CITY COUNCIL

AGENDA

October 21, 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 – Fr. Stratton Dorozenski – St. Nicholas Greek Orthodox Church 1

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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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PUBLIC COMMENT 19

CALL TO ORDER

Invocation & Pledge Of Allegiance – Fr. Stratton Dorozenski – St. Nicholas Greek Orthodox Church

ROLL CALL

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

A-1 Presentation: Introduction of Monika Sata – Student Representative Candidate for the Cable Television Advisory Committee

PUBLIC HEARINGS

C-1 2003 Community Development Block Grant (CDBG) Application

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

Suggested Resolution
Resolution #2002-10-
Moved by
Seconded by

WHEREAS, The City of Troy will receive approximately $213,290.00 for Community Development Block Grant funds for the year 2003; and

WHEREAS, The City Council of the City of Troy, after conclusion of a Public Hearing on this date, has determined that funding should be provided through the 2003 Community Development Block Grant (CDBG) Program for the Home Chore Program; Administration, and Section 36 Storm Drain Construction on Dashwood and Lovington Streets; and

NOW, THEREFORE, BE IT RESOLVED, That the Home Chore Program, Administration, and Section 36 Storm Drain Construction on Dashwood and Lovington Streets are hereby **DESIGNATED** as Community Development Block Grant (CDBG) Projects for 2003; and

BE IT FINALLY RESOLVED, That the Mayor of the City of Troy is authorized to sign the Application and Subrecipient Agreement and submit them to Oakland County.

Yes:
No:

C-2 Rezoning Application – Biltmore Rezoning – East Side of Rochester Road – North of Lamb Road – Section 14 – R-1C to R-1T and E-P

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

Suggested Resolution
Resolution #2002-10-
Moved by
Seconded by

RESOLVED, That the R-1C to R-1T, being 12.14 acres, and R-1C to E-P, being 1.13 acres, rezoning request, located on the east side of Rochester Road and north of Lamb Road, Section 14, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes:
No:

C-3 Rezoning Application – East Side of Livernois – South of Maple Road – Section 34 – B-3 to H-S

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

Suggested Resolution
Resolution #2002-10-
Moved by
Seconded by

RESOLVED, That the B-3 to H-S rezoning request, located on the east side of Livernois Road and south of Maple Road, Section 3 being 0.9 acres in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes:
No:

C-4 Parking Variance Request – 3670 John R – Boys and Girls Club of Troy City

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

Suggested Resolution
Resolution #2002-10-
Moved by
Seconded by

(a) Resolution for Approval

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.
2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that the practical difficulties justifying the variances are:

A. That absent a variance, no reasonable use can be made of the property; or
B. That absent a variance, a significant natural feature would be negatively affected or destroyed; or
C. That absent a variance, public health, safety and welfare would be negatively affected; or
D. That literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the City Council shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted within the spirit of the Ordinance, and within the interests of public safety and welfare; and

WHEREAS, The City Council finds the above-stated general conditions to be present and finds the practical difficulty stated above to be operative in the appeal;

NOW, THEREFORE, BE IT RESOLVED, That the request from Ehersman Associates, representing the Boys and Girls Club of Troy for waiver of 97 parking spaces at the development at 3670 John R be **APPROVED**.

(b) Resolution for Denial

WHEREAS, Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance provide that the City Council may grant variances from the off-street parking requirements of the Zoning Ordinance upon general findings that:

1. The variance would not be contrary to public interest or general purpose and intent of the Zoning Ordinance.
2. The variance does not permit the establishment of a prohibited use as a principal use within a zoning district.
3. The variance does not cause an adverse effect to properties in the immediate vicinity or zoning district.
4. The variance relates only to property described in the application for variance; and

WHEREAS, Article XLIII (43.00.00) requires that in granting, the City Council shall find that there are practical difficulties justifying the variances; and

WHEREAS, City Council has **not** found that the requirements of Articles XLIII and XLIV (43.00.00 and 44.00.00) of the Zoning Ordinance have been met;

NOW, THEREFORE, BE IT RESOLVED, that the request from Ehersman Associates, representing the Boys and Girls Club of Troy for waiver of 97 parking spaces at the development at 3670 John R be **DENIED**.

Yes:
No:

POSTPONED ITEMS

D-1 Request for Commercial Vehicle Appeal – 2887 E. Wattles Road

Suggested Resolution
Resolution #2002-10-
Moved by
Seconded by

(a) Resolution A for Approval

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

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Costel Luca, 2887 E. Wattles, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit

outdoor parking of a Ford cube van in a residential district is hereby **APPROVED** for (not to exceed two years).

OR

(b) Resolution B for Denial

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

A. The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g. employer).
B. Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
C. A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
D. The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

WHEREAS, The City Council of the City of Troy has not found that the petitioner has demonstrated the presence of condition(s), justifying the granting of a variance:

NOW, THEREFORE, BE IT RESOLVED, That the request from Mr. Costel Luca, 2887 E. Wattles, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford cube van in a residential district is hereby **DENIED**.

Yes:
No:

D-2 Preliminary Site Plan Approval (SP-#883) – Medical Office Building, Southeast Corner of Livernois and South Boulevard – Section 3 – O-1 & R-1B

Suggested Resolution
Resolution #2002-10-
Moved by
Seconded by

(a) Resolution - Option A

RESOLVED, That Preliminary Site Plan Approval, Site Plan – Option A, pursuant to a consent judgment, for a proposed Medical Office Building, located on the southeast corner of South

Boulevard and Livernois Road within Section 3, in the O-1 and R-1B Zoning Districts, is hereby **APPROVED**.

OR

(b) Resolution - Option B

RESOLVED, That Preliminary Site Plan Approval, Site Plan – Option B, pursuant to a consent judgment, for a proposed Medical Office Building, located on the southeast corner of South Boulevard and Livernois Road within Section 3, in the O-1 and R-1B Zoning Districts, is hereby **APPROVED**.

Yes:
No:

D-3 Proposed Zoning Ordinance Text Amendment (ZOTA #194) – Articles 10.20.08 & 34.60.00 R-1A & R-1B Open Space Preservation

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

Suggested Resolution
Resolution #2002-10-
Moved by
Seconded by

(a) Suggested Resolution A – As Discussed by City Council at the October 14, 2002 Study Session

RESOLVED, That Articles 10.20.08 & 34..60.00 R-1A & R-1B Open Space Preservation, of the Zoning Ordinance, be **ADOPTED** as printed on Attachment 1.

OR

(b) Suggested Resolution B

RESOLVED, That the Open Space Preservation Option be **POSTPONED** to a Study Session scheduled for _____, 2002 at ___:____ __.M in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan.

OR

(c) Suggested Resolution C – As Recommended by City Management and the Planning Commission

RESOLVED, That Articles 10.20.08 & 34.60.00 R-1A & R-1B Open Space Preservation, of the Zoning Ordinance, be **ADOPTED**, as printed on Attachment 2 as recommended for approval by the Planning Commission and City Management

Yes:
No:

D-4 Section 1 Golf Course – Parking Lot Screening

Suggested Resolution
Resolution #2002-10-

RESOLVED, That the required parking lot screening at the Section 1 Golf Course site shall be a 4' 6" – high decorative masonry wall.

Yes:
No:

D-5 Traffic Signal Maintenance Cost Agreement for Signal at Crooks and Butterfield

Suggested Resolution
Resolution #2002-10-

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:

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 #2002-10-
Moved by
Seconded by

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

Yes:
No:

E-2 Minutes: Regular Meeting of October 7, 2002, Special Meeting of October 7, 2002, and Study Session of October 14, 2002

Suggested Resolution
Resolution #2002-10-

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of October 7, 2002, the Minutes of the 6:45 PM Special Meeting of October 7, 2002, and the Minutes of the 7:30 PM Study Session of October 14, 2002 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations

Suggested Resolution
Resolution #2002-10-

RESOLVED, That the following City of Troy Proclamations, be **APPROVED:**

(a) Proclamation to Celebrate On My Own of Michigan 5th Anniversary
(b) Proclamation in Recognition of Mary Ann Solberg - Troy's Distinguished Citizen for 2002

E-4 Private Agreement for Michael Drive Extension – Project No. 02.931.3

Suggested Resolution
Resolution #2002-10-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Orion Homes, Inc. is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, 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-5 Private Agreement for Troy Professional Park – Project No. 01.959.3

Suggested Resolution
Resolution #2002-10-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Troy Professional Park 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-6 Standard Purchasing Resolution 4: State of Michigan Extended Purchasing Agreements – Turf Vehicles and Tractor with Snow Blower

Suggested Resolution
Resolution #2002-10-

RESOLVED, That a contract to purchase two (2) turf utility vehicles and one (1) tractor with snow blower from John Deere Company is hereby **APPROVED** through the State of Michigan Extended Purchasing Program at an estimated total cost of $31,463.65.

E-7 Standard Purchasing Resolution 3: Option to Renew for One Additional Year-Janitorial Services

Suggested Resolution
Resolution #2002-10-

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 has been amended by Resolutions #2001-12-582, #2002-02-061, and #2002-09-531-E-16 to add additional work, square footage and additional sites to the contract.

NOW, THEREFORE, BE IT RESOLVED, That a one-year option to renew the contract with Clean Care of Oak Park is hereby **EXERCISED** at an estimated annual cost of $622,000.00 expiring October 31, 2003 including the provision for an increase of 5% based upon the Consumer Price Index Inflation Calculator.

E-8 Request for Acceptance of Permanent Easements for Watermain – Rochester Road Watermain Replacement South of Maple Road

Suggested Resolution
Resolution #2002-10-

RESOLVED, That the permanent watermain easements from the following listed properties are hereby **ACCEPTED**:

Sidwell #	Owner	Address
20-34-201-034	Rochester Enterprises	1099 Rochester Road
20-34-201-032	A&M Properties	997-999 Rochester Road
20-34-201-065	Manabal Rochester Road	1121-1133 Rochester Road
20-34-201-014	Donald V. Troelsen	1395 Rochester Road
20-34-201-057	LRB Properties	1291 Rochester Road; and

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

E-9 Standard Purchasing Resolution 8: Best Value Process Award – Banquet Services

Suggested Resolution
Resolution #2002-10-

RESOLVED, That a three-year contract, with an option to renew for three additional years, to provide banquet services is hereby **AWARDED** to the San Marino Club, the highest scoring bidder, as a result of a Best Value process which the Troy City Council determines as being in

the public interest at $39.00 per plate for two (2) Appreciation Banquets and $20.00 per plate for the Employee Holiday Party.

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

E-10 Request for Approval of Conditioned Purchase Offer for Right-of-Way, Livernois Sidewalk Gap Completion and Water Main Projects – Sidwell #88-20-03-101-008

Suggested Resolution
Resolution #2002-10-

RESOLVED, That the Agreement to Purchase right-of-way between the City of Troy and Sarmad Y. Hermiz and Aida E. Hermiz, having Sidwell #88-20-03-101-008 is **APPROVED** for the Livernois Sidewalk Gap Completion and Water Main Projects in the amount of $20,290.00, plus closing costs.

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: (a) Advisory Committee for Persons w/Disabilities; (b) Animal Control Appeal Board; (c) CATV Advisory Committee; (d) Ethnic Community Issues Advisory Committee; and (e) Planning Commission

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:

Suggested Resolution

Resolution #2002-10-
Moved by
Seconded by

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

Advisory Committee for Persons w/Disabilities

Approved by Council (9)- 3 years

Term expires 7-01-2003 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Susan Burt **(Alternate)**	Nov. 1, 2003
Angela Done	Nov. 1, 2002
Nancy Johnson	Nov. 1, 2003
Leonard Bertin	Nov. 1, 2002
Pauline Manetta**(Alternate)**	Nov. 1, 2003
Dick Kuschinsky	Nov. 1, 2004
Theodora House	Nov. 1, 2003
Sharon Lu **(Student)**	July 1, 2002
Dorothy Ann Pietron	Nov. 1, 2004
Nada Raheb **(Student)**	July 1, 2003
John J. Rodgers	Nov. 1, 2003
Cynthia Buchanan	Nov. 1, 2004
Kul B. Gauri	Nov. 1, 2002
Jayshree Shah **(Alternate)**	Nov. 1, 2003

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Animal Control Appeal Board

Appointed by Council (5)- 3 years

Warren Packard (Resigned) **Term expires 9-30-2003**

CURRENT MEMBERS

NAME	TERM EXPIRES
Harriet Barnard, Ch	Sept. 30, 2005
Leith Gallaher	Sept. 30, 2003
Kathleen Melchert	Sept. 30, 2004
Warren Packard **(Resigned)**	Sept. 30, 2003
Jayne Saeger	Sept. 30, 2005

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Larue, Patricia M	8/12/02 - 8/2004	8/19/02
Zhou, Hannah (Student)	8/19/02	9/23/02

CATV Advisory Committee

Appointed by Council (7)- 3 years

Term expires 7-01-2003 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Alex Bennett	Sept. 30, 2003
Jerry L. Bixby	Feb. 28, 2003
Michael J Farrug	Nov. 30, 2002
Richard Hughes	Feb. 28, 2003
Lusi Fang **(Student)**	July 01, 2002
Penny Marinos	Feb. 28, 2004
W. Kent Voigt	Feb. 28, 2004
Bryan H. Wehrung	Feb. 28, 2005

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Monika Sata	9/17/02	10/21/02

Ethnic Community Issues Advisory Committee

Approved by Council (9)- 3 years

Shiva Sastry (Resigned) **Unexpired Term expires 9-30-2005**

Term expires 9-30-2005

Term expires 9-30-2005

Term expires 9-30-2005

Term expires 9-30-2005

Term expires 9-30-2005

Term expires 9-30-2005

CURRENT MEMBERS

NAME	TERM EXPIRES
Anju C. Brodbine	Sept. 30, 2005
Tom Kaszubski	Sept. 30, 2005

Shiva Sastry **(Resigned)**	Sept. 30, 2005

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Griffen, Brian S	9/12/02	**9/23/02**
Hashmi, Amin	8/22/02	**9/09/02**
Kuppa, Padma	5/21/02	**9/09/02**
Shah, Oniell	8/07/02	**9/23/02**
Zhou, Hannah (Student)	8/19/02	**9/09/02**

Planning Commission

Appointed by Council (9) – 3 years

Term expires 7-01-2003 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Gary G. Chamberlain	Dec. 31, 2002
Jordan C. Keoleian **(Student)**	July 01, 2002
Dennis A. Kramer	Dec. 31, 2003
Larry Littman	Dec. 31, 2004
Cynthia Pennington **BZA Rep**	Dec. 31, 2002
James H. Starr	Dec. 31, 2002
Walter A. Storrs, III	Dec. 31, 2003
Mark J Vleck	Dec. 31, 2004
David T. Waller **BZA Alt**	Dec. 31, 2003
Wayne C. Wright	Dec. 31, 2004

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Yes:
No:

F-2 Closed Session – No Closed Session Requested

F-3 Bid Waiver – Renewal of Fiduciary Liability Insurance Coverage

Suggested Resolution
Resolution #2002-10-
Moved by
Seconded by

RESOLVED, That the renewal of the Fiduciary Liability Insurance Coverage from the Chubb Insurance Group (The Federal Insurance Company) through the C.M. Althoff Company is hereby **APPROVED**, with the premium for policy year November 8, 2002 – November 8, 2003 at the cost of $11,867.00.

Yes:
No:

F-4 Establishment of New Community Center Rental Rates

Suggested Resolution
Resolution #2002-10-
Moved by
Seconded by

RESOLVED, That the rates as proposed for overnight rentals for the Troy Community Center are **APPROVED**, a copy of which shall be attached to the original Minutes of this meeting.

Yes:
No:

F-5 Request for Study Session to Establish Goals and Objectives

Suggested Resolution
Resolution #2002-10-
Moved by
Seconded by

RESOLVED, That a study session is hereby **SCHEDULED** for _____, 2002 at 7:30 PM in the Council Board Room of Troy City Hall, 500 West Big Beaver, Troy, Michigan.

Yes:
No:

F-6 Request for A Granite Marker at the Northeast Entrance to the Veterans Memorial Plaza

Suggested Resolution
Resolution #2002-10-
Moved by
Seconded by

RESOLVED, That Troy City Council **GRANTS** the request from the Veterans Memorial Committee of Troy for a granite marker to be placed at the northeast entrance to the Veterans Memorial Plaza as per the attached plan, the entire cost of which, including installation, will be borne by the Veterans Memorial Committee of Troy

Yes:
No:

F-7 Metro Act – Telecommunications Resolution & Repeal of Current Ordinance

Suggested Resolution
Resolution #2002-10-
Moved by
Seconded by

WHEREAS, The Metropolitan Extension Telecommunications Rights-of-Way Oversight Act, Act No. 48 of the Public Acts of 2002, ("Metro Act") regulates the granting of permits by municipalities to telecommunications companies seeking permission to install lines and other facilities in the public right-of-way effective November 1, 2002; and

WHEREAS, The Metro Act will require municipalities to use application and permit forms approved by the Michigan Public Service Commission for new telecommunications companies. The Metro Act also limits fees which can be charged by municipalities to telecommunications companies for an application, permit, construction plan review or inspection and prohibits the enforcement of cable television franchises requiring payment of franchise fees on cable modem high-speed Internet service; and

WHEREAS, Within six months of the effective date of the Metro Act, all telecommunications companies, including Ameritech and Verizon, will be required to file applications and obtain permits in all municipalities where they are using the public right-of-way. Beginning April 29, 2003, they will be required to and pay an annual standardized right-of-way maintenance fee to a statewide authority for distribution only to those municipalities complying with Act's limitation on fees; and

WHEREAS, A municipality is considered to be complying with the Act's limitation on fees if it **ADOPTS** a resolution or ordinance, as necessary, effective no later than December 31, 2003, modifying fees due from telecommunications companies and provides each company with a copy of the resolution or ordinance.

NOW THEREFORE, IT IS RESOLVED,

1. Effective December 31, 2003, the City will comply with the Metro Act regarding right-of-way fees for any existing telecommunications companies seeking permission to use public right of way in the City.

2. Effective November 1, 2002, the City will comply with the Metro Act regarding applications and permits for new telecommunications companies seeking permission to use public right of way in the City.

3. Effective November 1, 2002, the City of Troy repeals the Telecommunications Ordinance, Chapter 62 of the City of Troy Ordinances.

4. The City of Troy will comply with the limitation of the Metro Act on the payment of franchise fees on cable modem service by cable television operators reserving any rights it may have to fees due for the period ending October 31, 2002.

5. The City Clerk is directed to send a copy of this Resolution to Ameritech, Comcast, WideOpenWest, TCG-Detroit, MCImetro Access Transmission Services, Metropolitan Fiber Systems of Detroit, Inc., Xo Communications, Williams Communications, Metromedia Fiber Systems, CenturyTel Michigan, MeLeodUSA and every other telecommunications provider using the public right of way in the City.

Yes:
No:

F-8 Blue Sky Meetings

Suggested Resolution
Resolution #2002-10-
Moved by
Seconded by
RESOLVED, That Special Meetings are **SCHEDULED** to take place at 6:45 PM in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, Michigan on the following dates:

Date:	**Yes**	**No**
November 4, 2002	_____	_____
November 18, 2002	_____	_____
December 2, 2002	_____	_____
December 16, 2002	_____	_____

Yes:
No:

COUNCIL COMMENTS/REFERRALS

REPORTS AND COMMUNICATIONS

G-1 Minutes – Boards and Committees:

(a) Brownfield Redevelopment Authority/Final – April 18, 2002
(b) Brownfield Redevelopment Authority/Final – May 21, 2002
(c) Youth Council/Final – July 10, 2002
(d) Troy Daze/Draft – August 20, 2002
(e) Historical Commission/Final – August 27, 2002
(f) Troy Daze/Draft – September 3, 2002
(g) Advisory Committee for Persons with Disabilities/Final – September 4, 2002
(h) Election Commission/Final – September 5, 2002
(i) Employees' Retirement System Board of Trustees/Final – September 11, 2002
(j) Parks & Recreation Advisory Board/Final – September 19, 2002
(k) Historical Commission/Draft – September 24, 2002
(l) Youth Council/Draft – September 25, 2002
(m) Election Commission/Draft – September 30, 2002
(n) Advisory Committee for Persons with Disabilities/Draft – October 2, 2002
(o) Building Code Board of Appeals/Draft – October 2, 2002
(p) Advisory Committee for Senior Citizens/Draft – October 3, 2002
(q) Employees' Retirement System Board of Trustees/Draft – October 9, 2002

G-2 Department Report

(a) Permits Issued During the Month of September 2002
(b) September 30, 2002 Quarterly Financial Report

G-3 Announcement of Public Hearings:

(a) Proposed Zoning Ordinance Text Amendment (ZOTA 193) – Article XXXIX Environmental Provisions (Walls – 39.10.00) – Scheduled for November 4, 2002

G-4 Proposed Proclamations/Resolutions from Other Organizations: None Proposed

G-5 Letters of Appreciation:

(a) Letter from Donald A. Roeske, Deputy Chief – Madison Heights Police Department in Appreciation of Animal Control Officer Greg Latka's Outstanding Performance of Duties Which Terminated a Threatening Situation in Their Community
(b) Letter from Jim Cyrulewski and Bob Berk - Troy Daze Thanking the Following Departments for Their Assistance for the 2002 Troy Daze Festival: Carol Anderson/Parks & Recreation (Jeff Biegler & Joy Stockamp); Bill Need/DPW; Chief Charles Craft/Police Department (Lieutenant Stephen Zavislak & Sergeant David Swanson); Chief William Nelson/Fire Department (Lieutenant Robert Matlick & Lieutenant Tonya Perry); Jeanette Bennett/Purchasing Staff; and Cindy Stewart/Community Affairs Staff
(c) Letter from David Byrwa-President of Oakland County Building Officials Association Thanking Robert Davisson, ESQ and Jacquelyn Bault of the City Attorney's Office for their Presentation on "Tips for Testifying"

G-6 Calendar

G-7 Letter & Brochure Received From Richard T. Thompson – Chancellor – Oakland Community College, Re: *A Report to the Business and Community Alliance – 2001-2002*

G-8 Memorandum – Re: Explanation of Wood Grinding Contract and Elements of a Sealed Bid Process

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

G-9 Memorandum – Re: July 4th Picnic

G-10 Memorandum – Re: Michigan Municipal League Convention – September 11-13, 2002; Dearborn, Michigan

G-11 Memorandum – Re: Response to Advisory Committee for Senior Citizens Letter

G-12 Memorandum – Re: Troy Family Aquatic Center Update – 2002 Pass Price Rollback Promotion

G-13 Memorandum (Green) – Re: Proposed Revision to Chapter 78 Regarding Residential Development Entranceway Signs

G-14 Memorandum – Re: Wildlife Relocation and Development

G-15 Memorandum – Re: Resident Nancy Yockey's Concern Re: Plastic Bags & Leaf Pick-Up

G-16 Memorandum – Re: City Employees' Dental Insurance Coverage

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

September 24, 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 - 2003 Community Development Block Grant (CDBG) Application

RECOMMENDATION

The Public Works Department is requesting that the proposed Community Development Block Grant Application be approved for program year 2003-2004.

BACKGROUND INFORMATION

The following projects are being recommended for the 2003 CDBG application:

Administration	$5,000
Home chore program	60,000
Storm drain construction on Dashwood and Lovington Streets	148,290
Total	$213,290

The county has advised us to use $213,290 as our planning estimate for this program year.

In 2001 and 2002, approximately $258,580 had been put into the storm drain construction on Dashwood and Lovington Street accounts. According to an Engineering Department estimate, the project on Dashwood will cost an estimated $644,395.00 to complete, and the Lovington project will cost an estimated $678,095.00 to complete.

We have 73 low-income seniors and disabled residents on the home chore program. There is currently no waiting list.

October 14, 2002

TO: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Mark F. Miller, Planning Director

SUBJECT: REZONING APPLICATION PUBLIC HEARING (Z-#681), Biltmore Rezoning, East side of Rochester Road, North of Lamb Road, Section 14 – R-1C to R-1T and E-P.

RECOMMENDATION

The rezoning application complies with the Future Land Use Plan. The portion of the property to remain R-1C will serve as a transition area between the proposed attached condominiums in the R-1T Zoning District and the adjacent R-1C property. The portion of the property zoned E-P will buffer the development from the adjacent residential area. The rezoning request is compatible with existing land uses and zoning districts.

At previous public hearings for the initial R-1T rezoning application, the neighboring residents' voiced concerns about rezoning the entire subject properties to R-1T. The major concerns were: (1) A potential vehicular connection between Robertson Drive and Rochester Road, and (2) Incompatibility between potential attached condominiums on the subject properties and the existing single family detached housing to the east of the subject properties. The applicant responded to resident concerns and submitted a revised rezoning application and schematic development.

At a public hearing on September 10, 2002, the Planning Commission recommended approval of the rezoning request. The petitioner revised the request slightly, to appropriately locate homes on the remaining R-1C land. The R-1T request is reduced by 0.17 acres and the E-P request is increased by 0.20 acres. Based upon these findings City Management recommends approval of the revised rezoning rezoning.

BACKGROUND INFORMATION

The applicant initially applied to rezone 18.10 (gross) acres to R-1T. At the May 14, 2002, Planning Commission Public Hearing, the Planning Commission recommended denial of the application. The applicant revised their application to provide an E-P rezoning request to act as a land use buffer. On July 22, 2002, City Council recommended the application be postponed for sixty (60)

days and sent the application back to the Planning Commission for reconsideration. The applicant has resubmitted the application, including an additional parcel, so the petitioner's project properties are 16.71 (net) acres in size. The petitioner is seeking to rezone 12.14 (net) acres to R-1T and 1.13 (net) acres to E-P. Then 3.44 (net) acres will remain R-1C.

GENERAL INFORMATION

Name of Owner / Applicant:
Biltmore Properties Corporation.

Location of Subject Property:
The parcel is located on the east side of Rochester Road, north of Lamb Road in section 14.

Size of Subject Properties:
The parcel is approximately 18.71 net acres in size, however, the R-1T request is 12.14 acres and the E-P request is 1.13 acres in size.

Current Use of Subject Property:
Single-family residences.

Current Zoning Classification:
The property is currently zoned R-1C One Family Residential.

Proposed Zoning of Subject Parcel:
The applicant is proposing to rezone 1.13 acres to E-P Environmental Protection, 12.14 (net) acres to R-1T One Family Attached and retain 3.44 (net) acres as R-1C One Family Residential. The applicant has provided legal descriptions of each proposed Zoning District.

Proposed Uses and Buildings on Subject Parcel:
The applicant has submitted a conceptual sketch of the proposed development. The sketch shows a development comprised of 82 one family attached dwellings on the R-1T-zoned property and 10 detached single-family homes on the property which is to remain R-1C. A detention pond is proposed for the property proposed to be rezoned to E-P and used as a land use buffer, as permitted by the Zoning Ordinance. A public street runs through the property, connecting Lamb Road to Rochester Road. A number of private streets also connect to the public streets. Robertson Drive is not shown to extend through to Rochester Road.

Note that this sketch is not binding in any way and does not constitute a site plan. It is intended only to show what the applicant conceptually plans to do with the property once rezoned

Current Use of Adjacent Parcels:
North: Single-family residences.

South: Tom's Landscape and single-family residences.

East: Single-family residences.

West: Single-family residences.

Zoning Classification of Adjacent Parcels:
North: R-1C One Family Residential.

South: R-1C One Family Residential.

East: R-1C One Family Residential.

West: R-1C One Family Residential.

ANALYSIS

Range of Uses Permitted in Proposed Zoning Districts and Potential Build-out Scenario:
All uses that are principal permitted uses in the R-1A through R-1E Zoning Districts are also principal permitted uses in the R-1T Zoning District. Two family dwellings and one family attached dwellings are also principal permitted uses. The applicant could develop 82 attached units on the portion of the property zoned R-1T, based on Zoning Ordinance requirements. This is the same number of lots shown on the sketch plan.

The applicant would be permitted by right to develop 51 detached single family homes on the property if it were to remain R-1C One Family Residential.

The property rezoned to E-P Environmental Protection may be used as a land use buffer pursuant to Section 8.10.00 and 8.50.07. A detention pond may be designed as part of the land use buffer, if approved by the Planning Commission.

Vehicular and Non-motorized Access:
There is potential vehicular access to the property from Rochester Road, Lamb Road and Robertson Drive. The applicant submitted a sketch that shows vehicular access to Lamb Road and Rochester Road.

Potential Stormwater and Utility Issues:
It does not appear that there are any utility issues associated with the site. The applicant will need to provide stormwater detention on the property.
Natural Features and Floodplains:

The Natural Features Map indicates that there are no significant natural features located on the property.

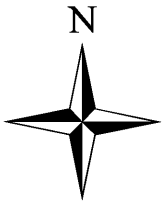
Compliance with Future Land Use Plan:
The Future Land Use Plan designates this area as Medium Density Residential. The Plan correlates the Medium Density Residential classification with the R-1T One Family attached Zoning District. The rezoning application complies with the Future Land Use Plan.

cc: Applicant
File/Z # 681.

Proposed Resolution

CITY OF TROY

W SOUTH BLVD
E SOUTH BLVD
CROOKS RD
E SQUARE LAKE RD
REZONING REQUEST
R-1C TO R-1T & E-P
N ADAMS RD
W LONG LAKE RD
E LONG LAKE RD
LIVERNOIS AVE
JOHN R RD
DEQUINDRE RD
W WATTLES RD
E WATTLES RD
75
COOLIDGE HWY
W BIG BEAVER RD
E BIG BEAVER RD
75
W MAPLE RD
E MAPLE RD
E FOURTEEN MILE RD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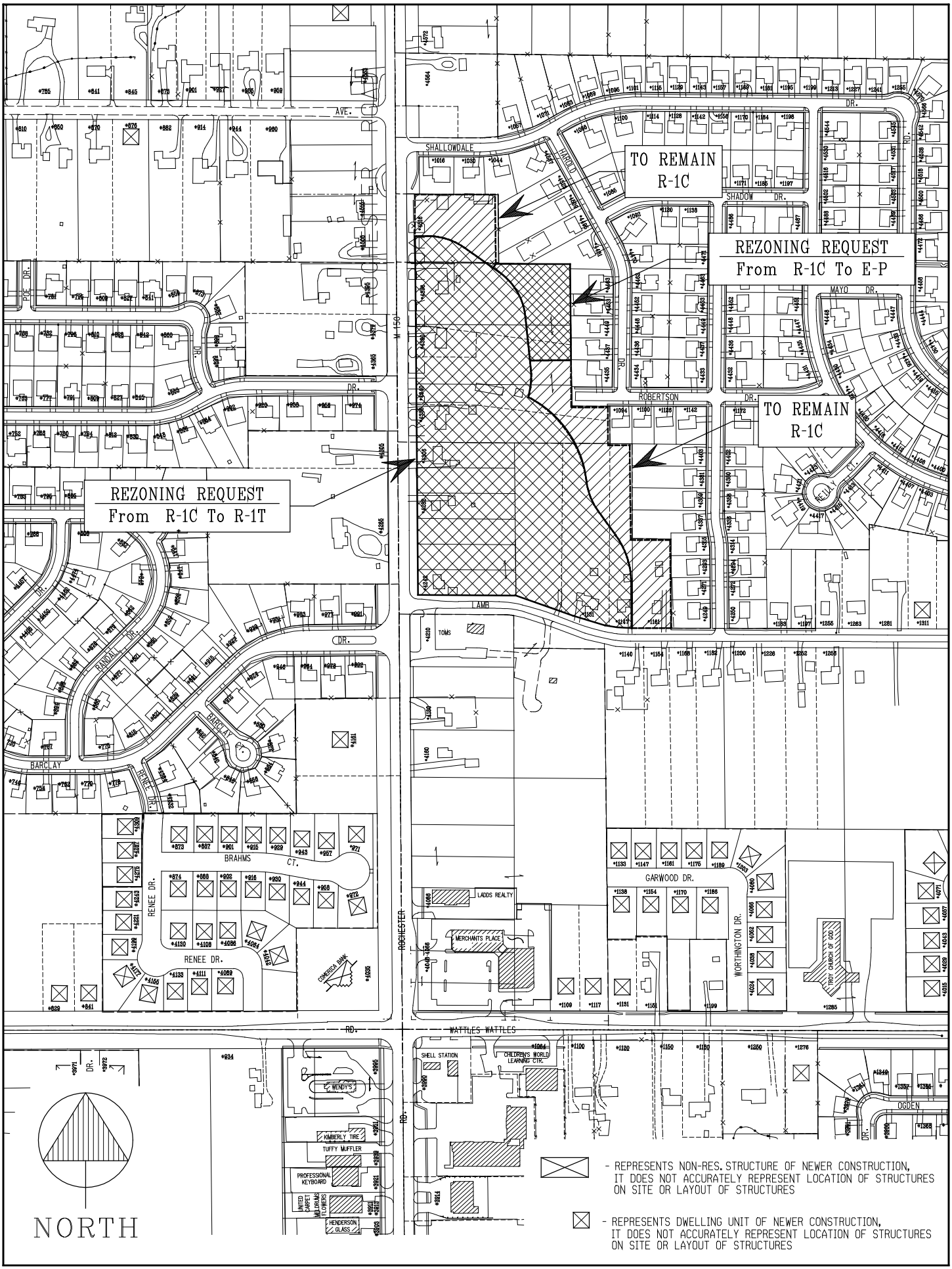
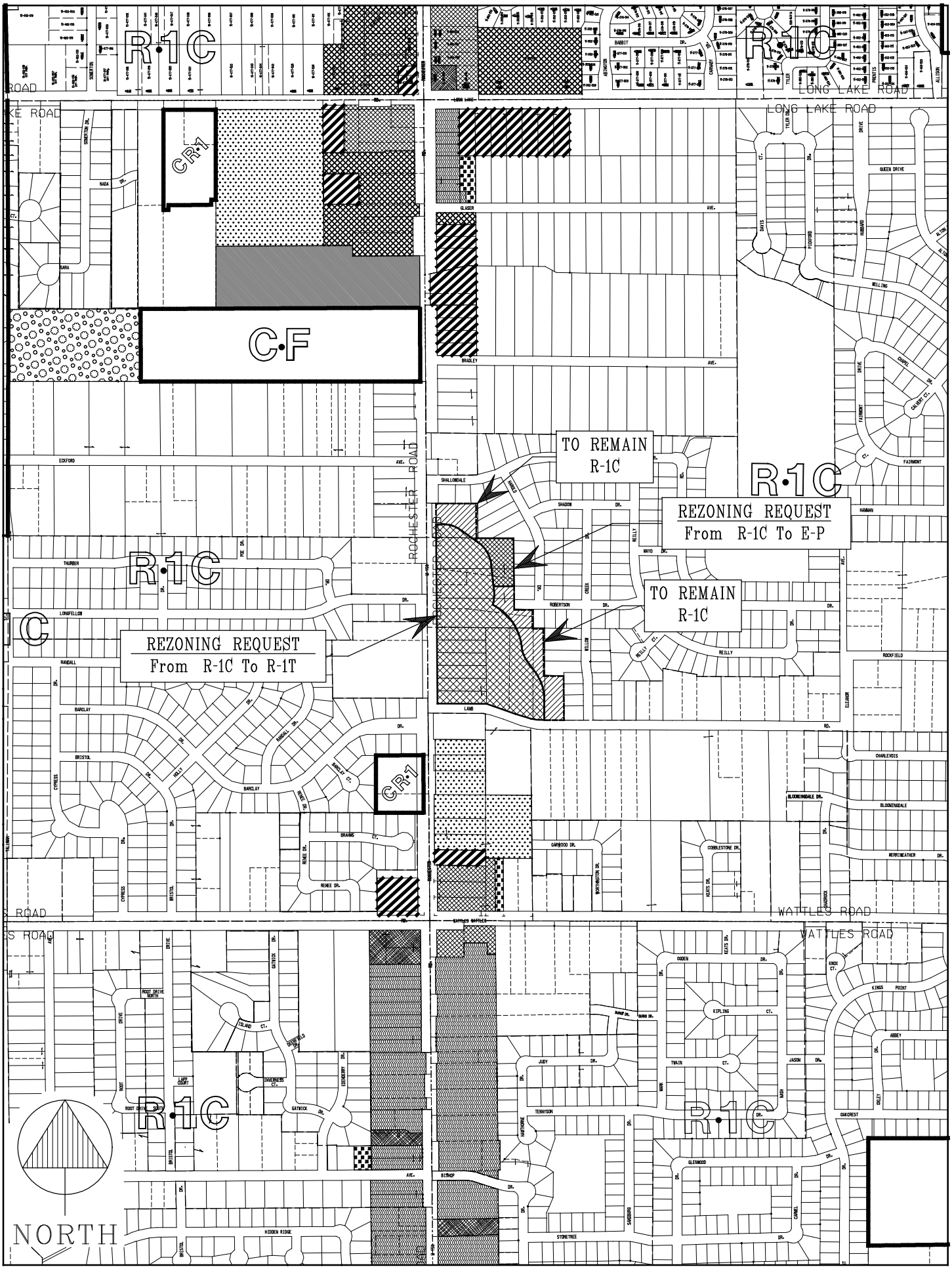
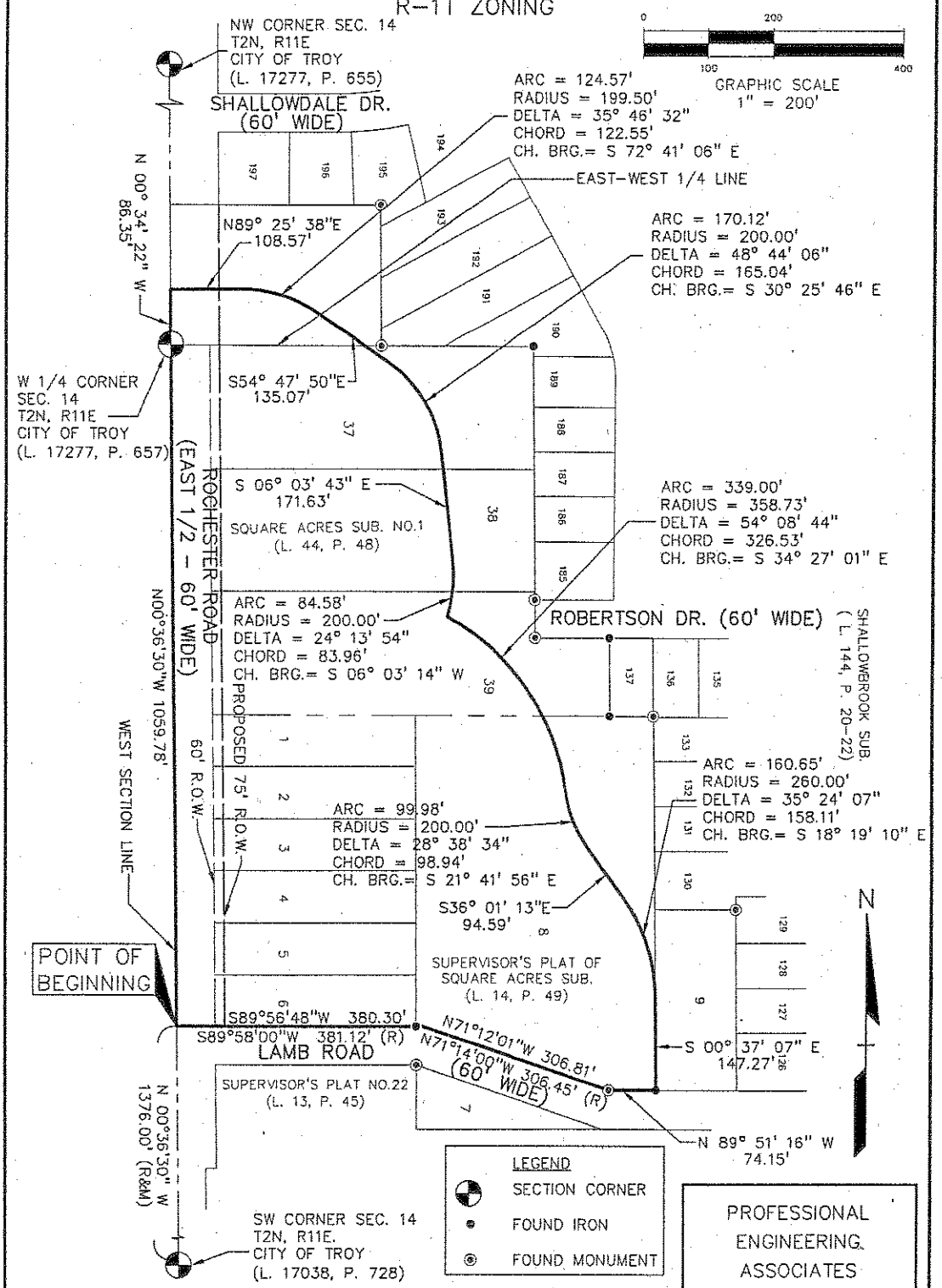


Z-681 revised request / SEC. 14 / 09-30-02


R-1C
CR-1
C-F
TO REMAIN
R-1C
REZONING REQUEST
From R-1C To E-P
TO REMAIN
R-1C
REZONING REQUEST
From R-1C To R-1T
ROCHESTER ROAD
LONG LAKE ROAD
WATTLES ROAD
NORTH

REC'D
SEP 26 2002
PLANNING DEPT.

BOUNDARY SKETCH
R-1T ZONING



PROFESSIONAL ENGINEERING ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48083-1672
(248) 689-9090

CLIENT:
BILTMORE PROPERTIES, INC.
2025 W. LONG LAKE RD., SUITE 104
TROY, MI., 48098 (248) 641-3900

SCALE: 1"= 200'	JOB No: 2001289
DATE: 9-18-02	DWG. No: 1 of 2

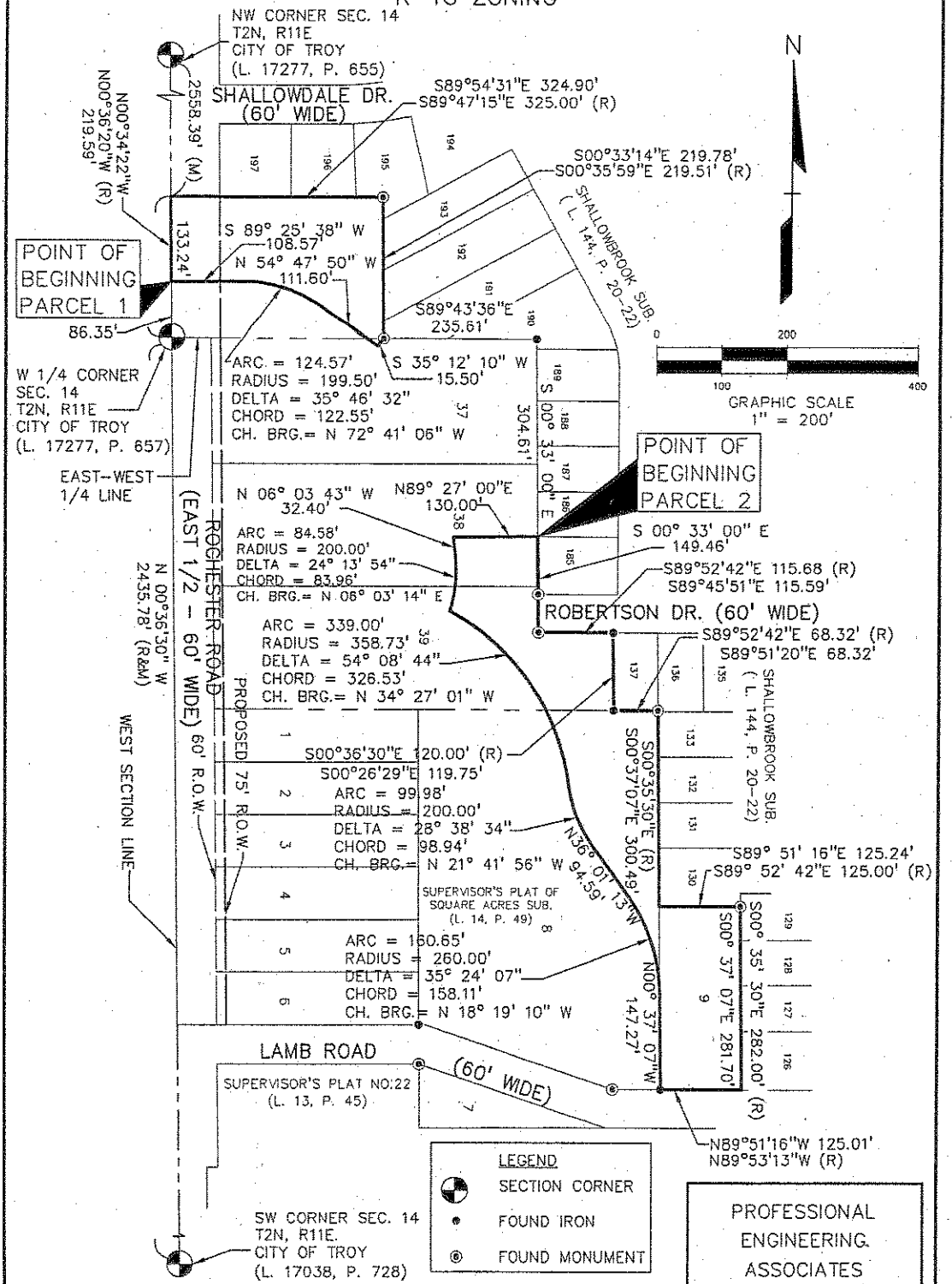
O:\2001PROJ\2001289\SURVEY\LEGALS\R-1T LEGAL.DWG; JEC

REC'D

SEP 26 2002

PLANNING DEPT.

BOUNDARY SKETCH
R-1C ZONING



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

CLIENT: BILTMORE PROPERTIES, INC. 2025 W. LONG LAKE RD., SUITE 104 TROY, MI., 48098 (248) 641-3900	SCALE: 1"= 200'	JOB No: 2001289
	DATE: 9-18-02	DWG. No: 1 of 2

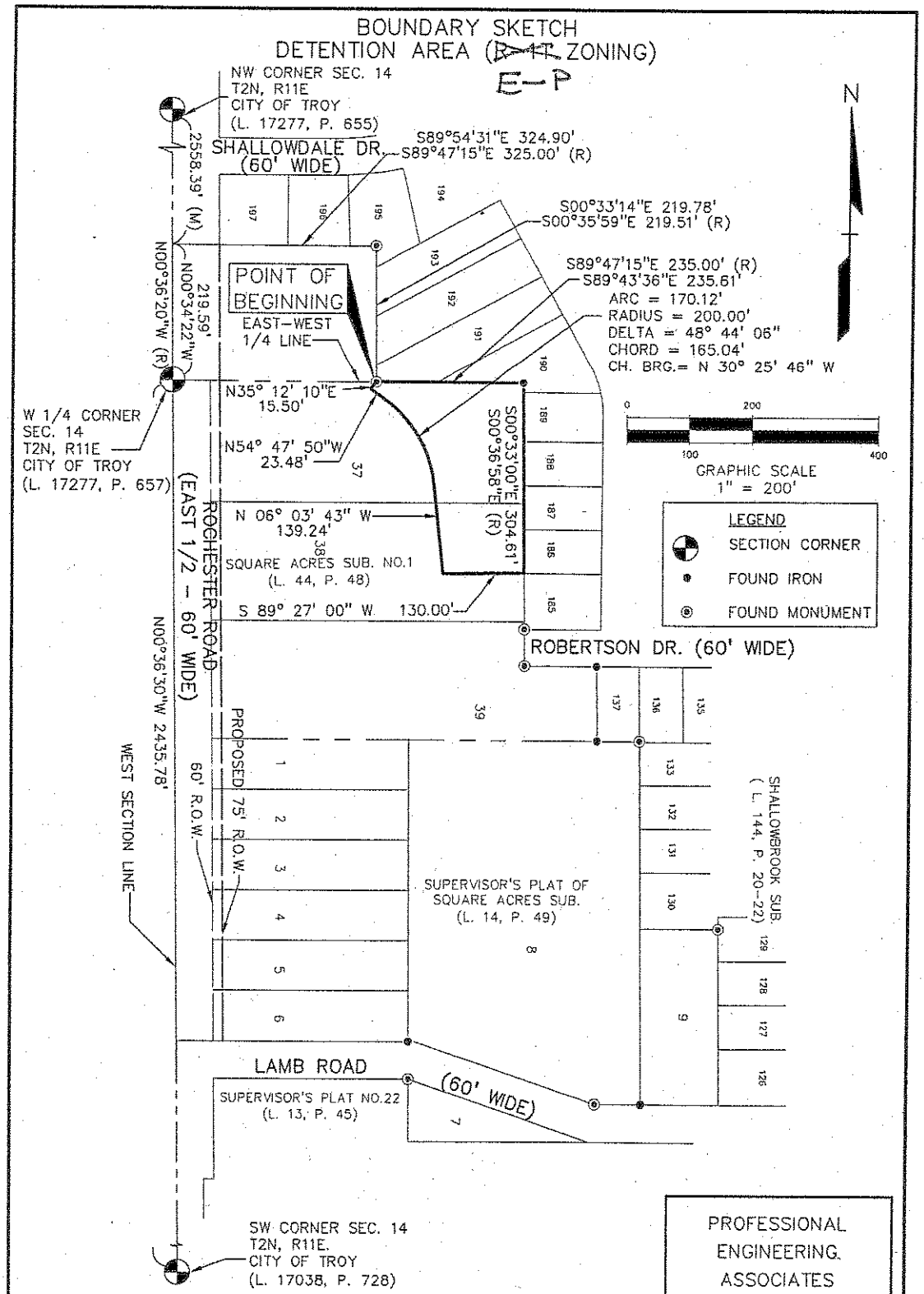
O:\2001PROJ\2001289\SURVEY\LEGALS\R-1C LEGAL.DWG;JEC

REC'D

SEP 26 2002

PLANNING DEPT.

BOUNDARY SKETCH
DETENTION AREA (~~R-1T~~ ZONING)
E-P



CLIENT: BILTMORE PROPERTIES, INC. 2025 W. LONG LAKE RD., SUITE 104 TROY, MI., 48098 (248) 641-3900	SCALE: 1"= 200'	JOB No: 2001289
	DATE: 9-18-02	DWG. No: 1 of 2

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

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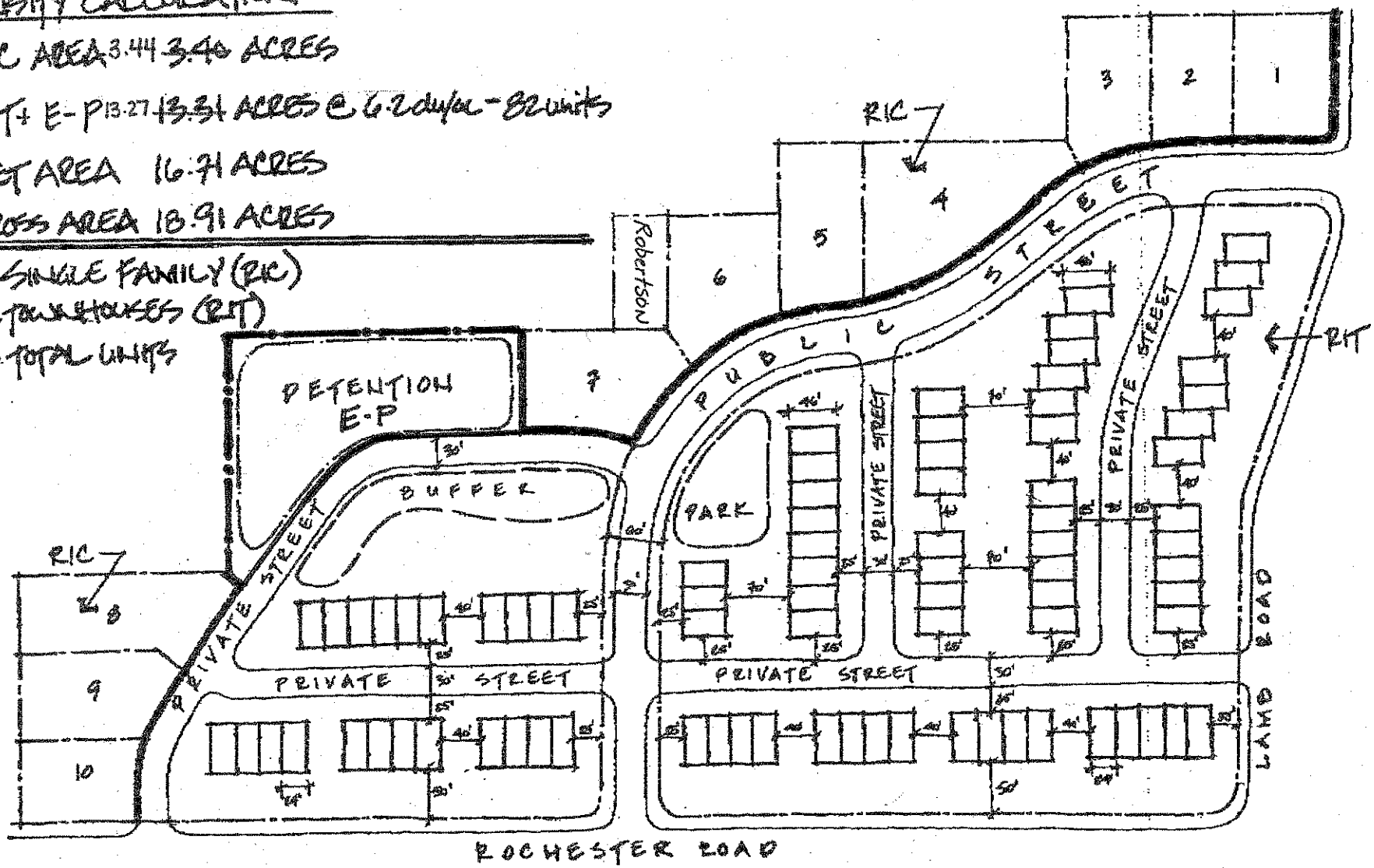
DENSITY CALCULATION

- R1C AREA 3.44 ~~3.40~~ ACRES
- R1T + E-P 13.27 ~~13.31~~ ACRES @ 6.2 du/ac - 82 units
- NET AREA 16.71 ACRES
- GROSS AREA 18.91 ACRES

- 10 SINGLE FAMILY (R1C)
- 82 TOWNHOUSES (R1T)
- 92 TOTAL UNITS



ROCHESTER ROAD SITE
TROY, MICHIGAN
(24' X 46') TOWNHOUSES

CONCEPT PLAN

BARTON & Associates, L.P. · BARTON & Associates, Inc. · Thomas C. Barton III, AIA
700 E. Main Street, 3rd Floor Norristown, PA 19401-4102 Phone 610.930.2809 Fax 610.930.2808

BARTON & Associates
ARCHITECTS & PLANNERS

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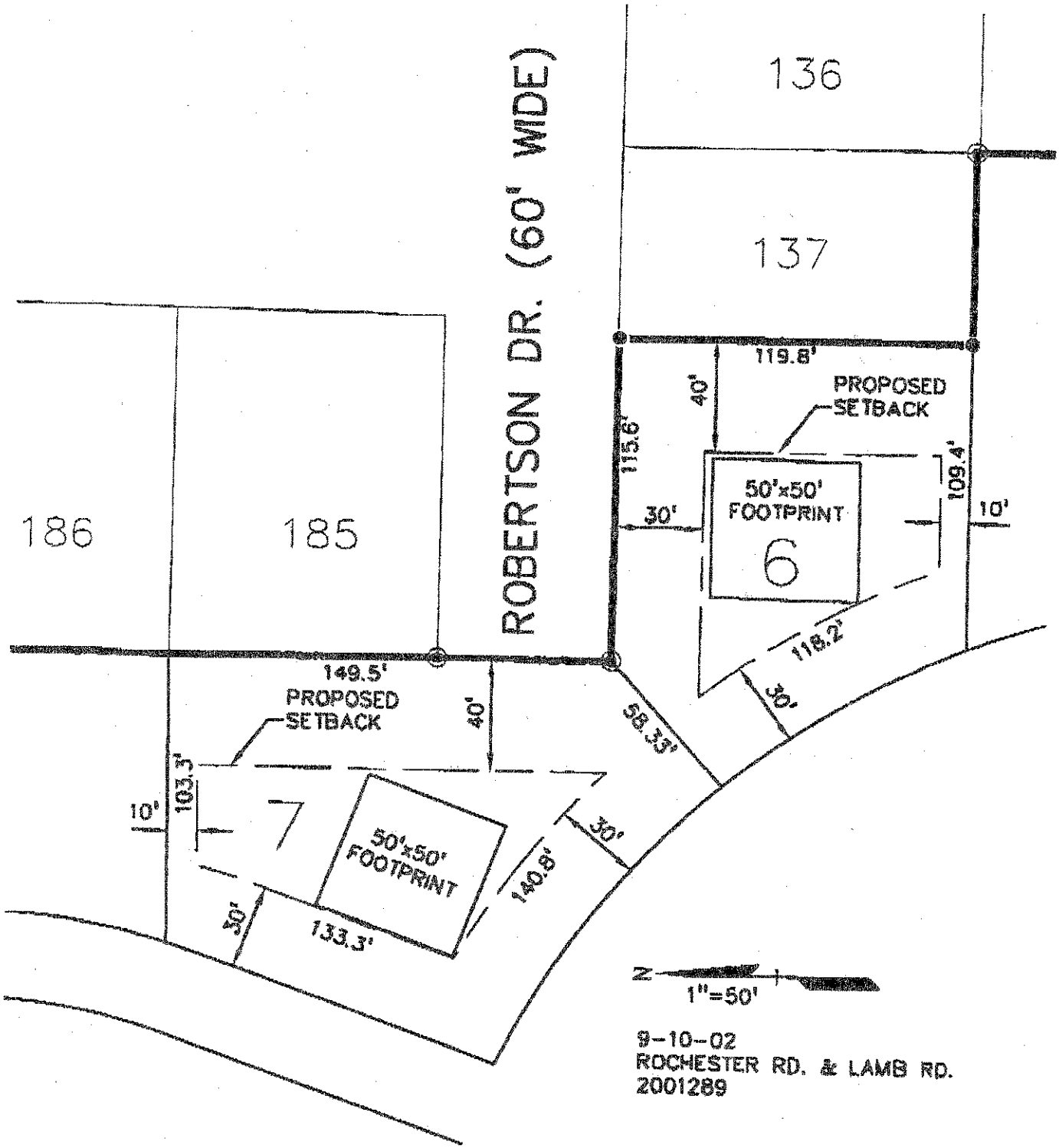

136
137
ROBERTSON DR. (60' WIDE)
186
185
119.8'
40'
PROPOSED SETBACK
115.6'
109.4'
50'x50' FOOTPRINT
6
30'
10'
118.2'
30'
149.5'
PROPOSED SETBACK
40'
58.33'
103.3'
10'
7
50'x50' FOOTPRINT
30'
140.8'
30'
133.3'
N
1"=50'
9-10-02
ROCHESTER RD. & LAMB RD.
2001289

7. PUBLIC HEARING - PROPOSED REZONING (Revised Request) (Z-681) – Proposed Rochester Road Condominium Development, East side of Rochester, North side of Lamb, Section 14 – R-1C to R-1T & E-P

Mr. Savidant presented a summary of the Planning Department report for the proposed Rochester Road Condominium rezoning request.

Mr. Chamberlain asked, the part that would be rezoned E-P and then used as a detention basin, is that a detention basin 6:1 or 4:1 slope?

Mr. Savidant replied, that is an issue that will be ironed out in the Site Plan stage.

Mr. Starr asked, do we have actual numbers of the distance of the R-1T to the east? How deep is it from Rochester Road?

Mr. Savidant stated that his estimate is approximately 700 feet. It is difficult to measure at this time because the line is not straight.

Kevin Kohls, 2025 West Long Lake, stated that he represented Biltmore Properties Corporation. There has been a lot of work that has gone into this rezoning request and since the earlier recommendation of denial by this Commission, Biltmore has worked closely with the neighbors and the Planning Department to make this work by looking at the adjacent property. The zoning that we are presenting to you tonight solves a lot of difficulties, i.e., difficulties encountered by the neighbors, difficulties we've encountered in processing this, and difficulties by the City. We bring to the table tonight a proposal that preserves the existing zoning along the easterly edge of this property and to the north which complies entirely with the Master Plan, will prevent Robertson from being extended to Rochester Road and will limit the curb cuts from this difficult assembly onto Rochester Road. The legal description that you have been presented tonight is a slight modification to reduce the acres requested for rezoning. The result is a plan that we expect will be very successful. The home and condominium prices will be in the $250,000 range, certainly comparable to the surrounding homes.

Mr. Chamberlain asked, if the amount of property that is being proposed to be rezoned E-P, is that the size of a 6:1 or a 4:1 detention?

Mr. Kohls replied, it will be a 6:1 detention, very gentle slope, without fences.

Mr. Chamberlain stated that the Commission was handed a letter tonight in which a request was made that it become part of the record by a Ron Angle, 4437 Harold Drive, Troy.

Public hearing opened.

John Moran, 1110 Robertson, stated he did not know what 6:1 detention pond meant and asked what would the maximum drop be?

Mr. Chamberlain stated that the Commission is unable to answer that at this time. What we are trying to do is eliminate the chain link fences altogether. We would like to see 6:1 so they are able to get in there with mowers; and with a 6:1 slope, if there's water in it, people can get out of it. That is where we are coming from.

Paul Stockyj, Attorney for owners of Parcel #1, stated that the Sevedra family have been residents of the City of Troy for quite some time. Members of the family are present here tonight. Mr. Sevedra senior accumulated this property lot by lot and it took him several decades to do that. He had a dream to have this property developed someday. Unfortunately, he is not going to be present to see that dream realized because he passed away in June of 2002. Family members that are present here today would like to see this property be developed.

Ron Angle, 4437 Harold, stated that he has backed up to this property for 26 years. His concern is the opening of Robertson. He does not want Robertson being opened. However, looking at a development back there would be better than looking at what is presently back there. He would like to look at something that is halfway decent back there.

Public hearing closed.

Mr. Littman commented on this E-P zoning guaranteeing it's going to be a detention pond, and that by being turned over to the City, it will be protected from development. With it being an E-P area, he doesn't understand why it needs to be rezoned.

Mr. Savidant stated that E-P zoning was sought by the surrounding area residents. It would provide an open space area that would serve as a buffer and could never be developed.

Mr. Littman asked, is the detention pond considered natural open space?

Mr. Savidant stated that it could be. The City does require that detention ponds typically be turned over to the City for maintenance.

Ms. Lancaster stated that if it's turned over to the City, it is the City's responsibility to maintain it.

Mr. Kramer stated that he does not remember any automatic designation that E-P zones are dedicated to the City.

Mr. Savidant stated it's the detention pond area that is typically turned over to the City.

Mr. Kramer stated that on the modification of the R-1T boundaries, assuming that we do some resolution here this evening, what document do we reference before us that delineates that modification?

Mr. Savidant replied, the legal description we received today, which is dated September 10, 2002.

Mr. Waller commented, as the gentlemen who lives on Robertson stated earlier, it would be nice if they did not have to look at the detention pond. It's not possible to see from what we have yet exactly where the eastern boundary of the detention pond would be in reference to the eastern property line. Potentially, the private street that is unnamed, could be flattened out a little bit and maybe move the detention pond slightly to the west to allow enough room for landscaping, at a minimum, a small berm, not a large berm, along the eastern side of the detention pond. He stated that this was his personal observation.

Mr. Waller concluded, stating that he applauded and concurred with keeping Robertson as it is today and asked that all parties consider a walkway be put through from the southwest end corner of Robertson to the nearby public street (what is designated as lots 6 & 7). If that was provided, it would be a much easier way for the children to get to the elementary school than going to the north up to Shallowdale or either south down to Lamb. There are places around Troy where walkways have been created to connect subdivisions to nearby subdivisions or to connect new subdivisions to streets that aren't going to be opened and hopes this will be considered.

Mr. Wright stated that he would like to compliment the Biltmore people.

RESOLUTION

Moved by Wright Seconded by Storrs

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1C to R-1T, being 12.31 acres (net) in size and E-P, being 0.93 acres in size, rezoning request, located on the east side of Rochester and on the north side of Lamb, Section 14, for the Proposed Rochester Road Condominium Development, be granted in accordance with the boundaries as presented on the legal description submitted and dated September 10, 2002.

Mr. Storrs stated that the sketch for the detention area and what was submitted September 10, 2002, reads R-1T zoning and should read E-P zoning.

Mr. Chamberlain clarified, to change the designator on the drawing to show E-P zoning rather than R-1T zoning.

Yeas:	Nays:	Absent:
All present (7)		Vleck
Pennington (arrived @ 8:30 P.M.)		

MOTION CARRIED

SUBMITTED TO CHAIRMAN AT 09/10/02 PLANNING COMMISSION MEETING.

To: planning@ci.troy.mi.us
Subject: Request of David Stollman on behalf of Biltmore Land Co., LLC.

Please find below questions and concerns regarding the Request of David Stollman on behalf of Biltmore Land Co., LLC to rezone properties located on the east side of Rochester Rd., North of Lamb Rd. from R-1C or R1T and E-P districts.

1.) **Density:**

Based upon the most recent Concept Plan prepared by Barton & Associates regarding the above captioned proposed development, it is my position that the 92 total units to be constructed on the 16.71 net acres substantially exceeds any other similar development in Troy in terms of unit density and is well above other developments recently approved and constructed in metro Detroit.

Detroit News, July 21, 2002: Commission OKs rezoning of 25 acres

"The Livonia Planning Commission agreed last week to rezone 25 acres on Farmington Road north of Seven Mile. If council members approve, the zoning will be changed from office to a combination of residential condominium and single-family homes. Developer Steve Schafer wants to build 76 condominiums and 20 houses at the site, where the Ardmore Psychiatric Center had been"

Question:

Why is it necessary to develop this property at such an excessive density level?

Question:

Has the Planning Commission considered the nature, quality and appearance of the proposed structures in the context of this area and other developments in the city?

2.) **Traffic Patterns:**

It is the position of this taxpayer that the development as proposed will materially impact traffic patterns and flow in the area surrounding this development including Rochester Road.

Specifically, this taxpayer and the majority of taxpayers within the Shallowbrook Homeowners Association oppose this development unless guarantees can be given that Robertson St. remains closed off and **not** extended and/or connected to the development to allow through traffic.

3.) **Set-Off:**

As a homeowner immediately adjacent to the proposed development, it is critical that a adequate set-off be stipulated and required for the entire southern most perimeter of the development. Such set-off should be no less than the set-off proposed inside the development for the single-family dwellings proposed on the south side of the development.

4.) **Nature of Adjacent Homes**:

The revised development plan calls for 10 dwellings (single family homes) to be constructed at the southern most perimeter of the development.

Question:

What assurances will the City Planning Commission, the City of Troy and Developer provide that the specifications, size, appearance and quality of such dwellings will not adversely affect the market value of existing homes adjacent to the development?

Sincerely,

Ronald W. Angle
4437 Harold Drive
Troy, Michigan 48085

Great location, no steps sell Livonia condos

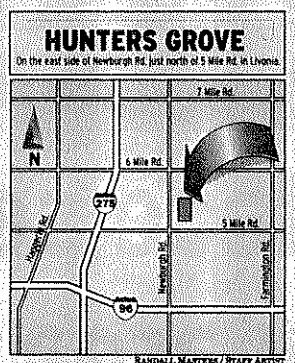
Ranch condominiums with no steps or exterior maintenance in a city known for excellent municipal services draw buyers to Hunters Grove.

Craig S. Corbell intends to build 36 residences attached in pairs off Newburgh Road just north of Five Mile in Livonia.

"We concluded people don't want stairs. That's why people move to condos," Corbell said. "We probably could have put more two-story townhouses in, but a ranch is what everyone is looking for."

"The comment I get from everyone looking for a condo is no steps," added Larry Henney, sales rep.

"People come in and say, 'Hey, no steps. This is what I want,'" chimed in Jim Szkrybalo, sales rep.



RANDALL MATTHEWS / STAFF ARTIST

Two ranch plans are available – one of 1,400 square feet with two bedrooms and two baths, the other of 1,600 square feet with three bedrooms and two baths.

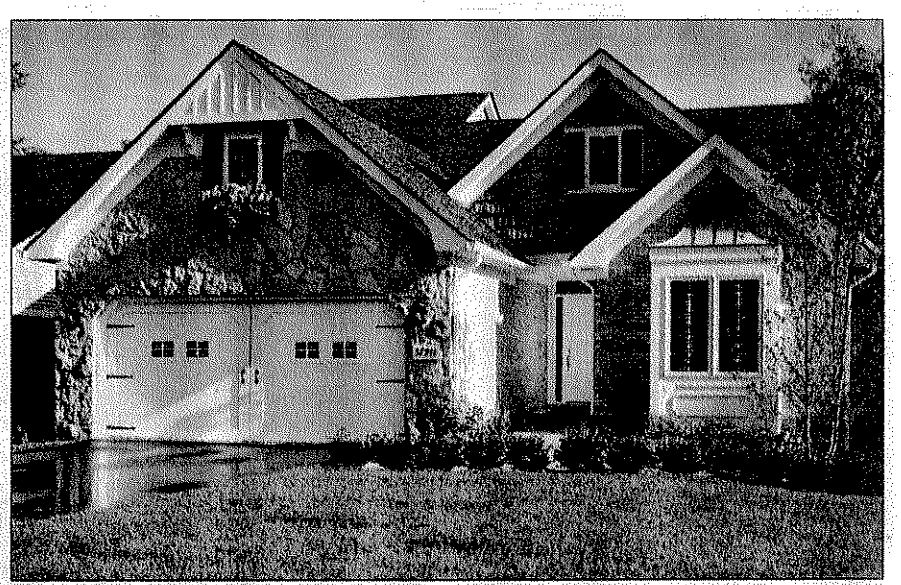
A three-bedroom Cape Cod of 1,680 square feet with a bedroom and full bath upstairs is available for those buyers who may have an older child at home or expect lots of visits from grandchildren or out-of-towners.

Who's buying?

"Mostly Livonia people who want to stay in Livonia, get out of their colonials," Szkrybalo said. "A big attraction is no grass to cut, no snow to plow. They can go to Florida for three months and not worry about the house."

"One of the nice features is a gas log fireplace," Henney said. "And cathedral ceilings give us an open floor plan."

All homes in Hunters Grove also will include at base price two-car garage, air conditioning, ceiling fan in the family room, first-floor laundry, basement with poured concrete, brick pattern walls, landscaping and patio.


The building team at Hunters Grove maintains that many buyers prefer ranch-style condos with no steps.

"This is true French country design," Corbell said of the exteriors. "It's timeless. Sidewalks connect to everything. You're right in the neighborhood."

Livonia also is a great place to live – "parks, medical facilities, a new rec center (under construction), police and fire protection and one of the lowest tax rates in Wayne County," Szkrybalo said.

"This particular site has easy freeway access (I-96 and I-275)," he added. "St. Mary Hospital and Laurel Park (shopping) are nearby."

Two models have been

PLEASE SEE **CONDOS, D2**

built as freestanding homes on Plymouth Road just west of Newburgh so as not to interfere with construction on site.

The three-bedroom ranch features a bedroom/den with cathedral ceiling, second bedroom, full bath with combination tub/shower, and master with shower and walk-in closet.

The hallway from the foyer to great room is especially wide and contains a long planter shelf.

The main entertaining part of the home contains the great room with sloped ceiling, dining area and a kitchen with room for a two-seat table and a pass-through wall to the dining area.

Base price is $259,900.

The Cape Cod, also with a base price of $259,900, includes a great room, dining

The two-bedroom ranch is priced at $239,900.

Brick, stone, viny siding and dimensional shingles are primary exterior materials.

All utilities are individually metered to residences. Pets are allowed.

The property tax rate is $32.02 per $1,000 of state equalized value, half of sales price for new construction. That means the owners of a $260,000 home there would pay about $4,175 the first year.

The monthly association fee is projected at $120.

Two model homes have been constructed on Plymouth Road just west of Newburgh. Office/model hours, (734) 432-1010 or (734) 422-2577, are 1-5 p.m. Friday through Monday and by appointment.

Briefly

LIVONIA

Commission OKs rezoning of 25 acres

The Livonia Planning Commission agreed last week to rezone 25 acres on Farmington Road north of Seven Mile. If council members approve, the zoning will be changed from office to a combination of residential condominium and single-family homes. Developer Steve Schafer wants to build 76 condominiums and 20 houses at the site, where the Ardmore Psychiatric Center had been.

REZONING REQUEST
ROCHESTER & LAMB CONDOS
E SIDE ROCESTER RD, N SIDE LAMB
SEC. 14
SHALLOWDALE DRIVE
SHADOW DRIVE
HAROLD DRIVE
CLARKE ROAD
MAYO DRIVE
WILLOW CREEK
REILLY DRIVE
CLARK
ROBERTSON DRIVE
REILLY COURT
REZONING REQUEST
FROM R-1C TO R-1T & E-P
ROCHESTER ROAD
ROCHESTER ROAD
LAMB ROAD
RANDALL DRIVE
100 50 0 100 200 300 400 Feet
N

October 14, 2002

To: The Honorable Mayor and City Coucil

From: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Mark F. Miller, Planning Director

SUBJECT: REZONING APPLICATION PUBLIC HEARING (Z-400) – Sparkling Car Wash, East Side of Livernois Road, South of Maple Road, Section 34 – B-3 to H-S.

RECOMMENDATION

Section 23.40.00 of the Zoning Ordinance includes Location Standards for the H-S Highway Service District. The Location Standards indicate that the H-S District may be applied for areas indicated on the Future Land Use Plan as non-center commercial (which it is not) or, "areas within broader areas generally designated for Light Industrial use, where the City has established, through rezoning, areas to provide commercial and service uses for the surrounding Light Industrial area".

There have been seven (7) applications to rezone property in Section 34 from M-1 to a commercial or service area. Of these seven (7) rezoning applications, one (1) was withdrawn, four (4) were denied and two (2) were approved. There were three (3) applications to rezone to H-S from B-1, B-2 or B-3. One (1) of these applications was approved. Outside of section 34, there have been two (2) recent H-S rezonings on Maple Road, for the purpose of developing car washes. This application is consistent with these two (2) recent applications.

The rezoning application appears to be consistent with the Location Standards of Section 23.40.00, in that commercial and service areas have been established through rezonings. The rezoning request is compatible with adjacent existing land uses and zoning districts.

The potential of the subject property is limited given its size (60-feet wide by 642 feet deep). This configuration seems to be consistent with an automobile-oriented use such as some of the uses permitted within the H-S Zoning District, including auto washes.

On September 10, 2002 the Planning Commission recommended approval of the rezoning request. City Management concurs with the Planning Commission and recommends approval of the H-S Highway Service rezoning request.

GENERAL INFORMATION

Name of Owner / Applicant:
Rocko Juncaj.

Location of Subject Property:
The property is located on the east side of Livernois Road, south of Maple Road, section 34.

Size of Subject Parcel:
The parcel is 60 feet wide by 642 feet deep, or approximately 0.9 acres in area.

Current Use of Subject Property:
An auto repair building presently sits on the property. The building appears to be vacant.

Current Zoning Classification:
B-3 General Business.

Proposed Zoning of Subject Parcel:
H-S Highway Service.

Proposed Uses and Buildings on Subject Parcel:
The applicant is proposing to construct a car wash on the parcel. This is stated on the application and a site plan was also provided.

Current Use of Adjacent Parcels:
North: K-Mart shopping center.

South: Vacant strip mall.

East: American Freightways trucking and warehouse facility.

West: Wendy's Restaurant and other strip related commercial businesses in the City of Clawson.

Zoning Classification of Adjacent Parcels:
North: B-2 Community Business.

South: B-2 Community Business.

East: M-1 Light Industrial.

West: B-3 General Business (City of Clawson)

Parcel History:

The subject parcel was rezoned from B-2 Community Business to B-3 General Business on March 29, 1982, to allow the development of an auto repair establishment.

ANALYSIS

Range of Uses Permitted in Proposed Zoning District and Potential Build-out Scenario:

Although the applicant indicates that he wishes to develop an auto wash, if rezoned the applicant will be permitted to develop any of the uses permitted within the H-S zoning district. However, the relatively small size and narrow configuration of the parcel significantly reduces its build-out potential.

Vehicular and Non-motorized Access:

The parcel has 60 feet of frontage on Livernois Road.

Potential Stormwater and Utility Issues:

The applicant will be required to provide stormwater detention on the property.

Natural Features and Floodplains:

The Natural Features Map indicates there are no significant natural features located on the property.

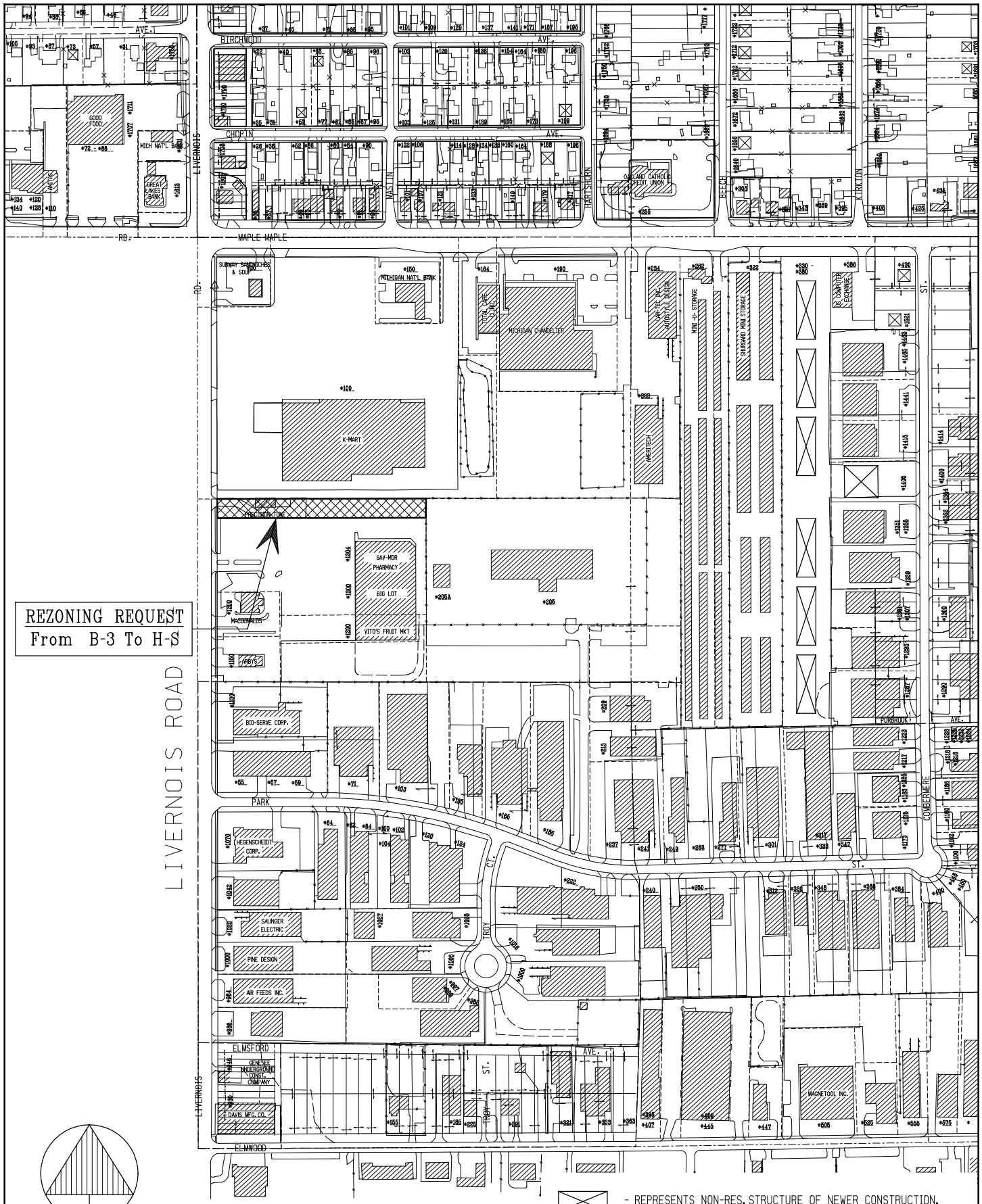
Compliance with Future Land Use Plan:

The property is classified as Light Industrial in the Future Land Use Plan. The Plan indicates that the Light Industrial designation has a primary correlation with the M-1 Zoning District. The H-S Zoning District is correlated with areas designated in the Plan as Non-Center Commercial and Regional Center.

cc: Applicant
File/Z-400

CITY OF TROY

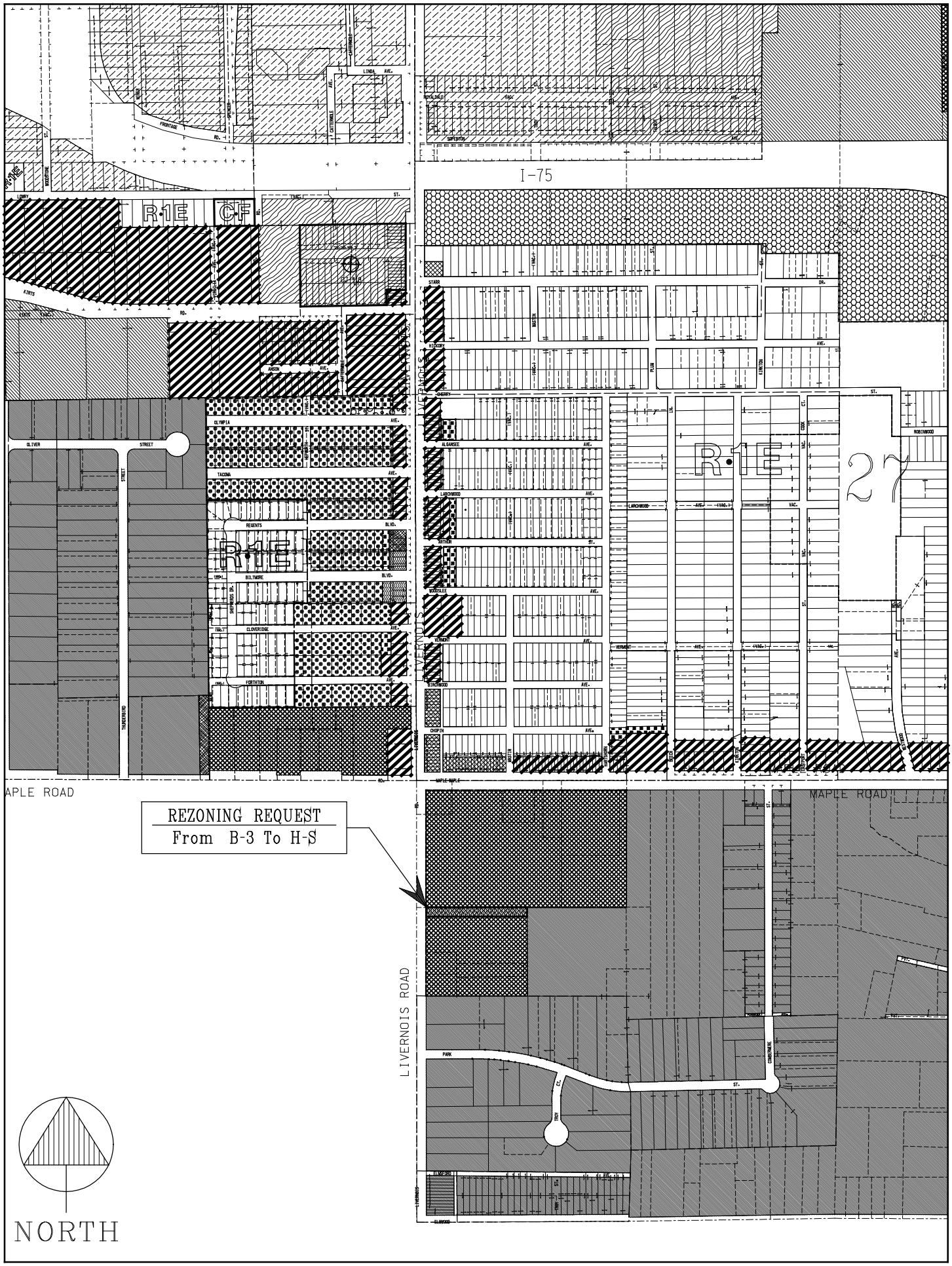
N



- 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

Z-400 / SEC. 34 / 08-15-02


REZONING REQUEST
From B-3 To H-S
I-75
MAPLE ROAD
LIVERNOIS ROAD
R1E
CF
R1E
R1E
27
NORTH

8. PUBLIC HEARING - PROPOSED REZONING (Z-400) – Sparkling Car Wash, East side of Livernois, South of Maple, Section 34 – B-3 to H-S

Mr. Savidant presented a summary of the Planning Department report for the proposed Sparkling Car Wash rezoning request.

Mr. Waller asked if the car wash has to go in the H-S zoning district.

Mr. Savidant replied yes.

Mr. Wright stated that he realized this is not a Site Plan, but on the back of this Site Plan drawing, it is marked "future site of RV Park". Is that something that would require H-S zoning as well and could not be done in B-3?.

Mr. Chamberlain stated, let Ms. Lancaster look that up.

Mr. Storrs stated that he thinks it is a good location for a car wash. He asked if there was another way to do this.

Mr. Kramer commented that car washes are not the most compatible neighbors.

Ms. Pennington voiced her concern about the four (4) driveways located directly across the street and possible traffic issues.

Rocko Juncaj, 11345 Engleman, Warren, MI, stated that he has been a licensed builder in Michigan for 23 years.

Mr. Chamberlain asked if the petitioner was planning on selling gas.

Mr. Juncaj replied no.

Public hearing opened and closed.

Mr. Littman asked about the drawing handed out tonight with the words "future site of RV Park" printed on the back.

Petitioner replied that was just a future possibility and that he doesn't see it happening. It's going to be an empty lot back there.

Mr. Chamberlain asked Ms. Lancaster if she had an answer to what is allowed.

Ms. Lancaster stated that a RV Park could not be done under H-S.

Mr. Storrs asked, what happens to the rest of the property? Should we really talk about rezoning it all H-S?

Petitioner stated it's all grass behind the dumpster. We are just going to leave that alone.

Mr. Chamberlain asked why wouldn't we do a dual thing in here, rezone the front, whatever distances it is for the car wash, the second easterly portion of this B-2.

Mr. Chamberlain commented to Ms. Lancaster that he understands this request was advertised as B-3 to H-S in total. However, could we send forward a recommendation to City Council to have X number of footage from Livernois east, H-S rezoning and then the remainder B-2 in tonight's meeting?

Ms. Lancaster stated that she believes that another public hearing would need to take place if you act on only part of the rezoning request. New notices would have to be sent out for the remaining portion to be rezoned in something other than H-S.

Mr. Kramer stated that he thinks it's a little bit of paper shuffling if we need to rezone it in the future from H-S to B-2 or we would have to modify the request and come back again with a split request for H-S and B-2. His proposal would be to proceed with the petitioner's request for H-S and when we see another proposal before us and they've had time to think about it, decide where the boundary will be for the rear half of B-2.

Mr. Kramer stated, in order for the petitioner to understand, his motion is to recommend their request. That does not prohibit you whatsoever for a future request to take part of your H-S and change it.

RESOLUTION

Moved by Kramer Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the B-3 to H-S, rezoning request, 0.9 acres in size, located on the east side of Livernois and south of Maple, Section 34, for the proposed Sparkling Car Wash, be granted.

Yeas:	Nays:	Absent:
All present (8)		Vleck

MOTION CARRIED

REZONING REQUEST
SPARKLING CAR WASH
E SIDE LIVERNOIS, S OF MAPLE
SEC. 34

DATE: October 16, 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: Public Hearing Parking Variance Request
3670 John R, Boys and Girls Club of Troy

We have received an application from Ehersman Associates, Architects for the Boys and Girls Club of Troy, for the construction of a new facility to be located at 3670 John R (proposed address). Paragraph F of Section 10.30.07 of the Zoning Ordinance requires at least 150 parking spaces for a community recreation facility with 300 member families. That section further states that the Planning Commission may reduce that amount to 100 parking spaces when they determine that a substantial portion of the users will access the site by means other than by automobile. Their plans, however, show that only 53 spaces will be provided as part of this facility. Due to the insufficient on-site parking available the application has been denied. In response to our denial, the applicant has filed an appeal for the deficiency of the up to 97 spaces.

A Public Hearing has been scheduled for your meeting of October 21, 2002, in accordance with Section 44.01.00.

We have enclosed copies of the petitioner's application and supporting documentation as well as a copy of the site plan of the facility for your reference. We will be happy to provide additional information regarding this request if you desire.

Attachments:

PARKING VARIANCE APPLICATION
FOR PUBLIC HEARING BEFORE CITY COUNCIL
CITY OF TROY

RECEIVED
SEP 30 2002
BUILDING DEPARTMENT

TO TROY CITY COUNCIL

DATE: September 27, 2002

Request is hereby made for a variance to modify the parking provisions of the Zoning Ordinance enacted by the City Council or contrary to a decision rendered by the Building Official in denying an application for a permit.

Applicant: Boys and Girls Club of Troy Phone: 248-689-1687

Address: 4970 John R, Troy, MI 48085

Address of Property: 3670 John R, Troy, MI 48083

Lot #_____ Subdivision: _____

Zoning District: R-1C Sidwell # 20-24-100-028

Owner of Property: Troy School District Phone: 248-823-4000

Address: 4400 Livernois, Troy, MI 48098

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: September 25, 2002

Has there been a previous appeal involving this property? No If Yes, state date_____

and particulars _____

REASON FOR VARIANCE:

Dimension of Stall? _____ Parking Spaces Required: 150

Number of Stalls?_____ Parking Spaces Provided: 53

Other Dimensions?_____ Variance Requested: 97 stalls

Outline your appeal, listing sections of the ordinance from which relief is sought and also outline your proposals, indicating your hardships. (continued on back of page)

See attached letter

PLOT PLAN OF SITE ATTACHED HERETO

STATE OF MICHIGAN)
)
COUNTY OF _____)

I HEREBY DISPOSE AND SAY THAT ALL THE ABOVE STATEMENTS, AND INFORMATION IN THE ATTACHED PAPERS AND SITE PLANS SUBMITTED ARE TRUE AND CORRECT.

Date: September 30 2002 Stephen H Tosh
(Signature of Applicant)

Signed and Sworn to before me this 30 day of September 2002

Cynthia A. Tocco
Notary Public

CYNTHIA ANN TOCCO
Notary Public, Wayne County, MI acting in Oakland
My Commission Expires: My Commission Expires Feb. 27, 2007

Filing Fee $200.00	Date Paid

REV:2/2002

Ehresman Associates Inc.
architects engineers

RECEIVED
SEP 30 2002
BUILDING DEPARTMENT

September 30, 2002

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

RE: Boys and Girls Club of Troy
Project No. 2101
Parking Variance Application

Dear Sir or Madam:

Parking requirements, Section 40.21.34 (c) of the zoning ordinance applies to Recreation Clubs where the individual driving the vehicle would park and remain on the premises during the activity. This is not the case with the Boys and Girls Club of Troy. Membership in the club is limited to children ages 6-17 years. The vast majority of the of the members are ages 6 – 12 years with the current total membership being 571 children. The club does not foresee a great increase in membership at the new location.

Children arrive at the club by walking, bike riding, school bus or parent drop off. They are picked up by parents at various times through the afternoon. Based on the club's records of parking lot trends, the peak usage is at the end of the day during the summer. The maximum recorded is 15 staff and 12 parent vehicles at one time. During the school year the maximum usage decreases to eight staff and seven parent vehicles. The existing parking lot has 35 spaces. There are rarely more than 14 cars in the lot, even in the busy summer time. The club has been in its present location for over 25 years. The new site proposes 53 spaces, an increase of 34%.

We hereby request a parking variance of 97 spaces.

If further information is required, please contact this office.

Sincerely,

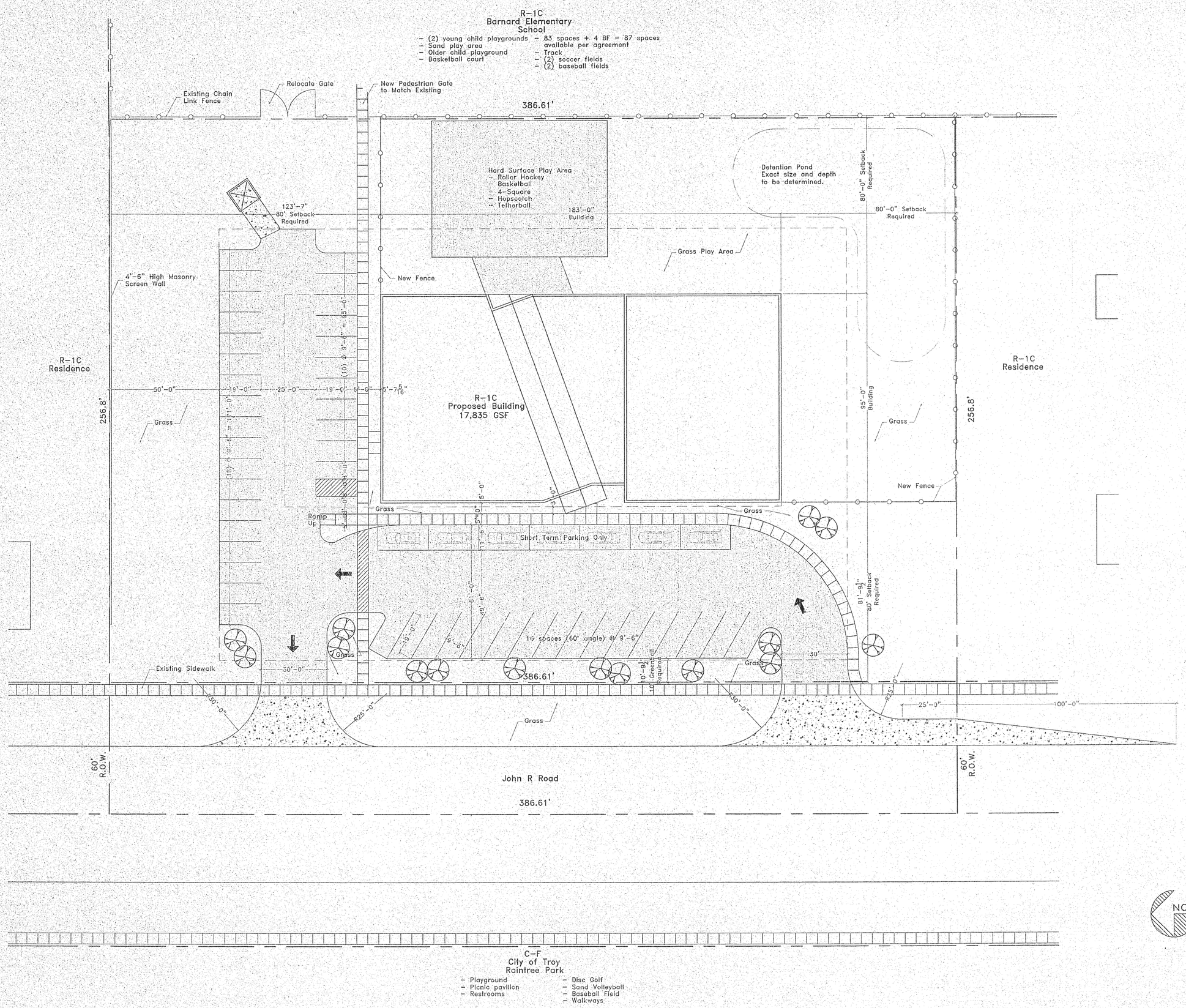
Elizabeth Muzyk

Elizabeth Muzyk
Architectural-Design

cc: Steve Toth

2101\parking

Suite 350 803 West Big Beaver Road Troy, Michigan 48084-4734
Telephone: (248) 244-9710 Fax: (248) 244-9712



SITE DATA	
ZONING:	R-1C (ONE FAMILY RESIDENTIAL)
ADJACENT ZONING:	NORTH, EAST, SOUTH: R-1C
	WEST: C-F
USE GROUP:	A-S (RECREATION FACILITY)
AREA OF PARCEL:	99,316.4 sf / 2.28 ACRES
BUILDING GROSS AREA:	17,835 sf SHOWN, 21,931 MAX
USEABLE FLOOR AREA:	14,268 sf (80%)
% BUILDING COVERAGE:	17% SHOWN, 30% MAX
SETBACKS:	FRONT, SIDE REAR: 80'
BUILDING HEIGHT:	30', 25' MAX ALLOWABLE
(A VARIANCE WILL BE REQUIRED FOR BUILDING HEIGHT)	

LANDSCAPE DATA
REQUIRED GREENBELT TREES: (1TREE/30' FRONTAGE)
10' WIDE, 386.61/30' = 13 TREES
PROVIDED GREENBELT TREES:
17'-3 1/2", 13 TREES
REQUIRED LANDSCAPING/OPEN SPACE:
99,316 * 10% = 9932 sf
PROVIDED LANDSCAPING/OPEN SPACE:
(NOT INCLUDING GREENBELT AND REAR YARD)
38,586 sf
TREE PRESERVATION PLAN:

PARKING DATA	
REQUIRED PARKING:	1 PER 2 MEMBER FAMILIES
	300/2 = 150 SPACES
(100 SPACES WITH PLANNING COMMISSION APPROVAL)	
PROVIDED PARKING:	51 + 2 BF = 53 SPACES
ADDITIONAL PARKING:	83 + 4 BF = 87 SPACES
(AT BARNARD SCHOOL THROUGH AGREEMENT)	
TOTAL PARKING:	155 + 8 BF = 163 SPACES

RECEIVED
SEP 24 2002
BUILDING DEPARTMENT

23 September 02

1"=20'-0"

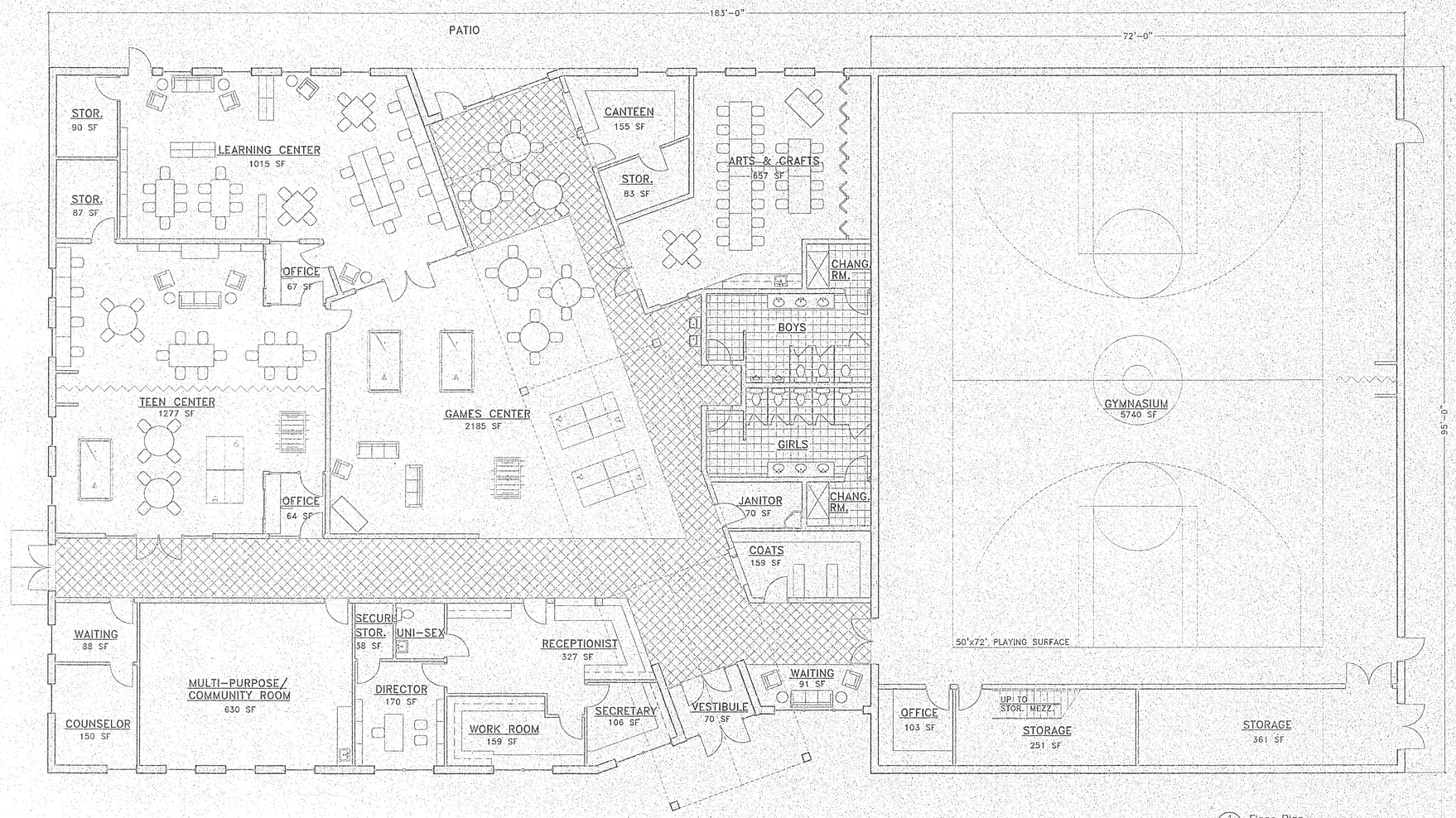
Site Plan

Ehresman Associates Inc.
architects engineers
803 West Big Beaver Road
Suite 350
Troy, Michigan 48084-4734
ph. (248) 244-9710

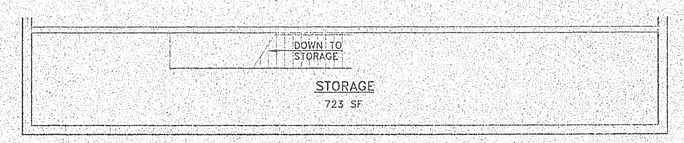
Boys & Girls Club of Troy
New Facility

A10

2101



1 A20 Floor Plan
1/8"=1'-0"



2 A20 Mezzanine Plan
1/8"=1'-0"

BUILDING AREA – 17,112 GSF
STORAGE MEZZANINE – 723 sf
TOTAL AREA – 17,835 GSF

NORTH

RECEIVED
SEP 24 2002
BUILDING DEPARTMENT
23 September 02

1/8"=1'-0"

Floor Plan

Ehresman Associates Inc.
architects-engineers
803 West Big Beaver Road
Suite 350
Troy, Michigan 48084-4754
ph. (248) 244-9710

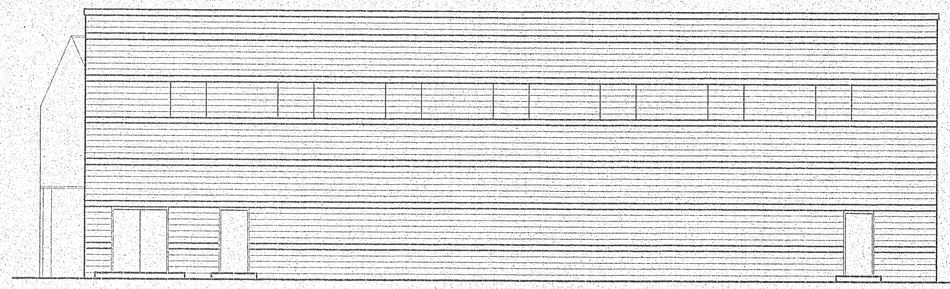
Boys & Girls Club of Troy
New Facility

A20

2101

C:\projects\2001\2101\2D-Floor2.dwg Mon Sep 23 14:35:02 2002

1 A30 West Elevation
1/8"=1'-0"

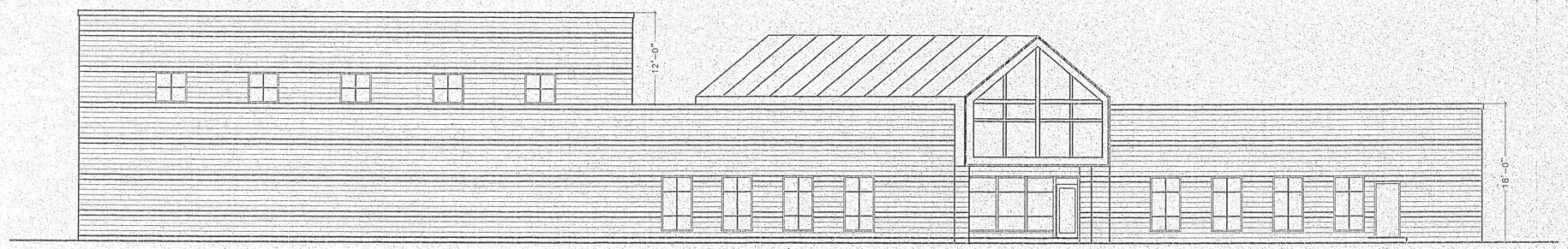


2 A30 South Elevation
1/8"=1'-0"

SEE BRICK NOTES ON WEST ELEVATION

3 A30 North Elevation
1/8"=1'-0"

SEE BRICK NOTES ON WEST ELEVATION



4 A30 East Elevation
1/8"=1'-0"

SEE BRICK NOTES ON WEST ELEVATION

RECEIVED
SEP 24 2002
BUILDING DEPARTMENT

23 September 02

1/8"=1'-0"

Elevations

Ehresman Associates Inc.
architects engineers
803 West Big Beaver Road
Suite 350
Troy, Michigan 48084-4734
ph. (248) 244-9710

Boys & Girls Club of Troy
New Facility

A30

2101

C:\projects\2001\2101\A30-Elev3.dwg Mon Sep 23 14:35:43 2002

DATE: September 25, 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: Public Hearing
Request for Commercial Vehicle Appeal
2887 E. Wattles Road

On August 20, 2002, information was sent to Mr. Costel Luca that identified restrictions related to commercial vehicles located on his residential property at 2887 E. Wattles. As part of that information, he was advised that the Ford box truck parked on that property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letter, Mr. Luca has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of October 7, 2002.

The existing home on the property has only 808 square feet of ground floor area and we have no record of any existing accessory buildings on site. The Zoning would permit up to 600 square feet of detached accessory building on this site. The owner could also construct an attached garage within the limits of the setbacks and the 30% lot coverage.

Copies of the application, site plan, aerial photograph, and photos taken by City staff are attached for your reference. Should you have any questions or require additional information, kindly advise.

RECEIVED
AUG 2 9 2007
BUILDING DEPARTMENT

COMMERCIAL VEHICLE APPEAL APPLICATION

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

NAME: COSTEL LUCA

ADDRESS: 2887 E. WATTLES RD.

CITY: TROY MI MI. ZIP: 48098 PHONE: (248) 680-7415

ADDRESS OF SITE: =SAME= Cell #(248) 765-3550

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1FDLE47F2VHB15137

LICENSE PLATE NUMBER(S) 0649AD

DESCRIPTION OF VEHICLE(S) 1- FORD E-SUPER DUTY (WHITE)

REASON FOR APPEAL (see A - D below) MY HOME DOES NOT HAVE A GARAGE, BUT IF NECCESSARY I CAN ARRANGE TO BUILD ONE WITHIN 2 YRS. I WORK WITH THE TRUCK M-SAT. 7AM-5pm (DAYTIME)

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

44.02.01 ACTIONS TO GRANT APPEALS ... SHALL BE BASED UPON AT LEAST ONE OF THE FOLLOWING FINDINGS BY THE CITY COUNCIL:

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

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

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

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

COMMERCIAL VEHICLE APPEAL APPLICATION

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

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

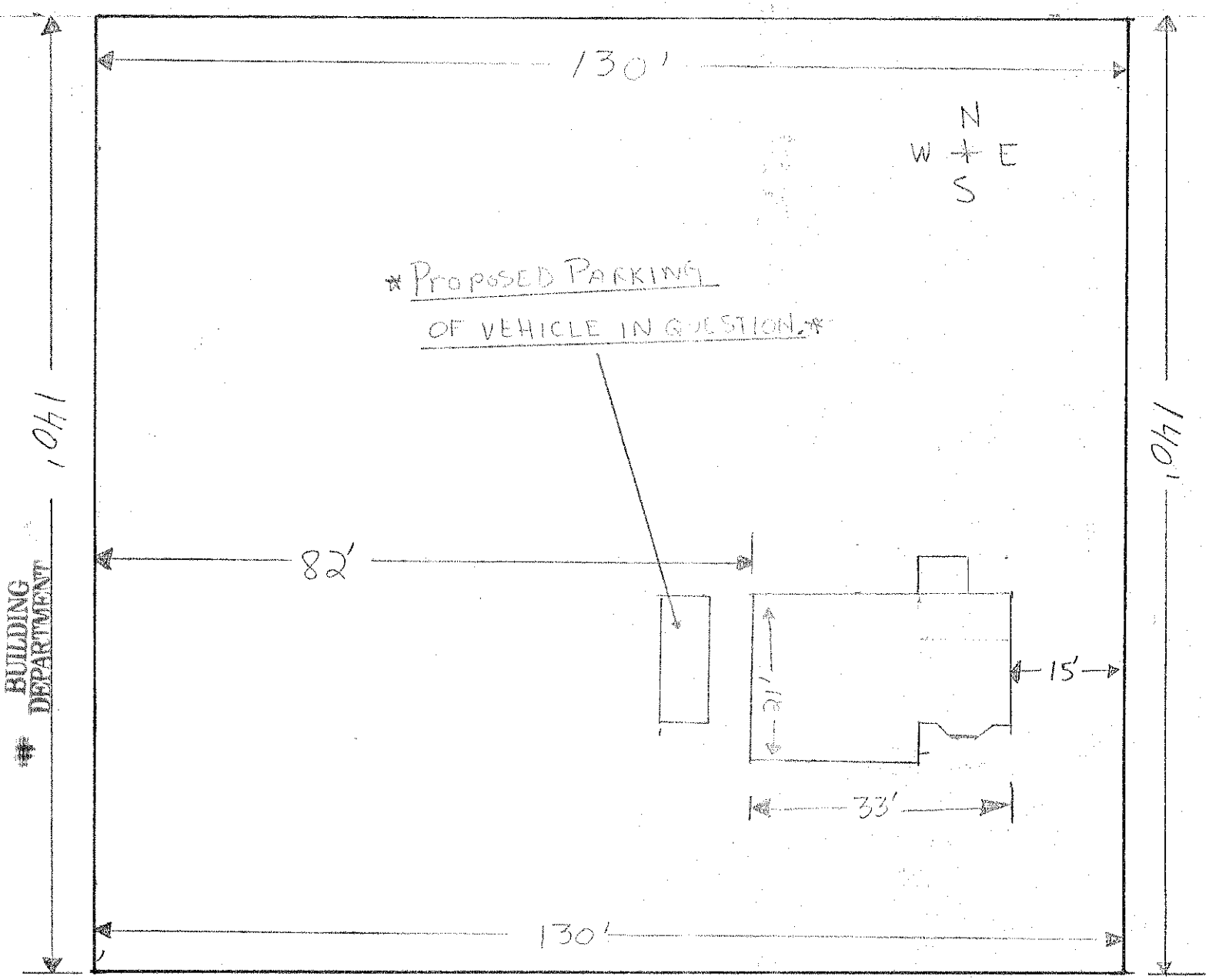
(signature of applicant)

STATE OF MICHIGAN
COUNTY OF OAKLAND

On this 29th day of August, 20 02 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Patricia A. Gladysz
Notary Public, Macomb County, Michigan
acting in Oakland
My Commission Expires: 3-18-04

WOODED AREA



RECEIVED
AUG 29 2002
BUILDING DEPARTMENT

ADDITIONAL 27' FROM SOUTH PROPERTY LINE TO WATTLES RD.

2887 E WATTLES RD
TROY MI 48098 | SCALE: 20' = 1"
8/26/02

Budget
RATTITUR LINDKS
MADISON HEIGHTS, MI

Commercial Vehicle Appeal
2887 E. Wattles

DATE: October 7, 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: Responses to Public Hearing Notice
Commercial Vehicle Appeal
2887 E. Wattles

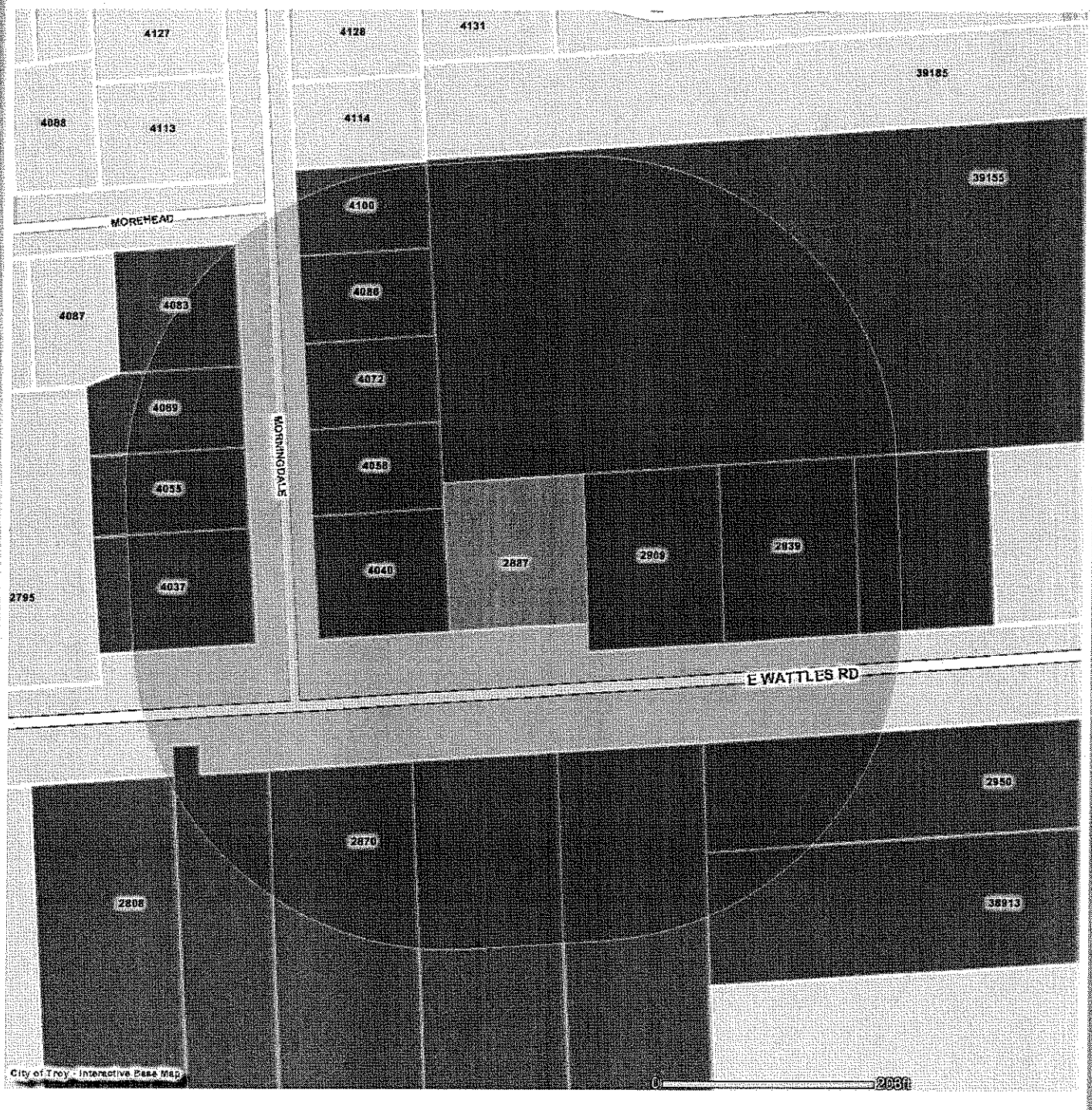
In response to the public hearing notices that were sent out regarding the appeal of Costel Luca to store a commercial vehicle at his property at 2887 E. Wattles, the attached comments were received from the nearby property owners. Additional comments may be made at the public hearing tonight.

We have also attached a copy of the location map showing the properties that were sent notice of the public hearing.

We will be happy to provide you any additional information that you may desire regarding this matter.

City of Troy

Geographical Information Systems



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

NORTH

TO: CITY COUNCIL

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

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

I, Helen Nawrocki Trust - object to the parking of the Ford Box Truck on his or her property. (2887 E. Wattles) Please keep the Ordinance in effect and lets not start giving permission for parking commercial trucks on residential property. This would be a start in the wrong direction and would effect future petitions.

RECEIVED
SEP 25 2002
BUILDING DEPARTMENT

NAME: Helen J Nawrocki - Trust

ADDRESS OR PROPERTY DESCRIPTION 39155 Dequindre
Troy, MI. 48098

RECEIVED
SEP 27 2002
BUILDING DEPARTMENT

TO: CITY COUNCIL

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

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

1. The truck is hardly bigger than a van.
2. It is only there over nights and on weekends.
3. Living 2 doors down we were barely aware of the truck before getting this letter
4. If the city is so concerned about the enforcement of city ordinances, we suggest you focus your attention on the "used-car lot" which appears on the north-west corner of Wattles + Dequindre each weekend (FRIDAY EVENING thru SUNDAY).

NAME: Joseph R. Melanda Felicia Melanda

ADDRESS OR PROPERTY DESCRIPTION 2939 East Wattles

September 27, 2002

RECEIVED
SEP 27 2002
BUILDING DEPARTMENT

Dear City Council members,

We fully support the request of Costel Luca for relief of the Zoning Ordinance to park a Ford box truck on his property at 2887 E. Wattles.

The lack of attention and upkeep of the property by previous owners was far more detrimental to the quiet enjoyment and value of neighboring properties than the zoning variance sought by the current owner. During the former owner's occupancy of the property, an old sailboat and camper from the back of a pick up truck were stored in the backyard. They were truly an eyesore. The house was not maintained by the previous owners, who left it unpainted with a back door boarded up with plywood. The residence looked as though it should be condemned as unfit for habitation, compelling our former next door neighbor on Morningdale to install a fence to block the view of 2887 E. Wattles prior to listing the house for sale.

Since Mr. Luca has resided at the property the condition and appearance has been dramatically improved. We are very appreciative of the yard being cleared of household discards, which filled an entire commercial dumpster in the removal process. The house looks much better with new siding and a back door.

If the Ford truck offers Mr. Luca the opportunity to earn an income, we see no problem with having it on his property. Therefore, we have no objection to storing the Ford box truck on the property.

Sincerely,

Maryann J. Clark

Maryann J. Clark
4058 Morningdale Drive
Troy, MI 48085

Timothy P. Clark

October 15, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: PRELIMINARY SITE PLAN APPROVAL (SP #883) – Medical Office Building, Southeast Corner of Livernois Avenue and South Boulevard, Section 3, O-1 & R-1B.

SITE PLAN ALTERNATIVES

Several neighbors attended the October 7, 2002, Public Hearing to voice their concerns about the development to City Council. Based on this input, City Council tabled their decision on the request until the October 21, 2002, City Council meeting. Council further instructed the applicant to meet with the neighbors to see if they could resolve some of their concerns. At a meeting on October 8, 2002, representatives of the Planning Department and Legal Department served as mediators between the applicant and representatives of the neighborhood group while the two groups discussed the application (see attached sign in sheet). The two groups reached a compromise on the site layout at this meeting.

At this meeting the applicant stated his intentions regarding the site plan process. The applicant is presenting two (2) alternative site plans to City Council (Alternative A and Alternative B) and ask City Council to select one of the two alternatives (see attached letter from Walter S. Graves dated October 14, 2002). The following is a description of Alternative A and Alternative B:

Alternative A

Alternative A will meet the requirements of the consent order and judgment and the City of Troy Zoning Ordinance. Essentially, Alternative A is similar to the site plan that was before City Council at the October 7, 2002 Public Hearing, except there is no land banked parking. If City Council approves Alternative A, the applicant would not need approval for land banking parking spaces and would not need to modify the consent agreement.

Alternative B

Alternative B will represent the compromise reached by the applicant and the neighbors on October 8, 2002. Changes to the previously submitted site plan include the following:

1. Land bank all parking spaces along the southern property line. This will create a larger separation between the property line and the paved parking area.

2. Eliminate the fence and replace it with a small landscaped berm along the property line. This will create a natural buffer between the office development and the residential neighborhood to the south.

3. Move the dumpster to the northeast corner of the building, and screen and gate the dumpster.

4. Land bank all parking spaces along the eastern property line, and landscape this area with trees and shrubs. This will create a buffer between the office and the residences to the east.

5. To meet the minimum parking requirements for the medical office building, it will be necessary to reduce the size of the most southerly traffic islands in the parking lots and replace them with parking spaces. The sidewalk will also need to be moved, to the greenbelt along the southern property line.

6. Consider alternative designs to ensure that the detention basin will have minimal visual impact and will be safe, given its location near a residential neighborhood.

The applicant and City would need to agree to revise the consent agreement in order to complete Alternative B.

GENERAL INFORMATION

Parcel History:

The use of the parcel must be consistent with the consent order and judgment of the Circuit Court for the County of Oakland of December 26, 1986, Case No. 83-265736 CZ (see attached). The consent order requires that City Council grant Preliminary and Final Site Plan Approval for the subject property.

Name of Owner / Applicant:

Al Shulin, Summit Property Management Corporation.

Location of Subject Property:

The property is located on the southeast corner of Livernois Avenue and South Boulevard, section 3.

Size of Subject Parcel:
The parcel is approximately 5.478 acres in size.

Proposed Use of Subject Parcel:
The applicant is proposing to construct a 50,000 square foot medical office building.

Current Use of Subject Property:
The parcel is presently vacant.

Current Zoning Classification:
The property is zoned O-1 Office Building and R-1B One Family Residential.

Current Use of Adjacent Parcels:
North: Animal Medical Center (City of Rochester Hills).

South: Single family residential (Meadowland Estates Subdivision).

East: Single family residential (Meadowland Estates Subdivision).

West: Val's Pet Supplies and the Meadowbrook Pre-School and Kindergarten.

Zoning Classification of Adjacent Parcels:
North: B-2 General Business and R-2 One Family Residential (City of Rochester Hills)

South: R-1B One Family Residential.

East: R-1B 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 Rise Office.

ANALYSIS

Area and Bulk Requirements:

Lot Area:	Not applicable in the O-1 Office Building district.
Lot Width:	Not applicable in the O-1 Office Building district.
Height:	The maximum permitted height is 2 stories (as per consent order).
Setbacks:	Setbacks are controlled by the consent order, and are as follows: There shall be a minimum 70-foot building setback from the south property line. There shall be a minimum 50-foot building setback from the east property line. There shall be a minimum 30-foot front building setback from the west and north property lines.
Minimum Floor Area:	500 square feet. The applicant meets this requirement.

Off-Street Parking and Loading Requirements:

The applicant is proposing a medical office building that is 50,000 square feet in size. Section 40.21.73 requires one (1) parking space for every one hundred (100) square feet of usable floor space. For medical office buildings, usable floor area is defined as 85% of gross floor area, or 42,500 square feet. The number of required parking spaces is therefore 425 spaces. The applicant is proposing 425 spaces.

Note that 23 of the proposed spaces are parallel parking spaces. While the spaces meet the requirements of the Zoning Ordinance, parallel parking spaces are undesirable in the proposed locations. Land banking the spaces would provide a wider greenbelt area along the east and west boundaries, improving the site aesthetically. The 23 parking spaces shall be provided by the applicant in the future at the request of the City of Troy, should there be a need for the spaces.

Vehicular and Non-motorized Access:

Access to the parcel will be provided by a two-way entrance on South Boulevard and a two-way entrance on Livernois Avenue.

The City of Troy Transportation Engineer has reviewed the site plan. For two-lane major thoroughfares in the City of Troy, the requirement is a deceleration lane and a passing lane. The Transportation Engineer recommends extending the center left lanes on both Livernois Avenue and South Boulevard to the property line and tapering the lanes back to two lanes. He also recommends the deletion of the acceleration lane proposed for Livernois Avenue.

Stormwater Detention:

The applicant is proposing an on-site detention basin in the southeast corner of the property.

Natural Features and Floodplains:

There is a woodlands on the western half of the property. There are no other natural features or floodplains located on the property.

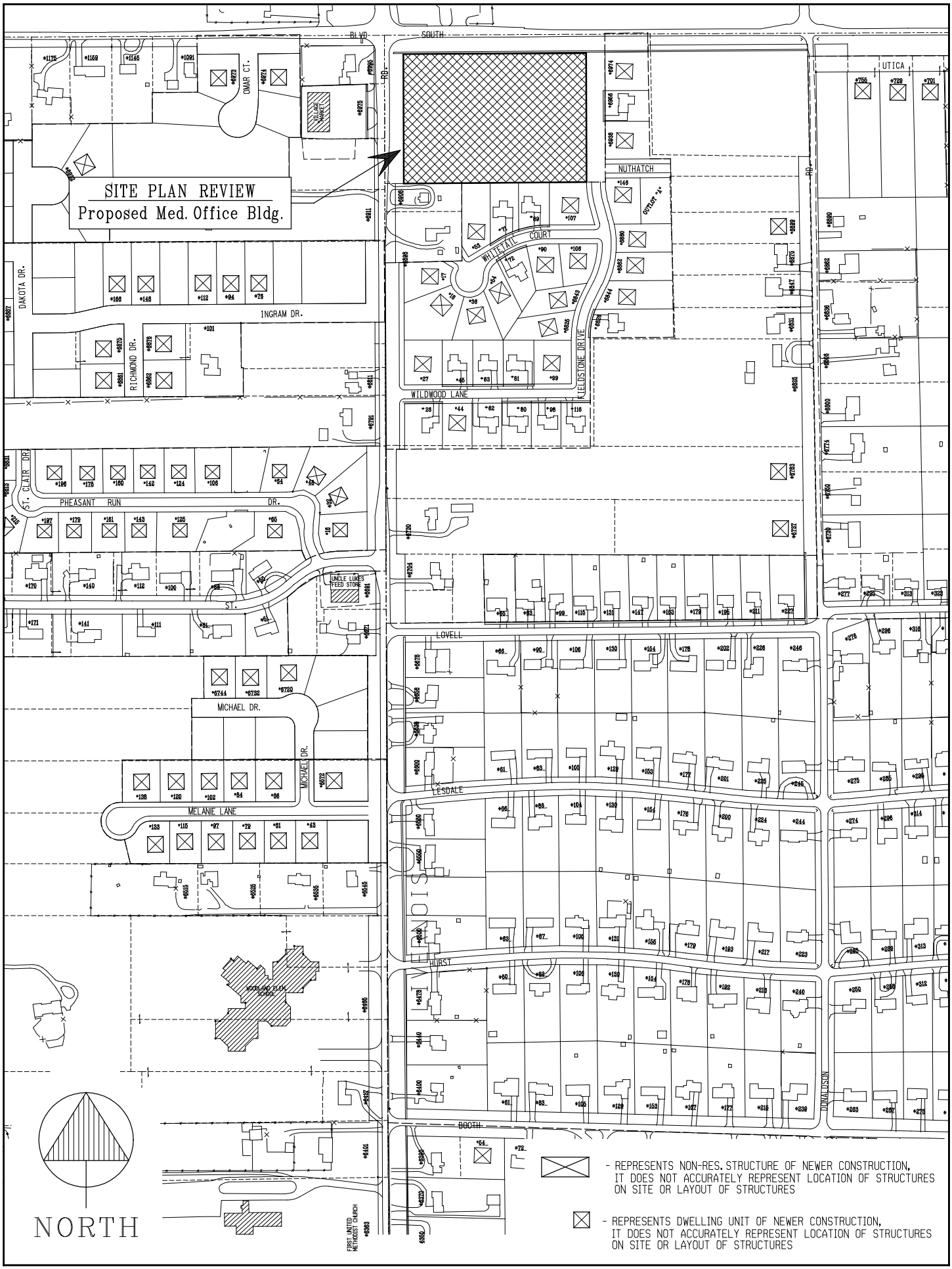
Development Standards:
The consent order requires a 6-foot brick-faced screen wall along the south property line except at the southwest corner of the property and proceeding east for 30 feet, which shall be 2 feet, 6 inches in height.

The consent order requires that there shall be a 10-foot wide greenbelt along the east property line, but no screening wall along the east property line. The Zoning Ordinance requires a 10-foot wide greenbelt along both South Boulevard and Livernois Avenue (Section 39.70.02).

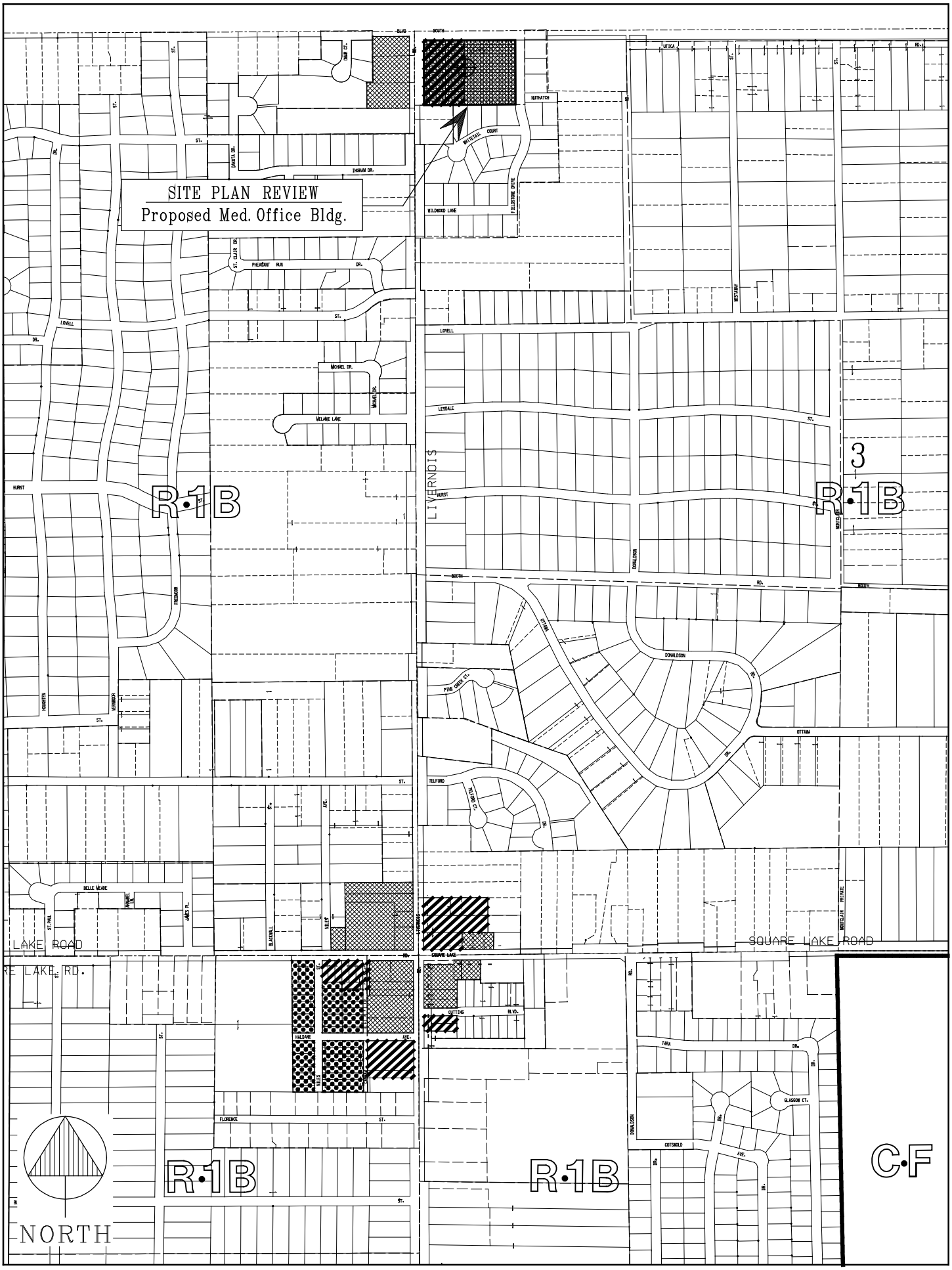
The applicant meets all landscaping requirements.

cc: Al Shulin, Summit Property Management Corporation
File/S.P. # 883

SITE PLAN REVIEW
PROPOSED MEDICAL OFFICE BLDG.
W SOUTH BLVD
E SOUTH BLVD
CROOKS RD
E SQUARE LAKE RD
N ADAMS RD
W LONG LAKE RD
LIVERNOIS AVE
E LONG LAKE RD
JOHN R RD
DEQUINDRE RD
W WATTLES RD
E WATTLES RD
75
COOLIDGE HWY
W BIG BEAVER RD
E BIG BEAVER RD
75
W MAPLE RD
E MAPLE RD
E FOURTEEN MILE RD
N



SP-883 / Sec. 3 / 07-10-02


SITE PLAN REVIEW
Proposed Med. Office Bldg.
R-1B
R-1B
R-1B
R-1B
C-F
LIVERNOIS
LAKE ROAD
SQUARE LAKE ROAD
NORTH
3

LAW OFFICES OF
WALTER Z. GRAVES
39533 WOODWARD AVENUE
SUITE 170
BLOOMFIELD HILLS, MICHIGAN 48304
TELEPHONE (248) 433-9641
FAX (248) 433-1310
E-MAIL wgraves@wzglaw.com

October 14, 2002

REVISED
OCT 14 2002
PLANNING DEPT.

Mayor Matt Pryor
and City Council
City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084

Re: Preliminary Site Plan Approval (SP-#883) - Medical Office Building, Southeast Corner of Livernois and South Boulevard - Section 3 - O-1 and R-1B

Dear Mayor Pryor and Council Members:

On behalf of Summit Property Management Corporation, the Petitioner in this matter, I submit for your review the enclosed two (2) alternative Site Plans for approval by the Troy City Council for the parcel referenced above. We request that preliminary site plan approval for this matter be placed on the agenda for the City Council hearing scheduled for October 21, 2002, 7:30 p.m.

(1) The enclosed Site Plan - Option A, prepared by Hobbs and Black, dated October 9, 2002, Project No. P02-003, for a proposed two-story medical office building. This Plan complies with the terms and conditions of the Consent Order and Judgment, Oakland County Circuit Court No. 93-265736 CZ, signed and entered by Circuit Judge James S. Thorburn on December 26, 1986 (a copy of which is enclosed), pursuant to which the City of Troy has agreed to issue all necessary permits to develop the land in accordance with the terms of the Consent Order and Judgment and the sketch of the land attached to the Judgment as Exhibit "B".

(2) The enclosed Site Plan - Option B, prepared by Hobbs and Black, dated October 9, 2002, Project No. P02-003, for a proposed two-story medical office building. This Plan complies with the aforesaid Consent Order and Judgment with the following exceptions:

(a) The paved parking area along the south property line will be reduced by temporarily land-banking approximately 43 parking spaces, affording a larger

landscaped buffer between the proposed building and the residences located to the south of the subject property.

(b) In lieu of the brick-faced screen wall to be constructed along the south and east property lines (described in paragraph 2. B of the Consent Order and Judgment), Petitioner will install a landscaped berm as more fully described on Site Plan - Option B.

The Petitioner is willing to build in accordance with Site Plan - Option B per the suggestion of the City Planning Department and in order to accommodate the neighboring residents. The Petitioner does not wish to make any further adjustments or modifications to Site Plan - Option B. In the event the City Council determines Site Plan - Option B to be unacceptable, then Petitioner requests issuance of site plan approval for Site Plan - Option A in accordance with Paragraph F of the Consent Order and Judgment. Petitioner recognizes that approval of Site Plan - Option B, which deviates from the Consent Order and Judgment, may require the consent of Rodney D. Hyduk, the current owner of record of the subject property and the party-plaintiff to the Consent Order and Judgment. We will invite Dr. Hyduk to attend the City Council hearing scheduled for October 21, 2002. He has indicated his willingness to agree to amend the Consent Order and Judgment if my client consummates its purchase of the subject property.

Thank you for your time and consideration in this matter. Please do not hesitate to have any City representatives contact me with any questions or comments.

Sincerely,

Walter Z. Graves

WZG/ds
Encs.

cc: Susan M. Lancaster, Atty
Al Shulin
James Barnas
Rodney D. Hyduk

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

RODNEY D. HYDUK,

Plaintiff,

v

Case No. 83-265736 CZ

CITY OF TROY, a Michigan municipal corporation,

Defendant.

Marty A. Burnstein (P11443)
Ginn, Kramer, Jacobson and Burnstein, PC
Attonreys for Plaintiff
32400 Telegraph Road, Ste. 102
Birmingham, MI 48010
(313) 646-3600

John J. Martin, III (P25888)
Attorney for Defendant
500 W. Big Beaver Road
Troy, Michigan 48084
(313) 524-3320

CONSENT ORDER AND JUDGMENT

At a session of said Court held in the Courthouse, in the City of Pontiac, Oakland County, Michigan, on: DEC 26 1986

PRESENT: HONORABLE JAMES S. THORBURN, CIRCUIT JUDGE

Plaintiff, Rodney D. Hyduk ("Hyduk") instituted this action seeking a declaratory judgment as to the constitutionality of the zoning ordinance of the City of Troy ("Troy") as applied to the real property described in Exhibit "A" ("the Land"). Hyduk claims that he is entitled to damages under 42 USC §1983. Hyduk also challenges the statutory notice by publication provisions for amending Troy's Master Land Use Plan.

The parties have entered into negotiations to compromise and settle this litigation and have stipulated to the entry of this

Consent Order and Judgment to reflect their compromise and settlement.

THIS COURT FINDS:

A. It has retained and possesses jurisdiction over this action.

B. The Land which is the subject of this Consent Judgment is described on Exhibit A attached and referred to in this Judgment as the ("Land").

C. Troy's zoning classification of the Land as O-1 and R-1B within the meaning of Chapter 39 of the Troy City Code is constitutional.

D. The dedications and improvements required in paragraphs 3 and 4 benefit the Land.

E. A sketch of the Land depicting setbacks and other specifications is attached as Exhibit B and is made a part of this Consent Order and Judgment.

F. Troy has agreed to issue to Hyduk all necessary permits to develop the Land in accordance with the terms of this Consent Order and Judgment and the sketch of the Land attached as Exhibit "B" provided Hyduk has complied with all terms herein.

G. Hyduk means Hyduk, his partners, agents, successors and assigns.

IT IS, THEREFORE, ORDERED:

1. The Land may be used for all purposes now permitted under the O-1 (Office Building) zoning classification under Chapter 39, Article XXV, §25.00.00 et seq. of the Troy City Code subject to

the terms and conditions of this Consent Orde. and Judgment and the sketch of the Land attached as Exhibit "B".

2. The following modifications and additional land use regulations shall apply to the Land:

A. There shall be a minimum 70 foot building set back from the south property line.

B. In conjunction with any building construction on the land, there shall be constructed along the south property line a 6 foot brick-faced screen wall except at the southwest corner of the Land and proceeding east for 30 feet, the wall shall be 2 feet 6 inches in height.

C. There shall be a minimum 50 foot building set back from the east property line as measured after the conveyance as provided for in paragraph 3.

D. There shall be a minimum 30 foot front building setback from the west and north property lines as measured after the conveyances as provided for in paragraph 3.

E. Any office building constructed on the Land shall not exceed 2 stories in height.

F. There shall be a 10 foot in depth greenbelt from the east property line as measured after the conveyance as provided in paragraph 3. The greenbelt shall be in accordance with Article XXXIX, §39.30.11 of Troy's Zoning Ordinance in effect on this date. The 10 foot greenbelt area shall be included and credited in determining that the landscaping requirements under the current zoning ordinance for an O-1 office development are satisfied.

G. There shall be no screening wall on the east property line although required by Article XXXIX of Troy's Zoning Ordinance.

H. Except as set forth in paragraphs A through G above, Hyduk's use, development, and occupancy of the Land shall be governed by Articles XXV, XXX and XXXIX of Troy's current zoning ordinance in effect at the time of this Judgment and attached as Exhibit "C" and Troy's Sign Ordinance, being Chapter 78, in effect at the time of this Judgment, as modified only by the provisions of this Consent Judgment, without variances.

I. Troy City Council shall have final site plan approval of all development of the Land.

3. Simultaneous with or prior to the entry of this Consent Order and Judgment, Hyduk shall cause to be dedicated and conveyed from the fee owner, by warranty deed to Troy, fee simple, lien-free title to the west 60 feet of the Land (legally described in Exhibit "D") which runs along Livernois Road so that the Livernois public right-of-way will extend 60 feet east from the west line of Section 3 to the west boundary of the Land after the conveyance; the north 60 feet of the Land (legally described in Exhibit "E") which runs along South Boulevard so that the South Boulevard public right-of-way will extend 60 feet south from the north line of Section 3 to the north boundary of the Land after the coveyance; and the east 60 feet of the Land (legally described in Exhibit "F"). After the dedications are delivered to Troy, Hyduk and the fee owner shall have no liability for maintenance, repair or construction on the dedicated

parcels (or any improvements made by Troy upon the parcels) except as otherwise provided in this Judgment. However, Hyduk shall remain liable for special assessments for improvements if any are made on the dedicated parcels, and Hyduk shall maintain or repair the dedicated parcels as provided by Troy's current ordinances, i.e. sidewalk maintenance along Livernois Road and South Boulevard and the landscaped area between the road pavement and property line as per zoning ordinance.

4. Hyduk shall construct the approach and passing lanes on Livernois Road and South Boulevard or deposit the necessary monies in accordance with Troy's general engineering requirements as uniformly applied in conjunction with any building construction on the Land.

5. Hyduk, his officers, agents, employees, assigns, and all others acting under his direction are enjoined from, in any manner, using and developing the Land in any manner not in accordance with the provisions of this Judgment.

6. The City of Troy, its officers, agents, employees, and all others acting under its direction are enjoined from, in any manner, interfering with Hyduk's use and development of the Land in accordance with the provisions of this Judgment.

7. Hyduk or his successors and assigns shall reimburse Troy for all reasonable costs incurred by Troy in defending any action which may be brought hereafter by Hyduk or his successors or assigns seeking to set aside or vacate any portion of this Consent Order and Judgment. This paragraph shall not apply to any action brought by Hyduk or his successors for the purpose of interpreting, enforcing, effectuating the intent of, or recon-

ciling any differences arising out of the terms of this Consent Judgment.

8. This Consent Order and Judgment may be amended by the written consent of the fee owner of the Land at the time of the amendment, Hyduk so long as he is the land contract vendee of the Land, and Troy. The consent of no other persons or entities shall be required for such amendment. Minor modifications consistent with the spirit of this Consent Order and Judgment may be made, without the necessity of amending this Consent Order and Judgment, as long as Troy, Hyduk (if he is the land contract vendee) and the fee owner of the land consent to such modifications.

9. In order to effectuate the intent of this Consent Order and Judgment and to reconcile any differences of the parties that may arise in connection with the performance by the parties, this Court shall retain jurisdiction of this action. The terms and conditions of this Consent Order and Judgment shall be covenants running with the Land and shall be binding upon and inure to the benefit of the successors and assigns of the parties.

10. By this Consent Order and Judgment, Hyduk, his partners, agents, successors, and assigns, waive and discharge any and all claims they or any of them may have against Troy, its officials and employees, by reason of Troy's classification of the Land as O-1 and R-1B.

11. All claims asserted in this action are dismissed with prejudice, without costs and without attorney fees to any party.

12. A certified copy of this Consent Order and Judgment shall be recorded in the Oakland County Register of Deeds with

regard to the Land described on Exhibit "A" to this Consent Order and Judgment.

JAMES S. THORBURN
Circuit Judge

Circuit Judge

A TRUE COPY
LYNN D. ALLEN
Oakland County Clerk Register of Deeds
By _____ Deputy

Rodney D. Hyduke, Plaintiff

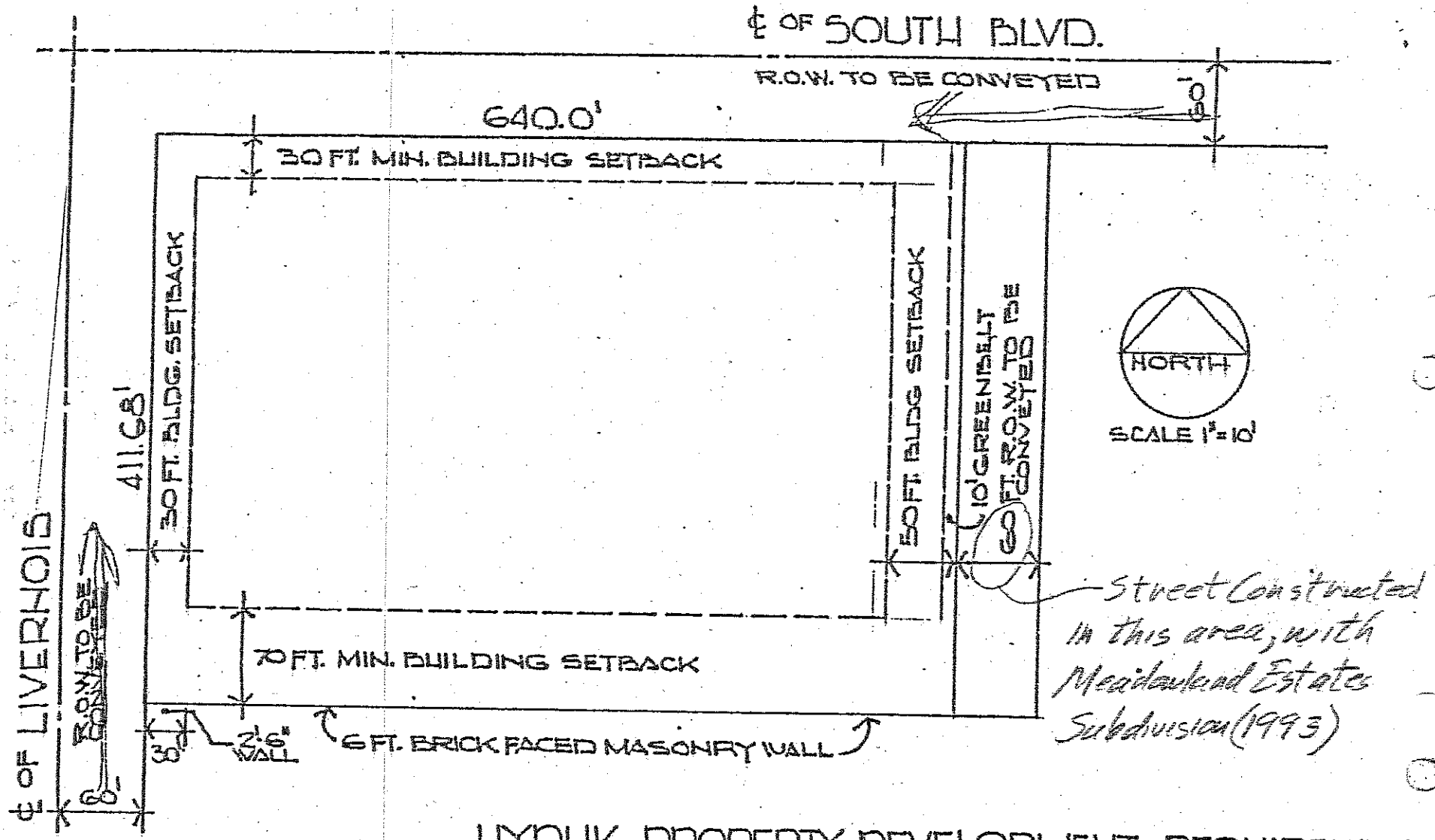
Marty A. Burnstein (P11443)
Ginn, Kramer, Jacobson &
Burnstein, PC
Attorneys for Plaintiff
32400 Telegraph Road, Ste. 102
Birmingham, Michigan 48010
(313) 646-3600

CITY OF TROY

By: _____
Richard E. Doyle, Mayor

By: _____
Kenneth L. Courtney, City Clerk

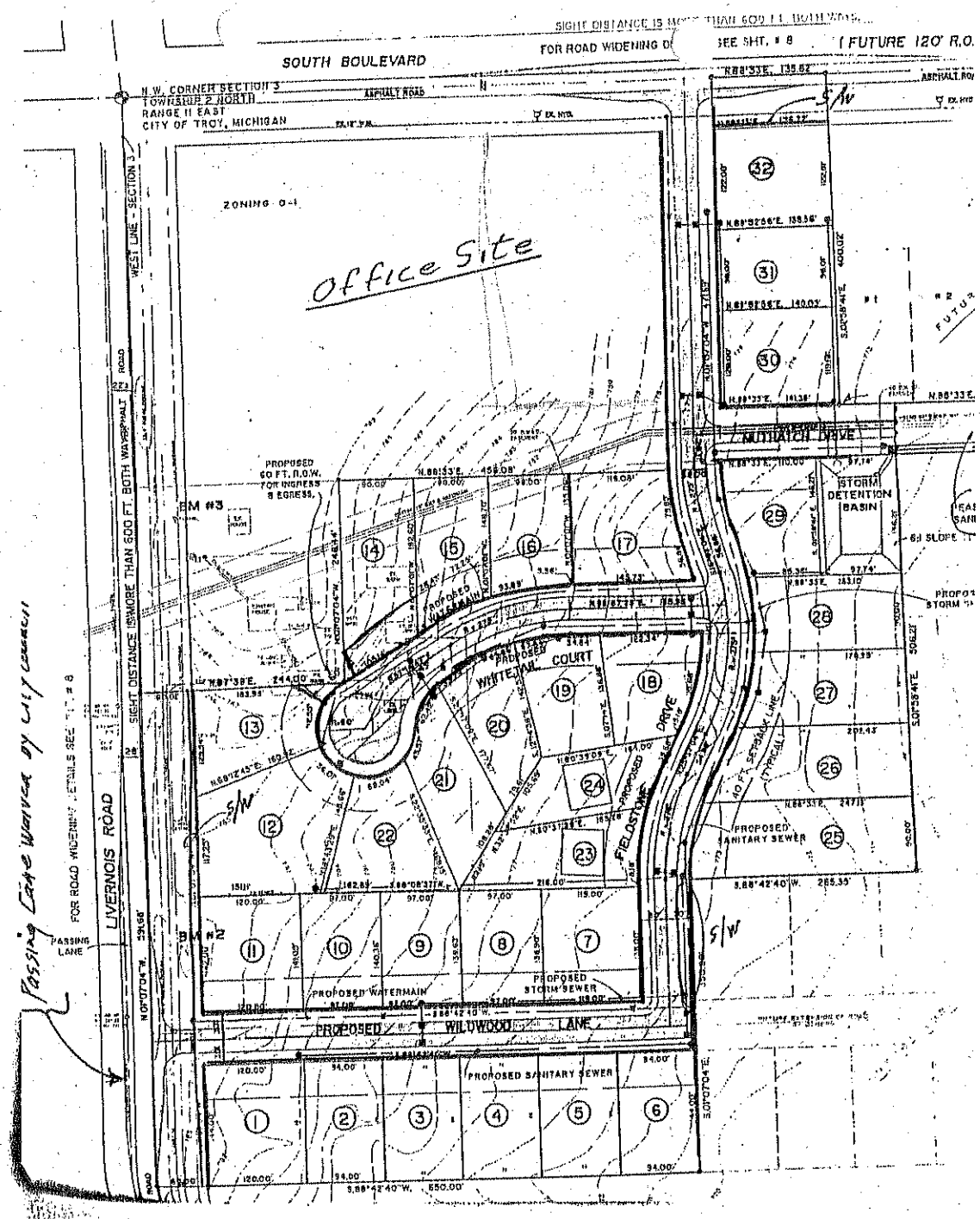
By: _____
John J. Martin, III (P25888)
Attorney for Defendant
500 W. Big Beaver Road
Troy, Michigan 48084
(313) 524-3320



HYDUK PROPERTY DEVELOPMENT REQUIREMENTS

1. RIGHTS-OF-WAY, SCREENING AND SETBACKS AS NOTED.
2. OFFICE USES AS PER O-1 DISTRICT.
3. ACCEL/DECEL AND PASSING LANES ON LIVERNOIS AND SOUTH BLVD.
4. TWO STORY HEIGHT MAXIMUM
5. SITE PLAN APPROVAL BY CITY COUNCIL

EXHIBIT "B"


SOUTH BOULEVARD
N.W. CORNER SECTION 3
TOWNSHIP 2 NORTH
RANGE 11 EAST
CITY OF TROY, MICHIGAN
ZONING O-1
Office Site
LIVERNOIS ROAD
PROPOSED WILTSHIRE COURT
PROPOSED FIELSTONE DRIVE
PROPOSED WILDWOOD LANE
PROPOSED WATERMAIN
PROPOSED STORM SEWER
PROPOSED SANITARY SEWER
STORM DETENTION BASIN
PASSING LANE
Passing Lane Waiver by City Council

1" = 200'

Parkstone Manor
"Meadowland Estates Homeowners Association"
89 Whitetail Ct.
Troy, MI 48098-1579

October 14, 2002

REC'D
OCT 15 2002
PLANNING DEPT.

Troy City Council
City of Troy
500 W. Big Beaver
Troy, MI 48084

Re: Proposed Medical Office Building / Southeast Corner of Livernois and South Blvd. – Section 3 – O-1 & R-1B

Dear Mayor Pryor and Council,

First, on behalf of the *"Meadowland Estates Homeowners Association"* and our residents, we would like to thank you for postponing the vote on the preliminary site plan approval for the above mentioned property. With your encouragement and the cooperation of the developers and planning department a meeting was scheduled to discuss the issues raised by the homeowners.

That meeting took place at City Hall on Tuesday October 8, 2002 at 6:30 PM. In attendance was Al Shulin (Summit Property Management Corp. – Developer), James Barnas (Contracting Resources – Builder), representatives from Hobbs + Black (Architects), Brent Savidant (Troy Principal Planner), Susan Lancaster (Troy Assistant City Attorney) and several members of the Board of Directors of the *"Meadowland Estates Homeowners Association".*

Our group was very pleased with the cooperation and level of concern shown by everyone involved for our issues. It was never our intent to try and block the proposed development. We were all aware of the zoning for an office complex up to two stories in height. Our concern was and still is that the development enhances our subdivision and quality of life, not detract from it. We presented a list of questions, concerns and proposed changes to the site plan (a copy of which is attached). After a period of discussion a compromise was reached and the developer would submit a revised site plan for our review (Site Plan – Option B, copy attached).

Upon receiving the revised site plan it was reviewed by the Board of Directors and affected homeowners. The *"Meadowland Estates Homeowners Association"* Board of Directors unanimously endorses the revised "Site Plan – Option B" (which includes the relocation of the trash dumpster to the north east corner of the building and the widening of the green belts along the south and east sides of the property) with the following provisions:

1. That a variance be sought from the Zoning Board of Appeals (before final site plan approval) to eliminate the need to "land bank" the parking spaces along the south border of the property. This would insure that the newly widened green belt would be a permanent fixture and there would be no need to erect the 6 foot high masonry wall at a later date.

2. That the trees in the widened green belts along the south and east property lines would be placed at 15 foot intervals in a serpentine pattern and be of an evergreen variety to provide the maximum line of sight screening at ground level.

3. In regards to the "Detention Pond" we would like to be involved with the city's engineering department and the developers with the design and layout. With the placement of the detention pond so close to many residences we have several major concerns about this detention pond;

    a. How it will be designed.
        i. One suggestion we had was to bury the pond and create an underground holding tank for the runoff water.
        ii. We have numerous small children in the subdivision and are concerned about them becoming trapped in the pond.
    b. Will there be any chance of standing water in the pond creating a health hazard and or breeding ground for mosquitoes.
    c. How and where it will drain. A major concern is the new detention pond will drain into our subdivision current detention pond creating a flooding situation in a ***"detention pond"*** that is already retaining water most of the time.

4. All the parties (current owner, developer, city and the Meadowland Estates Homeowners Association) would enter into a recordable agreement (eg. Stipulated, First Amended Consent Order and Judgment) which would encompass all of the understanding and agreements relating to the site plan modifications of the involved property. —Including the final engineering department determination on the detention pond final design.

Again we would like to thank Council and all parties involved for letting us have some input into the site plan on a project that we all hope will have a very positive impact on our subdivision and city.

We look forward to working with all the parties on the remaining few issues.

Respectfully submitted,

Michael J. Toger
Secretary
"Meadowland Estates Homeowners Association"

cc. Al Shulin
James Barnas
Peter Leto, Esq.
Board of Directors - *"Meadowland Estates Homeowners Association"*

Enc.

Parkstone Manor
"Meadowland Estates Homeowners Association"
89 Whitetail Ct.
Troy, MI 48098-1579

October 8, 2002

Proposed Changes to the site plan for the Proposed Medical Office Building Southeast Corner of Livernois and South Blvd. – Section 3 – O-1 &R-1B

General Questions:

1. Building use
    a. 24 Hour Emergency Clinic?
2. Hours of operation
    a. Weekdays?
    b. Weekends?

Proposed changes / modifications to the site plan

1. Placement of the Building
    a. Northwest Corner
    b. Southwest Corner
2. Detention Pond Placement / Drainage
    a. Relocation to another site
    b. Using the current site and placing it underground and covering with landscaping
    c. Will the new detention pond drain into our current detention pond on Nuthatch Dr.?
3. Trash Dumpster Placement
    a. Relocating away from all residential structures

b. Preferable next to the new building

4. Wall / Green Belt on South property line.

    a. Deletion of the 6' wall from the site plan

    b. Increase the Green Belt to 20'

    c. Place a 3.5' wall on the inside portion of the Green Belt

5. Green Belt on the East property line.

    a. Increase the Green Belt to 20'

    b. Place a 3.5' wall on the inside portion of the Green Belt

Respectfully submitted,

Michael J. Toger
Secretary
Meadowland Estates Homeowners Association

cc. Troy City Council
Troy Planning Department

PROPOSED TWO-STORY MEDICAL OFFICE BUILDING

SITE AREA: 411.68' X 579.99' = 238,770.20 S.F.
= 5.478 ACRES (NET)
SITE ZONING: O-1 (OFFICE BUILDING)

BUILDING AREA:

GROSS = 25,000 S.F.
(2) STORIES @ 25,000 S.F. = 50,000 S.F.

PARTIAL BASEMENT (NON-LEASABLE AREA) = 14,150 S.F.

NET USABLE = 42,500 S.F.

PARKING REQUIREMENTS:

(1) SPACE PER (100) S.F. OF USABLE FLOOR SPACE

42,500 S.F. / 100 = 425 SPACES REQ'

H.C. REQ' = (9) PER 401-500 SPACES = 9 H.C. REQ'

TOTAL PARKING PROVIDED:

TOTAL PROVIDED = 425 SPACES

H.C. ACCESSIBLE = 9 SPACES

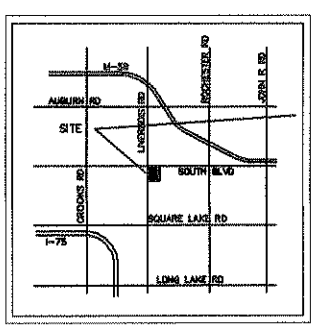
LAND BANKED = 43 SPACES

LANDSCAPING REQUIREMENTS:

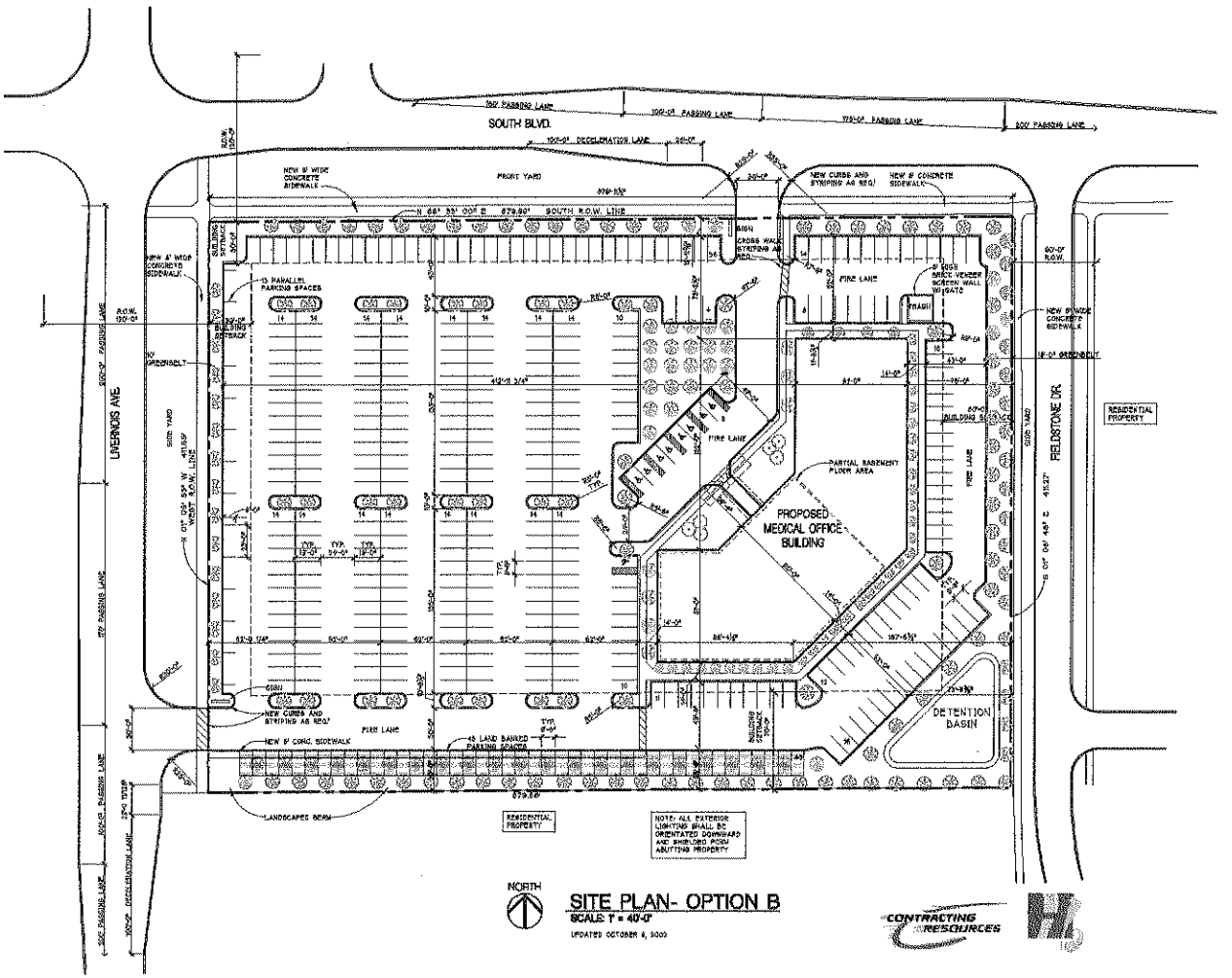
GREENBELT: (39.30.11) STRIP OF LAND 10' IN DEPTH BETWEEN ABUTTING PUBLIC STREETS AND DEVELOPMENT AREA WITH (1) TREE FOR EACH 30 LINEAL FEET

LANDSCAPING: 10% OF NET SITE AREA
NET SITE AREA: 411.65' X 579.88' =
238,699.36 S.F. X .10 = 23,869 S.F. LANDSCAPED REQ'

LANDSCAPING PROVIDED= APPROX. 24,200 S.F. +
FRONT & SIDE YARDS



LOCATION MAP
SCALE: NTS



SITE PLAN- OPTION B
SCALE: 1" = 40'-0"
UPDATED OCTOBER 6, 2003

CONTRACTING RESOURCES

9. SITE PLAN REVIEW (SP-883) – Proposed Medical Office Bldg., Southeast Corner of Livernois and South Blvd., Section 3 – Consent Judgment

Mr. Savidant presented a summary on the proposed Medical Office Building, Consent Judgment.

Jim Barnas, 403 E. Grand River, Brighton, MI, stated that he had no additional comments to add to Mr. Savidant's summary.

No public comments.

RESOLUTION

Moved by Kramer Seconded by Vleck

RESOLVED, that Preliminary Site Plan Approval, pursuant to a consent judgment, for a proposed Medical Office Building, located on the southeast corner of South Boulevard and Livernois Road within section 3, within the O-1 zoning district, is hereby recommended for approval to City Council, subject to the following conditions:

1. The dumpster in the southeast corner of the parcel shall be screened by a dumpster enclosure. The enclosure shall be a solid wall of at least six (6) feet high on 3 sides, of suitable height to screen the dumpster, and gated.

2. A five foot (5') foot wide striped barrier-free pedestrian crossing shall be provided across the entry drive north of the building, to link the sidewalks on both sides of the entry drive.

3. The acceleration lane on Livernois Avenue shall be eliminated.

4. The left/center lane on both Livernois Avenue and South Boulevard shall be extended as per the City Transportation Engineer.

5. The 23 proposed parallel parking spaces may be landbanked. The parking spaces shall be constructed in the future at the request of the City of Troy, based on a need for spaces on the property.

6. That the brick faced screen wall be brick faced on both sides.

7. That the screen wall will not change the water flow from the properties to the south.

Yeas:	Nays:	Absent:
All present (6)		Littman
		Wright
		Waller

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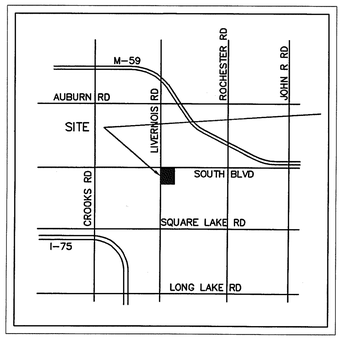

LOCATION MAP
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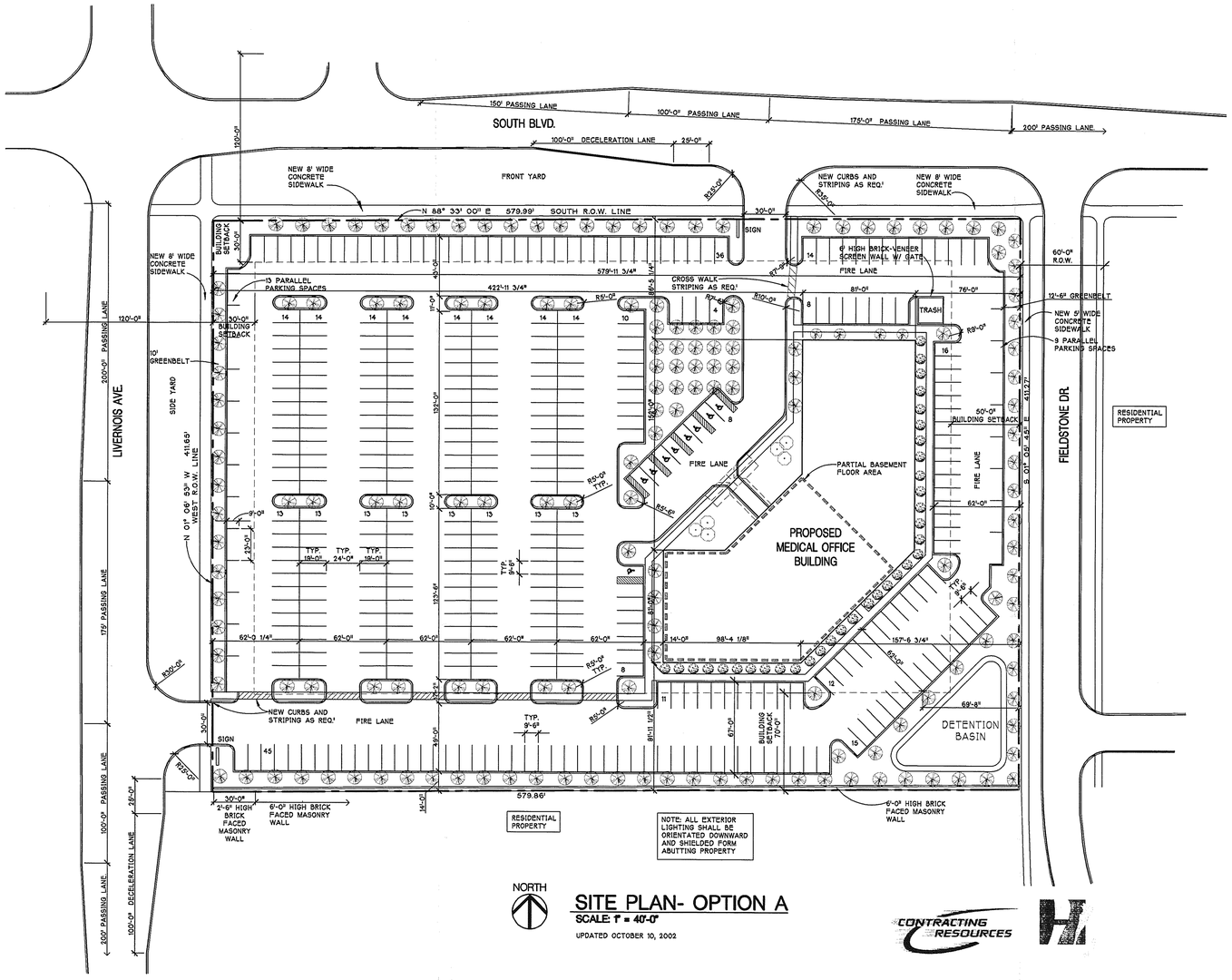

NORTH

SITE PLAN- OPTION A
SCALE: 1" = 40'-0"
UPDATED OCTOBER 10, 2002

REVISED
OCT 14 2002
PLANNING DEPT.

RECEIVED
OCT 11 2002
Contracting Resources

REVISED	10/10/02
SITE PLAN APPROVAL	7/24/02
SITE PLAN APPROVAL	7/9/02

DATE ISSUED

SMB
DRAWN BY

CHECKED BY

MEDICAL OFFICE BUILDING
Troy, Michigan

HOBBS +BLACK ASSOCIATES INC
Architects, Planners & Interior Designers

100 North State Street
Ann Arbor, Michigan 48104
(734) 663-4189
FAX (734) 663-1770

117 East Allegan Street
Lansing, Michigan 48933
(517) 484-4870
FAX (517) 484-1369

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CONTRACTING RESOURCES

PROJECT

CONSULTANT

SITE PLAN
OPTION A
SHEET TITLE

P02-003
PROJECT NUMBER

C-100
SHEET NUMBER

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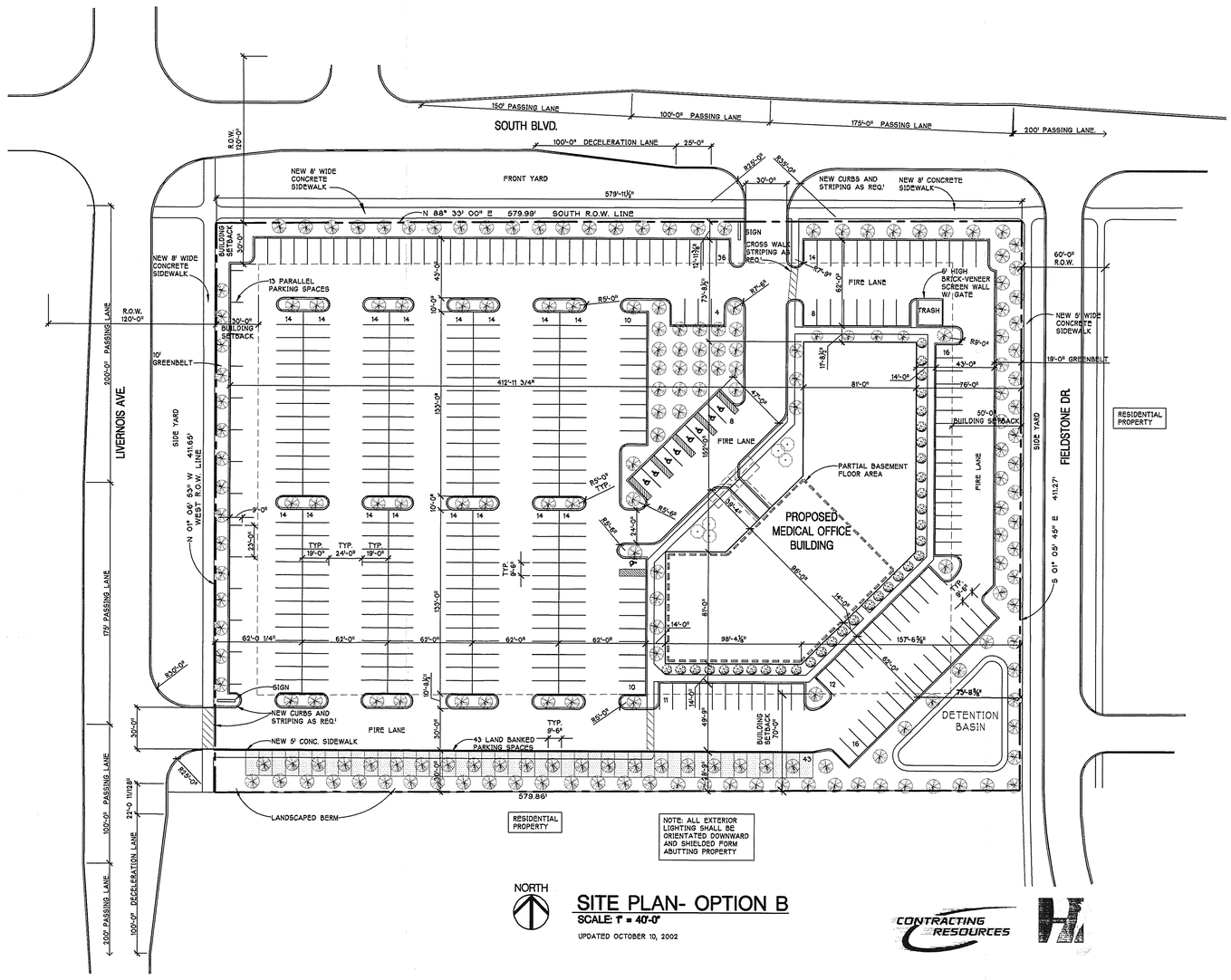
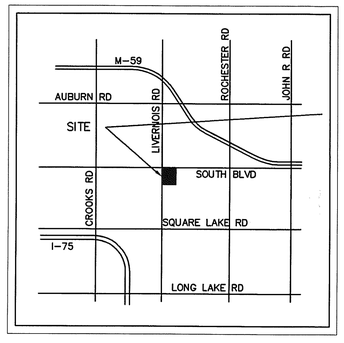


NORTH

SITE PLAN- OPTION B

SCALE: 1" = 40'-0"

UPDATED OCTOBER 10, 2002



LOCATION MAP

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REVISED
OCT 14 2002
PLANNING DEPT.

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DATE ISSUED

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DRAWN BY

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MEDICAL OFFICE BUILDING
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HOBBS + BLACK ASSOCIATES INC
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PROJECT

CONSULTANT

SITE PLAN
OPTION B
SHEET TITLE

P02-003
PROJECT NUMBER

C-100
SHEET NUMBER

SITE PLAN REVIEW> MEDICAL OFFICE BLDG.
SE CORNER SOUTH BLVD. & LIVERNOIS SEC 3 (SP-883)

N

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

CITY OF TROY
OAKLAND COUNTY MICHIGAN

0 200 400 800
Feet

Date: October 15, 2002

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Lori Bluhm, City Attorney
Nino Licari, City Assessor
Mark Stimac, Director of Building and Zoning
Mark F. Miller, Planning Director

Subject: PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT (ZOTA 194) – Articles 10.20.08 & 34.60.00 R-1A & R-1B Open Space Preservation/Cluster Development

BACKGROUND INFORMATION

City Management working in tandem with the City Attorney's Office and Planning Commission, drafted the proposed Open Space Preservation provisions. It was decided to only address compliance with the Open Space Preservation amendment to the City and Village Zoning Act, because of the December 14, 2002 deadline imposed by amendments to the City and Village Zoning Act. The Planning Commission presented the draft language at a Public Hearing on September 10, 2002. The Planning Commission and City Management have recommended approval of this Zoning Ordinance text amendment.

City Council considered the draft proposed Open Space Preservation provisions at a Study Session on October 14, 2002. The City Council generally believed that the language needed to contain provisions to encourage developers to utilize the Open Space Preservation Development Option. City Council proposed revisions to the draft text at the October 14, 2002, Study Session.

STAFF ANALYSIS OF PROPOSED REVISIONS AS DISCUSSED BY CITY COUNCIL:

As part of the review at the regular meeting of October 7, 2002 as well as the study session held on October 14, 2002, certain amendments to the Planning Commission proposal were suggested by members of City Council. One of the revisions discussed by Council was to eliminate the need to develop the "parallel plan". The "parallel plan" in the Planning Commission recommendation was used to show the maximum development potential of the property in question based upon standard ordinance provisions. Utilizing this number the developer could then develop an open space preservation plan that would allow this same number of units on not more than 80% of the property. The remaining 20% of the land would then be preserved in an undeveloped state through some legal restrictions. Instead, as Council discussed, the maximum number of units would be determined by a factor of 1.6 units per acre in the R-1A District and 2.2 units per acre in the R-1B District. Another suggested Council

modification was to eliminate the restriction of the use to one family detached dwellings and allow for the use of the property to be one or two family residential dwellings.

The elimination of the parallel plan would allow for the development of lands that were either not eligible for additional development or development at all, under the current regulations. This would allow parcels that do not meet current minimum lot width to be developed as a single family home site. This would also allow parcels that are 1.25 acres or .91 acres in the R-1A or R-1B Districts respectively, to construct a duplex on the property. Since the development of a single lot would not require platting, approval of a condominium plan, or acceptance of public easements, the approval process would be one that would be without public notice, public meetings, or the opportunity for public comment. In addition, since Section 42.15.00 of the Zoning Ordinance specifically prohibits the City from enforcing private deed restrictions, the City would have no authority to prohibit permits for a duplex on any parcel meeting the size, open space, and setback requirements of the ordinance. Another item of concern is that currently properties that have no access to our public sanitary sewer facilities must be developed at a lower density because of the amount of property required for an effective septic field. However, Council's proposed modification would allow for these properties to be developed at a higher density reserved for properties served by public sewers.

PROBABLE RAMIFICATIONS

City Management has highlighted the following probable ramifications of the revisions as discussed by City Council:

1. The elimination of the requirement of the parallel plan would have the effect of permitting development on existing non-conforming lots that cannot presently be developed without a variance being granted by the Board of Zoning Appeals (i.e. setbacks, lot size) or increasing density on parcels when compared with conventional zoning techniques.

2. With the elimination of the requirement of the parallel plan the City Assessor has no direction as to what standard should be used for minimum lot size and minimum lot width when reviewing lot split applications for parcels in the R-1A and R-1B zoning districts.

3. Attached condominiums and rental developments will be permitted by right in the R-1A and R-1B districts, and reviewed only by the Planning Commission with no discretionary power to deny and no public notification required.

4. Duplexes would be permitted by right on larger individual lots with only an administrative review of the size, open space, and setback requirements. Adjacent property owners would have no notice or input in this significant revision to the expected development on adjoining sites.

CONCLUSION

Given the probable ramifications of open space preservation option development inherent in the ordinance provisions discussed by Council, three resolutions have been prepared:

1) Resolution A authorizes changes to the open space option development ordinance as discussed by City Council at the October 14, 2002 study session.

2) Resolution B postpones this matter to another study session, which will be held at a time convenient for you.

3) Resolution C adopts the original ordinance recommended by City management and the Planning Commission, which meets the bare requirements of the open space preservation development option of the State Law.

ATTACHMENTS

Attached to this memorandum include the following:

1. The proposed amendment as discussed by City Council.
2. The proposed Open Space Preservation amendment, which was recommended for approval by the Planning Commission, showing proposed revisions.
3. Background information from the October 14, 2002 study session.
4. Background information from the October 7, 2002, regular meeting.

Please feel free to contact staff if you have any questions.

cc: Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
file/ZOTA-194

MODIFIED VERSION AS DISCUSSED BY CITY COUNCIL
WITH REDLINE
Open Space Preservation Option

10.00.00 ARTICLE X ONE FAMILY RESIDENTIAL DISTRICTS

10.20.08 The Open Space Preservation Option may be utilized in the R-1A and R-1B districts, to comply with PA 179 of 2001 (amendment to City and Village Zoning Act), subject to the requirements of Section 34.60.00.

34.00.00 ARTICLE XXXIV RESIDENTIAL DEVELOPMENT OPTIONS

34.60.00 OPEN SPACE PRESERVATION OPTION

This option may be utilized, at the developer's option, in the R-1A and R-1B One Family Residential zoning districts.

34.60.01 The following objectives shall **serve as the intent of** ~~govern the approval or disapproval of~~ the ~~proposed~~ Open Space Preservation **option** ~~Plan~~:

A. To provide a more desirable living environment by preserving the natural character of the property, such as mature trees, wetlands, floodplains, topography, and open space for enjoyment by residents of the Open Space Preservation development.

B. To encourage developers to use a more creative approach in the development of residential areas.

C. To encourage a more efficient, aesthetic and desirable use of the land while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles.

D. To encourage the provision of open space so benefits may accrue directly to residents of the Open Space Preservation development and to further encourage the development of recreational facilities.

E. An Open Space Preservation development shall result in a recognizable and substantial benefit to residents of the property and to the overall quality of life in the City.

34.60.02 Application Information Requirements: The Open Space Preservation Plan shall contain the following, in addition to the information required on a complete site plan:

A. A complete description of the land proposed to be dedicated to the city or to the common use of lot owners (herein called dedicated open space) shall be provided, including the following:

1. Legal description of dedicated open space, including dedicated easements.

2. Topographical survey of dedicated open space.

3. Types of soil in dedicated open space.

4. Description of natural features on dedicated open space.

5. Other relevant information necessary to show that the proposed development qualifies for approval as an Open Space Preservation development.

B. The proposed plan of development of the dedicated open space shall be submitted with the application and shall include the following:

1. The proposed manner in which the title to land and facilities is to be held by the owners of land in the Open Space Preservation development.

2. The proposed manner of regulating the use of the common facilities and **maintenance of these** areas so as to eliminate possible nuisances to other property owners and cause for enforcement by the city.

3. The proposed uses of dedicated open space and the proposed improvements to be constructed by the proprietor.

34.60.03 Eligibility Criteria: To qualify for the Open Space Preservation Option, the Planning Commission shall determine that all of the following conditions are present:

A. The land is zoned for R-1A or R-1B residential development.

B. The percentage of land area specified in Section 34.60.06 below must remain in a perpetually undeveloped state.

C. The Open Space Preservation site shall be under the control of one owner or group of owners acting jointly and shall be capable of being planned, developed **and maintained** as one integral unit.

34.60.04 Dwelling Unit Density:

A. The number of dwelling units allowable within the Open Space Development shall be **as follows:** ~~determined through the preparation of a "parallel plan".~~

1. **1.6 units per acre in the R-1A One Family Residential District** ~~The applicant shall prepare a parallel plan for the project that is consistent with State, County and City requirements and design criteria for a tentative preliminary plat or unplatted site condominium. The parallel plan shall meet all standards for lot /unit size, lot/unit width and setbacks as normally required for the applicable one family zoning district.~~

2. **2.2 units per acre in the R-1B One Family Residential District** ~~The City shall review the design and determine the number of lots that could be developed following the parallel plan. This number shall be the maximum number of dwelling units allowable in the Open Space Preservation development.~~

34.60.05 Regulatory Flexibility: To comply with the "open space preservation" provisions of the City and Village Zoning Act, the City may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. The applicant may cluster the dwellings on smaller lots, provided the following:

~~A. Overall density shall not exceed the number determined in the parallel plan.~~

B. Setback provisions shall remain, except:

1. Front yard setbacks may be reduced to not less than **20** ~~25~~ feet.

2. Rear yard setbacks shall be equal to or exceed the rear yard setback requirements for adjacent zoning districts.

3. The side yard setback for buildings within the development may be reduced to permit buildings not less than 20 feet from one another.

C. All regulations applicable to parking and loading, general provisions, and other requirements shall be met.

D. The permitted uses shall be restricted to single family detached **and two family attached** residential development, residential accessory structures, and non-commercial recreation uses.

34.60.06 *Open Space Requirements:*

A. Minimum Requirements: An Open Space Preservation development shall maintain a minimum of twenty percent (20%) of the gross area of the site as dedicated open space which shall remain perpetually in an undeveloped state by means of one of the tools included in Section 34.60.06 E1 below. As used in this section, "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. As used in this section, the term "greenway" shall mean a contiguous or linear open space, including habitats, wildlife corridors, and trails that link parks, nature reserves, cultural features, or historic sites with each other, for recreational and conservation purposes. Land in an undeveloped state may be~~, but is not required to be,~~ dedicated to the use of the public **or residents of the residential development**. Except as noted in Section 34.60.06 E1 below, any land area maintained in an undeveloped state within the boundaries of the site meeting the open space standards herein may be included as required open space. A minimum of fifty percent (50%) of the minimum required open space ~~shall be upland~~ area ~~that is accessible to all~~

~~residents of the Open Space Preservation development or the City of Troy~~ **shall not be wetlands**.

B. Common Open Space: Common open space, other common properties and facilities, individual properties, and all other elements of a Open Space Preservation district shall be so planned that they will achieve a unified open space, community green or plaza and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be permanently set aside as common land for community use, recreation or conservation.

C. Areas Not Considered Open Space: The following land areas are not included as dedicated open space for the purposes of this Section:

1. Area proposed as single family residential lots **or units**.

2. Area proposed as limited common elements of condominium developments, or land within a condominium development, which is convertible to general common elements that will not remain in a perpetually undeveloped state or land convertible to limited common elements.

3. The area of any street right-of-way or equivalent private road easement.

D. Location of Open Space: Common open space shall be planned in locations generally visible and accessible to all residing within the Open Space Development. The common open space may be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.

E. Protection of Open Space

1. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the City, such as: recorded deed

restrictions, restrictive covenants, or conservation easements, plat dedication, or other legal means that run with the land. As used in this section, the phrase "conservation easement" means an interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.

2. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:

   a. Indicate the proposed allowable use(s) of the dedicated open space.

   b. The dedicated open space shall forever remain open space, subject only to uses authorized by state law and approved by the City on the approved site plan or subdivision plat. Open space may include a recreational trail, children's play area, greenway or linear park.

   c. Indicate the proposed maintenance plan for the dedicated open.

PROPOSED ZONING ORDINANCE TEXT AMENDMENT
PLANNING COMMISSION RECOMMENDATION

Open Space Preservation Option

Amend the indicated portions of the One Family Residential Districts and the Residential Development Options text in the following manner:

(Underlining, except for major section titles, denotes changes.)

10.00.00 ARTICLE X ONE FAMILY RESIDENTIAL DISTRICTS

10.20.08 The Open Space Preservation Option may be utilized in the R-1A and R-1B districts, to comply with PA 179 of 2001 (amendment to City and Village Zoning Act), subject to the requirements of Section 34.60.00.

34.00.00 ARTICLE XXXIV RESIDENTIAL DEVELOPMENT OPTIONS

34.60.00 OPEN SPACE PRESERVATION OPTION

This option may be utilized, at the developer's option, in the R-1A and R-1B One Family Residential zoning districts.

34.60.01 The following objectives shall govern the approval or disapproval of the proposed Open Space Preservation Plan:

A. To provide a more desirable living environment by preserving the natural character of the property, such as mature trees, wetlands, floodplains, topography, and open space for enjoyment by residents of the Open Space Preservation development.

B. To encourage developers to use a more creative approach in the development of residential areas.

C. To encourage a more efficient, aesthetic and desirable use of the land while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles.

D. To encourage the provision of open space so benefits may accrue directly to residents of the Open Space Preservation development and to further encourage the development of recreational facilities.

E. An Open Space Preservation development shall result in a recognizable and substantial benefit to residents of the property and to the overall quality of life in the City.

34.60.02 Application Information Requirements: The Open Space Preservation Plan shall contain the following, in addition to the information required on a complete site plan:

A. A complete description of the land proposed to be dedicated to the city or to the common use of lot owners (herein called dedicated open space) shall be provided, including the following:

1. Legal description of dedicated open space, including dedicated easements.
2. Topographical survey of dedicated open space.
3. Types of soil in dedicated open space.
4. Description of natural features on dedicated open space.
5. Other relevant information necessary to show that the proposed development qualifies for approval as an Open Space Preservation development.

B. The proposed plan of development of the dedicated open space shall be submitted with the application and shall include the following:

1. The proposed manner in which the title to land and facilities is to be held by the owners of land in the Open Space Preservation development.
2. The proposed manner of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and cause for enforcement by the city.
3. The proposed uses of dedicated open space and the proposed improvements to be constructed by the proprietor.

34.60.03 Eligibility Criteria: To qualify for the Open Space Preservation Option, the Planning Commission shall determine that all of the following conditions are present:

A. The land is zoned for R-1A or R-1B residential development.

B. The percentage of land area specified in Section 34.60.06.A below must remain in a perpetually undeveloped state.

C. The Open Space Preservation site shall be under the control of one owner or group of owners acting jointly and shall be capable of being planned and developed as one integral unit.

34.60.04 Dwelling Unit Density:

A. The number of dwelling units allowable within the Open Space Development shall be determined through the preparation of a "parallel plan".

1. The applicant shall prepare a parallel plan for the project that is consistent with State, County and City requirements and design criteria for a tentative preliminary plat or unplatted site condominium. The parallel plan shall meet all standards for lot /unit size, lot/unit width and setbacks as normally required for the applicable one family zoning district.

2. The City shall review the design and determine the number of lots that could be developed following the parallel plan. This number shall be the maximum number of dwelling units allowable in the Open Space Preservation development.

34.60.05 Regulatory Flexibility: To comply with the "open space preservation" provisions of the City and Village Zoning Act, the City may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. The applicant may cluster the dwellings on smaller lots, provided the following:

A. Overall density shall not exceed the number determined in the parallel plan.

B. Setback provisions shall remain, except:

1. Front yard setbacks may be reduced to not less than 25 feet.

2. Rear yard setbacks shall be equal to or exceed the rear yard setback requirements for adjacent residential zoning districts.

3. The side yard setback for buildings within the development may be reduced to permit buildings not less than 20 feet from one another.

C. All regulations applicable to parking and loading, general provisions, and other requirements shall be met.

D. The permitted uses shall be restricted to single family detached residential development, residential accessory structures, and non-commercial recreation uses.

34.60.06 Open Space Requirements:

A. Minimum Requirements: An Open Space Preservation development shall maintain a minimum of twenty percent (20%) of the gross area of

the site as dedicated open space which shall remain perpetually in an undeveloped state by means of one of the tools included in Section E below. As used in this section, "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. As used in this section, the term "greenway" shall mean a contiguous or linear open space, including habitats, wildlife corridors, and trails that link parks, nature reserves, cultural features, or historic sites with each other, for recreational and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public. Except as noted in Section E below, any land area maintained in an undeveloped state within the boundaries of the site meeting the open space standards herein may be included as required open space. A minimum of fifty percent (50%) of the minimum required open space shall be upland area that is accessible to all residents of the Open Space Preservation development or the City of Troy.

B. Common Open Space: Common open space, other common properties and facilities, individual properties, and all other elements of a Open Space Preservation district shall be so planned that they will achieve a unified open space, community green or plaza and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be permanently set aside as common land for community use, recreation or conservation.

C. Areas Not Considered Open Space: The following land areas are not included as dedicated open space for the purposes of this Section:

1. Area proposed as single family residential lots.

2. Area proposed as limited common elements of condominium developments, or land within a condominium development, which is convertible to general common elements that will not remain in a perpetually undeveloped state or land convertible to limited common elements.

3. The area of any street right-of-way or equivalent private road easement.

D. Location of Open Space: Common open space shall be planned in locations generally visible and accessible to all residing within the Open Space Development. The common open space may be

centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.

E. Protection of Open Space

1. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the City, such as: recorded deed restrictions, restrictive covenants, or conservation easements, plat dedication, or other legal means that run with the land. As used in this section, the phrase "conservation easement" means an interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.

2. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:

a. Indicate the proposed allowable use(s) of the dedicated open space.

b. The dedicated open space shall forever remain open space, subject only to uses authorized by state law and approved by the City on the approved site plan or subdivision plat. Open space may include a recreational trail, children's play area, greenway or linear park.

To: John Szerlag, City Manager
Gary Shripka, Assistant City Manager
Lori Grigg Bluhm, City Attorney
Mark Miller, Planning Director

From: Robin Beltramini, Council member

Subject: Open Space Preservation Option

Date: October 10, 2002

Mayor Matt and I had dinner this evening and discussed potential changes to the proposed open space preservation option. I will give you the changes and then, *in italics,* the thought behind the suggestions. Also, I will be home in the morning, if you feel the need to have a dialogue about this.

34.60.04

A. The number of dwelling units allowable within the Open Space Development shall not exceed 1.6 units per acre in R1-A districts and 2.2 units per acre in R1-B districts.

While open space is (now) a "by right" style of development, it seems to be the will of this council and the people of Troy to encourage preservation of natural features/open space. Therefore, some sort of incentive, however small, must be offered to encourage use of this development option rather than the "cookie cutter" which would be the parallel plan. Because this is a permitted use, I see no reason to offer an incentive as large as that which could be obtained through the use of CR-1 zoning. The mayor prefers a larger incentive, but agrees that CR-1 is still an option for someone seeking greater density.

34.60.05

Somewhere in here we need to state, specifically, whether or not lot averaging is allowable.

A. Overall density shall not exceed 1.6 units per acre in R1-A districts and 2.2 units per acre in R1-B districts.
B. 1. Front yard setbacks may be reduced to not less than <u>20</u> feet.
C. No change
D. The permitted uses shall be restricted to single family residential development, residential accessory structures, and non-commercial recreation uses.

The density change was explained above. Front yard setbacks being reduced allow for the potentially larger setbacks in the rear, thereby decreasing the impact on an existing neighborhood. In D, "detached" has been deleted. It would be preferable to allow some degree of attachment of the single-family homes to accommodate the setback

and preservation requirements. It is not necessary to allow as many as four units to be attached (as in CR-1) but, two-unit buildings could facilitate development under this option.

34.60.06 A. Minimum Requirements: An Open Space Preservation development shall maintain a minimum of twenty percent of the gross are of the site as. . . Except as noted in Section E below, any land area maintained in an undeveloped state within the boundaries of the site meeting the open space standards herein may be included as required open space. A minimum of five percent (5%) of the gross area of the site shall be upland area that is accessible to all residents of the Open Space Preservation development or the City of Troy.

I disagree with Matt and believe that the minimum of 50% of the minimum required open space being upland should be stated as 10% of the gross site area. But both of us believe that we must offer some parameters for the accessibility requirement.

While I'm not sure that it is appropriate to add development standards in 34.60.xx, it is probably appropriate to add accessibility requirements (e.g.,access to communal open space shall be by means of streets or pedestrian access-ways; in the case of wetlands, boardwalks of materials with a life span of "x" will be provided, etc.) somewhere. Folks could be directed through a new section in 10.50—a new 10.50.06 which leads to specifics if the Open Space Preservation Option is used. Also included in such specifics would be the standards for attachment of units. Our suggestion is that the requirements for common walls be similar to those used in CR-1, but allow up to seventy-five percent area in common, instead of the fifty percent used in cluster—and that these be garage walls only.

34.60.04 Dwelling Unit Density:

A. The number of dwelling units allowable within the Open Space Develolpment shall be up to 1.2 the density of the current zoning

34.60.05 Regulatory Flexibility: To comply with the "open space preservation" provisions of the City and Village Zoning Act, the City may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. The applicant may cluster the dwellings on smaller lots providing the following:

A. Overall density shall not exceed 1.3 times the density allowed for the current zoning

B Setback provisions shall remain, except:

1. Front yard setbacks may be reduced to not less than 25 feet.

2. Rear yard setbacks shall be not less than 35 feet.

3. Side yard setbacks from adjoining properties shall not be less than current zoning,
but units may be attached within the development.

C. All regulations applicable to parking and loading, general provisions, and other requirements shall be met.

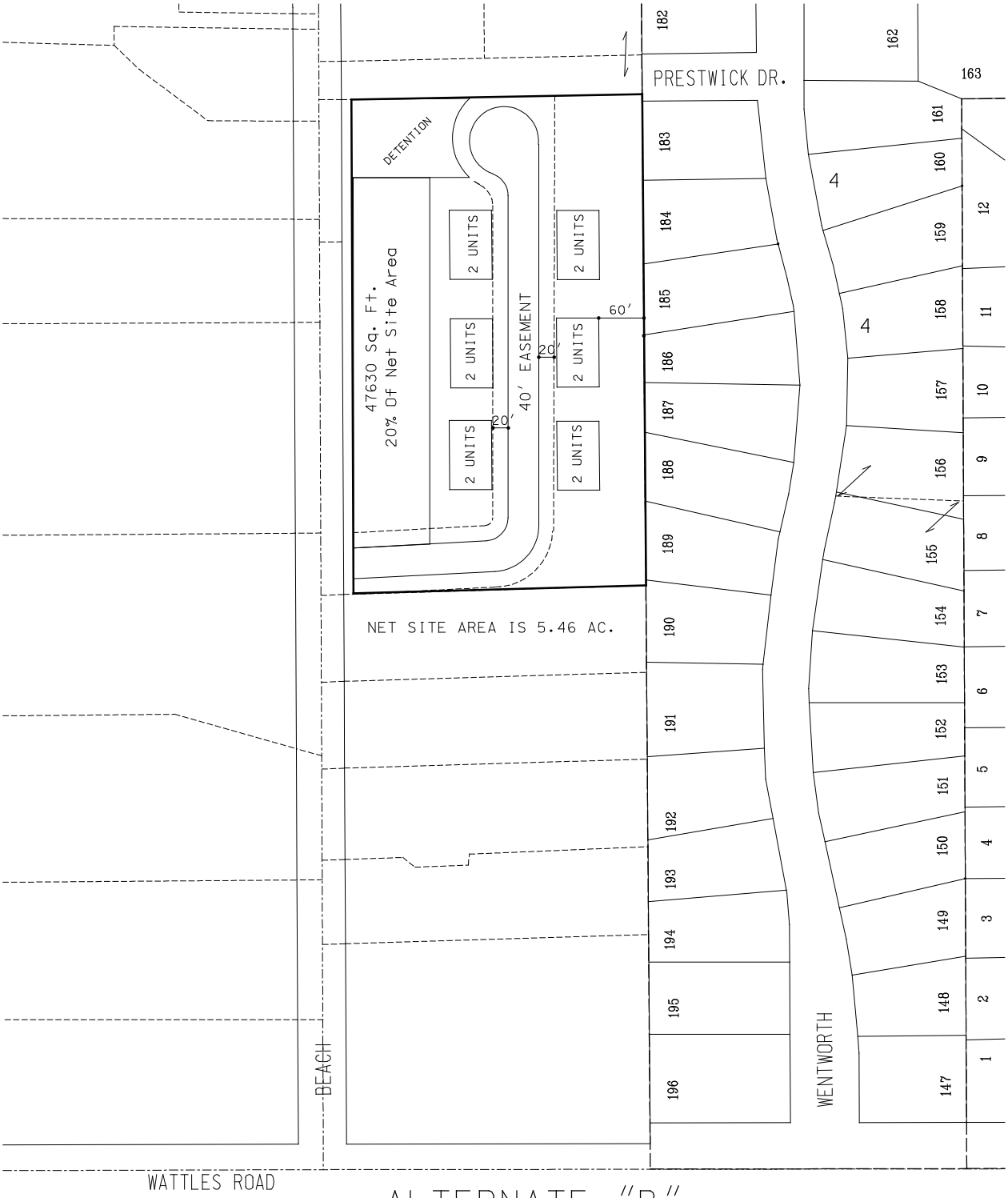
D. The permitted uses shall be restricted to single family detached residential development, residential accessory structures, and non-commercial recreational

34.60.04 Dwelling Unit Density:

Minimum Requirements: An Open Space Preservation development shall maintain a minimum of ***20%*** of the gross area of the site as dedicated open space which shall remain perpetually in an undeveloped state by means of one of the tools included in Section E below. As used in this section, "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; open space; or a similar use or condition. ***Land in an undeveloped state may include a recreational trail, picnic area, children's play area, greenway, or linear park.*** As used in this section, the term "greenway" shall mean a contiguous or linear open space, including habitats, wildlife corridors, and trails that link parks, nature reserves, cultural features, or historic sites with each other, for recreational and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public. Except as noted in Section E below, any land area maintained in an undeveloped state within the boundaries of the site meeting the open space standards herein may be included a s required open space.

ALTERNATE "A"

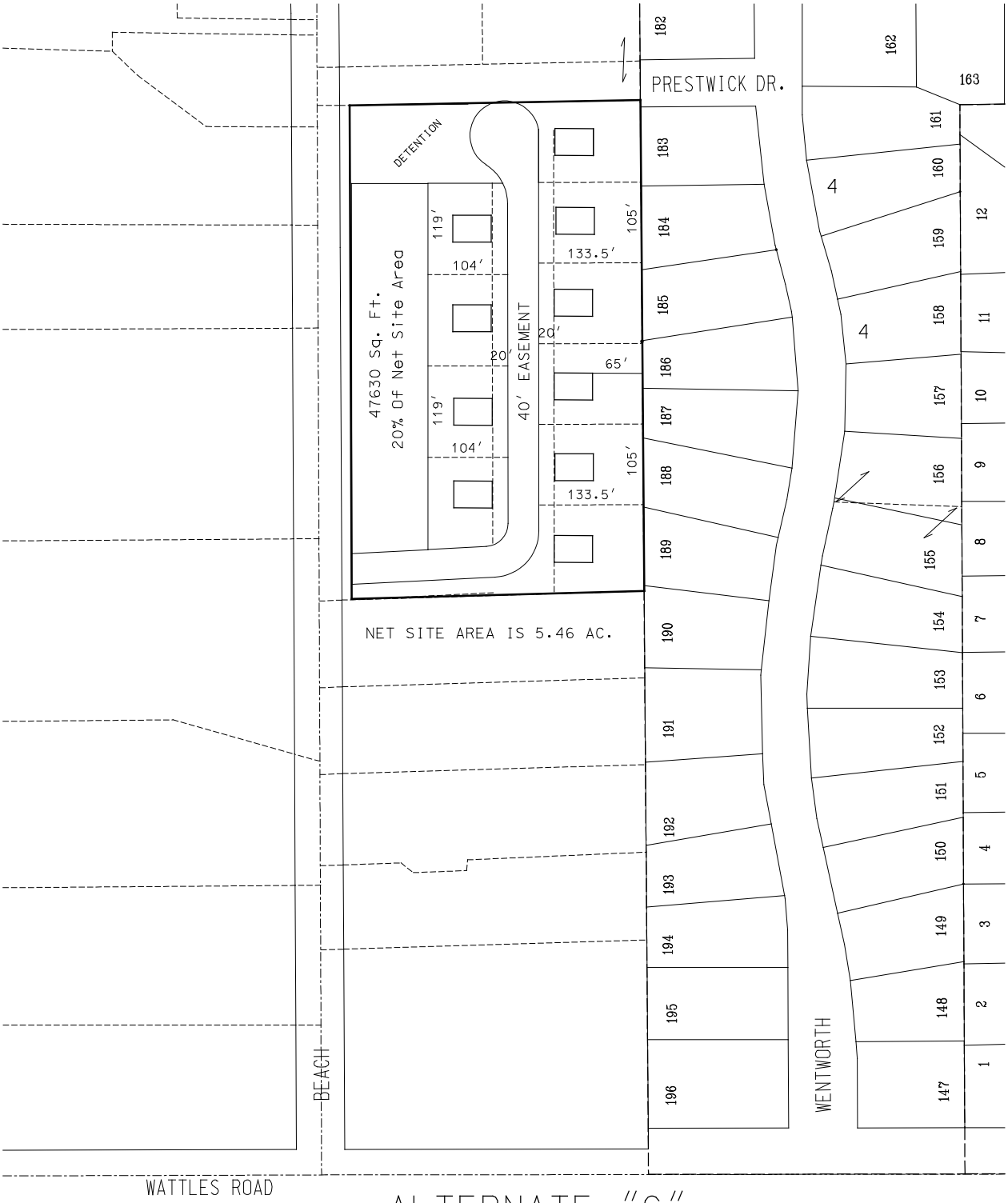
12 UNITS ATTACHED WITH 20% OPEN SPACE AND DETENTION BASE ON 2.2 D.U. / AC.



ALTERNATE "B"

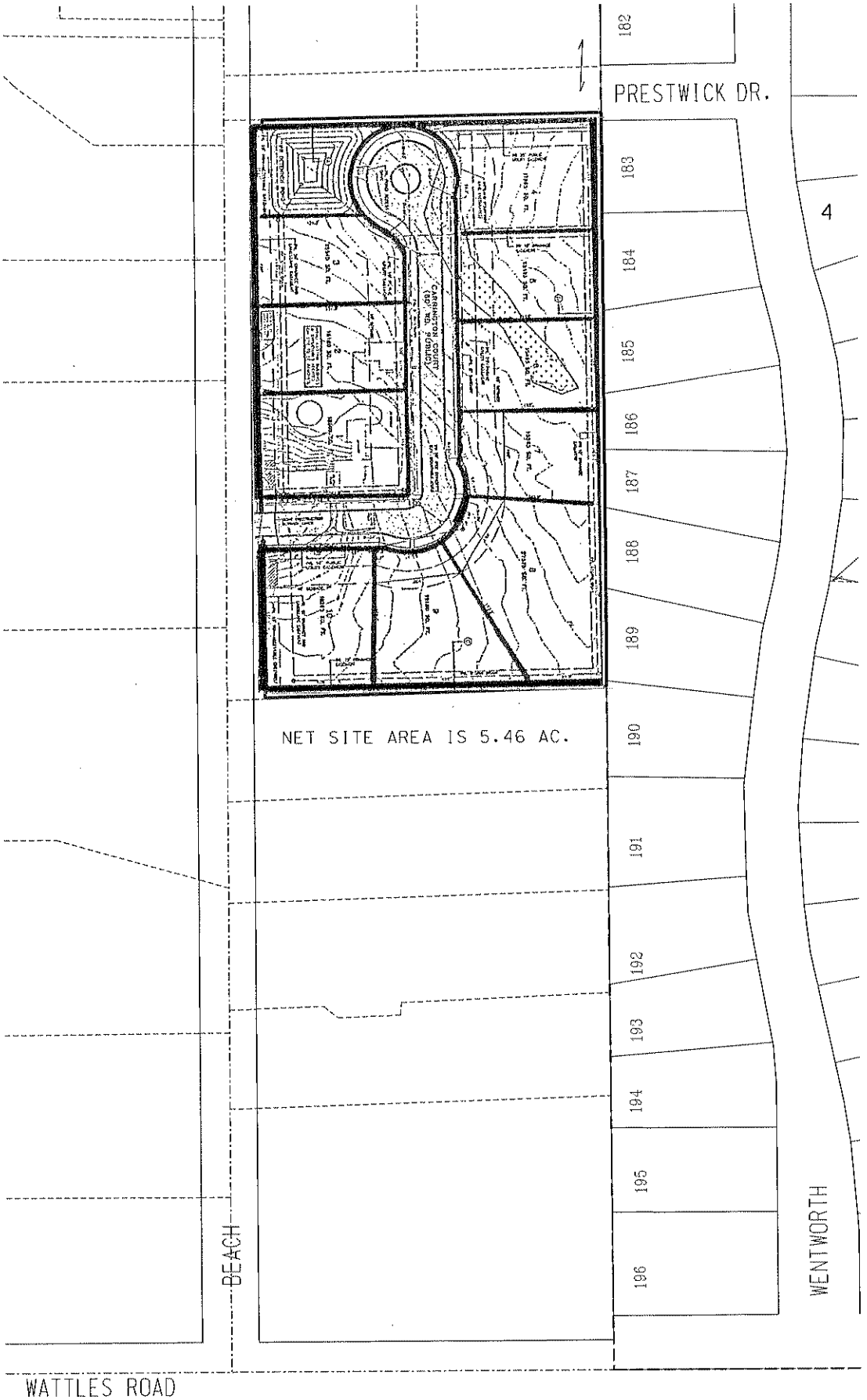
12 UNITS ATTACHED WITH 20% OPEN SPACE AND DETENTION

BASE ON 2.2 D.U. / AC.



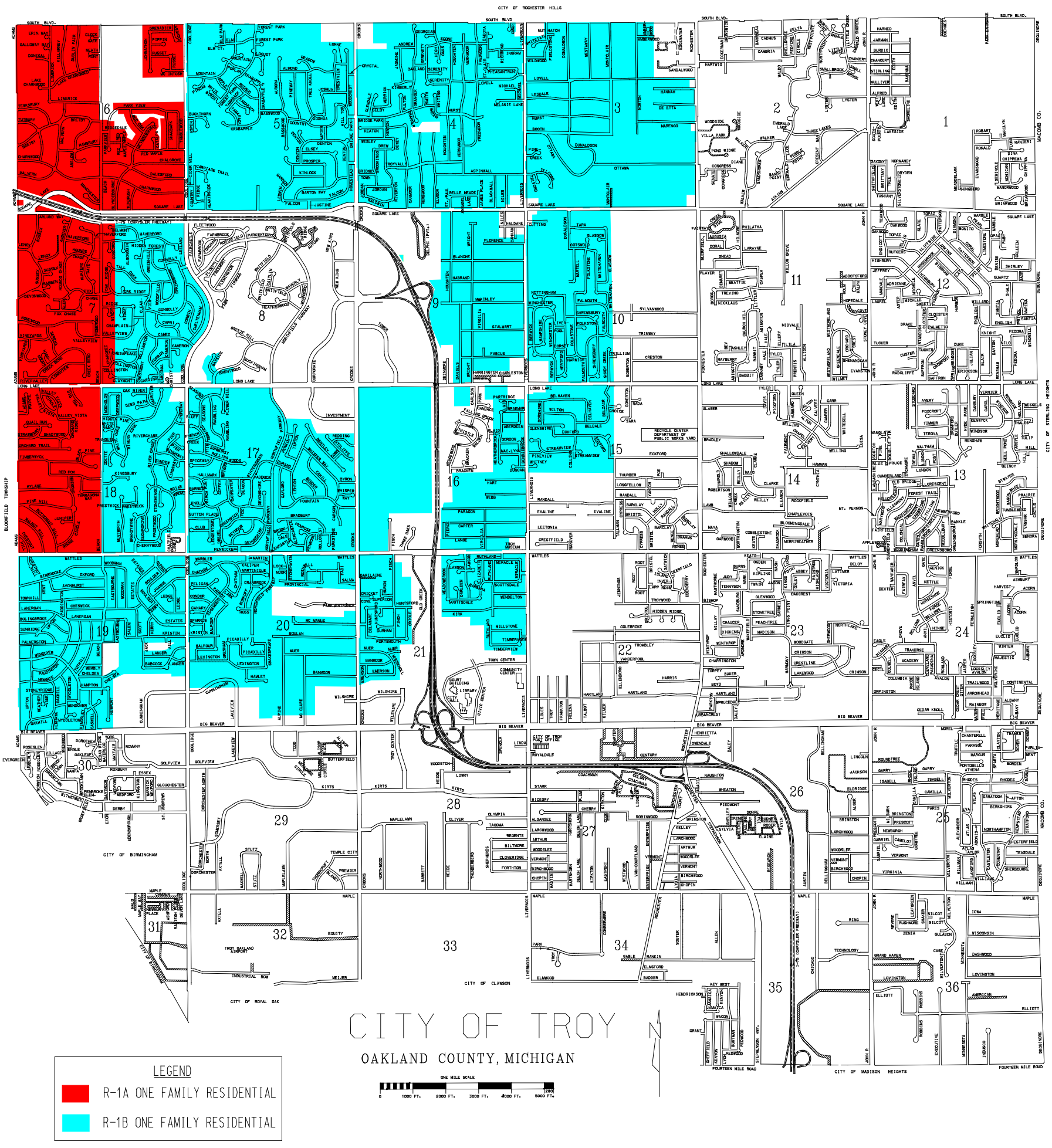
ALTERNATE "C"

10 UNITS DETACHED WITH 20% OPEN SPACE AND DETENTION BASED ON PARALLEL PLAN



10 LOT SUBDIVISION WITH
TENTATIVE PRELIMINARY PLAT
APPROVED ON SEPT.9, 2002

R-1A & R-1B ZONED AREAS



October 1, 2002

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Lori Bluhm, City Attorney
Mark F. Miller, Planning Director

Subject: PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT (ZOTA 194) – Articles 10.20.08 & 34.60.00 R-1A & R-1B Open Space Preservation

RECOMMENDATION

The Planning Commission and City Management recommend approval of the Open Space Preservation provisions.

BACKGROUND INFORMATION

On December 14, 2001 House Bill No. 5029 took immediate effect, and amended the City-Village Zoning Act, PA 207 of 1921. The amendment requires the City of Troy to adopt Open Space Preservation provisions for the R-1A and R-1B Zoning Districts, by December 14, 2002. These provisions will permit property owners the option of developing all the permitted dwelling units on a portion of the property, if the balance of the property is undeveloped. The undeveloped land area shall be permanently protected with a conservation easement or other legal restriction. Such provisions can be exercised once by the land owners. These Open Space Preservation provisions are commonly known as cluster zoning or open space zoning. However, the amendment does not prescribe the typical elements of an open space zoning option.

The Planning Department, City Attorney's Office and Planning Commission worked together to draft the proposed Open Space Preservation provisions. It was decided to only address compliance with the Open Space Preservation amendment to the City and Village Zoning Act, because of the December 14, 2002 deadline. The existing CR-1 Zoning District provisions should be reviewed, but separately and at some time in the future. In addition, the basic premise of the provisions is that there should be no negative impact on existing one family neighborhoods.

Generally, cluster developments are viewed as positive, except that the City of Troy experience demonstrates concern regarding density and setbacks in relation to existing homes. Cluster developments, have generally exceeded the surrounding neighborhoods' density (units per acre), when all of the project land is used in the density calculations. Unusable areas such as regulated wetlands and roads increase unit density beyond the surrounding single family neighborhoods. The parallel plan determines the density (units

per acre), when a developer submits a typical subdivision/site condominium. Then the units can be clustered to protect open space and not negatively impact the surrounding one family neighborhoods. In addition, the cluster units are required to maintain an equivalent rear yard setback, to maintain the one family neighborhood character of the adjacent properties. It is the intent of the proposed Open Space Preservation amendment to eliminate negative impacts of cluster development and comply with state law.

Attached to this memorandum include the proposed Open Space Preservation amendment, City and Village Zoning Act amendment, Planning Commission minutes and public comment. Please feel free to contact Mark Miller, Planning Director, if you have any questions.

Attachments (7)

Cc: Mark Stimac, Director of Building and Zoning
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
file/ZOTA-194

PROPOSED ZONING ORDINANCE TEXT AMENDMENT (ZOTA 194) – Articles 10.20.08 & 34.60.00 R-1A & R-1B Open Space Preservation

Suggested Resolution
Resolution #2002-10-
Moved by
Seconded by

RESOLVED, That Articles 10.20.08 & 34.60.00 R-1A & R-1B Open Space Preservation, of the Zoning Ordinance be **ADOPTED** as recommended by the Planning Commission and City Management a copy shall be attached to the original Minutes of this meeting.

Yes:
No:

PROPOSED ZONING ORDINANCE TEXT AMENDMENT

Open Space Preservation Option

Amend the indicated portions of the One Family Residential Districts and the Residential Development Options text in the following manner:

(Underlining, except for major section titles, denotes changes.)

10.00.00 ARTICLE X ONE FAMILY RESIDENTIAL DISTRICTS

10.20.08 The Open Space Preservation Option may be utilized in the R-1A and R-1B districts, to comply with PA 179 of 2001 (amendment to City and Village Zoning Act), subject to the requirements of Section 34.60.00.

34.00.00 ARTICLE XXXIV RESIDENTIAL DEVELOPMENT OPTIONS

34.60.00 OPEN SPACE PRESERVATION OPTION

This option may be utilized, at the developer's option, in the R-1A and R-1B One Family Residential zoning districts.

34.60.01 The following objectives shall govern the approval or disapproval of the proposed Open Space Preservation Plan:

A. To provide a more desirable living environment by preserving the natural character of the property, such as mature trees, wetlands, floodplains, topography, and open space for enjoyment by residents of the Open Space Preservation development.

B. To encourage developers to use a more creative approach in the development of residential areas.

C. To encourage a more efficient, aesthetic and desirable use of the land while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles.

D. To encourage the provision of open space so benefits may accrue directly to residents of the Open Space Preservation development and to further encourage the development of recreational facilities.

E. An Open Space Preservation development shall result in a recognizable and substantial benefit to residents of the property and to the overall quality of life in the City.

34.60.02 Application Information Requirements: The Open Space Preservation Plan

shall contain the following, in addition to the information required on a complete site plan:

A. A complete description of the land proposed to be dedicated to the city or to the common use of lot owners (herein called dedicated open space) shall be provided, including the following:

1. Legal description of dedicated open space, including dedicated easements.
2. Topographical survey of dedicated open space.
3. Types of soil in dedicated open space.
4. Description of natural features on dedicated open space.
5. Other relevant information necessary to show that the proposed development qualifies for approval as an Open Space Preservation development.

B. The proposed plan of development of the dedicated open space shall be submitted with the application and shall include the following:

1. The proposed manner in which the title to land and facilities is to be held by the owners of land in the Open Space Preservation development.
2. The proposed manner of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and cause for enforcement by the city.
3. The proposed uses of dedicated open space and the proposed improvements to be constructed by the proprietor.

34.60.03 Eligibility Criteria: To qualify for the Open Space Preservation Option, the Planning Commission shall determine that all of the following conditions are present:

A. The land is zoned for R-1A or R-1B residential development.

B. The percentage of land area specified in Section 34.60.06.A below must remain in a perpetually undeveloped state.

C. The Open Space Preservation site shall be under the control of one owner or group of owners acting jointly and shall be capable of being planned and developed as one integral unit.

34.60.04 Dwelling Unit Density:

A. The number of dwelling units allowable within the Open Space Development shall be determined through the preparation of a "parallel plan".

1. The applicant shall prepare a parallel plan for the project that is consistent with State, County and City requirements and design criteria for a tentative preliminary plat or unplatted site condominium. The parallel plan shall meet all standards for lot /unit size, lot/unit width and setbacks as normally required for the applicable one family zoning district.

2. The City shall review the design and determine the number of lots that could be developed following the parallel plan. This number shall be the maximum number of dwelling units allowable in the Open Space Preservation development.

34.60.05 Regulatory Flexibility: To comply with the "open space preservation" provisions of the City and Village Zoning Act, the City may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. The applicant may cluster the dwellings on smaller lots, provided the following:

A. Overall density shall not exceed the number determined in the parallel plan.

B. Setback provisions shall remain, except:

1. Front yard setbacks may be reduced to not less than 25 feet.

2. Rear yard setbacks shall be equal to or exceed the rear yard setback requirements for adjacent residential zoning districts.

3. The side yard setback for buildings within the development may be reduced to permit buildings not less than 20 feet from one another.

C. All regulations applicable to parking and loading, general provisions, and other requirements shall be met.

D. The permitted uses shall be restricted to single family detached residential development, residential accessory structures, and non-commercial recreation uses.

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A. Minimum Requirements: An Open Space Preservation development shall maintain a minimum of twenty percent (20%) of the gross area of the site as dedicated open space which shall remain perpetually in an

undeveloped state by means of one of the tools included in Section E below. As used in this section, "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. As used in this section, the term "greenway" shall mean a contiguous or linear open space, including habitats, wildlife corridors, and trails that link parks, nature reserves, cultural features, or historic sites with each other, for recreational and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public. Except as noted in Section E below, any land area maintained in an undeveloped state within the boundaries of the site meeting the open space standards herein may be included as required open space. A minimum of fifty percent (50%) of the minimum required open space shall be upland area that is accessible to all residents of the Open Space Preservation development or the City of Troy.

B. Common Open Space: Common open space, other common properties and facilities, individual properties, and all other elements of a Open Space Preservation district shall be so planned that they will achieve a unified open space, community green or plaza and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be permanently set aside as common land for community use, recreation or conservation.

C. Areas Not Considered Open Space: The following land areas are not included as dedicated open space for the purposes of this Section:

1. Area proposed as single family residential lots.

2. Area proposed as limited common elements of condominium developments, or land within a condominium development, which is convertible to general common elements that will not remain in a perpetually undeveloped state or land convertible to limited common elements.

3. The area of any street right-of-way or equivalent private road easement.

D. Location of Open Space: Common open space shall be planned in locations generally visible and accessible to all residing within the Open Space Development. The common open space may be centrally located along the road frontage of the development, located

to preserve significant natural features, or located to connect open spaces throughout the development.

E. Protection of Open Space

1. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the City, such as: recorded deed restrictions, restrictive covenants, or conservation easements, plat dedication, or other legal means that run with the land. As used in this section, the phrase "conservation easement" means an interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.

2. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:

a. Indicate the proposed allowable use(s) of the dedicated open space.

b. The dedicated open space shall forever remain open space, subject only to uses authorized by state law and approved by the City on the approved site plan or subdivision plat. Open space may include a recreational trail, children's play area, greenway or linear park.

CITY AND VILLAGE ZONING ACT (EXCERPT)
Act 207 of 1921

125.584f Qualified city or village zoning ordinances; option of landowner to develop land zoned for residential development; requirements; limitations; "qualified city" or "qualified village" defined; zoning ordinance provisions cited as "open space preservation."

Sec. 4f. (1) Subject to subsection (4) and the right of referendum if provided by charter, beginning 1 year after the effective date of the amendatory act that added this section, each qualified city or qualified village shall provide in its zoning ordinance that land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a portion of the land specified in the zoning ordinance, but not more than 80%, that, as determined by the city or village, could otherwise be developed, under existing ordinances, laws, and rules, on the entire land area, if all of the following apply:

(a) The land is zoned at a density equivalent to 2 or fewer dwelling units per acre, or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.

(b) A percentage of the land area specified in the zoning ordinance, but not less than 20%, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, as prescribed by the zoning ordinance.

(c) The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this subsection would also depend upon such an extension.

(d) The option provided pursuant to this subsection has not previously been exercised with respect to that land.

(2) After a landowner exercises the option provided pursuant to subsection (1), the land may be rezoned accordingly.

(3) The development of land under subsection (1) is subject to other applicable ordinances, laws, and rules, including rules relating to suitability of groundwater for on-site water supply for land not served by public water and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

(4) Subsection (1) does not apply to a qualified city or qualified village if both of the following requirements are met:

(a) Since October 1, 2001, the city or village has had in effect a zoning ordinance provision providing for both of the following:

(i) Land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a portion of the land that, as determined by the city or village, could otherwise be developed, under existing ordinances, laws, and rules, on the entire land area.

(ii) If the landowner exercises the option provided by subparagraph (i), the portion of the land not developed will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.

(b) On or before the enactment date of the amendatory act that added this section, a landowner exercised the option provided under the zoning ordinance provision referred to in subdivision (a) with at least 20% of the land area remaining perpetually in an undeveloped state.

(5) As used in this section, "qualified city" or "qualified village" means a city or village, respectively, that meets all of the following requirements:

(a) Has adopted a zoning ordinance.

(b) Has a population of 1,800 or more.

(c) Has land that is not developed and that is zoned for residential development at a density described in subsection (1)(a).

(6) The zoning ordinance provisions required by subsection (1) shall be known and may be cited as the "open space preservation" provisions of the zoning ordinance.

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History: Add. 2001, Act 179, Imd. Eff. Dec. 15, 2001.

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CITY AND VILLAGE ZONING ACT (EXCERPT)
Act 207 of 1921

125.600 Definitions; short title.

Sec. 20. (1) As used in this act:

(a) "Agricultural land" means substantially undeveloped land devoted to the production of plants and animals useful to humans, including forage and sod crops; grains, feed crops, and field crops; dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.

(b) "Airport" means an airport licensed by the Michigan department of transportation, bureau of aeronautics under section 86 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.86.

(c) "Airport approach plan" means a plan, or an amendment to a plan, adopted under section 12 of the airport zoning act, 1950 (Ex Sess) PA 23, MCL 259.442, and filed with the commission appointed to recommend zoning regulations for the city or village under section 151 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.151.

(d) "Airport layout plan" means a plan, or an amendment to a plan, that shows current or proposed layout of an airport, that is approved by the Michigan aeronautics commission, and that is filed with the commission appointed to recommend zoning regulations for the city or village under section 151 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.151.

(e) "Airport manager" means that term as defined in section 10 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.10.

(f) "Airport zoning regulations" means airport zoning regulations under the airport zoning act, 1950 (Ex Sess) PA 23, MCL 259.431 to 259.465, for an airport hazard area that lies in whole or part in the area affected by a zoning ordinance under this act.

(g) "Conservation easement" means that term as defined in section 2140 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2140.

(h) "Development rights" means the rights to develop land to the maximum intensity of development authorized by law.

(i) "Development rights ordinance" means an ordinance, which may comprise part of a zoning ordinance, adopted under section 13.

(j) "Greenway" means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

(k) "Intensity of development" means the height, bulk, area, density, setback, use, and other similar characteristics of development.

(l) "Other eligible land" means land that has a common property line with agricultural land from which development rights have been purchased and that is not divided from that agricultural land by a state or federal limited access highway.

(m) "PDR program" means a program under section 14 for the purchase of development rights by a city or village.

(n) "Undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

(2) This act shall be known and may be cited as the "city and village zoning act".

History: Add. 1996, Act 571, Eff. Mar. 31, 1997;—Am. 2000, Act 383, Imd. Eff. Jan. 2, 2001;—Am. 2001, Act 179, Imd. Eff. Dec. 15, 2001.

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9. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT (ZOTA 194) – Articles 10.20.08 & 34.60.00 R-1A & R-1B Open Space Preservation

Public hearing opened and closed.

RESOLUTION

Moved by Littman Seconded by Storrs

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Articles 10.20.08 & 34.60.00 R-1A & R-1B Open Space Preservation, of the Zoning Ordinance to read as follows:

(Underlining, except for major section titles, denotes changes.)

10.00.00 ARTICLE X ONE FAMILY RESIDENTIAL DISTRICTS

10.20.08 The Open Space Preservation Option may be utilized in the R-1A and R-1B districts, to comply with PA 179 of 2001 (amendment to City and Village Zoning Act), subject to the requirements of Section 34.60.00.

34.00.00 ARTICLE XXXIV RESIDENTIAL DEVELOPMENT OPTIONS

34.60.00 OPEN SPACE PRESERVATION OPTION

This option may be utilized, at the developer's option, in the R-1A and R-1B One Family Residential zoning districts.

34.60.01 The following objectives shall govern the approval or disapproval of the proposed Open Space Preservation Plan:

A. To provide a more desirable living environment by preserving the natural character of the property, such as mature trees, wetlands, floodplains, topography, and open space for enjoyment by residents of the Open Space Preservation development.

B. To encourage developers to use a more creative approach in the development of residential areas.

C. To encourage a more efficient, aesthetic and desirable use of the land while recognizing a reduction in development costs and by allowing the developer to bypass natural obstacles.

D. To encourage the provision of open space so benefits may accrue directly to residents of the Open Space Preservation development and to further encourage the development of recreational facilities.

E. An Open Space Preservation development shall result in a recognizable and substantial benefit to residents of the property and to the overall quality of life in the City.

34.60.02 Application Information Requirements: The Open Space Preservation Plan shall contain the following, in addition to the information required on a complete site plan:

A. A complete description of the land proposed to be dedicated to the city or to the common use of lot owners (herein called dedicated open space) shall be provided, including the following:

1. Legal description of dedicated open space, including dedicated easements.
2. Topographical survey of dedicated open space.
3. Types of soil in dedicated open space.
4. Description of natural features on dedicated open space.
5. Other relevant information necessary to show that the proposed development qualifies for approval as an Open Space Preservation development.

B. The proposed plan of development of the dedicated open space shall be submitted with the application and shall include the following:

1. The proposed manner in which the title to land and facilities is to be held by the owners of land in the Open Space Preservation development.
2. The proposed manner of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and cause for enforcement by the city.
3. The proposed uses of dedicated open space and the proposed improvements to be constructed by the proprietor.

34.60.03 Eligibility Criteria: To qualify for the Open Space Preservation Option, the Planning Commission shall determine that all of the following conditions are present:

A. The land is zoned for R-1A or R-1B residential development.

B. The percentage of land area specified in Section 34.60.06.A below must remain in a perpetually undeveloped state.

C. The Open Space Preservation site shall be under the control of one owner or group of owners acting jointly and shall be capable of being planned and developed as one integral unit.

34.60.04 Dwelling Unit Density:

A. The number of dwelling units allowable within the Open Space Development shall be determined through the preparation of a "parallel plan".

1. The applicant shall prepare a parallel plan for the project that is consistent with State, County and City requirements and design criteria for a tentative preliminary plat or unplatted site condominium. The parallel plan shall meet all standards for lot /unit size, lot/unit width and setbacks as normally required for the applicable one family zoning district.

2. The City shall review the design and determine the number of lots that could be developed following the parallel plan. This number shall be the maximum number of dwelling units allowable in the Open Space Preservation development.

34.60.05 Regulatory Flexibility: To comply with the "open space preservation" provisions of the City and Village Zoning Act, the City may permit specific departures from the requirements of the Zoning Ordinance for yards and lots as a part of the approval process. The applicant may cluster the dwellings on smaller lots, provided the following:

A. Overall density shall not exceed the number determined in the parallel plan.

B. Setback provisions shall remain, except:

1. Front yard setbacks may be reduced to not less than 25 feet.

2. Rear yard setbacks shall be equal to or exceed the rear yard setback requirements for adjacent residential zoning districts.

3. The side yard setback for buildings within the development may be reduced to permit buildings not less than 20 feet from one another.

C. All regulations applicable to parking and loading, general provisions, and other requirements shall be met.

D. The permitted uses shall be restricted to single family detached residential development, residential accessory structures, and non-commercial recreation uses.

34.60.06 Open Space Requirements:

A. Minimum Requirements: An Open Space Preservation development shall maintain a minimum of twenty percent (20%) of the gross area of the site as dedicated open space which shall remain perpetually in an undeveloped state by means of one of the tools included in Section E below. As used in this section, "undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. As used in this section, the term "greenway" shall mean a contiguous or linear open space, including habitats, wildlife corridors, and trails that link parks, nature reserves, cultural features, or historic sites with each other, for recreational and conservation purposes. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public. Except as noted in Section E below, any land area maintained in an undeveloped state within the boundaries of the site meeting the open space standards herein may be included as required open space. A minimum of fifty percent (50%) of the minimum required open space shall be upland area that is accessible to all residents of the Open Space Preservation development or the City of Troy.

B. Common Open Space: Common open space, other common properties and facilities, individual properties, and all other elements of a Open Space Preservation district shall be so planned that they will achieve a unified open space, community green or plaza and recreation area system, with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands. All land within a development that is not devoted to a residential unit, an accessory use, vehicle access, vehicle parking, a roadway, or an approved land improvement, shall be permanently set aside as common land for community use, recreation or conservation.

C. Areas Not Considered Open Space: The following land areas are not included as dedicated open space for the purposes of this Section:

1. Area proposed as single family residential lots.

2. Area proposed as limited common elements of condominium developments, or land within a condominium development, which is convertible to general common elements that will not remain in a perpetually undeveloped state or land convertible to limited common elements.

3. The area of any street right-of-way or equivalent private road easement.

D. Location of Open Space: Common open space shall be planned in locations generally visible and accessible to all residing within the Open Space Development. The common open space may be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development.

E. Protection of Open Space

1. The dedicated open space shall be set aside by the developer through an irrevocable conveyance that is found acceptable to the City, such as: recorded deed restrictions, restrictive covenants, or conservation easements, plat dedication, or other legal means that run with the land. As used in this section, the phrase "conservation easement" means an interest in land that provides limitation on the use of land or a body of water or requires or prohibits certain acts on or with respect to the land or body of water, whether or not the interest is stated in the form of a restriction, easement, covenant, or condition in a deed, will or other instrument executed by or on behalf of the owner of the land or body of water or in an order of taking, which interest is appropriate to retaining or maintaining the land or body of water, including improvements on the land or body of water, predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use, or similar use or condition.

2. Such conveyance shall assure that the open space will be protected from all forms of development, except as shown on an approved site plan, and shall never be changed to another use. Such conveyance shall:

a. Indicate the proposed allowable use(s) of the dedicated open space.

b. The dedicated open space shall forever remain open space, subject only to uses authorized by state law and approved by the City on the approved site plan or

subdivision plat. Open space may include a recreational trail, children's play area, greenway or linear park.

Yeas:	Nays:	Absent:
All present (8)		Vleck

MOTION CARRIED

7. OPEN SPACE PRESERVATION AMENDMENT

Discussions were held by the Commission on the proposed Zoning Ordinance Text Amendment Open Space Preservation Amendment. It was agreed that the Commission is ready to move forward.

Mr. Waller commented that Open Space should be put on GIS.

6. ORDINANCE REVISION DISCUSSION (ZOTA 194) – Residential Development Options - Open Space Preservation

Mr. Chamberlain asked if there were any comments regarding the draft ordinance.

Ms. Lancaster stated that she thought it was good although she questioned C.4 saying it leaves too much discretion under C and that we may not want to put it under C. It may be better to put it under A.

Mr. Chamberlain stated that C.4 becomes A.5.

Ms. Lancaster stated that under State Law, once a land owner uses this, they can no longer use it again. Once the property owner chooses to use this on a specific parcel, he can no longer make any further requests.

Mr. Miller stated that we should clarify what kinds of condominiums are permitted and asked the Commission if they wanted detached condominiums exclusively.

Mr. Chamberlain asked, can we change State Law?

Ms. Lancaster stated that State Law doesn't really address the types of structures permitted.

Mr. Miller stated that maybe we should find a new location for that requirement. Move second sentence in C.1 to 4.e.

Mr. Chamberlain asked does this take care of our deadline in December with the City?

Mr. Miller replied, yes.

Mr. Starr asked, does the State Law require any minimum size?

Mr. Miller replied, no it doesn't. We need to address that minimum amount of area preserved; 20% of the open space.

Ms. Lancaster stated that this is the developer's choice by ownership.

Mr. Littman stated that 20% is fine with him. Is that what the State specifies. If we want, can we make it 30% or 40%?

Mr. Miller answered, yes. Further, the number of units per acre with or without sewers, in relation to the State Law, dictates only the R-1A and R-1B zoning districts are affected by this State Law and Amendment.

Mr. Chamberlain stated we will see this again in two (2) weeks and will then set up a public hearing for our regular meeting in September.

9. UNIFIED SITE DEVELOPMENT OVERLAY DISTRICT - Corrected OPEN SPACE PRESERVATION

Mr. Chamberlain stated that what we got in this package is wrong. We've got to get in front of City Council, the Cluster, and hopefully Mark's got something for us to see and hear other than what was handed to us. This thing is called Chapter 37.10.00. of the Zoning Ordinance, Article XXXVII.

Mr. Miller stated, that previously, we handed out to you the amendments to the City and Village Zoning Act, which created the open space preservation provisions, which basically state that the R-1A and R-1B zoning districts, by right of ownership, if 20% is preserved in a natural state, you would be able, by right, to do a cluster development. And in effect, this has to be adopted by us to comply with the State Act provisions by December 15, 2002.

Mr. Chamberlain asked, so the issue then of what Council did a meeting or so ago wanting something from us by September, we're not addressing that?

Mr. Miller stated that is exactly what we're addressing. So from a strategic standpoint, what I would like to propose is to revise the whole cluster ordinance. However, I'm not sure if that's a wise route, because we have to address the State Act separately. There are two different issues. This is a first shot at this, and it only addresses compliance with the State Act. It is not addressing a complete rewrite of cluster provisions.

Mr. Chamberlain stated, then this takes care of their Finch Road spot, right?

Ms. Lancaster asked if Finch Road was R-1A or R-1E.

Mr. Miller stated it was R-1B. One thing noted is that they would comply within this framework if they elected to take this route. But, the way this is written with the parallel plan, the density will not exceed a subdivision development. When you lay out a subdivision, you almost never can maximize density, because it would have to be perfect dimensions to put a street in, including lot depth and width. So you never max out the density. But when you cluster, you can maximize the density. Also, there is a little bonus in our current ordinance. So what we did in this ordinance is that you have to prepare a parallel plan as part of the submittal. A subdivision layout with at least the minimum requirements for R-1A or R-1B, and you have to lay out a road 60 foot wide, and put in the lots and if you have regulated wetlands you can't build on those wetlands. That's the problem with the way our current cluster ordinance is written. You take a wetland area, and look at the poster child, Rochester Villa, you can take all that potential density, and you shift it and cram it into one area. So actually you're overbuilding beyond what you could have because it was unbuildable to begin with. So you submit a parallel plan, we make sure it complies with the current requirements in that it can be built as a traditional development. That gives you your density. It's

an actual density so you're not overbuilding the site. That's the premise with this proposal. If you disagree with that, we need to know, because that's the basic premise of this ordinance in front of you.

Mr. Chamberlain asked the Board if they understood what Mr. Miller just presented.

Mr. Kramer replied, yes, but that could be less than our ordinance allows, right?

Mr. Miller said it will be because our ordinance has ultimate density, for instance, 3.8 units an acre. But whenever you divide subdivisions, you never get that density.

Mr. Kramer asked, so your parallel preparation would indicate that maybe your max density would be 2.5 per acre, and that's all they could build under this.

Mr. Miller stated the reasoning for that is, in effect, with clustering, you're overbuilding beyond when compared to traditional lots in subdivisions. Why should you overbuild?

Mr. Chamberlain stated, and maybe at the same time really putting a strain on the infrastructure.

Mr. Miller replied, right. And that's the premise in doing the parallel plan.

Ms. Lancaster stated the mandatory things in here from the State Act are set out in the shell provision which is eligibility criteria, see on page 2. Those are the things that are mandated by the state, so when you read through there, that's coming right out of the open space preservation option. Those are the things we are required to do and also F, which is the twenty (20) percent.

Mr. Savidant stated that the State Act says a minimum of twenty (20) percent open space. So that's what's in there now, twenty (20) percent. Do you want to go thirty (30) percent, do you want to go fifty (50) percent? Twenty (20) percent is a minimum.

Mr. Chamberlain stated there would be a task force comprised of a couple of the Commissioners, Mr. Savidant out of the Planning Department and Ms. Lancaster out of the Legal Department to work on this throughout the next couple of weeks and bring it to fruition and bring it back into the Board in late August or early September so that we can meet the City Council's deadline.

Mr. Savidant stated he was passing out copies of CR-1 for comparison so that it kind of gives you some insight as to where we are going with this thing. One think that Mr. Miller and I talked about was requiring if there was an adjacent trailway or planned trailway, to provide a connection through the area of open

space so you can expand and improve the system of non-motorized trails. So there are some things like that. We can add in there, taking yourself a little bit further away from the bare bones of the state requirements, but it makes the text a little more appropriate for the City of Troy, but I don't want to say too much because you haven't had a chance to read this yet. I think next meeting there's going to be some good conversation.

Mr. Miller stated that this just gives the developer the option to be able to cluster if they so desire. They don't have to use this. Personally, I think clustering is a great thing, however, I do not like our current cluster ordinance because it does two things. One, if you have a natural feature, you get to calculate your density from there, even if it's a preserved area, and in effect you're jacking up the density. Second, goes back to why we want a parallel plan, the current CR-1 increases density.

Ms. Lancaster asked, the density isn't really getting jacked up because of the state law, but the reason it's getting jacked up is because they now can change their spacing to get more houses where they wouldn't get in a traditional development.

Mr. Miller stated that's one way. Another way is our current ordinance allows you to use your calculation on unbuildable areas, and I'm trying to prevent that. You should not allow unbuildable areas to be used in your density calculation.

Shouhayib Investment Co.
Choice Development Corp.

Choice Properties, Inc.
Choice Marketing, Inc.

REC'D
AUG 23 2002
PLANNING DEPT.
☐ Mark
☒ Brent
☒ ZOTA
File

August 22, 2002

City of Troy Planning Commission
500 W. Big Beaver Road
Troy, Michigan 48084

RE: Proposed open space preservation development

Dear Commissioners:

It is my understanding that the above referenced subject will be discussed at the Planning Commission Study meeting on August 27, 2002, or September 10, 2002.

In reading the proposed open space preservation option development, I have the following comments.

1. Density should be based on the current zoning not on what is called "parallel plan" especially when the parallel plan yields less density than the current zoning will allow.
2. Over all density shall be equal to the density allowable by the current zoning. Needless to say that the current cluster district based on the underlying zoning provide for a bonus density. In the absence of a bonus density at least you should keep density the same as that of the current zoning.
3. Setbacks, front set back of thirty five (35) feet is good, rear set back should be thirty five (35) feet in order to provide flexibility in applying the cluster option. If the site is surrounded by different zoning classification then the least allowable rear setback should be used not to exceed thirty five (35) feet. Side set backs should be kept at a minimum of fifteen (15) feet.
4. Open space should be limited to fifteen percent, not twenty percent.

755 W. Big Beaver Road, Suite 1275, Troy, Michigan 48084 • (248) 362-4150 FAX (248) 362-4154

5. In general the proposed open space preservation development should have provisions that help develop difficult shape parcel configuration.

I thank you for taking these comments into consideration.

Sincerely,
Choice Development Corporation

Youssef (Joe) Chehayeb
Vice President

Cc: Planning Commissioners
Mr. John Szerlag, City Manager
Mr. Mark Miller, Planning Director

October 10, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: Section 1 Golf Course – Parking Lot Screening

As part of Council's meeting on October 7, 2002, the required screening of the Section 1 Golf Course parking lot was discussed (item E-6). Chapter 39, Section 39.10.01 (B) requires a 4' 6"-high obscuring wall for off-street parking in C-F zoned districts. As the golf course property is zoned C-F, screening is required.

As part of the site plan approval, the Planning Commission added 17 caveats, one of which (#10) stated: "To shield the residential property immediately west of the maintenance shed and club house area, the City shall apply for a variance from the Board of Zoning Appeals for the construction of a landscape berm instead of a wall. This berm shall be planted with evergreen-type trees to shield noise and trees." Chapter 39, Section 39.10.04 allows the BZA to grant this variance. This condition was also part of Council Resolution #2002.08.455 approved on August 5, 2002.

What was brought to Council on October 7, 2002 was a proposed resolution to allow installation of the required wall. This request was based on the fact that there will no longer be an occupied residence to the immediate west of the maintenance building. Also the required wall is only for screening of the parking lot (approximately 240'), not the entire west property line (approximately 800').

Discussion regarding this request included the proposed use of the recently purchased property to the west (Mead) as well as requesting a variance of the screening altogether for possibly a two year time period.

First, the Mead property, or portions of it, probably will be sold some time after completion of the golf course. As the property is zoned residential, the screening requirement would not be eliminated. Waiting for completion of the golf course would allow any potential buyer/developer to know exactly what the adjacent site conditions are to develop desired screening of the buildings depending on how much of the property would be available for sale. The Real Estate & Development Department does not feel the value of the property sold would be any different with a wall or a landscape berm.

Waiting until we finish the golf course to install the screening only delays the installation. Lacking a variance, screening will be required and, as previously stated, City management is not in favor of seeking variances on any public project.

Based on this expanded explanation, hopefully we have answered Council's concerns to allow installation of a 4' 6"-high obscuring wall as required by ordinance rather than obtain a variance to install a landscape berm.

October 14, 2002

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Steven Vandette, City Engineer
John Abraham, Traffic Engineer
Doug Smith, Real Estate and Development Director

SUBJECT: Traffic Signal Maintenance Cost Agreement for signal at Crooks and Butterfield –Postponed Item

This item was considered by the City Council at the September 9 meeting and was postponed to the January 6, 2003 meeting for more information. Enclosed please find a letter from Kelly Services that responds to the questions and concerns that City Council had regarding the traffic signal.

The traffic 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). Kelly Services supports the signal to operate in flashing mode after hours, similar to the signal at Crooks and Wilshire. At the moment Crooks and Wilshire operates on a flash mode (flashing yellow for Crooks and flashing red for Wilshire) between 11PM and 6AM on weekdays and entire day on Saturdays and Sundays.

Based on the traffic volumes in Kelly's September 2002 traffic consultant study, the RCOC indicated that a flash schedule similar to that at Wilshire can be implemented at this intersection. Road Commission officials indicate that this will be a "semi-actuated" signal that provides priority to movement of traffic on Crooks, and Butterfield will get a green only if there are vehicles that are waiting to exit Butterfield (similar to most traffic signal locations where a major street intersects a minor street). The City will continually monitor traffic operations at the signal light and recommend changes, if required, to the Road Commission.

Kelly Services has agreed to pay for the cost of installation of the signal and, as proposed, the on-going maintenance costs are to be shared between RCOC and the City. The City's share of maintenance costs will be 33.33% of the total annual maintenance costs (approximately $2,000), since 1/3 of the intersection is a city street (Butterfield). Management has supported Kelly's request for this signal because of the increased traffic from the Regency Park apartments on Butterfield, and is in full agreement with the need for the signal to include a flash schedule similar to the Wilshire signal.

KELLY
SERVICES

October 8, 2002

Troy City Council
500 West Big Beaver
Troy, Michigan 48084

Re: Request to reconsider maintenance agreement for traffic signal with Road Commission at October 21, 2002 Council meeting

Honorable Mayor and City Council:

At your September 9 meeting, Council postponed voting on the Crooks and Butterfield traffic signal maintenance agreement so members could hear in more detail: why Kelly Services has requested this traffic signal; its justification; what traffic signal warrants are met; what affect the new signal will have on motorists in the area; and whether the signal would need to be fully operational all day and all night.

Background on Kelly Request

Kelly Services' headquarters has been located at the southeast corner of Big Beaver Road and Crooks Road for nearly twenty five years. Over time, our management team and employees have seen a dramatic increase in vehicle crashes in this area, increased difficulty for employees and visitors to safely enter and exit Kelly, and growing traffic congestion affecting all motorists along the Crooks Road corridor and the Big Beaver Road corridor.

In late 2000 and 2001, two events occurred which further raised our concerns about traffic safety and congestion. First, Butterfield Road, which had been a narrow, gravel road, was paved its entire length from Big Beaver to its intersection at Crooks. In addition, construction began on nearly three hundred mid-rise apartment units, located on Butterfield. Because of our concerns these two events would have on traffic safety, Kelly hired Birchler Arroyo Associates, Inc., a Southfield, Michigan based community planning and traffic consulting firm to examine this segment of the Crooks Road corridor and surrounding area. The chief author of this traffic engineering analysis was William A. Stimpson, P.E., a nationally recognized traffic engineer. Mr. Stimpson is a Fellow of the Institute of Traffic Engineers, a member of the Transportation Research Board and he has over thirty years of research and operational experience in traffic engineering, with extensive experience in traffic safety and site planning.

999 WEST BIG BEAVER ROAD • TROY, MICHIGAN 48084-4782
TELEPHONE (248) 362-4444

When Mr. Stimpson's study was completed in 2001, copies were provided to the City of Troy and to the Road Commission for Oakland County (RCOC), the agency which has jurisdiction over Crooks Road. Both the RCOC and the City subsequently agreed to the installation of a traffic signal at the intersection of Crooks Road and Butterfield Road, provided the capital costs would be covered by Kelly. Capital costs at that time were estimated to be one hundred thousand dollars. Later, the City indicated their preference for a specific type and style of hardware and equipment, with a capital cost approximating two hundred thousand dollars. Also, Mr. Stimpson conducted a traffic volume study at the Crooks and Butterfield intersection in September, 2002 which confirmed that current traffic volumes satisfy Traffic Signal Warrant 2, Warrant 9, and Warrant 11.

New Signal Impact on Motorists

Motorists driving on Crooks Road today experience a significant amount of stop and go traffic, and many motorists perceive the current traffic signals are a major part of the problem. Unfortunately, they are right. The Stimpson analysis showed no systematic lag (or offset) in the start of green at the consecutive signals located on Crooks between Big Beaver and Maple. As a result, many of the vehicles starting up from one signal are unable to proceed through the next signal downstream without stopping. This lack of signal coordination and timing creates needless congestion i.e., stop and go traffic.

The study went on to say that achieving optimum signal coordination in both directions of travel simultaneously requires uniform, or nearly uniform signal spacing. A new traffic signal at Crooks and Butterfield would be about eight hundred feet from Big Beaver, essentially the same distance to the south as the existing Wilshire signal is to the north. The average of the four signal spacings between Wilshire and Maplelawn would be about one thousand feet. (see Figure 2, attached).

Another cause of traffic congestion along Crooks Road today is the *partially completed* traffic signal installation at Crooks and Kirts. Since automatic traffic detectors have not yet been installed and connected to the Kirts signal, a basic timer is now being used to regulate the signal timing, resulting in excessive stop and go traffic. However, motorists will notice a marked improvement in traffic progression through the Kirts intersection once the installation is completed. Improved Crooks signal spacing, along with signal coordination and updated signal timing calibration by the Road Commission will result in improved progressive traffic flow along Crooks Road. In addition, improvement in progressive traffic flow normally reduces the incidence of rear-end crashes, which should result in a safer Crooks Road corridor for all motorists.

KELLY

Hours of Operation

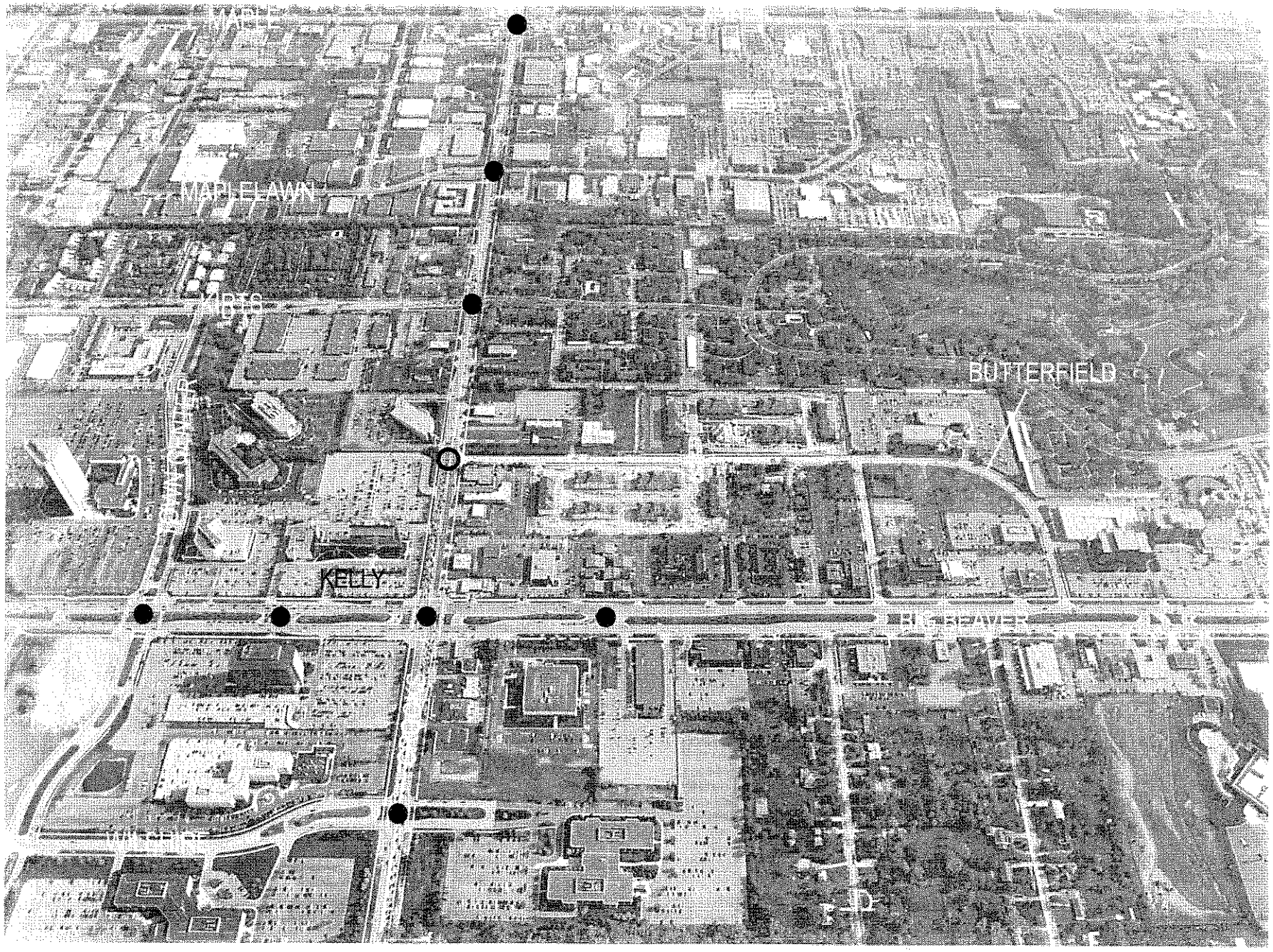
Kelly Services will support the Crooks Road and Butterfield Road traffic signal functioning in a flashing yellow mode after hours, similar to the current operation of the Wilshire signal.

In summary, we believe this important safety project should move forward in a timely manner for the additional safety and convenience of all motorists driving the corridor. Kelly Services will appreciate your positive vote for the joint maintenance agreement with the RCOC; I plan to attend the Council meeting to answer questions.

Sincerely,

David R. Hay, Senior Director
Corporate Management
Kelly Services, Inc.

c. Mr. John Szerlag, City Manager
Mr. John Abraham, City Traffic Engineer



● Existing Signal

○ Proposed Signal

Figure 2. Traffic Signals

BIRCHLER ARROYO ASSOCIATES, INC.

October 3, 2002

Mr. David Hay
Kelly Services
999 W. Big Beaver Rd.
Troy, MI 48084-4782

BIRCHLER ARROYO
ASSOCIATES, INC.

Subject: Evaluation of Traffic Signal Warrants at Crooks and Butterfield

Dear Mr. Hay:

As requested, we have evaluated current traffic conditions at the Crooks / Butterfield intersection against warrants for traffic signal installation found in the *Michigan Manual of Uniform Traffic Control Devices (MMUTCD).* Attached to this letter you will find a five-page summary of the specific warrants evaluated.

Automatic (hose) counts for this study began Friday evening, September 13 and continued until late afternoon on the following Thursday, September 19, 2002 (detailed count results are available upon request). Consistent with the MMUTCD's stipulation that warrants be evaluated for an "average day," our study utilized approach-specific hourly counts averaged over the weekdays of September 16-19, 2002.

We also requested and received from the *Traffic Improvement Association* a listing of police-reported crashes occurring at and near the intersection between 1997-1999, inclusive (the latest three years of data now available). While crash frequency can be expected to vary significantly from year-to-year, we are a bit puzzled as to why the number of crashes reported was 6, 0, and 6 for 1997, 1998, and 1999, respectively (it seems odd that there would be no crashes at all in 1998, given the experience in the adjacent years).

As shown in Table 1, attached, **current traffic volumes satisfy:**

- ❑ **Warrant 2 (Interruption of Continuous Traffic).**
- ❑ **Warrant 9 (Four-Hour Volumes), over seven (not just four) hours.**
- ❑ **Warrant 11 (Peak-Hour Volume), over five hours (not just one hour).**

Our review of available crash data found that four of twelve reported crashes could have been avoided had a signal been present (Table 3). Two of these involved personal injury(ies). Given that the two preventable crashes in 1999 occurred in January, it is possible that there may have been another three preventable crashes in the preceding 12 months (if, for some reason, there were some 1998 crashes after all). If the latter was true, Warrant 6 (Accident Experience) would be met as well (Table 2 shows that the volume portion of Warrant 6 *was* met).

20245 West Twelve Mile Road
Suite 200
Southfield, MI 48076-6407
248.213.1776 Voice
248.213.1793 Fax

BIRCHLER ARROYO
ASSOCIATES, INC.

While meeting three signal installation warrants does not require the installation of a signal, it does provide more than a minimum basis for such an improvement. It is also important to realize that volumes on Butterfield will only increase as apartment occupancy continues to rise and additional office buildings are constructed near the west end of the street. Hence, it is reasonable to expect that an even stronger justification for the planned signal will exist in years to come.

Sincerely,
BIRCHLER ARROYO ASSOCIATES, INC.

William A. Stimpson

William A. Stimpson, P.E., PTOE
Senior Traffic Engineer

Attachments

Table 1. Evaluation of Signal Warrants 1, 2, 9, & 11 at Crooks & Butterfield[1]

Hour Beginning	Hourly Volumes		Warrant 1 (8 hrs)			Warrant 2 (8 hrs)			W9 (4 hrs)	W11 (1 hr)
	Crooks - Major Road NB + SB	Butterfield - Minor Road: EB	Meets MajorStreet Warrant? (420)	Meets MinorStreet Warrant? (140)	Meets Both Warrants?	Meets MajorStreet Warrant? (630)	Meets Minor Street Warrant? (70)	Meets Both Warrants?	Meets Warrant? (80)[2]	Meets Warrant? (100)[3]
12 a.m.	212	6								
1 a.m.	129	4								
2 a.m.	87	2								
3 a.m.	103	2								
4 a.m.	169	6								
5 a.m.	605	11	Y							
6 a.m.	1535	29	Y			Y				
7 a.m.	2631	52	Y			Y				
8 a.m.	2864	67	Y			Y				
9 a.m.	2060	58	Y			Y				
10 a.m.	1890	66	Y			Y				
11 a.m.	2261	103	Y			Y	Y	Y	Y	Y
12 p.m.	2638	147	Y	Y	Y	Y	Y	Y	Y	Y
1 p.m.	2448	108	Y			Y	Y	Y	Y	Y
2 p.m.	2320	76	Y			Y	Y	Y		
3 p.m.	2500	83	Y			Y	Y	Y	Y	
4 p.m.	2712	111	Y			Y	Y	Y	Y	Y
5 p.m.	2832	117	Y			Y	Y	Y	Y	Y
6 p.m.	2222	81	Y			Y	Y	Y	Y	
7 p.m.	1596	52	Y			Y				
8 p.m.	1326	44	Y			Y				
9 p.m.	1005	18	Y			Y				
10 p.m.	586	18	Y							
11 p.m.	399	11								
Total	37130	1267	Yes	No	NO	Yes	Yes	YES	YES	YES

Ref: *Michigan Manual of Uniform Traffic Control Devices (MMUTCD)*, published in 1994 by the Michigan Departments of Transportation and State Police.

[1] Since the posted speed limit on Crooks is 45 mph and it is therefore reasonable to assume that the 85th percentile speed exceeds 40 mph, the MMUTCD's so-called "rural" warrants apply (70% of the so-called "urban" warrants).

[2] Minor road (Butterfield) approach volume when two-way hourly volume on major road (Crooks) is 900 vehicles or more.

[3] Minor road (Butterfield) approach volume when two-way hourly volume on major road (Crooks) is 1200 vehicles or more.

Table 2. Evaluation of Signal Warrant 8 at Crooks & Butterfield[1]

Hour Beginning	Hourly Volumes		80% of Warrant 1 (8 hrs)			80% of Warrant 2 (8 hrs)			Warrant 8 (8 hrs)
	Crooks - Major Road NB + SB	Butterfield - Minor Road: EB	Meets MajorStreet Warrant? (336)	Meets MinorStreet Warrant? (112)	Meets Both Warrants?	Meets MajorStreet Warrant? (504)	Meets Minor Street Warrant? (56)	Meets Both Warrants?	Meets 80% of Warrants 1 & 2?
12 a.m.	212	6							
1 a.m.	129	4							
2 a.m.	87	2							
3 a.m.	103	2							
4 a.m.	169	6							
5 a.m.	605	11	Y			Y			
6 a.m.	1535	29	Y			Y			
7 a.m.	2631	52	Y			Y			
8 a.m.	2864	67	Y			Y	Y	Y	
9 a.m.	2060	58	Y			Y	Y	Y	
10 a.m.	1890	66	Y			Y	Y	Y	
11 a.m.	2261	103	Y			Y	Y	Y	
12 p.m.	2638	147	Y	Y	Y	Y	Y	Y	Y
1 p.m.	2448	108	Y			Y	Y	Y	
2 p.m.	2320	76	Y			Y	Y	Y	
3 p.m.	2500	83	Y			Y	Y	Y	
4 p.m.	2712	111	Y			Y	Y	Y	
5 p.m.	2832	117	Y	Y	Y	Y	Y	Y	Y
6 p.m.	2222	81	Y			Y	Y	Y	
7 p.m.	1596	52	Y			Y			
8 p.m.	1326	44	Y			Y			
9 p.m.	1005	18	Y			Y			
10 p.m.	586	18	Y			Y			
11 p.m.	399	11	Y						
Total	37130	1267	Yes	No	NO	Yes	Yes	YES	NO

Ref: *Michigan Manual of Uniform Traffic Control Devices (MMUTCD)*, published in 1994 by the Michigan Departments of Transportation and State Police.

[1] Since the posted speed limit on Crooks is 45 mph and it is therefore reasonable to assume that the 85th percentile speed exceeds 40 mph, the MMUTCD's so-called "rural" warrants apply (70% of the so-called "urban" warrants).

Table 3. Recent Crash History at Crooks & Butterfield[1]

Year	Date	Crash Type						Crash Severity		
		Angle	Head-On	Sideswipe		Rear-End	Single-Vehicle	Fatal	Personal Injury	Property Damage Only
				Opposite Direction	Same Direction					
1999	12/02				▲					▲
	09/08				▲					▲
	07/20	▲								▲
	03/12					▲				▲
	01/28	▲							▲	
	01/06	▲								▲
1998	No crashes reported.									
1997	12/10	▲							▲	
	07/24	▲								▲
	06/18	▲								▲
	06/03	▲							▲	
	05/02	▲							▲	
	01/28					▲			▲	
Total		8	0	0	2	2	0	0	5	7

[1] Crashes in shaded rows potentially avoidable with installation of traffic signal. Angle crashes shown in unshaded rows occurred at nearby driveways, not the intersection proper.

BACKGROUND ON SIGNAL WARRANTS

The *Michigan Manual of Uniform Traffic Control Devices (MMUTCD)* – recognized by State law as embodying the official standards for traffic control devices on all public roads – describes a total of eleven different signal warrants. Some are irrelevant to the situation involved in the present study, and some require fairly involved data collection and analysis. Warrants in the latter category are generally not worth evaluating unless simpler warrants are first found not to be met.

Warrants Evaluated

This study focused on the six signal warrants dealing only with some combination of conflicting traffic volumes and/or crash history:

- ❑ Warrant 1, Minimum Vehicular Volume
- ❑ Warrant 2, Interruption of Continuous Traffic
- ❑ Warrant 6, Accident Experience
- ❑ Warrant 8, Combination of Warrants
- ❑ Warrant 9, Four-Hour Volumes
- ❑ Warrant 11, Peak-Hour Volume

It is important to realize that meeting one or more signal warrants establishes a basis for, but does not require, the installation of a signal. Traffic signals penalize through traffic with additional stops, delays, and occasional rear-end crashes, and should be considered only if the benefits to side-street traffic clearly outweigh the disadvantages to through traffic. Generally, the greater the number of warrants met, the greater the amount by which the advantages of signal installation will outweigh the disadvantages. In a reasonable effort to assess this trade-off, this study continued to evaluate all six listed warrants even after finding a single one satisfied.

Warrant 1, Minimum Vehicular Volume

The Minimum Vehicular Volume warrant is intended for application where the volume of intersecting traffic is the principal reason for consideration of signal installation. The warrant is satisfied when, for each of any eight hours of an average day, the traffic volumes given in the table below exist on the major street and on the higher-volume minor-street approach to the intersection. An "average" day is defined as a weekday representing traffic volumes normally and repeatedly found at the location. These major-street and minor-street volumes are for the same eight hours.[1]

Number of Lanes on Each Approach of Major Street	Number of Lanes on Each Approach of Minor Street	Veh/Hour on Major Street: Total of Both Approaches[2]	Veh/Hour on Minor Street: Higher-Volume Approach[2]
1	1	500 / 350	150 / 105
2 or more	1	600 / 420	150 / 105
2 or more	**2 or more . . . . . .**	600 / **420**	200 / **140**
1	2 or more	500 / 350	200 / 140

Note: Bolded values are the ones applicable in this particular evaluation.

[1] Michigan Departments of Transportation and State Police, *Michigan Manual of Uniform Traffic Control Devices*, 1994.

[2] When 85-percentile speed of major-street traffic is 40 mph or less, use the first value; for higher speeds, use the second value.

Warrant 2, Interruption of Continuous Traffic

The Interruption of Continuous Traffic warrant applies to operating conditions where the traffic volume on a major street is so heavy that traffic on a minor intersecting street suffers excessive delay in entering or crossing the major street. The warrant is satisfied when, for each of any eight hours of an average day, the traffic volumes given in the table below exist on the major street and on the higher-volume minor-street approach to the intersection, and the signal installation will not seriously disrupt progressive traffic flow. These major-street and minor-street volumes are for the same eight hours.[1]

Number of Lanes on Each Approach of Major Street	Number of Lanes on Each Approach of Minor Street	Veh/Hour on Major Street: Total of Both Approaches[2]	Veh/Hour on Minor Street: Higher-Volume Approach[2]
1	1	750 / 525	75 / 53
2 or more	1	900 / 630	75 / 53
2 or more	**2 or more**	900 / **630**	100 / **70**
1	2 or more	750 / 525	100 / 70

Note: Bolded values are the ones applicable in this particular evaluation.

Warrant 6, Accident Experience

The Accident Experience warrant is satisfied when adequate trial of less restrictive remedies with satisfactory observance and enforcement has failed to reduce the accident frequency.[1] The warrant is satisfied when five or more reported accidents, of types susceptible to correction by traffic signal control, have occurred within a 12-month period, and traffic volumes meet at least 80 percent of the minimum levels specified in Warrant 1 or Warrant 2 (above).

Warrant 8, Combination of Warrants

In exceptional cases, signals occasionally may be justified where no single warrant is satisfied but where Warrants 1 and 2 are satisfied to the extent of 80 percent or more of the stated values. Adequate trial of other remedial measures which cause less delay and inconvenience to traffic should precede installation of signals under this warrant.[1]

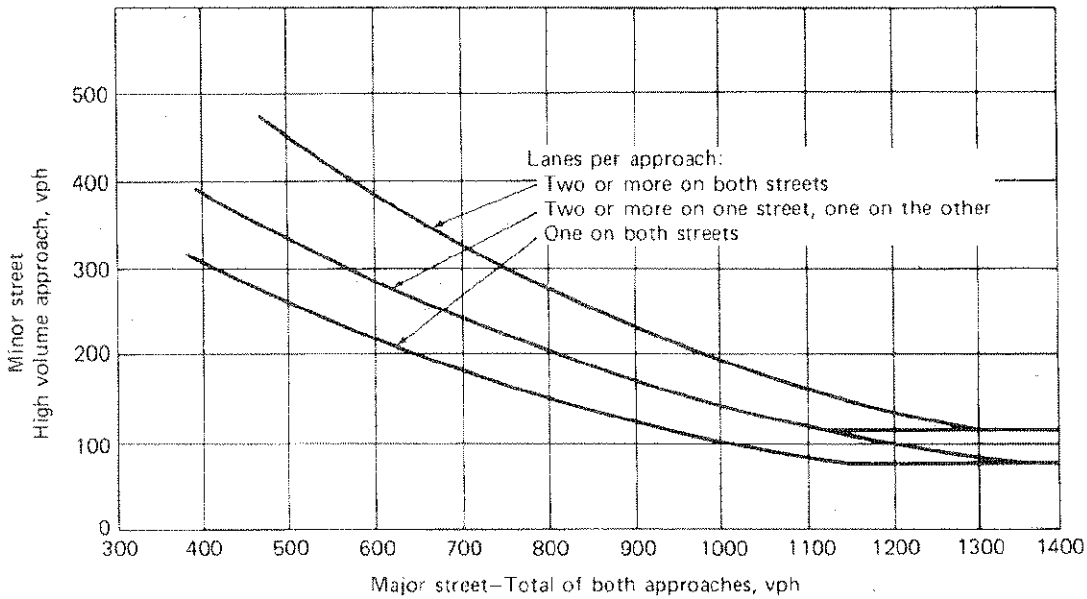
Warrant 9, Four-Hour Volumes

The Four-Hour Volume warrant is satisfied when, for each of any four hours of an average day the plotted point representing the vehicles per hour on the major street (total of both approaches) and the corresponding vehicles per hour on the higher-volume minor-street approach all fall above the curve in Figure 4-3 or Figure 4-4 [as applicable] for the existing combination of approach lanes.[1]

---

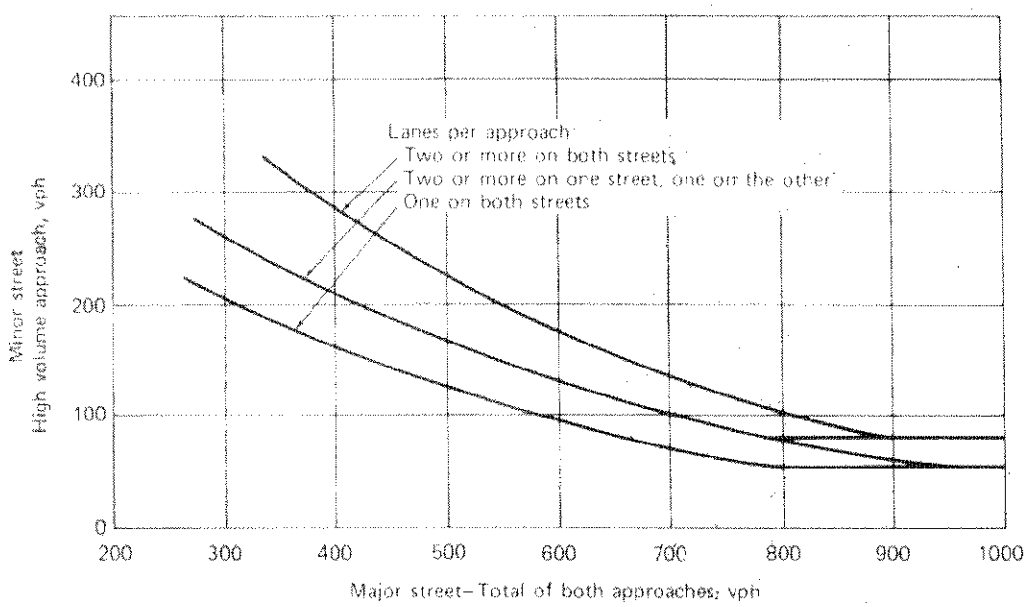
[1] Michigan Departments of Transportation and State Police, *Michigan Manual of Uniform Traffic Control Devices*, 1994.

[2] When 85-percentile speed of major-street traffic is 40 mph or less, use the first value; for higher speeds, use the second value.



Note: 115 vph applies as the lower threshold volume for a minor street approach with two or more lanes and 80 vph applies as the lower threshold volume for a minor street approach with one lane

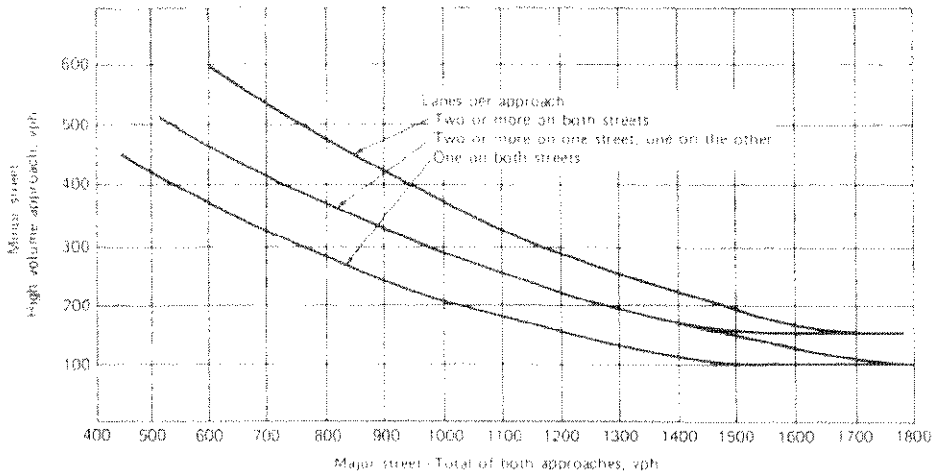
Figure 4-3. Four-hour volume warrant—urban locations. Warrant 9 [1]



Note: 80 vph applies as the lower threshold volume for a minor street approach with two or more lanes and 60 vph applies as the lower threshold volume for a minor street approach with one lane.

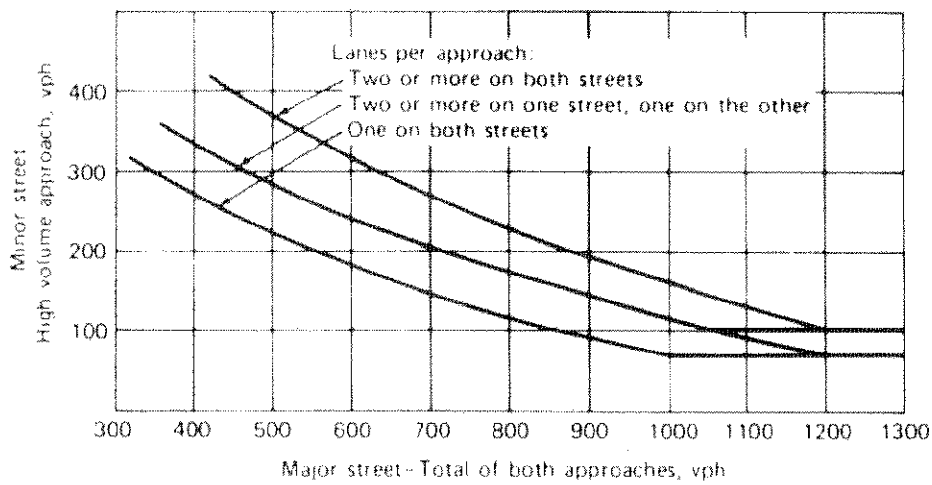
Figure 4-4. Four-hour volume warrant—rural locations. Warrant 9 [1]

[1] Source: Michigan Departments of Transportation and State Police, *Michigan Manual of Uniform Traffic Control Devices*, 1994. "Urban" represents an 85-percentile speed on major street of 40 mph or less, and "rural" represents an 85-percentile speed on major street exceeding 40 mph.



Note: 150 vph applies as the lower threshold volume for a minor street approach with two or more lanes and 100 vph applies as the lower threshold volume for a minor street approach with one lane

Figure 4-5. Peak hour volume warrant—urban or low speed (community over 10,000 population or below 40 mph on major street). Warrant 11.[2]



Note: 100 vph applies as the lower threshold volume for a minor street approach with two or more lanes and 75 vph applies as the lower threshold volume for a minor street approach with one lane

Figure 4-6. Peak hour volume warrant—rural or high speed (community less than 10,000 population or above 40 mph on major street). Warrant 11.[2]

[1] Source: Michigan Departments of Transportation and State Police, *Michigan Manual of Uniform Traffic Control Devices*, 1994. "Urban" represents an 85-percentile speed on major street of 40 mph or less, and "rural" represents an 85-percentile speed on major street exceeding 40 mph.

Warrant 11, Peak-Hour Volume

The Peak-Hour Volume warrant is intended for application when traffic conditions are such that for one hour of the day minor-street traffic suffers undue traffic delay in entering or crossing the major street. The warrant is satisfied when the plotted point representing the vehicles per hour on the major street (total of both approaches) and the corresponding vehicles per hour on the higher-volume minor-street approach falls above the curve in Figure 4-5 or Figure 4-6 [as applicable] for the existing combination of approach lanes.[1]

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[1] Michigan Departments of Transportation and State Police, *Michigan Manual of Uniform Traffic Control Devices*, 1994.

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 Percent	INSTALLATION Estimated Cost	MAINTENANCE Percent
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.

A Special Meeting of the Troy City Council was held Monday, October 7, 2002, at City Hall, 500 W. Big Beaver Road. Mayor Matt Pryor called the Meeting to order at 6:50 P.M.

ROLL CALL

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

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1 Technical Review of Items on the Agenda of the October 7, 2002 Regular City Council Meeting; *no decisions will be made.*

Resolution to Excuse Mayor Pro Tem Howrylak and Council Member Eisenbacher

Resolution #2002-10-540
Moved by Beltramini
Seconded by Lambert

RESOLVED, That Mayor Pro Tem Howrylak and Council Member Eisenbacher's absence be excused.

Yes: All-5
No: None
Absent: Eisenbacher, Howrylak

PUBLIC COMMENT

The meeting adjourned at 7:15 PM

_____
Matt Pryor, Mayor

_____
John M. Lamerato – Assistant City Manager/
Finance and Administration

A Regular Meeting of the Troy City Council was held Monday, October 7, 2002, at City Hall, 500 W. Big Beaver Road. Mayor Matt Pryor called the Meeting to order at 7:38 P.M.

INVOCATION AND PLEDGE OF ALLEGIANCE

The Invocation was given by Pastor Rob Ellis – Zion Christian Church and the Pledge of Allegiance to the Flag was given.

ROLL CALL

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

Resolution to Excuse Mayor Pro Tem Howrylak and Council Member Eisenbacher

Resolution #2002-10-541
Moved by Pallotta
Seconded by Lambert

RESOLVED, That Mayor Pro Tem Howrylak and Council Member Eisenbacher's absence be excused.

Yes: All-5
No: None
Absent: Eisenbacher, Howrylak

A-1 **Presentation:** Mayor Pryor introduced Connie Chang – Student Representative Candidate for the Historical Commission; Ms. Chang gave a brief introduction of herself to the Mayor, Council, City Staff and the members of the audience.

PUBLIC HEARINGS

C-1 Brownfield Redevelopment Authority – Stanley Door

Resolution #2002-10-542
Moved by Pallotta
Seconded by Lambert

RESOLVED, That the City Council of the City of Troy hereby **APPROVES** the Brownfield Plan for 1225 E. Maple submitted by REDICO for the cleanup and redevelopment of the site.

Yes: All-5
No: None
Absent: Eisenbacher, Howrylak

C-2 Commercial Vehicle Appeal – 2887 E. Wattles Road

Resolution #2002-10-543
Moved by Pallotta
Seconded by Lambert

RESOLVED, That the Public Hearing for the request for Commercial Vehicle Appeal – 2887 E. Wattles Road be **POSTPONED** to the Regular City Council Meeting scheduled for October 21, 2002.

Yes: All-5
No: None
Absent: Eisenbacher, Howrylak

C-3 Preliminary Site Plan Approval (SP-#883) – Medical Office Building, Southeast Corner of Livernois and South Boulevard – Section 3 – O-1 & R-1B

Resolution #2002-10-544
Moved by Beltramini
Seconded by Pallotta

RESOLVED, That Preliminary Site Plan Approval, pursuant to a consent judgment, for a proposed Medical Office Building, located on the southeast corner of South Boulevard and Livernois within Section 3, in the O-1 and R-1B Zoning Districts, is hereby **POSTPONED** to the Regular City Council Meeting scheduled for October 21, 2002.

Yes: All-5
No: None
Absent: Eisenbacher, Howrylak

RECESS: 8:43 PM – 9:04 PM

C-4 Zoning Ordinance Text Amendment (ZOTA #194) – Articles 10.20.08 & 34.60.00 R-1A & R-1B Open Space Preservation

Resolution #2002-10-545
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That Articles 10.20.08 & 34.60.00 R-1A & R-1B Open Space Preservation, of the Zoning Ordinance be **POSTPONED** to the Regular City Council Meeting scheduled for October 21, 2002 and added to the agenda of the Study Session scheduled for October 14, 2002.

Yes: All-5
No: None
Absent: Eisenbacher, Howrylak

PUBLIC COMMENT:

A. Items on the Current Agenda

F-5 Final Plan Approval – Pearl Estates Site Condominium – 3 Units – North of Long Lake Road – West of Dequindre Road – Section 12

Resolution #2002-10-546
Moved by Pallotta
Seconded by Beltramini

RESOLVED, That the Final Plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential development) for the development of a One-Family Residential Site Condominium known as Pearl Estates, in the area north of Long Lake Road and west of Dequindre Road, be **APPROVED** as recommended by City Management.

Yes: All-5
No: None
Absent: Eisenbacher, Howrylak

F-6 Proposed Amendment to Consent Judgment

Resolution #2002-10-547
Moved by Pallotta
Seconded by Lambert

RESOLVED, That the Stipulation and Order Amending Consent Judgment between Meritor Automotive, Inc./The Nelson Companies, Inc. and the City of Troy is hereby **APPROVED**. The Mayor and City Clerk are authorized to execute the document, and a copy is to be attached to the original Minutes of this meeting.

Yes: All-5
No: None
Absent: Eisenbacher, Howrylak

G-9 Memorandum – Re: Charter Revision Committee

G-13 Memorandum – Re: Request for Direction on How to Proceed with Economic Modeling for the Civic Center Site

B. Items Not on the Current Agenda

CONSENT AGENDA

E-1 Approval of Consent Agenda

Resolution #2002-10-548
Moved by Pallotta
Seconded by Broomfield

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-2, E-6, and E-9, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-5
No: None
Absent: Eisenbacher, Howrylak

E-3 Proposed City of Troy Proclamations

Resolution #2002-10-548-E-3

RESOLVED, That the following City of Troy Proclamations be **APPROVED**:

(a) National Breast Cancer Awareness Month
(b) Service Proclamation in Recognition of John Bruce

E-4 Budget Amendment – Request to Disburse Byrne Memorial Grant Funds

Resolution #2002-10-548-E-4

WHEREAS, The City of Troy was designated to receive funds from the Byrne Memorial Grant that provided funding to offset the cost of personnel assigned to the Metro Detroit Identity Theft Task Force and disburse the funds to participating agencies; and

WHEREAS, The City of Troy received $98,122.89 in Grant funds and will be disbursing $63,773.84 to the Auburn Hills Police Department and the Michigan State Police as the City's subcontractors.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council **AUTHORIZES** a budget amendment in the amount of $63,774.00 to facilitate the disbursement of funds received from the Byrne Memorial Grant to the Auburn Hills Police Department and the Michigan State Police.

E-5 Standard Purchasing Resolution 2: Award to Lowest Acceptable Bidder Meeting Specifications – Asphalt Paver with Trade-in

Resolution #2002-10-548-E-5

RESOLVED, That a contract to provide one (1) Leeboy Asphalt Paver Model 7000, with trade-in is hereby **AWARDED** to the lowest acceptable bidder meeting specifications, Colwell Equipment Company, at a total net cost of $51,760.00.

E-7 Standard Purchasing Resolution 3: Exercise Renewal Option for National Cooperative Purchasing Program (NACo) with Graybar & Grainger – Industrial/Commercial Products, Equipment, Supplies and Related Services

Resolution #2002-10-548-E-7

WHEREAS, On April 9, 2001, contracts to provide industrial/commercial products, equipment, supplies and related services to the City of Troy and participating Tri-County Purchasing Cooperative Members from the best value bidders, Graybar Electric Co. and Grainger Industrial Supply were approved through a “piggyback” addendum with Los Angeles County and the National Cooperative Purchasing Program Contract #57128/57141 (Resolution #2001-04-188-E-7); and

WHEREAS, The first of two one-year options to renew the contracts was exercised by Graybar Electric Co. and Grainger Industrial Supply under the same prices, terms, and conditions and have been extended to local government through the National Cooperative Purchasing Program (NACo) with the Troy City Council approving the contracts (Resolution #2001-10-499-E-9); and

WHEREAS, Both awarded bidders have agreed to exercise the second one-year option to renew the contracts on a month-to-month basis or until September 30, 2003, and extended through the National Cooperative Purchasing Program (NACo) under the same prices, terms, and conditions;

NOW, THEREFORE, BE IT RESOLVED, That the option to renew the contracts are **HEREBY EXERCISED** with Graybar and Grainger through the National Cooperative Purchasing Program (NACo) to provide industrial/commercial products, equipment, supplies and related services under the same contract prices, terms, and conditions on a month-to-month basis or until September 30, 2003.

E-8 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Motorola Alert Monitor Receivers for Firefighters

Resolution #2002-10-548-E-8

RESOLVED, That a contract to purchase (180) Motorola Minitor IV Selective Call Alert Monitor Receivers with programming, case engraving, and an extended five-year warranty is hereby **AWARDED** to the lowest total acceptable bidder, Adams Electronics Company, at unit prices

contained in the bid tabulation opened September 18, 2002 at an estimated total cost of $74,313.00, a copy of which shall be attached to the original Minutes of this meeting.

E-10 Standard Purchasing Resolution 4: Bid Award – National Cooperative Purchasing Program (NACo) – CompUSA and Dell Computers

Resolution #2002-10-548-E-10

RESOLVED, That participation in a cooperative purchasing program to provide computer equipment and supplies to the City of Troy utilizing CompUSA and Dell Computers, is hereby **APPROVED** through a "piggyback" addendum with Fairfax County, Virginia and US Communities (aka NACo) Contract #RQ00-341360-16A-G under the following pricing structure to commence on the date of award and expire April 30, 2003, with an option to renew for three additional one-year periods.

CompUSA	
Name Brand/Equipment	**%**
GSA Schedule Items	Cost plus3%-13%
Non-GSA Schedule Items	Cost plus 6%-10%

CompUSA will offer additional discounts, on a transaction-by-transaction basis, for orders in quantities greater than a unit of one. ("spot buy discounts")

Dell Marketing	
Name Brand/Equipment	**% Off Index**
Dell Brand	$7.59%
Dellware Products	

Dell will offer additional discounts, on a transaction-by-transaction basis, for orders in quantities greater than a unit of one. ("spot buy discounts")

E-11 Standard Purchasing Resolution 4: Tri-County Purchasing Cooperative – Computer Services - DynTek

Resolution #2002-10-548-E-11

RESOLVED, That a three-year contract with an option to renew for two additional years for computer services is hereby **AWARDED** to DynTek, the lowest qualified bidder, at unit prices included on the bid tabulation prepared by Farmington Hills Purchasing Department expiring March 18, 2005, a copy of which shall be attached to the original Minutes of this meeting.

E-12 Standard Purchasing Resolution 4: REMC Cooperative Purchasing Program

Resolution #2002-10-548-E-12

RESOLVED, That the City Council of the City of Troy **AUTHORIZES** participation in the Regional Education Media Center Association of Michigan (REMC) Purchasing Program and

AUTHORIZES the City Manager of the City of Troy to administratively authorize the use of this program above the $10,000.00 limit when deemed to be in the City of Troy's advantage, except for those "Capital" (401 Account) purchases which shall be presented for Troy City Council review and pending approval.

E-13 Scheduling of Special Meeting – October 21, 2002 at 6:45 PM

Resolution #2002-10-548-E-13

RESOLVED, That a Special Meeting of the City Council is **SCHEDULED** for October 21, 2002 at 6:45 PM in the Council Board Room of Troy City Hall – 500 West Big Beaver, Troy, Michigan, for the purpose of a technical review of agenda items on the October 21, 2002, City Council Regular Meeting Agenda.

E-14 Traffic Committee Recommendations

Resolution #2002-10-548-E-14a

(a) STOP Sign on Woodslee at Hartshorn

RESOLVED, That Traffic Control Order No. 02-05-SS be approved for the installation of a STOP on Woodslee at Hartshorn.

Resolution #2002-10-548-E-14b

(b) No Changes on Rochester at Bishop

RESOLVED, That there be no changes on Rochester at Bishop.

E-15 Private Agreement for White Castle System, Inc. – Project No. 01.941.3

Resolution #2002-10-548-E-15

RESOLVED, That the Contract for Installation of Municipal Improvements (Private Agreement) between the City of Troy and White Castle System, Inc. is hereby **APPROVED** for the installation of sidewalks, 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-16 Private Agreement for Belle Tire – Barnes Family Group – Project No. 01.927.3

Resolution #2002-10-548-E-16

RESOLVED, That the Contract for Installation of Municipal Improvements (Private Agreement) between the City of Troy and Barnes Family Group is hereby **APPROVED** for the installation of water main, storm sewer and paving, 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-17 Sole Source – GIS Software - ArcSDE

Resolution #2002-10-548-E-17

WHEREAS, Environmental Systems Research Institute (ESRI) is the sole source provider of the proprietary GIS system software; and

WHEREAS, ESRI has provided software and service for the GIS system since 1999.

NOW, THEREFORE, BE IT RESOLVED, That ArcSDE software, training, and maintenance be **PURCHASED** as an addition to the City of Troy's GIS Software System, from (ESRI) Environmental Systems Research Institute, the sole source provider at an estimated cost of $12,250.00, plus $3,000.00 per year maintenance for the second and subsequent years.

BE IT FURTHER RESOLVED, That additional travel and room and board for the training is also **APPROVED** at an estimated cost of $1,200.00.

E-18 2003 Community Development Block Grant (CDBG) Application

Resolution #2002-10-548-E-18

RESOLVED, That a Public Hearing is hereby established for October 21, 2002 to consider the 2003 Community Development Block Grant (CDBG) Application, Sub-Recipient Agreement and Project Waiver**.**

ITEMS TAKEN OUT OF ORDER

E-2 Minutes: Regular Meeting of September 23, 2002 and Special Meeting of September 23, 2002

Resolution #2002-10-549
Moved by Lambert
Seconded by Pallotta

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of September 23, 2002 be and the Minutes of the 6:45 PM be **APPROVED** as submitted Special Meeting of September 23, 2002, be **APPROVED** as corrected.

Yes: All-5
No: None
Absent: Eisenbacher, Howrylak

E-6 Reconsideration of Section One Golf Course Site Plan Approval Conditions

Resolution #2002-10-550
Moved by Pallotta
Seconded by Beltramini

RESOLVED, That the reconsideration of Section ONE golf Course Site Plan Approval Conditions be **POSTPONED** to the Regular City Council Meeting scheduled for October 21, 2002.

Yes: All-5
No: None
Absent: Eisenbacher, Howrylak

E-9 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Wood Grinding Services

Resolution #2002-10-551
Moved by Pallotta
Seconded by Beltramini

RESOLVED, That a contract to provide three (3) year requirements of Wood Grinding Services with an option to renew for one additional year is hereby **AWARDED** to the low total bidder meeting specifications. Granger Compost Supply, at unit prices contained in the bid tabulation opened September 17, 2002 at an estimated cost of $17,280.00 annually, a copy of which shall be attached to the original Minutes of this meeting.

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

MOTION CARRIED

REGULAR BUSINESS

F-1 Appointments to Boards and Committees: (a) Advisory Committee for Persons w/Disabilities; (b) Animal Control Appeal Board; (c) CATV Advisory Committee; (d) Ethnic Community Issues Advisory Committee; (e) Historical Commission; and (f) Planning Commission

Resolution #2002-10-552
Moved by Beltramini
Seconded by Pallotta

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

Historical Commission

Appointed by Council (7)- 3 years

Connie Chang **Term expires 7-01-2003 (Student)**

Yes: All-5
No: None
Absent: Eisenbacher, Howrylak

Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for October 21, 2002:

Advisory Committee for Persons w/Disabilities

Approved by Council (9) - 3 years

Term expires 7-01-2003 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Susan Burt **(Alternate)**	Nov. 1, 2003
Angela Done	Nov. 1, 2002
Nancy Johnson	Nov. 1, 2003
Leonard Bertin	Nov. 1, 2002
Pauline Manetta **(Alternate)**	Nov. 1, 2003
Dick Kuschinsky	Nov. 1, 2004
Theodora House	Nov. 1, 2003
Sharon Lu **(Student)**	July 1, 2002
Dorothy Ann Pietron	Nov. 1, 2004
Nada Raheb **(Student)**	July 1, 2003
John J. Rodgers	Nov. 1, 2003
Cynthia Buchanan	Nov. 1, 2004
Kul B. Gauri	Nov. 1, 2002
Jayshree Shah **(Alternate)**	Nov. 1, 2003

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Animal Control Appeal Board

Appointed by Council (5)- 3 years

Warren Packard (Resigned) **Term expires 9-30-2003**

CURRENT MEMBERS

NAME	TERM EXPIRES
Harriet Barnard, Howrylak	Sept. 30, 2005
Leith Gallaher	Sept. 30, 2003
Kathleen Melchert	Sept. 30, 2004
Warren Packard **(Resigned)**	Sept. 30, 2003
Jayne Saeger	Sept. 30, 2005

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Larue, Patricia M	8/12/02 - 8/2004	08/19/02
Zhou, Hannah	8/19/02	09/23/02

CATV Advisory Committee

Appointed by Council (7)- 3 years

Term expires 7-01-2003 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Alex Bennett	Sept. 30, 2003
Jerry L. Bixby	Feb. 28, 2003
Michael J Farrug	Nov. 30, 2002
Richard Hughes	Feb. 28, 2003
Lusi Fang **(Student)**	July 01, 2002
Penny Marinos	Feb. 28, 2004
W. Kent Voigt	Feb. 28, 2004
Bryan H. Wehrung	Feb. 28, 2005

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Ethnic Community Issues Advisory Committee

Approved by Council (9)- 3 years

Term expires 9-30-2005

Term expires 9-30-2005

Term expires 9-30-2005

Term expires 9-30-2005

Term expires 9-30-2005

Term expires 9-30-2005

Term expires 9-30-2005

CURRENT MEMBERS

NAME	TERM EXPIRES
Anju C. Brodbine	Sept. 30, 2005
Tom Kaszubski	Sept. 30, 2005
Shiva Sastry	Sept. 30, 2005

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Griffen, Brian S	9/12/02	09/23/02
Hashmi, Amin	8/22/02	09/09/02
Kuppa, Padma	5/21/02	09/09/02
Shah, Oniell	8/07/02	09/23/02
Zhou, Hannah	8/19/02	09/09/02

Planning Commission

Appointed by Council (9) – 3 years

Term expires 7-01-2003 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Gary G. Chamberlain	Dec. 31, 2002
Jordan C. Keoleian **(Student)**	July 01, 2002
Dennis A. Kramer	Dec. 31, 2003
Larry Littman	Dec. 31, 2004
Cynthia Pennington **BZA Rep**	Dec. 31, 2002
James H. Starr	Dec. 31, 2002
Walter A. Storrs, III	Dec. 31, 2003
Mark J Vleck	Dec. 31, 2004
David T. Waller **BZA Alt**	Dec. 31, 2003
Wayne C. Wright	Dec. 31, 2004

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

F-2 Closed Session – No Closed Session Requested

F-3 Amendment to Chapter 10 Employees Retirement System – Prior Governmental Retirement Service

Resolution #2002-10-553
Moved by Pallotta
Seconded by Broomfield

RESOLVED, That an amendment to Chapter 10, Employees Retirement Systems, is hereby **APPROVED**, and a copy shall be attached to the original Minutes of this meeting.

Yes: All-5
No: None
Absent: Eisenbacher, Howrylak

F-4 Approval of Contract with MDOT for the Reconstruction and Widening of Long Lake Road from Carnaby to Dequindre – Contract 02.7 – Project No. 92.203.5 & 94.203.5

Resolution #2002-10-554
Moved by Pallotta
Seconded by Beltramini

RESOLVED, That the contracts between the Michigan Department of Transportation and the City of Troy for the reconstruction and widening to a five lane concrete pavement of Long Lake Road, Carnaby to John R, Project No. 92.203.5 and Long Lake Road, John R to Dequindre, Project No. 94.203.5, are hereby **APPROVED**, and the Mayor and City Clerk are authorized to execute the agreements.

Yes: All-5
No: None
Absent Eisenbacher, Howrylak

F-7 Proposed Revision to Senate Bill #3 Resolution of August 5, 2002

Resolution #2002-10-555
Moved by Beltramini
Seconded by Broomfield

WHEREAS, Michigan Public Act 179 of 1947 as amended (Mich. Comp. Laws 123.301 et. seq) provides for the formulation of municipal authorities for the collection or disposal of garbage or rubbish or dog pounds, but fails to provide provisions for members to withdraw or for the dissolution of these authorities; and

WHEREAS, Both the Michigan Senate version of Senate Bill 3 (S-7) and the Michigan House of Representatives Committee substitute version of Senate Bill 3 (H-2) attempt to address these omissions and seek to institute a procedure for a municipality to withdraw from these authorities or for the dissolution of these authorities; and

WHEREAS, Both S-7 and H-2 give municipalities the ability to withdraw from these authorities, to dissolve the authorities or to re-combine with other municipalities in a new authority; and

WHEREAS, S-7 and H-2 provide additional options for municipal members and their constituents, which could result in increased competition. Historically, increased competition leads to better services and/or contracts that save the taxpayers money; and

WHEREAS, The Troy City Council has previously discussed this matter, and issued a resolution on August 5, 2002 (Resolution #2002-080451), but after receiving input from interested persons, has found it necessary to revise the earlier resolution.

NOW THEREFORE, BE IT RESOLVED, The City of Troy strongly supports the passage of H-2, the Michigan House of Representatives substitute bill for Senate Bill 3, with the following changes:

A. Section (1)- The effective date of the amendatory act should necessarily be updated, and could allow for an immediate effective date.

B. Section (1)- This section should be deleted, or if not deleted, should otherwise specify that the definition of "all members" is limited to all members bound by the most recent authority membership contract.

C. Section (2)- The bill should explicitly provide for the right of first refusal (within 45 or 90 days) for a new authority that has a majority of the number of members as a dissolving authority. This right of first refusal should be prior to the right of first refusal for the host communities.

D. Section (2)- The right of first refusal to purchase assets should require a price that is at the highest offer for the property, which shall not be less than the appraised value of the property, to insure a true arms length transaction.

E. Section (3)(A) and (6)(A)- The bill should be modified to delete the requirement of a resolution stating "the authority is no longer effectively serving the public good for which it was created." Instead, resolutions from each withdrawing community should state that the authority is no longer effectively serving the community's needs or requirements. The bill should also expressly prohibit withdrawals if the authority has outstanding revenue bonds. Only members who are subject to the current membership contract should have the right to withdrawal by passing the resolution that "the authority is no longer effectively serving our community's needs or requirements."

F. Section (4) and Section (5)- The bill should explicitly define the terms "negative equity" and "positive equity."

G. Section (4)- Although the bond provision is a favorable addition, if a bond is not available or desired, the withdrawing member should be required to pay its negative equity no later than the expiration of the current member agreement or after the authority has completed a full accounting of the assets and liabilities of the authority.

H. Section 4 (A) and (9)(B)- The term "subsequently" should be removed from these sections to insure that each member is responsible for all environmental liabilities incurred as a result of the member's disposal to the authority. In addition, the definition of environmental liabilities should be expanded to include any environmental liabilities as declared by the State of Michigan Department of Environmental Quality and Department of Natural Resources and/or the federal Environmental Protection Agency.

I. Section 4 (B)- The bill should prohibit the withdrawal of a member if the withdrawal would impair vested rights or the obligation of authority contracts.

J. Section 4 (B)- The bill should delete the word "solely" from this section, so that if two members withdraw simultaneously and cause a breach of contract, then each member that contributes to the breach of contract is liable.

K. Section (5)- The bill should clarify that if an authority's assets would need to be liquidated to satisfy the payments of positive equity to withdrawing members, then said liquidation would not be necessary until the expiration of the last contract of the authority.

L. Section (7) should be clarified to state that the assignment of authority contracts to any new authority (as created under section 10) is not precluded, provided the new authority accepts such assignments and agrees to perform all obligations of the contract(s). There should also be clarification that required environmental activities must necessarily occur after the dissolution of the authority.

M. Section (8)- The word "immediately" should be deleted from this section, since dissolution of an authority may require the liquidation of assets. In addition, there may be pending lawsuits or arbitration matters, which should not be prematurely settled.

N. Section (9)- There should be some provision specifying who is responsible for managing the environmental liabilities after the dissolution of an authority. This section may also include provisions to insure payment for the management of any environmental liabilities after dissolution.

O. Section (12)(G)- The term "impairment of contract" should not be limited to only defaults that lead to money damages, since all breaches of contract would technically qualify. The term "impairment of contract" should protect those members who are forced to pay monetary damages for the breach of a contract that is not due to their own actions.

P. Section (12)(I)- A mathematical formula for determining the "member's fair share" should be explicit. There have already been three formulas set forth to determine a "member's fair share."

Q. Section (12)(K)- The term "qualified authority" should be re-defined to reduce the membership from the required ten or more members and the required population of 250,000 or more.

BE IT FURTHER RESOLVED, That the City of Troy City Council instructs its representatives to the Southeastern Oakland County Resource Recovery Authority (SOCRRA) to introduce and/or

support a resolution requesting SOCRRA to support H-2 with the changes enumerated above, and to direct any authorized lobbying activity to be consistent with this resolution.

BE IT FURTHER RESOLVED, That City of Troy Council Resolution #2000-505 and Troy City Council Resolution # 2002-08-451 are repealed in their entirety.

BE IT FINALLY RESOLVED, That the City Clerk send a copy of this Resolution to State Senator Shirley Johnson, Representatives David Woodward, John Pappageorge and Robert Gosselin, Governor John Engler, members of the Michigan State Senate, members of the Michigan House of Representatives, the Michigan Municipal League, SOCRRA General Manager Jeffrey McKeen, the Oakland County Board of Commissioners, the elected officials and city managers for each of the SOCRRA communities.

Yes: All-5
No: None
Absent: Eisenbacher, Howrylak

COUNCIL COMMENTS/REFERRALS

REPORTS AND COMMUNICATIONS

G-1 Minutes – Boards and Committees:

(a) Parks and Recreation Advisory Board/Final – June 13, 2002
(b) Historic District Commission/Draft – July 23, 2002
(c) Board of Zoning Appeals/Final – August 20, 2002
(d) Downtown Development Authority/Draft – August 21, 2002
(e) Historic District Commission/Draft – August 27, 2002
(f) Advisory Committee for Persons with Disabilities/Draft – September 4, 2002
(g) Board of Zoning Appeals/Draft – September 17, 2002
(h) Animal Control Appeal Board/Draft – September 18, 2002

Noted and Filed

G-2 Department Report

G-3 Announcement of Public Hearings:

(a) Rezoning Application – Biltmore Rezoning – East Side of Rochester Road – North of Lamb Road – Section 14 – R-1C to R-1T and E-P – Scheduled for October 21, 2002
(b) Rezoning Application – East Side of Livernois – South of Maple Road – Section 34 – B-3 to H-S – Scheduled for October 21, 2002
(c) Parking Variance Request – 3670 John R – Boys and Girls Club of Troy - Scheduled for October 21, 2002

Noted and Filed

G-4 Proposed Proclamations/Resolutions from Other Organizations:

(a) City of Oak Park – Resolution in Support of a “Fix-it-First” Infrastructure Policy for the State of Michigan

Noted and Filed

G-5 Letters of Appreciation:

(a) Letter from Marian M. Randall – Chair, Christ Church of Cranbrook Senior Ladies to Chief Craft Thanking Officer Nicolette Kaptur for Her Excellent Presentation on Senior Fraud

(b) E-Mail from Gus Mattia to John Szerlag and Mark Stimac Thanking Building Inspectors Mark Riley and Robert Winkelman for Their Concern Regarding Problems he is Having With his Builder

Noted and Filed

G-6 Calendar

Noted and Filed

G-7 Letter from State of Michigan – Department of Transportation – Re: Notes – August 29, Scoping Meeting

Noted and Filed

G-8 Letter from Mark R. Adams, Raymond & Prokop, PC – Re: SMART Performance Audit for the Period July 1, 2000 through December 31, 2002

Noted and Filed

G-10 Memorandum – Re: Senior Center Accreditation

Noted and Filed

G-11 Memorandum – Re: Appointments to Boards and Commissions Agenda Format

Noted and Filed

G-12 Memorandum – Re: Skirak v. City of Troy

Noted and Filed

G-14 Memorandum – Re: Meeting with Planning Commission Chair Gary Chamberlain

Noted and Filed

G-15 Memorandum – Re: 2002 Third Quarter Litigation Report

Noted and Filed

PUBLIC COMMENT

The meeting adjourned at 10:16 PM

_____

Matt Pryor, Mayor

_____

Tonni L. Bartholomew - City Clerk

CITY COUNCIL MINUTES – STUDY SESSION - DRAFT **October 14, 2002**

A Special Meeting of the Troy City Council was held Monday, October 14, 2002, at City Hall, 500 W. Big Beaver Road. Mayor Matt Pryor called the Meeting to order at 7:35 P.M.

ROLL CALL

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

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1 Regional Transportation (General Manager Dan Dirks and Service & Planning Manager Ron Ristau from SMART)

Representatives from SMART provided an explanation of business routes and times in addition to SMART's "Coordination " plan.

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2 Discussion Regarding Proposed Open Space Preservation Ordinance (Chapter 39)

City Council discussed the proposed Open Space Preservation ordinance and alternatives. Staff will incorporate comments into the draft ordinance.

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3 Discussion Regarding City Council Protocol Pledge

No discussion at this time.

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4 Political Sign Ordinance Discussion (Chapter 85A)

Council discussed changes to the ordinance regarding the number of signs, size of signs and the required list of locations.

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5 Ordinance Discussion Regarding Signs in the Right-of-Way, Including Real Estate Signs (Chapter 78 – Section 2.01, 3.02, 7.01.01)

Council agreed to maintain the prohibition on signs in the right-of-way. Staff will review Chapter 78, Section 3.02, (B) and (C).

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6 Major Road Construction Projects – *Request to Carry Over to Next Study Session*

Item to be carried over to a later date

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7 Condemnation Process – *Request to Carry Over to Next Study Session*

Item to be carried over to a later date

PUBLIC COMMENT

ADJOURN

The meeting adjourned at 10:59 PM.

_____
Matt Pryor, Mayor

_____
Gary A. Shripka – Assistant City Manager/Services

PROCLAMATION
TO CELEBRATE ON MY OWN OF MICHIGAN
5th ANNIVERSARY

WHEREAS, On My Own of Michigan is a Troy-based nonprofit organization that helps adults with mild developmental disabilities including mild mental retardation, cerebral palsy, mild autism, epilepsy and learning disabilities, to become independent, social and contributing members of the community; and

WHEREAS, Five years after formation, **On My Own of Michigan** remains the only agency in Southeastern Michigan focused specifically on helping this population work towards independent living in the community; and

WHEREAS, Currently, 35 of our members have moved out of their parents' homes, most for the first time, and into their own apartments. With the guidance and support **On My Own** provides, these young adults are leading happy fulfilled lives with friendships, jobs, homes, and social lives, contributing both economically and socially to our community; and

WHEREAS, The members, along with fifty other adults, participate in classes and social/ recreational opportunities, all designed to improve their independent living and socialization skills; and

WHEREAS, On October 24, 2002, **On My Own** will hold the 5th Annual Awards Gala, which recognizes members for the strides they have made on their personal journey towards independence, as well as businesses and individuals whose support and encouragement have made these strides possible; and

WHEREAS, We acknowledge the following Community Award Recipients for 2002: ***Advocate of the Year*** **Garry Carley**, Owner, Heathers Club of Bloomfield Hills; ***Employer of the Year*** **Bob Amori**, O/E Systems, Inc.; ***Volunteer of the Year*** **Kathy Mehrman,** White Lake; ***Corporate Partner*** **Carl Rose, Jr.,** Carl's Golfland; ***Corporate Friend*** **Martin Ballen,** The Prestwick Group; ***Communications Partner*** **Cindy Kmett**, Editor, Troy Somerset-Gazette; and ***Community Friend*** **Mike and Jennifer Samardzija,** K & S Bowling Trophy and Sales; and

WHEREAS, **On My Own** also honors the more than 80 young adults with mild developmental disabilities in our program with awards; and

NOW THEREFORE BE IT RESOLVED, That the City Council of the City of Troy joins with On My Own to honor all members for their strength, determination and hard work towards personal independence; and the Community Awards Recipients for 2002 for their support and encouragement to all the members.

Signed this 21st day of October 2002

PROCLAMATION IN RECOGNITION OF MARY ANN SOLBERG TROY'S DISTINGUISHED CITIZEN FOR 2002

WHEREAS, Mary Ann Solberg, wife of Cliff, mother of Laura, and resident of Troy since 1969, has built a solid reputation as a committed volunteer, serving several organizations with an enthusiasm and dedication that is respected by all who know her; and

WHEREAS, **Mary Ann**, an award-winning Farmington Hills teacher, first joined one of the only volunteer groups in town at the time, the Troy Junior Women's Association, and later as a social studies teacher the Bicentennial celebration caught her attention and that began her major involvement in Troy as Education Chair for the Bicentennial Committee; and

WHEREAS, **Mary Ann** has been a dedicated volunteer as the founding member and past president of the Board of Directors of the Boys and Girls Club of Troy, Co-chair of the Civic Center Master Plan Committee, member of the Troy Futures Steering Committee, and founder of the Troy Town Hall Lecture Series. She was among those who conceived the idea of selling "feet" to move Poppleton School to the Village Green; and

WHEREAS, In 1991, **Mary Ann** began as the first executive director for the Troy Community Coalition, a non-profit organization dedicated to improving the quality of life for all who live or work in Troy by promoting a lifestyle free from the abuse of alcohol, tobacco, and other drugs, and

WHEREAS, **Mary Ann** has as the unique ability to recruit and train volunteers and achieve results, and working with more than 300 volunteers, she built the Troy Community Coalition into a model for the nation; and

WHEREAS, She initiated more than 50 substance abuse prevention programs in Troy; empowered hundreds of prevention volunteers and professionals in Oakland County and across the United States; built a partnership with the Troy Police Department; and was strongly involved in the creation of the Troy Drug Therapy Court; and

WHEREAS, **Mary Ann** served as Chairperson of the President's Commission on Drug-Free Communities; on the Board of Directors and Executive Board of Community Anti-Drug Coalitions of America; member of the National Center for Substance Abuse Prevention Advisory Committee; Advisor for National Ad Council; Board Member for Prevention Coalitions of SE Michigan; Delegate for the White House Conference of Youth, Drugs and Violence; & Member of Perspectives of Troy; and

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council extends special recognition to **Mary Ann Solberg**, for her selfless and tireless service to this community;

BE IT FURTHER RESOLVED, That the Troy City Council and all of Troy's residents congratulate **Mary Ann Solberg** for being named **Troy's Distinguished Citizen for 2002** and wish her continued success in all future endeavors.

Signed this 21st day of October 2002

October 14, 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 Michael Drive Extension
Project No. 02.931.3

The Engineering Department has reviewed and approved plans for this project, which includes water main, storm sewer, sanitary sewer, sidewalks 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 - 2002\02.931.3 - Michael Drive Extension\Private Agreement Cover Letter.doc

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

Prepared by: Gary Streight, P.E.
Civil Engineer

Enclosed Private Agreement, Detailed Summary, Sketch

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 02.931.3 | PROJECT LOCATION: NE ¼ SECTION 4

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 ORION HOMES, INC. whose address is 2065 LIVERNOIS, TROY, MI and whose telephone number is 248-273-6000 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of water main, storm sewer, sanitary sewer, sidewalks and paving in accordance with plans prepared by Nowak & Fraus whose address is 46777 Woodward Ave., Pontiac, MI 48342 and whose telephone number is (248)-332-7931, 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 $145,450.00. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

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

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

*	Plan Review and Construction Inspection Fee	$ 8,392.47
	Water Main Testing Fee	$650.00
	Street Cleaning/Road Maintenance (Refundable)	$5,000.00
	TOTAL:	$14,042.47

CHECK # 7054
ORION HOMES, INC
10/3/02

* 5.77% (.0577) of approximate contract price

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 02.931.3 PROJECT LOCATION: NE ¼ SECTION 4

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 $159,492.47 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. 02.931.3 | PROJECT LOCATION: NE ¼ SECTION 4

COUNCIL RESOLUTION NO. _____ | DATE OF COUNCIL APPROVAL: _____

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this _____ day of _____, 200_____.

OWNERS
By: ORION HOMES INC
Michael J Lamb
MICHAEL J. LAMB, PRESIDENT
Please Print or Type

Please Print or Type

CITY OF TROY
By:

Matt Pryor, Mayor

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 3rd day of Oct, A.D.2002, before me personally appeared MICHAEL J. LAMB 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, Macomb - acting in Oakland Michigan
Patricia A. Gladysz
PATRICIA A. GLADYSZ

My commission expires: 3-18-04

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR MICHAEL DRIVE EXTENSION
PROJECT NO. 02.931.3

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

Escrow Deposits:

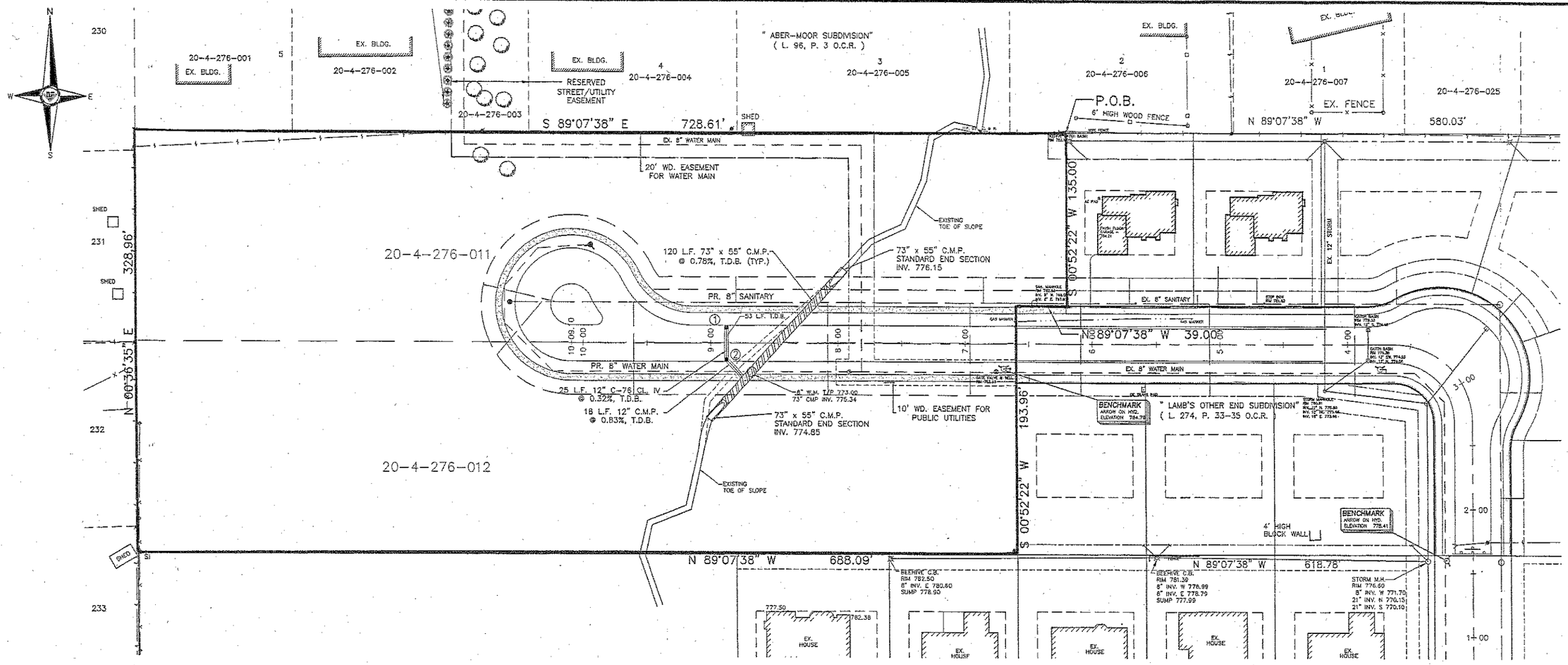
Water Main	$11,510.00
Storm Sewer	30,820.00
Sanitary Sewer	28,600.00
Sidewalks/Paving	74,520.00

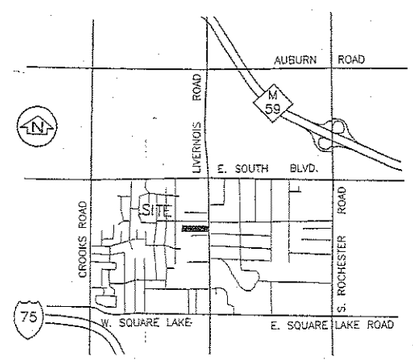
Total Escrow Deposits: (letter of credit) **$ 145,450.00**

Cash Fees:

Review & Inspection	$ 8,392.47
Water Main Testing	650.00
Street Cleaning/Road Maintenance	5,000.00

Total Cash Fees: (check) **$ 14,042.47**





LEGEND

- EXISTING SANITARY SEWER (MANHOLE)
- SANITARY CLEAN OUT
- EXISTING WATER MAIN (HYDRANT, GATE VALVE)
- EXISTING STORM DRAIN (MANHOLE, CATCH BASIN)
- EXISTING REAR YARD BASIN
- EXISTING BURIED CABLES
- OVERHEAD LINES (UTILITY POLE, GUY POLE)
- LIGHT POLE
- SIGN
- EXISTING GAS MAIN
- PROPOSED SANITARY SEWER (MANHOLE)
- PROPOSED WATER MAIN (HYDRANT, GATE VALVE)
- PROPOSED STORM DRAIN (INLET, C.B., MANHOLE)
- PROPOSED REAR YARD BASIN
- SAND BACKFILL (95% DENSITY)

STORM SEWER NOTES

1. ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATION OF THE CITY OF TROY.
2. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE EXISTENCE AND LOCATION OF ALL UNDERGROUND UTILITIES.
3. ALL SEWER TRENCHES UNDER OR WITHIN THREE (3) FEET OF THE FORTY-FIVE (45) DEGREE ZONE OF INFLUENCE LINE OF EXISTING OR PROPOSED PAVEMENT, SIDEWALK OR DRIVE APPROACH SHALL BE BACKFILLED WITH SAND COMPACTED TO AT LEAST NINETY-FIVE (95) PERCENT OF ITS MAXIMUM UNIT WEIGHT.
4. ALL STORM SEWER SHALL BE INSTALLED ON CLASS "B" BEDDING OR BETTER.
5. JOINTS FOR THE STORM SEWER SHALL BE PREMIUM JOINTS WITH RUBBER GASKETS UNLESS SPECIFIED OTHERWISE.
6. ENDS OF 3" SERVICE CONNECTION SUMP PUMP LEADS ARE TO BE A MINIMUM OF TWO AND ONE HALF (2 ½) FEET DEEP AND A MAXIMUM OF THREE (3) FEET DEEP.
7. CROSS DRAINS BETWEEN PAVEMENT CATCH BASINS AND INLETS REQUIRE PEA GRAVEL BEDDING AND SHALL BE BACKFILLED TO FINISHED SUBGRADE WITH PEA GRAVEL.
8. EACH PAVEMENT CATCH BASIN AND INLET SHALL HAVE A MINIMUM OF 20 LINEAL FEET OF 6" PERFORATED EDGE DRAIN CONSTRUCTED BEHIND THE BACK OF CURB IN EACH DIRECTION, BACKFILLED WITH PEA GRAVEL. PERFORATED EDGE DRAIN SHALL BE A.S.T.M. DESIGNATION F-758 SMOOTH WALL P.V.C. PLASTIC UNDERDRAIN WITH 3/16 TO 3/8 INCH PERFORATIONS.
9. NO REAR YARD STORM DRAINAGE SHALL BE CONSTRUCTED UNTIL THE STORM SEWER SYSTEM IN COMPLETED AND UNTIL THE REAR YARD MASS GRADING IS COMPLETED AND APPROVED.
10. ALL STORM SEWER PIPE SHALL BE PLACED ON CLASS "B" BEDDING.

ESTIMATED QUANTITIES

STORM SEWER

8" PERFORATED P.V.C. DRAIN TILE, T.D.A.	60 LF
12" C-76 CL. IV CONCRETE SEWER, T.D.B.	25 LF
12" C.M.P., T.D.B.	18 LF
73" x 55" 12 GAGE ARCH C.M.P.	120 LF
73" x 55" ARCH C.M.P. END SECTION	2 EA
2' DIA. INLET	1 EA
4' DIA. CATCH BASIN w/ 2' SUMP	1 EA

STORM STRUCTURE SCHEDULE

1. 2' DIA. INLET
   PLACE E.J.I.W. COVER 5105-M1
   RIM ELEVATION 782.57
   12" INV. S 777.66

2. 4' DIA. CATCH BASIN w/ 2' SUMP
   PLACE E.J.I.W. COVER 5105-M1
   RIM ELEVATION 782.57
   12" INV. N 777.58
   12" INV. SE 777.48

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

NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

46777 Woodward Avenue
Pontiac, Michigan 48342
Tel. (248) 332-7931
Fax. (248) 332-8257

PROJECT
Michael Drive Extension

CLIENT
Orion Homes, Inc.
2065 Livernois Rd.
Troy, MI 48083
(248) 273-6000

PROJECT LOCATION
Part of the Northeast 1/4 of Section 4, T.2N., R.11E., City of Troy, Oakland County, Michigan

SEAL
STATE OF MICHIGAN
JEFFERY HUHTA
ENGINEER NO. 40885
PROFESSIONAL ENGINEER

DATE/ REVISION

9/26/02 - Per City of Troy
9/6/02 - Per Developer

SHEET
Storm Water Management & General Plan

DRAWN BY: C. Almas
DESIGNED BY: J. Huhta
APPROVED BY: J. Huhta
DATE: 4/12/02
SCALE: 1" = 40'
N/F JOB NO. 9-C322
SHEET NO. C-2

October 15, 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 Troy Professional Park
Project No. 01.959.3

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

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\01.959.3 Troy Professional Bdlg\Private Agreement Cover Letter.doc

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

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

Enclosed Private Agreement, Detailed Summary, Sketch and Suggested Resolution

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 01.959.3 | PROJECT LOCATION: NE ¼ SECTION 24

RESOLUTION NO. | DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and Troy professional Park whose address is 2136 Alfred Dr. Troy, Mich. 48085 and whose telephone number is (248) 879-5635 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of water main, storm sewer, detention, sanitary sewer, sidewalks and paving in accordance with plans prepared by Spalding DeDecker Associates, Inc. whose address is 905 South Boulevard East, Rochester Hills MI 48307 and whose telephone number is (248)-844-5400 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 **$66,176.00.** This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

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

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

*	Plan Review and Construction Inspection Fee	$4,036.00
	Water Main Testing Fee	$650.00
	TOTAL:	$4,686.00

* 6.10% (.061) of approximate contract price

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 01.959.3 PROJECT LOCATION: NE ¼ SECTION 24

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 $70,862.00 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. 01.959.3

PROJECT LOCATION: NE ¼ SECTION 24

COUNCIL RESOLUTION NO. _____

DATE OF COUNCIL APPROVAL: _____

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this _____ day of _____, 200_____.

OWNERS
By: Sunnie Kwon

Sunnie Kwon 10-11-02
Please Print or Type

_____
Please Print or Type

CITY OF TROY
By:

_____
Matt Pryor, Mayor

_____
Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 11th day of October, A.D.2002, before me personally appeared Sunnie Kwon 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, Maryann Hays, Oakland Cty. Michigan

My commission expires: MARYANN HAYS Notary Public, Oakland County, MI My Commission Expires March 16, 2005

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR TROY PROFESSIONAL PARK
PROJECT NO. 01.959.3

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

Escrow Deposits:

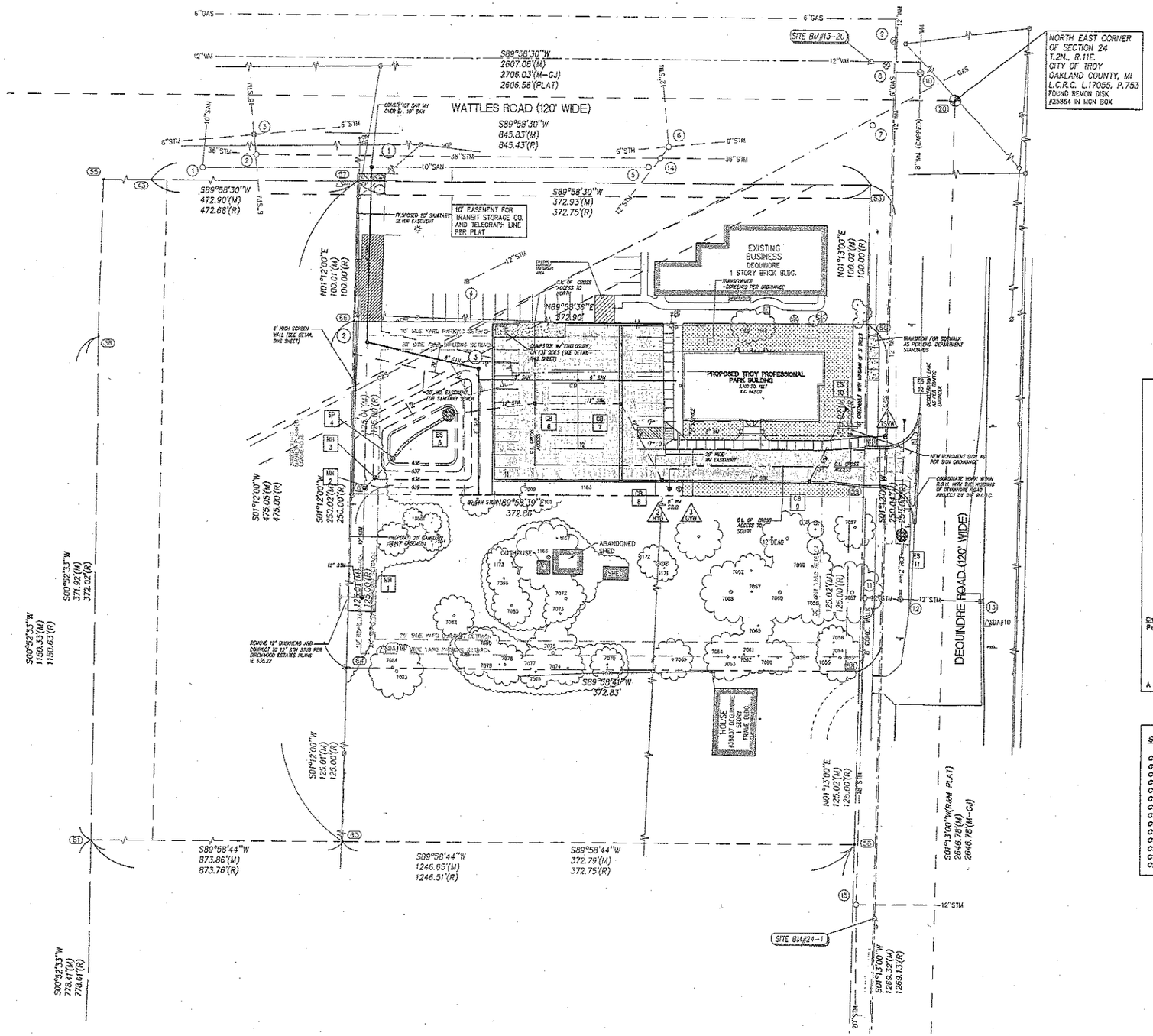
Water Main	15,027.00
Sanitary Sewer	16,575.00
Paving & Sidewalk	3,160.00
Mass Grading & Soil Erosion	6,660.00
Storm Sewer	24,754.00

Total Escrow Deposits: (letter of credit) **$ 66,176.00**

Cash Fees:

Review & Inspection	$ 4.036.00
Water Main Testing	650.00

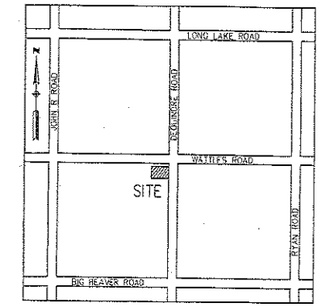
Total Cash Fees: (check) **$ 4,686.00**



GRAPHIC SCALE

0 20 40 80

(IN FEET)
1 inch = 40 ft.



LOCATION MAP
NOT TO SCALE

LEGEND

- COMPACTED SAND BACKFILL
- PROPOSED WATERMAIN
- PROPOSED SANITARY
- PROPOSED STORM SEWER
- PROPOSED GAS MAIN
- PROPOSED ELECTRIC
- PROPOSED HYDRANT
- PROPOSED GATE VALVE & WELL
- PROPOSED TAPPING SLEEVE, VALVE & WELL
- PROPOSED STORM MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED INLET
- PROPOSED END SECTION
- PROPOSED LAWN CATCH BASIN W/BEEHIVE COVER
- LIGHT-DUTY BITUMINOUS PAVEMENT
- HEAVY-DUTY BITUMINOUS PAVEMENT
- CONCRETE PAVEMENT
- STORM SEWER STRUCTURE: CB — STRUCT. TYPE; 2 — STRUCT. NO.
- SANITARY SEWER STRUCTURE: 20
- WATERMAIN STRUCTURE: 10 / 32X — STRUCT. NO. / STRUCT. TYPE

Basis for Sanitary Sewer Design

CURRENT PROJECT

FOR AN OFFICE BUILDING, THE DESIGN FACTOR IS 0.4 PER 1000 SF, THEREFORE,

NUMBER OF UNITS = [(5100/1000)] x 0.4
= 2.04 UNITS

DESIGN POPULATION = 2.04 x 3.5 = 7.14 PEOPLE

AVERAGE FLOW = 100 GALL./CAP./DAY X 7.14 PEOPLE
= 714 GAL. PER DAY
= 714 GAL/DAY X 1 DAY/86400 SEC X 1CFS/7.48GAL
= 0.0011 CFS

Peak Factor
Q=(18+ SQRT(714/1000)) / (4+ SQRT(714/1000)) = 4.428

PEAK FLOW = 4.428 x AVERAGE FLOW
= 4.428 x 714 = 3162 GAL/DAY
= 0.004 CFS

ULTIMATE BUILDOUT

OFFICE SPACE = 20,000 SFT.
UNITS = (20000/1000) x 0.4 = 8 UNITS
DESIGN POPULATION = 8 x 3.5 = 28 PEOPLE
AVERAGE FLOW = 100 x 28 = 2800 GAL/DAY
= 0.004 CFS
PEAK FACTOR = (18 + √(0.028)) / (4 + √(0.028)) = 4.36
PEAK FLOW = 4.36 x 2800 = 12207 GAL/DAY
= 0.019 CFS

Check Capacity of 8" Sanitary Sewer at 0.40%

Per Mannings Eq. R = (D/4) D= 0.6666 ft.
R= 0.1667 ft.
S= 0.0040 ft/ft
n= 0.0130
A= (3.14 x D^2)/4 A= 0.3491 sft

Q=(1.49/n) x (R)^(2/3) x (S)^0.5) x A = 0.77 cfs

A 8" Sewer at 0.40% has a capacity of 0.77 CFS > 0.019 cfs

SHEET INDEX

C11 GENERAL PLAN
C12 UTILITY PLAN
C13 GRADING AND PAVING PLAN
C14 SEWER PROFILES
C15 SOIL EROSION AND SEDIMENTATION CONTROL PLAN
C16 DRAINAGE AREA MAP AND CALCULATION SHEET
C17 LANDSCAPING PLAN
C18 TOPOGRAPHIC SURVEY AND DEMOLITION PLAN
C19 SANITARY SEWER DETAILS (1 OF 2)
C110 SANITARY SEWER DETAILS (2 OF 2)
C111 WATER MAIN DETAILS
C112 STORM SEWER DETAILS
C113 SOIL EROSION AND GENERAL CONSTRUCTION DETAILS
C114 LOCAL ROAD PAVING DETAILS

- SEE SHEET C1.8 FOR LEGAL DESCRIPTION
- SEE SHEET C1.8 FOR BENCHMARK DESCRIPTION

QUANTITY LIST

WATERMAIN		STORM SEWER	
2" COPPER TYPE "K"	8 LF		
6" DIWM	21 LF	4" DIA. CATCH BASIN	4 EA
8" DIWM	197 LF	4" DIA. MH	3 EA
HYDRANT ASSEMBLY	1 EA	12" END SECTION	4 EA
12"x8" TSWM	1 EA	3' DIA. STAND PIPE	1 EA
2" VALVE IN BOX	1 EA	12" STORM SEWER	557 LF
8" GVW	1 EA		

SANITARY SEWER	
8" SAN LEAD	143 LF
8" PVC SCH. 40	300 LF
4' DIA SAN MH	2 EA
4' DIA SAN MH OVER EX. SEWER	1 EA

NOTE: CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN IN THESE PLANS. ADDITIONAL PAYMENT SHALL NOT BE MADE FOR ANY MISCOUNTED QUANTITIES.

WATER MAIN PERMIT QUANTITIES		SANITARY PERMIT QUANTITIES	
8" CL.54 D.I.W.M.	197 LF	8" PVC SCH. 40 SAN. SEWER	300 LF

NOTE: A CAD FILE OF THE ENGINEERING PLANS WILL NOT BE RELEASED. COORDINATE STAKEOUT SHEETS WILL BE PROVIDED TO THE CONTRACTOR FOR THEIR USE IN CONSTRUCTION LAYOUT. CONTRACTORS SHOULD PRICE THEIR BID ACCORDINGLY.

STATE OF MICHIGAN
ATEF HANNA
ENGINEER
No. 45502
LICENSED PROFESSIONAL ENGINEER

APPROVED AS NOTED
CITY OF TROY
DATE 9/5/02 CITY ENGINEER

OWNER/DEVELOPER:
HARRY & SUNHEE KWON
2138 ALFRED DRIVE
TROY, MICHIGAN 48085
TEL: 248-879-5635
FAX: 248-879-5901

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 FOR THE LOCATION OF UNDERGROUND FACILITIES

SPALDING DeDECKER ASSOCIATES, INC.
Engineering & Surveying Excellence Since 1954

HEADQUARTERS:
905 SOUTH BLVD. EAST
ROCHESTER HILLS, MI 48307
PHONE: (248) 844-5400
FAX: (248) 844-5404

REGIONAL OFFICES:
607 SHELBY STREET, SUITE 400
DETROIT, MI 48226
PHONE: (313) 967-4700
FAX: (313) 967-4707

2505 W. JEFFERSON
TRENTON, MI 48183
PHONE: (734) 671-4344
FAX: (734) 671-4347

www.spaldingdedecker.com

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

NOTE: UTILITY INFORMATION ON THIS DRAWING MAY BE FROM INFORMATION DISCLOSED TO THIS FIRM BY THE VARIOUS UTILITY COMPANIES, CITY/COUNTY AGENCIES AND OTHER VARIOUS SOURCES. UNDERGROUND UTILITIES WHICH ARE ON PRIVATE PROPERTY ARE USUALLY NOT DELINEATED UPON A UTILITY COMPANY'S PUBLISHED PLANS. THEIR LOCATION, IF SHOWN UPON THIS SURVEY, ARE APPROXIMATED FROM FOUND PAINT MARKS/STAKES, ETC. AS LOCATED BY THIS FIRM FROM SOURCES WHICH ARE UNKNOWN. NO GUARANTEE IS GIVEN AS TO THE COMPLETENESS OR ACCURACY THEREOF.

PRIOR TO CONSTRUCTION, ALL LOCATIONS AND DEPTHS OF EXISTING UTILITIES (IN CONFLICT WITH PROPOSED IMPROVEMENTS) SHALL BE VERIFIED IN THE FIELD. CALL MISS DIG.

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TROY PROFESSIONAL PARK
TROY, MICHIGAN

GENERAL PLAN

SECTION 24
TOWN 2 NORTH RANGE 11 EAST
CITY OF TROY
OAKLAND COUNTY

NO.	DATE	REVISION
1	02-08-02	ENGINEERING SUBMITTAL
2	04-08-02	ENGINEERING SUBMITTAL
3	08-14-02	ENGINEERING SUBMITTAL
4	08-22-02	BIDS AND CONSTRUCTION
5	09-06-02	ENGINEERING SUBMITTAL
LAST		RECORD MEASUREMENTS ADDED TO DRAWING

DRAFTER	DATE 11-28-2001
DESIGNER AH	DATE 11-28-2001
CHECKED	DATE
PROJECT MANAGER TJS	BID PLAN DATE
DEPARTMENT MANAGER APPROVAL	DATE

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY

JOB NO. DV01-023	DRAWING NO. DV0123M1.DWG
SCALE: 1" = 40'	SHEET NO. C1.9

October 14, 2002

TO: 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 4: State Of Michigan Extended Purchasing Agreements – Turf Vehicles And Tractor With Snow Blower

RECOMMENDATION

The Parks and Recreation Department requests approval to purchase two (2) turf utility vehicles and one (1) tractor with snow blower through the State of Michigan Extended Purchasing Program with *John Deere Company, 2000 John Deere Run, Cary, NC 27513* at an estimated total cost of $31,463.65. Weingartz Supply Company will deliver the John Deere equipment listed below and provide all warranty service.

SUMMARY

These purchases will replace equipment that will come out of service from the Parks Department. We are requesting authorization to purchase the following equipment

Qty.	Model #	Description	Unit Price	Total Price
2	1921W	John Deere Gator 4x2 utility vehicle with turf tires full power package, & light/ horn kit.	$7554.00	$15,108.00
1	4410	John Deere Tractor with 59" 2-stage snow blower		$29,207.00
		SUB TOTAL		$44,315.00
		Less 29% State Discount		$12,851.35
		TOTAL		**$31,463.65**

BUDGET

Funds for this purchase are currently available in the Parks Capital Account 401752.7978.010.

Prepared by: Jeff Biegler, Superintendent of Parks

October 15, 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: Standard Purchasing Resolution 3: Option to Renew for One Additional Year-Janitorial Services

Recommendation

On October 16, 2000, an award was made to the low bidder, Clean Care of Oak Park, Resolution Number 2000-471, for Janitorial Services for all City locations at an estimated cost of $374,400. The contract contained an option to renew for two additional years. Based upon the market survey (attached) completed, staff is recommending a one-year renewal expiring October 31, 2003 under the same terms and conditions including the provision for an increase of 5% based upon the Consumer Price Index Inflation Calculator (copy attached).

Since the initial award, the contract has been amended three times to add the Fire and Police Training Center, additional work at the Community Center, and additional days at the Fire and Police Training Center (Resolution Numbers 2001-12-582, 2002-02-061, 2002-09-531-E-16 respectively). If additional square footage was to be added to a facility such as the Nature Center where the scope of work remained the same, the original resolution authorized changes in square footage cleaned at the building at the square foot price established at the time of the bid. The current annual value of the contract with the additional square footage and services is estimated to be $622,000.

Background Information

Due to the weak economy, staff recommends only a one-year renewal since prices may lower as a result of the additional square footage added to the contract both in the past and in the next year or more with Phase II of the Community Center going into service and the completion of the Police and Fire Administration Center. It is anticipated that a thorough review of current specifications will be completed by departmental staff at each location prior to the bid letting. Since this contract impacts daily operations and supervisory staff at all eighteen (18) City buildings, a conservative approach is recommended for the renewal. Even though service level problems have sporadically occurred at various sites, when assessing Clean Care's performance, overall over the years they can be described as acceptable. Clean Care has been the successful low bidder in the following contract years:

2000 through 2002 (Resolution #2000-471)
1996 through 2000 (Resolution #96-1053 and 98-483)
1993 through 1996 (Resolution #94-941)
1993 [Resolution #93-1095 (Total Building Services defaulted; Clean Care was awarded their contract as the next low bidder)]

Staff started the renewal process in August 2002. In deference to Clean Care, the process was delayed due to a restructuring of their ownership team. One of the principal partners was replaced with new owners. Garfield Goulais, Chairman of Clean Care, has remained a constant on the account since the first award of bid.

Budget

Funds will be available in the various departments operating accounts for custodial services.

22610 Rosewood • Oak Park, MI 48237 • (248) 414-3880 • Fax (248) 414-3879

October 15, 2002

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

Attn: Jeanette Bennett, purchasing department

Dear Ms. Bennett:

Clean Care wishes to extend its contract with the City of Troy for and additional one (1) or two (2) years with an increase at beginning of the 1st option year not to exceed the difference between the latest published urban C.P.I. for the Detroit / Ann Arbor area and the base month/year of December 2000.

Sincerely,

Garfield E. Goulais	Lawrence P. Kozak	AJ Madej	Ramiro A. Ramirez
Chairman	C.O.O.	C.E.O.	President

BSCAI MEMBER

Inflation Calculator

$ 1.00
in 2000
has the same buying power as
$ 1.05
in 2002

Calculate

About this calculator

Purchasing Department

FROM: Jeanette Bennett, Purchasing Director

RE: Market Survey

Diane Bonin – This Is It Quality Cleaning (248) 524-0878

Cleaning rates have not increased as much as they had hoped they would. They tried to increase rates charged in order to keep good people. Labor costs are going up, but they are unable to increase their rates to their customers due to the economy.

Peter Huthwaite – Giant Janitorial (313) 886-7797

Mr. Huthwaite thinks that the City should re-bid. The prices bid by the other bidder are too low to get compliance with the specifications. The specifications should be tightened to guarantee performance. Mr. Huthwaite thinks his company is competitive and can beat Clean Care's current bid with the additional square footage added to the contract at the Community Center, Nature Center, and Police/Fire Training Center.

He can be competitive but has had to give raises to workers or you can't keep them. You have to pay more for entry-level people than two years ago.

If the current provider is charging $11.50 per hour (casual labor rate) – he probably has to pay $8.00 per hour plus workers compensation, federal and state taxes, unemployment, training, travel – you have to pay more to get quality workers. He admitted that he cannot beat the casual labor rate but could probably beat the current providers price based upon the additional square footage added to the contract.

SUMMARY

The contract is almost equally split 50/50 between the monthly square footage costs and the casual labor cost which is an hourly rate charged for workers assigned to City Hall, Library, and Community Center consisting of miscellaneous daily assignments at the large facilities such as porter duties, deliveries, bathroom cleaning, room knockdowns and set-ups, etc. Giant Janitorial was $67,591 or 15% higher on the overall contract than our current provider. Staff, therefore, recommends a cautious approach of exercising a one-year renewal option instead of the contract specified two-year period. There appears to be some advantage to re-bidding since the economy is weak, but changing vendors causes increased managerial costs since change-over is disruptive to all 18 City buildings and the staff person at each facility who oversees the work and ensures that the vendor complies with specifications. Since we will have additional square footage at the Community Center and the new Police/Fire Administration Building to add to the contract in the next year or so, it makes sense to review the entire contract, re-bid the contract in Spring 2003 under revised specifications, and award in Summer 2003. The change over, if a new vendor is selected, would be on time for November 1, 2003.

22610 Rosewood • Oak Park, MI 48237 • (248) 414-3880 • Fax (248) 414-3879

September 27, 2002

Dear Valued Customer:

This letter is to inform you of some changes that are happening at Clean Care. Effective 9/20/02 Pat Meathe is no longer an owner of Clean Care. The new owners and their direct cell phone numbers are:

Garfield E. Goulais	248-672-0180
A.J. Madej	248-318-4075
Ramiro A. Ramirez	248-417-5550
Larry Kozak	248-672-0182

Of course you can attempt to contact any of us at our office at 248-414-3880.

I will be bringing each of them out to meet you in the near future. We expect you to continue to receive the same outstanding cleaning service from Clean Care. We will be assigning an officer to each of our accounts to better serve you.

Please do no hesitate to contact any one of us if you have any problem.

Sincerely,

Garfield E. Goulais
Chairman
Clean Care

BSCAI MEMBER

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 additior years is hereby awarded to the low bidder, Clean Care of Oak Park at unit prices contained in the l 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

CITY OF TROY
BID TABULATION
JANITORIAL SERVICES

SBP 00-33

Opening Date - 10/10/00
Date Prepared - 10/11/00

Vendor Name:		This is It! Quality Cleaning			Giant Janitorial			**Clean Care ****		
	Check #	720959250			150521			387938728-28		
	Check Amt	2,500.00			2,500.00			2,500.00		
LOCATION	SQUARE FOOTAGE	COST PER MONTH	$ PER SQUARE FOOT		COST PER MONTH	$ PER SQUARE FOOT		COST PER MONTH	$ PER SQUARE FOOT CORRECTED	
CITY HALL	55,912	$ 3,354.72	0.06	SQ FT	$ 3,019.25	0.054	SQ FT	$ 2,795.60	0.05	SQ FT
52-4 DISTRICT COURT	29,000	$ 2,610.00	0.09	SQ FT	$ 2,697.00	0.093	SQ FT	$ 2,610.00	0.09	SQ FT
COMMUNITY CENTER	46,000*	$ 5,980.00	0.13	SQ FT	$ 5,796.00	0.126	SQ FT	$ 4,600.00	0.1	SQ FT
LIBRARY	44,500	$ 2,670.00	0.06	SQ FT	$ 2,403.00	0.054	SQ FT	$ 2,447.50	0.055	SQ FT
DPW FACILITY	8,500*	$ 1,190.00	0.14	SQ FT	$ 1,096.50	0.129	SQ FT	$ 1,105.00	0.13	SQ FT
P&R GARAGE	1,781	$ 552.11	0.31	SQ FT	$ 625.13	0.351	SQ FT	$ 534.30	0.3	SQ FT
MUSEUM	3X / Week 7,790	$ 623.20	0.08	SQ FT	$ 599.83	0.077	SQ FT	$ 467.40	0.06	SQ FT
LLOYD STAGE NATURE CENTER	3X / Week 2,570*	$ 205.60	0.08	SQ FT	$ 390.64	0.152	SQ FT	$ 308.40	0.12	SQ FT
SYLVAN GLEN: Maintenance Bldg.	2X / Week 750	$ 37.50	0.05	SQ FT	$ 99.75	0.133	SQ FT	$ 90.00	0.12	SQ FT
SYLVAN GLEN: Pro Shop (9 mos./yr)	1,700	$ 544.00	0.32	SQ FT	$ 399.50	0.235	SQ FT	$ 255.00	0.15	SQ FT
FIELD ENGINEERING OFFICE	2X / Week 2,357*	$ 329.98	0.14	SQ FT	$ 348.84	0.148	SQ FT	$ 235.70	0.1	SQ FT
FIRE HALLS:										
1	2,175	$ 261.00	0.12	SQ FT	$ 319.73	0.147	SQ FT	$ 304.50	0.14	SQ FT
2	2,320	$ 278.40	0.12	SQ FT	$ 341.04	0.147	SQ FT	$ 324.80	0.14	SQ FT
3	1,960	$ 235.20	0.12	SQ FT	$ 288.12	0.147	SQ FT	$ 274.40	0.14	SQ FT
4	1,914	$ 229.68	0.12	SQ FT	$ 281.36	0.147	SQ FT	$ 267.96	0.14	SQ FT
5	3,000	$ 360.00	0.12	SQ FT	$ 441.00	0.147	SQ FT	$ 420.00	0.14	SQ FT
6	1,920	$ 230.40	0.12	SQ FT	$ 282.24	0.147	SQ FT	$ 268.80	0.14	SQ FT
TRAINING CENTER	To be Constructed*									
ESTIMATED TOTALS:		$ 19,691.79			$ 19,428.92			$ 17,309.36		
EST ANNUAL TOTAL:		$234,669.48			$231,948.52			$206,947.32		

Casual Labor:				
	Regular Time	12.50	14.41	**11.50**
Estimated Yearly Hours	14520			
	Holiday Time	18.75	19.90	**11.50**
Estimated Yearly Hours	40(+)			
ESTIMATED YEARLY TOTAL COST:		$416,919.48	$441,977.72	$374,387.32 **

INTERIOR AND EXTERIOR PERIMETER GLASS TO BE CLEANED UPON REQUEST BY OWNER

ALTERNATE 1:	RECOMMEND REJECTION		
LOCATION	COMPLETE FOR THE SUM OF	COMPLETE FOR THE SUM OF	COMPLETE FOR THE SUM OF
City Hall	$ 1,560.00	$ 1,100.00	$ 1,475.00
Library	$ 960.00	$ 895.00	$ 575.00
Community Center	$ 260.00	$ 1,500.00	$ 275.00
DPW Garage	$ 120.00	$ 700.00	$ 175.00
P&R Garage	$ 120.00	$ 500.00	$ 50.00
DPW Garage	Blank	$ 700.00	$ 50.00
Museum	$ 560.00	$ 800.00	$ 125.00
52-4 District Court	$ 780.00	$ 1,500.00	$ 325.00

ORIAL SERVICES

Vendor Name:	This is It! Quality Cleaning	Giant Janitorial	Clean Care

INTERIOR VENETIAN BLINDS TO BE TAKEN DOWN AND WASHED AND REHUNG.

ALTERNATE 2:

RECOMMEND REJECTION

LOCATION	COMPLETE FOR THE SUM OF	COMPLETE FOR THE SUM OF	COMPLETE FOR THE SUM OF
City Hall	$ 18.00 EACH WINDOW	$ 4,000.00	$ 2,970.00
Fire Halls #1	$ 18.00	$ 1,500.00	$ 125.00
#2	$ 18.00	$ 1,500.00	$ 125.00
#3	$ 18.00	$ 1,500.00	$ 125.00
#4	$ 18.00	$ 1,500.00	$ 125.00
#5	$ 18.00	$ 1,500.00	$ 125.00
#6	$ 18.00	$ 1,500.00	$ 125.00
Engineering Field Office	$ 18.00	$ 1,500.00	$ 175.00
Library	$ 18.00	$ 4,000.00	$ 1,250.00
Community Center	$ 18.00	$ 4,000.00	$ 950.00
DPW Garage	$ 18.00	$ 2,500.00	$ 225.00
Nature Center	$ 18.00	$ 1,000.00	$ 225.00
Sylvan Glen Pro Shop	$ 18.00	$ 500.00	$ 225.00
P&R Garage	$ 18.00	$ 500.00	$ 175.00
DPW Garage	$ 18.00	$ 500.00	$ 125.00
Museum	$ 18.00	$ 500.00	$ 275.00
52-4 District Court	$ 18.00	$ 3,000.00	$ 2,250.00
INSURANCE: Can Meet	X	X	X
Cannot Meet			
SITE INSPECTION: Yes/No	Yes	Yes	Yes
Date	9/26 & 10/3/00	9/27 & 10/4/00	Current Vendor
TERMS:	Blank	10 days	30 days
WARRANTY:	Blank	Blank	Blank
EXCEPTIONS:	Blank	Blank	Blank

*Reduce by $10,000 if we lower requirements to strip/wax to once a year

NO BIDS:

Road Runr Maintenance

Late Bid: Roebuck Maintenance Co.

NOTE: Obvious decimal point error, minor deviation

**DENOTES LOW TOTAL BIDDER

ATTEST:

Cheryl Morrell

Steve Pallotta

Linda Bockstanz

Jeanette Bennett

Jeanette Bennett
Purchasing Director

G:Janitorial Services Tabulation

ITEMS TAKEN OUT OF ORDER

Contract Renewal Recommendation - Extension of Cleaning Contract for Clean Care, Inc. E-3

Resolution #98-483
Moved by Pallotta
Seconded by Allemon

WHEREAS, on November 4, 1996, a two-year contract, with an option to renew for an additional two years, to provide janitorial services at various City locations was awarded to Clean Care, Inc., the lowest bidder (Resolution 96-1053), and

WHEREAS, the contract was amended to include custodial requirements at the Temporary Community Center using the established unit prices for custodial and hourly casual labor rates (Resolution 97-783-C-9), and

WHEREAS, Clean Care, Inc. has provided satisfactory service and has indicated a desire to extend the current contract for the optional two years provided in the contract, and

ITEMS TAKEN OUT OF ORDER- CONTINUED

Contract Extension of Cleaning Contract - Continued E-3

NOW, THEREFORE, BE IT RESOLVED, that the contract with Clean Care, Inc. to provide janitorial services is hereby approved including the contract provision to accept an increase not to exceed the difference between the October, 1998 Urban-CPI for the Detroit/Ann Arbor Area and the base year of October, 1996 and provide extra cleaning services at the Mini Library at a cost of $5,220.00 per year starting November 4,1998 and expiring November 4, 2000.

Yes: Allemon, Pallotta, Pryor, Schilling, Stevens, Thompson
No: Stine

Bid Awards: (a) Janitorial Services; (b) Sale of Surplus Fire Equipment; (c) Backstops and Player Bench Restraining Fences at Brinston Park; (d) Fire Apparatus - Aerial Platform for Fire Station 3 C-12

(a) Janitorial Services

Resolution #96-1053
Moved by Schilling
Seconded by Pallotta

RESOLVED, that a two-year contract, with option to renew for an additional two years, to provide janitorial services at various City locations is hereby awarded to the lowest total bidder, Clean Care, Inc., pursuant to bid tabulation opened October 18, 1996, a copy of which shall be attached to the original minutes of this meeting, at an estimated annual cost of $256,798, plus casual labor on an as needed basis at the rate of $10 per hour, contingent upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements; and

BE IT FURTHER RESOLVED, that all alternate bids for as needed window washing, blind cleaning and carpet cleaning are hereby rejected.

Yeas: All-7

Extension of Contract - Custodial Services

Resolution #94-941
Moved by Pallotta
Seconded by Allemon

WHEREAS, on November 15, 1993, a one-year contract with option to renew for an additional two years, was awarded to Clean Care, Inc., to provide janitorial services at fifteen City buildings; and

WHEREAS, Clean Care, Inc. has provided satisfactory service and has indicated its desire to extend the current contract;

NOW, THEREFORE, BE IT RESOLVED, that the contract with Clean Care, Inc. to provide janitorial services at fifteen City buildings at an estimated annual cost of $201,550 which includes casual labor to be billed at $7 per hour on an as needed basis and the condition that the City has the option to remove the 500 West Big Beaver building from the contract at its discretion at an approximate reduction of $60,640 annually, is hereby extended through November 19, 1996.

Yeas: All-7

Resolution to Declare Custodial Services Contractor in Default and Award Bid to Second Low Bidder C-11

Resolution #93-1095
Moved by Pallotta
Seconded by Allemon

WHEREAS, on November 2, 1992, a two-year contract to provide janitorial services at fifteen City buildings was awarded to Total Building Services, Inc. (Resolution #92-947); and

WHEREAS, despite repeated attempts by City officials to obtain compliance with specifications, Total Building Services, Inc., has failed to perform as specified;

NOW, THEREFORE, BE IT RESOLVED, that Total Building Services is hereby declared in default with their last day of performing custodial contract work for the City of Troy to be November 19, 1993 and their bid deposit is forfeit; and

BE IT FURTHER RESOLVED, that a one-year contract, with option to renew for an additional two years, to provide janitorial services at fifteen City buildings is hereby awarded to the second low bidder, Clean Care, Inc., at an estimated annual cost of $201,550, which includes casual labor to be billed at $7 per hour on as needed basis, with the condition that the City has the option to remove the 500 West Big Beaver building from the contract at its discretion at an approximate reduction of $60,640 annually; all this being contingent upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates, and all other specified requirements.

Yeas: All-7

October 15, 2002

TO: Honorable Mayor and City Council

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

SUBJECT: Request for Acceptance of Permanent Easements for Watermain – Rochester Road Watermain Replacement South of Maple Road

In connection with the replacement of a watermain project on the west side of Rochester Road, between Maple Road and Elmwood Avenue, the Real Estate and Development Department has acquired the permanent watermain easements listed below. The consideration on each document is $1.00.

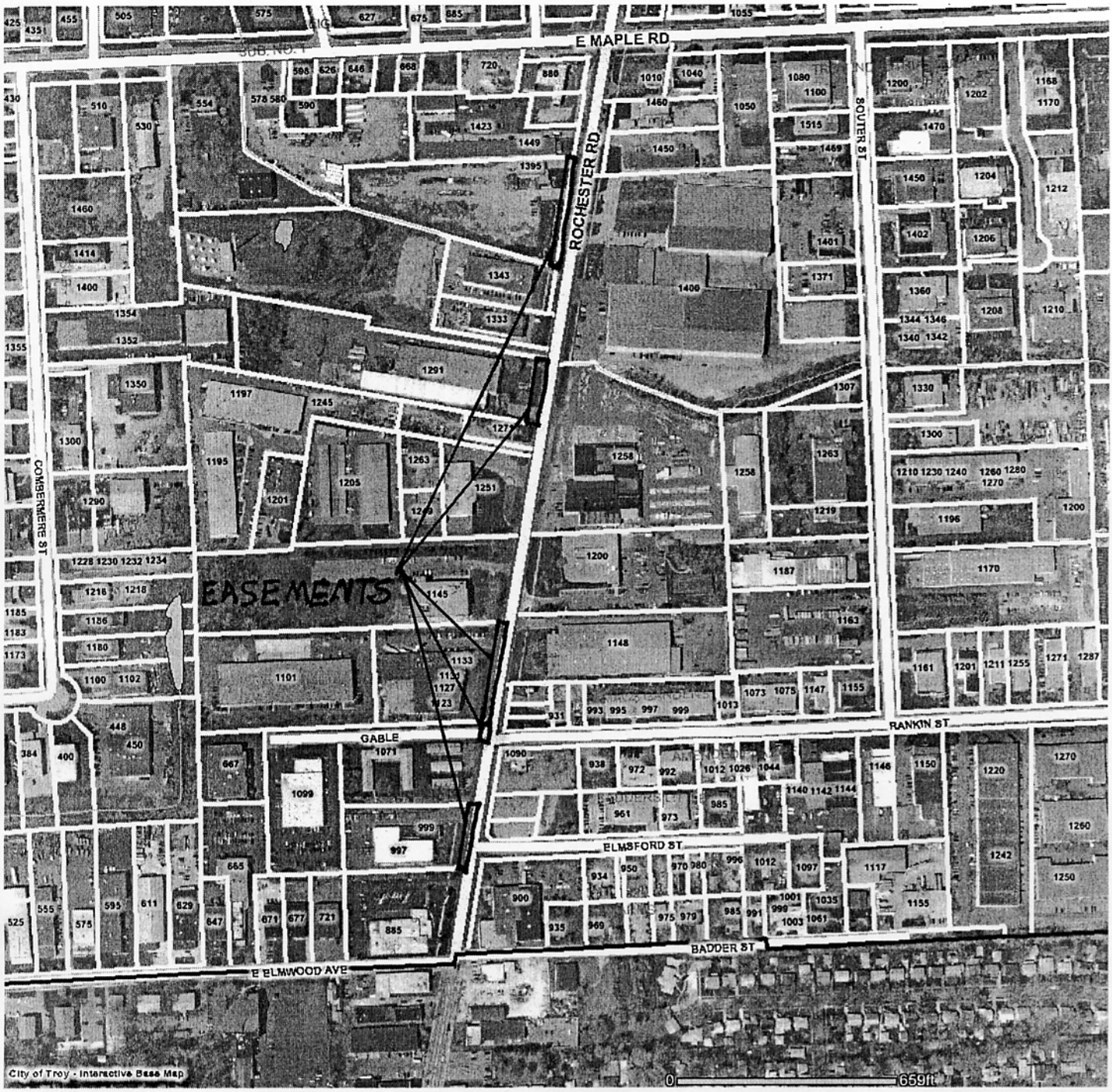
Sidwell#	Owner	Address
20-34-201-034	Rochester Enterprises	1099 Rochester Road
20-34-201-032	A & M Properties	997-999 Rochester Road
20-34-201-065	Manabal Rochester Road	1121-1133 Rochester Road
20-34-201-014	Donald V. Troelsen	1395 Rochester Road
20-34-201-057	LRB Properties	1291 Rochester Road

In order for this project to proceed, management recommends that City Council accept the attached permanent easements.

DCS/pg

City of Troy

Geographical Information Systems



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

NORTH

PERMANENT EASEMENT

Sidwell #88-20-34-201-034

Rochester Enterprises, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is 1099 Rochester Rd.. Troy, Mi., Michigan 48083 for and in consideration of the sum of: One and no/100 Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE 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 18th day of September A.D. 2002

In presence of:
WITNESS

_____
*

By _____ (L.S.)
* KENNETH C KARETA
Its: Managing Member

_____
*

_____ (L.S.)
*

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 18th day of September ,2002 , by Kenneth C KaretA its Managing Member, on behalf of Rochester Enterprises, L.L.C., a Michigan Limited Liability Company.

_____
*
Notary Public Oakland County, Michigan

My Commission Expires 10/20/2004

Prepared by: Dennis C Stephens
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

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

EXHIBIT "A"

Section 34, Water Main Easement
Parcel: 88-20-34-201-034

Description of Water Main Easement

Part of the Northeast ¼ of Section 34, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as:

The East 60.00 feet of the following described property, of which the East 33 feet is Rochester road right-of-way, being perpendicular to the east line of parcel;

Beginning at a point distant North 00 degrees 48 minutes 43 seconds East 259.74 feet and North 89 degrees 59 minutes 38 seconds East 207.42 feet from the center of said section; thence North 00 degrees 32 minutes 27 seconds East 442.36 feet; thence South 89 degrees 28 minutes 23 seconds East 674.60; thence South 11 degrees 36 minutes 53 seconds West 24.46 feet; thence North 89 degrees 28 minutes 23 seconds West 445.90 feet; thence South 00 degrees 32 minutes 27 seconds West 416.28 feet; thence North 89 degrees 59 minutes 38 seconds West 224.01 feet to the Point of Beginning.

File: H:/Descriptions/Easement Descriptions/88-20-34-201-034.doc

PERMANENT EASEMENT

Sidwell #88-20-34-201-057

LRB PROPERTIES, L.L.C., A MICHIGAN LIMITED LIABILITY COMPANY, GRANTOR, WHOSE ADDRESS IS 1281 ROCHESTER RD., TROY, MICHIGAN 48083, FOR AND IN CONSIDERATION OF THE SUM OF: ONE AND NO/100 DOLLAR ($1.00) PAID BY THE CITY OF TROY, A MICHIGAN MUNICIPAL CORPORATION, GRANTEE, WHOSE ADDRESS IS 500 WEST BIG BEAVER ROAD, TROY, MICHIGAN 48084, GRANTS TO GRANTEE A SIXTY (60) FOOT WIDE EASEMENT FOR THE CONSTRUCTION, OPERATION, MAINTENANCE, REPAIR AND/OR REPLACEMENT OF A WATER MAIN, OVER, UNDER, THROUGH AND ACROSS LAND SITUATED IN THE CITY OF TROY, OAKLAND COUNTY, MICHIGAN DESCRIBED ON EXHIBIT "A" attached hereto and incorporated herein by reference.

Grantor grants to Grantee the perpetual right of ingress and egress to and upon the easement area described herein at any time as it may see fit to construct, operate, maintain, repair and/or replace the water main subject to the following terms and conditions:

(a) All construction, repair, maintenance, reconstruction and replacement shall be performed by Grantee without cost to Grantor and shall not either impede Grantor's and its tenant's, if any, ingress and egress to the property on which the easement area is located or interfere with either the business activities of Grantor and its tenants, if any, or the use of said easement area by Grantor and its tenants, if any.

(b) Upon completion of the construction, maintenance, replacement or repairs, Grantee will restore the easement area to the same condition it was in prior to such construction, maintenance, replacement or repair without cost to Grantor.

(c) This easement is irrevocable and non-exclusive and Grantor and its successors and assigns may use and enjoy the easement in common with Grantee, provided that such use does not interfere with Grantee's reasonable use of the easement granted by this instrument.

Grantee hereby acknowledges and accepts this grant of easement from Grantor.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signature(s) this 25 day of September, A.D. 2002.

"GRANTOR"

LRB Properties, L.L.C., a Michigan limited liability company

By: Beverly A. Geisler (L.S.)
Beverly Geisler, Authorized Agent for Grantor

"GRANTEE"

City of Troy, a Michigan municipal corporation

By: _____ (L.S.)
Its: _____

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 25th day of September, 2002, by Beverly Geisler, Authorized Agent, on behalf of LRB Properties, L.L.C., a Michigan limited liability company, on behalf of such company.

Linda Kaye Rombach, Notary Public
Oakland County, Michigan
My Commission Expires: 10-16-03

STATE OF MICHIGAN)
) ss
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of September, 2002, by _____, _____, of the City of Troy, a Michigan municipal corporation, on behalf of such corporation.

_____, Notary Public
Oakland County, Michigan
My Commission Expires: _____

Prepared by: Dennis C. Stephens
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

Section 34, Water Main Easement
Parcel: 88-20-34-201-057

Description of Water Main Easement

Part of the West ½ of the Northeast ¼ of Section 34, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as:

The East 60.00 feet of the following described property being perpendicular to the east line of parcel;

Beginning at a point distant South 00 degrees 12 minutes 00 seconds East, 689.27 feet and South 77 degrees 25 minutes 00 seconds East 160.00 feet from the North ¼ Corner of said section; thence South 77 degrees 25 minutes 00 seconds East 408.59 feet; thence South 12 degrees 35 minutes 00 seconds West 30.00 feet; thence South 77 degrees 25 minutes 00 seconds East 574.29 feet; thence South 11 degrees 55 minutes 15 seconds West 200.00 feet; thence North 77 degrees 25 minutes 00 seconds West 933.01 feet; thence North 00 degrees 12 minutes 00 seconds West 235.84 feet to the Point of Beginning. The easterly 33.00 feet of which is currently being used for roadway purposes. Containing 12,000 Square Feet or 0.275 Acres more or less.

PERMANENT EASEMENT

Sidwell #88-20-34-201-032

A & M Properties, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is 997-999 Rochester Rd.. Troy, Mi., Michigan 48083 for and in consideration of the sum of: One and no/100 Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE 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 18 day of September A.D. 2002

In presence of:
WITNESS

A & M Properties, LLC

_____ By Mario Valente (L.S.)
* MARIO VALENTE
Its: Managing Member

_____ - PRESIDENT - (L.S.)
*

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 18 day of September ,2002 , by MARIO VALENTE its Managing Member, on behalf of A & M Properties, L.L.C., a Michigan Limited Liability Company.

*
Notary Public Oakland County, Michigan

My Commission Expires 10/20/2004

Prepared by: Dennis C Stephens
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

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

EXHIBIT "A"

Section 34, Water Main Easement
Parcel: 88-20-34-201-032

Description of Water Main Easement

Part of the Southwest ¼ of the Northeast ¼ of Section 34, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as:

The West 27 feet of the East 60 feet of the North 30.88 feet of the following described property, being perpendicular to the east line of parcel;

Beginning at a point distant North 00 degrees 48 minutes 43 seconds East 259.74 feet and North 89 degrees 59 minutes 38 seconds East 431.43 feet from the center of said section; thence North 00 degrees 32 minutes 27 seconds East 197.17 feet; thence South 88 degrees 33 minutes 09 seconds East 401.80 feet; thence South 11 degrees 36 minutes 56 seconds West 190.88 feet; thence South 89 degrees 59 minutes 38 seconds West 364.91 feet to the Point of Beginning.

File: H:/Descriptions/Easement Descriptions/88-20-34-201-032.doc

PERMANENT EASEMENT

Sidwell #88-20-34-201-014

Donald V. Troelsen, as Trustee of an agreement of trust dated January 26, 1996 as amended for the benefit of Donald V. Troelsen, Grantor(s), whose address is 1395 Rochester RD., Troy, Michigan, 48083, for and in consideration of the sum of: One Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace, Water Main , said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

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

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 7 day of October, 2002.

In presence of:
WITNESS

Not required
*

Not Required
*

Donald V. Troelsen (L.S.)
Donald V. Troelsen - Trustee

(L.S.)

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 7th day of OCTOBER, 2002 by Donald V. Troelsen, as Trustee of an agreement of trust dated January 26, 1996, as amended for the benefit of Donald V. Troelsen.

Alisa Troelsen Loz
*

Notary Public, OAKLAND County, Michigan

My Commission Expires 9-14-03

Prepared by:
Dennis C. Stephens
500 West Big Beaver
Troy, Michigan 48084

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

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

Parcel: 88-20-34-201-014
Owner: Donald Troelsen Trust
Address: 1395 Rochester Rd., Troy, MI 48083

Description of 5' W/M Easement: (Description Taken from Tax Roll data)

Part of the Northeast ¼ of Section 34, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as:

The East 5.00 feet of the following described property being perpendicular to the east line of parcel;

Beginning at a point in the centerline of Rochester Rd. distant South 11 degrees 33 minutes 00 seconds West, 365.00 feet from the north section line; thence West 729.61 feet; thence South 123.20 feet; thence South 71 degrees 19 minutes 00 seconds East 695.50 feet to the centerline of Rochester Rd.; thence North 11 degrees 33 minutes 00 seconds East 353.10 feet to the Point of Beginning except the easterly 43.00 feet taken for roadway purposes.
Containing 1,691 Square Feet or 0.039 Acres more or less.

PERMANENT EASEMENT

Sidwell #88-20-34-201-065

Manabal Rochester Road, L.L.C., a Michigan Limited Liability Company, Grantors, whose address is c/o Bruce Levine, 43902 Woodward Avenue, Suite 260, Bloomfield Hills, Michigan 48302, for and in consideration of the sum of: One and no/100 Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE 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 18th day of September A.D. 2002

In presence of:
WITNESS

Lisa Rimmer
*

Cassie Kilgan
*

Manabal Rochester Road, LLC

By _____ (L.S.)
*Bruce Levine
Its: Managing Member

_____ (L.S.)
*

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 18th day of September, 2002, by Bruce Levine, its Managing Member, on behalf of Manabal Rochester Road, L.L.C., a Michigan Limited Liability Company.

Kimberly S. Kanat
*

Notary Public, Oakland County, Michigan

My Commission Expires _____

KIMBERLY S. KANAT
Notary Public, Oakland County, MI
My Commission Expires 10/28/2006

Prepared by: Dennis C Stephens
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

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

EXHIBIT "A"

Section 34, Water Main Easement
Parcel: 88-20-34-201-065

Description of Water Main Easement

Part of the Northeast ¼ of Section 34, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as:

The East 60.00 feet of the following described property, of which the East 33 feet is Rochester road right of way, being perpendicular to the east line of parcel;

Beginning at a point distant North 00 degrees 48 minutes 43 seconds East 704.04 feet and South 89 degrees 28 minutes 23 seconds East 532.76 feet from the center of said section; thence North 00 degrees 31 minutes 37 seconds East 298.49 feet; thence South 89 degrees 28 minutes 23 seconds East 405.64 feet to the centerline of Rochester Rd.; thence South 11 degrees 36 minutes 53 seconds West 304.17 feet; thence North 89 degrees 28 minutes 23 seconds West 347.15 feet to the Point of Beginning.

October 14, 2002

TO: Honorable Mayor and City Council

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

SUBJECT: Standard Purchasing Resolution 8: Best Value Process Award – Banquet Services

RECOMMENDATION

On July 24, 2002, two (2) proposals were opened for a three-year contract for Banquet Services with an option to renew for three additional years. Ten proposals were mailed to prospective bidders in Troy that were obtained from the Chamber of Commerce's website of banquet / meeting facilities accommodating the expected number of participants for each event. It is respectfully recommended that a contract be awarded to the **San Marino Club**, the bidder providing the best value with a final weighted score of **100.** Unit prices were established in the request for proposal at $39.00 per plate for two (2) Appreciation Banquets and $20.00 per plate for the Employee Holiday Party. Also, the San Marino Club was the only facility that had dates available for all three events. If approved by Council, this proposal shall be awarded to the recommended bidder contingent upon submission of proper contract and proposal documents, including insurance certificates and all specified requirements.

SELECTION PROCESS

A best value approach addresses ability, experience, and quality issues leading to a successful contract and reduction in risk of poor service for high profile banquet services for the Fire Fighter Appreciation Banquet, Boards & Committee Appreciation Banquet, and Employee Holiday Party. The award recommendation was based upon the vendor offering the best combination of a variety of factors including date availability, menu selections, cleanliness, selection taste, physical appearance, professional competence, and table decorations/ linens.

The prices were established by the City based upon the prices paid for these events over the past three years and the current budget. This allowed an evaluation of the quality issues surrounding a banquet function. The establishment of price to evaluate quality issues was also used on the P&R Department's trophy and awards bid that garners the best "bang for the buck" spent. After the bid opening, staff called the Northfield Hilton to inquire why they did not submit a proposal. Their response was that the price established was too low and they did not want to commit to a multi-year contract.

SUMMARY

After completing the evaluation process, San Marino Club received the highest recommendations from the committee. The San Marino Club's attributes found by the rating committee include professional staff both administrative and service, central location, easier access to parking, wider variety of entrée choices, more aesthetically pleasing atmosphere; and their staff is attentive to detail, flexible, and works well with City staff.

BUDGET

Funds are available from the operating budget in the Community Affairs Department. Although the City does not pay for the employee holiday party, it was added to the RFP to establish dates for all City functions and make the entire package more attractive to the facilities. The employee holiday party is funded through profits from the vending machines and employee ticket sales.

10 Proposals Sent
2 Proposal Responses Received

EXECUTIVE SUMMARY
BANQUET SERVICES

STATISTICS:

- **10 RFP documents sent to prospective bidders**
- **Locations were Troy facilities that were found on the Chamber of Commerce's website for banquet/ meeting facilities that could hold the expected number of people attending City events including the Boards/Committees Appreciation Banquet, Fire Appreciation Banquet, and Employee Holiday Party**
- **2 responses were received**
- **Per plate prices were set for the process based upon previous prices paid in order to determine the best value (banquet package) for price paid**
- **The San Marino Club was the highest rated facility offering dates for all three listed events. Petruzzello's provided dates for one event, the Boards / Committees Appreciation Banquet.**

Both bidders submitted a proposal and met minimum qualifications. They received the indicated final scores:

COMPANY	SCORE
San Marino Club	100
Petruzzello's	80

SITE VISIT EVALUATION - SCORE:

Raters:	1	2	3	AVERAGE
Vendors:				
1. San Marino Club	100	100	100	**100**
2. Petruzzello's	75	91	75	**80**

CITY OF TROY RFP 02-32

Opening Date -- 7/24/02
Date Prepared -- 8/2/02

BID TABULATION
RFP FOR HALL/BANQUET SERVICES

FIRM NAME:		SAN MARINO CLUB	PETRUZZELLO	
PROPOSAL ONE $39/PLATE: FILLED OUT	(Yes or No)	YES	YES	
PROPOSAL TWO $39/PLATE: FILLED OUT	(Yes or No)	YES	NO	
PROPOSAL THREE $20/PLATE: FILLED OUT	(Yes or No)	YES	NO	
AWARD: DISCOUNT FOR ALL BANQUETS:		BLANK	BLANK	
INSURANCE:	Can meet	XX	XX	
	Cannot meet			
TERMS:		BLANK	BLANK	
WARRANTY:		BLANK	BLANK	
EXCEPTIONS:		BLANK	BLANK	

PROPOSAL: Provide Three (3) Year Requirements of Hall/Banquet Services with an Option to Renew for Three (3) Additional Years

ATTEST:
MaryAnn Hays
Cindy Stewart
Linda Bockstanz

Jeanette Bennett
Purchasing Director

G:RFP 02-32 HALL-BANQUET SERVICES

MINUMUM REQUIREMENTS / SITE VISIT EVALUATION – HALL / BANQUET SERVICES (OPERATOR)

RATER 1

VENDORS										
NAME: ADDRESS: CITY/ STATE/ ZIP: PHONE / FAX NUMBER: OBJECTIVES:	A			B			C			
MINIMUM REQUIREMENTS Pass / Fail	**INFORMATION**	**Pass/ Fail**		**INFORMATION**	**Pass/ Fail**		**INFORMATION**	**Pass/ Fail**	
1. Date Availability									
2. Menu Selections									
3. Capacity Boards, Etc. Appreciation (275) Fire Appreciation (350) Employee (275)									
4. INSURANCE									
5. Cleanliness **COMMENTS** Bathrooms Dining Room Guest Receiving Area Food Prep Areas									
OBJECTIVES WEIGHTED CRITERIA	**INFORMATION**	**Pass/ Fail**	**RATING** 0 -> 25	**INFORMATION**	**Pass/ Fail**	**RATING** 0 -> 25	**INFORMATION**	**Pass/ Fail**	**RATING** 0 -> 25
1. TASTE / TYPE OF SELECTIONS **COMMENTS**									
2. Physical Appearance **POSITIVE /** **NEGATIVE**									
3. Professional Competence **POSITIVE /** **NEGATIVE**									
4. Table Decorations / Linens **POSITIVE /** **NEGATIVE**									

RATINGS: 25 = MAXIMUM; 0 = LOW **PERFECT SCORE: 100 POINTS** **G:/RatingForm – Banquet Services 07-02.doc**

AMERICAN POLISH CULTURAL CENTER
2975 E MAPLE
TROY MI 48083

ELKS LODGE OF TROY
1451 E BIG BEAVER RD
TROY MI 48083-1968

MSU MANAGEMENT EDUCATION CENTER
811 W SQUARE LAKE ROAD
TROY MI 48098

NORTHFIELD HILTON
ATTENTION: RANDY ANNIS CATERING
5500 CROOKS ROAD
TROY MI 48098-2898

PETRUZELLOS
6950 ROCHESTER
TROY MI 48085

SAN MARINO CLUB
1685 E BIG BEAVER
TROY MI 48083-2020

SKATE WORLD OF TROY
2825 E MAPLE
TROY MI 48083

SOMERSET INN
2601 WEST BIG BEAVER ROAD
TROY MI 48084

TROY MARRIOTT
200 W BIG BEAVER
TROY MI 48084

WALSH COLLEGE
3838 LIVERNOIS
TROY MI 48083

September 12, 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

SUBJECT: Request for Approval of Conditioned Purchase Offer for Right-of-Way, Livernois Sidewalk Gap Completion and Water Main Projects: Sidwell # 88-20-03-101-008

As part of the Livernois sidewalk gap completion and water main projects, the Real Estate and Development Department has reached an agreement with Sarmad Y. Hermiz and Aida E. Hermiz, property owners of Sidwell #88-20-03-101-008. The acquisition of 60 feet includes 33 feet currently being used for road purposes and an additional 27 feet. The parcel is located in Section 3, on the east side of Livernois north of Lovell.

This is the last of four parcels required for this project. Council approved two conditioned offers on September 23, 2002 and one on June 17, 2002.

The property was appraised by Chamberlain and Walsh, Ltd., and reviewed by Patricia Petitto, Senior ROW Representative and Kimberly Harper, Deputy City Assessor, resulting in a value of $20,290.00. Both reviewers are State Licensed Appraisers. Management believes that the agreed upon compensation of $20,290.00 is justifiable for the additional 4,509 square feet (27’ x 167’).

In order for the City to proceed with this project, management requests that City Council approve the attached purchase agreement. Monies for the purchase of right-of-way will come from the water main construction budget.

Sidwell # 88-20-03-101-008
Project #

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Sarmad Y. Hermiz and Aida E. Hermiz, his wife (the "Seller"), the following described premises (the "Property"):

> Part of the Northwest Fractional ¼ of Section 3, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. More particularly described as follows:
>
> Beginning on the west section line distant South 01 degrees 06 minutes 00 seconds East 1313.62 feet from the Northwest Section Corner; thence North 88 degrees 42 minutes 40 seconds East 60.00 feet; thence South 01 degrees 06 minutes 00 seconds East 167.00 feet; thence South 88 degrees 42 minutes 40 seconds West 60.00 feet; thence North 01 degrees 06 minutes 00 seconds West 167.00 feet to the Point of Beginning. Containing 4,509 Square Feet or 0.104 Acres more or less.

for a public project within the City of Troy and to pay the sum of Twenty Thousand, Two Hundred and Ninety and no/100 dollars ($20,290.00) 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, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.

7. The City of Troy's sum paid for 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 this sum, 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.

10. Additional conditions, if any:

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 11th day of October, A.D. 2002.

In presence of:

Patty Gross
PATTY GROSS

Pauline A. Petitto

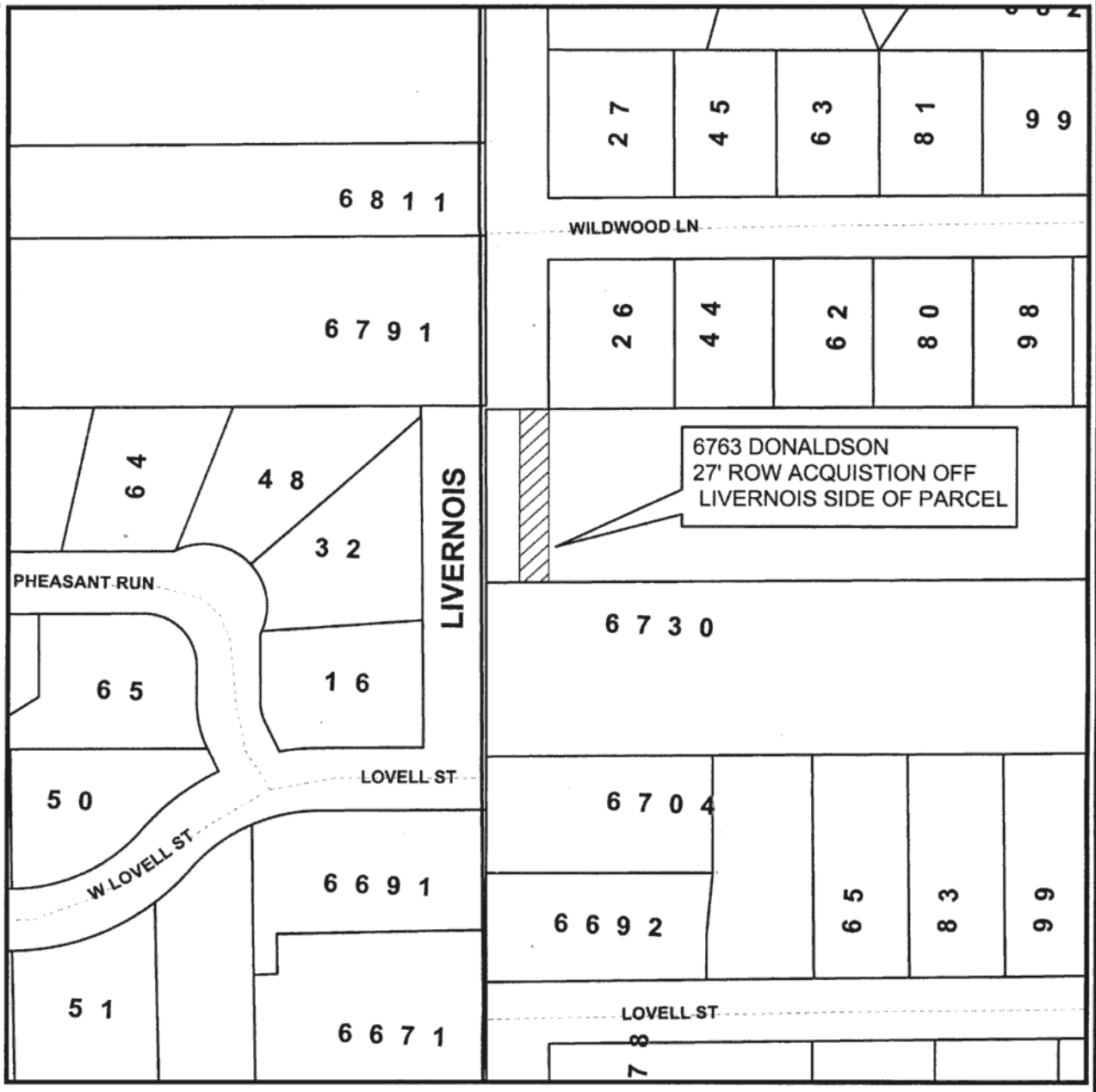
CITY OF TROY (BUYER)

SELLER: Sidewell#88-20-03-101-008

Sarmad Y. Hermiz
Sarmad Y. Hermiz

Aida E. Hermiz
Aida E. Hermiz

SIDEWALK GAP
COMPLETION PROJECT
88-20-03-101-008



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

CITY OF TROY
OAKLAND COUNTY MICHIGAN

N

0 190 380 760 Feet

October 9, 2002

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance & Administration
James A. Nash, Financial Services Director
Stephen Cooperrider, Risk Manager

SUBJECT: Bid Waiver –
Renewal of Fiduciary Liability Insurance Coverage

RECOMMENDATION:

It is the recommendation of Management that City Council approves the renewal of the City's Fiduciary Liability coverage with the Chubb Insurance Group (The Federal Insurance Company) from November 8, 2002 – November 8, 2003 for a premium cost of $11,867 and waives the formal bidding procedure. This renewal would also include an increase in the deductible from $10,000 to $25,000. (Attached is a copy of a renewal binder page and invoice from the C.M. Althoff Company)

BACKGROUND:

The City has carried Fiduciary Liability coverage for the past three years at a cost of $11,200 for each of the first two years and $11,760 last year, with limits of $3 Million dollars and a deductible of $10,000. The coverage has been purchased from the Chubb Insurance Group each year through the C. M. Althoff Company. The fiduciary liability coverage is errors and omissions coverage for the administration of the City of Troy Employees Retirement System, and Incentive Plan for Volunteer Firefighters.

In July 1999 the Employees Retirement Board first met regarding this coverage and recommended the purchase of the fiduciary liability coverage with limits of $3 Million.

ANALYSIS:

Attached is a letter dated October 11, 2001 from the C.M. Althoff Company regarding the purchase of the Fiduciary Liability Insurance coverage. We contacted several municipalities to confirm Mr. Althoff's previous statement regarding the domination of the marketplace by Chubb and Travelers, and whether this was still the case. Of the seventeen municipalities contacted, they either were insured through the Chubb Insurance Group, Travelers Insurance, or had no coverage. And Traveler's has indicated they cannot improve on the quote submitted by Chubb.

BUDGET:
The cost for this coverage is an administrative cost of the City of Troy Employees Retirement System (Account number 861.7962), and Incentive Plan for Volunteer Firefighters (Account number 862.7962).

C. M. Althoff Company

575 East Maple Road
Troy, Michigan 48083-2806

Telephone: (248) 743-1000 (800) 276-6077
Facsimile: (248) 743-1007
Email: cmalthoff@voyager.net
www.cmalthoff.com

Insurance Binder

Binder Number: 0101-11 **Date Issued:** 10-08-02

Insured: City of Troy

Address: 500 W. Big Beaver Rd., Troy, MI 48084

Location(s) of Insured: 500 W. Big Beaver Rd., Troy, Michigan

Insurance Company: Chubb/Federal Insurance Company

Inception Date: 11-08-02 **Expiration Date:** 11-08-03

Coverages: Fiduciary Liability

Limits of Coverage:

Limit: $3,000,000

Defense Coverage: Included

Deductible: $25,000

This binder is a temporary insurance contract. Binder terminates upon issuance of the policy providing coverage(s) outlined above. Binder is issued subject to the standard coverage, terms, conditions and exclusions contained in the policy normally issued by the insurance company named above.

Authorized Representative

Donald P. Althoff

Risk Management for Tomorrow

C. M. Althoff Company

575 East Maple Road
Troy, Michigan 48083-2806

Telephone: (248) 743-1000 (800) 276-6077
Facsimile: (248) 743-1007
Email: cmalthoff@voyager.net
www.cmalthoff.com

October 8, 2002

City of Troy
Attn: Steve Cooperrider
500 W. Big Beaver Rd.
Troy, MI 48084-5285

INVOICE

#100202

11-08-02	Fiduciary Liability Renewal Federal Insurance Company Policy #8159-6978 Effective 11-08-02/11-08-03	$11,867.00
	TOTAL AMOUNT DUE	**$11,867.00**

Please make check payable to C.M. Althoff Company
Payment due 15 days after the date of the invoice.

Risk Management for Tomorrow

C. M. Althoff Company

575 East Maple Road
Troy, Michigan 48083-2806

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Facsimile: (248) 743-1007
Email: cmalthoff@voyager.net
www.cmalthoff.com

October 11, 2001

Stephen Cooperrider, Risk Manager
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Dear Steve,

Re: Fiduciary Liability Coverage
City of Troy Employees Retirement System
City of Troy Incentive Plan for Volunteer Firefighters
Chubb Group Policy Number 8159678

The captioned policy has an anniversary date of November 8, 2001. We have received a renewal cost quotation from the carrier of $11,760, versus an expiring premium of $11,200, which represents an increase of 5%. This is the first increase since coverage was initiated.

The insurance marketplace for Michigan Public Entity Fiduciary Liability coverage is dominated by two insurance carriers, namely Chubb Group and Travelers. They are the only carriers that have developed specialized forms addressing the needs of Michigan Public Entities and Public Act 20 that governs the operations of pension plans in our State.

The insurance marketplace has been hardening with substantial cost increases and coverage restrictions appearing. The events of September 11, 2001 have accelerated this movement.

We have contacted Travelers and they have indicated that they could not improve on the above quotation.

We are recommending that the City of Troy continue this coverage through Chubb Group. It is the best alternative in today's changing insurance environment. We feel that maintaining stability with the same carrier is an important consideration.

Respectfully submitted,

Donald P. Althoff, CPCU, ARM

October 8, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: Establishment of New Community Center Rental Rates

RECOMMENDATION

Staff recommends the establishment of two new Community Center rental rates that would accommodate requests to reserve the Community Center for an overnight function. Several groups/organizations including Boy Scout and Girl Scout councils have indicated an interest in this type of activity.

Under the proposed plan, the rental price would enable the public to rent the Community Center beginning 30 minutes after the building is closed for business to one hour before it re-opens the following day. At least two part-time employees and an appropriate number of lifeguards (if indoor pool is rented) would be present to supervise the event. All food served at the event would be provided by Emerald Food Service, the in-house caterer.

The following two rental prices are proposed based on the areas in the facility that are used:

Package A	**Package B**
Gymnasium	Gymnasium
Locker Rooms	Locker Rooms
Game Room	Game Room
Activity Room	Activity Room
Dining Room	Dining Room
	Indoor Pool (2 hours)
$1300 (Troy Residents)	**$1500 (Troy Residents)**
$1625 (Non Residents)	**$1875 (Non Residents)**

To obtain the resident rate, the group must meet the current requirement of 75% residents. The group will be limited to 300 patrons in the facility and 150 in the indoor pool at one time. Additional charges will be assessed for damages or if additional staff is needed to supervise the event.

October 15, 2002

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Request for Study Session to Establish Goals and Objectives

We normally meet each November to review, calibrate, and/or set new goals and objectives for the community. In the past, our format has been to have staff provide the status of existing goals and objectives, as well as propose new objectives. This year will be a little different in that I've previously met with all of you independently and have recorded your comments relative to areas you like about the organization, and areas where you'd like to see an improvement. We can therefore discuss your individual goals/objectives in tandem with management's.

Although you've received this information previously, I'm resubmitting the following:

1) My letter to you dated August 30, 2002 relative to your vision for the community in terms of likes and areas for improvements.

2) Goals and objectives for the years 2002-2004.

Prior to our study session, I'll be transmitting an updated version of goals and objectives for your consideration. Additionally, organizational positives for the year 2002 will also be advanced.

As always, please call should you have any questions.

JS/mr\AGENDA ITEMS\2002\Request for Study Session – G & O

August 30, 2002

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Vision for the Community

Thank you for taking time out of your schedule to meet and discuss a vision for our community. Attached are your comments relative to what you like about Troy, and where there is a need for improvement.

Dr. John Nalbandian will be discussing these issues with us next week. Additionally, we'll delve further into these issues as we begin our strategic planning cycle.

Again, thanks for your input and insight.

JS/mr\2002\To M&CC\Vision for the Community

c: Tonni Bartholomew
Lori Bluhm
Laura Fitzpatrick
John Lamerato
Gary Shripka

THINGS COUNCIL LIKES ABOUT THE COMMUNITY AND AREAS WHERE THEY'D LIKE TO SEE IMPROVEMENT

THINGS THEY LIKE:

PROFESSIONAL ADMINISTRATION

- Good municipal service delivery, i.e., Police Department as well as their involvement with the Oakland County Task Force, Fire Department, refuse, snow removal.
- Items are researched in a professional manner.
- Buildings and grounds are well taken care of and that's important because government should set architectural/maintenance/landscaping standards for the community.
- Paperless agenda.
- Information technology has improved.
- Police and Fire Departments do an excellent job.
- Parks are decent.
- Road construction activity is aggressive to meet increased demands.
- Management team performs well and continues to improve.

GOOD TAX BASE

- Good tax base (blend of residential/commercial/industrial properties.
- Property tax rate is good.
- Good tax rate; it's important to stay within Headlee limitation.
- Well-balanced community in terms of tax base and quality of life; it's a good place to live, work and recreate/shop.
- Good volunteer spirit in the community, especially with the Fire Department.

VOLUNTEERISM

- Good volunteer spirit of community.
- Spirit of volunteerism is strong.

GOOD COMMUNICATION WITH RESIDENTS

- Good staff representing a culture of professionalism where citizens are customers.
- Good response from administration relative to citizens' concerns.
- Good communication with residents by using web site.
- Current method of how City Council handles visitors is preferred.

AREAS WHERE THEY WOULD LIKE SEE AN IMPROVEMENT:

COUNCIL

- Council meetings run too long, and meetings are not run well.
- There are too many referrals to study sessions because some members on Council are uncomfortable making decisions.
- There are too many attempts to micromanage the administration.
- There is partisanship on Council where the Charter requires non-partisan elections.
- Some times the Mayor forgets his primary role at Council meetings is to get through the Agenda and not dominate discussion.
- Develop basic ground rules for conducting Council meetings, which includes required behavior of not only Council members, but all who engage in discussion at a meeting. And enforce these rules.
- Management needs to formalize an academy for new Council members.
- A uniform code of ethics should be adopted by City Council.
- Overall level of professionalism by Council members at Council meetings needs to be improved.
- Basic goals of the organization should be reevaluated.
- Meet prior to 7:30 PM on Council meeting nights (blue sky meeting).
- Ask state legislators to attend study sessions.
- Property taxes should be lowered as a result of efficiencies and savings to tax payers.

ADMINISTRATION

- Municipal response to residents, in terms of a customer service orientation, has improved over the years, but still can improve. Customer service training may be in order.
- Continued improvement of “can-do” attitude of staff.
- We need better electronic discipline, i.e., more digitized versus scanning. This will result in better customer service. Also, take advantage of new technology as it becomes available. In addition, information technology seminars with Council would be a benefit.
- Need to review fee-based operations to assure the proper amount is being charged. A five-year plan for major programs such as the Aquatic Center is also in order.
- Determine if it’s feasible to break away from the Detroit water system.
- Developers should be required to meet with adjacent neighbors to discuss their proposed development, which includes interconnection of public streets when applicable.

COMMUNICATION

- No major papers have a presence in Troy, i.e., Detroit News/Free Press; Oakland Press is in Pontiac; Eccentric is in Birmingham.
- Should develop a series of focus groups to get feedback on community issues.
- Continually search for better methods of communicating with residents.
- Cable TV system is somewhat erratic with black-outs; sometimes there are snafus such as Council members are shown speaking with wrong name plates.
- The web site could be made more user friendly.
- Communication can be enhanced, i.e., more timely notice to residents regarding projects affecting them; developers should be asked if they met with residents.

CAPITAL IMPROVEMENTS

- Parks are decent but the City could have required more property in the past, i.e., along Rochester/Square Lake. Council should be more proactive in the future in acquiring property. In addition, stay away from a formula trap, as it may be better to have passive parks and more trails than ball fields.
- Ball fields should be constructed on the other side of Livernois by the Community Center to replace those that were taken out of service by the acquisition of old Troy High.
- Could improve on alternative transportation methods to reduce peak traffic hours, i.e., flex time, compressed work weeks, telecommuting, car pooling/van pooling.
- Maintenance of roads should be improved. In addition, determine on a regional basis how we can coordinate major street projects so the traveling public receives the benefit of an improved road system for more than one political jurisdiction.
- Capital unmet needs should be prioritized by category and on a project basis within our budget document.
- In terms of road construction, a greater sensitivity is needed relative to the inconvenience of the construction project. In addition, more notification, better signage and driveway access should be given consideration. Further, utilities need to perform better in terms of relocation.

THE COMMUNITY AT LARGE

- Lack of a centralized downtown area (a developed Civic Center can create a sense of downtown).
- Private sector is not involved in the community. Perhaps this is because executives who work here may not live in Troy.

- Demographically we're getting older, thus better transit will be needed in the near future.
- Community involvement and spirit of volunteerism needs to be enhanced, as it appears to be on the decline.

GOALS AND OBJECTIVES POWER POINT PRESENTATION ATTACHED IN HARD COPY FORMAT.

THE VETERANS MEMORIAL COMMITTEE OF TROY

RECEIVED
OCT 15 2002
CITY OF TROY
CITY MANAGER'S OFFICE

October 14, 2002

Troy City Council
500 W. Big Beaver
Troy, Mi. 48083

Honorable Mayor and City Council,

The Veterans Memorial Committee of Troy wishes to request that a Granite Marker (see enclosure) be placed at the Northeast entrance to the Veterans Memorial Plaza.

Please note that the entire cost of the marker, to include installation, will be borne by the Veterans Memorial Committee.

Your approval of this request would be greatly appreciated.

Respectfully,

Jack W. Turner , Chairman
Veterans Memorial Committee

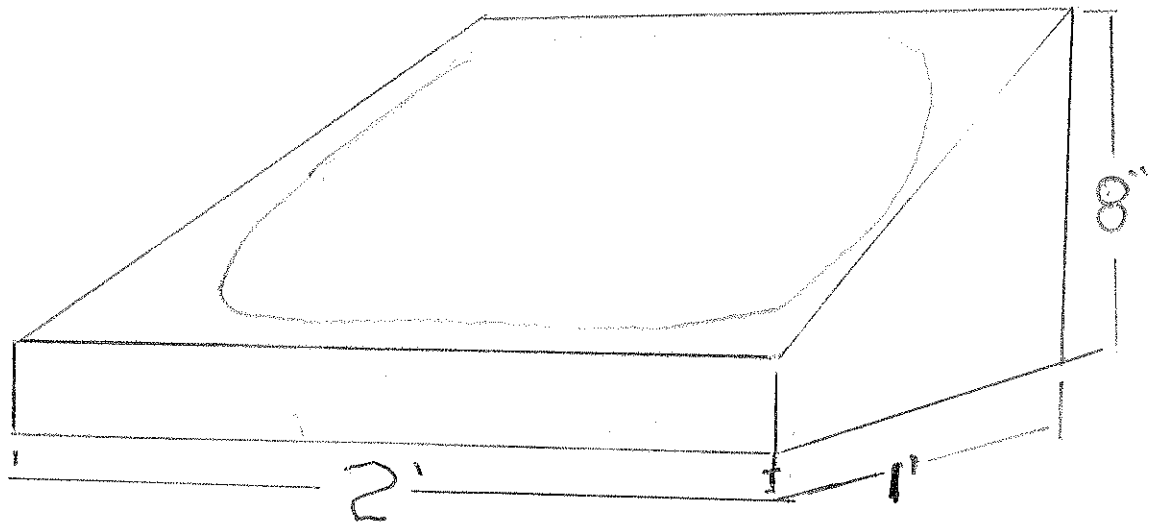
2965 ROUNDTREE DR.
TROY, MI. 48083
248-528-2615

FAX: 248-528- 3815
E- MAIL: jdirect01@aol.com

ROUGH CUT -- GREY GRANITE -- WITH TOP OF STONE POLISHED TO HOLD FOLLOWING INSCRIPTION:

VETERANS MEMORIAL PLAZA
"TO HONOR"
THOSE WHO SERVED"

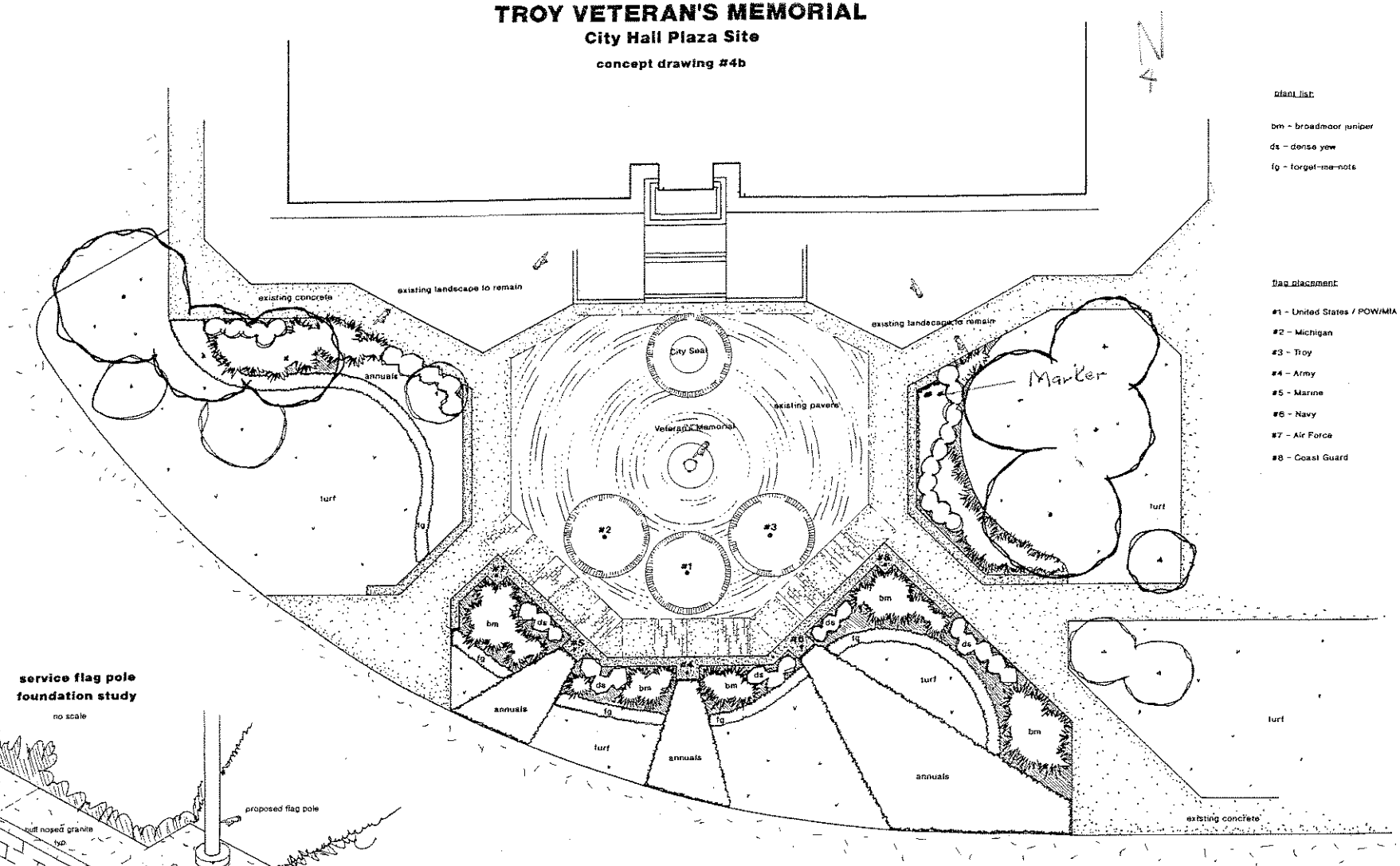
DEDICATED
OCTOBER 6, 2001



TROY VETERAN'S MEMORIAL

City Hall Plaza Site

concept drawing #4b



plant list:

bm - broadmoor juniper

ds - dense yew

fg - forget-me-nots

flag placement:

#1 - United States / POW/MIA

#2 - Michigan

#3 - Troy

#4 - Army

#5 - Marine

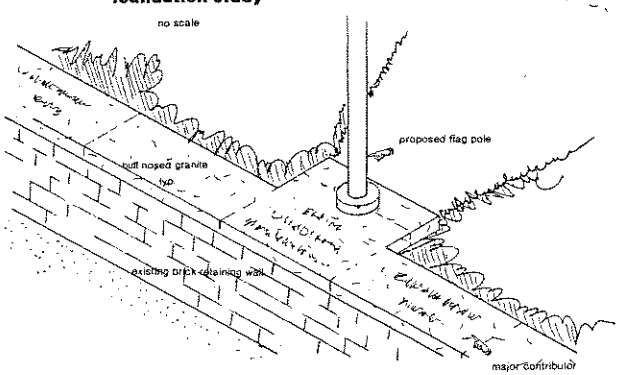
#6 - Navy

#7 - Air Force

#8 - Coast Guard

service flag pole foundation study

no scale



City of Troy

October 16, 2002

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, CITY ATTORNEY

RE: METRO ACT- TELECOMMUNICATIONS RESOLUTION & REPEAL OF CURRENT ORDINANCE

The METRO Act (Metropolitan Extension Telecommunications Rights of Way Oversight Act) has an effective date of November 1, 2002. After November 1, 2002, a newly created state right of way oversight authority will collect fees from all telecommunication providers (including Ameritech and Verizon), at a rate of 5 cents per linear foot. (The rate for the period from November 1, 2002 to March 31, 2003 will be only 2 cents per linear foot). The newly created authority will then distribute these telecommunications fees to municipalities. The Michigan metropolitan cities and villages will receive 75% of these fees, apportioned by the Act 51 formula (Public Act 51 of 1951, Section 13; MCL 247.663). Troy's estimated share of these fees is between $253,848 and $292,902 annually after 2003.

Under the state law, municipalities are precluded from enacting, maintaining, or enforcing an ordinance, local law, or other legal requirement applicable to telecommunications providers that is inconsistent with the METRO Act. Following this, the City of Troy must repeal the Telecommunications Ordinance, Chapter 62 of the City of Troy ordinances. There is a difference of opinion as to whether a separate telecommunications ordinance is required. However, it is the opinion of our telecommunications expert, attorney Neil Lehto, that an ordinance is merely duplicative of state law. If Council feels more comfortable with a revised ordinance to replace our current telecommunications provisions, please let me know, and I can submit proposed language at a later date. I would guard against deferring the remainder of the resolution, however, since Council does not have a meeting prior to the November 1, 2002 effective date of the METRO Act.

A proposed resolution is attached for your consideration. If you have any questions, please let me know.

October 17, 2002

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Blue Sky Meetings

As you know, our blue sky sessions which begin at 6:45 PM before each regularly scheduled Council meeting was for a trial period of three meetings. The first two Council meetings where we had blue sky sessions resulted in adjournment times earlier than the norm; 10:28 PM and 10:16 PM respectively.

Council should now decide whether to continue these sessions.

As always, please contact me should you have any questions.

JS/mr\AGENDA ITEMS\2002\Bue Sky Meetings

BROWNFIELD REDEVELOPMENT AUTHORITY
MINUTES
APRIL 18, 2002

The meeting was called to order at 3:01 p.m. on April 18, 2002, in Conference Room C, Troy City Hall.

Members Present: Art Cotsonika, Victor Lenivov, Lon Ullmann, Bruce Wilberding, Leon Sowell.

Absent Members: Bob Swartz, Ken Wheeler (Bob Swartz did arrive, but after the meeting had concluded.)

EXCUSE ABSENT MEMBERS

Resolution #02-05
Moved by: Lenivov
Seconded by: Cotsonika

RESOLVED, that the absent members be excused.

Yeas: All (5)
Absent: Swartz, Wheeler

APPROVAL OF MINUTES

A correction was made on the January 24, 2002, minutes on Page 2 under New Business. The election of new members should have read “Bruce Wilberding, Chairman”, rather than President.

Resolution #02-06
Moved by Sowell
Seconded by Cotsonika

RESOLVED, that the minutes of January 24, 2002, be approved as corrected.

Yeas: All (5)
Absent: Swartz, Wheeler

OLD BUSINESS

General consensus was that the open items as submitted did reflect a complete list of the open items. Discussion occurred on promotional materials and how that might proceed. General consensus of the group was that to have some type of promotional material would be advantageous and this should include a website

link. Staff indicated that the City was working on trying to provide the website services to all the boards and committees and was trying to establish some policies before having individual websites developed. Part of the issue is the maintenance of websites, etc. Staff indicated they would work with Cindy Stewart in Community Affairs to develop at least a brochure as promotional material (it might include other development tools such as the high-technology and the plant rehabilitation tax abatements). A short discussion ensued about possible Brownfield grants and the encouragement for each member to continue to keep an eye out for grants that either the City or companies within the City might be eligible for. Discussion also included the Clean Air Initiative and the summary that is provided under New Business. After a review, including staff contact with Lansing, it appeared there really was little if anything that Troy was eligible for under this initiative at this point in time. Staff indicated they would continue to monitor particularly State funds to see if eligibility for the City or projects within the City might be forthcoming.

There was further discussion regarding making sure that the 2001 Minutes are posted on the Internet.

NEW BUSINESS

1. The 2002-2003 Brownfield Budget was reviewed. A question arose in terms of the limit of administrative costs from tax increment financing. After a quick review the City Attorney, Lori Bluhm, identified that the Brownfield Redevelopment Authority is allowed to use tax increment, but not to exceed $75,000 in any one year for the operation of the Authority. The budget is established at $63,000 and so falls within that statutory limit. It was also discussed that, as in 2001-2002, very little of the money that is designated for administrative costs is used for that purpose. It is the intent, then, that at the end of each fiscal year to reimburse that to Grand/Sakwa as part of their reimbursement for eligible environmental costs.

Resolution #02-07
Moved by: Lenivov
Seconded by: Ullmann

RESOLVED, that the 2002-2003 BRA budget be approved and presented to City Council for final approval.

Yeas: All (5)
Absent: Swartz, Wheeler

2. A brief update on membership was provided by Doug Smith including the recognition that Ken Wheeler and Leon Sowell, whose terms have expired, have

resigned and will serve until the new members are appointed by the Mayor and City Council. Bob Swartz was also up for reappointment and did ask for and receive reappointment to the Authority.

PUBLIC COMMENT

No members of the public were present and, therefore, no public comment was offered.

The meeting was adjourned at 4:05 p.m.

The next meeting is scheduled for July 18, 2002 at 3:00 p.m.

_____
Bruce Wilberding, Chairman

_____
Doug Smith, Secretary and Treasurer

BROWNFIELD REDEVELOPMENT AUTHORITY
MINUTES
(Special Meeting) May 21, 2002

The meeting was called to order at 12:03 p.m. on May 21, 2002, in the Lower Level Conference Room, Troy City Hall.

Members Present: Art Cotsonika, Victor Lenivov, Bruce Wilberding, Leon Sowell, Bob Swartz

Absent Members: Ken Wheeler, Lon Ullmann

EXCUSE ABSENT MEMBERS

Resolution #02-07
Moved by: Swartz
Seconded: Lenivov

RESOLVED, that the absent members be excused.

Yeas: All (5)
Absent: Ullmann, Wheeler

NEW BUSINESS

1. Reconsideration of the 2002-2003 budget adopted at the April 18, 2002 meeting.

RESOLVED, That the 2002-2003 budget adopted on April 18, 2002 be reconsidered.

Resolution #02-08
Moved by: Lenivov
Seconded by: Sowell

Yeas: All (5)
Absent: Ullmann, Wheeler

2. Adopt amended budget reflecting new millage rate.

RESOLVED, That the budget as amended be adopted with changes to the new established City millage rate of 9.45.

Resolution #02-09
Moved by: Lenivov
Seconded by: Cotsonika

PUBLIC COMMENT

No members of the public were present and, therefore, no public comment was offered.

The meeting was adjourned at 12:20 p.m.

_____
Bruce Wilberding, Chairman

_____
Doug Smith, Secretary and Treasurer

A meeting of the **Troy Youth Council (TYC)** was held on Wednesday, July 10, 2002, at City Hall in the Lower Level Conference Room. The meeting was called to order at 7:00 p.m.

MEMBERS PRESENT:	Allister Chang (arrived 7:05) Chris Cheng Min Chong (arrived 7:20) Juliana D'Amico (co-secretary) Raymond Deng Monika Govindaraj Eric Gregory (co-chair) Catherine Herzog Maniesh Joshi Christina Krokosky Matthew Michrina Brian Rider (co-chair) David Vennettilli YuJing Wang (co-secretary)
MEMBERS ABSENT:	Emily Burns Ryan Chandonnet Omar Hakim Andrew Kalinowski Manessa Shaw Fred Wong
ALSO PRESENT:	Jordan Keoleian, Student Representative Planning Commission Laura Fitzpatrick, Assistant to the City Manager
Visitors:	JoAnn Preston, Co-Chairman, Ethni-City of Troy Councilman David Lambert, Co-Chairman, Ethni-City of Troy

1. **Appointment of Co-Secretaries** (to take roll and minutes)
   - Rotating Appointments – 3-month terms
     a. D'Amico & Wang: July, Sept, Oct
     b. Herzog & Cheng: Nov, Dec, Jan
     c. Vennettilli & Govindaraj: Feb, March, April
     d. Krokosky & Michrina: May, June, July

2. Roll Call

3. Minutes

- Changes
  - ✓ No need to cancel June Meetings because final exams are over by the 4th Wednesday
  - ✓ Adjustment of rotating co-chairs three-month assignments to reflect revised meeting schedule

Resolution # 02-01
Moved by Deng
Seconded by D'Amico

RESOLVED, that the minutes of the May 29, 2002 meeting be approved with changes.

Yeas: All – 14
No: None
Absent:: Burns, Chandonnet, Hakim, Kalinowski, Shaw, Wong

3. **Other Business**

Resolution #02 –02
Moved by Deng
Seconded by D'Amico

RESOLVED, that the meeting scheduled for August 28, 2002 be cancelled because this is the first day of school and TYC member schedules are not yet determined.

Yeas: All – 14
No: None
Absent:: Burns, Chandonnet, Hakim, Kalinowski, Shaw, Wong

4. **Discussion of Rules/Bylaws**: Brainstorming exercise; further discussion at future meetings

5. **Brief Discussion of Library Internet Policy**: Topic Submitted by Fred Wong; to be discussed further at next meeting

6. **Visitors:** Co-chairpersons of Ethni-City: JoAnn Preston and Councilman David Lambert Preston obtained feedback on ways to involve youth in the EthniCity event at the Troy Daze Festival.

7. **Future Agenda Items**
   a. *Creation and Adoption of Bylaws* – further brainstorming leading up to eventual formation and adoption
   b. *Mission Statement*: The mission of the TYC as described in a March, 2002 staff memo to City Council will be "to provide Troy youth with a means to communicate with City Council and the community and to actively address youth needs and issues." Adoption of an official mission statement to take place in the future.
   c. *Joint Meeting with Teen Recreation Committees*
   d. *"The Basics of Parliamentary Procedure"*
   e. *Library Internet Policy:* Fitzpatrick will obtain a copy of the policy.

The next meeting is September 25, 2002 from 7 – 8:30PM. at the Troy City Hall in the *Lower Level Conference Room*.

The meeting adjourned at 8:27 p.m.

_____

Laura Fitzpatrick, Assistant to the City Manager

TROY DAZE MINUTES
AUGUST 20, 2002

Called to order at 7:37PM by Bob Berk

Present:	Bill Hall	Dave Swanson
	Jim Cyrulewski	Tonya Perry
	Jeff Biegler	Dick Tharp
	Cele Dilley	Robert Preston
	Cindy Stewart	Cheryl Whitton Kaszubski
	Xin Li	Bob Berk
	Steve Zavislak	Bob Matlick
	Sue Bishop	Kessie Kaltsounis
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	Lois Cyrulewski
	Jen Tabor	Diane Mitchell
	Scott Wharff	Tom Schramski
	Barbara Samuels	Marilyn Musick
	Joann Jones	Mike Flesher
	Linda Hannon	Cindy Kmett
	Gail Anderson	

Secretary Report – Motion by Cheryl, second by Bill, and carried, to accept July minutes.

New Business – VOLUNTEER OF THE YEAR – Nominations are due by mid September. Motion by Sue, second by Jim, and carried, to nominate Kessie Kaltsounis as the Troy Daze nominee.

Old Business – MEETING WITH CITY COUNCIL – No meeting.
UPDATE ON CONTRACTS – PURCHASE ORDER STATUS – All set.

At 7:55PM, motion by Cheryl, second by Jim, and carried, to adjourn.

Next Troy Daze Advisory Committee meeting September 3, 2002 at 8PM, followed by Festival Committee meeting, both following the 6PM Booth meeting.

TROY HISTORICAL COMMISSION MINUTES – FINAL AUGUST 27, 2002

Meeting was called to order at 7:35 P.M., on Tuesday, August 27, 2002.

PRESENT: Rosemary Kornacki
Roger Kaniarz
Jack Turner
Kevin Lindsey
Brian Wattles
Muriel Rounds
Sucheta Sikdar, High School Rep.

ABSENT: Ed Bortner (excused)

ITEM #1 APPROVAL OF MINUTES OF MEETING OF JULY 23, 2002

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF JULY 23, 2002 as submitted.

ITEM #2 OLD BUSINESS

A. **Church and Parsonage Status:**
Commission members discussed the status of the project and recent newspaper accounts. Jack Turner reported that the Ad Hoc Park Committee approved a plan for the four corners park.

B. **Programs:**
Refer to attached Managers Report. Commission Members also discussed the fall festival.

C. **Lead Abatement**
Commission members will receive update next month.

D. **Structural Assessment and Physical Maintenance Plan**
Commission members discussed the report included in their packet. No action was taken.

E. **Museum Sign**
Commission members would like to approve the final sign design next month..

ITEM #3 NEW BUSINESS

A. Troy Historical Society Liaison Report:
Jack Turner reported that the Society completed revisions to their by-laws and increased their Board from 12 to 15 members. The Hand and Eye Show will be held on November 16, 2002.

A. New Acquisitions:
See attached report.

B. HDC Nominations:
Rosemary Kornacki reported that Louise Schilling declined the nomination to serve on the HDC. Rosemary will continue discussions with Tom Sprat and Bruce Darga. She will also contact the references provided by Kerri Krivosen, an independent nominee.

C. Other
The Committee reviewed the Oakland University Intern report on Solomon Caswell.

ITEM # 4 REPORTS AND COMMUNICATIONS

A. Visitors:
No report.

B. Staff:
No staff report.

C. Commission Members:
Brian Wattles requested that the Plat Maps of Troy Township be printed and sold through the Gift Shop.

The Troy Historical Commission meeting adjourned at 9:05 P.M.

The next regular meeting is scheduled on Tuesday, September 24, 2002. Kevin Lindsey will take minutes at that meeting.

Respectively submitted,

Loraine Campbell
Museum Manager

TROY DAZE MINUTES
SEPTEMBER 3, 2002

Called to order at 8:38PM by Bob Berk

Present:	Bill Hall	Dave Swanson
	Jim Cyrulewski	Tonya Perry
	Jeff Biegler	Dick Tharp
	Cele Dilley	Robert Preston
	Cindy Stewart	Cheryl Whitton Kaszubski
	Xin Li	Bob Berk
	Steve Zavislak	Sue Bishop
Chairpersons & Guests:	Tom Kaszubski	JoAnn Preston
	Daniel P. O'Brien	Tom Tighe
	Tarcisio Massaini	Dave Lambert
	Cindy Kmett	Leonard Bertin
	Bob Broquet	Jeff Winiarski
	Mike Gonda	Kathie Troshynski
	Robert Dionisio	Sue Cicerone
	Scott Wharff	Cyndee Krstich
	Barbara Samuels	Marilyn Musick
	Ali Miller	Ed Carpus
	Linda Hannon	

Motion by Cheryl, second by Sue, and carried, to excuse Kessie.

Secretary Report – August minutes not yet available.

New Business – NONE

Old Business - TROY DAZE BUSINESS OF THE YEAR NOMINEE – Motion by Cheryl, second by Sue, and carried, to nominate the Somerset Gazette.
MFEA CONVENTION ATTENDEES – The convention this year is the weekend of October 31st. The City will pay for the Advisory Committee members, but others will be responsible for their own expenses. So far Cheryl, Ali, Sue, Bob Berk, and Jim plan on attending. Expense request forms can be picked up at the Community Center.
INFORMATION TENT – The information tent will be by the welcome sign and students from Bishop Foley will help man that booth.

Adjourned at 8:45PM.

Next Troy Daze Advisory Committee meeting, October 22, 2002 at 7:30PM, followed by the Festival Committee meeting.

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL - SEPT 4, 2002

The Chairman, Leonard Bertin, called the meeting to order at 7:03 pm Wednesday, September 4, 2002.

Present:	L Bertin, member	K Gauri, member
	C Buchanan, member	S Burt, alternate
	A Done, member	P Manetta
	T House, member	N Johnson, member
	D Kuschinsky, member	D Pietron, member
	J Rodgers, member	S Lu, student

Also
Present: M Grusnick, staff
M. McGinnis, staff

Absent: J Shah, Alt

ITEM B – APPROVAL OF MINUTES OF MEETING OF JUNE 5, 2002

Rodgers moved to approve the Minutes of June 5, 2002. Supported by Kuschinsky. All voted in favor.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC

ITEM D – NEW BUSINESS

Bertin stated that Rich Baum, a builder that would like to specialize in building handicapped accessible homes in Troy, has contacted him. Mr. Baum did not attend the meeting so no discussion took place.

Paul Lin, a Troy resident and Architect, also contacted Bertin regarding the accessibility of the church and parsonage that is to be moved to the museum site. Bertin stated that he is afraid ramps would negate the historic credibility of these structures. Johnson recommended that a portable or removal ramp be available. Burt said she would research the feasibly of portable ramps. It was suggested that members of the committee visit the site to gain their prospective. It was requested that plans of the church and parsonage from the Planning Commission be made available at the next meeting.

ITEM E – REGULAR BUSINESS

ITEM F – OLD BUSINESS

Bertin stated that there will be a collection box for used cell phones at the City's information booth at Troy Daze. These phones will be collected and reprogrammed with the 911 number and given to senior citizens and people with disabilities for emergency use only. All phones collected must be in working order and have a charger. C. Stewart has put out a press release to notify the public of this collection. D. House will attend the meeting for Senior Citizens on Thursday morning, September 5, 2002, to coordinate their efforts with this program.

Bertin submitted a letter on increased accessibility in new housing to City Council. The article was printed in the Troy Eccentric. As a result, he was asked to write another article which he titled "Be a Hero to Yourself by Standing Up For What's Right in Our Community", also printed in the Observer & Eccentric August 1, 2002.

Bertin presented his copy of the City Brochure for the Advisory Committee for Persons with Disabilities. A few changes were suggested and a color was selected. D Kuschinsky made a motion to accept the brochure with changes. Rodgers seconded motion. All voted in favor. D. Kuschinsky made motion for color blue. D. House seconded motion. All voted in favor. This brochure should be completed in time to be present at Troy Daze.

ITEM G – INFORMATIONAL ITEMS

Bertin attended the meeting of the Troy Daze Committee on Tuesday, September 3, 2002. He was asked if an audiotape of the City Council meetings could be made available for the visually impaired. He talked to C Stewart and she will attempt to make the tape available at the library on a check out basis. A. Done will follow up to make sure it is available.

ITEM H - ADJOURN

Bertin made a motion to adjourn the meeting at 8:05 pm. House seconded the motion. All voted in favor.

MG:mm

ELECTION COMMISSION MINUTES SEPTEMBER 5, 2002

A meeting of the Troy Election Commission was held Thursday, September 5, 2002, at City Hall, 500 W. Big Beaver Road. City Clerk Bartholomew called the Meeting to order at 7:43 PM.

Roll Call:

PRESENT: Timothy Dewan, City Clerk Tonni Bartholomew
ABSENT: David Anderson

Minutes: Regular Meeting of July 1, 2002

Resolution # EC-2002-09-08
Motion by Dewan, seconded by Bartholomew, CARRIED UNANIMOUSLY: To approve the Minutes of July 1, 2002, as submitted.

Approval of Election Inspectors:

City Clerk Bartholomew presented the proposed Precinct 19 polling location change. Noting the change would take place immediately. This change is due to the current location housing a day care program and having sufficient space for both operations. North Hills Christian Church the previous location indicated a desire to have the polling location return to their facility.

Resolution # EC-2002-08-09
Motion by Bartholomew, seconded by Dewan, CARRIED UNANIMOUSLY: That the City of Troy Precinct Number 19 polling location be changed from Fellowship United Methodist Church, 4050 Coolidge, to North Hills Christian Church, 3150 North Adams.

Adjournment:

The meeting was adjourned at 7:44 PM.

Tonni L. Bartholomew, Chair
City Clerk

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, September 11, 2002, at the Department of Public Works. The meeting was called to order at 3:05 p.m.

TRUSTEES PRESENT:	Mark Calice Charles Campbell Robert Crawford (arrived 3:15 p.m.) Thomas Houghton, Chair John M. Lamerato Anthony Pallotta John Szerlag
ALSO PRESENT:	Laura Fitzpatrick

MINUTES

Resolution # 02-35
Moved by Pallotta
Seconded by Szarlag

RESOLVED, that the minutes of the August 14, 2002 meeting be approved.

Yeas: All 6
Absent: Crawford

OTHER BUSINESS

Election Results

Resolution # 02-36
Moved by Pallotta
Seconded by Calice

RESOLVED, that the Board confirm the special election results and appoint Charles Campbell to the Retirement Board.

Yeas: All 7

Prior Governmental Retirement Service

Resolution # 02-37
Moved by Pallotta
Seconded by Calice

RESOLVED, that the Board recommends that City Council approve an amendment to Chapter 10 to provide for retirement credit for prior governmental retirement service if all of the following requirements are satisfied.

A. The member must be still actively employed by the City of Troy.
B. The member must have a minimum of 60 months of credited service acquired as a member of the Troy Employees Retirement System.
C. The member must have attained the age requirements for the Troy Employees Retirement System.
D. The Member must have previously acquired credited service as a member of another official governmental retirement system.

If all of the above requirements are satisfied, then a member who has not yet met the service requirements for the Troy Employees Retirement System shall be entitled to use his or her credited service from another official governmental retirement system for eligibility purposes only.

Yeas: All 7

Part-time Service Credit

Resolution # 02-38
Moved by Crawford
Seconded by Campbell

RESOLVED, that the following employees be granted service credit for their respective part-time service.

Jacquelyn Bault	1.75 years
Lynn Lee	7.25 years
Ilka Olivich	1.50 years
Marcia Rutledge	2.00 years

Yeas: All 7

Actuarial Valuation December 31, 2001

Resolution # 02-39
Moved by Pallotta
Seconded by Szerlag

RESOLVED, that the Board receive and file the December 31, 2001 Actuarial Report and transfer $6,000,000.00 from the pension reserve to the retiree healthcare reserve.

Yeas: All 7

The next meeting is October 9, 2002 at 3:00 p.m. in Room 402 at the Community Center.

The meeting adjourned at 4:15 p.m.

_____
John M. Lamerato, Secretary

G:\MY DOCUMENTS\Retirement Board\2002\09-11-02 Minutes_final.doc

PARKS AND RECREATION ADVISORY BOARD
Minutes of September 19, 2002

Present:	Ida Edmunds, member	Kathleen Fejes, member
	John Goetz, member	Larry Jose, member
	Orestes Kaltsounis, member	Tom Krent, member
	Deanna Ned, student	Jeff Stewart, member
	Janice Zikakis, member	Stuart Alderman, staff
	Jeff Biegler, staff	Carol K. Anderson, staff

Absent: Robert O'Brien, Doug Bordas

Visitors: Brian Goul, John Pylat, and Mary Bogush

A motion by Kathleen Fejes, supported by Jeff Stewart, that the minutes from June 13, 2002 be approved as submitted.

Ayes: All Nays: None
MOTION CARRIED

NEW BUSINESS

A. New Members – Deanna Ned is the student representative from Athens High School, Janice Zikakis was appointed in June after our last meeting, and Ida Edmunds is the school district representative. Ida has served on this board previously and we welcome her back as well as the new members.
B. Brian Goul, Aquatics Coordinator – Brian is a recent addition to the P&R staff. He works mainly in programming and schedules the aquatics programs. These classes all had wait lists so he opened up additional classes to accommodate the wait lists. He has adjusted the open swim times also to allow for the demand for more time in this area.
C. Aquatic Center Operation – City Council directed this department to reduce the deficit. This season the Aquatic Center was opened up to non-residents and staff hours were reduced. The weather was good and we had one of the highest number of total admissions this year. Citizens for the Troy Family Aquatic Center was formed. They have offered many ideas and will be helping to market the facility, particularly in the schools.
D. Park Development – Five sites have been acquired and will be used as park sites. Request for proposals have been sent out and a decision as to the designer of these parks will be made soon. We want the best possible use taking into consideration the Masterplan, residents desires and site limitations.

OLD BUSINESS

A. Park Names - Names that have been submitted for parks were reviewed. Discussion followed regarding naming pavilions or a path in addition to the park name.

A motion by John Goetz, supported by Tom Krent, that the naming of parks is tabled until the designs are complete.
Ayes: All Nays: All
MOTION CARRIED
Amended (October 11, 2002) to: Nays: None

B. Golf Course Update – The Mead property (abutting the course to the west) was offered to the City and has been purchased. There have been adjustments to the plans to address resident concerns. A wetlands area was accidentally root raked by a contractor. The DEQ was notified of the violation and a remediation plan to restore the wetlands will be done.
C. Community Center Update – Phase II is progressing. The masonry and roofing is complete, metal studs are up and the meeting rooms are laid out. Target date for occupancy is spring 2003. A new brochure, developed by the Community Affairs department, will be included with every water bill for the next three months.

The Troy Community Center has been awarded full senior center accreditation by the National Council on Aging. We are now one of only 79 centers nationwide and one of five in Michigan to receive this distinction recognizing that our programs and performance meet a nationally recognized standard of excellence.

D. Park Board Ordinance – City Council adopted changes to the Park Board Ordinance. The representatives from the Senior Citizen Advisory Board, Troy Daze and School Board will be appointed to the Park Board for one-year terms after they are appointed by those committees.
E. Tree Ordinance – No further action has been taken on this. Currently, it is being reviewed by the legal department. It will then go to City Council.

Staff Reports

A. Directors Report – The next meeting will be at the Nature Center on the second Thursday in October.
Robert O'Brien's term expires September 30. A new member will be appointed to replace him.

B. Recreation Report – Fall programs are in progress and staff is working on preparing the winter brochure.
Special Events that were held this fall include:
The Fishing Derby - 100 people.
Corporate Punt, Pass and Kick - 150 people.
Drive, Pitch and Putt - approximately 100 people in that event.
The Daddy-Daughter dance may be held in the pool area this winter with a Luau theme.

C. Parks Report – Troy Daze was a success. The numbers are up from two years ago. There was no damage from the fireworks and the parade had approximately 140 group participants.

D. Public Input – Mary Bogush showed pictures of Section 1 golf course site before and after rainfall. She also pointed out areas that she thinks need erosion control in the northern part of the property.

John Pylat talked to the board about harmful effects of pesticide spraying and wanted staff to investigate alternative methods to control mosquitos and other insects.

Respectfully submitted,

_____
Mary Williams

TROY HISTORICAL COMMISSION MINUTES – DRAFT SEPTEMBER 24, 2002

Meeting was called to order at 7:40 P.M., on Tuesday, September 24, 2002.

PRESENT:	Rosemary Kornacki
	Roger Kaniarz
	Jack Turner
	Kevin Lindsey
	Brian Wattles
	Ed Bortner
ABSENT:	Muriel Rounds (excused)
	Sucheta Sikdar, High School Rep. (excused)
STAFF	Loraine Campbell

ITEM #1 APPROVAL OF MINUTES OF MEETING OF AUGUST 27, 2002

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF AUGUST 27, 2002 AS SUBMITTED.

ITEM #2 OLD BUSINESS

A. **Church and Parsonage Status:**
City Council approved the site plan (and church parsonage relocation) Monday, September 23, 2002. The Ground breaking will be held on Monday, October 7, 2002 at 10:00 am at the Historic Village. Museum Staff and Community Affairs are planning the ceremony with the assistance of Jack Turner representing the Historical Society. The ceremony will emphasize the continuing partnerships that have moved the project towards completion. The press has been invited.

The construction fence on the east end of the Green will be in place within two weeks. Troy Hall relocation and installation of the new parking lots will occur soon. Staff and Building Operations will move the agriculture equipment from the east coral to the coral behind the Wagon Shop.

The Commissioners also reviewed the site plan, construction drawings and elevations.

B. **Programs:**
Sixty-five people attended the first Past-Port to Preservation Program that has brought 39 new members to the Historical Society. Participants also offered cash donations for the Church Parsonage Project. Loraine will discuss with the Historical Society board the need for an organized Capital Fund Raising Program to accept contributions.

Sawdust, Cider and Sweet Music will be held on September 28.

C. **Interns:**
The Museum has accepted two Oakland University interns for Fall Term, 2002. Kathleen Belmont will research Johnson Niles and Angelo LoPiccolo will work on Frank Cutting. Both have begun their research.

D. **Capital Improvements:**
Caswell Waterproofing:
The lead abatement and waterproofing project has been completed.

Office and exhibit gallery refurbishing:
The exhibit gallery and stairwell was painted. New carpeting has been installed in the exhibit gallery, front office, manager's office, and resource room. The Gift Shop will be carpeted within the month. Old file cabinets and office furniture were sent to City auction. New lateral file cabinets and office furnishings for the Resource Room have been ordered.

Drainage Plan:
Loraine showed a site plan provided by Engineering, detailing a two-phase project to improve drainage in the Village. Catch basins, drainage pipe and a dry retention pond in the northeast corner of the property will be installed. Phase 1 includes the area occupied by the Church, Parsonage, relocated Troy Hall, Wagon Shop and new parking lot. This phase will be completed in FY 2002-03 after the buildings are relocated at a cost of $73,069. Phase 2, will tie in the remainder of the green. It will be completed in FY 2003-04. This project represents work identified in the Church Parsonage Project and needs identified in the Physical Maintenance and Conservation Plan.

E. **Museum Sign**
Loraine presented the revised construction drawings for the new sign.

MOVED, TO APPROVE THE PROPOSED PLAN AS AMENDED.
YEAS: 6 — Ayes. Kornacki, Kaniarz, Bortner, Lindsey, Wattles, Turner.
NAYS: 0

F. **Review of Physical Maintenance and Conservation Plan**
The group reviewed the Phase 1 report briefly. There were no questions.

ITEM #3 NEW BUSINESS

A. **Troy Historical Society Liaison Report:**
No report.

B. New Acquisitions:
William Boardman is looking for experts on 19th Century furniture to appraise a china cabinet offered as a donation. If the piece is authentic, and can be dated at 1900 or earlier we will accept it for use in the parsonage.

C. HDC Nominations:
Ann Partlan was appointed to the HDC by City Council on September 23, 2002.

D. Other:
Full time staff met with Brian Stoutenburg and Hedy Brodak on Thursday, September 19, in a preliminary strategic planning session. Initial steps included assessment of assets, programs, services and projects.

ITEM # 4 REPORTS AND COMMUNICATIONS

A. Visitors:
No report.

B. Staff:
Human Resources posted the new Museum Assist position. This position is for 20-hrs/ week and includes mostly weekend office work.

Loraine completed the six-month evaluation for Historic Interpreter Ray Lucas. Ray has excellent research skills, is experienced in genealogical research and is doing good work with school groups.

C. Commission Members:

The Troy Historical Commission meeting adjourned at 9:25 P.M.

The next regular meeting is scheduled on Tuesday, October 22, 2002. Muriel Rounds will take minutes at that meeting.

Respectively submitted,

Loraine Campbell
Museum Manager

A meeting of the **Troy Youth Council (TYC)** was held on Wednesday, September 25, 2002, at City Hall in the Lower Level Conference Room. The meeting was called to order at 7:00 p.m.

MEMBERS PRESENT: Emily Burns
Allister Chang (arrived 7:06)
Ryan Chandonnet
Chris Cheng (arrived 7:35)
Min Chong (arrived 7:20)
Juliana D'Amico (co-secretary)
Raymond Deng
Monika Govindaraj
Eric Gregory (co-chair)
Omar Hakim
Catherine Herzog
Maniesh Joshi
Andrew Kalinowski
Christina Krokosky
Matthew Michrina
Brian Rider (co-chair)
Manessa Shaw
YuJing Wang (co-secretary; arr.7:05)
Fred Wong

MEMBERS ABSENT: David Vennettilli

ALSO PRESENT: Laura Fitzpatrick, Assistant to the City Manager

VISITORS: Mayor Matt Pryor
Annette Kingsbury, Troy Eccentric Reporter

1. Roll Call

2. Minutes

Resolution # 02-03
Moved by Wong
Seconded by Krokosky

RESOLVED, that the minutes of the July 10, 2002 meeting be approved.

Yeas: All – 19
No: None
Absent: Vennettilli

3. **General Info:**
    a. Personalized portfolios displaying the City of Troy logo were distributed
    b. Updated meeting schedules were distributed, including extra copies for members' parents
    c. Next Meeting: Oct 23rd @ City Hall; Nov & Dec Meetings on 3rd Wednesday @ Community Center

4. **Visitor:** Annette Kingsbury, Reporter from the Troy Eccentric

   Annette introduced the idea of having a youth editorial board for the purpose of getting input on stories. A sign-up sheet was passed around. This board would function separately from the TYC; however it was agreed that TYC meetings may be a good place to get such input providing there is time on the agenda. Since there was time permitting, Annette also solicited input from the Youth Council regarding topics of interest to the Youth of Troy.

5. **Discussion of Library Internet Policy**: Topic Submitted by Fred Wong

   Members reviewed the City Policy and the State Policy
   Wong clarified that the main issue of concern is that there currently is no way of saving research information electronically (on the "Under Age 18" computers).

   Update from Fitzpatrick: More Microsoft Word licenses are being purchased in two months and at that time there will be functioning disk drives so that information can be downloaded to disk. Fitzpatrick will advise when this occurs.

6. **Topics for Joint Meeting with Teen Recreation Committee(s):**

   Skate Park : Fitzpatrick provided an update. Per City Council's request, staff is currently gathering information re: 1) funding of such parks in other communities; and 2) the option of constructing a temporary skate park.

   Community Center: Memberships were discussed. One of the nineteen members present has a membership. A couple others (their families) had considered memberships, but decided against it. Lifetime Fitness was cited as having a much better facility. The members stated that there are no lines for equipment at Lifetime because Lifetime has much more equipment. The members realize that Lifetime, being a private enterprise, costs much more than the Community Center.

   Mayor Pryor thanked the members for their involvement in the Youth Council. He also stated that he wanted to get their input on the Community Center issues of hours of operation (so youth can hang out there on Friday or Saturday nights) and the teen room.

   Later in the meeting, one member added re: extended hours on Friday and Saturday nights, that realistically teenagers are not going to want to hang out at the Community Center on Friday and Saturday nights. There was general agreement with this statement among the members.

October 23 Meeting Topics:

1. Rules & Bylaws: review proposed
2. Flyer: review proposed
3. Logo Ideas
4. Parliamentary Procedure: discuss handout that was distributed on 9/25/01

The next meeting October 23, 2002 from 7 – 8:30PM. at the Troy City Hall in the *Lower Level Conference Room*.

The meeting adjourned at 8:09 p.m.

_____

Laura Fitzpatrick, Assistant to the City Manager

A meeting of the Troy Election Commission was held Monday, September 30, 2002, at City Hall, 500 W. Big Beaver Road. City Clerk Bartholomew called the Meeting to order at 7:30 PM.

Roll Call:

PRESENT: David Anderson, Timothy Dewan, City Clerk Tonni Bartholomew
ABSENT: None

Minutes: Regular Meeting of September 5, 2002

Resolution # EC-2002-09-10
Motion by Anderson, seconded by Dewan, CARRIED UNANIMOUSLY: To approve the Minutes of September 5, 2002, as submitted.

Approval of Election Inspectors:

City Clerk Bartholomew presented the proposed slate of Election Inspectors for the November 5, 2002 General Election to the Commission. Ms. Bartholomew reviewed the proposal and noted that there may be minor changes due to worker requests and inability to work.

Resolution # EC-2002-09-11
Motion by Dewan, seconded by Anderson, CARRIED UNANIMOUSLY: To approve the slate of Election Inspectors for the November 5, 2002 General Election, as submitted by the City Clerk.

Adjournment:

The meeting was adjourned at 7:37 PM.

Tonni L. Bartholomew, Chair
City Clerk

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT OCTOBER 2, 2002

The Chairman, Leonard Bertin, called the meeting to order at 7:03 pm Wednesday, October 2, 2002.

Present:	L. Bertin, member	C. Buchanan, member
	S. Burt, alternate	K. Gauri, member
	T. House, member	N. Johnson, member
	D. Pietron, member	J. Rodgers, member
	J. Shah, alternate	
Also Present:	M. Grusnick, staff	
	M. McGinnis, staff	
Absent:	A. Done, member	P. Manetta, alternate
	D. Kuschinsky, member	N. Raheb - student

The absent members were excused.

ITEM B – APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 4, 2002

Rodgers moved to approve the Minutes of September 4, 2002. Supported by House. All voted in favor.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC

Gerald J. Yurk, Architect for City of Troy Museum Plan
Kelly A Watson, Architect for City of Troy Museum Plan
Brian Stoutenburg, City of Troy Library Director

ITEM D – NEW BUSINESS

Mr. Yurk and Ms. Watson presented to the Committee what is planned for the church and parsonage that will be moved to the City of Troy Museum grounds later this year. Mr. Yurk stated that they have worked very hard to make these buildings approaches, accessible for people with disabilities.

Mr. Yurk used a site plan of the Museum Green, to show how the church and parsonage will be located on the east end of the Green. Each building has a permanent accessible ramp that is ADA and Michigan Barrier Free approved. The front of the church has two doors, which qualifies it as an accessible entrance. The ramp will lead to the front door with a slope of 12:1, which is the minimum requirement. There was some discussion about the possibility of less slope. Mr. Yurk stated they could add 6 feet to each ramp to make a slope of 13:1. Members of the Committee agreed that it would make it easier to get a wheelchair up the ramp with a more gradual slope.

The accessible ramps will be made with a stone base and concrete, Mr. Yurk would like to see heating coils in the ramps for easier snow removal. As of now, these heating coils are not in the budget. The City will have to decide if this is possible. The railing for the ramps will be wrought iron.

The church has a capacity of about 120 people. The original pews, pulpit, stain and leaded glass will be restored.

Because of the position of the front door of the parsonage the ramp cannot be located in the front of the house and retain its historic character. The ramp will have to be installed down the side of the house and the door access will be in the rear of the home.

The Town Hall will be relocated 60 feet from the present location, and a ramp will be installed after it is moved. This ramp is also proposed for a 12:1 slope, but Mr. Yurk will look at a more gradual slope of 13:1.

The move of the church and parsonage is planned before inclement weather this fall. The plan is to move the church and parsonage together so that the power lines and traffic signals will be taken down only once.

Mr. Yurk is also working on a separate study for the Village Green site and would encourage this Committee to submit their ideas for accessibility to his firm as soon as possible.

ITEM E – REGULAR BUSINESS

ITEM F – OLD BUSINESS

Bertin reported that approximately 10 boxes of cell phones were collected at Troy Daze this September. A representative of the Senior Citizen Committee will meet with Cindy Stewart October 3, 2002, to discuss the distribution of these phones.

It was also reported that Jo Rhodes from the Senior Citizens Committee would like an Agenda from the Committee for Persons with Disabilities meetings, McGinnis will call Carla Vaughn to get an address.

D. House went to the Advisory Committee for Senior Citizens meeting in September and discussed the possibility of discounts on trips and programs for the disabled with Carla Vaughn. House will follow up on this discussion.

Bertin stated that he could not attend every City Council Meeting, but thinks it important that a member of this Committee be at the meetings. He would like to suggest that someone be at every meeting for at least a couple of hours. The meetings are on the 1st and 3rd

Mondays of the month in City Council Chambers on the second floor of City Hall. It will become a regular Agenda item to recruit volunteers to attend Council meetings for the coming month.

ITEM G – INFORMATIONAL ITEMS

This Committee has four (4) members whose term limits expire in November of 2002, Bertin, Done, Gauri, and Manetta. M. Grusnick will check to see if someone from City Council will contact these four (4) people about re-appointment to this Committee.

Bertin shared the resume of this Committee's new student – Nada Raheb, 5594 Fawn Court, Troy MI 48098 (248) 267-0352, e-mail swmr-grll14@hotmail.com. Ms. Raheb did not attend the meeting.

ITEM H - ADJOURN

Rodgers made a motion to adjourn the meeting at 8:50 pm. Buchanan seconded the motion. All voted in favor.

MG:mm

The Chairman, Ted Dziurman, called the Building Code Board of Appeals meeting to order at 8:30 A.M., on Wednesday, October 2, 2002.

PRESENT:	Ted Dziurman	ALSO PRESENT:	Ginny Norvell
	Rick Kessler		Pam Pasternak
	William Need		
	William Nelson		
	Frank Zuazo		

ITEM #1 – APPROVAL OF MINUTES – MEETING OF SEPTEMBER 4, 2002

Motion by Need
Supported by Nelson

MOVED, to approve the minutes of the meeting of September 4, 2002 as written.

Yeas: 4 – Kessler, Need, Nelson, Zuazo
Abstain: 1 – Dziurman

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – WITHDRAWN BY PETITIONER. No further action taken by the Board.

ITEM #3 – VARIANCE REQUEST. ROBERT MILLS, PRUDENTIAL CHAMBERLAIN-STIEHL REALTORS, 4850 INVESTMENT DRIVE, for relief of the Sign Ordinance to maintain a second existing, major ground sign.

Ms. Norvell explained that the petitioner is requesting relief to maintain an existing, second major ground sign, 60 square feet in size, 11.3' in height and setback 4.5' from the right of way at 4850 Investment Drive. The other ground sign at this site is addressed to 1175 West Long Lake. Paragraph B & C of Section 9.02.03 of the Sign Ordinance limits this site to one major ground sign and an additional 36 square foot ground sign. The site currently has an 80 square foot sign, a 36 square foot sign and this third sign. In addition, a sign of this size is required to be setback 20' from the right of way. This sign was originally permitted by a variance granted by the City Council in 1987. Sign variances have a maximum duration of fifteen years. The variance is now expiring and the petitioners have filed a new application asking for the signs to remain.

Mr. Bruce Hartrick, the attorney for Mr. Mills was present and stated that they would like the sign to remain as it helps to identify this property.

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

There are no written approvals or objections on file.

ITEM #3 – con't.
Motion by Need
Supported by Nelson

MOVED, to grant Robert Mills, Prudential Chamberlain-Stiehl Realtors, 4850 Investment Drive, a fifteen (15) year renewal of relief of the Sign Ordinance to maintain a second, existing, major ground sign.

- Variance is not contrary to public interest.
- There are no complaints or objections on file.

Yeas: All – 5

MOTION TO GRANT VARIANCE FOR FIFTEEN (15) YEARS CARRIED

ITEM #4 – VARIANCE REQUEST. HOWARD LITTLESON, PROPERTY MANAGER, 901 TOWER, for relief of the Sign Ordinance to maintain an existing third ground sign.

The Chairman moved this item to the end of the agenda, Item #9, to allow the petitioner the opportunity to be present.

ITEM #5 – VARIANCE REQUEST. JEFFREY CLEMENTS, THE GALE COMPANY, 700 TOWER, for relief of the Sign Ordinance to maintain an existing third ground sign.

The Chairman moved this item to the end of the agenda, Item #10, to allow the petitioner the opportunity to be present.

ITEM #6 – VARIANCE REQUEST. JENNIFER GREEN, VILLAGE GREEN RESIDENTIAL PROPERTIES, REPRESENTING SEVENTH DAY ADVENTIST CHURCH, 2775 CROOKS, for relief of the Sign Ordinance to install a 30 square foot ground sign.

Ms. Norvell explained that the petitioner is requesting relief of Chapter 78, to install a ground sign that is 30 square feet in area. The site already has an existing ground sign. Paragraph B of Section 9.02.01 of the Sign Ordinance permits only one ground sign at this location.

Ms. Jennifer Green was present and stated that in 1996 Village Green began development of a project on Butterfield Road. At that time they entered into an agreement with Seventh Day Adventist Church to place a sign on the Church property to indicate the new development. Due to the fact that the Church already had an existing sign, the permit application was denied on May 15, 1997.

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

ITEM #6 – con't.
There is one written approval on file. There are no written objections on file.

Mr. Kessler explained that in order to grant a variance, the petitioner needs to demonstrate a hardship with the land. Ms. Green stated that they do not have a hardship.

Motion by Need
Supported by Nelson

MOVED, to deny the request of Jennifer Green, Village Green Residential Properties, representing Seventh Day Adventist Church, 2775 Crooks, relief of the Sign Ordinance to install a 30 square foot ground sign.

- Petitioner did not demonstrate a hardship.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

ITEM #7 – VARIANCE REQUEST. DAVID KUJAWA, 3310 HARMONY, for relief of Chapter 83 to erect a 6' high privacy fence.

The Chairman moved this item to the end of the agenda, Item #11, to allow the petitioner the opportunity to be present.

ITEM #8 – VARIANCE REQUEST. A.J. BOWMAN, 5615 JOHN R., for relief of Chapter 83 to erect a 4' high privacy fence.

Ms. Norvell explained that the petitioner is requesting relief of Chapter 83 to reduce the height of an existing 6' high privacy fence to 4' and maintain it at the south property line. By definition, this lot is a double front corner lot, in that it has a front yard on both John R. and Abbotsford. The site plan submitted indicates a 4' high privacy fence in the front setback at the front property line along Abbotsford. Chapter 83 limits the height of fences in front setbacks to 30". In February of 2002, the Board approved a variance to install a 6' high privacy fence with a 10' setback to the south property line. The petitioner has now installed that fence at the south property line. A violation has been issued for the fence and the petitioner is asking for approval to keep the fence at the current location at this lower height.

Mr. A.J. Bowman was present and stated that the fence is existing and he would like the opportunity to change the height from 6' to 4', however, leaving the fence in the same location it is now. Mr. Bowman stated that the reasons he wants a privacy fence, is because of heavy traffic, dust pollution, and noise from the cars going by. Mr. Bowman went on to say that he has a Court date within two weeks, and the Court will abide by the decision of this Board.

Item #8 – con't.
Mr. Dziurman said that basically the problem was that Mr. Bowman had constructed the fence on the property line, even though he was granted a variance to place a 6' high fence with a 10' setback to the south property line. Mr. Bowman explained that he was following the pre-existing fence line. Mr. Dziurman asked why Mr. Bowman put the fence up after the variance was granted. Mr. Bowman stated that in hindsight, he would have acted differently, however, now he would like the Board to grant him a variance to cut down the existing fence to 4', but still leave it in this location. Mr. Bowman went on to say that he had spoken with a number of his neighbors and they all approve of his request.

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 is a petition with twelve (12) signatures approving of Mr. Bowman's request for a 6' high fence on file.

Ms. Norvell explained that when Mr. Bowman came back in to apply for another hearing before this Board, Mr. Stimac indicated that the only way he could re-apply was if there was a substantial change in his request. It was at this time that Mr. Bowman decided to ask if the existing fence could be cut down to 4' in height.

Mr. Kessler asked when this petition was signed, and Mr. Bowman indicated that he thought it was in May. Mr. Need asked if there was a problem with this petition due to the fact that it is for approval of a 6' high fence, and Mr. Bowman is now requesting a 4' high fence. Mr. Bowman stated that he is attempting to work with the City and felt that his request for a 4' high fence would be reasonable.

Mr. Kessler stated that in his petition, Mr. Bowman indicated that he had cleaned up the entire area, although when he inspected the area, Mr. Kessler found a lot of weeds and high grass. Mr. Bowman stated that he had cleaned up the entire ditch and was upset because the City does not come out and maintain this area.

Mr. Nelson asked if this home was closer to the property line than is currently allowed, and Mr. Kessler stated it was due to the fact that it is a much older home, the setback was different. Mr. Nelson also stated that when he drove by the home, he noticed that there was work going on in the front yard and Mr. Bowman said that the land is deteriorating and he is trying to bring in some dirt to fill the area in. Mr. Nelson asked if there were any plans for a fence in the front yard, and Mr. Bowman stated that he did not intend to put a fence in this area.

Mr. Kessler asked Mr. Bowman what his hardship was and Mr. Bowman stated that there has been an increase in traffic, noise and dust pollution. He further stated that he just wished to enclose his property.

ITEM #8 – con't.
Motion by Nelson to approve the request of Mr. Bowman to maintain a fence within 1' of his property line, reducing the current height from 6' to 4'.

Motion to approve request dies due to lack of support.

Mr. Kessler stated that whenever the Board runs into a situation where someone wants to put up a fence along the property line, the Board generally asks for a 10' setback to allow for landscaping. Mr. Kessler further stated that the Board is concerned that each neighbor will request a variance, and eventually the fences would create a tunnel or alley effect, which will not enhance the look of the neighborhood. Mr. Kessler also said that he thinks this fence would be an obstruction in the front yard setback.

Mr. Bowman stated that he had worked very hard in cleaning up the ditch, and after speaking with the neighbors, found that they are more concerned about the ditch than the privacy fence.

Ms. Norvell explained that this Board granted a variance for a fence in February 2002 and the petitioner was notified of the results by mail. In April a fence permit was issued for a 6' high privacy fence setback 10' from the property line. In May an inspection of the site was made and it was discovered that the fence was constructed on the property line, at which time a letter was sent allowing Mr. Bowman time to correct the violation. When the violation was not corrected, a Court Summons was issued and that is why this case was back before this Board.

Mr. Bowman stated that he lives alone and travels a great deal for his job. Mr. Bowman also said that he took the time out to clean up this property, even though he feels it is up to the City to maintain the condition of the ditch. Mr. Bowman also stated that he feels it is unfair that the City is taking away 10' of his property, even though he is still required to pay taxes on this property. Mr. Bowman said that the City has never offered to give him a reduction in taxes on this property and is upset that the City will not come out and maintain this area. Mr. Dziurman explained that the clean up of the ditch is not part of this variance request and does not have any bearing on the appeal. Mr. Bowman stated that he will abide by the decision of the Board, but would like to be able to make the fence only 4' high.

Mr. Kessler stated that he wished to clarify the Board's position and the reason they like a fence off of the property line, is to allow for additional landscaping along the fence line.

Motion by Kessler
Supported by Need

ITEM #8 – con't.
MOVED, to deny the request of A.J. Bowman, 5615 John R., for relief of Chapter 83 to maintain a privacy fence in the front setback at the front property line along Abbotsford, reducing the existing height from 6' to 4'.

- Variance is contrary to public interest.
- Petitioner did not demonstrate a hardship

Yeas: 4 – Dziurman, Kessler, Need, Zuazo
Nays: 1 – Nelson

MOTION TO DENY REQUEST CARRIED

Mr. Bowman was upset by the decision of the Board, and indicated that he felt that this vote was unreasonable, and as a taxpayer was not given the proper consideration. Mr. Bowman also indicated that he feels that the Ordinances need to be changed.

ITEM #9 – (ITEM #4) – VARIANCE REQUEST. HOWARD LITTLESON, PROPERTY MANAGER, 901 TOWER, for relief of the Sign Ordinance to maintain an existing third ground sign.

Ms. Norvell explained that the petitioner is requesting relief to maintain an existing, third ground sign, 128 square feet in size, and setback 6' from Crooks Road. Paragraph B & C of Section 9.02.03 of the Sign Ordinance limits the site to one major ground sign and an additional 36 square foot ground sign. The site currently has a 96 square foot ground sign and a second 36 square foot sign and this sign. In addition, Table B of Section 9.01, requires that a sign this size be setback 30' from the existing Crooks Road right of way. This sign was originally permitted by a variance granted by the City Council in 1987. Sign variances have a maximum duration of fifteen years. The variance is now expiring and the petitioners have filed a new application asking for the signs to remain.

Mr. Howard Littleson was present and stated that they would like the present sign to remain.

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

There are no written approvals or objections on file.

Motion by Need
Supported by Nelson

ITEM #9 (ITEM #4) – con't.
MOVED, to grant Howard Littleson, Property Manager, 901 Tower, a fifteen (15) year renewal for relief of the Sign Ordinance to maintain an existing third ground sign.

- Variance is not contrary to public interest.
- There are no complaints or objections on file.
- Variance will not have an adverse effect on surrounding property.

Yeas: All – 5

MOTION TO GRANT RENEWAL OF VARIANCE FOR FIFTEEN (15) YEARS CARRIED

ITEM #10 (ITEM #5) – VARIANCE REQUEST. JEFFREY CLEMENTS, THE GALE COMPANY, 700 TOWER, for relief of the Sign Ordinance to maintain an existing third ground sign.

The petitioner is requesting relief to maintain an existing, third ground sign, 128 square feet in size at 700 Tower. Paragraph B & C of Section 9.02.03 of the Sign Ordinance limits the site to one major ground sign and an additional 36 square foot ground sign. The site currently has two 27 square foot ground signs. Section 9.02.03, B & C of the Sign Ordinance limits this site to two ground signs. This sign was originally permitted by a variance granted by the City Council in 1987. Sign variances have a maximum duration of fifteen years. The variance is now expiring and the petitioners have filed a new application asking for the signs to remain.

Motion by Need
Supported by Kessler

MOVED, to postpone the request of Jeffrey Clements, the Gale Company, 700 Tower, for relief of the Sign Ordinance to maintain an existing third ground sign until the next meeting of November 6, 2002.

- To allow the petitioner the opportunity to be present.

Yeas: All – 5

MOTION TO POSTPONE REQUEST OF JEFFREY CLEMENTS UNTIL THE MEETING OF NOVEMBER 6, 2002 CARRIED

ITEM #11 (ITEM #7) – VARIANCE REQUEST. DAVID KUJAWA, 3310 HARMONY, for relief of Chapter 83 to erect a 6' high privacy fence.

Ms. Norvell explained that the petitioner is requesting relief of Chapter 83 to erect a 6' high privacy fence. This lot is a double front corner lot. As such, it has a front yard along both Harmony and Lakewood. The new site plan submitted indicates a 6' high privacy fence setback 6' from the property line along Lakewood for the east 42' of the lot. A previous appeal at this property for a 6' high fence for the east 63' of the property was approved by the Board in September of 2002 with a 12' setback from the property line along Lakewood. The petitioner has submitted a new application asking approval for this smaller amount of fencing at the 6-foot setback.

Mr. & Mrs. Kujawa were present. Mr. Kujawa said that the reason he wished to put the fence within 6' from the property line is to increase the size of the play area in the yard for his children. Mr. Kujawa also said that the fence would provide for a safer play area.

The Chairman opened the Public Hearing.

Mr. A.J. Bowman, 5615 John R. stated that he hoped Mr. Kujawa was granted the variance he was asking for.

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

There are five (5) written approvals on file. There is one (1) written objection on file.

Mr. Kessler explained that a variance was granted in 1977 to construct a fence with brick columns, and which is located 19' from the property line. Mr. Kessler asked Mr. Kujawa if the new fence would sit closer to the front of the house. Mr. Kujawa stated that the new fence would align up with the existing fence.

Mr. Need asked what type of fence would be installed and Mr. Kujawa said it would be a vinyl type fencing. Mr. Kessler stated that when he went to inspect this property, he felt that because the fence was white, it was very noticeable and there were no other obstructions that would soften the look. Mr. Need agreed with Mr. Kessler that this fence is extremely noticeable. Mr. Need also asked Mr. Kujawa why he needed to place the fence 6' from the property line as opposed to 10'. Mr. Kujawa said that he did not feel he would gain enough space with a 10' setback. Mr. Need explained that this Board is concerned about the appearance of the fence and likes to keep it setback at least 10' to allow for extra landscaping. Mr. Need asked if Mr. Kujawa would like a postponement of this request to allow him to present the Board with landscape plans. Mrs. Kujawa said that she would be willing to plant a large number of rosebushes along the fence line to soften the look of the fence, and Mrs. Kujawa also said that if the Board would like, they could look into the possibility of changing the color of the fence to make it more aesthetically pleasing.

ITEM #11 – (ITEM #7) con't.
Mr. Kessler stated that the Board is concerned because if a neighbor across the street asked for the same type of variance, the fencing on both sides of the street would create a "tunnel" or "alley" effect. Mr. Kessler went on to say that this is the reason the Board requests that fences are placed far enough from the property line to allow for extra landscaping.

Motion by Need
Supported by Kessler

MOVED, to postpone the request of David Kujawa, 3310 Harmony, for relief of Chapter 83 to erect a 6' high privacy fence setback 6' from the property line along Lakewood for the east 42' of the lot until the meeting of November 6, 2002.

- Tabling will allow the petitioner to present the Board with a landscape plan.

Yeas: All – 5

MOTION TO POSTPONE THE REQUEST OF DAVID KUJAWA UNTIL THE MEETING OF NOVEMBER 6, 2002 CARRIED

Mr. Bowman asked the Board if he would be allowed to cut his fence down to 30" and leave it in the same place. Mr. Dziurman stated that Chapter 83 allowed for a 30" high fence in the front setback and Mr. Bowman would not require a variance. Mr. Bowman stated that he thought that the Ordinance needed to be changed due to the fact that it is up to him to maintain this property, and he is not getting full use of the property. Mr. Bowman also said that each property should be judged individually and Mr. Kessler stated that this is the purpose of the Board of Appeals. Mr. Dziurman stated that it is up to this Board to make sure that the Ordinances are complied with, and each case is studied individually. Mr. Bowman also stated that he feels that it is the City's responsibility to take care of the property in the ditch otherwise it will deteriorate and grow into his yard.

The Building Code Board of Appeals meeting adjourned at 9:30 A.M.

GN/pp

Advisory Committee for Senior Citizens
Minutes of October 3, 2002

Present: David Ogg, Member; Jo Rhoads, Member; Bill Weisgerber, Member; Lawrence Jose, Member; Steven Banch, Member; Jane Crowe, Member; Merrill Dixon, Member; JoAnn Thompson, Member; Carla Vaughan, Staff; Ed Forst, Member

Excused: None **Absent:** None **Visitors:** None

Approval of Minutes: Motion by Bill Weisgerber, supported by Merrill Dixon that the minutes of Sept. 5, 2002 be approved as submitted. Ayes: All Nays: None MOTION CARRIED.

Old Business:

Committee Rules and Procedures Subcommittee: Jo Rhoads presented operating guidelines for the committee. The eight points were discussed, and the committee amended the third item to say that the committee meets year round. They will then decide each June whether or not to cancel their summer meetings. Motion by Jo Rhoads, supported by Merrill Dixon, to adopt these rules and procedures. Ayes: All Nays: None MOTION CARRIED.

National Certification: Carla reported on the mission/purpose of the National Institute of Senior Centers, which is to provide coordination, communication, and guidance to senior centers on the national level. The accreditation process was developed to strengthen senior centers by providing them with national guidelines against which to compare their program. Bill Weisgerber referred to the goals that were developed during this process and made a motion, supported by Merrill Dixon, to add the goal: "To bring about a realization among seniors that their self interest is best served by functioning as an organized community." Ayes: 4 Nays: 5. MOTION DENIED.

Video Taping of Meetings: Bill Weisgerber and JoAnn Thompson formed a subcommittee to review taping procedures and will check with Cindy Stewart about furniture arrangement, etc.

Handicap Parking: A discussion was held about handicap parking at the Community Center. The committee continues to receive complaints about this issue. Bill Weisgerber suggested that all spaces within a certain radius of the door be designated as handicap parking instead the existing long straight line, as there are some non-handicap spaces that are closer than some handicap spaces. David Ogg suggested that the grass just to the west of the north entrance be removed and a row of handicap parking spaces be added there. Motion by Bill Weisgerber, supported by Jo Rhoads, that Chairman David Ogg submit a written request to appear before City Council to discuss this matter. Ayes: 9 Nays: None MOTION CARRIED. Larry Jose suggested involving the Committee for Persons with Disabilities. David Ogg also suggested that the bus pick up for one-day trips at the south entrance so that trip participants will not take up all the spaces in the back lot.

Election of Officers: Motion by Jo Rhoads, supported by Bill Weisgerber, that the election of officers be held in June. Ayes: All Nays: None MOTION CARRIED

Name Tags: Carla reported that we are using nametags once again for trips.

Day Care at the Community Center: Carla reported that there are no plans to offer adult day care at the community center since this is provided by the private sector.

Appointment to Park Board: Motion by Bill Weisgerber, supported by Merrill Dixon, that Larry Jose be reappointed as the committee's park board representative.

OLHSA Representative: David Ogg asked if the Committee wanted to select a new OLHSA representative. Motion by Jo Rhoads, supported by Bill Weisgerber, that David Ogg remain as representative. Ayes: All Nays: None MOTION CARRIED

Emergency Cell Phones: Carla reported that the Parks and Recreation Department is handling the cell phone program and that Melissa Humbyrd is in charge of it. Jo Rhoads suggested that the Advisory Committee be involved in the kickoff for the program.

Privacy Law: Bill Weisgerber asked if Carla could get a copy of the privacy law. She will check with City Hall.

New Members: Bill Weisgerber suggested that JoAnn Thompson (and any new member) receive a copy of the minutes for the past year to give them a history of what the committee has been discussing.

Reports

Park Board: Larry Jose reported that the City is acquiring more land for parks. Pesticide use and the outdoor aquatic center were also discussed.

Medi-Go: Jo Rhoads reported that she will begin providing ridership statistics.

Lunch Program: Attendance is down at the congregate meal program in Troy. Bill Weisgerber will see if this is an area-wide trend. There were **1325** meals served on **22** days at the Community Center in **August.** The average donation was **$1.80**. **1799** homebound meals were delivered. There were **1262** meals served on **21** days at the Community Center in **September.** The average donation was **$1.81**. **1813** homebound meals were delivered.

OLHSA: David Ogg reported that the state and federal budget related to senior programs was discussed. Proposal 4 regarding use of tobacco settlement funds was also discussed.

Member Comments

Ed Forst stated that there should be a right turn lane for people exiting the Community Center onto Livernois.

Merrill Dixon stated that the sidewalk should be continuous from the outer north parking lot to the building.

David Ogg read suggestions received from seniors. These included two complaints about handicap parking and four complaints about the quality of the senior coffee.

Carla reported that we have a new Senior Programmer – Lynn Rachwicz will work 20 hours per week planning senior trips and other activities.

David Ogg reported that the City Council has been approached regarding rezoning for a medical building by Walmart. City Council stated that they would check with the senior citizens to see if such a facility would be used, and Mr. Ogg wondered how or who they were going to check with.

JoAnn Thompson would like a calendar of committee events for the year.

Steve Banch submitted a letter for the Committee's consideration regarding how the seniors are not being consulted about decisions that affect them.

The meeting was adjourned at 11:45 am

Respectfully submitted,

Carla Vaughan, Secretary

EMPLOYEES' RETIREMENT SYSTEM BOARD OF TRUSTEES MINUTES – DRAFT October 9, 2002

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, October 9, 2002, at the Community Center. The meeting was called to order at 3:05 p.m.

TRUSTEES PRESENT:	Mark Calice Charles Campbell Robert Crawford Thomas Houghton, Chair John M. Lamerato Anthony Pallotta John Szerlag (arrived 3:07 p.m.)
ALSO PRESENT:	Laura Fitzpatrick

MINUTES

Resolution # 02-40
Moved by Pallotta
Seconded by Calice

RESOLVED, that the minutes of the September 11, 2002 meeting be approved.

Yeas: All 6
Absent: Szerlag

OTHER BUSINESS

Part-time Service Credit

Resolution # 02-41
Moved by Lamerato
Seconded by Pallotta

RESOLVED, that the following employees be granted service credit for their respective part-time service.

David LaPine	1.25 years
Barbara Losey	1.00 years
Catherine McFarland	3.50 years

Yeas: All 7

Domestic Relations Order

Resolution # 02-42
Moved by Pallotta
Seconded by Crawford

RESOLVED, that the Board agree to provisions of the Domestic Relations Order in the case of Joseph M. Forgue.

Yeas: All 7

Part-time Service Credit – Payment Plans

Resolution # 02-43
Moved by Pallotta
Seconded by Campbell

RESOLVED, that the Board will permit payroll deductions for up to one year for employee contributions and that the City will contribute the employer share of contributions once the employee contribution is paid in full.

Yeas: All 7

INVESTMENTS

Resolution # 02-44
Moved by Szerlag
Seconded by Crawford

RESOLVED, that the Board purchase the following bonds and stock:

$500,000 GMAC, 5.125%, due 10/15/05;
$500,000 Ford Motor Credit, 6.60%, due 10/20/05;
$500,000 Household Finance Corp., 6.50%, due 10/15/09;
30,000 shares Ford Motor Company preferred stock.

Yeas: All 7

The next meeting is November 13, 2002 at 3:00 p.m. in Conference Room C at City Hall.

The meeting adjourned at 4:15 p.m.

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DATE: October 1, 2002
TO: John Szerlag, City Manager
FROM: Mark Stimac, Director of Building & Zoning
SUBJECT: Permits issued during the Month of September 2002

	NO.	VALUATION	PERMIT FEE
INDUSTRIAL			
Completion (New)	1	$480,000.00	$2,811.50
Tenant Completion	1	$90,000.00	$672.00
Add/Alter	4	$180,000.00	$1,611.50
Parking Lot	2	$19,000.00	$467.00
Sub Total	**8**	**$769,000.00**	**$5,562.00**
COMMERCIAL			
New	1	$700,000.00	$4,283.50
Fnd. New	1	$250,000.00	$8,299.15
Shell New	1	$30,000.00	$560.00
Fnd./Shell New	1	$1,764,000.00	$14,822.70
Tenant Completion	3	$222,340.00	$2,797.75
Add/Alter	25	$3,472,724.00	$23,123.75
Wreck	1	$0.00	$175.00
Sub Total	**33**	**$6,439,064.00**	**$54,061.85**
RESIDENTIAL			
New	9	$1,463,867.00	$18,055.80
Add/Alter	33	$1,110,507.00	$10,437.00
Garage/Acc. Structure	10	$131,733.00	$1,945.00
Pool/Spa/Hot Tub	3	$34,500.00	$535.00
Wreck	5	$0.00	$705.00
Fnd./Slab/Footing	3	$20,110.00	$495.00
Sub Total	**63**	**$2,760,717.00**	**$32,172.80**
TOWN HOUSE/CONDO			
New	8	$1,080,000.00	$9,878.00
Add/Alter	1	$2,920.00	$105.00
Sub Total	**9**	**$1,082,920.00**	**$9,983.00**
INSTITUTIONAL/HOSPITAL			
Add/Alter	1	$375,000.00	$2,148.50
Sub Total	**1**	**$375,000.00**	**$2,148.50**
MUNICIPAL			
New	4	$1,197,500.00	$0.00
Sub Total	**4**	**$1,197,500.00**	**$0.00**

RELIGIOUS			
Add/Alter	2	$82,900.00	$916.00
Sub Total	**2**	**$82,900.00**	**$916.00**
MISCELLANEOUS			
Satellite/Antennas	1	$7,600.00	$217.00
Signs	28	$0.00	$1,830.00
Fences	24	$0.00	$192.00
Sub Total	**53**	**$7,600.00**	**$2,239.00**
TOTAL	**173**	**$12,714,701.00**	**$107,083.15**

PERMITS ISSUED DURING THE MONTH OF SEPTEMBER 2002

	NO.	PERMIT FEE
Mul. Dwel. Insp.	3	$30.00
Cert. of Occupancy	56	$3,206.00
Plan Review	99	$3,994.80
Microfilm	48	$490.00
Building Permits	173	$107,083.15
Electrical Permits	144	$11,983.00
Heating Permits	125	$6,330.00
Air Condt. Permits	46	$2,350.00
Plumbing Permits	126	$9,876.00
Storm Sewer Permits	15	$1,208.00
Sanitary Sewer Permits	15	$481.00
Sewer Taps	29	$14,978.00
TOTAL	**879**	**$162,009.95**

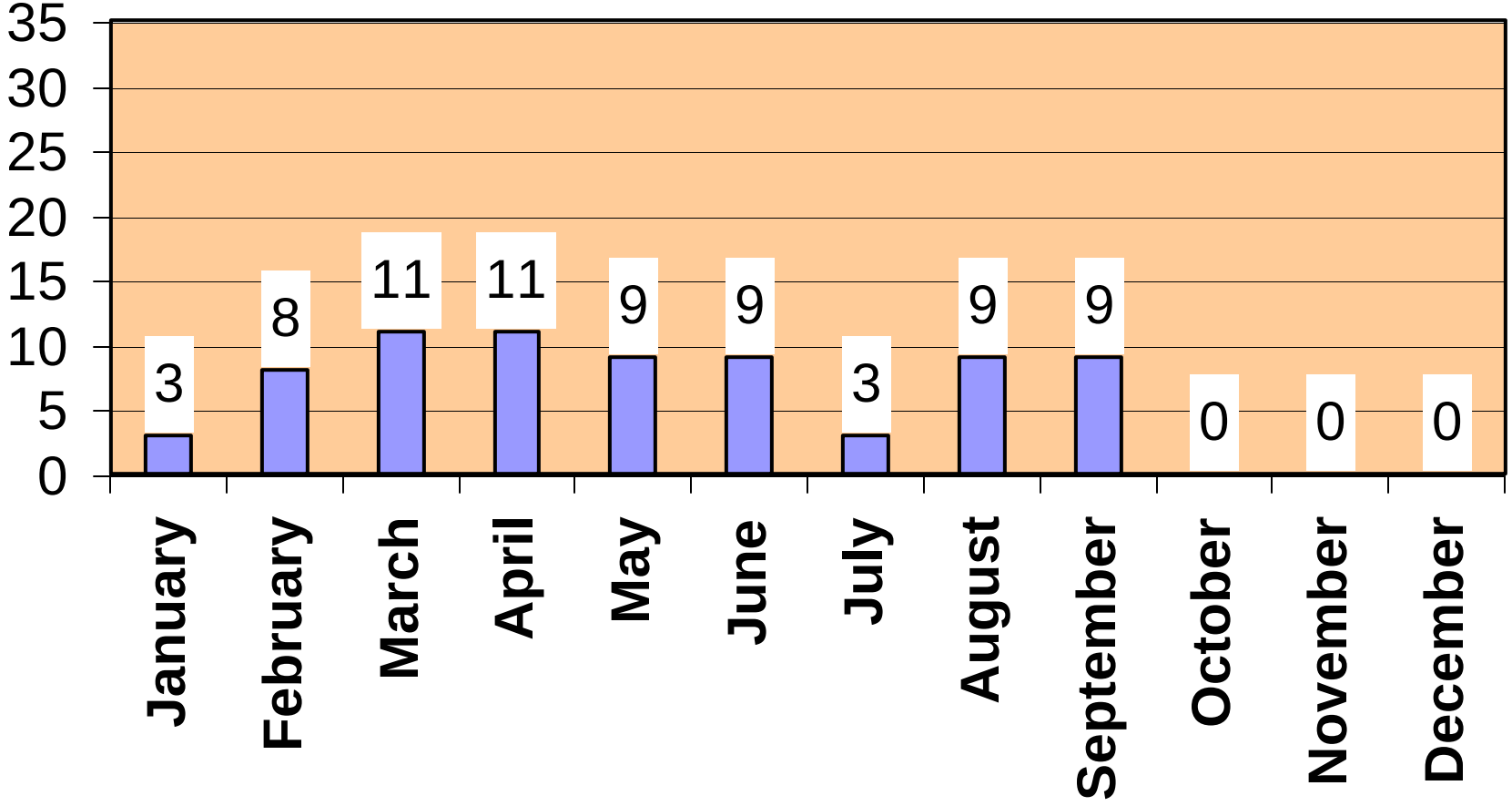
LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF SEPTEMBER 2002

	NO.	LICENSE FEE
Mech. Contr.-Reg.	64	$320.00
Elec. Contr.-Reg.	29	$435.00
Master Plmb.-Reg.	23	$23.00
Sewer Inst.-Reg.	5	$250.00
Sign Inst. - Reg.	5	$50.00
Fence Inst.-Reg.	1	$10.00
Bldg. Contr.-Reg.	22	$220.00
F.Alarm Contr.-Reg.	1	$15.00
TOTAL	**150**	**$1,323.00**

BUILDING PERMITS ISSUED

	BUILDING PERMITS 2001	PERMIT VALUATION 2001	BUILDING PERMITS 2002	PERMIT VALUATION 2002
JANUARY	119	$9,498,180	125	$21,945,624
FEBRUARY	100	$49,679,118	106	$24,049,206
MARCH	136	$6,942,449	121	$10,452,003
APRIL	204	$19,831,458	123	$9,240,105
MAY	207	$26,481,050	180	$6,860,859
JUNE	196	$20,081,116	225	$12,585,296
JULY	236	$11,804,808	193	$7,968,796
AUGUST	211	$10,626,177	186	$31,423,350
SEPTEMBER	186	$11,077,729	173	$12,714,701
OCTOBER	194	$13,410,222	0	$0
NOVEMBER	129	$6,658,087	0	$0
DECEMBER	102	$5,197,916	0	$0
TOTAL	**2020**	**$191,288,310**	**1432**	**$137,239,940**

SINGLE FAMILY DWELLING PERMITS 2002



BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS ISSUED DURING THE MONTH OF SEPTEMBER 2002

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	ANCOR OF MICHIGAN INC	498 W FOURTEEN MILE B	140,000.00
Commercial, Add/Alter	ZABEST CONSTRUCTION	498 W FOURTEEN MILE E	150,000.00
Commercial, Add/Alter	CHICAGO COMMERCIAL SVCS LLC	999 W BIG BEAVER LL	900,000.00
Commercial, Add/Alter	COMMERCIAL INTERIORS OF AMERIC	2801 W BIG BEAVER K-264	185,000.00
Commercial, Add/Alter	TERRY ADAMS INC	2800 W BIG BEAVER V-352	119,487.00
Commercial, Add/Alter	DAVE DIESON	1960 RESEARCH 200	250,000.00
Commercial, Add/Alter	SYNERGY GROUP, INC.	840 W LONG LAKE 300	150,000.00
Commercial, Add/Alter	PRODIGY CONSTRUCTION	498 W FOURTEEN MILE D	144,859.00
Commercial, Add/Alter	DEJAGER CONSTRUCTION INC	498 W FOURTEEN MILE A	300,000.00
Commercial, Add/Alter	SYNERGY GROUP, INC.	840 W LONG LAKE 400	150,000.00
Commercial, Add/Alter	WEBB, DON	150 STEPHENSON 1ST FL	620,000.00
Total Commercial, Add/Alter			3,109,346.00
Commercial, Fnd/Shell New	BOWMAN, STEVE	575 W BIG BEAVER	1,764,000.00
Total Commercial, Fnd/Shell New			1,764,000.00
Commercial, Foundation New	FERLITO CONSTRUCTION INC	1380 COOLIDGE	250,000.00
Total Commercial, Foundation New			250,000.00
Commercial, New Building	WHITE CASTLE MI LLC	2926 JOHN R	700,000.00
Total Commercial, New Building			700,000.00
Commercial, Tenant Completion	CAVALIERE, LORENZO	1080 KIRTS 500	105,000.00
Total Commercial, Tenant Completion			105,000.00
Industrial, Add/Alter	KLATT EQUIPMENT INC	1163 SOUTER	120,000.00
Total Industrial, Add/Alter			120,000.00
Industrial, Completion New	GARY BURKHART	1225 EQUITY	480,000.00
Total Industrial, Completion New			480,000.00
Inst./Hosp., Add/Alter	T H MARSH CONSTRUCTION	44199 DEQUINDRE GR-6TH	375,000.00

BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS ISSUED DURING THE MONTH OF SEPTEMBER 2002

Type of Construction	Builder or Company	Address of Job	Valuation
Total Inst./Hosp., Add/Alter			375,000.00
Municipal, New Construction	THE GARRISON COMPANY	1450 E SOUTH BOULEVARD	938,000.00
Municipal, New Construction	THE GARRISON COMPANY	1446 E SOUTH BOULEVARD	175,000.00
Total Municipal, New Construction			1,113,000.00

Records 21

Total Valuation: 8,016,346.00

TO: The Honorable Mayor and City Council

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

RE: September 30, 2002 Quarterly Financial Report

DATE: October 9, 2002

Please find attached the Quarterly Financial Report for the Three Months Ended September 30, 2002.

If you have any questions, please feel free to call.

CITY OF TROY

QUARTERLY FINANCIAL REPORT

FOR THE THREE MONTHS ENDED SEPTEMBER 30, 2002

- QUARTER END HIGHLIGHTS
- STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL
- INVESTMENT LISTING (TYPE, LOCATION, RATE, MATURITY DATE)
- INVESTMENT FUND PORTFOLIO - COST VS. MARKET VALUE
- BANK BALANCES (LOCATION, FUND, BALANCE)

QUARTER END HIGHLIGHTS
(SEPTEMBER 30, 2002)

GENERAL FUND

REVENUE AND EXPENDITURES IN TOTAL APPEAR IN LINE WITH BUDGET ESTIMATES.

INVESTMENT INCOME CONTINUES TO LAG BEHIND PROJECTIONS.

OTHER FUNDS

SYLVAN GLEN GOLF COURSE – REVENUES ARE UP $67,760 OR 4% WHEN COMPARED TO THE SAME PERIOD A YEAR AGO.

AQUATIC CENTER – REVENUES ARE UP $39,583 OR 9% WHEN COMPARED TO THE SAME PERIOD A YEAR AGO. EXPENSES ARE DOWN $45,834.

DEPARTMENT HIGHLIGHTS

- DEVELOPED, PUBLISHED AND CIRCULATED THE CITY OF TROY ECONOMIC RESOURCE GUIDE.
- CONTINUED OUR ROLLOUT OF THE PROCUREMENT CARD PROGRAM
- IMPLEMENTED A NEW TAX BILL PAYMENT PROGRAM OF ACCEPTING CREDIT CARD PAYMENTS VIA THE INTERNET AND TELEPHONE. (TO DATE 50 RESIDENTS USED THIS METHOD TO PAY THEIR JULY TAXES).
- 4TH CITIZEN'S ACADEMY IS PROGRESS

WEB SITE NEWS

NEW ITEMS:

FIRE DEPT. – ADDED APPLICATION FOR VOLUNTEER FIRE FIGHTERS

PKS. & REC. – SECTION ONE GOLF COURSE PAGE TO TRACK PROJECT PROGRESS

MAP OF PARKLANDS PURCHASED WITH BOND MONEY

MAP OF CITY-OWNED PROPERTY

WEST NILE INFORMATION LINK TO COUNTY VIA THE HOMEPAGE

City of Troy

Monthly Financial Report

September 30, 2002

CITY OF TROY
Monthly Financial Report
General Fund
For the Period Ending September 30, 2002

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
GENERAL FUND REVENUES					
TAXES	29,085,526	30,313,690	72,533	30,263,178	99.83
BUSINESS LICENSES & PERMITS	41,334	47,200	1,655	4,787	10.14
NON-BUS. LICENSES & PERMITS	1,480,799	1,525,500	122,438	344,975	22.61
FEDERAL GRANTS	69,453	88,400	5,968	5,968	6.75
STATE AGENCIES	8,492,956	8,138,000	1,195,018	1,235,918	15.19
CONTRIBUTIONS-LOCAL	159,268	95,800	0	2,930	3.06
CHARGES FOR SERVICES - FEES	1,030,349	983,600	192,320-	77,491	7.88
CHARGES FOR SERVICES - REND.	1,888,342	1,519,100	31,462	107,770	7.09
CHARGES FOR SERVICES - SALES	163,712	122,500	2,790	665	.54
CHARGES FOR SERVICES - REC	1,833,253	2,324,000	173,182	554,542	23.86
FINES & FORFEITS	1,171,749	905,000	60,428	214,019	23.65
INTEREST AND RENTS	1,155,235	1,317,700	55,792	130,170	9.88
OTHER REVENUE	364,693	330,200	505	81,236	24.60
OTHER FINANCING SOURCES	8,987,970	7,870,950	1,082,000	1,082,000	13.75
TOTAL GENERAL FUND REVENUE	55,924,639	55,581,640	2,611,451	34,105,649	61.36
EXPENDITURES					
LEGISLATIVE	1,705,181	1,872,490	131,362	411,181	21.96
FINANCE	3,919,479	4,602,740	347,586	985,849	21.42
OTHER GEN GOVERNMENT	1,979,299	2,239,420	228,339	444,811	19.86
POLICE	19,673,920	20,575,040	1,582,606	4,717,516	22.93
FIRE	3,313,576	3,480,250	206,253	1,065,766	30.62
BUILDING INSPECTION	1,697,480	1,893,800	141,919	424,439	22.41
STREETS	4,495,513	5,420,550	362,466	1,024,842	18.91
ENGINEERING	2,634,796	2,960,850	199,890	639,867	21.61
RECREATION	6,182,359	7,789,320	702,204	2,002,926	25.71
LIBRARY	4,042,658	4,737,180	351,516	864,368	18.25
TRANSFERS OUT	2,919,290	10,000	10,000	10,000	100.00
TOTAL GEN FUND EXPENDITURES	52,563,551	55,581,640	4,264,141	12,591,565	22.65

For the Period Ending September 30, 2002

REFUSE FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	3,636,077	3,793,000	0	3,804,318	100.30
CHARGES FOR SERVICES - REND.	195	0	205,650	205,650	.00
CHARGES FOR SERVICES - SALES	726	500	66	276	55.20
INTEREST AND RENTS	88,981	80,000	4,629	6,150	7.69
OTHER FINANCING SOURCES	0	280,340	0	0	.00
TOTAL REVENUE	3,725,979	4,153,840	210,345	4,016,394	96.69
EXPENDITURES					
CONTRACTORS SERVICE	3,504,018	3,965,000	322,675	765,138	19.30
OTHER REFUSE EXPENSE	44,674	51,280	1,589	11,410	22.25
RECYCLING	122,584	137,560	8,746	28,703	20.87
TOTAL EXPENDITURES	3,671,276	4,153,840	333,010	805,251	19.39

For the Period Ending September 30, 2002

CAPITAL FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	7,228,347	7,405,000	0	7,425,295	100.27
FEDERAL GRANTS	30,964	60,000	0	0	.00
STATE AGENCIES	2,930,151	1,172,700	3,829	77,637	6.62
CHARGES FOR SERVICES - REND.	292,350	175,000	21,437-	39,744	22.71
INTEREST AND RENTS	581,734	600,000	36,653	85,947	14.32
OTHER REVENUE	268,193	573,000	75	557	.10
OTHER FINANCING SOURCES	26,498,299	20,828,550	328,000	12,305,000	59.08
TOTAL REVENUE	37,830,038	30,814,250	347,120	19,934,180	64.69
EXPENDITURES					
FINANCE	179,548	59,700	0	0	.00
OTHER GEN GOVERNMENT	66,904	996,000	0	0	.00
POLICE	148,061	1,623,620	5,958	59,296	3.65
FIRE	628,392	896,660	0	25,276	2.82
BUILDING INSPECTION	1,597	163,000	0	5,348	3.28
STREETS	21,831,466	19,199,760	1,089,543	2,089,960	10.89
ENGINEERING	66,741	50,000	8,003	8,003	16.01
RECREATION	4,435,493	2,940,000	1,129,711	1,907,135	64.87
LIBRARY	621,894	650,000	1,851	3,361	.52
MUSEUM	281,845	1,683,000	1,725	5,515	.33
STORM DRAINS & RET PONDS	255,542	1,245,510	61,272	105,862	8.50
INFORMATION TECHNOLOGY	272,893	1,319,000	0	6,715	.51
TOTAL EXPENDITURES	28,790,376	30,826,250	2,298,063	4,216,471	13.68

For the Period Ending September 30, 2002

SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	42,183	46,200	6,347	19,245	41.66
CHARGES FOR SERVICES - REC	1,142,797	1,243,800	153,960	570,422	45.86
INTEREST AND RENTS	83,851	100,000	14,938	23,177	23.18
OTHER REVENUE	768-	0	1,228	714	.00
OTHER FINANCING SOURCES	178,440	180,690	0	0	.00
TOTAL REVENUE	1,446,503	1,570,690	176,473	613,558	39.06
EXPENDITURES					
SYLVAN GLEN GREENS	853,995	914,600	106,535	270,244	29.55
SYLVAN GLEN PRO SHOP	340,820	404,090	32,871	93,359	23.10
SYLVAN GLEN CAPITAL	162,161	252,000	48,506	59,989	23.81
TOTAL EXPENDITURES	1,356,976	1,570,690	187,912	423,592	26.97

For the Period Ending September 30, 2002

AQUATIC CENTER FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REC	359,840	371,000	10,062	124,822	33.64
INTEREST AND RENTS	28,653	24,600	675	13,753	55.91
OTHER REVENUE	14	0	1	24	.00
TOTAL REVENUE	388,507	395,600	10,738	138,599	35.04
EXPENDITURES					
AQUATIC CENTER	534,176	609,700	33,980	178,979	29.36
CAPITAL	14,148	50,000	0	0	.00
TOTAL EXPENDITURES	548,324	659,700	33,980	178,979	27.13

CITY OF TROY
Monthly Financial Report
Sewer Fund
For the Period Ending September 30, 2002

SEWER FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	161,126	250,000	14,834	63,758	25.50
CHARGES FOR SERVICES - REND	7,635,479	8,060,000	1,257,899	850,823	10.56
INTEREST AND RENTS	501,018	775,000	17,350	32,558	4.20
OTHER REVENUE	0	10,000	0	0	.00
TOTAL REVENUE	8,297,623	9,095,000	1,290,083	947,139	10.41
EXPENDITURES					
ADMINISTRATION	6,853,994	7,269,870	842,584	1,693,559	23.30
MAINTENANCE	1,356,648	1,622,770	268,248	398,095	24.53
CAPITAL	3,109,914	3,315,020	385,863	389,461	11.75
TOTAL EXPENDITURES	11,320,556	12,207,660	1,496,695	2,481,115	20.32

CITY OF TROY
Monthly Financial Report
Water Fund
For the Period Ending September 30, 2002

WATER FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	832,099	576,000	81,027	259,212	45.00
CHARGES FOR SERVICES - SALES	8,803,580	9,228,000	1,553,743	1,078,817	11.69
INTEREST AND RENTS	630,238	894,000	26,450	40,717	4.55
OTHER REVENUE	16,280	0	0	0	.00
TOTAL REVENUE	10,282,197	10,698,000	1,661,220	1,378,746	12.89
EXPENDITURES					
ADMINISTRATION	7,048,086	8,214,050	980,700	1,251,658	15.24
TRANS AND DISTRIBUTION	141,616	145,370	3,977	14,849	10.21
CUSTOMER INSTALLATION	0	104,680	0	0	.00
CONTRACTORS SERVICE	175,735	195,290	14,186	48,064	24.61
MAIN TESTING	92,429	183,170	5,199	13,717	7.49
MAINTENANCE OF MAINS	355,461	326,370	29,389	87,412	26.78
MAINTENANCE OF SERVICES	219,095	191,760	11,159	52,982	27.63
MAINTENANCE OF METERS	173,203	246,970	13,188	41,722	16.89
MAINTENANCE OF HYDRANTS	267,294	327,130	18,458	50,005	15.29
METERS AND TAP-INS	220,830	344,720	15,276	38,085	11.05
WATER METER READING	79,156	80,770	12,967	39,684	49.13
ACCOUNTING AND COLLECTING	42,215	55,550	7,287	21,790	39.23
CAPITAL	3,813,342	8,654,300	272,933	832,113	9.62
TOTAL EXPENDITURES	12,628,462	19,070,130	1,384,719	2,492,081	13.07

For the Period Ending September 30, 2002

MOTOR POOL FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REND	3,949	5,000	0	0	.00
INTEREST AND RENTS	3,379,430	3,595,200	271,679	957,335	26.63
OTHER REVENUE	349,422	156,900	32,170	63,687	40.59
OTHER FINANCING SOURCES	1,064,140	1,548,890	0	0	.00
TOTAL REVENUE	4,796,941	5,305,990	303,849	1,021,022	19.24
EXPENDITURES					
ADMINISTRATION	430,891	490,620	32,806	102,607	20.91
OPERATION AND MAINTENANCE	2,696,472	2,814,360	218,690	663,823	23.59
DPW FACILITY MAINTENANCE	317,676	336,260	49,406	77,642	23.09
CAPITAL	1,216,676	1,664,750	47,268	125,042	7.51
TOTAL EXPENDITURES	4,661,715	5,305,990	348,170	969,114	18.26

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
101	2002	10	24	7	HUNT BANK	2002	7	26	1.740	CD	507,238		507,238.33
	2002	11	8	7	STAND FED	2002	8	14	1.650	CD	1,124,985		1,124,984.76
	2003	1	2	7	REPUBLIC	2002	9	30	1.900	CD	255,532		255,531.83
											TOTAL		1,887,754.92
112	2002	10	3	9	ML	2002	5	9	1.780	TBILL	2,055,000	5,194.58	2,040,315.31
	2002	10	4	8	FITB	2002	3	18	2.011	FNMA	2,000,000	11,618.50	1,977,656.74
	2002	10	7	7	STAND FED	2002	9	5	1.650	CD	7,470,073		7,470,073.04
	2002	10	10	9	ML	2002	5	17	1.790	TBILL	3,514,000	7,559.00	3,488,917.85
	2002	10	17	8	NAT CITY	2002	4	15	2.250	GMAC	2,049,000	8,602.97	2,025,624.33
	2002	10	17	9	ML	2002	5	23	1.790	TBILL	1,623,000	3,015.17	1,611,336.04
	2002	10	17	9	ML	2002	6	6	1.730	TBILL	1,283,000	1,454.06	1,274,942.05
	2002	10	24	9	ML	2002	6	14	1.680	TBILL	2,444,000	1,792.27	2,429,213.80
	2002	10	24	7	HUNT BANK	2002	7	26	1.740	CD	636,944		636,944.49
	2002	10	28	7	REPUBLIC	2002	7	29	1.950	CD	1,022,004		1,022,004.77
	2002	10	28	7	FLAGSTAR	2002	7	30	2.050	CD	1,005,025		1,005,025.00
	2002	10	30	7	COMERICA	2002	8	1	1.690	CD	1,024,470		1,024,469.97
	2002	10	31	9	ML	2002	6	20	1.670	TBILL	2,804,000	1,277.38	2,787,010.88
	2002	11	7	9	ML	2002	6	27	1.690	TBILL	2,843,000	393.28	2,825,564.51
	2002	11	7	7	FLAGSTAR	2002	9	18	1.910	CD	2,000,000		2,000,000.00
	2002	11	8	7	STAND FED	2002	8	14	1.650	CD	2,038,427		2,038,426.85
	2002	11	12	7	STAND FED	2002	8	13	1.650	CD	8,965,498		8,965,497.98
	2002	11	14	9	ML	2002	7	11	1.690	TBILL	3,023,000		3,005,436.37
	2002	11	14	7	FLAGSTAR	2002	9	10	1.950	CD	1,000,000		1,000,000.00
	2002	11	21	9	ML	2002	7	22	1.680	TBILL	3,446,000		3,426,099.35
	2002	11	21	7	MIDW	2002	9	18	2.000	CD	1,000,000		1,000,000.00
	2002	11	21	7	FITB	2002	9	23	1.720	CD	1,000,000		1,000,000.00
	2002	11	25	7	FLAGSTAR	2002	8	28	2.150	CD	1,000,000		1,000,000.00
	2002	11	26	7	REPUBLIC	2002	8	28	2.000	CD	1,000,000		1,000,000.00
	2002	11	27	7	FLAGSTAR	2002	9	10	1.950	CD	1,000,000		1,000,000.00
	2002	12	5	9	ML	2002	7	25	1.650	TBILL	2,196,000		2,182,856.94
	2002	12	5	7	FITB	2002	9	18		CD	1,000,000		1,000,000.00
	2002	12	5	7	FITB	2002	9	23	1.720	CD	1,000,000		1,000,000.00
	2002	12	12	9	ML	2002	7	30	1.680	TBILL	1,753,000		1,742,153.31
	2002	12	19	9	ML	2002	8	2	1.640	TBILL	2,788,000		2,770,668.71
	2002	12	19	9	ML	2002	8	23	1.600	TBILL	2,095,000		2,084,184.56
	2002	12	19	7	REPBLC	2002	9	18	2.000	CD	1,000,000		1,000,000.00
	2002	12	26	9	ML	2002	8	8	1.550	TBILL	2,139,000		2,126,356.13
	2002	12	26	7	FLAGSTAR	2002	9	10	1.950	CD	1,000,000		1,000,000.00
	2003	1	2	9	ML	2002	8	15	1.620	TBILL	2,090,000		2,077,076.83
	2003	1	2	7	FLAGSTAR	2002	8	28	2.150	CD	1,000,000		1,000,000.00
	2003	1	9	7	FLAGSTAR	2002	8	28	2.150	CD	1,000,000		1,000,000.00
	2003	1	9	9	ML	2002	8	30	1.610	TBILL	3,620,000		3,598,869.26
	2003	1	16	7	FLAGSTAR	2002	9	3	2.050	CD	2,027,892		2,027,892.40
	2003	1	16	9	ML	2002	9	13	1.670	TBILL	2,473,000		2,458,917.64
	2003	1	23	7	FLAGSTAR	2002	9	3	2.050	CD	3,000,000		3,000,000.00

7 = CD 8 = Paper 9 = T-Bills

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2003	1	30	7	FLAGSTAR	2002	9	3	2.050	CD	3,000,000		3,000,000.00
	2003	2	6	7	FLAGSTAR	2002	9	3	2.050	CD	2,000,000		2,000,000.00
	2003	2	6	7	FLAGSTAR	2002	9	10	1.950	CD	1,000,000		1,000,000.00
	2003	2	13	7	REPUBLIC	2002	9	3	2.050	CD	1,000,000		1,000,000.00
	2003	2	13	7	FITB	2002	9	23	1.720	CD	1,000,000		1,000,000.00
	2003	2	20	7	MIDW GUART	2002	9	3	2.000	CD	2,073,058		2,073,058.72
	2003	2	27	9	ML	2002	9	5	1.590	TBILL	2,413,000		2,394,701.42
	2003	2	27	7	COMERICA	2002	9	18	1.710	CD	1,000,000		1,000,000.00
	2003	2	27	7	FITB	2002	9	23	1.720	CD	1,000,000		1,000,000.00
	2003	3	6	7	FLAGSTAR	2002	9	18	1.950	CD	2,000,000		2,000,000.00
	2003	3	6	9	ML	2002	9	19	1.650	TBILL	2,467,000		2,448,349.48
	2003	3	13	7	REPUBLIC	2002	9	23	2.050	CD	1,000,000		1,000,000.00
	2003	3	13	9	ML	2002	9	26	1.590	TBILL	2,095,000		2,079,748.40
	2003	3	20	7	REPUBLIC	2002	9	23	2.050	CD	2,000,000		2,000,000.00
	2003	6	30	7	FITB	1998	12	4	1.300	LUG	1,419,589		1,419,589.45
	2003	6	30	7	HUNT BANK	2001	11	20	1.330	LUG	509,456		509,456.03
	2003	10	9	8	NAT CITY	2002	9	9	2.000	FHLB	1,000,000		999,687.50
	2003	10	10	8	FITB	2001	10	10	3.400	FHLB	1,000,000	7,555.56	1,000,000.00
	2003	12	18	8	NATL CITY	2002	9	18	2.000	FED FCB	1,000,000		1,000,000.00
	2004	3	1	8	FITB	2002	2	4		KENT DTAN	1,407,000		1,407,000.00
	2004	3	1	8	FITB	2002	9	20		KENT DTAN	1,110,000		1,110,000.00
	2004	3	12	8	FITB	2002	3	12	2.800	FHLM	2,000,000	16,800.00	2,000,000.00
	2005	3	1	8	FITB	2002	8	29		OAK CNTY	500,000		500,000.00
	2005	3	1	8	FITB	2002	9	3		OAK CNTY	2,000,000		2,000,000.00
	2005	3	1	8	FITB	2002	9	20		KENT DTAN	1,080,000		1,080,000.00
	2005	3	1	8	FITB	2002	9	30		KENT DTAN	1,000,000		1,000,000.00
	2005	7	1	8	FITB	2002	9	4		WAYNE CTY	900,000		900,000.00
	2005	7	1	8	FITB	2002	9	12		WAYNE CTY	2,820,000		2,820,000.00
											TOTAL	65,262.77	128,865,126.11
590	2002	10	28	7	STAND FED	2002	5	1	1.700	CD	414,874		414,873.80
											TOTAL		414,873.80
591	2002	10	24	7	STAND FED	2002	6	19	1.750	CD	1,498,125	728.30	1,498,125.09
	2002	10	28	7	STAND FED	2002	7	30	1.730	CD	509,651		509,651.19
	2002	11	12	7	STAND FED	2002	9	13	1.700	CD	1,126,051		1,126,050.57
	2002	12	26	7	NATL CITY	2002	9	25	1.440	CD	1,479,967		1,479,967.34
	2003	1	2	7	REPUBLIC	2002	9	30	1.900	CD	134,877		134,877.21
	2003	6	30	7	COMERICA	1997	7	1	1.700	GOV'T POOL	1,804,295		1,804,293.50
	2003	6	30	7	HUNT BANK	2001	11	21	1.330	LUG	148,544		148,544.00
	2005	8	26	8	FITB	2002	8	26	3.000	FHLB	1,015,000		1,015,000.00
											TOTAL	728.30	7,716,508.90
688	2002	10	7	7	STAND FED	2002	9	6	1.650	CD	748,261		748,264.10

7 = CD 8 = Paper 9 = T-Bills

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
688	2002	10	28	7	STAND FED	2002	7	30	1.730	CD	832,324		832,323.72
	2002	11	12	7	STAND FED	2002	9	13	1.700	CD	594,721		594,720.92
	2003	6	30	7	BANK ONE	1997	7	1	1.500	GOV'T POOL	1,279,722		1,279,722.76
											TOTAL		3,455,031.50
701	2002	11	25	7	MIDW QUART	2002	8	26	1.700	CD	518,567		518,567.35
											TOTAL		518,567.35
											TOTAL	65,991.07	142,857,862.58

* * * E N D O F R E P O R T * * *

7 = CD 8 = Paper 9 = T-Bills

BANK ACCOUNTS
9/30/02

BANK	FUND	CHECKING ACCT BALANCE	POOLED INVESTMENT BALANCE	TOTAL
National City	Trust & Agency	$ 659,773.13		$ 659,773.13
Fifth Third	General		7,506,038.10	7,506,038.10
Fifth Third	Special Assessment		111,349.16	111,349.16
Fifth Third	Sewer		111,349.16	111,349.16
Fifth Third	Water		3,125,132.42	3,125,132.42
Fifth Third	Trust & Agency		1,076,415.17	1,076,415.17
Fifth Third	Employees Retirement		155,052.13	155,052.13
Fifth Third	Investment -LUG		1,419,589.45	1,419,589.45
Bank One	Bond "A"		5,256,534.28	5,256,534.28
	Bond "C"		862,442.90	862,442.90
Comerica	Water		1,801,776.01	1,801,776.01
Bank One	Special Assessment		1,279,722.76	1,279,722.76
		$ 659,773.13	$ 22,705,401.54	$ 23,365,174.67

Current Portfolio

Quantity	Security Description	Date Acquired	Adjust/Unit Cost Basis	Total Cost Basis	Estimated Market Price	Estimated Market Value	Unrealized Gain or (Loss)	Estimated Accrued Interest	Estimated Annual Income	Current Yield %
Cash and Money Accounts										
	CASH			1		1				
1,617	CMA TREASURY FUND		1.00	1,617	1.00	1,617			21	1.32
Total Cash and Money Accounts				1,618		1,618			21	1.32
Government Securities										
2,055,000	U.S. TREASURY BILL ZERO% OCT 03 2002	05/09/02	99.28	2,040,315	99.98	2,054,732	N/A			
3,514,000	U.S. TREASURY BILL ZERO% OCT 10 2002	05/16/02	99.28	3,488,917	99.76	3,505,882	N/A			
1,623,000	U.S. TREASURY BILL ZERO% OCT 17 2002	05/23/02	99.28	1,611,336	99.92	1,621,815	N/A			
1,283,000	U.S. TREASURY BILL ZERO% OCT 17 2002	06/06/02	99.37	1,274,942	99.92	1,282,063	N/A			
2,906,000	Security Sub-Total			2,886,278		2,903,878				
2,444,000	U.S. TREASURY BILL ZERO% OCT 24 2002	06/13/02	99.39	2,429,213	99.89	2,441,433	N/A			
2,804,000	U.S. TREASURY BILL ZERO% OCT 31 2002	06/20/02	99.39	2,787,010	99.86	2,800,186	N/A			
2,843,000	U.S. TREASURY BILL ZERO% NOV 07 2002	06/27/02	99.38	2,825,564	99.83	2,838,280	N/A			
3,023,000	U.S. TREASURY BILL ZERO% NOV 14 2002	07/11/02	99.41	3,005,436	99.80	3,017,105	N/A			
3,446,000	US TREASURY BILL ZERO% NOV 21 2002	07/18/02	99.42	3,426,099	99.77	3,438,280	N/A			
2,196,000	U.S. TREASURY BILL ZERO% DEC 05 2002	07/25/02	99.40	2,182,856	99.71	2,189,763	N/A			
1,753,000	U.S. TREASURY BILL ZERO% DEC 12 2002	07/30/02	99.38	1,742,153	99.68	1,747,495	N/A			
2,788,000	U.S. TREASURY BILL ZERO% DEC 19 2002	08/02/02	99.37	2,770,668	99.65	2,778,409	N/A			

Current Portfolio

Quantity	Security Description	Date Acquired	Adjust/Unit Cost Basis	Total Cost Basis	Estimated Market Price	Estimated Market Value	Unrealized Gain or (Loss)	Estimated Accrued Interest	Estimated Annual Income	Current Yield %
Government Securities										
2,095,000	U.S. TREASURY BILL ZERO% DEC 19 2002	08/23/02	99.48	2,084,184	99.65	2,087,793	N/A			
4,883,000	Security Sub-Total			4,854,853		4,866,202				
2,139,000	U.S. TREASURY BILL ZERO% DEC 26 2002	08/08/02	99.40	2,126,356	99.62	2,131,042	N/A			
2,090,000	U.S. TREASURY BILL ZERO% JAN 02 2003	08/15/02	99.38	2,077,076	99.60	2,081,640	N/A			
3,620,000	U.S. TREASURY BILL ZERO% JAN 09 2003	08/29/02	99.41	3,598,869	99.56	3,604,361	N/A			
2,473,000	U.S. TREASURY BILL ZERO% JAN 16 2003	09/13/02	99.43	2,458,917	99.54	2,461,648	N/A			
2,413,000	U.S. TREASURY BILL ZERO% FEB 27 2003	09/05/02	99.24	2,394,701	99.38	2,398,111	N/A			
2,467,000	U.S. TREASURY BILL ZERO% MAR 06 2003	09/18/02	99.24	2,448,349	99.35	2,451,087	N/A			
2,095,000	U.S. TREASURY BILL ZERO% MAR 13 2003	09/26/02	99.27	2,079,748	99.32	2,080,774	N/A			
Total Government Securities				48,852,718		49,011,910				
Total of Long Portfolio				48,854,337		49,013,528	*		21	1.32

* - Excludes N/A Items

G-03a

October 15, 2002

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning
Steve Vandette, City Engineer
Mark F. Miller, Planning Director

Subject: ANNOUNCEMENT OF PUBLIC HEARING – NOVEMBER 4, 2002 - PROPOSED ZONING ORDINANCE TEXT AMENDMENT (ZOTA 193) – Article XXXIX Environmental Provisions (Walls – 39.10.00)

PLANNING COMMISSION RECOMMENDATION

The Planning Commission initiated a Zoning Ordinance text amendment to strengthen the standards for required walls adjacent to natural features. The proposed amendment will require that screen walls be constructed with face brick on both sides, rather than simply requiring obscuring walls, which can be unattractive. In addition, the amendment provides the Planning Commission with the authority to allow walls to be moved off of the lot line to preserve natural features. The amendment also requires pillar supported wall structures when trench footings or typical wall construction would impede the stormwater drainage flow from the original pre-construction storm water drainage flow or cause damage to existing trees or the root structure of existing trees.

The Planning Commission discussed the proposed amendment at a number of study meetings. On August 13, 2002, the Planning Commission held a Public Hearing to solicit public comment on the amendment. The Planning Commission recommended approval of the amendment.

CITY MANAGEMENT RECOMMENDATION

It is recommended, that the proposed zoning ordinance text amendment be denied. The Planning Commission's proposal regulates engineering issues, that are regulated within the City's Development Standards. In addition, the proposal requires common or face brick for walls in all circumstances, thereby eliminating accepting building methods, such as poured or precast concrete. It is the opinion of City Management that no amendment should occur to Article 39.10.00 of the Zoning Ordinance.

cc: Planning Commission
Mark Stimac
Steve Vandette
File/ZOTA #193

PROPOSED ZONING ORDINANCE TEXT AMENDMENT

Environmental Provisions - Walls

Amend the indicated portions of the Environmental Provisions text in the following manner:

(Underlining, except for major section titles, denotes changes.)

39.00.00 ARTICLE XXXIX ENVIRONMENTAL PROVISIONS

39.10.00 WALLS:

39.10.01 For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District a brick wall ~~an obscuring wall~~ as required below:

	District/Use	Requirements
(A)	P-1 Vehicular Parking District	4'-6" high wall
(B)	Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)	B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
(D)	E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)	M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)	Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

39.10.02 Required walls shall be located on the lot line except where underground utilities or natural features, as determined by the Planning Commission, interfere and except in instances where this chapter requires conformance with front and yard setback lines in abutting residential districts. The location of such walls may further be revised where, in the opinion of the

Planning Commission, such relocation will as effectively or more effectively serve the intended screening or obscuring function.

(Rev. 6-29-92)

39.10.03 Such walls and screening barriers shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter ~~and except such openings as may be approved by the Chief Building Inspector or the City Engineer~~. All walls herein required shall be constructed of common or face brick on both sides ~~or of poured or precast masonry or decorative block the designs of which shall be approved by the Chief Building Inspector~~ and shall be compatible with the adjacent residential site. Pillar supported wall structures shall be required when trench footings or construction of such walls would alter the original grade at the lot or property line and would impede the stormwater drainage flow from the original pre-construction storm water drainage flow or cause damage to existing trees or the root structure of existing trees.

13. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT (ZOTA 193) – Article XXXIX (39.00.00) Environmental Provisions - Walls

Mr. Savidant presented a summary of the Planning Department report for the proposed amendment.

Mr. Chamberlain stated that this text amendment mandates, in wooded areas and areas of special concern, that walls will not be constructed with footings. That they will be elevated walls to allow water to go under them and prevent the destruction of the tree roots and trees if they're going through a wooded area; and that they've got to be compatible with the adjacent residential sites. This only applies to parcels adjacent to residential areas. We are trying to save trees and we are trying to save water. In essence, that's what we've got here.

Public hearing opened and closed.

RESOLUTION

Moved by Kramer Seconded by Starr

RESOLVED, that the Planning Commission hereby recommends to the City Council that the ARTICLE XXXIX of the Environmental Provisions Ordinance to read as follows:

Amend the indicated portions of the Environmental Provisions in the text to read as follows:

(Underlining, except for major section titles, denotes changes.)

39.00.00 ARTICLE XXXIX ENVIRONMENTAL PROVISIONS

39.10.00 WALLS:

39.10.01 For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District a brick wall ~~an obscuring wall~~ as required below:

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(A)	P-1 Vehicular Parking District	4'-6" high wall
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(C)	B-1, B-2, B-3, H-S, O-1,	6'-0" high wall

	O-M, O-S-C, R-C and M-1	
(D)	E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)	M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)	Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

39.10.02 Required walls shall be located on the lot line except where underground utilities <u>or natural features, as determined by the Planning Commission,</u> interfere and except in instances where this chapter requires conformance with front and yard setback lines in abutting residential districts. The location of such walls may further be revised where, in the opinion of the Planning Commission, such relocation will as effectively or more effectively serve the intended screening or obscuring function.

(Rev. 6-29-92)

39.10.03 Such walls and screening barriers shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this chapter ~~and except such openings as may be approved by the Chief Building Inspector or the City Engineer~~. All walls herein required shall be constructed of common or face brick <u>on both sides</u> ~~or of poured or precast masonry or decorative block the designs of which shall be approved by the Chief Building Inspector~~ <u>and shall be compatible with the adjacent residential site. Pillar supported wall structures shall be required when trench footings or construction of such walls would alter the original grade at the lot or property line and would impede the stormwater drainage flow from the original pre-construction storm water drainage flow or cause damage to existing trees or the root structure of existing trees.</u>

be approved.

<u>Yeas</u>: <u>Nays</u>: <u>Absent:</u>

Vleck	Littman
Starr	Wright
Kramer	Waller
Storrs	
Pennington	
Chamberlain	

MOTION CARRIED

7. ORDINANCE REVISION DISCUSSION – WALLS - ARTICLE XXXIX ENVIRONMENTAL PROVISIONS

Mr. Chamberlain stated that the Commission needs to make a decision tonight that this is the appropriate wording we want. In order to make our regular meeting in August, public hearing notices have to be sent out by tomorrow. It was before us once before and the only reason we did not approve it at that time was because it did not cover any of the residential. The RC is now in it.

Mr. Waller stated that one of the things we are trying to accomplish as we go through this, is really what's best for the community.

Mr. Waller continued, stating to Mr. Vandette, that he does not know whether or not he is involved with this item but that he wanted him to be aware of what's going on with it.

Mr. Waller cited 39.10.03 and stated the way it is worded it provides the opportunity for someone other than the Planning Commission to have the final say when it comes to approval regarding openings in walls and screening.

Mr. Chamberlain stated the problem I have with the City Engineer and the Chief Building Inspector, is that we sit here and have public hearings and public input, make our decisions on that input and then somebody who wasn't here, comes along, thinks "I don't care, it sounds good to me", and overrules our decisions. What we are trying to do is guarantee that whatever our decision is, it does not get overturned.

Mr. Chamberlain stated that in 39.10.03, the sentence reading "and except such openings as may be approved by the Chief Building Inspector or the City Engineer" will be deleted.

Mr. Waller stated that in 39.10.03, the last page, after the last sentence, he would like to add "or cause damage to existing trees or the root structure of the existing trees".

Mr. Chamberlain asked if everyone agrees.

Everyone agreed and Mr. Chamberlain requested that Mr. Miller make the revisions and send it up tomorrow.

6. ORDINANCE REVISION DISCUSSION – WALLS - ARTICLE XXXIX ENVIRONMENTAL PROVISIONS

Mr. Chamberlain stated that we got into this because of what happened at Sandalwood next to Rexpointe. When I read the proposed change, I noticed it covers everything but the residential. Questions need to be answered before this item moves forward.

Mr. Savident stated it was the intent of the language to provide a separation between incompatible uses.

Mr. Chamberlain stated where the problem is showing up is that residential uses are not required to be screened from other residential uses. Also, walls can require tree removal. That's why Mr. Kramer had this action item, to address this. We need to get this straightened out before we go any further with this. Check it out and it will be addressed at our next regular meeting.

Mr. Waller commented that it should say we would prefer pillar and panel-like versus walls. We should be more clear.

10. ORDINANCE REVISION DISCUSSION

Fence & Walls

Mr. Kramer stated he will provide current revisions by e-mail to Mark Miller and that his intent will be a pillar type of wall. We are not going to be forcing one type or another. He also stated he will miss the next meeting.

Mr. Chamberlain stated that we are trying to save the trees and preserve water flow, grades and tree preservation. He stated we need to get away from killing trees just to install a wall.

4. ORDINANCE REVISION DISCUSSION – ARTICLE XXXIX ENVIRONMENTAL PROVISIONS - 39.10.00 WALLS

Mr. Miller stated that City Management reviewed the request to eliminate trench footings for required walls. Section 39.10.03 requires the walls to be constructed of common face brick, or of poured or pre-cast masonry or decorative block and the designs approved by the Building and Zoning Director. In consultation with both the Building and Engineering Departments, it was determined that it is impossible to prohibit trench footings. In addition, it was found that the use of posts with panels has a number of problems. This type of wall does not preserve additional vegetation areas because heavy equipment is needed for construction. Approximately a 10 feet wide area will be cleared for the panel type similar to a trench footing. The paneled type walls are also not as aesthetically pleasing in many cases as the required walls. If lightweight materials are used, the durability of the panels becomes an issue. City Management will not support the elimination of trench footings for walls because it is an accepted constructed method. City Staff is willing to make a presentation to the Planning Commission regarding footings when their schedule makes them available.

Mr. Miller added that it appears that the real issue is the preservation of natural vegetation areas and storm water drainage. The Planning Commission should focus how preservation of these areas can be achieved as each development seeks approval. Specific conditions could be applied to site plans that incorporate preservation areas of vegetation, when the protection of health, safety and welfare of abutting properties is necessary.

Mr. Chamberlain requested that Dennis Kramer lead the discussion on this issue.

Mr. Kramer stated if your putting a wall through a forest, a bobcat would need access.

Mr. Chamberlain stated that Sandelwood is a prime example of how woods were taken down inappropriately. He also stated that a church in Troy, on Long Lake between Rochester Road and Livernois, the trees are growing right on top of the wall.

Mr. Reece asked about the exact cost of the construction and perhaps a long-reach crane could be used for the holes.

Mr. Wright stated there is approximately a 10 foot area that would have to be cleared for installation of most walls.

Mr. Miller stated that the problem is how the developers clear and cut trees in Troy. If the final Tree Preservation Plan shows the elimination of trees, then it can be done by the developer. That's part of the issue of tree preservation. If

someone clears land and encroaches on the adjacent property, it is usually done by some kind of knucklehead who is not paying attention to what he should be doing. It is also very important to know that surveying and field errors do lead to encroachment on neighboring properties.

Mr. Miller stated that Mark Stimac, Building Director, and himself, agree that wall waivers could be handled by the Planning Commission as the Planning Commission is the one that physically approves a site plan. It appears that approval at the Planning Commission level is better than going to the BZA for a wall variance request.

Mr. Chamberlain stated that R-1T areas are a major issue. He stated he would really like to see pylon fences in wooded areas.

Mr. Kramer commented on a way to include a tree survey of outside or on adjacent properties.

Mr. Miller stated that surveyors have the legal right to enter neighboring properties during a boundary survey.

Ms. Lancaster stated that the Planning Commission should make a list of all the ideas open for discussion and bring them to Steve Vandette, City Engineering, and allow him to address the Planning Commission's concerns.

Mr. Kramer stated the Planning Commission doesn't want to engineer each site.

Mr. Reece stated that forest land in Washington state utilizes helicopters during construction.

Mr. Storrs stated his concern of matching grades.

Mr. Miller stated that many of the concerns could be resolved by staff and I think we could provide conditions for improvements.

Mr. Chamberlain stated he didn't trust City Staff. We have had site plans changed when we have specifically stated we don't want it that way. We need to have walls and fences and this way the seller knows exactly what he's looking at.

Mr. Waller stated that the boundary and tree surveys should include neighboring properties. It would be helpful if City Staff came to a study session when we talk about these issues, then they can understand each others position. We need to do this at our next meeting.

Mr. Chamberlain stated that City Staff should be available for the next study session.

10. ORDINANCE REVISION DISCUSSION

Fence & Walls adjacent to Natural Buffers – Discussion of Zoning Ordinance revision direction.

Mr. Kramer stated we should require posts or pilings and use of panels to allow water to flow under so as not to disturb vegetation.

Mr. Chamberlain stated that the Development Standards regulate 1-6 detention basins.

Mr. Miller agreed that the Development Standards regulate stormwater detention.

MADISON HEIGHTS POLICE DEPARTMENT

G05a

280 West Thirteen Mile Road • Madison Heights, Michigan 48071

248-585-2100 • Fax 248-585-8090 • Administration 248-837-2729

KEVIN M. SAGAN
Chief of Police

DONALD A. ROESKE
Deputy Chief of Police

Dear Chief Craft,

On Friday August 9,2002 at 12:35 hours, Madison Heights Police Officers responded to an animal complaint at a residence in our city. Four unsecured pit bulls were located at the home, which had no gate securing the yard. In addition, this particular home has required considerable contacts by our police department in the past. One of the dogs was extremely vicious and had severely injured one of the other dogs located at the residence.

Officers on scene advised dispatch that there was a good possibility that they would need to shoot the dog in order too get control of the scene and insure the safety of all involved. The Madison Heights Animal Control Officer was off on vacation, and Oakland County Animal Control Officers were unavailable to assist us with this incident. We were however, able to contact *Troy Animal Control Officer,* **Greg Latka**, who responded to the residence.

The aggressive pit bull rounded the corner of the house, started growling, and advanced on the officers on scene. Both officers later reported that they had their weapons out and were preparing to shoot the dog, when A.C.O. Latka requested they give him a chance to get the animal to comply. A.C.O. Latke gained control over the dog, secured him, and transported him to the Oakland County Animal Shelter.

Troy Animal Control Officer, Greg Latka was able to respond to the scene and help diffuse a volatile situation. His experience, training, and ability to control a dangerous animal, made what could have become an incident requiring the use of lethal force, into a safely controlled animal pick up.

I therefore wish to express my sincere thanks to A.C.O. Latka and inform you about his outstanding performance of duties, which terminated a threatening situation. The Madison Heights Police Department Commendation Board lauded his actions, and both the officers and residents involved in the incident, are grateful for his assistance.

Thanks Again

Donald A. Roeske, Deputy Chief
Madison Heights Police Department

RECEIVED
Chief of Police
10/10/02 CR

Madison Heights Police Department

To Whom These Presents Shall Come, Greeting:

Be It Known that the Chief of Police, Awards

Troy A.C.O. Greg Latka

This

Certificate

of

Recognition

for

Assistance to Madison Hgts. P.D.

October 4, 2002

Dated:

Kevin M. Sagan

Chief of Police

Madison Heights Police Department

© GOES 440

LITHO. IN U.S.A.

Magic of Fall / Troy Daze Festival

City of Troy - Troy Daze Festival
3179 Livernois,
Troy MI 48083

Phone: 248.524.1147
Fax: 248.524.3499
Web: www.ci.troy.mi.us

City of Troy

October 14, 2002

Honorable Mayor Matt Pryor and City Council
City of Troy
500 West Big Beaver Road
Troy, MI. 48084

Dear Mayor Pryor and City Council:

The 34th Annual Magic of Fall/Troy Daze Festival was one we were really looking forward to as a committee. With a half dozen new committee chairpersons, addition of the Fireworks on Sunday, expansion of the entertainment program, complete renovation of the New Car Show, increase in number of students that could be included in Special Children's Day, great new layout, more ethnic groups participation than ever before, completion of a very successful corporate sponsor program and much more, the energy level was very high for this year's Festival. This resulted in one of the most successful Troy Daze ever. Record attendance was set for Thursday, Friday and Saturday. Overall attendance matched the record set in 1999.

As you are well aware, the Troy Daze Festival has grown significantly since it was brought back in 1981 and truly takes a yearlong effort to plan. Nearly 8000 man-hours go into planning the nearly three dozen events/activities. The events/activities are planned to compliment each other. All the volunteer chairpersons are to be commended for their tireless work. In addition, the City Manager John Szerlag and his staff need to be commended for their involvement. They provide support year round to both the Advisory and Festival Committees. In particular we would like to thank:

Carol Anderson and her Parks and Recreation Staff:
Carol's staff, led by Advisory Committee liaisons Jeff Biegler and Joy Stockamp, did an outstanding job this year helping the Advisory Committee with its many requests for purchase orders and responding to citizen requests for information and applications. Jeff took the lead in negotiating with all the vendors for festival services.
The Parks and Rec maintenance staff was just terrific in the initial set-up and subsequent tear down of the Festival.

Bill Need and his DPW Staff:
Bill's staff was also terrific in the initial set-up and subsequent tear down of the Festival.

Police Chief Charles Craft and his Staff:
Chief Craft's staff, ably coordinated by Advisory Committee Liaisons Steve Zavislak and Dave Swanson, was an integral part of the planning of the Festival. We know these men put the safety of the community first as evidenced in the planning of the fireworks show and the revision to the Festival emergency plan.

Fire Chief William Nelson and his Staff:
Chief Nelson's staff, well coordinated by Advisory Committee Liaisons Bob Matlick and Tonya Perry, was again an invaluable help during the Festival planning. They also played a major role in the planning of the fireworks show and the revision to the Festival emergency plan.

Jeanette Bennett and her Staff:
Jeanette's people were terrific in processing all the bids, purchase orders and change orders for the services needed for the Festival. We had some very detailed negotiations that needed to be accomplished and her staff worked well with us to obtain resolution in a timely manner.

Cindy Stewart and her Staff:
Cindy's help on the Corporate Sponsor Sub-Committee and with Festival Publications and Publicity was invaluable. Her department took on the major role of issuing press releases to the media and posting them on the City's Web Site. Her staff's work on new banners for events and corporate sponsors was greatly appreciated.

City Liaisons:
Having representatives from the various city departments is vital to making the Festival a success. The Committee requests that Jeff Biegler, Joy Stockamp, Bill Need, Cindy Stewart, Dave Swanson, Steve Zavislak, Tonya Perry and Bob Matlick continue their assignments as liaisons to the Advisory Committee. These men and women made numerous suggestions that resulted in making the task of organizing and operating such a large undertaking as the Festival truly enjoyable for the volunteer committee.

We look forward to City Council's continuing support.

Sincerely,

Jim Cyrulewski
2002 Festival General Chairman

Bob Berk
Troy Daze Advisory Committee Chairman

cc: John Szerlag, City Manager
Troy Daze Advisory Committee Members

Oakland County Building Officials Association

September 27, 2002

Robert Davisson, ESQ
Jacquelyn Bault
Troy City Attorney's Office
500 W. Big Beaver
Troy, MI 48084

Dear Mr. Davisson and Ms. Bault:

On behalf of the membership of the Oakland County Building Officials, I wish to thank you for the presentation that you made "Tips for Testifying" on September 26, 2002. The presentation gave us useful information that we can use in our duties as building officials. The presentation was well received by the membership and resulted in a lot of helpful discussion.

Thanks once again for your time and efforts in this matter.

Sincerely,

David M. Byrwa

David Byrwa, President
Building Official
Village of Beverly Hills

October 2002

October 2002

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November 2002

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	October 1	2	3	4	5
	7:30pm Planning Commission-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 Commission-Regular Session (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 City Council - Study Session (Council Boardroom) 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 Downtown Development 7:00pm Cable Advisory Committee (City Hall 7:30pm Traffic Committee (City Hall (LL))	3:00pm Brownfield Redevelopment Authority (Conference Room LL)		20
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6:45pm City Council-Special Mtg (Council Boardroom) 7:30pm City Council-Regular (Council Chambers)	7:30pm Planning Commission-Study 7:30pm Historical Commission (Museum) 8:00pm Troy Daze (Community Center)				27
28	29	30	31		

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10/21-PH Comm Veh Appeal, 2887 E Wattles Rd
10/21-PH Site Plan Approval, Sec 3, Med Office Bldg
10/21-PH Prop Zon Ord Amend, Art 10.20.08 & 34.60.00
10/21-PH Rezoning App, Sec 34
10/21-PH Rezoning App, Sec 14
10/21-PH Parking Var, 3670 John R

G-6

November 2002

November 2002

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25	26 7:30pm Planning Commission-Study 7:30pm Historical Commission (Museum) 8:00pm Troy Daze (Community Center)	27	28 Thanksgiving-City Offices Closed	29	30

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G-6

December 2002

December 2002

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30	31 New Year-City Offices Closed				

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G-6

OAKLAND
COMMUNITY
COLLEGE

September 2002

Dear Update Reader:

Each fall, we like to share with you Oakland Community College's Report to its Business and Community Alliance (BCA) in lieu of a fall issue of Update, our regular publication for Oakland County's business, human services and governmental communities.

Last year, the BCA assisted OCC in developing its five-year strategic plan and in supporting the millage renewal that will continue to help us provide state-of-the art programs and facilities for Oakland County students. This year - the BCA's sixth year of partnership with OCC - the group's membership is being expanded to include representatives from area chambers of commerce. It is my hope that this enhanced group will continue to help OCC in charting its future, which will include assisting the Board of Trustees in its national search for a new chancellor when I retire in June 2003 after 37 years with OCC.

We hope you enjoy reading about the important work the BCA does to help keep OCC connected to the needs of Oakland County business and industry.

Sincerely,

Richard T. Thompson
Chancellor

A REPORT TO THE

Business and Community Alliance

2001-2002

OAKLAND
COMMUNITY
COLLEGE

Get Anywhere From Here...

Get Anywhere From Here...

"Oakland Community College is a key institution in our county, (whose) programs . . . are part of the very fabric of our community."

– L. Brooks Patterson,
Oakland County Executive

A REPORT TO THE

Business and Community Alliance

2001-2002

OAKLAND
COMMUNITY
COLLEGE

Oakland Community College

[illegible]

Values
- Shared responsibility, [illegible] innovation, collaboration
- Personal empowerment, integrity, ethical commitment
- Diversity, global awareness, responsiveness to community needs.

Purpose
Oakland Community College provides quality:
- Educational experiences enabling students to transfer to other institutions of higher education.
- Occupational and technical learning opportunities to improve students' employability.
- Community services, including cultural, social and enrichment opportunities for lifelong learning.
- Opportunities in developmental education to prepare students for college-level studies.
- Workforce development training and learning opportunities to meet the needs of business and industry.
- General Education opportunities enabling students to learn independently and develop skills for personal and career success.

Oakland Community College Board of Trustees

Janice Simmons, Chair
John A. Wangler, EdD, Vice-Chair
Anne V. Scott, Secretary
Phillip J. Abraham, CPA
Pamala M. Davis
Sandra L. Ritter
Judith B. Wiser

On June 10, Oakland County voters returned incumbent OCC Trustee Sandra Ritter to the Board and elected Phillip Abraham of Royal Oak. Both will serve six-year terms. Jeanne Towar, who served on OCC's Board for six years, completed her term of service to OCC in July.
New officers of the OCC Board of Trustees for 2002-2004 were elected at a July 15 special meeting. They are Janice Simmons, chair (center); Dr. John Wangler, vice chair, and Anne Scott, secretary.

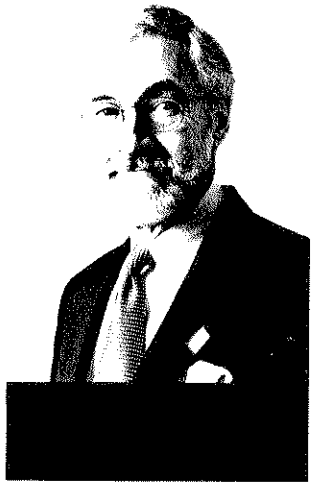
The History and Mission of Oakland Community College's Business and Community Alliance

From its earliest years, Oakland Community College has recognized the importance of connecting with the community. Involving community leaders in the college's planning and programming activities has ensured that OCC has continued to develop programs and courses that provide students with the education and skills needed to meet the increasingly sophisticated demands of Oakland County's workforce in the 21st century.

In 1997, OCC Trustee Anne Scott suggested that the college formally convene a group of business and community leaders who could help OCC refine and redefine its services and the way they are delivered. From that idea, the Business and Community Alliance was born. Its mission from the outset has been to assist Oakland Community College in developing education and training programs to meet the workforce needs of the region.

The Business and Community Alliance members represent a cross-section of the community, businesses, industries, public service and educational organizations in Oakland County.

Chancellor's Letter



OAKLAND COMMUNITY COLLEGE
2480 Opdyke Road, Bloomfield Hills, MI 48304-2266
(248) 341-2200 Fax (248) 341-2099

Oakland Community College has been a part of the fabric of Oakland County for 37 years. During those years, the college has served more than 650,000 students, providing a quality, affordable educational experience. From the earliest years, students have attended OCC for a wide variety of reasons: to obtain an associate's degree, to earn a certificate, to re-train or upskill, or merely to enrich their lives.

It has been an honor for me to have been part of this great college - which has grown to Michigan's largest and the 14th largest in the nation - since 1966. As I prepare to retire at the end of June 2003, I can't help but look back on all those years and think what a difference OCC has made in the lives of thousands of students and in the life of our community.

I also can't help but look forward and vision the future for the college. It's a vision that each of you as members of the Business and Community Alliance have helped to form, clarify and refine over the past five years we have worked together.

As the Business and Community Alliance begins its sixth year of collaboration with OCC, I see a wonderful opportunity for you to continue to help the college plan its future, as you assist the Board of Trustees in the search for a new chancellor...then help that chancellor know and understand the needs of Oakland County's students, business, industry and community.

I also look forward to our time together in 2002-2003 as a year of renewed energy and expanded focus as we welcome many new members to the BCA, several of whom come from our area chambers of commerce.

Sincerely,

Richard T. Thompson
Chancellor

The Business and Community Alliance and OCC: Celebrating Five Years of Accomplishments

BCA Accomplishments: Years One, Two and Three

During its first years, the Business and Community Alliance provided OCC with valuable information and insight, including developing 10 core employability skills that every OCC degree candidate should possess.

This list of key skills has guided OCC in designing new programs, reworking existing programs, implementing staff development and training, and redesigning its infrastructure.

The 10 Core Employability Skills

- Good communications in reading, writing and presenting
- Problem solving and teamwork
- Flexibility
- Technical skills
- A focus on customer service and quality
- Positive attitude
- Active learning
- Strong work ethic
- Core personal values/ honesty
- Awareness of diversity

BCA Accomplishments: Year Four

Much of the work of the Business and Community Alliance during its fourth year centered on assisting OCC with its successful millage renewal campaign. The millage renewal will truly carry OCC into the future well prepared to offer students, business, industry and the community the best in quality, affordable education.

In addition, the group explored some of the key issues facing Michigan business and education - especially the shortage of workers with the skill sets needed for the jobs of today and tomorrow. While many of these jobs will not require a bachelor's degree, 60 percent of them will need applicants who have some post-high school training or an associate's degree...and all of them will need "soft skills" - such as good communication and punctuality - that are highlighted in the 10 Core Employability Skills list.

The group also participated in other discussions of great significance to OCC: providing insights on distance learning classes, technology initiatives, the Michigan Technical Education Center (M-TEC℠), the Combined Regional Emergency Services Training Center (CREST) and the college's partnership with Automation Alley.

BCA Accomplishments: Year Five

During 2001-2002, the main focus of the Business and Community Alliance was assisting OCC in developing its 2002-2007 strategic plan that includes the following goals and objectives:

1. Increase quality and accessibility of education for a diverse student population; increase distance education and web-enabled classes by 10 percent
2. Continuously and systematically plan future directions
3. Assess institutional effectiveness to ensure quality and integrity at OCC and in its educational programs, services, and operations
4. Expand partnerships and collaboration with businesses, educational institutions, communities, government entities, social agencies, and regional and national organizations
5. Appreciate and understand diversity, fostering inclusiveness through its educational programs and services, its employment practices, its cultural and artistic events, and its partnerships
6. Promote a global perspective by providing students relevant educational experiences that address the relationships of people, cultures and nations in an interconnected world
7. Facilitate the appropriate use of technology to responsibly and appropriately promote learning, enhance teaching and support the college mission

Preparing for Year Six: Creating the Future

BCA: Envisioning Year Six

As the Business and Community Alliance begins its series of 2002-2003 activities, it will be a revitalized and reenergized group. Membership has been expanded to include representatives from area chambers of commerce, and programming will be enhanced to provide offerings, speakers and panel discussions of interest to the small and medium-sized businesses and industries represented by the chambers.

Additionally, the college hopes to draw on the expertise and knowledge of BCA members in its search for the individual the OCC Board of Trustees will appoint as chancellor to succeed Richard T. Thompson when he retires in June 2003. Chancellor Thompson envisions the BCA assisting in the search process but also in the process of integrating the new chancellor into the business and life of the community OCC serves.

OCC Continuously Improving Quality: *Colleague*

Over the past several years, Oakland Community College has been engaged in a massive project: planning and implementing *Colleague*, a new college-wide information technology support system.

Colleague has gone live segment by segment, and has provided the college with improved operating systems from human resource records to all aspects of finance.

Systems for financial aid, curriculum, admissions, student records and registration make applying for admission, registering for classes, seeking financial aid and paying tuition a seamless, streamlined experience for OCC students.

Oakland Community College, a partner in Automation Alley, was a sponsor of Automation Alley's networking event at the Southfield Pavilion in April 2002. Nearly 200 organizations, including high tech businesses, law firms, municipalities and educational institutions were represented at the event. OCC's display featured exhibits from Workforce Development, Computer Information Systems, the Business and Technology Center, Massage Therapy and the Cooperative Education/Internship programs. In addition visitors enjoyed confections from the college's acclaimed Culinary Arts program, chaired by Sue Baier (shown beside an ice sculpture produced by OCC grad Randy Finch using computer numerical control technology).

Chancellor Sets 2003 Retirement

Chancellor Thompson shows a Michigan Economic Development Corporation award to commemorate the opening of the M-TEC.[SM]

OCC Chancellor Richard T. Thompson joined the college in 1966 as a member of the English, social science and counseling faculty at the Highland Lakes Campus.

Through the years he has served in various administrative capacities at three of OCC's five campuses, including nine months as the college's interim chancellor in 1990-1991. When OCC's Board named Mr. Thompson the sixth chancellor of Michigan's largest community college in 1996, it marked the first time in its history that an OCC employee was chosen to head the institution.

Among his many current professional and community activities Mr. Thompson includes serving as a North Central Association consultant examiner, an arbitrator for the Better Business Bureau, and a member of both the Providence Hospital Board of Trustees and the Healthy People Healthy Oakland Executive Board.

Millage Approved With BCA Suport

Millage Renewal Provides Key to OCC's Future

On June 11, 2001, Oakland County voters approved by a 2 to 1 margin OCC's request for a 10-year renewal of its .8 mill property tax levy initially approved in 1995. This renewal of the first millage increase OCC requested in its history, added to its charter mill (subsequently reduced to .85 mill by the 1989 Headlee Amendment) accounts for 58 percent of OCC's annual operating budget.This year, the charter and renewed millages will provide OCC with $73 million in revenue.

Each year, the portion of the funds generated from the .8 mill renewal is expected to generate $34 million in revenue for the college. Of that revenue, OCC plans to spend 36 percent on facility improvements for students; 35 percent on improvements in operations to benefit students; 21 percent on classroom technology and capital equipment, four percent on instructional program development and four percent on student scholarships and employment.

Throughout the community, many groups actively supported the campaign for the renewal of the 1995 millage. The Community Alliance for Oakland's Future and a 24-member Blue Ribbon Committee coordinated the overall campaign with strong and visible participation from members of the OCC Business and Community Alliance. The college is grateful for this support which will allow it to remain a premiere provider of education and training for Oakland County, its students, business and industry in the 21st century.

OCC is Good for Oakland County

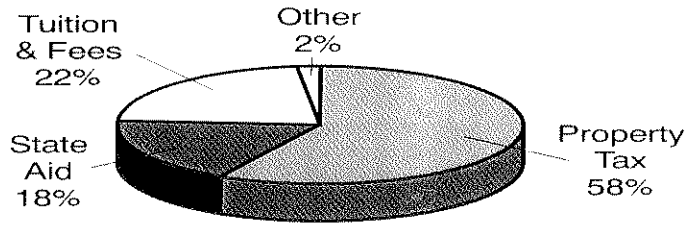
Oakland Community College makes a difference not only in the lives of its students, but in the quality of life in Oakland County. The college has:

- Provided training for 23,000 new and current employees for jobs that met critical skill and labor shortage
- Developed a nationally acclaimed and widely copied "welfare to work" program that transforms welfare recipients into skilled, high-tech employees working with EDS, Kelly Services, Fanuc Robotics and Xerox
- Worked with 56 area companies to obtain $10 million in training grants
- Become a strong selling point when companies look to locate or expand in Oakland County because the college can train their employees
- Achieved a 96 percent quality satisfaction rating from Oakland County residents

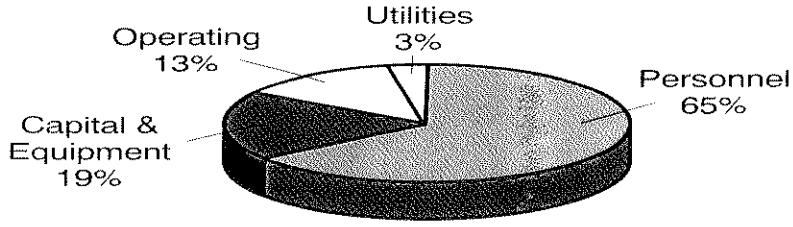
The college also impacts the economy of Oakland County in a variety of ways:

- OCC students who transfer on to complete a bachelor's degree and enter the workforce will earn, on average, $900,000 more in their lifetimes than those who hold only high school diplomas
- Lifetime earnings for each OCC class of first-time students totals $1.3 billion more than for a similar sized group holding only high school diplomas
- Factoring in student, employee and institutional expenditures, OCC generates an estimated $145 million annually in the Oakland County economy

OCC Income Sources



OCC Expenditures



Mission Accomplished: A Recap of Construction Projects Funded by the 1995 Millage Increase

One of the first and largest millage-funded projects completed in 1998 was the construction of an energy-efficient power plant at OCC's oldest campus, Highland Lakes.

Today the Royal Oak Campus is enjoying a $15-million renovation and addition that added a 400-space parking structure; revamped the existing building; constructed a new wing to house computer-assisted classrooms, computer labs, campus services and an enhanced child care center.

Six hundred and fifty construction projects and $75.2 million dollars later, OCC has closed the books on the first phase of the building restoration and improvement plan that began in March 1996, underwritten by revenue from the 1995 millage increase approved by Oakland County voters.

Of the $75.2 million allocated for facilities improvements, 59 percent has gone to major repairs and upgrades; 33 percent to new construction; five percent to small project repairs; and three percent to hazardous materials abatement.

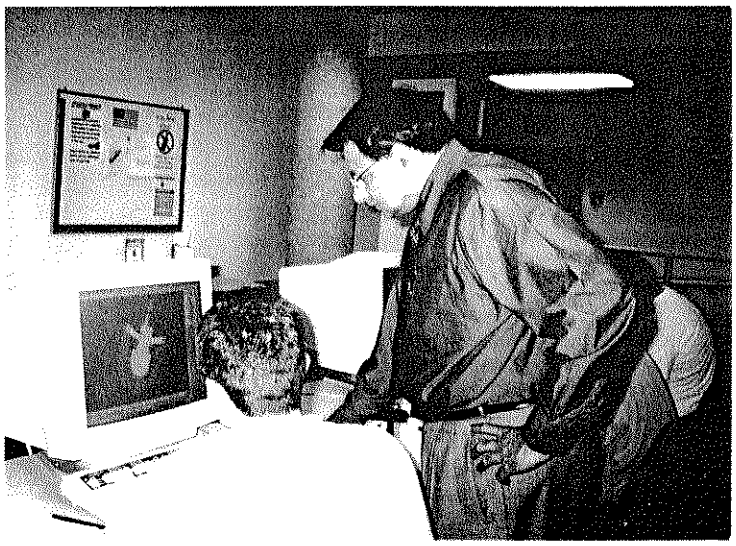
The college also used millage funds to leverage an additional $15 million in funding from the State of Michigan for construction of a Michigan Technical Education Center, the CREST project, and for renovations to classroom buildings at the Auburn Hills and Orchard Ridge campuses.

"This marks the successful conclusion of an important phase in the restoration and modernization of the college" said OCC Chancellor Richard Thompson in an April 15 presentation to the college's board of trustees. "Our primary aim has been to create a safe, efficient and attractive environment for students that facilitates learning," he said.

But the campus improvements and renovations aren't over. At OCC's April 2002 board meeting, the college's Director of Physical Facilities Daniel Cherewick noted that restoration and renovation will continue, using funds approved by voters in June 2001 when they renewed the .8 mill increase for 10 years.

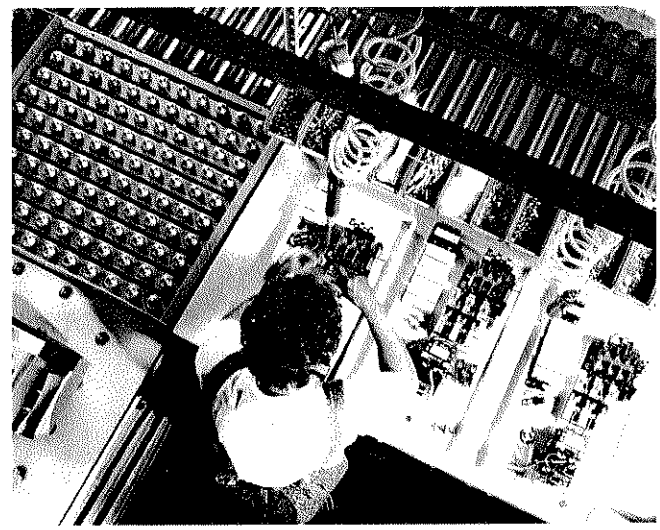
Millage Revenues Fund OCC Programs that Help

Since 1995, OCC has used millage funds not only to restore and improve facilities and upgrade its information technology infrastructure. It has also invested in new technologies for the manufacturing sciences, physical sciences, graphic design and the commercial arts. And the college has responded to employers' needs by launching new academic and career programs ranging from Surgical Technology and Massage Therapy to PC User Support and a variety of construction technology programs. Highlights of revised and new programs from the 2001-2002 academic year include the college's sophisticated and comprehensive computer-aided design programs, the retooled Multi-Skilled Manufacturing programs; the PC User Support Program introduced in spring 2002 and the Concrete Construction Management Program that debuts in September 2002.



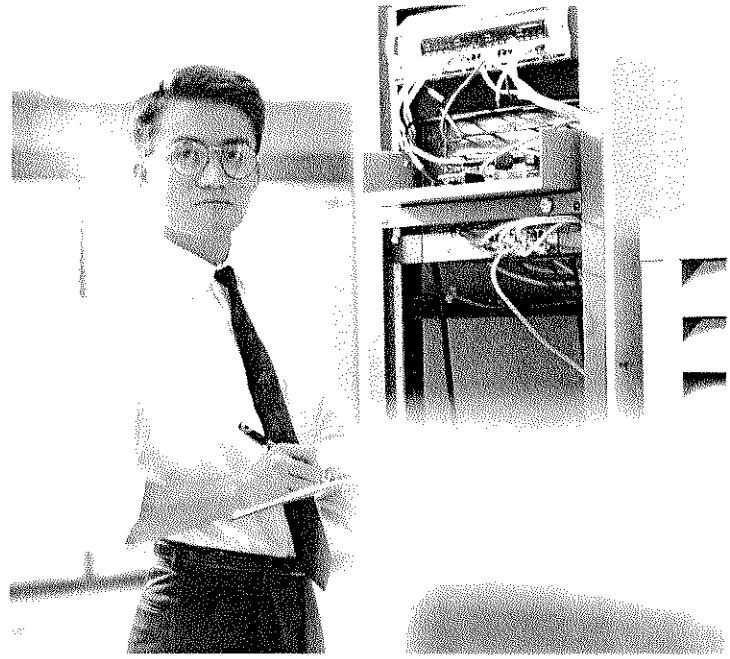
Planning thef future in 3D. *Powerful computers hum, 3-D designs rotate on screens in a ballet of lines and shapes, a unique rapid prototyping system - one of only a dozen in use at educational institutions across the US - builds colorful and accurate resin models directly from CAD data in OCC's Computer Aided Deign Labs on the Auburn Hills Campus. Students can choose from four program options: Automotive/Industrial Modeling, Machine Tool, Vehicle Design and Computer Aided Engineering, obtaining certificates or associate degrees. OCC offers not only unique programs, but an extensive array of advanced design software (including CATIA, Unigraphics and AutoCAD) and hardware. The college also has 2+2 transfer agreements that allow OCC credits to transfer toward four-year programs at Central Michigan University, Eastern Michigan University, Ferris State University, Lawrence Technological University, Purdue School of Engineering and Technology, University of Michigan - Dearborn, and Wayne State University School of Engineering and Technology. At $50.30 a credit hour, such training is a bargain. Add in OCC's partnerships with area businesses which provide students with co-op learning experiences and the college's comprehensive array of student support services that focus on helping students learn and succeed, and OCC's a choice that's hard to beat.*

Keeping Oakland County industries running smoothly. *That's the goal of a retooled OCC program: Multi-Skilled Manufacturing Technology (MSMT). Students choose an area of concentration: automation that emphasizes fluid power systems and their controlling devices; electrical that includes electrical systems, machines and controlling devices; manufacturing processes that covers numerical control machining; welding and fabrication processes; programmable controls and computer-aided design; multi-skill that offers a variety of advanced courses from which a student may choose; or robotics that provides in-depth training in robotics technology and programming. When students complete the coursework, lab sessions, cooperative internship program and capstone course, they are prepared for immediate employment as manufacturing technicians, working to maintain, troubleshoot and diagnose problems with systems and machines. Many students come to OCC's program after completing the Walter P. Chrysler Manufacturing Technology Academy, sponsored by DaimlerChrysler AG, Oakland Schools Intermediate District, OCC and the County's four Oakland Technical Centers. Others enter the program without any prior manufacturing work experience. And many continue on for a bachelor's degree since OCC has basic letters of agreement with 14 colleges and universities in Michigan saying that they will accept OCC graduates into degree programs such as manufacturing technology, engineering technology or general studies.*



Area Business and Industry

OCC offers new PC Support Technician program. *One of the fastest growing occupations in the nation over the next 10 years will be computer support, according to the U.S. Bureau of Labor Statistics. Area business leaders agree and have worked with Oakland Community College to develop a new training program to help meet the County's critical need for individuals trained in computer support. OCC's PC Support Technician program is now being offered at the college's new Michigan Technical Education Center (M-TEC) on the Auburn Hills Campus. Among those who helped the college design the new program were its M-TEC partners including DaimlerChrysler, EDS, IBM, Kelly Services, Kmart, Manpower and Oakland County Government. The PC Support Technician program helps students develop not only computer competency but also strong problem-solving skills, excellent customer interface habits and the ability to develop effective and coherent written reports. Specially designed workshops, hands-on lab time, job shadowing experiences and internships with M-TEC partners enhance the highly flexible "open-entry, open-exit" self-paced and self-directed course of study.*



OCC has built on the success of its Construction Management and Technology programs. *In September 2002, the college debuted its new Concrete Construction Management Certificate Program, developed collaboratively with the Michigan Concrete Paving Association and an advisory committee of industry experts. This 35-credit-hour-program addresses a critical shortage of concrete quality testers in the industry, and will provide employers with a source of workers who, in addition to having the needed technical skills to take the State of Michigan Concrete Testing Technician Exams, also have a background in business, computer applications, business communications and math. Students in the program may choose to go on to complete an associate degree at OCC. If they wish to complete a bachelor's degree, OCC and Eastern Michigan University offer a 3+1 Construction Management Program that results in a BA degree in Construction Management. OCC recently received $15,000 from the Tony Angelo Cement Construction Company of Novi to establish an endowed scholarship for this program. Chancellor Richard Thompson (left) and Program Coordinator Pam Jackson accepted the check from Mike, Joseph and Carl Evangelista, owners of Angelo Construction, who helped OCC develop this new certificate program.*

OCC Provides Homeland Security Training with CREST

Each week, OCC's Combined Regional Emergency Services Training program (CREST) is looking more like the mini-city it's supposed to simulate. Among the buildings that line the streets of the 22-acre facility on OCC's Auburn Hills Campus are three homes, a bank, a motel, and a gas station with a convenience store.

A 13,500-square-foot classroom building will be part of the facility, and it will also house a garage for CREST's ambulance donated by American Medical Response, fire truck donated by Bloomfield Village and police vehicle donated by General Motors Corporation.

One of the most unique and eagerly anticipated features of CREST will be a high-tech fire simulation facility and control tower. The simulation facility will also house specialized training stations for high-angle and confined-space rescues, flashover fire training units and hazardous material training facilities.

CREST is the first facility of its kind in the nation, where police, fire, emergency services and emergency medical first responders train together. When operating at capacity, the facility is annually expected to train as many as 4,000 emergency services personnel from Michigan and the Midwest. The facility will also be used to train OCC students enrolled in the college's law enforcement, fire fighting, emergency services and EMT programs.

The training facility is unique because it is designed to provide hands-on, realistic training that simulates actual problems and situations that police, fire, EMT and other public and private first responders will face.

The CREST center was initially envisioned as just a simulated city where emergency personnel could train together to respond to emergency situations. After the events of

CREST is endorsed by:

FBI-Detroit Office

Fraternal Order of Police - National Organization

Michigan Governor John Engler

Michigan Association of Fire Chiefs

Michigan Commission on Law Enforcement Standards Executive Director

Michigan Legislature

Michigan State Police

Oakland County Executive L. Brooks Patterson

Oakland County Police Chiefs Association

Oakland County Sheriff Michael Bouchard

Regional Alliance for Firefighter Training

Statewide Emergency Medical Services Coordination Committee

Southeastern Michigan Fire Chiefs Association

In spring 2002, a panoramic photo of CREST shows houses and other buildings rising on the 22-acre site. Photo by John Vavrek

CREST will provide the opportunity for police, fire, EMT and other emergency services first responders to train together in realistic, hands-on settings.

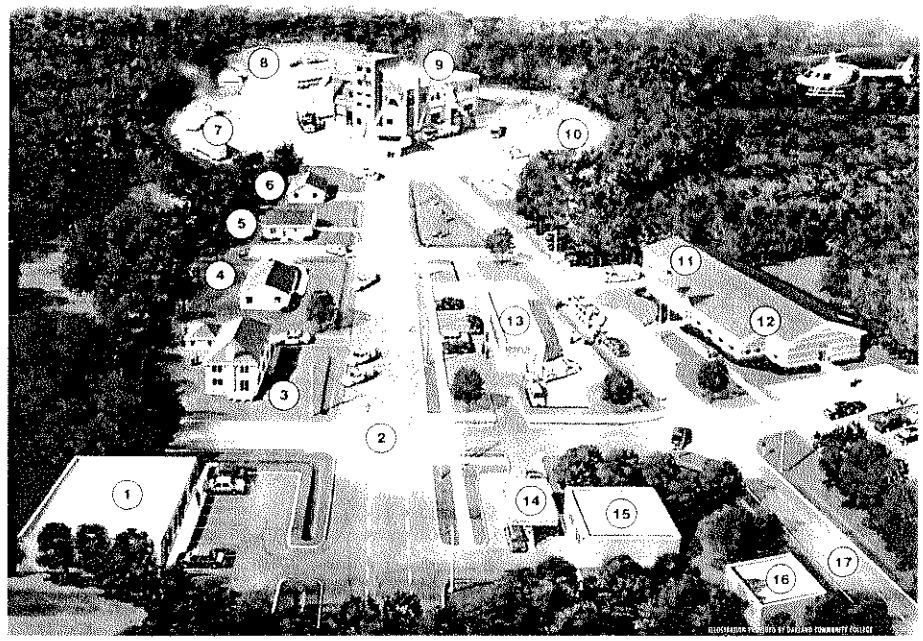
September 11, 2001, the project became OCC's top priority, and the purpose of the center was expanded to include additional emphasis on training for terrorism and for bioterrorism incidents involving biological or chemical weapons.

It will also be used by business and industry to enhance training for their own employees. For example, DTE Energy plans to use the site to train electrical utility workers for emergency situations.

With the enlarged scope of the CREST project, its cost has grown from an initial $7 million to $14.5 million. OCC has launched a major fundraising initiative to pay for CREST and its expanded services. Some of the initial funding came from millage revenue, and $2 million was received from the State of Michigan. The Consumers Energy Foundation has pledged $30,000 over the next three years toward the fire simulation facility. The balance of the funds will be raised from government, corporate and private donors.

Major donors will be invited to join a "Chiefs Inner Circle", and will able to select options for naming buildings, roadways, classrooms and individual training facilities.

Individuals can also participate on a smaller scale by purchasing engraved bricks for $100 or $250 that will be laid in a pathway of honor leading up to the CREST classroom building.



The main features of the CREST site include:
(1) hotel/motel, (2) intersection with functioning traffic lights, (3) two story residence, (4) and (5) one story residences, (6) equipment storage building, (7) Swedish Flashover fire training units (already purchased and in use), (8) helipad, (9) fire training complex, (10) confined space/hazardous materials training site, (11) garage/station for emergency vehicles, (12) staging area/ classroom building, (13) bank, (14) and (15) gas station and convenience store, (16) storage building and (17) gated entry road.

On July 22, OCC's CREST facility hosted its first demonstration on responding to a terrorist attack using hazardous materials. Oakland County's Tactical Mobile Command Unit and the City of Auburn Hills' Hazardous Materials vehicle were on site as first response teams of Oakland County sheriff's deputies, and Rochester Hills and Auburn Hills firefighters practiced decontaminating procedures. Photos courtesy of Oakland Press/Doug Bauman

The Michigan Technical Education (M-TEC℠) Center

It's one more plus for Oakland County: the 38,500-square-foot Michigan Technical Education Center (M-TEC℠) on the Auburn Hills Campus of Oakland Community College.

The M-TEC℠ at OCC, one of 18 facilities in the state, is the only one to concentrate solely on "gold collar" information technology (IT) jobs for first-level workers. Additionally, it offers companies and individuals the opportunity to "upskill" and advance in IT careers.

It is also the only M-TEC℠ developed through a consortium of public and private partnerships. Partners - who assisted in the design of the facility and curriculum - include EDS, DaimlerChrysler, IBM, KPMG, Manpower, Kelly Services, Kmart, Microsoft, Oakland County, Oakland University and Oakland Schools. The facility was funded, in part, through a $5 million grant from the State of Michigan.

In its 12 Smart Technology-equipped computer labs and two conference rooms, M-TEC℠ offers a range of innovative training programs to corporations and individuals. These include open enrollment courses in a variety of computer software applications. Many of the center's courses are delivered in a flexible, self-paced modular Open Entry/Open Exit (OE/OE) learning format.

M-TEC℠ also offers career development programs, including a "Preparation for Technology Track" and the Advanced Technology Program (ATP) for the underemployed - a program that has received national recognition.

OCC is an active, successful participant in the Michigan Economic Development Corporation's Economic Development Job Training Program, securing millions of dollars annually to meet the training needs of local companies.

The College also offers a Career Resource Center through M-TEC℠. Products and services include WorkKeys - a system used nationwide to profile, assess and provide training in workplace skills.

OCC Fast Facts

* OCC is the 14th largest community college among the nation's 1,171 community colleges

* Annual enrollment for degree and non-degree-seeking students is 74,000

* Largest freshman class in Michigan

* In June 2002, 1712 students earned OCC degrees and certificates: 668 were associate degrees in Applied Science; 202 in Business Administration; 160 in General Studies; 517 in Liberal Arts; and 65 in Science; 130 students earned one-year certificates

* In 2001, OCC ranked 40th among the nation's community colleges in the conferring of associate degrees according to *Community College Week*

* In 2001, OCC ranked 27th for business and 35th for arts and sciences for numbers of associate degrees conferred among all US community colleges

* Last year at OCC, women earned 66 percent of the degrees in business and 69 percent of those in arts and sciences

* The average age of OCC students is 28

Business and Community Alliance Membership Roster 2001-2002

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President and CEO
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Consumers Energy
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Pontiac, MI 48342

Mr. Leonard Williams
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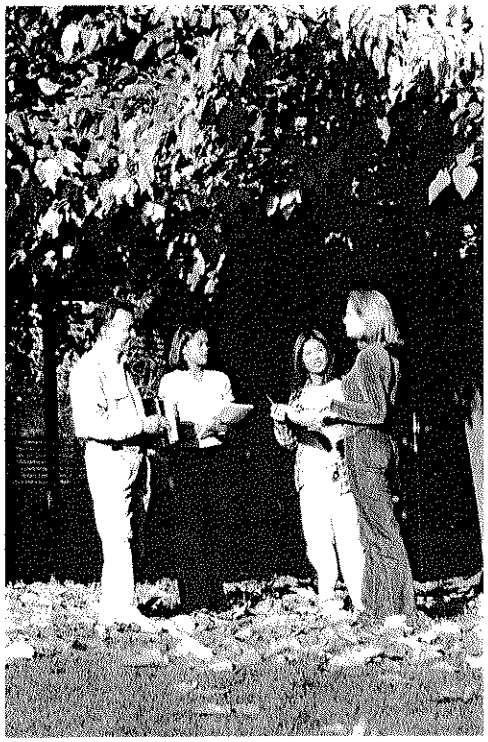
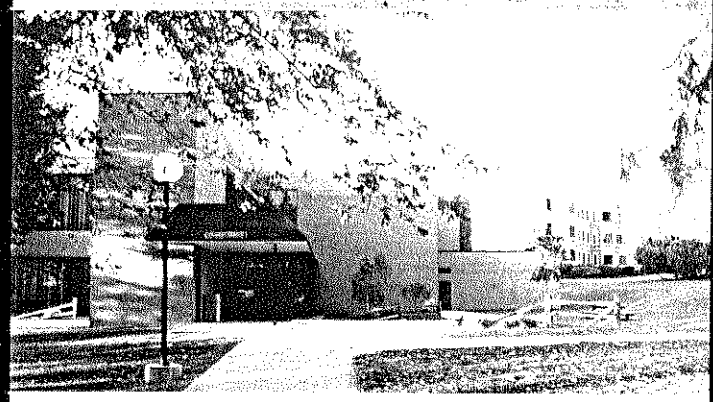
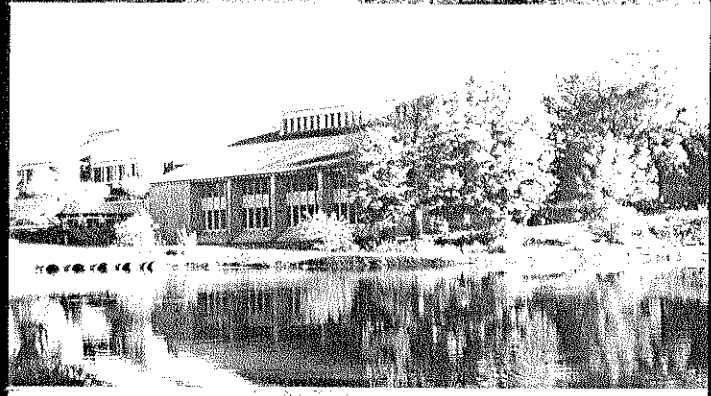
Hotel Baronette
27790 Novi Road
Novi, MI 48377



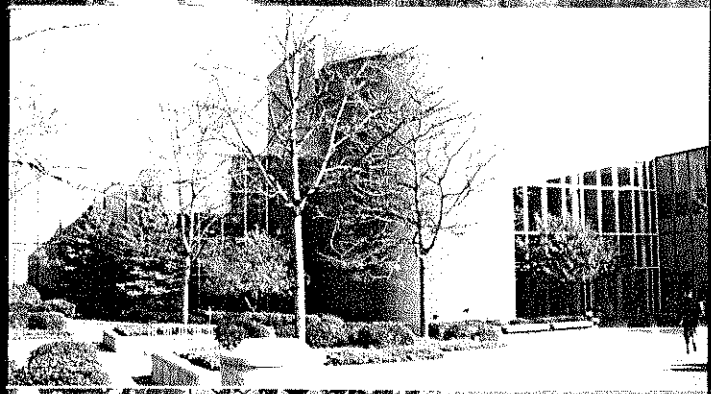
OCC – Auburn Hills Campus
2900 Featherstone Road
Auburn Hills, Michigan 48326
(248) 232-4100



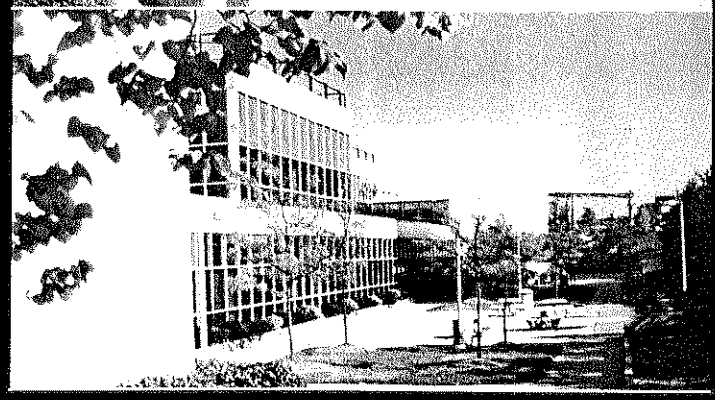
OCC – Highland Lakes Campus
7350 Cooley Lake Road
Waterford, Michigan 48327
(248) 942-3100



OCC – Orchard Ridge Campus
27055 Orchard Lake Road
Farmington Hills, Michigan 48334
(248) 522-3400



OCC – Royal Oak Campus
739 South Washington
Royal Oak, Michigan 48067
(248) 246-2400



OCC – Southfield Campus
22322 Rutland Drive
Southfield, Michigan 48075
(248) 233-2700

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Oakland Community College is an affirmative action/equal opportunity institution.

BR 250 9/02

October 8, 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
William Need, Director of Public Works
Jeanette Bennett, Purchasing Director

Re: Report and Communication –
Explanation of Wood Grinding Contract and Elements of a Sealed Bid Process

PART 1

Explanation Of The Wood Grinding Contract

The following information is provided to assist City Council's understanding of the wood grinding contract and to provide pictures of the debris to be ground:

Background:

The Solid Waste Coordinator (SWC) as part of her duties was charged with eliminating a huge pile of debris including tree branches, limbs, stumps, trunks, wood pallets, old wood chips and telephone poles. In gathering information to develop the bid specifications, the SWC was shown material ground a second time producing a quality landscape mulch. The material was reviewed by the Parks and Recreation Department and approved for use in City areas where landscape mulch was previously purchased by the Parks and Recreation Department. Therefore, the City would save money two ways: 1) the cost of hauling the material away, and 2) the cost of landscape mulch. Efforts were then directed towards developing specifications and preparing a list of potential companies capable of providing grinding and regrinding services.

Pictures Provided:

The pictures provided by the Public Works Department in relation to the individuals show the height, depth, and the type of miscellaneous debris to be ground. Approximately 1,600 cubic yards of material are in the pile. The first grinding will occur in the fall and the material will be left until spring, when the contractor will return for a second grinding which will produce the landscape grade mulch.

The successful bidder is capable of grinding 200 to 250 cubic yards of debris an hour (picture of equipment attached). The other responsive bidders were capable of grinding 80 to 150 cubic yards per hour. Therefore, not only is the hourly cost the lowest, we are certain that the number of hours needed to complete the work still affirm this bidder as the lowest acceptable bidder. A normalization process would have been used in the evaluation process if it was found that the apparent low bidder ground less material than the other bidders. The contractor will supply all the equipment including the large loaders required to move the debris to the grinding / conveyor equipment and personnel to accomplish this work.

PART II

<u>Elements within a Bid Process</u>
The following information is provided to assist City Council's understanding of the bid process and the separation of duties during the process:

Submittal of Bids:

- By Charter Provision Chapter 3, Section 3.14, Functions and Duties of the City Clerk, the Clerk is custodian of all papers, documents, and records pertaining to the City. The integrity of the City's sealed bid process has been constructed so that sealed bid proposals submitted by bidders are mailed to the City Clerk, who keeps them on file until the bid opening time when bids are brought to the bid opening by a member of the Clerk's staff.

  It is essential that Purchasing does not have access to those documents until the time of the bid opening. The system used for submittal of bids reduces the possibilities of collusion and favoritism and fosters public as well as vendor confidence in the procurement process. Since the bids are sealed, it is impossible to know before the opening whether a "No Bid" has been submitted or a "live" bid is in an envelope. Bidders are told to indicate the Bid Number on the outside of their sealed bid and are not required to identify themselves on the outside of the sealed bid although some do.

- Since the usual time for bid openings is 2:00 p.m., bidders have until that time to submit their bids. It is not unusual to have bids arrive immediately before the posted opening time.

- By the nature of a "sealed bid", secrecy is an important feature of the process. Purchasing stands ready during the usual 3-week period that bids are let to answer questions and meet with bidders. If a bidder has a problem or question, every effort is made to assist the company. Departmental contact information is also included on the bid documents, in case the bidder would like to discuss the specifications with the staff person who prepared them.

Bid Offer and Bid Acceptance

- By contract law, one key element for a contract to be binding is the offer by one party and acceptance of that offer by a second party. When a bid document is sent and posted in the vendor community, the vendor's submission of the bid is the contractual offer to do business with the City. ***It is the City's responsibility to ensure that the offer (bid) submitted meets requirements.*** There is ***no penalty*** on the bidder's part for offering to sell goods or services that are not what was specified. After Council approval is received, the purchase order issued is the acceptance of the bidder's offer. In other words, if a bidder takes an exception to what has been specified and the City accepts it through a purchase order after Council approval, the City is bound by that exception and will not be successful in seeking a remedy no matter what that exception was. Other bidders with standing also have the right to protest actions that the City takes in its award process if deemed by them to be unfair which can lead to court action. Therefore, staff strives to present awards for Council review that are defendable.

- Under State law, as long a bidder has acted in good faith, they are not required to bear the increased cost resulting from errors and miscalculations when unable to test or have not tested the accuracy of municipal specifications. Therefore, it is in the City's best interest when starting a new contract or when fieldwork is to be done to require a site visit by respective bidders as a substantial requirement within the specifications. As opposed to making the visit a mere technical requirement and problems ensue after the opening of bids and award of contract, the now successful bidder can walk away from their contractual obligations costing the City both time and money.

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TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance & Admin.
Gary Shripka, Assistant City Manager/Services
Carol Anderson, Parks & Recreation Director
Cindy Stewart, Community Affairs Director

SUBJECT: July 4th Picnic

DATE: October 15, 2002

After meeting with Jack Turner, we have come up with a proposed budget for the 4th of July community picnic. The total amount would be covered by the current budget. Boulan Park pavilion has been reserved and we have a verbal commitment from the Motor City Brass Band and the Troy Community Chorus as the entertainment. Publicity will be handled by the Community Affairs Department utilizing local media and our *Troy Today* publication to extend an invitation to al citizens.

July 4, 2003 City of Troy Picnic

Proposed Budget

Motor City Brass Band (2 hour performance) $2,200

The Showmobile Rental Fees:

- $300 per day for the basic 14'x32' stage
- $250 to expand the stage

These costs are for set up and take down during regular Monday-Friday, non-holiday work days. If either set-up, or take down is required on either Saturday, or Sunday, and additional rental fee of $130 will be added to the basic stage cost, and an additional $300 to the cost of expanding the stage.

Helium Tank	$375
Balloons	$425
Clowns	$350
TOTAL ESTIMATED COST:	$3,900

To: Mayor and City Council
Cc: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney

From: Robin Beltramini, Council member

Subject: Michigan Municipal League Convention
Sept. 11-13, 2002; Dearborn, Michigan

Date: October 14, 2003

Again, let me say that it was a real honor representing the City of Troy at this convention. It was a rewarding experience and a great opportunity for me, personally, and, I believe, for Troy. Mayor Pryor and I both endeavored to expand our networks in ways beneficial to the long-term goals of the city.

Tuesday, September 10, 2002

6:00 p.m. Host City Welcoming Reception
The City of Dearborn sponsored this event at the Henry Ford Museum. We were transported by charter bus, fed heavy hors d'oeuvres, offered spirited and non-spirited beverages, and allowed to wander and study the museum until about 10 p.m. It was a time when I could touch base with folks I had met at previous functions and make new acquaintances, as well. I took this time to talk with representatives from our neighboring communities in particular. I have learned that, for whatever reason, my path and those of our neighbors do not often cross except at the more social functions. Specifically, the topics covered were: Madison Heights SOCRRA transfer station; Maple and Coolidge transportation center (with Birmingham) and various road and bridge renovations; and SOCRRA golf course with Rochester Hills.

Wednesday, September 11, 2002

Opening Session
Parade of Flags—I carried Troy's as our police and fire representatives were otherwise occupied in our local 9/11 observance. Actually, about half of the communities managed to send a police and/or fire department representative. The rest of the flags were carried by elected officials. It's impressive to watch the parade and very moving to participate.

Karen Anderson, Mayor, City of Minnetonka MN, President, National League of Cities—Mayor Anderson reflected a bit on the 9/11 experience. She repeated, as many have, that the desired effect was not achieved by the tragedy. The nation is more unified, not chaotic. Our cities are stronger, safer, and more secure. There are three specific outcomes that have led to that statement. First, every city, no matter the population, now has a disaster, terrorist plan. Second, new partnerships and higher levels of cooperation between departments, cities, and all other levels of government have been created. Third, our infrastructure is much more secure.
Mayor Anderson briefly reviewed the NLC priorities for us.

1. Strong partnership of federal and local governments for homeland security. The guide to federal resources has been updated on the NLC Website.
2. Safeguard traditional federal programs that aid cities, such as the COPS program.
3. Continue to stress racial equality. Race Equality Week is Sept. 23-29. A kit for this initiative is on the NLC Website.
4. Investing in children. NLC wants a federal program for city initiatives to help children live better lives and grow to be better citizens.

5. Balance international trade agreements. "Takings" and fast-track provisions often give more authority to foreign companies than to the local community. (You can find more on this argument and additional information in my Dec. 2001 NLC Meeting report.)
6. Protect revenue sharing.

The Mayor continued by briefly explaining her President's Agenda of "Building Quality Communities through Land Use Decisions."

1. Regionalism
2. Job, transportation, and housing related
3. Development patterns as a reflection of community values
4. Viability of downtowns
5. Balance of the public good with private interests and rights

Kwame Kilpatrick, Mayor, City of Detroit

Mayor Kilpatrick started with the suggestions that September 11 become the "Spirit of Community Day." This would be a day of celebration and commemoration. He stressed that we are globally influenced, both positively and negatively. However, with God's blessing, on such a day we can experience a true sense of peace and mercy and grace. The second primary message of the Mayor's remarks was to state that our job is to continue to teach children of the goodness in the world. The evil can be overcome.

MML Annual meeting

Please see my memo of September 14, 2002 for the majority of the highlights of the business meeting. In addition, Bob Slattery, Mayor, Mt. Morris MI and president of the Michigan Municipal League gave a brief overview of the previous year. Highlights included mentions of numerous changes in hometown security, cooperation between levels of government experienced during the last twelve months, influence of MML and its members on the Michigan Legislature and U.S. Congress, culminating in the veto override rally in August. MML is recommending a "yes" vote on Proposal 2 in November.

Awards Luncheon

We entered our Citizens Academy in the Community Partnership area of our division. That was probably the largest category. We were not a winner. The City of Taylor won for its "Villages of Taylor" project. For more than 30 years a single area of low-income privately owned housing made up over 50% of all police runs as well as a multitude of the city's social problems. In 1996 the citizens voted a 1 mill tax over 20 years to fund redevelopment of the area. In 1998 Taylor acquired the property. In the last four years crime has been reduced, units remodeled, green space increased, 98% occupancy rate achieved, creation of home ownership programs for the area, and a variety of successful social services is now available at the Villages.

Other winners in the population over 25,000 were: City of Southfield for its Bridge Street Bridge Deployment Project in the Superior Innovation category. I will not detail that project because the newspapers have done a very good job of that over the last few weeks. The City of Jackson won in the Outstanding Achievement category for its Kinder-Morgan Renaissance Zone Project. This was a redevelopment of the 1,000,000 square foot Goodyear Plant (on a 59-acre site) which had been abandoned since 1984. The city brought together the owner and Kinder-Morgan who had wanted to build a gas-fired electric facility. Through city initiative and incentives such as demolition and environmental clean-up, 12-yr renaissance zone tax savings, ROW agreements, infrastructure upgrades and fast-track processes, Kinder-Morgan invested $250 million to build the new plant on the site within the city.

Afternoon Concurrent Sessions

Does Your Charter Need Revising?
Presenters were: Tom Donnellan, attorney, MML Municipal Charter Consultant; George Elworth, attorney, Office of the Michigan Attorney General, FOIA, OMA, local government specialist; Daniel Matson, City Attorney, City of Dewitt. I attended the session to try to get a handle on what would constitute a "need for charter revision." I was hoping for benchmarks to tell me what to revise and when. The session didn't exactly meet my goals, but I got some good information.
Tom Donnellan:

- A charter "revision" instead of "amendment" provides the broad picture of all charter provisions including where certain provisions came from, the historical perspective of necessity and the like. Amendments lead to "provided that. . ." being placed in the charter. This creates discontinuity between old or original and revised portions.
- Most common type of amendment is dollar thresholds. He suggests that dollar figures be replaced with some type of indexed figure (e.g., for purchases, a percentage of total operating budget).
- Revision can be stressful because it brings <u>all</u> charter provisions into play and is out of the control of the legislative body and staff.
- Amendments can lead to a host of problems, not the least of which are: lack of time for reflection—by legal staff, legislative body, and citizenry; conflicts between the amendment and the rest of the charter; multiple amendments submitted together; amendment text is not as easy to interpret as revision text because of the diminished paper trail and timeline; language discrepancies.
- Footnotes need to be "edited in" to charters alerting the public that a provision has been superceeded by other law.
- Recommended Bryan Garner's *Dictionary of Modern Legal Usage* as a guide to clear language.
- Charters not containing specific mandated reviews can be amended to contain such "automatic" review of the adequacy of the document. Donnellan recommends complete charter review every 10 years.

George Elworth:
In addition to reinforcement of the above points, Mr. Elworth gave helpful "mechanical" information.

- As stated earlier, revision gives a much better paper trail. Council recommendations will probably come after discussion at only one or two meetings, and even then, minutes are typically "thin" as they relate to discussion. Therefore, when proposing an amendment, Council resolution must have very good "Whereas" clauses to illustrate the necessity for amendment.
- Allow three months for state review. Home Rule Cities Act requires that the governor review all proposed charter changes. AG's office summarizes for governor and recommends his/her approval of the language. Language reviewed by AG's office only as it relates to criteria (e.g., 100 words maximum, single issue, clarity, etc.). There is no recommendation as to worthiness of amendment, only whether or not it meets criteria for ballot inclusion or not.

Daniel Matson:

- Again, the reinforcement that periodic total review of charter is healthy.
- Charter commissions are best served if the citizens appointed/elected to them have some city experience such as former chiefs, managers, council members. This is because these sorts have a better grasp of the framework needed for sound government and can share anecdotal information and experiences as they relate to municipal service.
- Charters reflect community values, which change over time.
- Drafting consideration: flow of concepts; clear, readable statements; consistency; not unduly negative—broad language best serves community, and proves to be most timeless; gender neutrality; consider future automatic provision.
- Three-year statutory limitation on charter revision process.

- Charter provisions with an eye to the future have better withstood federal court challenge than those centered on indifference. Eight provisional suggestions for forward-looking charter provisions of policy:
    - Continual planning for change
    - Continual education for all persons in municipal service
    - Improving intergovernmental relations
    - Alternative dispute resolution desired
    - Conservation of human and environmental resources
    - Promotion of ethical behavior
    - Keeping the public informed
    - Enhancement of cultural and arts activities

State and Federal Affairs Update

Presenters were Michael Brady, Director, State and Federal Affairs Division, MML and Don Stypula, Manager, Environmental Affairs, MML.

- Revenue Sharing is likely to be revisited during the "lame duck" session. There is some evidence that the Governor may sign an executive order to revisit the issue in committee.
- Diesel Fuel Tax is likely to increase four cents. Governor Engler wants to see this used to retire MDOT debt. MML wants to see the increase go into the Act 51 formula to be used by all road agencies.
- Oct. passage of gas tax increase is likely. Current money available for bond debt only—not construction.
- MML continues to make effort to pass Proposal 2—The Clean Water Bond. Interest rate on loans from the fund will be 2.5% over 20 years.
- MML continues opposition to environmental permit fees that would simply offset general fund support of MDEQ staff and regulatory program. However, sanitary sewer systems with treatment in another jurisdiction may need permit fee.
- Rep. Jerry Kooiman (Grand Rapids) is pushing HB6211 to charge $3/ton tipping fee on all land-filled solid waste. The revenue generated would go to the state to fund grants for recycling programs in towns without recycling. This bill offers no reimbursement of recycling program expense if a city has already had the forethought to enact a recycling program.
- MML has launched the weekly *League Legislative Link*. Also, Website has been improved, both as to information provided and links to other sites.
- Political realities in Lansing:
    - Lawmakers continue to grapple with revenue declines and projected deficits
    - Additional program cuts will happen
    - New faces are inevitable, but make future uncertain
    - New lawmakers often overcome by the "trappings" of state office
    - Lobbying process is chaotic, with influential lobbyists and viewpoints conflicting
    - A few lawmakers forget where they came from
- Political realities in Washington:
    - Use email or fax instead of USPS
    - Strong bi-partisan support for terrorism and homeland security issues.
    - Michigan has one less voice (lost House seat)
    - Viewpoint of national municipal organizations often lost in the clutter of other alphabet soup advocate groups.
    - Young Hill staffers have often never even visited Michigan, but are assigned responsibility for local issues
- Primer on connecting with legislators and congress people
    - Meet them!
    - Testify or offer technical assistance/advice
    - Invite them to local Council meetings/events
    - Let them know that they represent the same folks you represent

- Tell the municipal story—how laws effect us; what are our challenges; what expectations do we have for their assistance

International Reception
We were transported to the Ford Community and Performing Arts Center. I was as interested in the venue as in the showcase of Dearborn's cultural diversity. The Community Center portion of the facility has a few classrooms, fitness center, climbing wall, snack shop, concierge, locker rooms. The performance center has a fixed stage, no pit, some backstage area. It looked to seat about 600. Mayor Pryor may know more from his discussions with Dearborn's Mayor Guido. I must say that the building flowed easily. Uses were compatible or they were "sectioned" so as to not interfere. The multi-purpose room made a great place for the food buffets and mingling. Entertainment was provided by the Dearborn Parks and Recreation Jazz Band.

Thursday, September 12, 2002

Michigan Women in Municipal Government breakfast
This was a great opportunity to share with other women who have made strides in municipal government. Until we ran out of time, each was given a time to showcase some aspect of her community. I learned that almost every town in Michigan seems to have some sort of a festival. Many communities sponsor several. The best part was talking to other officials and learning that many of the opportunities are the same, the styles are what makes us different—I don't think that that is a gender statement, either.

Morning General Session
Mort Crim was the keynoter. He gave his "Good News for a Change" speech. This address centered on the thought that every challenge is an opportunity to do something good and worthwhile. It takes three things. First, one needs to have perspective. This is the ability to see things as they really are—not just sound bites. Every generation has been challenged. Each has been filled with risk and danger AND hope and promise. Second, one needs passion. Challenge and opportunity do not allow for indifference. Third, there is a need for purpose. As Albert Einstein once answered a student, "We are here to serve others." Success depends on understanding this basic tenet.

Morning Breakout Session
Municipal Finance: Easing the Crunch
Presenter was Scott Schrager, Fiscal Policy Consultant, MML. This was an overview discussion of various financing strategies available to, or being pursued on behalf of, local governments. Revenue sharing changes over time have drastically reduced city revenues, not only as a result of the current state budget shortfall, but also because of the formula changes of 1997-98 and the application of 2000 census data. Schrager made the following points:

- Since there is not revenue sharing policy/formula in place after June 30, 2007, MML is already working on new formula. Keep in mind that any guarantee for full funding of revenue sharing requires a constitutional amendment.
    - Statutory changes could include: Alteration of the Headlee calculation; changes in personal property valuation rules; modification of prohibition against local taxes, revenue sharing formula changes.
        - Headlee rollback—state spending to local governments is the same % it was in 1978 (sales tax has given the state a huge cushion which has not been shared with locals).
            - Legislation to implement this would include reinstatement of provision whereby previously reduced millage could roll up if property values increased less than the rate of inflation.
            - Results of Headlee are not readily apparent to the average taxpayer.

        - Rate reductions do not account for different growth among classes of property (industrial and commercial property grows at a lower rate than residential; therefore, get a bigger benefit of any rollback)
        - Assessments still increase
        - Headlee reduces millage capacity (difference between what is levied and what is authorized after application of the Headlee amendment). As an aside—median capacity for cities in 1995 was .33 mills. Median capacity for cities in 2001 was .03 mills. There is a correlation between cities with minimal unreserved fund balances and millage capacity.
    - State mandated service must be reimbursed—but court cited voluntary contributions negate mandated funding. Therefore, more money to locals has been cut.
    - Personal Property valuation is based on tables unchanged since the 1960s. A few changes were made for 2000: utility property taxed as personal property; resulted in 20% reduction for most gas/utility property; 10% reduction in non-utility property. Total annual cost to cities of these reductions is approximately $56 million.
- Taxable value in 2002 (statewide) was approximately 80% of state equalized value. 71% of the growth in taxable value is attributable to new construction.
- Effective millage rate from 1994 to 2001 declined by about 15% statewide, even though the actual city millage rate increased. (Effective rate is calculated by multiplying the actual millage by the ratio of taxable value to SEV. Because of the span between taxable value and SEV, mill levied on taxable value has a lower yield than if levied on SEV.)
- Brief history of statutory revenue sharing: 1967—50% of state income tax assigned to cities, based on per capita; 1971-73—relative tax effort formula for cities adopted; 1974 sales tax allocation to cities increased by 20% (to compensate for exemption of food and drugs; 1975 portion of SBT earmarked to locals (to compensate for exemption of inventory from taxation); 1996 SBT allocation and income tax replaced with 21.3% of four cents of the sales tax (SBT will sunset in 2010)—represented reduced funding; 1996 task force to replace relative tax effort formula beginning in FY 1999; 1998—implementation of three part distribution formula (phased in over 10 year period and scheduled to sunset in 2007) with ability of legislature to modify formula at any time.
- Revenue reductions to cities are based on legislative cuts over the last 12 years, census shift to townships (tempered by the phase in of 1998 formula), generalized formula changes which shift money from cities to townships.
- Pure per capita formula would further hurt revenue sharing for cities.

Afternoon Sessions

Accepting Responsibility for Your Own Destiny

Presenter was Cherie Cross, Professional Training Dynamics, Atlanta GA. It was a "self-improvement/stress management" type seminar. Ms. Cross spent much time on dealing with emotional control, particularly in the workplace; recognizing our own filters; changing outcomes by changing interpretations. The primary lesson was that stress is based in our response to a situation, not in the event itself. Responsibility means recognizing the "what is" of a situation, identifying the *real* options, and not being paralyzed by "fantasy options" (the "what I think should be's"). There were also some interesting sound bites:

- Change does not occur until an emotion is experienced.
- Plan regrets instead of goals. (more motivation in the fear of loss than in the hope of success.)
- Each of us has a right to request respect, but not a right to prove others wrong.

General Session: Rising to the Challenge
Speaker was Thomas VonEssen, 30th Commissioner, Fire Department of New York. He is the distinguished looking, gray-haired man we so often see in the news clips standing with Rudy Guiliani. He had a few opening remarks about the Sept. 11 events from the FDNY perspective. Things such as responding to the criticism that so many thousands of people were lost in the tower collapse. The answer is that FDNY figures that over 25,000 were saved, because there was a plan in place and implemented. How could they not know that the towers would collapse? They figured that they would. No one expected it to happen in less than two hours. And, if they had known that they had so little time, Commissioner VonEssen said that they still would have used the same methodical plan. However, they've learned some things to add to it. He really didn't want to "talk" but preferred to answer questions. There were many. Most centered on the lessons learned about the interrelationships of levels of government. Local fire/police departments will always be the first responders to a disaster. County and state officials can be good networks for reinforcements and specialized units. The federal government can, and in the case of the towers event did, provide broad-based support to civilians and professionals. In fact, the federal government was the first to locate resources for counseling for responders and their families. The Commissioner did acknowledge that with an event of this magnitude, NYC was provided with almost all that they required. One of the challenges faced by local professionals in NY has to do with the rest of us. They did not know the skill level of the various volunteers who arrived so early and so fast. We have all learned from the communication challenges faced during the early stages of the disaster. In fact, it has spawned an entire new level of the emergency response industry. The remarks were technical, poignant, and in some ways inspiring. It was a thrill to hear him recount, with such pride, tinged with sadness and a bit of regret, what happened that day and the during the time since.

Awards Dinner
Honorary Life Membership to MML was presented to Susan Bess, Village President, Ortonville. She had served as trustee of MML and the Michigan Association of Mayors and served both groups as president, in 1998 and 1996 respectively.
Special Award of Merit was presented to George Korthauer, City Manager, Petoskey. He served as an MML trustee 1997-2001 and as a trustee of MML Liability and Property Pool 1992-2001 and chair in 1999. Robert Huff, retired director of Public Safety, Grand Haven was also given a Special Award of Merit. He served Buena Vista Township and the City of Ypsilanti as Police Chief and is a past president of the Michigan Association of Chiefs of Police.
Distinguished Achievement Awards were presented to Miller, Canfield, Paddock and Stone in honor of the 150th anniversary, Representatives Jason Allen and Glenn Anderson, and Senator Thaddeus McCotter and Dianne Byrum for their unflagging support of cities while serving in state government.

Friday, September 13, 2002

Closing Breakfast
Plaques and pins were presented to all persons graduating from Level 1, Level 2, or Level 3 of the Elected Officials Academy. Stump speeches were offered by both Lieutenant Governor Posthumus and Attorney General Jennifer Granholm.

I have the CD with the presenters' material/hand-outs from each session—even the ones I didn't attend. I'm happy to share. Again, this was an honor and a privilege. Thank you.

R.E.B.

A multitude of hand-outs are available on CD in the Manager’s Office.

October 14, 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: Response to Advisory Committee for Senior Citizens Letter

In response to a recent letter from the Advisory Committee for Senior Citizens dated October 9, 2002, listed below are comments. Meetings were held during the Community Center design and development stages and adjustments were made based on feedback from both the Advisory Committee for Senior Citizens and the Advisory Committee for Disabilities. It should also be noted that a response was provided to the Advisory Committee for Senior Citizens (see attached) in April, 2002 regarding some of these issues.

Handicap Parking

Parking at the Community Center was an important area that was considered during development of the site. Some of the current parking locations, including handicap parking spots, are closer to entrances than at the previous site. There are also more handicap spots (27) than are required by city code and more than we had at the other site (21). Handicap parking was placed as close to the building as possible while still accommodating the request of a circle drive with a covered drop off area. The circle drive and covered drop off were priorities of focus groups. Landscaping was also incorporated into the current design of the site, where the old location was a re-use of the existing site and had very little landscaping. There would be a cost involved, which the current budget does not allow, to relocate the current location of the handicap parking spots.

Old Main Entrance		New Main Entrance
165’	Closest handicap spot to door	155’
172’	Closest non-handicap spot to door	200’

Old Back Entrance		New Senior Entrance
70’	Closest handicap spot to door	120’
200’	Closest non-handicap spot to door	145’

"…food and coffee prices"

We have entered into a new agreement with a food and beverage vendor to provide coffee/tea service and food for meetings/functions. There are still some areas that groups can bring pre-packaged non-perishable snacks into meetings (that do not constitute a group meal) – rooms 502, 503, 504, 403, 404. The main meeting/banquets rooms and some other large rooms will be under the new policy for food/beverage needs. A price for a pot of coffee is $15 (30-35 cups), not $50 as stated in the letter. The size of the cup of coffee also increased from 6 ounces to 8 ounces along with a better quality of coffee. The price for a dozen cookies is $10, not $90 as stated in the letter.

"…need for larger restrooms….water fountains"

The bathroom by the dining room is small, but there will be two additional sets of bathrooms in the general area of the dining room once phase two of construction is completed. Though the bathroom is small, there does not seem to be a line in the bathroom.

There are two additional sets of drinking fountains that will be in the general area of the dining room once phase two of construction is completed. Bottled water has been placed in the facility during this transition until Phase 2 construction is complete.

"…Need of handrails on both sides of hallways"

All corridors do have a chair rail on both sides that can be used if an individual needs some assistance while walking down a hallway. More importantly, we have two motorized scooters and wheelchairs available by both entrances.

"…Bus costs"

The cost that we charge for use of the City bus includes staff ($13 per hour) and fees associated with the bus - $30 per hour (includes actual use, maintenance, and gas as determined by the city's motor pool department).

Regarding usage numbers in the Troy Community Center by senior citizens, there has been a slight decline in lunch attendance since before the 1999-2000 fiscal year. In comparing the 1999-2000 fiscal year to 2000-01, there was a 3% decline in attendance. From 2000-01 to 2001-02, there was a 6.5% decrease. This year from May-August there was a 5% decrease from the same period a year ago. This is a trend throughout the area.

On the other hand, senior participation in many fitness and enrichment programs has increased since the new Community Center opened in March. Many seniors continue to purchase a Community Center annual pass, which allows a 10% discount for seniors and also a special matinee rate designed for seniors. Other programs with an increase or new programs offered are square dance, watercolor painting, pilates, and Red Hat society club are well attended. Overall senior attendance in the building has also increased.

There is a movement to have users pay the cost of service and reducing the general subsidy for individual users. Staff will continue to evaluate all areas in the Community Center as they relate to the general public.

Submitted by Stuart J. Alderman, Superintendent of Recreation

May 30, 2002

Helen Longacre
2820 Woodslee #202
Royal Oak, MI 48073

Dear Helen:

I am in receipt of your concerns regarding the Troy Community Center. Listed below are responses to your concerns:

- Based on comments from the community, including senior citizens, people requested a dining room that had natural light and more spacious than the old dining room. The current dining room is 25% larger than the old dining room and has much natural light.

- When we first moved into the facility, the heating and air conditioning systems were still being balanced. At this time, most areas of the building have been balanced for air control. Also, rooms have an individual thermostat to control temperature in the room for a group's comfort.

- Acoustical panels are being added to the dining room. This installation should be complete by early next week. The fiberglass backing of the panel is of no harm to the public as a fabric panel covers it. The day fiberglass backing was installed; the lunch program was moved from the dining room to alternate locations.

- Parking at the Community Center was an important area that was considered during development of the site. Some of the current parking locations, including handicap parking spots, are closer to entrances than at the previous site. There are also more handicap spots (27) than are required by city code and more than we had at the other site (21). Handicap parking was placed as close to the building as possible while still accommodating the request of a circle drive with a covered drop off area. The circle drive and covered drop off were priorities of focus groups. Landscaping was also incorporated into the current design of the site, where the old location was a re-use of the existing site and had very little landscaping.

Old Main Entrance		New Main Entrance
165'	Closest handicap spot to door	155'
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70'	Closest handicap spot to door	120'
200'	Closest non-handicap spot to door	145'

- Regarding toilets flushing while on the toilet seat, we will look into this situation, as this is the first time this has been brought to our attention. When testing the toilets, it was not detected that they spray water six feet when flushed.

I do appreciate you bringing these items to our attention and we will continue to look into your concerns. I thank you for your concerns regarding the Troy Community Center.

Sincerely,

Stuart J. Alderman,
Superintendent of Recreation

cc: Mayor and Council
Gary A. Shripka, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director
Kraig Schmottlach, Community Center Facility Manager

April 15, 2002

TO : Advisory Committee for Senior Citizens

FROM : Carol K. Anderson, Parks and Recreation Director
Stuart J. Alderman, Superintendent of Recreation
Kraig Schmottlach, Community Center Facility Manager

SUJBECT : TROY COMMUNITY CENTER CONCERNS

The Advisory Committee for Senior Citizens has received a number of written and verbal comments about the new Community Center. Listed below are some comments regarding your concerns with the Community Center:

- **The price of coffee is up and it will be dispensed from a vending machine. It is also being taken away before lunch is over.**
  The size of the cup of coffee increased from 6 ounces to 8 ounces along with a better quality of coffee being used. The coffee increase was approved by council last year and we maintained to the food/beverage vendor that that price must be maintained at 30 cents per cup. Coffee is now available in the dining room until 12:45 pm.
- **Hours for open swim are not good for seniors.**
  This is currently being evaluated. Since the facility is not open at this time, we have projected use in the pool based on feedback from the community and also surveys of other community pools with the population similar to ours. The pool schedule will be adjusted quarterly. We have increased pool time for the spring and the summer seasons.
- **Groups are not allowed to bring refreshments in as they have in the past.**
  We have entered into a new agreement with a food and beverage vendor to provide coffee/tea service and food for meetings/functions. There are still some areas that groups can bring snacks. The main meeting/banquets rooms and some other large rooms will be under the new policy for food/beverage needs.
- **There is no drinking fountain near the senior area.**
  There are some drinking fountains that will be in the general area of the dining once phase two of construction is completed. Bottled water will be placed in the facility in the near future (until Phase 2 construction is complete).
- **The bathroom is too small.**
  The bathroom by the dining room is small, but there will be two additional sets of bathrooms in the general area of the dining room once phase two of construction is completed. Though the bathroom is small, there does not seem to be a line in the bathroom on a regular basis.

- **The game room is too small.**
  The new game room contains the same number of pool tables and a ping pong table as in the other two previous facilities we were in. The actual square footage of the new room is actually 20% larger than the previous game room.
- **TOPS has complained about the increase in coffee prices – from $9 to $50.**
  If they have only ordered coffee, the increase should not be from $9 to $50. The cost of coffee for groups that meet in the facility has increased from the low cost of 15 cents per cup due to a private contractor now providing the food and beverage needs. It should also be noted that the cup size has increased and the coffee quality has improved also. Their concern should be directed to the Community Center Facility Manager.
- **Handicap parking is too far away.**
  The handicap parking is actually closer to the building than at the previous building. We also have more handicap parking spots that before. Handicap parking was placed as close to the building as possible while still accommodating the request of a circle drive with a drop off area. This was accommodated along with an extended canopy over the entrance.
- **The senior lunchroom is drafty.**
  The construction contractors are finalizing balancing all the heating and cooling systems throughout the building. This is a lengthy process, but the issue is currently being addressed.
- **Acoustics in the senior lunchroom are terrible**
  We are aware of this issue and the architects are currently looking at solutions. This will be resolved in the near future.
- **The dance classes were supposed to have wooden floors.**
  The two rooms with a wood sprung floor (on the second floor) are intended to be used for aerobics/fitness classes where participants wear gym/athletic shoes. The two middle rooms have a floating sub-floor similar to the two wood flooring systems. The middle two rooms are not a wood floor, but are designed for people with street shoes, tap shoes, and children's recital dance classes. Use of street shoes, tap shoes, and chairs would gouge, nick and otherwise destroy the wood floor. The alternate floor material in studios B and C can withstand this use without damage.
- **Volunteers are no longer allowed in the kitchen and feel displaced.**
  A private contractor does the senior meal program operated out of the kitchen. They have increased their staff and increased the number of meals prepared in the kitchen, thus it is a busier place than before. It is not intended to have volunteers operate out of the kitchen unless the kitchen staff needs some additional help. Volunteers are needed and welcome in the operation, however, this is an area where volunteer needs have reduced.

ADVISORY COMMITTEE for SENIOR CITIZENS

City of Troy
500 West Big Beaver Road
Troy, MI 48083

October 9, 2002

Matt Pryor, Mayor
Martin Howrylak, Mayor Pro Tem
Robin Beltramini, Councilwoman
Cristina Brommfield, Councilwoman
500 W. Big Beaver Road
Troy, MI 48084

David Eisenbacher, Councilman
Dave Lambert, Councilman
Tony Pallotta, Councilman

Dear Mr. Mayor and Councilpersons:

I am writing on behalf of the Advisory Committee for Senior Citizens of Troy to express our concerns with the Community Center. These are items that we, and the Advisory Committee with Disabilities, wanted addressed while the Center was undergoing construction. As these concerns were ignored at that time, they are still with us today.

Each month, the Senior Committee receives complaints from the senior citizens pertaining to the Center. In their attempts to use the Center, they have come up against the following problems:

1. The Senior entrance at the north end of the building does not have enough handicap parking spaces. To correct this problem, we would like the first ten spaces at the east end of both row two and three designated as handicap parking. Those twenty general parking spaces can be relocated along the west end and northwest corner of the building. This area is currently landscaping. While we understand the desire of the architect to design beautiful buildings and surrounding grounds, the seniors and disabled citizens are more interested in closer and safer parking.

2. In the past, some Senior and Disabled groups have brought in their own food and beverage for functions. They are not allowed to do so any longer. However, they cannot afford to use the Emerald Food Service due to the exorbitant prices charged. The Seniors have reported to our committee that the quoted price for a pot of coffee is $50.00 when the price has been $9.00 in the past, and $92.00 quoted for a few dozen cookies.

3. There is a need for larger restrooms, able to handle more people at one time. These restrooms need to be located closer to the rooms most frequented by the Seniors and Disabled, such as the dining room and general use rooms. Water fountains in the hallways near the restrooms are also needed.

4. All hallways are in need of handrails on both sides, for convenience and safety.

5. According to the price list provided by the City of Troy, the charge for Seniors to use the City bus is $43.00 per hour, portal to portal plus one additional hour. We question this high price for our use of the City bus.

Due to these issues, several of the Seniors no longer use the Community Center. This should be a concern to the City as the Senior population of Troy is growing at a fast pace. A look at the most recent data reveals:

- The 1990 census showed 11,500 people in Troy age 60 or over.
- That was 14.5% of the total population.
- Between 1990 and 2000 the age 60 or over population had a 27.9% increase.
- The 1990 census showed 793 people age 85 or over.
- Between 1990 and 2000 the age 85 or over had a 50.8% increase.

With the Senior population on such a rapid increase, now is the time to address our concerns. With lack of revenue being a problem, ways to increase usage of the Community Center should be a priority for the City.

Therefore, the Advisory Committee for Senior Citizens and the Advisory Committee for Persons with Disabilities would like to meet with the Council to resolve these issues. We are confident that everyone will work together in making the Community Center a place where all citizens, Seniors and Disabled included, feel welcome and safe.

Thank you.

David S. Ogg

David S. Ogg
Chair

cc: John Szerlag, City Manager
Carol Anderson, Community Center Director
Leonard Bertin, Chairman Advisory Committee for Persons with Disabilities

October 7, 2002

To: Honorable Mayor and City Council

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

Subject: Troy Family Aquatic Center Update
2002 Pass Price Rollback Promotion

In response to a suggestion from the Troy Family Aquatic Center Citizens Committee, staff is considering a 2002 pass price rollback promotion for Troy residents to the Troy Family Aquatic Center. Rates for a 2003 pass during this promotion would be the same as the 2002 season.

This promotion would begin as soon as 2003 rates are finalized. Troy Today publication would be the main marketing piece. A mass mailing would also be done to 2002 pass holders. After a specified date, the passes would be sold at the proposed 2003 rates. The promotion is to entice pass holders to sign up early and ensure their participation in the 2003 season.

Submitted by Ann Blizzard, Recreation Supervisor

DATE: October 15, 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: Proposed Revision to Chapter 78 regarding Residential Development Entranceway Signs

At a previous study meeting staff presented a proposed revision to Chapter 78 of the Troy City Code regarding signs in the right of way of entranceways to residential developments. The proposal was in response to a request from a developer for an entranceway sign on a residential condominium project. This request could not be processed under the recent revisions to the sign ordinance because it was not part of a "residential subdivision" as permitted by the ordinance. Staff feels that the same justification and concerns regarding signs in residential subdivisions are appropriate with these other forms of residential development. As such, staff proposes revising the language of Section 7.01.01 of the Sign Ordinance to allow these "residential development" identification signs as opposed to the current language for "subdivision" identification signs.

Proposed language is attached for your consideration. We will be happy to provide any additional information that you may require.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 78 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 78 of the Code of the City of Troy.

Section 2. Amendment

Section 7.01.01 of Chapter 78 of the City Code is revised to read as follows:

7.01.01 Signs in Right-of-Way: No sign shall be located in, project into, or overhang a public right-of-way or dedicated public easement.

Exceptions:

A) Signs established and maintained by the City, County, State, or Federal Governments.

B) Banners, advertising civic events may be permitted on lighting poles within the median of Big Beaver Road, between Rochester Road and Cunningham Drive, for a period not to exceed thirty days, subject to the approval of the City Manager.
(Rev. 07-17-00)

C) ~~Subdivision~~ Residential development identification signs not more than five feet in height and not more than 50 square feet in area located within the median of boulevard entrance streets subject to City Council approval of design and materials and further subject to the execution of an agreement with the City of Troy covering liability and maintenance of the sign. The height of such signs shall further be subject to the corner clearance requirements of Figure 7.01.01.

Section 3. Repeal
All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be

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

Section 5. Severability Clause

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

Section 6. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2002.

_____
Matt Pryor, Mayor

_____
Tonni Bartholomew. City Clerk

October 14, 2002

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Carol Anderson, Parks and Recreation Director
Chuck Barnes, Nature Center Manager
Mark F. Miller, Planning Director

Subject: Wildlife Relocation and Development

Public input during the Woodside Bible Church/Northwyck PUD public hearings indicates concern for the displacement and relocation of wildlife. City Management conducted research to find how other communities deal with wildlife relocation. The City of Bowie, Maryland is one of the few communities nationwide that incorporates wildlife relocation in the development process. The City of Bowie circumstances indicate that it is not an edge city. In addition, there is a nature preserve and a volunteer organization participating in the relocation process. Therefore, the City does not fund or conduct the wildlife relocation.

Relocating displaced wildlife species often achieves poor results and is very expensive. The place they are relocated to will likely be at the maximum population numbers that habitat can support for that species (carrying capacity). Relocated wildlife will wander from territory to territory, being driven from each until stress and lack of resources causes poor health or death.

Sometimes development can create some types of habitat and increase “edge” (transitions between types of communities) but the overall ecological richness of the area is significantly and permanently reduced. Fragmentation reduces the usefulness of habitats. Land taken for physical development (roads, parking lots, etc.) and removal of forest and meadow reduces habitat, increases sedimentation and runoff, and increases contamination. This leads to greater fluctuations in water levels, changes in soils, and adds contaminants to water and soil.

These changes all have negative impacts on wetlands. Wetlands are very productive natural communities as this is where water, soil and air all come together. Wetlands are not always compatible with development and the ecological and economic benefits of these wetland areas are lost or reduced permanently.

Overall, the impacts of construction and development on the displacement and health of wildlife species is a negative one.

County 5th in deer-car crashes

- **1,633 crashes involving deer reported in 2001, five less than the previous year**

By HANK SCHALLER
Of The Oakland Press
September 20, 2002

LANSING - When it comes to colliding with deer, motorists in Rochester Hills and Oakland Township had better watch out.

Rochester Hills topped communities in Oakland, Macomb, Wayne, Washtenaw, St. Clair, Monroe and Livingston counties with 158 traffic crashes involving white-tailed deer in 2001.

Neighboring Oakland Township wasn't far behind. It was fourth in the region with 134 crashes involving deer.

Other local hot spots were Novi with 66 deer crashes and Commerce Township with 63.

The frequency of deer crashes isn't surprising, said George Burgoyne, deputy director of Resources and former chief of the Wildlife Division for the Michigan Department of Natural Resources.

"Deer have adapted very well to living in suburbia," Burgoyne said. "Over the years, deer have grown more accustomed to cars and trucks and do not have the fear of them that we might think."

Oakland County ranked fifth among Michigan's 83 counties with 1,633 deer crashes, behind Kent County with 2,327 crashes; Jackson County with 2,051 crashes; Calhoun County with 1,959 crashes; and Montcalm County with 1,643 crashes. In 2000, Oakland County had 1,638 deer-car crashes.

The Michigan Deer Crash Coalition released the figures as part of its annual effort to educate drivers about the dangers posed by Michigan's nearly 2 million deer.

In 2001, there were 66,993 traffic crashes statewide involving deer, up about 3 percent from the 65,006 crashes reported in 2000. In all, 11 people died and 2,109 people were injured in 2001, up from the eight deaths and a similar number of injuries in 2000.

"That means, on the average, there are 184 crashes a day, one every eight minutes, all year long," said Richard J. Miller, chairman of the Michigan Deer Crash Coalition and Community Safety Services manager for AAA Michigan. "One out of seven traffic crashes in Michigan involves deer."

Burgoyne said fall is the time when most deer crashes occur.

"Deer move more in the fall because it's their breeding season," he said, noting that 44 percent of crashes occur from October to December.

"Very few people are injured by simply striking a deer," said Terry Jungel, executive director of the Michigan Sheriff's Association. "Most deaths and injuries occur when someone swerves to avoid a deer and winds up having a more serious accident."

To minimize the chances of being injured, the coalition recommends motorists stay in their lane, brake firmly, hold onto the steering wheel, come to a controlled stop and get the vehicle off the roadway.

"Motorists should also keep their hands on the steering wheel, wear their seat belt and drivers should sit far enough back from the steering wheel not to be injured by the air bag," said Jungel.

Deer-car accidents also are costly. They result in an estimated $130 million in auto repairs annually in Michigan and $1.1 billion nationwide.

Here are some ways to avoid a crash:

- Watch for deer at dawn and dusk.
- If one deer is spotted, there may be more.
- Be alert all year long, especially on two-lane roads.
- Watch for deer warning signs.

Shawn Reily, an assistant professor in the Department of Fisheries and Wildlife at Michigan State University, will conduct two deer crash studies in the next two years.

"We will be looking at the hot spots around the state like Rochester Hills and Oakland Township and see what are the environmental characteristics of those areas that attract deer to the roadsides," Reily said. "We will also be looking at the person behind the wheel, who they are and what did they know about avoiding car deer crashes."

For information, log onto the Michigan Deer Crash Coalition Web site at www.townsafety.com/mdcc.

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September 17, 2002

TO: Carol Anderson, Parks and Recreation Director

FROM: Charles R. Barnes, Nature Center Manager

RE: Wildlife Displacement and Development

With regards to your inquiry about development and its affects of wildlife, it is difficult to separate wildlife from the habitat that they live in, so we also have to consider vegetation, topography, water sources and habitat requirements for each species. This is obviously a complicated process, so this must be taken into consideration when I outline some of my analysis of this topic in very broad, general terms. Here are a few concepts:

- Each species has it own requirements for its survival and reproduction. The area in which it lives that provides these things is called its habitat.
- Each species has a particular way in which it goes about getting their resources, some very specific, others more general (roughly analogous to a human being's way in which it earns a living, you can be a surgeon specializing in surgery of the hand or you can be a general laborer.) This is called its ecological niche.
- Species with narrow niches with very specific requirements are impacted more than species generalists (i.e. Kirtland's Warbler vs. Rock Doves (pigeons))
- Species which need large habitats and territories (i.e. Timber Wolf) will be impacted more that those with smaller needs (Cardinal).
- Species are found everywhere. Even a square foot of soil has hundreds of organisms living in their habits.
- Carrying Capacity is an ecological term that defines the population size of a species in a given habitat. All species interact with each other and their environment.

Impacts of development and building in general:

- Individual displaced wildlife species, wildlife that can no longer occupy an area due to development and loss of habitat, often do not survive. As they seek new territory to inhabit, that territory is probably already at the carrying capacity for that species and those individuals will wander from territory to territory, being driven from each until stress and lack of resources catches up.
- Residential development can actually improve some kinds of habitat after a recovery time but the overall ecological richness of the area is significantly and permanently reduced.
- Development usually has a negative impact on wildlife that has narrower niche requirements such as Great-horned Owls, Ruffed Grouse, Badger, Red-shouldered Hawks, Great-blue Herons, etc.
- Many species are what would be called "edge" species, in other words they inhabit edges between natural communities. These would include White-tailed Deer, Cotton-tailed Rabbit, Fox Squirrels and several species of songbirds. Development that increases "edges", like many types of residential developments, will provide increased habitat for these species.

- This process also produces a lot of “fragmentation” of forest tracts that destroys habitat for deep forest species like Red-eyed Vireos, Barred owls, Bob Cats and others. Fragmentation is an important ecological concept that has all kinds of implications at the landscape level (not the term for planting for attractive effect but in this case meaning “the big picture” of the land and its ecological elements).
- Land taken for physical development (parking lots, buildings, roadways, etc.) and removal of forest and meadow reduces habitat over all and also increases sedimentation, runoff and chemical contamination. Thus produces greater fluctuations in water levels, changes soils and add contaminants which all have negative impacts on wetlands.
- Wetlands are the most biologically productive natural communities outside of ocean estuaries, as this is where water, soil and air all come together. Wetlands are not always compatible with development and the ecological and economic benefits if these wetland areas are lost permanently when wetlands are gone (there are, however, various degrees of quality with wetlands and any other type of community or habitat).

Overall, the impacts of construction and development on the displacement and health of wildlife species is a negative one, either by reducing the amount of habitat available physically or by reducing the over-all quality of habitat. This limits species to those that have evolved to live in close proximity to humans (Norway rat, House Mouse, Rock Dove, etc.) and species with very broad ecological niches (raccoons, skunks, rabbits, etc.). There is a large continuum to these affects and here I am painting with a broad brush, but it important at some level to provide some ecological diversity not only for the health wildlife populations but also the health of the environment. Also much can be done with developments to minimize these impacts.

If you have any questions or anything here requires clarification, or you wish to have me discuss these points further, please don’t hesitate in contacting me.

October 17, 2002

TO: John Szerlag, City Manager

FROM: Laura Fitzpatrick, Assistant to the City Manager

SUBJECT: Resident Nancy Yockey's Concern Re: Plastic Bags & Leaf Pick-Up

Troy Resident Nancy Yockey requests that the City re-institute the window of time (in place in the fall of 2001) whereby residents can put their leaves out in plastic bags. Current City policy requires leaves be put out in brown paper bags or labeled garbage containers. Plastic bags are prohibited.

Ms. Yockey has requested that her concerns regarding leaf pick-up be put on the City Council agenda.

Per your request, here is a summary of communications the City has had with Ms. Yockey.

9/20 - 23/02: Ms. Yockey speaks with Solid Waste Coordinator Nancy Kuha, Director of Public Works Bill Need and Assistant City Manager/Services Gary Shripka.

9/27/02: Ms. Yockey's letter of 9/23/02 goes to City Council as an off-week FYI item.

This letter references a phone conversation between Ms. Yockey and Councilman Pallotta.

10/1/02: In response to an email inquiry by Councilman Lambert to City Manager John Szerlag, Kuha emails a one page report (attached) summarizing the City's reasons for its policy on bagging leaves for pick-up.

10/11/02: Ms. Yockey speaks with Szerlag. Szerlag shares that her letter was sent to City Council on 9/27/02. He tells Ms. Yockey that someone from his office will call her the following week to follow up.

10/14-16/02: Office Coordinator Mary Redden tries several times to contact Ms. Yockey to follow up and to make arrangements to send her Kuha's email report. Redden does not get a hold of her and there is not an answering machine on which to leave a message.

10/17/02: Ms. Yockey leaves a message for Assistant to the City Manager Laura Fitzpatrick re: the status of her inquiry. Fitzpatrick returns the call and Ms. Yockey requests that her item be placed on the agenda for 10/21/02.

As indicated in Nancy Kuha's attached report, the following are reasons why staff does not recommend re-instituting leaf collection in plastic bags:

1. Collection of leaves in plastic bags costs an additional $18,500.

2. When we collect leaves in plastic bags, all loads have to be taken to the SOCRRA transfer station, so that the plastic bags can be removed before they are sent to the compost site. When no plastic bags are involved, the yard waste is taken directly to the compost site. This reduces collection times resulting in:
    a. No trash is left uncollected the next morning.
    b. Yard waste can be collected faster.
    c. Tringali has less trucks traveling on our major roads during rush hour traffic.

3. Prohibition of plastic bags for leaf collection was publicized widely this fall through a press release, the City web site, and Troy Today.

4. A re-institution of the plastic bag leaf collection is unfair to those residents who have invested in paper bags.

Mary F Redden

From: Nancy E Kuha
Sent: Tuesday, October 01, 2002 11:44 AM
To: Mary F Redden; William R Need
Cc: 'Cristina Broomfield'; Dave Lambert (E-mail); 'David J. Eisenbacher'; 'Martin Howrylak (E-mail)'; 'Matt Pryor (E-mail)'; 'Robin Beltramini (E-mail)'; 'Tony Pallotta'
Subject: RE: Clear Plastic Bags

Press release - leaf collectio...

In the past, we did not allow compost in clear plastic bags, with the exception of leaves only, during designated times in the fall. Last year, we began collecting leaves in clear plastic bags on October 15, 2001 and the program ran through December 14, 2001. Chapter 16 of the City of Troy Ordinance, section 2.11 (3) states "At no time will the City collect yard waste packaged in any other manner, including yard waste that is placed in plastic bags".

We notified our residents of the proper way to package grass and leaves through an article in the fall edition of Troy Today, and the Community Affairs Department prepared a press release explaining the policy, copy attached.

Early this year, I sent out flyers to the local hardware stores and I know that at least Costello Hardware and Damman Hardware have had the notices posted in their stores since early in the summer.

We are enforcing the no plastic bags ordinance this year for two reasons. First, we incurred large increases in both collection and disposal costs. Compost collection costs rose from .21 to .28 per household. Disposal costs for leaves rose from $20.00 to $28.00 per ton, and if there are any plastic bags in the load, the cost rises to $35.00 per ton.

Last year, collecting leaves in plastic bags cost the City over $21,000 more in disposal costs alone, than if we had collected leaves in brown paper bags or regulation sized trash cans. That same amount of leaves this year will cost an additional $18,500.

Second, when we collect leaves in plastic bags, all loads have to be taken to the SOCRRA transfer station, so the plastic bags can be removed before they are sent to the compost site. Tringali has the option, when no plastic bags are involved, of taking the yard waste directly to the compost site. Tringali generally works late into the evening during the fall, and the chance that they will not be able to finish their route becomes greater. Having Tringali go directly to the compost site means that yard waste can be collected faster, no trash is left uncollected until the next morning, and Tringali has less trucks traveling on our major roads during the heart of rush hour traffic.

If you have any additional questions about this policy, please let me know.

Nancy Kuha
Solid Waste Coordinator

-----Original Message-----
From: Mary F Redden
Sent: Monday, September 30, 2002 8:26 AM
To: Nancy E Kuha

Cc: Cristina Broomfield; Dave Lambert (E-mail); David J. Eisenbacher; Martin Howrylak (E-mail); Matt Pryor (E-mail); Robin Beltramini (E-mail); Tony Pallotta
Subject: FW: Clear Plastic Bags

Nancy~

Please answer Council Member Lambert's questions. (copy all of Council and me on your response to him)

Thanks,
Mary

-----Original Message-----
From: Dave Lambert [mailto:dave@lambertonline.org]
Sent: Friday, September 27, 2002 4:46 PM
To: szerlagaj@ci.troy.mi.us
Subject: Clear Plastic Bags

John:

I am following up on the letter from the lady who is upset with the new City policy prohibiting the use of clear plastic bags for compost.

Before I call her back, I need to know if we notified citizens about the new policy. If we did, when was it done?

Thanks!

Dave Lambert

PRESS RELEASE

Contact: Cynthia Stewart
Community Affairs Director
500 West Big Beaver
Troy MI 48084
ph 248.524.1147
fax 248.524.3499

For Release: September 17, 2002

LEAVES WILL BE FALLING OFF THE TREES SOON

(Troy, MI) During autumn, as leaves fall off the trees, residents will be raking them up and preparing them for compost. Only brown paper bags or garbage containers labeled with a "Compost" or "Yard Waste" decal will be picked up. **No plastic bags of any type will be accepted.** Compost pick-up runs until December 14. Listed below are more helpful yard waste hints:

- Label garbage cans with a "Compost" or "Yard Waste" decal
- *Or* Use brown paper bags designated for "yard waste" (maximum 32 gal)
- Do not mix sticks or brush with your "soft" yard clippings (soft yard clippings are grass and leaves)
- Do not put yard waste in a plastic bag
- On collection days place your "Compost" labeled can and recycling bin on the opposite side of the driveway than your regular trash

Please make pick up easier for collection crews by following the proper procedures. For more information, call the Public Works Solid Waste Division at 248-524-3399. If you need more free Compost decals stop by City Hall, Community Center, or Library or call 248-524-3399 or 248-524-3546.

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October 11, 2002

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance and Administration
Peggy E. Clifton, Human Resources Director
James A. Nash, Financial Services Director
Stephen Cooperrider, Risk Manager

SUBJECT: City Employees' Dental Insurance Coverage

The City of Troy has consistently acted to provide insurance benefits at a reasonable cost. Over the years, differences in coverage have developed from one employee group to another, and even within the same group. The administrative burden of handling dozens of plan options does not benefit either the employees or the City. To that end, and through the interest based bargaining format, the City of Troy proposed to all five union groups to create an employee insurance benefits committee. All five union groups agreed to the creation of this committee. The committee consists of a representative from each union, a classified group employee, and City management. The mission of the committee is to develop a common insurance benefits platform for all full-time employees. The committee meets to discuss and propose health insurance, dental insurance, disability insurance, and life insurance initiatives. City administration has always selected the insurers for this coverage based on cost and coverage required by collective bargaining agreements. The committee is to investigate and evaluate ways to reduce costs, recommend appropriate coverage for employees, evaluate insurance carriers, and provide an open forum to exchange ideas with regard to insurance benefit information, and other related matters.

The Committee determined that dental insurance coverage for employees should be the first priority. City Council approved dental insurance as a benefit in 1975. Prudential HealthCare had covered the employees since 1975. Aetna U.S. Healthcare purchased Prudential HealthCare in August of 1999. Since Aetna purchased Prudential there have been over one hundred (100) varying problems that administration and employees have had to address; from incorrect billing, employees or their family member being told they were not covered under the plan, to employees being covered for a procedure under the Prudential plan but not under the Aetna plan, and others. Aetna had been attempting to integrate all elements of the business operations since 1999, and had honored the coverage provided under the Prudential plan. As of April 1, 2002 Aetna terminated the City's existing contract under the Prudential plan, and would not renew this contract.

The Committee determined that we would ask our insurance agent, Willis, Inc. to assist us in obtaining quotes from other insurance carriers. Our Willis agent, Heather

Janson requested quotes from seven nationally recognized dental insurance companies and third party administrators. They included: Allied Benefits, Delta Dental, Fortis Benefits, MetLife Dental, Ameritas Dental, Blue Cross Blue Shield Dental, and GE Third Party Administrators. We received five quotes with two others declining to quote. The two that declined to quote indicated they could not provide the current level of benefit coverage provided to our employees.

Two of the five quotes received were from third party administrators offering a self-insurance program. The Committee had some concerns with a self-insurance program. Ms. Janson explained the advantages and disadvantages of a self-insurance program. The advantage to self-insuring is there is no premium. Your cost is for claims in addition to an administrative fee per covered employee. Disadvantages include that the City would have the fiduciary responsibility of determining coverage of claims that could create liability and discrimination risks. Two, that fluctuation in claims from one month to the next could create cash flow problems. Three, some providers do not recognize self-insured programs; this can lead to some claims requiring employee reimbursements.

After conducting a review of recent years' annual premium paid verses the annual claims paid we determined, there is no benefit to the City or the employees to go to a self-insured program for dental coverage at this time. Current information reveals the following:

Insured Year	Premium	Paid Claims
2001-2002	$397,079	$390,258 (projected)
2000-2001	$371,306	$355,797 (95.8%)
1999-2000	$361,188	$334,280 (92.6%)

This information is from summary sheets provided by Aetna at the end of each insured year. Our Willis, Inc. agent provided the projected number in the above table. The figure is based on previous years claims and annual cost increases. The percentages listed indicate the estimated level of paid claims received at the time the summary sheet was provided. It is obvious that the difference between the paid claims and paid premium is minimal. To be self-insured based on these numbers would place the City at greater risk by taking on the fiduciary responsibility of determining coverage of claims, in addition to problems related to provider and employee reimbursement. If you add in an administrative fee of approximately $20,000 per year to the paid claims, it becomes even more obvious that self-insuring dental coverage is not currently a prudent alternative. In the future, should the paid claims become considerably less than the paid premium, we will revisit the possibility of self-insuring for dental coverage.

Ms. Janson presented her findings to the employee Committee for review and questions. Ms. Janson and the Committee are recommending the MetLife Dental Insurance Plan to City Management. The savings in premium in the first year is estimated at $39,895 compared to the estimated premium to be paid if we remain with Aetna. Quotes provided below are based on anticipated claims for the coming year.

Carrier/TPA	Annual Premium
Blue Cross Blue Shield	$396,325.80
MetLife	$436,900.56
Allied (TPA)	$440,250.12
Fortis (TPA)	$442,102.32
Aetna	$476,795.24
Delta Dental	$483,585.72

The Blue Cross quote was the lowest. However, the benefit level is less than what is currently being provided to employees. All current collective bargaining agreements indicate the City may purchase at least equivalent coverage.

MetLife is proposing a one-year rate guarantee and limiting the second year increase in premium to 10% or less. Reasonable and customary costs are to be based on the 90th percentile verses the current 80th percentile. The past two years' rate increases have averaged approximately 12%, before applying reserves. In addition, MetLife has twice as many providers participating within their network, compared to the current plan. Employees using providers within the network will experience a 20% discount, and dentists participating in the network cannot balance bill. By having more providers within the network more discounts may be utilized. If employees utilize providers within the network, paid claims could be reduced resulting in lower premiums to the City and cost savings to employees.

The Risk Management Department has contacted several municipalities throughout the nation and private companies in Troy for references on the MetLife dental program. All are pleased with the service and cost savings they have experienced through MetLife.