

CITY COUNCIL

AGENDA

January 13, 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 – Father Stratton Dorozenski – St. Nicholas Greek Orthodox Church **1**

A-1 Presentation: (a) Service Commendation – Ken Belwood 1

PUBLIC HEARINGS **1**

C-1 Special Assessment Roll for Asphalt Paving of Chestnut Hill and Walnut Hill in Section 18 – Project No. 02.109.1 1

POSTPONED ITEMS **2**

D-1 Protocol for Facility Dedication Plaques 2

PUBLIC COMMENT: **3**

A. Items on the Current Agenda 3

B. Items Not on the Current Agenda 3

CONSENT AGENDA **3**

E-1 Approval of Consent Agenda 3

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.

E-2	Minutes: Regular Meeting of January 6, 2003	4
E-3	Proposed City of Troy Proclamations	4
	(a) Service Commendation – James A. Penney	4
	(b) Service Commendation – Ken Belwood	4
E-4	Authorization to Expend Clothing Allowance Funds with Pre-Approved Uniform Vendors	4
E-5	Private Agreement for Troy Professional Office - Project No. 02.904.3	5
E-6	Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Siren/PA Systems for Police Department Vehicles	5
E-7	Rescind Resolution #2002-09-531-E-11 – Re-Award to the Lowest Acceptable Bidder for Non-Slip Floor Surface Coatings	5
E-8	Agreement for Placement of Identification Sign at 2073 East Maple Road	6
E-9	Authorization for Council Members to Attend the 2003 MML Legislative Conference at the Lansing Center on Wednesday, March 26, 2003	6
E-10	Request for Approval of Conditioned Purchase Offer for Right-of-Way for Sidewalk Gap Completion: Sidwell #88-20-13-426-015 – Edward B. and Joean Hall – 2713 East Wattles	6
E-11	Request to Cablecast Liquor Violation Hearings Live	6
	<u>REGULAR BUSINESS</u>	7
F-1	Appointments to Boards and Committees: (a) Advisory Committee for Persons w/Disabilities; (b) Board of Review; (c) Downtown Development Authority; (d) Election Commission; (e) Historic District; (f) Liquor Committee; (g) Municipal Building Authority; (h) Planning Commission; and (i) Traffic Committee	7
F-2	Closed Session	14
F-3	Community Center Phase II Dedication	14
F-4	Addendum No. 1 – Section 22 & 23 Bituminous Overlays, Contract 02-04	14

F-5	Revision to Chapter 85A – Political Signs Regarding Filing of Notice of Intent	15
F-6	Rabbani et. al v. City of Troy	15
F-7	P.I.L.O.T. Agreement for Oakland Park Towers	15
F-8	Confirmation of Appointment – Mr. Timothy Richnak as Public Works Director	15
F-9	Watershed Based General Storm Water Permit and On-Site Sewage Disposal System Inspection Program	16

COUNCIL COMMENTS/REFERRALS **16**

REPORTS AND COMMUNICATIONS **16**

G-1	Minutes – Boards and Committees:	16
	(a) Downtown Development Authority/Draft – August 21, 2002.....	16
	(b) Police and Fire Commission (Act 78)/Final – October 22, 2002.....	16
	(c) Planning Commission Special/Final – December 3, 2002.....	16
	(d) Planning Commission/Draft – December 10, 2002	16
	(e) Youth Council/Draft – December 18, 2002.....	16
	(f) Advisory Committee for Senior Citizens/Draft – January 2, 2003.....	16
G-2	Department Report	16
	(a) Permits Issued July through December 2002.....	16
	(b) Permits Issued During the Month of December 2002.....	16
	(c) Permits Issued During the Year 2002.....	16
G-3	Announcement of Public Hearings:	16
	(a) Rezoning Application - R-1C to O-1, General Office Use (No Plan Proposed) – (Z-#521), Located on the East Side of John R Road, North of Long Lake Road - Section 12 – Scheduled for February 3, 2003	16
G-4	Proposed Proclamations/Resolutions from Other Organizations:	17
	(a) City of Ferndale – Resolution in Opposition to Any Preemptive Strike or Act of War Contemplated by the President and the Congress of the United States Against Iraq and Affirmation of the Universal Declaration of Human Rights and the Principles of International Law.....	17
G-5	Letters of Appreciation:	17
	(a) Letter from Marsha McHale and Lynn Bell to Chief Craft Thanking Officer Nicolette Kaptur for Her Annual Presentation to the Streetwise Parenting Group of Troy Families for Safe Homes.....	17

G-6	Calendar	17
G-7	Correspondence: Sander M. Levin - Congress of the United States – 12 District, Michigan – Re: City Council’s December 16 Resolution In Favor of the Stryker Light Armored Vehicle	17
G-8	Memorandum – Re: Bidding of the Skate Park	17
G-9	Memorandum – Re: Status of Fetterly Drain Study	17
G-10	Memorandum – Re: Morgan Quitno Press 9 th Annual Safest City Awards	17
<u>PUBLIC COMMENT</u>		17

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 – Father Stratton Dorozenski – St. Nicholas Greek Orthodox Church

A-1 Presentation: (a) Service Commendation – Ken Belwood

PUBLIC HEARINGS

C-1 Special Assessment Roll for Asphalt Paving of Chestnut Hill and Walnut Hill in Section 18 – Project No. 02.109.1

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

Suggested Resolution

Resolution #2003-01-

Moved by

Seconded by

WHEREAS, The City Council has caused Special Assessment Roll No. 02.109.1 to be prepared for the purpose of defraying the Special Assessment District's portion of the following described public improvement in the City of Troy:

Bituminous Paving of Chestnut Hill and Walnut Hill; and

WHEREAS, The City Council and the City Assessor have met after due legal notice and have reviewed said Special Assessment Roll and have heard all persons interested in said Special Assessment Roll appearing at said hearing; and

WHEREAS, The City Council is satisfied with said Special Assessment Roll as prepared by the City Assessor.

NOW, THEREFORE, BE IT RESOLVED, That Special Assessment Roll No. 02.109.1 in the amount of \$104,000.00 is hereby **CONFIRMED** as prepared by the City Assessor, a copy of which shall be **ATTACHED** to and become a part of the Minutes of this meeting.

Yes:

No:

POSTPONED ITEMS

D-1 Protocol for Facility Dedication Plaques

Suggested Resolution

Resolution #2003-01-

Moved by Howrylak

Seconded by Eisenbacher

RESOLVED, That all new city buildings be **DEDICATED** to the people of the City of Troy.

Suggested Resolutions – Options A, B, C and D

Suggested Resolution

Resolution #2003-01-

Moved by

Seconded by

(a) Option A

RESOLVED, That facility dedication plaques will **IDENTIFY** Council Members serving on Council at the time of the dedication or ribbon-cutting ceremony.

OR

(b) Option B

RESOLVED, That in addition to names of current Council Members at the time of a facility dedication, the names of former Council Members/Board Members that were involved with hiring the architect that designed a facility would be **LISTED** on the dedication plaque.

OR

(c) Option C

RESOLVED, That instead of identifying individuals associated with a project, facility dedication plaques will instead **DEDICATE** the facility to the residents and taxpayers of the City of Troy.

OR

(d) Option D

RESOLVED, That dedication plaques for the Police/Fire Training Facility, Nature Center and Community Center **WILL CONTAIN** the names of Council Members serving on Council at the time of the dedication or ribbon-cutting ceremony for each facility; and

BE IT FURTHER RESOLVED, That all other facilities constructed after the dedication of the Community Center **WILL NOT** have any dedication plaques.

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 January 6, 2003

Suggested Resolution

Resolution #2003-01-

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of January 6, 2003, be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations

Suggested Resolution

Resolution #2003-01-

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

- (a) Service Commendation – James A. Penney
- (b) Service Commendation – Ken Belwood

E-4 Authorization to Expend Clothing Allowance Funds with Pre-Approved Uniform Vendors

Suggested Resolution

Resolution #2003-01-

WHEREAS, A change in the uniform allowance policy will not result increased costs to the City; and

WHEREAS, It is desirable to allow more vendors to provide uniforms to police/fire personnel and is considered an additional benefit to employees since they can select a vendor most convenient for them, and this change will be less costly for the City since the amount of time spent managing uniform purchases will be reduced for the affected departments including the Finance Area.

NOW, THEREFORE, BE IT RESOLVED, That authorization is **GRANTED** to allow vendors to provide police and career fire officer uniforms if they provide: 1.) Only items authorized by department specifications; 2.) Invoice by individual employee; and 3.) Clearly detail the item purchased; and

BE IT FURTHER RESOLVED, That each January the list of vendors **MAY** be expanded to allow additional vendors to participate in the program, vendors **MAY** be deleted from the program for not following requirements listed above, and the items authorized by the

departments **MAY** be added or deleted as items become discontinued or uniform requirements change.

E-5 Private Agreement for Troy Professional Office Project No. 02.904.3

Suggested Resolution

Resolution #2003-01-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Troy Professional Associates, L.L.C. is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, water main, sidewalks and paving on the site and in the adjacent right-of-way, and the Mayor and City Clerk are **AUTHORIZED** to execute the documents, a copy of which **SHALL BE ATTACHED** to the original Minutes of this meeting.

E-6 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Siren/PA Systems for Police Department Vehicles

Suggested Resolution

Resolution #2003-01-

RESOLVED, That a contract to purchase forty (40) Federal Signal Model Touchmaster Omega UTM4 Electronic Siren/PA controllers along with forty (40) microphones and Troy Products console faceplates is hereby **AWARDED** to the lowest acceptable bidder, West Shore Fire Inc., at the unit price contained in the bid tabulation opened December 18, 2002 at an estimated total cost of \$18,800.00, a copy of which shall be attached to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That additional sirens be **PURCHASED** if more vehicles are put into service at the unit price quoted, \$470.00 each, until June 30, 2003.

E-7 Rescind Resolution #2002-09-531-E-11 – Re-Award to the Lowest Acceptable Bidder for Non-Slip Floor Surface Coatings

Suggested Resolution

Resolution #2003-01-

RESOLVED, That City Council **RESCINDS** Resolution #2002-09-531-E-11 approved Monday, September 23, 2002, which awarded a contract to the low bidder, Tri-State Industrial Floors to install non-slip floor surface coatings at five (5) fire stations; and

NOW, THEREFORE, BE IT RESOLVED, That a contract to provide all labor, equipment, and materials to install a non-slip floor surface coating at Fire Station 4 is hereby **AWARDED** to the lowest acceptable bidder, A&S Industrial Coating, at an estimated cost of \$9,600.00; and

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

E-8 Agreement for Placement of Identification Sign at 2073 East Maple Road

Suggested Resolution
Resolution #2003-01-

RESOLVED, That the Sign Placement Agreement for 2073 East Maple Road between the City of Troy and David W. Wilner and Melinda M. Wilner, his wife, is hereby approved; the Mayor and City Clerk are authorized to execute the document, and a copy shall be **ATTACHED** to the original Minutes of this meeting.

E-9 Authorization for Council Members to Attend the 2003 MML Legislative Conference at the Lansing Center on Wednesday, March 26, 2003

Suggested Resolution
Resolution #2003-01-

RESOLVED, That Mayor and Council Members are **AUTHORIZED** to attend the 2003 MML Legislative Conference at the Lansing Center on Wednesday, March 26, 2003 and any associated pre-conference sessions on Tuesday, March 25, 2003.

E-10 Request for Approval of Conditioned Purchase Offer for Right-of-Way for Sidewalk Gap Completion: Sidwell #88-20-13-426-015 – Edward B. and Joean Hall – 2713 East Wattles

Suggested Resolution
Resolution #2003-01-

RESOLVED, That the Agreement to Purchase right-of-way between the City of Troy and Edward B. Hall and Joean Hall, having Sidwell #88-20-13-426-015 is **APPROVED** for the Wattles/Forsyth Sidewalk Gap Completion Project in the amount of \$36,010.00 plus closing costs.

E-11 Request to Cablecast Liquor Violation Hearings Live

Suggested Resolution
Resolution #2003-01-

RESOLVED, That City of Troy Liquor Violation Hearings will be broadcast live with the precautionary provision that decoys not appear on camera.

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) Downtown Development Authority; (d) Election Commission; (e) Historic District; (f) Liquor Committee; (g) Municipal Building Authority; (h) Planning Commission; and (i) 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:

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

Suggested Resolution
 Resolution #2003-01-
 Moved by
 Seconded by

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

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	

***NOTE: Oakland County Democratic and Republican Parties have been notified by the City Clerk's office and their nominations have NOT yet been received.**

Election Commission

Appointed by Council (3) – 1 year

* See above NOTE

Term expires 1-31-2004

* See above NOTE

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
Brodbine, 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

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****Term expires 1-31-2006****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, 2006
Peard, James R	Jan. 31, 2006
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
Ukraineec, 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

William S McCain (Does not wish to be reappointed) Term expires 1-31-2006

John M Lamerato 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
Miesiak, Conrad	Jan. 31, 2006
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 12-31-2005

CURRENT MEMBERS

NAME	TERM EXPIRES
Gary G. Chamberlain	Dec. 31, 2005
James P. Ong (Student)	July 01, 2003
Dennis A. Kramer	Dec. 31, 2003
Larry Littman	Dec. 31, 2004
Cynthia Pennington BZA Rep	Dec. 31, 2005
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 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	4/16/01/4/2003	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	06/11/99-06/14/01 05/2003	07/09/01
Brian J Wattles	07/10/01	07/23/01
Bruce Wilberding	08/05/99	
Peter F Ziegenfelder	12/07/00/6-11/01	12/18/00-07/09/01

Traffic Committee

Appointed by Council (7) – 3 years

Eric S Grinnell (Resigned)

Term expires 1-31-2006

Term expires 1-31-2006

CURRENT MEMBERS

NAME	TERM EXPIRES
Diefenbaker, John	
Grinnell, Eric S	Jan. 31, 2003
Halsey, Lawrence	Jan. 31, 2006
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, 2003
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 SessionSuggested 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), City of Troy v. Howard, after adjournment of this meeting.

Yes:

No:

F-3 Community Center Phase II DedicationSuggested Resolution

Resolution #2003-01-

Moved by

Seconded by

RESOLVED, That the Troy Community Center Phase II dedication ceremony is **RESCHEDULED** for Wednesday, February 26, 2003 at 4:00 pm.

Yes:

No:

F-4 Addendum No. 1 – Section 22 & 23 Bituminous Overlays, Contract 02-04Suggested Resolution

Resolution #2003-01-

Moved by

Seconded by

RESOLVED, That Addendum No. 1 to Contract No. 02-4 – Section 22 and 23 Bituminous Overlay Project is hereby **APPROVED** in the amount of \$15,720.75 to John Carlo, Inc., 4500 River Ridge Road – Clinton Township, MI 48038 at unit prices as contained in the contract matching those contained in the addendum authorization, a copy of which **SHALL** be attached to the original Minutes of this meeting. The total amount authorized is \$167,735.25 and includes the original contract amount of \$138,195.00 plus 10% contingency as per the contract award resolution and the \$15,720.75 amount of Addendum No. 1.

Yes:

No:

F-5 Revision to Chapter 85A – Political Signs Regarding Filing of Notice of IntentSuggested Resolution

Resolution #2003-01-

Moved by

Seconded by

RESOLVED, That Chapter 85A, Political Sign Ordinance of the City of Troy is hereby **AMENDED** by deletion of Section 3(a)(1) in its entirety.

Yes:

No:

F-6 Rabbani et. al v. City of TroySuggested Resolution

Resolution #2003-01-

Moved by

Seconded by

RESOLVED, That the Consent Judgment between Ali Rabbani, et. al and the City of Troy is hereby **APPROVED**, the City Attorney is **AUTHORIZED** to execute the document, and a copy is to be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

F-7 P.I.L.O.T. Agreement for Oakland Park TowersSuggested Resolution

Resolution #2003-01-

Moved by

Seconded by

BE IT RESOLVED, That the City Council of the City of Troy hereby **ADOPTS** the Payment in Lieu of Taxes Agreement (P.I.L.O.T) between the City of Troy and Oakland Grand Haven Limited Dividend Housing Association, L.L.C., a copy of which shall be **ATTACHED** to and made part of the original Minutes of this meeting.

Yes:

No:

F-8 Confirmation of Appointment – Mr. Timothy Richnak as Public Works DirectorSuggested Resolution

Resolution #2003-01-

Moved by

Seconded by

RESOLVED, That the appointment by the City Manager of Timothy Richnak as Public Works Director of the City of Troy is hereby **CONFIRMED**.

Yes:

No:

F-9 Watershed Based General Storm Water Permit and On-Site Sewage Disposal System Inspection Program

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

Suggested Resolution

Resolution #2003-01-

Moved by

Seconded by

RESOLVED, That an ordinance amendment to Chapter 19-Sanitary Sewer Service is hereby **ADOPTED** as recommended by City Management. A copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

COUNCIL COMMENTS/REFERRALS

REPORTS AND COMMUNICATIONS

G-1 Minutes – Boards and Committees:

- (a) Downtown Development Authority/Draft – August 21, 2002
- (b) Police and Fire Commission (Act 78)/Final – October 22, 2002
- (c) Planning Commission Special/Final – December 3, 2002
- (d) Planning Commission/Draft – December 10, 2002
- (e) Youth Council/Draft – December 18, 2002
- (f) Advisory Committee for Senior Citizens/Draft – January 2, 2003

G-2 Department Report

- (a) Permits Issued July through December 2002
- (b) Permits Issued During the Month of December 2002
- (c) Permits Issued During the Year 2002

G-3 Announcement of Public Hearings:

- (a) Rezoning Application - R-1C to O-1, General Office Use (No Plan Proposed) – (Z-#521), Located on the East Side of John R Road, North of Long Lake Road - Section 12 – Scheduled for February 3, 2003

G-4 Proposed Proclamations/Resolutions from Other Organizations:

- (a) City of Ferndale – Resolution in Opposition to Any Preemptive Strike or Act of War Contemplated by the President and the Congress of the United States Against Iraq and Affirmation of the Universal Declaration of Human Rights and the Principles of International Law

G-5 Letters of Appreciation:

- (a) Letter from Marsha McHale and Lynn Bell to Chief Craft Thanking Officer Nicolette Kaptur for Her Annual Presentation to the Streetwise Parenting Group of Troy Families for Safe Homes

G-6 Calendar

-
- G-7 Correspondence: Sander M. Levin - Congress of the United States – 12 District, Michigan – Re: City Council’s December 16 Resolution In Favor of the Stryker Light Armored Vehicle**

-
- G-8 Memorandum – Re: Bidding of the Skate Park**

-
- G-9 Memorandum – Re: Status of Fetterly Drain Study**

-
- G-10 Memorandum – Re: Morgan Quitno Press 9th Annual Safest City Awards**

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

December 17, 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: Standard Resolution #4 for Chestnut Hill & Walnut Hill Paving

Recommendation:

Council is asked to vote on Standard Resolution #4, the approving resolution for Special Assessment District #02.109.1 (this is bituminous paving, on Chestnut Hill and Walnut Hill). This vote will occur after consideration of all comments during the Public Hearing on the same subject.

Detail:

Staff met with the property owners in the district on November 6, 2002. At this meeting details of the proposed construction, Special Assessment procedures, costs of the project and the apportionment of said costs, amortization tables and schedules of payments, and the availability and eligibility requirements for Community Block Grant Development Funds, were discussed with the residents.

A petition was returned to the City Clerk's office on November 25, 2002, reflecting twenty-three of the twenty eight assessable units or 82% in favor of the project. The City Assessor analyzed this petition, and in conjunction with the signatories at the top of this memo, presented the analysis to Council.

City Council has approved Standard Resolutions #1, 2, & 3 for this project on December 16, 2002, after reviewing the Petition Analysis and the Engineering Cost Estimates. The January 13, 2003 Public Hearing was also set at this meeting.

After the Public Hearing, City Council will vote on whether to approve the Special Assessment District, and Roll, by adopting Standard resolution Number 4, as specified by City Charter. Failure of the Resolution to pass will terminate the project, barring the submittal of a new petition.

CITY OF TROY

Special Assessment Roll Number: 02.109.1 For defraying the expense of construction for: Walnut Hill & Chestnut Hill Bituminous Paving

CITY OF TROY
COUNTY OF OAKLAND
STATE OF MICHIGAN

I hereby certify and report that the foregoing is a special assessment roll, and the assessment made by me pursuant to a resolution of the City Council adopted on the 13th day of January A.D. 2003, for the purpose of paying that part of the cost which the Council decided should be paid and borne by special assessment for the purpose of Asphalt paving of Chestnut Hill & Walnut Hill

That in making such assessment I have, as near as may be and according to my judgement, conformed in all things to the direction contained in the resolution of the Council herinbefore referred to, and the Charter of the City relating to such assessments.

Dated at the City of Troy, Oakland County, Michigan on this 13th day of January A.D., 2003.

Leger A. (Nino) Licari, City Assessor

Advertised: _____

CITY OF TROY
COUNTY OF OAKLAND
STATE OF MICHIGAN

I hereby certify that the above and foregoing assesment roll was filed on the 13th day of January A.D., 2003, and approved and confirmed by the Council of the City of Troy on the 13th day of January A.D., 2003.

Tonni Bartholomew, City Clerk

In the name of the People of the State of Michigan
To the Treasurer of the City of Troy, in the County of Oakland, Michigan.

You are hereby commanded to collect from each of the several persons assessed in the Special Assessment Roll hereunto annexed, the amount of money assessed to and set opposite his name therein, said amount being payable in 10 installments due February 1, 2004 respectively, with interest at the rate of six percent (6%) per annum or such other rate of interest per annum which is not in excess of 1% of the rate borne by bonds issued in anticipation of the collection of said special assessment roll from and after February 1, 2004.

And in case any named in said Roll shall neglect or refuse to pay his assessment upon demand, after the same becomes due, you are hereby authorized to levy and collect the same by distress and sale of the goods and chattels of such person, and return said Roll and Warrant, together with your doing thereon within sixty (60) days; for so doing this shall be your sufficient Warrant.

Given under my hand and Seal of the City of Troy, Michigan, this 13th day of January A.D., 2003.

Tonni Bartholomew, City Clerk

(4110 Chestnut Hill)

88-20-18-353-001
KIAMTIA, OLIVER & CLAIRE
320 E MAPLE #253
BIRMINGHAM MI 48009
1 unit - \$3,714.29

88-20-18-353-002
RODGERS, JERRY L
4096 CHESTNUT HILL
TROY MI 48098-4206
1 unit - \$3,714.29

88-20-18-353-003
ZAKIR, MUHAMMAD AMIR
4076 CHESTNUT HILL
TROY MI 48098-4206
1 unit - \$3,714.29

88-20-18-353-004
MALOTA, PETER & LISA
4056 CHESTNUT HILL
TROY MI 48098-4206
1 unit - \$3,714.29

88-20-18-353-005
MORGAN TRUST, LELAND & BERNICE
4036 CHESTNUT HILL
TROY MI 48098-4206
1 unit - \$3,714.29

88-20-18-353-006
SALKOWSKI, DAVID M
4016 CHESTNUT HILL
TROY MI 48098-4206
1 unit - \$3,714.29

88-20-18-354-001
BLASER, GARY & LEE O'HARE
4075 CHESTNUT HILL
TROY MI 48098-4205
1 unit - \$3,714.29

88-20-18-354-002
BACHAN, MICHAEL & ROSE
4045 CHESTNUT HILL
TROY MI 48098-4205
1 unit - \$3,714.29

88-20-18-354-003
GORDON TRUST, SHARI
4015 CHESTNUT HILL
TROY MI 48098-4205
1 unit - \$3,714.29

88-20-18-352-001
AYERS, MARGUERITE
4190 WALNUT HILL
TROY MI 48098-5906
1 unit - \$3,714.29

88-20-18-352-002
SCHWARB, RAYMOND E
4174 WALNUT HILL
TROY MI 48098-5906
1 unit - \$3,714.29

88-20-18-352-003
PARDEE, CLARK E & MARY G
4158 WALNUT HILL
TROY MI 48098-5906
1 unit - \$3,714.29

88-20-18-352-004
MILLER, PAUL & MICHELLE
4140 WALNUT HILL
TROY MI 48098-5906
1 unit - \$3,714.29

88-20-18-352-005
BELKNAP, SUE A
4120 WALNUT HILL
TROY MI 48098-5906
1 unit - \$3,714.29

88-20-18-352-006
SOLD, ELIZABETH & GEORGE
4100 WALNUT HILL
TROY MI 48098-5906
1 unit - \$3,714.29

88-20-18-352-007
VALENTE, ANTHONY & KATHRYN
4090 WALNUT HILL
TROY MI 48098-4221
1 unit - \$3,714.29

88-20-18-352-008
POOLE, ALBERT & SANDRA
4080 WALNUT HILL
TROY MI 48098-4221
1 unit - \$3,714.29

88-20-18-352-009
BANDURIC, PAMELA T
4054 WALNUT HILL
TROY MI 48098-4221
1 unit - \$3,714.29

88-20-18-352-010
GHOLZ JR, ANTHONY & MARY
4030 WALNUT HILL
TROY MI 48098-4221
1 unit - \$3,714.29

88-20-18-352-011
THOMAS TRUST, RICHARD & GERTRUDE
4010 WALNUT HILL
TROY MI 48098-4221
1 unit - \$3,714.29

88-20-18-353-007
WEBER, MARK E
4185 WALNUT HILL
TROY MI 48098-5907
1 unit - \$3,714.29

88-20-18-353-008
HURLEY, CRAIG & SUSAN
4159 WALNUT HILL
TROY MI 48098-5907
1 unit - \$3,714.29

88-20-18-353-009
DIXON, ROBERT W & VERA R
4135 WALNUT HILL
TROY MI 48098-5907
1 unit - \$3,714.29

88-20-18-353-010
WANECEK, JASON K & LISA
4111 WALNUT HILL
TROY MI 48098-5907
1 unit - \$3,714.29

88-20-18-353-011

88-20-18-353-012

88-20-18-353-013

MARKOWSKI, JANINA & DALE
4095 WALNUT HILL
TROY MI 48098-4220

1 unit - \$3,714.29

BAKKA, GERALDINE B, HOAGG GLENN HWANG, MYUNG S
4085 WALNUT HILL
TROY MI 48098-4220

1 unit - \$3,714.29

4055 WALNUT HILL
TROY MI 48098-4220

1 unit - \$3,714.29

88-20-18-353-014

OLIVER, JAMES & MARGARET
4021 WALNUT HILL
TROY MI 48098-4220

1 unit - \$3,714.29

Project Name **Walnut Hill & Chestnut Hill**

Project # **02.109.1**

**Amortization Table
10 Year**

Interest Rate **0.06**

Assessment \$3,714.29

Year	Principal	Interest	Payment	Balance
1	\$ 371.43		\$ 371.43	\$ 3,342.86
2	\$ 371.43	\$ 200.57	\$ 572.00	\$ 2,971.43
3	\$ 371.43	\$ 178.29	\$ 549.71	\$ 2,600.00
4	\$ 371.43	\$ 156.00	\$ 527.43	\$ 2,228.57
5	\$ 371.43	\$ 133.71	\$ 505.14	\$ 1,857.15
6	\$ 371.43	\$ 111.43	\$ 482.86	\$ 1,485.72
7	\$ 371.43	\$ 89.14	\$ 460.57	\$ 1,114.29
8	\$ 371.43	\$ 66.86	\$ 438.29	\$ 742.86
9	\$ 371.43	\$ 44.57	\$ 416.00	\$ 371.43
10	\$ 371.43		\$ 371.43	\$ (0.00)
TOTAL	\$ 3,714.29	\$ 980.57	\$ 4,694.86	

Walnut Hill & Chestnut Hill Paving Petition Analysis 11/26/02

Parcel ID	Address	Owner	Units	Owners	Owners Signed	Valid Vote	
88-20-18-352-001	4190	Walnut Hill	Marguerite Ayers	1	1	1	1
88-20-18-352-002	4174	Walnut Hill	Raymond & Jennifer Schwarb	1	2	2	1
88-20-18-352-003	4158	Walnut Hill	Clark & Mary Pardee	1	2	2	1
88-20-18-352-004	4140	Walnut Hill	Paul & Michelle Miller	1	2	2	1
88-20-18-352-005	4120	Walnut Hill	Sue Belknap	1	1	1	1
88-20-18-352-006	4100	Walnut Hill	Elizabeth & George Sold	1	2	2	1
88-20-18-352-007	4090	Walnut Hill	Anthony & Kathy Valente	1	2	0	0
88-20-18-352-008	4080	Walnut Hill	Albert Poole	1	1	1	1
88-20-18-352-009	4054	Walnut Hill	Pamela Banduric	1	1	1	1
88-20-18-352-010	4030	Walnut Hill	Anthony & Mary Gholz, Jr	1	2	2	1
88-20-18-352-011	4010	Walnut Hill	Richard & Gertrude Thomas	1	2	2	1
88-20-18-353-001	4110	Chestnut Hill	Oliver & Claire Kiamtia	1	2	0	0
88-20-18-353-002	4096	Chestnut Hill	Jerry Rodgers	1	1	1	1
88-20-18-353-003	4076	Chestnut Hill	Muhammad Zakir	1	1	1	1
88-20-18-353-004	4056	Chestnut Hill	Peter & Lisa Malota	1	2	2	1
88-20-18-353-005	4036	Chestnut Hill	Leland & Bernice Morgan	1	2	2	1
88-20-18-353-006	4016	Chestnut Hill	David Salkowski	1	1	0	0
88-20-18-353-007	4185	Walnut Hill	Mark Weber	1	1	1	1
88-20-18-353-008	4159	Walnut Hill	Craig & Susan Hurley	1	2	2	1
88-20-18-353-009	4135	Walnut Hill	Robert & Vera Dixon	1	2	2	1
88-20-18-353-010	4111	Walnut Hill	Jason & Lisa Wanecek	1	2	0	0
88-20-18-353-011	4095	Walnut Hill	Janina & Dale Markowski	1	2	2	1
88-20-18-353-012	4085	Walnut Hill	Geraldine Bakka & Glenn Hoagg	1	2	2	1
88-20-18-353-013	4053	Walnut Hill	Myung Hwang	1	1	1	1
88-20-18-353-014	4021	Walnut Hill	James & Margaret Oliver	1	2	2	1
88-20-18-354-001	4075	Chestnut Hill	Gary & Lee O'Hare Blaser	1	2	2	1
88-20-18-354-002	4045	Chestnut Hill	William & Sharon Gall	1	2	0	0
88-20-18-354-003	4015	Chestnut Hill	Shari Gordon	1	1	1	1

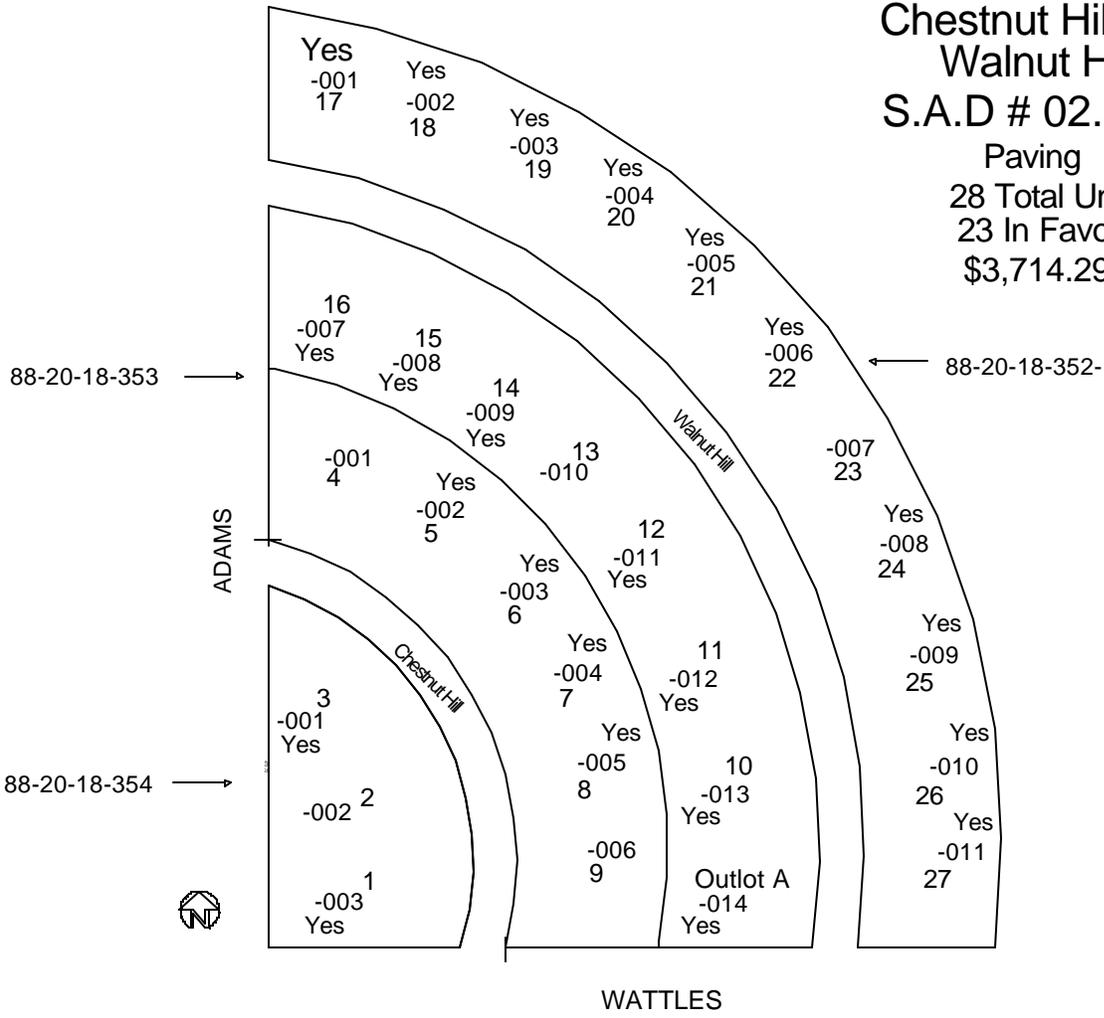
28

23

23 of 28 units in favor of the paving project = 82%
--

**Chestnut Hill &
Walnut Hill
S.A.D # 02.109.1**

Paving
28 Total Units
23 In Favor 82%
\$3,714.29 each



January 9, 2003

TO: The Honorable Mayor and City Council Members
FROM: John Szerlag, City Manager's Office
SUBJECT: Protocol for Facility Dedication Plaques

At the last Council meeting it was requested to come back with three options for formatting facility dedication plaques. They follow:

OPTION A

This option is commensurate to our current policy, which identifies Council Members serving on Council at the time of the dedication or ribbon-cutting ceremony.

OPTION B

In addition to current Members at the time of dedication, this option would include former Council Members/Board Members that were involved with hiring the architect that designed the facility.

OPTION C

This option does not identify any individuals associated with the project; rather, the dedication is to the residents and taxpayers of the city of Troy.

Subsequent to the January 6, 2003 City Council meeting Mayor Pryor suggested a fourth option, which would be to follow existing protocol for the Police/Fire Training Facility, Nature Center and Community Center. All other facilities constructed after the dedication of the Community Center would not have any dedication plaques. This will be OPTION D in the Agenda explanation.

As always, please call should you have any questions.

Mary F Redden

From: Pepblk2@aol.com
Sent: Wednesday, January 08, 2003 12:58 AM
To: matt@mattpryor.org
Subject: Comments for Jan 13th Council Meeting.

Mayor:

I would like to be able to present the following remarks prior to the council discussing or voting upon this issue in the next council meeting. If I can't make it, would you read them for me? I will try to be there, however. They are as follows:

In this era in which American values and traditions have come under attack both from within and without our country, I would like to thank city and county leaders for the decision to place, "In God We Trust. E Pluribus Unum," on our public buildings.

St. Augustine, a great philosopher, has defined community as a place where we share common symbols and jointly participate in all the things we love. The creation of community allows us to stay together in spite of things we dislike, or even hate - like taxes, and other political or social problems.

Gary Wills, author and historian, has said, "We stay together because we know each other's songs." This is a segue into my request that the traditions and precedents, which have been in place in Troy throughout its' life as a community, be respected and preserved.

The custom of having plaques imprinted with the names of sitting council members affixed to newly dedicated buildings is part of our shared common experience in Troy. The offers of councilmen, Howrylak, Lambert, and Eisenbacher to forego having their names on these buildings are generous and selfless. However, I believe that altering these practices for the purpose of placating the political ambitions of a handful of ex-councilpersons would destroy the historical heritage and ethos of Troy citizens who have resided in the city over several decades.

Mary Ann Bernardi, Troy Resident

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

December 11, 2001

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Laura A. Fitzpatrick, Assistant to the City Manager

SUBJECT: Elected Official Names on Municipal Building Dedication Plaques

In response to an inquiry made at the December 3, 2001 City Council meeting, attached find a table of Troy municipal building plaques. The table delineates the elected official names that appear on dedication plaques.

Analysis of the table is summarized below. Upon consideration of the City's plaques, it is evident that the City has not engaged in a uniform practice pertaining to elected official names on dedication plaques.

Summary Points:

- All plaques contain only seven elected official names.
- Only one plaque, City Hall, contains names of elected officials who were no longer in office at the time of dedication. It appears the names of the two newly elected officials were replaced with the names of their predecessors.
- Three plaques contain names of officials that were elected in the year of the dedication (i.e. newly elected officials). This implies that certain officials who served at the time of inception or approval of these projects were not included on the dedication plaque. Most noteworthy of these instances is that of the Aquatic Center. Mayor Doyle served at the time of the bid award (and the sixteen years prior to that time); however, his name is not on the dedication plaque (dedicated the year following his departure).

Notes:

- The table does not contain other names that appear on the plaque (i.e. board members, architect, etc.).
- There are no plaques at the fire stations.

Also attached, find a table delineating the plaque practices of other communities (state and national).

Conclusion: Unless we hear otherwise, staff will follow current practice and City Council members in office at the time of dedication will appear on plaques.

City of Troy Building	Inception/ Approval Dates	Year Dedicated	Governing Body Members on Plaque (Dates of Service)	# Names & Members Not in Office at Time of Dedication OR Elected in the Year of Dedication
City Hall	4/65: Bldg. Permit Issued	1966	Commissioners: Vincent J. McAvoy, Mayor (4/59 – 4/68) Clancy A. Fonseth (4/64 – 4/67) David E. Gratopp (4/64 – 4/70) Kenneth Henning (12/64 – 4/65) Glen H. Houghten (4/63 – 4/69) Wallace B. Hudson (4/59 – 4/68) Clifford F. Sutermeister (4/57 – 6/65)	# Names: 7 Not in Office at Time of Dedication: Henning Sutermeister
Troy Hall of Justice <i>a.k.a City Hall 1978 Addition</i>	4/77: Bldg. Permit Issued (Foundations Permit)	1979	Council members: Richard Doyle, Mayor (4/74 – 4/92) Jeanne Stine, Mayor Pro-Tem (4/76 – 4/01) Randall J. Husk (4/78 – 4/96) Alan J. Liebrecht (4/78 – 4/88) James F. McKenna (4/75-4/81) Anthony Pallotta (6/72 – present) Peter A. Taucher (4/68 – 4/89)	# Names: 7
Old Community Center	6/78: Bldg. Permit Issued	1979	Council members: Richard Doyle, Mayor (4/74 – 4/92) Jeanne Stine, Mayor Pro-Tem (4/76 – 4/01) Randall J. Husk (4/78 – 4/96) Alan J. Liebrecht (4/78 – 4/88) James F. McKenna (4/75-4/81) Anthony Pallotta (6/72 – present) Peter A. Taucher (4/68 – 4/89)	# Names: 7
Aquatic Center	4/91: Phase II Bid Award \$2.5M 5/91: Bldg. Permit Issued	1992	City Council: Jeanne M Stine, Mayor (4/76 – 4/01) Henry Allemon (4/89 – 1/01) Randall J. Husk (4/78 – 4/96) Howard C. Johnson (4/88 – 1/93) Anthony N. Pallotta (6/72 – present) Louise E. Schilling (4/81 – 4/93; 4/96 – present) John R. Stevens (4/92 – 4/01)	# Names: 7 Elected in the Year of Dedication: Stevens Note: Doyle in office at time of bid award, but not on plaque
Public Works Building	10/74: Bldg. Permit Issued (Foundations Permit)	1975	City Council: Richard E. Doyle, Mayor (4/74 – 4/92) Ronald M. Bookholder (4/74-12/75) James F. McKenna (4/75-4/81) Norman D. Michaelson (4/70-4/76) Arthur Molinar (4/71-4/78) Anthony N. Pallotta (6/72 – present) Peter A. Taucher (4/68 – 4/89)	# Names: 7 Elected in the Year of Dedication: McKenna

MUNICIPALITY	PLAQUE PRACTICE
STATE	
Birmingham, MI	No hard and fast rule on this however when they rebuilt city hall they were faced with this issue; because the process from bond issue to final construction spanned the terms of several commissioners they decided to <i>honor all who were involved and thus eleven city commissioners are listed on the city hall plaque</i>
Oak Park, MI	They have never had a change in the City Council from inception to dedication of a project; if they did, per the Mayor, it would probably be up to the current City Council members as to whose names to include
NATIONAL	
Clovis, CA	<i>Include names of council members who were involved in planning, building, and dedication</i> with those at the dedication getting top billing
Topeka, KS	<i>Include all names</i> : i.e. those at the ribbon cutting as well as those at the ground breaking
Roselle, IL	<i>Include all names</i> by having a section on the plaque called " <i>Officials at Inception</i> "
Johnson County, KS	Include all names
Warrensburg, MO	<i>Include all council members</i> who served during the planning, construction and dedication of the building, along with their years of service

City of Troy Building	Inception Dates	Year Dedicated	Governing Body Members on Plaque (Dates of Service)	# Names & Members Not in Office at Time of Dedication OR Elected in the Year of Dedication
Library	3/83: Bid Award	1984 (addition plaque)	City Council: Richard E. Doyle , Mayor (4/74 – 4/92) Randall J. Husk (4/78 – 4/96) Alan J. Liebrecht (4/78 – 4/88) Anthony N. Pallotta (6/72 – present) Louise E. Schilling (4/81 – 4/93; 4/96 – present) Jeanne Stine (4/76 – 4/01) Peter A. Taucher (4/68 – 4/89)	# Names: 7
52-4 District Court (Conversion of Community Center)	12/97: Resolution Authorizing \$ Amount	1999 (conversion with addition)	City of Troy County of Oakland Jeanne Stine, Mayor (4/76 – 4/01) Louise Schilling, Mayor Pro-Tem (4/81 – 4/93; 4/96 – present) Council members: Henry Allemon (4/89 – 1/01) Thomas Kaszubski (4/99 – present) Anthony Pallotta (6/72 – present) John Stevens (4/92 – 4/01) Eldon Thompson (4/97 – 4/-00)	# Names: 7 Elected in the Year of Dedication: Kaszubski
Nature Center		1981	None: it is simply a dedication plaque indicating the center's namesake, Lloyd A. Stage	

A Regular Meeting of the Troy City Council was held Monday, January 6, 2003, at City Hall, 500 W. Big Beaver Road. Mayor Matt Pryor called the Meeting to order at 7:37 P.M.

ROLL CALL

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

The Invocation was given by Pastor Philip Fitzgerald - First Baptist Church and the Pledge of Allegiance to the Flag was given.

A-1 Presentations: James Ong – Student Representative Candidate for Planning Commission introduced himself to City Council, City Staff and members of the audience.

PUBLIC HEARINGS

C-1 Acceptance of a Local Law Enforcement Block Grant

Resolution #2003-01-001
Moved by Pallotta
Seconded by Eisenbacher

WHEREAS, On January 6, 2003, 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: All-7

POSTPONED ITEMS

D-1 Parking Variance Request – 2938 E. Maple Road - Polish Market - Item withdrawn by Petitioner

Resolution #2003-01-002
Moved by Lambert
Seconded by Beltramini

RESOLVED, That the petitioner's request to withdraw the Parking Variance Request – 2938 E. Maple Road – Polish Market be **ACCEPTED**.

Yes: All-7

PUBLIC COMMENT:

A. Items on the Current Agenda

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 -043

Resolution #2003-01-003
Moved by Pallotta
Seconded by Beltramini

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: All-7

B. Items Not on the Current Agenda

CONSENT AGENDA

E-1 Approval of Consent Agenda

Resolution #2003-01-004
Moved by Pallotta
Seconded by Lambert

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-4, which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

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

Resolution #2003-01-004-E-2

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

E-3 City of Troy Proclamations

Resolution #2003-01-004-E-3

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-5 Authorization to Pay 2003 Membership Dues – National League of Cities

Resolution #2003-01-004-E-5

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 Restrictions

Resolution #2003-01-004-E-6

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 Vehicles

Resolution #2003-01-004-E-7

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 Services

Resolution #2003-01-004-E-8

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.

Resolution #2003-01-004-E-9

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 Troy

Resolution #2003-01-004-E-10

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. 01.504.5

Resolution #2003-01-004-E-11

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**

Resolution #2003-01-004-E-12 (a)

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

Resolution #2003-01-004-E-12 (b)

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

Resolution #2003-01-004-E-13

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.

ITEM TAKEN OUT OF ORDER

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

Resolution #2003-01-005
Moved by Broomfield
Seconded by Lambert

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.

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

MOTION CARRIED

REGULAR BUSINESS

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

Resolution #2003-01-006
Moved by Pallotta
Seconded by Howrylak

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

CATV Advisory Committee

Appointed by Council (7)- 3 years

Shazad Butt

Term expires 11-30-2005

Ethnic Community Issues Advisory Committee

Approved by Council (9)- 3 years

Amin Hashmi

Term expires 9-30-2005

Liquor Committee

Appointed by Council (7) – 3 years

James C. Moseley

Term expires 1-31-2006

James R. Peard

Term expires 1-31-2006

Municipal Building Authority

Appointed by Council (5) – 3 years

Conrad Miesiak

Term expires 1-31-2006

Planning Commission

Appointed by Council (9) – 3 years

James P. Ong

Term expires 7-01-2003 (Student)

Traffic Committee

Appointed by Council (7) – 3 years

John Diefenbaker

Term expires 1-31-2006

Lawrence Halsey

Term expires 1-31-2006

Resolution #2003-01-007

Moved by Pryor

Seconded by Beltramini

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

Planning Commission

Appointed by Council (9) – 3 years

Gary G. Chamberlain

Term expires 12-31-2005

Cynthia Pennington – BZA Rep

Term expires 12-31-2005

Yes: All-7

Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting
Agenda Scheduled for January 13, 2003:

Advisory Committee for Persons w/Disabilities

Approved by Council (9)- 3 years

Term expires 7-01-2003 (Student)

Board of Review

Mayor, Council approval (3) – 3 years

Term expires 1-31-2006

Term expires 1-31-2006

Downtown Development Authority

Mayor, Council approval (13) – 4 years

Nick Najjar (Resigned)

Unexpired term expires 9-30-2005

Election Commission

Appointed by Council (3) – 1 year

Term expires 1-31-2004

Term expires 1-31-2004

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

Liquor Committee

Appointed by Council (7) – 3 years

Thomas G Sawyer-Does not wish to be reappointed

Term expires 1-31-2006

Term expires 1-31-2006

Term expires 1-31-2006

Municipal Building Authority

Appointed by Council (5) – 3 years

John M. Lamerato

Term expires 1-31-2006

William S McCain(Does not wish to be Reappt)

Term expires 1-31-2006

Planning Commission

Appointed by Council (9) – 3 years

Term expires 12-31-2005

Traffic Committee

Appointed by Council (7) – 3 years

Term expires 1-31-2006

Term expires 1-31-2006

F-2 Closed Session

Resolution #2003-01-008
Moved by Pallotta
Seconded by Broomfield

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

MOTION CARRIED

F-3 2003 Poverty Exemption Guidelines

Resolution #2003-01-009
Moved by Pallotta
Seconded by Lambert

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: All-7

F-4 Community Center Phase 2 Dedication

Resolution #2003-01-
Moved by Pallotta
Seconded by Broomfield

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

Vote on Amendment

Resolution #2003-01-010
Moved by Beltramini
Seconded by Pryor

RESOLVED, That 3:00 pm be stricken and 4:00 pm be inserted.

Yes: All-7

Vote on Amended Main Motion

Resolution #2003-01-011
Moved by Pallotta
Seconded by Broomfield

RESOLVED, That the Troy Community Center Phase 2 dedication ceremony is **SCHEDULED** for Thursday, February 20, 2003 at 4:00 pm.

Yes: All-7

F-5 Amendment to J.M. Olson Corporation Contract

Resolution #2003-01-012
Moved by Pallotta
Seconded by Beltramini

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: All-7

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

Resolution #2003-01-013
Moved by Eisenbacher
Seconded by Lambert

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: All-7

COUNCIL COMMENTS/REFERRALS

Protocol for Facility Dedication Plaques

Resolution #2003-01-
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That facility dedication plaques for all newly constructed city buildings be **DEDICATED** to the residents of Troy.

Vote on Postponement

Resolution #2003-01-014
Moved by Howrylak
Seconded by Lambert

RESOLVED, That “Protocol for Facility Dedication Plaques” be **POSTPONED** to the Regular City Council Meeting on Monday, January 13, 2003.

Yes: All-7

F-3 Request to Cablecast Liquor Violation Hearings Live

Resolution #2003-01-015
Moved by Lambert
Seconded by Howrylak

RESOLVED, That “Request to Cablecast Liquor Violation Hearings” Live be **SCHEDULED** to appear on the agenda for the Regular City Council Meeting on Monday, January 13, 2003.

Yes: All-7

There was a consensus of City Council that all items appearing under Reports and Communications be noted and filed.

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

Noted and Filed

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

Noted and Filed

G-6 Calendar

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

PUBLIC COMMENT

The meeting adjourned at 9:07 P.M.

Matt Pryor, Mayor

Tonni L. Bartholomew, MMC - City Clerk

Service Commendation
JAMES A. PENNEY

WHEREAS, James A. Penney began his employment with the City of Troy on October 23, 1975 as an MSE-F Mechanic I in the Motor Pool; and

WHEREAS, Jim was promoted to MSE-G Heavy Equipment Mechanic on July 17, 1978; and

WHEREAS, Jim's attributes include creativity, reliability and dedication to his job. He was very conscientious, always finding the solution to any mechanical problem he encountered on the job; and

WHEREAS, Jim is an excellent welder and fabricator and also loves small engine repair and woodworking; and

WHEREAS, As an avid outdoorsman, Jim plans on moving north to the Torch Lake area where he will have more time for kayaking, trail riding, skiing and sailing; and

WHEREAS, During the course of his employment, **Jim** has contributed many tireless hours of dedicated service to the City of Troy and its citizens.

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy takes this opportunity to express its appreciation to **James Penney** for his many contributions to the betterment of the City; and

BE IT FURTHER KNOWN That the City Council of the City of Troy, on behalf of themselves, City management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Jim** during his retirement years.

Presented this 10th day of January 2003.

Service Commendation
KEN BELWOOD

WHEREAS, Ken Belwood began his employment with the City of Troy as an Engineering Assistant on April 30, 1973; and

WHEREAS, Ken served as an Engineering Specialist I and II, and was promoted to his current position of Inspector on May 11, 1992; and

WHEREAS, Ken's career highlights include his beginnings as a member of a survey crew, working in the field, and becoming an expert draftsman; and

WHEREAS, Ken's attributes include creativity, reliability and dedication to the job. He was very conscientious, always executing his duties and watching out for the best interests of the City and its citizens; and

WHEREAS, Ken will now have more time to spend with his children Michael, Elizabeth, and Brian and with his grandson Austin; and

WHEREAS, During the course of his employment, **Ken** has contributed many tireless hours of dedicated service to the City of Troy and its citizens.

NOW, THEREFORE, BE IT KNOWN, That the City Council of the City of Troy takes this opportunity to express its appreciation to **Ken Belwood** for his many contributions to the betterment of the City; and

BE IT FURTHER KNOWN That the City Council of the City of Troy, on behalf of themselves, City management, and the citizens of the City of Troy, extends wishes of prosperity, good health and happiness to **Ken** during his retirement years.

Presented this 13th day of January 2003.

January 6, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance & Administration
Jeanette Bennett, Purchasing Director
William Nelson, Fire Chief
Charles T. Craft, Chief of Police

SUBJECT: Authorization to Expend Clothing Allowance Funds
With Pre-Approved Uniform Vendors -

RECOMMENDATION

It is recommended that City Council authorize the pre-approval of vendors to provide police and career fire officer uniforms. Such pre-approval will include the following requirements:

- The vendor must supply only items authorized by department specifications.
- The vendor must invoice the City of Troy by individual employee.
- The invoices must clearly detail the item purchased.

Each January, thereafter, the list of vendors may be expanded to allow additional vendors to participate in the program. During each year, vendors may be deleted from the program for not following requirements listed above. In addition, items authorized by department specifications may be added or deleted, as items become discontinued or uniform requirements change.

The following vendors have been pre-qualified to provide the Police and Fire Uniforms items designated in Appendix 1:

1. Allie Brothers	2. Excellent Police Equipment Inc.
3. Galls, Inc.	4. Harwood Uniforms
5. Joe's Army Navy Surplus	6. Lab Safety Supply
7. Metropolitan Uniform	8. Nye Uniform Company
9. Ray O'Herron Company of Oakbrook Terrace, Inc.	

ADDITIONAL INFORMATION

The change will not result in any increased costs to the City because uniform allowances are specified by contractual agreements. The procedural change will provide:

- 1) More vendors will be given the opportunity to provide uniforms to police/fire personnel.
- 2) An additional benefit to employees results as they can select the vendor most convenient for them.
- 3) The process will be less costly for the City since the amount of time spent managing uniform purchases will be reduced for the affected departments including the Finance Area.

APPENDIX 1

COMPANY NAME	SIGNED PRE-QUALIFICATION DOCUMENT	CAN SUPPLY UNIFORM LIST	INVOICING / MFG #	TAILORING	WEBSITE	QUALIFY
Allie Bothers Inc. 20295 Middlebelt Livonia, MI 48152 (248) 477-4434 alliebrothers@AOL.com	Yes	Yes	They can bill any way we wish by manufacturer's no. or by their item no. NOTE: Require Manufacturer's Numbers on Invoices	Full tailoring	Yes	YES
Excellent Police Equip. Inc. 52968 Van Dyke Ave. Shelby Twp, MI 48316 (586) 254-1688	Yes	Yes	They will bill the way we have requested. NOTE: Require Manufacturer's Numbers on Invoices	Full Tailoring Hemming pants, patches etc.	Not at this time	YES
Galls, Inc. 2680 Palumbo Drive Lexington, KY 40509 (800) 876-4242 Ext 2172 www.galls.com	Yes	Not all List Attached	Cross-reference list provided with manufacturer's number and Gall's internal number. Instruction sheet provided with contact number, contact name, and procedure identified.	Full Tailoring Hemming etc	Yes	YES
Harwood Uniforms 908 W Huron Waterford, MI 48328 (248) 681-2300 harwood_1@hotmail.com	Yes	Yes	Will bill under manufacturer's no. or if requested will bill both manufacturer's no. and their item no. NOTE: Require Manufacturer's Numbers on Invoices	Full tailoring	Not at this time	YES
Joe's Army Navy Surplus 981 W. Huron Waterford, MI 48328 (248) 681-5277 mrsurplus@aol.com	Yes	ONLY: Sec. 8 Shoes	Will bill both manufacturer's no. and their item number. NOTE: Require Manufacturer's Numbers on Invoices	No tailoring	Not at this time	YES
Lab Safety Supply P. O. Box 1368 Janesville, WI 53547-1368 (800) 356-0783 custsvc@labsafety.com	Yes	ONLY: Miscellaneous Equipment List Attached	Can only bill under their item numbers - contact person, reference numbers, and phone numbers provided which must be used.	No tailoring	Yes	YES
Metropolitan Uniform Co Inc 438 Macomb St. Detroit, MI 48226 (313) 961-4823 www.metropolitanuniform.com	Yes	Yes	Will bill under manufacturer's number.	Full tailoring	Yes	YES

APPENDIX 1

Nye Uniform Co. 1030 Scribner NW Grand Rapids, MI 49504 (800) 748-0007 nyeuniform@kvi.net	Yes	Yes	They will bill under the Manufacturer's number if we request it. NOTE: Require Manufacturer's Numbers on Invoices	Full tailoring	Yes	YES
Ray O'Herron Co. of Oakbrook Terrace, Inc. 17W689 Roosevelt Rd. Oakbrook Terrace, IL 60181 (630) 629-2677 jdonath@soltec.net	Yes	Yes	Will bill under their item number and will put the manufacturers number down with the item number if we request it. NOTE: Require Manufacturer's Numbers on Invoices	Full tailoring	Yes	YES

NOTE:

NO BIDS:

CMI Inc.

Troy Police Department Approved Duty Uniform Specifications and Tailoring Requirements

1. HATS/CAP'S

A. Garrison Hat

1. Sworn Personnel

Mfr.: Keystone

Navy blue, slouch style, round top, 100% polyester with black patent leather visor, two horizontal eyelets for badge posts, a removable black band, a chin strap, and buttons, by actual hat size (6 ½ - 8).

2. Chin Strap

a) Police Officer: Black patent leather

b) Sergeant: Silver metallic lace design
Mfr.: Gemsco Style: R1815 line 2

c) Lieutenant and Command: Gold metallic lace design
Mfr.: Gemsco Style: R1815 line 1

3. Chin Strap Buttons: Metallic "P" Insignia

a) Police Officer and Sergeant: Silver

b) Lieutenant and Command: Gold

4. A plastic grommet will be placed in the top of the hat, making the cloth taut.

B. Optional Winter Hat

1. Navy blue or Black nylon with fur pile ear flaps and visor with 2 horizontal eyelets for badge on visor.

Mfr.: Blauer Style: 9110

2. Black watch cap

Mfr.: Blauer Style: 125xcr (w/Gortex wind stopper lining)

2. SHIRT

A. Duty Shirt worn by all uniform personnel.

Dark navy blue 65% dacron polyester, 35% Rayon, Tropical Blend.

Mfr.: Flying Cross

Style: #47W6686Z male, long sleeve
#104W6686Z female, short sleeve
#97R6686Z male, short sleeve
#154R6686Z female, short sleeve

- B. Dress Uniform Shirt for executive officers and lieutenants
 White all weather deluxe tropical, machine washable, perma-press,
 dacron polyester rayon.
 Mfr.: Flying Cross
- | | | |
|--------|----------|----------------------|
| Style: | 45W6600 | male, long sleeve |
| | 95R6600 | male, short sleeve |
| | 102W6600 | female, long sleeve |
| | 152R6600 | female, short sleeve |

3. TIE

- A. Dark navy 75% polyester, 25% wool, clip-on, with button holes
 Mfr.: Broome
- | | | |
|--------|-------|------------------------------|
| Style: | 45010 | normal length and knot |
| | 45045 | long length and normal knot |
| | 45055 | short length and normal knot |

4. TIE BAR OR TACK

A police seal tie bar or tack of gold or silver (according to rank).
 Mfr.: Gemsco Style: #36

5. COATS

- A. Winter Duty Jacket: Navy blue, hip length
 Mfr.: Blauer Style: #9010Z-GTX
- B. Leather Jacket: Black "Boston" short version or "Chicago" style
 Mfr.: Taylor Style: "Chicago" OR "Boston"
- C. Lightweight Duty Jacket: Navy blue, waist length
 Mfr.: Blauer Style: #9019Z-GTX
- D. Dress Blouse -- Sworn Personnel
 Navy blue dacron and wool serge, single breasted, with four exterior pockets with
 buttoned flaps and at least one interior breast pocket. Black flat braid of the appropriate
 width (by rank) will be sewn to each sleeve 3" above the cuff. Metallic "P" buttons.
 Mfr.: Fechheimer Men's Style: 34891
 Women's Style: 34891
- E. Buttons (all coats)
1. Metallic silver or gold (according to rank) with "P" insignia for Police personnel
 2. Metallic gold with "FD" insignia for Fire personnel
 3. Except for the top most button, all buttons shall be properly buttoned
- F. Service Stars (Optional)
 Mfr.: GEMSCO
1. ½" bullion embroidered stars on dark navy blue felt background
 2. One star for each five years of police service completed
 3. Sewn horizontally to the left sleeve 3" above the cuff

4. Color:
 - a) Police Officer and Sergeant: silver
 - b) Lieutenant and Executive Officers: gold

G. Rank Insignia (tailoring/placement)

1. Winter or Light Weight Duty Jacket: On sleeve or shoulder as appropriate for rank
2. Leather Jacket: Collar insignia
3. Dress Blouse: Shoulder insignia

6. TROUSERS

A. General description: Dark navy blue, straight leg, no cuff with loops for garrison belt. A flashlight pocket over the braid is an option at the request of each individual employee. Flat braid is to be sewn to the outside seam of each trouser leg. All braid is to be black and must be applied by the manufacturer on a double head sewing machine so as to minimize puckering and shrinkage. Trousers are to be tailored to fit the individual employee and so as to produce a neat, "military" appearance. The Fire Department will be the same as the Police Department but will not have flat braid on the outside seam.

B. Length: When the trousers are worn at the normal position at the waist, the cuff shall touch the shoe top, but shall not rest on the shoe to the extent that the contact causes the trouser leg to "break" or fold. The cuff shall be cut perpendicular to the side seam.

C. Dress uniform trousers

1. 14 oz. Dacron and wool serge
Mfr.: Elbeco Style: Luxury E1360

D. Duty uniform

1. 55% Dacron, 45% worsted wool, (T-3)
Mfr.: Fecheimer
Style: #32260 men's dry clean only (heavy weight)
#35260 women's dry clean only (heavy weight)
#34291 men's washable (light weight)
#35291 women's washable (light weight)

OR

100% 2-ply wool serge weave 17-17.5 ounce (optional) dry clean
#32289 (T-6) men's
#35289 (T-6) women's

7. KNIFE POUCH
Mfr.: Bianchi Style: 852
8. FLASHLIGHT HOLDER
Mfr.: Bianchi Style: 37M
9. KEEPERS
Mfr.: Bianchi Style: 33V
OR
Mfr.: Nytek Style: 8865-8
10. ASP BATON HOLDER
Mfr.: Bianchi Style: 18479
OR
Mfr.: Nytek Style: 7482-2
11. FREEZE+ P HOLDER
Mfr.: Bianchi Style: 18711
OR
Mfr.: Nytek Style: 7477-5
12. LATEX GLOVE HOLDER
Mfr.: Safariland Style: 33-3-4
OR
Mfr.: Nytek Style: 7496-2
13. Radio Holder (pouch style)
Mfr.: Nytek Style: 7499-2

C. **Approved Nylon Items (Bike Patrol/ACO's only)**
Mfr.: Gould & Goodrich Style: Phoenix

1. HOLSTER – B2306 / B2315
2. BELT – B2001
3. HANDCUFF CASE – B2061 Snap or Velcro
4. ASP HOLDER – B2072
5. RADIO HOLDER – 2073 SM
6. MAGAZINE POUCHES – B2078
7. KEYHOLDER – B2069
8. FREEZE +P HOLDER – B2075
9. FLASHLIGHT HOLDER – 2055

13. UNIFORM ATTACHMENTS

1. SHOULDER PATCHES (Placement)

- A. Department patches shall be sewn to each sleeve ½" below the shoulder seam of each shirt, jacket, coat or sweater worn as an outer garment (except the raincoat).
- B. PSAs, Communications Supervisors and ACOs will have unit designation arc patches sewn ½" below the shoulder seam of each shirt, jacket, sweater or coat (except the raincoat). A Department shoulder patch will be sewn immediately beneath the arc and will touch the arc at all points on the common border.

2. BRASS GOODS

A. Sergeants

- 1. Cloth chevrons shall be issued by the Department and sewn to the sleeves of each shirt, coat or sweater with the top point of the chevron touching the bottom of the patch. No chevron is required on the raincoat.
- 2. ¾" polished silver chevron collar insignia with clutch back fasteners shall be optional on short sleeve shirts where, due to size, a cloth chevron cannot be worn.
Mfr.: Gemsco Style: 001005

B. Lieutenants and Executive Officers

- 1. Gold corrugated finish insignia shall be worn on uniform shirt collars and epaulets of coats and sweaters.
Mfr.: Gemsco
- 2. Chief of Police: Gold Eagle
 - a) Collar insignia, ¾" size
Style: 001112
 - b) Shoulder insignia, 1 1/8" size
Style: 001108 clutch back
Style: 001109 pin back
- 3. Captain: Two Parallel Gold Bars
 - a) Collar insignia, 5/8" size
Style: 001080
 - b) Shoulder insignia, 1 1/8" size
Style: 001076 clutch back
001077 pin back

4. Lieutenant: Single Gold Bar
 - a) Collar insignia, 5/8" size
Style: 001072
 - b) Shoulder insignia, 1 1/8" size
Style: 001068 clutch back
001069 pin back

3. UNIT INSIGNIA

- A. 3/8" high block letter unit designation collar insignia (silver or gold, consistent with rank) may be worn by officers assigned to the following work groups:

1. Approved Unit Insignias

Department Units:

- a) Traffic Safety Unit: **TSU**
- b) Accident Investigation Officer: **AIO**
- c) Selective Enforcement Unit: **SEU**
- d) Training Section: **TS**
- e) Communications Section: **CS**
- f) Patrol Support Team: **PST**
- g) Dog Handlers: **K-9**
- h) Evidence Technicians Unit: **ETU**
- i) Special Response Unit: **SRU**
- j) Field Training Officer: **FTO**
- k) Community Services Section: **CSS**
- l) Personnel assigned to more than one of the above units shall wear the insignia of the unit to which they are assigned on a full time basis.

4. NAME BARS

- A. A 3/8" x 2-1/4" polished metal name bar. The employee's last name will be displayed on the bar in 1/4" high engraved block letters which are also enameled in black.
Mfr.: Reeves

Shirt:

Executive Officer and Lieutenant -

Style: 882-612 gold, clutch back

All other employees - Style: 887-612 silver, clutch back

Jacket:

Executive Officer and Lieutenant -

Style: 882-611 gold, pin back

All other employees - Style: 887-611 silver, pin back

14. OPTIONAL COLD WEATHER GEAR

Mfr.: Not specified Style(s): Not specified

1. Navy blue/black (matching jacket color) insulated vest.
2. Navy blue/black (matching jacket color) scarf.
3. Black leather gloves or mittens with black stitching (sap gloves are not authorized for purchase).

15. Miscellaneous Equipment

Mfr.: Various/Not specified Style: Various/Not specified

1. Flashlights: Black aluminum or plastic casing, not to exceed 17" in length, alkaline or rechargeable batteries (includes chargers).
2. Clipboard/Ticket Book holder: Aluminum
3. Briefcase: various styles, materials.
4. Wallet Badge/ID Card Holder
5. Knife: Folding knife, suitable for placement in authorized duty belt knife case.
6. Protective Gloves: Kevlar/Spectra lined

January 6, 2003

TO: The Honorable Mayor and City Council

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

SUBJECT: Private Agreement for Troy Professional Office
Project No. 02.904.3

The Engineering Department has reviewed and approved plans for this project, which includes water main, storm sewer, sidewalks and paving.

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

Approval is recommended.

G:\Projects\Projects - 2002\02.904.3 - 2891 E. Maple\Private Agreement Cover Letter.doc

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director

Prepared by: Gary Streight, P.E.
Civil Engineer

Enclosed Private Agreement, Detailed Summary, Sketch

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

PROJECT NO. 02.904.3

PROJECT LOCATION: 2891 MAPLE

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

KNOW ALL MEN BY THESE PRESENT; That the City of Troy, a Michigan Municipal Corporation of the County of Oakland, State of Michigan, hereinafter referred to as "City" and Troy Professional Associates, L.L.C., whose address is 34730 Dequindre, Sterling Heights, MI 48310 and whose telephone number is _____ hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of storm sewer, sidewalks, watermain and paving in accordance with plans prepared by Simpson Engineering, L.L.C. whose address is 119 West Saint Clair St., Romeo, MI 48065 and whose telephone number is (586)-752-9872, and approved prior to construction by the City Specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of \$17,520.00. This amount will be transmitted to the City Clerk for installation of said improvements in the form of (check one):

- Cash
- Certificate of Deposit
- Irrevocable Bank Letter of Credit
- Check

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the owner by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to contribute the following cash fees:

*	Plan Review and Construction Inspection Fee	\$ 1,068.72
	Watermain Testing	650.00
	Street Cleaning/Road Maintenance (Refundable)	<u>\$5,000.00</u>
	TOTAL:	\$ 6,718.72

* 6.1% (.061) of approximate contract price

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

PROJECT NO. 02.904.3

PROJECT LOCATION: 2891 E. MAPLE

COUNCIL RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

THIRD: The owners may contract for construction of said improvement or may have the City advertise for bids. In the event the Owners select their own contractor, such contractor shall be subject to prior written approval by the City and completed contract documents shall be submitted to the City.

Owners agree to arrange for a pre-construction meeting with the City Engineer and the contractor prior to start of work. All municipal improvements must be completely staked in the field under the direct supervision of a registered civil engineer or registered land surveyor, according to the approved plans.

FOURTH: Owners hereby acknowledge the benefit to their property conferred by the construction of the aforementioned and agree and consent to pay the total sum of \$24,238.72 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

FIFTH: Owners agree that if, for any reason, the total cost of completion of such improvement shall exceed the sum deposited with the City in accordance with Paragraph SECOND hereof, that Owners will immediately remit such additional amount to the City upon request and City will disburse such additional amount in accordance with Paragraph SECOND hereof. In the event the total cost of completion shall be less than the sum deposited with City in accordance with Paragraph SECOND hereof, City will reimburse to the Owners the excess funds remaining after disbursement of funds.

SIXTH: Owners agree to indemnify and save harmless City, their agents and employees, from and against all loss or expense (including costs and attorneys' fees) by reason of liability imposed by law upon the City, its agents and employees for damages because of bodily injury, including death, at any time resulting therefrom sustained by any person or persons or on account of damage to property, including work, provided such injury to persons or damage to property is due or claimed to be due to negligence of the Owner, his contractor, or subcontractors, employees or agents, Owner further agrees to obtain and convey to the City all necessary easements for such public utilities as required by the City Engineer.

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 02.904.3

PROJECT LOCATION: 2891 E. MAPLE

COUNCIL RESOLUTION No.

DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this ___ day of _____, 200__.

OWNERS
By: Renata Olejnik
RENATA OLEJNIK
Please Print or Type

CITY OF TROY
By: _____
Matt Pryor, Mayor

Please Print or Type

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 11 day of December, A.D. 2002, before me personally appeared Renata Olejnik known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

NOTARY PUBLIC, Dorothy Vanessa Jackson Michigan

DOROTHY VANESSA JACKSON
Notary Public, Oakland County, MI
Acting in Macomb Co., MI
My Commission Expires 12/28/2005

My commission expires: 12/28/05

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR TROY PROFESSIONAL OFFICE
PROJECT NO. 02.904.3

The estimated costs of public improvements for the above mentioned project are as follows:

Escrow Deposits:

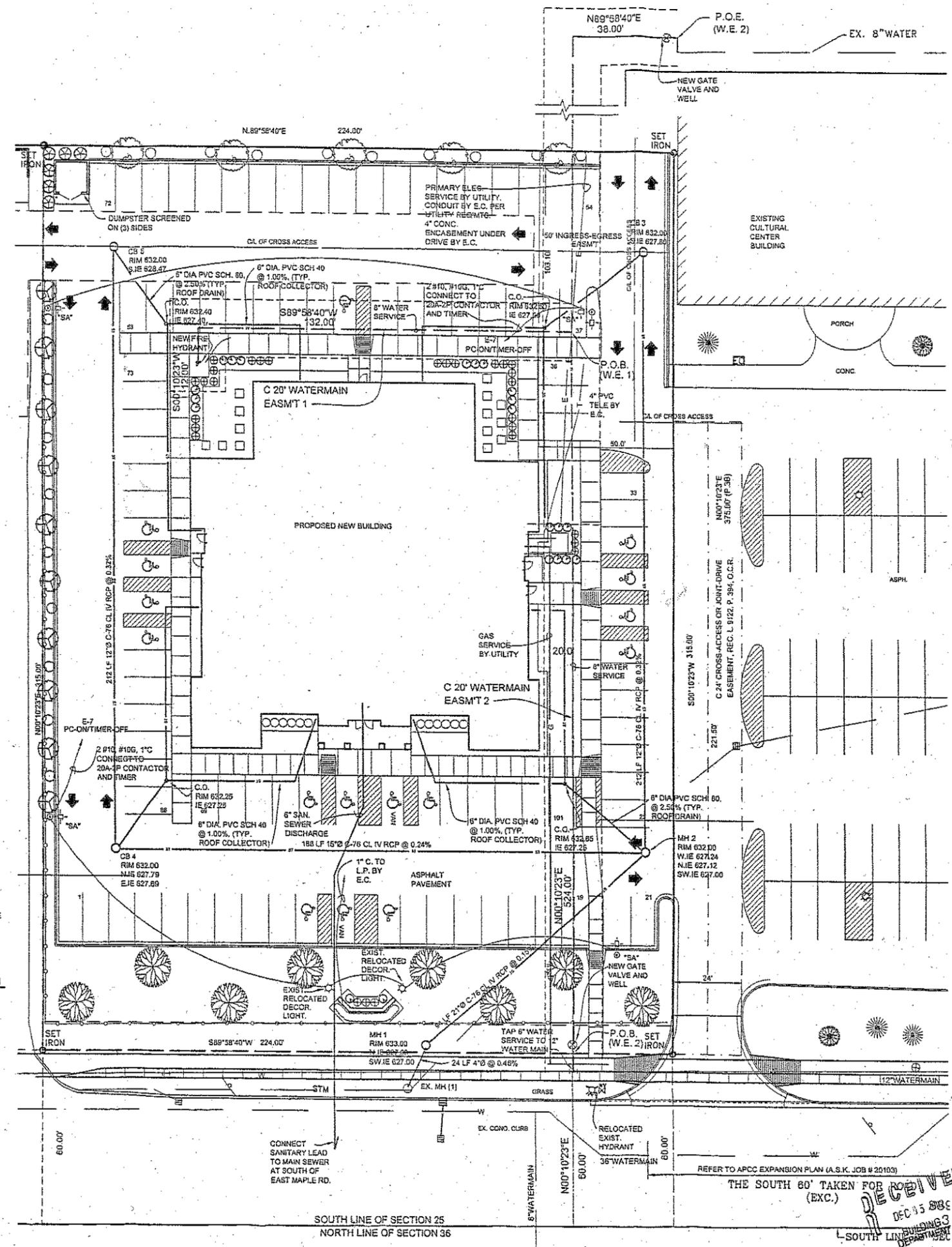
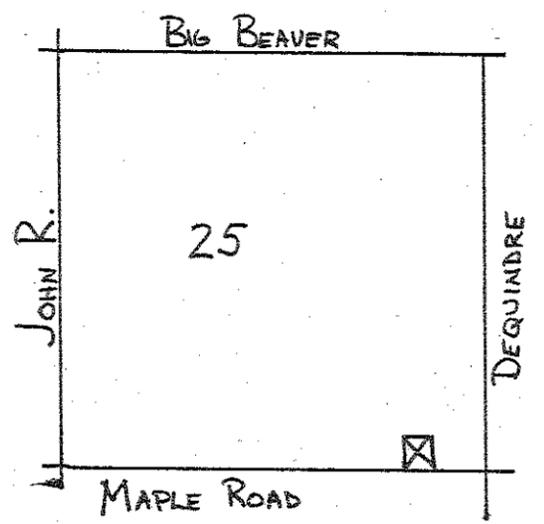
Water Main	\$12,040.00
Paving/Sidewalk	4,480.00
Storm Sewer	<u>1,000.00</u>

Total Escrow Deposits: (check) \$ 17,520.00

Cash Fees:

Review & Inspection	\$1,068.72
Water Main Testing	650.00
Street Cleaning/Road Maintenance	<u>5,000.00</u>

Total Cash Fees: (check) \$ 6,718.72



Issued for: 06.28.2002
 Review: 09.26.2002
 Rev. Per City of Troy: 11.13.2002

Drawn: ASK
 Checked: MPS
 Approved: SJ,RO

A.S.K. Architectural
 DESIGN STUDIO



43109 Biland
 Clinton Twp, MI 48038
 T (586) 675-5474 F (586) 493-1108
 e-mail: ALEK43109@EARTHLINK.NET

Simpson Engineering
 LLC
 119 West Saint Clair St.
 Romeo, MI 48065
 T (586) 752-9872 F (586) 752-5011
 e-mail: MPSIMPSON@MICH.COM

Project Title
 New Office Building
 Troy Professional, LLC

Troy, Michigan

Site Utility Plan
 Details
 Storm Sewer
 Profiles

Project Number: 20107
 Sheet Number: C-2

NEW FIRE HYDRANT WATERMAIN EASEMENT #1 LEGAL DESCRIPTION

A 20 FOOT WIDE WATERMAIN EASEMENT IN THE SOUTHEAST 1/4 OF SECTION 25, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, WHOSE CENTERLINE IS DESCRIBED AS:
 COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 25, THENCE S 89°58'40" W, 516.76 FEET, ALONG THE SOUTH SECTION LINE, THENCE N 00°10'23" E, 318.00 FEET, TO THE POINT OF BEGINNING, THENCE S 89°58'40" W, 132.00 FEET, THENCE S 00°10'23" W, 12.00 FEET, TO THE POINT OF ENDING.

NEW BUILDING SERVICE WATERMAIN EASEMENT #2 LEGAL DESCRIPTION

A 20 FOOT WIDE WATERMAIN EASEMENT IN THE SOUTHEAST 1/4 OF SECTION 25, TOWN 2 NORTH, RANGE 11 EAST, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, WHOSE CENTERLINE IS DESCRIBED AS:
 COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 25, THENCE S 89°58'40" W, 369.76 FEET, ALONG THE SOUTH SECTION LINE, THENCE N 00°10'23" E, 66.00 FEET, TO THE POINT OF BEGINNING, THENCE N 00°10'23" E, 524.00 FEET, THENCE N 89°58'40" E, 38.00 FEET, TO THE POINT OF ENDING.

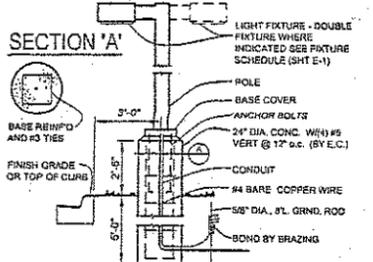
STORM SEWER NOTES

- ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF TROY. (SEE SHEET C-5)
- IT SHALL BE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE EXISTENCE AND LOCATION OF ALL UNDERGROUND UTILITIES
- ALL SEWER TRENCHES UNDER OR WITHIN THREE (3) FEET OF THE FIFTY-FIVE (45) DEGREE ZONE OF INFLUENCE LINE OF EXISTING OR PROPOSED PAVEMENT, SIDEWALK OR DRIVE APPROACH SHALL BE BACKFILLED WITH SAND COMPACTED TO AT LEAST NINETY-FIVE (95) PERCENT OF MAXIMUM UNIT WEIGHT.
- ALL STORM SEWER SHALL BE INSTALLED ON CLASS "B" BEDDING OR BETTER.
- JOINTS FOR STORM SEWER SHALL BE TONGUE AND GROOVE JOINTS WITH RUBBER GASKETS UNLESS SPECIFIED OTHERWISE.

SANITARY SEWER NOTES

- ALL WORKMANSHIP AND MATERIALS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF TROY. (SEE SHEET C-4 & C-7)

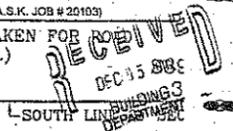
UTILITY INFORMATION
 DETROIT EDISON - JENNIFER FLEMMING (810) 208-2429
 AMERITECH - JODI COLLARD (810) 456-0542
 CONSUMERS POWER - STEVE PLAWINSKI (810) 435-5719
 TCI CABLEVISION - JEFFERSON DAVIS (810) 549-1238



PARKING LOT LIGHT POLE DETAIL
 SCALE: 1/4" = 1'-0"

E MAPLE RD. 120' WD.

SITE UTILITY PLAN
 SCALE: 1" = 20'-0"



2010/CPL2.dwg / C-2 - 11/19/2006 - 11:15pm - 2010/BZL.dwg / 2010/CCL2.dwg

January 6, 2003

To: The Honorable Mayor and City Council

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

Subject: Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – Siren/PA Systems for Police Department Vehicles

RECOMMENDATION

On December 18, 2002, bid proposals were opened to provide forty- (40) Federal Signal Model Touchmaster Omega UTM4 electronic Siren/PA controllers along with forty- (40) microphones and Troy Products console faceplates. The Police Department recommends that City Council award a contract to the lowest acceptable bidder, West Shore Fire Inc. at an estimated total cost of \$18,800.00, at the unit price contained in the attached bid tabulation opened 12/18/02.

In addition, if the City puts additional cars into service before June 30, 2003, which will require more sirens, City management recommends additional purchases be authorized at the unit price quoted, \$470.00 each.

SUMMARY

A total of 58 bid proposal documents were mailed. The City received nineteen (19) responses, and four (4) no bids. The lowest bidder, Argus Supply rescinded their bid proposal after it was discovered that they had bid the wrong item.

BUDGET

Funds are available to complete this purchase in the Police Department Uniform Patrol Account for Vehicle Equipment #401315.7979.010.

58 Bids Sent

19 Bids Rec'd

1 Bid did not meet specifications

4 No Bids: (2) Companies do not handle the type of product bid.

(1) Company could not be competitive.

(1) Company could not supply timely delivery.

Prepared by: Sergeant Donald Ostrowski

Opening Date -- 12-18-02
 Date Prepared -- 1/6/03

CITY OF TROY
 BID TABULATION
 POLICE SIRENS

VENDOR NAME:

** WEST SHORE	WINDER POLICE	RAY O'HERRON	CRUISERS, INC
FIRE, INC	EQUIPMENT	COMPANY, INC	

PROPOSAL: POLICE SIRENS FOR THE CITY OF TROY POLICE DEPARTMENT

QTY	DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
40 Each	Siren/ P.A. / Light Controller Manufacturer: Federal Signal Model: Touchmaster Omega UTM4	** \$ 470.00	\$ 498.81	\$ 519.00	\$ 519.42
GRAND TOTAL		** \$ 18,800.00	\$ 19,952.40	\$ 20,760.00	\$ 20,776.80

NO SUBSTITUTES WILL BE ACCEPTED

TERMS:

NET 30 DAYS	NET 30 DAYS	NET 30 DAYS	N/30
-------------	-------------	-------------	------

WARRANTY:

STANDARD	BLANK	BLANK	FACTORY
----------	-------	-------	---------

DELIVERY DATE:

4-5 WEEKS ARO	3 WEEKS	15-30 DAYS ARO	30 DAYS
---------------	---------	----------------	---------

EXCEPTIONS:

NONE	BLANK	BLANK	BLANK
------	-------	-------	-------

VENDOR NAME:

TELE-RAD	ALERT	D&M	CAMP SAFETY
INC	EMERGENCY	DISTRIBUTORS	EQUIPMENT INC
	EQUIPMENT	INC	

PROPOSAL: POLICE SIRENS FOR THE CITY OF TROY POLICE DEPARTMENT

QTY	DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
40 Each	Siren/ P.A. / Light Controller Manufacturer: Federal Signal Model: Touchmaster Omega UTM4	\$ 524.57	\$ 525.38	\$ 527.63	\$ 537.45
GRAND TOTAL		\$ 20,982.80	\$ 21,015.20	\$ 21,105.20	\$ 21,498.00

NO SUBSTITUTES WILL BE ACCEPTED

TERMS:

NET UPON DELIVERY	NET 30 DAYS	NET 30	30 DAYS
-------------------	-------------	--------	---------

WARRANTY:

3 YR FROM DOM	1 YR P/L	1 YR FACTORY	FACTORY
---------------	----------	--------------	---------

DELIVERY DATE:

W/I 4 WKS ARO	15 BUSINESS DAYS	25 DAYS ARO	30 DAYS
---------------	------------------	-------------	---------

EXCEPTIONS:

BLANK	BLANK	NONE	NONE
-------	-------	------	------

Opening Date -- 12-18-02
 Date Prepared -- 1/6/03

CITY OF TROY
 BID TABULATION
 POLICE SIRENS

VENDOR NAME:

CANFIELD	LUND	D.R. EBEL	PRIOR ONE
EQUIPMENT	INDUSTRIES	FIRE	EMERGENCY
SERVICE INC	INC	EQUIPMENT	

PROPOSAL: POLICE SIRENS FOR THE CITY OF TROY POLICE DEPARTMENT

QTY	DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
40 Each	Siren/ P.A. / Light Controller Manufacturer: Federal Signal Model: Touchmaster Omega UTM4	\$ 537.95	\$ 545.40	\$ 546.03	\$ 555.00
GRAND TOTAL		\$ 21,518.00	\$ 21,816.00	\$ 21,841.20	\$ 22,200.00

NO SUBSTITUTES WILL BE ACCEPTED

TERMS:

NET 30 DAYS	NET 30 DAYS	NET 30	NET 30
-------------	-------------	--------	--------

WARRANTY:

5 YR	5 YRS P/L	BLANK	FACTORY
------	-----------	-------	---------

DELIVERY DATE:

30 DAYS ARO	30 DAYS ARO	30-45 DAYS	ASAP
-------------	-------------	------------	------

EXCEPTIONS:

NONE	NONE	BLANK	NONE
------	------	-------	------

VENDOR NAME:

NEW YORK	KUNODU, INC	WIRELESS	TIME
POLICE SUPPLY	DBA AUTO	RESOURCES	EMERGENCY
INC	ELECTRIC	INC	EQUIPMENT

PROPOSAL: POLICE SIRENS FOR THE CITY OF TROY POLICE DEPARTMENT

QTY	DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
40 Each	Siren/ P.A. / Light Controller Manufacturer: Federal Signal Model: Touchmaster Omega UTM4	\$ 562.50	\$ 568.76	\$ 605.00	\$ 608.58
GRAND TOTAL		\$ 22,500.00	\$ 22,750.40	\$ 24,200.00	\$ 24,343.20

NO SUBSTITUTES WILL BE ACCEPTED

TERMS:

N30	NET 30	NET 30	NET 30
-----	--------	--------	--------

WARRANTY:

FACTORY	ONE YEAR	MANUFACTURE	MFG
---------	----------	-------------	-----

DELIVERY DATE:

30 DAYS ARO	14 DAYS	4 WEEKS	2-3 WEEKS
-------------	---------	---------	-----------

EXCEPTIONS:

BLANK	BLANK	SUBSTITUTIONS	BLANK
		WILL NOT BE	
		ACCEPTED	

Opening Date -- 12-18-02
 Date Prepared -- 1/6/03

CITY OF TROY
 BID TABULATION
 POLICE SIRENS

SBP 02-58
 Pg 3 of 3

VENDOR NAME:

GALLS	PVP	GRAINGER	
INCORPORATED	COMMUNICATIONS	INDUSTRIAL	
	INC	SUPPLY	

PROPOSAL: POLICE SIRENS FOR THE CITY OF TROY POLICE DEPARTMENT

QTY	DESCRIPTION	UNIT PRICE	UNIT PRICE	UNIT PRICE	UNIT PRICE
40 Each	Siren/ P.A. / Light Controller Manufacturer: Federal Signal Model: Touchmaster Omega UTM4	\$ 622.54	\$ 654.97	\$ 1,287.50	
	GRAND TOTAL	\$ 24,901.60	\$ 26,198.80	\$ 51,500.00	

NO SUBSTITUTES WILL BE ACCEPTED

TERMS:

NET 30/PREPAID	NET 30 DAYS	NET 30 DAYS, 0%	
----------------	-------------	-----------------	--

WARRANTY:

5 YEARS	1 YR MFR	BLANK	
---------	----------	-------	--

DELIVERY DATE:

2-3 WEEKS	10 YRS TROY	BLANK	
	2-3 WEEKS		

EXCEPTIONS:

N/A	BLANK	BLANK	

DMS:

Argus Supply Company - \$392.00/\$15,680.00

Reason: Company withdrew bid when it was discovered they had bid the wrong item.

NO BIDS:

Alerte Systems Intl

Bob Barker Company

Sharp Communication

Superior Signals Inc

**** DENOTES LOWEST ACCEPTABLE BIDDER**

ATTEST:

Don Ostrowski

Cheryl Morrell

Linda Bockstanz

 Jeanette Bennett
 Purchasing Director

ALERT ALL
P O BOX 249
BOWMANSVILLE PA 17507

ALERT EMERGENCY EQUIPMENT GROUP INC
PO BOX 470
PORTLAND MI 48875

ALERTE SYSTEMS INTL
243 S MADISON AVENUE
LOVELAND CO 80537

ARGUS SUPPLY
46400 CONTINENTAL DR.
CHESTERFIELD MI 48047-5206

ASC MASTERTEK
15075 E ELEVEN MILE #100
ROSEVILLE MI 48066-0681

AUTO ELECTRIC
709 EAST WASHINGTON BLVD.
FT. WAYNE IN 46802

AUTO ELECTRIC & SERVICE CENTER
6205 HIGHLAND RD
WATERFORD MI 48327

B & C COMMUNICATIONS, INC
1330 STIMMEL ROAD
COLUMBUS OH 43223

BOB BARKER COMPANY, INC
118 EAST JONES STREET
P.O. BOX 429
FUQUAY VARINA NC 27526

BRANIFF COMMUNICATIONS
4741 WEST 136TH STREET
CRESTWOOD IL 60455

C B S SPECIALTIES
498 KENDRY
BLOOMFIELD HILLS MI 48302

C M P DISTRIBUTORS
22206 W WARREN
DETROIT MI 48239-1024

CAMP SAFETY EQUIPMENT INC
8216 BLUE ASH ROAD
CINCINNATI OH 45236-1942

CANFIELD EQUIPMENT SERVICE
22077 MOUND
WARREN MI 48091

CTI MOBILCOMM
1211 WEST SHARON RD
CINCINNATI OH 45240

D & M DISTRIBUTORS, INC.
724 EAST HUDSON STREET
COLUMBUS OH 43211

D.R. EBEL POLICE & FIRE EQUIPMENT
3203 WOODVILLE ROAD
NORTHWOOD OH 43619

EMERGENCY ONE
P O BOX 2710
OCALA FL 32678

EMERGENCY VEHICLE EQUIPMENT CO.
2721 NALL STREET
PORT NECHES TX 77651

EMPCO INC
101 W. BIG BEAVER ROAD
SUITE 1000
TROY MI 48084

FEDERAL APD
42775 NINE MILE ROAD
NOVI MI 48375

FEDERAL SIGNAL CORP.
2645 FEDERAL SIGNAL DR
UNIVERSITY PARK IL 60466

FIRE SAFE INC
2304 FARRAND STREET
PORT HURON MI 48060

FLEET SAFETY SUPPLY
127-A SOUTH WASHINGTON ST. OR
P.O. BOX 649
NAPERVILLE IL 60566-0649

FOX INTERNATIONAL LTD, Inc.
23600 AURORA ROAD
BEDFORD HEIGHTS OH 44146

GALLS INC
2680 PALUMBO DRIVE
P O BOX 55208
LEXINGTON KY 40555-5208

H & W EMERGENCY VEHICLES
3150 SW 234TH SUITE 100
HILLSBORO OR 97123

ILLINOIS FIRE AND POLICE EQUIPMENT
P.O. BOX 1018
BOURBONNAIS IL 60914

LUND INDUSTRIES
303 MESSNER DRIVE
WHEELING IL 60090

MARTIN'S POLICE EQUIPMENT
17180 DIX
BROWNSTOWN MI 48192

NEW YORK POLICE SUPPLY INC
1460 RIDGE ROAD EAST
ROCHESTER NY 14621

NEWCO ELECTRIC LLC
23077 GREENFIELD ROAD STE 471
SOUTHFIELD MI 48075-3709

PRIORITY ONE EMERGENCY
31965 BLOCK AVENUE
GARDEN CITY MI 48135

PUBLIC SAFETY
P.O. BOX 1368
JANESVILLE, WI 53547-1367

PUBLIC SAFETY COMMUNICATIONS
30246 ROSEBUSCH
WARREN MI 48093

PUBLIC SPACE PLUS
2436 E RANOL MILL ROAD
ARLINGTON TX 76011

RAY O'HERRON CO INC
P O BOX 1070
3549 N. VERMILLION ST.
DANVILLE IL 61834-1070

SERVICAR OF MICHIGAN INC
4354 NORMANDY CT
ROYAL OAK MI 48073

SHARP COMMUNICATIONS INC.
3403 GOVERNORS DRIVE
HUNTSVILLE AL 35805

SOUND ALERT
600 17TH STREET SUITE 950 SOUTH
DENVER CO 80202

SOUND SECURITY
23780 HARPER
ST CLAIR SHORES MI 48080

STANDARD LAW ENFORCEMENT SUPPLY
4920 EAST 345TH STREET
WILLOUGHBY OH 44094

STEVEN R. JENKINS CO. INC
6680 EAST 21ST STREET
INDIANAPOLIS IN 46219

SUPERIOR SIGNALS, INC.
15785 SOUTH KEELER TERRACE
OLATHE KS 66062

SURVIVALINK CORPORATION
5420 FELTL ROAD
MINNEAPOLIS MN 55343

TELE-RAD INC
2306 CLYDE PARK SW
GRAND RAPIDS MI 49509

THE PUBLIC SAFETY GROUP
PO BOX 7438
EDMOND OK 73083

TIME EMERGENCY EQUIPMENT
2341 AVON INDUSTRIAL DRIVE
ROCHESTER HILLS MI 48309

TRI-COUNTY POLICE SUPPLY CO.
P.O. BOX 830
NYACK NY 10960

WAYMIRE AUTO PARTS
820 CHADWICK STREET
INDIANAPOLIS IN 46225

WEST SHORE FIRE INC
6620 LAKE MICHIGAN
P O BOX 188
ALLENDALE MI 49401

WEST SHORES SERVICES
6620 LAKE MICHIGAN DR
P.O. BOX 188
ALLENDALE MI 49423

WHOLESALE DIRECT, INC.
2759 WASHINGTON BLVD.
BELLWOOD IL 60104

WINDER POLICE EQUIPMENT
13200 REECK RD
SOUTHGATE MI 48195

WIRELESS RESOURCES INC
2300 BELLINGHAM
TROY MI 48083

WW GRAINGER
289 ROBBINS AVE
TROY MI 48083

January 7, 2003

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Jeanette Bennett, Purchasing Director
William Nelson, Fire Chief

Subject: Rescind Resolution #2002-09-531-E11— Re-Award to the Lowest Acceptable Bidder for Non-Slip Floor Surface Coatings

RECOMMENDATION

On September 23, 2002, the City Council awarded a contract for non-slip floor coatings to Tri-State Industrial Floors of Toledo, Ohio at an estimated total cost of \$18,138.00. Since that time we have been informed by Tri-State that they cannot obtain insurance to complete the job.

City management recommends that Council rescind resolution #2002-09-531-E11 and re-award the contract to the next lowest bidder, A&S Industrial Coating Co, Inc. of Warren at an estimated cost of \$9,600.00. The original bid involved the resurfacing of the apparatus room floor at Station 4, and the workrooms at several other fire stations. Due to budgetary limitations, it is recommended that we only do the apparatus room floor at Station 4.

A&S has stated they would do the work at Station 4 for their original bid price of \$9,600.00. Their references have been checked, and all indicate they are satisfied with the work that A&S has done for them.

BUDGET

Funds are available for this project in the Capital Accounts for Fire Buildings and Repair.

Opening Date -- 8-27-02
 Date Prepared -- 9/12/02
REVISED -- 1/7/03

CITY OF TROY
 BID TABULATION
 NON-SLIP FLOOR COATING
 FOR 5 FIRE STATIONS

VENDOR NAME:	RESCIND AWARD TO: Tri State Industrial Floors	RE-AWARD TO: A & S Industrial Coating	Performance Floor Coating Sys. Inc.
PROPOSAL: FURNISH ALL LABOR, EQUIPMENT, AND MATERIALS TO FURNISH AND INSTALL A NON-SLIP FLOOR COATING AT FIVE FIRE STATIONS IN ACCORDANCE WITH SPECIFICATIONS			
FIRE STATION #1 COMPLETE FOR THE SUM OF:	\$560.00	\$800.00	\$980.00
FIRE STATION #2 COMPLETE FOR THE SUM OF:	\$3,058.00	\$3,300.00	\$2,496.00
FIRE STATION #4 COMPLETE FOR THE SUM OF:	\$8,711.00	\$9,600.00	\$12,750.00
FIRE STATION #5 COMPLETE FOR THE SUM OF:	\$3,400.00	\$4,000.00	\$4,800.00
FIRE STATION #6 COMPLETE FOR THE SUM OF:	\$2,409.00	\$3,100.00	\$3,660.00
GRAND TOTAL:	\$18,138.00	\$20,800.00	\$24,686.00
QUOTING ON EPOXY FLOORING:			
MANUFACTURED BY:	Freda, Inc.	General Polymers	Performance Floor
PROPOSED PAYMENT SCHEDULE: Yes or No	Net 30	30 Days Net	Upon Completion of Each Station
SITE INSPECTION: Y/N DATE	Yes 8/19/2002	Yes 8/26/02	Yes 8/21/02
COMPLETION SCHEDULE: # of Calendar Days to Start after Award	14 Days	7 Days	10 Days
# of Calendar Days to Complete	5 Days	3 Days	10 Days
	Completion: 5 Days from Start	Completion: 8/26/02	Completion: 10 Days
INSURANCE: Can Meet Cannot Meet	Yes	Yes	Blank
WARRANTY:	2 Years	2 years	2 Years
TERMS:	Net 30	30 Days Net	Net 30 Days
EXCEPTIONS:	None	N/A	None

Attest:

 Cheryl Morrell

 Linda Bockstanz

 Richard Sinclair

 Jeanette Bennett
 Purchasing Director

November 12, 2002

TO: Jeanette Bennett, Purchasing Director

FROM: Stephen Cooperrider, Risk Manager 

SUBJECT: SBP 02-38, Furnish all Labor, Equipment, and Materials to Install a Non-Slip Floor Surface Covering at Five (5) Fire Stations

The insurance documents provided by Tri-State Industrial Floors do not meet the insurance requirements of this bid.

The insurance requirements state that the insurer must be licensed and admitted to do business in Michigan. Tri-State's workers' compensation coverage is through the State of Ohio. This insurance does not guarantee protection to the City of Troy from their employee(s) filing a claim while working outside the State of Ohio. Workers' compensation benefits are much richer in the State of Michigan by comparison. If their employee(s) were injured while working on the City of Troy project they could file for workers' compensation benefits in Michigan. Their Ohio workers' compensation coverage does not guarantee benefits outside Ohio if the employee files for benefits in Michigan. The City of Troy could be required to provide coverage to their employee(s).

Tri-State indicated within their bid documents that they could meet the insurance requirements. This statement was made prior to them investigating the cost and submitting their bid. Tri-State investigated the cost of purchasing a temporary workers' compensation policy from an insurer licensed to do business in the State of Michigan, after being awarded the bid. However, they have indicated the cost is too great.

Tri-State was asked to submit a formal written withdrawal on November 6, 2002 when they indicated they would not be purchasing the temporary workers' compensation policy. To date we have not received this letter.

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

E-9 Acceptance of (2) Watermain Easements – Coolidge Office Building, L.L.C., Detroit Edison – Sidwell #'s 88-20-32-101-019 & 88-20-32-101-011 – Project #02.915.3

Resolution #2002-09-531-E-9

RESOLVED, That the City Council of the City of Troy hereby **ACCEPTS** the permanent watermain easement from Coolidge Office Building, L.L.C. and Detroit Edison for consideration of one dollar (\$1.00) each; and

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

E-10 Request for Approval of Two (2) Purchase Agreements to Purchase Right-of-Way – Sidewalk Gap Completion Project – Sidwell #88-20-03-101-009 & #88-20-03-101-056

Resolution #2002-09-531-E-10

RESOLVED, That the Agreements to Purchase right-of-way between the City of Troy and Roger G. Sanders and Michelle E. Sanders, having Sidwell #88-20-03-101-009, and Michael J. Brennan, having Sidwell #88-20-03-101-056, for the Sidewalk Gap Completion Project are **APPROVED** in the total amount of \$41,610.00 plus closing costs.

E-11 Standard Purchasing Resolution 1: Award to Low Bidder – Non-Slip Floor Surface Coatings

Resolution #2002-09-531-E-11

RESOLVED, That a contract to provide all labor, equipment, and materials to install a non-slip floor coating at five (5) fire stations is hereby **AWARDED** to the low bidder, The Tri-State Industrial Floors, at an estimated total cost of \$18,138.00; and

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

E-12 Final Street Vacation – Virgilia, North of Long Lake Road – Section 9

Resolution #2002-09-531-E-12

September 10, 2002

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Jeanette Bennett, Purchasing Director
William Nelson, Fire Chief

Subject: Standard Purchasing Resolution 1: Award To Low Bidder –
Non-Slip Floor Surface Coatings

RECOMMENDATION

On August 27, 2002, nine (9) bid proposals were opened to install a Non-Slip Floor Coating System to various areas of five (5) fire stations. The Fire Department recommends that the Troy City Council award a contract to the low bidder, Tri-State Industrial Floors of Toledo, Ohio, at an estimated total cost of \$18,138.00. The award is contingent upon the recommended vendor submission of proper contract and bid documents, including insurance certificates, and all specified requirements.

In addition, we are requesting authorization to add or delete work due to unforeseen circumstances, not to exceed 10 % of the original project cost.

SUMMARY

The Fire Department has accepted bids to install non-slip floor coating in the apparatus room of Station 4, and the workrooms of Stations 2, 5, and 6. We also propose to install permanent lane markings for each apparatus bay at all the above stations and Station 1.

We have contacted all the references listed by the recommended bidder. All references were positive and they indicated that they were very happy with the work. Also, all companies contacted are presently using Tri-State Industrial Floors for additional work.

BUDGET

Funds are available to purchase this equipment in the Capital Fire Business Unit #401344, Fire Buildings and Repairs.

54 Bids Sent
9 Bid Responses Rec'd

Prepared by: Richard Sinclair, Asst. Fire Chief

Opening Date -- 8-27-02
 Date Prepared -- 9/12/02

CITY OF TROY
 BID TABULATION
 NON-SLIP FLOOR COATING
 FOR 5 FIRE STATIONS

VENDOR NAME:	Tri State Industrial Floors	A & S Industrial Coating	Performance Floor Coating Sys. Inc.
PROPOSAL: FURNISH ALL LABOR, EQUIPMENT, AND MATERIALS TO FURNISH AND INSTALL A NON-SLIP FLOOR COATING AT FIVE FIRE STATIONS IN ACCORDANCE WITH SPECIFICATIONS			
FIRE STATION #1 COMPLETE FOR THE SUM OF:	\$560.00	\$800.00	\$980.00
FIRE STATION #2 COMPLETE FOR THE SUM OF:	\$3,058.00	\$3,300.00	\$2,496.00
FIRE STATION #4 COMPLETE FOR THE SUM OF:	\$8,711.00	\$9,600.00	\$12,750.00
FIRE STATION #5 COMPLETE FOR THE SUM OF:	\$3,400.00	\$4,000.00	\$4,800.00
FIRE STATION #6 COMPLETE FOR THE SUM OF:	\$2,409.00	\$3,100.00	\$3,660.00
GRAND TOTAL:	** \$18,138.00	\$20,800.00	\$24,686.00
QUOTING ON EPOXY FLOORING: MANUFACTURED BY:	Freda, Inc.	General Polymers	Performance Floor
PROPOSED PAYMENT SCHEDULE: Yes or No	Net 30	30 Days Net	Upon Completion of Each Station
SITE INSPECTION: Y/N DATE	Yes 8/19/2002	Yes 8/26/02	Yes 8/21/02
COMPLETION SCHEDULE: # of Calendar Days to Start after Award # of Calendar Days to Complete	14 Days 5 Days Completion: 5 Days from Start	7 Days 3 Days Completion: 8/26/02	10 Days 10 Days Completion: 10 Days
INSURANCE: Can Meet Cannot Meet	Yes	Yes	Blank
WARRANTY:	2 Years	2 years	2 Years
TERMS:	Net 30	30 Days Net	Net 30 Days
EXCEPTIONS:	None	N/A	None

Attest:
 Cheryl Morrell
 Linda Bockstanz
 Richard Sinclair

 Jeanette Bennett
 Purchasing Director

Opening Date -- 8-27-02
 Date Prepared -- 9/12/02

CITY OF TROY
 BID TABULATION
 NON-SLIP FLOOR COATING
 FOR 5 FIRE STATIONS

SBP 02-38
 Page 2 of 3

VENDOR NAME:	Venture Tech. Group	Kwasny Flooring &	Calidad LLC
	Process Tech.	Lining Systems	

**PROPOSAL: FURNISH ALL LABOR, EQUIPMENT, AND MATERIALS TO FURNISH AND INSTALL
 A NON-SLIP FLOOR COATING AT FIVE FIRE STATIONS IN ACCORDANCE WITH SPECIFICATIONS**

FIRE STATION #1			
COMPLETE FOR THE SUM OF:	\$389.00	\$950.00	\$750.00
FIRE STATION #2			
COMPLETE FOR THE SUM OF:	\$2,837.00	\$4,247.25	\$5,760.00
FIRE STATION #4			
COMPLETE FOR THE SUM OF:	\$18,828.00	\$14,735.00	\$17,570.00
FIRE STATION #5			
COMPLETE FOR THE SUM OF:	\$3,921.00	\$5,100.50	\$6,525.00
FIRE STATION #6			
COMPLETE FOR THE SUM OF:	\$2,368.00	\$4,247.25	\$5,918.00
GRAND TOTAL:	\$28,343.00	\$29,280.00	\$36,523.00

QUOTING ON EPOXY FLOORING: MANUFACTURED BY:	American Industrial	Quartz Floor Sys. & Striping by East. Resins	Freda Inc.
--	---------------------	---	------------

PROPOSED PAYMENT SCHEDULE: Yes or No	As Above (Indicated)	25% Down Balance Net 30	Upon Completion Retainer as Above
---	----------------------	----------------------------	--------------------------------------

SITE INSPECTION: Y/N	Yes	Yes	Yes
DATE	8/19/02	8/26/02	8/27/02

COMPLETION SCHEDULE:			
# of Calendar Days to Start after Award	Your Schedule	Blank	5 Days
# of Calendar Days to Complete	Your Schedule	Blank	5 Days
	Completion: Your Date	Completion: 14 days after Award	Completion: Blank

INSURANCE: Can Meet Cannot Meet	Yes	Yes	Yes
------------------------------------	-----	-----	-----

WARRANTY:	2 Years	2 Years	2 Years
-----------	---------	---------	---------

TERMS:	As Specified	25% Down Balance Net 30	Upon Completion
--------	--------------	----------------------------	-----------------

EXCEPTIONS:	Price for Station 5	Blank	Blank
	Includes Generator Room		

Opening Date -- 8-27-02
 Date Prepared -- 9/12/02

CITY OF TROY
 BID TABULATION
 NON-SLIP FLOOR COATING
 FOR 5 FIRE STATIONS

SBP 02-38
 Page 3 of 3

VENDOR NAME:	G. C. Murphy Paint. Co., Inc.	Shot Blasting Serv. of Michigan, Inc.	Jarvis Painting Inc.
--------------	----------------------------------	--	----------------------

PROPOSAL: FURNISH ALL LABOR, EQUIPMENT, AND MATERIALS TO FURNISH AND INSTALL A NON-SLIP FLOOR COATING AT FIVE FIRE STATIONS IN ACCORDANCE WITH SPECIFICATIONS

FIRE STATION #1 COMPLETE FOR THE SUM OF:	\$3,000.00	\$2,900.00	\$3,972.00
FIRE STATION #2 COMPLETE FOR THE SUM OF:	\$5,000.00	\$7,000.00	\$10,058.00
FIRE STATION #4 COMPLETE FOR THE SUM OF:	\$18,500.00	\$17,950.00	\$13,605.00
FIRE STATION #5 COMPLETE FOR THE SUM OF:	\$6,500.00	\$7,900.00	\$8,931.00
FIRE STATION #6 COMPLETE FOR THE SUM OF:	\$5,000.00	\$6,500.00	\$10,250.00
GRAND TOTAL:	\$38,000.00	\$42,250.00	\$46,816.00

QUOTING ON EPOXY FLOORING: MANUFACTURED BY:	General Polymers	General Polymers	Michigan Paint Supply
--	------------------	------------------	-----------------------

PROPOSED PAYMENT SCHEDULE: Yes or No	30% Mobilization 80% ea. Site on Completion	1/3rd Down; Balance Paid within 30 Days	Net 30 Days
---	---	--	-------------

SITE INSPECTION: Y/N DATE	Yes 8/26/2002	Yes 8/26/02	Yes 8/16; 8/21
------------------------------	------------------	----------------	-------------------

COMPLETION SCHEDULE: # of Calendar Days to Start after Award # of Calendar Days to Complete	TBD TBD Completion: TBD	5 Days 30 Days Completion: 8/27/02	10 Days 30 Days Completion: 30 Days from start
---	-------------------------------	--	---

INSURANCE: Can Meet Cannot Meet	Yes	Yes	Yes
------------------------------------	-----	-----	-----

WARRANTY:	2 Years	2 Years against Delamination	2 Year Labor & Material
-----------	---------	---------------------------------	----------------------------

TERMS:	Net 10 Each Invoice	1/3rd Down; Balance Paid within 30 Days	Net 30 Days
--------	---------------------	--	-------------

EXCEPTIONS:	Blank	Blank	Blank
-------------	-------	-------	-------

A & S INDUSTRIAL COATING
P O BOX 1045
WARREN MI 48090

A QUALITY SHINE
5376 COUNTY LINE
NEW HAVEN MI 48043

ABC SUNNYVIEW PAINTING
4000 CROOKS
ROYAL OAK MI 48073

ACO PAINTING
26760 LEHNER
ROSEVILLE MI 48066

ADVANCE COATINGS
6773 E. DAVISON
DETROIT MI 48212

ADVANCED COATINGS & LININGS INC
47392 SOUTHERN CROSS DR.
MACOMB TWP MI 48044

AMERICAN EPOXY FLOOR SYSTEMS INC
1332 JUDY DRIVE
TROY MI 48083

APPLIED CONCRETE SYSTEMS INC
8747 BRANDT
DEARBORN MI 48126

ARCHITECTURAL SW STONE COMPANY LLC
27599 SCHOOLCRAFT ROAD
LIVONIA MI 48150

ARNOLD PAINTING COMPANY
23601 ELMIRA
ST CLAIR SHORES MI 48082

ARTISTIC FLOORING SYSTEMS
3805 LAKEFRONT SUITE #1
WATERFORD MI 48328

ATLAS PRODUCTS CORPORATION
13995 10 MILE ROAD
WARREN MI 48089

BERNABEI PAINTING
46459 CONTINENTAL DRIVE
NEW BALTIMORE MI 48047

BIG DOG MOVING & STORAGE SYSTEMS LLC
5490 MISSOURI
DETROIT MI 48208

BIRMINGHAM PAINTING CONTRACTORS INC
P O BOX 7398
BLOOMFIELD HILLS MI 48302

CHRISTIAN BROTHERS CONSTRUCTION INC
4425 WESTLAND
WESTLAND MI 48121

CIPRIANO CONCRETE TECHNOLOGY
43802 UTICA RD
UTICA MI 48314

CONCRETE SOLUTIONS
1911 BELLAIRE
ROYAL OAK MI 48067-1514

COUGAR SALES & RENTAL INC
P O BOX 508
46845 12 MILE RD
NOVI MI 48376

CREATIVE TOUCH CLEANING INC
23300 GREENFIELD ROAD STE 123
OAK PARK MI 48237

DISCOUNT FLOORING & CARPET
35499 FORD RD
WESTLAND MI 48185

DIVERSIFIED CHEMICAL TECHNOLOGIES
15477 WOODROW WILSON
DETROIT MI 48238-1437

DUR-A-FLEX INC
923 OAKHURST NW
GRAND RAPIDS MI 49504

DYNAMIC SURFACE
1904 HARWOOD
ROYAL OAK MI 48067-4065

FEL-VEL MASONRY
619 MAPLE CT LOT 66
COLUMBUS MI 48063

G & G COATING
8130 24 MILE ROAD UNIT 5
SHELBY TWP MI 48316

GC MURPHY PAINTING CO, INC
2337 COLE STREET
BIRMINGHAM MI 48009

GENERAL ACID PROOFING INC
1051 BELLEVUE
DETROIT MI 48207

GLENCO SALES CO INC
21211 BRIDGE STREET
SOUTHFIELD MI 48034

GVC PAINTING
1525 SOUTH GARNER
MILFORD MI 48380

HOME DEPOT
225 W AVON
ROCHESTER HILLS MI 48307

HOOVER MARC COATINGS
17431 12 MILE ROAD
ROSEVILLE MI 48066

HORGER FLOORING CORPORATION
2522 ADAMS RD
OAKLAND MI 48363

INDUSTRIAL COATING SERVICE
19017 FARMINGTON RD
LIVONIA MI 48152

INDUSTRIAL EPOXI SEAL
2257 HEWITT ST
DETROIT MI 48212-3605

INDUSTRIAL LININGS AND COATINGS
52832 TURNBERRY DRIVE
CHESTERFIELD TWP. MI 48051

JARVIS PAINTING INC
41800 EXECUTIVE DR
HARRISON TWP MI 48045-1309

JAVIS PAINTING INC
40940 PRODUCTION DRIVE
HARRISON MI 48045

KWASNY FLOORING
24535 HALLWOOD COURT
FARMINGTON HILLS MI 48335

MASTERCRAFT COATINGS INC
26927 W 8 MILE ROAD
REDFORD MI 48240

MICHIGAN MAINTENANCE COATINGS
52729 BELLE VERNON
SHELBY TWP MI 48316

MILLENNIUM INDUSTRIAL COATINGS
43550 COLUMBIA
CLINTON TWP MI 48038

NCH CORPORATION
P O BOX 152170
IRVING TX 75062

PATRIOT FLOORING
35540 MOUND
STERLING HEIGHTS MI 48310

PERFORMANCE FLOOR COATING SYSTEMS, INC.
169 NORTH GRATIOT
MT. CLEMENS MI 48043

PRO TECH COATINGS
23118 JOY
ST CLAIR SHORES MI 48082

PROCESS TECHNOLOGY
378 LEETONIA
TROY MI 48085

SHOT BLASTING SERVICES OF MICHIGAN INC
46459 CONTINENTAL DRIVE
CHESTERFIELD MI 48047

SOFT TOUCH PAINTING INC
18539 W 8 MILE RD
DETROIT MI 48219

SPECIALTY FLOOR COVERING, INC
515 WOODWARD HEIGHTS
FERNDALE MI 48220

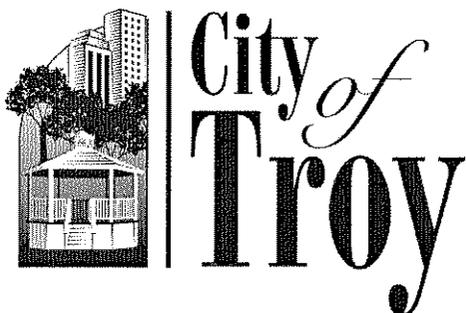
TRI STATE INDUSTRIAL FLOORS
262 MATZINGER RD
TOLEDO OH 43612

UNICO CONSTRUCTION INC
105 N MARIAS
CLAWSON MI 48017

UNITED PAINT
23361 TELEGRAPH ROAD
SOUTHFIELD MI 48034

VAN CURA PAINTING
22940 LAHSER
SOUTHFIELD MI 48075

VOORHEIS CONSTRUCTION COMPANY INC



1/9/03

TO: Mayor and Council Members

FROM: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney
Gary Shripka, Assistant City Manager/Services
Mark Stimac, Building and Zoning Director
Sue Lancaster, Assistant City Attorney

RE: Agreement for Placement of Identification Sign at 2073 East Maple Road

On November 6, 2002, David Wilner, owner of property at 2073 East Maple Road, presented his application for a variance from Chapter 78 of the City Ordinance to the Building Code Board of Appeals requesting that he be allowed to install a 32 square foot ground sign, 12 feet in height in the future right-of-way. There is currently a 37-foot right of way where the sign is proposed and a 60-foot future right of way under the Master Thoroughfare Plan. The sign would be placed in the 23-foot future right of way if a variance for the sign were granted. The Building Code Board of Appeals was concerned that, if the variance was granted, and if the City decides to widen the roadway in front of 2073 East Maple Road to the future right of way of 60 feet, the City would be forced to pay for the removal and relocation of the sign. The Building Code Board of Appeals granted a postponement to allow discussions between the City and Mr. Wilner regarding a potential agreement to alleviate these concerns. At the December 4, 2002 meeting, the Building Code Board of Appeals, granted the variance contingent upon execution of an Agreement between the City and Mr. Wilner. A proposed Sign Placement Agreement is attached.

The proposed Agreement requires Mr. Wilner, his heirs, successors and assigns, to remove, move or replace the sign at his own expense, if the City decides to develop the right of way. It is our recommendation that Council approve the Sign Placement Agreement and authorizes the Mayor and Clerk to sign that Agreement once Mr. Wilner has executed the same.

BUILDING BOARD OF APPEALS

NOVEMBER 6, 2002

ITEM #10 – VARIANCE REQUESTED. DAVID WILNER, 2073 EAST MAPLE ROAD,
for relief of Chapter 78 to install a 32 square foot ground sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install a 32 square foot ground sign, 12' in height, in the ultimate right of way. Table B of Section 9.02, of the Ordinance requires that a sign of this height be placed 20' back from the 60' ultimate right of way, (80' from the section line), on Maple Road. The site plan submitted indicates placement of the proposed sign in the ultimate right of way – 47' from the section line. There is currently 37' of right of way in the area where the sign is proposed.

Mr. David Wilner was present and stated that his building is difficult to find due to the fact that he does not have adequate signage. Mr. Wilner also stated that when this building was constructed it complied with the setback requirements. Mr. Wilner further stated that the strip mall was constructed behind him in order to comply with the new setback requirements of the Ordinance. Mr. Wilner is proposing to put up a sign that would be 12' in height with an 8' pole. Mr. Wilner believes that this type of sign will not create any type of traffic hazard and will also be visible to traffic heading both east and west on Maple.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Need expressed concern over the potential use of the future right of way and stated that he would not like to see a sign installed and then have to be removed at either the City or County's expense. Mr. Stimac explained that currently this is private property and an agreement would have to be reached if we had to acquire additional space for the right of way. Mr. Stimac also explained that at that time, the agreement would be worded in such a way that the petitioner would be responsible for the removal of the sign. Mr. Need suggested that City Staff meet with the Legal Department to determine what steps could be taken to prevent any costs becoming the responsibility of the City or County.

Mr. Kessler asked what type of business this was and Mr. Wilner stated that it is a Mortgage Financial Institution, and that they have between five (5) and ten (10) people coming in a day. Mr. Kessler then asked if anyone has complained about not being able to find this building, and Mr. Wilner stated that not only have customers indicated that they have had some difficulty in finding the building, but that he has also received complaints from the shopping center of people coming in and using the shopping center to turn around in. Mr. Kessler then stated that he thought that this proposed sign was quite large.

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:35 A.M., on Wednesday, December 4, 2002.

PRESENT:	Ted Dziurman Rick Kessler Bill Need Bill Nelson	ALSO PRESENT:	Mark Stimac Ginny Norvell Pam Pasternak
----------	--	---------------	---

ABSENT: Frank Zuazo

ITEM #1 – APPROVAL OF MINUTES – MEETING OF NOVEMBER 6, 2002

Motion by Need
Supported by Nelson

MOVED, to approve the minutes of the meeting of November 6, 2002 as written.

Yeas: 4 – Dziurman, Kessler, Need, Nelson

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUESTED. PAUL DETERS OF METRO DETROIT SIGNS, 1810 MAPLELAWN, for relief of Chapter 78 to install a fifth wall sign and a third ground sign.

Mr. Stimac explained that the Building Department had received a written request from Mr. Deters asking that this item be withdrawn. The withdrawal request was received and noted and the Board took no further action.

ITEM #3 – VARIANCE REQUESTED. DAVID WILNER, 2073 EAST MAPLE ROAD, for relief of Chapter 78 to install a 32 square foot ground sign.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to install a 32 square foot ground sign, 12' in height, in the ultimate right of way. Table B of Section 9.02, of the Ordinance requires that a sign of this height be placed 20' back from the 60' ultimate right of way, (80' from the section line), on Maple Road. The site plan submitted indicates placement of the proposed sign in the ultimate right of way – 47' from the section line. There is currently 37' of right of way in the area where the sign is proposed.

This item first appeared before this Board at the meeting of November 6, 2002 and was postponed to allow City Staff to meet with the City Attorney's office to insure that neither the City nor County would incur any extra costs if this sign were installed and then removed from the future right of way. The language of such an agreement has been developed and agreed upon by the City and the Petitioner.

ITEM #3 – con't.

Mr. Wilner indicated that they have reviewed the agreement drawn up by the City Attorney and are in agreement with the language contained in it.

Mr. Dziurman asked if the Building Department was satisfied with this agreement and Mr. Stimac stated that the agreement does cover the removal of the sign if Maple Road is widened and additional right of way is acquired. Mr. Stimac also said that currently this is private property.

Motion by Need
Supported by Nelson

MOVED, to grant the request of David Wilner, 2073 East Maple Road, for relief of Chapter 78 to install a 32 square foot ground sign 47' from the section line in the ultimate right of way.

- Contingent upon execution of the agreement between the City and petitioner.

Yeas: All – 4

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. JAN GARANT, 4985 ALTON DRIVE, for relief of Chapter 83 to install a fence.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install a 6' high fence in the front setback. This lot is a double front lot. As such, it has a front yard along both Alton and East Long Lake. Chapter 83 limits fences in required front yards to 30" in height. The site plan submitted indicates a 6' high privacy fence in the required front setbacks along Alton and East Long Lake.

This item appeared on the agenda for the meeting of November 6, 2002 and was tabled to allow the petitioner the opportunity to bring in a detailed plan of the landscaping and fence location. Revised plans are provided.

Mr. and Mrs. Garant were present. Mr. Garant stated that they wished to construct this fence 11.5' from the sidewalk. Mrs. Garant indicated that she plans to add shrubs along the north side of the fence line, which will soften the look of this fence. Mr. Garant also indicated that they had decided to put up a shadow box wood fence, rather than a vinyl fence.

The Chairman opened the Public Hearing. No one wished to be heard and the Public Hearing was closed.

There is one (1) written objection on file. Ms. Garant had brought in five (5) signatures indicating approval of this request.

SIGN PLACEMENT AGREEMENT

2073 East Maple Road

This Sign Placement Agreement between the City of Troy, a Michigan Municipal Corporation, 500 W. Big Beaver Road, Troy, Michigan 48084, hereinafter the "City", and David W. Wilner and Melinda M. Wilner, his wife, 2073 East Maple Road, Troy, Michigan, 48083, hereinafter "Property Owners", is intended to allow the placement of an identification sign in a portion of the front yard designated as the future right of way, until the City requires the property for widening of Maple Road at 2073 East Maple Road subject to the following conditions and based on the following consideration:

1. The Property Owners own property located at 2073 East Maple Road, Troy, Michigan 48083 . The City Sign Ordinance requires that setbacks for signs be calculated from the future right of way designated on the Master Thoroughfare Plan.

2. The Property Owners have requested that they be allowed to erect an identification sign in a portion of the front yard designated as the future right of way. Exhibit A attached hereto sets out the dimensions of the sign within the future right of way. Exhibit B attached hereto sets out the location of the sign within the future right of way. Exhibit C attached hereto is a survey and legal description of the site.

3. The City has agreed to allow the sign to be erected in the future right of way as long as certain conditions are met. The City will give the Property Owners 60-days' written notice prior to the date the City requires the property for road widening. Notice will be sent by first class mail to David W. Wilner and Melinda M. Wilner, his wife, 2073 East Maple Road, Troy, Michigan 48083 or an address provided in writing by the

Property Owners or their heirs, successors and assigns, and to the address listed on the City Treasurer's records. The Property Owners, their heirs, successors, assigns and/or tenants, shall at their own expense remove the sign within the 60-day notice period.

4. Except for the acts or failure to act of the City, the Property Owners, their heirs, successors, and assigns, shall indemnify the City and hold the City harmless in connection with any damage to the subject sign at 2073 East Maple Road and other improvements related to that sign and any liabilities, damages, causes of action, costs or expenses from any third party arising out of the sign and other improvements.

5. At such time as the City requires that the sign be removed as a result of the widening of Maple Road, the Property Owners, their heirs, successors, assigns and/or tenants, shall be permitted to exercise their rights under the City Sign Ordinance and either move the sign or install a new sign with the dimensions allowed by the then existing City Sign Ordinance at a location allowed by the City Sign Ordinance if all required permits and approvals are obtained. The Property Owners, their heirs, successors, assigns and/or tenants shall have the right to petition the Building Code Board of Appeals for a size and/or location variance as set out in the City Sign Ordinance.

6. During the continuance of this Agreement, the Property Owners, their heirs, successors, assigns and tenants shall be allowed to maintain, repair and replace the sign with one of similar size and location.

7. This Agreement shall be binding on the Property Owners, their heirs, successors, assigns and tenants and shall be recorded with the Oakland County Register of Deeds.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement

on _____, 2002.

WITNESSETH:

PROPERTY OWNERS:

David W. Wilner

Melinda M. Wilner, his wife

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this _____ day of _____, 2002, by David W. Wilner, and Melinda M. Wilner, his wife.

Notary Public

_____ County, Michigan

My commission expires: _____

WITNESSETH:

CITY OF TROY, a Michigan Municipal Corporation

BY: Matt Pryor, Mayor

BY: Tonni Bartholomew, City Clerk

STATE OF MICHIGAN)
) SS.
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day
of _____, 2002, by Matt Pryor, Mayor and Tonni Bartholomew, City Clerk,
of the City of Troy, a Michigan Municipal Corporation on behalf of the Corporation.

Notary Public

_____ County, Michigan

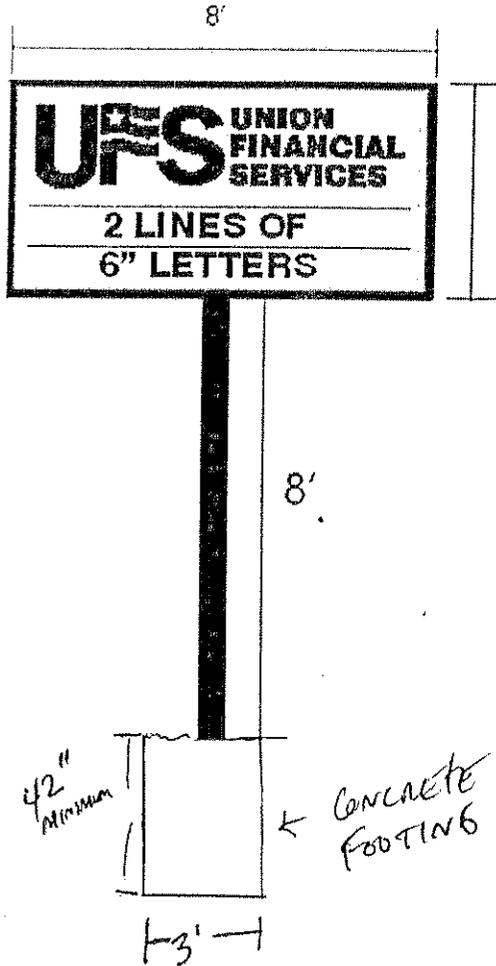
My commission expires: _____

When Recorded Return to:

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

Drafted By:

Susan M. Lancaster, Esq.
Troy Assistant City Attorney
500 W. Big Beaver Road
Troy, Michigan 48084

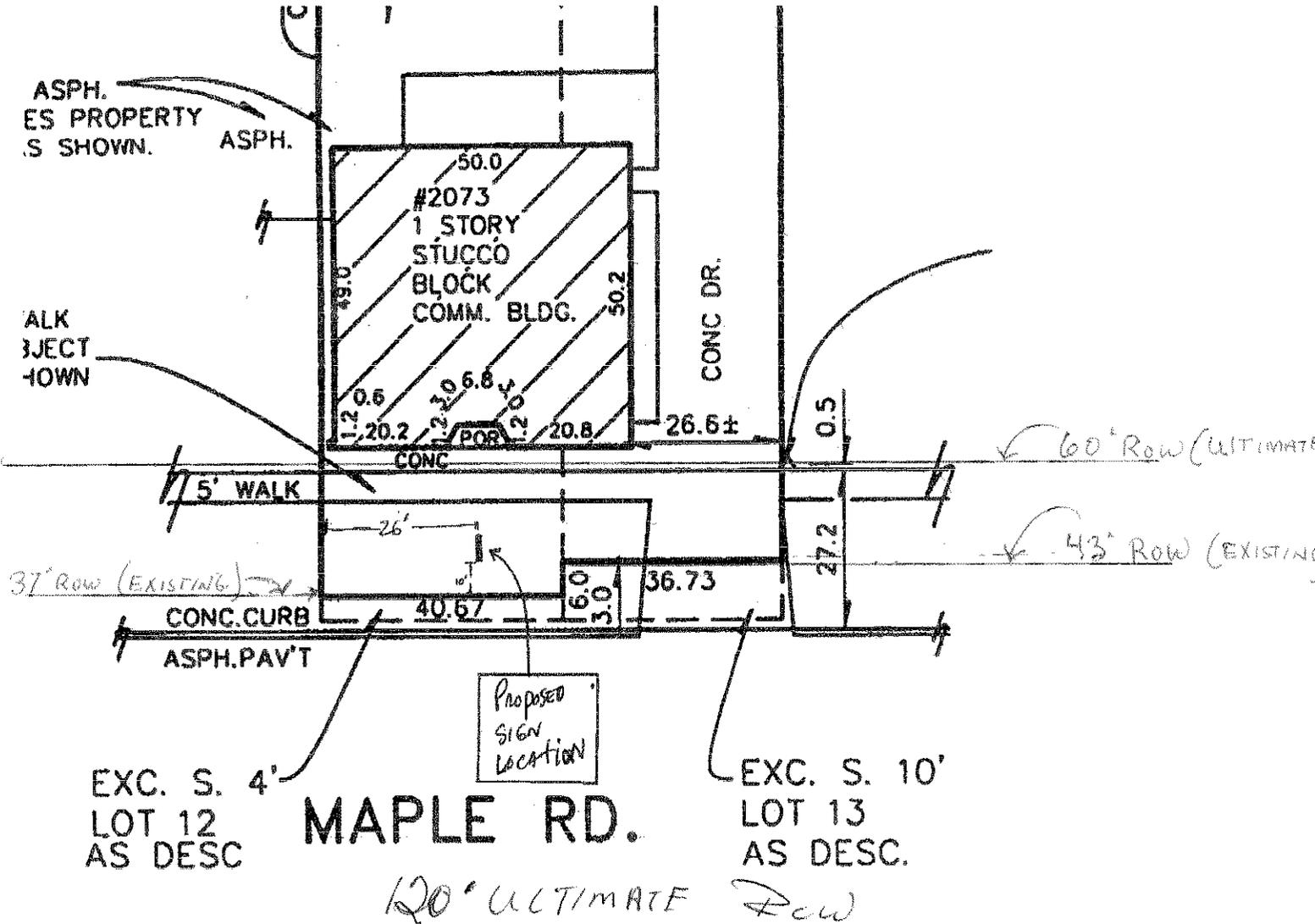


Depth 8"
TWO SIDED

42" MINIMUM
CONCRETE FOOTING
3'

U.S. SIGNCRAFTERS
 215 S. COLLETT AVENUE, OCEOLA, FL 32669
 PHONE: 888-333-7020 FAX: 888-423-4233 407-658-0210

CREATED BY:	JANE CHADNEY
DATE:	9-25-02
FOR:	UNION FINANCIAL



I hereby certify that we have surveyed the above-
 accordance with the description furnished for
 mortgage loan to be made by the forementioned
 and that the buildings located thereon do
 adjoining property, nor do the buildings on the
 reach upon the property heretofore described,
 this survey is not to be used for the purpose of
 lines, nor for construction purposes, no stakes
 of the boundary corners.

KEM-TEC
 LAND SURVEYORS
 22556 Gratiot Avenue

P. Shell

5771 SCALE: 1" = 40'

KEM-TEC
 LAND SURVEYORS
 22556 Gratiot Avenue

January 9, 2003

TO: The Honorable Mayor and City Council Members

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

SUBJECT: Authorization for Council Members to Attend
the 2003 MML Legislative Conference at
the Lansing Center on Wednesday, March 26, 2003

Attached is the brochure for the 2003 MML Legislative Conference at the Lansing Center on Wednesday, March 26, 2003. Council Members who wish to attend are invited to contact the Manager's Office for assistance with the arrangements.



THE 2003 MML LEGISLATIVE CONFERENCE

Lansing Center Wednesday, March 26, 2003

Program Highlights

Legislative
Directors
Breakfast

Legislative
Committee
Meeting

Women in
Government
Breakfast

State
Leadership
Speakers

State & Federal
Affairs Update

Telecom Update

Municipal Expo

Environmental
Issues

Municipal
Finance

Transportation

Land Use

Legislative
Reception

Dear Municipal Colleague:

As each new day dawns, our cities and villages face daunting challenges. From declining local tax bases, to cuts in state revenue sharing, to the endless blizzard of new federal and state regulations, our ability to manage our communities and provide services to our citizens is being put to the test like never before.

This is why your personal involvement in the 37th Annual Michigan Municipal League Legislative Conference is so critically important.

In Lansing, the 92nd Legislature will be working with Governor-elect Granholm on solutions to the state's ongoing budget crisis and on legislation to take the state in new directions. On Capitol Hill in Washington, the U.S. Congress continues to grapple with national security concerns as members of Michigan's congressional delegation push for a greater share of federal transportation funding during the debate over the new federal highway bill. It all adds up to more challenges and opportunities for us as local decision makers.

The MML Legislative Conference helps all of us find answers to tough questions. It also gives us direct access to the decision makers who will shape the policies that govern how we run our communities. It is our annual front row seat to the fast paced action in Lansing and Washington.

Don't miss this once-a-year opportunity to meet one-on-one with your legislators and let them know where you stand on critical issues. I look forward to seeing you at the 37th annual MML Legislative Conference on Wednesday March 26 at the Lansing Center. Let's keep the momentum going. Remember, we are stronger together!

Sincerely,

Hon. Kate Lawrence

President, Michigan Municipal League

Conference Registration Form

Municipality _____
 Name _____ Title _____
 Business/Municipal Address _____
 Zip Code _____ Daytime Phone _____
 Fax Number _____ Email Address _____
 First Name for Badge _____ Guest Name _____

We will be bringing a youth from our city/village. (Please complete the Youth Registration Form)

All registrations will be acknowledged with a Prepaid Registration Card sent to each registrant. These cards must be presented at the MML Registration Desk on the day of the Conference to receive conference packets and a badge, which will admit registrants to all sessions. Luncheon and reception tickets are included in the registration fee. For your convenience, we are offering extra tickets for guests not attending sessions but who would like to join you for lunch or the evening reception.

To Register:

1. Complete this form.
2. If paying by check please mail completed form along with a check payable to the Michigan Municipal League, to MML Legislative Conference, P.O. Box 7409, Ann Arbor, MI 48107-7409. Credit card registration forms and payments may be faxed to 734-662-8083 or mailed to MML, P.O. Box 1487, Ann Arbor, MI 48106. **Full payment or credit card information** must accompany registration to qualify for early registration discount. For more information, call Donna Louer at 734-669-6350 or 800-653-2483.

Conference Registration:

- Early Advance Registration: Must be postmarked no later than February 19, 2003** and be accompanied by payment in full to qualify for this rate. May be faxed if credit card information is included. (Includes lunch and reception tickets.) _____ No. @ \$150.00 ea. = \$ _____ (ARA)
- Advance Registration With Payment: Must be postmarked no later than March 12, 2003** and be accompanied by payment in full to qualify for this rate. May be faxed if credit card information is included. (Includes lunch and reception tickets.) _____ No. @ \$185.00 ea. = \$ _____ (ARE)
- Advance Registration Without Payment/Non-member Fee: Registrations received without payment, via fax, phone or mail, will be processed at the on-site (late) registration fee.** Registrations must be received by March 19, 2003. No advance registrations will be processed after March 19. This category is offered to save you time at the registration desk. (Includes lunch and reception tickets.) Reservations made by telephone, fax or mail will be considered a commitment to attend, unless canceled by March 19, 2003. No-shows will be billed, since meeting and meal arrangements must be made for all registrants. _____ No. @ \$225.00 ea. = \$ _____ (ARL)
- On-Site Registration:** No advance registrations will be accepted after March 19, 2003. After this date, please wait and register on-site. Cost: \$225.00 per person.

Related Functions:

- Extra luncheon tickets (include youth attendees, see *Youth Delegates*) _____ No. @ \$25.00 ea. = \$ _____ (L)
- Extra Legislative Reception Tickets _____ No. @ \$25.00 ea. = \$ _____ (R)
- Michigan Women in Municipal Government Annual Eggs & Issues Breakfast Forum (Must be reserved and paid for in advance.) _____ No. @ \$20.00 ea. = \$ _____ (B)
- Michigan Association of Municipal Clerks Meeting (There is no charge for the Clerks Meeting, but you must purchase a luncheon ticket to attend the luncheon. If you attend the full Legislative Conference, you must pay the full Conference Registration fee.) _____ No. @ no charge _____ (C)
- Total: \$** _____

Method of Payment:

- Check # _____ (Payable to Michigan Municipal League)
- Visa/Mastercard/Discover/AmX # _____ Expiration Date _____
 Name as it appears on card _____
 Signature of cardholder _____

Cancellation Policy:

There is a \$60.00 cancellation fee. Advance registrations canceled by 5:00 p.m., Wednesday, March 19, 2003, will receive a full refund minus the \$60.00. Cancellations after March 19, 2003, and no-shows, will be charged the full registration fee. Cancellation requests must be made by phone to 734-669-6350 or 800-653-2483; by FAX to 734-662-8083; or by mail to MML, P.O. Box 1487, Ann Arbor, MI 48106-1487.

To register for pre-conference sessions, use the Pre-Conference Sessions Registration Form.

Annual Balancing Act & Other Budget Requirements

Tuesday Morning, March 25, 2003

"We have to adopt a budget at the next council meeting." Sounds simple, right? Right – until you consider the legal requirements that the budget must be balanced, and that it must be in compliance with the state's Uniform Budgeting Act as well as with the city charter.

Adopting the yearly budget may well be the single most important action a council takes each year. Understanding the impact on the community of each addition or cut is vital to the economic health of your city or village. (03C-06)

- Check-in 8:30 a.m.; Begin 9:00 a.m; Adjourn 12:00 p.m.
- Lansing Center, Lansing 517-483-7400
- Speaker – Richard Baldermann, Consultant
- Cost Code B;
- Credits: CEU .3, EOA 3

Festivals and Fireworks: Liability Issues

Tuesday Morning, March 25, 2003

Few activities define your home town more than the festivals, parades, fireworks and other special events that celebrate your local history, current achievements or civic pride. Without proper planning, organization and experience, the chances increase that your special event will result in a bodily injury or property damage to your residents or visitors, and a financial loss to your municipality. Join a panel of risk management professionals to learn how liability exposures can affect your special event and how these exposures can be identified and controlled.

(03C-04)

- Check-in 8:30 a.m.; Begin 9:00 a.m; Adjourn 12:00 p.m.
- Lansing Center, Lansing 517-483-7400
- Speaker – A Panel of Experienced Speakers
- Cost Code B
- Credits: CEU .3, EOA 3

How to Provide Better Service to the Citizens

Tuesday, March 25, 2003

Quality service is an essential ingredient in building the public image of your municipality. Consumers, citizens and members of your community are becoming more sophisticated and demanding, with higher expectations of what they want and how and when they want it. You are an integral and important factor in the service picture, whether meeting face to face with the public, dealing with people on the phone, or communicating on paper.

When working with the public, the ability to meet, greet, and promote positive ongoing relationships with people (even when they are upset) is the key to the success of your department or municipality. (03C-03)

- Check-in 8:30 a.m.; Begin 9:00 a.m; Lunch; Adjourn 4:00 p.m.
- Lansing Center, Lansing 517-483-7400
- Speaker - Nancy Ohle, Professional Development, Midland
- Cost Code A
- Credits: CEU .6, EOA 6, CEC .6, Act 54 6 hrs. Communication #7415

Housing Reservation Form

1. How to make hotel reservations:

Please make your hotel reservations directly with the hotel. All hotel reservations are on a first-come, first-served basis.

The Radisson Hotel, Lansing, is the headquarters hotel. MML has reserved a room block there. The Holiday Inn West and the Sheraton Hotel also have room blocks for our members. Reservation requests must be received no later than February 15, 2003.

2. Mail this form to your choice of hotel:

- Radisson Hotel, 1111 North Grand Ave., Lansing, MI 48933
Phone: 517-482-0188 Fax: 517-487-6646
Single or Double, \$123 (plus 5% city occupancy and 6% state sales tax)
- Sheraton Hotel, Lansing, 925 S. Creyts Rd., Lansing, MI 48917
Phone: 517-323-7100 Fax: 517-323-2180
Single \$65 or Double \$85 (plus 4% room assessment and 6% state sales tax)
- Holiday Inn West, Lansing, 7501 West Saginaw Hwy., Lansing, MI 48917. Phone: 517-627-3211 Fax: 517-627-5240
Single or Double, \$79 (plus 4% room assessment and 6% state sales tax)

3. Hotel should confirm reservation to:

Name _____
Address _____
City _____
State and Zip _____
Daytime Phone _____

4. Arrival/Departure:

Arrival Date _____ Time _____
Departure Date _____ Time _____

5. Type of room:

- single: _____ 1 person, 1 bed
- double: _____ 2 people, 1 bed OR _____ 2 people, 2 beds

6. Names of persons to occupy room:

1. _____
2. _____

7. For guaranteed reservations:

Credit Card (circle one):

American Express / Mastercard / Visa / Discover / Diners Club

Card Number _____
Expiration Date _____
Name on Card _____
Signature of Cardholder _____

8. Special requests:

- Non-Smoking Room
- Smoking Room or No Preference

Youth Delegates

In recent years an important part of our Legislative Conference has been the increasing attendance of youth delegates from municipalities across the state. You are encouraged to bring youth from your community, ages 15-19, to this year's Legislative Conference.

Youth registration is free. The only cost for youth delegates is a luncheon ticket. These tickets can be ordered on your Conference Registration Form.

A special tour of the Capitol has been scheduled for 3:00 p.m. on Wednesday for youth delegates. Please check the Capitol Tour box on the youth registration form if your youth delegate will be taking this special tour.

To give youth delegates the greatest opportunity to see the legislature in action, they should accompany their municipal sponsor to the various sessions and visit the Capitol with you to meet their own legislators. This is a great opportunity to mentor our young people about the workings of Michigan state government.

Please note that sponsoring municipalities will be responsible for the supervision of all activities of any youth accompanying municipal delegates to the conference.

In particular, the sponsoring municipality shall be responsible for making lodging and all travel arrangements to and from the conference for the youth delegate and shall be responsible for general supervision of the youth delegate while in attendance at the conference, including attendance at League events and programs and at the hotel. The cost of travel and lodging is the responsibility of the host municipality.

Register youth by completing the Youth Registration Form at right and by checking the Youth Delegate box on your conference registration form. Please also note that the form must be signed by a parent or guardian. We cannot use pictures of youth delegates unless we have a release form signed by a parent or guardian.

Youth Registration Form

1. Only one youth registrant per form, please.

You may duplicate this form as necessary.

Municipality _____

Name of Youth _____

Nickname for Badge _____

Name of Sponsor _____

Sponsor's Daytime Phone _____

2. Photo Release:

During the conference we take photographs of events and sessions. These photographs may be printed in promotional materials for future conferences and in local newspaper articles. Please have your youth's parent or guardian complete the section below so that we may use these photographs.

I grant my permission for photographs taken at the Michigan Municipal League Conference that include my son/daughter to be published in the following ways. (Please check the boxes representing the media you are granting permission for.)

Michigan Municipal Review magazine

MML promotional materials

local newspapers or other publications

MML web site

Parent/Guardian Signature _____

Date _____

3. E-mail Address to receive copy of group photo:

4. Capitol Tour:

Youth delegate will attend Capitol Tour

Please mail or fax this form with your convention registration form and payment.

Michigan Women in Municipal Government Annual Eggs & Issues Breakfast Forum

Date: Wednesday, March 26, 2003

Time: 7:00 a.m.

Location: Lansing Center, Downtown Lansing

Cost per person: \$20.00. Does not include Legislative Conference, Lunch or Legislative Reception.

Begin the day with other women holding leadership roles. The breakfast presents the opportunity for local government officials to share ideas and solutions and to hear updates on issues pertinent to municipalities. Senators and Representatives are invited to attend and take part in the discussions.

Use the Conference Registration Form to reserve your ticket. Tickets must be paid for in advance.

Michigan Association of Municipal Clerks

Date: Wednesday, March 26, 2003

Time: 2:15 p.m.

Location: Lansing Center, Downtown Lansing

Cost per person: No charge

Municipal clerks converge on the Legislative Conference to network and receive updates on elections and other issues.

Clerks who attend both the Legislative Conference and the MAMC meeting should pay the full Legislative Conference registration fee, which includes lunch and reception tickets.

There is no charge for the MAMC session. However, clerks who attend only this session may wish to purchase lunch and/or legislative reception tickets.

Use the Conference Registration Form to reserve your tickets.

Summaries of Pre-Conference Sessions

All Pre-Conference Sessions are **Tuesday, March 25 at the Lansing Center**. Please register for these workshops on the form below.
For a brochure on any of these MML seminars, call 734-662-3246 or visit the League's web site at www.mml.org.

MAMA 17th Annual Advanced Institute

Tuesday, March 25, 2003

Stay current on issues and laws affecting Michigan cities and villages. While this program focuses on legal concerns and the latest court decisions, it also offers attorneys a great opportunity to network with other municipal attorneys and to share ideas, experiences and successes. (03C-07)

- Check-in 8:30 a.m.; Begin 9:00 a.m.; Lunch; Adjourn 4:00 p.m.
- Lansing Center, Lansing 517-483-7400
- Speaker - A Panel of Experienced Speakers
- Cost Code A
- Credits: CEU .6

Basics for New (and Veteran) Elected Officials

Tuesday, March 25, 2003

This session is for every elected official who wants to serve his or her municipality more effectively. This day-long session can clarify many of the questions that you have had since you assumed your duties, and covers basic information about the responsibilities of your office. You will be able to improve your skills to become a more effective local official. Conducting Meetings, Open Meetings Act, and Working with the Media are some of the topics that will be covered. (03C-05)

- Check-in 8:30 a.m.; Begin 9:00 a.m.; Lunch; Adjourn 4:00 p.m.
- Lansing Center, Lansing 517-483-7400
- Speaker – A Panel of Experienced Speakers
- Cost Code A
- Credits: CEU .6, EOA 6

Pre-Conference Sessions Registration Form

Municipality _____
Name _____ Title _____
Street Address _____
Zip Code _____ Daytime Phone _____
Fax Number _____ Email Address _____
First Name for Badge _____

Pre-Conference Sessions:

- How to Provide Better Service to the Citizens (03C-03)** – When registered one week before the program, Member cities and villages, \$105; Other units of government, \$140; Non-members \$185. Less than one week before the program add \$35 to the fee.
- Festivals and Fireworks: Liability Issues (03C-04)** – When registered one week before the program, Member cities and villages, \$65; Other units of government, \$95; Non-members \$120. Less than one week before the program add \$35 to the fee.
- Basics for New (and Veteran) Elected Officials (03C-05)** – When registered one week before the program, Member cities and villages, \$105; Other units of government, \$140; Non-members \$185. Less than one week before the program add \$35 to the fee.
- Annual Balancing Act & Other Budget Requirements (03C-06)** – When registered one week before the program, Member cities and villages, \$65; Other units of government, \$95; Non-members \$120. Less than one week before the program add \$35 to the fee.
- MAMA 17th Annual Advanced Institute (03C-07)** – When registered one week before the program, Member cities and villages, \$105; Other units of government, \$140; Non-members \$185. Less than one week before the program add \$35 to the fee.

Method of Payment:

- Check # _____
(Payable to Michigan Municipal League)
- Visa/Mastercard/Discover/AmX # _____ Expiration Date _____
Name as it appears on card _____
Signature of cardholder _____

To Register:

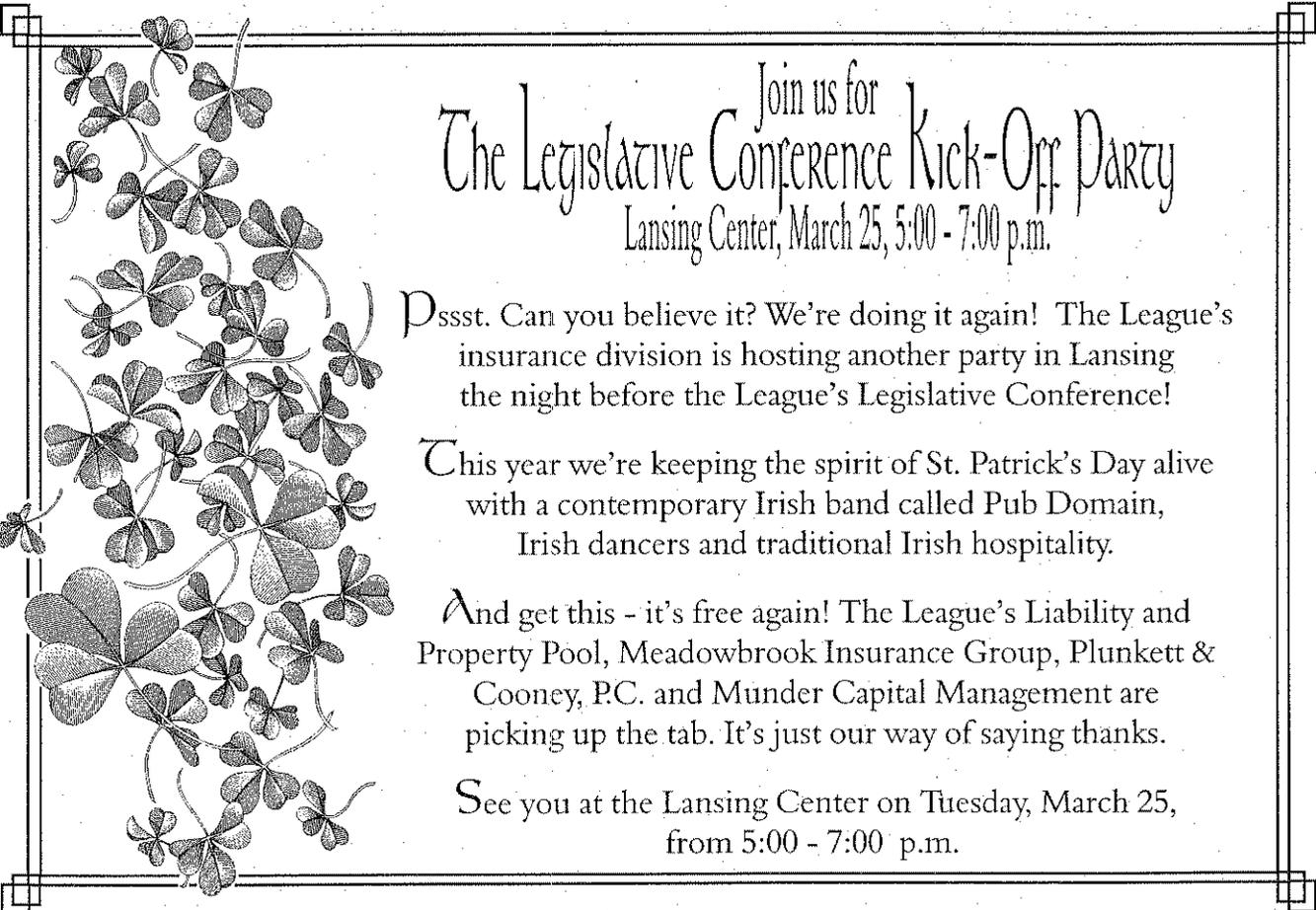
1. Fax form to 734-662-8083.
2. If paying by check please mail this form along with a check payable to the Michigan Municipal League, to MML Education Services, P.O. Box 7409, Ann Arbor, MI 48107-7409. Credit card payments may be faxed or mailed to MML, P.O. Box 1487, Ann Arbor, MI 48106.
3. For a copy of MML's Registration Policies visit www.mml.org/education/calendar/registration_policies.htm or call 734-662-3246.

Michigan Municipal League

PO Box 1487, Ann Arbor, MI 48106-1487
Phone 734-662-3246 or 800-653-2483.

FIRST CLASS
U.S. POSTAGE PAID
PERMIT NO. 492
ANN ARBOR,
MICHIGAN

12915
MATT PRYOR
MAYOR
TROY
500 W. BIG BEAVER RD.
TROY MI 48084-5254



Join us for The Legislative Conference Kick-Off Party Lansing Center, March 25, 5:00 - 7:00 p.m.

Pssst. Can you believe it? We're doing it again! The League's insurance division is hosting another party in Lansing the night before the League's Legislative Conference!

This year we're keeping the spirit of St. Patrick's Day alive with a contemporary Irish band called Pub Domain, Irish dancers and traditional Irish hospitality.

And get this - it's free again! The League's Liability and Property Pool, Meadowbrook Insurance Group, Plunkett & Cooney, P.C. and Munder Capital Management are picking up the tab. It's just our way of saying thanks.

See you at the Lansing Center on Tuesday, March 25,
from 5:00 - 7:00 p.m.

January 8, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Douglas J. Smith, Real Estate & Development Director
Larysa Figol, Right of Way Representative

SUBJECT: Request for Approval of Conditioned Purchase Offer for Right-of-Way For Sidewalk Gap Completion: Sidwell # 88-20-13-426-015, Edward B. and Joean Hall, 2713 East Wattles.

As part of a sidewalk gap completion project at the northeast corner of Wattles and Forsyth in Section 13, the Real Estate and Development Department has reached an agreement with Edward B. and Joean Hall, property owners of Sidwell #88-20-13-426-015 to purchase 27 feet of right-of-way.

The property was appraised by Dennis Stephens, a State Licensed Appraiser, and reviewed by Patricia Petitto, Senior ROW Representative. Management believes that the agreed upon compensation of \$36,010.00 is justifiable. The agreed to amount includes compensation for real property, landscaping and damages.

In order for the City to proceed with this project, management requests that City Council approve the attached purchase agreement. Monies for the purchase of right-of-way will come from the Major Roads Project fund.

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Edward B. and Joean Hall, his wife(the "Seller"), the following described premises (the "Property"):

Part of the Southeast $\frac{1}{4}$ of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan.

The South 27.00 feet of the South 200 feet of the following described parcel;

Lot 30 and Lot 31 of "Supervisor's Plat of Broadacres Sub", as recorded in Liber 35, Page 56 of Oakland County, Michigan records. Containing 4,444 Square Feet or 0.102 Acres more or less.

for a public project within the City of Troy and to pay the sum of Thirty Six Thousand and Ten and no/100 Dollars (\$36,010.00) under the following terms and conditions:

1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.
2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.
3. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.
4. Buyer shall, at its own expense, provide title assurance information to the Buyer, and the Seller shall disclose any encumbrances against the property.
5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.
6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a

deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.

7. The City of Troy's sum paid for the property being acquired represents the property being free of all environmental contamination. Although the City of Troy will not withhold or place in escrow any portion of this sum, the City reserves its rights to bring Federal and/or State and/or local cost recovery actions against the present owners and any other potentially responsible parties, arising out of a release of hazardous substances at the property.

8. Seller acknowledges that this offer to purchase is subject to final approval by Troy City Council.

9. Seller grants to Buyer temporary possession and use of the property commencing on this date and continuing to the date of closing in order that the Buyer may proceed with the public project.

10. Additional conditions, if any:

SELLER HEREBY ACKNOWLEDGES THAT NO PROMISES WERE MADE EXCEPT AS CONTAINED IN THIS AGREEMENT.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 8th day of January, A.D. 2003.

In presence of:

Lambert & Harp

Mary McLenis

CITY OF TROY (BUYER)

Ryszard C.

SELLER:88-20-13-426-015

Edward B. Hall
Edward B. Hall

Joan Hall
Joan Hall

Right of Way Acquisition Sketch

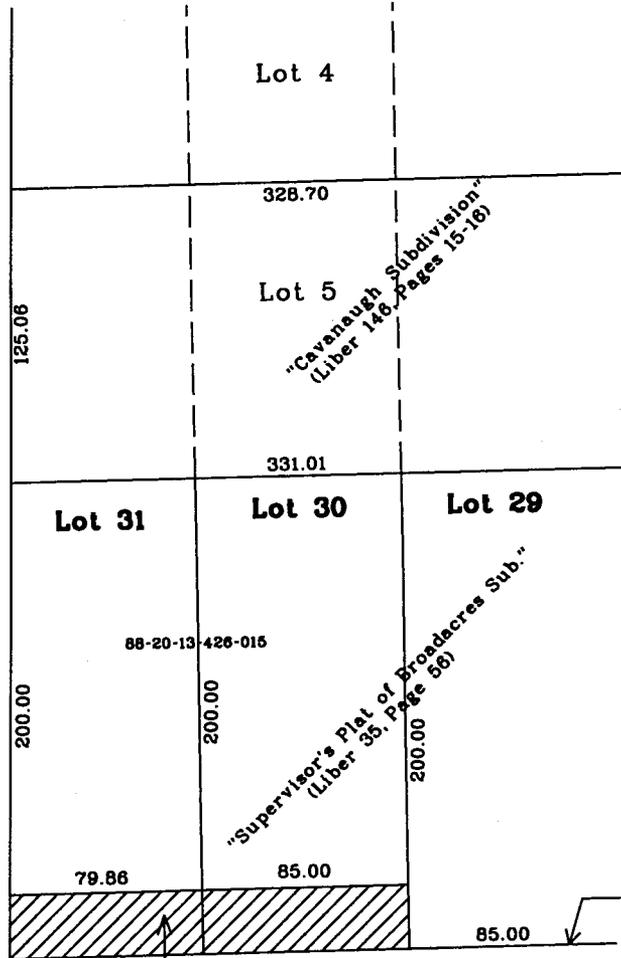


Scale: 1"=70'

Prepared By:
George J. Ballard III, P.S.
Land Surveyor
City of Troy

Date: 01-09-03

Forsyth Avenue (60' Wide)



Wattles Road

**Proposed 27' Right of Way Acquisition
Area-4444 Sq. Ft.**



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





TO: MAYOR AND MEMBERS OF CITY COUNCIL
FROM: LORI GRIGG BLUHM, CITY ATTORNEY
DATE: January 10, 2003
SUBJECT: TELEVISIONING LIQUOR HEARINGS

There was an interest in doing a live broadcast of the liquor hearings, scheduled for February 24 and 26, 2003. One of the articulated concerns centered on the broadcast of the decoys, and the effect that may have on future sting operations. After discussing the matter with Cindy Stewart, we have been assured that the decoys will not appear on camera, although their voices will be heard. This precautionary measure will be taken, even if a hearing is required. Following this, our office has no other reservations about live broadcasts of the liquor hearings.

If you have any questions, please let us know.

January 6, 2003

Gary Kohut – Oakland County Chair
Oakland County Democratic Party
P.O. Box 423
Troy, Michigan 48099-0423

Re: Election Commission Term Expiration

Dear Chair Kohut:

Please be advised of the following term expiration effective December 31, 2002 for the Democratic representative serving on the City of Troy's Election Commission:

Timothy Dewan – 6234 Crescent Way – Troy, Michigan 48098

Mr. Dewan has expressed an interest in being reappointed and I have also attached a listing and resumes of additional citizens interested in being appointed to this board. Please forward your recommendation to my attention by mail or by faxing it to (248) 524-1770. I can be reached at (248) 524-3316 if you have any questions regarding this appointment.

Sincerely,

Tonni L. Bartholomew, MMC
City Clerk

c: Troy City Council

January 6, 2003

L. Brooks Patterson– Oakland County Chair
Oakland County Republican Party
30701 Woodward Avenue – Suite 310
Royal Oak, Michigan 48073

Re: Election Commission Term Expirations

Dear Chair Patterson:

Please be advised of the following term expiration effective December 31, 2002 for the Republican representative serving on the City of Troy's Election Commission:

David C. Anderson – 2361 Oak Ridge – Troy, Michigan 48098

Mr. Anderson has expressed an interest in being reappointed and I have also attached a listing and resumes of additional citizens interested in being appointed to this board. Please forward your recommendation to my attention by mail or by faxing it to (248) 524-1770. I can be reached at (248) 524-3316 if you have any questions regarding this appointment.

Sincerely,

Tonni L. Bartholomew, MMC
City Clerk

c: Troy City Council

January 8, 2003

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 II Dedication

At the City Council meeting on January 6, 2003, a resolution was passed to hold the Community Center Phase II dedication on February 20, 2003 at 4 p.m.

Subsequent to this resolution, schedule conflicts have arisen which make it impossible for one or more council members to attend. Therefore, it is recommended that the dedication be rescheduled for February 26, 2003 at 4 p.m.

December 23, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: Addendum No. 1 – Section 22 & 23 Bituminous Overlays, Contract 02-04

RECOMMENDATION

It is recommend that City Council approve Addendum No. 1 to the Section 22 & 23 Bituminous Overlay contract with John Carlo Inc. in the amount of \$15,720.75 as indicated on the attached addendum.

SUMMARY

Due to the large number of road areas that required removal of old pothole patching and crack sealing during construction, the quantity of hand patching exceeded the estimated contract quantity. These materials must be removed and replaced by hand with bituminous mix asphalt prior to placing the bituminous overlay. Since it is not practical or cost effective to stop the contractor for days or weeks until a change order can be approved for more hand patching, the work continues on until final completion. If the approved 10% contingency is sufficient to cover added costs, final payment to the contractor is made and the project is closed out. If, as in this case, the project cost exceeds the authorized amount, council approval is required prior to paying for the additional work.

FUNDING

Funds are available to complete this project in the 2002/03 Water budget, account numbers 555.7972.985035 and 555.7972.985045. The budgeted amount includes funds for construction, inspection and contingencies.

AUTHORIZATION FOR CHANGE IN WORK

Owner: City of Troy
500 West Big Beaver
Troy, MI 48084

Name of Project: Section 22 & 23 Bituminous Overlays Addendum No. 1

Contractor: John Carlo, Inc. Date: 12/23/02

Address: 4500 River Ridge Road Contract No. 02-04

Clinton Township, MI 48038 Project No. 98.503.5, 98.504.5

This Addendum, When Approved, Will Constitute Authorization for the Following Changes:

Description of Work	Unit	Estimated Quantities	Unit Price	Amount Increase	Amount Decrease
Hand Patching	Ton	36.99	425.00	15,720.75	
Total				15,720.75	
Net Increase/Decrease				\$15,720.75	

Original Contract Amount	138,195.00
Addendum No. 1	15,720.75
REVISED CONTRACT AMOUNT	153,915.75

Change in Time of Completion: None to _____

Recommended by: Cary Stuyt Date: 12/23/02

Accepted by: John Carlo, Inc. By: [Signature] Date: 12/24/02
 Contractor

Approved by: City Engineer By: _____ Date: _____
 City of Troy

DATE: January 6, 2003

TO: The Honorable Mayor and City Council

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

SUBJECT: Revision to Chapter 85A – Political Signs
Regarding Filing of Notice of Intent

The City Council, at one of their recent study meetings expressed an interest in modifying the Political Sign Ordinance. While various members discussed a number of proposed revisions, one item that seemed to be consistent with all the members of Council was an effort to eliminate the need to file a “notice of intent” for the placement of political signs. This requirement comes from Section 3 of the ordinance and requires the filing of a form with the Building Department listing the location, number, and property owner’s name where political signs are to be placed. This document is to be filed within 24 hours of the placement of the signs.

In order to eliminate the requirement for the notice of intent, Section 3, (a) (1) of the ordinance would need to be deleted. We have prepared a proposed resolution to accomplish this task. Other revisions to the Political Sign Ordinance will be forwarded to you in the future for your consideration.

3. Political Sign Control

- (a) Political signs may be erected in addition to all other signs permitted by Chapter 78 without a permit if they comply with the provisions of this section. Permission shall be obtained from the property owners where signs are located.

(Rev. 2-1-99)

~~(1) — Notice of Intent: In order to alleviate enforcement problems and to settle disputes, each candidate or responsible person shall submit to the Building Department a list indicating the number, location and property owner name where a sign or signs are placed. This information shall be submitted within 24 hours of sign placement.~~

- (b) Uses: Political signs shall be solely for the purpose of providing information relating to the election of a person to public office, or relating to a political party, or relating to a matter to be voted upon at an election called by a public body, or any other public issue or expression of opinion, and shall be permitted subject to the following conditions.

- (1) Maximum Area and Number: No more than two (2) political signs shall be placed on any parcel of real property in one ownership and the area of each sign shall not exceed two and one half (2.5) square feet. Political Signs shall not be located closer than twenty (20) feet to the edge of the traveled portion of the roadway and not in a dedicated right-of-way. Political signs shall be ground or wall signs, no ground sign shall be higher than thirty-six (36) inches above average mean grade of the yard on which it is placed.

(Rev 2-1-99 - Effective 4-6-99)



1/6/2003

TO: Mayor and Members of Council

FROM: Lori Grigg Bluhm, City Attorney *LGB*
Sue Lancaster, Assistant City Attorney *SL*

RE: Rabbani et. al v. City of Troy

As you are aware, Judge Alice Gilbert issued her ruling in the Rabbani case, holding that the R-1B zoning of the vacant parcel on the west side of Rochester Road, between Hannah & DeEtta, was unreasonable. Judge Gilbert also awarded costs totaling \$22,846.00 to the Plaintiffs.

City Council authorized our office to appeal the decision of Judge Gilbert to the Michigan Court of Appeals. However, there was also some possibility that an offer to settle the case would be received by the Plaintiffs, Dr. Rabbani and his partners. The Claim of Appeal was timely filed, and is now pending. In the interim, the Plaintiffs have offered to settle the case with the entry of a consent judgment.

According to the attached Consent Judgment, Plaintiffs agree to develop the property with a one-story office building and waive the payment by the City of the \$22,846.00 in costs. In exchange, the City has agreed to allow the property to be developed as O-1, Low-rise Office.

Due to the potential risks of an adverse appellate decision for this property, and also the development limitations that the City gains by entry of a Consent Judgment, it is our recommendation that Council approve the terms of the Consent Judgment.

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

STATE OF MICHIGAN
OAKLAND COUNTY CIRCUIT COURT

ALI RABBANI and MAHDOKHT
RABBANI, husband and wife, IRAJ
RAFANI and SCHAMCI RAFANI,
husband and wife, MOHAMMAD
RABBANI and NAVER RABBANI,
husband and wife, NASSER
BARKHORDARI and SUSAN
BARKHORDARI, husband and wife,

Case No. 00-021214-AW
Hon.

Plaintiffs,

V

CITY OF TROY,

Defendant.

Ernest J. Essad, Jr. (P32572)
Attorney for Plaintiffs
380 North Woodward Ave., Suite 300
Birmingham, MI 48009
(248) 642-0333

CITY OF TROY – CITY ATTORNEY’S OFFICE
Susan M. Lancaster (P33168)
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3320

CONSENT JUDGMENT

At a session of the Court held in the County
Courthouse, City of Pontiac,
County of Oakland, State of Michigan

On: _____
Present : Honorable
Circuit Court Judge

RECITALS AND PREAMBLE

Ali Rabbani and Mahdokht Rabbani, husband and wife, and Iraj Rafani and Schamci Rafani, husband and wife, and Mohammad Rabbani and Naver Rabbani, husband and wife, and Nasser Barkhordari and Susan Barkhordari, husband and wife, (hereinafter "Plaintiffs"), are the owners of a certain property located in the City of Troy, Michigan (hereinafter "Troy"). The property that is the subject of this lawsuit consists of approximately 2.05 acres of vacant land, located on the west side of Rochester Road between Hannah and DeEtta streets, in the City of Troy, County of Oakland, State of Michigan. The property is further described in Exhibit A, which is attached and incorporated into this Judgment. The property is currently zoned R-1B, single-family residential, under Troy's zoning ordinance.

Plaintiffs commenced this lawsuit, in order to obtain either rezoning or other declaratory relief from Troy. Troy contends that the R-1B zoning of the property is constitutional and reasonable. Plaintiffs contend that it is not. However, the parties also acknowledge that existing uses that are non-residential have been allowed to continue in the surrounding area over time. Based on the land uses currently existing in the area, the Plaintiffs are seeking to develop the property under the provisions set forth in the office zoning classification (O-1, Low-Rise Office District). The parties agree that an office development may also be an appropriate use of the property. However, Troy desires to be provided with certain controls, restrictions and benefits that are beyond those contained within Troy's current ordinances.

Negotiations to settle this lawsuit have continued after the filing of an appeal with the Michigan Court of Appeals. The parties have agreed to entry of this Consent Judgment to reflect their agreed compromise and settlement, as evidenced by the signatures of their respective counsel. The parties agree that this Consent Judgment shall be binding upon the parties, their successors and assigns. The Court has also reviewed the proposed Consent Judgment, and has verified that the Court currently possesses jurisdiction over this action, and has approved the form and substance of this Consent Judgment.

NOW , THEREFORE, IT IS HEREBY ORDERED as follows:

1. This Consent Judgment shall constitute the final judgment of the Oakland County Circuit Court in this case. Upon entry of this Consent Judgment by the Oakland County Circuit Court, Troy agrees to voluntarily dismiss its Claim of Appeal filed in the Michigan Court of Appeals on December 2, 2002.

2. After the date of entry of this Consent Judgment, the subject parcel may be developed, used and occupied for the purposes now set forth in Chapter 39, Section 24.00.00 (O-1, Low-Rise Office District), except as otherwise modified by the terms of this Consent Judgment. All restrictions and requirements as set forth in that zoning district classification on the date of entry of this Consent Judgment shall apply to the subject parcel.

3. The following modifications and additional land use regulations shall apply to the subject property in conjunction with the construction and occupancy of the office development:

A. The maximum gross floor area of office building space shall not exceed that set out in the City's zoning ordinance for the size of the subject parcel as an O-1 zoning district and the specific office use designated on the approved site plan.

B. The office building may be used for those principal uses permitted under the O-1 zoning district classification of Chapter 39, Section 24.00.00 of the Troy zoning ordinance.

C. The office building may also be used for those uses permitted subject to special conditions or uses permitted subject to special use approval under the O-1 zoning district classification.

D. The office building shall not exceed one-story in height, and shall not exceed 15-feet for any flat roofed structures, or 20-feet in height at the highest point for any other type of structure.

E. The Plaintiffs shall comply with the City's zoning ordinances, building codes, engineering standards, design standards, and all other City ordinances, including but not limited to, setbacks, tree/landscaping, detention basins, ingress and egress, curb cuts, sidewalks, occupancy, rooftop equipment, signs, deceleration lanes, drainage, grades, dumpsters, lighting, parking, screen-walls, greenbelts or any other ordinance, codes or engineering standards required for site plan approval and/or certificate of occupancy.

F. The Plaintiffs shall be bound by the provisions of the City's zoning ordinance in existence on the date of the entry of this Consent Judgment

unless Plaintiffs chose to comply with the zoning ordinance in existence at the time of submittal of a site plan to the Planning Department.

4. The Planning Commission shall approve site plans in compliance with Troy's ordinances and the terms and conditions of this Consent Judgment. Any request by application for special use approval and/or a use with special conditions by Plaintiffs shall be heard by City Council. City Council shall be the appeals board for any requested variances from the City's ordinances or engineering standards.

5. The Plaintiffs agree to waive all costs and attorney fees incurred as a result of the case and including, but not limited to, the \$22,846.00 in cost awarded to the Plaintiffs under the November 11, 2002 Judgment signed by the Honorable Alice L. Gilbert.

6. By this Consent Judgment, the Plaintiffs, their partners, agents, successors, and assigns, waive and discharge any and all claims that it or any of them may have against Troy, its officials and employees, by reason of Troy's classification of the subject property as R-1B.

7. A certified copy of this Consent Judgment shall be recorded at the Oakland County Register of Deeds for the subject property as described in Exhibit A, and the Register of Deeds is directed to accept the same for recordation.

8. In order to effectuate the intent of this Consent Judgment and to reconcile any differences of the parties that may arise in connection with the

performance of this Consent Judgment, this Court shall retain jurisdiction of this action.

Circuit Court Judge

Approved as to form and content for entry:

Ernest J. Essad, Jr. (P32572)
Attorney for Plaintiffs

Susan M. Lancaster (P33168)
Attorney for Defendant City of Troy

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
Nino Licari, City Assessor

Re: P.I.L.O.T. agreement for Oakland Park Towers

Recommendation:

Staff recommends that the City Council approve the resolution adopting the agreement between the City of Troy and Oakland Grand Haven Limited Dividend Housing Association LLC, which establishes a new Payment In Lieu Of Taxes (PILOT) agreement for Oakland Park Towers, at 920-930 John R, Troy, MI 48083 (Parcel ID's 88-20-36-100-050 and 88-20-36-100-060).

Background:

Oakland Park Towers is being sold to Oakland Grand Haven Limited Dividend Housing Association LLC. As part of the sale, the new owners have applied to the State Housing Development Authority ("Authority") for financing of the project.

There is a current PILOT agreement in place for the facility. The Annual Service Charge is currently 10% of 95% of the Shelter Rents (as defined in the State and Local Ordinance).

The new owners will be refinancing for 35 years. They are eligible for a new PILOT for those same years, up to a total of 50 years (if the Authority maintains an interest in the project).

They have requested a new agreement for the length of the 35 year mortgage. In addition, they are requesting that no change be made in the Annual Service Charge, for this same period of time.

There is no question that Oakland Park Towers provides a valuable service to low to moderate income seniors, by providing affordable housing to this group of citizens.

Staff recommends acceptance of these terms, as outlined in the agreement presented to you.

NOV 20 2002

LOOMIS, EWERT, PARSLEY, DAVIS & GOTTING

CITY OF TROY
CITY MANAGER'S OFFICE

A PROFESSIONAL CORPORATION
232 SOUTH CAPITOL AVENUE, SUITE 1000

LANSING, MICHIGAN 48933-1525

TELEPHONE: (517) 482-2400 FACSIMILE: (517) 482-4313
Email address: klgotting@loomislaw.com

JACK C. DAVIS, PC
KARL L. GOTTING, PC
DAVID M. LICK
HARVEY J. MESSING
JAMES R. NEAL
KENNETH W. BEALL
MICHAEL G. OLIVA
JEFFREY W. BRACKEN
CATHERINE A. JACOBS
RONALD W. BLOOMBERG
MICHAEL H. RHODES
HOWARD J. SOIFER

JEFFREY L. GREEN
GARY L. FIELD
SHERRI A. WELLMAN
KELLY K. REED
JEFFREY S. THEUER
DANIEL L. PULTER
ELDONNA M. RUDDOCK
KEVIN J. RORAGEN
THERESA A. SHEETS
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

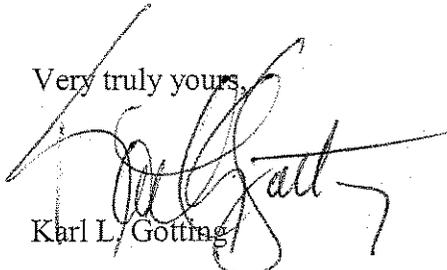
Page two

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.

CITY OF TROY PAYMENT IN LIEU OF TAXES AGREEMENT

This agreement is entered into between the parties, City of Troy (the "City"), and Oakland Grand Haven Limited Dividend Housing Association LLC (the "Sponsor"), pursuant to the provisions of Chapter 99 of the City of Troy Ordinances and Mich. Comp. Laws, Section 125.1401 et. seq..

Recitals

1. This agreement is authorized pursuant to the provisions of 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.) and Chapter 99 of the City of Troy ordinances, which permit agreements for payment of service charges, in lieu of payment of taxes, for a multiple family dwelling project for persons of low or moderate income.
2. Pursuant to the above referenced state statute and City ordinance, the allowance of these agreements serve a proper public purposes, which is to provide housing for citizens of low or moderate income, and to encourage the development of such housing.
3. The continuance of the provisions of this agreement for tax exemption and service charge in lieu of taxes for the duration of this agreement is essential to the determination of economic feasibility of housing developments that are constructed and financed in reliance on such tax exemption.

Agreement

4. Subject to the receipt of a Mortgage Loan from the Michigan State Housing Development Authority, Sponsor, who has applied for said Mortgage Loan, agrees to own and operate a housing development in the City of Troy, known as Oakland Park Towers I & II, to serve persons of low or moderate income.
5. The two properties included in this agreement are defined as:

Tower I, 920 John R. Road, Troy, MI 48083. Parcel Identification Number 88-20-36-100-050. Legally described as:

T2N, R11E, Section 36, Part of the SW ¼ of the NW ¼,
Beg at Pt Dist N 88-53-00 E 53.01 Ft & N 01-27-41 W 578.00 Ft
From W ¼ Corner, TH N 01-24-38 W 695.00 Ft,
TH N 87-23-12 E 391.00 Ft, TH S 56-24-38 E 159.50 Ft,
TH S 33-35-22 W 77.00 Ft, TH S 56-24-38 E 120.00 Ft,
TH S 33-35-22 W 197.00 Ft, TH S 01-24-38 E 244.73 Ft,
TH S 87-23-12 W 157.32 Ft, TH S 01-24-38 E 64.00 Ft,
TH S 87-23-12 W 305.49 Ft to Beg. 7.50 Acres

Tower II, 930 John R. Road, Troy, MI 48083. Parcel Identification
Number 88-20-36-100-060. Legally described as:

T2N, R11E, Section 36, Part of the NW ¼
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 305.49 Ft From W ¼ Corner,
TH N 01-24-38 W 64.00 Ft, TH N 87-23-12 E 157.32 Ft,
TH N 01-24-38 W 244.73 Ft, TH N 33-35-22 E 197.00 Ft,
TH N 56-24-38 W 120.00 Ft, TH N 33-35-22 E 77.00 Ft,
TH N 56-24-38 W 159.50 Ft, TH N 87-23-12 E 251.90 Ft,
TH N 01-30-58 W 128.31 Ft, TH N 88-33-56 E 511.93 Ft,
TH S 01-46-58 E 261.26 Ft, TH S 88-08-39 W 44.30 Ft,
TH S 01-46-58 E 435.43 Ft, TH S 88-08-39 W 468.74 Ft,
TH S 01-46-58 E 122.78 Ft, TH S 87-23-12 W 341.41 Ft To Beg.
10.57Acres

6. The Housing Development, known as Oakland Park Towers I & II, shall be exempt for all property taxes for the portion of the Housing Development that offers low or moderate income housing, which is commonly referred to as Tower II, 930 John R. Road, in the City of Troy.
7. In exchange for the property tax exemption as specified above, the Housing Development, known as Oakland Park Towers I & II, shall pay to the City of Troy an annual service charge for public services.
8. The annual service charge for the portion of the development that does not offer low or moderate income housing, which is commonly referred to as Tower I (920 John R. Road, Troy, MI), shall pay service charges that are equal to the full amount of property taxes levied upon that portion of the Housing Development.
9. The annual service charge for the portion of the Housing Development that offers low or moderate income housing, which is commonly referred to as Tower II (930 John R. Road, Troy, MI), shall pay service charges that are equal to 10% of 95% of the Annual Shelter Rents actually collected. Annual shelter rent is

defined as the total collections of rent or occupancy charges from all occupants of the Housing Development during the calendar year previous to the payment date.

10. The annual service charge for the Housing Development 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 March 1st of each calendar year.
11. The parties acknowledge that this agreement is only effective if the qualifications of the Michigan State Housing Development Authority are met, and if financing for the project (Mortgage Loan for the Housing Development) is obtained. On or before November 1 of the year preceding the tax year in which the tax exemption is to begin, the owner of the Housing Development shall file with the City of Troy Assessor a notification of the exemption, which shall be in affidavit form, and shall and shall be certified by the Michigan State Housing Development Authority that the project is eligible for the tax exemption.
12. This agreement shall be effective upon the Sponsor's receipt of a Mortgage Loan from the Michigan State Housing Development Authority, and shall remain in effect and shall not terminate so long as the Mortgage Loan remains outstanding and unpaid or the Michigan State Housing Development Authority has any interest in the property, known as Oakland Park Towers I & II (920 and 930 John R. Road, Troy, MI), but not more than 40 years from the date of the agreement.
13. This agreement between the City of Troy and the Sponsor, with the Michigan State Housing Development Authority as a third party beneficiary, shall not be effective prior to the effective date of Chapter 99 of the City of Troy ordinances, Payment in Lieu of Taxes Ordinance.

I acknowledge, by my signature below, that I have read and reviewed the terms of the agreement, and agree, on behalf of the parties, to abide by the terms and conditions contained therein. I also acknowledge that I have the authority to execute this agreement on behalf of the parties.

CITY OF TROY

Matt Pryor, Mayor

Date

Tonni Bartholomew, City Clerk

Date

OAKLAND GRAND HAVEN LIMITED DIVIDEND
> HOUSING ASSOCIATION LLC
> BY: POAH OAKLAND PARK, LLC, its Manager

>

> By: _____
> Amy S. Anthony, Manager

Date

January 10, 2003

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Confirmation of Appointment; Mr. Timothy Richnak
as Public Works Director

In conformance with various Charter and Code requirements, I respectfully request your confirmation of my appointment of Mr. Timothy Richnak as Troy's Public Works Director. Mr. Richnak has served in the capacity of Superintendent of Streets and Drains in the City of Troy Public Works Department since 1992. He also served as Public Works Director in the Cities of Lathrup Village, and Pleasant Ridge.

Enclosed you will find Mr. Richnak's resume of experience and education. I've also enclosed applicable Charter and Code provisions relative to this issue; specifically, Sections 3.9, 3.11(c), and Section 3.13 of the City Charter. Sections 1 and 1.1 of Chapter 3 of our Code is also enclosed.

As always, please feel free to call should you have any questions.

Timothy L Richnak

Education

1975 - 1978 Michigan State University East Lansing, MI

Bachelor of Science Degree

- Horticulture – Business Option

1973 - 1975 Michigan State University East Lansing, MI

Associate Degree

- Agriculture Technology

Professional experience

1992 - Present City of Troy Troy, MI

Streets and Drains Superintendent

- Directing the maintenance operations of the major streets (54 miles), and local streets (260 miles), storm sewers and detention ponds, streetlights, sidewalks, county roads (50 miles) street sweeping and snow and ice control contracts.
- Administrated the construction of two steel storage buildings
- Contributed to development of the city's budget, parking lot capital maintenance plan, Snow and Ice Control Procedures manual, mailbox repair policy, major road mailbox replacement program
- Consolidation and development of comprehensive sidewalk guidelines, replacement, installation and inspection program, and computerized the sign shop.
- Managed the Refuse and Recycling program (two and a half months in absence of coordinator.)
- Promoted training and certification of staff: concrete certification, construction zone barricading & safety, street signs and markings certification, national snow conference training.

1987 - 1992 City of Lathrup Village Lathrup Village, MI

Public Works Director

- Directed the maintenance operations of the streets, water supply, sanitary and storm sewers, parks, municipal facilities, vehicles and equipment.
- Monitored changes to the city infrastructure during construction of I-696.
- Directed the citywide sanitary sewer rehabilitation program which included televising and inventory, relief sewer installation, pipe joint grouting, pipe lining, manhole rehabilitation, construction and maintenance of a 3.2 million gallon retention tank.

1985 - 1987 City of Pleasant Ridge Pleasant Ridge, MI

Public Works Director

- Directed the maintenance operations of the streets, water supply, sanitary and storm sewers, parks, municipal facilities, vehicles and equipment.
- Monitored changes to the city infrastructure during construction of I-696.

1979 - 1983 City of Mount Clemens Mount Clemens, MI

Public Works Supervisor

- Supervised the maintenance operations of streets, parks, municipal facilities, vehicles and equipment and clerical operations.
- Cross-trained in refuse collection.

**Additional
professional
educational
activities**

- Municipal Engineering Fundamentals for Non-Engineers
University of Wisconsin, Madison Ws
Fundamentals in Street Design, Traffic Operations, Water Supply, Sanitary Sewers and Storm Drainage
- Michigan Public Service Institute
Central Michigan University, Mount Pleasant MI
Leadership and Motivational Strategies, Interdepartmental Relations, Team Building, Goals, Policies, and Action Plans
- Implementing a Sidewalk Management System
University of Wisconsin, Madison Ws
Planning, Design, Construction, Maintenance, and Inspection
- Tree Evaluation Workshop
Michigan Forestry & Park Association, Inc
Workshop applying the formula as used in Michigan to the Guide for Plant Appraisal, Council of Tree & Landscape Appraisers
- Advanced Investigation & Training Course for Illicit Connection and Discharge Elimination Program
Wayne County Department of Environment
- Held S-2 Water Distribution System Operators Certificate

**Professional
memberships**

American Public Works Association
(Detroit Metro Branch officer 1997-2000, President 2000)

Southeastern Oakland County Public Works Association
(President 1991)

Michigan Forestry & Parks Association, Inc.

CITY OF TROY CHARTER – CHAPTER 3 – ORGANIZATION OF GOVERNMENT

- have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the city and to suppress riot and disorder.
- (c) The Mayor shall execute or authenticate by his signature such instruments as the Council, this Charter or any statutes of the State of Michigan or laws of the United States shall require.
 - (d) Except as may be required by statute, the Mayor shall exercise only such powers as this charter or the Council shall specifically confer upon him.
 - (e) In the absence or disability of the Mayor, the Mayor Protem shall perform the duties of Mayor. In the absence or disability of both, the designated Acting Mayor shall perform such duties.

Section 3.8.5

In January each year until term limitation for Congress has been incorporated into the United States Constitution, the Mayor of the City shall issue a written proclamation requesting members of Congress use their best efforts to pass a constitutional amendment imposing term limits on the U. S. Congress. The proclamation shall be delivered to each U. S. Senator and U. S. Representative whose district includes any part of the City. If a section hereof is held invalid, the remaining section shall not be affected.

Section 3.9 - Administrative Officers:

The administrative officers of the City shall be the City Manager, Attorney, Clerk, Treasurer, Assessor, Police and Fire Chiefs and such additional administrative officers as may be created by ordinance. The Council may, by ordinance, create additional administrative offices and may by ordinance combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the City, but the Council may not change the duties, powers or responsibilities of the Office of the City Manager as provided herein. The City Manager and Attorney shall be appointed by the Council for an indefinite period, shall be responsible to and serve at the pleasure of the council and the Council shall fix the compensation of those officers.

All administrative officers of the City except the City Manager and Attorney shall be appointed by the City Manager for an indefinite period subject to confirmation by the Council. Such officers shall be responsible to the City Manager, and the City Manager shall fix the compensation therefore in accordance with the budget appropriations and subject to the approval of the Council. Such officers may be discharged by the City Manager with approval of the City Council.

Except as otherwise provided by statute or this Charter, the Council may establish by ordinance such departments of the City as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities, and responsibilities of the officers thereof. The City Manager may prescribe such duties and responsibilities for the officers responsible to him and for their departments not inconsistent with this Charter, ordinances or resolutions of the City Council.

Section 3.10 - City Manager; Appointment and Qualification:

The City Manager shall be the chief administrative officer of the City. He shall be selected on the basis of fitness and ability alone. At the time of his appointment, he need not be a resident of the City or State, but during the tenure of his office, he shall reside within the City. A vacancy in this office shall be filled by the City Council within one hundred and twenty (120) days.

Section 3.11 - City Manager: Functions and Duties:

The City Manager shall be the chief administrative officer of the city government. His functions and duties shall be:

CITY OF TROY CHARTER – CHAPTER 3 – ORGANIZATION OF GOVERNMENT

- (a) To be responsible to the Council for the efficient administration of all administrative departments of the city government except the department under the direction of the attorney;
- (b) To see that all laws and ordinances are enforced;
- ✓ (c) To appoint, with the consent of the Council, the heads of the several city departments whose appointment is not otherwise specified in this charter, and to discharge such department heads without the consent of the Council, and to direct and supervise such department heads;
- (d) To give to the property department or officials ample notice of the expiration or termination of any franchises, contracts or agreements;
- (e) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- (f) To recommend an annual budget to the Council and to administer the budget as finally adopted under policies formulated by the Council, and to keep the Council fully advised at all times as to the financial condition and needs of the city;
- (g) To recommend to the Council for adoption such measures as he may deem necessary or expedient; and to attend Council meetings with the right to take part in discussions but not to vote;
- (h) To exercise and perform all administrative functions of the city that are not imposed by this charter or ordinance upon some other official;
- (i) To be responsible for the maintenance of a system of accounts of the city, which shall conform to any uniform system, required by law and by the Council and to generally accepted principles and procedure of governmental accounting.
- (j) To perform such other duties as may be prescribed by this Charter or as may be required of him by ordinance or by direction of the Council.

Section 3.12 - Acting City Manager:

The Council may appoint or designate an Acting City Manager during the period of a vacancy in the office or during the absence of the City Manager from the city. Such Acting Manager shall, while he is in office, have all the responsibilities, duties, functions and authority of the City Manager.

Section 3.13 - Relationship of Council to Administrative Service:

Neither the Council nor any of its members or committees shall dictate the appointment of any person to office by the City Manager or in any way interfere with the City Manager or other city officer to prevent them from exercising their judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the City Manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the City Manager.

Section 3.14 - Clerk: Functions and Duties:

- (a) The Clerk shall be the Clerk of the Council and shall attend all meetings of the Council and shall keep a permanent journal of its proceedings in the English language.

CHAPTER 3 - ADMINISTRATIVE SERVICE

1. Division of Administrative Service. The administrative service of the City shall be under the supervision and direction of the City Manager, except as otherwise provided by the City Charter, and shall be divided into the following offices and departments, each of which shall be the responsibility of and under the control of a head as listed opposite such office or department:

ADMINISTRATIVE OFFICERS

<u>Office or Department</u>	<u>Official Head</u>
Office of Clerk	City Clerk
Office of Assessor	City Assessor
Office of Treasurer	City Treasurer
Department of Police	Police Chief
Department of Fire	Fire Chief
Department of Law	City Attorney

(Rev. 5-1-78)

- 1.1. The following City employees shall be responsible for certain functions as provided in this Chapter but shall not be deemed administrative officers as the term is defined in section 3.9 of the Charter.

<u>Office or Department</u>	<u>Official Head</u>
Department of Finance	Finance Director
Department of Health	Health Officer
Department of Public Works	Director of Public Works
Division of Engineering	City Engineer
Department of Building	Director of Buildings and Inspections
Division of Water and Sewer	Superintendent of Water and Sewer

(Rev. 5-1-78)

CLERK

- 1.2. Office of Clerk. This office shall be headed by the City Clerk, who shall serve as Clerk of the Council and perform such other duties for the Council as may be required by it. He shall be responsible for the publication, filing, indexing and safe keeping of all proceedings of the Council. (Rev. 5-1-78)
- 1.36. Election Records. He shall keep and maintain all election records and have custody of all property used in connection with elections.
- 1.37. Other Duties. He shall publish all legal notices unless otherwise provided; collect all license fees required by ordinance or statute except as otherwise provided; be the custodian of the official seal; and notify the appointing authority of any board or commission thirty (30) days prior to the expiration of the term of office of any member thereof.

Date: December 10, 2002

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager, Services
Lori G. Bluhm, City Attorney *LB*
Mark Stimac, Building and Zoning Director *MS*
Steven J. Vandette, City Engineer *SV*
William R. Need, Director of Public Works *wn*

Subject: Watershed Based General Storm Water Permit and On-site Sewage Disposal System Inspection Program

RECOMMENDATION:

The City of Troy has received its Certificate of Coverage for the Watershed Based General Storm Water Permit from the Michigan Department of Environmental Quality in November 2001. As a condition of receiving its Certificate of Coverage for the General Storm Water Permit, the City of Troy had to adopt an On-site Sewage Disposal System ordinance to address failed septic systems. An updated draft of Chapter 19 Sanitary Sewer Service includes this septic system inspection program. A copy of the updated ordinance has been included with this memo for review.

HISTORY:

In June of 2000, the City of Troy applied for a Watershed Based General Storm Water Permit from the Michigan Department of Environmental Quality (MDEQ). This permit is necessary for Troy to comply with requirements of the federal Clean Water Act including the Phase II Storm Water Regulations in March 2003. The MDEQ approved the City's application, with the exception of the plan to address failed septic systems, which are more properly known as On-site Sewage Disposal Systems (OSDS).

In order for the City of Troy to obtain the Certificate of Coverage for the General Storm Water Permit, the City had to agree to develop and implement its own OSDS inspection program. Resolution #2001-07-341 that was passed at the July 9, 2001 City Council meeting directed city staff to proceed with the development of an OSDS inspection program and ordinance. The program that has been developed requires inspections of all OSDS by city staff every four years. The changes in the Chapter 19 Sanitary Sewer Ordinance reflect this program of pro-actively finding and eliminating failed On-site Sewage Disposal Systems within the City of Troy.

SUMMARY:

It is recommended that the City should continue to proceed with the adoption of an ordinance that would require homeowners with septic systems to have fixed interval inspections every four years. The septic system inspections would be conducted by trained City personnel from the Building Department. City Staff would establish a fee structure for the inspections, and the program would be administered by the Building Department and other departments as needed. Owners of failing systems would be notified by the City of their obligation to correct the failure by connecting to the sanitary sewer system or repairing their septic system. The City would also notify the Oakland County Health Department (OCHD) of the failed inspection. The OCHD would follow up with the owner, according to the State Health Code, to ensure the problem is corrected. This program serves the purpose of pro-actively looking for failed septic systems and tracking them, and meets the requirements of the General Stormwater Permit requirements.

Prepared by Dana Calhoun, Storm Water Engineer

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 19 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 19 – Sanitary Sewer Service of the Code of the City of Troy.

Section 2. Amendment

(See attached)

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2003.

Matt Pryor, Mayor

Tonni Bartholomew. City Clerk

CHAPTER 19 ~~CITY SANITARY SEWER SERVICE~~

~~4.19.01~~ Definitions. In the interpretation of this chapter the following definitions shall apply unless the content clearly indicates otherwise:

~~(+)19.01.01 Available public sanitary sewer shall be construed to mean a public sanitary sewer system located in a right of way, easement, highway, street or public way which crosses, adjoins or abuts upon the property and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates. The term "p~~
~~(17)ublic sanitary sewer system" shall be construed to mean a sanitary sewer or a combined sanitary and storm sewer used or intended for use by the public for collection and transportation of sanitary sewage for treatment or disposal:~~

~~19.01.02 Biochemical Oxygen Demand or B.O.D. shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in parts per million by weight.~~

~~19.01.03 Building Department Inspector shall mean the employee or employees of the City of Troy's Building Department, who is responsible for the inspection of the privately owned and maintained On-site Sewage Disposal Systems within the City of Troy.~~

~~19.01.04 Building drain shall mean that part of the lowest horizontal piping of a building drainage system which receives and conveys the discharge from soil, waste and drainage pipes other than storm drains from within the walls or footings of any building to the building sewer.~~

~~19.01.05 Building sewer shall mean the extension from the building drain to the public sewer or other place of disposal.~~

~~19.01.06 Combination sewer or combined sewer shall mean a sewer receiving both surface run-off and sewage.~~

~~19.01.07 DWSD shall mean the Detroit Water and Sewerage Department.~~

~~19.01.08 Failure shall be defined as follows: 1) the backup of sewage into a structure; 2) the discharge of effluent onto the ground surface; 3) the connection of an OSDS to a storm drain; 4) the liquid level in the septic tank is above the outlet invert; 5) the structural failure of a septic tank; 6) the discharge of sewage into any watercourse; 7) the liquid level in the disposal field is above the pipe of such field; or 8) the OSDS which failed to meet operational, effluent or discharge guidelines as set forth by the MDEQ, Oakland County Health Division Services, or the City of Troy.~~

~~19.01.09 Fixed interval inspection shall mean the process of inspecting and evaluating the condition and state of the septic tank and septic system to cover a period of four years of operation for the On-site Sewage Disposal System. This process includes observations, information gathering, evaluations, and the report of findings.~~

~~19.01.10 Garbage shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, processing and sale of produce.~~

~~19.01.11 Industrial wastes shall mean the liquid wastes, solids, or semi-solids from industrial processes as distinct from sanitary sewage.~~

Chapter 19 - ~~City Sanitary Sewer Service~~

~~19.01.12 MDEQ shall mean the Michigan Department of Environmental Quality.~~

~~19.01.13 Natural outlet shall mean any outlet into a watercourse, pond, ditch, lake, or other body of water, either surface or ground water.~~

~~19.01.14 On-site Sewage Disposal System or OSDS shall include all components or devices including, but not limited to all septic tanks, pipes, pumps, vents and absorption systems used to treat and/or dispose of all wastewater from a structure that is not serviced by the City of Troy sewage disposal system.~~

~~19.01.15 Person shall mean any individual, firm, company, association, society, corporation or group.~~

~~19.01.16 pH shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.~~

~~19.01.17 Properly shredded garbage shall mean the wastes from the cooking, preparation and dispensing of food that has been cut or shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.~~

~~19.01.18 Public sanitary sewer system shall be construed to mean a sanitary sewer or a combined sanitary and storm sewer used or intended for use by the public for collection and transportation of sanitary sewage for treatment or disposal.~~

~~19.01.19 Public sewer shall mean a sewer in which all owners of abutting property have equal rights, and is controlled by public authority.~~

~~19.01.20 Sanitary sewer shall mean a sewer which carries sewage, and to which storm and surface waters are not intentionally admitted.~~

~~19.01.21 Satisfactory Operation shall mean that there is minimal likelihood of degradation of groundwater and surface water, or risk to public health caused by improper construction, location or functioning of an OSDS.~~

~~19.01.22 Sewage shall mean any combination of water-carried wastes from residences, business and commercial buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.~~

~~19.01.23 The term "Sewage disposal system" shall be construed to mean the City of Troy sewage disposal system.~~

~~19.01.24 Sewage Treatment Plant shall mean any arrangement of devices and structures used for treating sewage.~~

~~19.01.25 Sewage works shall mean all facilities for collecting, pumping, treating and disposing of sewage.~~

~~19.01.26 Sewer shall mean any pipe, tile, tubes, or conduit for carrying sewage.~~

~~19.01.27 Shall is mandatory. May is permissive.~~

~~19.01.28 Storm sewer or storm drain shall mean a sewer which carries storm and surface~~

Chapter 19 - ~~City Sanitary Sewer Service~~

~~waters and drainage but which excludes sewage and polluted industrial wastes.~~

~~19.01.29 **Structure in which sanitary sewage originates or structure** shall be construed to mean a building in which toilet, kitchen, laundry, bathing or other facilities which generate water-carried sanitary sewage, are used or are available for use for household, commercial, industrial or other purposes.~~

~~19.01.30 **Suspended solids** shall mean the solids that either float on the surface of, or are suspended in water, sewage, or other liquids and which are removable by laboratory filtering.~~

~~(2)19.01.31 The term "**sSystem**" shall be deemed to refer to the said sewage disposal system.~~

~~19.01.32 **Watercourse** shall mean a channel in which a flow of water occurs, either continuously or intermittently.~~

~~(3) The term "**available public sanitary sewer**" shall be construed to mean a public sanitary sewer system located in a right of way, easement, highway, street or public way which crosses, adjoins or abuts upon the property and passing not more than 200 feet at the nearest point from a structure in which sanitary sewage originates:~~

~~(4) The term "**structure in which sanitary sewage originates**" or "**structure**" shall be construed to mean a building in which toilet, kitchen, laundry, bathing or other facilities which generate water-carried sanitary sewage, are used or are available for use for household, commercial, industrial or other purposes:~~

~~(5) "**Sewage Works**" shall mean all facilities for collecting, pumping, treating and disposing of sewage:~~

~~(6) "**Sewage**" shall mean any combination of water-carried wastes from residences, business and commercial buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.~~

~~(7) "Sewage" shall mean any pipe, tile, tubes, or conduit for carrying sewage:~~

~~(8) "**Public sewer**" shall mean a sewer in which all owners of abutting property have equal rights, and is controlled by public authority:~~

~~(9) "**Combination sewer**" or "**combined sewer**" shall mean a sewer receiving both surface run-off and sewage:~~

~~(10) "**Sanitary sewer**" shall mean a sewer which carries sewage and to which storm and surface waters are not intentionally admitted:~~

~~(11) "**Storm sewer**" or "**storm drain**" shall mean a sewer which carries storm and surface waters and drainage but which excludes sewage and polluted industrial wastes:~~

~~(12) "**Sewage Treatment Plant**" shall mean any arrangement of devices and structures used for treating sewage:~~

~~(13) "**Industrial wastes**" shall mean the liquid wastes, solids, or semi-solids from industrial processes as distinct from sanitary sewage:~~

- ~~(14) — "**Garbage**" shall mean solid wastes from the preparation, cooking and dispensing of food, and from the handling, storage, processing and sale of produce.~~
- ~~(15) — "**Properly shredded garbage**" shall mean the wastes from the cooking, preparation and dispensing of food that has been cut or shredded to such a degree that all particles will be carried freely under flow conditions normally prevailing in public sewers, with no particle greater than one-half (1/2) inch in any dimension.~~
- ~~(16) — "**Building drain**" shall mean that part of the lowest horizontal piping of a building drainage system which receives and conveys the discharge from soil, waste and drainage pipes other than storm drains from within the walls or footings of any building to the building sewer.~~
- ~~(17) — "**Building sewer**" shall mean the extension from the building drain to the public sewer or other place of disposal.~~
- ~~(18) — "**B.O.D.**" (denoting **biochemical oxygen demand**) shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in parts per million by weight.~~
- ~~(19) — "**PH**" shall mean the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.~~
- ~~(20) — "**Suspended solids**" shall mean the solids that either float on the surface of, or are suspended in water, sewage, or other liquids and which are removable by laboratory filtering.~~
- ~~(21) — "**Natural outlet**" shall mean any outlet into a water course, pond, ditch, lake, or other body of water, either surface or ground water.~~
- ~~(22) — "**Watercourse**" shall mean a channel in which a flow of water occurs, either continuously or intermittently.~~
- ~~(23) — "**Person**" shall mean any individual, firm, company, association, society, corporation or group.~~
- ~~(24) — "**SWRC**" shall mean the State Water Resources Commission.~~
- ~~(25) — "**Shall**" is mandatory. "**May**" is permissive.~~

USE OF PUBLIC SEWERS REQUIRED

~~2-19.02~~ Public sanitary sewer systems are essential to the health, safety and welfare of the people of the State and the City of Troy. Septic tank disposal systems are subject to failure due to soil conditions or other reasons. Failure or potential failure of septic tank disposal systems poses a threat to the public health, safety and welfare; presents a potential for ill health, transmission of disease, mortality and potential economic blight and constitutes a threat to the quality of surface and subsurface waters of the State and the City of Troy.

The connection to available public sanitary sewer systems at the earliest, reasonable date is a matter for the protection of the public health, safety and welfare and necessary in the public interest which is declared as a matter of legislative determination.

(Rev. 2-26-73)

~~2-62~~~~19.02.01~~ Waste Deposits. It shall be unlawful for any person to place or deposit or permit to be deposited in an unsanitary manner upon any public or private property within the City of Troy, or in any area under the jurisdiction of the said City of Troy, any human or animal excrement, garbage, or other objectionable waste.

(Rev. 4-1-64)

~~2-63~~~~19.02.02~~ Water Pollution. It shall be unlawful to discharge into any natural watercourse or any storm sewer, within the City of Troy or in any area under the jurisdiction of the said City, any sanitary sewage, industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with the standards established by the [SWRCMDEQ and the provisions of the Federal Clean Water Act](#).

(Rev. 4-1-64)

~~2-64~~~~19.02.03~~ Privies and Septic Tanks. Except as hereinafter provided it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or based for the disposal of sewage.

(Rev. 4-1-64)

~~2-65~~~~19.02.04~~ Structures in which sanitary sewage originates located in the City of Troy in the area served by the system for which there is an available public sanitary sewer of the system shall not be used or occupied, after the effective date hereof, unless said structures are connected to the sewage disposal system: Provided, that structures within the City of Troy in which sanitary sewage is originating on the effective date hereof or in which sanitary sewage originates before availability of the system or any part thereof to service said structures shall be connected to said system within eighteen (18) months after publication of a notice by the City of Troy in a newspaper of general circulation in the City of Troy of the availability of the system.

(Rev. 6-7-93)

Chapter 19 - ~~City Sanitary Sewer Service~~

~~2-6619.02.05~~

- A.** When the structure in which sanitary sewage originates has not been connected to an available sanitary sewer system before use and occupancy or within the eighteen (18) month period provided in this Chapter, the City of Troy shall require the connection to be made forthwith after notice, which may be by first class mail or posting on the property, to the owner of the property on which the structure is located. The notice shall give the approximate location of the public sanitary sewer of the system, which is available for connection of the structure involved and shall advise the owner of the requirements and of the enforcement provisions of this Chapter.
- B.** Any property from which sanitary sewage emanates which is not connected to an available public sewer within 90 days after the date of mailing of the written demand is hereby declared to be a threat to the health, safety, and welfare of the people and a public nuisance and the City may forthwith enter upon or in the property and install, construct and make such connections to abate the nuisance and to serve the property as are necessary or desirable, in the sole discretion of the City. The owner or occupant of any property who fails or refuses to connect the property to an available public sewer upon written demand shall forfeit a sum not exceeding \$100.00 and shall be liable to the City for the costs incurred in making the connection to the sewer, which sum, including contingencies, shall be recoverable, jointly and severally from the owner or occupant, in an action at law or may be assessed against such property and shall be collected and treated in the same manner as taxes.
- C.** If the City attempts to enter onto property for the purpose of ascertaining if it is the property from which sanitary sewage emanates, or to install, construct, and make connection of the property to the sewer, and is refused such entry, the City shall make complaint in writing to the Judge stating the facts of the case so far as may be known to the complainant. The Judge may issue a warrant directed to the Police Chief commanding him to take sufficient aid, and being accompanied by the Building Inspector of the City, between the hours of sunrise and sunset, to enter upon or in the property to the extent and for the duration required to enforce and carry out the provisions of this act.

(Rev. 6-7-93)

~~2-66-119.02.06~~ Where any structure in which sanitary sewage originates ~~in is~~ not connected to an available public sanitary sewer system within 90 days after the date of mailing or posting of the written notice, the provisions of this Chapter shall be enforceable through the bringing of appropriate action for injunction, mandamus, or otherwise, in any court having jurisdiction. Any violation of this Chapter is deemed to be a nuisance per se.

Properties upon which the structure is more than 200 feet distance from the public sewer will be exempt from the provisions of this section unless deemed to be a serious threat to the health, safety and welfare of the people by the ~~City Health-Building Department~~ Inspector. Single family homes existing in areas zoned other than residential may be temporarily exempt from the provisions of this section provided that on-site sewage systems meet the approval of the ~~City Health-Building Department~~ Inspector and continue to function in a manner which does not threaten the health, welfare, and safety of the community as determined through periodic inspections by the ~~City Health-Building Department~~ Inspector.

(Rev. 9-25-78)

~~PRIVATE-ON-SITE SEWAGE DISPOSAL SYSTEMS~~

~~2-6719.03.01 Private-On-site Sewer Sewage Disposal Systems.~~ Where a public sanitary sewer or combined sewer is not available under the provisions of this Chapter, the building sewer shall be connected with a private on-site sewage disposal system complying with the regulations and orders of the ~~SWRC and the Board of Health~~MDEQ and the Oakland County Health Department, and the provisions of Chapter 79 of this code (Building Regulations).

(Rev. ~~9-25-78~~)

~~2-6819.03.02~~ Discontinuance of System. At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in this Chapter, a direct connection shall be made to the public sewer in compliance with the provisions of this Chapter, and any septic tank, privy, privy vault, cesspool or similar private sewage disposal facilities shall be abandoned and filled with suitable material.

(Rev. 9-25-78)

~~19.03.032-69~~ Maintenance of System. The owner shall operate and maintain the ~~private sewage disposal facilities~~OSDS facilities in a sanitary manner at all times at no expense to the City. Maintenance of the OSDS shall include:

1. Having a fixed interval inspection and evaluation performed by City staff every four (4) years, which shall consist of:
 - (A.) Pumping of the septic tank at the time of inspection by a state licensed septage hauler
 - (B.) Information gathering on the maintenance, including frequency of pumping of the septic tank
 - (C.) Visual and olfactory observations and inspections of the condition of the septic tank, absorption system, pumps, filters, and other important features of the OSDS
 - (D.) Preparation of a report
2. Having the septic tank pumped on an as needed basis to ensure a satisfactory operation of the system.
3. Repairs. The cost of all repairs, maintenance and replacements of existing On-site Sewage Disposal Systems shall be borne by the property owner. The owner shall make an application to perform such work to the Building Department Inspector and the Oakland County Health Department.

~~(Rev. 4-1-64)~~

~~19.03.04~~ Inspections. The City of Troy will notify the property owner when the building sewer and OSDS are required to have an inspection. The Building Department Inspector shall then inspect said OSDS and associated appurtenances to determine if the system is operating satisfactorily or is failing.

~~19.03.05~~ Satisfactory operation will be designated to systems with no evidence of an OSDS failure. Fixed interval inspections will be required every four (4) years thereafter until the structure is connected to the City of Troy's public sanitary sewer system.

~~19.03.06~~ If the OSDS and associated appurtenances do not meet the requirements for a functioning septic system, then the system will be considered a failing system. The owner of the property will be required to have the system repaired. The property owner will be responsible for obtaining all necessary repair permits from the Oakland County Health Department. Once the repairs have been completed, the property owner will be required to the OSDS inspected again by the Building Department Inspector to ensure that the system is working properly.

Chapter 19 - ~~City Sanitary Sewer Service~~

~~19.03.07~~ Inspection Fee. All OSDS inspections performed by the City of Troy's Building Department Inspector shall be made only with written authorization and inspection reports issued by the City and with payments of fees as shall be established from time to time by the City Council. The fees and charges shall be related to actual costs incurred directly or indirectly to implement the On-site Sewage Disposal System Inspection Program.

~~2.70~~19.03.08 Additional Requirements. No statement contained in this chapter shall be construed to interfere with the provisions of the State of Michigan Plumbing Code or with any additional requirements that may be imposed by the ~~Board of Health or the SWRCMDEQ or the Oakland County Health Department~~ with respect to ~~private sewage disposal on-site sewage disposal systems.~~

(Rev. ~~4-1-64~~)

BUILDING SEWERS AND CONNECTIONS

~~2.72~~19.04.01 Permit Required. No unauthorized person shall uncover, make any connections with or open into, use, alter or disturb any public sewer or any appurtenance thereof without first obtaining a written permit from the Building Inspector of the City.

(Rev. 4-1-64)

~~2.73~~19.04.02 Permit Fee. All connections with the sanitary or combined sewers of the City shall be made only on written authorization and permits issued by the ~~said~~ City on such forms and on payments of such fees as shall be established from time to time by the City Council.

(Rev. 9-25-78)

~~2.73.1~~19.04.03-Connection Permit. Before either a direct or indirect connection is made into any interceptor sewer system of Oakland County, a connection permit shall be obtained by the owner or contractor from the Oakland County Department of Public Works. This permit shall be obtained prior to any work being done on the connection to the sewer. Such permit shall be obtained in accordance with the rules and regulations of the Oakland County Department of Public Works.

(Rev. 9-8-68)

Chapter 19 - ~~City Sanitary Sewer Service~~

~~2.74~~19.04.04 Installation Costs. All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner of said property. The owner shall indemnify the City from all loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(Rev. 4-1-64)

~~2.75~~19.04.05 Plans and Inspection of Plumbing Construction. All applicants for sewer connection permits shall first allow the City Plumbing Inspection to inspect the premises to be connected. The inspector shall determine whether present plumbing facilities are free from all safety hazards. All changes and improvements in the system required by the Plumbing Inspector shall be made by the property owner prior to connection to the City sewer.

(Rev. 8-30-65)

~~2.76~~19.04.05 Inspection. The applicant for a building sewer permit shall notify the Building Inspector when the building sewer is ready for inspection and connection to the public sewer. The Building Inspector shall then inspect the said building and plumbing construction therein and if such construction meets the previous requirements as approved in the construction permit, a sewer connection permit shall be issued, subject to the applicable provisions of other sections of this chapter.

(Rev. 4-1-64)

~~2.77~~19.04.06 Repairs. The cost of all repairs, maintenance and replacements of existing building sewers and their connection to public sewers shall be borne by the property owner. Such owner shall make application to perform such work to the Building Inspector.

(Rev. 4-1-64)

~~2.78~~19.04.07 House Connections. House connections from the lateral sewer in street or easement to within five feet from the house shall be in accordance with specifications established by the City of Troy Engineering Department. All joints shall be tight and when tested for infiltration shall not exceed the infiltration requirements of this Chapter.

(Rev. 9-25-78)

~~2.78~~+19.04.08 Temporary Covering During New Construction. In an open ~~excavated~~ basement, it shall be the duty and responsibility of all owners, tenants, applicants for building permits and/or other agents and employees to cause the sanitary sewer pipe inside the building to be plugged ~~and leaded~~. Also, it shall be the duty of such persons to prevent any removal, breaking, cracking, loosening, ~~hold hole~~ drilling, or other damage to said plug, when removal, breaking, cracking, loosening, hole drilling, or other damage to such plug results in or causes any storm water, surface water, ground water, sub-surface drainage, dirt or debris to discharge or run into the sanitary sewer system. At such time as the plumbing system of such building or improvement is carried to the first floor, the basement backfilled and the roof placed on the building, and approved by the Building Department for the City, the plug may be removed and the building plumbing system connected thereto.

(Rev. 3-10-69)

Chapter 19 - ~~City Sanitary Sewer Service~~

PROHIBITED USES

~~2.79~~19.05.01 Unpolluted Water. No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters into any sanitary sewer. Yard drains, patio drains, catch basins, downspouts, weep tiles, perimeter drains or any other structures used for the collection and conveyance of storm water shall not be permitted to discharge either directly or indirectly, into any sanitary sewer except as provided in this Chapter. Storm water and all other unpolluted drainage shall be discharged into such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the City Engineer and/or the ~~SWRC~~MDEQ. Industrial cooling water or unpolluted process waters may be discharged, upon approval of the Chief Building Inspector into a storm sewer, combined sewer or natural outlet.

(Rev. ~~9-25-78~~)

~~2.80~~19.05.02 ~~Prohibited Uses~~: Except as hereinafter provided, no person shall discharge any industrial or commercial type wastes into the Troy sewer system, which is deleterious to the public health and safety of the people of the City of Troy. Any waste will be considered deleterious that may cause damaging effects as stated under General Conditions and/or does not conform to the limitations stated under Specific Conditions.

(Rev. 4-1-64)

(1) General Conditions:

(A) Chemical reaction, either directly or indirectly, with the materials of construction to impair the strength or durability of sewer structures.

(B) Mechanical action that will destroy or damage the sewer structures.

(C) Restriction of the hydraulic capacity of sewer structures.

(D) Restriction of the normal inspection or maintenance of the sewer structures.

(E) Placing of unusual demands on the sewage treatment equipment or process.

(F) Limitation of the effectiveness of the sewage treatment process.

(G) Danger to public health and safety.

(H) Obnoxious conditions inimical to the public interest.

~~(I) Any conditions not listed above that are prohibited by the DWSD or are prohibited by the MDEQ and/or Federal Clean Water Act.~~

~~(2)~~ Specific Conditions:

(A) Acidity or alkalinity must be neutralized to a ~~PH~~pH of 7.0 as a daily average on a volumetric basis, with a maximum temporary variation of ~~PH~~pH 5.0 to 10.0.

(B) Must not contain more than 10 P.P.M. of the following gases: hydrogen, sulphide, sulphur dioxide, oxides of nitrogen, or any of the halogens.

(C) Must not contain any explosive substance.

- (D) Must not contain any flammable substance with a flash point lower than 187 degrees F.
- (E) Must have a temperature within the range of 32 degrees to 150 degrees F.
- (F) Must not contain grease or oil or other substance that will solidify or become viscous at temperatures between 32 degrees and 150 degrees F.
- (G) Must not contain insoluble substance in excess of 10,000 P.P.M. or exceeding a daily average of 500 P.P.M.
- (H) Must not contain total solids (soluble and insoluble substance) in excess of 20,000 P.P.M., or exceeding a daily average of 2,000 P.P.M.
- (I) Must not contain soluble substance in concentrations that would increase the viscosity to greater than 1.1 specific viscosity.
- (J) Must not contain insoluble substance having a specific gravity greater than 2.65.
- (K) Must not contain insoluble substance that will fail to pass a No. 8 standard sieve, or having any dimension greater than 1/2 inch.
- (L) Must not contain gases or vapors, either free or occluded, in concentrations toxic or dangerous to humans or animals.
- (M) Must not have a chlorine demand greater than 15 P.P.M.
- (N) Must not contain more than 100 P.P.M. of an antiseptic substance.
- (O) Must not contain phenols in excess of .005 P.P.M.
- (P) Must not contain any toxic or irritating substance, which will create conditions hazardous to public health and safety.
- (Q) Must not contain in excess of 100 P.P.M. or exceed a daily average of 25 P.P.M. of any grease or oil or any oily substance.
- (R) Must meet all requirements for discharging into the DWSD public sanitary sewer system.

All of the preceding standards and regulations are to apply at the point where industrial or commercial type wastes are discharged into a public sewer and all chemical and/or mechanical corrective treatment must be accomplished to practical completion before this point is reached.

Chapter 19 - ~~City Sanitary Sewer Service~~

INTERCEPTORS

~~2.84~~19.06.01 ~~Interceptors.~~ Grease, oil and sand interceptors shall be provided when in the opinion of the Building Inspector and/or the ~~SWRC-MDEQ~~ they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any inflammable wastes, sand, or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Building Inspector and/or the ~~SWRC-MDEQ~~ and shall be located so as to be readily accessible for cleaning and inspection. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be substantially constructed, water-tight, and equipped with easily removable covers which when bolted in place shall be gas-tight and water-tight.

(Rev. 4-1-64)

~~2.82~~19.06.02 Interceptor Maintenance. Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

(Rev. 4-1-64)

PRELIMINARY TREATMENT FACILITIES

~~2.83~~19.07.01 Preliminary Treatment Facilities. The admission into the public sewers of any waters or wastes having (1) a five (5) day BOD greater than 300 parts per million by weight, or (2) containing more than 350 parts per million by weight of suspended solids, or (3) containing any quantity or substance having the characteristics described in Section 2.80 or (4) having a daily average flow greater than two (2%) percent of the average daily sewage flow of the City of Troy, shall be subject to the review and approval of the City Council and/or the ~~SWRC-MDEQ or the DWSD~~. Where necessary in the opinion of the City Council and/or the ~~SWRC-MDEQ or the DWSD~~, the owner shall provide, at his expense, such preliminary treatment as may be necessary to (1) reduce the BOD to 300 parts per million and the suspended solids to 350 parts per million by weight, or (2) reduce objectionable characteristics or constituents to within the maximum limits provided for in Section 2.80, or (3) control the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to ~~the~~ proposed preliminary treatment facilities shall be submitted for approval of the City Council and/or of the ~~SWRC-MDEQ or the DWSD~~ and no construction of such facilities shall be commenced until said approvals are obtained in writing.

(Rev. ~~9-25-78~~)

~~2.84~~19.07.02 Maintenance of Preliminary Facilities. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained in satisfactory and effective operation, by the owner at his expense.

(Rev. 4-1-64)

~~2.85~~19.07.03 Control Manholes. When required by the City Council ~~and/or the SWRC-MDEQ or the DWSD~~, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the City Council. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

(Rev. ~~9-25-78~~)

~~2-86~~19.07.04 Measurements and Tests. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole or upon suitable samples being taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest down-stream manhole in the public sewer to the point at which the building sewer is connected.

(Rev. 9-25-78)

~~2-87~~19.07.08 Agreements. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the said City for treatment, subject to the payment by the industrial concern of the estimated cost of such treatment.

(Rev. 4-1-64)

PROTECTION FROM DAMAGE

~~2-88~~19.08 ~~Protection from Damage.~~ No unauthorized person shall break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment, which is a part of the municipal sewerage system. No person, firm or corporation shall place earth, debris, landscaping or other materials in a manner that will obstruct, obscure or prevent normal access to or operation of any manhole, siphon chamber, pumping station, meter chamber or other sewerage system appurtenance. The Superintendent may order the removal of said materials. The expenses incurred in the removal shall be a debt to the City from the responsible person, firm or corporation, and shall be collected as any other debt to the City.

(Rev. 9-25-78)

SURFACE AND GROUND WATER DISPOSAL

~~2-89~~19.09.01 ~~Surface and Ground Water Disposal.~~ Yard drains, patio drains, catch basins, downspouts, sump pumps or any structures used for the collection and conveyance of storm water shall not be permitted to discharge into any sanitary sewer. Any such structure which conveys storm water either directly or indirectly to any sanitary sewer shall be disconnected or altered so as to remove the possibility of such conveyance.

19.09.02 No weep tile connection to the sanitary sewer system or below grade patio drain made after the original adoption of this Section, February 19, 1968, shall be considered legal and such connections made after that date shall be promptly disconnected.

19.09.03 In the case of buildings with weep tiles or below grade patio drains which were permitted to be connected to the sanitary sewer prior to said date, the surface around the building shall be sloped so as to provide positive drainage of all roof and surface areas away from the building. Where weep tiles are connected to the sanitary sewer, downspouts shall be so constructed or altered that they do not discharge into any flower or shrub bed adjacent to a building wall, nor upon the ground within five (5) feet of the building wall. When the building is located less than five (5) feet from the property line or when there are other practical difficulties, the downspouts shall be discharged in a manner approved by the Chief Building Inspector.

19.09.04 Downspout piping shall in all cases be permanently affixed to the building wall and shall be anchored at the discharge end.

(Rev. 6-21-99)

Chapter 19 - ~~City Sanitary Sewer Service~~

~~2.89-2~~19.09.05 Requirements for Bulkhead. On all new lateral lines, a ~~---~~watertight bulkhead shall be installed to prohibit water, - sand or other material from entering the existing sewer system. Such bulkhead shall be left in place until removal is authorized by the City Engineer.

(Rev. 9-9-68)

~~2.89-3~~19.09.06 Ground Water Infiltration. A test for water infiltration -into any newly constructed sewer system shall be performed by the owner or contractor in accordance with the procedures established by the City of Troy Engineering Department. When the owner or contractor has determined that the system meets the following requirements for maximum infiltration, he shall arrange for the results of such test to be verified by the Engineer Department.

19.09.07 Ground water infiltration at any time shall not exceed 250 U.S. gallons s per inch of pipe diameter per mile of sewer per 24 hours for the overall system, nor shall infiltration exceed 500 U.S. gallons per inch of diameter per mile of pipe per 24 hours for any individual run between manholes. It shall be the responsibility of the owner or contractor to whom the permit was issued to make whatever corrections as may be necessary to the system to meet the infiltration requirement prior to using the sanitary sewer.

(Rev. 9-9-68)

ENFORCEMENT - PENALTIES

~~2.90~~19.10.01 Inspectors. The Building Department Inspector of the City of Troy and other duly authorized officials or employees of the City and agents of the ~~SWRC-MDEQ, Oakland County Health Department, or the DWSD~~ bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing, in accordance with the provisions of this chapter at any time during reasonable or usual business hours. Any person guilty of refusing or obstructing such entry shall be guilty of a violation of this code.

~~2.91~~19.10.02 Notice to Cease Violation. Any person found to be violating any provisions of this chapter except Section 2.78.1, 2.79, 2.88, and 2.90 shall be served by the City of Troy with written notice stating the nature of such violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of the time stated in such notice, take such corrective action as may be necessary.

(Rev. 6-19-72)

~~2.92~~19.10.03 Continued Violation. Any person who shall continue any violation beyond the time limit provided shall upon conviction thereof, be fined not less than Twenty-Five (\$25.00) nor more than ~~One Five~~ Hundred ~~(\$100.00) (\$500.00)~~ Dollars, or by imprisonment for not more than ninety (90) days, or by both fine and imprisonment in the discretion of the court. Each day or fraction of a day in which such violation shall continue shall be deemed a separate offense. Any officer, agent, or employee guilty of aiding or abetting such violation, or, being responsible therefor~~e~~, refuses or neglects to take corrective action, shall be guilty as a principal.

(Rev. 9-25-78)

Chapter 19 - ~~City Sanitary Sewer Service~~

~~2.93~~19.10.04 Civil Liability. Any person violating any of the provisions of this chapter shall be liable to the City of Troy for any expense, loss or damage occasioned to the City of Troy by reason of such violation, and recovery therefor~~e~~ may be had in an appropriate action in any court of competent jurisdiction.

(Rev. 4-1-64)

~~2.94~~19.10.05 Abatement in Equity. Any continued violation, after due notice as provided in Section 2.91, shall be deemed a public nuisance, per se, and may be abated by suit in equity by the City of Troy in any court of competent jurisdiction. This remedy shall be in addition to those heretofore provided~~for~~.

(Rev. 9-9-69)

19.10.06 ~~Severability. If any portion of this Chapter is for any reason held invalid or unenforceable, such portion shall be deemed to be a separate and independent provision from the remainder of this Chapter, and shall have no effect on the validity or enforceability of the remainder of this Chapter.~~

~~(Rev. 12-4-02)~~

DRAFT Meeting Minutes

A meeting of the Downtown Development Authority was held on Wednesday, August 21, 2002, in the Lower Level Conference Room of Troy City Hall, 500 W. Big Beaver Troy, Michigan. The meeting was called to order at 7:35 a.m.

PRESENT: Michael Culpepper
Michele Hodges
William Kennis
Alan Kiriluk
Deniel MacLeish
Nick Najjar
Matt Pryor
Ernest Reschke
Douglas Schroeder – left at 8:10
G. Thomas York

ABSENT: Clarke Maxson
Carol Price
Stuart Frankel

ALSO PRESENT: John Szerlag
James Nash
Doug Smith
Lori Grigg Bluhm
Mark Miller
Robert C. Bendzinski, Bendsinski & Co.
Linda Bloch, Miro, Weiner & Kramer

APPROVAL OF MINUTES

Resolution: 02-26
Moved by: MacLeish
Seconded by: Hodges

RESOLVED, That the minutes of the July 17, 2001, regular meeting be approved.

Yeas: All (10)
Absent: Frankel, Maxson, Price

OLD BUSINESS**Review of Economic Model Results**

Chairman Kiriluk led a discussion regarding the subcommittee's finding that an

economically feasible model for the redevelopment of the Civic Center site does exist.

Moved by: Hodges
Seconded by: Kennis

RESOLVED, That the Troy Downtown Development Authority finds that an economically viable model exists for the development of the Civic Center site and requests approval by Troy City Council to execute a Request for Proposal (RFP), and

BE IT FURTHER RESOLVED, That :

- 1.) The subcommittee perform additional research on the proposed outside public funding.
- 2.) The subcommittee investigate land lease arrangements as well as land sales.
- 3.) A listing of DDA board members.

VOTE ON AMMENDMENT

Resolution : 02-27
Moved by: Pryor
Seconded by: MacLeish

RESOLVED, That the resolution be amended by inserting the following constraint:

- 1.) The DDA review and revise, after consideration of items 1 & 2 above, the Resolution prior to submission to the City Council.

YEAS: Culpepper, MacLeish, Najjar, Pryor
NAYS: Hodges, Kennis, Kiriluk, Reschke, York

MOTION FAILED

VOTE ON MAIN MOTION

YEAS: Culpepper, Hodges, Kennis, Kiriluk, Najjar, Pryor, Reschke, York
NAY: MacLeish

MOTION CARRIED

NEW BUSINESS

Resolution Authorizing Sale of Community Center Facilities Bonds, Series 2002

Resolution: 02-28
Moved by: Kennis
Seconded by: Najjar

RESOLVED, That the Downtown Development Authority of the City of Troy approve Resolution authorizing the sale of not to exceed \$9,700,000 Community Center Facilities Bonds, Series 2002, and that a copy of the Resolution be attached to the original minutes of this meeting.

Yeas: All (9)

Absent: Frankel, Maxson, Price, Schroeder

PUBLIC COMMENT

Several citizens addressed the Authority.

EXCUSE ABSENT MEMBERS

Resolution: 02-29

Moved by: Pryor

Seconded by: York

RESOLVED, That Frankel, Maxson, Price, and Schroeder be excused.

Yeas: All (9)

Absent: Frankel, Maxson, Price and Schroeder

The meeting was adjourned at 8:50 a.m.

Next Meeting September 18, 2002 @ 7:30 a.m.

Alan Kiriluk, Chairman

John M. Lamerato, Secretary/Treasurer

JN for JL/py

Resolution to Excuse Commissioner Cannon:

Moved by McGinnis
Seconded by Daugherty

RESOLVED, That the Commissioner Cannon’s absence be excused due to being called out of the country to serve in the Army Reserve.

Yes: McGinnis, Daugherty
No: None
Absent: Cannon

Chair McGinnis suggested that in the interest of fairness that an interim appointment be made to temporarily fill Commissioner Cannon’s seat on the Commission and further suggested they consider appointing former commissioner Don Michaelson as an interim member.

Mr. Lange did not object to the temporary appointment of Mr. Michaelson to the Commission.

There was a consensus of the Commission that Mr. Michaelson be considered as an interim member.

Old Business: None

Adjournment: The meeting was adjourned at 7:43 PM.

Donald E. McGinnis, Jr., Chairman

Barbara A. Holmes, Deputy City Clerk

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

The Regular Meeting of the Troy City Planning Commission was called to order by Vice Chairman Littman at 7:30 p.m. on December 10, 2002, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Kramer
Littman
Starr
Storrs
Waller

Absent:

Chamberlain
Pennington
Vleck
Wright

Moved by Waller

Seconded by Starr

RESOLVED, that Mr. Chamberlain, Ms. Pennington, Mr. Vleck and Mr. Wright be excused from attendance at this meeting.

Yeas

All present (5)

Absent

Chamberlain
Pennington
Vleck
Wright

MOTION CARRIED

Also Present:

Mark Miller, Planning Director
Susan Lancaster, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

Vice Chairman Littman explained that approval for any agenda item will require affirmative votes from all five (5) members.

Vice Chairman Littman announced that the Commission is in receipt of a request from the petitioner to table agenda item #9, Rezoning Request for the Proposed Gas Station at the Northwest Corner of Wattles and Dequindre.

Moved by Kramer

Seconded by Starr

RESOLVED, to take agenda item #9 out of order.

Yeas

All present (5)

Absent

Chamberlain
Pennington
Vleck
Wright

MOTION CARRIED

REZONING REQUEST

9. PUBLIC HEARING - PROPOSED REZONING (Z-686) – Proposed Gas Station, Northwest Corner of Wattles and Dequindre, Section 13 – R-1C to H-S

Mr. Miller presented a summary of the Planning Department report for the proposed gas station. Mr. Miller stated that the subject property is very small in size (90' x 140') and, as such, is unbuildable as a service station. He further noted that the property has been recently involved in the City's purchase of right of way. The applicant's request to table this item was received by the Planning Department on December 6, after the Planning Commission packets were delivered. Mr. Miller commented that the Planning Department has received a number of written comments from residents who voiced opposition to this proposed rezoning.

In summary, Mr. Miller reported that the proposed request does not meet the Location Standards in the Zoning Ordinance, and it is the recommendation of the Planning Department to deny this rezoning request.

PUBLIC HEARING OPENED

There was no public comment.

Vice Chairman Littman stated that the public hearing will remain open until the next regularly scheduled meeting.

Moved by Starr

Seconded by Kramer

RESOLVED, that the Rezoning Request (Z-686), R-1C to H-S, for a proposed gas station on the northwest corner of Wattles Road and Dequindre Road, Section 13, be tabled until the next scheduled regular meeting on January 14, 2003.

Yeas

All present (5)

Absent

Chamberlain

Pennington

Vleck

Wright

Mr. Storrs commented that the petitioner's request to table the rezoning request is dated March 26, 1998.

MOTION CARRIED2. PUBLIC COMMENTS

There were no public comments.

SITE PLANS3. PRELIMINARY SITE PLAN RENEWAL (SP-862) – Proposed Wattles Park Condominiums, South side of Wattles, between Finch and I-75, Section 21 – R-1T

Mr. Miller presented a summary of the Planning Department report for the proposed Wattles Park Condominiums. Mr. Miller noted that the petitioner is providing two off-street parking spaces per residential unit. He said the vehicular access is provided from Finch Road and cross access easement is provided to the east and south of the development. Mr. Miller noted that the plan does not provide the required concrete sidewalk within the development to go across the asphalt driveways.

In summary, it is the Planning Department's recommendation to approve the site plan subject to the provision of the required concrete sidewalk within the development to go across the asphalt driveways.

Mr. Kramer questioned what revisions were made to the site plan since the Commission last approved it.

Mr. Miller noted there was a concern that the buildings would encroach the setback to the north, and a clarification was asked of the petitioner. He further noted that there were no substantial revisions to the plan.

Vice Chairman Littman asked if there is a provision for guest parking.

Mr. Miller responded that there is no designated visitor parking, but noted visitor parking is addressed in the proposed zoning ordinance text amendments for R1-T developments.

Vice Chairman Littman asked the Assistant City Attorney how the proposed zoning ordinance text amendments for R-1T zoning would affect this development should the amendments be approved.

Ms. Lancaster responded that if the zoning ordinance text amendments are approved, this development would be grandfathered in after it receives final site plan approval.

The petitioner, Joe Chehayeb of 755 W. Big Beaver #1275, Troy, was present. Mr. Chehayeb stated that most of the items on the checklist for the preliminary site plan approval have been completed, but it has become necessary to postpone the development due to the slow economy. Mr. Chehayeb explained that the revised site plan now shows box-type windows, as opposed to bay windows, per the Planning Department's request.

Discussion followed with respect to the differences in the two site plans. Mr. Starr shared his copy of the final site plan previously approved in which the plan details changes to the curbs, asphalt pavers and naming the entrance road.

Vice Chairman Littman opened the meeting for public comment.

There were no public comments.

Moved by Kramer

Seconded by Waller

RESOLVED, that the Preliminary Site Plan for Wattles Park Condominium, including 33 attached units and 6.05 acres in size, located on the south side of Wattles Road, between Finch Road and I-75, within Section 21 and the R-1T zoning district, is hereby granted, subject to the following conditions:

1. Concrete sidewalk within the development shall be provided across the asphalt driveways; and
2. Plan previously approved and dated April 2001 is substantially the same in terms of dimensions and setbacks.

Mr. Storrs stated that he is not comfortable voting in favor of this item when the revisions to the site plan are unclear.

Moved by Storrs

Seconded by Littman

RESOLVED, that the Preliminary Site Plan for Wattles Park Condominium, be tabled until the next regularly scheduled meeting and site plan comparisons are provided by the Planning Department.

Discussion followed.

Mr. Miller stated that there are no specific or additional conditions except for the provision of a cross access easement. He confirmed that the petitioner was very close to receiving final site plan approval except for escrow funds for public improvements. Mr. Miller stated that the Planning Department is confident that the plan in front of the Commission tonight is substantially the same plan previously submitted.

Mr. Storrs reviewed the resolution approved previously by the Planning Commission and withdrew his motion to table the item.

A vote was taken on the motion to grant the renewal for preliminary site plan approval subject to the two conditions.

Yeas

All present (5)

Absent

Chamberlain
 Pennington
 Vleck
 Wright

MOTION CARRIED

Moved by Kramer

Seconded by Waller

FURTHER RESOLVED, that the Planning Commission hereby recommends to City Council that the private street system proposed to serve Wattles Park Condominium, located on the south side of Wattles Road, between Finch Road and I-75, within Section 21 and the R-1T zoning district, be approved in accordance with the Preliminary Site Plan presented on this date and in accordance with the provisions of Section 12.50.04 of the Zoning Ordinance, subject to the provision of street, sidewalk, and utility easements as determined to be necessary by City Management, and subject further to the provision of a cross-access easement extending from Finch Road to the east and south property lines, subject to the following conditions:

1. Concrete sidewalk within the development shall be provided across the asphalt driveways; and
2. Plan previously approved and dated April 2001 is substantially the same in terms of dimensions and setbacks.

Yeas

All present (5)

Absent

Chamberlain
 Pennington
 Vleck
 Wright

MOTION CARRIED

4. PRELIMINARY SITE PLAN RENEWAL (SP-866) – Proposed River Bend Condominiums, South side of Long Lake, West of Rochester Rd., Section 15 – CR-1

Mr. Miller presented a summary of the Planning Department report for the proposed River Bend Condominiums. Mr. Miller noted that the applicant received Preliminary Site Plan Approval on November 13, 2001 and is proposing a total of 14 attached single-family condominiums on 4.54 acres, a density of 3.1 units per acre.

Mr. Miller noted that the conditions cited for the previously submitted site plan in 2001 have been provided to the Commission. Mr. Miller reported that two off-street parking spaces per unit have been provided, and there is no designated visitor parking within the development. Mr. Miller said the applicant is proposing to put a detention pond on the southeast corner of the property, northeast of Unit 14. He further noted wetlands in the western portion of the property that may require a MDEQ wetlands permit and woodlands along the eastern and southern portions of the property. Mr. Miller said the applicant is proposing a private road system with a sidewalk along all of the frontages of the condo units.

In summary, the plan meets all zoning ordinances and it is the recommendation of the Planning Department to approve the Preliminary Site Plan application, subject to protecting any preserved trees with a snow fence and prohibiting trench footings for any fencing or walls.

The petitioner, Joe Chehayeb of 755 W. Big Beaver, Suite 1275, Troy, was present. Mr. Chehayeb requested an extension on the Preliminary Site Plan renewal that expired November 14, 2002.

Mr. Kramer questioned if livable square footage or total square footage is taken into consideration for site condo coverage.

Mr. Miller responded the total square footage of the site is considered.

Mr. Storrs asked the petitioner if he had concerns with any conditions the Planning Commission is requiring.

Mr. Chehayeb answered in the negative.

Moved by Storrs

Seconded by Waller

RESOLVED, that the Preliminary Site Plan for River Bend Condominium, including 14 attached units and 4.54 acres in size, located on the south side of Long Lake Road, and west of Rochester Road, within Section 15 and the CR-1 zoning district, is hereby granted.

FURTHER RESOLVED, that the Planning Commission hereby recommends to City Council that the private street system proposed to serve River Bend Condominium, located on the south side of Long Lake Road and west of Rochester Road, within

Section 15 and the CR-1 zoning district, be approved in accordance with the Preliminary Site Plan presented on this date and in accordance with the provisions of Section 12.50.04 of the Zoning Ordinance.

FURTHER RESOLVED, the following design recommendations are provided to City Management:

1. Any trees that are to be preserved shall be protected by a snow fence, placed at the drip line of the protected trees; and
2. Trench footings will be prohibited for any fencing or walls.

Yeas

All present (5)

Absent

Chamberlain
 Pennington
 Vleck
 Wright

MOTION CARRIED

5. PRELIMINARY 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

Mr. Miller presented a summary of the Planning Department report for the proposed retail/restaurant development, formerly Denny’s Restaurant. Mr. Miller stated that the applicant is proposing to demolish the existing building and construct a restaurant building with three tenants. Mr. Miller noted the proposed parking exceeds requirements, the traffic circulation is proposed away from the existing driveways, and vehicular cross access is proposed along the southern border in two locations.

Mr. Miller reported that this area is known to have traffic problems because of the poorly designed property to the south. He further noted that the petitioner has unsuccessfully sought the cooperation of property owners to work together on the improvement of this location. The applicant is proposing a pedestrian connection to the southern property that encourages safer pedestrian traffic. Mr. Miller noted that the site plan also allows for outdoor seating.

In summary, Mr. Miller said the petitioner has worked with the Planning Department to provide a well-designed plan that was brought before the Commission at its last Special/Study Meeting. The site plan meets all requirements of the zoning ordinances and it is the recommendation of the Planning Department to approve the site plan as submitted.

Vice Chairman Littman asked if the plan has been revised since its review at the Special/Study Meeting.

Mr. Miller replied that the applicant has provided additional pedestrian access to the south, has provided more green area, has allowed for wider walkways in the front and has made provisions for outdoor seating.

Mr. Kramer asked if there is any requirement to provide the proper grading to the parcels to the west.

Mr. Miller stated that discussions have been held between the petitioner and the DDA to insure appropriate grading to the west. He confirmed that the grades must be equalized to provide vehicular cross access.

Mr. Storrs questioned what the dashed line is around the building and sidewalk, and if the plan provides cross access to the south on the Crooks Road side.

Mr. Miller replied that the dashed line is a fire lane where no parking is allowed. He confirmed that the site plan does not indicate cross access to the south on the Crooks Road side and should be addressed by the applicant.

The petitioner, Mr. Michael Boggio of 30100 Telegraph Road, Franklin, was present. Mr. Boggio stated that it is his intent to provide cross access easement on both sides of the property. He further confirmed that the plan has been revised to incorporate a softer appearance to the site, some parking spaces were relocated to introduce a planting strip between the two aisles of parking, the front walkway was widened to ten feet and foundation plantings were placed, and the loading area was rearranged resulting in additional parking spaces. Mr. Boggio noted that the size of the trash enclosure is bigger and plantings have been placed near the pedestrian access to the south.

Mr. Boggio displayed exterior elevations, explaining that the restaurants will have individual identity through trim colors and awnings. A blown-up photo of the proposed restaurant *Potbellies* shows it as a very tasteful and quality restaurant operation.

Mr. Kramer questioned the grade differences for cross access purposes and how it might be accomplished in the future. Mr. Kramer thinks the grade consolidation may have to be done at this time.

Mr. Boggio replied that Doug Smith has assured him that the DDA is willing to discuss funding terms to resolve the grade issue, but details have not been worked out.

Mr. Harvey Weiss of 525 E. Big Beaver, Troy, representative for the development firm, was present. Mr. Weiss said that Doug Smith has brought the grade issue to the attention of the DDA and it is his understanding that the DDA is willing to get involved. Mr. Weiss indicated his willingness to provide a cross access agreement

to the community now and easements can be put into place as other sites are developed.

Vice Chairman Littman questioned the Assistant City Attorney with respect to the petitioner having a legal commitment to match the grades for cross access agreement.

Ms. Lancaster replied that there is no ordinance that would legally bind the petitioner, and further stated there is no mechanism through the City's ordinance to resolve this problem.

Mr. Kramer asked if a determination by the engineering department has been made on the grade issue.

Mr. Miller responded that the engineering department has not been contacted.

Further discussion was held with respect to getting a design recommendation from the engineering department on the grading for this particular parcel. It was the consensus of the Commission that the best time to get a grade alignment on the parcel is when the building is demolished and that the grade alignment might have an affect on water retention or water movement.

Mr. Weiss asked the Commission to assume that the DDA will cooperate in resolving the grade and cross access issues; and in the contrary, then he would come back before the Planning Commission.

Vice Chairman Littman opened the meeting for public comment.

There was no public comment.

Moved by Waller

Seconded by Kramer

RESOLVED, that Preliminary Site Plan Approval, as requested for proposed retail/restaurant development (former Denny's Restaurant), located north of Big Beaver Road and on the west side of Crooks Road, located in section 20, within the B-3 zoning district, is hereby granted, subject to the following conditions:

1. Creation of two cross access easements to and from Crooks Road, located on the northerly and southerly areas of the south property line; and
2. That this site plan be brought back before the Planning Commission for further review and decision if parties fail to resolve grading and cross access matters.

FURTHER RESOLVED, the following design recommendations are provided to City Management:

1. City management, DDA and applicant work together to implement cross access easement agreements and to match grade with the property on the south; and
2. Properly enable future redevelopment of the quadrant as reflected on the drawing.

Yeas

All present (5)

Absent

Chamberlain

Pennington

Vleck

Wright

MOTION CARRIED

6. PRELIMINARY SITE PLAN REVIEW (SP-849) – Grace Christian Learning Center Proposed Parking Lot Expansion, North of Big Beaver, East side of John R, Section 24 – P-1

Mr. Miller presented a summary of the Planning Department report for the proposed parking lot expansion at Grace Christian Learning Center. Mr. Miller stated that the applicant is proposing to develop a 30-space parking lot on the 31,439 square foot of property. The parcel is unimproved but is currently being used by the petitioner to accommodate the larger demand for parking. Mr. Miller confirmed that the required residential setback and screen wall have been provided. Mr. Miller stated that the driveway entrance is located in the north area of the parcel. It was considered to align this drive with the Troy Sports Center; however, the Traffic Engineer did not require this. Mr. Miller brought attention to the fact that the day care facility currently cares for 145 children, which translates into a need for a total of 21,750 square feet of outdoor play area; therefore, the applicant must provide for an additional 11,850 square feet of fenced outdoor play area.

The applicant, Rick Howard of 2057 E. Big Beaver, Troy, was present. Mr. Howard confirmed that it is his staff parking along John R.

Mr. Starr questioned the use of the neighboring dumpster.

Mr. Howard stated he does not use the neighboring dumpster, but confirmed a concrete block footpath from that dumpster to the day care facility is used by some children as they approach the day care facility.

Mr. Howard questioned the procedure to follow if he wanted to apply for a variance on the construction of the required additional play area.

Mr. Miller explained that the additional play area is required for the approval by the Planning Commission, but that the applicant can request a variance through the Board of Zoning Appeals.

Moved by Kramer

Seconded by Storrs

RESOLVED, that Preliminary Site Plan Approval, as requested for proposed Grace Christian Learning Center Parking Lot Expansion, located north of Big Beaver Road and on the east side of John R Road, located in section 24, within the P-1 zoning district is hereby granted, subject to the following conditions:

1. An 11,850 square foot fenced play area shall be developed south of the parking lot, to the west of the existing Learning Center.

Yeas

All present (5)

Absent

Chamberlain
 Pennington
 Vleck
 Wright

MOTION CARRIED

SPECIAL USE REQUESTS

7. PUBLIC HEARING – SPECIAL USE REQUEST (SU-318) – Boys & Girls Club of Troy, North of Big Beaver and East side of John R, Section 24 – R-1C

Mr. Miller presented a summary of the Planning Department report for the proposed special use by the Boys & Girls Club. Mr. Miller noted that the 2.28-acre parcel is presently vacant. On October 15, the applicant received from the Board of Zoning Appeals a variance to construct a building that is 30 feet in height. Mr. Miller stated that the applicant also received variances from the Board of Zoning Appeals on November 19 for the required 50-foot wide landscape area adjacent to residential districts and the required masonry screen wall along parking areas adjacent to residentially zoned property. Further, the applicant received approval from City Council on December 2 to reduce the number of parking spaces to 82 spaces.

Mr. Miller noted there is an error in the Planning Department’s report. He clarified the drive to the south is a one-way entrance drive, and the drive to the north is exit only.

In summary, the Planning Department agrees that the site plan meets all zoning ordinance requirements and recommends approval of the Special Use Request and Site Plan as submitted, subject to constructing an eight (8) foot wide sidewalk on the east side of John R Road, as required by the engineering standards.

The applicant, Elizabeth Musyk of Ehresman Associates, 803 W. Big Beaver, Suite 350, Troy, was present. Ms. Musyk stated that they have worked very closely with

both the City and neighbors to provide a well-designed site plan, and that she is available for questions.

Mr. Starr questioned the diagonal lines on the drawings.

Ms. Musyk replied that the diagonal lines designate the skylight that is going through the center of the building.

Mr. Starr asked if the dumpster could be placed nearer to the building.

Ms. Musyk responded that the dumpster is placed to allow the best maneuverability of trash pickup, and further explained that the dumpster is located next to where the children will be walking on the sidewalk.

Mr. Waller asked if painted arrows would be placed on the pavement to indicate the flow of traffic.

Ms. Musyk answered in the affirmative.

Mr. Kramer questioned the placement of outside lighting.

Ms. Musyk indicated that light fixtures have yet to be selected, but further indicated that the lighting will not interfere with adjacent neighbors. Ms. Musyk confirmed that the light level will be low and will be shielded if necessary.

Mr. Storrs commented that it his feeling there will be problems with the entrance/exit only traffic flow.

Mr. Miller suggested that the Commission grant approval of the site plan subject also to the condition of shielding lights from adjacent residential property.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Moved by Waller

Seconded by Storrs

RESOLVED, that Special Use Approval, pursuant to Section 10.30.07 of the Zoning Ordinance, as requested for the Boys and Girls Club of Troy, for the proposed private non-commercial recreational center, located north of Big Beaver Road and on the east side of John R Road, located in section 24, within the R-1C zoning district, is hereby granted, subject to the following conditions:

1. Constructing an eight (8) foot wide sidewalk on the east side of John R Road as required by the City of Troy Engineering Standards; and

2. Exterior light fixtures will be designed that the “hot spot” of the light will not be visible to the abutting properties.

Moved by Waller

Seconded by Storrs

FURTHER RESOLVED, that Preliminary Site Plan Approval, as requested for the Boys and Girls Club of Troy, for the proposed private non-commercial recreational center, located north of Big Beaver Road and on the east side of John R Road, located in section 24, within the R-1C zoning district, is hereby granted, subject to the following conditions:

1. Constructing an eight (8) foot wide sidewalk on the east side of John R Road as required by the City of Troy Engineering Standards; and
2. Exterior light fixtures will be designed that the “hot spot” of the light will not be visible to residential property.

Yeas

All present (5)

Absent

Chamberlain
 Pennington
 Vleck
 Wright

MOTION CARRIED

8. PUBLIC HEARING – SPECIAL USE REQUEST (SU-313) – Trainers Obedience Center, East of Livernois, South of Maple, Section 34 – M-1

Mr. Miller presented a summary of the Planning Department report for the proposed Special Use request for Trainers Obedience Center. Mr. Miller stated that the City became aware the petitioner started a pet day care facility without the proper approval. The violation by the Building Department was held in abeyance. Mr. Miller said that no site plan has been approved, and that this is the third public hearing scheduled for this matter. He indicated that all the proper documents have not been submitted, and that the petitioner has not responded to any of the Planning Department’s attempts to contact him.

In summary, it is the recommendation of the Planning Department to deny the Special Use request. Mr. Miller asked the Assistant City Attorney to explain why this item requires a Special Use request.

Ms. Lancaster explained that this pet use is no different than a kennel, except possibly the length of stay by the pet. Ms. Lancaster stated that a person would be dropping off his pet for the normal work day hours, which is considered the same situation as dropping a pet off for two to three days at a kennel.

The petitioner, Elerious King, was not present.

The public hearing remained opened from the last regularly scheduled meeting.

PUBLIC HEARING OPENED

There was no public comment.

PUBLIC HEARING CLOSED

Moved by Starr

Seconded by Kramer

RESOLVED, that Special Use Approval, pursuant to Section 28.30.08 of the Zoning Ordinance, as requested for the Trainers Obedience Center, for the proposed commercial kennel and accessory use, located east of Livernois Road and south of Maple Road, located in section 34, within the M-1 zoning district, is hereby denied, for the following reason:

1. No proper site plan or appropriate documents have been submitted.

Moved by Waller

RESOLVED, that Special Use Approval as requested for the Trainers Obedience Center be tabled.

Mr. Waller feels it is best to make contact with the petitioner to hear his case.

There was no second to the motion on the floor.

MOTION TO TABLE FAILED

Vice Chairman Littman questioned if a motion to deny requires all five votes.

Ms. Lancaster clarified that the Commission needs five affirmative votes for approval only, but it is not a requirement to obtain all five votes for a denial motion. Ms. Lancaster stated that this matter is in litigation before the District Court because the facility is continuing to operate without a valid approval by the Commission. She indicated that delaying this matter further might have some affect on the impending litigation.

Mr. Miller feels the petitioner is not submitting the required plans because improvements are required to meet zoning ordinances.

VOTE ON THE MOTION

Yeas

Littman
Kramer
Starr
Storrs

Nays

Waller

Absent

Chamberlain
Pennington
Vleck
Wright

MOTION CARRIED

REZONING REQUEST

10. PUBLIC HEARING - PROPOSED REZONING (Z-521) – Proposed Office Use, North of Long Lake and East side of John R, Section 12 – R-1C to O-1

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning request. Mr. Miller noted that this parcel was zoned to single family to permit the former day care center. Mr. Miller indicated that the Future Land Use Plan designates the northeast corner of the Long Lake/John R intersection, on the west side of the Gibson Drain, as Community Service Area and this plan correlates the Community Service Area designation.

In summary, it is the recommendation of the Planning Department to approve the rezoning request because it is consistent with the Future Land Use Plan and is compatible with the existing zoning districts and land uses.

Andrew Kaltsounis of 6798 Jasmine, Troy, was present to represent the petitioner.

Mr. Storrs asked the petitioner to treat the Gibson Drain as an amenity to the development.

PUBLIC HEARING OPENED

There was no public comment.

PUBLIC HEARING CLOSED

In response to Vice Chairman Littman, Mr. Kaltsounis replied they are proposing office development, not day care, for this site.

Moved by Waller

Seconded by Starr

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1C to O-1 rezoning request located north of Long Lake Road and on the east side of John R Road within Section 12, being 24,900 square feet/0.57 acres in size, be granted.

Yeas

All present (5)

Absent

Chamberlain

Pennington

Vleck

Wright

MOTION CARRIED**ZONING ORDINANCE TEXT AMENDMENT****11. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT (ZOTA 194) – Articles 12.00.00 & 30.10.08 R-1T One Family Cluster**

Mr. Miller gave an overview of the proposed zoning ordinance text amendment, R-1T One Family Cluster. The amendments to R-1T zoning districts include Section 12.50.05 addressing pedestrian and non-motorized users; Section 12.50.07 addressing snow removal; Section 12.50.08 addressing guest parking; and Section 12.50.09 addressing traffic circulation.

Mr. Kramer asked if the proposed amendments apply to condo minimum and site condo minimum developments.

Mr. Miller stated that site condo minimum developments are normally submitted in one family districts that follow subdivision rules. Mr. Miller noted that problems could arise with the multi family districts (CR-1), citing River Bend as an example. Mr. Miller said that the Planning Department has been given direction from City Council to review CR-1 zoning districts.

Mr. Kramer asked what the requirement is for guest parking in R-1T.

Mr. Miller responded the requirement is two spaces per unit, noting there are no spaces for guests currently.

Mr. Starr questioned what form of snow removal would be used.

Mr. Miller replied there would be designated areas in which to pile the snow.

PUBLIC HEARING OPENED

There was no public comment.

PUBLIC HEARING CLOSED

Moved by Starr

Seconded by Storrs

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Articles 12.00.00 & 30.10.08, of the Zoning Ordinance, be amended to read as follows:

*R-1T One Family Attached Residential District
Development Standards*

Amend the indicated portions of the R-1T One Family Attached Residential District and the Schedule of Regulations – Residential text in the following manner:

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

12.50.00 DEVELOPMENT STANDARDS:

12.50.01 All units that abut a major thoroughfare shall have a rear or side yard relationship to said thoroughfare, and such yards shall not be less than fifty (50) feet in depth as measured from the right-of-way line of the thoroughfare as indicated on the Master Thoroughfare Plan. The Planning Commission may modify the dwelling unit orientation, or relationship to a major thoroughfare, when they determine that the parcel size and configuration are such that the rear or side yard relationship would be impractical or overly restrictive, and a more desirable residential environment can be created by permitting a front yard relationship to the thoroughfare.

All units that abut a freeway shall have a yard setback of not less than seventy-five (75) feet in depth as measured from the right-of-way line of the freeway.

All units that abut a secondary thoroughfare shall have a yard setback of not less than fifty (50) feet in depth as measured from the right-of-way line of the thoroughfare as indicated on the Master Thoroughfare Plan.

(Rev. 4-10-00)

12.50.02 No more than three (3) contiguous one family attached dwelling units may occupy the same horizontal front line, without offset. Beyond this limit, the horizontal front line of the abutting units shall be offset a minimum of four (4) feet.

- 12.50.03 In the course of reviewing plans for development, the Planning Commission may require that the dwelling unit elevations and orientation be modified or varied in order to minimize the repetitive visibility of garage entrances from the street at the front of the units.

(4-12-99)

- 12.50.04 Principal access and circulation through One-Family Attached Residential Developments, on sites over ten (10) acres in area, shall be provided by Public Streets constructed to City Standards, within sixty (60) foot wide rights-of-way. Secondary access and circulation through such developments, on which some of the residential buildings may have their sole frontage, may be provided by twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements. Building setbacks from the private street easements shall be the same as those required by this Chapter in relation to public streets.

Principal access to a One-Family Attached Residential Development of ten (10) acres or less in area may be provided by way of twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements, when in the opinion of the City Council the property configuration is such that the provision of sixty (60) foot public rights-of-way would be overly restrictive and would make the provision of desirable dwelling unit sites impractical. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements. Building setbacks from the private street easements shall be the same as those required by this Chapter in relation to public streets.

The pavement width for private street elements may be reduced to twenty-four (24) feet, subject to the condition that the residential buildings shall be equipped with an automatic fire suppression system acceptable to the Troy Fire Department.

The street system in all developments involving private streets shall be subject to the review and approval of the City Council, after receiving a recommendation from the Planning Commission. The City Council's approval of private street elements shall be subject to their finding that the street system will provide for safe and efficient access for emergency and service vehicles throughout the development. The City Council's action shall further be conditioned on the execution of an Agreement with the developer, ensuring private ownership and

maintenance of the private street elements, and precluding acceptance for maintenance of the private street elements by the City.

All entrances to major or secondary thoroughfares shall include deceleration and passing lanes as required by the City Development Standards.

(Rev. 5-1-00)

- 12.50.05 All developments shall include a sidewalk system which will enable pedestrian movement to and throughout the site, including sidewalks along any abutting public street frontage. **To ensure safety and convenience for pedestrians and other non-motorized users, sidewalk and trail systems within the development shall be connected to existing and planned sidewalk and trail systems that are located outside of the development.**

(4-12-99)

- 12.50.06 See Section 39.95.00 of the General Provisions for the regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

(Rev. 4-12-99)

- 12.50.07 The Preliminary Site Plan shall include a Snow Removal Plan which demonstrates how snow will be removed from streets and sidewalks within the development, and disposed of. Such Snow Removal Plan shall include proposed winter parking patterns, the proposed method used to remove snow, and the location, size and design of snow storage areas.**

- 12.50.08 Guest parking shall be accommodated within the development at a ratio of one (1) guest parking space for every five (5) required off-street parking spaces. Guest parking spaces shall be clearly marked on the site plan.**

- 12.50.09 To improve traffic circulation within the development and surrounding area, the Planning Commission may require that an internal street be connected with an existing abutting stub street or cross access easement. The Planning Commission may require that a development provide one (1) or more cross access easements for the purpose of a potential future connection to an abutting property or street. The Planning Commission may require two (2) or more abutting developments to share one (1) common access drive.**

12.50.10 Developments abutting residentially zoned property shall maintain the following perimeter setbacks:

- A. Adjacent to R-1A: 45 feet.**
- B. Adjacent to R-1B: 45 feet.**
- C. Adjacent to R-1C: 40 feet.**
- D. Adjacent to R-1D: 40 feet.**
- E. Adjacent to R-1E: 35 feet.**

Yeas
All present (5)

Absent
Chamberlain
Pennington
Vleck
Wright

MOTION CARRIED

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 9:35 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director

A meeting of the **Troy Youth Council (TYC)** was held on Wednesday, December 18, 2002, at City Hall in the Lower Level Conference Room. The meeting was called to order at 7:04 p.m.

MEMBERS PRESENT: Emily Burns
 Ryan Chandonnet (arrived 7:20)
 Allister Chang
 Chris Cheng
 Min Chong
 Raymond Deng (arrived 7:13)
 Omar Hakim
 Catherine Herzog (arrived 7:08)
 Maniesh Joshi (arrived 7:25)
 Andrew Kalinowski
 Christina Krokosky
 Matthew Michrina
 Brian Rider
 Manessa Shaw
 David Vennetilli
 YuJing Wang
 Fred Wong

MEMBERS ABSENT: Juliana D'Amico
 Eric Gregory

ALSO PRESENT: Laura Fitzpatrick, Assistant to the City Manager

Councilmember David Eisenbacher stopped by during the meeting to observe

1. Roll Call

2. Minutes

Resolution # 02-06

Moved by _____

Seconded by _____

RESOLVED, that the minutes of the November 20, 2002 meeting be approved with changes.

Yeas: All – 14

No: None

Absent: D'Amico, Chandonnet, Deng, Herzog, Gregory, Joshi

3. Visitor Cindy Stewart, Community Affairs Director – *postponed until January*

4. Civic Center Site: The group was presented with the site map outlining available acreage for potential development. The Youth Council has the following comments relative to the Civic Center Site development decision-making process:

- ❑ **Summary Statement from the TYC: Consider the teens when making decisions for the Civic Center Site. Make the site a place that everyone will visit.**
 - ❑ Skateboard Park: Diversify the Skateboard Park, or site around the park, so that it can attract a broader range of youth in case skateboarding is trend that eventually passes. Can “street hockey” be played on a portion of the park? Lots of people play roller hockey in the streets.
 - ❑ Aquatic Center: Add a wave pool to attract older kids (like the one in Waterford).
 - ❑ Do we need more residential development in Troy? Is there room on the site?
 - ❑ Encourage development of moderately priced restaurants like Max & Erma’s, TGI Fridays, and even National Coney Island.
 - ❑ Create a development like downtown Birmingham.
 - ❑ Leisure Activities Attractive to Youth: Miniature Golf, Bowling Alley (a youth friendly one that is not always operated as a bar, too), Movie Theater – there is not a movie theater in Troy
 - ❑ Set the sight back from Big Beaver Road
 - ❑ Make a place for kids to hang out that feels “free” (non-chaperoned, like downtown Birmingham).
 - ❑ The Spring 2000 Youth Survey contains a lot of good ideas, however, the “dance club” suggestion would be more attractive to younger kids (freshmen age or younger).
5. At the end of the meeting, most members stayed to assemble 2 holiday gift baskets for a needy Troy Family. The TYC packaged items in re-usable sturdy red & green plastic containers. TYC members donated a variety of groceries and household items.
6. PUBLIC COMMENT - none

In preparation for the January meeting,

- Spend 10 minutes surfing the City web site. Think of ways to make it more youth-friendly

The meeting adjourned at 8:07 p.m.

Laura Fitzpatrick, Assistant to the City Manager

Advisory Committee for Senior Citizens
Minutes of January 2, 2003

Present: David Ogg, Member
Bill Weisgerber, Member
Lawrence Jose, Member
Steven Banch, Member
Carla Vaughan, Staff

Merrill Dixon, Member
JoAnn Thompson, Member
Jo Rhoads, Member
Ed Forst, Member

Excused: Jane Crowe, Member

Absent: None

Visitors: Stuart Alderman, Jo-Anne Stein, Ken Wilson

Approval of Minutes: Motion by Jo Rhoads, supported by JoAnn Thompson that the minutes of Dec. 5, 2002 be approved submitted. Ayes: All Nays: None MOTION CARRIED.

Visitor Comments:

Stu Alderman, Superintendent of Recreation, discussed his October 14 2002 memo to City Council and in particular the paragraph about the trend for users to pay the cost for services. This will be on the agenda at an upcoming City Council meeting. Stu will let David Ogg know the date as Senior Advisory Committee members may want to attend that meeting.

Ken Wilson from the Troy/Clawson Elks Club has extra canned goods from a food drive that he would like to distribute to low-income seniors. He will contact Carla by March 10 with information about the distribution for the April newsletter.

Old Business:

Community Center: David Ogg reported on a December 20 joint meeting with the Senior Advisory Committee, the Advisory Committee for Persons with Disabilities, City Staff and City Council. A memo from Carol Anderson summarizing the meeting was distributed. Items for discussion included handicap parking, water fountains, handrails, rest rooms, and the lunch program. A copy of Mr. Ogg's memo to the people who have had complaints is attached.

Video Taping of Meetings: Motion by Bill Weisgerber, supported by JoAnn Thompson to begin taping the meetings in April. Ayes: 8 Nays: 0 MOTION CARRIED. Carla has ordered name plates.

Minutes in Newsletter: Carla reported that the City does not wish to put the minutes in the newsletter as this is not the purpose of the newsletter. She suggested putting a notice in the newsletter stating that the minutes are available at the Community Center to all interested persons. The Committee would like her to do that.

Lunch Progress Report: Bill Weisgerber reported that we need to go to the Area Agency on Aging regarding issues with the lunch program. JoAnn Thompson suggested that since lower

attendance is a trend area-wide, maybe there is no problem in Troy. The seniors are just busy doing other things.

New Business

City Attorney to Attend Meeting: Motion by Merrill Dixon, supported by Jo Rhoads to invite the City Attorney to the April meeting (which will be televised) to discuss the Committee’s purpose. Ayes: 8 Nays: 0 MOTION CARRIED. Carla will contact her.

Suggestions: There were no suggestions this month.

Reports

Park Board: No report

Medi-Go: Jo Rhoads reported that Medi-Go has a new van

Lunch Program: No report.

OLHSA: No report.

Member Comments

Bill Weisgerber suggested that all activities be listed on the newsletter calendar. Carla will do a sample for the next meeting but indicated that there are many activities – the type would be very small and the special events would be lost among the other listings.

Bill Weisgerber suggested that the senior director report each month about what is going on with the senior program in general.

David Ogg would like to see Advisory Committee brochures at the Library. Steve Banch will get some from Carla and take them to the Library.

The meeting was adjourned at 12:10 pm

Respectfully submitted,

Carla Vaughan, Secretary

DATE: Janu
 TO: John Szerlag, City Manager
 FROM: Mark Stimac, Director of Building & Zoning
 SUBJECT: Permits issued July through December 2002

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
Fnd./Shell New	1	\$350,000.00	\$3,750.00
Completion (New)	1	\$480,000.00	\$2,811.50
Tenant Completion	2	\$590,000.00	\$3,594.50
Accessory Structure	1	\$3,000.00	\$107.00
Add/Alter	25	\$2,055,485.00	\$15,867.25
Parking Lot	2	\$19,000.00	\$467.00
Sub Total	32	\$3,497,485.00	\$26,597.25
<u>COMMERCIAL</u>			
New	3	\$4,990,000.00	\$39,219.00
Fnd. New	1	\$250,000.00	\$8,299.15
Shell New	1	\$30,000.00	\$560.00
Fnd./Shell New	4	\$8,242,000.00	\$58,922.10
Tenant Completion	9	\$939,340.00	\$8,405.00
Accessory Structure	1	\$1,134.00	\$44.00
Add/Alter	121	\$14,072,588.00	\$102,717.80
Wreck	2	\$0.00	\$350.00
Sub Total	142	\$28,525,062.00	\$218,517.05
<u>RESIDENTIAL</u>			
New	55	\$9,969,281.00	\$125,372.35
Add/Alter	172	\$4,070,548.00	\$43,299.30
Garage/Acc. Structure	55	\$490,962.00	\$8,190.00
Pool/Spa/Hot Tub	30	\$440,170.00	\$5,875.00
Repair	2	\$23,261.00	\$400.00
Wreck	23	\$0.00	\$2,855.00
Fnd./Slab/Footing	4	\$21,110.00	\$520.00
Sub Total	341	\$15,015,332.00	\$186,511.65
<u>TOWN HOUSE/CONDO</u>			
New	112	\$18,549,316.00	\$102,110.56
Add/Alter	7	\$11,594.00	\$415.00
Sub Total	119	\$18,560,910.00	\$102,525.56

MULTIPLE

Add/Alter	2	\$9,600.00	\$270.00
Garage/Acc. Structure	1	\$2,150.00	\$105.00

Sub Total	3	\$11,750.00	\$375.00
------------------	----------	--------------------	-----------------

INSTITUTIONAL/HOSPITAL

Add/Alter	2	\$525,000.00	\$3,142.50
-----------	---	--------------	------------

Sub Total	2	\$525,000.00	\$3,142.50
------------------	----------	---------------------	-------------------

MUNICIPAL

New	4	\$1,197,500.00	\$0.00
Add/Alter	3	\$12,627,500.00	\$0.00

Sub Total	7	\$13,825,000.00	\$0.00
------------------	----------	------------------------	---------------

RELIGIOUS

New	1	\$140,000.00	\$5,262.50
Add/Alter	2	\$82,900.00	\$916.00

Sub Total	3	\$222,900.00	\$6,178.50
------------------	----------	---------------------	-------------------

MISCELLANEOUS

Satellite/Antennas	6	\$78,000.00	\$1,486.00
Signs	196	\$0.00	\$20,505.00
Fences	101	\$0.00	\$820.00

Sub Total	303	\$78,000.00	\$22,811.00
------------------	------------	--------------------	--------------------

TOTAL	952	\$80,261,439.00	\$566,658.51
--------------	------------	------------------------	---------------------

PERMITS ISSUED JULY THROUGH DECEMBER 2002

	NO.	PERMIT FEE
Mul. Dwel. Insp.	156	\$1,560.00
Cert. of Occupancy	325	\$18,487.50
Plan Review	497	\$26,077.36
Microfilm	199	\$2,572.00
Building Permits	952	\$566,658.51
Electrical Permits	1235	\$67,906.00
Heating Permits	974	\$42,480.00
Air Condt. Permits	463	\$19,260.00
Refrigeration Permits	5	\$465.00
Plumbing Permits	704	\$44,992.50
Storm Sewer Permits	70	\$3,823.00
Sanitary Sewer Permits	43	\$1,440.00
Sewer Taps	196	\$68,574.40
TOTAL	5819	\$864,296.27

LICENSES & REGISTRATIONS ISSUED JULY THROUGH DECEMBER 2002

	NO.	LICENSE FEE
Mech. Contr.-Reg.	261	\$1,305.00
Elec. Contr.-Reg.	159	\$2,385.00
Master Plmb.-Reg.	102	\$102.00
Sewer Inst.-Reg.	29	\$1,400.00
Sign Inst. - Reg.	31	\$310.00
E. Sign Contr-Reg.	5	\$75.00
Fence Inst.-Reg.	12	\$120.00
Bldg. Contr.-Reg.	122	\$1,220.00
F.Alarm Contr.-Reg.	11	\$165.00
TOTAL	732	\$7,082.00

DATE: January 2, 2003
 TO: John Szerlag, City Manager
 FROM: Mark Stimac, Director of Building & Zoning
 SUBJECT: Permits issued during the Month of December 2002

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
Add/Alter	3	\$133,000.00	\$1,203.75
Sub Total	3	\$133,000.00	\$1,203.75
<u>COMMERCIAL</u>			
New	1	\$1,000,000.00	\$8,403.50
Fnd./Shell New	1	\$528,000.00	\$3,839.90
Tenant Completion	2	\$225,000.00	\$1,917.25
Add/Alter	15	\$3,400,128.00	\$21,217.50
Sub Total	19	\$5,153,128.00	\$35,378.15
<u>RESIDENTIAL</u>			
New	3	\$610,000.00	\$8,578.00
Add/Alter	11	\$358,868.00	\$3,370.00
Garage/Acc. Structure	2	\$45,200.00	\$540.00
Pool/Spa/Hot Tub	3	\$60,000.00	\$680.00
Wreck	4	\$0.00	\$570.00
Sub Total	23	\$1,074,068.00	\$13,738.00
<u>MULTIPLE</u>			
Garage/Acc. Structure	1	\$2,150.00	\$105.00
Sub Total	1	\$2,150.00	\$105.00
<u>MUNICIPAL</u>			
Add/Alter	2	\$427,500.00	\$0.00
Sub Total	2	\$427,500.00	\$0.00
<u>MISCELLANEOUS</u>			
Signs	36	\$0.00	\$4,175.00
Fences	5	\$0.00	\$40.00
Sub Total	41	\$0.00	\$4,215.00
TOTAL	89	\$6,789,846.00	\$54,639.90

PERMITS ISSUED DURING THE MONTH OF DECEMBER 2002

	NO.	PERMIT FEE
Cert. of Occupancy	26	\$1,712.50
Plan Review	38	\$2,529.00
Microfilm	25	\$384.00
Building Permits	89	\$54,639.90
Electrical Permits	468	\$17,156.00
Heating Permits	314	\$10,450.00
Air Condt. Permits	169	\$5,845.00
Refrigeration Permits	1	\$70.00
Plumbing Permits	132	\$5,383.50
Storm Sewer Permits	8	\$307.00
Sanitary Sewer Permits	4	\$160.00
Sewer Taps	7	\$3,478.00
TOTAL	1281	\$102,114.90

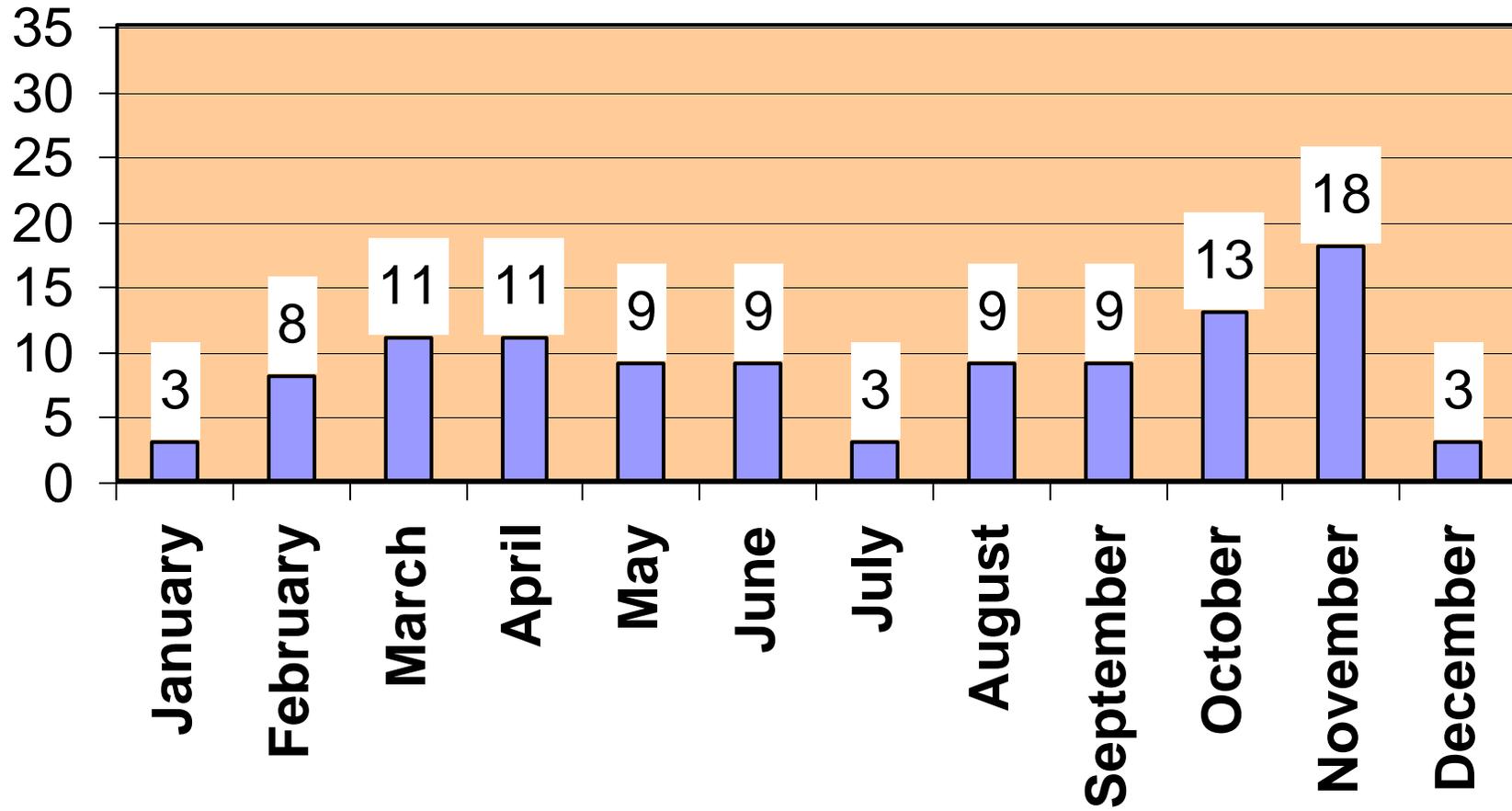
LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF DECEMBER 2002

	NO.	LICENSE FEE
Mech. Contr.-Reg.	39	\$195.00
Elec. Contr.-Reg.	20	\$300.00
Master Plmb.-Reg.	5	\$5.00
Sewer Inst.-Reg.	2	\$100.00
Sign Inst. - Reg.	3	\$30.00
E. Sign Contr-Reg.	1	\$15.00
Bldg. Contr.-Reg.	5	\$50.00
F.Alarm Contr.-Reg.	3	\$45.00
TOTAL	78	\$740.00

BUILDING PERMITS ISSUED

	BUILDING PERMITS 2001	PERMIT VALUATION 2001	BUILDING PERMITS 2002	PERMIT VALUATION 2002
JANUARY	119	\$9,498,180	125	\$21,945,624
FEBRUARY	100	\$49,679,118	106	\$24,049,206
MARCH	136	\$6,942,449	121	\$10,452,003
APRIL	204	\$19,831,458	123	\$9,240,105
MAY	207	\$26,481,050	180	\$6,860,859
JUNE	196	\$20,081,116	225	\$12,585,296
JULY	236	\$11,804,808	193	\$7,968,796
AUGUST	211	\$10,626,177	186	\$31,423,350
SEPTEMBER	186	\$11,077,729	173	\$12,714,701
OCTOBER	194	\$13,410,222	189	\$12,832,019
NOVEMBER	129	\$6,658,087	122	\$8,532,727
DECEMBER	102	\$5,197,916	89	\$6,789,846
TOTAL	2020	\$191,288,310	1832	\$165,394,532

SINGLE FAMILY DWELLING PERMITS 2002



BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS
ISSUED DURING THE MONTH OF DECEMBER 2002

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	DEJAGER CONSTRUCTION INC	316 W FOURTEEN MILE	116,000.00
Commercial, Add/Alter	VENTURE CONTRACTING & DEV	5017 ROCHESTER	350,000.00
Commercial, Add/Alter	JOHN S GABRIEL	1977 W MAPLE	100,000.00
Commercial, Add/Alter	LA SALLE GENERAL CONTRACTOR	2135 W MAPLE	1,200,000.00
Commercial, Add/Alter	GEORGE W. AUCH	264 W MAPLE	1,343,892.00
Total Commercial, Add/Alter			3,109,892.00
Commercial, Fnd/Shell New	THE BELL COMPANY	38921 DEQUINDRE	528,000.00
Total Commercial, Fnd/Shell New			528,000.00
Commercial, New Building	TROY PROFESSIONAL ASSOC LLC	2891 E MAPLE	1,000,000.00
Total Commercial, New Building			1,000,000.00
Commercial, Tenant Completion	FERLITO CONSTRUCTION INC	1800 W BIG BEAVER 150	180,000.00
Total Commercial, Tenant Completion			180,000.00
Municipal, Add/Alter	THE GARRISON COMPANY	1450 E SOUTH BOULEVARD	402,000.00
Total Municipal, Add/Alter			402,000.00
Records 10			Total Valuation: 5,219,892.00

DATE: January 2, 2003

TO: John Szerlag, City Manager
 FROM: Mark Stimac, Director of Building & Zoning
 SUBJECT: Permits issued during the Year 2002

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
New	2	\$566,000.00	\$4,666.10
Fnd./Shell New	3	\$1,700,000.00	\$17,074.50
Completion (New)	3	\$960,000.00	\$5,726.50
Tenant Completion	2	\$590,000.00	\$3,594.50
Accessory Structure	1	\$3,000.00	\$107.00
Add/Alter	55	\$4,963,030.00	\$41,916.75
Parking Lot	2	\$19,000.00	\$467.00
Sub Total	68	\$8,801,030.00	\$73,552.35
<u>COMMERCIAL</u>			
New	4	\$6,153,000.00	\$49,438.15
Fnd. New	2	\$265,000.00	\$8,547.40
Shell New	1	\$30,000.00	\$560.00
Fnd./Shell New	4	\$8,242,000.00	\$58,922.10
Completion Less Tenant	1	\$300,000.00	\$1,790.50
Tenant Completion	22	\$6,348,443.00	\$45,855.18
Accessory Structure	1	\$1,134.00	\$44.00
Add/Alter	197	\$22,419,934.00	\$163,835.84
Temp. Office Trailer	1	\$0.00	\$25.00
Wreck	3	\$0.00	\$425.00
Kiosk	1	\$16,000.00	\$249.50
Sub Total	237	\$43,775,511.00	\$329,692.67
<u>RESIDENTIAL</u>			
New	106	\$19,040,803.00	\$241,665.05
Add/Alter	366	\$7,828,751.00	\$85,805.90
Garage/Acc. Structure	109	\$970,810.00	\$16,935.00
Pool/Spa/Hot Tub	59	\$658,327.00	\$10,350.00
Ent. Wall/Masonry Fence	1	\$18,000.00	\$250.00
Repair	9	\$105,791.00	\$1,880.00
Fire Repair	3	\$312,582.00	\$2,073.50
Temporary Sales Trailer	1	\$2,500.00	\$105.00
Wreck	47	\$0.00	\$5,630.00
Fnd./Slab/Rat Wall	1	\$6,400.00	\$115.00
Fnd./Slab/Footing	7	\$27,460.00	\$705.00
Sub Total	709	\$28,971,424.00	\$365,514.45
<u>TOWN HOUSE/CONDO</u>			
New	197	\$27,649,348.00	\$188,679.01
Add/Alter	10	\$28,386.00	\$700.00
Ent. Wall/Masonry Fence	1	\$25,000.00	\$315.00
Temporary Sales Trailer	1	\$5,000.00	\$135.00
Sub Total	209	\$27,707,734.00	\$189,829.01

MULTIPLE

Add/Alter	18	\$47,300.00	\$1,265.00
Garage/Acc. Structure	1	\$2,150.00	\$105.00
Ent. Wall/Masonry Fence	2	\$43,000.00	\$575.00
Wreck	1	\$0.00	\$130.00
Sub Total	22	\$92,450.00	\$2,075.00

INSTITUTIONAL/HOSPITAL

Completion	1	\$20,350,000.00	\$113,524.00
Add/Alter	8	\$1,041,000.00	\$6,960.75
Sub Total	9	\$21,391,000.00	\$120,484.75

MUNICIPAL

New	7	\$15,596,583.00	\$0.00
Add/Alter	4	\$12,627,500.00	\$0.00
Sub Total	11	\$28,224,083.00	\$0.00

RELIGIOUS

New	4	\$6,208,000.00	\$44,933.50
Add/Alter	3	\$83,300.00	\$942.00
Sub Total	7	\$6,291,300.00	\$45,875.50

MISCELLANEOUS

Satellite/Antennas	8	\$140,000.00	\$2,162.00
Signs	369	\$0.00	\$39,345.00
Fences	183	\$0.00	\$1,516.00
Sub Total	560	\$140,000.00	\$43,023.00

TOTAL	1832	\$165,394,532.00	\$1,170,046.73
--------------	-------------	-------------------------	-----------------------

PERMITS ISSUED DURING 2002

	NO.	PERMIT FEE
Mul. Dwel. Insp.	1441	\$14,410.00
Cert. of Occupancy	575	\$39,694.25
Plan Review	1017	\$54,493.06
Microfilm	348	\$4,936.00
Building Permits	1831	\$1,170,046.73
Electrical Permits	2283	\$150,553.00
Heating Permits	1962	\$84,490.00
Air Condt. Permits	883	\$36,050.00
Refrigeration Permits	10	\$665.00
Plumbing Permits	1201	\$83,770.50
Storm Sewer Permits	127	\$8,899.00
Sanitary Sewer Permits	68	\$2,639.00
Sewer Taps	360	\$120,838.40
TOTAL	12106	\$1,771,484.94

LICENSES & REGISTRATIONS ISSUED DURING 2002

	NO.	LICENSE FEE
Mech. Contr.-Reg.	395	\$1,975.00
Elec. Contr.-Reg.	358	\$5,370.00
Master Plmb.-Reg.	233	\$233.00
Ref. Jour.-Lic.	2	\$20.00
Sewer Inst.-Reg.	62	\$3,050.00
Sign Inst. - Reg.	69	\$690.00
E. Sign Contr-Reg.	22	\$330.00
Fence Inst.-Reg.	27	\$270.00
Bldg. Contr.-Reg.	223	\$2,230.00
F.Alarm Contr.-Reg.	28	\$455.00
TOTAL	1419	\$14,623.00

DATE: January 6, 2003

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: ANNOUNCEMENT OF PUBLIC HEARING (February 3, 2003)
REZONING APPLICATION (Z-#521) R-1C to O-1, General Office
Use (no plan proposed), Located on the East Side of John R Road,
North of Long Lake Road, Section 12

RECOMMENDATION

The Future Land Use Plan designates the northeast corner of Long Lake Road and John R Road, west of the Gibson Drain, as a Community Service Area. This designation includes the two adjacent parcels north of the subject property. The Plan correlates the Community Service Area designation with the B-1, B-2, B-3 and O-1 Zoning Districts. In addition, the Location Standards of the Zoning Ordinance states that the O-1 Low Rise Office District is appropriate within the Community Service Area. This rezoning application is therefore consistent with the Future Land Use Plan.

The rezoning request is compatible with adjacent land uses to the south, east and west. The uses to the south include a veterinary clinic/kennel and a convenience store. The property to the east is used for a church parking lot. The property to the west is used for a church and a single-family residential neighborhood; however, the homes in the subdivision are oriented toward the interior street and not John R Road.

The parcel is adjacent to two single-family homes to the north. On the surface, this may appear to be an incompatibility. This entire contiguous area south of the Gibson Drain on the east side of John R Road is designated for Community Service Area. Rezoning the subject parcel to O-1 would strengthen the possibility for rezoning the two parcels to the north, which is consistent with the Future Land Use Plan. The Gibson Drain is to the north and east of the subject property, and the church property is between the drain and Tucker Street to the north. The drain therefore serves as a logical demarcation line between the commercial/office uses and the single-family neighborhoods to the north and east.

This rezoning request is consistent with the Future Land Use Plan and compatible with the existing zoning districts and land uses. At a public hearing on December 10, 2002, the Planning Commission recommended approval of the subject rezoning request. City Management concurs with the Planning Commission's recommendation for approval.

GENERAL INFORMATION

Name of Owner / Applicant:
Orestis Kaltsounis.

Location of Subject Property:
The property is located on the east side of John R Road, north of Long Lake Road, in Section 12.

Size of Subject Parcel:
The parcel is approximately 24,900 square feet in area, or 0.67 acres.

Current Use of Subject Property:
A single story building presently sits on the property. The building was used for a child care center but is now vacant.

Current Zoning Classification:
R-1C One Family Residential.

Proposed Zoning of Subject Parcel:
O-1 Office Building.

Proposed Uses and Buildings on Subject Parcel:
The applicant is proposing "general office" for the property.

Current Use of Adjacent Parcels:
North: Single family residence.

South: Animal hospital and kennel.

West: Calvary Chapel Church.

East: Bethesda Romanian Pentecostal Church.

Zoning Classification of Adjacent Parcels:

North: R-1C One Family Residential.

South: B-3 General Business.

West: R-1C One Family Residential.

East: R-1C One Family Residential.

ANALYSIS

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

Because the property is only approximately 24,900 square feet in area, the potential for the property will be limited. However, consolidation of the subject parcel with the two properties to the north would improve the development potential. The following is a list of the uses permitted in the O-1 District.

1. PRINCIPAL USES PERMITTED:

Office Buildings for any of the following occupations: executive, administrative; professional; accounting; writing; clerical stenographic; drafting; and sales.

Medical office, including clinics.

Banks, credit unions, savings and loan associations, and similar uses. Such uses may include drive-in facilities only as an accessory use.

Publicly owned buildings, exchanges, and public utility offices.

Other uses similar to the above uses.

2. USES PERMITTED SUBJECT TO SPECIAL CONDITIONS:

Uses customarily supporting or serving the Principal Uses permitted in this District, such as pharmacies or drug stores, optical services, copy services, office supplies, book stores, art galleries, or restaurants; provided that these uses are within the building housing the Principal Uses which they support, and provided that there is no direct outside entrance for these uses separate from the entrance serving the Principal Uses. Such uses shall, in total, occupy no more than twenty (20) percent of the floor area of the building complex of which they are a part.

Data processing and computer centers, including sales support, service and maintenance of electronic data processing equipment.

Technical training uses, when such are accessory or secondary to the Principal Uses permitted in this District, and thus not operated as independent businesses.

3. USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:
Mortuary establishments (the minimum lot area shall be 25,000 square feet).

Private service clubs, fraternal organizations and lodge halls.

Private ambulance facilities.

Utility sub-stations, transformer stations or gas regulator stations (without storage yards).

Mechanical or laboratory research involving testing and evaluation of products, or prototype or experimental product or process development.

Child care centers, nursery schools, or day nurseries (not including dormitories).

Vehicular and Non-motorized Access:

Access to the property will be provided from John R Road.

Natural Features and Floodplains:

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

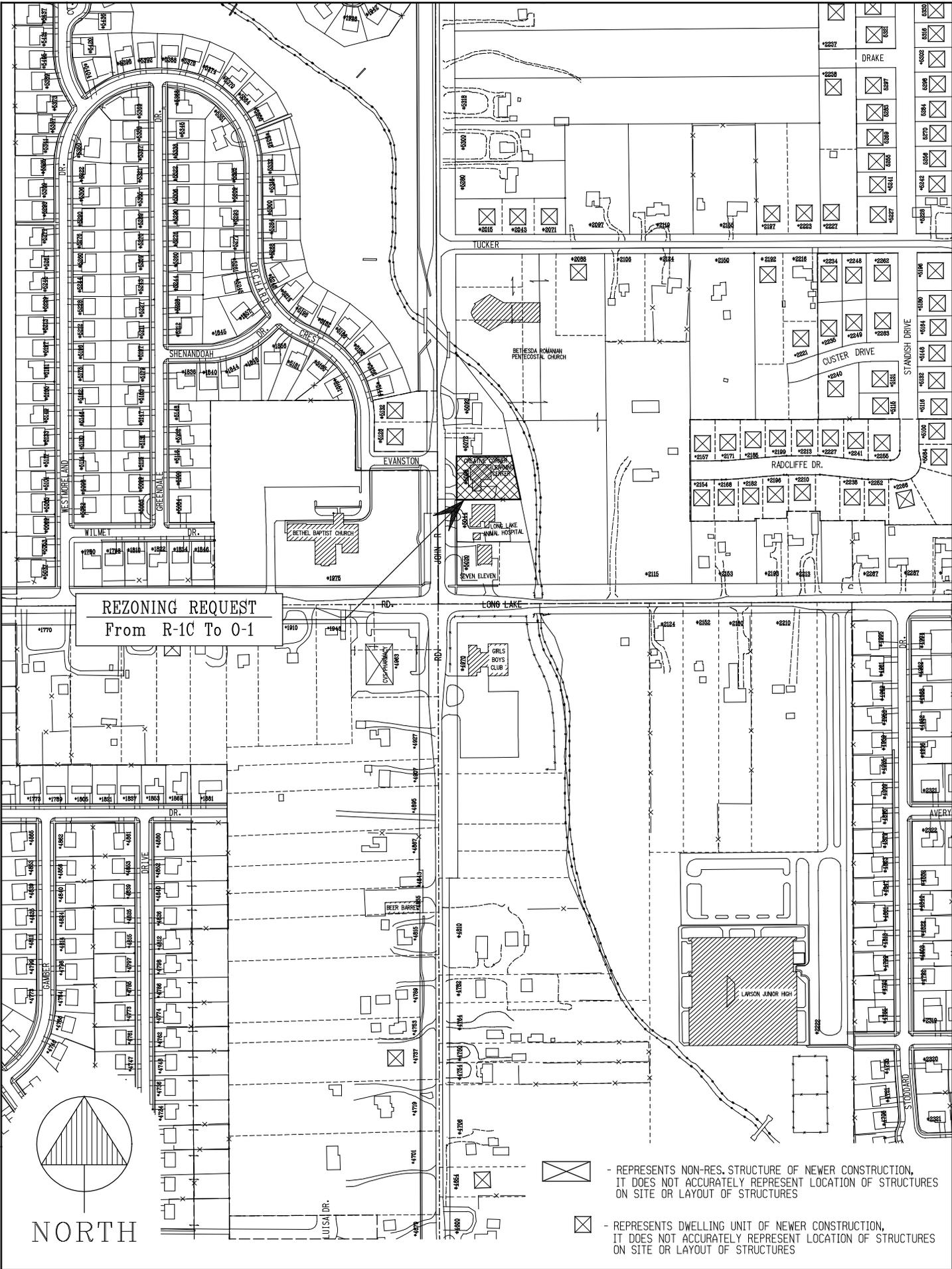
Compliance with Future Land Use Plan:

The Plan designates this property as Community Service Area.

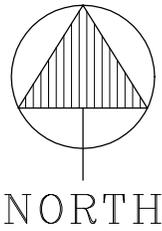
cc: Applicant
File (Z-#521)
Planners (4)

CITY OF TROY





REZONING REQUEST
From R-1C To O-1



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

R-1C

C.F

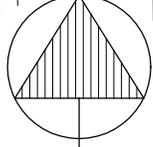
REZONING REQUEST
From R-1C To O-1



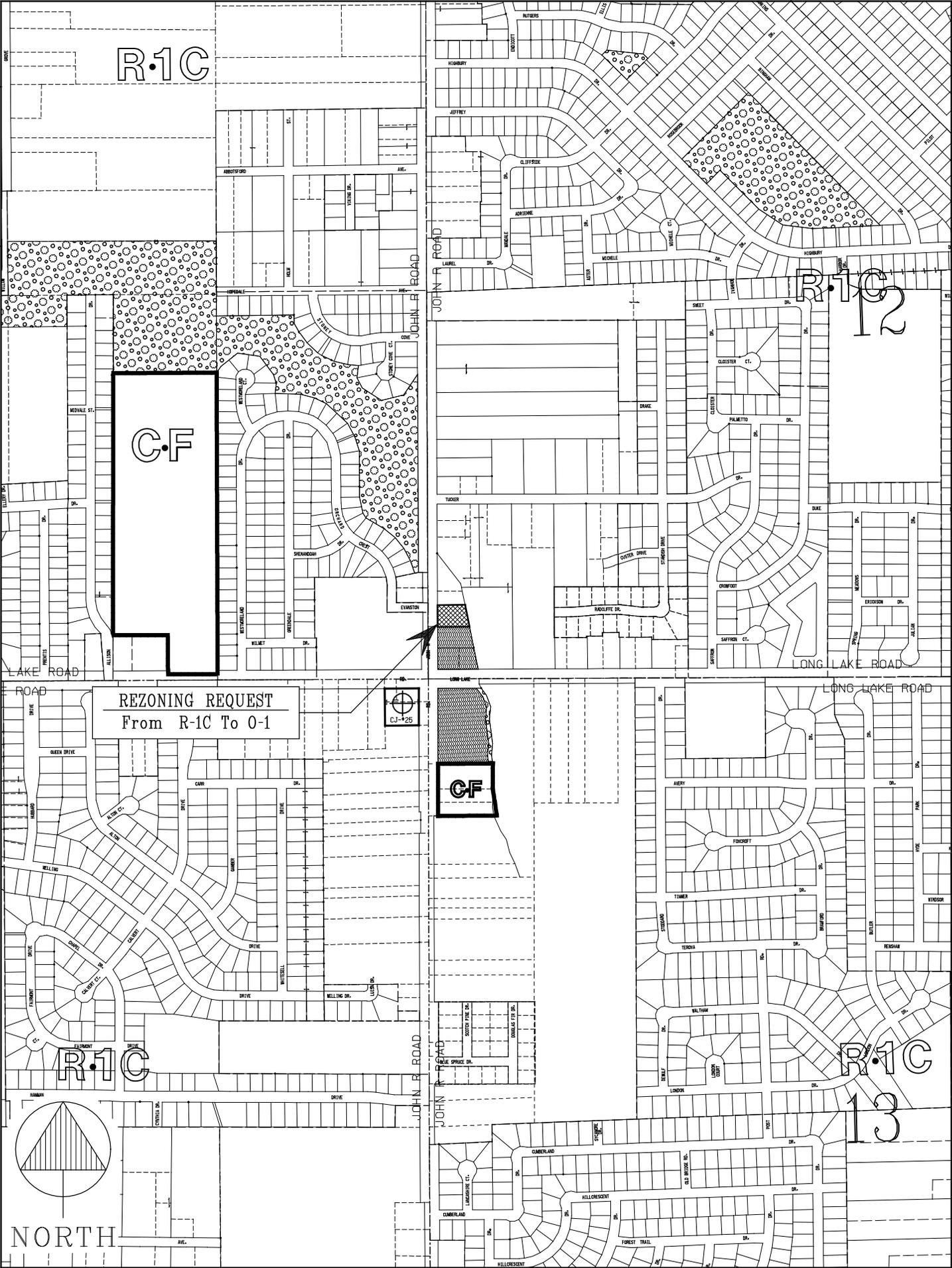
GF

R-1C
12

R-1C
13



NORTH



REZONING REQUEST
FROM R-1C TO O-1
NO PLAN PROPOSED / GENERAL OFFICE USES
SEC. 12 (Z-521)

REZONING REQUEST
FROM R-1C TO O-1



0 50 100 200 300 400 Feet



To the Planning Commission of the City of Troy:

I am requesting a zoning change on my property at 5058 John R Road for the following reasons:

In 1983, I put an offer on said property that was zoned **B2**. While we were in negotiations for the property, said property was changed on the Master Use Plan to **O1**. We purchased the land in November 1983. I was then informed that a child care center could not be allowed in an **O1** zoning.

I was forced to change the zoning from **O1** to **R1**, so that my wife could open a child care center. The building was used for a child care till November 1, 2002. It is now empty. With the current changes in the area, it is no longer feasible to use the building for child care. The location on John R, next to two commercial businesses, **B2** and **B3**, do not make the building usable from residential use. Because of the Master Plan Use changes and the location of the building; with the natural division of the Gibson Drain, two large Churches and the three corners all zoned **B3**, I feel that a zoning of **B1** or **O1** would serve the needs of the public better than the current zoning.

Orestis Shukter

REZONING REQUEST

10. PUBLIC HEARING - PROPOSED REZONING (Z-521) – Proposed Office Use, North of Long Lake and East side of John R, Section 12 – R-1C to O-1

Mr. Miller presented a summary of the Planning Department report for the proposed rezoning request. Mr. Miller noted that this parcel was zoned to single family to permit the former day care center. Mr. Miller indicated that the Future Land Use Plan designates the northeast corner of the Long Lake/John R intersection, on the west side of the Gibson Drain, as Community Service Area and this plan correlates the Community Service Area designation.

In summary, it is the recommendation of the Planning Department to approve the rezoning request because it is consistent with the Future Land Use Plan and is compatible with the existing zoning districts and land uses.

Andrew Kaltsounis of 6798 Jasmine, Troy, was present to represent the petitioner.

Mr. Storrs asked the petitioner to treat the Gibson Drain as an amenity to the development.

PUBLIC HEARING OPENED

There was no public comment.

PUBLIC HEARING CLOSED

In response to Vice Chairman Littman, Mr. Kaltsounis replied they are proposing office development, not day care, for this site.

Moved by Waller

Seconded by Starr

RESOLVED, that the Planning Commission hereby recommends to the City Council that the R-1C to O-1 rezoning request located north of Long Lake Road and on the east side of John R Road within Section 12, being 24,900 square feet/0.57 acres in size, be granted.

Yeas

All present (5)

Absent

Chamberlain

Pennington

Vleck

Wright

MOTION CARRIED

RESOLUTION

JAN 03 2003

CITY OF TROY

CITY MANAGER'S OFFICE

Moved by Councilwoman Weber, supported unanimously, to adopt the following Resolution:

The United States government states that it is preparing for a possible war against the nation of Iraq; and

An attack on Iraq by the United States would have enormous human, financial and political consequences in the United States and the World Community; and

It is essential that the people of the United States be well-informed on the causes and consequences of military action by their government; and

The cost to this nation, including the City of Ferndale, is estimated to be more than 200 billion dollars, thus depleting the reserves, harming the economy and resulting in further neglect of education, health care, housing and the infrastructure, as well as other services desperately in need of repair or reform; and

Many national security experts, including the Director of the CIA, state that an attack on Iraq is more likely to result in the use of weapons of mass destruction than will a policy of containment; and

The leaders of most Middle Eastern and Muslim nations warn that an attack on Iraq is likely to spur even more animosity toward the U.S. and fuel even more radical acts of terror against us; and

Since 1991 the action of the Gulf War, the UN Sanctions, and continued bombing of regions of Iraq have already resulted in the deaths of over 500,000 people - predominantly Iraqi women, children and the elderly - yet have proven ineffective in accomplishing the removal of Saddam Hussein; and

A new attack on Iraq will cause tens or hundreds of thousands more civilian casualties, as well as military casualties on both sides of the conflict; and

The City of Ferndale's 18-25 year old population is likely to be a primary source of conscription and recruitment for military personnel to fight a war for which there is no just cause or result; and

A war with Iraq is unneeded, unjust and poses a real threat to our nation and our democratic tradition and rights; and

The citizens of Ferndale, Michigan and their local elected officials have the constitutional right to petition the national government on this matter of grave concern to our city, the nation and the world; and

Ferndale believes that a democratic nation should neither be an aggressor nation nor pursue an unjust war.

NOW THEREFORE BE IT RESOLVED that the elected officials of the City of Ferndale hereby voice our opposition to any preemptive strike or act of war contemplated by the President and the Congress of the United States and resolve that no war against Iraq be undertaken at any time by the United States unless as a response to an attack by Iraq or in concurrence with a resolution of the United Nations.

BE IT FURTHER RESOLVED that elected officials of the City of Ferndale affirm the Universal Declaration of Human Rights and the principles of international law, and call on the Bush administration and our representatives in Congress to provide leadership in encouraging peace, diplomacy, democracy and respect for human rights in Iraq, in the Middle East and throughout the world.

AND FURTHER that the City Clerk forward a copy of this resolution, as adopted, to President Bush, Senators Carl Levin and Debbie Stabenow and Congressman Sander Levin, as well as the cities throughout this tri-country area.

ADOPTED UNANIMOUSLY

I, Karen Pedro, City Clerk of the City of Ferndale, certify that this is a true and compared copy of a Resolution duly made and passed by the Ferndale City Council at a meeting held December 23, 2002.



Karen Pedro, City Clerk

December 22, 2002

Charles Craft
Chief of Police
Troy Police Department
500 West Big Beaver Road
Troy, MI 48084



Regarding: Officer Nicolette Kaptur

Dear Chief Craft,

As co-chairpersons of the Streetwise Parenting (SWP) group of Troy Families for Safe Homes, it is our pleasant duty to inform you of the excellent support our group has received from Community Services Officer Nicolette Kaptur.

For the past three years, Officer Kaptur has given presentations to our SWP group on the status of illegal drugs to which our children may be exposed.

Each year her presentations are up-dated to include the most current information available on the unfortunate drug practices of misguided youth. As parents, we find this information invaluable in our efforts to do the absolute best for our children. By sharing her knowledge of these current practices, we have better awareness when looking for warning signs of illegal behaviors.

In her most recent visit in October 2002, Officer Kaptur informed us of the drugs presently in use, such as ecstasy, GHB, nitrous oxide, and Ketamine. While instructing us about the drugs, she is also able to provide helpful background information on their origin, substance form, short and long-term effects, and specific warning signs to observe for each drug. Our members found Officer Kaptur's message most captivating, and she ended the talk in an easy manner prompting a good question and answer session.

SWP is very appreciative of her efforts in service to the City of Troy, with special emphasis on our children. We are proud to have Officer Kaptur in our community, and we did not want her professionalism to go unrecognized.

Sincerely,

A handwritten signature in cursive script that reads "Marsha McHale".

Marsha McHale
Lynn Bell

cc: Officer Nicolette Kaptur

January 2003

January 2003							February 2003						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
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)				

February 2003

February 2003							March 2003						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
2	3	4	5	6	7	1	2	3	4	5	6	7	1
9	10	11	12	13	14	8	9	10	11	12	13	14	8
16	17	18	19	20	21	22	16	17	18	19	20	21	22
23	24	25	26	27	28		23	24	25	26	27	28	29
							30	31					

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					February 1
					2
					3
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)		8
					9
					10
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)		15
					16
					17
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)			22
					23
					24
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)			28
					29
					30

March 2003

March 2003							April 2003						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					March 1
					2
					3
7:30pm 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	10:00am Sr Citizen Adv Committee (Community Center)		7
					8
					9
					10
9:00am Board of Review (D)	1:00pm Board of Review (D) 7:30pm Historical Society (Community Center) 7:30pm Planning Commission-Regular	3:00pm Retirement System Board of Trustees (DPW)	7:30pm Library Board (Library) 7:30pm Parks & Recreation Board (Community Center)		14
					15
					16
					17
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			21
					22
					23
					24
	7:30pm Historical Commission (Museum) 7:30pm Planning Commission-Study (Lower Level)	7:00pm Troy Youth Council (Contact Laura Fitzpatrick) (Conference Room LL)			28
					29
					30
					31



WASHINGTON OFFICE:

2300 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
(202) 225-4961
TOLL FREE: 1-888-810-3880

INTERNET OFFICE:

www.house.gov/levin

Sander M. Levin
Congress of the United States
12th District, Michigan

December 19, 2002

Ms. Tonni Bartholomew
City-Clerk
City of Troy
500 West Big Beaver
Troy, Michigan 48084

RECEIVED
JAN 02 2003
CITY OF TROY
CITY MANAGER'S OFFICE

Dear Ms. Bartholomew:

Thank you for sending me a copy of the City Council's December 16 resolution in favor of the Stryker light armored vehicle.

As a strong supporter of the Stryker program, I have been active in the fight in Congress to ensure full funding of this vital program. The Army currently lacks medium-weight forces capable of deploying rapidly in response to a full spectrum of contingencies, including peacekeeping and humanitarian operations, low-intensity conflicts, and full-scale warfare. The Stryker fills this critical need in our nation's force structure. This program is also important to the economy of Michigan.

Congress recently provided \$788 million for the procurement of 332 medium armored Stryker vehicles for the third interim brigade combat team. As you may know, there has been some concern that the Pentagon might cancel some or all of the remaining three planned Stryker brigades.

I am pleased to inform you that my office recently received a call from the office of the Secretary of Defense with the news that the President will request funding for the fourth Stryker brigade in the budget he will submit to Congress early next year. The Pentagon is deferring a decision on the final two brigades until July in hopes of increasing their firepower. I will continue to closely monitor the status of this program.

Please pass this information along to the City Council.

Sincerely,

Sander Levin
Member of Congress

January 6, 2003

To: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
John M. Lamerato, Assistant City Manager/ Finance and Administration
Jeanette Bennett, Purchasing Director

Re: Report and Communication
Bidding of the Skate Park

PROJECT STATUS

On Monday, January 6, 2003, bids were let for the construction of the Skate Park. Since the final amount available for funding the construction of the Skate Park through private sources is unknown, a traditional approach to bidding this project was impossible. Staff from Purchasing and Parks and Recreation worked together to prepare documents (attached) that would allow competitive bidding of the project from various manufacturers and still allow additions (or deletions) to the project if additional funding became available. The award will be made to the lowest bidder who has included as many of the required specified components of the Skate Park that they can for the price of \$141,000.

The funding amount available is (\$141,000). Since Council approval of City funds in the amount of \$136,000 for the project, Mr. Kevin Shea has obtained additional donations of \$5,000. Since he is just starting his donation campaign, the bid documents are prepared to allow for additional unit cost components to be added to the project if funds become available.

The undersigned proposes to construct a **SKATE PARK** in accordance with the specifications that are to be considered an integral part of this proposal, at the following prices:

COMPANY NAME: _____

PROPOSAL:

The Proposal shall include the components that can be safely **designed to fit onto a 10,000 square foot concrete slab** (see "Sample Layout") and is within the approved amount that is shown. Installation shall include, but not be limited to the following obstacles and include the concrete slab and fencing (see Specifications, page 7 of 8, for desired quantity of elements):

QUANTITY	DESCRIPTION
10,000 Sq. Ft.	Concrete Slab
400 Linear Feet	Fence (6')
EACH	4' high quarter pipe
EACH	3' high quarter pipe
EACH	2' high quarter pipe
EACH	2' high wedge
EACH	3' high wedge
EACH	8' long rectangular grind rail
EACH	16' long round kinked grind rail
EACH	13' long round curved grind rail
EACH	6" x 24" x 96" grind box
EACH	12" x 24" x 96" grind box
COMPLETE FOR THE SUM OF:	
\$ _____	
This amount cannot exceed \$141,000	

Please fill in the quantities and provide your company's proposed layout for a complete skate park for the amount of money currently approved for this project. The component parts should be the best match to the specifications (see the Specifications, page 7 of 8, for desired quantities)

Component Manufacturer: _____

Proposed Layout: Attached and Marked _____ for identification

UNIT COST BREAKDOWN:

It is required that the unit cost breakdown section be completed for internal use of the Parks and Recreation Department. The City of Troy reserves the right to delete or add sections of work as deemed in the best interests of the City due to budgetary limitations as applicable. The prices to add and delete sections of work will be firm through the original installation of the Skate Park components **before the successful bidder leaves the site.**

Concrete Slab (materials and labor) \$ _____ / Sq Ft

Fencing (materials and labor) \$ _____ / Lineal Foot

UNIT COST BREAKDOWN: continued

Skate Park Obstacles (Include labor and materials)

DESCRIPTION	Unit Price (Labor & Materials)
4' high quarter pipe	\$ _____ Each
3' high quarter pipe	\$ _____ Each
2' high quarter pipe	\$ _____ Each
2' high wedge	\$ _____ Each
3' high wedge	\$ _____ Each
8' long rectangular grind rail	\$ _____ Each
16' long round kinked grind rail	\$ _____ Each
13' long round curved grind rail	\$ _____ Each
6" x 24" x 96" grind box	\$ _____ Each
12" x 24" x 96" grind box	\$ _____ Each

Additional Suggested Other Components –

DESCRIPTION	UNIT COST
_____	\$ _____ Each
_____	\$ _____ Each

Attach additional sheets if necessary – marked _____ for identification

ALTERNATE PROPOSAL:

Additional funding may become available through private sources. This may occur after the original installation of the Skate Park, therefore, a unit price breakdown of components is requested to add components after the initial installation is complete and the successful bidder has left the site.

Concrete Slab (materials and labor) \$ _____ / Sq Ft

Fencing (materials and labor) \$ _____ / Lineal Foot

Skate Park Obstacles (Include labor and materials)

DESCRIPTION	Unit Price (Labor & Materials)
4' high quarter pipe	\$ _____ Each
3' high quarter pipe	\$ _____ Each
2' high quarter pipe	\$ _____ Each
2' high wedge	\$ _____ Each
3' high wedge	\$ _____ Each
8' long rectangular grind rail	\$ _____ Each
16' long round kinked grind rail	\$ _____ Each
13' long round curved grind rail	\$ _____ Each
6" x 24" x 96" grind box	\$ _____ Each
12" x 24" x 96" grind box	\$ _____ Each

Additional Suggested Other Components

DESCRIPTION	UNIT COST
_____	\$ _____ Each
_____	\$ _____ Each

COMPANY NAME: _____

December 27, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: **Status of Fetterly Drain Study**

BACKGROUND:

Hubbell Roth and Clark Consulting Engineers was authorized to conduct a study of the Fetterly Drain that would accommodate the storm water needs of the entire drainage district, including the proposed Oak Forest developments, while providing for a linear park with storm water detention facilities along the east side of the Fetterly Drain. The report as proposed by HRC (copy attached) was to determine the feasibility of providing the required storm water storage on the east side of the Fetterly Drain (regional detention) while preserving the existing Fetterly Drain, providing a gravity outlet for the Kensington Church site, determining probable wetland mitigation requirements and estimating the costs of Storm Water Detention Facilities and Wetland Mitigation. The City of Troy and Mr. Joel Garrett agreed to share equally in the cost of the study as recommended by city administration and approved by Council on June 3, 2002.

After review of HRC's draft report by Joel Garrett, Mayor Pryor and the Engineering Department it was decided to expand the study to include several alternatives, including one alternative most favored by Mr. Garrett. The final report includes four alternatives, including an Open Channel with Regional Detention alternative (Alternative #4) favored by Mr. Garrett and a fifth "No Improvement" alternative. A brief overview of these alternatives is provided in this status report. Since alternates #3 and #4 are the only ones that allow for regional detention on the east side of the Fetterly Drain, the next step will be to submit them to the Oakland County Drain Commission and Michigan Department of Environmental for their review and comment.

DEVELOPMENT OF A LINEAR PARK AND WETLAND DETENTION POND

As discussed in a previous report and presentation to city council (see attached presentation) the City is exploring with Mr. Garrett the possibility of limiting his development to the west side of the drain while using the east side for a combination wetland detention pond and linear park. The limits of the park would be from our existing Jaycee Park at the south end to Square Lake Road.

For this concept to work, a parcel of land owned by Mr. Bennett, located between properties owned by Mr. Garrett, would have to be acquired or the park and development would have to be split into two pieces, north and south of Bennett's property. Also, if Bennett's property is acquired by the City, City Council would need to approve certain land exchanges with Mr. Garrett so that development could be concentrated on the west side while the park/wetland/detention pond is constructed on the east side of the drain. A conceptual plan of a linear park and wetland detention pond, assuming Mr. Bennett's property is acquired was presented at the May 13, 2002 council meeting (copy attached).

We believed that the conceptual plan would be feasible from an engineering standpoint but confirmation of this and an estimate of costs were needed to determine who would benefit from the project and what strategy for land exchanges could be developed. Preliminarily we determined that the Kensington Church, which is already developed and has a detention pond, would not benefit from the regional detention pond but would benefit from a deep storm drain that would allow them to eliminate their pumps. Mr. Garrett's property would benefit because of the consolidation of subdivision detention basins and the availability of a deep storm outlet that is currently not available to any of his properties. In addition, because the Emerald Lakes area is not tributary to the Fetterly Drain and detention is not required for the linear park itself, there would be no drainage benefit derived by the city from the wetland detention pond.

Real Estate and Development bid out the appraisal work for the linear park. This included all of the parcels east of the Fetterly drain and the entire Bennett property. Mr. Bennett indicated an unwillingness to sell his property but gave his approval to go on the property to do the appraisal. To date, Real Estate and Development has received back all of the appraisals and we are ready to assess land exchange strategies as soon as one of the project alternatives identified in HRC's study is adopted.

One of the land acquisition strategies might be to purchase the Bennett property including, if necessary, a lease to the owner for the house that sits on the extreme east side of the property. Once this is accomplished, the City could trade the Bennett property west of the drain and city property along Square Lake west of the drain, purchased from the ELRO Corporation, for Garrett's property, which sits east of the Fetterly drain. This would assemble all of the land necessary for the Linear Park from Jaycee Park to Square Lake. Acquisition of the Bennett property would also mean that easements for any of the project alternates identified by HRC would come from the city or Garrett and therefore would not be a significant disadvantage.

Alternative No. 1 – Open Channel Improvement:

This alternative includes deepening and widening the existing Fetterly Drain channel so that it has the capacity to pass a 10-year storm event. This lowering would provide sufficient depth to serve existing and future developments by gravity and each new development would provide on-site storm water detention basins to limit discharge into the open channel to the required agricultural rate. This alternative could be called the “standard” design alternative, although in recent years the preferred standard is to preserve the existing drain and construct an enclosed relief drain that provides the required capacity to pass a 10-year storm when the two drains work together. This concept, when the drain can be constructed in existing right-of-way, usually eliminates the need for acquisition of numerous easements along the route of the existing drain that can be costly, difficult and time consuming to obtain.

The estimated cost of Alternative #1 is \$991,000. It is the least costly of all alternatives, but the drain easement width would be increased from 40 feet to 110 feet and regulated wetland and mature trees along the banks of the existing drain would be lost. Wetland mitigation at a 1 to 1.5 replacement ratio would likely be required along with MDEQ review and issuance of a wetland permit. Regional detention, one of the objectives to be confirmed by the HRC study, cannot be provided in this alternative.

Alternative No. 2 – Overflow Drain Enclosure:

This alternative is a combination of an enclosed storm drain and an open channel. The enclosed storm drain is installed underneath the existing drain, within the existing easement limits of the Fetterly Drain. The enclosed drain would provide the depth needed to serve the entire drainage district by gravity while the open and enclosed drain together would provide the capacity needed for a 10-year storm event. Each new development would need to provide on-site storm water detention and outlet to the enclosed drain. A regional detention pond on the east side of the drain could not serve developments on the west side due to drain pipe elevations that would not allow pipes from the developments to pass over or under the enclosed portion of the Fetterly Drain.

This design concept was previously proposed by the Garretts and estimated by their engineer Professional Engineering Associates (PEA) to cost \$875,000 in 1998. Garrett's share was \$158,670 for improvements across his properties. The proposed city share was \$716,330. No council action to approve a cost sharing agreement was ever taken.

Opponents of the project said that the improvements will destroy natural wetlands, eliminate a blue heron rookery and habitat for other wildlife and create drainage problems elsewhere in the area and downstream. Also, there was some public concern

about the community at large paying for drain improvements that allegedly would drain wetlands and lead to their development. (see attached May 20, 1998 Oakland Press article).

The estimated cost of Alternative #2 is \$1,076,075. This alternative is slightly higher in cost compared to #1 but it does not require widening the existing drain easement. It provides the required depth for all developments to discharge storm water by gravity but does not allow for regional storm water detention. Construction of the enclosed drain would require removal of all the natural features of the drain including mature trees, shrubs and wetlands that would likely require MDEQ review, permit and wetland mitigation at a replacement ratio of 1 to 1.5.

Alternative No. 3 – Overflow Drain with Regional Detention Pond:

This alternative includes an enclosed drain east of the Fetterly Drain, a regional detention basin located east of the drain and it would preserve the existing Fetterly Drain, with some minor clean out, so that dry and low wet weather flows would be maintained in the existing Fetterly drain channel. The outflow from the regional detention basin would be restricted so that the combined outflow from the Fetterly Drain Channel and the regional detention basin would not exceed the allowable discharge (10-year storm capacity) to the Gibson/Renshaw Drain.

Inlets are provided for future developments either into the proposed storm sewer or the regional detention basin. In order to cross under the existing Fetterly Drain with drain pipes from future developments, elliptical or oval shaped pipes would be needed to maintain adequate clearance from the bottom of the Fetterly Drain channel to the top of the drain pipe passing underneath.

The estimated cost of Alternative #3 is \$1,316,000. While this alternative is higher than #1 or #2, it preserves the existing drain and regulated wetlands along the drain and allows for a regional detention basin. Construction of the enclosed drain and regional detention basin would remove mature trees on city property east of the Fetterly Drain and cross regulated wetlands. MDEQ review, permit and mitigation at a replacement ratio of 1 to 1.5 would likely be required.

Alternative No. 4 – Open Channel Improvements with Regional Detention Pond:

This alternative includes deepening and widening the existing channel and a regional detention pond on the east side of the drain. The new channel would provide the depth necessary for developments to discharge by gravity directly to the channel. Also the flow from the developments would be unrestricted. A weir control structure would restrict the discharge from the drainage area and back the flow up into the regional

detention basin via an open channel that would be branched off the main channel.

The estimated cost of Alternative #4 is \$1,525,225 however, if the excavated soils can be left on the development sites owned by the Garretts the cost would be reduced to \$1,088,425. Although this alternative is the highest cost, it is reduced by Garrett's offer to distribute excavated material on his property. In contrast to alternate #3 this alternate requires widening the existing drain easement by 70 feet, removing existing mature trees and regulated wetlands along the existing drain. It would require MDEQ review, permit and mitigation at a replacement ratio of 1 to 1.5. Regional storm water detention is achieved with this alternative.

Alternative No. 5 – No Improvements to the Existing Fetterly Drain:

No improvement to the Drain would continue the need for the Kensington Church to maintain their pump station, development is not possible due to inadequate depth and capacity of the existing drain and all existing wetlands would be preserved.

The Engineering Department will submit Alternates #3 and #4 to MDEQ and OCDC for their preliminary review and will return to council with their comments.

Budget Considerations:

There are no funds in the 2002-03 city budget for Alternatives #3 or #4 nor has the apportionment of costs among benefiting parties been determined. Since MDEQ and OCDC comments may have substantial impacts on the cost and feasibility of these alternatives, we will not attempt to apportion costs or discuss any land exchanges until reliable project cost estimates can be determined. The City's share, if council directs the project to move forward, would compete for funding against other capital drain or road projects under consideration during the upcoming '03-04 budget process.

PRINCIPALS

Gerald F. Knapp
Thomas E. Biehl
Walter H. Alix
George E. Hubbell
Peter T. Roth
Michael D. Waring
Keith D. McCormack
Curt A. Christeson

CHIEF FINANCIAL OFFICER
J. Bruce McFarland

SENIOR ASSOCIATES

Frederick C. Navarre
Gary J. Tressel
Lawrence R. Ancypa
Kenneth A. Melchior
Dennis M. Monsere
Randal L. Ford
David P. Wilcox



HUBBELL, ROTH & CLARK, INC.
CONSULTING ENGINEERS

ASSOCIATES

Timothy H. Sullivan
Thomas G. Maxwell
Nancy M.D. Faught
Jonathan E. Booth
Michael C. MacDonald
Marvin A. Olane
James C. Hanson
Richard F. Beaubien
Margaret Synk Kuhn
William R. Davis
James J. Aiello
Daniel W. Mitchell
Joel E. Bowdan
Jesse B. VanDeCreek
Robert F. DeFrain
Marshall J. Grazioli

December 12, 2002

City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Attention: Steven J. Vandette, P.E., City Engineer

Re: Fetterly Drain Study

Dear Mr. Vandette:

As requested we have completed a study on the Fetterly Drain which summarizes the various potential improvement alternatives. Two of the improvement alternatives presented in this report are taken from the City of Troy's Master Storm Drainage Plan Update dated July 1999. Following is a presentation of our findings that compliments the various options from the Master Storm Drainage Plan with additional site visits, topographical survey provided by the City, and other pertinent data.

If you have any questions or require any additional information, please contact the undersigned.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

A handwritten signature in cursive script, appearing to read 'Walter H. Alix'.

Walter H. Alix, P.E., P.S.
Vice President

A handwritten signature in cursive script, appearing to read 'Ram Vuddagiri'.

Ram Vuddagiri, Ph.D., P.E.
Sr. Project Engineer

RV/rv
Attachment
pc: HRC; File

RECEIVED

DEC 14 2002

ENGINEERING

District Description:

The primary drainage system for this district consists of the Fetterly Drain, which is comprised of an open channel and enclosed culverts which begin north of Square Lake Road in Section 2. The drainage system then flows in a southerly direction across Square Lake Road to its outfall into the Gibson/Renshaw Drain within Section 11, in the vicinity of Allison Drive. The land area tributary to the Fetterly Drain was determined by reviewing contour maps and local development plans. The total land area included in the Fetterly Drain study area was determined to be 148 acres.

Existing System Drainage Analysis:

As previously mentioned, the study area is served by an existing open channel, the Fetterly Drain. The Fetterly Drain is a natural, unimproved open channel that, in general, has a bottom width of 4 feet and a depth which varies from 3-4 feet. Along its course are numerous culvert crossings with sizes that vary from 12" to 24" in diameter. At the upper end of the study area, north of Square Lake Road, are storm water storage facilities which attenuate flow, decreasing the discharge to the Fetterly Drain. The Fetterly Drain currently discharges into the Gibson/Renshaw Drain in the vicinity of Allison Drive. The Gibson/Renshaw Drain has recently been improved and is of sufficient capacity and depth to serve the Fetterly Drain study area.

To determine if the existing drainage system is adequate to pass the storm runoff generated during a 10-year storm event, a XP-SWMM computer model was developed for the Fetterly Drain study area. Included in the model is the entire Fetterly Drain, from its upstream limits in Section 2 to its confluence with the Nelson Drain. The computer model includes the open channel portion with the various culvert crossings. Storm flow is routed to the Fetterly Drain through the various storage facility outfall structures, connecting culverts and swales.

For the purpose of the computer simulation, it was assumed that all property was fully developed and that all future development will include local storm water storage facilities to limit their runoff to an agricultural rate. The results of the computer simulation indicate that the existing drainage system does not have adequate capacity to pass a 10-year storm event. It was concluded that the existing Fetterly Drain is of inadequate size since the capacity of the existing drain is less than the storm runoff from a 10-year storm event.

In addition to the lack of carrying capacity of the Fetterly Drain, it is also too shallow to serve future development in its drainage district by gravity. If the existing drainage system were to remain unimproved, proposed developments would be required to collect their storm runoff in a local storage facility and provide a storm water pump station to discharge to the existing drainage system. This type of system is currently used at the church site on the north side of Square Lake Road.

Improvement Alternatives:

In an effort to alleviate deficiencies within the existing Fetterly Drain system, a number of drainage improvement alternatives have been studied. The end product of each of the drainage improvement alternatives is a drainage system which eliminates the deficiencies present along the existing drainage system. The improved drainage system will be able to pass storm runoff generated during a 10-year storm event within the limits of the open channel or enclosed drain. In addition, the improved drainage system will be able to serve the drainage district by gravity flow. Below are summaries for each of the improvement alternatives studied for the Fetterly Drain study area.

Alternative No. 1 – Open Channel Improvement

This option is described in the City of Troy's Master Storm Drainage Plan Update as Alternative No.2. This option provides relief to the study area by improving the capacity of the drainage system by deepening and widening the existing channel as shown on Figure 2. The proposed improvements include lowering the bottom elevation of the channel to provide sufficient depth to serve existing and future developments by gravity. The proposed channel would have a cross section which has a side slope of 1 vertical to 6 horizontal, a bottom width of 4 feet and a depth of approximately 6 to 9 feet. The lowering of the channel will eliminate the need for the existing pump station which serves the Church Property on the north side of Square Lake Road.

Following completion of the open channel improvements, the drainage system would have adequate capacity to pass runoff from a 10-year storm event. As previously stated, it is assumed that future development within the study area will include an on-site storm water storage facility to limit the developments runoff to an agricultural rate of 0.15 cfs/acre.

Along the existing open channel, there are a number of culverts which do not have sufficient capacity to pass the design storm. With the proposed channel improvement these culverts will need to be eliminated.

Should the City of Troy not acquire all of the property east of the Fetterly Drain, these culverts will need to be sized appropriately and replaced.

Although the existing channel is contained within an easement, the increased depth and gradual channel side slope require that the easement width be increased from approximately 40 feet to 110 feet.

Advantages

1. The open channel improvement option provides the capacity to pass a 10-year storm event.
2. The channel improvements can be made so as to provide gravity drainage for the entire drainage district.
3. Can eliminate the pump station and the related operation and maintenance activities currently required by the Kensington Church property's storm sewer system, located to the north of the Square Lake Road

Disadvantages

1. The channel improvement option will require obtaining an additional easements along the Fetterly Drain.
2. This option will require removal of all the trees and brush along the existing channel and the improved channel will lack the naturally existing environmental features of the existing Fetterly Drain.
3. Areas along the Fetterly Drain are classified as wetlands and improving the drain and disturbing the subsequent wetlands would require Michigan Department of Environmental Quality (MDEQ) permits and likely require wetland mitigation.
4. Wetland mitigation and replacement requirements of 1:1.5 acres ratio would likely require additional easement acquisition.
5. Localized detention will be required. All the proposed developments will be required to construct their own on-site detention facilities.

Engineer's Opinion of Probable Costs (Open Channel Improvement)

<u>Item</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Cost</u>
1. Channel Deepening and Widening*	3700 lft @	\$165.00 =	\$610,500.00
2. Clearing & Grubbing	1 LS @	\$10,000.00 =	\$10,000.00
3. Tree Removal	1 LS @	\$20,000.00 =	\$20,000.00
4. Square Lake Road Restoration	1 LS @	\$2,500.00 =	\$2,500.00
5. Wetland Mitigation	1 LS @	\$115,000.00 =	\$115,000.00
6. 12-inch Water Main Relocation, if Necessary	50 lft @	\$100.00 =	\$5,000.00
Total Estimated Construction Cost			\$763,000.00
Admin., Engineering, Legal and Contingency Costs (30%)			\$228,900.00
TOTAL ESTIMATED COST			\$991,900.00

*Notes: The unit price for channel deepening and widening include costs for the disposal of the excavated soils. If the spoils can be left on site, the unit price for this item may be lowered by approximately \$25-\$30 per lineal foot

The cost estimates assume that all the existing culverts along the channel will be eliminated. If access to parts of the properties on the east side of the Fetterly Drain is required, the culverts will need to be replaced and the total estimated costs for this option may be higher.

Alternative No. 2 – Overflow Drain Enclosure

This option is described in the City of Troy's Master Storm Drainage Plan Update as Alternative No.3. This improvement includes a combination of an enclosed storm drain and an open channel. In an effort to alleviate deficiencies within the drainage system, this alternative provides relief to the system by installation of an enclosed storm drain. In this alternative, the storm drain is proposed to be installed underneath the existing drain, within the existing easement limits as shown on Figure 3. This would require removal and restoration of the existing drain. Water tight manhole covers will need to be installed on the manhole structures along the drain to prevent the inflow into the proposed enclosed storm sewer. The enclosed storm drain will be designed to provide the depth needed to serve the drainage district by gravity.

Alternative No. 2 involves the installation of a 36" storm sewer north of Square Lake Road and a 42" storm sewer south of Square Lake Road. Following completion of the improvements, the drainage system would have adequate capacity to pass runoff from a 10-year storm event. The undeveloped areas tributary

to the Fetterly Drain would be required to restrict on-site runoff to the agricultural runoff rate of 0.15 cfs/acre.

Advantages

1. Since the enclosed storm drain is proposed to be installed underneath the existing drain, no additional easements will be required under this alternative.
2. The combination of the open channel and the relief sewer will have adequate capacity to pass runoff from a 10-year storm event for the drainage district.
3. The enclosed storm sewer can be designed to provide the depth needed to serve the drainage district by gravity.
4. Can eliminate the pump station and the related operation and maintenance activities currently required by the Kensington Church property's storm sewer system, located to the north of the Square Lake Road.

Disadvantages

1. Localized detention will be required. All the proposed developments will be required to construct their own on-site detention facilities.
2. Construction of the proposed enclosed storm sewer underneath the existing drain would require excavation and removal of all the natural features of the drain including the trees, shrubs and wetlands and would likely require wetland mitigation.
3. The restored Fetterly Drain will have a different configuration from the existing drain.
4. Although water tight manhole covers are recommended to be used on the structures along the drain, failure of these covers can cause the drain to run dry and subsequently harm the wetlands along the drain.
5. Access to the enclosed drain will be restricted during the wet weather periods.
6. Disturbing the wetlands along the drain would require Michigan Department of Environmental Quality (MDEQ) permits and wetland mitigation.
7. Wetland mitigation and replacement requirements of 1:1.5 acres ratio would likely require additional easement acquisition.

Engineer's Opinion of Probable Costs (Overflow Drain Enclosure)

<u>Item</u>	<u>Quantity</u>			<u>Unit Price</u>	<u>Total Cost</u>
1. 36-inch Diameter, C76, Cl III Storm Sewer, Trench Detail B	2,020	1ft	@	\$125.00 =	\$252,500.00
2. 42-inch Diameter, C76, Cl III Storm Sewer, Trench Detail B	1,685	1ft	@	\$150.00 =	\$252,750.00
3. Restore Existing Drain	3700	1ft	@	\$50.00 =	\$185,000.00
4. Clearing & Grubbing	1	LS	@	\$5,000.00 =	\$5,000.00
5. Tree Removal	1	LS	@	\$10,000.00 =	\$10,000.00
6. Square Lake Road Restoration	1	LS	@	\$2,500 =	\$2,500.00
7. Wetland Mitigation	1	LS	@	\$115,000.00 =	\$115,000.00
8. 12-inch Water Main Relocation, if Necessary	50	1ft	@	\$100.00 =	\$5,000.00
Total Estimated Construction Cost					\$827,750.00
Admin., Engineering, Legal and Contingency Costs (30%)					\$248,325.00
TOTAL ESTIMATED COST					\$1,076,075.00

Alternative No. 3 – Overflow Drain Enclosure with Regional Detention Pond

This alternative includes providing an improved drainage system that will be able to serve the district as well as the Kensington Church property by gravity. Dry weather flows and low wet weather flows will be maintained in the Fetterly Drain that will continue to promote the existing wetlands along the drain. This option will also include a regional storm water storage facility (a wet detention pond with sediment forebay and micro pool that will promote the wetland growth) on the east side of the Fetterly Drain for the drainage district. The outflow from the regional storm water facility will be restricted so that the combined outflow from the Fetterly Drain Channel and the regional storage facility will not exceed the allowable discharge to the Gibson/Renshaw Drain.

Specifically, the improved system will include an enclosed storm sewer system ranging in size from 36-inch to 60-inch in diameter from Square Lake Road to the regional storm water storage facility, both of which are proposed to be installed to the east of the Fetterly Drain. Five- (5) separate inlets will be

provided for future developments either into the proposed storm sewer or the regional storage facility, with four- (4) of the inlets crossing the existing Fetterly Drain. Elliptical pipes will need to be used in order to maintain adequate clearance from the bottom of the Fetterly Drain to the top of the proposed crossing pipe. The storage facility from the Kensington Church property will be outlet by gravity into the proposed storm sewer system using a 30-inch diameter pipe. A diversion chamber will be installed north of the Square Lake Road to divert the flows in excess of the existing culverts capacity at the road crossing.

Note that unlike the previous alternative, the enclosed pipe can not be installed underneath the Fetterly Drain, because the unrestricted flows require larger diameter pipes. Based on the storage invert elevation of the proposed regional pond and the 10-year flood elevation of the Gibson/Renshaw drain (the outlet), there is not enough clearance to accommodate the required pipe size under the Fetterly Drain.

Figure 4 shows the required drainage improvements for this alternative.

Advantages

1. This option would allow for the development of the 'Linear Park' to the east of the Fetterly Drain.
2. A regional storm water storage facility would eliminate the need for localized detention facilities within the developments.
3. The enclosed storm sewer can be designed to provide gravity drainage for the entire district, including the Kensington Church Property located to the north of the Square Lake Road.
4. The enclosed storm sewer design can incorporate outlets to serve for the future expansion of Square Lake Road.
5. Any wetlands disturbed during the construction can be restored within the storage facility and the Linear Park.

Disadvantages

1. Should the City of Troy decide to proceed with the 'Linear Park' concept, they will need to acquire land east of the Fetterly Drain.
2. Areas along the Fetterly Drain are classified as wetlands and elimination of the drain and disturbing the subsequent wetlands would require Michigan Department of Environmental Quality (MDEQ) permits and wetland mitigation.
3. Wetland mitigation and replacement requirements of 1:1.5 acres ratio would require additional easement acquisition.

4. Construction of the proposed pond and the enclosed drain would require excavation and removal of all the natural features of the drain including the trees, shrubs and wetlands.

Engineer's Opinion of Probable Costs (Overflow Drain Enclosure with Regional Detention Pond)

<u>Item</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Cost</u>
1. 18-inch Diameter, C76, CI IV Storm Sewer, Trench Detail B	120 lft @	\$65.00 =	\$7,800.00
2. 24-inch Diameter, c-76, CI IV, Storm Sewer, Trench Detail B	70 lft @	\$80.00 =	\$5,600.00
3. 30-inch Diameter, C76, CI 3 Storm Sewer, Trench Detail B	55 lft @	\$100.00 =	\$5,500.00
4. 36-inch Diameter, C76, CI IV Storm Sewer, Trench Detail B	908 lft @	\$125.00 =	\$113,500.00
5. 42-inch Diameter, C76, CI IV Storm Sewer, Trench Detail B	350 lft @	\$150.00 =	\$52,500.00
6. 48-inch Diameter, C76, CI 3 Storm Sewer, Trench Detail B	400 lft @	\$175.00 =	\$70,000.00
7. 60-inch Diameter, c-76, CI 3, Storm Sewer, Trench Detail B	1230 lft @	\$200.00 =	\$246,000.00
8. 30-inch X 19-inch Elliptical Storm Sewer HE 4	180 lft @	\$120.00 =	\$21,600.00
9. 53-inch X 34-inch Elliptical Storm Sewer HE 4	188 lft @	\$225.00 =	\$42,300.00
10. Diversion Chamber	1 ea @	\$15,000.00 =	15,000.00
11. Clearing & Grubbing	1 LS @	\$5,000.00 =	\$5,000.00
12. Tree Removal	1 LS @	\$15,000.00 =	\$15,000.00
13. Square Lake Road Restoration	1 LS @	\$2,500.00 =	\$2,500.00
14. Detention Pond Excavation & Disposal*	18,000 cyds @	\$15.00 =	\$270,000.00
15. Wetland Mitigation	1 LS @	\$115,000.00 =	\$115,000.00
16. 12-inch Water Main Relocation, if Necessary	50 lft @	\$100.00 =	\$5,000.00
17. Fetterly Drain Clean Out	1 LS @	\$20,000.00 =	\$20,000.00
Total Estimated Construction Cost			\$1,012,300.00
Estimated Design, Administration & Contingency Costs (30%)			\$303,690.00
TOTAL ESTIMATED COST			\$1,316,000.00

*Note: The unit price for detention pond excavation and disposal may be lowered by \$2 - \$3 per yard, if the spoils can be left on site.

Alternative No. 4 – Open Channel Improvements with Regional Detention Pond

This option is similar to Alternative 1 except that it incorporates a regional storm water storage facility and a weir control structure that will restrict the discharge from the drainage area down to 0.15 cfs per acre thereby allowing each individual development to discharge directly/unrestricted to the open drain. This option provides relief to the study area by improving the capacity of the drainage system by deepening and widening the existing channel as shown on Figure 5.

The proposed improvements include lowering the bottom elevation of the channel to provide sufficient depth to serve existing and future developments by gravity. The proposed channel would have a cross section which has a side slope of 1 vertical to 6 horizontal, a bottom width approximately 4 feet and a channel depth ranging from 2 to 9 feet. The lowering of the channel will eliminate the need for the existing pump station which serves the Kensington Church pond on the north side of Square Lake Road.

As well, the proposed improvements include a weir control structure with an orifice opening that will restrict the drainage area's discharge down to 22.2 cfs (148 acre drainage area at 0.15 cfs per acre). Approximately a 2.7 square foot orifice opening will be required to accommodate the allowed discharge rate (22.2 cfs). The weir crest elevation of 660 will back the flow up into the regional facility via an open channel drain that will be branched off the main channel. The open channel drain will conform to the same configuration as the main channel; a trapezoidal channel with a base of 4 feet, and side slopes of 1 vertical to 6 horizontal. The maximum staging elevation of 660 was selected to ensure that no surface flooding will occur in the proposed Oak Forest South Subdivision during the design event. This however requires a larger pond with an excavated volume of approximately 26,000 cyds. Alternatively, if the proposed Oak Forest South Subdivision property was to be raised (filled) by approximately 2 feet, the required pond volume could be reduced by approximately 60% to an excavated volume of 10,000 cyds. Alternate cost estimates are shown in the Engineer's Opinion of Probable Costs (shown below).

The regional storm water storage facility will be constructed on the east side of the Fetterly Drain and will be designed as a wet detention pond with sediment forebay and micro pool that will promote the wetland growth. Following completion of the open channel improvements, the drainage system would have adequate capacity to convey runoff generated from a 10-year storm event. As previously stated, this alternative assumes that future development within the study area will discharge unrestricted flows to the improved drain.

Along the existing open channel, there are a number of culverts which do not have sufficient capacity to pass the design storm. It was assumed that all these culverts will be eliminated. Should the city of Troy not acquire all of the property east of the Fetterly Drain, these culverts will need to be sized appropriately and replaced.

Although the existing channel is contained within an easement, the increased depth and gradual channel side slope require that the easement width be increased from approximately 40 feet to 110 feet.

Advantages

1. The open channel improvement option provides the capacity to pass a 10-year storm event.
2. The channel improvements can be made so as to provide gravity drainage for the entire drainage district.
3. Can eliminate the pump station and the related operation and maintenance activities currently required by the Kensington Church property's storm sewer system, located to the north of the Square Lake Road
4. This option would allow for the development of the 'Linear Park' to the east of Fetterly Drain, a concept that the City of Troy may find desirable.
5. This regional storm water storage facility would eliminate the need for localized detention facilities within the developments.
6. Any wetlands disturbed during the construction can be restored within the storage facility and the Linear Park.

Disadvantages

1. Should the City of Troy decide to proceed with 'Linear Park' concept, they will need to acquire land east of the Fetterly Drain.
2. Low storage elevation of the pond requires a bigger pond volume.
3. Areas along the Fetterly Drain are classified as wetlands and elimination of the drain and disturbing the subsequent wetlands would require Michigan Department of Environmental Quality (MDEQ) permits and wetland mitigation.
4. Wetland mitigation and replacement requirements of 1:1.5 acres ratio would require additional easement acquisition.
5. The channel improvement option will require obtaining an additional 70-foot wide easement along the Fetterly Drain.

6. This option will require removal of all the trees and brush along the existing channel and the improved channel will lack the naturally existing environmental features of the existing Fetterly Drain.
7. Should access to the east side of the Fetterly Drain be maintained, culverts will be required in some locations to span the 110 foot wide open channel.

Engineer's Opinion of Probable Costs (Open Channel Improvements with Regional Detention Pond)

<u>Item</u>	<u>Quantity</u>	<u>Unit Price</u>	<u>Total Cost</u>	<u>Alternate Cost</u>
1. Channel Deepening and Widening*	3700 lft @	\$165.00 = /\$135.00	\$610,500.00	\$499,500.00
2. Clearing & Grubbing	1 LS @	\$10,000.00 =	\$10,000.00	\$10,000.00
3. Tree Removal	1 LS @	\$20,000.00 =	\$20,000.00	\$20,000.00
4. Square Lake Road Restoration	1 LS @	\$2,500.00 =	\$2,500.00	\$2,500.00
5. Wetland Mitigation	1 LS @	\$115,000.00 =	\$115,000.00	\$115,000.00
6. 12-inch Water Main Relocation, if Necessary	50 lft @	\$100.00 =	\$5,000.00	\$5,000.00
7. 12-inch Diameter, C76, CI IV Storm Sewer, Trench Detail B	100 lft @	\$40.00 =	\$4000.00	\$4000.00
8. 36-inch Diameter, C76, CI IV Storm Sewer, Trench Detail B	50 lft @	\$125.00 =	\$6250.00	\$6250.00
9. Weir/Orifice Structure	1 LS @	\$25,000.00 =	\$25,000.00	\$25,000.00
10. Detention Pond Excavation & Disposal *	25,000 cyds @ /10,000	\$15.00 =	\$375,000.00	\$150,000.00
Total Estimated Construction Cost			\$1,173,250.00	\$837,250.00
Estimated Design, Administration & Contingency Costs (30%)			\$351,975.00	\$251,175.00
TOTAL ESTIMATED COST			\$1,525,225.00	\$1,088,425.00

*Note: The unit price for channel deepening and widening include costs for the disposal of the excavated soils. If the spoils can be left on site, the unit price for this item may be lowered by \$25-\$30 per foot

The excavation volume can be lowered by approximately 60% to about 10,000 cyds, if the proposed Oak Forest South Subdivision can be raised (filled) by 2 feet.

Unit price for detention pond excavation and disposal may be lowered by \$2 - \$3 per yard, if the spoils can be left on site.

Alternative No. 5: - No Improvements to the Existing Fetterly Drain

Under this alternative, no improvements are suggested for the existing Fetterly Drain. The primary drainage system for the area consisting of an open channel and enclosed culverts beginning north of the Square Lake Road and continuing in a southerly direction across Square Lake Road to its outfall into the Gibson/Renshaw will remain in tact. The drain would continue to function under the existing conditions. The land tributary to the drain will require localized on-site detention and pump stations to discharge restricted flows to the existing Fetterly Drain.

Advantages

1. No imminent improvements are suggested under this option and therefore no additional expenses will be incurred.
2. This option will not require disturbing the existing Fetterly Drain and the associated wetlands thus retaining the natural environmental features of the drain.

Disadvantages

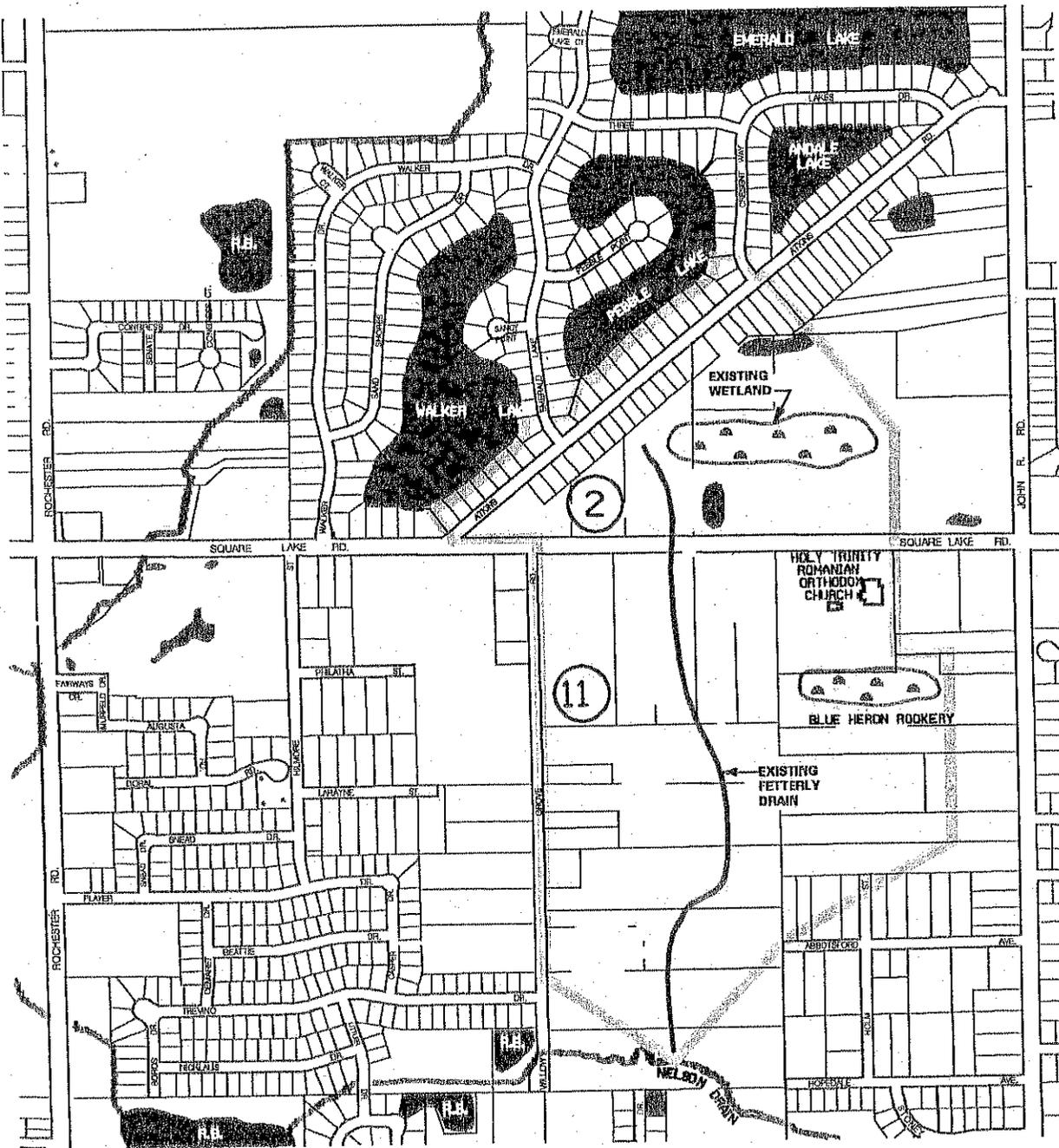
1. Fetterly Drain will be remain under capacity and will be unable to adequately pass the storm runoff generated during a 10-year storm.
2. The existing drain is too shallow to serve future development in its drainage district and therefore all future developments will require on-site detention and pump stations for appropriate storm water management.
3. The existing drain is too shallow to serve Square Lake Road if it were widened in the future and included an enclosed storm drain system.

STROKE TIME = 12-DEC-2002 10:01

PLOT NAME =

DESIGN FILE = T:\200200\20020035\cb_1.dgn

USER NAME = bhurt



TOTAL DRAINAGE DISTRICT AREA = 149 acres

LEGEND

- EXISTING OPEN DRAIN
- DRAINAGE DISTRICT LIMITS
- SECTION NO. 24

LAND USE

- UNDEVELOPED AREAS WITH PROPOSED ONSITE RETAINAGE
- DEVELOPED AREAS WITH EXISTING ONSITE RETAINAGE
- DEVELOPED RESIDENTIAL AREA WITHOUT ONSITE RETAINAGE

PRIORITY RATING 2

FETTERLY DRAINAGE DISTRICT
 REPRODUCED FROM
 THE CITY OF TROY MASTER STORM DRAINAGE PLAN UPDATE
 LAND USAGE MAP

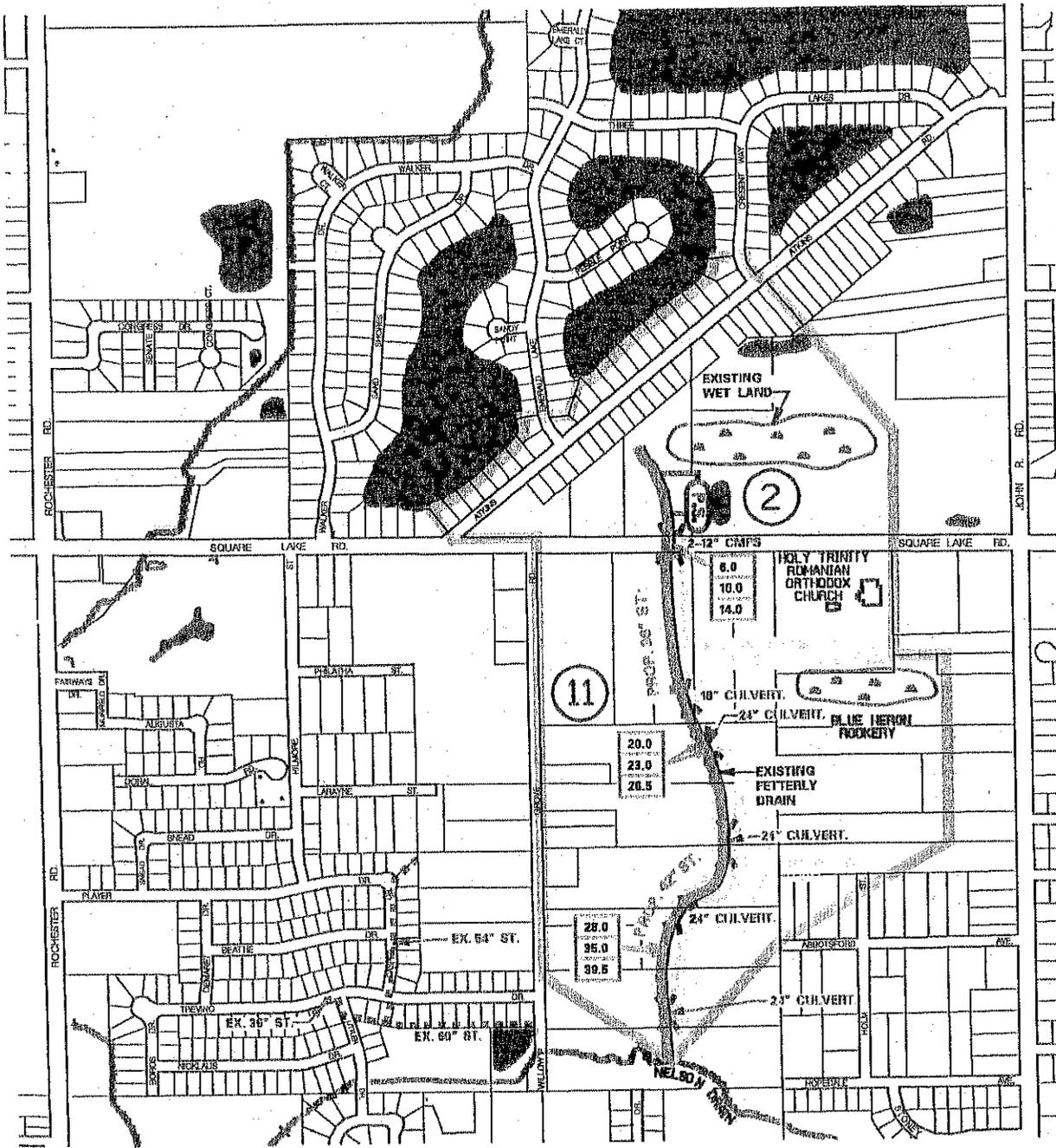
JOB NO. 20020035	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	FIGURE NO. 1
DATE OCT. 2002		OF

STROKE TIME = 12-DEC-2002 10:04

PLOT NAME =

DESIGN FILE = T:\200200\20020035\CAD_3.dgn

USER NAME = drunt



LEGEND

- 42.7 EXIST. DRAIN CAPACITY (CFS)
- 48.9 EXIST. 10 YR. FLOW RATE (CFS)
- 62.3 PROPOSED 10 YR. FLOW RATE (CFS)
- EXISTING OPEN DRAIN
- EXISTING STM. SEWER
- PROP. NEW STM. SEWER
- DRAINAGE DISTRICT LIMITS
- PROP. OPEN DRAIN IMPROVEMENT
- PROPOSED DRAINAGE EASEMENT
- SECTION NO. **(24)**

PRIORITY RATING **(2)**

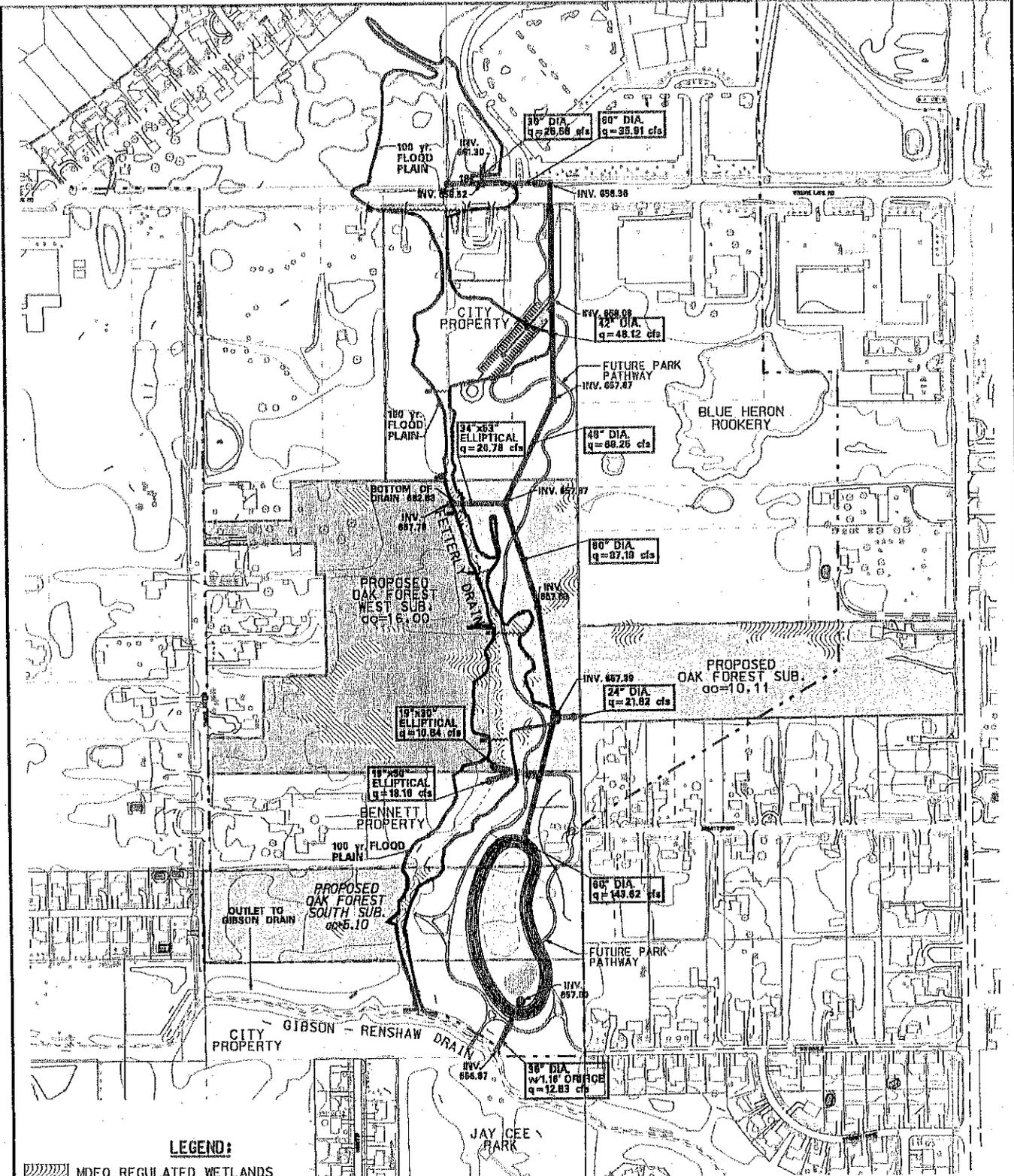
ADDITIONAL DRAINAGE EASEMENT REQUIRED = 75,000 S.F.



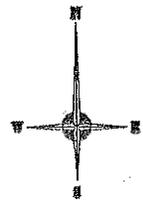
**FETTERLY DRAIN
ALTERNATE No. 2 - (OVER FLOW DRAIN ENCLOSURE)**

REPRODUCED FROM
THE CITY OF TROY MASTER STORM DRAINAGE PLAN UPDATE

JOB NO. 20020035	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	FIGURE NO. 3 OF
DATE OCT. 2002		



LEGEND:
 MDEQ REGULATED WETLANDS
 WETLANDS SURVEYED/RESURVEYED ON 10/4/01, 10/19/01, & 11/1/01

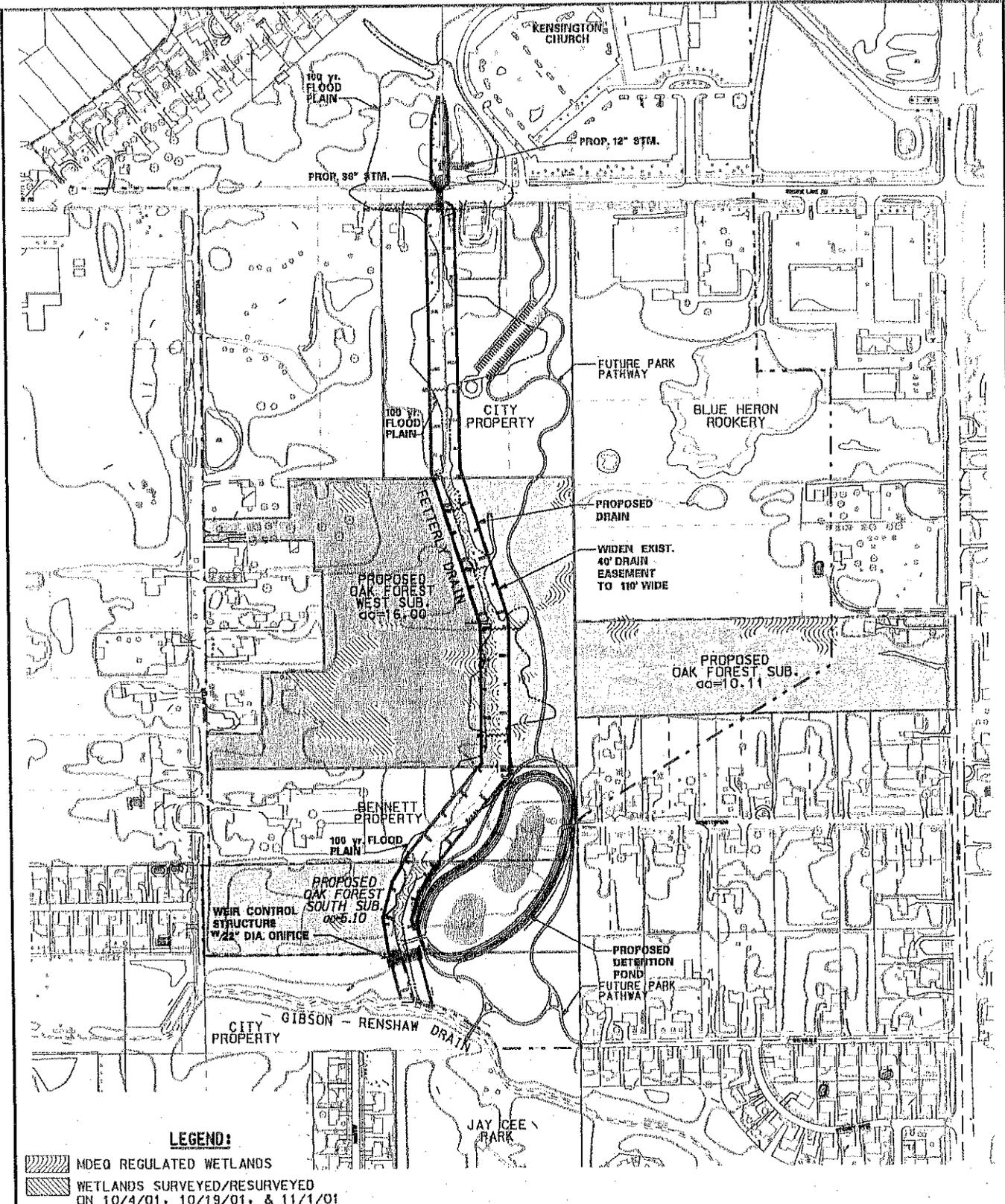


ALTERNATIVE No. 3 OVERFLOW DRAIN ENCLOSURE WITH REGIONAL DETENTION POND		
JOB NO. 20020035	HUBBELL, ROTH & CLARK, INC.	FIGURE
DATE OCT. 2002	CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	4
	P.O. BOX 824 48303-0824	OF

QUEUE -\NTH07SWP-CFD-0889DOR_TBL-1\demeter\dwg\vr\cover2.dwg

DESIGN FILE -P-2002000-2020035-Cover.dwg

USER NAME - dmh



LEGEND:
 MDEQ REGULATED WETLANDS
 WETLANDS SURVEYED/RESURVEYED ON 10/4/01, 10/19/01, & 11/1/01



ALTERNATIVE No. 4		
OPEN CHANNEL IMPROVEMENTS		
WITH REGIONAL DETENTION POND		
JOB NO. 20020035	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE BLOOMFIELD HILLS, MICH.	FIGURE
DATE OCT. 2002		5 OF
		P.O. BOX 824 48303-0824

May 29, 2002

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager

SUBJECT: Request to Pay One-Half the Cost of Feasibility Study for Fetterly Drain Improvements

Staff members copied below and myself met with Messrs. Joel and Dale Garrett to discuss Fetterly Drain issues in tandem with the status of their proposed Oak Forest Subdivisions. As previously indicated, the Oak Forest Subdivisions cannot be developed without Fetterly Drain improvements, and the City has an interest in constructing a linear park along the Fetterly Drain. We believe that a linear park and wetland detention basin is a feasible way to mitigate wetlands, consolidate detention for existing and proposed subdivisions, and improve water quality.

At the confluence of the developer's objective to build subdivisions and the City's desire to create a linear park is the manner in which the Fetterly Drain has to be improved in order to have a functional overall project. As such, attached you will find a proposal from Hubbell, Roth and Clark, Inc. (HRC) to do just that; i.e., run hydrology and storm water calculations for existing and future storm drainage and storage facilities. A more detailed scope of work is found on Page 1 of their proposal.

The estimated not-to-exceed cost for HRC's study is \$19,913.60 and Mr. Joel Garrett has agreed to pay for half. I'm proposing that the City of Troy fund the other half. Monies are available in our Capital Drains fund, account number 4011516.7089.1000. Please know that HRC will coordinate work with Mr. Garrett's engineer to avoid duplication of effort.

Kindly advise should you require additional information.

JS/mr\Agenda Items\Request to Pay 1/2 of Feasibility Study for Fetterly

c: Joel Garrett
Dale Garrett
Mark Miller
Pat Petitto
Neill Schroeder

PRINCIPALS
 Gerald F. Knapp
 Thomas E. Bishl
 Walter H. Alox
 George E. Hubbell
 Peter T. Roth
 Michael D. Waring
 Keith D. McCormick
 Curt A. Christensen

CHIEF FINANCIAL OFFICER
 J. Bruce McFarland

SENIOR ASSOCIATES
 Finckelick C. Navarro
 Gary J. Trossel
 Lawrence B. Annyas
 Kenneth A. Melchior
 Dennis M. Mensara
 Harold L. Ford
 David F. Wilson



HUBBELL, ROTH & CLARK, INC.
 CONSULTING ENGINEERS

ASSOCIATES
 Timothy H. Sullivan
 Thomas G. Maxwell
 Nancy M.D. Fought
 Jonathan E. Booth
 Michael C. MacDonald
 Martin A. Clana
 James C. Hanson
 Richard P. Beaudin
 Margaret Snyk Kuhn
 William A. Davis
 James J. Aiello
 Daniel W. Mitchell
 Joel E. Bowden
 Jesse B. VanDeCreek
 Robert P. DeFrait
 Marshall J. Gradick

May 23, 2002

City of Troy
 500 West Big Beaver Road
 Troy, Michigan 48084

Attention: Steven J. Vandette, P.E., City Engineer

Re: Fetterly Drain Study

Dear Mr. Vandette:

As requested, we have prepared a Scope of Work and an Estimate of Cost to prepare a study of the Fetterly Drain from the Gibson/Renshaw Drian to Square Lake Road. Based on our May 16, 2002 meeting, it is our understanding that the City wishes to develop a plan for the Fetterly Drain area which will accommodate the storm water needs of area developments and preserves the existing Fetterly Drain. The development of the storm water plan will be based on the City's concept for a linear park with storage facilities along the east side of the Fetterly Drain. The Scope of Work is based on our meeting regarding this matter.

Following is a summary of the proposed Scope of Work:

1. Determination of the feasibility of providing the required storm water storage on the east side of the Fetterly Drain. The design of the storage facilities will be in accordance with the new City standards for a 25 year storm event.
2. Determination of outlet alternatives for the storm water storage facilities.
3. Determination of probable wetland mitigation requirements for wetlands disturbed by the storage facilities and the adjacent developments. The wetland mitigation would be designed as a feature of the storage facilities.
4. Determination of drainage requirements to provide a gravity outlet for the Kensington Church site as well as the possible future widening of Square Lake Road. As discussed, the gravity outlet must also maintain dry weather flow in the existing Fetterly Drain channel.
5. Prepare an Estimate of Cost for the Storm Water Storage Facilities and Wetland Mitigation.
6. Meet with the City of Troy and MDEQ to discuss the project and seek input from MDEQ relative to wetland requirements.
7. Prepare summary report and exhibits.

Attached is a Staff Hour Projections/Total Cost Estimate worksheet showing tasks and associated estimated staff hours to complete the work as well as estimated costs. The total estimated cost to complete the design is \$19,913.60, which will not be exceeded without prior authorization. In accordance with our Engineering Services Agreement, invoicing for this work will be on a basis of direct payroll plus a multiplier of 1.8. Invoices will be submitted on a monthly basis as the work progresses. The design would commence following your authorization to proceed and would be completed within forty-five (45) days.

Mr. Steve Vandette
May 23, 2002
HRC Job No. 20020035.02
Page 2

Thank you for your consideration and should you require any additional information, please do not hesitate to call.

Very truly yours,

HUBBELL, ROTH & CLARK, INC.

Michael MacDonald P.E.

MM/mcm

Attachment

pc: Troy, C. Neall Schroeder, B. Huotari
HRC; B. Waters, File

STAFF HOUR PROJECTIONS

Fetterly Drain Study

City of Troy, MI

TASK NO.	TASK	ESTIMATED STAFF HOURS					TOTAL HOURS
		Assoc.	Eng.	Tech	Hydrology	Clerical	
1	DETERMINATION OF STORM WATER STORAGE REQUIREMENTS	2	20				22
2	CONFIGURATION OF STORM WATER STORAGE FACILITIES WITHIN PROPOSED LINEAR PARK	4	20		20		44
3	DETERMINATION OF OUTLET ALTERNATIVES FOR STORM WATER STORAGE FACILITIES	4	10				14
4	DETERMINATION OF WETLAND MITIGATION REQUIREMENTS	2	4		12		18
5	PRELIMINARY DESIGN OF WETLAND MITIGATION	2	8		20		30
6	DETERMINATION OF OUTLET REQUIREMENTS FOR KENSINGTON CHURCH AND SQUARE LAKE ROAD	2	20				22
7	PREPARATION OF COST ESTIMATE	2	6		6		14
8	MEET WITH CITY STAFF AND MDEQ	4	4		4		12
9	PREPARATION OF REPORT AND EXHIBITS	4	12	40	12	4	72
TOTALS:		26	104	40	74	4	248

(1) Estimated Costs Based On Typical Direct Payroll Plus A Multiplier Of 1.8

August 30, 2002

TO: The Honorable Mayor and City Council

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

SUBJECT: **Status of Fetterly Drain Study**

At the June 3, 2002 Council meeting authorization was given to proceed with a feasibility study for Fetterly Drain Improvements, specifically; would it be feasible to mitigate wetlands, consolidate detention for existing and proposed subdivisions, improve water quality and develop a linear park.

There are four major issues regarding drainage and development of land along the Fetterly Drain south of Square Lake Road: 1) Improvement of the downstream Fetterly Drain segment for development of Mr. Joel Garrett's Oak Forest Subdivisions; 2) Improvement of the upstream segment of the drain immediately downstream of the Kensington Church property on Square Lake Road, allowing them to outlet their detention pond by gravity and eliminate their pumps; 3) Current Oak Forest plan approvals and submittals by Mr. Garrett; and 4) Development of a linear park and welland detention pond from Jaycee Park to Square Lake Road on the east side of the Fetterly Drain. The status of each of these issues is discussed in the following report:

IMPROVEMENT OF THE DOWNSTREAM FETTERLY DRAIN SEGMENT FOR LAND DEVELOPMENT BY MR. GARRETT

Approval to grant an easement across city property for construction of the downstream segment of the Fetterly Drain was previously approved by city council. This approval permits the developer to proceed with site engineering plans for the Oak Forest (revised) plat so that final preliminary plat approval can be obtained. The engineering plan would include detailed design of storm and sanitary sewers, water mains, storm water detention, grading and drainage and design of the Fetterly Drain improvements. Plans must be submitted for city review and review by the Drain Commission for Oakland County and MDEQ for compliance with all current design standards, ordinances and laws pertaining to wetlands. As of this date no engineering plans for the proposed Oak Forest (revised) subdivision or the Fetterly Drain have been submitted to the City, OCDC or MDEQ.

IMPROVEMENT OF THE UPSTREAM FETTERLY DRAIN SEGMENT

We received a copy of Professional Engineering Associates' (PEA) cost estimate for the upstream Fetterly drain segment, from the north line of Mr. Garrett's proposed development to Square Lake Road, immediately downstream of the Kensington Church property on Square Lake Road. This drain segment across city owned property is not included in Mr. Garrett's planned improvement of the Fetterly Drain from Jaycee Park to the north line of his proposed development. A 21" pipe with a swale on top estimated at \$85,000 or an open drain with 1:6 side slopes estimated by PEA at \$116,700 would lower the drain sufficiently to allow Kensington to drain by gravity and replace their aging, temporary pumps in their detention pond. But this can only be accomplished after Mr. Garrett lowers the downstream segment of the Fetterly drain across his proposed development, at his expense, in accordance with his previous commitment.

A wetland detention basin north of Square Lake was estimated at \$97,600 but this also does not provide Kensington with a gravity outlet unless one of the first two drain improvements described above is implemented AND Mr. Garrett improves the downstream segment of the drain. The wetland/detention is also the most costly of the scenarios since it would require one of the foregoing drain improvements in addition to the cost of the wetland/regional detention basin itself. The cost would be \$182,600 or \$201,700 depending on which of the foregoing drain improvements you chose to do along with the regional detention basin. It should be noted that these costs are for construction only and do not include engineering, permits, inspection and contingency which are typically estimated at an additional 25%. Easement acquisition is also not included.

We understand from PEA that pump replacement would cost \$120,000. While this is slightly more than the first two "drain only" scenarios, it does not depend on lowering the Fetterly drain across Mr. Garrett's development, and presently it is the only option for Kensington that can move forward immediately.

Absent Mr. Garrett moving forward on his original development plan for which he shows no signs of moving forward on his own, any improvement to the drain segment downstream of the Kensington Church will not allow Kensington to get rid of their temporary pumps and drain their detention pond by gravity.

The Fetterly Drain is identified in our 1999 Master Drainage Study Update as a priority 2 drain improvement. This means that although the drain does not have capacity for a ten-year storm, its current operational condition does not pose a threat to homes or other structures near the drain. Therefore, improvement (deepening) of the drain is not a priority but it is needed to accommodate new development. Recognizing that, Mr. Garrett has committed to paying all costs for improving the drain to provide a gravity outlet for his development. The upstream segment likewise needs no improvement other than what's currently desired by the Kensington Church in order to replace their

pumped outlet with a gravity outlet from their detention pond.

Since there is no general, widespread drainage problem within the Fetterly drainage district and no need for an improved outlet for major widening of Square Lake Road that an improvement (deepening) of the Fetterly Drain would address, a Chapter 20 Drain improvement where the entire cost would be paid by the city at large would not be appropriate at this time. There are currently no plans to widen Square Lake Road east of Rochester Road. It is not part of the list of projects approved for federal funding through 2005. Inasmuch as funding for preliminary engineering precedes funding for right-of-way and construction, even if preliminary engineering was funded in 2006, it is likely that construction would not be funded for at least another 5 years. Hypothetically, that puts construction of Square Lake in 2011, assuming we are interested in widening Square Lake Road and we have the traffic volumes to support it, which we do not. In conclusion, the only reason to improve the Fetterly drain would be to support currently proposed or future development or to assist Kensington with the elimination of their pumps. Historically, improvements other than roads that are necessary to support land development are developer costs, not city costs.

CURRENT SUBDIVISION SUBMITTALS AND APPROVALS BY MR. GARRETT

Three subdivisions are proposed under the corporate name of Wattles Square Inc. These subdivisions will be required to drain their storm water to an improved Fetterly Drain. Each proposed subdivision is at a somewhat different phase of the approval process. In essence, these three proposed subdivisions are either being considered for general layout and access or in the pre-engineering development stage. A summary of the each subdivision is as follows.

OAK FOREST SUBDIVISION (REVISED)

City Council granted Tentative Preliminary Plat Approval to Oak Forest Subdivision in July of 2001. This ten (10) acre property includes access to John R Road with 24 lots. With this approval it is customary for the developer to submit for what is commonly known as "engineering approval" and eventual Final Preliminary Plat Approval by City Council. As of the current date no engineering plans for the proposed Oak Forest (revised) have been submitted to the City.

OAK FOREST SOUTH SUBDIVISION

In February of 2002 the Planning Commission failed to approve a resolution to recommend approval of the Tentative Preliminary Plat for Oak Forest South Subdivision. Subsequently, on April 8, 2002 the City's Wetlands Consultant completed and delivered a wetlands delineation and verification to the City. This ten (10) acre property includes access to Willow Grove Road with 25 lots. City Staff met with Joel and Dale Garrett to indicate recommendations to improve the proposed Oak Forest South

Subdivision design. The City is has not received revised plans for the proposed Oak Forest South Subdivision. The next step for this proposed subdivision is submittal to City Council for consideration of the Tentative Preliminary Plat.

OAK FOREST WEST SUBDIVISION (FKA NORTH)

The City Wetlands Consultant is in the process of conducting a wetlands delineation and verification of this proposed subdivision. When the wetlands documentation is complete the proposed Oak Forest West Subdivision will be presented to the Planning Commission for their recommendation. This 23 acre property includes access to Willow Grove Road with 46 lots. City Staff met with Joel and Dale Garrett to indicate recommendations to improve the proposed Oak Forest West Subdivision. The next step for this proposed subdivision is submittal to Planning Commission after the City's Wetland Consultant delivers a wetland delineation and verification of existing wetlands in the proposed subdivision.

DEVELOPMENT OF A LINEAR PARK AND WETLAND DETENTION POND

The City is exploring with Mr. Garrett the possibility of limiting his development to the west side of the drain while using the east side for a combination wetland detention pond and linear park from our existing Jaycee Park in the south to Square Lake Road in the north.

For this concept to work, a parcel of land owned by Mr. Bennett that's sandwiched between Mr. Garrett's property would have to be acquired or the park and development would have to be split into two pieces, north and south of Bennett's property. Also, if Bennett's property is acquired by the City, City Council would need to approve certain land exchanges with Mr. Garrett so that development could be concentrated on the west side while the park/wetland/detention pond is constructed on the east side of the drain. A conceptual plan of a linear park and wetland detention pond, assuming Mr. Bennett's property is acquired, is attached.

This wetland detention plan would be feasible from an engineering standpoint and would provide detention for all development proposed by Mr. Garrett. Since property upstream of Square Lake Road, Kensington Church, is already developed and already has a detention pond, the wetland detention pond would not benefit this property. In addition, because the Emerald Lakes area is not tributary to the Fetterly Drain and detention is not required for a park, there would be no drainage benefit derived by the city from the wetland detention pond.

Real Estate and Development has bid out the appraisal work for the linear park. This includes all of the parcels east of the Fetterly drain and the entire Bennett property. Mr. Bennett has given his approval to go on the property so the appraisal can go forward. To date, Real Estate and Development has received back one of the bid packages and expects the other two within the week. Once an award is made for the appraisal work, it

will take approximately 60 to 90 days to get back finished appraisals. The appraiser will know that the City desires to have the Bennett property appraisal done first and receipt of that as quickly as possible.

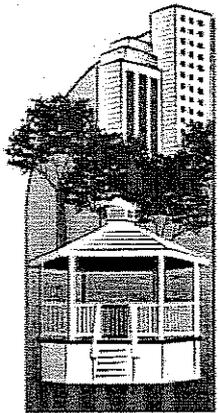
The intention then would be to purchase the Bennett property including, if necessary, a life lease to the owner for the house that sits on the extreme east side of the property. Once this is accomplished, the City would trade the Bennett property west of the drain and the earlier Square Lake property purchased from ELRO Corporation, also west of the drain, for Garrett's property, which sits east of the Fetterly drain. This would complete the linear Park from Jaycee Park to Square Lake.

To date, Mr. Bennett has not indicated a willingness to sell his property. He has cooperated in letting us appraise the property and continue the discussions, but has not shown a great interest in selling the property.

cc: John McCulloch, Oakland County Drain Commissioner
Joe Kozma, Chief Engineer, Oakland County Drain Commissioner
Joel Garrett, Wattles Square, Inc.

G:\Council Reports and Communications\FetterlyStatusApril29r3.doc

City of Troy Engineering Dept.



City of
Troy

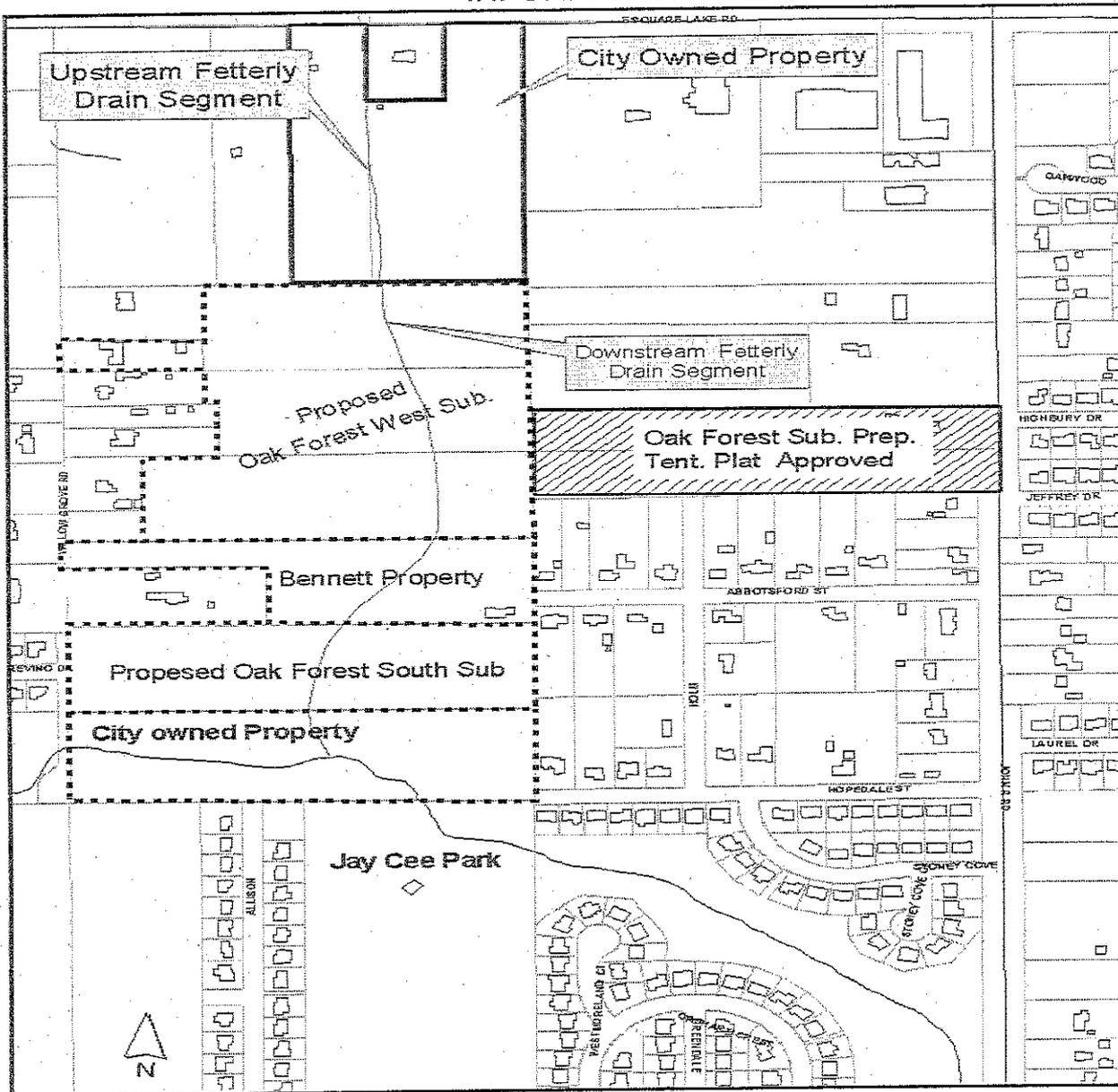
- Status of Fetterly Drain Improvements
- Status of Proposed Oak Forest Subdivisions

May 13, 2002

Four Major Issues Relating to Drainage & Development

1. Improvement to the Downstream Segment of Fetterly Drain
2. Improvement to Upstream Segment of Fetterly Drain
3. Development of Oak Forest Subdivision
4. Development of Linear Park and Wetland Detention on East Side of Fetterly Drain (Park, Detention and Wetland Mitigation)

INFORMATION



Current Status of Fetterly Drain According to Master Storm Drain Study of 1999

- Shallow Drain, 4' foot Bottom Width & 2 to 3 feet Deep.
- It Drains 148 Acres and is within a 40' Easement to OCDC.
- Fetterly Drain Doesn't have a Ten-Year Storm Capacity
 - Overflows of Banks Causing Minor Flooding
 - Does not have Adequate Depth for New Development

**Current Status of Fetterly Drain According
to Master Storm Drain Study of 1999**
(cont'd)

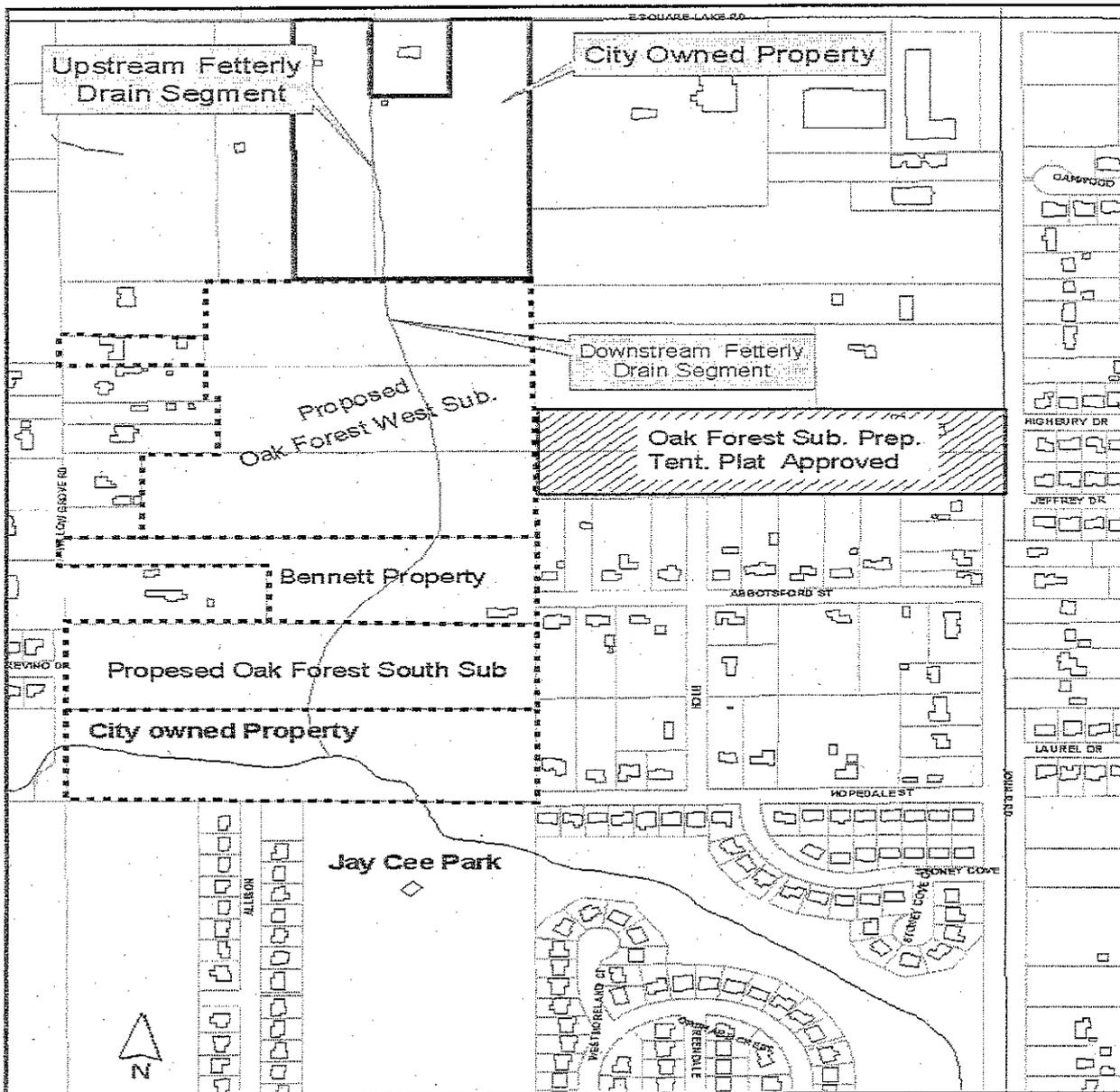
Drain is Rated A Priority Two

- Bank Overflow not a threat to Existing Homes.
- Drain is A Maintenance Concern-Sediment Removal Needed
- City has no Interest in improving (Deepening) the Fetterly Drain (Currently Have 9 Priority 1 Projects, \$26Mil), no Widespread Drainage Problem

New Development Requires Improvement to Downstream Fetterly Drain Segment.

Status of Major Issues

INFORMATION



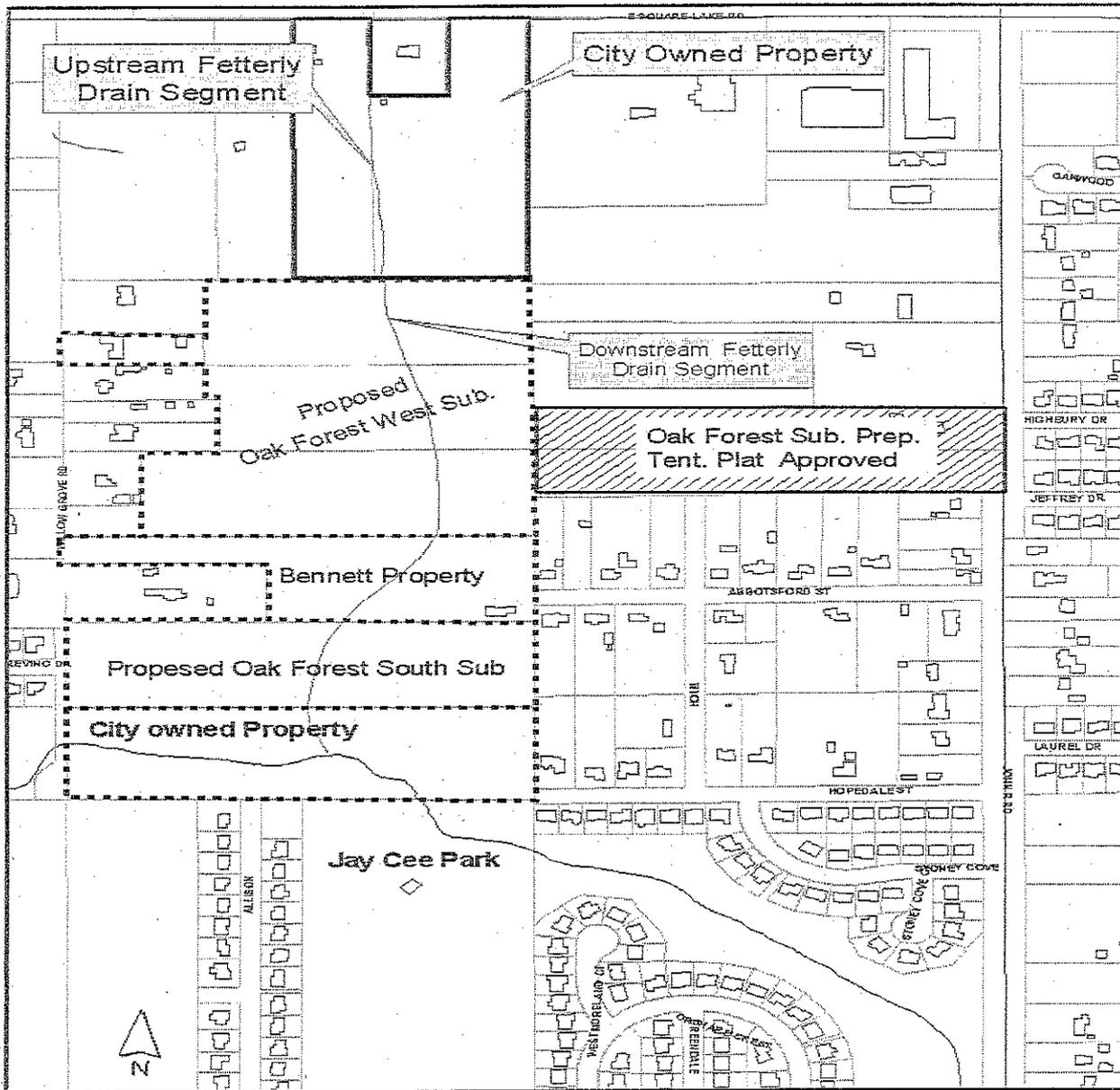
Improvements to the Downstream Segment of Fetterly Drain @ 100% Developer Cost

- Const. Easement has been Approved Across City Property.
- Const. Easement Is Desirable Across Bennett Property.
- Developer Prepared Engineering Plans For Fetterly Drain in 1997 – Updating to meet OCDC & MDEQ Wetlands Permit Requirements.
- Hydrology Study of Area by Developer Engineer has Not Been Done to Insure No Draining of Regulated Wetlands.
- Plans and Study have not been Submitted to OCDC , MDEQ and City, for Review and Permits.
- Engineering Plans by Developer Engineer for Subdivision Improvements; Roads, Water, Sewers, Grading and Drainage- Not Done
- No Plans have been Submitted.

Improvement to Upstream Segment of Fetterly Drain

- Kensington Church needs Deeper Outlet for Retention pond or Spend \$120,000 to Replace Failing Pumps.
- City has no Interest in Improving /Deepening Upstream Segment- no Widespread Drainage Problem, Chapter 20 Drain Not Appropriate.
- Possible Solutions:
 - 21" Pipe with Swale on Top of Pipe – Est. Cost \$85,000.
 - Open Drain with 1:6 side Slope - Est. Cost \$116,000.
- Additional Improvements Needed:
 - Developer Would have to Improve Downstream Segment for Pipe or Open Drain to Work.
- Pump Replacement –Only Option that can Move Forward Immediately

INFORMATION



Status of Proposed Oak Forest Subdivisions

Three Proposed Subdivisions :

Oak Forest Subdivision, -Abutting John R.

10 Acre & 24 Lots

Received Tentative Preliminary Plat Approval

Detention Area Proposed East Of Fetterly Drain

No Engineering Plans Submitted

Oak Forest South Subdivision,

10 Acre & 25 Lots

No Tentative Preliminary Plat Approval

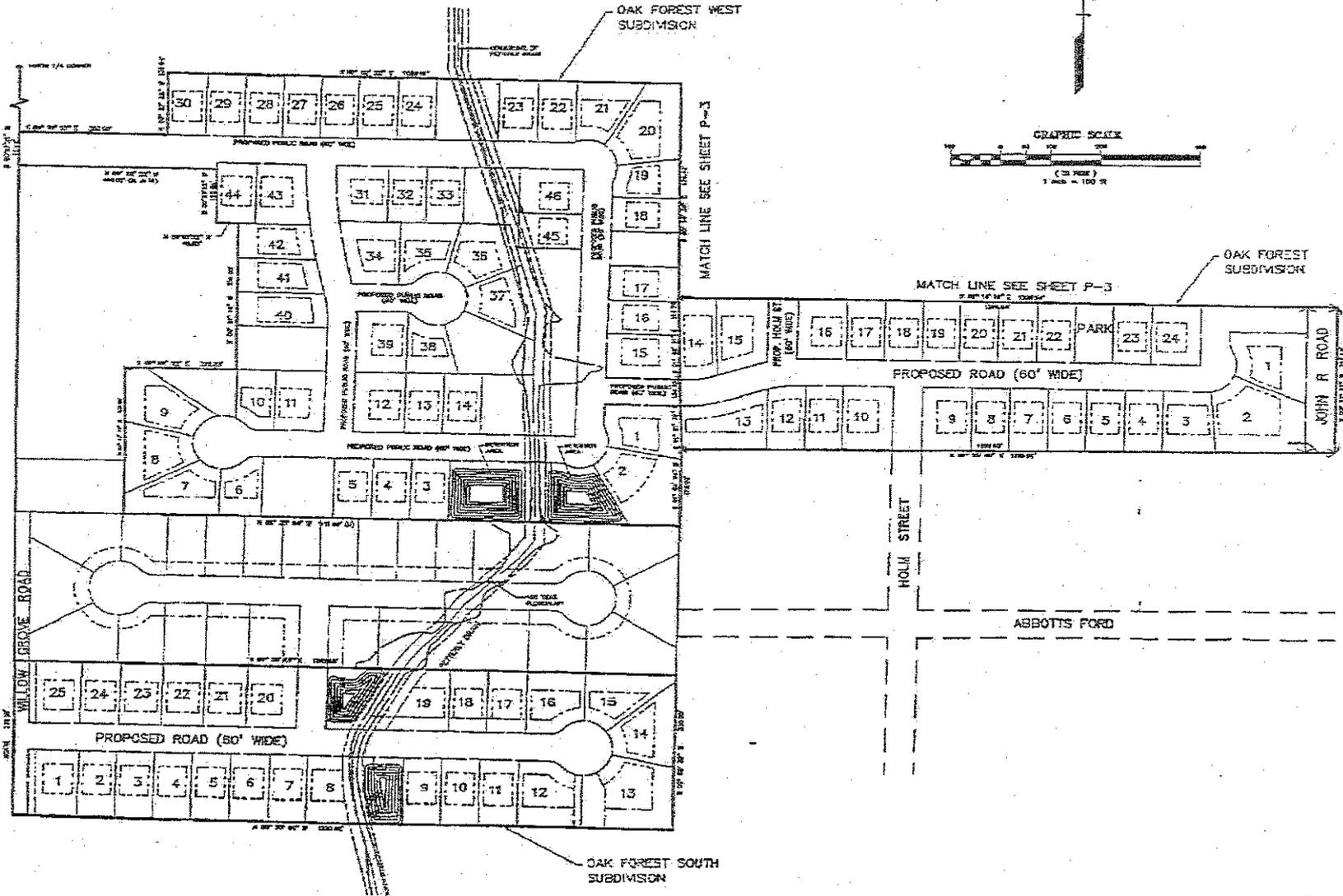
Oak Forest West Subdivision

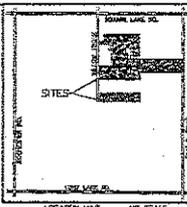
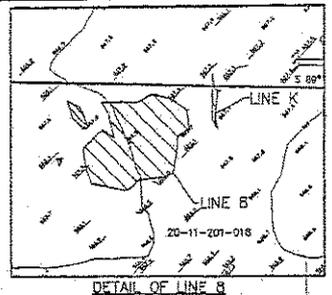
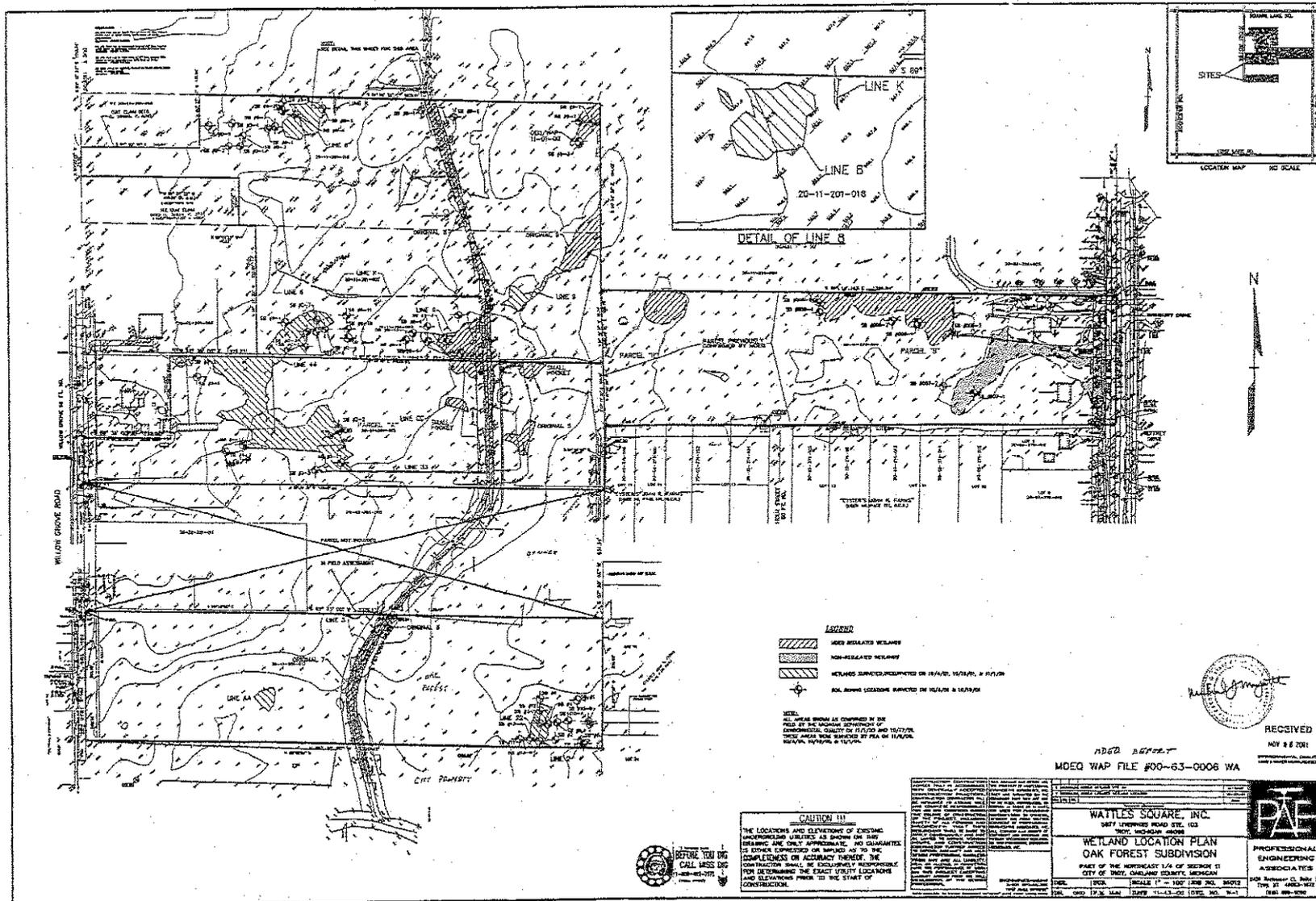
23 Acres & 46 Lots

Access to Willow Grove Road

In Process of Wetland Delineation By City & Consultant

Proposed Subdivisions





- LEGEND**
- AREA INDICATES WETLAND
 - NON-RELATED WETLAND
 - WETLAND Delineated/Unmapped OR 15' W/10', 10' W/10', & 5' W/10'
 - ALL SHOWN LOCATIONS SUBJECT TO SURVEY & UTILITY

NOTES

ALL UTILITIES SHOWN AS COMPARED IN THE FIELD BY THE MEASUREMENTS OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.



RECEIVED
NOV 8 8 2011

MDGD REPORT
MDEQ WAP FILE #00-63-0006 WA



CAUTION !!!

THE LOCATIONS AND ELEVATIONS OF EXISTING UTILITIES SHOWN AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE AND NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

<p>PROJECT INFORMATION</p> <p>PROJECT NO. 20-11-201-018</p> <p>DATE: 10/11/11</p> <p>SCALE: 1" = 40'</p>	<p>CLIENT INFORMATION</p> <p>WATLES SQUARE, INC.</p> <p>1077 LINCOLN ROAD STE. 103</p> <p>WEST OAKLAND, MICHIGAN</p>
---	---

<p>ENGINEER INFORMATION</p> <p>WATLES SQUARE, INC.</p> <p>1077 LINCOLN ROAD STE. 103</p> <p>WEST OAKLAND, MICHIGAN</p>	<p>PROFESSIONAL ENGINEERING ASSOCIATION</p> <p>PROFESSIONAL ENGINEERING ASSOCIATION</p> <p>1000 BROADWAY, SUITE 300</p> <p>ANN ARBOR, MI 48106-1000</p>
---	--



Development of Linear Park & Wetland Detention

- Council Support of Staff's Proposal
- Property on Square Lake Has Been Acquired As Part of Bond Issue
- Previously Discussed Park With Mr. Garrett
 - Development on West Side of Drain
 - Detention and Linear Park on East Side of Drain
- Mayor Suggested Consolidating Detention- East Side of Drain

Development of Linear Park & Wetland Detention (cont'd)

- **Benefits of Consolidating Detention on East Side of Drain**
 - Wetland Mitigation
 - Wetland Detention- Improved Water Quality & Flood Control
 - Creation of Park That Adjoins Heron Rookery
 - Pedestrian paths
 - Boardwalks and viewing platforms
 - Passive recreation

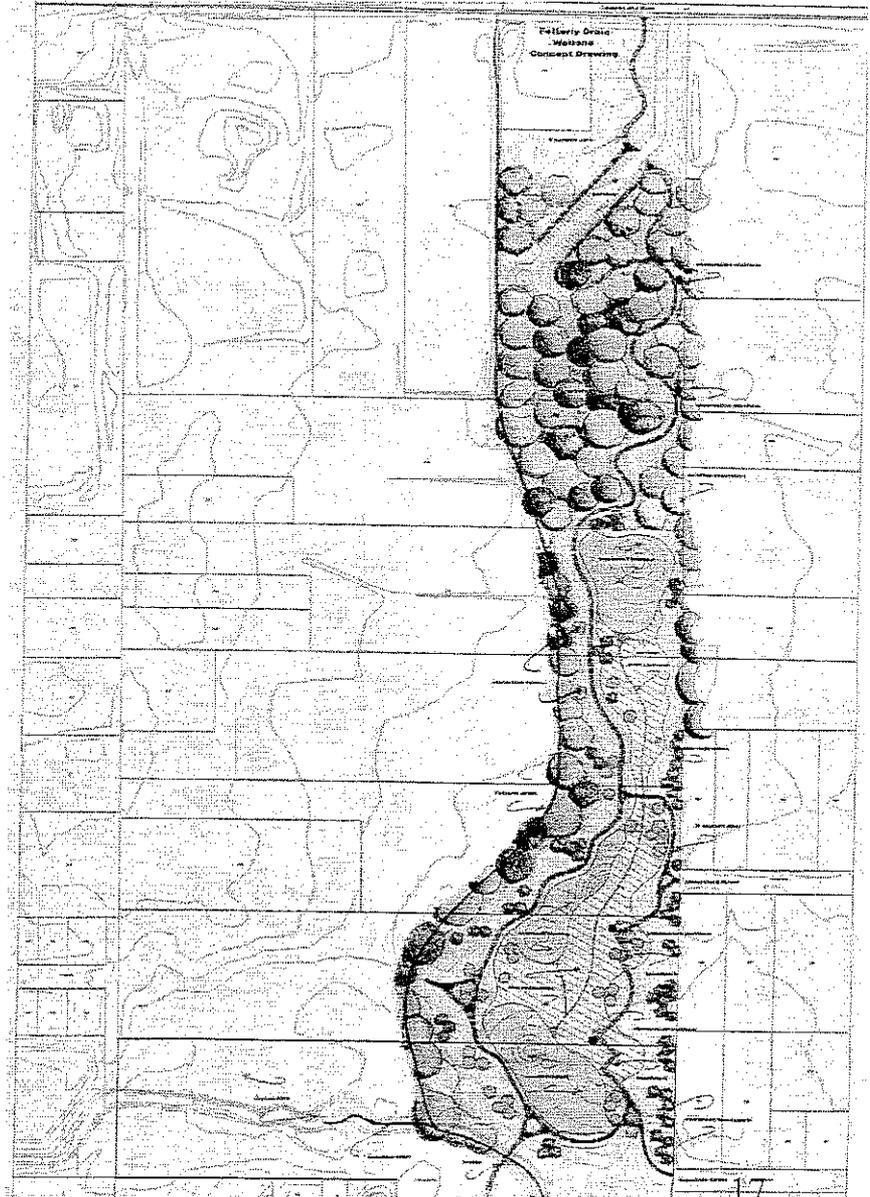
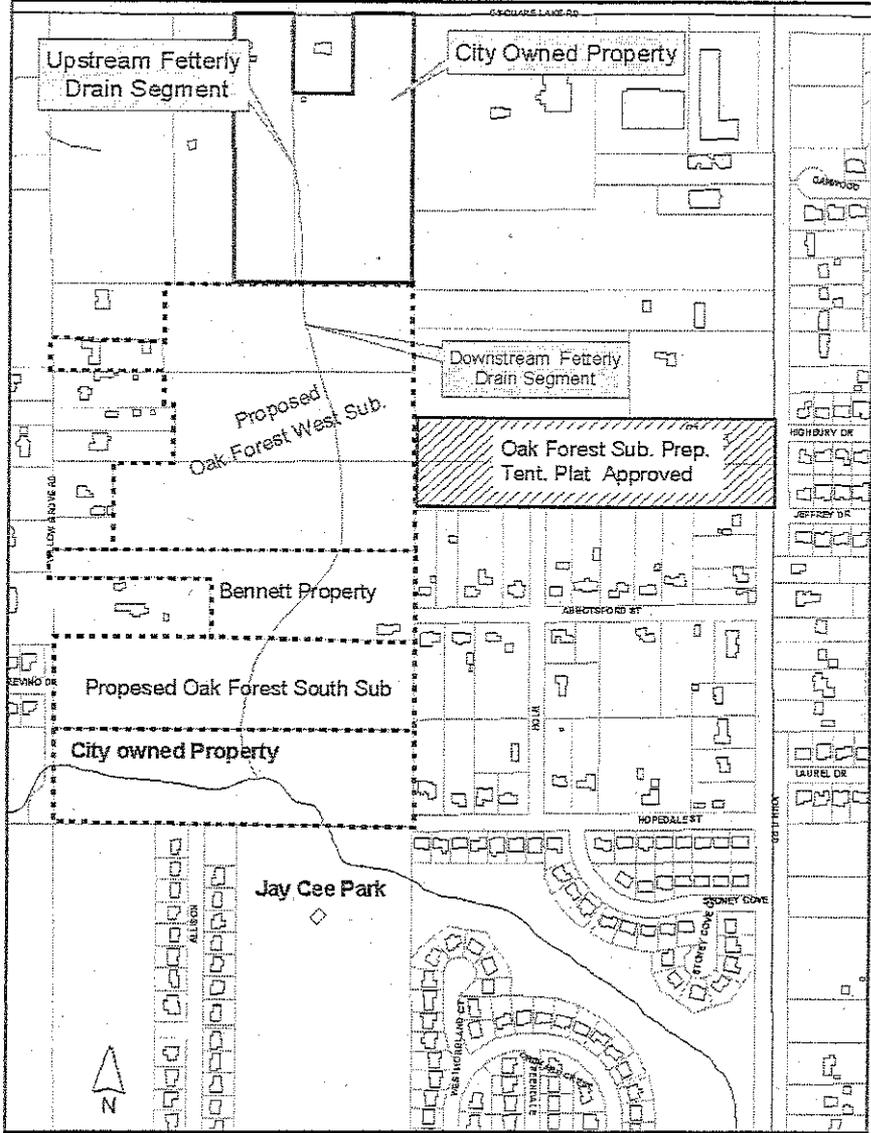
Development of Linear Park & Wetland Detention (cont'd)

To Accomplish This:

- Appraisal for all effected Properties to Determine Cost
- Bennett Property Easement
- Property Swap With Garrett

MAPS

INFORMATION



STATUS SUMMARY

Downstream Fetterly Drain Segment

- No updated drain plans or hydrologic study submitted yet
- Plans will need OCDC, City, and MDEQ review and approvals
- No subdivision engineering plans submitted yet

STATUS SUMMARY

- Upstream Fetterly Drain Segment
 - Currently, only option for Kensington Church is to replace pumps.
- Oak Forest Sub Abutting John R is the Only Sub to Receive Tentative Preliminary Plat Approval
- Conceptual Plan for Linear Park and Wetland Detention Basin is a Feasible Way to Mitigate Wetlands, Consolidate Detention, and Improve Water Quality

By BOB GITZINGER
Of The Oakland Press

TROY— Allegations are swirling over plans to improve a simple dirt ditch draining a swampy, wooded area south of Square Lake Road near John R.

On one side of the dispute are the Oakland County Drain Commission and local developer Joel Garrett. Both have hired the same Troy engineering firm, Professional Engineering Associates Inc., to work on the project involving the Fetterly Drain.

If the drain is improved as proposed, Garrett can develop his property and other residents and properties in the 320-acre area served by the drain will be protected from flooding, supporters contend.

On the other side are some local residents and city officials who want to know why the \$368,000 project to clean the half-mile open drain has ballooned to \$875,000 for a covered drain.

"It appears he (the developer) is trying to get the city and taxpayers to pay to drain wetlands that he bought cheap so he can develop it," said resident Lon Ullman, whose questions prompted city officials to delay the project.

"All I know is that suddenly we're faced with covering a drain that no one can ever recall overflowing its banks," said Troy Mayor Jeanne Stine.

Opponents say the improvements will destroy natural wetlands, eliminate a 20-nest blue heron rookery and habitat for other wildlife and

create drainage problems elsewhere in the area and downstream.

"We don't want to see the wetlands drained and developed and we sure don't want our members who live in Troy to have to pay for it," said Nolan Bennett, programs director for Clean Water Action, a statewide nonprofit environmental group with 3,000 members in Troy.

"We have some real concerns about this use of taxpayers' dollars," Bennett said.

City officials have postponed action on the project several times since mid-April. On Monday, the council delayed action until June 15 and authorized assistant city manager John Szerlag to send a letter to the drain commission asking a series of questions.

Among those concerns:

- Whether the drain is capable of handling a "10-year" rain estimated at 2.91 inches of rain per hour;

- Whether improving the drain is justified compared with simply clearing it;

- How much the developer is contributing to the cost and whether it is equal to the expected benefit;

- If a regional water-retention basin might be a better alternative than enclosing the drain.

Joseph Kozma, drain commission chief engineer, has not seen the letter, but offered some answers.

He said county standards require that the drain be capable of handling a 10-year storm flow.

The drain was built in 1945 so the land could be farmed, but now has filled with silt and no longer is functioning adequately. It is creating wetlands, he said.

If the drain is simply dredged and widened to county standards, which require a more gradual slope into the drain, property alongside it would have to be acquired and many trees cut down, Kozma said.

Costs were estimated at \$875,000, he said, with the city paying \$716,000 and Garrett paying \$159,000, based on his percentage of frontage along the drain.

Kozma and Richard Graham, chairman of Professional Engineering Associates, confirmed that the engineering firm is working under contract for both the county drain commission and the developer who will benefit from the drain project.

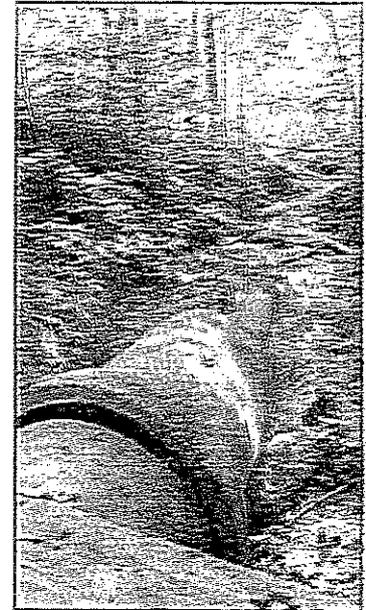
But both men said the apparent conflict of interest has not affected the drain improvement proposal. They said the project was engineered at the request of city officials to meet county standards.

Kozma said he resents any insinuations about the project, saying the county hires many engineering firms as consultants that may also represent developers or land owners affected by drain projects. County oversight ensures that projects are designed to specifications no matter what firm is involved.

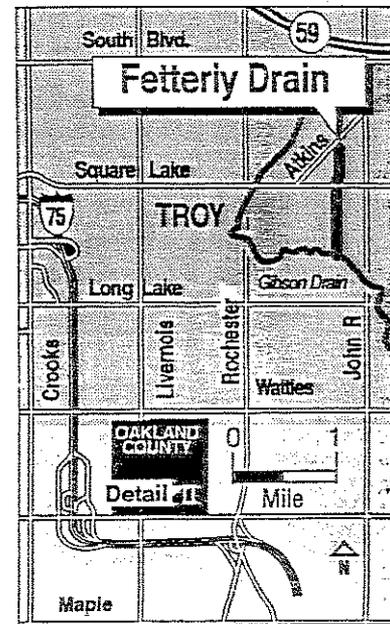
Ullman doesn't buy it.

"I see a real serious conflict of interest," he said.

A portion of the Fetterly Drain in Troy, south of Square Lake Road. The Oakland Press/AMY E. POWERS



Developer's plan to improve Fetterly Drain raises questions



TO: The Honorable Mayor and City Council

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

SUBJECT: Morgan Quitno Press 9th Annual Safest City Awards

Each year Morgan Quitno Press, a private research and publishing company, ranks America's safest cities and metropolitan areas. These ranking include all cities and metro areas with populations greater than 75,000, as well as rankings based on population groups (for example: cities with populations of 75,000 to 99,000). Recently, Morgan Quitno announced that based on their research the City of Troy was 11th safest city in America regardless of size, and the 8th safest city in the 75,000 to 99,000-population group. No Michigan city ranked above Troy. In total, 342 cities were evaluated.

In making the determination Morgan Quitno considers the occurrence rates of six serious crimes (murder, rape, robbery, aggravated assault, burglary, motor vehicle theft). These crimes are scored and compared to the national average. The deviation from that average is utilized to rate the cities.

As a result of the ranking much attention has been focused on the police department. The department is fortunate to have a staff of dedicated employees who embrace problem solving philosophies that focus on quality of life issues, which are supported by other city departments and employees who promote a culture of professionalism and accountability. We are appreciative of the recognition and gratified that our efforts are noted. However, the ranking did not occur solely as a result of police department actions. It is vitally important to acknowledge the contributions of our citizens, businesses, and our city government.

The citizens of Troy and businesses located within Troy, place a high value on safety and the quality of life a safe environment provides. This is reflected by their participation in and support of the numerous community groups that focus on a variety of issues that impact public safety and quality of life issues. The partnerships between these groups, the City of Troy, and the police department, are key elements in preventing crime and making a Troy a good place to live and conduct business. Given the number of individuals, groups, and businesses involved in these partnerships it is impossible to formally recognize them in this memo.

The establishment of partnerships would not be possible without the support of the Mayor and City Council. This support, as expressed through your commitment to delivering a high level of public service, is a key element in the achievement of this ranking.