

## CITY COUNCIL

### AGENDA

November 18, 2002 – 6:45 PM  
Council Board Room/Council Chambers  
City Hall - 500 West Big Beaver  
Troy, Michigan 48084  
(248) 524-3300

**CALL TO ORDER** **1**

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**ROLL CALL** **1**

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- 1 Suspend City Council Rules #5 and #15 1
- 2 Technical Review of Items on the Agenda of the November 18, 2002 Regular City Council Meeting. *No Decisions Will Be Made.* 2

**RECESS: Recess Meeting at 7:25 PM to be Reconvened at 7:30 PM in the Council Chambers** **2**

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**Invocation & Pledge Of Allegiance – Pastor Steve Allen – First Baptist Church** **2**

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- A-1 Presentations: (a) Troy Women’s Association – Promotion of the Elf Shelf Craft Show; (b) Ryan McAward – Achievement of Eagle Scout Rank; (c) GFOA Award Presentation given by Laurie VanPelt, Director of Management & Budget - Oakland County GFOA State Representative and Auditor’s Presentation given by Larry Simon – Doeren Mayhew 2

**PUBLIC HEARINGS** **2**

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- C-1 Proposed Zoning Ordinance Text Amendment (ZOTA #194) – Articles 10.20.08 & 34.60.00 – R-1A & R-1B – Open Space Preservation 2
- C-2 Rezoning Application (Z-683): R-1E to P-1 and E-P, Al-Zouhayli Office Building – North Side of Big Beaver between Rochester Road and John R – Section 23 3

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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](mailto:clerk@ci.troy.mi.us) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

|                               |  |          |
|-------------------------------|--|----------|
| C-3                           | Rezoning Application (Z-684): M-1 to R-C – Big Beaver Business Park – West Side of Bellingham Road, South of Big Beaver Road and West of John R – Section 26 | 3        |
| <b><u>PUBLIC COMMENT:</u></b> |  | <b>4</b> |
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|                               | (b) National Bible Week – November 24 – December 1, 2002.....  | 5        |
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|                               | (d) Homeless Awareness Week – November 17-23, 2002.....  | 5        |
|                               | (e) Proclamation on the Grand Opening of Community Media Network’s New TV Studio .....   | 5        |
|                               | (f) National Children’s Book Week – November 18-24, 2002 .....   | 5        |
| E-4                           | City of Troy Investment Policy & Establishment of Investment Accounts  | 5        |
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| E-15 | Request for Acceptance of Two (2) Permanent Easements for Storm Drain/Sewer – Sidwell #88-20-18-153-005 - The Archdiocese of Detroit/St. Thomas More Catholic Church and #88-20-18-301-002 – Carl A. and Barbara Gundersen | 9 |
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|     | (e) Letter from Jack Rammelsburg – Moslem Temple Motor Corp, to Chief Charles Craft Thanking Officer Larry Schultz for Attending their Great Lakes Convention and Assisting with the Judging of the Participants of their Competition ..... | 19 |

|                              |   |                  |
|------------------------------|---|------------------|
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| G-13                         | Comprehensive Annual Financial Report for the Year Ended June 30, 2002  | 20               |
| <b><u>PUBLIC COMMENT</u></b> |   | <b><u>20</u></b> |



**CALL TO ORDER**

**ROLL CALL**

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

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**1 Suspend City Council Rules #5 and #15**

**Suspend City Council Rules #5 - Order of Business**

Suggested Resolution

Resolution #2002-11-  
Moved by  
Seconded by

RESOLVED, That the City Council suspend the Rules of Procedure #5, Order of Business, to allow for discussion on the Technical Review of Items on the Agenda of the November 18, 2002 Regular City Council Meeting. No decisions will be made.

Yes:  
No:

**Suspend City Council Rules #15 - Visitors**

Suggested Resolution

Resolution #2002-11-  
Moved by  
Seconded by

RESOLVED, That the City Council suspend the Rules of Procedure #15, Visitors, to eliminate visitor discussion on the Technical Review of Items on the Agenda of the November 18, 2002 Regular City Council Meeting.

Yes:  
No:

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- 2** Technical Review of Items on the Agenda of the November 18, 2002 Regular City Council Meeting. *No Decisions Will Be Made.*

**RECESS: Recess Meeting at 7:25 PM to be Reconvened at 7:30 PM in the Council Chambers**

**Invocation & Pledge Of Allegiance** – Pastor Steve Allen – First Baptist Church

- 
- A-1** Presentations: (a) Troy Women’s Association – Promotion of the Elf Shelf Craft Show; (b) Ryan McAward – Achievement of Eagle Scout Rank; (c) GFOA Award Presentation given by Laurie VanPelt, Director of Management & Budget - Oakland County GFOA State Representative and Auditor’s Presentation given by Larry Simon – Doeren Mayhew

## **PUBLIC HEARINGS**

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- C-1** 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.

- (a) **Resolution A – Proposed Parallel Plan Version as Recommended by City Management**

Suggested Resolution

Resolution #2002-11-

Moved by

Seconded by

RESOLVED, That Articles 10.20.08 & 34.60.00, R-1A and R-1B – Open Space Preservation of the Zoning Ordinance and known as the Parallel Plan Version be **ADOPTED** as recommended by City Management.

Yes:

No:

**OR**

- (b) **Resolution B – Proposed Density Factor Version**

Suggested Resolution

Resolution #2002-11-

Moved by

Seconded by

RESOLVED, That Articles 10.20.08 and 34.60.00 – R-1A and R-1B – Open Space Preservation of the Zoning Ordinance and known as the Proposed Density Factor Version be **ADOPTED**.

Yes:  
No:

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**C-2 Rezoning Application (Z-683): R-1E to P-1 and E-P, Al-Zouhayli Office Building – North Side of Big Beaver between Rochester Road and John R – Section 23**

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

Suggested Resolution  
Resolution #2002-11-  
Moved by  
Seconded by

RESOLVED, That the R-1E to P-1 and E-P rezoning request, Al-Zouhayli Office Building located on the north side of Big Beaver Road between Rochester Road and John R, Section 23, being 1.5 acres (P-1) and being 0.4acres (E-P) in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

Yes:  
No:

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**C-3 Rezoning Application (Z-684): M-1 to R-C – Big Beaver Business Park – West Side of Bellingham Road, South of Big Beaver Road and West of John R – Section 26**

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

Suggested Resolution  
Resolution #2002-11-  
Moved by  
Seconded by

RESOLVED, That the M-1 to R-C rezoning request, Big Beaver Business Park, located on the west side of Bellingham Road and south of Big Beaver Road and west of John R, Section 26, being 19.7 acres in size, is hereby **GRANTED**, as recommended by City Management and the Planning Commission.

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 #2002-11-

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:

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**E-2 Minutes: Regular Meeting of November 4, 2002 and Special Meeting of November 11, 2002**Suggested Resolution

Resolution #2002-11-

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of November 4, 2002 and the minutes of the 7:30 PM Special Meeting of November 11, 2002, be **APPROVED** as submitted.

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**E-3 Proposed City of Troy Proclamations**Suggested Resolution

Resolution #2002-11-

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

- (a) Proclamation of Recognition – Ryan McAward – Eagle Scout Award
- (b) National Bible Week – November 24 – December 1, 2002
- (c) Christian Heritage Week – November 24, 2002
- (d) Homeless Awareness Week – November 17-23, 2002
- (e) Proclamation on the Grand Opening of Community Media Network's New TV Studio
- (f) National Children's Book Week – November 18-24, 2002

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**E-4 City of Troy Investment Policy & Establishment of Investment Accounts**Suggested Resolution

Resolution #2002-11-

RESOLVED, That the Investment Policy and establishment of Investment Accounts outlined in the memorandum from Assistant City Manager/Finance and Administration, John M. Lamerato dated November 5, 2002 with annual review and approval is hereby **APPROVED** and copies shall be attached to the original Minutes of this meeting.

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**E-5 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder One (1) 3.5 Cubic Yard Front End Loader with Four Wheel Drive – Less Trade-In**Suggested Resolution

Resolution #2002-11

RESOLVED, That a contract to purchase one (1) Front End Loader, less trade-in is hereby **AWARDED** to the lowest acceptable bidder, Wolverine Tractor & Equipment, at unit prices contained in the bid tabulation opened October 22, 2002, a copy of which shall be attached to the original Minutes of this meeting at an estimated net total cost of \$130,200.00.

**E-6 Standard Purchasing Resolution 1: Award to Low Bidder – Home Chore Lawn and Yard Services**Suggested Resolution

Resolution #2002-11

RESOLVED, That a contract to provide one (1) year requirements of Home Chore Lawn and Yard Services with an option to renew for one additional year is hereby **AWARDED** to the low total bidder, Kathy's Lawn Maintenance, at unit prices contained in the bid tabulation opened October 15, 2002, a copy of which shall be attached to the original Minutes of this meeting at an estimated cost of \$48,968.00 annually.

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

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**E-7 Private Agreement for Shady Creek South Condominiums – Project No. 02.925.3**Suggested Resolution

Resolution #2002-11

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Durant Development Co. is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, landscaping and soil erosion 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.

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**E-8 2002-03 Budget Amendment No. 1**Suggested Resolution

Resolution #2002-11

RESOLVED, That Budget Amendment No. 1 of the 2002-03 budget be **APPROVED** to provide funds for outstanding purchase orders at June 30, 2002, reconcile capital projects in various stages of completion at June 30, 2002 and record bond proceeds for the Section One Golf Course; and

BE IT FURTHER RESOLVED, That a copy of the budget amendment be attached to the original Minutes of this meeting.

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**E-9 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder –  
Emergency/Standby Generator Replacement for City Hall Less Trade-In**Suggested Resolution

Resolution #2002-11

RESOLVED, That a contract to furnish one (1) emergency/standby power generator less trade-in is hereby **AWARDED** to the lowest acceptable bidder meeting specifications, Gen Power Products, Inc., at unit prices contained in the bid tabulation opened October 18, 2002 at an estimated net total cost of \$12,810.00, a copy of which shall be attached to the original Minutes of this meeting; and

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

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**E-10 Standard Purchasing Resolution 4: State of Michigan Extended Purchasing  
Agreement – Electronic Livescan (Fingerprinting) System**Suggested Resolution

Resolution #2002-11

RESOLVED, That a contract to provide an electronic livescan system from ID Networks, Inc. is hereby **APPROVED** through the State of Michigan Extended Purchasing Program at an estimated cost of \$23,995.00.

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**E-11 Standard Purchasing Resolution 3: Exercise Renewal Option – Standard and  
Compound Water Meters**Suggested Resolution

Resolution #2002-11

WHEREAS, On February 18, 2002 a one-year contract with an option to renew for one additional year for standard and compound water meters was awarded to S.L.C. Meters Service, Inc., (Resolution #2002-02-077-E-2); and

WHEREAS, S.L.C. Meters Service, Inc. has agreed to exercise the one-year option to renew under the same prices, terms, and conditions; and

NOW, THEREFORE, BE IT RESOLVED, That the **OPTION TO RENEW** the contract is hereby **EXERCISED** with S.L.C. Meters Service, Inc. to provide standard and compound water meters under the same contract prices, terms, and conditions for one-year expiring December 31, 2003.

**E-12 Sole Source – CLEMIS Membership Fee and Usage fees for Mobile Data Computers**Suggested Resolution

Resolution #2002-11

WHEREAS, Oakland County is the sole source provider for the use of the Mobile Data Computers and Computer Aided Dispatch; and

WHEREAS, Oakland County provides ongoing communications with Oakland County Courts and Law Enforcement Management Information System (CLEMIS); and

NOW, THEREFORE, BE IT RESOLVED, That a five-year contract is hereby **AWARDED** to the County of Oakland Information Technology for usage and membership fees estimated to cost \$18,000.00 per year, to commence January 2003 and expire December 2007.

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**E-13 Castiglione v. City of Troy**Suggested Resolution

Resolution #2002-11-

RESOLVED, That Craig Lange, of Lange & Cholack, P.C., is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of Catherina Castiglione v. the City of Troy, to retain any necessary expert witnesses to adequately represent the City, and be reimbursed for any expenses in defense of this matter.

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**E-14 Application for Class C License Transfer by Troy Hotel Property (Homewood Suites), and Request to Transfer Classification from Class-C to B-Hotel****(a) License Transfer**Suggested Resolution

Resolution #2002-11-

RESOLVED, That the request from Troy Hotel Property, LLC and MEI Holdings, LLC to transfer ownership in 2000 Class C licensed business with 2 Direct Connections, located in escrow at Twelve Oaks Mall, 27302 Novi Road, Novi, MI 48377 – Oakland County, from Jonathan B Pub of Novi, Inc.; transfer location (governmental unit) (MLCC 436.1531 (1)) to 1495 Equity, W., Troy, MI 48084 – Oakland County; and requests a new SDM license to be held in conjunction, and requests to transfer classification from Class-C to B-Hotel be **CONSIDERED FOR APPROVAL**. It is the consensus of this legislative body that the application be **RECOMMENDED FOR ISSUANCE**.

**AND**

**(b) Agreement**

Suggested Resolution  
Resolution #2002-11-

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Troy Hotel Property, LLC and MEI Holdings, LLC, which shall become effective upon approval of the transfer ownership in the 2000 Class C licensed business with 2 Direct Connections, located in escrow at Twelve Oaks Mall – 27302 Novi Road, Novi, MI 48377 – Oakland County, from Jonathan B Pub of Novi, Inc.; transfer location (governmental unit) (MLCC 436.1531 (1)) to 1495 Equity, W., Troy, MI 48084 – Oakland County; and requests a new SDM license to be held in conjunction, and requests to transfer classification from Class-C to B-Hotel; 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.

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**E-15 Request for Acceptance of Two (2) Permanent Easements for Storm Drain/Sewer – Sidwell #88-20-18-153-005 - The Archdiocese of Detroit/St. Thomas More Catholic Church and #88-20-18-301-002 – Carl A. and Barbara Gundersen**

Suggested Resolution  
Resolution #2002-11-

RESOLVED, That the permanent easements from the Archdiocese of Detroit, St. Thomas More Church having Sidwell #88-20-18-153-005 and from Carl A. and Barbara Gundersen having Sidwell #88-20-18-301-002, are hereby **ACCEPTED** for the construction, operation, maintenance and repair of public storm drain/sewer; 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.

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**E-16 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidders – Mowers and Miscellaneous Equipment Less Trade-Ins**

Suggested Resolution  
Resolution #2002-11-

RESOLVED, That a contract to furnish mowers and miscellaneous equipment less trade-ins for Sylvan Glen Golf Course are hereby **AWARDED** to the lowest bidder, Weingartz Golf & Turf for Item #1 less trade-ins with the exception of the cutting units, at an estimated total cost of \$38,742.00, and to the lowest acceptable bidder, W.F. Miller Company for Items #2 and #3 less trade-ins, and the outright purchase of Item #4 (cutting units) at an estimated total cost of \$15,656.00 at unit prices contained in the bid tabulation opened August 14, 2002, a copy of which shall be attached to the original Minutes of this meeting.

## 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; (e) Historic District; (f) Planning Commission; and (g) Troy Daze**

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 #2002-11-

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)**

**Leonard Bertin (Wishes to be reappointed)**

Term expires 11-01-05

**Angela Done (Wishes to be reappointed)**

Term expires 11-01-05

Kul B Gauri (Wishes to be reappointed)

Term expires 11-01-05

**CURRENT MEMBERS**

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

**INTERESTED APPLICANTS**

| NAME          | DATE APPLIED | DATE SENT TO COUNCIL |
|---------------|--------------|----------------------|
| None on file. |              |                      |

**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 ( <b>Resigned</b> ) | 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              |

**CATV Advisory Committee**

Appointed by Council (7)- 3 years

Michael J Farrug

Term expires 11-30-2005

**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  |
| Monika Sata (Student) | July 01, 2003  |
| Penny Marinos         | Feb. 28, 2004  |
| W. Kent Voigt         | Feb. 28, 2004  |
| Bryan H. Wehrung      | Feb. 28, 2005  |

**INTERESTED APPLICANTS**

| NAME                  | DATE APPLIED             | DATE SENT TO COUNCIL |
|-----------------------|--------------------------|----------------------|
| Butt, Shazad          | 7/13/00/6/26/01 - 5/2003 | 8/07/00 - 7/09/01    |
| Manzon, Alan          | 6/04/02 - 6/2004         | 6/17/02              |
| Minnick, Richard D II | 4/29/02 - 4/2004         | 5/06/02              |
| Powers, Brian M       | 10/15/02 - 10/2004       | 10/21/02             |

**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

**CURRENT MEMBERS**

| NAME             | TERM EXPIRES   |
|------------------|----------------|
| Anju C. Brodbine | Sept. 30, 2005 |
| Dhimant Chhaya   | Sept. 30, 2005 |
| Brian S Griffen  | Sept. 30, 2005 |
| Tom Kaszubski    | Sept. 30, 2005 |
| Victoria Lang    | Sept. 30, 2005 |

**INTERESTED APPLICANTS**

| NAME            | DATE APPLIED       | DATE SENT TO COUNCIL |
|-----------------|--------------------|----------------------|
| Haight, Melissa | 10/18/02 - 10/2004 | 11/04/02             |
| Hashmi, Amin    | 8/22/02            | 9/09/02              |
| Kuppa, Padma    | 5/21/02            | 9/09/02              |
| Shah, Oniell    | 8/07/02            | 9/23/02              |

|                 |                    |          |
|-----------------|--------------------|----------|
| Robele, Hailu S | 10/22/02 - 10/2004 | 11/04/02 |
|-----------------|--------------------|----------|

## Historic District

Appointed by Council (7) – 3 years

(One member must be an architect)

(Two members recommended by Troy Historical Society)

(One member recommended by Troy Historical Commission)

Kevin Danielson (Resigned)

Unexpired Term expires 5-15-2003

### CURRENT MEMBERS

| NAME                       | TERM EXPIRES  |
|----------------------------|---------------|
| Marjorie A Biglin          | March 1, 2004 |
| Wilson Deane Blythe        | March 1, 2005 |
| Kevin Danielson (Resigned) | May 15, 2003  |
| Paul C Lin                 | May 15, 2003  |
| Jacques O Nixon            | March 1, 2005 |
| Ann Partlan                | March 1, 2005 |
| Dorothy Scott              | May 15, 2003  |

### INTERESTED APPLICANTS

| NAME               | DATE APPLIED             | DATE SENT TO COUNCIL |
|--------------------|--------------------------|----------------------|
| Kerry S Krivoshein | 8/12/99/6/14/01 - 5/2003 | 7/09/01              |

## 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 |              |                      |

**Troy Daze****Appointed by Council (9) – 3 years****William F Hall (Wishes to be reappointed)** Term expires 11-30-2005**Kessie Kaltsounis (Wishes to be reappointed)** Term expires 11-30-2005**Robert S Preston (Wishes to be reappointed)** Term expires 11-30-2005**CURRENT MEMBERS**

| NAME                       | TERM EXPIRES   |
|----------------------------|----------------|
| Robert A Berk              | Nov. 30, 2003  |
| Sue Bishop                 | Nov. 30, 2004  |
| Jim D Cyrulewski           | Nov. 30, 2004  |
| Cecile Dilley              | Nov. 30, 2004  |
| William F Hall             | Nov. 30, 2002  |
| Kessie Kaltsounis          | Nov. 30, 2002  |
| Cheryl Kaszubski           | Nov. 30, 2003  |
| Robert S Preston           | Nov. 30, 2002  |
| Jeffrey Stewart            | Sept. 30, 2003 |
| Richard L Tharp            | Nov. 30, 2003  |
| Jessica Zablocki (Student) | July 01, 2003  |

**INTERESTED APPLICANTS**

| NAME                 | DATE APPLIED               | DATE SENT TO COUNCIL |
|----------------------|----------------------------|----------------------|
| Grinnell, Eric S     | 4/23/01                    | 4/23/01              |
| Hashmi, Amin         | 8/22/02 - 8/2004           |                      |
| Huber, Laurie G      | 9/22/00 - 6/18/01 - 5/2003 | 9/22/00 - 7/09/01    |
| Kovacs, Meaghan      | 1/08/01 - 1/2003           | 1/22/01              |
| Pietron, Dorothy Ann | 7/10/01 - 7/2003           | 7/23/01              |

Yes:

No:

**F-2 Closed Session**Suggested Resolution

Resolution #2002-11-

Moved by

Seconded by

RESOLVED, That the City Council of the City of Troy **SHALL MEET** in Closed Session as permitted by State Statute MCLA 15.268, Section (d), after adjournment of this meeting.

Yes:

No:

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**F-3 Informal Quotation Process – Award for Architectural Services for Library HVAC**Suggested Resolution

Resolution #2002-11-

Moved by

Seconded by

RESOLVED, That a contract for architectural services related to replacing the original Library HVAC system is hereby **APPROVED** to JSN Design, Inc., who submitted the lowest informal quotation at an estimated cost of \$16,500.00, plus an additional \$500.00 for reimbursable expenses; and

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

Yes:

No:

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**F-4 Skate Park Funding**Suggested Resolution

Resolution #2002-11-

Moved by

Seconded by

RESOLVED, That City Council **APPROVE** the construction of a 10,000 square foot skate park in the area of the SMART parking lot north of the Community Center at an estimated project cost of \$170,000.00; and

BE IT FURTHER RESOLVED, That the construction of the skate park be funded from the Parks Capital Account #401770.7974.130 and include authorization to approve additional work if needed not to exceed 10% of the total project cost.

Yes:

No:

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**F-5 Final Plan Approval – Proposed Huntington Estates Site Condominium, South of Wattles, East of Fernleigh – Section 24 – R-1C**Suggested Resolution

Resolution #2002-11-

Moved by

Seconded by

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 Huntington Estates in the area south of

Wattles, east of Fernleigh, Section 24, R-1C be **APPROVED** as recommended by City Management.

Yes:

No:

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**F-6 Request for Study Session – December 9, 2002**Suggested Resolution

Resolution #2002-11-

Moved by

Seconded by

RESOLVED, That a Study Session is **SCHEDULED** for Monday, December 9, 2002 at 7:30 PM in the Council Board Room of Troy City Hall, 500 West Big Beaver, Troy, Michigan for the reason of discussing the following topics:

- 1) Presentation by the Michigan Cricket Association
- 2) Phase II of Goals and Objectives
- 3) Issues raised at workshops with Carl Hendrickson of Market Measurement and Professor John Nalbandian from the University of Kansas
- 4) Other topics which may arise before posting of Study Session Agenda

Yes:

No:

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**F-7 Inter-County Drain Agreement for Gibson and Nelson Drains**Suggested Resolution

Resolution #2002-11-

Moved by

Seconded by

RESOLVED, That the City of Troy **PLEDGES ITS COMMITMENT** to establishing an inter-county drain agreement for the new 36" and 60" storm sewer to be constructed on the north side of Long Lake in Sterling Heights in conjunction with the Long Lake Road reconstruction project and will limit the flow into the new drain to the pre-construction rate until such time as the Inter-County Drain Agreement can be fully executed. The City further **COMMITTS** to establishing an Inter-County Drain Agreement for a segment of the Gibson Drain in Sterling Heights from Dequindre, south of Long Lake, northeast to Long Lake Road so that future maintenance contributions can be based on the Inter-County Drain Agreement rather than individual agreements currently being done on an as needed basis.

Yes:

No:

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**F-8 Bid Waiver – Approval for Five (5) Year Requirements of Bus Rental from the Troy School District for the Downhill Ski Program**Suggested Resolution

Resolution #2002-11-

Moved by

Seconded by

WHEREAS, The City has utilized the services of the Troy School District buses for the Downhill Ski Program for the last fourteen (14) years; and

WHEREAS, It has been determined that the Troy School buses meet the Parks and Recreation department's requirements for cancellation notice, availability of buses on both Friday and Saturday, bus capacity, and the pricing has been found to be in the City's best interest.

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and a contract to provide bus rental for eighteen, 66-passenger buses, for five consecutive weeks for the Parks and Recreation department Downhill Ski Program from 2003 through 2008 is hereby **AWARDED** to the Troy School District at an estimated annual cost of \$33,000.00 at prices set by the Troy School District each year.

Yes:

No:

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**F-9 Amendment – TEC Contract Municipal Testing Services – Underground Storage Tank Assessment**Suggested Resolution

Resolution #2002-11-

Moved by

Seconded by

WHEREAS, A four-year contract with an option to renew for an additional year to provide professional municipal testing services was awarded to the best value proposal submitted by Testing Engineers & Consultants, Inc. on April 8, 2002 at an estimated annual cost of \$81,816.00 (Resolution #2002-04-214); and

WHEREAS, It is recommended that the contract be amended to include services not covered under the existing agreement to further an investigation of contamination from an underground storage tank discovered at the Lloyd A. Stage Nature Center.

NOW, THEREFORE, BE IT RESOLVED, That the contract is hereby **AMENDED** to provide for additional testing services for an estimated total project cost of \$11,160.00.

Yes:

No:

**F-10 Variance Request from Hollywood Super Market****(a) Resolution A – As Recommended by City Management Predicated Upon City of Troy Development Standards**Suggested Resolution

Resolution #2002-11-

Moved by

Seconded by

RESOLVED, That the request from Hollywood Market, 2670 W. Maple, for a permanent waiver of the requirements to install a deceleration lane is hereby **DENIED**, in conjunction with the construction of an addition to their building.

Yes:

No:

**OR****(b) Resolution B – Petitioner has Requested Granting a Permanent Waiver**Suggested Resolution

Resolution #2002-11-

Moved by

Seconded by

RESOLVED, That the request from Hollywood Market, 2670 W. Maple, for a waiver of the requirements to install a deceleration lane is hereby **GRANTED** for a period of \_\_\_\_\_, in conjunction with the construction of an addition to their building.

Yes:

No:

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**F-11 Final Estimate – Contract No. 99-10-C – Section 3 – Water Main Replacement – Project No. 97.504.5**Suggested Resolution

Resolution #2002-11-

Moved by

Seconded by

RESOLVED, That the City Manager is hereby authorized to execute the Final Estimate for Contract No. 99-10-C in the amount of \$90,886.43 for Project No. 97.504.5, "Section 3 Water Main Replacement". The final contract amount is \$1,972.413.37.

Yes:

No:

**COUNCIL COMMENTS/REFERRALS****REPORTS AND COMMUNICATIONS**

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**G-1 Minutes – Boards and Committees:**

- (a) Troy Daze/Draft – October 22, 2002
- 

**G-2 Department Report**

- (a) Permits Issued During the Month of October 2002  
(b) Monthly Financial Report – October 31, 2002  
(c) 2002 Year-To-Date Crime and Police Calls for Service Report
- 

**G-3 Announcement of Public Hearings:****G-4 Proposed Proclamations/Resolutions from Other Organizations:**

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**G-5 Letters of Appreciation:**

- (a) Community Update Received from Northfield Hills Condo Association Complimenting Cynthia Stewart and the Community Affairs Staff  
(b) Letter Received from Charlene Calabro to John Szerlag, City Manager Commending Steve Vandette  
(c) Letter Received from Mark Sebastian and Jan White - Credit Union One, to Lt. Thomas Houghton Thanking Officers Jay Reynolds and Kirk Linton for Speaking at their Identity Theft Seminar  
(d) Thank You Note Received from Christine Schultz to Chief Charles Craft Thanking Officers Isham and Zagacki for the Professionalism they Demonstrated when they Responded to a 911 Call She Had Made in Error  
(e) Letter from Jack Rammelsburg – Moslem Temple Motor Corp, to Chief Charles Craft Thanking Officer Larry Schultz for Attending their Great Lakes Convention and Assisting with the Judging of the Participants of their Competition  
(f) Letter from Nancy Ferguson to Tim Richnak Thanking Him and Ann Tyrrell for the Quick Response to her Request for a Sign on the Corner of Knox  
(g) Letter from Leslie Therrian to Chief Craft Thanking Officer Cicchini for his Helpfulness with an Accident she was Involved In
- 

**G-6 Calendar**

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**G-7 Report from Council Member Dave Lambert – Re: Michigan Municipal League's Elected Officials Academy Core Weekender, October 4-5, 2002**

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**G-8 Memorandum – Re: Leaf Collection Program**

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**G-9 Memorandum – Re: Local Participation in MDOT Contract**

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**G-10 Memorandum – Re: Recycling Survey Summary**

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**G-11 Memorandum (Green) – Re: Paper Lawn and Leaf Bag Sales**

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**G-12 Memorandum (Green) – Re: Possible Review of Chapter 83 – The Fence Ordinance**

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**G-13 Comprehensive Annual Financial Report for the Year Ended June 30, 2002**

Copy of report available for public viewing at the Troy City Clerk's office.

## **PUBLIC COMMENT**

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

Respectfully submitted,

John Szerlag, City Manager

November 13, 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: PROPOSED ZONING ORDINANCE TEXT AMENDMENT (ZOTA 194) –  
 Articles 10.20.08 & 34.60.00 R-1A & R-1B Open Space Preservation

### EXECUTIVE SUMMARY

- *Requirements of House Bill No. 5029/Open Space Preservation*

This amendment to the City and Village Zoning Act, PA 207 of 1921, 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 of the dwelling units otherwise permitted on a portion the property, if the balance of the property remains open space in an undeveloped state. The open space area shall be at least 20% of the overall property, and 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 to the City and Village Zoning Act does not prescribe the typical elements of an open space zoning option.

- *Proposed Parallel Plan Version vs. Proposed Density Factor Version*

#### Proposed Parallel Plan Version

City Management, along with the City Attorney's Office and the Planning Commission worked together to draft proposed Open Space Preservation provisions, which utilizes a parallel plan. City Management has consistently recommended approval of this version. City Management recognized the need for two minor clarifications to the amendment, and also received input from City Council at the November 11, 2002 Study Meeting. Since the recent Study Meeting, City Management prepared the Proposed Parallel Plan Version, which includes three revisions. These revisions will clarify setbacks (34.60.05 B), change uplands

to non-wetland (34.60.06 A), and revise the location of open space (34.60.06 D). We believe that this version is the minimum revision necessary needed to comply with the requirements of the State Law, and would results in the smallest change to the development patterns permitted by the current ordinance language. City Management recommends approval of the Proposed Parallel Plan Version.

#### Proposed Density Factor Version

Input from City Council at the November 11, 2002 Study Meeting provided the direction for the Proposed Density Factor Version. Density factors of 1.6 units per acre for R-1A and 2.2 units per acre for R-1B will continue to be used to determine the number of single-family homes permitted within a proposed development, as indicated at the study session, this provides a density bonus to developers. There are three revisions included to clarify setbacks (34.60.05 A), eliminate two family attached units (34.60.05 C), and revise the location of open space (34.60.06 D).

- *Bare Minimum Open Space Preservation Amendment*

There were suggestions that the City of Auburn Hills, City of Novi and Charter Township of Independence have adopted bare minimum Open Space Preservation provisions. These communities have as their consulting attorneys; Secret, Wardle, Lynch, Hampton, Truex and Morley. None of these communities have adopted Open Space Provisions. Novi and Independence Township do have drafts available, which include parallel plan requirements. Both of these proposed ordinances are similar to Troy's Proposed Parallel Plan Version.

#### ATTACHMENTS

1. Proposed Parallel Plan Version, with editing.
2. Proposed Density Factor Version, with editing.
3. Proposed Parallel Plan Version, adoption document.
4. Proposed Density Factor Version, adoption document.
5. Charter Township of Independence, proposed ordinance.
6. City of Novi, proposed ordinance.

CC: Planning Commission  
Planners (4)  
File/ZOTA 194

## **PROPOSED PARALLEL PLAN VERSION**

### **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 are the intent 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.
- D. The option has not previously been exercised on the parcel.

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~~ be as follows:

1. Setback requirements for main buildings at the perimeter of the development shall be equal to the existing, underlying zoning. Front yard setbacks may be reduced to not less than 25 feet.
2. Setback requirements for main buildings on the interior of the development shall be provided to newly created streets, an interior property line, or from the open space preservation area. If property lines do not exist between buildings, the setbacks shall be measured to an imaginary line between the buildings. The minimum setbacks shall be as follows.

|       |     |
|-------|-----|
| Front | 25' |
| Rear  | 35' |
| Sides | 10' |

~~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-non-wetland~~ 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.

## **PROPOSED DENSITY FACTOR VERSION**

### **Open Space Preservation**

#### **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 the Open Space Preservation option:

- 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.

D. The option has not previously been exercised on the parcel.

34.60.04 Dwelling Unit Density:

A. The number of dwelling units allowable within the Open Space Development shall be as follows:

- 1. 1.6 units per acre in the R-1A One Family Residential District.
- 2. 2.2 units per acre in the R-1B One Family Residential District.

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. Setback provisions shall be as follows ~~remain, except:~~

1. Setback requirements for main buildings at the perimeter of the development shall be equal to the existing, underlying zoning. ~~Front yard setbacks may be reduced to not less than 20 feet.~~

2. Setback requirements for main buildings on the interior of the development shall be provided to newly created streets, an interior property line, or from the open space preservation area. If property lines do not exist between buildings, the setbacks shall be measured to an imaginary line between the buildings. The minimum setbacks shall be as follows.

|              |            |
|--------------|------------|
| <u>Front</u> | <u>20'</u> |
| <u>Rear</u>  | <u>35'</u> |
| <u>Sides</u> | <u>10'</u> |

~~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.~~

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

C. The permitted uses shall be restricted to the following:

1. Single family detached residential development.

~~2. Two family attached residential development provided the development meets the following:~~

~~ii. The parcel is at least 2 acres in area.~~

~~ii. A common party wall does not have over seventy-five (75) percent of its area in common with an abutting dwelling unit.~~

1. Residential accessory structures.

2. 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 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.

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

**Open Space Preservation Option – Parallel Plan Version**

Amend the indicated portions of the One Family Residential District and 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 are the intent 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.
- D. The option has not previously been exercised on the parcel.

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 be as follows:
  - 1. Setback requirements for main buildings at the perimeter of the development shall be equal to the existing, underlying zoning.
  - 2. Setback requirements for main buildings on the interior of the development shall be provided to newly created streets, an interior property line, or from the open space preservation area. If property lines do not exist between buildings, the setbacks shall be measured to an imaginary line between the buildings. The minimum setbacks shall be as follows.

|       |     |
|-------|-----|
| Front | 25' |
| Rear  | 35' |
| Sides | 10' |

- 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 non-wetland 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 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.
- 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.

PROPOSED ZONING ORDINANCE TEXT AMENDMENT

**Open Space Preservation Option – Density Factor Version**

Amend the indicated portions of the One Family Residential District and 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 serve as the intent of the Open Space Preservation option:

- 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.

D. The option has not previously been exercised on the parcel.

34.60.04 Dwelling Unit Density:

A. The number of dwelling units allowable within the Open Space Development shall be as follows:

1. 1.6 units per acre in the R-1A One Family Residential District.

2. 2.2 units per acre in the R-1B One Family Residential District.

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. Setback provisions shall be as follows :

1. Setback requirements for main buildings at the perimeter of the development shall be equal to the existing, underlying zoning.

2. Setback requirements for main buildings on the interior of the development shall be provided to newly created streets, an interior property line, or from the open space preservation area. If property lines do not exist between buildings, the setbacks shall be measured to an imaginary line between the buildings. The minimum setbacks shall be as follows.

|              |            |
|--------------|------------|
| <u>Front</u> | <u>20'</u> |
| <u>Rear</u>  | <u>35'</u> |
| <u>Sides</u> | <u>10'</u> |

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

- C. The permitted uses shall be restricted to the following:
1. Single family detached residential development.
  1. Residential accessory structures.
  2. 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 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.
- 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:

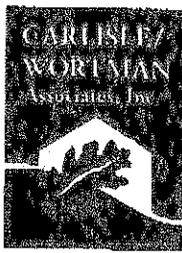
1. Area proposed as single family residential lots or units.
2. Area proposed as limited common elements of condominium developments, or land within a condominium development, which is convertible to general common elements that will not remain in a perpetually undeveloped state or land convertible to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

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.



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

## FAX COVER SHEET

**PLEASE DELIVER THE FOLLOWING PAGES TO:**

Name:

Mark Miller

Organization:

City of Troy

Date:

11-12-02

Fax Number:

(248) 524.3382

**THIS TRANSMISSION IS FROM** # OF PAGES SENT (Including Cover Sheet)

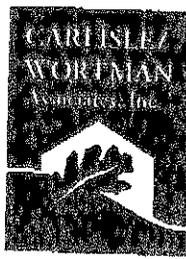
Name:

Dick Carlisle

9

**MESSAGE**

If any pages are not received, please call \_\_\_\_\_ at 734-662-2200



Community Planners  
Landscape Architects

October 29, 2002

Steve Joppich  
Secrest, Wardle, Lynch, et. al.  
30903 Northwestern Hwy.  
PO Box 3040  
Farmington Hills, MI 48333-3040

Re: Zoning Ordinance Amendment - Open Space Option

Dear Steve:

As a result of my discussions with the Planning Commission, I have the following comments to provide to you regarding revisions of the Ordinance.

- 1) You may want to check the citation of the Ordinance as Section 5.27. I believe the last amendment we made was Section 5.30 for the Sashabaw Overlay District.
- 2) Under subsection Eligibility Requirements, we have areas included in all single-family residential categories that are both within and outside of the Sanitary Sewer District. As we discussed, subsection D takes into account limitations imposed by sanitary sewage disposal capacity. Therefore, I would suggest that we simplify the first sentence to state that "this ordinance shall be applicable to residential properties zoned R1-A, R1-B, R1-C, and R1-R."
- 3) Under subsection D.1, I would suggest inserting a statement in the third sentence after the phrase "taken into consideration" the availability of sanitary sewers.
- 4) Under subsection D.2, the Planning Commission should be substituted for the phrase "the approving body." After discussing this matter with the Planning Commission, they believe they should be the reviewing and approving body, just as they are under the current cluster amendments in the Zoning Ordinance. I am in full agreement with this position and think adding the Township Board would be an unnecessary step.
- 5) Under subsection E.3, references are made to a public hearing for discretionary approval. I have been under the impression that we are unable to treat these types of developments as special land uses. What would be the grounds for a public hearing for discretionary approval? Under most normal circumstances, if a site plan meets all criteria, it is entitled to approval.

ATTACHMENT #5

Mr. Steve Joppich

October 29, 2002

Page 2

- 6) Under subsection E.3.b. the last sentence is confusing. If the determination of setbacks, etc., is made by the Planning Commission, why would there be a necessity for variances by the ZBA?

Other than the above comments, the balance of the ordinance is fine. If you have any questions, please do not hesitate to ask. I have attached a marked up version for your ease of review.

CARLISLE/WORTMAN ASSOCIATES, INC.



Richard K. Carlisle, PCP, AICP

# 100-01-2203

cc: Bev McElmcel

STATE OF MICHIGAN  
COUNTY OF OAKLAND

CHARTER TOWNSHIP OF INDEPENDENCE

ORDINANCE NO. \_\_\_\_\_

TEXT AMENDMENT TO ZONING ORDINANCE

AN ORDINANCE TO AMEND THE ORDINANCES OF THE CHARTER TOWNSHIP OF INDEPENDENCE ZONING ORDINANCE, BY ADDING A NEW SECTION 5.27 TO PROVIDE THE OPTION FOR DEVELOPERS TO DEVELOP CERTAIN RESIDENTIAL PROPERTY WITH 50% OF OPEN SPACE IN ORDER TO COMPLY WITH THE MANDATES PROVIDED IN ACT 177 OF THE PUBLIC ACTS OF 2001.

THE CHARTER TOWNSHIP OF INDEPENDENCE ORDAINS:

SECTION 1 of Ordinance

Section 5.27

A. Intent and Purpose

The intent of this Ordinance is to encourage the long-term preservation of open space and natural features and the provision of recreation and open space areas in accordance with Act 177 of the Public Acts of 2001.

B. Eligibility Requirements

This Ordinance shall be applicable to residential properties zoned \_\_\_\_\_ if such properties are served by municipal sewers, and to properties zoned \_\_\_\_\_ if the properties are not served by municipal sewers.\*

The provisions in this section shall supplement the existing regulations applicable within the referenced zoning districts in the event a developer or owner of property elects to submit its proposed development under the open space preservation option provided in this section.

*\*[Note: The applicable zoning districts in the Township, to which Act 177 applies, will need to be identified and inserted with input from Dick Carlisle.]*

SECRET, WARDLE, LYNCH, HAMPTON, TRUEN AND MORLEY



SECRET, WAROLE, LYNCH, HAMPTON, TRUEX AND MORLEY

2. Permanent open space shall include the site's most significant natural, environmental, agricultural and/or cultural features, including, but not limited to the following; however, in an open space development under this Section, an "undeveloped state" shall not include a golf course:
  - a. Wetlands, floodplains, and natural watercourses;
  - b. Woodlands;
  - c. Scenic views;
  - d. Historical structures;
  - e. Recreational pathways and other permitted recreational facilities;
  - f. Buffers from major thoroughfares and more intense land uses; and
  - g. Similar features acceptable to the approving body.
  
3. The applicant for an open space development shall be entitled to an approval under this Section; provided, the following aspects of the proposed development plan shall be reviewed following a public hearing for discretionary approval by the approving body:
  - a. The area and width of the resulting individual lots and building setback requirements under the open space preservation option shall be reasonable and rationally related to the type of development proposed and shall comply with the standards, requirements and intent of the specific zoning district in which the proposed development is located to the maximum extent feasible. Factors to be considered in determining the reasonableness of the area, width and setback requirements shall include the amount of open space, the density as determined by the approving body under the parallel plan, and the required setbacks, minimum lot width, and maximum lot coverage for the particular zoning district. Final area, width and setback requirements under the open space preservation option plan shall be approved by the approving body, in the manner set forth in Subsection G., below.
  - b. Lot layout and configuration shall result in lots or units feasible for development and use of residences, and in the maintenance of a reasonable buffer between an open space development hereunder and adjacent public thoroughfares and other land which is developed, or may be developed for non-cluster residential development. Each lot or unit shall be depicted on the plan with a proposed building envelope, in which a proposed residence may be constructed and used, including all likely improvements, without the necessity of the grant of a variance by the Zoning Board of Appeals.
  
4. Open space areas shall be accessible to all lots in the development, either directly from the internal road network or, if approved in the discretion of the approving body, directly from another manner of access providing perpetually existing and maintained pedestrian accessibility to all lots.
  
5. Preserved open space shall be connected with adjacent open space, public land, and existing or planned safety paths, where feasible, as determined by the approving body.

SECRET. WARDLE, LYNCH, HAMPTON, TRUAX AND MORLEY

- 6. Approval of an open space option development does not constitute a change in the zoning of the property, and, except as specifically provided in this section, all other regulations applicable within the zoning district of the property and development shall apply.
- 7. Restrictions.
  - a. Nothing in this section shall allow the construction of multi-family residential units in a single family residential district.
  - b. Nothing in this section shall allow a development to result in the creation of a nuisance or a danger or hazard to the health, safety and welfare of any person or property.
  - c. The development shall not result in an unreasonable burden upon public services and/or facilities, taking into consideration the capacity and availability, considering the existing and anticipated future use of such services and facilities.
  - d. The development shall be designed to avoid an unreasonable burden upon the subject and/or surrounding properties, taking into consideration economic, aesthetic, traffic, noise and other applicable and relevant planning and/or engineering considerations.
  - e. Any development proposed utilizing the open space preservation option provided in this section shall, to the greatest extent feasible while remaining consistent with the requirements of Public Act 177 of 2001, comply with all zoning regulations and design standards applicable to the property.

F. Open Space Maintenance and Preservation

- 1. All open space shall remain perpetually in an undeveloped state by means of a conservation easement to be recorded with the Oakland County Register of Deeds. All such conservation easements shall clarify ownership, access/use rights, and perpetual maintenance, and shall be approved by the approving body prior to final approval of the development, and shall be received and approved as to substance and form by the Township attorney prior to acceptance by the approving body.
- 2. Nothing in this section shall be construed to require the property owner to convey fee title ownership of the open space to the public.

G. Review Process

- 1. All proposed open space preservation option developments shall be submitted and reviewed in accordance with the procedure applicable under this ordinance to the type of development being proposed (i.e., subdivision, condominium, site condominiums, etc.) and in accordance with the development standards in this section and other

applicable ordinances. The "approving body", as referenced in this section, shall mean the body designated in this ordinance as having the authority to grant final plan approval to the proposed development.\*

*\*[Note: The Township may wish to consider the concept of setting up a special procedure for a site plan utilizing this State Mandated Option to go to the Twp. Board. Among the many other considerations involved in considering such a concept, keep in mind that if the review is expanded to send this type of site plan to the Board, it is likely that the materials submission and timing issues may also be affected and need special attention in this section of the Zoning Ordinance.]*

2. In addition to all other submittals and information required under this ordinance, all open space preservation option plans submitted to the Township shall include a resource inventory that contains the following:
  - a. All floodplains, wetlands, and bodies of water;
  - b. A woodlands analysis identifying all regulated woodlands;
  - c. All wildlife habitat areas;
  - d. An analysis of on-site soils and topography to identify limitations to development; and
  - e. An analysis of the cultural features of the site, including but not limited to, scenic views, historic structures, patterns of original farm fields, fences or stone walls, and recreational uses.
  
3. In addition to all other review considerations applicable under other sections of this ordinance to the type of development being proposed (i.e., subdivision plat, condominium, site condominiums, etc.), as part of its review and decision to approve or deny approval of the plans or subdivision plat in which the developer seeks to utilize the open space preservation option under this section, the approving body shall determine that the plans and materials satisfy the intent and requirements of subsections A. through F. of this section as part of the overall review process applicable to the particular development.

#### H. Definitions

The definitions set forth in Act 177 of the Public Acts of 2001 shall be incorporated, and considered a part of, this Section.

#### SECTION 2 of Ordinance

All of the regulations of the Zoning Ordinance shall remain in effect, amended only as provided above.

SECTION 3 of Ordinance

Any and all criminal or civil proceedings initiated by the City/Village/Township and pending, and all vested rights on the effective date of this Ordinance, are saved and may be consummated according to the law and ordinance enforced at the time they were commenced.

SECTION 4 of Ordinance

The effective date of this Ordinance shall depend on whether the ordinance is requested to be submitted to the Township electors for approval. A notice of intent to make such a request must be submitted within seven (7) days of publication of the ordinance. If such a notice has not been timely submitted, this ordinance shall take effect on the eighth day following publication. If a notice of intent is timely filed, a petition requesting the submission of this ordinance to the Township electors must be filed within thirty (30) days of publication of the ordinance. If such a petition has not been timely filed, this ordinance shall take effect on the 31st day following publication. If such a petition has been timely filed, this ordinance shall take effect immediately upon the final determination by the Township Clerk that a majority of the registered electors in the Township have voted to approve it. A petition requesting submission of this ordinance to a vote of the electors must be signed by a number of registered Township electors equal to not less than 15% of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected.

SECTION 5 of Ordinance

This Ordinance, or a summary hereof, shall be published in a newspaper of general circulation in the Charter Township of Independence qualified under State Law to publish legal notices and shall become effective upon publication, as provided by law.

CERTIFICATION

I hereby certify that the foregoing is a true copy of Ordinance No. \_\_\_\_\_, as adopted by the Board of Trustees of the Charter Township of Independence at a regular meeting held on Tuesday, \_\_\_\_\_, 2002. Moved by \_\_\_\_\_, seconded by \_\_\_\_\_.

AYES: \_\_\_\_\_

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

BY: \_\_\_\_\_

JOAN E. McCRARY  
Clerk of the Charter Twp. of Independence

- Introduced:
- Adopted:
- Published:
- Effective:

SECRET, WARDLE, LYNCH, HAMPTON, TRUEX AND MORLEY



# city of novi

Plan Review Center  
45175 W. Ten Mile Road  
Novi, Michigan 48375-3024  
Fax: (248) 735-5633

TO: BILENT

TO BUSINESS: CITY OF TROY

TO FAX NUMBER: 248-524-3382

FROM: BARBARA MCPETRI

FROM PHONE NUMBER: 248-347-0587

DATE: 11/12/02

TOTAL # OF PAGES: 5

SUBJECT: PROPOSED OPEN SPACE

ADDITIONAL MESSAGE: PRESERVATION OPTION

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4. Design requirements

- A. A minimum of twenty (20%) percent of the gross site area shall be preserved as permanent open space in an undeveloped state.
- B. Permanent open space shall include important natural, environmental, agricultural, and/or contextual features, such as:
  - 1. steep slopes,
  - 2. wetlands, floodplains, natural watercourses,
  - 3. woodlands,
  - 4. scenic views,
  - 5. agricultural or equestrian components,
  - 6. historical structures,
  - 7. recreational pathways and facilities,
  - 8. buffers from major thoroughfares and more intensive land uses, and
  - 9. similar features acceptable to the approving body.
- C. The minimum lot area or width by zoning district is as follows:

| <u>Zoning</u> | <u>Area in Square Feet</u>            | <u>Width in Feet</u>            |
|---------------|---------------------------------------|---------------------------------|
| RA            | 43,560 reduced to a minimum of 28,750 | 150 reduced to a minimum of 140 |
| R-1           | 21,780 reduced to a minimum of 14,375 | 120 reduced to a minimum of 110 |
| R-2           | 18,000 reduced to a minimum of 11,880 | 110 reduced to a minimum of 90  |
| R-3           | 12,000 reduced to a minimum of 10,000 | 90 reduced to a minimum of 80   |

Notwithstanding requirements at Section 2400, Footnote (t), side lot yard setbacks may be reduced as follows:

| <u>Lot Width (feet)</u>          | <u>Side Yard (feet)</u> | <u>Minimum Side Yard Setback Aggregate of Two Side Yards</u> |
|----------------------------------|-------------------------|--|
| 110 or greater                   | 15                      | 40   |
| 90 or greater, but less than 110 | 10                      | 30   |
| 80 or greater, but less than 90  | 10                      | 25   |

Additional modifications to lot and width standards from those specified above may be permitted if the approving body determines that a smaller minimum size is necessary to comply with the intent of P.A. 179 of 2001. In such cases the approving body may modify lot area and lot width requirements so as to assist in the creation of open space in order to comply with State law. In those instances where lot sizes are reduced in accordance with the Open Space Preservation Option, yard requirements for a given lot shall be governed by that zoning district which has minimum lot area and width standards that correspond to the dimensions of the particular lot.

- D. Open space areas shall be accessible to all lots in the development, either directly from the internal road network, or if approved in the discretion of the approving body, directly from another manner of access providing perpetually existing and maintained pedestrian accessibility to all lots.
- E. Preserved open space shall be connected with adjacent open space, public land, and existing or planned pedestrian/bicycle paths, where feasible, as determined by the approving body.
- F. Approval of an open space option development does not constitute a change in the zoning of the property, and, except as specifically provided in this section, all other regulations applicable within the zoning district of the property and development shall apply.
- G. Restrictions
  - 1. Nothing in this section shall allow the construction of multi-family residential units in a single family residential district.
  - 2. Nothing in this section shall allow a development to result in the creation of a nuisance or a danger or hazard to the health, safety and welfare of any person or property.
  - 3. The development shall not result in an unreasonable burden upon public services and/or facilities, taking into consideration the capacity and availability, considering the existing and anticipated future use of such services and facilities.
  - 4. The development shall be designed to avoid an unreasonable burden upon the subject and/or surrounding properties, taking into consideration economic, aesthetic, traffic, noise and other applicable and relevant planning and/or engineering considerations.
  - 5. The development proposed utilizing the open space preservation option provided in this section shall, to the greatest extent feasible while remaining consistent with the requirements of Public Act 179 of 2001, comply with all zoning regulations and design standards applicable to the property.

## 5. Open Space Maintenance

- A. All open space shall 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. All open space ownership and maintenance agreements shall be reviewed and approved as to form and content by City legal counsel prior to acceptance by the approving body.
- C. All open space agreements which involve donations of land to the City or which name the City as a party to any agreement shall be approved by the City Council prior to final approval of the development.

## 6. Review Process

- A. All proposed Open Space Preservation Option developments shall be reviewed in compliance with the appropriate procedure for the type of development (lot split, subdivision, site condominium etc.) and in accordance with the development standards in this Section and other applicable ordinances.
- B. All open space preservation option plans shall include a resource inventory that contains the following:
  - 1. All floodplains, wetlands, and water bodies;
  - 2. A woodlands analysis identifying all regulated woodlands;
  - 3. All wildlife habitat areas, per the City's Wildlife Habitat Master Plan.
  - 4. An analysis of on-site soils and topography to identify limitations to development; and
  - 5. An analysis of the contextual features of the site, such as scenic views, historic structures, patterns of original farm fields, fences or stone walls, recreational uses and the like.
- C. The approving body shall determine that the open space preservation option plan satisfies the intent of this option.

November 12, 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: PUBLIC HEARING-REZONING APPLICATION (Z-683) – R-1E to P-1 and E-P, Al-Zouhayli Office Building, North Side of Big Beaver Between Rochester Road and John R Road, Section 23.

### RECOMMENDATION

The Planning Commission recommended approval of the rezoning request as submitted by the petitioner. City Management concurs with the Planning Commission and recommends approval of the rezoning request. The rezoning request is consistent with the Future Land Use Plan and is compatible with the adjacent land uses and zoning districts.

### GENERAL INFORMATION

Name of Owner / Applicant:  
Dr. Kheir Al-Zouhayli.

Location of Subject Property:  
The property is located on the north side of Big Beaver between Rochester Road and John R Road, in section 23

Size of Subject Parcel:  
The applicant's entire parcel is approximately 4.6 acres in size (not including right-of-way). The southern 1.6 acres is zoned O-1 Office Building. The northern 3 acres is zoned R-1E One Family Residential.

Current Use of Subject Property:  
The property is currently vacant.

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

Proposed Zoning of Subject Parcel:

The applicant is proposing to rezone a portion of the 3-acre parcel zoned R-1E. The north 398.76 feet (approximately 1.5 acres) is to remain R-1E. A 0.4-acre L-shaped portion is proposed for E-P Environmental Protection. The remaining 1-acre portion (approximately 329 feet north of the existing O-1 district limit) is proposed for P-1 Vehicular Parking.

Proposed Uses and Buildings on Subject Parcel:

The applicant has submitted a site plan for the proposed uses and building. The applicant is proposing a 2-story office building with approximately 20,862 gross square feet of office space.

Current Use of Adjacent Parcels:

North: Single family residential neighborhood.

South: Post office processing and shipping facility (south of Big Beaver).

East: Vacant.

West: Office Building and West Oak 1 and 2 Subdivision.

Zoning Classification of Adjacent Parcels:

North: R-1E One Family Residential.

South: M-1 Light Industrial.

East: O-1 Office Building and R-1E One Family Residential.

West: O-1 Office Building, P-1 Vehicular Parking and R-1E One Family Residential.

ANALYSIS

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

The P-1 Vehicular Parking district permits only off-street parking areas. 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 of the Zoning Ordinance. A detention pond may be designed as part of the land use buffer, if approved by the Planning Commission.

Vehicular and Non-motorized Access:

Access to the parcel will be provided from Big Beaver Road, a major thoroughfare.

Potential Stormwater and Utility Issues:

There does not appear to be any potential stormwater or utility issues associated with this application.

Natural Features and Floodplains:

The Natural Features Map indicates woodlands on the northern third of the property.

Compliance with Future Land Use Plan:

The Future Land Use Plan designates the subject property as Low Rise Office fronting Big Beaver Road and Low Density Residential to the north. The Planning Commission and City Council have interpreted the Future Land Use Plan over time. It appears that they have determined that the northern boundary of the O-1 Office Building for the subject parcel shall not extend more than 124 feet north of the O-1 district. However, the Buckeye Pipeline easement bisects the subject property and limits the single family development potential of the northern limits of the subject property.

The following timeline illustrates the Planning Commission's recommendations and City Council's adoption of rezoning requests in the general area of the subject rezoning requests (see attached map):

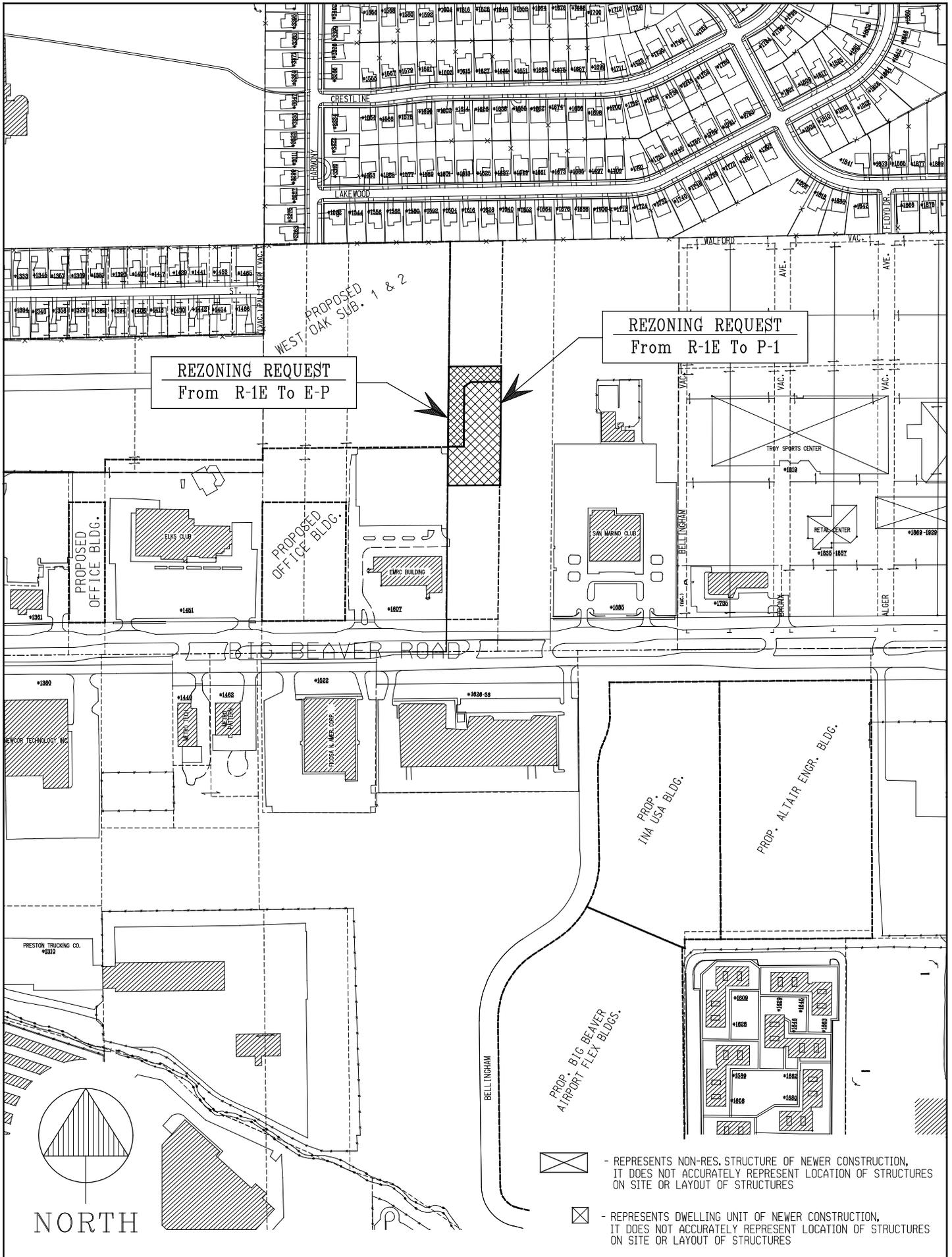
- On October 14, 1986, the Planning Commission recommended approval of rezoning a portion of the land located approximately 320 feet to the west, from R-1E to P-1, which would add 124 feet to the depth of the potential office site (File # Z-594). The motion stated that the rezoning would "enable reasonable and substantial low-rise office development in this area, while at the same time enabling residential development of the northerly portion of the subject property in a manner consistent with the Master Land Use Plan". The rezoning was approved by City Council on January 26, 1987.
- On February 10, 1987, the Planning Commission recommended approval of rezoning a portion of the abutting parcel to the west from R-1E to P-1, which would add 124 feet to the depth of the potential office site (File # Z-553). The motion stated that the rezoning would "enable reasonable and substantial low-rise office development in this area, while at the same time enabling residential development of the northerly portion of the subject property in a manner consistent with the Master Land Use Plan". The rezoning was approved by City Council on April 27, 1987.
- A portion of the San Marino Club property, the abutting property to the east, had originally been rezoned to P-1 in 1979. The P-1 zoning extended 124 feet north of the northern limits of the O-1 district, which at the time was consistent with the northern limits of O-1 on the applicant's parcel. On June 12, 2001, the Planning Commission recommended

approval of rezoning a portion of the San Marino Club property from R-1E and P-1 to O-1, to allow the applicant to expand the existing business (File #Z-402). The recommendation was conditional on the northernmost and westernmost 50 feet of the area being rezoned to E-P Environmental Protection to serve as a buffer between the property to be zoned O-1, and the R-1E property to the north. The minutes reflect the intent to maintain the northern limits of the P-1 district, for property to the west of the San Marino Club. Extending the E-P district south to this line reflects this intent. Furthermore, the O-1 District was reduced by 10 feet (to the south) so as to be even with the northern boundary of the property to the east, which was zoned B-2. The rezoning was approved by City Council on July 23, 2001, as recommended by the Planning Commission.

cc: Applicant  
File  
Planners (4)

# CITY OF TROY











**REZONING REQUEST  
EAST BIG BEAVER ROAD  
02-23-401-018**

Owner: Dr. Khier Al-Zouhayli  
43700 Woodward Avenue, #202  
Bloomfield Hills, MI 48302

Architect/  
Planner: David Donnellon, AIA, AICP  
Donnellon Swarthout Associates, Inc.  
2151 Livernois, Suite 100  
Troy, MI 48083

The rezoning request is for a combination of zoning districts that will make it feasible to develop the property consistent with adjacent parcels and at the same time respect the future development of the residential land use at the north end of the subject parcel. The combined zoning districts, especially the Environmental Protection district, is meant to act as a buffer between the parking on the subject parcel and the residential uses to the west on the adjacent parcel and to the north on the subject parcel. The EP zoning also mirrors what has been approved for the San Marino Club to the east. As a result, the residential zoning should wrap around the office, parking and landscaped portions of the subject parcel and be in line with the residential zoning designations that extend all of the way to John R on the east.

Based on the character of the land uses on the north and south portions of the properties that front on Big Beaver Road, the proposed zoning changes being requested for the subject parcel are both reasonable and acceptable. As a result, we would respectfully request that the Planning Commission offer a positive recommendation to City Council as outlined in this application.



4. PUBLIC HEARING - PROPOSED REZONING (Z-683) – Proposed Al Zouhayli Medical Office Building, North side of Big Beaver, West of John R, Section 23 – R-1E to P-1 (1.5 acres) & E-P (0.4 acres)

Mr. Savidant presented a summary of the Planning Department report for the proposed Al Zouhayli Medical Office Building.

Dave Donnellon, 2151 Livernois, stated he was the architect representing the owner of the property. In terms of the presentation that was just given he would recommend that that Commission look at Alternative “A” and the aerial photo. It is true that we are kind of mirroring what’s going on at the San Marino Club. In terms of the Land Use Plan, what we proposed is that E-P is a quality opportunity to separate business from residential. Although you do not have to have E-P adjacent to residential, he suggested to the owner that this is a benefit to the community.

Mr. Chamberlain asked what is the meaning of the diagonal lines on the drawing? What does that represent?

Mr. Donnellon replied, an underground pipeline and commented that this pipeline is beginning to impact this particular piece of property and the way you would be able to put houses on it. That’s another reason why we started to move the parking a little bit further back. We can utilize that area south of the pipeline and allow a little bit of that pipeline be the backsides of the lots, and then as you go further to the east, it could pick up and carry on and be more residential on the east side of our property.

Mr. Kramer asked, on the property between what’s controlled by the petitioner and the San Marino Club, if the P-1 zoning was extended on your property, that would pretty much lock in to the property to the east of your property as non-residential.

Mr. Donnellon replied it would. However, these are very narrow pieces of property.

Mr. Kramer asked, then what we’re looking at here is whether we want the northern end of those two (2) properties, the one before us tonight and the one to the east, to develop as non-residential. You could get in a double-loaded street if it stayed residential, but as you indicated, you would have residential backing up to more likely parking or O-1, without an E-P.

Mr. Donnellon replied, correct. Without the band of E-P it would require that the property to the east should be developed consistently so that the northern fifty (50) feet would be E-P and that E-P line would carry right through the San Marino Club down around to the west side of the subject parcel.

Mr. Waller asked, can you put any structure on top of the gas pipeline. Is a road a legitimate use above a pipeline?

Mr. Savidant replied that it is his understanding that you can place a road but not a building or a structure on top of it.

Mr. Waller stated that having that as a response, one of the things that would be potentially very difficult to do would be to develop residential lots in the northern area of the property. If the P-1 just goes straight across as shown in Alternative “A”, that potentially isolates some land on the south side of the diagonal pipeline that might make that particular area awfully hard to build in to meet Troy’s lot size and setbacks, etc.

Mr. Donnellon stated that’s especially true with the subject parcel although it’s less true with the parcel to the east. But in combination as you head further east, the so-called pattern that is already set to the east is kind of being spilled over just a little bit and we have the most difficult parcel to develop residentially. One or the other of these two patterns come into play.

Mr. Wright stated that if we were to follow Alternative “A” at least three (3) and possibly four (4) of those residential lots would be unbuildable because of that gas pipeline. He stated that he personally feels that it makes more sense the way the petitioner has presented it.

Public hearing opened and closed.

Mr. Chamberlain stated that there are a few alternatives that exist. One of the things he thought should have been brought to the Commission by either the petitioner or the City on Alternative “A” was how would you put a lot down in there off the roads built on the land to the west and develop this as single-family residential. If we need to do that or if we need that in our records, we need to table this. I’m not sure we need to table this because if we agree with the developer, his recommendation on how he wants to rezone this would probably fit better on this pipeline, we can go forward on that. If we are not for that and we look at Alternative “A”, he would want to have City Staff or someone look at how we would build this thing before we make a decision.

Mr. Kramer asked the petitioner about the E-P buffer he is proposing, is it consistent with the E-P size or depth that exists at the San Marino Club?

Mr. Donnellon replied, that’s correct.

Mr. Waller asked Mr. Donnellon about his drawing and that the petitioner shows that E-P starting at the eastern property line comes straight west and then is on a 45 degree down the pipeline boundary and then drops south before it turns and goes to the west edge. So that corner would be cut off and would be part of E-P?

Mr. Donnellon replied, that’s correct. Everything over the pipeline would be E-P.

Mr. Waller stated that means there’s even more area that could be used by the people behind.

Mr. Starr asked the petitioner if he knows approximately how large a building they could put on with Alternative “A” and how large a building on his recommendation?

Mr. Donnellon replied he believed it to be 15,000 square feet on Alternative “A” and 22,000 square feet on the submitted site plan.

Mr. Kramer asked if that limitation was based on the size of the lot and the setbacks or based on the parking?

Mr. Donnellon replied that it was based on the parking.

## RESOLUTION

Moved by Waller

Seconded by Pennington

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1E to P-1, being 1.5 acres in size, and to E-P, being 0.4 acres in size, rezoning request, located on the north side of Big Beaver Road and west of John R Road within Section 23, be granted as submitted by the petitioner and that the E-P run as indicated by the drawing dated 10-8-02, Rezoning Request, Dr. Kheir Al-Zouhayli, Option for North portion of property Remaining R-1E, Single Family Residential.

Mr. Littman stated that if we didn't do this rezoning as requested by the petitioner, we would end up with unbuildable land lots. He asked Mr. Savidant if he could bring to the Commission something that would show its potential of being developable, or is our assumption correct, that if we didn't rezone it, we would have useless pieces of land left? Useless in the sense that it wasn't buildable.

Mr. Savidant asked, is your question that we bring you a sketch to show you the build-up potential on that piece of property?

Mr. Littman replied, yes.

Mr. Savidant replied, we could. However, how much of it would be rendered unbuildable, we would have to wait and see what the sketch looked like based on the location of the pipeline.

Mr. Starr asked if in our motion, could we nail down that the E-P runs as drawing dated 10-8-02, Rezoning Request, Dr. Kheir Al-Zouhayli, Option for North portion of property Remaining R-1E, Single Family Residential indicates.

Mr. Chamberlain asked if Mr. Waller and Ms. Pennington agreed to that.

Mr. Waller and Ms. Pennington replied yes.

Mr. Kramer stated that because this is a recommendation to City Council, he would like to add to Mr. Waller's motion a couple reasons for our motion.

Mr. Waller and Ms. Pennington agreed.

## RESOLUTION

Moved by Waller

Seconded by Pennington

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1E to P-1, being 1.5 acres in size, and to E-P, being 0.4 acres in size, rezoning request, located on the north side of Big Beaver Road and west of John R Road within Section 23, be granted as submitted by the petitioner and that the E-P run as indicated by the drawing dated 10-8-02, Rezoning Request, Dr. Kheir Al-Zouhayli, Option for North portion of property Remaining R-1E, Single Family Residential for the following reasons:

That being that the E-P of this motion is consistent with the E-P area of the San Marino Club providing a future buffer to residential development to the north and the difficulty of developing the parcel as residential due to the pipeline crossing the northwest corner.

Yeas:

All present (9)

Nays:

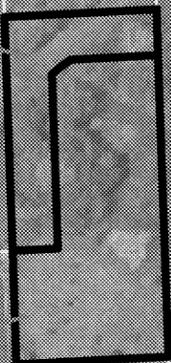
Absent

MOTION CARRIED

REZONING REQUEST  
R-1E TO P-1 & E-P  
PROPOSED AL ZOUHAYLI MED. OFFICE BLDG.  
N SIDE BIG BEAVER, WEST OF JOHN R  
SEC. 23 (Z-683))

REZONING REQUEST  
R-1E TO E-P

REZONING REQUEST  
R-1E TO P-1



LAKEWOOD DRIVE

FLOYD DRIVE

WALFORD AVENUE (VAC.)

PALLISTER STREET

BILLINGHAM AVENUE (VAC.)

BRONX AVENUE (VAC.)

ALGER AVENUE (VAC.)

BIG BEAVER ROAD

100 50 0 100 200 300 400 Feet



November 12, 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: PUBLIC HEARING-REZONING APPLICATION (Z-684) – M-1 to R-C, Big Beaver Business Park, West Side of Bellingham Road, South of Big Beaver Road and West of John R Road, Section 26.

RECOMMENDATION

The rezoning request to R-C is consistent with the City of Troy Future Land Use Plan and compatible with existing land uses and zoning districts. The 15.81-acre parcel across Bellingham to the east, was rezoned from M-1 Light Industrial to R-C Research Center on June 5, 2000. The application is consistent with this recent rezoning.

The Planning Commission recommended approval of the rezoning request on October 8, 2002. City Management concurs with the Planning Commission and recommends approval of the request to rezone the property from M-1 Light Industrial to R-C Research Center.

GENERAL INFORMATION

Name of Owner / Applicant:  
Liberty Property Trust.

Location of Subject Property:  
The property is located on the west side of Bellingham Road, south of Big Beaver Road and west of John R Road, section 26, (Sidwell 88-20-26-200-079).

Size of Subject Parcel:  
19.7 acres.

Current Use of Subject Property:  
The property is currently vacant.

Current Zoning Classification:  
M-1 Light Industrial District.

Proposed Zoning of Subject Parcel:  
R-C Research Center District.

Proposed Uses and Buildings on Subject Parcel:

The application states that the proposed uses will be “research, design, engineering and office uses in accordance with the principle permitted uses and uses subject to special conditions”. The proposed buildings will be “single and multi-story buildings similar in elevation to those existing within the park”.

The applicant has provided a Master Site Plan which includes three buildings on the property: a 37,300 square foot building, a 27,500 square foot office building and a building with a 38,400 square foot shop area and 52,100 square foot engineering office.

Current Use of Adjacent Parcels:

North: Industrial use.

South: Industrial use.

East: Office/research use.

West: Industrial use.

Zoning Classification of Adjacent Parcels:

North: M-1 Light Industrial.

South: M-1 Light Industrial.

East: R-C Research Center.

West: M-1 Light Industrial.

ANALYSIS

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

The range of uses permitted within the R-C Research Center District is less intense than the uses permitted within the M-1 Light Industrial District.

Vehicular and Non-motorized Access:

The property fronts on Bellingham. There is a 5-foot wide sidewalk on the east side of Bellingham.

Potential Stormwater and Utility Issues:

The applicant will be required to provide stormwater detention. No stormwater or utility issues are anticipated at this time.

Natural Features and Floodplains:

The Natural Features Map indicates that there are woodlands and wetlands in the southwest portion of the property.

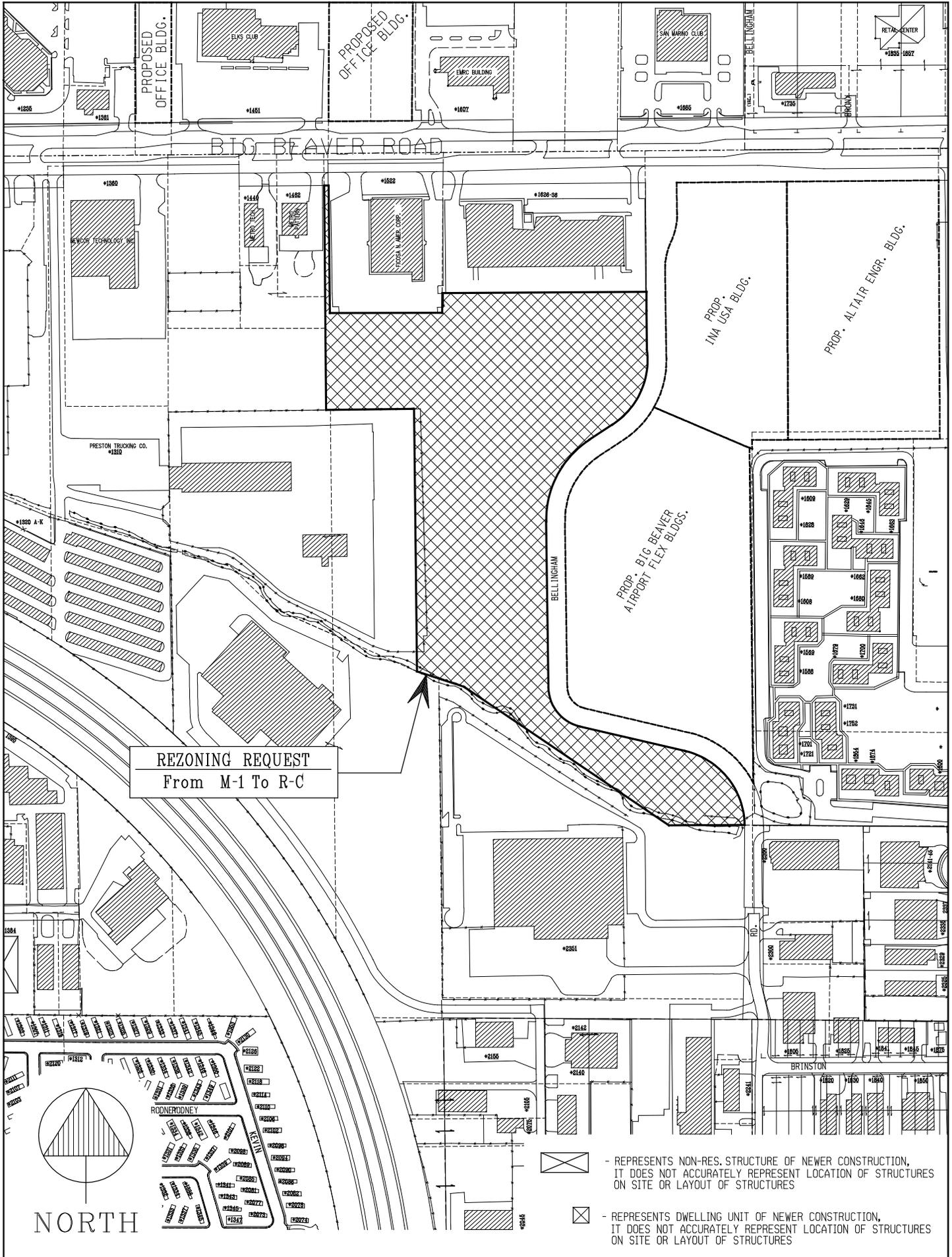
Compliance with Future Land Use Plan:

The Future Land Use Plan designates this area as Light Industrial/Research. The Research designation in the Future Land Use Plan correlates with the R-C Zoning District in the Zoning Ordinance.

cc: Applicant  
File (Z-#684)  
Planners (4)

# CITY OF TROY





REZONING REQUEST  
From M-1 To R-C

☒ - 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



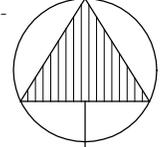
23

R-1D

R-1E

R-1C

REZONING REQUEST  
From M-1 To R-C



NORTH

CJ #16

I-75

I-75

BIG BEAVER ROAD

JOHN R ROAD

JOHN R ROAD

EAGLE

NIAGARA

COLUMBIA

OFFINGTON

CJ #16

# LIBERTY

## PROPERTY TRUST

September 10, 2002

Mr. Mark F. Miller  
Planning Director  
500 West Big Beaver Road  
Troy, Michigan 48084

Re: Preliminary Environmental Impact Statement  
Big Beaver Business Park – Parcel # 20-26-200-079

Dear Mr. Miller:

Liberty Property Trust will be petitioning the Troy City Planning Commission to amend the Troy Zoning Ordinance for the parcel listed above from M-1, Light Industrial to RC Research Center District. A Preliminary Environmental Impact Statement will be submitted to the Planning Department per the Zoning Ordinance 07.12.00.

Please present this proposal to the Troy City Council and ask them to consider our formal request to designate the remaining 18 acre site within the Big Beaver Business Park to a Research Center District. It is our belief that this rezoning effort will allow Liberty Property Trust to attract and direct future business residents that are significant members within the automation and high-tech community to this area.

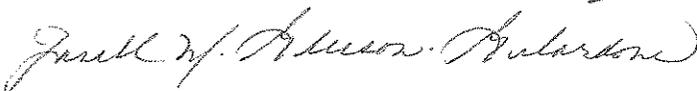
Presently, within the confines of the Big Beaver Business Park reside impressive businesses that have brought positive results to the area. Liberty Property Trust wishes to continue this tradition to maintain similar character and use. It has been our experience in the past two (2) years that the marketplace is not responding to the light industrial climate. Our strategy remains, that a change in zoning is appropriate to accommodate completion of this corporate park.

Liberty Property Trust and the City of Troy have been extremely successful working concurrently throughout these past years to achieve the desirable balance within the business community of beauty and function, an essential cornerstone on which the city is built. We look forward to continuing a mutually beneficial relationship in the near future.

We invite you to direct any questions or concerns related to this matter without hesitation. Should you be in need of further information, please contact our office.

Respectfully submitted,

Liberty Property Trust



Janell M. Gleeson-Gilardone  
Development Project Manager

5. PUBLIC HEARING - PROPOSED REZONING (Z-684) – Proposed Big Beaver Business Park, South side of Big Beaver, West of John, Section 26 – M-1 to R-C 19.7 acres

Mr. Savidant presented a summary of the Planning Department report for the proposed Big Beaver Business Park.

Mr. Storrs asked how does the Planning Department reconcile the additional loss of the M-1 zoning for future development? We've changed an awful lot of M-1 zoning to R-C. We don't have much M-1 left.

Mr. Savidant stated that it is true that it is a loss of 19 acres of M-1 light industrial; however, R-C is an industrial related zoning. It is compatible with M-1 in that respect.

Mr. Storrs stated his concern was that if we are going to try and provide a full range of jobs for the citizens of Troy, seems like we need some M-1.

Mr. Chamberlain stated that Mr. Storrs should visit our current M-1 that is built up and there are a tremendous amount of realty signs on them.

Mr. Storrs stated that we have an economic problem right now.

Mr. Chamberlain stated that's true; however, we still have a large quantity of M-1 regardless of whether this 19 or 20 acres goes away. Remember, it was an airport.

Mr. Waller stated that a waiver of a tree preservation plan apparently happened in 1999. Was there any provision in the ordinances of the City that this plan can be waived? If it's required when the ordinance was drafted, did it allow it to be waived?

Ms. Lancaster stated that the tree preservation plan falls within, basically, almost part of a Site Plan approval type of condition. In other words, if you had a requirement and you didn't comply with it, the Building Department would not have to give you a Certificate of Occupancy. Basically, it's not something that we deal with in terms, it's more or less a standard, it's not an ordinance as such, but it is a standard adopted by City Council. I am not sure altogether what this waiver includes. I imagine that a lot of the Tree Preservation Ordinances require deposits and tree tagging and making sure that certain requirements are met and possibly because of the site, it wasn't necessary in this particular case.

Mr. Waller stated that we recently had another circumstance where there was a waiver of a tree preservation plan and we also know that our tree preservation plan really is kind of misnamed because you go log them, make sure they are shown on a piece of paper, and then you cut them all down. So I just wanted to have this interchange made available for people who are interested.

Kevin Shay, 26957 Northwestern Highway #140, Southfield, stated he is the Regional Vice-President of Liberty Property Trust. The reason for the rezoning is to

broaden the opportunities for us to retain the strong industrial corporations that are already in Troy. We are here today in order to provide us the flexibility to keep some of those corporate headquarter type clients and engineering companies that need the combination between their headquarters and engineering and industrial uses in the same facility.

Mr. Waller stated there there's an interesting kind of tail on this request that goes off to the southeast. In the information that's given, you don't show it being used for a possible building and it's kind of like a teardrop that's been elongated. What are you going to do with that?

Mr. Shay stated that there is an easement that follows the creek, which is on the south side of the property, and that is a stand of trees. There really are no other trees on the property because it was an airport. That little teardrop is primarily in the flood plain. So, the only thing I could theoretically use part of it for would be parking. However, as a practical matter, there's very little I can do with it. I can't build a building on it. So it will most likely continue on forever as being what it is now.

Mr. Waller asked so it could be with trees, some picnic tables, it could be considered an amenity?

Mr. Shay agreed. That is something we had considered it for.

Public hearing opened and closed.

## RESOLUTION

Moved by Littman

Seconded by Kramer

RESOLVED, that the Planning Commission hereby recommends to the City Council that the M-1 to R-C rezoning request, being 19.7 acres in size, located on the south side of Big Beaver Road and west of John R Road within Section 26, be granted.

Yeas:

Vleck  
Wright  
Kramer  
Pennington  
Waller  
Chamberlain  
Littman  
Starr

Nays:

Storrs

Absent

Mr. Storrs stated he is concerned about the loss of M-1 zoning.

MOTION CARRIED

REZONING REQUEST  
M-1 TO R-C  
PROPOSED BIG BEAVER BUSINESS PARK  
S SIDE BIG BEAVER, WEST OF JOHN R  
SEC. 26 (Z-684))



REZONING REQUEST  
M-1 TO R-C

10050 0 100 200 300 400 Feet



A Regular Meeting of the Troy City Council was held Monday, November 4, 2002, in the Council Board Room at City Hall, 500 W. Big Beaver Road. Council Member Pallotta called the Meeting to order at 6:45 P.M.

## ROLL CALL

**PRESENT:** Mayor Matt Pryor (Absent)  
 Robin E. Beltramini  
 Cristina Broomfield  
 David Eisenbacher  
 Martin F. Howrylak (Arrived: 8:40 pm)  
 David A. Lambert  
 Anthony N. Pallotta

Chair

### Resolution to Excuse Mayor Pryor and Mayor Pro Tem

Resolution #2002-11-579  
 Moved by Lambert  
 Seconded by Eisenbacher

RESOLVED, That Mayor Pryor's absence be excused due to illness and Mayor Pro Tem Howrylak's absence be excused

Yes: All-5  
 No: None  
 Absent: Howrylak, Pryor

### **1 Suspend City Council Rules #5 and #15**

#### Suspend City Council Rules #5 - Order of Business

Resolution #2002-11-580  
 Moved by Eisenbacher  
 Seconded by Beltramini

RESOLVED, That the City Council suspend the Rules of Procedure #5, Order of Business, to allow for discussion on the Technical Review of Items on the Agenda of the November 4, 2002 Regular City Council Meeting. No decisions will be made.

Yes: All-5  
 No: None  
 Absent: Howrylak, Pryor

**Suspend City Council Rules #15 - Visitors**

Resolution #2002-11-581  
Moved by Eisenbacher  
Seconded by Beltramini

RESOLVED, That the City Council suspend the Rules of Procedure #15, Visitors, to eliminate visitor discussion on the Technical Review of Items on the Agenda of the November 4, 2002 Regular City Council Meeting.

Yes: All-5  
No: None  
Absent: Howrylak, Pryor

---

**2 Technical Review of Items on the Agenda of the November 4, 2002 Regular City Council Meeting. *No Decisions Will Be Made.***

**RECESS: 7:12 PM and Reconvened at 7:34 PM in the Council Chambers****INVOCATION AND PLEDGE OF ALLEGIANCE**

The Invocation was given by Councilman Pallotta and the Pledge of Allegiance to the Flag was given.

**PUBLIC HEARINGS**

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**C-1 Zoning Ordinance Text Amendment (ZOTA 193) – Article XXXIX – Environmental Provisions - Walls – 39.10.00)**

Resolution #2002-11-582  
Moved by Lambert  
Seconded by Pallotta

RESOLVED, That the revisions to Section 39.10.00 of the Troy Zoning Ordinance (ZOTA #193) regarding Environmental Provisions (Walls) as recommended by the Planning Commission is hereby **DENIED**; and

BE IT FURTHER RESOLVED, That City Management is directed to meet with the Planning Commission to propose alternative ordinance revisions regarding screen walls that would give the Planning Commission more authority in determining effective screening methods as part of the development plan approval process as delineated in the Memorandum from the City Manager, dated October 29, 2002.

Yes: All-5  
No: None  
Absent: Howrylak, Pryor

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**Presentation:** On behalf of the City of Troy, Council Member Pallotta presented Pamela Brady with a Proclamation declaring November 15, 2002 as America Recycle Day & Michigan Recycle Day.

**PUBLIC COMMENT:**

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**A. Items on the Current Agenda**

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**E-5 Approval of Contract with MDOT for Milling and Resurfacing of I-75 from 13 Mile to M-59 – Project No. 02.110.6**

Resolution #2002-11-583  
Moved by Beltramini  
Seconded by Broomfield

RESOLVED, That the contract between the Michigan Department of Transportation and the City of Troy for the milling and resurfacing work on I-75 from 14 Mile to Adams Road, is hereby **APPROVED** with an estimated cost to the City of Troy in the amount of \$29,300.00, and the Mayor and City Clerk are authorized to execute the agreement.

Yes: All-5  
No: None  
Absent: Howrylak, Pryor

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**F-8 Authority to Participate in Tax Litigation**

Resolution #2002-11-584  
Moved by Beltramini  
Seconded by Lambert

WHEREAS, The City of Southfield has requested the City of Troy to contribute an amount not to exceed \$10,000.00 to enable the City of Southfield to challenge the constitutionality of the State Statute (MCL 211.34d(1)(h)(iii)), which mandates decreases in taxable value for losses in occupancy; and

WHEREAS, Pursuant to WPW Acquisitions v. City of Troy, communities are precluded from positive adjustments due to increases in occupancy which exceed the property tax cap of Proposal A; and

WHEREAS, The Michigan Tax Tribunal is willing to hold all 2002 appeals involving the above referenced State Statute (MCL 211.34d(1)(h)(iii)) in abeyance until the conclusion of the Southfield litigation; and

WHEREAS, The City of Troy will receive at least bi-monthly updates on the status of the litigation from the attorneys representing the City of Southfield; and

WHEREAS, The City of Troy will receive a proportionate refund if the litigation is completed for less than \$150,000.00.

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy authorizes the expenditure of an amount not to exceed \$10,000.00 for participation in the City of Southfield's tax litigation challenging the constitutionality of the state statute that mandates decreases in taxable value for losses in occupancy.

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

**MOTION CARRIED**

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**B. Items Not on the Current Agenda**

**CONSENT AGENDA**

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**E-1 Approval of Consent Agenda**

Resolution #2002-11-585-E-1  
Moved by Beltramini  
Seconded by Eisenbacher

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-5 which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-5  
No: None  
Absent: Howrylak, Pryor

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**E-2 Minutes: Regular Meeting of October 21, 2002 and Special Meeting of October 21, 2002**

Resolution #2002-11-585-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of October 21, 2002 and the Minutes of the 6:45 PM Special Meeting of October 21, 2002 be **APPROVED** as submitted.

**E-3 City of Troy Proclamations**

Resolution #2002-11-585-E-3

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

- (a) Michigan Recycles Day in Troy – November 15, 2002
  - (b) Recognition of Shirley Darge – Lifetime Achievement Award Recipient
- 

**E-4 Private Agreement for Hanover Extension – Project No. 02.920.3**

Resolution #2002-11-585-E-4

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and RWT Building, LLC is hereby **APPROVED** for the installation of sanitary sewer, water main and paving on the site and in the adjacent right-of-way, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original Minutes of this meeting.

---

**E-6 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidders - Water System Materials**

Resolution #2002-11-585-E-6

RESOLVED, That contracts to provide one-year requirements of Water System Materials are hereby **AWARDED** to the lowest acceptable bidders meeting specifications, SLC Meter Service, Vanderlind & Son, Inc., East Jordan Iron Works, US Filter, Inc., and Etna Supply Company, at unit prices contained in the bid tabulation opened October 4<sup>th</sup>, 2002 at an estimated total cost of \$44,450.00, a copy of which shall be attached to the original Minutes of this meeting.

---

**E-7 SMART Dial-A-Ride Service Agreement**

Resolution #2002-11-585-E-7

RESOLVED, That the request that the City transfer Municipal Credit funds in the amount of \$76,084.00 and Community Credit funds in the amount of \$94,827.00 to SMART for the operation of Dial-A-Ride is hereby **APPROVED** and the Mayor and the City Clerk are authorized to execute the documents, and copies shall be attached to the original Minutes of this meeting.

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**E-8 Approval to Set a Public Hearing Date for the Brownfield Redevelopment Plan #3 Public Hearing**

Resolution #2002-11-585-E-8

RESOLVED, That the Troy City Council **APPROVE** the Public Hearing date and notice for Brownfield Plan #3, to be held on December 2, 2002.

**REGULAR BUSINESS**

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**F-1 Appointments to Boards and Committees: (a) Act 78 – Civil Service Commission; (b) Advisory Committee for Persons w/Disabilities; (c) Animal Control Appeal Board; (d) CATV Advisory Committee; (e) Ethnic Community Issues Advisory Committee; (f) Planning Commission; and (g) Troy Daze**

Resolution #2002-11-586  
 Moved by Eisenbacher  
 Seconded by Beltramini

RESOLVED, That the City Council take action on the following Act 78 Civil Service Commission temporary appointment at the Special City Council Meeting scheduled for Monday, November 11, 2002:

**Act 78 Civil Service Commission**

**Mayor, Approved by Council (1)- 6 years**  
**Police/Fire Departments (1) – 6 years**  
**Civil Service (1) – 6 years**

**Norman (Don) Michaelson**

**Term expires 4-30-2006**

Temporary replacement for up to one year

Yes: All-5  
 No: None  
 Absent: Howrylak, Pryor

**Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for November 18, 2002:**

**Advisory Committee for Persons w/Disabilities**

**Approved by Council (9)- 3 years**

**Term expires 7-01-2003 (Student)**

Leonard Bertin (Wishes to be reappointed)

Term expires 11-01-05

Angela Done (Wishes to be reappointed)

Term expires 11-01-05

Kul B Gauri (Wishes to be reappointed)

Term expires 11-01-05

**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 APPLICANTS**

| NAME          | DATE APPLIED | DATE SENT TO COUNCIL |
|---------------|--------------|----------------------|
| None on file. |              |                      |

**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              |

**CATV Advisory Committee**

Appointed by Council (7)- 3 years

**Michael J Farrug**

Term expires 11-30-2005

**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  |
| Monika Sata (Student) | July 01, 2003  |
| Penny Marinos         | Feb. 28, 2004  |
| W. Kent Voigt         | Feb. 28, 2004  |
| Bryan H. Wehrung      | Feb. 28, 2005  |

**INTERESTED APPLICANTS**

| NAME                  | DATE APPLIED           | DATE SENT TO COUNCIL |
|-----------------------|------------------------|----------------------|
| Butt, Shazad          | 7/13/00/6/26/01/5/2003 | 8/07/00 - 7/09/01    |
| Manzon, Alan          | 6/04/02/6/2004         | 6/17/02              |
| Minnick, Richard D II | 4/29/02/4/2004         | 5/06/02              |
| Powers, Brian M       | 10/15/02/10/2004       | 10/21/02             |

**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

**CURRENT MEMBERS**

| NAME             | TERM EXPIRES   |
|------------------|----------------|
| Anju C. Brodbine | Sept. 30, 2005 |
| Dhimant Chhaya   | Sept. 30, 2005 |
| Brian S Griffen  | Sept. 30, 2005 |
| Tom Kaszubski    | Sept. 30, 2005 |
| Victoria Lang    | Sept. 30, 2005 |

## INTERESTED APPLICANTS

| NAME            | DATE APPLIED     | DATE SENT TO COUNCIL |
|-----------------|------------------|----------------------|
| Haight, Melissa | 10/18/02/10/2004 | 11/04/02             |
| Hashmi, Amin    | 8/22/02          | 9/09/02              |
| Kuppa, Padma    | 5/21/02          | 9/09/02              |
| Shah, Oniell    | 8/07/02          | 9/23/02              |
| Robele, Hailu S | 10/22/02/10/2004 | 11/04/02             |

## 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 |              |                      |

## Troy Daze

Appointed by Council (9) – 3 years

William F Hall (Wishes to be reappointed)

Term expires 11-30-2005

Kessie Kaltsounis (Wishes to be reappointed)

Term expires 11-30-2005

Robert S Preston (Wishes to be reappointed)

Term expires 11-30-2005

## CURRENT MEMBERS

| NAME             | TERM EXPIRES  |
|------------------|---------------|
| Robert A Berk    | Nov. 30, 2003 |
| Sue Bishop       | Nov. 30, 2004 |
| Jim D Cyrulewski | Nov. 30, 2004 |
| Cecile Dilley    | Nov. 30, 2004 |

|                            |                |
|----------------------------|----------------|
| William F Hall             | Nov. 30, 2002  |
| Kessie Kaltsounis          | Nov. 30, 2002  |
| Cheryl Kaszubski           | Nov. 30, 2003  |
| Robert S Preston           | Nov. 30, 2002  |
| Jeffrey Stewart            | Sept. 30, 2003 |
| Richard L Tharp            | Nov. 30, 2003  |
| Jessica Zablocki (Student) | July 01, 2003  |

#### INTERESTED APPLICANTS

| NAME                 | DATE APPLIED           | DATE SENT TO COUNCIL |
|----------------------|------------------------|----------------------|
| Grinnell, Eric S     | 4/23/01                | 4/23/01              |
| Hashmi, Amin         | 8/22/02/8/2004         |                      |
| Huber, Laurie G      | 9/22/00/6/18/01/5/2003 | 9/22/00 - 7/09/01    |
| Kovacs, Meaghan      | 1/08/01/1/2003         | 1/22/01              |
| Pietron, Dorothy Ann | 7/10/01/7/2003         | 7/23/01              |
| Wells, Alexandra     | 8/22/02/8/2004         | 9/09/02              |

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### F-2 Closed Session

Resolution #2002-11-587  
 Moved by Broomfield  
 Seconded by Beltramini

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

Yes: All-5  
 No: None  
 Absent: Howrylak, Pryor

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### F-3 Environmental Infrastructure Fund Reimbursement

Resolution #2002-11-588  
 Moved by Lambert  
 Seconded by Broomfield

WHEREAS, Oakland County has established an Environmental Infrastructure Fund Program to assist Oakland County municipalities; and

WHEREAS, This Environmental Infrastructure Fund Program authorizes Oakland County municipalities to be reimbursed for eligible expenses incurred in connection with environmental improvements relating to ground and/or surface water, water supply, sewer and/or drainage systems and/or water pollution control efforts incurred as part of a municipal road project; and

WHEREAS, The City of Troy is seeking reimbursement for eligible projects under Oakland County's Environmental Infrastructure Fund Program; and

WHEREAS, The City of Troy is committed to implementing the storm drainage improvements listed as part of the Master Storm Drainage Plan Update prepared by Hubbell, Roth and Clark, Inc.

NOW, THEREFORE, BE IT RESOLVED, That the reimbursement from the Oakland County Environmental Infrastructure Fund Program will be dedicated to the Capital Drains account to fund the projects listed as part of the Master Storm Drainage Plan Update.

Yes: All-5  
No: None  
Absent: Howrylak, Pryor

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**F-4 Revision to Chapter 78 Regarding Residential Development Entranceway Signs**

Resolution #2002-11-589  
Moved by Eisenbacher  
Seconded by Beltramini

RESOLVED, That an amendment to Section 7.01.01 of Chapter 78 of the City Code, Signs in Right-of-Way, is hereby **APPROVED**, and a copy shall be attached to and made a part of the original Minutes of this meeting.

Yes: All-5  
No: None  
Absent: Howrylak, Pryor

**Mayor Pro Tem Howrylak arrived at 8:40 PM.**

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**F-5 In-House Web Hosting**

Resolution #2002-11-590  
Moved by Beltramini  
Seconded by Lambert

RESOLVED, That the project for In-house Web Hosting is hereby **APPROVED** including associated vendors/contracts and costs as contained in Appendix A at an estimated total project cost of \$66,529.00 with recurring annual estimated costs of \$18,535.00, a copy of which shall be attached to the original Minutes of this meeting.

Yes: All-6  
No: None  
Absent: Pryor

**F-6 Annual Banquets**

Resolution #2002-11-591

Moved by Lambert

Seconded by Broomfield

RESOLVED, That Mayor Pro Tem Martin Howrylak will act as Chairperson and official host and master of ceremonies that evening and work with the Community Affairs Department to ensure a first class event for the Annual 2002 Boards & Committees Appreciation Banquet (March 1, 2003); and

BE IT FURTHER RESOLVED, That Council Member Robin Beltramini will act as Chairperson and official host and master of ceremonies that evening and work with the Community Affairs Department to ensure a first class event for the Annual Fire Fighters Appreciation Banquet (May 17, 2003).

Yes: All-6

No: None

Absent: Pryor

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**F-7 Recognition as a Nonprofit Organization Status from Standard Federal Bank for the Purpose of Obtaining a Charitable Gaming License**

Resolution #2002-11-592

Moved by Lambert

Seconded by Eisenbacher

RESOLVED, That the request from the Standard Federal Bank, Michigan, County of Oakland, asking that the Don Bush Children's Fund be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming licensed be **APPROVED** as recommended by City Management.

Yes: All-6

No: None

Absent: Pryor

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**F-9 Cost Share for Dredging Detention Basin**

Resolution #2002-11-593

Moved by Beltramini

Seconded by Broomfield

RESOLVED, That the City of Troy will **SHARE** equally with the City of Sterling Heights the cost of removing approximately 23,000 cubic feet of sediment to restore the capacity of a detention basin located southeast of the intersection of Long Lake and Dequindre in Sterling Heights that receives flow from the Nelson and Gibson Drains located in Sections 11, 12, and 13 in the City of Troy. The City of Troy's share of the estimated \$975,000.00 cost including construction engineering, inspection, testing and contingency would be 50% of the project cost not to

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exceed \$487,500.00. Funds are available for the City' of Troy's share of this project in the 2002/03 Capital Drains Fund, account number 401516.7989.1000. The Drains Fund would be reimbursed from the City of Troy's share of Oakland County's Environmental Infrastructure Fund.

Yes: All-6  
No: None  
Absent: Pryor

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#### **F-10 Engineering Proposal for Sylvan Glen Golf Course Streambank Stabilization**

Resolution #2002-11-594  
Moved by Beltramini  
Seconded by Lambert

WHEREAS, Hubbell, Roth & Clark in accordance with the general engineering contract, was authorized by City Council Resolution No. 2002-06-379, dated June 17, 2002 to provide engineering services to the City of Troy; and

WHEREAS, There is a need to investigate the choices for stabilizing the Streambank areas for the Sylvan Glen Golf Course to help reduce the erosion and sediment.

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy is providing **AUTHORIZATION** to proceed with the engineering proposal from Hubbell, Roth & Clark to prepare the study and Streambank stabilization alternatives for the Sylvan Glen Golf Course at a cost of \$36,212.40 plus an additional 10% of the project cost for contingencies.

Yes: All-6  
No: None  
Absent: Pryor

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#### **F-11 Coolidge Road Reconstruction Project, Maple Road to South City Limits – Fourth Addendum to Contract – Grand Sakwa Consent Judgment – Project No. 00.112.3**

Resolution #2002-11-595  
Moved by Lambert  
Seconded by Eisenbacher

RESOLVED, That Addendum No. 4 – Coolidge Road Reconstruction Project, Maple Road to South City Limits, is hereby **APPROVED** in the amount of \$125,329.88 and that Grand Sakwa and the City of Troy will share \$3,743,185.28 equally since Grand Sakwa has agreed to pay for half the cost of various items in the addendums and increase the equal cost sharing cap to this amount. The final cost to Grand Sakwa, therefore, is half of \$3,743,185.28 and equals \$1,871,592.64. The final City of Troy cost is \$1,871,592.64 plus \$187,677.66, which are all actual costs over the cap, for a grand total of \$2,059,270.30. Funds are available in the 2002-2003 Major Road Capital budget for this project.

Yes: All-6  
No: None  
Absent: Pryor

**COUNCIL COMMENTS/REFERRALS**

**REPORTS AND COMMUNICATIONS**

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**G-1 Minutes – Boards and Committees:**

- (a) Troy Daze/Final – August 20, 2002
- (b) Police and Fire Commission (Act 78)/Final – September 10, 2002
- (c) Library Advisory Board/Final – September 12, 2002
- (d) Parks and Recreation Advisory Board/Draft – October 10, 2002
- (e) Library Advisory Board/Draft – October 17, 2002
- (f) Traffic Committee/Final – October 16, 2002

Noted and Filed

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**G-2 Department Report**

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**G-3 Announcement of Public Hearings:**

- (a) Rezoning Application (Z-684) – M-1 to R-C – Big Beaver Business Park, West Side of Bellingham Road – South of Big Beaver Road and West of John R Road – Section 26 – Scheduled for November 18, 2002
- (b) Rezoning Application (Z-683) – R-1E to P-1 and E-0 – Al-Zouhayli Office Building – North Side of Big Beaver between Rochester Road and John R Road – Section 23 - Scheduled for November 18, 2002

Noted and Filed

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

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**G-5 Letters of Appreciation:**

- (a) Thank You Note From Mrs. Reynolds – Woodland Elementary School to Chief Craft Thanking K-9 Officers Klute & Barrows for Sharing Their Knowledge and Experience with Her First Grade Students
- (b) Letter to Police Chief Charles Craft from Fire Chief William Nelson in Appreciation of the Police Department's Participation in the City of Troy's Fire Prevent Open House with Special Recognition Given to K-9 Officers Klute and Cole and Community Services Section Officer Dan Clark
- (c) Letter to Traffic Division-52-4 District Court from Laura Mertens Thanking Officer William McCabe for His Life-Saving Advice
- (d) Letter from Joyce von Drehle to the Parks & Recreation Department Thanking Them for the Wonderful Plantings Displayed Around the City
- (e) Letter from David J. Gariepy, Roseville Resident, Thanking John Abraham and DPW for Lowering the Street Sign on the Northeast Corner of Maple Road and Maple Lawn so That the Walk Signal is More Clearly Visible
- (f) Letter from Douglas W. Mills, IAFCI Chapter President to Chief Craft Thanking Officers Jay Reynolds and Kirk Linton for Their Participation at This Year's IAFCI Training Conference
- (g) E-mail from Bobby Barrow – District Sales Manager, National Sign and Signal Company Thanking John Abraham for the Professional Manner in Which He Ran the ¼ Meeting – ITS MI

Noted and Filed

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**G-6 Calendar**

Noted and Filed

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**G-7 Memorandum – Re: Summer Concert Series**

Noted and Filed

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**G-8 Memorandum – Re: EDS v. Troy, Auburn Hills, Flint Twp., Buena Vista Twp.**

Noted and Filed

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**G-9 Press Release – Re: The Troy Fire Department Earns Its Sixth Consecutive Life Safety Achievement Award**

Noted and Filed

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**G-10 Memorandum (Green): Re: Mayor's Exchange**

Noted and Filed

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**G-11 Memorandum - Re: Liquor Compliance Inspections**

Noted and Filed

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**G-12 Memorandum (Green) - Re: Loan of Art Works to Hope College**

Noted and Filed

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**G-13 Memorandum - Re: Leaf Collection Program**

Noted and Filed

**G-14 Memorandum (Green) - Re: Skate Park Funding**  
Noted and Filed

**PUBLIC COMMENT**

The meeting adjourned at 9:10 pm

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Council Member Anthony Pallotta, Chair

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Tonni L. Bartholomew - City Clerk

A Special Meeting of the Troy City Council was held Monday, November 11, 2002, at City Hall, 500 W. Big Beaver Road. Acting Mayor Tony Pallotta called the Meeting to order at 7:40 PM.

## **ROLL CALL**

**PRESENT:** Mayor Matt Pryor (Arrived: 7:50 PM)  
Robin E. Beltramini  
Cristina Broomfield  
David Eisenbacher  
Martin F. Howrylak (Arrived: 7:52 PM)  
David A. Lambert  
Anthony N. Pallotta

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### **2 Goals and Objectives Presentation**

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### **1 Appointment of Temporary Civil Service Commissioner (Act 78 Board)**

Resolution #2002-11-596  
Moved by Pallotta  
Seconded by Broomfield

RESOLVED, That Norman (Don) Michaelson is hereby **APPOINTED** by the Mayor and confirmed City Council to serve on the Act 78 Civil Service Commission for a Temporary replacement for David Cannon for a temporary term for up to one year to expire on or prior to November 16, 2003.

Yes: All 7

## **BREAK**

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### **3 Proposed Zoning Ordinance Text Amendment –R-1A and R-1B, Open Space Preservation**

## **PUBLIC COMMENT**

## **ADJOURN**

The meeting adjourned at 11:03 PM.

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Matt Pryor, Mayor

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

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**PROCLAMATION OF RECOGNITION**  
**Ryan McAward**

**WHEREAS**, The Boy Scouts of America, founded on February 10, 1910, is a vital force in the development of our youth through programs that encourage members to do things for themselves and others and its mission to train future leaders; and

**WHEREAS**, The Eagle Scout Award is the highest achievement within the Boy Scouts and only 2 percent of all Scouts obtain the rank of Eagle Scout; and

**WHEREAS**, Troy resident **Ryan McAward**, obtained 28 Merit Badges in his quest to become an Eagle Scout; and

**WHEREAS**, For his **Eagle Scout Award** project, **Ryan** executed a towel drive at Leonard and Martell Elementary Schools where he collected 403 towels for the Macomb County Rotating Emergency Shelter Team (McRest). He also organized a game night at St. Blasé Catholic Church in Sterling Heights for the clients of McRest. He supervised 31 people for this project; and

**WHEREAS**, **Ryan**, has held many positions in his Boy Scout Troop 1707, including Junior Assistant Scout Master, Senior Instructor, Chaplain Aid, Patrol Leader and Assistant Patrol Leader. **Ryan** received Polar Bear, Crime Prevention and Pedro Trail honors from his troop; and

**WHEREAS**, **Ryan**, a senior at Troy High School, is currently involved with the Congressional Youth Leadership Conference. He also held positions and received honors from Hugh O'Brian Youth Leadership, the American Legion Boys State, Teens Taking Action, the Troy Theatre Ensemble, Student Government (7 years), Symphony Band, Ski Club, the Troy High School Marching Band, and the National Honor Society; and

**WHEREAS**, Affiliated with St. Thomas Lutheran Church in Sterling Heights, **Ryan** plans to attend college and study Pre-Law; and

**NOW, THEREFORE, BE IT RESOLVED**, That the City Council of the City of Troy extends special recognition to **Ryan McAward** for earning his **Eagle Scout Award**; and

**BE IT FURTHER RESOLVED**, That the Troy City Council and the Citizens of Troy admire **Ryan McAward** for using his talents for the betterment of his community.

Presented this 18<sup>th</sup> day of November 2002.

**NATIONAL BIBLE WEEK  
NOVEMBER 24 – DECEMBER 1, 2002**

**WHEREAS**, The Bible is the foundational document of the Judeo-Christian principles upon which our nation was formed; and

**WHEREAS**, The Bible has been a constant source of moral and spiritual guidance for many Americans throughout the centuries; and

**WHEREAS**, The Bible has profoundly influenced our nation's art, literature, music, and codes of law; and

**WHEREAS**, The Bible has motivated many acts of compassion and charity; and

**WHEREAS**, The Bible continues to provide inspiration, hope, comfort and spiritual guidance for millions of Americans today; and

**WHEREAS**, For 62 years women and men of many faiths have banded together with the National Bible Association to sponsor National Bible Week as a time to be reminded of the Bible's unique place in American life; and

**WHEREAS**, This annual celebration has strengthened spiritual understanding throughout our nation by encouraging reading of the Bible;

**NOW, THEREFORE, BE IT RESOLVED**, That the City Council of the City of Troy does hereby proclaim November 24 - December 1, 2002 as **Bible Week** in the City of Troy, and encourage interested citizens to participate in this observance.

Signed this 18<sup>th</sup> day of November 2002.

**PROCLAMATION  
CHRISTIAN HERITAGE WEEK  
NOVEMBER 24, 2002**

WHEREAS, Our Founders knew that America's experiment in ordered liberty could not succeed unless the American people remained mindful of God's blessings and faithful to His will; and

WHEREAS, We are proud of the numerous faiths woven through the rich fabric of our City; and

WHEREAS, In America, people of many cultures are free to practice their own religion; and

WHEREAS, The week of Thanksgiving is an appropriate time to recall the source of our freedoms and appreciate the opportunity to pursue justice, peace, and prosperity; and

WHEREAS, In recognition of the significance of this time of year to Christian and other people of faith, and in tribute to the significant contributions made by Christian philosophy and ethics to our nation.

NOW, THEREFORE, BE IT RESOLVED, That November 24-30, 2002 is hereby proclaimed as Christian Heritage Week in the City of Troy.

BE IT FURTHER RESOLVED, That the City of Troy urges all citizens to observe this week by joining members of all faiths and creeds in seeking divine guidance for our leaders, our country, and ourselves.

Signed this 18<sup>th</sup> day of November 2002.

**HOMELESS AWARENESS WEEK  
NOVEMBER 17 – 23, 2002**

**WHEREAS**, There are men, women, and children in Michigan everyday who do not have a place to call home; and

**WHEREAS**, The average age of a homeless person in the United States today is nine years old; and

**WHEREAS**, **Homeless Awareness Week** is an awareness program developed by the Michigan Coalition Against Homelessness partnering with the Michigan Homeless Assistance Advisory Board and the Michigan State Housing Development Authority; and

**WHEREAS**, There are many ways for individuals in every community to help combat the problem of homelessness in our state including donating money, food, clothing and volunteering; and

**WHEREAS**, The theme of this year's **Homeless Awareness Week** is "Doing More to End Homelessness;"

**NOW, THEREFORE, BE IT RESOLVED**, That the City Council of the City of Troy does hereby proclaim November 17 - 23 as **Homeless Awareness Week** in the City of Troy, and encourage citizens to give of their time and money to help battle the homelessness situation in Michigan.

Signed this 18<sup>th</sup> day of November 2002.

**PROCLAMATION  
ON THE GRAND OPENING OF  
COMMUNITY MEDIA NETWORK'S NEW TV STUDIO**

**WHEREAS**, The Oakland County Cable Communications Corporation was formed as a nonprofit organization in 1983, and was renamed **Community Media Network (CMN)** in 1999 when it assumed the management of Public Access training and programming; and

**WHEREAS**, Since that time, the quantity and quality of media resources have improved steadily for residents of eleven southeastern Michigan cities, including Auburn Hills, Berkley, Clawson, Ferndale, Huntington Woods, Oakland Township, Pleasant Ridge, Rochester, Rochester Hills, Royal Oak and Troy; and

**WHEREAS**, In 1999, **CMN** tackled its mission with a single location and staff of three. It has grown to two television production facilities and a staff of seven, serving over 120,000 households with two cable franchises; and

**WHEREAS**, In 2001, **CMN** opened the second production studio, editing and equipment checkout facility on the campus of Oakland University. Today, it officially declares its new studio and conference room in Troy "Open for Operation;" and

**WHEREAS**, The Board of Directors and staff of **CMN** strive to fulfill their mission "To empower individuals and organizations by working to advance the use, development and support of community media resources."

**NOW THEREFORE BE IT RESOLVED**, That the City Council of the City of Troy does hereby congratulate **Community Media Network** on the opening of this second facility to serve district of eleven communities including the citizens of Troy; and

**BE IT FURTHER RESOLVED**, That the City Council of the City of Troy does hereby express its sincere appreciation for **Community Media Network's** efforts to increase public access to its services and offer an invaluable communication outlet to promote the active exchange of information and ideas via cable television.

Presented this 8<sup>th</sup> day of November 2002.

**PROCLAMATION  
NATIONAL CHILDREN'S BOOK WEEK  
November 18–24, 2002**

**WHEREAS**, The Troy Public Library in conjunction with the Children's Book Council is celebrating the 83<sup>rd</sup> Annual National Children's Book Week; and

**WHEREAS**, National Children's Book Week promotes reading books and literacy to nurture young people and to give them a view of the world; and

**WHEREAS**, the theme for this year's National Children's Book Week is "Book Time"; and

**WHEREAS**, a special week of activities for our residents has been planned at the Troy Public Library to celebrate National Children's Book Week, including a Curious George party, Family Story Time, Samantha's American Girl Tea Party, Bookmark Contest, and the Gift of Reading book drive; and

**WHEREAS**, Troy Public Library recognizes that children are a priority in the community and that reading is an important stepping stone to kids becoming active members of society.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Troy, does hereby proclaim the week of **November 18–24, 2002** as National Children's Book Week in the City of Troy and urge all citizens to visit the Troy Public Library during this week to participate in programs, donate books, and introduce children they know to the written word.

Signed this 18th day of November 2002.

TO: Honorable Mayor and City Council

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

RE: City of Troy Investment Policy & Establishment of Investment Accounts

DATE: November 5, 2002

The current Investment Policy was initially approved in November, 1999 and each year thereafter with the stipulation that it be reviewed and approved annually by City Council.

The current policy has served us well during the past year and is in compliance with Act 20 PA 1943, as amended, therefore I'm not requesting any changes at this time and recommend that the City Council approve the City of Troy Investment Policy for another year.

I would also like to update our resolution authorizing the establishment of investment accounts at the following institutions: Bank One, Citizens Bank, Comerica Bank, Fifth Third Bank, Flagstar Bank, Huntington National Bank, Merrill Lynch, Michigan Class-MBIA, Midwest Guaranty Bank, National City Bank, Republic Bank, Salomon Smith Barney and Standard Federal Bank

.

**CITY OF TROY INVESTMENT POLICY**  
To Comply with Act 20 PA 1943, as amended

**Purpose:** It is the policy of the City of Troy to invest its funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow needs of the City and comply with all State statutes governing the investment of public funds.

**Scope:** This investment policy applies to all financial assets of the City. These assets are accounted for in the various funds of the City and include the general fund, special revenue funds, debt service funds, and capital project funds (unless bond ordinances and resolutions are more restrictive), enterprise funds, internal service funds, trust and agency funds, and any new fund established by the City.

**Objectives:** The primary objectives, in priority order, of the City's investment activities shall be:

Safety – Safety of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to insure the preservation of capital in the overall portfolio.

Diversification – The investments will be diversified by security type and institution in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

Liquidity – The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

Return on Investment – The investment portfolio shall be designed with the objective of obtaining a rate of return throughout the budgetary and economic cycles, taking into account the investment risk constraints and the cash flow characteristics of the portfolio.

**Delegation of Authority to Make Investments:** Authority to manage the investment program is derived from the following: City of Troy City Council's most current resolution establishing investment accounts (2001-11-560-E-3). Management responsibility for the investment program is hereby delegated to the City of Troy Assistant City Manager/Finance and Administration who shall establish written procedures and internal controls for the operation of the investment program consistent with this investment policy. Procedures should include references to safekeeping, cash purchase or delivery vs. payment, investment accounting, repurchase agreements, wire transfer agreements, collateral/depository agreements

and banking service contracts. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Assistant City Manager/Finance and Administration. The Assistant City Manager/Finance and Administration shall be responsible for all transactions undertaken and shall establish a system of controls. The Investment Policy shall be reviewed and approved by the City Council annually.

**List of Authorized Investments:** The Assistant City Manager/Finance and Administration is limited to investments authorized by Act 20 of 1943, as amended, and may invest in the following:

- (a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.
- (b) Certificates of deposit, savings accounts, deposit accounts, or depository of a financial institution. Authorized depositories shall be designated by the City of Troy City Council.
- (c) Commercial paper rated at the time of purchase within the two highest classifications established by not less than two standard rating services and that matures not more than 270 days after the date of purchase.
- (d) Repurchase agreements consisting of instruments listed in (a).
- (e) Bankers' acceptances of United States banks.
- (f) Obligations of this state or any of its political subdivisions that at the time of purchase are rated investment grade by not less than one standard rating service.
- (g) Investment pools through an interlocal agreement under the urban cooperation act of 1967, 1987 (Ex Sess) PA 7, MCL 124.501 to 124.512
- (h) Investment pools organized under the surplus funds investment pool act, 1982 PA 367, 129.111 to 129.118.
- (i) The investment pools organized under the local government investment pool act, 1986 PA 121, MCL 129.141 to 129.150.

**Safekeeping and Custody:** All security transactions, including collateral for repurchase agreements and financial institution deposits, entered into by the Assistant City Manager/Finance and Administration may be on a cash basis or a delivery vs. payment basis as determined by the Assistant City Manager/Finance and Administration. Securities may be held by a third party custodian designated by the Assistant City Manager/Finance and Administration and evidenced by safekeeping receipts as determined by the Assistant City Manager/Finance and Administration.

**Prudence:** Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment,

considering the probable safety of their capital as well as the probable income to be derived.

G:\My Documents\JOHN L\2001\Investment Policy.doc

November 11, 2002

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager  
 Gary A. Shripka, Assistant City Manager/ Services  
 Jeanette Bennett, Purchasing Director  
 William Need, Public Works Director

Subject: Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder  
 One (1) 3.5 Cubic Yard Front End Loader With Four Wheel Drive –  
 Less Trade-In

### **RECOMMENDATION**

The Motor Pool Division recommends that City Council award a contract to purchase one (1) Front End Loader, with Four Wheel Drive, to the lowest acceptable bidder meeting specifications, Wolverine Tractor & Equipment, at an estimated cost of \$146,200.00, less trade-in of \$16,000.00 for the 1982 John Deere Model 644C, for an estimated net total cost of \$130,200.00.

### **EXPLANATION OF BIDS NOT MEETING SPECIFICATIONS**

The bid from Munn Tractor did not meet specifications for the following reasons:

The New Holland model LW 170 Diesel Engine is rated at 170 net horsepower, Drive Train 4X4 Torque Proportion, 20.5X25 tires, break out force is rated at 29,542 lbs & dump height is 9'2". A 180 net horsepower engine, drive train to be limited slip, 23.5X25 tires, a break out force of 30,000 lbs and a dump height of not less than 9'5" were specified.

The bids from AIS Construction Equipment Co. did not meet specifications for the following reasons:

The Komatsu model WA320-3 Diesel Engine is rated at 162 net horsepower, 20.5X25 tires & break out force is rated at 27,560lbs. A 180 net horsepower engine, 23.5X25 tires & a break out force of 30,000lbs were specified. The primary bid submitted by AIS for the Komatsu model WA 380-3 was quoted with torque proportioning axles. Limited slip axles were specified and are available on this unit. The dealer later stated that the reason he bid torque proportioning axles was he had a loader in stock that met specifications, with the exception of the limited slip axles. Another bid submitted by the dealer for a Komatsu Model WA 380-3 was for used equipment, which exceeded the net bid price of the recommended vendor.

The two loaders not meeting specifications listed above (New Holland model LW170 & Komatsu model WA320-3) are not equal to the models the specification is written around. Both loaders are smaller/lighter models than specified. Both manufactures have loader models that meet and or exceed the bid specifications but chose to bid a smaller unit so they would be price competitive.

November 11, 2002

To: The Honorable Mayor and City Council  
Re: Bid Award – Front End Loader less Trade-In

**REASONS (dump height, tires, axles & engine size)**

The loader must be of adequate size to rapidly load dump trucks with road gravel, fill sand, broken concrete, salt, etc. The height of a standard 10-12 yard dump truck is 9' 3" the loader must be capable of filling the dump box and heaping it in the center. Also tire size is important for stabilization of the loader when stockpiling and carrying heavy loads in the bucket. Limited slip axles will provide the same traction to both the front and rear tires, to assist the loader in stockpiling activities by preventing unstable conditions. Adequate engine horsepower is needed not only to load trucks but also when stockpiling materials and to operate the hydraulics without decreasing stockpiling capabilities.

**BUDGET**

Funds are available in the Motor Pool Division Capital Account #565.7981

19 Bids Sent

4 Bids Rec'd

4 Bids did not meet specifications

10 Bidders sent no response

3 No Bids: (1) Vendor not able to get municipal discounts when out of area of responsibility.  
(2) Vendors do not handle the type of product bid.

Prepared by: Samuel P. Lamerato, Superintendent of Motor Pool

Opening Date -- 10-22-02  
 Date Prepared -- 11/11/02

CITY OF TROY  
 BID TABULATION  
 FRONT END LOADER WITH FOUR WHEEL DRIVE  
 LESS TRADE-IN

| VENDOR NAME: |  | * WOLVERINE   | MICHIGAN CAT | CONTRACTORS         |
|--------------|--|---------------|--------------|---------------------|
|              |  | TRACTOR &     |              | MACHINERY           |
|              |  | EQUIPMENT     |              |                     |
| QTY.         | DESCRIPTION  | PRICE         | PRICE        | PRICE               |
| 1 EA         | 3.5 Cubic Yard Front End Loader, Four Wheel Drive, articulated in accordance with the specs, including 1 set of extra filters<br><b>COMPLETE FOR THE SUM OF:</b> | * \$ 146,200  | \$ 156,270   | \$ 148,997          |
|              | QUOTING ON:  | 821C          | 950G         | L120E               |
|              | MANUFACTURED BY:   | CASE          | CAT          | VOLVO               |
| <b>LESS:</b> | TRADE-IN   |               |              |                     |
| 1 EA         | 1982 John Deere Model 644C<br>Serial #402831   | * \$ (16,000) | \$ (15,000)  | \$ (6,500)          |
|              | NET TOTAL:   | * \$ 130,200  | \$ 141,270   | \$ 142,497          |
|              | SERVICE FACILITY: Location   | SOUTHFIELD    | SHELBY       | OAK PARK            |
|              | Miles from Troy  | 15            | 15           | 10                  |
|              | DELIVERY:  | 75 DAYS ARO   | 60 DAYS ARO  | 60-90 DAYS ARO      |
|              | TERMS:   | NET 30        | NET 30       | NET CASH ON INVOICE |
|              | WARRANTY:  | AS SPEC       | AS SPEC      | AS SPEC             |
|              | EXCEPTIONS:  | NONE          | BLANK        | NONE                |

**DMS: (See Appendix I for reasons)**

|   |
|---|
| Munn Tractor Sales, Inc - Net Total \$112,000       |
| AIS Construction Equipment Co - Net Total \$129,300 |
| Alternate Bid #1 - Net Total \$131,700              |
| Alternate Bid #2 - Net Total \$106,600              |

\* DENOTES LOWEST ACCEPTABLE BIDDER

**NO BIDS:**  
Northern Michigan Equipment  
Burke Equipment Company  
Michigan Skid Loader Inc

\_\_\_\_\_  
 Jeanette Bennett  
 Purchasing Director

Opening Date -- 10-22-02  
 Date Prepared -- 11/11/02

CITY OF TROY  
 BID TABULATION  
 FRONT END LOADER WITH FOUR WHEEL DRIVE  
 LESS TRADE-IN

|              |  |                |  |  |
|--------------|--|----------------|--|--|
| VENDOR NAME: |  | RUSH EQUIPMENT |  |  |
|              |  | CENTER         |  |  |
| <b>QTY.</b>  | <b>DESCRIPTION</b>   | <b>PRICE</b>   |  |  |
| 1 EA         | 3.5 Cubic Yard Front End Loader, Four Wheel Drive, articulated in accordance with the specs, including 1 set of extra filters<br><b>COMPLETE FOR THE SUM OF:</b> | \$ 161,093     |  |  |
|              | QUOTING ON:  | 644H           |  |  |
|              | MANUFACTURED BY:   | JOHN DEERE     |  |  |
| <b>LESS:</b> | TRADE-IN   |                |  |  |
| 1 EA         | 1982 John Deere Model 644C<br>Serial #402831   | \$ (12,000)    |  |  |
|              | NET TOTAL:   | \$ 149,093     |  |  |
|              | SERVICE FACILITY: Location   | TROY           |  |  |
|              | Miles from Troy  | 3.5            |  |  |
|              | DELIVERY:  | 45 DAYS        |  |  |
|              | TERMS:   | NET 15 DAYS    |  |  |
|              | WARRANTY:  | AS SPEC        |  |  |
|              | EXCEPTIONS:  | BLANK          |  |  |
|              |  |                |  |  |
|              |  |                |  |  |

**ATTEST**

Cheryl Morrell  
 William Need  
 Linda Bockstanz

# APPENDIX I

## 3.5 Cubic Yard Front End Loader, Four Wheel Drive, Articulated

|                      | Dealer Name                 | Primary Bid | Alternate #1 | Alternate #2 | Wolverine   | Mich. Cat.  | Cont. Mach. | Rush Equip. |             |
|----------------------|-----------------------------|-------------|--------------|--------------|-------------|-------------|-------------|-------------|-------------|
|                      | Make                        | AIS Const.  | AIS Const.   | AIS Const.   | Case        | Cat         | Volvo       | John Deere  |             |
|                      | Model                       | Komatsu     | Komatsu      | Komatsu      | 821 C       | 950 G       | L 120       | 644 H       |             |
|                      | Specifications Req.         | Munn Ford   | WA 380-3     | WA 380-3     | WA 320-3    |             |             |             |             |
|                      |                             | New Holland |              |              |             |             |             |             |             |
|                      |                             | LW 170      |              |              |             |             |             |             |             |
| Operating Weight     | <b>32,000 Lbs</b>           | 30,931 lbs. | 39,492 lbs.  | 39,492 lbs.  | 31,200 lbs. | 37,901 Lbs. | 38,970 Lbs. | 42,740 Lbs. | 38,345 Lbs. |
| Tipping Load Forward | <b>23,000 Lbs.</b>          | meets       | 31,465 Lbs.  | 31,465 Lbs.  | 27,695      | 29,414 Lbs. | 27,400 Lbs. | 28,970 Lbs. | 30,840 Lbs. |
| Full Turn, Full Load | <b>21,000 Lbs.</b>          | meets       | 27,320 Lbs.  | 27,320 Lbs.  | 24,055      | 23,571 Lbs. | 24,100 Lbs. | 24,570 Lbs. | 25,961 Lbs. |
| Engine Size H/P      | <b>180 net</b>              | 170         | 189          | 189          | 162         | 187         | 180         | 224         | 180         |
| Transmission (Auto)  | <b>4 speed</b>              | meets       | meets        | meets        | meets       | meets       | meets       | meets       | meets       |
| Front & Rear Axles   | <b>Limited Slip</b>         | NO          | NO *         | meets        | meets       | meets       | meets       | meets       | meets       |
| Break Out Force      | <b>30,000 lbs.</b>          | 29,542 lbs. | 36,603 Lbs.  | 36,603 Lbs.  | 27,560 lbs. | 33,667 Lbs. | 36,570 Lbs. | 30,670 Lbs. | 34,432 Lbs. |
| Steering             | <b>Full Power</b>           | meets       | meets        | meets        | meets       | meets       | meets       | meets       | meets       |
| Brakes               | <b>4 Wheel Power</b>        | meets       | meets        | meets        | meets       | meets       | meets       | meets       | meets       |
| Tires/Wheels         | <b>23.5R25 L-3XHA</b>       | 20.5X25HXA  | meets        | meets        | 20.5X25 L-3 | meets       | meets       | meets       | meets       |
| Bucket               | <b>3.5 Cubic Yard</b>       | 3.4         | 3.7          | 3.7          | meets       | 3.5         | 3.5         | 3.6         | 3.5         |
| Dump Height          | <b>9' 5"</b>                | 9.2         | 13.5         | 13.5         | 9.4         | 11.4        | 9.10        | 9.8         | 9.7         |
| Cab                  | <b>Enclosed W/ROPS</b>      | meets       | meets        | meets        | meets       | meets       | meets       | meets       | meets       |
| Instruments          | <b>Visual &amp; Audible</b> | meets       | meets        | meets        | meets       | meets       | meets       | meets       | meets       |
| Electrical           | <b>55 Amp. Minimum</b>      | 50 Amp      | 50 Amp.      | 50 Amp.      | 50 Amp      | 65 Amp      | 70 Amp      | 55 Amp      | 55 Amp      |
| Warranty             | <b>1-Year / 5 Year D/T</b>  | meets       | meets        | meets        | meets       | meets       | meets       | meets       | meets       |
| Price                |                             | \$112,000   | \$129,300    | \$131,700    | \$106,600   | \$130,200   | \$141,270   | \$142,497   | \$149,093   |
|                      |                             |             |              | Used Loader  |             |             |             |             |             |

= DMS

= Minor

\* Had Loader in yard that met specifications w/o limited slip

AIS CONSTRUCTION EQUIPMENT CO  
56555 PONTIAC TRAIL  
NEW HUDSON MI 48165

BURKE EQUIPMENT CO  
36000 MOUND ROAD  
P O BOX 8010  
STERLING HEIGHTS MI 48311-8010

CALVERT EQUIPMENT SALES  
921 BROWN ROAD  
LAKE ORION MI 48359

CANTWELL MACHINERY CO  
3180 VALLEYVIEW DRIVE  
COLUMBUS OH 43204

CONTRACTORS MACHINERY CO  
13200 NORTHEAST AVENUE  
OAK PARK MI 48237-3266

GRANDVILLE TRACTOR & EQUIPMENT  
3736 CHICAGO DRIVE SW  
GRANDVILLE MI 49418

KLOOSTER EQUIPMENT INC  
9914 N U S HIGHWAY 31  
ELLSWORTH MI 49729

KMH EQUIPMENT  
12565 EMERSON DRIVE  
BRIGHTON MI 48116-8562

MICHIGAN CAT  
12550 23 MILE RD  
SHELBY TOWNSHIP MI 48315

MICHIGAN SKID LOADER INC  
4454 22 MILE RD  
UTICA MI 48317

MICHIGAN TRACTOR  
24800 NOVI ROAD  
NOVI MI 48375

MILLER EQUIPMENT COMPANY  
1425 28TH STREET SW  
P O BOX 2025  
GRAND RAPIDS MI 49501

MUNN TRACTOR SALES INC  
3700 LAPEER ROAD  
AUBURN HILLS MI 48326

NATIONAL EQUIPMENT SERVICES, INC  
DETROIT BRANCH  
910 SOUTH DIX AVENUE  
DETROIT MI 48217

NORTHERN MICHIGAN EQUIPMENT COMPANY  
476 US 31 SOUTH  
PO BOX 1270  
TRAVERSE CITY MI 49685-1270

PARADISE GRAVELY TRACTOR  
67111 VAN DYKE  
ROMEO MI 48095

RUSH EQUIPMENT CENTERS OF MICHIGAN INC  
DETROIT METRO  
2045 AUSTIN DRIVE  
TROY MI 48083

WM F SELL & SON INC  
16555 TELEGRAPH ROAD  
TAYLOR MI 48180

WOLVERINE POWER & EQUIPMENT CO  
P O BOX 19336  
DETROIT MI 48219

November 6, 2002

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
 Gary A. Shripka, Assistant City Manager/Services  
 Jeanette Bennett, Purchasing Director  
 William R. Need, Public Works Director

Re: Standard Purchasing Resolution 1: Award To Low Bidder –  
 Home Chore Lawn and Yard Services

### **RECOMMENDATION**

On October 15, 2002, bid proposals were opened to furnish one-year requirements of lawn and yard services for the Home Chore Program with an option to renew for one additional year. After reviewing the proposals, the Public Works Department recommends awarding the contract to the low total bidder, Kathy's Lawn Maintenance, for an estimated cost of \$48,968.00 annually. The estimate is based on an average of 30-lawn care visits, and 2 yard clean up services per household.

### **SUMMARY**

| <b>Item</b> | <b>Estimated Number of units</b> | <b>Description</b>  | <b>Price per each service call</b> |
|-------------|----------------------------------|---|------------------------------------|
| Proposal A  | 50 lots                          | Lawn care service at an average residential City of Troy home. 60 to 85 feet x 125 feet | \$17.00                            |
|             | 20 lots                          | Lawn care service at lots over 85 x 125 feet, or corner lots                            | \$19.95                            |
| Proposal B  | 50 lots                          | Yard clean up at an average residential City of Troy home. 60 to 85 feet x 125 feet     | \$75.00                            |
|             | 20 lots                          | Yard clean up at lots over 85 x 125 feet, or corner lots                                | \$99.95                            |

Due to the nature of the work and the comfort of the residents on the program, it is preferred that the contract be awarded to the low total bidder. The majority of the residents on the program are elderly women living alone, and they become apprehensive when strangers begin working on their property. Letters are sent out to the residents before spring clean-up services begin, so that the resident knows the name of the company who will be on their property, and approximately when the services will begin.

Awarding the contract to two different vendors would save \$2,598, but would also mean additional administrative time, supplies, and postage to send additional informational letters to the program participants. It could be difficult to coordinate the work between the two vendors, and it may hold up services if there is a problem with the work of one of the vendors. Also, if damage to a resident's property were to occur, it would be difficult to determine which contractor was liable if the damage was discovered after both contractors had performed services.

Staff attempted to contact the low bidders for yard clean-up services to determine if they would accept the yard clean-up portion of the contract without the lawn-mowing portion. The contractors surveyed stated that they would not be willing to accept a yard clean-up contract without the lawn mowing portion due to financial concerns.

The current bid expires this fall, after the final yard clean-up services have been performed. We do not have a waiting list for this program. The program is publicized several times throughout the year, with the most recent notice being placed in the Summer 2002 addition of Troy Today.

Standard Purchasing Resolution 1: Award To Low Bidder –  
Home Chore Lawn and Yard Services  
Page 2 of 2

**BUDGET**

Funds for lawn and yard services for the Home Chore Program are available initially through the Public Works operating budget, then reimbursed by Oakland County through the Community Development Block Grant Program.

97 Bids Sent

7 Bids Received

1 Late Bid

3 No Bids: (1) doesn't handle this service (1) cannot be competitive (1) too busy to respond

Prepared by: Nancy Kuha, Solid Waste Coordinator

Opening Date -- 10/15/02  
 Date Prepared -- 11/6/02

CITY OF TROY  
 BID TABULATION  
 LAWN SERVICES/HOME CHORE PROGRAM

| VENDOR NAME:          |  | ** KATHY'S LAWN<br>MAINTENANCE   | KDS LANDSCAPE             | SIERRA LAWN<br>& LANDSCAPE INC   |                           |                                  |                           |
|-----------------------|--|----------------------------------|---------------------------|----------------------------------|---------------------------|----------------------------------|---------------------------|
| EST NO.               |  | Price for<br>Lawn Care           | Price for<br>Yard Cleanup | Price for<br>Lawn Care           | Price for<br>Yard Cleanup | Price for<br>Lawn Care           | Price for<br>Yard Cleanup |
| 50                    | Lawn Care Services at an Average residential Lots Lawn-Care services at lots over 85 ft x 125 ft | \$ 17.00                         | \$ 75.00                  | \$ 20.00                         | \$ 60.00                  | \$ 18.00                         | \$ 70.00                  |
| 20                    | Yard Clean up at an Average residential home Lots Year clean up for lots over 85 ft x 125 ft     | \$ 19.95                         | \$ 99.95                  | \$ 25.00                         | \$ 75.00                  | \$ 32.00                         | \$ 90.00                  |
|                       |  | \$ 37,470                        | \$ 11,498                 | \$ 45,000                        | \$ 9,000                  | \$ 46,200                        | \$ 10,600                 |
| ESTIMATED TOTAL:      |  | ** \$ 48,968                     |                           | \$ 54,000                        |                           | \$ 56,800                        |                           |
| SITE INSPECTIONS:     | Yes or No<br>Date  | NO                               |                           | YES<br>10/10/02                  |                           | YES<br>10/6/02                   |                           |
| BIDDERS QUESTIONNAIRE | Yes or No  | YES                              |                           | YES                              |                           | YES                              |                           |
| INSURANCE:            | Can Meet<br>Cannot Meet  | XX                               |                           | XX                               |                           | XX                               |                           |
| PHONE NUMBERS:        | Daytime<br>24 Hour   | (989) 777-7602<br>(989) 737-4302 |                           | (248) 506-8605<br>(248) 545-5773 |                           | (586) 566-5700<br>(586) 360-6622 |                           |
| TERMS:                |  | NET 30 DAYS                      |                           | NET 30                           |                           | NET 10 DAYS                      |                           |
| EXCEPTIONS:           |  | LISTED IN BID                    |                           | BLANK                            |                           | BLANK                            |                           |

NO BIDS:  
Greentrees, Inc  
H&D Lawn Maintenance  
Maged Contracting

ATTEST:  
M Aileen Bittner  
Nancy Kuha  
Linda Bockstanz

PROPOSAL-- One-Year Requirements of Lawn and Yard Services for the Home Chore Program with an Option to Renew for One Additional Year.

\*\* DENOTES LOW TOTAL BIDDER

\_\_\_\_\_  
 Jeanette Bennett  
 Purchasing Director

Opening Date -- 10/15/02  
 Date Prepared -- 11/6/02

CITY OF TROY  
 BID TABULATION  
 LAWN SERVICES/HOME CHORE PROGRAM

| VENDOR NAME:                    |  | DREAM GREEN            |                           | RAM CONSTRUCTION       |                           | KEVIN'S LAWN           |                           |
|---------------------------------|--|------------------------|---------------------------|------------------------|---------------------------|------------------------|---------------------------|
|                                 |  |                        |                           | SERVICE LLC            |                           | CARE & SNOW            |                           |
|                                 |  |                        |                           |                        |                           | REMOVAL INC            |                           |
|                                 |  |                        |                           |                        |                           |                        |                           |
| EST NO.                         |  | Price for<br>Lawn Care | Price for<br>Yard Cleanup | Price for<br>Lawn Care | Price for<br>Yard Cleanup | Price for<br>Lawn Care | Price for<br>Yard Cleanup |
| 50                              | Lawn Care Services at an Average residential Lots Lawn-Care services at lots over 85 ft x 125 ft | \$ 21.00               | \$ 61.00                  | \$ 22.00               | \$ 55.00                  | \$ 35.70               | \$ 70.00                  |
| 20                              | Yard Clean up at an Average residential home Lots Year clean up for lots over 85 ft x 125 ft     | \$ 35.00               | \$ 96.00                  | \$ 35.00               | \$ 85.00                  | \$ 30.60               | \$ 91.00                  |
|                                 |  | \$ 52,500              | \$ 9,940                  | \$ 54,000              | \$ 8,900                  | \$ 71,910              | \$ 10,640                 |
| ESTIMATED TOTAL:                |  | \$ 62,440              |                           | \$ 62,900              |                           | \$ 82,550              |                           |
| SITE INSPECTIONS: Yes or No     |  | YES                    |                           | YES                    |                           | YES                    |                           |
| Date                            |  | CURRENT CONTRACTOR     |                           | 10/10/02               |                           | 9/30/02                |                           |
|                                 |  | FOR SNOW REMOVAL       |                           |                        |                           |                        |                           |
| BIDDERS QUESTIONNAIRE Yes or No |  | YES                    |                           | YES                    |                           | YES                    |                           |
| INSURANCE: Can Meet             |  | XX                     |                           | XX                     |                           | XX                     |                           |
| Cannot Meet                     |  |                        |                           |                        |                           |                        |                           |
| PHONE NUMBERS: Daytime          |  | (248) 627-4819         |                           | (248) 345-1814         |                           | (810) 329-3633         |                           |
| 24 Hour                         |  | (248) 431-3290         |                           | (248) 852-4203         |                           | (810) 217-7258         |                           |
| TERMS:                          |  | BLANK                  |                           | BLANK                  |                           | NET 25 DAYS            |                           |
| EXCEPTIONS:                     |  | BLANK                  |                           | BLANK                  |                           | BLANK                  |                           |
|                                 |  |                        |                           |                        |                           |                        |                           |

Opening Date -- 10/15/02  
 Date Prepared -- 11/6/02

CITY OF TROY  
 BID TABULATION  
 LAWN SERVICES/HOME CHORE PROGRAM

VENDOR NAME:

|                 |  |  |
|-----------------|--|--|
| PAYNE           |  |  |
| LANDSCAPING INC |  |  |
|                 |  |  |
|                 |  |  |

| EST NO.   | Price for<br>Lawn Care | Price for<br>Yard Cleanup | Price for<br>Lawn Care | Price for<br>Yard Cleanup | Price for<br>Lawn Care | Price for<br>Yard Cleanup |
|---|------------------------|---------------------------|------------------------|---------------------------|------------------------|---------------------------|
| 50 Lawn Care Services at an Average residential Lots Lawn-Care services at lots over 85 ft x 125 ft | \$ 29.00               | \$ 125.00                 |                        |                           |                        |                           |
| 20 Yard Clean up at an Average residential home Lots Year clean up for lots over 85 ft x 125 ft     | \$ 39.00               | \$ 160.00                 |                        |                           |                        |                           |
|   | \$ 66,900              | \$ 18,900                 |                        |                           |                        |                           |
| ESTIMATED TOTAL:  |                        | \$ 85,800                 |                        |                           |                        |                           |
| SITE INSPECTIONS: Yes or No   |                        | YES                       |                        |                           |                        |                           |
| Date  |                        | BLANK                     |                        |                           |                        |                           |
| BIDDERS QUESTIONNAIRE Yes or No   |                        | YES                       |                        |                           |                        |                           |
| INSURANCE: Can Meet   |                        | XX                        |                        |                           |                        |                           |
| Cannot Meet   |                        |                           |                        |                           |                        |                           |
| PHONE NUMBERS: Daytime  |                        | (313) 995-2767            |                        |                           |                        |                           |
| 24 Hour   |                        | (313) 215-2074            |                        |                           |                        |                           |
| TERMS:  |                        | 14-30 DAYS                |                        |                           |                        |                           |
| EXCEPTIONS:   |                        | N/A                       |                        |                           |                        |                           |

A T MAINTENANCE  
325 MUSKOKA  
COMMERCE TWP MI 48382

AMBASSADOR LAWN CUTTING SERVICE  
P O BOX 174  
CLAWSON MI 48017

ATTN CHRISTIAN DEL BELLO  
PREMIER LAWN & SNOW, INC  
P O BOX 877  
STERLING HEIGHTS MI 48311

B & L LANDSCAPING  
21151 MEYERS ROAD  
OAK PARK MI 48237-3209

B & P LANDSCAPING  
6355 LILLEY RD  
CANTON MI 48187-3628

B&D LAWN CARE & SNOW REMOVAL  
2308 HORSESHOE DRIVE  
WEST BLOOMFIELD MI 48322

BACK TO BASICS LAWN SERVICE  
3035 NEWPORT  
TROY MI 48084

BRIER HILL CORPORATION  
21176 FLEETWOOD  
HARPER WOODS MI 48225

BRUCE M SAUNDERS & SONS  
47515 RYAN ROAD  
SHELBY TOWNSHIP MI 48317

BUSHWACKERS LANDSCAPING  
12115 WORMER  
REDFORD MI 48239

BUSY BEAVER TREE SERVICE  
2043 E PARKWAY AVENUE  
BURTON MI 48529

C & H LANDSCAPE  
5220 WILLIAMS LAKE ROAD  
WATERFORD MI 48329-3556

C EDDY SNOWPLOWING & LAWN MAINTENANCE  
P O BOX 99462  
TROY MI 48099-9462

CAL FLEMING LANDSCAPING & TREE SERVICE  
29725 GROESBECK  
ROSEVILLE MI 48066-1980

COMMERCIAL LAWNMOWER  
32098 PLYMOUTH ROAD  
LIVONIA MI 48150-1489

CURTIS JORGENSEN  
735 E LINCOLN  
MADISON HEIGHTS MI 48071

D & J LAWN AND SNOW SERVICE  
22750 MACOMB INDUSTRIAL DRIVE  
CLINTON TWP MI 48036

D & M LANDSCAPING & SNOW REMOVAL  
206 E GRAND RIVER STE 504  
DETROIT MI 48226

DESIGNED LANDSCAPE  
409 E HUDSON  
ROYAL OAK MI 48067

DIAMOND LAWN SERVICE  
631 MINNESOTA  
TROY MI 48083

DINO'S LANDSCAPING  
7520 PONTIAC TRAIL  
WEST BLOOMFIELD MI 48323

DREAM GREEN  
PO BOX 300372  
WATERFORD MI 48330

EDWARD BELL  
14420 LABELLE  
OAK PARK MI 48237

ELITE LANDSCAPE INC  
P O BOX 94092  
WASHINGTON MI 48094

ENGLISH COUNTRYSIDE LANDSCAPE  
49819 SCHOENHERR  
SHELBY TOWNSHIP MI 48315

F & J LANDSCAPE COMPANY  
926 W WATTLES  
TROY MI 48098

FARMINGTON LANDSCAPE SERVICE  
P O BOX 363  
WALLED LAKE MI 48390

FLORENCE CEMENT COMPANY  
1970 BRINSTON  
TROY MI 48083

FORSEE'S LAWN SERVICE  
23528 JOHN R  
HAZEL PARK MI 48030-1409

FOUGNIE PROFESSIONAL LAWN MAINTENANCE  
151 BLANCHE  
TROY MI 48098

FOXFIRE LANDSCAPE  
50857 CARD RD  
MACOMB MI 48044-1415

GENE'S LANDSCAPE SERVICE  
4101 BARHAM  
DETROIT MI 48224

GREAT LAKES LANDSCAPING & CONSTRUCTION  
25212 RYAN  
WARREN MI 48091-3775

GREATER DETROIT LANDSCAPE SERVICE  
21000 FAIRFIELD  
WARREN MI 48089

GREENLAWN SERVICES LTD  
3424 ROWLAND CT  
TROY MI 48083

GREENTREES TREE & LAWN CARE  
2614 LEACH  
ROCHESTER HILLS MI 48309

GREENVIEW LANDSCAPING  
1065 HARTLAND  
TROY MI 48083

H & D LAWN MAINTENANCE INC  
12044 PREST  
DETROIT MI 48227

HDM BRICK & LANDSCAPE LLC  
668 E MAPLE  
TROY MI 48083

J & S  
38145 DEQUINDRE  
TROY MI 48083

K & F LAWN MAINTENANCE  
226 LOVELL  
TROY MI 48085

K B LANDSCAPING  
5993 SLATE  
TROY MI 48085

KDS LANDSCAPE  
156 W MOREHOUSE  
HAZEL PARK MI 48030

KEVINS LAWN CARE & SNOW REMOVAL INC  
3633 RATTLE RUN ROAD  
ST CLAIR MI 48079-4718

KOCH 'KENT (FORMALLY KOCH ENTERPRISES)  
P.O. BOX 480517  
NEW HAVEN MI 48048-0517

LAWN & TREE ASSOCIATES INC  
3600 LAPEER ROAD  
PONTIAC MI 48055

LAWN CREW INC  
3077 W AUBURN ROAD  
ROCHESTER HILLS MI 48309

LAZOEN HAY & FEED INC  
P O BOX 3702  
CENTER LINE MI 48015

M E G A LAWN MAINTENANCE  
26553 DARTMOUTH  
MADISON HEIGHTS MI 48071

MAGED CONTRACTING  
P O BOX 701421  
PLYMOUTH MI 48170

MARSHALL'S LAWN SERVICE  
19260 31 MILE ROAD  
RAY TOWNSHIP MI 48096

MASTERS GREEN INC  
6350 N STERLING DRIVE  
STERLING HEIGHTS MI 48312-4552

MCEWEN LANDSCAPING  
P O BOX 99696  
TROY MI 48099-9696

MCWILLIAMS LANDSCAPING  
930 OTTAWA  
TROY MI 48085

METRO SWEEP  
4557 HIGHLAND RD  
WATERFORD MI 48328

MICHIGAN TURF INC  
P O BOX 158  
TAYLOR MI 48180

MICHIGREEN INC  
16171 31 MILE ROAD  
ROMEO MI 48096

MILLER W F TURF& INDUSTRIAL EQUIPMENT CO  
25125 TRANS-X  
P O BOX 605  
NOVI MI 48376-0605

MJ&T LAWN CARE AND SNOW REMOVAL  
2440 OXFORD  
BERKLEY MI 48072

NEWPORT LAWN - ATN: FRANK  
3035 NEWPORT COURT  
TROY MI 48084

PINNACLE LANDSCAPING INC  
1100 N OPDYKE  
AUBURN HILLS MI 48326

PIONEER LAWN MAINTENANCE  
27577 FAIRFIELD  
WARREN MI 48093

PREMIER CUT LANDSCAPING SERVICES INC  
1971 SHADY DRIVE  
WARREN MI 48092

PRI PAVEMENT RECYCLING INC  
70015 POWELL RD  
ROMEO MI 48065

PROPERTY MAINTENANCE CONTRACTORS INC  
970 N ROCHESTER ROAD  
LEONARD MI 48367

R & D TRACTOR SERVICE  
2217 ZENIA  
TROY MI 48084

R & L LANDSCAPING  
30045 NORTHGATE  
SOUTHFIELD MI 48076

RAM CONSTRUCTION SERVICES LLC  
1846 GRACE  
ROCHESTER HILLS MI 48309

RANGER OUTDOOR MAINTENANCE  
135 KALHAVEN  
ROCHESTER HILLS MI 48307

RASINS LANDSCAPE INC  
2271 METAMORA ROAD  
OXFORD MI 48371

RAY'S NURSERY AND LANDSCAPE  
15577 30 MILE ROAD  
RAY MI 48046

RIS CONTRACTORS  
1208 SYLVERTIS  
WATERFORD MI 48328

RODGES & SONS LANDSCAPING & LAWN SERVICE  
517 AUBURN  
PONTIAC MI 48342

RP'S LAWN SERVICE  
148 CARTER  
TROY MI 48098

RUDGATE LANDSCAPING  
4502 W CORNWALL  
STERLING HEIGHTS MI 48310

S & T LAWN & LANDSCAPE INC  
5580 GATEWOOD STE 106  
STERLING HEIGHTS MI 48312

SCENESCAPE: KODIAK GROUNDS MAINTENANCE  
12776 33 MILE ROAD  
ROMEO MI 48065-5438

SEAL METHODS EQUIPMENT INC  
10016 ROMANDEL  
P O BOX 4341  
SANTE FE SPRINGS CA 90670

SIERRA LAWN AND LANDSCAPE INC  
5580 GATEWOOD STE 106  
STERLING HEIGHTS MI 48312

STEWART LANDSCAPING  
6130 ROCHESTER ROAD  
TROY MI 48085-1373

SUNRISE CONTRACTING  
P O BOX 321171  
DETROIT MI 48232-1171

TARR'S TREE SERVICE  
2009 MILVERTON  
TROY MI 48083

THE DAVEY TREE EXPERT COMPANY  
3381 LAPEER ROAD WEST  
AUBURN HILLS MI 48326

THE GROUND CREW  
1564 MUER STREET  
TROY MI 48084

TORRE & BRUGLIO  
850 FEATHERSTONE  
PONTIAC MI 48342-1723

TRI-MARK LANDSCAPING  
1053 HENDRICKSON  
CLAWSON MI 48017

TROY LANDSCAPING INC  
4837 HEATHERBROOK  
TROY MI 48098

U S LAWNS OF TROY  
670 ECKFORD DRIVE  
TROY MI 48098

WAYSIDE LAWN SERVICE  
36235 MORAVIAN  
CLINTON TWP MI 48035-1150

WESTLAKE DEVELOPMENT INC  
4605 22 MILE ROAD  
UTICA MI 48317

WILLIAMS WEED MOWING INC  
450 GRANGE HALL ROAD  
ORTONVILLE MI 48462

WOLVERINE LAWN MAINTENANCE & LANDSCAPING  
P O BOX 877  
STERLING HEIGHTS MI 48311

WOOD CONSTRUCTION & MAINTENANCE LLC  
1900 SAND BEACH RD  
BAD AXE MI 48413

WORRY FREE INC  
1035 BADDER  
TROY MI 48083

November 12, 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 Shady Creek South Condominiums  
Project No. 02.925.3

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

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

Approval is recommended.

G:\Projects\Projects - 2002\02.925.3 Shady Creek South Condominiums\Private Agreement Cover Letter.doc

CC: Tonni Bartholomew, City Clerk (Original Agreement)  
James Nash, Financial Services Director  
Carol Anderson, Director of Parks and Recreation  
Mark Miller, Interim Planning Director  
Nino Licari, City Assessor  
William Need, Director of Public Works  
William Jawlik, Inspector Supervisor  
Nowak & Fraus  
Durant Development Co.

Prepared by: Gary Streight, PE  
Civil Engineer

Enclosed: Private Agreement, Detailed Summary, Sketch, and Suggested Resolution

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

PROJECT NO. 02.925.3

PROJECT LOCATION: SE ¼ SECTION 10

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 Durant Development Co. whose address is 5065 Lone Pine Lane, Bloomfield Hills, MI 48302 and whose telephone number is (248)626-1332 hereinafter referred to as "Owners".

**WITNESSETH, FIRST:** That the City agrees to allow the installation of storm sewer, sanitary sewer, soil erosion and landscaping in accordance with plans prepared by Nowak & Fraus whose address is 46777 Woodward Ave., Pontiac, MI 48342 and whose telephone number is (248)332-793 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 \$27,147.00. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

|  |                                     |
|--|-------------------------------------|
| <u>Cash</u>                              | <input type="checkbox"/>            |
| <u>Certificate of Deposit</u>            | <input type="checkbox"/>            |
| <u>Irrevocable Bank Letter of Credit</u> | <input type="checkbox"/>            |
| <u>Check</u>                             | <input checked="" type="checkbox"/> |

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 \$8,585.00 cash fee per the attached **Detailed Summary of Required Escrow Deposits and Cash Fees.**

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

PROJECT NO. 02.025.3

PROJECT LOCATION: SE ¼ SECTION 10

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 \$35,732.00 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. 02.925.3

PROJECT LOCATION: SE 1/4 SECTION 10

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: *KR Dabrowski*  
KR DABROWSKI, VICE PRESIDENT  
DURANT DEVELOPMENT CORPORATION.

CITY OF TROY

By:

\_\_\_\_\_  
Please Print or Type

\_\_\_\_\_  
Matt Pryor, Mayor

\_\_\_\_\_  
Please Print or Type

\_\_\_\_\_  
Tonni Bartholomew, City Clerk

STATE OF FLORIDA, COUNTY OF COLLIER

On this 6<sup>th</sup> day of November, 2002 A.D., before me personally appeared Kenneth R. Dabrowski known by me to be the same person who executed this instrument and who acknowledged this to be his free act and deed.

NOTARY PUBLIC *Ruth Willis*, Florida  
Ruth Willis

My commission expires: 05-20-05



Ruth Willis  
My Commission **DD027258**  
Expires May 20 2005

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 200\_\_\_\_\_, before me personally appeared \_\_\_\_\_ known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

NOTARY PUBLIC, \_\_\_\_\_ Michigan

My commission expires: \_\_\_\_\_

November 4, 2002

TO: William Need, Public Works Director

FROM: Steven J. Vandette, City Engineer

SUBJECT: Detailed Summary of Required Escrow Deposits and Cash Fees  
For Shady Creek South Site Condominiums  
5 Units – Section 10  
Project No. 02.925.3

The estimated costs of public improvements are:

**ESCROW DEPOSITS:**

|  |          |
|--|----------|
| Sanitary Sewers  | \$12,039 |
| Storm Sewers   | 8,532    |
| Soil Erosion Control Measures  | 256      |
| Monuments and Lot Corner Irons   | 320      |
| Deposit for Repair of Damage to Existing Public Streets<br>Used for Access | 6,000    |

**TOTAL ESCROW DEPOSITS:** **\$27,147**

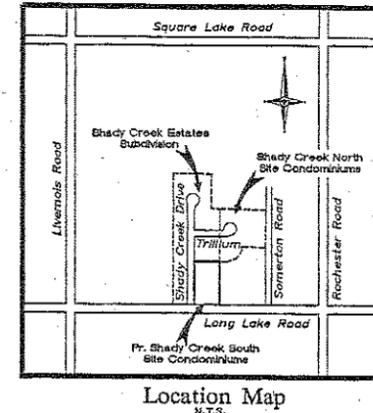
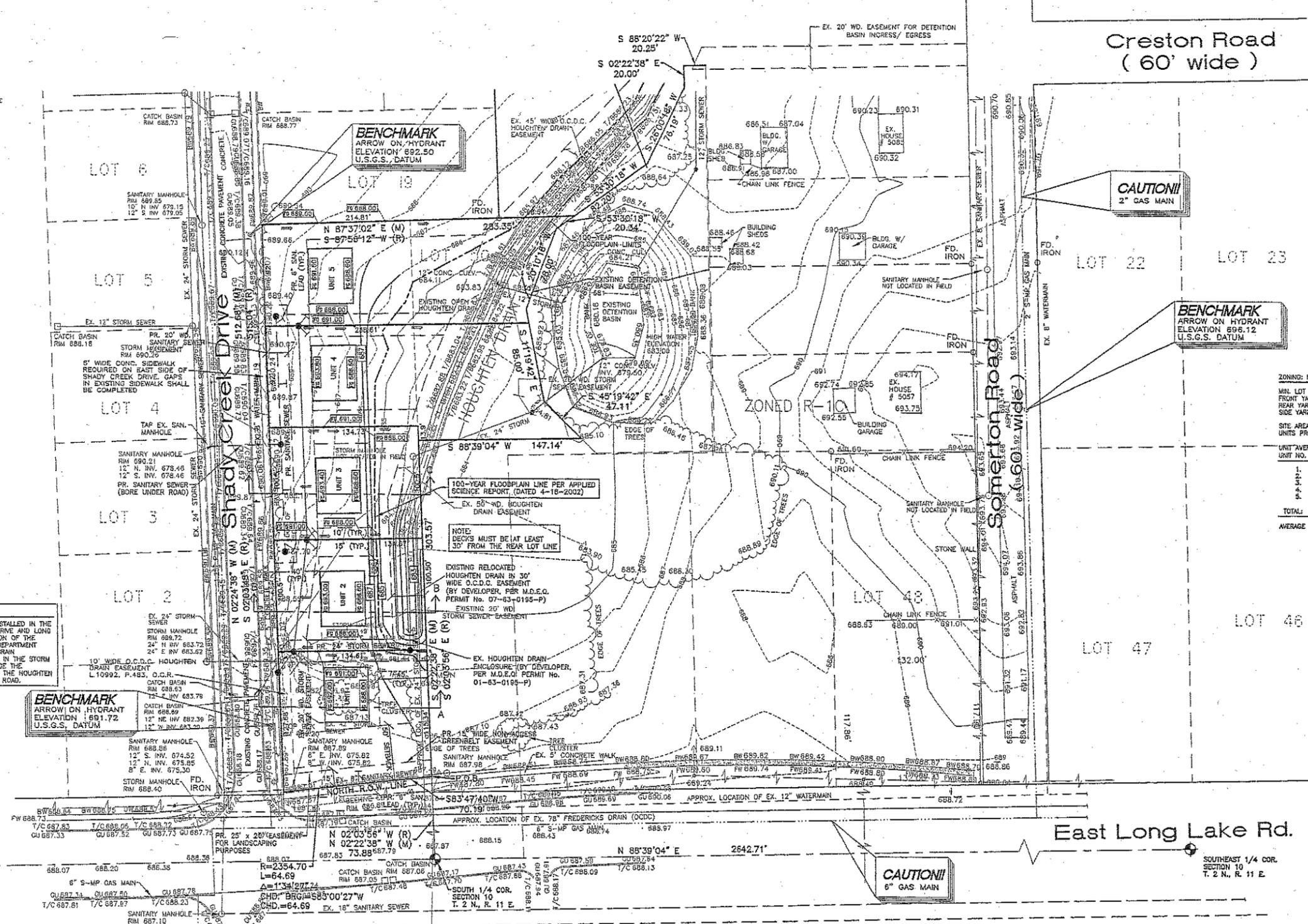
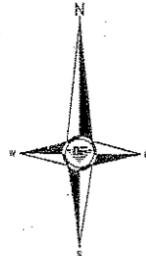
**CASH FEES:**

|   |         |
|---|---------|
| SUB6. Landscaping and Screen Planting of Non-access<br>Greenbelt Easement                     | \$1,620 |
| SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way,<br>Long Lake Rd.                     | 1,050   |
| SUB10. Soil Erosion and Sedimentation Control Permits   | 70      |
| SUB11. Testing Services   | 384     |
| SUB13. Engineering Review and Inspection Fees   | 1,961   |
| SUB14. Deposit for the Maintenance and Cleaning of Existing Public<br>Streets Used for Access | 2,000   |

**TOTAL CASH FEES:** **\$8,585**

Stormwater detention for this development will be provided by the existing detention basin in Shady Creek North.

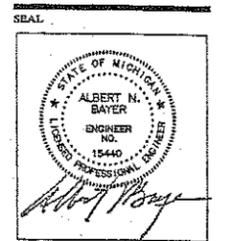
cc: Gary A. Shripka, Assistant City Manager/Services  
John Lamerato, Assistant City Manager/Finance  
Tonni Bartholomew, City Clerk  
Carol Anderson, Director of Parks and Recreation  
Mark Miller, Planning Director  
Nino Licari, City Assessor  
James Nash, Financial Services Director  
William Jawlik, Inspector Supervisor  
Engineer: Nowak & Fraus  
Development: Durant Development



# NOWAK & FRAUS

Consulting Engineers  
Land Surveyors  
Land Planners

46777 Woodward Avenue  
Pontiac, Michigan 48342  
Tel. (248) 332-7931  
Fax. (248) 332-8257



ZONING: R-1B  
 MIN. LOT SIZE: 13,500 S.F. (WITH LOT AVERAGING OPTION)  
 FRONT YARD SETBACK: 40 FT.  
 REAR YARD SETBACK: 45 FT.  
 SIDE YARD SETBACK: 10 FT. & 15 FT.

SITE AREA: 3.02 ACRES  
 UNITS PROPOSED: 5

| UNIT NO.      | AREA (S.F.)          | UNIT AVERAGING CHART W/O/UT INCLUDING DRAIN EASEMENT | UNIT NO.      | AREA (S.F.)          |
|---------------|----------------------|--|---------------|----------------------|
| 1             | 16,211               | 1  | 1             | 16,011               |
| 2             | 13,529               | 2  | 2             | 10,516               |
| 3             | 13,535               | 3  | 3             | 11,684               |
| 4             | 24,759               | 4  | 4             | 13,258               |
| 5             | 23,768               | 5  | 5             | 18,046               |
| <b>TOTAL:</b> | <b>91,832 (S.F.)</b> |  | <b>TOTAL:</b> | <b>69,494 (S.F.)</b> |

AVERAGE UNIT AREA = 91,832 / 5 = 18,366.4 (S.F.)  
 AVERAGE UNIT AREA = 69,494 / 5 = 13,898.8 (S.F.)

**NOTE:**  
 NO CHECK VALVE WILL BE INSTALLED IN THE MANHOLE AT SHADY CREEK DRIVE AND LONG LAKE ROAD PER THE DIRECTION OF THE CITY OF TROY ENGINEERING DEPARTMENT AND THE OAKLAND COUNTY DRAIN COMMISSION. A CHECK VALVE IN THE STORM SEWER SYSTEM WOULD CHANGE THE DOWNSIDE HYDRAULICS OF THE HOUGHTEN DRAIN SOUTH OF LONG LAKE ROAD.

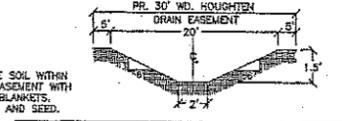
**BENCHMARK**  
 ARROW ON HYDRANT  
 ELEVATION 891.72  
 U.S.G.S. DATUM

100-YEAR FLOODPLAIN LINE PER APPLIED SCIENCE REPORT, (DATED 4-18-2002)

NOTE: DECKS MUST BE AT LEAST 30' FROM THE REAR LOT LINE

EXISTING RELOCATED HOUGHTEN DRAIN IN 30' WIDE O.C.D.C. EASEMENT (BY DEVELOPER, PER M.D.E.O. PERMIT NO. 07-63-0195-P)

EX. HOUGHTEN DRAIN ENCLOSURE (BY DEVELOPER, PER M.D.E.O. PERMIT NO. 01-63-0195-P)



PROPOSED HOUGHTEN DRAIN RELOCATION SECTION AT REAR OF UNITS NO. 2-3, SHADY CREEK SOUTH (NO SCALE)

**NOTE:**  
 PROPOSED HOUGHTEN DRAIN RELOCATION AND ENCLOSURE AT REAR OF UNIT NO.'S 2 AND 3, AND ALONG THE SOUTH LINE OF UNIT NO. 2, IS TO BE CONSTRUCTED BY THE DEVELOPER AS PART OF THE SHADY CREEK NORTH SITE CONDOMINIUM DEVELOPMENT, PER M.D.E.O. PERMIT NO. 01-63-0195-P.

**NOTES:**  
 ALL UNITS WILL BE SERVED BY EXISTING WATERMAIN IN THE SHADY CREEK DRIVE RIGHT-OF-WAY.  
 PROPOSED DEVELOPMENT TO OUTLET INTO EXISTING HOUGHTEN DRAIN AND EXISTING FREDERICKS DRAIN.  
 STORM SUMP LEADS FOR ALL UNITS SHALL OUTLET TO THE PROPOSED 8" STORM SEWER AT THE FRONT OF THE UNITS. TO BE INSTALLED DURING HOUSE CONSTRUCTION.

**PROJECT**  
 Shady Creek South Site Condominiums

**CLIENT**  
 Durant Development  
 5065 Lone Pine Lane  
 Bloomfield Hills, MI 48302

**Contact:**  
 Mr. Ken Dabrowski  
 (248) 626-1332

**PROJECT LOCATION**  
 Part of the S.E. 1/4 of Section 10  
 T. 2 North, R. 11 East  
 City of Troy, Oakland County, Michigan

**SHEET**  
 General Site Plan



**LEGEND**

|  |                              |
|--|------------------------------|
|  | EXISTING SANITARY SEWER      |
|  | SAN. CLEAN OUT               |
|  | EXISTING WATERMAIN           |
|  | EXISTING STORM SEWER         |
|  | EX. R. Y. CATCH BASIN        |
|  | EXISTING BURIED CABLES       |
|  | OVERHEAD LINES               |
|  | LIGHT POLE                   |
|  | SIGN                         |
|  | EXISTING GAS MAIN            |
|  | PR. SANITARY SEWER           |
|  | PR. WATERMAIN                |
|  | PR. STORM SEWER              |
|  | PR. R. Y. CATCH BASIN        |
|  | PROPOSED LIGHT POLE          |
|  | PR. TOP OF CURB ELEVATION    |
|  | PR. GUTTER ELEVATION         |
|  | PR. FINISH HOUSE ELEVATION   |
|  | PR. FINISH SURFACE ELEVATION |
|  | DIRECTION OF DRAINAGE        |

**DATE/REVISION**

|          |                    |
|----------|--------------------|
| 10-31-02 | PER CITY REVIEW #1 |
|----------|--------------------|

**DRAWN BY:**  
 J. Roman

**DESIGNED BY:**  
 A. Bayer

**APPROVED BY:**  
 A. Bayer

**DATE:**  
 09-20-02

**SCALE:**  
 1" = 50'

**N/T/NO. NO.**      **SHEET NO.**

TO: Honorable Mayor and City Council

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

RE: 2002-03 Budget Amendment No. 1

DATE: November 7, 2002

Upon completion of the annual audit it has become customary to present City Council a Budget Amendment reconciling capital projects that were estimated at budget time and outstanding purchase orders as of the end of the fiscal year. The attached amendments are for capital items that were included in the 2001-02 budget that were in various stages of completion at June 30, 2002 and will be completed in 2003. **Please note that the attached amendments are not for projects coming in over budget.**

Some of the major capital expenditures requiring amendments are:

- Major road projects – Long Lake, Dequindre
- Local road projects in various stages of completion
- Vehicle purchases on order
- Fire Apparatus on order
- Section 1 Golf Course

It is requested that the attached budget amendment be approved.

## 2002-03 BUDGET AMENDMENT NO. 1

|                                     | <u>CURRENT<br/>BUDGET</u> | <u>AMENDMENT</u>     | <u>AMENDED<br/>BUDGET</u> |
|-------------------------------------|---------------------------|----------------------|---------------------------|
| <b><u>CAPITAL PROJECTS FUND</u></b> |                           |                      |                           |
| <b>REVENUE:</b>                     |                           |                      |                           |
| CONT. LOCAL - COUNTY                | \$ -                      | \$ 2,093,150         | \$ 2,093,150              |
| BOND PROCEEDS - GOLF                | -                         | 12,000,000           | 12,000,000                |
| FUND BALANCE                        |                           |                      |                           |
| RESERVE FOR ENCUMBRANCES            | 1,417,740                 | (1,417,740)          | -                         |
| PROJECT COMMITMENTS                 | 2,893,981                 | <u>(1,892,420)</u>   | 1,001,561                 |
| TOTAL AMENDMENT TO REVENUE          |                           | <u>\$ 17,403,310</u> |                           |
| <b>EXPENDITURES:</b>                |                           |                      |                           |
| <b>INFORMATION TECHNOLOGY</b>       |                           |                      |                           |
| COMPUTER EQUIPMENT                  | \$ 369,000                | \$ 94,260            | \$ 463,260                |
| COMPUTER SOFTWARE                   | 450,000                   | (83,460)             | 366,540                   |
| COMPUTER CONSULTING                 | 500,000                   | (193,680)            | 306,320                   |
| PLANTE & MORAN PLAN                 | -                         | <u>11,430</u>        | \$ 11,430                 |
|                                     |                           | (171,450)            |                           |
| <b>POLICE</b>                       |                           |                      |                           |
| COMMUNICATIONS                      |                           |                      |                           |
| EQUIPMENT - OFFICE                  | 233,620                   | 40,170               | 273,790                   |
| <b>FIRE</b>                         |                           |                      |                           |
| BUILDINGS & IMPROVEMENTS            | 3,050                     | 21,620               | 24,670                    |
| APPARATUS REPLACEMENT               | 380,000                   | <u>423,740</u>       | 803,740                   |
|                                     |                           | 445,360              |                           |
| <b>PLANNING</b>                     |                           |                      |                           |
| COMPUTER SOFTWARE                   | -                         | 10,000               | 10,000                    |
| MASTER PLAN BROCHURE                | -                         | <u>15,000</u>        | 15,000                    |
|                                     |                           | 25,000               |                           |

|                             | <u>CURRENT<br/>BUDGET</u> | <u>AMENDMENT</u> | <u>AMENDED<br/>BUDGET</u> |
|-----------------------------|---------------------------|------------------|---------------------------|
| <b>PUBLIC WORKS</b>         |                           |                  |                           |
| LAND IMPROVEMENTS           | \$ 135,000                | \$ (27,600)      | 107,400                   |
| BUILDINGS & IMPROVEMENTS    | -                         | 273,260          | 273,260                   |
| EQUIPMENT - GENERAL         | -                         | 83,660           | 83,660                    |
| MAJOR ROADS                 | 15,682,000                | 5,633,680        | 21,315,680                |
| LOCAL ROADS                 | 2,102,760                 | 47,950           | 2,150,710                 |
| DRAINS                      | 1,135,000                 | 141,470          | 1,276,470                 |
| SIDEWALKS                   | 860,000                   | 634,740          | 1,494,740                 |
| TRAFFIC SIGNALS             | 400,000                   | <u>185,900</u>   | 585,900                   |
|                             |                           | 6,973,060        |                           |
| <b>ENGINEERING</b>          |                           |                  |                           |
| OFFICE RENOVATION           | 40,000                    | 20,940           | 60,940                    |
| <b>PARKS AND RECREATION</b> |                           |                  |                           |
| OEC                         | 6,000                     | \$ 41,140        | \$ 47,140                 |
| PLANNING & PARK DESIGN      | 100,000                   | 60,000           | 160,000                   |
| SCHOOL JOINT PROJECTS       | 60,000                    | 60,000           | 120,000                   |
| PARK DEVELOPMENT            | 2,330,000                 | 223,760          | 2,553,760                 |
| MUNICIPAL GROUNDS           | 310,000                   | 143,950          | 453,950                   |
| SECTION ONE GOLF COURSE     | -                         | <u>9,500,000</u> | \$ 9,500,000              |
|                             |                           | 10,028,850       |                           |
| <b>MUSEUM</b>               |                           |                  |                           |
| HISTORIC GREEN DEV.         | 1,383,000                 | 30,550           | 1,413,550                 |
| BUILDINGS & IMPROVEMENTS    | 290,000                   | <u>(58,200)</u>  | 231,800                   |
|                             |                           | (27,650)         |                           |

|                                   | <u>CURRENT<br/>BUDGET</u> | <u>AMENDMENT</u>     | <u>AMENDED<br/>BUDGET</u> |
|-----------------------------------|---------------------------|----------------------|---------------------------|
| <b>LIBRARY</b>                    |                           |                      |                           |
| EQUIPMENT - OFFICE                | 150,000                   | 22,820               | 172,820                   |
| GENERAL REPAIRS                   | 500,000                   | 46,210               | 546,210                   |
|                                   |                           | <u>69,030</u>        |                           |
| TOTAL AMENDMENT TO EXPENDITURES   |                           | <u>\$ 17,403,310</u> |                           |
| <br><b><u>MOTOR POOL FUND</u></b> |                           |                      |                           |
| REVENUE:                          |                           |                      |                           |
| FUND BALANCE                      | \$ 7,236,853              | \$ (211,390)         | \$ 7,025,463              |
| TOTAL AMENDMENT TO REVENUE        |                           | <u>\$ 211,390</u>    |                           |
| EXPENSES:                         |                           |                      |                           |
| EQUIPMENT - OFFICE                | \$ 10,250                 | \$ 3,500             | \$ 13,750                 |
| SHOP EQUIPMENT                    | 13,500                    | 9,000                | 22,500                    |
| VEHICLES                          | 1,641,000                 | 202,390              | 1,843,390                 |
| TOTAL AMENDMENT TO EXPENSES       |                           | <u>\$ 211,390</u>    |                           |

Amendment requested to provide funds for outstanding purchase orders at June 30, 2002, to reconcile capital projects in various stages of completion at June 30, 2002 and record bond proceeds.

November 8, 2002

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Jeanette Bennett, Purchasing Director  
Steven A Pallotta, Director of Building Operations

Subject: Standard Purchasing Resolution 2: Bid Award— Lowest Acceptable Bidder  
Emergency/Standby Generator Replacement For City Hall Less Trade-In

### **RECOMMENDATION**

The Building Operations Department recommends that City Council award a contract to furnish one (1) Emergency/Standby Power Generator less Trade-In to the lowest acceptable bidder, Gen Power Products Inc, at an estimated net total cost of \$12,810.00.

### **HISTORY**

The existing Emergency/Standby Generator is an Onan 45 KW, which has been in service since 1977. The generator has a major oil leak and uses an extreme amount of oil. The starter and starter solenoid has been replaced three times in the last 2 years along with the electronic governor. The electronic governor is not very dependable and during testing exercises is unable to provide a stable output voltage. The cabinet enclosure and muffler system is extremely rusted and most replacement parts are no longer available. The Generator has become a high maintenance issue and needs to be replaced for dependability. The transfer switch inside the building was upgraded about six years ago and is in excellent condition.

### **EXPLANATION OF BIDS NOT MEETING SPECIFICATIONS**

DTE Energy Technologies

After the bid was opened, DTE Energy Technologies was requested by staff to verify that the generator bid would meet the size specifications due to the restricted installation area. It was found at the time that the manufacturer of the generator had redesigned the muffler system significantly changing the size of the unit without DTE's knowledge. Therefore, the unit bid could not fit the space and, therefore, no longer met specifications (the generator will not fit the existing cement pad nor fit the existing bunker and provide proper service clearances).

### **BUDGET**

Funds are available to complete this project in the Building Operations Department's Operating Capital Account 401265.7975.025.

32 Bids Sent

5 Bids Rec'd

1 Bid did not meet specifications

18 Vendors provided no response.

8 No Bids – (2) Vendors not able to bid at this time

(2) Vendors cannot meet specifications

(3) Vendors do not handle the type of product/service

(1) Company's schedule would not permit performance

Opening Date -- 10-18-02  
 Date Prepared -- 11/8/02

CITY OF TROY  
 BID TABULATION  
 (1)ONE EMERGENCY/STANDBY GENERATOR  
 LESS TRADE-IN

VENDOR NAME:

|                              |                  |              |
|------------------------------|------------------|--------------|
| <b>** GEN POWER PRODUCTS</b> | CUMMINS MICHIGAN | MICHIGAN CAT |
| INC                          | POWER            |              |

**PROPOSAL-- FURNISH AND INSTALL ONE (1) EMERGENCY/STANDBY GENERATOR AT CITY HALL**

| DESCRIPTION   | PRICE                | PRICE                   | PRICE          |
|---|----------------------|-------------------------|----------------|
| 60HZ, 50 KW DIESEL FUELED, 62 KVA AT<br>.8PF STANDBY POWER GENERATOR<br><b>COMPLETE FOR THE SUM OF:</b> | <b>\$ 15,010.54</b>  | \$ 13,800.00            | \$ 13,900.00   |
| Manufacturer:   | KOHLER               | CUMMINS POWER           | OLYMPIAN       |
| Model #:  | 50REOZJB             | 50.0 DGHE               | D50P3          |
| <b>LESS: TRADE-IN 1977 ONAN, MODEL 45 OEM<br/>15R/5R/9866J GENERATOR</b>                                | <b>\$ (2,200.00)</b> | (FREE DISPOSAL)<br>\$ - | \$ -           |
| <b>NET TOTAL</b>  | <b>\$ 12,810.54</b>  | \$ 13,800.00            | \$ 13,900.00   |
| DESCRIPTIVE LITERATURE INCLUDED<br>Y/N  | NO                   | YES                     | YES            |
| FILTERS INDICATED BY:   | BLANK                | BLANK                   | BLANK          |
| INSURANCE: Can Meet<br>Cannot Meet  | XX                   | XX                      | XX             |
| <b>MANDATORY SITE VISIT</b>   |                      |                         |                |
| SITE INSPECTION: Y/N  | YES                  | YES                     | YES            |
| DATE  | 7/25/02              | 7/1/02                  | 7/25/02        |
| SERVICE/PARTS FACILITY: Location  | WIXOM                | NEW HUDSON              | NOVI           |
| 24 Hr Phone   | (248) 624-7230       | (800) 969-3966          | (800) 833-1789 |
| Hrs of Operation  | 7-5, MON-FRI         | 8-5; MON-FRI            | 24/7           |
| Turn Around   | 3-5 DAYS             | VARIES                  | 24 HRS         |
| Hrs of Service  | 2                    | N/A                     | 24             |
| DELIVERY:   | 4-6 WEEKS            | 70 DAYS ARO             | 12 WEEKS       |
| WARRANTY:   | 2 YEAR               | 2 YEAR                  | 24 MONTHS      |
| TERMS:  | FOB                  | NET 30                  | NET 30 DAYS    |
| EXCEPTIONS  | BLANK                | LISTED IN BID           | LISTED IN BID  |

DMS:

DTE Energy Technologies - \$11,990.00 Net Total Price

Reason: Generator redesign will not fit existing cement pad, nor comply with proper service clearances.

ATTEST:

Steve Pallotta  
 MaryAnn Hays  
 Linda Bockstanz

**\*\* DENOTES LOWEST ACCEPTABLE BIDDER**

Jeanette Bennett  
 Purchasing Director

Opening Date -- 10-18-02  
 Date Prepared -- 11/8/02

CITY OF TROY  
 BID TABULATION  
 (1)ONE EMERGENCY/STANDBY GENERATOR  
 LESS TRADE-IN

VENDOR NAME:

|                    |                  |  |
|--------------------|------------------|--|
| ALTERNATIVE ENERGY | EVANS            |  |
| SOURCES, INC       | EQUIPMENT CO INC |  |
|                    |                  |  |

**PROPOSAL-- FURNISH AND INSTALL ONE (1) EMERGENCY/STANDBY GENERATOR AT CITY HALL**

| DESCRIPTION  | PRICE                | PRICE          | PRICE |
|--|----------------------|----------------|-------|
| 60HZ, 50 KW DIESEL FUELED, 62 KVA AT .8PF STANDBY POWER GENERATOR    |                      |                |       |
| <b>COMPLETE FOR THE SUM OF:</b>                                      | \$ 14,419.00         | \$ 22,795.00   |       |
| Manufacturer:  | GENERAC              | MULTIQUIP      |       |
| Model #:   | SD050-K363.3D18CBYYC | DCA-605512     |       |
| <b>LESS: TRADE-IN 1977 ONAN, MODEL 45 OEM 15R/5R/9866J GENERATOR</b> | \$ (100.00)          | \$ (2,500.00)  |       |
| <b>NET TOTAL</b>   | \$ 14,319.00         | \$ 20,295.00   |       |
| DESCRIPTIVE LITERATURE INCLUDED<br>Y/N                               | YES                  | YES            |       |
| FILTERS INDICATED BY:  | GENERAC              | YES            |       |
| INSURANCE: Can Meet<br>Cannot Meet                                   | XX                   | XX             |       |
| <b>MANDATORY SITE VISIT</b>  |                      |                |       |
| SITE INSPECTION: Y/N   | YES                  | YES            |       |
| DATE   | 10/11/02             | 10/15/02       |       |
| SERVICE/PARTS FACILITY: Location                                     | STERLING HEIGHTS     | BURTON         |       |
| 24 Hr Phone  | (586) 979-9875       | (810) 744-4840 |       |
| Hrs of Operation   | 7AM - 4PM            | 7AM - 5PM      |       |
| Turn Around  | 7 BUSINESS DAYS      | 24HRS OR LESS  |       |
| Hrs of Service   | 48                   | 1 OR LESS      |       |
| DELIVERY:  | 8-10 WEEKS           | 3-5 DAYS ARO   |       |
| WARRANTY:  | 2 YEAR STANDARD      | 2 YEARS        |       |
| TERMS:   | NET 30 DAYS          | 10TH           |       |
| EXCEPTIONS   | LISTED IN BID        | LISTED IN BID  |       |

**NO BIDS:**

- Spina Electric Co
- Wolverine Power & Equipment
- Cloverdale Equipment
- State Wire & Terminal
- Burke Equipment
- Weingartz
- Certified Products
- Direct Resources

AGGREKO  
8119 PARK PLACE  
BRIGHTON MI 48116

ALTERNATIVE ENERGY SOURCES INC  
6111 STERLING DRIVE NORTH  
STERLING HEIGHTS MI 48312

BURKE EQUIPMENT CO  
36000 MOUND ROAD  
P O BOX 8010  
STERLING HEIGHTS MI 48311-8010

CAWTHON-DEARBORN  
24224 MICHIGAN AVE  
DEARBORN MI 48124

CERTIFIED PRODUCTS & SUPPLY INC  
500 N PERRY  
PONTIAC MI 48342

CLOVERDALE EQUIPMENT CO  
13133 CLOVERDALE  
OAK PARK MI 48237-3272

DIRECT RESOURCES  
7627 PARK PLACE STE 201  
BRIGHTON MI 48116

EVANS EQUIPMENT CO INC  
G-3283 S DORT HIGHWAY  
BURTON MI 48529

GEN POWER PRODUCTS INC  
49630 MARTIN DR  
P O BOX 930267  
WIXOM MI 48393-0267

GREAT LAKES EMERGENCY POWER  
5444 NORTH COLEMAN, BOX H  
COLEMAN MI 48618

GREGWARE EQUIPMENT CO  
5085 ALPINE AVE N W  
P O BOX L  
GRAND RAPIDS MI 49501

HAMILTON ELECTRIC CO.  
3175 PIERCE ROAD  
SAGINAW MI 48604

J KELLY COMPANY INC  
48595 GRAND RIVER  
NOVI MI 48374

JACK DOHENY SUPPLIES INC  
777 DOHENY COURT  
P O BOX 609  
NORTHVILLE MI 48167

JACOBS ELECTRICAL CONSTRUCTION INC  
1813 AUSTIN  
P O BOX 395  
TROY MI 48083

McCALLY TOOL & SUPPLY  
1035 WHEATON  
TROY MI 48084

MERCER'S EQUIPMENT RENTALS  
21588 DIX-TOLEDO  
BROWNSTOWN MI 48183

MICHIGAN CAT  
12550 23 MILE RD  
SHELBY TOWNSHIP MI 48315

MICHIGAN GENERATOR SERVICE CO  
5625 VAN BORN CT  
DEARBORN HEIGHTS MI 48125

MIDWEST POWER SYSTEMS  
47201 GLAMORGAN DR  
NOVI MI 48374

OAK ELECTRIC SERVICE  
6732 HIGHLAND ROAD  
WATERFORD MI 48327

PAMAR ENTERPRISES INC  
58021 GRATIOT  
NEW HAVEN MI 48048

POWER TECHNIQUES, INC  
23400 MICHIGAN AVE SUITE #500  
DEARBORN MI 48124

SPINA ELECTRIC CO  
26801 GROESBECK HWY  
WARREN MI 48089

STANDBY POWER INC  
12130 DIXIE  
REDFORD MI 48239

STARGHILL TECHNOLOGIES CORP  
3850 OAKMAN BLVD.  
DETROIT MI 48204

STATE WIRE & TERMINAL INC  
16140 DIXIE HIGHWAY  
DAVISBURG MI 48350-1004

W H DUFFILL INC  
411 EAST NINE MILE  
PO BOX 34  
HAZEL PARK MI 48030

WEINGARTZ SUPPLY CO  
46061 VAN DYKE  
UTICA MI 48317

WILTEC TECHNOLOGIES  
1050 HIGHLAND DRIVE STE A  
ANN ARBOR MI 48108

WOLVERINE POWER & EQUIPMENT CO  
P O BOX 19336  
DETROIT MI 48219

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Jeanette Bennett, Purchasing Director  
Charles T. Craft, Chief of Police *CTC*  
Gary Mayer, Captain, Support Services Division *G. Mayer*  
Michael Lyczkowski, Lieutenant, Services Section Commander *MLD #305*

SUBJECT: Standard Purchasing Resolution 4: State of Michigan Extended Purchasing Agreement – Electronic Livescan (Fingerprinting) System

**RECOMMENDATION**

The Police Department recommends that City Council authorize the purchase of a livescan fingerprinting system for the Police Department Records Section from ID Networks, Inc. at an estimated total cost of \$23,995.00, through the State of Michigan Extended Purchasing Program. Pricing includes the FingerRoll Live scan Applicant software, all hardware, LAN Card, shipping, delivery, installation, training, and first year annual service support and maintenance.

**BACKGROUND**

The PD Records Section currently uses the traditional ink and typewriter method for applicant fingerprinting. The Section prints both the State of Michigan RI-8 and Federal Bureau of Investigation FD-258 Applicant Cards for a variety of purposes including securities license applicants, liquor licensing, state bar applicants, permit to purchase firearms, and immigration matters. On an average day, the Section will print about ten (10) people. The purchase of the electronic livescan will:

- Save time and provide a more efficient and accurate overall process by keying demographic data one time, rolling fingerprints one time, and producing the requested number of cards.
- Produce consistent, high quality fingerprint images and reduce rejection rates.
- Place the department in a position to submit applicant data electronically to the Michigan State Police Criminal Justice Information Center.

**BUDGET**

Funds are available in the Police Department Computer Equipment Capital Account #401325.7980.020.

October 30, 2002

To: The Honorable Mayor and City Council

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

Re: Standard Purchasing Resolution 3: Exercise Renewal Option –  
 Standard And Compound Water Meters

**RECOMMENDATION**

On February 18, 2002, the City Council approved a one-year contract to provide Standard and Compound Water Meters with an option to renew for one additional year to the sole bidder, SLC Meter Service, Inc (Council Res #2002-02-077-E-2). City Management recommends the City exercise the option to renew for one additional year under the same pricing, terms, and conditions for an estimated total cost of \$141,106.00, expiring December 31, 2003.

PROPOSAL I: STANDARD METERS

| <u>ESTIMATED QUANTITY</u> | <u>DESCRIPTION</u>                   | <u>MODEL #</u> | <u>TRADE-IN ALLOWANCE (one for one)</u> | <u>UNIT PRICE</u> | <u>TOTAL PRICE</u> |
|---------------------------|--------------------------------------|----------------|---|-------------------|--------------------|
| 300                       | 5/8" X 3/4" Meter                    | T-10 ARBV      | \$ 2.25                                 | \$ 76.39          | \$22917.00         |
| 600                       | 3/4" Meter                           | T-10 ARBV      | \$ 3.25                                 | \$ 99.83          | \$59898.00         |
| 20                        | 1" Meter                             | T-10 ARBV      | \$ 4.25                                 | \$129.74          | \$ 2594.80         |
| 5                         | 1-1/2" meter with connections        | T-10 ARBV      | \$10.00                                 | \$281.73          | \$ 1408.65         |
| 5                         | 2" meter with connections            | T-10 ARBV      | \$14.00                                 | \$304.72          | \$ 1523.60         |
|                           | Additional cable, per unit, per foot |                |   | .07 ft.           |                    |
|                           | Discount on parts                    |                |   | 10%               |                    |

October 30, 2002

To: The Honorable Mayor and City Council  
Re: Option to Renew— Standard and Compound Water Meters  
Page 2 of 2

PROPOSAL 2: COMPOUND METERS

| <u>QUANTITY</u> | <u>DESCRIPTION</u>           | <u>MODEL #</u> | <u>TRADE-IN ALLOWANCE (one for one)</u> | <u>UNIT PRICE</u> | <u>TOTAL PRICE</u> |
|-----------------|------------------------------|----------------|---|-------------------|--------------------|
| 12              | 2" compound with connections | Tru-Flo        | \$ 30.00                                | \$ 970.51         | \$11646.12         |
| 15              | 3" compound with connections | Tru-Flo        | \$ 40.00                                | \$1214.72         | \$18220.80         |
| 12              | 4" compound with connections | Tru-Flo        | \$ 50.00                                | \$1815.68         | \$21788.16         |
| 2               | 6" compound with connections | Tru-Flo        | \$100.00                                | \$2849.60         | \$ 5699.20         |
|                 | Discount on parts            |                |   | 10%               |                    |

Estimated Grand Total: \$141,106.00

**MARKET SURVEY**

A market survey was not deemed necessary, as the City has standardized on the Neptune Water Meter System and SLC Meter Service is the sole distributor in the State of Michigan.

**BUDGET**

Funds are available in the Water Department Operating Budget.



500 West Big Beaver  
Troy, Michigan 48064  
Fax: (248) 524-0851  
www.ci.troy.mi.us

October 14, 2002

Area code (248)

SLC Meter Service  
3059 Dixie Highway  
Waterford MI 48328  
ATT: William F. Traynor

Assessing  
524-3311

Bldg. Inspections  
524-3344

Bldg. Operations  
524-3368

City Clerk  
524-3316

City Manager  
524-3330

On February 18, 2002 Troy City council approved a contract with SLC Meter Service to provide Standard and Compound Water Meters until December 31, 2002. (Council Resolution #2002-02-077-E-2). This contract contained an option to renew for one additional year at the same prices, terms and conditions as the original contract.

Community Affairs  
524-1147

Please fax this letter back with your intentions. Our fax number is 248-524-3520.

Engineering  
524-3383

If you have any questions please call Vicki Richardson at 248-524-3501.

Finance  
524-3411

Thank you,  
Vicki Richardson  
Department of Public Works  
City of Troy

Fire-Administration  
524-3419

Human Resources  
524-3339

YES WE WISH TO EXTEND OUR CONTRACT:

Information Technology  
619-7279

X William F. Traynor  
WILLIAM F. TRAYNOR, REPRESENTATIVE

Law  
524-3320

DATE: 10-15-02

Library  
524-3545

Parks & Recreation  
524-3484

No, We do not wish to extend our contract:

Planning  
524-3364

X \_\_\_\_\_

Police-Administration  
524-3443

Date: \_\_\_\_\_

Public Works  
524-3370

Purchasing  
524-3338

Real Estate & Development  
524-3498

Treasurer  
524-3334

General Information  
524-3300

**VISITOR COMMENTS**

**CONSENT AGENDA**

**RECESS 8:30 PM – 8:50 PM**

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**E-1 Approval of Consent Agenda**

Resolution #2002-02-077  
Moved by Pallotta  
Seconded by Kaszubski

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

Yes: All-7

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**E-2 Standard Purchasing Resolution 1: Award to Low Bidder – Standard and Compound Water Meters**

Resolution #2002-02-077-E-2

RESOLVED, That a contract to provide one-year requirements of Standard and Compound Water Meters with an option to renew for one additional year is hereby awarded to the sole bidder, SLC Meter Service, Inc., at unit prices contained in the bid tabulation opened January 23, 2002, at an estimated annual total cost of \$141,106.00, a copy of which shall be attached to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award includes additional cable at \$.07 per foot and Neptune meter replacement parts at a discount of 10% off list.

---

**E-3 Standard Purchasing Resolution 4: State of Michigan Extended Purchasing Agreements – Fleet Vehicles**

Resolution #2002-02-077-E-3

RESOLVED, That a contract to provide fleet vehicles through the State of Michigan Extended Purchasing Agreement with Snethkamp's Lansing Dodge is hereby awarded at an estimated total cost of \$120,203.46.

January 31, 2002

To: The Honorable Mayor and City Council

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

Subject: Standard Purchasing Resolution 1: Award To Low Bidder –  
Standard And Compound Water Meters

**RECOMMENDATION**

On January 23, 2002, bid proposals were opened to furnish one-year requirements of standard and compound water meters with an option to renew for one additional year. After reviewing these proposals, the Public Works Department recommends awarding the contract to the sole bidder, SLC Meter Service Inc., at an estimated total cost of \$141,106.00 per year. The City has been very satisfied with their product and service over the years. Water meters are purchased on an as needed basis throughout the year using estimated quantities at the following unit prices:

**PROPOSAL I: STANDARD METERS**

| <b>ESTIMATED QUANTITY</b> | <b>DESCRIPTION</b>                   | <b>MODEL #</b> | <b>TRADE-IN ALLOWANCE</b> | <b>UNIT PRICE</b> |
|---------------------------|--------------------------------------|----------------|---------------------------|-------------------|
| 300                       | 5/8"x3/4" Meter                      | T-10 ARB V     | (\$ 2.25)                 | \$76.39           |
| 600                       | 3/4" Meter                           | T-10 ARB V     | (\$ 3.25)                 | \$99.83           |
| 20                        | 1" Meter                             | T-10 ARB V     | (\$ 4.25)                 | \$129.74          |
| 5                         | 1-1/2" Meter                         | T-10 ARB V     | (\$10.00)                 | \$281.73          |
| 5                         | 2" Meter                             | T-10 ARB V     | (\$14.00)                 | \$304.72          |
|                           | Additional Cable, per Unit, per Foot |                |                           | \$ .07            |
|                           | Discount on Parts                    |                |                           | 10%               |

January 31, 2002

To: The Honorable Mayor and City Council  
Re: Bid Award: Standard and Compound Water Meters

**PROPOSAL 2: COMPOUND METERS**

| <b>ESTIMATED QUANTITY</b> | <b>DESCRIPTION</b> | <b>MODEL #</b> | <b>TRADE-IN ALLOWANCE</b> | <b>UNIT PRICE</b> |
|---------------------------|--------------------|----------------|---------------------------|-------------------|
| 12                        | 2" Compound        | Tru-Flo        | (\$ 30.00)                | \$970.51          |
| 15                        | 3" Compound        | Tru-Flo        | (\$ 40.00)                | \$1,214.72        |
| 12                        | 4" Compound        | Tru-Flo        | (\$ 50.00)                | \$1,815.68        |
| 2                         | 6" Compound        | Tru-Flo        | (\$100.00)                | \$2,849.60        |
|                           | Discount on Parts  |                |                           | 10%               |

**BUDGET**

Funds are available in the Water Department Operating Budget.

35 Bids sent  
8 Bids Received  
7 No Bids

| VENDOR NAME:                       |      |  | ** SLC METER SERVICE INC |                 |               |         |          |            |
|------------------------------------|------|--|--------------------------|-----------------|---------------|---------|----------|------------|
| EST                                | UNIT |  |                          |                 |               |         |          |            |
| ITEM #                             | QTY  | DESCRIPTION                              | MODEL #                  | TRADE-IN        | UNIT PRICE    | MODEL # | TRADE-IN | UNIT PRICE |
| <b>PROPOSAL 1: Standard Meters</b> |      |  |                          |                 |               |         |          |            |
| 1                                  | 300  | 5/8" X 3/4" Meter                        | T-10 ARBV                | \$ (2.25)       | \$ 76.39      |         |          |            |
| 2                                  | 600  | 3/4" Meter                               | T-10 ARBV                | \$ (3.25)       | \$ 99.83      |         |          |            |
| 3                                  | 20   | 1" Meter                                 | T-10 ARBV                | \$ (4.25)       | \$ 129.74     |         |          |            |
| 4                                  | 5    | 1-1/2" meter with connections            | T-10 ARBV                | \$ (10.00)      | \$ 281.73     |         |          |            |
| 5                                  | 5    | 2" meter with connections                | T-10 ARBV                | \$ (14.00)      | \$ 304.72     |         |          |            |
| 6                                  |      | Additional cable, per unit, per foot     |                          |                 | \$ 0.07       |         |          |            |
| 7                                  |      | Meters quoted are manufactured by:       | NEPTUNE                  |                 |               |         |          |            |
|                                    |      | Discount on parts                        |                          |                 | 10%           |         |          |            |
|                                    |      | Parts list to be used for this contract: | U676-6                   |                 |               |         |          |            |
| <b>PROPOSAL 2: Compound Meters</b> |      |  |                          |                 |               |         |          |            |
| EST                                | UNIT |  |                          |                 |               |         |          |            |
| ITEM #                             | QTY  | DESCRIPTION                              | MODEL #                  | TRADE-IN        | UNIT PRICE    | MODEL # | TRADE-IN | UNIT PRICE |
| 1                                  | 12   | 2" compound with connections             | TRU-FLO                  | \$ (30.00)      | \$ 970.51     |         |          |            |
| 2                                  | 15   | 3" compound with connections             | TRU-FLO                  | \$ (40.00)      | \$ 1,214.72   |         |          |            |
| 3                                  | 12   | 4" compound with connections             | TRU-FLO                  | \$ (50.00)      | \$ 1,815.68   |         |          |            |
| 4                                  | 2    | 6" compound with connections             | TRU-FLO                  | \$ (100.00)     | \$ 2,849.60   |         |          |            |
|                                    |      | Meters quoted are manufactured by:       | NEPTUNE                  |                 |               |         |          |            |
| 5                                  |      | Discount on parts                        |                          |                 | 10%           |         |          |            |
|                                    |      | Parts list to be used for this contract: | U676-6                   |                 |               |         |          |            |
| <b>TOTAL FOR NEW METERS:</b>       |      |  |                          |                 | \$ 145,696.33 |         |          |            |
| <b>TOTAL FOR TRADE-INS:</b>        |      |  |                          |                 | \$ (4,590.00) |         |          |            |
| <b>GRAND TOTAL ALL ITEMS:</b>      |      |  |                          |                 | \$ 141,106.33 |         |          |            |
| TERMS:                             |      |  |                          | NET 30 DAYS     |               |         |          |            |
| WARRANTY:                          |      |  |                          | STANDARD MFG    |               |         |          |            |
| DELIVERY DATE:                     |      |  |                          | STOCK - 3 WEEKS |               |         |          |            |
| EXCEPTIONS:                        |      |  |                          | BLANK           |               |         |          |            |

**NO BIDS:**

- |                           |                             |
|---------------------------|-----------------------------|
| <u>Badger Meter Inc</u>   | <u>Hoffer Flow Controls</u> |
| <u>US Filter Inc</u>      | <u>Data Ind Corp</u>        |
| <u>Etna Supply Co</u>     | <u>ABB, Inc</u>             |
| <u>AY McDonald Mfg Co</u> |                             |

**\*\* DENOTES SOLE BIDDER**

**ATTEST:**

Cheryl Morrell  
Vicki Richardson  
Linda Bockstanz

\_\_\_\_\_  
 Jeanette Bennett

A.Y. MCDONALD MANUFACTURING CO.  
4800 CHAVENELLE ROAD  
P.O. BOX 508  
DUBUQUE IA 52004-0508

ABB WATER METERS INC/KENT METERS  
P O BOX 1852  
1100 S.W. 38th Street  
OCALA FL 34478

AMERICAN CONTROLS, INC.  
20764 WHITLOCK  
FARMINGTON HILLS MI 48336

BADGER METER INC  
P O BOX 88223  
MILWAUKEE WI 53288-0223

BOYDCO  
101 COMMERCIAL WAY  
P.O. BOX 4940  
E.PROVIDENCE RI 02916

CARLON METER COMPANY INC  
1710 EATON DR  
GRAND HAVEN MI 49417

DATA INDUSTRIAL CORP.  
11 INDUSTRIAL DRIVE  
P.O. BOX 740  
MATTAPOISETT MA 02739

ETNA SUPPLY CO  
ATTN DEBRA WILTSIE  
529 32ND STREET SE  
GRAND RAPIDS MI 49548-2392

F.S. BRAINARD & CO.  
5 TERRI LANE  
P.O. BOX 366  
BURLINGTON NJ 08016

GUNNERS METERS & PARTS  
454 N CASS AVENUE  
PONTIAC MI 48342

HERSEY-METERS  
10210 STATESVILLE BLVD  
P O BOX 128  
CLEVELAND NC 27013

HOFFER FLOW CONTROLS INC  
P.O. BOX 2145  
ELIZABETH CITY NC 27906-2145

INVESYS METERING SYSTEMS  
450 N. GALLATIN AVE  
UNIONTOWN PA 15401

ISTEC CORP.  
415 HOPE AVE  
P.O. BOX 618  
ROSELLE NJ 07203

LEAK TEK DIVISION  
122 SPACE PARK DRIVE  
P.O. BOX 110847  
NASHVILLE TN 37222

MARS CO.  
P.O. BOX 3841  
OCALA FL 34478

MASTER METER INC  
100 E 15TH ST  
SUITE 350  
FORT WORTH TX 76102

METROL COMPANY  
7145 E DAVISON  
DETROIT MI 48212

MID-WEST METER CO INC  
1003 W MADISON  
P O BOX 366  
ARKANSAS CITY KS 67005

N.A.A.C.P.  
2990 EAST GRAND BOULEVARD  
DETROIT MI 48211

PRECISION METERS INC  
9495 DELEGATES DR  
ORLANDO FL 32837

RAMAR TECHNOLOGY  
1101-A AVIATION PARKWAY  
MORRISVILLE NC 27560

RUDDER LIMITED  
16135 HARPER AVE  
DETROIT MI 48224

S L C METER SERVICE INC  
3059 DIXIE HWY  
WATERFORD MI 48328-1719

SCHLUMBERGER ELECTRONIC TRANSACTIONS  
1601 SCHLUMBERGER  
MOORESTOWN NJ 08057-1103

SCHLUMBERGER INDUSTRIES  
HIGHWAY 229 S.  
TALLASSEE AL 36078

SEECO  
1771 HARMAN ROAD  
AUBURN HILLS MI 48326

SENSUS TECHNOLOGIES INC  
450 NORTH GALLATIN AVENUE  
P O BOX 487  
UNIONTOWN PA 15401

SPARLING INSTRUMENTS INC  
4097 N. TEMPLE CITY BLVD.  
EL MONTE CA 91731

THE FORD METER BOX CO. INC  
775 MANCHESTER AVE  
P.O. BOX 443  
WABASH IN 46992-0443

U S FILTER/WATER PRO  
6575 23 MILE ROAD  
SHELBY TOWNSHIP MI 48316

UNDERGROUND PIPE & VALVE  
4212 SOUTH AVENUE  
TOLEDO OH 43615

UV INTERNATIONAL LLC  
17316 EDWARDS ROAD #B155  
P.O. BOX 3003  
CERRITOS CA 90703-3003

WATER SPECIALTIES CORP  
191 W. POPLAR AVE  
PORTERVILLE CA 93257

WATER WORKS & FIRE SPRINKLER  
275 RAILROAD PLACE  
HACKENSACK NJ 07601

November 11, 2002

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Jeanette Bennett, Purchasing Director  
William S. Nelson, Fire Chief

Subject: Sole Source -  
CLEMIS Membership Fee and Usage Fees For Mobile Data Computers

### **RECOMMENDATION**

The Fire Department would like approval to pay CLEMIS membership and Mobile Data Computer usage fees to Oakland County for five years for the use of Mobile Data Computers. The total estimated annual cost is \$18,000 per year paid quarterly, which includes membership costs based on the number of full time employees, and mobile data computer fees based on the number of vehicles equipped with MDC units. The contract shall commence January 2003 and expire December 2007.

### **BACKGROUND**

Oakland County is the sole source for ongoing communications with the Oakland County Court and Law Enforcement Management Information System (CLEMIS) and the Computer Aided Dispatch System it provides to public safety agencies in the county. In order to participate in this system a department must join CLEMIS. Membership fees are based on the number of FTEs a department has times an annual membership fee (currently \$143/FTE/year.) The Troy Fire Department membership fee based on 2001 activity is \$4004 based on twenty-eight (28) FTE's.

This project will permit the Mobile Data Computers installed in fire apparatus to communicate with the Computer Aided Dispatch system utilized in the Communications Center. In addition to providing dispatch information in the apparatus, the apparatus can update its status electronically improving accuracy and reducing dispatch center workload.

The agreement is open ended and dependent upon the number of fire department vehicles that are equipped with MDC's. In addition, the current annual cost of \$700.00 per unit is set by the Oakland County Advisory Committee Board (CLEMIS), and determined by the operating costs of the system and future replacement of equipment with the advancement of technology.

### **BUDGET**

Account #343.7940 (Fire Communications) has been designated for the funding of this program.



**TO:** Mayor and Members of City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
**DATE:** November 6, 2002  
**SUBJECT:** Castiglione v. Troy

---

Attached please find a complaint that was filed against the City of Troy by probationary police officer Catherina Castiglione. In March 2001, Ms. Castiglione was offered a conditional offer of employment. One essential condition was the satisfactory completion of the police academy. Ms. Castiglione was then enrolled in the only available police academy at that time, the Wayne County Regional Police Training Center, located in Garden City, Michigan.

During the course of her police academy experience, Ms. Castiglione made some complaints about the police academy personnel. These complaints included an alleged deprivation of water, alleged hazardous training practices (students were required to do pushups on asphalt), and alleged discrimination based on sex, height, and disability. The Troy police department reported these allegations to the police academy. They also conducted an independent investigation, and determined that most of the allegations were unsubstantiated. As a result of this investigation, and the fact that Ms. Castiglione either grossly exaggerated her claims or misrepresented her medical condition, the offer of employment was withdrawn by the City of Troy.

Prior to her completion of the academy, Ms. Castiglione alleged that she sustained an injury that was due to her participation in the police academy. She filed a worker's compensation claim against the City of Troy for these alleged injuries, which is still pending. Ms. Castiglione has also filed an appeal for reinstatement with the City of Troy civil service commission, which is also pending.

In her complaint, Ms. Castiglione first alleges that the withdrawal of the offer of employment was in retaliation for her making complaints against the police academy, an entity not affiliated with the City of Troy (an alleged violation of the Whistleblower's Protection Act). She also alleges that the City's withdrawal of the offer of employment was in retaliation for her filing of a worker's compensation claim. The third claim is a request for alleged unpaid overtime compensation under the Fair Labor Standards Act. In this claim, Ms. Castiglione requests overtime pay for her travel time to and from the police academy, which was located in Garden City, Michigan.

The City has generally hired Attorney Craig Lange for employment cases. Mr. Lange has already prepared for the civil service commission hearing for Ms. Castiglione, and is therefore very familiar with the facts of the case. In addition, he has an expertise in this area, and is recommended by the Michigan Municipal Risk Management Authority, our insurer. Therefore, it is my recommendation that Craig Lange handle the defense of this matter for the City.

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

STATE OF MICHIGAN  
SIXTH JUDICIAL CIRCUIT

SUMMONS AND COMPLAINT



JUDGE NANCY J. GRANT  
CASTIGLIONE, C V TROY CITY

TROY LAW DEPARTMENT

Court Address  
1200 N. Telegraph Road, Pontiac, MI 48341

Court telephone no.  
(248) 858-0582

Nov 1 12 04 PM '02

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

CATHERINA CASTIGLIONE

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

CITY OF TROY

V

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

JEFFREY J. ELLISON, P.C.  
BY: Jeffrey J. Ellison (P35735)  
510 Highland Avenue, #325  
Milford, MI 48381  
(810) 632-6470

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

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

|                              |   |   |
|------------------------------|---|---|
| Issued<br><b>OCT 07 2002</b> | This summons expires:<br><b>JAN 06 2003</b> | Court clerk<br><b>G. WILLIAM CADELL</b> |
|------------------------------|---|---|

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

- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the Complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence as alleged in the complaint has been previously filed in \_\_\_\_\_.
- There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in \_\_\_\_\_ Court.

The docket number and assigned judge of the civil/domestic relations action are:

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

The civil/domestic relations action \_\_\_ remains \_\_\_ is no longer pending.

**VENUE**

|   |   |
|---|---|
| Plaintiff(s) residence (include city, township, or village)<br>Roseville, Macomb County, Michigan | Defendant(s) residence (include city, township, or village)<br>Troy, Oakland County, Michigan |
| Place where action arose or business conducted<br>Troy, Oakland County, Michigan                  |   |

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

October 7, 2002  
Date

Jeffrey J. Ellison (P35735)

**COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.**

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

51-2

02-044398-CL



TROY LAW DEPARTMENT

STATE OF MICHIGAN

Nov 1 12 34 PM '02

SIXTH JUDICIAL CIRCUIT COURT

CATHERINA CASTIGLIONE,

Plaintiff,

'02 OCT -7 23:37

v.

Case No. 2002-

- CL

CITY OF TROY,  
a municipal corporation,

Defendant.

*Police*  
*Res Mgmt*  
*Attn*  
*HR*  
*Mgr.*  
*File*

\_\_\_\_\_  
JEFFREY J. ELLISON, P.C.  
BY: Jeffrey J. Ellison (P35735)  
Attorney for Plaintiff  
510 Highland Avenue, #325  
Milford, MI 48381  
(810) 632-6470  
\_\_\_\_\_

**COMPLAINT AND JURY DEMAND**

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

CATHERINA CASTIGLIONE, by counsel, states her complaint against the CITY OF TROY as follows:

**JURISDICTIONAL ALLEGATIONS**

1. This complaint states claims of retaliatory discharge of Plaintiff Catherina Castiglione in violation of the Whistleblower's Protection Act and the Workers' Disability Compensation Act, and for unpaid overtime compensation due her under the Fair Labor Standards Act. This Court has jurisdiction of these claims pursuant to MCL 15.363(a), MCL 418.301(11) and 29 USC 216(b).

2. The violations alleged in this complaint occurred in Oakland County, Michigan. Venue is proper in this Court pursuant to MCL 15.363(b) and 29 USC 216(b).

### **Common Allegations**

3. The City of Troy ("City") is a municipal corporation and political subdivision of the State of Michigan and is located in Oakland County, Michigan.
4. On March 14, 2001, the City made a conditional offer to Castiglione of probationary employment as a police officer of the City's police department.
5. Castiglione accepted the conditional offer on March 22, 2001, and became employed by the City.
6. Among the conditions Castiglione was required to meet in order to retain such employment was satisfactory completion of "the minimum required training mandated by the Michigan Law Enforcement Officers Training Council."
7. The City enrolled Castiglione at the Wayne County Regional Police Training Center ("Wayne County Regional"), located in Garden City, Wayne County, Michigan, for the purpose of obtaining said "minimum required training." Wayne County Regional is approximately 35 miles from the City's police headquarters.
8. Castiglione commenced training at Wayne County Regional on July 27, 2001. Castiglione was required to convey herself to Wayne County Regional on her own time, and incurred a substantially longer daily round-trip to that facility than she would have spent traveling to and from the City's police headquarters.
9. In early August, 2001, Castiglione reported to supervisors of the City's police department violations and/or suspected violations of law or regulation or rule promulgated pursuant to law, among these being the following: assault on a

Wayne County Regional trainee by an instructor of Wayne County Regional; unreasonable denial of necessary water and other relief by Wayne County Regional instructors; hazardous training practices, including but not limited to compulsion of trainees to perform so-called "knuckle" pushups on hot asphalt; discrimination against trainees on account of sex, height, and disability; and other unlawful acts.

10. In response to Castiglione's complaints, supervisors of the City's police department reported her complaints to Wayne County Regional.
11. On August 20, 2001, following report of Castiglione's complaints to Wayne County Regional personnel by supervisors of the City's police department, Castiglione was assaulted by the same training instructor and in the same manner she had complained about to the City's supervisors. Castiglione suffered disabling injuries as the result of this assault and was unable to complete the training course because of those injuries.
12. Castiglione complained to supervisors of the City's police department about the assault upon her by the Wayne County Regional instructor and other violations and suspected violations of law or regulation or rule promulgated pursuant to law.
13. Castiglione made a claim for benefits under the Workers' Disability Compensation Act.
14. Following submission of that claim, supervisors of the City's police department commenced an investigation of Castiglione. The investigation included a five-hour interrogation, during which Castiglione was denied representation.

15. On July 15, 2002, Castiglione received a letter from the City's city manager withdrawing the conditional offer of employment, citing three reasons, to wit: alleged deliberate inaccuracies and incomplete statements on Castiglione's medical history form; alleged overstated and exaggerated physical limitations secondary to her work-related injury; and alleged overstated and untrue complaints about water deprivation and knuckle pushups at Wayne County Regional.

#### **Count I – Whistleblower's Protection**

16. Castiglione repeats here the allegations set forth in paragraphs 3 through 15.
17. The City of Troy constitutes a "public body" within the meaning of MCL 15.361(d)(iii). The City's police department constitutes a "law enforcement agency" within the meaning of MCL 15.361(d)(v).
18. Castiglione's report of violations and suspected violations of law, regulation or rule promulgated pursuant to law is protected against retaliation by MCL 15.362.
19. Castiglione suffered adverse employment action in the form of discharge from employment when the City's city manager withdrew the conditional offer of employment.
20. The reasons cited by the City's city manager for withdrawing the offer of conditional employment are false.
21. Castiglione was discharged from conditional employment with the City because, in whole or in part, she complained to supervisors of the City's police department about unlawful and suspected unlawful activity at Wayne County Regional.

22. The City's discharge of Castiglione therefore violates the Whistleblower's Protection Act.

WHEREFORE, Castiglione claims the following relief:

- A. Reinstatement to the position of employment she enjoyed on the day she was discharged, with all rights and benefits thereof;
- B. The full back salary and benefits she would have earned but for the unlawful discharge;
- C. The full future salary and benefits she would have earned, if reinstatement is otherwise not forthcoming;
- D. Damages for emotional distress, mental anguish, humiliation, loss of professional standing, and reputation caused by the unlawful discharge;
- E. Attorneys fees;
- F. Such additional relief as is just and proper.

#### **Count II – Workers' Compensation Retaliation**

23. Castiglione repeats here the allegations set forth in paragraphs 3 through 15.
24. The Workers' Disability Compensation Act prohibits the discharge of an employee "because the employee filed a complaint or instituted or caused to be instituted a proceeding under this act or because of the exercise by the employee on behalf of himself or herself or others of a right afforded by this act." MCL 418.301(11).
25. Castiglione was discharged from conditional employment with the City because, in whole or in part, she exercised a right afforded by the Workers' Disability Compensation Act.

26. The City's discharge of Castiglione therefore violates the Workers' Disability Compensation Act.

WHEREFORE, Castiglione claims the following relief:

- G. Reinstatement to the position of employment she enjoyed on the day she was discharged, with all rights and benefits thereof;
- H. The full back salary and benefits she would have earned but for the unlawful discharge;
- I. The full future salary and benefits she would have earned, if reinstatement is otherwise not forthcoming;
- J. Damages for emotional distress, mental anguish, humiliation, loss of professional standing, and reputation caused by the unlawful discharge;
- K. Attorneys fees;
- L. Such additional relief as is just and proper.

**Count III – Unpaid Overtime Compensation**

27. Castiglione repeats here the allegations set forth in paragraphs 3 through 15.

28. Castiglione's training at Wayne County Regional was for the benefit of her employer. Accordingly, time incurred in traveling to and from Wayne County Regional constitutes "hours worked" within the meaning of Sections 6 and 7 of the Fair Labor Standards Act (FLSA), 29 USC Sections 206 and 207.

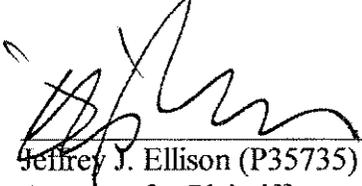
29. The City's failure to pay Castiglione for the travel time to and from Wayne County Regional was willful.

WHEREFORE, Castiglione claims the following relief:

- A. Unpaid overtime compensation at the appropriate hourly rate for the daily time spent traveling to and from Wayne County Regional, where that time exceeds the normal daily time incurred in traveling to the City's police headquarters from home;
- B. An equal amount in the form of liquidated damages;
- C. Attorneys fees;
- D. Such additional relief as is just and proper.

Respectfully submitted,

**JEFFREY J. ELLISON, P.C.**

BY: 

Jeffrey J. Ellison (P35735)  
Attorney for Plaintiff  
510 Highland Avenue, #325  
Milford, MI 48381  
(810) 632-6470

Dated: October 7, 2002

November 12, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: Application for Class C license transfer by **Troy Hotel Property (Homewood Suites)**, and **request to transfer classification from Class-C to B-Hotel.**

Troy Hotel Property LLC, and MEI Holdings LLC as Co-Licensees, are requesting to **transfer** ownership in 2000 Class C licensed business with 2 Direct Connections, located in escrow at Twelve Oaks Mall, 27302 Novi, Novi, MI 48377, Oakland County, from **JONATHAN B PUB OF NOVI, INC.**; transfer location (governmental unit) (MLCC 436.1531(1)) to 1495 Equity, W., Troy, MI 48084, Oakland County; and requests a **new SDM** license to be held in conjunction; and request to **transfer** classification from Class-C to B-Hotel.

At its November 11th meeting, the Liquor Advisory Committee entertained this request. The Police Department received a request from the MLCC to amend the applicant's previously approved request to include a change in classification from Class-C to B-Hotel. The applicant had previously requested this, but an error in paperwork during the MLCC investigation omitted it from the Liquor Advisory Boards original review of this item. City Council has already approved this item (Resolution #2002-07-424-E-19a). The amended request simply asks for a change in classification. The Liquor Advisory Board recommended approval of the transfer, as well as the reclassification.

The police department's background investigation revealed no liquor violations or criminal history for the principle owners. Consequently, we have no objection to this request.

**Request from: TROY HOTEL PROPERTY LLC and MEI HOLDINGS LLC as Co-Licensees, requests to transfer ownership in 2000 Class C licensed business with 2 Direct Connections, located in escrow at Twelve Oaks Mall, 27302 Novi, Novi, MI 48377, Oakland County, from JONATHAN B PUB OF NOVI, INC.; transfer location (governmental unit) (MLCC 436.1531(1)) to 1495 Equity, W., Troy, MI 48084, Oakland County; and requests a new SDM license to be held in conjunction; and requests to transfer classification from Class-C to B-Hotel; (b) Approval of Agreement**

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A copy of the Liquor Advisory Committee Minutes are located under Agenda Item \_\_\_\_

**(a) License Transfer**

Suggested Resolution

Resolution #2002-

Moved by

Seconded by

RESOLVED, that the request from **TROY HOTEL PROPERTY LLC and MEI HOLDINGS LLC** to transfer ownership in 2000 Class C licensed business with 2 Direct Connections, located in escrow at Twelve Oaks Mall, 27302 Novi, Novi, MI 48377, Oakland County, from **JONATHAN B PUB OF NOVI, INC.**; transfer location (governmental unit) (MLCC 436.1531(1)) to 1495 Equity, W., Troy, MI 48084, Oakland County; and requests a **new SDM** license to be held in conjunction, and requests to transfer classification from Class-C to B-Hotel be considered for approval.

It is the consensus of this legislative body that the application be recommended for issuance.

Yes:

No:

**(b) Agreement**

Suggested Resolution

Resolution #2002-

Moved by

Seconded by

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby approves an agreement with TROY HOTEL PROPERTY LLC and MEI HOLDINGS LLC, which shall become effective upon approval of the transfer ownership in 2000 Class C licensed business with 2 Direct Connections, located in escrow at Twelve Oaks Mall, 27302 Novi, Novi, MI 48377, Oakland County, from **JONATHAN B PUB OF NOVI, INC.**; transfer location (governmental unit) (MLCC 436.1531(1)) to 1495 Equity, W., Troy, MI 48084, Oakland County; and requests a **new SDM** license to be held in conjunction, and requests to transfer classification from Class-C to B-Hotel; 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:

## AGREEMENT REGARDING LIQUOR LICENSE REQUEST

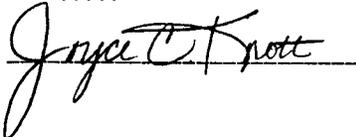
This Agreement, made this \_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and TROY HOTEL PROPERTY LLC, and MEI HOLDINGS LLC, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the transfer of ownership of 2000 Class C licensed business with 2 Direct Connections, located in escrow at Twelve Oaks Mall, 27302 Novi, Novi, MI 48377, Oakland County, from **JONATHAN B PUB OF NOVI, INC.**; transfer location (governmental unit) (MLCC 436.1531(1)) to 1495 Equity, W., Troy, MI 48084, Oakland County; and requests a **new SDM** license to be held in conjunction; and requests to transfer classification from Class-C to B-Hotel. [MLCC REQ ID# 169319]
2. In consideration of the City of Troy's recommendation for approval of the transfer, the applicant hereby agrees that:
  - a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
  - b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
  - c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

  
\_\_\_\_\_  
Authorized Representative

TROY HOTEL PROPERTY LLC  
MEI HOLDINGS LLC

Witnesses:

  
\_\_\_\_\_

Mary Ann Middlebrook

Subscribed and sworn to before me  
this 12<sup>th</sup> day of NOV, 2002

Brian D. Wagster

BRIAN D WAGSTER  
Notary Public, OHIO, CUYAHOGA  
County, STATEWIDE JURIS. RES: SUMMIT  
My commission expires: 2-28-2008 CO.

CITY OF TROY

By: \_\_\_\_\_  
Matt Pryor, Mayor

By: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

Witnesses:

\_\_\_\_\_

\_\_\_\_\_

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_

\_\_\_\_\_

Notary Public, Oakland  
County, Michigan  
My commission expires:

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

Sec. 531. (1) A public license shall not be granted for the sale of alcoholic liquor for consumption on the premises in excess of 1 license for each 1,500 of population or major fraction thereof. **On-premise escrowed licenses issued under this subsection are available subject to local legislative approval under section 501(2) to an applicant whose proposed operation is located within any local governmental unit in a county with a population of under 500,000 or a county with a population of over 700,000 in which the escrowed license was located.** If the local governmental unit within which the former licensee's premises were located spans more than 1 county, an escrowed license is available subject to local legislative approval under section 501(2) to an applicant whose proposed operation is located within any local governmental unit in either county. If an escrowed license is activated within a local governmental unit other than that local governmental unit within which the escrowed license was originally issued, the commission shall count that activated license against the local governmental unit originally issuing the license. This quota does not bar the right of an existing licensee to renew a license or transfer the license and does not bar the right of a tavern or class A hotel from requesting reclassification of a license to class C, unless local option laws prevent the sale of spirits and mixed spirit drinks by those licensed premises, subject to the consent of the commission. The upgrading of a license resulting from a request under this subsection shall be approved by the local governmental unit having jurisdiction.

(2) In a resort area, the commission may issue 1 or more licenses for a period not to exceed 12 months without regard to a limitation because of population, but not in excess of 550, and with respect to the resort license the commission, by rule, shall define and classify resort seasons by months and may issue 1 or more licenses for resort seasons without regard to the calendar year or licensing year.

(3) In addition to the resort licenses authorized in subsection (2), the commission may issue not more than 10 additional licenses for the year 1998 to establishments whose business and operation, as determined by the commission, is designed to attract and accommodate tourists and visitors to the resort area and whose primary purpose is not for the sale of alcoholic liquor. In counties having a population of less than 50,000, as determined by the last federal decennial census or as determined pursuant to subsection (11) and subject to subsection (17) in the case of a class A hotel or a class B hotel, the commission shall not require the establishments to have dining facilities to seat more than 50 persons. The commission may cancel the license if the resort is no longer active or no longer qualifies for the license. Before January 16 of each year the commission shall transmit to the legislature a report giving details as to the number of applications received under this subsection; the number of licenses granted and to whom; the number of applications rejected and the reasons; and the number of the licenses revoked, suspended, or other disciplinary action taken and against whom and the grounds for revocation, suspension, or disciplinary action.

(4) In addition to any licenses for the sale of alcoholic liquor for consumption on the premises that may be available in the local governmental unit under subsection (1) and the resort licenses authorized in subsections (2) and (3), the commission may issue not

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

|          |                                    |         |                    |
|----------|------------------------------------|---------|--------------------|
| PRESENT: | Max K. Ehlert                      | ABSENT: | David Balagna      |
|          | W. Stan Godlewski                  |         | Anita Elenbaum     |
|          | James Peard                        |         | James Moseley      |
|          | Thomas Sawyer, Jr.                 |         | Stephanie Robotnik |
|          | Carolyn Glosby, Asst City Attorney |         |                    |
|          | Sgt. Thomas Gordon                 |         |                    |
|          | Sgt. George Zielinski              |         |                    |
|          | Pat Gladysz, Clerk Typist          |         |                    |

Sgt. George Zielinski introduced Sgt. Thomas Gordon, who will replace him as Service Section Administrator, Carolyn Glosby, assistant City Attorney who will now be present at the meetings, and Pat Gladysz, clerk typist who will be taking minutes.

Moved by T. Sawyer, seconded by J. Peard, to EXCUSE the absent members.  
APPROVED unanimously.

There was a brief discussion regarding the absence of D. Balagna. M. Ehlert will contact him to determine his status as a member of this Committee.

Moved by J. Peard, seconded by S. Godlewski to APPROVE the minutes of the August 12, 2002 meeting as printed.  
APPROVED unanimously.

#### **AGENDA ITEMS:**

1. **TROY HOTEL PROPERTY, LLC and MEI HOLDING, LLC** requests to transfer ownership of 2000 Class C licensed business with two direct connections, located in escrow at Twelve Oaks Mall, 27302 Novi, Novi, MI 48377, Oakland County, from JONATHON B PUB OF NOVI, INC.; transfer location (governmental unit) (MCL 436.1531 (1)) to 1495 Equity W., Troy, MI 48084, Oakland County; and requests a new SDM license to be held in conjunction, **and transfer classification from Class-C to B-Hotel.**

*Previously approved by LAC, with Council resolution. Error in paperwork requires classification to change from Class-C to B-Hotel*

There was no one present from the petitioner.

T. Gordon explained that this was a request to transfer classification from Class C to Class B-Hotel due to an error in paperwork.

Moved by M. Ehlert, seconded by S. Godlewski to APPROVE the above request.  
APPROVED unanimously.

There was a brief discussion regarding ongoing “sale to minor” violations by 7-11 and Rite-Aid stores.

There was a brief discussion regarding the appeal filed by Troy Paradise, Inc.

Moved by M. Ehlert, second by S. Godlewski, to ADJOURN the meeting at 7:35 p.m.  
APPROVED unanimously.

/pg

November 12, 2002

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager  
Douglas J. Smith, Real Estate & Development Director  
Larysa Figol, Right of Way Representative

SUBJECT: Request for Acceptance of 2 Permanent Easements for Storm Drain/Sewer – Sidwell # 88-20-18-153-005, The Archdiocese of Detroit/St. Thomas More Catholic Church and #88-20-18-301-002, Carl A. and Barbara Gundersen

In connection with the installation of a storm sewer project, the Real Estate and Development Department has acquired 2 permanent easements for storm drain/sewer from the Archdiocese of Detroit the owners of the property at 4550 Crooks Road, St. Thomas More Catholic Church and Carl A. and Barbara Gundersen, the property owners of 2775 Red Fox Trail. The consideration on each document is \$1.00.

In order for the Street and Drains Department to proceed with this project, we recommend that City Council accept the attached easement.

cc: William Need, Public Works Director

PERMANENT EASEMENT  
St. Thomas More Catholic Church

Sidwell #88-20-18-153-005  
Resolution #

Adam J. Maida, Roman Catholic Archbishop of the Archdiocese of Detroit, Grantor, whose address is 1234 Washington Boulevard, Detroit, MI 48226, for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace storm drain/sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE EXHIBIT "A" ATTACHED HERETO & 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.

Grantee agrees to repair and/or restore any damage to the land or any improvements caused by Grantee or its employees or contractors.

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 31<sup>st</sup> day of October A.D. 2002.

By Adam J. Maida (L.S.)  
\* Adam J. Maida, Roman Catholic Archbishop of the Archdiocese of Detroit

STATE OF MICHIGAN )  
COUNTY OF Wayne )

The foregoing instrument was acknowledged before me this 31<sup>st</sup> day of October, 2002 by Adam J. Maida, Roman Catholic Archbishop of the Archdiocese of Detroit.

DEBBI L BROWN  
Notary Public, Oakland County, MI  
My Commission Expires Jul 31, 2004

Debbi L. Brown  
\* Debbi L. Brown  
Notary Public, Oakland County, Michigan  
Acting in Wayne County, Michigan  
My Commission Expires 7/31/04

Prepared by: Larysa Figol  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

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

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

## EXHIBIT "A"

### Description of Easement:

Part of Lot 28 of "North Adams Valley Sub. No. 1", as recorded in Liber 118, Page 3, Oakland County, Michigan records. And part of the Southwest  $\frac{1}{4}$  of Section 18, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan.

Beginning at the easterly most corner of said Lot 28; thence, along the southeasterly line of said lot 28, South 54 degrees 17 minutes 19 seconds West 39.50 feet to the West line of said recorded "North Adams Valley Sub. No. 1"; thence, along said west line, South 00 degrees 02 minutes 00 seconds West 36.96 feet; thence North 89 degrees 58 minutes 00 seconds West 10.00 feet; thence North 00 degrees 02 minutes 00 seconds East, parallel to said west line of said plat, 60.57 feet; thence North 54 degrees 17 minutes 19 seconds East 37.83 feet to the Southwesterly right of way line of Fox Trail (60' Wide); thence on a curve to the left having a radius of 80.00 feet, a delta angle of 18 degrees 12 minutes 38 seconds, and a chord bearing and distance of South 26 degrees 37 minutes 31 seconds East 25.32 feet to the Point of Beginning. Containing 1,937 Square Feet or 0.044 Acres more or less.

PERMANENT EASEMENT

Sidwell #88-20-18-301-002  
Resolution #

Carl A. Gundersen and Barbara A. Gundersen, husband and wife, Grantors, whose address is 2775 Red Fox Trail, Troy, MI 48098 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace storm drain/sewer, 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.

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 my signature(s) this 18<sup>th</sup> day of September A.D. 2008.

In presence of:  
WITNESS

Linda M. Magie Brooks  
\*  
Carl A.  
\*

Carl A. Gundersen (L.S.)  
\*Carl A. Gundersen

Barbara A. Gundersen (L.S.)  
\*Barbara A. Gundersen

STATE OF MICHIGAN )  
COUNTY OF Macomb )

The foregoing instrument was acknowledged before me this 18<sup>th</sup> day of September, 2008 by Carl A. Gundersen and Barbara A. Gundersen, husband and wife.

Linda M. Magie Brooks  
\*  
Notary Public, Macomb County, Michigan  
LINDA M. MAGIE-BROOKS  
NOTARY PUBLIC MACOMB CO., MI  
MY COMMISSION EXPIRES OCT 01, 2008

Prepared by: Larysa Figol  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

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

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

## EXHIBIT "A"

### Description of Easement:

Part of Lot 29 of "North Adams Valley Sub. No. 1", as recorded in Liber 118, Page 3, Oakland County, Michigan records. Said plat being part of the West ½ of Section 18, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan.

Beginning at the northerly most corner of said Lot 29; thence, along the southerly right of way line of Fox Trail (60' Wide), on a curve to the left having a radius of 80.00 feet, a delta angle of 22 degrees 01 minutes 20 seconds, and a chord bearing and distance of South 46 degrees 43 minutes 49 seconds East 30.56 feet; thence South 54 degrees 17 minutes 19 seconds West, 66.93 feet to the west line of said lot 29; thence, along said west line, North 00 degrees 02 minutes 00 seconds East 36.96 feet to the northwesterly corner of said lot; thence, along north line of said lot, North 54 degrees 17 minutes 19 seconds East 39.50 feet to the Point of Beginning. Containing 1, 566 Square Feet or 0.036 Acres more or less.

# Proposed Storm Sewer Easement Sketch



Scale 1"=30'  
Date 9-09-2002

Asphalt  
Parking Lot

Lot 28

20-18-153-005

1086  
Inlet Invert 6' CMP  
794.94

1095

1094

1093

1096

Outlet Invert 8' CMP  
793.43

1097

1098

Outlet Invert 12'  
793.52

Proposed Storm  
Sewer Easement

N89° 58' 00" W  
10.00

60.57  
N00° 02' 00" E  
N00° 02' 00" E  
35.96

PROP. 2' CATCH BASIN  
RIM 793.0  
INV 789.80

554° 17' 19" W  
39.50

554° 17' 19" E  
83.37

60.57

39.50

10.00

1123

RIM 794.36

Red Fox Trail

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Proposed Storm  
Sewer Easement

Lot 29

Prepared By  
George J Ballard III, P S  
City of Troy  
Land Surveyor

Carl & Barbara Gundersen  
20-18-301-002  
2775 Red Fox Trail

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# Geographical Information Systems



City of Troy - Interactive Base Map

0 250ft

November 14, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidders  
 – Mowers And Miscellaneous Equipment Less Trade-Ins

**AWARD RECOMMENDATION**

Bid proposals were opened August 14, 2002, to furnish mowers and miscellaneous equipment less trade-ins for Sylvan Glen Golf Course. City management recommends that purchases be made from the lowest bidder for Item #1 less trade-ins with the exception of the cutting units, Weingartz Golf & Turf, at an estimated total cost of \$38,742.00 and from the lowest acceptable bidder meeting specifications, W. F. Miller Company, at an estimated total cost of \$15,656.00.

**Weingartz Golf and Turf, 46495 Humboldt, Novi, MI 48377**

**Item #1**

| QTY | Description                | Price       |
|-----|----------------------------|-------------|
| 3   | Triplex Riding Greensmower | \$44,892.00 |

**Trade-In Equipment Allowances:**

| QTY | Description                               | Price              |
|-----|---|--------------------|
| 1   | 1986 Toro Greensmaster Riding Model #3000 | -\$1675.00         |
| 1   | 1988 Toro Greensmaster Riding Model #3000 | -\$1675.00         |
| 1   | 1993 Toro Greensmaster Riding Model #3100 | -\$2800.00         |
|     | <b>NET TOTAL AWARD</b>                    | <b>\$38,742.00</b> |

**W.F. Miller Company, P.O. Box 605, Novi, Michigan 48376-0605**

**Item #2**

| QTY   | Description   | Price       |
|-------|---|-------------|
| 1 Ea. | Heavy Duty Utility Full Size Turf Truckster w/flatbed/box | \$13,284.00 |

**Item #2**

**Trade-In Equipment Allowances:**

| QTY   | Description                              | Price     |
|-------|--|-----------|
| 1 Ea. | 1984 Jacobsen Turf Truckster Model #2015 | -\$900.00 |

November 14, 2002

Page 2 of 2

**Re: Bid Award: Mowers and Misc Equipment Less Trade-Ins**

**Item #3**

| QTY   | Description                        | Price     |
|-------|------------------------------------|-----------|
| 1 Ea. | Large Capacity Fertilizer Spreader | \$3772.00 |

**Item #3**

**Trade-In Equipment Allowances:**

| QTY   | Description                                 | Price     |
|-------|---|-----------|
| 1 Ea. | 1985 Vicon Fertilizer Spreader Model PS 402 | -\$150.00 |

**Outright Sale – Item 4**

|   |  |                    |
|---|--|--------------------|
| 1 | 1975 Toro Greensmaster 3 cutting Units | -\$350.00          |
|   | <b>NET TOTAL AWARD</b>                 | <b>\$15,656.00</b> |

**EXPLANATION OF BID NOT MEETING SPECIFICATIONS**

Spartan Distributors for Item #3, large capacity fertilizer spreader.

- Spreader unit bid is a pull-type unit with a separate hitch. Specifications indicate spreader unit must be self-contained and able to fit directly onto a heavy-duty utility truckster chassis.
- Minimum requirement to power spreader implement shall be attained via a quick coupled feature from the standard hydraulic system of the truckster vehicle. The unit bid is ground-driven, via a mechanical gear drive system, and does not utilize the standard hydraulic system of the utility vehicle, which is a required feature per specifications.
- The spinner speed on the pull type unit is dictated by your forward speed. Therefore, your distribution pattern of fertilizer material being applied is directly affected when your tow vehicle is slowed for turning. In comparison, the self-contained unit spinner speed is adjusted by the engine RPM speed and forward speed is adjusted by an operator adjustable governor, this setup provides for a consistent material application pattern.

**BUDGET**

Funds for these purchases are currently available in Sylvan Glen Golf Course capital account 788.7978.010.

22 Bids sent

4 Bids Received

4 No Bids

1 Bid did not meet Specifications

Prepared by: Marvin Ash, Superintendent of Greens

Opening Date -- 8/14/02  
 Date Prepared -- 11/7/02

CITY OF TROY  
 BID TABULATION  
 MOWERS & MISC.EQUIPT LESS TRADE-IN

VENDOR NAME:

| WF MILLER | WEINGARTZ   | SPARTAN      | SUN TURF     |
|-----------|-------------|--------------|--------------|
| COMPANY   | GOLF & TURF | DISTRIBUTORS | AKA BIG BEAR |
|           |             | INC          |              |
|           |             |              |              |

**PROPOSAL-- FURNISH MOWERS AND MISCELLANEOUS EQUIPMENT LESS OPTIONAL TRADE-IN EQUIPMENT OR THE OUTRIGHT SALE OF THE USED EQUIPMENT IN ACCORDANCE WITH THE SPECIFICATIONS**

**ITEM #1**

QTY. DESCRIPTION

|                             |   |                      |                                 |                   |                     |
|-----------------------------|---|----------------------|---------------------------------|-------------------|---------------------|
| 3 EA                        | TRIPLEX RIDING GREENSMOWER COMPLETE FOR THE SUM OF: | \$ 56,295            | \$ 44,892                       | \$ 52,347         | \$ 82,740           |
|                             | QUOTING ON MODEL:                                   | 62275 GREENS KING VI | 2500 GAS                        | 3150 GREENSMaster | GREENSKING VI 62275 |
|                             | MANUFACTURED BY:                                    | JACOBSON             | JOHN DEERE                      | TORO              | TEXTRON             |
|                             | <u>TRADE-INS</u>                                    |                      |                                 |                   |                     |
| One (1) Ea                  | 1986 Toro Greensmaster Riding Model #3000           | \$ (1,500.00)        | \$ (1,675.00)                   | \$ (500.00)       | \$ -                |
| One (1) Ea                  | 1988 Toro Greensmaster Riding Model #3000           | \$ (1,500.00)        | \$ (1,675.00)                   | \$ (600.00)       | \$ -                |
| One (1) Ea                  | 1993 Toro Greensmaster Riding #3100                 | \$ (2,000.00)        | \$ (2,800.00)                   | \$ (1,200.00)     | \$ -                |
| One (1) Set                 | 1975 Toro Greensmaster 3 Cutting Units              | \$ (350.00)          | See Outright Sale<br>(\$150.00) | \$ (100.00)       | \$ -                |
| <b>Net Total - Item #1:</b> |   | 50,945.00            | <b>38,742.00</b>                | 49,947.00         | \$ 82,740           |

**ITEM #2**

QTY. DESCRIPTION

|                          |  |                 |                                      |              |              |
|--------------------------|--|-----------------|--------------------------------------|--------------|--------------|
| 1 EA                     | HEAVY-DUTY UTILITY FULL SIZE TURF TRUCKSTER INCLUDING FLATBED/BOX COMPLETE FOR THE SUM OF: | \$ 13,284.00    | UNABLE TO MEET SPECIFICATIONS<br>N/A | \$ 13,014    | \$ 17,957    |
|                          | QUOTING ON MODEL:  | 898628          |                                      | WORKMAN 3200 | 657          |
|                          | MANUFACTURED BY:   | CUSHMAN/TEXTRON |                                      | TORO         | TEXTRON      |
|                          | <u>TRADE-INS</u>   |                 |                                      |              |              |
| One (1) Ea               | 1984 Jacobsen Turf Truckster Model #2015   | \$ (900.00)     | N/A                                  | \$ (200.00)  | \$ -         |
| <b>ITEM #2 NET TOTAL</b> |  | \$ 12,384.00    | N/A                                  | 12,814.00    | \$ 17,957.00 |

Opening Date -- 8/14/02  
 Date Prepared -- 11/7/02

CITY OF TROY  
 BID TABULATION  
 MOWERS & MISC.EQUIPT LESS TRADE-IN

| VENDOR NAME:                              |   | WF MILLER   | WEINGARTZ                     | SPARTAN         | SUN TURF     |
|---|---|---|-------------------------------|-----------------|--------------|
|   |   | COMPANY   | GOLF & TURF                   | DISTRIBUTORS    | AKA BIG BEAR |
|   |   |   |                               | INC             |              |
| <b>ITEM #3</b>                            |   |   | UNABLE TO MEET SPECIFICATIONS |                 |              |
| <u>QTY. DESCRIPTION</u>                   |   |   |                               |                 |              |
| 1 EA                                      | LARGE CAPACITY FERTILIZER SPREADER COMPLETE FOR THE SUM OF: | \$ 3,772.00   | N/A                           | DMS (\$3479.00) | \$ 3,800     |
|   | QUOTING ON MODEL:   | 2701600/2701601   |                               | PS203DM         | VICON        |
|   | MANUFACTURED BY:  | VICON   |                               | VICON           | TEXTRON      |
|   | <u>TRADE-INS</u>  |   |                               |                 |              |
|   | One (1) Ea 1985 Vicon Fertilizer Spreader Model PS 402      | \$ (150.00)   | N/A                           | \$ (50.00)      | \$ -         |
|   | <b>ITEM #3 NET TOTAL</b>                                    | \$ 3,622.00   | N/A                           | N/A             | \$ 3,800.00  |
| <b><u>OUTRIGHT SALE OF EQUIPMENT:</u></b> |   |   |                               |                 |              |
| <u>ITEM</u>                               | <u>QTY.</u>   | <u>DESCRIPTION</u>  |                               |                 |              |
| 1.  | One (1) Ea  | 1986 Toro Greensmaster Riding Model #3000 w/cutting units etc |                               |                 |              |
|   |   | <b>SALE PRICE OF:</b>   | \$ 1,500.00                   | BLANK           | \$ - \$ -    |
| 2.  | One (1) Ea  | 1988 Toro Greensmaster Riding Model #3000 w/cutting units etc |                               |                 |              |
|   |   | <b>SALE PRICE OF:</b>   | \$ 1,500.00                   | BLANK           | \$ - \$ -    |
| 3.  | One (1) Ea  | 1993 Toro Greensmaster Riding Model #3100 w/cutting units etc |                               |                 |              |
|   |   | <b>SALE PRICE OF:</b>   | \$ 2,000.00                   | BLANK           | \$ - \$ -    |
| 4.  | One (1) Set of Three (3) ea                                 | 1975 Toro Greensmaster 3 Cutting Units w/grass shields etc    |                               |                 |              |
|   |   | <b>SALE PRICE OF:</b>   | \$ 350.00                     | BLANK           | \$ - \$ -    |
| 5.  | One (1) Ea  | 1984 Jacobsen Turf Truckster Model #2015, 3 Wheel/Box         |                               |                 |              |
|   |   | <b>SALE PRICE OF:</b>   | \$ 900.00                     | BLANK           | \$ - \$ -    |
| 6.  | One (1) Ea  | 1985 Vicon Fertilizer Spreader Model PS 402 w/Truckster       |                               |                 |              |
|   |   | <b>SALE PRICE OF:</b>   | \$ 150.00                     | BLANK           | \$ - \$ -    |
| <b>Net Total Awarded Items:</b>           |   |   | <b>\$15,656.00</b>            |                 |              |

Opening Date -- 8/14/02  
 Date Prepared -- 11/7/02

CITY OF TROY  
 BID TABULATION  
 MOWERS & MISC.EQUIPT LESS TRADE-IN

| VENDOR NAME:                              | WF MILLER    | WEINGARTZ   | SPARTAN      | SUN TURF     |
|---|--------------|-------------|--------------|--------------|
|   | COMPANY      | GOLF & TURF | DISTRIBUTORS | AKA BIG BEAR |
|   |              |             | INC          |              |
| TECHNICAL DATA: Yes or No<br>Marked _____ | YES          | YES         | YES          | NO           |
|   | 1&2          | JOHN DEERE  | TORO         |              |
| EXPLANATION OF TRAINING<br>Yes or No      | YES          | YES         | YES          | BLANK        |
| TERMS:                                    | NET 10TH     | NET 30      | NET 30 DAYS  | BLANK        |
| WARRANTY:                                 | 2 YR FACTORY | 2 YR MFG    | 2YRS/1500HRS | BLANK        |
| DELIVERY DATE:                            | 45 DAYS ARO  | 10 DAYS     | 14 DAYS ARO  | BLANK        |
| EXCEPTIONS:                               | MEETS ALL    | BLANK       | BLANK        | BLANK        |
|   | SPECS        |             |              |              |

DMS:

Spartan Distributors - Item #3 Large Capacity Fertilizer Spreader (\$3479.00)

Reason: Unit bid is a pull-type s/b a hydraulic driven system.

NO BIDS:

Ariens Company

Thesier Equipment Co

New Holland-Munn Tractor Sales Inc

Grandville Tractor & Sales

PROPOSAL-- Furnish Mowers & Miscellaneous Equipment Less  
 Optional Trade-In Equipment, or the Outright Sale of the Used Equipment

**\*\* BOLDFACE TYPE DENOTES LOWEST ACCEPTABLE BIDDER**

ATTEST:

Marvin Ash

Cecilia Brukwinski

Linda Bockstanz

\_\_\_\_\_  
 Jeanette Bennett  
 Purchasing Director

ADVANCED IRRIGATION SYSTEMS INC  
1183 COMBERMERE  
TROY MI 48083-2701

ARIENS COMPANY  
655 W RYAN  
BRILLION WI 54110

BIG BEAR EQUIPMENT CO  
10405 J STREET  
OMAHA NE 68127

BILLINGS LAWN EQUIPMENT  
221 N MAIN  
ROYAL OAK MI 48067

CHICAGO TURF & IRRIGATION INC  
1170 W ARDMORE  
ITASCA IL 60143-1306

GRANDVILLE TRACTOR & EQUIPMENT  
3736 CHICAGO DRIVE SW  
GRANDVILLE MI 49418

ILLINOIS LAWN EQUIPMENT INC  
16450 104TH AVENUE  
ORLAND PARK IL 60467-5498

INDUSTRIAL VEHICLE & TURF SALES INC  
45896 WOODWARD AVENUE  
PONTIAC MI 48341

MICHIGAN POWER EQUIPMENT INC  
7022 E ATHERTON ROAD  
DAVISON MI 48423

MILLER W F TURF& INDUSTRIAL EQUIPMENT CO  
25125 TRANS-X  
P O BOX 605  
NOVI MI 48376-0605

MUNN TRACTOR SALES INC  
3700 LAPEER ROAD  
AUBURN HILLS MI 48326

NORTH STAR TURF EQUIPMENT  
3080 CENTERVILLE  
ST PAUL MN 55117

PARADISE GRAVELY TRACTOR  
67111 VAN DYKE  
ROMEO MI 48095

PIRTEK METRO DETROIT  
25363 DEQUINDRE ROAD  
MADISON HEIGHTS MI 48071

QUALITY LAWN EQUIPMENT INC  
5395 DIXIE HWY  
WATERFORD MI 48329

REMSON EQUIPMENT COMPANY  
22250 HALL ROAD  
CLINTON TWP MI 48036

SOUTHLANE LANDSCAPE EQUIPMENT  
P.O. BOX 1036  
ROYAL OAK MI 48068

SPARTAN DISTRIBUTORS  
1050 OPDYKE RD  
AUBURN HILLS MI 48326

SPARTAN DISTRIBUTORS, INC  
487 W DIVISION ST  
PO BOX 246  
SPARTA MI 49345

THESIER EQUIPMENT COMPANY  
28342 PONTIAC TRAIL  
SOUTH LYON MI 48178

WEINGARTZ SUPPLY CO INC-FARMINGTON HILLS  
39050 GRAND RIVER  
FARMINGTON HILLS MI 48335

WM F SELL & SON INC  
16555 TELEGRAPH ROAD  
TAYLOR MI 48180

November 5, 2002

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Jeanette Bennett, Purchasing Director  
Steven Pallotta, Director of Building Operations  
Brian Stoutenburg, Library Director

SUBJECT: Informal Quotation Process –  
Award for Architectural Services for Library HVAC

### **RECOMMENDATION**

Staff recommends that a contract for architectural services for HVAC system replacement be awarded to the firm submitting the lowest informal proposal, JSN Design, Inc., at an estimated cost of \$16,500.00, with an additional \$500.00 for reimbursable expenses.

### **BACKGROUND**

In September of this year, staff solicited and received Informal Proposals from three architectural firms for services related to replacing the original HVAC system in the 1971 portion of the Library building, and reconfiguration of the masonry screen wall to accommodate the new units. Since the project scope was not considered to be a major project, a shortlist of firms was prepared from three firms who have been successful in past RFP processes for City projects.

### **BUDGET**

Funding for this project is in the Library's Capital Budget, Account #401790.7975.900.

**APPENDIX 1  
PROPOSAL PRICE SUMMARY**

| COMPANY                   | ITEM  | PRICES  | GRAND TOTAL              |
|---------------------------|---|---|--------------------------|
| JSN Design, Inc.          | <b>Architectural:</b><br><b>Mechanical &amp;</b><br><b>Electrical Engineering:</b><br><b>Reimbursables:</b> | <b>\$ 4,500.00</b><br><br><b>\$ 12,000.00</b><br><b>\$ 500.00</b> | <b>\$17,000</b>          |
| Ehresman Associates, Inc. | Engineering services – lump sum   | \$ 22,000.00  | \$22,000                 |
| Redstone Architects, Inc. | A / E design services<br><br>Reimbursables  | \$ 29,200.00<br><br>Net Cost x factor of 1.10                     | \$29,200 + reimbursables |

October 3, 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: Skate Park Funding

### **BACKGROUND**

At their study session on July 29, 2002, City Council authorized the use of a section of the parking lot north of the Community Center for a skate park. Council members favored the use of individual skate components (ramps, quarter pipes, wedges, spines, etc.) on a concrete slab, as opposed to a poured and formed all-concrete skate park, due to the ability for reconfiguration of portable components to keep the park fresh and challenging.

During the same meeting, Council asked staff to investigate financing options for construction of the skate park.

Staff contacted other municipalities throughout the country that had skate parks in their community to find out how those facilities were financed. A total of 14 cities were contacted with a variety of responses as to how the parks were funded.

### **MUNICIPAL FUNDS**

Of those contacted, several listed their funding as being entirely borne by the municipality. Examples of these include a 35,000 square foot park in Albuquerque, New Mexico, 15,000 square foot facility in Ocean City, Maryland and a 35,000 square foot skate park in Chandler, Arizona.

Most municipalities supply a portion of the funding for their parks and make up the balance of the cost with private grants/donations. None of those surveyed employed user fees for the construction costs of their skate parks. The percentage of public funds used in the construction of skate parks surveyed is as follows:

|                       |                           |
|-----------------------|---------------------------|
| Visalia, CA – 20%     | Everett, WA – 50%         |
| Alpena, MI – 40%      | Colombia, MO – 60%        |
| Oregon City, OR – 70% | St. Augustine, FL – 50%   |
| Claremont, CA – 40%   | Healdsburg, CA – 40%      |
| Modesto, CA – 80%     | Satellite Beach, FL – 50% |
| Puyallup, WA – 80%    |                           |

## **GRANT OPPORTUNITIES**

Many of those contacted received grants for parts of their construction costs, although only one city, Satellite Beach, Florida, received a state grant. We have found no federal or Michigan state grant that will assist with funding skate park construction or operation. Community Development Block Grants may be available, although the requirement that an area be comprised of low income, or at risk youth may be a stumbling block. All other grant funds received by those contacted were small or moderate grants from corporations or businesses. The Tony Hawk Foundation provides grant money in the amount of \$1,000-\$25,000 to fund skate parks that are free to the public and that are professionally designed utilizing local skater input. The Tony Hawk Foundation also stipulates that parks for which they supply grant money be located in cities with large low-income populations.

## **PRIVATE/CORPORATE SPONSORSHIPS AND DONATIONS**

The large category of funding solicited for skate park development is in the form of donations from businesses and corporations. These donations can be in the form of cash or a donation of building material or labor. Many of the cities contacted listed contributions of building materials or other necessary services such as surveying, design, or site work. They indicated that it is often easier for a company to donate materials or services than actual cash.

The City of Alpena, MI offers to donors who pledge \$100 or more their name on a sign located at the skate park. Donors of \$1,000 or more receive a plaque posted on the side of one of the skate features. Other ideas for recognizing donations are to post the names of the donors on the City's official website. This can mean a great deal of positive exposure for the company.

A well-designed campaign aimed at individual or corporate donors can raise a substantial amount of funding. The City of Modesto, CA raised \$40,000 (20%) of the total construction cost of their skate park. The City of Puyallup, WA is expecting to raise \$50,000 (30%) of their total skate park cost in private donations. The City of Visalia, CA secured major contributors such as a large mortgage company and the local hospital to raise 80% of the construction cost of their 24,000 s.f. skate park through community donations.

Fund-raising for a skate park does have its downside. Raising a sufficient amount of money can be a lengthy process, and requires a large output of time on the part of those involved with the soliciting of the funds. A skate park committee made up of members of the skating community, City representatives, and other interested individuals usually undertakes this task.

There may also be a concern over excessive signage at the park recognizing corporate sponsors and donors. We may not be able to exclude signs advertising companies or products that are not a desirable fit with youth recreation (tobacco, alcohol, etc.). The City Attorney's office is currently reviewing the legality of our ability to exclude any advertising companies. Also, companies that currently hold City contracts or who may compete for City contracts may feel an obligation to make a donation and/or that such a donation to a City skate park will give them a competitive advantage.

### **THE SKATE PARK COMMITTEE**

All of those contacted stressed the importance of forming a Skate Park Committee comprised of skaters, parents, members of the business community, and representatives of the City. This group would be responsible for making the contacts necessary to solicit alternate funding outside the City's general fund, as well as, organizing and facilitating all fundraising campaigns.

### **INDIVIDUAL SKATE PARK COMPONENT COSTS**

Council suggested that an individual, or company might be interested in donating a complete skate park component (ramp, rail, etc.), or portion thereof rather than just a monetary donation toward the total cost of the entire park. The name of the donor/donors could then be listed on a small plaque located somewhere on the structure.

A sample list of the various components that might comprise a typical 10,000 square foot skate park is attached to this report. While there are many manufacturers of skate park components with varying prices, this list will give a general idea of the cost of individual skate park components.

Additional items necessary for construction of a skate park that could be donated will include:

| <b>Quantity</b> | <b>Item</b>          | <b>Estimated Cost</b> |
|-----------------|----------------------|-----------------------|
| 4               | Benches              | \$300 ea.             |
| 1               | 3-row bleachers      | \$1200.00             |
| 10,000 s.f.     | concrete slab        | \$40,000.00           |
| 600 l.f.        | perimeter fencing    | \$6000.00             |
| 1               | drinking fountain    | \$1500.00             |
| 1               | bike/skateboard rack | \$1000.00             |
| 2               | picnic tables        | \$500.00 ea.          |
| Misc.           | landscaping          | \$5000.00             |

## **BUDGET AND TIMELINE**

Total cost for this project is estimated at \$170,000.00. Funds are currently available in the Parks Capital account 401770.7974.130.

Following Council approval, bids for concrete slab and skate components will be sought. It is anticipated that construction will begin in spring of 2003, with completion of the skate park in June of 2003.

## **CONCLUSION**

At the request of City Council, staff has contacted other municipalities throughout the country and found several methods for funding the construction of skate parks. They range from complete municipal funding for the entire project to a combination of City money, coupled with private/corporate donations and sponsorships. The process for raising funding outside the City for the project will require a great deal of time and commitment by City staff to facilitate a skate park committee, which would be vital to the fund-raising process.

## **RECOMMENDATION**

In order to expedite the construction of a skate park to be installed in this fiscal year, staff recommends using the funds currently set aside in the Parks Capital account for construction of a 10,000 square foot skate park at the location in the parking area that was approved by Council.

Prepared by: Jeffrey J. Biegler

November 12, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: FINAL PLAN APPROVAL – Proposed Huntington Estates Site Condominium, South of Wattles, East of Fernleigh, Section 24, R-1C

Joe Maniaci of Wattles Woods, L.L.C., submitted a Final Plan for Huntington Estates Site Condominium, located on 3.92 acres of land within the R-1C Zoning District. Subject property will be split from an existing single-family acreage parcel fronting Fernleigh Street. A single road is proposed with 9 units, utilizing the average lot size provisions of the Zoning Ordinance. A private park is located within the development. The road system will connect to the existing stub of Springtime Drive from the Glenwood Park Subdivision. This single road terminates with a cul-de-sac.

A stormwater detention basin is located in the northeast corner of the site condominium. This stormwater detention facility design includes access to the proposed extension of Springtime Drive and will have a shallow slope. The City will accept ownership of the detention basin after construction to City Development Standards.

There are MDEQ regulated wetlands located in the southeast corner of the proposed site. A wetlands permit has been granted by the MDEQ, that includes placing 41 cubic yards of clean fill within a 3,042 square feet wetland. The remaining wetlands will be located within a private park area.

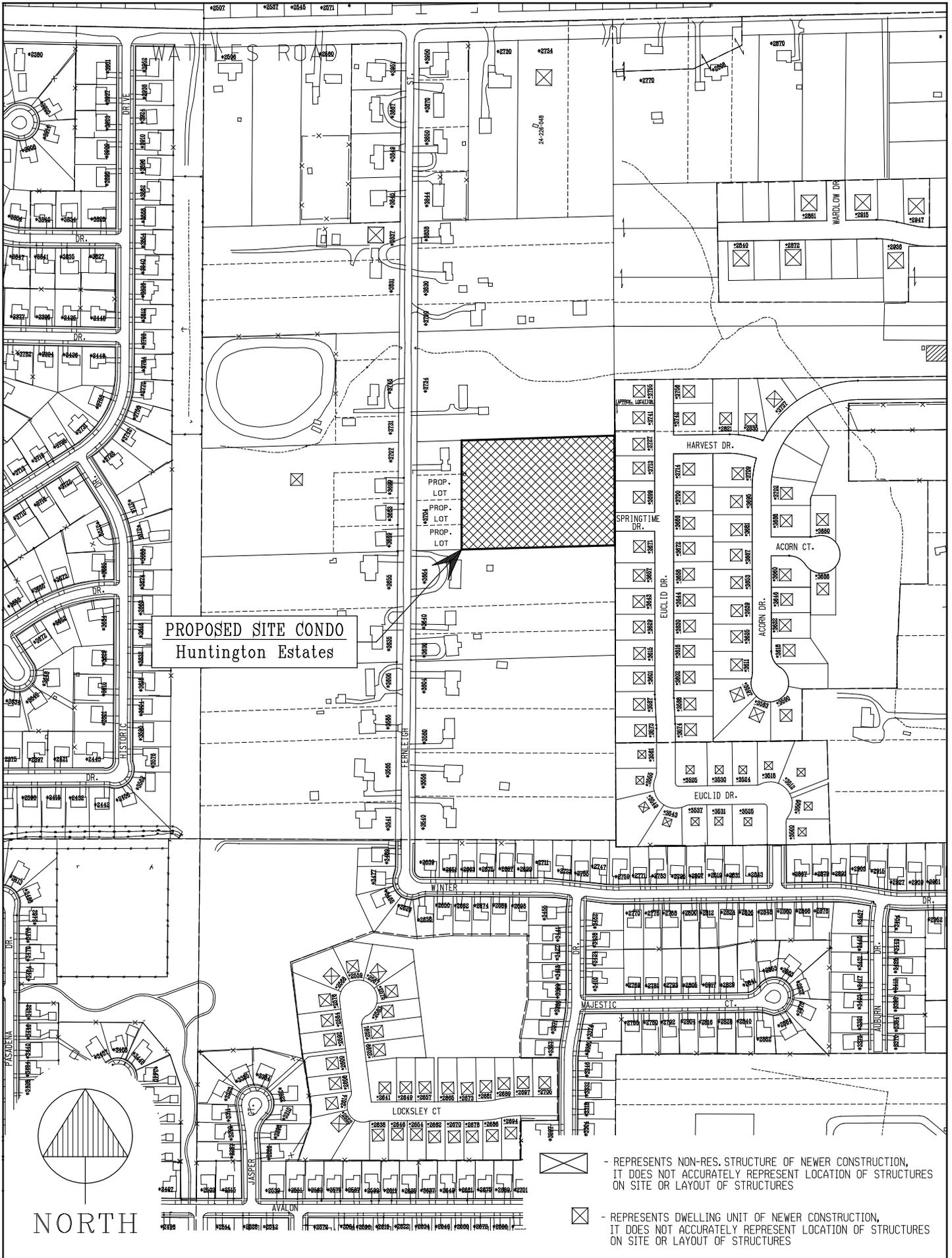
City Council granted Preliminary Plan Approval on April 8, 2002. The petitioner executed the contract for installation of municipal improvements and provided the required escrow deposits and cash fees. The proposed site condominium complies with all applicable ordinance requirements. City Management recommends approval of the Final Plan for Huntington Estates Site Condominium.

#### Attachments

CC: Mark Stimac  
Steve Vandette  
Petitioner  
File/Huntington Estates

# CITY OF TROY





PROPOSED SITE CONDO  
Huntington Estates



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



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

NORTH

R.1C

R.1C

R.1C

C.F

PROPOSED SITE CONDO  
Huntington Estates

PROP. LOT  
PROP. LOT  
PROP. LOT

R.1D

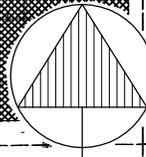
R.1D

24

R.E.C

R.1E

CR.1

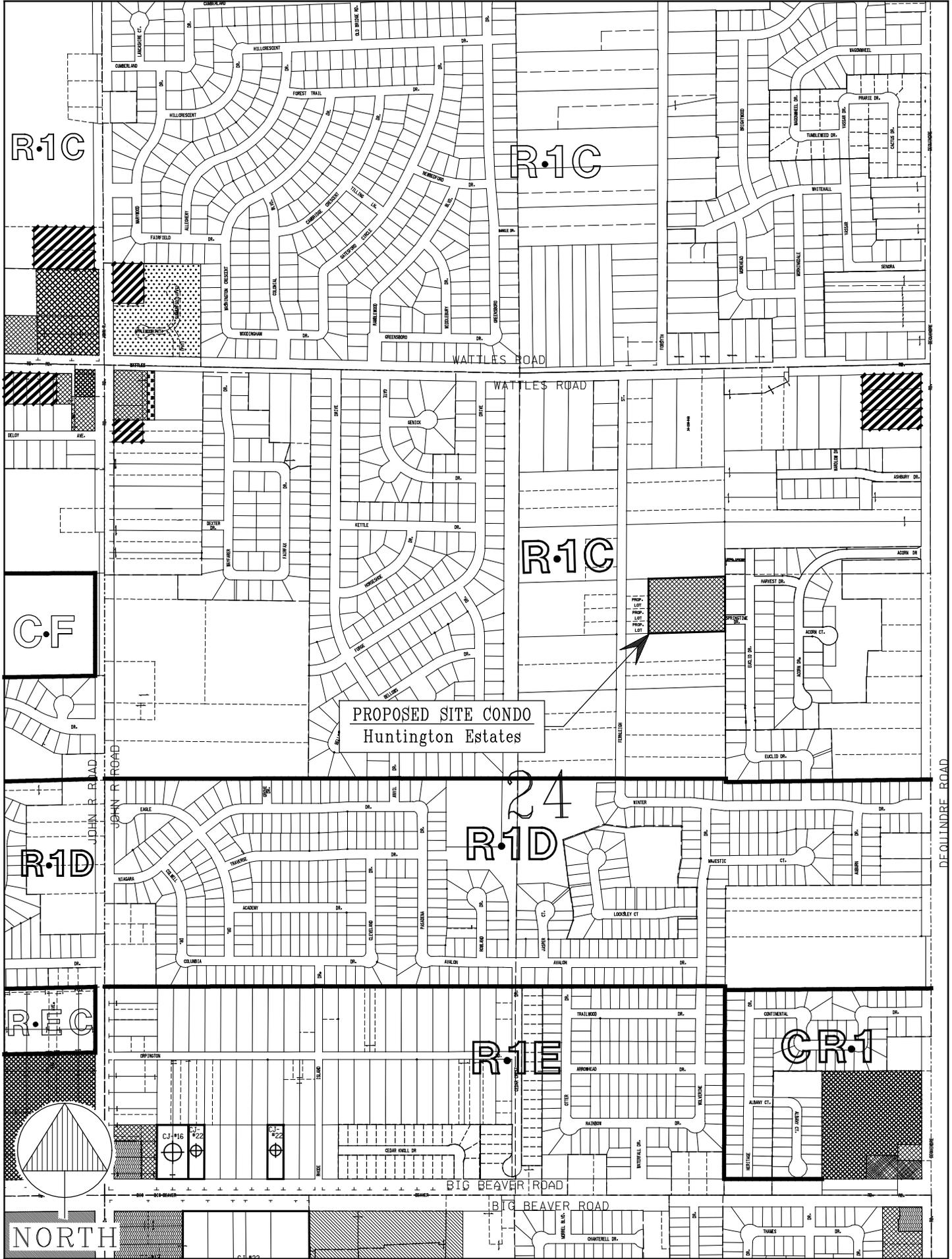


NORTH

BIG BEAVER ROAD

BIG BEAVER ROAD

DEQUINDRE ROAD



## UNPLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

### Preliminary Plan Approval

A sign is placed on the property informing the public of the proposed development.

Adjacent property owners are notified by mail

Public meeting held by **Planning Commission** for review and recommendation to City Council  
**City Council** reviews and approvals plan

The following items are addressed at Preliminary Plan Approval:

- Street Pattern, including potential stub streets for future development
- Potential development pattern for adjacent properties
- Fully dimensioned residential parcel layout, including proposed building configurations
  - Number of lots
  - Building setbacks
  - Lot dimensions
  - Locations of easements
- Preliminary sanitary sewer, storm sewer, and water main layout
- Environmental Impact Statement (if required)
- Location(s) of wetlands on the property

### Final Plan Approval

Notice sign is posted on site

**City Council** review and approval of:

- Final Plan
- Contract for Installation of Municipal Improvements (Private Agreement)

The following items are addressed at Final Plan Approval:

- Fully dimensioned plans of the total property proposed for development, prepared by registered Civil Engineer or Land Surveyor
- Corners of all proposed residential parcels and other points as necessary to determine that the potential parcels and building configurations will conform with ordinance requirements
- Warranty Deeds and Easement documents, in recordable form for all ROW. and easements which are to be conveyed to the public
- Construction plans for all utilities and street improvements, prepared in accordance with City Engineering Design Standards:
  - Sanitary and Storm sewer
  - Water mains
  - Detention / Retention basins
  - Grading and rear yard drainage
  - Paving and widening lanes
  - Sidewalk and driveway approaches
- Approval from other government agencies involved with the development
- Verification of wetlands and M.D.E.Q. permit if necessary
- Financial guarantees to insure the construction of required improvements and the placement of proper property and parcel monuments and markers shall be furnished by the petitioner prior to submittal of the Final Plan to the City Council for review and approval
- Floor Plans and Elevations of the proposed residential units

# MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY PERMIT

Wattles Woods LLC  
50216 Schoenherr Road  
Shelby Twp, MI 48315

Permit No. 02-63-0297-P  
Issued October 28, 2002  
Extended  
Revised  
Expires December 31, 2003

Under the provisions of the Natural Resources and Environmental Protection Act 451, PA 1994, as amended and specifically:

- Part 301 Inland Lakes and Streams
- Part 315 Dam Safety
- Part 325 Great Lakes Submerged Lands
- Part 323 Shorelands Protection and Management
- Part 303 Wetland Protection
- Part 353 Sand Dune Protection and Management
- Part 31 Floodplain/Water Resources Protection

Permission is hereby granted, based on permittee assurance of adherence to State requirements and permit conditions to:

**Permitted Activity:** Place 41 cubic yards of clean fill within 3042 square feet of wetland for the construction of a road. Place 37 lineal feet of 10-inch diameter sanitary sewer line and 22 lineal feet of 8-inch diameter water main through wetland.

**Water Course Affected:** wetland

**Property Location:** Oakland County, City of Troy, Section 24

Huntington Estates, Springtime Road and Lot 9, Town/Range 2N, 11E Property Tax No. 20-24-226-066

**Authority granted by this permit is subject to the following limitations:**

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee in exercising the authority granted by this permit shall not cause unlawful pollution as defined by Part 31, Floodplain/Water Resources Protection of the Natural Resources and Environmental Protection Act 451, PA 1994, as amended.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the plans and the specifications submitted with the application and/or plans and specifications attached hereto.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved herein.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that act.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. Permittee shall notify the Department of Environmental Quality within one week after the completion of the activity authorized by this permit, by completing and forwarding the attached, preaddressed post card to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of the Department of Environmental Quality.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific State Act, Federal Act and/or Rule under which this permit is granted.
- L. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

Oct-28-02 05:11P

734 953 0243

P.02

Wattles Woods LLC

Permit No. 02-63-0237-P

Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation, Natural Resources and Environmental Protection Act (1994, PA 451 as amended) or the need to acquire applicable permits from the County Drain Commissioner.

Permittee is cautioned against commencing work in unacquired right of ways or easements. This permit does not convey any interest in property or property rights in either real state or material. Permittee is responsible for acquiring all necessary easements or right of ways before commencing any work.

Unless specifically stated under the "Permitted Activity" of this permit, construction pads, haul roads, temporary structures, or other structural appurtenances to be placed on or over bottomlands and/or wetlands are not authorized by this permit and shall not be constructed unless authorized by separate permit or permit revision granted in accordance with applicable law.

In issuing this permit, the Department of Environmental Quality has relied on the information and data which permittee has provided in connection with the permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete, or inaccurate, the Department may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.

Prior to the start of construction, all non-work wetland areas shall be bounded by filter fabric fences to prevent erosion into wetland and to prohibit construction personnel and/or equipment from entering or performing work in these areas. The fence shall be maintained throughout the construction process in accordance with Michigan Department of Transportation Standard Plans.

No permanent or temporary fill or excess soil or other material shall be placed in any wetland or surface water area not specifically authorized by this permit, its plans, and specifications.

Permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.

The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representatives of the permittee, undertaken in connection with this permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.

This permit does not preclude the need for approvals or permits from other federal, state, county or municipal authorities as may be required by law.

This permit is limited to authorizing the construction as specified above and carries with it no assurances or implications that any associated wetland area can be developed or serviced by the structures authorized by this permit.

The authority to conduct the activity as authorized by this permit is granted solely under provisions of the governing act as identified above. This permit does not convey, provide or otherwise imply approval of any other governing act, ordinance or regulation, nor does it waive the permittee's obligation to acquire any local, county or federal approval or authorizations necessary to conduct the activity.

Fill shall consist of clean inert material that will not cause siltation nor contain soluble chemicals, organic matter, pollutants or contaminants. All fill shall be CONTAINED in such a manner so as not to erode into any surface water or wetland. All raw areas associated with the permitted activity shall be STABILIZED with sod and/or seed, and mulch, riprapped, or other technically effective method as necessary to prevent erosion.

Oct-28-02 05:11P

734 963 0243

P.03

Wattles Woods LLC

Permit No. 02-63-0237-P

Permittee is responsible for controlling all authorized fill material including soils graded on site and shall prevent same from entering any surface water or wetland except as otherwise specified by this permit. NO fill shall be allowed to escape from the area(s) specified to receive fill either by willful intent, neglect or faulty maintenance of erosion controls. Fill this permit has authorized which leaves the specified fill area constitutes a violation of this permit.

All work shall be completed in accordance with the attached approved plans and the specific terms and conditions of this permit.

Any modification or revision to the attached authorized plans must be approved IN WRITING by the Department of Environmental Quality prior to construction.

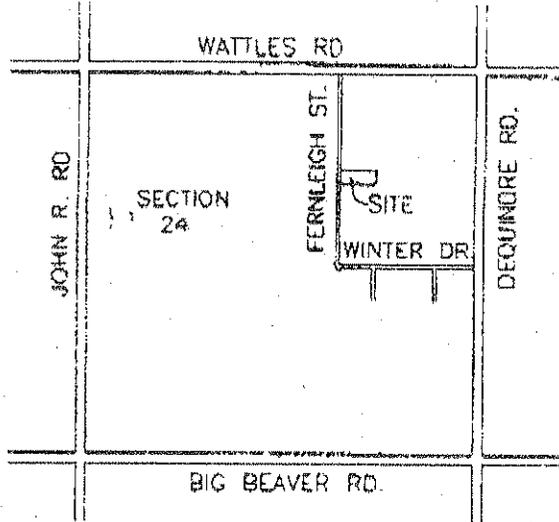
Should this permit result in an unreasonable encroachment, interference with adjacent riparians or the public trust, permittee agrees, in exercising the authority granted herein, to make adjustments in the project as ordered by the Department of Environmental Quality.

Russell J. Harding, Director  
Department of Environmental Quality

By 

David R. Dortman  
District Representative  
Geological and Land Management Division

cc: Mr. C. Neall Schroeder, City of Troy  
Mr. Derek Stratelak, King and MacGregor Environmental, Inc.



LOCATION MAP  
NO SCALE

RECEIVED

JUN 17 2002

ENVIRONMENTAL QUALITY  
LAND & WATER NGMT - PCU

DEQ  
FILE # 02-03-0237-P  
APPROVED PLANS  
1 OF 3



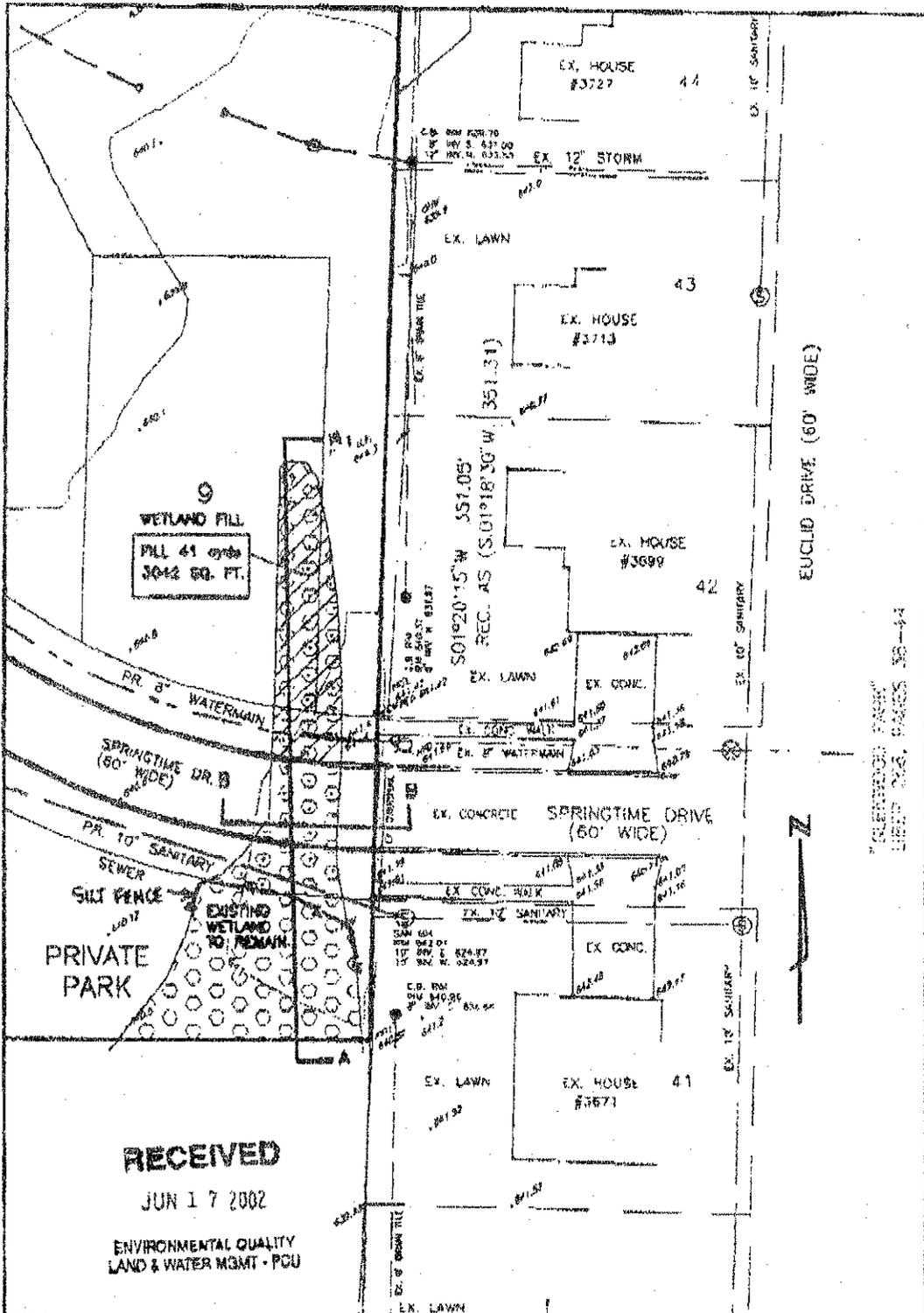
Penn & Associates Inc.

42002 Island Road  
Sterling Heights, Michigan 48314  
PHONE: (586) 204-2677

HUNTINGTON ESTATES

PART OF THE NORTHEAST QUARTER OF SECTION 24,  
T.2N., R.11E., CITY OF TROY, OAKLAND CO., MICHIGAN

|                              |                          |
|------------------------------|--------------------------|
| CLIENT: WATTLES WOODS L.L.C. |                          |
| DATE 05/28/02                | JOB NO. 01-520           |
| SCALE NO SCALE               |                          |
| FIELD BY YONE                | CHECKED J.S. RIZZO, P.E. |
| DRAWN <i>Randy Grimes</i>    | SHEET 1 OF 3             |



LEQ  
 FILE # 02-63-0237-P  
 APPROVED PLANS  
 2 OF 3



**Penn & Associates Inc.**

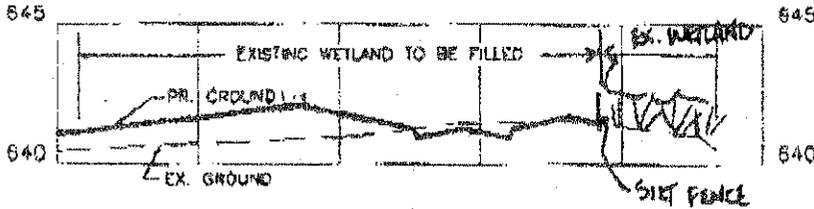
47822 Mound Road  
 Sterling Heights, Michigan 48314  
 PHONE: (800) 254-8677

**HUNTINGTON ESTATES**

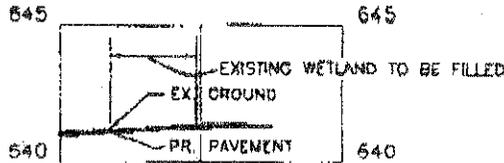
PART OF THE NORTHEAST QUARTER OF SECTION 24,  
 T.2N., R.11E., CITY OF TROY, OAKLAND CO., MICHIGAN

|                             |                          |
|-----------------------------|--------------------------|
| CLIENT: WATTLES WOODS L.L.C |                          |
| DATE 05/28/02               | JOB NO. 01-520           |
| SCALE 1" = 40' - Reduced    |                          |
| FIELD BY NONE               | CHECKED J.S. RIZZO, P.E. |
| DRAWN Randy Trimes          | SHEET 2 OF 3             |

DEQ  
FILE # 22-63-0232-P  
APPROVED PLANS  
3 OF 3



SECTION A - A



RECEIVED SECTION B - B

JUN 17 2002

ENVIRONMENTAL QUALITY  
LAND & WATER MGMT. PCU

SCALE: HORIZONTAL 1" = 40'  
VERTICAL 1" = 5'

*Reduced*



**Penn & Associates Inc.**

42802 Mound Road  
Sterling Heights, Michigan 48314  
PHONE: (586) 234-9577

**HUNTINGTON ESTATES**

PART OF THE NORTHEAST QUARTER OF SECTION 24,  
T.2N., R.11E., CITY OF TROY, OAKLAND CO., MICHIGAN

|                              |                           |
|------------------------------|---------------------------|
| CLIENT: WATTLES WOODS L.L.C. |                           |
| DATE: 08/28/02               | JOB NO.:                  |
| SCALE: AS SHOWN              |                           |
| FIELD BY: NONE               | CHECKED: J.S. RIZZO, P.E. |
| DRAWN: Randy Barnes          | SHEET 3 OF 3              |

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

PROJECT NO. 02.902.3

PROJECT LOCATION: NE ¼ SECTION 242

RESOLUTION NO. 2002-08-483-E-10

DATE OF COUNCIL APPROVAL: August 19, 2002

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 Fernleigh Development L.L.C. whose address is 50215 Schoenherr, Shelby Township, MI 48315 and whose telephone number is 810-726-1930 hereinafter referred to as "Owners".

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

SECOND: That the Owners agree to contribute the approximate contract price of \$138,208.00. 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 \$19,446.00 cash fee per the attached **Detailed Summary of Required Escrow Deposits and Cash Fees.**

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

PROJECT NO. 02.902.3

PROJECT LOCATION: NE ¼ SECTION 24

COUNCIL RESOLUTION NO. 2002-08-483-E-10

DATE OF COUNCIL APPROVAL: August 19, 2002

**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 \$157,654.00 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. 02.902.3

PROJECT LOCATION: NE 1/4 SECTION 24

COUNCIL RESOLUTION NO. 2002-08-483-E-10

DATE OF COUNCIL APPROVAL: August 19, 2002

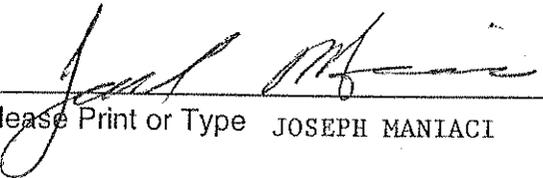
IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 8TH day of AUGUST, 2002.

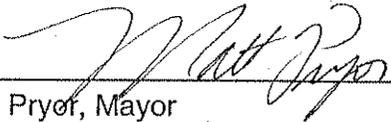
OWNERS

By: FERNLEIGH DEVELOPMENT LLC

CITY OF TROY

By:

  
Please Print or Type JOSEPH MANIACI

  
Matt Pryor, Mayor

\_\_\_\_\_  
Please Print or Type

  
Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 8th day of August, A.D.2002, before me personally appeared \_\_\_\_\_ known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

NOTARY PUBLIC,  \_\_\_\_\_ Michigan  
Elizabeth T. DiMartino

My commission expires: 3-01-03

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

**Detailed Summary of Required Escrow Deposits and Cash Fees**  
Huntington Estates Site Condominiums - Project No. 02.902.3  
9 Lots – Section 24

The estimated costs of public improvements are:

**ESCROW DEPOSITS:**

|   |                |
|---|----------------|
| Sanitary Sewers   | 19,545         |
| Water Mains   | 13,675         |
| Storm Sewers  | 17,230         |
| Rear Yard Drains  | 20,239         |
| Asphalt Pavement  | 31,280         |
| Grading   | 5,000          |
| Detention Basin   | 10,000         |
| Soil Erosion Control Measures   | 1,304          |
| Monuments and Lot Corner Irons  | 535            |
| Temporary Access Road   | 6,000          |
| Improvement of Park or Open Space                                       | 5,000          |
| Sidewalks at access drive to Detention                                  | 300            |
| Sidewalks along Park Frontage   | 2,100          |
| Deposit for Repair of Damage to Existing Public Streets Used for Access | 6,000          |
| <b>TOTAL ESCROW DEPOSITS:</b>   | <b>138,208</b> |

**CASH FEES:**

|   |               |
|---|---------------|
| SUB3. Water Main Testing and Chlorination:  | 650           |
| SUB4. Street Name and Traffic Signs:  | 159           |
| SUB5. Street Island Improvements:   | 643           |
| SUB6. Landscaping and Screen Planting of Detention Basin                                    | 2,870         |
| SUB8. Maintenance of Detention Basin:   | 2,063         |
| SUB9. Topsoil, Fertilizer, Seed and Mulch, Right of Way at Park                             | 544           |
| SUB10. Soil Erosion and Sedimentation Control Permits:                                      | 326           |
| SUB11. Testing Services:  | 1,956         |
| SUB12. Park Review Fee:   | 25            |
| SUB13. Engineering Review and Inspection Fees   | 8,210         |
| SUB14. Deposit for the Maintenance and Cleaning of Existing Public Streets used for Access: | 2,000         |
| <b>TOTAL CASH FEES:</b>   | <b>19,446</b> |

Storm water detention for this development will be provided by A new detention basin with in the development.



PROPOSED SITE CONDO  
HUNTINGTON ESTATES  
S OF WATTLES, W OF DEQUINDRE  
SEC. 24



PROPOSED SITE CONDO  
HUNTINGTON ESTATES



November 7, 2002

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services

SUBJECT: Request for Study Session – December 9, 2002

City management has been working with Troy residents who are members of the Michigan Cricket Association for more than two years to provide a cricket field in the City of Troy.

After receiving a petition from residents requesting a cricket facility, staff began meeting with the association's representative, Mr. Shahid Ahmed, and others to learn more about what was being requested. Originally the request was to allow play at Raintree Park. Because of the area needed to play cricket and installation of the required pitch, this site does not work. In addition, use of the existing fields had been booked.

After many more meetings to learn about the game and its needs, it was determined that a practice facility could be provided while proceeding to find a suitable site. In 2001, Council approved development of a practice facility and in June 2001, the site was developed on Garry Street.

The one site in the City able to accommodate a cricket field is the Nelson Drain property, east of Rochester Road and opposite Trinway Street. The City has negotiated with the Drain Commission and, as a result, City management will be coming to Council with an agreement from the Oakland County Drain Commission to use the property as a cricket field. Should this be approved, the City property on Rochester Road south of the daycare facility will be improved to be used for parking.

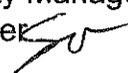
The proposed cricket facility will be unique in that the two Troy cricket teams will be able to play other teams in the league in Troy. Additionally, Parks and Recreation will be able to use the facility for their cricket programs.

Because this is not City-owned property, it is not limited to use by only Troy residents. This and other issues certainly need to be discussed prior to any approval or implementation.

Based on this, City management and Members of the Michigan Cricket Association (residents) are requesting time to offer Council a presentation at a Study Session in December, preferably December 9, 2002.

November 4, 2002

To: Honorable Mayor and City Council

From: John Szerlag, City Manager   
Gary A. Shripka, Assistant City Manager, Services   
Steven Vandette, City Engineer 

Subject: Inter-County Drain Agreement for Gibson and Nelson Drains 

**RECOMMENDATION:**

It is recommended that the City of Troy and Sterling Heights establish an inter-county drain agreement for future maintenance of a storm sewer that will be constructed in Sterling Heights as part of our \$12.5M Long Lake Road project from Carnaby to Dequindre. It is also recommended that an inter-county agreement drain be established for the existing Nelson/Gibson Drain from Dequindre, south of Long Lake, northeast to Long Lake Road. This segment of the Gibson Drain in Sterling Heights contains the detention pond for which another item on this evening's agenda recommends that Troy participate 50/50 with Sterling Heights in the cost of removing sediment from the pond. Future maintenance contributions could then be based on the inter-county drain agreement rather than individual agreements each time there is a need for maintenance.

**BACKGROUND:**

Currently, a 54" storm sewer exists on the north side of Long Lake in Sterling Heights that receives flow from the city of Troy as well as Sterling Heights. The proposed storm sewer for the Long Lake project replaces and modifies two segments of this drain in Sterling Heights so that proper drainage can be provided for the Long Lake project and to permit two detention basins in Troy to discharge by gravity instead of pumps, as currently exists.

During the design stages for the storm sewer, discussions were held with both cities regarding the creation of an Inter-County agreement drain for the proposed sewer in Sterling Heights. This agreement is necessary so as to assure future maintenance of the drain and avoid a repeat of the current situation where no governmental entity acknowledges jurisdiction over the existing drain. Both cities

November 11, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: Bid Waiver – Approval For Five (5) Year Requirements Of Bus Rental From  
 The Troy School District For The Downhill Ski Program

### **RECOMMENDATION**

City management is requesting that formal bid procedures be waived and the Troy School District be approved to provide bus rental for the Downhill Ski Program from 2003 through 2008. Eighteen, 66-passenger buses are required for five consecutive weeks at unit prices set by the Troy School District each year. The total estimated cost for 2003 is \$33,000.00.

### **PROJECT SUMMARY**

For the last fourteen (14) years, the City has utilized the services of the School District buses for the Downhill Ski Program. Each year a market survey has been conducted and bids waived for the following reasons:

1. The buses are available on both Friday and Saturday.
2. The buses are less expensive (Appendix 1 - market comparison).
3. The school district's bus policy meets department restrictions regarding cancellation notice that allows staff to cancel buses up to two (2) hours in advance while the others require 24-hour notice.
4. The size of the school buses is beneficial to the program.

Staff conducted a market comparison and the following was found:

|                               |  |
|-------------------------------|--|
| *National Trails-             | Friday - \$456.00<br>Saturday - \$507.00 |
| *First Choice Transportation- | Friday - \$400.00<br>Saturday - \$400.00 |
| Troy Schools-                 | Friday - \$319.19<br>Saturday - \$373.88 |

\*Only offers 55 or 47 passenger buses, 66-passenger required.

### **BUDGET**

Funds are available for this service in the Parks Winter Program Account #754.7905, "other fees".

## Appendix 1

### Five Year Price Comparison:

| <b>Year</b> | <b>Company</b>  | <b>Friday</b>            | <b>Saturday</b>          | <b>Problem</b>                           |
|-------------|-----------------|--------------------------|--------------------------|--|
| <b>2003</b> | Troy Schools    | \$319.19                 | \$373.88                 | Only 47 passenger<br>55 or 47 passengers |
|             | First Choice    | \$400                    | \$400                    |  |
|             | National Trails | \$456                    | \$507                    |  |
| <b>2002</b> | Troy Schools    | \$319.19                 | \$380.88                 | Buses too small<br>Buses too small       |
|             | First Choice    | \$475                    | \$475                    |  |
|             | National Trails | \$433                    | \$484                    |  |
| <b>2001</b> | Troy Schools    | \$307.56                 | \$366.63                 | Buses too small<br>Buses too small       |
|             | First Choice    | \$350                    | \$350                    |  |
|             | National Trails | \$433                    | \$460                    |  |
| <b>2000</b> | Troy Schools    | No more than<br>\$307.56 | No more than<br>\$366.63 | Buses too small<br>Buses too small       |
|             | D.O.M. Charter  | \$390                    | \$460                    |  |
|             | National Trails | \$402                    | \$418                    |  |
| <b>1999</b> | Troy Schools    | \$314.70                 | \$355.47                 | Buses too small<br>Buses too small       |
|             | D.O.M.          | \$357                    | \$390                    |  |
|             | National Trails | \$402                    | \$418                    |  |

### Criteria for buses:

- Reasonable pricing
- Need to be 66 passenger capacity with large amount of storage for equipment
- Availability of 10 buses on Fridays and 8 buses on Saturdays
- Very Flexible cancellation policy due to snow conditions (or lack of snow)

November 13, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: Amendment – TEC Contract – Municipal Testing Services  
Underground Storage Tank Assessment

### **RECOMMENDATION**

Staff recommends approval of an amendment to the contract with Testing Engineers and Consultants, Inc., 1333 Rochester Road, Troy MI 48099, to allow additional hydrogeological investigation into soil and groundwater contamination of the area where an underground storage tank was discovered at the Lloyd A. Stage Nature Center. The estimated total cost of the project is \$11,160.00, which includes \$4,705.00 of additional services not covered under the existing contract.

The City of Troy is currently under agreement with Testing Engineers and Consultants, Inc. for PROFESSIONAL MUNICIPAL TESTING SERVICES, pursuant to Troy City Council Resolution No. 2002-04-214. Several items in the scope of work for the additional hydrogeological investigation proposed by TEC are not included in the existing agreement, necessitating this request for approval of a contract amendment.

### **BACKGROUND**

In July of 2002, Testing Engineers and Consultants, Inc. conducted an assessment of an underground storage tank (UST) discovered during grading of an area around the new Nature Center building. The purpose of the assessment was to determine if fuel oil from the 500 gallon tank had released and if so, the extent of any contamination. The cost of this initial assessment was \$6,265.00.

The results of the assessment, based on soil and ground water samplings taken from nine (9) borings indicated the plume of soil contamination is shallow and limited in size. However, groundwater impacts are larger and TEC has recommended further investigation to determine the potential migration of groundwater contamination.

November 13, 2002

To: The Honorable Mayor and City Council

Re: Amendment – TEC Contract –

**BACKGROUND** – continued –

The hydrogeological investigation will consist of the following procedures:

1. Drill additional soil borings.
2. Install monitoring wells to monitor contaminant concentrations and evaluate the potential for migration to the surface water.
3. Perform an elevation survey on the wells and measure static water elevations to determine groundwater flow direction.
4. Conduct research on the former well on the site as well as other water wells in the area to evaluate the characteristics of the deeper aquifer.
5. If necessary, install a double-cased well into the deeper aquifer to collect groundwater samples for analysis.

**BUDGET**

The funds for this additional hydrogeological investigation are available in the Parks Capital account #401770.7974.130.

Prepared by Jeffrey J. Biegler, Superintendent of Parks

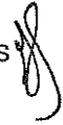
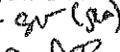
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NOV 13 2002

CITY OF TROY  
CITY MANAGER'S OFFICE

November 5, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: Variance Request from Hollywood Super Market

Attached, please find a request from Hollywood Super Market requesting a permanent variance for the deceleration lane required by the City engineering standards.

In 1998, the City Council approved a 2-year waiver for the deceleration lane. Since that time the developer has been continually changing the site plan and finally has an approved site plan now. The initial waiver having expired, this item is again placed on your agenda for resolution. There is no formal process for waiving the deceleration lane requirement and the ordinance does not allow permanent variances for deceleration lanes. It would be City management's recommendation not to further waive the deceleration lane requirement at Hollywood Market.

Deceleration lanes separate slow-moving, right turn traffic from through traffic, enhancing traffic safety and efficiency of traffic near driveways.

Attached also for your review is a site plan submitted by the petitioner that shows the deceleration under consideration.

Hollywood Super Market, Inc.  
2670 West Maple Road  
P.O. Box 1286  
Troy, Michigan 48099-1286  
(248) 643-6770  
Fax: (248) 643-0309

November 1, 2002

Mayor Matt Pryor  
City Of Troy  
500 West Big Beaver Road  
Troy, MI 48084

Dear Mayor:

The variance granted by the City Commission on the proposed deceleration lane in front of Hollywood Super Markets located at 2670 West Maple Road has expired.

I would appreciate the opportunity to appear before said commission to seek a permanent variance. All of the driveway improvements have been completed.

Sincerely,



William D. Welch  
President  
Hollywood Super Markets

cc: Traffic Engineering  
City Council

RECEIVED

NOV 04 2002

ENGINEERING

AXTELL

74 DEG PARK SPACE (TYP) - ALL ANGLED PARKING SPACE STOPPING TO BE PAINED

90 DEG PARK SPACE (TYP) - TO BE PAINED BLACK WHERE REQUIRED

NET AREA - 29,566 SQ.FT

NET = 9,090 SQ.FT

CLASS OF 6-3-981 = 9,394 SQ.FT

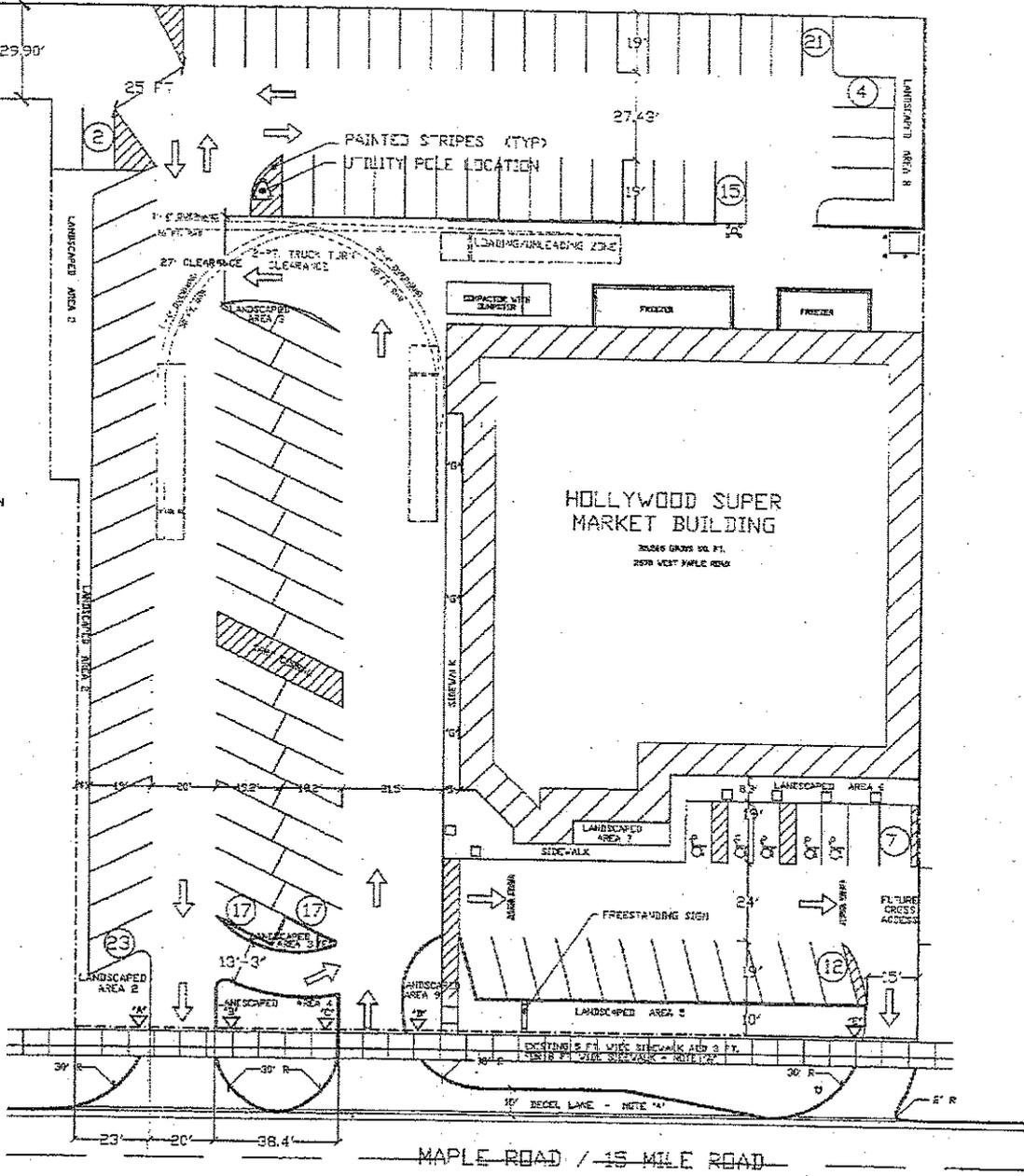
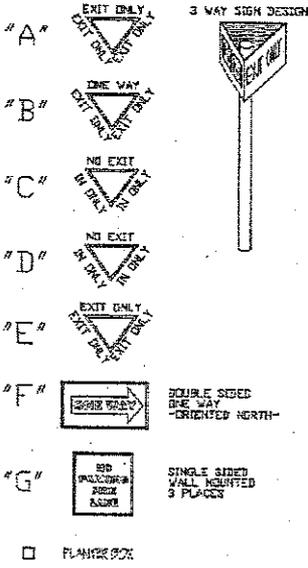
OS 50.FT  
PER ALONG MAPLE ROAD

PL / 200 = 127.5 SPACES  
SPACES INCLUDING 6 BARRIER PILES

10' IF REQUIRED BY RESPECTIVE

YES TO THE EAST ARE REQUIRED  
HERE.

CIRCULATION SIGNAGE



**PARKING CIRCULATION PLAN**  
SCALE: 1" = 20'-0"

ARCHITECT  
**DONNELSON - SWARTHOIT - ASSOCIATES**  
ARCHITECTS AND PLANNERS  
1000 UNIVERSITY DRIVE, SUITE 100  
TROY, MICHIGAN 48063  
TEL: 313.486.1100  
FAX: 313.486.1101  
CONSULTANTS

PROJECT: **HOLLYWOOD SUPER MARKET**  
1000 UNIVERSITY DRIVE, SUITE 100  
TROY, MICHIGAN 48063

CLIENT: **HOLLYWOOD SUPER MARKET**

DESIGNED FOR:  
OWNER REVIEW  
OWNER REVIEW  
LOCAL PLAN DEPT. REVIEW  
STATE PLAN DEPT. REVIEW  
SALVAGE PLAN DEPT. REVIEW  
4/2/02 PLAN CHECK REVISIONS

SHEET NO.:  
**PARKING LOT AND CIRCULATION PLAN**

FILE NO.:  
**WH0200**

SHEET NO.:  
**SP-2c**

July 15, 1998

TO: The Honorable Mayor and City Council

FROM: James C. Bacon, Jr., City Manager B  
 John Szerlag, Asst. City Manager/Services JS  
 C. Neall Schroeder, City Engineer CS  
 John Abraham, Traffic Engineer JA

SUBJECT: Deceleration Lane for Hollywood Supermarket, Inc.

We have received a request for waiver of the deceleration lane requirement, which was requested during the site plan approval process. The requirement was based on the City of Troy Development Standards, which state:

*Right turn deceleration lanes will be installed on major thoroughfares having four (4) or more lanes of pavement, at the intersection of driveways for all developments, other than one (1) family and two (2) family residential developments, when peak hour entering trips generated by the site during the street peak hour are equal to or greater than twenty (20) as contained in the trip table of the current I.T.E. Trip Generation Rates.*

Hollywood Super Market generates around 300 trips, nearly 15 times more than the minimum described in the development standard; hence, the requirement to install the deceleration lane. The deceleration lane will reduce delays and traffic accidents by separating the right-turning traffic from the through traffic. The most frequent type of accidents at curb cuts is the rear-end type of accident due to vehicles applying brakes suddenly on the through lane to make a right turn into the curb cut.

We agree with Mr. Welch of the Hollywood market that there are driveways on either side of Hollywood Super Market that do not have deceleration lanes. When the Auto Lab on the west side submitted plans for expansion, it was determined that a deceleration lane is not required since the development did not generate the minimum number of trips described in the Troy Development Standards. Whenever the Dean Sellers Ford dealership on the east side makes an expansion/modification to their building, the deceleration lane will be required of this development. Due to the proximity and frequency of curb cuts here, this may lead to a saw tooth type geometry for the north side of Maple Road. Therefore the ultimate desired configuration for the roadway in the area would be to have a continuous deceleration lane extending from the Dean Sellers Ford driveway through Hollywood Super Market as shown in attachment. Such a configuration with a continuous deceleration lane for number of curb cuts has worked well for Rochester Road just south of Long lake.

We realize that requesting the Hollywood Super Market to install this continuous lane in front of their store may not meet current standards. However, Hollywood Super Market should be responsible for the cost of a deceleration lane and cutting back of the 'nose' between their driveways as shown in the approved site plan (as per Troy Development Standards). As in the case of Rochester Road the City may contribute and invite cooperation of Dean Sellers Ford to complete rest of the proposed continuous deceleration lane. This plan of action will result in a configuration for long term efficiency of traffic conditions in this section of Maple Road.

Attachment

Hollywood Super Market, Inc.  
2670 West Maple Road  
P.O. Box 1286  
Troy, Michigan 48099-1286  
(248) 643-6770  
Fax: (248) 643-0309

RECEIVED

JUN 19 1998

CITY OF TROY  
CITY MANAGER'S OFFICE

June 17, 1998

Troy City Council  
500 West Big Beaver Road  
Troy, Michigan 48084

To Whom It May Concern:

At the Troy Planning Commission meeting of June 7, Hollywood Market was seeking a site plan approval for an addition to our existing store located at 2670 West Maple Road. The approval was granted, however, at the meeting I questioned the need for a deceleration lane, the closing of the eastern entrance to the parking lot and the need for a 8 foot sidewalk extending the entire length of the property. I learned that these issues were not within the control of the planning commission but that the variances would have to be granted by the Troy City Council.

This letter serves as a request to put these issues before the Troy City Council for consideration at the next meeting which I beleive is July 6.

Thank you.



William D Welch  
President  
Hollywood Super Market Inc.  
WW/kw

cc: James Bacon, City Manager

Resolution #98-369  
Moved by Pallotta  
Seconded by Schilling

RESOLVED, that pursuant to the Rules of Procedure of the City Council of the City of Troy, the City Council hereby approves the payment and use of City funds for transportation, registration, pre-conference workshops, food, and lodging for the Mayor and City Council Members to attend the Michigan Municipal League Annual Conference to be held in Traverse City, Michigan, September 9 through 11, 1998, all in accordance with the accounting procedures of the City of Troy.

Yes: All-6  
Absent: Pryor

**REGULAR BUSINESS-CONTINUED**

**Michigan Municipal League - CONTINUED**

D-2

**(b) Designation of Voting Delegates at Annual Meeting**

Resolution #98-370  
Moved by Pallotta  
Seconded by Schilling

RESOLVED, that Mayor Pro Tem Henry Allemon, is hereby designated as Voting Delegate and Mayor Jeanne M. Stine, is hereby designated as the Alternate Voting Delegate to cast the vote of the City of Troy at the Annual Meeting of the Michigan Municipal League to be held September 9, 1998 at Traverse City, Michigan.

Yes All-6  
Absent Pryor

**Request from Hollywood Market, 2670 West Maple to Waive  
Deceleration Lane, Sidewalk and Driveway Closure Requirements**

D-3

Resolution #98-371  
Moved by Pallotta  
Seconded by Schilling

RESOLVED, that the request from Hollywood Market, 2670 W. Maple, for a waiver of the requirements to install a deceleration lane, is hereby waived for two years and the eight foot sidewalk waived to regular five foot width be installed, in conjunction with the construction of an addition to their building; and

July 11, 2000

TO: Laurence Keisling, Planning Director

FROM: John Abraham, Traffic Engineer 

SUBJECT: Hollywood Market Site Plan Review

As a part of the plan review of the above development, we performed a traffic crash analysis and field observations of traffic conditions at the site.

During the site plan review process of Hollywood Market in late 1998, the deceleration lane requirement was waived by City Council contingent upon a traffic crash study to be performed within 2 years. A review of crashes directly related to traffic entering and exiting Hollywood Market was performed. The attachment provides a summary of the crashes. A total of 8 crashes could be attributed to movements from and to Hollywood Market since September 1998. There were 3 rear-end, 3 angle (broadside) and 2 side-swipe type crashes. In comparison, crashes at the Somerset Plaza driveways (between Coolidge and Axtell roads) were examined. This location had 7 crashes and none were of the rear-end type. It should be noted that the Somerset Plaza driveway has a decel lane installed.

Field observations indicate that when vehicles slow down to make the right turn into Hollywood market, there is added congestion to westbound Maple traffic and last-minute overtaking maneuvers. Other observations include considerable delays to traffic trying to make a left turn into the site. Traffic trying to get into the site seemed to be making turns very close to the traffic trying to exit from the same drive.

Based on the traffic crash study and the field observations, it is felt that a decel lane as proposed in the previous plan review process may help increase the traffic safety in the area. Consideration may also be given to widening the high traffic driveways, and perhaps making the westerly driveways one way in and one way out only.

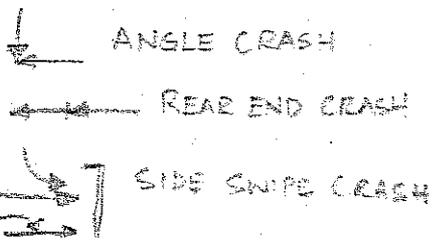
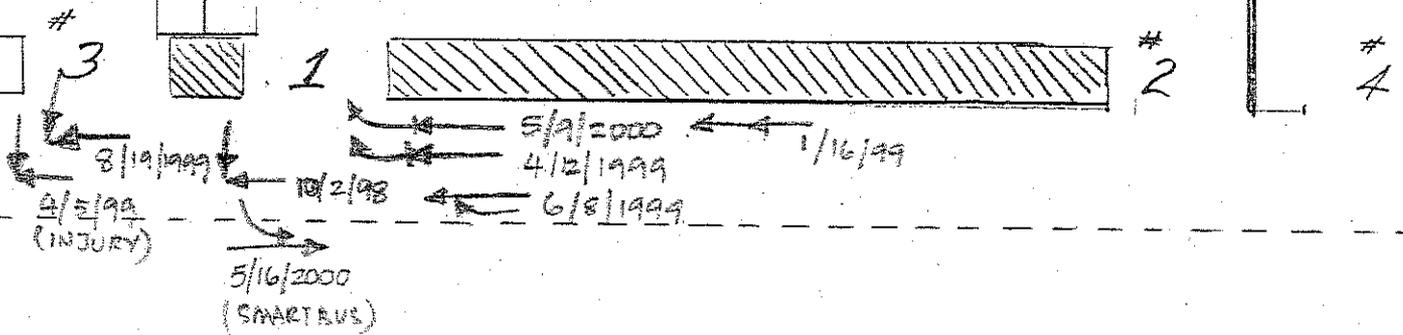
REPORTED CRASH SUMMARY SINCE SEPTEMBER 1998

REAR END = 3 CRASHES TO JULY 2000  
 ANGLE (BROADSIDE) = 3 CRASHES  
 SIDE SWIPE = 2 CRASHES

TOTAL 8 CRASHES

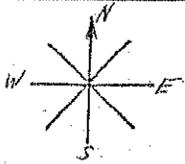
HOLLYWOOD MARKET

AXTELL



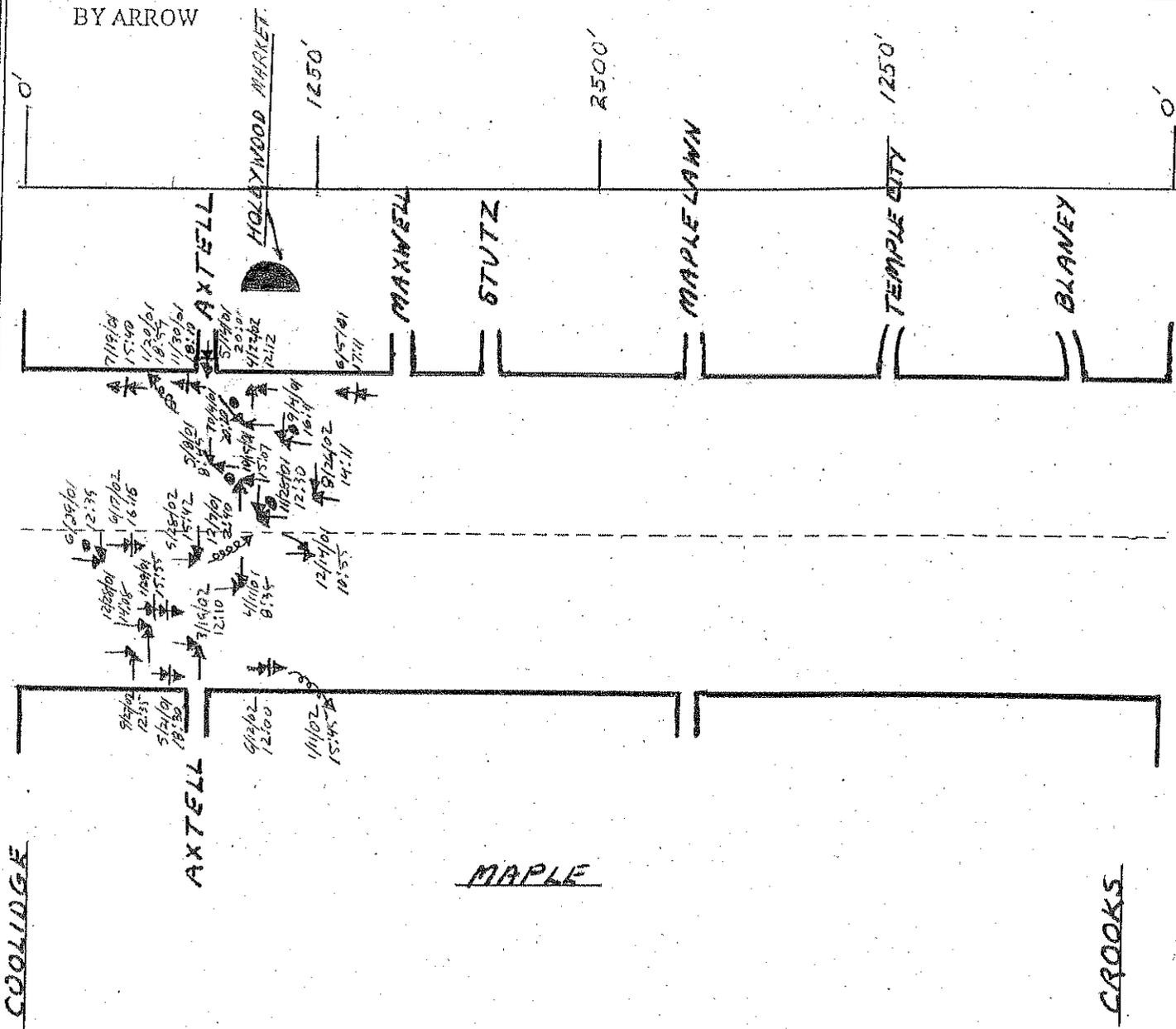
IN COMPARISON, THE DRIVE FROM SOMERSET PLAZA HAD 7 CRASHES AND REAR END CRASHES (DECEL LANE IS PRESENT)

# COLLISION DIAGRAM



INDICATE NORTH  
BY ARROW

PERIOD: 3/4/02  
FROM 11/1/01  
TO 10/4/02



| SYMBOLS  | TYPES OF COLLISIONS   | FOR EACH ACCIDENT SHOW:   |
|--|---|---|
| <ul style="list-style-type: none"> <li>← MOVING VEHICLE</li> <li>←←← BACKING VEHICLE</li> <li>← - - - PEDESTRIAN</li> <li>▣ PARKED VEHICLE</li> <li>□ FIXED OBJECT</li> <li>○ INJURY ACCIDENT</li> <li>● FATAL ACCIDENT</li> </ul> | <ul style="list-style-type: none"> <li>←← REAR END</li> <li>→→ HEAD ON</li> <li>↔ SIDE SWIPE</li> <li>↘ RIGHT ANGLE</li> <li>↙ LEFT TURN HEAD ON</li> <li>∞ OUT OF CONTROL</li> </ul> | <ol style="list-style-type: none"> <li>1. Date &amp; Time</li> <li>2. Weather &amp; Road Surface Conditions</li> </ol>  |
|  |   | <p style="text-align: center;"><u>MAPLE</u> BETWEEN</p> <p style="text-align: center;"><u>COOLIDGE &amp; CROOKS</u></p> <p>BY: <u>AT</u> DATE: <u>11/6/02</u></p> |

October 25, 2002

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
William Need, Public Works Director  
Steven Vandette, City Engineer

SUBJECT: Final Estimate - Contract No. 99-10-C  
Section 3 Water main Replacement, Project No. 97.504.5

**RECOMMENDATION**

Staff recommends approval of final payment to Giannetti Contracting Corporation in the amount of \$90,886.43, for the Section 3 Water Main Replacement project. The final contract amount of \$1,972,413.37 is an increase of approximately 3.45% over the approved contract amount of \$1,906,692.15. Council approval of the final amount is necessary since the contract pre-dates standard city council resolutions that authorize 10% of the original contract cost for work due to unforeseen circumstances and thus no 10% contingency was provided for this project.

**PROJECT INFORMATION**

The final contract amount is over the approved contract amount due to: (1) Insufficient quantities of water main, edge drain and related items of work, in the proposal, to complete the project in accordance with the plans. Quantities from one plan sheet were inadvertently not included in the quantities listed in the bid documents. This resulted in field measurements of completed work being higher than the estimated quantities in the proposal; and (2) Addition of a new work item for planting eleven, 2 to 3 inch diameter trees as replacements for trees removed from private property that encroached into the work zone. (3) The water main alignment was shifted closer to the road in many areas because existing utilities, shown from utility records, were not in the locations shown on the plans. This caused an increase in the sand backfill (Trench Detail G) water main quantity.

**FUNDING**

The increase to Contract No. 99-10-C is \$65,721.22. The revised contract amount for the project is \$1,972,413.37. Funds for this increase are available in the Water Main Capital Budget.

Prepared by: G. Scott Finlay, Civil Engineer

CITY OF TROY  
 PROJECT CERTIFICATE NO. 8 FINAL  
 SECTION 3, WATERMAIN REPLACEMENT AND DRAINAGE IMPROVEMENTS  
 CONTRACT NO. 99-10  
 SEPTEMBER 26, 2002

|  |  |
|--|--|
| PROJECT NO. 97.504.5                             |  |
| CONTRACTOR: GIANETTI CONTRACTING CORPORATION     |  |
| RESOLUTION NO. 99-573                            |  |
| TOTAL CONTRACT PRICE BASED ON QUANTITIES BID:    | \$1,906,692.15 (Uncl. Res. No.2000-358-E-14) |
| TOTAL CONTRACT PRICE BASED ON ACTUAL QUANTITIES: | \$1,972,413.37                               |
| PERCENT PAID                                     | 100%   |
| PERCENT COMPLETED                                | 100%   |

| PROJECT NO. 97.504.5 a |  |                   |                   |               |       |            |        |
|------------------------|--|-------------------|-------------------|---------------|-------|------------|--------|
| ITEM NO.               | DESCRIPTION  | CONTRACT QUANTITY | PREVIOUS ESTIMATE | THIS ESTIMATE | TOTAL | UNIT PRICE | AMOUNT |
| 1                      | 12" Diameter Ductile Iron, Class 54 Water Main w/ Polywrap (Trench Detail G) | 650 l.ft.         | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 2                      | 12" Diameter Ductile Iron, Class 54 Water Main w/ Polywrap (Trench Detail F) | 2020 l.ft.        | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 3                      | 8" Diameter Ductile Iron, Class 54 Water Main w/ Polywrap (Trench Detail G)  | 5450 l.ft.        | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 4                      | 8" Diameter Ductile Iron, Class 54 Water Main w/ Polywrap (Trench Detail F)  | 4300 l.ft.        | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 5                      | 6" Diameter Ductile Iron, Class 54 Water Main w/ Polywrap (Trench Detail F)  | 90 l.ft.          | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 6                      | 12" Diameter Gate, Valve in Well   | 8 ea.             | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 7                      | 8 " Diameter Gate, Valve in Well   | 22 ea.            | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 8                      | Fire Hydrant Assembly, Type C or D   | 25 ea.            | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 9                      | Connect to Existing 12" Water Main   | 4 ea.             | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 10                     | Connect to Existing 8" Water Main  | 2 ea.             | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 11                     | 2" Blow-off Assembly   | 6 ea.             | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 12                     | 1" Water Service Transfer, Short Side of Water Main                          | 72 ea.            | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 13                     | 1" Water Service Transfer, Long Side of Water Main                           | 66 ea.            | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 14                     | 1-1/2" Water Service Transfer, Short Side Of Water Main                      | 2 ea.             | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 15                     | 1-1/2" Water Service Transfer, Long Side Of Water Main                       | 2 ea.             | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 16                     | 2" Water Service Transfer, Short Side Of Water Main                          | 1 ea.             | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 17                     | 2" Water Service Transfer, Long Side Of Water Main                           | 1ea.              | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 18                     | Cut and Cap Water Main   | 8 ea.             | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 19                     | Remove Hydrant   | 18 ea.            | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |

## PROJECT NO. 97.504.5 a

| ITEM NO.                | DESCRIPTION   | CONTRACT QUANTITY | PREVIOUS ESTIMATE | THIS ESTIMATE | TOTAL      | UNIT PRICE | AMOUNT        |
|-------------------------|---|-------------------|-------------------|---------------|------------|------------|---------------|
| 20                      | Remove Gate Valve in Well   | 18 ea.            | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 21                      | Geotextile Silt Fence for Sediment Control, Staked in Place                               | 240 l.ft.         | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 22                      | 6" Thick 21AA Aggregate Limestone for Roadway and Maintenance of Approaches               | 1210 tons         | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 23                      | 4" Thick Bituminous Mix No. 1100T, 36B for Approaches                                     | 265 tons          | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 24                      | 3" Thick Bituminous Mix No. 500, 20C for Roadway  | 255 tons          | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 25                      | 1 1/2" Thick Bituminous Mix No. 1100T, 20AA Wearing Course for Roadway                    | 128 tons          | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 26                      | 6" Uniform Concrete MDOT Grade HE, w/ Type 1A Cement for Approaches                       | 280 s.yd.         | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 27                      | Install New 12" CMP, 14 Gauge   | 920 l.ft.         | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 28                      | Mail Box Posts  | 15 ea.            | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 29                      | Remove and Replace 4" Concrete Sidewalk   | 2550 s.ft.        | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 30                      | 8" Dia. PVC Perforated Pipe, F-758 w/ Pea Gravel Backfill                                 | 450 l.ft.         | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 31                      | 3' Dia. Catch Basin   | 2 ea.             | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 32                      | Remove Field Basin  | 1 ea.             | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 33                      | Watering Sod Areas (1000 gal/unit)  | 875 unit          | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 34                      | Mowing Sod Areas  | 4 times           | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 35                      | Bore 8" Dia. Watermain under Tree w/o Casing and Exclusive of Pipe                        | 30 l.ft.          | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 36                      | Sylvax Cold Patch Material for Temp. Restoration of Pavmt. and Driveways as and if needed | 120 ton           | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 37                      | 6" Dia. Sanitary Sewer Lead, PVC, ASTM D-3034, SDR 23.5 if needed                         | 100 l.ft.         | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 38                      | Reconstruct Drainage Structure  | 1 ea.             | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 39                      | Install Geotextile Fabric under Catch Basin Cover   | 2 ea.             | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 40                      | 12" Metal End Section   | 72 ea.            | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 41                      | Traffic Maintenance & Control   | Lump Sum          | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 42                      | Turf Restoration w/4" Topsoil & Class A Sod   | Incidental        | Incidental        | Incidental    | Incidental | Incidental | Incidental    |
| 43                      | Potential Incentive/Disincentive  | 64 days           | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| <b>Sub-total Part A</b> |   |                   |                   |               |            |            | <b>\$0.00</b> |

## PROJECT NO. 97.504.5 b

| ITEM NO. | DESCRIPTION   | CONTRACT QUANTITY | PREVIOUS ESTIMATE | THIS ESTIMATE | TOTAL | UNIT PRICE | AMOUNT |
|----------|---|-------------------|-------------------|---------------|-------|------------|--------|
| 1        | 12" Diameter Ductile Iron, Class 54 Water Main w/<br>Polywrap (Trench Detail G) | 170 Lft           | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 2        | 12" Diameter Ductile Iron, Class 54 Water Main w/<br>Polywrap (Trench Detail F) | 1455 Lft          | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 3        | 8" Diameter Ductile Iron, Class 54 Water Main w/<br>Polywrap (Trench Detail G)  | 2865 Lft.         | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 4        | 8" Diameter Ductile Iron, Class 54 Water Main w/<br>Polywrap (Trench Detail F)  | 6980 Lft.         | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 5        | 6" Diameter Ductile Iron, Class 54 Water Main w/<br>Polywrap (Trench Detail F)  | 200 Lft.          | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 6        | 12" Diameter Gate, Valve in Well  | 2 ea.             | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 7        | 8" Diameter Gate, Valve in Well   | 17 ea.            | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 8        | Fire Hydrant Assembly, Type C or D  | 21 ea.            | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 9        | Connect to Existing 12" Water Main  | 3 ea.             | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 10       | Connect to Existing 8" Water Main   | 2 ea.             | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 11       | 2" Blow-off Assembly  | 9 ea.             | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 12       | 1" Water Service Transfer, Short Side of Water Main                             | 82 ea.            | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 13       | 1" Water Service Transfer, Long Side of Water Main                              | 94 ea.            | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 14       | 1-1/2" Water Service Transfer, Short Side Of Water Main                         | 2 ea.             | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 15       | 1-1/2" Water Service Transfer, Long Side Of Water Main                          | 2 ea.             | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 16       | 2" Water Service Transfer, Short Side Of Water Main                             | 1 ea.             | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 17       | 2" Water Service Transfer, Long Side Of Water Main                              | 1ea.              | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 18       | Cut and Cap Water Main  | 9 ea.             | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 19       | Remove Hydrant  | 13 ea.            | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 20       | Remove Gate Valve in Well   | 7 ea.             | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 21       | Remove Valve Box  | 6 ea.             | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 22       | Geotextile Silt Fence for Sediment Control, Staked in Place                     | 310 Lft.          | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 23       | 6" Thick 21AA Aggregate Limestone for Roadway and<br>Maintenance of Approaches  | 2530 tons         | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 24       | 4" Thick Bituminous Mix No. 1100T, 36B for Approaches                           | 1460 tons         | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |
| 25       | 3" Thick Bituminous Mix No. 500, 20C for Roadway                                | 150 tons          | 0.00              | 0.00          | 0.00  | \$0.00     | \$0.00 |

## PROJECT NO. 97.504.5 b

| ITEM NO.                | DESCRIPTION   | CONTRACT QUANTITY | PREVIOUS ESTIMATE | THIS ESTIMATE | TOTAL      | UNIT PRICE | AMOUNT        |
|-------------------------|---|-------------------|-------------------|---------------|------------|------------|---------------|
| 26                      | 1 1/2" Thick Bituminous Mix No. 1100T, 20AA Wearing Course for Roadway                    | 85 tons           | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 27                      | 6" Uniform Concrete MDOT Grade HE, w/ Type 1A Cement for Approaches                       | 800 s.yd.         | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 28                      | Install New 12" CMP, 14 Guage   | 4350 l.ft.        | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 29                      | Mail Box Posts  | 95 ea.            | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 30                      | Remove and Replace 4" Concrete Sidewalk   | 400 s.ft.         | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 31                      | Remove Field Basin  | 1 ea.             | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 32                      | Watering Sod Areas (1000 gal/unit)  | 1200 units        | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 33                      | Mowing Sod Areas  | 4 times           | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 34                      | Bore 8" Dia. Watermain under Tree w/o Casing and Exclusive of Pipe                        | 70 l.ft.          | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 35                      | Sylvax Cold Patch Material for Temp. Restoration of Pavmt. and Driveways as and if needed | 300 tons          | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 36                      | 6" Dia. Sanitary Sewer Lead, PVC, ASTM D-3034, SDR 23.5 if needed                         | 200 l.ft.         | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 37                      | 12" Dia. C-76 CL-IV Storm Sewer Trench Detail B   | 275 l.ft.         | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 38                      | 9" Uniform Concrete for Pavement  | 50 s.yd.          | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 39                      | 12" Dia. PVC Perforated Pipe, F-758 w/ Pea Gravel Backfill                                | 7535 l.ft.        | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 40                      | 8" Dia. PVC Perforated Pipe, F-758 w/ Pea Gravel Backfill                                 | 12020 l.ft.       | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 41                      | 4' Dia. Catch Basin   | 40 ea.            | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 42                      | 3' Dia. Catch Basin   | 57 ea.            | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 43                      | Adjust Drainage Structure   | 2 ea.             | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 44                      | Reconstruct Drainage Structure  | 13 ea.            | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 45                      | Install Geotextile Fabric under Catch Basin Cover   | 20 ea.            | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 46                      | 12" Metal End Section   | 295 ea.           | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 47                      | Traffic Maintenance & Control   | Lump Sum          | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| 48                      | Turf Restoration w/4" Topsoil & Class A Sod   | Incidental        | Incidental        | Incidental    | Incidental | Incidental | Incidental    |
| 49                      | Potential Incentive/Disincentive  | 64 days           | 0.00              | 0.00          | 0.00       | \$0.00     | \$0.00        |
| <b>Sub-total Part B</b> |   |                   |                   |               |            |            | <b>\$0.00</b> |

## PROJECT NO. 97.504.5 c

| ITEM NO. | DESCRIPTION  | CONTRACT QUANTITY | PREVIOUS ESTIMATE | THIS ESTIMATE | TOTAL   | UNIT PRICE | AMOUNT       |
|----------|--|-------------------|-------------------|---------------|---------|------------|--------------|
| 1        | 12" Diameter Ductile Iron, Class 54 Water Main w/ Polywrap (Trench Detail G) | 2480 l.ft.        | 1345.00           | 0.00          | 1345.00 | \$63.99    | \$86,066.55  |
| 2        | 12" Diameter Ductile Iron, Class 54 Water Main w/ Polywrap (Trench Detail F) | 3400 l.ft.        | 4477.00           | 1.00          | 4478.00 | \$54.64    | \$244,677.92 |
| 3        | 8" Diameter Ductile Iron, Class 54 Water Main w/ Polywrap (Trench Detail G)  | 1350 l.ft.        | 3965.00           | 0.00          | 3965.00 | \$57.29    | \$227,154.85 |
| 4        | 8" Diameter Ductile Iron, Class 54 Water Main w/ Polywrap (Trench Detail F)  | 4775 l.ft.        | 3203.00           | 0.00          | 3203.00 | \$47.94    | \$153,551.82 |
| 5        | 6" Diameter Ductile Iron, Class 54 Water Main w/ Polywrap (Trench Detail F)  | 85 l.ft.          | 242.00            | 0.00          | 242.00  | \$24.47    | \$5,921.74   |
| 6        | 12" Diameter Gate, Valve in Well   | 10 ea.            | 9.00              | 1.00          | 10.00   | \$2,540.00 | \$25,400.00  |
| 7        | 16" x 12" Tapping Sleeve & GV & W  | 1 ea.             | 1.00              | 0.00          | 1.00    | \$9,050.00 | \$9,050.00   |
| 8        | 8" Diameter Gate, Valve in Well  | 18 ea.            | 17.00             | 0.00          | 17.00   | \$2,180.00 | \$37,060.00  |
| 9        | Fire Hydrant Assembly, Type C or D   | 26 ea.            | 25.00             | 0.00          | 25.00   | \$1,800.00 | \$45,000.00  |
| 10       | Connect to Existing 12" Water Main   | 2 ea.             | 3.00              | 0.00          | 3.00    | \$2,250.00 | \$6,750.00   |
| 11       | Connect to Existing 8" Water Main  | 1 ea.             | 1.00              | 0.00          | 1.00    | \$2,000.00 | \$2,000.00   |
| 12       | 2" Blow-off Assembly   | 7 ea.             | 9.00              | 1.00          | 10.00   | \$100.00   | \$1,000.00   |
| 13       | 1" Water Service Transfer, Short Side of Water Main                          | 83 ea.            | 78.00             | 0.00          | 78.00   | \$405.00   | \$31,590.00  |
| 14       | 1" Water Service Transfer, Long Side of Water Main                           | 81 ea.            | 93.00             | 0.00          | 93.00   | \$755.00   | \$70,215.00  |
| 15       | 1-1/2" Water Service Transfer, Short Side Of Water Main                      | 2 ea.             | 0.00              | 0.00          | 0.00    | \$660.00   | \$0.00       |
| 16       | 1-1/2" Water Service Transfer, Long Side Of Water Main                       | 2 ea.             | 2.00              | 0.00          | 2.00    | \$1,080.00 | \$2,160.00   |
| 17       | 2" Water Service Transfer, Short Side Of Water Main                          | 1 ea.             | 0.00              | 0.00          | 0.00    | \$780.00   | \$0.00       |
| 18       | 2" Water Service Transfer, Long Side Of Water Main                           | 1ea.              | 0.00              | 0.00          | 0.00    | \$1,280.00 | \$0.00       |
| 19       | Cut and Cap Water Main   | 6 ea.             | 1.00              | 0.00          | 1.00    | \$100.00   | \$100.00     |
| 20       | Remove Hydrant   | 16 ea.            | 15.00             | 1.00          | 16.00   | \$200.00   | \$3,200.00   |
| 21       | Remove Valve Box   | 4 ea.             | 5.00              | 0.00          | 5.00    | \$200.00   | \$1,000.00   |
| 22       | Remove Gate Valve in Well  | 7 ea.             | 6.00              | 0.00          | 6.00    | \$300.00   | \$1,800.00   |
| 23       | Geotextile Silt Fence for Sediment Control, Staked in Place                  | 250 l.ft.         | 0.00              | 0.00          | 0.00    | \$1.00     | \$0.00       |
| 24       | 6" Thick 21AA Aggregate Limestone for Roadway and Maintenance of Approaches  | 4010 tons         | 4116.00           | 75.51         | 4191.51 | \$12.00    | \$50,298.12  |
| 25       | 4" Thick Bituminous Mix No. 1100T, 36B for Approaches                        | 1400 tons         | 1530.00           | 112.98        | 1642.98 | \$85.00    | \$139,653.30 |

## PROJECT NO. 97.504.5 c

| ITEM NO. | DESCRIPTION   | CONTRACT QUANTITY | PREVIOUS ESTIMATE | THIS ESTIMATE | TOTAL    | UNIT PRICE | AMOUNT       |
|----------|---|-------------------|-------------------|---------------|----------|------------|--------------|
| 26       | 3" Thick Bituminous Mix No. 500, 20C for Roadway  | 750 tons          | 736.00            | 28.34         | 764.34   | \$85.00    | \$64,968.90  |
| 27       | 1 1/2" Thick Bituminous Mix No. 1100T, 20AA Wearing Course for Roadway                    | 415 tons          | 61.00             | 163.44        | 224.44   | \$85.00    | \$19,077.40  |
| 28       | 6" Uniform Concrete MDOT Grade HE, w/ Type 1A Cement for Approaches                       | 950 s.yd.         | 606.00            | 325.00        | 931.00   | \$34.00    | \$31,654.00  |
| 29       | Install New 12" CMP, 14 Gauge   | 4200 l.ft.        | 5143.00           | 13.00         | 5156.00  | \$20.00    | \$103,120.00 |
| 30       | Mail Box Posts  | 82 ea.            | 0.00              | 46.00         | 46.00    | \$40.00    | \$1,840.00   |
| 31       | Remove and Replace 4" Concrete Sidewalk   | 150 s.ft.         | 157.00            | 0.00          | 157.00   | \$3.10     | \$486.70     |
| 32       | Remove Field Basin  | 3 ea.             | 12.00             | 0.00          | 12.00    | \$300.00   | \$3,600.00   |
| 33       | Watering Sod Areas (1000 gal/unit)  | 1650 units        | 0.00              | 369.51        | 369.51   | \$1.00     | \$369.51     |
| 34       | Mowing Sod Areas  | 4 times           | 0.00              | 0.00          | 0.00     | \$100.00   | \$0.00       |
| 35       | Bore 8" Dia. Watermain under Tree w/o Casing and Exclusive of Pipe                        | 100 l.ft.         | 0.00              | 0.00          | 0.00     | \$10.00    | \$0.00       |
| 36       | Bore 12" Dia. Watermain. w/o Casing and Exclusive of Pipe                                 | 80 l.ft.          | 0.00              | 0.00          | 0.00     | \$165.00   | \$0.00       |
| 37       | Remove & Replace 4' High Farm Fence   | 520 l.ft.         | 0.00              | 0.00          | 0.00     | \$20.00    | \$0.00       |
| 38       | Remove & Replace 9" Concrete Uniform Concrete Pavement incl. Curb                         | 130 s.yd.         | 78.00             | 1.00          | 79.00    | \$60.00    | \$4,740.00   |
| 39       | Sylvax Cold Patch Material for Temp. Restoration of Pavmt. and Driveways as and if needed | 245 tons          | 30.00             | 0.13          | 30.13    | \$5.00     | \$150.65     |
| 40       | 6" Dia. Sanitary Sewer Lead, PVC, ASTM D-3034, SDR 23.5 if needed                         | 100 l.ft.         | 17.00             | 0.00          | 17.00    | \$15.00    | \$255.00     |
| 41       | 12" Dia. C-76, CL-IV Storm Sewer Trench Det. B  | 300 l.ft.         | 424.00            | 0.00          | 424.00   | \$25.00    | \$10,600.00  |
| 42       | 15" Dia. PVC Edge Drain w/Pea Gravel Backfill   | 1570 l.ft.        | 2166.00           | 0.00          | 2166.00  | \$21.30    | \$46,135.80  |
| 43       | 18" Dia. C-76, CL-IV Storm Sewer Trench Det. B  | 90 l.ft.          | 47.00             | 0.00          | 47.00    | \$30.00    | \$1,410.00   |
| 44       | 12" Dia. PVC Edge Drain w/Pea Gravel Backfill   | 5730 l.ft.        | 6471.00           | 0.00          | 6471.00  | \$18.90    | \$122,301.90 |
| 45       | 8" Dia. PVC Edge Drain w/Pea Gravel Backfill  | 11200 l.ft.       | 11157.00          | 0.00          | 11157.00 | \$17.90    | \$199,710.30 |
| 46       | 4' Dia. Catch Basin   | 49 ea.            | 53.00             | 1.00          | 54.00    | \$910.00   | \$49,140.00  |
| 47       | 3' Dia. Catch Basin   | 49 ea.            | 52.00             | 0.00          | 52.00    | \$900.00   | \$46,800.00  |
| 48       | Adjust Drainage Structure   | 2 ea.             | 6.00              | 1.00          | 7.00     | \$150.00   | \$1,050.00   |
| 49       | Reconstruct Drainage Structure  | 16 ea.            | 13.00             | 0.00          | 13.00    | \$200.00   | \$2,600.00   |

## PROJECT NO. 97.504.5 c

| ITEM NO.          | DESCRIPTION                                       | CONTRACT QUANTITY | PREVIOUS ESTIMATE | THIS ESTIMATE | TOTAL      | UNIT PRICE  | AMOUNT         |
|-------------------|---|-------------------|-------------------|---------------|------------|-------------|----------------|
| 50                | Install Geotextile Fabric under Catch Basin Cover | 47 ea.            | 2.00              | 0.00          | 2.00       | \$20.00     | \$40.00        |
| 51                | 12" Metal End Section                             | 300 ea.           | 295.00            | 20.00         | 315.00     | \$70.00     | \$22,050.00    |
| 52                | Traffic Maintenance & Control                     | Lump Sum          | 1.00              | 0.00          | 1.00       | \$20,000.00 | \$20,000.00    |
| 53                | Turf Restoration w/4" Topsoil & Class A Sod       | Incidental        | Incidental        | Incidental    | Incidental | Incidental  | Incidental     |
| 54                | Potential Incentive/Disincentive                  | 64 days           | 21.00             | 0.00          | 21.00      | \$1,200.00  | \$25,200.00    |
| Sub- total Part C |   |                   |                   |               |            |             | \$1,920,949.46 |

## PROJECT NO. 97.504.5 c (Restitution Items)

| ITEM NO.   | DESCRIPTION  | CONTRACT QUANTITY | PREVIOUS ESTIMATE | THIS ESTIMATE | TOTAL   | UNIT PRICE | AMOUNT      |
|------------|--|-------------------|-------------------|---------------|---------|------------|-------------|
| 1          | Construct 4.5' Ditch Bottom                            | 730 L.F.          | 0.00              | 730.00        | 730.00  | \$5.00     | \$3,650.00  |
| 2          | Install Turf Reienforcing Mat                          | 1250 S.Y.         | 0.00              | 1250.00       | 1250.00 | \$2.00     | \$2,500.00  |
| 3          | Install stone check dams                               | 3 EA.             | 0.00              | 3.00          | 3.00    | \$200.00   | \$600.00    |
| 4          | Install rip rap  | Lump Sum          | 0.00              | 1.00          | 1.00    | \$500.00   | \$500.00    |
| 5          | Seed & stabilize slopes                                | 1135 S.Y.         | 0.00              | 1135.00       | 1135.00 | \$2.50     | \$2,837.50  |
| 6          | 2" - 3" Dia. Trees                                     | 11 EA             | 0.00              | 11.00         | 11.00   | \$300.00   | \$3,300.00  |
| 7          | Booth & Montclair, Repair watermain & relocate hydrant | Lump Sum          | 0.00              | 1.00          | 1.00    | \$3,126.01 | \$3,126.01  |
| 8          | Compensation for open cutting Livernois on Saturday    | Lump Sum          | 0.00              | 1.00          | 1.00    | \$1,924.40 | \$1,924.40  |
| 9          | 1' Dia. Mini Catch Basin at 284 Ottawa                 | 1 EA              | 0.00              | 1.00          | 1.00    | \$400.00   | \$400.00    |
| Sub- total |  |                   |                   |               |         |            | \$18,837.91 |

## PROJECT NO. 00.405.5 - Cunningham &amp; Coolidge Sanitary Sewer Repair (Res. No. 2000-358-E-14)

| ITEM NO.   | DESCRIPTION                   | CONTRACT QUANTITY | PREVIOUS ESTIMATE | THIS ESTIMATE | TOTAL | UNIT PRICE  | AMOUNT      |
|------------|-------------------------------|-------------------|-------------------|---------------|-------|-------------|-------------|
|            | Sanitary Sewer Relocation     | Lump Sum          | 1.00              | 0.00          | 1.00  | \$22,600.00 | \$22,600.00 |
|            | Remove & Replace Brick Pavers | Lump Sum          | 1.00              | 0.00          | 1.00  | \$7,930.00  | \$7,930.00  |
|            | Profit & Overhead             | Lump Sum          | 1.00              | 0.00          | 1.00  | \$793.00    | \$793.00    |
| Sub- total |                               |                   |                   |               |       |             | \$31,323.00 |

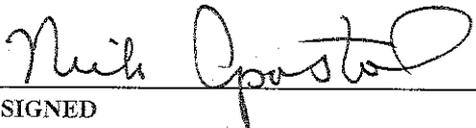
## PROJECT NO. 00.405.5 - Cunningham &amp; Coolidge Sanitary Sewer Repair ( Restitution Items)

| ITEM NO.   | DESCRIPTION       | CONTRACT QUANTITY | PREVIOUS ESTIMATE | THIS ESTIMATE | TOTAL | UNIT PRICE | AMOUNT         |
|------------|-------------------|-------------------|-------------------|---------------|-------|------------|----------------|
|            | Excavation        | Lump Sum          | 0.00              | 1.00          | 1.00  | \$1,000.00 | \$1,000.00     |
|            | Trimming          | 37 L.F.           | 0.00              | 37.00         | 37.00 | \$5.00     | \$185.00       |
|            | Profit & Overhead | Lump Sum          | 0.00              | 1.00          | 1.00  | \$118.00   | \$118.00       |
| Sub- total |                   |                   |                   |               |       |            | \$1,303.00     |
| TOTAL      |                   |                   |                   |               |       |            | \$1,972,413.37 |

|                           |                       |
|---------------------------|-----------------------|
| PROJECT CERTIFICATE NO. 1 | \$184,240.20          |
| PROJECT CERTIFICATE NO. 2 | \$205,478.43          |
| PROJECT CERTIFICATE NO. 3 | \$263,536.99          |
| PROJECT CERTIFICATE NO. 4 | \$231,723.93          |
| PROJECT CERTIFICATE NO. 5 | \$483,723.83          |
| PROJECT CERTIFICATE NO. 6 | \$412,740.36          |
| PROJECT CERTIFICATE NO. 7 | \$100,083.20          |
| <b>TOTAL</b>              | <b>\$1,881,526.94</b> |

|  |                       |
|--|-----------------------|
| <u>TOTAL COST OF WORK</u>              | <u>\$1,972,413.37</u> |
| <u>IN-SERVICE WITHHOLDING</u>          | <u>\$0.00</u>         |
| <u>BALANCE</u>                         | <u>\$1,972,413.37</u> |
| <u>PAYMENT WITHELD FOR RESTORATION</u> | <u>\$0.00</u>         |
| <u>TOTAL COST OF WORK COMPLETED</u>    | <u>\$1,972,413.37</u> |
| <u>RETAINAGE</u>                       | <u>\$0.00</u>         |
| <u>BALANCE</u>                         | <u>\$1,972,413.37</u> |
| <u>MINUS PREVIOUS PAYMENTS</u>         | <u>\$1,881,526.94</u> |
| <u>AMOUNT OF THIS CERTIFICATE</u>      | <u>\$90,886.43</u>    |

I HEREBY DECLARE THAT I HAVE REVIEWED THE FINAL QUANTITIES LISTED ABOVE AND AGREE THAT THESE ARE THE FINAL QUANTITIES DUE.

  
SIGNED

Sec.  
TITLE

10/24/02  
DATE

PROJECT CERTIFICATE NO. 8 FINAL

CONTRACT NO. 99-10

PAGE NINE

SEPTEMBER 26,2002

I HEREBY CERTIFY THAT GIANETTI CONTRACTING CORPORATION IS ENTITLED TO THIS CERTIFICATE AS FINAL  
PAYMENT FOR THE ITEMS OF WORK DESCRIBED ABOVE.

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CITY ENGINEER

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FINANCE DIRECTOR

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CITY MANAGER



DATE: November 1, 2002  
 TO: John Szerlag, City Manager  
 FROM: Mark Stimac, Director of Building & Zoning  
 SUBJECT: Permits issued during the Month of October 2002

|                                | NO.        | VALUATION              | PERMIT FEE          |
|--------------------------------|------------|------------------------|---------------------|
| <b><u>INDUSTRIAL</u></b>       |            |                        |                     |
| Accessory Structure            | 1          | \$3,000.00             | \$107.00            |
| Add/Alter                      | 3          | \$95,000.00            | \$1,023.50          |
| <b>Sub Total</b>               | <b>4</b>   | <b>\$98,000.00</b>     | <b>\$1,130.50</b>   |
| <b><u>COMMERCIAL</u></b>       |            |                        |                     |
| Tenant Completion              | 3          | \$372,000.00           | \$2,833.50          |
| Add/Alter                      | 23         | \$1,309,664.00         | \$15,900.00         |
| <b>Sub Total</b>               | <b>26</b>  | <b>\$1,681,664.00</b>  | <b>\$18,733.50</b>  |
| <b><u>RESIDENTIAL</u></b>      |            |                        |                     |
| New                            | 13         | \$2,251,859.00         | \$28,323.75         |
| Add/Alter                      | 32         | \$689,491.00           | \$8,051.50          |
| Garage/Acc. Structure          | 12         | \$90,445.00            | \$1,685.00          |
| Pool/Spa/Hot Tub               | 1          | \$33,000.00            | \$325.00            |
| Wreck                          | 3          | \$0.00                 | \$390.00            |
| <b>Sub Total</b>               | <b>61</b>  | <b>\$3,064,795.00</b>  | <b>\$38,775.25</b>  |
| <b><u>TOWN HOUSE/CONDO</u></b> |            |                        |                     |
| New                            | 43         | \$7,938,778.00         | \$39,657.45         |
| Add/Alter                      | 3          | \$3,982.00             | \$155.00            |
| <b>Sub Total</b>               | <b>46</b>  | <b>\$7,942,760.00</b>  | <b>\$39,812.45</b>  |
| <b><u>MULTIPLE</u></b>         |            |                        |                     |
| Add/Alter                      | 1          | \$4,800.00             | \$135.00            |
| <b>Sub Total</b>               | <b>1</b>   | <b>\$4,800.00</b>      | <b>\$135.00</b>     |
| <b><u>MISCELLANEOUS</u></b>    |            |                        |                     |
| Satellite/Antennas             | 1          | \$40,000.00            | \$401.00            |
| Signs                          | 38         | \$0.00                 | \$4,280.00          |
| Fences                         | 12         | \$0.00                 | \$104.00            |
| <b>Sub Total</b>               | <b>51</b>  | <b>\$40,000.00</b>     | <b>\$4,785.00</b>   |
| <b>TOTAL</b>                   | <b>189</b> | <b>\$12,832,019.00</b> | <b>\$103,371.70</b> |

**PERMITS ISSUED DURING THE MONTH OF OCTOBER 2002**

|                        | NO.         | PERMIT FEE          |
|------------------------|-------------|---------------------|
| Cert. of Occupancy     | 83          | \$2,519.50          |
| Plan Review            | 113         | \$4,114.20          |
| Microfilm              | 33          | \$404.00            |
| Building Permits       | 189         | \$103,371.70        |
| Electrical Permits     | 186         | \$11,819.00         |
| Heating Permits        | 194         | \$9,170.00          |
| Air Condt. Permits     | 72          | \$2,930.00          |
| Refrigeration Permits  | 1           | \$265.00            |
| Plumbing Permits       | 135         | \$9,337.00          |
| Storm Sewer Permits    | 19          | \$596.00            |
| Sanitary Sewer Permits | 6           | \$165.00            |
| Sewer Taps             | 56          | \$10,922.00         |
| <b>TOTAL</b>           | <b>1087</b> | <b>\$155,613.40</b> |

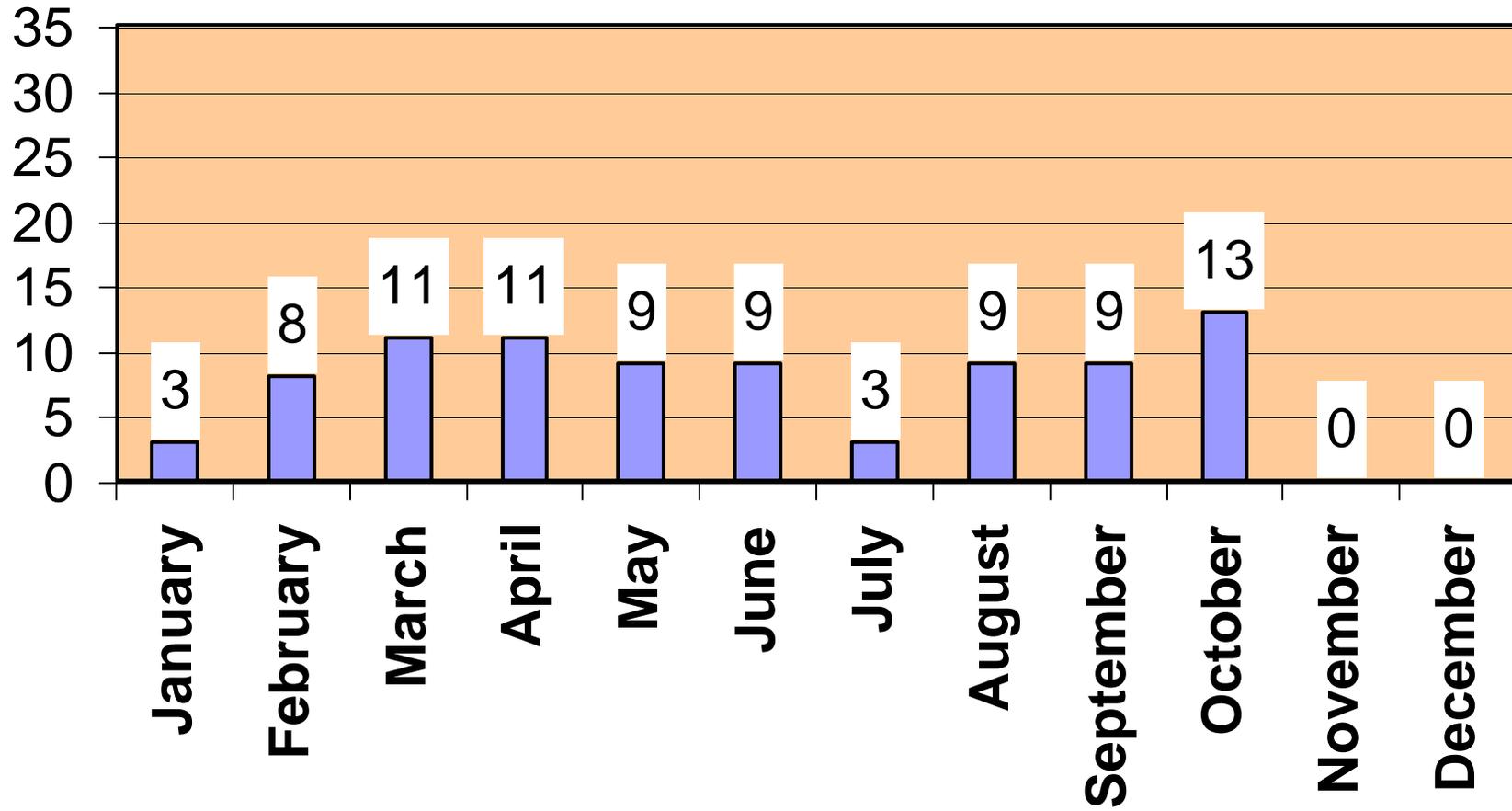
**LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF OCTOBER 2002**

|                     | NO.        | LICENSE FEE       |
|---------------------|------------|-------------------|
| Mech. Contr.-Reg.   | 61         | \$305.00          |
| Elec. Contr.-Reg.   | 32         | \$480.00          |
| Master Plmb.-Reg.   | 21         | \$21.00           |
| Sewer Inst.-Reg.    | 5          | \$200.00          |
| Sign Inst. - Reg.   | 7          | \$70.00           |
| E. Sign Contr-Reg.  | 3          | \$45.00           |
| Fence Inst.-Reg.    | 3          | \$30.00           |
| Bldg. Contr.-Reg.   | 19         | \$190.00          |
| F.Alarm Contr.-Reg. | 2          | \$30.00           |
| <b>TOTAL</b>        | <b>153</b> | <b>\$1,371.00</b> |

## BUILDING PERMITS ISSUED

|              | BUILDING<br>PERMITS<br>2001 | PERMIT<br>VALUATION<br>2001 | BUILDING<br>PERMITS<br>2002 | PERMIT<br>VALUATION<br>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                | 189                         | \$12,832,019                |
| NOVEMBER     | 129                         | \$6,658,087                 | 0                           | \$0                         |
| DECEMBER     | 102                         | \$5,197,916                 | 0                           | \$0                         |
| <b>TOTAL</b> | <b>2020</b>                 | <b>\$191,288,310</b>        | <b>1621</b>                 | <b>\$150,071,959</b>        |

# SINGLE FAMILY DWELLING PERMITS 2002



BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS  
ISSUED DURING THE MONTH OF OCTOBER 2002

| Type of Construction                | Builder or Company          | Address of Job        | Valuation    |
|-------------------------------------|-----------------------------|-----------------------|--------------|
| Commercial, Add/Alter               | SYNERGY GROUP, INC.         | 755 W BIG BEAVER 101  | 210,000.00   |
| Commercial, Add/Alter               | RONNISCH CONSTRUCTION GROUP | 805 E BIG BEAVER      | 615,000.00   |
| Total Commercial, Add/Alter         |                             |                       | 825,000.00   |
| Commercial, Tenant Completion       | CLAYCO CONSTRUCTION         | 350 STEPHENSON 1ST FL | 330,000.00   |
| Total Commercial, Tenant Completion |                             |                       | 330,000.00   |
| Records 4                           |                             | Total Valuation:      | 1,155,000.00 |

**City of Troy**  
**Monthly Financial Report**  
**October 31, 2002**

CITY OF TROY  
 Monthly Financial Report  
 General Fund  
 For the Period Ending October 31, 2002

CITY OF TROY GENERAL FUND

| Description                        | Last Year<br>Actual | 2002-03<br>Budget | Current<br>Month | Year To<br>Date   | %            |
|------------------------------------|---------------------|-------------------|------------------|-------------------|--------------|
| <b>GENERAL FUND REVENUES</b>       |                     |                   |                  |                   |              |
| TAXES                              | 29,085,526          | 30,313,690        | 50,119           | 30,313,298        | 100.00       |
| BUSINESS LICENSES & PERMITS        | 41,334              | 47,200            | 1,868            | 6,654             | 14.10        |
| NON-BUS. LICENSES & PERMITS        | 1,480,799           | 1,525,500         | 120,369          | 465,344           | 30.50        |
| FEDERAL GRANTS                     | 69,453              | 88,400            | 99,556           | 105,524           | 119.37       |
| STATE AGENCIES                     | 8,492,956           | 8,138,000         | 250              | 1,236,168         | 15.19        |
| CONTRIBUTIONS-LOCAL                | 159,268             | 95,800            | 715              | 3,645             | 3.80         |
| CHARGES FOR SERVICES - FEES        | 1,030,349           | 983,600           | 18,519           | 96,009            | 9.76         |
| CHARGES FOR SERVICES - REND.       | 1,888,342           | 1,519,100         | 72,555           | 180,324           | 11.87        |
| CHARGES FOR SERVICES - SALES       | 163,712             | 122,500           | 25,675           | 25,010            | 20.42        |
| CHARGES FOR SERVICES - REC         | 1,833,253           | 2,324,000         | 92,657           | 647,199           | 27.85        |
| FINES & FORFEITS                   | 1,171,749           | 905,000           | 56,982           | 271,001           | 29.94        |
| INTEREST AND RENTS                 | 1,155,235           | 1,317,700         | 70,549           | 200,719           | 15.23        |
| OTHER REVENUE                      | 364,693             | 330,200           | 693              | 81,929            | 24.81        |
| OTHER FINANCING SOURCES            | 8,987,970           | 7,870,950         | 0                | 1,082,000         | 13.75        |
| <b>TOTAL GENERAL FUND REVENUE</b>  | <b>55,924,639</b>   | <b>55,581,640</b> | <b>559,157</b>   | <b>34,664,804</b> | <b>62.37</b> |
| <b>EXPENDITURES</b>                |                     |                   |                  |                   |              |
| LEGISLATIVE                        | 1,705,181           | 1,872,490         | 133,552          | 547,166           | 29.22        |
| FINANCE                            | 3,919,479           | 4,602,740         | 283,577          | 1,269,436         | 27.58        |
| OTHER GEN GOVERNMENT               | 1,979,299           | 2,239,420         | 128,177          | 574,991           | 25.68        |
| POLICE                             | 19,673,920          | 20,575,040        | 1,532,844        | 6,254,189         | 30.40        |
| FIRE                               | 3,313,576           | 3,480,250         | 191,787          | 1,258,090         | 36.15        |
| BUILDING INSPECTION                | 1,697,480           | 1,893,800         | 131,543          | 555,983           | 29.36        |
| STREETS                            | 4,495,513           | 5,420,550         | 359,132          | 1,383,975         | 25.53        |
| ENGINEERING                        | 2,634,796           | 2,960,850         | 215,534          | 855,401           | 28.89        |
| RECREATION                         | 6,182,359           | 7,789,320         | 523,348          | 2,526,765         | 32.44        |
| LIBRARY                            | 4,042,658           | 4,737,180         | 348,644          | 1,213,238         | 25.61        |
| TRANSFERS OUT                      | 2,919,290           | 10,000            | 0                | 10,000            | 100.00       |
| <b>TOTAL GEN FUND EXPENDITURES</b> | <b>52,563,551</b>   | <b>55,581,640</b> | <b>3,848,138</b> | <b>16,449,234</b> | <b>29.59</b> |

CITY OF TROY  
 Monthly Financial Report  
 Refuse Fund  
 For the Period Ending October 31, 2002

REFUSE FUND

| Description                  | Last Year<br>Actual | 2002-03<br>Budget | Current<br>Month | Year To<br>Date  | %            |
|------------------------------|---------------------|-------------------|------------------|------------------|--------------|
| <b>REVENUES</b>              |                     |                   |                  |                  |              |
| TAXES                        | 3,636,077           | 3,793,000         | 0                | 3,804,318        | 100.30       |
| CHARGES FOR SERVICES - REND. | 195                 | 0                 | 0                | 205,650          | .00          |
| CHARGES FOR SERVICES - SALES | 726                 | 500               | 36               | 312              | 62.40        |
| INTEREST AND RENTS           | 88,981              | 80,000            | 9,093            | 15,243           | 19.05        |
| OTHER FINANCING SOURCES      | 0                   | 280,340           | 0                | 0                | .00          |
| <b>TOTAL REVENUE</b>         | <b>3,725,979</b>    | <b>4,153,840</b>  | <b>9,129</b>     | <b>4,025,523</b> | <b>96.91</b> |
| <b>EXPENDITURES</b>          |                     |                   |                  |                  |              |
| CONTRACTORS SERVICE          | 3,504,018           | 3,965,000         | 306,300          | 1,071,439        | 27.02        |
| OTHER REFUSE EXPENSE         | 44,674              | 51,280            | 1,654            | 13,064           | 25.48        |
| RECYCLING                    | 122,584             | 137,560           | 8,812            | 37,515           | 27.27        |
| <b>TOTAL EXPENDITURES</b>    | <b>3,671,276</b>    | <b>4,153,840</b>  | <b>316,766</b>   | <b>1,122,018</b> | <b>27.01</b> |

CAPITAL FUND

| Description                  | Last Year<br>Actual | 2002-03<br>Budget | Current<br>Month | Year To<br>Date   | %            |
|------------------------------|---------------------|-------------------|------------------|-------------------|--------------|
| <b>REVENUES</b>              |                     |                   |                  |                   |              |
| TAXES                        | 7,228,347           | 7,405,000         | 0                | 7,425,295         | 100.27       |
| FEDERAL GRANTS               | 30,964              | 92,000            | 0                | 0                 | .00          |
| STATE AGENCIES               | 2,930,151           | 1,172,700         | 56,817           | 134,454           | 11.47        |
| CHARGES FOR SERVICES - REND. | 292,350             | 175,000           | 29,665           | 69,410            | 39.66        |
| INTEREST AND RENTS           | 581,734             | 600,000           | 53,925           | 139,873           | 23.31        |
| OTHER REVENUE                | 268,193             | 573,000           | 282,310          | 282,868           | 49.37        |
| OTHER FINANCING SOURCES      | 28,849,908          | 20,828,550        | 120,000          | 12,425,000        | 59.65        |
| <b>TOTAL REVENUE</b>         | <b>40,181,647</b>   | <b>30,846,250</b> | <b>542,717</b>   | <b>20,476,900</b> | <b>66.38</b> |
| <b>EXPENDITURES</b>          |                     |                   |                  |                   |              |
| FINANCE                      | 179,548             | 59,700            | 0                | 0                 | .00          |
| OTHER GEN GOVERNMENT         | 66,904              | 1,016,000         | 0                | 0                 | .00          |
| POLICE                       | 148,061             | 1,623,620         | 2,199            | 61,495            | 3.79         |
| FIRE                         | 628,392             | 896,660           | 27,000           | 52,276            | 5.83         |
| BUILDING INSPECTION          | 1,597               | 163,000           | 708              | 6,055             | 3.71         |
| STREETS                      | 21,866,829          | 19,199,760        | 2,386,981        | 4,476,941         | 23.32        |
| ENGINEERING                  | 66,741              | 50,000            | 0                | 8,003             | 16.01        |
| RECREATION                   | 4,435,493           | 2,940,000         | 1,331,163        | 3,238,298         | 110.15       |
| LIBRARY                      | 621,894             | 650,000           | 2,590            | 5,951             | .92          |
| MUSEUM                       | 281,845             | 1,683,000         | 41,256           | 46,772            | 2.78         |
| STORM DRAINS & RET PONDS     | 2,691,789           | 1,245,510         | 46,864           | 152,726           | 12.26        |
| INFORMATION TECHNOLOGY       | 272,893             | 1,319,000         | 6,410            | 13,125            | 1.00         |
| <b>TOTAL EXPENDITURES</b>    | <b>31,261,986</b>   | <b>30,846,250</b> | <b>3,845,171</b> | <b>8,061,642</b>  | <b>26.13</b> |

CITY OF TROY  
 Monthly Financial Report  
 Golf Course  
 For the Period Ending October 31, 2002

SYLVAN GLEN GOLF COURSE FUND

| Description                  | Last Year<br>Actual | 2002-03<br>Budget | Current<br>Month | Year To<br>Date | %     |
|------------------------------|---------------------|-------------------|------------------|-----------------|-------|
| REVENUES                     |                     |                   |                  |                 |       |
| CHARGES FOR SERVICES - SALES | 42,183              | 46,200            | 1,847            | 21,092          | 45.65 |
| CHARGES FOR SERVICES - REC   | 1,142,797           | 1,243,800         | 48,334           | 618,756         | 49.75 |
| INTEREST AND RENTS           | 83,851              | 100,000           | 10,409           | 33,587          | 33.59 |
| OTHER REVENUE                | 768-                | 0                 | 16,405-          | 15,691-         | .00   |
| OTHER FINANCING SOURCES      | 178,440             | 180,690           | 0                | 0               | .00   |
| TOTAL REVENUE                | 1,446,503           | 1,570,690         | 44,185           | 657,744         | 41.88 |
| EXPENDITURES                 |                     |                   |                  |                 |       |
| SYLVAN GLEN GREENS           | 853,995             | 914,600           | 64,248           | 335,000         | 36.63 |
| SYLVAN GLEN PRO SHOP         | 340,820             | 404,090           | 24,559           | 117,918         | 29.18 |
| SYLVAN GLEN CAPITAL          | 162,161             | 252,000           | 18,032           | 78,021          | 30.96 |
| TOTAL EXPENDITURES           | 1,356,976           | 1,570,690         | 106,839          | 530,939         | 33.80 |

CITY OF TROY  
 Monthly Financial Report  
 Aquatic Center  
 For the Period Ending October 31, 2002

AQUATIC CENTER FUND

| Description                | Last Year<br>Actual | 2002-03<br>Budget | Current<br>Month | Year To<br>Date | %            |
|----------------------------|---------------------|-------------------|------------------|-----------------|--------------|
| REVENUES                   |                     |                   |                  |                 |              |
| CHARGES FOR SERVICES - REC | 359,840             | 371,000           | 0                | 124,822         | 33.64        |
| INTEREST AND RENTS         | 28,653              | 24,600            | 0                | 13,753          | 55.91        |
| OTHER REVENUE              | 14                  | 0                 | 0                | 24              | .00          |
| <b>TOTAL REVENUE</b>       | <b>388,507</b>      | <b>395,600</b>    | <b>0</b>         | <b>138,599</b>  | <b>35.04</b> |
| EXPENDITURES               |                     |                   |                  |                 |              |
| AQUATIC CENTER             | 534,176             | 609,700           | 22,591           | 201,665         | 33.08        |
| CAPITAL                    | 14,148              | 50,000            | 0                | 0               | .00          |
| <b>TOTAL EXPENDITURES</b>  | <b>548,324</b>      | <b>659,700</b>    | <b>22,591</b>    | <b>201,665</b>  | <b>30.57</b> |

CITY OF TROY  
 Monthly Financial Report  
 Sewer Fund  
 For the Period Ending October 31, 2002

SEWER FUND

| Description                 | Last Year<br>Actual | 2002-03<br>Budget | Current<br>Month | Year To<br>Date  | %            |
|-----------------------------|---------------------|-------------------|------------------|------------------|--------------|
| <b>REVENUES</b>             |                     |                   |                  |                  |              |
| CHARGES FOR SERVICES - FEES | 161,126             | 250,000           | 19,206           | 82,964           | 33.19        |
| CHARGES FOR SERVICES - REND | 7,635,479           | 8,060,000         | 1,135,307        | 1,986,130        | 24.64        |
| INTEREST AND RENTS          | 501,018             | 775,000           | 37,740           | 70,298           | 9.07         |
| OTHER REVENUE               | 0                   | 10,000            | 0                | 0                | .00          |
| <b>TOTAL REVENUE</b>        | <b>8,297,623</b>    | <b>9,095,000</b>  | <b>1,192,253</b> | <b>2,139,392</b> | <b>23.52</b> |
| <b>EXPENDITURES</b>         |                     |                   |                  |                  |              |
| ADMINISTRATION              | 6,853,994           | 7,269,870         | 1,432,167        | 3,125,726        | 43.00        |
| MAINTENANCE                 | 1,356,648           | 1,622,770         | 39,894           | 437,990          | 26.99        |
| CAPITAL                     | 3,109,914           | 3,315,020         | 116,318          | 505,780          | 15.26        |
| <b>TOTAL EXPENDITURES</b>   | <b>11,320,556</b>   | <b>12,207,660</b> | <b>1,588,379</b> | <b>4,069,496</b> | <b>33.34</b> |

CITY OF TROY  
 Monthly Financial Report  
 Water Fund  
 For the Period Ending October 31, 2002

WATER FUND

| Description                  | Last Year<br>Actual | 2002-03<br>Budget | Current<br>Month | Year To<br>Date  | %            |
|------------------------------|---------------------|-------------------|------------------|------------------|--------------|
| <b>REVENUES</b>              |                     |                   |                  |                  |              |
| CHARGES FOR SERVICES - FEES  | 832,099             | 576,000           | 104,515          | 363,728          | 63.15        |
| CHARGES FOR SERVICES - SALES | 8,803,580           | 9,228,000         | 1,296,669        | 2,375,487        | 25.74        |
| INTEREST AND RENTS           | 630,238             | 894,000           | 30,060           | 70,777           | 7.92         |
| OTHER REVENUE                | 1,911,074           | 0                 | 0                | 0                | .00          |
| <b>TOTAL REVENUE</b>         | <b>12,176,991</b>   | <b>10,698,000</b> | <b>1,431,244</b> | <b>2,809,992</b> | <b>26.27</b> |
| <b>EXPENDITURES</b>          |                     |                   |                  |                  |              |
| ADMINISTRATION               | 7,048,086           | 8,214,050         | 1,070,260        | 2,321,918        | 28.27        |
| TRANS AND DISTRIBUTION       | 141,616             | 145,370           | 15,287           | 30,137           | 20.73        |
| CUSTOMER INSTALLATION        | 0                   | 104,680           | 0                | 0                | .00          |
| CONTRACTORS SERVICE          | 175,735             | 195,290           | 12,282           | 60,345           | 30.90        |
| MAIN TESTING                 | 92,429              | 183,170           | 4,540            | 18,257           | 9.97         |
| MAINTENANCE OF MAINS         | 355,461             | 326,370           | 27,436           | 114,848          | 35.19        |
| MAINTENANCE OF SERVICES      | 219,095             | 191,760           | 28,246           | 81,227           | 42.36        |
| MAINTENANCE OF METERS        | 173,203             | 246,970           | 19,491           | 61,213           | 24.79        |
| MAINTENANCE OF HYDRANTS      | 267,294             | 327,130           | 34,127           | 84,132           | 25.72        |
| METERS AND TAP-INS           | 220,830             | 344,720           | 23,880           | 61,965           | 17.98        |
| WATER METER READING          | 79,156              | 80,770            | 16,043           | 55,727           | 68.99        |
| ACCOUNTING AND COLLECTING    | 42,215              | 55,550            | 6,990            | 28,780           | 51.81        |
| CAPITAL                      | 3,813,342           | 8,654,300         | 299,090          | 1,131,203        | 13.07        |
| <b>TOTAL EXPENDITURES</b>    | <b>12,628,462</b>   | <b>19,070,130</b> | <b>1,557,672</b> | <b>4,049,752</b> | <b>21.24</b> |

CITY OF TROY  
 Monthly Financial Report  
 Motor Pool  
 For the Period Ending October 31, 2002

MOTOR POOL FUND

| Description                 | Last Year<br>Actual | 2002-03<br>Budget | Current<br>Month | Year To<br>Date  | %            |
|-----------------------------|---------------------|-------------------|------------------|------------------|--------------|
| <b>REVENUES</b>             |                     |                   |                  |                  |              |
| CHARGES FOR SERVICES - REND | 3,949               | 5,000             | 0                | 0                | .00          |
| INTEREST AND RENTS          | 3,379,430           | 3,595,200         | 299,104          | 1,256,438        | 34.95        |
| OTHER REVENUE               | 349,422             | 156,900           | 26,494           | 90,181           | 57.48        |
| OTHER FINANCING SOURCES     | 1,064,140           | 1,548,890         | 0                | 0                | .00          |
| <b>TOTAL REVENUE</b>        | <b>4,796,941</b>    | <b>5,305,990</b>  | <b>325,598</b>   | <b>1,346,619</b> | <b>25.38</b> |
| <b>EXPENDITURES</b>         |                     |                   |                  |                  |              |
| ADMINISTRATION              | 430,891             | 490,620           | 31,204           | 134,621          | 27.44        |
| OPERATION AND MAINTENANCE   | 2,696,472           | 2,814,360         | 228,586          | 892,707          | 31.72        |
| DPW FACILITY MAINTENANCE    | 317,676             | 336,260           | 10,210           | 88,810           | 26.41        |
| CAPITAL                     | 1,216,676           | 1,664,750         | 2,740            | 130,235          | 7.82         |
| <b>TOTAL EXPENDITURES</b>   | <b>4,661,715</b>    | <b>5,305,990</b>  | <b>272,740</b>   | <b>1,246,373</b> | <b>23.49</b> |

| Mat No. | Mat Day | Type | Loc        | Pur Yr. | Pur Mo. | Pur Day | Rate  | Name  | Face      | Accrue 6/30 | Book         |
|---------|---------|------|------------|---------|---------|---------|-------|-------|-----------|-------------|--------------|
| 11      | 8       | 7    | STAND FED  | 2002    | 8       | 14      | 1.650 | CD    | 1,124,985 |             | 1,124,984.76 |
| 1       | 2       | 7    | REPUBLIC   | 2002    | 9       | 30      | 1.900 | CD    | 255,532   |             | 255,531.83   |
| TOTAL   |         |      |            |         |         |         |       |       |           |             | 1,380,516.59 |
| 11      | 7       | 9    | ML         | 2002    | 6       | 27      | 1.690 | TBILL | 2,843,000 | 393.28      | 2,825,564.51 |
| 11      | 7       | 7    | FLAGSTAR   | 2002    | 9       | 18      | 1.910 | CD    | 2,000,000 |             | 2,000,000.00 |
| 11      | 8       | 7    | STAND FED  | 2002    | 8       | 14      | 1.650 | CD    | 2,038,427 |             | 2,038,426.85 |
| 11      | 12      | 7    | STAND FED  | 2002    | 8       | 13      | 1.650 | CD    | 8,965,498 |             | 8,965,497.98 |
| 11      | 14      | 9    | ML         | 2002    | 7       | 11      | 1.690 | TBILL | 3,023,000 |             | 3,005,436.37 |
| 11      | 14      | 7    | FLAGSTAR   | 2002    | 9       | 10      | 1.950 | CD    | 1,000,000 |             | 1,000,000.00 |
| 11      | 21      | 9    | ML         | 2002    | 7       | 22      | 1.680 | TBILL | 3,446,000 |             | 3,426,099.35 |
| 11      | 21      | 7    | MIDW       | 2002    | 9       | 18      | 2.000 | CD    | 1,000,000 |             | 1,000,000.00 |
| 11      | 21      | 7    | FITB       | 2002    | 9       | 23      | 1.720 | CD    | 1,000,000 |             | 1,000,000.00 |
| 11      | 25      | 7    | FLAGSTAR   | 2002    | 8       | 28      | 2.150 | CD    | 1,000,000 |             | 1,000,000.00 |
| 11      | 26      | 7    | REPUBLIC   | 2002    | 8       | 28      | 2.000 | CD    | 1,000,000 |             | 1,000,000.00 |
| 11      | 27      | 7    | FLAGSTAR   | 2002    | 9       | 10      | 1.950 | CD    | 1,000,000 |             | 1,000,000.00 |
| 12      | 5       | 9    | ML         | 2002    | 7       | 25      | 1.650 | TBILL | 2,196,000 |             | 2,182,856.94 |
| 12      | 5       | 7    | FITB       | 2002    | 9       | 18      |       | CD    | 1,000,000 |             | 1,000,000.00 |
| 12      | 5       | 7    | FITB       | 2002    | 9       | 23      | 1.720 | CD    | 1,000,000 |             | 1,000,000.00 |
| 12      | 5       | 7    | STAND FED  | 2002    | 10      | 7       | 1.700 | CD    | 7,481,029 |             | 7,481,029.14 |
| 12      | 12      | 9    | ML         | 2002    | 7       | 30      | 1.680 | TBILL | 1,753,000 |             | 1,742,153.31 |
| 12      | 19      | 9    | ML         | 2002    | 8       | 2       | 1.640 | TBILL | 2,788,000 |             | 2,770,668.71 |
| 12      | 19      | 9    | ML         | 2002    | 8       | 23      | 1.600 | TBILL | 2,095,000 |             | 2,084,184.56 |
| 12      | 19      | 7    | REPBLC     | 2002    | 9       | 18      | 2.000 | CD    | 1,000,000 |             | 1,000,000.00 |
| 12      | 26      | 9    | ML         | 2002    | 8       | 8       | 1.550 | TBILL | 2,139,000 |             | 2,126,356.13 |
| 12      | 26      | 7    | FLAGSTAR   | 2002    | 9       | 10      | 1.950 | CD    | 1,000,000 |             | 1,000,000.00 |
| 1       | 2       | 9    | ML         | 2002    | 8       | 15      | 1.620 | TBILL | 2,090,000 |             | 2,077,076.83 |
| 1       | 2       | 7    | FLAGSTAR   | 2002    | 8       | 28      | 2.150 | CD    | 1,000,000 |             | 1,000,000.00 |
| 1       | 9       | 7    | FLAGSTAR   | 2002    | 8       | 28      | 2.150 | CD    | 1,000,000 |             | 1,000,000.00 |
| 1       | 9       | 9    | ML         | 2002    | 8       | 30      | 1.610 | TBILL | 3,620,000 |             | 3,598,869.26 |
| 1       | 16      | 7    | FLAGSTAR   | 2002    | 9       | 3       | 2.050 | CD    | 2,027,892 |             | 2,027,892.40 |
| 1       | 16      | 9    | ML         | 2002    | 9       | 13      | 1.670 | TBILL | 2,473,000 |             | 2,458,917.64 |
| 1       | 23      | 7    | FLAGSTAR   | 2002    | 9       | 3       | 2.050 | CD    | 3,000,000 |             | 3,000,000.00 |
| 1       | 30      | 7    | FLAGSTAR   | 2002    | 9       | 3       | 2.050 | CD    | 3,000,000 |             | 3,000,000.00 |
| 2       | 6       | 7    | FLAGSTAR   | 2002    | 9       | 3       | 2.050 | CD    | 2,000,000 |             | 2,000,000.00 |
| 2       | 6       | 7    | FLAGSTAR   | 2002    | 9       | 10      | 1.950 | CD    | 1,000,000 |             | 1,000,000.00 |
| 2       | 13      | 7    | REPUBLIC   | 2002    | 9       | 3       | 2.050 | CD    | 1,000,000 |             | 1,000,000.00 |
| 2       | 13      | 7    | FITB       | 2002    | 9       | 23      | 1.720 | CD    | 1,000,000 |             | 1,000,000.00 |
| 2       | 20      | 7    | MIDW GUART | 2002    | 9       | 3       | 2.000 | CD    | 2,073,058 |             | 2,073,058.72 |
| 2       | 27      | 9    | ML         | 2002    | 9       | 5       | 1.590 | TBILL | 2,413,000 |             | 2,394,701.42 |
| 2       | 27      | 7    | COMERICA   | 2002    | 9       | 18      | 1.710 | CD    | 1,000,000 |             | 1,000,000.00 |
| 2       | 27      | 7    | FITB       | 2002    | 9       | 23      | 1.720 | CD    | 1,000,000 |             | 1,000,000.00 |
| 3       | 6       | 7    | FLAGSTAR   | 2002    | 9       | 18      | 1.950 | CD    | 2,000,000 |             | 2,000,000.00 |
| 3       | 6       | 9    | ML         | 2002    | 9       | 19      | 1.650 | TBILL | 2,467,000 |             | 2,448,349.48 |
| 3       | 13      | 7    | REPUBLIC   | 2002    | 9       | 23      | 2.050 | CD    | 1,000,000 |             | 1,000,000.00 |
| 3       | 13      | 9    | ML         | 2002    | 9       | 26      | 1.590 | TBILL | 2,095,000 |             | 2,079,748.40 |

| Mat Mo. | Mat Day | Type | Loc        | Pur Yr. | Pur Mo. | Pur Day | Rate  | Name       | Face      | Accrue 6/30 | Book           |
|---------|---------|------|------------|---------|---------|---------|-------|------------|-----------|-------------|----------------|
| 3       | 20      | 7    | REPUBLIC   | 2002    | 9       | 23      | 2.050 | CD         | 2,000,000 |             | 2,000,000.00   |
| 3       | 20      | 9    | ML         | 2002    | 10      | 3       | 1.490 | TBILL      | 2,069,000 |             | 2,054,903.21   |
| 3       | 27      | 9    | ML         | 2002    | 10      | 10      | 1.510 | TBILL      | 3,538,000 |             | 3,513,564.21   |
| 4       | 3       | 9    | ML         | 2002    | 10      | 21      | 1.660 | TBILL      | 2,929,000 |             | 2,907,250.55   |
| 4       | 10      | 9    | ML         | 2002    | 10      | 25      | 1.650 | TBILL      | 2,462,000 |             | 2,443,498.07   |
| 6       | 30      | 7    | FITB       | 1998    | 12      | 4       | 1.300 | LUG        | 1,419,589 |             | 1,419,589.45   |
| 6       | 30      | 7    | HUNT BANK  | 2001    | 11      | 20      | 1.330 | LUG        | 509,456   |             | 509,456.03     |
| 12      | 18      | 8    | NATL CITY  | 2002    | 9       | 18      | 2.000 | FED FCB    | 1,000,000 |             | 1,000,000.00   |
| 3       | 1       | 8    | FITB       | 2002    | 2       | 4       |       | KENT DTAN  | 1,407,000 |             | 1,407,000.00   |
| 3       | 1       | 8    | FITB       | 2002    | 9       | 20      |       | KENT DTAN  | 1,110,000 |             | 1,110,000.00   |
| 3       | 12      | 8    | FITB       | 2002    | 3       | 12      | 2.800 | FHLM       | 2,000,000 | 16,800.00   | 2,000,000.00   |
| 4       | 8       | 8    | NAT CITY   | 2002    | 10      | 9       | 2.000 | FHLB       | 1,000,000 |             | 1,000,000.00   |
| 3       | 1       | 8    | FITB       | 2002    | 8       | 29      |       | OAK CNTY   | 500,000   |             | 500,000.00     |
| 3       | 1       | 8    | FITB       | 2002    | 9       | 3       |       | OAK CNTY   | 2,000,000 |             | 2,000,000.00   |
| 3       | 1       | 8    | FITB       | 2002    | 9       | 20      |       | KENT DTAN  | 1,080,000 |             | 1,080,000.00   |
| 3       | 1       | 8    | FITB       | 2002    | 9       | 30      |       | KENT DTAN  | 1,000,000 |             | 1,000,000.00   |
| 3       | 1       | 8    | FITB       | 2002    | 10      | 9       |       | KENT DTAN  | 1,250,000 |             | 1,250,000.00   |
| 7       | 1       | 8    | FITB       | 2002    | 9       | 4       |       | WAYNE CTY  | 670,000   |             | 670,000.00     |
| 7       | 1       | 8    | FITB       | 2002    | 9       | 12      |       | WAYNE CTY  | 2,831,000 |             | 2,831,000.00   |
| 10      | 24      | 8    | FITB       | 2002    | 10      | 24      | 3.000 | FHLB       | 1,000,000 |             | 1,000,000.00   |
| 10      | 28      | 8    | FITB       | 2002    | 10      | 28      | 3.000 | FHLB       | 1,000,000 |             | 1,000,000.00   |
|         |         |      |            |         |         |         |       | TOTAL      |           | 17,193.28   | 120,503,149.52 |
| 10      | 28      | 7    | STAND FED  | 2002    | 5       | 1       | 1.700 | CD         | 414,874   |             | 414,873.80     |
|         |         |      |            |         |         |         |       | TOTAL      |           |             | 414,873.80     |
| 11      | 12      | 7    | STAND FED  | 2002    | 9       | 13      | 1.700 | CD         | 1,126,051 |             | 1,126,050.57   |
| 12      | 23      | 7    | STAND FED  | 2002    | 10      | 31      | 1.700 | CD         | 1,507,374 |             | 1,507,373.84   |
| 12      | 26      | 7    | NATL CITY  | 2002    | 9       | 25      | 1.440 | CD         | 1,479,967 |             | 1,479,967.34   |
| 1       | 2       | 7    | REPUBLIC   | 2002    | 9       | 30      | 1.900 | CD         | 134,877   |             | 134,877.21     |
| 6       | 30      | 7    | COMERICA   | 1997    | 7       | 1       | 1.700 | GOV'T POOL | 1,804,295 |             | 1,804,293.50   |
| 6       | 30      | 7    | HUNT BANK  | 2001    | 11      | 21      | 1.330 | LUG        | 148,544   |             | 148,544.00     |
| 8       | 26      | 8    | FITB       | 2002    | 8       | 26      | 3.000 | FHLB       | 1,015,000 |             | 1,015,000.00   |
|         |         |      |            |         |         |         |       | TOTAL      |           |             | 7,216,106.46   |
| 10      | 28      | 7    | STAND FED  | 2002    | 7       | 30      | 1.730 | CD         | 832,324   |             | 832,323.72     |
| 11      | 12      | 7    | STAND FED  | 2002    | 9       | 13      | 1.700 | CD         | 594,721   |             | 594,720.92     |
| 12      | 5       | 7    | STAND FED  | 2002    | 10      | 7       | 1.700 | CD         | 749,327   |             | 749,327.25     |
| 6       | 30      | 7    | BANK ONE   | 1997    | 7       | 1       | 1.500 | GOV'T POOL | 1,279,722 |             | 1,279,722.76   |
|         |         |      |            |         |         |         |       | TOTAL      |           |             | 3,456,094.65   |
| 11      | 25      | 7    | MIDW QUART | 2002    | 8       | 26      | 1.700 | CD         | 518,567   |             | 518,567.35     |

| Mat Mo. | Mat Day | Type | Loc | Pur Yr. | Pur Mo. | Pur Day | Rate | Name | Face  | Accrue 6/30 | Book           |
|---------|---------|------|-----|---------|---------|---------|------|------|-------|-------------|----------------|
|         |         |      |     |         |         |         |      |      | TOTAL |             | 518,567.35     |
|         |         |      |     |         |         |         |      |      | TOTAL | 17,193.28   | 133,489,308.37 |

OF REPORT \*\*\*

**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 % |
|--------------------------------------|--------------------------------------|---------------|------------------------|------------------|------------------------|------------------------|---------------------------|----------------------------|-------------------------|-----------------|
| <b>Cash and Money Accounts</b>       |                                      |               |                        |                  |                        |                        |                           |                            |                         |                 |
|                                      | CASH                                 |               |                        | 1                |                        | 1                      |                           |                            |                         |                 |
| 392                                  | CMA TREASURY FUND                    |               | 1.00                   | 392              | 1.00                   | 392                    |                           |                            | 4                       | 1.20            |
| <b>Total Cash and Money Accounts</b> |                                      |               |                        | <b>393</b>       |                        | <b>393</b>             |                           |                            | <b>4</b>                | <b>1.20</b>     |
| <b>Government Securities</b>         |                                      |               |                        |                  |                        |                        |                           |                            |                         |                 |
| 2,843,000                            | U.S. TREASURY BILL ZERO% NOV 07 2002 | 06/27/02      | 99.38                  | 2,825,564        | 99.97                  | 2,842,203              | N/A                       |                            |                         |                 |
| 3,023,000                            | U.S. TREASURY BILL ZERO% NOV 14 2002 | 07/11/02      | 99.41                  | 3,005,436        | 99.94                  | 3,021,307              | N/A                       |                            |                         |                 |
| 3,446,000                            | US TREASURY BILL ZERO% NOV 21 2002   | 07/18/02      | 99.42                  | 3,426,099        | 99.91                  | 3,443,070              | N/A                       |                            |                         |                 |
| 2,196,000                            | U.S. TREASURY BILL ZERO% DEC 05 2002 | 07/25/02      | 99.40                  | 2,182,856        | 99.86                  | 2,192,969              | N/A                       |                            |                         |                 |
| 1,753,000                            | U.S. TREASURY BILL ZERO% DEC 12 2002 | 07/30/02      | 99.38                  | 1,742,153        | 99.83                  | 1,750,107              | N/A                       |                            |                         |                 |
| 2,788,000                            | U.S. TREASURY BILL ZERO% DEC 19 2002 | 08/02/02      | 99.37                  | 2,770,668        | 99.80                  | 2,782,619              | N/A                       |                            |                         |                 |
| 2,095,000                            | U.S. TREASURY BILL ZERO% DEC 19 2002 | 08/23/02      | 99.48                  | 2,084,184        | 99.80                  | 2,090,956              | N/A                       |                            |                         |                 |
| 4,883,000                            | Security Sub-Total                   |               |                        | 4,854,853        |                        | 4,873,575              |                           |                            |                         |                 |
| 2,139,000                            | U.S. TREASURY BILL ZERO% DEC 26 2002 | 08/08/02      | 99.40                  | 2,126,356        | 99.77                  | 2,134,208              | N/A                       |                            |                         |                 |
| 2,090,000                            | U.S. TREASURY BILL ZERO% JAN 02 2003 | 08/15/02      | 99.38                  | 2,077,076        | 99.74                  | 2,084,733              | N/A                       |                            |                         |                 |
| 3,620,000                            | U.S. TREASURY BILL ZERO% JAN 09 2003 | 08/29/02      | 99.41                  | 3,598,869        | 99.72                  | 3,610,081              | N/A                       |                            |                         |                 |
| 2,473,000                            | U.S. TREASURY BILL ZERO% JAN 16 2003 | 09/13/02      | 99.43                  | 2,458,917        | 99.69                  | 2,465,432              | N/A                       |                            |                         |                 |
| 2,413,000                            | U.S. TREASURY BILL ZERO% FEB 27 2003 | 09/05/02      | 99.24                  | 2,394,701        | 99.53                  | 2,401,755              | N/A                       |                            |                         |                 |

+ CITY OF TROY



**Current Portfolio**

| Quantity                           | Security Description                   | Date Acquired | Adjust/Unit Cost Basis | Total Cost Basis  | Estimated Market Price | Estimated Market Value | Unrealized Gain or (Loss) | Estimated Accrued Interest | Estimated Annual Income | Current Yield % |
|------------------------------------|--|---------------|------------------------|-------------------|------------------------|------------------------|---------------------------|----------------------------|-------------------------|-----------------|
| <b>Government Securities</b>       |  |               |                        |                   |                        |                        |                           |                            |                         |                 |
| 3,538,000                          | U.S. TREASURY BILL ZERO% MAR 27 2003   | 10/10/02      | 99.30                  | 3,513,564         | 99.42                  | 3,517,762              | N/A                       |                            |                         |                 |
| 2,069,000                          | U.S. TREASURY BILL ZERO% MAR 20 2003   | 10/03/02      | 99.31                  | 2,054,903         | 99.45                  | 2,057,744              | N/A                       |                            |                         |                 |
| 2,467,000                          | U.S. TREASURY BILL ZERO% MAR 06 2003   | 09/18/02      | 99.24                  | 2,448,349         | 99.51                  | 2,454,911              | N/A                       |                            |                         |                 |
| 2,095,000                          | U.S. TREASURY BILL ZERO% MAR 13 2003   | 09/26/02      | 99.27                  | 2,079,748         | 99.47                  | 2,084,085              | N/A                       |                            |                         |                 |
| 2,929,000                          | U.S. TREASURY BILL ZERO% APRIL 03 2003 | 10/21/02      | 99.25                  | 2,907,250         | 99.40                  | 2,911,455              | N/A                       |                            |                         |                 |
| 2,462,000                          | US TREASURY BILL ZERO% APRIL 10 2003   | 10/24/02      | 99.24                  | 2,443,498         | 99.36                  | 2,446,464              | N/A                       |                            |                         |                 |
| 2,824,000                          | U.S. TREASURY BILL ZERO% APR 17 2003   | 10/30/02      | 99.33                  | 2,805,286         | 99.34                  | 2,805,418              | N/A                       |                            |                         |                 |
| <b>Total Government Securities</b> |  |               |                        | <b>48,945,485</b> |                        | <b>49,097,288</b>      |                           |                            |                         |                 |
| <b>Total of Long Portfolio</b>     |  |               |                        | <b>48,945,879</b> |                        | <b>49,097,682</b>      | *                         |                            | <b>4</b>                | <b>1.20</b>     |

\* - Excludes N/A Items

**Monthly Activity**

| Date                         | Transaction | Quantity   | Description   | Price  | Debit        | Credit       |
|------------------------------|-------------|------------|---|--------|--------------|--------------|
| <b>Security Transactions</b> |             |            |   |        |              |              |
| 10/03                        | Purchase    | 2,069,000  | U.S. TREASURY BILL ZERO% MAR 20 2003<br>FACE VALUE 2069000.0000<br>CASH TRADE | 99.318 | 2,054,903.21 |              |
| 10/03                        | Redeemed    | -2,055,000 | U.S. TREASURY BILL ZERO% OCT 03 2002<br>PRICE 99.318666                       |        |              | 2,055,000.00 |
| 10/10                        | Purchase    | 3,538,000  | U.S. TREASURY BILL ZERO% MAR 27 2003  | 99.309 | 3,513,564.21 |              |

CITY OF TROY





# Fifth Third Securities, Inc.

38 Fountain Square • MD1 COM13 • Cincinnati, OH 45202  
888-889-1025 • 513-534-8820  
Internet Address "www.53.com"

Fifth Third Securities is not a bank and securities offered by it are not insured by the FDIC or any other governmental agency, are not deposits or obligations of any bank, are not endorsed or guaranteed by any bank, and are subject to investment risks, including the possible loss of principal.

AGS 8001 0469298 090185 044751 AGAZ01

| Acct #   | Customer Name | Period              | Page   |
|----------|---------------|---------------------|--------|
| 30707214 | CITY OF TROY  | 09/30/02 - 10/31/02 | 2 of 5 |

## Account Value Detail

| Acct Type  | Quantity    | Description  | Symbol/Cusip | Current Price | Market Value        | Est Annual Income | Est Yield    |
|--|-------------|--|--------------|---------------|---------------------|-------------------|--------------|
| <b>Cash and Equivalents</b>                                |             |  |              |               |                     |                   |              |
| Cash   |             | FIFTH THIRD INSTL GOVT MM FUND   |              |               | 35,715.20           |                   |              |
| <b>Cash and Equivalents total market value:</b>            |             |  |              |               | <b>35,715.20</b>    |                   |              |
| <b>Fixed Income - Government Bonds</b>                     |             |  |              |               |                     |                   |              |
| Cash   | 2,000,000 ✓ | FEDERAL HOME LN MTG CORP<br>CALLABLE CPN RATE=2.8% TO 3/03<br>THEREAFTER 4.3%<br>DTD 03/12/02 CPN/MATY 2.8% 03/12/04<br>FC 03/12/03 @ 100  | 312925AL4    | 100.375       | 2,007,500.00        | 56,000.00         | 2.78%        |
| Cash   | 1,000,000 ✓ | MOODYS Aaa S&P AAA<br>FEDERAL HOME LOAN BANK CONS BD<br>CALLABLE<br>DTD 10/24/02 CPN/MATY 3% 10/24/05<br>FC 04/24/03 @ 100   | 3133MSRQ5    | 100.313       | 1,003,130.00        | 30,000.00         | 2.99%        |
| Cash   | 1,000,000 ✓ | MOODYS Aaa S&P AAA<br>FEDERAL HOME LN BKS CONS BD<br>CALLABLE CPN RATE=21/4% TO 4/0<br>THEREAFTER 3%<br>DTD 10/28/02 CPN/MATY 2.25% 10/28/05<br>FC 04/28/03 @ 100<br>S&P AAA                                 | 3133MST91    | 99.000        | 990,000.00          | 22,500.00         | 2.27%        |
|  | 4           |  |              |               |                     |                   |              |
| <b>Fixed Income - Government Bonds total market value:</b> |             |  |              |               | <b>4,000,630.00</b> | <b>108,500.00</b> | <b>2.71%</b> |
| <b>Fixed Income - Municipal Bonds</b>                      |             |  |              |               |                     |                   |              |
| Cash   | 2,517,000 ✓ | KENT CNTY MICH LTD TAX NTS BOO<br>INT VARIES WKLY TAXABLE LT OPT<br>05/17/01 @100 & EA DAY 7 DAYS B4 PUT<br>CALLABLE ANY INT DATE<br>DTD 05/09/01 CPN/MATY 0% 03/01/04                                       | 490278P85    | 100.000       | 2,517,000.00        |                   |              |
| Cash   | 3,330,000 ✓ | MOODYS MIG1 S&P SP1+<br>KENT CNTY MICH VAR RATE TAXABL<br>TAX NTS BOOK ENTRY ONLY OPT PU<br>05/16/02 100.000 & EA DAY NOTIF DATES<br>7 DAYS B4 PUT<br>DTD 05/10/02 CPN/MATY 0% 03/01/05<br>FC 07/01/02 @ 100 | 490278P93    | 100.000       | 3,330,000.00        |                   |              |
| Cash   | 2,500,000 ✓ | MOODYS MIG1 S&P SP1+<br>OAKLAND CNTY MICH REG-VAR RATE<br>OPT PUT 05/22/02 100.000 & EA<br>NOTIF DATES 7 DAYS B4 PUT LT<br>DTD 05/13/02 CPN/MATY 0% 03/01/05<br>FC 06/03/02 @ 100<br>MOODYS MIG1 S&P SP1+    | 672411QF5    | 100.000       | 2,500,000.00        |                   |              |



# Fifth Third Securities, Inc.

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| Acct #   | Customer Name | Period              | Page   |
|----------|---------------|---------------------|--------|
| 30707214 | CITY OF TROY  | 09/30/02 - 10/31/02 | 3 of 5 |

## Account Value Detail

| Acct Type  | Quantity    | Description  | Symbol\ Cusip | Current Price | Market Value  | Est Annual Income | Est Yield |
|--|-------------|--|---------------|---------------|---------------|-------------------|-----------|
| <b>Fixed Income - Municipal Bonds, continued</b>   |             |  |               |               |               |                   |           |
| Cash   | 3,501,000 / | WAYNE CNTY MICH NTS TAXABLE SE<br>VAR RATE -BOOK ENTRY ONLY OPT<br>08/08/02 @100.000 & EA DAY NOTIF DATES<br>7 DAYS B4 PUT<br>DTD 07/30/02 CPN/MATY 0% 07/01/05<br>FC 09/03/02 @ 100<br>S&P SP1+ | 944488PA7     | 100.000       | 3,501,000.00  |                   |           |
| Fixed Income - Municipal Bonds total market value: |             |  |               |               | 11,848,000.00 |                   |           |
| ACCOUNT VALUE:                                     |             |  |               |               | 15,884,345.20 |                   |           |

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Charles T. Craft, Chief of Police *CT*  
Wendell Moore, Research & Technology Administrator *WM*

SUBJECT: 2002 Year-To-Date Crime and Police Calls for Service Report

Attached is a report detailing 2002 calls for service, criminal offenses, traffic crashes and citations issued through September. This report's format complies with the National Incident Based Reporting System. All offenses within an incident are reported.

Total calls for police service are down 6.6% (2128 actual calls) from year 2001 levels.

Group A Crime decreased 5.7% or 165 reported incidents. Significant decreases occurred in the following categories:

- Motor Vehicle Theft – down 35.4% (51 incidents)
- Larceny/Theft – down 10.8% (134 incidents)

A significant increase over 2001 levels occurred in the following category:

- Breaking & Entering – up 31.4% (64 incidents). This category includes residential and commercial burglaries and attempt burglaries.

Group B crimes decreased 12.7% or 298 incidents. With the exception of trespassing, which increased by 19 incidents, all other categories decreased or had very small numerical increases.

Total incidents of crime (group A & B combined) decreased 8.8% or 463 incidents.

Group C calls for service (non-criminal incidents) decreased 6.0% or 1607 calls. False alarms (burglary alarms, robbery alarms) continue to decrease and are down 8.7% (360 alarms). It should be noted that year to date Group C (non-criminal) calls for service comprise 83.9% of the total calls for service answered by the department. False Alarms comprise 12.4% of the total calls for service. These percentages are very consistent with last years rate.

Overall, traffic crashes are down 13.3% or 352 crashes from last years level (this does not include crashes that occurred on private property). Within that category, injury crashes are down 12% (77 crashes) and property damage crashes decreased by 13.7% (272 crashes). Hazardous citations issued decreased by 12.1%, or 1256 citations. Non-hazardous citations and license/title/registration citations increased by 64.3% (388 citations) and 8.3% (214 citations) respectively.

Please feel free to contact Chief Craft or Wendell Moore if you require additional information.

# Troy Police Department

## January through September 2002/2001 Comparison

| Group A Crime Categories                                   | INCIDENTS       |              |                | OFFENSES        |              |                | ARRESTS         |              |                | CLEARANCES                     |              |
|--|-----------------|--------------|----------------|-----------------|--------------|----------------|-----------------|--------------|----------------|--------------------------------|--------------|
|  | Jan. thru Sept. |              | Percent Change | Jan. thru Sept. |              | Percent Change | Jan. thru Sept. |              | Percent Change | Jan. thru Sept. 2002<br>Number | Percent      |
|  | 2002            | 2001         |                | 2002            | 2001         |                | 2002            | 2001         |                |                                |              |
| Arson  | 7               | 18           | -61.1%         | 7               | 18           | -61.1%         | 5               | 6            | -16.7%         | 3                              | 42.9%        |
| Assault Offenses   | 476             | 495          | -3.8%          | 476             | 501          | -5.0%          | 143             | 104          | 37.5%          | 324                            | 68.1%        |
| Bribery  | 0               | 0            | NC             | 0               | 0            | NC             | 0               | 0            | NC             | 0                              | 0.0%         |
| Breaking and Entering                                      | 268             | 204          | 31.4%          | 268             | 204          | 31.4%          | 17              | 30           | -43.3%         | 17                             | 6.3%         |
| Counterfeiting/Forgery                                     | 67              | 46           | 45.7%          | 69              | 48           | 43.8%          | 20              | 13           | 53.8%          | 19                             | 27.5%        |
| Destruction/Damage/Vandalism                               | 346             | 365          | -5.2%          | 378             | 396          | -4.5%          | 13              | 9            | 44.4%          | 36                             | 9.5%         |
| Drug/Narcotic Offenses                                     | 96              | 111          | -13.5%         | 184             | 204          | -9.8%          | 108             | 140          | -22.9%         | 183                            | 99.5%        |
| Embezzlement   | 67              | 87           | -23.0%         | 69              | 92           | -25.0%         | 38              | 54           | -29.6%         | 35                             | 50.7%        |
| Extortion/Blackmail  | 1               | 0            | +              | 1               | 0            | +              | 1               | 0            | +              | 1                              | 100.0%       |
| Fraud Offenses   | 160             | 147          | 8.8%           | 180             | 167          | 7.8%           | 53              | 73           | -27.4%         | 56                             | 31.1%        |
| Gambling Offenses  | 0               | 0            | NC             | 0               | 0            | NC             | 0               | 0            | NC             | 0                              | 0.0%         |
| Homicide Offenses  | 1               | 0            | +              | 1               | 0            | +              | 1               | 0            | +              | 1                              | 100.0%       |
| Kidnaping/Abduction  | 1               | 0            | +              | 2               | 0            | +              | 0               | 0            | NC             | 0                              | 0.0%         |
| Larceny/Theft Offenses                                     | 1,110           | 1,244        | -10.8%         | 1,134           | 1,260        | -10.0%         | 433             | 429          | 0.9%           | 400                            | 35.3%        |
| Motor Vehicle Theft  | 93              | 144          | -35.4%         | 98              | 148          | -33.8%         | 4               | 12           | -66.7%         | 5                              | 5.1%         |
| Pornography/Obscene Material                               | 1               | 1            | NC             | 1               | 1            | NC             | 0               | 0            | NC             | 0                              | 0.0%         |
| Prostitution Offenses                                      | 1               | 1            | NC             | 2               | 2            | NC             | 1               | 2            | -50.0%         | 1                              | 50.0%        |
| Robbery  | 16              | 13           | 23.1%          | 16              | 13           | 23.1%          | 8               | 6            | 33.3%          | 8                              | 50.0%        |
| Sex Offenses, Forcible                                     | 20              | 12           | 66.7%          | 21              | 13           | 61.5%          | 5               | 10           | -50.0%         | 11                             | 52.4%        |
| Sex Offenses, Nonforcible                                  | 1               | 0            | +              | 1               | 0            | +              | 1               | 0            | +              | 1                              | 100.0%       |
| Stolen Property Offenses                                   | 6               | 5            | 20.0%          | 14              | 11           | 27.3%          | 10              | 8            | 25.0%          | 13                             | 92.9%        |
| Weapon Law Violations                                      | 9               | 19           | -52.6%         | 12              | 26           | -53.8%         | 7               | 13           | -46.2%         | 11                             | 91.7%        |
| <b>Group A Total</b>                                       | <b>2,747</b>    | <b>2,912</b> | <b>-5.7%</b>   | <b>2,934</b>    | <b>3,104</b> | <b>-5.5%</b>   | <b>868</b>      | <b>909</b>   | <b>-4.5%</b>   | <b>1,125</b>                   | <b>38.3%</b> |
| <b>Group B Crime Categories</b>                            |                 |              |                |                 |              |                |                 |              |                |                                |              |
| Bad Checks   | 13              | 50           | -74.0%         | 13              | 50           | -74.0%         | 6               | 15           | -60.0%         | 6                              | 46.2%        |
| Curfew/Loitering/Vagrancy                                  | 4               | 3            | 33.3%          | 6               | 5            | 20.0%          | 0               | 0            | NC             | 3                              | 50.0%        |
| Disorderly Conduct   | 347             | 438          | -20.8%         | 357             | 447          | -20.1%         | 13              | 20           | -35.0%         | 37                             | 10.4%        |
| Driving Under the Influence                                | 342             | 357          | -4.2%          | 356             | 368          | -3.3%          | 334             | 350          | -4.6%          | 349                            | 98.0%        |
| Drunkenness  | 3               | 1            | 200.0%         | 4               | 1            | 300.0%         | 0               | 1            | -              | 1                              | 25.0%        |
| Family Offenses, Nonviolent                                | 12              | 15           | -20.0%         | 21              | 22           | -4.5%          | 2               | 6            | -66.7%         | 21                             | 100.0%       |
| Liquor Law Violations                                      | 49              | 74           | -33.8%         | 96              | 142          | -32.4%         | 118             | 125          | -5.6%          | 96                             | 100.0%       |
| Peeping Tom  | 4               | 0            | +              | 5               | 8            | -37.5%         | 1               | 0            | +              | 1                              | 20.0%        |
| Runaway (Under 18)   | 22              | 25           | -12.0%         | 21              | 25           | -16.0%         | 0               | 0            | NC             | 17                             | 81.0%        |
| Trespass of Real Property                                  | 27              | 8            | 237.5%         | 30              | 10           | 200.0%         | 9               | 3            | 200.0%         | 14                             | 46.7%        |
| All Other  | 1,234           | 1,384        | -10.8%         | 1,336           | 1,505        | -11.2%         | 556             | 686          | -19.0%         | 719                            | 53.8%        |
| <b>Group B Total</b>                                       | <b>2,057</b>    | <b>2,355</b> | <b>-12.7%</b>  | <b>2,245</b>    | <b>2,583</b> | <b>-13.1%</b>  | <b>1,039</b>    | <b>1,206</b> | <b>-13.8%</b>  | <b>1,264</b>                   | <b>56.3%</b> |
| <b>Group A and B Total</b>                                 | <b>4,804</b>    | <b>5,267</b> | <b>-8.8%</b>   | <b>5,179</b>    | <b>5,687</b> | <b>-8.9%</b>   | <b>1,907</b>    | <b>2,115</b> | <b>-9.8%</b>   | <b>2,389</b>                   | <b>46.1%</b> |
| Above data includes both completed and attempted offenses. |                 |              |                |                 |              |                |                 |              |                |                                |              |



## COMMUNITY UPDATE No. 2

By John C. Ballantine – City Liaison

Service Directory -- Service Directories for the City of Troy are now available at the clubhouse. If more are required, please advise Kathleen Deburghraeve & more will be provided.

Cable Television -- If you experience problems with Comcast or Wide Open West (WOW) cable television companies that you are unable to get resolved through their customer service departments, please call Cindy Stewart, Community Affairs Director, at 248-524-1147 or e-mail at [stewartca@ci.troy.mi.us](mailto:stewartca@ci.troy.mi.us).

West Nile Virus – Due to the West Nile Virus, Metro-Detroiters and Troy residents have occasionally been finding dead birds in their yards. If you find any birds, the City will pick them up and properly dispose of them. Call the Animal Control Division of the Troy Police Department at 248-524-3477 for removal of the birds and road kill also.

The County Health Department should also be notified at 877-377-3641. Dead birds have been found on our common grounds.

Cable Boxes -- A complete survey of all the cable boxes in our complex has been conducted. All the guilty parties (Comcast, WOW, DTE Energy & Ameritech) have been contacted and the co-owners will be kept up to date as to what progress has been made regarding painting, straightening, closing, etc., of the boxes.

| <u>Company</u> | <u>Date letter was sent</u> | <u>First follow-up letter</u> | <u>Second follow-up letter</u> |
|----------------|-----------------------------|-------------------------------|--------------------------------|
| City of Troy   | August 26, 2002             |                               |                                |
| Comcast        | August 27, 2002             | August 30, 2002               | September 5, 2002              |
| Ameritech      | August 27, 2002             | September 5, 2002             |                                |
| WOW            | August 27, 2002             | August 30, 2002               | September 5, 2002              |
| DTE Energy     | August 28, 2002             | September 5, 2002             |                                |

### Results So Far

WOW -- WOW have informed the City of Troy that they have completed the “fix up” of the cable boxes....A letter stating so has been requested.

DTE Energy – The person I was given as a contact person has provided our request to the appropriate department at DTE Energy.

Comcast – No reply

Ameritech – No reply

Just a reminder – November 5, 2002 is Election Day – Permanent absent voter request forms are available at the clubhouse – courtesy of the City of Troy.

On a personal note -- Working with the City of Troy has been a pleasure. Cynthia A. Stewart (Community Affairs Directors) and her staff are a joy to work with. Always willing to help and listen, they are a credit to our city.

RECEIVED

OCT 22 2002

CITY OF TROY  
CITY MANAGER'S OFFICE

October 22, 2002  
488 Trillium Dr.  
Troy, Michigan 48085

C: GAS  
SV  
Personal File  
R/C

G-05b

Dear Mr. Szerlag,

I'd like to take this opportunity to commend you for having an engineer of Steve Vandette's caliber on your staff. As you know, the Shady Creek development by the Durant Corporation has been of great interest and concern to my neighbors and me.

Countless times we have contacted Mr. Vandette about the progress of the developments, engineering questions concerning hydrology, wetland encroachment, etc. Each time he has been courteous and helpful. He has never failed to return our calls. We realize Shady Creek is not his only project but the patience he has demonstrated in answering our questions has been most impressive.

Morgan Subbarayan, my neighbor and our resident civil engineer, and I spent some time recently discussing our concerns at a meeting with Mr. Vandette, he arranged to meet with us after 4:30 p.m. at our convenience. Morgan concurs with my opinion that Mr. Vandette's engineering skills, attention to detail and communication skills are outstanding. We both appreciate his open minded approach to this project.

It should be noted that Mr. Vandette also took the initiative to organize an evening meeting with residents and the developer, thus providing us an opportunity in an informal setting to express our concerns and have them addressed by the developer and his engineers.

Although I am not convinced at this time that there won't be hydrology problems affecting our property with the South development, I am grateful for Mr. Vandette's input and believe he'll do his best to serve both the residents and the developer.

Sincerely,  
Charlene Calabro

G-56

THANKS FOR  
REPRESENTING TROY P.D.  
SO WELL  
*Jay*

G-05c



Credit Union ONE  
400 E. Nine Mile Road  
Ferndale, Michigan 48220  
Phone 248-398-1210

October 24, 2002

Troy Police Department  
Attention: Lt. Thomas Houghton  
500 W. Big Beaver Rd.  
Troy, MI 48084

Dear Lt. Houghton:

We would like to take this opportunity to thank you for sending Officers Jay Reynolds and Kirk Linton to speak at our Identity Theft Seminar on October 23, 2002.

As you are aware, this crime is a growing concern for the consumers today and our members are very appreciative of any information or assistance we can give them. The professionalism and poise in which Officers Reynolds and Linton presented themselves and answered the questions from our members made the seminar very successful.

Again, we appreciate the services of the Troy Police Dept. and hopefully we can call on you again for future seminars.

Sincerely,  
*Mark Sebastian*  
Mark Sebastian  
Compliance/Security Officer

*Jan White*  
Jan White  
Compliance/Security Specialist

CC: Officer Jay Reynolds  
Officer Kirk Linton

RECEIVED  
11/4/02 CT

Christine Schultz

Oct. 28, 2002

Dear Chief Craft,

1800 Freemont Dr.  
Troy, Michigan 48098

Last Evening, I inadvertently dialed 9-11 while trying to dial my parents Area Code of 9-1-0. I hung up - thought nothing of it - and was stunned to hear my 3 year old son announce that there were two policemen at the door.

The policemen were Officers ISTHAM and ZAGACKI. They could not have been any nicer or more professional!

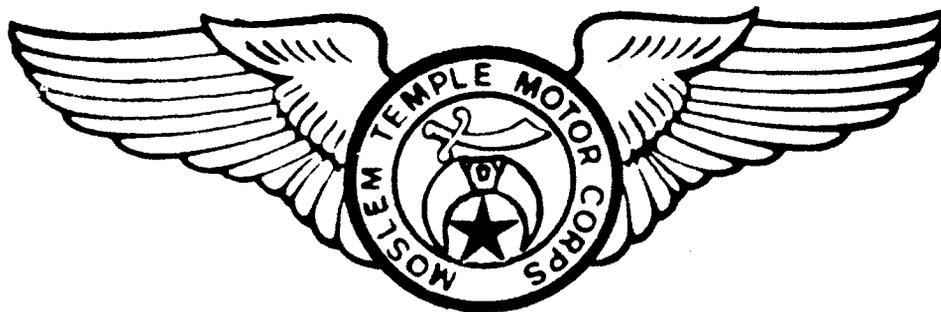
→  
They even brought the car to the house w/ all of the lights going! (we'll deal w/ what the neighbors are thinking later...)

Jack has not stopped talking about it and, actually, neither have I.

Thank you for staffing your department with such great men. Please pass along our appreciation.

rcvd  
11/4/02  
CK

Best Regards,  
Chris Schultz



October 30, 2002

Chief Charles Craft  
Troy Police Department  
500 W. Big Beaver  
Troy Mi. 48084

Dear Chief Craft:

We would like to thank you for allowing Officer Larry Schultz to attend our Great Lakes Shrine Convention on September 20, 2002, when he assisted with the Judging of the participants of our Competition.

Officer Larry Schultz was a tremendous help to us as well as an Ambassador for the City of Troy and Your Department. There were many people attending from Southeastern Michigan and they were impressed with the professional manor in which he conducted himself. Even when the skies opened and he got soaked, it did not bother him or his professionalism, he did an outstanding job.

We would like you to pass our thanks onto him, as he was definitely an important part of making our competition a success.

Again thank you and a big thanks to Officer Larry Schultz

Sincerely;

  
Jack Rammelsburg  
Assistant Convention Chairman  
P.O. Box 99666  
Troy Mi. 48099  
248-655-0139



October 30, 2002

Dear Mr. Ricknick,

I am writing to say thank you for your prompt service regarding the request for a sign on the corner of Knox. This will be a big plus for cutting down on the traffic coming through the culdesac thinking there is an out to Wattles. Please

tell Ann thank you for passing on my message.

Once again thank you to you and your staff.

Keep up the good work.

Sincerely,

Nancy Ferguson



thank you Mr. Tim

Leslie M. Therrian  
3766 Horseshoe Dr.  
Troy, MI 48083

November 7, 2002

Chief Charles Craft  
Troy Police Department  
500 W. Big Beaver  
Troy, MI 48084

Dear Chief Craft,

I am writing this letter to thank Officer Cicchini for being so helpful and considerate this morning. I, unfortunately, was involved in an accident with a deer on Wattles between Rochester Rd and John R.

When Officer Cicchini arrived, he asked me if I was all right. I was fine, just a little shaken up. He proceeded to inspect my Jeep to see if it could be driven then took all of my information for the report. When everything was all done, he said that my car was leaking antifreeze and suggested that I not drive it too far. Again, he asked if I was all right. I told him yes I was fine and informed him that I was going to take it straight to Friendly Chrysler Jeep for repair so he proceeded to stop the traffic so I could get turned around.

I know this was probably all just in the line of duty but I didn't get the opportunity to thank him for all of his help. This is again another example of Troy's Finest doing a great job.

Thank you Officer Cicchini,

*Leslie Therrian*

Leslie Therrian

**RECEIVED**  
Chief of Police

CT 11/09/02

# November 2002

| November 2002 |    |    |    |    |    |    | December 2002 |    |    |    |    |    |    |
|---------------|----|----|----|----|----|----|---------------|----|----|----|----|----|----|
| S             | M  | T  | W  | T  | F  | S  | S             | M  | T  | W  | T  | F  | S  |
|               |    |    |    |    | 1  | 2  | 1             | 2  | 3  | 4  | 5  | 6  | 7  |
| 3             | 4  | 5  | 6  | 7  | 8  | 9  | 8             | 9  | 10 | 11 | 12 | 13 | 14 |
| 10            | 11 | 12 | 13 | 14 | 15 | 16 | 15            | 16 | 17 | 18 | 19 | 20 | 21 |
| 17            | 18 | 19 | 20 | 21 | 22 | 23 | 22            | 23 | 24 | 25 | 26 | 27 | 28 |
| 24            | 25 | 26 | 27 | 28 | 29 | 30 | 29            | 30 | 31 |    |    |    |    |

| Monday  | Tuesday  | Wednesday   | Thursday  | Friday     | Sat/Sun |
|---|--|---|---|------------|---------|
|   |  |   |   | November 1 | 2       |
|   |  |   |   |            | 3       |
|   |  |   |   |            | 4       |
|   |  |   |   |            | 5       |
|   |  |   |   |            | 6       |
|   |  |   |   |            | 7       |
|   |  |   |   |            | 8       |
|   |  |   |   |            | 9       |
| 6:45pm Blue Sky Meeting<br>(Council Boardroom)<br>7:30pm City Council-Regular<br>(Council Chambers)                           | <b>General Election</b><br>7:30pm Planning<br>Commission-Study<br>(Conference Room<br>LL)  | 8:30am Building Code Board<br>of Appeals (City Hall<br>(LL))<br>7:00pm Adv Comm<br>Per/Disabilities (City<br>Hall (LL)) | 10:00am Advisory<br>Comm/Senior Citizens<br>(Community Center)  |            | 10      |
|   |  |   |   |            | 11      |
|   |  |   |   |            | 12      |
|   |  |   |   |            | 13      |
|   |  |   |   |            | 14      |
|   |  |   |   |            | 15      |
|   |  |   |   |            | 16      |
| 7:30pm City Council Study<br>Session (City Council<br>Boardroom)<br>7:30pm Liquor Control<br>Committee<br>(Conference Room C) | 7:30pm Planning<br>Commission-Regular<br>Session (Council<br>Chambers)<br>7:30pm Historical Society<br>(Community Center)                      | 3:00pm Employee Retirement<br>System (City Hall (C))  | 7:30pm Parks & Recreation<br>Board (Community<br>Center)<br>7:30pm Library Board of<br>Trustees (Library) |            | 17      |
|   |  |   |   |            | 18      |
|   |  |   |   |            | 19      |
|   |  |   |   |            | 20      |
|   |  |   |   |            | 21      |
|   |  |   |   |            | 22      |
|   |  |   |   |            | 23      |
| 6:45pm Blue Sky Meeting<br>(Council Boardroom)<br>7:30pm City Council-Regular<br>(Council Chambers)                           | 7:30pm Board of Zoning<br>Appeals (Council<br>Chambers)<br>7:30pm Historic District<br>Commission (City Hall<br>(C))                           | 7:30am Downtown<br>Development<br>Authority<br>(Conference Room<br>LL)<br>7:30pm Traffic Committee<br>(City Hall (LL))  |   |            | 24      |
|   |  |   |   |            | 25      |
|   |  |   |   |            | 26      |
|   |  |   |   |            | 27      |
|   |  |   |   |            | 28      |
|   |  |   |   |            | 29      |
|   |  |   |   |            | 30      |
|   | 7:30pm Planning<br>Commission-Study<br>(Conference Room)<br>7:30pm Historical Commission<br>(Museum)<br>8:00pm Troy Daze<br>(Community Center) |   | <b>Thanksgiving-City Offices Closed</b>   |            |         |

11/14/029:17 AM

11/18 PH - Proposed Text Amend - Open Space Preservation  
 11/18 PH - Rezoning App, Sec. 26, Big Beaver Bus. Park  
 11/18/02 PH - Rezoning App, Sec. 23, Al-Zouhayli  
 12/2/02 PH - Brownfield Redevel. Plan #3

G-6

# December 2002

December 2002

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
| 1  | 2  | 3  | 4  | 5  | 6  | 7  |
| 8  | 9  | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 | 31 |    |    |    |    |

January 2003

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
|    |    |    | 1  | 2  | 3  | 4  |
| 5  | 6  | 7  | 8  | 9  | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 |    |

| Monday  | Tuesday  | Wednesday   | Thursday  | Friday | Sat/Sun    |
|---|--|---|---|--------|------------|
|   |  |   |   |        | December 1 |
| 2   | 3  | 4   | 5   | 6      | 7          |
| 6:45pm Blue Sky Meeting<br>(Council Boardroom)<br>7:30pm City Council-Regular<br>(Council Chambers) | 7:30pm Planning<br>Commission-Study<br>(Conference Room<br>LL)   | 8:30am Building Code Board<br>of Appeals (City Hall<br>(LL))<br>7:00pm Adv Comm<br>Per/Disabilities (City | 10:00am Advisory<br>Comm/Senior Citizens<br>(Community Center)  |        | 8          |
| 9   | 10   | 11  | 12  | 13     | 14         |
| 7:30pm Liquor Control<br>Committee<br>(Conference Room C)   | 7:30pm Planning<br>Commission-Regular<br>Session (Council Cha<br>7:30pm Historical Society<br>(Community Center) | 3:00pm Employee Retirement<br>System (City Hall (C))  | 7:30pm Parks & Recreation<br>Board (Community<br>Center)<br>7:30pm Library Board of<br>Trustees (Library) |        | 15         |
| 16  | 17   | 18  | 19  | 20     | 21         |
| 7:30pm City Council-Regular<br>(Council Chambers)   | 7:30pm Board of Zoning<br>Appeals (Council<br>Chambers)<br>7:30pm Historic District<br>Commission (City Hall     | 7:30am Downtown<br>Development<br>Authority (Co<br>7:30pm Traffic Committee<br>(City Hall (LL))           |   |        | 22         |
| 23  | 24   | 25  | 26  | 27     | 28         |
|   | Christmas-City Offices Closed  |   |   |        |            |
|   | 7:30pm Planning<br>Commission-Study<br>(Conference Room<br>LL)   |   |   |        | 29         |
| 30  | 31   |   |   |        |            |
|   | New Year-City Offices Closed   |   |   |        |            |

11/14/029:17 AM

G-6

# January 2003

January 2003

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
|    |    |    | 1  | 2  | 3  | 4  |
| 5  | 6  | 7  | 8  | 9  | 10 | 11 |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 |    |

February 2003

| S  | M  | T  | W  | T  | F  | S  |
|----|----|----|----|----|----|----|
|    |    |    |    |    |    | 1  |
| 2  | 3  | 4  | 5  | 6  | 7  | 8  |
| 9  | 10 | 11 | 12 | 13 | 14 | 15 |
| 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| 23 | 24 | 25 | 26 | 27 | 28 |    |

| Monday   | Tuesday | Wednesday                                     | Thursday | Friday | Sat/Sun |
|--|---------|---|----------|--------|---------|
|  |         | January 1, 03<br>New Year-City Offices Closed | 2        | 3      | 4       |
|  |         |   |          |        | 5       |
| 6  | 7       | 8   | 9        | 10     | 11      |
| 7:30pm City Council - Regular Meeting (Council Chambers) |         |   |          |        | 12      |
| 13   | 14      | 15  | 16       | 17     | 18      |
| 7:30pm City Council - Regular Meeting (Council Chambers) |         |   |          |        | 19      |
| 20   | 21      | 22  | 23       | 24     | 25      |
|  |         |   |          |        | 26      |
| 27   | 28      | 29  | 30       | 31     |         |
|  |         |   |          |        |         |

11/14/029:17 AM

G-6

**Dave Lambert**

1188 Player Dr.  
Troy, MI 48085

October 31, 2002

TO: Mayor, Council, and City Manager

Thank you for providing me with the opportunity to attend the Michigan Municipal League's Elected Officials Academy Core Weekender, October 4-5. I found much of the information to be very valuable.

Unfortunately, there were only nine students in attendance. Four of them came from the nearby Village of Elk Rapids.

The speakers and their topics were:

Steve Langworthy.. Fundamentals of Planning & Zoning  
Peter Letzmann... Fundamentals of Leadership Roles & Responsibilities  
Peter Letzmann... Fundamentals of the Legal Framework of Municipalities  
Mike McGee... Fundamentals of Financial Management

Here is the new information and/or questions that I took from the training:

- Every City should have an ethics policy for its elected officials
- Changes in Michigan Law allow Council input on the Master Plan
- Community involvement in developing the Master Plan should be encouraged
- City officials must be very careful in using the term "spot zoning"
- A new court ruling places more responsibility on Zoning Boards of Appeals
- Council members should avoid private "conferences" during Council meetings
- Our former City Attorney says we should all read the book "250 Ways to Make America Better" by Carolyn Mackler
- Every City committee and commission should have written rules
- Do we have a City mission statement?
- The Securities and Exchange Commission (SEC) is becoming more aggressive at scrutinizing municipal bonds. The SEC is even looking at City web sites when reviewing the "official statement."

I would also like to thank the taxpayers of the City of Troy for providing the revenue that allows their elected officials to attend these types of educational sessions.

November 12, 2002

To: The Honorable Mayor and City Council

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

Re: Agenda - Report and Communication – Leaf Collection Program

At your direction, staff attempted to get price quotations from contractors willing to provide vacuum type leaf collection services for our residents. R. P.'s Lawn Service, L.L.C. was the only vendor who responded. They quoted a price of \$20.00 for the first 15 minutes, and \$25.00 for each additional 15-minute interval.

R. P.'s Lawn Service LLC sent in an insurance certificate, as required, but it lacked workers' compensation coverage, the coverage and limits specified for the auto liability coverage, an endorsement naming the City of Troy as an additional insured under the general liability coverage, and the specified cancellation clause notice (memo from the City's Risk Manager attached). Over the past thirteen (13) days, staff has attempted to help R. P.'s work through the insurance deficiencies, but due to the lateness in the season, the company was unwilling to purchase the extra insurance.

Additionally, R. P.'s has indicated that they close for the season on November 30<sup>th</sup>, and are not willing to extend the season this year. Compost is collected in the City of Troy through December 13th.

Due to the insurance deficiencies described above, staff is not recommending that this program move forward this year. Staff will attempt to obtain contractors for next season's leaf collection program.

Prepared by: Nancy Kuha, DPW Solid Waste Coordinator

November 12, 2002

TO: Jeannette Bennett, Purchasing Director

FROM: Stephen Cooperrider, Risk Manager

SUBJECT: R.P.'s Lawn Service

After seven phone calls to R.P.'s Lawn Service over thirteen days of attempting to have R.P.'s provide the specified insurance, R.P.'s has indicated they do not have the specified insurance and will not provide it. The insurance certificate they did provide was lacking the following: workers' compensation coverage, the coverage and limits specified for the auto liability coverage, an endorsement naming the City of Troy as an additional insured under the general liability coverage, and the specified cancellation clause notice.

R.P.'s did indicate they would be willing to do the work without the required insurance. I do not recommend using this company without the specified insurance. We could potentially expose the City of Troy and our residents to workers' compensation claims and other liability.

Additional information that is pertinent to this contract indicated by R.P.'s is the fact that R.P.'s informed me they close for the season on November 30<sup>th</sup>. My understanding is the contract specified the contractor would be available until December 13<sup>th</sup>.

November 11, 2002

To: Honorable Mayor and City Council

From: John Szerlag, City Manager  
 Gary A. Shripka, Assistant City Manager/Services  
 Steven Vandette, City Engineer 

Subject: Local Participation in MDOT Contract

Several questions were raised at the November 4, 2002 City Council meeting relative to the contract with MDOT for milling and resurfacing of I-75 from 13 Mile to M-59 concerning local contributions to MDOT projects (Item E-5). More specifically:

1. Is the 12.5% local contribution set by federal or state government?
2. What happens if the City did not participate?

The local participation is set by the State of Michigan as part of Public Act 51 and is based on population. The table below details the local match or Municipal Share established as part of Act 51:

| <u>Population</u> | <u>Municipal Share of State-Trunkline Expenditures</u> |
|-------------------|--|
| Under 25,000      | 0.00 percent   |
| 25,000-39,999     | 8.75   |
| 40,000-49,999     | 11.25  |
| 50,000 or more    | 12.50  |

As the table above details, for cities and villages with a population of 50,000 or more, the match is 12.5% of the non-federal or state funded portion of the project. The rationale for this required match is that much of the traffic on state trunklines within cities is local, and that most of the improvements on trunklines within municipalities is necessitated by adjacent land development, driveways and other congestion-producing features.

If the City did not wish to participate in the project, there are several potential consequences. First and most likely, the project would proceed and the City's share would be taken from its annual Act 51 distribution. Second, the City's annual Act 51 distribution could be withheld until such a time as the City did make its contribution. Third and least likely, the project would be abandoned due to non-participation by the local government.

favorable location, minor changes in the line of any road may be made when, in the judgement of the state highway commissioner, the changes make for the safety of public travel.

**247.651b COST OF MAINTAINING STATE TRUNK LINE HIGHWAYS; FREEWAY LIGHTING. [M.S.A. 9.1097(1b)]**

Sec. 1b. (1) The state transportation department shall bear the entire cost of maintaining, in accordance with standards and specifications of the department, all state trunk line highways including highways within incorporated cities and villages except that the cost of maintaining additional width for local purposes as provided in section 1c shall be borne by the city or village. For the purposes of this act except for Sections 11 and 12, maintaining of state trunk line highways shall include, by way of enumeration but not limitation, snow removal, street cleaning and drainage, seal coating, patching and ordinary repairs, erection and maintenance of traffic signs and markings, freeway lighting for traffic safety in cities and villages having a population of less than 30,000 and the trunk line share of the erection and maintenance of traffic signals, but shall not include street lighting, resurfacing, new curb and gutter structures for widening. On and after January 1, 1970, maintaining of state trunk line highways shall include all freeway lighting for traffic safety.

(2) Notwithstanding any provision of law to the contrary, as part of the construction or reconstruction of a state trunk line highway which abuts a location designated as a national historic landmark pursuant to the national historic preservation act, Public Law 89-665, 80 Stat. 915, and 36 C.F.R. part 65, the department may include within the project, expenditures deemed necessary to mitigate the adverse impact of the state trunk line highway on the aesthetic and historic character of that abutting area. The installation or maintenance of lighting to preserve the aesthetic and historic character of the abutting area shall not impose a duty on the department to provide or maintain lighting for the improved portion of the highway designed for vehicular travel.

(3) The state transportation department shall not use funds allocated under this act for the development or construction of a service plaza.

**247.651c COST OF OPENING, WIDENING, AND IMPROVING STATE TRUNK LINE HIGHWAYS. [M.S.A. 9.1097(1c)]**

Sec. 1c. The state transportation department shall bear the cost of opening, widening and improving, including construction and reconstruction, in accordance with standards and specifications of the department, all state trunk line highways, subject to all of the following provisions:

(a) Incorporated cities and villages shall participate with the department in the cost of opening, widening, and improving, including construction and reconstruction of state trunk line highways within cities and villages to which may be added, subject to the approval of the state transportation commission, streets that are connecting links of trunk line highways or streets as are made connecting links of trunk line highways, according to the following schedule subject to the definition of population as provided in section 13:

(i) In cities and villages having a population of 50,000 or more, 12.5% of the cost shall be borne by the city or village, and 87.5% by the state transportation department.

(ii) In cities and villages having a population of 40,000 or more and less than 50,000, 11.25% of the cost shall be borne by the city or village, and 88.75% by the state transportation department.

(iii) In cities and villages having a population of 25,000 or more and less than 40,000, 8.75% of the cost shall be borne by the city or village, and 91.25% by the state transportation department.

(iv) In cities and villages having a population of less than 25,000, the state transportation department shall bear the entire cost.

(b) As used in this act, "opening, widening, and improving, including construction and reconstruction, of state trunk line highways" includes, but is not limited to, the cost of right of way; the cost of removal and replacement of sidewalks, street lighting, curbing, where removal and replacement is made necessary by construction or reconstruction of a trunk line highway; and the cost of bridges and structures, including that part of the cost of grade separation structures not paid by the railroad companies.

(c) In a city or village, the width of a state trunk line highway shall be the width required to serve anticipated future traffic needs for a 20-year period as determined by a department transportation survey, which width, except as prescribed

November 11, 2002

To: Honorable Mayor and City Council

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

Re: Recycling survey summary

You are most likely aware that a recycling survey was included in the fall edition of "Troy Today" with the hopes of understanding how our residents feel about recycling in general, and the City's current recycling program in particular. I have briefly summarized the results below, and attached the entire report for your review.

- 145 residents completed the survey - all recycle. Since no surveys were received from residents who do not recycle, I assume that the residents who do not choose to participate do not have strong feelings for or against our current recycling program.
- 51% of the residents who responded recycle every week, 34% recycle two to three times per month, 12% once a month, and 3% less than once a month.
- The residents who completed the survey recycle just about everything we collect, with newspaper having the highest participation rate at 99%, and brown glass the lowest participation rate at 72%.
- 78% of the respondents believe that recycling is a highly effective means of reducing trash sent to a landfill, with an additional 19% checking the somewhat effective box.
- When asked what additional material our residents would like to see recycled, the top vote getters were:
 

|   |     |
|---|-----|
| ○ All plastic including wide mouth jugs, lids, and food trays | 37% |
| ○ All glass including green glass                             | 36% |
| ○ Plastic bags  | 21% |
| ○ Junk mail   | 11% |
| ○ Styrofoam   | 11% |
| ○ White paper   | 10% |
- 74% of the respondents would be willing to drive to the recycling center to recycle additional material. Of those who would not drive to the recycling center, the most common reasons given were time and convenience.
- Several responses were received regarding possible changes to our recycling center, including the collection of paint and other hazardous material, expanded hours, an indoor or drive-thru recycling center, better traffic flow through the center, and recycling a variety of additional material including but not limited to tires, wood debris, branches, all types of paper, and all types of plastics. Residents also requested a place to bring their own trash if they miss their curbside collection or are going out of town.

There are three major issues that stood out when reviewing the results of the survey.

- The confusion about what is allowed in the curbside bins, and the number of residents that did not know about the Rochester Road recycling center, or had misinformation about the center. An educational campaign should be mounted to address these issues. We have begun working on various types of publicity, including preparing a new rules and regulations brochure for mass mailing, updating the website, preparing refuse/recycling articles for "Troy Today" and/or the local newspapers, and updating the *Talkin' Trash* video. We have been considering mailing a copy of the undated video to each residential home in Troy, but the cost of \$2.57 per tape, not including packaging and postage, may prohibit this unless grant money is available. Often written material is discarded without being read, so we are investigating new approaches to educating our

residents. As other options, we could send a copy of the video to the various homeowners association groups, publicize that there are copies in the Library for those groups who want to rent the video, continue running the video on WTRY, and investigate the possibility of being able to run a short version of the video on the City's website.

- As you know, we are currently working on updating the recycling center. We need to begin an educational campaign about the type of material we are going to collect, the location, hours of operation, etc., as soon as the plans are set. We are in the process of developing a specification that would allow us to hire a recycling contractor that would take a wider range of discarded recyclables. It is our hope that revenues generated by a contract of this nature would make the center self-supporting.
- One other issue that needs exploration is how our different ethnic groups feel about recycling. We may approach the new Ethnic Diversity Committee to see if language barriers keep any of our residents from participating in our recycling program. We have also discussed producing a new video similar to *Talkin Trash*, but written for children. We believe that children who learn about recycling in school, take the information home to their parents, and teach them about the benefits of recycling.

Overall, we received some good feedback from the recycling survey. We were happy to learn that we have a group of avid recyclers in Troy. Some even wrote about how they make recycling a family activity by having their children help break down boxes each week. The recycling survey indicates that the largest obstacle to overcome is educating our residents about what we can and cannot collect, and how to prepare the material for efficient collection.

The following chart shows the total recycling credits that the City of Troy has received throughout the years. The credits are based on the amount of material taken to SOCRRA and the price that SOCRRA is paying at the time.

| <b>Fiscal year</b>                | <b>Number of tons</b> | <b>Total Credits</b> | <b>Average Price Per Ton</b> |
|-----------------------------------|-----------------------|----------------------|------------------------------|
| 1996-1997                         | 5,125                 | \$65,020             | \$12.69                      |
| 1997-1998                         | 5,251                 | 38,569               | \$7.35                       |
| 1998-1999                         | 5,461                 | 42,606               | \$7.80                       |
| 1999-2000                         | 5,629                 | 133,618              | \$23.74                      |
| 2000-2001                         | 5,321                 | 232,584              | \$43.71                      |
| 2001-2002                         | 5,120                 | 117,864              | \$23.02                      |
| <b>Total for the past 6 years</b> | <b>31,907</b>         | <b>\$630,261</b>     | <b>\$19.75</b>               |

We currently pay Tringali Sanitation .42 to collect recyclables from 24,428 households. This translates to an expense of \$10,259.76 per week, or \$533,507.52 annually. Adding in the hauling cost from the recycling center of approximately \$45,000 per year gives us an annual expense of \$578,867.52. The revenue we receive for recycling is the \$117,864 recycling credit plus 5,120 tons x \$39.00/ton avoided disposal cost for a total revenue of \$317,544. The cost of the recycling program then becomes \$261,323.52. If we hope to bring our recycling program to a break-even point, using an average price of \$19.75/ton, we need to increase collection by 13,232 tons annually.

## Recycling Survey - August 2002

|   |            |                                      |          |
|---|------------|--------------------------------------|----------|
| <b>Number of surveys returned</b>   | 145        |                                      |          |
| <b>Number of respondents who recycle</b>  | 145        | % of respondents who recycle         | 1        |
| <b>Number of respondents who do not recycle</b>   | 0          | % of respondents who do not recycle  | 0        |
| <b>How often do you recycle?</b>  |            |                                      |          |
| Every week  | 73         | % who recycle every week             | 0.506944 |
| 2-3 times/month   | 50         | % who recycle 2-3 times/month        | 0.347222 |
| Once a month  | 17         | % who recycle once a month           | 0.118056 |
| Less than once a month  | 4          | % who recycle less than once a month | 0.027778 |
| Total respondents   | <u>144</u> |                                      | <u>1</u> |
| <b>What do you recycle?</b>   |            |                                      |          |
| Clear glass   | 138        | % who recycle clear glass            | 0.951724 |
| Brown glass   | 104        | % who recycle brown glass            | 0.717241 |
| Metal/tin   | 139        | % who recycle meta/tin               | 0.958621 |
| Newspaper   | 143        | % who recycle newspaper              | 0.986207 |
| Cardboard   | 122        | % who recycle cardboard              | 0.841379 |
| Plastic   | 140        | % who recycle plastic                | 0.965517 |
| Batteries   | 121        | % who recycle batteries              | 0.834483 |
| <b>How effective do you think recycling can be as a means of reducing trash sent to a landfill?</b> |            |                                      |          |
| Highly effective  | 113        | % highly effective                   | 0.784722 |
| Somewhat effective  | 27         | % somewhat effective                 | 0.1875   |
| Unknown   | 4          | % unknown                            | 0.027778 |
| Somewhat ineffective  | 0          | % somewhat ineffective               | 0        |
| Highly ineffective  | 0          | % highly ineffective                 | 0        |
|   | <u>144</u> |                                      | <u>1</u> |
| <b>What additional material would you like to see recycled?</b>                                     |            |                                      |          |
| All plastic including wide mouth, lids, food trays  | 54         | % All plastic                        | 0.372414 |
| All glass including green glass   | 52         | % All glass                          | 0.358621 |
| Plastic bags  | 30         | % Plastic bags                       | 0.206897 |
| Junk mail   | 16         | % Junk mail                          | 0.110345 |
| Styrofoam/any foam  | 16         | % Styrofoam/any foam                 | 0.110345 |
| White paper   | 14         | % White paper                        | 0.096552 |
| Books   | 5          | % Books                              | 0.034483 |

## Recycling Survey - August 2002

|   |   |  |          |
|---|---|--|----------|
| Anything is possible                                  | 4 | % Anything is possible                   | 0.027586 |
| Aluminum foil   | 3 | % Aluminum foil                          | 0.02069  |
| Paint   | 3 | % Paint                                  | 0.02069  |
| Paper milk cartons                                    | 2 | % paper milk cartons                     | 0.013793 |
| Car oil   | 2 | % car oil                                | 0.013793 |
| Aluminum  | 2 | % Aluminum                               | 0.013793 |
| Computers/electronics                                 | 2 | % computers                              | 0.013793 |
| Household hazardous waste                             | 2 | % HHW                                    | 0.013793 |
| Large cardboard                                       | 1 | % Large cardboard                        | 0.006897 |
| Scrap metal too large for recycling bin               | 1 | % Scrap metal too large for recycling bi | 0.006897 |
| Non-returnable pop cans                               | 1 | % Non-returnable pop cans                | 0.006897 |
| Leaves piled curbside and mulched                     | 1 | % Leaves piled curbside and mulched      | 0.006897 |
| Rubber  | 1 | % rubber                                 | 0.006897 |
| Automotive supplies (fuels, fluids, tires, parts)     | 1 | % automotive supplies                    | 0.006897 |
| Bubble wrap   | 1 | % bubble wrap                            | 0.006897 |
| Paperboard in paper bag (tying is too much of a pain) | 1 | % paperboard in paper bag                | 0.006897 |
| Make it easier to do cardboard                        | 1 | % easier way to process cardboard        | 0.006897 |
| Tree branches/trimmings                               | 1 | % tree branches/trimmings                | 0.006897 |
| Copper  | 1 | % copper                                 | 0.006897 |
| All wood items (without nails or metal)               | 1 | % wood items                             | 0.006897 |
| Polystyrene containers                                | 1 | % polystyrene containers                 | 0.006897 |
| Small batteries                                       | 1 | % small batteries                        | 0.006897 |
| Diapers   | 1 | % diapers                                | 0.006897 |
| Printer cartridges                                    | 1 |  | 0.006897 |

### Would you drive to the recycling center?

|     |            |                       |          |
|-----|------------|-----------------------|----------|
| Yes | 105        | % who would drive     | 0.744681 |
| No  | 36         | % who would not drive | 0.255319 |
|     | <u>141</u> |                       |          |

### If no, then why?

|                               |    |
|-------------------------------|----|
| People will not take the time | 11 |
| Curbside more convenient      | 8  |
| Not enough material           | 4  |
| Only if I had a lot of items  | 2  |
| Bad back                      | 2  |

## Recycling Survey - August 2002

|  |   |
|--|---|
| Would drive to drop off paint  | 2 |
| Probably not, but maybe. Traffic is such a nightmare on Rochester Rd. If Saturday hours were extended maybe.   | 2 |
| I donate hard cover and paperback books to the Library   | 2 |
| Not ecologically efficient to use fuel to drive  | 1 |
| Coolidge Road closer and more convenient   | 1 |
| Too much of a hassle for junk mail   | 1 |
| Thought you already take back junk mail and office paper   | 1 |
| I would drive providing the hours allow for me to. I sometimes work long hours. If it was open on some evenings and weekends and not too inconvenient I would  | 1 |
| I put junk mail and office paper in with newspapers/ magazines. Is this wrong?   | 1 |
| Too busy with work and small kids - wish it could be collected from the curbside   | 1 |
| Distance   | 1 |
| Cost to drive much greater than savings in waste accumulation space charges  | 1 |
| Can't see point when we allow Canada to fill our landfills with their junk   | 1 |
| Not convinced that all items ARE recycled. I hear stories of cost of recycling being too hi-some collected items being landfilled. Plus curbside is convenient. How about MONTHLY pickup of odd items? | 1 |

### **What changes would you like to see at the recycling center?**

|  |      |
|--|------|
| Warning signs for those who abuse rules such as drop off paint, window glass, etc. | (1)  |
| Never been there   | (15) |
| Not been there lately  | (7)  |
| Drop off for small pieces of concrete  | (1)  |
| Expanded hours - not restricted to City hours/open weekends                        | (5)  |
| More containers for cardboard  | (2)  |
| Didn't know we had one   | (1)  |
| Don't use often - more information about center needed                             | (1)  |
| Better labels  | (1)  |
| Bins for batteries   | (1)  |
| Places for paint cans  | (6)  |

## Recycling Survey - August 2002

- Bin for plastics (3)
- Bin for household trash for people going out of town (1)
- More room (1)
- Better organized flow of traffic (2)
- Easier way to recycle metal - steps and rail hard to use (1)
- Widen compost area to accommodate 2 cars at a time (2)
- Accept hazardous waste (2)
- Bins not accessible for short people (1)
- Indoor or drive-thru (3)
- Cleaner area for oil drop-off (1)
- Better parking (2)
- Branch drop off for chipping (2)
- Have guard check for residency (1)
- Keep people from climbing in newspaper/magazine bins (1)
- 24-hour access (1)
- Bins too full to use (1)
- Easier public access (1)
- Tire removal curbside (1)
- Incentive to recycle (1)
- More education on subject (1)
- None - I think it is accessible and clean (2)
- Make it less crowded (1)
- What about all the scrap wood and furniture I see to be picked up on garbage day?
  - Can this be recycled or chipped for mulch? (1)
- Paper recycling situation must be improved-model after Sterling Heights 15 Mile/
  - Dodge Park facility near their fire station (1)
- Need bigger receptacles (1)
- Need "all paper" bin (1)
- Clearer sign for the recycling center (when I first visited there, it wasn't clearly marked) (1)
- A separate fenced in area open 24 hours would be best (1)
- Pop cans/bottle/paper bins placed in City buildings or public places (1)
- Could we do mandatory recycling for some things? (1)
- Ability to take things there instead of going to SOCRRA (i.e. electronics) (1)
- Right now we drive quite aways (8 Mile and Evergreen) to a recycling center that takes polystyrene and would very much prefer to use the nearby Rochester Rd. site (1)

## Recycling Survey - August 2002

Accept oil (1)

None (1)

A location to recycle junk mail, office paper, hard cover books, paperback books (1)

- Thanks for saving our environment
- Personally I can't see the point in recycling when we allow Canada to fill our landfills with their junk and garbage. Big business and money is what it's all about, however, we will continue to recycle.
- Thanks for all you do. Keep up the good work!
- Ticket non-recyclers. Pick-up corrugated cardboard once or twice a month with special truck. Large boxes are put in trash now.
- Please take more time with our containers. Truck ran over our top. Thanks.
- Hazzard (sp) waste difficult paint and garden stuff.
- Recycling reduces trash on the roads not in landfills. I have put batteries in a plastic bag but they never pick them up.
- I have tried to bring in paint cans – your policy is useless! Your hours of drop off stink. Why is an appointment needed? Get real! You need to be user friendly with better hours and policies. Good luck.
- I have been there many times and the guard just sits in the booth. Possible decal for Troy residents windshields. Try an online questionnaire.
- You may have gained a better response to this survey if it was a fold-up type envelope and only needed a stamp or for every survey returned, you could have sent the new compost sticker to them as a thank you. Good survey though and good luck!
- We enjoy the benefit of wood chips and compost dirt.
- I have been putting paper such as school papers/junk mail etc in paper bags and it has always been collected—does question #7 imply that I should not be doing that?
- I'm considering seriously, I think I will stop, discontinuing to recycle. Why should I save space in our landfills to make room for Canadian trash and trash from Ohio, Illinois, etc. We need an answer on this.
- The literature says you recycle all #1 and #2. In the past I have put out plastic lids which are #2 and these do not get taken. When I called to ask why, I was told that only long neck bottles that are #1 or #2 are recycled. If this is true, please update your flyer.
- I'm glad we are able to recycle in Troy and hope more people will start to recycle soon!
- Thank you for this service!
- I am annoyed with abuse at the recycling center. Paint dropped off, plastic, mirrors, window glass in the clear glass dumpster. You can be sure, I remind these individuals. Maybe a punitive warning sign would help - surveillance camera?
- I hope this service continues.
- I appreciate what is done for Troy citizens presently.
- Recycle white paper in a separate bin. I worked at Consumers Energy where white paper was saved in bins. In no time enough paper was saved to fill a small forest. Also it can be profitable. Add another blue

container for white paper. When collected, they are placed in large trash bins (like the ones you sell) a company comes along and collects from the bin where they are weighed and processed. Try it. Since everything is separated now, it is only one more step with white paper.

- Our trash collection guys are great! Very helpful! I would appreciate having a “quick and easy” way to question what belongs in what trash can. You have a real interest in the subject and probably know every answer as to whether something is “yard waste” or not. Sorry, but most people don’t, even though they want to participate. A better method to get a fast answer on what you consider “compostable” would be welcome. One “for instance” is the trimming from sidewalk edging. I hope that you understand my comments. I haven’t obtained compost and don’t plan to, but recycling does seem to work. The fact that it saves money for all of us, if your previous communications are correct, is a big plus and should be regularly shown as a reminder, in my opinion. And I do appreciate your asking for comment.
- Refer to #6, I sometimes will have these items picked up and other times not (butter tubs, laundry soap, dish soap bottles). I do check to make sure items meet guidelines.
- I would like no hassle having my bin (recycle) emptied when I put it out the night before or by 6 a.m. pickup day. I’ve been through this!
- Please provide clearer directions on location of recycling center. Where on Rochester Road is it?
- Appreciate curbside pickup for re-cycling!
- Some cities like Huntington Woods pick a “recycle of the month” house for families that recycle a lot and give them a prize and/or special sticker for their recycle bin or a special bin.
- Thank you for taking part in improving our environment!
- I would love to have an area I could drop off and pick up useable items Goodwill doesn’t take like bricks, benches, bikes, pipe, etc. – if not continuing, then a “swap day” maybe.
- Thank you for the excellent job you do in helping our environment! Your job is not easy, but it is deeply appreciated.
- I am very pleased with Troy’s recycling program.
- We need to recycle more for the good of the planet and the future.
- In the past, the truck refused to take cardboard that had been cut and tied appropriately.
- It seems Rochester Hills will pick up almost anything. How do we compare to them?
- Providing castor wheels to recycling bin would be of great convenience.
- We work hard to recycle, but the State of Michigan imports garbage from Toronto – doesn’t make much sense does it!!! Every so often can these reminder notes be tossed into the bins along with rejected items (green glass, boxes not flattened, caps on, etc)
- Bigger bins would be nice.

- Good job! Troy's program is much better than most cities in the metro area.
- Have noticed and appreciate all of the recent improvements in the refuse department.
- I wish more people would recycle!
- Curbside program is too picky about forcing proper bundling of papers, bagging batteries, etc. This discourages recycling.
- Encourage businesses to recycle – make it easier for them to do this.
- Good luck
- The young man who picks up and sorts the recyclables is caring, extremely efficient, and reliable. It is nice to see the job handled by one able person, instead of two (the second would be just a driver and increase costs).
- Why can we not recycle green glass?
- I made an attempt this Spring to make an appointment to drop off half a dozen paint cans. It seemed the best I could do was 2:35 on a Friday afternoon. Now I'm happy to do my part to recycle, but when I have to take time off of work to do it, then I'm not so much happy to try. They do not keep Saturday hours. I've heard Sterling Heights recommends leaving the paint cans open until completely dried out and then tossing in the trash. That might be an idea for our residents. I certainly don't want paint toxins in the landfills, but I also can't miss work to do this good deed.
- Please keep SOCRRA alive and well. It is one reason I moved to Troy (over Rochester) because Troy had recycling. My kids help break down boxes each week. It is a family activity.
- I think Troy has a great recycling program. I hope other communities use Troy as an example. I have heard a few comments by different people saying they take the recycling waste to the dump like everything else. I don't believe it but one person told me they saw it. I don't think they lied but may be it was a mistake. More than one person has said this to me.
- Don't let garbage men take recyclables!! I have seen them do it!
- If some items don't fit but are on top or near bin I have seen the garbage men take it instead, extra work on my part for nothing.
- Thanks for this survey. The opportunity to share my input is appreciated!
- I think you need to clarify recycling of plastic #1 and #2. Not all plastics marked #1 and #2 are accepted. According to the SOCRRA guidelines only narrow-neck jugs and bottles marked #1 or #2 are acceptable. No tubs, trays, or buckets.
- For those who don't recycle, I would be very surprised if they took the time to answer this survey.
- Trash hauler often refuses to accept some #1 and #2 plastic items.
- I went to center with my den and I learned a lot I was not aware of. Let everybody know these things – commercials or other means.
- I really appreciate curbside recycling: it is so convenient. I assume it is economically feasible...with an environmental positive as well?

- I think Troy is doing a lot of good for the environment. All my friends who live outside of Troy do not have as good a program as we do.
- I went to SOCRRA drop off center on Coolidge and drove around facility several times; could not find parking or reception area for customers to drop off recyclables.
- Thank you for encouraging recycling! Keep up the good work!!
- I am a fan of recycling. A few years ago I had the opportunity to tour a landfill site and was convinced something had to be done!
- Tried to recycle household batteries – they didn't pick them up!
- Would like to be able to use Tringali cans for leaves and grass.
- I don't think you should have to make an appointment to drop items off.
- I take most of my recyclables to the SOCRRA center on Coolidge Road when I go to shop at Meijers across the road.
- I really appreciate the curb side pick-up of recyclables. Too bad that everyone doesn't do this. We have neighbors who must have huge amounts of recyclables but never put out a bin – (young families)
- Should be more of a push to recycle in Troy – too anti-environment here!
- I am retired and take time to read information from City. I noticed instructions to put recycled material on one side of driveway and trash on other but apparently others do not read information. After I did it, no one else did – don't think young people take time to read!!
- Can you periodically provide additional information in Troy Today about the effectiveness of recycling? What's done with it, and does it ever end up in a landfill anyway? Etc.
- Sometimes it appears Tringali makes an effort to save their money and their employees time by not following the Troy Refuse & Recycling guidelines, especially in the winter or after a holiday. September 3, 2002, I had to call DPW to report compost bags being collected and compacted in the same truck as household trash. If we can take the time and effort to separate yard waste and put it in the proper bags on the opposite side of the drive from our trash, they should take the time to collect it the way Troy is paying them to do so. This wasn't the first time I've had to call, either. Also, for 2 years, we have followed the directions for Christmas tree disposal, only to have Tringali workers toss them in the same truck as our household trash. (2 of 4 years is very poor collection).
- Recycling hazardous material at SOCRRA is difficult because of the requirement to make an appointment. Defined hours of operations (including Saturday) would be better.
- It really helps if the insulin syringes can be picked up at the curbside.
- Was not aware that you don't recycle white paper – is this sorted?
- Can you inform bottlers not to use green glass?
- Would like to see more citizens recycling.
- Do not understand why junk mail cannot be in with paper and magazines. Same paper if reg and coated – color and/or B/W
- We compost grass, etc. Can I pick up humus somewhere nearby?

- Many business/apartment complexes (sp) don't recycle – why?

## **Answers to Questions Asked by Respondents to Recycling Survey**

### **1. Why should we save space in our landfills when we make room for trash from Canada, Ohio, and Illinois?**

According to the Michigan Recycling Coalition (MRC), this is a topic that is currently being discussed in our legislature. One idea that is being proposed is House Bill 6211. According to the MRC, House Bill 6211 would assess a \$3.00 per ton fee on waste disposed into Michigan landfills. The proposed legislation directs the collected revenue to benefit local recycling efforts, businesses in the industry, and universities and manufacturers working to create new markets for recyclable material.

### **2. What can we do to alleviate problems with SOCRRA Household Hazardous Waste (HHW) Program hours, appointments, etc.**

I have compiled all of your comments, both positive and negative, regarding the HHW program, and will be discussing them at upcoming SOCRRA Recycling Coordinators Meetings. I will keep you updated as to the results of the discussions.

### **3. Does the City collect junk mail, white paper, etc curbside with our newspapers and magazines?**

Currently, the City of Troy does not collect junk mail or office paper curbside. All paper collected curbside goes through a sort line at the SOCRRA Materials Recovery Facility (MRF). Any junk mail or office type paper has to be manually removed and disposed of. Please only put magazines, catalogues, newspapers, glossy advertisements, and inserts into your recycling bin.

### **4. Please clarify the type of plastics that we can put in our curbside bin.**

Only narrow-neck jugs and bottles marked #1 or #2 on the bottom can be collected curbside. Please do not put out tubs, trays, buckets, or lids. The caps should be removed and the bottles should be rinsed out. If you have questions about whether or not a plastic bottle is recyclable, contact the Public Works Department at (248) 524-3399.

### **5. Please provide clearer directions to the recycling center on Rochester Road.**

The recycling center is in the parking lot of the Department of Public Works Building located at 4693 Rochester Road. We are on the west side of Rochester just south of Long Lake Road. Our hours of operation are Monday

through Friday from 7:00 a.m. until 7:00 p.m. and Saturday and Sunday from 8:00 a.m. through 8:00 p.m.

We currently collect clear glass jars and bottles, newspapers and magazines, cardboard and paperboard, scrap metal, used motor oil, household and automotive batteries, and tin cans.

**6. It seems Rochester Hills will pick up almost anything. How do we compare to them?**

City of Rochester Hills residents must contract for their own refuse collection services. It should be understood that currently a citizen's taskforce has been formulated with the objective of having only one contractor providing refuse collection services for that community. The chairpersons of that committee have been in contact with the Troy Public Works department and potentially will be using the process employed here in Troy as a model for their new service. See [www.rochesterhills.org](http://www.rochesterhills.org) for more information.

**7. Why is the City so picky about forcing proper bundling of papers, preparing cardboard, etc.?**

The trucks that collect your recyclables are split into several sections, and the collection worker sorts the items from your bin into the different sections. The truck has open sides so loose papers will fly out of the truck as they are driving, which is why we need newspapers and magazines to be tied or put into brown paper bags.

The recycling truck driver tries not to go to the transfer station until the majority of the bins on the truck are full so it is important to flatten your cardboard/paperboard so that one section of the truck does not fill up faster than the others. Also, large pieces of cardboard will not fit through the opening on the truck, which is why we need cardboard to be cut down.

Don't forget, we have the recycling center on Rochester Road for large pieces of cardboard.

**8. Why can't we recycle green glass?**

We only collect items that have a resale market, otherwise the items would end up in a landfill. In February 2000, the company that was buying our glass informed us that they would no longer accept green or blue glass due to a lack of end market buyers. We will keep you updated as changes in the market occur.

**9. I heard that our recyclables are sent to the dump like everything else. Is this true?**

Both our recyclables and household trash are taken to the SOCRRA facility on Coolidge Road, but they are handled differently.

The household trash is taken to one building, where it is packed for transfer to a landfill. The recyclables are taken to another building, where they go through various sort lines, and are baled for transfer to companies that buy the material. The recyclables that you put in your blue bin **are not** sent to the landfill along with household trash.

#### **10. Why do the trash collectors sometimes empty my recycling bin into the trash truck?**

Your recycling bin should never be emptied into the trash truck along with your household trash. If you see this happening, call the Public Works Department immediately at (248) 524-3399. Please help us by noting the truck number if possible.

#### **11. Why doesn't Troy encourage more people to recycle?**

Recycling is a voluntary program in the City of Troy. We supply a recycling bin to each new resident for curbside recycling, and manage a drop off recycling center for larger metal items, large pieces of cardboard, motor oil, clear glass, automotive and household batteries, newspapers and magazines, and tin cans.

The City of Troy is a member of SOCRRA, so our residents are entitled to use a free drop off center for hardcover books, paperback books, and office paper in addition to everything that is collected curbside. Our residents also are entitled to participate in an electronics recycling and household hazardous waste program at no additional out of pocket cost.

#### **12. How effective is our recycling program?**

Last fiscal year, our residents recycled 3,770.77 tons of newspaper, 108.73 tons of cardboard, 516.32 tons of glass, 148.74 tons of plastics, 354.67 tons of metal, and 220.70 tons of tin for a total of 5,119.91 tons of recyclable material. 10.49% of our total waste was recycled.

Of the 12 member communities of SOCRRA, Huntington Woods recycled the most, with a recycling rate of 15.02% of their total waste, followed by Beverly Hills, Pleasant Ridge, Berkley, and Troy.

#### **13. What happens to the material?**

According to SOCRRA, **newspaper** is made into a variety of products such as bathroom tissue, insulation, wallboard, corrugated cardboard, and animal bedding.

**Glass** is 100% recyclable. Every pound of recycled glass can be made into a pound of new glass – and it can be used again and again.

**Steel, tin, aluminum, and other metals** can be melted and used over and over again. Aluminum and steel cans usually are made into new cans. In the Detroit area, 70% of the recycled metal ends up in automotive applications.

**Plastics** are usually broken down into small pellets or flakes, which are used to make new plastic bottles, or other plastic products such as winter coat fiberfill, the fuzz on a tennis ball, abrasive pads, carpet, or plastic lumber.

November 12, 2002

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager  
 Gary A. Shripka, Assistant City Manager-Services  
 Jeanette Bennett, Purchasing Director  
 William R. Need, Public Works Director

Re: Report and communication - Paper lawn and leaf bag sales

At the request of City Council, staff has conducted a survey to determine the feasibility of the City selling brown paper lawn and leaf bags to our residents at a bulk rate price.

Listed below is the information received from the companies surveyed.

|                              |   |
|------------------------------|---|
| Atlas Specialty Bags         | Bags sold on pallets of 1500, packaged in groups of 10 for a price of .30 per bag or \$450.00 per pallet. Price breaks based on number of pallets ordered.      |
| Belmont Paper & Bag Company  | Bags sold in cases of 90, packaged in groups of 5 for a price of .352 per bag or \$31.68 per case. Price breaks based on number of cases ordered.               |
| Continental Paper and Supply | Bags sold in 12 bundles of 5, or 60 bags total for a price of .396 per bag or \$23.75 total. Price breaks based on amount ordered.                              |
| Shapiro Bag Company          | Bags sold on pallets of 1600, packaged in groups of 50. Price for one pallet is \$426.00/1000 or .426 per bag. Price breaks based on number of pallets ordered. |

McCloy Paper Company, Custom Packaging Systems, Pak-Sak Industries Inc., and Petoskey Plastics, Inc. were contacted, but they do not sell brown paper bags, or do not service this area.

Most of the companies surveyed indicated that they will personalize the bags for a fee if the City chooses to distinguish it's bags from those sold in local retail stores.

Cost to administer the program

The program would most likely be set up similar to the recycling bin sale program, where a small quantity of bins are stored and sold by the Treasurer's Office at City Hall, with the majority of the bins being stored at the DPW Yard. Currently, Building Operations staff informs the DPW when recycling bins are needed, and the Recycling Center Attendant brings over the quantity desired.

It is imperative that Building Operations contact the DPW before they have completely depleted their inventory, but it is impossible to predict how many residents will request a recycling bin each day, so on occasion, a full-time DPW staff person, or a full-time Building Operations employee has had to stop their regularly scheduled work to take recycling bins over to City Hall.

Building Operations has indicated that they have very little storage space available at City Hall since they are already storing recycling bins and paper products. A limited number of bundles can be housed in the Treasurer’s Office, so a Building Operations staff person would most likely be required to check stock at least once a day, possibly more during leaf collection season.

The chart below delineates some of the hourly costs involved with a program of this type.

| Description  | Cost per hour |
|--|---------------|
| Staff time - Recycling Center Attendant – salary + fringe benefits | \$11.25       |
| Vehicle rental rate for Recycling Center Attendant                 | 3.70          |
| Staff time – Building Operations personnel hourly wage rate        | \$22.00       |

According to SOCRRA, between October 2001 and December 2001, the City of Troy generated 2,395.2 tons or 4,790,400 pounds of bagged leaves. Most of the brown paper lawn and leaf bags hold up to 100 pounds of wet leaves, but our ordinance states that no container or its contents shall exceed 60 pounds, so we will use 60 pounds for demonstration purposes. If everyone who put out bagged leaves in fall of 2001 purchased paper bags from the City, we would need to purchase 79,840 bags. Since compost season runs from mid-April through mid-December, staff estimates that we would need to order approximately 82,000 bags if we wish to supply bags during the entire compost season.

Using .30 per bag as an estimate, the Public Works Department would need to budget approximately \$25,000 to cover the anticipated cost of this program.

Recommendation

Since it is late in the season, it is not practical to begin a program of this type this year. Residents are already bagging their leaves, so it would not be appropriate to purchase a large quantity of bags only to have to store them until compost season begins again in the spring.

If a program of this type is desired, staff recommends purchasing bags that are bundled 10 to a pack, for resident convenience. The majority of the paper bags will be stored at the Public Works Yard, and all sales will be through the Treasurer’s Office at City Hall. Staff does not recommend adding to the cost by imprinting a logo on the bags.

If Council chooses to proceed with this program, staff will budget an extra \$25,000 in fiscal year 2003-2004 to cover the purchase price of the paper bags. The price that the City charges its residents will depend on the price obtained during the procurement process.

DATE: November 5, 2002

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager  
Lori Grigg-Bluhm, City Attorney  
Gary A. Shripka, Assistant City Manager/Services  
Mark Stimac, Director of Building and Zoning

SUBJECT: Possible Review of Chapter 83 – The Fence Ordinance

Councilman Lambert has indicated a desire to review the provisions of the City's Fence Ordinance. In particular, to review the limitations of fences in the front yard as they apply to corner lots. This is in response to enforcement activity that the Building Department took with regards to a Mr. Arthur Bowman of 5615 John R.

City Staff would recommend that no changes be made to the Fence ordinance that would allow fences more than 30" in height in front yard locations. One reason for this is safety. Someone backing out of a driveway must be able to see what is coming down the road or sidewalk. Fences in the front yard do not give pedestrians or drivers sufficient vision of oncoming vehicular movements to provide the level of safety desired. The 30" height limitation is the same requirement we have for corner clearance issues such as signs and landscaping. Another reason for this restriction is to assure that there will be an open front yard along the entire street similar to the front setback required for structures. This eliminates the tunnel effect caused by fences encroaching into what is supposed to be an open front yard space. The last point is of "equal protection under the law". In cases of double front corner lots, there is always one property line that is common between the "side yard" of the corner lot and the front yard of the adjacent lot. If we are going to allow the owner of the corner lot the right to place a taller fence along this line without granting the same right to the adjacent property owner to place the same fence in his front yard, the ordinance will provide preferential treatment to the rights of one over another.

Once again, City Staff believes that the current provisions of Troy's Fence Ordinance are appropriate and are not in need of revisions. If you would like this matter brought to Council for further review, please advise.

TO: Mark Stimac  
 FROM: Mitch Grusnick  
 DATE: November 13, 2002

Currently there exist two thousand four hundred and eighty eight (2,488) single family residential double front corner lots in the City of Troy. Chapter 83 prohibits the placement of 6' high fencing in the required double fronts on these lots.

| SECTION # | # OF RESIDENTIAL CORNER LOTS |
|-----------|------------------------------|
| 1         | 43                           |
| 2         | 77                           |
| 3         | 66                           |
| 4         | 126                          |
| 5         | 106                          |
| 6         | 96                           |
| 7         | 135                          |
| 8         | 28                           |
| 9         | 39                           |
| 10        | 75                           |
| 11        | 86                           |
| 12        | 163                          |
| 13        | 156                          |
| 14        | 87                           |
| 15        | 86                           |
| 16        | 46                           |
| 17        | 100                          |
| 18        | 93                           |
| 19        | 154                          |
| 20        | 83                           |
| 21        | 60                           |
| 22        | 67                           |
| 23        | 109                          |
| 24        | 126                          |
| 25        | 131                          |
| 26        | No single Family Zoning      |
| 27        | 38                           |
| 28        | 6                            |
| 29        | No single Family Zoning      |
| 30        | 55                           |
| 31        | No single Family Zoning      |
| 32        | No single Family Zoning      |
| 34        | No single Family Zoning      |
| 35        | 22                           |
| 36        | <u>29</u>                    |
| TOTAL     | <hr/> 2488                   |

DATE: November 14, 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: Non-conforming Fences

The question has been asked regarding how the City of Troy ordinances treat non-conforming fences. A review of Chapter 83 of the City Code, the Fence Ordinance, finds that there is no specific direction on how to handle fences that were installed prior to the first adoption of a fence ordinance or through some change in the fence ordinance or in the surrounding development, do not comply with the provisions of the current text. In order to administer the regulations we turn to the adopted procedures that most closely parallel the fence ordinance, that being the Troy Zoning Ordinance.

Existing fences that do not comply with the current language would be considered to be a legal non-conforming structure as defined by Section 40.50.04 of the Zoning Ordinance. That section allows the structure to remain as long as the owner wants it to remain. It further states that the non-conforming structure may not be enlarged or altered in a way that increases its' non-conformity.

In the specific case of the fence at 5615 John R, we agree that a 4 foot high chain link fence existed on or near the south property line for some length of time. Under the non-conforming structure provisions that fence could be replaced by another 4 foot high non-obscuring fence without the need for a variance.

Copies of the pertinent sections of the Zoning Ordinance are provided for your reference. We will be happy to provide additional information regarding this matter if you so desire.

40.50.04 NON-CONFORMING STRUCTURES:

Where a lawful structure exists at the effective date of adoption or amendment of this chapter that could not be built under the terms of this chapter by reason of restrictions on area lot coverage, height, yards, or other characteristics of the structure or location on the lot, such structure may be continued, so long as it remains otherwise lawful, subject to the following provisions:

- A. No such structure may be enlarged or altered in a way which increases its non-conformity; for example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.
- B. Should such structure be destroyed by any means to an extent of more than 60 percent of its replacement cost, exclusive of the foundation at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
- C. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

DATE: September 16, 2002

TO: The Honorable Mayor and City Council

FROM: Mark Stimac, Director of Building and Zoning

COPY: John Szerlag, City Manager  
Gary A. Shripka, Assistant City Manager/Services  
Lori Grigg-Bluhm, City Attorney  
Carolyn Glosby, Assistant City Attorney

SUBJECT: Background Information regarding Fence Ordinance Violation  
5615 John R, A.J. Bowman

The following background information is being provided in response to the e-mail message that you received from Mr. A.J. Bowman regarding his fence at his property at 5615 John R.

The property in question is located at the northwest corner of the intersection of John R and Abbotsford Drive. Because the adjacent property both to the north and the west front on John R and Abbotsford respectively the property is defined as a double front corner lot. As such it has a front yard on both John R and Abbotsford. This land was platted as part of the Eyster's John R Farms Subdivision back in 1928. The original lot #7 was split sometime shortly thereafter and the home at 5615 John R was constructed on the south 60 feet of that lot. By today's R-1C Zoning standards both the lot and the home constructed on it are non-conforming. The lot is only 60 feet wide where the R-1C Zoning currently requires a minimum 85 foot width (even wider on corner lots). The home is located only 2 feet from the north property line where a 10 foot side yard is required today and only 10 feet from the south property line along Abbotsford where a 30 foot front yard is required today. Since the home predates the current Zoning Ordinance requirements and was constructed at a time when these items were either allowed or not regulated, the structure may continue to exist in that state as long as the owner wishes.

At some point many years ago a 4 foot high chain link fence was installed along the south property line along the Abbotsford street frontage. Because this lot is a double front corner lot, a fence in this location would be in a front yard and restricted to not more than 30 inches in height by today's fence ordinance. This height limit would apply to the southern 30 feet of the property even though the home is located only 10 feet

from the south property line. This existing fence certainly predated the first adoption of a fence ordinance in the City of Troy and as such is also considered a legal non-conforming structure. Per standard procedures regarding legal non-conforming fences, this fence could remain, or be replaced by a similar fence in the same location.

Some time around December of 2001 the Building Department became aware that a new 6 foot high privacy fence was being installed in the front yard adjacent to Abbotsford. This work was being done without the owner first obtaining the required permit. These deficiencies were noted in a violation notice that was sent to the property owner on December 4, 2001.

On December 11, 2001, Mr. Bowman submitted an application for fence permit to install the fence along the property line and that permit was denied because the fence exceeded the 30 inch height limit of the Fence Ordinance. On December 21, 2001, Mr. Bowman filed an appeal with the Building Code Board of Appeals on the denial of the permit. On February 6, 2002, the Building Code Board of Appeals heard Mr. Bowman's request for appeal. As with all public hearings for the Building Code Board of Appeals, notices were sent to all residents and property owners within 300 feet of the property in question. In response, only one property returned the notice indicating their objection to the appeal. No one, other than the petitioner, appeared at the public hearing to speak on the matter. The result of that appeal is that the Board granted approval for the 6 foot high privacy fence to be installed within 10 feet of the south property line along Abbotsford where the ordinance would require a 30 foot setback for a fence of this type. This was done, in part, because the existing non-conforming setback of the home established the depth of the front yard along Abbotsford. They also noted in their resolution that "the petitioner did not demonstrate a hardship for the fence to be placed at the property line".

After the Board rendered their decision, I spoke at length with Mr. Bowman about their decision. While I know that he did not agree with their decision, I am sure that after our discussion he was clear on what they said and the limitations of their approval. A permit was issued for the fence at the 10 foot setback. At some point later Mr. Bowman installed the fence at the property line along Abbotsford. A notice was sent to Mr. Bowman on May 14, 2002, indicating the violation and asking that the fence be removed. With no action to remove that fence a court summons was issued to Mr. Bowman on May 22, 2002. After arraignment, and pre-trial hearing, Mr. Bowman pled guilty to the violation of installing the fence contrary to the decision of the Board of Appeals at the date for jury selection on August 16, 2002. Sentencing for that matter is to be held on October 15, 2002. At this time the fence and the violation still remain.

In the mean time I and other members of staff have had a number of discussions with Mr. Bowman about violation and the Board of Appeals action. In general, Mr. Bowman wished to have his request for a 6 foot high fence located at the south property line heard again at the Building Code Board of Appeals. I have consistently told him that the board has rendered their decision regarding that request and that the Board will only hear a new request when there is a substantial change in the request or where there is

new information submitted that was not available to the board at the time of the original hearing. He was told that a petition signed by adjacent property owners was not sufficient new information to warrant rehearing the case.

During one of my contacts with Mr. Bowman, he asked if he reduced the height of the fence to 4 feet could he have a new hearing before the Board. I responded that a request of that type would be considered substantially different and that a new request could be forwarded to the Building Code Board of Appeals for consideration. On August 5, 2002, Mr. Bowman submitted a fence permit application for a 4 foot high fence at the south property line. That application was denied on August 7, 2002, and Mr. Bowman was advised that he could appeal that denial to the Building Code Board of Appeals. On September 5, 2002, Mr. Bowman submitted an application for the Building Code Board of Appeals once again to allow a 6 foot high fence at the south property line. In my letter of September 9, 2002, I explained that the Board had already decided that request and that rehearing was not justified. His application for appeal and filing fee are being returned to him.

In summary regarding this matter: the Fence Ordinance is being correctly applied to property as a double front corner lot; the Building Code Board of Appeals is the correct body to hear appeals of the fence ordinance; the Building Code Board of Appeals in consideration of this matter did recognize the hardships associated with this particular lot and granted approval to have the 6 foot high fence at a ten foot setback where 30 foot is required by the Ordinance; the decision of the Board has been forwarded and very clearly explained to the petitioner; Mr. Bowman, even in light of the Board's decision, installed the fence at the property line; because of the violation, court action was initiated by the City staff; District Court will decide what penalties, if any, are appropriate in this matter.

I have included copies of numerous attachments for your reference. Please feel free to contact me with any other questions you may have regarding this matter.

**City of Troy**  
Building and Inspection Division  
**Violation Notice**

December 4, 2001

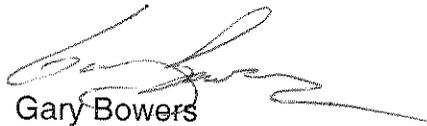
Arthur Bowman  
5615 John R  
Troy MI 48085-3858

An inspection at 5615 John R revealed:

A 6 ft wood privacy fence installed without the required fence permit. Application must be submitted and required permit obtained.

Be advised, a fence located in required front yard shall not exceed 30" in height.

The above noted conditions are a violation of Section 83 of the Troy Ordinance Code and therefore shall be corrected and arrangements made for a re-inspection by December 14, 2001.



Gary Bowers  
Building Inspector

GB:mm

500 W. Big Beaver, Troy, Michigan 48084 Phone: 248-524-3344



December 11, 2001

500 West Big Beaver  
Troy, Michigan 48084  
Fax: (248) 524-0851  
www.ci.troy.mi.us

A.J. Bowman  
5615 John R.  
Troy, MI 48085

Area code (248)

Assessing  
524-3311

RE: 5615 John R.

Bldg. Inspections  
524-3344

Dear Mr. Bowman:

Bldg. Maintenance  
524-3368

We are in receipt of your application for a permit to erect a 6' privacy fence at 5615 John R.

City Clerk  
524-3316

This application does not meet the requirements of the applicable ordinance of the City of Troy for the following reasons:

City Manager  
524-3330

Community Affairs  
524-1147

This lot by definition is a double front corner lot, in that it has front yards along both John R. and Abbotsford.

Engineering  
524-3383

Finance  
524-3411

Chapter 83 limits the height of fences in front setbacks to 30". Your permit application indicates a 6' high privacy fence in the front setback along Abbotsford.

Fire-Administration  
524-3419

Human Resources  
524-3339

Therefore, unless you revise the plans to comply, we are unable to issue this permit. However, if you so desire, you may make application to the Building Code Board of Appeals for relief of the requirements. Applications to the Building Code Board of Appeals must be submitted, with the established fee, to the Building Department Office at least three full weeks before the scheduled meeting date. Regular meetings are scheduled for the first Wednesday of each month.

Information Services  
619-7279

Law  
524-3320

Library  
524-3545

Parks & Recreation  
524-3484

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

Planning  
524-3364

Police-Administration  
524-3443

Public Works  
524-3370

Purchasing  
524-3338

Real Estate & Development  
524-3498

Treasurer  
524-3334

General Information  
524-3300

MS/pp

Sincerely,

Mark Stimac  
Director of Building & Zoning

Fee \$15.00

CASE # 2

CITY OF TROY  
APPLICATION  
BUILDING CODE BOARD OF APPEALS

Request is hereby made for permission to erect, alter, modify or extend a structure or facility or substitute material therefore, either contrary to the provisions of the Building Regulations enacted by the City Council, including but not limited to: the Building Code, the Existing Structure Code, the Electrical Code, the Plumbing Code, the Mechanical Code and the Fence Ordinance, the Sign Ordinance or contrary to the decision rendered by the Building Official in denying an application for a permit as described below. (does not include Zoning Ordinance)

Applicant: A.J. Bowman **RECEIVED**

Phone Number: 248.703.6450 (owner or duly authorized representative) **DEC 21 2009**

Address: 5615 John R. Rd. **BUILDING DEPARTMENT**

Name of Owner: A.J. Bowman Phone Number: 248.703.6450

Address: 5615 John R. Rd.

ADDRESS OF STRUCTURE/FACILITY: SAME AS ABOVE

Zoning District: TROY Sidwell # 88-20-11-226-017

Lot # 7 Subdivision: N/A

Present Use: RESIDENTIAL

Proposed Use: RESIDENTIAL

Has there been a previous appeal involving this property? No If yes, state Case Number and particulars: REQUEST EXCEPTION TO SECTION 83 OF TROY ORDINANCE CODE

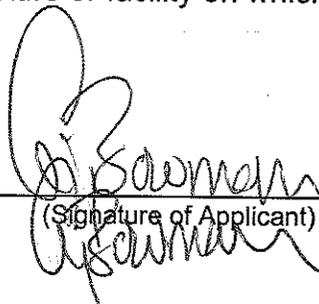
Outline below your appeal, listing sections of the Code which relief is sought and outline your proposals that are contrary to the Code or Building Officials decision. Indicate your hardships if a variance is not granted and explain your alternatives that would be equal to what the code requires:

THE CODE INDICATES ABSTRACTED AS BEING THE FRONT OF MY PROPERTY WHICH IS NOT CORRECT. JOHN R. RD. IS MY FRONT PROPERTY. I AM A CORNER LOT. I AM REQUESTING ~~THE~~ APPROVAL FOR PERMIT TO INSTALL A 6 FT WOOD PRIVACY FENCE TO ENCLOSE MY BACKYARD FOR SAFETY AND SECURITY FOR MY FAMILY. ALSO, TO PROVIDE A MORE DESIRABLE BEAUTIFICATION OF PROPERTY AND NEIGHBORHOOD - PLEASE REVIEW, CONSIDER AND APPROVE. THANK YOU IN ADVANCE FOR YOUR GREAT HELP AND APPROVAL FOR THIS.

NOTE: THE CITY CLERK'S OFFICE INFORMED ME THAT THIS ORDINANCE IS OUT DATED ALONG WITH MANY OTHERS. ALSO THAT THE CITY ATTORNEY IS CURRENTLY RENEWING ~~THE~~ ~~OUR~~ DATED ORDINANCES TO GET THEM UPDATED.

**SUBMIT 5 COPIES**

All supporting data attached to the application, including plans, drawn to scale, showing shape, dimensions, construction materials and method of construction are submitted in **5 copies** and depict a clear and accurate description of that portion of the structure or facility on which the appeal is based.

  
\_\_\_\_\_  
(Signature of Applicant)

STATE OF MICHIGAN  
COUNTY OF OAKLAND

On this 21<sup>ST</sup> day of December 2001 before me personally appeared the above named person who deposed and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

  
\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, Michigan

My Commission Expires: \_\_\_\_\_

CECILIA A. BRUKWINSKI  
Notary Public, Oakland County, MI  
My Commission Expires June 18, 2002

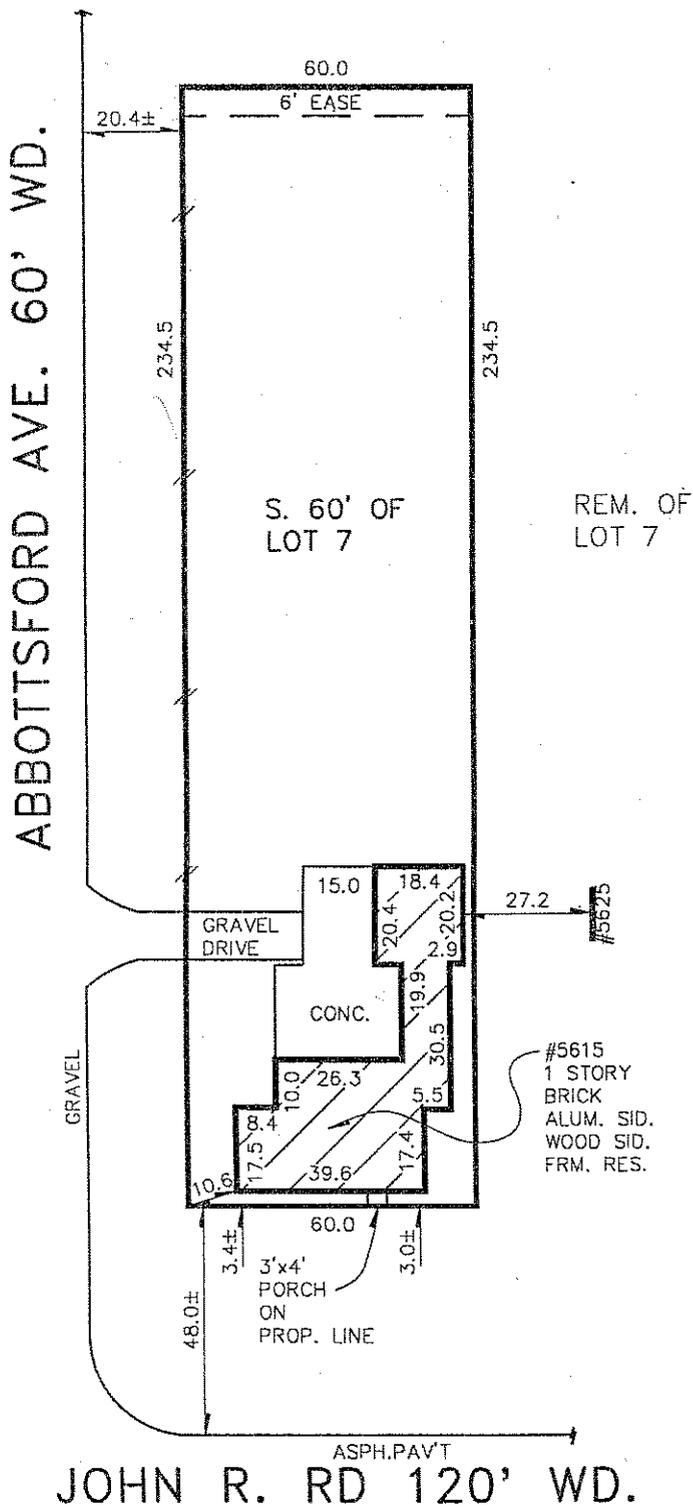
# MORTGAGE SURVEY

Certified to: TOWNE MORTGAGE COMPANY

Applicant: ARTHUR J. BOWMAN

**Property Description:**

The South 60 feet of Lot 7; EYSTER'S JOHN R. FARMS, a Sub., of part of the N.E. 1/4 of Sec. 11, T.2 N., R.11 E., Troy Twp. (now City of Troy), Oakland County, Michigan, as recorded in Liber 48 of Plats, Page 12 of Oakland County Records.



CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the



TO: BUILDING CODE BOARD OF APPEALS

RECEIVED

#2

JAN 28 2002

PERSONS OF THE BOARD:

BUILDING  
DEPARTMENT

Please register my/our  approval  objection to the request described on the reverse side.

The reason for my/our  approval  objection is as follows:

① When our neighbor erected such a fence at 5625 (not door to 5615) he did it partly to hide his used car, repair, boat storage business.

② The wooden fences become trashy looking in a short period of time.

③ Is this request for a 6 foot high fence to to hide used cars, boats etc. (etcetera)?

④ Lets keep Troy better looking. Hedges can be planted cheaper and do better to look at.

⑤ When ~~is~~ our neighbor at 5625 put up a fence (~~wood~~ <sup>wood</sup> 6 foot high - he had a hole in it for his dog to come through & stay in our yard even though a chain was on the dog.

Name: Marion and Ramona Halmaley

Address: 5665 John R Road

⑥ What is the purpose of the 6 foot high wooden fence?  
Thank you.

The Chairman, Ted Dziurman, called the Building Code Board of Appeals meeting to order at 8:30 A.M., on Wednesday, February 6, 2002.

PRESENT: Ted Dziurman  
Richard Sinclair  
Bill Need  
Frank Zuazo  
Rick Kessler

ALSO PRESENT: Mark Stimac  
Ginny Norvell  
Pam Pasternak

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF JANUARY 2, 2002**

Motion by Need  
Supported by Kessler

MOVED, to approve the minutes of the meeting of January 2, 2002 as written.

Yeas: All – 5

**MOTION TO APPROVE MINUTES AS WRITTEN CARRIED**

**ITEM #2 – VARIANCE REQUESTED. A.J. BOWMAN, 5615 JOHN R., for relief of Chapter 83 to erect a 6’ high privacy fence.**

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to erect a 6’ high privacy fence at 5615 John R. This property is located at the northwest corner of the intersection of John R and Abbotsford and is by definition a double front corner lot. As such it has a front yard on both John R. and Abbotsford. The site plan submitted indicates a 6’ high privacy fence in the front setback along Abbotsford. Chapter 83 limits the height of fences in front setbacks to 30”.

A.J. Bowman was present and stated that he is a U.S. Army veteran and moved from Royal Oak to Troy approximately six (6) years ago. Mr. Bowman stated that he takes great pride in his property and has worked very hard to make improvements. Mr. Bowman went on to say that is very concerned about the safety, welfare and security of his family. Mr. Bowman said that on more than one occasion he has observed suspicious vehicles parked along his property on Abbotsford. Mr. Bowman also said that one of his nephews has hurt himself by going into the ditch along John R.

Mr. Dziurman asked Mr. Bowman about the existing fence, and Mr. Bowman stated that the fence on the north side of the property was installed first. Mr. Bowman went on to say that a contractor installed the fence at the rear of the property, but he did not realize he needed a permit, and did not know he was in violation until he received a notice from the Building Department.

**ITEM #2 – con't.**

Mr. Need asked Mr. Stimac about the proposed fence on the south side of the property. Mr. Stimac explained that the Building Department could not issue a permit for this fence, as it does not conform to the Ordinance because it is too high.

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

There is one written objection on file. There are no written approvals on file.

Mr. Dziurman asked if Mr. Bowman had spoken to the neighbors, who would be the most affected by this fence. Mr. Bowman stated that no one has approached him and told him that they would not approve of this fence, and also that he has literally changed the appearance of this property from “night to day”. Mr. Bowman also stated that he has spoken to several of his friends and attorneys, and neither they nor he, believes that this Ordinance applies to his property. Mr. Bowman believes that this Ordinance is incorrect. Mr. Dziurman pointed out that if the fence were to be moved back, a variance would not be required.

Mr. Need asked Mr. Bowman what his hardship was, and why he needed to put the fence in this location. Mr. Bowman stated that he feels like they are living in a zoo and wished to enclose his yard and provide security for his family. He indicated a concern that young children could get out into the open ditch along Abbotsford. Mr. Dziurman pointed out that Mr. Bowman could put up a 6’ high privacy fence but needed a variance because he wished to put the fence along the street. Mr. Need stated that the fence could be placed further back on the property and would give Mr. Bowman the protection from the ditch he was asking for.

Mr. Stimac explained that in the R-1C Zoning District a 30’ front yard setback and presently the existing home has a 10’ setback.

Motion by Need

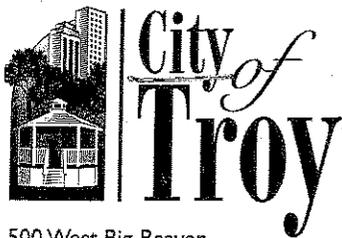
Supported by Kessler

MOVED, to grant A.J. Bowman, 5615 John R., relief of Chapter 83 to erect a 6’ high privacy fence along Abbotsford.

- Fence is to be erected no closer than 10’ from the south property line.
- Petitioner did not demonstrate a hardship for the fence to be at the property line.
- This variance would not be contrary to public interest.

Yeas: All – 5

MOTION TO GRANT VARIANCE WITH STIPULATION CARRIED



February 14, 2002

500 West Big Beaver  
Troy, Michigan 48084  
Fax: (248) 524-0851  
www.ci.troy.mi.us

Mr. Arthur Bowman  
5615 John R.  
Troy, MI 48085-3858

Area code (248)

RE: 5615 John R.

Assessing  
524-3311

Dear Mr. Bowman:

Bldg. Inspections  
524-3344

Your request for relief of Chapter 83 was heard before the Building Code Board of Appeals at their Wednesday, February 6, 2002 meeting.

Bldg. Maintenance  
524-3368

The following is from the minutes of that meeting:

City Clerk  
524-3316

MOVED, to grant A.J. Bowman, 5615 John R., relief of Chapter 83 to erect a 6' high privacy fence along Abbotsford.

City Manager  
524-3330

- Fence is to be erected no closer than 10' from the south property line.
- Petitioner did not demonstrate a hardship for the fence to be at the property line.
- This variance would not be contrary to public interest.

Community Affairs  
524-1147

Yeas: All - 5

Engineering  
524-3383

MOTION TO GRANT VARIANCE WITH STIPULATION CARRIED

Finance  
24-3411

On variances that are approved, failure to obtain a fence permit within one year of the meeting date will render relief granted, invalid.

Fire-Administration  
24-3419

Human Resources  
24-3339

Information Services  
19-7279

Law  
24-3320

Library  
24-3545

Parks & Recreation  
24-3484

Planning  
24-3364

Police-Administration  
24-3443

Public Works  
24-3370

Purchasing  
24-3338

Real Estate & Development  
24-3498

Treasurer  
24-3334

General Information  
24-3300

MS/pp

Sincerely,

Mark Stimac  
Director of Building & Zoning

5-20  
879-3855

**City of Troy**  
**Building Department**  
500 West Big Beaver, Troy, MI 48084

**Notice of Violation**

May 14, 2002

Arthur J. Bowman  
5615 John R  
Troy, MI 48085-3858

Subject: 5615 John R - Fence Violation

Dear Mr. Bowman

On 4/22/2002, you were issued a fence permit to construct a 6' (six foot) high privacy fence, at the above location. The fence was to remain 10' (ten feet) from the south property line (following the line of the house).

I made an inspection on 5/14/2002 and observed that the fence was erected on or near the south property line. This is in violation of Chapter 83, of the Fence Ordinance of the City of Troy.

To correct the violation, you must remove it from its current location by 5/20/2002. Failure to comply will result in legal action.

Sincerely,



Marlene Struckman  
Housing & Zoning Inspector

MJS

APPLICANT:

Arthur J. Bowman  
 (Contractor/Owner)  
5615 John R 248 703 6450  
 (Address) (Phone)

Applications shall show lot sizes, existing structures, height and type of fence and area of installation. (Use symbols on plot plan).

Final lot grade shall be approved before permit is issued.

Work to be Performed:

New  Move  Repair

Type, height, and lineal feet of material to be used.

| Type:    | Wood | Wire | Metal | Masonry   | Other Type |
|----------|------|------|-------|---|------------|
| Symbols: | 0000 | xxxx | ****  | <input type="checkbox"/> <input type="checkbox"/> | =====      |
| Ht.      | 00'  |      |       |   |            |
| Ft.      | 48'  |      |       |   |            |

TOTAL FEE \_\_\_\_\_

Approved \_\_\_\_\_

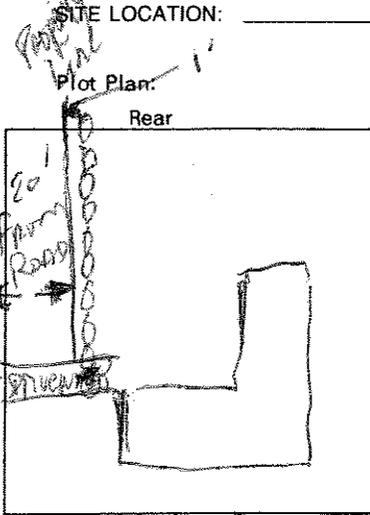
Building Inspector

Must display YELLOW WEATHER CARD ON JOB.

Treasurer's Validation of Fee Paid

FENCE PERMIT

5615 JOHN R RD



Interior Lot

Corner Lot

HOME OWNER AFFIDAVIT

CITY OF TROY

500 W. Big Beaver Rd. • 524-3344

LOCATION 5615 JOHN R. RD DATE 5 AUGUST 02

As the bona fide owner of the above mentioned property which is a single residence, and which is, or will be on completion my place of residence and no part of which is used for rental or commercial purposes nor is now contemplated for such purpose, I hereby make application for an owner's permit to install fence as listed on the permit application.

I certify that I am familiar with the provisions of the applicable Ordinance and the rules governing the type of installation which is contemplated at the above mentioned location and hereby agree to make the installation in conformance with the Ordinance.

In making this application, I realize I am assuming the responsibility of a licensed contractor for the installation of the work mentioned in the permit application and for putting the equipment in operation. I further agree that I shall neither hire any other person for the purpose of installing any portion of the fence or related equipment at the above premises, nor sub-contract to any other person, firm, or corporation the installation of any portion of the above equipment.

I agree to notify the Inspection Department within seventy-two (72) hours after the installation is completed and is ready for service so that the Department may make its required inspection. I further agree to keep all parts of the installation exposed until the installation is accepted as being in compliance with Ordinance requirements.

I further agree to correct within two weeks time any violations on the work installed and to provide access to the premises between the hours of 8 a.m. and 5 p.m., Monday through Friday for the necessary inspection or inspections. Failure to correct violations or to provide access will subject the permit to cancellation in which case a licensed contractor must be employed to complete the work.

APPLICATION:  ACCEPTABLE  NOT ACCEPTABLE

If not acceptable, list reason \_\_\_\_\_

Subscribed and sworn to before me this

5th day of Aug 19 02

Notary Public, Macomb County, Michigan.

My commission expires 3-18-04

Department Representative

Arthur J. Bowman

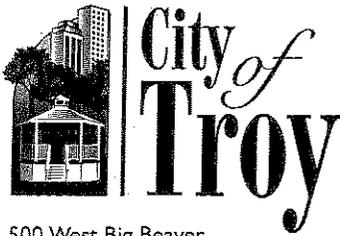
Owner's Signature

5615 JOHN R RD

Present Address

248. 703. 6450

Telephone Number



August 7, 2002

500 West Big Beaver  
Troy, Michigan 48084  
Fax: (248) 524-0851  
www.ci.troy.mi.us

A.J. Bowman  
5615 John R.  
Troy, MI 48085

Area code (248)

RE: 5615 John R.

Assessing  
524-3311

Dear Mr. Bowman:

Bldg. Inspections  
524-3344

We are in receipt of your application for a permit to install a fence at 5615 John R.

Bldg. Operations  
524-3368

This application does not meet the requirements of the applicable ordinance of the City of Troy for the following reasons:

City Clerk  
524-3316

This lot by definition is a double front corner lot. As such, it has front yards along both John R. and Abbotsford. Chapter 83 limits fences in front yard setbacks to not more than 30" in height. Your permit application indicates a 48" high wood fence with a 1' front setback from the property line along Abbotsford.

City Manager  
524-3330

Community Affairs  
524-1147

Therefore, unless you revise the plans to comply, we are unable to issue this permit. However, if you so desire, you may make application to the Building Code Board of Appeals for relief of the requirements. Applications to the Building Code Board of Appeals must be submitted, with the established fee, to the Building Department Office at least three full weeks before the scheduled meeting date. Regular meetings are scheduled for the first Wednesday of each month.

Engineering  
524-3383

Finance  
524-3411

Fire-Administration  
524-3419

Human Resources  
524-3339

Information Technology  
619-7279

Law  
524-3320

Library  
524-3545

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

Parks & Recreation  
524-3484

Planning  
524-3364

Police-Administration  
524-3443

Public Works  
524-3370

Purchasing  
524-3338

Real Estate & Development  
524-3498

MS/pp

Treasurer  
524-3334

General Information  
524-3300

Sincerely,

Mark Stimac  
Director of Building & Zoning

Fee \$15.00

CASE # \_\_\_\_\_

CITY OF TROY  
APPLICATION  
BUILDING CODE BOARD OF APPEALS

RECEIVED

SEP - 5 2002

Request is hereby made for permission to erect, alter, modify or extend a ~~structure or facility~~ <sup>BUILDING DEPARTMENT</sup> or substitute material therefore, either contrary to the provisions of the Building Regulations enacted by the City Council, including but not limited to: the Building Code, the Existing Structure Code, the Electrical Code, the Plumbing Code, the Mechanical Code and the Fence Ordinance, the Sign Ordinance or contrary to the decision rendered by the Building Official in denying an application for a permit as described below. (does not include Zoning Ordinance)

Applicant: A.J. BOWMAN

Phone Number: 248 703 6450 (owner or duly authorized representative)

Address: 5615 JOHN R

Name of Owner: SAM B AG ABOVE Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

ADDRESS OF STRUCTURE/FACILITY: 5615 John R

Zoning District: TROY Sidwell # 88-20-11-226-017

Lot # 7 Subdivision: N/A

Present Use: RESIDENTIAL

Proposed Use: RESIDENTIAL

Has there been a previous appeal involving this property? YES If yes, state Case Number and

particulars: REQUEST FOR 6' WOOD PRIVACY FENCE

Outline below your appeal, listing sections of the Code which relief is sought and outline your proposals that are contrary to the Code or Building Officials decision. Indicate your hardships if a variance is not granted and explain your alternatives that would be equal to what the code requires:

REMOVED Pre-EXISTING fence

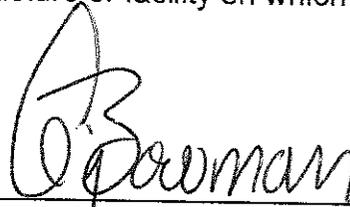
INSTALLED 6' WOOD PRIVACY fence INSIDE PROPERTY line.

REQUEST KEEP fence WENT DOOR TO DOOR AND PETITIONED

ALL neighbors AND received 100% support.

**SUBMIT 5 COPIES**

All supporting data attached to the application, including plans, drawn to scale, showing shape, dimensions, construction materials and method of construction are submitted in **5 copies** and depict a clear and accurate description of that portion of the structure or facility on which the appeal is based.



(Signature of Applicant)

STATE OF MICHIGAN  
COUNTY OF Oakland

On this 6th day of Sept 2002 before me personally appeared the above named person who deposes and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Mary Laraine McAnnis  
Notary Public Oakland County, Michigan

My Commission Expires: May 30, 2007





500 West Big Beaver  
Troy, Michigan 48084  
Fax: (248) 524-0851  
www.ci.troy.mi.us

September 9, 2002

Mr. A.J. Bowman  
5615 John R  
Troy, MI 48098

Re: Building Code Board of Appeals Application

Dear Mr. Bowman:

On September 6, 2002, you submitted an application for the Building Code Board of Appeals. A review of that application shows that the appeal is to locate a six foot high privacy fence at the south property line along Abbotsford on the property at 5615 John R. The Building Code Board of Appeals at their meeting of February 6, 2002 previously heard that exact same request. The resolution passed by the Board regarding that request was to allow the fence no closer than ten foot to the south property line. That result was forwarded to you in a letter dated February 14, 2002. Another copy is attached for your reference.

In review of your new application, I find no new information submitted as part of that application. The additional support you received from the adjacent property owners is not of itself sufficient to warrant a new hearing before the Board. The previous action of the Building Code Board of Appeals regarding this matter still stands as the final decision. Therefore, I am returning your application for appeal. A refund of your filing fee will be returned to you as soon as we can process the check request.

Yours truly,

  
Mark Stimac, R.A., C.B.O.  
Director of Building and Zoning

Copy, Carolyn Glosby, Assistant City Attorney

Area code (248)

Assessing  
524-3311

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City Manager  
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