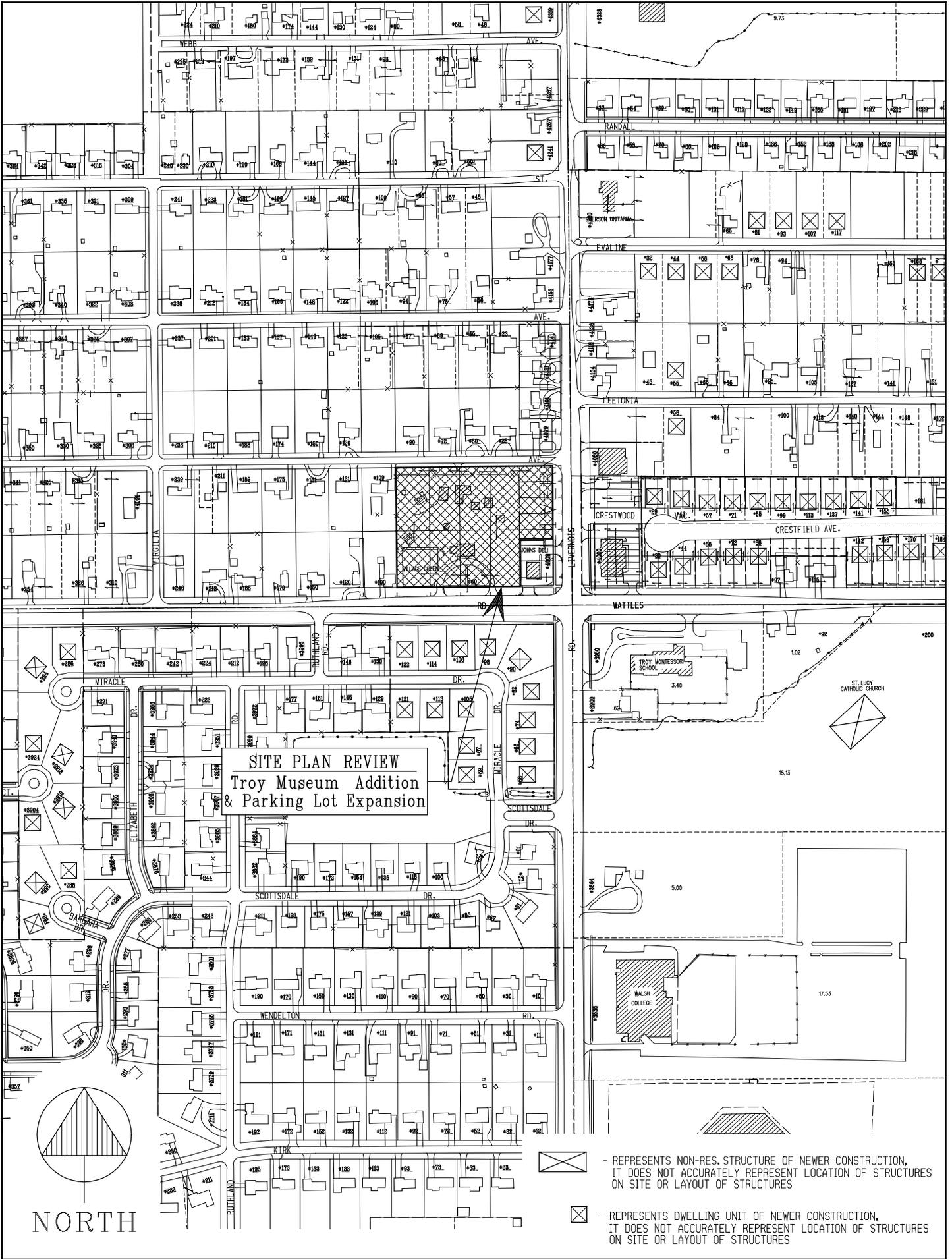
Natural Features and Floodplains:

The Natural Features Map indicates that there are no significant natural features located on the property.

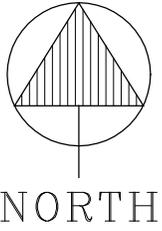
Development Standards:

Front, rear and side yards are required to be at least fifty (50') feet wide, as per Section 18.50.01. The application meets this requirement.

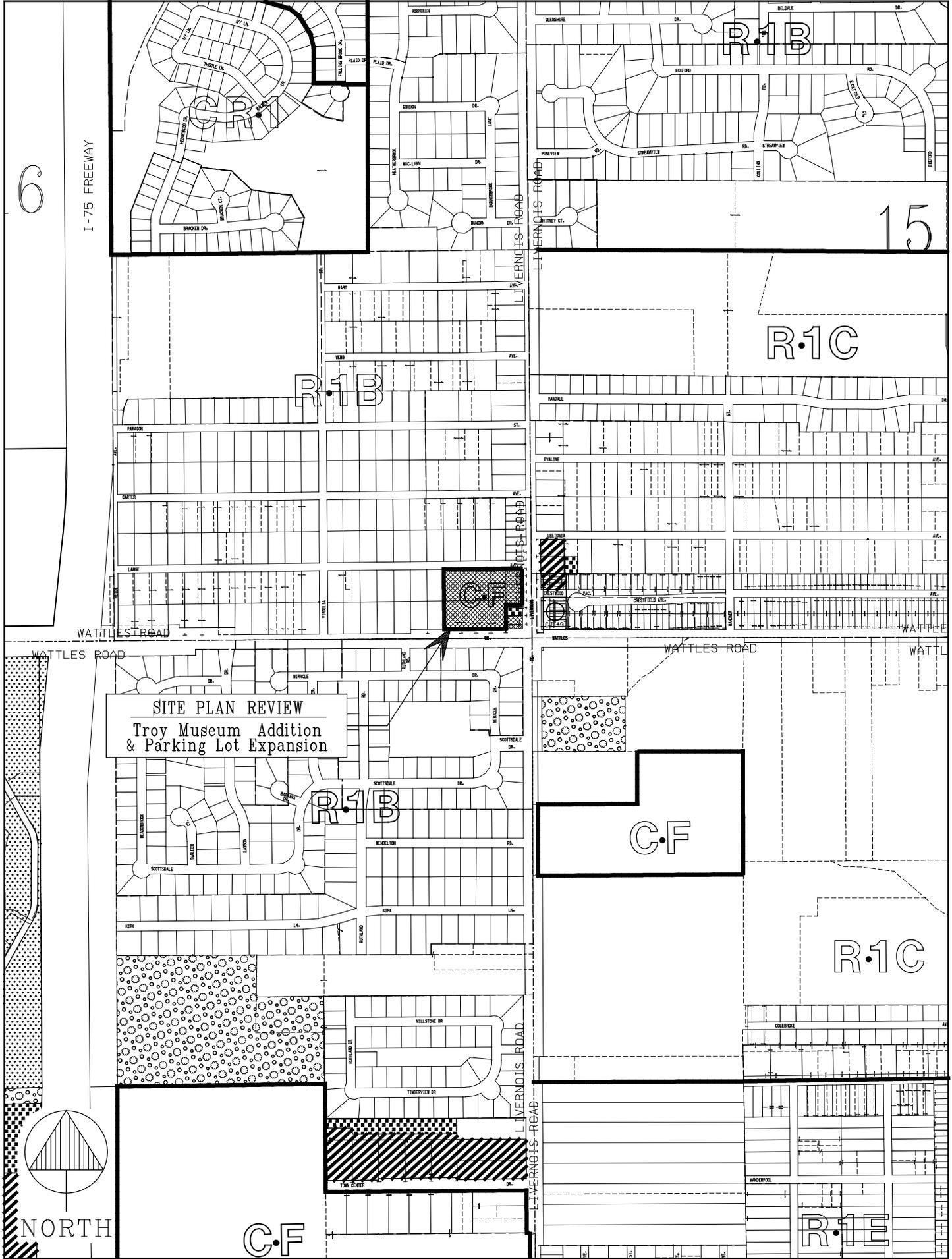
cc: Applicant
File/S.P. # 679



SITE PLAN REVIEW
Troy Museum Addition
& Parking Lot Expansion



- REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES
- REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES



I-75 FREEWAY

R-1B

15

R-1C

R-1B

WATTLES ROAD

SITE PLAN REVIEW
Troy Museum Addition
& Parking Lot Expansion

WATTLES ROAD

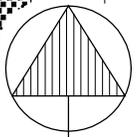
WATTLES ROAD

WATTLES ROAD

R-1B

C.F.

R-1C



NORTH

C.F.

R-1E

1599 Witherbee
Troy, MI 48084-2633
August 11, 2002

Mr. Gary Chamberlain
Troy Planning Commission Chairman
4850 Alter Ct.
Troy, MI 48098-5044

Dear Chairman Chamberlain:

In the spirit of "teamwork" and common goal of concern for the quality and protection of Troy's environment and land-use development, enclosed is Troy Historic District Commission's "Troy Museum and Historic Village Site Plan Changes Recommendations" that was conveyed both to Mr. Mark Stimac, head of the building department, and Ms. Lori Blum, city attorney, at our meeting on July 23, 2002. Hopefully, it help you in your deliberations.

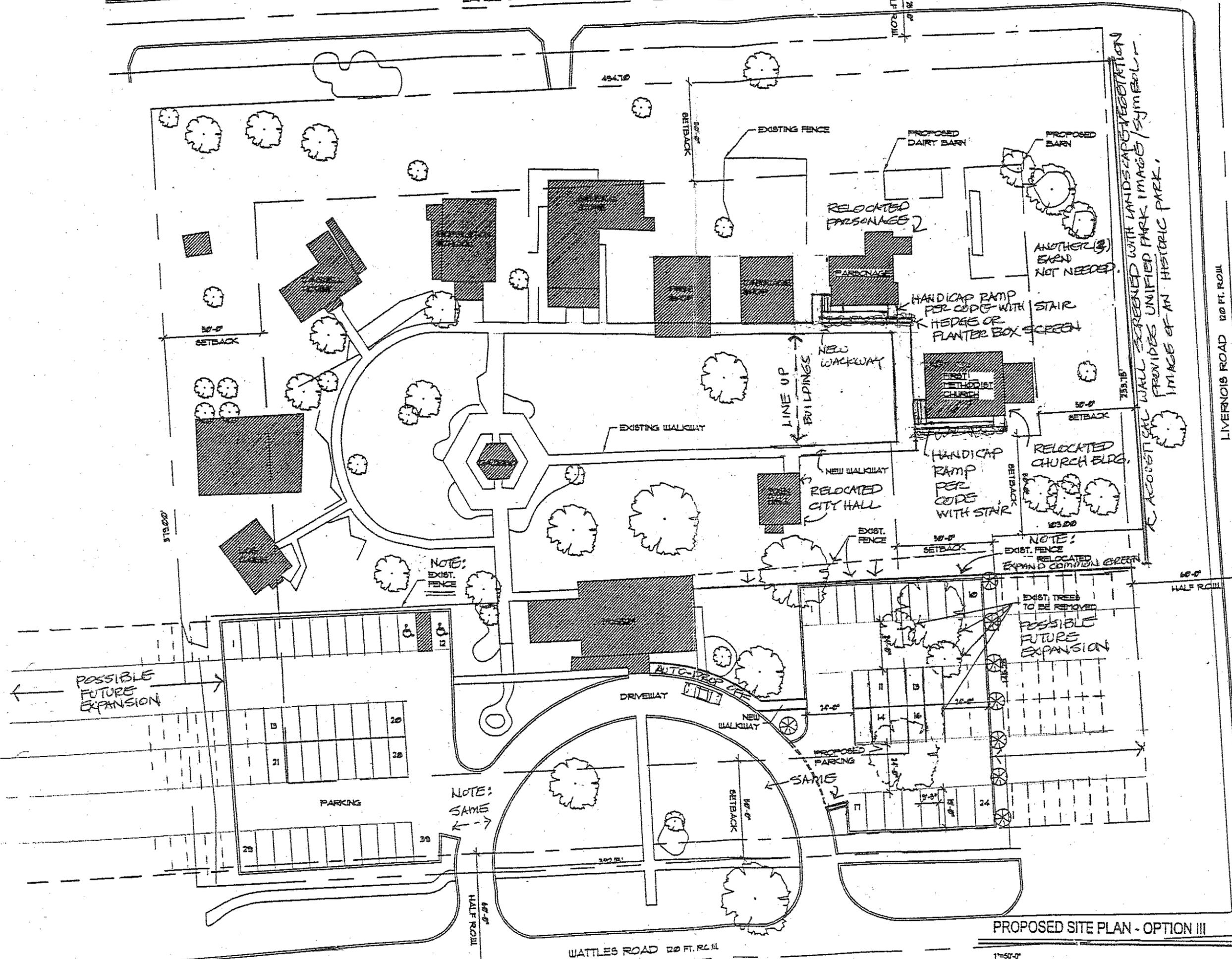
On July 23 the entire preliminary set of working drawings with the Troy Museum and Historic Village Site Plan was reviewed. For your information in this review there were exit and handicap code violations, lack of appropriate fire separation, and measurable trades performance standards and specifications to be met. To date we have not received a new set of working drawings (although it has been said they are now over 75% complete) to be reviewed and approved by the Troy Historic District Commission. For your commission information we have learned after our July 23 meeting the city has budgeted 1.8 million dollars for the church/parsonage project. It has been conveyed to us not much of the original church, etc. will be relocated at the Troy Museum and Historic Village Site and that possibly replicas would be cheaper. We have been told cost concerns are not our responsibility.

On another matter we would like the Planning Commission know that the Troy Historic District Commission is interested in the fate of the 6 acre Packard Farm although it is not historically designated; also, the remaining open space in Troy is being "filled up".

We hope we have been of help. Our special meeting takes place 8/13/2002 at City Hall also.

Sincerely,


Paul C. Lin Architect NCARB/Educator



SITE CHANGES
RECOMMENDATIONS
FROM
TROY HISTORIC
DISTRICT
COMMISSION

7/23/2002

PAUL C. LIN
ARCHITECT/NCARB
EDUCATOR

Paul C. Lin

FENCE KEPT SIMPLE AND RELATED TO WHOLE.

PARSONAGE INTEGRAL PART OF COMMON GREEN SPINE. SECURITY/SAFETY ENHANCED. PARSONAGE NOT HIDDEN. PERCEPTION NOT HINDERED.

MAXIMIZE PARKING ADJACENT TO SITE. USING PARKING ACCESS LIVERNOIS AND TRAFFIC INCREASE SAFETY/LIABILITY CONCERNS. LOT KEPT SIMPLE DIGNIFIED/SYMMETRICAL COST CONTROL, EASE OF MAINTENANCE, REPAIR SNOW REMOVAL/EASE OF EXPANSION. DOES NOT ENCRUSH INTO COMMON GREEN SPACE/SPACE. EXAMPLE TO FOLLOW: THOMAS JEFFERSON UNIVERSITY OF VIRGINIA

LIVERNOIS ROAD 20 FT. R.O.U.I.L.

50'-0" HALF R.O.U.I.L.

60'-0" HALF R.O.U.I.L.

WATTLES ROAD 20 FT. R.O.U.I.L.

PROPOSED SITE PLAN - OPTION III

1"=50'-0"

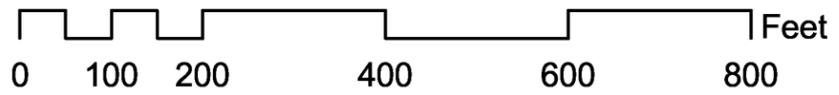


architectural studios of
GERALD J. YUR
ASSOCIATES
incorporated

ARCHITECTURE & INTERIOR
101 Main Street, Suite 400
Rochester, Michigan 48307
Phone 248.856.1881
Fax 248.856.1882

SITE PLAN REVIEW
TROY MUSEUM
N SIDE WATTLES, W OF LIVERNOIS
SEC. 16 (SP-679)

SITE PLAN REVIEW
ADD'L BLDGS. & PARKING LOT EXPANSION



August 29, 2002

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Mark Miller, Planning Director

Subject: ANNOUNCEMENT OF PUBLIC HEARING – SEPTEMBER 23, 2002 - REZONING APPLICATION – The west 140.87 feet of the lot abutting the John's Market property to the east (Sidwell 88-20-03-301-032), section 3 – P-1.

CITY MANAGEMENT AND PLANNING COMMISSION RECOMMENDATION

The John's Market property immediately to the west is zoned B-1 Local Business. This zoning is inconsistent with the Future Land Use Plan, which designates the northeast corner of the Livernois and Square Lake intersection as Low Rise Office. The other three corners are designated as Local Service Area Commercial in the plan. Commercial businesses are located at each of the three other corners. The corner property abutting the John's Market property to the west is a drive-thru bank, which generates traffic consistent with a commercial use.

At 140.87 feet by 73.43 feet, the potential of this parcel as a separate use is limited at best. The existing John's Market parking lot is extremely congested, with inadequate space to handle customer parking and delivery trucks. Rezoning this property to P-1 Vehicular Parking would not be an expansion of the B-1 district; the rezoning would allow the applicant to remedy an existing parking and unloading space shortage, without expanding the area of property zoned B-1 Local Business. The only use permitted in the P-1 Vehicular Parking District is off street vehicular parking. The P-1 Vehicular Parking district would serve as a buffer between the residences to the east and the commercial and office uses to the west. The rezoning request is generally compatible with existing land uses and zoning districts.

Based upon these findings, City Management recommends that the property be rezoned from R-1B to P-1.

At the August 13, 2002 regular Planning Commission meeting, the Planning Commission held a Public Hearing to solicit public comment on the application (see attached minutes). Following the Public Hearing, the Planning Commission recommended approval of the rezoning request.

GENERAL INFORMATION

Name of Owner / Applicant:

William John Shuwayhat.

Location of Subject Property:

The parcel is located on the north side of Square Lake Road, east of Livernois Avenue, section 3.

Size of Subject Parcel:

The parcel is 140.87 feet by 73.43 feet, or approximately 0.24 acres.

Current Use of Subject Property:

Vacant property purchased as a remnant parcel from the City of Troy.

Current Zoning Classification:

R-1B One Family Residential.

Proposed Zoning of Subject Parcel:

P-1 Vehicular Parking.

Proposed Uses and Buildings on Subject Parcel:

The applicant is proposing to expand the congested parking and unloading area for his existing commercial business. Presently, the parking lot is too small to safely and conveniently accommodate customers and delivery trucks. The applicant is proposing an enlarged parking area with some landscaping along Square Lake Road. The 30 foot wide parcel to the east will provide access to the property to the north. In addition, Mr. Shawayhat intends to provide an easement that is 16 feet wide by 34 feet deep, to be used for a historical sign. This sign will provide information on historic Troy Corners.

Current Use of Adjacent Parcels:

North: Low rise offices, vacant and one family residential.

South: Immediately south of the parcel are two historic structures which will soon be moved to another location. To the southeast are single family residences. To the southwest are a retail uses and offices.

East: Single family residences.

West: John's Party Store.

Zoning Classification of Adjacent Parcels:

North: R-1B One Family Residential.

South: B-1 Local Business and R-1B One Family Residential.

East: R-1B One Family Residential.

West: B-1 Local business (John's Market).

Parcel History:

This vacant parcel, known as the "Krell Remnant Parcel", is located immediately to the east of John's Market. The parcel was acquired by the City in 1994 as part of a drain improvement project. Since that time, the Historic District Commission, Mr. Shuwayhat and the owner of the property to the north (Mr. Frickel) have been interested in purchasing and improving the site. Mr. Shuwayhat recently purchased the western 140.87 feet of the parcel from the City to use for expanding his parking lot. Mr. Frickel purchased the east 30 feet to provide access to his property to the north.

ANALYSIS

Range of Uses Permitted in Proposed Zoning District and Potential Build-out Scenario:

The only use permitted in the P-1 Vehicular Parking District is off-street vehicular parking.

Vehicular and Non-motorized Access:

Access to the property will be from Square Lake Road.

Potential Stormwater and Utility Issues:

The applicant will need to dispose of the stormwater on the additional paved surface. This issue will need to be addressed during site plan review.

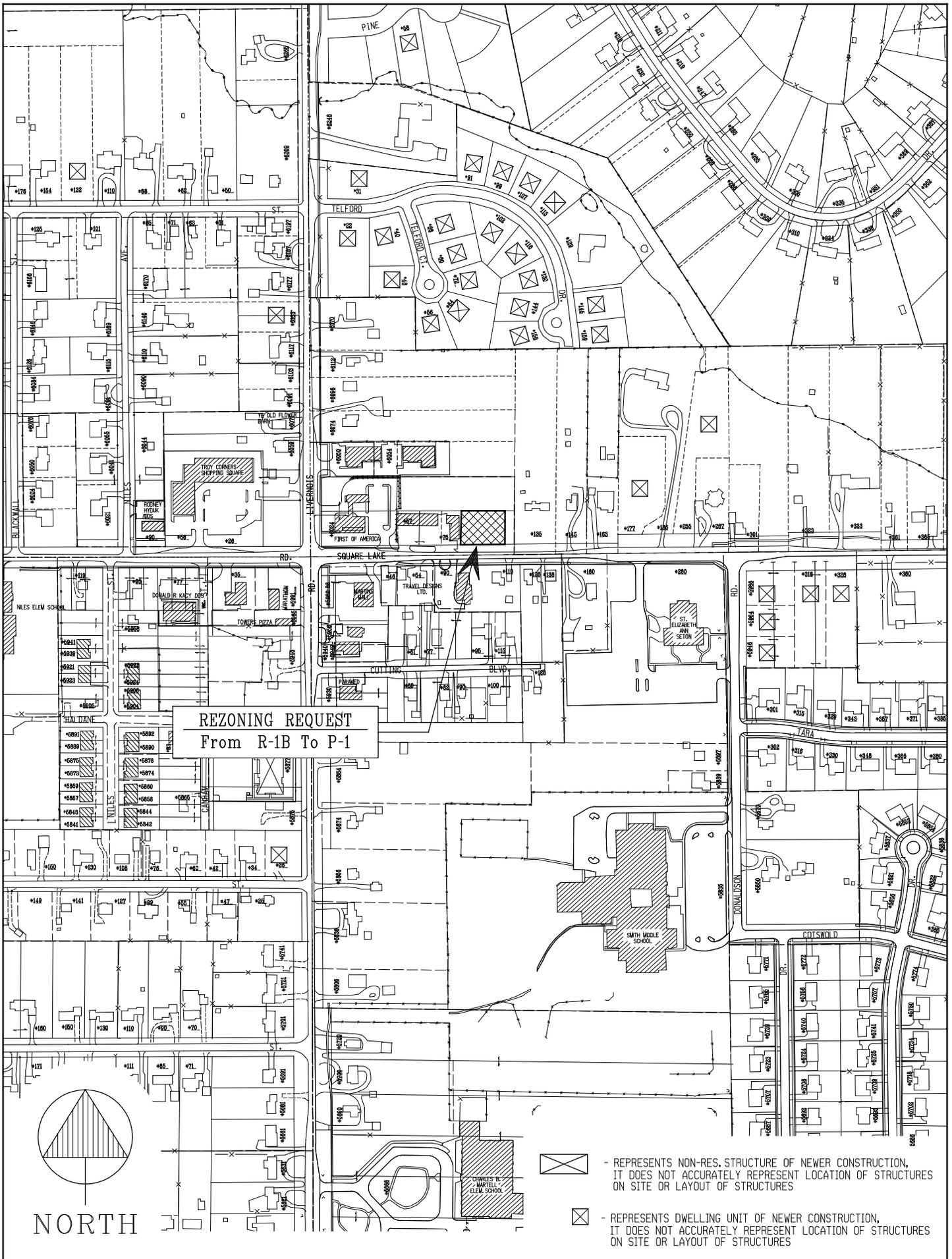
Natural Features and Floodplains:

The Natural Features Map indicates that there are no natural features located on the property. A drain is located to the east of the property.

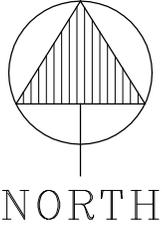
Compliance with Future Land Use Plan:

The Future Land Use Plan designates this area as Low Rise Office.

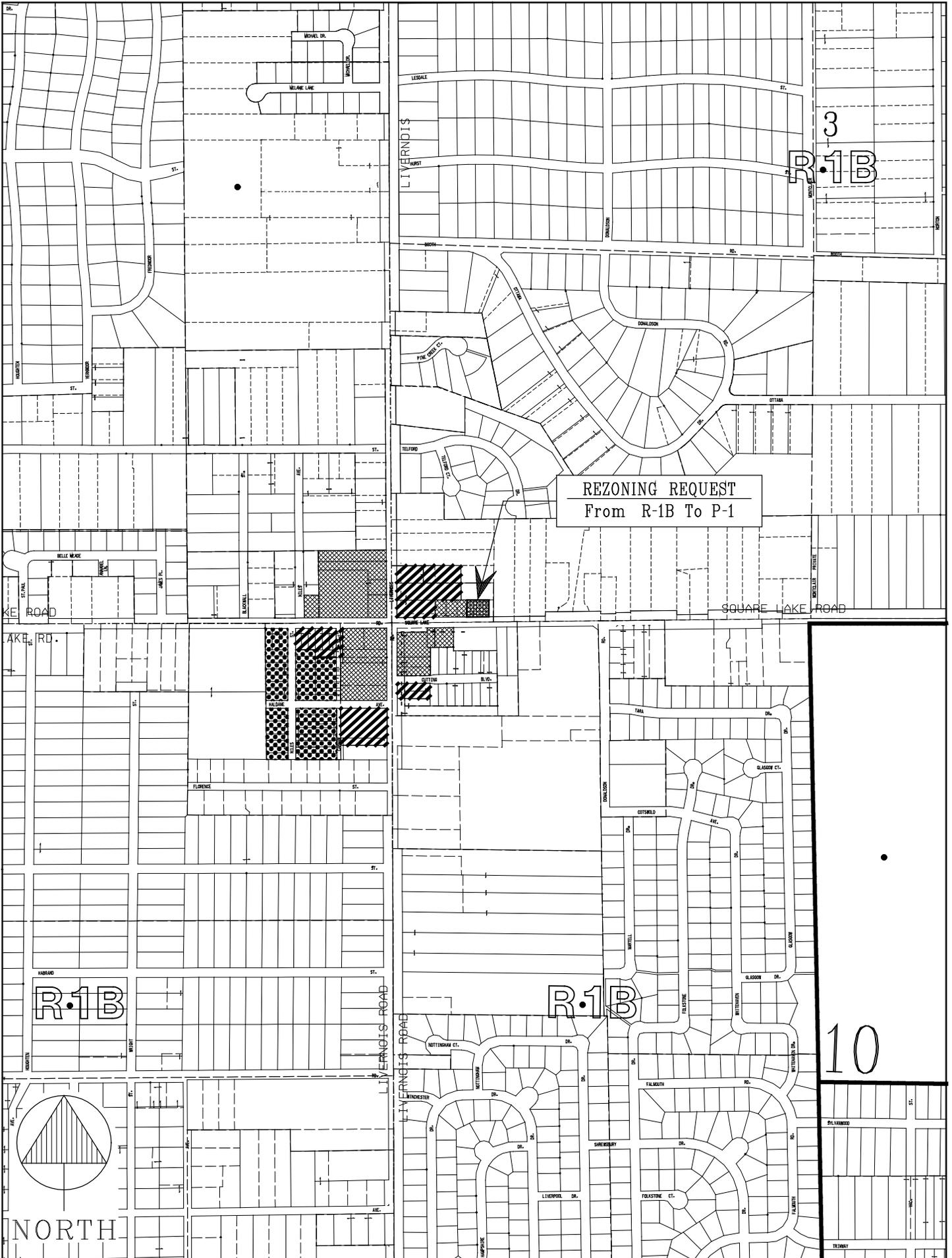
cc: Applicant
File



REZONING REQUEST
From R-1B To P-1



-  - REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES
-  - REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES



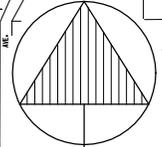
REZONING REQUEST
From R-1B To P-1

3
R-1B

R-1B

R-1B

10



NORTH

7-11-02

TO THE PLANNING COMMISSION OF TROY,

WE, AS THE OWNERS OF JOHN'S MARKET,
WOULD LIKE TO PURSUE THE REZONING
OF THE PROPERTY WE PURCHASED
FROM THE CITY OF TROY IN JUNE, 2002,
FROM RESIDENTIAL TO PARKING OR P1.

WE WOULD LIKE TO MAKE A BETTER
AND BIGGER PARKING LOT, WHICH WOULD BE
EASIER FOR THE CONSUMERS, AND ALSO
FOR THE SEMI-TRUCKS TO TURN AROUND IN.

THANK YOU,
WILLIAM JOHN SHAWAY
William John Shyfel

JOHN'S MARKET
75 EAST SQUARE LAKE
Troy M. 48085

REC'D

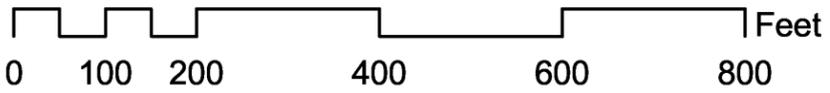
JUL 11 2002

PLANNING DEPT.

REZONING REQUEST
JOHN'S MARKET / KRELL PROP.
E OF LIVERNOIS, N SIDE SQUARE LAKE
SEC. 3 (Z-682)



REZONING REQUEST
FROM R-1B TO P-1



CERTIFICATE OF SURVEY

Proposed Rezoning = West 140.87 ft. of Lot 22 of Supervisor's Plat No. 7 except the South 41.00 ft.

Property Description:

Lot 22 of "Supervisor's Plat No. 7", as recorded in Liber 45, Page 21-21A, of Oakland County, Michigan records, except the South 41.00 feet being more particularly described as: Commencing at the Southwest Corner of Section 3, T2N-R11E, City of Troy, Oakland County, Michigan; thence S 89° 53'00"E, along the south line of said section 3, 473.11 feet and N 00° 09'30" W, along the west line of said Lot 22, 74.00 feet to the north line of Square Lake Road and the Point of Beginning; thence continuing N 00° 09'30" W, along said west lot line, 72.25 feet to the northwest corner of said Lot 22; thence S 89° 53'00" E, along the north lot line, 171.13 feet (recorded as 171.4') to the north east corner of Lot 22; thence S 00° 12'55" W (recorded as S 00° 20' W), along east lot line, 72.25 feet to the north line of said Square Lake Road; thence N 89° 53'00" W, along said north line, 170.66 feet to the Point of Beginning. Containing 12,347 Square Feet or 0.283 Acres more or less and being subject to all encumbrances of record.

CERTIFICATION:

I, hereby certify that I have surveyed and mapped the land above platted and described on July 19, 2002, and that the ratio of closure of the unadjusted field observations of such survey was 1 in 30,000 and that all of the requirements of P.A. 132 of 1970 have been met.

George J. Ballard III

7-19-2002

George J. Ballard III, P.S.

Date

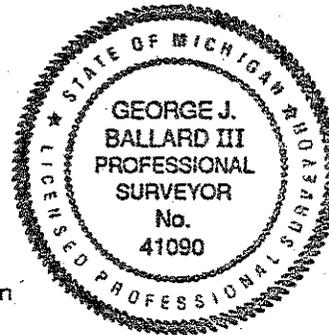
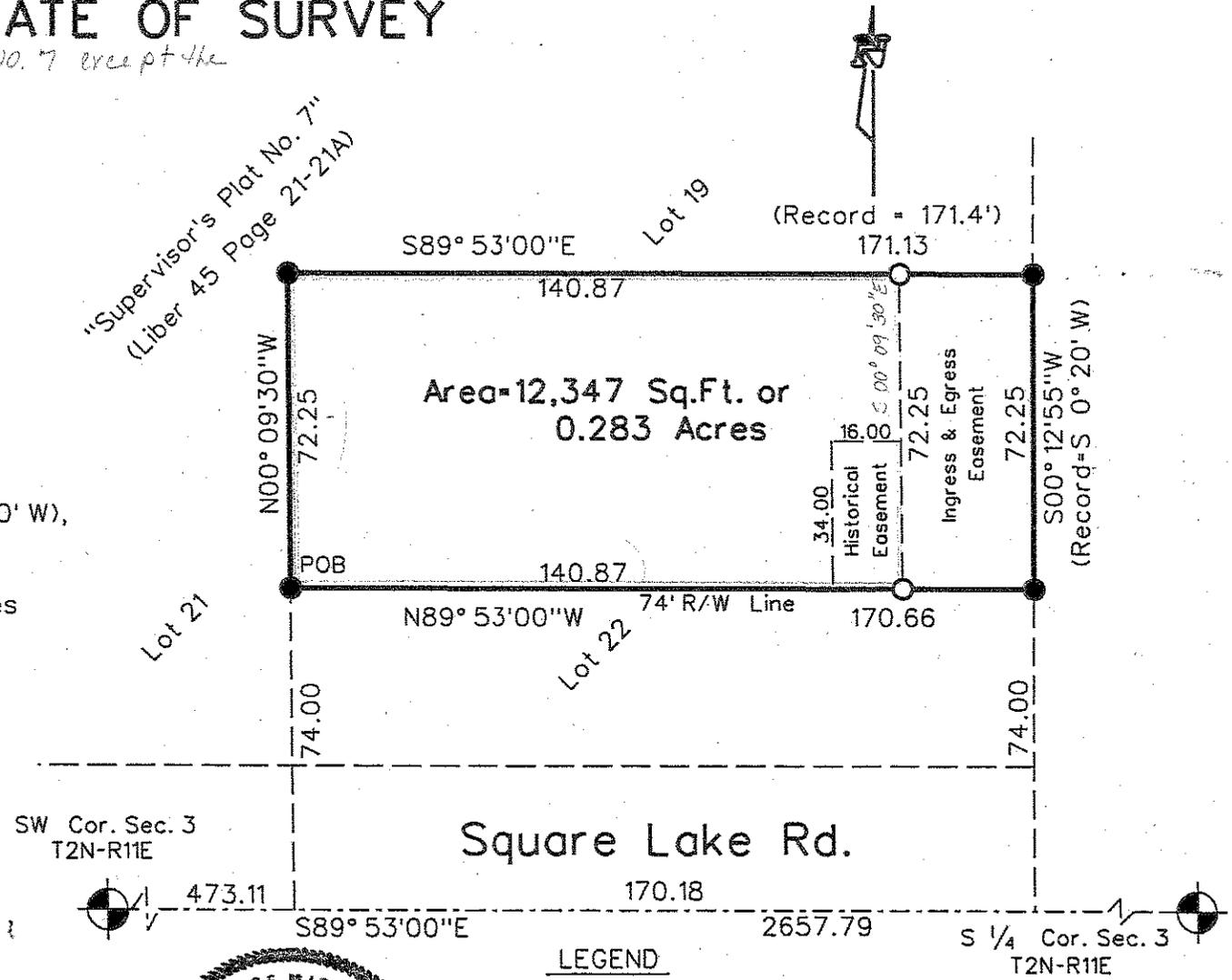
Witness Ties

SW Cor. Section 3
Fnd. Remon. Mon. in Mon. Box

S 1/4 Cor. Section 3
Fnd. Remon. Mon. in Mon. Box

- | | |
|---|---|
| N16° E: 120.51, PK/Tag *14864, SE-Face P.P. | N45° E: 21.13, T/Center Hyd. |
| S65° E: 69.86, PK/Tag *14864, SW-Face P.P. | S3° W: 37.71, Nail/Tag *1258, W-Face 14" Elm |
| S45° W: 73.15, PK/Tag *25854, SE-Face P.P. | S35° W: 48.56, Nail/Tag *1258, E-Face 24" Elm |
| N40° W: 85.16, PK/Tag *32334, E-Face P.P. | N3° W: 50.92, PK/Tag, SW-Face P.P. |

Bearings were established from the recorded plat of "Supervisor's Plat No. 7" along the south line of Section 3.



LEGEND

- - Indicates Set Re-Rod #41090
- - Indicates Found Survey Iron

Survey For:

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

CITY OF TROY	
500 W. Big Beaver Rd. Troy, MI 48084	
Field: BS, JS, BG	Office: GJB, BO
Scale: 1"=40'	Date: 7-19-2002
Sheet 1 of 1	

August 29, 2002

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Doug Smith, Real Estate and Development Director
Steve Vandette, City Engineer
Mark F. Miller, Planning Director

SUBJECT: ANNOUNCEMENT OF PUBLIC HEARING (SEPTEMBER 23, 2002) - STREET VACATION APPLICATION (SV-15) – A portion of Hartland Street, east of Daley Street, north of Big Beaver Road, Section 23.

RECOMMENDATION

The Planning Commission recommended approval of the street vacation request as submitted. City Management concurs with the Planning Commission and recommends approval of an authorizing resolution to vacate the street.

GENERAL INFORMATION

Name of applicant(s):

Mr. Joseph Paluzzi and Mr. Ninov Constantin.

Location of property owned by applicant(s):

Mr. Constantin owns the lot abutting Hartland Street at the northeast corner of Daley and Hartland.

Length and width of right-of-way.

The section of Hartland Street that is proposed to be vacated is 50 feet wide by approximately 1,469 feet in length. The right of way is unimproved.

History of Right of Way:

The existing right of way is within West Oak Subdivision No. 1 and 2, which has received Final Preliminary Plat Approval from City Council. Hartland Street will be realigned as part of the plat, however the existing Hartland Street right of way must first be vacated so that the plat amendment may be approved by the State of Michigan. Construction of this subdivision has started, and utilities have been constructed.

Current use of adjacent parcels:

Adjacent parcels are presently vacant but consist of single family residential lots.

Zoning classification of adjacent parcels:

Adjacent parcels are zoned R-1D One Family Residential.

ANALYSIS

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

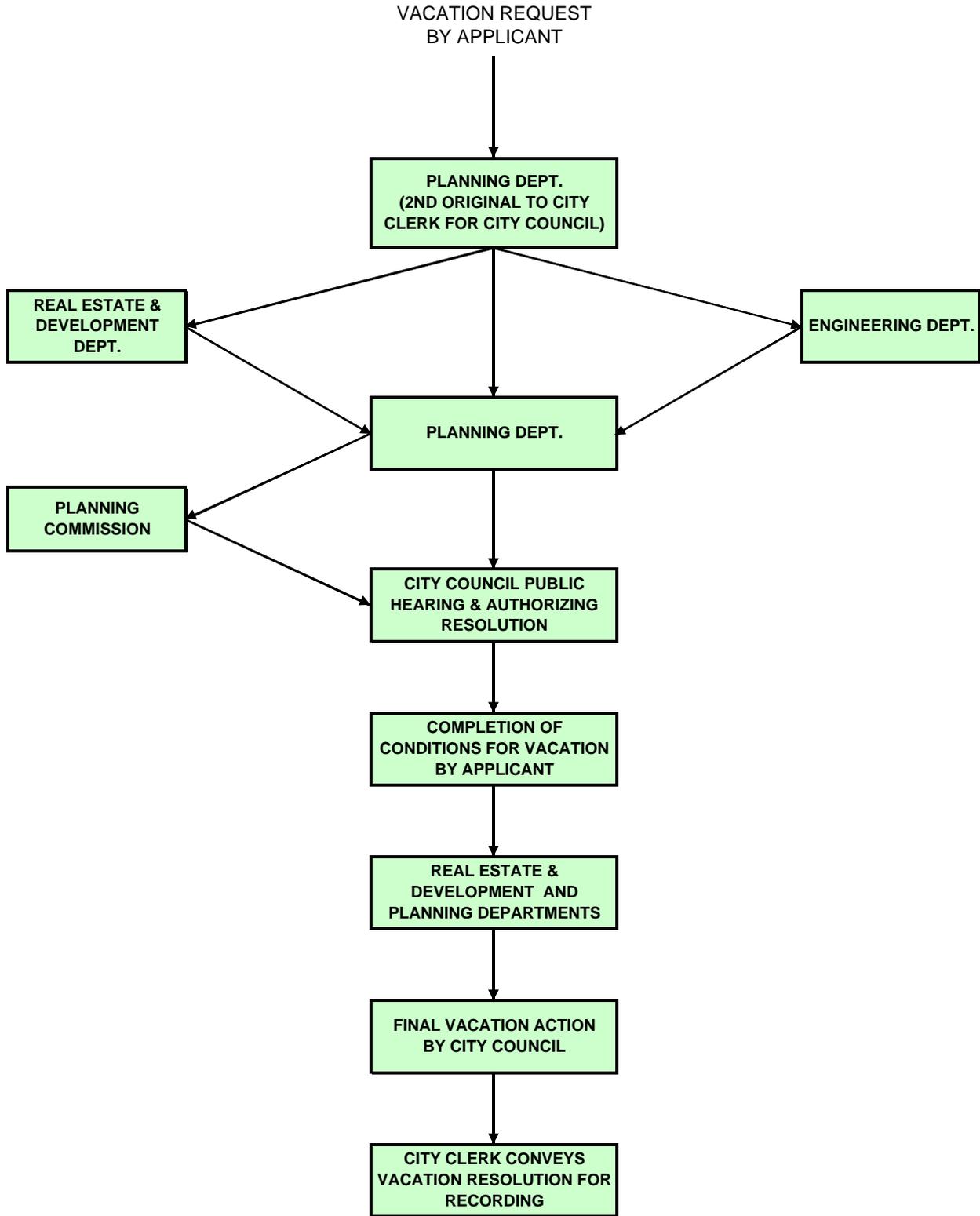
The application states the following: "A realignment of Hartland Street to match West Oak Subdivision No. 2 as approved by the city and currently under construction".

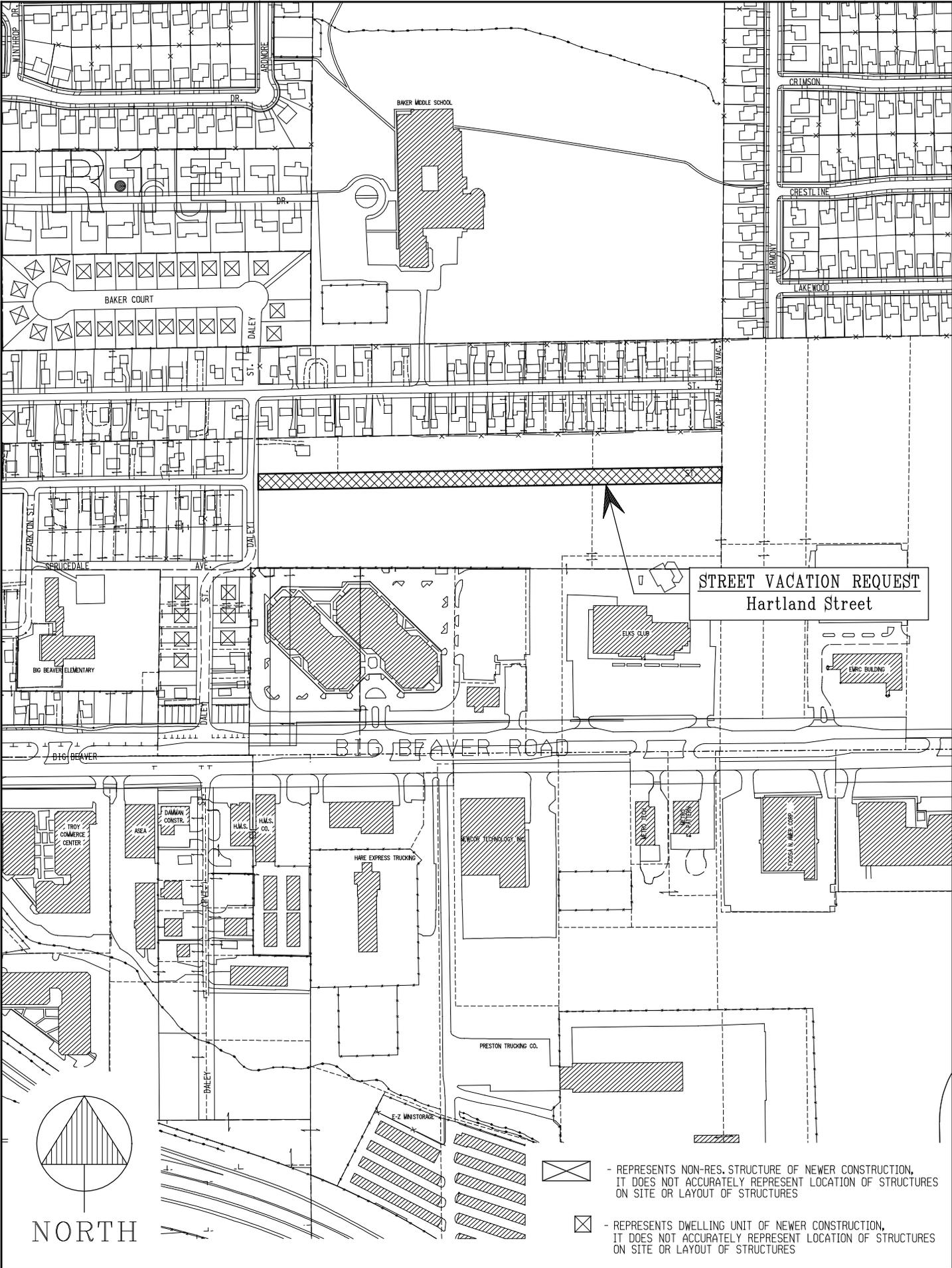
Future Land Use Designation:

The entire neighborhood including the lots abutting the right of way are designated on the Future Land Use plan as Low Density Residential.

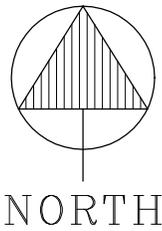
cc: Applicant
File/SV-15

STREET AND ALLEY VACATION PROCESS

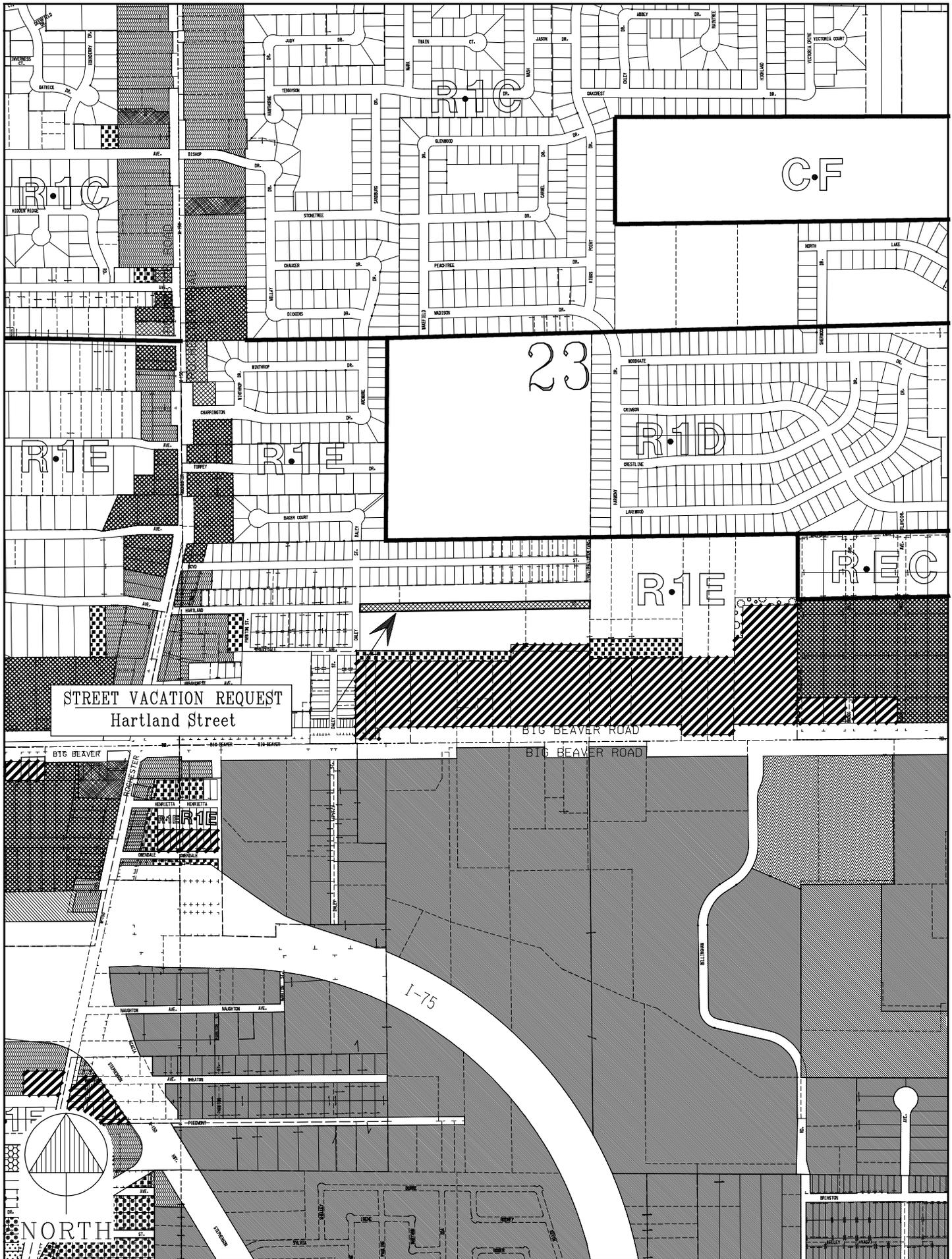




STREET VACATION REQUEST
Hartland Street



-  - REPRESENTS NON-RES. STRUCTURE OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES
-  - REPRESENTS DWELLING UNIT OF NEWER CONSTRUCTION, IT DOES NOT ACCURATELY REPRESENT LOCATION OF STRUCTURES ON SITE OR LAYOUT OF STRUCTURES



STREET VACATION REQUEST
Hartland Street

23

C.F

R1D

R1E

R1E C

NORTH

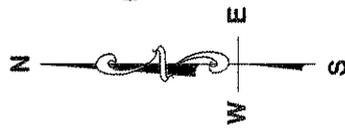
I-75

BIG BEAVER ROAD

BIG BEAVER ROAD

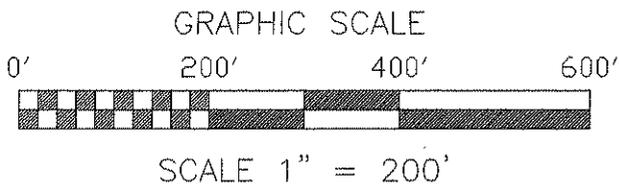
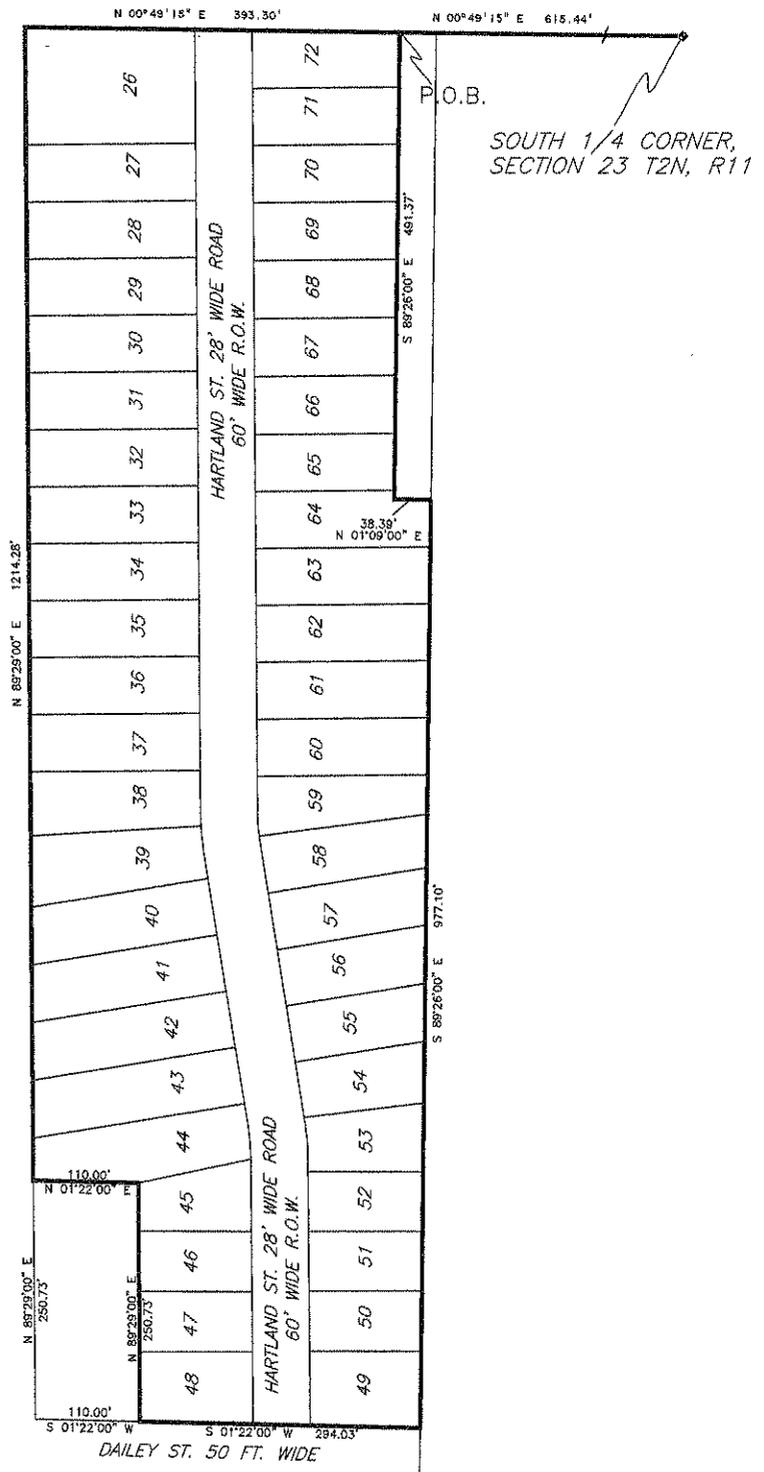
BRUNTON

WEST OAK SUBDIVISION NO. 2
OAKLAND COUNTY, MI.

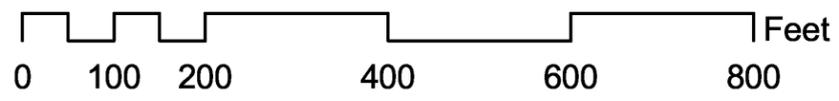


LEGAL DESCRIPTION - SUB. NO.2

LAND IN THE CITY OF TROY, OAKLAND COUNTY, MICHIGAN, PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 23, TOWN 2 NORTH, RANGE 11 EAST., DESCRIBED AS BEGINNING AT A POINT DISTANT N00°49'15"E 615.44 FEET ALONG THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 23 FROM THE SOUTH 1/4 CORNER OF SAID SECTION 23; THENCE N89°26'00"W 491.37 FEET; THENCE S01°09'00"W 38.67 FEET; THENCE N89°26'00"W OF 976.89 FEET; THENCE N01°22'00"E 294.03 FEET ALONG THE EASTERLY LINE OF DALEY STREET; THENCE N89°29'00"E 250.73 FEET; THENCE N01°22'00"E 110.00 FEET; THENCE N89°29'00"E 1214.28 FEET; THENCE S00°49'15"W 356.69 FEET TO THE POINT OF BEGINNING CONTAINING 13.07 ACRES OF LAND AND BEING SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD.



STREET VACATION REQUEST
HARTLAND STREET
E OF DALEY, N OF BIG BEAVER
SEC. 23 (SV-15)



7/30/02

G-05a

On behalf of Troy Parks and recreation and Robenwood Morse Day Camp, I would like to thank Officer Craft and the K-9 unit for their participation in the K-9 demonstration. The children enjoyed the dogs, officers, and knowledge gained from the unit. I look forward to a continued partnership with these officers and our children's programs.

Thank you,
Carrie Crabb &
Robenwood / Morse Camp
Staff



August 18, 2002

RECEIVED
Chief of Police

182202 CR

G-05b

Police Chief
City of Troy

Dear Sir:

I would like you to
Extend to Officers Blaska
Badge # 84 and Bodak Badge
85 my sincere thanks
for their professionalism and
Kindness they showed to me,
on August 14, 2002 when I was
involved in an auto accident
at 9:25AM at Crooks Rd
and Long Lake Rd.

In my opinion they
are an asset to your
Department

Yours Truly
Lillian Simoncini

OFF. BOSKA

OFF. BODAK



St. Joseph Catholic Chaldean Church

G-05c

2442 E. Big Beaver Rd.
Troy, Michigan 48083

ܩܘܪܝܬܐ ܕܫܘܒܐ ܕܫܘܒܐ

Phone: (248) 528-3676
Fax: (248) 524-1957

August 8, 2002

Police Department
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

In the name of the Clergy, Parish Council, the Traffic Committee and all members of St. Joseph Church we would like to express hereby our deep appreciation for the excellent service given to our congregation of St. Joseph during the historical event of the Episcopal consecration of our former pastor Rev. Sarhad Jammo which occurred on July 18, 2002, when several members of the Troy Police Force did their best in organizing and directing safely the heavy traffic around our church. Please convey our best regards and gratitude to every policeman who contributed to that outstanding endeavor.

Best regards

Sincerely

Fr. Emanuel Shaleta
Parochial Vicar

Nick Najjar
President of Parish Council



Chief Craft,

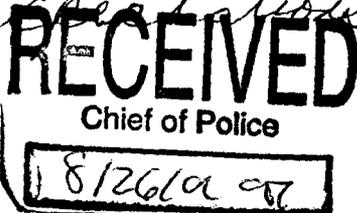
Aug. 22, 2002

G-05d

While I'm sending this letter there are a few other officers that you should know about that are very community dedicated -

Nicole Kaptor spent more than two hours of time talking and making balloon animals for the kids and just captured the crowd at Fun Day - Aug at Walker Beach in the Emerald Lake Sub. What a great person.

On Aug 20, our Gray Wagon Meeting was held and once again Steve Yawislok and Dave Swanson did an outstanding job. They have been with us thru the "thick and thin". Steve could hardly move but there he was talking to "the troops" and Dave is a great plus. We will be having our final meeting on the first Tuesday of September at the Community Center with all of the vendors, etc. I'm sure Steve & Dave will again "perform" above expectations -



Thanks again
Sue [Signature]
Gray Wagon [Signature]



DEPARTMENT OF THE TREASURY
UNITED STATES SECRET SERVICE

G-05e

August 23, 2002

U.S. Secret Service
Patrick V. McNamara Building
477 Michigan Avenue, Suite 1000
Detroit, Michigan 48226

Chief Charles Craft
Troy Police Department
500 W. Big Beaver Road
Troy, Michigan 48084

Dear Chief Craft:

Please let me extend my gratitude to the men and women of your department for all their support during President George W. Bush's recent visit to Troy. They did a superb job. As you know, without the assistance of local law enforcement, the Secret Service's task of protecting President Bush would be insurmountable.

The Secret Service appreciates your expertise, and service in helping to make this visit a success. Your participation and continued support are always greatly appreciated.

We look forward to working with you and other members of your agency in the future.

Sincerely,

Anthony Triplett
Special Agent in Charge

/cae



RECEIVED

Chief of Police

8/26/02

Aug 22, 2002

G-05f

Dear Captain Craft,

On August 17, 2002, in the afternoon

I felt I needed to give some information about an incident that had just happened.

The response of Julie Green was so positive I feel I had to let you know about one of your employees - my phone conversation with her was such a positive experience and I felt she would handle the situation. She deserves a "pat on the back". Having been

a resident in our house for thirty five years, raising 1 daughter and four boys, you can imagine some of the things that have happened. My husband grew up in Troy and went to Colerain School when it was serviced in the front only structure.

We have always been proud to be home owners in Troy. I'm sorry I have not been able to meet you as yet - our community activities seem not to have crossed. I hope that will change -

Thank you for your
time

(Susan W) Sue Bishop

My mother-in-law was traveling by her self. She was on the way to get her grand-daughter, she got to Range Tree Park, she was lost, crying, upset ~~she~~ she did not know which way to go. One of your officers, called her gave her directions, and got her on her way. All the name we got was, "Mark"; But she wanted to thank him for helping her.
My mother In-Law's name is Ruth Seay.

Thank you for helping her out, when there was not much we could do.

It may not have seemed like a big deal to you, but it was.

THANK YOU.

(11)

Debbie Gordon

RECEIVED
Chief of Police

8/26/02 CTE

City of Berkley

2395 Twelve Mile Road, Berkley, MI 48072

G-05h



Department of
Public Safety
541-9000

August 23, 2002

Troy Police Department
Chief Charles Craft
500 W. Big Beaver
Troy, MI 48084

Dear Chief Craft,

The Berkley Public Safety Department would like to thank Sgt. Don Ostrowski for his assistance and support during the 8th annual 2002 Berkley Cruisefest and Woodward Dream Cruise. The Hazmat equipment and coordination with our Department is greatly appreciated.

Each year this event grows and we become increasingly dependant upon the support given by your Department. Your commitment of equipment and manpower is essential to the safety and welfare of all that attend.

Again on behalf of the Berkley Department of Public Safety, please extend my thanks to all of your personnel involved, especially Sgt. Ostrowski for his diligence. Please do not hesitate to contact me should my department be able to assist you in any way.

Sincerely,

A handwritten signature in black ink, appearing to read "Lt. Robert North".

Lt. Robert North
Interim Director of Public Safety

RECEIVED
Chief of Police
8/28/02 CJC

September 2002

September 2002						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October 2002						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					September 1
2	3	4	5	6	7
Labor Day-City Offices Closed	7:30pm Planning Comm-Study (Conference Room LL)	8:30am Building Code Board of Appeals (City Hall (LL)) 7:00pm Adv Comm Per/Disabilities (City) 7:30pm Animal Control Appeals Board (Conference Ro	10:00am Advisory Comm/Senior Citizens (Community Center)		8
9	10	11	12	13	14
7:30pm City Council-Regular (Council Chambers) 7:30pm Liquor Control Committee (City Hall (LL))	7:30pm Planning Comm-Regular (Council Chambers) 7:30pm Historical Society (Community Center)	3:00pm Employee Retirement System (City Hall (C))	7:30pm Parks & Recreation Board (Community Center) 7:30pm Library Board of Trustees (Library)	Troy Daze Festival (Boulan Park)	
16	17	18	19	20	21
	7:30pm Board of Zoning Appeals (Council Chambers) 7:30pm Historic District Commission (City Hall (C))	7:30am DDA (Conference Room LL) 7:30pm Traffic Committee (City Hall (LL))			22
23	24	25	26	27	28
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning Comm-Study (Conference Room LL) 7:30pm Historical Commission (Museum)	6:30pm Troy Youth Council (Contact Laura Fitzpatrick) (Conference Room LL)		8:00am Election Commission (Conference Room C)	29
30					

9/5/02 1:36 PM

PH-9/9/02-Street Vacation, Somerton
 PH-9/9/02-PUD, Woodside Bible Church
 PH-9/9/02-CDBG
 PH-9/23/02-Troy Museum Site Plan Review
 PH-9/23/02-Rezoning, Section 3 R-1B to P-1
 PH-9/23/02-Street Vacation, Hartland, Sec 23

October 2002

October 2002							November 2002						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
6	7	8	9	10	11	12	3	4	5	6	7	8	9
13	14	15	16	17	18	19	10	11	12	13	14	15	16
20	21	22	23	24	25	26	17	18	19	20	21	22	23
27	28	29	30	31			24	25	26	27	28	29	30

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	October 1	2	3	4	5
	7:30pm Planning Comm-Study (Conference Room LL)	8:30am Building Code Board of Appeals (City Hall (LL)) 7:00pm Adv Comm Per/Disabilities (City Hall (LL))	10:00am Advisory Comm/Senior Citizens (Community Center)		
					6
7	8	9	10	11	12
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning Comm-Regular (Council Chambers) 7:30pm Historical Society (Community Center)	3:00pm Employee Retirement System (City Hall (C))	7:30pm Parks & Recreation Board (Community Center) 7:30pm Library Board of Trustees (Library)		
					13
14	15	16	17	18	19
7:30pm Liquor Control Committee (Conference Room C)	7:30pm Board of Zoning Appeals (Council Chambers) 7:30pm Historic District Commission (City Hall (C))	7:30am DDA (Conference Room LL) 7:00pm Cable Advisory Committee (City Hall (C)) 7:30pm Traffic Committee (City Hall (LL))	3:00pm Brownfield Redevelopment Authority (Conference Room LL)		
					20
21	22	23	24	25	26
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning Comm-Study (Conference Room LL) 7:30pm Historical Commission (Museum) 8:00pm Troy Daze (Community Center)	6:30pm Troy Youth Council (Contact Laura Fitzpatrick) (Conference Room LL)			
					27
28	29	30	31		

9/5/02 1:37 PM

PH-9/9/02-Street Vacation, Somerton
 PH-9/9/02-PUD, Woodside Bible Church
 PH-9/9/02-CDBG
 PH-9/23/02-Troy Museum Site Plan Review
 PH-9/23/02-Rezoning, Section 3 R-1B to P-1
 PH-9/23/02-Street Vacation, Hartland, Sec 23

November 2002

November 2002							December 2002						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
					1	2	1	2	3	4	5	6	7
3	4	5	6	7	8	9	8	9	10	11	12	13	14
10	11	12	13	14	15	16	15	16	17	18	19	20	21
17	18	19	20	21	22	23	22	23	24	25	26	27	28
24	25	26	27	28	29	30	29	30	31				

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				November 1	2
					3
					4
4	5	6	7	8	9
7:30pm City Council-Regular (Council Chambers)	General Election 7:30pm Planning Comm-Study (Conference Room LL)	8:30am Building Code Board of Appeals (City Hall (LL)) 7:00pm Adv Comm Per/Disabilities (City Hall (LL))	10:00am Advisory Comm/Senior Citizens (Community Center)		10
					11
11	12	13	14	15	16
7:30pm Liquor Control Committee (Conference Room C)	7:30pm Planning Comm-Regular (Council Chambers) 7:30pm Historical Society (Community Center)	3:00pm Employee Retirement System (City Hall (C))	7:30pm Parks & Recreation Board (Community Center) 7:30pm Library Board of Trustees (Library)		17
					18
18	19	20	21	22	23
7:30pm City Council-Regular (Council Chambers)	7:30pm Board of Zoning Appeals (Council Chambers) 7:30pm Historic District Commission (City Hall (C))	7:30am DDA (Conference Room LL) 7:30pm Traffic Committee (City Hall (LL))			24
					25
25	26	27	28	29	30
	7:30pm Planning Comm-Study (Conference Room LL) 7:30pm Historical Commission (Museum) 8:00pm Troy Daze (Community Center)		Thanksgiving-City Offices Closed		

9/5/02 1:37 PM

PH-9/9/02-Street Vacation, Somerton
 PH-9/9/02-PUD, Woodside Bible Church
 PH-9/9/02-CDBG
 PH-9/23/02-Troy Museum Site Plan Review
 PH-9/23/02-Rezoning, Section 3 R-1B to P-1
 PH-9/23/02-Street Vacation, Hartland, Sec 23

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Charles Craft, Chief of Police *CC*
Gary Mayer, Police Captain *G. Mayer*

SUBJECT: Compliance with Council Resolution - Liquor Licensees

Council Resolutions from the Liquor Violation Hearings February 25th & 27th, 2002 required certain licensees to train their employees in an approved alcohol awareness program (TIPS/TAM). Licensees were given 60 days to comply and provide proof of training to the police department.

All have provided proof of training. Training schedule backlogs of approved vendors prevented Bottle & Cork Party Shoppe from complying within the 60-day time limit, but have since complied. We are confident they made a good faith effort to get the training as soon as possible. Below is a detailed listing:

Ashoka Indian Cuisine	Received 04/30/02
Embassy Suites Hotel	Received 04/16/02
McCormick & Schmick	Received 04/18/02
Rite Aid (3986 John R)	Received 04/19/02
7-Eleven (5020 John R)	Received 04/18/02
Rite Aid (2971 W Maple)	Received 04/22/02
Farmer Jack (2105 W South)	Received 04/01/02
Ruth's Chris Steak House	Received 04/15/02
Bottle & Cork Wine Shoppe	Received 08/29/02 (trained 07/22/02)
Hollywood Supermarket	Received 04/23/02
Picano's Italian Restaurant	Received 04/30/02
LaShish	Received 04/17/02
Holiday Inn	Received 04/15/02
Capital Grill	Received 04/24/02
Corradi's Athletic Club	Received 04/21/02
Wagon Wheel Saloon	Received 04/22/02

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance & Admin.
Cindy Stewart, Community Affairs Director

SUBJECT: Equipment for Hearing Impaired

DATE: August 28, 2002

Based on the discussion at the August 19 City Council meeting, we have researched equipment to assist people with hearing impairments attending City Council meetings. The following items will be purchased and utilized at meetings. It would interact with our current video equipment. The transmitter would have to be mounted on the back door that opens into the Community Affairs Office. The wireless headsets have a range of 10,000 square feet. A person can wear the headset and sit anywhere in the Council Chambers or Conference Room for study sessions.

Headsets and transmitter:

1	WIR-TX10	Williams Sound Corp. Large Audience Infrared System	\$ 629.00
2	WIR-RX4	Williams Sound Corp. One-piece headphone receiver @ \$75 ea.	150.00
TOTAL			\$779.00 plus shipping

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August 29, 2002

To: The Honorable Mayor and City Council

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

Re: Report and Communication
 Revisions and Clarification of the Bid Process

Statement of No Bid Document

In an effort to further improve our bid process, staff has prepared a "Statement of No Bid" or debriefing document that will be included with all bid documents (copy attached). This document will assist staff in gathering additional information that can be used in the review of a bid process.

Clarification of Admission to Vendor Bid Lists

The following information is provided to assist City Council's understanding of the composition of our bid lists:

Commodity Coding: The National Institute of Governmental Purchasing (NIGP) provides a standardized national coding system used by many entities to maintain vendor bid lists. Due to the length of the code, vendors forward a general class code for which they wish to be registered. This class code ensures that they see all bids even though they may not be able to bid on one particular item. Purchasing maintains the entire vendor registration process including vendor mailings, vendor meetings, and coding the information provided. The codes and vendor lists are not edited. *As of June 30, 2002, Purchasing has commodity coded 11,656 bidders/ vendors.* The "using" department also adds vendors they believe to be relevant to the bid process.

When dealing with construction projects, theBlueBook.com through their website notifies vendors registered with them of City projects by either email or fax at the vendor's option by this service.

Future Vendor Registration Process: A Tri-County Purchasing Cooperative Request For Proposal (RFP) process is currently pending for third party on-line vendor registration and potentially on-line bidding and quote processes. Troy is participating in the RFP.

The basic concept of this RFP is to improve notification capabilities and to allow the vendor access to many metropolitan entities by registering one time. The Michigan Municipal Purchasing Officers Association has also been approached and potentially may participate which would further allow vendors access to entities statewide by registering one time. There are issues with this concept that have to be resolved depending on the responses received. This project will be brought before City Council for consideration when a recommendation can be provided. This will hopefully occur sometime before the beginning of the year.



RECEIVED

G-10

BIA

AUG 30 2002

30375 Northwestern Highway
Suite 100
Farmington Hills, Michigan 48334
(248) 737-4477
Fax (248) 862-1052
www.builders.org

BUILDING INDUSTRY ASSOCIATION
OF SOUTHEASTERN MICHIGAN
CITY OF TROY
CITY MANAGER'S OFFICE

EXECUTIVE COMMITTEE

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STEVEN PERLMAN
FIRST VICE PRESIDENT

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VICE PRESIDENT

DOMINIC J. MOCERI
VICE PRESIDENT

IRVIN H. YACKNESS
EXECUTIVE VICE PRESIDENT
GENERAL COUNSEL

August 29, 2002

Mr. Mayor and Members of the Troy City Council,

The City of Troy has always been committed to providing a diverse mixture of safe and affordable housing to the public. Furthermore, the City of Troy has been very supportive of voluntary efforts by residents to make their homes more accessible. The proposal by the Advisory Committee for Persons with Disabilities (ACPWD) to pass a resolution recommending changes to the Michigan Residential Code should be carefully considered on many levels.

First, the Michigan Residential Code (MRC) sets forth the standards with which all homes must be constructed in the State of Michigan. In general, building codes were created to provide for minimum safety standards in construction. It is not the intention of our residential building code system to mandate optional features in homes. While the accessibility features specified in the ACPWD proposal may be desirable to some homeowners, those features are not part of the safety definition under which a home is constructed.

Furthermore, in order to mandate these proposed changes in Troy, amendments would need to be made to the Michigan Residential Code. This process would involve a significant amount of effort with the Michigan Department of Consumer and Industry Services Bureau of Construction Codes.

Next, these proposed requirements would also have a significant impact on the staff of at least two city departments - the Engineering Department and the Building Department. The consequences of this will be a longer wait for permits and an increased expenditure of city funds to cover these activities.

Finally, to mandate these modifications in all new construction and on all future renovations/additions would significantly increase the cost of all housing in the City of Troy. What may seem to be small changes on the surface would actually have a major impact on design and thus cost, making our housing stock less affordable for current or future residents.

Sincerely,

Dan MacLeish
President

August 30, 2002

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
 Gary Shripka, Asst. City Manager/Services
 Steven Vandette, City Engineer *SV*
 John Abraham, Traffic Engineer *JA*

SUBJECT: Fix-it-First, Position Paper Ratified by MOSES
 (Metropolitan Organizing Strategy Enabling Strength)

This is regarding a position paper ratified by MOSES, an inter-racial, inter-faith organization of congregations in Southeast Michigan and the Michigan Suburbs Alliance (MSA). At a dinner meeting attended by Mayor Pryor and Dr. Abraham, the group ratified a position paper / policy regarding the use of federal and state funds in the State of Michigan for road, bridge, sewerage and water system infrastructure. Following are the elements of this policy that MOSES and MSA plan to present to Grandholm and Posthumous and other leaders:

1. 90% of all state infrastructure spending shall be dedicated to repairing, rebuilding and maintaining existing roads, bridges, sewerage systems and water systems in Michigan.
2. Establishment of a mechanism to ensure all new commercial and residential developments in the State of Michigan pay 100% of the costs of any new road building or water or sewer service extensions required by such development.
3. Creation of Priority Development Areas that focus economic development activities, such as infrastructure enhancements and investment incentives, on established Metro Detroit cities.

While all the three elements are very important to southeast Michigan, they may adversely impact the City of Troy's infrastructure policies and plans. The "Fix-it-First" policy limits funding of roads, bridges, sewers and water supply infrastructure to no more than 10% of the total projects approved, with 90% of the money going to fixing and maintaining what exists. This is of concern. The present five-year plan of MDOT includes approximately 25% of funds going to new construction and for capacity increase projects, while 75% is planned to be spent on maintenance and fixing what exists. This proposal would thus reduce spending on new roads and capacity improvements by 60%. This will adversely affect most of our planned road projects, such as, widening Big Beaver and Livernois, widening on I-75, and the I-75/Long Lake/Crooks interchange improvements.

As a follow-up to the meeting, the MSA has sent a request (attached) to pass resolutions to support Fix-it-First and to support the Michigan Suburbs Alliance by approving the Mayor / City Manager's participation in the MSA (annual dues for MSA is 5 cents per capita, approximately \$4,000 for the City's membership). On September 29, a 5000-person public meeting is being planned to present the Fix-it-First policy to the candidates for governor and various other offices.

City Management's position is that both the suggested resolutions would adversely affect the City's infrastructure policies and that resolutions should be passed to counter the requested resolutions.

MICHIGAN SUBURBS ALLIANCE*"In Unity There is Strength"*

To: MSA Communities
From: Jim Townsend
Subject: Resolutions in Support of Fix It First and MSA
Date: August 30, 2002

It was a pleasure seeing many of you at our successful City Leader / Clergy Roundtable Dinner held on August 22 at the Greater Grace Temple. We had over 200 city leaders, staff, clergy and community leaders from across Metro Detroit.

Fix It First City Council Resolution

As those of you who were present can attest, there is strong support in our coalition for moving to a more rational and fair infrastructure policy. There was also a lot of interest in Mayor Sue Hall's idea of passing resolutions of support for Fix It First in city councils across Metro Detroit. Such a resolution can generate even greater support in our communities for this policy and build momentum for MOSES's 5000-person public meeting where the Fix It First Agenda will be presented to candidates for governor and various other offices. The MSA has an opportunity to play a special role at this meeting, details of which we will discuss in the near future. Attached is model city council resolution (draft) in support of the Fix It First Policy which we have endorsed in partnership with MOSES.

Resolution in Support of the Michigan Suburbs Alliance

A number of communities have already passed city council resolutions approving the Mayor or City Manager's participation in the MSA. For those that have not yet done so, it is vital that your city give formal support to the Alliance. In order to have a strong alliance that can build on our success in fighting for revenue sharing and infrastructure fairness, we need formal recognition and support from your city councils. Just as important, a commitment to provide a reasonable level of financial support to the MSA is crucial to our effectiveness. While we recognize that many cities are under great fiscal pressure, the MSA must have support from its members in order to function. Attached is a resolution in support of formally joining the Michigan Suburbs Alliance and committing to pay dues of 5 cents per capita of city population.

REQUESTED ACTION: Please review the attached drafts, share with your city councils and let me know of any suggested changes. I will work with member cities and MOSES congregations and other groups to encourage approval of both resolutions by city councils (ideally) prior to the 9/29 Public Meeting. It would be great to present a list of communities which have passed resolutions in support of Fix It First and the MSA at the Public Meeting on 9/29. Thanks for your participation and support.

Michigan Suburbs Alliance

"In Unity There is Strength"

Model City Council Resolution in Support of a Fix It First Infrastructure Policy for the State of Michigan

- WHEREAS: The number of cities in southeast Michigan experiencing severe fiscal stress, including zero or negative fund balances and the potential for insolvency, has risen substantially in the past two years and is expected to increase further during the next decade;
- WHEREAS: To address fiscal shortfalls, cities across southeast Michigan face the prospect of severe budget cuts that will result in reduction or elimination of vital municipal services, including police, fire, emergency response, public health, recreation and numerous other programs;
- WHEREAS: In the aftermath of the tragedy of September 11, 2001, the federal government has stated that local governments are this nation's first line of defense in Homeland Security and, accordingly, has allocated (without sufficient funding) increased responsibility to local government to protect our citizens and communities from terrorist attack;
- WHEREAS: In southeast Michigan during the past 10 years, the area of developed land grew by 30% while the population of the region rose by just 6%, drastically expanding the scope of regional development and the expected cost of serving that development with public infrastructure and services;
- WHEREAS: The cost of building, maintaining and repairing Metro Detroit's road, bridge, sewer and water infrastructure during the next 20 years will exceed available state and local revenues by \$76 billion, according to the Southeastern Michigan Council of Governments (SEMCOG);
- WHEREAS: Nearly 30% of bridges in southeast Michigan are classified as being in "poor" condition or worse, according to a comprehensive inventory of bridges in the region released by SEMCOG in 2002, and Michigan was ranked 9th worst in the nation at maintaining its bridges;
- WHEREAS: An aging sewerage and water system that is plagued by capacity shortfalls and other problems has contributed significantly to river and lake pollution, flooded basements, insufficient water pressure and numerous sewer line breaks;
- WHEREAS: The massive burden of maintaining and repairing southeast Michigan's existing infrastructure threatens the financial future of many communities, which are already under heavy fiscal pressure;
- WHEREAS: Infrastructure and economic development policies pursued by the State of Michigan have encouraged unending outward expansion via the

Michigan Suburbs Alliance

"In Unity There is Strength"

construction of new subdivisions and shopping centers in areas that were until recently farmlands and open space;

WHEREAS: Southeast Michigan's rapid outward development, which is encouraged by road expansions, sewer line extensions and other public infrastructure investments, threatens the future viability of numerous mature urban and suburban cities, which are losing population, business activity and tax base as individuals and families are induced to move to newer subdivisions on the region's fringe;

WHEREAS: According a study conducted by the Wharton School of Business Administration at the University of Pennsylvania, the average cost of building a new home that requires new roads and water and sewer extensions is \$50,000 more than the cost of building the same new home in an area served by existing roads, sewers and water systems;

WHEREAS: The State of Michigan and its communities can no longer afford to promote inefficient and extravagant development patterns associated with building new infrastructure to support outward expansion that far exceeds the needs of current or projected population growth.

Now, Therefore be it Resolved that the City Council of the City of _____:

Calls on all candidates for the Office of Governor of the State of Michigan, State Representative, State Senate, U.S. House of Representatives and U.S. Senate to commit to supporting enactment and implementation of a Fix It First Policy regarding the use of federal and state funds in the State of Michigan for road, bridge, sewerage and water system infrastructure, which contains the following elements:

1. 90% of all state infrastructure spending shall be dedicated to repairing, rebuilding and maintaining existing roads, bridges, sewerage systems and water systems in Michigan;
2. Establishment of a mechanism to ensure that all new commercial and residential developments in the State of Michigan pay 100 percent of the costs of any new road building or water or sewer service extensions required by such development;
3. Creation of Priority Development Areas that focus economic development activities, such as infrastructure enhancements and investment incentives, on established Metro Detroit cities.

Michigan Suburbs Alliance

"In Unity There is Strength"

Model Resolution in Support of Joining the Michigan Suburbs Alliance

- WHEREAS: The State of Michigan's municipal finance, infrastructure and economic development policies have encouraged unending outward expansion via the construction of new subdivisions and shopping centers in areas that were until recently farmlands and open space;
- WHEREAS: Southeast Michigan's rapid outward development encourages racial and economic segregation and threatens the viability of numerous established cities, which are losing population, business activity and tax base as residents are induced to move to new subdivisions on the region's fringe;
- WHEREAS: Older suburbs in southeast Michigan are at a crossroads similar to the situation that confronted Detroit a generation ago, as they struggle to maintain their quality of life in the face of aging infrastructure, growing numbers of needy residents and diminished revenues;
- WHEREAS: The deteriorating fiscal condition of government at all levels requires communities to work together more closely to ensure that taxpayer resources are invested wisely and with a maximum return in the form of needed services that promote a livable community for every resident;
- WHEREAS: The Michigan Suburbs Alliance (MSA) has organized for the purpose of:
- Enabling cities to cooperate in addressing the root causes of the social, economic, fiscal and environmental crisis in our region,
 - Informing collective understanding about the challenges facing older urban and suburban areas, and
 - Developing policy solutions to equip the region to meet the needs of our communities on a long-term basis;
- WHEREAS: The MSA seeks to harness the political power of 1.5 million people residing in Detroit's suburbs to demand a stop to the systematic disinvestment in older cities and to insist on fairness and wisdom in the allocation of federal, state and local resources;
- WHEREAS: The MSA seeks broader alliances based on numerous areas of common interest that can unite the City of Detroit and the established suburbs in support of policies that recognize the value of our communities.

Now, Therefore be it Resolved that the City Council of the City of _____:

Authorizes the Mayor / City Manager to join the Michigan Suburbs Alliance on behalf of the City of _____, to participate in the activities of the MSA and to pay annual dues to the MSA in the amount of 5 cents per capita of City population.

August 29, 2002

To: Honorable Mayor and City Council

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

Subject: Petition Regarding Adult Lap Swim Times

This is in response to a petition received by Lois Byrne and Marjorie Leedom regarding adult lap swim times. Ms. Byrne and Ms. Leedom stated the following items of concern:

1. On the fall swim schedule, the adult lap swim has been cut from both Saturday and Sunday.
2. During the weekdays, adult lap swim is only offered during the day. Again, many adults who have joined the Community Center work during the day. An evening lap swim is valued. Although one lap lane is available for lap swimming during the Open Swim times, this lap is often crowded with young children being taught to swim by their parents as well as beginning adult swimmers.

To address these issues the Sunday adult lap swim from 11:30 am to 1:15 pm will be reinstated. For the fall there is no separate time currently available on Saturdays, due to other program demands i.e.: adult aquacise, Special Olympics, swimming lessons, private rentals and events.

In the fall the adult program offerings for Saturday mornings will be evaluated. Should there be a demand for other programs, including adult lap swim, the schedule will be adjusted in the future.

The lap lanes are for adult use or for youth that swim competitively only. The pool staff will monitor the lap lane(s) to assure the correct types of users are in the lap lane area. Sometimes people do enter this area to exit the pool, since it is the only location with ladders. An extra lane will be added during the weeknight open swims, when room is available and there is demand.

The usage numbers will continue to be reviewed and evaluated so the best usage of pool time can be determined for the community served. The goal of the facility operation is to find a balance between demand, resources and revenue.

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
ADULT LAP AND THERAPY SWIM 6 - 8:45	Adult Lap & Therapy Swim 6 to 8 Aqua Wave 1 L 8:15 - 9:00	ADULT LAP AND THERAPY SWIM 6 - 8:45	Adult Lap & Therapy Swim 6 to 8 Aqua Wave 1 L 8:15 - 9:00	ADULT LAP AND THERAPY SWIM 6 - 8:45	Aqua Wave 1 L 8 - 8:45	
Senior Aqua (L) 9 - 9:45	Senior Aqua (L) 9 - 9:45	Senior Aqua (L) 9 - 9:45	Senior Aqua (L) 9 - 9:45	Senior Aqua (L) 9 - 9:45	Spec. Olympics (L) 9-9:50 am	
Warm Water Ex (T) 9:15 - 10	Swim Lessons (T) 9 - 10	Warm Water Ex (T) 9:15 - 10	Swim Lessons (T) 9 - 10	Warm Water Ex (T) 9:15 - 10	Swim Lessons (L) 9 - 11	
Aqua Wave 2 (L) 10 - 10:45	Half Pint Swim (P) 10:15 - 11	Aqua Wave 2 (L) 10 - 10:45	Half Pint Swim (P) 10:15 - 11	Aqua Wave 2 (L) 10 - 10:45		
Swim Lessons (T) 10 - 11		Swim Lessons (T) 10 - 11		Swim Lessons (T) 10 - 11		
Adult Lap And Therapy Swim 11:30 - 1:30	Adult Lap And Therapy Swim 11:30 - 1:30	Adult Lap And Therapy Swim 11:30 - 1:30	Adult Lap And Therapy Swim 11:30 - 1:30	Adult Lap And Therapy Swim 11:30 - 1:30	Open Swim No Lap 11:30 - 5	Adult Lap And Therapy Swim 11:30 - 1:15
Swim Lessons (L) 4 - 6:30	Open Swim 4:30 to 7:45 (T) closes at 7	Swim Lessons (L) 4 - 6:30	Open Swim 4:30 to 7:45 (T) closes at 7	Swim Lessons (L) 4 - 6:30		Open Swim No Lap 1:30 to 5
	Warm Water Ex (T) 7 - 7:45		Warm Water Ex (T) 7 - 7:45			
Open Swim 6:30 - 9	Aqua Wave 2 (L) 8 - 8:45	Open Swim (L) 6:30 - 9	Aqua Wave 2 (L) 8 - 8:45	Open Swim 6:30 - 9		

Will review this fall.

Added

YOU MUST PAY AND REGISTER TO PARTICIPATE IN ANY OF THE SHADED ITEMS.

(L) = LEISURE POOL
(T) = THERAPY POOL
(P) = PLAY POOL

*At least one lap lane available.
Pool staff will monitor to assure correct users are in area.*

DATE: August 22, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: Actions of the Building Board of Appeals
Relating to Request for Fence Variances

At a recent City Council meeting a question was raised regarding the actions of the Building Board of Appeals in their review of requests for variances of the Fence Ordinance. The particular question was regarding their tendency of requiring a setback with landscaping in relation to privacy fences located at or near the front property line. The following information has been assembled to provide background in answer to that question.

Chapter 83 of the Troy City Code regulates the installation of fences in the City of Troy. That ordinance also establishes that the Building Board of Appeals shall hear requests for height exceptions from the requirements of the ordinance. There is little other direction provided in the Fence Ordinance to give the Board criteria that it should use in rendering its decision.

Without any specific direction the first responsibility of any body that is empowered to hear requests for variance is to protect the health, safety and welfare of the citizens of Troy. Aesthetics is and has been upheld to be a valid criterion for the protection of the public welfare. The second responsibility is to uphold the intent and requirements of the ordinance. Since the matters that are heard before the Building Board of Appeals relate to the height and setback, these types of decisions are most closely related to the actions of the Board of Zoning Appeals. A review of Section 43.72.00 of the Troy Zoning Ordinance finds the criteria used by the Board of Zoning Appeals spelled out. These criteria include that "a variance may be granted where there are practical difficulties resulting from unusual characteristics of the property which do not make it feasible to carry out the strict letter of this Chapter, or where strict adherence to the letter of this Chapter would destroy significant natural features or resources".

The Troy Zoning Ordinance, in the definition section, establishes the different types of front yard locations. The simplest is the typical area in front of a building of a standard

interior lot. The second configuration is called a double front through lot in which a lot has frontages on two more or less parallel streets. This type of lot occurs most typically on the perimeter of subdivisions where the lots back up to a major thoroughfare. There are also three kinds of corner lots. The first is one where there is a common rear-to-rear relationship with the lot behind and there are no houses fronting on the side street in the same block. This type is commonly found in our older, grid style subdivisions. These lots are permitted to place up to a six foot privacy fence in the side yard facing the side street. The second is also one with a common rear-to-rear relationship but that has homes on the opposite side of the street fronting on the side street. These types are permitted to have a non-obscuring fence (more than 50% open) up to four feet in height. The last is the double front corner lot in which the parcels on either side of the corner lot (or parcels within the same block) front on both adjacent streets. These lots have a required front setback along both street frontages. These have a limit on fences of a maximum height of 30 inches in the area between the front setback line and both streets. These lots are required by the Zoning Ordinance to be wider than the typical interior lot to offset the burden of the additional setback.

The height limitation provisions of the Fence Ordinance are in consideration of two primary factors. The first is the health and safety of the citizens. Fences create vision obstructions that prevent the ability to see traffic, both vehicular and pedestrian while utilizing the streets and sidewalks of the city. They also form a potential physical hazard to someone using a sidewalk should they trip or in some other way veer off of the paved sidewalk surface. The second is the aesthetic consideration. Fences located at or near the public/private interface of a public street encroach into the public space and eliminate the desired feeling of openness.

In light of this, the current practice on new residential subdivisions is to create a landscape and greenbelt easement along all major thoroughfares so that the public/private interface is accomplished through a soft barrier of berms and plantings. Fences are not permitted within these easements other than for low split-rail style fences that have been approved as part of the landscaping. Obviously, there are many older developments in the city that do not have these easements included in their development. These older types of locations typically are the ones seen by the Building Code Board of Appeals.

The Board has typically requested or required fences of a tall, obscuring type (six foot privacy fences) be setback from the front property line. The setback requested is typically five to ten feet. Additional review and consideration is given to the location of driveways both on the site and on adjacent lots to ensure clear vision for pedestrians and drivers. The Board has also encouraged and in some cases required landscaping to be placed between the fence and the property line. This is done to break up the visual impact of the fence making it more aesthetically pleasing, more in line with the current requirement for the greenbelts along public streets in new developments.

The attached report details the actions of the Building Code Board of Appeals in review of requests for height variances for fences in the front yards. It covers the last five years of the Board's actions.

We will be happy to provide any additional information that you desire regarding this matter.

Fence Appeals 1997-August 2002.xls

ADDRESS	ACTION DATE	LOT TYPE	FENCE TYPE	FENCE HEIGHT	DIST FROM PROPERTY LINE	L'SCAPE REQ'D	COMMENTS
1233 Doral	5/7/97	DF Corner	Metal	48"	8'	N	Enclose Pool
212 Miracle	5/7/97	Through	Privacy Fence	72"	0'	N	Replacement Of 48" High Fence
2173 Harned	6/18/97	Interior	Chain Link	48"	0'	N	Side Lot Line Out To Front Lot Line
2659-2751 Butterfield	7/2/97	Interior	Wrought Iron	48"	0'	N	Regents Park Apartments
2775-2864 Butterfield	7/2/97	Interior	Picket Style	48"	0'	N	Regents Park Apartments
3032 Albany	9/3/97	Through	Privacy Fence	72"	20'	N	
2581 Chantrell	10/1/97	Through	Aluminum Fence	48"	53'	N	Rear Of House Along Big Beaver
200 Woodslee	3/4/98	Corner	Privacy Fence	72"	18"	N	Day Care Center
2841 Amberly	4/1/98	Through	Wrought Iron	48"	0'	N	Rear Of House Along Adams
Adams Pointe Subdivision	5/20/98	Through	Masonry & Iron	72"	0'	Y	Subdivision Wall
3398 Medford	5/6/98	Corner	Wood & Chain Link	48"	0'		Denied
4856 Alton	6/3/98	DF Corner	Split Rail	42"	4'	N	
4133 Renee	7/1/98	Through	Privacy Fence	72"	0'		Denied
2035 Cecil	7/1/98	Interior	Picket Fence	42"	12'	N	Private Road
2841 Amberly	7/1/98	Through	Wrought Iron	60"	0'	N	Rear Of Property Along Adams
6821 Serenity	8/5/98	DF Corner	Privacy Fence	48"	0'	Y	Denied
2975 Cedar Ridge	8/5/98	DF Corner	Privacy Fence	72"	0'	Y	
5280 John R	9/2/98	Interior	Wire Fence	48"	0'	N	Perpendicular To Road
1825 E. Wattles	10/7/98	Interior	Picket Fence	48"	0'	N	
3891 Eastbourne	10/7/98	DF Corner	Privacy Fence	72"	0'	N	Fence Perp To Street Along Drive
2347 Cumberland	10/21/98	Corner	Privacy Fence	60"	7'	N	
4997 Danbury	3/3/99	Through	Privacy Fence	72"	0'	N	At Rear Property Line Along Long Lake
Elgin Corners Llc	4/7/99	DF Corner	Masonry Wall	44" To 10'	10'	Y	Subdivision Entrance Structure
82 Miracle	4/7/99	Through	Privacy Fence	72"	27'	N	Rear Of Property Along Livernois
3031 Albany	5/5/99	Through	Privacy Fence	72"	20'	N	
3410 Wolverine	5/5/99	DF Corner	Privacy Fence	48"	0'	N	
2143 Woodingham	6/2/99	DF Corner	Picket Fence	42"	0'	N	
5115 Rochester	6/2/99	DF Corner	Split Rail & Cyclone	48"	1'	N	
3539 Delaware	6/9/99	Through	Privacy Fence	72"	0'	N	Rear Property Line Along Crooks
1911 Hartshorn	7/7/99	DF Corner	Picket Fence	48"	0'	N	
4051 Greensboro	7/7/99	DF Corner	Privacy Fence	72"	39'	N	Enclose Pool
40345 Dequindre	9/1/99	Interior	Picket Fence	48"	0'	N	

Fence Appeals 1997-August 2002.xls

ADDRESS	ACTION DATE	LOT TYPE	FENCE TYPE	FENCE HEIGHT	DIST FROM PROPERTY LINE	L'SCAPE REQ'D	COMMENTS
4274 Cactus	9/1/99	Through	Non-Obscuring	48"	20'	N	Rear Property Line Along Dequindre
2869 Amberly	9/1/99	Through	Wrought Iron	60"	0'	N	
452 Burtman	10/6/99	Interior	Privacy Fence	96"	0'	N	Denied
2010 Jeffrey	11/3/99	DF Corner	Privacy Fence	72"	2'	N	Existing Trees
1903 Brinston	12/1/99	DF Corner	Privacy Fence	48" & 72"	0'	N	Industrial Property
6010 Canmoor	4/5/00	DF Corner	Privacy Fence	72"	0'	N	
3675 Bristol	6/7/00	DF Corner	Chain Link	48"	10'	N	
1350 Key West	7/5/00	DF Corner	Non-Obscuring	48"	0'	N	10' X 10' Corner Clearance At Drive
990 Muer	7/5/00	DF Corner	Privacy Fence	72"	5'	N	
4031 Coolidge	8/2/00	Corner	Masonry	36" To 10'	10'	N	Subdivision Entrance Walls
6811 Livernois	8/2/00	Interior	Picket Fence	48"	0'	N	Perp To Road On North Property Line
2498 Avalon	9/6/00	DF Corner	Chain Link	48"	0'	N	
4288 Cactus	9/6/00	Through	Non-Obscuring	48"	20'	N	
1914 Hempstead	9/6/00	DF Corner	Privacy Fence	48"	0'	N	
715 Barclay	9/6/00	DF Corner	Non-Obscuring	48"	0'	N	
5520 Livernois	11/1/00	Interior	Privacy Fence	72"	0'	N	Denied
Rolling Hills Subdivision	3/7/01	DF Corner	Masonry	54" To 8'	10'	N	Subdivision Entrance
2983 Dashwood	4/4/01	DF Corner	Privacy With Lattice	54"	0'	N	
38695 Dequindre	5/2/01	DF Corner	Privacy Fence	72"	5'	Y	
4586 Butler	6/6/01	DF Corner	Chain Link	48"	0'		Denied
2410 Dalesford	6/6/01	DF Corner	Chain Link	48"	0'	N	
1612 Milverton	6/6/01	DF Corner	Privacy Fence	72"	10'	Y	
Cedar Ridge Condo	7/11/01	Through	Privacy Fence	72"	15'	Y	Rear Of Lots Along Big Beaver
2245 Alexander	7/11/01	DF Corner	Picket Fence	42"	0'	N	Perp To Road At Rear Property Line
1080 Minnesota	7/11/01	DF Corner	Privacy Fence	72"	0'	N	Replacement Of Existing 72" High Fence
Stonehaven Woods East	8/1/01	DF Corner	Masonry	72" To 96"	10'	N	Subdivision Entrance
4826 Belzair	10/3/01	DF Corner	Privacy Fence	72"	20'	N	Denied
38753 Dequindre	10/3/01	DF Corner	Privacy Fence	72"	5'	N	Additional Clearance To Adjacent Drive
5615 John R.	2/6/02	DF Corner	Privacy Fence	72"	10'	N	
1663 Hillman	2/6/02	DF Corner	Non-Obscuring	48"	3'	Y	
Harrington Park	5/1/02	Interior	Masonry And Iron	72"	16'	Y	Condo Entrance Walls
2825 Bolingbroke	5/1/02	DF Corner	Privacy Fence	72"	0'	N	Replacement Of An Existing 72" High Fence

Fence Appeals 1997-August 2002.xls

ADDRESS	ACTION DATE	LOT TYPE	FENCE TYPE	FENCE HEIGHT	DIST FROM PROPERTY LINE	L'SCAPE REQ'D	COMMENTS
105 Redwood	6/5/02	DF Corner	Privacy Fence	72"	0'	N	Replacement Of An Existing 72" High Fence
6684 Michael	7/3/02	Through	Aluminum Fence	48"	17'	N	Rear Of Lot Along Livernois
2987 Winter	7/3/02	DF Corner	Privacy Fence	72"	5'	Y	
5443 English	8/7/02	DF Corner	Picket Fence	48"	0'	N	
6113 Evanswood	8/7/02	DF Corner	Privacy Fence	72"	0'		Postponed To Allow Revision For Setback

August 28, 2002

TO: John Szerlag, City Manager
FROM: Steven Vandette, City Engineer
SUBJECT: Proprietary Information

During discussion on the Updated Property Maintenance Code at the last Council Study session a comment was made concerning proprietary information that may be held by our consultant engineers Hubbell, Roth and Clark (HRC) that may place other consultants at a disadvantage when submitting proposals for engineering projects.

As administrator of the city's contract with HRC, I can assure you that nothing produced by HRC on our behalf is proprietary and all documents are available to any consultant upon request. Additionally, as a matter of course we include preliminary designs, utility information, excerpts from reports produced by HRC and any other information in the RFP document that is considered relevant to the project. This is done whether the document is produced in house or by HRC. The RFP document given to consultants provides a description of the project as well as guidelines for the preparation of the proposal. Consultants can and often do come to engineering to obtain copies of our utility maps, ask questions about the project and obtain copies of plans from previous projects. If we don't have what they want on hand we produce it from our archives or obtain it from HRC.

Please contact me should you need any additional information regarding this issue.

Cc: G. Shripka, Assistant City Manager/Services

September 3, 2002

To: Honorable Mayor and City Council

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

Subject: Citizens for the Troy Family Aquatic Center Committee

The Troy Family Aquatic Center closed for the season on Labor Day. The Aquatic Center was operated this season with the goal of reducing the operating deficit as directed by the City Council during the budget sessions. Policy changes were implemented prior to the start of the season to meet this goal.

The following are the preliminary 2001-2002 figures:

Fiscal year end 2001 – 2002:

Expenditures	\$ 534,177	(includes depreciation)
Revenue	\$ 388,506	
Sub Total	\$ 145,671	
Less Depreciation	\$ 157,898	
NET	+ \$ 12,227	(figure does not include capital costs of \$33,448)

Fiscal year end 2000 – 2001:

Expenditures	\$ 565,572	(includes depreciation)
Revenue	\$ 375,642	
Sub Total	\$ 189,930	
Less Depreciation	\$ 149,190	
NET	- \$ 40,740	(figure does not include capital costs of \$65,994)

These figures are based on the fiscal year. A financial report regarding the 2002 season will be complete this fall.

There is a substantial difference in year-end result for the two years.

During the 2002 season, changes that were made that affected the service level of the facility included reducing staff, reducing proposed capital purchases, non-residents were allowed entry and fewer supplies were purchased.

Increased marketing efforts were made by including information in water bills inclusion, newspaper coupons, insert in Troy Times, revamping the web information, distribution of flyer to all elementary school flyer students, direct mail to all new residents, press kits distribution, and featuring the Aquatic Center on the cover of summer Troy Today.

As you know, staff has met with a group of citizens interested in keeping the Aquatic Center open and operating it as it was prior to the 2002 season. Committee members will work toward that aim by assisting staff in marketing efforts to Troy residents.

Goals of the committee:

Increase marketing efforts for the facility; research other programs that can be offered at the facility. Committee members will continue to offer suggestions to staff regarding other potential avenues to make the Troy Family Aquatic Center a viable operation for the city.

Work to be done by the committee:

Committee members will assist in marketing the facility through the President's Council of PTO's in the Troy schools and to assist with promotion to Girl Scout and Boy Scout organizations in Troy.

With the input of the Citizen's Committee and others, the goal will continue to be to increase attendance and revenues for the facility. Staff will develop a five-year plan, which will include a business case enabling the facility to meet the goal of a limited/no subsidy. Council will be presented this document upon completion.

Staff will continue to propose policy changes based on offering the best possible experience and meeting the goal of the City Council to reduce the deficit. Upon completion of all financial statements for this year, staff will propose additional policy and fee changes if warranted.

HOWARD & HOWARD ATTORNEYS, P.C.

G-16

FACSIMILE TRANSMITTAL SHEET

This communication is confidential and intended only for the addressee. Any distribution or duplication of this communication is prohibited. If this facsimile was not intended for you, please telephone us immediately so that we can arrange for its return at our expense.

TO:	Joseph Merucci	FROM:	Brad Rayb
COMPANY:	City of Clawson	DATE:	9/3/02
FAX NUMBER:	248-435-0515	TOTAL NO. OF PAGES INCLUDING COVER:	70-
PHONE NUMBER:	248-435-4500	SENDER'S TELEPHONE NUMBER:	(248) 645-1483
RE:	Outdoor litigation	SENDER'S FAX NUMBER:	(248) 645-1568

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Joe:
Attached is copy
of Court's opinion
and order.

RECEIVED

SEP 05 2002
CITY OF TROY
CITY MANAGER'S OFFICE

Brad

FAX TRANSMITTAL SHEET

(248)

TO: James M. Walsh and Michael Laramie ~~(734) 930-2494~~ 743-6002
Jon H. Kingsepp and Brad A. Rayle (248) 645-1568
Carol Rosati and Laura S. Amtsbeuchler (248) 489-1726

FROM: Nancy Griem, Esq.
Judicial Staff Attorney for Hon. Gene Schnelz
Telephone: (248) 858-5410

DATE: September 3, 2002

RE: Outdoor Systems, Inc. v. City of Clawson
Case No. 00-022427-CZ

PAGES: 9 (including cover page)

Counsel:

Attached please find a copy of Judge Schnelz' Opinion and Order in this case. A true copy will be mailed to you.

Nancy E. Griem

STATE OF MICHIGAN
OAKLAND COUNTY CIRCUIT COURT

OUTDOOR SYSTEMS, INC. d/b/a
INFINITY OUTDOOR,

Plaintiff,

v

CITY OF CLAWSON, a
municipal corporation,

Defendant.

Case No. 00-022427-CZ

HON. GENE SCHNELZ

OPINION AND ORDER

Motions

The parties have filed cross motions for summary disposition based on MCR 2.116(C)(8) and/or (10). Both parties were granted permission to exceed page limits, and each took advantage of that courtesy and filed excellent briefs outlining the law and their arguments. After extensive oral argument, the parties determined to rely on their briefs without testimony. The Court will now therefore rule, deciding the matter.

Standards of Review

A motion under MCR 2.116(C)(8) tests the legal sufficiency of the complaint. All well-pleaded factual allegations are accepted as true and construed in a light most favorable to the nonmovant. Wade v Dept of Corrections, 439 Mich 158 (1992). A motion under this subrule may be granted only where the claims alleged are so clearly unenforceable as a matter of law that no factual development could possibly justify recovery." Wade, supra. When deciding such a motion, the court considers only the pleadings. MCR 2.116(G)(5).

A motion under MCR 2.116(C)(10) tests the factual sufficiency of the complaint. In evaluating a motion for summary disposition brought under this subsection, a trial court considers affidavits, pleadings, depositions, admissions, and other evidence submitted by the parties in the light most favorable to the party opposing the motion. MCR 2.116(G)(5). The Court uses the standard set forth in Maiden v Rozwood, 461 Mich 109 (1999). Where the proffered evidence fails to

establish a genuine issue regarding any material fact, the moving party is entitled to judgment as a matter of law. Maiden at 119-120 (1999). Such a motion must specifically identify the issues as to which the moving party believes there is no genuine issue as to any material fact. When a motion is made and supported, an adverse party may not rest upon the mere allegations or denials of his or her pleading, but must, by affidavit or as otherwise provided in the Court Rule, set forth specific facts showing that there is a genuine issue for trial. If the adverse party does not so respond, judgment, if appropriate, shall be entered against him or her. A litigant's mere pledge to establish an issue of fact at trial cannot survive summary disposition under (C)(10). The reviewing court should evaluate the motion by considering the admissible evidence actually proffered in opposition to the motion. A reviewing court may not employ a standard citing the mere possibility that the claim might be supported by evidence produced at trial. A mere promise is insufficient under our court rules. Maiden at 120-121 and MCR 2.116(G)(6).

Facts

Plaintiff, Outdoor Systems, Inc., now known as Viacom Outdoor, Inc., is a company that engages in outdoor advertising. It erects signs commonly called "billboards" on property it leases or owns. It earns income by charging advertisers to display messages on the billboards. The Defendant, City of Clawson has enacted an ordinance regulating signs within the city. Plaintiff is suing Defendant alleging:

1. That its ordinance is exclusionary per MCL 125.592 by failing to provide for the type of signs contemplated by Plaintiff; and
2. The ordinance violates the First Amendment right of free speech.

The Ordinance

Division 121 of the Clawson Zoning Ordinance regulates signs in the City. Its purpose and intent is "to enable the public to locate goods, services and facilities" while endeavoring to "promote traffic safety, safeguard public health and welfare and facilitate police and fire protection" and to "ensure the continued attractiveness of the total community environment . . . to preserve aesthetic and economic values." Section 34-1101.

Section 34-1102 provides definitions of the following pertinent words and phrases:

"*Accessory sign*" means a sign that is intended to draw attention to one or more of various services, items for sale, contests, etc. and is attached as an appendage to an accessory sign, sign support or any part of a sign structure.

"*Billboard*" means a non-accessory sign which is directed to the general public, and on which a display can be posted, painted or otherwise affixed in a manner which is readily changed.

"*Non-accessory sign*" means a sign which does not pertain to the principal use of the premises on which such sign is located.

"*Sign*" means any visual or graphic device, or any object or form, designed through use of words, numbers, colors, designs, characters, or symbols to inform or attract attention and which is designed to be visible from outside any building or structure in which, upon which, or attached to which it may be located.

Section 34-1107 lists signs that are allowed without permit.¹ Section 34-1110 lists signs that are prohibited.² Prohibited signs include billboards as defined by the ordinance. Section 34-1110(13). Signs not expressly permitted are prohibited. Section 34-1110(14). Section 34-1111 provides size and height regulations for signs in each district in the City.

Clearly, on its face, the ordinance does not allow signs of the type and size requested by Plaintiff.

The Parties' Positions

It is Plaintiff's position that this ordinance, by banning signs in the size and content that they are requesting, has created a total ban of billboards and is violative of the Zoning Enabling Act and the First Amendment. Contrary, Defendant considers its ordinance as a permissible regulation of signs in that it

¹ Signs exempt from permit requirements are: government signs, flags, address signs, street signs, property directional signs, handicapped signs, architectural features/artwork, small accessory signs, political campaign signs, and real estate signs.

² Signs prohibited throughout the city include: moving signs, flashing signs, banners, streamers, etc., string lights, unsafe signs, utility poles and landscaping, businesses no longer existing, portable non-anchored signs, signs on vehicles, sign structure without sign, roof-mounted signs, appendage signs, BILLBOARDS, and other signs not expressly permitted.

requires that the signs must be related to the principal use of the premises, compatible with height and size requirements and the character of the community.

Arguments

I. The Zoning Enabling Act. MCL 125.592 provides:

A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of land use within a City or Village in the presence of a demonstrated need for that land use within either the City or Village, or the surrounding area within the state, *unless a location within the City or Village does not exist where the use may be appropriately located* or use is unlawful. (emphasis added)

It is undisputed that a land use cannot be totally banned unless there is a reasonable government interest for doing so. Country Walk Condominiums v City of Orchard Lake, 221 Mich App 19 (1997). An ordinance that totally excludes a land use has a taint of unlawful discrimination and denial of equal protection. English v Augusta Twp, 204 Mich App 33 (1994). A legal land use may not be excluded where there is a demonstrated need for the land use in the area if there is an appropriate location for the land use in the area. Adams Advertising v Holland, 463 Mich 675 (2001).

Several questions are raised with regard to this issue:

First, are billboards a "land use" subject to the Zoning Enabling Act?

Pursuant to Adams, *supra*, billboards are indeed a land use.

Second, does the ordinance illegally ban this land use? Plaintiff correctly points out that Section 34-1110(13) does totally prohibit billboards. However, the word "billboard" becomes a term of art when defined by the ordinance. The ordinance defines several types of signs, such as accessory and non-accessory. "Billboards" are a type of non-accessory sign. Section 34-1102. The ordinance does allow certain types of accessory and non-accessory signs so long as they comply with height, size and site regulations. Both parties conclude that signs such as those traditionally erected by Plaintiff would be banned under the ordinance. The issue then becomes: Does that constitute a violation of the Zoning Enabling Act?

The Court notes that the Act does allow for a total ban of a land use when "a location within the City or Village does not exist where the use may be appropriately located . . ." MCL 125.592.

Taking into consideration both the language of the statute and the small size of the City, the Court feels the most important consideration is the actual ability to appropriately locate billboards within the City. In Rzadkowski v Village of Lake Orion, 845 F.2d 652 (CA-6, 1988), the Court considered the size of the Village and the fact that about one-half of it was zoned residential in ruling that the Village's almost total ban on billboards was permissible.

In this case, the Defendant is an exceptionally small city, especially considering it in relationship to the size of its abutting communities. Defendant is approximately two square miles. By far, the vast majority of its land is residential. An examination of the zoning map of the city would indicate it is approximately 97% residential with little or no vacant land. Defendant has only one building (senior citizen housing) that is more than two stories high. No expressways run through it. There is only one major east-west road, that being Fourteen Mile Road, which runs for approximately 1-1/2 miles. There is only one major north-south road—Livernois—which runs approximately 1-1/4 miles. Compare this to the City of Troy, abutting directly to the north, which is 36 square miles containing major thoroughfares that run through its several major commercial districts. There are also the large surrounding communities to the south and west, which also have extensive commercial districts.

It becomes obvious when you apply Rzadkowski to the situation existing in the present litigation, factoring in the size, development and character of Defendant as well as the much greater commercialization of the surrounding areas, that there is no appropriate location within the City of Clawson to place signs of the size as contemplated by Plaintiff.³ The mere presence of such signs would be overwhelming and tantamount to stocking whales in a trout pond. In essence it would destroy the character of this primarily residential community and adversely affect its tiny commercial district where the billboards would have to be erected. The Court therefore rules that the City's ordinance does not violate the Zoning Enabling Act, as there is no existing location within the Defendant City where the use may be appropriately located.

II. First Amendment.

A. Ripeness. Defendant argues that the constitutional issue need not be address by the Court because Plaintiff has not appealed the Zoning Board of Appeals denial of its request for a variance.

³ So there will be no mistake, the Court clearly realizes that Defendant's exhibits depicting billboards were not to scale, and were in fact much larger than scale.

The Court disagrees. Exhaustion of administrative remedies is not required when a facial challenge to an ordinance is advanced. Paragon Properties v Novi, 452 Mich 568, 577, 580 n. 14 (1996).

B. Standing. The parties do not contest Plaintiff's standing to raise this First Amendment argument.

C. Constitutionality of the Ordinance. Plaintiff challenges Defendant's regulation of both noncommercial and commercial speech. Each category of speech is reviewed differently.

1. Commercial Speech. The Constitution affords a lesser protection to commercial speech than to noncommercial speech. In Metromedia v San Diego, 453 US 490 (1981), the four justice plurality recited the four-part test adopted in Central Hudson Gas & Elec Corp v Public Service Comm, 447 US 557 (1980) to determine the validity of government restrictions on commercial speech. Those four parts are as follows:

- a. The First Amendment protects commercial speech only if that speech concerns lawful activity and is not misleading.
 - b. A restriction on otherwise protected commercial speech is valid only if it seeks to implement a substantial government interest,
 - c. Directly advances that interest, and
 - d. Reaches no further than necessary to accomplish the given objective.
- Id at 507.

The first prong of the test is not at issue here.

As for the second prong, the Metromedia Court held that traffic safety and aesthetics (which are purposes stated in the subject ordinance at Section 34-1101) are a substantial governmental interest.

The third prong—do the regulations advance the governmental interest? The Metromedia Court noted that it was "commonsense" that billboards are real and substantial hazards to traffic safety. Id at p. 509. Additionally, the Court found that it was not speculative to recognize that by their very nature, billboards can be perceived as an "esthetic harm." Id at p. 510.

As to the fourth prong, the Metromedia Court found that there could be little controversy here because if the municipality had sufficient basis to believe that billboards were traffic hazards and unattractive, then the most direct approach to solving the problem would be to prohibit them. Id at p. 508

Based on the application of Metromedia, the Court finds that the City's treatment of commercial speech does not violate the First Amendment.

2. *Noncommercial Speech*. In reviewing the regulation of noncommercial speech, a court must first determine whether the regulation is content based or content neutral. City of Ladue v. Gileo, 512 US 43 (1994).

If content based, the Court must apply strict scrutiny. The municipality must show that the regulation is necessary to achieve a compelling governmental interest and that the regulation is narrowly tailored to achieve that interest. Simon & Schuster, Inc v Members of New York State Crime Victims Board, 502 US 105 (1991).

If the regulation is content neutral, a restriction that is limited as to time, place or manner will be sustained so long as it is narrowly tailored to achieve a significant government interest and leaves open ample alternative channels for communication. Ward v Rock Against Racism, 491 US 781 (1989).

The Court finds that the City's ordinance is content neutral. "Accessory signs" are located on the premises of the business and must relate to that business. If the business is commercial, then the sign would be commercial speech. If the business is a religious institution, the sign could have a religious (noncommercial) message. If the business is an abortion clinic, the message could be commercial or noncommercial. See Wheeler v Kentucky, 822 F.2d 586 (6th Cir., 1987).

Based on this finding, the Court must next determine if the restrictions contained in the ordinance limiting signs as to time, place or manner are narrowly tailored to achieve a significant government interest and leave open ample alternative channels for communication. As to the question of alternative means of communication, it must be noted that there are a number of commercial and local cable TV channels, several major newspapers and some small weeklies, and numerous radio stations broadcasting in the immediate area. There are ample alternative channels for communication available to Plaintiff.

The ordinance allows noncommercial speech on both "accessory signs" and "non-accessory signs" (on premise signs and off premise signs). Such signs are limited in size and height. Thus, they are narrowly tailored. Plaintiff is free to erect signs that comply with these regulations as well as take advantage of other types of communication.

3. *Favoring Commercial Speech over Noncommercial Speech*. Relying on Metromedia, *supra*, Plaintiff argues that the ordinance impermissibly favors commercial speech over noncommercial speech. The Court does not agree. The ordinance in Metromedia prohibited noncommercial advertising, while Defendant's ordinance allows both commercial speech and noncommercial speech on both "accessory signs" and "non-accessory signs."

As the Court has held that the ordinance is content neutral, it finds that commercial speech is not favored over noncommercial speech.

D. Unbridled Discretion of the Planning Commission.

Section 34-1105(c) provides that "any type of sign not explicitly defined or permitted under this division must be approved by the city planning commission before a permit will be issued."

Plaintiff argues this ordinance gives no guides to the planning commission, and therefore gives the planning commission unbridled discretion, making the ordinance invalid. See City of Lakewood v Plain Dealer Publishing Co, 486 US 750 (1988).

The Court does not find that the Planning Commission has unbridled discretion. The ordinance provides guidance as to the size and height of the sign, as well as exceptions to the ordinance and the types of signs that may be erected.

Ruling

Based on the above, Plaintiff's motion is denied and Defendant's motion is granted.

IT IS SO ORDERED.

~~GENE SCHNELZ~~

~~Circuit Judge~~

HON. GENE SCHNELZ

Circuit Court Judge

Dated: SEP - 3 2002

A TRUE COPY

G. WILLIAM CADDELL

Oakland County Clerk - Register of Deeds

By

A. Padilla

Deputy



September 5, 2002

TO: MAYOR AND MEMBERS OF CITY COUNCIL

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

RE: REQUEST FOR AMENDMENT TO CONSENT JUDGMENT

Attached please find documentation from David Nelson, on behalf of Cambridge Crossings, which is located at Maple and Crooks Roads. As you recall, there was a long court battle over this property that went to the Michigan Court of Appeals (Rockwell v. City of Troy). The City argued that the property, which was zoned industrial at the time, should remain industrial. However, after negotiations between the parties, a consent judgment was agreed to by the parties. This consent judgment allowed for retail to be located on the property, which has resulted in the Cambridge Crossings development.

David Nelson is now requesting two amendments to the Consent Judgment. First, he is asking for some relief with the signage provisions. He argues that the current signage is inadequate.

Nelson is also asking for changes which would allow a medical office building to be located on the vacant property to the south of the current development. Under the provisions of the zoning ordinance, this property remained industrial.

If Council desires to hold a hearing on these requested revisions, then Mr. Nelson would request that the matter be scheduled for the September 23, 2002 City Council meeting.

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