



TROY CITY COUNCIL

REGULAR MEETING

AGENDA

OCTOBER 10, 2016
CONVENING AT 7:30 P.M.

Submitted By
The City Manager

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



500 W. Big Beaver
Troy, MI 48084
248.524.3300
troymi.gov

The Honorable Mayor and City Council Members

City of Troy
500 West Big Beaver
Troy, MI 48084

Dear Mayor and City Council Members:

In this packet, you will find the agenda for the City Council meeting. To help facilitate an informed discussion, the packet provides you with agenda items and additional details. The packet also contains recommended courses of action for your consideration and seeks to aid you in adopting sound policy decisions for the City of Troy.

This comprehensive agenda has been put together through the collaborative efforts of management and staff members. We have made all attempts to obtain accurate supporting information. It is the result of many meetings and much deliberation, and I would like to thank the staff for their efforts.

If you need any further information, staff is always available to provide more information and answer questions that may arise. You can contact me at bkischnick@troymi.gov or 989.233.7335 with questions.

Respectfully,

A handwritten signature in black ink that reads "B. K. L. K.", which is a stylized representation of the name Brian Kischnick.

Brian Kischnick,
City Manager

2016 Strategies

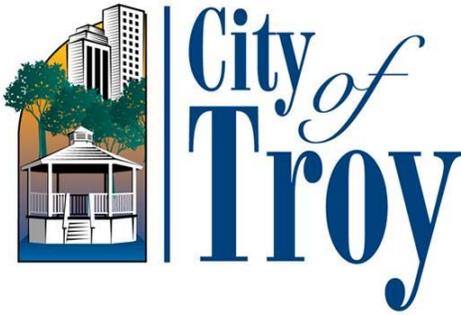
We believe a strong community embraces diversity, promotes innovation, and encourages collaboration.

We strive to lead by example within the region.

We do this because we want everyone to choose Troy as their community for life.

We believe in doing government the best.

- 1** Create space for a customer service welcome center at the east entrance of City Hall.
- 2** Redesign the City of Troy website.
- 3** Review city ordinances to address outdated policies and explore the need for new ordinances.
- 4** Install recycling elements in city facilities.
- 5** Link civic center campus with a trail and pathway system.
- 6** Establish site development design standards to ensure quality.
- 7** Explore the development of civic center property by conducting a market study and developing a concept plan.
- 8** Launch the Global Troy Advisory Committee.
- 9** Enhance the pedestrian crosswalk and transportation shelters at Automation Alley.
- 10** Partner to establish a Big Beaver transportation service.



CITY COUNCIL AGENDA

October 10, 2016 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

INVOCATION: Pastor Vince Messina from Woodside Bible Church 1

PLEDGE OF ALLEGIANCE: 1

A. CALL TO ORDER: 1

B. ROLL CALL: 1

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS: 1

C-1 Larysa Figol, Senior Right-of-Way Representative has been Named “2016 Professional of the Year” by the International Right-of-Way Association (IRWA) Michigan Chapter 7 (*Presented by: Mayor Dane Slater*) 1

C-2 Proclamation to Celebrate Sandra J. Burgess and Burgess Strategic Marketing Services - 30 Years in Business in the City of Troy (*Presented by: Mayor Dane Slater*) 1

D. CARRYOVER ITEMS: 1

D-1 No Carryover Items 1

E. PUBLIC HEARINGS: 1

E-1 No Public Hearings 1

<u>F.</u>	<u>PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:</u>	<u>2</u>
<u>G.</u>	<u>CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:</u>	<u>3</u>
<u>H.</u>	<u>POSTPONED ITEMS:</u>	<u>3</u>
H-1	No Postponed Items	3
<u>I.</u>	<u>REGULAR BUSINESS:</u>	<u>3</u>
I-1	Board and Committee Appointments: a) Mayoral Appointments – Downtown Development Authority; b) City Council Appointments – Zoning Board of Appeals	3
I-2	Board and Committee Nominations: a) Mayoral Nominations – Global Troy Advisory Committee, Local Development Finance Authority, Volunteer Firefighter Incentive Plan Board; b) City Council Nominations – Animal Control Appeal Board, Charter Revision Committee, Liquor Advisory Committee, Parks & Recreation Board, Traffic Committee	4
I-3	No Closed Session Requested	11
I-4	Budget Amendment and Bid Waiver – Police Department Perimeter Fencing <i>(Introduced by: Chief Gary Mayer)</i>	11
<u>J.</u>	<u>CONSENT AGENDA:</u>	<u>12</u>
J-1a	Approval of “J” Items NOT Removed for Discussion	12
J-1b	Address of “J” Items Removed for Discussion by City Council	12
J-2	Approval of City Council Minutes	12
	a) City Council Minutes-Draft – September 26, 2016.....	12
J-3	Proposed City of Troy Proclamations:	12
	a) Burgess Strategic Marketing Services – 30 Years in Business in the City of Troy	12
J-4	Standard Purchasing Resolutions:	12

a)	Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – 2016 Street Planting	12
b)	Standard Purchasing Resolution 4: Cooperative Contract Award – Michigan Intergovernmental Trade Network (MITN) – Flexible Chain Cutters	13
J-5	Suggested Resolution to Schedule a Study Meeting with the Troy Family Daze Committee on Monday, November 14, 2016 at 6:00 PM for the Purpose of Discussing Troy Family Daze	13
J-6	Suggested Resolution to Schedule a Joint Study Meeting with the Troy Downtown Development Authority on Tuesday, October 25, 2016, at 6:00 PM for the Purpose of Discussing Quality Development Initiative (QDI), Redevelopment Proposal of 888 W. Big Beaver Road and the Troy Town Center Concept Plan	13
J-7	Traffic Committee Recommendations and Minutes – September 21, 2016	13
J-8	2017 Annual Permit for Work on State Trunkline Right-of-Way	14
J-9	Police Department Promotional Testing Services	14
J-10	Request for Acceptance of a Permanent Easement from HMB Development Inc. – Sidwell #88-20-27-429-042	15
J-11	Request for Acceptance of a Permanent Easement from Bethesda Romanian Pentecostal Church – Forest Run Site Condo – Sidwell #88-20-12-351-037	15
J-12	Request for Acceptance of a Warranty Deed and Two Permanent Easements from GFA Harmony Developers LLC – West Oak III Site Condo – Sidwell #88-20-23- 401-018 and 019	15
K.	<u>MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:</u>	16
K-1	Announcement of Public Hearings:	16
a)	October 24, 2016 – Zoning Ordinance Text Amendment File No ZOTA 249 – Enhanced Cluster Option	16
K-2	Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted	16

<u>L.</u>	<u>PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:</u>	16
<u>M.</u>	<u>CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:</u>	16
<u>N.</u>	<u>COUNCIL REFERRALS:</u>	16
N-1	No Council Referrals Submitted	16
<u>O.</u>	<u>COUNCIL COMMENTS:</u>	16
O-1	No Council Comments Advanced	16
<u>P.</u>	<u>REPORTS:</u>	16
P-1	Minutes – Boards and Committees:	16
	a) Election Commission-Final – June 23, 2016	16
	b) Building Code Board of Appeals-Final – September 7, 2016	16
	c) Planning Commission-Final – September 13, 2016.....	16
	d) Election Commission-Draft – September 29, 2016.....	16
P-2	Department Reports:	16
	a) Building Department Activity Report – September, 2016.....	16
	b) September, 2016 Memo on Reference Information for Liquor License Types....	16
	c) Letter of Engagement from Rehman for the City of Troy for the Year Ended June 30, 2016.....	16
	d) 2016 Third Quarter Litigation Report	16
P-3	Letters of Appreciation:	17
	a) To Troy Fire Department from Mary Miller Nichols	17
	b) To Chief Mayer from Jean Backlund Regarding Assistance by Troy Officers at an Accident.....	17
	c) To Troy Police Department from MaryFrances Bertolino Regarding Coffee with a Cop.....	17
	d) To Chief Mayer from the Tocco Family Regarding Officer Assistance for a Situation with their Family.....	17
	e) To Chief Mayer from Richard Torongeau, Beverly Hills Director of Public Safety, Regarding Troy Police Officers Assistance with a Case.....	17
	f) To Troy Police Department from Henrean Prater Regarding Officer Assistance	17
P-4	Proposed Proclamations/Resolutions from Other Organizations: None Submitted	17

Q. COMMENTS ON ITEMS ON OR NOT ON THE AGENDA FROM MEMBERS OF THE PUBLIC OUTSIDE OF TROY (NOT RESIDENTS OF TROY AND NOT FROM TROY BUSINESSES): **17**

R. CLOSED SESSION: **17**

R-1 No Closed Session 17

S. ADJOURNMENT: **17**

2016 SCHEDULED SPECIAL CITY COUNCIL MEETINGS: **18**

October 24, 2016 Joint Meeting–Troy City Council/Troy Planning Commission.... 18

2016 SCHEDULED REGULAR CITY COUNCIL MEETINGS: **18**

October 24, 2016 Regular Meeting..... 18

November 14, 2016 Regular Meeting..... 18

November 21, 2016 Regular Meeting..... 18

December 5, 2016 Regular Meeting..... 18

December 19, 2016 Regular Meeting..... 18

INVOCATION: Pastor Vince Messina from Woodside Bible Church

PLEDGE OF ALLEGIANCE:

A. CALL TO ORDER:

B. ROLL CALL:

- a) Mayor Dane Slater
Edna Abraham
Ethan Baker
Dave Henderson
Ellen Hodorek
Paul McCown
Mayor Pro Tem Ed Pennington

- b) Excuse Absent Council Members:

Suggested Resolution

Resolution #2016-10-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of _____ at the Joint Special City Council and Troy School Board Meeting and the Regular City Council Meeting of October 10, 2016, due to _____.

Yes:
No:

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Larysa Figol, Senior Right-of-Way Representative has been Named “2016 Professional of the Year” by the International Right-of-Way Association (IRWA) Michigan Chapter 7 (*Presented by: Mayor Dane Slater*)

C-2 Proclamation to Celebrate Sandra J. Burgess and Burgess Strategic Marketing Services - 30 Years in Business in the City of Troy (*Presented by: Mayor Dane Slater*)

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

F. PUBLIC COMMENT FOR ITEMS ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:**In accordance with the Rules of Procedure for the City Council, Article 17 – Members of the Public and Visitors:**

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

- Petitioners shall be given a fifteen (15) minute presentation time that may be extended with the majority consent of City Council.
- Any member of the public, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any Public Hearing item.
- Any Troy resident or Troy business representative, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes total to address Postponed, Regular Business, Consent Agenda or Study items or any other item on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items On the Agenda from Troy Residents and Businesses* portion of the Agenda.
- Any Troy resident or Troy business representative, not a petitioner of an item, shall be allowed to speak for up to three (3) minutes to address any topic not on the Agenda as permitted under the Open Meetings Act during the *Public Comment for Items Not on the Agenda from Troy Residents and Businesses* portion of the Agenda.
- Any member of the public who is not a Troy resident or Troy business representative shall be allowed to speak for up to three (3) minutes to address any topic on or not on the Agenda as permitted under the Open Meetings Act during the *Comments for Items On or Not On the Agenda from Members of the Public Outside of Troy (Not Residents of Troy and Not From Troy Businesses)* portion of the Agenda.
- All members of the public who wish to address the Council at a meeting shall be allowed to speak only if they have signed up to speak within thirty minutes before or within fifteen minutes after the meeting's start time. Signing up to speak requires each speaker provide his or her name and residency status (Troy resident, non-resident, or Troy business owner). If the speaker is addressing an Item (or Items) that appear on the pre-printed agenda, then the speaker shall also identify each such agenda item number(s) to be addressed.
- City Council may waive the requirements of this section by a majority vote of the City Council members.
- Agenda items that are related to topics where there is significant public input anticipated should initiate the scheduling of a Special meeting for that specific purpose.

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

The audience should be aware that all comments are to be directed to the Council rather than to City Administration or the audience. Anyone who wishes to address the Council is required to sign up to speak within thirty minutes before or within fifteen minutes of the start of the meeting. There are three Public Comment portions of the Agenda. For Items On the Agenda, Troy

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

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

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

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – Downtown Development Authority; b) City Council Appointments – Zoning Board of Appeals

a) Mayoral Appointments:

Suggested Resolution

Resolution #2016-10-

Moved by

Seconded by

RESOLVED, That the Mayor of the City of Troy hereby **APPOINTS** the following nominated person(s) to serve on the Boards and Committees as indicated:

Downtown Development Authority

Appointed by Mayor
13 Regular Members
4 Year Term

Term Expires: 9/30/2020

Dennis Bostick

In District

Term currently held by: Dennis Bostick

Term Expires: 9/30/2020

Rebecca Chamberlain-Creanga

In District

Term currently held by: Arkan Jonna

Term Expires: 9/30/2020

Laurence Keisling

At Large

Term currently held by: Laurence Keisling

Term Expires: 9/30/2020

Alan Kiriluk

In District

Term currently held by: Alan Kiriluk

Yes:

No:

b) City Council Appointments:

Suggested Resolution

Resolution #2016-10-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPOINTS** the following nominated person(s) to serve on the Boards and Committees as indicated:

Zoning Board of Appeals

Appointed by Council

7 Regular Members; 2 Alternates

3 Year Term

Unexpired Term Expiring: 4/30/2019

Dan Agauas

Term currently held by: Vacancy – Paul McCown
appointed full member.

Yes:

No:

I-2 Board and Committee Nominations: a) Mayoral Nominations – Global Troy Advisory Committee, Local Development Finance Authority, Volunteer Firefighter Incentive Plan Board; b) City Council Nominations – Animal Control Appeal Board, Charter Revision Committee, Liquor Advisory Committee, Parks & Recreation Board, Traffic Committee

a) Mayoral Nominations:

Suggested Resolution

Resolution #2016-10-

Moved by

Seconded by

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

Global Troy Advisory Committee

Appointed by Mayor
11 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Resume Expire	Appointment Expire	Notes 1
Bagri	Samir	5/10/2018	10/30/2018	
Balaraman	Venkatesan	5/11/2018	10/30/2017	
Bica-Grodsky	Lisa	6/23/2018	10/30/2017	
Burrus	MiVida	7/15/2018	10/30/2019	
Chamberlain-Creanga	Rebecca	5/23/2018	10/30/2017	
Coon	Richard	4/22/2018	10/30/2019	
Fakhoury	Awni	4/28/2018	10/30/2018	
Mohideen	Syeda	4/22/2018	10/30/2018	
Natcheva	Daniela	6/24/2018	10/30/2019	
Samman	Rouba	4/8/2018	10/30/2019	
Slater	Dane			Mayor Appt.
Young	Ricky	4/22/2018	7/31/2017	

Nominations to the Global Troy Advisory Committee:

Term Expires: 10/30/2019

Term Expires: 7/31/2017

STUDENT

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Angamuthu	Rahul	4/21/2018	STUDENT
Aowad	Ayman	8/22/2018	
Buchanan	Cynthia	4/20/2018	
Chan	Tai	4/18/2018	
O'Brien	Christine	7/18/2018	
Razzacki	Syed	9/9/2018	
Schneeweis	Adina	5/6/2018	
Sekhri	Suneel	6/15/2018	

Local Development Finance Authority (LDFA)

Appointed by Mayor
5 Regular Members
Staggered 4 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 2
Beltramini	Robin	4/4/2016	6/30/2018	Resident Member	
Hodorek	Ellen		11/13/2017		City Council exp 11/13/2017
Hoef	Paul V.	5/1/2017	6/30/2019	Resident Member	EDC exp 4/30/2015
Sharp	John	3/28/2018	6/30/2020	Resident Member	EDC exp 4/30/2015
Shields	David	6/14/2014	6/30/2016	Member	NO Reappointment
Slater	Dane M.		11/11/2019	Alternate	DDA
Spanos	Irene				Oakland County
Vitale	Nickolas	4/27/2017	6/30/2019	Resident Member	

Nominations to the Local Development Finance Authority (LDFA):**Term Expires: 6/30/2020****Member**

Term currently held by: David Shields

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 1
Schick	Michael	1/13/2017	

Volunteer Firefighter Incentive Plan Board

Appointed by Mayor
7 Regular Members
3 Year Term

Current Members:

Last Name	First Name	Appointment Expire	Notes 1
Darling	Tom		Ex-Officio Member
Henderson	Dave		Council Member
Kischnick	Brian		Ex-Officio Member

Nominations to the Volunteer Firefighter Incentive Plan Board:

Term Expires: 4/30/2019

Citizen (Mayor Appt'd)

Last Name	First Name	App Resume Expire	Notes 1
Matlick	Robert	5/27/2018	
Mohideen	Syeda	4/22/2018	

Yes:

No:

b) City Council Nominations:

Suggested Resolution

Resolution #2016-10-

Moved by

Seconded by

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

Animal Control Appeal Board

Appointed by Council

5 Regular Members

3 Year Term

Current Members:

Last Name	First Name	Appointment Expire	Notes 1
Carolan	Patrick	9/30/2016	
Floch	Patrick	9/30/2018	
Petrulis	Al	9/30/2018	Traffic Comm exp 1/31/2017
Saeger	Jayne	9/30/2017	
Waters	Gretchen	9/30/2017	

Nominations to the Animal Control Appeal Board:

Term Expires: 9/30/2019

Term currently held by: Patrick Carolan

Interested Applicants:

Last Name	First Name	App/Resume Expire	Notes 1
Murray	William	5/23/2018	
O'Brien	Christine	7/18/2018	

Charter Revision Committee

Appointed by Council
7 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 3
Bartnik	Mark	1/31/2018	04/30/2018	
Berk	Robert	3/28/2018	4/30/2019	
Howrylak	Frank	2/1/2014	4/30/2017	
Kanoza	Shirley	3/28/2018	4/30/2019	
Murray	William	5/23/2018	4/30/2018	
Weisgerber	William	5/7/2017	4/30/2015	NO Reappointment
Wilsher	Cynthia	2/27/2016	4/30/2017	

Nominations to the Charter Revision Committee:**Term Expires: 4/30/2018**

Term currently held by: William Weisgerber

Interested Applicants:

No applications or resumes on file.

Liquor Advisory Committee

Appointed by Council
7 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 3
Comiskey	Ann	3/18/2016	1/31/2018	
Ehlert	Max	11/5/2016	1/31/2018	
Godlewski	W. Stan	12/14/2012	1/31/2017	
Gorcyca	David	12/6/2015	1/31/2017	
Hall	Patrick	11/24/2017	1/31/2016	NO Reappointment
Kaltsounis	Andrew	11/24/2017	1/31/2019	
Oberski	Jeff			Ex-Officio Member
Payne	Timothy	2/8/2014	1/31/2018	

Nominations to the Liquor Advisory Committee:

Term Expires: 1/31/2019

Term currently held by: Patrick Hall

Interested Applicants:

No applications or resumes on file.

Parks and Recreation Board

Appointed by Council

7 Regular Members and 1 Troy School District Member

Regular Member: 3 Year Term / Troy School Board Member: 1 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1
Baker	Julia (Judy)	5/7/2015	9/30/2016	
Bo	Elaine			Ex-Officio Member
Hauff	Gary	2/6/2014	7/31/2017	Troy School Dist. Rep.
Huber	Laurie	6/10/2017	9/30/2018	
Kaltsounis	Orestis Rusty	8/27/2017	9/30/2018	ZBA Alt exp 1/31/2018
McGee	Timothy S.	8/13/2014	9/30/2017	Historic Dist Comm exp 5/15/18
Slifkin	Elizabeth	3/24/2017	7/31/2016	STUDENT
Stewart	Jeffrey L.	6/23/2018	9/30/2016	
Toth	Steve	10/3/2013	9/30/2016	
Zikakis	Janice	10/15/2016	9/30/2017	

Nominations to the Parks and Recreation Board:

Term Expires: 9/30/2019

Term currently held by: Julia (Judy) Baker

Term Expires: 9/30/2019

Term currently held by: Jeffrey L. Stewart

Term Expires: 9/30/2019

Term currently held by: Steve Toth

Term Expires: 7/31/2017

Term currently held by: Elizabeth Slifkin

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 2
Angamuthu	Rahul	4/21/2018	
Brandstetter	Tim	10/17/2016	
Brikho	Frencheska	3/23/2017	Planning Comm exp 7/31/2016
Buchanan	Cynthia	4/20/2018	
Burrus	MiVida	7/15/2018	
Chamberlain-Creanga	Rebecca	5/23/2018	
Hao	Claire	3/10/2018	
MacPherson	Bruce	1/13/2018	
Messacar	Beth	5/4/2018	
Regan	Kathleen	3/26/2017	Traffic Comm. exp 7/31/2016
Salgat	Charles	5/20/2017	
Schneeweis	Adina	5/6/2018	
Wilsher	Cynthia	10/9/2016	

Traffic Committee

Appointed by Council
7 Regular Members
3 Year Term

Current Members:

Last Name	First Name	App Res Expire	Appointment Expire	Notes 1	Notes 3
Brandstetter	Tim	10/17/2016	1/31/2018		
Easterbrook	David	11/24/2017	1/31/2016		NO Reappointment
Huber	R. Mitch	6/10/2017	1/31/2019		
Huotari	William			Ex-Officio Member	
Kilmer	Richard	12/12/2015	1/31/2017		
Mayer	Gary			Ex-Officio Member	
Petrulis	Al	1/8/2016	1/31/2017	ACAB exp 9/30/2018	
Regan	Kathleen	3/26/2017	7/31/2016	STUDENT	
Roberts	David			Ex-Officio Member	
Wilsher	Cynthia	10/9/2016	1/31/2018		
Ziegenfelder	Peter	12/9/2015	1/31/2017		

Nominations to the Traffic Committee:

Term Expires: 1/31/2019

Term currently held by: David Easterbrook

Term Expires: 7/31/2017

(STUDENT)

Term currently held by: Kathleen Regan

Interested Applicants:

Last Name	First Name	App Resume Expire	Notes 2
Brikho	Frencheska	3/23/2017	Planning Comm exp 7/31/2016
Hao	Claire	3/10/2018	
Sekhri	Arun	8/19/2018	

Yes:

No:

I-3 No Closed Session Requested

**I-4 Budget Amendment and Bid Waiver – Police Department Perimeter Fencing
(Introduced by: Chief Gary Mayer)**

Suggested Resolution

Resolution #2016-10-

Moved by

Seconded by

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** City Management to transfer from the General Fund to the Capital Projects Fund the amount of \$280,000 along with the associated expenditure to the Capital Projects Fund for Police Department Perimeter Fencing.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AWARDS** a contract to *Industrial Fence & Landscaping, Inc., of Detroit, MI* for an estimated cost of \$254,560 with a 10% contingency for an estimated total of \$280,000 for the installation of perimeter fencing around the Police Department parking lot, five (5) vehicle access gates with card access controls (3 inbound gates and 2 outbound gates), and three (3) pedestrian access gates (2 pedestrian gates include card access control wiring).

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

Yes:

No:

J. CONSENT AGENDA:

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

Resolution #2016-10-

Moved by

Seconded by

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

Yes:

No:

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

J-2 Approval of City Council MinutesSuggested Resolution

Resolution #2016-10-

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

- a) City Council Minutes-Draft – September 26, 2016

J-3 Proposed City of Troy Proclamations:Suggested Resolution

Resolution #2016-10-

- a) Burgess Strategic Marketing Services – 30 Years in Business in the City of Troy

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – 2016 Street Planting**

Suggested Resolution

Resolution #2016-10-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide and install ball and burlap or container grown trees to *Marine City Nursery of Marine City, Michigan*, low bidder meeting specifications as detailed in the bid tabulation, not to exceed budgetary limitations; opened September 15, 2016, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring June 30, 2017.

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

b) Standard Purchasing Resolution 4: Cooperative Contract Award – Michigan Intergovernmental Trade Network (MITN) – Flexible Chain Cutters

Suggested Resolution

Resolution #2016-10-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase (2) USB Flexible Chain Cutters for the Public Works Water & Sewer Division from *Southeastern Equipment Co., Inc, of Novi, Michigan* an authorized USB Distributor as per the Michigan Intergovernmental Trade Network (MITN) Cooperative Bid; Contract # RFP-RH-15-034 and as per the quotations for an estimated total cost of \$15,683.60; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

J-5 Suggested Resolution to Schedule a Study Meeting with the Troy Family Daze Committee on Monday, November 14, 2016 at 6:00 PM for the Purpose of Discussing Troy Family Daze

Suggested Resolution

Resolution #2016-10-

RESOLVED, That a Study Meeting is **SCHEDULED** for the Troy City Council and the Troy Family Daze Committee for the purpose of discussing Troy Family Daze on Monday, November 14, 2016 at 6:00 PM in the City Council Boardroom, 500 W. Big Beaver Road, Troy, MI 48084.

J-6 Suggested Resolution to Schedule a Joint Study Meeting with the Troy Downtown Development Authority on Tuesday, October 25, 2016, at 5:00 PM for the Purpose of Discussing Quality Development Initiative (QDI), Redevelopment Proposal of 888 W. Big Beaver Road and the Troy Town Center Concept Plan

Suggested Resolution

Resolution #2016-10-

BE IT RESOLVED, That a Joint Study Meeting is **SCHEDULED** between the Troy City Council and the Troy Downtown Development Authority (TDDA) for the purpose of discussing Quality Development Initiative (QDI), redevelopment proposal for 888 W. Big Beaver Road and the Troy Town Center Concept Plan on Tuesday, October 25, 2016 at 5:00 PM in the City Council Boardroom, 500 W. Big Beaver Road, Troy, MI 48084.

J-7 Traffic Committee Recommendations and Minutes – September 21, 2016

Suggested Resolution

Resolution #2016-10-

3. Request for Traffic Control – Mayflower at Aster

RESOLVED, That the intersection of Mayflower at Aster be **MODIFIED** from NO traffic control to a YIELD sign on the Aster Drive southbound approach to the intersection.

4. Request for Traffic Control – Mayflower at Bridle Path

RESOLVED, That **NO CHANGE** be made at the intersection of Mayflower at Bridle Path.

5. Request for Traffic Control – Calvert at Chapel

RESOLVED, That the existing YIELD signs on Calvert at Chapel be **REPLACED** with STOP signs.

J-8 2017 Annual Permit for Work on State Trunkline Right-of-Way

Suggested Resolution

Resolution #2016-10-

RESOLVED, That Troy City Council hereby **APPROVES** the application for the 2017 Annual Permit for Work on State Trunkline right-of-way.

BE IT FURTHER RESOLVED, That Troy City Council **APPROVES** the Performance Resolution for Governmental Agencies as required by the Michigan Department of Transportation.

BE IT FINALLY RESOLVED, That Troy City Council **AUTHORIZES** the City Manager, Public Works Director and City Engineer to apply to the Michigan Department of Transportation for the necessary permit to work within State Highway Right-of-Way on behalf of the City.

J-9 Police Department Promotional Testing Services

Suggested Resolution

Resolution #2016-10-

WHEREAS, *EMPCO, Inc.* has been providing testing and hiring services to the City's Fire Department for 25 years; and has provided this service to several other surrounding municipalities (Resolution #2011-11-261); and,

WHEREAS, *EMPCO, Inc.* meets departmental needs and complies with Act 78 Commission requirements, including the requirements to be fair and impartial; and,

WHEREAS, The Police Department is reporting the occurrence of two (2) promotional testing services that took place in the month of August prior to City Council approval;

THEREFORE, BE IT RESOLVED, That City Council **WAIVES** the bid process and **AUTHORIZES** payment for Professional Services (Police Promotional Testing) from *EMPCO, Inc. of Troy, MI* in the amount of \$16,719.58.

J-10 Request for Acceptance of a Permanent Easement from HMB Development Inc. – Sidwell #88-20-27-429-042Suggested Resolution

Resolution #2016-10-

RESOLVED, That Troy City Council hereby **ACCEPTS** the permanent easement for storm sewers and surface drainage, from HMB Development, Inc., owner of the property having Sidwell #88-20-27-429-042.

BE IT FURTHER RESOLVED, That City Administration is hereby **DIRECTED** to record the permanent easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-11 Request for Acceptance of a Permanent Easement from Bethesda Romanian Pentecostal Church – Forest Run Site Condo – Sidwell #88-20-12-351-037Suggested Resolution

Resolution #2016-10-

RESOLVED, That Troy City Council hereby **ACCEPTS** a permanent easement for storm sewer from Bethesda Romanian Pentecostal Church, owner of the property having Sidwell #88-20-12-351-037.

BE IT FURTHER RESOLVED, That City Administration is hereby **DIRECTED** to record the permanent easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-12 Request for Acceptance of a Warranty Deed and Two Permanent Easements from GFA Harmony Developers LLC – West Oak III Site Condo – Sidwell #88-20-23-401-018 and 019Suggested Resolution

Resolution #2016-10-

RESOLVED, That Troy City Council hereby **ACCEPTS** a warranty deed and two permanent easements for public utilities, and storm sewer & surface drainage from GFA Harmony Developers, LLC, owner of a portion of the properties having Sidwell #88-20-23-401-018 and 019.

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

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings:

- a) October 24, 2016 – Zoning Ordinance Text Amendment File No ZOTA 249 – Enhanced Cluster Option
-

K-2 Memorandums (Items submitted to City Council that may require consideration at some future point in time): None Submitted**L. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA FROM TROY RESIDENTS AND BUSINESSES:****M. CITY COUNCIL/CITY ADMINISTRATION RESPONSE/REPLY TO PUBLIC COMMENT:****N. COUNCIL REFERRALS:**

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

N-1 No Council Referrals Submitted**O. COUNCIL COMMENTS:**

O-1 No Council Comments Advanced**P. REPORTS:**

P-1 Minutes – Boards and Committees:

- a) Election Commission-Final – June 23, 2016
b) Building Code Board of Appeals-Final – September 7, 2016
c) Planning Commission-Final – September 13, 2016
d) Election Commission-Draft – September 29, 2016
-

P-2 Department Reports:

- a) Building Department Activity Report – September, 2016
b) September, 2016 Memo on Reference Information for Liquor License Types
c) Letter of Engagement from Rehman for the City of Troy for the Year Ended June 30, 2016
d) 2016 Third Quarter Litigation Report
-

P-3 Letters of Appreciation:

- a) To Troy Fire Department from Mary Miller Nichols
 - b) To Chief Mayer from Jean Backlund Regarding Assistance by Troy Officers at an Accident
 - c) To Troy Police Department from MaryFrances Bertolino Regarding Coffee with a Cop
 - d) To Chief Mayer from the Tocco Family Regarding Officer Assistance for a Situation with their Family
 - e) To Chief Mayer from Richard Torongeau, Beverly Hills Director of Public Safety, Regarding Troy Police Officers Assistance with a Case
 - f) To Troy Police Department from Henrean Prater Regarding Officer Assistance
-

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

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

R. CLOSED SESSION:

R-1 No Closed Session

S. ADJOURNMENT:

Respectfully submitted,



Brian Kischnick, City Manager

2016 SCHEDULED SPECIAL CITY COUNCIL MEETINGS:

October 24, 2016..... Joint Meeting–Troy City Council/Troy Planning Commission

2016 SCHEDULED REGULAR CITY COUNCIL MEETINGS:

October 24, 2016..... Regular Meeting
November 14, 2016..... Regular Meeting
November 21, 2016..... Regular Meeting
December 5, 2016..... Regular Meeting
December 19, 2016..... Regular Meeting

Beth L Tashnick

Subject: FW: Professional of the Year Award to Larysa - International Right of Way Association

From: Steven J Vandette

Date: 9/29/16 11:36 AM

To: Brian M Kischnick <B.Kischnick@troymi.gov>Cc: Mark F Miller <Mark.Miller@troymi.gov>, William J Huotari <HuotariWJ@troymi.gov>, Larysa Figol <FigolL@troymi.gov>, Cindy A Stewart <Cindy.Stewart@troymi.gov>

Subject: Professional of the Year Award to Larysa - International Right of Way Association

I am very happy to announce that Larysa Figol has been named “2016 Professional of the Year” by the IRWA Michigan Chapter 7 at their annual conference, currently in progress. Larysa has acquired ROW for many of the largest major road projects in Troy such as John R and Rochester Roads and more, as well as buying and selling numerous properties and acquiring easements for the benefit of the City.

Also receiving an award was Pat Petitto, long time city employee (retired) in Real Estate and Development and Engineering departments. Pat was instrumental in acquiring ROW for many major road projects in Troy, including segments of Rochester, Long Lake and Big Beaver. She was awarded the “Lifetime Achievement Award.” She is also past president of the International Right of Way Association, the highest office in that organization.

Congratulations Larysa! Congratulations Pat!

Steven Vandette, P.E. | City Engineer

City of Troy | 500 W. Big Beaver, Troy, MI 48084 | Office: 248.524.3383 | troymi.gov  

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

**PROCLAMATION TO CELEBRATE
BURGESS STRATEGIC MARKETING SERVICES
30 YEARS IN BUSINESS**

WHEREAS, Burgess Strategic Marketing Services is celebrating its 30th anniversary in the City of Troy. Owner **Sandra J. Burgess** started the firm as a senior-level advisor to small business owners, corporate executives and nonprofit boards, bringing a vital perspective to business planning – the customer's point of view; and

WHEREAS, Burgess Strategic Marketing Services keeps clients focused on what is important for success tomorrow, not just what is urgent today. This is accomplished by injecting strategic thinking into the planning and execution of marketing communications and public relations campaigns so that they achieve both short-term objectives and long-range organizational goals; and

WHEREAS, Burgess Editorial Services, the firm's creative division, combines strategic vision with the tactical expertise needed to carry out marketing campaigns; and

WHEREAS, Besides professional skills, owner **Sandra Burgess** attributes the firm's longevity to persistence, parental support and the patronage of outstanding, socially responsible clientele. One of the company's guiding values is to remember that the business owes the community more than the community owes the business; and

WHEREAS, Clients have ranged from multinational corporations to small local companies. **Burgess Strategic Marketing Services** specializes in working with clients in health care, transportation and human services, but also has served companies in information technology, manufacturing and other industry sectors; and

WHEREAS, Sandra Burgess is a strategic planner, marketing strategist and professional communicator experienced in leadership and management, marketing communications, market research, public relations, corporate communications and journalism. She launched her company after working for nine years on the Marketing and Public Affairs staff of Beaumont Hospital; and

WHEREAS, Sandra started her career as a journalist for newspapers in Michigan and Ohio. In addition to kudos from delighted clients, she has won more than two dozen awards – including national and international honors – for communications planning, leadership, writing and publications management;

NOW, THEREFORE, BE IT RESOLVED, That the Mayor and City Council of the City of Troy hereby congratulates **Sandra Burgess and Burgess Strategic Marketing Services on their 30th anniversary** in the City of Troy; and

BE IT FURTHER RESOLVED, That the Mayor, City Council and City Management join the citizens of this community in celebration of the **30th Anniversary of Burgess Strategic Marketing Services** and look forward to being part of a new chapter in the firm's history.

Presented this 10th day of October 2016.



CITY COUNCIL AGENDA ITEM

Date: October 4, 2016

To: Brian Kischnick, City Manager

From: Gary Mayer, Police Chief
Tom Darling, Financial Services Director
MaryBeth Murz, Purchasing Manager
Kurt Bovensiepe, Public Works Director

Subject: Budget Amendment and Bid Waiver - Police Department Perimeter Fencing

History

At the City of Troy Regular City Council meeting on August 8, 2016, City Council provided consensus to City Manager Kischnick to direct staff on ways to ensure the safety of Troy Police Officers. Police Chief Gary Mayer surveyed his sworn and non-sworn staff for ideas to assist in officer safety. 107 employees responded to the survey with 54% of sworn officers and 29% of non-sworn personnel indicating exterior site security as an idea to improve officer safety.

On August 22, 2016, Chief Mayer presented these results and other suggestions. An estimate of \$150,000 was presented for perimeter fencing around the Police Department parking lot. Other similar proposals, other fencing projects, and industry professionals substantiated this estimate. City Council provided consensus to move forward with the fencing project, which included presenting a formal recommendation on total cost and vendor. City Council also expressed that officer safety is an urgent matter and directed city administration to take any allowable actions to expedite the procurement process.

Several constraints were considered when approaching this project. The topography around the parking lot is different in several locations, which does not allow for the same type of vehicle access gates at each location. Furthermore, with the parking lot having existing structures such as car ports, building entrances, and heating and cooling bunkers caused for the consideration of where snow is piled to ensure it did not negatively impact the gate operations. Existing pedestrian entrance points are not currently protected, which meant control wiring and electrical power would have to be provided to these new locations. There was also consideration for the design of the fencing to provide a higher level of security but without emphasizing the image.

Purchasing

Members of the Police Department, Department of Public Works, and Purchasing Department worked together to formulate an expedited schedule to meet the stated urgency. Hubble, Roth and Clark (HRC), a City of Troy consultant firm was solicited to develop a schedule for the project engineering, design, and bid. The projected scheduled suggested installation would likely not take place until spring of 2017. Instead, the City of Troy team solicited four (4) local area vendors for an informal request for proposals. The project was described in a formal style bid document and provided opportunity for each vendor to meet with the city team to review the demands and constraints of the project. On September 30, 2016, four (4) proposals were received and reviewed.

The two lowest bidders, one of which is a Troy based company, only provided the fencing, vehicle access gates, and pedestrian gates but indicated the integration to the existing control access points and all the necessary electrical and wiring would be the responsibility of the City of Troy. This caused the team to add an additional \$70,000 to the two bids to establish a comparable proposal. After this consideration, Industrial Fence and



CITY COUNCIL AGENDA ITEM

Landscape Inc. was the lowest bidder meeting the demands for high speed vehicle gates with integration, 5 year warranty on the gate actuating motors, and a 15 year warranty on a higher quality fence.

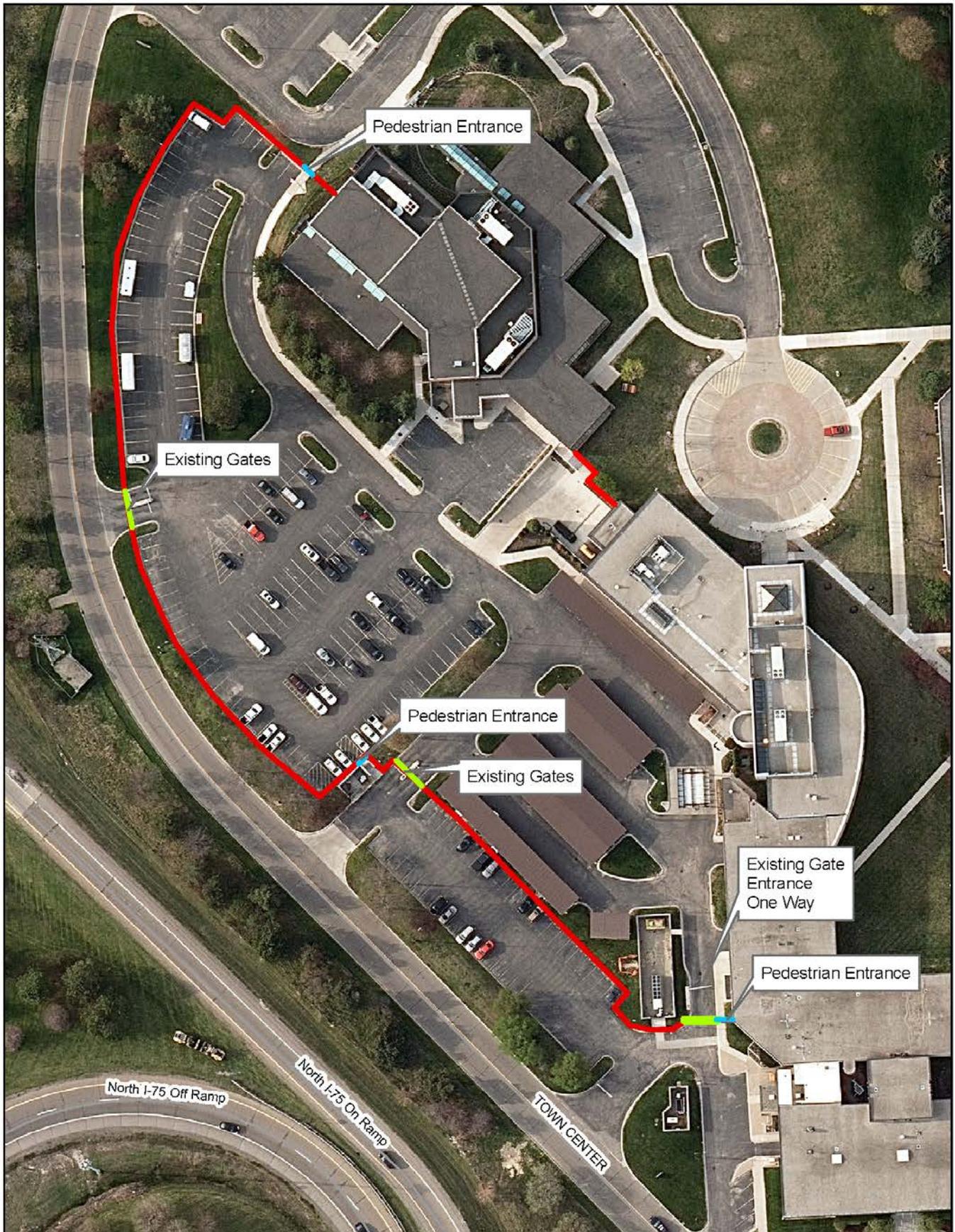
Financial

Staffs 2016 estimate (Year End June 30, 2016) indicated an Unassigned Fund Balance of 39% of expenditures. The City Council policy is to remain between 20 and 30 percent of expenditures. On September 26, 2016, City Council resolved to appropriate \$2.6 million from the General Fund to the Capital Fund for Local and Major Road improvements (**RESOLUTION- 2016-09-167**). This transfer reduced the Unassigned Fund Balance to an estimated 35%. The information to City Council also indicated an opportunity to transfer the remaining \$1.5 million from the General Fund to the Capital Fund for future projects as a second step to be compliant with the current policy.

This agenda item allocates \$254,560 for Industrial Fence and Landscape's proposal to install perimeter fencing around the Police Department parking lot, five (5) vehicle access gates with card access controls (3 inbound gates and 2 outbound gates), and three (3) pedestrian access gates (2 pedestrian gates include card access control wiring). In addition to the total, City Administration recommends an additional 10% above the proposed price for contingencies for a total of \$280,000.

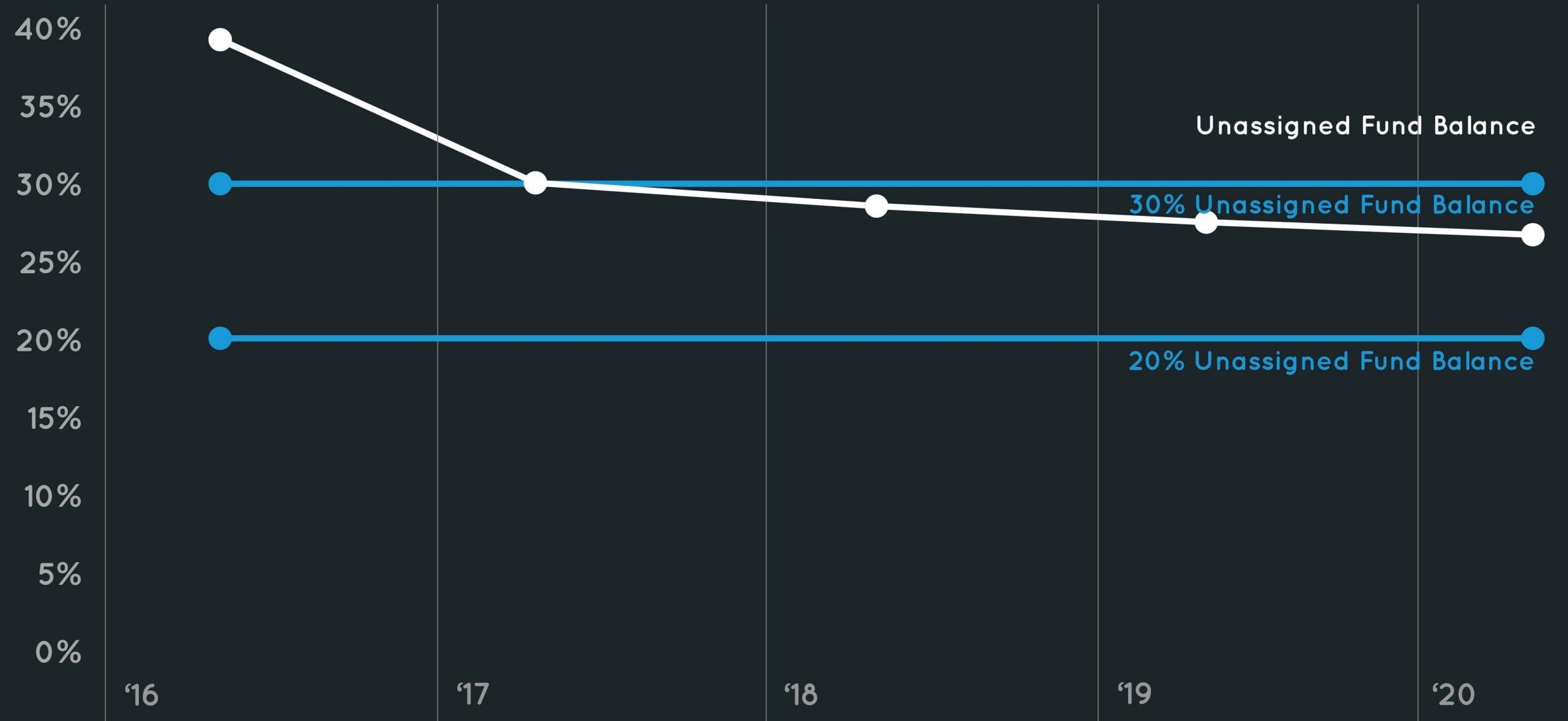
Recommendation

City management recommends an appropriation to transfer from the General Fund to the Capital Projects in the amount of \$280,000 along with the associated expenditure to the Capital Projects Fund for Police Department Perimeter Fencing. City management also recommends awarding a contract to *Industrial Fence & Landscaping, Inc., of Detroit, MI* for an estimated cost of \$254,560 with a 10% contingency for an estimated total of \$280,000 for the installation of perimeter fencing around the Police Department parking lot, five (5) vehicle access gates with card access controls (3 inbound gates and 2 outbound gates), and three (3) pedestrian access gates (2 pedestrian gates include card access control wiring).



GENERAL FUND

	<u>2016 Estimate</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Total Revenues In Millions	56.056	56.507	56.979	57.473	58.720
Expenditures					
Operating In Millions	50.639	55.148	56.478*	56.973*	58.220*
Transfers In Millions	7.410	1.789	-	-	-
Road Transfer In Millions		2.600			
Fence Transfer In Millions		.280			
Unassigned Fund Balance	39.2%	30.0%	28.3%	27.6%	26.6%



*Six new Police Officers Added in Fiscal Year 2018

CITY OF TROY
QUOTE SUMMARY
FENCING FOR POLICE DEPARTMENT

	American Fence & Supply Co., Inc.	Motor City Fence	Industrial Fence & Landscaping, Inc.	RMD Holdings, Ltd. dba Nationwide
	Warren, MI	Troy, MI	Detroit, MI	Chesterfield, MI
Check#	#1432300082	#9202232933	#26463	#9012313286
Check Amount	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
PROPOSAL: To furnish all equipment, material and labor to install new Fencing and Vehicle/Pedestrian Gate Access Points for the City of troy Police Department.				
COMPLETE FOR THE SUM OF:	\$203,457.00	\$207,386.00	\$251,879.00	\$287,151.00
FENCE (Ameristar Mfgr.):	AegisII	AegisII	AegisII	Montagell
WARRANTY:				
Labor:	1 Year	1 Year	2 Years	1 Year
Fence:	10 Years	10 Years	10 Years	20 Years
Gate Operators:	5 Years	5 Years	5 Years	5 Years
ALTERNATE:				
COMPLETE FOR THE SUM OF:			\$254,560.00	
FENCE (Ameristar Mfgr.) ALTERNATES:			Impassell	
WARRANTY:				
Labor:			2 Years	
Fence:			15 Years	
Gate Operators:			5 Years	
POWER/WIRING:	Not Included	Not Included	Included	Included
CONTROL PANEL:	Not Included	Not Included	Not Included	Included
CONTACT INFORMATION:				
Hours of Operation:	7am - 5pm	8am - 5pm	7:30am - 4:30am	7am - 5pm
24HR Phone #	888-96-Fence	248 269 8888	734 777 0986	586 295 6435
Email:	sales@amerifence.com	brian@motorcityfence.com	ricknovak@sbcglobal.net	skeller@nationwidecos.com
SITE INSPECTION: Y/N	Yes	Yes	Yes	Yes
Date	9/22/2016	9/23/2016	9/23/2016	9/22/2016
COMPLETION DATE:	November 30, 2016			
Can Meet	Yes	Yes	Yes	Yes
Based upon submittals by the 2nd week of Oct., material lead time is 4 wks.				
Cannot Meet				
Offers				
Work Shall Commence	7 Days after notice to proceed.	30 days after notice to proceed	30 days after notice to proceed	27 days after notice to proceed
REFERENCES:	Yes	Yes	Yes	Yes
INSURANCE:				
Can Meet	Yes	Yes	Yes	Yes
Cannot Meet				
ACKNOWLEDGEMENT SIGNED: Y OR N	Yes	Yes	Yes	Yes
PAYMENT TERMS:	Net30 Days	Net30 Days	Net30 Days	Net30 Days

CITY OF TROY
 QUOTE SUMMARY
 FENCING FOR POLICE DEPARTMENT

	American Fence & Supply Co., Inc.	Motor City Fence	Industrial Fence & Landscaping, Inc.	RMD Holdings, Ltd. dba Nationwide
	Warren, MI	Troy, MI	Detroit, MI	Chesterfield, MI
EXCEPTIONS:	None	Access control systems, all power & control wiring & conduit by Simplex-Grinnell, the City to provide.	None	None
QUESTIONNAIRE: Attached	Y or N	Yes	Yes	Yes
SCHEDULE OF VALUES:	Y or N	Yes	Yes	Yes
FORMS COMPLETED:				
Legal Status of Bidder:	Y or N	Yes	Yes	Yes
Non-Collusion Affidavit:	Y or N	Yes	Yes	Yes
Certification regarding Debarment:	Y or N	Yes	Yes	Yes

ATTEST:
Kurt Bovensiep
Arinze Okafor


 MaryBeth Murz,
 Purchasing Manager

Council Member Baker performed the Invocation. The Pledge of Allegiance to the Flag was given.

A. CALL TO ORDER:

A Regular Meeting of the Troy City Council was held on Monday, September 26, 2016, at City Hall, 500 W. Big Beaver Rd. Mayor Slater called the meeting to order at 7:32 PM.

B. ROLL CALL:

- a) Mayor Dane Slater
Edna Abraham
Ethan Baker
Dave Henderson
Ellen Hodorek
Paul McCown-Absent
Mayor Pro Tem Ed Pennington

- b) Excuse Absent Council Members:

Resolution #2016-09-162
Moved by Slater
Seconded by Pennington

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member McCown at the Regular City Council Meeting of September 26, 2016, due to being on vacation.

Yes: Slater, Abraham, Baker, Henderson, Hodorek, Pennington
 No: None
 Absent: McCown

MOTION CARRIED

C. CERTIFICATES OF RECOGNITION AND SPECIAL PRESENTATIONS:

C-1 Amber Town Center Townhomes and Lofts- Construction Update *(Presented by: Dennis Cowan, Attorney)*

C-2 Presentation of a \$2500 Donation to the Troy Public Library Youth Service Special Needs Collection, from President Ken Pomeroy and Vice President Barb Myhal, Troy Community Lions Club Legacy Fund Representatives *(Introduced by: Cathy Russ, Library Director)*

C-3 Presentation on the Troy Public Library Endowment Fund *(Presented by: Cathy Russ, Library Director, and Doug Tietz, Chairman of the Troy Community Foundation)*

C-4 Fire Department Presentation – Brief Overview of our Newly Formalized Mass Casualty Incident Response (*Presented by: Fire Chief Dave Roberts*)

D. CARRYOVER ITEMS:

D-1 No Carryover Items

E. PUBLIC HEARINGS:

E-1 No Public Hearings

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

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

H. POSTPONED ITEMS:

H-1 No Postponed Items

I. REGULAR BUSINESS:

I-1 Board and Committee Appointments: a) Mayoral Appointments – Global Troy Advisory Committee, Planning Commission; b) City Council Appointments – None

a) Mayoral Appointments:

Resolution #2016-09-163
Moved by Slater
Seconded by Hodorek

RESOLVED, That the Mayor of the City of Troy hereby **APPOINTS** the following nominated person(s) to serve on the Boards and Committees as indicated:

Global Troy Advisory Committee

Appointed by Mayor
11 Regular Members
3 Year Term

Term Expires: 4/30/2018

Syeda Mohideen

Term Expires: 7/31/2017

Ricky Young

STUDENT

Yes: Abraham, Baker, Henderson, Hodorek, Pennington, Slater
No: None
Absent: McCown

MOTION CARRIED

Resolution #2016-09-164
Moved by Slater
Seconded by Abraham

RESOLVED, That the Mayor of the City of Troy hereby **APPOINTS** the following nominated person(s) to serve on the Boards and Committees as indicated:

Planning Commission

Appointed by Mayor
9 Regular Members
3 Year Term

Term Expires: 7/31/2017 **Claire Hao** **(STUDENT)**
Term currently held by: Frencheska Brikho

Yes: Baker, Henderson, Hodorek, Pennington, Slater, Abraham
No: None
Absent: McCown

MOTION CARRIED

b) **City Council Appointments:** None

I-2 Board and Committee Nominations: a) Mayoral Nominations – Downtown Development Authority; b) City Council Nominations – Zoning Board of Appeals

a) **Mayoral Nominations:**

Resolution #2016-09-165
Moved by Slater
Seconded by Henderson

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

Downtown Development Authority

Appointed by Mayor
13 Regular Members
4 Year Term

Nominations to the Downtown Development Authority:

Term Expires: 9/30/2020**Dennis Bostick****In District**

Term currently held by: Dennis Bostick

Term Expires: 9/30/2020**Rebecca Chamberlain-Creanga****In District**

Term currently held by: Arkan Jonna

Term Expires: 9/30/2020**Laurence Keisling****At Large**

Term currently held by: Laurence Keisling

Term Expires: 9/30/2020**Alan Kiriluk****In District**

Term currently held by: Alan Kiriluk

Yes: Henderson, Hodorek, Pennington, Slater, Abraham, Baker

No: None

Absent: McCown

MOTION CARRIED**b) City Council Nominations:**

Resolution #2016-09-166

Moved by Pennington

Seconded by Henderson

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

Zoning Board of Appeals

Appointed by Council

7 Regular Members; 2 Alternates

3 Year Term

Nominations to the Zoning Board of Appeals:**Unexpired Term Expiring: 4/30/2019****Dan Agauas**Term currently held by: Vacancy – Paul McCown
appointed full member.**Interested Applicants:**

Yes: Hodorek, Pennington, Slater, Abraham, Baker, Henderson

No: None

Absent: McCown

MOTION CARRIED

I-3 No Closed Session Requested

I-4 Budget Appropriation from General Fund Fund Balance – Local and Major Road Slab Replacement and Asphalt Overlay (Introduced by: Kurt Bovensiep, Public Works Director)

Resolution #2016-09-167
Moved by Pennington
Seconded by Hodorek

BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** City Management to appropriate two transfers that include supplementary and carryover funds of \$2.6 million from the General Fund to the Capital Projects Fund and the related appropriation from the Capital Fund, which will allow the city to take advantage of 2016 pricing and continue focusing on neighborhood concrete segment replacement and asphalt overlay.

Yes: Pennington, Slater, Abraham, Baker, Henderson, Hodorek
No: None
Absent: McCown

MOTION CARRIED

J. CONSENT AGENDA:

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

Resolution #2016-09-168-J-1a
Moved by Henderson
Seconded by Abraham

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

Yes: Slater, Abraham, Baker, Henderson, Hodorek, Pennington
No: None
Absent: McCown

MOTION CARRIED

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

J-2 Approval of City Council Minutes

Resolution #2016-09-168-J-2

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

- a) City Council Minutes-Draft – September 12, 2016
- b) Special City Council Minutes-Draft – September 19, 2016
- c) City Council Minutes-Draft – September 19, 2016

J-3 Proposed City of Troy Proclamations: None Submitted

J-4 Standard Purchasing Resolutions:

- a) **Standard Purchasing Resolution 2: Low Bidder Meeting Specifications – Lights of Hope**

Resolution #2016-09-168-J-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract for Proposal A to purchase LED holiday lights and accessories as specified to *Bronner's Commercial Display, of Frankenmuth MI* for an estimated total of \$58,756.50 and **AWARDS** a contract for Proposal B to install and remove holiday lights on Spruce trees in the Big Beaver median from Coolidge Highway to Rochester Road to *Landscape Services Inc., of Clinton Township*, for an estimated total of \$42,975; for a grand total of \$101,701.50; at unit prices contained in the bid tabulation opened September 15, 2016, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

- b) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Avondale Youth Assistance**

Resolution #2016-09-168-J-4b

RESOLVED, That Troy City Council hereby **APPROVES** the expenditure of funds budgeted in the 2016/2017 fiscal year to the Avondale Youth Assistance to provide diversion programs and community services to the residents of the City of Troy at a cost of \$2,500.00 which shall be paid.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreements to fund these services, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

- c) **Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Community Coalition**

Resolution #2016-09-168-J-4c

RESOLVED, That Troy City Council hereby **APPROVES** the expenditure of funds budgeted in the 2016/2017 fiscal year to the Troy Community Coalition to provide community services to prevent drug and alcohol abuse in the amount of \$25,000.00.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreements to fund these services, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

d) Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Youth Assistance

Resolution #2016-09-168-J-4d

RESOLVED, That Troy City Council hereby **APPROVES** the expenditure of funds budgeted in the 2016/2017 fiscal year to the Troy Youth Assistance to provide diversion programs and community services to the residents of the City of Troy at a cost of \$10,000.00 which shall be paid in quarterly installments.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the agreements to fund these services, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-5 Fireworks Permit – Macy’s Annual Holiday Celebration

Resolution #2016-09-168-J-5

RESOLVED, That Troy City Council hereby **ISSUES** a fireworks permit to *Zambelli Fireworks Mfg. Co. of New Castle, Pennsylvania*, for the public display of fireworks at 500 W. Fourteen Mile Rd., Troy, Michigan, for the annual holiday celebration sponsored by Macy’s on Friday November 4, 2016; pending proof of required insurance coverage no later than ten (10) business days before the event.

BE IT FURTHER RESOLVED, That the Troy Fire Department will **INSPECT** the fireworks to be displayed in advance, and will also **REVIEW** the proposed discharge location(s) and site, and may take any action to assure safety and compliance with applicable codes and standards for such a fireworks display.

J-6 Bid Waiver – Three Year Contract of Kitchen Use Agreement with Two (2) Three Year Renewal Options

Resolution #2016-09-168-J-6

WHEREAS, On November 15, 2010, Troy City Council awarded a two-year contract with an option to renew for three (3) additional years to lease the Community Center kitchen to Emerald Food Services LLC (Resolution #2010-11-262-J-5); and,

WHEREAS, On September 24, 2012, Troy City Council determined it to be in the City’s best interest to renew the Community Center kitchen use agreement for three additional years with Emerald Food Services LLC of Troy, under the same prices, terms, and conditions as the 2010 contract expiring September 30, 2015. (Res #2012-09-187-J-6); and,

WHEREAS, The contract between Emerald Food Service, LLC. and the Area Agency on Aging expires *September 30, 2016*, and the contract for kitchen use for the purpose of preparing food

for Meals on Wheels program between Emerald Food Service LLC and the City of Troy expired on *September 30, 2015*; Troy City Council determined it to be in the City's best interest to extend the kitchen user agreement between Emerald Food Service LLC and the City of Troy for one year to coincide with the Area Agency on Aging contract for Meals on Wheels under the same prices, terms and conditions as the 2012 contract expiring September 30, 2016 (Resolution #2015-08-113-J9); and,

WHEREAS, Emerald Food Service, LLC has successfully been the food provider for the Area Agency for the past 27 years; and has had a contract with the City since 2001;

THEREFORE BE IT RESOLVED, That Troy City Council hereby **DETERMINES** it to be in the City's best interest to **APPROVE** the kitchen use agreement between *Emerald Food Service, LLC* and the City of Troy for three (3) years with two three-year renewal options to coincide with the Area Agency on Aging contract for the Meals on Wheels Program at the prices, terms, and conditions in the attached contract expiring September 30, 2019.

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute the Contract; a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-7 Request to Complete Lincoln Drive Street Vacation, Section 26, West of John R, South of Big Beaver, Zoned PUD 7, Sidwell #88-20-26-200-093

Resolution #2016-09-168-J-7

RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to execute a quit Claim Deed to *SAAAM-Troy, LLC*, for any interest the City of Troy may have in the vacated Lincoln Drive.

BE IT FURTHER RESOLVED, That City Administration is hereby **DIRECTED** to record the Quit Claim Deed with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-8 Request for Acceptance of a Permanent Easement for Belleclaire Site Condominium – Sidwell #88-20-14-351-098

Resolution #2016-09-168-J-8

RESOLVED, That Troy City Council hereby **ACCEPTS** a permanent easement for water main from *Mondrian Properties Belleclaire, LLC*, owner of the property having Sidwell #88-20-14-351-098.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the permanent easement with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-9 Request for Acceptance of a Permanent Easement for ZCI Properties, LLC – Sidwell #88-20-30-127-026

Resolution #2016-09-168-J-9

RESOLVED, That Troy City Council hereby **ACCEPTS** the permanent easement for public utilities, storm sewers and surface drainage from *ZCI Properties, LLC*, owner of the property having Sidwell #88-20-30-127-026.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the permanent easement with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-10 Request for Acceptance of a Warranty Deed and Permanent Easements from Amber Lofts, LLC – Sidwell #88-20-27-353-033

Resolution #2016-09-168-J-10

RESOLVED, That Troy City Council hereby **ACCEPTS** a warranty deed and permanent easement from *Amber Lofts, LLC*, owner of the property having Sidwell #88-20-27-353-033.

BE IT FURTHER RESOLVED, That the City Clerk is hereby **DIRECTED** to record the warrant deed and permanent easement with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

J-11 Private Agreement – Contract for Installation of Municipal Improvements – Amber Studios and Lofts – Project No. 15.912.3

Resolution #2016-09-168-J-11

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and *Amber Properties Company* for the installation of Water Main, Storm Sewer, Paving, Sidewalks, Landscaping, and Soil Erosion, 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.

J-12 Private Agreement – Contract for Installation of Municipal Improvements – West Oak II Site Condominiums – Project No. 16.920.3

Resolution #2016-09-168-J-12

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and *GFA Harmony Developers* for the installation of water main, sanitary sewer, storm sewer, paving and soil erosion, 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.

K. MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

K-1 Announcement of Public Hearings: None Submitted

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

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

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

N. COUNCIL REFERRALS:

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

N-1 No Council Referral Submitted

O. COUNCIL COMMENTS:

O-1 Council Comments

Council Member Henderson discussed the City Leadership Award presented to Mayor Slater by the Arab American and Chaldean Council for his part in creating a welcoming environment for immigrants in Troy.

Council Member Abraham requested that all residents who are interested in becoming an election worker, to please contact the City Clerk's Office for more information. The next training class will be held on October 4th.

P. REPORTS:

P-1 Minutes – Boards and Committees:

- a) Liquor Advisory Committee-Final – September 9, 2013
 - b) Traffic Committee-Final – July 20, 2016
 - c) Planning Commission-Draft – August 9, 2016
 - d) Planning Commission-Final – August 9, 2016
 - e) Zoning Board of Appeal-Final – August 16, 2016
 - f) Liquor Advisory Committee-Draft – September 12, 2016
 - g) Planning Commission-Draft – September 13, 2016
- Noted and Filed

P-2 Department Reports: None Submitted

P-3 Letters of Appreciation:

- a) To Maggie and Eleanor from Rebecca Chamberlain-Creanga Regarding the Assistance of Steve Pentescu for his Superb IT Support
Noted and Filed

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

P-5 Notice of Hearing for the Electric Customers of DTE Electric Co. Case No. U-18082
Noted and Filed

P-6 Notice of Hearing for the Natural Gas Customers of Consumers Energy Co. Case No. U-18127
Noted and Filed

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

R. CLOSED SESSION:

-
- R-1 No Closed Session**

S. ADJOURNMENT:

The Meeting **ADJOURNED** at 8:04 PM.

Mayor Dane Slater

M. Aileen Dickson, MMC
City Clerk



CITY COUNCIL AGENDA ITEM

Date: September 30, 2016

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager
Kurt Bovensiep, Public Works Director

Subject: Standard Purchasing Resolution 2: Low Bidder Meeting Specifications- 2016 Street Tree Planting

History

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

Over the last year, residents have recognized the City of Troy reinstituting a more aggressive tree-planting program. The Department of Public Works received 237 requests from residents for a new tree. Attached is a map detailing the locations where trees will be planted this year.

Purchasing

On September 15, 2016, a bid opening was conducted as required by City Charter and Code for Tree Planting. The bid was posted on the Michigan Inter-governmental Trade Network (MITN) website; www.mitn.info. Two (2) bid responses were received. Below is a detailed summary of potential vendors for both bid opportunities:

Companies notified via MITN	352
Troy Companies notified via MITN	8
Troy Companies - Active email Notification	8
Troy Companies - Active Free	0
Companies that viewed the bid	21
Troy Companies that viewed the bid	1

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

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

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

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

After reviewing the bid proposals; Marine City Nursery Company was the second lowest bidder that meets all bid specifications for the purchase and installation of Balled and Burlap or Container Grown Trees, and is being recommended. Furthermore, Marine City Nursery has historically successfully provided this type of service for the City of Troy for many years. The lowest bidder, Village Lawn Service of Troy Michigan, does not



CITY COUNCIL AGENDA ITEM

have the necessary experience and provided limited species variations to ensure if an insect or disease is introduced to the City we do not devastate the urban forest.

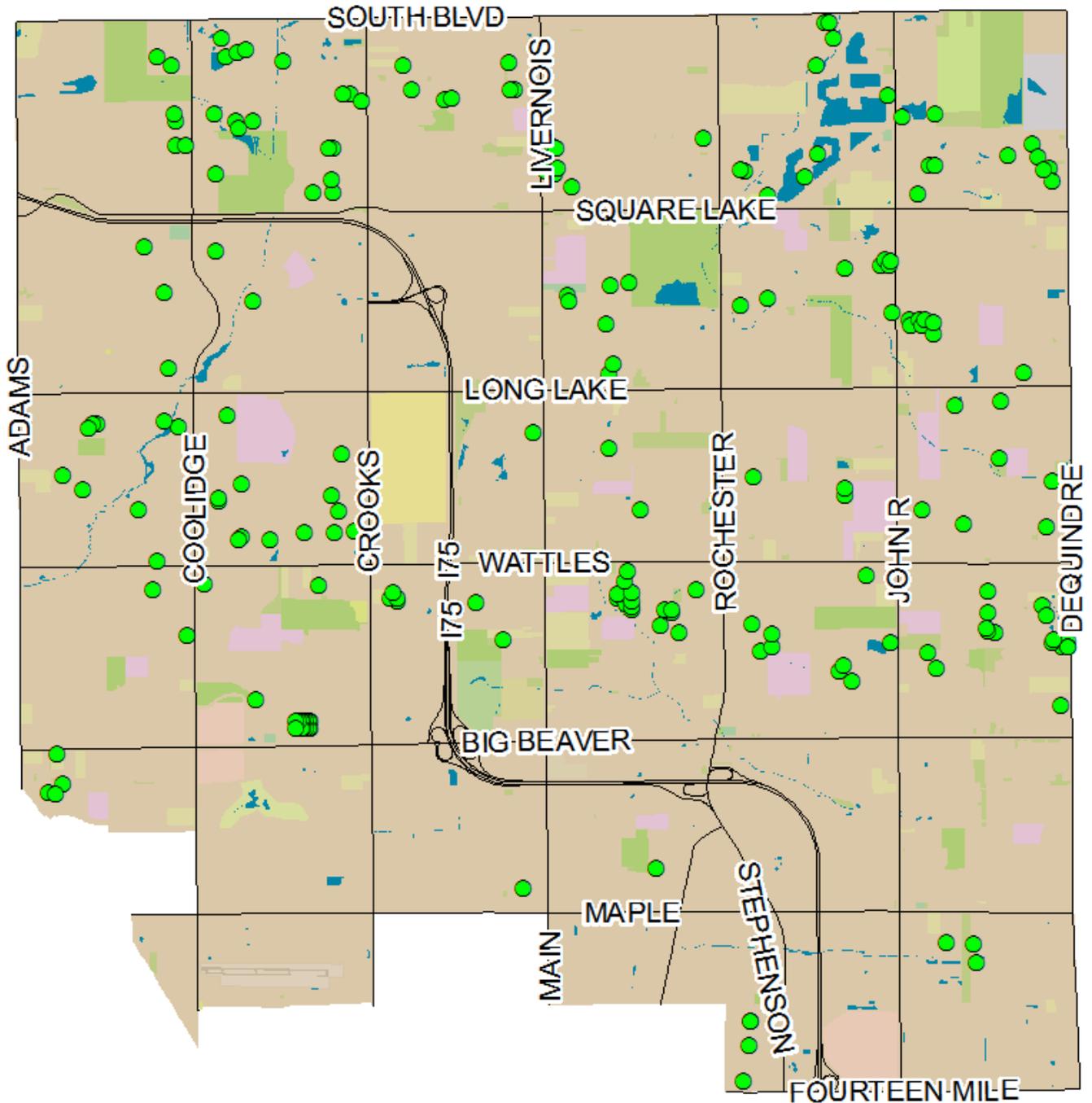
Financial

Funds for the new tree-planting program were budgeted in the Parks Department, Local Tree Planting account in the amount of \$94,010.00. In addition, City staff applied for a grant to assist in the new tree-planting program and was successfully awarded the grant. Through the Michigan Department of Natural Resources – Forest Resources Division and the DTE Energy Foundation, the city was awarded a \$3,000 grant for tree planting. Total available funds for tree planting are as detailed below:

Current Parks Division Local Tree Planting Account	\$94,010.00
Michigan DNR & DTE Energy Foundation Grant	\$3,000.00
Total	\$97,010.00

Recommendation

City management recommends awarding a contract to purchase and have installed balled and burlap or container grown trees to the low bidder meeting specifications; *Marine City Nursery Company of Marine City, MI* for an estimated total cost of \$97,010.00 at unit prices contained in the bid tabulation opened September 15, 2016 not to exceed budgetary limitations. The award is contingent upon the contractor's submission of properly executed bid documents including insurance certificates, and all other specified requirements.

2016 Fall Tree Planting Locations

● Locations of 2016 Tree Planting

VENDOR NAME:	Village Lawn Service	Marine City Nursery Co.
	Troy, MI	China Twp., MI
CHECK #:	1616401788	26983920
	\$4,625.00	\$4,625.00

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

PROPOSAL A:		
Price Per Planted Tree:	\$ 285.00	\$ 304.00
Proposal A Total Cost (unit price x 200):	\$ 57,000.00	\$ 60,800.00
FALL 2016		
LIST OF NINE TREE TYPES:	Yes or No	Yes
How many listed:	9	9
CONTACT INFORMATION:	Hrs. of Operation	9-5 M-F
	24 HR Phone Number	248 766 0302
		8-5 M-F
		810-560-9099
STATEMENT OF GUARANTEE:		
INSURANCE:	Can meet	Yes
	Cannot meet	Yes
PAYMENT TERMS:		Net 30 days
DELIVERY:		when needed
EXCEPTIONS:		Blank
ACKNOWLEDGEMENT: Signed	Yes or No	Yes
Forms (5)	Yes or No	Yes

Denotes low bidder meeting specifications.

ATTEST:
Enna Bachelor
Susan Reisterer
Kurt Bovensiep

 MaryBeth Murz,
 Purchasing Manager



CITY COUNCIL AGENDA ITEM

Date: October 4, 2016

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager
Tom Darling, Director of Financial Services
Kurt Bovensiep, Public Works Director
Paul Trosper, Water & Sewer Operations Manager

Subject: Standard Purchasing Resolution 4: Cooperative Contract Award - Michigan Intergovernmental Trade Network (MITN) – Flexible Chain Cutters

History

- The City of Troy Water and Sewer Division performs regular cleaning of sewers for various obstructions.
- Calcium deposits and root infiltration are two commonly found obstructions that require specialized cutting equipment capable of removing and clearing the sewer pipe.
- The root/calcium cutters currently used are approximately 10 years old and of an older design that is prone to becoming stuck inside the pipe and intensive maintenance.
- New technology has emerged in the field of pipeline obstruction removal that is more efficient and requires less maintenance, and is far less susceptible to becoming stuck within the pipe.

Purchasing

- USB Sewer Equipment is the manufacture of USB Flexible Chain Cutters.
- *Southeastern Equipment Co. Inc. of Novi, Michigan* is the USB equipment distributor for the Michigan area.
- Southeastern Equipment Co. Inc. is a participant and the awarded bidder for the Michigan Intergovernmental Trade Network (MITN) – Cooperative Bid that was hosted by the City of Rochester Hills; Contract #RFP-RH-15-034, of which the required Flexible Chain Cutters can be purchased.

Financial

Funds are available in Fiscal Year 2016/2017 in the Sewer Fund Account General Equipment-Account # 590.527.535.7978.010. The Project# is 2017C0052.

Recommendation

City Management Recommends the purchase of (2) USB Flexible Chain Cutters for the Public Works Water & Sewer Division through *Southeastern Equipment Co., Inc. of Novi, Michigan*, an Authorized USB Distributor as per the Michigan Intergovernmental Trade Network (MITN) Cooperative Bid; Contract # RFP-RH-15-034 and as per the attached quotations for an estimated total cost of \$15,683.60.

Southeastern Equipment Co., Inc.

*Customer should exercise his purchase options within 30 days to secure pricing.
Taxes, freight, and other fees are additional, if applicable.
All items subject to prior sale.*

2016 USB - SEC 2016 TURBO II FLEXIBLE CHAIN CUTTER

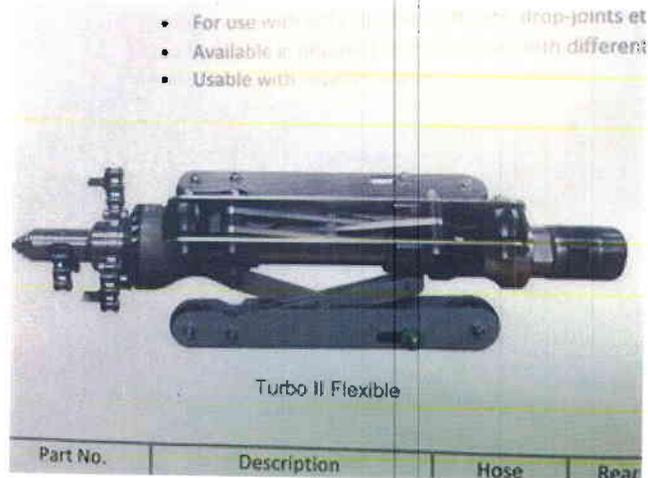
Expiration Date 9/28/2016

Prepared By

Steve Clelland
Southeastern Equipment
48545 Grand River
Novi, MI 48374
Phone(248) 207-6011
scllland@southeasternequip.com

Prepared For

Paul Trospen
CITY OF TROY
4693 Rochester Road
Troy, MI 48085
248-524-3401
p.trospen@troymi.gov



Quoted Price \$7,125.64

Serial Number: TBD, Stock Number: TBD,
NIPA QUOTE - CONTRACT HELD BY CITY OF ROCHESTER HILLS
CONTRACT # RH-15-034
Contact is Lisa Cummins @ 248-841-2537

CITY OF TROY MEMBER # TBD
TURBO II FLEXIBLE CHAIN CUTTER
NIPA

QT	Part #	Description	Unit Price	Ext Price	Discount	4% Net Price	
1	1-0403-8020-C	Turbo II w/ Flexible Guild Skid	\$4,720.00	\$4,720.00	\$(188.80)	\$4,531.20	A21-51865
2	1-0425	6' Replacement Chain	\$51.00	\$102.00	\$(4.08)	\$97.92	
16	1-0439	Bits for Chain	\$7.50	\$120.00	\$(4.80)	\$115.20	
16	1-0411	Bolts for Chain	\$4.00	\$64.00	\$(2.56)	\$61.44	
3	1-0470	Single Quick Chain Retainer - No Chain	\$145.00	\$435.00	\$(17.40)	\$417.60	
2	1-0411-QC	6" Chain w/ Bits for Quick Change - 3 Pc/set	\$33.00	\$66.00	\$(2.64)	\$63.36	
2	1-0412-QC	8" Chain w/ Bits for Quick Change - 3 Pc/set	\$36.00	\$72.00	\$(2.88)	\$69.12	
2	1-0413-QC	10" Chain w/ Bits for Quick Change - 3 Pc/set	\$43.00	\$86.00	\$(3.44)	\$82.56	
2	1-0414-QC	12" Chain w/ Bits for Quick Change - 3 Pc/set	\$50.00	\$100.00	\$(4.00)	\$96.00	
3	1-0420-TII	Front Wheels - Replacement	\$32.00	\$96.00	\$(3.84)	\$92.16	
3	1-0419-TII	Rear Wheels - Replacement	\$37.00	\$111.00	\$(4.44)	\$106.56	
6	2-04029	Turbo II - Carbide tip cutter (Pg 48)	\$46.00	\$276.00	\$(11.04)	\$264.96	
6	1-0479-T2	Turbo II - Descaling - Calcium bits (Pg 48)	\$65.00	\$390.00	\$(15.60)	\$374.40	Double bolt Head
6	1-0478-T2	Turbo II - Descaling - Calcium bits (Pg 48)	\$116.00	\$696.00	\$(27.84)	\$668.16	T-Shaped Head
1	Freight	- Inbound	\$85.00				
1	TURBO II FLEXIBLE CHAIN CUTTER - PACKAGE NIPA SELL PRICE \$7,125.64						

Southeastern Equipment Co., Inc.

*Customer should exercise his purchase options within 30 days to secure pricing.
Taxes, freight, and other fees are additional, if applicable.
All items subject to prior sale.*

2016 USB - SEC USB - TURBO S400 FLEXIBLE CHAIN CUTTER

Expiration Date 9/28/2016

Prepared By

Steve Clelland
Southeastern Equipment
48545 Grand River
Novi, MI 48374
Phone(248) 207-6011
scllland@southeasternequip.com

Prepared For

Paul Trospen
CITY OF TROY
4693 Rochester Road
Troy, MI 48085
248-524-3401
p.trospen@troymi.gov



Quoted Price \$8,557.96

Serial Number: TBD, Stock Number: TBD,
NIPA QUOTE - CONTRACT HELD BY CITY OF ROCHESTER HILLS
CONTRACT # RH-15-034
Contact is Lisa Cummins @ 248-841-2537

CITY OF TROY MEMBER # TBD

USB-TURBO S400 FLEXIBLE CHAN CUTTER NIPA

QT Part #	Description	Unit Price	Ext Price	Discount	4% Net Price
1	1-4080-8020-C Turbo S400 w/ Flexible Guild Skid	\$5,560.00	\$5,560.00	\$(222.40)	\$5,337.60
2	1-0425 Replacement Chain	\$51.00	\$102.00	\$(4.08)	\$97.92
3	1-0491 Single Quick Change Retainer - No Chain	\$188.00	\$564.00	\$(22.56)	\$541.44
2	1-0492 8" Chain w/ Bits for Quick Change - 3 Pc/set	\$65.00	\$195.00	\$(7.60)	\$187.40
2	1-0493 10" Chain w/ Bits for Quick Change - 3 Pc/set	\$72.00	\$216.00	\$(8.64)	\$207.36
2	1-0494 12" Chain w/ Bits for Quick Change - 3 Pc/set	\$95.00	\$285.00	\$(11.40)	\$273.60
2	1-0495 15" Chain w/ Bits for Quick Change - 3 Pc/set	\$120.00	\$360.00	\$(14.40)	\$345.60
3	1-0419-TS400 Front Wheels - Replacement	\$37.00	\$111.00	\$(4.44)	\$106.56
3	1-0420-TS400 Rear Wheels - Replacement	\$39.00	\$117.00	\$(4.68)	\$112.32
6	2-04072 Turbo II - Carbide tip cutter (Pg 48)	\$79.00	\$474.00	\$(18.96)	\$455.04
6	1-0479-TS400 Turbo II - Descaling - Calcium bits (Pg 48)	\$83.00	\$498.00	\$(19.92)	\$478.08
	Head				
6	1-0478-TS400 Turbo II - Descaling - Calcium bits (Pg 48)	\$116.00	\$696.00	\$(27.84)	\$668.16
	Head				
1	Freight - Inbound	\$85.00			
1	TURBO S400 FLEXIBLE CHAIN CUTTER - PACKAGE NIPA SELL PRICE				\$8,557.96



CITY COUNCIL ACTION REPORT

Date: September 26, 2016

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
William J. Huotari, Deputy City Engineer/Traffic Engineer

Subject: Traffic Committee Recommendations and Minutes – September 21, 2016

At the Traffic Committee meeting of September 21, 2016, the following recommendations were made for City Council approval:

3. Request for Traffic Control – Mayflower at Aster

RESOLVED, that the intersection of Mayflower at Aster be **MODIFIED** from NO traffic control to a YIELD sign on the Aster Drive southbound approach to the intersection.

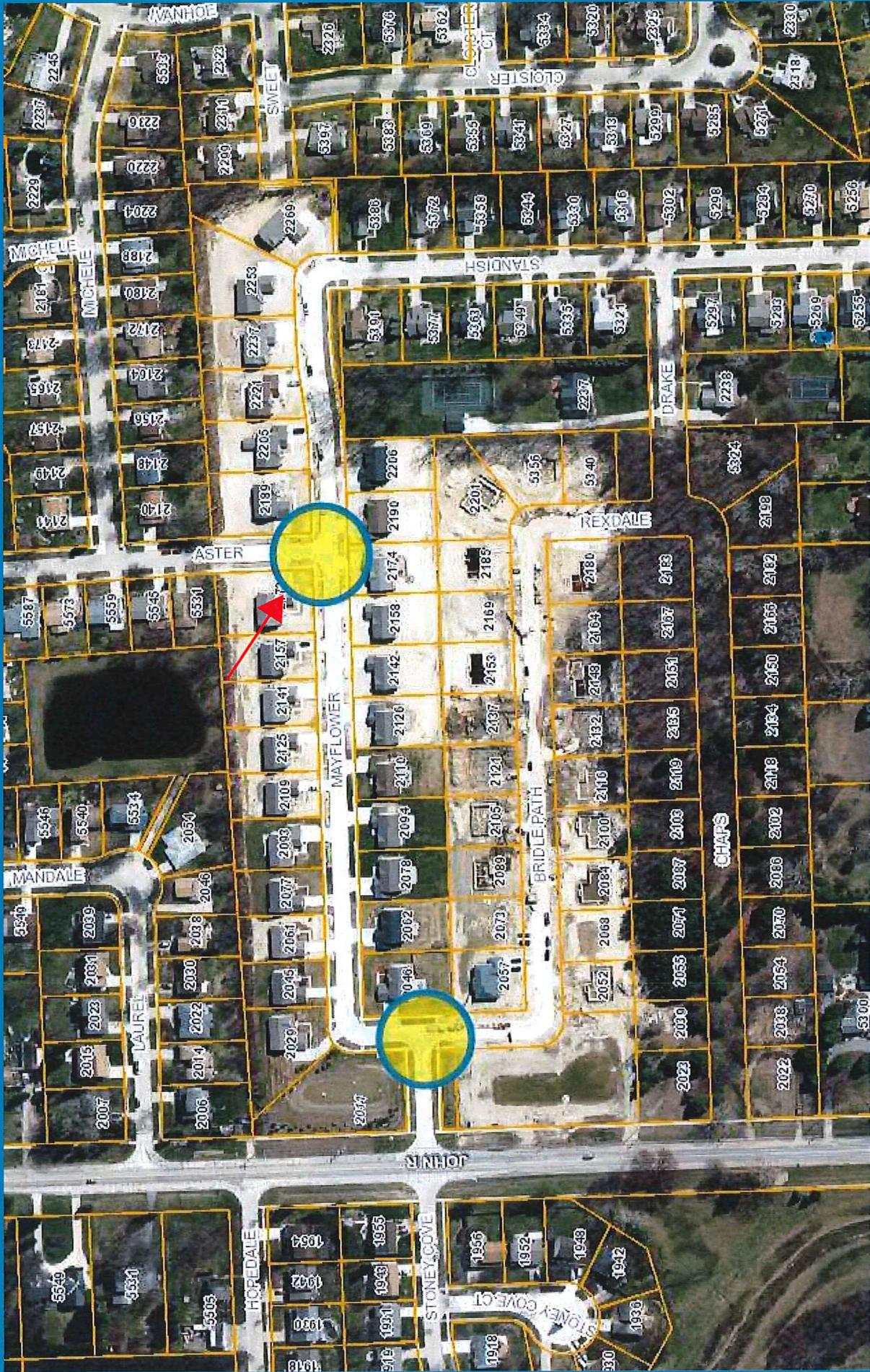
4. Request for Traffic Control – Mayflower at Bridle Path

RESOLVED, that **NO CHANGE** be made at the intersection of Mayflower at Bridle Path.

5. Request for Traffic Control – Calvert at Chapel

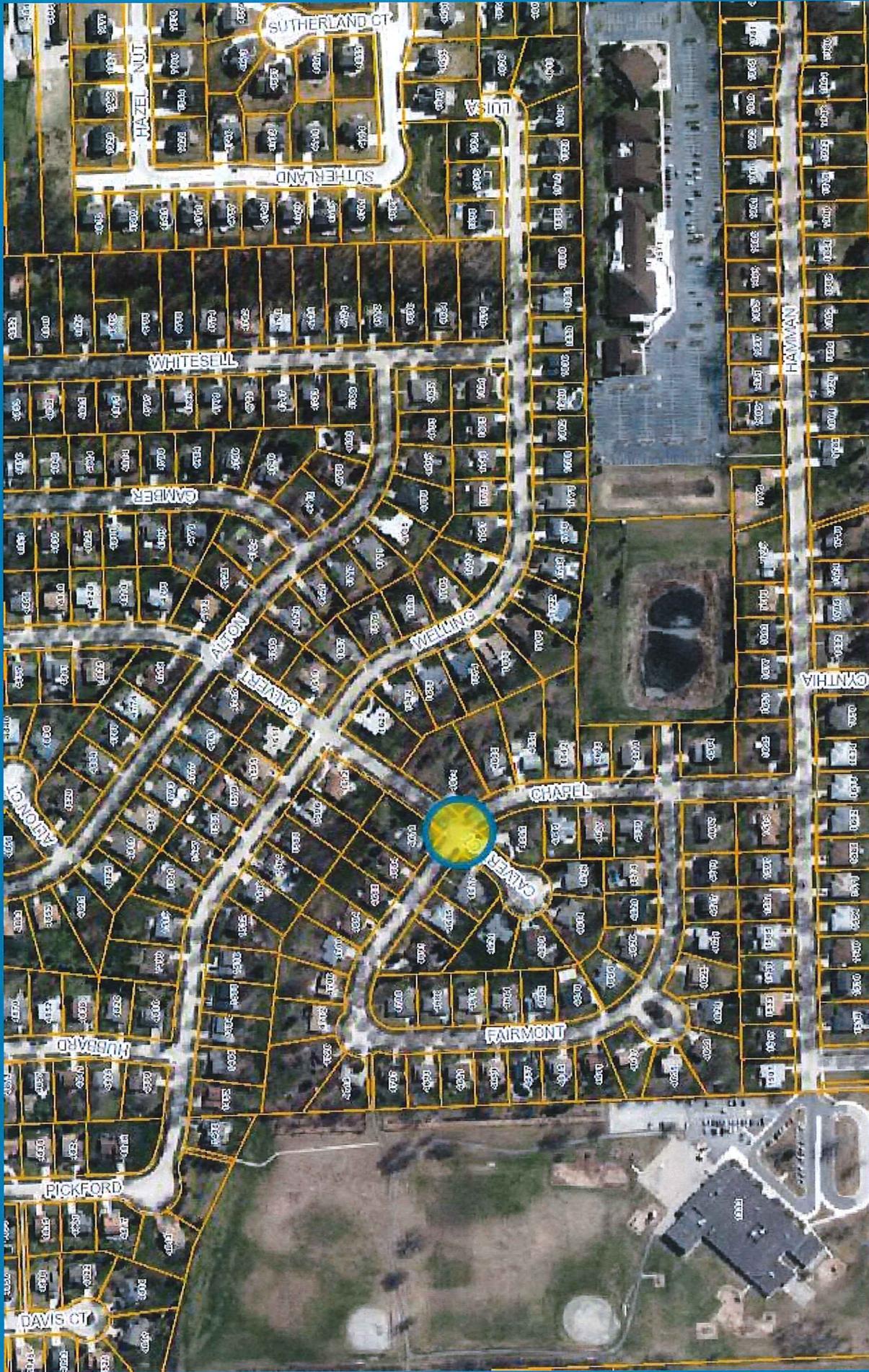
RESOLVED, that the existing YIELD signs on Calvert at Chapel be **REPLACED** with STOP signs.

Minutes of the meeting are attached.



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





833

417

833Feet



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

A regular meeting of the Troy Traffic Committee was held Wednesday, September 21, 2016 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

1. Roll Call

Present: Tim Brandstetter
Richard Kilmer
Al Petrusis
Cynthia Wilsher
Pete Ziegenfelder

Absent: Mitch Huber

Also present: Darrin Millar, 4700 Chapel
Donna & Bob Brokenshire, 1596 Welling
Narsa, 2116 Bridle Path
Vistinu Guttapalem, 2100 Bridle Path
Anjith Gaddam, 2070 Chaps
Lt. Eric Caloia, Fire Department
Bill Huotari, Deputy City Engineer/Traffic Engineer

2. Minutes – July 20, 2016

Resolution # 2016-08-26
Moved by Kilmer
Seconded by Wilsher

To approve the July 20, 2016 minutes as printed.

Yes: Brandstetter, Kilmer, Petrusis, Wilsher, Ziegenfelder
No: None
Absent: Huber

MOTION CARRIED

REGULAR BUSINESS

3. Request for Traffic Control – Mayflower at Aster

Mr. Bill Bounds of 2205 Mayflower states that the lack of existing traffic control at the intersection of Mayflower and Aster creates a hazardous condition. Traffic does not yield the right-of-way and travels through the intersection at a high rate of speed and is unsafe for drivers and pedestrians.

No residents were in attendance at the meeting to discuss the request.

Mr. Kilmer discussed the lack of public support for this request.

Mr. Petruilis stated that he did not see a need for traffic control at this time.

Mr. Ziegenfelder stated that he is in favor of traffic control at all intersections.

Resolution # 2016-08-27

Moved by Kilmer

Seconded by Petruilis

RESOLVED, that NO CHANGE be made at the intersection of Mayflower at Aster.

Yes: Kilmer, Petruilis

No: Brandstetter, Wilsher, Ziegenfelder

Absent: Huber

MOTION FAILED

Mr. Ziegenfelder discussed that this is still a relatively new area with new houses being built. As households increase, traffic will increase and some traffic control device is needed. He would recommend a Yield sign.

Mr. Brandstetter discussed that we don't want signs everywhere just for the sake of having signs. The City's consultant recommended a Yield sign. Volumes at Mayflower/Aster should not change dramatically as more residents move in as there will be another access point to John R at Chaps.

Three (3) emails were received, but all pertained to issues relative to access to/from John R. Several residents showed up at approximately 7:45 PM with the intention of discussing John R. It was explained that there is additional traffic on John R due to drivers avoiding the Dequindre Road construction, as well as impacts to all north-south routes due to construction on I-75. It was further explained that John R, from Long Lake to South Boulevard will be reconstructed and widened to a 3-lane cross section. Construction is anticipated to start in the fall of 2017. Residents in attendance to discuss John R were satisfied with this explanation and left the meeting without commenting on the Mayflower at Aster intersection.

Resolution # 2016-08-28

Moved by Kilmer

Seconded by Petruilis

RESOLVED, that the intersection of Mayflower at Aster be **MODIFIED** from NO traffic control to a YIELD sign on the Aster Drive southbound approach to the intersection.

Yes: Brandstetter, Wilsher, Ziegenfelder

No: Kilmer, Petruilis

Absent: Huber

MOTION CARRIED

4. Request for Traffic Control – Mayflower at Bridle Path

Mr. Bill Bounds of 2205 Mayflower states that the lack of existing traffic control at the intersection of Mayflower and Bridle Path creates a hazardous condition. Traffic does not yield the right-of-way and travels through the intersection at a high rate of speed and is unsafe for drivers and pedestrians.

No residents were in attendance at the meeting to discuss the request.

Mr. Ziegenfelder questioned the need for traffic control at this intersection as there are no visible obstructions.

Mr. Brandstetter added that there is good visibility at the intersection. The T-intersection along with the curves coming into it help reduce speeds in and around the intersection. The only conflicting movement he noted was for left turns, but again there is good visibility at the intersection.

Mr. Ziegenfelder asked about pedestrian crossing and issues related to pedestrians. There are no known issues at this time.

Resolution # 2016-08-29

Moved by Brandstetter

Seconded by Petruilis

RESOLVED, that **NO CHANGE** be made at the intersection of Mayflower at Bridle Path.

Yes: Brandstetter, Kilmer, Petruilis, Wilsher, Ziegenfelder

No: None

Absent: Huber

MOTION CARRIED

5. Request for Traffic Control –Calvert at Chapel

Mr. Darrin Millar of 4700 Chapel states that drivers are not exhibiting caution and/or stopping at the existing YIELD signs on Calvert when traffic is approaching from Chapel. Traffic does not yield the right-of-way and travels through the intersection at a high rate of speed and is unsafe for drivers and pedestrians.

Mr. Millar was in attendance at the meeting to discuss this request. He provided the following remarks:

- Safety – the area is a passageway for three (3) schools. Students walk to Costello Elementary; students walk to Athens High School; and students walk to the intersection for the bus stop for Larson Middle School.
- Distracted drivers – we can all probably agree that drivers are far more distracted now than they were 20, 10 or even 5 years ago. The Yield sign may have been adequate when the subdivision was built in the 1970's, but it is no longer adequate today.

- Confusion – people are forgetting what a Yield sign means. People are just blowing through the intersection. The near crash that my family had this summer involved a man in a large pickup truck. He stated to me that the Yield sign “does not mean he has to stop”. From the Secretary of State handbook “What Every Driver Must Know”, it states that “the Yield sign indicates that a driver must slow down and give way to all traffic and pedestrians.
- Personal – We have lived here for 15 years. We have had numerous close calls. I know my neighbors have had close calls as well. I am including emails and letters from people in my subdivision. We can’t always see the Yield sign with the growth of bushes.
- Our subdivision – our subdivision is changing. The demographics of the subdivision is that we have many younger families with school age children. Also, there is a high amount of high school kids that are now driving or will be driving in the near future.
- Looking at the report provided, I know that the numbers are close to the 10 mph benchmark [Safe Approach Speed]. If I understand it correctly, we are only one (1) foot away. With the benchmark so close, I am asking the committee to error on the side of caution. We have so many school children, of all ages, that use the intersection every day.

Bob Brokenshire of 1596 Welling supported Stop signs at Calvert at Chapel. He has many of the same experiences as stated by Mr. Millar. Mr. Brokenshire also requested that the intersection of Welling at Calvert be reviewed for purposes of replacing the existing Yield signs on Welling with Stop signs at the intersection with Calvert. He stated that drivers totally disregard Yield signs and feels Stop signs would be more appropriate.

Mr. Brandstetter noted that the vegetation used in the Safe Approach Speed (SAS) calculation was on private property and outside of the 25’ x 25’ corner clearance.

Mr. Ziegenfelder commented that Yield signs are a “gray” area and many drivers do not understand that they must yield to oncoming traffic.

Mr. Brandstetter discussed that Yield signs are better than no signs, when warranted, but a Stop sign is still a “step up”.

Donna Brokenshire of 1596 Welling stated that they have been at their present address since 1972 and have watched the area grow. There are a lot of children who walk or ride a bike to school in this area. She observes many drivers who do not yield or stop at the intersection and believes Stop signs would be more appropriate and safer.

Mr. Kilmer noted that Mr. Millar provided nine (9) letters/emails in support of Stop signs.

Mr. Brandstetter discussed the fact that the SAS of 10.3 mph is so close to the 10 mph benchmark, that is generally accepted by the traffic engineering community. Stop signs placed where they are not warranted can breed contempt and create a false sense of security for pedestrians when they expect a driver to stop.

Mr. Petrusis stated that there are not a series of Stop signs along Calvert that could cause driver frustration and lead to drivers not stopping at Stop signs.

Resolution # 2016-08-30
Moved by Brandstetter
Seconded by Petrulis

RESOLVED, that the existing YIELD signs on Calvert at Chapel be **REPLACED** with STOP signs.

Yes: Brandstetter, Kilmer, Petrulis, Wilsher, Ziegenfelder
No: None
Absent: Huber

MOTION CARRIED

5. Public Comment

There was no additional public comment made.

6. Other Business

Discussion of various road projects (I-75, Dequindre, Big Beaver, etc.) and private developments ensued.

7. Adjourn

The meeting adjourned at 8:17 p.m.

Pete Ziegenfelder, Chairperson

Bill Huotari, Deputy City Engineer/Traffic Engineer

G:\Traffic\aaa Traffic Committee\2016\9_September 21\Minutes_09212016_DRAFT.docx



CITY COUNCIL ACTION REPORT

Date: September 26, 2016

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Kurt Bovensiep, Public Works Director
Steven J. Vandette, City Engineer

Subject: 2017 Annual Permit for Work on State Trunkline Right of Way

History:

The Michigan Department of Transportation (MDOT) recommends that an Annual Permit be applied for every year. Troy has historically not applied for an Annual Permit. The last application was in 2011. We have routinely applied for individual permits when we have projects within or encroaching on MDOT right of way.

The Annual Permit allows for emergency operations, maintenance activities, etc. to be completed without the need for an individual permit. Advance notice through the MDOT electronic Construction Permit System (CPS) is still required to notify MDOT that an agency will have activity in their right of way.

The individual permit is project specific and typically related to planned construction in MDOT right-of-way, such as a water main or sewer crossing.

Secondarily, the attached Performance Resolution for Governmental Agencies (Form 2207B) was revised in 2014 and an updated Resolution is required for 2017. Troy last submitted the Resolution in 1997. The Resolution serves as the bond and insurance for a municipality so that we do not have to provide these items separately if and when a permit is needed.

Financial:

There is no cost to file the Annual Permit. Approval of the Performance Resolution for Governmental Agencies will save time and potentially money as we would not be required to provide the required bonds and insurance as the Resolution is used in their place.

Recommendation:

Staff recommends that City Council approve the attached Performance Resolution for Governmental Agencies and the application for the 2017 Annual Permit for Work on State Trunkline Right of Way.

Furthermore, staff recommends that the City Manager, Public Works Director and City Engineer be authorized to apply to the Department for the necessary permit to work within State Highway Right of Way on behalf of the City.



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF TRANSPORTATION
OAKLAND TRANSPORTATION SERVICE CENTER

KIRK T. STEUDLE
DIRECTOR

September 8, 2016

2017 ANNUAL PERMIT FOR WORK ON STATE TRUNKLINE RIGHT OF WAY

The MDOT Oakland TSC is now accepting 2017 Annual Permit applications. All permit applications are to be submitted via the MDOT electronic Construction Permit System (CPS). The 2017 Annual Permit will be effective January 1, 2017. Your 2016 Annual Permit shall continue to be used for any work occurring between now and December 31, 2016.

The Performance Resolution for Governmental Agencies (Form 2207B) was revised in October 2014, therefore, if you haven't done so already, an updated Resolution will be required for 2017. The form shall include the name or title of the designated person(s) authorized to sign permits and shall be uploaded into CPS with your Annual Permit application. I have attached a copy of the form and it can also be found on the internet at www.michigan.gov/mdot.

Each time you perform work under your Annual Permit you will need to submit an electronic Advance Notice via the MDOT electronic CPS system. No work shall be performed until the Advance Notice is approved by MDOT.

An Individual Permit is required for all proposed operations in the MDOT right of way not covered under the Annual Permit.

Municipalities, when working within their municipal limits, are exempt from permit fees.

Thank you for your cooperation. If you have any additional questions, feel free to contact me at 248-451-2453 or MDOT Permit Agent Wioletta Bilan at 248-451-2451.

Sincerely,

Stacey Gough
Oakland TSC Utility/Permit Engineer
goughs@michigan.gov

cc: Wioletta Bilan
File

**PERFORMANCE RESOLUTION FOR
GOVERNMENTAL AGENCIES**

This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipality an "Individual Permit for Use of State Highway Right of Way" or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way".

RESOLVED WHEREAS, the _____
(city, village, township, etc.)

hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utility or other facilities, or to conduct other activities, on, over, and under State Highway right of way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1. Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.
2. Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without its specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.
3. The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.
4. The GOVERNMENTAL AGENCY It will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.
5. With respect to any activities authorized by PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

- 6. The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent he DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.
- 7. This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY.

NAME AND/OR TITLE

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by

the _____
(Name of Board, etc)

of the _____ of _____
(Name of GOVERNMENTAL AGENCY) (County)

at a _____ meeting held on the _____ day

of _____ A.D. _____.

SIGNATURE	TITLE	PRINT NAME



CITY COUNCIL AGENDA ITEM

Date: September 30, 2016

To: Brian Kischnick, City Manager

From: MaryBeth Murz, Purchasing Manager
Gary Mayer, Police Chief

Subject: Police Department Promotional Testing Services

History

- Projected police department command officer retirements necessitate the establishment of promotional lists for the rank of Captain and Lieutenant.
- The ongoing professional development of our command staff, and the promotional process itself, is in line with the police department succession plan that has been adopted by city management.
- Act 78 Civil Service requires that a competitive examination be given and that an eligibility list, based on cumulative test score, be established.
- Upon Act 78 certification, the list is valid for two years.
- Captain and Lieutenant candidates participate in a multi-phase assessment center.

Purchasing

- Since 1990 EMPCO Inc. has provided promotional testing services for the police department.
- The department has been part of EMPCO'S Metro Police Testing Consortium since 1996.
- EMPCO has provided excellent service and the department is very satisfied with the manner in which they conduct promotional testing.
- EMPCO customizes the testing to meet the needs of the organization and comply fully with Act 78 Commission requirements. They have proven to be fair and impartial.
- EMPCO purchased the Michigan Municipal League's (MML) police testing service. The MML now refers those desiring testing to EMPCO. EMPCO provides promotional and entry level testing for numerous police departments and agencies around the state, and is a local company based here in Troy.

Financial

The promotional testing processes for both Captain and Lieutenant were held in August. The testing dates and cost are as detailed below:

August 24, 2016	Police Lieutenant Testing	\$8,459.84
August 25, 2016	Police Captain Testing	<u>\$8,259.74</u>
Total		\$16,719.58

Funds for this testing is available in account #305.7802.070 - Administration Contractual Services.



CITY COUNCIL AGENDA ITEM

Recommendation

The Police Department is reporting the occurrence of two (2) promotional testing services that took place in the month of August prior to City Council approval and we are requesting approval after the fact due to a scheduling mistake.

It is recommended City Council approve the bid waiver and contract and authorize payment for Professional Services (Police Promotional Testing) from EMPCO in the amount of \$16,719.58.

City Attorney's Review as to Form and Legality



CITY COUNCIL AGENDA ITEM

Date: October 5, 2016

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of a Permanent Easement from HMB Development, Inc.
Sidwell #88-20-27-429-042

History

As part of the redevelopment of two residential parcels at 2090 & 2120 Rochester Road, owned by Emergency Egress, LLC, located in the southeast $\frac{1}{4}$ of Section 27, at Larchwood Street, an easement for storm sewer and surface drainage was required from a neighboring property to the north, to mitigate a drainage issue.

Emergency Egress, LLC facilitated and worked with their neighbor to the north, HMB Development, Inc., owner of the property having Sidwell #88-20-27-429-042 to grant the necessary easement rights to the City of Troy.

The format and content of this easement is consistent with conveyance documents previously accepted by City Council.

Financial

The consideration amount on this document is \$1.00.

Recommendation

City Management recommends that City Council accept the attached permanent easement consistent with our policy of accepting easements for development and improvement purposes.



HMB DEVELOPMENT, INC.
Sidwell #88-20-27-429-042



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

PERMANENT EASEMENT

Sidwell #88-20-27-429-042 (pt of)
Resolution #

HMB DEVELOPMENT, INC., a Michigan corporation, Grantor(s), whose address is 1101 Clute Ct., Lake Orion, MI 48362 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace a **storm sewer and surface drainage**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s) this 28th day of September A.D. 2016.

HMB DEVELOPMENT, INC.
a Michigan corporation

By Cynthia L Pennington (L.S.)
*Cynthia L. Pennington
Its President

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 28th day of September, 2016, by Cynthia L. Pennington, President of HMB Development, Inc., a Michigan corporation on behalf of the corporation.

Janet M Parsons
*

JANET M PARSONS
Notary Public, State of Michigan
County Of Oakland
My Commission Expires 10-14-2022
Acting in the County of Oakland

Notary Public, Oakland County, Michigan
My Commission Expires 10-14-22
Acting in Oakland County, Michigan

Prepared by: Larysa Figol, SR/WA, City of Troy, 500 W. Big Beaver, Troy, MI 48084
Return to: City Clerk, City of Troy, 500 W. Big Beaver, Troy, MI 48084

EXHIBIT "A"

Section 27
Parcel : 88-20-27-429-042
Owner: HMB Development Inc.
Address: 2146 & 2148 Rochester Rd.

Description of Proposed 10 Feet Wide Storm Sewer & Surface Drainage Easement:

The Southerly 10.00 feet of the following described parcel:

T2N, R11E, SEC 27 STUMPF'S BEECH GROVE SUB PART OF LOTS 17 TO 22 INCL &VAC ALLEY ADJ TO SAME & PART OF LOT 402 ALL DESC AS BEG AT PT DIST N 89-45-00 W 80 FT FROM NE COR OF LOT 401, TH S 02-16-57 W 123.57 FT, TH N 89-44-52 W 25.37 FT, TH S 12-10-33 W 27.88 FT, TH N 78-07-19 W 102.93 FT, TH N 27-07-44 E 76.50 FT, TH N 36-56-48 E 77.06 FT, TH S 89-45-00 E 55.69 FT TO BEG 4-28-87 FROM 009, 036

Being more particularly described as: Commencing at the Northeast Corner of Lot 401 of "Stumpf's Beech Grove Subdivision", as recorded in Liber 32, Pages 11-12, Oakland County, Michigan records; thence North 89 degrees 45 minutes 00 seconds West 80.00 feet and South 02 degrees 16 minutes 57 seconds West 123.57 feet and North 89 degrees 44 minutes 52 seconds West 25.37 feet and South 12 degrees 10 minutes 33 seconds West 17.88 feet to the Point of Beginning; thence continuing, South 12 degrees 10 minutes 33 seconds West 10.00 feet; thence North 78 degrees 07 minutes 19 seconds West 102.93 feet; thence North 27 degrees 07 minutes 44 seconds East 10.37 feet; thence South 78 degrees 07 minutes 19 seconds East 100.26 feet to the Point of Beginning. Containing 1,016 Square Feet or 0.002 Acres more or less and being subject to all encumbrances of record.



CITY COUNCIL AGENDA ITEM

Date: October 4, 2016

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
 Steven J. Vandette, City Engineer
 R. Brent Savidant, Planning Director
 Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of a Permanent Easement from Bethesda Romanian Pentecostal Church – Forest Run Site Condominium, Sidwell #88-20-12-351-037

History

Associated with the proposed Forest Run Site Condominium development located in the southwest ¼ of Section 12, on Long Lake Road east of John R, the City of Troy received a permanent easement for storm sewer from Bethesda Romanian Pentecostal Church, owner of the property having Sidwell #88-20-12-351-037.

Forest Run, LLC, the developers of the site condominium worked with Bethesda Romanian Pentecostal Church to facilitate the granting of this easement to the City of Troy, to extend storm sewers to the new development.

The Planning Commission granted preliminary site plan approval for Forest Run, a 13-unit site condominium on June 28, 2016.

The format and content of this permanent easement is consistent with conveyance documents previously accepted by City Council.

Financial

The consideration amount on this document is \$1.00.

Recommendation

City Management recommends that City Council accept the attached permanent easement consistent with our policy of accepting deeds and easements for development and improvement purposes.



1,083 0 542 1,083 Feet



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

PERMANENT EASEMENT

Sidwell #88-20-12-351-037 (part of)

Bethesda Romanian Pentecostal Church, a Michigan ecclesiastical corporation, Grantor(s), whose address is 2075 East Long Lake Road, Troy, MI 48085 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 a storm 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 OF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

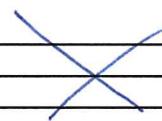
The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s) this 19 day of September A.D. 2016.

Bethesda Romanian Pentecostal Church
a Michigan ecclesiastical corporation

By  (L.S.)
* SIMION TIMBUC
Its SENIOR PASTOR

By  (L.S.)
* _____
Its _____

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 19th day of September, 2016, by Simion Timbuc, Senior Pastor and _____ of Bethesda Romanian Pentecostal Church, a Michigan ecclesiastical corporation on behalf of the corporation.




* Notary Public, Macomb County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 1-22-21

JOHN MUNOZ
Notary Public, State of Michigan
County of Macomb
My Commission Expires Jan. 22, 2021
Acting In the County of Oakland

Prepared by:
Return to: City Clerk, City of Troy, 500 West Big Beaver, Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURE

LEGAL DESCRIPTIONS

LEGAL DESCRIPTION 20-12-351-037:

ALL OF LOT 5, ALSO LOT 15 EXCLUDING THE NORTH 250 FEET OF THE EAST 150 FEET THEREOF, ALSO ALL OF LOT 16 "EYSTER'S JOHN R ACRES SUBDIVISION" BEING PART OF THE SOUTHWEST 1/4 OF SECTION 12, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN LIBER 1538 OF PLATS, PAGE 22 IN OAKLAND COUNTY RECORDS.

LEGAL DESCRIPTION 15' WIDE STORM SEWER EASEMENT:

A 15 FOOT WIDE EASEMENT OVER THE EAST 69.00 FEET OF THE SOUTH 15.00 FEET OF LOT 5 "EYSTER'S JOHN R ACRES SUBDIVISION" BEING PART OF THE SOUTHWEST 1/4 OF SECTION 12, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 1538 OF PLATS, PAGE 22 IN OAKLAND COUNTY RECORDS,

BEING MORE PARTICULARLY DESCRIBED AS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 5, ALSO BEING THE SOUTHWEST CORNER OF LOT 6 OF SAID "EYSTER'S JOHN R ACRES SUBDIVISION"; THENCE N90°00'00"W, 69.00 FEET ALONG THE NORTH LINE OF EAST LONG LAKE ROAD (120' WIDE); THENCE N00°02'00"E, 15.00 FEET; THENCE S90°00'00"E, 69.00 FEET TO THE EAST LINE OF LOT 5, ALSO BEING THE WEST LINE OF LOT 6; THENCE ALONG SAID LINE S00°02'00"W, 15.00 FEET TO THE POINT OF BEGINNING.



PEA, Inc.

2430 Rochester Ct, Ste 100
Troy, MI 48063-1872
t: 248.689.9090
f: 248.689.1044
www.peainc.com

CLIENT:

LANDAUR, LLC
4405 TURMERIC DRIVE
STERLING HEIGHTS, MI 48314

SCALE: 1"= 100'

JOB No: 2016-124

DATE: 8-4-16

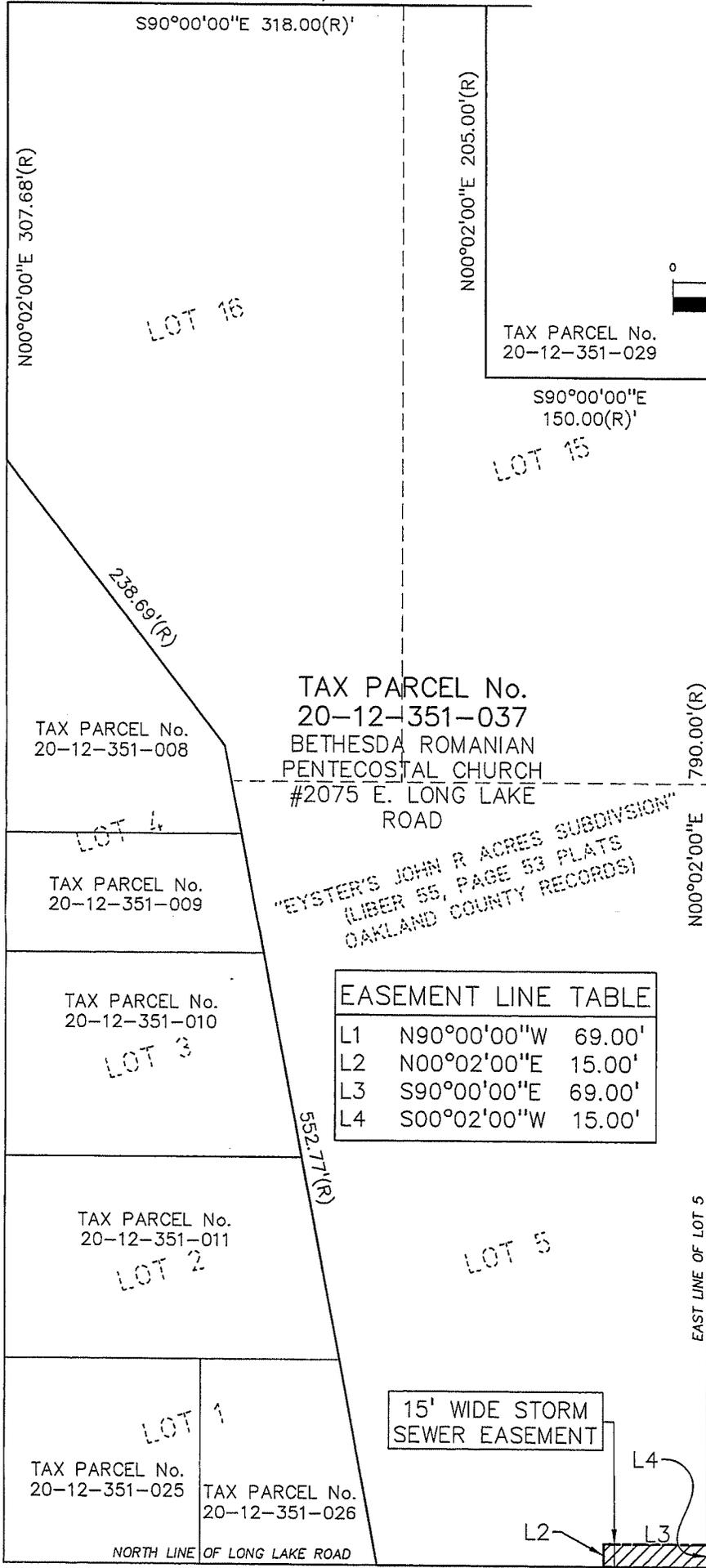
DWG. No: 2 of 2

SKETCH OF EASEMENT

WEST 1/4 CORNER OF SECTION 12 T.02N, R11E.

TUCKER ST.
(60' WIDE RIGHT-OF-WAY)

JOHN R ROAD
(120' WIDE RIGHT-OF-WAY)



TAX PARCEL No.
20-12-351-029

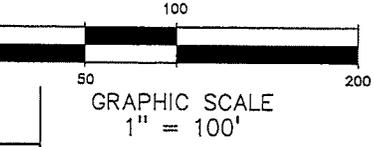
S90°00'00"E
150.00(R)'

LOT 15

TAX PARCEL No.
20-12-351-037
BETHESDA ROMANIAN
PENTECOSTAL CHURCH
#2075 E. LONG LAKE
ROAD

"EYSTER'S JOHN R ACRES SUBDIVISION"
(LIBER 55, PAGE 53 PLATS
OAKLAND COUNTY RECORDS)

EASEMENT LINE TABLE		
L1	N90°00'00"W	69.00'
L2	N00°02'00"E	15.00'
L3	S90°00'00"E	69.00'
L4	S00°02'00"W	15.00'



TAX PARCEL No.
20-12-351-008

LOT 4

TAX PARCEL No.
20-12-351-009

TAX PARCEL No.
20-12-351-010

LOT 3

TAX PARCEL No.
20-12-351-011

LOT 2

TAX PARCEL No.
20-12-351-025

TAX PARCEL No.
20-12-351-026

NORTH LINE OF LONG LAKE ROAD

790.00'(R)

N00°02'00"E

762.00'(R)

EAST LINE OF LOT 5
WEST LINE OF LOT 6

TAX PARCEL No.
20-12-351-014
MERLO TRUST, MARIE T
#2115 E. LONG LAKE ROAD

SE CORNER OF
LOT 5 AND
SW CORNER OF
LOT 6

15' WIDE STORM
SEWER EASEMENT

L1
L2
L3
L4

POB ESMT

SOUTHWEST
CORNER OF
SECTION 12
T.02N, R11E.

EAST LONG LAKE ROAD
(120' WIDE RIGHT-OF-WAY)

N90°00'00"W 219.98'

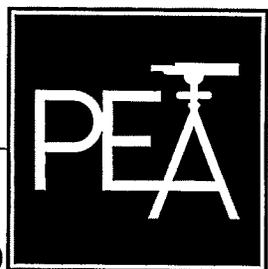
CENTERLINE OF LONG LAKE ROAD & SOUTH LINE OF SECTION 12

SOUTH 1/4 CORNER OF
SECTION 12 T.02N, R11E.

CLIENT:
LANDAUR, LLC
4405 TURMERIC DRIVE
STERLING HEIGHTS, MI 48314

SCALE: 1" = 100'
DATE: 8-04-16

JOB No: 2016-124
DWG. No: 1 of 2



PEA, Inc.
2430 Rochester Ct, Ste 100
Troy, MI 48063-1872
t: 248.689.9090
f: 248.689.1044
www.peainc.com



CITY COUNCIL AGENDA ITEM

Date: October 4, 2016

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Steven J. Vandette, City Engineer
R. Brent Savidant, Planning Director
Larysa Figol, Sr. Right-of-Way Representative

Subject: Request for Acceptance of a Warranty Deed and Two Permanent Easements from GFA Harmony Developers, LLC, - West Oak III Site Condominium, Sidwell #88-20-23-401-018 and 019

History

As part of the proposed West Oak III Site Condominium development in the southeast ¼ of Section 23, at the end of Boyd Street, the City of Troy received a warranty deed for right-of-way and two permanent easements for public utilities, and storm sewer & surface drainage from GFA Harmony Developers, LLC, owner of a portion of the properties having Sidwell #88-20-23-401-018 and 019.

The Planning Commission granted preliminary site plan approval for West Oak III, a 10 unit site condominium on May 24, 2016.

The format and content of this warranty deed and permanent easements is consistent with conveyance documents previously accepted by City Council.

Financial

The consideration amount on each document is \$1.00.

Recommendation

City Management recommends that City Council accept the attached warranty deed and permanent easements consistent with our policy of accepting deeds and easements for development and improvement purposes.



743 0 372 743Feet



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

WARRANTY DEED

Sidwell #88-20-23-401-018+019 (pt. of)
Resolution #

The Grantor(s), GFA HARMONY DEVELOPERS, LLC a Michigan limited liability corporation., whose address 3301 Mirage Drive, Troy, MI 48083, convey(s) and warrant(s) to the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver, Troy, MI 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

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

For the sum of One and 00/100 Dollars (\$1.00)

subject to easements and building and use restrictions of record and further subject to

Dated this 19th day of September, 2016.

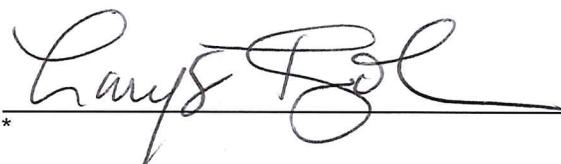
GFA HARMONY DEVELOPERS, LLC, a Michigan limited liability company

By: 
Gary Abitheira
Its: Member

STATE OF MICHIGAN
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 19th day of September, 2016, by Gary Abitheira, Member of GFA Harmony Developers, LLC, a Michigan limited liability company, on behalf of the company.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018


*
Notary Public, _____ County, MI
My commission expires: _____
Acting in _____ County, MI

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: City Clerk City of Troy 500 West Big Beaver Troy, MI 48084	Send subsequent tax bills to:	Drafted by: Larysa Figol City of Troy 500 West Big Beaver Troy, MI 48084	

Tax Parcel # 88-20-23-401-018+019 (pt. of) Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES IN BLACK INK UNDER SIGNATURES

EXHIBIT "A"

RIGHT OF WAY DEDICATION

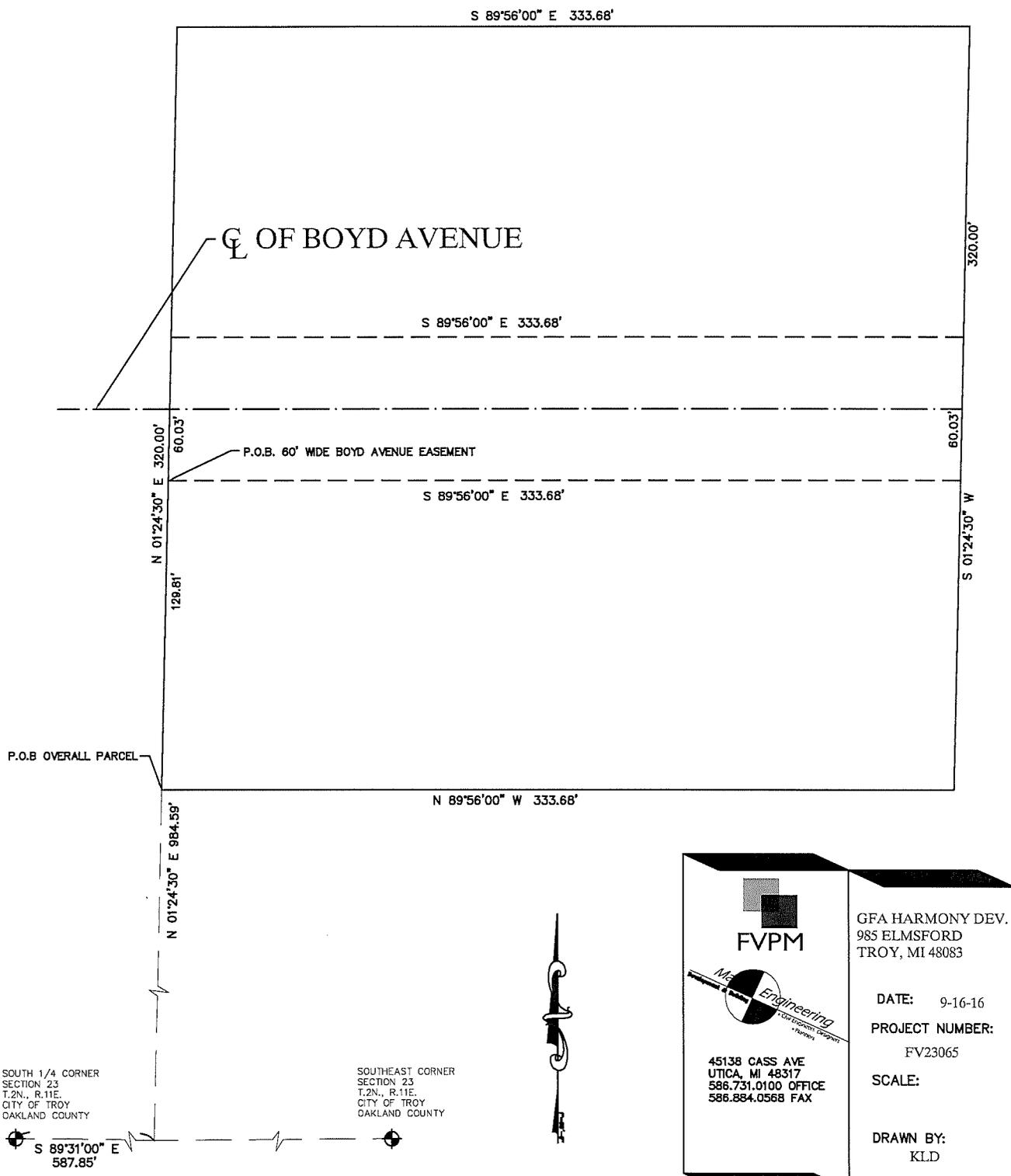
PARCEL COMBINATION

PART OF THE SOUTHEAST 1/4 OF SECTION 23, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23; THENCE S 89°31' 00" E 587.85 FT ALONG THE SOUTH LINE OF SECTION 23; THENCE N 01°24' 30" E 984.59 FT TO THE POINT OF BEGINNING; THENCE N 01°24' 30" E 320.00 FT; THENCE S 89°56' 00" E 333.68 FT; THENCE S 01°24' 30" W 320.00 FT; THENCE N 89°56' 00" W 333.68 FT TO THE POINT OF BEGINNING. CONTAINING 2.45 ACRES OF LAND SUBJECT TO ANY AND ALL EASEMENTS AND ROW OF RECORD OR OTHERWISE.

COMBINING PART OF PARCELS 20-23-401-018 & 20-23-401-019

PROPOSED BOYD AVENUE RIGHT OF WAY:

PART OF THE SOUTHEAST 1/4 OF SECTION 23, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23; THENCE S89°31'00"E 587.85 FT ALONG THE SOUTH LINE OF SECTION 23; THENCE N01°24'30"E 1114.40 FT TO THE POINT OF BEGINNING; THENCE CONTINUING N01°24'30"E 60.03 FT; THENCE S89°56'00"E 333.68 FT; THENCE S01°24'30"W 60.03 FT; THENCE N89°56'00"W 333.68 FT TO THE POINT OF BEGINNING. CONTAINING 0.46 ACRES OF LAND SUBJECT TO ANY AND ALL EASEMENTS AND ROW OF RECORD OR OTHERWISE.



 FVPM	GFA HARMONY DEV. 985 ELMSFORD TROY, MI 48083
	DATE: 9-16-16 PROJECT NUMBER: FV23065
 45138 CASS AVE UTICA, MI 48317 586.731.0100 OFFICE 586.884.0568 FAX	SCALE: DRAWN BY: KLD

PERMANENT EASEMENT

Sidwell #88-20-23-401-018 + 019 (pt of)
Resolution #

GFA HARMONY DEVELOPERS, LLC, a Michigan limited liability company, Grantor(s), whose address is 3301 Mirage, Troy, MI 48083, for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace **public utilities**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE "EXHIBIT A" ATTACHED HERETO AND BY REFERENCE MADE APART OF

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s) this 19 day of September A.D. 2016.

GFA HARMONY DEVELOPERS, LLC
a Michigan limited liability company

By [Signature] (L.S.)
*Gary Abitheira
Its Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 19th day of September, 2016, by Gary Abitheira, Member of GFA Harmony Developers, LLC, a Michigan limited liability company on behalf of the company.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018

[Signature]
*
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

Prepared by: Larysa Figol, SR/WA
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"

PUBLIC UTILITY EASEMENTS

PARCEL COMBINATION

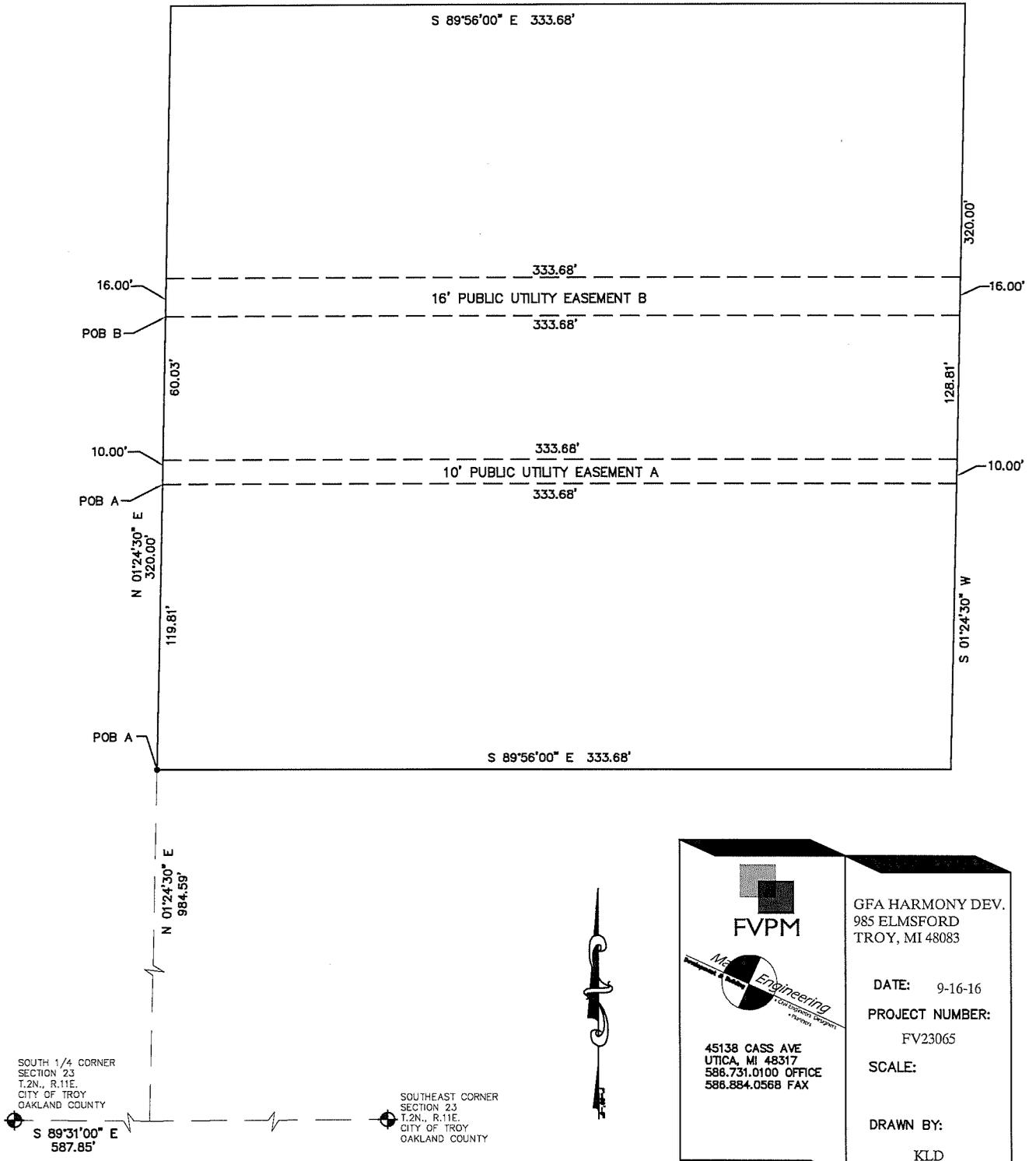
PART OF THE SOUTHEAST 1/4 OF SECTION 23, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23; THENCE S 89°31' 00" E 587.85 FT ALONG THE SOUTH LINE OF SECTION 23; THENCE N 01°24' 30" E 984.59 FT TO THE POINT OF BEGINNING; THENCE N 01°24' 30" E 320.00 FT; THENCE S 89°56' 00" E 333.68 FT; THENCE S 01°24' 30" W 320.00 FT; THENCE N 89°56' 00" W 333.68 FT TO THE POINT OF BEGINNING. CONTAINING 2.45 ACRES OF LAND SUBJECT TO ANY AND ALL EASEMENTS AND ROW OF RECORD OR OTHERWISE. COMBINING PART OF PARCELS 20-23-401-018 & 20-23-401-019

PUBLIC UTILITY EASEMENT - A:

PART OF THE SOUTHEAST 1/4 OF SECTION 23, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23; THENCE S 89°31' 00" E 587.85 FT ALONG THE SOUTH LINE OF SECTION 23; THENCE N 01°24' 30" E 1104.40 FT TO THE POINT OF BEGINNING FOR EASEMENT A; THENCE CONTINUING N 01°24'30" E 10.00 FT; THENCE S 89°56' 00" E 333.68 FT; THENCE S 01°24' 30" W 10.00 FT; THENCE N 89°56' 00" W 333.68 FT TO THE POINT OF BEGINNING.

PUBLIC UTILITY EASEMENT - B:

PART OF THE SOUTHEAST 1/4 OF SECTION 23, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23; THENCE S 89°31' 00" E 587.85 FT ALONG THE SOUTH LINE OF SECTION 23; THENCE N 01°24' 30" E 1174.43 FT TO THE POINT OF BEGINNING FOR EASEMENT B; THENCE CONTINUING N 01°24'30" E 16.00 FT; THENCE S 89°56' 00" E 333.68 FT; THENCE S 01°24' 30" W 16.00 FT; THENCE N 89°56' 00" W 333.68 FT TO THE POINT OF BEGINNING.



 FVPM  45138 CASS AVE UTICA, MI 48317 586.731.0100 OFFICE 586.884.0568 FAX	GFA HARMONY DEV. 985 ELMSFORD TROY, MI 48083
	DATE: 9-16-16 PROJECT NUMBER: FV23065 SCALE: DRAWN BY: KLD

PERMANENT EASEMENT

Sidwell #88-20-23-401-018²⁰¹⁹ (pt of)
Resolution #

GFA HARMONY DEVELOPERS, LLC, a Michigan limited liability company, Grantor(s), whose address is 3301 Mirage, Troy, MI 48083, for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the **CITY OF TROY**, a Michigan municipal corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, 48084 grants to the Grantee the right to construct, operate, maintain, repair and/or replace **storm sewer and surface drainage**, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE "EXHIBIT A" ATTACHED HERETO AND BY REFERENCE MADE APART OF

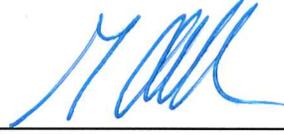
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s) this 19 day of September A.D. 2016.

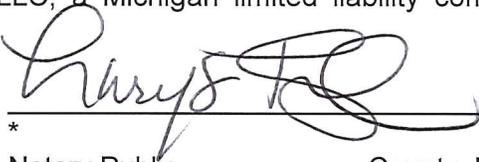
GFA HARMONY DEVELOPERS, LLC
a Michigan limited liability company

By  (L.S.)
*Gary Abitheira
Its Member

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 19th day of September, 2016, by Gary Abitheira, Member of GFA Harmony Developers, LLC, a Michigan limited liability company on behalf of the company.

LARYSA FIGOL
Notary Public, Oakland County, Michigan
Acting in Oakland County, Michigan
My Commission Expires 03/02/2018


*
Notary Public, _____ County, Michigan
My Commission Expires _____
Acting in _____ County, Michigan

Prepared by: Larysa Figol, SR/WA
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"

STORM SEWER AND SURFACE DRAINAGE EASEMENT

PARCEL COMBINATION

PART OF THE SOUTHEAST 1/4 OF SECTION 23, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23; THENCE S 89°31' 00" E 587.85 FT ALONG THE SOUTH LINE OF SECTION 23; THENCE N 01°24' 30" E 984.59 FT TO THE POINT OF BEGINNING; THENCE N 01°24' 30" E 320.00 FT; THENCE S 89°56' 00" E 333.68 FT; THENCE S 01°24' 30" W 320.00 FT; THENCE N 89°56' 00" W 333.68 FT TO THE POINT OF BEGINNING. CONTAINING 2.45 ACRES OF LAND SUBJECT TO ANY AND ALL EASEMENTS AND ROW OF RECORD OR OTHERWISE. COMBINING PART OF PARCELS 20-23-401-018 & 20-23-401-019

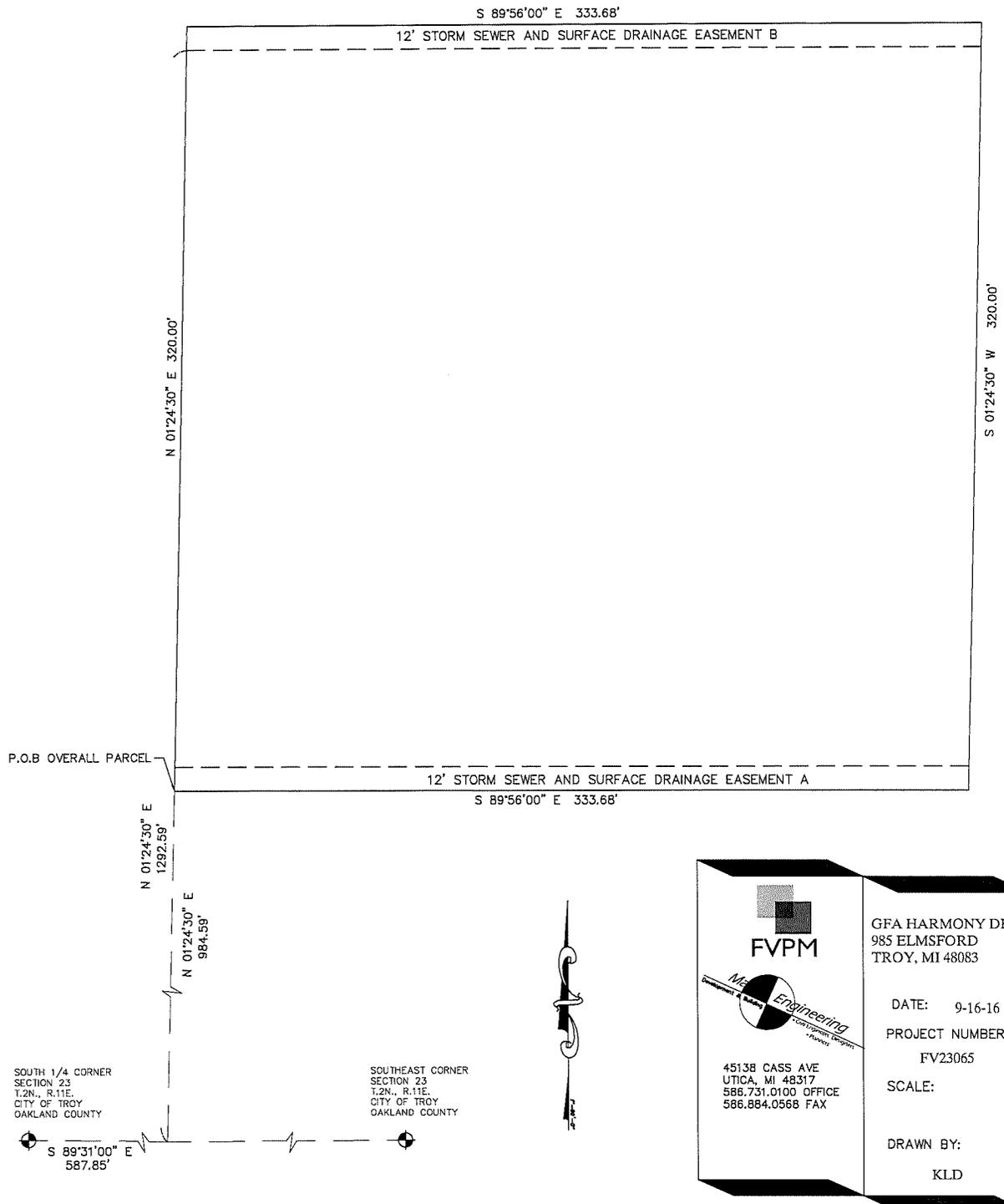
STORM SEWER AND SURFACE DRAINAGE EASEMENTS:

EASEMENT - A:

PART OF THE SOUTHEAST 1/4 OF SECTION 23, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23; THENCE S 89°31'00"E 587.85 FT ALONG THE SOUTH LINE OF SECTION 23; THENCE N01°24'30"E 984.59 FT TO THE POINT OF BEGINNING; THENCE S89°56'00"E 333.68 FT; THENCE N01°24'30"E 12.00 FT; THENCE N89°56'00"W 333.68 FT; THENCE S01°24'30"W 12.00 FT TO THE POINT OF BEGINNING.

EASEMENT - B:

PART OF THE SOUTHEAST 1/4 OF SECTION 23, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN AND BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT SOUTH 1/4 CORNER OF SECTION 23; THENCE S 89°31'00"E 587.85 FT ALONG THE SOUTH LINE OF SECTION 23; THENCE N01°24'30"E 1292.59 FT TO THE POINT OF BEGINNING; THENCE S89°56'00"E 333.68 FT; THENCE N01°24'30"E 12.00 FT; THENCE N89°56'00"W 333.68 FT; THENCE S01°24'30"W 12.00 FT TO THE POINT OF BEGINNING.





CITY COUNCIL AGENDA ITEM

Date: October 4, 2016

To: Brian Kischnick, City Manager

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

Subject: ANNOUNCEMENT OF PUBLIC HEARING (OCTOBER 24, 2016) – ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 249) – Enhanced Cluster Option

This item was initiated by the Planning Commission who recognized that only one development has taken advantage of the existing cluster option since it was adopted in 2005. The proposed provisions are intended to remove unnecessary barriers to cluster development and incentivize design flexibility and creativity.

The provisions were discussed by the Planning Commission at previous meetings. Draft amendments include the following:

- Automatic 20% open space requirement and 20% density bonus.
- Three options for earning additional density bonus.
- No cap on density bonus.
- Encourages development of smaller homes suitable for empty nesters and retirees.
- Requires public notice and Planning Commission public hearing.
- Preliminary Site Plan Approval made by City Council.

The Planning Commission held a public hearing on this item on September 27, 2016, and recommended approval of the text amendment with some minor modifications with a 7-0 vote. The minor modifications are described in the attached minutes and were incorporated into the City Council Public Hearing Draft. The attached PowerPoint presentation that was presented at the public hearing provides additional background.

A public hearing for this item is scheduled for the October 24, 2016 City Council Regular meeting.

Approved as to form and legality:

Lori Grigg Bluhm, City Attorney

Attachments:

1. Zoning Ordinance Text Amendment Public Hearing Draft
2. Planning Commission Minutes (excerpts); April 26, 2016, August 9, 2016, September 27, 2016 (draft)
3. Planning Commission PowerPoint Presentation

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 39 OF THE CODE
OF THE CITY OF TROY
CITY COUNCIL PUBLIC HEARING DRAFT

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 39, Zoning Ordinance, of the Code of the City of Troy.

Section 2. Amendment

Chapter 39 of the Code of the City of Troy is amended as follows:

Remove existing language for Section 10.04 and replace with following Section 10.04 Cluster Development to read as follows:

- A. Intent. The Cluster Option is offered as an alternative to traditional residential development. The Cluster Option is intended to:
1. Encourage the use of property in accordance with its natural character.
 2. Assure the permanent preservation of open space and other natural features.
 3. Provide recreational facilities and/or open space within a reasonable distance of all residents of the Cluster development.
 4. Allow innovation and greater flexibility in the design of residential developments.
 5. Facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner.
 6. Ensure compatibility of design and use within cluster developments and between neighboring properties.
 7. Encourage a less sprawling form of development, thus preserving open space as undeveloped land.
 8. Allow for design innovation to provide flexibility for land development where the normal development approach would otherwise be unnecessarily restrictive or contrary to other City goals
- B. Uses.
1. To be eligible for Cluster consideration, property must be zoned R-1A, R-1B, R-1C, R-1D, or R-1E.

2. The permitted uses shall be limited to single-family detached residential development, residential accessory structures, non-commercial recreation uses and open space.
3. Two--family dwellings are permitted as a Special Use in the R1A, R1B, R1C, R1D, and R1E Zoning Districts with the following regulations:
 - a. The site shall have frontage on and primary access to a major or minor arterial.
 - b. Perimeter Setback: Perimeter setback for principal structures from all of the borders of the development shall be equal to the rear-yard setback requirement for the underlying zoning district of the property directly adjacent to each border. The required open space areas may be located partially or completely within the required perimeter setback.
 - c. Comply with the Special Use standards as set forth in Section 9.03.

C. Base Number of Units

1. The number of dwelling units permitted shall not exceed the number of dwelling units customarily developable in the zoning district in which the proposed development is located, developed with a conventional layout and all applicable ordinances and laws observed. In order to calculate density with a conventional subdivision or site condominium layout, the applicant shall submit a concept site plan of the property with a conventional layout. The plan shall indicate the topography of the site at two (2) foot contour intervals and the limits of all floodplains, water bodies, wetlands, easements, and other areas which would be set aside and preserved due to impracticality, economic unfeasibility, contractual prohibition, or based upon applicable law or ordinance. In addition, the concept plan with the conventional layout shall include the general street pattern and lot configurations. In general, the plan shall be drawn with sufficient detail to permit the Planning Commission to determine the density that would be achieved by conventional development
2. If all requirements 10.04.D are met, the underlying density established by 10.04.C.1 may be increased by twenty percent (20%).

D. Open Space Requirements.

1. The following land areas are not included as dedicated open space for the purposes of the Cluster development option:
 - a. The area of any street right-of-way.
 - b. The submerged area of any lakes, rivers, ponds or streams.
 - c. The required front and side setbacks surrounding a residential structure.
 - d. Required building separations.

- e. Storm water detention or retention facilities, with the exception of bio-retention areas that provide an active or passive recreation function, which can be considered open space.
 - f. Non-functional open space due to limited width or depth as determined by the City Council.
2. All land within a development that is not devoted to a residential unit, limited common elements, accessory structures, vehicle access, vehicle parking, a roadway, or an approved improvement, shall be set aside as common land for recreation, conservation, or preserved in an undeveloped state.
 3. A Cluster development shall maintain a minimum of twenty percent (20%) of the gross area of the site as dedicated open space held in common ownership.
 4. Benefit. The proposed open space shall provide at least one (1) of the following open space benefits:
 - a. Significant Natural Features. Preservation of significant natural features contained on the site, as long as it is in the best interest of the City to preserve the natural features that might be negatively impacted by conventional residential development. The determination of whether the site has significant natural features shall be made by the City Council, after review of a Natural Features Analysis, prepared by the applicant, that inventories these features; or
 - b. Recreation Facilities. If the site lacks significant natural features, it can qualify with the provision of usable recreation facilities to which all residents of the development shall have reasonable access. Such recreation facilities include areas such as a neighborhood park, passive recreational facilities, soccer fields, ball fields, bike paths, or similar facilities that provide a feature of community-wide significance and enhance residential development. Recreational facilities that are less pervious than natural landscape shall not comprise more than fifty (50) percent of the open space. The determination of whether the site has significant natural features shall be made by the City Council after review of a Site Analysis Plan, prepared by the applicant, that inventories these features; or
 - c. Preservation of Common Open Space or Creation of Natural Features. If the site lacks significant natural features, a proposed development may also qualify if the development will preserve common open space or create significant natural features such as wetlands. The determination of whether the site has significant natural features shall be made by the City Council after review of a

Site Analysis Plan, prepared by the applicant, which inventories these features.

5. 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.
6. Connections between the dedicated open space of the development and adjacent open space, public land or existing or planned safety paths is preferred and may be required by the City Council.
7. The dedicated open space shall be set aside by the developer through an irrevocable conveyance, such as deed restriction, restrictive covenant, conservation easement, plat dedication, or other legal document that is subject to review and approval by the City Council, after review and recommendation by the City Attorney. The irrevocable conveyance document shall be approved before there can be final approval of the development (final site plan approval), and the developer shall record such documents with the Oakland County Register of Deeds. The City of Troy (or the common owners) shall be specifically identified as the beneficiary of its provisions. The irrevocable conveyance documents shall provide and/or address the following:
 - a. The dedicated open space shall be perpetually maintained by parties that have an ownership interest in the open space.
 - b. Standards for scheduled maintenance of the open space.
 - c. If the owners of the dedicated open space have failed to maintain it so that it becomes a public nuisance, then the City shall undertake all future maintenance, and shall annually assess the costs for such maintenance upon the property owners in the association, based on the benefit allocation for each property as determined by the City assessor.
 - d. The irrevocable conveyance shall assure that the open space will be protected from all forms of development, except as shown on the approved Final Site Plan. Such conveyance shall indicate the proposed allowable use(s) of the dedicated open space. The open space restrictions shall prohibit uses or activities that negatively affect the dedicated open space, including the following:
 - i. Dumping or storing of any material or refuse.
 - ii. Activity that may cause risk of soil erosion or threaten any living plant material.
 - iii. Cutting or removal of live plant material except for removal of dying or diseased vegetation.
 - iv. Use of motorized off-road vehicles.
 - v. Cutting, filling or removal of vegetation from wetland areas.

- vi. Use of pesticides, herbicides or fertilizers within any wetlands area.
- e. The irrevocable conveyance shall also provide the following:
 - i. The dedicated open space shall forever remain open space, subject only to uses approved by the City on the approved Final Site Plan.
 - ii. Any structures or buildings accessory to a recreation or conservation use may be erected within the dedicated open space. These accessory structures or buildings shall not exceed one (1) percent of the required open space area.
- 8. Maintenance of Open Space. The applicant shall provide documentation to guarantee to the satisfaction of the City Council that all open space portions of the development will be maintained as approved and that all commitments for such maintenance are binding on successors and future owners of the subject property. All such documents shall be subject to approval by the City Attorney. This provision shall not prohibit a transfer of ownership or control, provided notice of such transfer is provided to the City, and that the continued maintenance guarantees remain satisfactory to the City, and the land uses continue as approved in the Cluster development.
- 9. Cohesive Neighborhood. The proposed development shall be designed to create a cohesive community neighborhood through common open space areas for passive or active recreation and resident interaction. All open space areas shall be reasonably accessible to all residents of the development.
- 10. Unified Control. The proposed development site shall be under single ownership or control, such that there is a single person or entity having proprietary responsibility for the full completion of the project. The applicant shall provide sufficient documentation of ownership or control in the form of agreements, contracts, covenants, and/or deed restrictions that indicate that the development will be completed in its entirety as proposed. All documents shall be subject to the review and approval by the City Attorney.
- 11. Density Impact. The proposed type and density of use shall not place an unreasonable impact on the subject and/or surrounding land and/or property owners and occupants and/or the natural environment. An unreasonable impact shall be considered an unacceptable significant adverse effect on the quality of the surrounding community and the natural environment in comparison to the impacts associated with conventional development.

E. Bulk Regulations and Regulatory Flexibility: The City shall permit specific departures from the dimensional requirements of the Zoning Ordinance for yards and units as a part of the approval process. The applicant may cluster the dwellings, as long as the following requirements are satisfied:

1. Overall density shall not exceed the number of residential cluster units determined in Section 10.04.C unless a density bonus as set forth in Section 10.04.H has been granted by the City Council.
2. Setback provisions shall be as follows:
 - a. Perimeter Setback: The perimeter setback for principal structures from all of the borders of the development shall be equal to the rear yard setback requirement for the underlying zoning district of the property directly adjacent to each border. The required open space areas may be located partially or completely within the perimeter setback.
 - b. Setback requirements for principal structures on the interior of the development shall be as follows. If property lines do not exist between houses, the setbacks shall be measured to an imaginary line of equal distance between the houses. A duplex shall be treated as a single-detached residence for the purpose of determining required setbacks. The minimum setbacks shall be as follows.
 - 1) Front: Twenty (20) feet. There shall be at least twenty (20) feet between the front of the building and the property line. There shall be twenty-five (25) feet between the garage door and the closest edge of the sidewalk to allow for an automobile to be parked in the driveway without obstructing the sidewalk.
 - 2) Rear: Twenty-five (25) feet.
 - 3) Side: Seven and one-half (7.5) feet. For detached units with "rear-to-side" relationships, the required setback shall be fifteen (15) feet for each unit, for a total of thirty (30) feet.
3. Required street frontage. The extent of street frontage shall be determined by the Planning Commission, in its discretion, with greater deviations from minimum frontage requirements applicable in the district to be permitted in proportion to the extent and importance of natural resources, topographical conditions, floodplains and wetlands to be preserved on the property, and taking into consideration the size and shape of the development site, public safety factors, aesthetics and impact upon the surrounding developments.

4. All applicable zoning district regulations to height, parking, loading, general provisions, and other requirements shall be met.
 5. Regulatory Flexibility. The City Council, based upon a recommendation from the Planning Commission, may waive the front, side, rear, and perimeter setback provisions as set forth in 10.4.E.2 provided that the applicant has demonstrated innovative and creative site and building designs and solutions, which would otherwise be unfeasible or unlikely to be achieved absent this provision.
- F. Landscaping. Required landscaping shall be in accordance with section 13.02.F Subdivision and Site Condominium Landscaping.
- G. Access. Principal access to the development shall be provided by twenty-eight (28) foot wide public streets constructed to City standards that are located within sixty (60) foot wide rights-of-way or by twenty-eight (28) foot wide streets constructed to City public street standards that are located, within forty (40) foot private easements for public access. Sidewalks shall be constructed across the frontage of all dwelling unit parcels in accordance with City standards. Public utilities shall be placed within street rights-of-way, or within easements approved as to size and location by the City Engineer.
- H. Density Bonus. To encourage the use of the cluster development as set forth in the objectives in Section 10.04.A, a variable density bonus may be allowed at the discretion of City Council, based on a recommendation from Planning Commission. Density bonuses may be based upon a demonstration by the applicant of the following elements:
1. Open Space. For every ten percent (10%) additional open space above the minimum required amount that is not encumbered by rights-of-way or utility easements, a ten percent (10%) bonus density may be applied, or fraction thereof above the base yield number of units as established in 10.04.C.1.
 2. Housing Diversity and Options. A bonus may be provided for a development that provides a diverse variety of housing types or provides a type of housing that is desired, but underserved in the city.
- Eligible bonus for housing diversity shall be equal to one additional unit for every unit above the base yield number of units established in 10.04.C.1; provided that the base number of units to establish the bonus and the equivalent bonus units meet the following requirements:

- a. Maximum home square footage shall not exceed 1,500 sq/ft; and
 - b. First floor master bedroom and laundry room shall be provided.
3. Sustainable Design. A 10% unit bonus above the base yield number of units established in 10.04.C.1 may be provided for a development that utilizes sustainable design best practices including, but not limited to green infrastructure, stormwater best management practices, or green buildings. A sustainable design bonus shall be discretionary from the City Council, based on recommendation from the Planning Commission.
 4. Such density bonuses are in addition to the bonus established in 10.04.C.2

I. Standards for Review

1. Review. In reviewing any application for a Cluster Development, the Planning Commission shall identify and evaluate all factors relevant to the application, and shall report its findings in full, along with its recommendations for disposition of the application, to the City Council.
2. Findings. The applicant shall demonstrate that through the use of the Cluster option, the development will accomplish a sufficient number of the following objectives, as are reasonably applicable to the site, providing:
 - a. Long-term protection and preservation of natural resources, natural features, and open space of a significant quantity and/or quality in need of protection or preservation, and which would otherwise be unfeasible or unlikely to be achieved absent these regulations.
 - b. Innovative and creative site design through flexibility in the siting of dwellings and other development features that would otherwise be unfeasible or unlikely to be achieved absent these regulations.
 - c. Appropriate buffer and/or land use transitions between the Cluster development and surrounding properties.
 - d. A compatible mixture of open space, landscaped areas, and/or pedestrian amenities.
 - e. Sustainable design features and techniques, such as green building, stormwater management best practices, and low impact design, which will promote and encourage energy conservation and sustainable development.
 - f. A means for owning common open space and for protecting it from development in perpetuity.
 - g. Any density bonus is commensurate with the benefit offered to achieve such bonus.
 - h. The cluster development shall be adequately served by essential public facilities and services, such as: streets, pedestrian or bicycle facilities, police and fire protection, drainage systems, refuse disposal, water and sewage facilities, and schools. Such services

shall be provided and accommodated without an unreasonable public burden.

- i. The architectural form, scale, and massing shall ensure buildings are compatible with and complementary to those of adjacent properties and the selected building materials are of high, durable quality. The garage shall not be the dominant feature of a residential building.

J. Application Requirements. In addition to the information required by the City of Troy for all other site plans, any development proposing to utilize the Cluster Plan shall contain the following:

1. A complete description of the land proposed to be dedicated for the common use of lot owners in the association or to the City, including the following:
 - a. A legal description of dedicated open space.
 - b. A topographical and boundary survey of dedicated open space.
 - c. A Natural Features Analysis that inventories all significant natural features on the property and on abutting properties, if applicable.
2. Information regarding current and proposed ownership and use of the dedicated open space, including the following:
 - a. The proposed ownership and control of the open space.
 - b. The proposed methods of regulating the use of the common facilities and areas so as to eliminate possible nuisances to other property owners and/or nuisances that require enforcement by the City of Troy.
 - c. The proposed and/or potential uses of dedicated open space and the proposed improvements to be constructed by the developer.
3. A detailed narrative and graphic plan that indicates a specific method(s) for protecting significant natural features including Protected Trees, wetlands, water courses, and open space during construction. The plan shall be consistent with the City's Woodland Protection requirements as set forth in Section 13.07, and shall be agreeable to the developer, who shall so indicate with his/her signature on the detailed narrative and graphic plan.
4. Other relevant information necessary to show that the proposed development qualifies for approval as a Cluster development.
5. Public Hearing and Notice Requirement. All applications for a Cluster Plan approval require public notice and a public hearing. Section 3.04, Public Notice Requirements, sets forth notification.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

This amendment to the Zoning Ordinance shall take effect ten (10) days after publication, which shall be published within 15 days of adoption, as required the Michigan Zoning Enabling Act (Act 110 of 2006).

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2016.

Dane Slater, Mayor

Aileen Dickson, City Clerk

3. ENHANCED CLUSTER OPTION (File Number ZOTA 249) – Site Visits

The Planning Commission boarded a van and visited the following residential cluster developments in the City of Auburn Hills, Michigan:

Auburn Grove Condominium

- 124 homes on 52.02 acres
- 53.4% open space
- 2.38 units per gross acre
- Two and four unit attached homes

Hawkwoods Circle Condominium

- 15 homes on 8.27 acres
- 45.8% open space (6.04 acres of uplands)
- 2.5 units per acre
- One family detached homes

Arbor Cove Condominium

- 94 homes on 36.71 acres
- 32% open space (11.6 acres of wetlands)
- 2.56 units per gross acre/3.74 units per net acre
- Two unit attached homes

Heritage in the Hills Condominium

- 281 units
- Approximately 100 acres of wetlands
- Gated 24/7
- 7,000 square foot clubhouse
- 55 and older community

There was general discussion by the Planning Commission during the site visits. The bus returned to City Hall at approximately 7:30 p.m.

OTHER ITEMS

7. ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 249) – Enhanced Cluster Option

Mr. Carlisle addressed the following:

- Private vs. public roads; inter-connectivity.
- Maximum home square footage in relation to bonus.
- Developer feedback.
- General comparison chart in memorandum dated August 2, 2016.

Mr. Carlisle said he would add text relating to the requirement of a Public Hearing and make some minor clarifications to the proposed text.

Chair Edmunds opened the floor for public comment.

Kamal Shouhayib of Choice Group addressed the value of the City’s intent to adopt an enhanced cluster development option.

Chair Edmunds closed the floor for public comment.

It was the consensus of the Planning Commission to schedule a Public Hearing for the next available Planning Commission meeting.

ZONING ORDINANCE TEXT AMENDMENT

8. **PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (File Number ZOTA 249)**
– Cluster Option

A PowerPoint review of the proposed Zoning Ordinance Text Amendment was presented.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

There was discussion on:

- (page 1) A. Intent. 6. – Revise language to reflect compatibility of design and use within cluster development and between neighboring properties.
- (page 5) D. Open Space Requirements. 7. e. – Correct numbering sequence.
- (page 6) E. Bulk Regulations and Regulatory Flexibility. 2. b. – Add language to reflect there shall be 20 feet from the front property line to the principal structure.
- (page 8) H. Density Bonus. 3. Sustainable Design – Add text “and/or”.
- (page 9) I. Standards for Review. 2. i. – Add “compatible” to architectural language.
- Language relating to garage doors shall not be dominant feature.

Resolution # PC-2016-09-061

Moved by: Hutson

Support by: Crusse

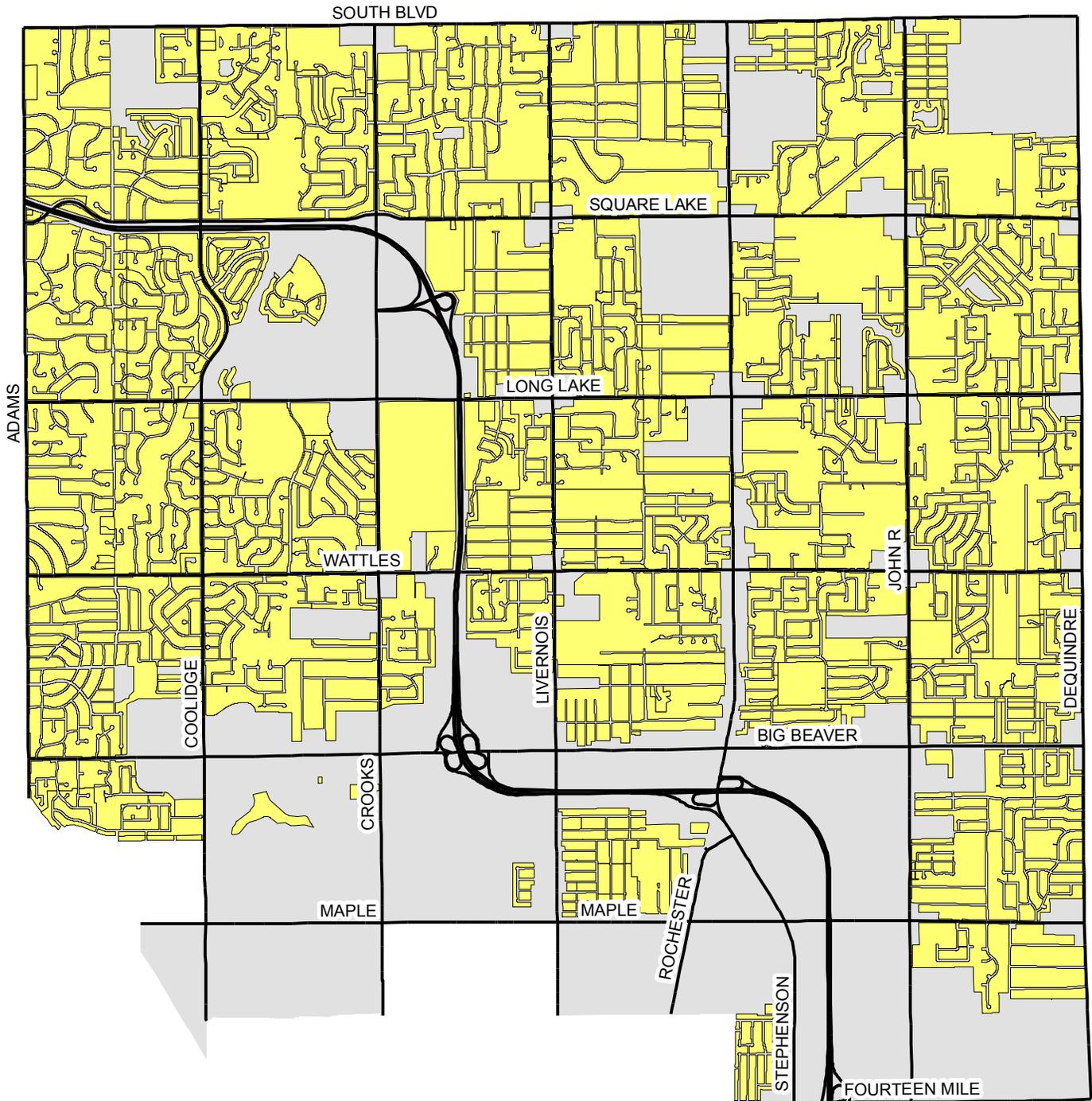
RESOLVED, That the Planning Commission hereby recommends to the City Council that Article 10 of Chapter 39 of the Code of the City of Troy, which includes enhanced provisions related to the cluster option, be amended as printed on the proposed Zoning Ordinance Text Amendment, in addition to the comments listed by the Planning Commission during discussion.

Yes: All present (7)

Absent: Faison, Kuppa

MOTION CARRIED

PROPERTIES ZONED R-1A THRU R-1E



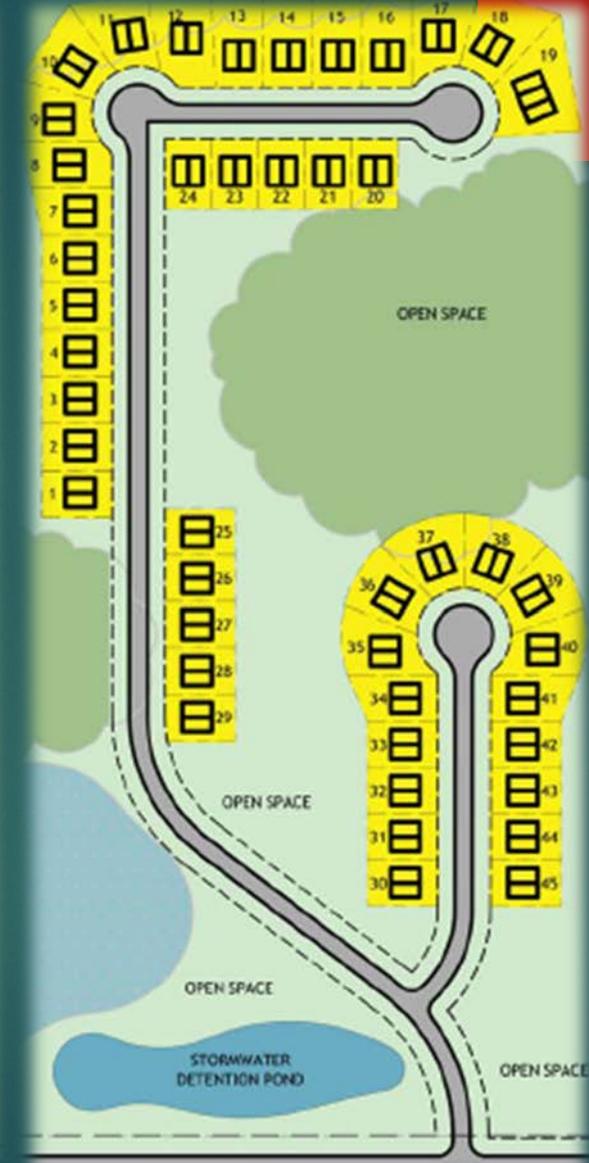
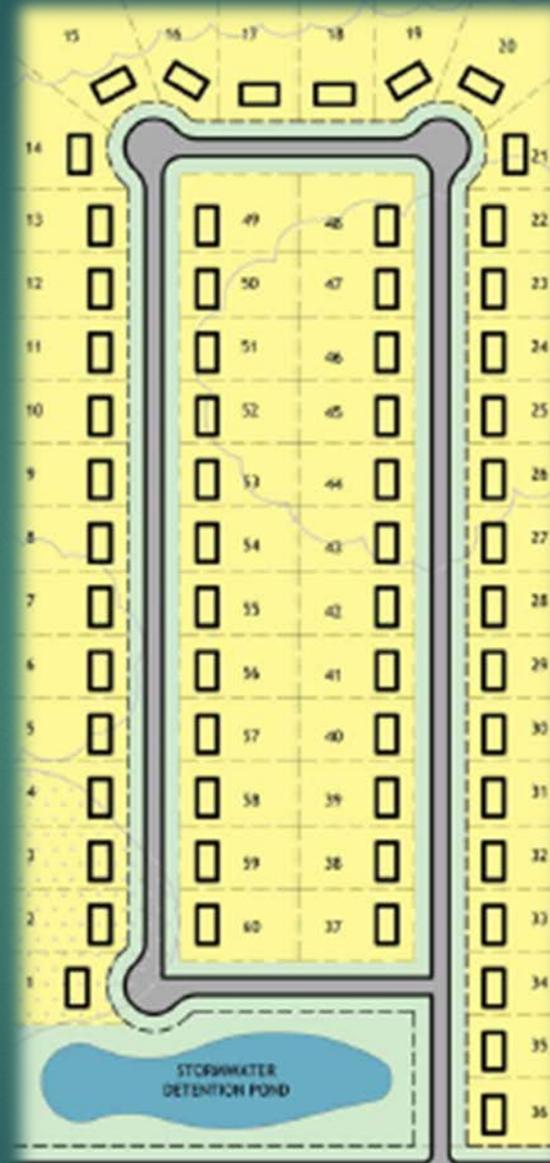
Legend

 (R-1A, R1-B, R1-C, R-1D and R1-E) One Family Residential District

City Of Troy

Enhanced Cluster Ordinance

Public Hearing
9/27/16

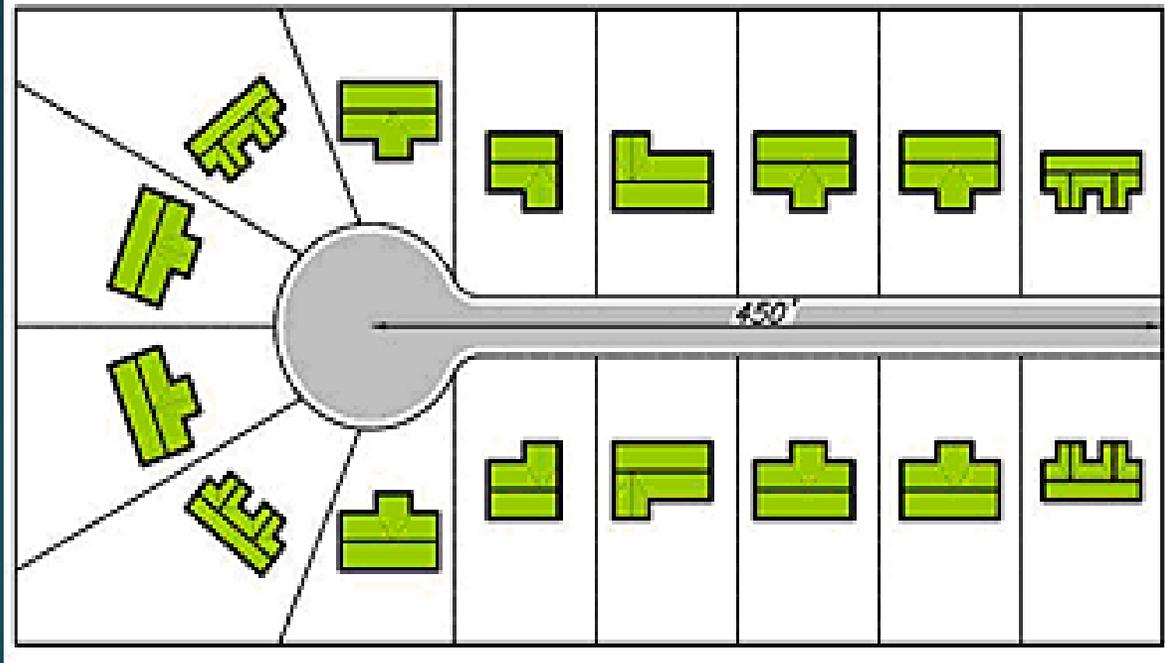


What is Cluster Development?

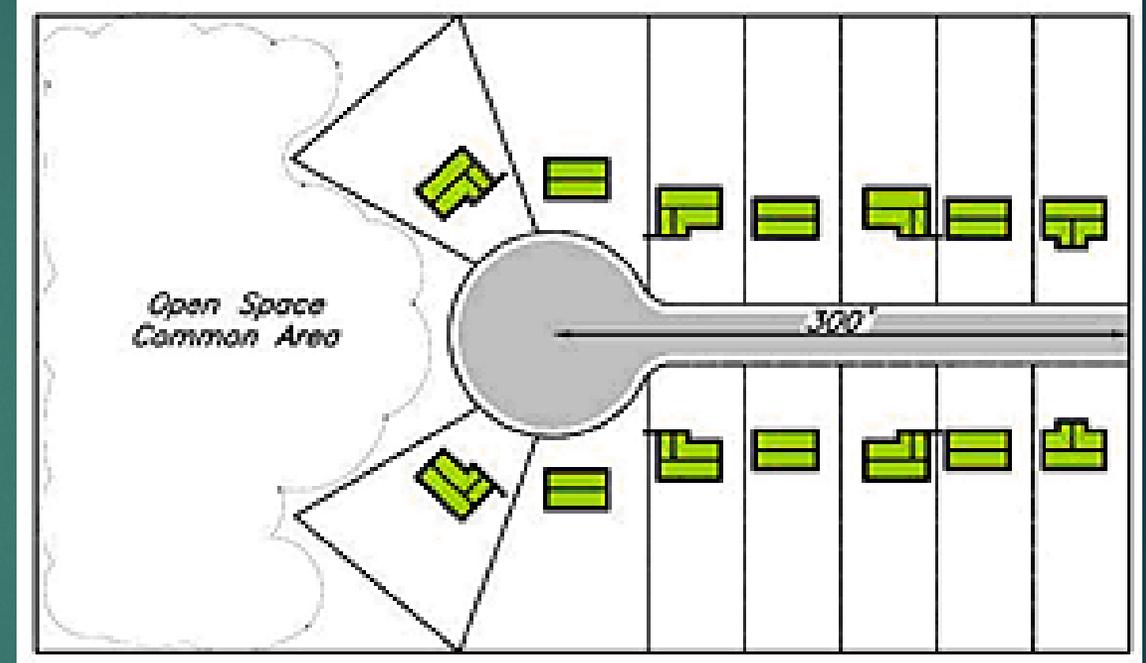


Cluster Development is a zoning concept that involves grouping homes within a development so that the remaining land on the site can be preserved for recreation, common open space, or protection of natural features.

Why Cluster?



CONVENTIONAL



CLUSTER

Advantages of Cluster Development

- Preserves natural features
- Permits creative design
- Preserves character of area
- Reduces infrastructure

Existing Cluster Ordinance

- Only one development has taken advantage of the existing development option
- Benefit does not offset restrictions

Direction Received



1. Remove unnecessary barriers to cluster development
2. Incentivize
3. Permit design flexibility and creativity

Eliminate Unnecessary Provisions

Relates to
Direction 1

- ▶ Reduce minimum open space from 30% to 20%
- ▶ Eliminate density bonus requirement of:
 - ▶ A Sustainable Design Project;
 - ▶ Perimeter “open space” cluster of 150-feet; or
 - ▶ Donation of land for community benefit, or similar element as determined by City Council.

Design Flexibility

- ▶ Maintain existing front yard (20'), rear yard (25') and side yard (7.5') setbacks; but
- ▶ Permit the City Council to waive the setback provisions provided that application:
 - ▶ Has demonstrated innovative and creative site, and building designs and solutions; and
 - ▶ Met specific standards

Base Density

- ▶ Base density is determined with a parallel plan
- ▶ If all requirements are met, the base density by-right may be increased by twenty percent (20%)

Density Bonus

- ▶ A variable density bonus may be allowed at the discretion of City Council
- ▶ There is no maximum density bonus above the base yield number of units.

Density Bonus

▶ Three Options:

1. Open Space
2. Housing Diversity and Options
3. Sustainable Design

Open Space

- ▶ For every ten percent (10%) additional open space above the minimum required amount a ten percent (10%) bonus density may be applied.

I.E 30% open space = 30% density bonus
40% open space = 40% density bonus

Housing Diversity and Options

Relates to
Direction 2, 3

- ▶ A one for one bonus for a diverse variety of housing types or provides a type of housing that is desired, but is underserved in the city.
 - ▶ Maximum home square footage cannot exceed 1,500 sq/ft.
 - ▶ One (1) first floor bedroom must be provided.

Sustainable Design

Relates to
Direction 2, 3

- ▶ A 10% unit bonus may be provided for a development that utilizes sustainable design best practices including:
 - ▶ Green infrastructure; or
 - ▶ Naturalized stormwater management; or
 - ▶ Green buildings.

Two-Family Dwellings

Relates to
Direction 2, 3

- ▶ Allow two-family dwellings as a Special Use in R1A, R1B, R1-C, R1-D, and R1-E
 - ▶ The site shall have frontage on and primary access to a major or minor arterial.
 - ▶ Maintain periphery setback requirements



Process



- ▶ All proposed Cluster Developments require a public notice and public hearing
- ▶ All proposed Cluster Developments are reviewed by the Planning Commission, who make a recommendation to City Council
- ▶ Approval is granted by the City Council
- ▶ All proposed cluster developments must meet required standards.

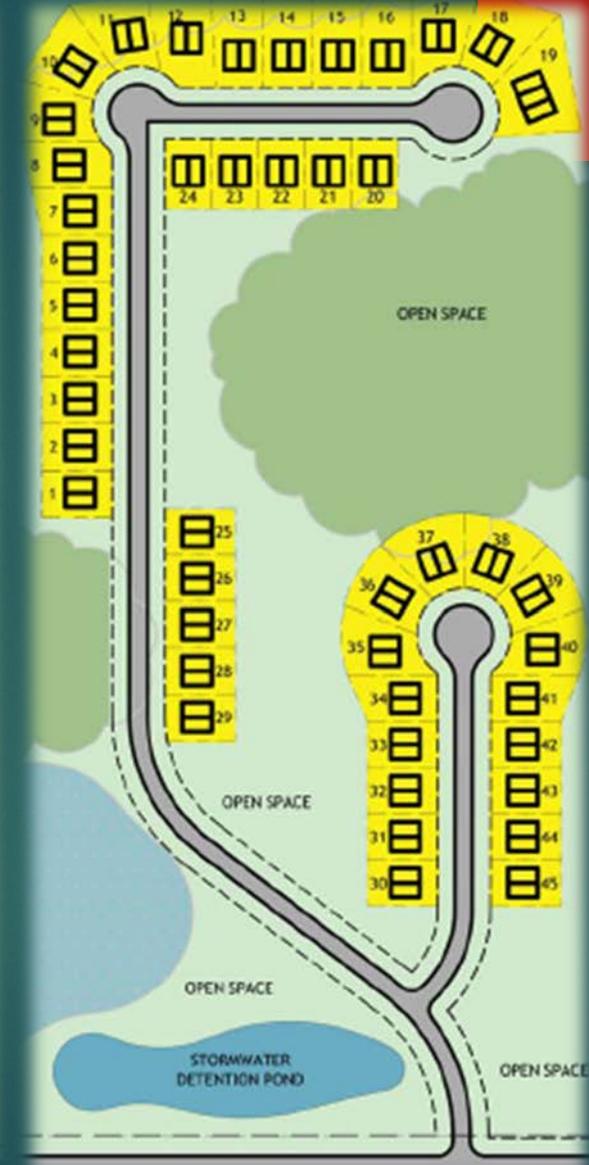
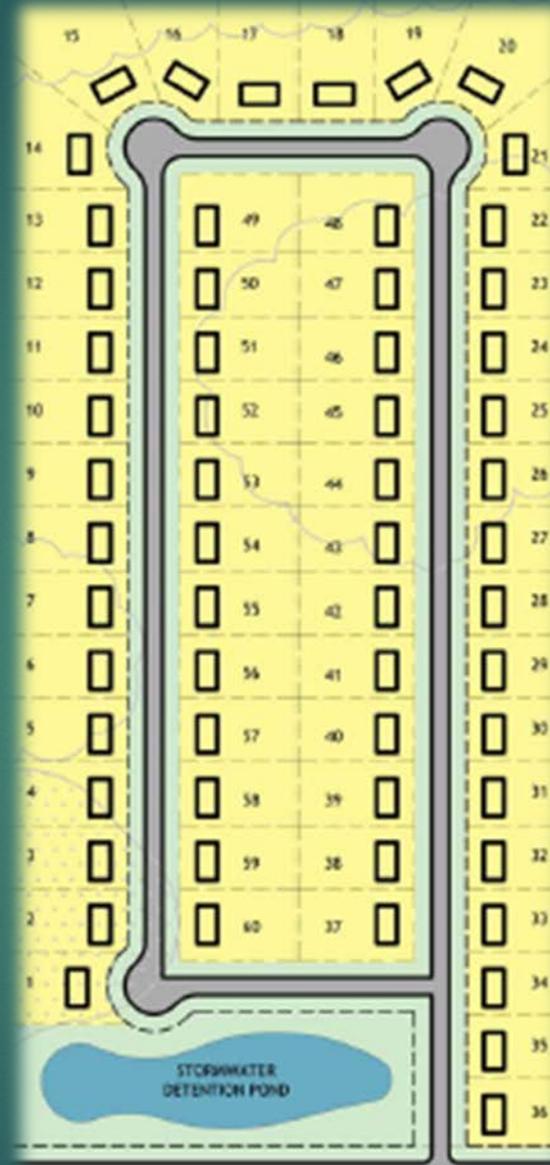
Summary

- ▶ Permit greater design flexibility
 - ▶ Reduced setbacks
 - ▶ Attached housing
 - ▶ Sustainable design
- ▶ Permit greater density
 - ▶ 20% automatic density bonus
 - ▶ Three options for additional bonus
 - ▶ No cap on density bonus
- ▶ Process and Protection
 - ▶ Requires a public notice and Public Hearing
 - ▶ Preliminary Site Plan Approval made by City Council based on recommendation from Planning Commission

City Of Troy

Enhanced Cluster Ordinance

Public Hearing
9/27/16



ELECTION COMMISSION MINUTES – FINAL

June 23, 2016

A meeting of the Troy Election Commission was held June 23, 2016, at City Hall, 500 W. Big Beaver Road. City Clerk Dickson called the Meeting to order at 8:00 AM.

Roll Call:

PRESENT: M. Aileen Dickson, Harry Philo

ABSENT: David Anderson

Approval of Minutes

Resolution #EC-2016-06-09

Moved by Philo

Seconded by Dickson

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

Election Commission Meeting – June 3, 2016

Yes: Dickson, Philo

No: None

Absent: Anderson

MOTION CARRIED

Approval of Election Inspector Assignments – August 2, 2016 State Primary Election

Resolution #EC-2016-06-10

Moved by Philo

Seconded by Dickson

RESOLVED, That Election Inspectors be **APPOINTED** for the August 2, 2016 State Primary Election, as presented by the City Clerk.BE IT FURTHER RESOLVED, That the City Clerk is hereby **AUTHORIZED** to make emergency appointments as necessary.

Yes: Dickson, Philo

No: None

Absent: Anderson

MOTION CARRIED

Authorization to Conduct Testing for the August 2, 2016 State Primary Election

Resolution #EC-2016-06-11

Moved by Philo

Seconded by Dickson

RESOLVED, That the Election Commission hereby **AUTHORIZES** the City Clerk to conduct preliminary and public tests of the programming, equipment and ballots on behalf of the Election Commission for the August 2, 2016 State Primary Election.

Yes: Dickson, Philo

No: None

Absent: Anderson

MOTION CARRIED

Adjournment:

The meeting was **ADJOURNED** at 8:05 AM.

M. Aileen Dickson, MMC, CMMC
City Clerk

Acting Chair Abitheira called the Regular meeting of the Building Code Board of Appeals to order at 3:06 p.m. on September 7, 2016 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Members Present

Gary Abitheira
Amanda Anderson
Andrew Schuster

Members Absent

Theodore Dziurman, Chair
Brian Kischnick

Support Staff Present:

Mitch Grusnick, Building Official/Code Inspector
Allan Motzny, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

Also Present:

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

2. APPROVAL OF MINUTES

Moved by: Anderson
Support by: Schuster

RESOLVED, To approve the minutes of the August 3, 2016 Regular meeting as submitted.

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

MOTION CARRIED

3. HEARING OF CASES

A. VARIANCE REQUEST, TERRY GLADSTONE FOR ACTION FENCE OF MICHIGAN, 2649 KENWYCK – This property is a double front setback corner lot. As such it has required front setbacks from both Kenwyck and Danbury. The petitioner is requesting a variance to install a 6 foot high obscuring fence in the Danbury front setback, where City Fence Code limits fences to non-obscuring 30 inches high.

Mr. Grusnick reported the department received one written response to the public hearing notices and he had a verbal discussion with the homeowner at 4842 Danbury.

Present were the applicant Terry Gladstone and the property owner Nick Piersinski.

Mr. Piersinski said after talking with neighbors, they propose to reduce the fence height to 4 feet along Danbury and up to the front façade of the home at 4842 Danbury, then transition to a 6 foot high privacy fence on the back side. Mr. Piersinski said the fence would be a shadowbox-style obscuring fence. He circulated (1) a picture of the revised plan and (2) a letter signed by the property owners at 4842 Danbury stating their agreement with the revised plan.

Mr. Grusnick stated the application as revised would require a variance for the 4 foot high obscuring fence along Danbury and a variance would not be required for the privacy fence along the rear.

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

Moved by: Schuster
Support by: Anderson

RESOLVED, To grant the variance request subject to the modifications heard at this meeting, which is to install a 4 foot high obscuring fence along the Danbury property line at a minimum of 5 feet from the sidewalk, for the following reason:

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

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

MOTION CARRIED

- B. **VARIANCE REQUEST, KEVIN J. KMET FOR UNITED SHORE FINANCIAL SERVICES LLC, 1414 EAST MAPLE** – To allow the installation of 2 wall signs each measuring 262 square feet, where the Sign Code allows only 1 wall sign. Variances were previously granted to allow the 5 existing wall signs. The 2 signs will be removed within 6 months of installation.

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

Present to represent United Shore Financial Services were Kevin Kmet, Barbara Yolles and Laura Lawson.

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

Moved by: Anderson
Support by: Schuster

RESOLVED, To grant the variance request, for the following reasons:

1. The variance would not be contrary to the public interest or general purpose and intent of Chapter 85; and
2. The signs are temporary in nature.

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

MOTION CARRIED

- C. **VARIANCE REQUEST, WARREN HUDSON FOR FRIEDMAN MANAGEMENT COMPANY, 700 TOWER** – A variance from the Sign Code to allow installation of a 554 square foot ground sign adjacent to the I-75 property line. The 2 existing ground signs will be retained. The Sign Code allows 2 ground signs. Ground signs are limited to a maximum size of 200 square feet.

Mr. Grusnick reported the department received no written responses to the public hearing notices. He clarified how the City determined the computation of the square footage of the sign.

Present were Warren Hudson and Stan Finsilver of Friedman Management Company. They addressed signage from the I-75 expressway, existing foliage and topography. The applicant was amicable to redesigning the base and thickness of the sign so that the overall square footage of the sign would be reduced.

Acting Chair Abitheira acknowledged there was no one present to speak.

Moved by: Abitheira
Support by: Anderson

RESOLVED, To grant a variance to allow a third ground sign adjacent to the I-75 property line, subject to a maximum size of 200 square feet, a maximum height of 25 feet and a minimum setback of 30 feet, for the following reasons:

1. The property is sided by three major roads.
2. The property is permitted to have three signs.

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

MOTION CARRIED

- D. **VARIANCE REQUEST, WARREN HUDSON FOR FRIEDMAN MANAGEMENT COMPANY, 800 TOWER** – A variance from the Sign Code to allow installation of a 554 square foot ground sign adjacent to the I-75 property line. The 2 existing ground signs will be retained. The Sign Code allows 2 ground signs. Ground signs are limited to a maximum size of 200 square feet.

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

Present were Warren Hudson and Stan Finsilver of Friedman Management Company. They addressed limited locations to place the sign, existing foliage and topography. The applicants were amicable to placing the sign in an existing parking space.

Acting Chair Abitheira acknowledged there was no one present to speak.

Moved by: Abitheira
Support by: Schuster

RESOLVED, To grant a variance to allow a third ground sign adjacent to the I-75 property line, subject to a maximum size of 200 square feet, a maximum height of 25 feet and a minimum setback of 30 feet from the I-75 right of way, for the following reason:

- 1. The property is a double-fronted property.

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

MOTION CARRIED

4. **COMMUNICATIONS**

None.

5. **PUBLIC COMMENT**

None.

6. **MISCELLANEOUS BUSINESS**

None.

7. ADJOURNMENT

The Regular meeting of the Building Code Board of Appeals adjourned at 3:55 p.m.

Respectfully submitted,

Gary Abitheira, Acting Chair

Kathy L. Czarnecki, Recording Secretary

G:\Building Code Board of Appeals Minutes\2016\Draft\2016 09 07 Regular Meeting_Draft.doc

Chair Edmunds called the Regular meeting of the Troy City Planning Commission to order at 7:00 p.m. on September 13, 2016 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Ollie Apahidean
 Donald Edmunds
 Carlton M. Faison
 Michael W. Hutson
 Tom Krent
 Padma Kuppa
 John J. Tagle

Absent:

Karen Crusse
 Philip Sanzica

Also Present:

R. Brent Savidant, Planning Director
 Ben Carlisle, Carlisle Wortman Associates
 Julie Quinlan Dufrane, Assistant City Attorney
 Kathy L. Czarnecki, Recording Secretary

2. APPROVAL OF AGENDA

Resolution # PC-2016-09-056

Moved by: Kuppa
 Support by: Tagle

RESOLVED, To approve the Agenda as prepared.

Yes: All present (7)
 Absent: Crusse, Sanzica

MOTION CARRIED

3. APPROVAL OF MINUTES

Resolution # PC-2016-09-057

Moved by: Krent
 Support by: Apahidean

RESOLVED, To approve the minutes of the August 9, 2016 Regular meeting as submitted.

Yes: All present (7)
 Absent: Crusse, Sanzica

MOTION CARRIED

4. PUBLIC COMMENT – Items not on the Agenda

There was no one present who wished to speak.

PRELIMINARY SITE PLAN REVIEW

5. PRELIMINARY SITE PLAN REVIEW (File Number SP 1005) – Proposed Renovation of Southeast corner of Rochester Road and Maple Road (1010 E Maple), Section 34, Currently Zoned IB (Integrated Industrial and Business) District

Mr. Carlisle reported on the proposed Preliminary Site Plan application. He expressed support of the substantial investment in renovating the property and recommended to grant approval with the conditions as identified in his report dated August 16, 2016.

The applicant Michael Boggio was present.

There was discussion on:

- Drive-through radius.
- Location and material selection of trash enclosure.

Resolution # PC-2016-09-058

Moved by: Tagle

Seconded by: Krent

RESOLVED, That Preliminary Site Plan Approval, pursuant to Article 8 of the Zoning Ordinance, as requested for the proposed renovation project, including a restaurant with drive through, located at the southeast corner of Rochester Road and Maple Road (1010 E Maple), Section 34, within the IB (Integrated Industrial and Business) District, be granted, subject to the following:

1. Provide a bicycle rack for at least two (2) bicycles within fifty (50) feet of the building entrance.
2. Provide a striped pedestrian crossing from both the Rochester Road and Maple Road sidewalks to the building sidewalk.
3. Increase sidewalks fronting Rochester Road and E. Maple Road to at least eight (8) feet in width.
4. Extend sidewalk to the southern property boundary on Rochester Road.
5. Provide elevations and material selection for the trash enclosure that are comparable to the quality and durability of the building.
6. Provide a lighting (photometric) plan, light pole details and wall mounted lighting details at time of final plan submission.
7. Add additional architectural details to the south and east elevations.
8. Rotate the trash enclosure so that the gates front more in a southwesterly direction on the site.
9. Increase the interior radius of the drive-through at the southeast corner of the building by relocating the addition some dimension to the west.

Yes: All present (7)
Absent: Crusse, Sanzica

MOTION CARRIED

OTHER ITEMS

6. **PUBLIC COMMENT** – Items on Current Agenda

There was no one present who wished to speak.

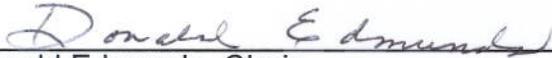
7. **PLANNING COMMISSION COMMENT**

Mr. Savidant gave an update on upcoming agenda items and public hearings. He announced City administration is reviewing City ordinances to address outdated policies.

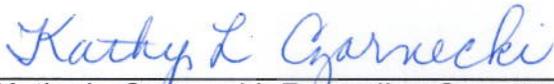
General Planning Commission comments followed.

The Regular meeting of the Planning Commission adjourned at 7:44 p.m.

Respectfully submitted,



Donald Edmunds, Chair



Kathy L. Czarnecki, Recording Secretary

A meeting of the Troy Election Commission was held September 29, 2016, at City Hall, 500 W. Big Beaver Road. City Clerk Dickson called the Meeting to order at 8:02 AM.

Roll Call:

PRESENT: David Anderson
ABSENT: M. Aileen Dickson, Harry Philo
ALSO PRESENT: Cheryl A. Stewart

Approval of Minutes

Resolution #EC-2016-09-12
Moved by Anderson
Seconded by Stewart

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

Election Commission Meeting – June 23, 2016

Yes: Anderson, Stewart
No: None
Absent: Philo

MOTION CARRIED

Approval of Election Inspector Assignments – November 8, 2016 Presidential Election

Resolution #EC-2016-09-13
Moved by Anderson
Seconded by Stewart

RESOLVED, That Election Inspectors be **APPOINTED** for the November 29, 2016 Presidential Election, as presented by the City Clerk.

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

Yes: Anderson, Stewart
No: None
Absent: Philo

MOTION CARRIED

Authorization to Conduct Testing for the November 8, 2016 Presidential Election

Resolution #EC-2016-09-14

Moved by Anderson

Seconded by Stewart

RESOLVED, That the Election Commission hereby **AUTHORIZES** the City Clerk to conduct preliminary and public tests of the programming, equipment and ballots on behalf of the Election Commission for the November 8, 2016 Presidential Election.

Yes: Anderson, Stewart

No: None

Absent: Philo

MOTION CARRIED

Adjournment:

The meeting was **ADJOURNED** at 8:06 AM.

Cheryl A. Stewart, CMC, CMMC
Deputy City Clerk



CITY COUNCIL AGENDA ITEM

Date: October 3, 2016

To: Brian Kischnick, City Manager

From: Mark F. Miller, Director of Economic and Community Development
Paul Featherston, Building Official, SAFEbuilt
Mitch Grusnick, City Building Official

Subject: Building Department Activity Report – September, 2016

The following attachment contains a summary of permit activity and project valuation for the Building Inspection Department comparing September 2015 to September 2016. Valuations have slightly decreased to below the levels from last year.

A total of 7,567 building, plumbing, electrical and mechanical related permits have been issued for the year so far compared to 7,150 during the same time frame in 2015.

Year to date project valuations throughout September 2016 are at \$121,078,510. In comparison, building related permits had a valuation of \$123,714,248 during the same period in 2015.

Our inspectors performed 1,626 trade inspections for the month of September 2016 compared to 1,875 for the month of September 2015. Inspections counts have stayed high for this time of year.

Attachments:

1. Building Department Activity Report

Preparer of memo\File name\File location

BUILDING PERMITS ISSUED

	BUILDING PERMITS	PERMIT VALUATION	BUILDING PERMIT REVENUE	BUILDING PERMITS	PERMIT VALUATION	BUILDING PERMIT REVENUE
	2015	2015	2015	2016	2016	2016
JANUARY	172	\$ 13,789,620.00	\$ 352,653.99	106	\$ 8,881,040.00	\$ 186,385.60
FEBRUARY	85	\$ 5,271,646.00	\$ 155,426.00	118	\$ 8,387,600.00	\$ 236,060.17
MARCH	137	\$ 20,334,618.00	\$ 360,947.75	194	\$ 17,197,346.00	\$ 385,950.19
APRIL	228	\$ 24,744,935.00	\$ 417,945.02	184	\$ 7,949,322.00	\$ 228,388.62
MAY	230	\$ 22,193,390.00	\$ 375,491.94	304	\$ 10,216,794.00	\$ 274,789.01
JUNE	242	\$ 12,569,406.00	\$ 327,069.54	346	\$ 26,455,559.00	\$ 515,074.56
JULY	240	\$ 11,927,112.00	\$ 262,669.77	271	\$ 9,922,722.00	\$ 299,428.08
AUGUST	260	\$ 12,910,521.00	\$ 286,684.15	402	\$ 18,344,189.00	\$ 379,036.78
SEPTEMBER	288	\$ 11,397,103.00	\$ 305,132.56	250	\$ 13,723,938.00	\$ 265,868.15
OCTOBER	282	\$ 20,800,709.00	\$ 403,200.00	0	\$ -	
NOVEMBER	167	\$ 9,762,579.00	\$ 240,439.78	0	\$ -	
DECEMBER	135	\$ 8,275,432.00	\$ 237,544.70	0	\$ -	
TOTAL	2466	\$173,977,071.00	\$3,725,205.20	2175	\$121,078,510.00	\$2,770,981.16

September, 2016

TO: The Honorable Mayor and City Council

FROM: Brian Kischnick, City Manager
Gary Mayer, Chief of Police

SUBJECT: Reference Information for Liquor License Types

Please allow this memorandum to serve as an overview of the common liquor license types. It is intended to answer some of the questions that council members have asked in the past. There are many types of liquor licenses issued by the Michigan Liquor Control Commission (MLCC). Listed below are some of the most common types of liquor licenses. A complete list of all the liquor licenses types is available on the MLCC website at www.michigan.gov/lcc.

We stand ready to answer any additional questions.

Different types of liquor licenses issued by the Michigan Liquor Control Commission (MLCC):

Class C 64 in Troy	This is an on-premise license that allows a business (typically a restaurant) to sell beer, wine, and spirits to be consumed on the business premises.
Club 4 in Troy	This license is for non-profit licensed clubs such as Elks and VFW, where beer, wine and spirits can be sold and consumed on premises by registered members of the club, but not by the general public. Club members may purchase alcoholic beverages for their guests.
B-Hotel 8 in Troy	This is the same as a Class C license, but for hotels or motels to allow patrons to consume beer, wine, and spirits in the hotel or motel bar or restaurant or meeting rooms and in the hotel or motel guest rooms.
Resort-C eleven in Troy	This license allows operation of regular Class-C licensed business based on certain restrictions. These licenses are issued only if the MLCC considers the business is designed to "attract tourists and visitors to the resort area, whose primary purpose is not for the sale of alcoholic liquor", and there is a capital investment in real property of a determined amount by the applicant.
Special 1-Day License	This license (often called a "24 hour license") allows a non-profit organization to sell beer, wine, and/or liquor (spirits) for consumption on the licensed premises for one day. This includes wine auctions for charities.
SDD	Specially Designated Distributor License is an off-premise license that allows the licensee to sell spirits to customers to be consumed off the licensed premises. This is the type of liquor license that some of the party stores, grocery stores, or liquor stores acquire in addition to a SDM. Troy is allotted a quota of 27 of these types of licenses, and all 27 are in use. The 27 quota licenses are based on 1 license for every 3000 residents in the city.
SDM	Specially Designated Merchant License is an off-premise license that allows the licensee to sell beer and wine to customers to be consumed off the licensed premises.

Troy also has several Wholesale Licenses that do not sell to the public. These are businesses that import or export items to stores in Michigan or out of state.

Another type of liquor license is known as a Tavern License. This is an on-premises license that allows a restaurant to sell only beer and wine to be consumed at the business. There are none of these licenses in Troy, and they are not very common throughout the entire state of Michigan.

Many businesses that have a Class-C or a B-Hotel License also have a SDM license. The added SDM license allows a restaurant to sell a patron a bottle of wine that has been opened and not finished or sell beer and wine to customers to be consumed after they leave the premises.

The number of on-premise liquor licenses (typically used in restaurants) in the City of Troy is based in part on a quota system. The MLCC issues on-premise quota liquor licenses to cities/townships in proportion to the most recent U.S. census population of the city/town (1 on-premise quota license for every 1500 residents in the city). As of the most recent census (Year 2010), the City of Troy is permitted 54 on-premise quota licenses. The official population will not change until after the next census is taken in the year 2020. Therefore, the number of 54 permitted on-premise quota licenses in the City of Troy will not change until after the 2020 census.

There is no statutory requirement that a local government unit must fill all of the quota liquor licenses that are available. City Council can determine to authorize an available quota liquor license for issuance or hold onto the license for future consideration.

Liquor License Transfer:

Even when there are no on-premise quota liquor licenses available, a business owner can still purchase an escrowed liquor license from another owner and request to transfer the license to the City of Troy. In order to transfer a liquor license to the City of Troy, applicants must begin the process with the MLCC. The application forms are on the MLCC's website www.michigan.gov/lcc, and the MLCC maintains a list of licenses that are in escrow on their website. The liquor license lists are found under the headings *Licensing Lists, Active and Escrowed License Lists By County*. A business owner can review the list of escrowed licenses and contact the owner of a liquor license to arrange for the purchase of the license. Then the business would apply to the MLCC in order to remove the license from escrow and transfer it to the City of Troy.

Currently, there are 64 on-premise Class C liquor licenses (typically used in restaurants) in the City of Troy. Most of those were quota licenses, and there are also several on-premise Class C liquor licenses that were transferred into Troy from other cities.

Resort Licenses:

In addition to the number of quota licenses, the MLCC also issues **Resort Licenses**. Resort licenses can be Class C, Tavern, B-Hotel, and A-Hotel classifications. They are available only after **all** the licenses under the quota have been issued and if the businesses to be licensed will directly benefit tourism or visitors. *Applicants for a particular type of Resort liquor license must meet the qualifications for that type of license and as a Resort. MLC 436.1531(2)(3)(4).*

Transferable Resort Licenses (MCL 436.1531(2)) This classification is authorized to sell the same type of alcoholic beverages as the regular quota license (i.e. Class C and B-Hotel can sell beer, wine, and liquor; A-Hotel and Tavern Resorts can only sell beer and wine). These licenses may transfer ownership and location anywhere in the state with MLCC approval.

Non-Transferable Resort Licenses (MCL 436.1531(3)) Are authorized to sell the same type of alcoholic beverages as the regular quota license. These licenses may transfer ownership with Commission approval, but not location. There must be an investment of at least \$75,000.00 in real property, improvements, and fixtures.

Resort Economic Development Licenses (MCL 436.1531(4)) Are authorized to sell the same type of alcoholic beverages as the regular quota license. These licenses may transfer ownership with Commission approval, but not location. There must be at least a \$1,500,000 investment in the premises including real estate, building, leasehold improvements, fixtures, and inventory.

In addition, the resort licensee must meet the following requirement:

- The business must provide full course meals (except A-Hotel and B-Hotel).
- The business must have seating for not less than 100 persons (except A-Hotel and B-Hotel).
- The establishment must offer at least one of the following: Some type of public recreational or entertainment activity on the premises or in close proximity OR sleeping facilities, meeting or conference rooms, or convention facilities.
- The majority of the gross income of the business must be from activity other than the sale of alcoholic beverages (sale of food, greens fees, room rental, etc.).

MLCC Permits:

The MLCC also requires that businesses with an on-premise liquor license obtain permits for various activities that take place at the business. The permits listed below are the most common in Troy.

Entertainment Permit - This allows for a performance of dancing or entertaining by employees, the showing of movies or closed circuit television (boxing matches, concerts) or contests (such as karaoke or costume contests).

Dancing Permit - This allows dancing by patrons. The dance floor must be clearly marked and be at least 100 square feet.

After Hours Food Permit - This allows the business to stay open and serve food when alcohol sales are prohibited.

Outdoor Service Permit -This allows the sale and consumption of alcoholic beverages in a well-defined area adjacent to the licensed business.

Direct Connection Permit -This allows connecting the licensed business to any unlicensed area.

Local Government Approval for Liquor Licenses and Permits:

In the year 2012 the MLCC began a series of on-going changes to the liquor license approval process. As a result of those changes made by the MLCC, there is no longer any approval required from City Council or the Police Department for most liquor license applications, including, but not limited to: transfer of Class C licenses to Troy, transfer of Hotel licenses to Troy, transfer of Resort C licenses to Troy, transfer of BrewPub licenses to Troy, transfer of ownership stock/transfer interest, also including any applications for Entertainment Permits, Dance Permits, Outdoor Service Permits, Direct Connection Permits, Sunday Sales Permits, Additional Bar Permits, Extended Hours Permits, among others, and all applications for off-premise businesses (party stores, grocery stores, liquor stores), including all SDD and SDM license applications.

The MLCC requires the local government (Troy City Council) to adopt a resolution to approve a new on-premise quota Class C license, a new Club license, a new BrewPub license, a new Resort license, a new Tavern license, a new Hotel license--and not much else--before the MLCC will grant their approval.

Conclusion:

We know that liquor licensing can be complex and confusing, especially with regular and frequent changes issued by the MLCC. We feel it is important to monitor the Troy establishments that hold a liquor license, due to the potential ramifications. As a result, we take liquor licensing issues very seriously in Troy.

Prepared by: Jeff Oberski

Rehmann Robson

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September 9, 2016

Honorable Mayor and City Council Members
City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084

Enclosed is the engagement letter for the *City of Troy* for the year ended June 30, 2016. *Government Auditing Standards* (as amended) require that we communicate, during the planning stage of an audit, certain information to the City Commission. This information includes the auditors' responsibilities in a financial statement audit, including our responsibilities for testing and reporting on compliance with laws and regulations and internal control over financial reporting. The engagement letter includes the items which must be communicated to the City Commission.

Therefore, please make copies of the attached engagement letter and forward the copies to the City Commission.

Please sign and return the enclosed copy of the attached engagement letter to us at your earliest convenience.

Sincerely,



Enclosures

September 9, 2016

Honorable Mayor and City Council Members
City of Troy
500 W. Big Beaver Road
Troy, Michigan 48084

We are pleased to confirm our understanding of the services we are to provide the *City of Troy* (the "City") for the year ended June 30, 2016.

We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements of the City as of and for the year ended June 30, 2016. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's Discussion and Analysis
2. Schedule Required by GASB 67, 68 and 73 - Pension Plan
3. Schedule of Funding Progress and Employer Contributions - OPEB Plan

We have also been engaged to report on supplementary information other than RSI, such as combining and individual fund financial statements, that accompanies the City's basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

1. Combining and individual fund financial statements
2. Schedule of expenditures of federal awards

The following other information accompanying the basic financial statements will not be subjected to the auditing procedures applied in our audit of the financial statements, and for which our auditor's report will disclaim an opinion:

1. Introductory section of the Comprehensive Annual Financial Report
2. Statistical section of the Comprehensive Annual Financial Report

Audit Objectives

The objective of our audit is the expression of opinions as to whether the City's financial statements are fairly presented, in all material respects, in conformity with accounting principles generally accepted in the United States of America and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the basic financial statements taken as a whole. Our audit of the City's financial statements does not relieve management or those charged with governance of their responsibilities. The objective also includes reporting on -

- Internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance)

The reports on internal control and compliance will each include a paragraph that states that the purpose of the report is solely to describe (1) the scope of testing of internal control over financial reporting and compliance and the result of that testing and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance, (2) the scope of testing internal control over compliance for major programs and major program compliance and the result of that testing and to provide an opinion on compliance but not to provide an opinion on the effectiveness of internal control over compliance, and (3) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering internal control over financial reporting and compliance and with the Uniform Guidance in considering internal control over compliance and major program compliance. The paragraph will also state that the report is not suitable for any other purpose.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance, and will include tests of accounting records, a determination of major program(s) in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express such opinions and to render the required reports. We will issue a written report upon completion of our audit of the City's financial statements. Our report will be addressed to the City Commission of the City. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs to our audit report. If our opinions on the financial

statements or the Single Audit compliance opinion are other than unmodified, we will discuss the reasons with management in advance. If circumstances occur and come to our attention related to the condition of the City's records, the availability of sufficient, appropriate audit evidence, or the existence of a significant risk of material misstatement of the financial statements caused by error, fraudulent financial reporting, or misappropriation of assets, or we become aware that information provided by the City is incorrect, incomplete, or otherwise unsatisfactory which in our professional judgment prevent us from completing the audit or forming an opinion on the financial statements, we retain the right to take any course of action permitted by professional standards, including declining to express an opinion or issue a report, or withdrawing from the engagement.

The concept of materiality is inherent in the work of an independent auditor. An auditor places greater emphasis on those items that have, on a relative basis, more importance to the financial statements and greater possibilities of material error than with those items of lesser importance or those in which the possibility of material error is remote. For this purpose, materiality has been defined as "the magnitude of an omission or misstatement of accounting and financial reporting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would have been changed or influenced by the omission or misstatement."

Management Responsibilities

Management is responsible for designing, implementing, and maintaining effective internal controls, including internal controls over compliance, and for ongoing monitoring activities, to help ensure that appropriate goals and objectives are met and that there is reasonable assurance that government programs are administered in compliance with compliance requirements. Management is also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements in conformity with an acceptable financial reporting framework, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements. Management is responsible for determining, and has determined, that the applicable and appropriate financial reporting framework to be used in the preparation of the City's financial statements is accounting principles generally accepted in the United States of America (GAAP).

Management is also responsible for making all financial records and related information available to us, and for ensuring that financial information is reliable and properly recorded. Management is also responsible for providing us with (1) access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request from management for the purpose of the audit, and (3) unrestricted access to persons within the City from whom we determine it necessary to obtain audit evidence.

Management's responsibilities also include identifying significant vendor relationships in which the vendor has the responsibility for program compliance and for the accuracy and completeness of that information. Management's responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

Honorable Mayor and Members
Of the City Commission
City of Troy
September 9, 2016
Page 4

We understand that management will provide us with such information required for our audit, including a reasonably adjusted trial balance, and that management is responsible for the accuracy and completeness of that information. Assistance provided by our Firm in the preparation of a reasonably adjusted trial balance is considered an additional billable service.

We will advise management and the City Commission, as necessary about appropriate accounting principles and their application and may assist in the preparation of the City's financial statements, but the responsibility for the financial statements remains with management with oversight by those charged with governance. As part of our engagement, we may propose standard, adjusting, or correcting journal entries to the City's financial statements. Management is responsible for reviewing the entries, understanding the nature of any proposed entries and the impact they have on the financial statements, and the implications of such entries on the City's internal control over financial reporting. Further, the City is responsible for designating a qualified management-level individual to be responsible and accountable for overseeing these services.

Management is responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Management's responsibilities include informing us of its knowledge of any allegations of fraud, suspected fraud or illegal acts affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, management is responsible for identifying and ensuring that the City complies with applicable laws, regulations, contracts, agreements, and grants. Additionally, as required by the Uniform Guidance, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. The summary schedule of prior audit findings should be available for our review at the conclusion of fieldwork.

Management is responsible for preparation of the schedule of expenditures of federal awards in conformity with the Uniform Guidance. Management agrees to include our report on the schedule of expenditures of federal awards in any document that contains and indicates that we reported on the schedule of expenditures of federal awards. Management also agrees to include the audited financial statements with any presentation of the schedule of expenditures of federal awards that includes our report thereon OR make the audited financial statements readily available to intended users of the schedule of expenditures of federal awards no later than the date the schedule of expenditures of federal awards is issued with our report thereon. Management's responsibilities include acknowledging to us in the representation letter that (a) management is responsible for presentation of the schedule of expenditures of federal awards in accordance with the Uniform Guidance; (b) that management believes the schedule of expenditures of federal awards, including its form and content, is fairly presented in accordance with the Uniform Guidance; (c) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (d) management has disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards.

Management is also responsible for the preparation of the other supplementary information, which we have been engaged to report on, that is presented fairly in relation to the basic financial statements. Management agrees to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. Management also agrees to include the audited financial statements with any presentation of the supplementary

information that includes our report thereon. Management's responsibilities include acknowledging to us in the representation letter that (a) management is responsible for presentation of the supplementary information in accordance with GAAP; (b) that management believes the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (c) that the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (d) management has disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. Management is also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as management's planned corrective actions, for the report, and for the timing and format for providing that information.

During the course of our engagement, we will request information and explanations from management regarding the City's operations, internal control over financial reporting, various matters concerning fraud risk, future plans, specific transactions, and accounting systems and procedures. At the conclusion of our engagement, we will require, as a precondition to the issuance of our report, that management provide certain representations in a written management representation letter.

Audit Procedures - General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the City or to acts by management or employees acting on behalf of the City. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with auditing standards generally accepted in the United States of America and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such

Honorable Mayor and Members
Of the City Commission
City of Troy
September 9, 2016
Page 6

matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, and financial institutions. We may request written representations from the City's attorneys as part of the engagement, and they may bill the City for responding to this inquiry. At the conclusion of our audit, we will also require certain written representations from management about the financial statements and related matters.

We have advised the City of the limitations of our audit regarding the detection of fraud and the possible effect on the financial statements (including misappropriation of cash or other assets) not withstanding our obligations per the Single Audit Amendments of 1996 and the Uniform Guidance. We can, as a separate engagement, perform extended procedures specifically designed to potentially detect defalcations. Management acknowledges that the City has not engaged us to do so and does not wish us to do so at this time.

Management is responsible for the basic financial statements, schedule of expenditures of federal awards, and all accompanying information as well as all representations contained therein. Management is also responsible for identifying government award programs and understanding and complying with the compliance requirements, and for preparation of the schedule of expenditures of federal awards in accordance with the requirements of the Uniform Guidance. As part of the audit, we will assist with preparation of the City's financial statements, schedule of expenditures of federal awards, and related notes. Management will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and the schedule of expenditures of federal awards and that management has reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Management agrees to assume all management responsibilities for any nonaudit services we provide; oversee the services by designating an individual, preferably from senior management, who possesses suitable skill, knowledge, and/or experience; evaluate the adequacy and results of these or other nonattest services performed by our Firm; and understand and accept responsibility for the results of such services.

We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

Audit Procedures - Internal Controls

Our audit will include obtaining an understanding of the City and its business environment, including internal control over financial reporting sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures that are appropriate in the circumstances. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance.

An audit is not designed to provide assurance on internal control, or to identify significant deficiencies or material weaknesses in internal control, or to express an opinion on the effectiveness of internal control over financial reporting. However, during the audit, we will communicate to the appropriate level of management and those charged with governance internal control related matters that are required to be communicated under professional standards, *Government Auditing Standards* and the Uniform Guidance. These matters refer to significant matters related to the financial statement audit that are, in our professional judgment, relevant to the responsibilities of those charged with governance in overseeing the City's financial reporting process. When applicable, we are responsible for communicating certain matters required by laws or regulations, or by additional requirements that may be applicable to this engagement. Auditing standards generally accepted in the United States of America do not require the independent auditor to design or perform procedures for the purpose of identifying other matters to communicate with those charged with governance. Management is responsible for assessing the implications of and correcting any internal control-related matters brought to the City's attention by us.

Audit Procedures - Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with provisions of applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City's major programs. The purpose of those procedures will be to express an opinion on the City's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance.

Fees

Our fees for the audit services for the year ending June 30, 2016 will be as follows:

Comprehensive Financial Statement and Single Audit	\$ 57,000
Downtown Development Authority Financial Statements	3,070
Brownfield Redevelopment Authority Financial Statements	1,800
Local Development Authority Financial Statements	<u>1,950</u>
Total	<u>\$ 63,820</u>

Honorable Mayor and Members
Of the City Commission
City of Troy
September 9, 2016
Page 8

Our invoices for these fees are due and payable as follows:

September 26, 2016	\$ 25,000
October 10, 2016	25,000
Upon report issuance	13,820

This fee is based on the assumption that unexpected circumstances will not be encountered during the audit. This fee is based on anticipated cooperation from the City's personnel, continued readiness and proactive assistance on their part in providing us with complete and accurate information (whether financial or nonfinancial in nature) considered necessary by us to form an appropriate opinion, and the assumption that unexpected circumstances will not be encountered during the audit. Such circumstances include, but are not necessarily limited to significant addition or deletion of funds, component units or related entities and first-time application of significant new professional accounting or auditing pronouncements. In addition, the fee above assumes management will analyze and maintain appropriate support for significant valuation assertions embodied in the financial statements including the valuation of investment securities, the actuarial methods and assumptions used to calculate the net pension and other postemployment benefits liabilities, impairment of capital assets including those held for sale, the valuation of inventories and land held for resale, allowances for uncollectible receivables, and the estimate for incurred-but-not-reported self insurance claims. If significant additional time is necessary, we will discuss the related circumstances with management and arrive at a new fee estimate, which may or may not occur before we incur the additional time. In these circumstances, we may also issue a change order form (an attached example is provided.)

Engagement Administration, and Other

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and a corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with management the electronic submission and certification. If applicable, we will provide copies of our reports for the City to include with the reporting package the City will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

The audit documentation for this engagement is the property of Rehmann and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to a cognizant or grantor agency for audit or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify management of any such request. If requested, access to such audit documentation will be provided under the supervision of Rehmann personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

Honorable Mayor and Members
Of the City Commission
City of Troy
September 9, 2016
Page 9

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by the cognizant agency, oversight agency for audit, or pass-through City. If we are aware that a federal awarding agency, pass-through City, or auditee is contesting an audit finding, we will contact the parties contesting the audit finding for guidance prior to destroying the audit documentation.

Our audit engagement and our responsibility as auditors ends on delivery of our audit report to the City Commission at the Regular or Special Board meeting. Any follow-up services that might be required will be part of a separate, new engagement. The terms and conditions of that new engagement will be governed by a new, specific engagement letter for that service.

Government Auditing Standards require that we provide the City with a copy of our most recent external peer review report and any subsequent peer review reports received during the period of the contract. Our 2014 peer review report accompanies this letter.

This engagement letter and the attached Rehmann Audit Engagement Letter Terms reflect the entire understanding between us relating to the audit services covered by this agreement. This agreement may not be amended or varied except by a written document signed by both parties. It replaces and supersedes any previous proposals, correspondence, and understandings, whether written or oral. The agreements of the City and Rehmann contained in this document shall survive the completion or termination of this engagement. If any term hereof is found unenforceable or invalid, this shall not affect the other terms hereof, all of which shall continue in effect as if the stricken term had not been included.

We appreciate the opportunity to be of service to the *City of Troy* and believe the arrangements outlined above and in the attached Rehmann Audit Engagement Letter Terms accurately summarize the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement, please sign the enclosed copy of this document and return it to us.

A handwritten signature in black ink that reads "Rehmann Johnson LLC". The signature is written in a cursive, flowing style.

Nathan C. Baldermann, CPA, CGFM
Principal
Executive responsible for supervising the
engagement and signing our report

Honorable Mayor and Members
Of the City Commission
City of Troy
September 9, 2016
Page 10

ACKNOWLEDGED AND ACCEPTED:

This letter correctly sets forth the understanding of *City of Troy*.

Officer Signature

Printed Name

Title

Date

Rehmann Audit Engagement Letter Terms

ADDITIONAL SERVICES - The City may request that we perform additional services not addressed in this engagement letter. If this occurs, we will communicate with management regarding the scope of the additional services and the estimated fees. We also may issue a change order form (an attached example is provided), or a separate engagement letter covering the additional services. In the absence of any other written communication from us documenting such additional services, our attest services will continue to be governed by the terms of this engagement letter.

CODE OF CONDUCT - Management is responsible for identifying any violations by employees of the City's code of conduct.

CHANGES IN STANDARDS, LAWS AND REGULATIONS - We perform services for the City based on present professional standards, laws and regulations. While we may on occasion be able to communicate with management with respect to changes in professional standards, laws and regulations, as a general principle we cannot undertake with clients to advise them of every change that may occur. The City can always obtain reassurance in this regard by contacting us for an updated review of the City's situation.

MANAGEMENT'S REPRESENTATIONS - The procedures we will perform in our engagement and the conclusions we reach as a basis for our report will be heavily influenced by the written and oral representations that we receive from management. Accordingly, false, misleading, incomplete or omitted representations could cause us to expend unnecessary efforts or could cause material error or a fraud to go undetected by our procedures.

CLIENT ASSISTANCE - We understand that the City's employees will prepare all cash, accounts receivable, and other confirmations we request and will locate and refile any documents selected by us for testing. In addition, management will provide us with copies of all minutes and other documents that we believe may have a bearing on our evaluation of the City's financial affairs.

WORK SPACE - The City shall provide reasonable work space for Rehmann personnel at audit work sites, as well as occasional clerical support services. The City understands that Rehmann's performance is dependent on the City's timely and effective satisfaction of its own activities and responsibilities in connection with this engagement, as well as timely decisions and approvals by City personnel.

ACCURACY AND COMPLETENESS OF INFORMATION - Management agrees to ensure that all information provided to us is accurate and complete in all material respects, contains no material omissions and is updated on a prompt and continuous basis. In addition, management will also be responsible for obtaining all third-party consents, if any, required to enable Rehmann to access and use any third-party products necessary to our performance.

EMAIL - The City acknowledges that (a) Rehmann, the City and others, if any, participating in this engagement may correspond or convey documentation via Internet e-mail unless the City expressly requests otherwise, (b) no party has control over the performance, reliability, availability, or security of Internet e-mail, and (c) Rehmann shall not be liable for any loss, damage, expense, harm or inconvenience resulting from the loss, delay, interception, corruption, or alteration of any Internet e-mail due to any reason beyond Rehmann's reasonable control.

OFFERS OF EMPLOYMENT - Professional standards require us to be independent with respect to the City in the performance of our services. Any discussions that management has with personnel of our Firm regarding employment could pose a threat to our independence. Therefore, we request that management inform us prior to any such discussions so that we can implement appropriate safeguards to maintain our independence.

Neither party shall, during the term of this engagement letter and for one (1) year after its termination, solicit for hire as an employee, consultant or otherwise any of the other party's personnel without such other party's express written consent. If the City desires to offer employment to a Rehmann associate and the associate is hired

in any capacity by the City, a market-driven compensation placement fee will apply.

ADDITIONAL FEES AND BILLING POLICIES - It must be understood that the nature of our engagement requires us to exercise our independent professional judgment with respect to various auditing, accounting and related issues. In reaching our conclusions, we must retain the right to judge the nature and scope of the work required in order to conform to professional standards, as well as the work we deem necessary to enable us to reach the conclusions and form the opinions required of us. If our judgment as to the scope of the work required causes us to reassess our estimate of fees for this engagement, we will so advise the City. We reserve the right to refrain from performing additional work (and thereby incurring additional time charges) unless and until the City has confirmed its understanding of, and agreement to, any additional estimated charges.

Our fee estimate is based upon our discussions with management, in which management has disclosed no unusual problems or issues which would require us to conduct an audit of unusual scope or otherwise expend time and effort in excess of that normally anticipated in an engagement of this type. The estimate also assumes that we will have the full cooperation of City personnel, as required, and that there is a reasonable continuity of City personnel familiar with the matters to which our engagement relates. In addition, our fee is based on the experience level of our personnel, at their respective standard hourly rates, performing certain audit procedures at certain timeframes. If we are caused to vary from that planning formula, additional fees will need to be charged to allow for more experienced personnel performing the work, reallocation of our client priority, overtime, etc. Further, management will provide us with the schedules and records that we request (which ordinarily are detailed in a request list in advance of our fieldwork) and that all such schedules and records will be provided to us timely in accordance with the scheduled fieldwork dates, to be mutually agreed upon. If the requested schedules and records are not provided to us in accordance with the scheduled dates and we are unable to continue our work, we will resume our work as soon as the schedules and records are provided to us and our professionals assigned to the engagement again become available.

As a result of well-publicized events, global economic convergence, and the continued evolution of the accounting profession, accounting and auditing standard setters and regulators are continually evaluating the need for changes that may affect the City. Such changes may result in changes in financial reporting and expanding the nature, timing and scope of activities we are required to perform to provide the services discussed in this letter. Proposed changes and shortened deadlines could result in a reduction of the level of assistance and preparedness the City is able to provide. We expect that our clients may continue to look to us to assist them with these changes. To the extent any changes require us to increase the time required to provide the services described in this letter or to complete new tasks required by such changes, we reserve the right to adjust our fees appropriately. We will endeavor to advise the City of anticipated changes to our fees on a timely basis.

In accordance with our Firm policies, work may be suspended if the City's account becomes 30 days or more overdue and will not be resumed until the account is paid in full or we have a definitive payment agreement approved by our Firm administrator in Saginaw, Michigan. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed even if we have not issued our report. The City will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket expenditures through the date of termination.

Our terms and conditions impose a late charge of 1.5% per month, which is an annual percentage rate of 18%. Balances not paid within 30 days of the receipt of invoice are past due and a late charge of 1.5% will be applied to the entire past due amount.

CLAIMS - Because there are inherent difficulties in recalling or preserving information as the period after an engagement increases, the City agrees that, notwithstanding the statute of limitations of any

Rehmann Audit Engagement Letter Terms

particular State or U.S. Territory, any claim based on the audit engagement must be filed within 12 months after performance of our service, unless management has previously provided us with a written notice of a specific defect in our services that forms the basis of the claim.

TERMINATION OF SERVICES - We reserve the right to suspend or terminate services for reasonable cause such as failure to pay our invoices on a timely basis or failure to provide adequate information in response to our inquiries necessary for successful performance of our audit services. Our engagement will be deemed to be completed upon written notification of termination, even if we have not completed the audit and issued our signed auditors' report. The City is obligated to compensate us for the time expended to that point and to reimburse us for all out-of-pocket expenditures through the date of termination.

We acknowledge the City's right to terminate our services at any time, and the City acknowledges our right to withdraw at any time, including, but not limited to, for example, instances where, in our judgment, (a) the conditions in the first paragraph of the Audit Objectives section of this letter exist, (b) our independence has been impaired, (c) we can no longer rely on the integrity of management, or (d) management (or the Audit Committee, if applicable) fails to reasonably support our efforts to perform the engagement in accordance with what we believe is necessary to comply with professional standards, subject in either case to our right to payment for charges incurred to the date of termination or resignation.

In the event that we determine to resign, and the City seeks damages allegedly resulting from such resignation, our maximum liability to the City in the event we are held liable because of such resignation shall be limited to the fees actually paid to us for current year audit work performed up to the date of resignation.

REPRODUCTION OF FINANCIAL STATEMENTS - If the City voluntarily intends to publish or otherwise reproduce its financial statements concurrently with the original issuance thereon of our audit report and/or make reference to our Firm name, such as for inclusion in an annual report (such as, for example, in a CAFR), prospectus or similar document, the City agrees to provide us with printer's proofs, drafts, or masters for our review and approval before printing. The City also agrees to provide us with a copy of the final reproduced material for our approval before it is distributed. Fees, if any, for issuance or inclusion of our audit report and/or any other reference to our Firm in such other document, will be based on our standard hourly rates.

If the City decides to include, publish or otherwise reproduce the financial statements and our report thereon at a date subsequent to their original issuance, such as for inclusion in a Preliminary or Official Statement in connection with a sale of bonds or notes, or other securities, or in a prospectus or similar offering or other document (hereinafter referred to as the "document"), our Firm is presumed not to be associated with such document, and we have no obligation to perform any procedures with respect to such document. In these circumstances, the City agrees to include in the document a statement that we have not been engaged to perform and have not performed, since the date of our report being reproduced, any procedures on the financial statements contained in such document or on the unaudited financial or other information contained in the document, or on the document itself. If, however, management or the City's agent (such as an underwriter, bond counsel, financial advisor, etc.) requests our involvement, such as engaging us to prepare a written acknowledgement (sometimes referred to as a "consent" or "agree to include") letter prior to including our audit report in such a document, or engaging us to assist in preparing or reviewing financial or other information contained in such document, our Firm then becomes associated with the document and in accordance with professional standards, we will be required to perform certain limited procedures with respect to this or other unaudited information contained in the document. Fees for reissuance or inclusion of our audit report in such a document will be based on our standard hourly rates. If the City wishes to make reference in such a document to our Firm's role in connection with the purpose of the document, the caption "Independent Auditors" may be used to title or label that section of the document. In

accordance with professional standards, the caption "Experts" should not be used, nor should our Firm be referred to as "experts" anywhere in the document.

With regard to electronic dissemination of audited financial statements, including financial statements published electronically on the City's Internet Web site, the City understands that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

INFORMAL ADVICE - As part of our engagement we may provide advice on operating, internal control over financial reporting and other matters that come to our attention. Informal advice is not considered to be a consulting service unless we have entered into a separate engagement.

THIRD PARTY PROCEEDINGS - As a result of our prior or future services to the City, we might be requested or subpoenaed to provide information or documents to management or a third party in a legal, administrative, mediation, or arbitration or similar proceeding in which we are not a party. If this occurs, our efforts in complying with such requests will be billable to the City as a separate engagement. We shall be entitled to compensation for our time at our standard hourly rates and reasonable reimbursement for our expenses (including our legal fees) in complying with this request. For all such requests, we will observe the confidentiality requirements of our profession and will notify management promptly of the request. This paragraph will survive the termination of this agreement for any reason, and will be binding upon successors to the City.

PEER REVIEW - Our Firm, as well as other major accounting firms, participates in a "peer review" program covering our audit and accounting practices. This program requires that once every three years we subject our quality assurance practices to an examination by another accounting firm. As part of the process, the other firm will review a sample of our work. It is possible that the work we perform for the City may be selected by the other firm for their review. If it is, the other firm is bound by professional standards to keep all information confidential. If management objects to having the work we perform for the City reviewed by our peer reviewer, please notify us in writing.

PROMOTIONAL MATERIALS - The City consents to Rehmann's use of your City name and a factual description of the services to be performed by Rehmann under this agreement in Rehmann's advertising and promotional materials and other proposal opportunities.

MEDIATION - If any dispute arises among the parties hereto, the parties agree first to try in good faith to settle the dispute by mediation administered by the American Arbitration Association under its Rules for Professional Accounting and Related Services Disputes before resorting to binding arbitration or litigation. Costs of any mediation proceeding shall be shared equally by all parties.

GOVERNING LAW - This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan, without regard to the principles of conflicts of law thereof.



EXAMPLE CHANGE ORDER

Client: City of Troy (the "City")

Date:

Project Description (and estimated completion date, if appropriate):

Estimated Additional Fees: \$_____

We believe it is our responsibility to exceed the City's expectations. This Change Order is being prepared because performance by us of the above project and/or additional service efforts was not anticipated in our original Agreement dated _____. The estimated fees for the above project have been mutually agreed upon by the City and Rehmann. It is our goal to ensure that the City is never surprised by the price for any Rehmann service and, therefore, we have adopted the Change Order Policy. The estimated additional amount above is due and payable upon completion of the project described.

If management agrees with the above project description and the estimated fee amount, please authorize and date the Change Order below. A copy is enclosed for the City's records. Thank you for letting us serve the City.

Agreed to and accepted:

Officer Signature

Printed Name

Title

Date



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220 South Sixth Street, Suite 300
Minneapolis, MN 55402-1436
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SYSTEM REVIEW REPORT

To the Principals of Rehmann Robson LLC
and the National Peer Review Committee

We have reviewed the system of quality control for the accounting and auditing practice of Rehmann Robson LLC, a member of The Rehmann Group (the Firm) applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended March 31, 2014. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. As a part of our peer review, we considered reviews by regulatory entities, if applicable, in determining the nature and extent of our procedures. The Firm is responsible for designing a system of quality control and complying with it to provide the Firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the Firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System Review are described in the standards at www.aicpa.org/prsummary.

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards*, audits of employee benefit plans, audits performed under FDICIA, and examinations of service organizations (Service Organizations Control (SOC) 1 and 2) engagements.

In our opinion, the system of quality control for the accounting and auditing practice of Rehmann Robson LLC applicable to engagements not subject to PCAOB permanent inspection in effect for the year ended March 31, 2014, has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency(ies)*, or *fail*. Rehmann Robson LLC has received a peer review rating of *pass*.

A handwritten signature in cursive script that reads 'CliftonLarsonAllen LLP'.

CliftonLarsonAllen LLP

Minneapolis, Minnesota
August 14, 2014



An independent member of Nexia International



TO: Members of the Troy City Council

FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
Julie Quinlan Dufrane, Assistant City Attorney
Nicole MacMillan, Assistant City Attorney

DATE: October 6, 2016

SUBJECT: 2016 Third Quarter Litigation Report

The following is the quarterly report of pending litigation and other matters of interest. **Developments during the THIRD quarter of 2016 are in bold.**

A. ANATOMY OF THE CASE

Once a lawsuit has been filed against the City or City employees, the City Attorney's office prepares a memo regarding the allegations in the complaint. At that time, our office requests authority from Council to represent the City and/or the employees. Our office then engages in the discovery process, which generally lasts for several months, and involves interrogatories, requests for documents, and depositions. After discovery, almost all cases are required to go through case evaluation (also called mediation). In this process, three attorneys evaluate the potential damages, and render an award. This award can be accepted by both parties, and will conclude the case. However, if either party rejects a case evaluation award, there are potential sanctions if the trial result is not as favorable as the mediation award. In many cases, a motion for summary disposition will be filed at the conclusion of discovery. In all motions for summary disposition, the Plaintiff's version of the facts are accepted as true, and if the Plaintiff still has failed to set forth a viable claim against the City, then dismissal will be granted. It generally takes at least a year before a case will be presented to a jury. It also takes approximately two years before a case will be finalized in the Michigan Court of Appeals and/or the Michigan Supreme Court.

B. ZONING CASES

These are cases where the property owner has sued for a use other than that for which the land is currently zoned and/or the City is suing a property owner to require compliance with the existing zoning provisions.

There are no pending zoning cases for this quarter.

C. EMINENT DOMAIN CASES

These are cases in which the City wishes to acquire property for a public improvement and the property owner wishes to contest either the necessity or the compensation offered. In cases where only the compensation is challenged, the City

obtains possession of the property almost immediately, which allows for major projects to be completed.

There are no pending eminent domain cases for this quarter.

D. CIVIL RIGHTS CASES

These are cases that are generally filed in the federal courts, under 42 U.S.C. Section 1983. In these cases, the Plaintiffs argue that the City and/or police officers of the City of Troy somehow violated their civil rights.

1. Burley v. Gagacki. This is an excessive force case filed against a Troy police officer who was participating on a federal task force executing search warrants. The task force divided up and simultaneously executed search warrants on two houses located some distance from each other. Plaintiffs argue that they were injured by unidentified task force members at one of the houses. The incident report fails to specify which task force members were at Plaintiff's house and which task force members were simultaneously executing the search warrant at the other house. The Troy police officer and other task force members were initially represented by an Assistant U.S. Attorney, who obtained a dismissal of the case. Plaintiffs then successfully appealed to the Sixth Circuit Court of Appeals, which reinstated the case. The second trial is scheduled for February 2014. Due to a retirement of the Assistant U.S. Attorney and the possibility of conflicts between the task force team members, our office has assumed a more active role in the litigation, and will defend the Troy police officer task force member. The Court granted the request of one of the co-defendants to adjourn the trial, which is now scheduled to start on June 16, 2014. The parties have been addressing procedural items and preparing for trial. After picking a jury on June 10, 2014 and intense preparation for trial to begin on June 16, 2014, one of the Plaintiffs was hospitalized four days before the scheduled trial date. Trial has been rescheduled for October 6, 2014. The parties are preparing for the jury trial to begin on October 6, 2014. A week long jury trial was conducted from October 6, 2014 through October 15, 2014, in Federal District Court. After deliberating for 30 minutes, the jury returned a verdict of no cause of action, dismissing the case against the task force officers. The Judge also ordered payment of costs to all Defendants. Plaintiffs subsequently filed an appeal with the Sixth Circuit- U.S. Court of Appeals. Plaintiffs' appellate brief is due in April 2015. The Court of Appeals issued a briefing schedule in this matter. Plaintiff-Appellant's brief was filed on May 18, 2015, and the Troy Defendant-Appellee's brief is due on July 3, 2015. A timely brief on appeal was filed on behalf of the Troy police officer and the parties are waiting for the 6th Circuit Court of Appeals to schedule a date for oral argument. Defendant-Appellant's Reply Briefs were filed after numerous extensions, and the parties continue to wait for the Court of Appeals to schedule a date for oral argument. The Court scheduled oral argument for Thursday, August 4, 2016. **Oral argument**

occurred on August 4, 2016, and the Sixth Circuit Court of Appeals issued an Opinion and Order affirming the jury's verdict on August 22, 2016.

E. PERSONAL INJURY AND DAMAGE CASES

These are cases in which the Plaintiff claims that the City or City employees were negligent in some manner that caused injuries and/or property damage. The City enjoys governmental immunity from ordinary negligence, unless the case falls within one of four exceptions to governmental immunity: a) defective highway exception, which includes sidewalks and road way claims; b) public building exception, which imposes liability only when injuries are caused by a defect in a public building; c) motor vehicle exception, which imposes liability when an employee is negligent when operating their vehicle; d) proprietary exception, where liability is imposed when an activity is conducted primarily to create a profit, and the activity somehow causes injury or damage to another; e) trespass nuisance exception, which imposes liability for the flooding cases.

1. Wierzbicki, et. al. v. City of Troy- This suit was filed in Oakland County Circuit Court, and assigned to Judge Denise Langford Morris. Plaintiffs are seeking an amount in excess of \$600,000 for damages resulting from a sewage back up in the Somerset North subdivision. These Plaintiffs have previously filed and settled a lawsuit against the Somerset Collection and the Capital Grille in which the City provided significant discovery related to the sewage back-up that occurred on November 9, 2013. In response to the complaint, the City filed a response and a motion for summary disposition. The parties met in front of Judge Langford Morris on November 25, 2015, where the Judge gave Plaintiffs 90 days to respond to the City's motion for summary disposition. Plaintiff filed his response to the City's motion for summary disposition, and the City filed a timely reply. The motion has been adjourned to accommodate schedules, and is now scheduled to be argued on May 4, 2016. Shortly after oral arguments, Judge Langford Morris issued a written opinion granting the City's motion for summary disposition and dismissing the case in favor of the City. On May 25, 2016, Plaintiff filed a motion for reconsideration, which was denied on June 2, 2016. On June 23, 2016, Plaintiff filed a claim of appeal with the Michigan Court of Appeals. **The transcript was filed with the Court of Appeals on September 20, 2016. Plaintiffs have eight weeks to file their brief, and the City will have five weeks to file a response.**

F. MISCELLANEOUS CASES

1. Michigan Association of Home Builders; Associated Builders and Contractors of Michigan; and Michigan Plumbing and Mechanical Contractors Association v. City of Troy – The Plaintiffs filed a complaint for Declaratory and Injunctive Relief

in the Oakland County Circuit. On the date of filing the Plaintiffs also filed a Motion for Preliminary Injunction and Order to Show Cause. The Plaintiffs allege that the City of Troy has violated Section 22 of Michigan's Stille-DeRossett Hale Single State Construction Code Act by collecting fees for building department services that are not reasonably related to the cost of providing building department services. They are alleging that the City of Troy has illegally entered into a contract with Safe Built of Michigan, Inc. for building services that provides that 20% of each building permit fee be returned to the City to cover services that are not "reasonably related to the cost of building department services," as required by state statute. The Plaintiffs also assert a violation of the Headlee Amendment, arguing that the 20% returned to the City is a disguised tax that was not approved by voters. The Plaintiffs are asking for a declaratory judgment, as well as a return of any "surplus" building department service funds collected to date. Plaintiffs also request an order requiring the City to reduce its building department fees. The City of Troy was served with the Complaint and the Motion for Preliminary Injunction and Order for Show Cause on Wednesday, December 15, 2010. The parties were required to appear at Court on Wednesday, December 22, 2010, but the Court did not take any action at that time. Instead, the Court adjourned the matter to January 19, 2011. In the interim, the parties may engage in preliminary discovery in an attempt to resolve this matter. The parties are conducting discovery. The parties have completed discovery. Trial in this matter is scheduled for January 30, 2012. After being presented with motions for summary disposition, the Court ordered the parties to engage in mediation with a neutral municipal audit professional. Financial documents concerning this case are now being reviewed by an independent CPA. It is expected that the April 19, 2012 trial date will be postponed until after this review is complete. Mediation was unsuccessful in resolving this case, and therefore the Court is expected to issue an order on the pending Summary Disposition Motions. The trial date has been adjourned. On November 13, 2012, Oakland County Circuit Court Judge Shalina Kumar issued her order in favor of the City, and dismissed this case. Plaintiffs filed an appeal, which is now pending in the Michigan Court of Appeals. Appellant's brief is expected to be filed soon. The parties timely filed their appellate briefs, and are now waiting for the Court of Appeals to schedule a date for oral argument. The Court of Appeals has not yet scheduled oral argument for this case. The parties are still waiting for a date for oral argument. Oral argument was held on March 4, 2014. On March 13, 2014, the Court of Appeals issued its opinion ruling in the City's favor and affirming the Circuit Court's decision dismissing the case. On April 23, 2014, Plaintiff Home Builders filed an Application for Leave to Appeal with the Michigan Supreme Court. Troy's response was filed on May 19, 2014. The Michigan Supreme Court considered the application for leave to appeal and ordered that the matter be scheduled for oral argument. The Court also permitted the parties to submit supplemental briefs, which are due October 29, 2014. The City timely filed its supplemental brief with the Michigan Supreme Court. The parties are now waiting for the Court to set a date for oral argument on the application. The Michigan Supreme Court entertained oral arguments on the application for leave

to appeal on March 11, 2015. On June 4, 2015, the Michigan Supreme Court reversed the decisions of the Court of Appeals and the Circuit Court and ruled there was no requirement for Plaintiffs to exhaust their administrative remedies. The case was remanded to Circuit Court for further proceedings. A status conference was held on June 18, 2015 with Judge Kumar. During the status conference, Judge Kumar scheduled a hearing for September 2, 2015, allowing the parties to address the issues that were previously raised in the motion for summary disposition but were not decided since the case was initially dismissed for failure to exhaust administrative remedies. At the hearing on September 2, 2015, Judge Kumar allowed Plaintiffs to request additional discovery within 30 days. Thereafter, both parties are allowed to file supplemental briefs. Supplemental briefs have been filed and we are awaiting a decision. On February 5, 2015, Judge Kumar issued her opinion and order ruling in favor of the City and dismissing the case. Plaintiffs filed a Claim of Appeal with the Michigan Court of Appeals on February 23, 2016. The Plaintiffs and the City have both filed appellate briefs. Based on our request, the Michigan Municipal League Legal Defense Fund, Public Corporations Section of the State Bar of Michigan, Michigan Townships Association and also Safe Built have filed a motion asking for permission to file amicus briefs supporting the City's position. The Michigan Association of Realtors has sought permission to file an amicus brief supporting Plaintiffs' position. The Plaintiffs filed a reply brief. We are waiting for the Court of Appeals to rule on the motions for amicus briefs and to schedule a date for oral argument. **Oral argument has not yet been scheduled.**

2. *Daniel E. Katayama v City of Troy.* Plaintiff filed this lawsuit under the Freedom of Information Act (FOIA) claiming that the City did not fully comply with a FOIA request he submitted on March 26, 2013. Plaintiff's FOIA request sought particular documents related to his arrest on suspicion of driving while intoxicated. The City filed an Answer to the Complaint, and the parties are conducting discovery. Discovery continues. The Court scheduled a mandatory settlement conference for March 10, 2014. The City filed a Motion for Summary Disposition on February 14, 2014. The Court scheduled oral argument on this Motion for June 5, 2014. The Court granted in part and denied in part the City's Motion for Summary Disposition. Plaintiff filed a Claim of Appeal in the Michigan Court of Appeals on September 3, 2014. A briefing schedule has not been issued by the Court of Appeals. A timely response brief will be filed once the date is set by the Court. Plaintiff ordered the transcript of proceedings, and the date of the receipt of the transcript dictates the appellate briefing schedule. The parties are still waiting for the court transcript to be completed. The final transcript was filed with the Court on May 1, 2015. Plaintiff-Appellant's brief was due on May 19, 2015, but has not yet been filed. Plaintiff-Appellant's Appeal was at first dismissed by the Court of Appeals for lack of progress, however, Plaintiff-Appellant's subsequent Motion to Reinstate Appeal was granted. Plaintiff-Appellant filed a brief on appeal on July 23, 2015. The City of Troy timely filed its brief on appeal on September 24, 2015. The Michigan Court of Appeals scheduled Oral Argument for November 9, 2015. On December 10, 2015,

the Michigan Court of Appeals released its order, affirming the circuit court but remanding the case.

3. **Parris v City of Troy.** Plaintiff filed this claim and delivery action in the 52-4 District Court seeking return of several firearms that were turned over to the Police Department, as ordered by the Court in separate criminal case involving Plaintiff. The City filed an answer to the complaint and a response to Plaintiff's interim motion for possession. The case was assigned to Judge Maureen M. McGinnis and scheduled for a hearing on July 27, 2016. After the hearing, the Court signed an order returning the guns to Plaintiff. This case is now concluded.
4. **Noble v City of Troy.** Plaintiff filed this claim and delivery action in the 52-4 District Court seeking return of two long guns that were confiscated by the Troy Police after responding to a call involving a possible suicide. The City filed an answer to the complaint and a response to Plaintiff's interim motion for possession. The case was assigned to Judge Kirsten Nielsen Hartig and scheduled for a hearing on August 30, 2016. After the hearing, the Court entered a consent judgment, allowing the Troy Police Department to return the firearms to a third party who is authorized to sell them and give the proceeds to the Plaintiff. This case is now concluded.
5. **Simovski v City of Troy.** Plaintiff filed this claim and delivery action in the 52-4 District Court seeking return a pistol that was confiscated when Plaintiff was arrested for operating while intoxicated. The City has filed an answer to the complaint and a response to the motion for immediate possession. The case was assigned to Judge Maureen McGinnis. At a hearing held on September 14, 2016, the Court denied Plaintiff's motion for immediate possession. The Court case will now proceed to a pretrial, which will scheduled in October.
6. **Niedzwiecki v City of Troy.** Plaintiff Niedzwiecki filed this claim and delivery action in the 52-4 District Court seeking return a three handguns, five rifles, and a shotgun that were confiscated when Plaintiff was arrested for domestic assault and battery. The City filed an answer to the complaint and a response to the motion for immediate possession. The case was assigned to Judge Maureen McGinnis and is scheduled for a hearing on the motion on October 5th.

G. CRIMINAL APPEALS/ DISTRICT COURT APPEALS

These are cases involving an appeal from a decision of the 52-4 District Court in an ordinance prosecution case.

1. **City of Troy v Gappy.** Defendant was arrested on an outstanding warrant after a traffic stop. Since he was the only occupant of the vehicle, it was necessary to impound the vehicle and inventory the property found in the vehicle, which included marijuana. Defendant had a valid medical marijuana card at the time of the traffic stop and under state law, he is immune from prosecution for possession of

marijuana. Defendant filed a motion for return of property, specifically 22.54 grams of marijuana, which was granted by District Court Judge Hartig. The City appealed the decision to the Oakland County Circuit Court and the case has been assigned to Judge Chabot. The Court granted the City's application for leave to appeal and has entered an order establishing a briefing schedule and setting oral argument for November 23, 2016.

2. **City of Troy v Tomina**. Defendant is charged with Possession and/or Use of Marijuana. He filed a motion claiming the charge should be dismissed under the Michigan Medical Marihuana Act, MCL 333.2641 *et seq.*, ("MMMA") because he has a Michigan medical marihuana registry card. However, the motion was denied because the evidence presented at an evidentiary hearing indicated he failed to comply with the provisions of state law regulating the transport of usable marihuana in or upon a motor vehicle. The Defendant has filed an application for leave to appeal with the Oakland County Circuit Court and contends the state law regulating the transport of usable marijuana in a vehicle is invalid because it conflicts with the MMMA and that it violates the Michigan Constitution. The case was assigned to Judge Chabot. On September 14, 2016, Judge Chabot entered an Order Denying the Defendant's Application for Leave to Appeal. Absent any further appeal, the case will proceed to trial in the 52-4 District Court.

H. ADMINISTRATIVE PROCEEDINGS

There are no pending Administrative Proceedings at this time.

If you have any questions concerning these cases, please let us know.



Search

**Mary Miller Nichols**

6 hrs ·

The Troy Fire department is so awesome and all volunteer! I noticed a strong electrical fire scent coming from my basement tonight and they were here within a few minutes. There was a distinct smell and smokey haze in the basement when they arrived. It took them an hour and a half to determine the source (which had burned itself out), but the guy on my right arm said he would not be able to sleep tonight until they figured it out. I told him neither would I! Come to find out the furnace fan had shorted and burned out. I didn't realize it was the same fan that ran the air conditioner. So weird cuz I had hot tub issues the same night and once they spent a significant amount of time on that and were certain that was not the



Write a comment...



Post



September 8, 2016

To: Chief of Troy Police,

I am writing to you concerning an accident I had. (Incident Number 160028268)

Officer B. Warzecha (61) came to the site. I just want you to know how wonderful he was to me. He was so kind, gentle, professional!

I don't have enough praise for him. He stayed with me until the Tow Truck came. His words and manner were very comforting.

This was the very first accident I have ever had. Needless to say, I was a little emotional. I am an 80 year old widow and none of my children live in Michigan. Officer Warzecha was an "Angel" sent to me at this time!

Please convey my gratitude to him.

God Bless our wonderful Police Officers who take care of our citizens.

Gratefully, Jean Backlund

RECEIVED
CHIEF OF POLICE

Larry Meyer

16-28268

POLICE OFFICER BRIAN WARZECHA-

BRIAN - THANK YOU FOR HANDLING THIS MATTER IN THE PROFESSIONAL WAY THAT WE HAVE COME TO EXPECT FROM YOU.

YOU OBVIOUSLY MADE A GREAT IMPRESSION ON MS. BACKLUND.

Larry

Troy PD - 9/7/16

I just wanted to say THANK YOU to all of you for my coffee at Tim Hortons today!

It was very unexpected and I truly appreciate it!

Thank you for keeping our city safe!

You All ROCK!



MaryFrances Bertolino

RAINBOW CHILD CARE CENTER FROM COFFEE SHOP TAKEOVER GIVEAWAY EVENT *Mayer*



24

Police OFFICERS JOHN JULIAN
RUSS BARROWS
JANICE POKLEY
MILT STANBURY
LT. CHRIS STOUT
SFT. MEGHAN LEHMAN

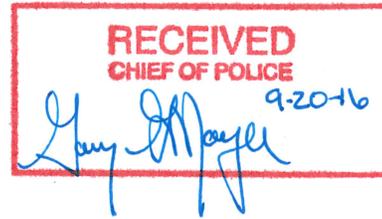
THANK YOU ALL FOR THE INNOVATIVE IDEA OF HAVING A COFFEE SHOP TAKEOVER AND SUPPLYING FREE COFFEE AND A TROY PD SMILE TO SO MANY CITIZENS. *Jay*

26

27

28

From: Michelle Tocco
Sent: Tuesday, September 20, 2016 12:42 PM
To: Gary G Mayer <mayergg@troymi.gov>
Subject: great job!



Dear Chief Mayer,

On September 9th our parents were lost while driving their car from Macomb Township. They are found at approximately at 1:00 a.m. on September 10th by Officers Weingart and McWilliams (Report #16-28593). We can't thank them enough for diligence in notifying the Macomb County Sheriff's Department that they had found them. Because of their actions, a safe resolution was brought to this matter. In a society where some people criticize the police, our family is grateful beyond words for officers like Weingard and McWilliams who protect us everyday.

Thank you Chief Mayer, and please stay safe.

The Tocco Family

POLICE OFFICERS MINDY WEINGART
PATRICK McWILLIAMS

THANK YOU BOTH FOR HANDLING THIS MATTER
SO PROFESSIONALLY AND MAKING SUCH A GOOD
IMPRESSION ON THE TOCCO FAMILY.

A handwritten signature in blue ink, appearing to be "Gary".


 Department of Public Safety
VILLAGE OF BEVERLY HILLS
 18600 WEST THIRTEEN MILE ROAD
 BEVERLY HILLS, MICHIGAN 48025

Richard C. Torongeau
 Director of
 Public Safety

PHONE: (248) 540-3400
 FAX: (248) 540-3437

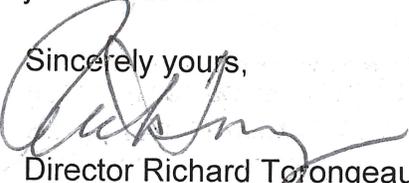
September 7, 2016

Police Chief Gary Mayer
 500 W. Big Beaver
 Troy, MI 48084

Dear Chief Mayer:

I wanted to take this opportunity to thank Sgt. Scott Lamilza and Det. Timothy Daniels, of the Troy Police Department (Troy SIU surveillance crew), who were following a heroin addict while she was out committing many crimes throughout the area. The officers from the Troy SIU crew were sharp and professional as they went undetected in gathering evidence while the suspect went on her way. I would like to commend Sgt. Scott Lamilza and Det. Timothy Daniels, for their keen street sense and professional demeanor while the team put together a game plan to stop this theft. With this arrest our detective was able to get the suspect to confess to many larceny from autos and stealing ID cards for fraud. We were also able to obtain 6 felony counts and return many stolen items to people from Birmingham, Royal Oak, West Bloomfield and Troy. The suspect was a heavy heroin user with no job and a habit that required heroin several times a day. It is because of your officer's attention to detail and professional policing we were able to corroborate our investigations. (BHPD case 16-4094). Sgt. Scott Lamilza and Det. Timothy Daniels were instrumental in the investigation and capturing the suspect while she was on her crime spree. The Village of Beverly Hills Public Safety Department is always appreciative of community policing together with other professional police departments and their gifted employees. Your officers should be commended for their efforts for without them the suspected drug addict would have never been captured. Your officers are true professionals and we hold them in high regards. Thanks for a job well done.

Sincerely yours,


 Director Richard Torongeau
 Beverly Hills Public Safety

SGT. SCOTT LAMILZA
 DET. TIM DANIELS

THANK YOU FOR YOUR GOOD WORK
 LEADING TO THE ARREST OF THIS FELON
 WHO WAS STEALING PURSES THROUGHOUT
 THE AREA.


 9-19-16

Troy Police Officers:
A week ago, I had
the unhappy occasion



to call twice for assistance:

- (1) Early A.M., 8/31/16
home alarm activated.
- (2) Friday, evening,
9/2/16 neighbor's side-
door open.

Thank you for all
you do. A special
thanks for the
professionalism,
compassion and
consideration of the
officers who arrived.



P.O. J. THRETT
P.O. G. FORLEY P-03f

THANK YOU FOR MAKING
SUCH A PROFESSIONAL
APPEARANCE WITH
MS. PRATER.

Jay



People like you,
who naturally go
above and beyond,
make this world
a better place
for all of us.

Thank You So Much
Bless you and
stay safe.
Henrietta Prater