

CITY COUNCIL

AGENDA

January 6, 2003 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER **1**

ROLL CALL **1**

Invocation & Pledge Of Allegiance – Pastor Doug Schmidt – Troy Baptist Church **1**

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

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G-18 Memorandum (Green) – Re: Study Session Topics for Civic Center Discussion;
January 17, 2003 at 2:00 PM in the Council Board Room

20

PUBLIC COMMENT

20

CALL TO ORDER

ROLL CALL

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

Invocation & Pledge Of Allegiance – Pastor Doug Schmidt – Troy Baptist Church

A-1 Presentations: (a) Introduction of James Ong – Student Representative Candidate for Planning Commission

PUBLIC HEARINGS

C-1 Acceptance of a Local Law Enforcement Block Grant

Suggested Resolution

Resolution #2003-01-

Moved by

Seconded by

WHEREAS, On January 6, 2002, a Public Hearing was held before the City Council of the City of Troy, at which Public Hearing, persons were given an opportunity to provide written and oral views to the Troy City Council, the authority responsible for enacting the budget, and to ask questions about the entire budget and the relationship of the Local Law Enforcement Block Grant Award payment to the entire budget; and

WHEREAS, The City Council of the City of Troy, after conclusion of the Public Hearing on this date, has determined that Local Law Enforcement Block Grant funds in the amount of \$23,857.00 be used to purchase a computer to replace the existing mugshot server, Lanx suits for the Tactical Support Team, laptop computers and composite software for the Evidence Technicians, and a bar code printer for the property room;

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy **ACCEPTS** a Local Law Enforcement Block Grant in the sum of \$23,857.00 and hereby **APPROVES** and **DESIGNATES** the use of the grant for the purchase of a computer to replace the existing mugshot server, Lanx suits for the Tactical Support Team, laptop computers and composite software for the Evidence Technicians, and a bar code printer for the property room.

Yes:

No:

POSTPONED ITEMS

D-1 Parking Variance Request – 2938 E. Maple Road - Polish Market

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

Suggested Resolution

Resolution #2003-01-

Moved by

Seconded by

(a) Resolution A for Approval

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Mark Kolinicz, representing the Polish Market for waiver of 5 parking spaces at the development at 2938 E. Maple be **APPROVED**.

OR

(b) Resolution B for Denial

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Mark Kolinicz, representing the Polish Market for waiver of 5 parking spaces at the development at 2938 E. Maple be **DENIED**.

Yes:

No:

PUBLIC COMMENT:

A. Items on the Current Agenda

Any person not a member of the Council may address the Council with recognition of the Chair, after clearly stating the nature of his/her inquiry. No person not a member of the Council shall be allowed to speak more than twice or longer than five (5) minutes on any question, unless so permitted by the Chair. The Council may waive the requirements of this section by a majority of the Council Members. Consistent with Order of Business #11, the City Council will move forward the specific Business Items which audience members would like to address. The Mayor shall announce the items which are to be moved forward and will ask the audience if there are any additional items which they would like to address. All Business Items that members of the audience would like to

address will be brought forth and acted upon at this time. Items will be taken individually and members of the audience will address council prior to council discussion of the individual item.

B. Items Not on the Current Agenda

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

CONSENT AGENDA

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

E-1 Approval of Consent Agenda

Suggested Resolution

Resolution #2003-01-

Moved by

Seconded by

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

Yes:

No:

E-2 Minutes: Regular Meeting of December 16, 2002

Suggested Resolution

Resolution #2003-01-

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of December 16, 2002, be **APPROVED** as submitted.

E-3 Proposed City of Troy ProclamationsSuggested Resolution

Resolution #2003-01-

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

- (a) Proclamation of Recognition – Jason Rhiew – Eagle Scout Award
 - (b) Proclamation Recognizing May 9, 2003 and May 7, 2004 as Arbor Day for 2003-2004
-

E-4 Authorization to Pay 2003 Membership Dues – U.S. Conference of MayorsSuggested Resolution

Resolution #2003-01-

RESOLVED, That the invoice in the amount of \$3,968.00 for 2003 membership dues to the U.S. Conference of Mayors is **APPROVED** for payment.

E-5 Authorization to Pay 2003 Membership Dues – National League of CitiesSuggested Resolution

Resolution #2003-01-

RESOLVED, That the invoice in the amount of \$5,504.00 for 2003 membership dues to the National League of Cities is **APPROVED** for payment.

E-6 Request to Waive Parking RestrictionsSuggested Resolution

Resolution #2003-01-

RESOLVED, That the City Council of the City of Troy does hereby **WAIVE** the No Parking restrictions on the west side of Donaldson Street from Square Lake Road to Cotswold Street on January 24, 2003, between the hours of 9:30 am and 4:30 pm, on March 6, 2003, between the hours of 1:00 pm and 9:30 pm, and on June 13, 2003, between the hours of 9:00 am and 12:00 noon.

E-7 Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Agreement – Fleet VehiclesSuggested Resolution

Resolution #2003-01-

RESOLVED, That the contracts to provide fleet vehicles from Jorgensen Ford, Red Holman Pontiac GMC, and Buff Whelan Chevrolet are hereby **APPROVED** through Oakland County Cooperative Purchasing Agreements at an estimated total cost of \$296,445.00.

E-8 Standard Purchasing Resolution 8: Best Value Proposal Award – New Park Master Plan and Design ServicesSuggested Resolution

Resolution #2003-01-

RESOLVED, That a contract to provide master plan and design services for five (5) new park sites is hereby **AWARDED** to M.C. Smith Associates & Architectural Group, Inc., the highest rated bidder as a result of a best value process which Troy City Council determines to be in the public interest at an estimated total cost of \$23,500.00; and

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

E-9 Durant Development v. City of Troy et. al.Suggested Resolution

Resolution #2003-01-

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of Durant Development Corporation v. the City of Troy et. al. Furthermore, the City Attorney is **AUTHORIZED** to pay necessary costs and expenses and to **RETAIN** any necessary expert witnesses to adequately represent the City.

E-10 Nancy Berryman v. City of TroySuggested Resolution

Resolution #2003-01-

RESOLVED, That the City Attorney is hereby **AUTHORIZED** and **DIRECTED** to represent the City of Troy in any and all claims and damages in the matter of Nancy Berryman and James Berryman v. the City of Troy. Furthermore, the City Attorney is **AUTHORIZED** to pay necessary costs and expenses and to **RETAIN** any necessary expert witnesses to adequately represent the City.

E-11 Design Services for SE ¼ of Section 10 – Water Main – Project No. 01.504.5Suggested Resolution

Resolution #2003-01-

RESOLVED, That the proposal submitted by Spalding DeDecker Associates, Inc. (SDA) is **APPROVED** and **AUTHORIZATION** is hereby given to SDA to proceed with the design of the water main replacement along with associated drainage improvements on Somerton, Sylvanwood, Trinway, and Donaldson (Project No. 01.504.5), at an estimated cost to the City of Troy not to exceed \$67,000.00.

E-12 (a) Authorization for Mayor Pryor's Attendance of U.S. Conference of Mayors – 71st Winter Meeting in Washington D.C.; (b) Authorization for Council Members to Attend 2003 NLC Annual Congressional City Conference – Washington, D.C. from March 7-11, 2003

(a) Authorization for Mayor Pryor's Attendance of U.S. Conference of Mayors

Suggested Resolution

Resolution #2003-01-

RESOLVED, That Mayor Pryor is **AUTHORIZED** to attend the U.S. Conference of Mayors 71st Winter Meeting in Washington, D.C., January 21-26, 2003.

(b) Authorization for Council Members to Attend 2003 NLC Annual Congressional City Conference

Suggested Resolution

Resolution #2003-01-

RESOLVED, That Mayor and Council Members are **AUTHORIZED** to attend the 2003 NLC Annual Congressional City Conference in Washington, D.C. from March 7-11, 2003.

E-13 Macomb County Animal Shelter Services

Suggested Resolution

Resolution #2003-01-

RESOLVED, That the City Council of the City of Troy hereby **AUTHORIZES** the Mayor and City Clerk to sign the Agreement between the City of Troy and Macomb Animal Shelter Services.

REGULAR BUSINESS

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

F-1 Appointments to Boards and Committees: (a) Advisory Committee for Persons w/Disabilities; (b) Board of Review; (c) CATV Advisory Committee; (d) Downtown Development Authority; (e) Election Commission; (f) Ethnic Community Issues Advisory Committee; (g) Historic District; (h) Liquor Committee; (i) Municipal Building Authority; (j) Planning Commission; and (k) Traffic Committee

The appointment of new members to all of the listed board and committee vacancies will require only one motion and vote by City Council. Council members submit recommendations for appointment. When the number of submitted names exceed the number of positions to be filled, a separate motion and roll call vote will be required (current process of appointing). Any board or commission with remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda.

The following boards and committees have expiring terms and/or vacancies. Bold red lines indicate the number of appointments required:

Suggested Resolution

Resolution #2003-01-

Moved by

Seconded by

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

Advisory Committee for Persons w/Disabilities

Approved by Council (9)- 3 years

Term expires 7-01-2003 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Susan Burt (Alternate)	Nov. 1, 2003
Angela Done	Nov. 1, 2005
Nancy Johnson	Nov. 1, 2003
Leonard Bertin	Nov. 1, 2005
Pauline Manetta (Alternate)	Nov. 1, 2003
Dick Kuschinsky	Nov. 1, 2004
Theodora House	Nov. 1, 2003
Sharon Lu (Student)	July 1, 2002
Dorothy Ann Pietron	Nov. 1, 2004
Nada Raheb (Student)	July 1, 2003
John J. Rodgers	Nov. 1, 2003
Cynthia Buchanan	Nov. 1, 2004
Kul B. Gauri	Nov. 1, 2005
Jayshree Shah (Alternate)	Nov. 1, 2003

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

Board of Review

Mayor, Council approval (3) – 3 years

Term expires 1-31-2006

Term expires 1-31-2006

CURRENT MEMBERS

NAME	TERM EXPIRES
Hatch, James Edward	Jan. 31, 2003
Howrylak, Frank J	Jan. 31, 2003
Turner, Eileen	Jan. 31, 2005

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Freliga, Victor P	11/25/02	12/02/02
Lang, Victoria	07/09/01-06/2003	07/23/01
Peard, James R	11/25/02	12/02/02
Walker, James	06/11/99-06/14/01-50/2003	07/09/01

CATV Advisory Committee

Appointed by Council (7)- 3 years

Michael J Farrug (Resigned 12-3-02)

Term expires 11-30-2005

CURRENT MEMBERS

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

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Butt, Shazad	07/13/00-06/26/01-05/2003	08/07/00/7/09/01
Manzon, Alan	06/04/02-06/2004	06/17/02
Minnick, Richard D II	04/29/02-04/2004	05/06/02
Powers, Brian M	10/15/02-10/2004	10/21/02

Downtown Development Authority

Mayor, Council approval (13) – 4 years

Nick Najjar (Resigned)

Unexpired term expires 9-30-2005

CURRENT MEMBERS

NAME	TERM EXPIRES
Culpepper, Michael W	Sept. 30, 2004
Frankel, Stuart	Sept. 30, 2003
Hodges, Michele	Sept. 30, 2005
Kennis, William	Sept. 30, 2006
Kiriluk, Alan M	Sept. 30, 2004
MacLeish, Daniel	Sept. 30, 2005
Maxson, Clarke B	Sept. 30, 2003
Nick Najjar	Sept. 30, 2005
Price, Carol A	Sept. 30, 2003
Pryor, Matt	Sept. 30, 2004
Reschke, Ernest C	Sept. 30, 2006
Schroeder, Douglas J	Sept. 30, 2006
York, G Thomas	Sept. 30, 2004

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Alexander, Larry	06/12/01-05/2003	07/09/01
Baughman, Deborah L	03/29/01-06/18/01-05/2003	04/09/01-07/09/01
Brodbine, Anju C.	08/13/02-08/2004	08/19/02
Calice, Mark A	06/97	
Chang, Jouky	10/02/01-10/2003	10/15/01
Chhaya, Dhimant	09/26/02	10/07/02
Daugherty, Patrick	11/14/01	11/19/01
Elenbaum, Anita	04/17/02-04/2004	04/22/02
Hall, Patrick C	01/26/01-01/2003	02/05/01
Howrylak, Frank J	04/05/01	04/09/01
Huber, Laurie G	06/18/01-05/2003	07/09/01
Lang, Victoria	07/09/01/6/2003	07/23/01
Lin, Paul Chu	05/22/00	06/05/00
Milia, Carmelo	06/14/01/5/2003	07/09/01
Rocchio, James A	04/16/01	04/23/01
Sawyer, Thomas G	10/04/02	11/04/02
Schultz, Robert M	06/19/01	01/22/01-07/09/01
Shah, Jayshree	08/28/01/8/2003	09/17/01
Shiner, Mary E	11/28/01/11/2003	12/09/01
Silver, Neil S	08/11/00-06/20/01-06/03	08/21/00-07/09/01
Watkins, Patrick N	05/22/00-05/2003	06/05/00
Weiss, Harvey	11/21/02	12/02/02

Wells, Alexandra	08/22/02-08/2004	9/09/02
Wilberding, Bruce J	08/05/99	
Wright, Wayne C	01/07/99	

Election Commission

Appointed by Council (3) – 1 year

Term expires 1-31-2004

Term expires 1-31-2004

CURRENT MEMBERS

NAME	TERM EXPIRES
Anderson, David C (R)	Jan. 31, 2003
Dewan, Timothy (D)	Jan. 31, 2003
Bartholomew, Tonni	Charter

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Brod bine, Anju C	08/13/02-08/2004	08/19/02
DeBacker, Deborah	05/20/02-05/2004	06/03/02
Gauri, Kul B	08/26/99	
Larue, Patricia M	08/12/02-08/2004	08/19/02
Shah, Jayshree	08/28/01	09/17/01
Ziegenfelder, Peter	12/07/00-06/11/01	12/18/00-07/09/01

Ethnic Community Issues Advisory Committee

Approved by Council (9)- 3 years

Term expires 9-30-2005

CURRENT MEMBERS

NAME	TERM EXPIRES
Anju C. Brodbine	Sept. 30, 2005
Dhimant Chhaya	Sept. 30, 2005
Brian S Griffen	Sept. 30, 2005
Tom Kaszubski	Sept. 30, 2005
Padma Kuppa	Sept. 30, 2005
Victoria Lang	Sept. 30, 2005
Hailu S. Robele	Sept. 30, 2005
Oniell Shah	Sept. 30, 2005

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Haight, Melissa	10/18/02-10/2004	11/04/02
Hashmi, Amin	8/22/02-08/2004	09/09/02

Historic District

Appointed by Council (7) – 3 years

(One member must be an architect)

(Two members recommended by Troy Historical Society)

(One member recommended by Troy Historical Commission)

Kevin Danielson (Resigned)

Unexpired Term expires 5-15-2003

CURRENT MEMBERS

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

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Kerry S Krivoshein	08/12/99-06/14/01-05/2003	07/09/01

Liquor Committee

Appointed by Council (7) – 3 years

Thomas G Sawyer-Does not wish to be reappointed

Term expires 1-31-2006

CURRENT MEMBERS

NAME	TERM EXPIRES
Balagna, David J	Jan. 31, 2003
Ehlert, Max K	Jan. 31, 2005
Elenbaum, Anita	Jan. 31, 2003
Godlewski, W S	Jan. 31, 2005
Moseley, James C	Jan. 31, 2003
Peard, James R	Jan. 31, 2003
Robotnik, Stephanie (Student)	July 1, 2003
Sawyer, Thomas G Jr - Does not wish to be reappointed in Jan/03	Jan. 31, 2003

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Bennett, Alex	11/01/00	11/06/00
Deel, Ryan J	05/17/01-06/25/01-05/2003	05/21/01-07/09/01
Hall, Patrick C	01/26/01-05/2003	02/05/01
Kovacs, Matthew	01/08/01	01/22/01
Ogg, David S.	03/06/02	03/18/02
Powers, Brian M	10/15/02-10/2004	10/21/02
Sobota, Christopher A	02/14/02-02/2004	02/18/02
Ukrainec, Bohdan L	01/30/01-05/2003	02/05/01
Ziegenfelder, Peter F	12/07/00-06/11/01	12/18/00-07/09/01

Municipal Building Authority

Appointed by Council (5) – 3 years

Frank A Taube (Does not wish to be Reappt)

Term expires 1-31-2006

William S McCain(Does not wish to be Reappt)

Term expires 1-31-2006

Term expires 1-31-2006

CURRENT MEMBERS

NAME	TERM EXPIRES
Krokosky, Robert J	Jan. 31, 2005
McCain, William S - Does not wish to be reappointed	Jan. 31, 2003
Taube, Frank A III - Does not wish to be reappointed	Jan. 31, 2003
Ziegenfelder, Peter F	Jan. 31, 2005
Lamerato, John M	Jan. 31, 2003

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Almassian, Carolyn	04/22/02-04/2004	05/06/02
Bluhm, Kenneth	11/24/00	12/04/00
Freliga, Victor P	11/25/02	12/02/02
Miesiak, Conrad	12/11/00-12/2002	12/18/00
Minnick, Richard D II	04/29/02-04/2004	05/06/02
Schultz, Robert M	01/15/01	01/22/01
Sobota, Christopher A	02/14/02-02/2004	02/18/02

Planning Commission

Appointed by Council (9) – 3 years

Term expires 7-01-2003 (Student)

Term expires 12-31-2005

Term expires 12-31-2005

Term expires 12-31-2005

CURRENT MEMBERS

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

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
James P Ong	11/27/02	01/06/03

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Deborah L Baughman	03/29/01-06/18/01-05/2003	04/09/01-07/09/01
Leonard G Bertin	10/10/02	11/04/02
Michael Culpepper	12/97	
Philip D'Anna	02/08/99	
Ryan J Deel	05/17/01-06/25/01	05/21/01
W S Godlewski		
Patrick C Hall	01/26/01-01/2003	02/05/01
Atef A Hanna	10/28/02/10/2004	11/04/02
Paul V Hoef	08/14/02-08/2004	08/2002
Frank J Howrylak	04/05/01	04/09/01
Matthew Kovacs	01/08/01	01/22/01
Victoria Lang	07/09/01-06/2003	07/23/01
Rudolf Q Laze	03/01/01-03/2003	03/05/01
Gary Lepp	04/16/01/4/2003	04/23/01
Paul Chu Lin	05/22/00	06/05/00
Pauline Manetta	11/26/01	12/03/01
Carmelo Milia	06/14/01-05/2003	07/09/01
Richard D Minnick II	04/29/02-04/2004	05/06/02
Albert Taylor Nelson		
David Ogg	02/09/99-04/16/01	04/23/01
James R Peard	11/25/02	12/02/02
James Rocchio	04/16/01-04/2003	04/23/01

Thomas G Sawyer	10/04/02-10/2004	11/04/02
Robert M Schultz	01/15/0106/19/01-05/2003	01/22/01-07/09/01
Jayshree Shah	12/06/00-12/2002	12/04/00
Neil S Silver	08/11/00-06/20/01-05/2003	08/21/00
Thomas Strat	09/16/02	09/23/02
Lon M Ullmann	03/19/01	04/09/01
James Walker	06/11/99-06/14/0105/2003	07/09/01
Brian J Wattles	07/10/01	07/23/01
Bruce Wilberding	08/05/99	
Peter F Ziegenfelder	12/07/00/6-11/01	12/18/00-07/09/01

Traffic Committee

Appointed by Council (7) – 3 years

Term expires 1-31-2006

Term expires 1-31-2006

Term expires 1-31-2006

Term expires 1-31-2006

CURRENT MEMBERS

NAME	TERM EXPIRES
Diefenbaker, John	Jan. 31, 2003
Grinnell, Eric S	Jan. 31, 2003
Halsey, Lawrence	Jan. 31, 2003
Hsu, Jennifer(Student)	July 1, 2003
Hubbell, Jan L	Jan. 31, 2005
Kilmer, Richard A	Jan. 31, 2005
Schultz, Robert M	Jan. 31, 2005
Solis, Charles A	Jan. 31, 2005
Abraham, John	
Craft, Charles	
Nelson, William	

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Basmadjian, A. George	03/06/02-03/2004	03/18/02
Deel, Ryan J	05/17/01-06/25/01-05/2003	05/21/01-07/09/01
Hanna, Atef A	10/28/02-10/2004	11/04/02
Howrylak, Frank J	04/05/01	04/09/01
Hrynik, Thomas F	10/01/00-06/14/01-05/2003	11/06/00-07/19/01
Kovacs, Matthew	01/08/01	01/22/01
Kuschinsky, Dick	10/11/01	11/05/01
Minnick, Richard D II	04/29/02-04/2004	05/06/02

O'Brien, Robert J		
Ogg, David	02/09/99-04/16/01	04/23/01
Patel, Shreeti	10/24/00-10/2002	11/06/00
Powers, Brian M	10/15/02-10/2004	10/21/02
Wilberding, Bruce J	08/05/99	
Wright, Wayne C	01/07/99	
Ziegenfelder, Peter	12/07/00-06/11/01	12/18/00-07/09/01

Yes:

No:

F-2 Closed Session

Suggested Resolution

Resolution #2003-01-

Moved by

Seconded by

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

Yes:

No:

F-3 2003 Poverty Exemption Guidelines

Suggested Resolution

Resolution #2003-01-

Moved by

Seconded by

RESOLVED, That, pursuant to MCL 211.7u, the City Council of the City of Troy hereby **APPROVES** the proposed "Poverty Exemption Guidelines" for 2003, as presented by City Management in a memorandum dated December 12, 2002, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

F-4 Community Center Phase 2 DedicationSuggested Resolution

Resolution #2003-01-

Moved by

Seconded by

(a) Proposed Resolution A

RESOLVED, That the Troy Community Center Phase 2 dedication ceremony is **SCHEDULED** for Thursday, February 20, 2003 at 3:00 pm.

OR**(b) Proposed Resolution B**

RESOLVED, That the Troy Community Center Phase 2 dedication ceremony is **SCHEDULED** for Wednesday, February 26, 2003 at 3:00 pm.

Yes:

No:

F-5 Amendment to J.M. Olson Corporation ContractSuggested Resolution

Resolution #2003-01-

Moved by

Seconded by

RESOLVED, That an amendment to the J.M. Olson Corporation contract for Community Center Construction Manager services is hereby **APPROVED** for field changes associated with water main work in the amount of \$25,478,00.

Yes:

No:

F-6 Request for Approval to Sell City-Owned Remnant Parcel at Northwest Corner of Big Beaver and Rochester – Sidwell #88-20-22-477-038, -039, and -043Suggested Resolution

Resolution #2003-01-

Moved by

Seconded by

RESOLVED, That the City Council of the City of Troy hereby **APPROVES** the sale of the City remnant parcel having Sidwell #88-20-22-477-038, -39, and -043, at the northwest corner of Big Beaver and Rochester to Troy Commons for \$545,000.00 as outlined in the Agreement to Purchase, plus closing costs; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the Warranty Deed, with a copy of the Purchase Agreement attached, on behalf of the City, a copy of which shall be **ATTACHED** to and made part of the original Minutes of this meeting.

Yes:

No:

F-7 Adoption of Chapter 99 – Payment in Lieu of Taxes Ordinance

Suggested Resolution

Resolution #2003-01-

Moved by

Seconded by

BE IT RESOLVED, That the City Council of the City of Troy hereby **ADOPTS** Chapter 99 – Payment in Lieu of Taxes Ordinance, a copy of which shall be **ATTACHED** and made part of the original Minutes of this meeting.

Yes:

No:

COUNCIL COMMENTS/REFERRALS

Protocol for Facility Dedication Plaques

REPORTS AND COMMUNICATIONS

G-1 Minutes – Boards and Committees:

- (a) Historic District Commission/Final – June 18, 2002
 - (b) Historic District Commission/Final – July 16, 2002
 - (c) Historic District Commission/Final – July 23, 2002
 - (d) Historic District Commission/Final – August 13, 2002
 - (e) Historic District Commission/Final – August 27, 2002
 - (f) Historic District Commission – September 17, 2002
 - (g) Historic District Commission/Final – October 15, 2002
 - (h) Planning Commission/Final – November 5, 2002
 - (i) Planning Commission/Final – November 12, 2002
 - (j) Employees’ Retirement System Board of Trustees/Final – November 13, 2002
 - (k) Library Advisory Board/Final – November 14, 2002
 - (l) Historic District Commission/Final – November 19, 2002
 - (m) Planning Commission/Draft – December 3, 2002
 - (n) Advisory Committee for Person With Disabilities/Draft – December 4, 2002
 - (o) Employees’ Retirement System Board of Trustees/Draft – December 11, 2002
 - (p) Library Advisory Board/Draft – December 12, 2002
 - (q) Board of Zoning Appeals – Draft – December 17, 2002
 - (r) Historic District Commission/Draft – December 17, 2002
-

G-2 Department Reports: None Submitted

G-3 Announcement of Public Hearings: None Submitted

G-4 Proposed Proclamations/Resolutions from Other Organizations:

G-5 Letters of Appreciation:

- (a) Memo From Sharon & Al Padar in Appreciation of the Citizens Academy With Special Recognition Given to Cindy Stewart
 - (b) Inter-Office Memorandum to William Need Regarding City of Troy Resident, Barbara Whyte’s Satisfaction With the Water Leak Repair at Her Home Done by Jim Murphy
 - (c) E-mail Received from Tom Clippert Complimenting City of Troy Services
 - (d) Letter From Joseph F. Campbell – Research Supervisor – DuPont Automotive – Thanking Sergeant Dave Swanson for Speaking About “Winter Driving Safety” at Their November Safety Meeting
-

G-6 Calendar

G-7 Letter Received from WideOpenWest to Cynthia Stewart Regarding Rate Increases

G-8 Letter Received from Comcast Cable Communications, Inc. to Cynthia Stewart Regarding Rate Increases

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

G-10 Memorandum – Re: 2002 Fourth Quarter Litigation Report

G-11 Memorandum – Re: E-Procurement Initiative – Third Party Vendor Registration

G-12 Memorandum – Re: Joint Meeting with Senior Advisory Committee and Advisory Commission for Disabilities

G-13 Memorandum – Re: Supplemental Report – Parks & Recreation Winter Recreation Program

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

G-14 Memorandum – Re: Kostrzewa v. City of Troy, et al

G-15 Memorandum (Green) – Re: Uniformity of Analysis When Reviewing Proposed Planned Unit Developments (PUDs)

G-16 Memorandum – Re: National League of Cities Congress of Cities – December 3-7, 2002; Salt Lake City, UT

G-17 Memorandum – Re: Discussion Items for Study Session on January 7, 2003 with the Planning Commission

G-18 Memorandum (Green) – Re: Study Session Topics for Civic Center Discussion; January 17, 2003 at 2:00 PM in the Council Board Room

PUBLIC COMMENT

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

Respectfully submitted,

John Szerlag, City Manager

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Edward Murphy, Captain *EM*

SUBJECT: Public Hearing - Local Law Enforcement Block Grant

BACKGROUND

A public hearing regarding the acceptance of a Local Law Enforcement Block Grant (LLEBG) is scheduled for the January 6, 2003 City Council meeting. The federal award is \$23,857. The City match is \$2,651. The funds must be in direct support of the law enforcement function.

The Police Department has submitted a plan to utilize the money to purchase a computer to replace the existing mugshot server, Lanx suits for the Tactical Support Team, laptop computers and composite software for the Evidence Technicians, and a bar code printer for the Property Room.

As required by the grant, an advisory board consisting of representatives from the Law Department, 52-4 District Court, Troy School District, and Troy Community Coalition reviewed the plan. The advisory board unanimously agreed with the plan and approved it. Upon acceptance of the grant, the Department has two years to expend the funds.

RECOMMENDATION

It is recommended that the LLEBG grant be accepted.

BUDGET INFORMATION

Funds have been budgeted in the Police Department budget for this expenditure.

Prepared by Wendell B. Moore

DATE: December 27, 2002

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Supplemental Information on Available Parking
Public Hearing Parking Variance Request
2938 E. Maple Road, Polish Market

The City Manager indicated that there may be a problem having an agreement whereby the Polish Market leases parking spaces from the Polish Cultural Center because the Center may not have adequate spaces for lease.

The Troy Zoning ordinance does not permit the use of parking on adjacent sites in meeting the minimum parking requirements. Section 40.20.02 of the Ordinance states "Off-street parking for uses in all Zoning Districts, with the exception of M-1 Districts, shall be on the same lot as the use or building served by the parking or on an abutting lot. It was mentioned that the Somerset Collection had provided additional parking off-site in the past. According to information provided today by Somerset Security, employees are not permitted to park on site during the holidays. That restriction is now over. In addition, they stated no off-site parking is provided for employees during that time.

Ownership, or extent of property control acceptable to the Director of Building and Zoning, shall be shown for all lots or parcels intended for use as parking by the applicant". As such, parking on adjacent sites not owned by the applicant is not countable for required parking as a right by the ordinance.

In reviewing a variance request, however, City Council may consider the agreed upon availability of parking on adjacent sites as part of the elimination of adverse effects. In looking at the adjacent sites we find that the American Polish Cultural Center has 228 parking spaces on their site. Based upon their occupant load a minimum of 226 parking spaces are required for their use. Based on the above-mentioned section, these spaces would not be available to the Market as they are not adjacent. An ordinance change similar to that provided for in the M-1 District would be required. On the barbershop parcel to the east a total of 30 parking spaces are striped on the site. Based upon the number of chairs that they have a minimum of 12 spaces are required.

Staff will be happy to provide additional information that you may require regarding this matter.

DATE: December 9, 2002

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Public Hearing Parking Variance Request
2938 E. Maple Road, Polish Market

We have received a building permit application from Mark Kolinicz, representing the Polish Market at 2938 E. Maple. The application is for a walk-in cooler that was constructed at their facility without first obtaining the required permit. The walk-in cooler, in addition to displacing 5 existing parking spaces, brings the required parking spaces for this center to 137. With the changes that they propose to make to increase the parking elsewhere on the site, they can get a maximum of 132 parking spaces on this site. Due to the insufficient on-site parking available the application has been denied. In response to our denial of the plan, the applicant has filed an appeal for the deficiency of the 5 spaces.

A Public Hearing has been scheduled for your meeting of December 16, 2002, in accordance with Section 44.01.00.

I should also note that in order to implement the parking plan for 132 parking spaces, landscape area has to be removed. This reduction of landscape area will bring them below the required 10% landscape area required by Section 39.70.04 of the Zoning Ordinance. If they are successful with their parking variance, action will also be required before the Board of Zoning Appeals.

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

Attachments
Resolution #
Moved by
Seconded by

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

RECEIVED
NOV 20 2002
BUILDING
DEPARTMENT

TO TROY CITY COUNCIL

DATE: 11-20-02

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

Applicant: MARK KOLYNICZ / ED MEPHAM Phone: 248-577-5334

Address: 2938 E. MAPLE RD TROY MI

Address of Property: 2938 E. MAPLE RD.

Lot # _____ Subdivision: _____

Zoning District: B-3 Sidwell # 88-20-36-226-070

Owner of Property: JANKO CORP Phone: 248-229-9795

Address: 2938 E. MAPLE RD

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: 10-29-02

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

and particulars _____

REASON FOR VARIANCE:

Dimension of Stall? 9'6" w x 18'

Parking Spaces Required: 137

Number of Stalls? 132

Parking Spaces Provided: 132

Other Dimensions? _____

Variance Requested: 5 PARKING SPACES

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

WOULD LIKE TO INSTALL WALK IN COOLER IN BACK OF BUILDING COOLER SIZE 18'x54' WOULD BE INSTALLED WHERE THERE IS 5 PARKING SPACES AVAILABLE. THE LETTER FROM MARK STIMAC STATES WE NEED 137 PARKING SPACES, WE HAVE 132 SPACES AFTER INSTALLING WALK IN COOLER.

Application for Parking Variance
We Desperately Need The WALK IN Cooler To Keep up with the ⁻²
LARGER Volume OF BUSINESS We ARE DOING Now AND IN THE FUTURE
Since The PARKING SPACES That Were Lost Were Never Used Anyway.
We Would Very Much Like To Keep This WALK IN Cooler IN This Location.
The WALK IN IS CONSTRUCTED OF ALUM WALLS & CEILING, FRAMED IN
PLACE. We Will Installed A Pitched Shed Roof Over The Cooler
MADE FROM FIRE RETARDANT WOOD, ALSO We Will Abide By ALL
Other Zoning AND Building Codes.

PLOT PLAN OF SITE ATTACHED HERETO

STATE OF MICHIGAN)
COUNTY OF _____)

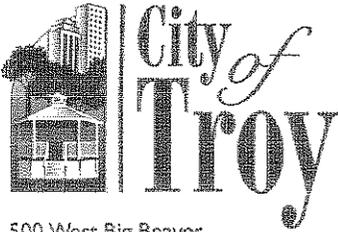
I HEREBY DISPOSE AND SAY THAT ALL THE ABOVE STATEMENTS, AND INFORMATION IN
THE ATTACHED PAPERS AND SITE PLANS SUBMITTED ARE TRUE AND CORRECT.

Date: 11-20-02 Marek Kolyntia
(Signature of Applicant)

Signed and Sworn to before me this 20th day of NOVEMBER 2002

[Signature]
Notary Public
ANNE W JANKOWSKI
Notary Public, Oakland County, MI
My Commission Expires Aug 31, 2005
My Commission Expires: _____

Filing Fee \$200.00 Date Paid _____



500 West Big Beaver
Troy, Michigan 48084
Fax: (248) 524-0851
www.ci.troy.mi.us

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Operations
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Technology
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

October 29, 2002

Ed Mephram
2938 E. Maple
Troy, MI 48083

Dear Sir:

A walk-in cooler addition has been constructed without first obtaining the required building permit at the existing shopping center at 2908-2938 E. Maple. This is a violation of Section 105.1 of the 2000 Michigan Building Code. We are now in receipt of your application for a Building Permit to construct this addition.

The plans and specifications submitted to this office do not meet the requirements as set forth in the City Ordinance for the following reasons:

With this proposed addition, the shopping center would total 23,307 square feet in area. Section 40.21.42 of the Troy Zoning Ordinance requires at least 137 parking spaces be provided for a shopping center of this size. Your plans show that only 132 parking spaces could be available on site.

In addition Section, 39.70.04 of the Zoning Ordinance requires that at least 7,348 square feet of countable landscaping be provided on this site in addition to the 10-foot greenbelt along Maple Road. No total quantity of landscaping is shown on your plan, but it appears that the landscaping that has to be removed for this building addition and additional parking spaces reduces this total to below 5,000 square feet.

Therefore, your application may not be further processed until the above items are corrected. If you choose, you may apply for a variance for the parking deficiency from the City Council. A variance from the minimum landscaping requirement would be heard by the Board of Zoning Appeals. Applications for both boards are available through the Building Department or on our website at www.ci.troy.mi.us.

If you have any questions regarding the above, please feel free to contact me.

Sincerely,

Mark Stimac
Director of Building & Zoning

RECEIVED
NOV 20 2002
BUILDING
DEPARTMENT

A Regular Meeting of the Troy City Council was held Monday, December 16, 2002, at City Hall, 500 W. Big Beaver Road. Mayor Matt Pryor called the Meeting to order at 7:43 P.M.

The Invocation was given by Pastor Steve Allen – First Baptist Church and the Pledge of Allegiance to the Flag was given.

A-1 Presentations: (a) Mayor Pryor accepted a Red Ribbon Campaign "Pledge to Be Drug Free" from Wattles Students, Boy Scout Troop 1707 & Cub Pack 1706; **(b)** Mayor Pryor presented a Service Commendation to Bonnie Korttila for her 27 years of service with the City of Troy.

ROLL CALL

PRESENT: Mayor Matt Pryor
 Robin E. Beltramini
 Cristina Broomfield (Arrived 7:55 PM)
 David Eisenbacher
 Martin F. Howrylak (Arrived 7:56 PM)
 David A. Lambert
 Anthony N. Pallotta

PUBLIC HEARINGS

C-1 Parking Variance Request – 2938 E. Maple Road – Polish Market

Motion to Postpone

Resolution #2002-12-639
 Moved by Pryor
 Seconded by Beltramini

RESOLVED, That City Council **POSTPONE** action to the January 6, 2003 Regular City Council Meeting to allow the petitioner to address City Council's concerns with parking, fencing, signage, and sanitation.

Yes: All-7

C-2 Downtown Development Authority Plan to Include Development Plan #5

Resolution #2002-12-640
 Moved by Pallotta
 Seconded by Lambert

WHEREAS, The Troy Downtown Development Authority (TDDA) adopted Development Plan #5 on December 11, 2002.

NOW, THEREFORE, BE IT RESOLVED, That Troy City Council **ADOPT** Development Plan #5 which provides HTC Global a local match of \$50,000 for property infrastructure for the MEGA financial incentive package to relocate its headquarters to the City of Troy.

Yes: Beltramini, Broomfield, Lambert, Pallotta, Pryor

No: Eisenbacher, Howrylak

MOTION CARRIED

C-3 Street Vacation Application (SV-178) – A Portion of Lovell, Eckerman and Barabeau Streets – East of Rochester Road, South of South Boulevard–Section 2

Resolution #2002-12-641

Moved by Pallotta

Seconded by Beltramini

WHEREAS, A request has been received for the vacation of a portion of the 30-foot-wide platted public Lovell Street, extending east approximately 2,182 feet south from Rochester Road, and within the Eyster's Suburban Home Subdivision, Section 2 (Liber 44, Page 27 of Oakland County Plats); and

WHEREAS, The properties which shall benefit from this requested vacation include the Woodside Bible Church/Northwyck PUD (#001); and

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

1. Retention of easements within the right-of-way to be vacated to the extent determined to be necessary by the City Engineer, based in part on input or responses from applicable utility companies.
2. Petitioners provide proof of ownership for 6710 Eckerman Street and apply for a wrecking permit prior to final vacation of right-of-way.

NOW, THEREFORE, BE IT RESOLVED, That the City Council **CONCURS** in the recommendations of City Management and the Planning Commission; and

BE IT FURTHER RESOLVED, That **FINAL ACTION** on this street vacation request **SHALL BE TAKEN** by the City Council, after the following actions:

1. Determination by the City Engineer of the nature and extent of easements to be retained over the subject street right-of-way based in part on input or responses from the applicable utility companies.
2. Petitioners provide proof of ownership for 6710 Eckerman Street and apply for a wrecking permit prior to vacation of right-of-way.

Yes: All-7

C-4 Street Vacation Application (SV-175) – Larchwood Street and Eastport Street Running Through Robinwood Park – North of Maple Road, East of Livernois Road – Section 27

Resolution #2002-12-642

Moved by Pallotta

Seconded by Howrylak

WHEREAS, A request has been received for the vacation of the Eastport Street right-of-way, which is 50 feet wide and approximately 835 feet in length, and the Larchwood Street right-of-way, which is 50 feet wide and approximately 435 feet in length, located within Robinwood Park in Section 27; and

WHEREAS, The properties which shall benefit from this requested vacation include the City of Troy, Robinwood Park; and

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

1. Retention of the 20-foot wide easement within Eastport Street for the existing water line in Robinwood Park.

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

BE IT FINALLY RESOLVED, That the vacation of the Eastport Street right-of-way, which is 50 feet wide and approximately 835 feet in length, and the Larchwood Street right-of-way, which is 50 feet wide and approximately 435 feet in length, located within Robinwood Park in Section 27, be **VACATED**, retaining a 20-foot wide easement for public utilities, including an existing water line, on either side of the center line of the vacated Eastport Street right-of-way.

Yes: All-7

C-5 Rezoning Application – B-2 to M-1 – Empire Electronics World Headquarters (Z-#685) – Located on the South Side of Maple Road – East of Livernois and West of Rochester Road (Sidwell #88-20-34-101-025) – Section 34

Resolution #2002-12-643

Moved by Pallotta

Seconded by Howrylak

RESOLVED, That the B-2 to M-1 rezoning request located on the south side of Maple Road and east of Livernois Road and west of Rochester Road (Sidwell #88-20-34-101-025) in Section 34, being 6.95 acres in size, be **GRANTED**, as recommended by City Management and the Planning Commission.

Yes: All-7

RECESS: 9:00 – 9:17 PM

PUBLIC COMMENT:

A. Items on the Current Agenda

B. Items Not on the Current Agenda

CONSENT AGENDA

E-1 Approval of Consent Agenda

Resolution #2002-12-644
Moved by Pallotta
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented.

Yes All-7

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

Resolution #2002-12-644-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of December 2, 2002 and the 7:30 PM Special Meeting of December 9, 2002, be **APPROVED** as corrected.

E-3 City of Troy Proclamations

Resolution #2002-12-644-E-3

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

- (a) Resolution of Commendation – Department of Defense and General Dynamics
- (b) Service Commendation – Bonnie Korttila

E-4 Acceptance of 2 Warranty Deeds and 3 Permanent Easements; Huntington Estates Site Condominiums – Fernleigh Development, LLC – Sidwell #88-20-24-226-066

Resolution #2002-12-644-E-4

RESOLVED, That the 2 warranty deeds for a detention area and right-of-way and 3 permanent easements for sanitary sewer, storm sewer and public utilities from Fernleigh Development, L.L.C. for the Huntington Estates Site Condominium project, being part of property having Sidwell #88-20-24-226-066 are hereby **ACCEPTED**.

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

E-5 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidders – Traffic Control Signs

Resolution #2002-12-644-E-5

RESOLVED, That one-year contracts to provide traffic control signs with an option to renew for one (1) year are hereby **AWARDED** to the lowest acceptable bidders, Vulcan Signs, Signs and Blanks, Inc., and Rocal, Inc., at unit prices contained in the bid tabulation opened November 20, 2002, a copy of which shall be **ATTACHED** to the original Minutes of this meeting at an estimated total cost of \$15,094.00, \$6,109.00 and \$1,297.00 respectfully.

E-6 Public Hearing Set Regarding Acceptance of a Local Law Enforcement Block Grant

Resolution #2002-12-644-E-6

RESOLVED, That a Public Hearing regarding the Local Law Enforcement Block Grant **BE DESIGNATED** to utilize the money to purchase a computer to replace the existing mugshot server, Lanx suits for the Tactical Support Team, laptop computers and composite software for the Evidence Technicians, and a bar code printer for the Property Room be held on January 6, 2003.

E-7 Application for New Specially Designated Distributor (SDD) License by Troy Paradise, Inc.

Resolution #2002-12-644-E-7

(a) New SDD License

RESOLVED, That the request from Troy Paradise, Inc. for a new Specially Designated Distributor (SDD) licensed business located at 5945 John R, Troy, MI 48085, Oakland County, to be held in conjunction with Proposed New Specially Designated Merchant License. [MLCC Req ID#186120]; be considered for **APPROVAL**.

It is the consensus of this legislative body that the application be recommended for issuance.

(b) Agreement

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with Troy Paradise, Inc., which shall become effective upon approval of the request for a new Specially Designated Distributor (SDD) licensed business located at 5945 John R, Troy, MI 48085, Oakland County, to be held in conjunction with Proposed New Specially Designated Merchant License, and the Mayor and City Clerk are authorized to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-8 Standard Purchasing Resolution 1: Award to Low Bidder – Annual Flowers & Bedding Plants

Resolution #2002-12-644-E-8

RESOLVED, That a contract to provide seasonal requirements of annual flowers and bedding plants is hereby **AWARDED** to the low bidder, Dinser's Greenhouse and Flowers, at unit prices contained in the bid tabulation opened November 26, 2002, a copy of which shall be **ATTACHED** to the original Minutes of this meeting at an estimated total cost of \$9,532.00.

BE IT FURTHER RESOLVED, If additional annuals or bedding plants are required, such additional materials are authorized in an amount not to exceed 20% of the estimated quantities.

E-9 Standard Purchasing Resolution 3: Exercise Renewal Option – Auction Services

Resolution #2002-12-644-E-9

WHEREAS, On March 19, 2001, a two-year contract with a two-year option to renew to provide Auctioneering Services was awarded to Mid-Thumb Auctioneers SVC, L.L.C. (Resolution #2001-03-160-E-9); and

WHEREAS, Mid-Thumb Auctioneers SVC, L.L.C. has agreed to exercise the option to renew the contract for an additional two-year period with the addition of a 6% commission rate for off-site vehicle auctions when the vehicles are cleaned and transported to the auction site.

NOW, THEREFORE, BE IT RESOLVED, That the two-year option to renew the contract with Mid-Thumb Auctioneers SVC, L.L.C. is hereby **EXERCISED** to provide auction services under the same commission rates, terms, and conditions expiring on March 19, 2005, which includes the additional commission rate of 6% to be charged for off-site vehicle auction when vehicles are cleaned and transported.

BE IT FURTHER RESOLVED, That staff is **AUTHORIZED** to participate in auctions with other entities with final reporting submitted to Council at the next scheduled Council meeting after auction reporting is received.

E-10 Acceptance of Permanent Water Main Easement for Storm Drain/ Sewer – Sidwell # 88-20-14-278-017, The Archdiocese of Detroit/St. Anastasia Catholic Church

Resolution #2002-12-644-E-10

RESOLVED, That the permanent water main easement from the Archdiocese of Detroit, St. Anastasia Church having Sidwell #88-20-14-278-017, is hereby **ACCEPTED** for the construction, operation, maintenance and repair of water main.

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

E-11 Loan of Art Works to Hope College

Resolution #2002-12-644-E-11

RESOLVED, That the City Council **APPROVE** the loan of three (3) bronze sculptures and six (6) drawings given to the City by K-mart in 2000 to Hope College, Holland, MI for the purpose of inclusion in an exhibition of the works by artist Michael Aryton at the DePree Gallery from January 13, 2003 to February 7, 2003.

E-12 Acceptance of Warranty Deeds and Easements – Troy Pines Condominiums and Troy Pines #2 Condominiums – Troy Pines, L.L.C., Premium Construction, L.L.C., Kent & Pam Clark and Pietro & Victoria Arena

Resolution #2002-12-643-644-12

RESOLVED, That the Warranty Deeds and Permanent Easements for the Troy Pines and Troy Pines #2 Site Condominium Developments listed below are hereby **ACCEPTED**:

<u>GRANTOR</u>	<u>TYPE OF DOCUMENT</u>
Troy Pines, L.L.C.	Warranty Deed – Blue Spruce Dr., Scotch Dr., and Douglas Fir Dr.
Troy Pines, L.L.C.	Warranty Deed – John R Road
Troy Pines, L.L.C.	Warranty Deed – Detention Area
Troy Pines, L.L.C.	(3) Permanent Easements – Public Utilities and Sanitary Sewer
Troy Pines, L.L.C.	(3) Permanent Easements – Public Utilities and Storm Sewer
Troy Pines, L.L.C.	(3) Permanent Easements – Public Utilities
Premium Construction, L.L.C.	Warranty Deed – Douglas Fir Dr. and Mangla Ct.
Kent and Pam Clark	Warranty Deed – Douglas Fir Dr. and Mangla Ct.
Pietro and Victoria Arena	Warranty Deed – Douglas Fir Dr. and Mangla Ct.
Premium Construction, L.L.C.	Warranty Deed – Pedestrian Access
Kent and Pam Clark	Permanent Easement – Pedestrian Access
Pietro and Victoria Arena	Permanent Easement – Pedestrian Access
Premium Construction, L.L.C.	Warranty Deed – Storm Detention
Kent and Pam Clark	Permanent Easement – Storm Detention
Pietro and Victoria Arena	Permanent Easement – Storm Detention
Premium Construction, L.L.C.	Permanent Easement – Public Utilities/Sanitary Sewer

Kent and Pam Clark	Permanent Easement – Public Utilities/Sanitary Sewer
Pietro and Victoria Arena	Permanent Easement – Public Utilities/Sanitary Sewer
Premium Construction, L.L.C.	Permanent Easement – Storm Sewer
Kent and Pam Clark	Permanent Easement – Storm Sewer
Pietro and Victoria Arena	Permanent Easement – Storm Sewer
Premium Construction, L.L.C.	Permanent Easement – Public Utilities
Kent and Pam Clark	Permanent Easement – Public Utilities
Pietro and Victoria Arena	Permanent Easement – Public Utilities

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

REGULAR BUSINESS

F-1 Appointments to Boards and Committees: (a) Advisory Committee for Persons w/Disabilities; (b) CATV Advisory Committee; (c) Ethnic Community Issues Advisory Committee; (d) Historic District; and (e) Planning Commission

Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for January 6, 2003:

Advisory Committee for Persons w/Disabilities

Approved by Council (9)- 3 years

Term expires 7-01-2003 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Susan Burt (Alternate)	Nov. 1, 2003
Angela Done	Nov. 1, 2005
Nancy Johnson	Nov. 1, 2003
Leonard Bertin	Nov. 1, 2005
Pauline Manetta (Alternate)	Nov. 1, 2003
Dick Kuschinsky	Nov. 1, 2004
Theodora House	Nov. 1, 2003
Sharon Lu (Student)	July 1, 2002
Dorothy Ann Pietron	Nov. 1, 2004
Nada Raheb (Student)	July 1, 2003
John J. Rodgers	Nov. 1, 2003
Cynthia Buchanan	Nov. 1, 2004
Kul B. Gauri	Nov. 1, 2005
Jayshree Shah (Alternate)	Nov. 1, 2003

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

CATV Advisory Committee

Appointed by Council (7)- 3 years

Michael J Farrug (Resigned 12-3-02)

Term expires 11-30-2005

CURRENT MEMBERS

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

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Butt, Shazad	07/13/00 - 06/26/01 - 05/2003	08/07/00 - 07/09/01
Manzon, Alan	06/04/02 - 06/2004	06/17/02
Minnick, Richard D II	04/29/02 - 04/2004	05/06/02
Powers, Brian M	10/2004	10/21/02

Ethnic Community Issues Advisory Committee

Approved by Council (9)- 3 years

Term expires 9-30-2005

CURRENT MEMBERS

NAME	TERM EXPIRES
Anju C. Brodbine	Sept. 30, 2005
Dhimant Chhaya	Sept. 30, 2005
Brian S Griffen	Sept. 30, 2005
Tom Kaszubski	Sept. 30, 2005
Padma Kuppa	Sept. 30, 2005
Victoria Lang	Sept. 30, 2005
Hailu S. Robele	Sept. 30, 2005
Oniell Shah	Sept 30, 2005

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Haight, Melissa	10/18/02 – 10/2004	11/04/02
Hashmi, Amin	08/22/02 – 08/2004	09/09/02

Historic District

Appointed by Council (7) – 3 years

(One member must be an architect)

(Two members recommended by Troy Historical Society)

(One member recommended by Troy Historical Commission)

Kevin Danielson (Resigned)

Unexpired Term expires 5-15-2003

CURRENT MEMBERS

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

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Kerry S Krivoshein	08/12/99 - 6/14/01- 05/2003	07/09/01

Planning Commission

Appointed by Council (9) – 3 years

Term expires 7-01-2003 (Student)

Term expires 12-31-2005

Term expires 12-31-2005

Term expires 12-31-2005

CURRENT MEMBERS

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

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Deborah L Baughman	3/29/01 - 06/18/01 - 05/2003	4/09/01 - 07/09/01
Leonard G Bertin	10/10/02	11/04/02
Michael Culpepper	12/97	
Philip D'Anna	02/08/99	
Ryan J Deel	05/17/01 - 06/25/01	05/21/01
W S Godlewski		
Patrick C Hall	01/26/01 - 01/2003	02/05/01
Atef A Hanna	10/28/02 - 10/2004	11/04/02
Paul V Hoef	8/14/02 - 08/2004	8/2002
Frank J Howrylak	04/05/01	04/09/01
Matthew Kovacs	01/08/01	01/22/01
Victoria Lang	07/09/01 - 06/2003	7/23/01
Rudolf Q Laze	03/01/01 - 03/2003	03/05/01
Gary Lepp	04/16/01 - 04/2003	04/23/01
Paul Chu Lin	05/22/00	06/05/00
Pauline Manetta	11/26/01	12/03/01
Carmelo Milia	06/14/01 - 05/2003	07/09/01
Richard D Minnick II	04/29/02 - 04/2004	05/06/02
Albert Taylor Nelson		
David Ogg	02/09/99 - 04/16/01	04/23/01
James R Peard	11/25/02	12/02/02
James Rocchio	04/16/01 - 04/2003	04/23/01
Thomas G Sawyer	10/04/02 - 10/2004	11/04/02
Robert M Schultz	01/15/01 - 06/19/01 - 05/2003	01/22/01 - 07/09/01
Jayshree Shah	12/06/00/12/2002	12/04/00
Neil S Silver	08/11/00 - 06/20/01 - 05/2003	08/21/00
Thomas Strat	09/16/02	09/23/02
Lon M Ullmann	03/19/01	04/09/01
James Walker	06/11/99 - 06/14/01 - 05/2003	07/09/01
Brian J Wattles	07/10/01	07/23/01
Bruce Wilberding	08/05/99	
Peter F Ziegenfelder	12/07/00 - 06/11/01	12/18/00 - 07/09/01

F-2 Closed Session

Resolution #2002-12-645
 Moved by Pallotta
 Seconded by Lambert

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

Yes All-7

F-3 Petition Analysis, Paving of Walnut Hill and Chestnut Hill, SAD#02.109.1

(a) Standard Resolution #1

Resolution #2002-12-646
 Moved by Pallotta
 Seconded by Eisenbacher

RESOLVED, That Standard Resolution #1 be hereby **ADOPTED** to direct the preparation of plans and cost estimates for the Special Assessment to pay all or part of the cost of Asphalt Paving of Chestnut Hill and Walnut Hill in Section 18, Project No. 02.109.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of Ordinances of the City of Troy.

Yes: All-7

(b) Standard Resolution #2

Resolution #2002-12-646
 Moved by Pallotta
 Seconded by Eisenbacher

RESOLVED, That Standard Resolution #1 be hereby **ADOPTED** to approve plans and cost estimates for the Special Assessment to pay all or part of the cost of Asphalt Paving of Chestnut Hill and Walnut Hill in Section 18, Project No. 02.109.1, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of Ordinances of the City of Troy

Total Estimated Cost	\$454,000.00
Assessment (28 Unites @ \$3,714.29 ea)	\$104,000.00
City's Share	\$350,000.00

BE IT FURTHER RESOLVED, That the City Assessor is hereby **ORDERED AND DIRECTED** to prepare a Special Assessment Roll in accordance with Chapter 5 of the Code of Ordinances of the City of Troy.

Yes All-7

(c) Standard Resolution #3

Resolution #2002-12-646
 Moved by Pallotta
 Seconded by Eisenbacher

RESOLVED, That Standard Resolution #3 be hereby **ADOPTED** to set a Public Hearing date on the Special Assessment Roll for Asphalt Paving of Chestnut Hill and Walnut Hill in Section 18, Project No. 02.109.1, all pursuant to Chapter 5 of the Code of Ordinances of the City of Troy, with said Public Hearing to be **ESTABLISHED** for January 13, 2003.

Yes All-7

F-4 Rejection of Proposals for RFP 02-46 – Job Study

Resolution #2002-12-647

Moved by Pallotta

Seconded by Howrylak

RESOLVED, That all proposals for RFP 02-46, Job Study, opened September 26, 2002 are hereby **REJECTED**.

Yes: All-7

F-5 Approval of Contract with MDOT for Right-of-Way Acquisition for the Reconstruction and Widening of Big Beaver Road, from Rochester Road to Dequindre Road, Project No. 01.105.5

Resolution #2002-12-648

Moved by Pallotta

Seconded by Beltramini

RESOLVED, That the Right-of-Way Agreement between the City of Troy and the Michigan Department of Transportation for Preliminary Engineering for Big Beaver Road, from Rochester Road to Dequindre Road, Project No. 01.105.5, is hereby **APPROVED** at an estimated cost to the City of Troy not to exceed \$840,000.00 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.

Yes: All-7

F-6 Traffic Committee Recommendations**Vote on Traffic Committee Recommendations #2, #3, and #4**

Resolution #2002-12-649

Moved by Pallotta

Seconded by Lambert

2. NO PARKING Signs – Quincy and Mill Pond

RESOLVED, That Traffic Control Order #02-03-P is hereby **APPROVED** for the installation of signs indicating NO PARKING BETWEEN 8:00-9:00 a.m. and 3:00-4:00 p.m., SCHOOL DAYS ONLY be installed on both sides of Quincy for 100 feet east of Mill Pond and on Mill Pond 100-feet north of Quincy.

3. Fire Lanes/Tow Away Zones – Thunderbird

RESOLVED, That Traffic Control Order #02-05-MR is hereby **APPROVED** for installation of fire lanes/tow away zones be established on the south side of 1737 Thunderbird and on the north side of 1765 Thunderbird.

4. Fire Lanes – Wattles Creek Condominiums

RESOLVED, That Traffic Control Order #02-06-MR is hereby **APPROVED** for establishment of fire lanes at Wattles Creek Condominiums be established per the **ATTACHED** sketch.

Yes: All-7

Vote on Traffic Committee Recommendation #1

Resolution #2002-12-650

Moved by Pallotta

Seconded by Lambert

1. YIELD Signs on Vanderpool at Ellenboro

RESOLVED, That Traffic Control Order #02-06-SS (Y) is hereby **APPROVED** for the installation of YIELD signs on Vanderpool at Ellenboro.

Yes: Lambert, Pallotta, Beltramini, Broomfield, Eisenbacher

No: Howrylak, Pryor

MOTION CARRIED

F-7 Upgrade – Water Meter Reading System

Resolution #2002-12-651

Moved by Pallotta

Seconded by Lambert

WHEREAS, On July 22, 1996, a contract to provide water meter reading devices and operating software was awarded to the low total bidder, S.L.C. Meter Service, Inc. (Resolution #96-694); and

WHEREAS, Our current Handheld Water Meter Reading System is obsolete and no longer repairable, and needs to be upgraded to the Psion TTL Workabout System to continue water meter reading operations.

NOW, THEREFORE, BE IT RESOLVED, That a contract to purchase the Psion TTL Workabout System is hereby **AWARDED** to S.L.C. Meter Service Inc., in accordance with Appendix A at an estimated total cost of \$22,495.00, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

F-8 a) Authorization to Make Unconditioned Offer to Purchase – 2780 Rochester Road (O’Rilley Building), Parcel #88-20-27-277-017; and b) Authorization for City Attorney to Institute Court Action if Necessary

Vote on Division of the Proposed Motion

Resolution #2002-12-652
Moved by Eisenbacher
Seconded by Lambert

RESOLVED, That F-8 will be divided into A and B for the purpose of voting.

Yes: All-7

a) Authorization to Make Unconditioned Offer

Resolution #2002-12-653
Moved by Pallotta
Seconded by Beltramini

WHEREAS, In order to precede with the acquisition of 2780 Rochester Road, which is commonly referred to as the O’Rilley Building, the Real Estate and Development Department requests authorization to make an unconditioned offer to all parties of interest in the appraised amount of \$500,000.00, as appraised by Integra/Dean in an appraisal dated September 5, 2002.

BE IT RESOLVED, That the Real Estate and Development Department is hereby **AUTHORIZED** to make an unconditioned offer for \$500,000.00, the appraised value, plus closing costs.

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

MOTION CARRIED

b) Authorization for City Attorney to Institute Court Action if Necessary

Resolution #2002-12-654
Moved by Pallotta
Seconded by Beltramini

WHEREAS, In order to precede with the acquisition of 2780 Rochester Road, which is commonly referred to as the O’Rilley Building, the Real Estate and Development Department requests authorization to make an unconditioned offer to all parties of interest in the appraised amount of \$500,000.00, as appraised by Integra/Dean in an appraisal dated September 5, 2002.

BE IT RESOLVED, That the City Attorney is hereby **AUTHORIZED**, if necessary, to institute condemnation litigation and to execute and deliver any and all documents and papers, and to

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

Yes: Beltramini, Broomfield, Lambert, Pallotta, Pryor

No: Eisenbacher, Howrylak

MOTION CARRIED

F-9 Technical Review of Agenda Items

Resolution #2002-12-

Moved by Lambert

Seconded by Broomfield

RESOLVED, That beginning on January 1, 2003, regularly scheduled City Council meetings will begin with a technical review of agenda items at 6:45 PM in the Council Board Room of Troy City Hall, will recess at 7:15 PM and will reconvene at 7:30 PM in the Council Chambers of Troy City Hall.

Vote on Amendment

Resolution #2002-12-655

Moved by Pryor

Seconded by Broomfield

RESOLVED, That the Motion be **AMENDED** to include an ending date of April 6, 2003.

Yes: Broomfield, Eisenbacher, Lambert, Pryor, Beltramini

No: Howrylak, Pallotta

MOTION CARRIED

Vote on Amended Main Motion

Resolution #2002-12-656

Moved by Lambert

Seconded by Broomfield

RESOLVED, That beginning on January 1, 2003, and ending on April 6, 2003, regularly scheduled City Council meetings will begin with a technical review of agenda items at 6:45 PM in the Council Board Room of Troy City Hall, will recess at 7:15 PM and will reconvene at 7:30 PM in the Council Chambers of Troy City Hall.

Yes: Lambert, Broomfield

No: Eisenbacher, Howrylak, Pallotta, Pryor, Beltramini

MOTION FAILED

F-10 License and Use Agreement

Resolution #2002-12-657

Moved by Pallotta

Seconded by Howrylak

RESOLVED, That the Agreement with the Oakland County Drain Commission for the lease of the Nelson Drain Drainage District is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED** to execute the agreement.

Yes: All-7

COUNCIL COMMENTS/REFERRALS

Civic Center Economic Model – Theater Size

Resolution #2002-12-

Moved by Beltramini

Seconded by Pallotta

RESOLVED, That City Council schedule a Study Session for the fourth Monday in January to discuss the proposed Civic Center theatre size and any other items that this Council feels may be a deal breaker.

AMENDMENT

Resolution #2002-12-658

Moved by Beltramini

Seconded by Lambert

RESOLVED, That the motion be **AMENDED** to change the date to Friday, January 17, 2003, at 2:00 PM with the Meeting to be called to order in the Council Board Room.

Yes: All-7

AMENDED MAIN MOTION

Resolution #2002-12-659

Moved by Beltramini

Seconded by Pallotta

RESOLVED, That City Council **SCHEDULE** a Study Session for January 17, 2003, at 2:00 PM with the meeting to be called to order in the Council Board Room, to discuss the proposed Civic Center theatre size and any other items that this Council feels may be a deal breaker.

Yes: All-7

REPORTS AND COMMUNICATIONS

Resolution #2002-12-660

Moved by Pryor

Seconded by Pallotta

RESOLVED, That City Council **RECEIVE** the Reports and Communications as submitted.

Yes: All-7

G-1 Minutes – Boards and Committees:

- (a) Historical Commission/Final – September 24, 2002
- (b) Troy Youth Council/Final – September 25, 2002
- (c) Historical Commission/Draft – October 22, 2002
- (d) Troy Daze/Final – October 22, 2002
- (e) Troy Youth Council/Final – October 23, 2002
- (f) Advisory Committee for Persons With Disabilities/Final – November 6, 2002
- (g) Board of Zoning Appeals/Draft – November 19, 2002
- (h) CATV Advisory Committee/Draft – November 20, 2002
- (i) Troy Daze/Draft – November 26, 2002
- (j) Building Code Board of Appeals/Draft – December 4, 2002
- (k) Advisory Committee for Senior Citizens/Draft – December 5, 2002

Noted and Filed

G-2 Department Report

- (a) Permits Issued During the Month of November 2002
- (b) Brownfield Redevelopment Authority Financial Statements – June 30, 2002
- (c) Downtown Development Authority – Financial Statements – June 30, 2002
- (d) Monthly Financial Report – November 30, 2002

Noted and Filed

G-3 Announcement of Public Hearings:

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

G-5 Letters of Appreciation:

- (a) Letter from Harry W. Cyphers to Chief Craft Commending Officer Nicolette Kaptur for Her Presentation at the Senior Men's Club of Birmingham Regarding Senior Citizen Security Measures
- (b) Letter from Tom VanVoorhis – Senior Men's Club of Birmingham to Officer Nicolette Kaptur in Appreciation of Her Informative Presentation on "Scams and Pranks Against Seniors"
- (c) Letter from Lance Ross to Chief Craft Thanking Officer Jay Reynolds for the Informative Presentation He Gave at the Office of PPG Industries Regarding "Identity Theft"
- (d) Letter from Katherine Bogush to the Police Department Commending the "Senior Assistance Program"
- (e) Letter from Connie Meier to Police Department Commending Officer Kukla for His Kindness and Professionalism During a Recent Traffic Accident Response
- (f) Letter from Zoe Alpern to Chief Craft Commending PSA Goralczyk and Officers Steve Brazel and Brian Warzecha for Their Assistance During a Recent Security Breach and Follow-up Measures
- (g) Letter from Enid Brown, Oakland Criminal Justice Association to Sergeant Don Ostrowski Thanking Him for his Explosives Presentation
- (h) Letter from Darlene Russell Thanking William Need and Tim Richnak for Their Assistance in Capping a Drainage Hole in Front of Her Home
- (i) Letter from Marianne Murray to Chief Craft Thanking Him for the Police Department's Assistance in Helping Her to Complete Her Field Project Class at Oakland Community College

Noted and Filed

G-6 Calendar

Noted and Filed

G-7 Memorandum – Re: Background Re: Beach Road

Noted and Filed

G-8 Memorandum (Green) – Re: P.I.L.O.T. (Payment in Lieu of Taxes) Ordinance Chapter 99 & Oakland Park Towers Refinancing

Noted and Filed

G-9 Memorandum (Green) – Re: Possible SmartZone in Troy

Noted and Filed

PUBLIC COMMENT

The meeting adjourned at 10:15 PM.

Matt Pryor, Mayor

Tonni L. Bartholomew, MMC - City Clerk

**PROCLAMATION OF RECOGNITION
JASON RHIEW**

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

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

WHEREAS, Troy resident **Jason Rhiew** will receive his Eagle Scout Award on December 22, 2002 after earning several Merit Badges in his quest to become an Eagle Scout; and

WHEREAS, For his Eagle Scout Award project, **Jason** established the U.S. Flag Retirement Ceremony in conjunction with the local V.F.W Post to increase the Post's visibility in the community. Jason and his team developed plans, collected worn out flags and organized a ceremony that will be available for future occasions; and

WHEREAS, As a member of Boy Scout Troop #1705, **Jason** has held the positions of Junior Leader Training (JLT) Pines course as a Troop Guide, Instructor and Assistant Senior Patrol Leader of Instructors, Lodge Membership Chairman for the Order of the Arrow (OA) and Chapter Elections Chairman. With the D-A Scout Range he was Councilor in Training (CIT), Shooting Sports Assistant and Lodge Treasurer; and

WHEREAS, **Jason** has received numerous awards and academic distinctions, including: Outstanding Academic Excellence (President's Education Awards Program), Michigan Merit Award, Magna Cum Laude, Russell Neynaber Quality Award (Lodge), Robert Rutherford Service Award, Founding Instructor (order of the Arrow University, Russell Neynaber Quality Award (Chapter), National Honor Society, Athens High School Varsity Award, Troy School District Scholar Athlete Award, Scholar Athlete (Oakland Activities Association), Scholar Athlete Award (Troy School District); and

WHEREAS, As a student, **Jason** participated in the Men's Swimming and Diving Team, the Men's Track Team, and the Water Polo Team; and

WHEREAS, **Jason** plans on attending Kettering University and will be working for General Motors in the Vehicle Operations – Controls, Robotics and Welding (CRW) Department; and

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

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

Signed 6th Day of January 2003

December 13, 2002

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Carol Anderson, Parks and Recreation Director

Subject: Arbor Day 2003 – 2004 Proclamation

In order for the City of Troy to be re-certified as Tree City USA by the National Arbor Day Foundation, a proclamation will need to accompany our application

Details on the City's Arbor Day celebration will be distributed to Council in the spring of 2003 and spring of 2004.

Therefore, it is requested that a City Proclamation be issued declaring that the observance of Arbor Day in the City of Troy, will be:

May 9, 2003

May 7, 2004

December 20, 2002

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager
Mary Redden, Office Coordinator

SUBJECT: Authorization to Pay 2003 Membership Dues -
U.S. Conference of Mayors

Attached is an invoice in the amount of \$3,968.00 for 2003 membership dues to the U.S. Conference of Mayors. If approved for payment, this invoice would be paid from Council's *Membership and Dues* account.

December 20, 2002

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager
Mary Redden, Office Coordinator

SUBJECT: Authorization to Pay 2003 Membership Dues -
National League of Cities

Attached is an invoice in the amount of \$5,504.00 for 2003 membership dues to the National League of Cities. If approved for payment, this invoice would be paid from Council's *Membership and Dues* account.

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Charles T. Craft, Chief of Police

SUBJECT: Request To Waive Parking Restrictions

Smith Middle School requests that the parking restrictions be waived on Donaldson street from Square Lake Road to Cotswald street, so that they may host the Community Kaleidoscope, parent conferences, and end of school year promotion ceremonies. The specific dates and times are as follows:

- January 24, 2003 (Saturday), 9:30 am – 4:30 pm, Community Kaleidoscope
- March 6, 2003 (Thursday), 1:00 pm – 9:30 pm, Parent Teacher Conferences
- June 13, 2003 (Friday), 9:00 am – 12:00 noon, Promotion Ceremony

Both sides of Donaldson are posted no parking areas and parking at Smith Middle School is limited.

Smith Middle School makes about four such requests each year and city staff is supportive of the requests. It is recommended that parking restrictions on the non-hydrant side of the street (the west side) be waived on the dates and times requested. Waiving the restrictions on the non-hydrant side will provide additional parking while still allowing for the passage of emergency vehicles.

December 23, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: Standard Purchasing Resolution 4: Oakland County Cooperative Purchasing Agreement – Fleet Vehicles

RECOMMENDATION

The Fleet Maintenance Division of Public Works Department requests approval and authorization to purchase sixteen (16) fleet vehicles through Oakland County Cooperative Purchasing Agreements at an estimated total cost of \$296,445.00.

The equipment will replace vehicles due to come out of service from the Police, Parks and Public Works Departments, and are as follows:

	<u>ITEM</u>	<u>BUDGET</u>	<u>UNIT COST</u>	<u>TOTAL</u>	
<u>JORGENSEN FORD</u>					
2	Ford Crown Victoria 4-Door Sedan Solid Color	A-1	\$46,000.00	\$19,715.50	\$39,431.00
7	Ford Crown Victoria 4-Door Sedan Blue-White	A-1	161,000.00	20,015.50	140,108.50
<u>RED HOLMAN PONTIAC GMC</u>					
4	GMC ½ ton Pick-Up 4X2	A-8	66,000.00	13,443.00	53,772.00
<u>BUFF WHELAN CHEVROLET</u>					
1	Chevrolet Venture 8 Pass. Van	A-7	20,000.00	20,600.60	20,600.60
2	Chevrolet 4X4 Pick-Up W/Plow	A-9	<u>47,000.00</u>	21,266.33	<u>42,532.66</u>
TOTAL			\$340,000.00		\$296,444.76

If you have any questions regarding this recommendation, please feel free to call me at your convenience.

BUDGET

Funds are available from the Vehicle Motor Pool Capital Account 565.7981.

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

December 18, 2002

TO: Honorable Mayor and City Council

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

SUBJECT: Standard Purchasing Resolution 8: Best Value Proposal Award –
 New Park Master Plan and Design Services

RECOMMENDATION

On August 13, 2002, request for proposals (RFP) were opened for master plan and design services for five (5) new parks on land purchased from 1999 Bond Funds. City management recommends an award be made to the highest rated bidder, M. C. Smith Associates & Architectural Group, Inc., as a result of a best value process at an estimated cost of \$23,500.00. If approved by Council, this contract shall be awarded to the recommended bidder contingent upon submission of proper agreement and proposal documents, including insurance certificates and all specified requirements.

BACKGROUND

A total of five (5) parcels of land were purchased by the City of Troy from 1999 Bond funds. The services requested in the RFP include master plans and designs for each of the following new parcels:

- Section 22, 22.87 acres, on Livernois Road between Big Beaver and Wattles.
- Section 2, 6.5 acres, north of Square Lake/Willow Grove west of Kensington Church
- Section 11, 11.99 acres, on Square Lake, west of Willow Grove
- Section 24, 13.95 acres on John R between Big Beaver and Wattles, south of Barnard Elementary.
- Section 36, 15 acres, south of Maple and west of Milverton.

EXECUTIVE SUMMARY

The selection of M.C. Smith Associates to provide master plan and design services was based upon weighted criteria, which included the evaluation of the proposals, responses to the vendor questionnaires, and pricing. The Executive Summary including Weighted Final Scoring, the Evaluation Process, and Weighted Rating reports are submitted as attachments.

BUDGET

Funds for this contract are currently available in the Parks Capital Budget Account #401752.7974.145.

37 Proposals Sent
 11 Qualified Proposals Rec'd
 2 Bidders did not meet specifications
 1 No Bid: Company could not be competitively priced

**EXECUTIVE SUMMARY-
PARKS MASTER PLAN AND PARKS DESIGN**

STATISTICS:

- ◆ 35 Request for Proposals were sent
- ◆ 13 responses were received
- ◆ M. C. Smith Associates & Architectural Group, Inc. was the most qualified firm receiving the highest score

FINAL SCORING:

The **final score** for each qualified Short-listed bidder from Phase 2 will be determined as follows:

50% x Price Score (100 pt. Base)	=	
20% x Vendor Questionnaire Score (100 pt. Base)	=	
20% x Interview Score (100 pt. Base)	=	Not Applicable
10% x Other (100 pt. Base)	=	Not Applicable
70 Maximum		Final Weighted Score

The following bidders submitted a proposal and received the indicated final scores:

COMPANY	SCORE
1. M. C. Smith Associates & Architectural Group, Inc.	66.8
2. Wade -Trim	54.5
3. Ludwig Associates LTD / McKenna Associates, Inc.	53.9
4. Johnson Hill Land Ethics Studio	52.7
5. (Tie) Beckett & Raeder, Inc.	52.5
5. (Tie) Grissom / Metz Associates	52.5
7. Hamilton Anderson Associates	29.5
8. Fitzgerald Henne & Associates, Inc.	25.5
9. Rowe, Inc.	25.1
10. James C. Scott & Associates, Inc.	18.1
11. Ghafari Associates, LLC	11.2

Bidders Not Meeting Specifications:

1. Albert Kahn Associates did not pass the minimum qualifications phase since they took exception to the indemnification language in the specifications.
2. Russell Design, Inc. was incorporated in March 2002 and was providing services under another name for 2.5 years. The company's longevity was desired to be a minimum of 5 years to establish that the company would continue in business after start-up.

Attachments:

- Weighted Final Scoring
- Evaluation Process
- Weighted Rating: Vendor Evaluation and Other

Evaluation Process: RFP - Master Plan And New Park Design (5 parks)

Phase 1: Evaluation of Proposals – Must meet minimum requirements.

Bidders will be required to meet minimum specified requirements. The initial pass/ fail evaluation will be made by a designated Committee representative.

Phase 2: Evaluation Process.

The evaluating committee will review the Vendor Questionnaire, and the proposal (minus the NOT-TO-EXCEED Pricing). A score will be calculated from the review using the Evaluation Sheet – Master Plan and New Park Design.

The sample “Plan” documents will be reviewed by the Evaluation Committee and scored with the other ratable items from the questionnaire. Reasons for the score will be documented including but not limited to presentation of information, grammar, strategies presented, presentation of cost estimates, budget and staffing recommendations.

Phase 3: Price

Points for price will be calculated as follows:

CALCULATIONS:

1. The proposals shall be arranged from lowest proposal to highest proposal
2. High Proposal (-) Low Proposal = Range
3. A mean or average will be calculated from the data, as well as the variance and standard deviation. This information will be used to compare and interpret the measures of location and variability within the population. Points will be given based upon the number of standard deviations that the bid price is from the mean or average or similar process depending upon the population.

Phase 4: Interview (phone or in person) (COMMITTEE CHOSE NOT TO INTERVIEW FIRMS)

Phase 5: Other (NO POINTS ASSESSED)

Proposals may be assessed “Other” points for items not specified, but for which the Evaluation Committee deems as outstanding.

Phase 6: Phase Final Scoring Including Consultant Selection

The **final score** for each qualified Short-listed bidder from Phase 2 will be determined as follows:

50% x Price Score (100 pt. Base)	=
20% x Vendor Questionnaire Score (100 pt. Base)	=
20% x Interview Score (100 pt. Base)	=
10% x Other (100 pt. Base)	=
100%	Final Weighted Score

**WEIGHTED RATING -
PARKS MASTER PLAN AND PARKS DESIGN**

Evaluation Sheet - Rating Non-Mandatory Requirements:

Raters:	1	2	3	AVERAGE
Vendors:				
1. Wade - Trim	81	99	76	85
2. Hamilton Anderson	81	90	83	85
3. M. C. Smith Associates	84	87	81	84
4. Ludwig / McKenna Team	82	95	70	82
5. Johnson Hill Land Ethics	82	90	56	76
6. Beckett & Raeder, Inc.	77	94	53	75
7. Grissom / Metz Associates	84	88	54	75
8. Fitzgerald Henne	70	80	46	65
9. Rowe, Inc.	50	85	55	63
10. Ghafari Associates	56	67	46	56
11. J. C. Scott & Associates	6	60	19	28

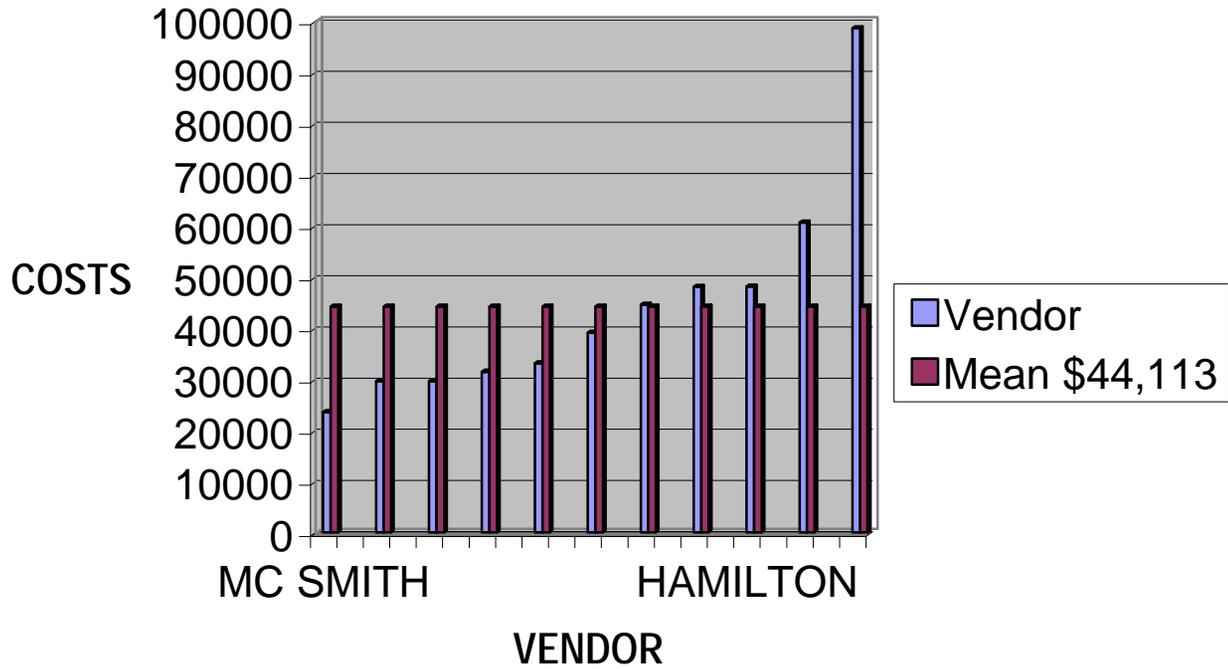
Final Scoring

Raters:			FINAL SCORE Maximum Score = 70
Categories:	PRICE SCORING	EVALUATION SCORING	
1. Wade - Trim	75 x .50 = 37.5	85 x .20 = 17	54.5
2. Hamilton Anderson	25 x .50 = 12.5	85 x .20 = 17	29.5
3. M. C. Smith Associates	100 x .50 = 50	84 x .20 = 16.8	66.8
4. Ludwig / McKenna Team	75 x .50 = 37.5	82 x .20 = 16.4	53.9
5. Johnson Hill Land Ethics	75 x .50 = 37.5	76 x .20 = 15.2	52.7
6. Beckett & Raeder, Inc.	75 x .50 = 37.5	75 x .20 = 15	52.5
7. Grissom / Metz Associates	75 x .50 = 37.5	75 x .20 = 15	52.5
8. Fitzgerald Henne	25 x .50 = 12.5	65 x .20 = 13	25.5
9. Rowe, Inc.	25 x .50 = 12.5	63 x .20 = 12.6	25.1
10. Ghafari Associates	0 x .50 = 0	56 x .20 = 11.2	11.2
11. J. C. Scott & Associates	25 x .50 = 12.5	28 x .20 = 5.6	18.1

**PARKS MASTER PLAN AND DESIGN
ANALYSIS**

VENDOR	COST	MEAN	DIFFERENCE	D2	VARIANCE	STANDARD DEVIATION	POINTS
MC SMITH	23500	\$ 44,113	20,613	424895769		-2	100
JOHNSON HILL	29500	\$ 44,113	14,613	213539769		-1	75
WADE-TRIM	29500	\$ 44,113	14,613	213539769		-1	75
LUDWIG/MCKENNA	31362	\$ 44,113	12,751	162588001		-1	75
BECKETT	33000	\$ 44,113	11,113	123498769		-1	75
GRISSIM/METZ	39000	\$ 44,113	5,113	26142769		-1	75
JC SCOTT	44435	\$ 44,113	(322)	103684		1	25
ROWE	47946	\$ 44,113	(3,833)	14691889		1	25
HAMILTON	48000	\$ 44,113	(3,887)	15108769		1	25
FITZGERALD	60500	\$ 44,113	(16,387)	268533769		1	25
GHAFARI	98500	44,113	(54,387)	2957945769		2	0
	\$ 485,243			4,420,588,726	401871702.4	20046.73795	

PARKS MASTER PLAN AND DESIGN





PURCHASING DEPARTMENT
City of Troy
500 W BIG BEAVER RD
TROY MI 48084
PHONE: (248) 524-3576
FAX: (248) 619-7267

DRAFT

TO: RFP Committee Members

From: Jeanette Bennett, RFP Facilitator

Date: July 18, 2002

Re: Interpretive Master Plan
RFP 02-33

Due Date: On or Before 2 p.m. on August 13, 2002

Attachments:

- ◆ Rating Form
- ◆ Submitted RFP's including a copy of the sample documents if submitted
- ◆ Evaluation Process – Committee Use Only

Process:

- ◆ One committee member should do the pass / fail minimum requirement rating
 1. Whoever the committee determines that person to be will need to work with Purchasing in regards to the insurance portion of this section
 2. The committee may want to split the references up so that one person does not have to do all the work; a scripted format must be used. If you email the information that you would want to find out from the references, I can compile the information and develop a form to be used for the reference check.
 3. Make sure to use your rating number on all documents and not your name
- ◆ After the pass / fail section has been completed, the list of disqualified vendors with reasons for disqualification should be submitted to Purchasing. We will write the letters to those vendors and handle any protests.
- ◆ The committee members should read the remaining proposals and rate the companies on the attached rating form. Forward to Purchasing when completed.
- ◆ Purchasing will put the final price tabulation together upon completion of the rating forms.
- ◆ "Sample Document Review" will be completed by the Committee. Again, if you would like to forward the basis for your review, I will prepare a form for you to use.
- ◆ If your committee would like to assess "other" points – this will be done as a last step.

If you would like to schedule a meeting to discuss the above, please call me at x7291. As your facilitator, I am here to answer questions for you and assist in you with your evaluation process.

COMMITTEE USE ONLY

COMMITTEE MEMBERS: Jeff Biegler, Ron Hynd, Carol Anderson

Evaluation Process: RFP - Master Plan And New Park Design (5 parks)

Phase 1: Evaluation of Proposals – Must meet minimum requirements.

Bidders will be required to meet minimum specified requirements. The initial pass/ fail evaluation will be made by a designated Committee representative.

Phase 2: Evaluation Process.

The evaluating committee will review the Vendor Questionnaire, and the proposal (minus the NOT-TO-EXCEED Pricing). A score will be calculated from the review using the Evaluation Sheet – Master Plan and New Park Design.

The sample “Plan” documents will be reviewed by the Evaluation Committee and scored with the other ratable items from the questionnaire. Reasons for the score will be documented including but not limited to presentation of information, grammar, strategies presented, presentation of cost estimates, budget and staffing recommendations.

Phase 3: Price

Points for price will be calculated as follows:

CALCULATIONS:

1. The proposals shall be arranged from lowest proposal to highest proposal
2. High Proposal (-) Low Proposal = Range
3. A mean or average will be calculated from the data, as well as the variance and standard deviation. This information will be used to compare and interpret the measures of location and variability within the population. Points will be given based upon the number of standard deviations that the bid price is from the mean or average or similar process depending upon the population.

Phase 4: Interview (phone or in person)

LET’S TALK ABOUT THE INTERVIEW

Phase 5: Other

Proposals may be assessed “Other” points for items not specified, but for which the Evaluation Committee deems as outstanding.

Phase 6: Phase Final Scoring Including Consultant Selection

The **final score** for each qualified Short-listed bidder from Phase 2 will be determined as follows:

50% x Price Score (100 pt. Base)	=
20% x Vendor Questionnaire Score (100 pt. Base)	=
20% x Interview Score (100 pt. Base)	=
<u>10% x Other (100 pt. Base)</u>	=
100%	Final Weighted Score

EVALUATION SHEET – MASTER PLAN AND NEW PARK DESIGN SERVICES

RATER 1

NAME:
 ADDRESS:
 CITY/ STATE/ ZIP:
 PHONE / FAX NUMBER:
 VENDORS:

		A		B		C	
OBJECTIVES: Pass / Fail	INFORMATION	Go/No	INFORMATION	Go/No	INFORMATION	Go/No	
MINIMUM REQUIREMENTS							
• 5 Years in Planning Business							
• University Degreed Staff in Planning / Park Design							
• Similar Projects w/ municipal Clients, region of country, etc.							
• Positive References							
• Insurance Requirements							
OBJECTIVES: Non-Mandatory Requirements	Point Value	INFORMATION	Score	INFORMATION	Score	INFORMATION	Score
QUALIFICATIONS & EXPERIENCE							
1. Sample Document – similar Project	30 Points Max.						
2. Topic Outline	30 Points Max.						
3. Qualifications including certifications, special training etc. (Over and above minimum)	20 Points Max.						
4. Approach to meeting deadlines	10 Points Max.						
5. Client Base – Rate the match to Troy's Project after passing Minimum requirements	10 Points Max.						

Designated Value = Highest Rating

1 = Lowest Rating

MAXIMUM SCORE: 100

Non-Mandatory Requirements: Items are in random order of importance.

Opening Date -- 8/13/02
 Date Prepared -- 12/18/02

CITY OF TROY
 TABULATION
 RFP - MASTER PLAN & PARK DESIGN SERVICES

RFP 02-33
 Pg 1 of 4

FIRM NAME:

** MC SMITH	WADE-TRIM	JOHNSON HILL
ASSOCIATES		LAND ETHICS

PROPOSAL REQUIREMENTS: (CHECKLIST)

VENDOR QUESTIONNAIRE (Yes or No)

YES	YES	YES
-----	-----	-----

PROJECT TIMETABLES (Yes or No)

YES	YES	YES
-----	-----	-----

SCHEDULE OF PROJECT COSTS: (Yes or No)

YES	YES	YES
-----	-----	-----

TOPIC OUTLINE (Yes or No)

YES	YES	YES
-----	-----	-----

SAMPLE DOCUMENT - MASTER PLAN/PARKS
 (Yes or No)

YES	YES	YES
-----	-----	-----

COMPLETE FOR THE SUM OF:

** \$ 23,500	\$ 29,500	\$ 29,500
--------------	-----------	-----------

INSURANCE (Yes or No)

YES	YES	YES
-----	-----	-----

PAYMENT SCHEDULE

30 DAYS	LUMP SUM	NET 15 DAYS
---------	----------	-------------

EXCEPTIONS:

BLANK	NO EXCEPTIONS	NONE
-------	---------------	------

NO BIDS:

PM Blough Inc

** DENOTES BEST VALUE PROPOSAL

ATTEST:

Cecilia Brukwinski

Stu Alderman

Linda Bockstanz

 Jeanette Bennett
 Purchasing Director

Opening Date -- 8/13/02
 Date Prepared -- 12/18/02

CITY OF TROY
 TABULATION
 RFP - MASTER PLAN & PARK DESIGN SERVICES

RFP 02-33
 Pg 2 of 4

FIRM NAME:	LUDWIG/MCKENNA TEAM	BECKETT & RAEDER, INC	GRISSIM / METZ ASSOCIATES
PROPOSAL REQUIREMENTS: (CHECKLIST)			
VENDOR QUESTIONNAIRE (Yes or No)	YES	YES	YES
PROJECT TIMETABLES (Yes or No)	YES	YES	YES
SCHEDULE OF PROJECT COSTS: (Yes or No)	YES	YES	YES
TOPIC OUTLINE (Yes or No)	YES	YES	NO
SAMPLE DOCUMENT - MASTER PLAN/PARKS (Yes or No)	YES	YES	YES
COMPLETE FOR THE SUM OF:	\$ 31,362	\$ 33,000	\$ 39,000
INSURANCE (Yes or No)	YES	YES	YES
PAYMENT SCHEDULE (Yes or No)	BILL MONTHLY, 20 DAYS	% BILLED MONTHLY, OR TIME/MATERIALS	YES
EXCEPTIONS:	NONE	BLANK	LISTED IN BID

Opening Date -- 8/13/02
 Date Prepared -- 12/18/02

CITY OF TROY
 TABULATION
 RFP - MASTER PLAN & PARK DESIGN SERVICES

RFP 02-33
 Pg 3 of 4

FIRM NAME:	JC SCOTT & ASSOCIATES	ROWE INC	HAMILTON ANDERSON
PROPOSAL REQUIREMENTS: (CHECKLIST)			
VENDOR QUESTIONNAIRE (Yes or No)	YES	YES	YES
PROJECT TIMETABLES (Yes or No)	YES	YES	YES
SCHEDULE OF PROJECT COSTS: (Yes or No)	YES	YES	YES
TOPIC OUTLINE (Yes or No)	YES	YES	YES
SAMPLE DOCUMENT - MASTER PLAN/PARKS (Yes or No)	YES	YES	YES
COMPLETE FOR THE SUM OF:	\$ 44,435	\$ 47,946	\$ 48,000
INSURANCE (Yes or No)	\$1935 INCLUDED ABOVE YES	YES	YES
PAYMENT SCHEDULE (Yes or No)	1) \$20,000 2) \$22,500	MONTHLY	30 DAYS
EXCEPTIONS:	BLANK	BLANK	BLANK

Opening Date -- 8/13/02
 Date Prepared -- 12/18/02

CITY OF TROY
 TABULATION
 RFP - MASTER PLAN & PARK DESIGN SERVICES

RFP 02-33
 Pg 4 of 4

FIRM NAME:	FITZGERALD HENNE	GHAFARI ASSOCIATES	
PROPOSAL REQUIREMENTS: (CHECKLIST)			
VENDOR QUESTIONNAIRE (Yes or No)	YES	YES	
PROJECT TIMETABLES (Yes or No)	YES	YES	
SCHEDULE OF PROJECT COSTS: (Yes or No)	YES	NO	
TOPIC OUTLINE (Yes or No)	YES	YES	
SAMPLE DOCUMENT - MASTER PLAN/PARKS (Yes or No)	YES	YES	
COMPLETE FOR THE SUM OF:	\$ 60,500	\$ 98,500	
INSURANCE (Yes or No)	YES	YES	
PAYMENT SCHEDULE (Yes or No)	MONTHLY	BLANK	
EXCEPTIONS:	BLANK	BLANK	

BIDDERS NOT MEETING SPECIFICATIONS:

Russell Design Inc \$42,160.00 Re: Length of time in business - Minimum 5 years
 Albert Kahn Associates Inc \$59,500.00 Re: Indemnification and Hold Harmless language

ABONMARCHE CONSULTANTS INC
95 W MAIN ST
BENTON HARBOR MI 49022

ATD SPORTS FIELD MAINTENANCE
13811 BROADWAY
GARFIELD HEIGHTS OH 44125-1946

ATTN CATE BRANDT
SASAKI ASSOCIATES
64 PLEASANT STREET
WATERTOWN MA 02472

ATTN KARI BILAKOS
SMITH GROUP JJR
110 MILLER AVENUE
ANN ARBOR MI 48104

ATTN LAUREN MITCHELL
HARGREAVES ASSOCIATES
2020 17th STREET
SAN FRANCISCO CA 94103

BECKETT & RAEDER INC
535 W WILLIAM SUITE 101
ANN ARBOR MI 48103-4992

CALVIN HALL AND ASSOCIATES
29895 GREENFIELD RD #102
SOUTHFIELD MI 48076

CAPITAL CONSULTANTS INC
725 PRUDDEN ST
LANSING MI 48906

CARTER & BURGESS CONSULTANTS
30800 TELEGRAPH ROAD STE 4900
BINGHAM FARMS MI 48025

CDA ENGINEERING INC
550 STEPHENSON HWY SUITE 310
TROY MI 48083-1108

DIETRICH BAILEY & ASSOCIATES PC
107 S MAIN ST
PLYMOUTH MI 48170

DOSHI ASSOCIATES INC
1607 E BIG BEAVER ROAD STE 200
TROY MI 48083

FANNING HOWEY ASSOCIATES INC
39830 GRAND RIVER AVE SUITE B1-A
NOVI MI 48375

FITZGERALD HENNE & ASSOCIATES INLC
3125 SOVEREIGN DR STE D
LANSING MI 48911

FSE - FLINT SURVEYING & ENGINEERING CO
5370 MILLER ROAD STE 11
SWARTZ CREEK MI 48473-1536

GHAFARI ASSOCIATES LLC
17101 MICHIGAN AVENUE
DEARBORN MI 48126-2736

GIFFELS CONSULTANTS INC
7430 SECOND
DETROIT MI 48202

GIFFELS-WEBSTER ENGINEERS
2871 BOND STREET
ROCHESTER HILLS MI 48309-3515

GOVE ASSOCIATES INC
821 E KALAMAZOO ST SUITE E
LANSING MI 48912

HAMILTON ANDERSON ASSOCIATES
1435 RANDOLPH STE 200
DETROIT MI 48226

HUBBELL ROTH & CLARK INC
55 HULET DRIVE
P O BOX 824
BLOOMFIELD HILLS MI 48303-0824

JAMES C SCOTT & ASSOCIATES INC
P O BOX 5
300 E LONG LAKE ROAD
BLOOMFIELD HILLS MI 48303

LUDWIG & ASSOCIATES LTD
33955 HILLS TECH DRIVE SUITE 207
FARMINGTON HILLS MI 48331-3451

M C SMITH ASSOCIATES
529 GREENWOOD AVE SE
EAST GRAND RAPIDS MI 49506

MCKENNA ASSOCIATES, INC
235 E MAIN STREET #105
NORTHVILLE MI 48167-2499

NEUMANN SMITH & ASSOCIATES
400 GALLERIA OFFICENTRE SUITE 555
SOUTHFIELD MI 48034-2179

P M BLOUGH INC
11291 SKOGEN LANE
GRAND HAVEN MI 49417-8856

PROGRESSIVE ARCH ENGINEERING
1811 FOUR MILE RD NE
GRAND RAPIDS MI 49525-2442

ROWE INC
6211 TAYLOR DR
FLINT MI 48507-4665

RUSSELL DESIGN INC
108 N CENTER ST STE 204
NORTHVILLE MI 48167

SIGMA ASSOCIATES INC
400 MONROE AVENUE STE 220
DETROIT MI 48226

TESTECH INC
771 AIRPORT BLVD STE 5
ANN ARBOR MI 48108-3603

THOMAS BALSLEY & ASSOCIATES
31 W 27th STREET
FLOOR 9th
NEW YORK NY 10001

TMP ASSOCIATES INC
1191 W SQUARE LAKE RD
BLOOMFIELD HILLS MI 48302

TOLTEST INC
44265 PLYMOUTH OAKS BLVD
Attn: Doug Brown
PLYMOUTH MI 48170-2585

WADE-TRIM GROUP
25251 NORTHLINE RD
P O BOX 10
TAYLOR MI 48180

July 19, 2002

INTRODUCTION

The City of Troy is currently seeking proposals from qualified professionals in the park design and landscape architecture field to develop a comprehensive master plan including park designs for five (5) new undeveloped park sites. The City of Troy is requesting that one (1) proposal be submitted, as follows:

Proposal: Develop a comprehensive master plan including park designs for new land parcels purchased from 1999 Bond Funds.

The City of Troy is located in east central Oakland County. The population consists of 85,000 residents with a work population of 120,000 persons. The City is interested in development of five (5) new park sites. The park sites are located as follows:

- Parcel #1 – Section 22, 22.87 acres – on Livernois Road between Big Beaver Road and Wattles Road.
- Parcel #2 – Section 2, 6.5 acres, north of Square Lake/Willow Grove behind Kensington Church.
- Parcel #3 – Section 11, 11.99 acres, Square Lake, west of Willow Grove.
- Parcel #4 – Section 24, 13.95 acres – on John R between Big Beaver and Wattles, just south of Barnard Elementary.
- Parcel #5 – Section 36, 15 acres, south of Maple and west of Milverton.

Enclosed you will find a Request for Proposal document and supporting information for your convenience. Please follow the instructions in the document, if you decide to submit a proposal for this project.

If you have further questions, please contact the Superintendent of Parks, Jeff Biegler, at (248) 524-3484.

Sincerely,

Carol K. Anderson
Director of Parks and Recreation
City of Troy

REQUEST FOR QUALIFICATION AND PROPOSAL

DATE: July 19, 2002

Sealed requests for qualifications and proposals for **MASTER PLAN AND NEW PARK DESIGN SERVICES** will be received by the City of Troy at the City Clerk's Office, 500 W. Big Beaver Road, Troy, MI 48084 until **TUESDAY, AUGUST 13, 2002, at 2:00 PM**, after which time they will be publicly opened and read in the Troy City Offices.

MARK ENVELOPES: - RFQ / RFP 02-33: NEW PARK DESIGN AND MASTER PLAN SERVICES - ON THE LOWER LEFT-HAND CORNER.

The request for qualification and proposal will be for Master Plan And New Park Design Services. Specifications are listed in the proposal form on file in the office of the City Clerk.

All proposals shall specify terms and show delivery dates. The City reserves the right to reject any or all proposals, to waive any informality in the proposal received, and to accept any proposal or part thereof, which it shall deem to be most favorable to the interests of the City.

FURTHER INSTRUCTIONS

1. Municipalities are exempt from Michigan State Sales and Federal Excise taxes. Do not include such taxes in the proposal figure. The City will furnish the successful bidder with tax exemption certificates when requested.
2. If further information regarding this proposal is required, please contact the Purchasing Department at (248) 524-3338.
3. A successful bidder furnishing labor on City/public premises does agree to have his workers covered by Worker's Compensation, and furnish a certificate of insurance showing coverage for bodily injury and property damage and worker's compensation to Mr. Stephen Cooperrider/ Risk Manager within 48 hours of a verbal request. The "Company Representative" does warrant that by signing the proposal document, the "additional insured endorsement" will be included in the Insurance Coverage supplied to the City as part of the specified requirements.
4. To the fullest extent permitted by law, the successful bidder agrees to defend, pay on behalf of, indemnify, and hold harmless the City of Troy, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Troy against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Troy, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Troy, by reason of personal injury, including bodily injury or death and/ or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this contract.

5. To the extent permitted by law, the City of Troy and the successful bidder waive all rights against each other and any of their subcontractors, sub-subcontractors, agents and employees, and the architect, architect's consultants, separate contractors, if any, and any of their subcontracts, subcontractors, sub-subcontractors, agents and employees, for damages caused by fire or other perils to the extent covered by property insurance obtained pursuant to this agreement or other property insurance applicable to the work. The policies shall provide such waivers of subrogation by endorsement or otherwise. A waiver of subrogation shall be effective as to a person or entity even though that person or entity would otherwise have a duty of indemnification, contractual or otherwise, did not pay the insurance premium directly or indirectly, and whether or not the person or entity had an insurable interest in the property damaged for this contract.
6. Telegraphic and/or proposals sent by faxes or electronic devices are not acceptable and will be rejected upon receipt. Proposing firms will be expected to allow adequate time for delivery of their proposal either by airfreight, postal service, or other means.
7. All bidders are held to proposal prices for 60 days or proposal award, whichever comes first, except the successful bidder whose prices shall remain firm until acceptance of all specified documents.
8. The following pages include a vendor questionnaire and proposal sections to be completed by each bidder. Each item must be completed with a response. Bidders not responding to any of the specifications or questions may be classified as unresponsive. The bidder must initial any corrections.
9. The response must follow the format outlined in this proposal. Supplemental information should be provided in additional sections following the same numbering scheme. The response should be concise and complete.
10. Completed forms may be duplicated as required. ***It is requested that four (4) copies of the complete package shall be submitted at the time of proposal submission.***
11. The proposal is to be completed in legible form, preferably typewritten.
12. Any additional written material such as professional records, certifications, etc. your company may think important may be attached and submitted to augment the data included in this questionnaire.
13. NO FAXED DOCUMENTS WILL BE ACCEPTED EXCEPT AS NOTED (Insurance Certificate).
14. TIMELY SUBMITTALS: Late submittals will not be accepted.
15. All information requested herein shall be submitted with the Request for Proposal (RFP); failure to do so may result in rejection of the RFP as non-responsive and/or incomplete.

VENDOR QUESTIONNAIRE

DATE: _____
Month/Date/Year

FIRM NAME: _____
Address: _____
Contact Information: _____

ESTABLISHED: _____ 19__ / 200__ **STATE:** _____

TYPE OF ORGANIZATION: (Circle One)
a. Individual
b. Partnership
c. Corporation
d. Joint Venture
e. Other _____

If applicable:
FORMER FIRM NAME(S) _____ **YEARS in BUSINESS** _____

NOTE: If additional space is needed throughout the questionnaire, please attach additional sheets numbered appropriately for identification.

HISTORY / BACKGROUND OF THE FIRM INCLUDING CORPORATE STRUCTURE:

1. How many years has your company provided Master Plan and Park Design Services?

_____ YEARS Explain (if in a related field):

2. How many Municipal clients does your company serve (customer base) and where are they geographically located?

COMPANY NAME: _____

3. How many employees does your company employ that can do the type of work specified?

4. Personnel of the firm who would be assigned to this account

Please provide resumes, copies of certifications, degrees, and/or list any additional training classes taken to increase expertise in this field for the people listed in this section.

TITLE	NAME	DEGREE/ CERTIFICATION	EXPERIENCE/ YEARS
-------	------	-----------------------	-------------------

Note: Please identify all resumes, copies of certifications and licenses, etc. submitted for individuals in this section with the titles listed above.

5. What is your company's experience / qualifications relative to Master Plan and Park Design Services?

6. Include a description of the project(s) similar in nature to the City of Troy's and the best example of your work.

COMPANY NAME: _____

7. Please explain your firm's approach to meeting project timetables and include your normal turnaround time for the activities specified.

8. References – please list at least five (5) Michigan Municipal assignments or projects completed by your firm that are similar in scope to the type of work described in this proposal. A contact name and listed information is required.

Entity Name	Address	Contact Name	Phone Number
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

9. TOPIC OUTLINE (Specified On Page 2 of 2, In **General Requirements** section, Item 5.f. Outline of Professional Services)

() Attached to the proposal and marked _____ for identification.

10. SAMPLE DOCUMENT - A sample master plan / parks design document should be included with your submitted proposal. This document must be from a project completed by your firm with a similar project scope. This document will be reviewed as part of the evaluation process and will be returned to your company after an award is made.

() Attached to the proposal and marked _____ for identification.

THE FOREGOING QUESTIONNAIRE IS A TRUE STATEMENT OF FACTS:

Signature of Authorized Firm Representative: _____

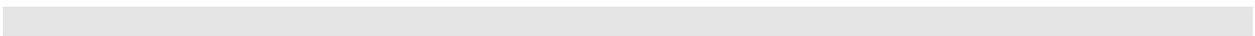
Firm Name: _____

Address: _____

Phone Number: _____

Representative's Name: _____

Date: _____ (print)



PROPOSAL

Develop a comprehensive master plan including park designs for five (5) new undeveloped park sites

Complete for the sum of: \$ _____

NOTE: All items necessary to complete the project as specified including items incidental to the work but not specifically noted in the proposal shall be included in the Complete for the sum of price. (i.e. items such as travel, clerical, copy, and miscellaneous charges)

SCHEDULE OF PROJECT COSTS:

A detailed summary of project costs should be included with the proposals submitted (i.e. hourly rates for personnel to be assigned to the project, mileage, copy costs, etc.) These costs are for budgetary and informational purposes only. These rates may also be used to determine costs for any additional services the City may need to contract for in the future.

The schedule is included and marked _____ for identification.

TERMS AND CONDITIONS

- 1. Signature:** Each Consultant must sign the proposal with their usual signature and shall give their full business address. Proposals submitted by partnerships shall be signed with the partnership name by one of the members or by an authorized representative. Proposals by corporations shall be signed with the name of the corporation followed by the signature and designation of the President, Secretary, or other person authorized to bind it in the matter.
- 2. Retain Proposals:** The City reserves the right to retain all proposals submitted and to use any ideas in the proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the Consultant of the conditions contained in the RFQ/RFP, unless clearly and specifically noted in the proposal submitted and confirmed in the Agreement between the City of Troy and the consultant selected.
- 3. Laws:** All applicable State of Michigan and Federal laws, City, and County ordinances, licenses and regulations of all Agencies having jurisdiction shall apply to the Award throughout and incorporated here by reference. The Agreement and all questions concerning the execution, validity or invalidity, capacity of the parties, and the performance of the Agreement, shall be interpreted in all respects in accordance with the Charter and Code of the City of Troy and the laws of the State of Michigan.
- 4. Sub-contractors:** No portion of the proposal may be subcontracted without the prior written approval by the City.

COMPANY NAME: _____

PROPOSAL TERMS AND CONDITIONS - continued

5. **Agreement:** The selected firm will be expected to sign an agreement for services acceptable to the Troy City Attorney (sample agreement attached). The City reserves the right to negotiate optional scope of work items with the successful Consultant.
6. **Address on File:** It shall be each vendor's responsibility to check the address on record for their company with the Purchasing Department, and provide a phone number, and fax number. If materials are picked up in the Purchasing Department, a business card should be left with the Purchasing Department as a record that the company has received a proposal.
7. **Award:** The evaluation and award of this proposal shall be a combination of factors including, but not limited to: the completion of all information requested and detailed in the RFQ / RFP, evaluation of the fees, professional competence, references, and the correlation of the proposal submitted to the needs of the City of Troy and any other factors considered to be in the best interest of the City of Troy.

The City of Troy reserves the right to award to the firm providing the best value proposal, in whatever manner is deemed to be in the City's best interest; to award the proposal to the most effective total package which matches the City's needs; to reject a proposal which contains major deviations from specifications; to accept a proposal which has only minor deviations from specifications; whatever is deemed to be in the City's best interest.

8. **Downpayments Or Prepayments:** Any proposal submitted which requires a downpayment or prepayment for services to be provided prior to acceptance that the services are acceptable to the operations of the City of Troy will not be considered for award. The designated City representative will make payment approval of all items upon acceptance.
9. **Changes In The RFQ / RFP:** Should any prospective respondent be in doubt as to the meaning or interpretation of any portion of this RFQ / RFP, or should the respondent find any ambiguity, inconsistency or omission therein, the respondent may make a written request for an official interpretation or correction. Such requests, as well as requests for additional information, shall be submitted to the Purchasing Department [Fax (248) 619-7267 or located at 500 W. Big Beaver Rd.] not less than seven (7) days prior to the final date of submittal of the proposals. If the information requested is available, the responses to the requests will be mailed to each firm recorded as having received a copy of the RFQ / RFP.
10. **Contract Termination:** The City of Troy reserves the right to terminate the contract **without penalty** upon 7 days written notice due to poor performance or for any reason deemed to be in its best interest. The City of Troy designated representative will be solely responsible for determining acceptable performance levels. His/her decision will be deemed in the City of Troy's best interest and will be final. The City of Troy reserves the right to re-award or re-bid the contract in whatever manner is deemed to be its best interest.

COMPANY NAME: _____

PRICES:

Prices quoted shall remain firm for 60 days or proposal award, whichever comes first except the successful firm whose prices shall remain firm until acceptance of all specified documents. The contract shall commence upon approval of the Troy City Council.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE: _____

INVOICING AND PAYMENT:

The City of Troy reserves the right to select the invoicing option deemed to be in its best interest at the time of implementation of the contract. No additional costs will be incurred for the invoicing option selected. Detailed billing will be required which minimally includes the project name, service(s) provided, hours worked, cost per hour, and a detailed breakdown of allowable expenses.

Termination of service will be unacceptable for non-payment of a bill without the successful bidder contacting the designated City representative to resolve the problem. The City will have 45 days to resolve any billing problem from written notice of the termination of service.

NOTE: The undersigned has checked carefully the bid figures and understands that he/she shall be responsible for any error or omission in this bid offer and is in receipt of all addendum as issued.

COMPANY: _____

ADDRESS: _____ CITY _____ STATE _____ ZIP _____

PHONE NUMBER(____) _____ FAX NUMBER(____) _____

REPRESENTATIVE'S NAME _____ (Print)

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE: _____

PAYMENT SCHEDULE

EXCEPTIONS:

Any exceptions, deviations, substitutions, etc. from the City specifications and this proposal must be stated below. The reason(s) for the exception, deviation, or substitution are an integral part of this proposal.

IMPORTANT: All City of Troy purchases require a MATERIAL SAFETY DATA SHEET, where applicable, in compliance with the MIOSHA "Right to Know" Law.

CURRENCY: All figures are to be in U. S. Funds.

**General Requirements
Design Services for New Parkland**

1. Scope of Services

The City of Troy, Michigan is seeking a request for proposal (RFP) from qualified consultants and professional landscape architecture firms for the purpose of:

- a. Development of comprehensive a master plan and concept designs for five (5) parcels which would represent elements requested and desired by residents and staff to ensure a viable City park and leisure opportunity.
- b. Included with the final plan and report is to be an estimate of the cost itemized by type to complete any recommendations therein as well as a drawing or rendering showing proposed changes and location thereof.
- c. Provide a phasing plan of improvements.
- d. The project would be considered complete upon the submission of four (4) copies of the plan and a detailed report to the City of Troy.
- e. All drawings, documents, and specifications produced as a result of a contract issued in response to the submitted proposal and any revisions thereto are to be owned by and shall be the property of the City of Troy.

2. Duties and Responsibilities

- a. Site Visits – Prior to work on the master plan, all the project team members involved in any phase of the project are to make a sufficient number of visits to all of the parcels so as to become completely familiar with the present condition and topography.
- b. Meetings – An initial meeting and any additional meetings as are necessary are to be held prior to the start of work on the master plan between the firm's project members and the Parks and Recreation Director, Parks Superintendent and Landscape Analyst. The purpose of the meeting(s) is to acquaint the firm's project team with the type of clientele using the parks, any limits to the type of acceptable changes that may be considered, existing problems that may need to be addressed, and to provide any additional information desired by the firm.
 1. During the development of the master plan, the project team shall meet not less than eight (8) times with the project teams and members to review with them the progress of the project and obtain any feedback offered.
 2. Fee proposal should include meetings with the Parks and Recreation Advisory Board and City Council.
- c. Safety – Safety is of prime importance for all projects constructed by and for the City of Troy. Safety concerns must be taken into account in the selection of proposed park designs.

3. Duties and Responsibilities - continued

- a. Timeliness – It will be the responsibility of the firm performing work under the contract to investigate, design, and report findings in a timely manner as represented in the response for completing work.
- b. Accuracy - The accuracy of the components of the master plan will be dependent on the accuracy of the base maps, use of the existing City of Troy Parks and Recreation Master Plan, and topographic data furnished by the City of Troy.

4. City Representatives

For the purpose of this project, the representatives of the City of Troy shall be:

- ◆ Director of Parks and Recreation
- ◆ Superintendent of Parks
- ◆ Landscape Analyst.

5. Proposal Requirements – See Vendor Questionnaire to address these requirements (Page 3, 4, 5 of 9)

Any firm interested in this project should submit four (4) copies of their proposal containing the following information regarding their professional capabilities for performing the comprehensive master plan and design services. To be considered, each proposal must contain the following information:

- a. Business Organization – Provide full name, addresses, business telephone number and, if applicable, the branch office or other subordinate element that will perform or assist in the performing of the work. Indicate a brief history of the firm and the company's background. Indicate the corporate structure under which you operate.
- b. Statements of the firm's qualifications for performing such a study.
- c. Provide a brief listing and description of projects of a similar nature handled in the past.
- d. Personnel – Qualifications of the landscape architect performing the study and those individuals that may be assigned to assist in the study. A justification for assigning those individuals to the project considering their qualifications for performing analysis work in this area of the country, market segment, etc. Provide resumes of the appropriate individuals assigned to this project. Provide information on professional background licenses and experience for each of the individuals anticipated to be involved in the project.
- e. Provide a time of completion for each element listed under the "scope of services" based upon date contract is issued as time zero.
- f. Outline of Professional Services – Provide a topic outline of the scope of work that your proposed comprehensive master plan report will cover in performing the requested work.

DRAFT

AGREEMENT

MASTER PLAN AND PARK DESIGN SERVICES

THIS AGREEMENT entered into on _____, 2002, between the CITY OF TROY, 500 W. Big Beaver Road, Troy, Michigan 48084, hereinafter referred to as the "City", and _____, herein after referred to as the "Contractor" , whose address is _____.

WITNESSETH:

In consideration for the City entering into this Agreement with the Contractor to provide master plan and park design services, the Contractor agrees to the following:

1. The Contractor shall provide specific tasks as outlined in the Request for Proposal dated _____, 2002 and the Proposal of the Contractor hereby made a part of this Agreement with the end result being the completion of a master plan and park designs for five (5) Troy Parks .
2. Payments to the Contractor shall be made in accordance with the terms outlined in the Proposal in an amount not to exceed _____. Payment will be made within thirty (30) days after receipt by the City of an invoice from the Contractor documenting the work completed and outlining the cost for services incurred to the date of the invoice in accordance with the Payment Schedule submitted with the Proposal.

3. The Contractor shall have no authority, power to assign, sublet, or transfer any rights, privileges, or interest under this Agreement without prior written consent from the City. The Contractor acknowledges that it is an independent contractor with no authority to bind the City to any contracts or agreements, written, or oral.
4. The Contractor shall comply with all federal, state, and local laws, rules and regulations, and ordinances.
5. The Contractor shall maintain general liability insurance in the amount of one million (\$1,000,000.00) dollars and automobile liability in the amount of \$500,000 dollars for any actions, claims, liability or damages caused to persons and/or property arising out of the performance of this Agreement including product liability and worker's compensation.

Professional liability, issued on an "occurrence basis" or "claims made basis", with limits of liability of not less than \$1,000,000 per occurrence/aggregate, or per claim/aggregate if on a "claims made basis". If written on a "claims made basis", the policy must have a two-year extended reporting period following the completion of the contract. Whether on an "occurrence basis" or a "claims made basis", the policy shall include: a) per contract aggregate and b) deletion of all contractual liability exclusions and/or provisions.

All insurance coverage shall be approved by the City. Certificates of Insurance shall comply with the sample form attached hereto. The City

shall be named as an additional insured under all policies except professional liability and worker's compensation. All insurance companies must be licensed and admitted to do business in the State of Michigan. All insurance set out herein shall be maintained for the duration of the Agreement. Failure to maintain coverage or to continue to maintain coverage shall be considered a breach of contract with immediate termination of the Agreement at the will of the City.

The Contractor is responsible for any deductibles under its policies of Insurance. The Contractor agrees to indemnify and hold the City harmless for any claims, actions, liabilities or damages arising out of the performance of the contract. All insurance policies must be approved as to form and amount by the City and copies of certificates of insurance furnished to the City.

6. The City shall make available the following:
 - a. All criteria and full information as to the City's requirements. The City designates the Park and Recreation Director or his/her designee with the authority to act on the City's behalf on all matters concerning the Agreement.
 - b. All existing studies, reports, and other available data in the office. The Contractor shall be entitled to rely upon all such information in performing services hereunder unless advised to do otherwise by the City.

c. Access for the Contractor to enter upon public property as required to perform service hereunder.

7. The Contractor shall start performing services within fifteen (15) days after receipt of a purchase order issued by the City, which shall commit the Contractor to complete the project in accordance with the Request for Proposal.

8. The City reserves the right to terminate the contract without penalty upon 7 days written notice to the Contractor's last known address due to poor performance or for any reason deemed to be in its best interest. The City's designated representative will be solely responsible for determining acceptable performance levels. His/her decision will be deemed in the City's best interest and will be final. In event of termination, the City will pay for that portion of services completed in accordance with the timeline submitted with the proposal including reimbursable expenses.

WITNESS:

- 1. _____
- 2. _____

CONSULTANT:

(Title)

CITY OF TROY:

By _____
Matt Pryor, Mayor

Tonni Bartholomew, City Clerk

John Szerlag, City Manager or Designee

Resolution Number: _____

APPROVED AS TO FORM AND LEGALITY:

By _____

Lori Grigg Bluhm, City Attorney

ACORD CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YY)

PRODUCER Complete Sample Certificate	THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. INSURERS AFFORDING COVERAGE
INSURED Complete	INSURER A: XYZ Company INSURER B: ABC Company INSURER C: 123 Company INSURER D: INSURER E:

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY	0001	XX-XX-XX	XX-XX-XX	EACH OCCURRENCE	\$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY				FIRE DAMAGE (Any one fire)	\$
	<input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR				MED EXP (Any one person)	\$
	<input checked="" type="checkbox"/> see additional insured language below				PERSONAL & ADV INJURY	\$ 1,000,000
					GENERAL AGGREGATE	\$ 1,000,000
					PRODUCTS - COMP/OP AGG	\$ 1,000,000
GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						
A	AUTOMOBILE LIABILITY	0002	XX-XX-XX	XX-XX-XX	COMBINED SINGLE LIMIT (Ea accident)	\$ 500,000
	<input checked="" type="checkbox"/> ANY AUTO				BODILY INJURY (Per person)	\$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident)	\$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident)	\$
	<input checked="" type="checkbox"/> HIRED AUTOS					
<input checked="" type="checkbox"/> NON-OWNED AUTOS						
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT	\$
	<input type="checkbox"/> ANY AUTO				OTHER THAN EA ACC	\$
					AUTO ONLY: AGG	\$
	EXCESS LIABILITY				EACH OCCURRENCE	\$
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE	\$
						\$
	<input type="checkbox"/> DEDUCTIBLE					\$
	<input type="checkbox"/> RETENTION \$					\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	0003	XX-XX-XX	XX-XX-XX	<input checked="" type="checkbox"/> WC STATUTORY LIMITS	OTHER
					E.L. EACH ACCIDENT	\$ 100,000
					E.L. DISEASE - EA EMPLOYEE	\$ 500,000
					E.L. DISEASE - POLICY LIMIT	\$ 100,000
C	OTHER					
	Professional Liability (E&O)	0004	xx-xx-xx	xx-xx-xx	Limits \$1,000,000	

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS
 Additional Insured: City of Troy including Architects and Engineers, all elected and appointed officials, all employees and volunteers, boards, commissions and/or authorities and their board members, employees, and volunteers additional insured on ISO form B or broader.

CERTIFICATE HOLDER City of Troy 500 W. Big Beaver Rd. Troy, MI 48084	y	ADDITIONAL INSURED; INSURER LETTER: A	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED OR MATERIALLY CHANGED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT. AUTHORIZED REPRESENTATIVE
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TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *LGB*
DATE: December 23, 2002
SUBJECT: Durant Development v. City of Troy et. al.

The City of Troy has recently been named as a defendant in a complaint to vacate portion of a recorded plat- drainage easement for Shady Creek Estates Subdivision. This procedure for vacation is set forth in state statute, and requires the City of Troy, as well as all neighboring property owners within 300 feet of the subject property to be named as Defendants. The utility companies, and also the Treasurer of the State of Michigan and the Drain Oakland County Drain Commissioner are additional named defendants, as required by statute.

Final adjudication of this lawsuit would not be necessary if all named defendants voluntarily consent to the vacation of the drainage easement. Durant Development is in the process of procuring written consents from any and all parties who do not object to the vacation. It is likely that most, if not all, of the parties will consent, but the lawsuit provides an added measure of security to ensure that all recorded easements will be protected.

Our office will represent the City of Troy, absent objections from City Council. If you have any questions concerning the above, please let me know.



JUDGE EDWARD SOSNICK
COUNTY DURANT DEVELO V NEUMANN, AL.

STATE OF MICHIGAN		SUMMONS AND COMPLAINT
JUDICIAL DISTRICT		
6th	JUDICIAL CIRCUIT	
COUNTY PROBATE		

Court address: 1200 N. Telegraph Road, Pontiac, MI 48341
 Court telephone no. (248) 858-1000

Plaintiff name(s), address(es), and telephone no(s).
 Durant Development Corporation
 % Its Attorney

Defendant name(s), address(es), and telephone no(s).
 City of Troy
 500 W. Big Beaver Road
 Troy, MI 48084-5285

v

City Attorney
Long
City of Troy
Rocky Point
Real Estate

Plaintiff attorney, bar no., address, and telephone no.
 Steven J. Wallace P32925
 7071 Orchard Lake Road, Suite 360
 West Bloomfield, MI 48322
 (248) 932-5644

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

Issued DEC 18 2002	This summons expires MAR 14 2003	Court clerk WATSON WARDWELL
------------------------------	--	---------------------------------------

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

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

Family Division Cases
 There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
 An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.
 The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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General Civil Cases
 There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint/
 A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.
 The action remains is no longer pending. The docket number and the judge assigned to the action are:

Docket no.	Judge	Bar no.
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VENUE

Plaintiff(s) residence (include city, township, or village): Oakland County, MI	Defendant(s) residence (include city, township, or village): Oakland County, MI
Place where action arose or business conducted	

Steven Wallace
 Signature of attorney/plaintiff

12/12/2002
 Date

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

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

DURANT DEVELOPMENT CORPORATION,
a Michigan Corporation,

Plaintiff,

-VS-

AL and JUDY NEUMANN,
SATHYAKUMAR SELVARAJ,
PHILIP and NORA DAMICO,
RICKY and ROBERTA WELLS,
ERNEST A. WATSON,
TROY CHRISTIAN CHAPEL
CAMILLE PETEE and TEDDY LEE COMPTON,
KIMBERLY A. CHRISTOPHER,
PHILIP and BARBARA KNIGHT,
FRANCESCO and MONICA A. FAZI,
CITY OF TROY,
VASUDE and ILA AMIN TRUST,
LUCJAN and JOLANTA PERKOWSKI,
NIRMALA and SUBBARAYAN MURUGAPPAN,
KENNETH and SALLY YEE,
THI and MARIE NGUEN,
WILLIAM and PRUDENCE LANTZY,
MUNGUR and GOWRI RAJENDRAN,
RAYMOND and MARY SANTANGELO,
JOHN and HELEN ROCCA,
DALE and REBECCA RICHARDS,
KEVIN LAU,
GERALD and JEANNE RICHERT,
FORTUNATO and CHARLENE CALABRO,
THOMAS and ANN KRUL,
JOSEPH and SHARON BODEK,
THE CITY OF TROY,
DOUGLAS B. ROBERTS, (State Treasurer),
JOHN P. McCULLOCH (Oakland County Drain Commissioner)
SBC AMERITECH,
DETROIT EDISON,
CONSUMERS ENERGY, and
COMCAST CABLE,

Defendants.

02-046068-CH



JUDGE EDWARD SOSNICK
COURT: DURANT DEVELO V NEUMANN, AL.

COMPLAINT TO VACATE
PORTION OF RECORDED
PLAT - DRAINAGE EASEMENT

STEVEN J. WALLACE (P32925)
WALLACE & WALLACE
Attorneys for Plaintiff
7071 Orchard Lake Road
Suite 360
West Bloomfield, MI 48322
(248) 932-5644 / (248) 932-2647 - fax

**COMPLAINT TO VACATE PORTION OF RECORDED PLAT -
DRAINAGE EASEMENT**

NOW COMES the Plaintiff, by and through its attorney, Steven J. Wallace, and for its
Complaint says as follows:

Venue & Jurisdiction

1. Plaintiff is a duly chartered Michigan Corporation, in good standing, with
principal offices located in Oakland County, Michigan, and the owner of the following described
real property located in the City of Troy, Oakland County, Michigan:

Outlot A, SHADY CREEK ESTATES SUBDIVISION,
according to the plat thereof as recorded in liber 209,
page 25, of Plats, Oakland County Records.

2. Upon information and belief, the following Defendants are all of the owners of the
lots, or parts of lots, in Shady Creek Estates Subdivision and/or owners of land located within
300 feet of the lands described in Paragraph 1 above and necessary parties to this action pursuant
to MCL 560.224a(1)(a): AL and JUDY NEUMANN, SATHYAKUMAR SELVARAJ, PHILIP
and NORA DAMICO, RICKY and ROBERTA WELLS, ERNEST A. WATSON, TROY
CHRISTIAN CHAPEL, CAMILLE PETEE and TEDDY LEE COMPTON, KIMBERLY A.
CHRISTOPHER, PHILIP and BARBARA KNIGHT, FRANCESCO and MONICA A. FAZI,

CITY OF TROY, VASUDE and ILA AMIN TRUST, LUCJAN and JOLANTA PERKOWSKI, NIRMALA and SUBBARAYAN MURUGAPPAN, KENNETH and SALLY YEE, THI and MARIE NGUEN, WILLIAM and PRUDENCE LANTZY, MUNGUR and GOWRI RAJENDRAN, RAYMOND and MARY SANTANGELO, JOHN and HELEN ROCCA, DALE and REBECCA RICHARDS, KEVIN LAU, GERALD and JEANNE RICHERT, FORTUNATO and CHARLENE CALABRO, THOMAS and ANN KRUL, JOSEPH and SHARON BODEK

3. Defendant CITY OF TROY is a necessary party to this action pursuant to MCL 560.224a(1)(b).

4. Defendant DOUGLAS B. ROBERTS is the State Treasurer and a necessary party to this action pursuant to MCL 560.224a(1)(c).

5. Defendant JOHN P. McCULLOCH is the Oakland County Drain Commissioner and a necessary party to this action pursuant to MCL 560.224a(1)(d).

6. Defendants DETROIT EDISON, CONSUMERS ENERGY, COMCAST CABLE, and SBC AMERITECH are Public Utilities and necessary parties to this action pursuant to MCL 560.224a(1)(e).

7. This Court has exclusive jurisdiction of this matter pursuant to MCL 560.222.

Factual Allegations

8. Plaintiff adopts and incorporates by reference Paragraphs 1 through 7 as though fully restated herein.

9. The plat for Shady Creek Estates Subdivision, as recorded in liber 209, page 25 of Plats, Oakland County Records, and a certain Right Of Way instrument, recorded in liber 10992, page 483, Oakland County Records, granted a right-of-way / easement to the Houghton Drain

Drainage District for the purpose of relocating, constructing, operating, maintaining, repairing, and/or replacing a portion of the Houghton Drain and related appurtenances.

10. The subject Right-of-Way / Easement, which is not necessary due to the fact that the drain has been relocated in accordance with permits issued by the City of Troy, the Oakland County Drain Commissioner, and the Michigan Department of Environmental Quality, traverses Plaintiff's property in such a manner that precludes the Plaintiff from fully utilizing his property.

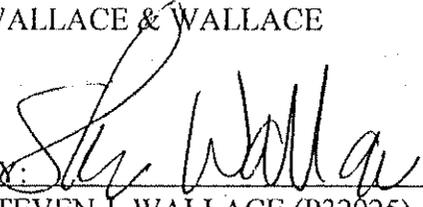
11. The Oakland County Drain Commissioner has notified and advised Plaintiff that the subject right-of-way / easement, as it traverses Plaintiff's property, could be vacated without creating any problems of any kind for other property owners in the Houghton Drainage District if the subject right-of-way / easement is replaced with a new permanent easement being granted to the Houghton Drainage District. A copy of the letter from the Drain Commissioner to the Plaintiff evidencing the same is attached hereto as Exhibit 'A'.

12. Plaintiff is ready, able, and willing to grant the new permanent easement to the Houghton Drain Drainage District to replace the portion of the right-of-way / easement which would be vacated in this action.

WHEREFORE, Plaintiff prays that this Court enter an Order vacating that portion of the right-of-way / easement heretofore granted to the Houghton Drain Drainage District as it traverses Outlot A of Shady Creek Estates Subdivision.

Dated: December 12, 2002

WALLACE & WALLACE

BY: 

STEVEN J. WALLACE (P32925)

Attorneys for Plaintiff

7071 Orchard Lake Road

Suite 360

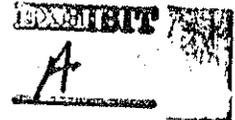
West Bloomfield, MI 48322

(248) 932-5644

emplt.



OAKLAND COUNTY DRAIN COMMISSIONER
John P. McCulloch



December 5, 2002

John P. McCulloch
DRAIN COMMISSIONER
OAKLAND COUNTY

Kevin R. Larsen
CHIEF DEPUTY
DRAIN COMMISSIONER

Durant Development
5065 Lone Pine Lane
Bloomfield Hills, Michigan 48302

Attention: Mr. Ken Dabrowski

Reference: **HOUGHTEN DRAIN; PROPOSED SHADY CREEK
CONDOMINIUM PROJECT**

Dear Mr. Dabrowski:

Please find enclosed a copy of the "Notice of Intent to Vacate Drainage Easement" relating to the above-referenced matter. This Notice will be published at the appropriate time pursuant to Section 280.6 of the Michigan Drain Code of 1956, as amended.

The Drain Commissioner's Office has no objection to vacating the existing easements, as referenced, subject to the following conditions:

-that new permanent easements be granted to the Houghten Drain Drainage District over the existing and relocated portions of the Houghten Drain located within the Shady Creek North and Shady Creek South Condominiums Projects.

-that the new easements be properly shown and labeled on the Condominium Master Deed Exhibit "B" documents, copies to be provided to OCDC for review prior to recording.

-that the relocated portion of the drain is in operation prior to vacating old easements.

One Public Works Drive
Building 95 West
Warren, MI 48328-1907
www.co.oakland.mi.us/drain
P 248 858 0958
F 248 858 1066



OAKLAND COUNTY DRAIN COMMISSIONER
JOHN P. MCCULLOUGH

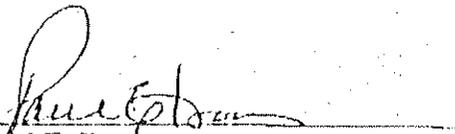
Mr. Ken Dabrowski
December 5, 2002
Page Two

-that the Developer take the necessary legal steps to vacate that portion of the drain located within Outlot A of Shady Creek Estates Subdivision as recorded in Liber 209 of Plats, Page 25, Oakland County Records, and provide proof of same to OCDC.

If you have any questions concerning this matter, please contact the undersigned.

Very truly yours,

OAKLAND COUNTY DRAIN COMMISSIONER

By: 
Paul E. Dove
Right-of-Way Technician
Phone: (248) 858-0984

PEID/kmb

Enclosure

DURANT DEVELOPMENT CORPORATION

5065 Lone Pine Lane, Bloomfield Hills, Michigan 48302
Phone/Fax (248) 626-5438

December 12, 2002

To: Affected Property Owners

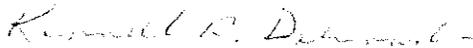
Subject: Houghten Drain Easement, Shady Creek Estates

Dear Property Owner:

Earlier this year, sections of the Houghten Drain were relocated in accordance with permits issued by the City of Troy, Oakland County Drain Commission and the Michigan Department of Environmental Quality. This process also requires the abandonment of easements no longer required due to the relocation and the granting of new easements for the new location. Because there is a small section of the old easement in Outlot A of the Shady Creek Estates, which is a platted subdivision, formal legal action is required to remove this easement from the plat and to establish a new easement to accommodate the relocated Houghten Drain. The enclosed legal action is for your notification of this process.

There will be no impact on your properties as a result of this legal formality and no specific actions are required by you. Should you have any questions regarding this matter, please call the writer or Mr. Steve Wallace at 248 932 5466.

Very truly yours,



Kenneth R Dabrowski,
Vice President



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney *lgb*
DATE: December 23, 2002
SUBJECT: Nancy Berryman v. City of Troy

Enclosed please find a copy of a lawsuit filed against the City of Troy by Nancy Berryman and her husband, James Berryman. Ms. Berryman alleges that on July 9, 2002, she tripped and fell on a defective sidewalk in front of the home at 1665 Hallmark in the City of Troy. She is asking for damages in excess of \$25,000. According to the complaint, the fall caused Ms. Berryman to sustain "pain and suffering, disfigurement, inability to enjoy the normal functions of life; and health care expenses." Her attorney further detailed these injuries as two fractured teeth, lacerations on her right knee, nose, upper lip and chin, which were complicated by impetigo, and an injured ring and fifth finger on her right hand. Mr. Berryman claims "loss of society and companionship of his injured wife; and loss of services of his injured wife."

Absent objections, our office will defend the City of Troy against this lawsuit. As always, if you have any questions concerning the above, please let us know.

STATE OF MICHIGAN 6th JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO 02-045770-NI  <small>JUDGE D. LANGFORD MORRIS BERRYMAN, NANC V TROY CITY</small>
--	------------------------------	--

Court Address: 1200 N. Telegraph Rd., Pontiac, Michigan 48341	
Plaintiff name(s), address(es) and telephone no(s). Nancy Berryman 436 Wintergreen Troy, Michigan 48098	Defendant name(s), address(es), and telephone no(s). City of Troy 500 W. Big Beaver Troy, Michigan 48084
Plaintiff attorney, bar no., address, and telephone no. Edward Earl Duke II (P28976) PIERCE, DUKE, MENGEL & TAFELSKI, PLC 38500 Woodward Avenue, Suite 300 Bloomfield Hills, Michigan 48304 (248) 647-0404	V <div style="text-align: right;"> <i>53-2</i> <i>Law Manager</i> <i>Risk Mgmt</i> </div>

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

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

Issued: <i>DEC 19 2002</i>	This summons expires: <i>2003</i>	Court clerk: _____
----------------------------	-----------------------------------	--------------------

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

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

Family Division Cases

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

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

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

Docket no.	Judge	Bar no.
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General Civil Cases

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

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

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

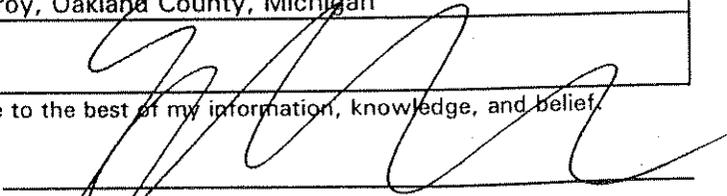
Docket no.	Judge	Bar no.
------------	-------	---------

VENUE

Plaintiff(s) residence (include city, township, or village) Troy, Oakland County, Michigan	Defendant(s) residence (include city, township, or village) Troy, Oakland County, Michigan
Place where action arose or business conducted Oakland County, Michigan	

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

Date: *11/29/02*


 Signature of attorney, Edward Earl Duke II (P28976)

Law Offices

PIERCE, DUKE, MENGEL & TAFELSKI, PLC

38500 N. Woodward Avenue, Suite 300
Bloomfield Hills, MI 48304-2964
248-647-0404 Fax: 248-647-0849

Mark C. Pierce
Edward Earl Duke II
Paul T. Mengel
Paul J. Tafelski

Of Counsel
Robert B. Pierce

December 5, 2002

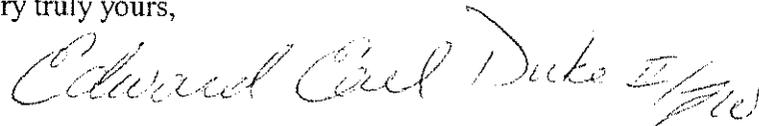
Lori Grigg Bluhm, Esq.
City of Troy
500 W. Big Beaver
Troy, MI 48084

RE: Berryman v City of Troy
Case No. 02-045770-NI

Dear Ms. Bluhm:

Enclosed please find service of the Summons and Complaint in the above referenced matter. We request that you sign and return the Acknowledgment of Service. If you are unable or unwilling to do so, please let me know and we will arrange for personal service. Please contact me if you have any questions.

Very truly yours,



Edward Earl Duke II

EED/law
Enclosure

TROY LAW DE
Dec 9 2 02

TROY LAW DEPARTMENT
Dec 9 2 05 PM '02

STATE OF MICHIGAN
RECEIVED
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

2002 DEC -31 A 9:13

NANCY BERRYMAN and
JAMES BERRYMAN

BY: _____
DEPUTY CLERK

Plaintiff,

Case No.

v

Hon.

CITY OF TROY, a
municipal corporation,

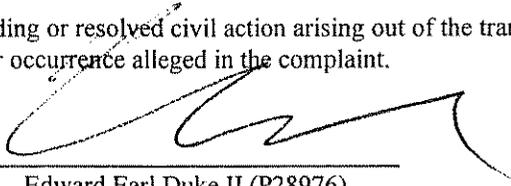
Defendant.



Edward Earl Duke II (P28976)
Pierce, Duke, Mengel & Tafelski, PLC
Attorneys for Plaintiff
38500 Woodward, Ste. 300
Bloomfield Hills, MI 48304
(248) 647-0404
(248) 647-0849 - fax

COMPLAINT AND JURY DEMAND

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



Edward Earl Duke II (P28976)

Plaintiff, by counsel, states:

General Allegations

1. Plaintiffs are residents of Oakland County, Michigan.
2. Defendant is and was a municipal corporation, having exclusive jurisdiction over the sidewalk located adjacent to Hallmark Street, Troy, Michigan, and was, therefore, exclusively responsible for the care, maintenance, and repair of said sidewalk.

3. The amount in controversy exceeds \$25,000.00.
4. On July 9, 2002, Plaintiff Nancy Berryman was walking upon the subject sidewalk at a point near 1665 Hallmark, at which time she was tripped by a severe discontinuity in the sidewalk.
5. Defendant owed to Plaintiff and to the general public the statutory duty to maintain the sidewalk in reasonable repair and in a condition reasonably safe and fit for pedestrians, MCL §691.1402(1).
6. Defendant owed additional duties to Plaintiff and to the general public, including, but not limited to, the following:
 - A. To warn of the dangerous condition.
 - B. To exercise reasonable care in inspecting said sidewalk.
 - C. To designate a safe path around the point of hazard created by the discontinuity.
7. Defendant breached its duties in the following particulars:
 - A. Failing to keep the sidewalk in reasonable repair and in a condition reasonably safe and fit for pedestrians.
 - B. Failing to warn of the dangerous condition.
 - C. Failing to exercise reasonable care in inspecting the sidewalk at the point of hazard.
 - D. Failing to designate a safe path around the point of hazard.
8. As a proximate result of Defendant's negligence, Plaintiff Nancy Berryman sustained serious facial fractures, bruises, and disfigurement.

9. As a further proximate result of Defendant's negligence, Plaintiff Nancy Berryman sustained additional damages as follows:

- A. Pain and suffering;
- B. Disfigurement;
- C. Inability to enjoy the normal functions of life; and
- D. Health-care expenses.

10. As a proximate result of Defendant's negligence, Plaintiff James Berryman sustained the following damages:

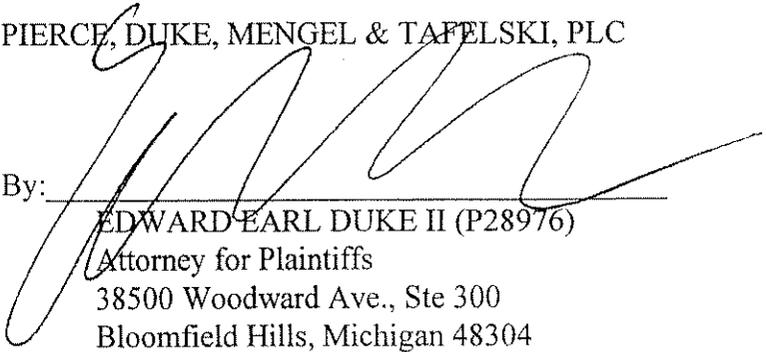
- A. Loss of society and companionship of his injured wife; and
- B. Loss of services of his injured wife.

WHEREFORE, Plaintiffs request judgment against Defendant in whatever amount in excess of \$25,000 they are found to be entitled, together with interest, costs, and attorney fees.

Respectfully submitted,

PIERCE, DUKE, MENGEL & TAFELSKI, PLC

Dated: November 26, 2002

By: 

EDWARD EARL DUKE II (P28976)

Attorney for Plaintiffs

38500 Woodward Ave., Ste 300

Bloomfield Hills, Michigan 48304

248-647-0404

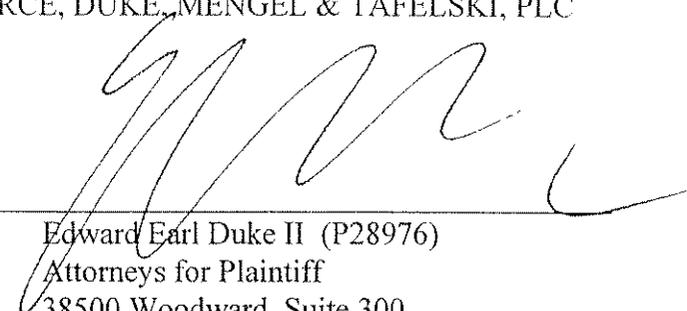
248-647-0849 - fax

DEMAND FOR JURY TRIAL

Plaintiff, by counsel, pursuant to MCR 2.508 demands a trial by jury.

PIERCE, DUKE, MENGEL & TAFELSKI, PLC

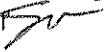
Dated: November 26, 2002

By: 

Edward Earl Duke II (P28976)
Attorneys for Plaintiff
38500 Woodward, Suite 300
Bloomfield Hills, MI 48304
(248) 647-0404

December 19, 2002

To: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Steven Vandette, City Engineer 

Subject: Design Services for SE ¼ of Section 10 – Water Main
Project No. 01.504.5

RECOMMENDATION

Staff recommends that City Council approve the attached proposal and authorize Spalding DeDecker Associates, Inc. (SDA) to proceed with the plans and specifications for the replacement of the existing water main along Somerton, Sylvanwood, Trinway and Donaldson in Section 10 along with a limited drainage study of the area, in accordance with the General Engineering Contract, as authorized by City Council Resolution No.2002-06-379, dated June 17, 2002. The not-to-exceed fee for these design services is \$67,000.

BACKGROUND INFORMATION

The project is to include the installation of approximately 6,500 linear feet of 8" and 12" ductile iron water main along with appropriate valves, connections and hydrants. Additionally, approximately 10,700 linear feet of underdrain will be placed along both sides of Somerton, Sylvanwood and Trinway.

The estimated cost for construction is \$1,175,000.

Design work would begin upon authorization by City Council with final plans and specifications to be complete by June 2003. The project would be advertised for bids in September with a proposed start of construction by the middle of October 2003. As has been our practice, where possible, residential water main projects are completed during the winter months to minimize inconvenience to the residents. Restoration would take place in the spring of 2004.

FUNDING

Funds for the design and construction of the project are included in the 2002-03 Water Fund, account number 555.7972.015045.

December 16, 2002

William J. Huotari, P.E.
Deputy City Engineer
City of Troy
500 West Big Beaver
Troy, Michigan 48084



Re: Section 10 Water Main Replacement and Drainage Improvements
(Somerton Drive, Sylvanwood Drive, Trinway Drive and Donaldson Road)
Engineering Services Proposal
SDA Job No.: PR02-466

Dear Mr. Huotari:

Pursuant to our meeting last week, Spalding DeDecker Associates (SDA) is pleased to provide you with the attached engineering services proposal for the preparation of construction plans, specifications and bid documents for the above referenced project. This project will involve the installation of approximately 6,500 linear feet of 8" and 12" ductile iron water main, valves, connections and fire hydrants and abandonment of the existing cast iron water mains currently in place. Additionally, approximately 10,700 linear feet of ditch rehabilitation, underdrain, culvert replacement and driveway restoration is proposed along both sides of Somerton Drive, Sylvanwood Drive and Trinway Drive. SDA has estimated the construction cost for this project based on our meeting and field visits to be approximately \$1,175,000.

SDA's proposed scope of engineering services include the following:

1. Establish survey control, identify right-of-way limits and perform topographic survey along the projects routing.
2. Provide locational staking for and coordinate geotechnical investigations.
3. Prepare construction plans, specifications and an engineers estimate of probable costs.
4. Submit and secure required construction permits.
5. Prepare bid documents and administer the bidding process.
6. Prepare a bid tabulation and recommendation for contractor award.

SDA proposes to complete the above services for a total of \$65,000.00 pursuant to our 2002 Consultant Services Contract with the City of Troy.

It is recommended that a limited drainage and/or hydraulic evaluation of the drainage district be performed in order to verify that outlet pipes are adequately sized to handle receiving flows. SDA proposes to complete this evaluation for \$2,000.00.

It should be noted that this estimate does not include the following services; Soils Investigations or Environmental Services or Easement Document Preparation. These services can be provided if necessary and as needed pursuant to our hourly basis fee schedule.

905 South Boulevard East • Rochester Hills, MI 48307
Phone (248) 844-5400 • Fax (248) 844-5404
Website: www.spaldingdedecker.com



Mr. William J. Huotari, P.E.
Page 2
December 16, 2002

SDA will also provide Construction Engineering services for this project on a time and materials basis, estimated as a percent of construction, as follows:

A.	Construction Administration	2.0%
B.	Construction Staking, Layout and Record Drawings	2.5%
C.	Construction Observation	5.5%

We are prepared to provide engineering services for this project upon your authorization. Please do not hesitate to contact me should you have questions with regard to this proposal.

Very Truly Yours,

SPALDING DEDECKER ASSOCIATES, INC.

David W. Bluhm, PE
Project Manager

dwb
attachments

cc. David A. Lakin, PE, Spalding DeDecker Associates
SDA File PR02-466

RECEIVED
DEC 16 2002
ENGINEERING

December 19, 2002

William J. Huotari, P.E.
Deputy City Engineer
City of Troy
500 West Big Beaver
Troy, Michigan 48084



Re: Section 10 Water Main Replacement and Drainage Improvements
(Somerton Drive, Sylvanwood Drive, Trinway Drive and Donaldson Road)
Tentative Project Timing
SDA Job No.: PR02-466

Dear Mr. Huotari:

Pursuant to your request and as a supplement to our proposal to you dated December 16, 2002, the following project schedule is proposed for the above project. This schedule is provided based on an estimated project award of January 6, 2003.

<u>Task Description</u>	<u>Estimated Completion Date</u>
Design Survey (schedule, perform and process)	February 2003
Prepare Construction Plans, Specs, Cost Estimate	April 2003
Submit Plans for City of Troy review and comment	April 2003
Apply for and Secure Permits	May 2003
Submit Final Plans, Specs and Estimate	June 2003

Please do not hesitate to contact me should you have questions.

Very Truly Yours,

SPALDING DEDECKER ASSOCIATES, INC.

David W. Bluhm, PE
Project Manager

dwb

cc. SDA File PR02-466

905 South Boulevard East • Rochester Hills, MI 48307
Phone (248) 844-5400 • Fax (248) 844-5404
Website: www.spaldingdedecker.com

December 20, 2002

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager
Mary Redden, Office Coordinator

SUBJECT: Mayor Pryor's Attendance of U.S. Conference of Mayors
71st Winter Meeting in Washington, DC
January 21-26, 2003

Mayor Pryor is requesting authorization to attend the U.S. Conference of Mayors
71st Winter Meeting in Washington, DC from January 21-26, 2003.

HOTEL ACCOMMODATIONS RESERVATION REQUEST

I DO NOT REQUIRE HOTEL ACCOMMODATIONS.

Please reserve the following accommodations (Check hotel and circle room type).

Please Circle Room Type:

THE CAPITAL HILTON Single/Double Towers Mini-Suite 1 BR Suite 2BR Suite
16th & K Streets, NW \$182 \$212 \$299 \$422 \$618
Washington, DC 20036
202/393-1000
Headquarter Hotel Tax: 14.5%

Please Circle Room Type:

THE ST. REGIS HOTEL Single/Double Oversized Kings Junior Suites
923 16th & K Streets, NW \$219 \$259 \$359
Washington, DC 20006
202/638-2626
Across the street from Headquarter Hotel Tax: 14.5%

Please Circle Room Type:

THE MAYFLOWER HOTEL Deluxe King
1127 Connecticut Ave., NW \$195
Washington, DC 20036
202/347-3000
Three blocks from Headquarter Hotel Tax: 14.5%

Arrival Date: January 21, 2003 Departure Date: January 26, 2002

Guarantee room to the following Credit Card (Circle One):

Visa MC AE Diners Other specify: _____

Card No. _____ Exp. Date _____

Reservation Information:

1. Hotel accommodations *cannot be assured at the above hotels after December 20, 2002.*
2. Do not call the hotels directly, as the hotels will accept ONLY reservations forwarded by The U.S. Conference of Mayors' office in Washington, DC.
3. An advance guarantee equal to one night's room deposit is required by the hotels to guarantee your reservation. This guarantee must be made by major credit card (including VISA, MC, AE, DINERS), or by check made payable to the hotel. Do not make checks payable to the U.S. Conference of Mayors.
4. Reservation confirmation notices will be mailed directly to you from the hotels.
5. Changes in arrival and departure dates and cancellations of hotel reservations should be submitted in writing to USCM, not the hotels.
6. Check-in time is 3:00 p.m. and checkout time is 12:00 noon

**U.S. Conference of Mayors
71st Winter Meeting
Conference Registration and Hotel Reservations
January 22-24, 2003
Washington, DC**

RECEIVED

DEC 20 2002

CITY OF TROY
CITY MANAGER'S OFFICE

REGISTRATION FORM

(No registrations will be processed without accompanying payment)

Name Matt Pryor Title: Mayor

Organization City of Troy

Street Address 500 W. Big Beaver

City Troy State MI Zip 48084

Telephone (248) 524-3330 Fax (248) 524-0851

Preferred Name on Badge Matt

Name of Spouse Mirna
 Guest

Attendee(s) has special needs: Yes No (If yes, USCM will contact.)
Newly Elected: Yes No
First Time Attendee: Yes No

CONFERENCE REGISTRATION INFORMATION

Each participant, guest and speaker *must register with this form.*

<i>Registration Fees:</i>	MEMBER	NON-MEMBER
Advance Registration: (Payable by December 20)	\$450	\$750
Late/On-Site: (After December 20/On-site)	\$550	\$850

Checks or purchase orders for payment of registration fees should be made payable to: **The United States Conference of Mayors.** (We do not accept credit cards for registration fees.)

Refunds will be made for cancellations received in writing by December 20 (less a \$50.00 service fee). **NO REFUNDS** will be made for cancellations received after December 20.

PLEASE RETURN THIS FORM WITH YOUR REGISTRATION PAYMENT TO:

The United States Conference of Mayors
Attention: Carol Edwards
1620 Eye Street, NW
Washington, DC 20006
Telephone (202)293-7330 Fax (202)467-4276

SEE REVERSE SIDE FOR HOTEL ACCOMMODATIONS RESERVATION REQUEST

December 20, 2002

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager
Mary Redden, Office Coordinator

SUBJECT: Authorization for Council Members to Attend
2003 NLC Annual Congressional City Conference -
Washington, DC from March 7-11, 2003

Attached is the brochure for the 2003 NLC Annual Congressional City Conference in Washington, DC from March 7-11, 2003. Council Members who wish to attend are invited to contact the Manager's Office for assistance with the arrangements.

National League of Cities Institute
1301 Pennsylvania Avenue, N.W.
Washington, D.C. 20004



2003 NLC Annual Congressional City

Register
NOW!

March 7-11, 2003 • Washington Hilton Hotel and Towers • Washington, D.C.



2003 Congressional City Conference

for America's Cities

Calling all local officials who care about the collective future of America's cities and towns.

The November national election has changed the political landscape in Washington.

It is critical that the Administration and members of both the House and Senate hear the collective voice of the leaders of America's cities and towns.

Come to Washington, DC, March 7 - 11, 2003, to participate in the largest national gathering of city and town officials ever to present an agenda for action directly to Congress.

The National League of Cities Congressional City Conference will be built around a "city lobby day" on Capitol Hill on Tuesday, March 11. A series of general sessions, educational workshops, and lobbying strategy sessions will be held at the Washington Hilton and Towers beginning on Friday, March 7, to prepare for this major national event.

The annual Congressional City Conference has been redesigned this year to maximize the impact of more than 3,000 local officials in Washington, DC, working together to create a federal-local partnership that is built on trust, collaboration, and information sharing.

Here's a snapshot of the advocacy action plan:

Saturday, March 8

City officials gather at the Washington Hilton and Towers for leadership meetings, policy committee discussions, and legislative briefings to learn about current federal issues and priorities for America's cities and towns.

Sunday, March 9

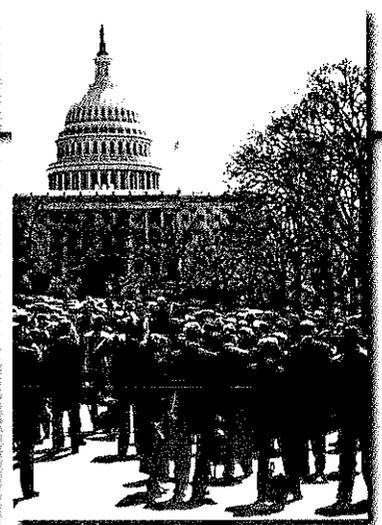
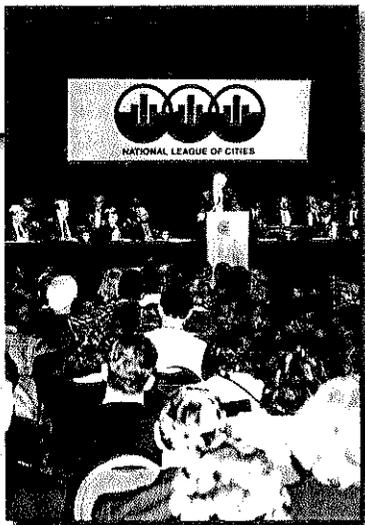
NLC leaders and invited speakers set the stage for the action to come by describing the environment in Washington in the wake of the mid-term elections and examining how local priorities intersect with national political agendas.

Monday, March 10

Congressional leaders, President Bush, and other administration representatives are invited to discuss their priorities and their reactions to the local agenda. The program will wrap up with a closing general session to review the agenda and confirm plans for the city lobby day on Capitol Hill. And, the ever-popular Capitol Steps will end the day by providing their unique perspective on the Washington scene as city leaders prepare to converge on Capitol Hill.

Tuesday, March 11

Busen take all conference delegates to the Capitol for a national rally followed by strategic meetings with Congressional leaders to talk about NLC's priorities for federal action and expectations of Congress and the Administration.



It's a new year, a new Congress, and a new strategy for carrying the message from America's cities and towns to the people who make decisions on federal priorities.

Conference

and Activities

The 2003 Congressional City Conference will offer all the traditional events – Leadership Training Institute seminars, the Celebrate Diversity Breakfast, policy and steering committee meetings, state municipal league caucuses, and constituency group events – as well as the major new plan for high visibility lobbying on the NLC federal advocacy priorities.

Friday, March 7

- 9:00 a.m. – 5:00 p.m. Leadership Training Institute Seminars
5:15 p.m. – 6:30 p.m. Orientation Session for First Time Attendees
5:30 p.m. – 7:00 p.m. Constituency and Special Group Meetings

Saturday, March 8

- 9:00 a.m. – 5:00 p.m. NLC Board of Directors Meeting
NLC Advisory Council Meeting
Leadership Training Institute Seminars
10:00 a.m. – Noon Legislative Briefing and Priorities Update
1:00 p.m. – 3:00 p.m. Policy Committee Meetings
★ Energy, Environment and Natural Resources (EENR)
★ Finance, Administration, and Intergovernmental Relations (FAIR)
★ Human Development (HD)
3:15 p.m. - 5:15 p.m. Policy Committee Meetings
★ Community and Economic Development (CED)
★ Information Technology and Communications (ITC)
★ Public Safety and Crime Prevention (PSCP)
★ Transportation Infrastructure and Services (TIS)
5:15 p.m. - 7:00 p.m. Constituency and Special Group Meetings

Sunday, March 9

- 7:30 a.m. - 8:30 a.m. Steering Committee Meetings
★ Information Technology and Communications (ITC)
★ Energy, Environment and Natural Resources (EENR)
★ Human Development (HD)
8:30 a.m. - 10:00 a.m. Celebrate Diversity Breakfast
10:15 a.m. - 11:45 a.m. Opening General Session
Noon - 1:15 p.m. Roundtable Networking and Lunch
Noon - 1:00 p.m. Steering Committee Meetings
★ Community and Economic Development (CED)
★ Finance, Administration, and Intergovernmental Relations (FAIR)
★ Public Safety and Crime Prevention (PSCP)
★ Transportation Infrastructure and Services (TIS)
1:30 p.m. - 2:30 p.m. General Session
2:45 p.m. - 4:15 p.m. Workshops on Lobbying Priorities
4:30 p.m. - 6:30 p.m. State League Caucuses and Receptions
Constituency and Special Group Meetings/Events

Monday, March 10

- 9:00 a.m. - 10:30 a.m. General Session on Congressional Priorities
10:45 a.m. - Noon General Session on Administration Priorities
12:15 p.m. - 1:30 p.m. Roundtable Networking and Lunch
1:45 p.m. - 3:30 p.m. Workshops on Lobbying Priorities
4:00 p.m. - 5:00 p.m. Closing General Session
5:15 p.m. - 6:30 p.m. State League Caucuses and Receptions
6:30 p.m. - 8:00 p.m. Reception and The Capitol Steps

Tuesday, March 11

- 9:00 a.m. – Noon City Lobby Day on Capitol Hill

Special Events

Sunday, March 9

Celebrate Diversity Breakfast

8:30 a.m. – 10:00 a.m.

Fee: \$35 (\$50 on site)

The 17th annual Celebrate Diversity Breakfast will feature a keynote speaker who will provide a perspective on “diversity” issues facing America’s cities and towns. The breakfast is sponsored by five NLC constituency groups.

Monday, March 10

The Capitol Steps

7:00 p.m. – 8:00 p.m.

The Capitol Steps will perform on Monday this year (instead of Sunday) as part of a conference wrap up to energize the delegates for City Lobby Day on Tuesday morning. This troupe of Congressional employees provides bi-partisan fun for everyone.

Dates to Remember

February 7, 2003 **Deadline for advance registration and housing requests.** All requests must be postmarked by this date. After this date, all delegates must register onsite at higher rates.

February 7, 2003 **Deadline for Cancellations.** Cancellation letters must be postmarked by this date and are subject to a \$50 cancellation fee. There are no refunds for cancellations after this date.

How to Register

To register for the 2003 Congressional City Conference, fill out the registration form and return it with your check, city purchase order, or credit card information to the NLC Meeting Services, postmarked by February 7, 2003 or register online at www.nlc.org

- ★ Each delegate, guest, speaker, member of the press, and any other conference participant must register. There is a \$50 youth delegates fee. There is no charge for press registrations with proper press credentials.
- ★ No telephone registrations or cancellations will be accepted.
- ★ Payment (check, city purchase order, or credit card) must be included with advance registrations.
- ★ People unable to meet the February 7 deadline will have to register onsite at the meeting and make their own hotel reservations.

Refunds will be made for cancellations received by February 7, 2003, subject to a \$50 cancellation charge. Cancellation letters must be postmarked by this date. No telephone cancellations will be accepted. No partial refunds will be made if you decide not to attend particular functions.

Hotels

- ★ If you need hotel accommodations, please check the appropriate box on the registration form.
- ★ NLC will make a hotel reservation for you when you register for the conference.
- ★ Rooms will be assigned on a first come, first served basis.
- ★ All conference sessions will be held at the Washington Hilton Hotel.

Leadership Training Institute

Congressional City Conference March 7-8, 2003

These special institute seminars are offered to conference delegates for a separate registration fee. Space is limited and available on a first come first served basis.

Full-Day Seminars Friday, March 7, 2003

e-Government Leadership Institute 9:00 am - 5:00 pm Registration Fee: \$150 Competency: Competent Practitioner

Learn how the effective use of technology can serve the needs of your constituents and help improve city government performance. With a focus on mid-size cities, explore the public-policy concerns that the Internet and technology raise. The session will be held at the IBM Institute for Electronic Government on K St. - Buses will leave Hilton Hotel street entrance at 8:30 AM.

Effective Communication Strategies for a Culturally Changing Constituency 9:00 am - 5:00 pm Registration Fee: \$150 Competency: Communicator

Learn the political, civic, social and economic impact of changing constituencies. Learn how culture can dictate actions and responses when there is not a clear understanding of instilled values on all sides. Learn effective strategies and methods for serving a multicultural and multilingual constituent base, creating an inclusive message that promotes city services, policing and general civil liberties.

CERTIFICATE OF ACHIEVEMENT IN LEADERSHIP PROGRAM...

allows local elected officials to organize their professional development around critical skills necessary for effective leadership. The program is built around five core leadership competencies:

- (1) Cornerstone;
- (2) Competent Practitioner;
- (3) Communicator;
- (4) Collaborator;
- (5) Catalyst.

To obtain more information or enroll in the Certificate of Achievement in Leadership program, contact the Leadership Training Institute hotline at (202) 626-3170.

Becoming a Change Leader 9:00 am - 5:00 pm Registration Fee: \$150 Competency: Catalyst

An engaging program designed to help elected officials serve as change agents and become more effective leaders in their communities. Learn new and empowering ideas to bring about change. Become a change leader as you learn how to make change both productive and comfortable.

Afternoon Seminars Friday, March 7, 2003

Building a High Performance Council 1:30 pm - 5:00 pm Registration Fee: \$95 Competency: Competent Practitioner

Expand your understanding and knowledge of the group dynamics of councils. Learn your own personality style and explore what makes an effective group. Enhance your understanding and knowledge of the roles and responsibilities of the mayor, council and staff in how you can contribute to making your city council a high performance council.

Powerful People Skills for Effective Leadership 1:30 pm - 5:00 pm Registration Fee: \$95 Competency: Collaborator

Learn how to stand out as a leader, function as an organizational entrepreneur, and address your daily tasks and responsibilities head-on. Make the shift from working alone and solving problems to effectively focus on and impact those around you. As a city official, it is your 'people skills' that will equip you to interact and communicate more effectively with your constituents and colleagues.

Testifying With Impact 1:30 pm - 5:00 pm Registration Fee: \$95 Competency: Communicator

Learn how to relax, how to 'talk your testimony', how to 'think on your feet' and make policy makers or legislators want to listen. Learn winning ways to deliver your message, sell your ideas and yourself. Discover the formula for success in even the most hostile climates as you learn the tools necessary to deliver your message.

Full-Day Seminar Saturday, March 8, 2003

The Call of Leadership 9:00 am - 5:00 pm Registration Fee: \$150 Competency: Cornerstone

Creatively explore your own deepest drives and calling to leadership. Uncover what you most want to contribute; gain a more inside-out understanding of motivation and model of integrity along with a greater degree of responsiveness - both personally and professionally. This dynamic, and hands-on seminar uses self-reflection, writing, dyad and small-group work to explore your personal drive and calling as a leader.

Morning Seminars Saturday, March 8, 2003

Leadership in a Diverse Community 9:00 am - Noon Registration Fee: \$95 Competency: Collaborator

Expand your awareness of the factors that influence human perceptions and examine how those perceptions influence behavior and actions when interacting with people who are different - ethnic, gender, age, culture, race, religion, abilities and disabilities. Develop your leadership awareness and skills necessary for growing win-win interdependent relationships in a diverse community.

Speak So They Will Listen 9:00 am - Noon Registration Fee: \$95 Competency: Communicator

Learn how preparation, presentation and persuasion can expand your leadership and help you set positive change in motion within your community. Learn and practice presenting from an audience viewpoint. Learn how to improve your presentation abilities and realize how clear communication serves your constituents to better understand your leadership.

Balancing Governance and Representation on City Councils 9:00 am - Noon Registration Fee: \$95 Competency: Competent Practitioner

The ultimate success of council members depends upon your effectiveness as 'governors' of your community. Broaden your understanding of the nature of council roles and the potential conflict between them. Learn to develop better skills for goal setting, policy

making, evaluation and oversight. Learn to promote visionary leadership while at the same time being true to your responsibilities to your constituents. Discover the balance for being a 'governor' of your community and representative of your constituents.

LTI Luncheon Saturday, March 8, 2003

Leadership Training Institute Participant & Recognition Luncheon Noon - 1:30 pm Registration Fee: \$30

An excellent opportunity to network and share information with your colleagues. Bronze, Silver and Gold Certificate level recipients in the Certificate of Achievement in Leadership program will be recognized.

Facilitators:
Leadership Training Council

Afternoon Seminars Saturday, March 8, 2003

Mastering Power, Politics and Influence 1:30 pm - 5:00 pm Registration Fee: \$95 Competency: Cornerstone

Power, politics and influence are three realities not only within business and industry, but also within communities and government. Understand the nature of politics beyond the concept of 'who gets what and when' as you explore how your efforts to persuade and lead individuals within these contexts can be more easily accomplished by understanding the basic concepts of leadership and power within an organization.

If Aristotle Were Mayor: The New Soul of Governance 1:30 pm - 5:00 pm Registration Fee: \$95 Competency: Collaborator

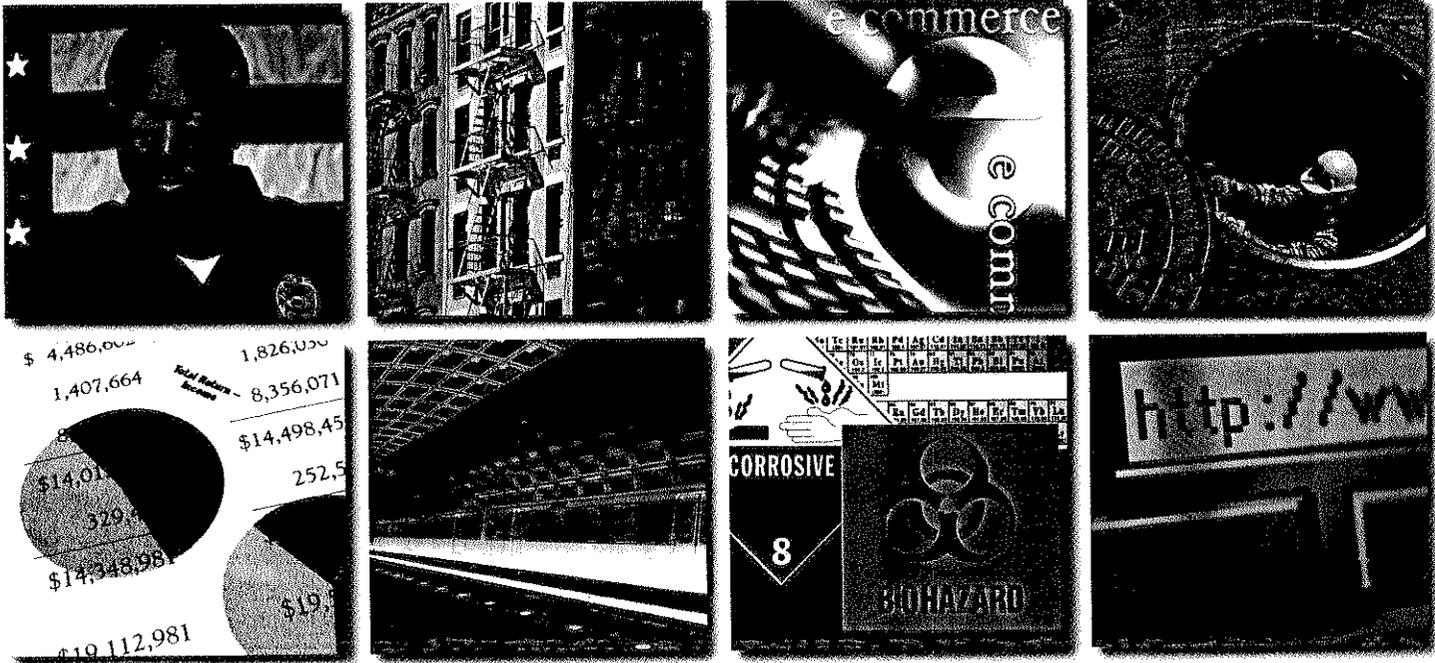
Examine some of the greatest, most practical wisdom we have for improving processes in all matters of local governance and community building. The Four Foundations of Human Excellence - Truth, Beauty, Goodness and Unity - provide us with a wealth of direction for fulfilling Aristotle's claim that a city is a "partnership for living well." A unique and engaging seminar that will inspire you with fresh insight for building stronger collaborative partnerships in your community.

Ten Habits of Highly Effective Governing Bodies 1:30 pm - 5:00 pm Registration Fee: \$95 Core Competency: Catalyst

Explore how governance effectiveness comes from dedicated leaders applying productive disciplined processes in fulfilling their purpose and vision. Learn the ten habits that are proven techniques essential to better governance and highly effective governing bodies. Understand how to achieve leadership effectiveness by anticipating changes and being vision-driven in the leadership that you bring to your local government role.

ISSUES

The 2003 Congressional City Conference will feature **general sessions, workshops, and strategy meetings** built around NLC's lobbying priorities for the year. The NLC Officers will define the lobbying priorities at their early January leadership meeting. Watch for updates on the NLC web site and in *Nation's Cities Weekly* to learn about the specific issues that will be covered once the priorities are set. Among the topics that are important to cities and towns that are likely to be on federal agenda in 2003 are:



Homeland Security

The White House and the Republican Congress will be under **enormous pressure to move quickly** on launching the Department of Homeland Security, **appropriating long overdue funding to cities and towns**, and providing broad guidance on how to protect the homeland.

The Federal Budget

The budget and appropriations process is the foundation for the federal-local relationship. The process will get underway in February when the President submits his budget request. For cities and towns, the focus will be on **protecting funding for critical programs** like the Community Oriented Policing Services (COPS), Local Law Enforcement Block Grant (LLEBG), and Community Development Block Grant (CDBG) programs.

Transportation

Reauthorization of several key transportation laws – the Transportation Equity Act for the 21st Century (TEA-21) and the Aviation Investment and Reform Act for the 21st Century (AIR-21) – are scheduled in 2003. These laws authorize programs and federal funding for roads, bridges, transit systems, bike paths, and aviation. Continued federal support for the nation's passenger rail system including Amtrak and high-speed rail will also be on the federal agenda.

Affordable Housing

Debate about how to increase the availability of affordable housing and homeownership will continue in 2003. City leaders have supported a trust fund to provide a **dedicated source of federal money for affordable housing**. President Bush has proposed a Blueprint for the American Dream which focuses on closing the homeownership gap.

Public Safety

In 2002, funding proposals merged support for traditional public safety with new homeland security responsibilities. And, as plans for the necessary emphasis on new homeland security roles for the FBI developed, federal attention to supporting cities and towns in crime prevention and traditional law enforcement activities seemed to wane. While there are new responsibilities at the federal and local level, those new responsibilities don't replace traditional law enforcement roles. **Can we ensure the right balance?**

Water Infrastructure

The 107th Congress began work on legislation to authorize significant new resources for municipal wastewater and drinking water infrastructure needs. Keeping this on the agenda of the 108th Congress will be important to ensure long-term attention to **bridging the funding gap** between resources available at the local level and the need to maintain, repair, and replace critical water infrastructure.

Electronic Commerce

With city and state governments feeling the squeeze of a soft economy, **protecting local revenue streams remains an essential goal**. While Congress isn't likely to take up the debate about whether online vendors should be required to collect state and local sales taxes, making sure Congress doesn't do anything to interfere with local revenue authority will be important.

Telecommunications

The crash of the telecommunications industry has exacerbated the tension between making money and protecting public rights of way. The battles get played out in Congress, in the Federal Communications Commission (FCC), and in the courts. The newest challenges have come over how to provide **high-speed Internet service** while protecting local autonomy.

Visit the Congressional City Conference section of the NLC web site at www.nlc.org for regular updates on key issues and specific NLC advocacy priorities. And come to Washington prepared to be part of a unified voice calling for action on clearly defined priorities on behalf of all of America's cities and towns.

No housing or registration will be processed without accompanying payment in full.

Are you a newly elected official? _____ Population? _____
Name _____ Sex _____
Title _____
City/Organization _____
Mailing Address _____
City _____ State _____ Zip _____
Phone _____
Fax _____
Email _____

Spouse/Partner Name* (\$25 fee) _____
*Spouse/Partner not eligible for a separate hotel room

Child Name (14 and under, no fee) _____ Age _____
Youth Delegate** (15-18, \$75 fee) _____ Age _____

**Local officials are encouraged to register youth as active participants in this conference to contribute to NLC's youth agenda. If the youth delegate requires hotel accommodations separate from yours, attach the registration form with your completed form.

Youth Chaperone Name (\$50 fee) _____

Special Conference Rates

I1 \$25 Spouse/Guest (non-refundable) \$ _____
G1 \$75 Youth Delegate \$ _____
H1 \$75 Youth Chaperone (not applicable to elected officials) \$ _____

Advance Registration Fees
(Postmarked by February 7, 2003)

\$325 First Time Attendee \$ _____
C2 \$385 NLC/SML Member (Onsite rate is \$435 after 2/7/03) \$ _____
D2 \$385 Associate Member (Onsite rate is \$435 after 2/7/03) \$ _____
E2 \$495 SML Member (Onsite rate is \$555 after 2/7/03) \$ _____
F2 \$585 Non-Member/Other (Onsite rate is \$625 after 2/7/03) \$ _____

Registration for Leadership Training Institute
(Friday, March 7, 2003)

You must be registered for the conference in order to attend.
L1 \$150 e-Government Leadership Institute \$ _____
L2 \$150 Effective Communication Strategies for a Culturally Changing Constituency \$ _____
L3 \$150 Becoming a Change Leader \$ _____
L4 \$95 Building a High Performance Council \$ _____
L5 \$95 Powerful People Skills for Effective Leadership \$ _____
L6 \$95 Testifying With Impact \$ _____

Registration for Leadership Training Institute Seminars
(Saturday, March 8, 2003)

You must be registered for the conference in order to attend.
L7 \$150 The Call of Leadership \$ _____
L8 \$95 Leadership in a Diverse Community \$ _____
L9 \$95 Speak So They Will Listen \$ _____
L10 \$95 Balancing Governance and Representation on City Councils \$ _____
L11 \$30 Leadership Training Institute Participant & Recognition Luncheon \$ _____
L12 \$95 Mastering Power, Politics and Influence \$ _____
L13 \$95 If Aristotle Were Mayor: The New Soul of Governance \$ _____
L14 \$95 Ten Habits of Highly Effective Governing Bodies \$ _____

Special Events

You must be registered for the conference in order to attend.
A1 \$35 Sunday Celebrate Diversity Breakfast (Onsite rate is \$50 after 2/7/03) \$ _____

Constituency Group Dues and Events

You must be registered for the conference in order to attend.
B1 \$25 APAMO Activity Fee \$ _____
C1 \$25 GLBLA Activity Fee \$ _____
D1 \$40 HELCO Activity Fee \$ _____
E1 \$45 NRC-LEO Reception \$ _____
F1 \$50 WIMG Luncheon \$ _____
Total Registration Fee: \$ _____

Registration Cancellation Policy:
All requests must be received in writing, postmarked by February 7, 2003, and are subject to a \$50 cancellation fee. No partial refunds will be made if you decide not to attend particular functions. No registrations or cancellations will be accepted by telephone. No cancellations will be accepted after February 7, 2003.

Office use only: Payment _____ Check# _____ Amount _____

Hotel Reservations:

You must be registered to reserve a hotel room. To guarantee your room, all hotels require one night's deposit plus tax, per room 14 days prior to your arrival. This is required even if you plan to arrive before 6:00 p.m. If accommodations are not guaranteed 14 days in advance, the reservation will be canceled.

Please make my hotel reservation as indicated below.
 I do not require hotel accommodations at any of the hotels listed below.
 Please contact me regarding suite information.

Room Dates: Arrival Date: ___/___/___ Departure Date: ___/___/___

Room Type: Single (1 person/1 bed) Smoking
 Double (2 people/1 bed) Non-Smoking
 Double/Double (2 people/2 beds)

Sharing My Room With: _____

Special Housing Request (e.g., wheelchair accessible rooms, etc.):

If you have special housing or transportation needs, please contact NLC Meeting Services.

Hotel Choices:

Hotel Choices: Indicate your first-choice hotel with the number "1". Number the other hotels from "2" to "13" in order of your preference.

	Sgl/Db1		Sgl/Db1
___ Capitol Hilton	\$179/199	___ Omni Shoreham	\$182/182
___ Churchill Hotel	\$169/189	___ Radisson Barcelo	\$146/146
___ Courtyard by Marriott	\$156/156	___ Renaissance Mayflower	\$200/200
___ Hilton Wash Embassy Row	\$173/173	___ St. Gregory Hotel	\$175/175
___ Jurys Normandy Inn	\$149/149	___ Hilton Washington	\$177/199
___ Jurys Washington Hotel	\$166/166	___ and Towers (Club Level)	\$270/290

Hotel Deposit Information:

All major credit cards with expiration date of 03/03 or later are accepted at the conference hotels. All checks, government purchase orders, vouchers or claims must be submitted to the hotel with confirmation number FOUR WEEKS prior to your arrival, and are subject to hotel approval.

Registration Fee Payment Information

Charge my REGISTRATION FEES to VISA or MasterCard listed below
 Check for REGISTRATION FEES made payable to National League of Cities
 Purchase Order for REGISTRATION FEES - copy must be enclosed & payment must be received by March 3, 2003.

Hotel Deposit Payment Information

Charge my HOTEL DEPOSIT to the credit card listed below
 Check for HOTEL DEPOSIT - please submit to hotel address noted on confirmation FOUR WEEKS prior to your arrival - subject to hotel approval
 Purchase Order for HOTEL DEPOSIT - submit to hotel address noted on confirmation FOUR WEEKS prior to your arrival - subject to hotel approval

Credit Card Authorization:

NLC Meeting Services is authorized to use the card below to pay all applicable registration fees and guarantee my hotel reservation. I understand that one night's room charge will be billed through this card if I fail to show up for my assigned housing on the confirmed date unless I have canceled my reservation with the hotel at least 72 hours in advance.

Visa/MasterCard Number _____ Exp. Date _____
Card Holder Name _____
Card Holder Signature _____

Additional Credit Card Authorization:

For hotel deposit only if different than the credit card number listed above. (Expiration date must be 03/03 or later, per hotel requirement.)

Credit Card Number _____ Exp. Date _____
Card Holder Name _____
Card Holder Signature _____

Return Conference Registration and Housing Form to:

Fax: 703-631-6288 (Credit Card and Purchase Orders Only - No Checks)
Mail: NLC Meeting Services, c/o J Spargo & Associates, Inc.
11212 Waples Mill Road, Suite 104, Fairfax, VA 22030

For more information:

Phone: 1-888-319-3864 or 703-449-6418
Email: nlccceregistration@jspargo.com or nlccceregistration@jspargo.com

Office use only: Hotel _____ Subblk _____ Cate _____ Rate _____

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Charles T. Craft, Chief of Police 
Jeanette Bennett, Purchasing Director

RE: Macomb County Animal Shelter Services

RECOMMENDATION:

On July 8, 2002, City Council authorized the Mayor and City Clerk to sign an agreement between the City of Troy and Macomb Animal Shelter Services. The contract requires a 30-day notice prior to any rate change.

The Macomb County Board of Commissioners has approved an adjusted schedule for fees for the Animal Shelter Services that are effective February 1, 2003. The fee adjustments are reflected in the enclosed Macomb County Health Department Memorandum and the new Agreement.

The increases are minimal and still less expensive than the Oakland County contract. The Police Department will continue to use both Macomb and Oakland County Animal Shelters depending on the immediate needs of the Department, and the availability of the shelters.

We recommend that Council authorize the Mayor and City Clerk to sign the attached "Agreement for Macomb Animal Shelter Services".

December 12, 2002

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
John Lamerato, Assistant City Manager – Finance/Administration
Nino Licari, City Assessor

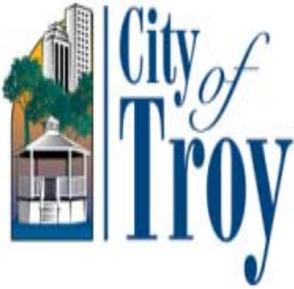
Re: Board of Review Appointments

The terms of two Board of Review members expire January 31, 2003. By City Charter (Section 9.11) these positions should be 3 year terms, with only 1 expiring each year.

Both James Hatch, and Frank Howrylak wish to be re-appointed. Mr. Howrylak wishes to be re-appointed for 3 years.

Mr. Hatch has agreed to accept a 1 year appointment, and, if it is Council's wish, will accept another 3 year appointment as of January 31, 2004.

Both Mr. Hatch and Mr. Howrylak have been excellent additions to the Board of Review, and I would recommend their appointment by Council.



Memorandum

To: Mayor and City Council
From: John Szerlag, City Manager
John M Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk
Date: December 30, 2002
Subject: Traffic Committee Resignation

Mr. Eric Grinnell's resignation from the Traffic Committee, due to residency, is hereby formally placed before City Council for acceptance. Mr. Grinnell's resignation is based on the following notifications:

Mayor Pryor's stated at the Regular City Council Meeting of December 2, 2002, that he spoke with Mr. Eric Grinnell and Mr. Grinnell indicated that he resigned his position from the Traffic Committee.

City Manager Szerlag notified the City Clerk's Office on December 16, 2002, that he had reliable information that Mr. Grinnell is no longer a resident of the City of Troy.

This resignation creates a vacancy on the Traffic Committee with a term expiration of January 31, 2005. Reappointment to the position will be placed before the City Council at their next Regular meeting of January 13, 2003.

December 12, 2002

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager – Finance\Administration
Nino Licari, City Assessor

RE: 2003 Poverty Exemption Guidelines

MCL 211.7u states: “*The real property of persons who in the judgment of the Supervisor and Board of Review by reason of poverty are unable to contribute toward the public charges is exempt from taxation under this act.*”

The Assessing Department has updated the guidelines that assist the Assessor and Board of Review in determining if a person qualifies for an exemption from real property taxation for a period of one year.

The Federal Poverty Income Guidelines are the standard barometer of household income that the local unit of government is encouraged to use (by Michigan Tax Tribunal ruling, income guidelines may not be set lower than the FPI guidelines).

Last year, upon a recommendation by management, City Council made no change to the income guidelines from 2001, as we were considerably higher than the State recommended Federal Poverty Guidelines. The intent is to keep the same guidelines until the Federal guidelines catch up, and then use those as our base, as we had done previous to 2001.

The Assessing Department receives approximately 20 Poverty Exemption applications per year, and about 15 are approved. This did not change last year, or in 2001, under the more liberal income guidelines.

There is also a limitation on the value of the homestead property of the appellant. Per guidelines adopted by Council, last years Market Value of the Homestead should be adjusted by the average increase in Residential values, which projects to be 5.9%. This will set the market value limit at \$211,800.

There is also a total asset limit. Staff proposes to set the total asset limit (including the homestead, excluding an automobile) at \$250,000.

Staff recommends that the City Council adopt the proposed 2003 Poverty Exemption Guidelines by approving the recommended resolution.

**POVERTY EXEMPTION GUIDELINES
INCOME STANDARDS 2003**

The following are the Poverty thresholds as of 12-31-02 for use in setting poverty exemption guidelines for 2003 assessments:

Number of Persons Residing in Homestead	Poverty Threshold
1 person under 65 years	13,959
1 person 65 years and over	13,259
2 persons with householder being under 65 years	16,531
2 persons with householder being 65 years and over	15,409
3 persons	18,470
4 persons	22,761
5 persons	26,419
6 persons	29,636
7 persons	33,347
8 persons	36,704
9 persons (or more)	43,138

CITY OF TROY
POVERTY EXEMPTION GUIDELINES – 2003

MCL 211.7u *The real property of persons who in the judgment of the Supervisor and Board of Review by reason of poverty are unable to contribute toward the public charges is exempt from taxation under this Act.*

The City of Troy's standard for approving an exemption under the statute is based on an individual determination of hardship.

This is an exemption from taxes. If you claim poverty under the statute, you must file your claim with a Poverty Exemption Affidavit. This exemption is good for one year.

- STANDARD #1** Applicants must file a Poverty Exemption Affidavit in order to be considered for any exemption. Documentation such as, Income Tax Forms, W-2 Forms, Deeds or Land Contracts and personal identification is **mandatory**, and must be attached to the Affidavit.
- STANDARD #2** A Poverty Exemption will not be granted if the household income is greater than the Income Standards Guideline.
- STANDARD #3** A Poverty Exemption will not be granted if the Assessed Value of the home exceeds \$105,900.
- STANDARD #4** Applicants total assets cannot exceed \$250,000. This includes the value of your home.

*The Board of Review may require a home audit and inspection, done by the Assessing Department, as part of the exemption process.

POVERTY EXEMPTION AFFIDAVIT (for 2003 A/V Year)

(Address)

(Sidwell #)

1. Household Income: List all prior year income from:

- a) Wages/Tips _____
- b) Social Security _____
- c) Soc. Sec. for resident minors _____
- d) Pensions _____
- e) Interest/Dividends _____
- f) Unemployment Compensation _____
- g) Sub-Pay _____
- h) Workman's Compensation _____
- i) Aid to Dependent Children _____
- j) Medical Disability Benefits _____
- k) Lottery/Contest/Raffle _____
- l) Annuities _____
- m) Governmental Assistance _____
- n) Insurance/Lawsuit Payouts _____
- o) Alimony/Child Support _____
- p) Rental Income _____

2. Supplemental Assistance: List monthly amount of:

- a) Food Stamps _____
- b) Surplus Food _____
- c) Transportation _____

3. Residence Information:

Is your home paid for? Yes____ No____
If No:
What is your mortgage/land contract balance? _____
What is your monthly payment? _____
Who holds your mortgage/land contract? _____
Do you own any other property? Yes____ No____
If Yes: Attach a copy of your last tax bill.

4. Employment information:

Are you or your spouse currently employed?
Self: Yes____ No____ Spouse: Yes____ No____
Are your or your spouse unable to work (disability, etc.) ?
Self: Yes____ No____ Spouse: Yes____ No____
If Yes: Is this condition permanent?
Self: Yes____ No____ Spouse: Yes____ No____
Provide medical documentation of the disability.

5. Children/Relatives/Boarders:

How many children, relatives, or non-related boarders share your home? _____

Do any of the above, or anyone outside of your home, contribute Financially to your living expenses? Yes ___ No ___

If Yes: How much: per month _____ year _____

6. Transportation:

Do you own any automobiles? Yes ___ No ___

If Yes: Please provide the following information:

Year & Make	Price to you	Balance	Monthly payment
_____	_____	_____	_____
_____	_____	_____	_____

7. Additional Assets:

Please provide information about any additional assets listed.

Checking Account: Yes ___ No ___ Current
Balance _____

Savings Account: Yes ___ No ___ Current
Balance _____

I.R.A. Yes ___ No ___ Current
Balance _____

Keogh Yes ___ No ___ Current
Balance _____

Deferred Compensation Yes ___ No ___ Current
Balance _____

Annuities Yes ___ No ___ Current
Balance _____

Stocks/Bonds/Mutual Yes ___ No ___ Current
Balance _____

Money Market Yes ___ No ___ Current
Balance _____

Treasury Bills Yes ___ No ___ Current
Balance _____

Savings Bonds Yes ___ No ___ Current
Balance _____

8. Attach copies of the following:

- a) Federal Income Form
- b) State Income Tax Form
- c) Property Tax Credit Form
- d) W-2 Forms
- e) Copy of Deed or Land Contract
- f) Identification: Driver's License
- g) A listing of your household living expenses for the prior year.
(examples: heat, electric, insurance, etc.)

You must provide proof of income and other records to be considered for an exemption.

I (We), _____ [print
name(s)]

the undersigned, do hereby affirm that the above information is,
to the best of my (our) knowledge, true.

(Signed)

(Signed)

Subscribed and sworn to me this _____ day of _____, _____.

My commission expires _____

Notary Public _____

APPROVED:

Assessor: _____

Board Chairperson _____

Board Member _____

Board Member _____

NOT APPROVED:

Assessor: _____

Board Chairperson _____

Board Member _____

Board Member _____

Year _____ Assessment _____ Board of Review A/V _____

December 19, 2002

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

Subject: Community Center Phase 2 Dedication

Planning for the opening of phase 2 for the Community Center is nearing completion on time and within budget. It is now time to begin preparations to schedule a dedication for the new facility.

Staff offers to conduct the dedication on Thursday, February 20, 2003 at 3:00 pm or Wednesday, February 26, 2003 at 3:00 pm. Plans are to have a dedication just prior to an open house for the business community in Troy (3:00-6:00 pm). A Grand Opening is then scheduled for the general public on Saturday, March 8, 2003 from 10:00 am to 2:00 pm.

Please advise as to which date is preferred so proper arrangements can be made for the dedication event.

Submitted by: Stuart J. Alderman, Superintendent of Recreation

RECEIVED

DEC 27 2002

CITY OF TROY
CITY MANAGER'S OFFICE

December 13, 2002

To: Honorable Mayor and City Council

From: John Szerlag, City Manager *JS*
Gary A. Shripka, Assistant City Manager/Services *GS*
Mark Stimac, Building and Zoning Director *MS*
Carol K. Anderson, Parks and Recreation Director *CA*

Subject: Amendment to J.M. Olson Corporation Contract

Recommendation

Staff recommends approval of an amendment to the J.M. Olson Corporation contract for Construction Manager/Community Center for field changes associated with water main work. The total cost of this change is \$25,478.00.

Background

In the installation of water mains in Phase II of the Community Center, the Water Department required the rerouting of a main due to field conditions. The change required additional supervision, labor, material and equipment for the installation.

On May 1, 2000 staff was authorized to enter into an agreement with J.M. Olson for construction management services. Currently, projects of this type give staff, as part of the resolution, the authority to add work due to unforeseen circumstances, up to 10% of the project amount. The resolution did not allow authorization to add work for unforeseen circumstances, thus Council approval is required.

Funds are available in the Water/Sewer fund.

Suggested Resolution

RESOLVED, that an amendment to the J.M. Olson Corporation contract for Community Center Construction Manager services is hereby approved for field changes associated with water main work in the amount of \$25,478.00.

OK
JP



COPY

October 31, 2001

Ms. Carol Anderson, Director
City of Troy – Parks and Recreation
31789 Livernois
Troy, MI 48083-5029

RE: REQUEST FOR CHANGE ORDER #3
TROY COMMUNITY CENTER
JMOC JOB NO. 20-015

Dear Ms. Anderson:

J M Olson Corporation is requesting a change order be issued in the amount of \$25,478.00 for unforeseen field changes associated with installation of the new water main services. Reference enclosed quotations from Site Development, Inc.

Site Development, Inc.	ADD	\$3,157.00
Site Development, Inc.	ADD	\$10,294.00
Site Development, Inc.	ADD	<u>\$12,027.00</u>
TOTAL AMOUNT	ADD	<u>\$25,478.00</u>

Please do not hesitate to contact me if you should have any questions. If this request meets with your approval, please issue a change order to J M Olson Corporation at your earliest possible convenience.

Sincerely,

J M OLSON CORPORATION


Steven L. Braun
Project Manager

Acceptance:

Carol Anderson – Director
Troy Parks & Recreation

SLB/bc

Dated: _____

Attachment: Subcontractor Quotations
CC: John Grzelak, J M Olson Corporation

CO to Contract



Site Development Inc.

(248) 583-1200
Fax (248) 583-1211

30850 Stephenson Hwy. • Madison Heights, MI 48071

May 15, 2002

Mr. Steve Braun
J.M Olson Corporation
26210 Harper Ave
St. Clair Shores, MI 48081

Quote #01-004-29

RE Troy Community Center
Subject: Cut and Cap Existing Watermain

*re router
from road*

Dear Mr. Braun,

Site Development Inc. is pleased to submit the following quotation to provide supervision, labor, material and equipment for the above referenced project as further defined below:

Total Quotation \$3,157.00

Ticket 15820		<u>\$2,745.16</u>
	Sub total	\$2,745.16
	OH&P 15%	\$ 411.77
	Total	\$3,156.93

If you have any questions or require further information, feel free to contact me at 248-689-4500.

Sincerely,
SITE DEVELOPMENT

Scott Kos

Scott Kos
CC: File, L. Kuzak, J. Grzelak

ADDITIONAL WORK ORDER FORM

Olson
01-004
Troy Community Center

05/01/2002

INVOICE NO. 15820

Site Development Inc.
3150 Livernois Suite 270
Troy MI, 48063
phone 248-689-4500
fax 248-689-0268

Equipment	UNIT	RATE	QUANTITY	TOTAL COST
D65PX Dozer	HR	\$ 109.73	0	\$ -
311 Cat Hoepac	HR	\$ 88.87		\$ -
Volvo Dump Truck A25	HR	\$ 118.11	0	\$ -
Ingersoll Roller	HR	\$ 61.18	0	\$ -
Broom Truck	HR	\$ 112.00		\$ -
Vacuum Truck	HR	\$ 112.00		\$ -
311 Cat Excavator	HR	\$ 50.67	0	\$ -
235 Cat Excavator	HR	\$ 145.57		\$ -
320 Cat Excavator	HR	\$ 80.98		\$ -
320 Cat Excavator w/ Hoepack	HR	\$ 115.98		\$ -
330 Cat Excavator	HR	\$ 109.73		\$ -
330 Cat Breaker	HR	\$ 145.57		\$ -
Daewoo 130 Backhoe	HR	\$ 80.98	0	\$ -
D4 Dozer	HR	\$ 44.24	0	\$ -
FR160 Loader	HR	\$ 81.58	0	\$ -
Cat 966F Loader	HR	\$ 122.00	0	\$ -
Komatsu PC200	HR	\$ 128.36		\$ -
Cat 250 Dump	HR	\$ 118.11	0	\$ -
Operator STRAIGHT TIME	HR	\$ 51.77	8	\$ 414.16
Laborer STRAIGHT TIME	HR	\$ 38.82	8	\$ 310.56
Foreman STRAIGHT TIME	HR	\$ 59.50	6	\$ 357.00
Pipe Layer STRAIGHT TIME	HR	\$ 51.77	8	\$ 414.16
Operator OVER TIME	HR	\$ 72.61	0	\$ -
Laborer OVER TIME	HR	\$ 54.52	0	\$ -
Foreman OVER TIME	HR	\$ 84.20	0	\$ -
Pipe layer OVERTIME	HR	\$ 72.61	0	\$ -
Light Towers	DAY	\$ 65.00		\$ -
Dewatering System	DAY	\$ 111.00	0	\$ -
Komatsu PC400	HR	\$ 155.25	0	\$ -
Lazer Level	DAY	\$ 45.00	0	\$ -
Scraper	HR	\$ 119.31	0	\$ -
Rubber Tire Backhoe	HR	\$ 56.16	8	\$ 449.28
Semi Truck	HR	\$ 75.00		\$ -
Lowboy Move	EA	\$ 300.00	1	\$ 300.00
Undercuts	cy	\$ 35.00	0	\$ -
Fabric	sy	\$ 2.00	0	\$ -
Truckdn	0	\$ 2.75	0	\$ -
Street Sweeping	EA	\$ 220.00	0	\$ -
Misc. Parts		\$ 500.00	1	\$ 500.00

				SUBTOTAL	\$ 2,745.16
S.D.I. OH&P ON OWN WORK	LS	\$ 0.15			\$ 411.77
SUBCONTRACTOR WORK	LS				\$ -
S.D.I. OH&P ON SUB WORK	LS	\$ 0.07			\$ -
				TOTAL	\$ 3,156.93

DESCRIPTION OF ADDITIONAL WORK
Please see attached letter.



Site Development Inc.

(248) 583-1200
Fax (248) 583-1211

30850 Stephenson Hwy. • Madison Heights, MI 48071

July 12, 2002

Mr. Steve Braun
J.M Olson Corporation
26210 Harper Ave
St. Clair Shores, MI 48081

Quote #01-004-33

RE Troy Community Center

Subject: Rework Pipe @ Gatewell

Dear Mr. Braun,

Site Development Inc. is pleased to submit the following quotation to provide supervision, labor, material and equipment for the above referenced project as further defined below:

Total Quotation \$10,294.00

Ticket 19175	\$4,983.77
Ticket 19180	<u>\$5,310.46</u>
	\$10,294.23

If you have any questions or require further information, feel free to contact me at 248-689-4500.

Sincerely,
SITE DEVELOPMENT

Scott Kos
CC: File, L. Kuzak, J. Grzelak

ADDITIONAL WORK ORDER FORM

Olson
01-004
Troy Community Center
07/09/2002

INVOICE NO. 19180

Site Development Inc.
3150 Livernois Suite 270
Troy MI. 48063
phone 248-689-4500
fax 248-689-0265

Equipment	UNIT	RATE	QUANTITY	TOTAL COST
D65PX Dozer	HR	\$ 109.73	0	\$ -
311 Cat Hoepac	HR	\$ 86.67	0	\$ -
Volvo Dump Truck A25	HR	\$ 116.11		\$ -
Ingersoll Roller	HR	\$ 61.18		\$ -
Broom Truck	HR	\$ 112.00		\$ -
Vacuum Truck	HR	\$ 112.00		\$ -
311 Cat Excavator	HR	\$ 50.67		\$ -
235 Cat Excavator	HR	\$ 145.57		\$ -
320 Cat Excavator	HR	\$ 80.98	8.5	\$ 688.33
320 Cat Excavator w/ Hoepack	HR	\$ 115.98		\$ -
330 Cat Excavator	HR	\$ 109.73	0	\$ -
330 Cat Breaker	HR	\$ 145.57		\$ -
Daewoo 130 Backhoe	HR	\$ 80.98		\$ -
D4 Dozer	HR	\$ 44.24		\$ -
FR160 Loader	HR	\$ 81.58	8.5	\$ 693.43
Cat 966F Loader	HR	\$ 122.00		\$ -
Komatsu PC200	HR	\$ 128.38		\$ -
Cat 250 Dump	HR	\$ 116.11		\$ -
Operator STRAIGHT TIME	HR	\$ 51.77	16	\$ 828.32
Laborer STRAIGHT TIME	HR	\$ 38.82	16	\$ 621.12
Foreman STRAIGHT TIME	HR	\$ 59.50	8	\$ 476.00
Pipe Layer STRAIGHT TIME	HR	\$ 51.77	0	\$ -
Operator OVER TIME	HR	\$ 72.61	1	\$ 72.61
Laborer OVER TIME	HR	\$ 54.52	1	\$ 54.52
Foreman OVER TIME	HR	\$ 84.20	0.5	\$ 42.10
Pipe layer OVERTIME	HR	\$ 72.61		\$ -
Light Towers	DAY	\$ 65.00		\$ -
Dewatering System	DAY	\$ 111.00		\$ -
Komatsu PC400	HR	\$ 155.25		\$ -
Lazer Level	DAY	\$ 45.00		\$ -
Scraper	HR	\$ 119.31		\$ -
Rubber Tire Backhoe	HR	\$ 56.16	8.5	\$ 477.36
Semi Truck	HR	\$ 75.00	0	\$ -
Lowboy Move	EA	\$ 300.00	0	\$ -
30 Barricades	DAY	\$ 18.00	0	\$ -
3 2"-Pumps/Hose	DAY	\$ 150.00	0	\$ -
8" Caps	EA	\$ 27.00	2	\$ 54.00
1x3 Crushed Concret	cy	\$ 11.00	0	\$ -
6A Float Stone	cy	\$ 18.00	10	\$ 180.00
Sand	cy	\$ 6.50	40	\$ 260.00
Dirtout	ty	\$ 4.25	40	\$ 170.00

SUBTOTAL \$ 4,617.79

S.D.I. OH&P ON OWN WORK LS \$ 0.15 \$ 682.67

SUBCONTRACTOR WORK LS \$ - \$ -

S.D.I. OH&P ON SUB WORK LS \$ 0.07 \$ -

TOTAL \$ 6,310.46

DESCRIPTION OF ADDITIONAL WORK

Please see attached letter.

ADDITIONAL WORK ORDER FORM

Olson
01-004
Troy Community Center

07/10/2002

INVOICE NO. 19175

Site Development Inc.
3150 Livernois Suite 270
Troy MI. 48063
phone 248-689-4500
fax 248-689-0265

Equipment	UNIT	RATE	QUANTITY	TOTAL COST
D65PX Dozer	HR	\$ 109.73	0	\$ -
311 Cat Hoepac	HR	\$ 86.67	0	\$ -
Volvo Dump Truck A25	HR	\$ 118.11		\$ -
Ingersoll Roller	HR	\$ 61.18		\$ -
Broom Truck	HR	\$ 112.00		\$ -
Vacuum Truck	HR	\$ 112.00		\$ -
311 Cat Excavator	HR	\$ 50.67		\$ -
235 Cat Excavator	HR	\$ 145.57		\$ -
320 Cat Excavator	HR	\$ 80.98	8.5	\$ 688.33
320 Cat Excavator w/ Hoepack	HR	\$ 115.88		\$ -
330 Cat Excavator	HR	\$ 109.73	0	\$ -
330 Cat Breaker	HR	\$ 145.57		\$ -
Daewoo 130 Backhoe	HR	\$ 80.98		\$ -
D4 Dozer	HR	\$ 44.24		\$ -
FR160 Loader	HR	\$ 81.58	8.5	\$ 693.43
Cat 966F Loader	HR	\$ 122.00		\$ -
Komatsu PC200	HR	\$ 128.36		\$ -
Cat 250 Dump	HR	\$ 118.11		\$ -
Operator STRAIGHT TIME	HR	\$ 51.77	16	\$ 828.32
Laborer STRAIGHT TIME	HR	\$ 38.82	24	\$ 931.68
Foreman STRAIGHT TIME	HR	\$ 59.50	8	\$ 476.00
Pipe Layer STRAIGHT TIME	HR	\$ 51.77	0	\$ -
Operator OVER TIME	HR	\$ 72.61	1	\$ 72.61
Laborer OVER TIME	HR	\$ 54.52	1.5	\$ 81.78
Foreman OVER TIME	HR	\$ 84.20	1	\$ 84.20
Pipe layer OVERTIME	HR	\$ 72.61		\$ -
Light Towers	DAY	\$ 85.00		\$ -
Dewatering System	DAY	\$ 111.00		\$ -
Komatsu PC400	HR	\$ 155.25		\$ -
Lazer Level	DAY	\$ 45.00		\$ -
Scraper	HR	\$ 119.31		\$ -
Rubber Tire Backhoe	HR	\$ 56.18	8.5	\$ 477.36
Semi Truck	HR	\$ 75.00	0	\$ -
Lowboy Move	EA	\$ 300.00	0	\$ -
30 Barricades	DAY	\$ 18.00	0	\$ -
3 2"-Pumps/Hose	DAY	\$ 150.00	0	\$ -
Generator	DAY	\$ 50.00	0	\$ -
1x3 Crushed Concret	cy	\$ 11.00	0	\$ -
6A Float Stone	cy	\$ 18.00	0	\$ -

SUBTOTAL \$ 4,333.71

S.D.I. OH&P ON OWN WORK	LS	\$ 0.15	\$ 650.08
SUBCONTRACTOR WORK	LS		\$ -
S.D.I. OH&P ON SUB WORK	LS	\$ 0.07	\$ -

TOTAL \$ 4,983.77

DESCRIPTION OF ADDITIONAL WORK
Please see attached letter.



Site Development Inc.

(248) 583-1200
Fax (248) 583-1211

30850 Stephenson Hwy. • Madison Heights, MI 48071

June 26, 2002

Mr. Steve Braun
J.M Olson Corporation
26210 Harper Ave
St. Clair Shores, MI 48081

Quote #01-004-31

RE Troy Community Center

Subject: Additional Cost for Watermain Tie-In

Dear Mr. Braun,

Site Development Inc. is pleased to submit the following quotation to provide supervision, labor, material and equipment for the above referenced project as further defined below:

Total Quotation \$12,027.36

Ticket 18787	\$2,046.00
Ticket 18784	<u>\$9,981.36</u>
	\$12,027.36

If you have any questions or require further information, feel free to contact me at 248-689-4500.

Sincerely,
SITE DEVELOPMENT

Scott Kos
CC: File, L. Kuzak, J. Grzelak

ADDITIONAL WORK ORDER FORM

Olson
01-004
Troy Community Center

06/17/2002

INVOICE NO. 18787

Site Development Inc.
3160 Livemore Suite 270
Troy MI. 48063
phone 248-689-4500
fax 248-689-0265

Equipment	UNIT	RATE	QUANTITY	TOTAL COST
D65PX Dozer	HR	\$ 109.73	0	\$ -
311 Cat Hoepac	HR	\$ 86.67	0	\$ -
Volvo Dump Truck A25	HR	\$ 118.11		\$ -
Ingersoll Roller	HR	\$ 61.18		\$ -
Broom Truck	HR	\$ 112.00		\$ -
Vacuum Truck	HR	\$ 112.00		\$ -
311 Cat Excavator	HR	\$ 50.67		\$ -
235 Cat Excavator	HR	\$ 145.57		\$ -
320 Cat Excavator	HR	\$ 80.98		\$ -
320 Cat Excavator w/ Hoepack	HR	\$ 115.98		\$ -
330 Cat Excavator	HR	\$ 109.73	4	\$ 438.92
330 Cat Breaker	HR	\$ 145.57		\$ -
Daewoo 130 Backhoe	HR	\$ 80.98		\$ -
D4 Dozer	HR	\$ 44.24		\$ -
FR160 Loader	HR	\$ 81.58	4	\$ 326.32
Cat 988F Loader	HR	\$ 122.00		\$ -
Komatsu PC200	HR	\$ 128.36		\$ -
Cat 250 Dump	HR	\$ 118.11		\$ -
Operator STRAIGHT TIME	HR	\$ 51.77	8	\$ 414.16
Laborer STRAIGHT TIME	HR	\$ 38.82	4	\$ 155.28
Foreman STRAIGHT TIME	HR	\$ 59.50	4	\$ 238.00
Pipe Layer STRAIGHT TIME	HR	\$ 51.77	4	\$ 207.08
Operator OVER TIME	HR	\$ 72.61		\$ -
laborer OVER TIME	HR	\$ 54.52		\$ -
oreman OVER TIME	HR	\$ 84.20		\$ -
Pipe layer OVERTIME	HR	\$ 72.61		\$ -
Light Towers	DAY	\$ 65.00		\$ -
Dewatering System	DAY	\$ 111.00		\$ -
Komatsu PC400	HR	\$ 155.25		\$ -
Lazer Level	DAY	\$ 45.00		\$ -
Scraper	HR	\$ 119.31		\$ -
Rubber Tire Backhoe	HR	\$ 56.16		\$ -
Semi Truck	HR	\$ 75.00		\$ -
Lowboy Move	EA	\$ 300.00	0	\$ -
12" x 18'-0" Dbl Flanged Pipe	EA	\$ 800.00	0	\$ -
Arrow Board	DAY	\$ 60.00	0	\$ -
30 Barricades	DAY	\$ 18.00	0	\$ -
3 2"-Pumps/Hose	DAY	\$ 150.00	0	\$ -
Generator	DAY	\$ 50.00	0	\$ -
1x3 Crushed Concret	cy	\$ 11.00	0	\$ -
6A Float Stone	cy	\$ 18.00	0	\$ -
concrete	cy	\$ 90.00	0	\$ -
45 Deg. Bends	EA	\$ 124.00	0	\$ -

SUBTOTAL \$ 1,779.76

S.D.I. OH&P ON OWN WORK	LS	\$ 0.15		\$ 266.96
SUBCONTRACTOR WORK	LS			\$ -
S.D.I. OH&P ON SUB WORK	LS	\$ 0.07		\$ -

TOTAL \$ 2,046.72

DESCRIPTION OF ADDITIONAL WORK
Please see attached letter.

ADDITIONAL WORK ORDER FORM

Olson
01-004
Troy Community Center

06/27/2002

INVOICE NO. 19171

Site Development Inc.
3160 Livernois Suite 270
Troy MI. 48083
phone 248-689-4500
fax 248-689-0265

Equipment	UNIT	RATE	QUANTITY	TOTAL COST
D65PX Dozer	HR	\$ 109.73	0	\$ -
311 Cat Hoepac	HR	\$ 86.67	8	\$ 693.36
Volvo Dump Truck A25	HR	\$ 118.11		\$ -
Ingersoll Roller	HR	\$ 61.18		\$ -
Broom Truck	HR	\$ 112.00		\$ -
Vacuum Truck	HR	\$ 112.00		\$ -
311 Cat Excavator	HR	\$ 50.67		\$ -
235 Cat Excavator	HR	\$ 145.57		\$ -
320 Cat Excavator	HR	\$ 80.98		\$ -
320 Cat Excavator w/ Hoepack	HR	\$ 115.98		\$ -
330 Cat Excavator	HR	\$ 109.73	8	\$ 877.84
330 Cat Breaker	HR	\$ 145.57		\$ -
Daewoo 130 Backhoe	HR	\$ 80.98		\$ -
D4 Dozer	HR	\$ 44.24		\$ -
FR160 Loader	HR	\$ 81.58	8	\$ 652.84
Cat 966F Loader	HR	\$ 122.00		\$ -
Komatsu PC200	HR	\$ 128.36		\$ -
Cat 250 Dump	HR	\$ 118.11		\$ -
Operator STRAIGHT TIME	HR	\$ 51.77	16	\$ 828.32
Laborer STRAIGHT TIME	HR	\$ 38.82	16	\$ 621.12
Foreman STRAIGHT TIME	HR	\$ 59.50	8	\$ 476.00
Pipe Layer STRAIGHT TIME	HR	\$ 51.77	8	\$ 414.16
Operator OVER TIME	HR	\$ 72.61		\$ -
laborer OVER TIME	HR	\$ 54.52		\$ -
foreman OVER TIME	HR	\$ 84.20		\$ -
Pipe layer OVERTIME	HR	\$ 72.61		\$ -
Light Towers	DAY	\$ 65.00		\$ -
Dewatering System	DAY	\$ 111.00		\$ -
Komatsu PC400	HR	\$ 155.25		\$ -
Lazer Level	DAY	\$ 45.00		\$ -
Scraper	HR	\$ 119.31		\$ -
Rubber Tire Backhoe	HR	\$ 56.16		\$ -
Semi Truck	HR	\$ 75.00		\$ -
Lowboy Move	EA	\$ 300.00	0	\$ -
12" x 18'-0" Dbl Flanged Pipe	EA	\$ 800.00	1	\$ 800.00
Arrow Board	DAY	\$ 60.00	5	\$ 300.00
30 Barricades	DAY	\$ 18.00	5	\$ 90.00
3 2"-Pumps/Hose	DAY	\$ 150.00	5	\$ 750.00
Generator	DAY	\$ 50.00	5	\$ 250.00
1x3 Crushed Concret	cy	\$ 11.00	40	\$ 440.00
6A Float Stone	cy	\$ 18.00	40	\$ 720.00
concrete	cy	\$ 90.00	3	\$ 270.00
45 Deg. Bands	EA	\$ 124.00	4	\$ 496.00

SUBTOTAL \$ 8,879.44

S.D.I. OH&P ON OWN WORK LS \$ 0.15 \$ 1,301.92

SUBCONTRACTOR WORK LS \$ - \$ -

S.D.I. OH&P ON SUB WORK LS \$ 0.07 \$ -

TOTAL \$ 9,981.36

DESCRIPTION OF ADDITIONAL WORK
Please see attached letter.

December 23, 2002

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Doug Smith, Real Estate and Development Director
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Request for Approval to Sell City-Owned Remnant Parcel at
Northwest Corner of Big Beaver and Rochester
Sidwell #88-20-22-477-038, -039 & -043

Troy Commons, a Michigan Co-Partnership is the owner of the Troy Commons Shopping Center at the northwest corner of Big Beaver and Rochester. They have signed the attached Purchase Agreement with the City for the acquisition of an adjacent remnant parcel. This remnant was acquired as a result of Big Beaver and Rochester Road widening projects. On June 17, 2002 at a regular meeting, Council authorized staff to negotiate with Mr. Stuart Frankel, of Troy Commons, for the sale of this remnant parcel in accordance with Troy's remnant parcel guidelines.

Management received an independent appraisal from Fuller Appraisal Services for the property. The conclusion that James Fuller reached was that the property, if sold, to the adjacent property owner is valued at \$525,000. Staff in reviewing the appraisal felt that the market could sustain a slightly higher per square foot value of this property closer to \$13 a square foot even with the City's restrictions regarding open clearance on the southern part of the property and no direct access to either Big Beaver or Rochester Road. After discussions with Mr. Frankel, a figure of \$545,000 was arrived at.

Since Mr. Frankel's property is under a consent judgment, it will be necessary to revise the property description to incorporate this additional parcel. Mr. Frankel is still restricted to no more than 140,000 square feet on the site and he intends to comply with this limitation. A revised site plan will be submitted in the near future. It is also expected that once the City gets more details regarding the future tenants and development of the site the consent judgment may need to be amended to allow for additional signage. These potential revisions will be brought to you in the future.

Management recommends that City Council approve the sale of this remnant parcel to Troy Commons for the agreed upon value of \$545,000, subject to terms and conditions of the Purchase Agreement. We also request that the Mayor and City Clerk be authorized to sign the Deed for closing the transaction.

**OFFER TO PURCHASE
CITY OF TROY
REAL ESTATE**

1. THE UNDERSIGNED, Troy Commons, L.L.C., a Michigan Limited Liability Company hereby offers and agrees to purchase from the City of Troy the following land situated in the City of Troy, Oakland County, Michigan, described as follows:

Part of the Southeast $\frac{1}{4}$ of Section 22, Town 2 North, Range 11 East. City of Troy, Oakland County, Michigan. Being more particularly described as follows:

Commencing at the South $\frac{1}{4}$ corner of Section 22; thence, North $87^{\circ}55'56''$ East, along the South line of Section 22, 2,170.55 feet and North $02^{\circ}04'04''$ West 33.00 feet and North $09^{\circ}49'28''$ East 70.51 feet to the Point of Beginning:

Thence, continuing North $09^{\circ}49'28''$ East 399.37 feet; thence North $89^{\circ}18'15''$ East 117.30 feet to the Westerly right-of-way line of Rochester Road; thence, along the westerly right-of-way line, on a curve to the left having a radius of 2,088.12 feet, a delta angle of $05^{\circ}45'02''$ and a chord bearing and distance of South $14^{\circ}00'52''$ West 209.49 feet; thence, continuing along the westerly right-of-way line, South $10^{\circ}58'26''$ West 166.64 feet; thence, South $49^{\circ}27'11''$ West 39.14 feet; thence South $87^{\circ}55'56''$ West 73.28 feet to the Point of Beginning, containing 40,357.45 square feet or 0.926 acres of land +/-.

Sidwell # 88-20-22-477-038, -039 & -043

and to pay therefore the sum of (\$545,000.00) Five Hundred, Forty-Five Thousand and no/100 Dollars subject to the First Amended Consent Judgment between the City of Troy and Troy Commons (Oakland County Circuit Course Case #82-235070-CC), and existing building and use restrictions, easements, zoning ordinances, and other deed restrictions and conditions as specified herein.

THE SALE TO BE CONSUMMATED BY:

Delivery of the usual warranty deed conveying a marketable title. Payment of purchase money is to be made in cash or certified check made payable to the City of Troy.

2. This offer is contingent upon Purchaser's satisfaction with the property following Purchaser's testing, analysis, inspection and evaluation of the property. Purchaser shall have 120 days after Seller's acceptance of this Offer ("Inspection Period") in which to conduct such investigations, evaluations and testing of the property (both above ground and below ground) as Purchaser deems appropriate in order to determine if the property is satisfactory and suitable for Purchaser's intended use and enjoyment. Upon completion of Purchaser's evaluations, Purchaser shall, at its sole cost and expense, restore the property to a condition as good as its condition prior to such evaluations. During the term of the Inspection Period and at all times prior to closing, Purchaser, its employees, agents, representatives, engineers, inspectors and surveyors shall have the right of access to the property for the purposes of performing Purchaser's evaluations. Purchaser shall indemnify and hold Seller free and harmless

from and against any liability arising from evaluations. In the event that Purchaser is dissatisfied with the results of Purchaser's evaluations, Purchaser shall have the option to rescind and terminate this Agreement without penalty or liability. All of Purchaser's evaluations shall be performed at the Purchaser's sole cost and expense.

3. As evidence of title, Seller agrees to furnish Purchaser as soon as possible a Commitment for Title Insurance for information purposes. Purchase of Title Insurance shall be the option of the Purchaser at Purchaser's expense. Seller also agrees to furnish Purchaser with a boundary survey. If the Seller accepts this offer and if title can be conveyed in the condition required hereunder, the Purchaser agrees to complete the sale within 30 days after delivery of the commitment of title insurance.
4. If objection to the title is made in the Commitment for Title Insurance or based upon a written opinion of Purchaser's attorney after examination of the Abstract that the title is not in the condition required for performance hereunder, the Seller shall have 30 days from the date he is notified in writing of the particular defects claimed either (1) to fulfill the requirements in said commitment or to remedy the title defects set forth in said attorney's opinion or (2) to refund the deposit in full termination of this agreement if unable to furnish satisfactory title. If the Seller is able to comply with such requirements or remedy such defects within the time specified as evidenced by written notification, revised commitment or endorsement to commitment, the Purchaser agrees to complete the sale within 10 days of receipt thereof. If the Seller is unable to furnish satisfactory title and survey within the time specified and after using their best efforts to cure defects, this agreement will be terminated, or Buyer can elect to waive this requirement.
5. Purchaser understands and agrees that although the property being conveyed may at the time of conveyance be tax exempt, that upon acceptance of this offer to purchase the property will be placed on the tax assessor's roll.
6. The covenants herein shall bind and inure to the benefit of the heirs, executors, administrators, successors and assigns of the respective parties.
7. The closing of this sale shall take place at the offices of the City of Troy unless otherwise agreed.
8. Purchaser agrees to comply with Troy City Council Resolution #85-254, a copy of which is attached, and understands that this sale is contingent upon City Council approval.
9. Deed Restrictions and Subsequent Conditions: The sale of this property is conditioned upon the following deed restrictions which shall be recorded at the time of sale and shall be binding upon the Purchaser, their heirs, executors, administrators, successors and assigns: See Attachment "C".

10. Additional Conditions:

A. At the time of closing, Purchaser agrees to convey a 10' Permanent Easement for Public Utilities along the Big Beaver and Rochester Road frontage; and a 10' Permanent Easement for site clearance along the southeast corner of the parcel. No plantings taller than 30" will be allowed in the site clearance easement.

B. No curb cuts will be allowed from the property described above to Rochester Road or Big Beaver Road.

IN THE PRESENCE OF:

Jaqueline L. Clein
JACQUELINE L. CLEIN

Purchaser
Tracy Cummings LLC
By [Signature] L.S.

Mary Joanne Brown
MARY JOANNE BROWN

Date 1/16/12 Phone 248 644-2424
Address 321 W. Big Beaver Rd Troy, Mich.

IN THE PRESENCE OF:

Seller

L.S.
City of Troy
L.S.

Date _____ Phone: _____
Address: 500 W. Big Beaver, Troy, 48084

PURCHASER'S RECEIPT OF ACCEPTED OFFER

The Purchaser hereby acknowledges the receipt of the Seller's signed acceptance of the foregoing offer to purchase.

_____ L.S.

Date _____

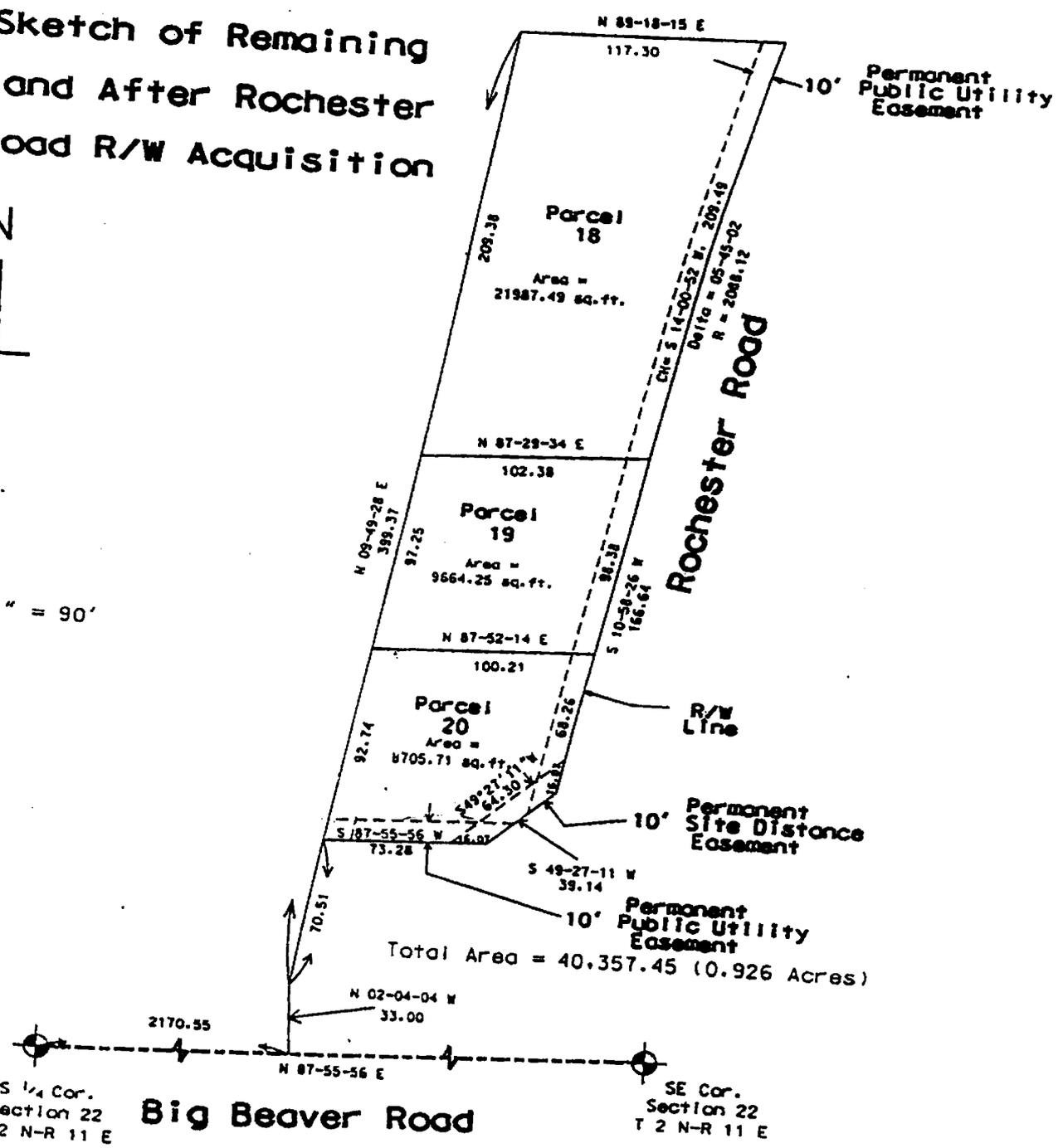
Purchaser

EXHIBIT "A"

Sketch of Remaining Land After Rochester Road R/W Acquisition



Scale: 1" = 90'



S 1/4 Cor.
Section 22
T 2 N-R 11 E

SE Cor.
Section 22
T 2 N-R 11 E

EXHIBIT "B"

TABLED ITEMSRESOLUTION TO ESTABLISH POLICY GOVERNING DISPOSAL (SALE) OF EXCESS
RIGHT-OF-WAY

**Resolution #85-254
Moved by Liebrecht
Supported by Stine**

WHEREAS, The City Council of the City of Troy endeavors to attain the highest and best land use, effective growth control measures and to enhance the health, safety and welfare of the community; and

WHEREAS, Chapter 12 of the Troy City Charter requires that... "In all sales or purchases in excess of \$3,000, (a) the sales or purchases shall be approved by the City Council, (b) sealed bids shall be obtained, except where the City Council shall determine that an emergency exists or that the public interest will be best served without obtaining sealed bids...";

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy may determine that the public interest will best be served without obtaining sealed bids for the sale of remnant parcels which remain after required right-of-way is taken when a purchase agreement is offered to the City of Troy by a prospective buyer which:

- (1) Has submitted evidence of ownership or control of an assembly of adjoining land of sufficient size so as to achieve what is believed to be the best possible development as determined by the City Council after review and recommendation from the City Manager.**
- (2) Has submitted a site plan which has been drawn to sufficient detail to indicate any and all features which are governed by codes of the City of Troy, said site plan shall not include variances from any code of the City of Troy.**
- (3) Is accompanied by a petition for rezoning, if necessary, in compliance with the Master Land Use Plan of the City of Troy or as may be determined by the City Council of the City of Troy as being the most appropriate land use; and**
- (4) Commits the prospective buyer to a purchase price at a value established by an appraiser named by the Right-of-Way Division of the City of Troy; and**
- (5) Commits the buyer to construct or pay for the construction of any and all improvements to public facilities or private improvements as required by ordinances or design standards of the City of Troy; and**
- (6) Is accompanied by architectural renderings of all buildings indicated on the site plan along with a description of building materials and methods to permit evaluation of building quality;**
- (7) Is accompanied by a draft of proposed deed restrictions which will be imposed upon the purchaser of the City-owned property, the adjoining land included in the site plan and their assigns and successors which embodies all of the aforementioned requirements and conditions; and**

BE IT FINALLY RESOLVED, That the City Council retains discretionary authority to determine the applicability of this policy.

Yeas: All - 7

ATTACHMENT "C"
CITY OF TROY PROPERTY SALE
DEED RESTRICTION

- A. Construction shall take place only as indicated on the final approved site plan including the number of Units, as submitted to and approved by the Building Department and Planning Department of the City of Troy and all construction shall conform to all codes of the City of Troy. Notwithstanding Attachment "B", said site plan shall not include variances from any code of the City of Troy unless otherwise permitted by the terms of the Consent Judgment or subsequent amendments.
- B. The property being conveyed herein is currently zoned and will be used only as it is defined in the Troy Zoning Ordinance as of April 23, 2001, and no other use or zoning will be permitted. Said zoning currently being B-3 of said property.
- C. The purchaser shall construct or pay for the construction of any and all improvements to public facilities or private improvements as required by ordinances or design standards of the City of Troy.
- D. Notwithstanding Attachment "B", all buildings shall be constructed as indicated on the architectural rendering to be submitted to and approved by the Troy Planning Department and Building Department and as part of the final site plan approval; no other alteration, addition or deletion shall occur.
- E. The Purchaser shall combine this parcel description with adjacent properties owned or controlled by Purchaser on City tax records.
- F. These deed restrictions and the full purchase agreement shall be recorded with and as part of the deed at the Oakland County Register of Deeds.
- G. The Purchaser agrees upon closing this transaction that all restrictions and conditions shall bind and inure to Purchaser, heirs, executors, administrators, successors and assigns, and that they will reimburse to the City all costs incurred by the City in the future, including court and attorney fees, in order for the City to gain compliance with this agreement and the stated restrictions.

December 20, 2002

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney
John Lamerato, Assistant City Manager – Finance/Administration
Tonni Bartholomew, City Clerk
Nino Licari, City Assessor

Re: Adoption of Chapter 99 – Payment In Lieu Of Taxes Ordinance

Recommendation:

Staff recommends that the City Council approve the consolidation of various ordinance agreements by adopting the proposed Chapter 99 – Payment In Lieu Of Taxes (P.I.L.O.T.) Ordinance, with the payment amount established at 10% of 95% of the shelter rent, as defined.

Background:

In an informational memorandum (attached) from the December 16, 2002 City Council meeting, staff detailed the rationale for adopting a new ordinance to consolidate various agreements formerly approved by City Council, under an 'umbrella' ordinance to facilitate the location of these agreements, and to formally establish a policy that will provide guidelines for any future P.I.L.O.T.'s that may come forward.

In addition, State law has modified the language of these agreements (minimally). The Ordinance before you also updates the language, in keeping with the changes adopted at the State level.

December 9, 2002

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney
John Lamerato, Assistant City Manager – Finance/Administration
Tonni Bartholomew, City Clerk
Nino Licari, City Assessor

Re: P.I.L.O.T. (Payment in lieu of Taxes) Ordinance Chapter 99 & Oakland Park Towers refinancing

Recommendation:

Staff recommends that the City Council approve the consolidation of various ordinances agreements under the proposed Chapter 99 – Payment in Lieu of Taxes Ordinance.

Staff also recommends that the adoption of Chapter 99 include the suggested language that the Payment in Lieu of Taxes amount shall be 10% of 95% of the shelter rent, as defined.

After adoption of Chapter 99, staff will recommend the approval of the new P.I.L.O.T. agreement between the City of Troy, and Oakland Grand Haven Limited Dividend Housing Association LLC (hereafter referred to as Oakland Park Towers), at the existing payment of 10% of 95% of the shelter rent.

Background on existing P.I.L.O.T.'s:

The State Housing Development Authority Act of 1966 (1966 PA 346, MCL Section 125.1401 et.seq., attached) encourages low cost housing availability to low-income residents, throughout the State of Michigan, by offering low interest loans to associations that provide housing to low-income residents.

The law also encourages local units to accept a Payment In Lieu Of Taxes (P.I.L.O.T.), that can be any amount, up to the actual taxes that would be generated by such a project. The P.I.L.O.T.'s are allowed to be in effect as long as the project has an existing loan with the Housing Authority, or, the Authority has an interest in the project, not to exceed 50 years.

The City of Troy currently has two such P.I.L.O.T. projects, Oakland Park Towers, and Magnolia Gardens (now called American House).

Both of these projects are on the east side of John R, between Maple and 14 Mile Road (accessed off of Grand Haven).

The payment is a percentage of the shelter rent at the facilities. The shelter rent is defined as “..(T)he total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges.”

The Oakland Park Tower P.I.L.O.T. is 10% of 95% of the shelter rent (effectively, 9.5% of the shelter rent). The 5% reduction in shelter rent was to compensate for utilities paid for by the association. Only one of the towers has the P.I.L.O.T.

Oakland Park Towers has requested adoption of a resolution for a new P.I.L.O.T. They are about to refinance the property with the Authority, over 40 years (letter attached). They are not requesting any changes to the original terms. They have provided updated language for the agreement, in keeping with changes adopted by the Authority.

The current agreement exempts both of the towers (11 stories, 300 rooms, 251,735 square feet, each). However, only one of the towers is used for low-income senior housing, and pays the percentage of shelter rent. This will not change. Per the terms of the agreement, the tower that does not provide housing to low-income seniors, pays taxes equal to those that would be generated for the tower with no exemption (effectively negating the exemption on one tower).

For 2002, the P.I.L.O.T. for the low-income tower was \$70,864.00. In contrast, the tower without the P.I.L.O.T. will pay \$298,200.91.

The Magnolia Gardens P.I.L.O.T. is 4% of the shelter rent, minus utilities. The 4% payment was acceptable to Council for specific reasons. First, the association petitioned for this amount on the basis that the project would not be economically feasible for them, at a higher percentage fee. Secondly, the Magnolia Gardens project is far less dense than Oakland Park Towers (3 stories, 147 units, 135,137 square feet; 24.5% of the density of Oakland Park Towers), and it was felt that this project would require far less of City services, because of the lack of comparable density. In addition, the Magnolia Gardens agreement requires them to provide transportation services to its residents, and they were also required to make \$140,000 worth of improvements to Grand Haven (improving the existing road, and extending it into their project).

The Magnolia Garden P.I.L.O.T. amounted to \$53,070.67 for 2002. Estimated taxes on the project, without the P.I.L.O.T. would be \$229,145.00.

Rationale for adoption of the new ordinance:

In reviewing the request for the extension of the P.I.L.O.T. for Oakland Park Towers, three different Council approvals were found, because of delays in financing, construction, or both. Magnolia Gardens had two such approvals, for the same reasons. All of the approvals are scattered, by year and date, and not easily located.

Review by the Clerk's Office and the City Attorney's Office emphasized the need for a Chapter devoted to these P.I.L.O.T.'s, where any current, or future approvals could be filed. This will also help immensely with the public's ability to locate them, either in person, or through the City's web page.

Also, by standardizing the language, in keeping with the State law, Council's ability to act on these requests, will be simplified.

By adopting the payment amount suggested (10% of 95% of the shelter rent), future applicants will have a clear picture of the City expectations.

Please bear in mind that the adoption of this new chapter will not change the existing agreement with Magnolia Gardens (4% of the shelter rent less utilities), as this is an existing agreement, and there has been no request to modify, or extend it.

Summary:

City Council will be asked to adopt Chapter 99 – Payment In Lieu Of Taxes Ordinance, with the suggested payment amount of 10% of 95% of the shelter rent. Council may change the payment percentage.

Once the Chapter is adopted, at a different meeting, Oakland Park Towers will be requesting approval of an agreement that mandates a payment of 10% of 95% of the shelter rent.

Council may approve the agreement as suggested, or modify the payment percentage.

**MICHIGAN COMPILED LAWS ANNOTATED
CHAPTER 125. PLANNING, HOUSING, AND ZONING
STATE HOUSING DEVELOPMENT AUTHORITY ACT OF 1966
CHAPTER 1. DEFINITIONS AND GENERAL PROVISIONS**

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Current through P.A.2002, No. 595

125.1415a. Housing project; tax exemption; service charge for public services

Sec. 15a. (1) If a housing project owned by a nonprofit housing corporation, consumer housing cooperative, limited dividend housing corporation, mobile home park corporation, or mobile home park association is financed with a federally-aided or authority-aided mortgage or advance or grant from the authority, then, except as provided in this section, the housing project is exempt from all ad valorem property taxes imposed by this state or by any political subdivision, public body, or taxing district in which the project is located. The owner of a housing project eligible for the exemption shall file with the local assessing officer a notification of the exemption, which shall be in an affidavit form as provided by the authority. The completed affidavit form first shall be submitted to the authority for certification by the authority that the project is eligible for the exemption. The owner then shall file the certified notification of the exemption with the local assessing officer before November 1 of the year preceding the tax year in which the exemption is to begin.

(2) The owner of a housing project exempt from taxation under this section shall pay to the municipality in which the project is located an annual service charge for public services in lieu of all taxes. Subject to subsection (6), the amount to be paid as a service charge in lieu of taxes shall be for new construction projects the greater of, and for rehabilitation projects the lesser of, the tax on the property on which the project is located for the tax year before the date when construction or rehabilitation of the project was commenced or 10% of the annual shelter rents obtained from the project. A municipality, by ordinance, may establish or change, by any amount it chooses, the service charge to be paid in lieu of taxes by all or any class of housing projects exempt from taxation under this act. However, the service charge shall not exceed the taxes that would be paid but for this act.

(3) The exemption from taxation granted by this section shall remain in effect for as long as the federally-aided or authority-aided mortgage or advance or grant from the authority is outstanding, but not more than 50 years. The municipality may establish by ordinance a different period of time for the exemption to remain in effect.

(4) Except as otherwise provided in this subsection, any payments for public services received by a municipality in lieu of taxes under this section shall be distributed by the municipality to the several units levying the general property tax in the same proportion as prevailed with the general property tax in the previous calendar year. For payments in lieu of taxes collected after June 30, 1994, the distribution to the several units shall be made as if the number of mills levied for local school district operating purposes were equal to the number of mills levied for those purposes in 1993 minus the number of mills levied under the state education tax act, Act No. 331 of the Public Acts of 1993, being sections 211.901 to 211.906 of the Michigan Compiled Laws, for the year for which the distribution is calculated. For tax years after 1993, the amount of payments in lieu of taxes to be distributed to a local school district for operating purposes under this subsection shall not be distributed to the local school district but instead shall be paid to the state treasury and credited to the state school aid fund established by section 11 of article IX of the state constitution of 1963.

(5) Notwithstanding subsection (1), a municipality may provide by ordinance that the tax exemption established in subsection (1) shall not apply to all or any class of housing projects within its boundaries to which subsection (1) applies. If the municipality makes that provision, the tax exemption established in subsection (1) shall not apply to

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the class of housing projects designated in the ordinance. If the ordinance so provides, the ordinance shall be effective with respect to housing projects for which an exemption has already been granted on December 31 of the year in which the ordinance is adopted, but not before. A municipality that has adopted an ordinance described in this subsection may repeal that ordinance, and the repeal shall become effective on the date designated in the repealing ordinance.

(6) Notwithstanding subsection (2), the service charge to be paid each year in lieu of taxes for that part of a housing project that is tax exempt under subsection (1) and that is occupied by other than low income persons or families shall be equal to the full amount of the taxes that would be paid on that portion of the project if the project were not tax exempt. The benefits of any tax exemption granted under this section shall be allocated by the owner of the housing project exclusively to low income persons or families in the form of reduced housing charges.

(7) For purposes of this section only, "low income persons and families" means, with respect to any housing project that is tax exempt, persons and families eligible to move into that project. For purposes of this subsection, the authority may promulgate rules to redefine low income persons or families for each municipality on the basis of conditions existing in that municipality.

(8) This state shall not reimburse any unit of government for a tax exemption granted to any housing project under this section.

CREDIT(S)

1997 Main Volume

Amended by P.A.1982, No. 534, § 1, Imd. Eff. Dec. 31, 1982; P.A.1983, No. 217, § 1, Imd. Eff. Nov. 16, 1983; P.A.1994, No. 363, § 1, Imd. Eff. Dec. 27, 1994.

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL AND STATUTORY NOTES

1997 Main Volume

Source:

P.A.1966, No. 346, § 15a, added by P.A.1968, No. 334, § 1, Imd. Eff.

July 14, 1968.

C.L.1948, § 125.1415a.

P.A.1969, No. 109, § 1, Imd. Eff. July 24, 1969.

C.L.1970, § 125.1415a.

P.A.1979, No. 49, § 1, Imd. Eff. July 7, 1979.

The 1982 amendment, in subsec. (1), in the first sentence inserted ", mobile home park corporation, or mobile home park association".

The 1983 amendment, in subsec. (1), in the first sentence deleted "or" preceding "limited dividend housing

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CHAPTER 99 – PAYMENT IN LIEU OF TAXES ORDINANCE

99.01 **Short Title.** This ordinance shall be known and may be cited as the enactment of Chapter 99, Payment in Lieu of Taxes Ordinance of the Code of the City of Troy. It incorporates Ordinance Agreement No. 83, amended by Ordinance Agreement No. 85, amended by Ordinance Agreement No. 87, established by Resolution #97-885-C-21, adopted on December 15, 1997 (Schedule 1), which establishes a service charge in lieu of taxes for the Magnolia Gardens Housing Development project. It also replaces Ordinance Agreement No. 55, dated January 22, 1973, amended by Ordinance Agreement No. 55-1, dated November 22, 1976 (Schedule 2), which establishes a service charge in lieu of taxes for Oakland Grand Haven Limited Dividend Housing Association LLC (Oakland Park Towers).

99.02 **Purpose.** The City of Troy has determined that providing housing for elderly persons of low income is a public necessity, and as the City will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemptions for such housing is a valid public purpose. The City of Troy is authorized, under the State Housing Development Authority Act, Public Act 346 of 1966 of the State of Michigan (Mich. Comp. Laws Section 125.1401 et. seq.), as amended, to establish or change the service charge to be paid in lieu of property taxes by any or all classes of housing exempt from taxation under the Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. The continuance of the provisions of this Ordinance during the period contemplated in this Ordinance are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

99.03 **Definitions.** The following definitions are to be used in this Chapter:

- (1) **Act** means the State Housing Development Authority Act, being Public Act 346 of 1966 of the State of Michigan (Mich. Comp. Laws Section 125.1401 et. seq), as amended.
- (2) **Annual Shelter Rent** means the total collections during the agreed annual period from all occupants of a housing development representing rent or occupancy charges.
- (3) **Authority** means the Michigan State Housing Development Authority.
- (4) **Contract Rents** are as defined by the U.S. Department of Housing and Urban Development in regulations promulgated pursuant to the U.S. Housing Act of 1937, as amended.
- (5) **Elderly Persons** means a single person who is 55 years of age or

older or a household in which at least one member is 55 years of age or older and all of the members are 50 years of age or older.

- (6) Housing Development means a development which contains a significant element of housing for elderly persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improved the quality of the development as it relates to housing for elderly persons of low income.
- (7) Mortgage Loan means a loan to be made by the Authority to the Sponsor for the construction, permanent financing, or refinancing of the Housing Development.
- (8) Sponsor means a person or entity that has applied to the Authority for a mortgage loan to finance or re-finance a Housing Development.
- (9) Utilities means fuel, water, sanitary sewer service and/or electrical service that are paid by the Housing Development.

99.04 Class of Housing Developments. The class of eligible Housing Developments qualifying for payments in lieu of taxes under this Ordinance is limited to housing for Elderly Persons of low income, which are financed or assisted pursuant to the Act. Oakland Park Towers and Magnolia Gardens have previously been determined to fall within this eligible class of Housing Developments.

99.05 Establishment of Annual Service Charge. Except as otherwise provided below, an annual service charge of 10% of 95% of the Annual Shelter Rents actually collected will apply to any future agreements under the provisions of this Ordinance.

99.05.01 Magnolia Gardens. Pursuant to Ordinance Agreement 87, (December 15, 1997), the contract which is incorporated herein, the Sponsor of the Housing Development identified as Magnolia Gardens agreed to pay to the City of Troy, on account of the Housing Development, an annual service charge for public services in lieu of all property taxes from and after the commencement of construction of the Housing Development, so long as the Mortgage loan remains outstanding and unpaid or the Authority has any interest in the property. Pursuant to Ordinance Agreement No. 87, incorporated herein, the annual service charge for the Magnolia Gardens Housing Development is 4% of the difference between the Annual Shelter Rents actually collected and annual Utilities. This service charge is to be paid on or before April 15 of each calendar year. Ordinance Agreement No. 87, incorporated herein, also required the Sponsor to provide transportation for the residents of Magnolia Gardens,

and to make a \$140,000 contribution to improvements to Grand Haven Avenue.

99.05.02 Oakland Park Towers. Pursuant to Ordinance Agreement No. 55 (November 22, 1976), the contract which is incorporated herein, the Sponsor of the Housing Development identified as Oakland Park Towers agreed to pay to the City of Troy, on account of the Housing Development, an annual service charge for public services in lieu of all property taxes from and after the commencement of construction of the Housing Development, so long as the Mortgage loan remains outstanding and unpaid or the Authority has any interest in the property, and for a period not longer than 40 years. Pursuant to Ordinance Agreement No. 55, incorporated herein, the annual service charge for the Oakland Park Towers Housing Development is 10% of 95% of the total rental or occupancy charges collected or to be collected by the Mortgagor annually as to each of the living units within the Development. This service charge is to be paid on or before August 15 of each calendar year. Ordinance Agreement No. 55 may be replaced by a subsequent agreement concerning the same property.

99.06 Limitation on the Payment of Annual Service Charge. Notwithstanding Section 5, the service charge to be paid each year in lieu of taxes for the part of the Housing Development which is tax exempt and which is occupied by the other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the Housing Development if the Housing Development were not tax exempt.

99.07 Payment of Service Charge. Except as otherwise provided, the service charge in lieu of taxes as determined under the Ordinance shall be payable in the same manner as general property taxes are payable to the City except that the annual payment shall be paid on or before March 1 of each year.

99.08 Duration. This Ordinance shall remain in effect and shall not terminate so long as a Mortgage Loan, entered into with reliance on the enactment and continuing effect of the Ordinance and the qualification of the Housing Development for exemption from all property taxes and a payment in lieu of taxes as established in this Ordinance, remains outstanding and unpaid or the Authority has any interest in the property, not to exceed for (40) years.

99.09 Severability.

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be

declared by any court or competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid. All ordinance or parts of ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

99.10 Effective Date. This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver Rd., Troy, MI on the _____ day of _____
_____ 2002.

Matt Pryor, Mayor

Tonni Bartholomew, City Clerk

ORDINANCE NO. 55 - 1

AN ORDINANCE AUTHORIZING REAL ESTATE TAX EXAMPTION
OF OAKLAND PARK TOWERS

THE CITY OF TROY ORDAINS:

WHEREAS, it is the public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low and moderate income, with such purpose and policy being enunciated in Act No. 346 of the Public Acts of 1966 of the State of Michigan, as amended (herein called the "Act"); and

WHEREAS, Section 15a of the Act, being Mich. Comp. Laws '48 Section 125.1415a, provides for exemption from all property taxation of those housing developments for persons of low and moderate income financed with a mortgage loan made by the Michigan State Housing Development Authority (herein called the "Authority"); and

WHEREAS, such property tax exemption will serve to stimulate the development of housing for citizens of low and moderate income; and

WHEREAS, the City of Troy (herein called the "City") will be benefited and improved by the development of such housing; and

WHEREAS, Oakland Park Towers, a Non-Profit Corporation (Herein called the "Mortgagor"), has erected, owns and operates

a housing development identified as Oakland Park Towers (herein called the "Development"), in certain property located at and more particularly described as follows, to-wit:

Part of the South half of the Northwest quarter of Section 36, T2N, R11E, City of Troy, Oakland County, Michigan, being more particularly described as follows: Beginning at a point in the East line of John R Road distant North 88 degrees, 25 minutes 19 seconds East 53 feet and North 01 degrees 27 minutes 41 seconds West along said East line 578.0 feet and North 01 degrees 24 minutes 38 seconds West 315.00 feet from the West quarter corner of said section 36; thence continuing North 01 degrees 24 minutes 38 seconds West 380.0 feet; thence North 87 degrees 23 minutes 12 seconds East 642.90 feet; thence South 01 degrees 46 minutes 19 seconds East 379.95 feet; thence South 87 degrees 23 minutes 12 seconds West 645.30 feet to point of beginning. Containing 5.6176 acres more or less. Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

in the City (herein called the "Property"), which Development has been financed with a mortgage loan made by the Authority (herein called the "Mortgage Loan") and which Development is intended to serve persons of low and moderate income; and

WHEREAS, the Mortgagor has agreed to pay to the City on account of the Development annual service charge for public services in lieu of all property taxes from and after the commencement of construction of the Development so long as the Mortgage loan remains outstanding and unpaid or the Authority has any interest in the Property; and

WHEREAS, the City Council of the City understands that the

Mortgagor and the Authority are relying upon the qualification of the Development for exemption from all property taxes in order to establish the operational feasibility of the Development; and

WHEREAS, pursuant to the authority vested in the City Council of the City by the Act and by the Charter of the City, the City Council hereby determines that the Development is qualified for exemption from all property taxes as provided in the Act.

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ESTABLISHED by the City Council of the City that, acknowledging the reliance of the Mortgagor and the Authority on exemption from all property taxes as described above, the Property and the Development to be constructed on the Property shall be exempt from all property taxes as provided in the Act from and after the commencement of construction of the Development, and, in consideration of the foregoing and on behalf of the City, the City Council hereby agrees to accept payment of an annual service charge for public services in lieu of all property taxes, to be paid by the Mortgagor to the City on or before August 15 of each year in an amount equal to ten (10%) per cent of the annual shelter rents as defined in the Act collected or to be collected by the Mortgagor as to each of the living units within the Development during the then current calendar year from low and moderate income citizens as defined in the Act and a service charge equal to the full

amount of the property taxes that must be paid on that portion of the Development occupied by citizens other than low and moderate income citizens as defined in the Act.

IT IS HEREBY FURTHER ORDAINED AND ESTABLISHED that this Ordinance shall remain in effect and shall not terminate so long as the Mortgage Loan remains outstanding and unpaid or the Authority has any interest in the Property, not to exceed forty (40) years.

IT IS HEREBY FURTHER ORDAINED AND ESTABLISHED that the various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any Court of competent jurisdiction to be unconstitutional or invalid, the same shall not effect the validity of this Ordinance as a whole or any section or provision hereof other than the section or provision so declared to be unconstitutional or invalid.

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of said City Council held at the Troy City offices, 500 West Big Beaver, Troy, Michigan, on the 22nd day of November

CONSENT AGENDA -CONTINUEDAPPROVAL OF EASEMENT AGREEMENT BETWEEN THE CITY OF TROY AND
MAGNA INTERNATIONAL

C-20

Resolution #97-885-C-20

RESOLVED, that the Easement Agreement between the City of Troy and Magna International, to permit use of a City-owned parcel for driveway and landscaping purposes by Magna International, is hereby approved, and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original minutes of this meeting.

ORDINANCE APPROVING REQUEST FROM THE LOCKWOOD GROUP FOR
EXTENSION OF TIME TO COMMENCE CONSTRUCTION PURSUANT TO
ORDINANCE 85 ESTABLISHING "PAYMENT IN LIEU OF TAXES (PILOT)"
FOR MAGNOLIA GARDENS PROPOSED CONGREGATE CARE COMMUNITY
ADJACENT TO OAKLAND PARK TOWERS I AND II, JOHN R ROAD

C-21

Resolution #97-885-C-21

BE IT ORDAINED, that Ordinance No. 87 to provide a service charge in lieu of taxes for a proposed multiple family dwelling project, identified as Magnolia Gardens on property located adjacent to Oakland Park Towers I and II on John R Road, for persons of low and moderate income to be financed or assisted pursuant to the provisions of the State Housing Development Authority Act of 1996 is hereby approved and adopted; and

BE IT FURTHER ORDAINED, that a copy of the Ordinance shall be attached to the original minutes of this meeting.

CONSIDERATION OF ITEM REMOVED FROM CONSENT AGENDA

D-4

REQUEST FROM VETERANS MEMORIAL COMMITTEE FOR SUPPORT OF
CONCEPT OF PLACEMENT OF VETERANS MEMORIAL AND AUTHORIZATION
FOR CITY STAFF TO WORK WITH COMMITTEE TO DETERMINE
APPROPRIATE SITE AT CIVIC CENTER COMPLEX FOR PLACEMENT OF
MEMORIAL

C-3

Resolution #97-886
Moved by Pallotta
Seconded by Allemon

RESOLVED, that the City Council of the City of Troy supports the concept of the placement of a Veterans Memorial on the Civic Center site as proposed by the Veterans Memorial Committee, and authorizes City staff to work with the Committee to determine an appropriate location for placement of the memorial.

Yeas: All-7



CITY OF TROY
DEC 12 1997
CLERK'S OFFICE

December 9, 1997

Mr. James C. Bacon
City Manager
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

**RE: CITY OF TROY ORDINANCE NO. 85
TAX EXEMPTION ORDINANCE FOR MAGNOLIA GARDENS**

Dear Mr. Bacon:

I am writing to request an extension of the above referenced ordinance as a result of further delays in obtaining final loan commitment from the Michigan State Housing Development Authority and unexpected delays in obtaining right-of-way control required by the City as a condition to the issuance of building permits.

A year ago I was granted the same extension as a result of the progress we were making with MSHDA and the City. I am pleased to inform you that we received MSHDA's Mortgage Loan Commitment in August 1997 and have been diligently pursuing all necessary permits. All of the required plans have been submitted to the City Building Department and have been reviewed and revised. The Building Permits should issue shortly upon the submission of some additional documentation, which we anticipate submitting within the next few weeks.

We have also received and are reviewing MSHDA loan closing documents and anticipate a loan closing shortly. However with the current ordinance expiring 12/31/97 and MSHDA proceeds not releasing from escrow until after the Attorney General's office approves all documentation construction will not commence until 1998. The MSHDA loan amount depends upon the ordinance being in effect at the time of disbursement.

As a result of our progress I would respectfully request that this item be placed on the next regularly scheduled City Council meeting agenda (December 15, 1997) for consideration of amending the Effective Date of Ordinance #85 to December 15, 1997.

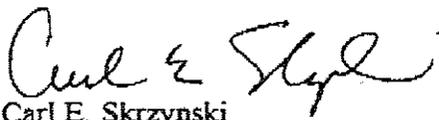
C-21

12-09-1997 12:13 PM FROM LOCKWOOD GROUP 243 242 2000

Mr. James C. Bacon
City Manager
City of Troy
December 9, 1997
Page -2-

I thank you for your anticipated cooperation concerning this matter and would appreciate a confirmation from your office addressing this request.

Sincerely,



Carl E. Skrzynski
Partner

CES/tt

Enclosure

cc: Larry Keisling
Ernie Reschke

Ces/Magnolia/Gov/Corr/Bacon

CITY OF TROY ORDINANCE NO. 85

TAX EXEMPTION ORDINANCE

An Ordinance to provide for a service charge in lieu of taxes for a proposed multiple family dwelling project for persons of low or moderate income, to be financed or assisted pursuant to the provisions of the State Housing Development Authority Act of 1966.

THE CITY OF TROY ORDAINS:

SECTION 1. This Ordinance shall be known and cited as the "City of Troy Tax Exemption Ordinance."

SECTION 2. Preamble.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low or moderate income, and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended, MCLA Section 125.1401 et. seq., MSA Section 116,114 (1) et seq.). The City of Troy is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for persons of low or moderate income is a public necessity, and as the City of Troy will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

The City of Troy acknowledges that The Lockwood Group (the "Sponsor") has offered subject to receipt of a Mortgage Loan from the Michigan State Housing Development Authority, to erect, own and operate a housing development identified as Magnolia Gardens on certain property located adjacent to Oakland Park Towers I & II, (See Section 12. Property Description) in the City of Troy to serve persons of low or moderate income, and that the Sponsor has offered to pay the City of Troy on account of this housing development an annual service charge for public services in lieu of all taxes.

SECTION 3. Definitions.

- A. Authority means the Michigan State Housing Development Authority.
- B. Act means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.
- C. Annual Shelter Rent means the total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants.
- D. Housing Development means a development which contains a significant element of housing for persons of low or moderate income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improve the quality of the development as it relates to housing for persons of low or moderate income.
- E. Mortgage Loan means a loan to be made by the Authority to the Sponsor for the construction and/or permanent financing of the Housing Development.
- F. Utilities means fuel, water, sanitary sewer service and/or electrical service which are paid by the Housing Development.
- G. Sponsor means person(s) or entities which have applied to the Authority for a Mortgage Loan to finance a Housing Development.

SECTION 4. Class of Housing Developments.

It is determined that the class of Housing Developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be a multiple family dwelling project for elderly persons as defined by the Act, which are financed or assisted pursuant to the Act. It is further determined that Magnolia Gardens is of this class.

SECTION 5. Establishment of Annual Service Charge.

The Housing Development identified as Magnolia Gardens and the property on which it shall be constructed shall be exempt from all property taxes from and after the commencement of construction. The City of Troy, acknowledging that the Sponsor and the Authority have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Development for exemption from all property taxes and a payment in lieu of taxes as established in this Ordinance, and in consideration of the Sponsor's offer, subject to receipt of a Mortgage Loan from the Authority, to construct, own and operate the Housing Development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to 4% of the difference between the Annual Shelter Rents actually collected and Utilities.

SECTION 6. Sponsor's Obligations

The Sponsor agrees to provide transportation for the residents of Magnolia Gardens. The Sponsor also agrees to make \$140,000 dollar improvements to Grand Haven Avenue.

SECTION 7. Contractual Effect of Ordinance.

Notwithstanding the provisions of Section 15(a)(5) of the Act, to the contrary, a contract between the City of Troy and the Sponsor with the Authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this Ordinance.

SECTION 8. Payment of Service Charge.

The service charge in lieu of taxes as determined under the ordinance shall be payable in the same manner as general property taxes are payable to the City of Troy except that the annual payment shall be paid on or before April 15th of each year.

SECTION 9. Duration.

This Ordinance shall remain in effect and shall not terminate so long as the Mortgage Loan remains outstanding and unpaid or the Authority has any interest in the property; provided, that construction of the Housing Development commences within one year from the effective date of this Ordinance.

SECTION 10. Severability.

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 11. Effective Date.

This Ordinance shall become effective on December 31, 1996, or as otherwise provided in the Charter. All ordinances or parts of ordinances in conflict with the Ordinance are repealed to the extent of such conflict.

SECTION 12. Property Description

88-20-36-100-061

T2N,R11E, SEC 36 PART OF NW 1/4 BEG AT PT DIST N 88-53-00-E 53.00 FT & N 01-27-41 W 578.00 FT & N 87-23-12 E 646.90 FT & N 01-46-58 W 122.78 FT & N 88-08-39 E 468.74 FT FROM W 1/4 COR, TH N 01-46-58 W 435.43 FT, TH N 88-08-39 E 403.86 FT, TH S 01-36-14 E 480.41 FT, TH S 88-06-54 W 236.57 FT, TH N 01-43-41 W 45.10 FT, TH S 88-08-39 W 165.84 FT TO BEG 4.27 A

88-20-36-100-062

T2N, R11E, SEC 36 PART OF NW 1/4 BEG AT PT DIST N 87-27-11 E 1910.55 FT & N 01-45-19 W 646.25 FT FROM W 1/4 COR, TH S 88-06-54 W 339.80 FT, TH N 01-36-14 W 480.41 FT, TH S 88-08-09 W 359.56 FT, TH N 01-46-58 W 261.26 FT, TH N 88-32-30 E 122.40 FT, TH N 01-44-43 W 8.41 FT, TH N 88-55-14 E 578.82 FT, TH S 01-31-34 E 741.17 FT TO BEG 8 A 1-15-86 COR L9234 P708

Adopted:



Jeanne M. Stine, Mayor



Tamara A. Renshaw, City Clerk

CITY OF TROY ORDINANCE NO. 87

TAX EXEMPTION ORDINANCE

An Ordinance to provide for a service charge in lieu of taxes for a proposed multiple family dwelling project for persons of low or moderate income, to be financed or assisted pursuant to the provisions of the State Housing Development Authority Act of 1966.

THE CITY OF TROY ORDAINS:

SECTION 1. This Ordinance shall be known and cited as the "City of Troy Tax Exemption Ordinance."

SECTION 2. Preamble.

It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low or moderate income, and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended, MCLA Section 125.1401 et. seq., MSA Section 116,114 (1) et seg.). The City of Troy is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses not to exceed the taxes that would be paid but for this Act. It is further acknowledged that such housing for persons of low or moderate income is a public necessity, and as the City of Troy will be benefited and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

The City of Troy acknowledges that The Lockwood Group (the "Sponsor") has offered subject to receipt of a Mortgage Loan from the Michigan State Housing Development Authority, to erect, own and operate a housing development identified as Magnolia Gardens on certain property located adjacent to Oakland Park Towers I & II, (See Section 12. Property Description) in the City of Troy to serve persons of low or moderate income, and that the Sponsor has offered to pay the City of Troy on account of this housing development an annual service charge for public services in lieu of all taxes.

SECTION 3. Definitions.

- A. Authority means the Michigan State Housing Development Authority.
- B. Act means the State Housing Development Authority Act, being Public Act 346 of 1966, of the State of Michigan, as amended.
- C. Annual Shelter Rent means the total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants.
- D. Housing Development means a development which contains a significant element of housing for persons of low or moderate income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the Authority determines improve the quality of the development as it relates to housing for persons of low or moderate income.
- E. Mortgage Loan means a loan to be made by the Authority to the Sponsor for the construction and/or permanent financing of the Housing Development.
- F. Utilities means fuel, water, sanitary sewer service and/or electrical service which are paid by the Housing Development.
- G. Sponsor means person(s) or entities which have applied to the Authority for a Mortgage Loan to finance a Housing Development.

SECTION 4. Class of Housing Developments.

It is determined that the class of Housing Developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be a multiple family dwelling project for elderly persons as defined by the Act, which are financed or assisted pursuant to the Act. It is further determined that Magnolia Gardens is of this class.

SECTION 5. Establishment of Annual Service Charge.

The Housing Development identified as Magnolia Gardens and the property on which it shall be constructed shall be exempt from all property taxes from and after the commencement of construction. The City of Troy, acknowledging that the Sponsor and the Authority have established the economic feasibility of the Housing Development in reliance upon the enactment and continuing effect of this Ordinance and the qualification of the Housing Development for exemption from all property taxes and a payment in lieu of taxes as established in this Ordinance, and in consideration of the Sponsor's offer, subject to receipt of a Mortgage Loan from the Authority, to construct, own and operate the Housing Development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to 4% of the difference between the Annual Shelter Rents actually collected and Utilities.

SECTION 6. Sponsor's Obligations

The Sponsor agrees to provide transportation for the residents of Magnolia Gardens. The Sponsor also agrees to make \$140,000 dollar improvements to Grand Haven Avenue.

SECTION 7. Contractual Effect of Ordinance.

Notwithstanding the provisions of Section 15(a)(5) of the Act, to the contrary, a contract between the City of Troy and the Sponsor with the Authority as third party beneficiary under the contract, to provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this Ordinance.

SECTION 8. Payment of Service Charge.

The service charge in lieu of taxes as determined under the ordinance shall be payable in the same manner as general property taxes are payable to the City of Troy except that the annual payment shall be paid on or before April 15th of each year.

SECTION 9. Duration.

This Ordinance shall remain in effect and shall not terminate so long as the Mortgage Loan remains outstanding and unpaid or the Authority has any interest in the property; provided, that construction of the Housing Development commences within one year from the effective date of this Ordinance.

SECTION 10. Severability.

The various sections and provisions of this Ordinance shall be deemed to be severable, and should any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the Ordinance as a whole or any section or provision of this Ordinance other than the section or provision so declared to be unconstitutional or invalid.

SECTION 11. Effective Date.

This Ordinance shall become effective on December 31, 1997, or as otherwise provided in the Charter. All ordinances or parts of ordinances in conflict with the Ordinance are repealed to the extent of such conflict.

SECTION 12. Property Description

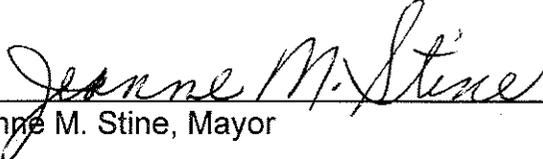
88-20-36-100-061

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Adopted:



Jeanne M. Stine, Mayor



Tamara A. Renshaw, City Clerk

NOV 20 2002

LOOMIS, EWERT, PARSLEY, DAVIS & GOTTING

CITY OF TROY
CITY MANAGER'S OFFICEA PROFESSIONAL CORPORATION
232 SOUTH CAPITOL AVENUE, SUITE 1000

LANSING, MICHIGAN 48933-1525

TELEPHONE: (517) 482-2400 FACSIMILE: (517) 482-4313
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LISA A. HANSON
MICHAEL C. RAMPE

PLUMMER SNYDER
(1900-1974)

GEORGE W. LOOMIS
QUENTIN A. EWERT
WILLIAM D. PARSLEY
OF COUNSEL

PETER J. KULICK
OF COUNSEL-SPECIAL PROJECTS

November 19, 2002

John Lamarato
City Manager's Office
500 W. Big Beaver Road
Troy, Michigan 48084

Re: Oakland Park Towers

Dear Mr. Lamarato:

Thank you for forwarding to me Ordinance No. 55. We had several people at the City looking for this as it was referenced in the Tax Abatement Agreement between the City and Oakland Park Towers dated April 27, 1976. No one could seem to locate it. In reviewing the Ordinance it provides that it shall remain in effect so long as the mortgage loan with the Authority remains outstanding and unpaid or the Authority has an interest in the property not to exceed 40 years. The current mortgage on the property will be refinanced with a new 35 year mortgage from the Authority to Oakland Grand Haven Limited Dividend Housing Association LLC. It is anticipated that this financing will be approved at the November 20, 2002 Authority Board Meeting and that closing will take place within 90 days thereafter.

I am enclosing herewith a draft PILOT Ordinance which would replace the current Ordinance No. 55. The draft is in the form as adopted and used by MSHDA. It provides that the current PILOT will continue so long as the Authority mortgage is on the property or the Authority has an interest but not for more than 40 years. The MSHDA Board Report requires a continuation of the PILOT for the life of the new mortgage loan. I have not included in the Ordinance reference to the existing Ordinance which I assume will be replaced. I was not sure how you might want to handle that. The same is probably true with the Tax Abatement Agreement of April 27, 1976 between the City and Oakland Park Towers Limited Dividend Partnership. In the event that the transfer does not take

LOOMIS, EWERT, PARSLEY, DAVIS & GOTTING

Letter to John Lamarato

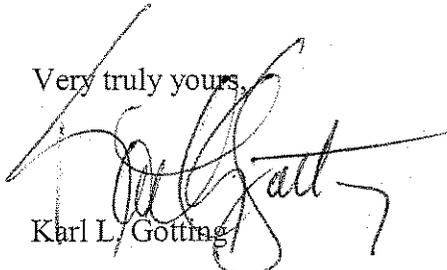
Page two

November 19, 2002

place then neither the Authority nor the current owner would want the contract or the ordinance to expire.

Based on our conversation it was my impression that this matter could be presented to the City Council as early as December. This would be helpful in getting this matter to closing as that will not occur absent the PILOT. Finally, you should know that a substantial rehabilitation is being proposed including rehabilitation of the boilers, hot water heaters and peripheral systems. Also, additional work will involve the mechanical and electrical systems, site work and other modifications. After you have reviewed the enclosed, please call me so we can discuss the same further.

Very truly yours,



Karl L. Gotting

KLG:lse

cc/enc.

Charles Allen

Steve Nolan, Esq.

Richard Eusani, Esq.

December 30, 2002

TO: The Honorable Mayor and City Council Members
FROM: John Szerlag, City Manager
SUBJECT: Protocol for Facility Dedication Plaques

Our current practice for identifying Council Members on dedication plaques is to list those members sitting on Council at the time of the ribbon-cutting ceremony. Council Member Pallotta asked if this policy should be changed to also identify Council members that were involved with hiring the architect that designed the facility.

There has been a varying degree of involvement by Council members since April of 1999 relative to the Police/Fire Training Facility, Nature Center, Community Center, Police/Fire Administration addition, and Fire Station #3. Following is a list of Council members in office since 1999:

Henry Allemon
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Martin Howrylak
Thomas Kaszubski
David Lambert
Anthony Pallotta
Matt Pryor
Louise Schilling
John Stevens
Jeanne Stine
Eldon Thompson

HISTORIC DISTRICT COMMISSION MINUTES-FINAL

JUNE 18, 2002

MEETING CALLED TO ORDER AT 7:34 P.M. ON TUESDAY, JUNE 18, 2002.

PRESENT: Kevin Danielson, Chair
Dorothy Scott
Paul Lin
Marjorie Biglin
Wilson (Deane) Blythe

STAFF: John M Skeens, Education Coordinator/Museum

GUEST: Jack Turner, Veterans Committee Chairman

ABSENT: Jacques Nixon (excused)

ITEM #1 APPROVAL OF MINUTES OF MEETING OF MAY 21, 2002.

MOVED BY DANIELSON SECONDED BY BIGLIN APPROVAL OF THE MINUTES OF THE MEETING OF MAY 21, 2002 AS WRITTEN.

Yes: 5--Danielson, Scott, Lin, Biglin, Blythe.

ITEM# 2 Moved forward from Agenda - Comemerative bricks at the Veterans Memorial

- A. Jack Turner , Veterans Committee Chairman, spoke about the Veterans Memorial brick project. WW I will not be included in the project; not historical. Scott moved to keep 2 veterans of the Toledo War on separate bricks. All bricks will be ordered per Turner.

Jack Turner was advised to prepare an invoice for the cost of the bricks so as to take advantage of the 2001 budget. Requisition due before 6/30/2002. Veterans Day was suggested by Turner for the presentation of the veterans bricks.

Lin commented on the diversity of all veterans inclusive of the Asian/Americans that were also in these wars.

ITEM # 3 NEW BUSINESS

- A. Scott informed committee of Mr. Don Philips, building inspector giving misinformation to owner at 6059 Livernois 6091? Basement filled with water. City trying to demolish? Recommendation by Lin to call liaison, Mitch and inform of the situation and get legal requirements. It was stated that a memo needed to be drafted to council to advise departments of handling of work related to historic sites.

ITEM # 4 OLD BUSINESS

- A. 770 W. Square Lake Road Historic Site # 04-301-012 Tabled. Lin noted that he would check windows.
- B. Update of Historic Site # 10-101-104 (Church and Parsonage/Historic Park)
Update of Historic Site # 10-101-032 (Krell Property) John's Party Store. Mentioned ad hoc committee attended by Nixon and Turner. No report available in Nixon's absence
General discussion. Scott mentioned Judge Mester hearing on the issue. Scott stated that he judge should not have ruled to have the site moved. Commission's responsibility. Scott stated that Chapter 13 does not provide for moving church. Also, stated that the commission

(at that time, i.e. prior to the judges ruling) did approve for the movement of these buildings to the green area.

Scott and Lin indicated that the commission should be working on getting an historical passage way on Square Lake from Troy Cemetery (east of Rochester Rd.) to Crooks Road. A new study group (ad hoc) should be formed by the commission, with commission members doing the study. Lin commented, the corridor development should integrate/incorporate a plan utilizing the ad hoc recommendations.

- C. Flyer Program. Pending city attorney's legal review.
- D. Yamasaki Designation. Tabled for further study.
- E. See item above.
- F. Historic Site Evaluation. Motion by Lin to have a feasibility study of the Square Lake Corridor is one historic district as referenced in item B above.

MOTION: By Lin, seconded by Danielson

Yes: 5--Scott, Lin, Blythe, Biglin, Danielson

Motion passed.

The Historic District Commission meeting adjourned at 9:30 p.m.

The next regular meeting is scheduled for Tuesday, July 16, 2002 at 7:30 PM at the Troy City Hall in Conference Room C.

Respectively Submitted

Marjorie Biglin
Secretary

HISTORIC DISTRICT COMMISSION MINUTES-FINAL JULY 16, 2002

MEETING CALLED TO ORDER AT 7:33 P.M. ON TUESDAY, JULY 16, 2002.

PRESENT: Kevin Danielson, Chair
 Dorothy Scott
 Paul Lin
 Marjorie Biglin
 Wilson (Deane) Blythe
 Jacques Nixon

STAFF: John M Skeens, Education Coordinator/Museum
 Lori Bluhm, Attorney for City of Troy
 Brian Stoutenburg, Library Director
 Councilman Martin Howrylak

GUESTS: Audrey Zembrzuski
 Jack Turner

ABSENT: All present

ITEM # 1 MINUTES OF MEETING OF JUNE 18, 2002 UNAVAILABLE.

ITEM # 2 NEW BUSINESS

- A. Bob Hobert of 36551 Dequindre site # 25-230-030 change from residential to office.

ITEM # 3 OLD BUSINESS

- A. Lin presented his written motion based upon a vote to have the commission do a feasibility study on the Square Lake Corridor concept. Much criticism ensued. It was noted that the Planning Commission meeting is coming within 2 weeks. Nixon presented another motion which was further discussed and not approved.

Motion made by Nixon and seconded by Biglin.

MOTION: To allow the City of Troy to apply to the Troy Historic District Commission to move the church and parsonage to museum green.

3 Yes: Nixon, Biglin, Blythe 3 No: Lin, Scott, Danielson

Motion Tied: Application Denied.

It was stated by Nixon that since the vote did not go through, the City of Troy will have to appeal to the State Historic Preservation Review Board unless the votes were reconsidered. All voted for reconsideration with the exception of Scott to not reconsider. It was decided to wait a week and return for a single agenda meeting to vote again on the application to begin. Meeting for the purpose of the church and parsonage reconsideration and written motion scheduled: 7/23/2002.

Motion made by Nixon and seconded by Biglin.

MOTION: To set aside and table Application Motion for further discussion on 7/23/2002.

5 Yes: Nixon, Biglin, Blythe, Lin, Danielson 1 No: Scott

Motion Approved

- B. Flyer Program. Attorney set back with this project due to other litigation she is handling at this time. Item tabled.
- C. Yamasaki Designation. Skeens to gather historical background. Tabled till September.
- D. Combative Bricks. 183 names to be placed on bricks. Veterans Day as suggested by Jack Turner, Vets Chair, to be presentation day for the veterans bricks. An invoice for brick payment was not submitted to the city, therefore, the 2002 budget was not utilized. A cut off date was asked of Mr. Turner by Skeens. Danielson suggested mid August to stop researching.

MOTION: To hold the release of \$7,000.00 from 2002 budget towards brick purchase.

5 Yes: Biglin, Blythe, Lin, Danielson, Scott Excused: Nixon

Motion Passed.

- E. Historic signage. Noted that the signage should be consistent throughout the city. Tabled for now.
- F. 770 Square Lake – Tabled.

OTHER

- A. Scott requested how to pursue a copy of a road map showing the gas line positions on Square Lake Road before Krell property was removed.

The Historic District Commission meeting adjourned at 9:30 p.m.

The next meeting, single agenda, is scheduled for Tuesday, July 15, 2002 at 7:30 PM at the Troy City Hall in Conference Room C.

Respectively Submitted

Marjorie Biglin
Secretary

HISTORIC DISTRICT COMMISSION MINUTES-FINAL

JULY 23, 2002

SINGLE AGENDA MEETING CALLED TO ORDER AT 7:37 P.M. ON TUESDAY, JULY 23, 2002.

PRESENT: Kevin Danielson, Chair
Dorothy Scott
Paul Lin
Marjorie Biglin
Wilson (Deane) Blythe
Jacque Nixon

STAFF: John M Skeens, Education Coordinator/Museum
Lori Bluhm, City Attorney
Brian Stoutenburg, Library/Museum Director
Mark Stimac, Director of Building Zoning

GUESTS: Kelly Watson, Gerald Yurk and Assoc.
Jack Turner, Hist. Comm. Member, Ad hoc Chairman

Item #1 – A discussion and review of plans as presented by Mark Stimac of the Building and Zoning Department for the movement of the church and parsonage and to set approval of the proposed resolution statement.

Paul Lin read his motion/letter and a discussion of the Right of Way and a master thoroughfare plan. Lin inquired as to what criteria was used to develop the “master” plan and widening of Square Lake. Noted that the north side of Square Lake Rd. is greater than 60 ft. It was noted that the Historical Corridor/Troy Corners structures were impacted by the newer structures on the road which do not fit in. Development of the remaining site was discussed and noted that the ad hoc committee was formed specifically to address the master plan.

City Council approved the sale of the Krell property with the intention that the money from the sale be used toward building a park on the church and parsonage site and that a descriptive narrative of Troy Corners be installed at the site. Lori Bluhm stated that the HDC is to retain control of site designation. Also noted that Chapter 13 governed structures of exterior only. Interior suggestions of HDC should go through the ad hoc comm. City Council to determine final site plan approval.

Money spent was a concern raised by Paul Lin. Chair, Kevin Danielson stated that cost is not the responsibility of HDC. Dorothy Scott concerned with the emotional impact to the community if the site is moved. Jacque Nixon’s response was that the building will deteriorate if it is not moved. Comments were made that if the buildings remained at Square Lake, there would be extensive costs associated with running two separate historical areas, i.e. security, employment and maintenance. It was also noted that the cost to renovate the existing site would exceed 850K.

Amendment proposal. Conditional approval discouraged.

Motion by Dean Blythe to add additional language to the proposed resolution.
HDC designation of the buildings to the Village Green area.
Square Lake Property to be used as a park.

Seconded by Jacque Nixon. Language redrafted and agreed.

RESOLUTION:

WHEREAS, the City of Troy has filed an application to move the historic church and parsonage from its current location at 90 E. Square Lake Road and 110 E. Square Lake Road to the Troy Museum and Historic Village, located at 60 W. Wattles Road; and

WHEREAS, the Historic District Commission for the City of Troy has reviewed the structures in question and are aware of the structures in relation to adjacent structures; and

WHEREAS, the Historic District Commission has reviewed the Troy Church and Parsonage Relocation and Historic Restoration plan, as submitted by Gerald Yurk; and

WHEREAS, the Historic District Commission has also reviewed proposed site plans for the relocation of the historic structures to the Troy Museum and Historic Village, located at 60 W. Wattles Road; and

WHEREAS, the Historic District Commission is satisfied that retention of the historic structures in their current location, at 90 and 110 E. Square Lake Road, Troy, Michigan would cause undue financial hardship to the City of Troy, and that moving the structures to 60 W. Wattles Road would materially improve this financial hardship; and

WHEREAS, the Historic District Commission is satisfied that retention of the historic structures at 90 and 110 E. Square Lake Road, Troy, Michigan, in the short and long term analysis of factors, is not the best alternative for the preservation of the structure; and

WHEREAS, the Historic District Commission is satisfied that under the current City of Troy Ordinances, the proposed move of the historic structures from their current location to 60 W. Wattles Road will still subject the historic structures to the regulation of the Troy Historic District Commission, as set forth in Chapter 13 of the City of Troy ordinances; and

WHEREAS, the Historic District Commission has also appointed representatives to serve on an ad hoc committee, comprised of delegates of the Troy Historic District Commission, Troy Historical Commission and the Troy Historical Society, which shall serve as an oversight committee to ensure that the historic church and parsonage will replicate its historic roots in design, environmental character, and scale to its state in the late 1800 to early 1900's;

NOW THEREFORE, the Troy Historic District Commission approves the application of the City of Troy to move the historic church and parsonage from their current locations at 90 and 110 E. Square Lake Road, Troy, MI to the Troy Museum and Historic Village, located at 60 W. Wattles Road, in the City of Troy; provided that the Square Lake property will be used as a park which will be developed consistent with historic nature to provide information and interpretation of the entire Troy Corners area.

The Chair of the Historic District Commission is therefore authorized to sign a certificate of approval, which shall be attached to the application for a building permit and immediately transmitted to the City of Troy Director of Building and Zoning. The Chair of the Historic District Commission is further authorized to stamp the application submitted to the Historic District Commission signifying the approval.

Vote taken to add language and to pass the proposed resolution:

Dorothy Scott	No
Paul Lin	Yes
Dean Blythe	Yes
Jacque Nixon	Yes
Kevin Danielson	Yes
Margie Biglin	Yes

Motion Passed

The Historic District Commission meeting adjourned at 9:50 p.m.

Respectively Submitted
Marjorie A. Biglin, Secretary

HISTORIC DISTRICT COMMISSION MINUTES-FINAL AUGUST 13, 2002

MEETING CALLED TO ORDER AT 7:30 P.M. ON TUESDAY, AUGUST 13, 2002.

PRESENT: Kevin Danielson, Chair
Dorothy Scott
Paul Lin
Wilson (Deane) Blythe
Jacques Nixon

STAFF: John M Skeens, Education Coordinator/Museum

GUESTS: Audrey Zembrzski

ABSENT: Marjorie Biglin (Excused)

ITEM # 1 Further review of road impact and other issues on the historic districts on the south side of Square Lake Road East of Livernois.

- a. Dorothy Scott expressed concern that any future road improvement or widening of Square Lake would have a major impact on the remaining historic districts now that the City of Troy is proceeding with the moving of the Church and Parsonage structures.
- b. Existing Right of Way has been purchases by the City of Troy on the north side of Square Lake Road, but concerns are still present as to the effect to the structures on the south.
- c. Paul Lin proposed a motion that if the City of Troy did not give further assurances that the church and parsonage meet strict safety codes and that additions and aesthetics be compliant with proper preservation methods and standards then they should vote to reconsider their motion to allow the move of the church and parsonage. That further assurances be given that no impact would effect the structures on the south side of Square Lake.
- d. Jacques Nixon excused himself from the meeting at 8:01 pm.
- e. Wilson (Deane) Blythe requested excusal from the chairman at 8:05 pm and was excused from the meeting.

The Historic District Commission meeting adjourned at 8:05 p.m. due to lack of quorum.

The next meeting, single agenda, is scheduled for Tuesday, August 27, 2002 at 7:30 PM at the Troy City Hall in Conference Room C.

Respectively Submitted

John M Skeens
Education Coordinator
City of Troy-Museum

HISTORIC DISTRICT COMMISSION MINUTES-FINAL

AUGUST 27, 2002

SINGLE AGENDA MEETING CALLED TO ORDER AT 7:38 P.M. ON TUESDAY, AUGUST 27, 2002.

PRESENT: Kevin Danielson, Chair
Dorothy Scott
Paul Lin
Marjorie Biglin
Wilson (Deane) Blythe
Jacque Nixon

STAFF: John M Skeens, Education Coordinator/Museum
Lori Bluhm, City Attorney
Brian Stoutenburg, Library/Museum Director
Lorraine Campbell, Acting Museum Manager
Mark Stimac, Director of Building Zoning

GUESTS: Gerald Yurk, Gerald Yurk and Assoc., Project Manager
Kelly Watson, Gerald Yurk and Assoc.

Item #1 - Discussion and review drawings and report provided by Gerald J. Yurk and Associates of the movement of Church and Parsonage presently located on Square Lake.

Paul Lin felt that the blue prints and report were untimely received. He also felt the movement to the Village Green seemed to be conflict of church and state. Paul Lin wanted the church (if moved to the green) to be set back further. Mr. Yurk stated cost was the major factor not to move church back at Village Green due to major electrical line movement would be involved.

Dorothy Scott re-iterated her concern to keep the church and parsonage at the current site.

Mr. Yurk investigation as to the year the church originally constructed was based upon materials used at the time and the subsequent additions made to the buildings.

Discussion of handicapped access. Comments made by Lin, Biglin and Blythe. Was determined that the layout was in compliance with building requirements. An informal meeting of the HDC was recommended by Paul Lin to further discuss the plans was discouraged by Lori Bluhm, City Attorney who reminded Mr. Lin that this would not be in compliance with the "open meetings" law.

Blythe commented if anyone had any other comments or concerns with the drawings etc. There were none.

Motion by Deane Blythe to add "Where As" clause to resolution approval.

Seconded by Jacque Nixon.

Dorothy Scott concerned and wanted a second vote for the movement or non-movement of the church and parsonage.

Motion by Blythe to ad "Where As" clause **rescinded**.

Motion by Dorothy Scott to change vote. **No second to the motion**.

Motion by Deane Blythe to add "Where As" clause to proposed resolution as follows:

"WHERE AS", the Historic District Commission is satisfied that under the current City of Ordinances, the proposed move of the historic structures from their current location to 60 W. Wattles Road will still subject the historic structures to the regulation of the Troy

Historic District Commission, as set forth in Chapter 13 of the City of Troy ordinances; and”

Seconded by Jacque Nixon.

PROPOSED RESOLUTION

WHEREAS, the City of Troy has filed an application to move the historic church and parsonage from its current location at 90 E. Square Lake Road and 110 E. Square Lake Road to the Troy Museum and Historic Village, located at 60 W. Wattles Road; and

WHEREAS, the application has now been supplemented with construction documents, including a site plan, building plans, specifications and historic briefs used as a basis of design, which have been prepared by architect Gerald J. Yurk of Gerald Yurk & Associates; and

WHEREAS, the Historic District Commission is satisfied that under the current City of Troy Ordinances, the proposed move of the historic structures from their current location to 60 W. Wattles Road will still subject the historic structures to the regulation of the Troy Historic District Commission, as set forth in Chapter 13 of the City of Troy ordinances; and

WHEREAS, the Historic District Commission for the City of Troy finds the supplemental documents to be in keeping with the goals of Chapter 13 of the City of Troy ordinances and the Historic District Commission’s earlier resolution of July 23, 2002;

NOW THEREFORE, the Troy Historic District Commission approves the application, as supplemented, of the City of Troy to move the historic church and parsonage from their current locations at 90 and 110 E. Square Lake Road, Troy, MI to the Troy Museum and Historic Village, located at 60 W. Wattles Road, in the City of Troy; provided that the Square Lake property will be used as a park which will be developed consistent with historic nature to provide information and interpretation of the entire Troy Corners area.

The Chair of the Historic District Commission is therefore authorized to sign a certificate of approval, which shall be attached to the application for a building permit and immediately transmitted to the City of Troy Director of Building and Zoning. The Chair of the Historic District Commission is further authorized to stamp the application submitted to the Historic District Commission signifying the approval.

Vote taken on the Proposed Resolution

Dorothy Scott	No
Jacque Nixon	Yes
Dean Blythe	Yes
Marjorie Biglin	Yes
Paul Lin	Abstain
Kevin Danielson	Yes

Motion and Resolution Passed

The Historic District Commission meeting adjourned at 9:30 p.m.

Respectively Submitted

Marjorie Biglin
Secretary

HISTORIC DISTRICT COMMISSION MEETING

SEPTEMBER 17, 2002

PRESENT: Marjory A. Biglin
Jacques O. Nixon
Wilson (Deane) Blythe

STAFF: John M. Skeens, Education Coordinator/Museum

ABSENT: Kevin Danielson (Excused)
Paul C. Lin (Excused)
Dorothy Scott

Due to a lack of a Quorum, this meeting was canceled.

The next regular meeting is scheduled for Tuesday, October 15, 2002 at 7:30 PM at the Troy City Hall in conference room C.

Respectively Submitted

John M Skeens
Education Coordinator
City of Troy-Museum

MEETING CALLED TO ORDER AT 7:32 P.M. ON TUESDAY, October 15, 2002.

PRESENT: Jacques O. Nixon
Marjorie Biglin
Wilson (Deane) Blythe
Anne Partlan

STAFF: John M Skeens, Education Coordinator/Museum

ABSENT: Paul Lin (Excused)
Kevin Danielson (Excused)
Dorothy Scott

APPROVAL OF MINUTES of June 18, July 16, July 23, August 13 and August 27,2002

Minutes approved as written.
All in favor
(4) YES- Nixon, Biglin, Blythe, Partlan

New Business**Item #1 - Introduction of new member to HDC**

Anne Partlan introduced herself. Resident of Troy/Birmingham area all her life. Resident of Troy approx. 25 years. Currently a volunteer at the museum. Welcomed by all.

Item #2 – Review of members terms.

Determined that a vice chairman was needed.
Motion by Biglin to elect Jacques Nixon as co-chairman.
Approved
(4) YES Blythe, Biglin, Partlan, Nixon

Julie Blair attended the meeting to register her residence as an historical site located on Square Lake Rd. between Livernois and Rochester Rd. John Skeens reviewed with Ms. Blair the information to spec. sheets and the procedure for the registration process. Tax incentives, state benefits and questionnaire were discussed with Ms. Blair. Skeens suggested to find out more of the history of this site. John Skeens to advise historical architect and instructed Ms. Blair to do a title search.

(Also noted that the paperwork for the Yamasaki location to be filled out by commission.)

Old Business**Item #1 - Commemorative bricks at the Veterans Memorial**

Motion by Nixon to allocate the monies (5K – 7K) for the bricks.
Seconded by: Blythe
All in favor.
(4) YES Nixon, Blythe, Biglin, Partlan
Formal ceremony to be on Veterans Day.

Item#2 - Update of Historic Site #04-301-012 (770 W. Square Lake Rd)

Owner given 5 years to complete restorations. Noted that owner was given other concessions.

Item#3 - Update on Historic Site #10-101-104 (Historic Park)

Driveway entrance, various concepts, edifices and positioning of such discussed. Need to clarify when plans should be submitted to ad hoc committee.

Commission needs to decide on signage place on designated properties.

3-5 year phase.

Item#4 - Flyer Program

TABLED. Pending Lori Bluhm input.

Item #5 - Yamasaki Designation

Skeens informed the committee that the World Trade Center was designed on this site in 1984 – 1985.

Designation for Yamasaki's 20th century contribution should be considered. Discussed that members of the committee should attend the Retirement Boards meeting to request that the either the building stay, i.e. tax incentive etc. Noted that the building is leased through 2006.

Item #6 - Historic Evaluation

Take photos of all historic sites.

Review the historic homes act.

Better inventory of sites.

How did Pontiac get their funds. Need to check into this matter.

MOTION: Nixon to memo the Real Estate & Development CC: council to:

Determine the dollars allocated for Troy.

Dean Blythe offered to meet or call Doug Smith to obtain information.

Seconded by Partlan

(4) YES Nixon, Biglin, Blythe, Partlan

HDC meeting adjourned at 8:54 p.m.

The next regular meeting is scheduled for Tuesday, November 19, 2002 at 7:30 PM at the Troy City Hall in Conference Room C.

Respectively Submitted,

Marjorie A. Biglin
Secretary

The Special Study Meeting of the Troy City Planning Commission was called to order by Vice-Chairman Littman at 7:30 p.m. on November 5, 2002, in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Littman
Pennington
Starr
Storrs
Vleck
Waller
Wright (arrived 7:33 p.m.)

Absent

Chamberlain
Kramer

Moved by Starr

Seconded by Pennington

RESOLVED, that Mr. Chamberlain and Mr. Kramer be excused from attendance at this meeting.

Yeas

All present (6)

Absent

Chamberlain
Kramer
Wright (arrived 7:33 p.m.)

MOTION CARRIED

Also Present:

Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney

2. MINUTES - October 22, 2002 Special Study

RESOLUTION

Moved by Starr

Seconded by Wright

RESOLVED to approve the October 22, 2002, Planning Commission Special Study Meeting minutes as amended.

Yeas:

Waller
Littman
Starr
Storrs
Vleck

Abstain:

Wright
Pennington

Absent:

Chamberlain
Kramer

MOTION CARRIED

3. CURRENT DEVELOPMENT REPORT

Mr. Savidant asked if all members received a copy of the memo that was written by City Manager, John Szerlag.

Mr. Savidant stated the "screen walls" was an agenda item at City Council last night, which was denied - Resolution "A". The resolution further stated: BE IT FURTHER RESOLVED, That City Management is directed to meet with the Planning Commission to propose alternative ordinance revisions regarding screen walls that would give the Planning Commission more authority in determining effective screening methods as part of the development plan approval process as delineated in the Memorandum from the City Manager, dated October 29, 2002.

Mr. Savidant further stated the City Manager has indicated that he would like to attend a Special Study Session to discuss this item with the Planning Commission.

Mr. Storrs stated when you read the City Manager's note to City Council, he thinks we're getting improperly into engineering items. What I'd like to know is what went wrong up on Evanswood? What went wrong engineering-wise? It happened behind Reece's house also. If we're not supposed to do engineering, what went wrong in those two instances? Why shouldn't we worry about engineering as it relates to residents coming in stating their problems?

Mr. Littman commented we could send a recommendation to Engineering, who may or may not pay any attention.

Mr. Waller stated, if in fact we are exceeding our authority, that means somebody else has to be responsible and if those parties are not, where does that leave the taxpayers?

Mr. Waller further stated there needs to be discussions and what will come out of it is a general awareness that there has to be some changes and someone is going to have to step up to the responsibility.

Mr. Waller mentioned that there were some improvements made at the Hollywood Market entry drive that are inconsistent with the approved site plan. He assumed that the changes were approved by the Oakland County Road Commission who had jurisdiction over the right of way. He asked whether the city had any review authority for changes in an OCRC right-of-way that were inconsistent with an approved site plan.

Mr. Savidant stated that the city had no approval authority. He stated that he would verify this with the Engineering Department.

Mr. Littman stated in order to make changes, we first have to recognize there is a problem. We need to bring up some of the issues that the citizens bring to us.

Mr. Storrs stated we wanted to prevent tearing up a lot of the root systems.

Ms. Lancaster stated Ms. Bluhm, City Attorney for Troy, reviewed Mr. Szerlag's memo and made some comments before it went to Council. The BZA might have the authority to waive the brick material for the same reasons you could grant a waiver for any zoning ordinance; that is, if there was a practical difficulty.

Ms. Lancaster commented on Item #2 of the memo regarding the discussions on the grading, trenching and the drainage. She believes a drainage problem could arise with any kind of wall, not just that proposed in the ordinance. She stated in Items #3 and #4 of the memo, it is implied that this Commission has the authority to relocate walls around trees. However, the ordinance is somewhat vague and it doesn't specifically say you can move the wall for trees alone. It talks about moving the wall to focus on the intent of the ordinance, which is the screening and obscuring function. That might be one reason to clarify that language.

Mr. Littman asked if this was all about the golf course.

Ms. Lancaster replied she thinks it resulted from the golf course and Council's thinking that walls are not always appropriate. There are some situations where walls are not necessarily the way to go.

Mr. Littman asked, do we or do we not have the authority to move a wall location?

Ms. Lancaster replied, not for trees in and of themselves. In Section 39.10.02, the provision doesn't really say for trees only and I suppose anybody could always read into that. It's not really clear that it means specifically trees.

Mr. Littman stated, when Gary Chamberlain gets back, he will coordinate a meeting with John Szerlag. He would like to have the City Engineer present also.

Mr. Starr stated he would like to encourage this as soon as we can get it on our agenda.

Mr. Vleck suggested, if we're overstepping our boundaries, then obviously we don't know how to write an ordinance the way Council wants it written; why doesn't Council have their own study session, do their own research, do it themselves instead of wasting our time.

Mr. Littman stated I guess it's our decision whether we want to deal with this or not.

Ms. Lancaster stated that it is actually one of the Planning Commission's designated responsibilities.

Ms. Pennington asked, we don't have a response from City Council?

Mr. Savidant replied, just in the form of a resolution.

Mr. Littman stated nothing was passed, changed, or corrected. It was a request by the City Manager to meet with us.

Mr. Savidant stated another item regarding the Current Development Report is the Open Space Preservation Option that the Planning Commission worked on and approved for recommendation to City Council. This item is scheduled for a City Council Study Session on November 11th and is a City Council agenda item for November 17th. City Management is supportive of the Planning Commission's version, but Council has created modified versions.

Mr. Littman asked, how have they modified it?

Mr. Savidant stated City Council wants to see the elimination of the parallel plan, which is used to determine allowable density. They want to permit duplexes. They want to eliminate the requirement of 50% uplands. Another item is that in order to qualify for duplexes, there is a minimum requirement of two (2) acre parcels. That's basically what the changes are that are being discussed by City Council right now.

Mr. Storrs asked, does the two-acre minimum only relate to duplexes?

Mr. Savidant replied, yes.

Mr. Wright commented about allowing those duplexes right across the street from two of the most expensive and most exclusive residential areas.

Mr. Storrs asked why is Council interested in duplexes?

Mr. Savidant stated he thinks it was to serve as an incentive.

Mr. Waller asked, is there going to be a park or a wetland, i.e., a natural features area when these people are done with this?

Mr. Savidant replied the 20% open space requirement has not changed.

Mr. Waller asked, is this 20% over and above setback, side yards and everything else?

Mr. Savidant replied, yes.

Mr. Storrs stated we have a series of objectives, the language we proposed stated: "the following objectives shall govern", it's been watered down to read: "the following objectives shall service".

Mr. Waller asked, who changed the language?

Mr. Savidant stated he believes that the proposed change was brought up by the City Attorney. In this instance he agrees with her because the option is permitted by right and according to state statute you cannot place additional standards on the Open Space Preservation Option.

Mr. Littman asked, are we going to see this ordinance again or are we done with it?

Ms. Lancaster replied, I don't think you're going to see it again. City Management is encouraging City Council to adopt your original ordinance.

Mr. Savidant stated another item under the Current Development Report is Infill. At the last study session meeting we talked about infill and coming up with some standards and language. We discussed using the Rochester Road and Long Lake intersection to jumpstart the process of developing infill language. The Planning Department will be working with Carlisle/Wortmann as experts and we will not be using the Rochester Road/Long Lake intersection because the Backbay PUD is being reviewed at this time and also the Woodside Bible Church is for sale and will probably be a PUD application. We are going to do the same type of thing, but it will be at the Big Beaver/Rochester Road intersection and include these two areas. There is not a lot of budget left for consultants; however, we will get the assistance of Mr. Carlisle to help get this started. We can still do the Rochester Road/Long Lake intersection in the future.

4. HEIGHT LIMITS FOR AMATEUR RADIO ANTENNA (ZOTA #180)

Mr. Savidant stated that City Management has found an expert to discuss amateur radio with the subcommittee. A meeting date is being scheduled. This meeting will probably be scheduled during the daytime and the arrangements will occur this week.

Ms. Lancaster stated she talked with the gentleman that Mr. Miller found and he is willing to do this for free. He has had some other experience in dealing with this issue and the federal law. He had a lot of ideas for both sides.

5. ORDINANCE REVISION DISCUSSION – SPECIAL USE APPROVALS (ZOTA 197)

No discussion.

6. ORDINANCE REVISION DISCUSSION – OFF STREET PARKING REQUIREMENTS (ZOTA 198)

Mr. Savidant stated there have not been a lot of changes since the last handout; however, there were some additions to the language as it relates to landbanking. Discussion followed.

7. ORDINANCE REVISION DISCUSSION - R-1T ONE FAMILY CLUSTER (ZOTA 196)

Discussions were held on the draft revisions to the R-1T One Family Cluster district and it was agreed on by the Planning Commission to move forward with this item and to schedule it for a public hearing.

8. ORDINANCE REVISION DISCUSSION - SITE PLAN REVIEW STANDARDS DISCUSSION

Mr. Savidant stated under the current City of Troy Zoning Ordinance there really are no triggers to determine when site plan review is required for an application. What the City ends up relying on is policy. It is very unclear and vague and he thinks it is a hole in the ordinance. What exactly triggers site plan review? What we have provided you with this evening are some examples as to what other communities use to determine when a proposed development is required to go through site plan review.

Mr. Littman asked Mr. Savidant to give the Planning Commission an example of a problem.

Mr. Savidant stated this is a good example as it is on the agenda for next week. The Troy Professional Office on Dequindre was given preliminary site plan approval by the Planning Commission approximately 2-3 months ago. It was approved; when the petitioner started his engineering, he realized he didn't have enough room for a 6:1 slope for the detention basin and he wants to go to a 4:1 slope. All he's doing is modifying the detention basin; does he need to come back for site plan approval? It's not clear in the ordinance. We told him he had to come back for site plan approval, so next week he is on the agenda to change the detention basin to a 4:1 slope with an ornamental fence on three sides. He's allowed by law to do it. We asked for ornamental rather than chain link. It is important to have a record of what's done, and the best way is to get a site plan.

Mr. Waller stated he could reduce the size of his building, which would allow him to have more available land.

Mr. Savidant stated he is allowed a 4:1 slope in a non-residential district.

The Planning Commission informally agreed to move forward with preparing draft language on this matter.

9. ORDINANCE REVISION DISCUSSION - SPECIAL REQUIREMENTS IN DDA DISTRICT

Mr. Savidant stated this item was added at the request of the Planning Commission to discuss whether there is a need for additional design requirements in the DDA District. This item was placed on the agenda as a request from Mr. Chamberlain, who is not present tonight. Does the Planning Commission feel it's important to have additional design standards for the DDA

district for future development within the DDA district? Do you want to get into developing specific design criteria?

Mr. Littman stated he believes the Planning Commission should hold off on discussions regarding this item until Mr. Chamberlain returns.

Mr. Savidant stated going back to Ham Radios, we have some representatives here and he would like to inform them that when a date for discussions is set, that they will be invited to attend the meeting along with the subcommittee.

10. PUBLIC COMMENT

Public comment opened.

Ms. Lancaster asked Mr. Ode if he would be available for a daytime meeting regarding the Ham Radio operations.

Mr. Ode, 4508 Whisper Way, stated he did not feel that would be any problem.

Public comment closed.

FOR THE GOOD OF THE ORDER

Ms. Lancaster stated that in the Rabbani case, the Judge ruled against the City. We are filing a Claim of Appeal just to preserve our right to go forward.

ADJOURN

The Special Study Meeting of the Planning Commission was adjourned at 9:10 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director

The Regular Meeting of the Troy City Planning Commission was called to order by Vice Chairman Littman at 7:32 P.M. on Tuesday, November 12, 2002, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Kramer (arrived at 7:40 P.M.)
Littman
Starr
Storrs
Vleck
Waller
Wright

Absent

Chamberlain
Pennington

Also Present:

Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney

2. PUBLIC COMMENTS

No public comments.

TABLED ITEM

3. SITE PLAN REVIEW (SU-316) – First United Methodist Church of Troy, Proposed Church Renovation and Addition, West side of Livernois, North of Square Lake, Section 4 – R-1B

Mr. Savidant presented a summary of the Planning Department report for the proposed church renovations and addition. Mr. Savidant explained that on October 15, 2002, the petitioner received a variance from the Board of Zoning Appeals (BZA) from the screen wall requirement for the north, west and south sides of the parking lot. In addition, the petitioner had previously received Special Use Approval and was seeking site plan approval.

The architect for the church, Constantine Pappas, 560 Kirts, Suite 116, indicated that the detention basin was moved out of the wetland area at the suggestion of the Planning Commission.

Mr. Storrs asked if the neighbor to the north was aware of this application.

Mr. Pappas responded that the applicant was in attendance at the BZA meeting and requested that the BZA grant the variance. Mr. Pappas stated that the site plan indicates that a row of arborvitae at least 4'6" in height will be planted on the church property north of the parking lot, along the entire length of the parking lot.

RESOLUTION

Moved by Wright

Seconded by Vleck

RESOLVED, that Preliminary Site Plan Approval, as requested for First United Methodist Church of Troy, proposed church renovation and addition, located on the west side of Livernois Road and north of Square Lake Road, located in Section 4, within the R-1B zoning district is hereby granted.

Yeas:
Littman
Starr
Storrs
Vleck
Wright
Waller

Nays:

Absent
Chamberlain
Pennington
Kramer (7:40 P.M.)

MOTION CARRIED

SITE CONDOMINIUM SITE PLANS

- 4. SITE CONDOMINIUM – PRELIMINARY APPROVAL – Proposed Turner Site Condominium, 4 units proposed, West side of Beach, North of Wattles, Section 18 – R-1A

Mr. Savidant explained the difference between a site condominium and a subdivision at the request of the Planning Commission Vice Chairman.

Mr. Storrs asked if site condominiums had to meet the requirements of the Zoning Ordinance in terms of minimum lot size, lot width, etc.

Mr. Savidant replied that they do.

Mr. Savidant presented a summary of the Planning Department report for the proposed 4-unit site condominium.

The petitioner, Paul Turner, 4199 Beach Road, Troy, MI, stated that the detention pond will be turned over to the city and will not require a fence.

Mr. Littman asked if the petitioner had submitted a snow removal plan as part of the application.

Mr. Savidant replied that it was not a requirement and had not been submitted.

Vice Chairman Littman opened the meeting for public comment.

Vince Kraus, 4260 Rouge Circle, asked if there was a requirement that people in the neighborhood be notified of site condominium applications.

Mr. Savidant explained that there was a requirement to place a sign on the property to notify neighbors of the application. There was also a requirement that all abutting property owners be notified by mail.

Mr. Kraus stated that he was affected by the development even though he was not abutting the property, as he must look across the Clinton River at the four homes. He further stated that he was concerned that other property owners in the area with relatively large lots could develop their property in a similar fashion.

Gary Weaks, 2512 Red Fox Trail, asked for further clarification of the difference between subdivisions and site condominiums. This clarification was provided by Mr. Littman and Mr. Savidant.

Richard Waters, 4222 Rouge Circle, asked if this was the final step in the approval process.

Mr. Littman stated that the Planning Commission was making a recommendation to City Council and City Council has the final decision on this application.

Ms. Lancaster stated that site condominium does not mean an increase in density, applications must still meet the requirements of the underlying R-1A zoning district, as would a subdivision. If the application meets the requirements of the zoning ordinance the Planning Commission must recommend approval.

Mr. Storrs asked if the City of Troy could choose to prohibit site condominiums, and to instead require similar types of development to be approved as subdivisions only.

Ms. Lancaster responded that site condominiums are permitted under state law and cannot be prohibited.

Mr. Wright explained that there are some relatively large lots on Beach Road, which is a very attractive area. He suggested that there may very well be similar applications to develop lots along Beach Road. He suggested that the only way to guarantee that a lot is not developed is to buy it.

RESOLUTION

Moved by Waller

Seconded by Starr

RESOLVED, that the Planning Commission recommends to City Council that the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Turner Site Condominium, including 4 units and 2.86 acres in size, located on the west side of Beach Road

and north of Wattles Road, located in Section 18, within the R-1A zoning district is hereby granted.

FURTHERMORE, the following design recommendations are provided to City Management:

1. A document is created to explain the site condominium and subdivision process, to be available to the public at meetings and on the City of Troy web site.
2. Final approval of the application is subject to the approval by City Council of a 40 foot wide private easement for public access for River Park Drive, as required under Section 34.30.04.

Yeas:

Nays:

Absent

All present (7)

5. SITE CONDOMINIUM – PRELIMINARY APPROVAL – Proposed Colleen Site Condominium, 20 units proposed, South of Square Lake, West of Dequindre, Section 12 – R-1C

Mr. Savidant presented a summary of the Planning Department report for the proposed 20-unit site condominium. In the report he explained that the applicant submitted Preliminary Site Plan C1 for consideration. Preliminary Site Plan C1 has vehicular connections to both Ruby Avenue and Colleen Avenue. The applicant also provided two (2) alternative designs for the development, as requested by City Management. These alternatives were labeled Preliminary Site Plan C1a and C1b. Preliminary Site Plan C1a had a vehicular connection with Colleen Avenue but not Ruby Avenue. Preliminary Site Plan C1b had a vehicular connection to Ruby Avenue but not Colleen Avenue. The applicant was asked to select a preferred alternative and selected Preliminary Site Plan C1a, for reasons stated in a letter provided to the Planning Commission.

The petitioner’s architect, John DeBruyne, 2201 12 Mile Road, Warren, stated that the original intent of the petitioner was to seek approval for Preliminary Site Plan C1.

Mr. Littman opened the meeting up for public comment.

Cathy Fleming, 5806 Marble Drive, asked about the status of the two lots to the north of the proposed development. She also indicated a concern for potential cut-through traffic in the existing neighborhood. She suggested that she preferred access on Colleen only.

Mr. DeBruyne stated that the parcels were not owned by the same entity as the petitioner.

Gary Reeves, 2896 Denise, stated that he would be opposed to alternative C1a. He is concerned about the intersection of Denise and Dequindre, which is a problem intersection.

Mr. Littman explained that the Planning Commission and City Council generally tried to have two points of access to residential traffic and had to balance accessibility with the potential for cut through traffic.

William Schmidt, 5757 Ruby Avenue, stated his concern for cut through traffic with Preliminary Site Plan C1. He preferred alternative C1b, even though he would likely benefit the most from alternative C1a. He also stated that he felt the developer should be required to connect directly to Square Lake Road. He asked if the illegal trucking operation in the excepted part of Lot 4 as shown on the site plan would be allowed to continue.

Ms. Lancaster informed Mr. Schmidt that this item was not an agenda item and not part of the application. She suggested that he call the City of Troy Building and Zoning Department for further information.

Mr. Schmidt asked if the unit sizes shown on the site plan can be modified by the developer at a later date following Preliminary Site Plan Approval.

Ms. Lancaster replied that the item before the Planning Commission was a site plan and therefore could not be changed following its approval without going back before the Planning Commission and City Council for further review.

Mr. Schmidt asked if the Planning Commission has jurisdiction over the design of the individual homes.

Ms. Lancaster replied that there are general design standards that are applicable to all single-family homes; however, the City has little control over aesthetics beyond these general standards.

Barry Johnson, 2835 E. Square Lake Road, believes that direct access to Square Lake Road will negatively impact existing traffic conditions on Square Lake Road.

Mr. Storrs stated that the direct connection to Square Lake Road was not a part of the application and not a consideration for approval for this application.

Mr. Kramer asked for verification on the floor area for the units shown on the site plan.

Ms. Lancaster reiterated that since the information is shown on the site plan, the applicant is bound by what is shown on the site plan.

Mr. Littman asked if traffic studies were required for site condominium applications.

Mr. Savidant replied that there was no requirement. The site plan was reviewed by the Traffic Engineer who did not express specific concerns regarding the Dequindre/Denise intersection.

RESOLUTION

Moved by Wright

Seconded by Waller

RESOLVED, that the Planning Commission recommends to City Council that the Preliminary Site Plan C1 as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Colleen Site Condominium, including 20 units and 7.5 acres in size, located south of Square Lake Road and west of Dequindre Road, located in Section 12, within the R-1C zoning district is hereby granted.

Yeas:

Nays:

Absent

All present (7)

SITE PLANS

- 6. SITE PLAN REVIEW (SP-884) – Troy Light Industrial Warehouse, Troy Ct., East of Livernois, South of Park, Section 34 – M-1

Mr. Savidant presented a summary of the Planning Department report for the proposed warehouse.

Peter Stuhlreyer, 111 W. 2nd Street, Rochester, stated that there will be no outdoor storage as per note #9 on the site plan.

RESOLUTION

Moved by Kramer

Seconded by Starr

RESOLVED, that Preliminary Site Plan Approval, as requested for the Troy Light Industrial Warehouse, located on Troy Court, east of Livernois Road and south of Park Street, located within Section 34 and the M-1 zoning, is hereby granted, subject to the following conditions:

1. One of the existing parking spaces near the eastern building entrance shall be widened to make it van-accessible.
2. If any changes are made to the site plan it must come back to the Planning Commission for further review.

Yeas:

Nays:

Absent:

All present (7)

7. PRELIMINARY SITE PLAN REVIEW (S.P. #868) – Dequindre Professional Building 1, 38815 Dequindre Road, Section 24 – O-1.

Mr. Savidant presented a summary of the Planning Department report for the proposed office development.

Mr. Kramer asked about the relationship between the slope of a detention pond and the volume of a detention pond.

The petitioner’s Engineer, Steve Poirier, 23601, Inkster Road, Farmington Hills, stated that a steeper slope increases the footprint at the bottom of the pond and therefore increases the volume of the pond.

Mr. Starr asked what the effect of developing the detention pond with a 1 on 6 slope would have on the proposed development.

Mr. Poirier stated that they are applying to change only the depth of the detention pond, not the perimeter of the pond. They would lose a significant amount of parking spaces and would have to significantly reduce the size of the building if the slope was limited to 1 on 6. He described the type of screen wall that would be constructed and stated that grades between the property and abutting property would not be altered.

Mr. Starr reminded the applicant that they will need to provide access to the detention pond.

RESOLUTION

Moved by Waller

Seconded by Wright

RESOLVED, that Preliminary Site Plan Approval, as requested for the Dequindre Professional Building 1, located at 38815 Dequindre Road, south of Wattles Road, located within Section 24 and the O-1 zoning, is hereby granted, subject to the ornamental fence on the east, north and south sides of the detention pond being 6 feet in height.

Yeas:
All present (7)

Nays:

Absent:

SPECIAL USE REQUESTS

8. PUBLIC HEARING – SPECIAL USE REQUEST (SU-317) – Classic & Exotic (Auto) Services, Inc., North of Maple and West of Livernois (2032 Heidi), Section 28 – M-1

Mr. Savidant presented a summary of the Planning Department report for the proposed automobile renovation. He also passed around photographs of some of the classic automobiles that have been renovated by the applicant.

The petitioner, Brian Jordan, 841 Hannah, stated that all operations and storage would be located inside the building.

PUBLIC HEARING OPENED

No public comment.

PUBLIC HEARING CLOSED

RESOLUTION

Moved by Vleck

Seconded by Storrs

RESOLVED, that Special Use Approval, pursuant to Section 10.30.04 of the zoning ordinance, as requested for the Classic & Exotic (Auto) Services, Inc., for the proposed antique automobile restoration operation, located at 2032 Heidi Street, north of Maple Road and west of Livernois, located in Section 28, within the M-1 zoning district, is hereby granted.

Yeas:
All present (7)

Nays:

Absent:

RESOLUTION

Moved by Vleck

Seconded by Storrs

RESOLVED, that Preliminary Site Plan Approval, as requested for the Classic & Exotic (Auto) Services, Inc., for the proposed antique automobile restoration operation, located at 2032 Heidi Street, north of Maple Road and west of Livernois, located in Section 28, within the M-1 zoning district, is hereby granted.

Yeas:
All present (7)

Nays:

Absent:

9. PUBLIC HEARING – SPECIAL USE REQUEST (SU-313) – Trainer’s Obedience Center, East side of Troy Ct. and South of Park, Section 34 – M-1

Mr. Savidant stated that the petitioner submitted a letter to the Planning Department on November 11, 2002, asking to be taken off of the agenda. In addition his application was incomplete. He further stated that this was the third public hearing scheduled for the application. He asked the Planning Commission for direction on how to proceed.

Mr. Savidant presented a summary of the Planning Department report to the Planning Commission for Trainer’s Obedience Center, noting that the site plan was incomplete. He also referenced a letter submitted by a neighbor who was in opposition to the proposed use.

PUBLIC HEARING OPENED

No public comment.

Mr. Littman stated that the Public Hearing should remain open through the next Regular Meeting.

RESOLUTION

Moved by Kramer

Seconded by Vleck

RESOLVED, that Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 10.30.04 of the zoning ordinance, as requested for the Trainer's Obedience Center, for the proposed pet daycare operation, located on the east side of Troy Court and south of Park Street, Section 34, within the M-1 zoning district, is hereby tabled to provide the applicant with an opportunity to provide the Planning Department with the required information; and further, that the Public Hearing to remain open until the next Regular Meeting for public comment.

Yeas:

All present (7)

Nays:

Absent:

STREET VACATION REQUESTS

10. **PUBLIC HEARING – STREET VACATION REQUEST (SV-175)** – Larchwood and Eastport Streets, Abutting Lots 148-158, 165-175 Council Heights Sub. (for parcel consolidation of Robinwood Park), North of Maple, West of Rochester, Section 27 – R-1E

Mr. Savidant presented a summary of the Planning Department report to the Planning Commission for the street vacation request.

PUBLIC HEARING OPENED

Antoine Delaforterie, 1970 Kirkton Drive, lives on Lot 147 on Kirkton, which abuts the Larchwood paper street. He believes the street next to his lot was vacated in the past, however he still sees a public street on the map. He asked the city to clarify this on their maps.

Mr. Kramer asked Mr. Savidant to verify the status of this past vacation application.

William Heiner, 1998 Kirkton Drive, asked the Planning Department to update the maps.

PUBLIC HEARING CLOSED**RESOLUTION**

Moved by Kramer

Seconded by Waller

RESOLVED, that the Planning Commission hereby recommends to the City Council that the street vacation request for the Eastport Street right-of-way, which is 50 feet wide and approximately 835 feet in length, and the Larchwood Street right-of-way, which is 50 feet wide and approximately 435 feet in length, located within Robinwood Park in Section 27, be approved, subject to the City retaining a twenty (20) foot wide easement for the existing water line in Robinwood Park.

Yeas:

Nays:

Absent:

All present (7)

- 11. PUBLIC HEARING – STREET VACATION REQUEST (SV-178) – Lovell, Eckerman, and Barabeau Streets, Abutting Lots 12-31, Eyster’s Suburban Home Sub. (for Woodside Bible Church / Northwyck P.U.D.), South of South Blvd., East of Rochester Rd., Section 2 – R-1D

Mr. Savidant presented a summary of the Planning Department report to the Planning Commission for the street vacation request.

There was general discussion of the application between the Planning Commission and the petitioner, Jim Jehle of Robertson Brothers, 6905 Telegraph Road, Bloomfield Hills.

PUBLIC HEARING OPENED

No public comment.

PUBLIC HEARING CLOSED

Mr. Waller asked whether the petitioner could vacate a portion of street that is not abutting their property.

Ms. Lancaster replied that the ownership of the vacated street would revert to the abutting property owner. In addition, all abutting property owners were notified of the application by mail.

RESOLUTION

Moved by Waller

Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the street vacation request for the Lovell Street right-of-way, which is 30 feet wide and approximately 2,182 feet in length, the Eckerman Street right-of-way, which is 60 feet wide and approximately 170 feet in length, and the Barabeau Street right-of-way, which is 60 feet wide and approximately 170 feet in length, abutting lots 12-31 in Eyster’s Suburban Home Subdivision, located within Section 2, be approved, subject to providing proof of ownership for 6710 Eckerman Street (lot 16)

and applying for a wrecking permit for the house prior to final approval of the vacation request.

Yeas:

Nays:

Absent:

All present (7)

REZONING REQUEST

12. PUBLIC HEARING - PROPOSED REZONING (Z-685) – Empire Electronics World Headquarters, South of Maple and East of Livernois, Section 34 – B-2 to M-1

Mr. Savidant presented a summary of the Planning Department report to the Planning Commission for the rezoning request.

Mr. Kramer asked if it made sense to rezone the parcel given the fact that there was a detention basin located on the property.

Mr. Savidant replied that this was a rezoning application and not a site plan application. At this time the Planning Commission needed to determine whether the rezoning application was compatible with adjacent land use and zoning and consistent with the Future Land Use Plan.

Petitioner Jim Reb, 1801 Opdyke, Auburn Hills, stated that there is a storm water detention basin presently located on the property but has never had any storm water in it. It was designed as an overflow system to be used in the event that the existing systems in the area fill up. He proposes to construct a detention area in the south 80 feet of the property to serve future development on the property.

PUBLIC HEARING OPENED

No public comment.

PUBLIC HEARING CLOSED

RESOLUTION

Moved by Storrs

Seconded by Kramer

RESOLVED, that the Planning Commission hereby recommends to the City Council that the B-2 to M-1 rezoning request located on the south side of Maple Road and east of Livernois Road in Section 34, being 6.95 acres in size, be granted.

Yeas:

Nays:

Absent:

All present (7)

13. MOTION TO EXCUSE

Moved by Wright

Seconded by Starr

RESOLVED, to excuse absent Planning Commission members Chamberlain and Pennington.

Yeas:

All present (7)

Nays:Absent:14. ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 10:10 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, November 13, 2002, at City Hall. The meeting was called to order at 3:00 p.m.

TRUSTEES PRESENT: Mark Calice (arrived 3:03 p.m.)
 Charles Campbell
 Robert Crawford
 Thomas Houghton, Chair
 John M. Lamerato
 Anthony Pallotta
 John Szerlag (arrived 3:05 p.m.)

ALSO PRESENT: Laura Fitzpatrick
 Jack Nixon

MINUTES

Resolution # 02-45

Moved by Pallotta
 Seconded by Crawford

RESOLVED, that the minutes of the October 9, 2002 meeting be approved.

Yeas: All 5
 Absent: Calice, Szerlag

RETIREMENT REQUESTS

Resolution # 02-46

Moved by Crawford
 Seconded by Pallotta

RESOLVED, that the following retirements be approved:

James A. Irvin, 12/21/02, DB, Police, 28 years 6 months of service
 James A. Penney, 1/11/03, DB, Public Works, 28 years 9 months of service
 Bonnie Rae Korttila, 1/11/03, DB, 28 years 9 months of service
 William R. Need, 2/1/03, DB, 30 years 3 months of service

Yeas: All 6
 Absent: Szerlag

OTHER BUSINESSPart-time Service Credit***Resolution # 02-47***

Moved by Pallotta
Seconded by Calice

RESOLVED, that the following employees be granted service credit and adjusted service credit for their respective part-time service.

Helen Berezowsky	0.50 years
Philip Kwik	1.50 years
Delphine Lubiarz	5.50 years
Susan Orban	2.00 years
Julie Ann McGee	4.50 years

Adjusted

David LaPine to .75 years

Yeas: All 7

Ford & Earl Property

Jack Nixon of the Historic District Commission made a request of the Board to consider seeking historic site designation of the Ford & Earl Building. The Board will review the ramifications of such action.

INVESTMENTS***Resolution # 02-48***

Moved by Szerlag
Seconded by Campbell

RESOLVED, that the Board purchase the following bonds and stocks:

\$500,000 CitiGroup, 6.00%, due 11/15/07;
\$500,000 Household Finance, 8.00%, due 11/15/07;
8,000 Gannett, 15,000 Comerica; 10,000 Dow Chemical; 20,000 Fleet Boston

Yeas: All 7

The next meeting is December 11, 2002 at 3:00 p.m. in Conference Room C at City Hall.

The meeting adjourned at 3:55 p.m.

Approval of 2003 Library Board Meeting Dates.

Motioned by Wheeler
Supported by Zembrzuski

MOVED, TO APPROVE THE 2003 LIBRARY BOARD MEETING DATES.

Yeas: 4 — Ayes. Allen, Cloyd, Wheeler, Zembrzuski

Approval of 2003 Library Closing Dates.

Postponed until the December Board Meeting.

ITEM #7 ¾ REPORT AND COMMUNICATIONS

Board Member comments.

Allen reported on her attendance at the SLC Trustee meeting about measurements and standards. Wheeler asked for our procedure on posting public program information. Several members asked questions about tax form distribution.

Friends of the Library

Allen reported that the Friend’s Special Sunday Book Sale was a huge success netting over \$1,400 in the five hours. No word yet from Chrysler as to a donation from them.

Monthly Reports (October). Circulation for the month of October compared with the same time period a year ago showed an increase of 11.3%. There was an increase in Patron visits by 15.2%. Program attendance was up 27.8 %. The number of library programs offered was up 11.7%.

Staff Changes.

New: Kathy Locke, Library Assistant; Kathleen Gallagher, Librarian; Phoebe Maa, Librarian; Diana Franco, Librarian.

Change of Status: Donna Babcock from Substitute Librarian to Librarian.

Resignations: Sangeetha Mohanraj, Page.

Gifts.

Two gifts totaling \$140.00 were received.

Informational Items. November TPL Calendar, Oakland County Library Board Minutes (September 25, 2002).

Contacts and Correspondence. 17 written comments from the public were noted.

Public Participation. There was no public participation.

The Library Advisory Board meeting adjourned at 8:50 P.M.

Respectively submitted,

Brian Stoutenburg
Library Director

HISTORIC DISTRICT COMMISSION MINUTES-FINAL

NOVEMBER 19, 2002

MEETING CALLED TO ORDER AT 7:30 P.M. ON TUESDAY, NOVEMBER 19, 2002.

PRESENT: Jacques O. Nixon (Chair)
Wilson (Deane) Blythe
Anne Partlan
Dorothy Scott
Paul Lin

STAFF: John M Skeens, Education Coordinator/Museum

ABSENT: Marjorie Biglin (Excused)

ITEM # 1 APPROVAL OF MINUTES OF OCTOBER 15, 2002.

MOVED BY NIXON SECONDED BY PARTLAN FOR APPROVAL OF THE MINUTES OF THE MEETING OF OCTOBER 15, 2002 AS WRITTEN.

Yes: 5--Partlan, Scott, Lin, Nixon, Blythe.

ITEM # 2 NEW BUSINESS**A. Resignation of Commission Member**

Kevin Danielson Chairman of the Historic District Commission has tendered his resignation with the City Manager, City Clerk, and City Council. Effective immediately. Danielson has taken a new position out of state and will not be able to participate.

B. Election of Officers

Motion by Blythe second by Partlan that Nixon be nominated as Chairman for a term of one year.

Yes: 4-- Blythe, Linn, Partlan, Scott Abstain: 1-- Nixon
Approved

Motion by Nixon second by Partlan that Blythe be nominated as Co-Chair for a term of one year.

Yes: 4-- Nixon, Linn, Partlan, Scott Abstain: 1-- Blythe
Approved

C. Building Permit to install pool and deck at 330 W. Square Lake Rd.

Home owner Lisa Dalia requested a permit approval for a pool installed 8 years ago and a deck installed last year. Building Department forwarded the permit. Commission member Anne Partlan and City Staff John Skeens went to the residence to do a site approval, to pictures and presented their findings to the Commission. The pool and deck in no way hinder the historic designation of the site.

ITEM # 3 OLD BUSINESS**A. Historic Site Designation 474 E. Square Lake Rd**

Homeowners David and Julia Blair wish to have there home considered for historic designation under chapter 13 of the city code and charter. Commission will commence with the help of the homeowner to research and designate the site.

B. Commemorative bricks in the Veterans Memorial Plaza

Nixon attended the service and dedication of the bricks in the Veterans Memorial Plaza.

C. Update of Historic Site #04-301-012 (770 W. Square Lake Rd)

Owner given 5years to complete restorations. Noted that owner was given other concessions. Tabled.

D. Update on Historic Site #10-101-104 (Historic Park)

Blythe, Nixon and Linn attended the Ad-Hoc Park Committee meeting and reported that the committee had reached a decision and would submit their findings to City Management for review. There will be no drive through driveway, a bus turn around has been implemented into the design.

E. Flyer Program

No movement at this time. Partlan will contact City Attorney Lori Bluhm with her progress on legal approval.

F. Yamasaki Designation

Nixon met the Employees Retirement Corporation which is the owner of the Yamasaki property. He presented the HDC request to have the site designated a local historic site. The board made no decision and will investigate the proposition further.

G. Historic Evaluation

Further study will be conducted. Blythe to contact Doug Smith in Real Estate and Development. Partlan and Skeens to continue to take pictures and record historic sites through out Troy.

ITEM # 4 OTHER REPORTS, COMMUNICATIONS AND ITEMS:

A. Ad-hoc Park Committee to Continue

Blythe reported that the Ad-hoc Committee will continue as a Heritage Committee and work on other projects. Skeens pointed out that there are currently three member of the HDC serving on the Ad-hoc Committee and that to make it fare to the other bodies that are represented that there should only be two.

Motioned by Blythe second by Partlan to nominate Nixon and Linn to serve as representative of the HDC on the Ad-hoc Heritage Committee.

Yes: 5-- Blythe, Linn, Partlan, Nixon, Scott
Approved

Motioned by Nixon second by Linn to nominate Blythe as an alternate to the Ad-hoc Heritage Committee.

Yes: 5-- Blythe, Linn, Partlan, Nixon, Scott
Approved

HDC meeting adjourned at 9:10 p.m.

The next regular meeting is scheduled for Tuesday, December 17, 2002 at 7:30 PM at the Troy City Hall in Conference Room C.

Respectively Submitted,

John M Skeens
Education Coordinator/Museum

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:30 p.m. on December 3, 2002, in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Chamberlain
Kramer
Littman
Pennington (arrived 7:35 p.m.)
Starr
Storrs
Vleck
Waller

Absent:

Wright

Moved by Littman

Seconded by Starr

RESOLVED, that Mr. Wright be excused from attendance at this meeting.

Yeas

All present (7)

Absent

Wright
Pennington (arrived 7:35 p.m.)

MOTION CARRIED

Also Present:

Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

2. MINUTES

Mr. Waller requested that the Road Commission's comment with respect to Hollywood Supermarket be incorporated into the November 5, 2002 Special/Study Meeting minutes.

Moved by Starr

Seconded by Storrs

RESOLVED to approve the November 5, 2002, Planning Commission Special/Study Meeting minutes as amended.

Yeas

All present (6)

Abstain

Chamberlain

Absent

Wright
Pennington (7:35 p.m.)

Mr. Littman requested that the November 12, 2002 minutes, under Item 4, Preliminary Approval for the proposed Turner Site Condominium, reference the request for a description of the differences between site condos and plats. Mr. Savidant confirmed that this item is reflected in the minutes and the text in this respect is complete and the drawings are underway.

Mr. Littman referenced the need to eliminate the words "Public Hearing Closed" on page 9 because the Trainers Obedience Center Public Hearing remains open until the December 10, 2002 meeting.

(Pennington walked in at 7:35 p.m.)

Moved by Waller

Seconded by Vleck

RESOLVED to approve the November 12, 2002, Planning Commission Regular Meeting minutes as amended.

Yeas
All present (6)

Abstain
Chamberlain
Pennington

Absent
Wright

MOTION CARRIED

3. CURRENT DEVELOPMENT REPORT

Mr. Savidant presented the current development report as follows.

- Open Space Preservation Ordinance - *Adopted by City Council as approved by Planning Commission with two changes.*
- Burton/Katzman (Magna) PUD – *The applicant intends to present the application at the January 7 Special/Study Meeting.*
- Boys and Girls Club/BZA/Parking Appeal – *Item will be on Planning Commission’s December 10, 2002 meeting.*
- Hollywood Supermarket/Right of Way Adjustments/Deceleration Lane – *Road Commission made changes to the entry drive.*
- Saleen/Stanley Door Building
- Brownfield Redevelopment Authority – *Approval given to Masco for \$1,000,000 clean-up of site at Elmwood and Livernois.*
- Dr. Ali Rabbanni ET. AL. v. City of Troy/R-1B to 0-1 – *City has filed its appeal with Court of Appeals for all issues.*
- Maplelawn Road/Design Services for Road Expansion – *Engineering design is for 5 lanes to Crooks Road; Savidant will confirm if sidewalks are included in project.*

4. BOARD OF ZONING APPEALS REPORT

Ms. Pennington reported that the BZA gave approval to Nextel to construct a 100’ tall monopole tower at Crooks and South Boulevard, across from the Farmer Jack store.

Nextel's hardship was that no other piece of property in Troy could accommodate the required 500' residential setback and that this location is the only dead zone within the City. Ms. Pennington noted that the approved site offers a 350' residential setback.

Ms. Pennington further reported that relief was given to the Boys and Girls Club for the required masonry screen wall along the east property line and for the required setback for the parking lot at the rear property line.

5. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Civic Center

Mr. Savidant announced that a public forum, sponsored by the Chamber of Commerce, is being held on December 12 at 7:30 p.m. at Standard Federal Bank to discuss potential civic center funding options. He stated that representatives of the City, Downtown Development Authority and City staff have met with State representatives to discuss potential funding sources.

In response to Mr. Littman's question on the potential sale of the Ford & Earl/Yamasaki property, Mr. Chamberlain said it is his understanding the Historical Commission is hoping to designate the site as a historical site.

Mr. Kramer noted that a point to consider with respect to a performing arts theater is any venue having more than 400 seats is considered being "on Broadway".

Former Denny's Site (Item # 7)

Mr. Savidant referenced the site plan proposal for the former Denny's restaurant on the west side of Crooks Road and north of Big Beaver. He noted that the Commission has discussed this site at great length and that Dick Carlisle has started a local area plan study for this corner. Mr. Savidant stated that the applicant is proposing to demolish the old building, is agreeable to correcting the grade problem to the south side of the property, proposes vehicular access to the south, and has expressed willingness to work with property owners to the south. Mr. Savidant noted that the site plan meets all ordinance requirements and is on the December 10 Regular Meeting agenda.

Mr. Waller suggested the possibility of relocating the retention pond to provide better entry access for vehicular traffic.

Mr. Chamberlain would like to see the placement of the building closer to the street and parking provided in the rear. He questioned the Assistant City Attorney how the Commission could go about facilitating its dream development at this corner if a proposed site plan meets all ordinances, and asked if the Planning Commission could go before the BZA to sway them to approve a setback variance.

Ms. Lancaster replied that the Commission must respect the City Codes and seek any variances from the BZA. She suggested the Commission give thought to other considerations; i.e., a PUD. Ms. Lancaster answered in the negative to the Planning Commission going before the BZA to sway them. She noted that the BZA must have proof of a practical difficulty or hardship to approve a variance.

Mr. Chamberlain asked if a public hearing is required.

Ms. Lancaster replied in the affirmative, if there is a rezoning proposal.

Mr. Savidant stated that if the Commission plans to make changes to the Future Master Land Use Plan, then both the Planning Commission and City Council (if they desire) require public hearings

Mr. Chamberlain asked if a public hearing is required if the Commission stands alone.

Mr. Savidant replied that a public hearing would then not be required but he strongly encouraged that one be held. In response to Mr. Chamberlain's question, Mr. Savidant said that the area plan study being done by Dick Carlisle could possibly be ready in time for the Planning Commission's regular meeting in January, but of course he cannot speak on behalf of Mr. Carlisle.

Mr. Starr asked if the Road Commission had conducted any studies in the area. Mr. Savidant replied that he would check with the Road Commission to see if they were conducting any studies.

A brief discussion was held with respect to the ownership of the retention pond. Ms. Lancaster will report back to the Commission on its ownership. According to the site plan applicant, First American Title owns the retention pond.

Mr. Kramer suggested that a study meeting be held with the existing property owners and Mr. Carlisle.

Ms. Lancaster suggested that Mr. Carlisle's area plan study incorporate future development as well as the current design for this area.

Mr. Chamberlain announced that item #7 would be discussed at this time because the applicant is present.

7. SITE PLAN REVIEW (SP-183) – Proposed Retail / Restaurant Development (former Denny's Restaurant), North of Big Beaver, West side of Crooks, Section 20 – B-3

Harvey Weiss of 525 E. Big Beaver Road, Troy, representative for the development firm for the proposed project, was present. He introduced Mike Boggio, the project's architect, and Brad Rosenberg of Landmark Real Estate. Mr. Weiss stated that the site plan does meet all City ordinances and that every effort has been made to meet the City's long-term objectives as previously discussed with Doug Smith and Mark

Miller. Mr. Weiss has approached the property owners to the south (Einstein Bagels and the shopping center inclusive of a party store and pizza shop) with respect to purchasing their property and the potential use of a joint driveway. Mr. Weiss reported that neither owner has an interest in selling the property; nor does the shopping center owner want a joint drive with Einstein Bagels.

Mr. Weiss said that experience shows that placing buildings at the front of a site with parking to the rear is not advantageous to restaurants in these types of locations. He mentioned that his prospective tenants at this time are Potbellies (a national sandwich shop), Noodles (a pasta restaurant) and a coffee house (Starbucks or Caribou's). Mr. Weiss stated that the plan shows joint access to the south for any future development.

Mr. Boggio, the architect, presented the different elevations that incorporate a downtown look. Mr. Boggio noted that there is a 30' trash enclosure to contain three 10' trash receptacles. It was confirmed there is enough turnaround space to allow trash pickup.

Mr. Littman voiced his concern with parking.

Mr. Weiss confirmed that Potbellies is significantly a take-out restaurant, Noodles is for the most part a sit-down restaurant but its predominantly nighttime business hours will complement the other restaurants' daytime hours.

Discussion followed with respect to the ordinance criteria of required parking for take-out and sit-down restaurants.

Mr. Boggio responded to Mr. Starr's concern about the loading area. Mr. Boggio stated that the 10' x 15' loading area will not interfere with parking or traffic. He agreed that it would be more effective if the loading area was tighter to the building, but noted that most deliveries are made early in the morning. In response to Mr. Starr's question on rotating the placement of the building, Mr. Boggio stated that the proportions of the property did not work with any type of building rotation.

Mr. Kramer suggested that a consideration be given to outdoor seating to create a softer, streetscape look.

In closing, Mr. Weiss asked if the Planning Commission would like any specific recommendations addressed prior to next week's meeting. Mr. Weiss offered to bring in a development plan for the whole quadrant, if the Planning Commission so desired.

Mr. Chamberlain suggested following through with Mr. Kramer's idea to create a softer streetscape look, reducing the front parking from three rows to two rows, and figuring out a way to get the BZA to approve a variance from the front yard setback requirement.

6. ORDINANCE REVISION DISCUSSION – OFF STREET PARKING REQUIREMENTS (ZOTA 198)

Mr. Savidant stated that the amendment language to the off-street parking section was discussed at the November 5 Planning Commission Study Session and it was suggested at this meeting that the text was ready for a Public Hearing. He stated that the Planning Department is prepared to schedule a Public Hearing, but at this time the Planning Department, City Attorney and staff have concerns with the proposed text amendments: (1) Increasing the off-street parking requirements for specific uses could have the affect of creating non-conforming off-street parking areas that could negatively impact the value of property and limit the use of existing properties. (2) Staff is not aware of any specific parking problems in the City that would necessitate amendments to the existing parking standards. (3) It is the opinion of the Planning Department, City Attorney and staff that in the best interest of public health, safety and welfare to hold off until there is more study given to the standards.

A brief discussion followed.

Mr. Chamberlain stated that he reviewed the comments incorporated in the memo one by one. He confirmed that the intent of the Commission is to reduce the amount of asphalt throughout the City and return it to green space. He asked that legal language be drafted with respect to allowing parking lots to be reduced in size and grandfathering them in. Mr. Chamberlain would like to see a Public Hearing scheduled in January.

Mr. Chamberlain asked the members if they were in favor of taking this matter before Council now and if they agree that the Commission should be represented at the Council meeting.

Mr. Waller voiced his support to go forward. He questioned which direction the study would take if it were to continue as staff is requesting.

Mr. Vleck agreed that the matter should go to Council. He suggested that a more scientific study could be conducted to see results of current ordinances in different areas.

Ms. Pennington agreed to go forward because of the land banking benefit.

Mr. Storrs agreed there were no major changes to the ordinance and would like to go forward with the land banking.

Mr. Kramer feels that the ordinance was tweaked well and agreed to go forward with the land banking. Mr. Kramer further stated that he would like to see the approval process to change asphalt to green space handled administratively.

Mr. Starr agreed that land banking is a big item and to go forward to Council.

Mr. Littman agreed to go to Council. He stated that the legal language for grandfathering will need some work.

Mr. Chamberlain stated that from this point forward, if a recommendation of City staff is different from a Planning Commission's recommendation, both Planning Commission and City staff positions would be provided to Council.

Ms. Lancaster advised the Commission that in terms of ethics, no Board member should go before another Board if he/she has a personal interest in the matter. She suggested that the representative party be prepared with a written position from its Board and to answer questions as a representative of the Board, not as an individual.

Mr. Chamberlain said: "If you have not caught the undercurrents going on around in the last six months, I will remind you of everything the Commission previously worked on that has not come to fruition. When was the last time you heard anything about retention ponds since we quit talking about them because City staff said they were going to make a whole new development standard. We have never seen anything since then. They had their last draft and you are not hearing about that anymore. Guys like me have a long memory. I do not think that the City staff and us are...when I say City staff, I am not including Brent Savidant and Mark Miller. They are kind of caught up because they are sitting here having to deal with us and deal with the other side. So I keep them out of that fight. But we have some real problems and going forward, Sue talks about ethics, and us going in front of City Council. The staff goes in and gives their position on our issues and the Planning Commission is not allowed to do that. There ain't no ethics involved there. The ethics are we should be there first trying to influence what we want to do; not have someone else influence us why we do not want to do something. That's where I come from on this. Again, we are citizens of Troy. We have a right to petition. What we want is this thing to go forward as is, with a couple of additions. I want to see those additions at our study meeting, ready to go before Council to have a public hearing on this thing. Unfortunately, it will be right after the first of the year. I would like to meet with Mr. Littman, Mr. Savidant, Mr. Miller and Ms. Lancaster and go over everything before the Planning Commission's formal study meeting so we at least agree what's coming forth."

8. INFILL DEVELOPMENT OPTION

Mr. Savidant stated that the focus of Mr. Carlisle's study on infill is the Big Beaver and Rochester Road corner. Mr. Carlisle has been provided the pertinent data, maps, etc., to begin the study. Mr. Savidant noted that the Back Bay PUD, now called Rochester Commons, will be on the January 7 Council agenda and will be incorporated in this study.

Mr. Chamberlain referenced the material provided in tonight's packet with respect to mixed-use redevelopments within local communities. He shared his experience of Helena, Montana, in that its downtown redevelopment incorporated a children's

interpretative art site, a skate park and underground access tunnel to the college campus.

10. GATEWAY SUB-COMMITTEE DISCUSSION

Mr. Chamberlain announced the creation of a City Gateway sub-committee. At the beginning of the New Year, Mr. Chamberlain, Ms. Pennington, Mr. Storrs and Mr. Savidant will work with Mr. Carlisle on the City's entranceway at Rochester and Big Beaver.

9. BIG BEAVER & ROCHESTER ROAD – CITY GATEWAY

This item will be discussed once the Gateway Sub-Committee meets in January.

11. PUBLIC COMMENT

Robert Schultz reported that St. Thomas Moore Church will put in 5' sidewalks on the north and east sides of their building but no sidewalks will be placed on the Adams Road side.

GOOD OF THE ORDER

Mr. Chamberlain reminded everyone that he is not able to attend the December 10, 2002 meeting.

Mr. Waller provided the members with an updated list of Planning Commission items to be discussed.

Mr. Vleck announced that he is not able to attend the December 10, 2002 meeting.

Ms. Pennington announced that she is not able to attend the December 10, 2002 meeting. Further, she stated that she was prepared to resign her post effective the first of the year, but will take her decision under further consideration.

Mr. Savidant confirmed that the members were in receipt of the City Manager's memo relaying that he will be attending the January 7 Study/Special Meeting to discuss various issues.

Mr. Littman noted that an inventory of Troy's wetlands can now be found on the DEQ's website. Mr. Littman will forward the website address to the Planning Department.

Mr. Kramer mentioned a news article in last Sunday's *Observer and Eccentric*. One of Michigan's residential developments won the President's Award to "Keep Michigan Beautiful for Environmental Ambience". The article caught his eye because it echoes the Commission's efforts in PUD developments.

Mr. Storrs questioned the responsibilities and authority of the Planning Commission. Ms. Lancaster offered to provide copies of the City Charter, although it offers a somewhat vague description of a commissioner's duties. Mr. Chamberlain reminded Mr. Storrs that the disk provided to the Commissioners straightforward and very helpful.

Mr. Chamberlain requested participation from Mr. Starr and Mr. Wright in the sub-committee to discuss the Special Use ordinance. Mr. Chamberlain, who will chair the sub-committee, stated that the sub-committee will be working without the assistance of the Planning Department.

Mr. Chamberlain noted that he would like Mr. Waller, Mr. Kramer and Mr. Vleck to participate in the Tree Preservation sub-committee.

Mr. Waller thanked the Planning Department for distributing the "Welcome to the Commission" pamphlets and Planning Commissioners Journal. They are a great reference!

All members wished each other a Merry Christmas and Happy Hanukkah.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 9:58 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT DEC 4, 2002

The Chairman, Leonard Bertin, called the meeting to order at 7:10 pm Wednesday, December 4, 2002.

Present:	L. Bertin, member	C. Buchanan, member
	A. Done, member	K. Gauri, member
	D. House, member	N. Johnson, member
	P. Manetta, alternate	N. Raheb, student representative

Also

Present:	M. Grusnick, staff
	M. McGinnis, staff

Absent:	S. Burt, alternate	D. Kuschinsky, member
	D. Pietron, member	J. Rodgers, member
	J. Shah, alternate	

The absent members were excused.

ITEM B – APPROVAL OF MINUTES OF MEETING OF NOVEMBER 6, 2002

Bertin noted a correction in the November 6, 2002 Minutes. The name of the article that Bertin wrote located on page 5 of the minutes was not “What Family Caregivers Think” but “Self-Conscious?”. With this correction Bertin made a motion to accept the November 6, 2002 meeting minutes. Done seconded the motion.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC**ITEM D – NEW BUSINESS**

Bertin presented a list of interested providers for the Referral and Information Fair that will be part of Troy Daze in September 2003. Members of the Committee were asked to consider other organizations that they would like to see added to the list. Bertin stated that the Troy Daze Committee are excited about the R & I Fair, and believes it will add substance to the Thursday activities of the Fair.

Bertin will meet with two representatives (Jen Tabor and Adam Frost) of the Troy Jay Cee’s on December 5th, 2002, to discuss plans for a wheel chair and or hand cycle race to be held at Troy Daze in September 2003. Bertin feels this will be a good media draw for persons with disabilities. Johnson will look into getting publicity for this event from reporters of local papers.

ITEM E – REGULAR BUSINESS

The Committee for Persons with Disabilities will not meet in January 2003, since this meeting date falls on New Years Day. Bertin has not heard from City Council about a requested joint meeting with the Committee for Senior Citizens and the Disability Committee about issues at the Troy Committee Center.

On Monday 2, 2002, The City of Troy and The Troy City Council passed a proclamation stating an “International Day of Persons with Disabilities” on December 3, 2002. The members of the Committee applaud City Council and hope this annual event will promote public awareness for people with disabilities.

ITEM F – OLD BUSINESS

Members volunteering to attend City Council meetings as follows:

December 16, 2002	Cynthia Burt
January 6, 2003	Pauline Manetta
January 20, 2003	Dorrie House

ITEM G – INFORMATIONAL ITEMS

The Committee discussed goals for the upcoming year.

- 1) Nancy Johnson would like to be able to nominate and send some young people to the Youth Leadership Forum sponsored by the State of Michigan. It is a three-day leadership forum on disabilities for high school students. Bertin will ask Janet Jopke, Superintendent of Troy Schools, to a meeting and discuss how many disabled students are in Troy High Schools and how the Committee could pick a representative from this group.
- 2) The Committee would like to see someone from “Paws with a Cause” or “Rochester Leader Dogs for the Blind” speak at a meeting. Done will look into having a representative speak at a future meeting.

ITEM H - ADJOURN

Moved by Burt, seconded by House, to adjourn the meeting.

The meeting adjourned at 8:30 p.m.

MG:mm

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, December 11, 2002, at City Hall. The meeting was called to order at 3:00 p.m.

TRUSTEES PRESENT: Mark Calice
 Charles Campbell
 Robert Crawford
 Thomas Houghton, Chair
 John M. Lamerato
 Anthony Pallotta
 John Szerlag

ALSO PRESENT: Laura Fitzpatrick
 John Skeens

MINUTES

Resolution # 02

Moved by Pallotta

Seconded by Crawford

RESOLVED, that the minutes of the November 13, 2002 meeting be approved.

Yeas: All 7

Absent:

RETIREMENT REQUESTS

Resolution # 02

Moved by Lamerato

Seconded by Pallotta

RESOLVED, that the following retirements be approved:

Kenneth G Bellwood, 2/1/03, DB, Engineering, 32 years of service

Yeas: All 7

Absent:

OTHER BUSINESS

Part-time Service Credit

Resolution # 02

Moved by Pallotta

Seconded by Crawford

RESOLVED, that the following employees be granted service credit for their respective part-time service.

Susan Raymer	0.75 years
Mark Stimac	2.00 years
Suzanne Wuolukka	0.50 years

Yeas: All 7

Ford & Earl Property

The Board will look into the ramifications of having a historical plaque placed on the Ford & Earl property.

EXTENSION OF OPTION WRITING AUTHORITY

Resolution#

Moved by Pallotta

Seconded by Calice

RESOLVED, that if an option position has not been established by December 31, 2003, the authorization for that position will expire.

Yeas: All 7

INVESTMENTS

Resolution # 02

Moved by Pallotta

Seconded by Szerlag

RESOLVED, that the Board purchase the following bonds and stocks:

\$500,000 CitiGroup, 6.85%, due 12/15/12;
\$500,000 Ford Motor Credit, 6.70%, due 12/20/07;
10,000 Weight Watchers; 4,000 Orthofix; 4,000 Pharmaceutical Products Development

Yeas: All 7

The next meeting is January 8, 2003 at 3:00 p.m. in Conference Room C at City Hall.

The meeting adjourned at 4:20 p.m.

ITEM # 1 The Secretary, Nancy Wheeler, called the meeting to order at 7:35 P.M., on Thursday December 12, 2002.

ITEM # 2^{3/4} ROLL CALL **PRESENT:** Lynne Gregory
Nancy Wheeler
Audre Zembrzuski
Steve Zhang, Student Representative

STAFF: Brian Stoutenburg, Library Director

Motioned by Gregory
Supported by Zembrzuski

MOVED, TO EXCUSE JOANNE ALLEN AND DAVID CLOYD CARRIED.

Yeas: 3 — Ayes. Gregory, Wheeler, Zembrzuski

ITEM # 3 APPROVAL OF MINUTES OF MEETING OF NOVEMBER 14, 2002.

Motioned by Zembrzuski
Supported by Wheeler

MOVED, TO APPROVE THE MINUTES OF THE MEETING OF NOVEMBER 14, 2002 AS WRITTEN.

Yeas: 3 — Ayes. Gregory, Wheeler, Zembrzuski

ITEM # 4 APPROVAL OF AGENDA

Motioned by Gregory
Supported by Zembrzuski

Yeas: 3 — Ayes. Gregory, Wheeler, Zembrzuski

MOVED, TO APPROVE AGENDA WITH CHANGE OF PLACING REGULAR BUSINESS A. UNDER POSTPONED ITEMS CARRIED.

ITEM #5 ^{3/4} POSTPONED ITEMS ^{3/4} Approval of 2003 Library Closing Dates

Motioned by Zembrzuski
Supported by Gregory

MOVED, TO APPROVE CLOSING DATES THAT INCLUDED THE WEEKEND OF JULY 4TH CARRIED.

Yeas: 2 — Ayes. Gregory, Zembrzuski

Nays: 1 — Nays. Wheeler

ITEM #6 ¾ REGULAR BUSINESS

There was no Regular Business.

ITEM #7 ¾ REPORT AND COMMUNICATIONS

Director's report:

The Director will be meeting with Dan Durkee from the Architectural Firm of Fishbeck, Thompson, Carr and Huber, Inc. to discuss the scope of a space needs analysis and facility feasibility study so they could provide an estimate of the work for budgeting purposes.

Board Member comments.

Lynne Gregory reported on his attendance at the Michigan Library Association Conference and highlighted workshops in Safety in your Library, Dealing with Challenging Patrons, Tutor.com, and Problem Employees. He also reported that the Trustee Round Table would meet annually. He also commented on his trip to the Grand Valley State Branch Library.

Nancy Wheeler commented on her trip to the Wyoming Branch Library which featured reading nooks and conference rooms and the addition was built around an old building.

Friends of the Library

The Friends are planning another special book sale for December 28th to further reduce inventory.

Monthly Reports (November). Circulation for the month of November compared with the same time period a year ago showed an increase of 17.1%. There was an increase in Patron visits by 5.7%. Program attendance was up 16.9%. The number of library programs offered was up 8.0%.

Staff Changes. No new library staff.

Gifts. None.

Informational Items. December TPL Calendar.

Contacts and Correspondence. 16 written comments from the public were reviewed.

Public Participation. There was no public participation.

The Library Advisory Board meeting adjourned at 8:25 P.M.

Respectively submitted,

Brian Stoutenburg
Library Director

The Chairman, Michael Hutson, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Tuesday, December 17, 2002.

PRESENT: Kenneth Courtney
Marcia Gies
Michael Hutson
Matthew Kovacs
Mark Maxwell
Cynthia Pennington

ALSO PRESENT: Mark Stimac
Allan Motzny
Pam Pasternak

ABSENT: Christopher Fejes

ITEM #1 – APPROVAL OF MINUTES, MEETING OF NOVEMBER 19, 2002

Motion by Courtney
Supported by Pennington

MOVED, to approve the minutes of the meeting of November 19, 2002 as written.

Yeas: 6 – Gies, Hutson, Kovacs, Maxwell, Pennington, Courtney
Absent: 1 – Fejes

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

Motion by Courtney
Supported by Gies

MOVED, to excuse Mr. Fejes from the meeting of December 17, 2002.

Yeas: 6 – Courtney, Gies, Hutson, Kovacs, Maxwell, Pennington

MOTION TO EXCUSE MR. FEJES FROM THIS MEETING CARRIED

ITEM #2 – APPROVAL OF ITEMS #3 THROUGH #5

RESOLVED, that Items #3 through #5 are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by Courtney
Supported by Pennington

Yeas: 6 – Gies, Hutson, Kovacs, Maxwell, Pennington, Courtney

ITEM #3 – RENEWAL REQUESTED. TROY CHRISTIAN CHAPEL, 400 E. LONG LAKE, for relief to maintain a landscaped berm in lieu of the 4'-6" high masonry screening wall along the south and west property lines where off-street parking abuts residentially zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board, since 1986, for relief to maintain a fence and landscaped berm in lieu of the required 4'-6" high masonry-screening wall along a portion of the south and west property lines that abut residential zoning. This relief was originally granted based on the fact that the abutting neighbors requested the berm and fence in lieu of the required masonry wall. This item last appeared before this Board at the meeting of December 1999 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Troy Christian Chapel, 400 E. Long Lake, a three-year (3) renewal of relief to maintain a fence and landscaped berm in lieu of the required 4'-6" high masonry-screening wall along a portion of the south and west property lines that abut residential zoning.

- Conditions remain the same.
- We have no objections or complaints on file.

ITEM #4 – RENEWAL REQUESTED. COMMUNITY BOWLING CENTERS, 1950 E. SQUARE LAKE, for relief of the Zoning Ordinance to maintain a natural setting in place of a 6' high masonry-screening wall along the west property line where it abuts residentially zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board to maintain a 6' high earth berm in lieu of the 6' high masonry-screening wall required at the west property line which abuts residential zoning. This variance has been granted on a yearly basis since 1977, primarily because the adjacent residential property is used as a Church. This item last appeared before this Board at the meeting of December 2001 and was granted a one-year renewal to insure that the area was cleaned and kept clean of debris. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Community Bowling Centers, 1950 E. Square Lake, a three-year (3) renewal of relief to maintain a 6' high earth berm in lieu of the 6' high masonry-screening wall required at the west property line which abuts residential zoning.

- Recent inspections indicate that the petitioner is making continued efforts to keep this area clean and free of debris.
- We have no objections or complaints on file.

ITEM #5 – RENEWAL REQUESTED. ST. LUCY CROATIAN CATHOLIC CHURCH, 200 E. WATTLES, for relief of the 4'-6" high masonry screening wall along the east and west side of off-street parking where it abuts residential zoned property.

Mr. Stimac explained that the petitioner is requesting renewal of a variance granted by this Board for relief of the 4'-6" high masonry-screening wall along the east and west sides of their off-street parking. This relief was originally granted in 1993 based on the fact that the wall would serve no useful purpose. This item last appeared before this Board at the meeting of February 1999 and was granted a three-year (3) renewal at that time.

MOVED, to grant St. Lucy Croatian Catholic Church, 200 E. Wattles, a three-year (3) renewal of relief to maintain a 4'-6" high masonry-screening wall along the east and west sides of their off-street parking.

- Conditions remain the same.
- We have no complaints or objections on file.

Mr. Hutson stated that his firm had been retained by Mr. Welch for help on some legal matters and indicated that he wished to be excused from hearing this item.

Yeas: 5 – Kovacs, Maxwell, Pennington, Courtney

MOTION TO EXCUSE MR. HUTSON CARRIED

ITEM #6 – VARIANCE REQUESTED. WILLIAM WELCH, HOLLYWOOD MARKETS, 2670 W. MAPLE, for relief of the 6' high masonry-screening wall required by Section 39.10.01 along the north property line where it abuts residential zoning.

Mr. Stimac explained that the petitioner's site is located in the B-3 (general Business) Zoning District. The property to the north is in the RM-1 (Multiple Family Residential) Zoning District. Petitioner is requesting relief of the 6' high masonry-screening wall required by Section 39.10.01 along the north property line where it abuts residential zoning. This relief was originally granted in 1976 and has been renewed thereafter primarily due to the fact that the property to the north is a Michigan Bell telephone utility site, which is a permitted use in this residential zoning district. The petitioner is now asking that this request be approved as a permanent variance. New Public Hearing notices have been sent out in response to this request.

Mr. Welch was present and stated that originally this wall was required due to the fact that a home was located adjacent to this property and now this home has been removed. Mr. Welch also said that this wall would cut the parking lot in half.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

ITEM #6 – con't.

There are no written complaints or objections on file.

Motion by Pennington
Supported by Gies

MOVED, to grant William Welch, Hollywood Markets, 2670 W. Maple, a variance for relief of the 6' high masonry-screening wall required by Section 39.10.01 along the north property line where it abuts residential zoning.

- Variance has been granted on a yearly basis since 1976.
- Variance is not contrary to public interest.
- The adjacent property, although residentially zoned, is not a residential use.
- Variance will not have an adverse effect on surrounding property.
- Compliance to the Ordinance would create a hardship for the petitioner.

Yeas: 5 – Kovacs, Maxwell, Pennington, Courtney, Gies

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUESTED. DAVID KUJAWA, 3310 HARMONY, for relief of Section 40.57.05 to maintain an accessory building with a 3.5' setback to the side lot line where a 6' setback is required and a 7'-10" setback from the main building where a 10' distance is required.

The Chairman moved this item to the end of the Agenda, Item #9, to allow the petitioner the opportunity to be present.

ITEM #8 – VARIANCE REQUESTED. LINDA KRYCH, 34425 DEQUINDRE, for relief of the Zoning Ordinance to have 1500 square feet of accessory building where 1030 square feet are permitted by Section 40.57.04.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to construct a detached garage. The site plan submitted indicates the construction of a 1,500 square foot detached garage. Section 40.57.04 limits the area of all accessory buildings on a site to 600 square feet or one-half the ground floor area of the main building; whichever is greater. The house footprint is 2,060 square feet. As such accessory buildings are limited to 1,030 square feet on this site. The existing shed also located on the site would be removed prior to the completion of the proposed garage.

Mr. Maxwell asked Mr. Stimac about the dimensions of this lot. Mr. Stimac explained that this is a double lot, and is 142' wide and approximately 270' deep.

Ms. Krych was present and stated that she needed a larger garage to park two classic cars, a boat and a lawn tractor. Ms. Krych indicated that this garage would be at

ITEM #8 – con't.

the back of the lot and therefore not visible to traffic along Dequindre. Ms. Krych also said that the existing attached garage is not big enough to store this equipment.

Ms. Pennington asked if they plan to remove any of the existing trees and Ms. Krych indicated that they would only need to remove one of the trees.

Mr. Courtney asked if this property was shielded from the people living on Wisconsin and Ms. Krych said that 95% of her property is shielded by trees.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written approval on file. There are no written objections on file.

Mr. Maxwell expressed concern over the size of this proposed garage and stated that he would be more amenable to a garage that was approximately 1200 square feet. Mr. Hutson asked the petitioner if a smaller garage would create a problem, and Ms. Krych indicated that they would probably have to store one of their vehicles somewhere else. Mr. Hutson also asked about the shed at the back of the garage. Ms. Krych said that the shed consisted of three (3) walls and a canopy and that would be removed. Mr. Hutson then asked what the attached garage was used for and Ms. Krych indicated that she and her boyfriend used it to park their every day vehicles.

Mr. Kovacs said that most standard garages are 24' deep and questioned the fact that the proposed garage would be 30' deep. Mr. Kovacs then asked if they could make this garage 26' x 50' which he thought would be large enough to store their vehicles. Mr. Kovacs also suggested making this structure "L" shaped, and Ms. Krych said that one of the other reasons she wanted the garage this deep was because she does woodworking and wants the extra room to store her materials.

Mr. Maxwell also asked if they could add on to the existing garage and Ms. Krych said that she could not add on to the back of the house because of the way the home is designed.

Mr. Courtney stated that he also has a problem with the size of the proposed garage and asked if they could store the classic cars elsewhere. Ms. Krych indicated that it was cost prohibitive to store their vehicles off-site.

Mr. Kovacs said that he can understand the need for the extra space, however, he thinks this proposed garage is too large and thinks the garage could be constructed 24' x 48' and make it "L" shaped, and therefore the petitioner would not require a variance.

Motion by Maxwell
Supported by Pennington

ITEM #8 – con't.

MOVED, to grant Linda Krych, 34425 Dequindre, for relief of the Zoning Ordinance to have 1300 square feet of accessory building where 1030 square feet are permitted by Section 40.57.04.

- Size of garage would be 1300 square feet.
- Variance would not be contrary to public interest.
- Variance would not have an adverse effect to surrounding property.
- Compliance with the Ordinance would be unnecessarily burdensome.
- Shed will be removed.

Yeas: 4 – Maxwell, Pennington, Gies, Kovacs

Nays: 2 – Courtney, Hutson

MOTION TO GRANT VARIANCE FOR 1300 SQUARE FOOT GARAGE CARRIED

ITEM #9 (ITEM #7) – VARIANCE REQUESTED. DAVID KUJAWA, 3310 HARMONY, for relief of Section 40.57.05 to maintain an accessory building with a 3.5' setback to the side lot line where a 6' setback is required and a 7'-10" setback from the main building where a 10' distance is required.

The Chairman moved this item to the end of the Agenda, Item #9, to allow the petitioner the opportunity to be present.

Mr. Stimac explained that the petitioner is requesting relief of the Zoning Ordinance to maintain a shed, which was constructed without first obtaining the required Building Permit. The site plan submitted indicates that the shed has been placed 7'-10" from the rear of the house and 3' from the side property line to the north. Section 40.57.05 requires a 10' minimum setback from a house and a 6' minimum setback from any side or rear property line.

Mr. Kujawa was present and stated that he had the shed built off-site and was told by the builder that a permit was not required. Mr. Kujawa also explained that a Building Inspector was at the property regarding a fence variance and at that time discovered the shed, which was constructed without a permit. Mr. Kujawa also said that this was a very small shed and the reason he wished to keep it was to take the clutter out of the garage.

Mr. Kovacs asked how large the existing garage was and Mr. Kujawa said that he thought it was a 2-½-car garage, but that space is very limited.

Mr. Maxwell asked if the shed could be moved, and Mr. Kujawa said that on the other side of the property is a sunken patio with a non-removable pillar. Mr. Maxwell then asked if it could be moved to the other side of the yard and Mr. Kujawa indicated that the shed would then be very visible to persons along Lakewood, and also that he

ITEM #9 (ITEM #7)- con't.

wished to use this area as a play area for his sons. Mr. Kujawa said that if it were possible he would move it 10' from the house, but could not because of the pillar.

Ms. Pennington asked how tall the fence was next to the shed and Mr. Kujawa said that the fence is 6' high and the shed is approximately 10' high.

Ms. Gies asked if sheds were allowed in this subdivision and Mr. Kujawa stated that sheds are permitted.

Mr. Kovacs asked if the shed could be moved adjacent to the play area and Mr. Kujawa said that they wished to leave this as a play area for their children.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written objections or approvals on file.

Motion by Kovacs

Supported by Courtney

MOVED, to grant David Kujawa, 3310 Harmony, for relief of Section 40.57.05 to maintain an accessory building with a 3.5' setback to the side lot where a 6' setback is required and a 7'-10" setback from the main building where a 10' distance is required.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Absent a variance a significant natural feature of the property would be negatively affected or destroyed.

Yeas: 6 – Pennington, Courtney, Gies, Hutson, Kovacs, Maxwell

MOTION TO GRANT VARIANCE CARRIED

The Board of Zoning Appeals adjourned at 8:06 P.M.

MS/pp

HISTORIC DISTRICT COMMISSION MINUTES-DRAFT

DECEMBER 17, 2002

MEETING CALLED TO ORDER AT 7:33 P.M. ON TUESDAY, DECEMBER 17, 2002.

PRESENT: Jacques O. Nixon (Chair)
Wilson (Deane) Blythe
Anne Partlan
Marjorie Biglin

STAFF: John M Skeens, Education Coordinator/Museum

ABSENT: Dorothy Scott
Paul Lin

ITEM # 1 APPROVAL OF MINUTES OF NOVEMBER 19, 2002.

MOVED BY NIXON SECONDED BY PARTLAN FOR APPROVAL OF THE MINUTES OF THE MEETING OF OCTOBER 15, 2002. WITH A CORRECTION OF A TYPOGRAPHICAL ERROR IN ITEM # 2 SEC. C.

Yes: 4--Partlan, Nixon, Blythe, Biglin
Approved

ITEM # 2 NEW BUSINESS**A. HDC Public Meetings Notice**

Skeens will submit to the City Clerk a public meetings notice for the upcoming 2003 calendar year. The HDC will meet on the third Tuesday of each month except July and August at 7:30 pm in conference room C of City Hall.

B. Historic Designation

Donald Spitzer inquired that his mother Barbara Spitzer was interested in having their home designated as historic. Skeens presented the information on the home to the commission, but a formal request by the owner has not been made. Item tabled till request is made.

ITEM # 3 OLD BUSINESS**A. Historic Site Designation 474 E. Square Lake Rd**

Homeowners David and Julia Blair wish to remove their request for historic designation.

B. Update of Historic Site #04-301-012 (770 W. Square Lake Rd)

No further information at this time.

Motioned by Blithe second by Biglin to review the item in six months.

Yes: 4-- Blythe, Partlan, Nixon, Biglin
Approved

C. Update on Historic Site #10-101-104 (Historic Park)

Item tabled till further information is received from city management.

D. Flyer Program

No movement at this time. Partlan attempted to contact City Attorney Lori Bluhm. Five messages were left with out a response.

E. Yamasaki Designation

No further information, the Employees Retirement Board is still considering the designation.

F. Historic Evaluation

Further study will be conducted. Blythe contacted Doug Smith in Real Estate and Development. Smith will send Blythe information on other groups that have conducted similar historic

evaluations. Skeens recommended contacting Ted Legible who heads the Historic Preservation Program at Eastern Michigan University.

ITEM # 4 OTHER REPORTS, COMMUNICATIONS AND ITEMS:

A. 36511 Dequindre Inquire

Skeens reported that the owner of 36511 Dequindre was investigating the "use option" provided for in section 41.55.00 of the Zoning Ordinance. The HDC will be notified if this occurs.

HDC meeting adjourned at 8:02 p.m.

The next regular meeting is scheduled for Tuesday, January 21, 2003 at 7:30 PM at the Troy City Hall in Conference Room C.

Respectively Submitted,

John M Skeens
Education Coordinator/Museum

12/3/02

TO: Mayor & Council

RE: Citizens Academy

Never in our wildest dreams could we have imagined what this academy would be like.

We toured every department in the city and personally met with the heads of each department. It was interesting, fun, and informative beyond our expectations.

We were impressed at the level of professionalism, skills and dedication of all the city employees we met and the accessibility to each and every one of them. They provided in depth information and tours of each of their departments. What a privilege it was to go behind the scenes.

Special recognition goes to Cindy Stewart. Cindy is a warm and wonderful person. She has a knack for making everyone feel special and bringing people together. She truly has the organizational skills to make this an award-winning academy. Her dedication to the city surely stands out. All things considered, Cindy has made participation in this academy fun and made us aware of what a great city Troy is.

For those of you haven't been involved in the Citizens Academy, I encourage you to do so. You won't be disappointed.

Cindy, we all thank you.

Sharon & Al Padar

CITY OF TROY**INTER-OFFICE MEMO** **G-05b**

PUT IT IN WRITING - WRITTEN MESSAGES SAVE TIME, PREVENT INTERRUPTIONS AND REDUCE

TO WILLIAM NEED DATE 12-18-2002SUBJECT METER LEAK APPOINTMENT SR-1304BARBARA WHYTE OF 5753 ROSEBROOK CALLED TO TELL US THAT SHE WAS VERY PLEASEDWITH THE WAY THE PERSON WHO CAME TO FIX THE LEAK AT HER HOUSE. HE EXPLAINEDWHAT HE WAS GOING TO DO IN DETAIL AND EVEN CLEANED UP AFTER HIMSELF.

*Jim Murphy was the man
Mrs. Whyte spoke
to by*

SIGNATURE Charlotte Swasc-Water

 NO REPLY NECESSARY

(Check Mark Indicates Action or Type of Reply Desired)

Instead of a Written Reply

Before Replying

Please Reply NOT LATER Than

- Please See Me Personally
- Please Furnish Data Requested
- Please Take Action Requested

- Please Take Up With _____
- Please Investigate

- _____
- Expressing Your Judgement
- Giving Info. Requested
- Indicating Action Taken

G-5b

Mary F Redden

Subject: FW: City Services Report Card

-----Original Message-----

From: Tom Clippert [mailto:twclip@hotmail.com]

Sent: Friday, December 20, 2002 5:00 PM

To: stewartca@ci.troy.mi.us

Subject: City Services Report Card

I am 60 years young, and a life long resident of this fair city. I have always been very pleased with the manner in which the city is and has been run. There have been some problems, but every growing city faces them and Troy is no different. Traffic continues to be a major concern for all residences. Beefed up patrol of the city streets and 75 to help curb the dangerous and rude drivers would be a major concern of mine. I was very pleased with the service I received from the building dept. and the inspectors who visited my home during the renovation that I completed this past summer and fall. They were courteous, professional and prompt. They also gave me advice in working with the contractor who was doing the renovation. Continue to listen to the residents and keep taxes at a level where all can enjoy this city.

Tom Clippert
2181 Charnwood

12/23/02



DuPont Automotive

DuPont Automotive
945 Stephenson Highway
P.O. Box 2802
Troy, MI 48007-2802
(248) 583-8200

G-05d

December 17, 2002

Chief Charles T. Craft
Troy Police Department
500 W. Big Beaver
Troy, MI 48084

Dear Chief Craft,

On behalf of DuPont Performance Coatings in Troy, I would like to thank you for allowing us to have Sergeant Dave Swanson as the guest speaker at our November Safety Meetings.

We at Dupont continue to have a "Goal of Zero" philosophy regarding safety and excellent presentations such as the one given by Sergeant Swanson are key to keeping focused on safety both at work and at home.

Dave related to the audience and effectively conveyed his message on winter driving safety along with a sobering reminder on the negatives of drinking and driving. We received excellent feedback from the employees on the quality of Dave's presentation and the impact of the message that was delivered.

Thanks again, and have a safe and happy holiday season,

Sincerely,

Joseph F. Campbell
Research Supervisor
DuPont Performance Coatings

JFC:em



January 2003

January 2003							February 2003						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
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19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		January 1, 03 New Year-City Offices Closed	10:00am Senior Citizen Advisory Committee (Community Center)		
6	7	8	9	10	11
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning Commission-Study Session (Lower Level)	8:30am Canceled: BUILDING CODE BOARD OF APPEALS (Conference Room Lower Level) 3:00pm Employee Retirement System (C)	7:30pm Library Board (Library) 7:30pm Parks & Recreation Board (Community Center)		
13	14	15	16	17	18
7:30pm City Council-Regular (Council Chambers) 7:30pm Liquor Committee (C)	7:30pm Planning Commission-Regular (Council Chambers) 7:30pm Historical Society (Community Center)	7:30am Downtown Development Authority 7:00pm Cable Television Advisory Committee 7:30pm Traffic Committee	3:00pm Brownfield Redevelopment Authority	2:00pm City Council-Study Session (Council Board Room)	
20	21	22	23	24	25
	7:30pm Board of Zoning Appeals (Council Chambers) 7:30pm Historic District Commission (City Hall)	7:00pm Troy Youth Council (Contact Laura Fitzpatrick) (Conference Room LL)			
27	28	29	30	31	
	7:30pm Planning Commission-Study (Lower Level) 7:30pm Historical Commission (Museum)				

Public Hearings:
01-06: Local Law Enforcement Block Grant
Parking Variance 2938 E Maple Polish Market
01-13: Special Assessment-Section 18 Asphalt Paving

February 2003

February 2003

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March 2003

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
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7:30pm City Council-Regular (Council Chamber)	7:30pm Planning Commission-Study (Lower Level)	8:30am Building Code Board of Appeals (Lower Level) 7:00pm Advisory/Pers w/Disabilities (Community Center)	10:00am Sr Citizen Advisory Committee (Community Center)		9
10	11	12	13	14	15
7:30pm Liquor Committee (C)	7:30pm Historical Society (Community Center) 7:30pm Planning Commission-Regular (Council Chambers)	3:00pm Employee Retirement System (C)	7:30pm Library Board (Library) 7:30pm Parks & Recreation Board (Community Center)		16
17	18	19	20	21	22
7:30pm City Council-Regular (Council Chamber)	7:30pm Board of Zoning Appeals (Council Chambers) 7:30pm Historic District Commission (City Hall)	7:30am Downtown Development Authority (Lower Level) 7:30pm Traffic Committee (Lower Level) 7:30pm Election Commission (D)			23
24	25	26	27	28	
7:30pm City Council-Liquor Violation Hearings (Council Chambers)	7:30pm Historical Commission (Museum) 7:30pm Planning Commission-Study (Lower Level)	7:00pm Troy Youth Council (Contact Laura Fitzpatrick) (Conference Room) 7:30pm City Council-Liquor Violation Hearings (Council Chambers)			

Public Hearings:
 01-05: Local Law Enforcement Block Grant
 01-06: Variances 2518 E Maple Polish Market
 01-13: Local Assessment Section 18 Asphalt Paving

March 2003

March 2003

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30	31					

April 2003

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					March 1
					2
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City Council-Regular Council Chambers	1:00pm Board of Review (D) 7:30pm Planning Commission-Study (Lower Level)	8:30am Building Code Board of Appeals (Lower Level) 7:00pm Adv Comm Pers w/Disabilities (Lower Level)	10:00am Sr Citizen Adv Committee (Community Center)		
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9:00am Board of Review (D)	1:00pm Board of Review (D) 7:30pm Historical Society (Community Center) 7:30pm Planning Commission-Regular		7:30pm Library Board (Library) 7:30pm Parks & Recreation Board (Community Center)		
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7:30pm City Council-Regular (Council Chambers)	7:30pm Board of Zoning Appeals (Council Chamber) 7:30pm Historic District Commission (City)	7:30am Downtown Development Authority 7:30pm Traffic Committee			
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					31



December 12, 2002

Ms. Cynthia Stewart, Community Affairs Director
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Dear Ms. Stewart:

Did you know that even today 95% of all households across the country don't enjoy the benefits of direct cable competition? I am pleased to report, we recently celebrated our first anniversary as your competitive cable service provider by successfully transforming the former SBC cable division into a self-sustaining cable communications company.

Today, we successfully compete against the largest cable operator in the entire world. Our current success is rooted in our respect for customers and the importance we place on each and every customer relationship. We demonstrated this in the past year when we effectively rolled out digital cable services and enhanced our video line-up with several new basic and premium channels requested by customers. Furthermore, we introduced value packaging and launched an innovative high-speed Internet service to every home located in the system.

In order to flourish as a competitive provider, we must continuously deliver a great service at a good value. We regularly review customer input and monitor the competitive environment in order to make sure we're providing a desirable service. At the same time, our company is not immune to increased costs, particularly those related to basic programming fees and operational expenses. In order to keep pace with these increased expenses it is necessary to adjust monthly rates beginning with our February 1, 2003 billing cycle. The enclosed notifications will be mailed to all customers explaining the upcoming price adjustment.

Thank you for your continued. Please contact me at 586.977.2269 should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Dineen".

Mark Dineen
Senior VP, General Manager

cc: Matt Pryor – Mayor of Troy
Tonni Bartholomew – City Clerk of Troy

K



WOW!

INTERNET AND CABLE

Dear Valued Customer,

As a part of our continued efforts to keep you informed, I would like to tell you about some upcoming changes in WideOpenWest service rates.

Like most companies, our cost of doing business continues to increase. At this time, we find it necessary to make adjustments to our rates beginning with your February 2003 billing statement. Please review this notification for details.

However, because you subscribe to one of our promotional packages, please note that **your package rate will not be affected by these changes** and will remain in effect until January 1, 2004. Any optional services or additional equipment outside of your package, though, may be impacted by these changes.

We value your business and hope to remain your choice in cable television and high-speed Internet providers for many years to come. If you have any questions regarding these changes, please call us at 1-800-560-2044.

Sincerely,

Mark Dineen
Senior Vice President & General Manager
WideOpenWest

PRODUCTS AND SERVICES PRICE LIST

Effective February 1, 2003 • Serving the community of Troy

(all prices reflect a la carte monthly rates, excluding applicable franchise fees, regulatory fees and taxes)

Local Service	\$ 10.99	INSTALLATION AND REPAIR	
OPTIONAL CABLE SERVICES		Install Cable TV	\$39.99
Basic Service	\$ 37.50	Install High-Speed Internet	\$39.99
<i>Includes Local Service</i>		Install Cable TV & High-Speed Internet	\$39.99
Digital Basic Service	\$ 14.99	Truck Roll	\$29.99
OPTIONAL PREMIUM CHANNEL SERVICES		Rewire Outlet (per outlet)	\$ 9.99
HBO	\$ 14.99	Install Additional Outlet (per outlet)	\$ 9.99
Showtime/The Movie Channel	\$ 13.99	Wall Fish (per wall)	\$ 15.00
CineMAX	\$ 10.99	Transfer Service	\$ 9.99
STARZ/Encore	\$ 10.99	Restart Fee	\$29.99
Playboy (a la carte)	\$ 13.99		
MONTHLY EQUIPMENT RENTAL			
Basic Cable Receiver	\$ 3.99		
Digital Cable Receiver	\$ 7.50		

For customers receiving service through commercial accounts or bulk rate arrangements, some product, pricing and other information contained herein may not apply.

Certain restrictions apply. Call WideOpenWest for complete details about services and pricing. Certain services are available separately or as part of other levels of service. Not all services available in all areas. Local Service must be purchased in order to subscribe to any other optional video service or tier of video services. You must rent a converter and a remote control to receive certain services. Installation, equipment, additional outlet, change of service, programming access and other charges may apply, depending on location and services ordered. Pricing, programming, channel location and packaging are subject to change.

www.wideopenwest.com

2003 FEB 4 10 20:48:10 AM
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 12/12/02



Comcast Cable Communications, Inc.
36250 Van Dyke Avenue
Sterling Heights, MI 48312-2758
Tel: 586.883.7000
Fax: 586.883.7117

December 5, 2002

Ms. Cindy Stewart
ICCA Chairperson
City of Troy
500 West Big Beaver Road
Troy, MI 48084

Dear Ms. Stewart:

I am writing to notify you that, effective with statements beginning in early January, Comcast will be changing the prices of some of its services for residents of your community. We are notifying customers via a message on their December statements, the copy of which is below:

Effective with your next statement the following price changes will occur: Basic Cable from \$11.50 to \$12.30; Standard Cable from \$20.45 to \$21.69; Preferred Basic from \$34.95 to \$36.99; Standalone Digital Cable from \$9.95 to \$11.95; Digital Plus from \$14.95 to \$15.95 Digital Plus Package from \$50.95 to \$53.99; Digital Silver from \$61.95 to \$64.99; Digital Gold from \$68.95 to \$73.99; Digital Platinum from \$78.95 to \$83.99. Ala Carte Premium channels HBO, Showtime, TMC & Cinemax from \$12.95 to \$14.95; Starz from \$8.75 to \$9.95. All other packages not listed will increase \$4.04.

Effective with your next statement the monthly price for Comcast High Speed Internet Service will increase to \$46.99. The price of the modem rental will remain at \$5.00 per month.

We are making these price changes in an especially competitive environment, in which consumers have unprecedented choices for broadband services. Across the Greater Detroit region, we face significant competition from two national satellite providers, neither of which provides public/education/government access channels, collects or pays franchise fees, employs local residents, or contributes to the quality of life in our community. And in your community we also compete with another cable company.

We understand that these changes may prompt calls from local residents. As always, please feel free to refer them to 1-888-COMCAST, 24 hours a day. However, if you wish to respond to residents' questions, I have attached a fact sheet about Comcast's investment in its broadband networks, customer service, cable programming and the community, that should be helpful to you.

Faster upstream speeds to be available on Comcast High-Speed Internet

For your information, Comcast is also changing a key feature and the price of Comcast High-Speed Internet for new customers only, effective January 1, 2003.

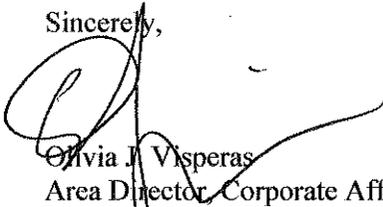
In an effort to align our high-speed Internet product features nationally and offer customers more value, as of January 1, 2003, Comcast High-Speed Internet will include a top upstream speed of 256 kbps, versus 128 kbps currently. This doubling of potential upstream speed reflects increased customer interest in sending larger files, such as digital photos, video and sound clips, and e-mail attachments.

For new customers who choose to receive Comcast cable service, the discounted price for Comcast High-Speed Internet is \$42.95 per month (plus \$3 per month if the customer chooses to lease a cable modem from Comcast). For new customers who do not choose to receive any Comcast cable service, the price of Comcast High-Speed Internet is \$57.99 per month (plus \$3 per month if the customer chooses to lease a cable modem from Comcast).

There is no change in the service features or discounted price for current Comcast High-Speed Internet customers. Any current customer who wants to upgrade his/her service to enjoy faster upstream speeds would be subject to the new pricing.

As always, please contact me at 586.883.7042 with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Olivia J. Visperas', with a long, sweeping horizontal line extending to the right.

Olivia J. Visperas
Area Director, Corporate Affairs
Detroit East



Key Facts and Background Information

January 2003 Price Changes

Effective with statements beginning in mid-January 2003, prices for Expanded Basic Cable (which comprises most the most popular cable networks like ESPN, CNN, Fox Sports Net Detroit, Lifetime, and others), a la carte premium networks like HBO and Showtime (and any premium package prices), and Comcast Digital Cable value packages will increase. There is no change at this time in the prices for Limited Basic Cable, installation or equipment.

Customers will be notified of these price changes via a printed message on their Comcast statement, delivered at least 30 days prior to the effective date of the price change.

These price changes are driven exclusively by the increased costs of providing broadband services, particularly Comcast's investment in upgraded broadband networks, customer service enhancements, and the best in cable programming. The price changes are completely unrelated to Comcast's recent combination with AT&T Broadband.

Your residents enjoy unprecedented choices when it comes to entertainment and information service providers. Across our product lines, Comcast faces stiff competition every day. In the video entertainment arena alone, Comcast competes with two national satellite providers across the entire Greater Detroit region. And in more than 40 southeastern Michigan communities, including yours, customers can also choose to receive services from another cable provider.

Comcast provides customers more value through increased investment

The Most Advanced, Reliable Broadband Networks

Since 1996, Comcast has invested more than **\$1 billion** to upgraded its broadband networks in Greater Detroit:

- Upgraded networks provide greater service quality and reliability to every Comcast customer.
- Upgraded networks provide customers with the new products and services they want, including:
 - ❖ Comcast Digital Cable
 - ❖ Comcast High-Speed Internet
 - ❖ Comcast On Demand — available to 400,000 homes in Greater Detroit
 - ❖ Comcast HDTV — now available to more than 1.5 million homes in Greater Detroit

24/7 Customer Service & Network Management

In a competitive marketplace in which consumers have unprecedented entertainment choices, Comcast continues to invest heavily in customer service:

- Comcast offers 24/7 customer service — at local call centers in Plymouth Twp. and Sterling Heights — via toll-free phone lines for all products.
- Comcast plans to open a new \$15-million IP Services Support Center near Ann Arbor during the second quarter of 2003. Along with the potential to create hundreds of additional jobs, it will more importantly allow us to maximize the number of Comcast High-Speed Internet calls that are handled by in-house staff.
- Comcast's Network Management Center in Westland monitors Comcast's broadband networks 24 hours a day, ensuring rapid response and resolution to any service interruption, while performing customer-affecting network maintenance during overnight hours.
- Comcast invests heavily in preventive maintenance to provide even higher quality and reliability.

Cable Programming

When customers receive their Comcast statement each month, the biggest single factor in that price is the cost of cable programming.



Many customers do not know that Comcast and other cable broadband providers pay cable networks for their programming, not the other way around. The price Comcast pays cable networks — for basic programming alone — has increased more than 39 percent over the past three years. By contrast, through streamlining operations, cost savings, and technology advancements, Comcast has been able to limit the increase in the price for Preferred Basic Cable to just 16.8 percent over the same period.

Put another way, Comcast invests about as much each year in cable programming as it does in customer service, technical operations, and marketing combined.

Programming investments at existing networks

Meanwhile, at well-established networks, cable programming is continually improving. Cable networks, in a competitive 200-channel world, are making major investments in programming. Those investments increase the value of their programming. From ESPN and TNT's new \$4.6-billion deal with the NBA, to TNT's exclusive rights to expensive syndicated shows like *ER* and *Law & Order*, to popular original programming on TLC (*Trading Spaces*), FX (*The Shield*), HBO (*The Sopranos*, *Sex and the City*, etc.), this increased value is reflected in the price customers pay.

Comcast offers more channels, at a lower per-channel cost, than the U.S. average

The most recent Federal Communications Commission survey on cable prices and channel offerings reflect data as of July 1, 2001 (the FCC's most recent survey). With these newly announced prices, Comcast continues to offer customers more channels, at a lower cost per channel, today than the national average 18 months ago.

	Preferred Price	Basic	Preferred Channels	Basic	Cost Per Channel (Price/Channels)
Comcast (Troy)	\$36.99		81		46¢
U.S. average	\$33.75		59		57¢

A Commitment to Your Community

Comcast was founded in 1963 on a number of principles, including a commitment to give back to the communities we serve. We offer free Cable in the Classroom and high-speed Internet service to local schools and libraries. On a regional basis, we have strongly supported major community events such as Arts, Beats & Eats, America's Thanksgiving Day Parade, the March of Dimes WalkAmerica, and awarded \$170,000 in education scholarships to graduating high-school seniors.

Your Comcast contact:

Olivia Visperas
Area Director, Corporate Affairs
Detroit East

(586) 883.7042; olivia_visperas@cable.comcast.com

Date: December 23, 2002

To: The Honorable Mayor and City Council

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

Subject: Rhode Island Estates Site Condominium - Update

The petitioner Victor Deflorio, D & G Development and Construction, hired Wake-Pratt Construction Co. to complete the development of the single-family site condominium. As you may recall, the unimproved Rhode Island Drive right-of-way is only 50 feet wide. The following events occurred as the petitioner attempted to acquire the necessary right-of-way for the standard 60 feet wide right-of-way to permit construction of sidewalks along the proposed road.

- Traffic Committee attempted to waive the sidewalk requirement; however, it was determined that the petitioner did not have ownership of the abutting properties and could not encumber the properties to provide sidewalks in the future.
- Abutting property owners are not willing to sell or grant sidewalk easements at a reasonable price along the proposed road.
- Petitioner submitted an alternative plan with a public walkway to Orpington Road. This allows for pedestrian and bicycle access to Beaver Trail Park and Barnard Elementary School.
- City Management, petitioner and developer are looking into a legal remedy to permit construction of sidewalks along the proposed Rhode Island Drive, when homes are constructed in the future.
- City Management, petitioner and developer discussed modification of the site condominium to eliminate access to Big Beaver Road and provide access to Orpington Road. It appears the petitioner and developer will continue with Big Beaver Road access.

City Management will continue working with the petitioner and developer to resolve the sidewalk issue.

Attachment: General Plan



12/23/2002

TO: MAYOR AND MEMBERS OF CITY COUNCIL

FROM: LORI GRIGG BLUHM, CITY ATTORNEY *LG*
 ROBERT F. DAVISSON, ASSISTANT CITY ATTORNEY
 CAROLYN F. GLOSBY, ASSISTANT CITY ATTORNEY
 SUSAN M. LANCASTER, ASSISTANT CITY ATTORNEY
 ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY

RE: 2002 FOURTH QUARTER LITIGATION REPORT

The following is the quarterly report of pending litigation and other matters of interest. **The accomplishments during the fourth quarter of 2002 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.

1. Rabbani v. Troy - This is a case that challenges the current residential zoning classification of Plaintiff's property. This involves the property between Hannah and DeEtta on Rochester Rd. A bench trial was completed on May 10, 2002. The legal briefs were submitted this summer. **Judge Gilbert issued her written opinion, holding that the City of Troy zoning ordinance was "unreasonable". The City of Troy has filed an appeal of this adverse decision with the Michigan Court of Appeals.**

2. Troy v. Papadelis- This is a case filed by the City against Telly's Nursery, seeking to enjoin the business from using the northern parcel for commercial purposes. After a lengthy appellate history, an order has been entered in the Oakland County Circuit Court, requiring compliance on or before April 29, 2002. The Papadelis family failed to comply with the Court's order, and therefore a Contempt Motion was filed. Oakland County Circuit Court Judge Colleen O'Brien determined that the defendants were in contempt of court, and required them to pay \$1,000 to the City of Troy. However, the Court also determined that the defendants were currently in compliance with the City of Troy zoning ordinances. The Troy City Council authorized an appeal of this decision to the Michigan Court of Appeals. It was filed on September 27, 2002. **The neighbors filed an application for leave to appeal, which is still pending before the Michigan Court of Appeals.**

3. Swider v. Flagstar Bank and City of Troy- This case was filed by Mr. Swider, requesting the City to deny permits for the renovation of the bank building located at the corner of Long Lake Road and Rochester Road. Plaintiff argues that the planned renovations would constitute an unlawful expansion of a non-conforming structure. Swider's request for injunctive relief was denied, and the case will now proceed to discovery.

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.

1. Livernois Project

- a. Troy v. Howard- **Trial adjourned to January 23, 2003.**

3. Parkland Acquisition (Sections 22, 24, 36)

- a. Troy v. Matthews Farms L.L.C. et. al- **Discovery**
- b. Troy v. Livernois Road Partners, L.L.C. et. al.- **Discovery**
- c. Troy v. Ronald Theuer-**Case evaluation set for Jan. 24, 2003**
- d. Troy v. Blanton/ Smith- **Discovery**

4. Maple Road Project

- a. Troy v. Maple Lane - Maple Road Project-**Discovery**
- b. Troy v. 2100 E. Maple - Maple Road Project- **Discovery**
- c. Troy v 2100 E. Maple Road # 2- **Discovery**

5. Long Lake Road

- a. Troy v. Marilyn Kay Miller Trust- Discovery.
- b. Troy v.Elias & Fahamie & Allen Metry- **Discovery.**
- c. Troy v.Richard & Mary Rauhut- **Discovery.**
- d. Troy v. Helen Nawrocki & Richard Rauhut- **Discovery.**
- e. Troy v. Joseph & Patricia Molenda- **Discovery.**
- f. Troy v. Jimmy & Bushra Isso- **Discovery.**

6. John R. Road Sidewalk Project

- a. Troy v. James & Amy Lewis- Discovery
- b. Troy v. Ann Stromar, Mark Turpen, David Koether & Mary Ballard- City has possession. The descendants of Maude Eyster, title holder of record to the western 60 feet, have been determined. Mrs. Stromar (the owner of the home on the property), and the heirs of Maude Eyster remain in the case until clear title can be obtained.

6. Miscellaneous

- a. Troy v. Seth Walker et. al- Fire Station # 3- **Consent Judgment entered.**
- b. Troy v. JMJ Land Investment Company- Dennis Powers Drain Project- **Discovery**
- c. Troy v. Corazza- Dequindre project- **Trial is set for February 2003 after unsuccessful Court ordered facilitation.**

D. TAX CASES

These are cases in which the property owner has disagreed with the tax assessment made by the City. In most cases, the Assessor represents the City at the Tax Tribunal. The City Attorney's Office handles cases if they are filed in the circuit court, Court of Appeals, Michigan Supreme Court, and also tax tribunal matters that involve questions of law.

1. WPW v. Troy- This is the case that was filed by WPW Acquisitions, alleging that the City improperly exceeded Proposal A by adjusting for an increase in occupancy for a rental property. This lawsuit also argues that the Michigan statute that allows for this adjustment is unconstitutional. The City was unsuccessful at the circuit court level. However, the City appealed the circuit court decision. On November 14, 2000, the Michigan Court of Appeals reversed the circuit court, and held that the statute was constitutional, and therefore Troy's adjustment was permitted. The Michigan Chamber of Commerce, the National Association of Real Estate Investment Trusts, and the Michigan Insurance Federation filed Amicus Briefs in support of WPW. The Michigan Municipal League filed an Amicus Brief in support of the City's position. The Michigan Supreme Court reversed the Court of Appeals, and ruled in favor of WPW. Several communities are interested in challenging the definition of losses in the absence of legislation defining these terms consistent with past practices. Municipal assessors are obligated to reduce assessments for low occupancy levels, but cannot increase above the Proposal A cap when full occupancy is achieved. **The Michigan Court of Appeals, on remand, affirmed the City of Troy's position that the Michigan Tax Tribunal was the appropriate entity to calculate any tax refunds.**

2. WPW v. Troy et. al- This is a second case filed by the WPW group, raising a separate issue under Proposal A. The attorneys for WPW filed five separate, but identical, lawsuits against the City of Troy, Canton Township, the City of Southfield, the City of Oak Park, and the City of Taylor. In a nutshell, these rental property owners argue that the Michigan Constitution mandates reductions of the taxable values of their property, since they equated taxable values with the pre-Proposal A term assessed values. All five circuit court judges opined that with the passage of Proposal A, these two terms are necessarily distinguished. The appeals of these cases have been consolidated. Oral arguments occurred in February 2002, and the Michigan Court of Appeals affirmed the circuit court judges, resulting in a success for the municipalities. WPW recently filed an application for leave to appeal to the Michigan Supreme Court. A decision on the application for leave to appeal is expected in the immediate future.

3. EDS (Electronic Data Systems) v. City of Troy et. al- This is a case at the Michigan Court of Appeals that has been consolidated with cases against Flint Township, the City of Buena Vista, the City of Southfield, the City of Auburn Hills, the City of Swartz Creek, and the Township of Grand Blanc. The Tax Tribunal dismissed the EDS petitions challenging their personal property assessments for EDS (Electronic Data Systems) as untimely, since they had failed to comply with the Tribunal rules. EDS is now seeking to overturn

this decision, and allow the petitions to proceed on the merits. Oral arguments were heard at the Court of Appeals on September 17, 2002. **The municipalities prevailed in this matter, since the Tax Tribunal's dismissals were affirmed by the Michigan Court of Appeals. In addition, EDS' Motion for Reconsideration was also denied. It is anticipated that a Motion for Leave to Appeal to the Michigan Supreme Court may be filed on this case.**

E. 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 their civil rights were somehow violated by the City and/or the police officers of the City of Troy.

1. Kostrzewa v. Troy- Plaintiff alleges that the Troy police officers used excessive force in handcuffing him during his arrest on a bench warrant. He also raises a claim of malicious prosecution, since he was charged with obstructing a police officer. Before conducting any discovery in this case, Troy filed a motion for dismissal, which was initially granted by the District Court. Plaintiff appealed the dismissal to the Sixth Circuit Court of Appeals. The Sixth Circuit remanded the case back to the District Court. The Court denied the City's Motion for Dismissal. **After an extensive jury trial, the jury found in favor of the City of Troy, awarding a no cause. The City will file a Motion to recover costs and/or attorney fees from Plaintiff.**
2. Sauger v. Troy- This is a case where Plaintiffs argue that the Troy police department violated the Fourth Amendment rights of Jason Sauger and his parents when they entered into his home to effectuate an arrest. They also raise a periphery of other claims in their complaint, including excessive force, invasion of privacy, and malicious prosecution. Prior to the commencement of discovery, Troy filed a motion for dismissal, arguing that Plaintiffs had failed to set forth viable claims against Troy and its officers. The Court granted the motion in part, and dismissed several claims. However, the Court was unable to render a decision as to all claims without additional facts (beyond the facts set forth in the complaint). The City Attorney's Office will continue to represent the City and Chief Craft. However, Michigan Municipal Risk Management Authority attorney Michael Rosati will represent the individual police offices. This is because there may be a potential conflict of interest if the same attorney represents both the City and the individual officers. **The Defendants' Motions for Summary Judgment will be heard on February 12, 2003. The case was recently mediated by a Wayne County mediation panel.**
3. Charles Steven Russ v. City of Troy and Lawrence Carey- This is a case filed by current police officer Steve Russ against the City of Troy and former police chief Lawrence Carey. The lawsuit alleges marital

discrimination, and argues that Russ was not promoted to Police Sergeant, since he was single. Oakland County Circuit Court Judge Gilbert initially granted summary disposition to the City and also Carey. The summary disposition was overturned by the Michigan Court of Appeals, and the case has been remanded to the Oakland County Circuit Court. The trial date was adjourned from June 25, 2002 to sometime in January 2003. The Court has also ordered facilitation in this case. **As a result of an unsuccessful facilitation, the Court set the jury trial for November 2002. After an extensive trial, the jury found in favor of the City, and entered a no cause verdict. The City has filed a Motion to recover costs and attorney fees incurred in defending the case.**

4. **Catherina Castiglione v. City of Troy. This case was filed against the City of Troy by Ms. Castiglione. Castiglione failed to complete police academy training, which was a pre-requisite to an employment offer from the City. Ms. Castiglione is now arguing that the City's withdraw of the employment offer was in retaliation for her complaints against the police academy. She also argues that the withdrawn offer resulted from retaliation for her worker's compensation claim. She also claims entitlement to unpaid overtime compensation for her long commute to the police academy.**

F. 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. **Kerri Wolfe v. City of Troy and Road Commission for Oakland County-** This was a case where Plaintiff argued that defective traffic signals at the Long Lake/ Livernois Road intersection caused her automobile accident. The Circuit Court recently granted the summary disposition motions for Troy and the Road Commission. Plaintiff has now filed an appeal with the Michigan Court of Appeals. The City's appellate brief has been filed, and the parties are waiting for an oral argument date.

2. Bogush v. City of Troy- Danny Bogush has filed this lawsuit against the City, seeking compensation for injuries sustained during a fall on a City sidewalk. Discovery has closed. **A jury trial is set for January 2003.**
3. Robert & Sandra Wehbe v. City of Troy et. al.- This is a case filed by a minor who was injured when riding his skateboard into freshly poured concrete. The complaint argues that the defective highway exception to governmental immunity applies, subjecting the City to liability. The contractor of the project, who is also a named defendant in this lawsuit, has been requested to indemnify and/or defend the City of Troy, based on the insurance policy which names the City as an additional insured. Our office will continue to participate in the defense of this case. **Discovery is on-going in this matter.**
4. Nancy and James Berryman v. City of Troy- Mr. and Mrs. Berryman have filed this lawsuit against the City, attempting to recover damages from Mrs. Berryman's fall on July 9, 2002. The complaint argues that the veil of governmental immunity is pierced under the defective highway exception to governmental immunity, since Mrs. Berryman fell on a sidewalk that was maintained by the City. The City is currently gathering information concerning these allegations.

G. MISCELLANEOUS CASES

1. The Bell Company v. the City of Troy- This is currently before the American Arbitration Association. In this case, Bell challenges that they are entitled to approximately \$450,000 in damages that were incurred by delays on the renovation of the 52-4 judicial district court. This case is currently in the discovery phase. The City has requested indemnification and/or legal defense from the architect, Tom Strat and Associates. The request for indemnification and assumption of the legal defense of the City was granted by Strat's insurance company. Attorney Scott Sirich of Plunkett and Cooney has intervened in the case on behalf of Troy, and has completed the transition from previously retained attorney Steven Potter. Our office will continue to participate in the defense of this case. **Discovery is on-going.**
2. Lawrence M. Clarke v. City of Troy- This case is currently pending in the American Arbitration Association. Clarke alleges that he was not paid approximately \$500,000. Most of this sum is attributed to requested change orders, which were denied by the City, based on the fact that the work was included in the original contract. The arbitration **commenced on December 5, 2002, but was postponed to January 9, 2003.**

3. **Durant Development Corporation v. City of Troy et. al.**- This is a complaint to vacate a portion of a recorded plat- drainage easement, that was filed by Durant Development Corporation against the City of Troy, all utility companies, all neighbors within 300 feet of the proposed development (Shady Creek Estates Subdivision), and designated county and state representatives. Durant Development is currently trying to secure written consents from all named defendants.

H. CRIMINAL CASE APPEALS

1. **Troy Police Officer Dungjen v. Duncan**- This is an appeal of an adverse decision of the Driver License Appeal Division (DLAD) of the Michigan Secretary of State. Officer Dungjen arrested Duncan for drunk driving, and Duncan refused to submit to a breathalyzer test. Although all suspected drunk drivers are required to submit to a test, as requested by the arresting officer, the DLAD officer refused to take any license sanctions against Duncan. This matter is pending before Judge Deborah Tyner, of the Oakland County Circuit Court. The City's brief was filed on July 15, 2002.
2. **People of the State of Michigan v. Marie Semarjian**- Ms. Semarjian filed a claim of appeal with the Oakland County Circuit Court, challenging the decision of the District Court. Oral Argument on the appeal is scheduled for January 8, 2003.

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

December 26, 2002

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance and Administration
Jeanette Bennett, Purchasing Director

Re: Report and Communication
E-Procurement Initiative - Third Party Vendor Registration

COOPERATIVE – RFP PROCESS

Nine members of the Tri-County Purchasing Cooperative have been working on an E-Procurement Initiative to move paper-based processes involving vendors to the Internet. The City of Farmington Hills acted as the host City for a Request for Proposal process that would move vendor registration to the Internet with the potential of moving the entire bid process to e-procurement (Farmington Hills Executive Summary attached). Ten proposals were received with Bidnet selected as the bidder providing the most diverse, comprehensive, tested, and cost effective solution. Their solution includes third party vendor registration that allows a vendor to register for bid solicitations one time for all participating entities. Although only 9 of the 32 Tri-County Cooperative Members participated in the process, it is anticipated that others will join after the initial group is up and running.

It is staff's intention to start with a ***no cost solution for vendor registration that allows bidders to download bid documents for free.*** Vendors will also be able to access bid tabulations via the Internet. Since there is no cost for the basic services, this item is forwarded for your information. Vendors can opt to incur a cost of \$29.95 per year for automatic notification of bids by either fax or email. It should be noted that the open bid concept remains intact since vendors have open access to bid documents. No changes to the Charter or Ordinance are required to go forward with this project.

Later projects involving sealed bids may require a legal opinion as to what constitutes a sealed bid and may require Charter and Ordinance revisions but staff intends to be on the forefront of advancing electronic procurement. Reverse auctioning could also be implemented in the future, but Charter and Ordinance requirements will require amendment due to sealed bid stipulations unless this process is used only for very competitive non-service type purchases under \$10,000.

INTERNET AUCTIONING

Another component of the RFP process was auctioning services over the Internet. After the demonstrations of the two finalists (Bidnet and Bidcorp), Bidcorp was the Cooperative's choice for Internet Auctioning. The City currently pays a nominal fee (\$200) to Bidcorp that allows staff to download Oakland County contracts. Included in the membership fee is the ability to participate in on-line auctions. Therefore, an award for this portion of the RFP process was not deemed necessary for those entities that pay the membership fee. Oakland County has dedicated staff and facilities to the disposal of County equipment and has made this site worthwhile over time. Since the City of Troy has neither the staff nor facilities that allow for efficient transfer of equipment due to our size, it is our intention to take only large items out to the Internet through Bidcorp to test whether it is an efficient and cost effective use of resources.



City of Farmington Hills

Inter-Office Correspondence

DATE: December 19, 2002

TO: Steve Brock, City Manager

FROM: Michael Lasley, Director of Central Services

SUBJECT: E-PROCUREMENT INITIATIVE

Over the past nine months we have been working with the Tri County Purchasing Cooperative on an e-procurement initiative. The Tri County Cooperative involves purchasing staff from thirty two governmental agencies that frequently bid out products as services as a cooperative. The e-procurement initiative involves nine members including Royal Oak, Birmingham, Troy, Warren, Sterling Heights, Livingston County, Rochester Hills, Dearborn and Farmington Hills.

E-procurement is a method of streamlining the purchasing process using internet based technology. The system recommended will provide the following features and functions.

1. The system will be an internet based product hosted by BidNet.
2. Bid list administration will be managed by the vendor transferring the responsibility from the purchasing staff.
3. A commodity coded vendor notification system for bids and quotes. Vendors will have the option to register for business opportunities offered by the Tri County Cooperative or national opportunities.
4. Ability to post invitations to bid (ITB), request for proposals (RFP), quotes and tabulations for vendors in PDF format.
5. Postings will be date and timed driven so documents will be removed automatically.
6. The system will allow for pre-qualified or mandatory prebid offerings where only designated vendors can reply.
7. The system will allow each agency to configure the system to accommodate electronic bid responses in a secure mailbox or via standard sealed envelopes. Each agency will also be able to designate their preferred response to quotes.
8. The system will allow participants to create an electronic library where documents can be shared.
9. BidNet will provide training for participating agencies and customizes the website with the Tri-County design and be linked to each agencies website.

With the introduction of the e-procurement system, vendors will have the choice of electronic or fax notification for a nominal fee of \$29.95 per year. If they choose no notification, registration is free and they must monitor the website as necessary. Each vendor currently registered will receive a notification of this change explaining the new system and encouraging them to register. Beginning July 2003 the City will no longer mail out notifications on offerings.

Since January 2001, the City of Farmington Hills has posted its ITB's and RFP on the city website. This has reduced postage costs and handling making it much easier and efficient for staff to issue these documents. Currently there are companies copying the City bid offerings from our website, posting them on their website and charging vendors a fee for this service. Although

we appreciate the wide distribution and potential increase in competition and responses, this has caused confusion when inaccurate information is posted. The e-procurement system will prevent this from happening.

We have attempted to design this system to minimize any reluctance from our vendor base. The majority of the vendors will understand and appreciate a consolidated location where business opportunities reside from numerous governmental agencies. A few may resist due to internet access requirements which have become essential in today's business climate. Vendors unwilling to obtain internet access have options such as public libraries, internet coffee shops or obtain a hard copy from the agency. BidNet's has found very few vendors resist the overall benefits derived from this system.

The cooperative participants solicited RFP's for this initiative and received nine responses. The responses were diverse but no system was as comprehensive, tested or cost effective as BidNet. They currently have two other cooperative purchasing groups using their solution with favorable results.

Staff is anxious to begin moving forward with this endeavor. Since Farmington Hills was the lead agency in the RFP process, other agencies are awaiting our approval process. Since no city funds dollars are being requested, formal City Council approval is not required but notification via this communication is recommended.

Please contact me if you have any questions or comments. I await your approval to proceed.



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December 30, 2002

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary Shripka, Assistant City Manager
Carol K Anderson, Parks and Recreation Director

Subject: Joint Meeting with Senior Advisory Committee and Advisory Commission for Disabilities

Members of the staff and City Council met with representatives from the Advisory Committee for Senior Citizens and Advisory Committee for Disabilities on December 20, 2002 for the purpose of discussing issues with the Community Center.

Those present included:

Christina Broomfield, City Council
David Eisenbacher, City Council
John Szerlag, City Manager
Gary Shripka, Assistant City Manager
Mark Stimac, Building and Zoning Director
Carol Anderson, Parks and Recreation Director
Merrill Dixon, Advisory Commission for Senior Citizens
David Ogg, Advisory Commission for Senior Citizens
Dori House, Advisory Commission for Disabilities
Leonard Bertin, Advisory Commission for Disabilities

Discussion Included:

1. Handicap parking allotment
2. Water fountain locations
3. Rest room locations/size
4. Food service provider
5. Lunch room conditions

In addition, the City bus cost was discussed.

Staff explained that some areas of concern would be resolved when the construction is complete.

Staff is working on resolutions to items not related to construction.

cc: Senior Advisory Committee
Advisory Committee for Disabilities

December 27, 2002

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
John Lamerato, Assistant City Manager / Finance and Administration
James Nash, Financial Services Director

Re: Supplemental Report – Parks & Recreation Winter Recreation Program

OVERVIEW

As reported in the June 30, 2002 Comprehensive Annual Financial Report, pages 76 and 79, the Winter Recreation Program generated revenue of \$599,640 and expenditures of \$635,590, for a net shortfall of \$35,950. This amount presents fairly the results of that program in conformity with generally accepted accounting principles (GAAP.) This document represents an additional analysis to determine the net shortfall or contribution of each of the 43 individual activities comprising the Winter Recreation Program.

BACKGROUND

This analysis includes actual reported financial results for the program as a whole, in conjunction with budgeted allocations by program, and involves the use of estimates allowable within GAAP. As such it is presented in advance of the Walsh College team project whose mission is to establish a means for management to evaluate quality of life services in a broader context which may go beyond the realms of GAAP.

METHODOLOGY

With respect to revenue, the actual receipts of \$599,640 in business unit #1010.4651.090 (Revenue – Winter Programs) are very close (99.36%) to the internally budgeted amount of \$603,494. (Note that the adopted line-item budget of \$515,000 is lower in keeping with our budget practice.) Therefore each activity was allocated 99.36% of its budgeted revenue. No individual activity was reported to experience a material variance from anticipated, budgeted revenue.

Regarding expenditures in the Winter Recreation Program, 40% of the total costs incurred are wages and fringe benefits for employees while the balance is contractual services, supplies and other charges. Direct payroll and fringe benefit amounts are charged to the winter program business unit #754 by full- and part-time employees who are associated with these programs, but specific time and hence dollars applicable to each activity is not delineated. It is therefore necessary to allocate the total payroll cost to individual activities by formula.

One method of allocating the total payroll cost would be to look at the individually budgeted payroll amounts for each activity, and then pro-rate the actual payroll to each activity based upon its budgeted percentage of payroll to the total. For activities where direct payroll is a large component of the total cost, such as preschool, this method will provide a representative cost total.

Another approach is to consider the revenue contribution of an activity to the total program receipts and apply a portion of payroll accordingly. This recognizes that some activities relying upon contractual labor, such as tennis instruction, also require resource support even though no direct payroll is budgeted.

This analysis uses a 50/50 weighting of budgeted payroll/total payroll and activity revenue/total revenue to apply actual payroll costs to each activity.

CONCLUSION

The attached analysis of Winter Program activities shows net results of each activity varying from Dancefit, with an \$8,241 contribution, to Individual Tennis, with a \$21,900 shortfall. It should be noted that depreciation is not calculated nor reported in governmental fund types. Additionally, in accordance with GAAP, general governmental costs/revenues (supervisory administrative personnel, utility and building maintenance costs and internal support services) not accounted for in business units #1010.4651.090 and #754 are not included in this analysis.

Fall/Winter Analysis FYE 6/30/2002

BUDGETED Revenue	ALLOCATED Revenue	Staff/Program	ALLOCATED Staff 50/50	Supplies & Contractual	TOTAL Expenditures	NET
\$16,880	\$16,772	BR-Yth Soccer	\$7,386	\$3,934	\$11,320	5,452
4,078	4,052	BR-Sanchin	867	3,377	4,245	(193)
7,080	7,035	BR-Judo	1,506	5,864	7,370	(335)
5,965	5,927	BR-Golf	1,269	4,856	6,125	(198)
10,550	10,483	BR-Adult BB	7,688	2,019	9,707	776
11,700	11,625	BR-Rookie BB	5,679	7,662	13,341	(1,716)
1,800	1,789	BR-Base. Clinic	383	932	1,315	474
5,375	5,341	BR-Yth VB	2,159	3,748	5,907	(567)
4,700	4,670	BR-Floor Hockey	1,955	2,278	4,233	437
2,632	2,615	EB-Dad/Daught	820	1,527	2,347	268
1,000	994	EB-Arts/Crafts	213	808	1,020	(27)
10,470	10,403	EB-Babysit	15,232	0	15,232	(4,829)
10,500	10,433	EB-Body Image	2,233	8,154	10,387	46
4,400	4,372	EB-Cty West	936	3,189	4,125	247
46,000	45,706	EB-Dance Recital	9,783	35,721	45,503	203
31,500	31,299	EB-Dancefit	6,699	16,359	23,058	8,241
5,460	5,425	EB-Dance Move	3,257	0	3,257	2,168
3,200	3,180	EB-Yth Theater	681	3,106	3,787	(607)
5,000	4,968	EB-Yoga	1,277	3,028	4,306	662
117,000	116,253	EB-Tennis Ind	24,882	113,271	138,153	(21,900)
2,000	1,987	EB-Skate World	425	1,657	2,082	(95)
6,700	6,657	EB-Gymboree	1,425	5,689	7,114	(457)
15,100	15,004	EB-Fitness	3,211	5,073	8,285	6,719
64,500	64,088	EB-Preschool	66,757	5,695	72,451	(8,363)
8,800	8,744	EB-Leisure Unl	1,871	6,378	8,249	494
2,000	1,987	EB-Home Alone	425	1,242	1,668	319
11,000	10,930	EB-Music Adv	2,339	8,283	10,622	307
600	596	EB-Fishing Adv	128	311	438	158
14,042	13,952	EB-Ice Skate	2,986	13,460	16,446	(2,494)
14,000	13,911	EB-Ind Soccer	2,977	12,735	15,713	(1,802)
1,392	1,383	EB-Creative Art	296	1,211	1,507	(124)
225	224	EB-Whiz Kids	48	163	211	13
64,000	63,591	EB-Ski	13,611	48,363	61,973	1,618
5,500	5,465	CV-Travel	1,371	5,177	6,548	(1,083)
13,200	13,116	CV-Adaptive	7,344	0	7,344	5,772
25,000	24,840	CV-Seniors	21,145	15,531	36,676	(11,836)
0	0	SM-PPK	121	119	240	(240)
0	0	SM-Hoop Shoot	121	93	214	(214)
285	283	SM-Corp PPK	157	285	442	(159)
880	874	SM-Open Gym	853	0	853	22
39,750	39,496	SM-Yth BB	19,090	24,331	43,422	(3,925)
6,410	6,369	SM-Ad VB	4,715	2,573	7,288	(919)
2,820	2,802	SM-Flag Football	1,896	699	2,595	207
0		Intern	8,469	0	8,469	(8,469)

\$ 603,494	\$ 599,640	TOTALS	\$ 256,688	\$378,902	\$ 635,590	(35,950)
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CITY OF TROY, MICHIGAN
GENERAL FUND

SCHEDULE OF REVENUES BY SOURCE - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2002
(CONTINUED)

	Amended Budget	Actual	Variance- Favorable (Unfavorable)
Charges for sales and services - Continued			
Fees			
Cable TV franchise fees	\$ 650,000	\$ 811,640	\$ 161,640
Towing fees	25,000	20,170	(4,830)
Plan review fees	75,000	55,777	(19,223)
Other	107,700	142,762	35,062
	\$ 857,700	\$ 1,030,349	\$ 172,649
Total charges for sales and services	\$ 2,567,450	\$ 3,084,118	\$ 516,668
Fines and forfeits			
Library fines	\$ 80,000	\$ 78,303	\$ (1,697)
District court reimbursement	375,000	476,826	101,826
Other	360,000	616,620	256,620
	\$ 815,000	\$ 1,171,749	\$ 356,749
Investment income			
General	\$ 1,623,000	\$ 844,164	\$ (778,836)
Miscellaneous			
Administrative fees	\$ 307,450	\$ 307,450	\$ -
Other	297,700	343,314	45,614
Recreation			
Summer program	700,000	755,780	55,780
Winter program	515,000	599,640	84,640
Tennis bubble rent	27,000	25,000	(2,000)
Community Center	110,000	438,918	328,918
Outdoor educational center	40,000	30,861	(9,139)
Other recreation	10,000	8,054	(1,946)
	\$ 2,007,150	\$ 2,509,017	\$ 501,867
Total revenues	\$ 46,183,590	\$ 46,938,384	\$ 754,794

CITY OF TROY, MICHIGAN
GENERAL FUND

SCHEDULE OF EXPENDITURES BY FUNCTION - BUDGET AND ACTUAL
FOR THE YEAR ENDED JUNE 30, 2002
(CONTINUED)

	<u>Amended Budget</u>	<u>Actual</u>	<u>Variance- Favorable (Unfavorable)</u>
Other public works			
Street lighting	\$ 356,990	\$ 300,827	\$ 56,163
Sidewalk maintenance	109,430	144,522	(35,092)
Weed cutting and other	59,540	52,504	7,036
	<u>\$ 525,960</u>	<u>\$ 497,853</u>	<u>\$ 28,107</u>
General services			
Engineering	\$ 2,776,130	\$ 2,634,796	\$ 141,334
Storm drain and retention pond maintenance			
Storm drains	\$ 339,090	\$ 275,564	\$ 63,526
Retention ponds	242,730	230,081	12,649
Administration	200,070	170,194	29,876
	<u>\$ 781,890</u>	<u>\$ 675,839</u>	<u>\$ 106,051</u>
Total other public works	<u>\$ 4,083,980</u>	<u>\$ 3,808,488</u>	<u>\$ 275,492</u>
Parks, recreation and cemeteries			
City grounds	\$ 401,910	\$ 271,975	\$ 129,935
Athletic fields	309,680	213,094	96,586
Administration	933,310	1,203,139	(269,829)
Summer program	725,370	668,406	56,964
Winter program	603,380	635,590	(32,210)
Community Center	1,548,210	1,110,251	437,959
Community Fair	160,750	62,702	98,048
Park maintenance and development	1,464,290	1,299,835	164,455
Tree and street island maintenance	869,660	728,142	141,518
Cemeteries	49,730	51,927	(2,197)
Total parks, recreation and cemeteries	<u>\$ 7,066,290</u>	<u>\$ 6,245,061</u>	<u>\$ 821,229</u>
Library and Museum			
Library	\$ 3,803,070	\$ 3,658,862	\$ 144,208
Museum	424,800	383,796	41,004
Total library and museum	<u>\$ 4,227,870</u>	<u>\$ 4,042,658</u>	<u>\$ 185,212</u>
Total expenditures	<u>\$ 52,333,430</u>	<u>\$ 49,707,371</u>	<u>\$ 2,626,059</u>



TO: Mayor and Members of City Council
FROM: Lori Grigg Bluhm, City Attorney *LG*
Allan T. Motzny, Assistant City Attorney *AM*
DATE: January 2, 2003
SUBJECT: Kostrzewa v City of Troy, et al.

Charles Kostrzewa filed a lawsuit naming the City of Troy, Officer Kocenda, Officer Jenkins, and Lt. McWilliams as defendants. Kostrzewa alleged that on November 18, 1997, Troy police officers used excessive force in handcuffing him during his arrest on a bench warrant. He also alleged malicious prosecution claiming he was charged with Hindering and Obstructing a police officer without probable cause. Troy filed a motion for dismissal, which was initially granted by the Federal District Court. Kostrzewa appealed the dismissal to the 6th Circuit Court of Appeals. The 6th Circuit reversed the dismissal and remanded the case back to the district court. After completion of discovery, Troy filed a motion for Summary Judgment that was granted in part and denied in part by the District Court. As a result of the Court's ruling on the Motion for Summary Judgment, Kostrzewa's complaint against the city was dismissed. However, the claims against the individual officers proceeded to jury trial the week of December 16, 2002.

At trial, Plaintiff tried to convince the jury that he suffered permanent injury as a result of the officers' improper use of handcuffs. He also claimed he was subjected to malicious prosecution arguing there was no probable cause for charging him with hindering and obstructing a police officer. Plaintiff requested compensatory and punitive damages. Plaintiff's last settlement demand was \$200,000.

At the conclusion of trial, the jury returned a verdict in favor of all the officers. A copy of the final judgment is attached.

As in all civil cases, Plaintiff does have a right to file an appeal. However, based on the evidence presented at trial, it is unlikely the appeal would be successful. Our office will file a motion seeking costs and/or attorney fees. If you have any questions concerning this matter, please let us know.

ATM/kb

cc: Chief Craft
Lt. Frye
Lt. McWilliams
Officer Kocenda
Earl Jenkins

December 30, 2002

TO: Gary Shripka, Assistant City Manager/Services
John Abraham, Traffic Engineer
Bill Huotari, Deputy City Engineer
Mark Miller, Planning Director
Doug Smith, Real Estate & Development Director
Mark Stimac, Director of Building/Zoning
Steve Vandette, City Engineer

FROM: John Szerlag, City Manager

SUBJECT: Uniformity of Analysis When Reviewing Proposed
Planned Unit Developments (PUDs)

Our PUD ordinance is saturated with criteria to justify and quantify when PUDs can be utilized. And now that we no longer have a dimensioned requirement for PUDs, we're going to be using this ordinance for proposed infill developments; at least until such time as we develop an infill ordinance. In any event, our objective is to remain fair and consistent in determining what factors should be examined to achieve a fair balance between community benefit and developer output. Thus while each proposed PUD should have comment on each criterion listed in the ordinance, it would be of benefit to Planning Commission, City Council and developer to have an overview of what is being proposed in terms of the following elements:

1) Environment

- What is being done to preserve significant natural features and open space areas?
- Is any area being designated as a conservation easement?
- Is any blight to be eradicated?

2) Traffic

- Identify traffic volumes of proposed development to what could be generated from maximum density under existing zoning classifications. Relate to peak and non-peak times.
- Analysis to also include comparison of traffic patterns and points of ingress/egress from proposed development to what could be developed under existing zoning.

Uniformity of Analysis When Reviewing Proposed Planned Unit Developments (PUDs)

December 30, 2002

Page Two

3) Durability of Design and Use

- What architectural features, materials, and building elements are being proposed that exceed industry standards?. Also delineate obstacles developer had or will overcome in achieving this particular site development, and include any assemblage of adjacent parcels in your commentary.
- Comment on how landscaping on the proposed site compares to basic requirements.
- If you were to visit this site in 50 years, what do you think you'd see?
- How does proposal compare with general direction of the master land use plan?

4) Economics

- Determine if proposed PUD will be a catalyst to improve and/or support surrounding area.
- If a density incentive is being proposed, determine differential from maximum density under applicable zoning

5) Public Input

- As the first stages of a PUD is a blending of developer and staff input which is later calibrated by the Planning Commission and City Council, meetings will be held with surrounding property owners prior to the public hearing at the Planning Commission level. Staff members will attend the informational meeting along with the developer so that public input comments can be made as part of the analysis by staff to the Planning Commission, and City Council; also because staff will have had input in the PUD plan.

In order to adequately address the above issues, the developer will need to submit a site plan that comports with existing zoning. This submittal will be in tandem with a proposed PUD.

Before formalizing this process via administrative memorandum, please let me know if there are any other factors you, as well as individuals copied below, would like considered in this executive summary of PUDs.

JS/mr\2002\Procedure for Reviewing Proposed PUDs

c: City Council
Planning Commission
Lori Grigg Bluhm, City Attorney
Susan Lancaster, Assistant City Attorney

To: Mayor and City Council
cc: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney

From: Robin Beltramini, Councilmember

Subject: National League of Cities Congress of Cities
Dec. 3-7, 2002; Salt Lake City UT

Date: December 30, 2002

Thank you for the opportunity to participate in this conference. It was an educational, as well as rewarding, experience for me. As always, much of what we do in Troy was impressive to other participants. However, the sharing was a two-way street.

December 4, 2002—Leadership Training Institute session
(December 3 was a travel day, only, for me.)

Producing Results in Your City—A Practical Model for Strategic Goal Setting

The trainer was Lyle Sumek, President of Lyle Sumek Associates of Heathrow Florida. After a career in city management, Sumek began a business in consulting for municipalities. Many of the folks in my session had attended others presented by Mr. Sumek. I chose this session because of the “misinterpretation opportunities” we, as a Council and new leaders, have had the last two years during goal setting and budget discussions. Ultimately, I found the session helpful.

Points for Troy Leadership to ponder:

- Strategic plan as a vision—long-term, outcome focused. Use as a yardstick to test all policies and decisions.
- Goals are the framework for the strategic plan—outcome based action agenda
- Effective city leaders are: 1) Path definers—begin in reality; use goals; focus on action agenda; 2) Team builders—positive in tone; invite others to join; work with others; 3) Conductors—provide direction; monitor performance; celebrate success.

Overview of Council Responsibilities

- Determine core businesses (community safety; land use control; record keeping, etc.)
- Define goals for 5 years (desired outcomes—doable, measurable, and brief)
- Develop strategies (tasks, objectives for reaching the goal)
- Establish annual agenda—the “to do” list
- Make policy decisions (with a policy calendar that it updated monthly—including the purpose for the policy and the keys to its success)
- Listen to the stakeholders
- Be an advocate

- Delegate to city staff
- Monitor performance and results
- Set the “corporate” tone
- Hire/fire chief executive officer

There is increasing demand for successful, sustaining cities to move from “Public Service” to a “Service Business.” For instance:

- Responsive becomes value to customer and community
- Professional driven becomes market driven
- Special interest becomes customers in general
- Monopoly becomes competition (city may not be best provider)
- Expend becomes cost conscious
- Morale driven becomes performance driven
- Adapt becomes change
- Process as priority becomes results as priority

As I study this list, I want to commend our staff for already making most of these culture changes. The remainder fall to us, as policy makers. We must be willing to objectively assess the community value in all decisions. That is not to say that if something costs, it should be done by some entity other than the city. It will depend on how that cost/item fits into our vision of community.

There was an invaluable chart regarding a basic test for services: To begin, if a service is essential to daily life OR critical to sustainability OR part of a community value for which citizens are willing to pay THEN we must decide who are our customers for this service and is the city the best provider. At the end comes the affordability test which means that revenues and resources are ample enough to cover the cost of the service at the level desired. I can draw it if you don't get the verbiage.

Vision of community—something that probably we would be well-served to spend a significant amount of time with after the next election. Our goals and objectives have been in place now for a number of years. Our Council will have totally turned since March 2000. The vision behind our goals may or may not be what this leadership sees. As defined by Sumek, vision would be: The principles to describe our future, to guide policies, decisions, and action for the next 10 years. Supporting this would be goals spanning the next five years—including objectives with achievable outcomes, meaning to citizens, gap analysis of the challenges and opportunities facing the community, and necessary actions. Goals would dictate a two-pronged agenda system. There would be a policy agenda for the next two years—including issue target(s), policy questions, actions, responsibility, and time frame. The other prong would be a management agenda which would include major projects, service improvements, management processes, and the plan: implementation. Both agendas refocus to the core businesses of City Government and end in positive results.

One of the strategies suggested for defining a vision was a “Community Summit.” Each Council member submits a list of about 10 people to invite (students, business folks, residents, leaders, non-leaders, broad spectrum of stakeholders, not necessarily the people who call/email us). Staff sends formal invitation for this three round process.

It can be done on a Saturday for about six hours or in a couple of evenings. First round is community focus—successes, what makes this a special place to live/work, etc. Round two is focus on 2008—what does city success for 2008 mean to you? Services to add? Delete? How much more would you pay for additional services? How (fee, tax, etc.)? Round three would focus on actions for this year—what would you put on Council's agenda? What do other cities do that would make this more livable? All participants are given a 3x5 card at the end for an open message. Each is sent a copy of the discussion report and the strategic plan document after it is adopted. I liked the idea and would like to see us try it. I have even more specifics on the mechanics if we do it.

Sumek shared a nine-step agenda for getting the vision you want. The steps begin after we do all this background with each other and the community. The first step is the adoption of the written document by Council. The last step is celebrating its success. Everything in between is the mechanics to attend to to get the job done.

December 5, 2002

General Session:

The delegation numbered over 5,000 people. We represented 1761 member cities and 49 state leagues. (Hawaii doesn't have a state league.)

Karen Anderson, Mayor of Minnetonka MN and President of National League of Cities presented a brief overview of some of the most recent frustrations and points to stress when talking to state and federal officials.

- Officials at every level seem to admit that there is no higher priority than the safety of America's population. Federal officials must be told, "Then fund it!"
- Congress and the President have failed our towns by not funding the priority.
- We get the "911 calls" and have already spent over \$3 billion in unbudgeted funds trying to keep our citizens safe.
- Put first responders first. Hometown Security=*Homeland Security*

David Broder, correspondent for The Washington Post gave a "pundit's view" of the political realities in Washington and the position of America's cities within that reality.

- Washington DC feels like a wartime capital—unlike virtually every other city in the nation.
- George W. Bush has exceptional power to set an agenda
 - War on Terrorism is highest priority—way far above any other
 - Republicans have regained the U.S. Senate, House is about the same as the last two years, and lost only three governorships.
 - Second priority appears to be protecting the tax cuts—maybe expand or accelerate.
- All these Federal priorities will inevitably squeeze locals—only way for locals to succeed is to speak with an allied voice.

- The President is sensitive to special interests that are “players” in elections. Therefore, city, state, county government officials need to persuade that “re-election depends on our support.”

Afternoon Break-out Sessions:

How to Balance your Political, Professional, and Personal Life

Don Pott, Council Chairman, Sandy UT, Linda Koblick, Councilor, Minnetonka MN, and Mary Rich, Supervisor, Department of Corrections, Oscala FL were the facilitators. Participants were divided into three groups—each with a different situation to resolve. One focused on a situation where it was difficult to prioritize family needs and an official time commitment. A second situation was the defense of a difficult ethical decision (First Amendment right of abortion protesters to use graphic photos). The third situation was handling the press when it wants a story concerning the behavior of a family member.

Although these situations were all realistic, I didn’t find them particularly complex and challenging. Therefore, I was disappointed in the session. On the other hand, it is always helpful to hear how important a positive attitude can be in any difficult situation.

Creative Financing, Reducing Risk, and Generating Cash Flow for the City from Convention Centers and Hotels.

Atkins HF&G sponsored this exhibitor workshop. The Mayor and Councilman Lambert attended the session. We all received CDs of the presentation in our last packet.

Shaping Your City’s Future in Today’s Economy—Making Tough Financial Decisions that Protect your City’s Future

Nancy Nathanson, Councilor, Eugene OR and Starr Lehl, Mayor, Gering NE were the presenters. Eugene is a city that, on paper, appears significantly different from Troy, but seems to have much of the same community culture. I believe that I came to this conclusion, not so much from Nathanson’s presentation as from the priorities and points stressed in her presentation—multi-month budget planning, GFOA awards, service budget, Eugene’s credit rating, etc. Ideas to think about using:

- If revenues are projected to change, Council decides (before budget sessions) what the policy for adjustment will be—across-the-board decreases/increases? Zero-based? Targeted changes? If targeted, which priorities supercede?
- Multi-year Financial Plan. I know that staff has this, particularly for capital projects, but Eugene’s six-year plan includes all currently identified, unfunded significant (\$250,000 in any year) operating issues, capital projects and capital acquisitions. Operating costs and facility maintenance costs for any project are included separately to illustrate the ongoing cost of the project beyond the initial capital cost. The entire document is public and becomes part of the policy.

While we approve the financial management policies, we do not overtly review and approve the assumptions that drive the forecasts. Nor do we overtly approve a multi-year list of future needs and wants. I believe that this might be something to tackle for several reasons: Money is getting tighter—revenue sharing, property tax plateau due to less development and the conservative bent of Council; Overt long-range planning and vision is needed from elected leadership as well as from staff; Staff deserves direction from a policy standpoint so that each decision is properly framed; Properly framed decisions by staff will not be questioned at the Council table; Such vision makes all decisions easier for the electorate to understand.

Starr Lehl reported on the process for the tax increase Gering NE undertook to fund a local Economic Development Fund. While MI does not offer us such an option for increasing or reallocating sales and use taxes, the process was informative. Gering used much the same method we used for the bond issues in 1999. There was much discussion with opponents so that questions could be properly, and completely, answered and objections countered. There was a PRIDE (*Provide the economic development tool, Retain & expand existing businesses, Invest in our future, Develop retail business opportunities, Expand our tax base for tax relief*) Committee. The committee was composed of business, residential, and school leaders. There was a 15-year economic development plan that became the factual rationale behind the increase. The tax and program was promoted through grass roots efforts—brochures, neighborhood meetings, FAQ sheets, all included the average cost per household and what sorts of purchases were affected.

Evening Activities:

Women in Municipal Government Reception gave me an opportunity to reconnect with women from other states. I have found commissioners from Ohio cities who serve on MI charitable boards; edge city council members with whom to share ideas and strategies; and Oakland County communities are well-represented in this organization.

Michigan Municipal League Reception was attended by virtually every MI delegate and spouse. Matt, Dave, and I split up and talked to different folks. I think that between the three of us, almost everyone was talked to by someone from Troy.

Concert by the Mormon Tabernacle Choir was the last activity of the evening. It was one hour of 300 voices and 80 musicians performing Christmas and classical music. I thought it was wonderful. There were so many NLC folks that we had to travel to the church's conference center auditorium (which seats 21,000). Although we were told that badges must be worn, there were some "regular folks" that managed to enjoy the NLC concert. The Christmas lights and displays in Temple Square were outstanding as well.

December 6, 2002

General Session:

Stephen Covey on Perspectives of Leadership

Covey believes that humility and willpower are determining factors in leadership—which he defines as moral authority. Formal authority would be management. In decision-making, leadership is the “Why?” while management is the “What?” Covey shared his four principles of leadership:

1. Modeling—function of the spirit
2. Pathfinding—function of the mind—the purpose, values, vision
3. Aligning—function of the body—partnerships
4. Empowering—function of the heart—inspire others to see their own worth

Covey went on to illustrate the listening continuum, particularly the highest level of empathic listening (within the speaker’s frame of reference). Listening can be a powerful tool of leadership. Empathic listening would help all Council’s to make decisions that were not questioned, since there would be understanding demonstrated at the time of discussion. Public policy-making is an upper-level science of interdependence where officials must seek to understand, synergize, and forward the option best for the community.

Women In Municipal Government Luncheon was held off site at a local Szechuan restaurant. There was abundant food, conversation, and a pretty interesting speaker. Leticia Medina, Director for the Office of Hispanic Affairs for the State of Utah, is a high school drop out, teenage mother, who now has a college degree in Social and Behavioral Science and advises government agencies, law enforcement, social organizations, and educational entities on youth and family issues. Shortly after receiving her degree, Medina recognized the growing diversity of the Utah population and the lack of services for many families and children. She creatively expanded government services, partnered with business leadership, and now oversees a variety of programs which advocate for underserved families, provide gang intervention and prevention, drug and alcohol prevention, and vocational program development. She has personal goals, professional goals, and is a huge advocate of mentoring. In her keynote address, Medina shared various strategies she has used to attain her vision.

At my table, I traded anecdotal information with ladies from MI, VA, CA, MT and FL. They were entirely different women than I had chatted with the night before.

Municipalities in Transition Panel

Joe Brooks, Vice-Mayor, Richmond VA and Nancy Nathanson chaired this discussion regarding many of the challenges facing all cities today and potential advocacies or programs NLC might find appropriate for helping cities cope. I attended the financial issues panel. The underlying theme was much the same as at the general session the day before. All public budgets are interrelated—a funding change at any one level will

create a gap somewhere else, typically at the next level down. Obviously, as budget cuts are “passed down” cities receive the exponential brunt of the cuts, while still having to fund all essential services, services mandated by law, and services expected by citizens. It is interesting to note that most public officials at the state and federal level have been public officials at some lower level, but the education of interrelation is still necessary.

Evening Activities:

I visited many of the other state gatherings to congratulate officials on appointments and elections, to discuss common challenges, and to make new friends. It was a fun and interesting time. I ended the evening with some SEMCOG officers discussing our own local priorities.

December 7, 2002

General Session:

I think that it is the first time in my life that I have been at any public gathering on December 7 where there was no mention of Pearl Harbor. To me it felt odd, and somewhat disrespectful, but that’s a personal issue. It may be a sign of an aging baby boomer leadership population that feels more removed from WWII—or a general population more removed from that day. There were certainly not many in attendance who would have been veterans of that war.

Panel Discussion—Cities and the Economy

Ann Compton, ABC News Correspondent, moderated a panel of David Brancaccio, Anchor for Marketplace on NPR, Sherry Bebitch-Jeffe, Policy Analyst at USC, Neil Guiliano, Mayor of Tempe AZ, William Johnson, Mayor of Rochester NY, and Marty Stephens, Speaker of the Utah House of Representatives. Each of the panelists gave a brief opening statement with a focus. Brancaccio’s was that any upturn in this economy will have to come from reinvestment by business. The consumer cannot pull this out with more spending—even if we wanted to. Johnson made the case for citizens taking some individual responsibility and government not being expected to “do it all.” Business partnerships will become critical to continuation of non-essential services. Johnson also believes that state revenue sharing will probably totally dry up in the foreseeable future. Cities would be well-served to make it happen sooner rather than later so that cities, not states, dictate what services are mandated to be provided, and by whom. Currently, states mandate and even in situations where “unfunded mandates” are illegal, cities get short-changed. Guiliano encouraged all to realize that the status quo is not an option for sustaining successful cities. He encouraged all to look to *It’s a Wonderful Life* and decide “what will it take to just get by” and echoed Johnson’s comments regarding the future of revenue sharing. Stephens admitted to the conundrum of deciding whether state government is a victim or a villain. In the end,

does it matter? We all need to work together on every level. Bebitch-Jeffe reminded us to remember the last time CA had a revenue crisis. Cities ended up holding the bag for virtually everything.

There was a whole discussion around these points and questions from the audience. Actually, not much that hasn't been discussed at our table. No one had a good idea that fixed everything. Each community is similar and different. Community values are the "trump card" in every budget discussion on the local level. Engage citizens in the discussion of long-term planning. Term limits were blamed for some of the lack of long-term vision on the local and state level. Officials were encouraged to focus on a single issue when talking to legislators and congressmen and have a solution as well as a whine. Bebitch-Jeffe reminded all to use our representative status. Our lobbying expertise, grass-roots effectiveness, and campaign contribution influence is a "Three Legged Stool of Clout" to any state or federal official.

Delegate Luncheon

Kevin Carroll, "Katalyst" for Nike Corporation was the keynoter who admonished us all to play. He used several situations in which play could be a great ice-breaker, equalizer, and leadership vehicle—simultaneously. Carroll emphasized the synergy between play and emotion, keeping in mind that play and competition are not necessarily the same. A leader who can connect through emotion will not need competition. Carroll, like Covey, reminded us to take heed of the other person's frame of reference. This he demonstrated through the balls he has collected from around the world, while sharing the experiences of play.

John DeStefano, Mayor of New Haven CT and incoming NLC President, unveiled his president's focus. It will be children—Supporting Early Childhood Success. Additionally, DeStefano encouraged all of us to send a police and/or fire badge to President Bush to show the importance of this local personnel to the security of the country. Include in the letter the message to fund first responder money. This is a national defense issue, not a property tax one. Sample letters are available on the NLC Website.

Annual Business Meeting

The new board was elected without incident. All the names and positions are listed in the December 16 addition of *Nation's Cities Weekly*. The biggest policy resolutions came from the Public Health committee which added an entire bioterrorism preparedness section, a subsection dealing with repercussions of Sept. 11, and sections on federal policy as it relates to health coverage for children and assistance to needy families. Transportation, Infrastructure and Services committee updated and added to such areas as airport policy. The Information Technology and Communications committee brought policy resolutions in line with new cable franchise issues and the security demands made on local governments. Public Safety and Crime Prevention changes addressed terrorism, funding, and insurance as well as emergency

preparedness. I have the entire 160 page booklet and the City Manager has a copy as well, if anyone wants to read the policies line by line.

Evening Activities:

After the business session ended, I took the opportunity to ride the public transportation. I rode in four different directions to get a feel for how a relatively small system could work. I literally traveled north, south, east, and west. I encountered professional folks, even on Saturday, students, families, and folks like me, riding as part of a leisure activity. The trains were clean. Tickets were checked randomly. Depots were actually shelters with ticket machines. At one point in the evening I rode a bus as well. This provided an easy transfer to a train.

Salt Lake City provided heavy hors d'oeuvres and entertainment for a few hours in the evening. There were circus performers, dancers, trampoline tricksters. It was a great opportunity to make memories, but too loud and busy to make many new friends.

Again, thanks for the opportunity. If I have piqued your interest in anything, I will be happy to share my more extensive notes, or chat with you about the conference.

January 2, 2003

TO: Planning Commission
FROM: John Szerlag, City Manager
SUBJECT: Discussion Items for Study Session on January 7, 2003

Attached is a memo delineating topics I'd like to discuss with the Planning Commission at the January 7 Study Session. Also enclosed for your review is a copy of changes you may wish to consider to the tree preservation ordinance. In addition, I'll be asking for your comments on the possibility of cablecasting your study meetings.

Please feel free to contact me should you have any questions.

JS/mr\Szerlag\2003\Correspondence\Topics for 01-07-03 PC Study Session

c: Carol Anderson, Director of Parks and Recreation
Lori Grigg Bluhm, City Attorney
Susan Lancaster, Assistant City Attorney
Mark Miller, Planning Director
Doug Smith, Real Estate & Development Director
Gary A. Shripka, Assistant City Manager/Services

November 26, 2002

TO: The Honorable Mayor and City Council Members
FROM: John Szerlag, City Manager
SUBJECT: Meeting with Planning Commission; January 7, 2003

As we previously discussed, I'll be meeting with the Planning Commission to discuss the feasibility of transferring authority to them when it comes to determining the type, size and location of screening element adjacent to residential areas. This means that the Planning Commission would decide whether a wall, berm or any screening would be required as well as placement thereof. This would be a functional change as most of the surrounding residents to a proposed development requiring screening attend the Planning Commission meeting, and a decision could then be made then and there with residents knowing the outcome in real time.

I'll also be discussing the possibility of an annual presentation to the Planning Commission relative to their role. While the veteran members certainly know their function, this should be a benefit to our newer members.

I also wish to discuss the feasibility and functionality of a shift in the approval process from the administration to the Planning Commission with reference to tree preservation plans. As such, I'll be asking the Planning Commission to review and comment on proposed staff changes to the tree preservation ordinance. So too, I plan on discussing the interest of having the Planning Commission review and approve landscape plans. Given this, both the tree preservation plan and landscape plans would be part of the site plan approval process.

Finally, there have been discussions around the Council table to have a reexamination of our CR-1 zoning to determine if enhancements should be made. City management agrees with this and I'll ask the Planning Commission to begin a review of the current ordinance.

With the exception of an annual presentation to the Planning Commission on their role, everything else discussed herein will come back to City Council for approval via zoning ordinance text amendments.

As always, please contact me should you have any comments.

JS/mr\AGENDA ITEMS\2002\12.02.02 – Meeting with Planning Commission on January 7, 2003

c: Planning Commission
Lori Bluhm, City Attorney
Susan Lancaster, Assistant City Attorney
Mark Miller, Planning Director
Brent Savidant, Principal Planner
Gary A. Shripka, Assistant City Manager/Services

December 27, 2002

TO: John Szerlag
Carol Anderson

From: Ron Hynd

Re: Justification for changes in site plan approval submittals and Chapter 28 – Tree Regulations.

Site Plan Approval Submittals:

After experiencing problems with the clearing of trees on proposed subdivision sites (culminating with Abbottsford Parc) Mark Miller (Planning Director) and I met to discuss timing of submissions of the preliminary tree preservation plan / final tree preservation plan and the tree preservation permit.

Prior to this meeting developers submitted preliminary tree preservation plans (simply an inventory of trees on the site, but does not require locations) and final tree preservation plans (indicate tree to will be preserved and their locations) during preliminary site approval. A tree preservation permit was issued upon approval of final tree preservation plans (during preliminary site approval) At that time tree clearing was allowed upon issuance of the tree preservation permit.

Problems occurred with a developer cleared trees as per the approved plan and then was required by other City departments to make changes to the final plans to conform to City ordinances. These changes sometimes require the removal of additional trees over and above those approved for removal by the tree preservation permit issued during preliminary site approval.

To correct this problem it was agreed that preliminary tree plans were required during preliminary site approval and final tree preservation plans were required during final site approval. Tree preservation permits are now only issued during final site approval. Additionally, the permits wording has been changed to indicate that clearing of trees controlled by ordinance can only be done after the developer has received final site approval.

Chapter 28:

Note that Parks collected Tree Regulations from various Cities throughout the United States (Thanks to National Arbor Day Foundation) and used them as templates for recommended changes. Additionally, proposed changes do not alter requirements of City's "Landscape Design and Tree Preservations Standards", but rather increase the City's ability to enforce these standards.

Reasoning behind changes by section –

00.00.00 – *Purpose and Intent*, this section is new and helps define the City's desire to preservation existing site features for the benefit of the developer and the City.

01.00.00 – *Definitions*, for clarification of changes, new words were added to the definitions section.

02.00.00 – *Responsibility*, changes made clarify City's responsibilities and the Directors authority during issuance of permits

03.00.00 – *Permits for Planting, Care, and Removal of Plants – public spaces*, changes indicate City's need for insurance went working on City property, and calls out penalties for unauthorized removals of tree/plants on City owner property by means other than machines & automobiles.

04.00.00 – *Plant removal – public spaces*, main change broadens the reasons for removal by the City.

05.00.00 – *Duties of Private Plant Owners*, changes try to simplify verbiage, and for the first time this ordinance references the "Landscape Design and Tree Preservations Standards". Also for the first time, the City's debris chipping policy is introduced.

06.00.00 - *Plant Protection – Public Spaces*, changes reflect use of new words, and prohibits the practice of tree topping.

07.00.00 – *Plant Protection during Development, Public Spaced and Private Property*, actual plant protection requirement / methods are now referenced and penalties for unauthorized removals are listed.

08.00.00 – *Excavations Near Trees – Public spaces*, changes include the requirements for protections of existing trees and a policy statement on damages by City to irrigations systems installed without a City permit.

09.00.00 – *Covering the Surface Near Trees – Public Spaces*, minor changes in verbiage for clarification.

10.00.00 – *Regulations for Planting Public Spaces*, verbiage clarifications, and planting specifications/spacing.

11.00.00 – *Corner Clearance*, verbiage clarifications.

12.00.00 – *Private Plants – Diseased, Infested, Damaged, or Dead*, verbiage clarifications and the removal of the Dutch Elm Disease section.

13.00.00 – *Procedure upon Order to preserve, Prune, Spray, or Remove*, verbiage clarification.

14.00.00 – *Private Plant – Inspection*, verbiage clarification.

15.00.00 – *Lawn Extensions*, verbiage clarifications.

16.00.00 – *Damage to City Trees and Plants*, new section of penalties for damage to City trees / plants by machines, automobile, ect.

17.00.00 – *Storm damage private plants*, new section that outlines the City's response to storm damage involving privately owned plants.

18.00.00 – *Tree Spacing*, established required spacing for trees on public property and recommended spacing on private property.

Chapter 28 - Tree Regulations

CHAPTER 28 TREE REGULATIONS AND PLANT ORDINANCE

00.00.0 Purpose and Intent

The purpose of this Ordinance is to establish procedures and practices governing the protection, installation and long-term maintenance of trees, plants and vegetation within the City of Troy. The City's purpose is to:

- 00.00.01 promote the beautification of the City of Troy.
- 00.00.02 create for present and future generations a planned pattern for the urban landscape within the City of Troy.
- 00.00.03 Promote reasonable preservation and replenishment of landscaping in new developments and on existing commercial and public properties and to provide guidelines for protection of plants during construction, development and redevelopment.
- 00.00.04 Safeguard and enhance property values and to protect public and private investment.
- 00.00.05 Provide an ordinance that is reasonable and enforceable.
- 00.00.06 Promote the awareness of the benefits of effective landscaping.

01.00.00 Definitions

1. ~~Definitions.~~ For the purposes of this ~~chapter Ordinance~~ the following terms, phrases, and words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

~~(A) 01.00.01 The word "tree" unless the context clearly indicates otherwise also means shrubs, bushes and all other woody vegetation. Specific enumeration herein is illustrative and not delimiting. Caliper - the diameter of the tree trunk measured at six (6) inches above the ground level if four (4) inches or less and twelve (12) inches above ground if greater than four (4) inches.~~

01.00.02 City - City of Troy, Michigan

01.00.03 clearing - the cutting down / removal of plants and/or vegetation from a property whether by cutting or other means.

01.00.04 damage - includes any intentional or negligent act which will cause plants to decline and die within a period of here years, including but not limited to such damage inflicted upon the root system by the compaction of the soil within the drip line of a tree during the operation of heavy machinery; the change of the natural grade above the root system, around the drip line, or around the trunk of a plant and damage from injury or from fire to vegetation which results in or permits infection or pest infestation. Damage also includes application of soil within the drip line or introduction into the water source, and/or release of products which move through the environment of a plant, any petroleum products, pesticides, toxic chemicals or other injurious materials.

01.00.05 DBH (Diameter at Breast Height) - the diameter of the tree trunk measured at 4.5 feet above ground level.

01.00.06 Department - the department of Parks and Recreation of the City of Troy.

01.00.07 Director - Parks and Recreation Director and all employees under his/her direction, authorized by her/him to seek compliance with provision of this ordinance.

~~(B) The term "public utility" shall mean any person owning or operating any pole, line, pipe or conduit located in any public street or over or along any public easement or right-of-way for the transmission of electricity, gas, telephone service or telegraph service or any other means of electronic communication including the television transmission system and/or co-axial C.A.T.V. cable.~~

01.00.08 drip line - the drip line of a tree shall be determined by measuring from the center of the

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trunk to the tip of the farthest branch from the trunk center. This measurement shall be used as the radius of a circle drawn around the plant with the center of the trunk being the center of the circle.

~~01.00.09 emergency - an event or events, disease or condition which has damaged or destroyed a tree or plant such that the continued presence of such damaged or destroyed tree or plant imminently threatens public space in proximity thereto.~~

~~01.00.10 extreme danger - any situation or occurrence that would cause directly or indirectly an immediate danger to the life and limb of any person in a public space within the City.~~

~~01.00.11 grading - the placement, removal or movement of earth or soil on a property by use of mechanical equipment or hand equipment.~~

~~01.00.12 Listed Species - any plant that is endangered or threatened or is a species of special concern as listed on the Federal Inventory List or Michigan Natural Features Inventory List (MNFI), which is maintained by the Michigan Natural Heritage Program and/or the Michigan Land Conservancy.~~

~~01.00.13 plant(s) - any tree, shrub, bush, perennial, annual, grass or other vegetation, native or introduced.~~

~~01.00.14 prohibited plants - plants not to be planted within the City include the following species and all cultivars thereof:~~

~~(C) The words "prohibited species" shall mean any tree of the following species:~~

~~1) Acer ~~Disycarpum~~ ~~saccharinum~~ _____ ~~(Silver Maple)~~~~

~~2) Acer ~~N~~egundo _____ ~~(Box Elder)~~~~

~~3) Ailanthus ~~A~~altissima _____ ~~(Tree of Heaven)~~~~

~~4) Berberis ~~V~~vulgaris _____ ~~(European Barberry)~~~~

~~5) Catalpa ~~S~~speciosa _____ ~~(Northern Catalpa)~~~~

~~Fraxinus spp. _____ ~~(Ash)~~~~

~~6) Juniperus ~~V~~irginiana _____ ~~(Eastern Red Cedar)~~~~

~~7) Populus spp. _____ ~~(Poplar)~~~~

~~8) Salix spp. _____ ~~(Willow)~~~~

~~9) Ulmus ~~Americanana~~ spp. _____ ~~(American Elm) (excluding Ulmus parvifolia and its cultivars)~~~~

~~10) Ulmus Parviflora (Chinese Elm)~~

~~(D) The word "Department" shall mean the Department of Parks and Recreation of the City of Troy.~~

~~(E) "Director" shall mean the Director of Parks and Recreation and any and all employees under his direction authorized by him to seek compliance with provisions of this Chapter.~~

~~(F) Provisions of this chapter, except as otherwise specifically stated herein, shall apply only to public streets, parkways, parks, and other land publicly owned or controlled by the City or to such land privately owned when such land comes within the purview of this chapter because of the maintenance or continuation of a hazard injurious to the public in general.~~

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- ~~01.00.15~~ protective barrier - See Figure #1. A minimum of four (4) foot tall plastic mesh barrier constructed at the drip line of the plant to protect the root system and trunk of the plant from damage during construction or from vehicular traffic, or from storage of equipment, debris, soil, fill or other materials. There shall not be any undue compression of the earth or otherwise impeding or preventing the access of water or air to the root system of the tree or excavation around or removal of soil or earth or the addition of earth or any other materials within the protected area. The space between the plastic mesh fence and the trunk of the tree will be considered the tree protection area.
- ~~01.00.16~~ public nuisance - any tree or plant with an infectious disease or insect problem, dead or dying plants, a plant or limb(s) that obstruct street lights, traffic signs, the free passage of pedestrians or vehicles, or a tree that poses a threat to the safety of individual in public spaces or poses a threat to City property.
- ~~01.00.17~~ public spaces - public streets, rights-of-way, alleys avenues, lanes, parkways, sidewalks, walkways, trails, parks, open spaces, museums, bridges, or paths within the City and all other lands controlled or publicly owned by the City or such land privately owned when such land comes within the purview of this ordinance because of the maintenance or continuation of any hazards injurious to property, individuals in public spaces or the public interest.
- ~~01.00.18~~ public utility - any person, corporation or organization owning or operating any pole, pipe, or conduit located in any public space or over or along any public easement or rights-of-way for the transmission of electricity, gas, telephone service, telegraph service, or any other means of electronic communication including the television transmission system and/or coaxial C.A.T.V. cable.
- ~~01.00.19~~ root system - the part of the plant, located within the plants drip line, usually but not always underground that holds the plant in position, drawing water and nourishment from the soil.
- ~~01.00.20~~ Storm Emergency - A situation created by a major storm. The Director can declare the entire City or any part thereof to be under a Storm Emergency.
- ~~01.00.21~~ street tree(s) - any tree growing in the rights-of-way of the City of Troy. These trees are generally but not always located between the sidewalk/curb or in the street islands/medians.
- ~~01.00.22~~ tree(s) - any self-supporting woody plant having one or more defined stems or trunks with a DBH of 1.25 inches or more and having a defined crown which customarily attains a mature height of eight (8) feet or greater.
- ~~01.00.23~~ tree protection area - the space between the plastic mesh fence and the trunk of the plant. (see #01.00.16 and figure #1).
- ~~01.00.24~~ trunk(s) - the main stem or body of a plant, to be considered apart from its roots system and branches. In the case of a multiple trunked plant, the stem with the largest caliper shall be used for the purpose of this ordinance.
- ~~01.00.25~~ topping - The reduction of the overall size of a tree and/or the severe internodal cutting back of branches or limbs to stubs within the trees crown to such a degree so as to remove the normal tree canopy and disfigure the tree. Topping is not a form of pruning.

~~2-02.00.00~~ **Responsibility:**

The Director shall be charged with the duty of enforcing the provisions of this ~~chapter ordinance together with his duly appointed representative and employees operating under his direction.~~ The Director ~~and~~ shall have exclusive jurisdiction and supervision over all ~~trees, other plants;~~ and grassy areas planted or growing in public ~~places spaces.~~

- ~~(A)02.00.01~~ **Maintain, Preserve or Remove:** - The Director shall have the authority and it shall be his duty to plant, trim, spray, preserve and remove trees and other plants and grassy areas in public ~~places spaces~~ to insure safety or to preserve the symmetry and beauty

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of such public spaces.

~~(B)02.00.02~~ **Order to maintain, Preserve or Remove**: - The Director shall have the authority and it shall be his duty to order the ~~trimming maintenance~~, preservation or removal of trees or plants on private property when he shall find such ~~action necessary to public safety or to prevent the spread of disease or insects to public trees and places tree or plant to constitute a public nuisance.~~

~~(C)02.00.03~~ **Issue Conditional permits** - ~~the Director shall have the authority to affix reasonable conditions to the granting of a permit issued in accordance with the terms of this ordinance.~~

~~02.00.04~~ **Supervision.** The Director shall have the authority and it shall be his duty to supervise all work done under a permit issued in accordance with the terms of this ~~chapter ordinance.~~

~~(D)~~ **Issue Conditional Permits.** ~~The Director shall have the authority to affix reasonable conditions to the granting of a permit hereunder. (see above)~~

~~(Rev. 2-28-77)~~

~~303.00.00:~~ **Permits for Tree Planting, Care ,and Removal of plants - public spaces:**

~~(A)03.00.01~~ **Preserve or Remove.** No person shall trim, spray, ~~preserve~~ or remove ~~or cause/authorize any person to trim, spray or remove~~ trees, ~~other~~ plants ~~and or~~ grassy areas in public ~~places spaces~~ without first filing an application and procuring a permit from the Director.

~~1)03.00.02~~ **Application Data.** The application required ~~herein by this ordinance~~ shall state the number and kind of trees to be trimmed, sprayed, preserved or removed; the kind of treatment to be ~~administered utilized~~, the kind and condition of nearest ~~trees plants~~ upon the adjoining property; and such other information as the Director shall find reasonably necessary ~~to for~~ a fair determination of whether a permit should be issued ~~hereunder~~.

~~2)03.00.03~~ **insurance** - ~~before any permit shall be issued, each applicant shall first file evidence of possession of worker compensation and liability insurance with the City's Department of Risk Management. The City shall determine actual amounts and types of insurance.~~

~~03.00.04~~ **Standards for Issuance.** The Director shall issue the permit provided for ~~herein when he finds in this ordinance when it is found~~ that the desired action or treatment is necessary and that the proposed method and workmanship ~~are is~~ satisfactory and that such action is in conformance with this ~~chapter ordinance.~~

~~03.00.05~~ **revoking permit** - ~~the Director may revoke a permit when the permit holder refuses or neglects to comply with any of the provisions of this ordinance or specific conditions outlined in the permit.~~

~~03.00.06~~ **penalties for unauthorized removals -**

~~a. Any person violating or causing to be violated any of the provisions of this ordinance including but not limited to any person cutting down or removing trees or plants without personally seeing a copy of a valid permit authorizing such cutting down or removal of the trees or plants shall be subject to a fine of up to \$1,000.00 per offense, depending on the commercial and/or historical value of such trees and plants.~~

~~b. Each tree or plant destroyed or removed in violation of this ordinance shall be~~

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~~considered a separate offense.~~

~~c. In the case of unauthorized removal or destruction of trees or plants by any person, such person shall replace each plant destroyed or removed in violation of this ordinance with another like tree or plant. If said person is unable to locate similar sized or quality plant materials, he may request a variance from the Director. If a variance is granted by the Director, the the person replacing the plants will pay the City the cost difference between the value of the destroyed plant and the value of the replacement. The latest revision of the Guide For Plant Appraisals as published by the International Society of Arboriculture shall be used to determine the value of the destroyed plant.~~

~~(B)03.00.07 Plant. No person shall plant or set out any tree or plant in a public ~~place spaces~~ without first filing an application and procuring a permit from the Director.~~

~~1)03.00.08 Application Data. The application required herein shall state the number size and variety of ~~trees or each plants~~ to be planted or set out, the location, plant grade and variety of each tree or plant, ~~the~~ method of planting, including the supplying of suitable soil or soil amendments and such other information that the Director shall find reasonably necessary ~~to for~~ a fair determination of whether a permit shall be issued ~~hereunder~~.~~

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~~2)03.00.09~~ Standards for Issuance. The Director shall issue the permit provided for ~~herein by this ordinance~~ when he finds that the proposed plantings conform to the requirements of this ~~chapter ordinance~~.

~~4. 04.00.00~~ Public Tree Removal/Plant removal - public spaces

~~04.00.01~~ The Department shall have the right to plant, trim, spray, preserve and remove trees ~~and/or plants and shrubs in public spaces within the lines of all streets, alleys, avenues, lanes, squares, and public grounds,~~ as may be necessary to insure safety or to preserve the symmetry and beauty of such public ~~grounds spaces~~.

~~04.00.02~~ The Director may remove or cause or order to be removed, any tree or ~~plant or~~ part thereof which is in any unsafe condition or which is ~~a~~ prohibited species, or is affected with any injurious disease, fungus, insect, ~~or other pathogen or otherwise be considered by the City to be a public nuisance or other pest~~.

~~04.00.03~~ Whenever the Department shall remove any ~~tree, plant or shrub,~~ solely for the purpose of constructing any public work, the Director shall, if practicable, replace the same at public expense, at some nearby location by planting another ~~tree, plant or shrub but;~~ not necessarily of the same type.

~~5. 05.00.00~~ Duties of Private plant Owners.

It shall be the duty of any person growing trees ~~and plants~~ within the City ~~to:~~

~~(A)05.00.01~~ Trim. To trim his trees ~~and plants~~ so as not to cause a hazard to public ~~places spaces~~ or interfere with the proper lighting of public ~~highways spaces~~ by the street lights, and so ~~that with~~ a minimum clearance of any overhead portion thereof shall be eight (8) feet above the surface of the street, ~~sidewalk, trail system,~~ or rights-of-way. ~~Additionally, all private plants shall be pruned so that the above ground portions do not extend beyond the property line into public spaces.~~ Said person shall remove all dead, diseased, or dangerous trees ~~and plants,~~ or broken or decayed limbs which constitute a menace to the safety of the public ~~in public spaces or which the City would otherwise consider a public nuisance.~~ ~~Plants installed in the ROW (see 03.00.07) shall be pruned and maintained to a height not to exceed thirty (30) inches above established street grade for shrubs and the lowest branch on a tree shall be eight (8) feet above the established street grade.~~

~~05.00.02~~ City removals - The City shall have the right to trim any trees ~~or shrub and plants~~ on private property when it interferes with vehicular and/or pedestrian traffic in public ~~places spaces~~ or the proper spread of light along the street from a street light, or interferes with visibility of any traffic control device or signs ~~or would otherwise be considered by the City to be a public nuisance.~~, ~~S~~such trimming to be confined to the area immediately ~~around but not limited to the rights-of-way.~~ ~~Property owner will be given 24 hours notice prior to removals unless need for removal is created by an emergency or extreme danger situation.~~ ~~above the right-of-way.~~

~~(B)05.00.03~~ Treat or Remove. ~~To~~ treat or remove any tree or plant so diseased or insect-ridden ~~or dead~~ as to constitute a hazard to trees or plants in public ~~places spaces or would cause hardship or endanger the public.~~ ~~Property owner will be given 24 hours notice prior to removals unless need for removal is created by an emergency or extreme danger situation.~~

~~(C)05.00.04~~ Prohibited Species. Plants - ~~To~~ refrain from planting any of the ~~following species: plants on the City's prohibited plant list (see section #01.00.14)~~

~~(1) Acer Disycarpum (Silver Maple):~~

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- ~~————— (2) ——— *Acer Negundo* (Box Elder):~~
- ~~————— (3) ——— *Ailanthus Altissima* (Tree of Heaven):~~
- ~~————— (4) ——— *Berberis Vulgaris* (European Barberry):~~
- ~~————— (5) ——— *Catalpa Speciosa* (Northern Catalpa):~~
- ~~————— (6) ——— *Juniperus Virginiana* (Eastern Red Cedar):~~
- ~~————— (7) ——— *Populus* (Poplar):~~
- ~~————— (8) ——— *Salix* (Willow):~~
- ~~————— (9) ——— *Ulmus Americana* (American Elm):~~
- ~~————— (10) ——— *Ulmus Parviflora* (Chinese Elm):~~

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- ~~(D)05.00.05~~ Tree and Plant Protection Prior to Development::
- ~~a.~~ To prevent the unnecessary destruction of ~~trees plants and/or listed species~~ on land where a building permit or subdivision approval has not been issued;
 - ~~b.~~ The destruction within any five (5) year period, of more than twenty-five (25%) percent of the trees on any parcel of real property within the City, without prior approval of the ~~d~~Director shall be prohibited ~~(see 07.00.03 and Landscape Design and Tree Preservation Standards)~~.
- ~~(Rev. 6-5-89)~~
- ~~05.00.06~~ ~~chipping or removal of plant debris - The City does not chip or remove leaves, limbs, stems, logs, roots, or any other debris created by a private plant owners or their agents during the trimming or removing of plants to conform to this ordinance.~~
- ~~6:06.00.00~~ ~~Free-Plant Protection - For All Trees in - Public Places Spaces:~~
- ~~06.00.01~~ No person shall ~~damage~~, break, injure, mutilate, kill or destroy any ~~tree or shrub plant~~, or set any fire within ten (10) feet of ~~the drip line any tree~~ or permit any fire, or the heat ~~thereof from a fire~~, to injure any portion of any ~~tree plant~~. No toxic chemicals or other injurious materials shall be allowed to seep, drain or be emptied on, near or about any ~~tree plant~~.
- ~~06.00.02~~ No electric wires or any other lines or wires shall be permitted to come in contact with any ~~tree or shrub plant~~ in any manner that shall cause damage ~~theretoto the plant~~, and no person shall attach any electric ~~al~~ insulation to any ~~tree plant~~.
- ~~06.00.03~~ No person shall use any ~~tree plant~~ as an anchor except by special written permit from the Director and no material shall be fastened to or hung on any ~~tree plants in public spaces~~.
- ~~06.00.04~~ ~~No person shall install, remove or injure any guard or device placed to protect any trees.~~
- ~~06.00.05~~ All persons having under their care, custody or control, facilities which may interfere with the trimming, ~~care~~ or removal of any ~~treeplant~~, shall, after notice ~~thereof~~ by the Director, promptly abate such interference in such manner as shall permit the trimming, ~~care~~, or removal of such ~~trees plants~~ by the Department.
- ~~06.00.06~~ ~~At no time will the practice of topping be considered appropriate or normal practice for any person, firm or City department. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Director.~~
- ~~7:07.00.00~~ ~~Free-Plant Protection During Development, For all Trees in Public Places Spaces and private property:~~
- ~~07.00.01~~ ~~See figure #1.~~ During any building, renovat~~ing~~ion or razing operations, the ~~developer/builder~~ shall erect and maintain suitable protective barriers ~~(see section #01.00.15)~~ around all trees, ~~plants, on public spaces~~ and ~~also for all trees specified to be maintained on private property, so as to prevent damage to said trees plants and/or areas intended for preservation and shall not allow storage of equipment, materials, debris or fill to be placed in this area except as may be necessary for a reasonable time if no other storage space is available. The space between the plastic mesh fence and the trunk of the plant shall be considered the Tree Protection Area. Additionally, a silt screen or other acceptable measure shall be placed up slope for the protective barriers. This silt protection barrier shall shield the area of preserved trees or plants from soil sedimentation intrusion into the tree protection area.~~
- ~~07.00.02~~ Where root loss will occur, root prune one foot beyond the protective barriers using a vibrating saw or narrow trencher to make clean cuts. Cutting instrument shall have sharp blades to minimize damage. Back fill immediately and cover with three (3) inches of mulch.
- ~~07.00.03~~ Performing any plant removals in violation of this ordinance, and/or the "Tree

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Preservation Standards” shall result in the following penalties:

- a. ~~Quadrupling of the Tree Preservation Review Fee.~~
- b. ~~Replacement of trees and plants by the property owner will be required when any removal is in violation of this ordinance, and/or the Tree Preservation Standards.~~
- c. ~~The property owner must contact the City for a list of acceptable replacement plant varieties.~~
- d. ~~All replacement trees shall have a minimum caliper size of four (4) inches. The Developer will be required to replace the total amount of caliper inches lost as determined by the City. Ex. 1 - 4” and 2 - 9” trees lost. Total caliper inches lost = 22”. Therefore the developer will be responsible for the planting of six (6) trees (4” caliper) to replace lost trees.~~
- e. ~~All replacement plants other than trees shall be a minimum of:~~
 1. ~~one gallon for perennials and non turf grasses~~
 2. ~~five gallon for all shrubs~~
- f. ~~Planting locations for replacement plants shall be staked by the developer/builder/property owner and approved by the City before any replacement plantings occur.~~
- g. ~~Replacement plantings shall conform to “American Standard for Nursery Stock”.~~
- h. ~~Plants selected for use as replacements shall be free from injury, pests, diseases, and nutritional disorders, root defects and must be in good vigor. The City reserves the right to reject any or all plants used as replacements. All rejected plants shall be removed from the site.~~
- i. ~~All replacement plants shall carry a two-year unconditional guarantee.~~
- j. ~~All replacement plants shall be planted as per City specification (see fig. #3).~~
- k. ~~All plantings shall conform to Corner Clearance sec 11.00.00 of this ordinance.~~

8:08.00.00 Excavations Near Trees - public spaces.

~~08.00.01 Excavations and driveways shall not be placed within five-fifteen (15) feet of any existing tree without a written permit from the Director. Any person making such excavation or construction shall guard any tree within six (6) feet thereof with a good substantial frame box to be approved by the Director and all building material and other debris shall be kept at least four (4) feet from any tree. Shall erect and maintain a suitable protective barrier around the tree (see figure #1).~~

~~08.00.02 irrigation systems - No person shall install an irrigation system in any public space without obtaining a permit from the Building Department. The City shall not be responsible for damages to an irrigation system if the work responsible for the damage for the damage is done to cause plants to conform to this ordinance.~~

9:09.00.00 Covering the Surface Near Trees - public spaces.

No person shall place within the ~~public space street right-of-way~~ any ~~soil,~~ stone, brick, sand, concrete or other materials, which will in any way impede the full and free passage of water, air or fertilizer to the roots ~~system~~ of any ~~tree plant in a public space~~, except a sidewalk of authorized width and location.

10:10.00.00 Regulations for Planting ~~in a Public Place~~. Spaces

Work done under a permit issued ~~hereunder in accordance with this ordinance~~ shall be performed in strict accordance with the ~~listed~~ terms ~~thereof~~ and with the following regulations ~~established~~ for the planting, trimming and care of trees ~~and plants~~ in public ~~places~~ spaces:

- ~~(A)10.00.01 Trees must have a caliper of 1.5 inches or more for bare root stock and 2.5 inches or more for container grown/balled and burlapped stock. not be less than one inch (1”) in diameter of trunk one foot (1’) above the ground. All replacement plants other than trees shall be a minimum of:~~
 - a. ~~one gallon for perennials and non turf grasses~~

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~~_____~~ b. five gallon for all shrubs.

~~(B)10.00.02~~ All trees ~~with a caliper from of two (2") inches to four (4") inches in diameter of trunk one foot (1') above the ground or greater~~ must be protected and supported by tree guards. ~~See figure #3.~~

~~(C)~~ All cuts above one (1") high in diameter must be water-proofed.

~~(D)10.00.03~~ All trees ~~will~~ shall be planted on fifty (50') foot centers, unless a special permit is obtained from the Director.

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- ~~(E)10.00.04~~ No tree will be planted closer than three and one-half (3 1/2) feet to the curb, and no closer than three (3) feet to the sidewalk unless Director issues a permit.
- ~~(F)~~ No tree shall be planted on private property within thirty (30) feet of a tree planted in the right-of-way.
- ~~(G)10.00.05~~ No tree shall be planted within fifteen (15) feet either side of a driveway that opens onto a public street.
- ~~10.00.06~~ No trees or shrubs shall be planted within 15 feet of any fire hydrant or as to obstruct the fire hydrant when viewed from the street.
- ~~10.00.07~~ No tree shall be planted on private property within 30 feet of a tree planted in the rights-of-way.
- ~~10.00.08~~ All planting shall be done in accordance with City specifications. See figure #3.
- ~~10.00.09~~ All planting shall conform to Corner Clearance sec 11.00.00
- ~~11.00.00~~ Corner Clearance (visual barrier setback).
- ~~11.00.01~~ In order that the view of the driver of a vehicle approaching a street intersection is not obstructed, all plants All shrubs and bushes located on the triangle formed by two (2) rights-of-way lines at the intersection of two (2) streets and extending for a distance of twenty-five (25) feet each way from the intersection of the rights-of-way lines on any corner lot within the City, shall not be permitted to grow to a height of more than thirty (30) inches from the lowest established street grade, along the legs of the fore meationed triangle (see figure #2). in order that the view of the driver of a vehicle approaching a street intersection shall not be obstructed.
- ~~11.00.02~~ Trees may be planted and maintained on private property in this area, provided that all branches are trimmed to maintain a clear vision for a vertical height of eight (8) feet above the sidewalk roadway surface. If no sidewalk exists, the vertical height for tree branches begins at the lowest established street grade along the legs of the fore mentioned triangle.
- ~~11.00.03~~ Any person failing to trim any trees, shrubs or bushes plants to in conformity with this section ordinance shall be notified by the Director in the manner provided in Section ~~14-13~~ of this chapter ordinance, to do so and S such notice shall require trimming or removal in conformity with this section ordinance within the time prescribed in the notice as provided in Section ~~14 B13.00.07~~ of this Chapter ordinance. Upon the expiration of such period, the Director may cause the trimming or removal to be done and the cost thereof may be collected from the owner of said property as provided ~~for~~ in Section ~~14 E-13.00.10~~ of this chapter ordinance.
- ~~11.00.04~~ Unless stipulated by City Ordinance, the City does not chip private plant debris.
- ~~12:12.00.00~~ Private Trees-Plants - Diseased, and Infestations Infested, damaged or dead.

When the Director shall discover ~~that~~ any tree or plant that has been growing on private property within the City is affected with any dangerous and infectious insects infestation or tree diseases or is dead or damaged, or presents an emergency or extreme danger situation to public spaces or to the Citys plant population as a whole, he shall ~~forthwith~~ serve a written order upon the person property owner in the manner specified in Section ~~14-13.00.00~~ of this chapter ordinance, This order shall describing describe the tree or plant, its location and condition and order the property owner the nature of the infestation or tree disease, and ordering the person to take such measures as may be reasonably necessary. Such order may require the pruning, spraying or destruction and removal of the trees or plant as may be reasonably necessary. Every such order shall be complied with within ten (10) days after service thereof the notice has been issued, or within such additional time as may be stipulated in such order as provided in Section ~~14~~

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~~B13.00.07. If in the event of an emergency or extreme danger situation the Director shall have the authority to take immediate action as is necessary to abate the situation. Unless stipulated by City Ordinance, the City does not chip private plant debris.~~

~~13. Dutch Elm Disease. Every elm tree, regardless of species or variety, infected with the fungus ceratostomella ulmi, commonly called dutch elm disease, shall be removed if on public property; within ten (10) days after the Director shall learn of the condition and, if on private property within the time prescribed in the order as specified in Section 14 B. No person shall possess, sell, give away or transport any elm afflicted with the fungus ceratostomella ulmi nor any wood from, or parts of, any tree so afflicted, except that wood, branches and roots of any tree so afflicted may be transported to a place for burning, if first sprayed thoroughly with a solution of sevin 50% wettable solution two (2) tbs/gal. in a manner approved by the Director.~~

~~14:13.00.00 Procedure Upon Order to Preserve, prune, spray or Remove.~~

When the director ~~or any one under his supervision and control~~ shall find it necessary to order the trimming, preservation, spraying or removal of ~~trees or plants~~ upon private property as authorized by this ~~chapter ordinance herein~~ he shall serve a written order on the property owner in which the necessary corrections and time limits are listed ~~to correct the dangerous condition upon the person.~~

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- ~~(A) Method of Service:13.00.01~~ Such order required herein shall be served in one of the following ~~ways-manners:~~
- ~~(1)13.00.02~~ By making personal delivery of the order to the ~~person-responsibleproperty~~ owner.
- ~~(2)13.00.02~~ By leaving the order with some person of suitable age and discretion upon the premises.
- ~~(3)13.00.04~~ By mailing a copy of the order to the last known address of the owner of the ~~premises-property~~ by ~~receipted-registered~~ mail.
- ~~(4)13.00.05~~ By affixing a copy of the order to the door at the entrance to the premises in violation.
- ~~(5)13.00.06~~ By publishing the order in a local paper once a week for three (3) successive weeks.
- ~~(B)13.00.07~~ Time for Compliance. Such order ~~required-herein~~ shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation. In no case shall the time limit be less than ten (10) days, except in case of extreme danger, ~~or an emergency~~ nor more than thirty (30) days. In case of ~~emergency or~~ extreme danger ~~to persons or public property~~ the City shall ~~and~~ eliminate or ~~lessen abate~~ the hazard ~~or danger~~ and assess the costs to the owner as provided in Section ~~14(E)13.00.10~~ of this Chapter ordinance. ~~An extreme danger shall be described as any situation or occurrence which would cause an immediate danger to the life and limb of any person upon any public way within the City of Troy.~~
- ~~(C)13.00.08~~ Appeal from Order. A person to whom such ~~an~~ order is directed shall have the right, within forty-eight (48) hours of service of such order, to appeal to the City Manager, of the City of Troy who shall review such order within five (5) working days and file his decision ~~thereon~~ with the City Clerk with a copy to ~~the Director of Parks and Recreation and to the appellant which shall be served the appellant which shall be served~~ in any of the methods ~~herein~~ provided in ~~this section; paragraph (A) hereof,~~ unless the order is revoked or modified it shall remain in full force and shall be obeyed by the person to whom ~~it is~~ directed. No person to whom ~~an the~~ order is directed shall fail to comply with such order within ten (10) working days or such additional time as prescribed in the order after an appeal shall have been determined.
- In ~~the~~ case of extreme danger, as described above, the director shall have the authority to require compliance immediately upon service of the order which expressly dictates that the matter is of extreme danger.
- ~~(D) 13.00.09~~ Failure to Comply. When a person to whom an order is directed shall fail to comply within the specified time, ~~or in the specified manner,~~ the director shall remedy the conditions or contract with others for ~~such the~~ purpose and charge the costs thereof to the person to whom the order is directed. The person remedying the condition under a contract made ~~with the City hereunder~~ shall be authorized to enter the ~~premises-property~~ for that purpose.

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~~(E) 13.00.10~~ Lien Against Property. If the cost of remedying a condition is not paid within (30) days after receipt of a statement, ~~therefore,~~ from the City ~~Treasurer,~~ such cost shall be levied against the property upon which said hazard exists or existed. Levying of such cost shall be certified by the Director to the City Treasurer and shall ~~thereupon~~ become a lien upon such property, and shall be included in the next tax bill rendered to the owner or owners ~~thereof~~ unless paid before, and shall be collected in the same manner as other taxes against such property.

~~(Rev. 6-5-89)~~

~~15. 14.00.00 Private Trees Plant - Inspection.~~

The Director ~~and his representatives and employees~~ shall have the authority to enter upon private ~~premises property~~ for the purpose of examining any ~~trees, shrubs, plants, or vines~~ for the presence of ~~dangerous or infectious insects, infectious plant diseases or pathogen and/or to determine if an emergency or extreme danger situation exists.~~ ~~destructive insects or plant diseases.~~ No damages shall be awarded for the destruction of any ~~tree, shrub, or plant or fruit or injury to the same, if done by the Director or those under his direction~~ in accordance with this ~~chapter ordinance.~~

~~16. 15.00.00 Lawn Extensions.~~

On residential streets, the abutting owner or occupants may maintain a planting strip on the lawn extension between the sidewalk and the street ~~therein in conformity if done in compliance~~ with this ~~chapter ordinance.~~ No person shall willfully injure or destroy any ~~grass plants, flower or tree grass~~ upon any such planting strip or throw papers, refuse, or any other thing thereon. No person shall drive an automobile, bicycle or any other vehicle upon or over any such planting strip.

~~16.00.00 Damage to City trees and plants~~

~~Any person or persons who cause damage to any City rees and/or plants by the improper use of any machines, automobile, ECT. Shall be held liable for damages to said trees and plants. Damages shall be corrected, repaired and/or replaced by the Department as instructed by the Director. All costs incurred by the City for corrections, repairs, and replacements including Administrative and process costs, shall be billed to the person or persons responsible for the damages. Should the City choose not to replace damage plants, the person or persons responsible for said damage shall be billed for the value of the plants as determined in accordance with the latest revision of the Guide for Plant Appraisal (issued by the Council of Tree and Landscape Appraisers).~~

~~17. Private Utilities:~~

~~(A) Overhead Lines Trimming Permits. The Director shall grant permission to public utilities to trim and keep trimmed all trees within the streets, alleys, parks and public places of the City, in such a manner as shall keep the overhead lines of such public utilities safe and accessible. Such trimming shall be done in accordance with approved practices and under the general direction of the Department. Said permission, as provided for in this section, shall require reasonable prior notice to the City before any work is commenced thereunder. Provided, however, that in the event of an emergency requiring immediate maintenance work on the overhead lines of said public utilities, prior notice of commencing work under said permit shall not be required. The word "emergency" as used in this section, shall be defined to mean the occurrence or happening of an event which could not be prevented by the exercise of reasonable care and foresight, which~~

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might cause damage to the overhead lines of the public utilities.

~~(B) Gas Main Leakage. Gas pipes or mains within any public right-of-way or on any public property shall be so maintained as to avoid any leakage therefrom. In the event a leak exists or occurs, it shall be reported to the owner of such pipe and main, and the leak shall be repaired within twenty-four (24) hours. Any damage to trees, shrubbery or grass resulting from the escape of gas from a pipe or main shall be repaired, and the cost of the work, including the cost of removal and the replacement of any trees, shall be levied against the owner of the pipe or main causing the damage.~~

~~18. Rules and Regulations. The Director shall make such rules and regulations supplementary to this chapter not in conflict herewith, as he may from time to time deem necessary. No person shall fail to obey any rule or regulation effective hereunder.~~

~~(Rev. 3-26-79)~~

~~17.00.00 Storm damage private plants~~

~~17.00.01 City crews are not authorized to prune, trim, or repair plants on private property that has been damaged by a storm unless so instructed by the Director.~~

~~17.00.02 City crews are to prune, trim, or remove any private trees or plants that, by damage from a storm has created an emergency or an extreme danger situation to public spaces or individuals in public spaces. All plant debris created during this operation shall not be removed by the City.~~

~~17.00.03 Unless the Director declares a Storm Emergency, or unless stipulated by City Ordinance, the City does not chip private plant debris.~~

~~17.00.04 When a storm emergency is declared or when stipulated by this ordinance, private tree debris will be chipped only if properly stacked. Stacked piles shall:~~

- ~~a. be placed between the sidewalk and the curb~~
- ~~b. be cut to lengths that fit between the sidewalk and curb without extending over either. Maximum lengths of debris shall not exceed four (4) feet.~~
- ~~c. be stacked with cut ends and/or thickest ends pointing toward the City street.~~
- ~~d. Piles shall contain only plant debris.~~
- ~~e. Piles that do not conform to this ordinance shall not be chipped by the City and will become the responsibility of the property owner to remove. Removal shall occur within ten (10) workdays after the storm that caused the damage.~~

~~18.00.00 Tree Spacing~~

~~To promote the awareness of the benefits of effective landscaping in the City, the following planting information has been prepared:~~

~~18.00.01 LARGE TREES - Trees that will attain a mature height over 50 feet and at least 35 feet wide. These trees should be spaced at least 35 feet apart on private property and 50 feet apart on public spaces.~~

~~18.00.02 MEDIUM TREES - Trees that will attain a mature height of 30 to 50 feet and at least 25 feet wide. These trees should be spaced at least 25 feet apart on private property and as close as 40 feet apart on public spaces if approved by City (see section # 10.00.03).~~

~~18.00.03 SMALL TREES - Trees that will attain a mature height of 15 to 30 and at least 15 feet wide. These trees should be spaced at least 15 feet apart on private property and as close as 30 feet apart on public spaces if approved by City (see section # 10.00.03).~~

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~~Under no circumstance shall a small tree be considered for use as a street tree unless an overhead utility is involved.~~

~~18.00.04 All trees shall have the following setbacks from overhead utility lines:~~

~~a. Large trees shall be planted no closer than fifty (50) feet from the outer most utility line.~~

~~b. Medium trees shall be planted no closer than forty (40) feet from the outer most utility line.~~

~~c. Small trees may be planted directly under utility lines.~~

January 2, 2003

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Study Session Topics for Civic Center Discussion;
January 17, 2003 at 2:00 PM in Council Board Room

In preparation for the above-referenced Study Session, I'll be including information relative to potential Civic Center site plan elements as they relate to traffic impacts, and environmental factors. In addition, a financial analysis pertaining to capital outlay and operational costs for a conference center will also be included. Mayor Pryor, Real Estate and Development Director Doug Smith, and myself are still trying to meet with the Michigan Economic Development Corporation (MEDC) prior to the Study Session.

With reference to financing, I've invited Mr. Ron Wilson of Hotel Investment Services (HIS) in Troy to attend the meeting. Mr. Wilson is experienced in conference centers/hotel financing and may be able to answer some questions that you have along those lines. Additionally, Mayor Pryor suggested that staff contact representatives of the Atkins Group who have experience in hotel/convention financing. And we are still working on this matter.

Included with this memorandum is an aerial photograph of the Civic Center site. Some of you had mentioned that you'd like to get a view of this site from the Columbia Center; therefore please contact Doug Smith, Mary Redden or myself if you would like this bird's eye view, and we'll make arrangements.

Also know that Council Member Robin Beltramini and myself will be developing text responding to all questions that were raised at the Troy Shareholders forum regarding the Civic Center, which was held on December 12, 2002. So too, I'll be including a proposal from Rossetti Associates which provides a scope of work to develop a physical master plan for the Civic Center site. Should you desire, I'll attempt to have someone from this architectural firm also attend the Study Session.

Please advise if you would like any other information prior to the Study Session, and we'll be happy to accommodate.

JS/mr\AGENDA ITEMS\2003\01-16-03 Study Session Topics

c: John M. Lamerato, Assistant City Manager/Finance & Administration
Gary A. Shripka, Assistant City Manager/Services
Douglas Smith, Real Estate & Development Director



0 150 300 600 900 1,200 Feet

